

1 **TYRONE TOWNSHIP PLANNING COMMISSION**
2 **REGULAR MEETING & PUBLIC HEARING MINUTES**
3 **May 14, 2019 7:00 p.m.**
4
5

6 **PRESENT:** Mark Meisel, Dave Wardin, Kurt Schulze, Al Pool, and Perry Green
7

8 **ABSENT:** Rich Erickson and Bill Wood
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10 **OTHERS PRESENT:** Tyrone Township Planner Greg Elliott and Tyrone Township Planning &
11 Zoning Administrator Ross Nicholson
12

13 **CALL TO ORDER (7:03 pm):** The meeting was called to order by Chairman Mark Meisel.
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15 **PLEDGE OF ALLEGIANCE (7:03 pm):**
16

17 **CALL TO THE PUBLIC (7:03 pm):**
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19 Chairman Meisel asked if there was anyone in attendance who had any public comments or
20 questions for the Planning Commission. A resident introduced herself as Megan Messimer and
21 stated that she was the applicant for the home occupation application. Chairman Meisel stated
22 that they would go through the application shortly and thanked her for her attendance.
23

24 **APPROVAL OF THE AGENDA (7:04 pm):**
25

26 Dave Wardin made a motion to approve the agenda as presented. Al Pool supported the motion.
27 Motion carried by unanimous voice vote.
28

29 **APPROVAL OF THE MINUTES (7:04 pm):**
30

31 April 9, 2019 Regular Meeting Minutes:
32

33 Minor revisions were made to the draft to correct errors and add clarification. Dave Wardin
34 made a motion to approve the April 9, 2019 Regular Meeting Minutes as amended. Kurt Schulze
35 supported the motion. Motion carried by unanimous voice vote.
36

37 *Dave Wardin made a motion to suspend the order of business to place New Business Item #1*
38 *(Messimer Home Occupation) in front of all other business items in consideration of the*
39 *applicant in attendance. Al Pool supported the motion. Motion carried by unanimous voice*
40 *vote.*
41

42 **NEW BUSINESS #1 (7:06 pm): Messimer Home Occupation:**
43

44 Chairman Meisel brought up the application documents and Zoning Ordinance on the overhead
45 monitors. Megan Messimer (applicant) briefly explained her intent to open a small business
46 where she would make hats in her home and sell them online and offsite. The Planning

47 Commission reviewed the application per the standards in the Zoning Ordinance pertaining to
48 home occupations. All were in agreement that the standards for approval had been met. The
49 Planning Commission noted that the proposed use would be very low impact and it would be
50 unlikely that it would generate any significant nuisance factors that would be of greater intensity
51 than a typical single-family dwelling. The Planning Commission also noted that they should
52 revisit the approval standards for permitted home occupations at a later date to determine
53 whether or not they should be amended for low impact uses.

54

55 Dave Wardin made a motion to approve the Messimer Home Occupation application. Kurt
56 Schulze supported the motion. Motion carried by unanimous voice vote.

57

58 *The item was closed at 7:18 pm.*

59

60 **OLD BUSINESS # 1 (7:19 pm): Animal Units:**

61

62 Chairman Meisel introduced the topic with a summary of where the Planning Commission had
63 left off on discussion of the topic. He stated that Dave Wardin had prepared a rough draft for an
64 ordinance which he had put together after researching standards from several municipalities
65 across the country. He continued, stating that Greg was directed to take the information from
66 that draft and the suggestions and comments from the Planning Commission's previous
67 discussion and prepare a more structured draft. Greg Elliot indicated that he did not have the
68 opportunity to prepare the draft. Chairman Meisel suggested that the Planning Commission
69 continue discussion based on the draft Dave Wardin had prepared.

70

71 Chairman Meisel briefly skimmed through the draft ordinance and the Planning Commission
72 discussed various elements. Chairman Meisel asked Dave Wardin where he came up with the
73 definitions and calculations for different animal classifications. Dave Wardin stated that he had
74 acquired the information from ordinances from various municipalities. He noted that most of the
75 definitions for classifications and calculations from the different municipalities are virtually the
76 same. Chairman Meisel asked if he was able to find any further information in terms of
77 explanations for why certain amounts were set for specific classifications and categories. Dave
78 Wardin indicated that he did not find any specific explanations or reasoning behind the amounts.
79 Dave Wardin stated that he had updated the draft to include a statement that would prohibit the
80 keeping of animals on property within the jurisdiction of any association with bylaws prohibiting
81 them, as had been suggested during the last discussion.

82

83 *The meeting was temporarily recessed at 7:33 pm for a public hearing pertaining to proposed*
84 *Zoning Ordinance Amendments including; Lot Area for Land Division Clarifications,*
85 *Recreational Marijuana, and Solar Farms.*

86

87 *Chairman Meisel called the public hearing to order and read through the Public Hearing Notice*
88 *that was published in the Tri-County Times on Sunday, April 28, 2019, in compliance with the*
89 *Open Meetings Act (Below).*

**TYRONE TOWNSHIP PLANNING COMMISSION
PUBLIC HEARING AGENDA
May 14, 2019 7:30 p.m.**

The notice below was published in the Tri-County Times on Sunday, April 28, 2019, in compliance with the Open Meetings Act.

**TYRONE TOWNSHIP PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**

Notice is hereby given the Tyrone Township Planning Commission will hold a Public Hearing on Tuesday, May 14, 2019, beginning at 7:30 pm at the Tyrone Township Hall, 10408 Center Road, Fenton, Michigan 48430. The purpose for the Public Hearing is:

To receive public comments regarding proposed amendments to Zoning Ordinance #36:

1. Solar Farms: Article 21, Section 21.46 - Essential Public Services and Required Utilities, to modify commercial solar energy production requirements;
2. Recreational Marijuana: Article 21, Section 21.59 –Recreational Marijuana Uses (new), to prohibit recreational marijuana facilities and establishments in all zoning districts;
3. Lot Area for Land Divisions: Article 2, Section 2.01- Definitions & Article 20, Section 20.02- Footnotes to Schedule of Regulations (Note W), to add a definition for submerged land and modify requirements for lot area calculations.

Additional information is available at the Tyrone Township Clerk’s Office, 10408 Center Road, Monday through Thursday, 9 a.m. to 5 p.m. Individuals with disabilities requiring auxiliary aids or services should contact the Tyrone Township Clerk, at (810) 629-8631, at least seven days prior to the meeting.

Mark Meisel, Chairman

Tyrone Township Planning Commission

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91

PUBLIC HEARING #1 (7:34 pm): Solar Farms:

93

Chairman Meisel brought up a document on the overhead monitors which included the existing and proposed ordinance text for Solar Farm regulations (Zoning Ordinance #36, Section 21.46- Essential Public Services and Required Utilities). He read through the existing text and the proposed amendments item by item, briefly explaining the intent and reasoning for each proposed change.

99

Chairman Meisel asked if there was anyone in attendance who had any questions or comments regarding the proposed solar farm regulation amendments.

102

Irvin Ridenour asked if there were any current or pending applications for solar farms at this time. Chairman Meisel stated that there have been companies that have contacted the Township inquiring about the requirements and standards, but there are no current or pending applications. He continued, stating that the amendments are being proposed so that solar farms can be adequately reviewed and regulated if or when an application is received.

108

A resident (name not stated) asked if the proposed amendments to the solar farm regulations would apply to individual/residential or just to large-scale energy production facilities.

110

Chairman Meisel explained that these amendments would only apply to commercial energy

111

112 production facilities. He continued, explaining that the regulations for commercial facilities
113 should allow farmers to utilize more land that could otherwise not be used for agriculture or
114 when rotating crops.

115
116 There was a brief discussion amongst the Planning Commission regarding how solar farms can
117 be assessed in terms of taxes. It was determined that there are a number of unknowns surrounding
118 how solar farms can be assessed.

119
120 Chairman Meisel asked if there were any additional comments or questions regarding the
121 proposed solar farm amendments. No comments or questions were received.

122
123 **PUBLIC HEARING #2 (7:53 pm): Recreational Marijuana:**

124
125 Chairman Meisel introduced the topic and read the proposed new text pertaining to recreational
126 marijuana (Section 21.59.A- Below).

127
128 “**Licensed Recreational Marijuana Establishments/Facilities.** Tyrone Township elects to opt out,
129 and therefore prohibits, any and all establishments eligible to be licensed for recreational Marijuana
130 uses by the State of Michigan and/or Tyrone Township, inclusive of qualifying recreational
131 marijuana facilities, in all zoning districts.”

132
133 He explained that the proposed text is intended to be consistent with the Township Board’s
134 resolution to prohibit all recreational marijuana facilities/establishments in the Township. He
135 noted that this section would be new and not an amendment to an existing section.

136
137 Greg Elliott recommended using the term “adult use” to describe the “qualifying recreational
138 marijuana facilities” since that is the terminology that is currently being used at the State level.
139 A brief discussion amongst the Planning Commission followed regarding the use of the term
140 “adult use”. Chairmen Meisel suggested researching the term further before committing to the
141 amendment.

142
143 Danica Katnik (WHMI 93.5 FM) asked the Planning Commission why the proposed text is
144 necessary if the Township Board has already resolved to prohibit all recreational marijuana
145 facilities in the Township through a regulatory ordinance. She continued, stating that the term
146 “adult use” might imply that persons who are at least eighteen (18) years of age could legally use
147 recreational marijuana since they are considered to be “adults” in the State of Michigan. She
148 asked what the benefit of including the term would be if it doesn’t clearly specify that
149 recreational marijuana use would be limited to persons at least twenty-one (21) years of age or
150 older. Chairman Meisel explained that the regulatory ordinance is intended to act as a first
151 defense which would affect all properties within the Township. He continued, stating that the
152 Zoning Ordinance allows “grandfathering” or continued use of an existing nonconformity,
153 sometimes subject to restrictions. He stated that it is best to add the Zoning Ordinance language
154 to reduce the likelihood of future conflicts from a location or zoning point of view and reinforces
155 the existing regulations. Greg Elliott added that the proposed text would also benefit the
156 Township if they decide to opt in for all/certain aspects of recreational marijuana since it would
157 give the Township more time to establish sound regulations as it takes up to ninety (90) days

158 from the date of application to approval or denial of licensed recreational marijuana facilities
159 through the State of Michigan. A brief discussion amongst the Planning Commission followed.
160 The consensus was that the proposed text may be redundant and ultimately may not even be
161 necessary, however, there is a chance it could be beneficial and the Township Board gave
162 direction to the Planning Commission to work on drafting language to be incorporated into the
163 Zoning Ordinance.

164
165 Chairman Meisel asked if there were any further questions or comments regarding the proposed
166 Zoning Ordinance text to prohibit all recreational marijuana facilities. No comments or
167 questions were received.

168
169 **PUBLIC HEARING #3 (8:11 pm): Lot Area for Land Divisions:**

170
171 Chairman Meisel opened the discussion with a brief summary of why the amendment was
172 proposed. He explained that there was a recent land division application in which one of the
173 proposed parcels would include land area that was completely submerged (part of a lake) into the
174 parcel area calculation, which is not the intent of the Zoning Ordinance. He continued, stating
175 that the proposed text would require certain submerged lands to be subtracted from the total
176 parcel area for the purposes of dividing land. The proposed text would be included in Section
177 2.01 (Definitions) and Section 20.02 (Footnotes to Schedule of Regulations) in the Zoning
178 Ordinance. The proposed language is below:

179
180 **“SECTION 2.01 DEFINITIONS**

181 **SUBMERGED LAND:** The land under the ordinary high-water mark of an inland lake, pond,
182 river, or stream owned by a riparian property owner, as defined by Michigan Public Act 451
183 of 1994.”

184
185 **“SECTION 20.02 FOOTNOTES TO SCHEDULE OF REGULATIONS**

186 **W.** Lot areas are measured as the horizontal area within the lot lines or boundaries,
187 exclusive of submerged lands beneath inland lakes. For lots less than ten (10) acres in size,
188 lot area shall not include any area outside of the lot lines including public or private road
189 easements and rights-of-way or dedicated open spaces. Such measurement is often termed
190 the “net area.” However, in the event the easement or right-of-way is associated with a lot of
191 less than ten (10) acres in area and the area of the easement or right-of-way, if added to the
192 lot area, will increase the lot to ten (10) or more acres, then the area of the easement or
193 right-of-way shall be included in the lot area measurement.”

194
195 The Planning Commission briefly discussed the land division application and reviewed the
196 proposed text. Chairman Meisel asked if there were any public comments or questions regarding
197 the topic. None were received.

198
199 *The public hearing was closed at 8:34 pm by Chairman Meisel.*

200
201 Dave Wardin stated he had a comment and question regarding recreational marijuana. He stated
202 that there was a court order issued on January 16th that state licensed facilities must provide all
203 excess product to provisioning centers. He asked if that would create an issue in relation to our
204 current caregiver regulations. Greg Elliot explained the details of how the State has been

205 handling excess product and stated that he did not believe there would be any significant issues
206 with the current caregiver regulations. There was a brief discussion amongst the Planning
207 Commission. Chairman Meisel stated that the language in the Zoning Ordinance is consistent
208 with Initiated Law #1 (MMMA) and will allow the Township to continue enforcing even if the
209 State chooses to stop enforcing in the future.

210

211 **OLD BUSINESS # 1 (8:40 pm): Animal Units Discussion (Continued):**

212

213 The Planning Commission picked up on discussion of the draft ordinance text where they had
214 previously left off. After discussion, the Planning Commission determined that some additional
215 research would be necessary to ensure the proposed regulations would be appropriate. It was
216 suggested that the research includes looking into standards, guidelines, and recommended
217 practices from the Michigan Department of Agriculture and Rural Development (MDARD).

218

219 *The item was closed at 9:34 pm.*

220

221 **OLD BUSINESS #2 (9:35 pm): Sign Regulations:**

222

223 Chairman Meisel introduced the topic with a summary of where the discussion had previously
224 left off. He stated that the Planning Commission previously determined that the majority of the
225 content in the proposed text was ready to move forward, however, there was still some additional
226 review needed before the penalties and enforcement sections would be ready.

227

228 *The item was closed at 9:39 pm.*

229

230 Chairman Meisel asked the Planning Commission is anyone would like to take action on the
231 public hearing agenda items.

232

233 Dave Wardin moved to recommend adoption of the three (3) proposed Zoning Ordinance
234 amendments (Solar Farms, Recreational Marijuana, and Lot Area for Land Divisions) to the
235 Township Board and to forward the amendments to the Livingston County Planning Commission
236 for review and comment. Al Pool supported the motion. Motion carried by unanimous voice
237 vote.

238

239 **MISCELLANIOUS BUSINESS (9:45 pm):**

240

241 Chairman Meisel asked the Planning Commission if Wednesday May 22, 2019 at 6:00 pm would
242 be a good time to hold the next workshop meeting. Most Planning Commissioners confirmed
243 their availability. Chairman Meisel scheduled the workshop meeting for 05/22/2019, beginning
244 at 6:00 pm.

245

246 *The meeting was adjourned at 9:55 pm.*