

## TYRONE TOWNSHIP PLANNING COMMISSION

### MEETING MINUTES SEPTEMBER 9, 2014

**PRESENT:** Mark Meisel, Cam Gonzalez, Ron Puckett, Anne Linder, and Dave Wardin

**ABSENT:** Deb Lee and Bill Wood

**OTHERS PRESENT:** Tyrone Township Planner Sally Hodges and Planning and Zoning Administrator Vanessa Bader and 15 others.

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

#### **PLEDGE OF ALLEGIANCE:**

**CALL TO THE PUBLIC:** Bob Maniez, 6309 Mabley Hill Rd. Said he feels parcels on Lake Tyrone should be allowed 2 detached accessory structures. He was planning on constructing another structure and was denied when his builder came in for the permit. He said there are others around him that have 2 structures and found out some pre-dated the Ordinance, and another was given a variance. He stated his house was not set up for an addition and the septic field was another issue. Chairman Meisel stated the Township has revised the accessory structure ordinance twice in the last ten years and described some of the thought processes behind the current ordinance. He noted several hardships mentioned might be grounds for a ZBA variance request. Two other residents spoke in the favor of Mr. Maniez's comment. Richard Long said most people have 3 acre lots and you cannot even see the buildings. Their lake is different from Runyan Lake. Chairman Meisel said it could be reviewed again and said we would make it an agenda item at a future meeting.

David Jump - Commented on the medical marijuana operation next to his property and said Tyrone Township has declared itself open for business. Some members said "no" and Mr. Jump stated that Mr. Cunningham and his team at the last Board meeting said we are open for business and there is nothing we can do about the operation next to him. Chairman Meisel said he knows for a fact that is not what the Board said and Gonzalez (Board representative) also stated that is not what Mr. Cunningham said. Chairman Meisel stated that the Township is bound by State law and whether any of us agree with the law or not, it is still an allowable use and municipalities are allowed to regulate certain aspects of the activity. Mr. Jump asked why the operation was still continuing. Chairman Meisel stated we are going through our process; we were made aware of the activity, we sent him a notice of our process, he has filed an application, and we are set to meet with him in the next few days to see if he is willing to adhere to our regulations. The Planning Commission currently believes he is not following our guidelines and that he also does not meet the State requirements.

Jeff Ridneour asked why his land division request that was tabled last month was not on the agenda. The Zoning Administrator stated she received the updated survey just that morning. Chairman Meisel said we have a policy of closing the agenda three business days prior to the meeting. We also need time to review the material.

**APPROVAL OF THE AGENDA:**

Gonzalez moved to approve agenda as presented. (Wardin seconded)  
The motion carried by unanimous voice vote.

**APPROVAL OF THE MINUTES:**

Gonzalez moved to approve the August 12, 2014 minutes as presented. (Linder seconded)  
The motion carried by unanimous voice vote.

*The regular meeting was recessed for the public hearing.*

The public hearing was opened at 7:30 p.m.

The public notice was read. It was observed the wrong meeting date was published. Planner Hodges advised the error resulted in the notice not complying with the Michigan Zoning Enabling Act, therefore the hearing should not be held until properly noticed. As a result, the public hearing was closed without further discussion.

The public hearing was closed at 7:31 p.m.

Linder moved to suspend the order of business to review new business items 1 and 2 in consideration of the applicants in attendance. Seconded by Gonzalez. The motion carried unanimously.

**NEW BUSINESS #1: Request to place accessory structure in open space at 9383 McMullen Circle**

The applicant, David Wendell gave a report. He stated when they developed the property there was a lot of open space put on his parcel. He is planning a 32x54 building with a 12' overhang on one side. It was noted he is in the RE district and does not have a size restriction. It was mentioned that he may qualify as a recreational use, as stated in the ordinance, and he may be able to build in the open space. Planner Hodges disagreed. She felt with the overhang and type of use, it would be more of a personal use and the ordinance's reference to recreation was referencing a commercial or use aspect, not simply the storage of a recreational vehicle or recreational items.

It was decided it would be best to relocate the open space. The Commission recommended getting a survey of the parcel and showing a new location for the open space. The applicant will also have to provide a legal description of the new open space and maintenance language as there does not appear to be an existing legal description of the current open space. The Commission also noted that it appeared the open space may not be recorded and they said that will need to be done if relocation is approved.

Moved by Linder, seconded by Wardin, to table the request of David Wendell to allow the applicant additional time to provide the required documents to proceed with relocation of the existing open space. The motion passed unanimously.

**NEW BUSINESS #2: Special Use Permit application for Valerie Johnson for barn weddings/events at 11009 Old US 23.**

The applicant provided an overview of the request. The intensity of use has been expanded since the subcommittee review. The intent is to relocate a barn and hold a number of different events as

listed on the application. Planner Hodges provided a hard copy review dated 9/8/2014 to the commissioners and the applicant. The zoning administrator discovered the northern most parcel attached to the property during a boundary realignment in 2009 was still zoned M-1. Referencing the planning commission meeting minutes from February 24, 2009, the area described as "Parcel 1" was to be rezoned to RE as a conditional approval of a boundary realignment for parcel 4704-09-100-007. As currently configured, the proposed use is not compatible with M-1 zoning. It was suggested one remedy might be to rezone the M-1 parcel to RE as was previously required. Chairman Meisel suggested the applicant could pursue the rezoning herself, or she might want to contact her title company since they appeared to have not discovered the purchased property was partially zoned M-1. Linder agreed. Meisel suggested another alternative would be to request the township initiate the rezoning since the township did not follow up on the required rezoning associated with the prior boundary realignment approval. The property is Master Planned PCS. While not a traditional retail use this would comply with the Master Plan intent to preserve natural resources and the rural character, along with historic building preservation. Another option discussed was relocating the barn from the M-1 area to the RE area.

Planner Hodges continued her review, referencing the specific standards and site plan requirements for this application. She recommended revised plans be provided to the Planning Commission addressing those standards and requirements before further action was taken. She also noted this is a special land use request, therefore a public hearing is required prior to a recommendation. The Planning Commission discussed the next steps with the applicant. The events and activities could be approached similar to what was done with Heavenly Scent. A schedule of events with an allowable number of events and times could be established to manage the intensity of use. Linder asked if the use would not qualify as agribusiness. Planner Hodges noted agribusiness requires the growing and sales of products onsite – the applicant is not proposing to grow anything thus this is an event or sales activity. There was further discussion about where a use such as this should be located. The Planning Commission feels this property is well suited for this type of use, but the question remains how to best accommodate it. Wardin noted the PCS use chart includes limited outdoor recreation, hotels/motels, and assembly halls. This would appear to fit in that district.

Architect Chuck Bultman introduced himself. He has been working with other communities, Dexter in particular, to accommodate uses such as this. He stated it is important to him barn type uses be of historical origin rather than a new barn being built. He felt they could be a great asset to the township and offered to share his experience with the regulations developed in Dexter.

The Planning Commission felt this needed additional discussion during our next meeting to determine how best to accommodate this use and determine if any additional regulations needed to be developed. This application could serve as the model for others that might follow.

Motion by Linder, seconded by Puckett, to table the request to allow the Planning Commission to further discuss the best strategy to go forward with this application. The motion carried unanimously.

It was again suggested the applicant contact her title company regarding the M-1 zoned area. Gonzales and Meisel will also discuss with the township Board the possibility of them initiating the rezoning.

### **NEW BUSINESS #3: Discussion and recommendations to the Township Board for zoning amendments.**

This item was deferred to a future meeting due to the public hearing publication error.

**NEW BUSINESS #4: Schedule Special Meeting for September 23rd**

After confirming availability the Planning Commission scheduled a special meeting for 9/23/14 to continue progress on agenda items for which time constraints have not allowed them to be considered or completed.

Old business items 1 (Review changes to PCS and PIRO districts in support of the revised Use Chart) and 2 (Review open space calculations revisions) were once again deferred due to a lack of time.

**MISCELLANEOUS BUSINESS: Planning and Zoning Administrator's Report**

Once again no detailed report was provided. With no detailed report provided since January it is not possible for the Planning Commission to comply with PA 110 of 2006, The Michigan Zoning Enabling Act, MCL 125.3308, Section 308, ".....the commission shall at least once per year prepare for the legislative body a report on the administration and enforcement of the zoning ordinance and recommendations for amendments or supplements to the ordinance.

**MISCELLANEOUS BUSINESS: Other Business Items**

Chairman Meisel asked if we did not have any setback requirements for private driveways. Confirming we did not, he shared his observation during a recent ZBA appeal involving a parcel in the Hills of Tyrone West that driveways were most often located right on the property line. He observed this was a result of the homes being required to have a side entry garage, noting this often left no place for snow to be plowed except onto the adjacent neighbor's property, which is illegal. This situation has been identified during prior ZBA requests, and while the ZBA has required a location for snow removal perhaps we should consider this as part of our site plan review and/or land use permit requirements.

**MISCELLANEOUS BUSINESS: ZBA Report**

Chairman Meisel discussed a recent case involving a tree/play house. It was suggested we may need to develop additional accessory building regulations for those types of accessory structures that cannot be classified as a shed or gazebo.

**ADJOURNMENT:** The meeting adjourned at 9:34 p.m.

**NEXT MEETING:** September 23, 2014 - Special Meeting

Respectfully submitted by:  
Mark Meisel  
Chairman