

Vergennes Township

PLANNING COMMISSION MINUTES

March 7, 2005

A meeting of the Vergennes Township Planning Commission was held on March 7, 2005 at the Township Offices. At 7:03 PM the meeting was called to order by Chairman Jernberg. Also present were Commissioners Kropf, Mastrovito, Medendorp, Nauta and Richmond. Absent was Gillett. Also in attendance were Township Zoning Administrator Jeanne Vandersloot and Township Planner Jay Kilpatrick.

APPROVAL OF FEBRUARY, 2005 MINUTES: Motion to approve by Richmond, seconded by Medendorp. All approved.

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

1. PUBLIC HEARING: REZONING - LONE PINE DEVELOPMENT.

Applicant Presentation: Presentation by Rick Pulaski (Nederveld & Asso.). Steve Hanson (owner) also present. Application to rezone R1 to R2 property on west of Alden Nash ½ mile south of Vergennes, near Pheasant Valley Private Drive. About 25 acres. Northern portion planned for low density (1-2 units/acre) southern half master planned for medium density (up to 3 units/area). Reviewed prior visits/development ideas previously brought to Planning Commission (one for about 50 lots, one for 50 units including apartments, one for 63 units, one with 68 units, one for up to 100 units - never enough positive feedback to generate any formal development requests). Owner has had property for 5 years, has looked at Master Plan, and is proposing a development showing a rezone from R1 to R2, which would provide the ability for 17,000 square foot lots with appropriate frontage. A rezone request fits the VT Master Plan. Soils are sufficient for onsite septic's and there's a water main available to the site from Lowell Twp. In the area are other active uses such as Lowell High School and the high school football field. Feels this is a good city transition plan. Conceptual plan shown. Could get 38 lots under R2 1-1/2 units per acre, falling within the Master Plan.

Public Comment Time: (opened at 7:12 PM)

– Mark Lancaster, 1111 Alden Nash - what type of houses will be put there? / Hanson: stick-built, targeting \$165,000-200,000, with landscaping required prior to occupancy. One-two builders. Master deed restrictions will make it look nice and keep it controlled.
– David Thayler, 885 Alden Nash. Lowell Schools meeting last year for laying out developments like this, one showed clustering to keep open spaces. I'd like to see an alternate proposal to use those modern concepts than a normal plat look to this land / Jernberg - that is something the PC has worked on, not something in the PC's toolbox to

require, we don't currently give a large incentive to pursue that plan, but the lower cost of clustering helps developers. The owner's presentation does fit within the toolbox options and is not out of bounds technically. We don't have a way to force them to use that clustering option. / Thayler: with proper incentives, the net effect of more open space looks better. / Jernberg: has no mandate to require using that ordinance / Nauta: setting aside is an option, but probably wouldn't work on this parcel, given this parcel size. / Hanson: has done 4 open space projects, but because of the size of this project, we'd have to sell lots for \$100,000 apiece. So in this case we're putting in more landscaping, we do have a little open space, we did what we could. It'll look nice. Trying to make up for lack of clustering with other design options. / Mastrovito: asked about back side of houses along Alden Nash.

– Susan Walter, 1045 Alden Nash: her property is highly affected. Why rezone to R2? Sounds as if Lone Pine has a great way to cover this through landscaping but that won't excuse moving from R1 to R2 - nearby people have 3-5 acres, and to rezone to R2 nearby isn't consistent. Also where are Hanson's other developments? Has seen traffic increase tremendously along Alden Nash in 10 years. High volume is uncontrolled without traffic control. Another high volume settlement in there concerns me, esp. with possibility of annexation nearby. No reason to move from R1 in lieu of all that has transpired in the area. / Hanson: one of his developments is Oak Hill in Lowell Township (across from their township hall).

– David Thayler, 885 Alden Nash: already zoned for 1 acre, in a high-density - no problem going to half-acre lots. Traffic isn't going to increase much more, across the street will bring a big development. Not opposed to smaller lots.

– Karen Thayler, 885 Alden Nash: can a road be built to Pheasant Valley? / Jernberg: that's a private road, there's no legal requirement for them to accept such a proposal.

– Mike Martin, 1075 Alden Nash: Property borders this development across Pheasant Valley. Has lived here a year. Has researched nearby zoning. Nearby zoning is R1. That isn't consistent with what I expected from this area when I moved here. Desire to keep rural integrity and aesthetics. Seems a bit on the high end as far as density.

– Kathy Sneden, 555 Wildview: Agrees with prior comment. Zoning issues and researching an area before you move in, you choose where you want to live. It's like a contract. If I move in and see evidence of planning and I make an investment based on that information, and what I've seen in 10 years here, projects come up and – maybe not in Vergennes, but nearby – it's as if zoning is negotiable. Is that the way it is? Wonders about the impact on Vergennes Road. When will they widen it and take out all those nice trees? I know you can't lock it up, but I'd like to see some stubbornness on the part of our township with regard to granting zoning changes. / Jernberg: Mandate from the community is to try and stay within the ordinance and look to the future as to what this community will look like in the future. In my position, we can't close the door behind us. We limit things like curb cuts and connections to roads, we can't stop a developer, but

there are things we negotiate with. We try to help soften the blow of growth. / Sneden: is there news about Vergennes Road at this point? / Jernberg: not that he knows / Al Baird: roads are a county responsibility.

– Mark Smoes, 895 Alden Nash: The property runs downhill toward Alden Nash, wonders what development will do to his low area adjoining (by lots 30-31) / Jernberg: things on the map in yellow are buildable; things in green are not buildable. They cannot build on what's in the green shaded area. / Smoes: what about runoff water? / Nederveld rep: we have to work up a drainage plan for the overall site, and we have to capture all of our water according to specific rules. / Smoes: have a 5-acre lot, and jamming this area with a lot of homes seems out of balance.

– Brenda Thayler, 1045 Alden Nash: concerned with number of units, and what about lighting? / Hanson: restrictions are put into the Master Deed to restrict things such as floodlights or spotlights. Will have some streetlights but we try to limit that, too, but need some for safety. / Thayler: how wide is the green area? / Hanson: about 30 feet. Front setback, house won't be set to the back setback. / Thayler: will the natural slope remain? Beautiful old trees on that line. Concern about survey by about 6 feet; this plan takes odds and ends of her tree line.

– Mark Smoes: would like list of other developments. / Hanson: will submit to the township so people can get a copy.

– David Thayler, 1045 Alden Nash: does the development call for sidewalks, and could the streetlights be smaller like a gaslight instead of a big utility streetlight? / Jernberg: definitely something we can review later. None of this sets anything as a final package tonight – this is a rezoning hearing.

Susan Walter 1045 Alden Nash: is this our only opportunity to voice opposition prior to a decision / Jernberg: tonight we can deny, accept or table. / Walter: asking about the process / if they come with another plan is there another public hearing? / Jernberg: yes / Nauta: Master Plan does allow this to be R1 or R2 at our discretion.

– David Thayler, 1045 Alden Nash: without their access to sewer with this many homes, our well is not a deep well, that many onsite septic's could interfere with my water. Concerned about them not having access to the sewer. We have a major problem with that much sewage coming into septic systems on site / Jernberg: if this were a different zone, it would be a bigger issue. Other densities that work with these soil types. This is an issue, but with today's technologies, medium density is positive over higher density.

– Mike Martin, 1075 Alden Nash: question about restrictions for the Master Deed, lot owners. Is that homeowners association only accountable to people in the development; what recourse do I have outside the development? Such as a spotlight? / Kilpatrick: homeowners association or private road agreements become a condition to the township's approval, allowing the township to step in and enforce.

– Mark Lancaster, 1111 Alden Nash: if this were my only opportunity, I'd say I'd like you not to rezone this property.

- Mark Smoes: Is one driveway sufficient? / Kilpatrick: we're not looking at site plan yet, so it's premature, so we possibly have a problem with that.
- Phil Guider, Alden Nash: has anything been put together where we kept R1 zoning? / This is part R1, part R2, according to the Master Plan, currently it's all zoned R1, but could be adjusted according to the Master Plan.
- Judy Guider, 1067 Alden Nash: if rezoned could this plan be made denser than what we see? / Jernberg: if we rezone cannot promise the overall plan wouldn't change, but Kilpatrick has already signaled there would have to be some give and take when looking at all the rules. This would not be the ultimate or final design. / Could it be denser? / Jernberg: parts would be less; parts would be more if there were pods of green space in a redesign, depending on a lot of variables.
- Susan Walter, 1045 Alden Nash: clarify – this is a best-case scenario, if zoned to R2 they could come in with 54 units? / Jernberg: there are other things that will affect what they can and cannot do and one is to do with roads. / Nederveld rep: there's not going to be more than 10% more than this that we'd ever come back at, if that. Hanson: we wanted to come in here with our best shot. We could come in with more lots. Not planning on more than 38 and certainly not with a plan for 100. / Kilpatrick: there are many other issues to come in later within the process of site plan approval. If this is the only plan, there is an option to accept this as a contract zoning plan, but that would have to be placed in writing, voluntarily offered by the developer, locking the developer into a plan similar to this one pending other approvals.

Public Comment closed 7:56 PM

Discussion/motions by Planning Commission: Kilpatrick memo submitted this evening only relates to rezoning. Zoning request is a change in the underlying zoning of the property. If they choose to submit a concept plan at this point, it's only an exhibit. R2 is single-family homes. No multi-family. Request for rezoning involves four questions, outlined in Kilpatrick memo dated March 4, 2005 (see memo).

1. Consistent with existing and future land use patterns? Future land use map should not be viewed as a surrogate for zoning maps. This plan seems consistent with the Master Plan.
2. Impact on surrounding properties (see memo).
3. Is the property reasonably able to be used as zoned? (see memo) Review the challenges of the site, and make that determination.
4. Are there other appropriate locations for R2 in the township? (see memo) – not a great deal of land in the township available to R2.

Could see that this could be viewed favorably. Could be tabled pending further discussions with the applicant. Cannot ask the developer for the new Legislative Act for contract zoning- he'd have to offer it. / Hanson said they'd offer to do that.

Medendorp: what's the contract zoning procedure? / Kilpatrick: you don't need a detailed site plan but you need a succinct description of what they're proposing to do and

if they fail to deliver, it's goes back to R1. Twp Board would make ultimate decision. Would be groundbreaking because statute is so new.

Medendorp: if rezoned R2 should we look at a larger area than spot-zoning this piece? / Kilpatrick: there are three ways to rezone - usually as requested by the property owner, local unit of govt can impose, or 3rd way is if a judge tells you.

Medendorp: R2 zoning does fit within the Master Plan, but not comfortable with open-ended R2 zoning, would be interested in an agreement. / Jernberg: if applicant will come back with a proposal next month, such as lighting, landscaping, driveway/Alden Nash connections, sidewalks or not, a plan for what the houses will look like, homeowner association draft, other components we can negotiate with in good faith. Not telling you to do that, but hoping the applicant will do that.

Medendorp: the most critical issues are access roads and number of lots.

Nauta: suggested that the applicant call the township with his other developments' addresses, which can be put on the website. / applicant agreed

Motion by Nauta to table a decision until next month at which time applicant will be providing additional information. Seconded by Medendorp. All approved.

2. PUBLIC HEARING: PRIVATE ROAD UPGRADE - STOCKREEF.

Applicant Presentation: Presented by Diane Stockreef. Has been in the area more than 25 years, and the neighborhood feels upgrade would be detrimental to the uniqueness of the area. If the township insists, they'd agree to upgrade the road as far as the new parcel. Emergency access is not a problem. The pine trees and seclusion are why people bought in there. If trees were removed, headlights would invade homes. There are seven parcels on the road, six use the road, all oppose it verbally and some sent letters. Bought for the aesthetic. Rural atmosphere isn't kept by cutting trees. ZBA has left this situation up to the Planning Commission. The whole situation rests with the road. Citizens don't want it; ordinance demands it for public health and safety and those things are not a problem in there.

Public Comment Time: Opened at 8:17 PM

– Tom Karas, 151 Alden Nash: owns land north of the subject road. Read letters from Commissioner packets.

Jerry Huisman, 11907 Alden Pines: a firefighter has said a fire truck would have no problem getting in there. He lives in there.

– Tom Karas, 151 Alden Nash: concerned about widening the road re: some beautiful old trees that would have to be taken out if road widened all the way to the end.

Public Comments closed 8:21 PM

Discussion/motions by Planning Commission: Kilpatrick: the case is straightforward, the requirement is necessitated by a lot split and splits need to be on roads that meet the standard, which is why the request for the waiver. Waiver can be granted by the Township Board. One other waiver due to natural features on a site was

given within the year. It's a local call. Every time you depart from ordinance standards, you weaken the ordinance, but it doesn't seem the one lot makes a difference in this case.

Vandersloot: noting that the new lot is the first lot on the road, road narrows at pines, same traffic will go there, additional traffic would be at the beginning of the road, not where the narrowed area is.

Medendorp: drove the road. Road is narrow, couldn't have passed a car due to snow banks. Felt it could be widened losing very few trees to the 18 feet and not lose much. Concern about turnaround at the end, whether the T-intersection was expanded or put in a cul-de-sac. Just narrowed road width to 18 feet from 22 feet and hate to weaken the ordinance. There's enough room to widen and lose very few trees.

Mastrovito: drove it as well. Before the pines, it's open. On north, there's scruffy brush, maybe it would require a half-dozen trees to widen. Couldn't pass another vehicle – it was narrow, and that's the densest area in the pines. / Question: how does that affect the new parcel? Jernberg: improves on a situation to meet today's ordinance in a situation that changes the number of units on the road, which causes the private road to lose its grandfather status.

Nauta: could also require a cul-de-sac be put in with an 80-foot diameter, but I could see allowing a variance if the T-intersection was opened up.

Jernberg: trying to work through the situation and also have to stay with ordinance mandate (which has just been reduced). If this variance is granted, we undermine our ordinance if others come in. Other people just like the applicant come in and would like their own variances. Criteria change. We take volume changes seriously; have to draw a line in the sand and applicant has reached a threshold that demands a change. / Applicant: would the commission compromise widening just to the first driveway at a cost of \$8,000. / Jernberg: the biggest concerns are in the back portion of the road, not with the first portion of the road.

Tim Wittenbach: why did this go to the ZBA? / Kilpatrick: they were making a lot slightly smaller than the 3 acre minimum / at the ZBA, Roger Odell motioned to “approve the variance to divide the property into three lots (2 lots being not less than 3 acres, one lot to be no more than .15 acres less than 3 acres at 11960 Alden Pines Drive), on the condition applicant comply with the legal requirements regarding upgrades of the Vergennes Township Private Road Ordinance.” (from ZBA minutes) / Kilpatrick: one reason for this is that the drive has to be off the private road, not off Alden Nash (it's a corner lot). Would need Road Commission approval. Except that the ZBA approved the smaller lot if the applicant complies with the ordinance (not a waived version of the ordinance).

Al Baird: the decision was made to grant a variance for a smaller lot contingent as shown in the motion. We all agreed to that that night. / Applicant: it was left as a compromise whether we'd have to do the whole 1,100 feet.

Jernberg: may need to ask ZBA for clarification of their comment. May need to

table until this is clarified. / Stockreef, what's the decision about whether they might have to upgrade all the way down, because if so, we will not do that. / Jernberg: there are options to make a moot point if there are two parcels or three. / Stockreef: to follow the rules, with a corner lot, has to keep an easement on the private road. / Jernberg: in order to reach a decision this evening, 1) do you want three parcels or two parcels? / Applicant: wanted three parcels, unless they have to improve past the trees, then will just do the two parcels.

Vandersloot: might want to table and go back to ZBA, her impression was that the ZBA wanted the applicant to go through the private road ordinance, whether a waiver would be given was up to the Planning Commission, not the ZBA. Maybe this needs clarification. / Mastrovito: Statement in the ZBA's minutes is as stated. Variance for smaller lot IF they upgraded the private road according to the Private Road Ordinance.

Motion by Medendorp to recommend to the Township Board, that the east-west section of the road off Alden Nash to the west meet Vergennes Township's standard of 18 feet plus a 3 foot shoulder. At the west end where the private drive T's into multiple driveways, in lieu of requiring a cul-de-sac, request an 18-foot wide road to extend 50-feet each way to accommodate a fire truck turning around. Seconded by Nauta.

Mastrovito: based on ZBA's recommendations for this zoning, the terms of the split were to be that the private road be upgraded the full length. Nauta: this will go to the full Township Board. All approved.

3. DISCUSS AGRICULTURE BUILDINGS. Jernberg requested tabling this discussion.

Motion by Nauta to table this discussion. Seconded by Medendorp. All approved.

General Public Comment Time: Question about residential lighting ordinance. / Kate Dernocoeur: the Open Space Committee had planned to work on this issue this year, but the annexation has taken the attention of the committee – would like to address this issue if it would be helpful to the planning commission. Also, Jay Kilpatrick will address and report next month.

Tim Wittenbach: thanks to the commission for working through a tough evening.

Motion to adjourn by Nauta. Seconded by Medendorp. The next meeting is April 11, 2005. The meeting was adjourned at 9:05 PM.

Respectfully submitted,
Kate Dernocoeur, Recorder