

TYRONE TOWNSHIP PLANNING COMMISSION

APPROVED MEETING MINUTES

March 8, 2011

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:

Don Peitz, 13520 White Lake Road, said he would like to address the Planning Commission during discussion of the kennel ordinance (Agenda Item 3).

Mr. Hasbrouck informed the Planning Commission that the Board had established a joint meeting for April 19th, 2011 at 7:00 p.m. and asked to have it included in the meeting schedule.

APPROVAL OF THE AGENDA:

Moved by Lee, seconded by Hasbrouck, to approve the Agenda as presented. The Motion carried by unanimous voice vote.

APPROVAL OF THE MINUTES:

1) February 8, 2011 Regular Meeting Minutes

Moved by Kempisty, seconded by Peabody to approve the February 8, 2011 Minutes as corrected. The motion carried by unanimous voice vote.

Page 2, Line 42 & 43: (~~..related to the new PIRO and PCS zoning districts.~~)

Page 4, Line 38: (~~..at the tonight's..~~)

CORRESPONDENCE:

SUBCOMMITTEE REPORT:

OLD BUSINESS:

1) Recommendation to the Township Board regarding the AT&T Wireless Communication Special Land Use Permit request

Michael Gasser, Brian Norman, and Steve Wells were present to represent AT&T/Fortune Wireless.

Tyrone Township Planner Sally Hodges provided a memo (March 8, 2011) showing the requests made at the last review. She noted that propagation maps had been provided for equipment elevations between 130 and 200 feet; a revised fall zone/structural analysis was provided, there was inclusion of 3 to 4 co-locations, the state's approved historic preservation document indicating no properties would be affected was provided for a tower of 179 feet; the proposed 190 foot tower and 9 foot lightning rod satisfied FAA standards, the liability agreement between the property owner and AT&T/Fortune was reviewed by the Township's attorney; the landscape plans were revised to locate the spruce trees within the lease area at a distance of 5 to 6 feet from the fence; barbed wire was added to the fence as a safety measure; engineering documents have been submitted from Valmont/Microfect and Trans-American Power Products confirming the design and failure modes of the DaVinci Engineering designs for the 190 foot tower; documentation has been provided for a revised fall radius of 95 feet; a driveway maintenance agreement has been provided (Sheet C-3), and any recommendation from the Planning Commission for special use and site plan approval should be subject to receipt of all required agency approvals.

She noted that the plans show that the shelter lights are protected by cages although the ordinance requires lighting that is shielded and focused downward. She recommended shielded wall packs for lighting on the equipment buildings (C-3) and inclusion of a drawing reference to the replacement of any dead or diseased plantings within 6 months or the next planting season, whichever comes first, in addition to the contractor's guarantee.

She observed that the proposed monopole wasn't in one of the ordinance's specified locations (Article 21.32.D.1.e.(2), but it did meet the criteria for location in the FR Zoning District (21.32.F) The Planning Commission also has the authority to approve a reduced fall zone.

Although the proposed fall zone exceeds the leased area, the height of the tower and the fall zone are contained within a larger parcel and will not propose a hazard to adjoining land or structures so she recommended acceptance of the reduced fall zone. Subject to the township attorney's recommendation regarding a hold harmless agreement, she recommended a Planning Commission recommendation to the Township Board for special land use approval and site plan approval based on the reduced fall zone and an acceptable monopole location subject to receipt of all required approvals, and addition of information regarding the shielding of the site lighting and landscape replacement on the site drawings (C-3).

Mr. Meisel said there had been a discussion including himself, Mr. Hanoute, Attorney Harris, Mr. Wells, Mr. Gasser, Attorney Wells, Supervisor Cunningham and Clerk Kremer. A key issue was whether the tower lease area had to encompass the fall zone or if the fall zone could extend into the site that was not part of the lease. Another question, significant to the Telecommunications Act, was if burdening the applicant with such a fall zone lease requirement was discriminatory or prohibitive. After consultation with Mr. Wells, Mr. Harris informed us that his view is that while we have a right to impose criteria for locations related to health, safety and welfare concerns, he didn't view them as issues in this particular case. The fall zone is wholly contained on the property, is not anywhere near existing structures, and is well isolated. The lease contains very specific conditions if the lease holder were to sell or change the property use. Given the

conditions at this location and the contention that fall zone requirements haven't been imposed on a majority of the other sites in the township, it wouldn't be beneficial to require a secured fall zone or require that the lease area include the fall zone. He explained that a prior opinion from Mr. Harris was based on incomplete information.

Mr. Hanoute asked Mr. Gasser if he would respond to Ms. Hodges comments regarding the lights and landscape plans. Responding to Mr. Hanoute's request for a response to the planner's comments about lights and landscaping, Mr. Gasser said those were items that hadn't been discussed in the past. AT&T/Fortune had provided all the information that was asked for. They are ready to move forward with their plans and would like to move forward with the recommendation. The lighting data sheet shows 100 watt light bulbs 200 feet from the property line with a shield over them. At the last hearing they were told there would be a recommendation at this hearing. Mr. Hanoute agreed and commented that the issue was the type of shield not the light.

Ms. Hodges said her recommendation was to approve subject to conditions. Lighting and landscaping notes would be minor items and were discussed previously although not contained in the motion. Adding a written statement on the plan would indicate that the applicant is agreeing with the Ordinance requirements. Mr. Hanoute said the agreement statement should be documented on the drawing because that serves as the official record in the future. The notes can be written directly on the drawing and both can be shown on the same drawing sheet (C-3).

Mr. Hasbrouck asked if the lights were intended to be on all the time at night. Mr. Gasser said the lights were there in case maintenance needed to occur at night. Mr. Hasbrouck said it would be appropriate to add a note on the drawing stating that the exterior lights were operated by a manual switch and wouldn't be on all of the time. Mr. Hanoute explained that the only notes that needed to be added to the drawings were in regard to lights and landscaping and they could be written by hand.

Mr. Meisel thanked AT&T for presenting one of the best and most complete submissions the Planning Commission has received to date even though there are always some minor issues associated with special use approvals.

It was moved by Mr. Meisel that the Planning Commission recommend to the Township Board site plan approval and the granting of a Special Land Use permit to AT&T/Fortune Wireless for the purpose of constructing and placing into service a wireless communications tower of monopole construction, referred to as MI2256, for the following reasons:

- Their area of interest does not offer any locations for wireless services as permitted in Section 21.32.C. The proposed tower is therefore being permitted as set forth in Zoning Ordinance Section 21.32.F.
- The applicant has demonstrated a need for service coverage in the immediate area of the tower site by use of propagation maps. Improved wireless communications in this area will also improve public safety.
- AT&T has entered into a lease agreement with the land owner which is acceptable to the Township.
- At the request of the Planning Commission, the applicant has agreed to increase the monopole tower height from 170 to 190 feet to accommodate up to 4 collocations to fully utilize the tower in the best interests of the residents, and to

prevent the potential near term need for an additional tower in the same area. Further, the applicant has stated their intent to provide collocation to other service providers in compliance with our Ordinance.

- The tower's designed structural integrity has been independently verified to be consistent with the intent of our Ordinance. The established fall zone, supported by structural failure analysis, is fully contained within the parcel the tower is being placed upon. It is therefore reasonably concluded no surrounding properties or public roads will be affected if the tower were to fail. Adequate protection, inclusive of fencing, landscape buffering, and barbed wire, is provided to secure the equipment buildings and to reasonably prevent unauthorized access to the equipment tower.
- The applicant has verified there is no impact on any historical structures or properties.
- The applicant has received agency approval for the established height without the requirement for aircraft warning lighting.
- The submitted site plan meets the requirements set forth in our Zoning Ordinance, and
- The applicant has complied with all other applicable requirements set forth in the Zoning Ordinance.

This recommendation is conditional upon:

1. The applicant providing evidence of agency approvals upon completion of construction.
2. Amending their landscape maintenance note on page C-3 to ensure dead or diseased plantings will be replaced within 6 months or the next planting season, and
3. Noting on the site drawing that the lighting shown will be operated via a switched circuit.

The motion was seconded by Mr. Hasbrouck. During discussion, Mr. Kempisty commented that by increasing the tower height as noted it would provide AT&T with more revenue and the Township with better service and more coverage. Chairman Hanoute called for the motion which carried by unanimous voice vote.

Mr. Gasser asked when the Township Board would meet in order to comply with the 150 day review requirement. Mr. Hanoute and Mr. Meisel said the Planning Commission had taken action and it was up to the Board to determine the meeting date for review of the request.

- 2) Review of the Tyrone Township Parking Ordinance public hearing text (Ordinance Article 25.00)

Ms. Hodges noted that language related to double striping had been included and recommended scheduling the text as part of next public hearing related to general ordinance revisions.

- 3) Continued review of the proposed Dog Kennel Ordinance text revisions (Article 22.05.G)

Mr. Peitz said that private property owners should be left to make their own decisions in regard to pets, although he did recognize the need for guidance---in this case, mainly as to property size. Tyrone is predominately a rural township with pockets of more dense population, but the protection of property rights is high on his list and high on the list of many others.

The current ordinance doesn't make a distinction between private pet owners or commercial pet owners. Bureaucratic procedures for owners of pets should be eliminated. A private individual that has a certain number of pets that aren't a nuisance shouldn't have to go through the process of coming to the Planning Commission and paying exorbitant fees just to have those pets.

He had reviewed ordinances and commented that Hartland Township allows up to 4 dogs. Other ordinances had statements to make sure that people are responsible for what they own and the way pets are to be maintained to not cause a nuisance. Green Oak Township allows no more than three pets before they require permits. Deerfield Township doesn't include pets in their list of allowed commercial kennel uses and doesn't limit quantity. Fenton Township only defines pets but doesn't limit that to dogs or numbers. Their reference to kennels occurs under design standards and defines private kennels as 3 to 6 dogs. Rose Township doesn't limit quantities, but does have reasonable control statements regarding barking, yard cleanliness, dangerous dogs and cruelty to dogs. Ms. Hodges commented that Rose Township also identifies three dogs as a kennel.

Mr. Peitz noted that Genoa Township regulates pets based on the size of the property. They allow three of any species or a total of five in any combination for parcels less than 10 acres and five of any species or a total of seven in combination for lots of 10 acres or more. He thought the township's ordinance needed to be changed so people with three dogs wouldn't have to deal with planning commissions and permits and kennels. It is unnecessary. We shouldn't put that on pet owners and should spend the money and time on other things:

Mr. Hanoute asked if Mr. Peitz thought the ordinance should deal dogs or with other animals and be about pets in general. Mr. Peitz wasn't sure, but was recommending a change because he didn't think pets should have to come before the planning commission. A kennel is a commercial item. Some commissioners have mentioned closeness as a problem in certain areas of the Township or numbers of pets as problems. Rabbits could be pets, but some people might raise them for commercial purposes. There is no need for kennels if animals are private pets. Differentiate based on lot size and then you might have to talk about a quantity. Mr. Hanoute asked what Mr. Peitz would recommend for 20 dogs classified as pets on a 1 acre site. He referred to Genoa's ordinance which allowed 3 of one species up to a total of 5 on lots of less than ten acres.

Mr. Hanoute said that this Township's main issues are the size of the parcel and the number of pets. Mr. Peitz said the problem was the person with 3 dogs and less than three acres. Mr. Hasbrouck was in favor of allowing three dogs, with anything more than that considered a kennel. Mr. Hanoute asked if everyone could agree to require a kennel if an operation is being used for commercial purposes regardless of the number of dogs or pets and then define commercial purposes. Once we agree on that we

can work on the number of dogs and size of parcels. Mr. Hanoute asked Ms. Hodges to return with new language to define kennels and to regulate the number of pets per parcel.

4) Continued review of the proposed Tyrone Township Outdoor Advertising text revisions (Article 27.00)

The Planning Commission continued the review beginning with page 27-8 of the December 30, 2010 draft. Beginning with the regulations, Ms. Hodges noted that the new PCS and PIRO zoning districts have been referenced in Article in 27.02.A and other sections as needed.

During review, the Planning Commission asked Ms. Hodges to compare the township's maximum commercial sign area with other townships fronting on US 23 and requested the following text revisions:

Page 27-8

- Revise the area of free standing signs from 64 to 48 square feet (27.02.A.3).
- Evaluate the area of all the free-standing signage at Woody's and the Hartland Road party store.
- Allow for sight distance adjustments related to sign height and location
- Prohibit billboards on unoccupied parcels.

Page 27-9

Reference principal business **facade** rather than frontage in the text..

Page 27-10

- Replace the reference to wall area with **principal business facade** in the diagram.

Page 27-11

- Remove or define "extensive" in reference to landscaping or decorative bases (5).
- Reference the PIRO district, but retain M-1 and M-2 references for the present (A.1).
- Continue to allow more stringent billboard separation distances as allowed by municipalities (27.02A.5).

Page 27-12

- Reconsider the area of menu board signs.

Page 27-13

- Define 'temporary'.
- Require permits for search lights in connection with events.

Page 27-14

- Consider whether to regulate the use of temporary contractor's signs at work sites.
- Prohibit advertising signs in rights-of-way or on utility poles, etc.
- Enforce the sign ordinance requirements.
- Consider limits on the number and size of flags based on the zoning district:
Limit or prohibit strings of pennants.

Page 27-16

- Determine if the maximum size of political signs can be regulated based on zoning district location limits;
Exclude political signs from rights-of-way or unoccupied parcels.
Reference temporary grand opening or special events signs.

Page 27-17

- Clarify the canopy sign measurement language.

Page 27-22

- Include a reference to all applicable codes and ordinances in place of the reference to 20 pounds of wind pressure (H).
- Delete the allowance for sign projection above a roof or parapet.
- Compare the wall sign projections (I.2) with the projecting sign requirements (27-6)

Page 27-23

- Prohibit the use of commercial vehicles, construction trailers, flat-bed trailers, and shrink-wrapped boats or pontoons as advertising devices.
Allow 60 days before and after the holiday for Christmas lights.

Page 27-24

- Revise electronic sign language to limit light intensity, prohibit videos, animated graphics, and/or streaming, and consolidate messaging to a limited area within the permitted sign.
- Relocate the revised electronic sign language (8) to the permitted sign section (27.02).
- Include regulations for lighting and changeable messages on billboards.
- Consider conditions to be used to authorize removal of blank billboards.

Page 27-27

- Re-evaluate the 64 foot sign area allowed for the Business Center Sign in connection with the restriction on political signs.

- 5) Determination of the Township Roads to be referenced as primary roads for the purposes of incorporation into the PIRO and PCS Zoning Districts

Discussion was carried over to the next meeting

- 6) Revisions to the Planning Commission Fee Schedule to reflect the Fees approved by the Township Board for Public Hearings and to determine guidelines for scheduling Subcommittee Meetings or Concept Reviews

The Planning Commission decided not to review the fee schedule as previously approved.

- 7) Review of the proposed Hartland Township Comprehensive Plan amendments

Mr. Hasbrouck stated that he had reviewed the document and felt that the proposed changes were appropriate and said they should be notified and thanked for forwarding the plans. Ms. Radcliffe commented that we might want to include their use of the term 'watercourse' in some of our new ordinance language.

Mr. Hanoute asked if there was a time limit for the reply and if there would be a planning commission meeting in April. Ms. Hodges explained that the statutory reply period allowed was less than 60 days. The review has already been carried over from

the last meeting. Mr. Hasbrouck said the joint meeting scheduled for April was on the regular Board meeting date so the planning commission should have their regular meeting date available. .

Chairman Hanoute asked Secretary Radcliffe to forward a master plan response to the Hartland Township Board.

- 8) Amendments to the planning commission bylaws to incorporate recent procedural revisions to the number of meetings and posting requirements (Sections 20.03.H and 30.1) and other revisions which may be brought forward at the meeting.

Ms. Hodges was asked to review the changes recommended by MTA based on the current Michigan Zoning Enabling Act prior to Planning Commission review.

OTHER BUSINESS FROM MEMBERS:

ZONING ADMINSTRATOR'S REPORT:

ZBA REPORT:

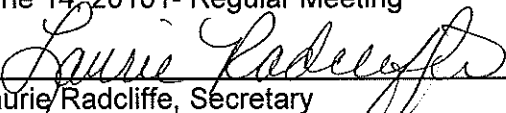
TOWNSHIP BOARD REPORT:

FUTURE AGENDA ITEMS:

ADJOURNMENT:

NEXT MEETINGS:

April 12, 2011 - Regular Meeting
April 19, 2011 - Joint Meeting
May 10, 2011 - Regular Meeting
June 14, 20101- Regular Meeting



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission

Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission