

TYRONE TOWNSHIP PLANNING COMMISSION

Approved Meeting Minutes

May 13, 2008 7:00 p. m.

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

ABSENT: Laurie Radcliffe

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

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC: No response

APPROVAL OF THE AGENDA:

Moved by Meisel, seconded by Butler, to suspend the rules and take up New Business Item 1*, the Tyrone Woods Land Division request, before Old Business Item 1 and to add Ordinance Updates to Other Business from Members as Item #1.* Motion carried by unanimous voice vote.

APPROVAL OF THE MINUTES:

- 1) April 22, 2008 - Regular Meeting Minutes

Moved by Butler, seconded by Kempisty, to approve the April 22, 2008 Regular Meeting Minutes as corrected. Motion carried by unanimous voice vote.

Page 2, Line 23: (Corrected site drawings and legal descriptions...)

Page 2, Line 35: (...issued for the Pump Station...)

Page 7, Line 47: (scheduled with with some...)

Page 8, Line 1: (...White Lake road and Old US 23 we with the...)

CORRESPONDENCE:

- 1) May 9, 2008 Livingston County Department of Planning Courtesy Review of the proposed PUD Ordinance revisions

The Chairman deferred review of the correspondence to the PUD Ordinance discussion (Old Business Item 4).

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OLD BUSINESS:

- 1)* Land Division request of **Tyrone Woods** and **Tyrone Township** to divide the MHP zoned property on Hogan Road in Section 18 (formerly 18-100-072 and 18-200-002) to create two parcels as shown in the attached site drawing. Proposed Parcel 1 (approximately 68.0 acres) will contain the existing mobile home units. Proposed Parcel 2 (approximately 20.71 acres) is currently undeveloped for MHP use. Taxes for the MHP property are delinquent.

Mr. Meisel reminded the Planning Commission that they had addressed the issue of the easement, the pump station location, the open space, and the boundary realignment at the last meeting. Tyrone Woods and the Township are requesting a land division to establish Parcel "1" and Parcel "2" in the MHP portion.

Mr. Hanoute noted that Mobile Home Parks did not require open space, and the parcels more than met the Township's minimum parcel size requirements.

Moved by Meisel, seconded by Fumich, to recommend to the Township Board approval of the Tyrone Woods and Tyrone Township Land Division request to divide the MHP zoned property on Hogan Road in Section 18 (formerly parcel 18-100-072 and 18-200-002) to create two (2) parcels as shown in the attached Flint Surveying & Engineering (FSE) site drawing dated 2/26/08 for proposed Parcel 1, approximately 68.0 acres, containing the existing mobile home units and proposed Parcel 2, containing approximately 20.71 acres, currently undeveloped for MHP use, conditional upon the taxes for the property being paid prior to issuing parcel identification numbers. Motion carried by unanimous voice vote.

- 2) Request of the **Kenneth La Fever Trust** for Boundary Realignment between property at 8353 Turner Road (RE parcel 07-200-002) and 8367 Turner Road (RE parcel 07-200-005) to set off approximately 3.9 acres including the barn at 8358 Turner Road. The remainder of the property, approximately 7 acres, will be attached to the adjacent parcel at 8367 Turner Road.

Moved by Meisel, seconded by Fumich, to remove the Kenneth La Fever Trust Boundary Realignment request from the Table. Motion carried by unanimous voice vote.

Mr. Hanoute commented that the dimensions provided for the site drawing do not describe the parcel areas adequately. According to the dimensions on the drawings, Mr. La Fever is planning to set off approximately 3.67 acres. The 20 foot set back dimension behind the barn will have to be maintained for the parcel to be created although it can be increased to more than 20 feet.

Mr. La Fever said he would make sure that there was a 20 foot rear yard set back between the barn and the new parcel boundary line at the time of survey. He was asking for approval so he could hire a surveyor.

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Moved by Byerly, seconded by Butler, to recommend approval of Mr. La Fever's Boundary Realignment request to the Township Board. Motion carried by unanimous vote.

- 3) Request of **Ronald and Heather Johnson** for Land Division of property at 11950 Parkin Lane to create three parcels including the parent parcel. The Johnson's have waited for adoption of the new Private Road Ordinance to complete their request. Parkin Lane residents are working with the Township to adopt a Private Road Maintenance Agreement

Moved by Butler, seconded by Kempisty, to remove the Johnson's land division request from the table. Motion carried by unanimous voice vote.

Mr. Hanoute observed that the wetland boundaries shown on the Real Estate Consulting (REC) site drawing dated 03/13/07 didn't match the points flagged by the DEQ. Mr. Johnson explained that was because the survey hadn't been done yet.

Mr. Hanoute commented that the DEQ office recommended that the points be located by survey as soon as possible before they are lost or destroyed. The site drawing prepared by Real Estate Consulting Engineers (REC) doesn't show the same wetland area and location as the DEQ site drawing. It is difficult to determine if proposed Parcel B would have room for a building envelope. There are additional wetlands on the south side of the parcel which aren't shown on the drawings. Open space may be created within wetlands, but only 25 to 35 percent of the wetland area can be set aside for open space (21.51.E or F). It is difficult to evaluate the parcel building envelopes and the open space requirements without having exact information about the wetlands.

Mr. Hanoute noted that the DEQ site drawing indicated that their driveway was located in the wetlands. Mr. Johnson said that was because the DEQ drawing was wrong. Mr. Hanoute explained that if the DEQ suspected that wetlands have been filled, they carry the delineation over the filled area. The wetland flags need to be incorporated in the drawing. Information taken from GIS sources indicates there are wetlands on the south side of the property. Those wetlands should have been flagged and incorporated in the site drawing. The location of the wetlands and the parcel boundaries will affect the open space calculation.

Mr. Hanoute commented that the south property line of Parcel A shows a width of 131.09 feet, plus 66 feet for the driveway. The dimensions on the north side of the same line shows a width of 186.58 feet. The numbers don't add up. The Open Space Calculation Chart for Parcel B shows a net area of 1.07 acres and it should be 1.65 acres. The net area and the developable area should be the same. The net area or the developable area is the measurement used to calculate open space. The gross area and net area of Parcel C would be the same because there is no easement located on Parcel C. If the open space is all located on Parcel C, it should be 1.10 acres rather than 1.55 acres, based on the net area of Parcel C. Because the Parcel B open space was relocated to Parcel C, it should be calculated as 8.5 acres rather than 5.8 acres.

No contours have been shown and the Planning Commission has required contour information for other parcels with fewer splits. The existing driveway, as far as the entrance

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to Parcel C, would have to be upgraded to comply with the shared driveway requirements. A surface run-off drainage study would be in order for this parcel. Township Planner Sally Hodges of McKenna Associates agreed with the drainage recommendation.

Mr. Johnson recalled that when the Public Hearing was held, their neighbor attended because of his concerns about his septic system that was located at the edge of the wetlands. Mr. Hanoute said that was one of the reasons there were serious concerns about the topography and drainage of this site.

Mr. Johnson asked if the Planning Commission had come to a determination about the number of splits to be allowed on a private road or even if the splits would be allowed. Mr. Hanoute said there would be no objection to the splits if the road met the Ordinance qualifications. One of the concerns is the lack of a Parkin Lane Maintenance Agreement which is an approval condition. He also referred to the LCRC sight distance review which recommended not allowing additional splits in that area. Since the Road Commission review was made in 2002, it should be updated.

Mr. Johnson said that the residents of Parkin Lane were trying to develop a Private Road Maintenance Agreement. He wanted to know how many parcels would be allowed to use Parkin Lane based on the new Zoning Ordinance. He estimated there were 30 or 32 residences using the road now.

Ms. Hodges said the new Ordinance limits access from a private road to 30 parcels. (24.03.G) and the length to 1200 feet where there is a single access entry. At the time he decided to wait, the Ordinance in effect permitted up to 24 units (24.03.F). After reviewing the site map, Mr. Hanoute and Mr. Butler said they had counted 32 parcels with access from Parkin Lane.

Mr. Meisel reminded the Planning Commission that the new Private Road Ordinance permitted the Planning Commission to modify standards in a particular situation. Mr. Hanoute explained that was only part of the requirement. The modification would have to be based on a practical difficulty or other hardship. Mr. Johnson said that no promises had been made to them earlier, just that there would probably be some changes to the Ordinance language.

Mr. Hanoute commented that the rules were changed, but unfortunately not enough for Mr. Johnson's situation. If they allowed the Johnsons to set off the new lots under some fabricated set of circumstances, a precedent would be established and his neighbors would be in for permission to split their lots. That could result in 40 more lots on Parkin Lane. At this point, there is nothing the Planning Commission can do, but recommend denial of the request.

Moved by Fumich, seconded by Butler, to recommend to the Township Board denial of the Johnson's land division request for property at 11950 Parkin Lane to set off 2 additional parcels as the request conflicts with Zoning Ordinance limits on access from a non-conforming private road and the number of lots allowed (24.03.G). Motion carried by unanimous voice vote.

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4) Review of the proposed PCS Text (2/20/08 rev.)

Ms. Hodges commented that the Planned Commercial Services (PCS) text is a Zoning District article designed to replace the B-1 and B-2 Zoning Districts. It is important because it is also designed to work with the new PUD Article. A PCS reference has been include in the Master Plan, but there has been a change in the location of the corridor. Originally, it was planned for one (1) mile on each side of US 23, but that has been changed to one half (1/2) mile on either side of US 23.

Referring to the Table of Uses (pp 2-3). Mr. Hanoute said we had tried to write the PUD Ordinance to work in any area in the Township. He asked why the Planning Commission shouldn't consider a PCS request no matter where it was located in the Township. Ms. Hodges replied that the request would have to be consistent with the Master Plan. Mr. Hanoute thought instead of amending the Master Plan, the Table should list the zoning uses permitted within a PCS district, but when we get to the Table there are distinctions between "inside" and "outside" the Corridor. Ms Hodges agreed that the "inside" and "outside" references were confusing. Usually Ordinances allow for a use by right or a use by special approval.

Mr. Hanoute wondered what would happen to the parcels along the corridor which have already been zoned B-1 or B-2. Should those uses be addressed in the PUD Zoning Ordinance or should they be rezoned to PCS to fit the Master Plan. Ms. Hodges said the B-1 and B-2 zoning classifications could be retained in the Zoning Ordinance as they are, but only three property owners who would have to be encouraged to rezone from B-2 to PCS.

Mr. Hanoute asked if we would have to hold a Public Hearing to change the existing Business Parcels to PCS. Ms. Hodges said that legally the Township could rezone the existing B-2 property, but practically you would have to convince the property owners before hand. Mr. Hanoute asked whether the B-1 and B-2 uses could be applied to any other parcels if they were retained in the Zoning Ordinance. If we leave the old uses in the Ordinance, could someone request a rezoning to B-1 or ES instead of PCS. If there was no ES Zoning District shown on the Future Land Use Map, could a use be denied on that basis. Ms. Hodges suggested including some of the ES uses in the PCS classification. Mr. Hanoute asked how the intensity of uses within a PCS area would be controlled.

Mr. Hanoute asked Ms. Hodges to come back with a revised article and recommendations for incorporating existing PCS and Commercial uses. Ms. Hodges suggested taking a closer look at how the uses are permitted without resorting to "inside" or "outside" corridor designations. She recommended rezoning the existing B-2 parcels to PCS, which would avoid having to make changes to the Future Land Use Map.

During discussion of the PCS text, the Planning Commission recommended:

- Revision of Page 1, Paragraph 1, Line 1, of the Intent Section (__.00) to read: The PCS District is a primarily non-residential district...

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- Revision of Page 1, Paragraph 1, Line 5, of the Intent Section (__.00) to read: ~~As commercial districts are often found~~ **The PCs District is intended to be located near the freeway and they act as a gateway...**
 - Revision of Page 1, Paragraph 2, Line 1, of the Intent Section (-.00) to read: The PCS District is the **primary zoning district in the Township** and deletion of the rest of the paragraph
 - Deletion of Page 1, Paragraph 3 of the Intent Section (-.00)
 - Relocation of Page 1, Paragraph 4, of the Intent Section (-.00)
 - Revision of Page 1, Section (__.01) Paragraph A, Line 2 to read: a letter "P" shall be uses permitted by right ~~in that particular area~~ and no building or structure shall be erected and no use of land approved ~~in that area in that area in the PCS District~~ unless it is or contains such a use; and
 - Deletion of references to the "inside" and "outside" corridor
- 5) Review of the proposed PUD Zoning Ordinance Text (4/24/08 revision) prior to Public Hearing. The clean copy and the mark changes copy have been forwarded to the Livingston County Department of Planning..

Based on comments made by the Livingston County Planning Department, the Planning Commission requested:

- Revision of Table 11.1, footnote (d) to refer to Section 11.02.F;
- Inclusion of a map in the Zoning Text which would identify the US 23 Corridor referenced in Section 11.02.F.3;
- Inclusion of references to the LEED program in the Intent Section (11.01), and
- Deletion of "Outside the Corridor" from Item (h) on page 11-5 and other places in the text.

Following a discussion of whether a PCS corridor map was needed because of the specific nature of the corridor description and whether to reference the LEED program as an architectural standard or a development standard, Mr. Hanoute asked Ms. Hodges to revise the PCS Article and present a recommendation for combining the PCS district and the existing commercial zoning districts.

Mr. Hanoute reported that he had attended an informal commercial PUD development conference with some Planning Commission and Board Members. He had to leave the meeting early and wondered if the developer who attended had offered any comments regarding the proposed PUD process. Mr. Meisel said the developer had asked him to be the conduit to the Planning Commission and act as his contact. So far, the developer's consultants have not completed their reviews and he hasn't had any feedback.

Mr. Hanoute thought the PUD document is pretty close to what the Township is trying to do. He asked to have copies of the PUD text forwarded to the Board for review and comment prior to a Public Hearing. Ms. Hodges said she would also forward a copy to the developer interested in Tyrone Township property.

NEW BUSINESS:

- 1) Request of **T-Mobile**, represented by **William Atkinson**, to co-locate T-Mobile equipment on the Verizon Wireless Communication Tower located at 9295 Parshallville Road, FR parcel 32-400-014.

Mr. Atkinson told the Planning Commission that T-Mobile would like to co-locate their equipment on the wireless communication tower at 9295 Parshallville Road. The equipment pad is fenced and there is room on the pad to add their equipment. The property and the Tower are owned by Verizon. The tower is managed by American Tower.

The purpose of the request is to improve reception for vehicles and residences in the US 23 corridor. T-Mobile is improving their service in order to be in compliance with the E-911 program, but they have a significant gap in their US 23 coverage. The propagation map shows where their towers are currently located and where there is insufficient coverage. They estimate they will spend \$40,000 to \$50,000 to structurally modify the tower to support their equipment.

Moved by Meisel, seconded by Butler, to recommend to the Township Board approval of the request of T-Mobile, represented by Mr. Atkinson, to locate T-Mobile equipment on the Verizon Wireless communication tower at 9295 Parshallville Road, FR parcel 32-400-014, as the Zoning Ordinance encourages co-location of equipment and this request fully complies. Motion carried by unanimous voice vote.

OTHER BUSINESS FROM MEMBERS:

- 1)* Ordinance revision updates

Mr. Meisel said he wanted to bring some Ordinance issues to the Planning Commission. They have been going through the proofing process to follow the updates and the sequence of updates, but have not been proof reading for spelling or typos. During the process of going through the sections that were specifically affected by updates, he found a couple of interesting things.

When he identified something questionable, he went back to the consultant's memos and documentation to make sure that the questionable item concurred with the Ordinance intent. Ms. Hodges has been copied and they have tried to address some of the issues.

One was the MZEA text for Article 28.00. There was an error which still referred to Planning Commission instead of Township Board for final approvals. He felt the language should be corrected so it complies with the MZEA requirements and the Ordinance is correct.

Another correction they came across was in the Private Road and Shared Driveway article. We have two locations where, even though our definition in the text talks about private roads, twice we name them private streets. He is looking for concurrence that it would be

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appropriate to substitute "roads" for "streets," in the text. The substitutions would not change the intent or purpose of the Ordinance. His concern is that right now if we had to change a definition we would have to amend the Ordinance. He also had concerns about the new MZEA amendments.

Mr. Hanoute asked Mr. Meisel to contact Attorney Harris regarding his concerns and report the legal opinion back to the Planning Commission.

2)* Road Signs.

Mr. Byerly said he was concerned because some private roads didn't have road signs and the Livingston County Road Commission doesn't require them. The County tells him that everyone knows when they should stop. Mr. Fumich commented that he lived on a County Road and he didn't have a Stop sign either.

Mr. Hanoute explained that the newest Private Road Ordinances do require traffic signs, but some of the older roads don't have them because they weren't required.

ZONING ADMINISTRATOR'S REPORT:

BOARD ACTION:

FUTURE AGENDA ITEMS:

- 1) Review of the revised PCS text
- 2) La Vant Nursery Special Use Permit Request

NEXT MEETINGS:

May 27, 2008 - Regular Meeting

June 10, 2008 - Regular Meeting

June 24, 2008 - Regular Meeting

ADJOURNMENT: 9:15 p.m.


Laurie Radcliffe, Secretary
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Barbara Burtch, Recording Secretary
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