

TYRONE TOWNSHIP PLANNING COMMISSION

Approved Meeting Minutes
April 14, 2009 7:00 p.m.

PRESENT: Gary Butler, Joe Fumich, Dave Hanoute, Steve Hasbrouck, Ed Kempisty, Mark Meisel, Laurie Radcliffe

ABSENT:

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

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

APPROVAL OF THE AGENDA:

Moved by Radcliffe, seconded by Kempisty to approve the Agenda as amended under Other Business from Members, Items 1 and 2. Motion carried by unanimous voice vote.

APPROVAL OF THE MINUTES:

1) March 24, 2009 Meeting Minutes

Moved by Radcliffe, seconded by Kempisty, to approve the March 24, 2009 Meeting Minutes as corrected. Motion carried by unanimous voice vote.

Page 3, Line 16: (...before Article 11 was revised.)

Page 4, Line 28: (~~The County Planning Department recommendations are also advisory.~~)

Page 6, Line 13: (~~The Planning Commission discussed asked the applicants to prepare a list...~~)

Page 6, Line 40: (After the April 14th Public Hearing...)

Page 6, Line 28: (~~The Planning Commission noted that the Applicants should prepare a list of conditions so they wouldn't have to amend their Special Land Use Permit each year to include new activities~~)

Page 6, Line 41: (...like to see **rezoned** develop as PCS.)

Page 6, Line 43: (Mr. Hasbrouck commented that ~~the~~ once PCS language...)

Page 7, Line 10: (~~If once the Board adopts...~~)

CORRESPONDENCE:

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OLD BUSINESS:

Moved by Meisel, seconded by Radcliffe, to suspend the order of Business in order to discuss Item 1 after the Public Hearing and draw any other items on the Agenda forward until the hearing is held. Motion carried by unanimous voice vote.

2) Discussion of Ordinance revisions related to recreational vehicle storage.

Tyrone Township Planner Sally Hodges of McKenna Associates said that existing Ordinances do not allow motor vehicle storage for more than 48 hours unless in accordance with the Ordinance. Recreational vehicles must be in a completely enclosed building or behind the front face of the principal building. In the LK-1 district, the lakeside yard is classified as the rear yard so recreational vehicle storage will be prohibited on the street side of the lot.

Mr. Hanoute recalled that Mr. Schmidt asked to have recreational vehicle storage discussed because of numerous complaints from lakeside residents who didn't want to store their boats or vehicles in the lakeside yard. Mr. Hanoute said that the Ordinance language allows storage in the side yard in the LK-1 and Single Family Residential Zoning Districts. Ms. Hodges agreed, but noted that lake lots are often narrow without much side yard. There are other lake communities which define the street side as the rear yard.

Mr. Hanoute referenced the pre-engineered building in the front yard of a house on White Lake Road where an owner was allowed to build a storage building in his front yard and then used it to recondition buses. The yard has been used for the storage of buses, boats, tractors, and anything or everything. That was one of the reasons storing vehicles and boats on the street side of lakefront property was prohibited. Watercraft can be stored off-site if there isn't enough room on site.

Mr. Meisel said on many lake lots there is no way to store boats on the waterfronts. There are grade issues and ingress-egress issues so there is no way to get a vehicle there to actually move the boats onto the water frontage. If you proceed with requirements like this, you are essentially telling waterfront owners that they have to pay a \$500 tax each year to store there watercraft recreational vehicles. That provides two significant problems. One is the march along the roads to move over a thousand boats and watercraft that would be affected by off-site storage. The other is the very limited number of people who can move these craft around to take them to a storage facility. There is nowhere in the immediate area to store a thousand vehicles or water craft. We need to impose the same requirements for snowmobile trailers and garden tractors. Another additional problem is that LK-1 Zoning doesn't allow accessory buildings in the front yard. The ZBA allows that with some degree of regularity in the LK-1 Zoning Districts, but we tell lakefront people they can't build a storage structure in their front yard and they can't store their boat on site.

Other Planning Commission comments concerned:

- Limiting the total number of recreational vehicles that could be stored in a front yard;
- Reviewing the local lakes to see how the watercraft are actually stored;

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- Keeping the boats far enough from the road so they can't be seen or putting them under some type of cover;
- The amount of visual discontent associated with front yard storage;
- That the best place to store a boat is the back yard next to the lake;
- That people who store their own boats and docks on their own property usually don't complain about lake views;
- The total number of docks and watercraft stored in rear and side yards;
- The lack of access to lakeside rear yards because of grades or separation distance between buildings;
- Consideration of front yard storage under certain specific conditions
- Limiting the number of recreational vehicles or boats stored in front yards if there is no side yard storage available;
- The use of vacant lots for boat storage;
- Allowing an accessory use (storage) on a lot where there is no principle residential use;
- Relating the number of items stored to the capacity or size of the lot;
- Requiring that all storage areas for recreational vehicles, boats, and similar vehicles should remain within the accessory building setback lines;
- Requiring that stored equipment is owned by the resident or an immediate family member;
- Limiting the storage to no more than three vehicles per lot unless the parcel is larger than three acres or in the FR or RE zoning districts;
- Requiring that vehicles typically licensed be in good repair;
- Requiring that vehicles be licensed as required for the type of vehicle; and
- Special consideration for historical vehicle license limitations.

Referring to Ordinance Section 21.19.A, Ms. Hodges suggested revision of the review of the recreational vehicle definition in the Ordinance and noted that Item 21.9.A.4 states that no more than three trailers are allowed on a residential lot. Since trailers were often associated with recreational vehicles, she asked if the limit of three was intended just for trailers or recreational vehicles in general. She recommended using consistent terminology throughout the Ordinance.

The meeting was adjourned at 7:30 p.m. for the Zoning Ordinance Public Hearing and reconvened at 7:55 p.m.

Mr. Kremer was asked if he had any comments related to his questions about the LK-1 front and rear yard definitions. He said that the issue remained the same whether it related to White Lake Road or LK-1 property. Ms. Hodges noted that existing Article 21.19.A.1 basically prohibits the storage of recreational vehicles in front of any residence. The question is whether limited front yard storage should be allowed to reduce the amount of back yard storage for lakeside lots.

Ms. Radcliffe commented that in many cottage communities, the front door of the house was on the lake side and the garages were on the road side. Mr. Kempisty recalled that there was previous discussion about the front and rear yards of lake lots and site lines to

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the water. Mr. Meisel thought that everyone was confused by the terms lake "frontage" and "lake front." Because the water side is called lake front, they take that as the front yard. In the newer developments the conditions are consistent with Tyrone Township where the location of the garage and driveway and the entrance is considered the front yard and the water side is considered the rear yard. Our Ordinance doesn't explicitly differentiate between water front and non-waterfront property for things like accessory buildings, so we send variance requests to the ZBA. There are certain challenges because the Ordinance requires that we store trailers and recreational vehicles in the rear yard.

Mr. Hanoute said the intent of the Ordinance was to protect the appearance of the Township. It doesn't make any difference about what you call the yards, it is a matter of what you allow in one of those yards. He asked if there was an issue in calling the lakeside yard the rear yard. Mr. Kremer said he thought it was inconsistent because you couldn't abide by the Ordinance in some places. If you can't put something in your front yard, which is the street side, and you don't have much of a side yard or lake front yard, you are in violation automatically.

Ms. Hodges said that same situation could apply to a standard lot without lake frontage. Mr. Hanoute agreed that there were many lots like that in the Township. If we have to make exceptions for people on the lake, we should make exceptions for them as well. Mr. Hasbrouck thought this was a complex issue and no matter what the Township does, there will be people who don't like the rules, or can't comply with them the way they want to. Every lot has variations, every lake is different, and people's needs are different. Ms. Radcliffe noted that some yards have drain fields. You wouldn't want to park anything on top of the drain field whatever lot it was in.

Mr. Meisel said we have been talking about water frontage, but the issue is recreational vehicles in general. If it is a snowmobile or boat on a trailer or an RV and you're not on a water front, where would you store them. Should we use different standards for them than we do for water front people. Another approach the Township took was to develop LK-1 Standards and general residential standards. There is nothing that specifically references waterfront considerations when there is a conflict. That is usually done by the ZBA.

Mr. Hanoute commented that a recreational vehicle Ordinance might take some of the front yard storage variance load off of the ZBA. He asked the Planning Commission for suggestions to consider. Mr. Hasbrouck said the storage area should at least meet the front and side yard setbacks before parking anything. He suggested allowing some vehicles to be parked within the within the front yard setback on the driveway as long as they don't encroach into the road right-of-way or park on the lawn. Mr. Meisel suggested a minimum 25 foot setback to avoid storing recreational vehicles too close to the road. Most of the problems he has seen are the true recreational vehicles parked in the driveway on a short narrow lot too close to the road where they can't see the road.

Mr. Hasbrouck asked if Lake Shannon had rules that pertained to storage. Mr. Butler said he wasn't aware of any. Brian Miles, a Board Member in attendance, said Lake Shannon defers to the Township Ordinances. Ms. Radcliffe said she recalled something about

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storage of large buses and RVs off site, but thought they could also use the side yards for storage. If people don't abide by the regulations, nobody complains enough to make Zoning Administrator George Van Hecke go over and cause a stir. She has seen vacant lots with 6 or 8 boats on them. Mr. Kremer said his subdivision wouldn't allow storage of a boat, a trailer, or anything else outside of a garage and a recreational vehicle could only be parked for 48 hours. Mr. Hasbrouck asked about visitors for a week and was told some areas have their own regulations that are more strict than township regulations.

Mr. Hasbrouck thought it would be a good idea to involve lake association members. Mr. Hanoute commented that once the ordinance was created and we hold a Public Hearing, we would get a lot of input and a lot of complaints from lake association members. Mr. Hasbrouck said we don't have that many complaints now, and it might get worse if we change the requirements. When we write a rule, we have to enforce it. Mr. Fumich thought it could be a "no win" rule. Mr. Hasbrouck believed we still had to address the concerns and try to create reasonable compliance. Mr. Fumich commented that the next problem would become what is "reasonable." There will always be questions and complaints. Mr. Hanoute said there was no enforcement of the rules now. If and when a neighbor complains, we should have something we can enforce. Mr. Schmidt asked us to reconsider our Ordinance, but he didn't necessarily ask us to change it.

Mr. Hanoute asked the Planning Commission members to tour the Township while the boats are still on the lots to see how they are stored. Mr. Hasbrouck said there were a lot of areas worse than Tyrone where boats were parked right up to the roadway in some places.

Ms. Hodges mentioned the length of storage. The current Ordinance limits the time period to 48 hours, but doesn't reference the amount of time between storage events. The Ordinance could specify the total number of days or months that would be allowed as the maximum time period that a vehicle is allowed to remain before it has to be stored offsite.

She noted that Township Ordinance 21.19.6 requires that all equipment that requires licenses be in good repair. Article 21.31.C regulates recreational vehicles brought by traveling visitors which permits a stay of not more than 15 days and is in conflict with 21.19.A.

Mr. Hanoute scheduled discussion of recreational vehicle concepts for the next meeting after residents had time to drive around the Township and observe front yards.

- 2) Recommendations regarding revisions to Zoning Ordinance Article 2 - Definitions; Article 11 - PUD Planned Unit Development; Article 12A - PCS Planned Commercial Services; and Article 20 - Schedule of Regulations.

The Planning Commission recommended adoption of the Ordinance revisions to the Township Board and approval of the Ordinance revisions by the Livingston County Planning Commission.

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Moved by Meisel, seconded by Radcliffe, to forward revised Zoning Ordinance Article 2 - Definitions, Article 11 - PUD, Article 12 - PCS, and Article 20 - Schedule of Regulations as amended following the February 10, 2009 Public Hearing to the County Planning Commission for their review and recommendation and to the Township Board with a recommendation that the Board moves forward with adoption with or without the County Planning Commission comments after a 30 day waiting period. Motion carried by unanimous voice vote.

3) Review of Planning Commission Application Procedures

An application contact sheet and fee schedule were presented for review by the Planning Commission.

Mr. Kempisty thought the Planning Commission had already discussed the Fee Schedule, but was informed that fees were set by the Board, but the Planning Commission could make recommendations regarding the fees. The schedule being reviewed is the one most recently adopted by the Board.

Mr. Hanoute asked for review and discussion of the documents at the next meeting. Mr. Hasbrouck was told there are checklists available for Land Division and Site Plan Review. Mr. Meisel suggested a heading that stated the type of review, and the office review section should be noted.

Mr. Miles said he was trying to get material entered on the Township's Website and asked the Planning Commission to recommend anything else they would like to see included.

NEW BUSINESS:

OTHER BUSINESS FROM MEMBERS:

1) MDEQ Review Status.

Mr. Hasbrouck reported that the State is considering recombination of the DNR and MDEQ responsibilities in the near future to balance the budget. They are going to let the wetlands regulations fall back onto the Federal Government, the EPA and the Army Corps of Engineers. The permit process will take a long time, and approximately 1,000,000 acres of Michigan wetlands will not be covered. Local governments may have to take a more regulatory position when we know what the final arrangement will be.

2) Paintball Parcel Development Status.

Mr. Hanoute said there was a perceived problem with the paintball request. We asked for a letter determining the status of the pond and wetlands occurring on the site. The response we got from them was that they had contacted the DEQ and were told the DEQ

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no longer determines or reviews wetland status. The only concern might be the wetlands attached to the creek. The applicants know that if the wetland is within 500 feet of a creek it is regulated.

Mr. Hasbrouck said he would concur with what the applicant was proposing as long as they didn't fill anything or change anything in the wetland. Mr. Hanoute recalled that they had talked about filling the pond. Mr. Hasbrouck said one of the reasons the process was taking so long was because they kept changing their plans and he took exception to the comments about the Planning Commission.

Mr. Meisel commented on the pond complications. The applicants are talking about putting in a driveway and parking area and draining the water from there into the pond. That will impact the pond's carrying capacity and possibly turn it into a detention pond rather than a retention pond. That means they would have to provide the information required by the Ordinance to show capacity, outflow and flood prevention capability. They say they don't want to go into the expense of doing that.

Mr. Hasbrouck said that runoff regulations fall to the Drain Commissioner's office not the Township. If they get approval from the Drain Commissioner we should grant them approval. He was told by Mr. Soldan that the Drain Commissioner wouldn't review it because the pond was minor in nature. Mr. Hanoute said the site is flat and doesn't drain well. Sooner or later there will be ponding and the existing pond will overflow across the road and across the driveway. Mr. Hasbrouck said there is a pipe in the pond that drains water toward the wetlands. What they are doing there is minor, compared to what they could do. Mr. Hanoute said that if they bring back the information we asked for, we would have a better idea about the drainage.

ZONING ADMINISTRATORS REPORT:

ZONING BOARD OF APPEALS:

BOARD ACTION:

- 1) April 7, 2009 - Tyrone Township Board Meeting Synopsis
- 2) Tyrone Township Meeting Dates

FUTURE AGENDA ITEMS:

NEXT MEETINGS:

April 28, 2009 - Regular Meeting

May 12, 2009 - Regular Meeting

May 26, 2009 - Regular Meeting

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ADJOURNMENT: 8:55 p.m. by Chairman Hanoute



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission