

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

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MINUTES

**Members present:** Jack Cady, John Lazet, Pattie McNeilly, Jim Minster, Ilene Thayer, 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 Thayer.

**II. Pledge of Allegiance**

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

**III. Set/Amend Agenda**

Under “Approval of Minutes”, add “Special Joint Meeting with the Board of Trustees 1-25-17”.

**IV. Approval of Minutes: Regular/Public Hearing Meeting 1-4-17**

Regular/Public Hearing Meeting 1-4-17: Amend page 2, the paragraph starting with “Comm. Lazet”, by changing “proposed” to “propose”.

Special Joint Meeting with the Board of Trustees 1-25-17: no amendments were offered.

**MOTION Cady, seconded by Walker, to approve the January 4, 2017, Regular/Public Hearing Meeting minutes as amended.**

**CARRIED 7-0.**

**MOTION Cady, seconded by Walker, to approve the January 25, 2017, Special Joint Meeting with the Board of Trustees minutes as submitted.**

**CARRIED 7-0.**

**V. Brief Public Comment**

There was no public comment.

**VI. Recess to Public Hearing – Rezoning Petition by Steve Hanks Trust @Hull Road, Mason, Parcel #33-10-10-28-100-033 from A-1 to M-1**

Mr. Hanks – has a classic car business that was located for over 30 years at Cedar Street and Aurelius Road in Holt. He’s now retired, but wants a place to build a nice building that could be used for storage of his own classic vehicles, and for light repair such as re-upholstering.

Mr. Hanks, in response to Commission questions - No engine work is anticipated. Currently he is thinking of constructing a 60' x 120' building. He understands the property has issues with drainage, and that there is a nearby parcel zoned M-1. He would never look to be a problem for neighbors, but instead run a good operation.

Roger Cargill, 2394 Rolfe Road –he is concerned with having yet another M-1 parcel close to his residence. His house overlooks the parcel just to the south of this one that was rezoned to M-1 at the request of IO Express. That parcel is a regular problem to him and neighbors, especially with noise from working on trucks and trailers. That parcel has tire piles, and unlicensed trailers that never move, as can be seen using Google Maps. IO Express paved large areas with asphalt, which has led to drainage issues. He is concerned that Mr. Hanks' proposal could be changed in the future, just as the IO Express parcel has had changes in use from what was proposed to the Township. He opposes the proposed rezoning.

Lorri Pugsley, 2418 Rolfe Road – also commented that the paving on that other parcel has led to a flooding issue. She opposes the proposed rezoning.

Jon Grugal, 2436 Rolfe Road – when the other parcel was considered for rezoning to M-1, IO Express initially presented to the Township for construction of a storage building, just like tonight's petition. But IO Express is now a large tractor trailer staging yard and vehicle repair operation. As to tonight's petition for rezoning, his concern is what future owners could do with adding any other allowed use, as has happened with the IO Express parcel. He opposes the proposed rezoning.

## **VII. Adjournment of Public Hearing and Recommencement of Regular Meeting**

There being no further public comment, the public hearing was ended at 7:19 pm, and the regular meeting recommenced.

## **VIII. Reports**

### **A. January, 2017 AGS Building/Zoning Report**

The written report indicated that there were five building/zoning permit actions, involving: a new home, two pole barns, antenna additions, and a new room added to a residence. There were no outstanding authorizations to enforce the Zoning Ordinance.

## **IX. Pending Business**

### **A. Pending Rezoning Petition by Steve Hanks Trust @Hull Road, Mason, Parcel #33-10-10-28-100-033**

Chair Thayer – noted that once a parcel is rezoned, any of the uses allowed in that District would be authorized, many without any further Township consideration. Industrial uses should be closer to utility services as provided by the City of Mason, such as public water and sewer services. Adding yet another M-1 parcel on Hull Road, over a mile south of the current M-1 parcel near the Kipp Road interchange with US 127, would essentially set a pattern of anticipated

Industrial use for the Hull Road parcels located between the interchanges. The Master Plan map of Future Land Use instead directs that industrial activities be much closer to the City of Mason.

COMMISSION/Mr. Hanks – in response to several questions, Mr. Hanks indicated that classic cars tend to be expensive, and should be housed out of the weather. He has an office in Dimondale and the appropriate license to sell cars from that office. Potential buyers could then go to this proposed building to look over cars prior to purchase. Other classic car owners could house classic cars here, and it could be used for longer term storage. He chose this parcel in Vevay Township as there is good visibility to US 127. He would have a sign for highway viewing that could increase his sales visibility. He does a lot of internet sales, and this sign would make it easy to point out the location of the vehicles. Automotive sales would be the main use, not storage of vehicles as such.

COMMISSION – had discussion on the current uses of this and surrounding parcels; the Future Land Use map in the Master Plan; prior Master Plan anticipation of possible industrial use along Hull Road; and the use of “warehouse” (on the petition) not being allowed in the M-1 District. The proposed uses as explained by the applicant over the course of the meeting tonight all anticipate employees and/or traffic, including likely truck traffic to move vehicles in and out.

Legal Counsel – noted that the Commission should consider whether this is spot zoning, which the courts have found needs to be in compliance with the Master Plan, and also somewhat similar to general uses in the neighborhood. While some allowable M-1 uses would need an SLU permit, other uses are by right, and could be started up at the discretion of the property owner.

Comm. Minster – summarized the view expressed by several other Commissioners that he would like to see the project move forward, but this petition is not in compliance with the Master Plan or the Zoning Ordinance.

Comm. Lazet – gave a brief overview of the legal duties of the Planning Commission:

- The Township has a Master Plan that, by law, governs certain policies of development.
- The Master Plan envisions industrial development, but closer to the necessary utilities offered by the City of Mason, such as water and sewer service.
- By law, our Zoning Ordinance is required to reflect the philosophies and directions of the Master Plan, and the Zoning Map is part of our Ordinance.
- The petitioner wants to establish a "warehouse", but such a use is not allowed in the Ordinance. The Court of Appeals has clearly ruled, in the case of *Bracelin v. Allegan Township Zoning Board of Appeals*, that townships have no legal authority to permit uses that are not specifically authorized by Ordinance.

Comm. Lazet - As a Commission, we appreciate the value of land for whatever purposes the owner has. However, since at least 2005, the residents of Vevay Township have overwhelmingly expressed a desire to maintain the "rural character" of the Township. That sentiment is embodied in both our Master Plan and our Zoning Ordinance. We have worked to allow for appropriate orderly development, especially when a longtime farmland owner is looking to sell their land or sell off parcels.

Comm. Lazet - We have worked with other land owners looking to develop industrial and highway service uses in the Township. All of these operations were proposed to be, and are, in compliance with the Master Plan and the Ordinance:

- approved Consumers Energy for a Solar Garden;
- approved highway service uses for many parcels on Cedar Street, in Section 6;
- approved John Fischer and Crown Motors for vehicle repair/highway service operations;
- approved Bluegrass Landscaping for rezoning to B-2; and
- approved rezoning the same parcel to M-1 to allow for a contractor yard.

Comm. Lazet – further, Greg Shaw petitioned to move his business into the Township; by re-locating a barn into an agricultural area, the Township deemed his request as reasonable and in compliance with the Master Plan.

Comm. Lazet - the zoning of a parcel allows for every use listed in the Table of Uses for that District. There is an M-1 parcel just south of this one that is a tractor-trailer repair/staging area, and its operation has led to countless complaints of especially noise during the night and early in the morning. Rezoning this parcel as proposed would potentially allow the current owner and future owners to develop yet another such operation as the nearby M-1 parcel, no matter what is on their petition tonight.

Comm. Lazet - normally the Commission works with property owners to do what we can while respecting the law and our legal limits. This parcel is about a mile away from the designated development area and as such would not be in compliance with the Master Plan. As mentioned by Comm. Minster, the requested use is not permitted by the Zoning Ordinance, but a modified petition could be considered in the future.

COMMISSION – A public hearing was conducted; Commission review found the petition is not in compliance with the Zoning Ordinance as to proposed use and also not in compliance as to the proposed rezoning; consequently, no findings were made pursuant to Section 19.05(B) or (C). Therefore:

**MOTION Lazet, seconded by Walker, based on its findings as noted in these minutes, that the proposed rezoning would conflict with the intent of industrial development in the Master Plan as envisioned in its map of Future Land Use, and as the proposed use is not authorized by the Zoning Ordinance, the Commission recommend to the Board the denial of the petition by Steve Hanks Trust @Hull Road, Mason, to rezone parcel #33-10-10-28-100-033 from A-1 Agricultural to M-1 Limited Industrial.**

**CARRIED 7-0.**

- B. Set Public Hearing for Eric Harter Rezoning Request from B1 to B2 at 4149 Legion Drive

Commissioners had previously received copies of the petition and various pertinent documents.

COMMISSION – asked Mr. Eric Harter for an overview of his petition. Mr. Harter - is the owner of Andrews Chevrolet on Cedar Street in Mason, and is looking to start an automotive brokerage business at the currently vacant building at this address. He cannot use his current parcel in the City of Mason as the same parcel cannot be used for both selling cars and being a

brokerage. There is about a 60 day process to get the brokerage license, and he is in the process of obtaining it. Discussion followed as to specifics of the process to consider his petition.

**MOTION Minster, seconded by Walker, to schedule a public hearing during the regular Commission meeting on March 8, 2017, to consider the rezoning request, if the appropriate paperwork and publication deadlines can be met; and, if more time is needed for the hearing process, then to schedule a public hearing during the regular Commission meeting on April 9, 2017.**

**CARRIED 7-0.**

C. Proposed Zoning Ordinance 68 Amendments

1. Section 16.06, Revocation of Special Land Use – as the final draft of an amendment was not available, this item was tabled.
2. Section 19.05, Administration and Enforcement – as the final draft of an amendment was not available, this item was tabled.

D. Zoning Ordinance Amendments

COMMISSION – had discussion on changes to Chapter 14. Comm. Lazet – reported that the Board had discussed the question raised last month as to the role of the Zoning Administrator, and the Board supported more of the work with the applicant being performed by an elected official/office prior to submission of the Site Plan to the Commission.

Comm. Lazet – further reported that he does not yet have proposed changes for Chapter 14.

**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 8:58 p.m.

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John Lazet, Secretary