

TYRONE TOWNSHIP PLANNING COMMISSION

APPROVED REGULAR MEETING MINUTES

December 8, 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) Don Pietz, 13520 White Lake Road, thanked Joe Fumich for his years of service to the Township

APPROVAL OF THE AGENDA:

Mark Meisel recommended moving the Van Hecke Boundary Realignment request from New Business to Old Business, Item 2, so the applicants would not have to sit through the whole meeting if they didn't want to. The Planning Commission agreed.

APPROVAL OF THE MINUTES:

- 1) November 9, 2009 - Planning Commission Meeting

Moved by Kempisty, seconded by Butler, to approve the November 9, 2009 Meeting Minutes as presented. Motion carried by unanimous voice vote.

CORRESPONDENCE:

SUBCOMMITTEE REPORT:

OLD BUSINESS:

- 1) Request of Bobby Butts for Boundary Realignment of Fenton Memorials and Vaults property in Section 4 at 10260 White Lake Road (parcels 04-300-07 and 04-300-004) and property in Section 9 at 11009 Old US 23 (RE parcel 09-100-007).

Mr. Butts did not attend the meeting.

During their review, the Planning Commission members noted that:

- The two parcels detached from the property at 10260 White Lake Road (formerly 04-300-006) were set off for attachment to 04-300-007 and 09-100-007 when the property was zoned M-1 as the result of a court order;
- The M-1 parcels will be attached to 2 existing RE parcels one at 10260 White Lake Road (04-300-007) and the other at 11009 Old US 23 (09-100-007);
- One of the M-1 parcels has frontage on White Lake Road
- The other M-1 parcel has no road frontage and will have to be accessed from Old US 23 by crossing an RE parcel;
- The site drawings show an additional Boundary Realignment between RE Parcel 04-300-007 and OS parcel 04-300-008;
- All of the realignments will create new parcels with two separate zoning districts on each parcel;
- The mixed use industrial-residential and office-residential parcels would be non-conforming in terms of the Zoning Ordinance;
- The 2008 taxes are unpaid;
- The applicant or a representative was not available for questioning about the additional change shown on the site between the boundaries of RE parcel 04-300-007 and OS parcel 04-300-008; and
- The rezoning should occur before the parcels are combined rather than during the Township wide PCS rezoning.

Moved by Meisel, seconded by Butler, to table the request pending notification to the applicant that it is in the best interest of the Township and Mr. Butts to rezone the M-1 and OS parcels to a zoning that is consistent with the parcels to which they will be attached and that the Planning Commission may not consider this request until taxes due at the time of the request have been paid. Motion carried by voice vote.

- 2) Request of George and Judy Van Hecke for Boundary Realignment of property in Section 30 located at 7530 Parkwood Drive (RE parcel 30-200-024) and 8280 Dean Road (RE parcel 30-200-023).

Mr. Van Hecke said he and his mother (deceased) were joint owners of the parcel at 8280 Dean Road which is the remainder of the original parcel purchased by his parents. Subsequent land divisions resulted in two parcels which were separated from the parent parcel by the 'The Lake of the Winds' (Parcel Drawing 2-1) and functionally without access from the parent parcel. Realtors recommended attaching the limited access areas on the north and south sides of his mother's property to the property he and his wife own at 7530 Parkwood Drive (30-200-024). The realignment will increase his property from approximately 2.5 acres to 7.5 acres (Parcel B, Drawing 3-1) and diminish the area of his Mother's parcel from approximately 13.99 acres to 9.23 acres (Parcel B, Drawing 3-1). The house and septic field locations will remain the same and there will be one structure on each parcel.

During discussion of the request, the Planning Commission members commented that:

- The new property lines will bisect the water wherever possible;
- The existing buildings were not scaled onto the drawing to show the relationship of the boundary realignments to the yard setbacks;

- The setbacks and structures should be documented on the site drawings;
- The board controlling the spillway into Lake Shannon is managed by a 'Lake of the Winds' property owners association;
- Changes to the parcel boundaries will not affect the lake association membership;
- The spillway was constructed at the time Lake Shannon was developed;
- The Army Corps of Engineers installed a 6 foot drainage tube to keep the 'Lake of the Winds' from backing up;
- The owners association manages weed control and reports the lake levels to the DNR, and
- The structure setback distances could be approximated on the site plan if they clearly exceed the minimum setback requirements.

Moved by Meisel, seconded by Fumich, that the Planning Commission recommend to the Township Board approval of the George and Judy Van Hecke Boundary Realignment request of George and Judy Van Hecke for the parcel at 7530 Parkwood (30-200-024) and the parcel at 8280 Dean Road (30-200-023) as referenced on the Allied Land Surveying LLC Proposed Parcel Realignment, Sheet 1 of 2 dated 9/29/09, upon receipt of a new or modified drawing which shows the setbacks and approximate locations of the buildings on the parcels to verify that they comply with the RE Zoning Ordinance setbacks. Motion carried by unanimous by voice vote.

The meeting was adjourned at 7:30 p.m. for a Public Hearing to amend Zoning Ordinance Article 21.19 and reconvened at 8:25 p.m.

- 3) Review of the Planning Commission procedures for processing site plan requests and forwarding recommendations to the Township Board.

Mr. Hanoute explained that he is developing a process chart to show the sequence of tasks an applicant would move through to gain Site Plan approval from the Township Board. He has supplemented the chart with some text that could be handed to an applicant to help them understand the Site Plan Review process. He asked for suggestions and comments on the processing information. Adding an element to the Site Plan Review chart to distinguish between a preliminary site plan review and a final site plan review would be a good idea. The Recording Secretary said that a revised Site Plan review check list is being prepared to correspond with the amended Site Plan Review Ordinance text, and asked for comments in regard to clarity.

Mr. Hanoute said he has been informed that the Board will create a fee committee composed of a ZBA member, a Planning Commission member and Township Board members. The fee comparison chart provided by Planner Sally Hodges provides a good start and we have already discussed ways of making the Planning Commission more revenue neutral. Mr. Hanoute appointed a Fee Committee consisting of Ed Kempisty, Gary Butler and Recording Secretary Burch to review Planning Commission fees and provide some recommendations for discussion at the second meeting in January.

Ms. Radcliffe suggested including time line information as part of the process chart. The Planning Commission Recording Secretary explained that Fee Schedules and Check Lists are routinely provided as part of the application material and the new process chart and time line information could be included. Another option would be an application booklet which could also include generic drawings showing examples of certain specific ordinance requirements for set back measurements, open space, open space calculation charts, turn-around or cul-d-sacs designs, a typical driveway cross section, sight distance easements and other similar ordinance requirements. Revisions are also being made to the Land Division checklist based on recent statutory requirements and a new list will be prepared for access, driveway and private road easements based on the most recent Zoning Ordinance revisions. The Site Condominium check list is contained in Zoning Ordinance Section 21.43.

The Planning Commission discussed:

- Requiring additional fees each time a site plan is re-reviewed;
- Establishing a preliminary review committee to determine if or when an application is ready for final review;
- Limiting Planning Commission final site plan reviews to one;
- Determining the point in the review process when consultant and agency reviews would be required;
- Assigning responsibility determining when preliminary reviews would be required;
- Forwarding requests to the Planning Commission only after they have been approved by the Subcommittee;
- Including boxes in the process chart showing the routing and decisions required prior to full Planning Commission review;
- Including provisions for variables in the process chart related to consultant and agency reviews;
- Providing a typical scheduling and hearing time line; and
- Forwarding approval recommendations to the Board only after the Planning Commission process is completed and the minutes relative to the recommendation are approved.

Mr. Hanoute asked to have a further discussion of the process at the next Planning Commission Meeting.

4) Implementation and adoption discussion relative to the Master Plan and Future Land Use Map and the updates involving the PIRO and PCS Zoning Districts and the PIRO Zoning Text

The Planning Commission discussed prioritization and the procedural sequence to be used in developing the Master Plan updates based on budget considerations and the results of the Township's recent survey. Mr. Hasbrouck was asked to bring before the Board the subject of additional funding for the current Planning Commission budget to complete some of the preliminary work related to development of commercial (PCS) and industrial (PIRO) options for the US 23 corridor and rezoning of the existing commercial and industrial properties.

In response to questions from Scott Dietrich, the Planning Commission explained that the concentration of commercial and industrial development on the west side

of the corridor was based on the preference of the Township residents expressed at the last Master Plan visioning session. Future development on the east side of the expressway is restricted by the number of parcel owners, the size of the available frontage parcels, the location of wetlands, and the condition of the access roads.

As cost cutting measures, the Planning Commission discussed reducing the number of Planning Commission meetings or the number of Planning Commission members and postponing action on ordinance work still at the request stage.

Mr. Hanoute asked to schedule a review of the most recent PIRO, Master Plan and Ordinance language at the next meeting.

NEW BUSINESS:

- 1) Recommendation regarding the proposed revisions to Zoning Ordinance Article 22.00 - Definitions and Article 21.19 - Outdoor Storage and Parking in All Districts

Mr. Hanoute asked the Planning Commission members for their recommendations based on the Public Hearing discussion.

Mr. Hasbrouck commented that most of the concerns were expressed by people living at the lakes. Mr. Meisel said that the lake residents were specifically contacted and asked to voice their opinions. One of the things we might want to consider further is the subject of minimal lots and how the storage applications should be made or renewed. The intent is to require a one time review, but the ordinance may have to be clarified in relationship to storage of additional items, a change in the size or number of the permanent structures, or the sale of the property. We might have to clarify that language and consider documentation of existing common storage areas in regard to setbacks, and the whether the storage lots are owned by an association or private individuals.

Mr. Hasbrouck suggested relocating Article iii c) on page 3 before item a) and revising that section to read, "The items shall be of a size, and location **to not obstruct street or intersection site distance** and screened if required..."

During discussion of pages 3 and 4, Aircraft Item v, the Planning Commission recommended waiving the 10 acre parcel size limitation for planned developments which provide landing strips and hangars for personal aircraft; waiving any acreage requirements; and/or permitting a ZBA variance for the amount of time, ownership, or amount of use if the neighbors don't object. The water use is regulated by the DNR and the Aircraft use by the FAA. They noted that RV use was also referenced in Article 21.31.C

After reviewing page 5, Item 2.a - Commercial Vehicle Parking, and page 6, Article D - Non-residential Districts, the Planning Commission decided to consider whether to reference commercial parking and non-residential parking in this Section or include it in Section 25 - Off Street Parking and Loading Regulations at the next meeting.

Moved by Meisel, seconded by Radcliffe, to table a recommendation on the proposed revisions to Zoning Ordinance Article 21.19, in order to clarify the areas of consideration before finalization of the language. Motion carried by unanimous voice vote.

- 2) Request of the Township Board for revision of the Extractive Industrial Ordinance to permit concrete crushing.

Mr. Meisel said the request was to review the EI Zoning Ordinance requirements. The regulatory requirements will be addressed by the Township Board.

Mr. Hanoute said he had received a message from Supervisor Schmidt requesting delay of a response to this request until he receives information from the Attorney relative to the Ordinance and the use of the Bentley property.

Mr. Hasbrouck said the Attorney's letter has already been received. Many Board members feel that concrete crushing by the Bentleys will help recycle a waste product instead of just dumping it to create more waste. Crushing is a needed service that the Bentley's have provided for a number of years and they would like to continue that service.

Mr. Meisel thought one of the problems wasn't having the Bentley's crushing concrete, but controlling expansion into other areas of the Township. The Bentley's own all of the property surrounding their facility so huge setbacks could be created to control noise and dust. Access is not a problem.

Ms. Hodges said that McKenna Associates had examples of regulations on file if the Township wants to go forward. Her recommendation would be to allow it as a special use and then require an annual review and special use renewal. The Township can also require bonds as a condition of approval which would be typical for sand and gravel mining operations that require restoration and/or filling. She estimated that it would take between 5 and 8 hours to prepare the recommendations related to the Zoning Ordinance because she would also want to consider haul regulations, hours of operation, stock-piling, and size of the stock piles. Mr. Meisel asked her to also review the ordinance's general noise and setback requirements. Ms. Hodges said she could provide recommendations based on the Township's existing Extractive Ordinance's for the next meeting.

- 3) February 23, 2010 meeting scheduling conflict

The Planning Commission was informed that a school election will be conducted in the meeting room on February 23, 2010. The Planning Commission decided to carry the meeting date as a Future Agenda item and wait until January to make a decision about the February meeting based on the items scheduled for review on that date and the length of the Agenda.

OTHER BUSINESS FROM MEMBERS:

ZONING ADMINSTRATOR'S REPORT:

TOWNSHIP BOARD REPORT:

ADJOURNMENT:

On behalf of the Planning Commission, Mr. Hanoute thanked Mr. Fumich for his twelve years of dedicated service to the Planning Commission and the pleasure it was to have him as a member. Mr. Fumich told the Planning Commission that he planned to spend his spare time fishing after his move to Grand Blanc was completed.

The meeting was adjourned at 9:25 p.m. by Chairman Hanoute.

FUTURE AGENDA ITEMS:

Review of the Ordinance Processing requirements
Discussion of the Ordinance Processing Fee Schedule
Review of the most recent PIRO Ordinance and Master Plan text revisions
Recommendation to the Board regarding the proposed revisions to Zoning Ordinance Article 21.19 - Outdoor Storage
Review of Zoning Ordinance Article 19 - Extractive Industrial District to permit concrete crushing

NEXT MEETINGS:

January 12, 2010 - Regular Meeting

January 26, 2010 - Regular Meeting

February 9, 2010 - Regular Meeting



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission