

## TYRONE TOWNSHIP PLANNING COMMISSION

### APPROVED REGULAR MEETING MINUTES

September 14, 2010

**PRESENT:** Dave Hanoute, Ed Kempisty, Deb Lee, Mark Meisel, Brandon Peabody, Laurie Radcliffe

**ABSENT:** Steve Hasbrouck

**CALL TO ORDER:** The meeting was called to order at 7:00 p.m. by Chairman Hanoute

**PLEDGE OF ALLEGIANCE:**

**CALL TO THE PUBLIC:**

Mark McAaffre, 12285 Ivy Lane, said he had questions about the communications tower proposed for the neighboring gravel pit.

**APPROVAL OF THE AGENDA:**

Moved by Radcliffe, seconded by Lee, to approve the Agenda as amended under Correspondence. Motion carried by unanimous voice vote.

**APPROVAL OF THE MINUTES:**

1) August 10, 2010 - Joint Meeting Minutes

Moved by Kempisty, seconded by Radcliffe, to approve the August 10, 2010 Joint Meeting Minutes as corrected. The motion carried by unanimous voice vote.

Page 3, Line 6: (an additional fee **may** be charged.)

2) August 10, 2010 - Public Hearing - PIRO Public Hearing Minutes

Moved by Kempisty, seconded by Peabody, to approve the August 10, 2010 Public Hearing Minutes as corrected. The motion carried by unanimous voice vote.

Page 2, Line 6: (inclusion of landscape contracting materials as a **permitted** use...)

Page 3, Line 30: (**Residential** exclusions would not apply...)

Page 2, Line 51: (...uses could be ~~could be~~ located...)

**CORRESPONDENCE:**

1) July 22, 2010 - Letter from the Livingston County Department of Planning and the Livingston County Planning Commission regarding revisions to Zoning Ordinance Article 19 - EI Extractive Industrial District.

- 2) September 9, 2010 - Public Hearing Notice from the Livingston County Road Commission regarding revisions to their standards.

**SUBCOMMITTEE REPORT:**

**OLD BUSINESS:**

- 1) Finalization of the proposed Fee Schedule and Planning Commission Application documents.

The Planning Commission reviewed the 9/17/10 Fee Schedule showing the changes requested at the August meeting.

Tyrone Township Planner Sally Hodges of McKenna Associates explained that the Planner's charge for subcommittee or concept meetings was removed from the Township fee column and added to the Planner column as an hourly charge. The Township fees are based on the estimated amount of meeting time needed by the Planning Commission and Planner for each type of review listed in the fee schedule. Any unused escrow funds would be refunded after the project is completed.

Preliminary documents were provided to show the way the costs could be presented based on the current Township format and the format provided by the Planner. The Township format listed the uses in alphabetical order and did not include specific escrow fee amounts. The estimated hour calculations shown on the township format copy in brackets would not be included in either of the final fee schedules.

Ms. Hodges said she had included a final stamp review fee for land divisions and boundary realignments in order to check the plans before they go to the Board. The fee for her stamp review would be \$275.00. Mr. Hanoute suggested including that fee as a discretionary item based on the complexity of the request. That could be a decision of the Planning Commission Chairman and/or staff. Ms. Hodges commented that all of the application information should be complete and correct before it is sent to the Board. Any revisions and conditions required by the Planning Commission should be shown on the plans because the Township Board has stated they do not want to receive incomplete plans or conditional recommendations. Mr. Hanoute thought that conditional recommendations might be allowable based on the conditions. It might save the applicant some money, especially for simple requests. He suggested using an asterisk (\*) beside the stamp fee entry if it is to be discretionary. Ms. Hodges recommended including the stamp review as an escrow charge rather than a fee. Township Trustee Peitz asked why the Township would want to publish one fee schedule and then use another to calculate the fees.

The Planning Commission compared the fee schedules and considered the way the the escrow fees, the fee options, and the review categories were listed and described, the method of assigning escrow amounts, and whether to establish a minimum escrow fee or not. They agreed that the best option would be to use the fee schedule proposed by Ms. Hodges. She explained that in general the Township fees were designed to cover the costs of the Planning Commission meetings. The Planner and Engineer fees were based on the cost of written reviews.

Mr. Meisel thought it would be helpful to have a document showing the hourly rates of the consultants who would be providing reviews for the Township. Mr. Hanoute suggested including a fee schedule with an application and adding the escrow fees to the request after the consultants have been contacted for an estimate. Township Clerk Keith Kremer suggested using a cost worksheet for each request.

Mr. Meisel asked for suggestions regarding the way escrows should be determined, the way the Township would want to have them established, and how they should proceed. He was looking for a way to come up with a number when there was a large project to consider. Ms. Hodges noted that the proposed fee lists a minimum \$2,000.00 escrow for any project requiring consultant review. Escrow accounts above the \$2,000.00 minimum could be established by requesting estimates from the appropriate consultants. Mr. Hanoute asked for a fee schedule note stating that escrow accounts would be based on cost estimates provided by the Township's Engineer and Planner.

Moved by Mesiel, seconded by Peabody, to forward the proposed Planning Commission Fee Schedule to the Township Board with a recommendation for approval following receipt of the text revisions discussed during this meeting. Motion carried by unanimous voice vote.

Mr. Hanoute asked to have the reference to "Project Description" moved to the bottom portion of the application form and to replace "Planning Commission Review" with another signature line for acknowledgement of the project description and receipt of the Fee Schedule and other information.

Mr. Kremer asked if there would be an additional fee if the staff doesn't approve the application. The Recording Secretary explained that if the information is not complete, applicants would be asked to revise and resubmit. Projects usually aren't reviewed if the application is incomplete and fees aren't charged until the application is ready for review. In the case of large projects, the Planning Commission Chairman and/or Planner would be consulted for an evaluation of the application documents.

Mr. Meisel asked the Planning Commission to reconsider his previous motion in order to amend it to include forwarding the Planning Commission Review Application form to the Board for consideration and adoption with the Fee Schedule. Mr. Peabody seconded the amendment to the motion. The amended motion was approved by unanimous voice vote.

#### **NEW BUSINESS:**

- 1) Review of the proposed revisions to the Master Plan texts for Community Facilities and Future Land Use Plans

Ms. Hodges said that the most recent versions of the Master Plan were forwarded from the Township's files and the Township could begin to send out intent to plan notices while they were working on the text revisions. She had provided a copy of the steps she outlined when the Planning Commission tried to complete the Master Plan Amendments previously and offered to bring a draft of an intent to plan notice for Planning Commission consideration at the next meeting.

2) Discussion of McKenna Associates' wireless communication review services

Ms. Hodges provided information listing the services McKenna could provide in collaboration with the Center for Municipal Services (CMS) if authorized by the Township. CMS was formed by an individual formerly involved in setting up wireless communication networks and another with network and cable franchise development experience. CMS reviews wireless facilities exclusively for municipalities and can help the community with facility valuation for tax assessments, lease issues, federal requirements, and regulations regarding tower companies and service providers. As the demand for wireless uses increase, the number of sites will need to increase between three to ten times the current number. Not all of the new towers will have to be as tall as some of the existing towers, but one result will be greater pressure to locate towers in residential areas in order to increase capacity.

McKenna/CMS can provide enhanced wireless facility reviews, a model wireless ordinance which also references inspections, structural certification, and reviews of all visible modifications. She recommended establishing a basic non-refundable application fee for township use and an escrow fee for review costs, both to be paid by the applicant.

Although tower companies often make the application for a new tower, the service providers are the ones with legal FCC standing. Ms. Hodges said she has been told that a tower company can earn up to \$1,000,000.00 or more a year from each tower, so companies want to get new towers up in a hurry. Using the new ordinance McKenna/CMS recommends, the Township could require a permit for every "visibly discernible" change to the tower once it has been constructed to help establish accurate personal property values for the equipment. The ordinances regarding ham radio towers and wireless towers would remain separate because they are regulated differently.

McKenna formed an alliance with CMS in April and already they are under contract with approximately 15 communities in Michigan, Ohio, and Illinois. Mr. Peabody commented that his family has a tower that is 199 feet in height, but they can't get anyone interested in locating there.

Ms. Hodges said that companies working with CMS find they can get their towers approved more quickly because the application requirements are clear and CMS understands the process. The most important factor in tower location is market demand for capacity and coverage. Mark McCaffre asked if the purpose of the Township would be to increase revenue, protect the rural character of the community, or consider the benefit to the Township as a whole.

**OTHER BUSINESS FROM MEMBERS:**

Township Supervisor Cunningham asked about the status of the Extractive Industrial Ordinance. The Recording Secretary said that the documentation was ready to forward to the Board pending a Planning Commission response to comments from the County Planning Commission. The recommendations for revisions to the Regulatory Ordinance prepared by Ms. Hodges will also be included.

Mr. Meisel suggested an e-mail review of the county comments when received in order to forward the information to the Board before the next Planning Commission meeting

**ZONING ADMINSTRATOR'S REPORT:**

**ZBA REPORT:**

Mr. Meisel said that the ZBA had reviewed two accessory building requests. One applicant was unable to establish 'unreasonable burden' or 'extraordinary circumstance'. The other applicant was able to establish the need for modified attached garage requirements. The ZBA remains interested in having the Planning Commission look at the size limits on accessory buildings in various areas of the Township.

**BOARD ACTION:**

**FUTURE AGENDA ITEMS:**

Mr. Hanoute reviewed the items listed on the Planning Commission's Action List for future meetings. Mr. Kremer said he was interested in finding areas where tower development could happen so tower owners could be directed to areas where there would be the potential for development based on the Master Plan and Township Ordinances.

Mr. Hanoute noted that the Fee Schedule and Application documents could be forwarded to the Board prior to the next meeting with review of the Master Plan and Future Land Use Maps scheduled for the October meeting. The EI Ordinance has been addressed. The Kennel Ordinance and Accessory Building issues can be included in the next agenda if time permits.

**ADJOURNMENT:** The meeting was adjourned at 9:20 p.m. by Chairman Hanoute.


**NEXT MEETINGS:**

October 12, 2010  
November 9, 2010  
December 14, 2010



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Laurie Radcliffe, Secretary  
Tyrone Township Planning Commission



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Barbara Burtch, Recording Secretary  
Tyrone Township Planning Commission