

## TYRONE TOWNSHIP PLANNING COMMISSION

### APPROVED MEETING MINUTES

June 8, 2010

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

**ABSENT:** Gary Butler, Deborah Lee

**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 Hasbrouck, to approve the June 8, 2010 Agenda as corrected Motion carried by unanimous voice vote.

**APPROVAL OF THE MINUTES:**

1) May 11, 2010 - Regular Meeting Minutes

Moved by Kempisty, seconded by Radcliffe, to approve the May 11, 2010 Meeting minutes as corrected. Motion carried by unanimous voice vote.

Page 3, Line (the proposed the land use map...)

Page 4, Line 49: (~~June 15~~ May 11, 2010)

Page 5, Line 1: (~~Scott Dietrich, 13505 White Lake Road~~ Tim Winn, 11499 Bay of Firth,)

2) May 11, 2010 - Article 19.00 and Article 20.01 Public Hearing Minutes

Moved by Radcliffe, seconded by Meisel, to approve the May 11, 2010 Public Hearing Minutes for Ordinance 36 Articles 19 and 20 as corrected. Motion carried by unanimous voice vote.

Page 3, Line 8: (...White Lake Road and ~~Baldwin~~ Bennett Lake Road.)

Page 4, Line 13: (~~Closing~~ Closing Planning Commission Remarks)

Page 4, Line 48: (regulate

**CORRESPONDENCE:**

**SUBCOMMITTEE REPORT:**

## **OLD BUSINESS:**

- 1) Final recommendations regarding revised EI setbacks (Zoning Ordinance Articles 19.00 and 20.01)

James Ray, representing Bentley Sand and Gravel, informed the Planning Commission that his family or the gravel company owned most of the property surrounding Stearns Lake. They run three operations from their location---concrete crushing, topsoil production, and gravel mining or refining. Originally they planned to reclaim as much land as possible for future development, but have recently discussed some sort of nature preserve development.

Mr. Ray also told the Planning Commission that:

- Their sand production is down because dredged and processed sand is more expensive to produce than mined sand;
- They are waiting for the easy access mining operations to leave the area so sand and gravel prices will go up enough to make them competitive in the sand and gravel business;
- Currently they earn most of their money (75%) by crushing concrete and producing top soil;
- The deposits of sand or gravel on their property are located at a depth of 60 feet or more;
- The State confiscated much of the sand and gravel on the property when they built US 23; and
- The present concrete crushing area is proposed for future land development and will be finished with building grades.

Mr. Hanoute recalled that one of the issues related to Zoning Ordinance 19.00 involved the issue of grades. Township Planner Sally Hodges explained that she hadn't revised the document to include the changes requested at the last meeting and was waiting for the decision regarding the setbacks before she finalized her recommendation memo. There were also recommendations from the Township Engineer (5/11/10) to be considered. One was the addition of a reference to "airborne dust...under federal state and county regulations," to Section 19.03.5.

The Engineer's recommendations also referenced toxicity reports for inclusion in proposed Article 19.07.A. Ms. Hodges recalled that the original position of the Planning Commission was to not reiterate the requirements of other agencies, but ask that applicants comply with them. The Planning Commission members observed that the recommendation regarding contaminants was too vague; the comments were directed to material being mined at the site but wouldn't apply to material brought to the site, and Section 19.07.A. deals with excavation and reclamation. Ms. Hodges noted that if the recommendations were included in the crushing section, testing standards and testing frequency requirements should also be included.

Mr. Ray told the Planning Commission that Bentley Sand and Gravel would have to provide reports related to any products being resold that came from State sites. They have no plans to do any work or sell any products from the demolition of industrial or commercial sites. They handle concrete, not bricks or other building materials. Demo

permits list what can be done with building materials and where they can be taken and the material is tested on site. They are under OSHA employee requirements at their site.

Mr. Hanoute commented that the proposed PIRO Zoning District would also provide potential for concrete crushing. He thought the standards proposed for Section 19.07.A. were a little overboard in terms of testing uncrushed concrete. Mr. Ray said he was told that the purpose of the Township review was to change the requirements for Bentley Sand and Gravel not for the entire EI Zoning District. Mr. Hanoute explained that although Mr. Ray owns the only EI District mine in the Township at this time, the Township can't create a special set of rules for an individual owner. The regulations have to be applicable to any owner of property within an EI Zoning district now or in the future. Mr. Hasbrouck commented that the Township Ordinance doesn't have to dictate testing conditions because there are other agencies responsible for that.

Mr. Meisel asked what mechanism would be used to determine if material brought to a site is hazardous and the steps that would be taken to protect the environment. Mr. Ray said they were licensed by the State and the site was inspected by the DEQ. Eventually, someone bringing in hazardous material would be caught. The Planning Commission decided not to add Gould Engineering comment #2 to the EI District text.

Ms. Hodges felt that it was redundant to add the Engineer's recommended language to Sections 19.07.B. and C. which stated that, "Conditional approvals and standards as set forth by County, State, and Federal requirements will also be followed as a minimum standard." Mr. Hanoute thought the language would be better included in Section 19.04 - Requirements for All EI District Uses as a general statement requiring compliance with all County, State, and Federal requirements as applicable. Ms. Hodges said she would include the language in Articles 19.04.C.

Ms. Hodges referred to Articles 19.07.B. and C. regulating setbacks. The current requirements are 400 feet for side and rear yards, but the Commission previously considered reducing the setback requirement to 300 feet followed by discussions of 500 and 1,000 foot setbacks. During review of the setback options, Planning Commission members commented that:

- The Bentley operation appears to be about 300 or 350 feet from the side lot lines;
- The Bentley sand and gravel operation is in violation of the current EI Ordinance in terms of use and setbacks;
- During the Public Hearing, Mr. Winn questioned why the Planning Commission wanted to reconsider the setback distance;
- Some of the options are to reduce the setbacks to make the existing operation conforming or to arrive at a number which would force them to relocate the crushing operation;
- There is no Zoning Ordinance definition of "structures" or "equipment" related to Section 19.07.C. and no references to moveable or stationary equipment;
- There is no limit on operational hours;
- Noise associated with concrete crushing can be a concern;
- The Bentley's operation is in a depression and most of it can't be seen from Bennett Lake Road, and
- Operations at ground surface level or on top of a hill would present different sets of problems.

Mr. Ray explained that they usually don't work on Sundays. Their usual schedule is 8:00 a.m. to 5:00 p.m. on weekdays and 8:00 a.m. to 2:00 p.m. on Saturdays, but that may vary depending on their contract.

The Planning Commission requested definitions of 'operation,' 'structure,' and 'equipment' for inclusion in the Ordinance as future amendments and requested the addition of references to stationary and moveable structures in Section 19.07 at this time with examples described as "such as, but not limited to." The Planning Commission agreed to leave the side and rear setback requirements at 400 feet as they exist in the current Ordinance, but to allow modification of the standards by the Planning Commission based on the location of the crushing operation, surrounding topography and land uses, and impacts on adjacent properties.

The Planning Commission also told Mr. Ray that a deceleration lane would probably be required as part of the Special Land Use site plan and reminded him that any boundary realignments made as additions to Bentley Sand and Gravel mining property would have to be reviewed by the Township if the parcels were not currently zoned EI.

Mr. Hanoute asked Ms. Hodges to make the text revisions discussed at the May and June meetings before the Ordinance language is forwarded to the Board. Mr. Meisel requested an e-mail to Planning Commission members for review before the recommendation is forwarded to the Board.

Moved by Meisel, seconded by Hasbrouck, to forward the proposed revisions to Zoning Ordinance Article 19.00 and Article 2.01 to the Township Board with a recommendation for approval conditional upon e-mail review of the proposed changes discussed at the May 11, 2010 and June 8, 2010 meetings as reflected in the minutes and included in the final draft. Motion carried by unanimous voice vote.

**2) Final review of the proposed Planning Commission Fee Schedule (5/6/10) for forwarding to the Township Board**

Ms. Hodges noted that an Index was added to the schedule as requested. She had also included a \$200 handling fee to cover the township's costs of filing and storing the permanent plans and documents associated with the requests. Mr. Hanoute suggested including a general reference to Attorney review fees for contracts or agreements associated with Planning Commission reviews of Master Deeds, PUDs, Contract Zonings and other similar legal documents to the Fee Schedule with the notes on page 5.

Chairman Hanoute asked to have the Fee Schedule forwarded to the Board with copies to the Planning Commission members following addition of the Attorney reference.

**3) Review and discussion of the proposed PIRO Zoning District text dated 3/1/10**

Mr. Hanoute asked if Outdoor Instruction (Page 3) would permit tractor-trailer driving instruction, motor cycle driving instruction and other similar activities in the parking lots. Ms. Hodges said that would be possible and she had also observed pole climbing instruction at some locations. The Planning Commission asked for an indication of some

of the heavy industrial uses which could be considered as special uses in light industrial areas. In response to a question about farm equipment sales, Ms. Hodges explained that the use involved large areas of outdoor sales display which isn't usually encouraged in light industrial developments.

The Planning Commission's specific requests for text revisions were:

Page 12 - Item C.2 Locations: Revise to (Pedestrian linkages between adjacent uses shall be provided.)

Page 13 - Item 5, Right-of-way Planting: Revise to (..locate trees adjacent to and parallel to the road right-of-way) and revise Line 4 to: ("In cases where ~~the~~ common drives are proposed ...")

Page 14, Item B, Outdoor Sales and Display: Include some standards for outdoor storage, and

Page 15, Item 5 Right-of-way Planting: Revise to comply with the standards on Page 13; and

Page 15, Item D - Minimum Lot Area: Revise to ("The minimum lot area ~~size~~ in the PIRO-B ...")

- 4) Review and discussion of the Planning Process information included with the proposed Fee Schedule

The Planning Commission reviewed the Planning Commission Application Processing Outline and Application Form currently being used and the proposed Site Plan Review Process flow chart which more completely details the process. The current Application Check Lists are being revised to reflect recent changes in the Zoning Ordinance.

The Planning Commission requested inclusion of a "Tax Status" reference on the Application form and a line on the flow chart directing approvals, conditional approvals, and denials to the Township Board.

Mr. Hanoute scheduled review of the revised Application Form, the Application Processing List, the Application flow chart and the Fee Schedule for review at the next meeting.

#### **NEW BUSINESS:**

Mr. Hasbrouck informed the Planning Commission that the Township Board had appointed Board Trustee Brian Miles to serve as the interim Supervisor. The Board will be advertising for a Supervisor, a Township Board member, and a Planning Commission member to replace Mr. Butler who resigned due to relocation.

#### **OTHER BUSINESS FROM MEMBERS:**

#### **ZONING ADMINSTRATOR'S REPORT:**

#### **ZBA REPORT:**

Mr. Meisel reported that the ZBA had approved two variances. One was to allow a front yard accessory building in the RE Zoning District for a corner parcel. The other was for

a detached accessory building at Runyan Lake which was approved as an attached accessory structure with a reduced foot print and a requirement for fire retardant dry wall.

**BOARD ACTION:**

**ADJOURNMENT:**

Chairman Hanoute requested that the Secretary write a letter to Mr. Butler thanking him for his service to the Township.

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

**FUTURE AGENDA ITEMS:**

**NEXT MEETINGS:**

July 13, 2010 - Regular Meeting

August 10, 2010 - Regular Meeting

September 14, 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

