

TYRONE TOWNSHIP PLANNING COMMISSION

Approved Meeting Minutes

May 27, 2008 7:00 p. m.

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

ABSENT: Mark Meisel

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 Fumich, seconded by Kempisty to add discussion of Mr. Meisel's ordinance revision report under Other Business from Members, Item 1(*). Motion carried by unanimous voice vote.

APPROVAL OF THE MINUTES:

1) May 13, 2008 - Regular Meeting Minutes

Moved by Butler, seconded by Radcliffe, to approve the May 13, 2008 Regular Meeting Minutes as corrected. Motion carried by unanimous voice vote.

Page 3, Line 37: (...plus 66 feet for the driveway.)

Page 5, Line 17: (...but when when we get to the Table...)

Page 5, Line 36: (...Mr. Hanoute asked...)

CORRESPONDENCE:

1) E-Mail comments from Mr. Meisel regarding the May 27, 2008 Agenda Items

Mr. Hanoute asked to have Mr. Meisel's comments discussed under the appropriate Agenda items.

OLD BUSINESS:

1) Request of **Bennett Lake, LLC** represented by **Ethan** and **Alysia Le Vigne** for an Agri-Business Special Land Use Permit for property at 8444 Bennett Lake Road , RE parcels 06-200-004 and 06-200-005, to use the site as a greenhouse, nursery and equipment storage location. Review of the request was tabled following the April 8, 2008 Public Hearing.

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Mr. Hanoute told the La Vignes that the statement of intent was complete, but the site drawing still wasn't in compliance with the Ordinance requirements. It should be prepared by a registered professional. Based on comments from the Public Hearing, drainage is an issue and drainage information should be supplied. The lots need to be combined because the green houses are constructed across property lines. Township Planner Sally Hodges of McKenna Associates explained that the combination of uses would remain a problem whether the property is one parcel or two

Other Planning Commission comments and discussion concerned:

- Limiting and defining the driveway access to the site;
- Correctly sizing the parking areas to accommodate the number of places proposed;
- Locating the number and size of the parking stalls in the layout of each parking lot;
- Inclusion of parking information in the site drawings showing the lot setbacks from easements or structures, surface materials, and lighting locations;
- Existing site conditions which would necessitate ZBA variances for accessory and residential building locations;
- Allowing a new residential building on the site as long as the existing residence remains an office;
- Permanently identifying the existing residential building as an office so it can't be used as a house;
- The location and extent of any regulated wetlands associated with the property;
- The possibility of wooded wetlands in the southwest corner of the property; and
- The use of Phase I Environmental Assessments to determine contamination limits for financing purposes rather than locating wetlands.

Ms. Hodges said that the appropriate action would be to table the request for a complete Special Land Use site plan and an application for lot combination. Mr. Hanoute added that the site plan and lot combination could be approved at the same Planning Commission meeting.

Mr. La Vigne said he didn't recall seeing anything about lighting. He asked for a copy of the Special Use Permit requirements. Mr. Hanoute told him that they were listed in the Zoning Ordinance and the Special Land Use check list he received. Mr. La Vigne replied that there wasn't much lighting on the site now and he didn't want to add lights that would shine on the neighbors. Mr. Hanoute explained that lighting needed to be located in the parking areas and sidewalks for the safety of the users. Walkways and parking lots have to be lighted to a certain level of illumination. The amount of illumination is information that professionals will provide and they will locate the lights on the drawings accordingly.

Ms. La Vigne said they couldn't afford to have drawings done professionally if the Planning Commission was going to say "No." Mr. Hanoute commented that the La Vignes would have already heard the "No" if that is what the Planning Commission would recommend. We are trying to make the Special Use work for you and the Township, but we have to follow the rules.

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Mr. La Vigne asked why the lighting needed to be addressed at this time. They aren't planning to have the public involved in the beginning. Right now, they don't even know when the public will be involved.

Mr. Hanoute told Mr. La Vigne he was confusing the issue. The Planning Commission is trying to approve this as an Agri-Business and retail sales are a major part of the zoning application. Mr. La Vigne replied that he understands why he needed to have an Agri-Business permit because that meant he could have the public coming in and out of the premises. He would have a contracting business and they would grow things to wholesale from there without having public sales.

Mr. Hanoute asked for a timetable showing when Agri-Business sales might occur. If you are just going to conduct a contracting business out of that location for 10 years and then maybe add some retail, we need to know that. Mr. La Vigne replied that it would all be based on economics. To meet every intangible variable you are talking about requires a lot of planning and that takes money to put it on paper.

After listening to Mr. La Vigne, Mr. Hanoute wondered if they were pursuing a Special Land Use in an appropriate category. Ms. Hodges noted that the proposed use has changed. At first, there was long discussion about the retail aspect compared to the landscape contracting aspect. The use was considered as an Agri-business use because of the retail component using materials grown on site. If that retail component isn't going to happen, we have to consider another approach. Mr. La Vigne said he wasn't saying it wouldn't happen, but things don't always go as planned. Right now, he couldn't tell if the business would materialize as retail or wholesale. He didn't understand why selling materials wholesale wouldn't be considered an Agri-business like retail sales.

Mr. Fumich thought it would have to become a retail Agri-business at some point. Even though you want to contract, as soon as people find out you have a nursery, they will come in wanting to buy and you will be wanting to sell.

Mr. Hanoute reminded Mr. La Vigne that any existing farm lights wouldn't qualify as site lighting because of the shielding required to direct light away from the neighbors and to specific locations on the property. The site drawing has to be on file at the Township to act as a record for purposes of enforcement of the Special Use. Ms. Hodges said that if there is an issue with the timing of the retail operations, they should still ask for approval of the ultimate plan even though it might not be implemented all at once.

Ms. Radcliffe asked what the difference was between what they planned to do and what had already been done before. There has always been some retail operation, but the only big difference she can see is storing certain types of equipment. Mr. Hanoute said that so far we don't know if they are going to be growing anything for retail. If they aren't going to do it now, they need to tell us when it will happen. They need to have a schedule and if that schedule can't be met, they can ask to amend the permit.

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Responding to questions from Ms. Radcliffe, Mr. La Vigne said that a planter would be used at Bennet Lake Road to define the parking and set up an "In" and "Out" pattern. Mr. Hanoute reminded him that beyond the planter there were road rights-of-way and setback requirements that have to be met, and parking has to be set a certain distance from the property line.

Ms. Hodges reminded Mr. La Vigne that those are some of the measurements that need to be based on a survey. She didn't feel that the Planning Commission had enough information right now to make a decision. At this point, we need to have the basic site plan information about drainage, the right-of-way and edge of pavement locations, the parcel boundary locations, topographic and wetlands information, and a survey.

Ms. La Vigne was worried because the owner of the property wants to close the sale at the end of the week or re-list the property. They don't want to close until they know if they can use the property or not. Mr. Fumich didn't think they would have to worry about closing the way the real estate market is now. He reminded the La Vignes that all the buildings needed to be located and dimensioned on the site drawing as well as all of the entrances, driveways, and parking. Ms. Hodges informed the La Vignes that the requirements were listed in Zoning Ordinance Article 23.00, pages 23-3 and 23-4.

Mr. La Vigne asked how the wetlands should be approached. Mr. Hanoute said the DEQ would flag the wetlands for free, but he might have to wait a long time. The surveyor should pick up the flags as soon as possible and locate them on the survey.

Mr. La Vigne asked if the use of the property in terms of Agri-Business was related to the retail business to the public. The Planning Commission explained that sales was a major component of the Agri-Business Special Use. Mr. La Vigne asked how far he should go with the public. Most of their business is with vendors who resell the products.

Moved by Fumich, seconded by Butler, to table action on the Special Land Use Permit request until the applicant has provided further information. Motion carried.

2) Discussion of the proposed Planned Commercial Services (PCS) Zoning Ordinance text (5/21/08 rev.)

Ms. Hodges noted that this version of the PCS draft (5/21/08) was revised based on the May 13, 2008 discussion. The PCS is a proposed commercial zoning district which will take the place of the B-1, B-2, OS and ES Zoning Districts. The existing B-1 Zoning District uses are the least intense commercial uses and they were transferred as the principal uses permitted by right in the PCS Zoning District. All other commercial uses are listed as Special Uses. The table referencing "corridors" was deleted.

The PCS Zoning District can be applied as a stand-alone Zoning District or part of a PUD. Even if the B-1 and B-2 and E-S Zoning Districts remained, this would be another commercial district with emphasis on development criteria. Currently, there are only three Township parcels zoned B-2, one zoned ES, and none zoned B-1. The parcel owners could be brought in for a discussion, the Planning Commission could hold a hearing, and then the parcels could be rezoned to PCS.

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During review and discussion of the PCS text, the Planning Commission requested the following revisions:

ARTICLE 12 - PCS

Page 1:

Intent - 12.A.00, Line 5, Revise to: (impacted adjacent uses in other zones **zoning districts**.)

12.A.01, F - Delete: ~~Site plan review according to Article 23 is required for all essential services:~~

12.A.01.J - Revise to: Athletic **or** physical fitness....

12.A.01.K - Remove the second period (..)

Page 2:

12A.03.H - Combine G. and H. to reference outdoor retail sales in general and reference Planning Commission discretion related to the display area, the amount of material, and/or the permanence of display

12.03.H - Revise to reference Site Plan review for sales areas located forward of the building in connection with the use of a principle building already existing on the parcel

12A.03.J - Revise to: (...recreational vehicles, **and** motorcycles, **and water craft**.)

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12.A.03.T - Relocate Mini-warehouses to the M-1 or PIRO Zoning District

12.A.04.A - Paragraph 1 - Amend the Planning Commission Bylaws to specify the composition of the Architectural Review Committee

12.A.04.A, Paragraph 2 - Building materials and colors shall relate well (delete comma) and be compatible...

12.A.04.E.. - Add language permitting Planning Commission discretion for determining service area separation distances and/or screening

Page 4

12A.04.I.2 - Compare the driveway separation distance with the Access Management standards;

12A.04.I.3.c - Revise to (...shall have a paved width of **not less than 24 feet**.)

Page 5

12A.04.J. - Remove the reference to a single lot and establish separation distance requirements based on the site and the use

12A.04.K.2. - Revise to: (...All buildings shall be arranged in an **orderly manner integral development**.)

12.A.04.K.6 - Revise to allow Planning Commission discretion in terms of buffer areas and types

Page 6

12A.04.K.10 - Reference the Township lighting requirements (21.37)

12A.04.M - Revise to (~~PUD~~ OPEN SPACE) and specify what can qualify as open space

ARTICLE 20 - SCHEDULE OF REGULATIONS

Page 20-2

Section 20.01 - Schedule of Regulations:

LK-1 - Mr. Meisel noted that footnote "U" should no longer apply and the minimum parcel area has been revised to 21,780 sq. ft. only

PCS - Ms. Hodges explained that a PCS column had been added to replace the B-1, B-2, and ES Zoning Districts

Add a footnote that requires service or loading docks to be located in side or rear yards (I)

PUD - Mr. Hanoute noted that the PUD section (11.00) should also be removed from the chart and the Zoning Ordinance.

Mr. Hanoute was concerned about establishing a process to revise the PUD development shown on the Zoning Map and the status of the existing PUD article

20.02.C - Permit establishment of PCS front yard setbacks relative to street yard rights-of-way, road widths, and parking areas, which will allow non-residential buildings to be brought closer to the lot lines

Permit establishment of PCS side yard setbacks and rear yard setbacks which would be compatible with revised front yard setbacks

20.02.I - Review in terms of PCS parking and loading requirements

OSP - Retain in the Ordinance as an Open Space Preservation Special Use

OS, M-1, M-2, ES and ROM - Replace with PIRO Use Zoning Districts

3) Discussion of the PUD text as reviewed by the Township Board.

Mr. Byerly said there were no comments from the Township Board.

Mr. Hanoute asked to have review of the PUD scheduled for the next meeting in case there was feed back from the developer, the Board, or the Attorney.

OTHER BUSINESS FROM MEMBERS:

1)* Zoning Amendments

Mr. Hanoute reported that Mr. Meisel had contacted the Attorney regarding the Public Act 110 amendments and identified the revisions which would have to go through the amendment process. He will present a list of recommended changes at the next meeting.

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ZONING ADMINISTRATOR'S REPORT:

1) Bentley Sand and Gravel

Mr. Van Hecke reported that Bentley Sand and Gravel has been crushing concrete at their site with an expired permit. They have been given until June 2, 2008 to meet the bond requirements and renew the permit.

BOARD ACTION:

FUTURE AGENDA ITEMS:

Review of the Final PCS Ordinance

Comments Regarding the PUD Ordinance

Other Proposed Ordinance Revisions


NEXT MEETINGS:

June 10, 2008 - Regular Meeting

June 24, 2008 - Regular Meeting

July 8, 2008 - Regular Meeting

ADJOURNMENT: 9:00 p.m.



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission

