

**ROSE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
September 3, 2009**

The following residents and guests were present:

Carolyn Milan	Micki Gabriel	Randall Kowalski
Jim Porter	Tom Wirth	James Golden
Chester Koop	Alison Kalcec	Janet Cousins
Katherine Bair	Debbie Lyard-Harroun	Susan Julian
Gail Ward	Elinor Naegle	Lisa Kowalski

Chairperson Proper called the regular meeting of the Rose Township Planning Commission to order at 7:30 p.m. at the Rose Township Hall, 204 Franklin Street, Holly, Michigan.

Roll Call (Present): Stanczyk, Baum, Brooks, Grice, Proper, Scheib-Snider, Lynn

Staff Present: Alison Kalcec (Rose Township Supervisor), Rob Nesbitt (Township Planner), David Plewes (Zoning Administrator), Debbie Miller (Rose Township Clerk), Susan Weaver (Recording Secretary)

APPROVAL OF AGENDA

Moved by Proper, seconded by Baum, motion carried to approve the Agenda as presented.

Voting Yes: Proper, Stanczyk, Grice, Baum, Scheib-Snider, Lynn, Brooks

Voting No: None.

MINUTES: ADDITIONS, CORRECTIONS AND/OR APPROVAL

A. Regular Meeting, August 4, 2009

Moved by Baum, seconded by Proper, motion carried to approve the Minutes of both the Training Meeting and the Regular Meeting as amended.

Voting Yes: Proper, Stanczyk, Grice, Baum, Scheib-Snider, Lynn, Brooks

Voting No: None

PUBLIC COMMENTS ON AGENDA ITEMS (excluding public hearing)

Chairperson Proper states that the kennel (line item 11/Agenda) is not a public hearing and will take no comments at that time from the floor.

Unidentified Resident asks if this would be a kennel for dogs? Chairperson Proper responds yes, Golden Retrievers, which owner breeds.

James Golden, Resident (11705 Hidden Valley Trail) understands that the kennel must be a separate building. Chairperson Proper responds that the Ordinance states it will be kennel building and the Board interprets it as being a separate building.

Carolyn Milan, Resident (11600 Stallion Lane) states that she is a neighbor of Applicant/11385 Stallion Lane (proposed kennel), the dogs appear well-cared for, Applicant is only looking to breed her own dogs, Applicant does not want to board, so why is she not being allowed to do this? Chairperson Proper responds that the Ordinance states there must be a kennel building. Resident asks if Applicant could have a special use to breed her own dogs? Chairperson Proper responds no, because this does not fit into the Ordinance.

Rob Nesbitt reads the Ordinance: "This Ordinance is intended to prohibit any premises be used contrary hereto and is defined as a premise on which three (3) or more dogs over six (6) months of age are boarded or bred or sold for profit or kept for purchase or sale." As soon as you have three (3) dogs being bred and selling puppies, you are a kennel.

Resident asks if Applicant only had two (2) dogs, then she would be in compliance? Mr. Nesbitt responds yes.

Rob Nesbitt states that there are more than three (3) dogs on these premises that could be bred and the overall intent is to insure compatibility between the subject property and the neighbors, three (3) or more animals being bred have the potential to affect neighbors.

Unidentified Resident states that Applicant has a thirty (30) year history of neglect and as she ages she will neglect them further. Resident further states that he is a neighbor, has witnessed her neglect of the dogs and if a kennel license/special land use is issued (without it being first 100% correct) she will be 90% wrong within a week.

James Golden, Resident (11705 Hidden Valley Trail) would like to remind the Board/audience that this is a Special Land Use Permit and it will transfer with the land from owner to owner. Resident further states that we do not know who future owners would be so keep it as it is.

Carolyn Milan, Resident (11600 Stallion Lane) asks there could be a stipulation to the special land use? Chairperson Proper responds no, if it does not fall within the Ordinance, and residents can go to the Zoning Board of Appeals.

COMMUNICATIONS

None.

COMMITTEE REPORTS

A. Rose Township Recreation Plan

Mr. Baum states that the Township is still working on the Recreation Plan and are in the process of updating descriptions of school property inventory, Holly and Fenton School Districts. Mr. Baum would like to solicit public input/comments on the Recreation Plan,

DNR requires at least two (2) message of input from the public. Open session scheduled under New Business for the public to address the Planning Commission as to Rose Township's recreational needs, Mr. Nesbitt will moderate.

Moved by Proper, seconded by Scheib-Snider, motion carried to put the Recreation Plan in place and work on it as we go along.

Voting Yes: Baum, Lynn, Scheib-Snider, Proper, Brooks, Grice, Stanczyk
Voting No: None

PUBLIC HEARINGS

None.

NEW BUSINESS

A. Public Comment on Rose Township Recreation Plan.

Jim Porter, Resident (9585 Ryella Lane) would like to see equestrian/hiking trails in the Recreation Plan.

Chairperson Proper states that Rose Oaks Park has been approved for bow hunting and will be added to the Recreation Plan. Alison Kalcec, Rose Township Supervisor clarifies that Rose Oaks Park has not in fact been approved for bow hunting; the Board approved a special land use. Needs to come before the Planning Commission.

Jim Porter, Resident (9585 Ryella Lane) states that there is a large deer population. Mr. Baum asks if Resident could address other activities his family participates in and how those services are provided to you now. Resident states that we hike trails/roads around the house, biking trails would be nice.

Alison Kalcec, Rose Township Supervisor states that Rose Township is working with Springfield Township regarding deeding a piece of land to Springfield Township. Springfield Township would care for this land and in exchange would give Rose Township residents access to its recreational facilities/programs at their resident rate for fifteen (15) years. Mr. Baum adds that he has reviewed Springfield Township's Recreational Plan and there is normally a \$5.00 difference between Springfield Township Resident rates and those outside of Springfield Township.

Jim Porter, Resident (9585 Ryella Lane) states that he uses Outdoor World's indoor shooting range.

Randy Kowalski, Resident (11650 Stallion Lane) asks for consideration of a nine (9) hole golf course.

Katherine Bair, Resident (17153 Fish Lake Rd.) would like to thank the Board for opening Rose Oaks Park to equestrians, uses park constantly.

Chester Koop, Resident (11750 Eagle Rd.) states trails should be multi-use and would like to share facilities. Resident asks regarding upgrading plan/swings, etc..

Alison Kalcec, Rose Township Supervisor states that the Township acquired two (2) more ten (10) acre parcels adjacent to the Dearborn property, speaking to Mr. Plewes regarding combining these parcels into the Property.

Sue Julian, Resident (3505 Rattalee Lake Rd.) suggests that Rose Township create trail systems and mechanism by which Rose Township can work with other groups. Resident informs Mr. Baum that she enjoys walking, bike riding, and horse riding.

Jim Porter, Resident (9585 Ryella Lane) states that different townships have fun community days (i.e., Davisburg Days, parades, antique tractor shows, car shows, etc.) and would like to see Rose Township do the same.

Unidentified Resident helped raise funds for headwaters trails, loves the park.

Jim Porter, Resident (9585 Ryella Lane) states that his recreational needs are being met (i.e. walking, etc).

Chester Koop, Resident (11750 Eagle Rd.) states that he hunts/bikes and utilizes Paint Creek Trail, South Lyon to Milford trail, etc..

Alison Kalcec, Resident (7980 Hickory Ridge) states that she utilizes the uncertified Perch Lake Rd. trail and would like this added to the trail system map.

Sue Julian, Resident (3505 Rattalee Lake Rd.) states that the roads are not safe to walk, cars running people off the road, especially due to increased mph.

Jim Porter, Resident (9585 Ryella Lane) states that skateboarding could be good for younger people. Chairperson Proper states that the Village of Holly had one, it came with a lot of problems (now closed).

Unidentified Resident states she would like to see Water Road opened up for use.

OLD BUSINESS

A. Review Site Plan review criteria

Chairperson Proper states that the Rose Township Zoning Ordinance/Site Plan Review Procedures has been received from LSL Planning, Inc./Rob Nesbitt. The Site Plan Review Procedures are explained and discussed as submitted.

The Planning Commission Board concurs they will proceed with the Site Plan Review Procedures but would like to see suggested modifications (i.e. examples).

Moved by Baum, seconded by Scheib-Snyder, motion to set this up for a public hearing at the next meeting after having had a chance to review the changes proposed by Mr. Nesbitt.

No Vote Taken

B.

C. Chairman's Odds & Ends

None.

TABLED ITEMS

A. Kennel 11385 Stallion Lane (Special Land Use)

Mr. Brooks would like to abstain from participating in this line item.

Moved by Proper, seconded by Scheib-Snider, motion carried to excuse Mr. Brooks due to a conflict of interest.

Voting Yes: Proper, Stanczyk, Grice, Baum, Scheib-Snider, Lynn

Voting No: None

Moved by Baum, seconded by Stanczyk, motion carried to remove line item A. Kennel at 11385 Stallion Lane (Special Land Use) from the table.

Voting Yes: Proper, Stanczyk, Grice, Baum, Scheib-Snider, Lynn

Voting No: None

Abstaining: Brooks

Mary Gabriel, Resident/Applicant (11385 Stallion Lane) ("Applicant") states that she has been breeding dogs for thirty (30) years with no abuse charges against her. Applicant states she has conferred with an attorney and suggests signing a statement wherein it would state she would not sell her home to someone wishing to use it as a kennel. Applicant states West Bloomfield requires the kennel/structure be attached to the home. Applicant states her home meets all the criteria for breeding dogs and was told this when she purchased same. Applicant states a detached building may create more noise than what is there now and requests a Special Land Use with no kennel license.

Ms. Stanczyk asks Applicant how many dogs she has now? Applicant responds thirty-three (33) dogs. Ms. Stanczyk states that such a large number of dogs living in the house might be a health hazard. Applicant states that she prefers the dogs in the house so they can be monitored and the home has a full walk-out basement, which is larger than a kennel.

Mr. Nesbitt explains that under Zoning Ordinance/Special Condition No. 3/Kennels: kennels are to be regulated by the rules of the county, animal shelter, dog pound, etc. There is a county involvement/licensing. Mr. Nesbitt states that the Ordinance is clear, requiring kennel building. Single family dwelling under the Ordinance is defined as a building designed exclusively to be occupied by one (1) family, the intent being used for human residents. Families do have pets, however, when you get into a kennel type situation you need an accessory building in addition to the single-family dwelling. A kennel could be attached to the dwelling as an attached accessory building (i.e., garage).

Mr. Baum states that Applicant's current fence is not in conformance with the Ordinance and asks Applicant why she did not have it installed in conformance with the Ordinance in the first place. Applicant states that Mr. Plewes told her not to do anything further and

does not want to invest any more money until a determination has been made. Mr. Baum further states that trees are not an approved sound barrier, runs must have a concrete floor, gate to fenced area behind home broken.

Moved by Proper, seconded by Stanczyk, motion carried to deny the application for special land use for a kennel/breeding facility because Applicant does not meet the Ordinance requirements for such a special land use.

Voting Yes: Stanczyk, Baum, Grice, Lynn, Proper, Scheib-Snider

Voting No: None

Abstaining: Brooks

Special Land Use – (D Plewes 5, June 2009 pers. comm., 16 June 2009 pers. comm., 20 August 2009)

DISCUSSION ITEMS

None

ANNOUNCEMENTS

- A. Rose Township Board report – Dianne Scheib-Snider: None
- B. Comments by Rob Nesbitt– Township Planner: None
- C. Next Regular Planning Commission Meeting, October 1, 2009, 7:30 pm., Rose Township Hall, 204 Franklin Street, Holly, Michigan
- D. Next Regular NOCFA Board of Directors Meeting, September 21, 2009, 7:00 pm., Holly Township
- E. Next Regular Township Board Meeting, September 12, 2009, 7:30 p.m., Holly Township, 204 Franklin Street, Holly, Michigan
- F. Rose Township Recycling, September 5, 2009, Rose Township Hall, 204 Franklin Street, Holly, Michigan, 9:00 a.m. until 12:00 p.m.
- G. Zoning Board of Appeals meeting, September 1, 2009, 7:30 p.m., Rose Township Hall, 204 Franklin Street, Holly, Michigan.

OPEN THE MEETING TO THE PUBLIC

James Golden, Resident (11705 Hidden Valley Trail) states that the special land use Applicant has stated she is running a business. This is a residential area and would this not preclude Applicant from operating a business without a special land use? Chairperson Proper states that the Ordinance does not include running a kennel as a business in a residential area. Resident states that as a citizen he would like the Township to stop Applicant from running her kennel business in a residential area and have the Constable eliminate her kennel in this area. Chairperson Proper will confer with Constable.

Mr. Plewes states that any time a township becomes aware of an illegal operation in a residential district; the appropriate authorities must be contacted to enforce the ordinance.

Alison Kalcec, Rose Township Supervisor states that the Township does not have police patrolling for this type of situation, when they come to our attention it is handled.

ADJOURNMENT

Moved by Baum, seconded by Scheib-Snider, motion carried to adjourn the meeting at 8:45 p.m.

Voting Yes: Scheib-Snider, Stanczyk, Grice, Baum, Lynn, Proper, Brooks

Voting No: None

Approved/Corrected

Debbie Miller
Rose Township Clerk