

1                                   **TYRONE TOWNSHIP PLANNING COMMISSION**  
2                                   **REGULAR MEETING MINUTES**

3                                   January 10, 2017 -7:00 p.m.

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5   **PRESENT:** Mark Meisel, Bill Wood, Cam Gonzalez, Ron Puckett, and Kurt Schulze.

6   **ABSENT:** Al Pool and Dave Wardin

7   **OTHERS PRESENT:** Tyrone Township Planner Brian Keesey, Tyrone Township Zoning  
8   Administrator Ross Nicholson

9   **CALL TO ORDER (7:03 PM):**

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11   **PLEDGE OF ALLEGIANCE (7:03 PM):**

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13   **CALL TO THE PUBLIC (7:05 PM):** No comments received

14  
15   **APPROVAL OF THE AGENDA (7:06 PM):**

16   Cam Gonzalez made a motion to approve the agenda as presented. Kurt Schulze supported the  
17   motion. The motion carried by unanimous voice vote.

18   **APPROVAL OF THE MINUTES (7:10 PM):**

19   Cam Gonzalez made a motion to approve the November 3, 2016 minutes as presented. Kurt  
20   Schulze supported the motion. The motion carried by unanimous voice vote.

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22   **OLD BUSINESS # 1 (7:14 PM): Nutt Home Occupation Request**

23  
24   Cam Gonzalez made a motion to remove the item from the table. Ron Puckett supported the  
25   motion. The motion carried by unanimous voice vote.

26  
27   Chairman Meisel opened the discussion with a summary of the applicant’s request; seeking  
28   approval for a Federal Firearms License (FFL) to become a dealer based out of a home located in  
29   the R-1 zoning district. The original application was received in March of 2016 and there was a  
30   public hearing held in May of 2016. The applicant was not in attendance for the public hearing,  
31   but several residents did attend who voiced opposition of the proposed home occupation. The  
32   application was tabled to allow the applicant more time to prepare and submit additional  
33   information as requested by the Planning Commission. The necessary documents have yet to be  
34   received and the item has been tabled for a time period exceeding six months.

35  
36   Ron Puckett made a motion to deny the request due to the incomplete application and the six  
37   months of inactivity. Cam Gonzalez supported the motion. The motion carried by unanimous  
38   voice vote.

39  
40   The item closed at 7:19 pm.

43 **OLD BUSINESS # 2 (7:19 PM): Article 27: Signs- Review for Compliance with SCOTUS**  
44 **Decision**

45 Chairman Meisel introduced the topic and recommended Brian Keesey continue reading through  
46 the extensive review he had prepared on proposed changes to the sign ordinance. Brian Keesey  
47 then began by outlining some of the pieces from the current sign ordinance that would most  
48 likely remain as part of the new sign ordinance. Some of the items which were decided to  
49 remain in the ordinance were several sign type definitions, signs permitted without a land use  
50 permit, and temporary signs.

51  
52 Chairman Meisel inquired about whether or not the new sign ordinance should include a  
53 reference to Michigan regulations/standards for state historical marker signs. Brian Keesey  
54 replied, stating that he would do some research on the topic to determine if it is necessary to  
55 include state historical marker regulations and report his findings during a future meeting.

56  
57 Brian Keesey then brought up the topic of commercial vehicles with graphics/lettering being  
58 used as signs/advertising. Chairman Meisel stated that the topic would definitely need to be  
59 discussed further before a determination can be made, but that our current regulations prohibit  
60 the parking of commercial vehicles so that they can be used primarily as a sign.

61  
62 There was a brief discussion amongst the Planning Commission on what revisions should be  
63 made to the current regulations on commercial signs/banners, and to determine if said  
64 signs/banners could be considered a nuisance/distraction, or if they are simply part of a business  
65 environment.

66  
67 Brian Keesey then moved on with the review of home occupation signs. The current sign  
68 ordinance prohibits all signage associated with a permitted home occupation. Chairman Meisel  
69 inquired whether any criteria exists which would allow home occupation signs to be permitted in  
70 specific residential zoning districts. He stated that there would need to be some further  
71 discussion on the subject before a decision could be made. Brian Keesey mentioned that if home  
72 occupation signs were removed from the list of prohibited signs, they could potentially fit under  
73 the category of temporary signs.

74  
75 Chairman Meisel suggested that home occupation signs may be more favorable in more rural  
76 residential areas such as FR and RE, as opposed to more densely populated areas such as R-1 and  
77 LK-1. Bill Wood commented that he believes home occupations in general are not favorable  
78 because they have the potential to create unfair competition with legitimate businesses in  
79 commercial zoning districts. He stated that the expenses and taxes associated with running a  
80 business from a residential dwelling are significantly lower than those associated with a  
81 traditional business, and they offer little to no benefit to the community. Kurt Schulze stated, in  
82 response to Bill Wood, that not all home occupations are intended to operate like a full time  
83 business. Many people who apply for home occupations have a skill or hobby, not intended to  
84 act as their sole means of income, which they simply enjoy doing. Cam Gonzalez mentioned  
85 that he agreed with Kurt Schulze's opinion, but also understood Bill Wood's concerns about the  
86 significant imbalance of operating costs and taxes associated with traditional storefronts versus  
87 home occupations. The discussion continued amongst the Planning Commission briefly.  
88 Chairman Meisel then stated that home occupation requirements in general will need to be

89 revisited in the near future, but at the current time the discussion needed to return to the intent  
90 and purpose of a home occupation sign.

91  
92 Brian Keesey returned to the topic of home occupation signs stating that even if the prohibition  
93 language was removed from the sign ordinance, temporary signs could still be permitted to say  
94 anything. Chairman Meisel responded stating that he believes commercial messages in  
95 residential zoning districts would still be prohibited. Kurt Schulze brought up the question of  
96 whether or not the temporary signs could state an occupational title, such as “Dr. Wardin, MD.”  
97 Chairman Meisel responded that most people would probably interpret that as advertising. Brian  
98 Keesey stated that if someone put up a sign expressing their love for a particular fast food  
99 restaurant chain, they would be acting as an unpaid spokesperson. He added, if the township  
100 denies such a sign, they would be regulating based on content. He then inquired if everyone on  
101 the Planning Commission agreed that the prohibition language regarding home occupation signs  
102 should remain in the sign ordinance. All Planning Commission members agreed the prohibition  
103 language should remain, at least in densely populated residential zoning districts such as R-1, R-  
104 2, LK-1, RM-1, and MHP. Chairman Meisel stated that it would be a good idea to get a legal  
105 opinion before making a decision. Brian Keesey agreed.

106  
107 The sign ordinance topic continued with a brief discussion on illegally posted temporary signs  
108 and methods for removal and enforcement.

109  
110 Chairman Meisel mentioned that there should be a means for justification in the sign ordinance,  
111 so if there is ever a sign issue taken to court the explanation would be written in the ordinance.

112  
113 Brian Keesey suggested that the Planning Commission review page five of the sign ordinance  
114 review to show the proposed format of the definition section with photographs as visual aids.  
115 Chairman Meisel approved of the format, as did the other members of the Planning Commission.  
116 He stated that the photos articulate the content adequately which is the primary intention. Kurt  
117 Schulze then suggested that balloon signs (helium inflated signs which are tethered to the  
118 ground) should be added to the list of definitions. Brian Keesey mentioned that he would  
119 consider balloon signs in the same category as inflatable signs, which already exists in the  
120 ordinance, but can add a photo for clarification purposes.

121  
122 Brian Keesey brought up the subject of electronic (LED) signs. He mentioned he had changed  
123 the units of brightness measurements from NIT’s back to lumens to simplify measurement and  
124 enforcement. He asked Bill Wood if he has any input or suggestions related to electronic  
125 message signs. Bill Wood replied that he does not have much information on the sign at his gas  
126 station since his brother, Mike Wood, manages the convenience store. He said that he would  
127 communicate with Mike to see if he can offer some input on message time duration, animations,  
128 brightness, etcetera, and report his findings at a future. There was a brief discussion on  
129 electronic sign animation pros and cons amongst the Planning Commission.

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131 The item closed at 9:05 pm.

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134 **OLD BUSINESS # 3 (9:06 PM): Registered Designer Regulations Review & Amendment**

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136 Brian Keesey opened the discussion summarizing the purpose for amending the current licensed  
137 designer requirements in the zoning ordinance. The primary reason the requirements need to be  
138 updated is because the state of Michigan now recognized electronic signatures in place of a  
139 raised seal on official documents that need to be recorded at the register of deeds. Brian Keesey  
140 proposed the text in the Zoning Ordinance #36 under Section 23.02.R be changed from the  
141 original text\* to the following:

142  
143 **“Licensed Designer Required.** Drawings, calculations, estimates, plans, and other information  
144 required on a site plan shall be physically or electronically signed and sealed by a professional  
145 licensed by the State of Michigan who is qualified to certify the information. Professionals  
146 licensed by the State of Michigan include Architects, Landscape Architects, Professional  
147 Engineers, and Professional Surveyors. The Planning Commission may require the physical or  
148 electronic seal and signature of a specific profession based on the nature and context of the  
149 design.”

150  
151 \*Original Text:

152 **“Registered Designer Required.** The seal of one of the following professionals registered in  
153 the State of Michigan: Registered Architect, Registered Civil Engineer, Registered Landscape  
154 Architect, or Registered Professional Community Planner. Architectural plans of buildings shall  
155 be prepared by and bear the seal of a Registered Architect. Engineering drawings, engineering  
156 estimates and associated cost estimates shall contain the signature and/or seal of a registered  
157 Civil engineer.”

158  
159 He proposed that the text in the Land Division Ordinance #25, Article 5, Section 4.B.2 should be  
160 changed from the original text\*\* to the following:

161  
162 **“Licensed Professional Seal Required.** Surveys shall contain the physical or electronic seal  
163 and signature of a Professional Engineer or Professional Surveyor currently licensed by the  
164 State of Michigan and in good standing.”

165  
166 \*\*Original Text:

167 **“Registered Licensed Professional Seal Required.** Surveys shall contain the physical or  
168 electronic seal and signature of a Professional Civil Engineer or Land Surveyor currently  
169 registered and in good standing in the State of Michigan and shall bear the signature of the  
170 same.”

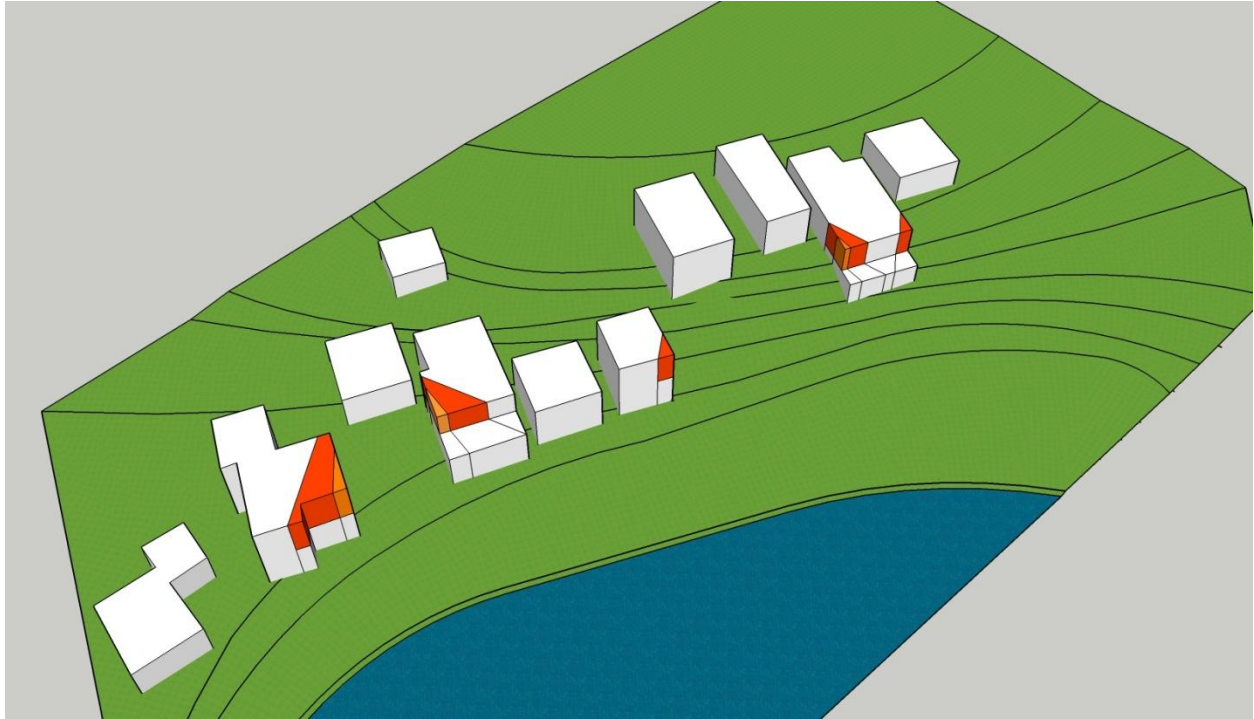
171  
172 The proposed changes were found to be acceptable by the Planning Commission. Chairman  
173 Meisel stated the proposed changes will be added to the list of ordinance amendments for future  
174 a public hearing.

175  
176 The item closed at 9:11pm.

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178 **NEW BUSINESS # 1 (9:12 PM): Sight Lines and Building Height Clarifications**

179  
180 Chairman Meisel opened the discussion stating that the issue was being brought up because of a  
181 recent Zoning Board of Appeals (ZBA) application where the structure height and sight line

182 visibility came into question. He believed the topic warranted discussion because both sight  
183 lines and structure height measurement definitions/requirements could possibly be updated in the  
184 zoning ordinance to provide clarification of the measurement method(s). Chairman Meisel  
185 showed a few examples of sight distance (such as the image below) and showed the plans for the  
186 house from the ZBA.



187  
188  
189 Chairman Meisel stated that the main issue with defining sight lines is the difficulty in defining a  
190 method of measurement. It is difficult to measure something such as what a person's view  
191 should be, without having a definitive unit of measurement.

192  
193 Chairman Meisel then brought up the question of height measurement. The zoning ordinance  
194 currently contains the methods for measuring height on various types of roofs with illustrations.  
195 Most structure heights are measured as the average of the grade to the average between the peak  
196 and eaves of the roof. In the case of the recent ZBA application, the grade from the road to the  
197 rear of the home changes dramatically, and the majority of the home will be at the lower grade.  
198 The builder is arguing the height measurement should be established with the road elevation as  
199 the starting point rather than from the lower grade area which he is classifying as a lower level  
200 walkout. The building height being requested is 40' and exceeds the 30' intended maximum  
201 height. This extra height is also affecting sight lines for adjacent properties, and was the topic of  
202 a prior ZBA decision where it was determined a height of this magnitude was not acceptable. At  
203 issue is what establishes a lower level as a basement with a walk out versus that level being  
204 classified as a story of the home?

205  
206 Chairman Meisel stated that structure height measurements and sight lines should be discussed,  
207 in depth, in the near future.

208  
209 The item closed at 10:02 pm.

- 210 **MISCELLANEOUS BUSINESS:**  
211 **1) Planning and Zoning Administrator's Report: None**  
212 **2) Other Business Items: None**  
213 **3) Township Board Actions: None**  
214 **4) ZBA Report: None**  
215 **5) Future Items: N/A**  
216 **6) Correspondence: N/A**  
217  
218  
219 **ADJOURNMENT (10:03 PM):**