

1 TYRONE TOWNSHIP PLANNING COMMISSION
2 REGULAR MEETING MINUTES
3 December 13, 2022 7:00 p.m.

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5 **This meeting was held at the Tyrone Township Hall**
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8 **PRESENT:** Rich Erickson, Kurt Schulze, Kevin Ross, Jon Ward, Bill Wood, and Steve Krause
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10 **ABSENT:** Garrett Ladd
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12 **OTHERS PRESENT:** Ross Nicholson & Zach Michels (CWA)
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14 **CALL TO ORDER:** The meeting was called to order at 7:00 by Chairman Erickson.
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16 **PLEDGE OF ALLEGIANCE:**
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18 **CALL TO THE PUBLIC:**
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20 Chairman Erickson opened the floor to receive public comments. Resident Scott Dietrich of
21 White Lake Road spoke. He had some comments and raised concerns about when emails were
22 sent out regarding the meeting and meeting packet. He also was concerned about the State-
23 Licensed Facility across the street from him.
24

25 Resident Janette Ropeta of Fuller Drive spoke next. She talked about the proposed special land
26 use on the agenda and felt like it sounded like a great place. She raised concerns that the
27 community was not given enough notification about the public hearing. She also raised concerns
28 about the new website. She requested the Board not approve the minutes on the agenda, since she
29 didn't have the time to go over them. She felt she should be able to go over them all to be sure
30 they were all accurate. She went on to say that the desks in the board room should be moved so
31 they can be seen on the YouTube video.
32

33 **APPROVAL OF THE AGENDA:**

34 Vice-Chairman Kurt Schulze moved to approve the agenda as amended. He motioned to move
35 Old Business #1 before Old Business #2. Kevin Ross supported the motion. The motion carried
36 by unanimous voice vote.

37 **APPROVAL OF MINUTES:** Vice-Chairman Kurt Schulze moved to approve the 08/09/2022
38 regular meeting minutes. Steve Krause supported the motion. The motion carried by unanimous
39 voice vote.

40 Steve Krause moved to approve the 09/13/2022 regular meeting minutes. Vice-Chairman Kurt
41 Schulze supported the motion. The motion carried by unanimous voice vote.

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Vice-Chairman moved to approve the 10/11/2022 regular meeting minutes. Steve Krause supported the motion. The motion carried by unanimous voice vote.

OLD BUSINESS:

2)Peabody Ice Climbing

Chairman Erickson said that the applicants provided a video and pictures that say a lot about their Special Land Use. He asked Zach Michels if he wanted to give an overview of where they're at in the process. Zach Michels said this is a Special Land Use combined with a final site plan review. He explained what Special Land Uses were. Tonight's public hearing will provide feedback and the Planning Commission can place conditions on the use to mitigate any potential negative impacts on the surrounding area. He explained that this body recommends approval or denial to the Township Board. The Township Board makes the ultimate decision. The proposed use has been there for a while; they are seeking approval. He continued to give a brief review of the site plan including parking and landscaping.

Vice-Chairman Kurt Schulze motioned to recess the open meeting to begin the public hearing. Kevin Ross supported the motion. The motion carried by unanimous voice vote.

Chairman Erickson read aloud the public notice that was published in the November 27, 2022, edition of the Tri-County Times.

Chairman Erickson presented a video that was provided by the applicant which explained their Ice Climbing business. When the video was done, Chairman Erickson asked Garrett Peabody if he'd like to say anything.

Mr. Peabody approached the podium and introduced himself. He said he, his two brothers, and a sister own the parcel where the Ice Climbing business is. He gave a background on how he came about owning this business. He talked about how people come from all over the country to come to his Ice Climbing business, from age 15-75. People generally spend 3-6 hours there and then make a day in Tyrone Township. He gave descriptions of all the buildings on the property and their uses.

Zach Michels gave an overview of the review he prepared for the Peabody Ice Climbing Special Land Use. Items reviewed included driveways, parking spaces, landscaping, lighting, signage, hours of operation, employees, traffic impacts, and submitting an annual report to the Township with any updates or changes to the Special Land Use. He reiterated to the Planning Commission that they are making a recommendation to the Township Board on both the Special Land Use and the combined preliminary final site plan.

83 Chairman Erickson opened the public comment part of the public hearing.
84
85 Resident Scott Dietrich of White Lake Road spoke about some of his concerns about the
86 Peabody Ice Climbing business. After voicing his concerns, he told the applicant he hoped he
87 would get approved.
88
89 Jim Peabody spoke and said there would be no reason to worry about traffic problems or safety.
90 He said he lives just north of the Peabodys and they're doing a great thing. He said they're very
91 safety conscious. He hoped the Planning Commission would vote yes on this.
92
93 Resident Janette Ropeta of Fuller Drive spoke in support of the special land use. She reiterated
94 that the Township needs to be more transparent as far as what's being published and sent to the
95 community. She offered to help promote the Peabody Ice Climbing business on her Facebook
96 page.
97
98 Another resident (name not provided) spoke about the driveway. She said it should be just a one-
99 way entrance and exit so they wouldn't need to widen it.
100
101 Chairman Erickson brought it back to the Planning Commission for their comments. Vice-
102 Chairman Schulze talked about no alcohol being permitted on the premises. Mr. Peabody
103 explained that in the waiver he has customers sign, it says no alcohol or drugs allowed. Vice-
104 Chairman Schulze said that not everyone there has signed a waiver; there could be spectators that
105 sneak in alcohol. Mr. Peabody said he'd be glad to put up a sign indicating alcoholic beverages
106 are prohibited on the premises. Vice-Chairman Schulze then asked who assesses the safety of
107 the ice every day; Mr. Peabody confirmed that he does the assessment. Vice-Chairman Schulze
108 asked how often the safety of the ice was assessed. He asked if it was assessed after a rainy day
109 or when the temperatures were going up. Mr. Peabody explained that he is very conservative
110 when it comes to people being able to get onto the tower when they can. He makes the ice every
111 night and adds it in a way that is not ridiculously big and that it's manageable. It gets climbed,
112 ice falls off and you end up getting down to the more solid part of it. They flood it a bit just like
113 an ice rink but if there are parts that look like they could potentially fall off, he knocks them off.
114 He's been doing this for over 10 years, and they've never had to use emergency services. He said
115 he knows when to close it down if it's unsafe.
116
117 Vice-Chairman Schulze asked if they were open now. Mr. Peabody said it requires the
118 temperatures to be below 25 degrees for at least four nights, so they're not open now. They are
119 looking out for customer experience and don't want them climbing on bad ice.
120
121 Vice-Chairman asked about the lighting. The applicant stated the lights are out by 10:00 pm on
122 the weekdays. They typically close at 7:00 pm on the weekends because they open up earlier.
123 Vice-Chairman Schulze asked them to review Tyrone Township's lighting ordinance to
124 understand how lighting affects the area of the neighborhood around there.

125
126 Jon Ward asked about safety as far as the ice breaking and people falling. The ultimate point of
127 safety is where the rope connects to the tower. The applicant explained that the ropes and
128 equipment are inspected every day. The anchor systems are all backed up. He reiterated that he
129 was certified and knows what these loads can hold as far as weight. He explained that the anchor
130 system is like if you're climbing, you're tied to a rope and there's someone on the ground that's
131 holding the other rope so if you fall you don't even fall more than a foot. It's all backed up –
132 they're chaining connections. 6 x 6 poles are rated for thousands and thousands of pounds so it's
133 10 times of what our weight is – he said it's industry standard.

134
135 Jon Ward asked about what would happen if they approved the Special Land Use with the use
136 statement as is and they do differently than the use statement. For example, the use statement
137 says they close at 10:00 pm. What if they remain open later and someone complains? Would
138 they have to revoke the permit? Also, the number of visitors could change. Vice-Chairman
139 Schulze asked what the maximum number of climbers would be if they were to hold a
140 competition. The maximum number of climbers for a day may be different than when
141 competitions are being held. The applicant said he'd still stick with the number of climbers he
142 has in his use statement. He said 100 climbers a day is the most they've ever seen. The Planning
143 Commission said he should have a maximum number of climbers per day as well as the number
144 of climbers for competitions. They'd want to know the number of spectators as well as climbers.

145
146 The applicant explained that there are 16 ropes, so 16 people can climb at one time. There are 8
147 ropes on each of the two towers. The total number of 100 would include spectators and climbers.
148 He said they wouldn't be staying open past 10:00 pm because most people drive an hour to get
149 home.

150
151 Kevin Ross asked how long each climb session lasted. The applicant stated they last between 2
152 and 4 hours.

153
154 There was more discussion about traffic and safety, and a member of the public said he sees no
155 issues with the traffic. He's been on the road at the school bus stops and he sees no safety issues
156 at all. He hopes the Planning Commission grants the permit.

157
158 There was more discussion among the Planning Commissioners regarding the lighting and
159 traffic. Jon Ward commented that during the past 6 months or so while working on the Master
160 Plan, they've received a lot of public comments about the lack of recreational opportunities in
161 Tyrone Township and we are the only township in the county without a park. He said recreation
162 is needed in the township and he thinks it should be done in a safe way and controlled manner.
163 Vice-Chairman Schulze motioned to close the public hearing and go back to the regular meeting.
164 Jon Ward supported the motion. The motion carried by unanimous voice vote.

165

166 The Planning Commission returned to Old Business #2, Peabody Ice Climbing. Vice-Chairman
167 Erickson said they have covered some items that need to be addressed on the site plan and the
168 goal of tonight's meeting is to provide direction to the applicant. He said they could potentially
169 make a recommendation tonight. He said that Jon Ward was correct and that it should be clear
170 what the use is as far as the maximum amount of people on site, etc. Chairman Erickson asked
171 about the sign and asked that it be labeled on the site plan. The applicant said it is 18" x 18" and
172 it's nailed to a tree at the driveway. It is reflective so it can be seen at night.

173
174 Vice-Chairman Schulze told the applicant they should check with the Livingston County Road
175 Commission (LCRC) regarding their driveways since they're using the site for commercial use.
176 They need to ensure they don't have any issues with the amount of traffic flow that comes out of
177 their facility and that there are no blind spots so people can see cars entering and exiting. He
178 said if they're going to use one driveway for the entrance and one for the exit, they need to be
179 clearly marked so people aren't driving into the exit. Jon Ward said checking with the LCRC
180 could be a condition of a potential approval. Jon Ward said it should be a requirement that a
181 certified person be always on-site. The applicant stated that it was an insurance requirement and
182 there will always be a certified person on-site.

183
184 Chairman Erickson said there was a note on the site plan that said the distance between the
185 buildings on the property and the property lines should be noted. The applicant said he'd update
186 the site plan to show those measurements.

187
188 Getting approval from the Livingston County Health Department was discussed and would be a
189 condition of the approval. The township would require the applicant to have insurance and
190 should keep the township informed of their general insurance for liability and property damage,
191 etc. The applicant said he sent a copy of the insurance policy to the township; Vice-Chairman
192 Schulze said he recalled seeing it, but it wasn't in the package for tonight's meeting.

193
194 Jon Ward asked about bathrooms on the site. Vice-Chairman Schulze said they'd need to know
195 the locations of bathrooms or porta potties. The applicant would need to have the septic system
196 cleared by the County Health Department. The applicant said that if they needed to add a
197 bathroom in the future, they'd come back to the Planning Commission. The applicant stated that
198 all the septic fields are noted on the site plan, and he will indicate where the bathroom(s) are.

199
200 Vice-Chairman Schulze asked about correspondence from the fire chief. The applicant said he
201 would follow up with him and ask for a review letter. Also discussed was parking and ensuring
202 there was plenty of parking for up to 100 people. It was brought up that the driveway has been
203 there for 70 years and there has never been a problem. It was determined that parking was
204 appropriate. Jon Ward said he didn't think a traffic impact study was necessary unless the LCRC
205 requested it. The LCRC needs to review the exits and entrances on Foley Road. Chairman
206 Erickson asked if the insurance covered the towers *and* the gym. The applicant stated that it did.
207 Vice-Chairman Schulze asked about summer operations. The applicant stated they do the altitude

208 testing in the gym, and they have about 13 people a week. Rather than shutting down the
209 operation, it would be a limited operation during the months between April and November. This
210 should be clarified in the use statement.

211

212 Steve Krause stated he was going to abstain from voting because he is within 300' of the
213 property and received the mailing on the special land use. He said he is in favor of it but will
214 abstain from voting. He commented that they've never received a complaint in the entire time
215 they've been operating.

216

217 Chairman Erickson told the applicant that they've provided him with lots of directions and if
218 there is anything he's not clear on he can follow up with Ross Nicholson. Jon Ward said he
219 didn't see the need for additional trees to be planted. They discussed the conditions for approval,
220 including after-hours maintenance, landscaping, the Health Department analysis, and the Road
221 Commission analysis. They'd also like to see something from the fire department.

222

223 The Planning Commission asked Zach Michels to explain the Tyrone Township Lighting
224 Ordinance. Mr. Michels explained how the light can be measured to ensure compliance with the
225 ordinance. Vice-Chairman Schulze said that commercial lighting falls under a different situation
226 than residential lighting.

227

228 Someone in the public asked about how the ice was made. Mr. Peabody explained that it was like
229 a shower head that sprays for about an hour and trickles down.

230

231 Zach Michels summarized what the Planning Commission has determined. He said the Planning
232 Commission has determined that appropriate parking is provided, and the turf parking area is
233 appropriate, the existing site conditions are consistent with the intent of the landscaping article, a
234 traffic impact is not necessary, and they're not concerned about additional safety barriers or
235 measures around the climbing facility. He continued by listing the potential conditions he heard
236 from the Planning Commissioners: setbacks for existing building structures & building coverage
237 added to the site plan, access and circulation approval by the Livingston County Road
238 Commission and fire chief are needed, approval from the Livingston County Health Department
239 of well and sanitary septic systems for public use is needed. The lighting information that was
240 provided is sufficient. A permit can be pulled for the sign, so the sign doesn't necessarily have to
241 be on the site plan. The owner-operator must provide an annual report and the use statement
242 should be updated regarding maintenance, clearly delineating the 100-maximum capacity, and
243 better details for the hours and months of operation for the gym. Some sort of notice or sign
244 indicating no alcohol is allowed on the premises is also required. The no alcohol rule should be
245 added to the use statement.

246

247 Mr. Michels said a Planning Commission member could make a favorable recommendation with
248 those conditions.

249

250 Jon Ward motioned to approve the special land use combined preliminary and final site plan
251 review as described by Zach and further conversation with all the conditions as discussed and
252 recommend favorable approval from the Township Board. Vice-Chairman Schulze supported the
253 motion.

254

255 Zach Michels quickly reviewed all the conditions:

256

- 257 • Coverage and height for the climbing tower added to the site plan with measurements
258 made as described in the zoning ordinance.
- 259 • Access and circulation approval by the Livingston County Road Commission and Fire
260 Department.
- 261 • Approval of well and sanitary septic systems for public use by the Livingston County
262 Health Department.
- 263 • Lighting information provided sufficient to determine compliance with zoning ordinance
264 standards.
- 265 • A permit shall be secured for the sign.
- 266 • The owner-operator shall prepare and submit an annual report as outlined in section
267 22.05.F.10.
- 268 • The use statement shall be updated to show hours and months of operation for the gym.
- 269 • Maintenance hours should be clarified in the use statement.
- 270 • Maximum capacity of 100 should be clarified.
- 271 • Use statement should indicate that there is a certified climber on the premises when in
272 operation.

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274 The motion carried by unanimous voice vote, with Steve Krause abstaining from voting.

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276 **NEW BUSINESS:**

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278 **1)Master Plan:**

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280 Zach Michels read through the draft Master Plan text. He explained that they started with the
281 input they got and threw in the background information they'd gathered, and these were things
282 that were tested at the second group of the community visioning sessions. They're slightly
283 different than the current one. He explained how they broke things down by goals, objectives,
284 and action-oriented things. There was a lengthy conversation between Mr. Michels and the
285 Planning Commission about the draft Master Plan.

286

287 Mr. Michels and the Planning Commission discussed the Future Land Use Map aspect of the
288 Master Plan. The current Future Land Use map has 13 different categories on it, which Mr.
289 Michels said seems like a lot for Tyrone Township. Currently, there are a lot of non-residential
290 categories such as Pyro, Planned Office, Planned Commercial Services, Planned Industrial

291 Research, etc. He asked the Planning Commission if they were ok with that collapsing a little bit.
292 They agreed that that's the direction they're looking at simply because they don't need all that.

293
294 After a long conversation between the Planning Commission and Mr. Michels, Mr. Michels
295 asked a couple of questions: *one*: are you interested in better matching the intent with what's
296 there and *two*: do you want agriculture...do you really want agriculture? And are you going to do
297 the tough things to ensure that it's there or are you okay with part of the rural characters just
298 having really big lots with an occasional 40 of hayfield? Vice-Chairman Schulze said part of it
299 is understanding what agriculture means and what that's going to be 10 or 20 years from now.
300 We can't know for sure what agriculture is going to look like. There was more discussion
301 regarding agriculture and what they'd like it to look like.

302
303 They continued their discussion on the Master Plan draft. Mr. Michels said all the background
304 articles are near the final draft quality and they only need to add hyperlinks and pictures if
305 desired and update page references. The last big thing is going to be the Future Land Use Map.
306 He said they're doing well as far as the timeline goes.

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308 **MISCELLANEOUS BUSINESS:** None

309 **ADJOURNMENT:** The meeting was adjourned at 9:56 pm by Chairman Erickson.