

Vergennes Township

PLANNING COMMISSION MINUTES

May 3, 1999

A meeting of the Vergennes Township Planning Commission was held on May 3, 1999 at the Township Offices. At 6:30 PM there was not a quorum of commissioners to conduct the scheduled Public Hearing. A quorum was reached at 6:50. Present were: Chairman Gillett and Commissioners Howard, Jernberg, Nauta, and Pfaller. Commissioners Culross and Weber arrived later. Absent were Commissioners Alger and Dalga.

PUBLIC HEARING: JOHN DEVRIES, ALDEN NASH REZONING REQUEST: Mr. DeVries is seeking a change in the zoning of his property at 775 Alden Nash from RA to R1, which is how his neighbor's (Thaler) land is zoned. This would create three buildable lots instead of the two currently allowed. There is access to public water/sewer. Gillette asked for public comments, summarized as follows:

Fred Maier, the northerly neighbor, submitted a three-page letter (attached), requesting denial of the proposal. He cites adverse affects on his rural setting (peace & tranquillity of the neighborhood), higher density, light pollution, loss of legal right to shoot firearms on his property, and increased traffic.

Kathy Maier: Increased traffic is tremendous, and adding another road in that area would hurt the Township.

DeVries: Lowell High, the private road, water/sewer all existed when Maiers bought their land. They should have realized development was likely. The Township has promoted "new builds" to be done where water/sewer utilities already exist.

Fran DeVries: It's already not a quiet area - there's a steady stream of cars 6am-10pm. Adding one additional lot would add minimal traffic.

Fred Maier: The City of Lowell will be looking to annex if this area is rezoned R1.

John Paroff: Why rezone to gain only one lot? Why start the watershed of development?

Fran DeVries: Maier's devaluing is our gain (and vice versa)

Kathy Paroff, 591 Alden Nash: Do we really need another private drive? Consider safety & how hard it is for the fire department.

Carmen Miller: Vergennes Township is in a growth process. If we want to give 3-acre parcels to our kids, will we face this same adverse process? We need our choice to do what we want.

Fred DeVries: people can subdivide without rezoning if they have enough acreage. Rezoning is a precedent for big developers.

7:13: Public Hearing Closed

7:13: Regular Scheduled Meeting Began

APPROVAL OF APRIL MINUTES: Corrections: Pfaller noted at top of page 3 that he didn't second that motion (it was Nauta). The discussions re: the sign ordinance and the accessory set-backs were left tabled, not approved. Motion to approve April minutes by Nauta, seconded by Pfaller. All approved. Also, compliments were given to the substitute recorder for that evening on a job well done.

1. UN-TABLE & DISCUSS PROPOSED AMENDMENT TO RA DISTRICT REGARDING CHILD CARE FACILITIES:

Howard informed the (sizable) gathering that the time for public comment had occurred at two previous meetings, and that this month, the Board would discuss the issue. There would be no public comments taken this month.

Motion by Nauta: Un-table & discuss proposed amendment to RA District regarding child care facilities. Seconded by Pfaller. All approved.

Discussion ensued as follows:

- Gillette: similar settings (e.g. Franciscan Center) are already allowed
- Pfaller: delete the need for public sewer. A septic can handle 10,000 gallons/day. Also, in paragraph B, item 5 (re: parking areas), recommends changing to 25 feet from road (currently 10 feet) and 5 feet from property line. Also, day care is needed in society today. Not opposed to it in the RA district.
- Nauta: eliminating the sewer requirement would avoid being so limiting.
- Jernberg: However, where sewer is available, it should be required.
- Gillette: Proposals would still require Special Exception Use permits, so they'd be able to assess each proposal regarding its impact on neighbors. Would support day care centers in RA if on a primary road and where sewer would be OK'd by Health Department. Supports altering required setback distances -- perhaps same as house setbacks in RA (35 feet)?
- Pfaller: Have to be sensitive to impact of vehicular lighting, such as headlights sweeping across adjacent property

Motion by Jernberg: Move to recommend to Township Board to accept allowing day care facilities in RA districts, with sewer requirement deleted and requiring 35-foot setbacks from property lines. Seconded by Culross. All agreed.

Public comments arose questioning the process, and the commission clarified that this evening's agenda item was not to address any specific proposal, but simply the alteration of allowable RA uses.

2. UN-TABLE AND DISCUSS PROPOSED ACCESSORY BUILDING SETBACK AMENDMENT:

Motion to un-table this amendment by Pfaller, seconded by Gillette. All agreed.

Discussion points included:

- is the 150-foot setback too close if the house is further back? Should limit accessory buildings to no more than 50-feet in front of primary structure, and still

- cannot violate front setback rules.
- we're one of the few townships that even allows front yard accessory buildings - sometimes, topography demands it.
- Can try a 75-foot distance and see if there are still abundant applications.
- This proposal is only for RA. Should it also be allowed in other zoning districts (if they comply with set-backs)? For R2, R3, lots may be configured to where the accessory building predominates. Control with district standards. Use a maximum-allowable square footage formula to prevent oversized accessory buildings
- Some people trying to house large motor homes might not be able to fit the requirements.
- Need to re-assess this issue in 6 months or a year, etc., to look at whether language is working and if the concepts/intention are working correctly.

Motion by Pfaller: Recommend to the Township Board the following:

Accessory buildings may be permitted in the front yard where the Zoning Administrator finds the following:

1. Where the accessory building is used exclusively for a permitted agricultural use in the RA district, as specified in Sections 201-304(B) (1)-(4), and 201.304(C) (2a, 2b, 2c), and 201.402(B), and 201-404(B).
2.
 - (a) The accessory building's furthest most point from the principal residence is no more than 75 feet in front of the residence.
 - (b) The accessory building is constructed of similar exterior materials and is similar in design and roof pitch with the principal residence, and shall not exceed the height of 16 feet or the height of the principal residence, whichever is taller.
3. The accessory building complies with all other setback requirements of the district.
4. In the R2 and R3 districts, the square footage shall not exceed 900 square feet.
5. Any accessory building located in the front yard which cannot comply with the standards of this subsection (B) may be approved as a Special Exception Use. In consideration of the Special Exception Use, the Planning Commission shall consider the following standards, in addition to those in 201.502(E).
 - (a) The size, location, and intended use of the accessory building is consistent with adjoining properties.
 - (b) That there are extraordinary or exceptional circumstances or conditions applying to the property which limit the applicant's ability to otherwise comply (e.g. topography and other developmental limitations).
 - (C) Whether the proposed building will affect the views, light, and air circulation of any adjoining buildings or properties.

Motion seconded by Pfaller. All agreed (including Weber, who arrived in time to vote.)

3. UN-TABLE AND DISCUSS PROPOSED DRIVEWAY SETBACK AMENDMENT:

Motion to un-table item by Culross, seconded by Pfaller. All agreed.

Discussion included:

- ⊗ Pfaller; not in favor of deleting setbacks without some sort of standard re: gravel migration, water drainage, snowplow debris, people missing their driveway. There should be a setback. Too many adverse situation can arise.
- ⊗ How to enforce? Neighbors should resolve this sort of thing. The Zoning Administrator searched the Internet, and only one other community (in Tennessee) listed a setback for driveways.
- ⊗ Cul-de-sacs are a separate issue, cannot meet even small setbacks

Motion by Culross: Recommend to the Township Board to move to delete the ordinance as written. Seconded by Jernberg. Three agreed/four voted against. Motion denied.

4. UN-TABLE AND DISCUSS PROPOSED SIGN ORDINANCE AMENDMENT:

Motion to un-table item by Culross, seconded by Pfaller. All agreed. Discussion was brief.

Motion by Pfaller to recommend to the Township Board to recommend the proposed text amendments as written. Seconded by Nauta. All agreed.

5. REZONING REQUEST - JOHN DEVRIES, ALDEN NASH PARCEL FROM RA TO R1:

Comments and discussion:

- ✓ Nauta: the concept is consistent with the Master Plan
- ✓ Gillette: water/sewer is already in. It's cost-prohibitive to offer public utilities to 3-acre lots. (Pfaller: 100' frontage is economic limit.)
- ✓ That area is already becoming not rural, and it makes a difference to have water/sewer in place. Township has to provide sites for all zones. This area is the sensible R1 area
- ✓ Maier: drainage was altered when high school was built.
- ✓ Acknowledgment was made that as development occurs, people will build nearby to others, and it is a frustration. Helpful when property owners meet ordinances and setbacks.
- ✓ Concerns about Lowell City annexation.
- ✓ It is a requirement to hook up to water/sewer if you're in the water/sewer district.

Motion by Howard: Move to recommend to the Township Board to rezone the property to R1. Seconded by Nauta. All approved.

6. PRIVATE ROAD REQUEST - LEE HOVEY, TALISMAN DR. PRIVATE ROAD:

Brief discussion about the project. Will be a gravel road. Discussed Prein & Newhof's recommendations, as on letter, attached.

Motion by Nauta: Recommend to the Township Board to accept the proposal

contingent to complying with Prein & Newhof's recommendations. Seconded by Pfaller. All approved.

7. DISCUSSION CONCERNING CELL TOWER ORDINANCE: Gillette recommended that, in Alger's absence, to hold off on this discussion. Jay Kilpatrick was asked to be involved with the draft committee. There are only 3 months left to the moratorium, so this item is increasing in urgency.

8. DISCUSSION CONCERNING FRONT LOT LINE/CORNER LOT DEFINITION AMENDMENT: Discussion centered around which part of a corner parcel is the front yard, and if the street address is on the front, where does the driveway have to come out? Concept proposed: the property owner shall decide which is the front yard *as long as* the required frontage exists *and* the owner can obtain an approved address from the Kent County Road Commission. (KC Road Commission gives out addresses when one applies for a driveway). Appropriate language to this effect will be drafted for the next meeting.

9. DISCUSSION CONCERNING PRIVATE ROAD ORDINANCE: (land divisions, sample ordinances, review for possible changes). The commission agreed to put something together and discuss this item at the next meeting.

Motion by Nauta: table this item for a future meeting. Seconded by Jernberg. All approved.

The Planning Commission agreed to recommend informally to the Township Board that climate control for the new meeting room be put in place soon! (And perhaps a screen door to keep out insects?)

Motion to adjourn by Nauta. Seconded by Jernberg.
The next meeting is Monday, June 7th at 7 PM.
The meeting was adjourned at approximately 10:00 PM.

Respectfully submitted,

Kate Dernocoeur, Recorder