

TYRONE TOWNSHIP PLANNING COMMISSION

MEETING MINUTES

June 12th, 2012

PRESENT: Present: David Hanoute, Steve Hasbrouck, Mark Meisel, Ed Kempisty, Deb Lee, Mike Wood, and Brandon Peabody

ABSENT: None

OTHERS PRESENT: Tyrone Township Planner Sally Hodges, Planning/Zoning Administrator Vanessa Bader, and Supervisor Mike Cunningham

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

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC: Mr. Bernardi made comments regarding the land proposed for development in the Master Plan and asked if the Township had notified the residents about the property we were purchasing. Chairman Hanoute responded that property does not have to be purchased. Bernardi listed several residents he had spoken with who were unaware there was a Master Plan and that their property was on the list for development. Chairman Hanoute stated all the meetings were published according to the State requirements and there is no list of properties to be developed. Meisel responded that the Township was not buying any property and that land planned for development is classified the same in the current Master Plan and has been the same for the last 10 years. He explained the Master Plan is a vision for the future. We are required to set aside land for certain zoning classifications; the Township is not buying or selling land. The current owners can continue to use the property as they are now and they can sell it if they wish.

APPROVAL OF THE AGENDA:

Meisel moved to approve the meeting agenda as presented (Wood seconded). The motion carried by unanimous voice vote.

Meisel moved to suspend the order of business and move New Business item #1 ahead of Old Business item #1 to accommodate the applicant (Lee seconded). 2 nays (Wood and Peabody). The motion carried by majority voice vote.

APPROVAL OF THE MINUTES:

Regular Meeting Minutes for May 17, 2012

Kempisty moved to approve the May 17, 2012 Planning Commission minutes as corrected (Wood seconded). The motion carried by unanimous voice vote.

Line 43 on Pg. 1 of the Minutes: The word "tha" should read "than".

Line 107 on Pg. 3 of the Minutes: Add "Chairman" before "Hanoute"

NEW BUSINESS #1: Larocca Land Division

Township Planner Sally Hodges gave her review.

- 10 acre parcel being split into 2 parcels. According to the aerial photo there is a driveway that gives access to this parcel to be split, a parcel to the north, and a Road Commission parcel to the East.

June 12, 2012 - Draft Tyrone Township Planning Commission Meeting Minutes

- Where will the 2 remaining divisions be allocated (04-30-300-046 or 04-30-300-045)?
- Open space and legal description is correct.
- Parcel -046 is bank owned and does not want to share a driveway-can move driveway to McGuire Rd
- Confirm that the County review of sight distance is from the existing driveway or from where it will be relocated.
- If this will be a shared driveway, is there a maintenance agreement.
- If the split takes place, the parcel with the horse barn will have 1 year to build a primary structure or the barn will be in violation of the Zoning Ordinance.

Agent for the applicant, Wayne Perry from Desine Engineering, gave a history on the parcel.

Chairman Hanoute made the comment that he did not recall ever approving a lot with less than 66 feet of road frontage. (The lot in question is a flag lot with 50 feet on the road.) Planner Hodges had the same concern and could not find anything in the ordinance that dictated a flag lot having 66 feet of road frontage. Zoning Administrator Bader commented that she could not find that being a requirement. She saw such requirements in the Private Road and Shared Driveway section of the ordinance, but since this was not proposed as a shared drive or road, the 66 feet does not seem to apply in this case. Chairman Hanoute made mention of access width and utility easements requiring 66 feet in the ordinance. He believed that is how the Planning Commission has enforced the width requirement in the past. Hodges commented that if this was an historic interpretation, then the Commission would be wise to continue that interpretation. Hodges said if this was a shared driveway then the 66 feet would definitely apply here, but the ordinance was not as clear when dealing with a flag lot. Wood referred to Hodges' review where she stated the stem on Parcel B should be widened to 66 feet. Hodges said that was under the assumption that this was to be a shared driveway. Wood also commented on the out building on Parcel A and it would be subject to setbacks if the stem was widened.

Mr. Perry gave comments regarding this issue in that the parcels and the driveway are unique. The applicants for the land division owned the parcel being split and the house to the north (-046). The driveway has been there for years and was never an issue because they also rented the barns on the Road Commission parcel to the East. The Road Commission parcel has frontage on Fausett Rd and can obtain a driveway if they need one. The house to the North (-046) was lost to foreclosure. There has never been an easement over this driveway to give access to either the Road Commission or to the house. Neither of those parcels currently have legal access to the driveway in question. The house could put in a driveway on McGuire Rd. Mr. Perry said he initially called the bank who owns (-046) and the Mike Craine at the Road Commission. Neither party wanted to deal with the driveway and/or easements. Both can gain access by other roads if needed.

Hasbrouck said the main issue now is the flag lot and the road frontage. Meisel said he has not seen the Commission dictate width for a private driveway. Hanoute asked about adequate access for emergency and utility vehicles. There was discussion about this being the only access, or it could be an easement across Parcel A which would then affect the barn with setbacks. Hodges and Bader again looked through the ordinance to find a section pertaining to access width but could not find anything regarding flag lots, or private drives.

Meisel relayed Planner Hodges suggestion that Parcel B with minimal road frontage be limited from being split in the future. Chairman Hanoute said he did not want to impose a

restriction that was not in the ordinance. Chairman Hanoute commented that if we could not find anything in the ordinance, than it must not be there. Hodges said from a planning perspective 66 feet is a good recommendation because it allows for adequate access and future development.

There was discussion regarding the house no longer having access and whether we should notify the Building Dept. There is already occupancy and they can gain access elsewhere. .

Mr. Perry commented that, like the Planning Commission, this would not be his ideal set-up; but this is what the applicants could agree on.

Further discussion - There was concern about future divisions of Parcel B, but the Commission thought the way it was set up, and the limited lot frontage would in affect limit future divisions of the parcel. There were questions regarding gas line easements and that is what is in fact shown on the plan

Hasbrouck recommended approval to the Township Board. (Wood seconded).

Meisel asked if all issues were addressed. Hodges questioned future division rights; it was determined by process of elimination that the house (-046) would get the remaining divisions. It should be noted on the document and Mr. Perry said the deed has the standard language that should go there. All other concerns were addressed.

Motion carried unanimously by voice vote.

OLD BUSINESS #1: Woody's Site Plan Amendment-Gas Station:

Due to conflict of interest, Wood recused himself from the table.

Planner Hodges gave her review of the site plan.

- Applicant wishes to add 3 fuel pumps and a canopy with underground storage for a gas station. Current operation is a convenience store, towing and auto repair, and auto sales.
- All variances should be noted on the plan. Received two in April for a canopy setback and sign square footage.
- 57 parking spaces required, proposed 64. Convenience store parking requirement is noted 10, needs to be 9. Optional wording on some parking spaces should be removed. Mike Wood noted that in case Paul White (used auto sales) lost his spaces that those would become parking spaces so they would keep the correct amount of parking. Hodges suggested all parking on plan should be stripped.
- There was lengthy discussion on why certain spaces are optional and whether or not they need to be shown and utilized right away. Two required spaces shown as optional (56 & 57) are required. Hodges explained the issue with Paul White needing display for State permit, but not being allowed to have display. Chairman Hanoute stated she should finish the review and this will be discussed later.
- Bumper blocks are required for parking to protect landscaping. They should be shown on plan, however, it is noted on the plan that bumper blocks will protect landscaping.
- Barrier free spaces need to be dimensioned.

There was more discussion on parking and Paul White's spaces and whether there should be blocks between those spaces and the one for regular parking, which could impede

access to those spaces. It was questioned what the applicant intends for those spaces, Bill said parking if needed. Kempisty made a suggestion to stripe the spaces closest to the road in Paul White's display so as not to confuse drivers of where to park. The discussion continued as to which spots to stripe and use.

Chairman Hanoute asked about the big trucks parked out front. Bill Wood said those trucks will be moved to where the septic field is once they hook up to the sewer. They currently do not have anywhere else to park them.

- Suggested to eliminate space 14 or make a parallel space. It is located in the way of the circulation pattern, but we know people will park there anyways.
- Curve the landscaping area by the Marathon sign. Will help direct traffic.
- Fence around impound area. Hodges said we should have a profile of the fence, material, etc. The applicant noted that the gate is cedar and he proposes to make the rest cedar also. The plan also notes 8 feet high.
- It was suggested the shrubs be clustered in beds with mulch, making it is easier to maintain. Hodges questioned what the remaining landscaping would be; the answer was grass. This should be noted on the plan.
- Need dimension of wall signs.
- Canopy-there was lengthy discussion on whether or not having "Marathon" on all sides would violate the ordinance of one wall sign per business. Is stripping included in square footage? Stripping with the letters would constitute the sign per our ordinance and previous conversations with Planning Commission. Will continue discussion later.
- Plan shows dumpster front, but nothing about the sides. Need to add a note about what the sides will look like.
- Discrepancy regarding canopy height. Site plan says 15', other paperwork says 14.6. Applicant said bottom of fascia is 14.6, to underside of canopy it is 15 feet. There is a 36 inch fascia.
- We received cut sheets for the new building lights, pole lights will be similar. We need cut sheets for the pole lights also. Photometric noted it was a little dark near the entrance, but they do not take into consideration light from off-site. There was discussion about light at the intersection from other sources and seems well lit.
- Sign-proposing 20 foot free standing sign for the gas station. Meisel said the ZBA granted a variance based on limited visibility at times from US 23 but the Planning Commission was to determine if it met the requirements of a visible sign. Continued discussion on wall signs and canopy. It was determined the stripes along were aesthetic and alone were not part of sign square footage. It was agreed to allow the words "Marathon" on the South side and stripping on the others.

Meisel mentioned the other signs in the road right-of-way and thought this may be a good time, while in the construction phase, to try and get them to collaborate on one sign instead having individual ones for each business. The three signs have received ZBA variances.

Chairman Hanoute asked Hodges to summarize what was still required of the applicant. She did that. Noted below are items that were not mentioned previous:

- Differentiate between shrub species and state size per the ordinance.
- Clearly mark where gravel ends and concrete begins on the North side of the parcel.
- Meisel noted the discrepancy on the DEQ permit for the storage tanks. It says the site is in Genesee County and that it is served by water from the City of Detroit. The Commission reviewed the email received earlier that day that was corrected on the permit application. A new application will be forth coming.

June 12, 2012 - Draft Tyrone Township Planning Commission Meeting Minutes

- One parking space was only half paved at the North. Kempisty suggested moving gravel to 15 feet from the property line to allow for a fully paved space but still leaving room for the trees.
- Drainage-reviewed email from Steve Nagy. Suggestion of running pipe from roof to dry well was shown on the plan. Chairman Hanoute questioned the capacity and whether it could handle the concentrated flow. Bill Wood said that is currently where the water from that side of the property is flowing anyway. Hanoute questioned increase in paving and thought that should be a concern also. Hasbrouck commented this site has been developed for some time. Normally water would be detained before it could leave the site, but this particular site has been this way for a long time. The applicant said he has never had an issue with drainage before. Chairman Hanoute recommended getting the dry well checked prior to running the canopy water there. The applicant stated he built the well, it is 10 feet deep with crushed limestone and pea gravel at the bottom and he has never had a problem.
- The Commission agreed they had enough information for the canopy and elevations.
- It was agreed the stripping on the canopy poles was allowed.
- All non-permitted signs shall be removed from the site.

Moved by Hasbrouck that we recommend approval to the Township Board, provided a sub-committee be set up with Hodges, Bader, and a Commission member to review the final site plan corrections and changes prior to forwarding the plan. (Lee seconded)

It was stated the plan would have to be revised by Thursday so it could be reviewed if the applicant wanted this to be heard by the Township Board the following Tuesday. Chairman Hanoute appointed Hodges, Bader, and Lee for the sub-committee tentatively set for June 14th at 10am. If it was completed in time it would be forwarded to the Township Board for their meeting on the 19th.

Commissioner Wood returned to his place at the table.

Old Business #2: Accessory Structure Reorganization

Chairman Hanoute asked to table this to the next meeting due to the late hour.

MISCELLANEOUS BUSINESS:

- 1) Township Board Actions: Hasbrouck mentioned some more amendments that were sent back. Meisel said the PIRO concerns may have resulted due to many officials on the Township Board having changed since PIRO was last discussed with them. Chairman Hanoute said to notify to the Board that the Commission wishes to have a joint meeting at the next Planning Commission meeting to discuss these issues.
- 2) Marijuana Moratorium expires August 5th. We can discuss this next month. Supervisor Cunningham commented that we need to show some progress. We can just extend the moratorium without showing reason. Show we have been reviewing court cases as they are changing.
- 3) Meisel reviewed the action list for the Planning Commission from a previous joint meeting with the Board in 2010. Zoning Administrator Bader will email the list to everyone. Chairman Hanoute suggested adding the 66 foot requirement for road frontage on the list.
- 4) Hodges brought to attention the new Act regulating co-location of cell towers. They no longer require site plan review and restrict fees to \$1000. We will need to modify our ordinance. The Zoning Administrator has already received an application and they will be treated as Land Use Permits.

ADJOURNMENT: The meeting ended at 9:50 pm

NEXT MEETING:

July 10, 2012 - Regular Meeting

Vanessa Bader, Recording Secretary
Tyrone Township Planning Commission