

TYRONE TOWNSHIP PLANNING COMMISSION

MEETING MINUTES

July 10th, 2012

PRESENT: Present: David Hanoute, Mark Meisel, Ed Kempisty, Deb Lee, Mike Wood, and Brandon Peabody

ABSENT: Steve Hasbrouck

OTHERS PRESENT: Tyrone Township Planner Sally Hodges, Planning/Zoning Administrator Vanessa Bader

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

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

APPROVAL OF THE AGENDA:

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

Meisel moved to suspend the order of business and move New Business item #1 ahead of Old Business item #1 to accommodate the applicant (Wood seconded). The motion carried by majority voice vote.

APPROVAL OF THE MINUTES:

Regular Meeting Minutes for June 12, 2012

Lee moved to approve the June 12, 2012 Planning Commission minutes as corrected (Meisel seconded). The motion carried by unanimous voice vote.

Line 11 on Pg. 1: add "Supervisor" before "Mike"

Line 20 on Pg 1: replace "said" with "listed"

Line 21 on Pg 1: "they" should be "their", add "property", change "were" to "was"

Line 28 on Pg 1: add a period

Line 51 on Pg 2: change (-045) to 04-30-300-045

Line 53 on Pg 2: replace "will" with "does"

Line 55 on Pg 2: change "Co." to "County"

Line 63 on Pg 2: "every" should be "ever"

Line 74 on Pg 2: "thean" should be "then", add "the" after "but"

Line 75 on Pg 2: add apostrophe after "Hodges"

Line 77 on Pg. 2: Add "then" before "the", add "the" after but"

Line 84 on Pg 2: change "Comm" to "Commission"

Line 86 on Pg 2: change "Comm" to "Commission", "Current" should be "Currently"

Line 90 on Pg 2: replace "of" with "by"

Line 113 on Pg 3: remove comma after "frontage"

Line 118 on Pg. 3: "addresse" should be "addressed", "question" should be "questioned"

Line 119 on Pg 3: "addresses" should be "addressed", add "ed" to "question"

Line 122 on Pg 3: replace "it" with "that"

Line 135 on Pg 3: add "requirement" after "parking"

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Line 165 on Pg 4: add "It was suggested" to the beginning, remove "should"
Line 169 on Pg 4: "here" should be "there"
Line 176 on Pg 4: add ", to" after "14.6", "underneath it" should be "underside of canopy"
Line 182 on Pg 4: after "ZBA" add "granted a variance based on limited visibility", after "23" add "but the Planning Commission was to determine if it met the requirements of a visible sign."
Line 192 on Pg 4: replace "approval" with "variances"
Line 199 on Pg 4: "Co" should be "County"
Line 200 on Pg 4: replace "by the DEQ" with "on the permit application"
Line 201 on Pg. 5: "tress" should be "trees"
Line 201 & 202 on Pg 5: Remove "The applicant said that when they typed the address, City of Fenton came up so the engineers based it on that."
Line 215 on Pg 5: change "peat" to "pea", add dash between "non" and "permitted"
Line 219 on Pg 5: change "none" to "non-"
Line 222 & 223 on Pg 5: after "the" add "final site plan corrections and"
Line 225 & 226 on Pg 5: after "reviewed" add "if the applicant wanted this to be heard by the Township Board the following Tuesday."
Line 235 on Pg 5: add "the" after "notify"
Line 238 on Pg 5: replace "issue" with "concerns", add "many" after "to"
Line 239 on Pg 5: change "have" to "having", change "it was first developed" to "PIRO was last discussed with them"
Line 250 on Pg 5: add "our" after "modify"

NEW BUSINESS #1: Home Occupation for Michael Paige-FFL License

Township Planner Sally Hodges gave her review.

- The applicant has applied for his Federal Firearms License.
- He wishes to conduct the business in the basement and an 8 x 40 out building.
- Manufacturing would be done off-site
- A high volume of traffic is not anticipated due to the price of the guns and his clients being law enforcement and State agencies.
- He would sell and transfer fire arms and he would like the sales to be conducted in the out building for safety reasons.
- Section 21.14 does not specifically list this as a permitted home occupation. The Planning Commission could consider it similar in nature to a listed occupation or determine it needs Special Use approval and thus a public hearing.
- Zoning Administrator Bader researched approved home occupations and found that gun repair was determined to be similar to the other permitted occupations, but not necessarily manufacturing.
- 21.14 B-8. states no detached accessory building can be used for home occupations.
- The applicant provided a new drawing showing parking locations and the basement entrance.
- The applicant submitted an updated use statement to include trash volume.
- Planner Hodges recommended no on-site firing, in keeping with the gun repair approval.
- The applicant stated no outdoor storage would take place.
- 1 employee and hours would be Monday-Thursday 12pm-5pm

Chairman Hanoute allowed the applicant to further describe his proposal. Mr. Paige stated he would be selling mainly to law enforcement agencies and that these guns are very expensive (around \$10,000) so he does not anticipate just anyone walking into his home to purchase these guns. The out building would be used to store guns and ammunition. The

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parking is a 50x40 foot area and 3 spaces as listed on the drawing are very optimistic. He currently has a business in Sterling Heights where the manufacturing and most of the prototyping would take place. He may wish to get a small bench mill in the future. Manufacturing ammunition would create very little noise; many of the machines are manual. He is looking at possibly getting a Class 3 license in the future to get a suppressor to practice shoot for testing the guns so it would be rather quiet for neighbors. He has animals and children on the property and does not want to get lead from the bullets everywhere so he shoots to an designated area which is also periodically cleaned up. The parking area does have light. The hours would be Monday-Thursday 12pm-5pm. Kempisty questioned how often he would be practice shooting. Mr. Paige said he would do pressure testing every 10,000 rounds. Wood clarified with the applicant that a sampling of 20 or so bullets would be tested, and he is not actually firing 10,000 rounds. Mr. Paige's plan for the ammunition is to recycle the brass from law enforcement agencies and sell them new. He again clarified that there would be very little noise with the suppressor when test shooting.

Kempisty questioned how often deliveries would take place. The applicant says it would be through UPS and they already come to his home often for chicken production. He addressed the storage container in the yard. It would be primarily for ammunition storage. It is made of steal and would have vents for air flow. He said it is safer to store this material out of his home. He said he may wish to have a machine out there in the future, but if his business expanded that much he would consider looking to move to a commercial location. Chairman Hanoute asked if he advertises and Mr. Paige said yes.

Mr. Paige has a 300' range for shooting for his personal use and a bullet trap. He stated his guns are high precision so there are not stray bullets.

Kempisty questioned the size of the work area and thought it was rather small for what the applicant was doing. Mr. Paige stated the machines/bench is about the size of one of the tables the Commissioners were sitting at. The suppressor is also very small. There was more discussion about the out building and if it were used as storage, would it alter the character of the area and home. Would anyone know if there were chickens or guns stored? Chairman Hanoute suggested that if Mr. Paige advertises, someone might be willing to break in to the out building. Mr. Paige considered conducting his sales transactions in the building. This way people were not in his home and able to view his inventory and/or materials. It was also believed this would be a safer place. Meisel agreed this was probably a better location and not much different from showing a perspective buyer a toy an owner wanted to sell by demonstrating it in the yard.

There was discussion about the manufacturing and Hodges pointed out that if it is not specifically permitted or prohibited, it should be considered a Special Use and requires a public hearing.

Kempisty asked where the applicant shoots. Mr. Paige said he shoots behind his home and not near other houses. There a hill near the back that goes up to the old Peabody Orchards so it creates a natural barrier. He has also talked with his neighbors who shoot often and they are aware of each other and which direction they shoot. There was more discussion about the manufacturing and that it should be a Special Use. The applicant said his current application with the Bureau of Alcohol, Tobacco, and Firearms expires on July 17th and he would have to wait 4-6 months to reapply. He stated the laws may be changing and it could be harder to get a Federal Firearms License. Mr. Paige said he would be willing to drop the

ammunition manufacturing of his application if it would no longer require a public hearing. The Commission determined his occupation could then be considered similar to the 2008 gun repair approval and not require a Special Use approval. He would no longer need the out building for storage either. Meisel stated the applicant could always re-apply for a variance to allow use of the out building. He also said the ZBA may be able to interpret something like this in the future when we are dealing with hazardous materials on a small scale.

Meisel asked if the taxes have been paid as the applicant provided an old tax bill that was delinquent. Mr. Paige stated those have been paid at the County. The Zoning Administrator stated he did have a check when he submitted his application and was told he had to pay them at the County because they were delinquent.

Meisel moved to approve the amended request for the home occupation with the following conditions:

- The applicant shall provide a revised use statement to eliminate the ammunition manufacturing portion and include hours of operation as Monday-Thursday 12pm-5pm.
- Limit prototyping to the basement and no use of the out building.
- The applicant would clear some of the brush near his driveway for improved vision and safety, as stated previously by the applicant.
- That the applicant otherwise adheres to the general requirements of Section 21.14.

Cam Gonzalez (public) commented that the applicant seems intelligent and very concerned for the safety of his home and neighbors and the Commission should help him get his business going.

Motion carried unanimously by voice vote.

OLD BUSINESS #1: Accessory Structure Reorganization

Planner Hodges reviewed her letter from May 2012. The intent is to more clearly define structures vs. buildings. She does not think that the Township meant to exclude mailboxes and flag poles in the front yard. That has not how it has been interpreted, but that is how it is stated in the ordinance.

Hanoute and Meisel questioned where the 466' of road frontage came from in regards to allowing accessory structures in the front yard in FR and RE districts with more than 20 acres.

Meisel questioned the 150' setback from U.S. 23 right-of-way. He questioned if that was really frontage as we normally interpret it since you cannot gain access from it and that it is a State highway.

Meisel questioned if the 50' setback from water features applies to wetland and whether a wetland has an established edge of water. There was discussion with Hodges that it probably provides a buffer between natural features.

Meisel asked if the R-2 district should be included in sections where regulations also apply to R-1 and LK-1.

Meisel asked about accessory structures being 10' from any principal building. It was discussed that 10' provides the needed separation for fire safety.

It was discussed how difficult it can be to navigate the ordinance when looking for accessory regulations. Zoning Administrator Bader stated it is very difficult on an everyday basis to answer questions confidently and quickly when she has to go to so many different sections. She also reads all the current footnotes just so she does not miss a requirement. It was agreed that this may work much better in a matrix of some kind. Planner Hodges said she would try to work on something in collaboration with the Zoning Administrator to get this information into a chart. Incidental structures such as gazebos, decks, greenhouses were also discussed and how they should be classified. The fee schedule has an "amenity" category, but that is not defined in the ordinance. Zoning Administrator Bader also asked if whether or not these structures count against someone who can only have 1 detached accessory. And does it count if someone has an accessory building under 100 sq ft?

Old Business #2: Medical Marijuana Moratorium

The current moratorium expires August 5th. Planner Hodges mentioned most moratoriums do not go beyond 1 yr and another 6 months would make this 18 months. Hodges passed out a list of marijuana related bills from the Michigan State Legislative website. She stated the courts are still sorting out lots of issues and it does not look like much of it will be settled any time soon. Many municipalities are adopting the Livonia ordinance model, which does not permit anything that Federal law prohibits. The Livingston County Sheriff has stated he is in favor of prohibition.

Planner Hodges recommends the Commission extends the moratorium, but get working on an ordinance right away. There are no current applications at the Township right now.

There was more discussion on the current court rulings. The Sheriff believes the law is clear that dispensaries are not allowed.

Meisel said the Commission should provide an ordinance to the Township Board before the next extension expires.

Wood moved to extend the moratorium to the Township Board for another 6 months. (Peabody seconded)

Kempisty questioned how many others have adopted the Livonia model and Hodges said many have and it is really the only one being considered.

Peabody asked are there any dangers in adopting this model. Hodges responded that it could not be upheld in court. It is really the same in adopting any ordinance.

New Business #2: Wireless Communication Facilities

Planner Hodges provided amendments to our current ordinance to comply with the recent changes to the Michigan Zoning Enabling Act. They make changes to collocations, reviews and fees.

- Section 21.32.A. 2. – remove where prohibited by the State Act.
- Letter B – new section to add review procedures (can no longer require site plan review for collocations).
- D.E. – collocations may be issued by Land Use Permit
- D.2.c – Special Use requirements

The timeline has been reduced to review applications and documents.

Lee moved to schedule a public hearing for the Wireless Communication amendments for the August 14, 2012 meeting.

Motion carried unanimously by voice vote.

MISCELLANEOUS BUSINESS:

- 1) Other Business Items: Not enough Board members could make a joint meeting proposed for tonight. The Zoning Administrator will again request to schedule joint meeting with Township Board regarding PIRO and Kennel amendments for the next meeting and will try to put it on the Board's agenda to discuss.
- 2) ZBA Report: Meisel updated the Commission on the latest ZBA request. A variance was granted to add a garage extension to the home that was already within the side yard setback. The garage would extend along the same line and not increase the non-conformity. A second request by the same applicant was denied to allow a bay window to extend into the opposite side yard setback.
- 3) Future Items: The Commission reviewed the action list that was distributed after the last meeting. Meisel said he would update this version as many of the items have already been addressed. Chairman Hanoute asked Zoning Administrator Bader if there was anything she feels needs to be addressed. She receives lots of calls on abandoned homes and grass cutting. The Township does not have an ordinance on grass height. Many of the complaints come from bank owned homes. Meisel suggested Bader ask the Board members to give the Commission direction as to how to proceed, whether the Commission should try to develop an ordinance or if the Board would like to develop a Regulatory Ordinance or add to the Beautification Ordinance.

ADJOURNMENT: The meeting adjourned at 9:27 pm

NEXT MEETING:

August 14, 2012 - Regular Meeting

Vanessa Bader, Recording Secretary
Tyrone Township Planning Commission