

VEVAY TOWNSHIP PLANNING COMMISSION
Regular Meeting
Wednesday, October 7, 2020
Vevay Township Hall – 6:30 p.m.

On October 2, 2020 and effectively immediately, the Michigan Supreme Court released a decision in the case of docket #161917, a challenge to the Governor’s ability to unilaterally issue executive orders regulating behavior in response to the COVID-19 pandemic. The court declared invalid all of the Governor’s Executive Orders allowing for remote access to meetings subject to the Open Meetings Act. As this meeting had already been posted for Zoom access, four members of the Commission – a quorum – were present in person, and the public participated via Zoom.

Zoom Meeting ID: 819 0977 5944

MINUTES

Members present: John Lazet, Chris Lewis, Pattie McNeilly, Jim Minster, and Bruce Walker (via telephone).

Member absent: Jack Cady and Al Winters had given prior notice and were excused.

Other Persons present: Clerk JoAnne Kean, Zoning Administrator David Vincent and Legal Counsel David Revore.

I. Call to Order: The meeting was called to order at 6:30 p.m. by Chair McNeilly.

II. Pledge of Allegiance

Those present and online joined the Commission in reciting the Pledge of Allegiance.

III. Set/Amend Agenda

The agenda was accepted as presented.

IV. Approval of Minutes: Regular/Public Hearing 7/8/20, and Work Session 9/17/20

July 8, 2020 minutes: No amendments were offered.

MOTION Lewis, seconded by Minster, to approve the July 8, 2020, regular meeting/public hearing minutes as submitted.
CARRIED 4-0.

September 17, 2020 minutes: No amendments were offered.

MOTION Minster, seconded by Lewis, to approve the September 17, 2020, special meeting minutes as submitted.
CARRIED 4-0.

V. Brief Public Comment

An audience member expressed their appreciation that after 6 months people are able to gather in person, even if with masks and while practicing social distancing.

VI. Reports

A. August and September 2020 Building Reports

The previously distributed August report indicated 12 individual activities, including: a pole barn, four reroofing projects, a sunroom, a basement remodel, adding observation decks, a shed, a new home, and the inspection of an addition. An application for an art studio co-located in a mobile home residence adjacent to an existing residence was denied as the Ordinance does not permit two residences on one parcel. Mr. Vincent noted that the owner has filed an intent to appeal his denial of placement of the mobile home trailer

The previously distributed September report indicated five activities: three reroofing projects, a deck, and a lean to. Mr. Vincent reported that the Rolfe Road house demolition and property clean up of junk and trash has been successfully resolved, and a consent judgement entered by the court.

B. August and September 2020 Zoning/Enforcement Reports

The previously distributed report indicated seven cases remain open and are in varying stages of resolution. Since Mr. Vincent has started with the Township, 36 complaint-based cases have been resolved or brought into compliance.

VII. Pending Business

A. SLU Permit Application Request from Streamline Enterprise/Holy Boxing LLC @ 4171 Legion Drive, Mason, for an Indoor Recreational Facility

Chair McNeilly – explained that Mr. Vincent has been working with the business owner, Albert Esser, since receiving SLU permit application 20-04. Mr. Esser owns the building and runs a large construction company from the large single building on site. He has taken a portion of the building to set up his own free-standing gym for exercise, including the only competition grade boxing ring in Michigan. He has USA certified coaches who offer boxing classes on both an individual basis as well as larger classes. All programming and members are likewise USA certified. He currently has 12-20 members who use the facility, and expects membership to max out at about 40 people. Clients are both older teens, and adults of all ages. Current hours of operation are 9 am to 6 pm, Monday through Friday. His website homepage is <https://www.holyboxing.com/> .

There is no inside physical access from the gym area to the rest of the building; access is via an exterior door on the east side of the building. There are about 50 parking spaces available both in front and behind the building. There are motion lights at the gym door as well as in front of the main building. There is no running water in the gym. Despite the quality of the boxing ring, no competitions are held on site, and at this point none are envisioned in the future.

Commission – noted to Mr. Vincent that the application should include the printed name of the applicant as well as the signature. It was noted to the applicant that the definition of Indoor Recreational Facility in Sec. 2.10 prohibits indoor use of motorized vehicles. The application will need to include a statement that there will be no motorized recreational vehicles that emit exhaust or hydrocarbons from gas or petroleum fuel.

Commission – determined that as there is no change in the footprint of the building and no need for additional parking spaces, Sec. 15.06 applies and a Chapter 14 site plan review is not required. Pursuant to Sec. 15.06, the application must meet three conditions:

- Compliance with the previously approved site plan, if there is one.
 - The Commission had the parcel files available; two commissioners perused the files and noted that a certificate of occupancy has been issued, and that prior site plans submitted decades ago are so different from current requirements that effectively there is no previously approved site plan of value for consideration of this permit.
- All maintenance-related standards of this Ordinance.
 - It was noted to Mr. Esser that the Ordinance has 10 maintenance standards, the applicable ones for him being maintenance of the building itself, the vegetation on site, and the paved parking area striping. Two commissioners had driven by the site and commented on the apparent high quality of maintenance of both the building and the grounds.
- Screening and landscaping requirements of this Ordinance.
 - Two commissioners commented on the inability to screen the east side due to a driveway and an easement fully occupying the space; there is already a mature line of trees to the south, and the north side already has some mature vegetative screening. While there is no screening on the west side, the abutting parcel is an industrial use. The Ordinance allows for no screening between industrial uses, and similarly between commercial uses.

Section 15.05 delineates the intent of vegetative screening and landscaping, with calculations for how much vegetation to plant, what types of vegetation to plant, and planting patterns to follow. This section also specifies in Sec. 15.05 (C)(9)(a) that “Where healthy plant material exists on a site prior to its development or redevelopment variations from the landscape requirements may be approved to allow credit for the existing plant material if the adjustment is (in) keeping with the intent of this Section.” After discussion of the third condition above, the Commission determined the intent of Sec. 15.05 was deemed to be completely met by the existing vegetation, the location of the parcel in an Industrial District, and the nature of the development:

MOTION Lewis, seconded Minster, pursuant to Sec. 15.05 (A) and (C)(9)(a), to grant credit for the existing mature vegetation, and, given that surrounding uses are essentially the same as occurring on this parcel, SLU permit Application 20-04 fulfills the screening and landscaping requirements of the Zoning Ordinance.

CARRIED 4-0.

After this summary review and prior to a proposed public hearing on November 10, Mr. Esser was asked to submit by November 1 a statement that there will be no motorized recreational vehicles that emit exhaust or hydrocarbons from gas or petroleum fuel. It was recommended Mr. Esser work with Mr. Vincent to ensure everything required by the Ordinance is submitted.

1. Set Public Hearing

MOTION Minster, seconded by Lewis, to schedule a public hearing on SLU permit application 20-04 during the regularly scheduled Commission meeting on November 10, 2020, starting at 6:30 p.m., contingent upon the receipt by November 1 of the materials referenced above in these minutes.

CARRIED 4-0.

VIII. Any Other Business

1. Proposed Ordinance amendment workgroups

Chair McNeilly noted that currently there are five workgroups as follows, the first named Commissioner being lead on the effort:

- Screening and Landscaping – Comms. Winters and Minster. This is the largest project due to the substantial number of references and standards throughout the entire Ordinance. Commissioners were asked to once again review the previously distributed marked-up version of Sec. 15.05 and forward their thoughts to the clerk.
- Main and Accessory buildings, irregular lots – Comms. Lewis and Cady
- Home Occupations – Comm. McNeilly. She is considering separating working from home v. an in-home occupation, looking at occupations that require a state license, and if associated impacts are involved such as client traffic, if employees work on site, noise issues, and whether equipment is involved (as opposed to only phones and laptops, etc.).
- Sec. 3.09(E) Accessory Buildings and Structures – Comm. Cady
- Sec. 3.04 Industrial and Commercial complexes with multiple buildings – Comm. Lazet. He has previously distributed a draft proposal, and is waiting on findings from the Main Building workgroup that may affect the language.

2. Special Meeting to consider proposed Zoning Ordinance amendments

A special meeting focused on Ordinance amendments was scheduled for Wednesday, October 14, starting at 6:00 pm.

3. Commission Officer Elections in November

With Comm. Lazet's term expiring on November 20, he will be stepping down and a new Secretary will be needed. Comm. McNeilly expects to win her election as Township Trustee and will have to step down as Chair. Comm. McNeilly, if appointed to the Commission as the Board of Trustees ex-officio member, expressed an interest in being the Secretary. Comm. Lewis mentioned his interest in being the Chair. No other interests in office were stated, and both Commissioners commented that they spoke up tonight so Commissioners would have the ensuing month to talk with them prior to the November elections.

IX. Additional Public Comment

There was no additional public comment.

X. Adjournment

There being no further business, the meeting was adjourned at 7:47 p.m.

John Lazet, Secretary