

# TYRONE TOWNSHIP PLANNING COMMISSION

## Approved Work Session Minutes

May 24, 2005 7:30 p. m.

**PRESENT:** Sally Eastman, Joe Fumich, Dave Hanoute, Richard Hartighan, Steve Hasbrouck, S. Randy Laue

**ABSENT:** Laurie Radcliffe

**CALL TO ORDER:** 7:30 p. m. by Chairman Hasbrouck

**PLEDGE OF ALLEGIANCE:**

**CALL TO THE PUBLIC:** No response

**APPROVAL OF THE AGENDA:** Approved as presented

**APPROVAL OF THE MINUTES:** May 10, 2005, approved as corrected:

Page 4, Line 2: (...final approval on the cleanup, ~~whether weather~~ it was the MDEQ...)

Page 4, Line 35: (...Exhibit B will ~~mirror equal~~ the approved site plan...)

Page 4, Line 49: (Exhibit B hasn't been done ~~but we can't count on that yet~~.)

Page 5, Line 25: (...plans are subject to administrative ~~review relief~~...)

Page 5, Line 39: (Mr. Hartigan explained that his ~~motion approval~~...)

Page 5, Line 48: (Commissioner ~~and the engineer~~ and any other agencies...)

Page 5, Line 53: (...he recommended "~~bubbles~~" "~~balloons~~" on that page...)

Page 5, Line 55: (...which ~~wasn't weren't~~ shown on the site plan.)

Page 8, Line 12: (1.5 ~~dwelling~~ acres per ~~dwelling~~ unit...)

Page 8, Line 13: (...was .125 ~~dwelling~~ acres per ~~dwelling~~ unit...)

**CORRESPONDENCE:**

**SUBCOMMITTEE REPORT:**

- 1) Review of the site plans provided by **Kimberlee Frank** for the expansion of a nonconforming commercial use located at 8111 Old US-23, FR parcel 20-400-004. Ms. Frank would like to use the property as an office for "Sell Fast Realty" as referenced in her letter of April 4, 2005.

Mr. Hanoute informed the Planning Commission that the expansion of the activity will take place within the existing structure. The ordinance is clear on the enlargement of nonconforming uses and prohibits them. Since the expansion would take place within the building by converting the existing garage to an office, he asked the Planning Commission to consider if this would be an expansion as described in the Ordinance. There are tow means of ingress/egress to the parking lot, but one is off site which could represent a safety issue. The applicant has submitted information about the 'useable space' used to calculate the required parking spaces. A sign permit was issued in 2000 although that type of sign was prohibited then and is still prohibited. Mr. Frank's intent is to change the face of the sign only. The building was previously used by an electrical contractor as a staging area and office.

Ms. Frank informed the Planning Commission that:

- The parking requirements were calculated by Boss Engineering;
- The dumpster will be screened after it has been relocated away from the parking area;
- An ingress/egress easement agreement is being drafted with the adjacent property owner;
- The property was not assigned a sewer assessment or connection;
- The parking spaces provided exceeded the number required based on the useable floor area;
- There are two part time employees in addition to Ms. Frank;
- Based on the width of the parking lot driving lane, the driveway would not have to be "one way;"
- The garage storage extension will be used for filing cabinets; and
- The looks of the site have been improved.

Planning Commission members commented that:

- The request would not be a detriment to the rest of the area as it presently exists;
- Township Attorney John Drury told the Subcommittee the request would not require a public hearing because it was not a change in use (Section 22.05.Q);
- The perimeter walls of the structure were not being increased (section 26.02.A);
- Conversion of the garage from storage to office would increase the intensity of use in terms of parking requirements;
- The increased office space would not require an increase in the existing parking lot area;
- The increased use would have no impact on the building's exterior appearance; and
- The proposed use would have less impact on the overall appearance of the site than the previous uses and might be considered a reduction in nonconformity.

MOTION: MOVED BY Hanoute, seconded by Fumich, that the Planning Commission recommend to the Township Board approval of Kimberlee Frank's commercial use site drawing for nonconforming FR parcel 20-400-004, located at 8111 Old US-23, as shown in the drawing received May 17, 2005. Motion carried by voice vote.

Mr. Hartigan referred to the Zoning Ordinance definitions regarding "Floor Area, Useable" (Article 2). He thought the definition was poor. The example given related only to commercial use and asked to include review of the language in the Planning Commission action list.

- 2) Request of **Michael and Cathy Brown**, represented by **Andy Boss** of Boss Engineering, for state statute land division of property at 8497 Allen Road, RE parcel 31-400-016. Although most of the property is located within Tyrone Township, the existing residence is taxed by Hartland Township because of its location. Proposed Parcel 1 contains the existing buildings. Proposed Parcels 2 and 3 will be accessed by a shared driveway while proposed Parcel 4 meets the Hartland Township area and width requirements, but does not comply with the Tyrone Township width requirements. Tyrone Township front yard setbacks will be applied to all of the new parcels and they will be carried on the Tyrone Township tax rolls.

Mr. Hanoute commended Mr. Boss for the drawings which had been provided. Mr. Hasbrouck reminded the Planning Commission that proposed Parcel 4 is narrower than the ordinance allows and the applicants are aware that a variance would be required.

The Planning Commission discussed:

- The Hartland Township zoning requirements;

- The portion of the property taxed by Tyrone Township and the portion taxed by Hartland Township;
- The improved shared driveway turn around design; and
- The Tyrone Zoning District classification assigned to the Parshallville area.

Mr. Hartigan noted that the applicant would have the option to go to the ZBA for a variance or request rezoning of the property to R-1. Mr Laue commented that the applicant could also apply for a three parcel split.

MOTION: Moved by Hanoute, seconded by Hartigan, to recommend to the Township Board, denial of the request based on the fact that proposed Parcel #4 does not meet the minimum lot width requirement for the RE Zoning District. Motion carried by voice vote.

- 3) Request of **Stanley Brish** of Brivar Construction, representing **Epiphany Community Church, Unitarian Universalist**, for Special Land Use Permit conceptual Site Plan Review to permit construction of a church at 11062 Runyan Lake Road, RE parcel 04-400-017. A public hearing will be required for the Special Use Permit.

Mr. Hanoute said the Subcommittee expressed concerns about the location of the parking lot and whether the plans contained enough information to be considered for site plan review. The plans had been forwarded to the Planning Commission for comment, although more specific site plan information about the wetlands areas, the landscaping and site lighting was needed. The subcommittee discussed the proposed uses of the residence and recommended relocating the church next to the property line between the parking lot and the adjacent parcel.

For this meeting, Mr. Brish provided a revised conceptual site plan showing a new church location and a reconfigured parking lot which appears to meet the requirements for the first phase of development. The existing house essentially contains two living quarters and they were told it could only be used as a parsonage or an office with the existing barn as a structure accessory to the residence.

Mr. Brish informed the Planning Commission that:

- The church wanted some assurance that the project would be approved before going forward with final engineering plans;
- They were asking for comments from the neighbors and the Planning Commission to help give them direction for the final plans;
- They wanted to provide the final site plans after the Public Hearing (McKenna recommendation 3 of May 10, 2005);
- They wanted to avoid costly engineering requirements until they had some confidence that they could get a Special Use Permit;
- The engineering and planning recommendations hadn't been incorporated into the plan because it was still conceptual;
- They planned to prepare engineering plans and revisions after the Public Hearing comments; and
- They would be able to provide a more detailed architectural site plan for the Public Hearing.

The Planning Commission:

- Considered Items 2 and 3 in the McKenna report (May 10, 2005);
- Observed that Special Uses are site plan specific, so the permit would have to be tied

- to an approvable site plan;
- Agreed they would be reluctant to grant approval without a more specific site plan to reference;
- Requested an increased yard setback of 30 feet on the north side of the church because of the building size;
- Asked Mr. Brish to incorporate as many recommendations into an architectural site plan as he could without providing complete engineering drawings;
- Was informed that a time frame for completion of the Special Use site drawings following the hearing could be established as a condition of approval; and
- The request could be declared void if Special Use conditions aren't met within a specified time frame.

In response to a question from Mr. Hasbrouck, Township Planner Darrell Fecho said two Public Hearings would not be required as long as the Planning Commission was prepared to condition final approval based on a site plan which contains specific items the Township requests. Nothing in the Zoning Ordinance or state law says you have to approve the site plan as submitted for the Special Use public hearing. Usually you can hold the hearing, get public comment and then condition the approval on review of a site plan that meets the conditions established by the planning Commission after the hearing. The Special Use Permit would be issued based on a specific plan that meets specific conditions.

He also recommended that future expansion plans not be included in the drawing because a second site plan review would be required at the time of expansion. He recommended that the Planning Commission not approve something in advance. Mr. Hanoute thought it was useful to have a master plan for the site. Mr. Fecho agreed, but said the plans that were signed shouldn't include expansion plans.

MOTION: Moved by Hartigan, seconded by Eastman, to establish a Public Hearing for June 14, 2005 at 8:00 p. m. to review the Special Use Permit request of Epiphany Community Church for property at 11062 Runyan Lake Road, RE parcel 04-400-017. Motion carried by voice vote.

During discussion of the motion, Mr. Brish said he would try to provide revised drawings which addressed some of the McKenna comments. He was also reminded to indicate the use of the buildings on the site, adjust the plan based on the comments made by the Planning Commission, and provide more information about the building materials and elevation.

In response to questions about procedure, Mr. Hartigan was informed that the Special Use approval could be made any time following the Public Hearing. If the approval was conditional, the request should not be forwarded to the Board, until all the conditions of approval had been met by the applicant and the final site plan was reviewed or approved by the Planning Commission.

#### **OLD BUSINESS:**

- 1) Establishment of a joint meeting date for the Township Board and Planning Commission. The Board has suggested June 16, 2005 or June 23, 2005. No agenda has been set for the meeting, but the Engineers would be willing to attend if sewers are discussed.

Only two members of the Planning Commission were available for the June 16 meeting and only three were available for the June 23, meeting. All but one of the members said they would be able to attend a joint meeting during the June work session (June 28, 2005).

2) Review and discussion of proposed urban services boundary maps which will be forwarded by McKenna

McKenna provided three proposed service boundary maps for discussion. The Planning Commission focused their discussion on the use district map (1) and the lake based map (2). During the discussion, the Planning Commission considered:

- New state statutes which permitted developers to get private sewage system approvals from the state rather than local units of government;
- The status of the Lake Tyrone treatment system;
- Support services the Township would be able to provide for developers who installed their own sewage system connections within the urban services boundary,
- Elimination of any service area on the east side of the expressway south of White Lake Road except for Runyan Lake;
- The hydraulic limitations of the mains installed on the west side of the expressway;
- Following the service district boundaries for Runyan Lake and Hills of Tyrone as limits of the service areas east of the Expressway;
- The sewer capacity immediately available (1.5 million gallons) and the capacity available for future purchase (1.5 million gallons);
- The expandability of the Genesee County facilities;
- Designing the urban services district to include the contracted sewer service locations, the areas of the township with environmental issues, and the areas where we want to see growth;
- Including Lake Shannon as part of the service district by following the small lot lines associated with the lake;
- Inclusion of the subdivisions and the vacant acreage on the west side of the Expressway from the Township Boundary west to Linden Road (Section 4 and 5);
- Following Linden Road to the Hogan Road intersection (Section 8); and
- Providing a line east of the Expressway to serve Lake Tyrone only.

Mr. Fecho said he would incorporate the Planning Commission recommendations into a new map and provide it for discussion at a future meeting. He also thought it would be a good idea to have the Engineer review the map and comment in writing. Mr. Hasbrouck agreed and thought we should ask for specific comments from the engineer.

Mr. Fecho said one of the comments should be about capacity and whether it could support the proposed Urban Services District. Mr. Hasbrouck said he wanted some answers about the existing piping, especially at the north end of the township. He wanted Tetra Tech to explain in writing how the system would handle 3 million gallons. He didn't think the 12 inch force main installed on US-23 would support that.

Mr. Fecho said he was worried about not including some of the larger vacant parcels in the district, because a developer could come in and get approval for their own system without approval of the County or the Township. Mr. Laue thought it would be possible to move the sewer district line when the developer came for site plan review, rather than encourage development by moving the lines before hand.

3) Discussion of the proposed PIRO Zoning District text to be added to the Zoning Ordinance forwarded by McKenna on April 19, 2005

Mr. Fecho thought the request should be moved up in the Agenda so the Planning Commission could spend some time going through the language. The list of uses was one of the considerations, but he wondered where we could put the small shops that need an industrial classification, other than the PIRO areas. The Planning Commission needed to consider how they would accommodate uses that don't meet the minimum or maximum size requirements for the PIRO district and ways to deal with regional shopping centers and big box centers. Mr. Hartigan recalled that the Planning Commission had discussed locating big boxes on Center Road on the South side of the PIRO district (Nonconforming Transitional Uses) where the big box appearance could be scaled down architecturally. Mr. Hasbrouck agreed, but was anxious to begin work on the text so we can address some specific issues.

Mr. Fecho recommended establishing the PIRO district as a multi-use zoning district, rather than an overlay, with rezoning initiated by the Township.

#### **NEW BUSINESS:**

- 1) Appointment of a Planning Commission member to the Regional Planning Committee being organized by the City of Linden. The Board has requested appointment of a Planning Commission member and they have appointed Lynn Thompson to represent the Board.

Chairman Hasbrouck appointed Laurie Radcliffe to act as the Planning Commission representative to the Regional Planning group.

- 2) Revisions to the site plan review process to determine the method of handling final construction drawings and legal documents.

The Planning Commission was reminded that the Site Condominium approval process (Section 21.43) does not specifically require a final review of construction plans and final documents. Once the board grants final site condominium plan approval (or land division approval), oversight of the final construction plans, final documents, legal descriptions, and recording of plans and documents is left to the applicant.

Additionally, the Township has been running into a problems with approved site drawings and recorded surveys. In two cases, the drawings approved were not the ones recorded with the Register of Deeds, although the drawings presented for parcel ID numbers were the same as the drawings approved by the Township.

Mr. Hanoute said it took time and money to enforce the Township requirements and we didn't have that now. Mr. Fecho commented that other Township's faced with the same financial problem have increased their permit fees to cover the cost of compliance and enforcement. The courts have determined you can't make money from fees, but you can break even. The Township could hire someone to do the work and then charge fees sufficient to cover the cost. Mr. Laue thought that this was an issue that could be discussed further at the joint meeting.

Mr. Hanoute asked Mr. Fecho to provide some suggestions for review. Mr. Fecho commented that there were really only two basic solutions. One was to include all of the requirements and procedures in the Ordinance and the other was to put language in the ordinance which gave the Planning Commission authority to adopt a Site plan Review manual.

#### **ZONING BOARD OF APPEALS REPORT:**

#### **OTHER BUSINESS FROM MEMBERS:**

**NEXT MEETINGS:**

June 14, 2005 - Regular Meeting and Public Hearing

June 21, 2005 - Subcommittee Meeting

June 28, 2005 - Work Session or Joint Meeting

**ADJOURNMENT:** 9:45 p. m.

  
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Laurie Radcliffe, Secretary  
Tyrone Township Planning Commission

  
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Barbara Burtch, Recording Secretary  
Tyrone Township Planning Commission