

TYRONE TOWNSHIP PLANNING COMMISSION

APPROVED MEETING MINUTES

August 25, 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:

1) Scott Dietrich, 13505 White Lake Road, complained about the constant noise from a motorcycle track located near his home. He didn't know if the owner was charging admission to the track, but there is noise day and night.

Mr. Hanoute said there were ordinances about noise and possibly racing trails. Mr. Dietrich's first step would be to contact the Zoning Administrator in writing for an investigation of the site and the noise level.

2) Marc Mcaffery, 12285 Ivy Lane, asked to address the Planning Commission during discussion of Old Business, Item 5 - Hunting Guidelines.

APPROVAL OF THE AGENDA:

1) Mr. Fumich asked to add a discussion of proposed mowing and dog ordinances to the Agenda as Old Business, Item 6.

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

APPROVAL OF THE MINUTES:

1) Approval of the August 11, 2009 Meeting Minutes

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

Page 5, Line 40: (Delete the comma after 'easement')

Page 6, Line 23:...(~~Mr. Wood~~ ~~Woody~~ can demonstrate...)

Page 6, Line 46: (...that he meets ~~State~~ ~~Sate~~ requirements...)

Page 7, Line 4: (...if the ~~State~~ ~~Sate~~ would give him an exemption...)

Page 8, Line 3: (~~Mr.-Ms.~~ Hasbrouck commented...)

Page 8, Line 33: (Mr. Hasbrouck ~~advised~~ members of the Planning Commission ~~and the~~ ~~of~~ audience..)

CORRESPONDENCE:

SUBCOMMITTEE REPORT:

OLD BUSINESS:

1) Request of Jim Soldan and Greg Duberg for Approval of Proposed Amendments to the Tradin' Paint Site Plan (Aug 18, 2009)

Mr. Duberg explained that they removed their office trailer and replaced it with a tent located where the office was shown on the last site drawing. The trailer was removed because the County Building Department wouldn't approve it for the use they originally proposed.

Tyrone Township Planner Sally Hodges of McKenna Associates said she had just received the plans this morning. Even if the tent substitution is determined to be a minor change, a complete revised site plan is required because there are some questions about whether all the notes and conditions were recorded on the site plan that was approved by the Township Board. She couldn't tell from the drawings received what was completed for Board review. She had questions about the ground surface under the tent, the grading, and the access, but the bigger issue is not having all the sheets with the notes and conditions of Special Use approval.

Mr. Hanoute was informed by Mr. Duberg that three sets of drawings were provided. The Recording Secretary explained that the drawings were sorted when they were brought to the Township. Each set had three sheets in one group and twelve in the other. Mr. Hanoute received one set and one set is on the table for Planning Commission review, but the set forwarded to Ms. Hodges contained only the group of three sheets which were the ones the applicant's Engineer had corrected.

Mr. Duberg said the only change in their plans is the removal of the office trailer and location of a tent where the office trailer was shown on the original drawing. Mr. Hanoute noted that handicapped parking was designated, but not shown on the site drawings. That was a condition that should have been shown on the drawings sent to the Board. Mr. Duberg said a different set of drawings was dropped off with all of the changes on it for the Board.

Mr. Hanoute replied that parking was a minor issue that could be noted on the drawing, but another issue was the access to the dumpster. Mr. Duberg said they didn't have a dumpster. They only have one bag of garbage each time they use the site and they take it home. They would get a dumpster when they get busy enough. Mr. Hanoute said the future dumpster access and location still needs to be shown on the site plan.

Mr. Hanoute said that the biggest site plan issue is the parking lot drainage. The drawing notes that the drainage flows overland to the pond, but the grade between the pond and parking lot is higher than the parking lot. Mr. Duberg said that was a drawing error because they just had a big rain and there is no water standing in the parking lot. Mr. Hanoute replied that the plans should show where the water goes and how it gets from the parking lot to the pond. Originally, they were going to create a swale on the north side of the parking lot with a culvert under the driveway to another swale going down to the creek. When he looked at the site, that wasn't done.

Mr. Duberg said the Road Commission changed the drainage plans after they did some calculations. Mr. Hanoute said they needed to show that on the drawing and note that it was approved by the County. If you are providing an amended site drawing you need to show all the amendments. The only record the Township has shows a 911 contour between the parking lot and the drain, and the parking lot is shown at 910. If the Board agreed to defer completion of the landscaping, that should be noted on the drawing too.

Mr. Hanoute asked if they had an agreement with the County Road Commission on their approach since the deceleration lane and the paving aren't in and the approach is too steep. Mr. Hanoute recommended doing something about the approach as soon as they could because of safety issues. His problem isn't with the request but with the information.

Responding to questions from Ms. Hodges, Mr. Duberg said the tent floor was gravel and it extended beyond the tent. For the record, Ms. Hodges said she was very concerned about only having one copy of the plan to look at this evening, especially when there has been discussion about whether the plan on file was complete and all the conditions of the Special Use were met. This is an opportunity to get a complete set of drawings to show what is built there now so it can be reviewed and all the conditions checked. If the Commission as a whole is confident that the drawing reflects all the requirements of Special Use approval and everything that was required from the previous plan, she would recommend going ahead, but it is hard to know if that is the case.

Mr. Meisel observed that a note should be added to the first page about the variances granted by the ZBA. Otherwise there is a mismatch between the proposed and existing driving surfaces and parking surfaces. Ms. Hodges explained that at this point the drawing should be a recordable document. If the record isn't correct, someone might try to enforce regulations against them that differ from what was actually approved.

Mr. Duberg said all the plans were turned in before the Board approved the Special Use. They sent a revised plan in after the last Planning Commission review that was dropped off three days after the last meeting in May or whenever it was. The changes are on those drawings. Mr. Soldan said the Township is in possession of the changes and he wanted to know if the Planning Commission wanted to have the same thing.

Mr. Hanoute said no follow through procedure was established at the time the conditional recommendation was forwarded to the Board. At this point, we don't know if the Special Use conditions have been met. Someone should be assigned to visit the site to see if the approved conditions have been met or not. If they haven't been met, all of the changes made should be shown on an amended set of drawings. Ten copies of all drawings should be submitted for Township review and Township records.

Mr. Hasbrouck asked if the drawings submitted to the Board had shown the office trailer. Mr. Duberg said they had. Mr. Hasbrouck explained that the trailer is one of the things that should be shown in a revised site drawing. Mr. Soldan said that the Planning Commission has that drawing now and the Planning Commission should make a recommendation to eliminate the trailer and allow a tent. They were told by part of the Board and George (Van Hecke) that they just had to come in and ask for a deletion, not to go over the whole plan again. Ms. Hodges agreed with Mr. Soldan that using a tent

would probably be considered a minor site plan amendment under terms of the Ordinance, but the Ordinance also requires a full set of drawings for Planning Commission review to insure that the only change made was the use of a tent instead of a trailer.

Mr. Meisel explained that we should be looking at drawings where all of the conditions are set forth, all of the changes are made, all of the changes you want to make are on the drawing, and the Livingston County changes can be verified. Mr. Duberg asked if they thought the drawing (rec'd 08/18/09) didn't do the job. Mr. Hanoute and Ms. Hodges said it didn't do the job for the changes to the access, the driveway, the parking, the drainage, the handicapped signage, and the tent flooring surface. The dumpster information wasn't accurate, and the ZBA variances weren't shown. Mr. Hanoute said a note about the temporary driveway should be on the front of the drawing.

Mr. Kempisty asked if the road base is acceptable if the asphalt isn't put down. Mr. Meisel said the ZBA deviation was made to allow a soft surface in place of a hard surface. If the asphalt cover listed on the drawing isn't required, the rest of the drive should comply with the Township's requirements for a gravel driveway. Mr. Hanoute explained we couldn't tell that if we didn't know what the variance specified. We should consult with the Township's Engineer to see if the existing base meets our requirements. Mr. Meisel said that the current drawing showed the requirements for hard surface, if they ever get to that point. The ZBA did make provisions for dust control and asked to have that administered by the Zoning Administrator.

Mr. Duberg explained that all of the changes requested at all of the Township meetings were put on the drawings and submitted to the Township Hall. Page 4 shows handicapped parking. Mr. Hanoute told him the signage has to be specified by type and location because the lot is now graveled. That is a detail that should be added to the drawing.

Mr. Hanoute asked if the Planning Commission would have to ask the Board to authorize the Zoning Administrator's review of the site to check for compliance with the Township's conditions. He asked Mr. Hasbrouck how inspection requests should come to the Board. Mr. Hasbrouck replied that there should be a final copy of the drawing first so the Zoning Administrator knows what has to be there.

Ms. Hodges commented that this evening's drawings should be a complete set showing what was approved, what was changed, and what is there now so it can be approved, approved with conditions, or denied. Mr. Hanoute wondered if he was out of line in asking if review of the site is part of the Zoning Administrator's responsibility. Mr. Meisel asked what the Township policy was in regard to an approval with conditions. He was told by the Recording Secretary the plans are reviewed for compliance with any conditions of approval before they are signed by the Planning Commission Secretary and forwarded to the Board. That is the usual procedure unless the Board requests the plans prior to completion, in which case the most recent set of plans received from the applicant are forwarded as presented without further review or the Planning Commission Secretary's signature.

Mr. Meisel said that the Board has specifically stated that they don't like conditions. Mr. Hasbrouck noted that even if we receive a set of drawings that meets all conditions if it still doesn't mean it will be built that way. Reviewing a complete set of 'as built' drawings

is critical and we need to have a process that covers it. Mr. Hanoute said that should be true of any site plan the Township approves. He wondered who goes into the field to review and enforce the plans. Mr. Meisel said that in most cases, the Township relies on Livingston County.

Mr. Hanoute didn't think there was any problem with the tent, but the Planning Commission wasn't in a position to approve this site plan. Mr. Duberg returned to the handicapped parking issue, and said it wasn't on any list of conditions the Planning Commission made. They gave their engineer a copy of all the conditions the Township made in writing and he made all the changes on the drawings, submitted it to the Township, they approved it, and he received a land use permit. Mr. Hanoute said that was because the original drawings showed an asphalt parking lot with markings on the surface. After the change to gravel, the ZBA should have told them they needed to show the location and type of handicapped signs.

Mr. Meisel noted that the Township provided them with requirements for temporary use of the site. Unfortunately, the County has been unwilling to allow those conditions. They set forth more stringent conditions and burdened them with requirements for septic tanks, water supply, and handicapped parking. Mr. Duberg said the County only required one handicapped parking spot. Mr. Hanoute and Ms. Hodges said that was wrong based on the number of parking spaces proposed. Mr. Soldan said the County told him the Township's Ordinance wasn't worth the paper it was written on and Mr. Duberg said he has a piece of paper that says the building inspector overrides the Township and even overrides the County Health Department.

Mr. Meisel asked them to provide some ammunition in the form of the paper they received from the Building Department. Mr. Duberg said they provided copies at the last meeting. Mr. Meisel told him we would have to look at the County requirements and the Township requirements and comply with the most stringent. If we had a list of the County's requirements, the Planning Commission could look at them and tell you what you need to do. Right now all we have to work with is our Zoning Ordinance.

Mr. Soldan said he was all for sitting down with a couple of people who could tell him what needed to be done, but to continue to be humiliated and chastised in public was getting to him. Mr. Duberg said they met with George (Van Hecke) for an hour and a half and he went through all the conditions the Planning Commission put on the site plan and said we were in compliance except for the office trailer not being on site and he was told to add a berm because the sign was too high above the ground. Other than that, we met all the conditions and he gave us a Special Land Use Permit for that site. Mr. Hasbrouck said he thought the Clerk signed the Special Land Use Permit because Mr. Soldan was in a hurry and wanted to get approval. Part of the problem is that they changed things or had things that had to be changed after the approval because of the Building Department. Mr. Duberg said the Land Use Permit had Mr. Van Hecke's name on it.

Mr. Hasbrouck commented that they already had received a major concession because they didn't have to pave the driveway or parking lot. Now they have to get the paperwork squared away. Everyone here wants to see you succeed. Mr. Soldan said that after all the discussion he still doesn't know what he is supposed to bring in. Mr. Meisel said they should bring in copies of all the requirements they have to meet and the business card of the person at the Building Department that they talked to.

Mr. Hasbrouck said that we should do an inspection for verification once we get a complete set of drawings. Mr. Hanoute said he had given them a "heads up" about the drainage. If they bring in another drawing that still doesn't show the drainage changes and approvals, they will still have to come back and make another drawing adjustment after someone goes out to inspect. All the changes should be on a list and on the drawings. Mr. Hanoute said he and the Recording Secretary would act as the committee to review their final drawings.

Mr. Duberg said that it was expensive to pay for ten sets of drawings with twenty pages. Mr. Meisel said if they could meet with Mr. Hanoute and pencil in the changes on one of their drawings they would only need one more set. When Mr. Soldan offered to have their Engineer come in, Mr. Hanoute said he would prefer to work with Mr. Duberg and Mr. Soldan.

Mr. Kempisty asked if the Planning Commission should be concerned about the bond and the taxes. Mr. Meisel explained that bonds are set by the Board. At the time the Planning Commission reviewed the rezoning request, the taxes were current.

Mr. Hasbrouck suggested having the Township's Engineer review the plans once they have been completed. That might be something to discuss in the future. They should be reviewed before the Planning Commission even looks at them and we could send them to the Planner too. Then we can look at them after they are happy. Mr. Hanoute commented that most Townships follow that procedure. Mr. Meisel's concern was that the costs would make it difficult for the small person. Mr. Hanoute noted this was becoming a process discussion and suggested continuing it at another meeting.

Moved by Meisel, seconded by Fumich, to table the review of the Tradin' Paint site plan amendments pending receipt of information acceptable to the Planning Commission. Motion carried by unanimous voice vote.

Mr. Hasbrouck observed that this wouldn't keep Mr. Soldan and Mr. Duberg from doing business. They are open every weekend and they have people there. If it takes an extra couple of meetings to get the plans and approvals right, we need to take the time to get it right.

2) Review of the Proposed Revisions to Article 21.19 Outdoor Storage Prior to Attorney and County Planning Department Review.

Ms. Hodges said Section 21.19. was revised as requested. The biggest change was related to storage on Common Lots (Item 21.19.C.1.3) which allowed the existing lots to continue, but included provisions for new locations in certain circumstances pending site plan approval (Section ii). There are campground regulations elsewhere in the Ordinance and they are classified as a Special Land Use.

Mr. Hasbrouck commented that Article 21.19.C.2 - Commercial Parking was limited to one small commercial vehicle per parcel. There are many people in the Township working out of their homes with several large vehicles. Ms. Hodges noted that this article did not specifically reference outdoor parking, although that was the intent. There was no limit on the number of vehicles which could be parked indoors so she would make sure that all of the sections specify outdoor storage. Mr. Hasbrouck was concerned about the potential for construction of large storage buildings in residential

areas to be used for storage. The Planning Commission thought that the coverage requirements and accessory building requirements would make that difficult (Article 2 - Lot Coverage, Article 2.02 - Schedule of Regulations, Footnote O).

Mr. Hasbrouck asked if the Ordinance would restrict the parking of commercial vehicles used in farming. Mr. Hanoute said there was a distinction between a private vehicle and a commercial vehicle for hire (Article 2 - Definitions). Storage was limited to one commercial vehicle outside, but there could be multiple vehicles stored inside and multiple vehicles stored outside if they weren't for hire. Ms. Hodges said that the more commercial vehicles that were located on a residential lot, the more likely it is that the lot is being used to conduct a business. That may be O.K. on twenty acres, but when you get down to two acres it could be a problem. The Ordinance already has exceptions for farm equipment.

Moved by Meisel, seconded by Fumich to forward copies of the text to the Township's Attorney and the Livingston County of Department of Planning for review and comment. Motion carried by unanimous voice vote.

3) Review of the Master Plan Revision and Adoption Process (8/20/09 rev.)

Ms. Hodges recalled that the Planning Commission has reviewed the existing B-1, B-2 and ES parcels for rezoning to PCS. Some of the existing sites are not Master Planned as commercial (PCS) areas. The options are to rezone the parcels currently Master Planned for PCS or wait to do all the commercial parcels at once after the Master Plan has been revised.

Updating the Master Plan would require authorization from the Board to send a Notice of Intent to Plan to adjacent communities and the public utilities or government agencies registered with the Township. That is usually a written notice offering the option of receiving an electronic copy or paper copy of the Master Plan as preferred.

Mr. Hanoute wondered if there should be a joint meeting with the Board regarding the objectives and costs associated with the update and asked Ms. Hodges to prepare an estimate of costs for updating the Future Land Use Map and the Master Plan. Ms. Hodges explained that the Board isn't required to approve the Master Plan before authorizing a Notice of Intent. Under statute, the Planning Commission has final approval of the Master Plan unless the Board has passed a resolution allowing the Board to have final approval. However, any updates are forwarded to the Board for review and for authorization to distribute the plan. Mr. Hasbrouck wondered if a joint meeting with the Board would be necessary or if a letter from the Planner would be sufficient to explain the costs and the process.

Mr. Hasbrouck explained that a strategic planning survey was being prepared by the Board regarding the Township's appearance, services and staff. Mr. Meisel thought the survey would be more about services than it would be about land use.

Ms. Hodges commented that a serious change to consider would be whether to keep the residential appearance along the freeway or to open it up to industrial and commercial development on the west side. Mr. Hanoute wondered why we wouldn't want to open that discussion to the public now instead of waiting for five more years. Ms. Hodges said expanding a discussion or visioning session beyond the current amendments would

make the price go up, but this might be the time to examine the map relative to the area north of Center Road and White Lake Road and prepare a broad development approach in case changes of ownership occur at the major intersections.

4) Review of the Proposed Options to the PIRO Zoning District (8/24/09 rev.)

Ms. Hodges suggested that the discussion be continued at the next meeting. She had changed the text to present the PIRO classifications as sub-districts rather than overlays to simplify the planning and rezoning process. There are general standards for the PIRO Zoning District and specific standards for each sub district.

5) Review of Sample Hunting Guidelines for Township Consideration

Mr. Hasbrouck said he hadn't asked the Board about their interest in the development of hunting guidelines. Mr. Meisel said that Board members he talked to felt that hunting was already regulated by the DNR.

Marc McCaffery, 12285 Ivy Lane, said he was interested because the developer of Southwyck Hills has filed a suit against one of his neighbors who has a 40 acre parcel adjacent to the southwest portion of the development. The owner brings in people to hunt and gunshots from the property are becoming more frequent. His concern is whether the DNR has any regulations about bringing in people from outside of the area who have guns or allowing people to shoot guns or rifles next to an R-1 residential area. He has concerns about the affect on residential values, whether game will be baited or stocked, and if there will be any restrictions on the weapons that can be used.

The gunshots sound like automatic or semiautomatic weapons. There is a great deal of grading occurring at the site and he asked if a Grading Permit has been issued by the Township to the owner. It appears he is putting in roads and berms and both owners are now in court because some of the grading has been done on the Southwyck property. He wondered if it would be possible to set up a ten acre buffer zone around Southwyck and if fee based hunting would be considered a commercial activity.

The Planning Commission noted that Hunt Clubs would be allowed as Special Uses in the FR and RE Zoning Districts under Article 22.05.F. If friends are being invited over to hunt, there probably isn't much the Township can do. Mr. Hanoute asked Mr. Hasbrouck to take the situation to the Board to see if they were interested in addressing hunting regulations for the Township.

6) Dog and Mowing Ordinance Development.

Mr. Fumich recommended adopting the Van Buren Township mowing ordinance for use by the Township. Mr. Hanoute explained that this was a regulatory type of Ordinance and the Board would have to handle it. In the case of grass mowing, Mr. Fumich could ask for an amendment to the Beautification Ordinance which could incorporate some of his points. The Board wouldn't need Planning Commission input for that.

The same process would apply to a dog Ordinance. Mr. Fumich wondered if there would be health and safety implications for the Township in case a dog came up and bit some one. We might need to have something in place for that.

Mr. Hasbrouck said he had contacted County Animal Control. They will respond to calls for roaming dogs or vicious dogs, but they won't come out for barking dogs. Barking dogs are considered a public nuisance or disturbance of the peace, and the Sheriff's department would be the agency to respond. Since the Sheriff doesn't have the manpower, they probably wouldn't be able to respond. The Board could authorize the Zoning Administrator to take care of it according to the requirements of the noise ordinance.

NEW BUSINESS:

OTHER BUSINESS FROM MEMBERS:

ZONING ADMINSTRATOR'S REPORT:

TOWNSHIP BOARD REPORT:

1) Board Appointments.

Mr. Hasbrouck reported that the Board had set some appointment criteria in February or March and part of that included advertising for interested citizens. Since there is a procedure in place, we have to follow it. The advertisement has been posted, and we are waiting for the time limit to expire. He didn't think that people who were already Planning Commission or ZBA members would have to provide an application, but they should talk to the Supervisor if they are interested in being reappointed. Mr. Meisel said he would e-mail a copy of the new procedure to all of the Planning Commission members.

2) Heavenly Scent Herb Farm

Mr. Hasbrouck said the Board met in closed session with the Attorney to discuss the Herb Farm's special Land Use request. At the end of session, the Attorney asked for additional time to further review the Ordinance language before making a recommendation.

3) Livingston County Department of Planning.

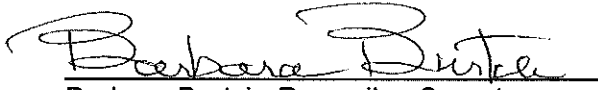
Mr. Hanoute reported that there had been a meeting with Kathleen Kline-Hudson, County Department of Planning Director, Beth Hammond of the County Planning Commission, and Rob Stanford and Scott Barr of the Department of Planning staff to review the services the County Planning Department provides for the Townships.

Mr. Meisel commented that one thing that was discussed was better communication. They suggested that we send a representative to the County Planning Commission Meetings to help answer questions whenever Tyrone Township items were on the County Planning Commission Agenda.

ADJOURNMENT: 9:05 p.m. by Chairman Hanoute

FUTURE AGENDA ITEMS:

NEXT MEETINGS:

Handwritten signature of Barbara Burtch in cursive script, underlined.

Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission

Handwritten signature of Laurie Radcliffe in cursive script, underlined.

Laurie Radcliffe, Secretary
Tyrone Township Planning Commission