

TYRONE TOWNSHIP PLANNING COMMISSION

Approved Meeting Minutes
March 24, 2009 7:00 p. m.

PRESENT: Gary Butler, Steve Hasbrouck, Ed Kempisty, Mark Meisel, Laurie Radcliffe

ABSENT: Joe Fumich, Dave Hanoute

CALL TO ORDER: 7:00 p.m. by Vice-Chairman Meisel

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

- 1) David Pallister asked why the zoning on his property at 7382 Hartland Road was changed from agricultural to residential. His tax bill was for residential property.

The Planning Commission explained that his property was located in the FR - Farming Residential Zoning District. They suggested that he contact the Supervisor or the Assessor for an explanation. Mr. Pallister said he had already done that and hadn't gotten anywhere. Mr. Meisel suggested attending a Township Board meeting because the Planning Commission has no statutory authority to address tax issues.

APPROVAL OF THE AGENDA:

Ms. Radcliffe noted that the second meeting in April should be April 28, 2009 instead of April 24, 2009.

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

APPROVAL OF THE MINUTES:

- 1) March 10, 2009 - Regular Meeting:

Moved by Radcliffe, seconded by Kempisty, to approve the March 10, 2009 Minutes as corrected. Motion carried by unanimous voice vote.

Page 1, Line 12: Gary Butler
Page 2, Line 44: (~~Sheet~~ Page 11 shows...)
Page 3, Line 26: (...a Quit ~~Claim~~ ~~Claim~~ Deed...)
Page 5, Line 32: (~~Mr. Christenson~~)
Page 5, Line 38: (received some ~~some~~ type...)
Page 6, Line 6: (...said they ~~had and~~ mentioned...)
Page 6, Line 11: (It ~~won't~~ necessarily...)
Page 6, Line 16: (...how ~~it~~ if fits...)
Page 7, Line 25: (...if it is withing a certain...)

- Page 7, Line 26: (...their **Engineer** ~~Engingeer~~ checked...)
- Page 7, Line 28: (...contact Tom Kolhoff...)
- Page 7, Line 32: (During discussion **of** the revised...)
- Page 8, Line 6: (...the small **paintball** course...)
- Page 8, Line 9: (...operational season from **April** ~~March~~ through October)
- Page 8, Line 12: (...while the **paintball** fields...)
- Page 8, Line 39: (...sites ~~where~~ on the drawing...)
- Page 9, Line 23: (...is ready for **final** request.)
- Page 9, Line 35: (...working **on** for a similar situation.)
- Page 9, Line 41: (**watercraft** stored above the ground...)
- Page 10, Line 29: (...to hold a **Public** Hearing for...)
- Page 10, Line 38: (...auto **repairs** ~~repares~~ in the PCS district...)
- Page 10, Line 41: (~~three~~ categories of use...)
- Page 11, Line 18: (...activity like putt-putt golf...)
- Page 11, Line 42: (...involved **an** ~~and~~ accessory structure...)
- Page 12, Line 3: (...Mr. **Meisel** ~~Meisie~~ said...)

CORRESPONDENCE:

- 1) March 23, 2009 - E-mail from Rob Stanford of the Livingston County Department of Planning regarding the Duberg Special Land Use Permit request.
- 2) Letter dated March 20, 2009 from the Livingston County Road Commission regarding the entrance to the Duberg property.

Mr. Meisel scheduled the correspondence for review under Old Business, Item 4.

SUBCOMMITTEE REPORT:

- 1) March 18, 2009 Subcommittee Report

Mr. Meisel asked the Planning Commission to review the report at their discretion. The intent is to meet with the Mathews at our next meeting with focus on the events they want to hold and how the events would relate to Agri-Business. We requested that they put the events on a calender to better assess the number of events, the types of events, and the population expected at each of the events to get a better sense of how much activity would occur on the site and might impact the neighbors.

OLD BUSINESS:

- 1) Comments regarding revised Zoning Ordinance Article 2 - Definitions and Article 20.00 - Schedule of Regulations

Sally Hodges of McKenna Associates, Township Planner, prepared new definitions for Article 2 (3-11-09 rev.) to apply to uses within the PCS district based on comments by the Township's Attorney. She proposed 3 new definitions---automobile fueling station, major repair, and minor repair. Mr. Hasbrouck asked if we should use the term "motor vehicle" rather than automobile.

Ms. Hodges said she would look through the Ordinance again, to see if that could cause some problems with the terms related to large trucks, truck stop activities, and farm vehicles. Used car sales language is included in the PCS text. Mr. Meisel thought that farm and heavy duty truck repair references were located in the PIRO district.

Mr. Butler questioned the 24 hour limit on car repairs. Mr. Meisel said there were several repair classifications that could require more than 24 hours---transmissions, painting, frame service, and collision repair. Ms. Hodges said minor repairs typically wouldn't take more than 24 hours and they were allowed in the PCS district. Following a discussion the Planning Commission decided to leave the language as written.

Ms. Hodges explained that the Schedule of Regulations (3-11-09 rev.) was modified to handle Ordinance changes related to the PCS district. Current uses will remain in the chart until existing commercial parcels have been rezoned to PCS and the existing PUD parcel will be re-described. She suggested a footnote on the Zoning Map to show that the PUD in Section 29 was developed as a Zoning District before Article 11 was revised.

Mr. Hasbrouck asked to have the minimum RE front yard setback corrected to read 100 feet in Table 20.01. He asked why the Table on page 20-11 (Section 20.03) only referenced elderly housing as a use in the RM-1 district and asked if the Ordinance had a definition for elderly housing. Ms. Hodges said she would provide an elderly housing definition for discussion at the April 14, 2009 Public Hearing.

- 2) Comments regarding revised Zoning Ordinance Article 11 - PUD Planned Unit Development (3-11-09 rev.) and
- 3) Comments regarding revised Zoning Ordinance Article 12.00A - PCS Planned Commercial Services (3-11-09 rev.)

The Planning Commission reviewed Items 2 and 3 concurrently.

Referring to Article 11.00 - PUD, page 11-4, Mr. Hasbrouck asked if libraries were considered a government facility. Ms. Hodges explained that public libraries are usually supported by multi-jurisdictional funds. Private libraries are usually located in corporate structures. Mr. Meisel said that Footnote 11.1.b referenced examples of three use classifications---public, private, and senior citizen. He thought libraries would be classified as more public than governmental. Ms. Hodges said she would make a punctuation change between "fire station" and "library" to indicate separate status.

Mr. Hasbrouck referred to page 11-21, Item F, regarding a 9 month construction lapse. He asked what would happen after the 9 months expire. Would the bonds be recalled, or would the project be finished by the Township. If you have a rule, you should state the remedy. Ms. Hodges said the expiration information was located on page 11-22, Section 11.09. Mr. Butler asked what would happen if someone just walked away from a site. Mr. Hasbrouck said the Board would be able to make a determination about what they wanted to do after the waiting period elapsed.

Ms. Hodges noted that the automobile definition changes were added to Article 12.00A - PUD, beginning with page 12A-3, Item K. "Screening" wasn't specifically called out because it was a condition of Special Use approval (22.00). She suggested adding language for screening at the discretion of the Planning Commission to page 12-5.

Mr. Meisel summarized the revisions to be made to Article 12.00, items K (12A-7) and R (12A-3); Item 20.00 Schedule of Regulations (Table 20.01- RE Front Yard Setback); Article 2 - Elderly Housing; Footnote b (page 11-4); and screening (12A-5, E.2).

- 4) Review of the revised site drawings received 3-23-09 (3-16-09 rev.), to develop a Paint Ball Course on vacant property with frontage on White Lake Road (RE and M-1 Parcel 04-300-006) as requested by Clerk Kremer.

Mr. Duberg apologized for the short notice. Mr. Meisel said that for the record, the Planning Commission should not be hearing this request.

In regard to the Road Commission's comments regarding the driveway, Mr. Duberg told the Planning Commission they were only showing 50 feet crossing the right-of-way instead of 55 feet. That is being changed and the other items in the Road Commission letter will be addressed.

Ms. Hodges said that a review of the Rezoning request had been received from the Livingston County Planning Department, but it is her understanding that the Livingston County Planning Commission recommended denial on a vote of 3 to 2. The County Planning Commission recommendation is advisory, The Township Board doesn't have to follow it, but most communities consider it seriously.

The County Planning Department recommendation was for approval with conditions, but they felt that PUD zoning would be a better choice. That was based on their review of the current PUD language as a Zoning District. The new PUD Ordinance establishes procedures for establishing developments using several zoning classifications. They also recommended completion of the rezoning; making the structures on the site appear more permanent; submission of an operating plan prior to final approval which describes how the facility will be run; staffing requirements; hours of operation; maximum allowable number of users; drainage plans; wetlands protection and crossing plans; the site location of all temporary or permanent structures, and compliance with the Zoning District setbacks. These are items also requested by the Planning Commission. Although the Livingston County Planning Commission didn't approve the rezoning request, it still has to go to the Township Board for the final decision.

Mr. Meisel said a County Planning Department recommendation and a County Planning Commission recommendation are some of the required standards for Board review and approval. The PUD regulations the County is referencing will no longer exist as a Zoning District after the new language is adopted.

Mr. Soldan told the Planning Commission that after the last review (March 10, 2009) they decided they would probably want to build the same type of pavilion that adjacent churches use, with an open area in the front and equipment storage in the rear. They don't want to do too much permanent work at the site because they want to do something else with the property in

the future. Mr. Meisel said that was why there might be a recommendation from the Planning Commission to the ZBA regarding permanent improvements like parking or the length of time allowed to require permanent improvements. Mr. Soldan said that should be a business decision, not a Township decision.

Mr. Duberg explained that the site drawings now show the trailer location, the existing and proposed screening, the site topography, and the realigned parking area exclusive of future parking. Sheet 9 shows the parking details.

The Planning Commission observed that the parking and amenities should be superimposed on the final site drawing at the same scale. A parking and building detail should be shown with a larger scale including the White Lake Road access and the location of natural and proposed screening, and all the site amenities to be added. The details should be shown at the same scale used for the parking plan (Sheet 4) beginning at White Lake Road with termination somewhere beyond the test range in the speedball area. The drawing should include the details and location of the commercial elements and the location of the screening elements. Mr. Duberg said their plan was to screen the trailers with a vinyl fence. Mr. Meisel asked them to show a detail of the fence, the location of the fence, and then label it on the drawing so it could become part of the detailed site plan.

In addition, the Planning Commission asked the applicants to:

- Include a detail of the landscaping required by Ordinance within the first 50 feet of the property between White Lake road and the office area;
- Provide details of the buffer which will screen the business area from the cemetery to avoid visibility complaints;
- Consider the use of a berm and plantings or staggered rows of vegetation to create natural buffers;
- Include drawing notes stating that all temporary structures (porta-potties, trailers, etc.) will be removed from the site at the end of each season;
- Comply with the ordinance location and height requirements for fencing;
- Include fencing along the cemetery property boundaries to completely enclose the paintball site;
- Include the fencing locations in the unified site drawing with drawing notes stating the height of the fence (or an alternate plan if a ZBA variance is required);
- Locate the areas where netting will be used as part of the site drawing;
- Provide information showing the location and type of gate used to control access to the property;
- Show the location and size of any drainage pipe associated with the entrance pond on the site drawing;
- Show how pond drainage will be retained on the site as part of the detail drawing;
- Provide a catch basin detail including stand pipe, leveling controls, and a detail of pond piping as applicable;
- Locate the sign as part of the detail drawing;
- Include a description of the location, height and size of the dumpster on the site plan detail drawing;
- Include a description of the height, size and location of the office trailers on the detail drawing;

- Show the location of the screening proposed for the dumpster, office trailer, and porta-potties as part of the detail drawing;
- Note on the site drawing that the trailers will be removed at the end of the season;
- Differentiate between permanent and temporary screening;
- Identify the caution tape and netting areas on the complete site drawing;
- Show the location of any picnic tables, tents, pavilions, or other temporary equipment proposed for the site;
- Show the driveway drainage and construction in cross-section;
- Locate any proposed permanent or temporary site lighting; and
- Provide an MDEQ evaluation or waiver letter regarding the stream and associated wetlands.

The Planning Commission discussed a list of conditions to regulate the Special Land Use, including but not limited to:

- Preparation of a sample letter stating their intent to share information and cooperate with the cemetery owner and the Tyrone Township Presbyterian Church during the paint ball season;
- The hours of operation, days of operation, months of operation and exclusion of night games;
- Exclusion of alcohol or drug use on the site;
- Exclusion of the use of night goggles on the site;
- Compliance with the Township's requirements for noise;
- Cessation of games during funeral services;
- A list of all activities or uses proposed for the site in addition to paintball; and
- A list of all materials or products to be sold or provided on site (paint balls, guns for rent or sale, other equipment for sale, hats, T-shirts, pop, water, pizza delivery, etc.).

The applicants were reminded that variances for fencing height or the driveway and parking lot construction specifications would be required from the ZBA. Because of the advertising requirements, the last day for a May ZBA appeal application is April 9, 2009. Materials for an April 14, 2009 Planning Commission review should be provided no later than April 8, 2009.

5) Discussion of the January 27, 2009 Memo establishing a timetable for adoption of the new Ordinance and revision of the Maps

Ms. Hodges said we still had to confirm the process for describing the existing PUD which was originally developed as a zoning district since the new PUD language will function as a procedural ordinance. After the April 14th Public Hearing, the next step will be to meet with the owners of parcels which we would like to see rezoned as PCS. The Township will not require a specific Quasi-Public Zoning District because the uses are permitted within other Zoning Districts, usually as Special Uses. Mr. Hasbrouck commented that once PCS language was adopted, we would have to make some corrections to the Zoning Map and Future Land Use Map.

Ms. Hodges recommended contacting the commercial parcel owners to discuss the changes in zoning and then schedule a Public Hearing for the rezoning after the PCS language is

adopted. The next steps would be to finish the PIRO text and follow the same review and rezoning process for parcels zoned for industrial uses, and insure that quasi-public uses are covered by the PCS or PIRO text.

After the April 14, 2009 hearing, the new ordinance material will be sent to the Livingston County Planning Commission for review. The County is allowed 30 days for comment once the application is received. Following the County's response, we can make a recommendation to the Township Board. If the Board adopts the Ordinance, we can make contact with the owners for rezoning.

6) Recreational Vehicle Storage Ordinance

Ms. Hodges provided a list of items to consider in regard to revision of the current Ordinance regarding recreational vehicle storage.

Discussion of the material was postponed until the April 14, 2009 meeting.

OTHER BUSINESS FROM MEMBERS:

ZONING ADMINISTRATOR'S REPORT:

ZONING BOARD OF APPEALS REPORT:

BOARD ACTION:

Ms. Radcliffe asked if the Board had adopted the 2009 Meeting Calendar since this was the last Planning Commission Meeting under the old resolution. She was told that the new calendar has been posted to the Township's web site.

Mr. Hasbrouck told the Planning Commission that the 2009 schedule was approved at the last Board Meeting (March 17, 2009). The Board is also considering a Burning Ordinance and they have allocated funds for a strategic plan survey.

FUTURE AGENDA ITEMS:

Recreational Vehicle Storage
PCS, PUD, and Definitions
Heavenly Scent

NEXT MEETINGS:

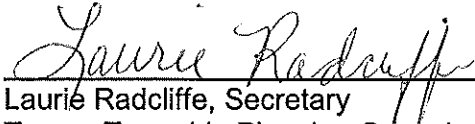
April 14, 2009 - Regular Meeting and Zoning Ordinance Public Hearing

April 28, 2009 - Regular Meeting


May 12, 2009 - Regular Meeting

ADJOURNMENT: 10:20 p.m.

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Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission