

TYRONE TOWNSHIP PLANNING COMMISSION

MEETING MINUTES

APRIL 12, 2011

PRESENT: David Hanoute, Steve Hasbrouck, Ed Kempisty, Mark Meisel, Brandon Peabody

ABSENT: Laurie Radcliffe and Deb Lee

OTHERS: Tyrone Township Planner, Sally Hodges

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

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

Paul Phelps, 9009 Apple Orchard, said he would like to address the Planning Commission regarding the 800 square foot maximum size for an accessory structure for property in LK-1, R-1 and R-2 zoning districts. He submitted written correspondence to the Board and proceeded to read the submitted document aloud. He asked the Board to consider increasing the maximum size allowed for accessory structures, which would give the ZBA more latitude in its decision making.

Hanoute told the applicant the Board is not prepared to address this issue tonight, but will certainly look at it in one of the future meetings.

Meisel stated he was planning on discussing this issue as part of the ZBA report.

APPROVAL OF THE AGENDA:

Hanoute suggested that the Board alter the order of business on the agenda and address New Business item #1 first.

Meisel moved to accept the meeting agenda as presented (Kempisty seconded). The motion carried by unanimous voice vote.

Meisel moved to suspend the order of business and move New Business item #1 ahead of the Old Business items in consideration of the applicant (Peabody seconded). The motion carried by unanimous voice vote.

APPROVAL OF THE MINUTES: Regular Meeting Minutes for March 8, 2011

Changes:

Page 2, line 16; construction changed to approvals

Page 3, line 3; add zone after "secured fall"

Page 3, line 10; after "with their plans" delete they

Page 3, line 29; delete last two sentences-through line 31, starting with "Mr. Hanoute explained"

Page 3, line 38; delete approval

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- Page 3, line 47; should read, "communications in this area"
- Page 4, line 11; delete entire sentence-through line 14, starting with "Adequate protection"
- Page 5, line 25; delete in, after "pets"
- Page 5, line 30; change does to dogs
- Page 6, line 7; after define, delete the
- Page 6, line 25; change inches to feet
- Page 6, line 41; should read, "distances as", delete than
- Page 7, line 3; should read "size of flags"
- Page 7, line 4; change pennons to pennants
- Page 7, line 49; after "appropriate", add and

Kempisty moved to accept the March 8, 2011 Planning Commission minutes as corrected (Peabody seconded). The motion carried by unanimous voice vote.

CORRESPONDENCE:

Received and placed on file correspondence from Paul Phelps, 9009 Apple Orchard

NEW BUSINESS: 1) Request of Garry Betrus for a home occupation as a Class 'W' Dealer's License

PETITIONER – Garry Betrus:

- a Class 'W' dealer engages in the business of buying and selling used vehicles from and to licensed vehicle dealers
- a wholesaler may not buy, sell or otherwise deal in vehicles to a person other than a licensed vehicle dealer
- purchases used vehicles from dealers to refurbish and takes them to auctions to sell them
- only licensed dealers are allowed at the auction, no public
- all paperwork spreadsheets, and banking records are done out of the applicants home
- no advertising is done

QUESTIONS FROM THE PLANNING COMMISSION AND TOWNSHIP PLANNER:

- how many of the purchased vehicles are stored at the home
- if other family members are in the business with the applicant
- % of office space to the overall size of the home
- all questions on site information sheet were answered "no"
- if egress to the house is through the subdivision
- no signage
- no physical change to residence allowed for home occupation
- applicant appears to meet all state guidelines and requirements for Class 'W' Dealer's License
- no public associated with the home occupation visiting the home
- no carriers going to and from the home
- applicant is fully compliant
- the only fault is that the applicant did not fully comply with the site plan review process, a scaled drawing was not submitted (note: this requirement can be modified by the PC)
- there are photographs to document the location of the house

RESPONSE OF PETITIONERS – Garry Betrus

- there are no vehicles associated with the home occupation stored at the home
- no other family members are in the business with the applicant, in business by himself

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- the office is 12 by 15-feet and the house is approximately 5000 square feet
- egress to the house is off of White Lake Road to Laurel Springs

PUBLIC RESPONSE:

- none

MOTION:

Meisel moved to recommend to the Tyrone Township Board approval of the home occupation permit for Mr. Garry Betrus, 12259 Dentonview Drive, because he fully complies with the Zoning Ordinance (seconded by Peabody). The motion carried by unanimous voice vote.

OLD BUSINESS:

1. Review of the proposed Dog Kennel Ordinance text revisions (Article 22.05.G)

Tyrone Township Planner, Sally Hodges of McKenna read through all the proposed revisions to Article 2: Definitions - Section 2.01 Definitions; Article 21: Supplemental District Regulations - Section 21.49 Keeping of Pets – A. Household Pets permitted as Accessory Use and Section, B. Limitation on Number of Dogs, Article 22: Special Land Uses Section 22.05 Site Design Conditions – G. Kennels (#1 through #8)

Article 2: Definitions – Section 2.01 Definitions:

Tyrone Township Planner:

- have gone back to where we started from, to accommodate all the individual circumstances discussed during prior meetings as a result of public and PC comments
- the proposed definition of kennel is consistent with the 1919 dog law which puts the commercial aspect into kennel
- Township will be in a position of enforcing something based on intent or evidence rather than the number of dogs
- limited the number of dogs that are kept as household pets based on lot area
- dogs kept for personal noncommercial enjoyment are kept separate from kennels
- proposed to decrease the minimum lot size for a kennel to 5 acres for first 6 dogs and then additional dogs could be added on the same basis as currently allowed
- makes sense to have a kennel start at the same point that you are limiting the maximum number of dogs on a parcel of 5 acres, which is 6 dogs
- if you couldn't do anything different between 5 and 10 acres, that is a big restriction on somebody with 7.5 acres
- under definitions, there are impacts in using the dogs for commercial purposes; more traffic, more likely to be housed in a kennel facility; waste disposal

QUESTIONS AND COMMENTS FROM THE PLANNING COMMISSION :

- meeting the required 50-foot side yard setbacks, the 200-foot setback from the road, and a 50-foot rear yard setback on a 5 acre parcel, it doesn't leave much room for the kennel facility. The setbacks take up about 2 acres
- under 2.01 Definitions of Kennel, "or boarding" should be removed because it is redundant
- training dogs, whether security or obedience training, for money would be remuneration
- if someone has one litter of puppies on one of these other parcels, it would fall under kennel
- there are all these other parcels that aren't going to be kennels if the owners breed and sell the dogs. They won't have a kennel permit, unless the Township forces the issue

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- puppies less than 6 months in age do not count, you could breed forever and literally not qualify as a kennel if there was no remuneration (giving the puppies away, for example)
- there is a difference between breeding and puppies for sale
- some dog owners have dogs for stud service only and collect a stud fee
- if you read the definition of kennel as follows: for sale for remuneration, boarding for remuneration, breeding for remuneration and training purposes for remuneration, is this what we really intend and does it cover all the bases?
- boarding, breeding and training purposes may or may not be for money
- this applies only if there are 3 or more dogs that are 6 months or older
- under this definition if it is not for money, it is not a kennel; so you could have 6 dogs as long as you can prove you are not doing it for money

PLANNING COMMISSION AND TOWNSHIP PLANNER CHANGES/DECISIONS:

After a lengthy discussion on Article 2 Definitions – Section 2.01 Definitions – Kennel,

- “or boarded” will be removed from the definition

Article 21 Supplemental District Regulations - Section 21.49 Keeping of Pets

Tyrone Township Planner:

- need to address the number of animals permitted as pets on the various acreages
- snakes, cats and rabbits etc. are addressed because it is in the current Township Ordinance
- this is the most appropriate place to put the limitation on the number of dogs
- this section addresses keeping pets as an accessory use
- other communities take this section and they say: you can have this many dogs, this many cats, this many snakes, and this many rats, etc.
- only addressed the acreage for dogs because dogs tend to have a larger impact on the neighbors
- talked about distinguishing dogs as pets from dogs as a commercial enterprise
- need to define household pets and should also define exotic animals
- may need to define farm animals or animals that are associated with farms to keep separate
- will add definitions and will work on clarifying the “maintained in an acceptable manner and humane manner and controlled by the owner” language

QUESTIONS AND COMMENTS FROM THE PLANNING COMMISSION :

- Hanoute stated that Mr. Peitz questioned why should the kennel ordinance, that deals with dogs, address other animals
- the implications of other animals and attempting to cover those impacts as a generic statement
- paragraph A – Household pets Permitted as Accessory Use, is pretty general and very vague, it needs to be more specific
- what do other communities do when they don't have a specific number of pets defined
- dogs have leash laws, but cats are allowed to roam free, where is the writing that says keep your cat or other pets in your own yard
- rabbits, reptiles and birds are tough to restrict numbers, let alone verify that they have them
- need to keep noise under control and no wandering, you are responsible for your own pets – keep them on your own property
- you could have a situation where chickens are kept as birds on a residential lot – it needs to be more specific
- need to define domestic animals and need to define exotic animals

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Article 21 Supplemental District Regulations - Section 21.49 Limitation on Number of Dogs

Tyrone Township Planner:

- this refers to the number of dogs kept as pets
- right now we are at 3 dogs on 2 acres, 2 acres or more we have 3 dogs plus 1 additional dog for each acre greater than 2 acres, and on 5 acres or more we have 6 dogs maximum unless approved as a kennel
- after much discussion, it was decided to change from 3 to 2 dogs on 2 acres or less
- after much discussion, it was decided to allow 3 dogs on 3 acres
- on less than 3 acres you can only have 2 dogs
- on 5 acres and greater, 5 dogs would be acceptable unless classified as a kennel
- 6 dogs would constitute a kennel
- possibly require 2 acres for each additional dog
- need to determine the difference between someone having 3 dogs that they are selling or breeding and is required to have 10 acres versus a pet owner that is allowed to have 5 dogs as pets on 5 acres

QUESTIONS AND COMMENTS FROM THE PLANNING COMMISSION :

- this is an attempt to limit the number of dogs kept as pets and not in a kennel
- 6 dogs on 5-acres is too many
- 3 dogs on 2-acres is too many
- since with 3 acres you are allowed to keep farm animals, it would be a good break point to increase the number of dogs allowed to more than 2
- maybe the first category of less than 2 acres should be changed to up to 2 acres, then 2 acres or greater would be 2 dogs plus 1 additional for each additional acre – which allows 3 dogs on 3 acres, 4 dogs on 4 acres and 5 dogs on 5 acres
- add some discretionary statements for someone that has 2.95 acres, need some language here that will allow some latitude for the Planning Commission or the ZBA
- a lot of the land divisions are 2 acres in this Township
- you can have 2 dogs on a half an acre – is this OK?
- 6 or more dogs would constitute a kennel
- what do you do for someone who wants more dogs but not for commercial purposes
- what determines if someone has too many dogs
- what is the difference between having 3 dogs that I am selling or breeding
- for a kennel there will be traffic, the public involved, dogs unfamiliar with each other
- once you reach the definition of a kennel we require a building with dog runs, isolation of the noise, dog run area, and space to accommodate the kennel, and a waste disposal plan
- it is appropriate to say at a certain point they can be in the home, at a certain point they need more square footage and need a green zone or dead space or isolation from neighbors
- noise levels, control of the dog, and dogs being left alone are issues that need to be controlled
- need for fenced in areas after a certain amount of dogs
- need to be careful in subdivisions or areas with associations where they have by-laws for no fences, do not want to create unreasonable burden where you say if you want to have a dog you need to have a fence
- a fence requirement would include underground fencing; key is containment
- give the Planning Commission some discretion language for cases close to the acreage limits
- all dogs need to be controlled: kept on own property, noise level

PLANNING COMMISSION AND TOWNSHIP PLANNER CHANGES/DECISIONS:

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After the lengthy discussion on Article 21 Supplemental District Regulations- Section 21.49 Keeping of Pets – A. Household Pets permitted as Accessory Use and Section, B. Limitation on Number of Dogs the following changes were agreed upon:

- delete “unless the use is approved as a kennel” from paragraph B. Limitation on the Number of Dogs, because it is redundant
- no regulations other than “maintain in an acceptable and humane manner and controlled by the owner” which will be further clarified so it can be enforced
- will add definition of household pets, exotic animals and possibly farm animals
- dogs as household pets: on 2 acres or less – you are allowed 2 dogs
- on 2+ to 4 acres – you can have 3 dogs
- on 4+ to 6 acres – you can have 4 dogs
- on 6+ to 8 acres – you can have 5 dogs
- on 8+ to 10 acres – you can have 6 dogs
- above 6 dogs, it is required that a plan be submitted to the Planning Commission and a public hearing be held, with some lesser standards for health and safety of the dogs, non-commercial kennel

Article 22: Special Land Uses Section 22.05 Site Design Conditions – G. Kennels (#1 through #8)

Tyrone Township Planner:

- the table was for pets and this refers to kennels
- this is by and large the existing Ordinance
- changed 10 acres to 5 acres, will now change the 5 acres back to 10 acres
- #2. Minimum Parcel for Dog Kennel will be changed to 10 acres for the first 6 dogs
- kennels require larger land area, there would be a public hearing, this would be approved with a special land use, the neighbors know; have to have a shelter, a paved surface, and a sanitation plan, and must meet setback requirements
- once you get to 10 acres we say you can have 6 dogs, but now you are classified as a kennel
- once you get to 6 dogs you have to comply with the kennel regulations even if you are not commercial
- set up a kennel with standards similar to what is used for home occupations, limited site plan
- a private kennel would be slightly different from commercial kennel standards, but address the same issues

QUESTIONS AND COMMENTS FROM THE PLANNING COMMISSION :

- this all applies to kennels, the commercial operation, pet boarding
- dog kennel falls under the remuneration category, running the kennel for money
- just because you have 10 acres and 6 dogs does not make you a kennel, still could have household pets
- if keeping dogs for remuneration, when you have 6 dogs it constitutes a kennel
- if keeping dogs for pets, for every 2 acres you can have one additional dog
- need to cap the maximum number of dogs at 6 in Tyrone Township
- need to have provisions to give the ZBA some discretion
- more than 6 dogs or greater than 10 acres would constitute a kennel, and there would be a public hearing where they would have to present a plan
- how do you differentiate private kennel versus a commercial kennel
- it depends on the type of dog and the owner, as to if 6 dogs are manageable
- if the owners have a feasible management plan, then why not allow them to have 6 dogs
- all dogs must be licensed

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- if pets, they would know each other and could be housed differently, but if commercial the dogs would need to be kept in separate areas, have outdoor runs, sheltered area
- need to show they can take care of 6 dogs, keep noise levels down
- this section addresses the amount of land and the character of the kennel itself

PLANNING COMMISSION AND TOWNSHIP PLANNER CHANGES/DECISIONS:

Tyrone Township Planner, Sally Hodges reiterated the discussion with the following conclusions:

- kennel definition: any lot or premises wherein or whereon 3 or more dogs of 6 months or older are kept either temporarily or permanently, for sale, boarding, or training purposes, for remuneration
- kennels require 10 acres minimum
- they must have dog runs, meet all setbacks, provide shelter area, chain link divisions, annual review by the Township, a financial guarantee, fencing, and waste disposal

Tyrone Township Planner, Sally Hodges will make all the changes discussed (for all Articles under Old Business) and present a final draft to the Board at the May 10, 2011 Regular Planning Commission Meeting.

2. Review of the proposed Tyrone Township Outdoor Advertising text revisions (Article 27.00) to support the PIRO and PCS Zoning Districts

Article 27: Outdoor Advertising and Sign Regulations

Tyrone Township Planner:

- surveyed commercial sign regulations for several nearby townships with frontage on US-23 and discussed the findings (a chart of the findings can be found on submitted cover letter from McKenna, dated April 5, 2011)
- other communities looked at were Fenton, Hartland, Brighton, and Green Oak
- regulations among the different communities are all over the place
- Fenton is generally more liberal in allowing greater sign areas

Tyrone Township Planner, Sally Hodges of McKenna read through all the proposed revisions, to date, to Article 27 Outdoor Advertising and Sign Regulations (See Article 27 pages 1 to 31 draft)

QUESTIONS AND DISCUSSION BETWEEN PLANNING COMMISSION AND TOWNSHIP PLANNER:

- have definition of monument signs, but not for ground, base-mounted, pole, or panel signs
- the figures don't attach names to the signs, the illustrations need to be named
- political sign was changed to election sign because these are signs related to elections and this may allow display time frame regulation
- treat election signs as the temporary signs they are - noncommercial message signs
- political sign saying, "I Support the Governor" could be displayed forever – free speech, does not say anything about elections (per recent court rulings regarding political signs)
- any commercial sign that is permitted could be used for a noncommercial message, but would not be allowed any more signage area
- the election sign needs to be treated no lesser than a garage sale sign for example
- an election sign is definitely a political sign but a political sign does not necessarily have to be an election sign
- took out "premises" definition and moved it to Article 2 definitions
- decided we do not need to have a definition for a political sign

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- real estate development sign is different from a construction sign
- construction signs come down once the development is completed
- if land is not selling, the real estate development sign could be there forever
- could have different standards for real estate signs for individual lots or home and different standards for multiple units and different regulations for tenants versus for lease
- should area of wall or canopy sign be lowered to 48 square feet
- 4 to 1 ratio of the length of the American Flag to the length of the pole is proper size
- Sign Setbacks #1, could be misinterpreted that permanent signs need to be out of the right-of-way, but temporary signs can be put wherever they want
- differentiate between Christmas lights and other holiday lights – concern for interpretation the general provision is for 60 days before the holiday and 10 days following the holiday. Call them holiday exterior string lights. Change exterior to holiday string lights
- exterior string lights that are used with a commercial enterprise are prohibited unless they are holiday decorations which can be up for a total of 70 days
- Spring Aggregate has an off-premises portable directional sign, it was granted by the ZBA for use during the spring/summer consider off-premise directional sign specifically for agg use or seasonal use, for limited circumstances, on a temporary or seasonal basis
- these are usually small in size and are put where they don't have permission, but generally small enough not to obstruct vision
- can require they submit a plan to the Township so we know where they are going to put them, limit the size, make sure they have permission, establish criteria
- put them under permitted signs, seasonal in nature (ex: apple orchards advertising seasonal fruits, or pumpkins for the fall, cider mills
- added verbiage in regards to graphics on shrink-wrapped boats or pontoons

PLANNING COMMISSION AND TOWNSHIP PLANNER CHANGES/DECISIONS TO ARTICLE 27:

The following are revisions to the Article 27 pages 1 through 31

- Freestanding Sign: A sign which is attached to the ground and which stands free, unattached to any building or structure (remove all other text, starting with examples)
- Add definitions for ground, base-mounted, pole and panel signs
- title the illustrations
- correct the spelling for "other" in the last line of election sign (reads: any other public issue)
- different standards for real estate signs for an individual lot or home and different standards for multiple units and different regulations for tenants versus for lease
- will clarify definition of construction signs
- pg 27-9 #3, change last line from 20 feet to 14 feet
- pg 27-10, change principle to principal
- planner will get some wall sign comparisons and other examples
- pg 27-11 #5, remove "or permit a longer sign"
- pg 27-12 #5, change 64 square feet to 48 square feet (in both line 2 and line 8)
- pg 27-12 #6, remove dog kennel
- pg 27-13 27.04.A.1, change 64 square feet to 48 square feet (in line 6)
- pg 27-19, at bottom change 20 feet to 14 feet maximum height (Monarch sign example)
- pg 27-20 under Right of Way: remove: permanent, add: unless otherwise permitted (should read as follows: All signs, unless otherwise permitted, shall be...)
- pg 27-21, add "requirement" (should read: Livingston County Building Code Requirement)
- pg 27-22 Wall sign: line 3 should be changed as follows: "above the building facade to which it is attached". remove: roof or parapet by more than one foot from the structure surface
- pg 27-22 bottom line: should read "60 days"

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- pg 27-23 #8, fix line 2 – visible revolving (2 words, not 1 as shown)

Tyrone Township Planner, Sally Hodges will make all the changes discussed (for Article 27) and present a final draft to the PC at the May 10, 2011 Regular Planning Commission Meeting. She will write up a synopsis sheet listing all the changes made so the PC will not have to go through every page of Article 27 and the PC will be able to finalize it.

The Board will carry over Old Business items 3 and 4 (primary roads and bylaws revisions) to the next meeting.

The draft version of the Planning Commission Bylaws were handed out to the Board for review prior to the next meeting.

- Collaborative effort with Township Planner
- the starting time was changed from 7:30 to 7:00
- includes changes required due to the Michigan Planning Act
- also looked at best practices from the Michigan Township Association
- added section 0.00 Duties of the Planning Commission
- in this draft section "I" should be changed to an "H", due to a formatting issue
- Revisions done to Section 4.1 Master Plan Hearings to be compliant with the Michigan Planning Act

MISCELLANEOUS BUSINESS:

1. Other Business Items: None
2. Township Board Actions: April 18th Joint Meeting with Township Board

3. ZBA Report: The ZBA would like the Planning Commission to review Tyrone Township Zoning Ordinance No. 36 – Section 20.02.O (Footnote to Schedule of Regulations) regarding the 800 square foot maximum size for an accessory structure for property in LK-1, R-1 and R-2 zoning districts at a future Planning Commission meeting. They would like the Board to definitively decide whether 800 square feet is the limit or if there should be some ability to move that number around if the conditions are appropriate. The ZBA continues to see a lot of applicants that would like structures larger than 800 square feet and the ZBA has had to deny them because there is nothing that they can do under the current Zoning Ordinance. During the April 4th meeting both variance requests were tabled.

4. Future Items: Review Tyrone Township Zoning Ordinance No. 36 – Section 20.02O (Footnote to Schedule of Regulations) regarding the 800 square foot maximum size for an accessory structure for property in LK-1, R-1 and R-2 zoning districts at the May 10, 2011 Meeting

ADJOURNMENT: The meeting ended at 10:02 pm

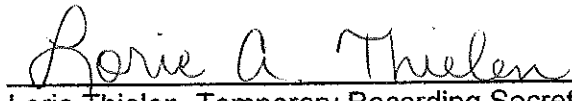
NEXT MEETINGS:

April 19, 2011 - Joint Meeting with Township Board
May 10, 2011 - Regular Meeting
June 14, 2011 - Regular Meeting
July 12, 2011 – Regular Meeting

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Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Lorie Thielen, Temporary Recording Secretary
Tyrone Township Planning Commission