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**TYRONE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING & PUBLIC HEARING MINUTES
January 10, 2023 7:00 p.m.**

This meeting was held at the Tyrone Township Hall

PRESENT: Rich Erickson, Kurt Schulze, Garrett Ladd, Jon Ward, Bill Wood, and Steve Krause

ABSENT: Kevin Ross

OTHERS PRESENT: Ross Nicholson & Zach Michels (CWA)

CALL TO ORDER: The meeting was called to order at 7:00 by Chairman Erickson.

PLEDGE OF ALLEGIANCE:

APPROVAL OF THE AGENDA: Steve Krause moved to amend the agenda to move New Business #1 ahead of all other business. Jon Ward supported the motion. The motion carried by unanimous voice vote.

CALL TO THE PUBLIC:

Chairman Erickson opened the floor to receive public comments.

A couple of residents made comments.

NEW BUSINESS:

1) Hamilton Temporary Dwelling During Construction:

Chairman Erickson stated that if the time it takes to reconstruct a home due to a fire is expected to take longer than three (3) months, it requires Planning Commission approval. Ross Nicholson explained that in the event of a disaster, such as a fire, the Zoning Department staff can authorize a temporary dwelling.

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

49

50 Chairman Erickson opened the public comment part of the public hearing.

51

52 Resident Scott Dietrich of White Lake Road spoke about some of his concerns about the
53 Peabody Ice Climbing business. After voicing his concerns, he told the applicant he hoped he
54 would get approved.

55

56 Another member of the public spoke and said there would be no reason to worry about traffic
57 problems or safety. He said he lives just north of the Peabodys and they're doing a great thing.
58 He said they're very safety conscious. He hoped the Planning Commission would vote yes on
59 this.

60

61 Resident Jannette Ropeta of Fuller Drive spoke in support of the special land use. She reiterated
62 that the Township needs to be more transparent as far as what's being published and sent to the
63 community. She offered to help promote the Peabody Ice Climbing business on her Facebook
64 page.

65

66 Another resident spoke about the driveway. She said it should be just a one-way entrance and
67 exit so they wouldn't need to widen it.

68

69 Chairman Erickson brought it back to the Planning Commission for their comments. Vice-
70 Chairman Schulze talked about no alcohol being permitted on the premises. Mr. Peabody
71 explained that in the waiver he has customers sign, it says no alcohol or drugs allowed. Vice-
72 Chairman Schulze said that not everyone there has signed a waiver; there could be spectators that
73 sneak in alcohol. Mr. Peabody said he'd be glad to put up a sign indicating alcoholic beverages
74 are prohibited on the premises. Vice-Chairman Schulze then asked who assesses the safety of
75 the ice every day; Mr. Peabody confirmed that he does the assessment. Vice-Chairman Schulze
76 asked how often the safety of the ice was assessed. He asked if it was assessed after a rainy day
77 or when the temperatures were going up. Mr. Peabody explained that he is very conservative
78 when it comes to people being able to get onto the tower when they can. He makes the ice every
79 night and adds it in a way that is not ridiculously big and that it's manageable. It gets climbed,
80 ice falls off and you end up getting down to the more solid part of it. They flood it a bit just like
81 an ice rink but if there are parts that look like they could potentially fall off, he knocks them off.
82 He's been doing this for over 10 years, and they've never had to use emergency services. He said
83 he knows when to close it down if it's unsafe.

84

85 Vice-Chairman Schulze asked if they were open now. Mr. Peabody said it requires the
86 temperatures to be below 25 degrees for at least four nights, so they're not open now. They are
87 looking out for customer experience and don't want them climbing on bad ice.

88

89 Vice-Chairman asked about the lighting. The applicant stated the lights are out by 10:00 pm on
90 the weekdays. They typically close at 7:00 pm on the weekends because they open up earlier.

91 Vice-Chairman Schulze asked them to review Tyrone Township's lighting ordinance to
92 understand how lighting affects the area of the neighborhood around there.

93

94 Jon Ward asked about safety as far as the ice breaking and people falling. The ultimate point of
95 safety is where the rope connects to the tower. The applicant explained that the ropes and
96 equipment are inspected every day. The anchor systems are all backed up. He reiterated that he
97 was certified and knows what these loads can hold as far as weight. He explained that the anchor
98 system is like if you're climbing, you're tied to a rope and there's someone on the ground that's
99 holding the other rope so if you fall you don't even fall more than a foot. It's all backed up –
100 they're chaining connections. 6 x 6 poles are rated for thousands and thousands of pounds so it's
101 10 times of what our weight is – he said it's industry standard.

102

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

113

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

118

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

121

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

125

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

133

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

141

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

151

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

155

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

161

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

167

168 Vice-Chairman Schulze asked about correspondence from the fire chief. The applicant said he
169 would follow up with him and ask for a review letter. Also discussed was parking and ensuring
170 there was plenty of parking for up to 100 people. It was brought up that the driveway has been
171 there for 70 years and there has never been a problem. It was determined that parking was
172 appropriate. Jon Ward said he didn't think a traffic impact study was necessary unless the LCRC
173 requested it. The LCRC needs to review the exits and entrances on Foley Road. Chairman
174 Erickson asked if the insurance covered the towers *and* the gym. The applicant stated that it did.
175 Vice-Chairman Schulze asked about summer operations. The applicant stated they do the altitude
176 testing in the gym, and they have about 13 people a week. Rather than shutting down the
177 operation, it would be a limited operation during the months between April and November. This
178 should be clarified in the use statement.

179
180 Steve Krause stated he was going to abstain from voting because he is within 300' of the
181 property and received the mailing on the special land use. He said he is in favor of it but will
182 abstain from voting. He commented that they've never received a complaint in the entire time
183 they've been operating.

184
185 Chairman Erickson told the applicant that they've provided him with lots of directions and if
186 there is anything he's not clear on he can follow up with Ross Nicholson. Jon Ward said he
187 didn't see the need for additional trees to be planted. They discussed the conditions for approval,
188 including after-hours maintenance, landscaping, the Health Department analysis, and the Road
189 Commission analysis. They'd also like to see something from the fire department.

190
191 The Planning Commission asked Zach Michels to explain the Tyrone Township Lighting
192 Ordinance. Mr. Michels explained how the light can be measured to ensure compliance with the
193 ordinance. Vice-Chairman Schulze said that commercial lighting falls under a different situation
194 than residential lighting.

195
196 Someone in the public asked about how the ice was made. Mr. Peabody explained that it was like
197 a shower head that sprays for about an hour and trickles down.

198
199 Zach Michels summarized what the Planning Commission has determined. He said the Planning
200 Commission has determined that appropriate parking is provided, and the turf parking area is
201 appropriate, the existing site conditions are consistent with the intent of the landscaping article, a
202 traffic impact is not necessary, and they're not concerned about additional safety barriers or
203 measures around the climbing facility. He continued by listing the potential conditions he heard
204 from the Planning Commissioners: setbacks for existing building structures & building coverage
205 added to the site plan, access and circulation approval by the Livingston County Road
206 Commission and fire chief are needed, approval from the Livingston County Health Department
207 of well and sanitary septic systems for public use is needed. The lighting information that was
208 provided is sufficient. A permit can be pulled for the sign, so the sign doesn't necessarily have to
209 be on the site plan. The owner-operator must provide an annual report and the use statement

210 should be updated regarding maintenance, clearly delineating the 100-maximum capacity, and
211 better details for the hours and months of operation for the gym. Some sort of notice or sign
212 indicating no alcohol is allowed on the premises is also required. The no alcohol rule should be
213 added to the use statement.

214
215 Mr. Michels said a Planning Commission member could make a favorable recommendation with
216 those conditions.

217
218 Jon Ward motioned to approve the special land use combined preliminary and final site plan
219 review as described by Zach and further conversation with all the conditions as discussed and
220 recommend favorable approval from the Township Board. Vice-Chairman Schulze supported the
221 motion.

222
223 Zach Michels quickly reviewed all the conditions:

- 224
- 225 • Coverage and height for the climbing tower added to the site plan with measurements
- 226 made as described in the zoning ordinance.
- 227 • Access and circulation approval by the Livingston County Road Commission and Fire
- 228 Department.
- 229 • Approval of well and sanitary septic systems for public use by the Livingston County
- 230 Health Department.
- 231 • Lighting information provided sufficient to determine compliance with zoning ordinance
- 232 standards.
- 233 • A permit shall be secured for the sign.
- 234 • The owner-operator shall prepare and submit an annual report as outlined in section
- 235 22.05.F.10.
- 236 • The use statement shall be updated to show hours and months of operation for the gym.
- 237 • Maintenance hours should be clarified in the use statement.
- 238 • Maximum capacity of 100 should be clarified.
- 239 • Use statement should indicate that there is a certified climber on the premises when in
- 240 operation.

241
242 The motion carried by unanimous voice vote, with Steve Krause abstaining from voting.

243
244 **NEW BUSINESS:**

245
246 **1)Master Plan:**

247
248 Zach Michels read through the draft Master Plan text. He explained that they started with the
249 input they got and threw in the background information they'd gathered, and these were things
250 that were tested at the second group of the community visioning sessions. They're slightly

251 different that the current one. He explained how they broke things down by goals, objectives,
252 and action-oriented things. There was a lengthy conversation between Mr. Michels and the
253 Planning Commission about the draft Master Plan.

254

255 Mr. Michels and the Planning Commission discussed the Future Land Use Map aspect of the
256 Master Plan. The current Future Land Use map has 13 different categories on it, which Mr.
257 Michels said seems like a lot for Tyrone Township. Currently, there are a lot of non-residential
258 categories such as Pyro, Planned Office, Planned Commercial Services, Planned Industrial
259 Research, etc. He asked the Planning Commission if they were ok with that collapsing a little bit.
260 They agreed that that's the direction they're looking at simply because they don't need all that.

261

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

270

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

275

276 **MISCELLANEOUS BUSINESS:** None

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