

Vergennes Township

PLANNING COMMISSION MINUTES

February 7, 2005

A meeting of the Vergennes Township Planning Commission was held on February 7, 2005 at the Township Offices. At 7:00 PM the meeting was called to order by Vice-Chairman Gillett. Also present were Commissioners Mastrovito, Medendorp, and Richmond. Absent was Jernberg, Kropf, and Nauta. Assisting the commissioners were Jeanne Vandersloot (Township Zoning Administrator) and Jay Kilpatrick (Township Planner).

APPROVAL OF JANUARY 3 MINUTES: Motion to approve by Richmond, seconded by Medendorp. All approved.

APPROVAL OF/CHANGES TO AGENDA: Motion to approve as is by Mastrovito, seconded by Richmond. All approved.

1. PUBLIC HEARING: INDUSTRIAL SITE CONDO - PETE FABER. *Applicant Presentation:* Faber presented a drawing of the proposal, which is to make an Industrial area with 2 sites, one 2.55 acre unit and one 4.34 acres unit in the back near the railroad tracks. An industrial firm is considering Unit 2. Unit 1 is available, and will share a driveway with the small vet parcel to the south.

Public Comment: The public hearing opened at 7:02 PM.

– Ron Timeur, 18810 Alden Pines: asked about toxic waste in the proposed use. Gillett: this is a public hearing just for the development layout - whatever business wants to come in will have to have another hearing about their intended use.

– Jeff Bunn, Equine Medical: how many dwellings would go into that front property? Faber - not zoned residential, no dwellings. There would be one building on the 4 acre piece, and the front will have two businesses sharing a separate drive. / Bunn: a commercial-industrial only? / yes.

– Keith Mueller, 629 Lincoln Lake: what's proposed for septic for the 40-80 people who would be in there? / This is not a residential condominium. It's zoned industrial/commercial. No one will live on the property there. The word "condominium" is confusing but has nothing to do with anyone living on the property. Not residential. / Gillett: "Site condo" means group ownership of the land by the commercial operations on those parcels. It's a way of doing land splits recognized by the State of Michigan.

Public comment was closed at 7:08 PM

Planning Commission discussion/motions: Jay Kilpatrick: applicant made adjustments to site plan based on our previous conversations. The legal description on the site plan does not match the legal description in the master deed and those need to be the

same. Landscape screening on the northerly drive and the existing screening are noted. They've addressed all the items previously listed. Actions made tonight are for approval only for the land split, the actual uses will have to come back at a later date. The drive is a shared drive.

Motion by Medendorp to recommend to the Township Board to approve the Faber application for site condo once the legal descriptions on all documents is consistent. Seconded by Richmond. All approved.

2. DEVELOPMENT PLANS - STEVE HANSON. Steve Hanson is here representing Lone Pine Development LLC. Rick Pulaski from Nederveld is making the presentation. Site is on west side of Alden Nash, north of Foreman, near private drive (Pheasant Valley). 24.92 acres requesting rezoning to R2. The site is within the area that the Master Plan calls for medium density (southern 2/3rds) and the northern 1/3rd calls for low density. Could have more units than shown. The proposed site plan shows 38 units. Various different variations have been considered before. Pulaski showed prior proposals brought before the Planning Commission on 3-4 other visits: an apartment idea for 150 units; another idea showed 70 units; another idea was for 50 units; another showed 100 units. With R2 zoning, you'd have no more than 38-39 lots, as shown on this site plan. The soils there support onsite drain fields for septic. Master Plan supports this use and this proposal is lower than what maximum Master Plan density would be. Currently the property is R1.

Medendorp: so this would require change of the Master Plan. Kilpatrick: the Master Plan is a guide, not property-line specific. / Lot sizes? At R2 minimum they'd have 100 feet frontage and would be 17,000 sq ft. These lots will have city water, but their own septic systems.

Mastrovito: open space in there? / what there is basically on Alden Nash in an effort to keep a rural feel along the road. Another small pocket of open space is on the northern side. Trying to keep Alden Nash feeling more rural as you go through.

Medendorp: what's on adjacent properties? Shown by presenter.

Mastrovito - distance to Pheasant Valley private road? Just over the 500 foot minimum.

Jay: we're seeing this particular plan for the first time just in the last couple of days. A request for rezoning means a public hearing. The Planning Commission should be aware of a recent change to the Township Zoning Act, which allows greater degree in flexibility in looking at rezoning, called "contract rezoning."

Richmond - I like seeing 38 units better than 100 units in there.

Medendorp: how does the NE loop road fit into our private road categories? / It's more of a driveway and would need to be an exception to the township private road standards. May have to be eliminated.

Medendorp: Has the applicant looked at any layouts for clustering the houses? /

Have tried, but we're finding people want the bigger lot, and they need them for the septic. Common areas around the common area paths, from marketing feedback, people like this way better. This is only 24 acres - a site with more acreage could make for a different plan using clustering concepts.

The sewer line that runs through the property is spoken for. Use has been refused by Lowell Township. The easement runs through the planned backs of lots.

Gillett: inclined to table because three members are missing and we've just received this proposal. General support from the commissioners present. Discussed.

Motion by Richmond to schedule a public hearing for this proposal for the March meeting. Seconded by Medendorp. All approved.

3. PRE-ORDINANCE PRIVATE ROAD/SPLIT – DIANE STOCKREEF. Presentation by Diane Stockreef who wants to divide her land with two parcels, one to border Alden Pines Pvt Drive. Ordinance asks the applicant to improve the whole road, and no one on the road is interested in improving the whole road. We all like it the way it is back there. It's been fine for 25 years; we've had emergency vehicles back there, no problem with access. We want it the way it is. If you really insist on some improvement, we would do it to the first new driveway, but that's where the current road is widest. It seems a waste of money to do all that. We are asking not to have to improve. Applicant lives on parcel A. Neighbors also do not want this improvement. There's a stand of pine trees that would have to be torn out. It's small and windy; the pines give protection and privacy to neighbors. It's cozy; we want to leave it alone.

Road is 14 feet wide. Letter in commissioner packets from Excel Engineering describes the road, gravel, sand, etc. - it exceeds the depth standards in spots. We are built on sand, no drainage, water, and erosion problems there. The neighborhood all disagrees with the proposed required changes. All the families bought their property like they see it now.

Jay: ordinance requires a certain width, to keep legal. Applicant sought and obtained a variance for lot A. How many parcels are served by the road now? Six. The land split adds just one, at the beginning of the private road.

Al Baird: this group came to the ZBA. Because Scott's not here, wanted commissioners to know there was a motion with a stipulation.

Pete Gustafson (also present) remembers that the ZBA didn't believe it had the authority to get into the technicalities of what would be required under the road ordinance. The split was approved with proviso that the road issue would have to be resolved by the PC. Stockreef: it was worded that if the road were to be altered in any way it would be up to the township.

Gillett: three ways this could go: 1) applicant will be asked to comply with the 18-foot ordinance, 2) change the ordinance, 3) (on Kilpatrick's advice) the planning commission could recommend the township allow a waiver. Jay: in another instance

where a waiver was recommended, it was for the purpose of preserving natural features on a site. In this instance, you have a tree-lined road serving a small number of houses. If it were likely that the road could be extended to serve other parcel splits later on, that would be an issue (applicant indicates not).

Gillett: wants to include the three other board members and look at the property with landowner permission to drive the road. Discussion.

Jay: by the nature of the request, private road approvals require a public hearing. The commission could schedule the public hearing and look over the road in the intervening month.

Question: Would the requirement be for 18 feet the length of the road? / Gillett described how the process works.

Motion by Medendorp to schedule a public hearing for the March meeting and commissioners will also look over the property this month. Seconded by Richmond. All approved.

4. DISCUSS HEIM ROAD AT&T CELL TOWER – PETE GUSTAFSON. Some property owners within the 300-foot limit were not notified of the public hearing held prior, thus the issue is reopened at Pete Gustafson's request. Jeanne met with Pete recently, and he saw the cell tower site, and pointed out his parcel is within 300 feet. Two landowners were missed on the 300-foot notification, voiding the approval of the cell tower, requiring a new public hearing and review of the special use permit. The township attorney recommends a motion to rescind the approval action and that the Township Board does the same until due process is achieved.

Pete Gustafson: regrets this happened, but it did. Has communicated with some of the parties. If the commission is not looking for substantive comment tonight, he will wait for the rescheduling of the public hearing. Also pointed out a historic Kent County road right of way that could impact this situation. Not sure by the maps available, this factor should be assessed prior to a public hearing. Wonders if the Planning Commission members have been to the site. Not surveyed on the ground, but shown on the photos.

Jeanne: the historic easement is not abandoned and the description of the easement was done in the 1930s in the McNitt Act. It's a vague description. Pete has possession of historical records showing the layout on a Road Commission document. They will be attempting to sort this out.

Pete: if you look at the lay of the land, there's logic for a road going on an angle through that area because on either side you dip into a deep gully. The high ground may also work best for a cell tower.

Jeanne: The historic easement didn't apparently show up in AT&T's title work.

Pete: the neighbors have concerns about what was said in the minutes to push the tower as far back as possible, meaning as close as possible to the Gustafson property, which is one of the concerns for him.

Jeanne: AT&T just got word from MDOT that they can only build to 85 feet because of the airport.

Comment from Ron Noall (property owner), the tower was put 200 feet inside his property so it would be off the roadways both ways. The tower won't clear the trees by much. Gillett: those are things to go over in the public hearing, but the township was wrong not to identify all those entitled to a notification about the prior public hearing, so it needs to be done again.

Motion by Richmond to recommend to the Township Board to undo AT&T's prior approval to build a cell tower and go through the process correctly. Seconded by Mastrovito. All approved.

5. DISCUSS AGRICULTURE BUILDINGS. Motion by Medendorp to table this discussion until the whole commission is available. Seconded by Richmond. All approved.

General Public Comment Time: Kate Dernocoeur of the Open Space Citizen Committee for Vergennes Twp invited the Planning Commissioners in particular (and the general public as well) to attend the Annexation Information Forum, Wednesday, Feb 16, 7-9 PM at the Wittenbach Center. Also encouraged Planning Commissioners to attend the Boundary Commission hearing on March 3, 4:00 PM at Lowell City Hall Council Chambers if the 425 talks do not cause it to be cancelled.

Motion to adjourn by Mastrovito. Seconded by Medendorp. All approved

The next meeting is March 7, 2005

The meeting was adjourned at 8:07 PM.

Respectfully submitted,
Kate Dernocoeur, Recorder