

TYRONE TOWNSHIP PLANNING COMMISSION

APPROVED REGULAR MEETING MINUTES

November 9, 2010

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

ABSENT:

CALL TO ORDER: 7:00 p.m. by Chairman Hanoute

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

1) October 12, 2010 Regular Planning Commission Minutes:

Moved by Kempisty, seconded by Peabody, to approve the October 12, 2010 Regular Meeting Minutes as presented. Motion carried by unanimous voice vote.

CORRESPONDENCE:

SUBCOMMITTEE REPORT:

OLD BUSINESS:

1) Appointment of a Planning Commission Subcommittee

Mr. Hanoute explained that the purpose of the Subcommittee would be to review applications to determine the need for additional information or concept meetings prior to Planning Commission review. Subcommittee meetings would be scheduled as needed.

Moved by Hasbrouck, seconded by Meisel, to approve the following Subcommittee members: Chairman Hanoute, Recording Secretary Burch, members Lee and Peabody, and alternate members Radcliffe and Kempisty with the terms of members and alternates to rotate every three months. The motion carried by unanimous voice vote.

Chairman Hanoute suspended the Order of Business to begin discussion of Old Business Item 4 prior to opening the PIRO Public Hearing at 7:30 p.m.

4) Review of Dog Kennel regulations carried over from the October Meeting

The Planning Commission commented on:

- The number of dogs allowed by the Zoning Ordinance before being classified as a kennel;
- The lack of provisions for rescue dogs or service dogs in training;
- Using the same term (kennels) to describe the number of dogs as well as the type of housing;
- The ownership of dogs as pets or as a commercial enterprise;
- Regulations for barking dogs or dogs roaming at large, and
- The lack of uniformity in local pet ordinance regulations.

The discussion recessed at 7:30 p.m. and resumed at 8:10 p.m. following completion of the Public Hearings.

Mr. Meisel explained that the ZBA considers the number of dogs, the size of the parcel, and the number of advertisements or litters per year as indicative of a commercial operation. The problem is how to distinguish between dogs kept as pets and dogs kept for breeding, boarding, service training or competitive purposes. Right now the kennel definition is based on the number of dogs.

Mr. Meisel said the first problem was to determine when a kennel occurs and then determine the requirements for a kennel. Ms. Hodges noted that Hartland township allows 4 dogs and Fenton Township's maximum number allowed is 2. Ms. Lee suggested addressing the issue as pets versus kennels by allowing the same basic number of pets for everybody---possibly with a lot size minimum, and then allowing for a private kennel situation and a commercial kennel situation.

Township Planner Sally Hodges, of McKenna Associates, said that it was sometimes difficult to distinguish a pet from a non-pet. In Fenton Township, pets are limited to 2 dogs over 4 months of age. Housing for 3 to 6 dogs kept for noncommercial purposes is defined as a private kennel, while keeping 7 or more dogs for training, breeding, or boarding is defined as a commercial kennel, but without any minimum parcel size requirements. The state leash law deals with dogs running free. Livingston County will respond to a violation of the leash law, but not barking or housing complaints.

Ms. Hodges said she would try to have some preliminary kennel language for review at the next meeting.

2) Recommendation regarding the proposed PIRO Zoning Ordinance (16.00A)

Moved by Meisel, seconded by Lee, to table action on the PIRO Zoning Ordinance until such time as the Planning Commission completes a review of additional changes to the sign ordinance language and clarification of the primary road designations. The motion carried by unanimous voice vote.

3) Recommendation regarding the proposed general revisions to the Township Zoning Ordinance to support the new PCS and PIRO Zoning District

Moved by Mesiel, seconded by Peabody, to table any further action on the general revisions to the Township Zoning Ordinance until such time as the Planning Commission arrives at a decision regarding the related PIRO text revisions discussed at the Public Hearing. The motion carried by unanimous voice vote.

5) Review of Accessory Building regulations carried over from the October Meeting

Mr. Meisel stated that the ZBA continues to be approached by people living in the R-1 and LK-1 Zoning districts with requests for accessory structures that are greater than 800 square feet. It is the opinion of the ZBA that the 800 square foot requirement is too small. The request the ZBA receives most often is for a 1200 square foot structure. One solution would be to add additional ZBA review criteria for applicants who feel they need a building larger than 1200 feet or taller than 15 feet to give the ZBA some flexibility in reviewing the request if applicants feel they need more space. It would be cost prohibitive to require a \$3,500 00 dollar site plan review for an accessory building. The real question is whether applicants should be allowed to increase accessory structures from 800 square feet to a 1200 square foot maximum while still having to comply with design standards.

There is still a difficulty with lake front lots in the LK-1, R-1 and R-2 Zoning Districts. The current Ordinance states that accessory structures have to be located in side or rear yards, but that will impact lake view sight lines for the majority of residents who have lake lots.

Mr. Hanoute referred to the minimum residential square foot requirement in the LK-1, R-1 and R-2 Zoning Districts in order to consider the relationship between the home and the accessory structure. If the main floor residential requirements are 1200 feet for a single story building and 900 square feet for a two story building, allowing a 1200 square foot front yard accessory building next to a 1200 square foot principal structure could take up most of the front yard. Mr. Meisel said in that case, a 1200 foot front yard accessory structure wouldn't be allowed based on the Zoning Ordinance design standards.

Mr. Hanoute asked about the current ZBA process used to review storage buildings in regard to size and location. Mr. Meisel said size variance requests are usually denied based on the size of the parcel and the size of neighboring structures. The location is usually not an issue if all the neighbors have accessory buildings in a similar location. Mr. Hanoute commented that front yard accessory buildings are not allowed in the rest of the Township. Putting lake lot accessory buildings in the front yard penalizes the rest of the community's road frontage views for the benefit of lake owners who don't want storage buildings blocking their lake frontage views.

No decision was reached in regard to scheduling the request pending completion of the other Zoning Ordinance issues currently being reviewed.

NEW BUSINESS:

1) Request of AT&T represented by Fortune Wireless for a Wireless Tower Special Land Use Permit Public Hearing

Ms. Hodges explained there are time constraints associated with the review of a complete wireless tower application. The applicant has submitted an application that appears to be complete following a brief examination, but the numbers may or may not be accurate. One of the Ordinance requirements is proof of need for the facility at the height and location requested.

Mr. Hanoute commented that he wasn't professionally qualified to evaluate the applicant's statistics. This is where the Planning Commission and the Board need professional advice in making a decision.

Other comments concerned:

- The intent of the applicant to restrict co-location to one other service provider;
- The need for a strategic plan to show where towers should be located to provide service for the entire community;
- The date when the AT&T equipment that has already been installed in the Township will be activated;
- The need for wireless service in areas surrounding Tyrone Township;
- Reliable strength of coverage information;
Using CMS to review the coverage locations, the service provided and the proposed alternatives; and
- The comparative amount of time required for a professional review as opposed to the Township review.

Mr. Hanoute scheduled a Public Hearing for December 14, 2010 at 7:30 p.m. to review the request of Fortune Wireless for construction of a wireless cell tower in Section 13 with concurrence of the Planning Commission.

2) Consideration of land uses suitable for property in Section 4 and Section 9 related to the October Master Plan amendment strategies discussion

Mr. Hanoute rescheduled the discussion for the December 14, 2010 meeting

3) Review of the Parking Ordinance (Article 25.00) related to the width of parking spaces and parking lot aisles.

Mr. Hanoute rescheduled the review for the December 14, 2010 meeting.

OTHER BUSINESS FROM MEMBERS:

Mr. Hasbrouck reported that the Board is forming a strategic plan advisory group and Planning Commission members interested in being part of the group should notify the Clerk by November 30th. Mr. Hanoute said his initial understanding was that the plan would develop in conjunction with the Future Land Use Map revisions.

Mr. Hasbrouck said it was his understanding that the plan wasn't going to be used to recruit new business, but to determine what services residents want and if they would be

affordable or not. It is a way to benchmark what needs to be done. Notices will be published and posted on the Township Hall doors.

ZONING ADMINSTRATOR'S REPORT:

ZBA REPORT:

TOWNSHIP BOARD REPORT:

FUTURE AGENDA ITEMS:

ADJOURNMENT: The Meeting was adjourned at 9:45 p.m. by Chairman Hanoute

NEXT MEETINGS:



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission