

**TYRONE TOWNSHIP PLANNING COMMISSION
(JOINT MEETING WITH TOWNSHIP BOARD)**

**MEETING MINUTES
AUGUST 14TH, 2012**

PRESENT: Present: David Hanoute, Mark Meisel, Ed Kempisty, Steve Hasbrouck, Mike Wood, Mike Cunningham, Keith Kremer, Marna Smith, and Don Peitz

ABSENT: Deb Lee, Brandon Peabody, Colleen Ameal, and Jim Kolhoff

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

APPROVAL OF THE MINUTES:

Regular Meeting Minutes for July 10, 2012

Meisel moved to approve the Planning Commission minutes as presented (Kempisty seconded). The motion carried by unanimous voice vote.

OLD BUSINESS #1: PIRO and Kennel Zoning Ordinance amendment discussion

Township Planner Sally Hodges gave a brief presentation on the history of PIRO first and an overview of the proposed changes.

- Current regulations are based on 1960s mind-set and planning principals.
- Current trends lean towards mixing uses, allowing more flexibility of uses within a site, preserve open space.
- New amendments strive to make Township decisions (approvals/denials) more predictable by way of more clearly spelling out regulations and approval processes.
- The Planned Commercial Services District (PCS) has already been updated to reflect many of the principals.
- PIRO intends to provide “campus-like” setting, preserve natural features, allowing certain businesses near US 23 for marketing purposes.
- Reviewed PIRO A Research and Office-no residential allowed, underground utilities, 20% open space-similar to PCS. The open space can include public and/or employee assembly area, walkways, patios, etc. 3 acre minimum, no outdoor display or storage.
- PIRO B Light Industry-5 acre minimum, allows outdoor display and storage with Special Use.
- PIRO C General Industry-5 acre minimum, outdoor display and storage allowed

Chairman Hanoute asked for Board member comments on PIRO.

Kremer had issue with having categories A, B, and C and thought it seemed to be pigeon-holing development into certain areas within the district. He suggested that any activity should be allowed anywhere and just take the regulations for that category with them to any parcel. For example business allowed in PIRO A should be able to locate anywhere with PIRO and apply PIRO A

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standards. This idea seemed agreeable among several Board members. Discussion among Board members that proposed amendment is too rigid when it comes to locating business.

Planner Hodges commented that A, B, C do cross parcel lines so each parcel does not have specific zoning attached.

Lengthy discussion on intensity of uses and where they should go. Peitz said high intensity uses, which are proposed for the interior of the site, would create a greater demand on roads and could be a traffic problem within the site. Peitz mentioned most people with high intensity uses will try to keep an attractive site if located near US 23. He has seen many manufacturing buildings in very good shape and the property is well kept. Zoning Administrator Bader commented that while that may be true, you generally zone and plan for the worst-case scenario. As soon as you set the plan in place, you could get the owner who does not want to follow the ordinance.

Planner Hodges commented that if locations for businesses were to be changed the requirements would have to change. The current restrictions were written based on the locations of A, B, and C. If the businesses are allowed to move anywhere within the district, restrictions would have to accommodate high intensity uses along US 23 and so on.

Meisel noted it is the intent to create an attractive location, not simply zone to make it easy for a developer and thus lose valuable land along the highway.

The regular meeting was recessed for the Public Hearing on the Wireless Communication amendment.

CALL TO ORDER: 7:30 p.m. by Chairman Hanoute

READING OF THE PUBLIC NOTICE: Recording Secretary Bader read the public notice published in the Tri-County Times on July 29, 2012.

CORRESPONDCE: None received

PURPOSE OF THE PUBLIC HEARING:

- 1) Amendment to Zoning Ordinance #36, Article 21, Section 21.23 – Wireless Communication Facilities

The purpose of the Public Hearing is to receive comments regarding revisions to the text of Section 21.23 - Wireless Communication Facilities to make the necessary changes to comply with recent amendments to P.A. 110 of 2006 (the Michigan Zoning Enabling Act) regarding collocation.

TOWNSHIP PLANNER COMMENTS: Hodges reviewed the changes to State law.

Municipalities can no longer require site plan review for collocations provided they meeting certain criteria as stated in the Act. The Township will take in applications and treat them as a Land Use Permit, one has already been issued. New towers and collocations that exceed the minimum standards can be approved through site plan review and/or Special Use.

There are also new time limits-14 days to determine a complete application, 60 days to approve, 90 days for a new tower. Fee limit placed at \$1000.

PLANNING COMMISSION OR BOARD COMMENTS: Kremer asked if we can require a site plan for new equipment for collocation and engineered drawing for structural stability. Hodges-Yes. Meisel pointed out section of our ordinance that states they have to follow the standards regarding safety and structural stability for adding equipment.

PUBLIC COMMENTS: None

CLOSING PLANNING COMMISSION REMARKS: None

Chairman Hanoute closed the public hearing at 7:50 p.m.

OLD BUSINESS #1 CONTINUED:

Peitz commented he has a light industrial building on 3 acres and questioned whether 5 acres was necessary. They may not need a larger building and could use a smaller parcel. Reference other industry businesses in the area and the smaller lot size was fine. Hasbrouck stated the reason for 5 acres was for someone to be able to do stormwater detention and other necessary activities on-site.

Kremer shared research showing larger parcels with sewer along US 23. These could be potential development sites.

Cunningham stated his concerns were:

Site Grading - There seemed to be different grading requirements for different activities or sections within PIRO and was concerned how they would work together in regards to stormwater management.

Tree Canopy - Although they look nice, there can, and have been, problems when trees or limbs fall and who is then responsible for removal, road commission, property owner, township, etc. Hodges stated that trees would be on property of the owner, not road commission property, so it will be the responsibility of the property owner to handle dead or damaged trees.

Open Space Requirement - Thought 20% was too much. Hodges stated that can include detention/retention which is space you cannot use anyway. Meisel stated when a site is developed there are usually chunks of land used up and that leaves little pieces leftover that can contribute to the 20%. And it does include walkways and physical limitations to the property that will not be developed.

Meisel commented that it is the hope of the Commission that more than one developer comes along and owners work and develop some land together. Hasbrouck stated that would be ideal as they could share in the cost of curb cuts, drainage, etc. to save money and space. Meisel also recalled comments from previous meetings where the Commission has said they would work with someone who needed just an acre of land and wanted to develop in PIRO.

Meisel read Section 16A.03 B.1 in the amendment about topography and grading that seemed to be the point of discussion. The way it reads it sounds like you cannot flatten the land to build and if site was graded, it would potentially affect other parcels and their grading would have to match existing. Chairman Hanoute stated that was not the intent. Meisel agreed and said if the intent is not clear it should be modified. Planner Hodges felt the intent was that if there was a large hill or major topographical feature that we would stress that the developer strive to work with or around the features and minimize the change to the land as best as possible. Chairman Hanoute stated that if someone wanted to build a large building and there was a hill on the property and they want it all on one level, we would let them grade it, not necessarily build a bi-level building. Wood commented that if Board members are reading this and not hearing the intent, then there are

probably others who could misunderstand it. It makes sense to re-write the paragraph to be clearer on what our intent is. The Commission agreed to work on the grading paragraph.

Meisel asked for clarification of guidance on the A, B, and C categories. Board members stated more flexibility in locating business, not designating areas within PIRO for each category.

Kennel Discussion-Planner Hodges presented the amendment and some of the research done to support the Commission's decision.

- Other townships surrounding Tyrone were reviewed in regard to the number of animals that constitutes a kennel; most were 3, some were 5.
- We currently stand at 3 dogs.
- Changed kennel regulation to include "for profit" language.
- More than 6 dogs on 10 acres could be allowed with Planning Commission approval and a public hearing.

Chairman Hanoute opened the floor for discussion.

Cunningham felt there should not be lot limits with a different number of dogs for each one. This can lead to enforcement problems. He feels it puts people in classes and that certain people get more because they have more land.

Chairman Hanoute asked if he thought we should not have any restriction on number.

Cunningham said we should be consistent with others around us. He shared research he has done looking at surrounding communities and feels we are below what they allow. He said his idea would be to pick one number, somewhere between 3 or 4, for the entire township. Different regulations creates enforcement problem.

Wood commented what if someone had 200 acres next to a 1 acre parcel and the houses were at the minimum setbacks. Planner Hodges remarked that she believes that was brought up at a public hearing and there were concerns about that very issue.

Kremer stated that if there is a licensed commercial kennel there are State regulations and that is easier to enforce if there are complaints.

Meisel stated the issue is whether or not we need to do something in high density areas so there is not an excess dog population or in low density where there is almost a free for all. There still needs to be responsible ownership. He felt the new chart was the best compromise because you can have 50 dogs and not be a problem or have 1 and that could be. This way we are not punishing those responsible owners, but trying to minimize potential problems by reducing the number of dogs on smaller lots.

Peitz questioned the chart and how it came about. Planner Hodges said the chart came as a result of a public hearing and listening to residents. It seemed the best way to accommodate the suggestions they heard. Meisel agreed and stated that several residents actually suggested this idea.

Chairman Hanoute entertained comments from the public.

Soren Peterson-mentioned some people and business (i.e junk yards) use dogs for security.

Cam Gonzalez-Comes down to owner control regardless of number.

Cunningham felt setbacks were too great for a kennel. They were more than an industrial building. Meisel said an industrial building would be in an industrial/commercial district, a kennel is in a residential area and they are trying to be mindful of other residents that may be close in proximity.

Public comment-Joe Agusta asked why a commercial kennel would be allowed in a residential area. Hodges said they are usually associated with residential uses. Meisel stated they are allowed by a Special Use Permit and the Commission reviews to make sure it is compatible with the area, and there is a public hearing to notify neighbors.

Cunningham questioned lot size for kennel, currently 10 acres and proposed to be 10 acres. He said Hartland is 5 acres. Meisel stated some of our lot size requirements came from the minimum lot requirement in certain zoning districts.

Pietz clarified that the sticking point seemed to be with the lot size and that the proposed chart came from a public hearing. Planner Hodges and Chairman Hanoute reiterated that the idea of relating lot size to the number of dogs came from the public hearing. Pietz commented that the chart was supposed to make things better than what we have now, but the 0-1 acre reduces the number to 2. Our current standard allows 2. So to make it a little better, should we allow more in that area? Meisel stated this chart is an improvement, except for those very small lots and that we have separated private pet ownership vs commercial kennel.

Chairman Hanoute asked for consensus and guidance on possible changes. Cunningham suggested 3 or 4 across the board. Hasbrouck felt allowing more dogs on smaller ¼ acre lots will increase problems between neighbors, public service issues and complaints.

Bunting-Smith commented that the ordinance is there to enforce if there is a complaint. People are going to have more than allowed and if the neighbors do not complain there will not be an issue.

Cunningham said it should be simpler and similar to our neighbors. Meisel stated we are more diverse in how our township is divided up and questioned if we should address the diversity so as not to penalize some, or just make a single number because it is easier to enforce.

The Rose Township ordinance was brought up and the nuisance language seemed to be agreeable to most. The Planning Commission will discuss changes to the amendment at their next meeting.

Public Comment-Soren Peterson felt an industrial section in the middle of PIRO will take away from other facilities. He saw in Ann Arbor they base a lot on aesthetics and created landscape islands, this causes many traffic problems with large trucks. He does not want the Planning Commission to allow aesthetics to get in the way of practicality. He feels signs are too small and can cause problems when people are driving and trying to read them.

OLD BUSINESS #2: Medical Marijuana and Ann Arbor Spark Discussion

There was discussion on recent court cases, specifically in Wyoming, and it appears as though municipalities can no longer ban it. Meisel clarified the court case. State law still allows growing for personal use or for someone else if they are a licensed caregiver. Dispensaries are illegal per the state attorney general and Michigan court of Appeals, and we may have a decision on a pending Supreme Court case within 60-90 days. Federal Attorney General has threaten with prosecution any state, and municipality, including township officials, that writes an ordinance to allow what the Federal Controlled Substance Act prohibits.

Peitz questioned whether or not we needed an ordinance in light of the recent court decision. Asked, do we have an ordinance on cocaine or heroin? No. Cunningham suggested tabling discussion for 4 months and wait for court case to be settled and determine at that time if we even need an ordinance.

Ann Arbor Spark Discussion-Kremer reviewed the documents received and said they would like to know the Township's feel on a potential development like this. The property is up for tax sale in about 1 year. The Township spends money with Spark to market Tyrone. They are looking for our thoughts. Planner Hodges said it is consistent with our Master Plan and Proposed Master Plan update. Consensus of the Planning Commission that it would be considered and well received.

OLD BUSINESS #3: Accessory Structure Regulations

Discussion on the chart Hodge's put together. Putting the chart together has brought out several inconsistencies in the ordinance. Land Use Permit and site plan review will be easier as everything for accessories will be consolidated.

Kremer commented that there needs to be a Planning Commission process for the recent amendment dealing with accessory structures larger than 800 sq ft. It was stated that there will most likely be a Planning Commission meeting to review and a public hearing. Planner Hodges said they will be treated similar to home occupations. Kremer said home occupation fee is rather low and may need to be adjusted. There are already set fees for public hearings depending on length of notice. Chairman Hanoute and Meisel suggested that the Zoning Administrator review the applications first to determine if they are ready for the Planning Commission. The Zoning Administrator will forward the process to the Township Board so appropriate fees can be set.

This item will be discussed further next month.

MISCELLANEOUS BUSINESS:

- 1) Other Business Items: None
- 2) Township Board Actions: Board members provided an update on Fenton Sand and Gravel – Zoning Administrator to proceed with violations and infractions. Lake Tyrone Sewer – funding for project was tabled, there is discussion on the issue at the County soon.
- 3) ZBA Report: Meisel updated the Commission on the latest ZBA request. A variance was granted to allow repairs to a non-conforming accessory structure on Marl Lake. It was determined by a surveyor at the meeting that the building was 1" from the lot line. Neighbors are planning to build on the vacant lot next door and the structure will be in a portion of their line of sight of the lake. Other site features prohibited the structure from being moved to the front or side yard. They were granted a variance with the structure being moved no less than 5' from the property line.
- 4) Future Items: Chairman Hanoute asked the Board about the priority list that was developed a while back. Kremer asked for the list. Meisel said he will update the list and forward to the Zoning Administrator to give to the Board.

ADJOURNMENT: The meeting adjourned at 9:20 pm

NEXT MEETING:

September 11, 2012 - Regular Meeting

Vanessa Bader, Recording Secretary
Tyrone Township Planning Commission