

TYRONE TOWNSHIP PLANNING COMMISSION

APPROVED MEETING MINUTES

May 11, 2010

PRESENT: Gary Butler, Dave Hanoute, Steve Hasbrouck, Ed Kempisty, Deb Lee, Mark Meisel, Laurie Radcliffe,

ABSENT:

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

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

APPROVAL OF THE AGENDA:

1) Mr. Hasbrouck said that he would like to make a comment during the Board Report

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

APPROVAL OF THE MINUTES:

1) April 13, 2010 - Regular Meeting Minutes

Page 4, Line 2: Redistribute commas
Page 4, Line 8 (~~...she~~ **Ms. Hodges** estimated...)

Moved by Radcliffe, seconded by Hasbrouck to approve the April 12, 2010 Regular Meeting Minutes as corrected. Motion carried by unanimous voice vote.

2) April 13, 2010 - Public Hearing Minutes for the Tyrone Covenant Presbyterian Church Special Land Use Permit request for Tyrone Tykes Christian Preschool

Page 1, Line 44: (...will be conducted by a an organization...)
Page 2, Line 13; (...were available **Room** 109 as well as **Room** 107)

Moved by Radcliffe, seconded by Lee, to approve the April 13, 2010 Tyrone Covenant Presbyterian Church Public Hearing Minutes as corrected. Motion carried by unanimous voice vote.

CORRESPONDENCE:

SUBCOMMITTEE REPORT:

OLD BUSINESS:

- 1) Discussion of the proposed Planning Commission Fee Schedule revisions for recommendation to the Township Board.

Tyrone Township Planner Sally Hodges of McKenna Associates, Inc. commented on the revisions made based on comments from the April 13, 2010 meeting that were referenced in her Memo of May 6, 2010. She noted that a Public Hearing fee was included in the basic charge for rezoning, conditional rezoning, special land use, and preliminary PUD review in place of a public hearing line item. An additional item is the McKenna "Stamp Review" fee for final plans.

The Planning Commission discussed Public Hearings as a mandatory or an optional requirement for boundary realignments, open space realignments, and private road or shared driveway access easements immediately adjacent to another parcel, and whether the a public hearing or simple notification of the immediately adjacent property owners should be sufficient.

During further discussion, Planning Commission members commented that:

- Large parcels have to set off a large amount of open space for land division and it wouldn't be fair to allow neighbors to control the open space location;
- Buyers who find an open space buffer next to their property and then later have it moved to another location may be adversely impacted by their neighbor's action;
- Purchasers buying property next to open space should be aware that it can be moved;
- Public hearings should be referenced as an option for private roads and shared driveways;
- The Board should determine if a pre-application fee is required to cover the initial discussion of requirements prior to receipt of an application;
- A prorated pre-application counter fee could be included in the basic application cost;
- The Board should make a decision in regard to charging for all Planning Commission services or exempting some basic services;
- An index or alpha listing should be included with the fee schedule; and
- The size of the draft fee schedule text was hard to read and should be larger.

Chairman Hanoute postponed further discussion of whether to require public hearings or simple notification of intent in regard to open space relocation until the next meeting.

Moved by Hasbrouck, seconded by Radcliffe, to forward the proposed Fee Schedule to the Township Board for their review and approval following Planning Commission review of the text copy containing the addition of an optional Public Hearing Fee for open space relocation and private road or shared driveway easement locations, and further consideration of conditions which will require public hearings for open space and easement relocation. Motion carried by unanimous vote.

Mr. Hanoute explained that the recommendation sent to the Township Board will be the most current copy of the fee schedule (5/06/10 rev) as amended.

The meeting was recessed for an Article 19.00 Extractive Industrial Public Hearing at 7:30 p.m. and resumed at 8:15 p.m. beginning with New Business Item 2.

2) Discussion of the proposed PIRO (Planned Industrial, Research and Office) Zoning and land use requirements

Mr. Hanoute asked if land owners would have the option to develop property under the proposed PIRO classification or the current Zoning Ordinance district uses. Ms. Hodges said that the Township has the option to rezone the entire industrial district to PIRO, but that usually doesn't work because of property owners who aren't ready to have their property rezoned. An important aspect is to look at the Future Land Use map to determine if the various PIRO uses are located properly on the map. Mr. Hanoute observed that there would be high potential for winding up with fragmented incompatible zoning if the Township didn't take the initiative to rezone for industrial use.

Ms. Hodges explained that she had prepared an illustration showing the current US 23 corridor use categories for comparison with the proposed Future Land Use Map. Under the proposed land use map, Planned Commercial Services and Office are intermingled with PIRO industrial uses although professional offices don't usually locate right at the interchange. While going over the land use map to set up the PCS rezonings it was noted that many of the existing commercial or industrial sites aren't consistent with the Master Plan.

The Planning Commission also considered:

- Revising the Land Use Map in connection with the PIRO development,
- Whether to develop the areas north and south of Center Road with different requirements;
- Listing the types of uses appropriate to development of commercial or industrial PUDs;
- Evaluating the PIRO locations based on long term market analysis;
- Locating examples of model mixed use industrial parks within the state;
- Identification and classification of compatible industrial use groups
- Ways to manage industrial uses that cause blight
- Defining ways to encourage industrial park rather than strip industrial or commercial development;
- Inclusion of some commercial sites within the PIRO boundaries;
- Examples of successful industrial developments from other communities;
- The potential for a health park development; assisted living facilities, packaging facilities, light assembly operations, big box stores, trade schools, and research or testing facilities;
- A method of defining 'reasonable uses;'
- Using streets as access to, rather than buffers between, use groups;
- Concentrating small industrial and research facilities north of Center Road with more intense uses behind the frontage;
- Classification of uses based on size of facility, number of employees, type of equipment or product, and storage or display requirements;
- Wetlands and drainage course issues associated with both sides of US 23;
- Problems associated with industrial park development on the east side of US 23 because of small parcel size, number of parcel owners, lack of sewers; high

- percentage of gravel roads, and the configuration of the expressway access points; and
- Solutions to the problem of existing non-conforming uses.

Mr. Hanoute asked the Planning Commission members to think about specific types of uses, ways to classify uses, and good examples of industrial development for discussion at the next meeting.

NEW BUSINESS:

1) Recommendations regarding revision of Zoning Ordinance Article 19.00 and new text for Article 19.03 - Extractive Industrial Special Land Uses

The Planning Commission continued the discussion of setback requirements from the Public Hearing and considered:

- Removing the crushing operation setback requirements (19.07.C) from the text;
- Referencing compliance with state and federal requirements for mining and crushing setback distances;
- Evaluating setbacks in terms of noise, dust, or visual impacts;
- Applying general EI District building line setbacks for operation structures (20.02) to all structures in the extractive district, including mining structures;
- Retaining the current Ordinance requirements that all structures be located 500 feet from the street and 1,000 feet from any residential district for all equipment and structures used for sorting, crushing, loading, weighing, mining, storing, stockpiling and any other operations;
- The current 200 foot stock pile setback requirement (19.07.B);
- The section 19.03 reference to the current operating section (19.07) for setback requirements;.
- Revision of the Section 19.07.C title;
- The change in building line setback requirements from 500 feet to 300 feet made at the request of a Board member;
- Establishing different setbacks for mining or crushing operations located in industrial or residential areas;
- Separating crushing standards from mining standards;
- Making crushing standards for property located adjacent to residential districts more stringent than standards for Industrial or PIRO districts;
- The intent of the Board's request to allow concrete crushing in the EI district;
- Whether or not the proposed standards are strict enough for crushing operations located adjacent to residential zoning districts;
- Review of the state and federal setback requirements;
- Concerns about the proximity of mining and crushing operations to residential property lines; and
- The scarcity of complaints received about the activities at the Bentley gravel pit under the current standards.

Mr. Hanoute asked the Planning Commission members to review the site operation for comparison of the standards being followed and the new ordinance proposals before the June 8, 2010 meeting.

Tim Winn, 11499 Bay of Firth, said he heard the comments that the site is a good place for concrete crushing because it has been done for several years and it is in a low lying area. The Planning Commission is making an assumption that concrete crushing will always be done in a low lying area and they should consider whether it is going to be allowed because a Board member recommended it. The bottom line is why the ordinance should be less restrictive than it is now. They can be allowed to crush without allowing them to increase the amount or bringing the mining and crushing operation closer to the residential areas to create more of a burden on the surrounding neighborhood. They have lived with 1,000 foot and 500 foot setbacks all these years. Why not let them continue?

Mr. Hanoute explained that one of the things the Planning Commission members would look for at the site is compliance with the current requirements. Mr. Meisel commented that we have been asked to allow them to continue their current activity, but we don't have to make it easier. Mr. Hasbrouck noted that the ordinance will affect future gravel pits that don't allow crushing also.

Mr. Hanoute asked if a decibel rating for noise has been established. Mr. Meisel said that was one of the issues left to the state or federal requirements. Ms. Hodges explained that these are standard site plan issues and the Bentleys will need a site plan to get the crushing approved as a special use. Mr. Hanoute said the Board should be advised that a site plan is required for a special use. The gravel pit owner will need an annual permit and will have to show compliance with the site plan to renew the permit.

Mr. Hanoute asked members to visit the site individually to avoid a quorum and then continue discussion of the request at the next meeting. Mr. Meisel recommended a phone call in advance.

OTHER BUSINESS FROM MEMBERS:

ZONING ADMINSTRATOR'S REPORT:

ZBA REPORT:

1) Variance Request

Mr. Meisel reported that the ZBA had reviewed a request to allow an individual to keep more than three dogs for personal use on less than ten acres. They had support from all of their neighbors and one was even willing to lease them three acres of land to technically meet the ten acre kennel requirement.

In regard to a kennel special use permit, Mr. Meisel said he would discuss the ZBA recommendation with Ms. Hodges to determine the next step.

TOWNSHIP BOARD REPORT:

1) Mr. Hasbrouck said that the Outdoor Storage Ordinance was reviewed by the Township Board and two modifications were made. The maximum size of a boat was increased from 28 feet to 32 feet and the maximum length of an RV changed from 40 feet to 45 feet.

The Board also agreed that the Township shouldn't review any applications unless the tax payments on the subject properties are current.

ADJOURNMENT: 9:20 p.m. by Chairman Hanoute

FUTURE AGENDA ITEMS:

NEXT MEETINGS:

June 8, 2010

July 13, 2010

August 10, 2010



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission