

TYRONE TOWNSHIP PLANNING COMMISSION
Approved Work Session Minutes

April 10, 2007

7:30 p. m.

PRESENT: Gary Butler, Bob Byerly, Joe Fumich, Dave Hanoute, Ed Kempisty, Mark Meisel, Laurie Radcliffe

ABSENT:

CALL TO ORDER: 7:30 p. m. by Chairman Pro-tem Hanoute

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

APPROVAL OF THE AGENDA:

The Planning Commission Recording Secretary asked to include Items 1, 2, and 3 under Other Business From Members. Mr. Meisel requested addition of Item 4 under Other Business.

MOTION: Moved by Meisel, seconded by Fumich to approve the Agenda as amended. Motion carried by unanimous voice vote.

APPROVAL OF THE MINUTES:

1) March 13, 2007 - Work Session Minutes

MOTION: Moved by Radcliffe, seconded by Meisel, to approve the March 13, 2007 Work Session Minutes with the following corrections. Motion carried by unanimous voice vote.

Page 2, Line 16: (... drive across **the drainfield** it to get to an accessory building...)
Page 3, Line 18: (... proposed Medium Density Single Family **Detached Residential** - Lakeside text...)

2) March 13, 2007 - Zoning Ordinance Article 24.00 Public Hearing Minutes

MOTION: Moved by Meisel, seconded by Fumich, to approve the March 13, 2006 Public Hearing Minutes as presented. Motion carried by unanimous voice vote.

CORRESPONDENCE:

1) March 30, 2007 - Letter from John Harris of Harris & Literski regarding the number of horses allowed per parcel area.

Mr. Van Hecke said the letter concerned a parcel owner with approximately 4 acres who was keeping more than one horse. Currently there are three on the property, but she has had as many as seven. She claims she can have an unlimited number of horses under the "Right to Farm Act." According Attorney Harris's interpretation, she can have an unlimited number of

horses if it is a commercial agricultural operation, but has to comply with the terms of the ordinance if they are pets. Since the operation doesn't appear to be commercial, the ordinance would apply. However, based on the Right to Farm Act, the Attorney felt the Township probably couldn't restrict commercial agricultural use to parcels of 20 acres or more.

Supervisor Schmidt said the owner came before the Board to ask to be able to keep the horses until the property was sold. She was told no action would be taken until after February 28, when the property ownership was supposed to be resolved. There are still horses on the property. She is ignoring the Board's request to comply with the ordinance. One of the Board members has offered to keep the horses on his property until the home can be sold and the owner can relocate, but the owner is deliberately refusing to follow the Ordinance so we will continue to fine her.

Planner Greg Milliken said that the Right to Farm Act is constantly being defined and redefined by the courts. In a recent court case it was determined that an Amusement Park could classify as a farm operation.

Mr. Fumich asked if the Attorney had received comments from the Michigan Department of Commerce regarding the commercial use. Mr. Meisel thought that if the use was commercial agriculture, she would need some sort of business license.

SUBCOMMITTEE REPORT:

- 1) Review of the Special Use request of **Adam Shoemaker** for property located at 8101 Old US 23, FR parcel 20-400-005, for the modification of Jeeps. The existing cement block building is nonconforming in terms of zoning and parcel area. The proposed use is similar to other previous uses and would be allowed in the surrounding M-1 Zoning District.

Mr. Hanoute explained that the property was zoned FR, but it has been used as an M-1 building for some time. The problem is that the building had been sitting empty for more than six months. According to the Ordinance it should revert to the original zoning district uses and the M-1 use should not be allowed (26.08), but we haven't been attentive in monitoring the situation as a Township. The Attorney's opinion was that we couldn't refuse to allow continued use of the building in this instance because we had not maintained the required records to prove that the building was vacated for six months.

Mr. Hanoute commented that Mr. Shoemaker's operation involved bolting custom parts onto Jeeps which is a relatively clean operation.

Mr. Shoemaker told the Planning Commission that:

- He is a mechanic who enjoyed customizing Jeeps and wants to turn it into a business;
- The building fits his budget and has a good advertising location;
- His primary job is landscaping (Shoemaker Services) and he owns a building in the Fenton Industrial Park;
- The US-23 building has better visibility than his facility in Fenton;
- Customized parts (bumpers, fenders, wheels, etc.) will be delivered to the site and bolted onto the Jeeps;
- They do not plan to do oil changes, repairs or painting;
- The basic hours would be 9:00 a.m. to 6:00 p.m. on weekdays with some Saturday hours;

- The current dumpster isn't in a good location and they plan to transport trash to the dumpster at their site in Fenton;
- They plan to landscape and improve the appearance of the building;
- Their current location won a beautification award from the City of Fenton;
- Drainage issues will be improved with drainage directed to a detention pond;
- The parking area would not be used as a storage lot;
- The septic tank has been recently replaced;
- They would be willing to replace the gravel on top of the tile field with grass and prohibit parking on it; and
- The existing sign will be repaired and lighting will be provided by ground lights focused on the building.

Mr. Milliken wondered why the Planning Commission was reviewing the request instead of the ZBA. Mr. Hanoute explained that the Planning Commission has used this procedure to review requests in the past when the use of a building changed. Ordinance Section 22.05.Q references uses of non-conforming buildings. Mr. Milliken said he was referring to Section 26.04.C which required review by the Board of Appeals. The change of use would not be considered a use variance if it was similar to past building uses. The appeal would be whether the use would be allowed to continue or not. He recommended using Section 26.04.C and removing 22.05.Q.

Mr. Meisel wondered if 22.05.Q was supposed to permit modification of a non-conforming building for a continuing use under the same owner, while 26.04.C would apply if there was a change of owner or use. Mr. Hanoute thought we should consider some future ordinance language specifically for this type of situation, since neither 22.05.Q nor 26.04.C did a good job. At this time, he favored using 22.05.Q because it gave the Planning Commission liberty to require changes in the property that would upgrade the appearance, while 26.04.C would not. The long range goal should be to zone the building out of use because the property is undersized. We need to monitor the use so we can control it in the future.

MOTION: Moved by Fumich, seconded by Byerly, to recommend to the Township Board approval for Mr. Shoemaker's Special Use of the property at 8101 Old US 23 as outlined by Mr. Shoemaker with the conditions that the dumpster be removed from the front yard, the gravel be removed from the septic area and replaced with turf, the drainage be improved, and painting and landscaping be done too improve the appearance of the site, with a strong recommendation for removal of the fence, as authorized by Ordinance Article 22.05.Q. Motion carried by unanimous voice vote.

Ms. Radcliffe commented that this is a business that five young men are trying to get off the ground. With the economy the way it is now, it's good to see some ambitious faces. If we can help them get a business going and enhance the value of surrounding property, in a building that's not great to look at now, we should encourage them.

Mr. Milliken recommended deleting Article 22.05.Q and concentrating on Article 26.04.C for nonconforming uses or nonconforming parcels to avoid confusion in the review process.

OLD BUSINESS:

- 1) Review of the proposed revisions to Article 23.00 - Site Plan Review and a determination regarding the need for an additional Public Hearing. At the request of the Township Board, Site Plans will continue to be reviewed by the Planning Commission followed by a recommendation to the Board.

Mr. Milliken commented that a Public Hearing was held for the revisions to Article 23, and was reviewed by the County and the Attorney at a time when the Township Board was in favor of having the Site Plans approved by the Planning Commission with provisions for appeal to the Board. During subsequent discussions with the new Board, it was decided to continue forwarding recommendations from the Planning Commission to the Board for approval.

The copy provided has been revised to reflect those changes. Mr. Hanoute said he had compared this copy with the earlier copy and it appeared to be flawless—at least until we start working with it and discover the loopholes. Mr. Milliken advised that another hearing wouldn't be necessary because there were no changes in the concept or intent of the ordinance. He did note that a change was also made in Section 23.10.J to bring the ZBA appeal process into line with the newest zoning statute requirements.

MOTION: Moved by Meisel, seconded by Byerly, to forward revised Article 23.00 - Site Plan Review and Impact Assessment to the Township Board with a recommendation for approval and adoption as an amendment to the Zoning Ordinance as revised on page 23-12, Section 23.10.J, which requires a simple majority for Zoning Board of Appeals variance approval. Motion carried by unanimous voice vote.

NEW BUSINESS:

- 1) Review of the proposed revisions to the Master Plan Future Land Use text for Public Utilities, pages 62 - 65, revised April 27, 2005. The text is being added to define the Public Utilities and related Urban Services District which were not included in the original Master Plan. New text is underlined. Deletions are shown in the margin.

Mr. Milliken said he would discuss Items 1, 2, and 3 at the same time since they dealt with related topics. The Future Land Use text reflects comments made before May 5, 2005 during review of the PIRO district. The Public Utilities section was drafted April 27, 2005 to establish an Urban Services boundary based on the sewer system location. At the time the Master Plan was adopted, the Township did not have a municipal sewage system in place.

The Planning Commission discussed:

- Maintaining the rural character of the community by confining non-residential development to the west side of the US 23;
- Adding a reference to Medium Density Single Family Detached Residential - Lakeside to Page 78 (3/30/07 rev.) of the Residential Uses Section;
- Requiring references to planned development areas on the Future Land Use Map; and
- Merging all the revisions into a single document.

Mr. Milliiken said he would bring back a compiled copy for review and distribution to other governmental units. They had 60 days to review and respond before the Township held a public hearing. Mr. Hanoute wanted to start on the ordinance amendments right away while we waited for the 60 days.

Mr. Van Hecke informed the Planning Commission that the Township has agreed to provide sewer service for property on the East side of the expressway outside of the proposed urban services district. Mr. Byerly explained that Mr. Samsan owns the property where the pump station is located at Nimphie Road. He came into the Township to complain that the pump station blocked his Nimphie Road easement and he wanted the Township to open up the road or let him extend the sewer line to his property on the East side of the Expressway for development purposes. He will pay for extension of sewer service to his property. .

Mr. Milliiken asked if there had been further revisions of the Public Services Map. The Board was concerned about getting revenue to pay off the bonds, while the Map outlined an area which might limit some of those opportunities. There is already one development outside of the proposed district. Mr. Meisel wanted to know if extending the sewer district would require additional infrastructure and new bonds in addition to the existing bonds to be paid for.

Mr. Hanoute thought that the Board's concept was that whoever applied first would get the REU's whether they were inside or outside of the district boundaries. That would create more dollars to set off our current costs but it could put the REU's on the perimeter of the system. Mr. Meisel asked if that wouldn't grow the size of the system and result in more infrastructure to pay for. Mr. Hanoute said that we should require that the developers extend the system. The only problem is that the property between the new development and the originally planned infrastructure may not be able to be served until the main is increased in size. Mr. Fumich said we had to pay for the system, and if we had units assigned where no one wanted to use them, we should allow them to go where they were needed.

Mr. Meisel said that initially, there was to be a 60-40 split between Hartland and Tyrone Township. Hartland is currently approaching 70 percent and if they keep on growing, the use will be disproportionate in their favor. Mr. Hanoute commented that there had been some interest in developing a commercial area within the Township that could use up a lot of our REU's. Mr. Byerly said that if we couldn't get the hook ups we needed, everyone in the Township would have to help pay for the system.

Mr. Hanoute said he would be happy to pay his share if not paying meant we had to develop a corridor that looked like Fenton. We need to get concurrence on the Master Plan so we can move forward with our related zoning issues. Once the Master Plan revisions are combined we can schedule a joint meeting with the Board.

- 2) Review of proposed revisions to the Master Plan Future Land Use text for land uses, pages 78 - 88, revised May 5, 2005. Text is being added to clarify the uses proposed for the various land classifications and the standards associated with the various use districts. New text is underlined. Deletions are shown in the margin.

The land use revisions were included in the discussion of Old Business, Item 1.

- 3) Review of proposed revisions to the Master Plan Future Land Use text for land uses, page 77-86, revised March 30, 2007. Additional changes made to the text following March review of the Future Land Use Map. New text is underlined. Deletions are shown in the margin.

Review of pages 77-86 was included in the discussion of Old Business, Item 1.

OTHER BUSINESS FROM MEMBERS:

- 1) Motion to recommend approval of the proposed Agri-Business Amendments as reviewed February 13, 2007 and to request Livingston County Planning Commission approval of the amendments.

MOTION: Moved by Meisel, seconded by Radcliffe to recommend to the Township Board and the Livingston County Planning Commission approval of the Agri-Business amendments as proposed at the February 13, 2007 Planning Commission meeting. Motion carried by unanimous voice vote.

- 2) May 8, 2007 Planning Commission Meeting Conflict

MOTION: Moved by Byerly, seconded by Meisel, to cancel the May 8, 2007 meeting as it conflicts with an election date and to meet on the next regularly scheduled date of May 22, 2007. Motion carried by unanimous voice vote.

- 3) Magazine Subscription review requested by Township Clerk Morton

The Planning Commission discussed cancelling subscriptions to the "Planning and Zoning News" and the "Michigan Planner" or at least reducing the number of copies. The Planning Commission agreed to recommend that the Clerk order two copies of each magazine. A member of the Planning Commission will be appointed to review the magazines and report back to the Planning Commission at a regular meeting.

- 4) Fenton Township Meeting

Mr. Meisel said he had attended a meeting at Fenton Township for review of lakefront issues. It was a meeting of the ZBA, Planning Commission, Township Board, Planner - Zoning Administrator and Assessor.

The first topic dealt with setback sight lines which resulted in a proposal to establish sight lines for the appropriate location of new construction relative to existing homes. If the sight line could not be adequately established using ordinance guidelines, the Zoning Administrator would establish the site lines with an option for an appeal to the ZBA. He had given all the information to Mr. Milliken for review since it provided an interesting opportunity for the addition of sight lines to the LK-1 amendments.

Another issue discussed was non-conforming lots. Lake frontage width in Fenton Township would be regulated by new development requirements (100 feet) or pre-existing conforming frontage requirements (60 feet or more). If the width is 60 feet or more, 10 foot side yard setbacks are required. For widths less than 60 feet, 5 foot side yard setbacks are allowed regardless of parcel width. After lengthy discussion, the Township decided to stop issuing building permits until a final decision is made.

Mr. Meisel also recommended further discussion of "architectural features" and "overhangs" with the ZBA in regard to side yard setbacks.

ZONING ADMINISTRATOR'S REPORT:

- 1) Mr. Van Hecke said the Action Water Sports parking layout wasn't reviewed by the Township but was being reviewed by the Township Engineer and the sewer connection was being calculated.

The Preserve Sewer system has been installed and should be connected to the Township system within a week or two.

ZONING BOARD OF APPEALS REPORT:

Mr. Meisel reported that there was no ZBA meeting for March

BOARD ACTION:

- 1) Mr Byerly reported on a resident's experience with a carbon monoxide alarm. Consumer's Power was unavailable to respond to an emergency call in a timely manner. The cost of the Fire Department response was \$1,110. The resident has asked the Township to waive the fee.

FUTURE AGENDA ITEMS:

Future Land Use Map zoning text revisions


NEXT MEETINGS:

April 17, 2007 - Subcommittee Meeting

April 24, 2007 - Regular Meeting

May 8, 2007 - Meeting Cancelled for an Election

ADJOURNMENT: 9:35 p.m.



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission