



CITY OF CHELSEA

PLANNING COMMISSION SPECIAL MEETING AGENDA MAY 31, 2014 1:00 P.M.

**WASHINGTON STREET EDUCATION CENTER
500 Washington Street, Chelsea, MI
Large Center Conference Room**

CALL TO ORDER

APPROVAL OF MEETING MINUTES

PUBLIC HEARINGS

“M-52 Corridor District” - Proposed Zoning Ordinance Text & Map Amendment

NEW BUSINESS

“M-52 Corridor District” – Recommendation to City Council

DISCUSSION

PUBLIC PARTICIPATION

ADJOURNMENT

**PLANNING COMMISSION SPECIAL MEETING DRAFT MINUTES
MAY 31, 2014
WASHINGTON STREET EDUCATION CENTER
500 WASHINGTON ST., CHELSEA, MI**

Members Present: Chairman George Kinzer, Erik Larsen, Larry Ledebur, Sarah Haselschwardt, Marcia White, Cary Church

Members Absent: Nick Helmholdt (Secretary)

Vacancies: Two

Others Present: Cheri Albertson (Council Trustee)
Christine Linfield (Planning, Eng., Zoning & Community Dev. Director)
Gerald Fisher (Consulting Attorney)

CALL TO ORDER

Chairman Kinzer called the meeting to order at 1:00 pm.

PUBLIC HEARING

Chairman Kinzer introduced the M-52 Corridor District draft ordinance and opened the public hearing to take comments from the public.

1. Susan Moore (617 Fieldstone Circle West) spoke in favor of the ordinance.
2. Rita Welch-Holman (633 S. Main St.) spoke in favor of the ordinance.
3. Jim Myles (188 E. Middle St.) spoke in favor of the ordinance and also distributed a handout to the Planning Commission requesting that Section 4.37 (1.)(a.) be amended to include reference to the 61 properties in the downtown business district listed on the U.S. Interior Department's National Register of Historic Places.
4. James T. Merkel (address not given) – Handed out a letter of support to the Planning Commission and also spoke in favor of the ordinance.
5. Alexander Pollack (1240 Old Manchester Rd.) spoke in favor of the ordinance and his concerns over heavy vehicles and damage to the street from excessive vehicle weights.
6. Ann Valle (719 S. Main St.) spoke in favor of the ordinance and recommended that the Planning Commission continue to plan for more traffic calming measures on S. Main St.

Chairman Kinzer also noted that there was two letters of support submitted to the city prior to the special meeting from:

1. Elizabeth Voshel (203 Quiet Creek Ct.)
2. Shawn and Bill Personke (627 S. Main St.)

Chairman Kinzer closed the public hearing at 1:16 pm.

NEW BUSINESS

Chairman Kinzer clarified that the proposed ordinance would place a zoning overlay district on all city parcels that front onto M-52, which would require the application of a Special Land Use

permit for the following situations:

- Proposals seeking approval of a natural resource extraction operation on land situated outside the City of Chelsea that would involve the use of the M-52 Corridor district as a haul route for more than 12 trips per day by so-called gravel trucks weighing 80,000 pounds or more.
- Proposals to use the M-52 Corridor district multiple times on specified days by oversized-load vehicles in a manner that may not be in the public interest.

Chairman Kinzer also reported that this would not apply to vehicle traffic that originates from or delivers to properties located within the city.

Chairman Kinzer introduced Mr. Fisher and asked him to advise the Planning Commission regarding the procedure for recommending action to City Council and to answer any questions.

Mr. Fisher went over the zoning amendment process and his draft Report of Findings and Recommendations for Planning Commission. Mr. Fisher clarified that the draft report is based on items in the City of Chelsea Zoning Ordinance and state law.

Mr. Ledebur commented that he is support of Mr. Myles suggested revision of Section 4.37 (1.)(a.) from the Public Hearing portion of the meeting. Mr. Ledebur also asked for clarification on if the permit process would include both loaded and unloaded vehicles. Mr. Fisher reported that the ordinance is currently drafted for only fully loaded vehicles. Discussion ensued regarding requiring the permit application to also specify the number of unloaded vehicles.

Chairman Kinzer read Mr. Fisher's draft Report of Findings and Recommendations into the record.

Ms. Haselschwardt reported several minor grammar corrections and also suggested revising the ordinance definition of a vehicle trip to include unloaded trucks.

Motion by Ledebur, seconded by Church, to amend the draft ordinance to revise Section 4.37 (1.)(a.) to add the following text..."*which included 61 properties in the downtown business district listed on the U.S. Interior Department's National Register of Historic Places.*" All Ayes. Motion passed.

Motion by Ledebur, seconded by Larsen, to recommend a revision to the definition in Section 4.37 (2.) (f.) which would insert the language "*loaded with natural resources*" after the text "*normal business day.*" All Ayes. Motion passed.

Motion by Ledebur, seconded by Haselschwardt, to recommend changing Section 4.37 (6.) to insert the text "*both loaded and unloaded*" after "*M-52 Corridor district*" and to also recommend changing Section 4.37 (6.)(a.) to specify both loaded and unloaded vehicles. All Ayes. Motion passed.

Motion by Larsen, seconded by White, that based on the findings in the draft report in our packets that the Planning Commission recommend adoption of the proposed M52 Corridor District zoning text amendment and map change to city council, as amended. All Ayes. Motion passed.

DISCUSSION – No Discussion

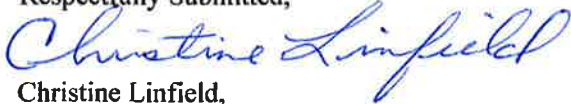
PUBLIC PARTICIPATION

Alexander Pollack (1240 Old Manchester Road) requested if there has been any studies regarding a truck bypass around the city. He suggested connecting Territorial Road to Fletcher Road as an alternate access route to I-94. Chairman Kinzer gave a brief overview of previous studies and also mentioned complications such as funding and the high speed rail project.

ADJOURNMENT

Motion by White, seconded by Larsen, to adjourn the meeting at 1:20 pm.

Respectfully Submitted,



Christine Linfield,
Planning, Engineering, Zoning & Comm. Dev. Dir.

NOTICE OF PUBLIC HEARING

On Proposed Amendment to
City of Chelsea Zoning Ordinance No. 166

Notice is hereby given that the Chelsea Planning Commission will conduct a public hearing, as the statute in such case provides, for a text amendment of the City of Chelsea Zoning Ordinance.

The City of Chelsea Planning Commission is considering whether to recommend to the City Council for adoption new provisions for the City Zoning Ordinance that would create a special district to be known as the "M-52 Corridor district" consisting of highway M-52 within the City of Chelsea and the properties fronting on either side of the highway, and require detailed review and approval for two particular types of activities that would have special impact on the M-52 Corridor district: (1) proposals to use the M-52 Corridor district as a haul route for more than 12 trips per day by so-called gravel trucks as part of an application seeking approval of a natural resource extraction operation on land situated outside the City of Chelsea (e.g., sand and gravel mining operation); and (2) proposals to use the M-52 Corridor district multiple times on specified days by oversized-load vehicles (e.g., loads consisting of construction vehicles such as backhoes, pre-built homes, bridge beams, windmill propellers, and the like) in a manner that might not be in the public interest. The ordinance will, if adopted, require detailed applications for such uses, provide definitions of terms, and standards and procedures for review and approval of applications.

The requested change would also revise the zoning map to apply a "M-52 Corridor District" over the properties hereinafter described:

Tax Codes:

06-06-01-161-100	06-06-01-161-112	06-06-01-426-010	06-06-01-461-020
06-06-01-161-101	06-06-01-161-113	06-06-01-426-011	06-06-01-462-001
06-06-01-161-102	06-06-01-400-037	06-06-01-460-005	06-06-01-462-002
06-06-01-161-103	06-06-01-400-039	06-06-01-460-006	06-06-12-107-018
06-06-01-161-104	06-06-01-425-001	06-06-01-460-007	06-06-12-107-019
06-06-01-161-105	06-06-01-426-003	06-06-01-460-008	06-06-12-107-020
06-06-01-161-106	06-06-01-426-004	06-06-01-460-009	06-06-12-107-030
06-06-01-161-107	06-06-01-426-005	06-06-01-460-010	06-06-12-107-031
06-06-01-161-108	06-06-01-426-006	06-06-01-460-011	06-06-12-107-035
06-06-01-161-109	06-06-01-426-007	06-06-01-460-012	06-06-12-108-004
06-06-01-161-110	06-06-01-426-008	06-06-01-461-016	06-06-12-108-006
06-06-01-161-111	06-06-01-426-009	06-06-01-461-017	06-06-12-108-035

06-06-12-108-036	06-06-12-430-043	06-06-12-455-024	06-06-13-170-007
06-06-12-111-001	06-06-12-430-044	06-06-12-455-025	06-06-13-170-008
06-06-12-111-003	06-06-12-430-045	06-06-12-455-026	06-06-13-170-009
06-06-12-111-006	06-06-12-430-046	06-06-12-455-027	06-06-13-170-010
06-06-12-130-001	06-06-12-430-047	06-06-12-475-013	06-06-13-170-011
06-06-12-130-010	06-06-12-430-050	06-06-12-475-017	06-06-13-170-012
06-06-12-130-011	06-06-12-436-018	06-06-12-475-018	06-06-13-170-013
06-06-12-130-012	06-06-12-436-019	06-06-12-475-019	06-06-13-170-014
06-06-12-130-013	06-06-12-436-021	06-06-12-475-021	06-06-13-170-015
06-06-12-130-015	06-06-12-404-011	06-06-12-475-022	06-06-13-170-016
06-06-12-130-016	06-06-12-404-012	06-06-12-475-025	06-06-13-170-017
06-06-12-130-017	06-06-12-404-013	06-06-12-475-026	06-06-13-170-018
06-06-12-130-018	06-06-12-404-014	06-06-12-475-027	06-06-13-170-019
06-06-12-130-019	06-06-12-410-001	06-06-12-475-028	06-06-13-170-020
06-06-12-130-020	06-06-12-410-002	06-06-12-475-029	06-06-13-170-023
06-06-12-130-021	06-06-12-410-003	06-06-12-475-030	06-06-13-170-024
06-06-12-130-022	06-06-12-435-014	06-06-12-475-031	06-06-13-170-025
06-06-12-140-024	06-06-12-435-015	06-06-12-475-032	06-06-13-170-026
06-06-12-170-003	06-06-12-435-016	06-06-12-475-042	06-06-13-170-027
06-06-12-161-026	06-06-12-435-017	06-06-12-475-044	06-06-13-170-028
06-06-12-161-027	06-06-12-435-018	06-06-12-475-046	06-06-13-170-029
06-06-12-161-029	06-06-12-435-020	06-06-12-475-053	06-06-13-171-030
06-06-12-161-031	06-06-12-436-012	06-06-12-477-001	06-06-13-170-035
06-06-12-161-033	06-06-12-436-013	06-06-12-477-002	06-06-13-170-036
06-06-12-161-034	06-06-12-436-014	06-06-12-477-003	06-06-13-170-037
06-06-12-161-035	06-06-12-451-008	06-06-12-477-004	06-06-13-170-038
06-06-12-182-008	06-06-12-451-009	06-06-13-130-001	06-06-13-170-039
06-06-12-182-009	06-06-12-451-010	06-06-13-130-007	06-06-13-170-040
06-06-12-182-014	06-06-12-451-011	06-06-13-130-008	06-06-13-170-041
06-06-12-182-021	06-06-12-451-012	06-06-13-140-016	06-06-13-170-042
06-06-12-182-022	06-06-12-451-013	06-06-13-140-017	06-06-13-170-043
06-06-12-183-013	06-06-12-451-014	06-06-13-140-026	06-06-13-170-044
06-06-12-183-016	06-06-12-455-014	06-06-13-140-027	06-06-13-170-045
06-06-12-183-017	06-06-12-455-015	06-06-13-140-030	06-06-13-170-046
06-06-12-183-020	06-06-12-455-016	06-06-13-140-031	06-06-13-170-047
06-06-12-183-031	06-06-12-455-017	06-06-13-140-033	06-06-13-170-048
06-06-12-183-032	06-06-12-455-018	06-06-13-170-001	06-06-13-150-001
06-06-12-183-034	06-06-12-455-019	06-06-13-170-002	06-06-13-150-002
06-06-12-402-039	06-06-12-455-020	06-06-13-170-003	06-06-13-150-004
06-06-12-402-040	06-06-12-455-021	06-06-13-170-004	06-06-13-150-016
06-06-12-430-001	06-06-12-455-022	06-06-13-170-005	06-06-13-150-018
06-06-12-430-042	06-06-12-455-023	06-06-13-170-006	06-06-13-155-001

06-06-13-155-002	06-06-13-175-004	06-06-13-380-014	06-06-13-450-009
06-06-13-155-003	06-06-13-175-005	06-06-13-380-015	06-06-13-450-010
06-06-13-155-004	06-06-13-175-006	06-06-13-380-016	06-06-13-450-011
06-06-13-160-001	06-06-13-300-015	06-06-13-380-023	06-06-13-450-012
06-06-13-160-002	06-06-13-380-002	06-06-13-380-026	06-06-13-450-016
06-06-13-160-006	06-06-13-380-004	06-06-13-401-001	06-06-13-450-018
06-06-13-160-008	06-06-13-380-006	06-06-13-450-001	06-06-13-450-019
06-06-13-175-001	06-06-13-380-007	06-06-13-450-002	
06-06-13-175-002	06-06-13-380-009	06-06-13-450-003	
06-06-13-175-003	06-06-13-380-010	06-06-13-450-004	

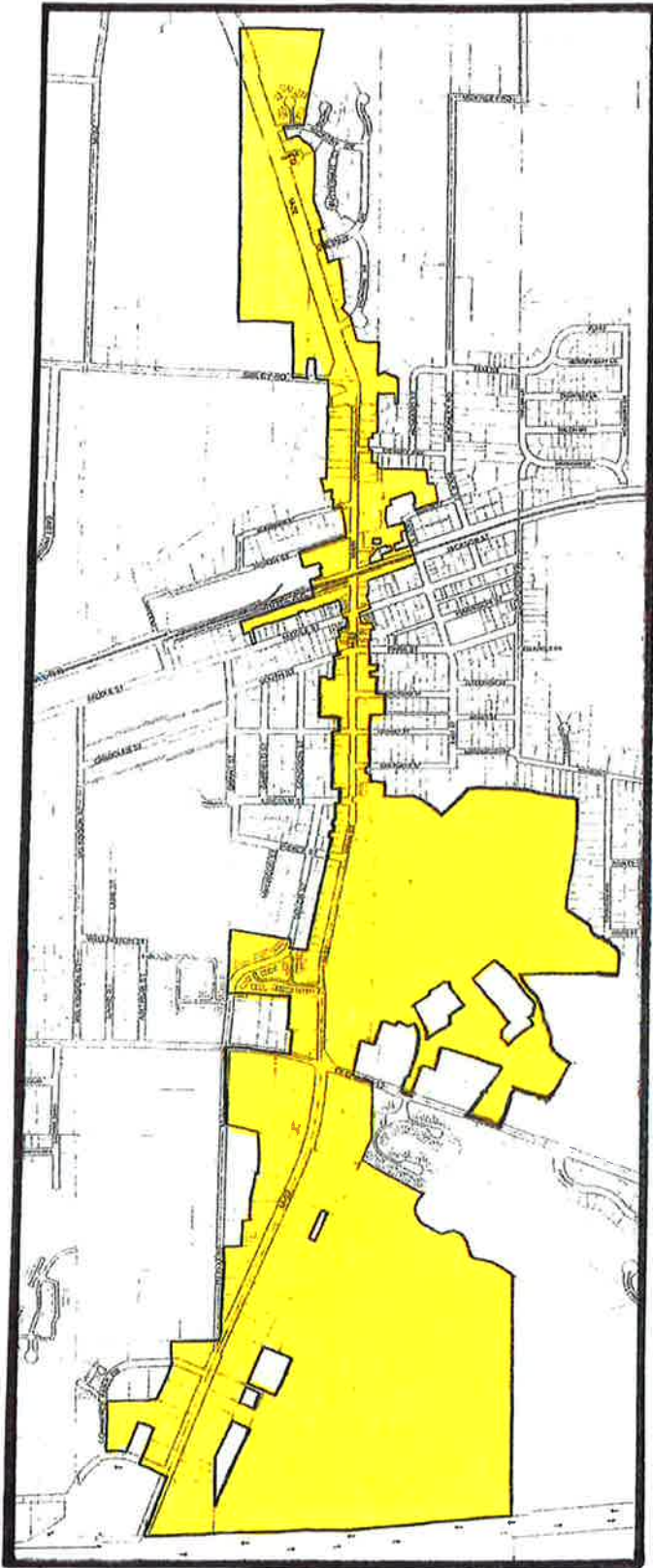
The aforesaid hearing will be held at a **Special Meeting of the Planning Commission** to be located in the **Large Center Conference Room**, located at the **Washington Street Education Center, 500 Washington Street, Chelsea, MI**, at **1:00 p.m. on Saturday, May 31, 2014**.

The Zoning Map and a copy of the proposed ordinance is available for public inspection at the City of Chelsea Offices, 305 S. Main Street, Suite 100, Chelsea, MI 48118, during regular business hours. The proposed ordinance is also posted on the City Website at (www.city-chelsea.org).

Written comments concerning the proposed Zoning Test Amendment and Zoning Map revision may be submitted to the City of Chelsea at the above location prior to the hearing and will be made a part of the official record. All minutes are available at the City of Chelsea Clerk's Office.

Persons requiring reasonable accommodations to disabilities in order that the hearing can be accessible to them, are requested to notify the Chelsea Planning Commission Chair no later than five (5) business days prior to the date of the hearing of such disability.

Chelsea City Planning Commission
George Kinzer, Chair



Proposed M52 Corridor District
All Parcels Within Shaded Area
With Road Frontage On M52

STATE OF MICHIGAN
COUNTY OF WASHTENAW
CITY OF CHELSEA
ORDINANCE NO. _____

TEXT AMENDMENT TO ZONING ORDINANCE
(M-52 Corridor District Protection and Promotion)

An Ordinance to amend the City of Chelsea Zoning Ordinance for the purpose of creating a new Section 4.37 authorizing and requiring review and approval by the Planning Commission of proposed uses or activities that would have special impact on the area of the "M-52 Corridor" overlay district as created and defined in this Section.

THE CITY OF CHELSEA ORDAINS AS FOLLOWS:

Section 1 of Ordinance

A new Section 4.37 shall be added to the Zoning Ordinance, reading as follows:

Section 4.37. M-52 Corridor Protection and Promotion

1. Intent, Purpose and Application

a. Intent and Purpose

It is the intent of this section to recognize that the M-52 Corridor district as established in this section as an overlay district is a unique focal point for the City of Chelsea, including (without limitation):

- Exceptional and irreplaceable buildings, structures and historic resources that are sensitive to adverse impact and require protection;
- Pedestrian ways that are heavily utilized by school children, senior citizens and others;
- Destination places which serve as centers for culture, arts, farm market, shopping, restaurants, and other uses, all being the basis for current and potential future quality of life, economic development, and placemaking;

- A major thoroughfare with only two lanes that serves as the major corridor for the provision of public safety service for Chelsea and the surrounding area, and is utilized for school bus transportation and high volume traffic that is subject to congestion, including automobile, truck, motorcycle, and bicycle traffic;
- Numerous street, drive, pedestrian way, and rail intersections, all situated on or impacted by sloping topography that exacerbates traffic safety issues; and
- A primary basis for the City's character as a vibrant and quaint historic village.

Consequently, it is the further intent of this Section to protect and promote the M-52 Corridor district, and to require careful scrutiny of the types of activities regulated in order to assure the needed protection of people, places, and resources as identified above.

b. District Creation and Application of this Section

1) Creation of District

The "M-52 Corridor" district is hereby created as an overlay district within the City of Chelsea. The boundaries and inclusions of the district are as defined in subsection 2, Definitions, below.

2) The provisions of this Section shall be deemed to have been adopted under the authority for zoning ordinances granted in the Michigan Zoning Enabling Act, MCL 125.3201, et seq., as well as the authority for regulatory ordinances granted in the City Charter.

3) Application of Section

This section shall apply, and require application, review and approval, when any of the following are proposed:

- a) ***Required Approval for Extraction Vehicle Operation within the M-52 Corridor district.*** This regulation is not an attempt to deny M-52 access to particular vehicles, but to provide standards and process for the review of a haul route proposed as part of an application seeking approval for a natural resource extraction operation on land situated outside the City of Chelsea consistent with MCL 125.3205(3), et seq. Regulation of Extractive Vehicle Operations is deemed to be an integral part of the review of the proposed extractive operation land use, and a special program to achieve the specific land management, problem solving objective of protecting and promoting the M-52 Corridor district including, among other things, the land uses, persons, structures, resources, schools, economic development, property values, traffic and pedestrian safety, and public interest within the M-52 Corridor

district. The authority for regulation under this subsection includes, but is not limited to, the Michigan Constitution, Art. 7, §29, and applicable law including MCL 125.3201(3), and MCL 125.3205.

- b) ***Required Approval for Excessive Oversize-Load Vehicle Use within the M-52 Corridor district.*** This regulation is intended to recognize the need to maintain a functional level of service for traffic within the M-52 Corridor district in order to, among other reasons, promote and maintain use and reasonable access for schools, economic development, property values, traffic and pedestrian safety and other purposes.
- c) [reserved for other uses]

2. Definitions

- a. “M-52” shall mean State Highway M-52 within the City of Chelsea.
- b. “M-52 Corridor” district shall mean and include an overlay district consisting of the area of land within M-52, the properties fronting on M-52, and the streets, roads, pedestrian ways, drives, and rail intersections adjoining and accessing M-52, from the northerly border of the City to the southerly border of the City.
- c. “Heavy Motor Vehicle” shall mean a truck pulling a trailer, a truck tractor pulling a semitrailer and trailer combination, or a truck tractor pulling two semitrailers, that have a total combined weight of at least 80,000 pounds fully loaded.
- d. “Oversize-Load Vehicle” shall means a vehicle carrying a load that exceeds design limits for a transport vehicle, legal rights-of-way or public roadway, including, without limitation, a load consisting of construction vehicles (cranes, front loaders, backhoes), logging materials, pre-built homes, bridge beams, generators, windmill propellers, industrial equipment, or other loads having similar characteristics in terms of impact.
- e. “Excessive Oversize-Load Vehicle Use” shall mean the use of an Oversize-Load Vehicle by a single user (including all employees and agents of one company) within the M-52 Corridor district that is either (1) planned to occur more than six times during any day, or (2) planned to occur more than three times on any day each week during any three consecutive weeks. This definition shall not include the use of an Oversize-Load Vehicle making a bona fide delivery to a destination within the City.
- f. “Extraction Vehicle Operation” shall mean a business operation that includes twelve (12) or more Heavy Motor Vehicle trips per normal business day through the M-52 Corridor district associated with a new or expanded natural resource extraction activity proposed on land situated outside of the City.

- g. “Historic Resource” shall mean a structure, object, or feature that is significant in the history, architecture, or culture of the City of Chelsea, State of Michigan, or of the United States.

3. **Application Requirements**

- a. **An application for the proposed natural resource operation and to utilize the M-52 Corridor district for a proposed Extraction Vehicle Operation associated with the proposed extractive operation** shall be submitted concurrent with an application seeking approval for a natural resource extraction operation on land filed with a municipality outside the City of Chelsea, and shall include the following; provided, if this Section was not effective on the date of the filing with a municipality outside the City of Chelsea, the City Clerk shall provide notice to the applicant of the requirement to file an application under this Section at the earliest feasible date:
 - 1) The name, address, and phone number of the owner of the property on which the development or activity is proposed.
 - 2) The name, address, and phone number of the applicant, and the applicant’s interest in the property (with all relevant signed documents demonstrating such interest, with dollar amounts redacted if desired).
 - 3) A description of the property situated outside the City on which the natural resource extraction operation is proposed.
 - 4) A plan drawn to scale detailing the proposed natural resource extraction operation outside the City.
 - 5) Reports prepared by qualified experts in respective fields detailing the following:
 - a) The reasonably anticipated relationship of the proposed Heavy Motor Vehicle activity with the following within the M-52 Corridor, taking into consideration the volume and type of traffic and vehicles proposed, the maneuverability such vehicles in confined spaces along M-52, and the effects produced by the Heavy Motor Vehicles such as odors, dust, fumes, noise, vibration, aggregate releases, and the like:
 - i. The existing land uses within the M-52 Corridor district, including compatibility with such uses, the impact on the quality of life, schools, historic resources, tourism-generating uses, and economic development and viability within the M-52 Corridor district.

- ii. The structural and other physical integrity of the buildings within the M-52 Corridor district, including the older buildings in the Chelsea downtown area.
 - iii. Property values within the M-52 Corridor district.
 - iv. Pedestrian and traffic safety within the M-52 Corridor district.
 - b) The overall public interest in the extraction of the specific natural resources proposed on the property (outside the City) in relation to the public interest that will be harmed by the activities associated with the extraction within the M-52 Corridor district.
 - c) The need for the natural resources by the applicant or in the market served by the applicant.
- 6) All of the types of Heavy Motor Vehicles that would travel through the M-52 Corridor district from and to the natural resource extraction site proposed on the property outside the City, and with respect to each type of vehicle:
- a) The average number of trips per business day through the M-52 Corridor district proposed (during the season of operation, if applicable).
 - b) The maximum number of trips per business day through the M-52 Corridor district proposed (during the season of operation, if applicable) .
 - c) The number of days per business week such trips will be made, and the particular days
 - d) The weight of the vehicle, both unloaded and fully loaded.
 - e) The number and spacing of axles on the vehicle.
 - f) A general description of the vehicle, including the number, length, and width of trailers.
 - g) The expected destination(s) of the vehicle after leaving the City of Chelsea.
 - h) The noise generated by the vehicle operating fully loaded, measured with an a-weighted scale in dba, as measured fifteen feet

from the vehicle under each of the following scenarios: traveling at 25, 35, and 45 miles per hour; and accelerating from a stop to reach 25, 35, and 45 miles per hour.

- i) The ground vibration generated by the vehicle operating fully loaded, measured by reliable device used in the industry with the vehicle idling, and traveling at 25, 35, and 45 miles per hour.
- j) Measureable extent of vehicle fume emissions with the vehicle operating under each of the following scenarios: idling; traveling at 25, 35, and 45 miles per hour; and accelerating from a stop to reach 25, 35, and 45 miles per hour.
- k) The stopping distance of the vehicle operating fully loaded and traveling at 25, 35, and 45 miles per hour.
- l) Considering the type of load expected to be carried from the proposed extractive operation, the amount of dust and other related types of emissions from each truck as it: starts and stops (including picking up speed) at traffic control devices or in normal and congested traffic; and passes over bumps in the road.

b. **An application for Excessive Oversize Load Vehicle Use** shall include the following:

- 1) The name, address, and phone number of the owner of the property on which the development or activity is proposed.
- 2) The name, address, and phone number of the applicant.
- 3) A description of the locations that are the source and destination of the trips planned.
- 4) Reports prepared by qualified experts detailing the following:
 - a) The reasonably anticipated relationship of the proposed Excessive Oversized-Load Vehicle Use with the following within the M-52 Corridor, taking into consideration the volume and type of traffic and vehicles proposed, the maneuverability such vehicles in confined spaces along M-52, and the effects produced by the Excessive Oversized-Load Vehicle Uses such as odors, dust, fumes, noise, vibration, aggregate releases, and the like:
 - b) The existing land uses within the M-52 Corridor district, including compatibility with such uses, the impact on the quality of life,

schools, historic resources, tourism-generating uses, and economic development and viability within the M-52 Corridor district.

- c) The structural and other physical integrity of the buildings within the M-52 Corridor district, including the older buildings in the Chelsea downtown area.
 - d) Property values within the M-52 Corridor district.
 - e) Pedestrian and traffic safety within the M-52 Corridor district.
- 5) The overall public interest in the load proposed to be delivered in relation to the public interest that will be harmed by the activities associated with the activity within the M-52 Corridor district.
- 6) The need for the loads proposed to be delivered.
- 7) All of the types of Excessive Oversized-Load Vehicle Uses proposed to travel through the M-52 Corridor district, and with respect to each type of vehicle:
- a) The average number of trips per business day through the M-52 Corridor district proposed (during the season of operation, if applicable).
 - b) The maximum number of trips per business day through the M-52 Corridor district proposed (during the season of operation, if applicable).
 - c) The number of days per business week such trips will be made, and the particular days
 - d) The weight of the vehicle, both unloaded and fully loaded.
 - e) The number and spacing of axles on the vehicle.
 - f) A general description of the vehicle.
 - g) The expected destination(s) of the vehicle after leaving the City of Chelsea.
 - h) The noise generated by the vehicle operating fully loaded, measured with an a-weighted scale in dba, as measured fifteen feet from the vehicle under each of the following scenarios: traveling at 25, 35, and 45 miles per hour; and accelerating from a stop to reach 25, 35, and 45 miles per hour.

- i) The ground vibration generated by the vehicle operating fully loaded, measured by reliable device used in the industry with the vehicle idling, and traveling at 25, 35, and 45 miles per hour.
- j) Measureable extent of vehicle fume emissions with the vehicle operating under each of the following scenarios: idling; traveling at 25, 35, and 45 miles per hour; and accelerating from a stop to reach 25, 35, and 45 miles per hour.
- k) The stopping distance of the vehicle operating fully loaded and traveling at 25 miles per hour.

b. [reserved for other uses]

4. Standard of Review

a. **For approval of an Extraction Vehicle Operation**, the applicant shall have the burden of proof to show that:

- 1) There are valuable natural resources located on the relevant property situated outside the City. Natural resources shall be considered valuable for purposes of this sub-section if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit. If the applicant fails to satisfy its burden of proof under this paragraph: (1) to the extent the proposed natural resource extraction operation relies upon and the M-52 Corridor district associated with the operation, the application to conduct the natural resource extraction operation at issue outside the city shall be denied as land use; and (2) the application to utilize the M-52 Corridor district for an Extraction Vehicle Operation shall be denied.
- 2) There is a “need” for the natural resources by the applicant or in the market served by the applicant. In the analysis of such “need,” it is recognized that MCL 125.3205(3), et seq, provides special treatment for the review and approval of a proposed natural resource extraction operation by removing the customary constitutional burden from the applicant and providing a burden that is less demanding on the applicant. In other words, MCL 125.3205(3), et seq compromises the generally applicable recognition of the importance and integrity of local planning and zoning, and the interests of surrounding property owners and the community at large, in favor of allowing the extraction and transportation of natural resources where it can be demonstrated that the particular resources are needed. Accordingly, analyzing “need” must take into consideration such compromise of the interests of planning and zoning,

and the interests of the community, and thus the level of “need” must be sufficiently high to permit the compromise of community interests and provide an exception to the generally applicable protections for the deference and strength of local planning and zoning. If the applicant fails to satisfy its burden of proof under this paragraph: (1) to the extent the proposed natural resource extraction operation relies upon and the M-52 Corridor district associated with the operation, the application to conduct the natural resource extraction operation at issue outside the city shall be denied as land use; and (2) the application to utilize the M-52 Corridor district for an Extraction Vehicle Operation shall be denied.

- 3) No very serious consequences would result to the M-52 Corridor district, and to any impacted schools, playgrounds, parks, or hospital, including among other things, to the land uses, persons, structures, historic and other resources, economic development, property values, traffic and pedestrian safety, and public interest, from the proposed Extraction Vehicle Operation. In determining whether the applicant has demonstrated that there would be no very serious consequences from the proposed Extraction Vehicle Operation to the M-52 Corridor district, the standards set forth MCL 125.3205(5)¹ shall be applied to all relevant facts and evidence. The review under this standard shall recognize that local planning and zoning is presumed reasonable, as dictated by *Silva v Ada Township*, 416 Mich 153 (1982) at page 162, and shall take into consideration that zoning regulations seek to serve the interests of the community as a whole, as recognized in *Silva* at page 158, and that the applicant has the burden of overcoming the presumption of validity of all local zoning regulations sought to be infringed. If the applicant fails to satisfy its burden of proof under this paragraph, it would be clear that access to and through the M-52 Corridor district as proposed would not be reasonable, and may not be safe depending on the findings leading to the failure of the applicant to meet such burden of proof, and: (1) to the extent the proposed natural resource extraction operation relies upon and the M-52 Corridor district associated with the operation, the application to conduct the natural resource extraction operation at issue outside the city shall be denied as land use; and (2) the application to utilize the M-52 Corridor district for an Extraction Vehicle Operation shall be denied.

b. **For approval of an Excessive Oversize Load Vehicle Use:**

In arriving at a determination whether to approve a proposed Excessive Oversize Load Vehicle Use, the Planning Commission shall take into consideration at least the following standards and criteria:

¹ Application of the standards set forth in *Silva v Ada Township*, 416 Mich 153 (1982) are directed by MCL 125.3205(5), and are thus specified in this section of the zoning ordinance, however, the City reserves the right to challenge the constitutionality of the statutory standard so directed by such statute.

- 1) A permit shall be issued only if the proposed project or activity is clearly in the public interest, and is otherwise lawful in all respects.
- 2) In determining whether the activity is in the public interest, the benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, including the extent to which an unacceptable level of service found by the application of accepted traffic principles is likely to be created, taking into consideration the following general criteria in undertaking this balancing test:
 - i. The relative extent of the public and private need for the proposed activity;
 - ii. The availability of feasible and prudent alternative routes available to accomplish the expected benefits from the activity;
 - iii. The probable impact of the proposal on land uses, persons, structures, resources, schools, economic development, property values, traffic and pedestrian safety,;
 - iv. The size of vehicles and loads and number of trips being considered;
 - v. The necessity for the proposed use.
- c. [reserved for other uses]

5. **Hearing Procedure**

The following hearing procedure shall apply:

- a. **The procedure for consideration of an application for Extraction Vehicle Operation** shall be the special land use procedure provided in Article 8 subject to and in accordance with the following:
 - 1) A preliminary review and decision shall be made on whether the applicant has shown a sufficient property interest in the land on which the natural resource extraction operation is proposed to be expanded or conducted, that there are valuable natural resources located on such land, and that there is a need for the natural resources by the applicant or in the market served by the applicant from the proposed extraction operation. If the applicant fails to demonstrate all of these facts, the application shall be denied.

- 2) If the applicant makes the three-part showing specified in Paragraph 1), above, a review and decision shall then be made on whether the applicant has shown that no very serious consequences would result to the M-52 Corridor district from the proposed Extraction Vehicle Operation.
- b. **The procedure for consideration of an Excessive Oversize Load Vehicle Use shall be the special land use procedure provided in Article 8.**
- c. [reserved for other uses]

6. Decision of the Planning Commission

- a. Following public hearing and review of the submissions by the applicant and interested parties, the Planning Commission shall:
 - 1) Approve the application, or
 - 2) Approve the application with conditions, or
 - 3) Deny the application.
- b. The reasons for the decision shall be stated in the motion acting on the application.
- c. Effect of Approval: An approval under this section shall become effective upon commencement of the proposed activity within one year of the approval, and shall thereafter continue in effect unless the factual basis for the approval provided by the applicant materially changes. If the proposed activity does not commence within one year, or if the factual basis for the approval provided by the applicant materially changes, the applicant shall have the right to apply for new or extended effect of the approval, and absent an approval on such application, the approval shall be void.

Section 2 of Ordinance

Except as expressly set forth above, the Zoning Ordinance shall remain in full force and effect.

Section 3 of Ordinance

This ordinance shall be effective on the date provided by [law/City Charter] following publication.

CERTIFICATION

It is hereby certified that the foregoing Resolution was adopted by the City Council of the City of Chelsea, Washtenaw County, Michigan, at a meeting of the Council duly called held on _____ day of _____, 2014.

CITY OF CHELSEA

BY: _____
LAURA KAISER, CLERK

ADOPTED:
EFFECTIVE:
PUBLISHED:

**GERALD A. FISHER
MUNICIPAL AND LAND USE LAW CONSULTANT**

6745 PARKE LAKE DR.
CLARKSTON, MICHIGAN 48346
(248) 514-9814

May 28, 2014

TO: CITY OF CHELSEA PLANNING COMMISSION
FROM: GERALD FISHER, SPECIAL COUNSEL FOR THE CITY
SUBJECT: EXAMPLE OF FINDINGS ON PROPOSED ZONING ORDINANCE
AMENDMENT

Dear Members of the Planning Commission,

On Saturday, May 31, 2014, a public hearing will be held on the proposed zoning ordinance amendment relating to the M-52 Corridor. By ordinance and state law, the Planning Commission must make findings and a recommendation on the proposed ordinance to the City Council following the public hearing.

Consideration of the proposed ordinance amendment is on the Council's agenda for Monday, June 2. This means that it would be important to make the findings and recommendation as part of your May 31 meeting if at all possible.

To assist you on the task of making the findings and recommendation, particularly with regard to the kind of information that must be included, I have prepared a sample form for your review. This sample form is attached to this Memo.

I plan to be in attendance at your May 31, 2014 meeting, and would be happy to respond to any questions you may have.

GAF

CITY OF CHELSEA PLANNING COMMISSION

FINDINGS AND RECOMMENDATION MADE FOLLOWING PUBLIC HEARING ON PROPOSED ORDINANCE NO. _____

On May 31, 2014, the Planning Commission conducted a public hearing with regard to proposed Ordinance No. ____, attached ("proposed ordinance"), that would establish new Zoning Ordinance provisions and a special district to be known as the "M-52 Corridor district" consisting of highway M-52 within the City of Chelsea along with the properties fronting on either side of the highway, and require detailed review and approval for two particular types of activities that would have special impact on the M-52 Corridor district: (1) proposals seeking approval of a natural resource extraction operation on land situated outside the City of Chelsea that would involve the use the M-52 Corridor district as a haul route for more than 12 trips per day by so-called gravel trucks weighing 80,000 pounds or more, and (2) proposals to use the M-52 Corridor district multiple times on specified days by oversized-load vehicles in a manner that may not be in the public interest.

Following completion of the public hearing, the Planning Commission makes the following findings and recommendation consistent with the Michigan Zoning Enabling Act and the City of Chelsea Zoning Ordinance:

I. Findings

- The proposed ordinance is justified based on increasing automobile, truck, motorcycle, bicycle, and pedestrian traffic volumes in and intersecting with the M-52 Corridor district, and the prospect of an extensive increase in heavy truck traffic based on an application filed with the Township of Lyndon seeking approval of a sand and gravel excavation operation that proposes to use the M-52 Corridor district as the haul route.
- The precedent and effect of the proposed ordinance would be to clarify reasonable regulation and protection of thoroughfares and land uses in and around the City.
- There has been no evidence that the capacity of the City of Chelsea or other government agencies would be unreasonably challenged if the proposed ordinance were adopted.
- The adoption of the proposed ordinance would be expected to avoid unreasonable traffic and related impacts and thus stabilize property condition and values in the City and adjacent municipalities.
- No inconsistency is found with the proposed ordinance in relation to the Comprehensive or General Development Plan of the City or other government units.
- The proposed ordinance would be supportive of both residential and non-residential uses and districts, and thus be consistent with zoning classifications on surrounding land.
- The proposed ordinance is consistent with the purpose, intent, and spirit of the Zoning Ordinance in that, by establishing reasonable regulations applicable to oversized and extremely heavy trucks and trailers, the proposed ordinance is intended to protect

properties, activities, and uses in and adjacent to the M-52 Corridor district, and to protect the public health, safety and welfare, protect the character and stability of the areas adjacent to such district, promote beneficial development, avoid unreasonable traffic congestion, encourage the appropriate use of land, conserve property values, and protect against unreasonable noise, dust, fumes, and vibration, and thus protect property as well as the physical and mental well-being of persons within the M-52 Corridor district.

- The proposed ordinance provides standards consistent with recently adopted MCL 125.3205 governing natural resource extraction.
- The comments received by the Planning Commission at the public hearing were overwhelmingly in support of the findings recited above, and a summary of public hearing comments is attached.

II. Recommendation

Based on the findings made above, the Planning Commission concludes that it would be in the interest of the City of Chelsea if the City Council approved and adopted the proposed ordinance, and therefore such **APPROVAL AND ADOPTION IS RECOMMENDED.**

The Findings and Recommendation recited above were adopted by the City of Chelsea Planning Commission following a duly noticed public hearing held on May 31, 2014,
