

## Vergennes Township Planning Commission

Monday, October 5, 2009

Approved 11-2-09

The meeting was called to order at 7:00 pm by Rick Gillette, acting chairperson.

Roll Call – Baird, Gillette, Medendorp, Mastrovito, Post and Makuski were present. Jernberg was absent.

Motion to approve the minutes from the August 31, 2009 meeting by Makuski, 2<sup>nd</sup> by Baird. Motion carried.

Approval or changes to agenda - Motion to approve agenda as presented by Baird, 2<sup>nd</sup> by Makuski. Motion carried.

### 1. Proposed Map Amendments – Rezone Public Hearing

**Explanation:** Brian Wegener of Williams and Works said this change is requested by the Planning Commission. It is to rezone the area noted on the map from what is currently R1 to R2. The main change is that lot sizes will go from a minimum of 1 acre parcels to a minimum of 17000 sq. feet per parcel. The area is master planned to be R2 at some point in the future. The proposed changes are along the water line placed by Lowell Township to service the high school.

Public Hearing opened at 7:04pm.

Why is this area to be R2? Gillette responded that it is mainly due to water district but also that it was a logical area to have higher density homes in due to proximity to city and school. The water hookup availability and possible sewer connections allow for higher density parcels.

1045 Alden Nash – Brenda Thaler: How many building permits have been requested in the last six months? Are there any developers looking to build in the near future. Would also like to see zoning ordinance wording of both R1 and R2 to compare differences. What gets lost going to R2? No permits except a couple in Alden Nash West. No developer interest at this point. Only differences in zones is mainly lot sizes, setbacks. Concerned about burn barrels, etc...Are those still allowed in R2. The entire township falls under burn ordinance – must have burn permit from Lowell Fire Department for burn barrels, leaf burning, etc...Fire pit/bbq ok.

James Gratz 1054 Alden Nash Ave SE – Likes area as is – can have paths between homes, keep it natural.

Michael Martin 1075 Alden Nash SE – Confirmed that no developers were interested in area. He is across from Medendorp's property. He enlightened himself on the differences but not before he had 2 homes in his front yard.

1081 Alden Nash – Sprague - moved to area in February because of current zoning. She grows her own food and has chickens. She just wants to make sure ordinance differences are really just what we indicate with lot size, etc...

Mike/Jane Niemann – 1071 Alden Nash SE – missed beginning of meeting. Why this area for R2? Mastrovito answered – 2 years ago commission did a lot of work on the township master plan. This area was deemed best for higher density due to proximity of water lines and sewer lines. Medendorp asked for the rezoning in an effort to reduce the cost of hooking up to water thru Lowell Township. No developers have approached Township with plans to build a lot of houses there. R2 doesn't change usage per Medendorp. Foreman Farms cannot split property, it is fixed as is. Just want to go down to 100' frontage for less expensive water hookup.

Does this change our tax bracket? - could not answer with certainty, but probably not.

Carolyn Medendorp – 10579 Foreman – how big is 17000 sq ft? Approximately 1/3 acre. City lots are typically 9000 – 10000 sq feet.

Thaler – concerned about private drive, namely Pheasant Valley. What if well goes bad on property further back on that road? Do they have to pay all the way down? Could get extremely expensive anyway. Pheasant Valley is not included except for any lots that have frontage on Alden Nash SE or Foreman or Cumberland. Homes further back on the private drive can keep their well/septic.

Martin – Should rezone on an as needed basis, property by property. One parcel should be rezoned, not entire area.

PC reviewed two letters received regarding this matter. Public hearing closed at 7:28pm.

Open for Planning Commission discussion - Makuski Did anyone see Master plan when it was approved two years ago? Thaler – yes. Wants to prevent more areas like Alden Nash West. She has 11 backyards butting up against her property. Makuski – just trying to keep higher growth closer to the city where a lot of it is now. Don't want spotty areas of high density building throughout township. Commission has to listen to residents also.

Mastrovito – does PC have other options? Can they go back to exhibit 1 from previous discussions.

Post noted that most opposition was from residents in Pheasant Valley. Many in attendance lived on that road.

Makuski – clarified is all PC doing by rezoning this area is making it less expensive to hookup to Lowell Water. Yes.

Brian Wegener Williams and Works – We could change just road frontage involved with water line to R2. It is master planned that way, so we could do less than originally requested.

Baird – Can't see passing this with so much opposition. Must be another way to accomplish this.

Resident – why not spot zone? Brian – it's illegal. There is no Michigan law but there is much case law against it. Township would have no leg to stand on if they allowed one commercial zone in RA district, or wherever, and then turn down someone else for same request.

Makuski – If we spot zone one parcel, we will be here many more times as wells go bad, allowing other residents to change to R2 to avoid costly hookup fees.

Vandersloot – with regard to animals. Those who have animals currently in the R1 zone would be grandfathered if rezoned to R2. Animals are only allowed by Special Exception Use in R2. If property sold, new owner would need SEUP and if current owner did not have animals for more than one year, would need SEUP. There are quite a few differences between uses in R1 to R2. Some of those with the larger lots have horses, etc.

RA district has limits to how many animals per acre. It is not specified in R1 so there is no limit to the numbers.

Makuski – What does Brian Wegener think if we just rezoned along the road frontage. Is that a smart thing to do as PC? Any alternatives? Go to Lowell Township and complain about fees?

Brian – main purpose is to reduce water hookup costs. Not sure this rezoning will accomplish that. It does not look like it would affect many parcels looking at an aerial map of district.

Lowell Township has indicated Vergennes has no say in fees per Medendorp.

Medendorp would keep 100' frontage if split. Doesn't think it's fair that residents along Foreman, Cumberland and Alden Nash have to pay while the entire Township benefits. (High School).

Makuski – consider just rezoning road frontage along water line.

Resident – feels PC is using wrong tool for job. Sympathetic to hookup costs but doesn't want to give anyone motivation to split their property, just because they can.

Water hookup costs are \$75 per foot of frontage, \$2000 to hookup and \$1000 to inspect hookup. Tom feels entire township should be taxed for water to high school, not just Foreman, Cumberland, Eastgate Development and Alden Nash.

Post – area is master planned R2 for future use. Does not have a problem with leaving out Pheasant Valley given the circumstances there.

Gillette – figures there are five or six lots that could be split, actually. Impact on community would not be great. Would allow larger lots to hookup less expensively but still quite a bit more than digging a new well. Suggest PC adopt using exhibit 1, exempting Pheasant Valley.

Vandersloot- looking at aerals she just printed: along Cumberland can't split due to acreage/house placement, same for small lots in front of Foreman Farms. Foreman Farms cannot split lots because they are a site condo. Corner lot on Cumberland/Foreman is very opposed because of an agreement with builder/seller to turn over part of property if can be split.

Brian Wegener - Exhibit 1 map used previously is not as up to date as one we are using for public hearing. Before making final decisions, should look at most recent parcel map to ensure accuracy.

Vandersloot – could set up meeting to talk to Lowell Township Board about rates.

Mastrovito motions to table the rezoning to gather updated parcel information and to revisit exhibit 1 to know exactly what Commission is looking at. Makuski seconds. All approved with Medendorp abstaining. Motion carried.

Prior to November meeting, Vandersloot will distribute updated parcel maps and aerial views of district, noting which parcels are directly affected by Exhibit 1 layout.

Makuski had concern about one parcel that Holwerda Builders could come back on if not included in rezoning. Should have Doezema review.

## **2. Proposed Text Amendments – Vacant lot accessory buildings: Public Hearing**

**Explanation** – Propose changes to the Zoning Ordinance that would permit a property owner to erect an accessory building on a vacant, adjacent parcel. PC first needs to differentiate between major accessory and minor accessory building. On page 2 of proposed ordinance, section B 3, Brian added language to mimic the ZBA language without copying it word for word. It allows accessory building on adjacent lot when owner can prove it is impossible to build on lot/home or that the vacant parcel cannot be used for anything else, such as when power lines are crossing it.

Section B 6 confirms setback requirements but allows PC to review on case by case basis to preserve rural views or preserve building envelope.

C allows for two minor buildings on a vacant parcel.

Public hearing opened at 8:15 pm. No public comment. Hearing closed at 8:16 pm.

Planning Commission discussion – Makuski – confirmed that any building would need to be removed if property/properties were sold. Yes.

Existing language allows for up to 2 minor buildings on a lot with the home. Would only want to allow one minor building on a vacant lot. Brian will make that change to ordinance.

Makuski motions to accept Accessory Building ordinance with change from two minor buildings allowed on vacant parcel to one minor building allowed on vacant parcel. Baird seconds. Motion carried.

### **3 Discuss Proposed Draft Amendments “Recreation Facilities”**

Gillette – Brian, nice job on ordinance work. Section 3, 6 b on page 2 of ordinance lists 100’ of any property line. Feels it is too close. Per Brian, Cannon Township’s states 400’ from property lines.

Vandersloot - 400’ is long way back for front setback. Also, do not want to make Arrowhead non-conforming with changes. 150’ from front ROW seems reasonable, with 400’ from side/back lines.

Medendorp – where did he get parking standards? Used ITE standards, pretty much the standard for parking requirements. Left language open to allow planning commission to adjust on case by case if needed.

Medendorp motioned to set a Public Hearing at November meeting to accept proposed Recreational facility ordinance with setback changes as discussed tonight. Seconded by Al Baird. Motion carried.

#### **General Public Comment time – no comments**

Vandersloot – Joint planning commission meeting is set for November 10, 2009 at 7pm at Lowell City Hall. Most members said they could make that date.

Wittenbach – just a general observation that when writing ordinances to try to keep things as similar as possible, ie accessory buildings. Currently allows 2 on home property, but only proposing one on vacant lot. When everything has a twist to it, it becomes difficult to keep things straight. Appreciates all the work being done.

**Meeting adjourned** at 8:35 pm by Post, seconded by Makuski.

The next regularly scheduled meeting is November 2, 2009.