

**ROSE TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING  
June 4, 2009**

The following residents and guests were present:

Carolyn Melan	Tom Wirth	James S. Gold
Ina J. Golden	Micki Gabriel	Darlene Heath
Randall Kowall	Alison Kalcec	Elinor Nagle
Mr. & Mrs. Hugh Harroun	Robert Sippola	David Strunk
Gail Ward	Emile Bair	Pam Lewis
Ken Boyd		

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, Proper, Scheib-Snider, Lynn

Absent: Grice

Staff Present: Rob Nesbitt (Township Planner), David Plewes (zoning administrator), Debbie Miller (Rose Township Clerk), Susan Weaver (recording secretary)

**Moved by Proper, seconded by Scheib-Snider, motion carried to excuse Mr. Grice's absence from tonight's meeting.**

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

**APPROVAL OF AGENDA**

**Moved by Brooks, seconded by Proper, motion carried to excuse Mr. Brooks, due to a potential conflict as an applicant, from any discussions relating to kennels under section(s) B and C of the Public Hearing (Agenda).**

**Voting Yes: Proper, Stanczyk, Baum, Scheib-Snider, Lynn  
Voting No: None.**

**Moved by Baum, seconded by Scheib-Snider, motion carried to approve the agenda as presented.**

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

**APPROVAL OF MINUTES**

**A. Regular Meeting, May 7, 2009**

**Moved by Proper, seconded by Baum, motion carried to approve the Minutes of the Regular Meeting of the Rose Township Planning Commission on May 7, 2009 as presented.**

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

**PUBLIC COMMENTS ON AGENDA ITEMS (excluding public hearing)**

None.

**COMMUNICATIONS**

Schooling (classes). Baum forwarded copies.

**COMMITTEE REPORTS**

**A. Green Infrastructure**

Mr. Baum states that the Green Infrastructure Committee met (via email), and has reviewed the materials provided by Oakland County. The Committee determined that there is no action needed to be taken at this time and would like to thank Oakland County for allowing Rose Township to participate in the Green Infrastructure program. The Green Infrastructure Committee's consensus is that there is no further need for the committee.

**B. Rose Township Recreation Plan**

Mr. Baum states that one (1) survey was received this month (a total of five) and has not had the time to compile survey information. Mr. Baum recommends that Chairperson Proper appoint a committee to move this forward. Ms. Scheib-Snider, Ms. Lynn and Mr. Baum volunteer to serve on this committee.

**PUBLIC HEARINGS**

**A. Amendment to Stable Caretakers Residence to allow as principle use.**

Chairperson Proper opens the public hearing at 7:42 p.m.

Mr. Nesbitt would like to consider amending the section of the zoning ordinance dealing with caretaker's residence (riding academies and stables). First, currently the ordinance states that the permanent residence of the property owner needs to be in place before a caretaker's residence is added. The proposal under this section is to allow the caretaker's residence to be built as the first dwelling on the property and the permanent residence built at a later date. Second, the caretaker's residence can be located within or attached to any approved building provided no groom's quarters or other living facilities are allowed within one hundred (100) feet of the stable arena building. The proposed amendment under this section would allow the caretaker's residence to be attached or within the stables if there is a two (2) hour fire separation provided between the residence and the stable. Lastly, there would be a numbering change to the ordinance.

James Golden, Resident (11705 Hidden Valley Trail): States he would not want to live in a caretaker's residence attached to the stable due to rodents. Feels that the one hundred (100) foot rule should remain in effect.

Mr. Nesbitt would like to clarify that the zoning ordinance currently reads that the caretaker's residence may be located within or attached to any approved building on the property (provided a distinction that groom's quarters remain within 100 feet).

James Golden, Resident (11705 Hidden Valley Trail): Thinks this ordinance should be changed due to health concerns.

James Golden, Resident (11705 Hidden Valley Trail): Regarding the proposal to allow the caretaker's dwelling first and later the property owners' building, is there a time frame as to how soon the homeowner's building needs to be finalized, if not, feels the Board should add one.

Mr. Brooks states that during the process for converting back once the primary residence is built; now we have two (2) primary residences (SLUs). Currently allowing two (2) residences, just being called different things, cannot occupy caretaker's residence before the primary residence. The change we would be making is to allow them to occupy caretaker's residence first for a period of time.

Mr. Nesbitt states that the difficulty here is whenever you have a dwelling unit, regardless of type, you are really talking about trying to control who is occupying it rather than the nature of the use. Zoning deals with use rather than occupancy. Now Rose Township is allowing two (2) residences on a property, does it matter whether the caretaker is occupying the first dwelling?

Mr. Plewes states that Rose Township is requiring two (2) structures if you have a caretaker's residence. In this case we would only be requiring one (1) residential structure (caretaker's) instead of requiring two (2) structures. There is no requirement that the structure is attached and the fire separation would be added in addition to other codes.

Mr. Nesbitt states that each dwelling would have to meet building code requirements. If you are going to continue to allow for a caretaker's residence to be on these properties you will continue to be faced with other dwellings, does it matter which one comes first provided they each meeting building codes, health requirements, etc.? It should be discussed as to whether or not you want to allow the caretaker's residence to be attached to the facility or not.

Mr. Brooks states that in order to prevent the caretaker's residence from becoming the primary residence, a time limit can be placed on using caretaker's residence as primary residence.

Mr. Nesbitt states that there are issues with attaching a caretaker's residence to the stables. By attaching the residence it would less attractive as a permanent dwelling. Suggests that inspection(s) of the caretaker's residence on an ongoing basis would make sure it was being utilized for the intended purposes.

Mr. Plewes states that requirements of a caretaker's residence stipulates it cannot be utilized as a rental property, must be occupied by the person directly involved with stable activity.

Alison Kalcec (Rose Township Supervisor) states that there was a general feeling of support for this type of caretaker's residence to encourage equestrian types of uses and large lot sizes. It is very important to individuals currently operating stables, riding academies, etc. to have caretaker on site.

Mr. Brooks states that the only difference at this time is that a caretaker's residence is not allowed to be a primary residence, thus creating another set of problems.

Mr. Nesbitt states that at this time a caretaker's residence is considered an accessory use and the property must first have a principle use. Stables are not a special land use, caretaker's residence is a special land use and this is the problem.

James Golden, Resident (11705 Hidden Valley Trail): If you have two (2) primary residences (1 caregiver and 1 owner of property) you must think about separate septic/well systems. Not a good idea, one or the other.

Chairperson Proper closes the public hearing at 7:55 p.m.

Ms. Scheib-Snyder states that she does not like the idea of caretaker's residence being attached and feels that a two (2) hour fire separation is not adequate.

Mr. Plewes states that the two (2) hour fire separation was recommended by the fire department.

Ms. Stanczyk states that if the fire department recommends the two (2) hour fire separation, she is in agreement.

**Moved by Proper, seconded by Stanczyk, motion carried to accept the amendments as presented at this point and pass them on to the Township Board.**

**Voting Yes: Proper, Stanczyk, Baum, Lynn**

**Voting No: Scheib-Snyder**

**Abstain: Brooks**

## **B. Kennel 19300 Sage Lane (Special Land Use)**

Chairperson Proper opens the public hearing at 8:03 p.m.

Chairperson Proper excuses Mr. Brooks from the Board discussion.

Parcel No. 63 R-06818326004. Applying for special land use for kennel (boarding dogs only). Kennel would be located in existing barn.

Michael Brooks, Resident (19300 Sage Lane) ("Applicant"): Proposes to establish a kennel at his residence (consisting of 20 acres). Applicant explains request as submitted on Application For Special Land Use (available at the Township offices). Potentially eighteen (18) kennels.

James Golden, Resident (11705 Hidden Valley Trail): Asks if Applicant is applying for a special land use? Applicant responds yes. Resident asks that if a special land use is granted, does it limit amount of dogs on parcel? Chairperson Proper responds that the Board can stipulate to a number and that the special land use will go with the property.

Ms. Lynn inquires as to the potential of an additional six (6) kennels, would this be in the existing structure? Applicant responds that he would be able to accommodate up to eighteen (18) dogs and would only have to buy another chain link enclosure (6x6).

Chairperson. Proper asks if the trash haulers will handle waste removal? Applicant responds that he uses HMS and has not spoke to them at this time.

Mr. Baum states that removal of dog waste depends on the hauler. Waste Management has no problem picking up pet waste but will charge for bulk if a kennel. Oakland County Health Department stated that it was legal, no opinion.

Mr. Baum asks applicant if he has any training or experience to operate this type of business? Applicant states that his wife has attended training classes, no formal training available.

Mr. Baum asks what percentage of the barn will be used as the kennel. Applicant responds that it will be approximately 65% and further explains there will be walls separating kennels from remainder of the barn.

Mr. Baum asks about signage plans and Applicant responds there are no plans for signage at this time (word of mouth operation).

Mr. Baum questions if there will be a separate power supply/generator should there be a power outage. Applicant responds that he does not have plans to do so on account that he does not lose power very often.

Mr. Baum questions fire protection and Applicant responds there will be fire extinguishers and fire/carbon monoxide detectors.

Mr. Baum confirms there will be no disposal of animal waste in septic.

Mr. Baum inquires as to the dimensions of the play area and the surface material and Applicant responds that it will be 80x80 (6400 sq ft) and will be a sand bed.

Micki Gabriel, Resident (11385 Stallion Lane): States she is a kennel owner and suggests a small dumpster for waste removal. States that a generator is a good idea and knows of a company (fire protection) that will install a burglar, fire and heat/cold sensor for a minimal charge and monthly monitoring fee.

Mr. Nesbitt questions external lighting and Applicant explains outdoor lighting on barn and flood lighting in play area. Mr. Nesbitt questions number of employees and Applicant responds there will be one (1) part time employee to start with.

Mr. Proper questions the barn having running water and sewers and Applicant responds there is a supply line from main well and will run water lines and drains into the kennel. Lines will be tied into a common trunk line which will be tied to the new septic system upon installation. Gas and electricity with a forced air system (central air). The rest of the barn will be used for storage. Would like to keep it open to offer training in the future.

Chairperson Proper closes public hearing at 8:34 p.m.

**Moved by Stanczyk, seconded by Scheib-Snyder to approve with the recommendations by the Planner: (1) Outdoor fenced enclosure to be the maximum of 6,400 square feet; (2) No more than four (4) dogs in the outdoor yard at one time; (3) A maximum of fifteen (15) dogs will be kept on the property at any one time; (4) Improvements to the site's water**

service and septic system(s) must be approved by the Oakland County Health Services Department; (5) a copy of the applicant's kennel license must be provided to the Township prior to the kennel's operation; (6) all animals to be kept inside the building between 10:00 p.m. and 9:00 a.m.; (7) no retail sales of products are allowed; (8) no dog grooming is allowed, unless the dog is being boarded at the same time; (9) a six (6) foot high privacy fence is required along the south and west sides of the outdoor enclosures.

Stanczyk amends her motion to also include the following: (1) any future signage must be approved by the Board; (2) future lighting must not go beyond the play area; (3) property must have a portable generator; and (4) the deletion of item number 9 regarding privacy fencing.

**Voting Yes: Proper, Stanczyk, Baum, Scheib-Snyder, Lynn**

**Voting No: None**

**Abstaining: Brooks**

### **C. Kennel 11385 Stallion Lane (Special Land Use)**

Chairperson Proper states that Parcel No. 06-12-176-006, Applicant is seeking a special land use to breed golden retrievers and sell them off her property. Dogs will be raised in the house.

Mary Gabriel, Resident (11385 Stallion Lane) ("Applicant"): Applicant has older dogs, young dogs, etc. Volume of dogs will go down considerably. Would like to have twenty five (25) dogs. Applicant states that she spoke to Mr. Plewes who said there is not a limit as to the number of personal dogs a resident can have in Rose Township. Applicant explains her Application For Special Land Use as submitted asking for a special land use for a kennel/breeding (Application available at Township offices).

Ms. Lynn states that she is just receiving this information and needs a minute to review.

Mr. Nesbitt states that the Zoning Ordinance defines a kennel as any premises in which three (3) or more dogs six (6) months old or older are boarded, bred or trained for remuneration or kept for sale. Mr. Nesbitt states that applicant's property would qualify as a kennel.

Applicant states that these are her personal dogs.

Chairperson Proper Calls for a five (5) minute recess at 8:47 p.m.

Chairperson Proper re-opens public hearing at 8:50 p.m.

James Golden, Resident (11705) Hidden Valley Trail: Isn't there another kennel in close proximity to this property? Concerned about noise (i.e. dark barking).

Carolyn Milan, Resident (11600 Stallion Lane): If Applicant gets a special land use for a kennel for breeding would it only be for breeding? Chairperson Proper responds yes, restricted for breeding her own dogs.

Tom Wirth, Resident (11455 Stallion Lane): Applicant's neighbor (within 30 feet of her property line) states he hears Applicant's dogs barking constantly and her yelling at them. Also states that he has spoke to animal control.

Pam Lewis, Resident (11420 Terrace Road): Twenty-five (25) dogs are overwhelming. How can that number be kept under control and clean. Sounds like a puppy mill.

Darlene Heath, Resident (9847 Bloom Hill Dr.): States that she has been to Applicant's house, it was clean and the dogs looked healthy.

Applicant states that animal control has come through recently and the dogs were well kept.

James Golden, Resident (11705 Hidden Valley Trail): Concerned that once a special land use is granted applicant can leave and it will run with a new owner, they could possibly use as a kennel at that time. Limits on dogs bred, liters?

Bob Sippilo, Resident (11340 Terrace Road): Asks if Planner's recommendation apply here? Chairperson Proper states that it is a recommendation from our Planner.

Chairperson Proper states that he received a letter from Tammy Perry (11500 Terrace Road). Ms. Perry states she found one (1) of applicant's dogs in her yard 4-5 weeks ago and the dog was filthy, no tags or collar. Applicant came and picked up the dog. Ms. Perry is concerned about living conditions of the dogs. Applicant states the dog pushed the door open with her nose and she came after the dog. Applicant states that dogs are microchipped, but not licensed.

Chairperson . Proper does not feel she has adequate facilities for a kennel and at this time does not meet the conditions to approve a kennel license.

Chairperson Proper asks Applicant for an explanation about the situation in Farmington Hills regarding the Order For Injunctive Relief and the non-appearance in Court.

Applicant states that the issue in Farmington Hills dealt with miniature horses and land usages which was settled in her favor.

Chairperson Proper states that breeding falls into the kennel issues and Applicant may in fact be required to build a kennel.

Ms. Scheib-Snyder asks if the twenty-five (25) dogs are kept in crates, how much square footage and how many rooms are used? Applicant answers some in play areas/house, house is 1700 square feet, 1 big room for breeding upstairs, puppies do not go downstairs.

Ms. Lynn states that she was at the property on Tuesday, no one answered the door and there was a note from animal control on the door. Asks Applicant to explain. Applicant states that she was gone Tuesday and animal control was let in by someone else (helper). Animal control came again today and everything was fine. Ms. Lynn states that the note (violation) referenced the dogs running free (no leash) and licensing. Applicant responds that the dogs are licensed in Farmington Hills not in Rose Township. Ms. Lynn asks if Applicant is still operating in Farmington Hills? Applicant responds that there is some grooming and boarding. Ms. Lynn asks if this is a residence? Applicant responds yes.

Ms. Scheib-Snyder asks how long the dogs have been in Rose Township? Applicant answers approximately one (1) year and will license them.

Mr. Baum confirms the there is a water supply, well, and waste disposal. Is height of fence 6 feet in the rear yard? Applicant answers yes it is 6 feet high.

Mr. Baum asks if Applicant uses chemicals used in business to wash and clean dogs? Applicant states she uses regular soap.

Mr. Baum asks about flea and tick control? Applicant uses Ivermectin for heartworm control but no flea/tick chemicals. Uses natural supplement for flea control.

Mr. Baum asks about training? Applicant states that she has owned dogs her whole life, training and has owned a kennel for 10-12 years.

Mr. Baum asks if there is a generator? Applicant answers yes. Mr. Baum asks if there is a fire suppression system? Applicant answers smoke alarm and is getting a smoke, burglar and heat sensor.

Baum asks how many litters per year and average litter size? Applicant answers that she is trying to semi-retire. Estimates three (3) litters in spring and three (3) in fall, average litter size is 6-8.

Ken Boyd, Resident (11420 Terrace Road): Concerned about the possible amount of dogs after litters are born.

Ina Golden, Resident (11705 Hidden Valley): Concerned about the land use continuing with the next owner(s) of the property.

James Golden, Resident (11705) Hidden Valley Trail): Once special land use is granted the next owner of the property can breed any type of dog and any dog can be vicious. This property is too close in proximity to the other existing kennel.

Applicant states she can keep all the dogs if she does not breed under the current ordinance and is not willing to build a kennel. Chairperson Proper states that if you breed you must have a kennel.

Mr. Nesbitt: States that the ordinance specifies that if three (3) or more dogs over six (6) months of age are boarded or breed for remuneration or kept for purchase or sale there must be a kennel building, dog runs, fencing and necessary park and located on a lot having an area of ten (10) acres.

Ms. Scheib-Snyder states that primary residence cannot be a kennel.

Mr. Baum states that if you are operating a kennel in your house you need 9 square feet of cage per dog and you have twenty-five (25) dogs.

Mr. Baum states that he could hear the dogs barking while he was at the property. Applicant states that it is normal for dogs to bark when someone is on the property. Mr. Baum states there was a strong smell of feces in the front outside the enclosed area. Applicant states that that sometimes happens, she was out of town and has people stay there while she is gone.

Mr. Baum inquires as to any parking for employees? Applicant states there is space off to the side and is not shown on site diagram.

Ms. Scheib-Snider states that the play yard in front by porch was dirty.

Mr. Baum states that Applicant is required to have a metal fence and outside that fence a privacy fence.

Resident (inaudible name/address): If licensed would Township have more control?  
Chairperson Proper responds no.

Chairperson Proper closes public hearing at 9:30 p.m.

Chairperson Proper states that the Board can deny this request, table it and give sixty (60) days, or approve same. Applicant can do more clean up and will have to follow the kennel ordinance. Fencing, runs, etc.

Mr. Baum states his feeling is that the Board should table this request.

**Moved by Proper, seconded by Baum, motion carried to table this for ninety (90) days allowing Applicant to come back with more information (not hearsay), do more clean up around the place and at that time if she still wants to pursue it and pay a fee again the Board will consider it. The Board wants to see that Applicant has paid the Farmington Hills fines with receipts and Applicant cannot sell dogs within this ninety (90) day period in Rose Township.**

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

**Voting No: None**

**Abstaining: Brooks**

### **NEW BUSINESS**

None.

### **OLD BUSINESS**

None.

### **TABLED ITEMS**

None

### **DISCUSSION ITEMS**

None

### **ANNOUNCEMENTS**

A. Rose Township Board report – Dianne Scheib-Snider: Budget meeting June 10, 2009, 7:00 p.m. Copies available.

B. Comments by Rob Nesbitt– Township Planner: Thanks the Board for selecting LSL Planning.

- C. Next Regular Planning Commission Meeting, July 2, 2009, 7:30 pm., Rose Township Hall, 204 Franklin Street, Holly, Michigan
- D. Next Regular NOCFA Board of Directors Meeting, June 15, 2009, 7:00 pm., Rose Township
- E. Next Regular Township Board Meeting, June 10, 2009, 7:30 p.m., Rose Township Hall, 204 Franklin Street, Holly, Michigan
- F. Rose Township Recycling, June 6, 2009, Rose Township Hall, 204 Franklin Street, Holly, Michigan, 9:00 a.m. until 12:00 p.m.
- G. Zoning Board of Appeals meeting, June 2, 2009, 7:30 p.m., Rose Township Hall, 204 Franklin Street, Holly, Michigan.

**OPEN THE MEETING TO THE PUBLIC**

None.

**ADJOURNMENT**

**Moved by Baum, seconded by Scheib-Snider, motion carried to adjourn the meeting at 9:36 p.m.**

**Voting Yes Scheib-Snider, Stanczyk, Baum, Lynn, Proper, Brooks**

**Voting No: None**

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Debbie Miller  
Rose Township Clerk

Approved