

VEVAY TOWNSHIP PLANNING COMMISSION
Regular Meeting/Public Hearings
Wednesday, May 3, 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, and Legal Counsel David Revore.

I. Call to Order: The meeting was called to order at 7:01 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 Hearings Meeting 4-5-17

Amend:

1. Page 7, finding “F”, last line, by changing “agriculture” to “M-1”.
2. Page 17, amend the 8th bullet point, as follows: “Size (in acres) of the subject property and approximate number of acres allocated to ~~size (in acres) of the subject property and approximate number of acres allocated to~~ each proposed use...”

MOTION Cady, seconded by Walker, to approve the April 5, 2017, Regular/Public Hearings Meeting minutes as amended.

CARRIED 6-0.

V. Brief Public Comment

There was no public comment.

VI. Recess to Public Hearings Regarding Medical Marihuana

1. Uses not Permitted in any Zoning District, Chapter 3, Section 3.02 (revised)
 2. Nonconforming uses, Structures, and Lots, Chapter 17, Sec. 17.01
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1. Uses not Permitted in any Zoning District, Chapter 3, Section 3.02 (revised)

Mr. Revore – The state Department of Licensing and Regulatory Affairs (LARA) is promulgating rules to govern the implementation of new state law that allows for the commercial

growing, transportation, processing, testing, and sales of marihuana. The current Zoning Ordinance includes language requiring compliance with federal, state, or local law. Caselaw has made this current language problematic. The amendment replaces this provision with a clear statement that certain uses or operations, including the commercial growing, processing, transporting, testing, and sales of marihuana, are not permitted in any district in the Township. Nothing in this amendment affects the rights of persons regulated under the Michigan Medical Marijuana Act. Revised 6-7-17

There was no public comment on the proposed amendment.

2. Nonconforming uses, Structures, and Lots, Chapter 17, Sec. 17.01

Mr. Revore – the second amendment states clearly that any marihuana operation that is illegal prior to the effective date of the new laws for commercial use, is a non-conforming use and will not be recognized as a pre-existing lawful use. Nothing in this amendment affects the rights of persons regulated under the Michigan Medical Marijuana Act. Revised 6-7-17

There was no other public comment on the proposed amendment.

VII. Adjournment of Public Hearings and Recommencement of Regular Meeting

There being no further public comment, the public hearings were ended at 7:17 pm, and the regular meeting recommenced.

VIII. Reports

April, 2017 AGS Building/Zoning Report

The written report indicated that there were sixteen building/zoning permit actions, involving: a re-roof, an addition, a new home, and setting thirteen mobile homes in Mason Manor. There were no outstanding authorizations to enforce the Zoning Ordinance.

IX. Pending Business

A. Medical Marihuana Ordinance Amendments:

1. Uses not Permitted in any Zoning District, Chapter 3, Section 3.02 (revised)

Comm. Lazet – noted that there are now 4 laws that regulate the use of marihuana, and the laws all operate independently of each other:

1. Federal law completely prohibits the use of marihuana, applies to everyone in Michigan, and is enforced by the federal government.
2. The Michigan Public Health Code prohibits any use of marihuana, applies to everyone in Michigan, and is enforced by state and local law enforcement agencies.
3. Initiated Law 1 of 2008, the Michigan Medical Marihuana Act, allows for the medical use of marihuana and applies only to the 200,000 or so users and caregivers registered with LARA.

4. The Medical Marihuana Facilities Licensing Act allows for the commercial use of marihuana, applies to all entities that may in the future register with LARA, and can sell to any person with a valid medical marihuana card.

Comm. Lazet - This legal landscape has led to considerable confusion and expensive litigation. These amendments are primarily in response to the Medical Marihuana Facilities Licensing Act, which allows entities to apply for licenses in December of 2017. While that law does not require any affirmative action on the part of the Township, this amendment would clearly state the intent of the Township and provide an actionable provision should any person attempt to establish any such commercial marihuana uses without complying with the appropriate provisions of the pertinent law. *Revised 6-7-17*

No changes were proposed to the draft amendment.

- a. The proposed text amendment would clarify the intent of the Ordinance. – Given the relatively rapidly changing state law regarding the cultivation and use of marihuana, the amendment would clarify that any commercial uses involving marijuana would not be allowed in any district in 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. – New law - PA 2016 281, PA 2016 282, and PA 2016 283 – allows for the commercial cultivation, transportation, testing, processing, and sale of marihuana ~~marijuana~~ anywhere in the state, but only if the local unit of government affirmatively allows for these uses. The amendment would state clearly in the Zoning Ordinance that these commercial uses are not supported, eliminating any confusion that might arise from non-action by the Township. *Revised 6-7-17*
- 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. – There has been extensive experience with the cultivation and medical use of marihuana since Initiated Law 1 of 2008 was adopted by the voters of Michigan. The Township has had problematic uses since 2008, especially with noxious odors affecting the quality of life of neighboring residences. As this amendment addresses the commercial use of marihuana, it won't affect the medical use by individuals while still avoiding the quality of life issues that are likely to occur with large scale commercial operations.
- h. As applicable, the proposed change shall be consistent with the Township's ability to provide adequate public facilities and services. - As no new use is being proposed, the Township's ability to provide appropriate services should be unaffected.

i. The proposed change shall be consistent with the Township's desire to protect the public health, safety, and welfare of the community. – As the changes are in response to complaints by residents, the welfare of the community should be maintained by the proposed amendment.

**MOTION McNeilly, seconded by Walker, to recommend the Board of Trustees approve the proposed amendment to the Zoning Ordinance, Chapter 3, Section 3.02, Uses Not Permitted in any Zoning District, based on the Commission findings pursuant to Sec. 19.05 (B) (1) as noted in these minutes, and, pursuant to Sec. 19.05 (C) (5), based on deliberation by the Commission, and having heard no objections from the public during the required public hearing earlier this evening.
CARRIED 6-0.**

2. Nonconforming uses, Structures, and Lots, Chapter 17, Sec. 17.01

No changes were proposed to the draft amendment.

a. The proposed text amendment would clarify the intent of the Ordinance. – Since voter adoption of Initiated Law 1 of 2008, municipalities across the state have seen a proliferation of non-legal cultivation and commercial sale of marihuana. Despite marihuana dispensaries being illegal under the Initiated Law, the Lansing area in 2012 had over 80 such facilities in operation. The amendment would clearly state that there is no vested right or interest in any such illegal operation that existed prior to the effective implementation date of the new laws allowing for the licensing of commercial cultivation and commercial use of marihuana.

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. – As noted earlier, many municipalities have seen “underground” commercial sales, and other commercial uses, of ~~marijuana~~ marihuana. With new law allowing for the state licensing of commercial uses of marihuana, the amendment would clearly address any ambiguities that might arise from pre-existing, non-licensed commercial marihuana operations not allowed by law. Revised 6-7-17

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. – Other Michigan municipalities have reported negative experiences relative to commercial marihuana operations. This amendment would preserve the right of the Township to enforce violations of the Medical Marihuana Facilities Licensing Act.

h. As applicable, the proposed change shall be consistent with the Township's ability to provide adequate public facilities and services. - As no new use is being proposed, the Township's ability to provide appropriate services should be unaffected.

i. The proposed change shall be consistent with the Township's desire to protect the public health, safety, and welfare of the community. – The new laws allowing for the commercial uses of marihuana do not affect the medical use of marihuana. Any resident with a valid medical marihuana card would be unaffected by this amendment. By not allowing large scale commercial uses of marihuana, residents will not be subject to the nuisances that have already been encountered with the small scale, medical use of marihuana. As such, the public's health, safety, and welfare would be preserved from potential degradation.

MOTION Cady, seconded by Walker, to recommend the Board of Trustees approve the proposed amendment to the Zoning Ordinance, Chapter 17, Section 17.01A, General Provisions, based on the Commission findings pursuant to Sec. 19.05 (B) (1) as noted in these minutes, and, pursuant to Sec. 19.05 (C) (5), based on deliberation by the Commission, and having heard no objections from the public during the required public hearing earlier this evening.

CARRIED 6-0.

B. SLU Permit Application by TeleSite Wireless, Inc., for Ron Launstein at 1796 Hawley Road, Leslie, MI, for Cell Tower (Set public hearing)

COMMISSION – noted that the AGS review of the SLU permit application found several instances of missing information, or insufficient data that need to be provided before site plan approval and the SLU permit review process can occur. The applicant has the AGS analysis, and is working to have answers to the Commission in time for the next regular meeting. Larger maps of coverage, with legible comments, were requested.

MOTION Cady, seconded by Winters, to schedule a public hearing during the June 7, 2017, regular Commission meeting, on SLU permit application #17-02 from Ron Launstein, at 1796 Hawley Road.

CARRIED 6-0.

C. Site Plan Review: Greg Mauldon on Hull Road, #33-10-10-16-300-019 for Mini-Storage and Contractor Yard

Corrections to the site plan – on page C0.0, the zoning of the parcel to the north labelled B-2 is now M-1. A similar correction is needed on the Zoning Legend map on page C1.0. The Norway Spruce tree can grow to 75 foot, and may need to be reconsidered as one of the species selected.

Section 14.03 – Site Plan Review Requirements:

C. Required Site Plan Submission Requirements

- A general location sketch showing at minimum, properties, streets and use of land within 1/2 mile of the area. – Condition met, pages C0.0 and C1.0.
- Legal description of the subject property. – Condition met, page C0.0.
- The date, north arrow, and scale. – Condition met, page C0.0.
- Name and address of the property owner or petitioner. – Condition met, page C0.0.
- Existing zoning and use of all properties abutting the subject property. - Condition met, pages C0.0 and C1.0.
- All buildings, parking and driveways within 100 feet of all property lines. – Condition met, page C1.0.

- The overall objectives of the proposed development. – Condition met, in the site plan application and on pages C2.0 and C3.0. During Commission consideration, the applicant indicated that the overall purpose is to establish a series of mini self-storage buildings for use by individuals or small businesses, and to also have on site a contractor yard for landscaping services equipment maintenance and landscaping material storage.
- Size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public streets and drives, and open space. – Condition met, page C2.0.
- Dwelling unit densities by type, if applicable. – Not applicable.
- Proposed method of providing sewer and water service, as well as other public and private utilities. – Condition met, pages C2.0 and C3.0. A well for potable water will be drilled on site, and a septic field installed. Proposed electric service is noted as well.
- Proposed method of providing storm drainage. – Condition met, pages C3.0, C3.1, and C5.1.
- Seal, name, and firm address of the professional individual responsible for the preparation of the site plan. – Condition met, provided on each page of the submitted site plan.
- Property lines and required setbacks shown and dimensioned. - Condition met, provided on pages C1.0, C2.0, C3.0, and C6.0.
- Dimensions of all existing and proposed structures on the subject property including dwelling unit densities by type, if applicable. – Condition met, new buildings noted on pages C2.0 and C3.0. Old foundations to be removed are noted on page C1.0.
- Size and location of existing and proposed utilities, including any proposed connections to public, or private community sewer or water supply systems. – Condition met, on pages C2.0 and C3.0. A well for potable water, and a septic field, will be constructed on site.
- Any signs not attached to the building(s). – Condition met, as noted on page C2.0.
- All existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, signs, exterior lighting, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), fire lanes, and unloading areas. For projects on a collector or arterial road, see also Section 12.04. – Condition met, on pages C2.0 and C3.0. This is currently an undeveloped parcel. Driveways, sidewalks, loading areas, and staging areas will be constructed, as noted. Specifics of construction are noted on page C4.0. Parking spaces are calculated and noted on page C2.0.
- Pavement width and right-of-way width of all roads, streets, and access easements within 100 feet of the subject property. – Condition met, on page C1.0.
- Location and size of all surface water drainage facilities. – Condition met, with drawings of location of drainage aspects on page C3.0, and construction specifics on pages C4.0 and C5.0.
- Location of all solid waste disposal facilities, including recycling, and screening. – Not applicable. Location of a concrete pad for trash dumpsters is noted on page C2.0.
- Location and specifications for existing or proposed outside, above or below ground storage facilities for hazardous materials. – Not applicable.
- All existing vegetation and the location, type, and size of all proposed landscaping, and the location, height and type of existing and proposed fences and walls. - Condition met, with proposed cyclone fencing noted on page C2.0, existing vegetation on the various pages, and proposed new vegetative plantings noted on page C6.0.
- Recreation areas, common use areas, flood plain areas and areas to be conveyed for public use and purpose. – Not applicable.

- Exterior lighting showing area of illumination and indicating the type and height of fixture to be used. – Condition met on pages C2.0 and C3.0, with installation detailed on page C6.0.
- Elevation drawings of proposed buildings – Condition not met. The applicant will be providing these at a later time.

COMMISSION – given the lack of the elevation drawings, the applicant was asked to provide these in time for the regular June Commission meeting. While the lack of drawings prevents adoption of the site plan tonight, the Commission continued with its determinations to ensure that any and all needed information and materials are clearly communicated to the applicant.

D. Additional Information

Given the detail of the site plan drawings, and other materials, no additional graphics or written materials were requested. As there is no significant foreseeable increase in traffic, no Traffic Impact Assessment or Traffic Impact Study was required of the applicant.

Section 14.04 – Application and Review: It was noted that all required copies and fees have been submitted.

Section 14.06– Review Standards: the Commission made the following findings:

B. **Site Development Standards**

1. The uses proposed will not adversely affect the public health, safety, or welfare. – Condition met. The parcel is zoned M-1 Industrial, in an area with other industrial use parcels. No undue noise, odors, fire, smoke, vibrations, glare, or other negative impacts are anticipated. The proposed use will entail likely a minimum of traffic, human presence, and activity. As there should be no foreseeable negative impact on the surrounding commercial operations, the Commission determined that the proposed use would not adversely affect the public health, safety, or welfare.
2. Uses and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance. – Condition met. While the parcel currently has unregulated areas of wetlands, the proposed re-grading of the site with a corresponding drainage system should adequately address ponding and ground softness issues. The detention basin on the eastern end of the property will be retained. The proposal is within the allowable coverage area of development. Traffic at any given time should be minimal, and should not impede the normal and orderly development or improvement of surrounding properties, which are mostly already fully developed.
3. The site plan shall provide reasonable visual and sound privacy for all dwelling units located within and adjacent to it. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes. Appropriate fencing may be required by the Planning Commission around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands. The Planning Commission may also require road or pathway cross-connections between developments. – Condition met. There are no residences within or close to the parcel. Vegetative barriers are proposed to diminish visual issues, and enhance sound privacy for surrounding parcels. Six-foot high cyclone fencing around the areas of use should adequately discourage trespassing. Given the single vehicle nature of any new traffic, this

impact was found to present an insignificant effect on nearby uses, and not entail the need for additional fencing or barriers.

4. The site shall be developed to create a pleasant, pedestrian paced atmosphere which de-emphasizes the automobile and considers rural character. Site amenities like street trees, bike racks, benches and outdoor tables may be required by the Planning Commission. – Not applicable. The proposed use is not in a pedestrian path, nor are any proposed. Business should be almost exclusively by motorized vehicle.
 5. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Fire Department. – Condition met. All buildings and areas likely to need such access will be in paved areas with paved driveways for access.
 6. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of buildings or structures shall be minimized to reduce light pollution. The site shall comply with the requirements of Section 15.04. – Condition met. The lighting materials and proposed installation and use will be in compliance with Chapter 15, as noted below.
 7. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from Residential Districts or public streets, shall be screened in accordance with the requirements of Section 15.02. – Condition met, as appropriate vegetative screening is proposed as noted below. The concrete pad for trash dumpsters will be enclosed with a six foot wood screen fence, noted on page C2.0.
 8. Site plans shall conform to all applicable requirements of Township, County, State, Federal agencies. Approval may be conditioned on the applicant receiving necessary Township, County, State, and Federal permits before final site plan approval or an occupancy permit is granted. – Condition met. The applicant is applying to the Ingham County Road Department (ICRD) for a permit to install curbing, and to the Drain commissioner for a soil erosion permit and approval of their storm water drainage system. The applicant will talk with Consumers Power before construction to ensure no wires will be damaged during construction, and they decide how future electric supply service will be provided.
 9. The general purposes and spirit of this Ordinance and the Master Plan of the Township shall be maintained. – Condition met. The proposed uses are allowable on an M-1 zoned parcel, and this parcel is surrounded by other parcels also zoned M-1. As the proposed use should have minimal impact on surrounding parcels, and would fit the character of an Industrial District, the spirit of the Zoning Ordinance and the Master Plan are considered to have been met.
- C. Vehicular and Pedestrian Standards**
1. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within

- 2.
3. the site and at ingress/egress points. – Condition met. As the site will be limited to likely individual vehicle traffic, likely only a few vehicles at a time, and as there is no pedestrian traffic proposed, this condition was considered to be adequately provided, as noted on pages C2.0 and C3.0 by the detail of spacing, paving, and driveways.
4. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the Township. – Condition met. The anticipated low level of traffic should be adequately accommodated by the proposed paving and spacing of access to buildings and the driveway.
5. The minimum number of vehicular entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of vehicular entrances to and exists from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location of the surrounding streets, the effect of traffic in the area, nearby topography, and other factors. – Condition met. As the ICRD has already approved the driveway and no new driveway is proposed, and given the anticipated level of traffic, this requirement was deemed to be sufficiently addressed.
6. Adequate traffic control shall be provided on site and throughout developments to ensure safe vehicular and non-motorized cohabitation. The Planning Commission may require traffic calming measures, paved road shoulders, and deceleration or turn lanes when necessary. – Condition met. Given the limited number of vehicles expected to access the property, the proposed traffic control was deemed to be adequate.
7. Appropriate sidewalks, trails or pathways for pedestrians and non-motorized vehicles may be required within the development and between developments but may be deferred with an appropriate performance guarantee. – Not applicable. There are no sidewalks currently on the property or surrounding parcels and none are planned. No known trails or pathways for the general public are present on site or needed, given the nature of the district and the proposed uses.
8. The Planning Commission may require shared driveways or the consolidation of existing driveways where appropriate. – Not applicable.

D. Environmental and Natural Features Standards

1. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or buffer strips be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. – Condition met. The proposal is to regrade the area to be developed so as to have an essentially flat topography, as opposed to the current two rises with a lower area in between. This grading is proposed to facilitate drainage and allow for a safer paved area for use by employees and renters of the storage units. The existing and proposed grades are noted on page C3.1, and the new drainage system/patterns on page C3.0, with construction details noted on pages C4.0 and C5.0.

2. Landmark trees and significant vegetation slated for protection shall be marked on site to prevent their damage during construction. – Not applicable.
3. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect the public storm drainage system. – Not applicable as no new surface waters are proposed. The existing detention basin will be retained.
4. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Subsurface landscape islands within parking lots are encouraged. Catch basins may be required to contain oil filters or traps to prevent contaminants from being directly discharged to the natural drainage system. – Condition met, with details of location of appropriate collection and drainage noted on page C3.0, and construction on page C4.0. The parking/storage area will have a raised and landscaped island as noted on page C2.0.
5. Stormwater drainage design shall recognize existing natural drainage patterns. Stormwater removal shall not adversely affect neighboring properties or the public storm drainage system. – Condition met. The proposed re-grading of the property will alter the drainage patterns on site, but stormwater removal is noted on page C3.0, and will connect with existing stormwater removal systems, and into the county drain.
6. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land. – Condition deemed to be met. The parcel has existing areas of unregulated wetlands which are proposed to be regraded to allow for development. While these areas will be paved, they are small, surrounded by parcels with industrial development and industrial uses, and the development could not proceed if these areas were not affected. See pages C1.0 and C3.0 for detail.
7. Provisions shall be made to accommodate stormwater on-site wherever practical. Direct discharge of stormwater into surface waters is prohibited. Where feasible, nonstructural control techniques shall be utilized which shall:
 - a. Limit land disturbance and grading.
 - b. Maintain vegetated buffers and significant vegetation.
 - c. Minimize impervious surfaces.
 - d. Use terraces, contoured landscapes, runoff spreaders, grass, or rock-lined swales.
 - e. Use infiltration devices.- Condition met. The existing detention basin will be retained. As noted above, the proposed industrial uses require impervious surfaces for public access and safety. Mid-Michigan averages over 30 inches of precipitation per year, and currently precipitation either moves off site, or soaks into underground aquifers that move water within a watershed area. No discharge of stormwater into surface waters is proposed. Given the industrial zoning and uses proposed, as well as the current and proposed re-graded topography, the proposed development and drainage system were deemed appropriate for site development.

SECTION 15.02 - LOADING REQUIREMENTS

A. Adequate space for standing, loading and unloading, that avoids undue interference with public use of dedicated rights-of-way, shall be provided and maintained on the same premises with every building, structure or part thereof involving the receipt or distribution of vehicles or materials or merchandise. – Condition met, as noted on pages C2.0 and C3.0.

B. Loading, unloading or parking of delivery vehicles and trailers in a Nonresidential District shall take place only in approved areas. Under no circumstances shall a delivery vehicle or trailer be allowed to park in a designated loading/unloading zone for longer than forty-eight (48) hours. – This condition was noted to the applicant, who publicly agreed to comply with this provision of the Ordinance.

C. At least one (1) loading space per commercial or service establishment shall be provided in the B1 and B-2 Districts in addition to any required off-street parking area. Required spaces shall be provided in the rear yard. The Planning Commission may permit the side yard to be used for loading spaces, provided adequate screening is provided. – Condition met, as noted on page C2.0.

D. All loading spaces in the Industrial District shall be at least ten (10) by fifty (50) feet, or other dimensions totaling at least five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or cement binder. – Condition met, as noted on pages C2.0 and C3.0.

SECTION 15.04 - LIGHTING

A. The following lighting standards shall apply to all uses requiring site plan review:

1. Off-street parking areas shall be adequately lit to ensure security and safety. Ground lighting and wall pack lighting is encouraged in small developments over pole lighting to prevent unnecessary glare and sky glow which inhibits the view of the night sky and, therefore, negatively effects rural character. – Condition met, noted on pages C2.0 and C3.0 for location of fixtures, and page C6.0 for installation standards. The proposal includes wall-mounted pack lighting for the self-storage buildings, with the lights all oriented towards US 127. There will also be a vegetative screen to the west to block direct view of these lights. As noted on page C6.0, the office building will have wall-mounted pack lighting on three sides. Vegetative screening and another proposed building should shield the lights from direct view from neighboring parcels. The proposed shop building will have two wall-mounted pack lights. Installation of all pack lighting will be such as to block light being directed upwards or horizontally. This should prevent unnecessary glare and sky glow which could negatively affect rural character. A coniferous screen along the south edge of the property should shield that parcel from direct view of the lights. A pole mounted light by the gate into the storage unit area, along with the storage unit wall-mounted lights, should be sufficient for access by tenants during any time of darkness, ensuring security and safety.
2. Light fixtures shall be provided with light cut-off fixtures that direct light downward. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally. – Condition met, as noted on page C6.0. As required, the lights will be directed downward, and to only light the building and immediately surrounding paved areas.

3. Lighting shall illuminate only the parking lot or other areas approved for illumination by the Planning Commission. – Condition met, page C6.0. There will be no inside lighting in the storage units, thus not adding to night time lighting glare.
4. Site lighting fixtures shall be limited to thirty (30) feet in height. – Condition met, as noted on page C6.0. The wall-mounted pack lights will be no more than 10 feet above the ground, and the single pole lamp is proposed to be 20 feet in height.
5. Canopy lighting shall be mounted flush with the canopy surface. – Not applicable.
6. No light fixture shall protrude below the underside (facia) of any canopy. – Not applicable.

SECTION 15.05 - LANDSCAPING REQUIREMENTS

- c. General Requirements: 1. For all uses requiring site plan review a landscape/screening plan shall be submitted to the Township for review and approval. The plan shall contain the following:
- a. All applicable information listed in Chapter 14. – Condition met, as noted above.
 - b. All applicable information listed in this Section pertaining to plant materials. – Condition met, as noted below. See especially page C6.0. The Commission again advised that Norway Spruce can reach heights that potentially defy maintenance.
 - c. The location, general size, and type of existing vegetation to be retained. – Condition met, as noted below, especially on page C6.0.
- d. A planting schedule and plan providing the following information: (1) The botanical and common name of each plant used. (2) The size of each plant to be used at the time of planting. (3) The quantity of each plant to be used. (4) Whether plants to be used are balled and burlapped container grown or bare root. (5) The spacing and location of all proposed trees, shrubs and ground cover. (6) The percentage of landscaped area to be provided on site. – Conditions 1-5 met, as noted on page C6.0. The percentage of landscaped area has not been calculated, though every planting and all landscaping are clearly detailed on page C6.0. The applicant was asked to calculate the percentage before approval.
3. Trees Not Permitted: For the purposes of this Section, the following trees shall not be permitted because they split easily, their wood is brittle and breaks easily, their roots clog drains, or they are invasive species or unusually susceptible to disease or insect pests. (prohibited trees listed in the Ordinance). – Condition met, as noted on page C6.0.
 4. Mixing of Species: The overall landscape plan shall not contain more than thirty-three (33%) of any single plant species. The use of trees native to the area and Mid- Michigan, and mixture of trees from the same species association, is encouraged. – Condition met, as noted on page C6.0.
 5. Species selection: landscaping materials shall be chosen which are best adapted to the solar exposure, soil, moisture and other site conditions which influence plant health and longevity. – Condition met, as detailed on page C6.0.

6. Plant material spacing: At planting, materials shall be spaced so as to ensure their survival over the length of their growing period. – Condition met, as noted on page C6.0.

7. Installation

a. Whenever a landscape planting screen or other plantings are required under this Section, it shall be installed according to accepted planting procedures and in a sound workmanlike manner. All plant material shall meet current standards of the American Association of Nurserymen. – Condition met, as noted on page C5.0 (seeding) and C6.0 (new plantings).

b. The Planning Commission may require that landscaped areas be irrigated. – Not applicable.

c. All required plantings shall be installed within six (6) months of their approval by the Township. An extension of this time may be granted by the Planning Commission. - This condition was noted to the applicant, who publicly agreed to comply with this provision of the Ordinance.

d. Plant material shall be installed so that at maturity, it does not obscure traffic signs or lighting, obstruct access for emergency vehicles, interfere with adequate sight distance for motorists, or disrupt drainage patterns on the site or on adjacent properties. – Condition met, as placement of vegetation and driveways/roads are noted on page C6.0.

e. Landscaped areas shall be covered by grass or other living ground cover. – Condition met, as detailed on page C5.1.

f. Trees and shrubs shall be setback a minimum of ten (10) feet from a vehicular access or pathway. - Condition met, as noted on page C6.0.

8. Maintenance

a. Maintenance of plantings shall be done with regularity to ensure a healthy and neat appearance. – This condition was noted to the applicant, who publicly agreed to comply with this provision of the Ordinance.

b. Required landscaping (including buffer strips, trees, lawns, and ground cover) shall be maintained in a healthy, neat, and orderly appearance free of disease and insect infestations as well as clear of weeds and debris. - This condition was noted to the applicant, who publicly agreed to comply with this provision of the Ordinance.

c. All unhealthy and dead plant material shall be replaced in the earliest appropriate planting period. - This condition was noted to the applicant, who publicly agreed to comply with this provision of the Ordinance.

d. The landscape plan shall indicate all individuals or businesses that will be responsible for continued maintenance of the landscaping, including a method of contacting them. – Applicant noted that as a landscape contractor, his firm will be responsible for continued maintenance of all plantings and vegetation.

9. Existing vegetation:

- a. 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 keeping with the intent of this Section. – Not applicable.
- b. All existing live trees in excess of twelve (12) inches in diameter at four and one half (4 ½) feet above the ground shall be preserved as much as practical. – Not applicable.
- c. Should any tree required by this Ordinance to be preserved die, it shall be the responsibility of the owner/developer to replace the dead tree. – Not applicable.
- d. A means of protecting site trees against injury during construction or injury from mowing equipment and vehicles shall be provided. – Construction issues not applicable; proposed final landscaping around trees should avoid contact with mowing equipment and is noted on page C6.0.

D. Landscape Buffer Zones

1. Where landscape buffer zones are required:
 - a. A landscaped buffer of ten (10) feet wide measured from the property line and planted with evergreens or shrubbery shall be provided which maintains their density and screening effect throughout the calendar year. – Not applicable.
 - b. Additional screening may be required by the Planning Commission, including additional buffer width, a wall, berm and/or fencing to prevent the creation of any nuisance, avoid annoyance by artificial lighting or incompatible activity. – Screening was deemed to be adequate.
2. Landscaping may be required to serve as windbreaks. – Not applicable.
3. Berms and swales shall be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion. Slopes shall be protected with sod, seed, shrubs or other form of natural groundcover. – Not applicable.

E. Parking Lot Landscaping

1. All off-street parking areas shall provide the following landscaping within the parking lot (in above ground or sunken landscape islands, bump-outs near the perimeter of the parking lot, as boulevards, etc.):
 - a. One (1) deciduous shade tree shall be required for each ten (10) parking spaces, provided that in no case shall less than two (2) trees be provided. – Condition met, as noted on page C6.0.
 - b. Three (3) under story shrubs shall be required for each ten (10) parking spaces. – Condition met, as noted on page C6.0.
 - c. Parking lot islands shall be at least one hundred (100) square feet in area, ten (10) feet in width and two (2) feet shorter than adjacent parking space. Rain gardens with rolled curb and/or curbing with drainage gaps are encouraged to help manage storm water runoff. – Condition met, as noted on pages C2.0 and C6.0. The parking island will be raised as it will be supporting the plantings required above.
2. When off-street parking and loading of a non-residential use abuts a residential use or district, the parking lot and loading area shall be screened from the residential use or district by

a solid, ornamental fence or masonry wall at least six (6) feet high. In lieu of a fence or wall, the Planning Commission may permit a sculpted berm and landscaping of a minimum of one (1) evergreen tree planted every fifteen (15) feet along the mutual property boundary. – Not applicable as there are no residential uses either on site or abutting the parcel.

F. Site Landscaping

1. Perimeter plantings shall be provided a rate of two (2) deciduous shade, ornamental, or evergreen trees for every ten (10) feet of road frontage; ten (10) shrubs per fifty (50) linear feet of property frontage and twenty perennials per fifty (50) linear feet of frontage. Plant materials shall be creatively and functionally dispersed around the perimeter of the property. Clustering and staggering of materials is recommended to maintain the rural character of the Township. – Condition not met. The applicant noted that the parcel would require up to 130 trees, which is more than a current wooded area already present. The Commission tabled their findings on this requirement to the next meeting.

COMMISSION – discussed a possible Ordinance amendment to grant the Commission flexibility in determining the numbers and spacing of plantings for proposed uses.

2. The required side and rear setbacks shall be landscaped to: a. Define cross-connections between properties for both pedestrian and vehicles; b. Define internal access ways for vehicles and pedestrians; c. Provide shade and lawn areas for outdoor activities; d. Provide appropriate outdoor amenities including seating, trash receptacles, etc., depending on the nature of the land use; e. Serve as windbreaks where warranted; f. To break up long expanses of building without windows. – Condition met, as noted on page C6.0.

G. Detention and Retention Ponds:

1. Plantings shall be provided a rate of one (1) deciduous shade or evergreen tree and ten (10) shrubs per fifty (50) linear feet of pond perimeter as measured along the top elevation of the pond bank. – The existing detention basin already has larger trees around its' perimeter.

2. To the extent possible, pond configuration shall be incorporated into the natural topography of the site. Where this is not practical, the pond shall be shaped to emulate a naturally formed depression and shall be part of the natural landscape and open space system of the site. – Not applicable.

3. Plantings shall replicate a natural environment. Trees and shrubs shall be clustered around the basin and contain a variety of plant material. – Condition met, with no further plantings required.

H. Utility Buildings, Outdoor Equipment, Outdoor Storage and Waste Receptacles

1. For utility buildings, stations, and/or substations, screening shall be provided consisting of a six (6) foot high wall, berm or fence, except when all equipment is contained within a building or structure which is comparable in appearance to residential buildings in the surrounding area. – Not applicable.

3. Any trash receptacle or trash storage area shall be contained within an enclosure which is at least six (6) feet in height, or the minimum height of the trash collection or storage receptacle. The location of the trash receptacle or storage area shall be approved by the

Zoning Administrator, unless part of a site plan approval, which will be approved by the Planning Commission. – Condition met, as noted on page C2.0 (dumpster).

3. When located outside of a building, support equipment including air conditioning and heating devices, and water and gas meters, but not including plumbing or exhaust vents or chimneys, are to be screened to the height of the particular piece of equipment. – Not applicable.

4. Outdoor open storage of any equipment, vehicles and materials, shall be screened from public right-of-way and residential uses or districts. Such storage shall not be located in the required front setback. Commercial uses do not need to screen from one another and industrial uses do not have to screen from one another. – Condition met, as noted on pages C2.0 (fencing) and page C6.0 (vegetation).

COMMISSION - requested a summary explanation from the applicant's engineer of how they determined that the wetlands are not regulated.

D. Presentation of Resolutions in Recognition of Service for:

1. Chairperson Ilene Thayer – Vice-chair McNeilly read a resolution from the Board of Trustees honoring Chair Thayer for her 16 years of service on the Planning Commission. COMMISSION – thanked Chair Thayer for her leading the Township through the development of two Master Plans, a complete recodification of the Zoning Ordinance, the difficult and complex considerations of specific SLU permits for gravel mines, bringing the Ordinance into compliance with the GAAMPS as they have been modified over the years, presiding over public hearings that could sometimes be contentious or loud, and overall lending her expertise and wisdom to lead the Township through its growth and development. Her calm demeanor and ability to keep meetings on track was commended. Her leadership in overseeing the SLU permitting and site plan approval process for a 20-acre industrial solar garden is appreciated. Her presence and input will be missed, and the Commission wished her well in her retirement from an official Township responsibility.
2. Trustee/Commission member Bruce Walker – Comm. Lazet read a resolution from the Board of Trustees honoring Comm. Walker for his service as a Trustee on the Township Board. COMMISSION – noted his eye for detail, especially on budget matters, and his ongoing concern for the environmental condition of the Township, especially the groundwater aquifers, bodies of surface water, and natural habitat. His enthusiasm for creating public recreational opportunities is appreciated. While he is no longer on the Board, the Commission is grateful that he is continuing on as a Commissioner, and wish him well as he pursues other opportunities, such as time spent up north and pursuing his playing of various stringed instruments.

E. Election of New Planning Commission Chair

Commissioner McNeilly was nominated for Chair; there were no other nominations.

MOTION Lazet, seconded by Cady, to elect Comm. McNeilly as Chair for the remainder of 2017.

CARRIED 6-0.

Comm. Walker was nominated for the position of Vice-chair; there were no other nominations.

MOTION Cady, seconded by Lazet, to elect Comm. Walker as Vice-chair for the remainder of 2017.

CARRIED 6-0.

X. Any Other Business

No other business was discussed.

XI. Additional Public Comment

Jeff Carter – expressed his appreciation for Chair Thayer’s and Bruce Walker’s service to the Township.

XII. Adjournment

There being no further business, the meeting was adjourned at 9:02 p.m.

John Lazet, Secretary