

TYRONE TOWNSHIP PLANNING COMMISSION

**APPROVED MEETING MINUTES
February 17, 2010
(Rescheduled from February 9, 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 Butler, seconded by Radcliffe, to approve the Agenda as proposed. The motion carried by voice vote.

APPROVAL OF THE MINUTES:

1) January 26, 2010 Meeting Minutes

Moved by Kempisty, seconded by Lee, to accept the Minutes of January 26, 2010 as amended. The motion carried by voice vote.

Page 2, Line 38: (Revise the second sentence to read...(Natural mineral deposits **may be mined if located within an EI Zoning District.**)

Page 4, Line 2: at the next meeting (February 17, 2010).

CORRESPONDENCE:

SUBCOMMITTEE REPORT:

OLD BUSINESS:

1) Finalization of the proposed revisions to Article 19.00 - EI Extractive Industrial prior to review by the Township Attorney, the Livingston County Department of Planning and the Livingston County Planning Commission

The Planning Commission considered the original request for concrete crushing and discussed the current methods of asphalt production. They agreed to continue the Zoning Ordinance classification of asphalt production as an industrial use rather than a mining or extractive use (22.05.O). They requested elimination of all references to

asphalt and asphalt crushing in the Extractive Industrial district including the text for new Article 19.03 Special Land Uses.

The Planning Commission reviewed some of the existing ordinance articles as well as the new language proposed for Section 19.03 - Special Use and requested the following text changes.

Page 1:

- Section 19.01.C: Mining of deposits of limestone, **natural minerals** or other similar material.
- 19.03.A - Concrete and Asphalt Crushing
- Section 19.03.A.1 - Accessory Use; Line 1: Crushing of concrete and asphalt shall be permitted....Line 6: The operator shall maintain **an annual** log reporting the volume of material produced **extracted and the volume of material crushed as separate measures on an annual basis**. That log shall be submitted to the Township with the annual permit renewal application. At such time as the extraction or mining operation produces less material by volume than the amount of concrete crushed **based on a three year average**, the permit for the concrete crushing operation shall not be renewed. **If at any time, the annual mining permit is not approved, all operations including crushing shall cease.**

Page 2:

- Section 19.03.A.3 - Separation of Extraneous Material: All extraneous material **shall be separated from the concrete. The extraneous material shall be removed from the site to a proper disposal or recycling area.**
- Section 19.03.A.5 - Dust Reduction: Mr. Meisel asked if the state has provisions for control of asbestos or other hazardous materials in addition to dust. He asked the Recording Secretary to search for any state requirements regarding hazardous dust. Mr. Hanoute recommended incorporating language to prohibit crushing of materials known to be hazardous.
- Section 19.03.A.4 - Stockpiles. Line 2: The maximum pile height permitted may be modified by the **Township Board upon recommendation of the Planning Commission;**
- Section 19.03.A.5 - Dust Reduction: Revise to: **Materials shall be treated to minimize dust generated by the operation to comply with State and Federal requirements as seasonal conditions permit,**
- Section 19.03.A.7: Delete the specific agency references in the first sentence.

Page 3:

- Section 19.03.A.11 - Excess Asphalt or Concrete. The Planning Commission requested removal of this section

During review of existing Section 19.04 - Requirements for All EI District Uses, the Planning Commission determined that the text is redundant and hard to follow. As an example, Section A references permitted uses but is titled 'EI District Limits' and the mining uses and industrial uses are not separated.

The Planning Commission requested:

- Removal of item 19.04.A and relocation of some of the text to item 19.01 - Permitted Principal Uses;
- Replacement of item 19.04.A with item 19.04.B - EI Use Restrictions;

- Deletion of asphalt crushing as a limited use in 19.04.C;
- Removal of the uses listed in Item 19.04.C that are industrial rather than extractive;
- Replacement of references to "restoration" with references to "reclamation" in Item 19.04.E and other sections throughout the Ordinance.

Page 4:

- Revision of Item 19.05.A in order to clarify the permit process and the renewal process, and to establish the point where the Planning Commission and Board would review and recommend a permit and the point where the Zoning Administrator would issue the permit;
- Inclusion of a general reference to the EI Rezoning and Site Plan Review requirements in the Ordinance;
- Improved language in the Zoning and Regulatory Ordinances to remove overlap and separate the EI - Extractive application and approval process from the enforcement requirements;
- Deletion of Section 19.05 and/or relocation of some of the requirements to Article 19.06;
- Revision of the Section 19.05 title to 'Application for Permit,' with the inclusion of all related permit application requirements from other sections;
- Revision of 19.05.A - Filing of Application to reference the regular Special Land Use Permit process requiring Planning Commission review and Board approval;
- Removal of the next to last sentence in Article 19.05.A and inclusion in a new permit renewal section;
- Establishing the contour interval at 5 feet in Article 19.05.A.1; and
- Revision of Section 19.05.A.3 to reference areas to be partitioned or subdivided, including the proposed layout.

Ms. Lee asked if the approval process required a site plan review followed by a permit application. Mr. Hanoute explained that the first requirement would be based on the Zoning and if the site was zoned correctly for crushing. If not, the property would have to be rezoned before the Planning Commission could review site plans. The permits are issued under the authorization of the Board.

Mr. Meisel commented that except for proposed Article 9.03.A, the rest of the Ordinance is already in the ordinance book. Based on comments received from Township Board members, the whole Extractive Ordinance should probably be rewritten. Mr. Hanoute agreed and requested revised text to review at the next meeting in order to eliminate some of the redundancy and clarify the language dealing with zoning, site plans, permits, and operation. Ms. Hodges said that the comments received clearly indicated that the Board members recognize there are some problems with the existing Ordinance. Following revision of the Zoning Ordinance, the Board might want to revise the regulatory Ordinance in regard to permitting and operation. Both ordinances appear to have been written at the same time.

Ms. Hodges was asked to revise Section 19.07 - Operating Requirements and to separate the site plan requirements from the regulatory requirements based on the comments received. Some of the Planning Commission members observed that it was hard to know what the Board had in mind because none of their concerns or comments are recorded in their minutes.

Because of time constraints, the Planning Commission agreed to alter the Order of Business beginning with Old Business Item 4.

- 4) Approval of a tentative March 9, 2010 Public Hearing for review of revisions to Zoning Ordinance Section 21.19 - Outdoor Storage and Article 2.00 - Definitions

The Planning Commission determined that an additional hearing would not be required to review the text revisions made following the December Public Hearing and recommended forwarding the Article 21.19 text (1/21/2010 rev.) to the Livingston County Planning Commission with a recommendation for approval.

- 5) Approval of a tentative March 9, 2010 Public Hearing for review of revisions to Zoning Ordinance Article 19.00 - EI Extractive Industrial

The Planning Commission determined that further review of the Extractive Industrial Ordinance would be needed before scheduling a Public Hearing.

- 6) Decision regarding the February 23, 2010 Meeting conflict with the Hartland School Election

The Planning Commission cancelled the February 23, 2010 meeting.

- 2) Review and discussion of PIRO Land Use Overlays

The Planning Commission considered some alternatives to be used in combining low, medium, and intense industrial uses within a single zoning district.

Ms. Hodges said that the overlay approach would establish a large future land use map district with additional standards imposed over the underlying zoning districts. That would permit a property owner to develop under the existing zoning requirements or the Future Land Use overlay requirements. The purpose of the overlay is to avoid the complication of rezoning property and to avoid piecemeal development because the same standards would be applied to all developments.

She reminded the Planning Commission that there were several non-conforming uses shown on the Zoning Map for the US-23 corridor because of previous rezoning decisions. Some of the existing sites won't meet the new requirements for industrial or commercial development while the some of the existing residential developments would be considered nonconforming uses in a PCS or PIRO zoning district. TRW would be classified as low intensity industrial rather than research-office under the new classification.

The Planning Commission also discussed:

- Rezoning some of the vacant corridor parcels to correspond with the revised Master Plan;
- The existing non-conforming uses within the future PCS and PIRO districts;
- Re-evaluation of the proposed PIRO and PCS boundaries;
- Establishment of sub districts for PCS and PIRO uses which could be rezoned separately;

- Developing an access plan to manage site development within the PIRO and PCS Zoning Districts; and
- Expansion of land areas designated for PCS on the Future Land Use Map.

Ms. Hodges was asked to provide some suggestions for reconsidering the Future Land Use Map in terms of non-residential land use locations and the use of sub-district zoning to manage development of the future PIRO and PCS Zoning districts.

3) Recommendations for Planning Commission Fees

The Fee review was rescheduled for the next meeting

NEW BUSINESS:

OTHER BUSINESS FROM MEMBERS:

ZONING ADMINSTRATOR'S REPORT:

ZBA REPORT:

Mr. Meisel reported that the ZBA had approved a gazebo located closer to the water's edge than permitted by Ordinance 22.0.C. The ZBA questioned the reason for requiring a 12 inch minimum height restriction and a 50 foot water front setback especially for side yards and asked for clarification of the Ordinance intent.

Members of the Planning Commission commented that the height requirement was established to insure lake views for all residents. The setback was a Zoning Ordinance requirement for all lake, stream or wetlands frontages regardless of yard location. They thought the 50 foot requirement was initially recommended by the DNR.

Mr. Hanoute asked the Recording Secretary to research the authorization of the 50 foot setback requirement.

TOWNSHIP BOARD REPORT:

ADJOURNMENT:

FUTURE AGENDA ITEMS:

Continued PIRO Discussion
 Finalization of Processing and Fee Recommendations
 Review of the Wetlands Setback Requirements

NEXT MEETINGS:

March 9, 2010 - Regular Meeting

March 23, 2010 - Regular Meeting



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission