

TYRONE TOWNSHIP PLANNING COMMISSION

**MEETING MINUTES
SEPTEMBER 23, 2014**

PRESENT: Mark Meisel, Cam Gonzalez, Ron Puckett, Anne Linder, Dave Wardin and Bill Wood

ABSENT: Deb Lee

OTHERS PRESENT: Tyrone Township Planner Sally Hodges and 8 others.

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

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC: No comments were received

APPROVAL OF THE AGENDA:

Wardin moved to approve agenda as presented. (Puckett seconded)
The motion carried by unanimous voice vote.

APPROVAL OF THE MINUTES:

Gonzalez moved to approve the September 9, 2014 minutes as presented. (Puckett seconded)
The motion carried by unanimous voice vote.

OLD BUSINESS #1: Land division request by Ridenour located at Center Rd. and Linden Rd.

The applicant is returning to the Planning Commission with revised drawings. Planner Hodges presented her revised review of the application. The applicant wished to relocate open space to allow for reasonable placement of an accessory building. A lengthy discussion regarding the amount of open space being provided versus that which should be required ensued. At issue is the amount of open space previously provided during a prior land division for which there is no legal description or recording, however the open space is shown on the drawing provided for the prior land division. 3 acres of open space attributed to parcel C-1 are provided and shown on the drawing associated with the 2/19/99 split. The discussion is regarding the amount of additional open space which needs to be provided to comply with our current zoning ordinance. The latest drawing submitted by the applicant allocates 11.07 acres as open space, which is nearly 50% of the developable remainder. It was agreed this was more open space than was intended to be required. It was eventually determined 3.34 acres of open space should be provided as a result of the land division under consideration in addition to the 3 acres attributable to the prior land division for a total of 6.34 acres of open space.

The remaining requirements to be addressed were:

- Provide parcel tax status (available from treasurer's office);
- A note needs to be included on the drawing indicating no wetlands are present;
- A note needs to be included on the drawing indicating no drains are present;
- A note needs to be included on the drawing making reference to the previous land division from 2/19/99 as the origin of the 3 acres of existing open space.

All other requirements have been satisfied.

Motion by Linder, seconded by Gonzalez, to recommend to the Township Board approval of the requested land division conditional upon satisfaction of the remaining requirement noted above. The motion passed by unanimous voice vote.

OLD BUSINESS #2: Strategy discussion regarding Special Use Permit application for Valerie Johnson for barn weddings and events at 11009 Old US 23.

Chairman Meisel advised the Township Board initiated rezoning of the M-1 portion of the parcel to RE in consideration of the township not following through with the rezoning as a condition of a prior land use permit approval (reference Planning Commission meeting minutes of February 24, 2009). This will result in the entire parcel being zoned RE.

The parcel is master planned PCS. Rezoning the parcel to PCS was discussed. Several concerns were voiced, including potential ramifications of having a residential use in PCS, mortgage refinancing, property insurance, and other aspects of having the primary use as single family residential in a commercial district. Planner Hodges noted RE could be a reasonable transition to PCS over time. To accommodate the applicant the best near term strategy may be to retain the RE zoning and if the intensity of the use increases we can require rezoning to PCS.

Commissioner Gonzalez was excused at 8:30pm.

A timeline for expediting the request was discussed. The applicant would like to start the barn foundation prior to winter. Because the area of the property where the barn will be located is currently zoned M-1, the requested special use is not permitted until that portion of the parcel is rezoned to RE. The township therefore cannot issue a land use permit and the county cannot issue building permits. The earliest the township could issue a land use permit is after the first or second township Board meeting in December. Planner Hodges will revise the draft timeline and provide a copy to the applicant.

OLD BUSINESS #3: Township Board-initiated rezoning request for the parcel zoned M-1 to RE located at 11009 Old US 23.

As noted during Old Business #2, the Township Board agreed to initiated rezoning of the M-1 portion of the parcel to RE in consideration of the township not following through with the rezoning as a condition of a prior land use permit approval (reference Planning Commission meeting minutes of February 24, 2009). This will result in the entire parcel being zoned RE. The applicant indicated their title insurance company absolved themselves, not surprisingly, of any responsibility.

OLD BUSINESS #4: Schedule Public Hearing for the Township Board-initiated rezoning request.

Motion by Wardin, seconded by Linder, to schedule a public hearing for October 14, at 7:30 pm. The motion carried by unanimous voice vote.

OLD BUSINESS #5: Review changes to PCS and PIRO districts in support of the revised Use Chart.

This item was deferred to the next meeting due to a lack of time.

Old Business #6: Review open space calculation methodology.

This item was deferred to the next meeting due to a lack of time.

NEW BUSINESS #1: Review proposed Beautification and Noise regulatory ordinances and provide comment to the Township Board.

Chairman Meisel advised during the Township Board meeting of September 16th two regulatory ordinances were presented for approval – a Beautification ordinance and a Noise ordinance. He suggested to the Township Board the regulatory noise ordinance could conflict with the existing noise regulations found in Section 21.16 of our zoning ordinance. The Township Board agreed to allow the Planning Commission to comment on both ordinances, and then an attorney review would be requested. At issue is whether noise should be regulated using a regulatory or zoning ordinance, or both. Due to the late hour there was limited discussion. It was noted the proposed noise regulatory ordinance makes reference to regulating noise from phonographs, tape recorders, steam engines, as well as “hooting” and “hollering”. These are items and terms which appear to significantly date the origin of the proposed text. It was also noted the regulatory ordinance had no provisions to permit fireworks noise the day before, the day of, and the day after national holidays, as required by the Fireworks Safety Act, and did not define day or night, or establish a unit of measure for sound, leaving the level of disturbance discretionary. Additional discussion is needed to review the impact of changing to a regulatory ordinance as well as to make recommendations regarding what to regulate.

MISCELLANEOUS BUSINESS: Planning and Zoning Administrator's Report

None provided.

MISCELLANEOUS BUSINESS: Other Business Items

None

MISCELLANEOUS BUSINESS: ZBA Report

None

ADJOURNMENT: The meeting adjourned at 10:12 p.m.

NEXT MEETING: October 14, 2014 - Regular Meeting & Public Hearing

Respectfully submitted by:

Terri Medor

Deputy Clerk