

CORRECTED

VEVAY TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
WEDNESDAY, MAY 19, 2021
MINUTES

- I Call To Order: Meeting called to order by Chair Minster at 6:30PM.
- II. Pledge of Allegiance: All present participated in reciting the Pledge of Allegiance.
- III. Roll Call: Minster, Cady, Ross, Anderson, McNeilly
Absent With Notice: Winters
Others Present: Supervisor Lazet, Treasurer Lewis
- IV: Recess To Public Hearing Regarding: Ordinance Amendment for Section 3.27, Solar Energy Systems
Chair Minster announced a recess of the regular planning commission meeting to hold a public hearing on the aforementioned ordinance amendment at 6:33PM.
- V. Adjournment of Public Hearing and Recommencement of Regular Meeting:
There being no public comment with regard to the Ordinance Amendment 3:27, Solar Energy Systems, Chair Minster closed the public hearing at 6:35PM.
- VI. Set/Amend Agenda:
Trustee McNeilly reminded the commission that at its April 21st meeting, the planning commission had unanimously voted to move the regularly scheduled May meeting from May 5th to May 19th, in order to accommodate the public hearing noticing requirements for Ordinance Amendment 3:27. Therefore, the language "Special Meeting" should be removed from this agenda heading.
A MOTION was made by Cady, seconded by Anderson, to correct the heading of the Agenda, removing the language "Special Meeting." Motion passed 5-0.
- VII. Approval of Minutes: Special Meeting 4-21-21
There being no amendments offered to the 4-21-21 meeting minutes, a MOTION was made by Anderson, seconded by Ross, to approve the minutes as presented. Motion passed 5-0.
- VIII. *Brief Public Comment:
No public comment was offered.
- IX. Reports:
 - A. April 2021 Building Report – information provided to commission for informational purposes. No discussion.
 - B. April 2021 Zoning/Enforcement Report (NO Report Provided)
Supervisor Lazet commented that Zoning Administrator, Dave Vincent, was nearing completion of his service with the township. Supervisor Lazet will be acting as interim Zoning Administrator until such time as a replacement is named. Supervisor Lazet will be meeting with Dave Vincent to be apprised of any open matters within the township.

X. Pending Business:

A. Proposed Zoning Ordinance Amendment to Section 3.27 Solar Energy Systems

In completing a final review of the ordinance amendment, it was mentioned that repetitive language regarding setbacks within the ordinance should be more uniform. It was also recommended that the newly drafted language, **except adjacent parcels zoned as Commercial or Industrial, the side-lot setback may be reduced to 30 feet with Planning Commission approval**, should be revised to include the word, for, between except and adjacent. The commission agreed to make the setback language more uniform and to add the word, for, within the newly drafted language.

A MOTION was made by Cady, seconded by Anderson, to approve the ordinance amendment, as amended, for review by the township board at its next meeting. Motion passed 5-0.

B. Site Plan Review 21-03, Solar Array by Solar King/Bob Schnabelrauch at 655 Rolfe Rd, Mason, MI.:

Mr. Schnabelrauch, along with a representative of Solar King, were present to answer any questions by the planning commission with regard to the installation of an SSES (Small Solar Energy System) at Mr. Schnabelrauch's residence. A completed application including a scaled property line survey, complete description of the solar array installation, and detailed drawing were provided for planning commission review. Following are the findings of fact with regard to this Site Plan Review under section 3:27:

1. SSES Authorization, Review and Approval Procedures:

a. An SSES is an authorized accessory use in all districts subject to SSES manufacturer specifications, Township ordinance, as amended, and applicable State and Federal law and regulations. An SSES shall comply with the standards for accessory structures under section 3.09, in the district in which the SSES is located. SSES mounted on the ground by way of posts or other support structure shall be subject to Planning Commission approval, upon the receipt of a complete application that complies with the standards of this section. An SSES, that is roof-mounted, shall be subject to approval of the Zoning Administrator or other designated Township official upon the receipt of a complete application and the Zoning Administrator or Township official finds that the application complies with the standards of this section. – **Conditions met.**

b. An application for a SSES need not include a site plan prepared according to Chapter 14, but the application shall include a scaled property line survey showing north arrow; property dimensions, bearings, lot area, legal description, and parcel or lot number; the location and footprint of existing driveways, buildings and structures including distances of buildings and structures from lot lines; existing public and private right-of- ways and easements; existing location of septic drain field and potable water well and other existing and proposed utility locations; and structures on adjacent properties within one hundred-fifty (150) feet of a shared lot line. The Zoning Administrator may require a property line survey prepared by a Michigan-licensed surveyor, and the delineation of existing structures on the property as part of such survey, in the case where a more detailed or official delineation of property lines and structures is necessary to ensure compliance with this Section.

There being no additional requirement by the Zoning Administrator with regard to property line survey. – **Conditions met.**

2. SSES General Provisions

a. Solar collection panels must be placed in such manner so as to not direct solar glare onto

nearby residences, businesses or public roadways. When deemed necessary, the Zoning Administrator, or designated Township official, may require a report from a registered civil engineer or other professional deemed qualified by the Township official, attesting to the glare impact on nearby properties and public roadways.

Ample vegetation on the perimeter of the property provides screening from neighboring residences and roadways – **Condition Met.**

b. Solar collection panels shall not cause the district's maximum lot coverage standards to be exceeded. Upon review of the detailed site drawing and property line survey – **Condition Met.**

3. Roof-Mounted Systems – **NOT APPLICABLE**

a. A solar energy system on the roof of a principal building or accessory structure, whether an integral part of the roof structure or mounted on the finished roof structure, and whether the system is flush with the roof or projects from or at an angle to the roof, may exceed the maximum height standard for the structure to which it is attached according to the district in which it is to be located, but no portion of the system shall extend more than five (5) feet above the roof surface to which it is attached.

b. Roof-mounted solar collection panels located on a flat roof in a Residential or Agricultural district shall be set back from the edge of the roof a minimum distance of ten (10) feet.

4. Ground-Mounted Systems

a. Ground mounted solar collection panels shall comply with the standards for accessory structures for the district in which the panels are to be located. Except that with approval of the Planning Commission, a tracking ground mounted SSES, with solar collection panels that move throughout the day to track the sun, may exceed the height requirements designated for accessory structures in section 3.09 (E) by no more than three (3) feet (unless otherwise designated in this section). The Zoning Administrator or designated Township official may make recommendations to the Planning Commission regarding exceptions to the requirements for accessory structures in the subject district. A tracking ground mounted SSES approved by the Planning Commission that exceeds the height requirements of section 3.09 (E) shall be subject to a minimum setback of the distance equal to the maximum height of the SSES' solar panels from the adjacent lot lines. In no case shall an SSES exceed fifteen (15) feet in height in a designated Residential District.

Per applicant's SSES plans provided, unit will be stationary, without tracking capability. **All other conditions for accessory structures are met.**

b. A ground mounted SSES may not be located in a front yard unless there is a minimum six hundred (600) foot setback from the centerline of the road. Any exceptions to the 600-foot setback requirement may be approved by the Planning Commission based upon written request, considering practical hardship, SSES design, and lot configuration. However, in no case shall a ground mounted SSES be located in the front yard closer than three hundred (300) feet of the centerline of the road, and one hundred feet (100) of adjacent lot lines. Otherwise, a ground mounted SSES is only permitted in the side or rear of the primary use building, no closer than 30 feet of adjacent lot lines, or a setback equal to the maximum height of a tracking SSES that exceeds height requirements for accessory structures in subject district. – **Conditions met.**

c. If the panels of a tracking SSES tilt at an angle to track the sun, the SSES, when tilted, may not encroach into setback requirements. – **Not Applicable.**

d. To the extent possible, an SSES shall be located to minimize the view from the public right-of-way and adjacent dwelling(s). A landscape, buffering, or screening plan, consisting of vegetative, non-vegetative, or man-made materials, or fencing, may be required to be submitted to the Planning Commission who shall determine if landscape, buffering or screening is necessary or adequate to reduce the visual impact of SSES to adjacent dwellings and/or public roadways. Non-vegetative screening need not exceed a height of eight feet. This section is exempt from Section 15.05.

No further screening required due to mature greenbelt to the north, south, east and west of property. – **Condition Met.**

e. The Planning Commission may approve exceptions to screening requirements based upon practical hardship, SSES design, lot configuration and if it is demonstrated that the only feasible location for screening would impede the functioning of the SSES. – **Not Applicable.**

f. The surfaces of the solar panels shall not be used as a sign message board.
Applicant acknowledged no intent to be used as a message board. – **Condition Met.**

g. When a ground mounted SSES ceases to operate or is abandoned for six (6) months, or is deemed by the Building Inspector to be unsafe or not consistent with the building code, the applicant shall repair and restore the system to good working order within a reasonable time set by the Zoning Administrator or otherwise remove the system in its entirety including posts, equipment, panels, foundations and other features and restore the ground to its preconstruction state.

Applicant acknowledged the requirement to maintain or remove SSES upon its inability to operate. – **Condition Met.**

There being no further recommendations or review, a MOTION was made by Anderson, seconded by Cady to approve Site Plan Application #21-03, for installation of an SSES at 655 Rolfe Rd. Mason MI. Motion passed 5-0.

C. Site Plan Review 21-04, Solar Array by Power Home Solar/Audrey Sebolt at 1630 Rolfe Rd, Mason, MI.:
There being no representative present to answer questions by the planning commission, the commission commenced with review of the application and prepared project plans. A completed application including photos, legal description, parcel number and complete plan and description of the solar array installation were provided for planning commission review. Following are the findings of fact with regard to this Site Plan Review under section 3:27:

1. SSES Authorization, Review and Approval Procedures:

a. An SSES is an authorized accessory use in all districts subject to SSES manufacturer specifications, Township ordinance, as amended, and applicable State and Federal law and regulations. An SSES shall comply with the standards for accessory structures under section 3.09, in the district in which the SSES is located. SSES mounted on the ground by way of posts or other support structure shall be subject to Planning Commission approval, upon the receipt of a complete application that complies with the standards of this section. An SSES, that is roof-mounted, shall be subject to approval of the Zoning Administrator or other designated Township official upon the receipt of a complete application and the Zoning Administrator or Township official finds that the application complies with the standards of this section.

Upon review of the applicant's Plot Plan and Map as prepared by Power Home Solar LLC -
Conditions met.

b. An application for a SSES need not include a site plan prepared according to Chapter 14, but the application shall include a scaled property line survey showing north arrow; property dimensions, bearings, lot area, legal description, and parcel or lot number; the location and footprint of existing driveways, buildings and structures including distances of buildings and structures from lot lines; existing public and private right-of- ways and easements; existing location of septic drain field and potable water well and other existing and proposed utility locations; and structures on adjacent properties within one hundred-fifty (150) feet of a shared lot line. The Zoning Administrator may require a property line survey prepared by a Michigan-licensed surveyor, and the delineation of existing structures on the property as part of such survey, in the case where a more detailed or official delineation of property lines and structures is necessary to ensure compliance with this Section.

There being no additional requirement by the Zoning Administrator with regard to property line survey. – **Conditions met.**

2. SSES General Provisions

a. Solar collection panels must be placed in such manner so as to not direct solar glare onto nearby residences, businesses or public roadways. When deemed necessary, the Zoning Administrator, or designated Township official, may require a report from a registered civil engineer or other professional deemed qualified by the Township official, attesting to the glare impact on nearby properties and public roadways.

Photos provide indicate ample vegetation on the perimeter of the property provides screening from neighboring residences and roadways – **Condition Met.**

b. Solar collection panels shall not cause the district's maximum lot coverage standards to be exceeded. Upon review of the detailed site drawing and property line survey – **Condition Met.**

3. Roof-Mounted Systems – **NOT APPLICABLE**

a. A solar energy system on the roof of a principal building or accessory structure, whether an integral part of the roof structure or mounted on the finished roof structure, and whether the system is flush with the roof or projects from or at an angle to the roof, may exceed the maximum height standard for the structure to which it is attached according to the district in which it is to be located, but no portion of the system shall extend more than five (5) feet above the roof surface to which it is attached.

b. Roof-mounted solar collection panels located on a flat roof in a Residential or Agricultural district shall be set back from the edge of the roof a minimum distance of ten (10) feet.

4. Ground-Mounted Systems

a. Ground mounted solar collection panels shall comply with the standards for accessory structures for the district in which the panels are to be located. Except that with approval of the Planning Commission, a tracking ground mounted SSES, with solar collection panels that move throughout the day to track the sun, may exceed the height requirements designated for accessory structures in section 3.09 (E) by no more than three (3) feet (unless otherwise

designated in this section). The Zoning Administrator or designated Township official may make recommendations to the Planning Commission regarding exceptions to the requirements for accessory structures in the subject district. A tracking ground mounted SSES approved by the Planning Commission that exceeds the height requirements of section 3.09 (E) shall be subject to a minimum setback of the distance equal to the maximum height of the SSES' solar panels from the adjacent lot lines. In no case shall an SSES exceed fifteen (15) feet in height in a designated Residential District.

Per applicant's SSES plans provided, unit will ~~not~~ be stationary, without tracking capability. **All other conditions for accessory structures are met.**

b. A ground mounted SSES may not be located in a front yard unless there is a minimum six hundred (600) foot setback from the centerline of the road. Any exceptions to the 600-foot setback requirement may be approved by the Planning Commission based upon written request, considering practical hardship, SSES design, and lot configuration. However, in no case shall a ground mounted SSES be located in the front yard closer than three hundred (300) feet of the centerline of the road, and one hundred feet (100) of adjacent lot lines. Otherwise, a ground mounted SSES is only permitted in the side or rear of the primary use building, no closer than 30 feet of adjacent lot lines, or a setback equal to the maximum height of a tracking SSES that exceeds height requirements for accessory structures in subject district.

Per detailed drawing provided by applicant and PowerHome Solar LLC – **Conditions met.**

c. If the panels of a tracking SSES tilt at an angle to track the sun, the SSES, when tilted, may not encroach into setback requirements. – **Not Applicable.**

d. To the extent possible, an SSES shall be located to minimize the view from the public right-of-way and adjacent dwelling(s). A landscape, buffering, or screening plan, consisting of vegetative, non-vegetative, or man-made materials, or fencing, may be required to be submitted to the Planning Commission who shall determine if landscape, buffering or screening is necessary or adequate to reduce the visual impact of SSES to adjacent dwellings and/or public roadways. Non-vegetative screening need not exceed a height of eight feet. This section is exempt from Section 15.05.

No further screening required due to mature greenbelt to the north, south, east and west of property. – **Condition Met.**

e. The Planning Commission may approve exceptions to screening requirements based upon practical hardship, SSES design, lot configuration and if it is demonstrated that the only feasible location for screening would impede the functioning of the SSES. – **Not Applicable.**

f. The surfaces of the solar panels shall not be used as a sign message board.

Due to absence of property owner, let these minutes reflect that the applicant will be provided a copy of these minutes advising of such. – **Condition Met.**

g. When a ground mounted SSES ceases to operate or is abandoned for six (6) months, or is deemed by the Building Inspector to be unsafe or not consistent with the building code, the applicant shall repair and restore the system to good working order within a reasonable time set by the Zoning Administrator or otherwise remove the system in its entirety including posts, equipment, panels, foundations and other features and restore the ground to its preconstruction state.

Due to absence of property owner, let these minutes reflect that the applicant will be provided a copy of these minutes advising of such. – **Condition Met.**

There being no further recommendations or review, a MOTION was made by Cady, seconded by Ross to approve Site Plan Application #21-04, for installation of an SSES at 1630 Rolfe Rd. Mason MI. Motion passed 5-0.

D. Accessory Main Buildings Proposed Amendment (enclosure and previously distributed materials)
The planning commission continued to review the draft language for section 3:09, Accessory Main Buildings, for preparation of a draft to be sent for legal review. Shipping container buildings are a new trend in both residence and accessory structure building. The commission will work to obtain additional information with regard to these types of structures in an effort to make a determination whether to include these structures in the ordinance amendment.

E. Schedule a Public Hearing for Ordinance Amendment 15:05, Screening and Landscaping.
A **MOTION** was made by Anderson, seconded by Cady, to schedule a public hearing for the next regular planning commission meeting on June 9th, 2021. Motion passed 5-0.

XI. Any Other Business

Supervisor Lazet mentioned to the commission that he had fielded an inquiry regarding collocation of a local cell tower. Supervisor Lazet asked that the commission review ordinance 3.26 and the review process for this section.

XII. Additional Public Comment*

No public comment offered.

XIII. Adjournment 8:57PM.

Recorded by

Patricia McNeilly