

TYRONE TOWNSHIP PLANNING COMMISSION

APPROVED MEETING MINUTES

August 11, 2009

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

ABSENT: Laurie Radcliffe

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

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

1) Scott Dietrich, 13505 White Lake Road, asked to address the Planning Commission during discussion of New Business, Item 2 and Old Business, Item 3.

APPROVAL OF THE AGENDA:

1) Chairman Hanoute asked for an amendment to the Agenda to move the introduction of the Township Engineers from New Business to the Subcommittee Report

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

APPROVAL OF THE MINUTES:

1) July 28, 2009 Meeting Minutes

Moved by Butler, seconded by Kempisty, to approve the July 28, 2009 Meeting Minutes as corrected:

Page 2, Line 21: (current edition of **The Beautification Ordinance (Ordinance-
Number 30A)**)

Page 2, Line 47: (...limit the number of boats-...)

Page 3, Line 2: (a house was for sale, or...)

Page 3, Line 13: (...side and rear lot lines"

Page 3, Line 21: (~~Anything exceeding the length and height specified would be
considered as a permitted exception.~~)

Page 3, Line 35: (time to talk to about revising the Master Plan...)

Page 3, Line 47 (Review of previous...)

Page 5, Line 28: (that ~~the~~ are in violation...)

Page 6, Line 11 and 22: (add periods)

CORRESPONDENCE:

SUBCOMMITTEE REPORT:

1) Introduction of the New Tyrone Township Engineers

Victor Lukasavitz a principal of Gould Engineering introduced Martin Spees who will act as the contact person for the Township. All official documents will be reviewed, signed, and sealed by one of the Gould Engineering principals. In addition to Consulting Engineer services, they also provide design services and grant application assistance.

OLD BUSINESS:

1) Discussion of Proposed Revisions to the Township's Recreational Vehicle Storage Ordinance, Article 12.19 - Outdoor Storage (8/04/09 rev.)

Township Planner Sally Hodges of McKenna Associates said that she had revised the definition of boat as discussed and combined the recreational equipment and recreational apparatus definitions. Item 21.19.B.1 was revised to reference the most current Beautification Ordinance, and B.3 was set off as a separate section to differentiate between vehicles used for storage and vehicles converted to some type of structure.

Page 2:

Item B.1 - Materials: The Planning Commission agreed to delete the references to "Ordinance No. 36A," "...storage for nine months...", and the last sentence that references storage of "...machinery, building materials, or other similar items..."

Item B 3 - Vehicles or Portions of Vehicles as Storage Units: The Planning Commissioners commented that two storage vehicles had been allowed for use at the paint ball facility; but the Livingston County Health Department will not approve one of the units as a temporary office for more than six months. After that it has to be removed or brought up to permanent structure status.

The Planning Commission discussed restricting the use of vehicle cargo containers for storage only, putting a time limit on vehicle storage; prohibiting conversion of vehicles to permanent buildings; limiting the form of storage by establishing a vehicle storage time limit subject to Township approval; allowing the vehicle storage use in lieu of a building if specifically regulated by site plan approval; and revision of the B.3 title.

Ms. Hodges said she would revise the text for discussion at the Public Hearing

Page 4:

Item b - Owner Occupied: The Planning Commission discussed limiting vacant lot congregate storage to existing locations unless approved by a site plan for new developments; restricting common use of residential storage parcels to association uses; regulating location, size, setbacks, amount of coverage and screening based on the Zoning; and regulation of storage by owner's associations or deed restrictions. Parcels in existence should comply with current zoning regulations and new storage parcels would have to be part of an overall site plan which lists the conditions of storage.

Ms. Hodges was asked to clarify the use of single ownership storage lots with dwellings, commonly owned storage lots without dwellings, and approval considerations for new commonly owned recreational vehicle storage lots.

Item d: - Number of Recreational Apparatus Units: The Planning Commission considered the potential of boats with flying bridges or pontoons with sleeping decks to exceed the height limits referenced in this section; the current highway height restrictions; and the size of "big" and "small" boats related to lot coverage.

The Planning Commission decided to continue discussion of this requirement at the Public Hearing.

Page 6:

Item 3.a - Temporary Portable Storage Units (PODS) - The Planning Commission discussed the length of time a storage POD would be allowed on a residential parcel and the amount of time it would take to load a storage POD.

Ms. Hodges will revise the text to reference a "residential lot" rather than a "zoning lot" and to allow the POD to be located on a temporary basis for a period not to exceed 1 week and not more than two times in any given 60 day period.

Item 3-b. - Location of Unit: The Planning Commission requested revisions to the last sentence to read, "The PODS unit must be located in the driveway of the residential lot, at the furthest accessible point in that driveway from the street."

Mr. Spees asked if there was a provision which would allow extension of the two weeks per month provision of Item 3.a. in the case of a fire or similar hardship. Mr. Spees was told that there is an Ordinance provision for the use of a mobile home as temporary housing in the case of a hardship and the permit is issued by the Zoning Administrator.

2) Discussion of Parcels to be Rezoned From B-1, B-2, and ES to Planned Commercial Services (PCS) and Consideration of Additional PCS Locations Continued From the July 28, 2009 Meeting

Ms. Hodges provided copies of some proposed revisions to the Master Plan Map showing the existing Master Plan categories and expansion of the PCS zoning to some new areas adjacent to US 23.

Immediately south of Center Road, the current map shows Planned Commercial Services behind the Planned Office Category. Commercial uses won't want to locate where there is no exposure to the freeway so Commercial uses were concentrated near Center Road where there is good access, with Office uses south of the Commercial area.

The frontage along the US 23 Freeway south of Dean Road was expanded to PIRO use and extended all the way down to the property north of the Cider Mill Mobile Home Park at Parshallville Road and Old US 23. At this point, the commercial and industrial development is confined to the west side of US 23 because of utilities. The intent is to separate residential use from Freeway although there is a 5 acre commercial development area contained within the Irish Hills PUD. To pursue the new plan, the Planning Commission will have to amend the Future Land Use Map.

North of Hogan Road there is a hilly area next to the Expressway and most of the parcels are designated residential at this time. On the north, the area is bounded by the power line. South of White Lake Road there is the M-1 concrete plant parcel surrounded by wetlands. It can be rezoned to PCS or left alone until we have a PIRO district. Several of the parcels aren't Master Planned for commercial zoning so the Master Plan should be amended before we begin the rezoning process.

NEW BUSINESS:

- 2) **Request of Jim Soldan to Amend the Tradin' Paint Site Plan as Recommended by Members of the Township Board and George Van Hecke and to Conduct "Haunted Hayrides" in the Fall, Pending Receipt of Revised Site Drawings (Article 23-09 and 23-13).**

Mr. Soldan and Mr. Duberg said they didn't have any new site drawings. They were told to come before the Planning Commission because they weren't allowed to have an office trailer as shown on the conditionally approved site drawing. So far, they have met all the conditions of approval, except for the landscaping which will be done in the Fall. Bonding has been taken care of and the Livingston County Drain Commissioner has approved all drainage issues.

When they went to get an electrical permit for their Office Trailer, the Livingston County Building Inspector came back with a list of things that were missing from their office trailer plans---a foundation plan, anchoring straps, a mop sink, drinking fountains, an energy study, and so on. They had to comply with the conditions or remove the trailer after six months, so they sent the trailer back and put up a tent. The Building Department doesn't have a problem with the storage trailer.

The County wanted an electrical plan, a septic system plan, water plans, and indoor toilets. The Health Department told them they only needed 2 porta-potties for a temporary use while the Building Department said they needed 4. Mr. Van Hecke told them to request a site plan amendment because they didn't have an office trailer, but all a new drawing would show is that there is only one trailer and a tent instead of two trailers.

Ms. Hodges commented that the Planning Commission process is to determine if the change is a major or minor site plan amendment. Looking at the plan it appears to be minor, but the Ordinance requires a revised site plan for Planning Commission review and determination.

Mr. Hanoute asked for a revised drawing showing how far their development has gone to date; noting the approvals they have received from the County to date and the items that don't have to be shown if there is no office trailer---the public water supply, the septic system, the handicapped provisions, the electric supply, and so on. Once the drawing is received, the Planning Commission can schedule the review.

Mr. Hasbrouck asked about the hay rides. Mr. Duberg said they would only last about six weeks from September to the end of October. Ms. Hodges explained that would be a change in the Special Use conditions and they would have to go through another Public Hearing and Site Plan Review process if they really wanted to add another use. Mr.

Hanoute reminded them that they still needed to provide revised drawings to go with their request whether they decide to include hayrides or not.

Mr. Dietrich said he had a question about the haunted hayride parking and noise. Mr. Hanoute said that there would have to be a new Public Hearing for the new hayride use and that could be discussed at the hearing. Mr. Meisel said they would probably have to include parking lighting and plans to control the kids in the new request.

Mr. Dietrich asked if the taxes had been paid as required by the Ordinance. Mr. Hanoute said that would have been reviewed by the Board when they issued the permit.

3) Special Land Use Permit Request of Paul White for Use of Property at 9485 Center Road (Woody's Towing) for Location of a Class B Auto Dealers Office. The Earliest Public Hearing Date Would Be September 8, 2009.

Mr. Hanoute asked if all of the Planning Commission members had received a copy of Mr. White's drawing and were ready to set a hearing date. Additional site information will be required for the Public Hearing and Mr. White should provide it prior to the hearing. There are parking requirements for Woody's Towing while the law requires that Mr. White designate ten spaces on the site plan for his use. The Township is required to certify that the site plan meets the requirements of the law. Mr. White told him the state requirement was for 1200 square feet of parking, but it doesn't say anything about 10 slots.

Mr. Hanoute asked if Woody was currently selling used cars at the site because of the unlicensed vehicles parked there. Mr. White said they were probably abandoned vehicles that Woody picked up off the expressway and had to hold for so many days before he could sell them. Mr. Hanoute wondered why they were being held in the parking spaces instead of the bulk storage area.

Ms. Hodges told Mr. White that the Ordinance parking requirements hadn't been addressed on the site plan for both the existing operation and what he proposed to add. Mr. Hanoute said the law indicates that the Township must certify a drawing to the State that meets their requirements. If the law says he needs 10 parking places, they have to be designated on the site plan, over and above the parking required for the owner of the property, whether Mr. White plans to use the spaces or not. The convenience store requires 6 parking spaces and the auto repair requires another 12 in addition to parking spaces for each employee and each transport vehicle.

Mr. White said Mr. Wood was working with the Road Commission to use their easement for parking. All the State law requires is that he has a minimum number of spaces, but it doesn't say he has to use them. Mr. Hanoute read from the state law which required, "Land use of no less than 1300 square feet to accommodate the display of a minimum of ten vehicles," and that meant that ten spaces had to be designated for display.

Mr. White explained that he has been to Lansing many times to discuss it with the Bureau, and they are getting ready to file a Class Action Law Suit against the State to grandfather his license requirements back to the way they have been for the last 28 years. The suit will be initiated next week, but the State told him they won't have a problem if he only keeps one car at Woody's. That is what he will do, and he will put it in writing. The state says you only need 1200 feet of parking. Technically, you can park

the cars in back of one another or 5 in a row if you want to. Mr. Hanoute agreed and said that all he had to do was show that on the site plan.

Mr. White commented that the golf course had 50 cars some days and some days they had 500 cars. Mr. White asked why they could have 500 cars over there. Ms. Hodges explained that the Planning Commission has to look at the fact that he is proposing to add a new use to an existing use. The site has to be in conformance with the Zoning Ordinance and the parking has to be delineated to meet the required number of spaces required by the Ordinance. The Planning Commission will review the site to insure that his use meets the Zoning Ordinance requirements. Mr. Hanoute said the Township doesn't have to enforce the State requirements, but if there isn't sufficient parking to meet their requirements, the State won't issue his license.

Mr. White asked if he could just draw lines through the east side of the parcel to show more parking spots. Mr. Hanoute said that as long as he could meet the Ordinance circulation requirements, he could add more lines if he needed them and the display parking might not have to meet the Ordinance requirements for 24 foot circulation aisles. He would need to show parking calculations on the drawing for his requirements and Woody's requirements and they should be shown graphically on the drawing. Delta Engineering knows how to do it.

Mr. Meisel noted that Tyrone Hills Golf Course doesn't have to meet a state requirement which says they have to demonstrate a certain number of parking spaces. Mr. Wood can demonstrate that he has all the parking requirements, but the Planning Commission wouldn't say how he has to use them. The way Mr. White wants to use them doesn't matter. The state language doesn't say he has to use them, but it does say he has to have them allocated.

Mr. White asked if he could get a letter from the State stating that he didn't need allocated parking slots, but just square footage because he has hashed it over with the them. Mr. Meisel and Mr. Hanoute reminded him the state language said no less than 1300 square feet to accommodate the display of a minimum of ten vehicles. That is what he has to show. He just needs to bring something that complies with the law so the plans can be certified by the Township.

If the Township Board directs the Planning Commission to not follow the State or Ordinance requirements, then the Planning Commission won't ask for them. Mr. White said he had already discussed it with all of the Board members, and the agreement was that he would give the Board a letter to the effect that he wouldn't park there and that is why they approved his permit. His cars are strictly ordered on a customer basis after he takes their calls. People go direct to the auction and get them.

Mr. Meisel asked why the Planning Commission was making Mr. White comply with the State requirements if we don't enforce them. Ms. Hodges explained that the Planning Commission wanted Mr. White to comply with the Zoning Ordinance. If he also wishes to have the Township certify that he meets State requirements, we are advising him that he needs to have the additional space. We are reviewing this use as a car dealership.

Mr. White asked if Tammy, one of the State Inspectors, could come to the location, meet with one of the Board Members, and then tell the Township Board it was OK. Mr. Hanoute said Tammy probably wouldn't know what the Township's requirements for

Woody's parking would be. He probably doesn't have enough parking for himself. If you asked Delta Engineering to do a parking calculation for the site, you could see that.

Mr. Hasbrouck said if the State would give him an exemption for the parking area and the 10 spaces, that would be a different situation. Then we could certify that he doesn't have ten spaces, but it is O.K. to have his office there. Mr. Hanoute reminded him that any exemption would have to be in writing and Ms. Hodges said he would still have to meet some of the Township's car dealer requirements. Mr. White told Ms. Hodges that (Supervisor) Andy Schmidt has already approved his license and he approved it two years ago after the new law was in effect.

Ms. Hodges explained that he needed to take the site plan and identify the parking for Woody's and a reasonable place for car display not just some place in the middle of the parking lot which could impact the traffic circulation on the site and cause the Planning Commission to say his plan won't work. There needs to be a reasonable solution.

Mr. Spees, the Township's Engineer, suggested having Joe Wizynajty's contact Ms. Hodges directly because he would be doing the drawings for Delta Engineering. Mr. White would receive a copy of the Minutes so Mr. Wizynajty would know what the issues were and someone from Delta could contact Ms. Hodges about the drawings. Ms. Hodges said she would prepare some comments for the Public Hearing.

Mr. Hanoute asked Mr. Hasbrouck what the protocol was for enforcement of the Zoning Ordinance because of all of the non-conforming signs at the Center Road - Old US 23 intersection. Mr. Hasbrouck said the complaint could go directly to Mr. Van Hecke, but it should be in writing.

Mr. Dietrich commented that the location where Woody parks his big equipment could conceivably provide several parking spots back to back. Mr. Hanoute reminded Mr. White that the parking area for the Woody's transport vehicles should be included in the site plan and noted that there appeared to be a difference between the site plan and the current condition of the site based on the GIS information.

With the concurrence of the Planning Commission, Chairman Hanoute told Mr. White the Public Hearing would be held on September 8, 2009 at 7:30 p.m.

OTHER BUSINESS FROM MEMBERS:

1) Consideration of Hunting Club Regulations for Private or Public Facilities

The Township receives many calls for information about hunting locations for rent or purchase. The most recent requests have been made about the purchase of large parcels for hunting club locations.

Beth Golden, 12285 Ivy Lane, and Wayne Smith, 12293 Ivy Lane, said they attended the meeting because they were concerned about hunting areas in proximity to residential developments. They had heard a hunting area was going to be located close to their property in Southwyck. Mr. Hanoute asked if the Township had any ordinances about the discharge of firearms and was told that the State regulations applied.

He asked Ms. Hodges to research some basic regulations that the Township might want to review and have the information included as an Agenda item for the next meeting. Mr. Hasbrouck commented that this was a rural area, and people living here liked to hunt. He hasn't heard of any problems with Hunt Clubs. Mr. Smith said he was more concerned about hunting by the day than he was about hunt clubs.

2) Ordinance Revisions

Mr. Meisel reported that some page deletions had been discovered in Article 21.00 of the Zoning Ordinance and replacement sections will be provided.

ZONING ADMINISTRATOR'S REPORT:

ZBA REPORT:

1) Encroachment

Mr. Meisel said the ZBA had reviewed a case where a resident had intentionally built an addition on his house without a permit. He increased the length of a nonconforming building and then didn't report the length of the addition correctly. However, the new addition does not require trespass on the neighbor's property to get into the applicant's home as it did before the addition.

There was a split decision to allow the addition to remain, but the owner was warned that if additional enlargement occurred, it would all have to come down. Mr. Hanoute commented that on a previous occasion, the ZBA gave the builder the option of buying additional property from the neighbor or tearing the addition down.

TOWNSHIP BOARD REPORT:

1) Board Vacancy

Mr. Hasbrouck advised members of the Planning Commission and the audience to submit an application to act as a Township Trustee in place of Mr. Nagy who has resigned.

2) Tradin' Paint Site Plan Conditions

Mr. Hanoute said that based on tonight's discussion, he wasn't sure that all of the paint ball site plan conditions had been met. He wanted to make a request to the Township Board that the Zoning Administrator be asked to inspect the site and the site drawings to see what conditions had been met. He didn't want to approve a Site Plan amendment if there were other conditions which needed to be reviewed.

3) Home Occupation

Mr. Butler said he had heard rumors that Yoga classes were being held in a local home. It was decided that Mr Butler should determine the location of the classes and then contact the Zoning Administrator about a Home Occupation Permit.

ADJOURNMENT: 9:45 p.m.

FUTURE AGENDA ITEMS:

Recreational Storage Review
Hunting Regulations
PIRO District Review
Master Plan Revisions and Adoption Process
Soldan Paint Ball Amendment

NEXT MEETINGS:

August 25, 2009 - Planning Commission Meeting
September 8, 2009 - Planning Commission Meeting and Public Hearing
September 22, 2009 - Planning Commission Meeting



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission