

TYRONE TOWNSHIP PLANNING COMMISSION

Approved Work Session Meeting Minutes

October 10, 2006 7:30 p. m.

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

ABSENT:

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

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

APPROVAL OF THE AGENDA:

MOTION: Moved by Meisel, seconded by Hanoute, to remove Subcommittee Report, Item 2 from the Consent Agenda and schedule it as New Business, Item 2. Motion carried by unanimous voice vote.

APPROVAL OF THE MINUTES:

- 1) Moved by Meisel, seconded by Radcliffe, to approve the September 26, 2006 Regular Meeting Minutes as corrected. Motion carried by unanimous voice vote.

Page 1, Line 22: (Frank Robinson of Bennett Lake Road...)

Page 2, Line 15: (September 12 Public Hearing Minutes for amendments to **Ordinance 25 - The Subdivision Control Ordinance and Ordinance 36 - The Zoning Ordinance**

Page 5, Line 28: (would belong to the **Livingston Regional Sewer System Drain Commissioner**)

Page 5, Line 32: (...open space hadn't **been** provided...)

- 2) Moved by Meisel, seconded by Radcliffe, to approve the September 26, 2006 Amendment Public Hearing minutes for the Ron Gordon PUD amendment as corrected. Motion carried by unanimous voice vote.

Page 3, Line 9: (Mr. Hasbrouck commented that ~~asked that~~ Mr. Hanoute.....)

CORRESPONDENCE:

Mr. Hasbrouck announced receipt of a letter from Oakland County regarding approval of the Highland Township Master Plan Revisions. He asked to have the letter received and placed on file.

SUBCOMMITTEE REPORT:

- 1) Request of **Barry** and **Sally Bright** and **Jacqueline Hoetger** for boundary realignment.

The request was withdrawn at the request of the applicant

- 2) Land Division request of **Albert** and **Nancy Smith**.

Rescheduled as New Business Item 2 as an amendment to the Agenda

OLD BUSINESS:

- 1) Request of **Rising Enterprises, LLC** represented by **John Asselin** of Asselin Associates Architects for Special Land Use Permit approval of their plans for Water Sports Marine, a boat storage, sales, and repair facility at 8051 Old US 23, M-1 parcel 04-400-015, as required by Ordinance 16.03.G (12.04.A, 13.03.A.4, 13.03.A.11, 23.01.A). The request was tabled September 26, 2006 for revised architectural drawings.

Mr. Hasbrouck removed the request from the table. He informed the public that a Public Hearing was held and the request was reviewed by the Township Planner.

Mr. Asselin told the Planning Commission:

- He had recalculated the square footage of the sales building;
- The metal component of the sales building complies with the Architectural Standards;
- Mr. Hanoute had reviewed the site plan and the facade calculations;
- He had prepared some views showing the proportion of the sales office related to the storage buildings behind it;
- Detail regarding the light fixtures and the ornamental fencing had been provided;
- Their design intent was to minimize the impact of the buildings in the rear and draw attention to the building in the front;
- Adding windows to the storage buildings would draw attention to them;
- Drain Commissioner conditions involved minor drainage adjustments;
- There is a jog in the right-of-way line along US 23;
- The front line of the storage buildings is 473 feet from one right-of-way and 503 feet from the other; and
- There is a large amount of on site forestation which would block the view of the buildings from US 23.

The Planning Commission discussed:

- The request for windows across the facades of the back storage buildings;
- The high visibility of the site from US 23;
- Concerns about solid blank storage building walls going across the site;
- Keeping the focal point of the design on the front building;
- Designing the storage buildings as a stage backdrop for the sales building;
- Maintaining plain facades for the storage buildings;
- The exaggeration of the storage building profiles shown in the architectural rendering;
- The more accurate depiction of the profiles shown in Mr. Asselin's prints;

- Using the existing trees and the plantings shown on the site plans to provide screening for the storage buildings;
- Construction of a berm would obscure the view of the building from US 23;
- Language in the ordinance which permits architectural standard waivers (23.18.I);
- Whether the storage buildings would have to meet the architectural standards if the building with US 23 frontage does;
- The overall quality of the design with one predominate building and two subservient buildings;
- The inclusion of waiver language in the ordinance to allow for variances when unique circumstances occur (23.18.I); and
- The building facades would be covered with an ornamental finish on flat seamed metal panels, not the standard standing seam metal finishes referenced in the ordinance.

Mr. Milliken said he would feel comfortable granting architectural waivers based on Mr. Hanoute's architectural review and recommendation. The storage buildings are farther back than the sales building and don't necessarily have to meet the standards because the one in front does. The ordinance does not specifically address sites with more than one building.

He recommended waivers because there were some ordinance standards that had not been satisfied—the 50% standard for the facade of the rear buildings for one and the parking berm for another. He had referred to the issue of the berm in his letter because that was part of the ordinance, but it wasn't applied in this case because of the pond and the commercial nature of the use. Although the industrial district requires a berm or a green space, this site isn't big enough for a berm and a greenway when you include the pond. Although landscape materials are being added to the site, the landscaping language requires seven deciduous trees and three ornamental trees. They have shown six deciduous trees and four ornamental trees. He still wasn't sure that the maximum amount of metal paneling wasn't exceeded on the sales building, so waivers should be recommended.

Mr. Asselin said their landscape plantings would be brought into compliance with the ordinance.

Mr. Hanoute has provided a recommendation based on the building complex and the way the parts work together. The circumstances for granting the waiver should be detailed in the findings of fact, so there will be a record of the special and unique circumstances related to approval of the waiver when the next case comes up.

Mr. Milliken recommended one motion for the Special Land Use Permit recommendation and another motion for Site Plan approval.

The meeting was recessed at 8:04 for the Ron Gordon PUD Amendment a Public Hearing and reconvened at 8:25 p.m.

MOTION: Moved by Eastman, seconded by Hanoute, to recommend to the Township Board, approval of a Special Land Use Permit for Water Sports Marine and Rising Enterprises, contingent upon receiving site plan approval and in accordance with the information submitted in their application or stated in the minutes (8/11/06, 9/26/06) regarding hours of operation, storage, noise, and hazardous materials. Motion carried by unanimous voice vote.

MOTION: Moved by Eastman, seconded by Hanoute, to recommend to the Township Board approval of the site plan (9/14/06 revision) as presented by Rising Enterprises for Water Sports Marine conditional upon approval by the various regulatory agencies, including, but not limited to the Livingston County Drain Commissioner, with a waiver from the Architectural Standards for the percentage of metal materials allowed on the rear buildings (23.18.I) based on the right-of-way variation of just under 500 feet to just over 500 feet from US 23, as the rear buildings are subservient to the main building from an architectural point of view and the front building and the existing pine trees screen and obscure the view of the rear buildings; and with a waiver for the berm (21A.05.A.1), because the proposed greenbelt landscaping in combination with the pond is an attractive alternative to a berm which would not be desirable in this location. Motion carried by unanimous voice vote.

Chairman Hasbrouck called for suspension of the rules to discuss the Ron Gordon PUD amendment request (New Business 1) before continuing with Old Business 2 and 3. The Planning Commission agreed.

NEW BUSINESS:

1) Recommendations regarding the **Ron Gordon** (Cloverleaf Development) PUD Agreement amendment

Mr. Hasbrouck stated that Mr. Gordon was requesting a time extension to allow continuation of his trailer sales and has planned to upgrade the north building to make it more presentable for customers purchasing trailers.

Ms. Radcliffe commented that the existing Horse Auction building looks like it fits the Township. Maybe it does need paint and shingles and a smaller porch, but when she goes up north, people may not know where Tyrone Township is, but they know where the Horse Auction is. His new building may look like a nice pole barn, but it won't have the character of what is there now. All the trailers in front aren't attractive, but maybe they can be tucked away. For the rural character we claim to want to maintain here, that old barn is more rural than a tan pole building would be.

The Planning Commission noted that:

- The request is to extend the use of the horse barn (north barn) for 4 years to provide income for Mr. Gordon through 2012;
- The request is for trailer sales only;
- Most of the horse auction business has been eliminated;
- The proposed amendment does not mention hay auctions;
- The original PUD agreement permits amendments (page 1, section 1);
- It was difficult to say what Mr. Gordon intended to do with the interior of the north barn because of the Livingston County Building Department Requirements; and
- The building improvements may turn out to be less than proposed.

Mr. Gordon told the Planning Commission:

- The Livingston County Building Department will determine how far he can go without major expense;
- He was still conducting his hay auctions on Monday; and
- He could continue to auction hay and straw at the Fenton Trading Post.

MOTION: Moved by Meisel, seconded by Hanoute, to recommend to the Tyrone Township Board adoption of the First Amendment to the PUD Agreement for Cloverleaf Development (rec'd July 18, 2006) to amend the original PUD agreement dated June 10, 2003 (recorded June 12, 2003, Liber 3967, Page 672) by deleting paragraph 2 (page 1) of the 2003 agreement and replacing it with Paragraph 2, Section 2.a and 2.b of the 2006 amendment (read into the record, copy attached); by deleting paragraph 3 (page 1) of the 2003 agreement and replacing it with paragraph 3.a and 3.b of the 2006 amendment (read into the record, copy attached); and amending the references to Parcels A and B by deleting paragraph 7.a of the 2003 agreement (page 3) and replacing it with paragraph 7.a of the 2006 amendment (read into record, copy attached), and replacing paragraph 7.b of the 2003 amendment (page 3) with paragraph 7.b of the 2006 amendment (read into the record, copy attached) and in addition recommend the business be allowed to retain sales of hay as currently done and the specifications and conditions provided are as received by the Township on July 18, 2006 (revised September 7, 2006).

During discussion of the motion, Mr. Hanoute asked if "trailer storage" meant trailers for sale or trailers being stored for others. Mr Gordon said storage would be used for new and used trailers for sale. Used trailers were usually stored behind the barns.

Mr. Hasbrouck noted that the motion didn't include discussion with our attorney regarding the public notice.

AMENDMENT: Mr. Meisel amended his motion to make it "conditional upon the attorney's approval that we have complied with the noticing requirements as specified in the state statute." Mr. Hanoute supported the amendment. The amendment carried by unanimous voice vote. The motion carried by unanimous voice vote.

OLD BUSINESS:

2) Recommendation regarding revisions to Article 20.02.A - Lot Width measurement

Mr. Milliken said there had been discussion about whether to use the term "inside or outside" curve or "concave or convex" curve and whether we should refer to cul-de-sac lots at all or just simplify the text to "curved lot lines" which would include cul-de-sacs by default.

Mr. Hasbrouck recalled there was concern that some of the changes were contradictory to Mr. Hanoute's recommendations so the Planning Commission decided to wait for his comments. Mr. Hanoute said he had no problems with outside curve versus convex curve or inside curve versus concave curve. That is immaterial, but there is an issue with the measurement shown for the "outside curve" where the point of tangency occurs with the line tangent to the curve. The point of tangency should be located on the median lot line by locating the midpoint on the curve, and the midpoint on the back side of the lot and connecting both points with a median line. The point of tangency shall be perpendicular to the median line at the front setback of the lot. Mr. Meisel

thought there weren't enough people who understood the difference between concave and convex curves and it would be easier to understand "inside" and "outside" curves. Ms. Eastman provided a brief concave curve definition.

There was no response to Mr. Milliken's question about removing the reference to cul-de-sacs and replacing it with a reference to curved lot lines as a simplifying measure. Mr. Hasbrouck asked him to make the corrections and bring back the revisions for another look.

3) Discussion of revisions to Article 24.00 regarding private road and shared driveway standards

Mr. Hasbrouck said that after a previous request for information, the engineers provided the Township with an old document. For this meeting, they provided a bid for services.

Mr. Milliken said he had talked to Tesha Humphriss of Tetra Tech about the bill. It was his understanding that Tetra Tech was not being paid for information the Planning Commission asked for. They were doing it for free since they do not have a retainer with the Township. She was willing to provide quick information from their files, but this project appeared to be more complicated.

Mr. Hasbrouck recalled that at one time, Mr. Schmidt said he would take the request for Planning Commission engineering funds to the Board because they asked us to deal with the road ordinance sections that were questionable. Tetra Tech's bid was addressed to Mr. Schmidt, but Mr. Hasbrouck thought the scope of services provided was more than we had asked for. Mr. In regard to the Planning Commission's request for paving recommendations based on the number of lots or vehicle trips, Mr. Milliken said that was something the Township Engineer won't be able to answer because it is based on policy decisions made by the Township. There is really no specific answer for that type of question. First, the Township would have to decide if they wanted to promote paved roads or continue with gravel roads.

Another issue deals with non-conforming roads. Previous non-conforming discussions dealt with adding units to existing roads. Based on the ordinance, as long as the roads meet standards (AASHTO, LCRC) you can do that, but if the road doesn't meet the standard you have to improve it first before you can add units.

Ms. Humphriss thought that was a little strict. She suggested the Township Engineer inspect the road to assess whether it could handle additional traffic based on the number of units to be placed on it. If it could, Tetra Tech would sign off and the request could be approved. If the road needed improvements, they would list the thing to be done before the road could handle additional traffic.

The following comments were made as the discussion continued:

- The decision proposed by the Engineers would be a subjective decision;
- Some sort of road standards should be established for reference;
- The current ordinance requires that all AASHTO standards have to be met before expansion of use by adding lots;
- Tetra Tech seemed to be recommending intermediate standards depending on the length of the road and the uses being added;
- Their recommendations imply standards for several grades of roads;

- Rather than relying on trip thresholds, Tetra Tech recommended using condition of the road to determine the number of units;
- Using road conditions would probably still require different grades for evaluation based on length or number of units;
- Extensions of private road lengths should automatically require compliance with the standards for the new portion;
- Should the Township regulate maximum road length;
- Regulate roads by condition rather than length;
- Whether the Township should apply the Road Commission or AASHTO standards alone or in combination for private road construction;
- Eliminating most of the private road problems by removing the restriction on the number of lots allowed on private road;
- Private road agreements which restrict the number of lots allowed on the road are deed restrictions which cannot be enforced by the Township;
- Recommend to the Supervisor that we not approve the contract;
- Require any private road extensions to be built to AASHTO or County standards;
- Require private road agreements which will establish standards for road maintenance and methods of funding repair or replacement;
- Make the conditions for expansion of roads and/or expansion of use specific about the type of road improvements required for new private road construction;

Mr. Hasbrouck scheduled further discussion of Mr. Milliken's memo, the private road ordinance revisions and the revised maintenance agreements for the next meeting.

NEW BUSINESS:

- 2) Request of **Albert and Nancy Smith** for statutory land division of property at 10270 Gordon Road, FR parcel 28-200-030, to create Parent Parcel A (approximately 3.25 acres gross including easements) and proposed Parcel B, (approximately 4.4 acres gross including 2.3 acres of open space). There is an existing shed on the property which will become part of Parcel B. Perk has not been approved for the site.

Mr. Smith presented a new drawing (10/10/06). During review of the new drawing the Planning Commission noted that:

- The amount of open space remained the same, but it had been relocated;
- The turnaround had been removed because it was not required for a single use driveway;
- The driveway easement should be described as "66' EASEMENT FOR INGRESS, EGRESS & PUBLIC UTILITIES"
- The existing shed is located in the front yard setback open space and would have to come down;
- The water from the property flows east and west
- The driveway is located on the highest point on Gordon Road and driveway runoff will flow south to Gordon Road.

MOTION: Moved by Hanoute, seconded by Meisel, to recommend to the Township Board approval of Albert and Nancy Smith's land division request for property at 10270 Gordon Road with the condition that the drawing be revised to reference "public utilities" as it relates to the 66 foot wide driveway easement and

a note that the existing outbuilding is "to be removed" and revised legal descriptions as the request otherwise complies with Zoning Ordinance #36 and Land Division Ordinance 25. Motion carried by unanimous voice vote.

Mr. Hasbrouck asked if the building would have to be removed if Mr. Smith retained the extra parcel for a few years. Mr. Van Hecke said that if the property is recorded, the building would have to be removed. If the land division isn't recorded, it doesn't have to be removed. Mr. Hasbrouck reminded Mr. Smith that there was a time limit on the approval. If the land division isn't recorded within the time limit, he would have to reapply.

Mr. Milliken asked for clarification regarding the shed associated with the Smith land division. He asked if it had to be removed because it was a non-conforming structure or because it was in the open space.

Mr. Hasbrouck commented that we were more lenient for agricultural structures. Turn-out buildings are temporary agricultural structures, so they could be located on open space. Some recreational buildings are allowed also. Mr. Milliken noted that the open space had been drawn around the building and wondered if the building should come down because the open space was drawn around it, or if they should they redraw the open space. He wanted to know if the logic was based on the fact that Mr. Smith chose to draw the open space around the building. Mr. Hasbrouck said it was one reason, the other was the location of the shed in the front yard setback. That had been discussed at the Subcommittee with Mr. Smith.

OTHER BUSINESS FROM MEMBERS:

ZONING ADMINISTRATORS REPORT:

ZBA REPORT:

BOARD ACTION:

Mr. Byerly reported that the Township went from six lawsuits down to one. The Fire Authority is still pending. Appointment of Planning Commission members has been postponed, but will probably be at the next Board meeting.

FUTURE AGENDA ITEMS:

In addition to subcommittee reports and a public hearing, the Planning Commission scheduled discussion of agri-business ordinance amendments related to the Mathews hearing, review of the Planning Commission bylaws, review of the language related to curves in ordinance Article 20.00 and further review of the private road ordinance and maintenance agreement language for the next meeting.

NEXT MEETINGS:

October 10, 2006 - Work Session and Public Hearing

October 17, 2006 - Subcommittee

October 17, 2006 - Regular Meeting

ADJOURNMENT: 10:00 p. m.



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission