

Minutes

THOMAS TOWNSHIP PLANNING COMMISSION
Thomas Township Public Safety Building
8215 Shields Drive, Saginaw, MI 48609
August 21, 2013 at 7:00 p.m.

John Bintz called the Planning Commission meeting to order at 7:00 p.m.

Present in addition to Mr. Bintz were: Ruth McDonald, Rod Iamurri, Dale Halm, Diane LaMountain and Rick Lorentzen. Also present were Dan Sika, Director of Community Development, Susan Coggin, Planning Assistant/Code Enforcement Officer and two (2) interested parties.

Members Absent: Chris Thompson

2. *Pledge of Allegiance.*

3. *Approval of Agenda:*

It was moved by Mr. Halm, seconded by Mrs. McDonald to approve the agenda as presented. Motion carried unanimously.

4. *Approval of Minutes:*

It was moved by Mrs. McDonald, seconded by Mrs. LaMountain to approve the minutes of July 17, 2013 as presented. Motion carried unanimously.

5. *Communications – Petitions – Citizens Comments – None.*

6. *Hearings*

A) Thomas Township is requesting to amend Chapter 2, Definitions of the Zoning Ordinance Regarding Outdoor Living Space Decks.

Mr. Bintz opened the public hearing at 7:03 p.m.

Sika stated that over the past two decades, more people have been designing extensions onto the home in the form of outdoor living space in most cases decks. These areas are typically constructed off the rear or side of the home with direct access to the inside by way of a doorway. Sika presented the Planning Commission members with an updated copy of the proposed ordinance as follows:

OUTDOOR LIVING SPACE, DEFINED: An area directly adjacent to a residential home that is intended to extend the living area to the outside. It will consist of a partially covered or fully covered area with such design elements as pergolas, trellises, gazebos, or other similar design elements over them. Outdoor living spaces have direct access to the home by deck or patio. An outdoor living space shall meet all of the required principal dwelling setbacks, and will be counted as though it were part of the principal dwelling for lot coverage. If outdoor living spaces are located on decks or patios only the area that is covered or partially covered shall be considered as outdoor living space.

Mr. Bintz then asked for public comments in favor or in opposition to this proposed text amendment. There being no public comments, Mr. Bintz closed the public hearing portion of this proposed text amendment at 7:05 p.m.

Motion by Mr. Iamurri, supported by Mr. Lorentzen to recommend approval of an amendment to Chapter 2, Definitions of the Thomas Township Zoning Ordinance to the Township Board as presented. Motion carried unanimously.

B) Thomas Township is requesting to amend Chapter 5, Section 11-5-3, Title 11, Subdivision Regulations Regarding Public Road Dead-End Driveway Regulations.

Mr. Bintz opened the public hearing at 7:06 p.m.

Sika stated that due to the economy, many dead-end streets that were developed with the intension of extending subdivisions developments are now being developed as single family homes creating difficulties with the development of driveways at the dead-end streets. Sika presented the Planning Commission members with an updated copy of the proposed ordinance as follows:

B. Streets:

1. Public Road Dead-End Driveway Regulations: In the event that a public road is terminated (dead-ends) with the intent of attaching to a future phase or development, the dead-end must not be restricted from the intended future extension for which it was designed. To achieve this, temporary access for agricultural fields may be accessed; however, no permanent access (i.e. driveway) shall be permitted to a home, barn, shed, garage, open business (i.e. gravel pit, storage) or structure of any kind.

If after site plan review the Planning Commission deems that a public road dead-end is no longer a viable connection to a future phase or development as it was originally designed and planned, the dead-end may be converted into a cul-de-sac meeting Saginaw County Road Commission road standards. The surface must be designed to meet the minimum standard for a paved County roadway and the cul-de-sac must also meet Saginaw County Road Commission standards. If the attached dead-end roadway is curbed, the cul-de-sac must also be curbed with appropriate drainage.

Utilities may also be required to be extended to the end of the cul-de-sac. At which time a driveway may be allowed to connect to the cul-de-sac.

Mr. Bintz then asked for public comments in favor or in opposition to this proposed text amendment. There being no public comments, Mr. Bintz closed the public hearing portion of this proposed text amendment at 7:10 p.m.

Motion by Mrs. McDonald, supported by Mrs. LaMountain to recommend approval of an amendment to Chapter 5, Section 11-5-3, Title 11, Subdivision Regulations regarding public dead-end driveway regulations to the Township Board as presented. Motion carried unanimously.

C) Thomas Township is requesting to amend the Zoning Ordinance Regarding Non-Motorized and Motorized Race Tracks.

Mr. Bintz opened the public hearing at 7:11 p.m.

Sika stated that the Community Development Department was contacted recently regarding the possible location of a motorized race track within Thomas Township. Upon researching the current ordinance, we found that motorized and non-motorized race tracks are not addressed. We contacted Cindy Winland of Crescent Consulting regarding these types of operations. Her opinion was as follows:

“I would suggest that a race track is comparable to a shooting club in impact (noise, size and number of people on an acre) and could be permitted by Special Use Permit in an A-1 and A-2 zoning district as the shooting clubs are currently allowed; however, I would not permit it in an E-1 zoning district because it disturbs the ground, unlike a shooting club.”

Due to the excessive noise, dust and possible traffic that could be generated by a motorized race track, i.e. off road motorcycles, dirt bikes, etc., it would be our recommendation that this type of use only be allowed in an “M” zoning district with a special use permit allowing the Planning Commission to place specific regulations such as hours of operation, dust control and setbacks with buffering to protect adjoining properties just to name few.

A non-motorized race track, i.e. BMX racing bikes, would generally not create the excessive noise that a motorized race track would generate; however, due to the potential of dust and large amounts of traffic that could be generated, it would be our recommendation that this type of use be allowed in an “A” zoning district with a special use permit again allowing the Planning Commission to place specific regulations such as hours of operation, dust control and buffering to protect adjoining properties. Sika presented the Planning Commission members with a copy of the proposed ordinance as follows:

Section 1. Chapter 9, Agricultural Districts, Table 14 A-1 Primary Agriculture and Conservation Development District Uses – Uses By Special Permit – Non-Motorized Race Tracks.

Chapter 17, M-1 Limited Manufacturing District, Table 28 M-1 Limited Manufacturing District Uses – Uses By Special Permit – Motorized Race Tracks.

Chapter 18, Special Land Use Permit Requirements – Section 18.35 – Non-Motorized and Motorized Race Tracks.

- a. Non-motorized tracks such as but not limited to horse tracks, BMX bike tracks, etc. shall meet the following minimum standards:*
 - 1) Must be located a minimum of fifty (50') feet from the property line.*
 - 2) Must be located a minimum one thousand (1,000') feet from any residence, except that of the owner.*
 - 3) Provisions must be provided for adequate dust control.*
 - 4) Exterior lighting shall be so arranged that it is deflected away from adjoining properties and/or streets. Lighting shall be equipped with shields and reflectors so that it does not spread excessively.*

- b. Motorized tracks such as but not limited to dirt bike, go-cart, snowmobile and/or all-terrain vehicles shall meet the following minimum standards:*
 - 1) Parcel must contain a minimum of five (5) acres.*
 - 2) Must be located a minimum of one hundred (100') feet from the property line.*
 - 3) Established riding area for the track is to be located no closer than three hundred (300') feet of a building occupied by humans or livestock.*
 - 4) Property shall be enclosed for the entire use on the site from their full periphery with a solid screen fence at least eight (8') feet in height. Fences shall be of sound construction, painted and otherwise finished attractively and inconspicuously.*
 - 5) Dust control measures are to be maintained by the property owner or occupant.*
 - 6) Noise control measures are to be maintained by the property owner or occupant. Sound generated by the track shall not exceed a maximum value of 69 dBA at any point on the property line.*
 - 7) Exterior lighting shall be so arranged that it is deflected away from adjoining properties and/or streets. Lighting shall be equipped with shields and reflectors so that it does not spread excessively.*
 - 8) The property owner or occupant shall not permit the accumulation of junk on the property including but not limited to tires, motor vehicle parts, barrels, drums or used equipment and shall collect, contain and promptly and properly dispose of all trash, garbage and junk originating on the site.*
 - 9) The Planning Commission shall have the right to regulate days and hours of operation.*

Mr. Bintz then asked for public comments in favor or in opposition to this proposed text amendment. There being no public comments, Mr. Bintz closed the public hearing portion of this proposed text amendment at 7:20 p.m.

Motion by Mrs. McDonald, supported by Mr. Iamurri to recommend approval of an amendment to amend the Thomas Township Zoning Ordinance regarding non-motorized and motorized race tracks to the Township Board as presented. Motion carried unanimously.

7. Presentations – None.

8. Sign Board of Appeals – None.

9. Old Business – None.

10. New Business

A) Discussion Only – Section 3.2 g. of the Zoning Ordinance Regarding Fences.

Mr. Sika stated that during the recent construction of the new Thomas Township Trail, the Parks and Recreation Director, Mr. John Corriveau, was approached by a resident along Victor regarding the potential for replacing an old stockade wood fence in poor condition with a seven (7') foot fence in the rear yard abutting the new trail. The resident asked for the seven (7') foot height due to the uneven terrain in the rear of the homes along Victor. The uneven terrain allows pedestrians along the new trail to potentially see over a six (6') fence into the rear yards of the properties along Victor. The rail trail is built up an average of twelve (12") inches, but in many areas it is over thirty-six (36") inches. Due to the construction of the new trail and the uneven terrain along the properties abutting the trail on Victor, the Board of Appeals granted a one (1') foot height variance allowing the property owners added security and privacy from potential pedestrians along this section of the trail.

Sika further stated that during the Board of Appeals deliberation, Mr. Rene DeSander, a member of the Board Appeals, presented a memo stating some concerns with granting this variance for just this section of residential properties along the new trail in Thomas Township. Mr. DeSander was concerned with setting a precedent and the long term impact if this variance was granted. He further stated that with the potential expansion of the trail throughout Thomas Township, this variance could potentially exist with every property along the trail. Therefore, he suggested that the Planning Commission review the fencing regulations with this issue in mind.

Discussion followed among the Planning Commission members. It was the consensus of the members that no further action be taken at this time.

B) Change October Planning Commission Date.

Mr. Sika stated that due to a scheduling conflict, he would like the Planning Commission to consider changing the regularly scheduled Planning Commission meeting from Wednesday, October 16, 2013 to Wednesday, October 23, 2013.

Motion by Mr. Halm, supported by Mrs. McDonald, to approve the change in the October Planning Commission date from Wednesday, October 16, 2013 to Wednesday, October 23, 2013. Motion carried unanimously.

11. Receive and File All Correspondence

A. Planning and Zoning News, May, 2013

B. Planning and Zoning News, June, 2013

12. Adjournment.

Motion by Mr. Halm, seconded by Mr. Iamurri to adjourn the meeting at 7:32 p.m. Motion carried unanimously. ***The next meeting date is Wednesday, September 18, 2013.***

Respectfully submitted by Susan Coggin, Planning Assistant/Code Enforcement Officer