

# Vergennes Township

## PLANNING COMMISSION MINUTES

May 5, 2003

A meeting of the Vergennes Township Planning Commission was held on May 5, 2003 at the Township Offices. At 7:06 PM the meeting was called to order by Chairman Jernberg. Also present were Commissioners Kropf, Mastrovito, Medendorp, Nauta and Richmond. Absent was Gillett. The meeting was also attended by Supervisor Wittenbach, Clerk Stone, Treasurer Hoffman and Trustee Baird as a Joint Board/Planning Commission Workshop.

**APPROVAL OF MARCH 31 MINUTES:** Motion to approve by Richmond, seconded by Nauta. All approved.

**APPROVAL OF/CHANGES TO AGENDA:** Move Item #3 to first position. Motion to approve with changes as written by Nauta, seconded by Medendorp. All approved.

**1. CO-LOCATION CELLULAR ANTENNA – AT&T (SITE PLAN REVIEW).** TJ Garrett presenting for AT&T to co-locate on the Consumer's Energy tower on Vergennes Road that's been in place for years. Tower is about 144 feet tall (under 200 so not needing FAA approval or lighting). AT&T does not put up a shelter building, but puts electrical cabinets on a steel grid that is grounded. Doesn't change appearance or increase height. Time frame: AT&T gets all leases and zoning approvals at the same time. Working to get coverage throughout Kent County, but won't build until zoning approval is complete. Re: fencing, Consumers does not want it fenced, feels it's more of a risk. Maintenance done about once a month. Cabinets are locked. Jeanne: no concerns from her point of view. Meets all the requirements. All in Ag district. Medendorp: proximity to residences? Garrett: There's a farm nearby and another across the street. Consumers won't let them put equipment within 10 feet of any of their legs.

**Motion** to recommend to the Township Board to approve the site plan by Richmond. Seconded by Nauta. All approved.

**2. PUD – TOM LINDEMULDER (JOINT BOARD/PLANNING COMMISSION WORKSHOP).**

Two basic questions remain: lot density and community septic. 2.11 acres is the septic area. Trying to keep enough room around the system. Isolation distance for the wells is 300 feet from septic, but DEQ has gone as low as 100 feet. He said that neighboring property owners are comfortable with intrusion of isolation distance onto their lots. Soils: sand. Lots are important re: lots are all sold to one builder. He would restructure four holes of the golf course. Wants to put in a driving range later, update clubhouse. No pedestrians allowed on drain field area. House design? Wants architectural review of all the homes, not cookie-cutter, esp. external look. Home prices: \$200-300,000. Homeowner Association with assessments against all home sites for contract on septic

system, private road maintenance. Smallest lots are 90x145 and range to 109x210.

Jay: As the ordinance is written, 43 lots is max density under current PUD. Applicant can't make this work if he only gets 43 lots. Wants an amendment to the ordinance in return for making a special feature available to the public. Jay: would need ordinance amendment. It's a policy question for PC to consider and TB to act upon. Slight adjustment might still be a better option than cookie-cutter 3-acre lots – but it's a policy trade-off. This proposal has 51 developable sites. Would preserve 130 acres of open space (golf course). Septic system would have to be relatively sophisticated for this amount of sewage. Township has to co-sign his permit application for the sewage, and if private support falls apart, the township steps in but the condo association would have to post a bond in that eventuality, with automatic special assessment approval written into the agreement. There are many models for this. Applicant has to pay for the legal work to get this all in writing. Has to go into the PUD because the state does not allow golf courses in Open Space developments. Precedent: these need to demonstrate a benefit on a case-by-case basis. The benefit here is a golf course. Density bonus requires an ordinance amendment. This is about an 18% density bonus. This is likely a one-time deal. If the golf course fails, Planning Commission would want to apply as a condition that it would remain open space. Needs to invest a lot into the golf course at this point. Wittenbach: there's a traffic issue on 2-Mile. Paving is \$100,000/mile. Medendorp: Number of lots, after just changing the ordinance is bothersome. We're taking applicant's word that he can't make it work financially without the bonus lots – township could ask for budget and have an independent party review it to see if that's truly the case. Could there actually be fewer lots? Applicant has a cost analysis on the development and what it'll take to finish the four additional holes on the golf course.

Jay: Lindemulder should rework the numbers based on 43 sites, and if it doesn't work, would the Planning Commission be inclined to go forward with the ordinance amendment if he can document that the need is there? Lindemulder agreed but was concerned that his privacy would be compromised. Medendorp: an independent third party look at the plan would be satisfactory. Scott: we should look at it in this room first. Jay: it isn't public information if a third party does the look and reports to the Planning Commission.

### **3. ORDINANCE AMENDMENTS.**

**Part One: Amend Wireless Communications Section (Joint Board/Planning Commission Workshop)** [Note: This section of the agenda was conducted prior to Item #2 (PUD) discussion.] Jay Kilpatrick presented. Draft presented attempts to 1) treat new cell/communications towers as a special exception/accessory use and 2) treat co-locations (attaching antenna to existing structure) as a use permitted by right via staff approval. Re: the second point makes sense. Re: the first point, there are ways to limit these differently. Cell towers are special exception uses in all our districts except industrial and commercial (use by right). Might be better to allow cell towers as a secondary use on a

parcel in isolated districts (RA, R1), or include as part of special exception use looking at them on a parcel by parcel basis. Current ordinance treats all uses the same regardless of zoning district. Potential difficulty: if someone has two unrelated uses on a parcel, there is temptation to sell them as separate entities, and there's a liability question if the parcel changes hands. Accessory use definition is something subordinate to the principal use of a parcel, which is hard to see with cell towers.

Discussion: David Yomtoob (applicant) maybe an easement would be one idea. TJ Garrett: Jay's points are excellent. Administrative review process is a good idea; keep the fees but don't bog down the Planning Commission's agenda. Accessory/secondary use: Jay's on track there, too. Jay: need to think about where we want these installations to go. Garrett: topography in Vergennes makes it important to position antennae/wireless closer together. Re: satellite technology, satellites won't ever "talk" to phones, but will talk to towers eventually. Garrett: should be able to get at least a mile between towers, but 3 miles would be too much. Recommends 2 miles, not a half-mile as a parameter. Tax revenue? They're part of personal property tax revenue. There will be a legal address for AT&T on each co-location, generating revenue.

Jay to work on wording and provide a draft based on this discussion. General agreement for Jay to work on wording with use by right as discussed, a 2-mile spread between towers, 200 foot height (unless greater height is justified). Property split wouldn't be required in RA with a suggestion for special accessory use except that they couldn't sell the tower except as part of the property, to avoid having two owners on a property. Could prohibit new structures in the smaller districts (R1, R2, R3). Could welcome co-location on existing structures by special use in those areas. Garrett also suggests requiring a monopole unless it's over 200 feet. Much less intrusive.

### **3. ORDINANCE AMENDMENTS.**

**Part Two: Technical Correction to Chapter 3** Jeanne presented that ZBA doesn't do Special Use permits, only the Township Board. Where the words "Zoning Board of Appeals" appear, they need to be replaced with the words "Vergennes Township Board." **Motion** by Medendorp to schedule this recommendation for inclusion at the next meeting that holds a required Public Hearing for any other application, Seconded by Nauta. All approved.

**General Public Comment:** David Yomtoob: the intersection of Grindle and Rolling Creek has sustained lots of vandalism in the past year, entry sign and tree damage and someone popping donuts in the intersection and would like a street light at the intersection.

Motion to adjourn by Nauta. Seconded by Mastrovito. All approved. The next meeting is June 2, 2003. The meeting was adjourned at 9:26 AM.

Respectfully submitted, Kate Dernocoeur, Recorder