

# Vergennes Township

## PLANNING COMMISSION MINUTES

October 6, 2003

Draft

A meeting of the Vergennes Township Planning Commission was held on October 6, 2003 at the Township Offices. At 7:00 PM the meeting was called to order by Chairman Jernberg. Also present were Commissioners Gillett, Mastrovito, and Nauta. Absent were Kropf, Medendorp, and Richmond.

**APPROVAL OF SEPTEMBER 8, 2003 MINUTES:** No one could remember the specific motion-makers on the two final items from the September meeting (Liquor license ordinance and adjournment). Therefore, a motion to approve was made by Gillette, noting that item #3 (Liquor License Ordinance Amendment) was, in fact, properly agreed upon at the September meeting, and that there was a proper motion to adjourn. Seconded by Nauta. All approved.

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

**1. PUD PROJECT – ROBB MUNGER.** Presentation by Rick Polaski, Nederveld & Associates for Robb Munger, developer. Developer wants to put 216 single-family homes of approximately 1,200 sq ft each with 35 acres of open space on the property at Alden Nash & Vergennes. Is trying to recognize natural features (bank and low area) to minimize impact, and is trying to keep connections with open space via connect ability from one area to the next, including a green belt pathway through the development. Public roads are planned; KCRC does not want the traffic-calming measures as proposed, so he is looking at a different option, such as red brick pavers. Public utilities (gas, water) are already available at the site; due to gravity concerns, a lift station would be required to pump to existing gravity sewer. Water is already available. Re: sanitary sewer, John Timpson at Lowell Township indicated to Munger that capacity is available via a multi-step process (they would have to make a request, take it to the Board, and attend to other formalities).

Munger explained handouts: He submitted a letter advising that the property has not been part of a lawsuit of any kind, signed by Jim & Berdie Cook. Met with Peter Wege's counsel, and they didn't voice any issues. Looks like a standard development that will be hooked up to sewer/water. Other handout, re: PUD, allowing for site density and the ability to work with property contour to maximize the benefit of it. Commented that the township's Open Space ordinance didn't work with their plan because of the need for density as a result of utility costs, and that it didn't allow the flexibility he was looking for. PUD can zone to underlying density.

Jernberg: the underlying issue is that the applicant is seeking a bonus plan to allow for more building sites than allowed by underlying zoning. This lot currently has R1 zoning. Applicant stated that more density is allowed under the township's Master Plan,

and that this is a by-right plan that meets the Master Plan. / Kilpatrick: 216 sites pushes the outer edge of the zoning for that area. For that area, where utilities are available, it's within the (outer) range of allowable density, but is 8% over maximum density. A judgment call by the Planning Commissioners will be needed.

Applicant is looking for approval to go forward with the PUD or the steps he needs to take to get there. Kilpatrick: these meetings are the pre-application process. The applicant is looking for Planning Commission's comments in combination with those given at the last meeting. Applicant is asking for three things: 1. a text amendment to the township's ordinance to allow the increase in density that they want, 2. rezoning from R1 to R2 to get density up to where it works for their plan, and 3. approval of this PUD as a special exception use.

Munger has to do cost analysis and negotiate further with Jim Cook. Draft plan shows 35 rear yard setbacks, which is greater than setbacks required in R2- why? (R2 is 30 feet.) Also, a smaller front yard (20 feet from setback).

Question: How did they calculate the 35 acres of Open Space? Easements along roads are not calculated as Open Space. Nauta: wants to see more green/open space; much of the land shown as open space is not buildable anyway. Not in favor of bonus lots. Robb: the developer can bring in scrapers and make it look like a parking lot, scrape the elevations all out of there. Green space would require an agreement how to manage it so it looks OK. Gillett: green space should be left to plant life, should not be park space. We're looking more for open space and not another monoculture green yard. Mowed grass is not green space. Create woodland, habitat, let it go through succession. Munger: would want to plant trees or something besides having just a bunch of weeds.

Question about the stubbed street to the adjoining property: this is a requirement of KCRC.

Question about numbers and lot sizes. Right now (under R2), lot size is 17,000 sq. ft., and the applicant wants to go to higher density resulting in 12,500 sq ft. lots. Kilpatrick: if getting to this density is critical to the applicant moving forward, how willing is the Planning Commission to change the underlying ordinance to allow for it? Need to decide if there would be public benefit. Standard for potential bonus and what the township could expect to get in return. Jernberg: also, this is contingent on rezoning for R2; Kilpatrick: they could also do R1 with smaller numbers.

Question (Kilpatrick): if the zoning change is allowed and this deal falls through, would the property revert to its prior R1 zoning? Need to be careful not to enable a by-right cookie-cutter design. There may be need for an agreement on this issue.

Jernberg: an underlying issue is the quantity of building sites. Our concept of green space is not the same as other places. Gillett: this is a dense development if the bonus is given, and it's too dense for what he'd like to see. R2 would be 181 units. Nauta: willing to look for a compromise. Wants natural areas. Munger: there is no proposed park or playground area as yet. Open square in middle could be planted with pines, etc. Nauta: recommends they plant hard woods, too.

Question: would garages face road? / Yes / Follow-up: Is there any way not to have them facing the road? It's more visually pleasing not to have to see the garages.

Kilpatrick: this evening is giving the applicant a sense for the Planning

Commission's concerns, and a sense of perspective. Options next are to make a formal application and schedule a formal hearing, or rework the plan. Applicant can ask for what information they're going to need to bring with an application. Suggestion to applicant: watch the discussions about extra density, will want to provide more justification for that. Also, applicant should be ready to explain why rezoning would be part of the request. No action needed tonight. Applicant said he brought a filled out application and check tonight.

Further general discussion about the density, the location of a development such as this, and verification of what the applicant is entitled to. Applicant wants 36 units more than entitlement as it is now written if rezoned to R2.

Further discussion about the decision to use the PUD Ordinance versus the OS Ordinance. Applicant didn't know the OS parameters. Was encouraged to look at that.

### **General Public Comment Time:**

Daina Ward: question: does this plan require rezoning? / Yes. / The issue hinges on whether the township changes the zoning. The way the Master Plan for the area in question calls for medium to higher density. Re: sewer/water capacity - depends on whether Lowell Township will actually allow it. If not, the property would revert to R1.

Steve Platt: what would be the reason to rezone other than to satisfy their desires? / Jernberg: Master Plan allows the flexibility in this case.

Wittenbach: Strategic Alliance/Governor's Land Use Task Force wants to keep urban areas more centralized and this property has the roads, school, access to town.

Platt: With this density, what is going to stop the next developer from hooking on to that? Where do you draw the line? This is supposed to be a buffer area.

Jernberg: this is designed as a slowly-phased in project. If we ask for a multi-phase project, we can do that to slow down the development.

Gillett: tax base improves with this sort of development than what was previously proposed.

Discussion about precedent of changing zoning / where water & sewer is in place, possibly that could be the "line in the sand."

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

The next meeting is November 3, 2003

The meeting was adjourned at 8:13 PM.

Respectfully submitted,  
Kate Dernocoeur, Recorder