

1 **TYRONE TOWNSHIP PLANNING COMMISSION**
2 **REGULAR MEETING & PUBLIC HEARING MINUTES**
3 **July 10, 2018 7:00 p.m.**

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

8
9 **ABSENT:** None

10 **OTHERS PRESENT:** Tyrone Township Planner Brian Keesey and Tyrone Township Planning
11 & Zoning Administrator Ross Nicholson

12
13 **CALL TO ORDER:** The meeting was called to order by Chairman Mark Meisel.

14 **PLEDGE OF ALLEGIANCE:**

15 **CALL TO THE PUBLIC:** Matt Germaine introduced himself as the candidate for Livingston
16 County Commissioner.

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18 **APPROVAL OF THE AGENDA:** Kurt Schulze moved to approve the agenda as presented. Al
19 Pool supported the motion. Approved as presented. Motion carried by unanimous voice vote.

20
21 **APPROVAL OF THE MINUTES:**

22 A minor grammatical change was needed. Cam Gonzales moved to approve the minutes as
23 amended, Dave Wardin supported the motion, and the motion carried by unanimous voice vote.

24
25 **OLD BUSINESS: MMMA Regulations in the FR District:**

26 The latest draft was reviewed. Chairman Meisel went over the general requirements; one section
27 for qualifying patients and one for caregivers. The growing requirements for caregivers and
28 qualifying patients were consolidated. No content was changed, just some rearranging.

29
30 **NEW BUSINESS #1: Becker Boundary Realignment:**

31 Brian Keesey explained that this is a boundary realignment in the FR district where the minimum
32 lot size is three (3) acres. The general requirements of a land division are utilized for a boundary
33 realignment. He went over the general standards for approval, most important being the
34 dimensional requirements. The properties will each be 250' minimum lot width and will be over
35 three (3) acres minimum. The existing home is currently non-conforming because it is too close
36 to the road, but that is not changing, and there is no concern with that. The word "proposed"
37 needs to be changed to "new" on the submitted drawings and legal description documents. There
38 are no concerns with this boundary realignment. Dave Wardin moved to recommend for
39 Township Board approval upon conforming to the minor revisions mentioned in the McKenna
40 letter dated 7/6/18, acknowledging the existing structure on parcel A-1 is non-conforming in
41 regards to the front setback. Al Pool supported the motion. The motion carried by unanimous
42 voice vote.

43 (7:30 pm) Regular Meeting recessed to begin the public hearing.

44 **(7:30 pm) Public Hearing Opened- MMMA Regulations in the FR District**

45 Chairman Meisel asked if anyone was in attendance for this topic, and there were several. He
46 explained the proposed amendments to Section 21.55 – Medical Marijuana Uses. There was
47 some language in the ordinance that was rewritten to provide more clarification. He explained
48 that it is proposed to add to the “findings” section that the Township acknowledges that
49 Michigan has enacted a law and that the Township is required to comply with the requirements.
50 Medical Marijuana uses have to be allowed as set forth by the state of Michigan. There is new
51 proposed text regarding accessory use; need to clarify that in residential districts growing for
52 personal use must be accessory to an existing single-family residential use. It needs to be made
53 certain there are adequate separations from residential uses, requiring at least 75’ from any
54 adjacent residential structure and/or any other shared private driveway, private road, or access
55 easement serving one or more residential lots or parcels. A special land use permit with site plan
56 approval is required; a full review inclusive of a public hearing. There is an annual renewal that
57 is required for this permit.

58 Resident Pam Livingston of 8080 Sheridan Park asked if in FR the 75’ requirement was from the
59 property line or from the residences. Meisel explained it would be the lesser of, always at least
60 75’ from either the adjacent residential structure or the property line, anything that is closer than
61 75’ will be noncompliant. She asked what the recourse would be if someone opens a growing
62 operation without a permit. Meisel explained that they’d need to look at whether or not their
63 intent was to be compliant and maybe didn’t have the correct knowledge of the proper procedure,
64 and they would be willing become compliant. In most cases a noncompliance would be
65 investigated by the State. Ms. Livingston asked if they have considered proposing larger than a
66 three-acre lot size. Meisel explained that they came up with three (3) acres because that is the
67 current minimum lot size in the FR district. Depending on how the property is developed, three
68 (3) acres may not be enough to meet all the separation requirements. Because this is a special
69 land use, just meeting the minimum setbacks may not be enough, they still have to have the
70 correct yard location which may require additional separation. Brian Keesey said they needed to
71 be sure they weren’t overly restrictive so as to completely prohibit that use, because it is
72 permitted by the State. Ms. Livingston said she felt that a growing operation on only three (3)
73 acres is too small and could be a nuisance. Meisel stated that there should be no nuisance factors
74 associated with this according to the ordinance, and if they are unable to abate an odor issue then
75 the permit would be revoked. He stated that we need to separate out from some of the past non-
76 compliant operations; a lot of those issues became enforcement issues and those operations don’t
77 exist anymore. Bottom line is if someone is really complying, then you should never know
78 they’re there. This is a yearly permit, so they need to renew each year. If there are complaints or
79 issues, they must demonstrate that they will resolve them, or they will lose their permit.

80

81 Resident Herb Livingston of 8080 Sheraton Park feels that the Township is catering to the
82 caregivers – they are supposed to be growing for patients but really, they are doing this for the
83 money. He said it becomes a money-making commercial operation. He said he felt that three (3)
84 acres is too small to grow 72 plants. He felt that the Township is treating the caregivers better
85 than someone who wants to farm pigs. He said “You’re catering too much, just because they are

86 caregivers. You have restrictions on farming, but this is a controlled substance, not a farm
87 animal, and on a smaller parcel it just becomes too close to other people”.

88 Brian Keeseey said that more was going to be accomplished with a separation distance than an
89 acreage minimum. Someone could have a ten-acre parcel that is 250 feet wide - making the
90 requirement to ten (10) acres doesn't solve the problem. The separation distance is what is
91 intended to keep those ill effects from those adjacent properties.

92 Mr. Livingston said he felt it would be cheaper to grow on three (3) acres; that someone would
93 have to come up with more money to purchase a larger parcel.

94 Meisel stated there is nothing on the State level regarding property size. They have had many
95 discussions about this to ensure separation and they always come back to separation distances.
96 He said they are trying to protect the residents while also trying to allow people to do what
97 they're permitted to do under state law; trying to find the compromise to get people to peacefully
98 co-exist. They are trying to establish some sort of requirement that says that if someone is going
99 to be a good person, they have a right to do this. Meisel asked “do we infringe upon their rights
100 vs. infringing upon someone else's”? When there is a bad actor then it makes all the people that
101 are complying with the requirements look bad, so they are then prohibited from doing what they
102 are otherwise legally allowed to do. He said he really thinks separation is the best option,
103 because area doesn't really tell you where the operation is.

104 Dave Wardin stated that just because it is a three (3) acre parcel doesn't mean the Planning
105 Commission would approve it. It's much more complicated. There are other requirements that
106 would have to be met, including a public hearing.

107 Resident Trent Wendall of 2133 Foley Rd asked if there is a maximum number of plants that a
108 caregiver can grow, based on square footage. The state limits the number of plants per qualified
109 patient to twelve (12) plants, up to a maximum of six (6) people (including the caregiver), which
110 equals 72 plants. The State clearly states that for each individual person that's being grown for,
111 the marijuana has to in a separate enclosed, locked facility. The plants have to be segregated per
112 person. The Township needs to be sure the special land use permit will only work for single
113 family residences and not be treated like a commercial operation. Mr. Wendell asked about the
114 location of bus stops relative to established grow operations. Technically they could be 75' feet
115 apart, however, if the established growing facility is being compliant you shouldn't even know
116 they're there. They have annual renewals, so they will be re-reviewed.

117 Keeseey said it would potentially be a lawsuit if you tell someone who has an established growing
118 use that because someone moved in next to them they can no longer have that use. Meisel stated
119 that the existing operations would still be required to maintain compliance. Keeseey pointed out a
120 parallel: there are separation requirements for a liquor store and a church. If a church came in
121 and built next door to a liquor store, they're not going to make the liquor store leave, they are
122 grandfathered in.

123 Pam Livingston asked about the process for approval of the ordinance. Meisel explained that
124 after we have proposed language and hold the public hearing, then we have the ability to take
125 action- which will be to either recommend approval, recommend denial, or take no action. If we
126 recommend approval then it goes to the Livingston County Planning Commission for their
127 review and comments. They have to review it within 45 days, and then it goes to the Township

128 Board. At that point, the board can approve, approve with conditions, or deny. If things worked
129 as quickly as they could it could be adopted in about 45-60 days.

130 There were no more comments or questions from the public or the planning commission on the
131 MMMA subject.

132

133 **(8:42 pm) Foster/Benecor PCI-Special Land Use:** To receive public comments regarding
134 Brendan Foster’s request for a special land use permit to operate a light industrial
135 assembly/manufacturing facility in the PCI (Planned Commercial Industrial) district, located at
136 the southwest corner of Faussett Road and Old US-23, on a proposed ten (10) acre parcel to split
137 from parcel # 4704-32-200-010 and rezoned to PCI, currently zoned FR (Farming Residential). It
138 is Master Planned PCI, and action has already been taken regarding the rezoning.

139 Keesey suggested that Meisel bring up the site plan so he could go through the review. Keesey
140 explained that this was at the southwest corner of Faussett Road and Old US-23. This land was
141 previously recommended to the Township Board to rezone to PCI, which was approved, so this
142 parcel is zoned PCI today. Within this district light industrial uses are expected; similar uses up
143 and down this corridor include Action Water Sports & Suburban Propane. Benecor, as defined
144 on their site plan, is a company who assembles diesel exhaust fluid dispensing and storage
145 equipment. The special land use would also consist of; outdoor storage of bulk tanks, dispensing
146 enclosures, and flatbed trailers, as well as administrative offices for the running of the business.
147 While these types of uses are not specifically called out in the PCI district in the ordinance, there
148 is a provision in section 13.A.03.u that reads “uses of the same nature or classes of uses listed in
149 this district may be permitted by special land use”. The Planning Commission finds these uses
150 generally similar. Meisel suggested that since there was no public present with any concerns,
151 they should highlight any issues with the approval standards; maybe jump to the summary.

152 Keesey feels that this is compliant with the types of facilities that they would expect in the
153 district. He stated he wanted some clarification on the screening of the outdoor storage and
154 materials. He also wants more information on the hours of operation, the maximum number of
155 employees and the size, height and arrangement of materials stored outside.

156 Meisel asked if there were any questions or comments from the public.

157 A resident who did not identify herself asked where the entrance to the facility would be. Keesey
158 stated that it would be off of Faussett Road. Meisel showed her where it would be on the map.
159 She was concerned about the number of trucks going in and out. Brandon Foster told her there
160 would be one UPS truck in the morning and one late at night. Potentially one semi-truck per day,
161 and they are coming off of old US-23.

162 There were no additional comments or questions.

163 **(8:36 pm) Hager Land Division:**

164 To receive public comments regarding a request by Ransom and Cindy Hager, represented by
165 Travis Hager, for a shared private driveway as part of a proposed land division to create three (3)
166 new parcels on the north side of Hogan Road, between Sonora Drive and Nimphie Road, Parcel
167 ID# 4704-08-400-035, approximately eight (8) acres, zoned RE.

168

169 Meisel brought up relevant documents; the application, the survey and the review.

170 Keesey summarized the proposal and walked through the memo. He said that the division of the
171 land is permitted if they meet the size and dimensional characteristics, but the reason for the
172 public hearing associated with this application is because they are expanding the intensity of the
173 driveway. Where one (1) parcel takes access today, three (3) could potentially take access in the
174 future. The Township's ordinance requires that within 50' of any private drive where there is an
175 expansion of intensity, a public hearing must be held. Even though there is an existing driveway
176 to a single-family home right now, the proposal is for up to three (3) parcels to take access, so
177 that would also mean the now proposed shared private driveway needs to be formalized as far as
178 what the cross section and the construction of the driveway would be in order to support
179 additional homes. A maintenance agreement document would be required as well.

180 Keesey walked through the Shared Private Driveway approval requirements from section 24.
181 The first is site distance, and the Road Commission had reviewed and approved the location for
182 additional units to utilize this existing driveway. A maintenance agreement has been provided,
183 but it is lacking some important items such as voting procedures & who is responsible for snow
184 removal. There is a set of design standards - the primary one requires the minimum width of the
185 shared private drive be 20', and only 16' wide is proposed currently. Also missing are any
186 proposed curves and turns. The final requirement is to have this public hearing. Information is
187 needed regarding the design of the driveway. Also required are contours provided at 2' intervals.

188 Resident Tamera Dickinson of Nimphie Road wanted clarification on the location of the
189 driveway. Keesey explained that they were intending to use the existing driveway, and they
190 pointed it out to her on the overhead screen.

191 Keesey explained that the current ordinance requires a 66' wide access easement, which is not
192 possible based on the existing configuration, because the access easement through the platted
193 subdivision today is only 50' wide. It is being considered a nonconforming situation where the
194 access easement is deficient 16' today, but the new proposed portion is 66' wide. Meisel said the
195 50' easement was legally established at some point. The reason we have a 66' requirement is
196 because of the Livingston County Road Commission requirements for public roads, because a
197 private road could eventually become a public road. The Livingston County Road Commission
198 has jurisdiction; they reviewed it and said it is acceptable to them.

199 Keesey says clarification is needed in regard to what the subbase or type of gravel they are
200 proposing. Meisel said it's typically 16' with 2' shoulders. There is a 1,200' max length for a
201 shared private drive. The total length is not specified on the site plan but the total property itself
202 is only about 600' deep. There should be a dimension to clearly demonstrate that the driveway
203 does not exceed 1200'. There is no turn-around required, but they are proposing one. The shared
204 private drive would meet Hogan Rd at a 90-degree angle which is in compliance, and it is offset
205 250' from the nearest intersection. They'd be required to maintain vertical clearance of 15' just
206 like any other shared private driveway and be responsible for their signage.

207 **(8:55) Public Hearing Closed**

208

209

210 **(8:56 pm) New Business #2 - Hager Land Division**

211 Meisel highlighted the items needed to be addressed and Keesey worked through the memo.

212 Meisel addressed the way it's written, removing the words "tentative" and replacing with "New
213 Parcel" or "Parcel Map". When it goes to Livingston County they record the document, and they
214 don't want to see "proposed" or "tentative" because it implies it's not final. The labels on the
215 parcels which read "Tentative Parcel" need to have the word "Tentative" removed.

216 Dave Wardin talked about the point of beginning. He stated that he would prefer that the
217 surveyor use a different point of beginning and make it some other point than off of Sorento
218 Drive. He said there needs to be a more established point of beginning.

219 Meisel suggested that they should note that there are no regulated wetlands present.

220 Keesey noted that a shared private driveway needs to be approved concurrently with the land
221 division. The shared private driveway has to be constructed before any new parcels are given
222 building permits.

223 Keesey said that the remainder parcel would not meet the requisite 200' minimum lot width.
224 Wardin was concerned about the minimum parcel sizes and stated that there needs to be more
225 detail on the survey to verify the dimensions. He stated that what they were looking at was a
226 parcel map, it's supposed to be a recordable survey.

227 Recommendations were made that revised drawings are needed in regard to the land division
228 requirements and the changes for the shared private drive.

229 Cam Gonzalez moved to table the Hager Land Division pending receipt of the additional
230 information to complete the requirements for a land division and shared private driveway. Al
231 Pool supported the motion; the motion carried by unanimous voice vote.

232 **(9:19 pm) New Business #3 - Foster/Benecor Special Land Use**

233 Meisel stated there were two elements to this: a site plan and special land use. Keesey walked
234 through the memo. He stated they should not recommend approval of the site plan unless it's
235 conditional on special land use approval. In terms of achieving approval standards of the
236 ordinance, in general, it was found that it would be compatible with adjacent properties. Two
237 components: land use for light industrial use, and outdoor storage. Main concerns here focus on
238 how outdoor storage is screened from Faussett Road.

239 Meisel suggested they walk through the memo and address the issues.

240 First issue was sheet eleven (11); it shows south and north elevations labeled incorrectly. The
241 commissioners agreed that it was a minor typo.

242 Next – making sure there is adequate separation in maintaining audible harmony. There is a
243 residential property directly west, so they are proposing a single row of spruce trees along the
244 western property boundary. Will that be adequate enough? Needs to be discussed.

245 Mr. Foster stated that the smaller storage units would be stored at the north end, and the taller
246 units at the south where there is more buffer. Wardin stated that this should be included in the
247 details of the use statement.

248 Meisel stated that the Livingston County Road Commission approval was needed for the
249 driveway location.

250 Keesey discussed the greenbelt requirements. The outdoor storage facilities are intended to be
251 screened in their entirety. The ordinance calls for a visually okay fence at least 6' high. We have
252 in the past utilized vegetative or natural screen as acceptable to meet that requirement. What is
253 proposed right now is approved by the Planning Commission.

254 There was some discussion about the level of noise that would be produced at the facility. It
255 would have to be documented that it would be reasonably quiet.

256 Mr. Foster showed a diagram of the proposed facility. Kurt Schulze asked what percentage of the
257 building is going to be offices. It was stated that about 2,000 sq. ft of the 14,000 sq. ft building
258 would be dedicated to offices. Keesey commented on the size of the sign, based on the picture it
259 appears too large, but will need to discuss. At this point in time there are no plans for signage out
260 on Faussett Road.

261 Brian Keesey wanted clarification on the building materials. Mr. Foster described the proposed
262 building materials and explained that the intent is to create an aesthetically pleasing structure.

263 Schulze asked if there were any exhaust fans or air exchangers in the facility. Mr. Foster said
264 there is an air exchanger in the very back at the south wall. It is not on the roof.

265 Keesey requested landscaping calculations.

266 Wardin moved to recommend approval of the special land use, Al Pool supported, the motion
267 carried by unanimous voice vote.

268 Wardin moved to recommend approval of the site plan conditional on the special land use
269 approval and the Livingston County Road Commission approval of the approach, as well as
270 some typo corrections, landscaping detail, and a use statement. Cam Gonzales supported the
271 motion and it carried by a unanimous voice vote.

272 **(10:01 pm) New Business #4 - Payne-Dentonview Boundary Realignment**

273 Meisel summarized. Keesey explained that the application has gone from a Land Division to a
274 Boundary Realignment. The result will be 2.01 and 21.55-acre parcels. Proof of ownership has
275 been provided. Parcel A was revised and it only includes the description of the addition and not
276 of the original. The two descriptions need to be combined and the word "revised" needs to be
277 removed.

278 The Planning Commission reviewed the legal descriptions on the most recent revised drawings.

279 Keesey stated that the easement is executed, but not recorded. It was noted that they should
280 check with Livingston County Road Commission and ask if they have intent to record it. It
281 would be good to have something in writing from them.

282 Wardin moved to recommend approval of the Payne-Dentonview Boundary Realignment subject
283 to receiving updated drawings and legal descriptions. Schulze supported the motion and it carried
284 by unanimous voice vote.

285 **(10:22 pm) New Business #5 – Engberg Land Division**

286 Meisel brought up relevant documents, and Keeseey summarized the application. It is a division
287 of just under 36 acres, resulting in a 21-acre parcel, a ten-acre parcel and a five-acre parcel, each
288 with access to a primary road: Mabley Hill Road and Germany Road. He asked if any divisions
289 were allocated elsewhere; said the number of splits needed to be confirmed. He noted that all of
290 the items in the memo have been addressed in the latest revised drawings. There are no concerns
291 regarding wetlands and natural features. The sight distance is sufficient; the setbacks are okay.
292 All of the concerns in the review letter have been addressed.

293 Wardin moved to recommend the approval of the Engberg Land Division because it complies
294 with both the zoning ordinance and land division ordinances. Gonzales supported the motion,
295 and the motion carried by unanimous voice vote.

296 **(10:36 pm) Old Business #1 - MMMA**

297 Meisel stated that everyone was okay with the current version. There was a brief discussion
298 amongst the Planning Commission and the Planner. Meisel asked if they were ready to
299 recommend to the Board and Livingston County Planning Commission. Schulze asked what the
300 other townships are doing in relationship to the same problems. Are our requirements that much
301 different than other townships? Meisel said we were commended by Livingston County Planning
302 as having one of the better ordinances. Nobody is covering everything, and there has been a lot
303 of questions as to what we can regulate in some cases because the law wasn't perfectly clear.

304 After a brief discussion amongst the commissioners, Wardin moved to recommend Township
305 Board approval and forwarding to Livingston County Planning Commission for review and
306 comment, Puckett supported the motion, and it carried by unanimous voice vote.

307 The meeting adjourned at 10:45 pm.