

1 **TYRONE TOWNSHIP PLANNING COMMISSION REGULAR**
2 **MEETING & PUBLIC HEARING MINUTES**

3 March 14, 2017 -7:00 p.m.

4
5 **PRESENT:** Mark Meisel, Cam Gonzalez, Al Pool, Ron Puckett, Kurt Schulze, Dave Wardin,
6 and Bill Wood.

7 **ABSENT:** None.

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

10 **CALL TO ORDER (7:02 PM):** By Chairman Meisel

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

13
14 **CALL TO THE PUBLIC (7:03 PM):**

15
16 Scott Dietrich brought up a question regarding a ticket an acquaintance in the township had
17 received for the burning of leaves during a season where it was prohibited by the Open Burning
18 Ordinance # 44, Section 7.1.3, which states that the open burning of leaves and grass clippings
19 may be conducted from April 1st through May 31st and September 15th through November 15th.
20 Chairman Meisel responded that the question would be better addressed by the township board
21 since the Planning Commission does not have the authority to waive fees associated with fire
22 runs/burn violations. He explained that it was a violation of a regulatory ordinance based on a
23 Michigan state law regulatory clause. Mr. Dietrich replied that the deadline is unfair to some
24 people, especially due to irregular weather conditions which may prevent burning during
25 permitted times. He stated that he does not believe the fee to be just since the resident had a
26 valid burn permit and was simply unable to complete the burning of leaves/brush within the
27 permitted timeframe. Chairman Meisel explained that the burn permit would allow for the
28 burning of wood during that particular time frame, but the ordinance clearly prohibits the
29 burning of leaves. He stated that one of the reasons the dates for burning leaves were determined
30 is due to the typical higher wind speeds that occur in the area late in the fall. Mr. Dietrich
31 responded that there were high winds on many of the days where the burning of leaves was
32 permitted, and there were still leaves on many of the trees after the November 15th deadline.
33 Dave Wardin inquired about potentially using the township website as a means to communicate
34 to residents when the burning of leaves could be permitted after the deadline due to special
35 weather circumstances, much like they currently do for burn bans and other unique
36 circumstances. Al Pool mentioned that there were still leaves on his trees after November 15th.
37 Chairman Meisel stated, in his opinion, that the township board should discuss whether the burn
38 permit/ordinance should be amended to include a statement allowing residents to contact the
39 township to appeal for permission to burn past the deadline if special weather conditions occur.
40
41

42 **APPROVAL OF THE AGENDA (7:11 PM):**
43

44 Cam Gonzalez made a motion to amend the agenda, removing the approval of the meeting
45 minutes since they had not yet been completed, and to approve the amended agenda. Ron
46 Puckett supported the motion. The motion carried by unanimous voice vote.

47 **APPROVAL OF THE MINUTES: This item was removed from the agenda above.**
48

49 Dave Wardin made a motion to suspend the order of business and place Old Business #1 below
50 all new business items. Kurt Schulze supported the motion. The motion carried by unanimous
51 voice vote.

52 Sean Spinneweber, acting as the agent for the Varcoe/Light Boundary Realignment application,
53 requested that the Planning Commission review their application first since he believed the
54 boundary realignment request was straightforward and the application complete.

55 Dave Wardin made a motion to move New Business #3, Varcoe/Light Boundary Realignment, to
56 the top of the agenda in front of all other items. Al Pool supported the motion. The motion
57 carried by unanimous voice vote.

58
59 **NEW BUSINESS # 3 (7:13 PM): Varcoe/Light Boundary Realignment Application**
60

61 Brian Keeseey opened the discussion with a brief summary of the boundary realignment
62 application. He stated that the application is relatively simple/straightforward. The reason for
63 the request is due to a “construction error” which resulted in encroachments of the dwellings into
64 the side yard setbacks/adjacent property. He continued, stating that the proposed solution is an
65 equal trade of land which would increase the side yard setback distances and reduce the existing
66 nonconformities, therefore, the parcel areas would be unchanged, but the property boundary
67 separating the two parcels would become slightly crooked in two places. He stated that the
68 parcels currently are nonconforming due to the narrow width of the lots in certain areas. The
69 biggest concern would be that the proposed realignment does not increase or create any new
70 nonconformities. Upon review of the plans, it appears that no new/increased nonconformities
71 would result from the realignment. Not only would no nonconformities be increased/created, the
72 boundary realignment would resolve the issue where one of the homes is encroaching onto the
73 adjacent property, and would increase the side yard setback distances of both homes to be more
74 conforming. Brian Keeseey continued, stating that all requirements for the application have been
75 met. The parcels, after the proposed realignment, would still not meet the 4:1 depth to width
76 ratio, but that requirement may be waived by the Planning Commission as long as they find that
77 the parcel shapes are still typical compared to the surrounding properties. Chairman Meisel
78 stated that all the lots in the immediate area were developed and the character of the properties
79 would remain unchanged. There is also no viable option to reconfigure the lots to change their
80 depth to width ratios. Brian Keeseey continued, explaining the application includes the necessary
81 documentation authorizing Sean Spinneweber to act as an agent on behalf of the residents for the
82 purpose of this boundary realignment. He said the plans are sealed, stamped, and accurate, as are
83 the legal descriptions. Contours were included in the application and the drawings appear to be

84 accurate and are in recordable format. Based on his finding, he recommended the Planning
85 Commission recommend approval of the boundary realignment to the township board.

86
87 Cam Gonzalez made a motion to recommend township board approval of the requested boundary
88 realignment because it complies with the zoning ordinance and land division ordinance, it would
89 not create any nonconformities or increase existing nonconformities, and it would actually
90 reduce the existing nonconformities. Ron Puckett supported the motion. The motion carried by
91 unanimous voice vote.

92
93 The item was closed at 7:22 PM.

94
95 **NEW BUSINESS # 1 (7:22 PM): Supe’s Exotic Jungle Site Plan Review & Special Land Use**
96 **Application**

97
98 Brian Keesey opened the discussion with a brief summary of the application. He stated that the
99 applicant is requesting approval for a special land use and site plan to keep and display exotic
100 animals on his property located at 7443 Hartland Road. He continued, stating that the
101 requirements for the application are based on the recently created exotic animal ordinance. The
102 primary purpose of the special land use and site plan review is to reduce the likelihood of
103 creating nuisances (sound, odor, traffic, etc.) as a result of the proposed operation. Part of the
104 review process is to hold a public hearing to hear concerns/feedback from residents and to
105 discuss some of the standards for the special land use, including verifying USDA certification,
106 ensuring the Planning Commission is aware of all proposed activities on site, making sure the
107 enclosures are adequate, ensuring chemicals or hazardous materials are stored or disposed of
108 properly, making sure the operation is harmonious with the general area, etc. The second aspect
109 of the review process is the site plan review, which is to ensure all setback requirements are met,
110 ensure fences and enclosure are of adequate size/height, to verify the site complies with all
111 zoning regulations, etc.

112
113 Brian Keesey then began to read through some of the definitions in the exotic animal ordinance
114 to ensure the residents in attendance understood the topics being discussed. He explained the
115 differences between wild and exotic animals.

116
117 Chairman Meisel reminded the residents in attendance to sign in on the attendance sheet to
118 ensure their comments could be properly documented before calling the public hearing to order.

119
120 The item was temporarily closed at 7:32 PM for a public hearing.

121
122 **Public Hearing Began at 7:34 PM**

123
124 *Chairman Meisel read the public notice as published.

125 “Notice is hereby given the Tyrone Township Planning Commission will hold a Public Hearing
126 on Tuesday, March 14, 2017, beginning at 7:30 at the Tyrone Township Hall, 10408 Center
127 Road, Fenton, Michigan 48430. The purpose for the Public Hearing is:
128

- 129 1. To receive public comments regarding a request by Supe’s Exotic Jungle, represented
130 by Brent Barrick, for a special land use as permitted by Zoning Ordinance Section
131 21.58, located at 7443 Hartland Road, Fenton, Michigan 48430, Tax ID 4704-28-200-
132 003. The property is zoned FR, Farming Residential.
133
- 134 2. To receive public comments regarding a proposed private road as part of a proposed
135 site condominium development, West of Lake Shannon, between McGuire Road and
136 Ledgewood Drive, Tax ID(s): 4704- 30-102-010, 4704-30-100-14, 4704-30-100-15,
137 4704-30-100-16, and 4704-30-100-18.”
138

139 **PUBLIC HEARING # 1 (7:36 PM): Supe’s Exotic Jungle Special Land Use Application**
140

141 Brian Keesey opened the discussion with a brief explanation of the standards for approval of the
142 special land use. The first item he addressed was the keeping of animals. He stated that the
143 township has decided the best way to ensure the animals receive proper care is to require USDA
144 certification/approval, since they are more qualified to make that determination than anyone at
145 the township level. Chairman Meisel stated that it is either a state or federal requirement that
146 USDA certification is granted as well. Brian Keesey continued, stating the documentation from
147 the most recent USDA inspection report was submitted, showing no issues of noncompliance,
148 and the applicant has shown proof of his license as a Class C Exhibitor. Both the approval and
149 licensing paperwork is up to date and in good standing. Proof of valid liability insurance was
150 submitted. A description of the proposed business operations and hours was also received,
151 describing that the majority of onsite operation would be school or educational events scheduled
152 in advance, private tours, and some offsite traveling events. Brian Keesey continued, stating the
153 proposed location of sanitary facilities was provided, which would be a portable toilet, cleaned
154 regularly, located approximately 20-30 feet from Hartland Road, hidden behind vegetation. The
155 next item, enclosure location, has been addressed on the site plan submitted in the application.
156 Enclosure requirements have also been met, such as minimum fence height, secondary fencing
157 enclosures, etc. The next item, on-site chemicals, has been addressed by the site plan and
158 disaster plan, stating that the only chemicals onsite would be stored in a locked cabinet in a
159 storage area off limits to visitors. The issues of nuisances, such as noise, odor, screening, and
160 waste removal have been addressed by the applicant. He stated that the owner has requested
161 approval from the Livingston County Drain Commissioner for the location of the compost pile,
162 which has not yet been received.
163

164 Brian Keesey then moved on to discuss the physical characteristics of the site that provide
165 screening from the road and adjacent properties. He determined the screening should be
166 adequate for the purpose of the proposed special land use. As far as facilities, he found that the
167 drainage, water supply, and other facilities should be sufficient, and noted that these aspects are
168 also inspected annually by the USDA. He stated that the applicant has submitted proof of
169 ownership and taxes paid. The application also included a plan, as part of the disaster recovery
170 plan, for disposal of deceased animal carcasses, which specified all deceased animals would be
171 cremated by a company called “In Loving Memory” based out of Lapeer, MI. The disaster
172 recovery plan also includes the location of tranquilizers or chemicals, and described that back-up
173 power would be provided by a gasoline generator in the event of a power outage. Brian Keesey
174 then brought up that another requirement for the special land use approval is a complete, up-to-

175 date, list of the animal specials being kept onsite, which has been provided by the applicant. He
176 mentioned that the list must be kept accurate and up-to-date at all times (submitted to the
177 township within 10 days of any species being added or removed). Any alterations to the site,
178 such as the modification of enclosures or buildings, would need to come back before the
179 Planning Commission for review.

180
181 Chairman Meisel took a moment to briefly describe the process for the public hearing. He stated
182 that Brian Keesey has gone through a list of all aspects involved in the approval process.
183 Chairman Meisel then went through the application on the overhead displays so the residents in
184 attendance could see documentation of all the various topics Brian Keesey had just discussed.

185
186 Brian Keesey stated that he has gone through all the requirements specific to the proposed
187 special land use, and will now discuss the requirements for the special land use permit. The first
188 requirement is that the proposed special land use will be harmonious with the surrounding area
189 and the objectives of the Tyrone Township Master Plan. He stated that the Master Plan describes
190 this particular section of Hartland Road as a low-density single family detached residential area,
191 farming and agricultural in nature. He found that the proposed special land use does fit the
192 objectives of the Master Plan. He continued, stating that the proposed special land use will be
193 designed, constructed, operated, and maintained to be harmonious with the surrounding area, and
194 thus will not change the character of the area. The second standard he brought up was the
195 potential traffic impact. He stated that for this application, the determination has been made
196 based on the provided description of operations. The description stated the applicant anticipates
197 groups of five to twenty five guests, arriving in one to ten vehicles at a time. All parking would
198 be located onsite. Brian Keesey stated that, based on the provided description, the proposed
199 operation would not be uncharacteristic of similar agricultural uses in terms of traffic impact.
200 The third standard for special land uses is to ensure they will not be hazardous or harmful to the
201 surrounding area. Based on his findings from the information provided in the application, he
202 believes that there is no indication the proposed special land use would create any hazards or
203 negative impact to the surrounding area. The next standard for special land uses is that the
204 proposed land use is compatible with the natural environment as well as current and future land
205 uses. Brian Keesey explained that the keeping of animals is characteristic of the FR district. He
206 continued onto the next standard, which is to ensure the proposed special land use is adequately
207 served by public services and facilities, such as roads, water/sewer, police/fire services etc. He
208 found that the proposed special land use does meet the criteria. The last standard is that the
209 proposed special land use will not involve uses, activities, processes, or conditions of operation
210 that would be detrimental to persons, property, or general welfare by reason of excessive smoke,
211 fumes, glare, sound, vibration, odor, handling/storage of hazardous materials/supplies. He stated
212 that the impacts would be relatively local in scope and not related to an industrial use where such
213 hazards would be more likely.

214
215 The applicant, Brent Barrick, took a moment to express his intentions to the residents in
216 attendance. He emphasized his operation would be strictly educational and that the animals he
217 chooses to keep/display are selected based on how well they interact with people. He stated that
218 he does not keep animals that are likely to be dangerous/harmful to humans and does not select
219 animals for “shock value”. He mentioned that he has received a great deal of positive feedback

220 from neighbors and guests, some of which have been submitted to the Planning Commission as
221 part of the application.

222
223 Chairman Meisel then opened the floor to questions, comments, or concerns from residents in
224 attendance.

225
226 Scott Dietrich raised some concerns he had about the proposed special land use. His first
227 concern was that the parcel is only five acres in size, which he believes is insufficient for keeping
228 and displaying animals. He stated that a farm operation on such a small parcel does not fit into
229 the vision of the master plan. He brought up the fact that the business has been in operation for
230 quite some time without having the necessary approval, and recommended the Planning
231 Commission view the Supe's Exotic Jungle website. Chairman Meisel responded, stating the
232 Planning Commission is aware that the business has been in operation under special
233 circumstances, and is at the meeting, in good faith, per the agreement with the township, for the
234 purpose of becoming compliant with the special land use standards. Scott Dietrich then brought
235 up another concern regarding handler qualifications. He explained that he does not believe the
236 operation will be able to handle the animals properly since he does not feel the handlers are
237 adequately qualified. He then mentioned that animal rights activists will eventually either
238 release or steal the animals from the premises. He also brought up a concern regarding parking.
239 He believes the onsite parking is inadequate. He then mentioned there is an ocean exhibit on the
240 premises, and wanted to know where the water is being dumped. He then stated that he believes
241 tour buses would be bringing large groups of people to the operation, and he voiced a strong
242 opposition against it. He went on to compare the operation to other zoos, stating most zoos are at
243 least 20-50 acres and have a greater buffer zone. He reiterated that 5 acres is simply too small
244 for such an operation.

245
246 The next resident to comment on the topic of Supe's Exotic Jungle was Glen McFarland, who
247 lives directly adjacent to the operation. He brought up a few questions directed towards the
248 applicant. His primary concerns were the size of the parcel, group sizes, parking, and the animal
249 enclosures. He wanted to ensure that all aspects of the operation were thought out and sufficient
250 for housing and controlling the animals as well as managing visitors to ensure children would not
251 be wandering away. He had concerns about visitors parking along the side of Hartland Road,
252 and backing out of the driveway onto the road. He stated that vehicles frequently travel down
253 Hartland road at high speeds, which could lead to accidents if visitors are not familiar with the
254 local road conditions. Brent Barrick responded to Glen McFarland, addressing his concerns. He
255 stated that group sizes would be limited to a manageable number of people, and would be under
256 direct supervision at all times. He said that the only onsite tours are fully guided, and all tours
257 are by appointment only. He addressed the concerns about animal enclosures, explaining that he
258 has made sure all fences and enclosures are of sufficient strength and height, and there are
259 several secondary fences and additional measure to ensure the animals are contained humanely
260 and in a manner where an escape would be highly unlikely. Brent Barrick then responded to Mr.
261 McFarland's parking concerns. He stated that all parking would be on the premises and not
262 along Hartland Road. He also said that he has, and will continue to instruct visitors not to back
263 out onto the road when leaving. Brent Barrick then stated that he would be happy to address any
264 additional concerns he has at any time, and said he would work with him to ensure any issues
265 that may come up are resolved.

266
267 Scott Dietrich stated that his opinions are based solely on his personal experiences, and would
268 personally not like such an operation next to his house. He then inquired about what would
269 happen if the operation filed for bankruptcy. He recommended that the Planning Commission
270 require an insurance policy or bond. Chairman Meisel replied, stating that the Planning
271 Commission has already done extensive research and evaluations on the operation and all of the
272 concerns he had brought up have been addressed by the applicant. He also mentioned that the
273 applicant had a reputation to maintain and had extensive experience working with exotic
274 animals. He then reiterated that the purpose of the formal review is to ensure the operation will
275 be harmonious with the surrounding area and will not create nuisances.

276
277 Chairman Meisel asked the residents in attendance if they had any additional questions,
278 comments, or concerns. Another resident [name not stated] then inquired if there would be a
279 limit to the number of animals permitted on the premises. Chairman Meisel replied that under
280 these circumstances there is technically no limit to the number of animals; however, the USDA
281 has a say in how many animals they will allow based on the housing conditions. He continued,
282 explaining that the system the township uses for determining the number of animals permitted on
283 a property is through animal units. The number of animal units a property has is based on the
284 parcel size, and applies to typical farm animals such as livestock, fowl, and horses. Each animal
285 unit allows for a certain number of each type of animal based on their size. For the purpose of
286 this special land use, the number of animals permitted cannot be determined by animal units
287 because most species being kept do not easily fall into the categories animal units cover. For that
288 reason, one of the requirements for the special land use is to keep an up-to-date species list on
289 file at the township, and submit all USDA inspection reports. Any additions to the list of animal
290 species must be approved by the township prior to obtaining the animal(s). He continued,
291 explaining the reasoning behind approving modifications to the list is to allow the Planning
292 Commission to proactively ensure all animals are well-suited for the operation, and will not
293 cause excessive noise, odors, or other nuisances. He said that the Planning Commissioners are
294 not experts in the field of exotic animals, so for that reason they will rely heavily on the
295 standards of the USDA to make decisions on permitted species.

296
297 Chairman Meisel then inquired if anyone had any additional questions, concerns, or comments.
298 Brent Barrick stated he wanted to point out that all animals they have which are considered
299 exotic are very well socialized and interact well with humans. He also mentioned that they do
300 not have any wild animals since they are not licensed to keep them. He said that they do not
301 keep typical zoo animals that are unable to be interacted with. If there was a situation where an
302 animal did escape from an enclosure, he has the proper tranquilizers to subdue and return the
303 animal to the enclosure. He said the majority of the animals are very unlikely to escape, and he
304 believes he could get most escapees to return voluntarily by shaking a can of food. He
305 continued, stating that they do not keep any dangerous animals that could potentially cause harm
306 to residents if they escaped. He said that he and his family have raised most of the animals from
307 a very young age to ensure they are well socialized and comfortable with being handled by
308 humans. Brent Barrick continued, emphasizing that his primary goal is to educate people about
309 the animals in a safe and comfortable environment. Chairman Meisel brought up a point that
310 there are no lions, tigers, bears, or similar animals on the current species list, which means the
311 operation does not meet the criteria most people think of when they hear the word “zoo”. For

312 that reason, many people may have difficulty understanding exactly what the operation consists
313 of without receiving an explanation. He said that the operation does fall under the definition of a
314 zoo, but it is far from what most people think of when they hear “zoo”. He stated that the species
315 of animals kept onsite are very unlikely to cause harm to people if any of them were to escape.
316 Brent Barrick stated that in the case of a disaster where all the animals escaped, they are not
317 capable of causing significant harm to a human, whereas if all the animals were to escape from
318 the Detroit Zoo, there would be widespread panic and a high risk of injury or death. He
319 reiterated that he does not currently keep any significantly dangerous animals, and he does not
320 intend to request approval for any dangerous animals in the future.

321
322 A resident who owns property adjacent to the operation, Zach Sartell, spoke in favor of Supe’s
323 Exotic Jungle. He stated that he sees Brent Barrick working on the property every day, caring
324 for the animals. He said he has no issues with parking, group sizes, enclosures, animal species,
325 or the size of the property. He continued, stating in his opinion that the operation has not had
326 negative impact on the community in any way, and will most likely be beneficial to the
327 community.

328
329 **PUBLIC HEARING # 2 (8:24 PM): LedgeWood Ravine Proposed Site Condominium Private**
330 **Road Permit Application**

331
332 Chairman Meisel opened the discussion with an explanation of the purpose for holding the public
333 hearing. He stated that the private road aspect of the proposed development will be the focus of
334 the public hearing so residents may bring up any questions, comments, or concerns about it. The
335 reason proposed private roads require public hearings is to ensure all residents have the
336 opportunity to show support or opposition since the creation of a road has the potential to
337 significantly impact a community, either positively or negatively. Some typical concerns
338 residents may have with a proposed private road are things like dust, drainage, traffic, noise, etc.
339 He continued, stating that public hearings are beneficial because it gives the Planning
340 Commission the opportunity to mitigate most of the concerns residents may have before the road
341 is constructed. He then recommended that Brian Keesey get the topic started by reading through
342 the extensive review he had prepared based on the documents that were submitted by the
343 applicant.

344
345 Brian Keesey stated that he would begin by reading through the review, summarizing the scope
346 of the project as a whole, including the number of units, layout of the road, and other specific
347 details. Chairman Meisel brought up the proposed site condominium site plan on the overhead
348 display screens to use as a visual aid as Brian Keesey went through his review. Brian Keesey
349 began his summary showing the existing conditions of all parcels involved in the project. He
350 first focused on the shared private drive off of LedgeWood that was recently constructed to the
351 South of the proposed development area and explained that it was originally intended to serve
352 access to four parcels which were created during a land division in 2005. He stated that the
353 parcels were not developed immediately following the land division, and the shared private
354 driveway plans that were originally approved as part of the land division had expired since the
355 driveway was not constructed within the approval period. Because the approval expired, the
356 owner of one of the parcels which was supposed to have access from the shared private driveway
357 recently needed to apply for a new approval of the driveway plan so he could construct the road

358 and access his parcel to build a new home. He received approval for the shared private driveway
359 and subsequently constructed it. He continued, stating the reason the shared private driveway is
360 significant is because Gary Edwards, the applicant for the proposed site condominium
361 development, has proposed converting the shared private driveway to a private road, and
362 extending the road to serve access to the proposed site condominium units. Brian Keesey then
363 explained some of the details of the land divisions, combinations, and boundary realignments
364 that would be involved in the project and pointed them out on the site plan. Parcel E would be
365 divided in half. Parcel D would be divided into four separate units, including one parent parcel
366 and three condominium units. The private road would cut between the parcels using an access
367 easement heading north, and then making a 90 degree turn to the west serving access to three
368 additional condominium units and a parent parcel which is proposed to be used as a drain field
369 for a low pressure community sanity system, before terminating in a cul-de-sac. He continued,
370 stating that Mr. Edwards owns Lot #127 which has frontage on Ledge wood drive, which he has
371 proposed will take some of the open space which is required as part of the land divisions. Much
372 of the property would be utilized as open space all the way out to McGuire Rd. Ron Puckett then
373 made a comment about the unusual shapes of some of the proposed parcels. Brian Keesey
374 responded, agreeing that some of the shapes are interesting, but they were designed that way due
375 to some unique site constraints and geographic features.

376
377 Brian Keesey then moved on to discuss the proposed private road design. He stated that the
378 portion that currently exists as a shared private driveway was approved using shared private
379 driveway standards. The standards for a shared private driveway are not designed to
380 accommodate the same volume of traffic that is typical of a private road, so improvements would
381 need to be made before conversion from a shared private driveway to a private road could be
382 approved. The most significant improvement that would need to be made is expanding the width
383 of the road to allow for an increased ease of passing. He continued, stating the unique
384 topography of the property limits the available options for the design of the private road. Upon
385 review of the design plans, it appears that the design makes sense and would minimize potential
386 drainage issues. He brought up that the width of the road originally requested from the fire chief
387 was 24 feet, including drivable shoulders. Gary Edwards mentioned that he has been working
388 with the fire chief while designing the road. He stated that the fire chief has reduced the required
389 width to 20 feet since Mr. Edwards has updated his plan to require all dwellings built in the site
390 condominium to have automatic fire suppression sprinkler systems installed, and reduced the
391 total number of units to six. He stated that the fire chief is currently working on a letter to the
392 Planning Commission. Brian Keesey stated that there should be no problem with reducing the
393 total width of the road to 20 feet as long as it is approved by the fire chief. He said that there is
394 no need to provide the letter until the final review. The purpose of this public hearing is
395 specifically to receive public feedback on the proposed road design.

396
397 Brian Keesey then discussed the drainage flow for the proposed private road, using the site plan
398 to illustrate. He then began to read through the private road standards from the zoning
399 ordinance. He stated that the requirements would apply to the section of the proposed road
400 which currently exists as a shared private driveway as well as the new proposed section which
401 would extend from the shared private driveway. The first standard Brian Keesey brought up was
402 proof of County rejection. He stated that Livingston County has declined to accept responsibility
403 for the existing shared private driveway portion of the proposed private road which is proposed

404 to be named Tanglewood Court. Since the county has rejected that section of the proposed road,
405 it is highly likely that they will do the same for the section of the proposed road extending from
406 the shared private driveway portion, which is proposed to be named Ledgewood Ravine Trail.
407 The sight distance approval along Ledgewood Dr. for Tanglewood Ct. was submitted with the
408 application. One recommendation from the Livingston County Road Commission was to clear
409 some of the vegetation at the entrance off of Ledgewood Dr. to ensure there will be an adequate
410 clear vision triangle. The next requirement Brian Keeseey mentioned was the public hearing,
411 which was being held at this time. He brought up the requirement which calls for providing a
412 private road maintenance agreement in a recordable format, which was also submitted by the
413 applicant. He stated that the documents appear to be satisfactory, but will be reviewed further
414 before final approval. He then moved on stating that the requirement for a 66 foot access
415 easement has been met on the site plan for both sections of the proposed private road. The
416 drainage plan has been submitted, which will need to be reviewed by the Livingston County
417 Drain Commissioner before final approval. The connection to an existing road would be from
418 Ledgewood Drive. The Ordinance does not allow for expansion of access easements for the road
419 system, but the Planning Commission has the option to waive the requirement if they find that
420 future connections are unlikely. He said that in this situation, due to the extreme topography of
421 the area between the proposed cul-de-sac and McGuire road, expansion would be highly
422 unlikely. He stated that the required width of the road may be reduced in certain places for the
423 purpose of preserving natural features. The zoning ordinance states that the maximum length of
424 a private road is 1,200 feet; however, the requirement may be waived if a dry hydrant system is
425 installed or if each unit has automatic fire suppression sprinkler systems. All units in the site
426 condominium would need to require the sprinkler systems in the individual property deeds. He
427 moved on to the requirement for a turnaround with a radius of not less than 55 feet. Based on the
428 plans, the proposed private road would fulfill all of those dimensional requirements. He stated
429 that the vertical clearance between the road surface and any trees/vegetation would need to be
430 cleared to at least 15 feet for emergency vehicle access and public utilities. Any regulatory street
431 signage would need to meet the standards of the State of Michigan. Brian Keeseey concluded
432 stating he has covered all of the private road standards, and based on the information submitted,
433 the proposed private road design meets the standards.

434
435 Chairman Meisel invited Gary Edwards to speak to the residents in attendance about his
436 proposed site condominium Development. Gary Edwards gave a brief history of the parcels that
437 would be involved in the development. He brought up the last site condominium development
438 he had done, The McGuire Ravine Site Condominium, which consists of four units located
439 adjacent to the property he intends to use for the Ledgewood Ravine Site Condominium. He
440 mentioned that he has been actively communicating with residents in the area to ensure the
441 development will not likely create any problems. He discussed the wooded area where the
442 ravine is located, which he has allocated as open space when he developed the McGuire Ravine
443 Site Condominium, to be used by local residents for walking their dogs and recreational
444 activities. He stated that he intends to preserve the natural beauty of the area and allocate
445 additional open space which would be connected to the existing open space.

446
447 Chairman Meisel opened the floor to take comments, questions, or concerns from residents in
448 attendance. One resident, Greta Delabbio, explained that her property currently has significant
449 drainage issues and requested that Gary Edwards explain the steps that will be taken to ensure

450 runoff would not be channeled onto her property, increasing the severity of her drainage
451 problems. Gary Edwards replied, stating the sophisticated drainage plan he is proposing was
452 designed by a licensed professional to meet or exceed the standards the Livingston County Drain
453 Commission requires. He said that the plan will be subject to extensive reviews by Livingston
454 County and an independent engineering company. Greta Delabbio stated that she has contacted
455 the Livingston County Drain Commissioner on multiple occasions regarding the drainage
456 problems on her property. She said that she always receives a similar response, which is
457 basically that it's not their problem. Chairman Meisel explained that the reason the Drain
458 Commissioner denies responsibility is most likely because they didn't approve the drainage
459 when it was originally established or it was established by another entity which failed to consult
460 with them before completing the project. He continued, stating in those circumstances, the only
461 remedy is through drain law. The advantage the Planning Commission now has when approving
462 new developments is there is much more oversight and involvement from different entities,
463 including the EPA, to ensure the drainage plan will be sufficient. He stated that there is now
464 more focus on controlling the speed of runoff and separating sediment through various check
465 dams and culverts. Since the Drain Commission is involved in the approval of the drainage plan
466 for this project, they can be held liable if the drainage design fails, so they would be extremely
467 thorough during the review process.

468
469 Chairman Meisel called for the next resident to present comments, questions, or concerns. Bill
470 Day, who lives on Ledgewood across from the entrance of the shared private driveway which is
471 proposed to be converted to Tanglewood Court, raised several concerns. He first brought up a
472 drainage issue that recently occurred during a heavy rain storm. He stated that Consumers
473 Energy had recently dug a ditch along the shared private driveway to install utilities. They failed
474 to fill in/clean up where they had been working and they did not install any silt fencing. As a
475 result of the heavy rainfall, water and debris was carried down the shared private driveway at a
476 high rate of speed, spilled onto Ledgewood, before being deposited into Lake Shannon, polluting
477 the water. He stated that the issue has since been repaired, but the fact that it happened shows
478 how severe the drainage problems can be in that area. Another concern Bill Day brought up was
479 that the shared private driveway was approved to serve access to only four parcels. He inquired
480 how the shared private driveway can be expanded if it was originally approved for only four
481 units. He stated that he has been experiencing headlights shining through his front window at
482 night which is becoming a nuisance. He wanted to express that increasing the number of parcels
483 accessed from the shared private driveway would mean more traffic, and more headlights.
484 Chairman Meisel responded that the original approval for the shared private driveway was
485 intended to serve access to four parcels, but this is a new application for converting the shared
486 private driveway into a private road. Gary Edwards added that he learned a lesson from the
487 drainage issues with the shared private driveway, and he intends to schedule the installation of
488 utilities to be done during construction of the road. Chairman Meisel asked Gary Edwards if he
489 can think of any way to mitigate the headlight problem. Gary Edwards replied that he could see
490 about planting vegetation, but it's not likely that would completely resolve the issue. He said
491 that he will try to think of a solution.

492
493 Jim Stando, the owner of one of the four parcels currently having access from the shared private
494 driveway (proposed Tanglewood Ct.), raised a few questions. He stated that he was the person
495 who applied and paid for the shared private driveway. He expressed that he was concerned

496 about possible overdevelopment, since he built his new home with a vision of a quiet, rural
497 subdivision and minimal traffic. He asked what can be done to stop parcels from being divided
498 after the proposed private road is constructed, resulting in many more houses than were
499 originally approved. Chairman Meisel asked Gary Edwards if he had proposed any restrictions
500 on expansion or dividing of the condominium units in the condominium bylaws/master deed.
501 Gary Edwards responded, stating he doesn't believe there are any such restrictions in the first
502 draft of the documents, but he may be able to include them before final approval. Brian Keesey
503 added that in order to create additional units after final approval, all owners would be required to
504 agree to amend the master deed, the whole site condominium would need to go through the
505 formal review process again, and the maintenance agreements would need to be amended. Jim
506 Stando brought up another question regarding the private road maintenance agreements. He
507 asked how the agreements would be monitored and enforced. Chairman Meisel replied, stating
508 that maintenance agreements can be difficult. He said that they are self-enforcing documents
509 that typically work well as long as all parties involved get along with each other. Jim Stando
510 then raised a question specific to his property and the maintenance agreement which he asked
511 Gary Edwards. Mr. Edwards replied that he will do all he can to accommodate him, and would
512 contact his lawyer to review the paperwork and make the necessary adjustments. Jim Stando
513 then expressed his concerns about potential drainage problems that may arise upon expansion of
514 the shared private driveway to a private road. Chairman Meisel stated that they would work
515 closely with the Drain Commission to reduce the likelihood of problems arising. Bill Day raised
516 another question regarding the possible future expansion of the private road. Gary Edwards
517 indicated that expansion of the road would be highly unlikely due to the challenging topography
518 of the ravine. There was a brief discussion on potential alternative access points for the private
519 road.

520
521 Keith Pellerito, a resident who lives directly across from the ravine, brought up concerns
522 regarding the drainage problems he experiences on his property and surrounding properties. He
523 expressed that he was opposed to the development of the property Gary Edwards has proposed.
524 Scott Dietrich agreed that the drainage problems in the area are significant. Chairman Meisel
525 stated that the challenging topography and soil types in the area make drainage management
526 difficult, but not impossible.

527
528 Debra Piper, who owns one of the vacant parcels adjacent to the proposed site condominium
529 development, expressed concerns about the proposed private road. She inquired as to why there
530 could not be an alternate road design with a second access point to better manage the flow of
531 traffic. Gary Edwards replied, stating the original plan with multiple access points was denied
532 by the Livingston County Road Commission because the access points would be too close
533 together. He said he will continue to explore alternate options to see if there's any possible way
534 to change the layout of the private road to address the concerns that were expressed.

535
536 George Kralowski raised a question about a specific dimension on the site plan. Gary Edwards
537 answered his question.

538
539 Chairman Meisel inquired if there were any additional comments, questions, or concerns. None
540 were received.

541

542 The public hearing was closed at 9:37 PM.

543

544 *Chairman Meisel discussed the remaining items on the agenda to determine what could be
545 completed yet this evening. Roger Krzeminski, an applicant in attendance, requested that the
546 Planning Commission try to get to his application tonight. Chairman Meisel replied that they
547 would definitely review his application.

548

549 **NEW BUSINESS # 1 (9:40 PM): Supe's Exotic Jungle Site Plan Review & Special Land Use**
550 **Application**

551

552 Brian Keesey reopened the discussion by finishing reading through the special land use process
553 requirements. He stated that the public hearing is a requirement, which had just been fulfilled.
554 He then stated that based on his review of the application, he would recommend approval upon
555 completion of a few requirements; an updated site plan, a review letter from the Livingston
556 County Drain Commissioner regarding the location of the compost pile, and acknowledgement
557 from the applicant that any future buildings/enclosures will comply with the required 50 foot
558 setback.

559

560 Brian Keesey continued, bringing up the site plan review process requirements. He stated that
561 most of the basic information is included on the site plan, but there are a few details required by
562 the ordinance that should be discussed. Since the submitted site plan is hand-drawn, not a
563 professional engineered drawing; it does not include many of the details that would typically be
564 found on an engineered drawing. He said that these requirements may be waived by the
565 Planning Commission if they find that the site plan is sufficient for the purposes of the specific
566 special land use. Chairman Meisel proposed that an option the Planning Commission has is to
567 accept a hand-drawn site plan overlaid on an aerial photograph once a few more dimensional
568 requirements are added. Dave Wardin suggested that he would have no problem approving a site
569 plan like Chairman Meisel suggested; if they add the stipulation that if any changes are made to
570 the site plan in the future, a professional engineered drawing would be required. Chairman
571 Meisel agreed with Dave Wardin.

572

573 Cam Gonzalez took a moment to express his appreciation of how involved the applicant has been
574 in helping the township gather information to create the new exotic animal ordinance. He
575 expressed his support of the proposed special land use, stating he believes it will benefit the
576 community.

577

578 Chairman Meisel and Brian Keesey took a moment to look at the plan for a sign that had been
579 submitted shortly before the meeting. They found that the design and size of the proposed sign
580 would conform to the zoning ordinance requirements as long as there is an adequate setback
581 distance from the edge of the road right of way.

582

583 Cam Gonzalez made a motion to recommend approval of the special land use permit and site
584 plan to the township board conditional upon submission and approval of the requested
585 information (items 1-5 from Brian Keesey's review). Ron Puckett supported the motion. All
586 were in favor except Dave Wardin, who stated he believes a complete, engineered site plan
587 should be required if any changes are made to the site plan in the future. The motion carried.

588
589 The item was closed at 10:04 PM.

590
591 **NEW BUSINESS # 2 (10:04 PM): Ledgewood Ravine Site Condominium Site Plan Review and**
592 **Private Road Permit**

593
594 Chairman Meisel indicated to the applicant that there would not likely be enough time to get
595 through the review at this meeting and asked if it would be acceptable to table the item until the
596 next Planning Commission meeting on April 11th, 2017. Gary Edwards agreed that would be
597 acceptable.

598
599 Dave Wardin made a motion to table the agenda item. Al Pool supported the motion. The
600 motion carried by unanimous voice vote

601
602 The item was closed at 10:07 PM.

603
604 **NEW BUSINESS # 4 (10:07 PM): Krzeminski Land Division Application**

605
606 Brian Keesey read through the review he had prepared. He stated that the application appears to
607 be fairly simple in concept, but due to complication of one of the parcels being a unit in a site
608 condominium, the approval process will be more difficult. He summarized the applicant's
609 request, stating that he would like to acquire three acres of land from an adjacent property, which
610 would be a simple boundary realignment if the site condominium master deed allowed for
611 expansion. Since the condominium master deed does not specifically allow expansion, the best
612 way to resolve the issue would be to amend the master deed. The applicant hired an attorney to
613 explore the options he has to acquire the land. The applicant was advised by his attorney that the
614 master deed cannot be amended since it is not possible to get approval of the required parties
615 since the condominium association had been dissolved shortly after the development was
616 completed. Brian Keesey continued, stating that the land can be acquired through a land division
617 with amendments to the deeds of both properties granting access to the newly created parcel and
618 limiting the new parcel to be used for accessory use only.

619
620 Continuing through his review, Brian Keesey stated that all required information for the land
621 division has been included in the application, except the required open space will need to be
622 added to the drawing and the property deeds amended.

623
624 Dave Wardin expressed a concern he has with the process. He stated that the Land Division Act
625 states that a condominium unit cannot be treated differently than any other parcel and he believe
626 the application should be able to be approved as submitted. Chairman Meisel responded that
627 since the master deed cannot be amended, this process is the only mechanism that will allow the
628 applicant to acquire the land he wants. Since the condominium cannot be expanded a boundary
629 realignment cannot occur. That leaves a land division, along with the State Land Division Act
630 requiring the created parcel have a means of access. He stated that there have been extensive
631 discussions and consultations regarding the application which ultimately led to this process for
632 approval.

633

634 The applicant expressed that dealing with trying to simply acquire a few additional acres of land
635 has been extremely frustrating. He assured the Planning Commission that he has absolutely no
636 intentions of selling the land. Chairman Meisel responded that they are not concerned that those
637 are his intentions, but they need to make decisions based on any possible worst case scenario in
638 the future.

639
640 There was a brief discussion amongst the Planning Commission regarding any possible alternate
641 options that would work better than what has been proposed. No better options were found.

642
643 Dave Wardin made a motion to recommend approval of the Krzeminski Land Division as set
644 forth in the document titled "Krzeminski Motion". Cam Gonzalez supported the motion. The
645 motion carried by unanimous voice vote.

646
647 The item was closed at 10:50 PM

648
649 **MISCELLANEOUS BUSINESS:**

- 650
651
- 652 1) Planning and Zoning Administrator's Report: None
 - 653 2) Other Business Items: None
 - 654 3) Township Board Actions: None
 - 655 4) ZBA Report: None
 - 656 5) Future Items: N/A
 - 657 6) Correspondence: N/A

658
659 **ADJOURNMENT (10:55 PM):**