

VEVAY TOWNSHIP PLANNING COMMISSION
Regular Meeting/Public Hearing
Wednesday, July 6, 2016
Vevay Township Hall – 7:00 p.m.

MINUTES

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

Members absent: None.

Other Persons present: Supervisor Jesse Ramey, 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

The agenda was accepted as submitted.

IV. Approval of Minutes: Regular Meeting/Public Hearing June 8, 2016

No amendments were offered.

MOTION Lacasse, seconded by Uzzle, to approve the June 8, 2016, regular meeting minutes as submitted.

CARRIED 6-0.

V. Brief Public Comment

There was no public comment.

VI. Recess to Public Hearing - Zoning Ordinance Amendment for Chapter 20, Signs

Mr. Revore – had provided proposed Ordinance amendment language, and described the proposed changes:

- Add “F. Class 2 On-Premises Advertising Signs” to the definitions, and re-letter the remaining subsections.
- Based on a recent ruling by the Supreme Court of the United States, the regulations on political and philosophical signs, Sec. 20.04 (A)(6), would be deleted. Sec. 20.04 (15) would be amended as well to reflect the effects of this decision.
- A new section 20.08 would be added to grandfather in the continued use of currently allowable signs if the Ordinance provisions for such a sign are later changed.

- On-Premises Class 2 signs (billboards) would be allowed on parcels along the US-127 corridor if the use on the property is a public utility or public use. Specific provisions (setbacks, lighting, size, etc.) would mirror those of currently allowable Class 2 Off-Premises signs.
- The language accompanying Table 20-1 would change to reflect the addition of Class 2 On-Premises signs.

There was no public comment, and the Township had not received any comments in person, by phone, by mail, or via email prior to the meeting.

VII. Adjournment of Public Hearing and Recommencement of Regular Meeting

There being no further public comment, the public hearing was ended at 7:12 pm, and the regular meeting recommenced.

VIII. Reports

A. June, 2016 AGS Building/Zoning Report

The written report indicated that there were five building/zoning permit actions, involving enclosing a deck, replacing a deck and ramp, constructing a pole barn, and construction of two new homes. Four authorizations to enforce the Zoning Ordinance are pending: a blight violation which Service Master has finished remediating; a blight violation where cleaning up is progressing; a blight violation for which the Township had sent a letter on May 17, 2016, and to which there has so far been no response; and a sign and trash violation, which the resident has agreed to clean-up.

IX. Pending Business

A. Zoning Ordinance Amendment for Chapter 20, Signs

Legal Counsel – noted that there needs to be a technical correction on page 2, under “J.”, adding a period at the end of the first sentence.

Pursuant to Section 19.05(B) (1) of the Zoning Ordinance, the Commission made the following findings:

- a. The proposed text amendment would clarify the intent of the Ordinance. – While no substantive intent is clarified, the continued use of pre-existing allowable signs would be clearly stated.
- b. The proposed text amendment would correct an error in the Ordinance. - Not an error, but the amendment would correct the oversight of not allowing for Class 2 On-Premises signs.
- c. The proposed text amendment would address changes to the State legislation, recent case law or opinions from the Attorney General of the State of Michigan. – Based on the decision of the Supreme Court of the United States in *Reed v. Town of Gilbert* (2015), the amendment proposes to bring the Ordinance into conformity with case law by repealing Subsection 20.04 (A)(6) – “Political or philosophical signs”.

d. The proposed text amendment would promote compliance with changes in other County, State or Federal regulations. – Not applicable.

e. In the event the amendment will add a use to a district, that use shall be fully consistent with the character of the range of uses provided for within the district. – The proposal for Class 2 On-Premises signs would mirror the similar use of Class 2 Off-Premises signs, in the same Districts, and likewise only for parcels that are adjacent to US-127. As such, the use would be consistent with currently allowable Class 2 signs.

f. The amendment shall not create incompatible land uses within a zoning district, or between adjacent districts. – Not applicable.

g. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items. – When Chapter 20 was first adopted, the Commission conducted significant research into business technical practices and the regulatory framework developed by other units of government in the mid-Michigan area. The proposal to add Class 2 On-Premises signs mirrors the technical and regulatory practices as reflected in the current language governing Class 2 Off-Premises signs.

h. As applicable, the proposed change shall be consistent with the Township's ability to provide adequate public facilities and services. – Not applicable.

i. The proposed change shall be consistent with the Township's desire to protect the public health, safety, and welfare of the community. - All current regulations governing these points for Class 2 Off-Premises signs are incorporated into the new language.

A public hearing having been conducted, and following Commission discussion and review over several meetings of the proposed changes and now the specific language:

MOTION Walker, seconded by McNeilly, to recommend approval of the Zoning Ordinance amendment as drafted and corrected by legal counsel to amend Chapter 20, Signs, based on the Commission findings pursuant to Sec. 19.05 (B) (1) as noted in these minutes, and, pursuant to Sec. 19.05 (C) (5), based on extended conversation by the Commission with Consumers Energy as an interested party, and having heard no objections from the public during the required public hearing earlier this evening. CARRIED 6-0.

B. SLU Application – Beauty Salon (single chair) – Mike Buchman at 1159 S College Road – set public hearing date

Commissioners had received in their packets a copy of the SLU permit application for a single chair hair salon in one room of the house at 1159 S. College Road.

Mike and Debi Buchman briefly explained the proposal. Operations would be in one room only of the house, and would only have one chair.

Commission – encouraged the Buchmans to, before a public hearing next month, add to the site plan the proposed hours of operation, whether the driveway is paved or gravel, proposed outdoor lighting if night time hours are proposed, existing or changes to vegetation near the driveway, and an estimate of how many clients per day are expected to be served.

MOTION Walker, seconded by Lacasse, to schedule a public hearing to be held August 3, 2016, during the regular Commission meeting, for the consideration of the SLU permit application submitted by Mike Buchman for an in-home single chair beauty salon. CARRIED 7-0.

C. SLU Application – Gravel Mine – Sunrise Aggregates LLC at Ives Road (Renewal of SLU permit 82.02 – Richard Lyon) – set public hearing date

Commissioners had received in their packets a copy of the SLU permit application for continued gravel mining on Ives Road. Appended was a mining plan (“plan”), but no apparent site plan. It was noted that the SLU permit has expired, but mining operations are continuing.

Commission – During discussion of the application and the appended plan, the following questions or points of omission were raised:

- A site plan that meets the standards of Chapter 14 needs to be submitted (see especially Sec. 14.03, 14.04, 14.06 and 14.07 for plan requirements and review standards). The mining plan includes three maps, which are very helpful, but a site plan is needed as well.
- The registered civil engineer that prepared the plan needs to affix their seal.
- Soil borings data need to be included.
- “Crushing” is not addressed in the plan. As crushing operations require a separate approval, if crushing is proposed, then the following information is needed:
 - Where will the crusher be located?
 - When will crushing occur, both proposed dates and proposed hours of operation?
 - How will crushing noise be abated?
 - How will air emissions and dust be abated?
- Pumping – only one pond is on site; to where will the water be pumped, on site?
- How will the permittee know of adverse effects on wells of neighboring parcels?
- If there are adverse water level effects, what will be done to mitigate those effects?
- How many acres will be mined each year, and where?
 - Map 3 talks about “cells”; these need to be explained or detailed
- What permits are required from the DEQ, DNR, the Ingham County Drain Commission, the Ingham County Road Department, and any other governmental agency? (The plan refers only to obtaining permits “...once the mining and rehabilitation has been completed.”)
- Have all of these permits been obtained?
- How are they enforced?
- How will fuel spills during re-fueling of equipment be handled?
- How many days are mining operations expected to occur? Processing? Hauling?
- The proposed hours of operation in the plan for Saturday are different from the Saturday hours of operation listed in the maps. See especially subsection 16.06 (I) (9).
- Are any nighttime operations expected due to contracts?
- How will dust be abated, both on site and what is tracked onto Ives Road?
- What insurance coverage is there for adverse effects of the operations?
- The site restoration plan needs more detail, see especially subsections 16.06 (I) (3) and (4).
- What is the amount of the bond to cover site restoration?

Commission – requested of the Supervisor and/or legal counsel:

- Any existing documents or summary of applicable federal and state law and what is regulated, the standards, and if they pre-empt Township regulation.
- A copy of the current SLU permit and conditions, for Commission comparison with the proposed application and mining plan.
- A report from AGS on the application and the plan.

MOTION McNeilly, seconded by Walker, to schedule a public hearing to be held August 3, 2016, during the regular Commission meeting, for the consideration of the SLU permit application submitted by Sunrise Aggregates to continue gravel mining operations at 1436 Ives Road, if they are able to submit an updated application in time for the hearing. CARRIED 7-0.

D. Fully Revised Draft Master Plan – from Community Planner Mark Eidelson

Commissioners had received in their packets the revised draft (excluding Appendix D Inventory Maps), along with a memorandum dated June 24, 2016, detailing changes made and recommending next steps in the process. Mr. Eidelson noted that once the Commission agrees to a final version, the Board of Trustees needs to approve distribution of the draft Plan.

Supervisor Ramey – noted that on page 5 of Appendix A, the narrative of the history and decisions of the first listed PA 425 agreement (“1989/1994 Agreements”) is in need of correction. The Commission requested that he talk with Mr. Eidelson about appropriate changes.

X. Any Other Business

Commission – added three more possible Zoning Ordinance amendments for consideration:

- A typographical error in Sec. 16.06 (I)(1)(b), where there are two letter “iv” items;
- Looking at Section 19.04, Performance Guarantee, to see if removal of equipment and structures at the end of a use, and the corresponding pre-approved site remediation, should be part of a bonding requirement, as gravel mining operations currently have;
- Addressing the cancellation of SLU permits upon termination of the use, possibly in Sec. 16.05.

XI. Additional Public Comment

Greg Shaw – noted that the gravel mining operation discussed tonight and the adjoining operation were at one time one farm. His recollection is that the original plan was to mine and leave a 29 acre lake, but the state required two ponds, though both operations use the same access road.

XII. Adjournment

There being no further business, the meeting was adjourned at 8:35 p.m.

John Lazet, Secretary