



Minutes

THOMAS TOWNSHIP PLANNING COMMISSION
Thomas Township Public Safety Building, 8215 Shields Drive, Saginaw, MI 48609
August 19, 2015 at 7:00 p.m.

Ruth McDonald called the Planning Commission meeting to order at 7:00 p.m.

Present in addition to Mrs. McDonald were: Rod Iamurri, Rick Lorentzen, Diane LaMountain, Dave Sommers, Dale Halm and Patrick Lynch. Also present were Dan Sika, Director of Community Development, and Connie Watt, Planning Assistant/Code Enforcement Officer, Russ Taylor, Township Manager, Rob Eggers, Spicer Group and five interested parties.

1. Call to Order and Roll Call

2. Pledge of Allegiance.

3. Approval of Agenda:

It was moved by Halm, seconded by LaMountain to approve the Agenda with a change to present the Old Business "A" item, Master Plan Update first. Motion carried unanimously.

4. Approval of Minutes:

It was moved by Lynch seconded by Iamurri to approve the minutes of June 17, 2015 as presented. Motion carried unanimously.

5. Communications – Petitions – Citizens Comments – None.

6. Old Business A-Master Plan Update

Mr. Rob Eggers of the Spicer Group was introduced to the Planning Commission by Sika. Sika stated Eggers was helping to update the Thomas Township Master Plan and would like to go over the scope and timeframe with the Commission.

Eggers addressed the Planning Commission regarding the process of updating the Master Plan. He presented to them the draft schedule containing the steps that would be taking place during the update. He explained that once the draft is ready, there is a sixty-three day public notice requirement. After that period there would be a Public Hearing and then adoption of the Master Plan. He is anticipating the draft to be complete in February 2016, the Public review period from March to April and then adoption some time in May. Eggers then highlighted demographic information that has been gathered for the update from the 2010 Census information.

He told the Planning Commission that at the September 16th meeting he would present to them some “benchmarking” whereas Thomas Township is compared to ten (10) similar communities. Also at that time community input and questions for an on-line survey will be discussed.

7. Hearings

A. Special Use permit requested by Brandon Hitchcock for 8215 Gratiot Road to open a used car dealership.

Sika stated that before any used car dealership opens for business they must request a special use permit from the Planning Commission. Specific requirements for that Special Use permit must be adhered to.

Public Hearing was opened at 7:24 p.m. McDonald asked for any public comments at this time. Brandon Hitchcock explained that he wished to open a used car dealership using the first forty feet (40’) of the building in front as a showroom with a wash bay. Keeping thirty (30) cars on it. He noted that the building that is located by 8241 Gratiot Road is going to be demolished.

McDonald questioned if any landscaping was required between this and the adjacent property. Sika told her that no landscaping would be required between them, however landscaping would be required on the site of the used car lot itself.

Lynch asked if there were any concerns with the Rail Trail. Sika stated that there is no requirement for any type of barrier. He added that the demolition of the front building will open the site up even more.

Sommers wanted to know the timeframe for completion. Hitchcock told him they are looking at ninety (90) days.

Iamurri asked if there was a requirement for the stone pillars and fencing. Sika said yes this would be required and this is noted on the most recent site plan.

Public Hearing was closed at 7:30 p.m.

A motion was made by Halm and seconded by Iamurri to approve the Special Use Permit for a Used Car Sales Lot at 8215 Gratiot Road with the following contingencies:

- Must install a 5’ wide raised sidewalk along the north and west side of the building. It must be raised a minimum of 4” above the parking lot and must include a barrier free design ramp.
- Must indicate height of all lights on the building as well as those on light poles, including the area to be illuminated.
- Decorative pillars and fencing must be installed along the Gratiot Road frontage and completed at the open of the business.
- Must indicate the required landscaping and planting schedule along the Gratiot frontage.
- Must show on revised site plan the flow of water on all paving surfaces.

- Must have approved signage.

The motion passed unanimously.

B. Amendment to the Zoning Ordinance Section 3.2 (o); Parking of Recreational Equipment and Recreational Vehicles; Section 5.3 (e) Encroachments Restricted, now known as Parking Vehicles.

This is a continuation tabled from the June 17, 2015 meeting of the Planning Commission.

McDonald noted that a lot of work had been done by the Planning Commission on these text amendments and their goal was to be fair to all residents. She then opened the Public Hearing at 7:32 p.m.

Ed Brosowski of 1689 Horseshoe Circle addressed the Commission. He said he had looked over the draft of the Ordinance and felt that it was very fair. He did mention that if you look at the ten (10) day exception for incidental purposes it may not be necessary if they seasonal exception from May 1st until October 1st was passed. He felt that it would be hard for Watt, the Code Enforcement Officer, to police something like this and from his own experience found that this number of days may not work for someone such as himself who utilized his boat for all but twelve days of July. He would still be over by two (2) days. He added that it may create a worse situation than what the Township is facing now.

McDonald asked for any further comments. Taylor suggested that at this time Sika could outline the new draft since those present for public comment had not gotten a chance to review it.

Sika said the Planning Commission along with the Township Attorney had tried to correct all issues and conflicting language. The ten (1) day incidental parking period was included but also a seasonal exception which is similar but allows the RV owners the right to park their RV in the driveway from May 1st until October 1st. This would affect about 95% of the RV owners in the Township. Halm questioned if this would still have a requirement for number of feet back. Sika answered that if the Planning Commission was in agreement, he'd like to add the language to that paragraph that the RV cannot be in the right-of-way. Iamurri asked if the RV would have to be on a hard surface. Sika responded that it would as per the definition the Planning Commission has been working on for an approved driveway surface. Halm asked if both the ten (10) day incidental and the seasonal exception would require the distance of the right-of-way and the required front yard or just the right-of-way. Sika clarified that with both an RV could sit on the driveway within front of the home out of the road right-of-way. Sika said he put both in the draft to see which the Planning Commission preferred to add. Lynch suggested that both be used because of people who have winter recreational vehicles/equipment. Sika did note that the number of complaints received in the winter is practically non-existent and if it becomes an issue it could be readdressed by the Planning Commission at a later date. Halm said he felt the ten (10) day exception could be used from October 2nd through April 30th to cover the winter

recreational vehicles/equipment. Sika felt this was a good idea. If they felt this was necessary then they could do it. He stated that he just went by the timeframe for the complaints that are received. Sommers wanted to insure he had an understanding the Ordinance would allow parking from May 1st to October 1st since it is likely that RV owners could easily exceed the ten (10) day a month incidental timeframe. Sika said that was correct and in the Ordinance now there is no exception. This would give RV owners an opportunity to use their RV's and come and go with no issue. This would create no problems with code enforcement as long as they are parked on an approved driveway surface-legally.

LaMountain expressed her concern because some residents already do not keep their property cleaned up and now they would have a trailer sitting on it too. Also she hoped that it would stipulate that only the property owners RV could be parked on the driveway. Sika answered that the Township Attorney had put together language for the non-conforming section that specifically states the owner of the RV must reside where the RV is parked. LaMountain added she felt the Ordinance was good as it is now. The draft concerns her when it comes to backing out and obstructing the view and also keeping properties neat. Sika said there are other Ordinances to address issues of blight. This Ordinance is to set parameters for a small issue. He added that it will never be perfect and can never receive 100% agreement.

Lorentzen questioned the previous discussions of building setbacks in regards to the parking of RV's. Sika said there is an established setback reference in the draft. It is for houses setback greater than the zoning district requires. If there are six (6) homes in a row including the subject parcel (with RV on it) residentially they would have to set it back forty-five feet (45') agriculturally, eighty-five feet (85'). He said these are starting points and that the Township Manager had expressed that sixty feet (60)' may be better. Sika explained that whatever the Planning Commission felt was best is the numbers that should be used. Lynch asked if there was an average number they could go by. Sika responded that there was not. A vast majority of new subdivisions were at thirty-five feet (35') whereas Meaps and Bounds (split offs) may be 100'-600', generally in an agriculturally zoned district. Older subdivisions may be greater than thirty-five feet (35'). Sika furthered that they would have to be parked legally now to be "grandfathered" in but there is no "average" Sommers felt that for some these setbacks might squeeze them. Sika explained to keep in mind that they still have a rear yard. If there is another situation or exception then they would have to go to the Zoning Board of Appeals. Sika said they have to decide on a number they are comfortable with. Iamurri stated he felt Sika had done his research on this and these numbers were good to use. He felt that these were fair numbers to use.

Chuck Latty, of 7820 Abbe Court addressed the Planning Commission. He presented photographs he had taken of various RV's in and out of Thomas Township parked in different areas in front of homes. He offered to show the Planning Commission a copy of the City of Saginaw's Ordinance for the parking of recreational equipment and feels they got it right. He also voiced concerns about the way RV's look, where they are parked and one in particular that is blocking his father's view. Iamurri questioned if the Code Enforcement Officer had received any complaints for any of the photos shown. Watt responded absolutely not. McDonald said the first two (2) photos were taken in the business district not a residential area anyhow. Latt answered yes. Latty went on to add that he doesn't feel that the center of the road or whats under

the tires makes any difference as to where RV's should be parked. Lorentzen questioned Sika regarding the front yard of a corner property. Latty spoke up and gave the Ordinance definition of a front yard stating that Kaiser's front yard is on Geddes. Sika agreed that this is the case by definition.

Doug Kaiser, of 1525 Short Road, addressed the Planning Commission. He asked how the revised Ordinance would affect his situation. Sika answered that he believes that it could be parked where it is now with a driveway surface placed under it because it is out of the thirty-five foot (35') setback and would be legal. Township Attorney Brandt did add that if there were six (6) or more contiguous homes it could change that though. Taylor added he believed there are. He added that the way he understood it, Kaiser could park the RV on his driveway off of Short Road during the seasonal exception from May 1st until October 1st. Otherwise it would need to be aligned with at least six (6) homes established building lines on Geddes. Iamurri questioned Kaiser as to if his home faced Short Road. Kaiser stated that his driveway is off of Short Road, his house faces Short Road and his mailing address is Short Road. Taylor informed Iamurri that you can't consider that because Latty's definition of a front yard from the Ordinance is correct. He went on to say that the shorter side of Kaiser's property faces Geddes. The choice to build the house facing Short Road doesn't make a difference. With this text amendment established building lines have to now be considered. Sika interjected that he has never measured the houses down the street (Geddes) to know if there are any closer within that six (6). Taylor added he was only going by aerial shots in the GIS. Kaiser asked if he then moved it back fifteen to seventeen feet it could then sit where it is year-round. Sika said that is what he would have to do to keep it there if there are six (6) homes with established building lines. Kaiser said he would just like to remind everyone that he contacted the Township every step of the way and the Code Enforcement Officer. He removed six (6) pines, relandscaped and placed his daughter's swing set so he could be back the required sixty-eight feet (68') from the center of the road. He spent a lot of time and money to insure he was compliant. Even if he is forced to move it back further it will sit in almost the same area and continue to be Mr. Latty's "eyesore" as he puts it. He said the previous Code Enforcement Officer told him it needed to be back thirty-three feet (33') so he anticipated storing it on his driveway or he would never have purchased the home. In his discussions with Connie she informed him of the sixty-eight feet (68') requirement which is where it is now. Halm said with the new Ordinance if he had a driveway there he would be okay from May until October. Sika agreed stating short of getting a driveway permit it could be there, thirty-three feet (33') back from May 1st until October 1st. Taylor said this was not the intent. McDonald asked that if he was told it was legally parked would it not be "grandfathered" in? Sika explained that if it was legally parked now then it would be. He questioned Kaiser if he was speaking of previous conversations with Sue and Connie. Kaiser said yes most recently he was told he had to be sixty-eight feet (68'0 back from the center of the road. Sika explained this was how the Ordinance had always been interpreted but after review by the Township Attorney once the complaint was received, he stated that it was indeed written and interpreted differently. Taylor said in spite of the fact that he was given misinformation which is extremely unfortunate and embarrassing and he is very upset about it, we are trying to do the best with the situation. It's still parked illegally. He addressed the Planning Commission and told them they are to be dealing with the new Ordinance and not this particular situation. He said the new Ordinance applies to the entire Township. Kaiser said if he did this intentionally it would be understandable but he contacted Thomas Township and Connie each step of the way. Connie said she'd check

with her supervisor and get back to me and when she did she said it was legal. This most recently in December. Where the RV sits now it is not obstructing anyone's view or causing a safety issue so why now does it have to be behind the neighbor's house. Only one (1) person has a problem with where the RV is parked.

Latty then brought up the Encroachments ordinance and that it states a recreational vehicle is to be on a driveway surface. This conflict was already discovered and is being corrected by the new Ordinance language.

Brosowski spoke noting that most people who have recreational vehicles and equipment spend a lot of money for them and do take care of them and he doesn't see a lot of glaring errors around the Township. He said there are other Ordinances in place to address trash and vehicles which are not taken care of up to par. He added that he still has not seen a property line similar to his and said a lot of homes are sitting on the longer side of the property than the short.

Public comment was closed at this time.

Sommers stated he felt there were two (2) separate issues going on here, a personal one and one for the whole township. He added he was a little confused by the setbacks and front yards.

Halm stated that they have to do what is good for the majority. He felt a lot of work had been completed on the Ordinance and it was very well written.

Lynch was concerned about the seasonal exception. He felt that possibly seeing a lot of them could make the community look "trashy".

LaMountain said it doesn't matter anyhow, it is only if someone complains otherwise if no one does you can do whatever you want or park wherever you want with no issue.

Sommers said he can see where the ten (10) day incidental section could put a burden on RV owners and can see where it would be very easy to exceed that.

Iamurri felt that with the ten (10) day incidental section until a complaint was received an RV could sit there for however long and the clock doesn't begin until the complaint is received and verified. He felt that the Planning Commission was trying to make this plain and simple and the best decision possible. He felt that the information gathered by Sika was solid.

Lynch suggested using the ten (10) day exception from October 2nd until April 30th for those with winter recreational equipment. A vote was taken and all members agreed unanimously.

A vote was taken concerning the established setbacks of forty-five feet (45') in residential and eight-five feet (85') in agricultural districts. All members agreed unanimously to these numbers.

Sika added that he wished to amend the seasonal exception language to include that RV's must be parked out of the road right-of-way.

A motion was made by Halm and seconded by Lynch to approve the text amendment for Section 3.2 (o) and 5.3 (e) as well as definition Section 2.2 of the Thomas Township Zoning Ordinance with the following changes that were discussed and voted on:

- The ten (10) day incidental parking period will be from October 2nd until April 30th, the months outside of the Seasonal exception.
- Recreational vehicles/equipment cannot be parked in the road right-of-way.
- Established building setbacks of forty-five feet (45') for residential districts and eighty-five feet (85') for agricultural districts.

The motion passed with six members in favor, McDonald, Lynch, Halm, Sommers Lorentzen, and Iamurri. One opposed, LaMountain.

Version 8/20/2015; Final Parking of Recreational Vehicle/Equipment Ordinance

Sec. 3.2 (o) Parking of Recreational Vehicle/ Equipment: Parking of Recreational Vehicle/ Equipment is prohibited within the minimum front yard depth of any one, two, or multi family dwelling yard, in any zoning district, and in addition in the case of a corner lot, is also prohibited within the required minimum corner lot side yard on the street side. (See figure in each district depicting lot setbacks).

Fall, Winter and Spring Incidental Parking: For incidental purposes such as washing, cleaning, packing, unpacking, normal maintenance or similar activity, recreational vehicle/ equipment shall be allowed to be parked in the minimum front yard depth, or in addition in the case of a corner lot, within the minimum corner lot side yard on the street side, if parked on a driveway surface, and shall not exceed a total of ten (10) days per month from October 2nd to April 30th. During the Fall, Winter and Spring Incidental Parking period, one recreational vehicle/ equipment may be parked on a driveway surface in the required front yard or in the case of a corner lot, within the required minimum corner lot side yard on the street side.

One (1) recreational vehicle/ equipment may be parked on a driveway surface in between the required minimum front yard depth and the dwelling, or in the case of a corner lot, between the minimum corner lot side yard on the street side and the dwelling.

Recreational vehicle/ equipment shall not be parked or stored within a road right- of -way, and shall not be parked or stored closer than four (4') feet to any side or rear property line, and shall have adequate ingress or egress available or potentially available to either public or private right-of-way. But recreational vehicles/ equipment parked in the side or rear yard are not required to be on a driveway surface. A maximum of two (2) recreational vehicle/ equipment may be parked outside of an accessory building or garage on a parcel at any time subject to the provisions in this section.

Seasonal Exception: Due to the significant number of summer use recreational vehicles/ equipment in Michigan, and more specifically in Thomas Township, a seasonal parking

exception is allowed for all residentially and agriculturally zoned parcels within the Township. During the seasonal exception period, from May 1st to October 1st, one recreational vehicle/ equipment may be parked on a driveway surface in the required front yard or in the case of a corner lot, within the required minimum corner lot side yard on the street side.

Nonconforming recreational vehicles/ equipment: Legal Nonconforming recreational vehicles/ equipment are subject to the following regulations notwithstanding any other provisions to the contrary in the Zoning Ordinance:

- i.* Any nonconforming recreational vehicle/ equipment must be a legal permitted use on the premises on the effective date of this ordinance amendment.
- ii.* The legal nonconforming status of recreational vehicle/ equipment shall not be lost if replaced by the owner of the recreational vehicle/ equipment or if it is moved to another permitted location on the parcel.
- iii.* The legal nonconforming status of recreational vehicles/ equipment shall no longer be available to any owner of the land and any owner of the recreational vehicle/ equipment if the recreational vehicle/ equipment is not located on the premises for 1 year after its last occupancy date on the premises.
- iv.* The recreational vehicle/ equipment must be operational in accordance with its usual and customary manner and licensed when applicable.
- v.* The owner of the recreational vehicle/ equipment must reside on the premises where the recreational vehicle/ equipment are parked or stored.

Established Setback: If 6 or more contiguous homes including the subject home if they are abutting the same road and are in the same zoning district and have a greater setback than what is required in the underlining zoning district, the recreational vehicle/ equipment must be setback from any street right-of-way, equal to the depth of the closest home or building to the road, not to exceed 45 feet in residential zoning district, and 85 feet in agricultural zoning district measured from the road right-of-way in both cases.

Amend Sec. 5.3 (e) as follows

SEC. 5.3 (e) Parking of Vehicles: Parking of vehicles as specified and/or provided in any residential district or agricultural district used primarily for residential, shall be maintained at all times on the driveway surface. For the purposes of sub-section 5.3 (e), a vehicle shall be considered a passenger vehicle that includes station wagons, sedans, vans, pickup truck, motorcycle, sport utility vehicle and similar vehicles that displays a current license from the State of Michigan for general operation on public roadways and it must be operable. For recreational vehicle/ equipment parking restrictions, see Section 3.2 (o).

Definition to be added to Sec 2.2.

Driveway Surface: A surface that is covered by gravel, stone, concrete, asphalt, or paving blocks.

Definition to be amended in Sec 2.2.

Remove definition for “recreational equipment” and “recreational vehicle” and replace with a definition “Recreational Vehicle/ Equipment”.

New Definitions:

Recreational Vehicle/ Equipment: shall include, but is not being limited to the following;

- A. Fishing boats, jet skis, sail boats, canoes, paddle boats, ski boats, recreational boats, commercial boats, duck boats, pontoons, floats and rafts as well as the trailer used to transport them.
- B. Folding tent trailer, pop up trailer, and similar equipment or structure, mounted on wheels and is intended for short term camping .
- C. Pickup camper designed primarily to be mounted in a pickup bed or on a truck chassis and is intended for camping.
- D. Travel trailer is considered a vehicular portable structure built on a chassis, permanently identified as a “travel trailer” by the manufacturer, including fifth wheelers and other pull behind campers and is intended for camping.
- E. Utility trailer can transport the following or similar items but are not limited to these specific items: brush, cars, lawn equipment, scrap metal, motorcycles, snowmobiles, go-carts or junk and debris.
- F. A motorized home which is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle and is intended for camping.
- G. A motorized off road vehicle such as a quad, four or six wheeler, mud bog vehicle, ATV, UTV, or other similar vehicle which is not licensed by the State of Michigan for general operation on public roadways.
- H. Ultra light planes, airplanes, hot air balloons, and similar devices intended for flight.

Sika informed the Planning Commission that the Text Amendments will now be sent to the Saginaw County Metropolitan Planning Commission and then to the Thomas Township Board of Trustees.

8. *Sign Board of Appeals-None*

9. *Presentations-None*

10. New Business-None

11. Receive and File All Correspondence-Planning and Zoning News-June 2015 & July 2015

Adjournment

Motion by Sommers seconded by Iamurri to adjourn the meeting at 8:45 p.m. Motion carried unanimously. ***The next meeting date is September 16, 2015.***

Respectfully submitted by Connie Watt, Planning Assistant/Code Enforcement Officer