

Vergennes Township

PLANNING COMMISSION MINUTES

November 5, 2007

Approved 12-3-07

A meeting of the Vergennes Township Planning Commission was held on November 5, 2007 at the Township Offices. At 7:03 PM the meeting was called to order by Chairman Jernberg. Also present were Commissioners Gillett, Makuski, Mastrovito, and Post. Absent were Medendorp and Nauta. Assisting the commissioners were Jeanne Vandersloot (Township Zoning Administrator) and Ryan Kilpatrick (Township Planner).

APPROVAL OF OCTOBER 8, 2007 MINUTES: Motion to approve by Gillett, seconded by Mastrovito. All approved.

APPROVAL OF/CHANGES TO AGENDA: Motion to approve as written plus meeting dates for calendar year 2008, by Gillett, seconded by Jernberg. All approved.

1. ORDINANCE AMENDMENTS: PUBLIC HEARING. Presentation by Ryan Kilpatrick, reviewing purpose as to allow opportunities to rezone properties with conditions attached as written by applicants, with self-imposed conditions to be reviewed by the PC and Township Board. Conditions cannot be increased by the township, but they can be removed and recommendations made. There will be areas of the township where uses may be prohibited that would make sense for low-impact commercial uses with stringent conditions. Gave examples. Also, conditions can be more stringent re: things like buffers, etc., to make it more appealing to the neighborhood and the goals of the Master Plan. Adopted the same way any rezone is adopted, with Planning Commission responsible for reviewing Master Plan and other review items when considering a rezoning. Part of conditional rezoning requires some provisions that are included, such as legal description attached to the application such that it can be attached to the property deed, so that uses or development runs with the land, including conditions.

Public Hearing opened at 7:08 pm:

– Steve Platt, 11171 McPherson: asked about the Planning Commission’s limits, what is the process for conditions to be changed? Ryan: can be changed like a typical re-zone. Gave example of R2 to commercial change done through conditional rezone, with a use restriction of, say, a dentist office. In 10 years, surrounding properties get rezoned without restrictions, the property owner could then be rezoned full-commercial, giving them a whole new sweep of uses. Aspect in which Planning Commission has hands tied, they cannot require additional restrictions. If they don’t like the applicant’s conditions, they can simply deny the application. Condition-setting is voluntary by the applicant, but Planning Commission has some control. / Platt: what’s the advantage to the Planning Commission? / Ryan: primary benefit is a small number of parcels may be better used

than what current zoning allows for. Say, residential with shallow depth may not lend itself to a home, but may have adequate separation from surrounding properties and road access to make a dentist or kennel a better use for the land. / Wittenbach: you know exactly what you're getting (down to the details) and how it'll look before the rezoning, which is not how typical rezoning goes. / Gillett: you have two bodies that will look at a proposal: planning commission and township board. / Wittenbach: there's no ambiguity as to what will go on the property. Rezoning isn't arbitrary. / Gillett: having this in the ordinance, would this have helped the Cook-DuRay process? / Wittenbach: we asked them for this, and the law was created in the middle of that, but he pushed the idea away. It probably helped us with the State Boundary Commission re: this new law, and we said we'd look at it, but DuRay wouldn't come up with a detailed plan. / Mastrovito: asked about stretching boundaries beyond the Master Plan's idea. / Ryan: the benefit of having minutes. You can watch the minutes while going through the process of the rezone, the Planning Commission goes through the discussion of weighing an idea will include asking about how it relates to the future and the evolution of the Master Plan. Reading the minutes helps create a situation where you're not spot zoning. / Jernberg: we'll watch what people are asking for. Industrial zones not near where we have such things in mind probably aren't going to get approved. / Ryan: For shaky situations, where we're worried about setting precedents, we need to be clear in minutes and motion statements that the concerns are expressed and recorded.

Public Hearing closed at 7:20 pm.

Planning Commission discussion: Much has already been said. / Gillett: it gives us control, which is important.

Motion by Gillett to recommend to the Township Board that this ordinance (Section 201.902) be passed. Seconded by Post. All approved.

2. LIGHTING UPDATE. Presentation by Jeanne Vandersloot. Handed out a copy of the lighting ordinance adopted recently, and pictures of Cumberland Woods (day and night). A beautiful development with matching brown stained posts for street sign and light posts, and mailboxes, too. The light shining on the development sign doesn't have any shielding and lights up the woods behind it – it's in violation. Lights on the posts are small fluorescent lights behind yellow glass – can't see through, can't see the bulb – an orange glow scattered on the street. Quite dim. Light doesn't cross the road. Question: whether they are in violation. Glare-free area beyond the development – light doesn't go off the property, and there's no glare. / Gillett: been there at night and they're not obtrusive at all. They are dim. Sign light is bad, though. Others are not, as long as they stay with that wattage of bulb. / Jernberg: Street lights are doing what we want - they have a full cap on top. I only have a problem with the one on the sign.

Gillett: were these lights on the original site plan? There was nothing on the site plan. Because it is a development, we have to be careful that they follow everything to

the “t” and we should talk to that developer and have him leave that wattage of light bulb. The sign light definitely needs to be fixed. / Jernberg: to retrofit the sign is easy to do. / Gillett: when they applied for the sign, did they talk about lighting? / Jeanne: they didn’t apply for the sign. That’s also a violation. / Gillett: even though it’s nicely done, we can’t let them do what they want. / They were informed of the need for a sign permit? Yes. / Jeanne: We also didn’t know they were going to have street lighting, either, and it wasn’t on the site plan. I will ask that in the future. / This lighting may have been an afterthought that should have been in the site plan. We need to call the developer on it, and have something limiting wattage, and noted on their master deed or maintenance agreement./ The lighting on the sign needs to come from the top-down.

Wittenbach: have you noticed these private roads are going in and then they’re paving them? Does that change the engineering? / Jernberg: depends on road sub-base. If paving to county standards, those criteria may go up a bit and a different asphalt mix, too. If private and only private, just cost of materials and labor. Further discussion.

Pawsitive Training’s lights been discussed, changed? / already approved, not that bright, and doesn’t get to the street.

Impact Church lighting across the front and north - Jeanne did send them a letter. Those lights are not shielded. Hasn’t heard anything from them.

Church on Vergennes: they have lights on the wall - parking lot lights are hooded.

Steve Platt: point 2 of the ordinance, speaking on behalf of Godfrey Vanderwerff (neighbor), he was complaining they can see it a 1/4 mile across the field, and the light is going straight up, and so they need to create a full cut-off for greater efficiency. It is borderline nuisance, because they are dim, but what precedent does this set for others? Need to be more careful about what we approve. Need a manufacturers spec sheet so we know exactly what we’re approving to be sure we get downcast lighting only. / Steve: do we just have to live with it? / Wittenbach: This issue is at the Board level now, because the Planning Commission makes recommendations to the Board and the Board has approved the site, so the Board needs to take this up and decide how to deal with this. The Planning Commission is not an enforcement body, and can make a recommendation and the Board approves or modifies it. We’ll direct Jeanne how to respond.

3. PLANNING COMMISSION MEETING DATES FOR 2008.

First Mondays are as follows, with conflicts noted:

Jan 7

Feb 4

March 3

April 7 (spring vacation?: use March 31 or April 14): meet on March 31

May 5 (election: use April 28 or May 12): meet on April 28

June 2

July 7

August 4 (election: use July 28 or August 11): meet on July 28

Sept 1 (Labor Day, use Aug 25 or Sept 8): meet on Aug. 25

October 6

November 3 (election: use Oct. 27 or Nov. 10): meet on Oct 27

December 1

Motion by Makuski to meet on dates as noted. Seconded by Gillett. All approved.

General Public Comment Time:

– Kate Dernocoeur (recorder) will be in class on Monday evenings next semester, so will not be able to serve as recorder. Would like to come back when her schedule allows. Will talk to Jeanne about dates.

– Steve Platt: there is a lot of glare on the new church lights on Vergennes – please take a look.

– Docket is empty right now – may not need to meet next month. Jeanne will let everyone know.

– Jeanne noted that Scott (PC & ZBA) and Mike terms are expiring at the end of the year. She handed out application forms for re-appointment.

Motion to adjourn by Jernberg. Seconded by Gillett. All approved.

The next meeting is December 3, 2007

The meeting was adjourned at 8:04 PM.

Respectfully submitted,
Kate Dernocoeur, Recorder