

# TYRONE TOWNSHIP PLANNING COMMISSION

## APPROVED MEETING MINUTES

January 26, 2010

**PRESENT:** Gary Butler, Dave Hanoute, Ed Kempisty, Deborah Lee, Mark Meisel, Laurie Radcliffe

**ABSENT:** Steve Hasbrouck

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

**PLEDGE OF ALLEGIANCE:**

**CALL TO THE PUBLIC:**

**APPROVAL OF THE AGENDA:**

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

**APPROVAL OF THE MINUTES:**

1) January 12, 2010 Meeting Minutes

Moved by Radcliffe, seconded by Meisel, to approve the January 12, 2010 Planning Commission Meeting Minutes as corrected. Motion carried by voice vote.

Page 2, Line 8: (...discussed **during** at the Public Hearing...)

Page 2, Line 9: (...discussed **during** at the Hearing.)

Page 3, Line 12 (...to float planes **with respect to rules of the water.**)

Page 5, Line 35 (...would like to **permit ask concrete crushing as a legal use ...**)

Page 5, Line 42 (...~~should allow~~ **not make it easy to rezone** to EI - Extractive Industrial uses elsewhere.)

Don Peitz, Township Trustee, recommended following the Township Board format for minutes which consists of recording only the motion and the vote in order to avoid the time spent in preparing and correcting lengthy minutes.

In response to his comments, Mr. Peitz was told that Planning Commission minutes were required to include any findings of fact relative to their motions. The minutes are used to track development of ongoing revisions to the Zoning Ordinances and the Master Plan; to provide a history of the considerations used to develop any new Ordinance or Planning Commission recommendations, and to identify or clarify any special conditions attached to Zoning Ordinance classifications.

Tyrone Township Planner Sally Hodges of McKenna Associates said that the content and length of the Minutes was the individual preference of each Planning Commission. The Tyrone Township Planning Commission Minutes were more detailed than some and less detailed than others compared to the minutes of other communities she is familiar with. She felt it was useful to be able to have some means to review what had been considered previously in regard to zoning and planning decisions.

**CORRESPONDENCE:**

**SUBCOMMITTEE REPORT:**

**OLD BUSINESS:**

- 1) Review of Zoning Ordinance Article 19.00 (Extractive Industrial District) language to permit concrete crushing as a Special Land Use

Ms. Hodges said her review contained two parts. The memo references recommended changes to be made in the Regulatory Ordinance and the other part proposes revisions for the EI Zoning District (Article 19.00) to bring both Ordinances into agreement.

Section 19.03 - Special Land Uses

Referring to the major revision to Section 19.03 (Special Land Uses) Ms. Hodges said the intent was to permit concrete and asphalt crushing operations as a secondary use in connection with mining operations and most of the revisions are located in this Section.

19.03.A.1 (Accessory Use): Restricts crushing to actively mined sites and excludes crushing from EI Districts as a principal use. If the crushing operation produces more product than the mining operation, the crushing use must be discontinued. The Planning Commission recommended measuring the mining and crushing production in cubic yards and entering the production measurements in annual or semi-annual logs to be presented with annual Special Land Use Permit renewal requests. If the crushing production exceeds the mining production, or the logs are not presented, the permits should be revoked (19.03.A.9)

Ms. Hodges explained that mining and crushing have heavy industrial use type impacts, and if the Planning Commission wishes, crushing that is associated with manufactured products rather than natural resources, could be added as a use permitted by special approval in the Heavy Industrial Zoning Districts. Natural mineral deposits may be mined if located within an EI Zoning District. The crushing regulations being considered address crushing as a use associated with sand and gravel operations zoned EI.

19.03.A.2. (Operation Requirements): This section applies the excavation and restoration requirements to all mining and crushing operations regardless of material being processed.

19.03.A.3. (Separation of Extraneous Material): Requires the sorting and removal of all extraneous material from the site prior to crushing.

19.03.A.4. (Stockpiles): The Planning Commission considered whether to set absolute or flexible stock pile height limits; the relationship between screening materials and the height of the stock pile; the grade and topography of the property where stock piles are

located, and the building height limits for adjacent parcels. The consensus of the Planning Commission was to require the location of stock piles, the topography of the site and surroundings, and the type of screening as part of the site plan together with a cross section, and to set a maximum stock pile height of 35 feet, unless modified by the Planning Commission based on the site elevations, the surrounding conditions and the information shown on the site plan.

19.03.A.5. (Dust Reduction): The Planning Commission recommended revision of the last line to read: (...piles shall be watered periodically to minimize the amount of dust.)

19.03.A.6. (Screening): The Planning Commission asked for comparison with the screening and operational requirements for the existing Asphalt and Concrete Mixing Plants ordinance (Article 22.05.O) and inclusion of that article in the mining and crushing section of the Ordinance (Article 19) with reference to the contamination aspects associated with asphalt production and reuse.

19.03.A.7. (Agency Approvals) The Planning Commission asked for inclusion of the most recent regulatory agency reviews with any requests for permit renewals.

#### 19.06 - Review of Application for Permit

19.06.E. (Approvals): The Planning Commission asked for revision of 'efficiencies' to 'deficiencies' in Line 4 of the text.

#### 19.07 - Specific Operating Requirements

19.07.B. (Setback): The Planning Commission requested inclusion of a reference to wetlands in connection with the last sentence of this section.

#### 19.07 - Specific Operating Requirements

19.07.D. (Frontage and Access) Ms. Hodges explained that US 23 is the only road in the Township categorized as an arterial road by the Township Master Plan. Livingston County classifies roads as 'County primary roads.' The Zoning Ordinance refers to heavily traveled paved roads. She recommended using the County definition of a primary road since that is a consistent, authoritative source.

After reviewing the roads described in Item D in terms of parcel frontage and access frontage, and whether to locate operations behind existing residential developments, the Planning Commission considered allowing access from a 66 foot wide single use right-of-way while retaining the EI District's minimum parcel width of 250 feet.

Ms. Hodges said she would revise the text dealing with secondary uses, submission of logs as part of the annual permit request; comparison of the extractive and crushing amounts produced by volume; increasing the stock pile height to 35 feet with allowance for the Planning Commission to modify the height, research the inclusion of asphalt crushing and/or production as component of the use, make the editorial changes, address the minimum lot width and minimum access width frontage requirements, and provide information regarding haul route considerations for review at the next meeting.

Mr. Hanoute asked to have the revised text forwarded to the Township Board for their comments as soon as possible at the same time the text was being sent to the Livingston County Department of Planning and the Township Attorney. The Planning

Commission's intention is to review the revised text and establish a Public Hearing date at the next meeting (February 17, 2010).

- 2) Ms. Hodges explained that the PIRO (Planned Industrial, Research and Office) Zoning District is shown in teal blue on the Future Land Use Map. Conceived as a negotiated PUD district, the PIRO could permit industrial, research, and office uses in different segments of the area, and require higher standards of design and location. The PIRO Map includes all of Section 17, and was based largely on the natural resources, the Center Road - US 23 interchange, existing wetlands, forested wetlands, the desirability of the research and office uses along the US 23 frontage with high visibility and less intense use; location of high intensity uses in the middle, and a transition to lower intensity as the uses move toward residential districts on the perimeters with high intensity residential used as a buffer. The PIRO concept moves away from traditional zoning districts (M-1, B-1, etc.). PIRO is a bigger challenge than PCS because of the broad range of uses and the intensities and impacts proposed to be intermingled in the same zoning district.

Ms. Hodges recommended applying PIRO as a combination of overlay districts. The PIRO area would be rezoned using several overlay districts including the Research and Office components, the PIRO Light Industrial uses, and the PIRO Heavy Industrial uses. There would be separate lists of permitted uses for each PIRO overlay classification based on criteria developed by the Township to determine if a particular use is suited to a proposed location. Although complicated, this process would not require the wholesale rezoning of a large piece of property that would create nonconforming uses. At the time the property owner wanted to rezone, they would apply for either the PIRO overlay or the underlying Zoning District uses.

Mr. Hanoute said he had some concerns about the difficulties in using an overlay. Ms. Hodges said that overlay maps or zones were valid and upheld by the courts.

Other concerns were:

- Limits to industrial uses because of the FR Zoning in Section 17;
- Retaining the existing Section 17 FR Zoning to reduce the potential for increased non-conforming development;
- Advantages of small parcel development;
- Managing fragmented small parcel development;
- Township development of an overall PIRO concept site plan;
- The interface between existing residential and Future PIRO uses;
- Preparation of a Township development plan for access and utilities based on site topography;
- Building 'campus development' incentives into the Ordinance;
- Building sub district plans into the PIRO rezoning requirements;
- Establishing definitions for Light, Medium, and Heavy PIRO uses;
- Allowing a mixture of building sizes and setbacks in each district;
- Requiring parallel development plans;
- Locating buildings in each district based on footage as well as use;
- Permitting partial rezoning for large parcels within the PIRO district;
- Encouraging perpendicular development, rather than parallel development adjacent to the US 23 frontage; and
- Considering Township purchase or rezoning of property within the PIRO district.

Ms. Hodges said she would bring back some overlay concepts related to the concerns expressed by the Planning Commission for review at the next meeting.

**3) Report of the Fee Subcommittee**

Mr. Butler explained that the Subcommittee's first concern was to try and make the Planning Commission more revenue neutral and to prepare a Fee Schedule that was user friendly, flexible, and easy to use. Based on available information, they calculated the personnel cost per meeting at \$834.00 and then broke that into average hourly costs on order to assign values to the various projects the Planning Commission reviews.

The second and third pages of the report show the estimated costs of reviews based on the complexity of the project and one-third to one-half of the meeting costs, plus hearing costs or other fixed expenses. Some simple requests like a land division might only require one Subcommittee meeting and one Planning Commission meeting and that was considered a small project. A more complicated request might require one Subcommittee meeting and two Planning Commission meetings or two Planning Commission meetings and no Subcommittee meeting. Other fee considerations would be based on the amount of acreage, the number of units, and add-ons like shared driveways or private roads. Full site plans might require three meetings. After that, the applicants would be charged for additional meetings at the full Planning Commission rate.

Site Plans usually come back after two meetings, so we need to try and discourage that by charging for it. We would try to let the Applicant know in advance the number of meetings recommended for the review. Another important step is determining when the Planner and Engineer should be involved in the review, particularly in terms of site visits and review letters. Consultant expenses may involve limited services or a series of reviews and the cost can either be added to the application fee or placed in an escrow account.

Once the process is finalized, the amount of time to complete the reviews should fall into place.

Other cost cutting measures would include a reduction in the number of Planning Commission meetings or Subcommittee meetings.

Mr. Hanoute asked all Planning Commission members to review the Fee Committee's report and be prepared to discuss and establish a Fee Schedule at the next meeting.

**NEW BUSINESS:**

**OTHER BUSINESS FROM MEMBERS:**

**ZONING ADMINSTRATOR'S REPORT:**

**ZBA REPORT:**

**TOWNSHIP BOARD REPORT:**

Mr. Peitz informed the Planning Commission that the Township Board was continuing to review ways to balance their budget. Tax revenues were down because of foreclosures and the drop in taxable values, while the costs associated with Public Safety are up. The Township is billed for all emergency and police services and then has to try and collect the costs from residents. Many of the bills go unpaid or partially paid, particularly calls from the Expressway or hardship cases.

Scott Dietrich, 13505 White Lake Road, recommended that residents contact their Insurance Agent to determine their fire insurance rates based on the distance of their home from a Fire Station.

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

**FUTURE AGENDA ITEMS:**

Additional revisions to Zoning Ordinance Article 19.00  
Review of PIRO Land Use overlays  
Recommendations for Planning Commission Fees  
Decision Regarding the February 23, 2010 Meeting conflict with Hartland Schools election

**NEXT MEETINGS:**

  
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Laurie Radcliffe, Secretary  
Tyrone Township Planning Commission

  
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Barbara Burtch, Recording Secretary  
Tyrone Township Planning Commission