

Vergennes Township

PLANNING COMMISSION MINUTES

January 3, 2005

A meeting of the Vergennes Township Planning Commission was held on January 3, 2005 at the Township Offices. At 7:00 PM the meeting was called to order by Chairman Jernberg. Present were Commissioners Gillett, Kropf, Mastrovito, Medendorp, Nauta and Richmond. Also present: Jay Kilpatrick, Township Planner, and Jeanne Vandersloot, Township Zoning Administrator.

APPROVAL OF DECEMBER 6, 2004 MINUTES: Motion to approve by Nauta, seconded by Gillett. All approved.

APPROVAL OF/CHANGES TO AGENDA: No changes suggested. Motion to approve by Gillett, seconded by Kropf. All approved.

1. ELECTION OF 2005 OFFICERS. Motion by Nauta to retain same officers as 2004: Jernberg as Chair, Gillett as Vice-Chair, Kropf as secretary. Seconded by Medendorp. All approved.

2. INDUSTRIAL SITE CONDO - PETE FABER. Pete Faber presented. Regarding the question previously posed by the Planning Commission about storm water and grade changes assessment, Faber contends these are not needed since there is no plan to move dirt at this time. That will depend on who builds on the sites. Whoever builds will have to come to the Planning Commission for approval and those requirements can be met at that time.

Questions about power line off Lincoln Lake discussed/explained.

Jay Kilpatrick walked the commission through the intersection issues: re: shared driveway. There was not enough frontage on Lincoln Lake Road, and suggested trying for an alternative, such as extending easement to provide the 200 feet of required frontage, or use a cul-de-sac. Either way gives appropriate frontage on the easement, which provides Unit 2 a legal easement. Easterly property line from Equine Medical may not be properly illustrated on the current drawing. Drawing does meet the 200-foot requirement. Question: Does it have to be on a 66-foot right of way? / Kilpatrick: applicant is limiting ability to divide Unit 2 by leaving it this way. Can't force to do otherwise per the driveway ordinance. Also, as Faber pointed out, this plan does not move dirt; does not make sense to show a drainage plan. Suggests Nederveld put a note on the plan to the effect that the purchaser should be ready to provide a drainage plan. Use & occupancy and maintenance standards should be in the master deed. Should be fine if that information is in there. Kilpatrick provided a memo dated December 30, 2004

regarding additional issues. Re; site plan, the odd-shaped portion may not be described in the easement legal description, and should also be in the master deed. Also, the commission is walking a fine line treating this not really as a private road although it sort of is, but treating it as a shared driveway easement that no more than two lots can use, it's OK (see Kilpatrick memo). Would like to see easterly property line of Equine Medical properly reflected on the plan; this detail should be corrected.

Motion by Gillett to set a public hearing date for next month, February 7, 2005 for the special exception use based on the recommendations of Jay Kilpatrick, noting fixing easterly property line, correcting the legal descriptions, correct zoning designation on the residential lot from R-1 to R-2, note on plan that future purchaser will provide a drainage plan and correct name of the business next door on the site plan (to A 1 Laser). Seconded by Medendorp. All approved.

3. DISCUSSION: AGRICULTURE BUILDINGS. Jeanne Vandersloot presented. Commission needs to discuss whether to keep the ordinance the same or make changes. Re: Right to Farm and other acts, is it legal to make changes? Previous ideas have included requiring a minimum acreage or having people have to derive a certain amount of income from farming to get permission to build an agricultural building. Right now, landowners are allowed to have agriculture buildings on a property without also building a house as a use by right. Stable is permitted without a house, since equines are farm animals. Nauta: if a building is allowed without a house, then such a use perhaps needs to come before the Board for prior approval. A garage or storage building has to come before the board if no house first. Nauta: any building going up should come in for a review. Right now there's no review mechanism except for a zoning permit or building permit.

A landowner can come in for a zoning permit to put up a building for ag use, and that will be exempt from a building permit. Ag buildings are exempt from building code but not from zoning. People are getting around the intent of zoning. People can use the buildings for something besides animals later.

Garage, storage, and ag buildings all have definitions. Kilpatrick: people can claim anything but how do you know what they actually do? It's a very difficult thing to regulate once the building is in place. Would the Board want an enforceable affidavit?

Could reconsider checking for percentage of income from ag,, or allowing such buildings based on number of acres on a property. How do you justify a change in how the building is used over time? True ag buildings will be few in the township, but there could be buildings that go up and go later to other uses, especially from a sale to a new owner. Such buildings wouldn't usually be built without a house on the property.

Another issue Debbie (Twp. Assessor) raised regarding, for example, the barber shop on Vergennes, do we want such things creeping into the township? How do we deal with something like that? (The shop is an approved home occupation in an accessory building)

Can you regulate ag barns so that a residence has to be with that barn? What's the state law? Kilpatrick: the law exempts buildings from building code but not zoning, so Vergennes Township could do that, and perhaps draw line regarding whether the building would be used for livestock versus equipment. How to legitimately hold someone to the use if their interests change? Would you have these buildings taken down? An issue also might be where the building is on the lot? What about a site plan to allow future building, for example, of a residence?

Fundamental question: is this issue a problem? Vandersloot: not that many, and those are bigger properties with horses or cattle. General consensus: doesn't sound like there are major issues now, but the potential is there. A few situations are creeping in. Kilpatrick: this issue is coming up more and more in rural townships elsewhere. Worth looking at this issue. What about requiring review of buildings on acreage less than a certain size? There is a requirement for a site plan for an ag building with a zoning permit. Most of these are hobby farms. Creating a special exception process would allow the Planning Commission to set certain conditions, which would give the Zoning Administrator some teeth for enforcement. What if the owner goes under? A special exception use would expire and the landowner would have to come back for a new special exception limitation. Want to look at what Lowell Twp and Ada Twp are doing. Jeanne to research.

General consensus to postpone further discussion until next month and have Jeanne and Jay research the issue and come back with more information.

General Public Comment Time: Wittenbach: regarding the annexation issue, there is another meeting Wednesday with the Twp. lawyer, and a joint meeting next Monday, January 10, 7:00 pm with City of Lowell. The annexation petition has been placed with the Boundary Commission, so it's headed for a public hearing on March 3 or 4, 4:00 pm at LHS. Possible 425 Agreement will be discussed; that's a city/township agreement. Looking at the options of what to do.

Kate Dernocoeur extended an invitation to the PC to attend the annexation informational session this Wednesday, January 5, 7:00 pm, hosted by the Open Space Committee. Updated commissioners about the Open Space Committee's stance and support of the Township Board.

Wittenbach also extended thanks to the Planning Commissioners for helping the township with their work on the Commission. It's a good team, consistent and balanced.

Motion to adjourn by Richmond. Seconded by Gillett. All approved.

The next meeting is February 7, 2005.

The meeting was adjourned at 7:48 PM.

Respectfully submitted, Kate Dernocoeur, Recorder