

TYRONE TOWNSHIP PLANNING COMMISSION

APPROVED REGULAR MEETING MINUTES

November 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:

CALL TO THE PUBLIC:

APPROVAL OF THE AGENDA:

1) Mr. Hasbrouck asked to add a discussion of revisions to the Master Plan for addition of wireless tower categories to improve the availability of cell phone coverage and internet service to all parts of the Township as New Business Item 4

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

APPROVAL OF THE MINUTES:

1) October 27, 2009 Regular Minutes

Moved by Radcliffe, seconded by Kempisty, to approve the October 27, 2009 Minutes as corrected:

Page 2, Line 4: (...aware that the Bentley's appear to be in violation...)

CORRESPONDENCE:

SUBCOMMITTEE REPORT:

OLD BUSINESS:

1) **Recommendation requested by the Township Board for Paul White's Special Land Use Permit to operate White's Quality Used Cars Sales Office at Woody's Towing, 9485 Center Road, ES Parcel 117-400-006**

Mr. Hanoute explained that he had received a request from the Township Board through Mr. Schmidt to move White's Quality Used Car Sales Special Land Use Permit along to the Board and that none of the Planning Commission action should relate to Woody's towing and repair use. The Board believes that requirements have been compounding since the first review in July.

Conditions of Approval for Paul White Application (SLU and SPR)
As Modified November 9, 2009

1. Confirm the gross floor area of the convenience store. The portion of the building included in the gross floor area calculations must be delineated on the plan.
2. Parking:
 - The usable floor area calculation and parking calculations must be revised, as the Ordinance defines usable floor area as 75% of gross floor area (or a lesser number based on utilization), not 80% as calculated on the plan.
 - The spaces counted as parking (not display) must be clearly identified on the plan.
 - Show the dimensions of the parking spaces and aisles. One space may be dimensioned and labeled "typical;"
 - Show the striping of the parking spaces as required by Ordinance 25.02 and locate enough spaces to show that public parking requirements can be met;
 - Show the location and striping of the barrier free parking spaces as required (25.02). The handicapped parking sign may be located between parking spaces to avoid interference with the entrance to Bay 1;
 - Remove the employee parking spaces from the drawing
 - Meet all parking requirements on a revised site plan as stated in the Ordinance including number and dimensions, and the dimensions of maneuvering aisles (25.02, 25.04, 25.11.C);
3. If the applicant intends to use southeast gravel area for parking, paving must be added.
4. Storage:
 - Relocate the storage trailers from the front yard;
 - Add a drawing note to read, "All impound, transport and storage vehicles shall be stored within the fenced area."
5. Confirm that the plan shows the true footprint and dimensions of the main building.
6. Show location and type of screening for the dumpster---must conform to Section 21A.11 and be added to the plan.
7. Indicate the size of the trees to be used to landscape the southwest corner (as required by 21.A.)
8. Add photometric data to the site plan (21.37).
9. Signs:
 - Show the location and dimensions of all building signage in conformance with 27.02
 - Show the location and dimensions of all site signage.in conformance with 27.02

The Planning Commission members commented that both uses on the parcel require Special Land Use Permits so the property has to be able to meet the Township Zoning Ordinance and the statutory parking requirements for each use. The Site Plan being reviewed (10/07/09 rev.) has not addressed any of the approval conditions enumerated at the October 27, 2009, Meeting.

Ms. Hodges noted that the Zoning Ordinance requires approval of a Site Plan for any Special Land Uses as well as any change in use or remodeling of the site and/or buildings in the ES Zoning District (23.01.L). Section 23.02 allows the Planning Commission to waive any clearly unnecessary information requirements, but the applicant must state the waiver request reasons in writing. The required Special Land Use Public Hearing was held (9/08/09), but a hearing is not required for the site Plan Review.

Hod Morton, 11250 Foley Road, informed the Planning Commission that the Center Road site was never approved for its current use and it doesn't comply with the original conditions of approval. It has expanded twice, and now they want to increase the use again. As it stands today, it is non-conforming in terms of the original approval part of which required that all spare parts and wrecks were to be kept behind the building. Right now we have a resident in court for violating the Township's litter ordinance and Woody's site is just as bad. The Board has asked the Planning Commission to speed the recommendation along and he wondered if the Board's intent was to approve a non-conforming site for an additional non-conforming use. We shouldn't make Ordinance exceptions for some people but not others.

Scott Dietrich, a 13505 White Lake Road, said that other plans have been approved with conditions and Mr. White's request should be approved because he stands to lose his license if it is not.

The Planning Commission reviewed the McKenna Memo, "Conditions of Approval for Paul White Application (SLU and SPR)," dated 11/0/09 which summarized the required information discussed at the October 27, 2009 Meeting (Revised Attached).

Item 1 - Right of Way Parking:

The Planning Commission removed this requirement from the list based on the Livingston County Road Commission memo of November 2, 2009. However, if the site plan dated 10/07/09 is approved, parking in the right-of-way would not be allowed.

In any case, the trailers currently parked in the right-of-way and being used as storage structures should be located behind the fence. A separate Ordinance Violation complaint has been received regarding the parking and storage violations associated with Woody's Towing.

Item 2 - Gross Floor Area:

Required as stated for the convenience store floor area and delineation.

Item 3 - Parking:

Bullet 1 - Show revised useable floor area (75% of gross floor area) and revised parking calculations on the Site Plan.

Bullet 2 - Appropriately label the location of all parking spaces and all display spaces associated with the existing and proposed uses on the Site Plan.

Bullet 3 - Dimension and delineate all aisles and parking spaces on the Site Plan. One of the parking spaces may be dimensioned and labeled as "typical."

Bullet 4 - Show the required parking space striping as stated based on the Ordinance requirements (25.02). Locate enough of the striped spaces to show that public parking requirements can be met.

Bullet 5 - Locate barrier free parking and provide striping and a barrier free parking sign on the Site Plan as required. The Handicapped Parking sign may be located between parking spaces to free up the turning area in front of the first garage bay.

Bullet 6 - Remove the employee parking spaces from the drawing as stated.

Bullet 7 - Meet all parking requirements on a revised site plan as stated in the Ordinance including number, dimensions and maneuvering aisle dimensions (25.02, 25.04, 25.11.C).

Bullet 8: Deleted.

Bullet 9: Deleted.

Item 4 - Gravel Parking:

Paving is required as stated.

Item 5 - Storage:

Bullet 1: Delete.

Bullet 2: Relocate the storage trailers from the front yard as stated.

Bullet 3: Note on site drawing that all wrecked, impounded, and transport vehicles must be stored within the fenced area.

Item 6 - Footprint and Dimensions:

Show the main building footprint and dimensions on the drawing as stated.

Item 7 - Dumpster Location and Screening:

Show the dumpster location and screening on the site plan as required (21A.11).

Item 8 - Landscaping:

Indicate the type and size of trees used to landscape the southwest corner on the site drawing (21A).

Item 9 - Photometric Data:

Add photometric data to the site plan in compliance with the Ordinance as required (21.37).

Item 10 - Signs:

Bullet 1 - Show the building signage as stated. Note on the drawing that the building signs are in conformance with the Ordinance (27.02),

Bullet 2 - Show the site signage as stated. Note on the drawing that the site signage is in conformance with the Ordinance (27.02).

Item 11 - Prior Conditions:

Deleted.

The Planning Commission recalled that Mr. White's revised drawings were to be forwarded to Mr. Meisel for review of the conditional status before being forwarded to the Board and noted that Mr. White is in jeopardy of losing his license next year if the request is not approved. A recommendation could be made so the Board can move the request forward with another recommendation that by June 10, 2010, or some other reasonable date, Woody's Towing business will have to be brought into compliance based on an Ordinance Violation Complaint received in October.

Special Land Use conditions are related to the site drawing which becomes part of the Special Land Use Permit by incorporation. Conditional recommendations usually go to the Board with a revised site drawing showing that all the conditions had been met. Mr.

White told the Planning Commission he gave a new copy of the drawing (10/07/09) to Mr. Schmidt for review by Mr. Butler. Mr. Butler replied that his copy of the drawing was the same drawing the Planning Commission reviewed before and was looking at again tonight. Mr. Hanoute said it appeared that no effort was made to correct the site drawings in the last two weeks and Mr. White explained that the Township Board told him not to do anything else to his drawings.

Moved by Fumich, seconded by Hasbrouck, to recommend to the Township Board Site Plan Approval for Whites Quality Used Cars based on the conditions set forth in the McKenna Memo of November 9, 2009, as amended during this Planning Commission Meeting (11/09/09), although the conditions were not included in the Delta Engineering Site Drawing revised October 7, 2009 that was reviewed by the Planning Commission. The motion carried by a vote of 4 Ayes and 3 Nays.

Moved by Hasbrouck, seconded by Butler, to recommend to the Township Board approval of the Special Land Use Permit request for Paul White representing White's Quality Used Cars located at Woody's Towing as he has submitted the required data, a Public Hearing was held, and the expected impact to the site based on letters submitted by the applicant will be minimal because no used cars will be stored on site and the use would not make the site unusable for Woody's Towing. The motion was defeated by a vote of 2 Ayes and 4 Nays.

Moved by Meisel, seconded by Radcliffe, to reconsider Mr. Hasbrouck's Motion with the addition of the condition that the Special Land Use Approval is tied to the uses shown on an approved Special Land Use Site Plan. The Motion carried by unanimous voice vote.

Mr. Meisel commented that this gives the Board the option to require that the Ordinance conditions will be met prior to issuance of a Special Land Use Permit for 2010, to require that some conditions will have to be met, to require that no conditions will have to be met, or to modify the conditions and to determine how they will enforce the conditions or not.

2) Review of the proposed Master Plan and Future Land Use Map revision timetable prepared by Township Planner Sally Hodges

Ms. Hodges commented that the proposed Master Plan revisions would meet the State's requirements for Master Plan review and provide opportunities to consider additional locations for commercial and industrial areas within the US 23 Corridor. When the future use potential for property is changed, it is a good idea to bring residents into the process while the changes are being discussed. A change in the Future Land Use Map does not change parcel zoning unless the owner requests it or the Township forces it, but residents should be aware of the possibility that there may be non-residential uses on or near their property in the future. A visioning session has been included in the proposal in order to offset some resident's concerns before they surface at a Public Hearing. The time required to review, notice, and advertise the Master Plan is included as part of the process. The \$12,000.00 Fee Proposal includes new graphics, new text, and the cost of the visioning session. The Memo was presented as a quote for services rather than a cost estimate.

During a general discussion, the Planning Commission commented that:

- The Board's survey project has not been finalized;
- Inclusion of new uses (i.e. Wireless Tower Districts) requires conferencing with service providers, technology projections, and anticipated technology changes as part of the input;
- The current Wireless Ordinance provisions are written for line of sight communication equipment towers;
- Revision of the Future Land Use Map as part of the Master Plan update should provide additional primary tower locations;
- The revision costs could be spread over a year or two, based on the statutory Master Plan review and revision process requirements;
- A recommendation for revision could be made to the Board based on the funds available for the next fiscal year;
- Reprioritizing some of the Future Agenda Items based on funds available for Ordinance and Master Plan revisions;
- Planned Industrial Research and Office (PIRO) Ordinance language should be included in the next year's work plan; and
- Revision the Master Plan will provide an opportunity to put in place new Master Plan uses suitable for tax base development they are required.

NEW BUSINESS:

1) Comments regarding the Planning Commission Budget for 2009-2010 and 2010-2011

Mr. Hanoute noted that he had not included a revision to the Master Plan as part of the Consultant costs for this year's budget. Sub-Committee Meetings weren't budgeted, but additional funds were included in case of Special Meetings. The Planning Commission's largest line items are per-diem, salary, and consultant costs. Reducing the Planning Commission meetings to one a month would cut back on some of those costs.

He recommended that the Planning Commission Fee Schedule be brought up to date to be commensurate with Planning Commission activities and consultant fees that are incurred during the plan review process. He asked Ms. Hodges to provide some examples of fees charged by neighboring Townships. Basic Land Divisions can usually be approved in one or two meetings, but site plans are more complicated and usually take longer.

Mr. Hanoute said he would like to establish a Sub-Committee to review the fees. Mr. Hasbrouck recommended including a Board member in the Sub-Committee and suggested discussing fees at the Board's November 10, 2009 Budget Meeting. Mr. Hanoute thought it would be useful to have a statement showing the Planning Commission costs in relationship to the Planning Commission receipts for purposes of comparison.

2) Review of the Planning Commission procedures for processing Agenda requests and forwarding recommendations to the Township Board

The Planning Commission reviewed the preliminary flow chart prepared by Mr. Hanoute for the Site Plan Review process. One of the requirements would be a Pre-Application Meeting with the applicant to determine the course to be followed in terms of information to be provided on the site plan and reviews by consultants or agencies. In the past, this process was administered by a Subcommittee. A fee could be factored into the process cost to cover a preliminary review rather than having the applicant meet with the Planner or Engineer first.

The Planning Commission members discussed:

- Presenting review requirements in a way that applicants or their consultants can understand;
- Stressing the importance of a complete application prior to the first review;
- Scheduling a pre-application meeting to determine the course to be followed in evaluating the complexity of the project;
- Determining the point in the process when professional reviews will be required;
- Helping applicants determine where information can be found in the Zoning Ordinance;
- Including a paragraph for each of the flow chart boxes stating what will be expected at each stage of the review;
- Reviewing examples of application requirements from other Townships;
- Reviewing examples of Fee Schedules from other Townships;
- Providing consistent information for all applicants;
- Including the Planner as a member of a Pre-Application Committee;
- Adjusting the Fee Schedule to bring fees into line with expenses; and
- The professional qualifications of individuals helping applicants prepare their requests.

3) Election of Officers

The following Planning Commission officers were elected for 2009-2010:

Moved by Kempisty, seconded by Fumich, to elect Dave Hanoute as Chairman. There were no other nominations and the Motion was carried by unanimous voice vote.

Moved by Butler, seconded by Fumich, to elect Mark Meisel as Vice-Chairman. There were no other nominations and the Motion was carried by unanimous voice vote.

Moved by Kempisty, seconded by Meisel, to elect Laurie Radcliffe as Secretary. There were no other nominations and the Motion was carried by unanimous voice vote.

4) Wireless Tower Review Directive

Mr. Hanoute explained that the Board has directed the Planning Commission to review the current Zoning Ordinance and Master Plan language related to wireless services. Mr. Hanoute was concerned about the impact on the Planning Commission budget and Mr. Meisel commented it wouldn't be simple because tower location

decisions are based on safety factors, topography, and monopolistic service agreements.

The Planning Commission members noted that:

- The Zoning Ordinance has a process to accommodate towers in preferred locations with additional provisions for locating towers elsewhere on a case by case basis;
- Designating specific tower locations on the Master Plan would limit the ability to locate towers outside of those areas;
- Residents have to be willing to lease their property for tower use;
- Expanding non-residential areas through the Master Plan revisions might help expand preferred areas for location;
- Service deficiencies are related to topography, the number of potential customers, coverage locations preferred by the preferred service providers, and customer cell phone preferences;
- The Township should request propagation maps from service providers already located in the area;
- The Township might consider requesting service proposals from providers for specific areas where coverage is weak;
- The Ordinance should be reviewed for language which creates areas where service providers can't locate towers;
- An issue with rural Townships is the low number of subscribers; and
- AT&T was recently unable to secure a lease from a property owner for their preferred location and located their equipment on an existing tower within the Township.

OTHER BUSINESS FROM MEMBERS:

ZONING ADMINSTRATOR'S REPORT:

TOWNSHIP BOARD REPORT:

ADJOURNMENT: 9:40 p.m. by Chairman Hanoute

FUTURE AGENDA ITEMS:

Outdoor Storage Public Hearing
Butts Boundary Realignment
Zeller Agri-Business Special Land Use
Van Hecke Boundary Realignment
Review of the Extractive Regulatory Ordinance; review of the Litter Ordinance, review of the Master Plan, review of the PIRO Ordinance
Review of the Wireless Communication Tower Land Use Districts

NEXT MEETINGS:

December 8, 2009 - Regular Meeting and Public Hearing
January 12, 2010 - Regular Meeting
January 26, 2010 - Regular Meeting


Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission


Laurie Radcliffe, Secretary
Tyrone Township Planning Commission