

Vergennes Township Planning Commission

Monday, July 6, 2009

Approved on 8-3-09

Chairperson Scott Jernberg called the meeting to order at 7:00 pm.

Roll Call – Baird, Post, Mastrovito, Makuski, Medendorp were present. Gillette absent.

Motion to approve the minutes from the June 1, 2009 meeting by Baird, 2nd by Medendorp. Motion carried.

Approval or changes to agenda - Wittenbach suggested discussing sports complex ordinance wording to clarify language, etc. Add as item #4 to tonight's agenda. Motion to approve agenda, as amended, by Mastrovito, 2<sup>nd</sup> by Medendorp. Motion carried.

1. **Review Proposed Amendments – Private Road Ordinance** – Three copies of proposed ordinance in packets tonight. Changes proposed by Doezema looked ok by Vandersloot. Dave Austin of Williams & Works discussed minor changes to original set submitted. Items discussed at last meeting were in section 202.004 - General provisions - clarify using diameter measurement versus radius. Changed to be minimum diameter. Also in section b, ability to require certain parts of the road to be finished to avoid erosion. Current language allows us to do so.

202.006 2 j. Provides the Township authorization to repair any private road that is not maintained adequately for safety purposes. Allows Township to charge back homeowners on road agreement the costs to do so.

Last sentence effective date. Cleaned up to read “effective 30 days after publication of ordinance changes.”

Attorney's version has definitions of easement, etc... Page 8, #2 rewrote paragraph. Pg 9, 2 j rewrote incorporating paragraph. Still authorizes township to repair and charge back homeowners.

Page 11, #3. Bond or letter of credit. Ok as rewritten by Doezema.

Page 14, 202.007 Added paragraph regarding shared driveway. This is how we do it now. Work with assessor and zoning to ensure fees are paid etc. Also add a requirement for a shared driveway agreement and drainage easement if needed.

Last page – rewrote (g) Indemnification. Most ordinances have in as legalese.

Next step is public hearing.

Wittenbach has question on 500' rule regarding proximity to another private/public road. It is not a county rule but our rule. KCRC stated a few years ago that theirs is 250' apart. Page 3, section E of:

*200.004 e. No Private road can be closer than 500 feet from another public street or private road as measured along the centerline of the intersecting public road.*

Is it possible to have roads directly across from each other or do they have to be 500' apart even on other side of road?

Per Jernberg, it is optimal to have drives directly across from each other or 500' apart. We don't live in a flat twp, should probably go on site line vs. 500'. Jernberg would like to see what county states. Private road location is different than private driveway due to number of cars entering/exiting. If we are more strict than county, can developer use it against us? Dave said ok to have stricter but should have basis for it. He can see what county requires and see how our ordinance falls in. Could also use AASHTO standards. Mastrovito doesn't think 500' is that far given 55mph speed limit. Vandersloot thought we could leave it up to Road Commission due to sight lines, permitting, etc. Dave will check with KCRC and AASHTO standards and word something for us.

Other discussion regarding number of homes allowed before private road is complete, paving of certain areas of road for erosion or ease of transition to public road and length of private drive as measured along centerline or straight line, two different numbers. All issues were resolved with no further changes required.

Can we set public hearing before Dave gets info for us? Yes. Medendorp motions to schedule public hearing for approval of private road ordinance, to include changes that the Commission just reviewed and discussed. Mastrovito seconds. Motion carries. Public hearing set for August 3, 2009, at the next Planning Commission meeting.

2. **Lighting Ordinance** - Medendorp looked into lumens – can't do it. Lumens are immeasurable by instrument. Would have to use foot-candles. Basic ordinance is far simpler than anything that has been brought up. We should start with it rather than start from scratch. Decorative lighting on homes can be compromised on. We are short on pole height (14'). Does not think we should go 20-30 feet. 16' is good height. Residential lights ok as long as output not more than 500 lumens. (40w bulb). Flood lights on timer or full cutoff. 10 min timer for security. Post said how about shine down. How do you police it?

Al thinks prior ordinance was fine. Very few complaints on it. Tom disagrees. Feels if we don't do something now, we will have to deal with it in future. Dark Skies are being dealt with all over. With Zoning Enabling Act, homeowner can no longer simply go directly to ZBA within a week or so and no cost. They must pay fee (\$300) and have it noticed in local paper 15 days prior to meeting. Also need 300' notices per Jeanne Vandersloot.

Dave Austin did research on own with Internet. Ordinances run gamut from .1-foot candle to 1-foot candle at property line. Several had greater amount in non-residential area. Zoning Administrator would have to measure with light meter or ZBA could go out and measure to see if in compliance. Al said what about snow cover, etc...reflects light. Much discussion on this. Could have ZBA do on case-by-case basis.

Lumens are what eye sees. Per Tom it is a calculated number. Cannot do with a meter. If you can see lamp from property line, not allowed. Basically, all agreed that light should stay on own property. Once it crosses property lines, it's against ordinance. Some discussion on if bulb could be seen from over property line – glare.

B 3 of ordinance states elevated lights cannot be higher than 14'. 16 ft ok. per Medendorp. Baird wants 20'. Floodlights will need to be revisited. JV's version is good except for a few too many definitions. Safety light ok based on light near road, again, if light does not leave property line. 16' high light on pole or building ok. Flags ok up-lit. Giving back to Brian to put together for rewriting. Final consensus is that light should stay on your own property.

- 3. Zoning and master plan maps** -Tom Medendorp is coming to Commission to request a change in zoning from low density to medium density. Water hookups are based on 165' frontage (R-1). Trying to get to 100' frontage so water hookup fees are not so high. This is already planned in that area and would like Township to consider rezoning to medium density. Not sure he is starting at right place. Current area is low density on zoning map. Water is available/required and would match our master plan. He pointed out an area on zoning map that covers Foreman Road between Alden Nash Ave SE and Cumberland. Mostly what is in the water district. His motivation for requesting this is that he would like to sell a part of his property but Lowell Township is asking quite a bit of money to hook into the line for the new parcel. If he could get the road frontage lessened to 100' from 165', it would be more affordable. Lowell Township raised connection fees from \$35 per foot to \$50 per foot.

Planning Commission adopts master plan. PC can make motion to Board, but it would have to go thru public hearing to propose a rezone. Take to Board before PH to see what they think. Makes it cheaper for every landowner that will split or if their well goes bad and have to hook up to the water system. Lowell twp has raised rate since tower was built. Use to be \$35, now \$50 per foot.

It is master planned and there is no real reason not to do it. The only thing is that it will open up adjacent properties to higher density zoning. (Cook and Wege property). Staying within boundaries of master plan. If PC wants to implement parts of master plan, meet with twp board, get their take and when agreed on terms, go to public hearing. Brian recommends we write a report that justifies what we are doing; forward that on to Twp Board for discussion.

Commission should put together wording as to exactly what area would be changed to medium density zoning. Present that to the Township Board for discussion between both groups. Once it is agreed upon, planning commission would set and hold public hearing. PC would make recommendation to Township Board as to whether zoning should be changed.

Commission needs to see map of water district at next meeting. Make recommendations to board then.

**Sports recreation facility.** – Jernberg would like to see language from another municipality to see what it is defined as. Post/Medendorp were concerned about size of building.

Consideration needs to be made on what zoning district they are talking about. RA vs. R1. Utilities are a concern. Indoor/outdoor sports are different in space they take up. Sports complex definition may be four fields and a snack bar. Commercial recreation facility is in commercial ordinance already. JV will give Planning Commission a copy of questions the former applicant wanted addressed thru ZBA. Address questions and clarify definition of sports complex. Go from there. Nothing in current ordinance about size, etc. in Rural Ag district. We could deny contract zoning if it doesn't meet master plan. However, if we wanted to, we could allow it.

Chap. 3, pg. 4 of current ordinance refers to privately owned recreation facility. Could we limit bldg size? Yes. Outdoor fields only with restrooms ok. PC needs to recommend to twp board – Dave and Brian will come up with something for next meeting. Also want some input from Board on wording and changes. Input will be forwarded to Brian.

Nathan gone at next meeting.

Meeting adjourned at 9:43 by Mastrovito and seconded by Post.

Next meeting August 3, 2009.

Submitted by Janine Mork