

# TYRONE TOWNSHIP PLANNING COMMISSION

## Approved Meeting Minutes

February 12, 2008      7:00 p. m.

**PRESENT:** Gary Butler, Bob Byerly, Dave Hanoute, Ed Kempisty, Mark Meisel

**ABSENT:** Joe Fumich, Laurie Radcliffe

**CALL TO ORDER:**

**PLEDGE OF ALLEGIANCE:**

**CALL TO THE PUBLIC:**

**APPROVAL OF THE AGENDA:**

Mr. Meisel asked for a discussion of Agenda distribution under Other Business from Members (3)

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

**APPROVAL OF THE MINUTES:**

1) January 8, 2008 - Work Session Minutes

Moved by Butler, seconded by Meisel, to approve the January 8, 2008 Work Session Minutes as corrected:

Page 1, Line 47: (The **Planning Commission Subcommittee** suggested January 19, 2008....)

Page 3, Line 33: (...retained based on a the 250 foot minimum...)

Page 4, Line 12: (When developers interested in ~~developers interested in~~ the development...)

**CORRESPONDENCE:**

**SUBCOMMITTEE REPORT:**

1) Request of Ethan Levigne for a land use requiring outdoor storage. Mr. Levigne would like to continue to use some of the greenhouses on RE parcels 06-200-004 and 06-200-005 at 8444 Bennett Lake Road. The use determination concerns his intent to use the remainder of the property as a nursery and outdoor storage facility for his landscaping business materials and equipment.

Mr. Hanoute reported that the Subcommittee had reviewed the request and concluded from the discussion with Mr. Levigne's father that the primary use of the property would be for storage of landscaping equipment rather than agribusiness sales. In addition to his equipment, landscaping and nursery materials to be used off-site would be stored on the property. Zoning Administrator George Van Hecke commented that greenhouses were a permitted use under the terms of the current ordinance. The question was the landscaping equipment storage.

Mr. Hanoute explained that the Subcommittee had been given the impression that the Levignes planned to use the property as a base of operations for their landscape business with the addition of some nursery stock.

Ethan Levigne said he was the purchaser and planned to eventually live in the house. He is associated with his family landscape business, but the majority of their business and equipment is located in Monroe County. They have an office in the area which is why he was looking for a place where they could keep some of their equipment and grow some of their own material.

The trucks and equipment associated with the nursery and greenhouse operations will be kept at the site in the existing storage buildings. Anyone in Michigan who has a nursery business has to be able to do some form of landscaping. Mr. Hanoute commented that the Subcommittee discussion had been about doing business as a landscape contractor with the addition of some nursery business. Mr. Levigne replied that they rent large equipment as they need it and have it delivered to the site in order to limit overhead. The largest equipment they own is a John Deere tractor and some skidsters.

Mr. Levigne provided a drawing showing the way they intended to use the property. They had included mulch and wood chip storage bins at the rear of the parcel and a nursery stock planting area on the west side. The neighbors are already familiar with the greenhouse use and nursery use would also be appropriate. The adjacent parcels were large and there were few houses in the area. The large natural buffer around the edges of the property would be retained.

Township Planner Sarah Hodges of McKenna Associates noted that the Planning Commission's concern is about expansion beyond the previous use of the site and the impact on the neighbors if the use is expanded. Mr. Levigne said their plan is to bring nursery stock they currently have to the site. They will begin with trees and shrubs rather than annuals.

Additional Planning Commission discussion concerned the amount of building coverage on the site; the possibility of a lot coverage variance request; establishment of an agribusiness special use to provide site control for the Township and the developer, and their concern about setting a precedent which would allow contractors' yards in residential zoning districts.

Ms. Hodges commented that the Zoning Ordinance doesn't specify types of storage, but requires the location of outdoor storage yards in business or industrial districts. Agribusiness permits nurseries, but doesn't mention storage of landscaping equipment and

materials. The issue is to determine if this is a nursery/greenhouse operation or a landscape business.

The Planning Commission recommended that Mr. Levigne apply for an Agribusiness Special Use Permit in order to regulate current and future development of the site to the benefit of the Township and the owner.

#### **OLD BUSINESS:**

- 1) Request of Epiphany Community Church for a Public Hearing. The site plan reviewed at a previous hearing has been substantially revised. Drainage information has been provided. The earliest date for the Hearing would be March 11, 2008

Moved by Meisel, seconded by Byerly, to hold a Public Hearing for review of the Epiphany Community Church site plans on March 11, 2008 at 7:30 p.m. at the Township Hall. Motion carried by unanimous voice vote.

Representatives of the Church asked if they could begin the building renovations before the Public Hearing. Zoning Administrator George Van Hecke explained that they could begin interior remodeling of the residence or barn at any time as long as there is no change in the building footprint. Livingston County requires Land Use Permits or Permit waivers from the Township before they will issue a Building Permit.

Clerk Horace Morton commented that the Church had already been through a Public Hearing and wondered what had happened at that hearing (June 14, 2005). Township Planner Gregory Milliken said that the request had been withdrawn after the Public Hearing. Mr. Hanoute recalled that the concerns mentioned at the hearing had been about drainage and light penetration. Mr. Morton said those were concerns because of the church size in the original site plan.

Mr. Meisel explained that there was a technicality involved because the applicant withdrew the first application. When they reapply, the hearing process has to begin again (22.02.D, 22.08). Mr. Morton said the hearing was held when they were going to build a bigger church, and now they are just going to remodel. The buildings will be much smaller and drainage won't be an issue because they are not going to put in a larger parking lot than they already have. Mr. Hanoute said they would still have to go through another hearing in the future if they don't have a master plan for the site.

Mr. Meisel said the problem wasn't opposition to the church. The Planning Commission agreed in concept, but there wasn't enough information to make a rational decision about the site plan. There wasn't enough information provided to the Drain Commission to address the drainage. There is a list of concerns that are resolvable, but there isn't enough information available for a rational decision to go forward.

Mr. Morton said there was an issue with the pond to the south of the church, but a pond never used to be there. Mr. Meisel said the pond had been there for at least ten years that he has lived in the Township, but the weeds were cleared out about five years ago to add additional depth. There were issues with water going under Runyan Lake Road from the

church property on the west side of the road and crossing the Epiphany Church property. Mr. Morton said that problem has been alleviated. Mr. Meisel said it may have been alleviated, but we don't have that information. It is still part of the question.

Another future concern was about increased roof and parking areas and where the water would go since the soil there isn't permeable. The property is surrounded by wetlands with limited outflow. The Planning Commission felt a drainage assessment needed to be done to determine if drainage is or is not an issue.

Mr. Morton said the Engineer had already done a site review and read from a letter he had received dated April 29, 2005. Mr. Meisel said that was interesting information, but the Planning Commission wasn't aware of it. We are focused on the site plan presented about ten weeks ago---what the new site plan shows and what the new drainage situation is. The concept is OK, but they need additional information to validate the concept.

Mr. Van Hecke said the hearing coming up on March 11, 2008 is to review the plans they propose to use right now. They haven't requested any discussion of what they might plan to do in the future. They need to understand that they only thing they can be approved for is what they show in their drawings.

Supervisor Schmidt said that there was some confusion because the church members got the impression when they were in before that they needed a ten year plan. Somehow, part of that ten year plan got into the review. Mr. Hanoute said it was suggested that they develop a master plan for the site because of the parcel size and location. To do that, they would have to bring drainage information in here to determine if there was room for a storm water retention area on the site if needed in the future.

Mr. Schmidt said all they wanted to do was renovate the basement and put in some bathrooms so they can use the buildings. Ten years from now, they might not go for what they are thinking today. Mr. Hanoute said that they have asked for review of the plans they are thinking about today. Mr. Meisel reminded the Church representatives that they should be aware that the things approved for Phase 1 may not necessarily allow them to do what they plan for Phase 2 or 3.

- 2) Consideration of the International Fire Code private road information requested at the January 8, 2007 Planning Commission meeting and review of the most recent Private Road Ordinance revisions requested by the Board.

Ms. Hodges reviewed the information forwarded from the International Fire Code of 2003 (IFC) and the Institute of Traffic Engineers (ITE) regarding road width; the maximum length of a dead end road, load bearing width for roads and driveways with or without hydrants; the maximum number of homes permitted on a single access road; the standard fire hose length carried by tank trucks; and the maximum number of dwellings recommended for a cul-de-sac regardless of length.

Mr. Meisel commented that some of the information came from Fenton Township since they were one of the service providers with circumstances that most resembled Tyrone Township.

Supervisor Schmidt asked about the City of Fenton requirements. Mr. Meisel explained that their requirements were based on the fact that the City located their fire hydrants every 1,000 feet. Mr. Schmidt asked about claims of being able to hook up pumpers in series.

Ms. Hodges commented that individual fire chiefs make their own interpretations of the Fire Codes and there is frequently a difference between units of government in applying the codes. Mr. Byerly said that Fenton Fire Department would take their tanker to the fire regardless of road length.

Mr. Morton asked if the Board had approved the Private Road Ordinance yet. Mr. Hanoute said that the Planning Commission has sent the Ordinance to the Board for approval, but it has been sent back several times without approval. Mr. Morton said he was looking at the dollars spent for consultants on this Ordinance and he wanted to know how much money the Township would continue to pour into private roads. Mr. Hanoute explained that the Ordinance could be finished tonight if the Board doesn't send it back again.

In response to a question from Ms. Hodges, Mr. Hanoute said the last comment from the Board was that the private road length permitted by the Ordinance is too short and the parcel limits were too restrictive. They asked the Planning Commission to provide justification for their recommendations.

Ms. Hodges felt that the Township's road ordinance was a good regulation overall. She suggested retaining the 1,000 foot maximum for roads and driveways, but allowing extension up to 1200 feet at Planning Commission discretion. A road 1200 feet long would allow 24 houses only if 100 feet of frontage was allowed per unit.

Mr. Byerly said the Board had a problem with the difference in the standards between the private roads and shared private driveways. The Board feels they should have the same 66 foot easement width. Mr. Hanoute said that the easement widths are the same for private roads and shared driveways. The only difference is in the width of the driving surface. The driveway surface is 16 feet because it only serves up to four parcels. The road surface is 24 feet.

During discussion of Ms. Hodges letter and the Road Ordinance (Article 24.00), the Planning Commission:

- Discussed permitting shared driveways and private roads to a maximum length of 1200 feet;
- Requiring a dry hydrant for expansion of roads or driveways beyond the limit of 1200 feet;
- Requiring dry hydrants at 1,000 foot intervals if roads are extended beyond the maximum permitted length;
- Limiting the number of parcels for roads with single access to 24;
- Basing the parcel limit on the Institute of Traffic Engineers (ITE) recommendations for the number residential units allowed for single entrance roads (24);
- Maintaining the maximum ITE residential unit limit to control the volume and speed of traffic on roads which have been designed and built as residential rather than collector streets;
- The number of pre-existing non-conforming parcels on some Township Roads;

- Requiring an additional exit for any single access private road with more than 24 lots;
- Page 24-5, G: Revise to **Maximum Length, Single Access Private Road. Cut-De-Sac** turnarounds: Maximum length of a private road ending in a turning circle shall be **one thousand (1000) two thousand six hundred and fifty (2650)** feet. The maximum number of units (24) permitted to be served by a single means of access shall be based on the most recent **Institute of Traffic Engineers Code International Fire Code**, as adopted by the Fire Authority, as may be revised;
- Page 24-5: Include language which will permit extension of the maximum private road length if a dry hydrant system is provided in accordance with the International Fire Code article referencing dry hydrants (as may be revised) and the maximum number of residential units permitted is not exceeded;
- Include a reference to dry hydrant systems as an expansion requirement for single access roads, looped roads with a single entrance, or roads with more than 24 residential units;
- Page 24-7, Section 24.04.A: The intent of this section is to permit the Township to modify private road standards related to access, length, width, grade, or other site specific issues;
- Page 24-8, Section B.3, Paragraph 2, Lines 6 & 7: Revise to (...shall not cause the length of the private driveway to exceed the limits extend beyond the maximum length stipulated in Section 24.03.G;
- Page 24-7, Section 24.04.B.2: Include language in this section which references the maximum number of parcels allowed on private roads;
- Page 24-12, Section 24.06 E: Revise to require a 20 foot load bearing surface as stipulated by fire codes with allowance for a finished width of 16 feet;
- Page 24-13, Section 24.06.G: Revise to provide the same length options as private roads but retain the parcel limit of 4 units as allowed by the LCRC;
- Page 24-5, Section 24.03.F and Page 24-12, Section 24.06.E: Note that based on fire code standards, the load bearing surface must be wider where dry hydrants are located on private roads or shared driveways;
- Consider requirements for "turnouts" or passing areas on private roads and shared driveways which exceed the standard length; and
- Page 24-5, Section 24.03.G, Line 3: Revise to: (...based on the most recent ~~International Fire Code~~ as adopted by the Fire Authority **Institute of Traffic Engineers (ITE)** standards).

Mr. Hanoute asked Ms. Hodges to provide a final draft of the Road Ordinance for review at the next Planning Commission Meeting.

- 3) Discussion of the process to be used for developing mixed land use categories in conjunction with the PUD Ordinance, the Zoning Map and the Master Plan.

Rescheduled for the next Planning Commission Meeting.

- 4) The most recent version of the Planned Commercial Services (PCS) text to be used in connection with mixed use Commercial Development (9/05/07 rev.)

Rescheduled for the next Planning Commission Meeting.

**NEW BUSINESS:**

**OTHER BUSINESS FROM MEMBERS:**

**1) Recommendations for Joint Meeting dates requested by Supervisor Schmidt**

Mr. Butler noted that the Planning Commission had suggested dates several times, but none of them had been acceptable to the Board. He suggested that Mr. Morton request some dates from the Board to present to the Planning Commission. Mr. Morton said that the Supervisor had suggested a Saturday meeting in March, but didn't have any dates set.

The Planning Commission consensus was that they would be available on March 1<sup>st</sup>, 8<sup>th</sup>, or 15<sup>th</sup>. If those dates aren't agreeable, they would try to be available on any date selected by the Board.

**2) Subcommittee Meeting Schedule**

Mr. Hanoute suggested that we cancel the February Subcommittee Meeting. There are only two small items which could be presented at the regular Planning Commission Meeting. In the future, Subcommittee Meetings could be called as needed if there is a complicated site plan or land division to be reviewed. That will be one way to reduce costs

The Planning Commission agreed to the change recommended by Chairman Hanoute.

**3) Agenda Distribution**

Mr. Meisel said he had talked with some people about the lack of public participation at these meetings and they talked about different ways of notifying the public and getting the public involved. Right now there are several individuals that have asked to have e-mail agendas so they can make plans to come to the meetings. We have gone about three or four months without having Agendas sent out. He received two phone calls before this meeting because people had not gotten agendas.

We have elected to not use the papers, but we have the ability to post the Agenda on the door and use the web site. The Board sends out e-mail agendas, but the Planning Commission has been inconsistent in mailing Agendas to people that are on the request list, as well as getting the information to the web site.

**ZONING ADMINISTRATOR'S REPORT:**

**ZONING BOARD OF APPEALS REPORT:**

**BOARD ACTION:**

Mr. Byerly reported that the Township's voting precincts will be changed to correspond with the School Districts so that Township wide elections don't have to be held all the time.

**FUTURE AGENDA ITEMS:**

- 1) Review of the Private Road Ordinance and Recommendation to the Board
- 2) Review of the PUD Ordinance continued from the February 12, 2007 Meeting

Mr. Hanoute asked if there shouldn't be specific requirements for each of the uses allowed in the PCS District. If an auto dealer wanted to locate a facility in a PCS development, what should the special PCS requirements be.

Planner Greg Milliken explained that the standards would be revised when the final determination is made on the way Planned Use Districts will be described and regulated. Once the process has been decided, the individual zoning district standards can be revised to fit the requirements.

Right now we have districts we can start with to build with. Once we get the PUD Ordinance in place we can use it as a platform for the other PCS uses we have in the Ordinance.

Mr. Hanoute said he wanted to have something ready soon. He asked Planning Commission members to e-mail information to Mr. Milliken so he could prepare some material for a Joint Meeting. He asked Mr. Milliken to prepare a revised PUD Ordinance for discussion at the next meeting.

- 3) PCS Text Review continued from the February 12, 2007 Meeting
- 4) Land Division Request of Robert and Rhonda Coates
- 5) Home Occupation Request of Glenn Byerly

**NEXT MEETINGS:**

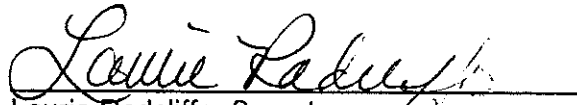
February 26, 2008 - Regular Meeting

March 11, 2008 - Work Session and Public Hearing

March 25 - Regular Meeting



**ADJOURNMENT:** 9:40 p.m.

  
Laurie Radcliffe, Secretary  
Tyrone Township Planning Commission

  
Barbara Burtch, Recording Secretary  
Tyrone Township Planning Commission