

# Vergennes Township

## PLANNING COMMISSION MINUTES

May 6, 2002

A meeting of the Vergennes Township Planning Commission was held on May 6, 2002 at the Township Offices. At 7:00 PM the meeting was called to order by Chairman Jernberg. Also present were Commissioners Gillett, Mastrovito, Medendorp, Nauta, and Richmond. Absent was Read . Also present: Jim Doezema, Township Attorney, and Jay Kilpatrick, Planner.

**APPROVAL OF APRIL MINUTES:** Motion to approve by Nauta, seconded by Richmond. All approved by voice vote.

**APPROVAL OF/CHANGES TO AGENDA:** Motion to approve by Nauta, seconded by Gillett. All approved by voice vote.

### **1. PUBLIC HEARING: REZONING REQUEST – PAUL BARRON**

Paul Barron (applicant) spoke. Property owned by applicant is at SE corner of Lincoln Lake & Vergennes. It is currently zoned R-2, but is identified as future commercial in the Master Plan. Barron would like to convert it formally.

**Public hearing opened at 7:07.** No comments. **Public hearing closed at 7:09.**

Planning Commission comments: it's in the Master Plan this way. General support.

**Motion** by Nauta to recommend to the Township Board that the SE corner of Vergennes & Lincoln Lake Road be rezoned commercial according to the Master Plan. Seconded by Gillett. All approved by voice vote.

### **2. PUBLIC HEARING: ORDINANCE AMENDMENT – MANUFACTURED HOME DEVELOPMENTS**

Jay Kilpatrick summarized last year's adoption of state statutes, and that this amendment provides strengthened local control, and has the approval of the state Mobile Home Commission.

Public Hearing opened at 7:12 pm. Bob Coffee, Foreman Street: What control does this provide the township? / Kilpatrick: the state requires that you not discriminate against manufactured housing as a use permitted by right. Prior to last year, such developments were a permitted land use, but now state standards have been made more stringent re: buffering and such. Density isn't affected. Would be a use permitted by right in R-3. Public hearing closed at 7:14.

**Motion** by Nauta to recommend adoption of this ordinance. Seconded by Richmond. All approved by voice vote.

### **3. PUBLIC HEARING: ORDINANCE AMENDMENT – REAR YARD SET-BACKS R-2 AND R-3**

Jeanne Vandersloot presented. This amendment to allow landowners in R-2 and R-3 to have rear setbacks reduced to 30 feet was recommended by the Zoning Board of Appeals. Public Hearing opened at 7:15: Bob Gordon, 12494 Vergennes: would that allow mobile home parks to build more homes? / Jeanne: that wouldn't apply - manufactured home developers have their own set of rules, including setbacks.

Public Hearing closed at 7:17 pm.

Planning Commission comments: this covers any structure, not just the home.

**Motion** by Gillett to recommend to the Township Board to approve this change in the rear yard setbacks in R-2 and R-3. Seconded by Mastrovito. All approved by voice vote.

### **4. REZONING REQUEST – LANDON COMPANIES.**

Presentation by Jason Wagner, Landon Companies: some of the studies they've provided tried to answer questions from the public hearing. We believe the proposed location is the best location in the township for this type of use. It complies with a lot of planning aspects and we hope you approve our application tonight.

Nauta: The Township Board held a public hearing tonight [just prior to this meeting] and rezoned the area in question to R-1, so that depicts their thought on this. Also, this area was Master Planned for R-1, not R-3, to create the desired transition between RA to higher density.

Gillette: when we put the Master Plan together, we looked at that area as a transition area. There is quite a bit of R3 in the township, and there wasn't a need or demand by the township people to make more R-3 land.

Jernberg: recommendation to go to R-1 came from the community as part of the Master Plan work, not just this committee. The survey put out to plan for the future asked people what they were looking for and we did our best, with professional help, to move this township in the direction the Master Plan demonstrates.

Peg Seaman, 11838 Bailey Drive / which aspects has Landon addressed? / Mr. Wagner: our experts reviewed it and made presentations at the Public Hearing explaining why it was a good site.

Bob Coffee: asked about revenues versus cost projections. / Mr. Wagner: what they gave at Public Hearing was the best they could produce.

Bob Gordon: 12494 Vergennes: commented on applicant's prior presentation that said there would be impact on surrounding residents. Disagreed, saying a development like the one proposed would have a huge impact on him. "I like a nice quiet setting. We like the security of being in the country."

Planning Commission: Jernberg: this proposal has been reviewed for many weeks. Medendorp: haven't seen any support for it from the public and it doesn't comply with our Master Plan.

**Motion** by Gillette to recommend to the Township Board denial of the

application. Please see attached motion read out loud by Gillett [below; a signed copy is on file in the Township offices]. Seconded by Richmond. Approved by Gillett, Jernberg, Mastrovito, Medendorp, Nauta, Richmond (6-0) by roll call vote. Disapproved: none.

#### **5. REZONING REQUEST – PETE FABER.**

Presentation by Pete Faber: apply for rezoning of 12.4 acre parcel on LL just south of Vergennes across from cemetery/airport, north of industrial park. RR tracks are in back. To north: 10-acre piece of vacant land, spoke with the owner and it appears she is not intending to put in residential housing. Current zoning is R-2. Applicant purchased the land and wants to develop. Current R-2 zoning layout shows 17-18 home sites would be possible, but applicant prefers to go for industrial zoning now. Could do either, so it doesn't make a huge difference, but if he put in homes, they'd abut industrial buildings nearby. After looking at Land Use map, the proposed future zone is to make it industrial anyway, so feels he'd like to go that route now.

Planning Commission comments: Richmond: is there some property between him and industrial park? /Pete: One parcel to the north. Keith Mueller owns it and supports industrial designation. Another person has a lot on the corner which is a residential site bordering 150 feet of his parcel, then border to industrial park is more than 800 feet long. Nauta: would he put a road in and subdivide?/Pete: doesn't think so. Someone might just take the whole piece or maybe divide it in half. Not deep enough to put in a road. Did perc the piece; it is sand and gravel.

**Motion** by Nauta to schedule a public hearing for the next meeting. Seconded by Gillett. All approved by voice vote.

#### **6. SPECIAL PERMIT USE REQUEST – KENT COUNTY ROAD COMMISSION.**

Presentation by Jeff Kocsis, engineer with KCRC. They want to open an old sand/gravel pit (known as the Lundberg Pit) off Burroughs Ave. Will be constructing along Burroughs this summer. Wants to mine sand for sub base for road; then, if there's gravel (which there should be), they want to put up a gravel production contract to use for a base material for road construction. There's good gravel there, and gravel is getting scarcer.

Planning Commission comments: time frame?/Kocsis: Burroughs is scheduled to be constructed this July/Aug. Jernberg: there have been similar requests from KCRC in past 1-1/2 year, is this above and beyond the Burroughs project? / Kocsis: KCRC has 20,000 cubic yards of gravel in other pits, will use that existing gravel for road base for Burroughs. Gravel production from Lundberg would be for the future. Jernberg: could we wait on gravel if we allow you the sand now? / Kocsis: Yes. We plan on using the gravel we have now. We aren't going to produce it here to ship it around the county. Jernberg: wants this community's future needs to be taken care of. How much gravel would they use for Burroughs compared to what they already have? / Kocsis: not sure. Jernberg: is the sand on top of the gravel? / there is both. The sand is well-drained. Medendorp; excavation limited to area in red on their map?/ Will mine to a depth of the natural drainage, won't create a pond. Jernberg: what's the eyesore potential? / Kocsis: they can

and will screen the site with berms and trees when done. Jernberg: please come to public hearing with the plan for reclamation and berm/screening.

Al Baird: every time they come they have to get a permit. If he's looking for sand and gravel, give it to him so he doesn't have to get two permits. Jernberg: wants as much of the gravel as possible to stay in the community. Jay: can ask for their intent, cannot make a requirement.

Pete Gustafson: how long will the pit stay in an open condition without being reclaimed? Urges Planning Commission to think about how long a pit will stay open and is there something we can do to get those cleaned up if they aren't going to be used, and if they're going to be used, then what's the plan (as a general comment). Made comment about destruction of rural character on the roadways from scenic setting/canopy of trees to them being cut too far back.

Jernberg: is there a Master Plan for the pit sites? / Kocsis: there used to be, but he hasn't seen them for awhile. Can't mine some now without going through another permit process. KCRC uses some of them for storage of various materials. Jernberg: it might be a good idea to investigate that.

Peg Seaman: a tentative end date would be good, and if they have to use it for storage, then reduce the eyesore, esp. on a main road with trees/berms.

Jeanne Vandersloot: can we be more specific about what his request is, for the public hearing notice?

**Motion** by Gillett to schedule a Public Hearing for KCRC at the June 3 meeting. Seconded by Medendorp. All approved by voice vote.

## **7. ORDINANCE AMENDMENTS.**

**1. SIGNS.** Jeanne: gave a handout with Jay's comments. Summarized her handout. Intent of the committee: no tall-pole signs to go with rural character. Changed square footages and heights in various zones. And other details. Added real estate signs to exempted signs, including centennial farm signs. Prohibited signs: removed that they cannot be within 150 of intersection; just can't obstruct vehicular vision. Setbacks: instead of 17-1/2 feet, they now would need to be located out of the right of way.

Jay: his suggestions to this amendment are minor modifications. Might consider taking definitions to Article 2 to make ordinance more user-friendly. Different words re: back-to-back signs being considered one sign. Ground-mounted or free-standing is unclear; use one term or the other. Height limitations makes pole signs pretty nil. Requests may vary on that. They'll want elevated signs. Be prepared to dig in your heels to support the 5-foot standard. Elevated signs also tend to be lighted signs, which changes rural character. Where signs are illuminated, should allow no more than 6 sq. feet of illuminated sign. Comments toward items under permitted signs in commercial/industrial; the way it's currently written, owners would be entitled to up to 3 signs (2 free-standing and wall, plus another on multi-tenant buildings) so Planning Commission should clarify the number of signs actually allowed. Has suggested alternate language. Commercial signs limited to 12 sq feet will raise problems since most use 16 square feet (1/2 sheet of

plywood). If a sign doesn't require a site plan, there's inadvertent reference that the Zoning Administrator issues that permit, so reference the zoning compliance permit process. Discussion generally was in support of Jay's comments. Differentiate temporary signs (re: 16 s.f. size).

**Motion** by Nauta to recommend scheduling a public hearing on June 3 pending that the items discussed tonight are cleaned up. Seconded by Gillett. All approved by voice vote.

**2. OPEN SPACE/PUD.** Rescheduled for June 3<sup>rd</sup> meeting.

**General public comment:** Jim Cook: you had a prewritten motion tonight. The property [under question for the Landon proposal] was probably a good location for this sort of project.

Bruce Doll, 2255 Fallasburg Park: moved here 2 years ago, his first experience then was to get a permit for his barn. Every time he comes [to witness the township process], he's impressed with the Commission and how you listen to the people. It's nice to see that, and we appreciate it.

Tim Wittenbach: Thanks for your service. We're in a tough situation. We're all neighbors. I appreciate your commitment.

Motion to adjourn by Gillett. Seconded by Nauta. All approved by voice vote.

The next meeting is June 3, 2002.

The meeting was adjourned at 8:27 PM.

Respectfully submitted,

Kate Dernocoeur, Recorder

Attachment:

STATE OF MICHIGAN  
TOWNSHIP OF VERGENNES  
COUNTY OF KENT

At a regular meeting of the Vergennes Township Planning Commission held on the 6th day of May, 2002, the following Resolution was offered by member Gillett and supported by member Richmond:

WHEREAS, Landon Holdings, Inc. petitioned the Township to rezone property (as described in plaintiff's petition) owned by James B. Cook, Jr., et al from Rural Agricultural (R-A) to Special Residential (R-3) in order to accommodate the development of a high end manufactured home community.

WHEREAS, the Planning Commission having conducted a public hearing on March 4, 2002; having previously recommended that property, including the property described in the

petition, be rezoned to Low Density Residential (R-1); and having considered the comments of the public and input from various sources, including its planner;

NOW, THEREFORE, be it resolved that the Vergennes Township Planning Commission recommends to the Township Board that the Township deny the requested rezoning for the following reasons.

1. The subject property may be reasonably used, if zoned R-A or R-1, for uses permitted within such zoning classifications and, thus, there is no need to rezone the property to R-3.
2. As for many of the uses allowed within the R-3 zoning district, including a mobile home park or high end manufactured community, there is no demonstrated need for such type of uses nor would such uses be appropriate at the subject location, in particular, a development at the density level proposed by the applicant.
3. The Township has land zoned R-3, and has land planned for R-3 zoning, which land could be reasonably used for those uses allowed within the R-3 zoning district.
4. In addition to the foregoing reasons why it is not necessary to rezone the property to R-3, rezoning the property to R-3 would have a negative impact upon issues related to public health, safety and welfare and Township planning, including the following:
  - a. Rezoning the property to R-3, which would allow for any use permitted within the R-3 zoning district, would be contrary to public comment and the rural character of the area.
  - b. The proposed rezoning would not be in accordance with the Vergennes Township Comprehensive Plan adopted November, 1999 and amended in November of 2001.
  - c. The Vergennes Township Comprehensive Plan adopted in November of 1999 and amended in November of 2001 recommends that the property be utilized for Low Density Residential with a density of one to two dwelling units per acre. The requested R-3 zoning would not comply with the Township's Comprehensive Plan.
  - d. The Vergennes Township Comprehensive Plan which was amended in November of 2001 recommends this area be developed for Low Density Residential purposes. This category emphasizes the preservation of rural views and open space and the protection of natural features with housing densities not to exceed two dwelling units per acre.

The proposed rezoning to the R-3 Zoning District would not preserve rural open space or protect nature features and would exceed two dwelling units per acre.

e. Page 51 of the Vergennes Township Comprehensive Plan identifies the character of a Low Density Residential area. The Plan states that these areas will be typified by single family homes which may include clustering with emphasis on open lands and green areas. The Plan further states that Low Density Residential areas should be designed to further the rural character of the community. The density allowed by the R-3 Zoning District does not leave room for the flexible clustering design of development that is envisioned by the Low Density Residential designation.

f. The proposed R-3 zoning could contain between 450 to 620 home sites (although the applicant has suggested that it would have 450 sites) and would be quite visible from portions of Alden Nash Avenue and Vergennes Street. The appearance of this project, and rezoning the property to R-3, would disrupt the rural character and view of this area. Preservation of the rural residential character is a principal goal of the Comprehensive Plan and rezoning to R-3 would not meet this goal.

g. The Future Land Use Map contained in the Comprehensive Plan provides for more intensive land uses closer to the City of Lowell. Land uses gradually transition from the more intensive uses into open space and farming lands. The introduction of an R-3 or High Density Residential use in this area which is master planned for the Low Density Residential will disrupt this planned land use pattern.

h. The planning for this area was done in order to create transitions from higher density residential uses to lower density residential uses and eventually open space and farming lands to the north of the high school. The requested rezoning may create an incompatible land use pattern.

i. The applicant desires to utilize public sewer system; however, there appears to be insufficient capacity to make available public sanitary sewer for the proposed R-3 rezoning and the use contemplated by the applicant.

j. The proposed rezoning would increase traffic generated from the property over what has been planned for the subject property by the Comprehensive Plan. In particular, there may be peak hour traffic problems associated with the high school.

k. The rezoning and uses allowed for within the R-3 district may increase noise, light and blight upon surrounding property owners.

l. The land uses allowed within the R-3 zoning district, including a mobile home park or high end manufactured community, may have a negative impact upon surrounding property values.

m. The proposed rezoning may have an impact upon the present ability of the Lowell Schools to handle the anticipated increased number of students utilizing the Lowell schools.

YEAS: 6 (Gillett, Jernberg, Mastrovito, Medendorp, Nauta, Richmond)

NAYS: none

ABSENT: 1 (Read)

ABSTAINED: none

Motion carried. Resolution declared adopted.

Vergennes Township Planning Commission