

## TYRONE TOWNSHIP PLANNING COMMISSION

### APPROVED MEETING MINUTES

June 9, 2009

**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:**

**APPROVAL OF THE AGENDA:**

Moved by Kempisty, seconded by Fumich, to approve the May 26, 2009 Agenda as presented. Motion carried by unanimous voice vote.

**APPROVAL OF THE MINUTES:**

**1) May 26, 2009 Planning Commission Meeting Minutes**

Moved by Butler, seconded by Radcliffe, to approve the May 26, 2009 minutes as corrected. Motion carried by unanimous voice vote.

Page 2, Line 12: (closest ~~tower~~ existing tower...)

Page 3, Line 47: (...will not be a ~~detriment~~ **detriment** to the future...)

Page 3, Line 48: (The tower will be ~~a~~-secured by...)

Page 5, Line 28:....(~~would~~ send a signal through...)

Page 5, Line 44:....(feet, so ~~the~~ there would be ..)

Page 8, Line 29:....(called for the vote to ~~te~~ table...)

Page 10, Line 28...(were bringing in trailer loads...)

**CORRESPONDENCE:**

**1) May 22, 2009 Letter from Merino Bernardi Regarding the PUD and PCS Ordinance Amendments**

Mr. Meisel suggested that Mr. Bernardi submit a deposit and schedule a Special Meeting if he wanted to make a lengthy presentation to the Planning Commission. While he was away, the Planning Commission addressed his issues that applied to the Ordinance revisions to the satisfaction of his neighbors who were present during Mr. Bernardi's absence. He asked Mr. Bernardi if he understood the difference between a site plan and an ordinance.

Mr. Fumich observed that the letter implied that Chairman Hanoute was forcing the Planning Commission to vote a certain way. He wanted Mr. Bernardi to know the Planning Commission members vote of their own free will on any issue that comes up. Mr. Hasbrouck suggested allowing Mr. Bernardi three minutes to comment about his letter because he missed the Call to the Public.

Mr. Bernardi stated that he wanted equal time with Mr. Guidobono, the developer who owns property on the north side of White Lake Road next to Peisner Acres. The developer spent hours talking to the Planning Commission and he is entitled to have equal time to present his case without paying for it. Mr. Hanoute reminded him that he was given equal time during the first Public Hearing when the meeting room filled up with his neighbors and they all spoke. We heard their comments and took them under advisement.

Mr. Bernardi replied that he speaks in writing rather than words and everything he has to say is in writing, plus he discovered some new issues he hadn't spotted before. He wanted to sit down and go through his 13 pages of comments page by page so the Planning Commission understood his point of view. Mr. Hanoute explained that the majority of the issues Mr. Bernardi brought up before were site plan issues, but we have no site plan. Mr. Bernardi said he had facts about the PUD Ordinance written by the developer.

Mr. Hanoute reminded Mr. Bernardi that the Planning Commission went through the whole Ordinance process. We have had reviews, public hearings, and Livingston County Planning recommendations. Now that the Ordinance is ready to go to the Board, you want to re-review everything again. Mr. Bernardi said it was his right to request the same length of time as the developer and the Planning Commission needs to listen to him for the same length of time and go through his letter page by page rather than be negative. Mr. Hanoute told Mr. Bernardi he was trying to be cordial even after the letter Mr. Bernardi wrote and the personal comments he made. He doesn't coerce the Commission into voting his way. Mr. Bernardi replied that at the last meeting there were four votes in 30 seconds and by doing that some people changed their votes.

Mr. Meisel said they were his motions and the votes were changed because the motions were amended. Mr. Bernardi said he wasn't aware of that. Mr. Meisel asked Mr. Bernardi if he was familiar with parliamentary procedure and 'Robert's Rules of Order'. He reconsidered his motions because several other Planning Commission members referred to specific conditions after the first motion was defeated. It was his decision whether to amend his own motions or not. Mr. Bernardi explained that each motion changed someone's opinion and that was coercion. Several people he talked to agreed with him, but wouldn't let him mention their names to the Planning Commission and now he can't get them to come back to Planning Commission meetings because they feel there is a plan to put development on that property.

Mr. Hanoute said that there is an intent to get some development there, but a development plan has not been submitted. Everything you have submitted to the Township has been considered by the Planning Commission although we didn't provide an analysis of every comment and why it was addressed or not. Some of the Ordinance changes were made based on the comments from you and the residents of Peisner Acres. Your comments were also reviewed by the County Planning Commission Chairman and the County Planning Commission.

Mr. Hasbrouck stated that he had never met with the developer that Mr. Bernardi thought the Ordinance was written for. The Ordinance has been written for any developer who would like to come into the Township for a PUD development, not just for a certain piece of land. We have to follow the state requirements for property owner's rights. The neighbors who came to the meeting while you were gone were given a chance to speak and most of them stated they were satisfied with the Ordinance proposals. They might not be happy with development in some of the locations where it could be allowed, but we have to make areas available for people who want to develop their land or we wouldn't be doing our job. The Planning Commission information will go to the Board and you can discuss it there.

Mr. Bernardi said one new major issue was the build time from the start of construction to the end of construction. He was concerned that it could stretch out for 7 years or more and he wanted to see it completed in 3. Mr. Hasbrouck replied that it took approximately 10 to 12 years to build Peisner Acres where Mr. Bernardi lives now and it still might not be finished yet. Site grading involves property rights on both sides of the grading area, not just one.

Mr. Hanoute asked Mr. Bernardi if he actually thought the developer spent six hours asking for Planning Commission comments or making recommendations to the Planning Commission. All the statutory Planning Commission requirements for taking comments and holding public hearings have been met so we will move forward. The next step will be Township Board approval.

Township Planner Sally Hodges of McKenna Associates addressed a specific comment in Mr. Bernardi's letter which referenced one of her Memos addressed to the Planning Commission about Mr. Gudiobono's White Lake Road property. For the record, she stated that her recommendations were for a potential Master Plan amendment and were not recommendations for the Zoning Ordinance PUD Amendments.

#### **OLD BUSINESS:**

##### **1) Review of the Livingston County Planning Department and Livingston County Planning Commission Recommendations Regarding Revisions to the Zoning Ordinance**

Ms. Hodges reviewed the County Department of Planning letter of May 22, 2009 which included approval recommendations from the County Department of Planning and the County Planning Commission for revisions to four Ordinance articles. The County Planning Commission recommended approval of revised Article 11 - PUD Planned Unit Development, new Article 12A - PCS Planned Commercial Services, and revised Article 2 - Definitions. She thought the County Planning Commission was confused by the revisions to Article 20 - Schedule of Regulations. They thought the requirements would eliminate strip commercial development and discourage clustering of commercial buildings in the PCS district.

It appears that the County Planning Commission interpreted the lot line setback requirements as building setbacks. There is nothing in the proposed regulations that keeps you from attaching buildings as long as the side yard setbacks are met at the ends of the attached buildings to provide emergency access. The proposed regulations are the same as the existing Ordinance requirements. The Planning Commission agreed and commented that the intent was not to prohibit strip buildings, but to provide some emergency vehicle clearance between strips. Building lengths aren't limited by the Ordinance, but separation distances are.

Mr. Hanoute observed that the comments from the County were complimentary and they felt our revisions were well written and well conceived. The County Planning Staff recommended approval for all of the revisions. The revisions were previously submitted to the County Department of Planning in December of 2008 and specific action was taken on some of the comments from that review.

As a matter of clarification, the Planning Commission requested addition of a definition for 'out lot' to the list of future Ordinance revisions to define and describe typical 'out lot' use.

Moved by Butler, seconded by Kempisty, to recommend to the Township Board approval of the revisions to the Zoning Ordinance for revised Article 11 - PUD Planned Unit Development; new Article 12A PCS - Planned Commercial Services; revised Article 20 - Schedule of Regulations; and revised Article 2 - Definitions, with notes related to the Livingston County Planning Commission concerns for strip malls as well as a note referencing the Livingston County Planning Department courtesy review of December 2008 and our action on their recommendations. Motion carried by unanimous voice vote.

**2) Discussion of Proposed Revisions to the Township's Recreational Vehicle Storage Ordinance, Article 21.19 - Outdoor Storage**

Ms. Hodges said she had revised the text based on the discussion at the last meeting. She suggested using the term 'recreational apparatus' to cover various types of equipment as well as vehicles. The proposed revisions would allow the Zoning Administrator to approve side yard storage under specific conditions and would simplify the procedures when back yard and front yard storage isn't accessible. It will extend the front yard storage period from 48 hours to 7 days under specific conditions to allow time for unloading and loading travel trailers for example; and will allow alternative locations for boat storage.

The Planning Commission:

- Requested addition of a definition for 'recreational apparatus' to Ordinance Article 2.01 - Definitions;
- Noted that apparatus could also include swimming rafts or ice shanties;
- Requested examples of inclusions and exclusions of 'apparatus' in the definition;
- Suggested exclusion of daily personal transportation from the outdoor storage restrictions;
- Was informed that only 33 lots out of 248 at Runyan Lake could reasonably access rear yards with a trailer because of topography or lot width;
- Was told there are only a few lots at Lake Tyrone wide enough or far enough from the water to allow rear yard storage access;
- Determined that many of the Township's LK-1 lots would require case by case storage location determination;
- Noted that Lake Tyrone is located in Tyrone and Hartland Townships and Lake Shannon is located in Tyrone and Deerfield Townships and Lake Shannon is located in Tyrone and Deerfield Townships, possibly resulting in different local storage requirements; storage requirements'
- Was informed that Hartland Township restricts the use of front yards for storage;
- Agreed that attached garages are considered part of the primary residential structure for the purposes of front yard setback calculation;
- Agreed that detached garages or accessory structures located in front yards are classified as non-conforming structures for the purposes of defining the front yard;
- Asked for clarification of the number of units and ownership requirements referenced in Item 21.19.A.4;
- Considered regulating outdoor storage of all vehicles and equipment in addition to recreational apparatus;
- Asked for comparison of the new language with other outdoor storage articles in the Township Zoning Ordinance and Regulatory Ordinance;
- Asked for inclusion of a reference to outdoor storage or parking of commercial vehicles used for daily transportation;

- Decided to expand the article to reference storage and parking of non-recreational vehicles in residential areas; and
- Scheduled further discussion of outdoor storage for the next meeting.

The Planning Commission also discussed the outdoor storage request made by Chris Hopkins for use of his FR property at 6354 McGuire Road in Section 31 as a boat storage facility under the provisions of Ordinance 21.19.A.5 regulating travel trailers.

Mr. Hopkins told the Planning Commission he has been storing boats on his property for seven years without the knowledge of the Township. Mr. Hopkins said he wasn't aware that he was in violation of Ordinance 21.19 which requires that all stored equipment is the property of the homeowner and limits the total number of stored articles to three inclusive of one trailer.

The Planning Commission:

- Considered the probability of rezoning his property to PCS to permit commercial storage in a residential district;
- Reviewed Section 21.03 which allows travel trailer storage in the FR Zoning District but restricts the number and ownership in Ordinance Article 12.19.A.4;
- Noted that commercial uses other than farming or farming related uses are not permitted in Farming Residential zoning districts;
- Was told that Mr. Hopkins usually stores 100 boats;
- Noted that there is a need for boat storage in the Township and the topography and vegetation of Mr. Hopkins' site screens it from the road;
- Determined that the Ordinance would allow the use in a commercial or industrial zoning district under certain circumstances;
- Didn't believe that a seasonal transfer of title between Mr. Hopkins and the owners of the stored boats would be a suitable solution to the ownership requirement;
- Noted that all stored material had to be located within the Zoning District setback requirements; and
- Was informed that his storage fee was \$175.00 per boat.

Mr. Hanoute explained to Mr. Hopkins that there was nothing in the Ordinance that would permit him to use his property as a commercial outdoor storage facility and the Planning Commission could not recommend approval of the use. Approval for rezoning of his property from residential to commercial would not be likely based on the Zoning Map or the Future Land Use Map. If he continued to store boats on his property he would be considered in violation of the Zoning Ordinance.

### **3) Christian Day Montessori School and Child Care Status Review**

Mr. Hanoute reminded the Planning Commission that the Christian Day site plan review and approval was tabled several times pending the property owner's return to Michigan. There are health and safety issues related to drainage and parking which need to be remedied.

It was the consensus of the Planning Commission that the deficiencies were the responsibility of the owner who leased the site to Ms. Cassavoy. At the last review, the Planning Commission agreed to allow her to operate on a temporary basis until April when the owner was due to return to the area. But by trying to help her, the Planning Commission felt the Township was allowing the owner to profit without having to comply with the Ordinance requirements. A letter

should be sent to the owner stating that he will have to bring the building into conformance with the requirements for schools and child care facilities.

The Planning Commission agreed to request a letter from the Township Attorney to the owner, with a copy to the tenant, setting forth the conditions for immediate compliance with the Ordinance and provision of a complete up-to-date site plan, and to set a time limit of 90 days for compliance with the request.

**4) Revision of the Planning Commission By-Laws, Section 20.03.G - Order of Business**

Moved by Meisel, seconded by Fumich, to amend the Planning Commission By-Laws as set forth in the Agenda of June 9, 2009 in order to place 'Adjournment' before 'Future Agenda Items' and 'Next Meetings' in Section 20.03.G - Order of Business. Motion carried by unanimous voice vote.

**5) Discussion of PCS Rezoning Procedures**

Ms. Hodges presented a summary of the Township's non-residential zoning district parcel presented at the May 26, 2009 Planning Commission meeting. Woody's Towing and Pine Ridge are B-2 parcels which are in areas Master Planned for Planned Commercial Services (PCS). In Section 29, there are two parcels currently zoned B-2 which are located in an area designated as an FR residential district in the current Zoning Map and the Future Land Use Map. There is more commercial use shown in Section 29 than there is in Section 20 which is the section proposed for inclusion in the future PIRO District.

The Planning Commission recalled that during the Master Plan development, Township residents expressed an interest in maintaining green spaces along the expressway frontage. Section 20 has direct expressway access while Section 29 does not and most of the existing commercial and industrial locations were rezoned prior to the development of a Master Plan.

Ms. Hodges recommended that the Township should consider the presence and likelihood of continuation of any existing uses in relationship to the permanence of the existing and proposed future land use and zoning districts. She suggested extending the PIRO and PCS uses along the freeway with special requirements for screening and green spaces. Another option would be to allow existing non-residential uses to fade out over time and then rezone them to residential use. Pennington Gas and the adjoining enclosed construction yard are examples of non-conforming B-2 uses.

Mr. Hanoute asked the Planning Commission members to view the existing B-2 parcels fronting on the expressway in relationship to the proposed Master Plan and consider future development trends likely to occur in their vicinity, consider the property on the north and south sides of White Lake Road at the US 23 intersection in terms of existing uses on the development of future uses, and interfaces between commercial, industrial, and residential development.

**NEW BUSINESS:**

**OTHER BUSINESS FROM MEMBERS**

**ZONING ADMINISTRATOR'S REPORT**

- 1) **Status Report for Jeff Zeller's Greenhouse Parcels Located on Bennett Lake Road (RE Parcels 06-200-006 and 06-200-014**

Mr. Van Hecke did not attend the meeting and the report was postponed.

**TOWNSHIP BOARD REPORT:**

- 1) **Heavenly Scent Herb Farm**

Mr. Hasbrouck reported that a letter was sent to the Herb Farm establishing a time limit for completion of their Special Land Use Application.

**ZONING BOARD OF APPEALS REPORT:**

**ADJOURNMENT:**

**FUTURE AGENDA ITEMS:**

**NEXT MEETINGS:**

July 14, 2009 - Planning Commission Meeting  
July 28, 2009 - Planning Commission Meeting

  
\_\_\_\_\_  
Barbara Burtch, Recording Secretary  
Tyrone Township Planning Commission

  
\_\_\_\_\_  
Laurie Radcliffe, Secretary  
Tyrone Township Planning Commission