

TYRONE TOWNSHIP PLANNING COMMISSION

Approved Work Session Minutes

April 24, 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 Hanoute

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

Supervisor Schmidt provided a status update regarding a property owner with more than the number of horses allowed on a three acre parcel and a property owner operating a nonconforming kennel.

He also mentioned that he was discussing joint sewer operations with Hartland Township in regard to future expansion to serve the lakes.

APPROVAL OF THE AGENDA:

Mr. Meisel requested addition of an item to Other Business from Members (3)

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

APPROVAL OF THE MINUTES:

1) April 10, 2007 Regular Meeting Minutes

MOTION: Moved by Radcliffe, seconded by Butler, to approve the April 10, 2007 Regular Meeting Minutes as corrected. Motion carried unanimously by voice vote.

Page 1, Line 34: (...approve the March 13~~2~~ 2007 Work Session Minutes...)

Page 3, Line 36: (...~~the cyclone fence be removed...~~)

Page 3, Line 38: (...appearance of the site **with a strong recommendation for removal of the fence**, as authorized...)

Page 4, Line 39: (...character of the community **by be** confining non-residential development to the west side of the US 23;)

Page 9, Line 9: (...further revisions ~~n~~ of the Public Services Map.)

Page 9, Line 13: (...new bonds in addition to the **existing new** bonds...)

Page 10, Line 41: (...~~setbacks are would be allowed with any new development regardless of parcel width conforming to the new standards.~~)

Page 10, Line 45: (...also ~~brought~~ recommended...)

CORRESPONDENCE:

- 1) April 16, 2007 - Memo regarding the references to nonconforming uses in Zoning Ordinance Sections 22.05.Q and 26.04.C.

Township Planner Greg Milliken of McKenna Associates noted that the Memo was a clarification regarding some of the points raised at the last meeting. Most of the conditions listed in Section 22.05.Q are also covered in Section 26.04.C. He recommended a hearing to delete Section 22.05.Q, but didn't think it would have to go to County Planning for Board Approval.

SUBCOMMITTEE REPORT:

- 1) Request of **James Sullivan** and **Bart Proper** to use a portion of the Sullivan residence at 11237 Windy Hill Drive as a home business office address in association with the purchase and sale of wrecked cars. The cars will not be stored on site, but their Class C dealer's license requires a building address.

Ms. Radcliffe explained that the applicants needed an address to get a Dealer's license. They also planned to use a portion of Mr. Sullivan's home as an office. The vehicles they sell will be scrap vehicles purchased at auction.

The applicants told the Planning Commission that:

- No vehicles would be stored at the home;
- Occasionally they might park a loaded wrecker over night until the scrap dealer opens;
- The towing vehicles would be stored at their vacant lot in Flint;
- Occasional tow truck maintenance would be done in the pole barn on the property (21.C.6);
- They would not work on the cars purchased at auction on the site;
- Vehicles would not be stock-piled on the property;
- Their business was really a pick up and drop off transportation business;
- Their transportation consisted of a trailer and a flat bed wrecker for single vehicles, not multiple vehicles; and
- They were sensitive about the impact on the neighborhood as they lived there.

The Planning Commission told Mr. Sullivan and Mr. Proper that:

- The Home Occupation Permit does not allow any commercial activity outside of the home;
- Any temporary storage would have to be done inside the pole barn;
- There should be no wheels on the ground in connection with the operation.
- They could not store junkers on the property;
- The intent of Article 21.B.7 was to not allow hiring of additional employees in order to expand the home occupation or increase the amount of activity or parking on the site;
- The provisions of Article 21.14.F were not applied because there would be some occasions when the business would not be contained within the house.

MOTION: Moved by Radcliffe, seconded by Byerly, to recommend to the Township Board approval for the request of Mr. James Sullivan and Mr. Bart Proper for a Home Occupation at 11237 Windy Hill, RE parcel 01-300-006, under the conditions discussed at the Planning Commission Meeting of April 24, 2007. From the outside of the

property, nothing associated with the business should be visible to the neighbors although the pole barn may be used for emergency storage until the wrecks can be transported to the Flint location. Motion carried by unanimous voice vote.

OLD BUSINESS:

- 1) Review of the revisions to Ordinance Article 23.00 - Site Plan Review and Impact Assessment discussed at the April 10, 2007 meeting.

Mr. Milliken informed the Planning Commission that the last revision made after the Public Hearing was to Section 23.10.J regarding the ZBA approvals based on the revisions to Public Act 100 of 2006, the Zoning Enabling Act.

Mr. Schmidt asked who had the most complete book of Township Ordinances. Mr. Hanoute commented that ordinances have been a problem and he asked for an ordinance discussion at the next meeting.

MOTION: Moved by Meisel, seconded by Fumich, to forward Article 23.00 - Site Plan Review and Impact Assessment (as reviewed April 24, 2007) to the Township Board with a recommendation for approval. Motion carried by unanimous voice vote.

- 2) Review of the Master Plan text revisions for Public Utilities (pp 62 - 64) and Future Land Uses (pp 77 - 88)

Mr. Milliken noted that there were few significant changes to the Urban Services text. The map has been modified to reflect the new sewer district, but the number of REUs and the allocation numbers should be checked to make sure they are still relevant. The Land Use categories were revised to include the changes resulting from the LK-1 zoning amendments and the PIRO district language carried over from 2005.

After the revisions, the documents will be forwarded to the Board with a recommendation to approve the draft for distribution to local units of government. There is a 63 day waiting period for the receipt of comments from other governments before the Public Hearing is held and the plan is adopted.

Mr. Schmidt commented that he has been in contact with Hartland Township about Lake Tyrone and Lake Shannon. There are concerns about the sewage at Lake Tyrone and Lake Shannon and he wants to discuss the problems and the solutions before there is an emergency. The Health Department feels that Lake Tyrone will need to do something to their system in 5 years.

During the review of the Urban Services Boundary section (p. 63), Mr. Milliken was asked to remove all references to "public water" or a "public water system" from the Master Plan; revise Paragraph 1, Line 5, of the Urban Services Boundary section by removing, "or storm water management system"; and to revise Page 79, Line 6, to read, "...developed with 0.5 acres to 1.5 acres per dwelling unit."

MOTION: Moved by Mr. Fumich, seconded by Mr. Byerly, to ask the Board to authorize distribution of the Public Utilities and Urban Services text revisions to local units of government. Motion carried by unanimous voice vote.

Mr. Hanoute asked Mr. Milliken to provide an introduction for the Residential and Nonresidential uses with an individual paragraph for each of the categories. In the case of the PIRO district, there should be a separate paragraph for industrial uses and research - office uses. Mr. Meisel suggested an internal table of contents for this section with text that would correspond to the language on the future land use map and the zoning district categories.

Mr. Milliken was also asked to revisit the Land Use section and make it easier to understand the relationship between the map, the ordinance, and the future land use text and to eliminate the numeric reference to the number of residential districts.

OTHER BUSINESS FROM MEMBERS:

1) May 22, 2007 Meeting Agenda

The Recording Secretary commented that pending requests were discussed at the Subcommittee Meeting. Mr. Hicks is waiting for site condominium final approval, Heather Johnson has a land division pending, Richard Bryan has a land division pending, and the Mathews still have not had a recommendation regarding their Agri-Business request.

The Chairman recommended scheduling property reviews for the May 22, 2007 meeting, and to schedule ordinance or master plan reviews if there is time.

2) Election of Officers

The following officers were elected to serve until the regular November election.

MOTION: Moved by Fumich, seconded by Byerly, to elect Dave Hanoute as Planning Commission Chairman. There were no further nominations and Mr. Hanoute was elected Chairman by majority vote. As Chairman pro-tem, Mr. Hanoute did not vote.

MOTION: Moved by Joe Fumich, seconded by Gary Butler, to elect Mark Meisel as Planning Commission Vice Chairman. There were no further nominations and Mr. Meisel was elected by a majority vote, with Mr. Meisel abstaining.

MOTION: Moved by Byerly, seconded by Kempisty, to elect Laurie Radcliffe as Planning Commission Secretary. There were no further nominations and Ms. Radcliffe was elected by majority vote, with Ms. Radcliffe abstaining.

Mr. Hanoute appointed Mr. Kempisty to act as a temporary Chairman during review of the Hicks condominium final site plan, appointed Mr. Fumich and Mr. Kempisty to serve with him as members of the Subcommittee with Ms. Radcliffe as an alternate, and appointed Mr. Meisel as ZBA Representative

3) Approval Recommendation for the Agri-Business Amendments

The Planning Commission was informed that the Livingston County Planning Commission needed a formal motion, rather than the recommendation made February 13, 2007, for review and approval of the Agri-Business amendments.

MOTION: Moved by Meisel, seconded by Radcliffe, to recommend to the Livingston County Planning Commission approval of the Agri-Business amendments and to forward a recommendation for approval and adoption to the Tyrone Township Board for Agri-Business amendments to Zoning Ordinance Articles 2.01, 4.03, 22.05.K, and 22.05.R. Motion carried by unanimous voice vote.

3) L-K 1 Text Amendments

Mr. Meisel said the most recent text revisions were intended to address the actual intent of the LK-1 Single Family Residential Lakeside District and to better tie in with the previous and current Master Plan issues.

Referring to the requirement for sewers (Line 9) Mr. Meisel explained that the Lake Tyrone system is a community septic system rather than a public system, but the result would be the same for both LK-1 areas. Section 7.04.A.1 permits existing nonconforming lots of record to be maintained within the current footprint without requiring a variance. New parcels must meet the Zoning Ordinance lot width requirements, setback requirements, lot coverage requirements and building area requirements. If they can't meet these they would have to go to the ZBA, but they won't need a variance for working within a foot print. Any new parcel, whether uncombined or not, would have to meet the ordinance requirements.

He asked the Planning Commission to consider discussion of site line issues and to revise Section 20.02.X. The average currently in place works for a straight shore line, but is complicated when the frontage is broken by peninsulas or coves. Mr. Milliken thought that the best way to handle averaging was to leave the footnotes the way they are (20.02.I and 20.02.X) with new language regarding the considerations of view sheds associated with irregular parcel lines.

Mr. Meisel replied that the reality is that people buy for a view, whether it is the front yard or the back yard. The challenge is to preserve the existing views and then arrive at a sight line that allows the new development to have a view as well.

Mr. Van Hecke asked if the new language would apply to additions. We have used setback averaging for new buildings or tear downs, but not additions. Mr. Meisel commented that a recent request for a second story addition was denied. The building would still remain within the footprint, but the second story would block the neighbor's view of the sunset.

Mr. Milliken suggested removing proposed Section 7.04.F to Section 7.04.A as item (b). Mr. Van Hecke asked about front yard accessory structures in the LK-1 District. Mr. Meisel said he thought the Ordinance language should remain, since it would give the ZBA a chance to review the building location and the neighbors would have a chance to voice their opinions. Mr. Milliken commented that before this, anyone could build on an existing lot. The new language would set some thresholds for setbacks, parcel area, and parcel width.

Mr. Hanoute asked Mr. Milliken to incorporate the changes discussed and bring the proposal in for another meeting. Mr. Meisel volunteered to collaborate with Mr. Milliken and bring back a revised text.

ZONING ADMINISTRATOR'S REPORT:

- 1) Mr. Van Hecke reported that one of our non-conforming buildings has been vacant for six months, His first step would be to send a letter, but he thought any action would have to be taken by the Board. Right now, the property is for sale.

ZONING BOARD OF APPEALS REPORT:

BOARD ACTION:

- 1) Mr. Byerly said he had discussed the Joint Meeting request with the Board and asked if they had any ideas for June. Mr. Hanoute suggested using the first Planning Commission meeting of June 12, 2007 or June 26, 2007 at 7:00 p.m. Mr. Byerly said the Board would want to have the Planning Commission prepare an Agenda since they requested the meeting.

Mr. Hanoute asked the Planning Commission members to bring joint meeting agenda suggestions to the May 22, 2007 meeting.

FUTURE AGENDA ITEMS:


NEXT MEETINGS:

May 8, 2007 - Work Session (Cancelled)

May 15, 2007 - Subcommittee Meeting

May 22, 2007 - Joint Meeting

ADJOURNMENT: 9:40 p.m.



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission