

Vergennes Township
PLANNING COMMISSION MINUTES
January 6, 2003

A meeting of the Vergennes Township Planning Commission was held on January 6, 2003 at the Township Offices. At 7:00 PM the meeting was called to order by Chairman Jernberg. Also, present were Commissioners Gillett, Mastrovito, Medendorp, Richmond and Kropf. Absent was Nauta. Also in attendance were Zoning Administrator Jeanne Vandersloot, Township Planner Jay Kilpatrick, and Township Supervisor Tim Wittenbach.

APPROVAL OF DECEMBER 16, 2002 MINUTES: Motion to approve by Gillett, seconded by Kropf. All approved.

APPROVAL OF/CHANGES TO AGENDA: Motion to approve the agenda by Medendorp, seconded by Gillett. All approved.

1. ORDINANCE AMENDMENTS – PUBLIC HEARING

Special Exception Use Section Chairman Jernberg explained that due to a mix-up the Lowell Ledger did not publish the second hearing notice in time for tonight's public hearing. By State law the public notice must run for two separate time spans. Jernberg opened the floor for comments but no decision or votes will be taken tonight.

Motion by Gillett that if there are no public comments this item be tabled until the next meeting and until the notice can run for the two required time spans in the Lowell Ledger, seconded by Richmond. All approved.

2. ORDINANCE AMENDMENTS

a. Septic Waste and Sludge Disposal – Update Discussion

Jay Kilpatrick: Reporting back as discussed at the last meeting. Currently, the State mandates sludge haulers and the Planning Commission asked for options for the Planning Commission to have authority. It is probable that you can establish standards but be prepared to administer and enforce otherwise duplicating state standards. If you leave it to the State it takes the authority out of the Planning Commission. There is a provision in the existing statute that before haulers can haul sludge they must be pre-approved and can only haul to designated sites. Jay could not find any pre-approved sites in Vergennes Township but will investigate further. Jay thinks taking this may take too much time and effort whereas the current State regulations allow ten days to file an injunction or look at the site.

Jernberg: Not sure we want to go down that path.

Medendorp: Can we restrict totally?

Jay: No, the State regulations supercede local and since it is State regulated you could not restrict completely from the Township.

Comments: Baird - would be inclined to not allow this in our township.

Motion by Gillett to have Jay research if there any pre-approved sites in the Township and update next month, seconded by Kropf. All approved.

b. Home Businesses – Proposed Amendments

Jeanne Vandersloot: Jeanne reviewed proposed changes to the Home Business Ordinance. Main changes include clarification of language; changing “article” to “chapter;” remove language regarding Fire Prevention codes and OSHA rules, which may or may not apply; “no signs or device” to “additional” because they are allowed one sign; remove “waiver of fee” because it does not apply;

Jay Kilpatrick: Reviewed and made recommendations to Jeanne’s proposed changes. This is a big improvement; it is cleaner and more predictable in approach. He made some tweaking to the language. The proposed amendments are a good improvement but there needs some changes before approval.

Jay: Reviewed Jim Dozema's suggestions. Jim suggested some inserts regarding permits and legalese. Suggested the agreement the applicant is to sign a “form” instead of an agreement. Also should add that once the permit is approved and the form signed, if anything deviates from rules they can revoke the permit. These changes support what Jeanne is trying to do.

Jeanne: Called Jim about a date of the ordinance or date of changes and Jim suggested using February 1, 2003.

Medendorp: Are there any limitations to an accessory building? If someone has a large lot can they put up a building?

Jeanne: This ordinance does not stop that, they would follow the accessory building section.

Jernberg: If the business becomes bigger than original permit it can be revoked.

Jay: It has to be incidental to the permit and they would have to scale back or move to industrial spot.

Mastrovito: Do all home based businesses have to have a permit?

Jay: That's the intention of this. Yes they would be required to get a permit.

MOTION by Gillett for Jay Kilpatrick and Jeanne Vandersloot to clean up the proposed amendments with Jim's comments and will review again in February and put to a public hearing, seconded by Mastrovito. All approved.

3. Informal Presentation – Jim Kegle, Proposal for Alden Nash Property

Tim Woodens, Civil Engineer: Here tonight to talk about what is needed to build an apartment complex on the land. This would require land use change and rezoning from R1 to R3 with a PUD specifically for this project. The site is 25 acres and we are looking to build 144-150 units on the site with two-story buildings, 16 units per building, parking and the remainder of land left for open space purpose. We would be able to accommodate the trailway. Regarding sanitary sewer issues, met with Mr. Timpson, Lowell Township, and under the right circumstances he is willing to provide a guarantee to sewer capacity. Tim is here tonight to answer questions and show where they are headed and hopefully come back with a site plan presentation and application.

Gillett: You’re not asking for rezoning, you’re asking to rezone to do the PUD?

Jay: This would be a parallel process for R1 to R3. Remember PUD is a special exception use and rezoning is a map amendment.

Gillett: What did he mean by "under right circumstances?"

Kegle: Only for that project, not to sell the rights to another developer

Woodens: Would be specific for the project.

Jernberg: Asked Jay to walk through parallel process.

Jay: Straight rezoning to R3 you do not want to do. Tonight is a pre-pre-approval. If going forward, you will rezone to R3 subject to special exception use to PUD. Both require a public hearing and Township approval. PUD has language to require a performance guarantee, which financially you get what you approve or rescind the approval. You approve to rezone and approve for special exception use at the same time. Mr. Kegle volunteered to provide a deed restriction.

Jernberg: Is that required?

Jay: No, and rare.

Mastrovito: It's going from low density to high density, it's going to R3.

Jay: Sometimes an area does not easily transition from one density to the next. One issue to see addressed is how to protect nearby lower density from the higher density proposed for the site.

Medendorp: What size are the units?

Kegle: The smallest is 750 square feet, largest 1,100 square feet.

Woodens: 1-2 bedrooms

Jernberg: The Planning Commission has to weigh out where it's sitting compared to what's around it.

Jay: They (Kegle) needs to decide if they want to go forward, then the pre-application process, and show how they came up to 150 units using a test density plan. You should have the plan in front of you before going to public comments. They have to decide if they want to go forward and we can help them through the pre-application process.

Woodens: We appreciate your time and comments.

GENERAL PUBLIC COMMENTS: None.

Motion to adjourn by Gillett, seconded by Mastrovito.

The next meeting is February 3, 2003.

The meeting was adjourned at 8:15 PM.

Respectfully submitted,
Cindy Sullivan, Recorder