

TYRONE TOWNSHIP PLANNING COMMISSION

Approved Meeting Minutes

April 8, 2008 7:00 p. m.

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

ABSENT:

CALL TO ORDER: 7:00 p.m. by Chairman Hanoute

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC: Karl Gill said he would like to comment at the Public Hearing

APPROVAL OF THE AGENDA:

Moved by Meisel, seconded by Radcliffe, to suspend the Order of Business and bring forward New Business Items 1 and 2. Motion carried by unanimous voice vote.

APPROVAL OF THE MINUTES:

1) March 15, 2008 - Joint Meeting

Moved by Butler, seconded by Radcliffe to approve the March 15, 2008 Joint Meeting Minutes as corrected. Motion carried by unanimous voice vote.

Page 1, Line 51: (...saying they didn't want to go...)

Page 2, Line 2: (...the Zoning Map doesn't match the Master Plan Future Land Use Map

Page 5, Line 10: (**you** have a parcel zoned commercial...)

Page 6, Line 33: (...the questions of allowing...)

Page 6, Line 38: (...it would be one thing to limit it commercial development...)

Page 7, Line 42: (Mr. Meisel recalled that ~~option~~ flexibility opportunities...)

Page 8, Line 38: (...the Planning Commission and the Board agreed...)

Page 15, Line 15: (...the Accountant had recommended maintaining the funds...)

2) March 25, 2008 - Planning Commission Meeting

Moved by Radcliffe, seconded by Kempisty to approve the March 25, 2008 Meeting Minutes as corrected. Motion carried by unanimous voice vote.

Page 3, Line 34: (...more than 400 feet from Old US 23...)

Page 5, Line 22: (...Ms. Hodges said **the** that benefit...)

Page 5, Line 30: (...if there is a park, the developer...)

Page 6, Line 24: (What if it doesn't...)

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Page 6, Line 36: (Mr. ~~Mister~~ Meisel...)
Page 7, Line 15: (Mr. Van Hecke **said** the sign was too close...)
Page 7, Line 16: (The variance request would have to **be** based...)
Page 7, Line 29: (...he understands **the** concerns...)

CORRESPONDENCE:

- 1) April 2, 2008 - Memo from Foster, Collins, and Swift regarding Legislative amendments to the Michigan Zoning Enabling Act

Following a brief discussion, the Memo was received and placed on file

NEW BUSINESS:

- 1) Land division request of **Tyrone Woods** and **Tyrone Township** to create 3 parcels for the benefit of Tyrone Woods, 2 parcels for the benefit of Tyrone Township and to correct the legal description of an ingress/egress easement providing access to the Township parcels pursuant to a court order.

The Planning Commission was informed that the easement realignment was required as part of an agreement reached between Tyrone Woods and the Township during the sewer system negotiations. Following sewer system construction, a pumping station location was required and the access easement had to be reconfigured to connect with the pumping station. After the pumping station parcel is set off, it will be deeded to the Livingston County Drain Commissioner by Tyrone Township. The court also approved the Tyrone Woods Mobile Home Park's request to subdivide their property into three (3)parcels for financing purposes (FSE site drawing dated 2-26-08). Parcel sizes and locations have been determined by the Circuit Court. The application was filed at the request of the Township Clerk.

Mr. Hanoute felt it was important to have the Township follow the same rules as any other applicant. An application fee should have been provided by the Township or Tyrone Woods. Mr. Meisel commented that there are Planning Commission protocols and statutory requirements for application filing. He suggested that the Board request a fee waiver.

The Planning Commission was informed that slightly more than half of the Tyrone Woods property is zoned MHP on the north (18-200-072 and 18-300-002). The southern portion of each parcel is zoned FR. At this point Tyrone Woods extends across two parcels with separate ID numbers. Mr. Hanoute commented that the request would create a total of 5 parcels and open space would have to be created for three of them.

Mr. Hanoute was told that the court had not approved open space on any of the parcels except the 20 acre parcel to be owned by Tyrone Township (proposed Parcel A) and the Township might not have authority over MHP Commission Standards or court ordered zoning. Mr. Hanoute asked what the court had to do with Township requirements. As far

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as he was concerned, the applicants should have to live by the Ordinance. They have to create open space for any new parcel. Every other resident in the community does. There should be open space for proposed new Parcel B and the proposed pump station.

Mr. Hanoute was informed that the Zoning Ordinance doesn't require open space for MHP zoning. Mr. Hanoute said his concern was with the parcels being created in the FR district. The parcel created for the pump station is illegal in the FR Zoning District because it doesn't meet minimum lot size or open space requirements. They need to have variances. We could give conditional approval, but they need to get a variance for the pump station parcel size and the open space.

Mr. Meisel asked about the issue with the easement. He was told that it had been completely relocated and redrawn. Mr. Meisel commented that it was 33 feet wide through the Mobile Home Park. Mr. Hanoute said that wasn't wide enough for the FR requirements (66 feet) and the part outside of the mobile home park would require a wider easement or a width variance. Mr. Meisel agreed with Mr. Hanoute that the Planning Commission should do this request correctly. There is a court order, but we should attempt to execute it within the Ordinance.

Mr. Meisel thought the court had described the parcels as they are just because someone suggested the realignments to solve mitigating problems, mainly boundary disputes or locations of easements. Mr. Hanoute asked if the court had the right to over-rule the Township. Mr. Meisel thought they had the right to establish an agreement, but if someone wanted to they could appeal it because the directive by the court doesn't comply with the Township Zoning Ordinance. It could be sent back and reworked.

If we try to do this properly, we can say that the easement going back through the MHP is OK, but the easement in FR district needs a 33 foot variance which would be a reasonable request in his opinion, and there needs to be a variance for the pump station because the established parcel size is grossly inconsistent with the minimum requirements in the FR Zoning District.

Mr. Hanoute asked about the intent of the Township in regard to Parcel A. Mr. Meisel explained that it was originally to be used as a sewage treatment site. Now it has gone from a sewer site to a pumping station. Part of this is that the Township wanted to get easement access and ownership of the property so they can own, maintain, and control the pump station. He thought that Parcel A was deeded to the Township to settle some other type of litigation which was over the number of sewer units or breach of contract for not completing the system.

Mr. Hanoute said he wanted to know what the Township planned to use Parcel A for since that would have some impact on the easement location, route, and width. If you wanted to use it for a land fill, the easement would come through the middle of the Mobile Home Park. He questioned if the location would be appropriate for that type of use. Mr. Hanoute was informed that this was the location and easement width established by the court and agreed to by the Township. Mr. Meisel said the key question was the intended use of Parcel A, and that might even conceivably be a ZBA question.

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Mr. Byerly said he didn't care what we did with Tyrone Woods or what we give them, there would be another law suit. They were ticked off because we wouldn't allow single wide trailers. They have taken us to court three times on that already. They pick at anything they can.

Motion: Moved by Meisel, seconded by Byerly, to return the request to the Township Clerk for compliance with the Zoning Ordinance, confirmation from the Township Board that all issues and negotiations have been properly resolved, and resubmittal with an appropriate application and application fee per our Zoning Ordinance with specific attention to the lack of open space, parcel size, and easement width. Motion carried by unanimous voice vote.

The meeting was recessed at 7:30 p.m. for the La Vant Special Use Public Hearing and reconvened at 8:15 p.m.

- 2) Request of the **Kenneth La Fever** trust for boundary realignment between property at 8367 Turner Road (RE parcel 07-200-005), approximately 10 acres, and 8353 Turner Road (RE parcel 07-200-002). He would like to establish a residential parcel of approximately 5 acres by dividing 07-200-005 between the house and the barn, but the split as described on the site drawing would create a residential parcel of approximately 2.5 acres.

Mr. La Fever said that he was engaged in an experimental program to grow chestnuts in Michigan. The proposed land division is being made to settle his father's estate, but he would like to retain the barn on parcel 200-005 (8635 Turner Rd.) His plan is to refrigerate the barn for chestnut storage.

Mr. La Fever was told that the RE rear yard setback line for a residence was 75 feet and 20 feet for a barn or other accessory building. There didn't appear to be 95 feet between the barn and the house to meet the setback requirements and realigning the property as proposed would relocate the accessory building to the front yard of his residence.

Mr. Hanoute explained that the plan as presented could not be approved by the Planning Commission. Mr. La Fever could divide the property so the barn remained on the parcel with the house, or the Planning Commission could deny his request and he could take the proposed land division to the ZBA with a request for a variance.

Mr. Meisel suggested that Mr. La Fever request a variance for the yard location of the barn, a rear yard setback for the house, or a side yard setback variance for the barn. He explained that the ZBA would consider whether his request was based on a self created hardship or not. He suggested considering his variance options and then consulting with the ZBA Chairman or Vice-Chairman to see if he had a case or not. His objectives were good, but he still would have to comply with the Ordinance.

Moved by Meisel, seconded by Fumich, to table the request to give Mr. La Fever additional time to determine how he wanted to approach the land division. Motion carried by unanimous voice vote.

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- 3) Discussion of the Agri-Business Special Land Use Permit request of **La Vant Landscaping** for use of the property at 8444 Bennett Lake Road (RE parcels 06-200-004 and 06-200-005 and) to operate a greenhouse, a nursery, and a landscape business at that address.

Mr. Hanoute recommended tabling a recommendation on the request until the next meeting, since the applicant had already left.

Moved by Meisel, seconded by Radcliffe, to table discussion of the request until April 22, 2008. Motion carried by unanimous voice vote.

OLD BUSINESS:

- 1) Review of Zoning Ordinance Article 11 - Planned Unit Development (PUD) beginning with Section 11.04 on page 11-13 of the clear draft

Ms. Hodges told the Planning Commission that she had met with one of the investors interested in development at White Lake Road. He is planning a high end commercial development, but still hasn't given any idea of what he is proposing. His greatest concerns are the 30% open space requirement and the fact the amount of land allowed for commercial uses only amounts to 28% of the total site area. He would like 65% (130 acres) or 75% (150 acres) of the area for commercial use.

The Planning Commission discussed the site area in comparison with Genesee Valley, Seven Oaks, or Somerset. Mr. Hanoute thought we should ask the owner for a concept drawing, otherwise it was just a poker game. Ms. Hodges wondered if there would be a waste water treatment problem. Mr. Hanoute replied that was another reason for a site drawing and a meeting with Township Representatives to discuss infrastructure and long range plans. Ms. Hodges thought the developer was still trying to determine the uses he wanted to put into the development.

Mr. Meisel calculated that there would be 60 acres of property available for commercial use as presented in our PUD plan and they want 125 which could be something for negotiation. Mr. Hanoute wondered if the condominium process would have to be followed as an approval process aside from the special use process. Although there were complaints about the open space requirement, it was his understanding that the 30% open space requirement was related to the residential use. Mr. Meisel recommended retaining some "benchmark" numbers in the ordinance as negotiating points.

The Planning Commission also considered references to plan renewal expiration dates, site drawing revision blocks, preliminary site plan review by the County Planning Department and the Township Attorney, and better organization of the intent and eligibility standards.

During review of the PUD Text (2/21/08 rev), the Planning Commission requested specific revisions for the following sections.

- Page 11-7, Section 11.02.J Dimensional Standards: Delete the standards and replace with Section K;
- Page 11-8, Section 11.02.L Phasing: Add language from Mr. Hanoute's memo dated March 24, 2008;

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- Page 11-13, Section 11.04.B Procedural Requirements: Add review by the Township Planner and Engineer to Preliminary Plan review and require a base residential density for **any** the residential portion of the project.(Line 4)
- Page 11-16, Section 11.06.C Public Hearing: Include more detailed language regarding Public Hearings in the notice article
- Page 11-18, Section 11.07 Outside Agency Permits or Approvals: Renumber as Section **11.08**
- Page 18, Section 11.08 Final PUD Plan Review Procedures: Renumber as Section **11.07**

Mr. Hanoute asked for a complete revised draft for review at the next meeting.

- 2) Review of proposed PCS text (2/20/08 rev)

Postponed until the April 22, 2008 meeting

OTHER BUSINESS FROM MEMBERS:

- 1) Chairman Hanoute requested no new business at the next meeting to permit completion of the PUD Ordinance. He asked the Recording Secretary to contact Mr. La Fever and Mr. La Vigne and reschedule them for May.

ZONING ADMINISTRATOR'S REPORT:

BOARD ACTION:

FUTURE AGENDA ITEMS:

- 1) Finalization of the PUD Ordinance
- 2) Review of the PCS Ordinance

NEXT MEETINGS:

April 22, 2008 - Regular Meeting

May 13, 2008 - Regular Meeting

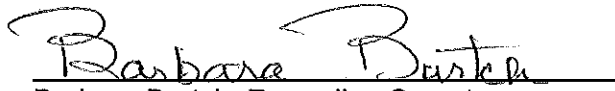
May 27, 2008 - Regular Meeting

ADJOURNMENT: 9:50 p.m.

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Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission