

VEVAY TOWNSHIP PLANNING COMMISSION
Regular Meeting/Public Hearing
Wednesday, September 9, 2015
Vevay Township Hall – 7:00 p.m.

MINUTES

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

Member absent: None.

Other Persons present: Clerk JoAnne Kean, planner Mark Eidelson, and legal counsel David Revore.

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

There were no amendments to the agenda.

IV. Approval of Minutes: Regular Meeting/Public Hearing on August 5, 2015

The following amendments were adopted:

- Amend page 1, “Other Persons Present”, by adding “legal counsel David Revore”.
- Amend page 3, first full paragraph, first line, correct the name of the former operation after “old” by striking “Dunn” and inserting “Done”.

MOTION Walker, seconded by McNeilly, to approve the August 5, 2015 meeting minutes as amended.

CARRIED 7-0.

V. Brief Public Comment

There was no public comment.

VI. Recess to Public Hearing

- a. Special Land Use Permit Application for Vehicle Body & Repair Shop
J&J Properties – 2377 E. Kipp Road

John Fischer from J&J – explained that the property has been a vehicle repair facility, and that use will continue. He also owns the facility across the street and stores his vehicles there. His goal in obtaining the permit is so he can work on his own vehicles. They have semi-trailer trucks and other trucks, a total of 62 plated vehicles. There are no vehicles stored in the yard, and there will not be any. He is not in the repair business, but road building. This operation/use would not

be open to the public. During the current re-construction work on Kipp Road, at his request the Ingham County Road Department removed the drive onto the property from Kipp Road that is closest to the building.

Mr. Fischer - All added trees are mostly Norway maples. Though there are 6 outside lights that have been in place since original construction, he only uses two. There is no change in the layout from its prior configuration for use. There will be no new structures and no improvements to the buildings. The main facility has 5 bays, and he has two full time mechanics who will be working on the vehicles. Currently there are large rocks to limit access, and he will be installing a cable gate for security purposes.

Mr. Fischer - He envisions outside parking to be primarily semi-trailers – flat beds and gravel trains, up to perhaps 10-12 at any time - while the tractors would be inside for repair/maintenance. There will be no outside storage, and trailers will not be stored here; this is not a storage operation. Currently the trailers are stored on the 29 acres across the street, and that will continue. The previous owner stored RVs long term, even unplated RVs; that has ended and will not be continued.

In response to a question, Chair Thayer noted that the parcel used to be zoned M-1, but a few years ago was changed to B-2 based on location and primary existing uses. The proposed use by J&J would distinctly fit the character of the B-2 District.

Mr. Fischer – in response to questions from Clerk JoAnne Kean, commented that he is the sole member of the property owner, J & J Properties of Mason, LLC. The LLC has no employees or equipment, but is a land holding company. He is also the sole stock holder of Anderson-Fischer, the firm that owns the vehicles and will be performing the work on-site.

Jeff Carter – commented twice that the property looks a lot better since its purchase by J&J. The previous owner has applied for a SLU permit in Aurelius Township, and is wondering what may be happening there. (No one present could answer his question.)

b. Ordinance to Amend Zoning Ordinance No. 68 Section 4.02 “Official Zoning Map”

Mr. Eidelson – The proposed map as recommended last month needed a color correction to a parcel on Barnes Road to reflect its current zoning. The map being considered tonight includes that correction as well as correcting the spelling of the Clerk’s name.

VII. Adjournment of Public Hearing and Recommencement of Regular Meeting

There being no further public comment, the public hearing was adjourned at 7:33 pm and the regular meeting recommenced.

VIII. Reports

A. August 2015 AGS Building/Zoning Report

The written report indicated that there were 7 building/zoning permit applications, involving a parking lot, a pole barn, a re-siding, a deck, a garage, a re-roof, and covered entries. One

outstanding authorization to enforce the Ordinance has been resolved; a resident has agreed to correct a different violation; legal counsel is in the process of contacting an owner on a blight violation; two prior violations are proceeding to court; and a restoration company has been contacted about an abandoned house with tall weeds.

B. SLU Check-off Sheets

1. SLU permit 94 –Teresa Miller – Beauty Shop, 1055 Hull Road
The operations are active, and the annual fee has been paid. There have been no complaints and no change in operations.
2. SLU permit #107 - Eden United Brethren Church – Church Expansion, 1938 Eden Rd.
The operations are active, and the annual fee has been paid. There have been no complaints and no change in operations.
3. SLU permit #110 – Paul Davis Restoration – Sign, 880 Hull Road
The operations are active, and the annual fee has been paid. There have been no complaints and no change in operations. As the parcel has been re-zoned, there is no longer a need for the SLU permit.

MOTION Cady, seconded by Cargill, to recommend to the Township Board renewal of SLU permits #94, and #107, and to further recommend that SLU permit #110 be cancelled as it is no longer needed.

CARRIED 7-0.

IX. Pending Business

- A. Special Land Use Permit Application for Vehicle Body & Repair Shop
 - a. J&J Properties – 2377 E. Kipp Road

In response to Commission requests during the August meeting, Mr. Fischer had provided a more detailed site plan.

Section 14.03 – Site Plan Review Requirements: The Commission waived the site plan requirements for:

- A general location sketch showing at minimum properties, streets and land uses within ½ mile of the area, as the City of Mason, Rieth-Riley, the High School, auto parts manufacturing, Meijer, the airport, and the County Fairgrounds are the primary surrounding uses.
- A legal description of the parcel, as a professional survey had been provided.
- The seal, name, and firm address of the person/firm who drafted the plan and the date the plan was prepared, as the plan was prepared by the applicant.
- Existing zoning and use of surrounding properties as the location is surrounded by industrial and other uses.
- All buildings, parking, and driveways within 100 feet of all property lines, as no new structures or driveways are proposed except for the recent closing of a driveway on the property.

- Recreation areas, common use areas, flood plain areas, and areas to be conveyed for public use and purpose as none of these are proposed.

Given the newly submitted site plan and materials, no additional graphics or written materials were requested. COMMISSION – had discussion on possible traffic impacts, and as the current use and traffic are currently being conducted across the street there is no significant foreseeable increase in traffic unless the use is expanded to the public or other firms. Mr. Fischer does not envision such an expansion at this time, so no Traffic Impact Assessment or Traffic Impact Study was required of the applicant.

Section 14.04 – Application and Review: It was noted that all required copies and fees have been submitted. Hours of operation were discussed, but given the location so near to US-127 and Highway Service operations being needed 24 hours a day, every day of the week, no limitation was proposed for the Board of Trustees to consider. Mr. Fischer envisions repair and maintenance to occur Monday through Saturday, from 6 am to perhaps 9 pm. Sundays or other hours may be utilized depending on the need to keep vehicles operating to meet contractual obligations for road building, snow plowing, etc. As no new structures or building modifications are proposed, the requirement for a timetable to complete construction is not applicable.

Section 14.06– Review Standards: the Commission made the following findings:

B. Site Development Standards

- as the surrounding uses are US-127, Meijer, commercial and industrial uses in the City of Mason, a railroad, other highway service operations, Rieth-Riley’s asphalt plant, Mason High School, the airport, farming of non-developed or buffer lands, and the County Fairgrounds, and as the proposed use would replicate the prior use except for elimination of outside storage, the Commission determined that the proposed use would not adversely affect the public health, safety, or welfare. The recent additions of vegetative barriers would bring the property more into line with retaining the “rural” nature of the Township.
- As no new structures, building modifications, or uses are proposed, there would be no new negative impacts to surrounding parcels based on the proposed use, nor any developments that would impede the normal and orderly development or improvement of surrounding properties.
- As no dwelling units are adjacent to or within the parcel, no additional screening was required. Mr. Fischer has already undertaken improvements to reduce vehicular access and added vegetative screening, and trespassing is not considered to be an issue.
- As there are no nearby dwellings no public parking, no sidewalks and no commercial activities planned or adjacent to the parcel, a “pedestrian paced atmosphere” was not deemed to be applicable.
- Necessary emergency vehicle access is already available via the existing driveway and parking lot areas.
- Exterior lighting was discussed in some detail. As noted earlier, the existing 6 exterior lights mounted on the building have been there for decades. Mr. Fischer will only be using two of the lights, reducing the pre-existing light emissions.
- No loading or unloading operations are proposed. No outside storage of any type is being proposed. Despite this, Mr. Fischer has already added about 2 dozen trees and shrubs to assist in screening the facility.

- All approvals by other governmental entities have already been obtained, such as approval of the septic field, occupancy, etc. At this time, no other agency approvals are known to be required.
- As the proposed use matches the zoning and planned development, and is placed immediately adjacent to the City of Mason, the spirit of the Zoning Ordinance and the Master Plan are considered to have been met.

C. Vehicular and Pedestrian Standards

- As the site will be limited to traffic of the firm's vehicle fleet, as the traffic already occurs directly across Kipp Road on the company's other property, as there is no pedestrian traffic, and as the property has already long been used for the proposed use, "safe, convenient, uncongested and well-defined vehicular and pedestrian circulation" are considered to be already adequately provided.
- The existing driveway connections to Kipp Road have actually been reduced by one, and been upgraded within the right of way as part of the current Ingham County Road Department improvements. Safe and efficient circulation was already satisfactory and has likely been improved with these changes.
- Consideration of access points to public roads was discussed as to safety, efficiency, and impacts on surrounding parcels. Given the pre-existing lay-out and the recent elimination of a driveway access, this requirement was deemed to be sufficiently provided.
- Given the limited number of vehicles provided access to the property, adequate traffic control was discussed and deemed to not need any improvement.
- The possibility of future sidewalks was discussed, but no sidewalks are currently on the property or surrounding parcels and none are planned. No known trails or pathways for the general public are needed, given the district and the proposed uses.
- No shared driveways are needed, and the removal of one driveway access meets any concerns about consolidation for safety and efficiency.

D. Environmental and Natural Features Standards

- No removal or alteration of significant natural features is proposed or needed. The recent addition of vegetative screening was deemed adequate to buffer the proposed uses from surrounding public and private property.
- No landmark trees or significant vegetation require protection during the transition to the proposed use.
- On site drainage was discussed at several points during the meeting, and given the "sheet drainage" based on the topography and surfaces, no additional measures were deemed to be required. There is no known history nor recent experience of standing water on the property after rainfall. Drainage was deemed to be adequate and to not negatively impact any public storm drainage system.
- The collection of surface water so as to not impede traffic was considered to be not applicable to this proposed use. The disposal of hazardous vehicle repair fluids such as used oil was discussed, and the firm, in order to perform road construction, is required to be in compliance with all applicable storage and disposal requirements. They are audited by the federal government to ensure continuing compliance.
- Natural drainage patterns will be retained, and are not known to negatively impact neighboring properties or public storm drainage systems.

- The only natural drainage feature nearby is the gravel pit lake across the road. As the property and use have been unchanged for many years, this standard of review was deemed to not be applicable.
- Given the small parcel size and current drainage patterns, retention of stormwater on-site was not considered to be practical or necessary.

Section 16.03 – Basis of Determination: While this is the responsibility of the Township Board, the Commission opted to incorporate their site plan findings and other testimony into a format to assist the Board in making these determinations.

A (1) - the parcel has been used for Highway service and vehicle repair/maintenance for years, and the proposed almost identical use does not impair the character of adjacent properties or the surrounding area. The elimination of long-term outside storage of especially recreational vehicles should be a visual improvement of the site. Surrounding uses include a large scale retail operation (Meijer), a well drilling firm, some commercial uses, heavy manufacturing, a railroad, the airport, farming of undeveloped and buffer lands, the High School and the County Fairgrounds, as well as the proposed operations which will be transferred across the street from the firm's existing property. The parcel is already designed and constructed to meet the character of the district and surrounding area, and will be operated and maintained in a manner that is harmonious with the surrounding area. The addition of vegetative screening could be considered to be an improvement that has the property appearing more "rural" or natural despite being located in an area designated by the Master Plan as appropriate for industrial uses.

A (2) – the essential character of the surrounding area includes traffic of heavy and light vehicles; industrial uses, commercial uses, farming, recreational public school sports, and county fair operations; airport uses; and localized vehicle repair and maintenance of Anderson-Fischer vehicles. No new structures are proposed to be constructed, no new parking areas are proposed, and no current structures are proposed to be modified or torn down. Natural features include the lake across the street, treelines on surrounding parcels along the railroad, woods to the west and the northeast, farmland to the more distant southeast, and flat, open areas due to development. None of these natural features would be changed or affected by the proposed use. As the operations are merely being transferred from across the street to the current location, the essential character of the surrounding area is deemed by the Commission to not be changed by the proposed use.

A (3) – while the proposed uses would involve hazardous materials associated with vehicles, such as new and used oil, cleansers and solvents, etc., their business relationship with the government requires them to be in compliance with all applicable federal and state law as it relates to hazardous materials, and they are audited to ensure compliance. No outside storage, activities, or burning are proposed. No public traffic or new traffic on Kipp Road is anticipated. Vehicle access to public roads will be reduced by the elimination of one driveway. No new or additional noises, odors, smoke, dust, fumes, or glare are expected due to the proposed use. The building is insulated for year-around use, which could mitigate noise generated by work on vehicles. No pedestrian traffic will be generated or encouraged. There will be no change to the topography or current structures. On-site bathroom facilities meet the sanitary needs of employees. Site drainage has been adequate to date, and should continue to be so. In summary, there will be few people on site and their health, safety, and welfare are already accommodated. No public access is planned. There should be no new impacts beyond the parcel boundaries, and

no new negative impacts on the parcel itself. The parcel is not adjacent to nor particularly close to residential uses. There was discussion of future SLU permit uses that would entail opening the operation to commercial use beyond just one lessee, and use of the facility beyond the stated use by Anderson Fischer. Mr. Revore – recommended adding a condition to the SLU permit that all uses be in compliance with all applicable federal, state, and local law. This would give the Township a clear rationale for addressing certain potential SLU permit violations. The Ordinance already requires such compliance in Sec. 3.02 for all enterprises, land use, and activities in the Township, and adding this condition to the SLU permit would be for purposes of enforcement, if needed.

A (4) – There is already a 5 inch well for potable water supply, and a septic field on site. The current construction on Kipp Road has improved all public road needs. No increased traffic is expected to be generated. There is no public storm water system that serves the parcel, and at this time no need to utilize one. No activities are planned that would require enhanced law enforcement oversight or presence. No activities are planned that would increase the potential need for either fire or emergency medical services. No new construction or modifications limits additional tax assessment needs. No new residential use means no new residents requiring services.

A (5) – as the Master Plan is currently written, the proposed use is not in disagreement with its goals. The location is already designated for industrial purposes. Commissioners are familiar with the Long Term Interests laid out by the Master Plan, as well as the various specific goals specified in the Plan. No Commissioner expressed any possible conflict with the Master Plan.

A (6) – The required site plan review process by the Commission, as noted earlier in these minutes, determined that the submitted site plan and accompanying documentation indicate the proposed use complies with all applicable standards.

MOTION Uzzle, seconded by Cady, to recommend to the Board of Trustees the issuance of Special Land Use Permit #126 to J & J Properties of Mason, LLC, for Vehicle Repair at 2377 E. Kipp Road, Mason, MI based on compliance with the Vevay Township Zoning Ordinance, Site Plan Review, Sections 14.03, 14.04, and 14.06, and Basis of Determination, Section 16.03(A) (1 – 6) with findings of fact and conclusions as included in these Meeting Minutes, with the following condition:

1) the operation and activity on the property shall be at all times in compliance with all applicable local, state, and federal law and regulations.

CARRIED 7-0.

E. Adopt Ordinance to Amend Zoning Ordinance No. 68 Section 4.02 “Official Zoning Map”

An updated amendment was distributed by legal counsel, including a date for purposes of reference and completeness.

MOTION Walker, seconded by Cargill, to recommend to the Board adoption of the proposed Zoning Ordinance Amendment No. 68.25, the proposed Zoning Map dated August 21, 2015 as presented to the Commission.

CARRIED 7-0.

F. Master Plan Community Survey Results – Community Planner Mark Eidelson

As it was already 9:00 pm, this item was tabled until the next regularly scheduled meeting.

X. Any Other Business

No other business was discussed.

IX. Additional Public Comment

There was no additional public comment.

X. Adjournment

There being no further business, the meeting was adjourned at 9:04 p.m.

John Lazet, Secretary