

VEVAY TOWNSHIP PLANNING COMMISSION
Regular Meeting
Wednesday, July 9, 2014
Vevay Township Hall – 7:00 p.m.

MINUTES

Members present: Roger Cargill, Jack Cady, John Lazet, Ilene Thayer, and Bruce Walker.

Member absent: Stacy Byers.

Other Persons present: Supervisor Gary Howe, and consultant Mark Eidelson.

I. Call to Order: The meeting was called to order at 7:00 p.m. by Chair Thayer.

II. Pledge of Allegiance

The audience joined the Commission in reciting the Pledge of Allegiance.

III. Set/Amend Agenda

The agenda was accepted as presented.

**IV. Approval of Minutes: Regular/Public Hearing Meeting on 6-4-14
Special/Public Hearing Meeting on 6-25-14**

June 4, 2014 minutes – amend (1) page 2, under the comments of Gayle Chipchase, the third bullet point, the third line, after the second “road” by deleting “for”; and (2) page 4, the third bullet point from the top, after “proposed”, by deleting “change” and inserting “changes”.

June 25, 2014 minutes – amend (1) page 3, the 8th bullet point, after “proposed”, by deleting “change” and inserting “changes”; (2) page 4, the 8th bullet point, after “proposed”, by deleting “change” and inserting “changes”; (3) page 5, the 8th bullet point, after “proposed”, by deleting “change” and inserting “changes”; and (4) page 6, the 5th bullet point from the top, after “proposed”, by deleting “change” and inserting “changes”.

MOTION Walker, seconded by Cady, to approve the June 4, 2014 regular/public hearing meeting minutes as amended, and the June 25, 2014 special meeting/public hearing minutes as amended.

CARRIED 5-0

V. Brief Public Comment

There was no public comment.

VI. Reports

A. June 2014 AGS Building/Zoning Report

The report indicated that there had been 27 permit applications: four for adding a pole barn, one for work on a Consumers Energy control house, two for re-roofing, one for an addition, six for re-inspections, one for a deck, five for setting piers in Mason Manor, five for setting homes in Mason Manor, and one for installing solar panels. One permit for American Tower was not specified as to purpose. There were no complaints or authorizations to enforce.

B. Special Land Use (SLU) Check-off Sheets

1. SLU permit #62 - Michigan Steam Engine & Threshers Club - Parking area expansion
The operations are active, and the annual fee has been paid. There have been no complaints and no change in operations.
2. SLU permit #73 - Diane Lechleitner - U-Pick Blueberries.
The operations are active, and the annual fee has been paid. There have been no complaints and no change in operations.
3. SLU permit #87 - Lansing Ice & Fuel – Fuel Facility
The operations are active and the annual fee has been paid. There have been no complaints and no change in operations.
4. SLU permit #101 - Verizon Wireless - Cellular Tower #91758 (Prop. Owner: W. Kranz Estate)
The operations are active and the annual fee has been paid. There have been no complaints and no change in operations.
5. SLU permit #114 - Stanton & Associates (Wendy's Restaurant) – Pole Sign
The operations are active, and the annual fee has been paid. There have been no complaints and no change in operations.

MOTION Cargill, seconded by Walker, to recommend to the Township Board renewal of SLU permits #62, #73, #87, #101, and #114.

CARRIED 5-0

VII. Pending Business

A. Master Plan Review

Mr. Eidelson – As the Master Plan is law for the Township, it is a significant document. The Commission should consider the recommendation as a new Master Plan as the current Plan was adopted under a law that is no longer in force. He is available to provide the needed technical changes such as updates, data, and mapping. He can provide an electronic version for the Township to post on its website. The purpose of the Commission is to initially make a recommendation to the Board.

The recommendation should include identified issues and possible changes, and request authorization from the Board to proceed with updating the Master Plan. The actual changes will be identified later, and the Board cannot tell the Commission how to proceed as that responsibility legally belongs to the Commission, but the Board can inform the Commission that it is uncomfortable with calling a public hearing unless certain changes are made. Under the new Michigan Zoning Enabling Act, the process essentially is that the:

- Board can pass a resolution making itself the final approving body, in which case the Commission sends their recommendations to the Board, which cannot amend the proposal but approve it as presented or not. The Board has the option of sending it back to the Commission for changes. About half of Mr. Eidelson's governmental clients have adopted this approach; there is no deadline for adopting such a resolution, though he would recommend doing so early in the review process if that is the will of the Board;
- or
- The Commission approves a draft plan for public hearing purposes but first must distribute the plan to all adjacent municipalities, which cannot happen until the Board approves the distribution of the plan. Adjoining units of government have 63 days to respond and propose advisory comments; if substantive changes are made based on input, a new Plan needs to be drafted and re-distributed.

COMMISSION – it was noted that during the writing of the current Master Plan, the Commission met a few times with members of the Township Board present. This could be done again, especially when issues are being discussed with more specificity.

CHAPTER 1: Overview

COMMISSION – had no proposed changes, but discussed reviewing the list of PA 425 agreements with the City of Mason. This could be an indication of possible development and possible annexation, and could inform decision-making as the Master Plan is reviewed.

CHAPTER 2: Planning Issues, Goals & Objectives

COMMISSION – discussed platted development, which is subject to lot size, and density requirements. Planned Unit Developments (PUD) as addressed in the Ordinance can allow for more flexibility. The Commission is responsible for reviewing the site plan, and Township approval is needed before the development can obtain state approval. The Township will need to update the subdivision provisions of the Ordinance and look at sidewalks, streetlights, etc., to assist in being consistent and clearer to applicants.

COMMISSION – discussed septic disposal. In response to comments about the County requiring manufactured mounds for septic disposal in most of the Township, Mr. Eidelson noted that this is true across most of the state due to the prevalence of clay formations. Mounds allow applicants to dig out the non-percolating soil and replace it with better soils. It was noted that the Township has a contract with the City of Mason for use of a certain amount of their sewerage capacity; the city provides data on that capacity being maintained even if it is not utilized. This contract could make clustered housing development more viable. Mr. Eidelson noted that larger-scale land developments no longer need the local entity to sign off on the proposed sewerage system so long as there is an appropriate financial guarantee filed with the DEQ to ensure performance and clean-up for both individual and group developments, and the developments otherwise meet local and state requirements.

COMMISSION – discussed demographic and developmental trends. The Ordinance prohibits private roads, which was discussed at some length. The Ordinance does not address Transfer of Development Rights (TDR), which typically include deed restrictions, open space zoning to require permanent reservation of open space on an individual parcel, and rewards for density. Demographic trends are for a shrinking population and people moving to more developed areas, but the impacts of the recent housing market changes have not fully settled. The former trend was of building in more rural areas, but the Township is unlikely to see many open space developments under the current Ordinance based on the open space density requirements. Mr. Eidelson noted that regional coordination is now strongly encouraged by law, as was discussed earlier with the proposed Master Plan distribution and input requirements with surrounding units of government.

Chapter 3: Future Land Use Strategy

COMMISSION – discussed macro-economic, development, and business trends, and land divisions. While TDRs are not addressed in the Ordinance, the current requirement of one dwelling per 2 acres unless sewer is available limits development plans and possible development zones for more concentrated housing. The second paragraph on page 3-5 of the Master Plan references a planned suburban residential development in Alaiedon Township; the Commission asked about the status of this planned development. On page 3-7, the Plan addresses the Kipp Road Interchange; the discouragement of restaurants was questioned, as was the overall mixed use history of the area. In discussing the Cedar Street Interchange language on page 3-7, the Commission realized it needs better traffic data on Cedar Street use.

SUMMARY OF REQUESTS BY THE COMMISSION:

During the course of the evening, the Commission asked for:

- Zoning maps for each Commissioner
- A list of the PA 425 agreements with the City of Mason
- Any reports from the Recreation Committee
- A map/report on the availability of water and sewer from Mason, including any stubbed utility lines
- From the Road Commission, traffic data on Cedar Street
- The airport crash zone map

The next meeting to review the Master Plan will pick up starting at Chapter 4.

B. Proposal from Doug and Tami Shaw for Social Events at Shawhaven Farm

Tami Shaw – Had submitted a letter to the Commission asking that social events be allowed. **Chair Thayer** – noted for the audience that law requires the Commission to review the Master Plan, and the Shaw’s request was a late addition to the agenda. The Commission will need to research with the planner and legal counsel, and consider the implications of a previous lawsuit and court order governing agritourism activities at Shawhaven. Chair Thayer read from page 5 of the Farm Market GAAMPs, noting that the GAAMPs explicitly exclude the activities in the table of social events from protection or governance by the GAAMPs. Those excluded activities are what are being requested in the proposal from the Shaws.

Chair Thayer – noted for the audience that previous uses had become a legal problem, and the Commission needed legal clarification of the proposed uses and how allowing them in an Agriculture District would affect the entire Township. As the request would potentially be prohibited by the Ordinance, this is not a simple request, and the Shaws may have to apply for a change to the Ordinance via the process outlined in Chapter 19, which requires a public hearing. The request before the Commission tonight needs to be properly addressed at a future meeting. Everyone needs to follow the process; the Commission is not putting off the request but rather allowing time for more input. The requested activities are currently not permitted, as the Shaws know. Mr. Eidelson will be researching the matter and Township law, and may need to make a more formal presentation.

Tami Shaw – again referenced the letter, noting that it addresses traffic and activity times. Social events are listed in the Farm Market GAAMPs and accepted state-wide, and the GAAMPs state that the list is not exclusive. She is here tonight as she was informed by the Township that she needed to give a presentation to the Commission. She realizes that the settlement of the lawsuit prohibits rental of their barn, but their lawyer advises them that the Township can rescind that prohibition. She:

- listed several possible uses on their farm that are allowed in other districts;
- understands that relative to legal liability, what happens on their farm is their responsibility;
- stated she has a letter from Township citizens supporting their request;
- has a petition signed by 220 people supporting the proposed uses;
- understands that social activities are explicitly not covered by the Farm Market GAAMPs but are recognized by the GAAMPs as “accepted” throughout the state;
- commented that the current Ordinance definition of agritourism states that it is “not limited” to the listed activities; and
- asked the Commission to not refer to their proposal as requesting the right for hall rental.

Ardith Douglas – if the VFW hall can be rented, why can’t the Shaws do so? **Mr. Eidelson** – commented that he is not familiar with the details of the VFW operations, and cannot compare the two uses without further detail. Discussion on the Shaw’s request is not an issue of whether it is a good use or not, but whether it fits within the current Ordinance provisions, which needs to be determined. The issue is also not what neighbors think or even what the Commission thinks, but what the Ordinance allows in its current wording. He will look over the Ordinance and its requirements, and prepare a memo for review by legal counsel.

Chair Thayer – ended the discussion by asking people to please be patient as the Township finds answers to questions, and again noting that the request cannot be resolved tonight.

VIII. Any Other Business

No other business was discussed.

IX. Additional Public Comment

Tami Shaw – clarified that she had understood that only a letter would be needed for their request, and understands that the proposal will eventually have to be considered by the Board.

Greg Shaw – noted that legal counsel was not here tonight, but has been here in many prior meetings. As the Township had Tami Shaw’s letter last week, this should have been discussed with legal counsel prior to the meeting tonight.

X. Adjournment

There being no further business, the meeting was adjourned at 9:19 p.m.

John Lazet, Secretary