

TYRONE TOWNSHIP PLANNING COMMISSION

**SPECIAL MEETING MINUTES
FEBRUARY 25, 2014**

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

ABSENT: None

OTHERS PRESENT: Tyrone Township Planner Sally Hodges and 3 guests

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

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

APPROVAL OF THE AGENDA:

Gonzalez moved to accept the agenda as presented. (Wardin seconded)
The motion carried by unanimous voice vote.

SUSPEND THE ORDER OF BUSINESS:

Gonzalez moved to suspend the order of business to address the New Business topic next in consideration of the applicant in attendance. (Linder seconded) The motion carried by unanimous voice vote.

NEW BUSINESS #1: Land Division request for Kristine Lockwood and Dennis Lockwood on Old US 23 and Faussett Rd.

The applicant is seeking a land division to separate two dwelling units currently on one lot, and boundary realignment to further reconfigure the property. This action is being taken as a result of the death of the applicant's father-in-law to settle the estate. Planner Hodges reviewed her memo dated 2/18/14 with the Planning Commission. The applicant had submitted updated drawings prior to the meeting and provided copies to the commissioners. During review of the memo, it was determined the applicant had addressed the 4:1 concern by reconfiguring the property. The remaining accessory buildings were also deemed OK, since the principle use will be agricultural, thus in the FR district the principle building can be an accessory building for agricultural use. The request of the applicant creates several nonconformities; however it does resolve the existing nonconformity of having two homes on one lot. The Planning Commission noted the front yard setbacks proposed are consistent with adjacent properties. It was also noted there is no development across from the subject property, so there is no inconsistency or adverse effect. An existing access to the accessory buildings across property lines would need to be terminated or an easement needs to be created. The applicant agreed to limit access by blocking off the access. After further discussion, the Planning Commission agreed the applicant's request was consistent with sound planning if the identified issues were addressed. Because of the magnitude of nonconformities being created, procedurally the applicant must obtain variances from the ZBA before the Planning Commission can make a recommendation for approval. This had been discussed with the applicant during the application process.

Motion by Wardin, seconded by Lee, to table the request pending resolution of the following, and ZBA granting of the variances listed below, for reconsideration during the April 8th PC meeting. Items crossed out have been resolved. The items remaining to be resolved are to be addressed prior to the ZBA appeal.

- Items to resolve prior to approval
 - Add “permanently open space and no buildings allowed” language to open space for A & B
 - Final drawing showing all inclusive changes
 - Show utilities and road right of way
 - Show note related to 50’ setback from creek and wetlands (ref. 20.02.Z)
 - Add shared driveway to drawing
 - Show barn access restriction across parcels
 - Include topo to final package
 - Suggest they modify Section 9 of the shared driveway maintenance agreement to address references to the township’s Zoning Ordinance.
 - Miscellaneous drafting revisions as discussed (text box, wetlands line, legal of parcel 3 open space wording)

Although the Parcel 003 Adjusted and Parcel B do not conform to several dimensional standards, the density standards (minimum lot size) of the Zoning Ordinance will be met. There are no houses across the street that will be impacted by the lack of conformity with lot width and setbacks, and the house immediately south is similarly nonconforming. The Township Master Plan envisions this land in nonresidential use (PCI), thus there is no pressing need to protect the future residential character of the area. Subject to review by the ZBA, the situation of two houses existing on one lot may be considered a practical difficulty for which variances could be granted.

- The PC has determined the barns remaining will be used primarily for agricultural/farming uses, and are therefore principal buildings in the FR district as defined in our Ordinance, and are therefore subject to a 30’ side yard setback.
- The PC is willing to recommend approval, based on sound planning, conditional upon the ZBA granting variances to address the following nonconformities which result from the applicant’s request:
 1. Parcel B south side yard – 30 feet required, 17.8 proposed
 2. Parcel 003 north side yard - 30 feet required, 17.8 proposed
 3. Parcel 003 lot width – 250 feet required, 141.54 proposed
 4. Parcel 008, Side yard setback 30 feet required, 26.9 required (for barns as principal use for AG)

Failure to secure the specified variances shall result in the PC withdrawing its recommendation because the applicant’s request does not comply with the township’s Zoning Ordinance and would therefore result in the creation of nonconformities prohibited by the Zoning Ordinance, and unresolved by the ZBA.

- The township does not guarantee the parcels created by this action will be buildable, or that land use permits will be issued in the future.

The motion passed my unanimous voice vote.

Unfinished Business #1: PCI, PCS, and PIRO locations and uses consolidation, use table

The Planning Commission continued to review the use table. Planner Hodges will update the table and consolidate uses as discussed. Working through the table has turned out to be a time consuming process. It will likely take another meeting or two to complete the preliminary review of the uses and locations.

UNFINISHED BUSINESS #2: Fireworks Use (Proposed limits to address displays and noise)

The Planning Commission continued its assessment of regulations needed to address fireworks use and how best to implement them (regulatory versus zoning). Planner Hodges suggested having the proposed consumer fireworks related regulations, which would prohibit use during nighttime hours, in the regulatory ordinance would keep the fireworks specific regulations in one location. Based on a review of the Michigan Fireworks Safety Acts the Planning Commission felt minor changes to the existing regulatory ordinance (references to the new Fireworks Safety Acts and the addition of a consumer section limiting use to daytime hours) would address the display and consumer aspects. The Planning Commission will still need to revise Section 21.16 – Noise – to define night and day, and provide exceptions to the noise standards to accommodate fireworks use. Regulations for retail sales of fireworks still need to be developed. Zoning administrator Bader provided a memo describing how fireworks are handled in surrounding communities along with regulations being used in the city of Fenton and Harland Township for temporary sales of fireworks. Due to time constraints this topic will continue to be reviewed during our next meeting. The chairman and Board representative will communicate comments and recommendations to the township Board to assist with their development of revisions to the regulatory ordinance.

ADJOURNMENT: The meeting adjourned at 9:50 p.m.

NEXT MEETING: March 11, 2014 - Regular Meeting

Respectfully submitted by:
Mark Meisel