

## **RIVES TOWNSHIP PLANNING COMMISSION**

### **PUBLIC HEARING FOR CUP – VETERINARY HOSPITAL AT 981 MERRY LANE, LESLIE, Michigan 49251**

#### **HELD: RIVES BANQUET HALL**

September 4, 2018

Meeting called to order at 6:30 pm.

Members present: Roger DeCamp – chairman, Dwight Carmer – vice chairman, Jim Lindstrom – secretary, Phyllis Pitmon, Cliff Herl . All members present.

Chairman DeCamp made introduction of members and explained the public hearing process and how the Code of Ordinances of Rives Township will be used to guide the evaluation of the Application for this CUP for a veterinary hospital at 981 Merry Lane, Leslie, Michigan in Rives Township. The secretary of the PC read aloud into the record 1. The Application, 2. The public notice of Hearing posted, and 3. The list of land owners given written notice within the prescribed distance of the property considered. Chairman DeCamp read from page 69 and discussed how the Agricultural District has permitted uses which are allowed by right and conditional uses that are allowed by permit. This proposed use is a conditional use. He read from page 80 and discussed how the PC will evaluate the Application and make a Recommendation to the Township Board who make the Decision on the Application.

The Public Hearing commenced at 6:48 pm. Applicant James DeBaeke, responded that he is applicant and current land owner. He then introduced the two ladies who would be the operators of the veterinary hospital. Denise Bickel is the veterinarian and Katy Timmer is her co-worker. They explained that they have been in business for over 10 years. Their business model and practice is of a mobile nature making calls at the horse owner's property performing the veterinary services needed. This proposed use will on occasional circumstances bring 1-4 horses to the applicant property for limited hospital day care. The building structure of the hospital will also be the primary residence of the operators of the hospital. Surgeries or extended care would not be done at this site. This use would be limited to equine care only as that is their specialty. No retail sales of equipment, feed or other accessories would happen on this property. No services of horse training, riding lessons, or boarding of horses would happen here. Their successful business model is mobile service and keeps them busy off site on the road approximately 60 hours per week. They are not expanding their business and don't want to add or manage more employees. They may have a small sign on the property identifying it and stating by appointment only. They were apprised of the Township sign ordinance and the need to comply. They stated that in future they may build an arena for purpose of "proving soundness" of a horse. They showed a map of the property.

Public comment was invited.

1. PC secretary read into the record a letter received from Seth and Jessica Epstein of 984 Merry Lane speaking in support of this use. 2. Lisa Ahrens of 949 Merry Lane read aloud and submitted a letter expressing their concern with this use due to potential increased traffic and the cost of upkeep and maintenance on this private road. Mr. Carmer asked Mr. DeBaeke what cost for maintenance is. He

stated that it is \$300 / year and is managed by a home owners association. He volunteered that his past use related to his construction business involves equipment movement and suppliers and subcontractors using this road. He expects this proposed use will in fact reduce use of the road from this property. 3. Leslie Edwards of Merry Lane asked how Mr. DeBaeke can run his business from this property. Chairman DeCamp stated this is an issue for the home owners association, not a Township issue. 4. Kim Rider asked a. how long an approved CUP was good if it became inactive. Mrs. Pitmon read from page 9, section 17.88 Voiding of Conditional Use Permit to answer this, b. asked if their business is majority mobile why they need this approval. Denise Bickel responded that this approval is a condition of their SBA loan needed to buy this property. 5. Leslie Edwards asked if Mr. DeBaeke has a permit to operate his business. 6. Stacy Stoner asked about other previously reviewed CUPs. PC members discussed and concluded they had no bearing on this Application. 7. Chad Cumberworth stated his tax bill states his property is residential. Chairman DeCamp referred to maps showing tax maps and use maps and that this property is Agriculture. 8. Alex Silvestri asked if any one present knew if the home owners association had a feeling about the Application. Nobody responded. 9. Mel Ahrens 949 Merry Lane stated he had bought property without needing to worry about fear of a business on the road to increase traffic. 10. Carol Schultz, Churchill Rd. has used their mobile service and commented that they are very responsible business people, 11. Lisa Fauser stated she has used their mobile service and that traffic at their occasionally used hospital shouldn't be a concern, 12. Joseph Krabel of Peacock Rd expressed concern about traffic on gravel road, life style in neighborhood being impacted and safety to children from traffic, 13. Pat Cochran spoke of a need in the area for veterinary service for horses and supports this use, 14. Anita Reese, Merry Lane doesn't want more traffic, 15. Judy Formullo stated she has been a client of this mobile service for over ten years and believes they will be a good neighbor and will add to the community. She observed they have stated they don't want more business, 16. Vercilla Hart asked if the PC could put a condition regarding road care. Chairman DeCamp stated that home owner association issues are not township issues, 17. Mel Ahrens spoke again, 18. Kim Huntley spoke.

Public Comment was closed at 7:49 pm.

The PC deliberated as it reviewed Applicant comments, the Public Comments, Code of Ordinance, and Application.

Conclusion of deliberation: Motion by Mrs. Pitmon second by Mr. Carmer roll call vote all Ayes. Motion approved.

**The Rives Township Planning Commission hereby recommends to the Rives Township Board that the Board Approve with Conditions the Conditional Use Permit application of James DeBaeke at 981 Merry Lane, Leslie, Michigan 49251 in Rives Township. The Planning Commission has reviewed the application and the site plan and has found them to be satisfactory. The stated use will be harmonious within the Agricultural District and encourage further development within the Agricultural District. This Conditional Use Permit meets the requirements of both the existing and proposed Future Land Use Master Plans.**

**The following conditions are added:**

- 1. The veterinary hospital is limited to equine. The intent is not an animal hospital for dogs, cats, or other animals.**

- 2. No retail sales of equipment, feed or other accessories are allowed on the property. The intent is to keep traffic volume low on Merry Lane from this use.**
- 3. No additional retail services may be offered on this property such as horse training, riding lessons or boarding of horses. It is not the intent of the Township to restrict the Equine Hospital. The intent is keep traffic volume low on Merry Lane.**

Public hearing meeting adjourned at 8:20 pm.

DRAFT