

TYRONE TOWNSHIP PLANNING COMMISSION

**APPROVED MEETING MINUTES
July 28, 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:

CALL TO THE PUBLIC:

Scott Dietrich and Karl Gill asked to address the Planning Commission during discussion of Old Business, Item 4.

APPROVAL OF THE AGENDA:

Mr. Fumich asked for a discussion of the dog and mowing ordinances he requested at the July 14, 2009 Meeting during Other Business from Members

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

APPROVAL OF THE MINUTES:

1) July, 14, 2009 Meeting Minutes

Moved by Butler, seconded by Radcliffe, to approve the July 14, 2009 Meeting Minutes as corrected. Motion carried by unanimous voice vote

Page 3, Line 1: (...that Ms. ~~Tittl~~ Tittle has vaccination papers...)

Page 6, Line 9: (...for the July 28 ~~24~~, 2009

Page 6, Line 33: (...an issue which ~~the~~ Board...)

CORRESPONDENCE:

1) E-mail from Rob Sanford of the Livingston County Department of Planning requesting an informal meeting with Members of the Planning Commission

Mr. Meisel and Mr. Hasbrouck volunteered to attend a meeting at the Township Hall on August 25, 2009 beginning at 3:00 p.m. Ms. Hodges will be able to attend the meeting also.

SUBCOMMITTEE REPORT:

OLD BUSINESS:

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

Township Planner Sally Hodges of Mc Kenna Associates revised the structure of the Ordinance and some of the text based on comments from the July 14, 2009 meeting. The Planning Commission commented on the following concerns as they reviewed the new material (July 22, 2009 rev.)

Page 1:

Section 2.01 - Definitions: The use of "Equipment" and "Apparatus" will be reviewed during discussion of the ordinance to determine if there is a distinguishing difference in the text for the purposes of definition.

Page 2:

Item B:1 - Materials: the Planning Commission discussed different storage durations for different Zoning Districts, inclusion of specific exceptions for commercial or residential storage, and regulating storage duration based on site plan approval or where the storage is located. They asked to have Line 6 revised to reference **the most current edition of the Beautification Ordinance**, to have Line 8 revised to storage for no longer than **12 9** months, and to have the last sentence of the paragraph omitted.

Item B.3 - Should be added as a new item to be more specific about the use of vehicles (trucks, buses) or portions of vehicles (containers or truck beds) for permanent or temporary outdoor storage and to prohibit the use of pods, trailers and shipping containers for permanent or long term storage.

Page 3:

Item iv - Storage of Watercraft on Waterfront Lots: Following presentation of information presented by Mr. Meisel, the Planning Commission discussed the issue of rear yard setbacks from the waters edge for watercraft stored in rear yards; the requirement of a 50 foot rear yard setback for permanent storage structures; obstruction of lake views; exclusion of gazebos but not pontoons from locating at the water's edge; whether to base the setback measurement on the water line or the lot line; allowing variable rear yard setbacks but maintaining minimum 10 foot side yard setbacks; the potential of a 50 foot rear yard setback to force storage into the front yard; and whether the storage of large apparatus would be less offensive in lake side yards than in road side yards---in particular pontoons and other large boats that are hard to maneuver or frequently not stored on trailers. The new ordinance does provide more opportunities to park equipment in the front yard than we allow now.

Item b - Owner Occupied: The Planning Commission noted that there were some vacant lots with riparian frontage in the Township that were being used for storage. There were Association lots, unbuildable lots, and vacant lots. Suggestions were to prohibit the use of vacant lots for storage; allow the use but maintain all front rear, and side yard setbacks; limit the number of boats; the size of the boats; or the percentage of lot coverage if the lots are not part of an association or dedicated storage location.

Vacant lots were also used for unsupervised storage in districts where the storage was supposed to be accessory to residential use, a house was for sale, or the lots were purchased for seasonal use. There were no regulations for short term use of tents similar to the one for campers in Article 21.31. .

The Planning Commission asked to have **Item b, Line 2** revised to state that storage or parking shall be limited to a lot or parcel of land upon which a home is located. Ms. Hodges was asked to consider storage language for common use parcels or vacant land for review and discussion at the Public Hearing.

Referring to **Item iv.a**, Line 5, the Planning Commission asked Ms. Hodges to reference the language in **21.19.C.1.a.iv** in place of 21.19.A.1 and note that , "Watercraft and their trailers stored in the rear yard shall be located not less than 10 feet from the side ~~and rear~~ lot lines."

Page 4:

Item d - Number of Recreational Apparatus Units: The Planning Commission considered the use of height, length, lot, coverage, type of apparatus, or specific numbers as methods of determining the number of units to be stored. They agreed to a maximum length of **28** ~~24~~ feet and height of **9.5** ~~8~~ feet except for a motor home and scheduled further discussion of this section at the Public Hearing.

Ms. Radcliffe said she would research the Lake Shannon restrictions on the size of boats which can be launched on the lake.

2) Discussion of Parcels to be Rezoned from B-1, B-2 and ES to Planned Commercial Services

Mr. Hanoute recalled that there had been discussion of additional Township locations with the potential for PCS zoning in addition to the existing commercial locations shown on the Future Land Use Map. The August 4, 2009 Township Board Meeting related to the PUD and PCS Ordinance approvals would be a good time to talk about revising the Master Plan for the west side of the US 23 corridor, at least as far as general remarks.

Ms. Hodges said she planned to discuss with the Board the reasons why the Planning Commission felt it was necessary to revise the Master Plan and the values related to the PUD and PCS Zoning Ordinance articles and what we are trying to accomplish. Going too far into additional Master Plan considerations might detract from the focus.

Mr. Hanoute suggested that she might want to reference a brief outline of the process to be followed in implementing the changes.

3) Review of Previous Planning Commission Recommendations to Jeff Zeller for Development of an Agri-business at 8444 Bennett Lake Road (RE parcels 06-200-004 and 06-200-005)

Mr. Hanoute asked Mr. Zeller if he still intended to pursue the Agri-Business classification for his property. Mr. Zeller said he wanted to open up the business that was already there. They have continued to clean up the property and have started rebuilding the greenhouses and plan to cover them in a few weeks.

3) Review of Previous Planning Commission Recommendations to Jeff Zeller for Development of an Agri-business at 8444 Bennett Lake Road (RE parcels 06-200-004 and 06-200-005)

Mr. Hanoute asked Mr. Zeller if he still intended to pursue the Agri-Business classification for his property. Mr. Zeller said he wanted to open up the business that was already there. They have continued to clean up the property and have started rebuilding the greenhouses and plan to cover them in a few weeks.

Mr. Hanoute commented that there have been some complaints that dirt was being brought into the site and being moved around and you were digging holes and were bulldozing the property. He told Mr. Zeller that he has the right to operate the nursery as a principle use on his property based on the RE Zoning. Conducting a nursery is a use by right, but direct retailing from the site is not. In the past, retailing was done illegally from that site. To do retailing now, a Special Land Use Permit will be required, but they could do anything they needed to improve their property to operate as a nursery and greenhouse.

Mr. Zeller complained that it would cost over \$5,000 for a drawing to show the way water drains from the property. All they have done is try to clean up the garbage left there over the last 20 years. The property was filled with tree stumps, plastic, and garbage. He isn't filling the pond, but he brought in 90 yards of topsoil to make a garden. He should have been asked to come to the meeting tonight if he was going to be talked about.

Mr. Hanoute explained that complaints had come to the Township that Mr. Zeller was doing something illegal and that is why the file was being reviewed. As long as the Zoning Ordinance was being followed, he could continue to develop his greenhouse operation. He doesn't need a topographical survey for the greenhouse and the drainage survey shouldn't cost \$5,000.00.

Mr. Hasbrouck said he went to see the property because it was on the Agenda and he asked Mr. Zeller to attend the meeting. The previous property owner put large chunks of timber down at the edge of the wetland and then filled in with dirt over the top of it. That is what Mr. Zeller is trying to clean up. He invited Mr. Zeller because he didn't think we should talk about an absent property owner. Mr. Hanoute explained that we weren't going to discuss his progress. We received a complaint and wanted to go over the plans to refresh the Planning Commission's memory.

Scott Dietrich, a Township resident, said he had gone out to inspect the site with the Zoning Administrator and thought Mr. Zeller had done a good job of cleaning it up. He agreed that Mr. Zeller should really go after the Agri-Business permit. His worry is that the business will expand and keep on expanding once they get the greenhouses in there.

Mr. Hasbrouck said the Township will be more cautious in the future and not try to write an Ordinance for a specific case, but wine tasting might occur there if Mr. Zeller was able to grow enough grapes because it would fit into the Agri-Business category. Mr. Hanoute said that Mr. Zeller hadn't asked for a review and this meeting wasn't scheduled as a Site Plan Review by the Planning Commission. Mr. Fumich observed that the

problem with Special Land Use requests was that you had to have good surveillance and good enforcement.

Karl Gill, a neighbor of Mr. Zeller's, said the Township had been told over a year ago that Mr. Zeller was going to open a greenhouse and he was asked to bring in a drawing of his parking places. Mr. Hanoute said that additional parking was required for an Agri-Business. When he applies for an Agri-Business Special Land Use Permit, he will have to bring in site plans, parking plans, and everything else discussed at the meeting or required by the Ordinance..

Mr. Gill said he thought Mr. Zeller had done a good job on the property but at one of the meetings it was decided that Mr. Zeller couldn't have his greenhouses on two different parcels. Mr Hanoute explained that Mr. Zeller could continue to operate the green house crossing the property lines because there has been no change in the existing zoning or use. When Mr. Zeller applies for an Agri-Business Permit, he will have to combine the parcels to bring them into conformance with the Ordinance and the Agri-Business conditions will be enforced at that time. Right now, he can go in there just the way it is and have greenhouses.

4) Review of the Planning Commission's Recommendations for School and Child Care Use of Property at 10441 Denton Hill Road (OS Parcel 11-200-12)

The Planning Commission determined that Christian Day Montessori has vacated the property, but the date when the occupant vacated the site will determine the status of the Child Care Special Land Use Permit (22.08) and/or the non-conforming use (26.02.C). There is no Special Use Permit on file with the Township and the owner has been unable to locate his copy of the permit. The parcel is zoned OS - Office Service, but it is the only nonresidential property in the area and might be considered for rezoning when the other commercial properties are rezoned to bring them into compliance with the Future Land Use Map.

Moved by Meisel, seconded by Radcliffe, to recommend to the Township Board that they issue notification to the property owner at 10441 Denton Hill Road, formerly known as Wooden Shoe Day Care, currently known as Christian Day Montessori, that they are in violation of Zoning Ordinance Section 22.08 and as such, their alleged Special Land Use Permit shall be revoked pending determination of the 90 day non-use period of the facility. And further, according to Article 26.02.C, discontinued use of more than six consecutive months shall discontinue the right to continue the use as a non-conforming child care facility in the OS Zoning District. Motion carried by unanimous voice vote.

The director of Christian Day Montessori will be contacted to determine the date when the building was vacated before sending the owner an Ordinance violation letter.

NEW BUSINESS:

OTHER BUSINESS FROM MEMBERS:

1) Dog and Mowing Ordinances:

Most mowing ordinances didn't allow for natural areas. The Planning Commission noted that it would be difficult to control everything in the Township. We have vacated or foreclosed properties, feuding neighbors, people who don't care; and people who want a natural appearance. It would be best to amend the beautification ordinance to specify who will do the mowing, how the costs will be handled and who will enforce it.

The Planning Commission asked for copies of other local Ordinances to review at the next meeting. They noted that stray dogs are probably a bigger problem than barking dogs. We rely on the County for enforcement

ZONING ADMINSTRATOR'S REPORT:

TOWNSHIP BOARD REPORT:

Mr. Hasbrouck reported that the Board asked the Attorney to write an e-mail last Tuesday afternoon stating that the Mathews Agri-Business request would be considered abandoned if they didn't come to the Board Meeting on Tuesday to finalize their request for a Special Land Use. The Board authorized the Attorney to prepare an injunction, but that will take a couple of weeks. If the Mathews do come before the Board, their request for Heavenly Scent Herb Farm Weddings will not be classified as abandoned.

The paint ball Facility is operating because the Special Land Use Permit was signed and issued. They have submitted their bond, but there are a few other things that need to be done and they don't have approval from the Livingston County Building Department for the use of a shipping container as an office so Mr. Soldan decided not to rent one. He is working out of a camper. Mr. Van Hecke and some Board members met with Mr. Soldan and Mr. Duberg and they were told to return to the Planning Commission with a revised drawing for approval of a site plan amendment.

ADJOURNMENT: 9:30 p.m. by Chairman Hanoute

FUTURE AGENDA ITEMS:

NEXT MEETINGS:

August 4, 2009 - Township Board Meeting

August 11, 2009 - Planning Commission Meeting

August 25, 2009 - Planning Commission Meeting


Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission


Laurie Radcliffe, Secretary
Tyrone Township Planning Commission