

1 **TYRONE TOWNSHIP PLANNING COMMISSION**

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3 **MEETING MINUTES**
4 **MARCH 10, 2015**

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6 **PRESENT:** Mark Meisel, Cam Gonzalez, Anne Linder, Allen Pool, Ron Puckett, Dave Wardin, Bill
7 Wood

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9 **ABSENT:** None

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11 **OTHERS PRESENT:** Tyrone Township Planner Sally Hodges, and Planning & Zoning
12 Administrator Nikki Fleckenstein.

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

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16 **PLEDGE OF ALLEGIANCE:**

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18 **CALL TO THE PUBLIC:** No comments for topics not included on the agenda were received.

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20 **APPROVAL OF THE AGENDA:**

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

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24 **APPROVAL OF THE MINUTES:**

25 Linder moved to approve the minutes of 2/10/15 as amended. (correct spelling of Vaughn) (Wardin
26 seconded) The motion carried by unanimous voice vote.

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28 Linder moved to suspend the order of business to allow discussion of New Business prior to Old
29 Business in consideration of the applicant in attendance. (Gonzalez seconded)
30 The motion carried by unanimous voice vote.

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33 **NEW BUSINESS #1 - Cohoon Land Division Request, located at 7491 Mabley Hill Road**

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35 Planner Hodges reviewed her latest review letter. Most items included in her prior review letters
36 have been addressed by the applicant and updated documents were provided reflecting these
37 changes. It was noted there appears to be an error in the legal descriptions for the parcels. The
38 dimensions provided for the property line separating the two proposed parcels have differing
39 numbers than those on the drawing, with Parcel A stating 1331.56' and Parcel B stating 1335.56'.
40 We believe the correct dimension for both is 1333.56'. It was noted the utility lines present
41 approximately 3 feet west of the right of way easement will have no effect on the open space
42 provided due to the size of the parcels, and the driveway location appears to have been approved
43 by the County. No other issues or concerns were identified. The drawings are well done.

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45 Puckett moved to recommend the Township Board approve the requested land division conditional
46 on the applicant's engineer reviewing and correcting as necessary the legal description dimensions
47 noted above. (Wardin seconded). The motion carried by unanimous voice vote.

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49 **The meeting was recessed at 7:30 for a Public Hearing**

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51 *The notice below was published in the Tri-County Times on Sunday, February 22, 2015, in compliance with the Open*
52 *Meetings Act.*

**PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**

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Notice is hereby given the Tyrone Township Planning Commission will hold a Public Hearing on Tuesday, March 10, 2015, beginning at 7:30 p.m. at the Tyrone Township Hall, 10408 Center Road, Fenton, Michigan 48430. The purpose of the Public Hearing is:

To receive comments regarding proposed amendments to Tyrone Township Zoning Ordinance #36, Section 21.55: Medical Marijuana Uses – Amendments to permit and regulate outdoor caregiver grow sites as required by Michigan Public Act 512 of 2012.

The revised text proposed to amend Section 21.55 to include and better address outdoor growing was reviewed, along with the intent and purpose of the proposed amendments.

Public Comments:

Question of whether video surveillance of the site was required – This requirement is explicitly stated for indoor caregiver operations but has practical application concerns for outdoor grow sites, and requiring specific security measures could unreasonably prevent growing outdoors as permitted by the MMMA. The Planning Commission has structured security and surveillance requirements for outdoor grow sites such that the applicant must demonstrate adequate security is provided, with the location and surrounding uses determining if the security plan they submit is adequate. The site plan checklist for outdoor grow sites will be the guide for determining how the applicant addresses the requirements set forth by the MMMA.

Question of whether growing can be prohibited on vacant land – The Planning .Commission believes MMMA case law demonstrates that absent language in the amended MMMA specifically referencing occupied or vacant land, any land “under the control, through written lease, contract, or deed, in favor of the primary caregiver or registered qualifying patient associated with that facility” as stated in the MMMA can be used as an outdoor growing site if the other conditions set forth in the MMMA are complied with.

Question regarding temporary structures or RVs being present on a vacant parcel during any part of the growing season – The Planning Commission stated our Zoning Ordinance has temporary structure and RV parking regulations that would apply to a growing site no differently than they apply to any other parcel in the township.

Question regarding if additional regulations can be included to better regulate outdoor grow sites – The Planning Commission stated it cannot include regulations not specifically set forth in the MMMA, as MMMA case law has demonstrated. The regulations provided in the proposed amended text applicable to outdoor grow sites is taken directly from the MMMA. It was further questioned if the MMMA language could be made easier to understand. After considerable discussion it was the Planning Commission’s opinion as long as the intent and strict interpretation of the MMMA language was not altered we could attempt to clarify the requirements. A draft was developed modifying H.2.b which converted the MMMA language defining “an enclosed, locked facility” for outdoor grow sites into a bulleted format. This was deemed easier to understand by the public present and the Planning Commission agreed this did seem to improve the ability to understand the requirements set forth in the MMMA. It was agreed to incorporate this formatting change into the final draft.

The Public Hearing was closed.

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New BUSINESS #2 – Recommendation regarding MMMA Amendments

The Planning Commission was satisfied with the changes made to the draft amendments during the public hearing. No further comments or concerns existed.

Moved by Linder to recommend the Township Board adopt the proposed amendments to Section 21.55, and to forward the proposed amendments to the Livingston County Planning Commission for review and comment. (Wardin seconded) The motion carried by unanimous voice vote.

NEW BUSINESS #3 - Noise Ordinance Update

The Planning Commission was updated on the discussion Chairman Meisel and Secretary Wardin had with the Township Board during their March 3, 2015 meeting regarding this topic. The Township Board proposed further discussion of this topic during a joint meeting with the township attorney present.

NEW BUSINESS #4 - Joint Meeting with the Township Board (4/7 or 4/21)

The best date for all was determined to be 4/21/15. This date will be communicated to the Township Board.

OLD BUSINESS #1 - Blight Ordinance recommendations to Township Board

Linder presented the Blight Ordinance recommendation letter for the Township Board. This letter summarizes our prior discussions and recommendations regarding amendments to the existing Beautification Ordinance. Chairman Meisel will have the text transferred onto our Planning Commission letterhead and the recommendation will be forwarded to the Township Board.

OLD BUSINESS #2 - Regulation of Outdoor Furnaces

Secretary Wardin presented his draft of proposed regulations for outdoor furnaces. This draft incorporates may provisions of the Gaines Township ordinance previously reviewed. Wardin also incorporated the new EPA regulations being phased in over time. He noted there remains some concern about how to best determine stack heights and setbacks. This draft gives us a building block to work with during our next meeting. Question – what regulations, if any, will the Livingston County Building Department apply? Question – are there different regulations needed for hydronic systems versus air exchanger systems?

OLD BUSINESS #3 - Land Division Less Than 4:1 Depth to Width Requirement

Planner Hodges reviewed her drafts of changes necessary to the Zoning Ordinance and Land Division Ordinance if permitting land divisions with greater than 4:1 depth to width ratios is to move forward. The Land Division Act specifies the conditions under with a township can permit such land divisions. It was noted if this goes forward these changes need to be coordinated and adopted as provided in the drafts. Discussion with the Township Board is needed so they understand the intent and purpose of this effort. That discussion might best be included in the upcoming joint meeting. An example of how these changes would be helpful is the current Truck Road land division proposal. That parcel if highly non-conforming and under our current ordinances cannot be divided. The proposed amendments would allow land divisions under conditions such as the Truck Road proposal, where the land is intended to be set aside and preserved as an asset of a homeowner's or condominium association, since it cannot be developed as it exists.

MISCELLANEOUS BUSINESS:

1. **Planning and Zoning Administrator's Report** - None
2. **Other Business Items** - None
3. **Township Board Actions** - None

- 156 **4. ZBA Report – None**
157 **5. Future Items – Outdoor Furnaces, Val Royal**
158 **6. Correspondence - None**
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160 **ADJOURNMENT:** The meeting adjourned at 9:55 p.m.
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162 **NEXT MEETING:** April 14, 2015 - Regular Meeting
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164 Respectfully submitted by:
165 Mark Meisel
166 Chairman