

Vergennes Township

PLANNING COMMISSION MINUTES

October 8, 2007

Approved 11-5-07

A meeting of the Vergennes Township Planning Commission was held on October 8, 2007 at the Township Offices. At 7:04 PM the meeting was called to order by Chairman Jernberg. Also present were Commissioners Gillett, Makuski, Mastrovito, Medendorp, Nauta, and Post. Assisting the commissioners were Jeanne Vandersloot (Township Zoning Administrator) and Ryan Kilpatrick (Township Planner).

APPROVAL OF SEPTEMBER 10, 2007 MINUTES: Motion to approve by Makuski, seconded by Gillett. All approved.

APPROVAL OF/CHANGES TO AGENDA: Motion by Nauta to approve as written with addition of lighting issue on Cumberland Woods (Medendorp), seconded by Medendorp. All approved.

1. ORDINANCE AMENDMENTS PUBLIC HEARING. Commission decided to do all three amendment topics as one discussion:

Wind Energy Conversion Systems

Marina Business SUP

Neighborhood Local Business SUP

Presentation by Ryan Kilpatrick. We've worked out some zoning amendments to accommodate one existing and two new uses in the township. Wind energy conversion: these are characterized as "small" such that windmills of 35' or less will be permitted, and those greater than 35' would require special exception use process. Provisions have also been included regarding use, abandonment and safety provisions. Marina business SUP is proposed as a special land use in the Lake Residential District and Rural Ag district, the reason being that there are available properties near Murray Lake with potential to be developed, so the idea was to make that opportunity available, with certain restrictions, in that area. The local marina has applied to move the current business to Alden Nash in some of the former Kropf buildings. Have had local experts provide advice, and we feel comfortable the provisions are not too extreme. In addition, neighborhood local business SUP will be allowed only in Key Street Segments (as defined). Small retail or professional office uses primarily serving the Murray Lake area are the expected uses. "Key street segments" is a new idea introduced that allows the township to identify specific areas in the township where a specific use would be permitted within a specific zoning district only. For this ordinance, key street segments only apply in the Murray Lake area. Still need special land use permit and a public hearing, so there's still public involvement and room for public comment, and the PC and TB to discuss and deliberate

on those uses.

Public Hearing Opened at 7:12 pm. None

Public Hearing Closed at 7:13 pm.

Planning Commission Discussion: the three amendment, since they are combined in one document, can be considered as one amendment. **Motion** by Gillett to recommend to the Township Board to approve the three changes in the ordinance. Seconded by Nauta. Discussion: Medendorp: the 50-feet required on Lally - is that enough to put anything on? Ryan: it is relatively limited because we wanted to avoid large buildings from being crowded in there. Also: re: regulations and conditions on screening, it says "one or both of the following" - who determines whether it's one or both? Ryan: either the planning commission or the applicant; for example, there may be some existing screening and you don't need the fence, but the remainder of the site is open and a screen would be appropriate. Also: lighting (article 8, a.2 - includes "such things as lighting will be considered" but on the next page under regulations and conditions, should be included, possibly under #3. Ryan: this will be subject to ordinances on lighting, but an additional reference couldn't hurt. Gillett: amends the motion to add this recommendation, Nauta still seconds. All approved.

2. ORDINANCE AMENDMENT DISCUSSION. Presentation by Ryan. A "conditional rezoning ordinance" to go into Chapter 9 of the ordinance, would allow the opportunity for an applicant to come in to request rezoning for a particular use. Subject property may not be conducive to uses allowed in the area, but would be conducive to other preferred uses. You don't want a lot of uses permitted going there, but they may have a use that would be acceptable. Gave examples. Applicant could ask for rezoning with certain conditions to get that rezoning. Restrictions would run with the land in perpetuity or as long as the applicant agrees to run that business with those restrictions. The reason: similar to the neighborhood local business, there are often low-impact uses that could work well in a residential district where they would be an asset. The restriction set by state law on this subject: this ordinance requires the Planning Commission and the Township Board not to require any conditions, that is, the Planning Commission couldn't impose conditions, rather, it's up to the applicant to create his/her own restrictions and submit those in a rezone application. If the Planning Commission feels the proposal isn't appropriate, the request would be denied. The Planning Commissioners could raise concerns on proposed conditions, but cannot necessarily tell the applicant what to write in it. Purpose: the Planning Commission doesn't create use and restrictions, those are done by the applicant. Other townships: Ryan knows of two other communities using such a process. Nauta: we used this on Steve Hansen's Alden Nash West development. Originated from that. Similar to Timpson Trucking situation. Nauta: isn't this similar to spot zoning? Ryan: Good argument; it's a gray zone, and on the map, it could look a little like spot depending on circumstances. There is an argument that you're promoting spot

zoning. If applicant applies enough restrictions to the property, you could provide opportunity to the landowner to use the land as they see fit. Makuski: what's the advantage to the township? Who benefits? Ryan: neighbors know for sure what use is going in and the restrictions. Mastrovito - this seems opposite to a Master Plan - wouldn't an applicant want a special exception use permit? How will you say "no"? Ryan: tools like Master Plan and other tools come into play. Medendorp: is this required to make a conditional rezoning? Ryan: state already regulates this some, but it doesn't want to go too far regulating land uses that are within the jurisdiction of the local townships. Mastrovito: under "C" - the reading must mean if an applicant comes in, and we are in favor or not, we really can't talk to or negotiate with an individual, and that's not what we've done in the past. Ryan: you can make lots of recommendations, but you cannot require anything to be added. If landowner doesn't comply, then the Planning Commission doesn't have to approve. Wittenbach: the tone of what would happen is that the applicant comes and asks, and you say yes or no, like Steve Hansen or DuRay; then you know what you're getting into upfront. Before it's rezoned, you know what you're getting into. The zoning is tied to that contract. Nauta: you can personalize an area with this. Jeanne: the history behind this ordinance amendment comes from the Alden Nash West development, and going through that one without an ordinance but the idea has been worked on for some time between the planner and attorney for the township.

Motion by Nauta to schedule a public hearing in November. Jeanne went through a paragraph of wording changes recommended by township attorney to add to the document. More discussion about what happens to the Master Plan if it gets changed a little over time through this process. Ryan referred to item "C" as an example of reasons the Planning Commission could deny an applicant, to recommend other conditions. Seconded by Medendorp. All approved.

3. LIGHTING ISSUE ON CUMBERLAND WOODS: Presentation by Steve Platt re: Cumberland Woods (south off McPherson), which recently installed lighting not in compliance with the township lighting ordinance. His main concern is that while the lamps are not very bright, if they change the bulbs they could become very offensive and it also sets a precedent if it's let go, so he recommends the developer be asked to retro-fit with full cut-off lamps (see St. Patrick's parking light as a good example). Also, the streetlights are not full cut-off, so they spray out. Lighting for the sign shines up from the ground into the trees and needs to be masked (hooded) so the light only shines onto the sign. Jeanne: will go take a look. Applicant didn't mention street lighting when they went through the process. Didn't do a separate sign permit. Jeanne will go speak to the landowner. Gillett: I feel it's important when someone puts in a development that they follow our ordinances. It may be tougher on individual homes, but on a development we have to look at it. Jeanne to report back in November.

General Public Comments:

Member of public: asked about the boundaries on the discussion re: Key Street Locations. Listed by the commission as: Alden Nash between Lally and 4-Mile, North side of Lally, Southside of Lally from Murray Lake to Alden Nash limited to a fifty-foot wide strip, and along Alden Nash on east side in the master plan, it's 300'. Discussion of the lots on the northwest corner of Alden Nash and Lally (by school entrance). It's a key street. According to Dave from Murray Lake Marina: that corner is scheduled to be donated to the school, and also around behind, for a nature trail. Further discussion about other corner lots.

Tom Medendorp: asked Jeanne about the lights at the new church and the dog-training place on Lincoln Lake. Jeanne: thought the dog training place met the ordinance so approved that but will recheck. Church lighting: the lights are not shielded/hooded.

Kate Dernocoeur: invited everyone to come to the Farmer's Market at noon on Saturday to hear the results of the Champion Tree contest announced.

Motion to adjourn by Nauta. Seconded by Gillett.

The next meeting is November 5, 2007

The meeting was adjourned at 7:48 PM.

Respectfully submitted,
Kate Dernocoeur, Recorder