

VEVAY TOWNSHIP PLANNING COMMISSION
Regular Meeting/Public Hearings
Wednesday, March 8, 2017
Vevay Township Hall – 7:00 p.m.

MINUTES

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

Members absent: Jim Minster.

Other Persons present: Supervisor Jesse Ramey, Planning Consultant Mark Eidelson, and Legal Counsel David Revore.

I. Call to Order: The meeting was called to order at 7:00 p.m. by Chair Thayer.

II. Pledge of Allegiance

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

III. Set/Amend Agenda

The agenda was accepted as submitted.

IV. Approval of Minutes: Regular/Public Hearing Meeting 2-8-17

Amend:

- Page 4, last paragraph, second line, by correcting the corporation name to “Andrews Automotive”.
- Page 5, at the end of the second line from the top of the page, by adding after the period, “It was noted that the size of the parcel in question is smaller than the minimum lot size specified by the Zoning Ordinance to qualify for rezoning to B-2.”
- Page 5, the motion at the top of the page, the last line, correct the date to “April 5”.

MOTION Cady, seconded by Walker, to approve the February 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. Eric Harter Re-zoning Request from B-1 to B-2 at 4149 Legion Drive**
- b. Vevay Township Master Plan**

Eric Harter Re-zoning Request from B-1 to B-2

Mr. Harter – he is in the process of procuring a brokerage license which would allow him to sell vehicles via the internet. *The State law governing his broker license* requires him to conduct ~~internet sales~~ *this business* using a separate parcel from his current location. He would maintain his other Cedar Street location for on-site customer sales, and in anticipation of this parcel being rezoned he has submitted a SLU permit application for the sale of various vehicles, primarily by internet advertising and sales. All vehicles on site would be in the building, with probably about 10 vehicles there at any given time. Revised 4-5-17

There was no other public comment on the rezoning petition.

Vevay Township Master Plan

Chair Thayer – explained how the Commission spent over a year going through the current Master Plan, item by item, and page by page, to prepare this new proposed Master Plan. As part of the process, all township residents and property owners were surveyed last year for their thoughts on development, preservation of rural character, commercial growth, and so on.

Mr. Eidelson – explained that the Master Plan is a policy document meant to detail the goals, objectives, and policies to be considered in addressing growth, development, and preservation interests. It is not only a future vision of potential development and the evolution of growth in the Township, but also provides the foundations of planning for land use and public service improvements.

Mr. Eidelson – the Township’s first Master Plan was developed in 1992, and last updated in 2004. A particularly important part of the document is Chapter 3, which is the plan for how the Township intends to guide growth and preservation. This Chapter is nearly entirely narrative, but importantly, also includes the Future Land Use map. As has been the vision all along, the Master Plan envisions keeping about three fourths of the Township in the Agricultural District, with residential densities of no more than 1 residence per acre. Suburban residential areas, which would allow for higher densities of development, are proposed primarily to the west and east of the City of Mason. As required by law, an area is identified for mobile home residential use. Mixed use areas allowing for residential, commercial, industrial, or other uses are identified near interchanges with US 127 and around the City of Mason, leaving the majority of the Township in an Agricultural District.

Mr. Eidelson – the principle differences from the current Master Plan are the smaller suburban residential areas close to the City of Mason.

Greg Shaw – his parcel is in a suburban residential area; what does that mean for his parcel?
COMMISSION – nothing is changed for his parcel or any other parcel in the zone, but future development could include more compact development than in non-suburban residential areas of the Township. Rezoning of parcels would be needed for this to occur. Higher density development in these areas is an option, not a requirement.

COMMISSION – thanked Mr. Eidelson for his expertise, patience, attention to detail, and writing abilities in crafting wording to express the concepts and specifics of growth,

development, and preservation as expressed by the Commission, and by residents through the survey he so ably pulled together.

VII. Adjournment of Public Hearing and Recommencement of Regular Meeting

There being no further public comment, the public hearings were ended at 7:27 pm, and the regular meeting recommenced.

VIII. Reports

A. February, 2017 AGS Building/Zoning Report

The written report indicated that there were four building/zoning permit actions, involving: a new home, a demolition, a re-roof, and basement stairs. There were no outstanding authorizations to enforce the Zoning Ordinance.

IX. Pending Business

A. Eric Harter Rezoning Request from B-1 to B-2 @ 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. As the Zoning Ordinance requires parcels zoned B-2 to be at least an acre in size, this parcel does not meet the size requirement. Legal Counsel has prepared a Zoning Ordinance text amendment that would allow parcels to be rezoned to B-2 if they are at least three quarters of an acre in size and surrounded by 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 discussion on the 2012 history of the rezoning of the surrounding parcels to B-2, and the decision by the owner of this parcel to not have his parcel rezoned B-2 along with the other parcels at that time. Revised 4-5-17

As this lot does not meet the parcel size requirement of the Zoning Ordinance, further consideration was postponed until next month, pending the outcome of the public hearing and decision on the proposed Ordinance amendment.

MOTION Cady, seconded by Walker, to table further consideration of the rezoning request for a month, to allow for consideration of the text amendment that would bring the proposed rezoning petition into compliance with the Zoning Ordinance.

CARRIED 6-0.

MOTION Cady, seconded by Winters, to schedule a public hearing during the regular April 5, 2017, Commission meeting, on 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.

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

COMMISSION – noted that the SLU permit application and the site plan may be lacking certain details. Commissioners can send their comments to Supervisor Ramey, for his discussion with the applicant prior to the public hearing next month.

MOTION Cady, seconded by McNeilly, to schedule a public hearing during the April 5, 2017, regular Commission meeting, on SLU permit application #17-01 from Eric Harter, at 4149 Legion Drive.

CARRIED 6-0.

C. Vevay Township Master Plan

Chair Thayer – noted that there have been no adverse comments on the proposed Master Plan, and after well over a year of discussion and drafting, a resolution of approval is in order. Mr. Eidelson had prepared a resolution of approval for the new Master Plan.

MOTION Thayer, seconded by Lazet, that:

WHEREAS, the Vevay Township Board and Planning Commission determined that the 2004 Vevay Township Master Plan, as previously amended, is in need of updating to present current data about the Township and to ensure the most beneficial goals, objectives and policies to manage growth, development, and preservation in the community; and

WHEREAS, the Vevay Township Board and Planning Commission determined the most advantageous means of accomplishing the update effort was to develop a wholly new Plan versus amendments to the 2004 Plan; and

WHEREAS, the Vevay Township Planning Commission has prepared a new Master Plan pursuant to the Michigan Planning Enabling Act, Public Act 33 of 2008 as amended; and

WHEREAS, the new Master Plan is comprised of text, tables and graphs that describe the role and importance of the Plan, planning issues facing the community and corresponding goals and objectives, policies addressing future land use and public services including a Future Land Use Map, strategies to implement the Plan, and conditions and trends in the community including descriptive maps; and

WHEREAS, this new Master Plan is titled and referred to as the Vevay Township Master Plan and is intended to heighten Vevay Township’s ability to successfully guide and manage growth, development, and preservation, in addition to assist in the understanding of Township conditions and development and preservation needs so as to facilitate appropriate land use decisions, public services improvements, and regulatory and non-regulatory programs advantageous to the Township; and

WHEREAS, the Vevay Township Planning Commission has conducted a duly advertised public hearing concerning such Master Plan;

NOW THEREFORE BE IT RESOLVED, that the Vevay Township Master Plan dated October 11, 2016, including maps that are an integral part of the Plan (Future Land Use, Public Road Network - Public Act 51, Public Road Network - National Functional Classification, Land Use/Land Cover, Public Act 451 Parcels, Wetlands, Hydric Soils, Soil

Limitations for Septic Tank Absorption Fields, Soil Limitations for Dwellings without Basements, and Prime Farmland), is hereby approved on this 8th day of March, 2017, by a

majority of the full membership of the Vevay Township Planning Commission as indicated in the roll call vote below.

Roll Call Vote:

Ilene Thayer, Chair -	Yes
Pattie McNeilly, V. Chair	Yes
John Lazet, Secretary	Yes
Jack Cady	Yes
Bruce Walker	Yes
Al Winters	Yes
Jim Minster	Not present

CARRIED 6-0.

Mr. Eidelson – will work with the Township to have all of the final documents prepared, and appropriate notices sent to the various jurisdictions and interested persons, as required by law.

D. Sale of Kiwanis Campground – SLU Discussion

John Warvel has purchased the former Boy Scout campsite on West Dansville Road, and expressed his intention to continue to use the property for campground purposes. As operating a campground requires a SLU permit and camping use by the Boy Scouts pre-dates the Zoning Ordinance, it is a permissible non-conforming use. Commissioners had received copies of email correspondence with legal counsel asking two basic questions:

- Was the prior pre-existing non-conforming use abandoned, and if so, was notice of the “termination of a nonconforming use” properly sent to the owner, as required by the Zoning Ordinance (Sec. 17.01(B)(5))?
- If not abandoned, has the pre-existing non-conforming use been expanded? An expansion of nonconforming use is not permitted, pursuant to Sec. 17.01(B) (4).

COMMISSION – discussed: the uncertainty of how frequently the Boy Scouts used the property for camping, and when the last such use occurred; use of the parcel for more purposes than just camping, such as for a non-Scout banquet; and that as far as can be determined, no notice of abandonment was ever sent. Mr. Warvel has placed a sign advertising horse riding, camping, and more. A phone number for inquiries is on the sign. Also discussed was what other governmental entities would have a regulatory interest in the parcel, such as water testing if there is a well, and septic fields if they exist or are planned.

COMMISSION –Supervisor Ramey was asked to talk with Mr. Warvel about providing a basic business plan, with the estimated customer usage as to numbers and frequency of use, types of use, seasonal use, what would be the required permits from any other governmental entity, if the intent is to keep it “rustic”, proposed use of the house at the entrance to the property, and if the proposed uses conform to requirements of campgrounds as detailed in Sec. 16.06 (G).

COMMISSION - The Zoning Ordinance, Sec. 17.01(B) (3), specifies that any changes in non-conforming use occur so as to bring the new use more into conformity with an allowable use.

How this provision applies could be discussed once the Commission has more detail from Mr. Warvel.

- E. Review ZO amendments and set possible public hearings for:
 - a) Chapter 3, General Provisions
 - b) Chapter 5, Agricultural District
 - c) Chapter 7, Manufactured Home District
 - d) Chapter 8, Business Districts
 - e) Chapter 9, Industrial Districts
 - f) Chapter 16, Special Land Uses
 - g) 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 ~~2,00~~ 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. Revised 4-5-17

Mr. Revore – the Chapter 5 proposed amendment would add “~~Wind Energy Conversion Systems/Large~~” “*Large Solar Energy Systems*” 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. Revised 4-5-17

Mr. Revore – the Chapter 7 proposed amendments would modify the Section 7.03 Table of Development Requirements to eliminate individual lot front, side, and rear yard setback distances, as these 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.

Mr. Revore – noted that the proposed Chapter 8 amendment was previously discussed during deliberation of the proposed rezoning petition submitted by Mr. Harter.

Mr. Revore – the Chapter 9 proposed amendment would add “Large Solar energy System” 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. No changes were proposed to the draft amendment, though compiling edits were recommended so that the Table is appropriately labeled in final form in the Ordinance as it scrolls from page 9-1 to page 9-2.

Mr. Revore – the Chapter 16 proposed amendments 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 hearing being followed. 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. No changes were proposed to the draft amendment.

Mr. Revore – the Chapter 19 proposed amendments 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. No changes were proposed to the amendment as drafted, but Mr. Revore was asked to add to the draft an amendment to Sec. 19.05 (B) (2) (c) to delete the errant article, along the lines of “...the site is capable of ~~the~~ accommodating the uses...”.

MOTION Walker, seconded by Winters, to schedule public hearings during the regular Commission meeting on April 5, 2017, to consider the proposed Zoning Ordinance amendments to:

- Chapter 3, Section 3.09, Table of Accessory Buildings and Structures
- Chapter 5, Section 5.02, Table of Uses
- Chapter 7, Section 7.03, Table of Development Requirements
- Chapter 9, Section 9.02, Table of Uses
- Chapter 16, Section 16.05, Revocation and Cancellation of Special Land Use
- Chapter 19, Section 19.05, Zoning Ordinance Amendments

and, if more time is needed for the hearing process, then to schedule a public hearing during the regular Commission meeting on May 3, 2017.

CARRIED 6-0.

X. Any Other Business

No other business was discussed.

XI. Additional Public Comment

There was no public comment.

XII. Adjournment

There being no further business, the meeting was adjourned at 9:05 p.m.

John Lazet, Secretary

