

## TYRONE TOWNSHIP PLANNING COMMISSION

### APPROVED MEETING MINUTES

January 12, 2010

**PRESENT:** Dave Hanoute, Steve Hasbrouck, Ed Kempisty, Deborah Lee, Mark Meisel, Laurie Radcliffe

**ABSENT:** Gary Butler

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

**PLEDGE OF ALLEGIANCE:**

**CALL TO THE PUBLIC:**

**APPROVAL OF THE AGENDA:**

Moved by Meisel, seconded by Kempisty, to approve the Agenda as presented. Motion carried by voice vote.

**APPROVAL OF THE MINUTES:**

1) December 8, 2009 - Regular Meeting Minutes

Moved by Radcliffe, seconded by Hasbrouck, to approve the December 8, 2009 Meeting Minutes as corrected. Motion carried by voice vote.

Page 3, Line 42 and 45: (~~He~~ Mr. Hanoute said...)

Page 4, Line 1: (...suggested including time line to information...)

Page 5, Line 10: (...action on an ordinance work...)

Page 5, Line 25: (...to not obstruct street...)

Page 6, Line 25: (...could be ~~erated~~ created to...)

2) December 8, 2009 Public Hearing Minutes

Moved by Meisel, seconded by Radcliffe, to approve the December 8, 2009 Public Hearing Minutes as corrected. Motion carried by voice vote.

Page 1, Line 32: (...by Mr. ~~Perra~~ Quinn..)

Page 4, Line 13: ( ~~Ike~~ Ivan Quinn...)

Page 5, Line 6: (...**an exception** from a requirement...)

**CORRESPONDENCE:**

**SUBCOMMITTEE REPORT:**

## OLD BUSINESS:

- 1) Finalization of the proposed revisions to Article 21.19 - 'Outdoor Storage and Parking in All Districts' prior to final review by the Township Attorney, the Livingston County Department of Planning, and the Livingston County Planning Commission

Tyrone Township Planner Sally Hodges of McKenna Associates recalled that the Planning Commission recommendation was to finalize the revisions discussed during the Public Hearing at this meeting. The text being revised is the same version (8/28/09) discussed during the Hearing.

Referring to the title of Article 21.19, Mr. Hanoute said that there was a discussion about establishing the standards for application to all of the Township's Zoning Districts because of parking references located elsewhere in the Zoning Ordinance (Article 25.00)

The Planning Commission members noted that:

- Many references are hard to find because they are scattered throughout the Ordinance;
- Revised Section 21.19 might be combined with the Parking Article (25.00 - Off Street Parking) to keep all the parking references together;
- Revising the title of this Ordinance section to 'Article 21.19 - Outdoor Storage and Related Parking' would indicate the association with temporary storage;
- A Footnote could be added to Section A referencing Article 25.00 for general parking requirements together with any other parking references (21A.04.D); and
- The Zoning Ordinance Index could be revised to include the new parking requirements;

Mr. Hanoute requested addition of an Ordinance Index review and update to the list of Future Agenda Items.

The Planning Commission continued the Ordinance review beginning on page 3 with item 21.19.C. 1.a.iii.c) referencing storage on limited lots and considered:

- Inclusion of screening language for the Zoning Administrator to follow if screening is required for a particular site;
- Locating the 'screening' and 'obstruction' references in separate sections of 21.19.C;
- Addition of a screening requirement to Item 1.a.iii.a) as part of the information to be provided by the applicant in order to meet the requirements of Item 1.a.iii.c);
- Authorizing the Zoning Administrator to approve screening provisions based on site conditions;
- Including a provision to allow an appeal of the Zoning Administrator's screening decision to the Planning Commission;
- That annual storage permit fees would cost less than parking in a commercial facility;
- The probability of complaints from residents who have been parking recreational equipment in their front yards without a permit for many years;
- The Township's current practice of Zoning Ordinance enforcement based on receipt of a written complaint;
- Whether to make the storage permits a permanent or annual requirement; and

- Whether to establish absolute or flexible front yard screening standards.

The Planning Commission agreed to retain the references for size, location, and obstruction (Item 1.a.iii.c) and to reference screening as a site plan option (Item 1.a.iii.a).

During the review of 21.19.C - Aircraft, Item C.1.a.v), carried over from the Public Hearing, the Planning Commission discussed:

- The ten acre minimum parcel requirement;
- Problems associated with shore line storage of float planes;
- The FAA authority to control planes in flight;
- The DNR authority to regulate lake usage and the assignment of their lowest priority ratings to float planes with respect to rules of the water;
- Allowing the Board or Planning Commission to approve the use or storage of an airplane on parcels under ten acres;
- The status of planes on lakes following adoption of new storage regulations;
- The distinction between zoning and regulatory restrictions;
- Regulating storage and parking as opposed to regulating use;
- Allowing 'air-park' developments as a substitute for minimum acreage requirements;
- Referencing an 'air park' as an additional storage option for airplanes;
- Beaching airplanes and boats as a storage option;
- Attempting to regulate aircraft use or noise by means of storage regulations or attempting to prohibit the use of aircraft by other indirect means;
- Inclusion of airplanes in the definition of 'water craft' or 'recreational vehicles' in Article 2.00;
- Referencing other Zoning Ordinance articles regulating nuisance or noise in this Section, and
- Removal of Item C.1.a.v. and inclusion of aircraft by a general recreational vehicle reference in the section dealing with storage on waterfront lots (C.1.a.iv).

Mr. Hanoute asked to have the use of airplanes and air parks, and the issues of airplane storage and operations added to the list of future Agenda items.

Mr. Hanoute recalled there was a Public Hearing question regarding Section 21.19.C.2 which referred to commercial vehicle parking in residential districts. He noted that this section also provides exceptions for agricultural equipment used in farming (C.2.a.ii) and provisions for larger personal use commercial vehicles upon review and approval of the Zoning Administrator (2.a.iii). Mr. Hasbrouck commented that any hazardous use vehicles were closely regulated and there were special rules for parking those vehicles.

Chairman Hanoute asked to have the Ordinance revisions forwarded to the Board following receipt of the reviews from the Livingston County agencies and the Township Attorney unless there were additional comments to be reviewed.

Mr. Meisel said other Public Hearing questions concerned what was expected of a property owner, clarification of the limited lot exclusion duration, and suggested addition of language which would require a single application from the resident unless the storage footprint or property ownership changes. Ms. Hodges said that was the purpose of requiring a site plan with the terms of use stated in the plan approval. Mr. Hasbrouck

asked where the permit fee would be referenced. Ms. Hodges said that the fees were an administrative function and would be set by the Board as part of a general fee schedule.

2) Review of Zoning Ordinance 19.00: EI - Extractive Industrial District

Ms. Hodges provided concrete crushing regulations from Kalamazoo and Hartland for discussion. She noted that there were some discrepancies between Tyrone Township's Regulatory Ordinance and the Zoning Ordinance regarding extractive uses. The setback requirements are different, but both require proper zoning, a site plan, and approval of a renewable extractive permit. There are some other considerations the Planning Commission might want to review prior to rewriting the Ordinances.

Sand and gravel removal is a somewhat protected as a preferred use under state law. Because natural resources occur only at certain places in the state, they have been given some protection by the law because their exact location cannot be predetermined. The Township should consider whether they want to provide for mining operations outside of the current industrial district because there may be other sand and gravel locations and whether two sets of regulations are needed. The regulatory Ordinance has a section that only references the EI District and may not apply if mining occurs in other locations or zoning districts.

Mr. Meisel thought the intent of Board was to show there were no other gravel pits that should be considered operational in Township. The only other pit in use operates solely under a consent agreement so the Ordinances aren't applicable to that operation.

Ms. Hodges noted that concrete crushing is prohibited under both Township ordinances, She wanted the Planning Commission to be aware that there can be future applications for sand and gravel mining which would require rezoning and there might be a judicial preference for that use and that rezoning.

Some of the specific Ordinance conflicts concerned the building lines for operational structures. The Planning Commission might require the 1,000 foot Zoning Ordinance residential setback, but the Board might apply the 400 foot Regulatory Ordinance setback for a renewal. The Zoning Ordinance requires an arterial road for access while the Regulatory Ordinance requires 86 feet of planned or existing right-of-way. Noise and vibration requirements are specific in the Regulatory Ordinance and general in the Zoning Ordinance.

The Kalamazoo regulations are written for permanent facilities and they establish standards for setbacks, review of rubble processing, dust control, haul routes, sight barriers, compliance with state requirements, storage of oil and fuels associated with use of the equipment; performance bonds, hours of operation, annual reviews for special use permits, and compliance with state regulations. There are additional requirements for temporary facilities.

The Bentleys state they have been consistently crushing concrete without a permit or hindrance from the Township for years. They have recently requested annual approval for their operations from the Zoning Administrator and the Board. The Township would like to bring them into compliance because they provide a necessary service and they

are already crushing concrete at their site. The Attorney's letter has addressed some of the issues, but it looks like the Township should make it legal.

Mr. Meisel said the Board requested a bond and renewal about three years ago, based on existing stockpiles on the site. The Bentleys began a larger operation in the following year by taking concrete from the Silver Lake Road repaving project. Rather than reducing the stockpiles on their site, that led to the Bentley's request to continue crushing. Concrete crushing is needed in the area and they have been doing it successfully for years. The issue of non-compliance was not discussed.

Ms. Hodges said that if approved, crushing should be considered as a Special Use because it is a heavy industrial use. Presently, we don't have a location zoned for heavy industrial use so we need to create appropriate conditions. Concrete crushing should be as a special land use because it is a heavy industrial use. Many areas consider this a special heavy duty agricultural use and permit extractive uses in agricultural districts, but the impact is the same. We might get other requests, so all crushing and mining operations should operate under the same conditions. At this point, concrete crushing doesn't have preferred legal status.

During discussion, the Planning Commission noted that:

- There will be air and water concerns associated with crushing;
- The operation may be grandfathered if the Bentleys had a crushing machine in operation before 1967;
- References to State and Federal Permits could replace some of the specific conditions included in the Kalamazoo Township Ordinance;
- Piles of uncrushed concrete, rebar, and crushed concrete will be associated with the operation;
- Temporary concrete crushing is usually an accessory use for construction and redevelopment....
- Crushing operations are frequently associated with asphalt production;
- Owners should present all information at the time of a permit application or renewal request;
- When we know the Bentleys are crushing and our Ordinance requires a permit, the Township is in a rough spot;
- The Board would like to permit concrete crushing as a legal use for that particular Extractive Industrial site, as long it is done in a reasonable manner;
- The site can be screened by the natural terrain;
- Regulations could be written to limit the number of cubic yards, height of the piles, and the site plan boundaries so the crushing operation doesn't expand;
- A decision would have to be made about the number of Ordinances regulating extractive uses;
- The Ordinance should not make it easy to rezone to EI uses elsewhere;
- Future Extractive Industrial locations do not have to be shown on the Master Plan;
- The Township doesn't have the soil information or road information to consider other possible extractive locations;
- Working sand or gravel pits routinely crush rocks associated with their operation;
- Crushing operations would extend the amount of time a pit remains in operation even though natural deposits aren't being mined;

- The Township could request ongoing restoration as part of a an approval process for mining or reclamation operations;
- Requests for special use permits or renewals should be accompanied by a site plan showing what is available for mining, what has been reclaimed, and what is left to do;
- The risks associated with the setting of a precedent for the Bentleys is a consideration; and
- Environments where mining and associated uses might be allowed is a consideration.

Mr. Hanoute asked Ms. Hodges to bring back some recommendations for discussion at the next meeting.

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

Mr. Hanoute rescheduled the request for review at the January 26, 2010 Meeting

**NEW BUSINESS:**

**OTHER BUSINESS FROM MEMBERS:**

- 1) **Budget Process**

Mr. Hanoute said he had attended the Board's Budget Work Session for the following year and submitted a request for \$66,000 which was consistent with past budgets. Based on revenue concerns, the request we reduced to \$64,000. He did program in about \$6,000 for the Master Plan update because he felt there might be a chance to get enough funding to phase it in this year. Mr. Hasbouck thought the Planning Commission wouldn't get more than was budgeted. Mr. Hanoute replied that other options would be to reduce the number of meetings to one a month based on the number of requests from the Board, to reduce the total number of meetings per year, or to reduce the size of the Planning Commission from 7 to 5 members.

He explained that the Township is facing reduced revenues while sewer bond payments are due and Public Safety costs have increased. In addition, the Planning Commission revenues have decreased because the number of outside applications have decreased.

Mr. Hanoute asked the Fee Committee for a report at the January 26, 2010 Meeting.

- 2) **Tradin' Paint**

Mr. Meisel reported that he had been contacted by Mr. Soldan regarding the paint ball facility site plans. Mr. Soldan was told that any amendments to the plans should be reviewed by the Planning Commission prior to Board renewal of the Special Land Use Permit.

**ZONING ADMINSTRATOR'S REPORT:**

**ZBA REPORT:**

**TOWNSHIP BOARD REPORT:**

**ADJOURNMENT:** The meeting was adjourned at 9:15 p.m. by Chairman Hanoute

**FUTURE AGENDA ITEMS:**

Discussion of the PIRO revisions to the Zoning Text and Future Land Use Map

Review of recommendations for revision of the EI - Extractive Industrial Zoning Text

Planning Commission Fee Committee Report

**NEXT MEETINGS:**

January 26, 2010 - Regular Meeting

February 9, 2010 - Regular Meeting

February 23, 2010 - Regular Meeting and School Election

  
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Laurie Radcliffe, Secretary  
Tyrone Township Planning Commission

  
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Barbara Burtch, Recording Secretary  
Tyrone Township Planning Commission