

**TYRONE TOWNSHIP PLANNING COMMISSION**

**APPROVED MEETING MINUTES**

**March 9, 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:**

Township resident Scott Dietrich asked to have the Correspondence item read aloud

**APPROVAL OF THE AGENDA:**

It was moved by Meisel, seconded by Kempisty to move Items 1 and 2 under Old Business to New Business. The Motion carried by unanimous voice vote.

**APPROVAL OF THE MINUTES:**

It was moved by Kempisty, seconded by Radcliffe, to approve the February 17, 2010 minutes as presented. The Motion carried by unanimous voice vote.

**CORRESPONDENCE:**

1) March 4, 2010 - Letter from Zoning Administrator George Van Hecke

Mr. Van Hecke requested consideration of the tax status when reviewing parcels for Land Division, Boundary Realignment, Rezoning, and Special Land Use

Chairman Hanoute read the correspondence aloud. Following a brief discussion of the contents, the Planning Commission scheduled a tax status discussion for a future meeting.

**SUBCOMMITTEE REPORT:**

**NEW BUSINES:**

It was moved by Meisel, seconded by Hasbrouck, to suspend the Order of Business and review New Business items 1 and 2 before Old Business to expedite the requests of the applicants present at the meeting. The motion carried by unanimous voice vote.

1) Request of Greg Duberg and James Soldan for renewal of the Tradin' Paint Special Land Use Permit for property on White Lake Road, B-2 Parcel 4704-04-300-006

Mr. Hanoute noted that the renewal would be temporary because the facility is temporary. At this point, the Livingston County Drain Commission reviews are lacking for on-site and off-site drainage; taxes are in arrears; the bond or letter of credit status has not been confirmed; no deceleration lane is shown as required by the Livingston County Road Commission and the parking lot layout and barrier free signage details are missing from the site drawing. Mr. Duberg replied that the drainage culvert at the road was not required by the Livingston County Drain Commissioner's office and he would be able to locate a letter to that effect.

During discussion of the request, the Planning Commission also noted that:

- No complaints were received at the Township regarding the use;
- The site drainage being used is not the drainage shown on the original site plan; A letter should be requested from the Drain Commissioner stating that the revised plans have been approved;
- Drawing Sheets 6 and 11 should be marked out or removed if they no longer apply to this plan;
- Water from the road currently flows south east across the Tradin' Paint driveway to the pond;
- The drainage from the pond underneath the driveway is shown on Sheet 6;
- A copy of the Road Commission culvert waiver needs to be on file;
- The deceleration lane requirement has not been met to date;
- A parking lot layout should be provided as verification for the number of parking spaces; and
- The standard barrier free signage details for gravel parking should be shown on the plan.

Mr. Duberg told the Planning Commission that:

- The check for the amount of the bond is on file at the Township;
- Some trees required for screening have been planted and more will be added this year;
- Mesh will be used in place of fencing to surround the playing areas;
- The tent will be located as shown on site drawing Sheet 9;
- The deceleration lane and approach will be black topped within the White Lake Road right-of-way and the grade will be elevated as needed;
- A culvert or catch basin may be needed at the drainage outlet under the driveway;
- Netting and inflatable bunkers are being used to periodically revise the playing field layouts for protection of the vegetation;
- The contact information on the site drawing will be revised; and
- The paving required by the Road Commission will be done in June or July 2010.

Moved by Meisel, seconded by Hasbrouck, to recommend to the Township Board approval of a temporary Special Land Use Permit for a period of three additional years for Mr. Greg Duberg and Mr. Jim Soldan to continue operation of the Tradin' Paint paintball facility in Section 4, conditional upon the following: a letter from the Livingston County Drain Commission showing that they find the site drainage acceptable; a demonstration that the taxes are current; evidence

that the Letter of Credit remains in effect; a waiver from the LCRC relative to the White Lake Road culverts; a parking detail drawing showing the parking space layouts and dimensions, the barrier free parking sign details including the height of the barrier free signs and the method of supporting the signs; removal or cross-out of site drawing sheet 11; correction of the owner's/developer's zip code on the Title Sheet; and further conditional upon completion of the hard surface deceleration lane and driveway approach, and installation of the additional plant material needed to complete the site buffer requirements by September 1, 2010.

During discussion of the motion, Mr. Kempisty asked if the Public Health Department comments were in play for a temporary facility and was told that as long as the use did not exceed the number of persons required by the Health Department for a large gathering permit (500), their temporary sanitary facilities were considered suitable.

The Chairman called for the vote and the motion was approved by unanimous voice vote.

- 2) Special Land Use Permit Concept Review for location of a Christian Preschool program in the Tyrone Covenant Presbyterian Church facilities at 10235 White Lake Road, RE Parcel 04-300-003.

Church Elder Rick Berry explained that the Church is supporting the request for a Christian preschool. School director Danielle Sorum said the Church was pursuing a preschool license from the State rather than a day care license. They would be allowed to enroll up to 20 children per day with two staff members. The school will be for three and four year olds and will meet 4 days a week for two and one half hours in the morning. The facility meets the State requirements for specific indoor and outdoor square footages, but they still have to provide policies and other documentation for State review and then pass several state inspections before approval. Their existing outdoor play area is a separate issue and will be reviewed by a State playground inspector which may require several reviews in order to bring the playground up to the State's codes. The play area must be designated on their plans and can be fenced or screened with landscaping.

The school will be supported by the Church but will be operated separately as Tyrone Tykes and open to children inside and outside of the congregation. As part of the documentation, the state will want to know that the request meets the Township's requirements. Mr. Berry said that the Church currently participates in church basketball activities and is set up to handle large numbers of people arriving and parking at their facility. Additional signs and lights are used for directing traffic.

Additional comments concerned:

- Provision of information about the sign-in, sign-out process for the students;
- Provision of a site plan for reference at the Public Hearing;
- The use of directional rather than advertising signs in association with the school;
- Consideration of the extent of future activities to avoid reviews and hearings every time Tyrone Tykes may want to add a grade;
- The separate requirements for state daycare and private school licenses;
- The Zoning Ordinance requirements for special land use public hearing documentation;

- Planner preparation of a list of information that should be presented at the Public Hearing based on the Township Ordinance and State License requirements;
- Inclusion of a written description of the activities proposed for inclusion as part of the special land use application permit;
- Showing the location of the dumpster and dumpster access on the site plans;
- Noting the dimensions and location of the school rooms and play area on the site plans;
- Verification of the pre-school classroom locations on the site plans;
- Inclusion of a written description of the educational program; and
- Clear identification of the drop-off and pick up area on the site plans.

Ms. Sorum said she would like to open in Fall 2010. However, all of the licenses, certifications, and inspections would have to be approved first. The State allows a 3 to 6 month waiting period after passing inspections, but all of the paper work has to be in first. The state doesn't require architectural plans, but they do want a drawing of the facility.

Mr. Hanoute explained to Ms. Sorum that the Planning Commission will have only one meeting per month as the result of a directive from the Clerk in order to reduce the Planning Commission Budget so requests will take more time to process. If something critical comes up, the Planning Commission could schedule a special meeting.

Moved by Lee, seconded by Kempisty, to set a Public Hearing for April 13, 2010 at 7:30 p.m. to review the request of Ms. Sorum and the Covenant Presbyterian Church for location of the Tyrone Tykes Christian Pre-School at the church facility located at 10235 White Lake Road. The motion was carried by unanimous voice vote.

**OLD BUSINESS:**

- 1) Review of the proposed Application Processing Chart and Fee Schedule for use by the Planning Commission

Mr. Hanoute explained that he had reviewed the text with Clerk Kremer who wants the Planning Commission to have a concise, organized procedure in place for processing applications. The Clerk also wanted the Planning Commission to provide examples of well prepared site plans of a similar type, an estimate of the time needed to complete the project review, and an estimate of costs.

Tyrone Township Planner Sally Hodges commented that the drawings and process chart would still be supplemental to the Fee Schedule and check-off list the Township currently uses to determine what needs to be included in the site plans and whether or not the required information has been provided.

The Planning Commission reviewed the process chart, approved its inclusion with the other application documents and discussed preliminary revisions to the Township's Fee Schedule.

During comparison of the Tyrone Township's fees with schedules from other townships, the Planning Commission:

- Noted that many townships require a pre-application conference fee;
- Debated the problem of encouraging development while maintaining a revenue neutral budget;
- Recommended concept reviews for complex site plans to provide general directions about the information that needs to be submitted and the probable costs involved;
- Discussed using a subcommittee and/or the Planner to hold special concept meetings as requested by an applicant;
- Commented that all applicants should follow the same application and review procedures as established by the Planning Commission; and
- Expressed concerns about the way planning and zoning phone calls were forwarded.

Mr. Hasbrouck commented that many applicants will want to talk with several people and then pick the one who gives them the easiest and cheapest answer. That is one thing that we should keep from happening. Anything involving zoning should be forwarded to the Planning Commission. Mr. Hanoute said that after a pre-application meeting, the Planning Commission Chairman is contacted to determine whether a concept review or a special meeting might be needed prior to Planning Commission review.

The Planning Commission discussed their per diem meeting costs based on the attendance of the Planning Commission members, the consultant, and the recording secretary and whether additional staff hours and materials should be included as part of the application fee. Ms. Hodges said that townships were allowed to recover 'reasonable costs' for services. Staff hours and materials should be included in the fees. If conferences are held at the office of the consultant, the fee would be based on the hourly rates of the Planner or Engineer and would be lower because of the difference in travel time.

Other topics discussed concerned the number of meetings to be covered by the basic fee and whether to assess the costs based on number of units, number of acres, or an arbitrary number, and the point in the process where the consultant services would be requested and the escrow account established.

Ms. Hodges said she would volunteer her time to put together a preliminary fee list for discussion at the next meeting, based on the practices used by other Townships.

2) Review of Zoning Ordinance Article 19.00 - EI Extractive Industrial Text

Ms. Hodges said the text was revised to provide better distinction between the zoning ordinance and the regulatory ordinance processes.

During review, the Planning Commission requested the following corrections:

Page 19-1:

- Section 19, Line 5: (...to insure complete ~~reclamation~~ **reclamation** restoration of the sand...)

Page 19-2:

- Line 3: (...for the concrete ~~and asphalt~~ **and asphalt** crushing operation...)

- Item 5: Throughout the process of crushing concrete, the material shall be treated to minimize dust **shall be minimized** as required under....)
- Item 6, Line 1: (...shall be screened to **minimize the view from** the public-right-of way...)
- Line 2: (Screening shall **may** be in the form of....)
- Line 7: (required to mitigate noise impacts **as required by Zoning Ordinance Article 21.16)**)

Page 19-3:

- C. 1, Line 1: (All uses in the EI district are subject to **approval by the Board upon recommendation of the Planning Commission** consistent with...)

Page 19-5:

- A. Line 2: (...reclamation of proposed new excavations.)

Mr. Hanoute noted that there were no requirements listed for general mining operation stockpiles in addition to crushing stockpiles. Ms. Hodges reminded the Planning Commission that setback changes would be required in the Schedule of Regulations from 400 feet to the 300 feet referenced in Item C.

Page 19-6:

- C. After discussion, the Planning Commission decided to permit the 300 foot setback and revise the Schedule of Regulations accordingly. They also requested a reference to 250 feet of frontage as well as a 250 foot minimum lot width.
- D. Access: The Planning Commission noted that the Schedule of Regulations requires a minimum 250 foot wide parcel for mining operations which may not imply an access easement wider than 66 feet.
- D.1, Line 1: (...shall have access to a paved county primary road via an approved...)
- E.2: Mr. Hasbrouck explained that ponds don't have to be fenced if the entire property is fenced.

Page 19- 7:

- H, Line 1: (Finished slopes of ~~the banks of the excavations~~)
- H, Line 4: Delete the sentence beginning (The slope requirements...)
- I: Delete Section I

Mr. Hanoute commented that the Board should be advised that there are conflicts between the regulatory mining ordinance and the zoning ordinance regulations. He asked to have the regulatory ordinance presented at the next meeting for review and comment in order to advise the Board of the conflicts.

### 3) Review of the proposed PIRO Zoning Ordinance text

The Chairman postponed discussion until the April Meeting

### OTHER BUSINESS FROM MEMBERS:

### ZONING ADMINISTRATOR'S REPORT:

### ZBA REPORT:

**BOARD ACTION:**

**ADJOURNMENT:** 9:50 p.m. by Chairman Hanoute

**FUTURE AGENDA ITEMS:**

Tyrone Covenant Church Special Land Use Permit Public Hearing  
Finalization of Zoning Ordinance Article 19.00 - Extractive Industrial  
Review of the Extractive Regulatory Ordinance  
Review of the Fee Schedule proposals  
Review of the PIRO Zoning Ordinance Text

**NEXT MEETINGS:**

April 13, 2010 - Regular Meeting and Public Hearing  
May 11, 2010 - Regular Meeting  
June 8, 2010 - Regular Meeting

  
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Laurie Radcliffe, Secretary  
Tyrone Township Planning Commission

  
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Barbara Burtch, Recording Secretary  
Tyrone Township Planning Commission