

**TYRONE TOWNSHIP PLANNING COMMISSION**

**MEETING MINUTES  
MAY 10, 2011**

**PRESENT:** Present: David Hanoute, Steve Hasbrouck, Mark Meisel, Brandon Peabody, Laurie Radcliffe and Deb Lee.

**ABSENT:** Ed Kempisty

**OTHERS:** Tyrone Township Planner, Sally Hodges

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

**PLEDGE OF ALLEGIANCE:**

**CALL TO THE PUBLIC:**

**APPROVAL OF THE AGENDA:**

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

**APPROVAL OF THE MINUTES:**

**MINUTES OF MARCH 8, 2011 PLANNING COMMISSION MEETING:**

Meisel moved to amend the previously approved minutes to update the approval of the prior minutes correction text to reflect the February 8, 2011 meeting. (Hasbrouck seconded). The motion carried by unanimous voice vote.

**MINUTES OF APRIL 12, 2011 PLANNING COMMISSION MEETING:**

Radcliffe moved to approve the April 12, 2011 Planning Commission minutes as amended (removal of "approved" at bottom of document). (Peabody seconded.) The motion carried by unanimous voice vote.

**CORRESPONDENCE:**

None.

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.

**NEW BUSINESS: 1) Site Modifications to Metro PCS Wireless Tower**

**PETITIONERS – Jillain Wirtel and Andrew Mah:**

- modifying the existing approved tower site to improve and upgrade technology
- the 9326 Hogan Road site is the Crown Castle tower
- gave a slide show presentation to address concerns from Tyrone Township Planner, Sally Hodges; including application requirements of; 1) site plan, 2) landscape plan, 3)

May 10, 2011 - Approved Tyrone Township Planning Commission Meeting Minutes

- engineer's certification and structural support, 4) security deposit, and 5) replacement antenna
- handed out revised drawings to the Board: sheet numbers T-1, A-1, A-1A, A-1B, A-1C, L-1, boundary survey sheets 1-3, and a lease agreement
- sheets A-1A, A-1B, A-1C show proposed modifications with dimensions noted
- separated the existing site layout and the proposed site layout for clarity

**DISCUSSION WITH PLANNING COMMISSION, TOWNSHIP PLANNER AND METRO PCS:**

- still a concern with the boundaries of the lease area, not extending a rectangle of the width of the 7 foot wide area
- see sheet A-1B and A-1C for clarification
- the previous existing lease area was a 7-foot by 10-foot area, which held a 4-foot by 8-foot steel platform, which accommodated two equipment cabinets
- to accommodate a new third cabinet, proposing to add a 3-foot 8-inch by 4-foot extension to the existing 4-foot by 8-foot steel platform
- the lease area will not be rectangular in shape, only extending 4-feet down, not 7-feet
- this area will include all of the equipment and structures on the site, aside from the tower
- will be replacing the antenna's on the tower
- in regards to the proposed wave guide bridge and over platform crank jack stand that is outside the lease area, the platform extension was originally going to be 4-feet by 4-feet, but they reduced it by 2-inches, so the over platform crank jack stands will be within the proposed platform extension lease area
- the revised site plan includes legal descriptions, site layout, access road, and utility easements (see: Boundary Sheets 1-3)
- the tower height and proposed equipment site elevation are shown on drawing A-1C
- added a note regarding the equipment cabinet to the lower left corner of drawing A-1C
- regarding abandoned equipment on the site: filed a removal affidavit with Tyrone Township, it wasn't a specific security deposit or a surety bond
- if Planning Commission is recommending that Metro PCS have a surety bond on file, it is fine with Metro PCS
- the original removal affidavit indicated that if Metro PCS was to leave the site and the equipment was not going to be used, the equipment would be removed within 180 days
- the Township Board shall determine if the existing security deposit or surety bond in place, if any, should be amended
- on the plan originally submitted, it showed a concrete pad and equipment, south of the Metro PCS lease area, that must have been in for another carrier
- it definitely is not equipment belonging to Metro PCS, but some of it is being removed in order to accommodate the Metro PCS equipment at the site
- Metro PCS has talked to Crown Castle regarding the lease area where the concrete slab is located, and Crown Castle indicated they are in negotiations with the property owners to secure the ground lease with that property owner
- Crown Castle told Metro PCS that they did not lease with the property owner, it is Metro PCS' understanding that another carrier was able to negotiate a separate ground lease with the land owner and a tower lease with Crown Castle
- would like to know the condition of the access road to the site
- one dead tree, fourth one in on the southwest corner will be replaced by Crown Castle or Metro PCS (see drawing L-1)
- there are about 30 arborvitae, 12 feet in height, along the site

- Crown Castle, the tower owner, provided Metro PCS with the engineer's certification and structural support analysis
- Metro PCS as a tenant, follows Crown Castle's guidelines
- Referencing the structural analysis report, dated Feb. 4, 2011, there is a concern about the redundant brace; the components are labeled t-11 and t-12 areas; 20 to 40 foot elevations from the ground; both elements are quite high in loading, one is 102% and the other is 92%; the base is strong and everything above it is strong; between 20 and 40 feet, it is half the strength structurally than the rest of the tower; it is a redundant diagonal brace; question whether this is a hinge point, with it being so close to the ground; a footnote includes an assertion that capacities of up to 105% are considered acceptable
- Should the Planning Commission require modifications so the structure does not exceed 100% of capacity
- Could ask the structural analysis people why the tower is 2:1, 40 feet above that, relative to the structural load capability – is this not a safety concern
- the wind load was reduced from 90 psi to 75 psi, which is a greater concern
- load measured at 25-27 mph for ice at one inch
- we have to rely on the professionals who perform and certify the structural analysis, they are the ones responsible for the structure
- would like to know the wind load rating on the tower right now, since they are physically reducing the number of antenna on the tower, it might be worse now and they are making it better
- additional antennas may be installed in the future any additional antenna in the future would require the same structural analysis and be reviewed at that time
- the analysis was done in anticipation of some additional future development, it appears they used some sort of dummy load on the tower to accommodate future expansion
- included detail about the configuration: 3 antennas with 12 lines of coax on the tower
- proposed lease agreement (compound layout) between Metro PCS and Crown Castle (see drawing labeled: lease agreement)
- Metro PCS did not submit an overall site plan for the site plus the driveway to the open road; in a subsequent e-mail Metro PCS said they did not have this information available to them; they were able to obtain the submitted survey;
- the submitted drawing does not show the built condition of the road or other features required on a site plan
- there have never been any calls with complaints at this site
- on the front page of the project information sheet, change Genesee County to Livingston County
- difficult to ask for a complete site plan from Metro PCS when they do not own the property, they share the site and are a tenant at best; need to pursue this with the land owner
- with a collocation an overall site plan would be required, but with just an equipment update the submitted updated documents would be acceptable
- obtain a copy of the site plan that was approved originally; it wouldn't be up to date with equipment locations and tenants, but it would show where the trees were required and the condition that was required for the road
- it would be helpful to know the requirements at the time this was originally approved, did the Planning Commission require trees all the way around the perimeter of the site, etc.
- the Planning Commission is going to review the wireless ordinance and can incorporate those kinds of issues in future ordinance amendments

**May 10, 2011 - Approved Tyrone Township Planning Commission Meeting Minutes**

**PUBLIC RESPONSE:**

- none

**MOTION:**

Meisel moved to recommend Township Board approval of the amended site plan as requested by Metro PCS with the following conditions:

- 1) The applicant agrees to replace a dead tree/shrub;
- 2) The applicant agrees to correct the "county" listed on sheet T-1 from Genesee to Livingston;
- 3) The Township Board shall determine if removal or remediation of the abandoned area shown as Verizon on the drawing is required;
- 4) The Township Board shall determine if the existing security deposit or surety bond in place, if any, should be amended;
- 5) The Planning Commission recognizes this request is an equipment upgrade to an existing multi-user site, not a new collocation, therefore a full site plan will not be enforced as a requirement for this application to move forward.

(seconded by Peabody). The motion carried by unanimous voice vote.

**OLD BUSINESS #1): Review of final draft of proposed Dog Kennel Ordinance text revisions (Article 22.05G)**

**Article 2: Definitions – Section 2.01 Definitions**

No changes.

**Article 21 Supplemental District Regulations - Section 21.49 Keeping of Pets**

The Board discussed at great length the determination of the number of dogs allowed per lot area. The discussion resulted in retaining the chart agreed upon at the last meeting.

Changes:

Page 1, 2<sup>nd</sup> line under A.: last word "provided" will be changed to "supplied"

Page 1, 3<sup>rd</sup> line under A.: add "and" after weather (reads: weather, and are not...)

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

Changes:

Page 2, 3. should read: A satisfactory plan for the proper sanitary disposal of animal waste shall be provided.

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

No changes.

**OLD BUSINESS #2): Review of final draft of proposed Article 27 Outdoor Advertising and Sign Regulations text revisions**

**Planning Commission and Planner Discussion:**

- page 6, 1) Political Sign or Election sign: some signs have a political message on it but are not a political sign under this definition

- this type sign cannot have any further restrictions imposed on it over and above similar signs in that zoning district, per prior federal court rulings
- determine if what we have is good enough or if changes need to be made
- page 6, 2) the size of this type sign is at 32 square feet, should it be changed to 48 square feet
- tabled discussion on political signs/election signs until next meeting
- need to define what a non-commercial message is
- consider requirement that banners are only used as a temporary sign
- reduce banners from 48 square feet to 32 square feet
- change political signs from 32 square feet to 48 square feet
- cannot limit the number of political signs, especially if the parcel is residential, per court rulings

Changes to Article 27:

Page 6, Real Estate Development Sign (bottom of page) – Sally to reword

Page 23, 3<sup>rd</sup> line under I.: remove “of an”

Page 27, change size of political sign, in chart, from 32 to 48 square feet

Tyrone Township Planner, Sally Hodges will make all the changes discussed (for Article 21 and Article 27) and present a final draft to the PC at the June 14, 2011 Planning Commission Meeting. If there are no additional changes, a public hearing can be scheduled.

**OLD BUSINESS #3): Review of proposed amendments to define Primary Roads**

Planning Commission and Planner Discussion:

- PIRO sites need to have access onto a paved county primary road
- put a definition in the ordinance that defines primary roads and lists what the roads are
- primary roads would be: Faussett Rd. (from McGuire to Old US-23), White Lake Road (from Bennett Lake Rd. to eastern Township boarder), Center Road (from US-23 to Denton Hill Road), Linden Road (north of Bennett Lake Rd.), Bennett Lake Rd., Denton Hill Rd., and Old US-23
- the source of this information was MDOT
- Linden Road (north of Center Rd. to Hogan Rd.), was paved by the manufactured park, not currently a primary road, could change in the future
- Center Road is not on the list and is paved (from Linden Rd to Hartland Rd.)
- the Township has a definition of a primary road, but is trying to pick up on the State definition; Michigan Act 51 requires the county road commissions to establish the primary roads
- roads do not necessarily have to be paved to be primary
- paved roads are not necessarily primary roads

Changes to Primary Roads:

- Section 2.01 Definitions: will include the definition of a primary road (as defined in correspondence from McKenna, dated January 31, 2011)
- primary roads would be listed as: Faussett Rd. (from McGuire to Old US-23), White Lake Road (from Bennett Lake Rd. to eastern Township boarder), Center Road (from US-23 to Denton Hill Road), Linden Road (north of Bennett Lake Rd.), Bennett Lake Rd., Denton Hill Rd., and Old US-23

- Section 16A.03.F.4: Paved Primary Road Access Required: a note is added to see Section 2.01 Definitions for the list of County primary roads in the Township

Tyrone Township Planner, Sally Hodges will make all the changes discussed for Primary Roads and incorporate them into the PIRO zoning district text and present a final draft to the PC at the June 14, 2011 Planning Commission Meeting. If there are no additional changes, a public hearing can be scheduled.

**OLD BUSINESS #4): Review of proposed PC By-Laws revisions**

Planning Commission and Planner Discussion:

- compared the existing by-laws with the previously proposed by-laws
- exclusion of items addressing requirements of job duties, which should not be in the by-laws
- looked at best practices from the Michigan Township Association
- section 0.00 added: Members of the Planning Commission
- revisions done to Section 4.1 Master Plan Hearings to be compliant with the Michigan Planning Act
- will fix formatting issue to correct having two Section 3 headings
- annual report: provide a summary of what is accomplished over the year, what is planned for the next year
- minutes of the meetings need to be stored permanently (see 3.03 Duties of the Secretary, subsection A. Minutes)
- add to bylaws that a copy of the minutes will be sent to the clerk
- the annual report is the responsibility of the planning commission and not the secretary
- discussion on attendance, not currently an issue, covered by malfeasance, nonfeasance.

The draft will be modified and a final draft of the by-laws will be presented to the PC at the June 14, 2011 Planning Commission Meeting.

**OLD BUSINESS #5): Review of Schedule of Regulations as it applies to the maximum size of accessory structures in the LK-1, R-1, R-2, and RM-1 districts**

Planning Commission and Planner Discussion:

- Mr. Phelps attended the meeting to see if the maximum size might be increased
- 800 square feet will allow for a 2-car garage with no additional space for storage, is current maximum size (Section 20.02.O)
- not opposed to increasing the maximum size; but not blanket wide over all zoning districts; there can be several issues impacted in R-1, R-2 and LK-1 districts with really small lots; the size of an accessory structure larger than 800 square feet could have a negative impact on the size of the principal structure; and the location of the accessory structure can have an impact on the neighbors
- look at the scale relative to the principal residence and also the scale of the parcel and look at the scale with the immediate adjacent neighbors
- 7 or 8 of the last 10 requests for a 1200 square foot accessory structure to the ZBA are really bigger than they need to be, but would be nice at 1000 square feet, to accommodate 2 cars or larger type vehicles and other outdoor equipment

- there is a need to store equipment rather than leave out and look unsightly, also to comply with our outdoor storage ordinance
- the size of the parcel is a key variable as well
- in one court case where there were neighboring pre-existing garages the court was very specific in saying that just because a neighbor has a garage, it is not a valid argument for the ZBA to grant or permit a garage; if you have sound planning and the parcel is too small, you do not have a right to a garage just because you believe you deserve a garage, it is nonessential
- Section 20.02.O: restricts the size of an attached accessory structure to a percentage of the first floor square footage of the primary structure, and both attached and detached accessory structures to a percentage of the rear yard
- the ZBA gets cases where the applicant meets every requirement that you could reasonably ask but they are then limited to 800 square feet
- could give the ZBA discretion on a case by case basis because each site is unique and the ZBA would be addressing the scale, adjacent neighbors, Ordinance requirements, and do it in a public hearing forum.
- the ZBA is supposed to be strictly applying the Ordinance
- can you modify the existing standard to say up to a certain amount or percentage larger than the 800 square foot maximum
- agreed to put this on hold until the next Planning Commission meeting on June 14, 2011 and then make recommendations and schedule a public hearing

**MISCELLANEOUS BUSINESS:**

1. Other Business Items: None
2. Township Board Actions: Strategic Planning Committee selected, includes Brandon Peabody to represent the Planning Commission
3. ZBA Report: None
4. Future Items: 1) Review of final draft of proposed Dog Kennel Ordinance text revisions (Article 22.05G); 2) Review of final draft of proposed Article 27 Outdoor Advertising and Sign Regulations text revisions; 3) PIRO housekeeping items: primary roads and address letter from the Livingston County Planning Commission; 4) By-laws final draft for adoption; 5) medical marijuana regulations; 6) strategizing on Master Plan update; 7) 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

**ADJOURNMENT:** The meeting ended at 9:18 pm

**NEXT MEETINGS:**

June 14, 2011 - Regular Meeting

  
 Laurie Radcliffe, Secretary  
 Tyrone Township Planning Commission

May 10, 2011 - Approved Tyrone Township Planning Commission Meeting Minutes



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Lorie Thielen, Recording Secretary  
Tyrone Township Planning Commission