

VEVAY TOWNSHIP PLANNING COMMISSION
Regular Meeting/Public Hearings
Wednesday, April 5, 2017
Vevay Township Hall – 7:00 p.m.

MINUTES

Members present: Jack Cady, John Lazet, Jim Minster, Ilene Thayer, Bruce Walker, and Al Winters.

Member absent: Pattie McNeilly.

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

It was agreed to first take up Item “D” under “Pending Business”, before the other items.

IV. Approval of Minutes: Regular/Public Hearing Meeting 3-8-17

Amend:

- 1) Page 2, first paragraph, second line, to “The state law governing his broker license requires him to conduct ~~internet sales~~ this business using a separate parcel...”.
- 2) Page 3, “Pending Business”, first paragraph, fifth line, after “they” by inserting “are”.
- 3) Page 6, first full paragraph, by correcting “2,00” to “2,000”.
- 4) Page 6, second full paragraph, by replacing “Wind Energy Conversion Systems/Large” with “Large Solar Energy Systems”.

MOTION Cady, seconded by Walker, to approve the March 8, 2017, Regular/Public Hearing Meeting minutes as amended.

CARRIED 6-0.

V. Brief Public Comment

There was no public comment.

VI. Recess to Public Hearings

- a) **Text Amendments for Zoning Ordinance**
 1. **Chapter 3, General Provisions**
 2. **Chapter 5, Agricultural District**
 3. **Chapter 7, Manufactured Home District**
 4. **Chapter 8, Business Districts**
 5. **Chapter 9, Industrial Districts**

6. Chapter 16, Special Land Uses

7. Chapter 19, Administration and Enforcement

b) SLU Permit Application by Eric Harter at 4149 Legion Drive

Mr. Revore – The proposed amendment to Chapter 3 would increase the maximum allowable square footage of accessory buildings: for parcels over one acre to three acres in size, the square footage would increase from 1,600 to 2,000 square feet; for parcels over three acres to five acres in size, the square footage would increase from 2,400 to 3,200 square feet; and for parcels over five acres in size, the square footage would increase from 800 to 1,000 square feet per acre.

There was no public comment on the proposed amendment to Chapter 3.

Mr. Revore – the Chapter 5 and Chapter 9 proposed amendment would add “Large Solar Energy Systems” (LSES) to the Table of Uses in the Agriculture and Industrial Districts, allowable by SLU permit. The amendments would bring the Zoning Ordinance into conformity with the existing practice of the locating of LSESs in the appropriate places for the maximization of electrical generation, while still allowing Township review via the SLU permitting process.

There was no public comment on the proposed amendment to Chapter 5 and Chapter 9.

Mr. Revore – the Chapter 7 proposed amendment would eliminate individual lot front, side, and rear yard setback distances in mobile home parks, as these criteria are governed by state law.

There was no public comment on the proposed amendment to Chapter 7.

Mr. Revore – The Chapter 8 proposed amendment would allow parcels to be rezoned to B-2 if they at least three quarters of an acre in size and adjacent to other parcels zoned B-2. This amendment would operate to keep smaller B-2 parcels in the same general area of the Township.

There was no public comment on the proposed amendment to Chapter 8.

Mr. Revore – the Chapter 16 proposed amendment would allow for the cancellation of a SLU permit at the request of the owner of the parcel. Due process requirements of notice and public hearing are proposed, mirroring the legal requirements for other similar actions.

There was no public comment on the proposed amendment to Chapter 16.

Mr. Revore – the Chapter 19 proposed amendment would remove obsolete language in the Zoning Ordinance amendment process, and correct a typographical error.

There was no public comment on the proposed amendment to Chapter 19.

b. SLU Permit Application by Mr. Eric Harter at 4149 Legion Drive

Mike Reed (parcel owner) – Mr. Harter could not be here tonight, but is in the process of procuring a broker license which would allow him to sell classic vehicles, his intention being to use primarily the internet for attracting buyers. The State law governing broker licenses requires him to conduct these sales using a separate parcel from his current location. He would maintain his other Cedar Street location for on-site customer sales. In anticipation of this parcel being

rezoned he has submitted a SLU permit application for the sale of various vehicles, again, primarily by internet advertising. All vehicles on site would be in the building, with probably about 10 vehicles there at any given time.

There was no other public comment on the SLU permit application.

VII. Adjournment of Public Hearing and Recommencement of Regular Meeting

There being no further public comment, the public hearings were ended at 7:21 pm, and the regular meeting recommenced.

VIII. Reports

A. March, 2017, AGS Building/Zoning Report

The written report indicated that there were sixteen building/zoning permit actions, involving: the setting of piers on 13 lots in Mason Manor; a new home, a pole barn, and a re-inspection. There were no outstanding authorizations to enforce the Zoning Ordinance.

IX. Pending Business (Originally Item D, this item was considered before the other items)

A. Text Amendments for Zoning Ordinance

1. Chapter 3, General Provisions
2. Chapter 5, Agricultural District
3. Chapter 7, Manufactured Home District
4. Chapter 8, Business Districts
5. Chapter 9, Industrial Districts
6. Chapter 16, Special Land Uses
7. Chapter 19, Administration and Enforcement

Mr. Revore – the Chapter 3 proposed amendment incorporates the three previously discussed changes in the Sec. 3.09 (E) Table of Accessory Buildings And Structures, addressing the maximum allowable square footage of accessory buildings: for parcels over one acre to three acres in size, the square footage would increase from 1,600 to 2,000 square feet; for parcels over three acres to five acres in size, the square footage would increase from 2,400 to 3,200 square feet; and for parcels over five acres in size, the square footage would increase from 800 to 1,000 square feet per acre. This amendment had been discussed by the Commission during the October 5, 2016, regular Commission meeting, and the amendment reflects the consensus reached at that time. No changes were proposed to the draft amendment.

- a. The proposed text amendment would clarify the intent of the Ordinance. – Not applicable.
- b. The proposed text amendment would correct an error in the Ordinance. – Not applicable.
- 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. – Not applicable.
- 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. – Not applicable.

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. – The proposed allowance for larger accessory buildings is based on input from residents who have requested flexibility in building size to better accommodate the uses already permitted.

h. As applicable, the proposed change shall be consistent with the Township’s ability to provide adequate public facilities and services. - As no new use is being proposed, the Township’s ability to provide appropriate services should be unaffected.

i. The proposed change shall be consistent with the Township’s desire to protect the public health, safety, and welfare of the community. – As the changes have been requested by residents, the welfare of the community should be enhanced by the proposed amendment.

**MOTION Minster, seconded by Walker, to recommend the Board of Trustees approve the proposed amendment to the Zoning Ordinance, Chapter 3, Section 3.09 (E), Table of Accessory Buildings and Structures, 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, and having heard no objections from the public during the required public hearing earlier this evening.
CARRIED 6-0.**

Mr. Revore – the Chapter 5 (Agriculture District) proposed amendment would add “Large Solar Energy Systems” (LSES) to the Sec. 5.02 Table of Uses, allowable by SLU permit. This addition had been discussed by the Commission during the October 5, 2016, regular Commission meeting and the amendment reflects the consensus reached at that time. No changes were proposed to the draft amendment.

a. The proposed text amendment would clarify the intent of the Ordinance. – The amendment would preserve the rights of the Township to have input on the operations of any LSES should one ever be located within the Township.

b. The proposed text amendment would correct an error in the Ordinance. – Not applicable.

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. – Not applicable.

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. – State law (MCL 460.1029) allows utilities to erect an LSES “anywhere in the state.” The amendment would preserve the right of the Township to have input on the operations of any LSESs proposed to be located within the Township.

f. The amendment shall not create incompatible land uses within a zoning district, or between adjacent districts. – As the state moves utility companies in the direction of generation of electricity by renewable energy sources, LSESs are increasingly a part of the rural landscape. As this use is governed by state law and requires substantial acreage, the compatibility of an LSES in an area likely to be zoned agriculture is not totally the decision of the Township.

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. – Contemporary building practice is to commonly locate LSEs in rural areas to allow for easy access for maintenance, and to minimize public contact with these large area structures.

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. – The amendment would preserve the ability of the Township to protect the welfare of the public via the SLU permitting process.

MOTION Walker, seconded by Cady, to recommend the Board of Trustees approve the proposed amendment to the Zoning Ordinance, Chapter 5, Section 5.02, Table of Uses, 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, and having heard no objections from the public during the required public hearing earlier this evening.

CARRIED 6-0.

Mr. Revore – the Chapter 7 (Manufactured Home Community District) proposed amendment would modify the Section 7.03 Table of Development Requirements to eliminate the setback distances for individual lot front, side, and rear yards, as these distances are governed by state law. These changes had been discussed by the Commission during the October 5, 2016, regular Commission meeting and the amendment reflects the consensus reached at that time. No changes were proposed to the draft amendment.

a. The proposed text amendment would clarify the intent of the Ordinance. – Not applicable.

b. The proposed text amendment would correct an error in the Ordinance. – Not applicable.

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. – As state law governs the individual lot setbacks in mobile home parks, this amendment would bring the Zoning Ordinance into conformity with state law.

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. – Not applicable.

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. – Not applicable.

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. – Not applicable.

MOTION Cady, seconded by Winters, to recommend the Board of Trustees approve the proposed amendment to the Zoning Ordinance, Chapter 7, Section 7.03, Table of Development Requirements, as it would bring the Zoning Ordinance into conformity with state law, 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 discussion by the Commission, and having heard no objections from the public during the required public hearing earlier this evening.

CARRIED 6-0.

Mr. Revore – The proposed Chapter 8 (Business Districts) amendment would amend Section 8.03, Table of Development Requirements, to allow for parcels smaller than one acre to be zoned B-2, Highway Service, under certain conditions. These parcels would have to be adjacent to other parcels already zoned B-2, and located in an area consistent with the Master Plan. The practical effect would be to limit this application to the area near the Cedar Street interchange with US 127, as is the designed purpose for having B-2 Highway Service zoning.

- a. The proposed text amendment would clarify the intent of the Ordinance. – The Ordinance designates the B-2 Highway Service District to serve as a convenience center for the traveling public and to provide for uses and buildings with more intensive retail uses, provided the facilities are located in close proximity to the City of Mason. The proposed amendment would allow for smaller B-2 parcels close to the US 127 Cedar Street exchange, fulfilling this intent of the Ordinance.
- b. The proposed text amendment would correct an error in the Ordinance. – Not applicable.
- 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. – Not applicable.
- 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 amendment would limit any potential re-zoning to parcels already located within an area utilized for B-2 Highway Service purposes. This should ensure consistency in use within the district.
- f. The amendment shall not create incompatible land uses within a zoning district, or between adjacent districts. – As the amendment would allow for smaller parcels to be more in conformity with surrounding uses, no incompatibility concerns would arise.
- 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. – Not applicable.
- h. As applicable, the proposed change shall be consistent with the Township’s ability to provide adequate public facilities and services. – Any and all Township services are already provided to parcels that could be affected by the proposed amendment.
- i. The proposed change shall be consistent with the Township’s desire to protect the public health, safety, and welfare of the community. – As residents have expressed a desire to have commercial development be closer to the urbanized areas of the Township, the general welfare of the Township would be preserved by this amendment.

**MOTION Cady, seconded by Minster, to recommend the Board of Trustees approve the proposed amendment to the Zoning Ordinance, Chapter 8, Section 8.03, Table of Development Requirements, 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, and having heard no objections from the public during the required public hearing earlier this evening.
CARRIED 6-0.**

Mr. Revore – the Chapter 9 (Industrial District) proposed amendment would add “Large Solar Energy System” (LSES) to the Sec. 9.02 Table of Uses, allowable by SLU permit. This addition had been discussed by the Commission during the October 5, 2016, regular Commission meeting and the amendment reflects the consensus reached at that time.

- a. The proposed text amendment would clarify the intent of the Ordinance. – The amendment would preserve the rights of the Township to have input on the operations of any LSESs should they ever be located within the Township.
- b. The proposed text amendment would correct an error in the Ordinance. – Not applicable.
- 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. – Not applicable.
- 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. – State law (MCL 460.1029) allows utilities to erect an LSES “anywhere in the state.” The amendment would preserve the rights of the Township to have input on the operations of any LSES proposed to be located within the Township.
- f. The amendment shall not create incompatible land uses within a zoning district, or between adjacent districts. – As the state moves utility companies in the direction of generation of electricity by renewable energy sources, LSESs are increasingly a part of the rural landscape. As this use is governed by state law and requires substantial acreage, the compatibility of an LSES in an area likely to be zoned ~~agriculture~~ M-1 is not totally the decision of the Township. Revised 5-3-17
- 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. – Contemporary building practice commonly locates LSESs in rural areas to allow for easy access for maintenance, and to minimize public contact with these large structures.
- 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. – The amendment would preserve the ability of the Township to protect the welfare of the public via the SLU permitting process.

MOTION Minster, seconded by Cady, to recommend the Board of Trustees approve the proposed amendment to the Zoning Ordinance, Chapter 9, Section 9.02, Table of Uses, 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,

and having heard no objections from the public during the required public hearing earlier this evening.

CARRIED 6-0.

Mr. Revore – the Chapter 16 (Special Land Uses) proposed amendment would amend Sec. 16.05 to allow for the cancellation of a SLU permit at the request of the owner of the parcel, with appropriate due process requirements of notice and public hearing being required. The proposed process follows the legal standard for other such actions. The proposed amendment would also amend the Zoning Ordinance Table of Contents to reflect the addition of substantive new language to this section. These changes had been discussed by the Commission during the October 5, 2016, regular Commission meeting and the amendment reflects the consensus reached at that time.

- a. The proposed text amendment would clarify the intent of the Ordinance. – Not applicable.
- b. The proposed text amendment would correct an error in the Ordinance. – Not applicable.
- 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. – Not applicable.
- 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. – Not applicable.
- 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. – This amendment is the result of a request by a resident who purchased property with a SLU permit, but did not want the permit. By detailing a system of due process that has already been used in other, similar proceedings, the rights of the property owner and the Township are preserved and protected against arbitrary actions.
- h. As applicable, the proposed change shall be consistent with the Township’s ability to provide adequate public facilities and services. – Utilization of this provision is most likely to result in the reduction of need for Township services.
- i. The proposed change shall be consistent with the Township’s desire to protect the public health, safety, and welfare of the community. – The change would benefit the Township by avoiding having the long dormant ability to perform certain uses suddenly arise after periods of non-use. It would also allow residents to better manage the uses that could be allowed on their own parcels.

MOTION Walker, seconded by Cady, to recommend the Board of Trustees approve the proposed amendment to the Zoning Ordinance, Chapter 16, Section 16.05, Revocation of Special Land Use permits, 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, and having heard no objections from the public during the required public hearing earlier this evening.

CARRIED 6-0.

Mr. Revore – the Chapter 19 (Administration and Enforcement) proposed amendment to Sec. 19.05(C) (4) and (5) would delete language that does not reflect the long-standing structure of the Tri-County Regional Planning Commission. Other language in the section would be modified accordingly. These changes had been discussed by the Commission during the December 7, 2016, regular Commission meeting and the amendment reflects the consensus reached at that time. The amendment would also correct a typographical error in Sec. 19.05 (B) (2) (c).

- a. The proposed text amendment would clarify the intent of the Ordinance. – Not applicable.
- b. The proposed text amendment would correct an error in the Ordinance. – Ingham County has been part of the Tri-County Regional Planning Commission for 60 years, and this amendment corrects the language of the Ordinance to reflect that arrangement. A typographical error is also corrected.
- 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. – Not applicable.
- 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. – Not applicable.
- 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. – Not applicable.
- 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. – Not applicable.

MOTION Winters, seconded by Minster, to recommend the Board of Trustees approve the proposed amendment to the Zoning Ordinance, Chapter 19, Section 19.05, 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, and having heard no objections from the public during the required public hearing earlier this evening.

CARRIED 6-0.

- B. Requests from Eric Harter and R&B Company for 4149 Legion Dr.
 - 1.* Re-zoning Request from B-1 to B-2 at 4149 Legion Drive
 - 2. *SLU Application by Eric Harter at 4149 Legion Drive

Chair Thayer – noted that this parcel is surrounded by other parcels that are commercial in nature and that were all re-zoned to B-2 in 2012. The owner of this parcel at that time did not want to re-zone the parcel to B-2. While this parcel fails to meet the parcel size requirement of the Zoning Ordinance, the proposed text amendment to Chapter 8 discussed during the public

hearing portion of the meeting and recommended for approval by the Board earlier this evening would allow this parcel to qualify to be rezoned to B-2.

Pursuant to Section 19.05(B)(2) of the zoning Ordinance, the Commission made the following determinations regarding the petition to re-zone the parcel at 4149 Legion Drive to from B-1, Local Business District, to B-2, Highway Service:

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 envisions commercial development being located closer to the City of Mason and its public utility services, with the Highway Service parcels meant to be close to the motoring public. This parcel is located in the midst of other parcels zoned B-2, and almost adjacent to the US 127 Cedar Street exchange. Legion Drive itself is primarily a commercial and industrial use area, and the proposed re-zoning would match this mix of uses. The proposed rezoning reflects the development trends to date in this part 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. – The building and paved areas are already well suited for the proposed use of automotive sales. As no construction and only limited new paving is proposed, no geological, hydrological, or other environmental features would be disturbed or affected. Utilizing the currently vacant parcel would be an economic benefit to the Township and surrounding parcels, maximizing the potential use of this already developed site. Any additional traffic should be minimal and easily accommodated by the already busy Cedar Street corridor.

c. Whether, if rezoned, the site is capable of the accommodating the uses allowed, considering existing or planned infrastructure including roads, sanitary sewers, storm sewer, water, sidewalks, and road lighting. – As the site already has paved areas, contains an existing building that will not need modifications, and as the needed roads, sanitary sewers, storm sewers, potable water, and road lighting are already constructed, the re-zoning would be accommodated with no new construction, or build-out of utilities needed.

d. Other factors deemed appropriate by the Planning Commission. – Given the proposal to use the existing structures and infrastructure in essentially a similar manner as the parcel had been used for many years, no other factors were deemed appropriate to be considered by the Commission.

However, as this lot does not meet the parcel size requirement of the Zoning Ordinance, the motion by the Commission was qualified:

MOTION Minster, seconded by Walker, that as a public hearing was held and no negative public input was received, and based on the findings as noted above in these minutes, the Commission recommends the Board approve the proposed re-zoning of the parcel at 4149 Legion Drive from B-1 Local Business District to B-2 Highway Service District, contingent on the Board first approving the proposed Zoning Ordinance amendment to the Sec. 8.03

Table of Development Requirements to allow certain parcels smaller than one acre in size to be rezoned to B-2 if specific other size and surrounding parcel zoning conditions are met. CARRIED 6-0.

2. SLU Permit Application #17-01 from Eric Harter @ 4149 Legion Drive, Mason, MI

Section 14.03 – Site Plan Review Requirements:

C. Required Site Plan Submission Requirements

- A general location sketch showing at minimum, properties, streets and use of land within 1/2 mile of the area. – Condition met. An aerial view map was provided which indicated the surrounding parcels and structures.
- Legal description of the subject property. – Condition met. Provided in the application.
- The date, north arrow, and scale. – Condition met. Provided in the application.
- Name and address of the property owner or petitioner. – Provided in the application.
- Existing zoning and use of all properties abutting the subject property. - Condition met. Provided in the aerial maps and overview of parcels.
- All buildings, parking and driveways within 100 feet of all property lines. – Provided in the aerial view maps.
- The overall objectives of the proposed development. – Condition met. Provided in the site plan. During Commission consideration, the applicant indicated that the overall purpose is to establish a venue for automotive sales conducted primarily via internet advertising and communication. Vehicles for sale would be stored, and could be seen, on site.
- Size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public streets and drives, and open space. – Condition met. Provided in the application.
- Dwelling unit densities by type, if applicable. – Not applicable
- Proposed method of providing sewer and water service, as well as other public and private utilities. – Condition met. The building is currently connected to City of Mason water and sewer services.
- Proposed method of providing storm drainage. – Not applicable; already provided on site.
- Seal, name, and firm address of the professional individual responsible for the preparation of the site plan. – Condition met. Provided in the application: self-drafted.
- Property lines and required setbacks shown and dimensioned. - Condition met. Provided in the site plan.
- Dimensions of all existing and proposed structures on the subject property including dwelling unit densities by type, if applicable. – Condition met. Provided in the site plan.
- Size and location of existing and proposed utilities, including any proposed connections to public, or private community sewer or water supply systems. – As the property is connected to City of Mason sewer and water utilities, the detailing of this requirement was waived.
- All existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, signs, exterior lighting, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), fire lanes, and unloading areas. For projects on a collector or arterial road, see also Section 12.04. – Condition met. Driveway, and parking area are indicated on the site plan. The only exterior light is the existing small fixture above the entrance door.
- Pavement width and right-of-way width of all roads, streets, and access easements within 100 feet of the subject property. – Condition met. Legion Drive is a county road. The driveway is also an easement to the parcel immediately behind this parcel.

- Location and size of all surface water drainage facilities. – Not applicable.
- Location of all solid waste disposal facilities, including recycling, and screening. – Not applicable.
- Location and specifications for existing or proposed outside, above or below ground storage facilities for hazardous materials. – Not applicable.
- All existing vegetation and the location, type, and size of all proposed landscaping, and the location, height and type of existing and proposed fences and walls. - Condition met. Included in the aerial map views.
- Recreation areas, common use areas, flood plain areas and areas to be conveyed for public use and purpose. – Not applicable.
- Exterior lighting showing area of illumination and indicating the type and height of fixture to be used. – Condition met. The only exterior light is the existing small fixture above the entrance door.
- Elevation drawings of proposed buildings – Not applicable.

D. Additional Information

Given the submission of several aerial views, the site plan drawing, and other materials, no additional graphics or written materials were requested. As there is no significant foreseeable increase in traffic, 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.

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

D. Site Development Standards

1. The uses proposed will not adversely affect the public health, safety, or welfare. – Condition met. The proposed use will entail minimal traffic, human presence, and activity. As there should be no foreseeable negative impact on the surrounding commercial operations, the Commission determined that the proposed use would not adversely affect the public health, safety, or welfare.
2. Uses and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance. – Condition met. No new building or re-modeling is proposed. The existing driveway is only partially paved, and that paving will be completed. Traffic should be minimal, and should not impede the normal and orderly development or improvement of surrounding properties, which are mostly already fully developed.
3. The site plan shall provide reasonable visual and sound privacy for all dwelling units located within and adjacent to it. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes. Appropriate fencing may be required by the Planning Commission around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands. The Planning Commission may also require road or pathway cross-connections between developments. – Not applicable, as there are no residences close to the parcel. Given the single vehicle

nature of any new traffic, this impact was found to present an insignificant effect on nearby uses, and not entail the need for fencing or barriers.

4. The site shall be developed to create a pleasant, pedestrian paced atmosphere which de-emphasizes the automobile and considers rural character. Site amenities like street trees, bike racks, benches and outdoor tables may be required by the Planning Commission. – Not applicable. The proposed use is individual vehicle sales, and only by appointment.
5. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Fire Department. – Condition met. Necessary emergency vehicle access is already available via the existing driveway.
6. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of buildings or structures shall be minimized to reduce light pollution. The site shall comply with the requirements of Section 15.04. – Condition met. The existing exterior light will continue to be used, and no new lights are proposed.
7. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from Residential Districts or public streets, shall be screened in accordance with the requirements of Section 15.02. – Not applicable, as no loading and unloading operations are proposed. No outside storage is being proposed. No additional screening was required of the applicant.
8. Site plans shall conform to all applicable requirements of Township, County, State, Federal agencies. Approval may be conditioned on the applicant receiving necessary Township, County, State, and Federal permits before final site plan approval or an occupancy permit is granted. – Condition met. Mr. Harter already has all necessary licenses and permits for the site, and is in the process of applying for a broker license for vehicle sales.
9. The general purposes and spirit of this Ordinance and the Master Plan of the Township shall be maintained. – Condition met. As the proposed use should have minimal impact of any sort on surrounding parcels, and would continue commercial uses in a B-2 Highway Service District, the spirit of the Zoning Ordinance and the Master Plan are considered to have been met.

E. Vehicular and Pedestrian Standards

1. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. – Condition met. As the site will be limited to likely one client/vehicle per session, and as there is no pedestrian traffic proposed, these conditions were considered to be already adequately provided.
2. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the Township. – Condition met. The existing driveway connection to Legion Drive was found to be adequate to address this requirement.

3. The minimum number of vehicular entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of vehicular entrances to and exists from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location of the surrounding streets, the effect of traffic in the area, nearby topography, and other factors. – Condition met. Given the pre-existing driveway and the proposed level of traffic, this requirement was deemed to be sufficiently addressed.
4. Adequate traffic control shall be provided on site and throughout developments to ensure safe vehicular and non-motorized cohabitation. The Planning Commission may require traffic calming measures, paved road shoulders, and deceleration or turn lanes when necessary. – Condition met. Given the limited number of vehicles expected to access the property, adequate traffic control was deemed to not need any improvement.
5. Appropriate sidewalks, trails or pathways for pedestrians and non-motorized vehicles may be required within the development and between developments but may be deferred with an appropriate performance guarantee. – Condition met. The possibility of the need for sidewalks in the foreseeable future is remote. There are no sidewalks currently on the property or surrounding parcels and none are planned. No known trails or pathways for the general public are needed, given the nature of the district and the proposed uses.
6. The Planning Commission may require shared driveways or the consolidation of existing driveways where appropriate. – Not applicable.

F. Environmental and Natural Features Standards

As no removal or alteration of significant natural features or trees is proposed or needed, and as there is no known history or recent experience of standing water on the property after rainfall, the requirements of this entire section were found to not be applicable.

SECTION 15.04 LIGHTING

As no additional lighting is proposed, and only the existing exterior light will be utilized, all of the requirements of this section were found to not be applicable.

SECTION 15.05 LANDSCAPING REQUIREMENTS

Given the commercial use proposed, the lack of significantly increased traffic or parking, and the location of the parcel in the middle of a B-2 Highway Service district, the provisions of this entire section were found to not be applicable.

The Commission having considered the site plan and having made the findings as detailed above:

MOTION Cady, seconded by Minster, that the site plan for open air business vehicle sale operations on parcel #33-10-10-06-204-006, 4149 Legion Drive, as considered April 5, 2017, be approved as it meets the requirements of Chapters 14 and 15 of the Zoning Ordinance as determined by the Commission as reflected in the meeting minutes above.

CARRIED 6-0.

Section 16.03 – Basis of Determination: While this is the responsibility of the Board of Trustees, 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 Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

The application meets this condition. The parcel is currently surrounded by parcels used for commercial and highway service purposes. No new construction or structures are proposed; traffic will be only one or two vehicles at a time; no noise, smoke, fumes, visual impact, vibrations, new outdoor lighting, or pedestrian traffic is proposed or expected; and there would be no need for any expanded or new public services. Given the minimal impact on the affected parcel and as the proposed use would be similar to the former uses of the parcel, the SLU permit would allow for uses harmonious with the adjacent property and surrounding area.

A (2) – The Special Land Use shall not change the essential character of the surrounding area.

The application meets this condition. The essential character of the surrounding area includes commercial and highway service activities. No current structures are proposed to be modified on the outside or torn down, and no new structures proposed. No vegetation would be removed. No other natural features would be changed or affected by the proposed use. The proposed use would be similar to prior uses of the parcel.

A (3) – The Special Land Use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, odor, smoke, dust, fumes, glare or site drainage.

The application meets this condition. The proposal does not include any hazardous activity, nor would it create hazardous situations. There will be no outside storage, burning, additional noises, odors, smoke, dust, vibration, glare, or fumes. Any new traffic on Cedar Street would amount to merely several vehicles per day. No pedestrian traffic will occur. Site drainage has been adequate to date, and should continue to be so. There should be no new negative impacts on the parcel itself, and thus none to surrounding parcels or persons.

A (4) – The Special Land Use shall not place demands on public services and facilities in excess of current capacity.

The application meets this condition. No public road work is needed, and no significantly increased traffic is expected to be generated. No new public storm water drainage system or public water supply or sewer system will be needed. No activities are planned that would increase the potential need for enhanced law enforcement oversight or presence, fire services, or emergency medical services.

A (5) – The Special Land Use shall be in general agreement with the Township Master Plan.

As the Master Plan is currently written, major goals include protection of the Agriculture District, and orderly development that fits the rural character of the Township. The proposed use meets these goals and is in general agreement with the Master Plan.

A (6) – The Special Land Use shall comply with all site plan review standards.

The required site plan review process was completed by the Commission earlier this evening, and the site plan was unanimously approved.

MOTION Cady, seconded by Winters, to recommend the Board of Trustees approve issuance of Special Land Use Permit #17-01, open air business, at 4149 Legion Drive, Mason, MI, as requested by Eric Harter, but contingent upon the Board approving the proposed amendment to Chapter 8 of the Zoning Ordinance, amending the size of parcels able to be zoned B-2, Highway Service, and contingent upon the Board re-zoning the parcel to B-2 Highway Service prior to consideration of the application. Recommended approval is based on compliance with the Vevay Township Zoning Ordinance, and Commission approval of the proposed Site Plan.
CARRIED 6-0.

C. SLU Permit Application – Gravel Mine – Richard Lyon/Sunrise Aggregates LLC at Ives Road

Summary of Issues of Special Significance/Interest in gravel mining operations:

It was noted that there was substantial testimony and discussion on this proposed operation during the summer of 2016. Further details may be read in the minutes of the August 3, 2016, regular Commission meeting.

Pumping of Water – Mr. Warvel clarified that water will be pumped for washing material on the adjacent parcel, directed to settling ponds for clarity, and then returned to the pond. Water will likely also be pumped into an adjoining pond to allow for mining operations below the water table. There is not and will not be any dewatering off-site. It was noted that while there are two SLU permits for gravel mining operations on these parcels and adjoining parcels, the activities effectively use the parcels as one combined operation.

Crushing Operations – Crushing is no longer needed, and no crushing is being proposed.

Length of Operations – Mr. Warvel stated that most of the economically recoverable product is exhausted, and he is “95% certain” that operations will be done within 5 years. That time frame may be affected by the market demand for the product.

Truck Traffic – Mr. Warvel explained that he has a bond with the Ingham County Road Department (ICRD) to allow fully loaded trucks to travel north on Ives Road. He has no bond for trucks traveling south on Ives Road, so only partially loaded trucks may travel south. Truck traffic is allowed in both directions, but the load varies. Both single bottom and double bottom trucks haul his product.

Dust Abatement – Mr. Warvel will use industry best practice twice daily, and will personally address dust abatement if residents call him directly.

Site Plan Discussion

Sec. 14.03

- A general location sketch showing at minimum, properties, streets and use of land within 1/2

mile of the area. – Condition met, on the General Location Sketch.

- Legal description of the subject property. – Condition met on the Final Site Plan.
- The date, north arrow, and scale. – Condition met on all provided sketches.
- Name and address of the property owner or petitioner. – Condition met on Final Site Plan.
- Name and address of the person and/or firm who drafted the plan and the date on which the plan was prepared. – Condition met on all sketches.
- Existing zoning and use of all properties abutting the subject property. - Condition met on the General Location Sketch.
- All buildings, parking and driveways within 100 feet of all property lines. – Condition met on General Location sketch.
- The overall objectives of the proposed development. – Condition met on Final Site Plan.
- Size (in acres) of the subject property and approximate number of acres allocated to ~~size (in acres) of the subject property and approximate number of acres allocated to each~~ proposed use and gross area in building, structures, parking, public streets and drives, and open space. – Condition met on Final Site Plan. Revised 5-3-17
- Dwelling unit densities by type, if applicable. – Not applicable.
- Proposed method of providing sewer and water service, as well as other public and private utilities. – Not applicable.
- Proposed method of providing storm drainage. – Not applicable.
- Seal, name, and firm address of the professional individual responsible for the preparation of the site plan. – Condition met on Final Site Plan.
- Property lines and required setbacks shown and dimensioned. – Condition met on Final Site Plan.
- Dimensions of all existing and proposed structures on the subject property including dwelling unit densities by type, if applicable. – Condition met on Final Site Plan.
- Size and location of existing and proposed utilities, including any proposed connections to public, or private community sewer or water supply systems. – Not applicable.
- All existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, signs, exterior lighting, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), fire lanes, and unloading areas. For projects on a collector or arterial road, see also Section 12.04. – Condition met on Final Site Plan.
- Pavement width and right-of-way width of all roads, streets, and access easements within 100 feet of the subject property. – Condition met on Final Site Plan.
- Location and size of all surface water drainage facilities. – Not applicable.
- Location of all solid waste disposal facilities, including recycling, and screening. – Not applicable.
- Location and specifications for existing or proposed outside, above or below ground storage facilities for hazardous materials. – Condition met on Final Site Plan.
- All existing vegetation and the location, type, and size of all proposed landscaping, and the location, height and type of existing and proposed fences and walls. – Condition met on Final Site Plan.
- Recreation areas, common use areas, flood plain areas and areas to be conveyed for public use and purpose. – Not applicable.
- Exterior lighting showing area of illumination and indicating the type and height of fixture to be used. – Not applicable.

- Elevation drawings of proposed buildings. – Not applicable.

D. Additional Information

No additional information was requested at this time.

Section 14.04 – Application and Review: It was noted that all required copies and fees have been submitted.

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

B. Site Development Standards

1. The uses proposed will not adversely affect the public health, safety, or welfare. – Condition met. The proposed use has been ongoing for several decades, and the resulting effects of traffic, noise, dust, and vibrations are well known. As this operation is nearing the end of its economic viability and the operator has an excellent history of working with the Township and nearby residents to abate the nuisances, the Commission determined that the proposed continued use would not adversely affect the public health, safety, or welfare.
2. Uses and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance. – Condition met. No new building, re-modeling, or paving is proposed. For a gravel mining operation, this site has been fairly well managed in recent years. Both the Township and neighbors look forward to mining operations coming to a close and reclamation activities being completed.
3. The site plan shall provide reasonable visual and sound privacy for all dwelling units located within and adjacent to it. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes. Appropriate fencing may be required by the Planning Commission around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands. The Planning Commission may also require road or pathway cross-connections between developments. – Condition met. As no rock crushing is proposed, noise issues should be less than they have been. The nuisance effects on neighboring residences are mostly traffic and dust. The operation has worked to abate dust and will continue to do so. As the product is exhausted, fewer trucks will be needed to remove the minerals. The existing vegetation, and the current setback distances of the operations, were deemed adequate for operations to continue.
4. The site shall be developed to create a pleasant, pedestrian paced atmosphere which de-emphasizes the automobile and considers rural character. Site amenities like street trees, bike racks, benches and outdoor tables may be required by the Planning Commission. – Not applicable.
5. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Fire Department. – Condition met. Necessary emergency vehicle access is already available via the existing driveway.

6. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of buildings or structures shall be minimized to reduce light pollution. The site shall comply with the requirements of Section 15.04. – Not applicable as there is no exterior lighting.
7. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from Residential Districts or public streets, shall be screened in accordance with the requirements of Section 15.02. – Condition met. The Commission determined that no additional screening is needed.
8. Site plans shall conform to all applicable requirements of Township, County, State, Federal agencies. Approval may be conditioned on the applicant receiving necessary Township, County, State, and Federal permits before final site plan approval or an occupancy permit is granted. – Condition met. The operator has obtained necessary permits from the appropriate county and state agencies.
9. The general purposes and spirit of this Ordinance and the Master Plan of the Township shall be maintained. – Condition met. As the proposed use would continue an operation going back decades, it has become a part of the landscape of the Township. With operations likely to end in the next several years, the reclamation of the site to open water and agricultural use meets the requirements and spirit of the Zoning Ordinance and the Master Plan.

C. Vehicular and Pedestrian Standards

- Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. – Condition met. As the site will be limited to commercial trucks, and as there is no pedestrian traffic, “safe, convenient, uncongested and well-defined vehicular and pedestrian circulation” is considered to be already adequately provided.
- The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the Township. – Condition met. The existing driveway connection to Ives Road was found to be adequate to provide for a safe and efficient circulation system.
- The minimum number of vehicular entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of vehicular entrances to and exists from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location of the surrounding streets, the effect of traffic in the area, nearby topography, and other factors. – Condition met. Given the pre-existing driveway and the proposed level of traffic, this requirement was deemed to be sufficiently provided.
- Adequate traffic control shall be provided on site and throughout developments to ensure safe vehicular and non-motorized cohabitation. The Planning Commission may require traffic calming measures, paved road shoulders, and deceleration or turn lanes when necessary. – Condition met. Given the limited access to the property, traffic control was

deemed to not need any improvement. Traffic calming, paved road shoulders, and deceleration or turn lanes are not required.

- Appropriate sidewalks, trails or pathways for pedestrians and non-motorized vehicles may be required within the development and between developments but may be deferred with an appropriate performance guarantee. – Not applicable.
- The Planning Commission may require shared driveways or the consolidation of existing driveways where appropriate. – Not applicable.

D. Environmental and Natural Features Standards

As this is a mining operation, the open water portion of the parcel will necessarily increase in size. The parcel has substantial numbers of trees that will remain in place. No additional trees are proposed or needed. There is no known history or recent experience of standing water on the property after rainfall except for what drains into the pond. Reclamation efforts have been ongoing for years. The requirements of this entire section were found to not be applicable.

SECTION 15.04 LIGHTING

As there are no exterior lights, and no additional lighting is proposed, all of the requirements of this section were found to not be applicable.

SECTION 15.05 LANDSCAPING REQUIREMENTS

Given the explanations of reclamation efforts to date (see also the Commission minutes of August 3, 2016), the Commission deemed the requirements of this section to have been met.

The Commission having considered the site plan and having made the findings as detailed above:

MOTION Cady, seconded by Minster, that the site plan for gravel mining operations on parcels #33-10-10-22-400-001 and #33-10-10-22-400-008, on Ives Road, dated January 25, 2017, be approved as it meets the requirements of Chapters 14 and 15 of the Zoning Ordinance as determined by the Commission as reflected in the meeting minutes above. CARRIED 6-0.

Sec. 16.06 (I) discussion:

(Please see the Commission minutes of August 3, 2016, for further details of efforts to address these requirements.)

1. In addition to the information required for site plan review, the application for Commercial Extraction and Processing of Soil, Sand, Gravel, or Other Mineral Resources, shall include the following:
 - a. A written legal description of all of the lands proposed for the use. – Condition met on Final Site Plan sketch.
 - b. Twelve (12) copies of the mining plan, drawn and sealed by a registered civil engineer, and including the following, at a minimum:

- i. A north arrow, scale, and date. - Condition met on all sketches.
- ii. Shading indicating the extent of land area on which mineral removal operations and activities will take place. - Condition met on the Mining Plan sketch.
- iii. The location, width, and grade of all easements or rights-of-way on or abutting the lands. - Condition met on Final Site Plan and Mining Plan sketches.
- iv. The location and nature of all structures on the lands. - Condition met on Final Site Plan and Mining Plan sketches.
- v. The location and direction of all water courses, flood plains, flood ways, and flood control channels that may be affected by the mineral removal operations. - Condition met on Mining Plan sketch.
- vi. Existing elevations of the lands at intervals of not more than five (5) feet. - Condition met on Final Site Plan and Mining Plan sketches.
- vii. All soil boring results and the resultant typical cross sections showing the estimated extent of overburden, and estimated extent of mineral material location in, or on the lands, and the water table. - Information MISSING but this requirement was waived by the Commission. During the August 3, 2016, Commission meeting there was extended discussion on the over 50 year history of mining operations on these parcels. Both Mr. Lyon and Mr. Warvel have previously commented that they had done countless borings, as had others before them. Mr. Warvel stated that in his experience, a boring could show you what was in the bore hole, but it could be different material just a few feet over. For this particular operation, the practice has been to follow the vein of product and extract material accordingly. Borings on this site have not been economically useful.
- viii. Mineral processing and storage areas (including crushing, washing, asphalt plants, etc.). - Condition met on Final Site Plan and Mining Plan sketches.
- ix. Proposed fencing, gates, parking areas, and signs. - Condition met on Final Site Plan and Mining Plan sketches.
- x. Roads for ingress to, and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles. - Condition met on the Mining Plan sketch. Dust control will be applied twice daily pursuant to industry standards. Mr. Warvel offered to continue to work with individual neighbors if they had complaints.
- xi. A map showing access routes between the subject lands and the nearest (County) paved arterial or collector road. - Condition met on Final Site Plan and Mining Plan sketches.
- xii. Methods to be used for mine water management. – Condition met on Final Site Plan and Mining Plan sketches. There is an historic practice going back at least 15 years of using adjacent parcels for water management when a pond needs to be pumped to allow for further extraction of minerals below the water table. No water will be pumped off-site from these adjoining parcels.
 - Pond to pond method is preferred – Condition met.

- Off site dewatering is prohibited. – Condition met.

xiii. Proposed method of managing overburden (e.g., seeding, grading, erosion and sedimentation control, etc. – Not applicable.

xiii. The area anticipated to be mined in a five (5) year timeframe. Extraction operations encompassing more area than the initial 5-year estimate shall have a separate approval process. – Condition met on the Mining Plan sketch.

xiv. Appropriate permits such as but not limited to those from MDEQ and MDNR. – Condition met on Final Site Plan sketch.

2. A narrative description and explanation of the proposed extraction operations and activities, including:

- a. The date of commencement. – Condition met on the General Location sketch.
- b. Proposed hours and days of operation. – Condition met on the Mining Plan sketch with the following changes to the notes at the top of the right-hand column: “HOURS OF OPERATION: 7 A.M. TO 6 P.M. MONDAY – FRIDAY, 8 A.M. TO 5 P.M. SATURDAY, AND 7 A.M. TO 6 P.M. FOR PROCESSING MONDAY – SATURDAY. NO MINING OR PROCESSING ON SUNDAYS OR TOWNSHIP HOLIDAYS.”
- c. Estimate of type and quantity of mineral materials to be removed. – Information MISSING but this requirement was waived as operations are drawing to a close and contracts are not yet in hand for extracted minerals.
- d. Description of extraction and processing methods, including dewatering, proposed equipment and the noise rating of each type thereof. – Condition met on the Mining Plan sketch.
- e. A summary of the procedures and practices that will be used to ensure compliance with the conditions of this subsection. – Condition met on Final Site Plan and Mining Plan sketches.
- f. Description of size of trucks and daily volume of traffic entering and leaving the site, and on-site circulation pattern. – Condition met on the Mining Plan sketch. Mr. Warvel noted that the number of trucks on any given day is dependent on contracts and the nature of the road-building project. Comm. Lazet – commented that the state has increasingly moved to road-building operations focused after normal working day hours. The state also is incentivizing completion of projects prior to end of contract dates. Both of these practices could result in heavier truck traffic than would occur 20 years ago.

COMMISSION – noted that the required site rehabilitation plan appears to be missing from the SLU application materials. Given the timing of the SLU application submission and anticipated road building projects, given the especially positive history of Mr. Warvel working with the Township and residents on this operation, and in an effort to keep this process moving forward, the Commission utilized the comments of Mr. Warvel from August 3, 2016, and tonight to provide responses to the requirements of the site rehabilitation plan. However, any recommendation to the Board will be contingent on a submitted written plan that is in compliance with the Ordinance.

3. A site rehabilitation plan including the following:
 - a. A written description of planned site rehabilitation and end-use(s), including potential methods of accomplishment. – Information MISSING. Mr. Warvel explained both tonight and last summer that reclamation activities have occurred as each portion of the site has had the minerals fully mined. The bottom lands and approaches to the water have been sloped in accordance with the Ordinance, and appropriate grass mixtures have been drilled into the surface areas to prevent erosion. End uses are noted on the Site Plan as a pond and agriculture uses.
 - b. A phasing plan, if the excavation of the site is to be accomplished in phases. This plan shall indicate the area and extent of each phase and the approximate timing of each phase. – The areas already rehabilitated have been noted both tonight and last summer. Mr. Warvel again noted how each portion of the site that will no longer be affected by mining operations is rehabilitated as noted above.
 - c. A plan showing:
 - i. Final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet. - Condition met on the Final Site Plan and Mining Plan sketches, but needs to be noted in the site rehabilitation plan.
 - ii. Water courses, ponds, or lakes, if any. - Condition met on the Final Site Plan and Mining Plan sketches, but needs to be noted in the site rehabilitation plan.
 - iii. Landscaping and plantings. - Not applicable.
 - iv. Areas of cut and fill. – Condition met on the Final Site Plan and Mining Plan sketches, but needs to be noted in the site rehabilitation plan.
 - v. All of the components of the proposed end-use(s) - Condition met on the Final Site Plan sketch, but needs to be noted in the site rehabilitation plan.
 - d. A description of the proposed methods or features that will ensure that the end-use is feasible, and can comply with all applicable requirements of this Ordinance. – Condition met, but needs to be noted in the site rehabilitation plan.
4. Each site rehabilitation plan shall be reviewed by the Planning Commission and shall comply with all of the following standards and requirements:
 - a. Topsoil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation. – Information MISSING. Mr. Warvel explained how the rehabilitation is meeting this requirement and is already finished in some areas, and how he intends to finally rehabilitate the site, but this needs to be noted in the site rehabilitation plan.
 - b. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use. Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance. – Information INCOMPLETE. Mr. Warvel explained how the rehabilitation is meeting this requirement and is already finished in some areas, and how he intends to finally rehabilitate the site, but this needs to be noted in the site rehabilitation plan.
 - c. The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site. – Information MISSING. Mr. Warvel explained how the rehabilitation is meeting this

requirement and is already finished in some areas, and how he intends to finally rehabilitate the site, but this needs to be noted in the site rehabilitation plan.

d. Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated. – Information MISSING though explained. These details need to be noted in the site rehabilitation plan.

5.a. No machinery shall be erected or maintained within one hundred (100) feet of any exterior property line. No cut or excavation shall be made closer than fifty (50) feet to any road right-of-way line or property line in order to ensure subterranean support to surrounding property. The Planning Commission may require greater distances for the location of machinery, storage, or parking of equipment, or limits of excavation where the site is located within two hundred (200) feet of any Residential District or use. The Planning Commission may recommend and the Township Board may establish additional measures to minimize noise from equipment, including, but not limited to, generators. Crushing machinery shall be located as near as possible to the center of the property and shall not be located closer than two hundred fifty (250) feet to any property line. – Condition met on the Mining Plan sketch.

b. The Planning Commission may recommend and the Township Board may approve shorter hours of operation for crushing activities and special conditions for crushing activities, taking into consideration the character of land uses on adjacent property; proximity to residential land uses; noise levels of crushing activities and machinery; and such other criteria as may be deemed appropriate and relevant. – Not applicable as no crushing is proposed.

6. No business or industrial buildings or structures of a permanent nature shall be erected, except when such building is a permitted use within the district in which the excavation pit is located. – Condition met as the only structures are an office trailer and truck scales which will be removed at the end of operations, and a portable screening plant supplied by conveyors that moves with the operations and will be removed at the end of operations. These structures are noted/explained on the Mining Plan sketch.

7. The Developer shall request that the Ingham County Road Commission identify and provide to the Township routes for truck movement to and from the site in order to minimize the wear on public roads, and to prevent hazards and damage to properties in the community. Access roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the Planning Commission to minimize dust, mud, and debris being carried onto the public road. Portions of driveways or roadways may be required to be paved to minimize nuisance dust. – Condition met on the Final Site Plan and Mining Plan sketches.

8. Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon stockpiling techniques of excavated material upon the site. – Condition met on the Mining Plan sketch.

9. Mineral resource extraction operations shall not occur prior to 7:00 a.m. or after 6:00 p.m., Monday through Friday. Saturday operations shall not occur prior to 8:00 a.m. or after 5:00 p.m. Operations shall not occur any time on Sundays or holidays. Crushing operations are subject to

separate approval. – Condition met on the Mining Plan sketch, with the changes to the notes on hours of operation as noted previously.

11. The Planning Commission may order studies regarding dewatering processes to ensure that groundwater and well water resources are not unreasonably disrupted by the operation. The cost of these studies shall be borne by the applicant. – Not applicable.

12. The Planning Commission may require compliance with such other conditions as may be necessary to ensure compliance with the terms of this subsection. Such conditions may include, though need not be limited to, weed control, erosion and sedimentation control, fencing and visual screening including berms, requirements for groundwater monitoring wells, preservation of trees and other vegetation, and fuel loading and storage requirements. – No other conditions were required as these requirements are either already adequately met, or not applicable.

13. An applicant for a permit shall submit a performance bond in accordance with the requirements of this Ordinance, naming Vevay Township as the insured party, and conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the permit. The bond shall have such other terms and shall be in such amount as is recommended by the Zoning Administrator as reasonably necessary to ensure compliance with all of the terms and conditions of this subsection and the permit. – Condition met, with fuel storage being in a double walled tank on an impermeable clay pad. Fueling is normally done by a vehicle that comes on site and tanks up the various pieces of equipment.

14. The performance bond shall not be refunded, reduced, or transferred until the mineral removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection by the Zoning Administrator. – Condition met.

15. The timely and faithful compliance with all of the provisions of the performance bond shall be a condition of any mineral removal operations. In the absence of any such compliance with the terms of the performance bond, or if the special use is revoked, expires, or is not renewed, the Planning Commission need not approve the renewal of any permit, even if the applicant has otherwise complied with all other terms and provisions of the current permit. – Condition met. The SLU permit has expired, and a new permit is still under consideration.

16. All owners/operators of property involved in mineral resource extraction operations shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in the amount of not less than \$1,000,000 for each person or property injured or damaged and not less than \$300,000 for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. A copy of the policy shall be submitted annually with the Township Clerk. – Condition met, but Commission recommends that approval of the SLU application be contingent upon current copies of these policies being filed with the Township prior to action by the Board of Trustees.

17. To insure compliance with the permit, the Zoning Administrator shall conduct periodic inspections and shall file a written annual report to the Planning Commission. The operator shall be required to pay an annual fee to cover the cost of inspections and additional meetings of the Planning Commission. – Township information MISSING.

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

A (1) - The Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

The proposal meets this condition. These parcels have had gravel mining operations for over 50 years. No new construction or structures are proposed for the use; traffic will be contingent upon contracts, but at no higher levels than in past years. Noise is controlled by mufflers on equipment and screening from adjoining parcels. No smoke, fumes, visual impact, new vibrations, outdoor lighting, or pedestrian traffic is proposed or expected; and there would be no need for any expanded or new public services. Given the long-term use of this parcel for mining purposes, the SLU permit would allow for uses that are historical in nature and likely to be ending in the next several years.

A (2) – The Special Land Use shall not change the essential character of the surrounding area.

The proposal meets this condition. Mining has been conducted in this section of the Township for decades. The essential character of the surrounding area includes residential and agricultural activities. No current structures are proposed to be modified on the outside or torn down, and no new structures proposed. No vegetation would be removed. Proposed end uses include a pond and agriculture use, which fits the character of the surrounding area.

A (3) – The Special Land Use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, odor, smoke, dust, fumes, glare or site drainage.

The proposal meets this condition. The proposal does not include any hazardous activity other than truck traffic, nor would it create hazardous situations. There will be no burning, additional noise, odor, smoke, dust, vibration, glare, or fumes other than have been present for decades. No pedestrian traffic will occur. Site drainage to the onsite pond has been adequate to date, and should continue to be so. There should be no new negative impacts on the parcel itself, and thus none to surrounding parcels or persons. Adequate measures have been taken to protect against fuel spills and groundwater contamination.

A (4) – The Special Land Use shall not place demands on public services and facilities in excess of current capacity.

The proposal meets this condition. No public road work is needed, and a bond has been posted with the Ingham County Road Department should repairs be needed. No significantly increased truck traffic is expected to be generated. No new public storm water drainage system or public water supply will be needed. No activities are planned that would increase the potential need for enhanced law enforcement oversight or presence, fire services, or emergency medical services.

A (5) – The Special Land Use shall be in general agreement with the Township Master Plan.

As the Master Plan is currently written, major goals are protection of the Agriculture District, and orderly development that fits the rural character of the Township. The proposed use and end uses are historical and meet these goals, and are in general agreement with the Master Plan.

A (6) – The Special Land Use shall comply with all site plan review standards.

The required site plan review process was completed by the Commission earlier this evening, and the site plan was unanimously approved.

MOTION Cady, seconded by Minster, to recommend the Board of Trustees approve issuance of Special Land Use Permit #16-02, gravel mining, at Ives Road, as requested by Richard Lyon, contingent upon the receipt of a Site Rehabilitation Plan that complies with the Ordinance and as discussed tonight, and the filing with the Township of current insurance policies. Recommended approval is based on compliance with the Zoning Ordinance, and Commission approval of the proposed Site Plan as reflected in the meeting minutes above.

CARRIED 6-0.

D. Medical Marihuana Ordinance Amendment (Set Public Hearing)

MOTION Cady, seconded by Minster, to schedule a public hearing during the regular May 3, 2017, Commission meeting, on the proposed Zoning Ordinance amendments to Sec. 3.02 and Sec. 17.01, to:

- **clarify allowable uses on all parcels in all districts, and**
- **to not allow for the commercial growing, processing, sales, transportation, or testing of marijuana in the Township, pursuant to recently enacted state law, 2016 PA 281.**

CARRIED 6-0.

X. Any Other Business

No other business was discussed.

XI. Additional Public Comment

Jeff Carter – asked if the Township currently has an ordinance that addresses the use and sale of marijuana. Legal Counsel – responded that new state law allows for certain commercial use – not medical use - operations involving marijuana, and the issue that would be addressed by the proposed Zoning Ordinance amendments would have the Township opt out of allowing these operations within the Township.

XII. Adjournment

There being no further business, the meeting was adjourned at 9:34 p.m.

John Lazet, Secretary