

VEVAY TOWNSHIP PLANNING COMMISSION
Regular Meeting/Public Hearing
Wednesday, November 9, 2016
Vevay Township Hall – 7:00 p.m.

MINUTES

Members present: Jack Cady, Richard Lacasse, John Lazet, Pattie McNeilly, Jim Minster, Ilene Thayer, 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 Commission added under Pending Business, “Request for solar panels from Daniel and Melissa Burnham, 673 W. Columbia Road, Mason – ZO Chapter 3, Section 27(A).”

IV. Approval of Minutes: Special Meeting 10-4-16 & Regular Meeting 10-5-16

Special Meeting 10-4-16 – amend page 2, under “Sec. 3.09 (E)”, third item under the second bullet point, after “1,000” by adding “sq. ft. per acre”.

Regular Meeting 10-5-16 - No amendments were offered.

MOTION Minster, seconded by Walker, to approve the October 4, 2016 special meeting minutes as amended.

CARRIED 7-0.

MOTION Walker, seconded by McNeilly, to approve the October 5, 2016, regular meeting minutes as submitted.

CARRIED 7-0.

V. Brief Public Comment

There was no public comment.

VI. Recess to Public Hearing

A. Conditional Re-Zoning to Revert Zoning on Jewett Road from R-M Multiple-Family Residential back to original A-1 Agricultural and R- 1B Low Density Residential
John Warvel – as the owner of the properties, he supports re-zoning as the changes from R-M to A-1 and R-1B should reduce the SEV, and thus also the property taxes on the parcels.

COMMISSION - noted that the value of the parcels is determined on December 31 for the taxes to be paid the following year. It was recommended that he talk with the assessor, who is at the Township Hall on Tuesdays.

VII. Adjournment of Public Hearing and Recommencement of Regular Meeting

There being no further public comment, the public hearing was ended at 7:20 pm, and the regular meeting recommenced.

VIII. Reports

A. October, 2016 AGS Building/Zoning Report

The written report indicated that there were seven building/zoning permit actions, involving: a re-roof, three re-inspections, construction of a pole barn, a new trailer in Mason Manor, and a shed. Two authorizations to enforce the Zoning Ordinance are pending: a blight violation, and an issue with noxious odors, with legal counsel having sent both property owners a letter seeking remediation.

B. From MTA New Medical Marijuana Laws Q&A

Commissioners had received a six page memo from the Michigan Townships Association legal staff that explains the details of the newly enacted Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016. The Act will allow for and regulate various aspects of the commercial production and transportation of marijuana, and the commercial sale via provisioning centers, commonly called dispensaries. The new law takes effect December 20, 2016, and will regulate certain operations pertaining to the growing, processing, transporting, commercial sales, and compliance facility uses involving marijuana. The law clearly specifies that none of the above operations regulated by the new law can occur without the local unit of government having first adopted an Ordinance to specifically allow for these operations. If no local Ordinance is adopted, then these operations cannot legally be conducted within that unit of government.

Mr. Revore – the State Bar has a member section on Marijuana Law, and they met for the first time for three days last month. There are about 500 members, many likely from the Criminal Law section. The state law appears to be modeled after the alcohol regulatory system. The Department of Licensing and Regulatory Affairs (LARA) still has to develop regulations. The law will also allow for “medibles,” and marijuana oils that are applied topically. The Township is not required to adopt any Ordinance allowing for any of these activities, and has no responsibility to respond to anything in the law. By law, the default action is no permitted activity in the Township unless affirmative action is taken to specifically allow these operations.

IX. Pending Business

A. Conditional Re-Zoning to Revert Zoning on Jewett Road from R-M Multiple-Family Residential back to original A-1 Agricultural, and R-1B Low Density Residential

COMMISSION – noted that the original request to conditionally re-zone these parcels had been sought by the land owner, and agreed to by the Township in 2007. The re-zoning occurred

pursuant to the procedures outlined in Sec. 19.06, and was premised upon the construction of residences. This was to be the first phase of a larger development around lakes that resulted from gravel mining operations. The Ordinance in Sec. 19.06(K) (1) and (4) provides that the construction must start within 2 years, or within 3 years if an extension is agreed to by the Township. Due to market conditions, the construction never started. The owner is aware of this zoning reversion process and is supporting the adoption of the proposed Ordinance amendment.

Pursuant to Section 19.05(B) (2) of the Zoning Ordinance, the Commission made the following findings:

- a. Whether or not the proposed rezoning is consistent with the goals, policies and future land use map of the Vevay Township Master Plan; or, if conditions have changed significantly since the Master Plan was adopted, the consistency with recent development trends in the area.

The Master Plan Future Land Use map envisions mixed uses for these parcels. The parcels are adjoined by land that is being farmed. As they are reverting to their former zoning with no improvements or construction, they clearly are complying with acceptable uses within this portion of the Township.

- b. Whether the proposed district and the uses allowed are compatible with the site's physical, geological, hydrological and other environmental features. The potential uses allowed in the proposed zoning district shall also be compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values and traffic impacts.

There has been no change in the use of these parcels since they were conditionally re-zoned; no re-grading, no new structures, and no tiling or utilities of any sort were added. As the parcels remain undeveloped, the proposed re-zoning would not affect the physical, geological, hydrological, or other environmental features of the parcel. Their use for agricultural purposes would remain, and there would be no additional traffic or other impacts on the community. As no residences are planned, density is unaffected. The potential influence on property values is likely negligible.

- c. Whether, if rezoned, the site is capable of accommodating the uses allowed, considering existing or planned infrastructure including roads, sanitary sewers, storm sewer, water, sidewalks, and road lighting.

The existing agricultural use will be maintained, and no new operations or structures are being proposed. No additional demand on public services is envisioned. The re-zoning would not require new roads, a new sewer system, storm sewer, new water supply, sidewalks, or road lighting. Impacts of the re-zoning would likely be minimal.

- d. Other factors deemed appropriate by the Planning Commission.

Given that no new activities or construction has occurred or is being proposed, no other factors were considered.

Subsection 19.06(K) (5) provides that in the event of the conditional re-zoning agreement becoming void, the Township shall initiate the re-zoning amendment process of the Zoning Ordinance. Subsection 19.05(C) (2) of the Zoning Ordinance has five requirements for

submitted written materials. The review by the Commission indicated that all of the requirements for submitted materials were satisfied:

- a) The petitioner's name, address and interest in the petition as well as the name, address and interest of every person, firm or corporation having a legal or equitable interest in the land.
- b) The nature and effect of the proposed amendment.
- c) If an individual property or several adjacent properties are proposed for rezoning, a location map, showing the location of the properties generally in the township, a legal description of the land(s) proposed for rezoning, the present zoning classification(s), the zoning classification of all abutting districts, and all public and private rights-of-way and easements bounding and intersecting the land under consideration.
- d) Any changed or changing conditions in the area or in the municipality which make the proposed amendment reasonable and necessary to the promotion of the public health, safety and general welfare.
- e) All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.

A public hearing having been conducted, and following Commission review of the conditional zoning agreement, and noting that the Ordinance in Subsection 19.06(K) (5) requires reversion of the zoning of the parcels:

MOTION McNeilly, seconded by Walker, that based on the Commission findings as noted in these minutes, and as the Zoning Ordinance requires re-zoning because the conditional zoning agreement is void due to lack of activity, the Commission recommends approval of the Zoning Ordinance amendment to:

1. repeal Ordinance No. 66;
2. re-zone from R-M Multiple-Family Residential back to A-1 Agricultural, parcels number:
 - a. 33-10-10-17-300-042,
 - b. 33-10-10-17-300-038,
 - c. 33-10-10-17-300-039,
 - d. 33-10-10-17-300-040,
 - e. 33-10-10-17-300-041; and
3. re-zone from R-M Multiple-Family Residential back to R-1B Low-Density Residential, parcel number 33-10-10-17-300-046.

CARRIED 7-0.

- B. Request for solar panels from Daniel and Melissa Burnham, 673 W. Columbia Road, Mason – ZO Chapter 3, Section 27(A)

Dan and Melissa Burnham – have submitted all required documents, plus a letter from his closest neighbor supporting the proposal, and are available to answer any questions. Their construction engineer was present, and noted that given the construction of the panels and the proposed location, there would be no glare either to nearby roads or to neighboring parcels. The entire array would be 51 feet in length.

COMMISSION – accepted from the applicants additional information to ensure the materials are complete: the location of the septic field, the potable water well, and the electric utility line, and the engineer’s assurance that glare is not an issue to adjoining roads or nearby parcels. The Commission determined that:

- All required materials have been submitted;
- there is no mechanical equipment other than the panels and the junction box;
- the proposed location is already screened from neighbors by mature evergreens, and no additional screening is needed;
- the array will be not be located in the front yard, but the side and back yard;
- the entire project would meet the size requirements of not exceeding 8000 square feet for the parcel;
- the array should not need any additional modifications to facilitate drainage;
- no detergents are proposed as the panels are self-cleaning;
- there would be no glare directed onto the road or other properties based on its construction and placement;
- the proposed maximum height of 12 feet is under the 15 foot allowable maximum;
- a greenbelt is not required as sufficient mature plantings already exist;
- the array would be more than 150 feet from the lot line; and
- the application is complete and is in compliance with all pertinent provisions of the Ordinance, Sec. 3.27.

MOTION Walker, seconded Lacasse, that the application has been determined to be complete, all appropriate documents listed in Section 3.27 have been submitted in appropriate form, there is no mechanical equipment proposed other than the panels, no additional screening is needed, the array will be not be located in the front yard, but the side and back yard, there would be no glare directed onto the road or other properties, the array would meet the size requirements of not exceeding 8000 square feet for the parcel, the proposed maximum height of 12 feet would be under the 15 foot allowable maximum, a greenbelt is not required as the panels would face south and are already adequately screened, and the array would be more than 150 feet from the lot line; and that based on these findings, the application is hereby approved as submitted on November 4, with final information submitted on November 9.

CARRIED 7-0.

C. Set Public Hearing for Re-Zoning at 781 Hull Road, NSD, LLC, from B-2 to M-1

The owner of the property has petitioned to have this parcel re-zoned from B-2 Highway Service to M-1 Industrial. The property is proposed to be sold, premised upon this re-zoning request being granted. This designation would allow for a contractor yard without the need for a SLU permit. The Commission has within the past year worked with the owner on appropriate uses for the parcel, and this petition is in line with a previous request.

Commissioner McNeilly commented that she has a conflict of interest with this application, and asked to be recused from consideration of the request.

MOTION Cady, seconded by Lacasse, to accept Commissioner McNeilly’s recusal from any consideration of this re-zoning proposal.

CARRIED 6-0.

Following adoption of the above motion, Commissioner McNeilly left the meeting room.

MOTION Cady, seconded by Walker, to schedule a public hearing during the regular December 7, 2016 Commission meeting to consider the re-zoning request, if the appropriate paperwork and publication deadlines can be met; and if more time is needed for the petition process, then to schedule a public hearing during the regular Commission meeting in January, 2017.

CARRIED 6-0.

Following adoption of the above motion, Commissioner McNeilly was informed that consideration of this matter was finished for the night, and she returned to her seat at the table.

D. Fully Revised Draft Master Plan from Community Planner Eidelson Dated 10-11-16

Commissioners have received final drafts incorporating all of the requested changes. It was noted that there is a typographical error in the Table of Contents, page ii. Under "Figures," Figure C-6 needs to have the date corrected from "20013" to "2013".

MOTION Lacasse, seconded by McNeilly, that as the Planning Commission has carefully examined issues pertaining to the development of a new Master Plan for Vevay Township and has assembled several drafts to arrive at an October 11, 2016 draft (as amended November 9, 2016 to correct a typographical error) that the Commission believes is appropriate for public hearing purposes; and as required by the Planning Enabling Act, the Commission hereby requests the Township Board of Trustees to authorize distribution of the amended October 11, 2016 draft Plan to all entities for review and comment, as provided by the Act.

CARRIED 7-0.

E. Zoning Ordinance Amendment Consideration

Sec. 16.06Q - Comm. Lacasse had offered last month to research equine training/riding arenas. The issue is that in Sec. 16.06Q (7), the maximum allowable size for enclosed riding arenas is 10,000 square foot. Today, the standard arena is 20 meters by 60 meters, resulting in a roughly 12, 910 square foot standard arena size. There would also be room between the arena and the walls; fifteen stalls would average another 2,160 square feet; a tack room would average yet another 240 square feet; an observation area would add another 300 square feet; and room for hay storage would also need to be considered. COMMISSION – after considering the allowable size matter, discussed amending this section I more depth and re-enacting subsection 16.06Q in its entirety. Comm. Lacasse offered to look at language in other jurisdictions that would better address current practices and regulations of commercial equine establishments.

Sec. 19.07 – Revocation and Surrender of SLU permit – the Commission had previously discussed adding a subsection for "Surrender of a SLU Permit" for voluntary endings of the permitted use(s). Mr. Revore – recommended any surrender of a SLU permit be by resolution. He offered to provide language examples of what other jurisdictions have done along these lines.

Sec. 3.08 – Home Occupations – after further discussion, the Commission considered limiting the newly proposed Home Occupation Permit to a specific owner at a specific address. The

matter of revocation and surrender of this license should be included in this section as opposed to referencing Sec. 19.07, as had been discussed last month.

X. Any Other Business

No other business was discussed.

XI. Additional Public Comment

There was no additional public comment.

XII. Adjournment

There being no further business, the meeting was adjourned at 9:02 p.m.

John Lazet, Secretary