

**Vergennes Township
Planning Commission Minutes
October 2, 2000**

A meeting of the Vergennes Township Planning Commission was held on October 2, 2000 at the Township Offices. Chairman Nauta called the meeting to order at 7:00 pm. Also present were members Baird, Gillett, Lenihan, Warning, Culross and Weber. Absent were Jernberg and Alger.

Manufactured Home Development Ordinance Amendments:

Chairman Nauta opened the public hearing for the manufactured home development ordinance amendments. There were not any public comments. The public hearing was closed at 7:10 pm. Kilpatrick explained the reason for the amendments were due to area lawsuits by manufactured home developers when they find something in ordinances that have been struck down by the courts or do not follow the Manufactured Home Commission Act. The Vergennes ordinance has higher standards that must be approved by the Commission and it is a special use permit in R-3 district. The special use requirement is not allowed. We are doing the amendment process in two steps. This is step one to “legalize” the ordinance, and then step two will entail a site plan review and standards of review section that must be approved by the Mobile Home Commission. Gillett motioned, Culross seconded, to recommend the amendments as they are presented for adoption by the Township Board.

Pheasant Valley Lot Split/Private Road

Sam Tawney – present – are they grandfathered or not? This is a grey area. Update to Private Road Ordinance brings this into question. Owns 10 acres that he wants to split into two 5-acre parcels. Private Road would not be extended; driveway would run off the end of current road. Private Road ordinance adopted in 1990 allows roads to remain the same until altered or any changes. Tawney is asking for a waiver to upgrade which would require a public hearing, but can be granted by the Board. The road was measured and the documents show the widths along the road. Some of the road is wider than 22 feet and some is slightly under.

Road does not have a maintenance agreement – was built prior to Private Road ordinance. Neighbors have an informal arrangement – Gillett suggested asking for a maintenance agreement in return for the waiver. Several owners there indicative that they like it the way it works now. Planning Commission brought up safety issue – cul-de-sac not full size and non-existent maintenance agreement. They would like to ask for these items to be looked into for implementation. That it would be best for future landowners. A fire truck turnaround would be a safety issue for the future.

Questions on lot 066 15A – is there a deed restriction re: further splitting?

Weber asked re: legal requirements. of granting a waiver – would we be liable? Should ask our attorney?

Long discussion on width of cul-de-sac, liability, of cost to upgrade – Tawney will look into extending it to the north and see if he can get the neighborhood to agree on adopting a maintenance agreement.

Headwaters PUD

Joe Host – Rick Paloski, Nederveld – neighbor has agreed to common entrance to accommodate for Road Commission best site, drive has eliminated the straight-a-way, added a curve. They added a walk path to allow all the parcels access. 54.6 total acres, 25.08 acres used for lots, 32.23 acres is total open space that includes all areas by using conservation easements, walkways, and public road ROW. The minimum open space required is 28.92 acres, they are above minimums, can meet the ordinance without using conservation easements. The 50 foot conservation areas creates a buffer zone for neighboring properties

Weber question: liability of pond – assoc. needs to be insured? It will be in Master Deed that the homeowners association will need to have insurance.

Kilpatrick stated that. this is an extension of pre-application conference – have not seen soil borings, is not a complete application. They are still counting road ROW as open space. He does not feel the use of the road easement as bad. This area is unclear in the ordinance. Ordinance does not address whether it can use road ROW as open space.

Host question: what does Jay Kilpatrick think about the ROW being used for common area? Wouldn't it be logical to assume its common? Language of ordinance talks about the land being preserved. Jay Kilpatrick is inclined to favor the conservation easement over ROW for the required numbers.

Baird question: conservation easement counted as open space? Yes, it is protected as a no disturb easement in the Master Deed, minimum requirements are met without using this acreage

Dave Pedley – comment: Foreman Farms situation was similar, they wanted to count conservation easements as open space, the Planning Commission at that time would not allow it.

Gillett question: what will the walking path be made of? It will probably be woodchips by landscaper. Gillett stated that they would not last long.

Host comment: it would be up to the association to keep up if they want.

Still need to be added to the site plan: Soil borings, written agreement for road/driveway easement with neighbor, underground utility plan.

Cooper Rezoning Request

Nauta suggested a 4-member committee from PC including Jay to bring some ideas to full P.C. regarding other options if Cooper is willing to join committee.

Weber comment: when we re-zone, it's for all time. Is there a need for a present zoning change? All uses in the requested district are then available.

Sue Crimm comment: did research on need in community, handed out apartment and mobile home parks size and availability chart. She thinks it is important to consider need before we re-zone.

Rick Gillett: not an issue, if a mobile home developer wants to build a park there, they will do it

Culross comment: pointed out that many of the commissioners know one or more landowners that have been approached by MH developers who don't care what zoning exist, they would build it.

Warning expressed reluctance to re-zone or allow MHP.

Cooper said at public hearing that he is willing to look at alternatives.

Culross comment: all have reservations about allowing R-3; he is interested in looking at creative alternatives. There is some middle ground we need to find. Not completely hopeless.

Comment: If left at R-1, the County would not likely allow septic and there is a sewer agreement.

Baird comment: we have a request to re-zone, should we form a committee? Maybe it is better we just vote yes or no on the request, then tell him that we would like to continue to work with him on other alternatives.

Jay Kilpatrick comment: if he only opts for R-1, gets turned down, then he could ask for an amendment in R-1 or R-2 to add options for multi-units, or add multi-units in the PUD ordinance.

Weber comment: continue the R-3 question discussion? We don't have all the information we need to make a decision yet.

Webber made a motion to form a committee to further study Coopers options. Gillett seconded motion. Motion carried.

Committee: possibly 4 of the following: Rick, Al, Greg, Scott, and Vern - We need to answer the questions asked, find out all information before decision made. Committee can find out other alternatives.

Next Meeting Date Conflict

Nov.6 meeting date is when election set up occurs, need a new date. Oct. 30, 2000 was chosen.

Adjourned motion by Nauta seconded by Weber 8:55 pm.

Minutes by Jeanne Vandersloot
Substitute Recorder