

# Vergennes Township

## PLANNING COMMISSION MINUTES

June 7, 2004

A meeting of the Vergennes Township Planning Commission was held on June 7, 2004 at the Township Offices. At 7:05 PM the meeting was called to order by Chairman Jernberg. Also present were Commissioners Kropf, Mastrovito, Medendorp, and Nauta. Absent were Gillett and Richmond.

**APPROVAL OF MAY 3, 2004 MINUTES:** No changes or corrections noted. Motion to approve by Nauta, seconded by Kropf. All approved.

**APPROVAL OF/CHANGES TO AGENDA:** Add the Open Space & Planned Unit Developments discussion re: a new law, per Jeanne Vandersloot. Motion to approve by Medendorp, seconded by Nauta. All approved.

**1. PUBLIC HEARING: HUNTERS TRACE PRIVATE ROAD APPLICATION.** Vern Nauta excused himself from the Commissioner's table.

**Presentation:** Presentation by Vern Nauta and Paul Henderson of Roosien & Associates. The Nauta's are applying to install a private road south of Downes Road, west of Parnell, to serve 29 acres of a family plot. Plans to construct to the new 18-foot standard now, but asking for a waiver of 22 feet, as the amendments to the private road ordinance are not yet effective. Proposing 100 feet off Downes at 4% grade to 8.7% for 130 feet (at max for 30-40 feet over the top of the curve) with diminishing grade to end. Maximum grade in private road ordinance is 6%, but there is a provision for up to 10%. Want a safe road with minimal disruption to the area. Total cut would be 6 feet from existing, and just 3.7 feet with the grade they propose. Ditch is 2-feet deeper. Current road is about 10-12 feet wide. Excavation materials would go to a low area further back on the property. Twp also requires 15-foot separation from private road to parcels not benefiting from private roads; Vern's brother has a parcel too close, is willing to sign a maintenance easement. Jay: plan shows 18-foot travel-width. Vern: Intention is to build to the new 18-foot plan.

**Public Comments - open at 7:17 pm:**

Tom Cole, 1400 Fero. Not aware of what's going on here, would like to know what format Nauta intends to build, did go to Twp offices to request information but it wasn't available. / Nauta: son currently has a home back there and daughter is building now.

Mary Moore, 1120 Fero: How many parcels? / Nauta - right now, two, but when the lot for the daughters house is split out, there will be 3 lots. Has three children, and son plans to buy his current home and Vern will build a third home back there eventually. Zoning requires he state all possible scenarios for building sites, so this is laid out for

those possibilities.

Tom Cole, 1400 Fero: Parcel 2 and future parcel A abuts his property. Is this subdivided? / No, these are parcel splits. / Cole: his immediate concern is that sand has been mined off the western edge of this property, he is concerned about some erosion that may affect his property further if development occurs at the cul-de-sac shown on the print. What about future parcels impacting his property? (showed photos to the commission). Top of crown of the mining is about 35 feet from the property line, per Nauta. Jernberg - can the mine be regraded when done to minimize impact to the neighbor? / This application has 5-acre lots and the lot in question cannot be further divided under 3-acre minimum rule.

Kate Dernocoeur, 1200 Fero: will the road be paved or gravel? / Gravel. / Maximum of 6-7 ultimate lots if full divisions were to occur.

**Public Comment Closed at 7:32 PM**

**Planning Commission discussion:** Jay Kilpatrick: since the plan is consistent with the revised ordinance (18-feet) will allow up to 19 lots, although zoning would limit them to the 6-7 parcels noted on the plan. Reviewed April 26 plan, didn't get the update, but one apparently exists. Maintenance agreement is in process and hasn't examined it thoroughly; approval should be contingent on twp attorney's review of that. Per engineer's review: Jay summarized them, but this gives more detail re: exceeding 6% grade. They answered the question about meeting the 4% maximum grade within 30-feet of the intersection, and the easement answers the question about the unserved parcel. Primary concern of an excessive slope and erosion down the slope, but there is also a safety issue. If the Planning Commission wants to OK the steeper slope than 6% as per the current standard, it should request something in writing to put on the record that the unusual or extraordinary circumstances described thus justify a waiver by the Township Board to allow something steeper. Still no site plan with dimensions. Now the biggest question is grade, if this were to go to seven property owners someday with 70 car trips/day.

Mastrovito: questions about existing and planned grade, and erosion. /Applicant is proposing two stone check dams in the ditches to help check erosion. Medendorp: concern that steepest slope occurs before Downes. / What about a gradual increase of slope? / Henderson: Could add a stipulation if necessary.

Discussion about setting precedent. Kilpatrick: if the commission wants to go in that direction, it would be important to have applicant state why the circumstances are unusual, or amend the ordinance to 8.7% for everyone.

Discussion about the standard and written justification. See Ordinance: 202.600(B) 4. Applicant should produce the evidence for exceeding 6%. / who determines unusual circumstances? A gouge can look pathetic. Safety is a concern, but applicant feels they can accomplish safety without such a slash. Henderson said there is a letter with the application from Roosien's detailing the reasons for the 18 feet waiver.

**Motion** by Medendorp, seconded by Mastrovito to recommend to the Township

Board to approve the private road based on:

- 1) Provision by applicant of a maintenance agreement subject to review/approval of the Township attorney
- 2) Easement from adjacent property allowing less than 15-foot setback to the road improvement is acceptable to twp attorney
- 3) In the interest of the natural beauty, the commission proposes that grade for the first 30 feet from Downes be maximum 4%, the grade for the next 50 feet be maximum 6%, and then the applicant can grade up to the maximum of 8.7% (or less) in order to minimize the depth of the cut.

These stipulations will require a new set of drawings be submitted. All approved (Nauta abstained).

Nauta rejoined the Commissioner Table.

**2. UNCLASSIFIED SPECIAL USE PERMIT APPLICATION: GRAND RIVER VETERINARY HOSPITAL.** Presentation by Mark Scobell, Dan Vos Construction architect, on behalf of applicants. Showing a preliminary site plan tonight and want to be sure they're on track for the next steps toward approval. Doctors want a property large enough for their future needs, so this plan already addresses parking, septic, well, screening, and storm water for long-term. This is a small animal clinic. 2 acre lot should fit their needs. Ingress/egress plan is because of the power pole (in the way) and to allow the property owner (Pete Faber) to further split his acreage; they have worked with Jay and KC Road Commission regarding drive placement to help that future accessibility, so this gives flexibility for the other sites on the Faber holdings. Conditions for the special exception yet to be answered: scope and use of building & its effect on surrounding properties. Plan: boarding on-site only for recovery from medical procedures. Plan for an outdoor exercise area (with an attendant) - not outdoor runs. Applicants plan to build in 2006. Is there an approval time restriction? Jay: no limit. Tonight, all the planning commission is saying is that they'd consider the plan; there is no commitment until a complete application is submitted. An indication tonight that they meet this ordinance, it's grandfathered under tonight's ordinance language. Asking: about comfort level for this use so they can go ahead and buy the property with relative assurance that such a use would be permitted. A special exception use approval has a 6-month lifespan; a site plan is valid for one year.

**Motion** by Nauta, seconded by Medendorp that the Planning Commission finds the veterinary hospital as proposed thus far meets the requirements as written in Section 201.401(b) pertaining to Unclassified Special Exception Uses in accordance with Jay Kilpatrick's memo dated June 4, 2004. All approved.

**3. ADDED ITEM: OPEN SPACE & PLANNED UNIT DEVELOPMENTS DISCUSSION RE: A NEW LAW.** Presentation by Jeanne Vandersloot, re a new act added to the Zoning Acts for townships. Jay: they added under PUD's that unless explicitly prohibited by regulation, a

township has the option to approve projects that include open space that is not contiguous with the rest of the PUD. Has to do with TDR process. It's a simplified way to take a TDR-type project into an interested community. Also, the act says the township can expressly prohibit it. It will be tested somewhere, and we may need to develop standards eventually. Options include: amending the ordinance to exclude or welcome this, or wait to see what the market demands. The language is permissive enough not to get caught in a precedent elsewhere. Has to be the same township or jurisdiction. Wouldn't work with the Open Space ordinance - this is just in the PUD language. People who entered the County PDR process couldn't qualify for the TDR. No pressing urgency to do anything. Vergennes already limits density in the receiving zone, so not likely to be used here.

**General Public Comment Time:**

Conversation about Arrowhead Association division of lots beyond the two lots permitted by the association rules, and some preliminary work on the private road application. No formal applications have been made.

Kate Dernocoeur reminded the gathering about the opportunity to vote in the Board of Education election on June 14 and that there is a Candidate Forum at the LAS Board Room tomorrow night at 7:00 PM.

Open Space Committee is hosting the kick-off for the Natural Features Inventory this Wednesday, June 9, 6:00 PM, everyone welcome.

Alden Nash Corridor Study report is done and will be distributed in the next few days.

Motion to adjourn by Nauta. Seconded by Mastrovito.

The next meeting is July 5, 2004

The meeting was adjourned at 8:48 PM.

Respectfully submitted,

Kate Dernocoeur, Recorder