

1 **TYRONE TOWNSHIP PLANNING COMMISSION**

2
3 **APROVED SPECIAL MEETING MINUTES**
4 **MAY 26, 2015**

5
6 **PRESENT:** Mark Meisel, Anne Linder, Dave Wardin, Cam Gonzalez, and Allen Pool.

7
8 **ABSENT:** Ron Puckett, and Bill Wood.

9
10 **OTHERS PRESENT:** Tyrone Township Planner Sally Hodges, and Deputy Clerk Terri Medor.

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

13
14 **PLEDGE OF ALLEGIANCE:**

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

17
18 **APPROVAL OF THE AGENDA:**

19 Gonzalez moved to approve the agenda as presented. (Linder seconded) The motion carried by
20 unanimous voice vote.

21
22 **APPROVAL OF THE MINUTES:**

23 None.

24
25 Gonzalez moved to suspend the order of business to consider new business #2 before the public
26 hearing and discussion of new business #1. (Wardin seconded) The motion carried by unanimous
27 voice vote.

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29 **NEW BUSINESS #2 – Noise Ordinance Amendments**

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31 Chairman Meisel presented a draft of proposed amendments to Section 21.16 Noise. These
32 amendments are in response to the desire to establish standards for excessive noise that do not
33 require a measuring device because the presence of excessive noise is obvious. It is was noted
34 the list of criteria proposed to establish the existence of excessive is not a list of standards, but
35 subjective interpretation of the conditions present. Planner Hodges was unsure if a list of criteria
36 should be provided. Meisel asked what would then be used to evaluate the existence of excessive
37 noise? How would on defend the determination excessive noise was present?

38
39 In response to a question about measurement equipment, Meisel answered he has provided the
40 township with a recommendation which costs less than \$140 so complaints are not subjectively
41 determined. The device features recording capability so the data can be acquired and saved for
42 later analysis or enforcement. Gonzalez noted many police vehicles also carry this type of
43 equipment.

44
45 Section 21.16 was then reorganized to offer better flow in consideration of the propose
46 amendments, with definitions occurring first. These proposed amendments will be scheduled for
47 public hearing on June 9, 2015.

48
49
50 The regular meeting was recessed at 7:30 p.m. for a public hearing.
51

52 1) Open the Public Hearing - The public hearing notice was read aloud.

53
54 The notice below was published in the Tri-County Times on Sunday, May 10, 2015, in compliance with the Open
55 Meetings Act.

56 **PLANNING COMMISSION**
57 **NOTICE OF PUBLIC HEARING**

58
59 Notice is hereby given the Tyrone Township Planning Commission will hold a Public Hearing on Tuesday,
60 May 26, 2015, beginning at 7:30 p.m. at the Tyrone Township Hall, 10408 Center Road, Fenton, Michigan
61 48430. The purpose of the Public Hearing is:

62
63 To receive public comments regarding a special land use permit for tax ID 4704-36-300-027. Applicant seeks a special
64 land use permit authorizing applicant to erect, maintain and use a closed, locked facility as described in Michigan Public
65 Act 512 of 2012 and to be used for purposes consistent with that public act and all laws of the State of Michigan.

66
67 2) Review the proposed Special Land Use – Planner Hodges read through her review letter dated
68 May 22, 2015.

69 3) Receive Public Comments

70 a. Neighbor to the West: Will the site be screened from his second story window? He has
71 no objection to seeing the site as long as it is visually appealing. Response: Per the
72 MMMA, the site may be visible, however the plants cannot be visible. Additional
73 screening may be required to comply with is requirement.

74 b. Neighbor to the South: Who is the registered Caregiver? Also concerns about the site
75 access – currently a two track. What surface conditions are required? Believes water is
76 being trucked in so he is concerned about durability. He also uses the access, which was
77 determined to be an easement of unspecified conveyance. Response: The easement
78 conveyance terms are needed to determine if this is an individual access easement or a
79 shared private driveway.

80 c. Applicant: Asked for more specifics regarding the site plan being determined
81 “incomplete” in Planner Hodges’ review letter. Response: There are a few
82 discrepancies. The Use Statement needs additional information. The Site Plan needs a
83 drawing scale. These items will be further discussed during the Site Plan review next on
84 the agenda.

85 4) Planning Commission and Planner Comments – Linder noted she is in agreement with Planner
86 Hodges’ review letter. Pool noted he thought the review letter was well done and is also in
87 agreement. Meisel noted this application is no different than any other permitted use in the
88 township. The Township will work with the applicant to arrive at a permit for a permitted use
89 operating in compliance with state and local regulations.

90 5) Close the Public Hearing – The hearing was closed at 8:12 p.m.

91
92 The Special Meeting of the Planning Commission was reconvened.

93
94 **NEW BUSINESS #2 – Special Land Use and Site Plan Approval to erect, maintain, and use**
95 **an enclosed, locked facility as described in Michigan Public Act 512 of 2012 and to be used**
96 **for purposes consistent with that public act and all laws of the State of Michigan.**

97
98 Referencing Planner Hodges’ review letter dated 5/22/15, the Planning Commission discussed with
99 the applicant:

- 100 • Who is the registered primary caregiver for this permit? Ben Romine will be the caregiver
101 of record but he is waiting for transfer of the patients currently assigned to his wife to him by
102 the State of Michigan.
- 103 • The requirement per the MMMA, Attorney General opinion, and People v Blysmas that a
104 separate enclosed, locked facility is required with the main facility for each qualifying
105 patient's plants. The primary caregiver is the only one permitted into the separate
106 enclosed, locked facilities per these rulings. If other persons assisting the primary caregiver
107 are allowed into the site to help water, fertilize, and otherwise care for the site, a common
108 area will need to be established which allows these functions without allowing access to the
109 plants within the separate enclosed, locked facilities. The site drawing needs to be updated
110 to show such an internal layout.
- 111 • Use Statement – Mr. Romine will draft a Use Statement which includes the access
112 restrictions and other elements discussed in Planner Hodges' review letter.
- 113 • Main enclosure – Effective use of the wooden fence for screening has to be done to the
114 satisfaction of the neighbors. Painting the fence green or camo in color was discussed to
115 help the enclosure "blend". The fencing must limit views into the enclosure from the
116 adjacent neighbors as specified in the MMMA. The applicant will consider adding some
117 additional screening to the top of the existing fence. Some fast growing plants such as
118 sunflowers around the perimeter were also suggested. Details regarding how the fence is
119 anchored are needed. Additional details regarding the chicken wire top are needed based
120 on photos from last year showing the wiring collapsed between the post and stanchions.
121 The applicant will provide additional documentation. Objective is to demonstrate the site is
122 reasonably secure and not a visual distraction for the neighbors.
- 123 • Site Plan – Wardin noted the current plot plans are not to scale. Applicant was advised a
124 hand drawn site plan was acceptable, but it needs to be done with a consistent and
125 indicated scale. Wardin also noted a church near by – how do we know it is not within 1000
126 feet? Applicant was advised to seek help from Hartland Township using GIS to determine
127 distance from their site to the church. Planner Hodges noted a check for any licensed day
128 care facilities in the area should also be completed. A note should also be added to the site
129 plan indicated no wetlands are located on the property.
- 130 • Property Use Rights - The applicant asked about use of the rest of his property, specifically
131 in the winter for hunting. It was suggested the special land use be separated from the other
132 existing property rights. Other legally permitted activities can be done on the applicant's
133 personal property.
- 134 • Security – The specific details discussed to comply with Section 21.55.I are being withheld
135 from these meeting minutes in compliance with the confidential security plan requirements
136 set forth in our Zoning Ordinance, Section 21.55.I, to protect the applicant and the public at
137 large. Details will be included in the confidential security plan kept on file at the Township.
- 138 • On-site Personnel – Planner Hodges requested the applicant provide a list and contact
139 information for authorized on-site support personnel.
- 140 • Chemical Management – All fertilizers and other chemicals onsite will be kept in containers
141 with securable lids.
- 142 • Hours of Operation – The applicant has indicated people will be onsite only a few days
143 each week during daylight hours. To minimize visibility and conflicts it was recommended
144 the Use Statement clarify people will only be onsite between 8 a.m. and 9 p.m. The
145 applicant also wishes to have a motorhome onsite during the fall harvest for additional
146 security. The location and duration need to be added to the site plan and security plan.
- 147 • Access and Parking – It is expected there will be approximately 3 – 4 trips per day except
148 for planting and harvesting times. This is a lower intensity of use than a typical single family
149 residence. The location of parking needs to be added to the site plan. A parking location
150 with some screening would help make the site less visible to the public. Water will be
151 brought onsite using a pickup truck and trailer for transfer to the interior reservoirs

152 approximately once per week. The easement use, as discussed during the public hearing,
153 needs to be clarified. Is this a dedicated easement, a shared easement, or a shared private
154 driveway? It was suggested the company who prepared the original survey be contacted,
155 along with the Livingston County Register of Deeds, to obtain the legal description and use
156 conveyance. Once obtained, that information will determine if additional improvements are
157 required to the access.

- 158 • All trash will be disposed of offsite.

159
160 Wardin moved to table this request to a future meeting to allow the applicant additional time to
161 provide the information detailed in Planner Hodges' review letter, and to address the other
162 comments made by the Planning Commission. (Gonzalez seconded) The motion carried by
163 unanimous voice vote.
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165 **OLD BUSINESS #1 – Regulation of Outdoor Furnaces**

166 Due to the late hour this topic was deferred to a future meeting.
167

168 **MISCELLANEOUS BUSINESS:**

169 **1. Planning and Zoning Administrator's Report – None**

170 **2. Other Business Items –**

- 171 a. Linder asked about other barn weddings in the Township. Meisel noted the
172 Township had no formal complaints regarding non-permitted activities. The Val
173 Royal and Heavenly Scent venues have gone through full reviews. It was noted a
174 FOIA request has been received, believed to be from the attorney representing
175 Heavenly Scent, thought to be seeing if similar standards were applied for Heavenly
176 Scent and Val Royal. It was commented the two venues are not similar – one is an
177 Agribusiness with permitted activities located in a residential area, and the other is a
178 special land use on RE property, Master Planned PCI, and located adjacent to a
179 commercial use along Old US-23. Gonzalez noted a complaint was filed regarding
180 another site operating without a permit, and the township has sent a cease and
181 desist letter.
- 182 b. Rezoning of parcels along Old US-23 to PCI as Master Planned – Gonzalez asked if
183 the Township should not rezone all the parcels Master Planned for PCI to PCI at this
184 point. Planner Hodges and Meisel cautioned this was premature and could cause
185 difficulties for several properties still being used as residential properties. It was
186 suggested the rezoning be limited to Action Water Sports, Trusted Tool, Ameriguard
187 Storage, and the two parcels east of and immediately north of the driveway to
188 Ameriguard Storage as those are either established commercial used or have
189 requested rezoning to establish conforming commercial uses.

190 191 **3. Township Board Actions - None**

192 **4. ZBA Report – None**

193 **5. Future Items – Val Royal, Romine Site, Fraski (West) Land Division**

194 **6. Correspondence – None.**

195
196 **ADJOURNMENT:** The meeting adjourned at 10:17 p.m.

197
198 **NEXT MEETING:** June 9, 2015 – Regular Meeting

199
200 Respectfully submitted by:

201 Mark Meisel

202 Chairman