

TYRONE TOWNSHIP PLANNING COMMISSION

APPROVED MEETING MINUTES

October 12, 2010

PRESENT: Steve Hasbrouck, Deb Lee, Mark Meisel, Brandon Peabody, Laurie Radcliffe

ABSENT: Dave Hanoute, Ed Kempisty,

CALL TO ORDER: 7:00 p.m. by Planning Commission Vice-Chairman Meisel

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

Supervisor Mike Cunningham asked the Planning Commission for future consideration of the Township's parking requirements particularly to increase the width of parking spaces.

APPROVAL OF THE AGENDA:

Moved by Lee, seconded by Radcliffe to approve the October 12, 2010 Agenda as presented. The motion carried by unanimous voice vote.

APPROVAL OF THE MINUTES:

1) September 14, 2010 - Regular Planning Commission Meeting Minutes

Moved by Radcliffe, seconded by Peabody, to approve the September 14, 2010 Minutes as corrected. The motion carried by unanimous voice vote.

Page 3, Line 22: (...application form **and** to replace...)

Page 3, Line 26: (...and additional fee **if** the staff...)

CORRESPONDENCE:

SUBCOMMITTEE REPORT:

OLD BUSINESS:

1) Review of the proposed the PIRO-Planned Industrial, Research, and Office ordinance language and the comments received from Livingston County

Mr. Meisel noted that the PIRO ordinance was sent to the County for review and comment. The County thought we were farther along than we are in adopting the new ordinance. We will review the revisions McKenna has prepared following a discussion between Planner Sally Hodges and Rob Stanford of Livingston County.

Phil McKenna of McKenna Associates, representing Planner Sally Hodges, noted that a Public Hearing was held for the ordinance text (August 10, 2010) and the County moved to recommend approval of the ordinance with conditions. The County staff comments related to referencing the new PCS and PIRO requirements in other related Zoning Ordinance articles.

The general Ordinance amendments related to the new PIRO and PCS texts are listed in the McKenna Memo dated October 4, 2010. The Recording Secretary said there was a previous discussion with the County about consolidation of the general ordinance references into a single hearing. During an October 12, 2010 discussion of the procedure to follow after the public hearing on the general revisions, Mr. Stanford of the Livingston County Planning Department said that it wouldn't be necessary to forward the housekeeping revisions to the County Planning Commission for review, but a copy of the approved revisions should be forwarded to the County Planning Department for their records.

Mr. Meisel said that before throwing PIRO and PCS Ordinances into the Zoning mix, we have to work on the Master Plan and the Future Land Use map to get them ready for the new uses because the Master Plan gives us the underlying legal authority for our Zoning Districts. Mr. Meisel asked Mr. Hasbrouck and other members of the Planning Commission if they were familiar with the proposed PIRO Ordinance and comfortable with the language. The Recording secretary explained that the August 11, 2010 PIRO text being presented for review at this meeting shows the changes made by McKenna following the Public Hearing and is the same text reviewed by the County Planning Department and County Planning Commission. Mr. Meisel noted that the current draft could turn out to be the final draft if it wasn't amended any further following this meeting.

2) Review of Zoning Ordinance changes needed to support the PCS and PIRO districts in the general Zoning Ordinance

During review of the October 4, 2010 comprehensive ordinances draft, Mr. McKenna and the Planning Commission considered:

- The new references to the PIRO and PCS Zoning Districts added to Ordinance Article 3.00 - Zoning Districts;
- The removal of the reference to the PUD text as a zoning district (Article 2, Section 8.02) and revision of the text as a developmental process (Article 11.00);
- The addition of a PIRO column to the Zoning District Schedule of Regulations (Table (20-01, Page 20-3) with sub district minimal dimensional requirements based on the former ROM (PIRO A), M-1 (PIRO B) and M-2 (PIRO C) measurements, and a change in the PIRO C minimum lot width to 250 feet;
- The new PCS requirements included in Table 20.01;
- Footnote DD (Page 20-3, Article 20.01) added to allow smaller lots under certain specific circumstances for PIRO A;
- Footnote EE (Page 20-3, Article 20.01) added to allow a minimum lot area of 1 acre in the PIRO district under specific circumstances;
- Further consideration of Footnotes DD and EE Following a general discussion related to setbacks, parking, and access;
- The definition of 'county primary' roads;

- The Footnotes related to Special Uses in the PIRO District (Article 16.A.02, Page 20-14 - Table of Permitted and Special Uses);
- The inclusion of the PCS and PIRO references in Article 21.16 Noise;
- The addition of Wireless Communication facilities regulations as Special Land Uses in the PCS and PIRO Districts (Section 21.32, Item 2);
- The revisions to the Licensed Adult and Child Care Facilities (Section 21.42, Table 21.1);
- The inclusion of a reference in the text of Section 21.45, Prohibited Uses, to refer to the Michigan Zoning Enabling Act of **19-- as amended**;
- The revisions to Article 23.00 requiring Site Plan Review and Impact Assessment for PCS and PIRO developments;
- The inclusion of Architectural Standards references to roof appurtenances for PIRO Group #2 uses, for PCS uses, and Group #3 PIRO use standards (23.18.N);
- The revisions to Article 27 - Outdoor Advertising to including PCS and PIRO advertising signs as a Special Use (27.02.A) and restricting the use of off-premise signs to the PIRO industrial zoning district (27.03.A.1);
- The deletion of the PUD reference from Table 27.1 because PUDs were no longer treated as a zoning district;
- The PCs and PIRO references in Section 30.05.B.2, Special Land Use Site Plans, and
The redefinition of the PUD; and CDO articles as uses rather than zoning districts.

As part of the review, Mr. McKenna noted that the Township might want to remove the billboard regulations from the Sign Ordinance in order to prohibit additional billboards in the future. Mr. Meisel said that some areas of the State still allow existing billboards, but prohibit new ones and expressed concerns about the driving distractions and the traffic problems associated with animated billboards. Mr. Cunningham agreed that lighted and moving billboards could be a big distraction. The only ones people usually remember are the ones for food or gas. Mr. Hasbrouck thought the current Sign Ordinance doesn't permit moving billboards. Mr. Meisel said programmable billboards might not be a problem if lighting and motion are controlled. He asked if the Planning Commission would want to consider ordinance revisions to eliminate billboards rather than relying on the state moratorium. Mr. McKenna commented that if the Township has aspirations for high-end business and industrial districts, the number of billboards tends to reflect the property values. Billboards generally devalue property. He asked if the Township has an inventory of billboards showing location, height and area. If an Ordinance does allow billboards in industrial or commercial districts, it can't control the number although the State now regulates the distance between them.

Mr. Meisel recommended research by Planner Sally Hodges on the state highway advertising act and the potential for zoning to keep billboards from becoming a nuisance once the commercial and industrial property is rezoned. He requested discussion of billboards at the next meeting.

Previously, Ms. Hodges had advised the Planning Commission to hold a Public Hearing for the general PCS and PIRO ordinance amendments in order to insure transparency. Mr. Meisel asked for a sign ordinance discussion as part of the Public Hearing as well as further discussion of Table 20.01, Footnote EE. (County Primary Roads)

Mr. Cunningham asked for an explanation of the difference between a commercial child care facility (Table 21) and a child care facility provided by a business for the use of their employees. He was informed that the definition was established based on the State requirements. All facilities listed as "commercial" in the Zoning Ordinance are inspected and licensed by the state.

Moved by Hasbrouck, seconded by Lee, to hold a Public Hearing for review of proposed PIRO Zoning Ordinance 16.00A and a Public Hearing for review of the general PCS and PIRO references added to Zoning Ordinance Articles 3.00; 8.02 - Table E.1; 20.00; 20.03; 21.16 - Table 1; Sections 21.32 and 21.42 - Table 21-1; 21.45; 23.01 and 23.18; 27.02, 27.03, and 27.08; and Table 27.1 - Signs on November 9, 2010 at 7:30 p.m. at the Township Hall.

Mr. Meisel restated the Motion to include Article 20.01 - Schedule of Regulations and a Public Hearing for the proposed PIRO Ordinance as part of the general PCS and PIRO text revisions being reviewed during the public hearing on November 9, 2010 at 7:30 0 p.m. at the Tyrone Township Hall.

The restated motion was approved by unanimous voice vote.

3) Review of Master Plan and Future Land Use amendment strategies to support the US-23 Corridor

Mr. Meisel asked the Planning Commission to consider the way rezoning would occur for US 23 corridor properties currently zoned for industrial or commercial use and problems which might occur when property zoned residential becomes part of a future commercial or industrial development area. The issue is when and how to rezone the parcels within the new PIRO and PCS areas. The Township has the authority to rezone but it might be better to meet with individuals or small groups of property owners to discuss rezoning options with them and whether to include the process as part of the Master Plan revision or the zoning follow-up.

Mr. McKenna commented that small group meetings could be useful. He recommended inviting residents to a daytime or early evening open house workshop with PC members and associates available to view the maps and discuss the issues with individuals. Another option would be to schedule a presentation every hour or so to provide information about the proposed changes throughout the day. Meeting with owners on a one-to-one basis may make them feel threatened or worry that deals are being made without their knowledge.

Mr. Meisel said he preferred the group approach because there are only ten or fifteen property owners involved. They could all hear the same information and discussion about land use and property rezoning. Another option would be to address the proposed PIRO area owners and PCS area owners in separate groups.

Mr. McKenna recommended small group reviews as part of the Master Plan development process before the final map changes are made. Changing the map does not change the current use of any property, unless a rezoning request is made by the owner or the Township. Once an area is designated for future commercial or residential

development and a rezoning request is presented, the Planning Commission should be prepared to accept it and the Board should be prepared to approve it unless there are serious mitigating circumstances.

As a subject for future discussion, Mr. Meisel suggested consideration of a list of the uses suitable for the property in Section 4 and Section 9 adjacent to Old US 23. Mr. Cunningham recommended development of a list of owners who would be willing to sell their US 23 frontage for commercial or industrial use while discussing the corridor's future development.

NEW BUSINESS:

- 1) Planning Commission Recommendation to the Township Board regarding use of McKenna/CMS for future review of communications tower applications

Mr. Meisel noted that the collaborative service is designed to help communities review wireless communication applications to determine if the towers are necessary and if they will provide the service needed or intended based on the technology proposed. Costs will be paid by the applicant and help in rewriting the Township's tower ordinance will be provided. He recommended that the Township Board enter into an agreement for the next tower or two to see how the process will work.

Mr. McKenna commented that CMS was the only firm they could locate that worked exclusively with municipalities. He has been told that there will be a future demand for increased capacity which can't be met by current technology and new towers will be required.

Moved by Peabody, seconded by Hasbrouck, to recommend to the Board approval of an amended McKenna/CMS contract to provide the Wireless Communication review services described in the sample contract dated September 8, 2010. Motion carried by unanimous voice vote.

- 2) Review of Dog Kennel Regulations

The Michigan statute states that ownership of more than 2 dogs is defined as a kennel, but doesn't differentiate between a commercial or private kennel. The Township Ordinance defines a kennel as three or more dogs, and makes no provision for service dogs or rescue dogs. Dogs under six months old are considered puppies and are exempt from the requirements. Livingston County Animal Control follows the state's leash law. Mr. McKenna observed that Zoning Ordinances are property oriented. Other types of regulations are left to the Board. For example, the Zoning Ordinance can regulate land use for roads, but speed laws are police powers regulated by the Board.

The Planning Commission discussed increasing the number of dogs allowed as pets, the number of dogs relative to parcel size or zoning, requiring half acre or acre increments based on the number of dogs exceeding a basic zoning district parcel limit; the most common types of kennels, basing minimum lot requirements on the zoning district minimums, overall regulations based on the types of housing associated with pets, service dogs, rescue dogs, show dogs, temporary dog care services, and dog breeding

kennels and whether kennels could be classed as home occupations or commercial operations.

Further discussion was scheduled for the November meeting.

3) Review of Accessory Structure regulations

Mr. Meisel said that based on the number of ZBA accessory building requests, the 800 sq. ft. accessory building maximum is too small and the maximum height is too low. The Planning Commission briefly discussed increasing the accessory building minimum size based on standard building materials, the way maximum accessory building height is measured, requiring site plan review for certain variances, water front setbacks associated with accessory buildings, locating storage buildings in the rear yard of water front lots, and requiring neighbor's consent for non-conforming storage building locations.

Further review was scheduled for the November meeting.

OTHER BUSINESS FROM MEMBERS:

ZONING ADMINSTRATOR'S REPORT:

ZBA REPORT:

Mr. Meisel advised the Planning Commission that the ZBA granted a variance for a 1200 square foot accessory building based on adjacent neighbors having them and a proposed location more than 300 feet from the roadway.

TOWNSHIP BOARD REPORT:

ADJOURNMENT: 9:45 p.m. by Vice Chairman Meisel

FUTURE AGENDA ITEMS:

Recommendations regarding the PIRO Ordinance
Recommendations regarding the general PIRO and PCS Ordinance revisions
Sign Ordinance discussion and review of the state highway advertising act
Review of the Township Kennel regulations
Review of Accessory Building locations and size

NEXT MEETINGS:

Laurie Radcliffe, Secretary
Tyrone Township Planning Commission

Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission