

TYRONE TOWNSHIP PLANNING COMMISSION
Approved Regular Meeting Minutes

September 26, 2006 7:30 p. m.

PRESENT: Bob Byerly, Sally Eastman, Joe Fumich, Mark Meisel, Steve Hasbrouck, Laurie Radcliffe,

ABSENT: Dave Hanoute

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

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

Frank Robinson of Bennett Lake Road told the Planning Commission that he was tired of the on-going yard sale on the property next door. He presented pictures of the items being sold and said that the neighbor's driveway next to his house was where he worked on the stuff he sells like mowers and tractors. There is no parking for cars, and he violates your ordinance number C (21.14.C). He works on the equipment in the yard and customers try them out in the yard and his son often comes over to help him work in the yard next to Mr. Robinson's house. He presented complaints signed by himself and two other neighbors.

Mr. Hasbrouck explained that the Planning Commission usually works on writing the Zoning Ordinance but doesn't do the enforcement. Mr. Robinson said it was his understanding that the Planning Commission was supposed to instruct Mr. Van Hecke about what to do. Mr. Hasbrouck said the Planning Commission could look at that section of the Ordinance to see if it applied, but the Zoning Administrator and the Township Board had to take action on the complaint.

Mr. Van Hecke said the next door property owner had been sent a letter asking him to approach the Planning Commission to determine if his work classified as a home occupation or not. So far, the neighbor hasn't done that. After Mr. Robinson came in to make his complaint, the Township Attorney was contacted for an opinion. He is waiting for the attorney's response.

Mr. Robinson said he contacted his Attorney who told him that the Township was setting itself up by allowing the use to continue if there was an accident. There are cars parked in the middle of the road, and there have been several close calls already. He doesn't want his residential peace disturbed day after day by noise and traffic.

APPROVAL OF THE AGENDA:

Mr. Meisel asked to add discussion of his proposed bylaws revisions to the agenda. Mr. Hasbrouck said it would be scheduled under Other Business if there was time.

MOTION: Moved by Eastman, seconded by Meisel, to approve the Agenda as amended (*). Motion carried by voice vote.

APPROVAL OF THE MINUTES:

1) September 12, 1006 - Work Session Minutes

MOTION: Moved by Meisel, seconded by Fumich, to approve the September 12, 2006 Work Session minutes as corrected. Motion carried unanimously by voice vote.

Page 5, Line 12: (...to extend the the trailer sales...)

Page 5, Line 27: (PUD agreement **is** still in force.)

Page 6, Line 15: (...review **the** final site plans document before **it is they are**...)

Page 7, Line 13: (...Section 4.01 and 4.02 **to comply with current statutory requirements**)

Page 8, Line 15: (...consistent with Mr. Milliken's memo **for consideration of the Planning Commission**)

2) September 12, 2006 - Public Hearing Minutes for amendments to Ordinance 25 - The Subdivision Control Ordinance and Ordinance 36 - The Zoning Ordinance

MOTION: Moved by Meisel, seconded by Radcliffe, to approve the September 12, 2006 Public Hearing minutes as corrected. Motion carried unanimously by voice vote.

Page 3, Line 11: (...explained that the Planning Commission's intent.)

Page 3, Line 23: (The Board ~~could~~ can approve...)

Page 5, Line 12: (Mr. Meisel **was concerned that did not feel** that the proposed language **would may not** meet ...)

CORRESPONDENCE:

1) Request of the Tyrone Township Board and Tyrone Woods for land division of property at Hogan Road, MHP parcel 18-100-001 to create a land division of 2 parcels.

The correspondence was scheduled for discussion under New Business, Item 1*

SUBCOMMITTEE REPORT:

OLD BUSINESS:

1) Recommendations regarding the revisions to Article 23.00 - Site Plan Review. The Section was not forwarded to the Board with the other revisions following the September 12, 2006 meeting.

Mr. Milliken recalled that the copy of Article 23 that provided for the September 12, 2006 Public Hearing wasn't complete. One of the revisions based on comments from the Attorney wasn't included in the final text although it was referenced in the Memo dated September 12, 2006 and discussed at the hearing. Article 23.00, Section 23.10 - Decision Appeal, B.1 and 2, should be deleted and replaced with paragraph B from the memo.

Mr. Milliken recommended incorporating the changes into the text, and then forwarding it to the Board. There have been no changes made to the language discussed at the hearing, but not all of it was included in the hearing review copy. This change made at the request of the Township Attorney is not a substantive change and was discussed at the Public Hearing.

MOTION: Moved by Eastman, seconded by Fumich, to forward Article 23.00 - Site Plan Review and Impact Assessment to the Board with a recommendation for adoption. Motion carried by unanimous voice vote.

Mr. Milliken distributed copies of a table showing the status of the current ordinance and Master Plan revisions

The meeting was recessed at 8:00 p.m. for a Public Hearing and reconvened at 8:40 p.m.

Following the Public Hearing, the Planning Commission continued with a discussion of the Water Sports Marine request for a special use land permit (New Business, Item 1).

The Planning Commission was informed that:

- Water Sports Marine's current hours of operation were 9:30 to 6:00 on weekdays, 10:00 - 4:00 on Saturday and closed on Sundays with occasional extended hours during peak activity periods;
- Security lights will be used at night;
- Waste disposal plans had been reviewed by the MDEQ; and
- The uncovered storage area will be used for repair staging and overflow.

The Planning Commission noted that:

- The request could be tabled until all of the information was provided in compliance with the Ordinance;
- Approval could be conditional pending receipt of agency approvals;
- Hours of operation could be included in special use conditions;
- Facade alterations should be reviewed by the Planner;
- Reports of outside agencies regarding disposal of waste materials and toxic substances should be provided;
- The special land use recommendation should reference the approved site plan and any special conditions as part of the approval;
- The proposed outdoor display meets the right-of-way setback requirements; and
- As the first major development in the planned industrial area, it should be an asset to the township.

MOTION: Moved by Meisel, seconded by Fumich, to table the request until the October 10, 2006 meeting for additional information. Motion carried by unanimous voice vote.

Mr. Hasbrouck recommended that Mr. Asselin call Mr. Hanoute and work with him directly on facade revisions.

2) Review of information requested for Private Roads/Shared Driveways from John Harris, LCRC, and Tetra Tech

The Planning Commission discussed:

- Whether paving should be required for pre-existing roads;
- The importance of trip thresholds or parcel numbers compared with the compliance

- with road standards;
- Requesting better information from Tetra Tech regarding road standards, paving thresholds, and cul-de-sac lengths;
- Requiring private road and shared driveway standards which would include site distance maintenance easements;
- Locating property line easement access points completely within the applicant's parcel if sight distance maintenance agreements are not secured;
- Requiring sight distance maintenance and financing mechanisms as part of the maintenance agreement language; and
- Review of the Livingston County standards for roads.

Chairman Hasbrouck asked to have further discussion of the road ordinance rescheduled for the next meeting.

NEW BUSINESS:

- 1) Recommendations regarding the request of **Water Sports Marine** for development of a boat sales facility at 8051 Old US 23

Discussed immediately following the Public Hearing

- 2) Discussion of an amendment to Zoning Ordinance Article 4, Section 4.03 FR and RE - Special Uses, to allow installation of a cafe at **Heavenly Scent Herb Farm**.

Mr. Milliken said he had reviewed the Zoning Ordinance options. The agri-business article (4.03) mainly deals with roadside stands and he couldn't stretch that use definition to include a roadside cafe. The PUD ordinance is mainly for residential uses. The best approach would be to amend the ordinance to redefine agri-business or to include a new section dealing with uses that include major components that are not agricultural.

The Planning Commission considered:

- Uses where the 50% agri-business rule might not apply—the sale of foods or products not produced on the farm; stables selling tack or grooming products; farms providing accommodations for farm vacations, rentals of fields for special events, wine production and tasting, and so on;
- Flexible regulations regarding percent or value of the products grown on the site to be sold on the premises;
- Establishing a method to permit a reasonable mix of agricultural products and commercial resale products or services;
- Ways to keep the use from evolving into a completely unrelated commercial enterprise;
- Requiring site plan review for expanded agri-business uses;
- Establishing a minimum parcel size; and
- Holding a public hearing prior to the ordinance revision to get citizen input regarding agriculture related commercial development.

MOTION: Moved by Meisel, seconded by Byerly, to hold a Public Hearing on the Heavenly Scent request on October 24, 2007 at 8:00 p.m.

Mr. Hasbrouck explained that this would be a public hearing to gather information regarding their neighbors' response to a commercial use request. Once this hearing was over, the Planning Commission would still have to prepare an ordinance amendment before a decision could be made regarding the Mathews' request.

- 3)* Request of the **Tyrone Township Board** and **Tyrone Woods** for land division of the RE portion of parcel 18-100-001 to create 2 new parcels (0.4 acres and 19.6 acres) accessed by an easement from Hogan Road.

Mr. Hasbrouck stated that the request hadn't been presented in time for Subcommittee review. Supervisor Schmidt explained that the land division request was in response to a judgment between Tyrone Woods and Tyrone Township. Livingston County wants to build a pump station on the small parcel before the bids they have received expire.

Mr. Hasbrouck commented that he had seen an aerial overlay of the property, and had some questions about the site layout. There is already a pump station on the 0.4 acre parcel that will be upgraded by Livingston County to send all the flow from Tyrone Woods up to Hogan Road for connection with the Genesee County system. There is a small accessory building with an office and bathroom located at the pump station site. He asked if the accessory building was included in the 0.4 acre parcel.

Mr. Schmidt thought the building would belong to the Livingston County Regional Sewer once the land division was completed, but the township is responsible for repairing the roof. Mr. Byerly thought that the building would belong to Tyrone Woods. Mr. Hasbrouck wondered how the building could belong to Tyrone Woods if the property belonged to the Livingston Regional Sewer System. It was his understanding from discussions with Tesha Humphriss of Tetra Tech that the accessory building would be on the 0.4 acre parcel next to the pump station and would belong to the Drain Commissioner. Power comes from that building to the pump station.

While discussing the request, the Planning Commission noted that the rights to use of the easements hadn't been specified, open space hadn't been provided, the easements had not been described, the pump station and the accessory building had not been referenced in the parcel descriptions or site drawings, the ownership of the accessory building wasn't clear, and accurate legal descriptions had not been provided for the 19.6 acre parcel or the access and utility easements. Based on the area of the new parcel located in the FR district, approximately 6.5 acres of open space would have to be included in the parcel.

MOTION: Moved by Eastman, seconded by Meisel, to recommend to the Township Board approval of the land division for the FR portion of parcel 18-200-001 to set off approximately 19.6 acres for the Township and approximately 0.4 acres for the Livingston County Sewer District conditioned upon an accurate legal description and site drawing of the 19.6 acre parcel showing the location of the required open space (approximately 6.5 acres); inclusion of an open space maintenance agreement as part of the 19.6 acre parcel legal description; an accurate legal description and site drawing of the access easement; an accurate legal description and site drawing of the utility easement, an accurate legal description and site drawing of the 0.4 acre parcel showing the location and ownership of the existing accessory building and pump station; inclusion of language in the descriptions of each new parcel allowing

unrestricted use of the access easement and the utility easement; and inclusion of the location of the easement connections with each parcel on the site drawings. Motion carried by unanimous voice vote.

NEW BUSINESS:

- 1) Request of **Steven** and **Kathleen Mathews** for installation of a cafe in the basement of the Heavenly Scent Herb Farm sales building.

The request was discussed immediately following the Public Hearing.

OTHER BUSINESS FROM MEMBERS:

- 1)* Revisions to the Planning Commission Bylaws requested as an Agenda amendment.

Mr. Meisel informed the Planning Commission that he had collaborated with Mr. Miliken to prepare another bylaws amendment change to the noticing requirements. He distributed his most recent revision of the Planning Commission Bylaws which provided new language for Sections 4.01 and 4.02.

Mr. Meisel asked for approval of his bylaw revisions. Based on our questionable vote, it was clear that they weren't up to statutory requirements. He didn't want that to adversely affect future decisions of the Planning Commission.

Mr. Hasbrouck said there were other things in the bylaws he wasn't comfortable with---for one, the wording regarding the Secretary and Recording Secretary. Wording should be added to allow the Planning Commission officers to delegate duties for specific things to someone else while the officers would oversee the work. Right now, the Recording Secretary handles most of the paper work.

He scheduled review of the bylaws for another meeting and asked the Planning Commission members to consider articles which might need to be changed.

- 2)* Planning Commission Training

Mr. Hasbrouck said he had received several notices for free workshops related to planning. He suggested that Planning Members consider attending some of the free programs because budget constraints limited attendance at fee based training sessions.

- 3)* Maps

Ms. Eastman commented that National Geographic has a map program that allows you to zero in on buildings anywhere in the world. It appears to be fairly recent. Mr. Hasbrouck said the GIS office in Howell can provide the same information with high quality prints that you couldn't get from the average printer. Ms Eastman commented that the maps were free. Mr. Hasbrouck explained that any maps were hard to reproduce on an average printer.

ZONING ADMINISTRATOR'S REPORT:

ZONING BOARD OF APPEALS REPORT:

BOARD ACTION:

FUTURE AGENDA ITEMS:

NEXT MEETINGS:

October 10, 2006 - Work Session and Public Hearing

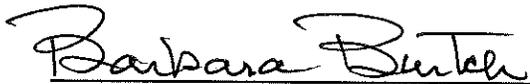
October 17, 2006 - Subcommittee Meeting

October 24, 2006 - Regular Meeting and Public Hearing

ADJOURNMENT: 9:50 p.m.



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission