

1 **TYRONE TOWNSHIP PLANNING COMMISSION**
2 **REGULAR MEETING & PUBLIC HEARING**
3 May 15, 2018 7:00 pm
4

5 **PRESENT:** Mark Chairman Meisel, Dave Wardin, Cam Gonzales, Al Pool, Kurt Schultze, and
6 Bill Wood.

7
8 **OTHERS PRESENT:** Tyrone Township Planner Brian Keesey and Tyrone Township Planning
9 & Zoning Administrator Ross Nicholson

10
11 **CALL TO ORDER:** 7:00 PM

12
13 **PLEDGE OF ALLEGIANCE:** 7:00 PM

14
15 **CALL TO PUBLIC:** 7:01 PM

16
17 Resident Scott Dietrich had a complaint against neighbor who has done a lot of construction, and there is
18 a pile of junk in his driveway. Chairman Mark Meisel asked Ross Nicholson whether or not we have any
19 terms or conditions with regards to keeping their property clean when we issue residents Land Use
20 Permits. Mr. Nicholson stated that Livingston County was responsible for the inspections. We would go
21 out to inspect if a complaint was filed. Chairman Meisel stated that we could add a stipulation to ensure
22 people keep their property clean while building; that would be up to the contractor or the property owner
23 to manage it. It was suggested maybe we have a couple different types of templates set up when issuing
24 permits regarding keeping property clean.

25
26 A resident asked what the latest developments were for Cider Mill Crossings. They are doing excavating
27 and taking down trees at the north end of the property. Mr. Nicholson explained that they were entering
28 into their 4th and final phase of developing. They're under a consent judgement, and we had to allow them
29 to go through their final phase.

30
31 **APPROVAL OF THE AGENDA:** 7:13 PM

32 Kurt Shulze moved to approved the agenda as presented. Al Pool seconded. The motion carried by
33 unanimous voice vote.

34
35 **APPROVAL OF THE MINUTES:** 7:14 PM

36 Due to late transmittal of the minutes Chairman Meisel offered two options regarding the approval of the
37 March 13, 2018 minutes:

38 1) Walk through them. 2) Table them and do them at our next meeting.

39 Cam Gonzalez motioned to table the minutes until next meeting, Dave Wardin seconded the motion.
40 Motion carried by a unanimous voice vote.

41 Chairman Meisel explained that the Township is very busy and Mr. Nicholson is doing his best to get
42 them done.

45 **NEW BUSINESS #1: (7:16) Foster/Lockwood Request to Rezone Parcel 4704-32-200-010 from**
46 **FR to PCI**

47
48 Planner Brian Keeseey presented the satellite view of this parcel. He indicated that the corner of Faussett
49 and Old 23 is where Mr. Foster would like to build a light industrial facility. He stated that the property is
50 100 acres, and Mr. Foster is only requesting the zoning change take place for 10 acres in the NE corner of
51 the property. It is currently zoned FR and would need to be rezoned to PCI. This is similar to several other
52 parcels on the west side of Old US-23; we have a land division to consider, which is not on tonight's
53 agenda, and the rezoning which we are holding the public hearing for this evening, and then the site plan
54 and special land use review once the rezoning and land division have been taken care of. He said they
55 could potentially do the land division at the same time as the special land use site plan. He explained that
56 they don't know specifics about the facility, such as parking requirements or whether it's going to take
57 access off of Old US-23 or off of Faussett Road. The facility is going to be an estimated 15,000 sq. ft.
58 There has already been discussion regarding the general architectural character and the landscaping. It is
59 anticipated it will be similar to Action Water Sports, in terms of quality and character. Specific to
60 rezoning, they are only going to consider rezoning those 10 acres. Without the land division having taken
61 place, Brian Keeseey recommends that any action taken on the rezoning would be conditioned on approval
62 of the land division, being sure it meets all the district requirements.

63
64 Currently the site is vacant farmland, with large lot single-family residential to the north, vacant farmland
65 to south and west, and US-23 to the east. It is FR to the east of US-23, as well (across the freeway).
66 Further north on US-23 we have Suburban Propane and Action Water Sports . In terms of future land
67 use, this entire corridor (the properties adjacent to US-23, only the west side) are all planned for Planning
68 Commercial Industrial (PCI).

69
70 Brian Keeseey stated that there are two things up for consideration; one is the zoning aspect: What can
71 they actually do with the property based on the regulations that we have. He noted that they should use
72 the future land use plan as a guide making sure this is a use that we are planning for. Based on the
73 presented table, it is, which is in support of this application.

74 Brian Keeseey asked if Mr. Foster wanted to fill in any gaps he may have missed.

75 Mr. Foster stated that the proposed facility would be a low-impact light industrial use in the sense that
76 they would not be manufacturing products using specialized machinery, only assembling pre-
77 manufactured parts to create a finished product (the product being diesel exhaust fluid storage tanks,
78 pumps, and dispensing systems). He stated that because the proposed facility would not utilize heavy
79 specialty machines/equipment, there would not be any smokestacks and it would not create significant
80 nuisance factors such as excessive noise or fumes. He explained that they only intend to have
81 approximately thirteen (13) to twenty (20) employees on site and very few shipments and deliveries
82 throughout the week. He stated that the proposed location of the building is significantly setback from the
83 road and adjacent residential properties. He also indicated that they are proposing a landscaping buffer
84 between the proposed building and adjacent properties to mitigate any potential nuisance factors.

85
86 Chairman Meisel recessed the regular meeting and opened the public hearing.

87
88 **OPEN PUBLIC HEARING: (7:30 PM)**

89
90 **READING OF THE PUBLIC NOTICE: (7:31)**

91 Notice is hereby given the Tyrone Township Planning Commission will hold a Public Hearing on
92 Tuesday, May 15, 2018, beginning at 7:30 at the Tyrone Township Hall.

- 93
94 1) Receive public comments regarding the following proposed Zoning Ordinance amendments:
95
96 a. Provisions for Commercial Recreational Uses in the FR District.
97 b. Provisions for the Rebuilding of Nonconforming Structures after a Disaster.
98 c. Regulations for Solar Farms.
99 d. Provisions to allow Detached Accessory Structures on Adjacent Lots in certain districts.

100
101 Chairman Meisel asked if anyone in attendance had any questions or wanted additional details on the
102 proposed amendments. There were no questions or comments at this time.

103
104 **PUBLIC HEARING ITEM #1A: (7:31) Provisions for Commercial Recreational Uses in the**
105 **FR District**

- 106
107 a. ***Provisions for Commercial Recreations Uses in the FR District:*** Public and private recreational
108 areas and facilities in the FR districts. Examples are corn mazes, haunted forests, etc. Trying to
109 get regulations in place for people to have these types of operations.

110
111 Resident Scott Dietrich said he was concerned about the noise and extra traffic with these types of things.
112 He likes that there is no noise where he lives currently, and questioned why should he let someone down
113 the street do something like this? He acknowledged he is okay with giving people the right to do these
114 things but we need to look at how it effects the entire neighborhood. Chairman Meisel responded with
115 the comment that we will try to provide some control and limitations. It's important to be sure there are
116 no distractions. There has to be administrative and planning commission approval for these types of
117 activities. Things to consider are traffic impacts, landscaping & setbacks. These are going to be in FR,
118 which is still a single-family residential district; it's important to be sure single-family residential
119 appearance and appeal is maintained. With weekend-only events there needs to be adequate parking and
120 assurance they don't become nuisances.

121
122 Resident: Spoke about a business being run down the street (inaudible). Wanted to know what recourse
123 residents have if these ordinances are passed regarding noise and odor, etc. Chairman Meisel responded,
124 stating that the control mechanism is an adherence to those nuisance factor. If someone is creating noise
125 or odors, that's going to violate the regulations; so, at that point a complaint will be filed, investigated,
126 found in noncompliance or have some sort of corrective action. In regards to the business she spoke
127 about, Ross Nicholson stated that they would require a special land use permit and she can file a
128 complaint and we will investigate. If they are operating a business from their home they have to have a
129 permit. Brian Keesey added that while the review for a kennel type activity would follow a similar
130 process, it wouldn't fall within these specific regulations, like corn mazes, etc. Licensing is sometimes
131 required, depending on the intensity of the use.

132
133 **PUBLIC HEARING ITEM #1B: (7:44) Rebuilding of Nonconforming Structures after a**
134 **Disaster**

- 135
136 b. ***Rebuilding of Nonconforming Structures after a Disaster.***

137
138 Chairman Meisel introduced the topic with the fact that it is relatively common in many municipalities
139 where there is a fire or tornado which does a significant amount of damage to your property and a
140 structure is more than 50% damaged, the only way to rebuild it is under the currently in-effect zoning
141 standards. Sometimes in a rural community that is not always in the best interest of all the property
142 owners. They want to put together some regulations to accommodate people who lose a structure under
143 certain conditions. They included some ability to expand or extend. They tried to put some standards in
144 here to address what one might call nuisance factors. They tried to define catastrophic events; made it so
145 that someone can't intentionally ruin their structure in order to rebuild. They have to be sure it's not too
146 close to the neighboring home, could be property value impacts, obstructing of views, noise and vibration
147 issues, etc. There could be environmental issues such as drainage and septic field locations. Similar to the
148 ZBA, they established some standards to help determine that someone is asking for this because they need
149 it or if it is just convenience. If they weren't allowed to do it, what would the unreasonable burden be?
150 Also, they have to consider substantial justice; if someone is allowed to rebuild, it doesn't just benefit that
151 person but also the neighbors/neighborhood. They added to the ordinance that regular maintenance and
152 repairs are permitted even though it's a nonconforming structure so that they won't allow the structure go
153 into disrepair.

154
155 Comments from public:

156
157 Resident Scott Dietrich stated that if a house was conforming when they built it and it gets destroyed, the
158 person should be allowed to rebuild it the way it was; they are entitled to get their house back through the
159 insurance company and he felt that the Township shouldn't stop it. He said that since the house is
160 existing, just because a fire or storm takes it down, the Township has record of it, let them build it back
161 the way it was. Chairman Meisel stated he wished it were that simple. He explained that when something
162 has been removed, even by an act of God, the Township has to be sure something isn't built that is unsafe.
163 For example, if it's too close to an adjacent structure and a fire breaks out it can burn the adjacent
164 structure down. They are trying to allow for as many opportunities for people to rebuild what they had
165 prior to the disaster.

166
167 **PUBLIC HEARING ITEM #1C: (7:54) Regulations for Solar Farms**

168
169 ***c. Regulations for Solar Farms***

170
171 Chairman Meisel asked if anyone in the audience was interested in Solar Farms. Resident Scott Dietrich
172 asked about windmills (wind turbines). Chairman Meisel said that's a different element for them, and they
173 have not dealt with it largely. He also noted that windspeed and direction in Tyrone Township is not
174 conducive to any commercial wind type operations. It's not a good location. It's on their list of future
175 actions. Brian Keesey added that they are suggesting they allow this in FR and RE where they already
176 permit public services, required utilities, etc. They have defined the physical characteristics they expect,
177 established locations and setbacks, a maximum height, talked about glare and screening. They have
178 defined where all the accessory equipment has to go. They have talked about natural preservation. They
179 don't want a solar farm going in at the expense of natural vegetation, existing tree stands, unique slopes
180 and rivers, etc. so they have accommodations built in for that. There is also a process for removal of the
181 structures once they are no longer in use. After twelve (12) consecutive months of non-use an operator
182 would have to remove the structures – including the footings. The land must be restored to its original
183 use. They are considering abandonment of the structure is 90 days at which point the twelve-month clock

184 will start. Height is 15', similar to other structures in the district. They won't be noticeable driving by as
185 they will be well hidden. It will be required of utility companies interested in this to provide localized
186 benefits. Legally we cannot show residents the benefits on their energy bills.

187
188 Questions from Public:

189
190 Resident Scott Dietrich asked if the Department of Environmental Quality (DEQ) had a place for the
191 battery storage to protect from leakage? He stated that potential battery leakage is his biggest concern
192 pertaining to solar farms. Brian Keesey stated that the current draft ordinance text contains language that
193 requires the secure storage of batteries when in use and disposal when not in use, in accordance with
194 applicable laws and regulations (inclusive of the DEQ). Chairman Meisel stated that he was looking at
195 other cases around the country where utility companies have come in and purchased large areas of
196 agricultural land to convert to solar farms. The local residents have had issues because of the large
197 amount of displaced agricultural land, specifically the loss of food resources. There were concerns about
198 too much of a farm property being able to be converted over to a use that is not agricultural. He would
199 like the Township to consider whether or not they should add some sort of density restriction; allow only
200 a size or a percentage of their lot for solar farms. He said we need to ask "Do we really want 200 acres of
201 solar panels in our rural community, or do we want to allow just a percentage of that property to be solar
202 panels and the rest remain agricultural?". They have identified potential financial impacts to communities
203 from the solar facilities. There are regulations that are set forth right now and other regulations still under
204 consideration by our state legislature. They want to encourage things like green energy and solar power,
205 but municipalities do generate some tax revenue from the farming of property; and a lot of the incentives
206 that exist or are proposed will limit the tax revenue that a municipality can receive on the property that
207 has solar panels on it. He said there needs to be some sort of incentive for residents to have these solar
208 farms. It's a positive thing to create energy from solar, but if you don't receive any benefit from it, it's
209 positive only to a certain point.

210
211 Resident Scott Dietrich said he has a brother in Linden where the neighborhood allowed a cell tower. He
212 did not want it, but the city won. So, if cell towers can be put on property, why not solar panels?
213 Chairman Meisel responded that it depends on a combination of local, state, and federal regulations, and
214 Michigan has a combination of all three. They are trying to be sure the limited commercial areas they
215 have in the Township - which are opportunities to generate tax revenue - aren't consumed by solar farms
216 which generate very little tax revenue. A resident who did not identify himself asked about limiting the
217 farmer's ability to sell land for solar. Chairman Meisel told him that if someone owns a piece of property
218 and if it is zoned correctly he or she can divide it as allowed and develop on it as allowed in that zoning
219 district.

220
221 **PUBLIC HEARING ITEM #1D: (8:12) Provisions to Allow Detached Accessory Structures on**
222 **Adjacent Lots in Certain Districts**

223
224 d. *Provisions to allow Detached Accessory Structures on Adjacent Lots in certain districts.*

225
226 Brian Keesey began this discussion by explaining that they were asked by the Township Board to
227 consider allowing detached accessory structures on adjacent properties. A resident would have a primary
228 residence on one property, and on a separate but somewhat adjacent property, would be a detached
229 structure; a garage or pole barn, for example. Chairman Meisel added that currently in our ordinance you
230 cannot have an accessory structure as the only structure on the lot. You must have a home on the property

231 and then you can build an accessory structure. You cannot have an accessory structure on the lot by
232 itself. They are trying to permit that under some very limited conditions.
233

234 Brian Keesey said that it is virtually unheard of to allow this, because people don't always maintain the
235 property because it's not on their primary lot, it doesn't look like the primary residence, so it turns into
236 maintenance issues, blight issues, and they don't always match the residential character of the
237 neighborhood. They are regulating how large the structures can be, setting a minimum size, because they
238 want these to be sizeable enough so they will look somewhat like the other residences on the street.
239 They've added considerations for architectural guidelines; there is a front entry door, etc. The larger
240 intent is to make this accessory structure look like a primary structure, so that there could be a conversion
241 to a single-family home that could be utilized like the rest of the street. They would only allow these
242 instances with the following criteria: Two parcels or lots owned and utilized by the same individual. They
243 would be separated by a public right-of-way; only instances where the semi-adjacent property is across
244 the street. There would be some required overlap between where those properties line up. The right-of-
245 way can't be larger than 66'. It can be a private or a public right-of-way. The detached parcel cannot be
246 sold separately from the primary residence; they will be functioning as a single lot. A resident asked if
247 there were any thought how it will be assessed. Chairman Meisel said that the assessors will look at the
248 value of the land and the value of the improvements on the land. Brian Keesey stated that there would
249 still be two separate tax IDs. A resident who did not identify herself asked if the area where they want to
250 build the structure is next to the other lot. Dave Wardin answered that it has to share at least 50% of the
251 adjacent lot width. They can't have two lots that are kitty corner to each other. Brian Keesey added that it
252 has to be across the street from it. Chairman Meisel explained the reason is there are some areas that
253 between topography and other restrictions there is no ability to have the accessory structure in the rear
254 yard. The only way they could have an accessory structure would be across the street. If it was on the
255 property next to you, and you owned that property, you would just combine the lots. Someone that may
256 own a lot that is substantially across the street, they have to have some sort of overlap in proximity. A
257 resident asked if this could apply to Bennett Lake Road. It was determined that it could occur on Bennett
258 Lake Rd. Resident Scott Dietrich asked if the Township had consulted with their attorney about
259 combining the properties in some way so that it would be cheaper for them in taxes. Chairman Meisel
260 answered that to the best of their knowledge they are not combinable otherwise that would solve the issue.
261 Dave Wardin added that there are townships in Oakland County that combine lots across the road with the
262 tax ID number. Chairman Meisel said they are proposing that it be deed restricted so that it has to act as a
263 common parcel and that way someone can't abandon it. Keesey said that they have provisions built in
264 that as long as the adjacent property can be turned into something in compliance with the rest of ordinance
265 we would agree to dissolve the deed restrictions. If a new home was built on that accessory lot, that would
266 then bring the property into compliance as a primary use, and then they could sell the property. If that
267 adjacent structure was torn down, we'd agree to dissolve the deed restriction. Resident Scott Dietrich said
268 he had questions regarding outdoor storage on these lots.

269 Brian Keesey said that there a few things regarding ongoing property maintenance that are different. They
270 are calling for maintenance in a manner characteristic of the residential properties of the neighborhood,
271 including but not limited to: Regularly mowed turf, if applicable, the vegetation would remain viable and
272 orderly, the structure would remain in good repair, and external storage of equipment, vehicles or
273 materials exceeding 24 hours is prohibited. Regular maintenance of neighborhood appropriate
274 landscaping is required. A boat cannot be stored out in the driveway permanently. Resident Scott Dietrich
275 asked about typical storage on your property, will that land be restricted with how many vehicles you can
276 store on each of the lots. Chairman Meisel said if you get the off-property accessory structure, you're not
277 going to be allowed to use the lot with the accessory structure on it as a storage lot.

278 Resident Mark Betley said he didn't understand why a front door has to be on the front of the garage. He
279 says by being limited to 1,200 square feet, putting a front door on the front is going to interfere with your
280 garage doors. He said his neighbors don't have an entry door on their garage which is facing the road, so
281 why would he have to do that? Chairman Meisel replied that they have tried to accomplish two things:
282 the first is from the architectural guidelines point of view, this is detached garage that is really in a
283 location that should be a single-family residential home, so it has to have reasonable character like a
284 single-family residential home otherwise it's a scab in the neighbor that doesn't fit in. If adjacent homes
285 had side entrances, then they would make it the same on the accessory building. The resident replied that
286 it would be challenging to put a double garage door *and* an entry way door on the front. Chairman Meisel
287 acknowledged they didn't consider that if we have a garage door and an entry way door they aren't
288 leaving people any room Brian Keesey said if you've got a 40' front wall, with 2-16' foot doors that limits
289 the space for an entry way door. Resident Scott Dietrich said it would not work with a 30' front wall.
290 Brian Keesey added that the front entry door is a good thing, and there is flexibility in terms of building
291 materials, colors, windows, roof pitches; but the front entry door is set in stone. They require this because
292 it is a traditional front entry element. Chairman Meisel suggested they add to the ordinance: "Unless
293 determined by the PC to otherwise be compatible with the character of the neighborhood." There were
294 discussions about materials and design; bottom line being that it matches the neighborhood. They agreed
295 to revisit this topic. Chairman Meisel said they would not rule out metal for the material, but they would
296 rule out metal buildings that look like commercial buildings
297

298 **PUBLIC HEARING ITEM #2: (8:38) Sutfin Proposed 1,200 Square Foot Accessory Structure**
299 **Request**

300

301 2.) Receive public comments regarding a request by Mark and Terri Sutfin for an increase in the
302 permitted accessory building floor area up to a maximum of 1,200 square feet (reference Section
303 21.02.G), subject to compliance with the percent lot coverage and placement standards in Article
304 20, Schedule of Regulations, located at 9359 Bennet lake Road, Fenton, Michigan 48430, Parcel
305 ID: 4704-05-202-018. The property is zoned R-1, Single Family Residential.

306

307 Chairman Meisel said the resident has an existing single-family residence, with a proposed accessory
308 structure. They have a 15' side yard setback; it looks like it is 65' to the rear property line. R-1 only
309 requires 10' for the rear yard, so that is compliant. He said they need to look at the location and size to be
310 sure it's compatible with existing adjacent developments. He showed on the screen where the existing
311 home is and where the proposed accessory structure would go. He showed that adjacent properties have
312 accessory structures. This one would be in the rear yard. A resident asked what size it would be.
313 Chairman Meisel answered that it would be 1,200 sq. ft; 30' wide by 40' long. The resident felt that was
314 like a house, very big. Chairman Meisel stated that a lot of detached structures were 28' x 36' which is
315 standard. If they get narrower than 30' you can't use them as an entrance in one direction because there is
316 no room for a door. You run into limitations as far as what you can do with them because of not enough
317 space. If you pull in a vehicle, you use up approx. 20' x 10'. There were some inaudible discussions in
318 audience. Residents spoke of having recreational vehicles used in summer but wanting to store them in
319 the winter rather than leave them in driveway.

320

321 A resident asked if the structure would be permitted for plumbing. Chairman Meisel said that with
322 detached accessory structures it is ok to run water or electricity to them. The problem only arises when
323 someone tries to occupy them: live in them or temporarily stay in them. In a single-family residential

324 neighborhood this is not permitted. Also, if they are living there it has to be habitable as defined as the
325 Livingston County Department of Health and Building Department with a kitchen, heating & cooling, etc.
326

327 Currently, an 800 square foot accessory building is permitted, so the Sutfins want to add 400 sq. ft. to
328 this. Chairman Meisel asked what the siding material would be. Mr. Sutfin stated that it would be a
329 painted metal-sided pole building with the exterior façade designed with architectural features that mimic
330 the appearance of a conventional (stick-built) detached garage. The proposed design will be painted to
331 match the structure. He stated it will be charcoal gray for the roof and light gray for the side with white
332 trim. He showed Chairman Meisel a picture. He said it was standard metal, not commercial metal. He
333 stated that it would be trimmed out like a house. He said he might add two additional windows on front
334 on each side of the door for light inside the structure. Chairman Meisel acknowledged that the outside
335 appearance would be compatible with existing home.

336 Brian Keesey said that it appears to be dimensionally compatible with the ordinance, and the materials,
337 appearance, and compatibility are a subjective determination by the Planning Commission so if they're
338 happy with it then it's good. A resident asked what the normal allowable size for accessory structures
339 was. Chairman Meisel explained that they allowed an increase in size up to 1,200 square feet (from 800
340 square feet) as long as there is a public hearing and that it is compatible with the neighborhood. They
341 want to ensure that the accessory structure is not larger than the house. Chairman Meisel asked if there
342 were any additional comments or questions from the public. Resident Scott Dietrich commented that he
343 believes the proposed size of the structure to be reasonably compatible with existing accessory structures
344 in the neighborhood based on the satellite image of the property showing several structures of similar
345 dimensions in close proximity to the Sutfin property.
346

347 **PUBLIC HEARING ITEM #3: (8:54) Proposed Foster/Lockwood Rezoning Request**
348

349 3.) To receive public comments regarding a request by Dennis Lockwood, represented by
350 Brendan Foster, for the rezoning of a proposed new parcel from FR (Farming Residential) to PCI
351 (Planned Commercial Industrial at the southwest corner of Old US-23 and Faussett Roads,
352 regulated by Zoning Ordinance #36 Article 23 Site Plan Review and Impact Assessment, and
353 Article 29 Zoning Amendments, located at 9398 Faussett Road, Fenton, Michigan 49430, Tax ID
354 4704-32-200-010. The property is zoned FR (Farming Residential).
355

356 Chairman Meisel asked if everyone understood what the proposal was. He gave a brief summary. He
357 showed the property in question on the screen. He showed that the proposal was to take 10 acres from that
358 property and rezone it to PCI (Planned Commercial Industrial). PCI allows for some low intensity
359 manufacturing and other commercial type uses, and PCI is what this area is master planned for. The
360 intended use is a manufacturing type site. Currently they have about ten (10) employees, may grow to
361 twenty (20) in this new facility. The facility would be about 15,000 square feet.
362

363 A resident (name not provided) asked what was going to be done about lighting, because the lighting is
364 going to shine into her bedroom window. Brendan Foster indicated that the lighting would be low impact,
365 with minimal lighting at night since the hours of operation would be during daylight hours most of the
366 year. She asked where his access was going to be. Chairman Meisel said that the Livingston County Road
367 Commission would determine that. Brendan Foster indicated that they have proposed the entrance on
368 Faussett Road. He continued, stating that there would only be one semi-truck per day in and out of there.
369 A resident asked if the surrounding neighbors would be able to hear the noise of the plant. Mr. Foster
370 explained that they don't have loud machinery. He said they have a smaller compressor inside that runs

371 periodically and it won't be heard outside. The resident said she was kitty corner from this proposed
372 structure on the north side of Faussett. Chairman Meisel said the right questions were being asked, but
373 the objective is that this is not going to become a distraction to the adjacent residential development.
374 Lighting must face down, not out; intensity of lighting, noise & odors will be taken into consideration.
375 There are a lot of different things that could end up in this location and this is probably going to be about
376 as transparent as you can get. He won't make any noise or odor. It should not cause any inconvenience to
377 anyone. A resident asked if this works out really well they might want to enlarge it and go to 24-hour
378 shifts. Chairman Meisel stated that if they decided to enlarge this facility they'd have to go through the
379 board again and get approval. The resident said that she believed the board would automatically approve
380 it. Chairman Meisel said that wasn't true. They have denied plenty of things in the past. It still depends on
381 whether it is compatible.. As far as shifts, he didn't feel that would matter, the traffic would be the only
382 possible issue. There are only a few employees proposed with this, so it won't be hundreds of employees
383 coming in and out. Chairman Meisel reassured her that she won't have to worry about anything with this
384 proposed facility. A resident asked about the semi-trucks coming in off Faussett Road. Chairman Meisel
385 stated that the Livingston County Road Commission would be establishing where the entrance will be. He
386 feels that because it going to be commercial in nature, it will probably be coming in off of US-23. He
387 doesn't feel that a single semi going up and down Faussett Road a couple days a week would provide any
388 more wear & tear than what already goes up and down there now. It's low intensity, he isn't
389 manufacturing heavy metals, etc. The trucks will be light. Chairman Meisel explained that these people
390 want to be sure they can rezone these 10 acres. Once those 10 acres can be rezoned he will buy them.
391 Resident Scott Dietrich asked whether or not there will be any ramps added to US-23. Chairman Meisel
392 responded that there are no plans for such changes. A resident asked if there would be any recourse in the
393 decision for rezoning if a large number of residents strongly opposed it. Chairman Meisel responded with
394 the fact that we run into uses that are controversial, so we have to look at our master plan. If they are
395 going to rezone something it will have to be consistent with the master plan. The next issue is what is
396 going to be developed there. They have a list of uses that can exist in PCI district. If it is permitted they
397 will work through the process of trying to mitigate the concerns people have but again some of that is
398 going to be permitted because that it what is set up to be in PCI. If it's not on that list, then it gets into a
399 different issue: can we allow it or is it not permitted in that district. When they look at what is being
400 proposed to go there, it is closer to ideal than other alternatives. What are the concerns of rezoning this to
401 what is planned long term to be there? The next step is the applicant has to submit a site plan and
402 demonstrate what he doing is compatible with what is permitted there.
403 A resident asked if there was a whole neighborhood that did not want him doing this, what can we do?
404 Brian Keesey said the general process for the rezoning is the public hearing, then the PC makes
405 recommendations to the Township Board one way or the other. This is based on specific findings of the
406 ordinance. If this body and the Township Board find that all of those requirements of the ordinance are
407 met, the recourse from concerned citizens is to "poke holes in those arguments"; saying that what is being
408 proposed doesn't match up with the long-term plan, it isn't compatible, etc. There has to be some
409 thorough justification, they can't just say they don't want it that way. Chairman Meisel stated that they
410 are tasked with allowing people to develop their property and they have to balance the fact that someone
411 is permitted to develop their property with trying to manage what gets developed so that it upsets the
412 fewest people possible. They look at these things with a lot of interest and concerns because they don't
413 want to turn a situation into something where residents may be displaced, but at the same time if someone
414 owns a piece of property they do have the right to develop it and use it. This proposed facility will not be
415 as busy as Action Water Sports.
416

417 Resident Scott Dietrich said he still had concerns about traffic, and that the Planning Commission needs
418 to worry about that now rather than later. Chairman Meisel explained that with just ten (10) acres
419 developed there won't be a ton of traffic. He asked what if instead of building this facility he decides to
420 develop it into a huge subdivision and then there will be hundreds of cars going in and out in that
421 situation. Mr. Dietrich said government doesn't always look ahead on all issues, and I know there will be
422 extra traffic with this proposed facility. They may have to come in and change the roads after the fact,
423 and it should be addressed now rather than later. It's not Michigan's property, it's the United State's
424 property and they can change it at any time. Chairman Meisel responded with the fact that part of what
425 they do is a Concept Review, discussing access to the facility, number of employees, etc. That is not set in
426 stone but it's part of the process. The planning commission does consider those things, but Livingston
427 County will dictate the requirements for the roads. A resident asked how far back from US-23 you can go
428 industrial? Chairman Meisel pulled up the Master Plan page 137 and showed the blue shading on the map
429 which represented the commercial areas. He showed the ten (10) acres that was proposed, but the
430 location of where the building would go hasn't been decided (multiple people talking).

431

432 **Chairman Meisel closed the public hearing (9:30PM)**

433

434 Brian Keesey read through the nine (9) criteria for evaluating or rezoning in section 29 of the ordinance.

435

436 (1) **Consistency:** Consistency with the goals, policies and future land use map of the Township
437 Master Plan. They've talked about this, and the Master Plan says the property can be supported in
438 terms of rezoning to PCI. A text out of that sections says "Well located planned attractive in a
439 diverse industrial development. Utilization of existing sanitary facilities, landscaped to maintain
440 rural character and buffer from nearby residential properties". These are things they will review
441 during site plan and special land use approval.

442

443 (2) **Site Compatibility:** Compatibility with the proposed zoning district regulations, currently used
444 for farming, may need to do some grading but generally no tree clearing needs to be done.

445

446 (3) **Return on Investment:** They can assume that if the property weren't to be rezoned it would
447 either remain farming or go to single-family residential in its current zoning.

448

449 (4) **Surrounding Uses:** The permitted uses in PCI – if it rezoned and for some reason Mr. Foster
450 didn't submit a site plan, the zoning would stay. Other potential uses include schools, training
451 facilities, indoor commercial recreation, parks and open space, high technology services. Special
452 land uses could include car washes, general sales, rental of automobiles, etc. All of those would
453 ensure compatibility.

454

455 (5) **Infrastructure impacts:** These sites along Old US-23 are identified due to their adjacency to
456 sewer access and roads that can accommodate these uses. Specific road and traffic impacts will
457 be evaluated once the use is determined in its totality. In general, this is where we want
458 businesses to go for those reasons.

459

460 (6) **Demand:** The demand for land zoned as proposed. There are a few vacant parcels, one is quite
461 large and one that is approximately the same size. The purpose is to show that in general we are
462 nearing capacity for this type of planned use so a rezoning may be warranted.

463

464 (7) **Suitability:** The farming is well suited for the site, and light industrial can make use of this
465 property as well. Based on the long-standing future land use plan it's been found be suitable for
466 some time now.

467
468 (8) **Previous Submission:** If someone has come to the township before and it was shot down they
469 have to wait one year to come back with a new proposal. There has not been a previous
470 submission on this site, so there are no concerns.

471
472 (9) **Other Factors:** Other factors deemed appropriate by the Planning Commission and Township
473 Board.

474
475 Brian Keesey presented the following summary: "We find the proposed rezoning consistent with the
476 Master Plan. Possible PCI uses are not typically high impact and can be designed to context
477 appropriately. Existing sewer and road infrastructure can accommodate typical PCI uses. There is not an
478 abundance of PCI zoned property. There are no features specific to the site that would dictate that it
479 should remain agricultural use. Zoning standards will ensure proper landscaping and other site
480 requirements will protect adjacent properties from any ill effects. Based on those criteria and the future
481 land use plan this is about as straight forward as a rezoning goes, in my opinion. There is nothing in my
482 mind that would detract from making an affirmative vote on this. I do want to note that we don't have a
483 completed division, but if you find that it's appropriate for recommendation to the Board for rezoning, it
484 should be contingent on completion of that land division. Theoretically you could rezone a portion of the
485 property, but this is not what they are proposing. They are on board with doing the land division first".
486

487 Dave Wardin moved to recommend the Township Board rezone the 10 acre parcel of land as identified on
488 the Lockwood application from FR to PCI, noting that the rezoning is in conformance with the Tyrone
489 Township 2012 Master Plan and future land use map and the nine (9) criteria contained in section 24.09.A
490 of the Tyrone Township Zoning Ordinance. Said rezoning is conditional upon receiving land division
491 approval of the 10-acre parcel. Cam Gonzalez seconded the motion. The motion carried by unanimous
492 voice vote.

493
494 (9:40 p.m.) Chairman Meisel revisited the Suftin request for the 1200 sq. ft. accessory structure. Brian
495 Keesey did not do a formal review for this because it was pretty straight forward from their point of view.
496 They have identified that the appearance will be reasonably compatible with the existing adjacent
497 development. The location and size are reasonably compatible. They have not identified any conflicts
498 relative to why an increase to 1200 sq. ft. would be not in the best interest of the applicant and/or the
499 adjacent neighbors.

500
501 Dave Wardin motioned to approve the Suftin request for a 1200 sq. ft. accessory structure with the
502 location as presented in the application, stamped 4/18/18. Structure is 30' x 40', approximately 68' from
503 the rear yard lot line and 15' from the side yard lot line. It is in compliance with the requirements set forth
504 in the zoning ordinance for a detached accessory structure in the R-1 district. Cam Gonzalez seconded
505 the motion. The motion carried with a unanimous voice vote.

506
507 Zoning Amendments: Ok with outdoor recreations in FR, ok with rebuilding non-conforming after a
508 disaster. Should have some more discussions regarding solar panels, as well as detached accessory
509 structures and the mandatory front door location. Dave Wardin said he felt like they'd need a bit more
510 time to discuss the Solar Farms. He said he didn't want to limit someone to only use a portion of their

511 property for Solar Panels, unless he can say if you're going to develop it as a cluster, we are going to
512 require 50% of open space. He feels they should be allowed to use only 50% of their property for Solar.
513 That would conform to other portions of our ordinance, so it's defensible. Chairman Meisel stated he
514 thinks that if someone has large acreage there should be some sort of allocation, but do we want to dictate
515 what someone is doing with their property? We need the crops that are growing, so is it in the best interest
516 to eliminate agricultural resources? Dave Wardin stated we have a lot of agricultural zoned property, but
517 do we know how much of this property is being used for agricultural purposes, actually farmed? Ross
518 Nicholson said that assessing would know that answer, because that's how they determine their taxes. Bill
519 Wood stated that he has a problem with telling someone you may have paid taxes on your property all
520 those years but you can only use half of it. Chairman Meisel said that was a fair statement, but we do that
521 with zoning with everyone; you have a limitation on how you can use your property based on how it was
522 zoned. The other thing is looking at the challenges that municipalities, including Tyrone Township, have
523 faced. Someone comes in and says "I want to do whatever I want with my property", such as building a
524 mobile home park, and it costs residents \$3.00 for every \$1.00 that it generates. The courts side with the
525 manufactured home businesses and we end up with a bunch of mobile home parks that drain the resources
526 of the Township. Then they go out of business or into disrepair and it costs us even more. So, while they
527 have development rights, as planners we try to find a way for them to reasonably develop their property
528 without it costing us money. Dave Wardin said he agrees with Bill Wood that he doesn't like telling
529 someone what they can and cannot do with their own property, but it's best to limit people. Chairman
530 Meisel said there is always some benefit to everyone else with most developments, like tax dollars, the
531 availability of a service, a recreational opportunity, etc. With solar power all that electricity may be used
532 someplace else, you lose your tax dollars. You get nothing out of it. Yes, there is electricity made but it's
533 not a direct benefit. All commissioners agreed they needed to take some time with this because there are a
534 lot of "ifs" and people affected by it.

535
536 (9:54) Meisel stated he was asked by the Township Supervisor and the Zoning Administrator to discuss a
537 caregiver operation in the FR district that is causing a number of concerns by residents. He said he didn't
538 think they anticipated the ability for someone to operate a caregiver operation and not actually own the
539 property or have a residence on the property. He said he thinks they were all thinking the caregiver
540 operation would be an accessory. There are a number of violations relative to what's permitted by the
541 Medical Marijuana Act as far as who is accessing the facility, how many people, how it is laid out. The
542 primary issue is no one lives there, so there is a business type appearance which is outward visibly as to
543 what is going on. It is not compatible with the adjacent neighbors from a residential point of view. Dave
544 Wardin summed it up by saying "We have a medical marijuana operation in a non-conforming accessory
545 structure". Ross Nicholson explained that the parcel was in a residential area, it is FR, but the structure
546 itself was an existing non-conformity and it was a land division, split off with the intent of a house being
547 built there. The house never got built, so it's just a pole barn at the end of a residential street. Chairman
548 Meisel stated that if someone followed the rules and came in here and followed our process for a
549 caregiver operation that would not have been permitted because it's non-conforming. Under
550 "requirements for qualifying patients" Patient Control currently reads: the site must be under the control
551 through written lease, contract or deed in favor of the qualifying patient. That works, but maybe should
552 add "in a residential district growing for personal use must be an accessory use in a portion of an existing
553 single-family residence or in a conforming accessory structure located on the lot or parcel. The single-
554 family residence must be owned and occupied by the qualifying patient and his or her parent or legal
555 guardian". The problem is that the qualifying patient owns the property and has a caregiver. The
556 caregiver, therefore, is the only one allowed into that building under state law and the only one allowed to
557 have access to the medical marijuana. The qualifying patient is showing up, even under the guise of doing

558 maintenance, and other people are showing up, as well. It needs to be written so that if you are a
559 qualifying patient and you are going to grow for yourself, you've got to have ownership of it and it's got
560 to be an accessory use to your home otherwise you've created a commercial operation in a residential
561 district. These are just some ideas we need to look at. Bill Wood said that the police have been out there
562 and have not found anything wrong, haven't caught the guy there. The police won't do anything about it,
563 and he wondered if it's because of the way the ordinance is worded. Chairman Meisel said that he
564 understands that there was a complaint; the officer identified a number of violations, told them they were
565 not in compliance with either state or Township requirements. Tyrone Township was contacted about this.
566 The township made an offer based on the response of the individual to work with them to bring them into
567 compliance. Since we have made that offer, they have, in the opinion of many, demonstrated that they are
568 never going to get into compliance, they are just operating a business, getting away with what they can
569 until someone shuts them down. Bill Wood said he thought it was just a misdemeanor, we really don't
570 have a lot to go on unless we change how we have our ordinance written. Chairman Meisel said that as a
571 local municipality we can issue civil infractions if they're in violation. They are also in violation of the
572 Michigan Medical Marijuana Act; they can be arrested and be prosecuted for violation of the State of
573 Michigan laws. Based on this experience with this applicant, we need to make some changes to the
574 ordinance so situations like this don't happen again. Enforcement is a separate issue. Growing: Need to
575 offer restrictions for caregivers, repeat where it's permitted, etc. Need to reword it: if we are now talking
576 about caregivers and these are the standards for the caregiver operation, only the caregiver has access.
577 The law says it's either the qualifying patient or the caregiver. If you've given up your right to grow to a
578 caregiver, the caregiver has to do all the growing for you; if you're a qualifying patient, it's only you.
579 Need to work on this so it meets the intent of the law. A suggestion was made that in the FR district we
580 review the separation distances relative to setbacks to existing homes. If someone is going to do this,
581 there has to be some sort of separation, like setbacks or acreage. Also talked about when we review an
582 application for a caregiver operation, we should be working through a Township checklist. There was a
583 checklist created previously at a subcommittee meeting. Regarding doing a zoning amendment, 60-90
584 days is the absolute minimum to do, so 120 days allows us to make a recommendation at the next
585 meeting, get it to the county, get it back, and get it to the Township Board. Development of amended text
586 will continue during a future meeting.

587

588 **MISCELLANEOUS BUSINESS:** None

589

590 1) Planning and Zoning Administrator's Report: None

591 2) Other Business Items: None

592 3) Township Board Actions: None

593 4) ZBA Report: None

594 5) Future Items: N/A

595 6) Correspondence: N/A

596

597 **ADJOURNMENT (10:12 PM):** By Chairman Meisel