

VEVAY TOWNSHIP PLANNING COMMISSION  
Regular Meeting/Public Hearing  
Wednesday, July 8, 2020  
Vevay Township Hall – 6:30 p.m.

VIA ZOOM MEETING ID 811 2811 0634

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MINUTES

**Members present (by roll call vote):** Jack Cady, John Lazet, Chris Lewis, Pattie McNeilly, Jim Minster, Bruce Walker, and Al Winters.

**Member absent:** None.

**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 joined the Commission in reciting the Pledge of Allegiance.

**III. Set/Amend Agenda**

The agenda was accepted as presented, with the understanding that Reports/Notices would be temporarily passed over to allow for consideration of the SLU permit application after the public hearing is adjourned.

**IV. Approval of Minutes: Regular/Public Hearing 3/11/20, and Special Meeting 6/17/20**

March 11, 2020 minutes: No amendments were offered.

**MOTION Cady, seconded by Walker, to approve the March 11, 2020, regular meeting/public hearing minutes as submitted.  
CARRIED BY ROLL CALL VOTE 7-0.**

June 17, 2020 minutes: (1) amend page 1, second line from the bottom of the page, by changing “adjourning” to “adjoining”, and (2) amend page 2, second paragraph, 8<sup>th</sup> line down, after “will” by inserting “be”.

**MOTION Lewis, seconded by Walker, to approve the June 17, 2020, special meeting minutes as amended.  
CARRIED BY ROLL CALL VOTE 7-0.**

**V. Brief Public Comment**

There was no public comment.

**VI. Recess to Public Hearing regarding:**

**a. SLU Permit Application Request from Owner Todd Hunt @ 4194 Legion Drive, Mason (GymTactics LLC)**

Chair McNeilly – noted that the proposed operation had been described in detail during the June 17 special Commission meeting, as outlined in those minutes. Everyone on the Zoom meeting tonight was present last month for the explanation of the proposed use, and answers to questions asked at that time.

There were no comments or questions from the audience.

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

There being no further public comment, the public hearing was ended at 6:41 pm, and the regular meeting recommenced.

**VIII. Reports/Notices**

**A. February/March/April/May/June 2020 Building Reports**

February – The written report indicated that there were six building/zoning permit actions, involving removal of a residential chimney, a re-roofing of a residence, and the removal of four mobile homes from Mason Manor.

March - The written report indicated that there was one building/zoning permit action, involving the screening in of a residential porch.

April - The written report indicated that there were no building/zoning permit actions, due to the closure of most businesses as a result of the COVID-19 shelter-in-place executive orders.

May - The written report indicated that there were three building/zoning permit actions, involving two re-roofings of residences, and construction of an addition to a residence.

June - The written report indicated that there were nine building/zoning permit actions, involving installations of three above ground pools, a basement remodel, a re-roofing/siding of a residence, a re-roofing of another residence, construction of an addition to a residence, residing/re-roofing of yet another residence, and construction of a new home.

**B. Report by Dave Vincent – June 2020 Zoning/Enforcement Report**

The report indicates that several complaints/violations continue to be addressed by Mr. Vincent, as he works with residents and appropriate officials to encourage/compel compliance with the Township Ordinance provisions.

Mr. Vincent - In response to a question on the demolition of the uninhabitable house on Rolfe Road, stated there has been partial compliance. The COVID-19 closure of the courts has postponed the next court date to July 28. Mr. Vincent will continue to work for full compliance.

C. Michigan Trapshooting Association – 2020 Annual Soil Test

Chair McNeilly – noted that the MTA has submitted the 2020 test results. Discussion followed on the findings, and Chair McNeilly will work on having the MTA also submit a map of the property indicating where the various soil samples were taken.

**IX. Pending Business**

A. SLU Permit Application Request for Owner Todd Hunt @ 4194 Legion Drive, Mason (GymTactics LLC)

Chair McNeilly – Noted that the Commission had talked with the applicant and the business owner at the last Commission meeting, and asked that for action tonight, they complete their application by submitting: documentation of the easement for access to the parking area; copies of the certificate of occupancy, any Department of Health certificates, and the lease; language on the application addressing the Basis of Determination; and a statement that there will be no motorized recreational vehicles that emit exhaust or hydrocarbons from gas or petroleum fuel.

Mr. Hunt – The prior easement for access to the loading dock has been voided via sale of the property to Mr. Hunt. A legal easement has been requested, but his attorney is currently unavailable. As stated last month during the Commission meeting and as included in his SLU permit application, he again is stating that there will be no motorized recreational vehicles that emit exhaust or hydrocarbons from gas or petroleum fuel

Legal Counsel – recommended that a legal easement is not necessary as Mr. Hunt owns both properties. A future easement may be needed if the parcel is sold and the two involved parcels have different owners.

Commission – on the basis of discussion with legal counsel, the applicant was advised he did not need to execute an easement for the SLU permit application to proceed. Materials from the Zoning Administrator noted that the certificate of occupancy was re-issued after a final inspection, this action based on documents in the existing Township files. An email letter from the Ingham County Health Department dated June 19, 2020, detailed their involvement in water testing. The completed application includes language stating there will be no motorized recreational vehicle exhaust emissions, and also includes language describing how the application will fulfill the Basis of Determination required by the Zoning Ordinance.

Mr. Mortimer, GymTactics LLC – when asked when operations would start, responded that until the Governor allows this activity to proceed, they will only be moving in equipment and preparing the facility. He is not sure when clients will actually be on site, as that depends on the Governor.

Commission – proceeded to review SLU permit application 20-03. This review includes three parts: completeness of the application process, a modified site plan review, and consideration of the Basis of Determination.

Commission – Section 16.02 (A) requires the application to have met the following conditions:

2. An application for a Special Land Use shall consist of the following:
  - a. Twelve (12) copies of a Site Plan meeting the requirements of Chapter 14. – Not applicable pursuant to Section 15.06, as the footprint of the building remains unchanged and there is no change in the number of parking spaces on site.
  - b. A completed Township application form - Condition met, as noted by the Zoning Administrator on his report and determined by the Commission.
  - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time; to be paid when the application is determined complete and accepted by the Zoning Administrator – Condition met, verified with Clerk Kean.
  - d. A legal description of the entire property that is the subject of the Special Land Use – Condition met.
  - e. A statement with regard to compliance with the criteria required for approval in Section 16.03 (A)(1)-(5), and other specific criteria imposed by this Ordinance affecting the Special Land Use under consideration – Condition met.
  - f. Other materials as may be required by the Planning Commission or Township Board – Condition met, as no other materials were required of the applicant.

Commission - Section 15.06 exempts the SLU permit application from Chapter 14 site plan review as the new use does not propose any change to the existing footprint of the building involved or require any increase in the number of parking spaces. However, Section 15.06 requires the new use to comply with the following:

1. The previously approved site plan, should one exist. – Condition met. This parcel has been in use for over 50 years, and the Township files have numerous separate materials submitted over the years that functioned as site plans for the various construction and use proposals. The new use involves no changes to any of the submitted site plan materials, and will comply with what has been submitted.
2. All maintenance-related standards of this Ordinance. - These conditions were noted to the applicant, who publicly agreed to comply with these provisions: fencing (Sec. 3.10), parking lot striping (Sec. 15.01 (B)(6)(e)), loading areas (Sec. 15.02 (A)), and signs (Sec. 20.03 (B)(1)-(3)).
3. Screening and landscaping requirements of this Ordinance. – Condition met. The existing vegetation is mature and substantial, and the grounds well-maintained.

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.” Discussion followed on the existing vegetation, several Commissioners noting that the vegetation currently shields the building completely to the north, the fence to the east shields the view from the adjoining parcel, mature and substantial evergreen trees and a well-kept lawn to the south are well adequate for facing Legion Drive, and to the west there is paved parking space and then lawn further north on that side. Section 15.05 also lays the groundwork for not requiring screening between Industrial and Commercial properties, as here on the eastern and western sides. As the intent of Sec. 15.05 was deemed to be completely met by the existing vegetation:

**MOTION Winters, seconded Minster, pursuant to Sec. 15.05 (A) and (C)(9)(a), to grant credit for the existing substantial and mature vegetation to fulfill the screening and landscaping requirements of the Zoning Ordinance.**

**CARRIED BY ROLL CALL VOTE 7-0.**

**Section 16.03 – Basis of Determination:** While this is the responsibility of the Board of Trustees, the Commission opted to incorporate their findings and other testimony into a format to assist the Board in making these determinations.

A (1) - The Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

The application meets this condition. The parcel is zoned Industrial and in an industrial and commercially developed area. The proposed use is allowed by permit, and two other parcels in the Township have similar uses. Operations have been and will remain largely far removed from, and not visible to, neighboring residences. There will be some traffic, but as has been occurring for decades, and likely less intense. As the operation will utilize the existing parking area and the activity will occur indoors, the use should have no impact on adjacent property or the surrounding area. The topography and existing stands of trees help to minimize the existing visual and sound impacts at the ground level.

A (2) – The Special Land Use shall not change the essential character of the surrounding area.

The application meets this condition. The surrounding parcels are largely developed, and the proposed use could eventually result in further orderly repurposing of industrial buildings as the economy changes. Existing vegetative screening is mature and robust, and no vegetation will be removed. The proposed increase in traffic will not affect any residential use or business operations. No new construction of any sort is proposed. The proposed transition to indoor recreational facility should essentially be invisible to the area.

A (3) – The Special Land shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, odor, smoke, dust, fumes, glare or site drainage.

The application meets this condition. No hazardous or potentially hazardous situations are planned or anticipated. The proposal will continue use of a long-standing building, with no additional construction or exterior modification. There will be no additional outside storage, burning, additional noises, odors, smoke, vibration, glare, or fumes. Personal vehicle traffic will be greater, but unnoticeable outside of the Legion Drive environs. No pedestrian traffic will occur. Site drainage has been adequate, and should continue to be so. There should be no new negative impacts on the parcel, and thus none to surrounding parcels. There should be no negative consequences to the public health, safety and welfare of persons or property.

A (4) – The Special Land Use shall not place demands on public services and facilities in excess of current capacity.

The application meets this condition. No public road work is needed, and no new public storm water drainage system or public water supply or sewer system will be needed. No activities are planned that would increase the potential need for enhanced law enforcement oversight or presence, or fire services.

A (5) – The Special Land Use shall be in general agreement with the Township Master Plan.

As the Master Plan is currently written, a major goal is orderly development that fits the rural character of the Township. As the proposed use is allowed in an industrial building located in an Industrial District, and involves no additional impacts other than a light increase in personal vehicle traffic, the proposed use meets these goals, and is in general agreement with the Master Plan.

A (6) – The Special Land Use shall comply with all site plan review standards.

The Commission deemed the application to comply with previously submitted site plan materials; the applicant publicly agreed on July 8, 2020, to adhere to the specified maintenance standards; and the screening/landscaping requirements were deemed to be fully met by the existing substantial and mature vegetation. These three site conditions required by Sec. 15.06 were all found to be satisfied once the applicant agreed to the maintenance standards outlined in the Zoning Ordinance.

Commission – asked the Board to consider having the SLU permit holder notify the Township if the current tenant is replaced by another tenant.

A public hearing having been held and full consideration given to SLU Permit application 20-03:

**MOTION Lewis, seconded by Minster, to recommend the Board of Trustees approve issuance of Special Land Use Permit #20-03 - Recreational Facilities, Indoors – for the parcel at 4194 Legion Drive, Mason, MI. The Commission further recommends the Board consider the possible additional condition listed in the minutes above.  
CARRIED 7-0.**

#### B. Zoning Ordinance Possible Amendments

Commission – had discussion on the status of the progress of the various work groups, and added several items to the list of possible Ordinance amendments:

- Sec. 15.05 (C)(3) – currently mentions “...reference materials from the Township regarding species selection, landscaping maintenance, and best practices for landscaping.” Either have the materials developed or procured, or perhaps modify this language. This could be addressed by the screening work group.
- Sec. 16.06 – potentially adding specific requirements for Recreational Facilities, Indoors, in Commercial and Industrial Districts
- Chapter 3? – flexibility for the Commission to modify various requirements based on non-conforming lots, existing flag lots, platted parcels, etc.

Commission - the review of screening requirements was asked to be ready for next steps at the Commission’s regular August meeting. Home occupations and accessory buildings and

structures should proceed fairly quickly. Comm. Lazet will again distribute proposed changes to Sec. 3.04 and Sec. 3.09 to address the issues raised by the Elhorn Engineering pole barn application.

**X. Any Other Business**

A commissioner asked if the Zoom meeting administrator could work with Zoom to address the feedback problems experienced tonight.

**XI. Additional Public Comment**

There was no public comment.

**XII. Adjournment**

There being no further business, the meeting was adjourned at 7:54 p.m.

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John Lazet, Secretary