

VEVAY TOWNSHIP PLANNING COMMISSION
Regular Meeting/Public Hearings
Wednesday, August 9, 2017
Vevay Township Hall – 7:00 p.m.

MINUTES

Members present: Jack Cady, John Lazet, Chris Lewis, Pattie McNeilly, Jim Minster, Bruce Walker, and Al Winters.

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 McNeilly.

II. Pledge of Allegiance

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

III. Set/Amend Agenda

The agenda was accepted as submitted.

IV. Approval of Minutes: Regular Meeting 7-5-17

No amendments were offered.

MOTION Cady, seconded by Winters, to approve the July 5, 2017, Regular Meeting minutes as presented.

CARRIED 7-0.

V. Brief Public Comment

There was no public comment.

VI. Recess to Public Hearings regarding:

- a. Zoning Ordinance Amendment for Chapter 15, Section 15.05 – “Site Development Requirements”
 - b. Zoning Ordinance Amendment for Chapter 16, Section 16.06 PP – “Specific Special Land Use Standards,” Paragraph “PP Wireless Communication Towers Not Part of a Federally Licensed Amateur Radio Station,” Sub-paragraph 5
- a. Zoning Ordinance Amendment for Chapter 15, Section 15.05 – “Site Development Requirements”

Mr. Revore – explained that the proposed amendment to Sec. 15.05 paragraph “F. Site Landscaping” would grant the Commission flexibility in determining the number of perimeter plantings in cases of 1) topographical and area conditions that create a hardship or

impracticality, and 2) location of the perimeter of the property near other buildings, road frontage, or adjacent property. The proposed amendment was drafted based on Commission experience in working with site plans, especially for parcels zoned M-1 Industrial, but would apply to any site plan submitted for approval.

There was no public comment on the proposed amendment.

- b. Zoning Ordinance Amendment for Chapter 16, Section 16.06 PP – “Specific Special Land Use Standards,” Paragraph “PP Wireless Communication Towers Not Part of a Federally Licensed Amateur Radio Station,” Sub-paragraph 5

Mr. Revore – the proposed amendment to Sec. 16.06 PP (5) would restrict the placement of cellular communication towers to at least 500 feet from any residence on adjoining parcels. Currently the 500-foot distance is from boundary lines of parcels with a residence.

There was no public comment on the proposed amendment.

VII. Adjournment of Public Hearings and Recommencement of Regular Meeting

There being no further public comments, the public hearing was adjourned and the regular meeting recommenced at 7:10 pm.

VIII. Reports

July, 2017, AGS Building/Zoning Report

The written report indicated that there were nine building/zoning permit actions, involving: a deck, a storage shed, a new home, a new mobile home on a parcel, a re-roof, antennae additions to a cellular communications tower, a re-inspection, a building addition to a commercial building, and fire damage repair. There were no outstanding authorizations to enforce the Zoning Ordinance.

COMMISSION – had discussion on the placement of the mobile home on the parcel at Rolfe and Hawley Roads, especially as to size and condition of the structure. Supervisor Ramey noted that AGS has looked over the building permit. The Commission asked Supervisor Ramey to ensure that the placement is in compliance with the Zoning Ordinance, especially Sec. 3.05.

IX. Pending Business

A. Zoning Ordinance Amendments

- 1. Zoning Ordinance Amendment for Chapter 15, Section 15.05 – “Site Development Requirements”

COMMISSION – asked legal counsel to amend Section 2, the first paragraph, by striking “if one of the following conditions are met” and replacing the language along the lines of “...based upon one or more of the following conditions”

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

- a. The proposed text amendment would clarify the intent of the Ordinance. – The Ordinance was drafted in a manner to require plantings that would help in maintaining the rural character of the Township when development of a parcel occurs. The proposed amendment would grant the Commission the flexibility to better determine what type and number of perimeter plantings would best suit any particular development in meeting the goal of maintaining rural character.
- 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. – 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. – Allowing for Commission flexibility in determining how best to maintain the rural character of the Township via perimeter plantings was deemed to be in the best interest of Township residents.

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

MOTION Walker, seconded by Cady, to recommend approval of the Zoning Ordinance amendment (as amended) to Section 15.05, Site Development Requirements, based on the Commission findings pursuant to Sec. 19.05 (B)(1) as noted in these minutes, and having heard no objections from the public during the public hearing earlier this evening. CARRIED 7-0.

2. Zoning Ordinance Amendment for Chapter 16, Section 16.06 – “Specific Special Land Use Standards,” Paragraph “PP Wireless Communication Towers Not Part of a Federally Licensed Amateur Radio Station,” Sub-paragraph 5

COMMISSION – had discussion on the origin of the current language; the need for provision of services to all sections of the Township; and internet articles and literature of potential negative health effects. NOTE: It was repeatedly clarified that the 500-foot distance only applies to existing residences on adjoining parcels, and not to future, yet to be built, residences.

COMMISSION – asked legal counsel to amend the purpose paragraph to remove reference to “existing” structures. It was noted that this is not a change to the proposed Ordinance amendment itself, which applies to residences already located on adjoining parcels.

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

- a. The proposed text amendment would clarify the intent of the Ordinance. – The Ordinance was drafted in a manner to allow for the placement of cellular communication towers to extend cell phone and wireless services to residents, without being too close to residences. Given the nature of land divisions within the Township over the years, the practical effect of the current language has been to limit tower placement to parcels that may not be the best location for the provision of service. The amendment would retain the placement requirement for a significant distance from residences, while allowing more flexibility in placement which could eventually result in fewer overall towers 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. – 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. – Allowing for the expansion and enhancement of wireless telecommunication services to residents who use cell phones and other wireless services was deemed to be an improvement in the best interest of Township residents. The state 9-1-1 emergency dispatch system is required to identify precisely from where a call is received, and this amendment could potentially enhance this service.

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

MOTION Lewis, seconded by Winters, to recommend approval of the Zoning Ordinance amendment (as amended) to Section 16.06, Paragraph PP – Wireless Communications Towers not part of a Federally Licensed Amateur Radio Station - based on the Commission findings pursuant to Sec. 19.05 (B)(1) as noted in these minutes, discussion with the vendor for Verizon wireless services as to the technical reasons for choosing this location, and having heard no objections from the public during the public hearing earlier this evening.

CARRIED 6-1.

- B. SLU Application for Cell Tower by TeleSite Wireless, Inc., for Ron Launstein at 1796 Hawley Road, Leslie, MI

COMMISSION – last month the applicant was asked to provide a corrected site plan. The applicant made the changes and re-submitted the site plan on July 10, 2017. Based on a new site plan being submitted which incorporated the changes requested by the Commission:

MOTION Cady, seconded by Lazet, that the Commission reconsider the July 5, 2017, vote by which the Commission conditionally approved the site plan for a wireless communication tower with supporting switching equipment on parcel #33-10-10-26-200-024.

CARRIED 7-0.

Without objection, Comm. Cady withdrew his motion to conditionally approve the site plan.

MOTION Cady, seconded by Lazet, to approve the site plan for a wireless communication tower with supporting switching equipment on parcel 33-10-10-26-400-024, as considered June 7, 2017, and July 5, 2017, and as submitted to the Township on July 10, 2017, 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 of July 5, 2017, including having made the required changes to be in full compliance.

CARRIED 7-0.

Mr. Revore – raised the issue of permutations of non-active use of telecommunications towers, and how best to ensure removal of a tower and all appended equipment. COMMISSION – had discussion on having a future discussion of how best to enforce removal of structures that are abandoned or no longer functionally used; how to better determine what structure may have been abandoned or no longer used; how to set bonding levels; how to factor in inflation; and how best to make recommendations to the Board on adding SLU permit conditions apart from what may be required in the Ordinance.

- C. Site Plan Review from FSI Mason Manor Properties LLC for expansion to Existing Park/Infrastructure

Mason Manor submitted on July 26, 2017, a proposed site plan for an expansion of 98 lots for mobile home placement. Pursuant to state law, the Township has 60 days to submit any concerns or suggestions to the applicant; state law (MCL 125.2311) permits the Township to preliminarily approve the site plan, but leaves final approval to the state.

Steven Blank (owner representative) and engineer Cameron Horvath were present to talk about the proposal. State law governs many standards of development within a park. Mr. Horvath has been in discussion with Supervisor Ramey. He has also talked with the state who informed him that law requires a review by various local agencies, including the Township.

Mr. Blank and Mr. Horvath – Though just purchased, the company has already spent and committed over \$1 million on items such as new roads, renewing the pool, a new pavilion, a proposed dog park, and new playground equipment. The firm is committed to good operations.

The new homes being placed are coming in at higher price points, and should look more like Sycamore Village. The goal is to have responsible owners/tenants. It's rare for community members to bring in their own home; they now must buy or rent the home provided by the community itself. If the current structure was manufactured in 2005 or earlier, it will not be rented but must be owned by the park due to maintenance issues. In another community they purchased, they had 12 older homes which they sold and moved out within a month. Again, the goal is to offer higher quality living for responsible residents.

Currently Mason Manor has 267 sites, and about 50 are rented. Turnover is low. Since March there have been 32 move-ins, and 10 or less move-outs. People like the feel of being in the country while also being close to urban areas. The proposed addition would allow for placement of 98 new manufactured homes, resulting in an estimated 150 more vehicles.

The maximum price for a manufactured home can be about \$90,000, which would include a garage and other improvements. Mason Manor is focused on providing multi-section units in the price range of about \$60,000, with single section units going for about \$45,000. The current rental rate for multi-section units is about \$1000 and \$800 and up for singles. Company policy is to not allow sales to ex-felons, unless it's been over 20 years and it was a non-violent offense. The policy is based on underwriters and mortgage companies who serve the community.

There is a full-time water and sewer operator on site daily, a full-time manager, and a full-time maintenance worker with seasonal part-time help for other work. They outsource work for special incidents like a burst pipe. Snow removal is provided by in-house personnel and equipment.

In response to Commission questions:

Is there a tornado shelter? The basement in the clubhouse should qualify. The development was purchased in March of 2017, and management is still looking at the entire development. The facility has been determined to be sufficient to serve all the residents of the community.

Are the retention ponds sufficient to prevent flooding, as has happened in the past? The retention pond is proposed to meet the specifications of the drain commissioner, able to meet the needs for a 100-year storm. There is a forebay which allows sediment to settle, the water then discharging into eventually Sycamore Creek. Lagoons discharge twice annually into a creek. When informed of flooding of the southern portion of the parcel several years ago, the response was that there has been no flooding since then, and the development is not in a flood plain. The Ingham County Drain Commissioner (ICDC) may have already addressed the issue in their separate review. Commissioners noted the flooding on the southern portion of the property was likely due to the drain under the highway being plugged, and it was thought that the ICDC has already addressed that problem. COMMISSION – based on past flooding and the uncertainty of the impact of new development, the Commission would recommend basing the Township's preliminary approval on ICDC approval.

Is a traffic study needed? The owner has a 700-home site community in Rochester Hills for residents aged 55 and older. These tend to be slower drivers, and yet traffic congestion has not

been an issue. The Ingham County Road Department (ICRD) will be looking at this, and may require a study. COMMISSION – discussed traffic at typical going to and returning from work hours, as well as school bus traffic. The Commission would recommend basing the Township’s preliminary approval on ICRD approval.

Could there be a negative impact on the school system? The owner is not sure, but they added 250 families to other manufactured housing communities in the greater Lansing area, and received no negative feedback from the schools.

What is the anticipated public safety impact? The owner has stricter underwriting guidelines for selling/leasing homes. They are not yet familiar with the stated increase in police responses in this community. More people would potentially lead to more demand for emergency response, but there is a low payment delinquency rate for this community, which often is indicative of more law-abiding residents. COMMISSION – would recommend basing the Township’s preliminary approval on Mason Fire Department approval.

It was noted that in a similar review, Orangeville Township in Barry County adopted a motion with preliminary approval based on approval by the drain commission and the road commission. That document could be looked at for consideration of a best approach to communicating with the state any concerns and preliminary approval.

The owner has not yet received feedback yet from any other agency. Some questions have been asked by other agencies.

**MOTION Lewis, seconded by Minster, that there are no major objections to the site plan, and the Commission would offer preliminary support of the site plan contingent upon approval by the Ingham County Drain Commissioner, the Ingham County Road Department, and the Mason Fire Department.
CARRIED 7-0.**

X. Any Other Business

COMMISSION – discussed a possible Ordinance amendment to address bonding requirements and enforcing removal of structures when abandoned or no longer in use. A starting point could be in Sec. 16.06PP (19). Also, see the comments below by Mr. Carter.

XI. Additional Public Comment

Jeff Carter – He is seeing a form of blight that is worsening. There are unsightly trash containers in the road right-of-way days ahead of pick-up, obstructing pedestrians and bikers. Trash bags have split, resulting in odors. Containers are still near the road even after pick-up day. Some seem to never be removed. He drove one mile on Tomlinson Road, from College Road to Jewett Road last week, taking photos. He provided copies to the Commission. He further noted that many jurisdictions have ordinances addressing trash containers near the road, but Vevay Township does not have such an Ordinance. He requested such a Zoning Ordinance amendment, and has recommended language.

COMMISSION – responded that Supervisor Ramey is familiar with this issue and has been discussing various approaches with legal counsel.

XII. Adjournment

There being no further business, the meeting was adjourned at 9:50 p.m.

John Lazet, Secretary