

1                                   **TYRONE TOWNSHIP PLANNING COMMISSION**  
2                                   **REGULAR MEETING AND PUBLIC HEARING MINUTES**  
3                                   **July 18, 2017 at 7:00 p.m.**  
4

5   **PRESENT:** Mark Meisel, Cam Gonzalez, Al Pool, Ron Puckett, Dave Wardin, Bill Wood, and  
6   Kurt Schulze.

7   **ABSENT:** None

8   **OTHERS PRESENT:** Tyrone Township Planner Brian Keesey, Tyrone Township Zoning  
9   Administrator Ross Nicholson

10 **CALL TO ORDER (7:00 PM):** By Chairman Meisel

11 **PLEDGE OF ALLEGIANCE (7:00 PM):**

12 **CALL TO THE PUBLIC (7:01 PM):** No comments received.  
13

14 **APPROVAL OF THE AGENDA (7:02 PM):**  
15

16 Kurt Schulze made a motion to approve the agenda as presented. Al Pool supported the motion.  
17 The motion carried by unanimous voice vote.  
18

19 **APPROVAL OF THE MINUTES (7:02 PM):** June 13<sup>th</sup>, 2017  
20

21 On page 2, line 51, the word “whether” was deleted.  
22

23 Cam Gonzalez made a motion to approve the June 13<sup>th</sup>, 2017 meeting minutes as amended.  
24 Dave Wardin supported the motion. The motion carried by unanimous voice vote.  
25

26 Dave Wardin made a motion to suspend the order of business and move Old Business #1 below  
27 all new business. Kurt Schulze supported the motion. The motion carried by unanimous voice  
28 vote.  
29

30 New Business #1 was deferred since the representatives from the Livingston County Planning  
31 Department were not yet present.  
32

33 **NEW BUSINESS # 2 (7:07 PM): Busby Accessory Structure Size Increase**  
34

35 Chairman Meisel opened the discussion with a brief explanation of the applicant’s situation. He  
36 explained that the applicant’s original detached accessory structure was destroyed by fire. The  
37 original building was an existing nonconforming structure since it was built before the current  
38 setback requirements for the LK-1 zoning district. The structure was set back seven (7) feet  
39 from the side yard property line and the current LK-1 minimum side yard setback is ten (10) feet.  
40 In order to rebuild the structure in its original location, the applicant had applied for a side yard  
41 setback variance from the Zoning Board of Appeals. The variance was granted, which would  
42  
43

44 allow the applicant to rebuild the structure in the same location, however, he had decided that he  
45 would also like to appeal to the Planning Commission for an increase in the permitted detached  
46 accessory structure size from eight hundred (800) square feet to up to one thousand two hundred  
47 (1,200) square feet. The ZBA was aware of this pending request and also granted a variances for  
48 a relocation of the accessory structure along the same nonconforming side yard setback due to  
49 the driveway location, ingress/egress limitations, and in consideration of the existing slab being  
50 used as a means to access the accessory structure, as well as an extension of the existing  
51 nonconformity conditional on the nonconformity extend closer to the side lot line as set forth in  
52 Section 26.04.A.3.

53  
54 Brian Keeseey summarized the review of the application which he had prepared prior to the  
55 meeting. He explained that the proposed structure would meet all of the basic requirements for  
56 approval after the public hearing is held, but he recommended that the Planning Commission  
57 verify the distance from the edge of the proposed structure to the edge of the road right of way to  
58 ensure the thirty five (35) foot setback would be met. He also mentioned that there are a few  
59 other requirements for site plan review which can be waived by the Planning Commission if they  
60 are found not to be necessary for this application.

61  
62 Dave Wardin asked the applicant if the stakes shown on the engineered drawing in the  
63 application (prepared by Spicer Engineering) are meant to indicate the location of the proposed  
64 structure or for a different purpose. The applicant explained that the stakes were placed along  
65 the property line to indicate the location of said property line.

66  
67 Chairman Meisel explained that the dimensions on the provided drawings do not clearly show  
68 the distance between the edge of the proposed structure and the edge of the road right of way.  
69 Chairman Meisel then utilized the interactive parcel viewer provided by the Livingston County  
70 GIS Department to determine the approximate location of the road right of way and measure  
71 from that point to the edge of where the proposed structure would stand. After several  
72 measurements and calculations, the Planning Commission determined that the distance would be  
73 approximately thirty nine (39) feet and therefore would exceed the minimum thirty five (35) foot  
74 setback.

75  
76 The item was temporarily closed at 7:26 PM.

77  
78 **NEW BUSINESS # 3 (7:26 PM): Weir-Mikat Land Division**

79  
80 Brian Keeseey briefly summarized the application. He stated that the applicants wish to split off a  
81 6.65 acre parcel from a 57.59 acre metes and bounds parcel, and adjoin it to an existing site  
82 condominium unit. He explained that the 6.65 acre parcel cannot be [officially] combined with  
83 the site condominium unit unless the site condominium master deed is amended to allow for  
84 expansion of the unit. He continued, stating that the land division can take place as long as an  
85 access easement is established which would connect the proposed 6.65 acre parcel to the existing  
86 site condominium unit. He said that the parcel cannot be combined with the site condominium  
87 unit since the applicants did not wish to amend the site condominium master deed, but they can  
88 be treated as one taxable parcel as long as the Township assessor is willing to assess them as  
89 such. He continued, stating that the 6.65 acre parcel would be permitted for accessory use only

90 through deed restrictions. These restrictions would specify that the 6.65 acre parcel is  
91 permanently bound to the site condominium unit and accessory structure(s) may be built on the  
92 parcel without a principle structure since the principle structure is located within the [attached]  
93 site condominium unit.

94  
95 Chairman Meisel then summarized the process Brian Keesey had just explained to provide  
96 additional clarity. He stated that the Planning Commission cannot require that the applicants  
97 pursue the amendment of the master deed, so the only method to accomplish the applicants'  
98 request is through a land division and deed restrictions as Brian Keesey had previously  
99 described.

100  
101 Dave Wardin suggested that the Planning Commission should request a copy of the site  
102 condominium documents (master deed, bylaws, etc.) if any similar application(s) are received in  
103 the future. He stated that reviewing the documents would be beneficial since it would reduce the  
104 likelihood of problems/complications occurring, such as approving an easement over an existing  
105 easement.

106  
107 The item was temporarily closed at 7:33 PM.

108  
109 **The regular meeting was recessed at 7:33 to hold a public hearing for two (2) agenda items.**

110  
111 **PUBLIC HEARING ITEM # 1(7:33 PM): Busby Accessory Structure Size Increase**

112  
113 Chairman Meisel opened the public hearing by reading through the public notice published in the  
114 Tri County Times for the Busby accessory structure size increase application.

115  
116 Chairman Meisel opened the floor to public comments regarding the application. No comments  
117 were received.

118  
119 Chairman Meisel read through several letters from neighbors who gave their support for both the  
120 location and the size of the proposed accessory structure.

121  
122 **PUBLIC HEARING ITEM # 2(7:38 PM): Weir-Mikat Land Division Ingress/Egress Easement**

123  
124 Chairman Meisel opened the public hearing by reading through the public notice published in the  
125 Tri County Times for the Weir-Mikat land division application.

126  
127 Chairman Meisel opened the floor to public comments regarding the application. No comments  
128 were received.

129  
130 Chairman Meisel closed the public hearing at 7:43 PM.

131  
132 **NEW BUSINESS # 2 (7:43 PM): Busby Accessory Structure Size Increase**

133  
134 Chairman Meisel reopened the discussion recapping what had been discussed earlier in the meeting.  
135 He confirmed that the Planning Commission was comfortable with the front yard setback distance,  
136 the details of the submitted plot plan, and the outcome of the public hearing.

137  
138 Brian Keeseey commented, stating that the submitted plans adequately address all of the necessary  
139 requirements for an increase in accessory structure size. He mentioned that the Planning  
140 Commission can waive some of the requirements for site plan review if they conclude the  
141 requirements are not necessary to make an informed decision for this application. There were no  
142 objections from the Planning Commission.

143  
144 Cam Gonzalez made a motion to grant approval of the proposed increase in accessory structure size  
145 of 1,152 square feet, located at 6035 Mabley Hill Road, consistent with the variances granted by the  
146 Zoning Board of Appeals for a location closer to Mabley Hill Road. Al Pool supported the motion.  
147 The motion carried by unanimous voice vote.

148  
149 The item was closed at 7:49 PM.

150  
151 **NEW BUSINESS # 1 (7:49 PM): Livingston County Master Plan Update from Livingston**  
152 **County Planning Department**

153  
154 Chairman Meisel introduced Kathleen Kline-Hudson, the Director of the Livingston County  
155 Planning Department, who was in attendance to provide an update on the Livingston County  
156 Master Plan.

157  
158 Kathleen Kline-Hudson began by explaining the liaison relationship between Tyrone Township  
159 and the Livingston County Planning Department and mentioned that Rob Stanford is the liaison  
160 to Tyrone Township. She stated that one goal the department has is interaction and  
161 communication with the local units of government. She mentioned that Chairman Meisel has  
162 been actively participating by frequently attending Livingston County Planning Commission  
163 Meetings. She explained that his attendance has been extremely beneficial in explaining and  
164 providing clarification when the Livingston County Planning Commission is reviewing  
165 ordinance amendments and has been providing valuable input on other matters. Chairman  
166 Meisel stated that the Livingston County Planning Commission has also been very helpful in  
167 suggesting changes to draft ordinance amendments and expressed gratitude for all of the  
168 assistance.

169  
170 Kathleen Kline-Hudson continued, explaining that the new Livingston County Planning  
171 Commission Chairman, Brian Prokuda, has made it a goal to send representatives to  
172 systematically visit each local unit to become reacquainted and give an update on the progress of  
173 the County Master Plan. She stated that they have been holding a variety of public visioning  
174 sessions, a Facebook photo contest, mapping exercises, surveys, and etcetera, to promote county-  
175 wide involvement in the drafting of the new master plan. She said that the new master plan will  
176 not include a future land use map since they found that local municipalities are better suited to  
177 create future land use maps based on their individual needs and long-term goals. She continued,  
178 stating that the new master plan will be more of a technical assistance guide to assist local units  
179 with developing/updating their own master plans and future land use maps.

180  
181 Kathleen Kline-Hudson then went through a list of resources that the Livingston County  
182 Planning Department has compiled on their website to assist local municipalities in decision-  
183 making, such as demographics, useful data, and downloadable documents. The Livingston

184 County Planning Department website is [www.livgov.com](http://www.livgov.com) then select Planning from the  
185 Government pull down menu. The last item Kathleen Kline-Hudson mentioned is that the  
186 county has partnered with Michigan State University Extension for a seven-part Citizen Planner  
187 program which will be held at the Livingston County Public Safety Complex during the months  
188 of October, November, and December. She then asked if there were any questions from the  
189 Planning Commission.

190  
191 Chairman Meisel asked Kathleen Kline-Hudson if she was familiar with the bill sponsored by  
192 Senator Hune which would prohibit local municipalities from regulating vacation and short term  
193 rental properties within residential areas (SB 329). He continued, inquiring if she knew the  
194 origin of the bill and whether or not he had reached out to the Livingston County Planning  
195 Department or any local units of government to receive feedback on the bill before he moved it  
196 forward. Kathleen Kline-Hudson replied that she was not familiar with the bill and could not  
197 provide an answer at that time, but she stated that she will investigate and provide an answer  
198 when she finds out. Chairman Meisel stated he has been unable to identify any local unit of  
199 government in Livingston County who requested such a bill be drafted and that he appreciates  
200 her efforts in finding the answer.

201  
202 Brian Keesey stated the Planning Commission intends to revisit and update the Tyrone Township  
203 Master Plan in the fall or winter and asked Kathleen Kline-Hudson if she had any key takeaways  
204 from the visioning sessions, workshops, or resources she had mentioned that would apply  
205 specifically to Tyrone Township. She replied stating that there should be a wide variety of  
206 useful information on good planning practices available on the website.

207  
208 The item was closed at 8:01 PM.

209  
210 **NEW BUSINESS # 3 (8:02 PM): Weir-Mikat Land Division**

211  
212 Brian Keesey reopened the topic, stating that the public hearing requirement has been completed  
213 and no negative comments were received. Chairman Meisel and Brian Keesey asked the  
214 applicant whether they have been in contact with the Hills of Tyrone Association regarding the  
215 joining of unit 81 with the proposed new parcel through an access easement. Chris Weir replied,  
216 stating that they have received no objection from the Association and have been working directly  
217 with the association's attorney to draft the easement agreement.

218  
219 Brian Keesey went through his review of the application, confirming which items have been  
220 addressed and which have not. He concluded that all requirements have been fulfilled except a  
221 few corrections that should be made to the drawings, legal descriptions, and the easement  
222 documents. Dave Wardin also noticed an additional error in the legal descriptions which he  
223 suggested should be corrected.

224  
225 Brian Keesey then addressed the Planning Commission regarding suggested deed restrictions and  
226 approval statement. He continued, noting that there are four items that will need to be addressed  
227 on the drawings and legal descriptions and seven items in the easement documents before  
228 recommendation for approval should be granted, as listed in the review he had prepared dated

229 07/11/2017. Dave Wardin requested clarification on some wording in the proposed easement  
230 agreement. George Rizik, the attorney representing the applicant, provided clarification.

231  
232 Kurt Schulze requested clarification on the applicants' request, whether the process would be to  
233 approve the land division and combine later or by other means. Brian Keesey explained that the  
234 only step the Planning Commission is involved with is recommendation of approval to the  
235 Township Board for the proposed land division. He continued, explaining that the Tyrone  
236 Township Assessor can make a decision to combine the parcels into one taxable parcel with one  
237 tax identification number if he chooses to do so. Chairman Meisel added that regardless of  
238 whether or not the Assessor chooses to tax the parcels together or separately, the two properties  
239 would be permanently bound together through deed restrictions.

240  
241 Chairman Meisel asked the Planning Commission if they had any further questions or comments  
242 regarding the application. Dave Wardin stated he would like to make a note that any conditional  
243 recommendation of approval should reference the correct drawings, indicated by the job number  
244 and page numbers (the additional clarification would be necessary to avoid potential future  
245 confusion because the same land surveying company prepared the drawings for a second land  
246 division application on the same parent parcel).

247  
248 Dave Wardin made a motion to recommend approval of the Weir-Mikat Land Division  
249 conditional upon fulfillment of the seven comments, labeled 1-7 in the McKenna review, plus the  
250 three drawing corrections, labeled 1-3 in the McKenna review, correction of the typo in the legal  
251 descriptions (change "recorded" to "record"), and inclusion of Tyrone Township as a third party  
252 beneficiary in the easement agreement, and suggested and recommended by Mr. Rizik. Al Pool  
253 supported the motion. The motion carried by unanimous voice vote.

254  
255 The item was closed at 8:40 PM.

256  
257 There was a brief recess from the agenda items for discussion on a land division application  
258 involving the same parent parcel as the Weir-Mikat land division application. The application  
259 was not included on the July meeting agenda due to a miscommunication. Brian Keesey briefly  
260 went through his review of the application, explaining the details of the proposed land division  
261 and provided the applicants' authorized agent, Brent Shaltz, with feedback on suggested  
262 revisions to the drawings.

263  
264 **NEW BUSINESS # 4 (8:50 PM): Deerfield Township Mast Plan Feedback**

265  
266 Chairman Meisel opened the discussion, explaining that Deerfield Township had recently  
267 updated their master plan and sent it to neighboring municipalities for feedback, as required by  
268 statute. He continued, stating that it is a good idea for the Planning Commission to review the  
269 master plan because doing so benefits both Deerfield Township and Tyrone Township. The  
270 review benefits Deerfield Township because feedback from neighboring communities can help  
271 them improve their master plan. It benefits Tyrone Township because it could provide valuable  
272 information that may be utilized in our next master plan update.

273

274 Discussion amongst the Planning Commission regarding the details of the Deerfield Township  
275 master plan followed. Items regarding future zoning, land uses, sanitary sewer system  
276 expansion, and similar topics were discussed. The future land use map was analyzed and no  
277 potential conflicts along the shared border between Tyrone Township and Deerfield Township  
278 were observed.

279

280 Chairman Meisel asked the Planning Commission what type of response they would like to send  
281 to Deerfield Township regarding their updated master plan. Ron Puckett suggested sending a  
282 statement that the Planning Commission has not found any potential conflicts along the common  
283 border or any other areas of concern in the Deerfield Township master plan. Chairman Meisel  
284 said that he would send a statement to Deerfield Township reflecting the comments that were  
285 made.

286

287 The item was closed at 9:32 PM.

288

289 Chairman Meisel stated that, because of the late hour, the last remaining new business item on  
290 the agenda, Cemetery Ingress/Egress Requirements, would be a discussion better suited for the  
291 workshop meeting on 07/19/2017. A brief discussion on potential ingress/egress options  
292 followed. Ron Puckett suggested that it may be beneficial to require an acceleration/deceleration  
293 lane. Chairman Meisel explained that the Livingston County Road Commission would need to  
294 make the determination on such improvements within the road right of way, depending on the  
295 size of the cemetery and other factors. Kurt Schulze suggested that, in most cases, boulevarded  
296 entrances are utilized in cemeteries to help regulate ingress/egress. Brian Keesey mentioned that  
297 the access management section of the Zoning Ordinance contains information on what type of  
298 developments require acceleration/deceleration lanes. He added that the National Cemetery  
299 Association suggests and prefers a boulevard-type entrance design for cemeteries. Chairman  
300 Meisel suggested that the discussion be continued during the workshop meeting the following  
301 night, after which a draft ordinance text amendment can be created and presented before the full  
302 Planning Commission at the following meeting.

303

304 **OLD BUSINESS # 1 (9:40 PM): Open Space Requirements for Residential Districts**

305

306 Chairman Meisel opened the discussion stating that we have made progress on the proposed  
307 open space requirement amendments during the last workshop meeting. Brian Keesey then read  
308 through the memo he had prepared, summarizing the most recent proposed text amendments. He  
309 stated that one of the topics that had been previously discussed, the potential to rezone a property  
310 currently zoned as Single Family Residential (R-2) but under consent judgment for Extractive  
311 Industrial (EI) use to Single Family Residential (R-1), would be possible, based on consultation  
312 with the township attorney. Brian Keesey stated that there have been a few proposed  
313 modifications to the Cluster Development Option (CDO) table, in terms of the required open  
314 space area in each residential zoning district. Chairman Meisel elaborated further on the CDO  
315 table.

316

317 Brian Keesey continued through the memo. He stated that he has drafted text to reduce the  
318 number of nonconforming properties created by eliminating the open space requirement. He  
319 proposed that all properties created during the time period when open space was required could

320 be considered conforming since the total minimum lot size plus the required open space would  
321 be greater than or equal to the total minimum lot sizes in the proposed text amendment.  
322 Chairman Meisel added that reducing the number of nonconforming properties benefits the  
323 individual property owners because existing nonconforming properties, structures, and uses  
324 typically have more restrictions that reduce the improvements, expansions, or repairs possible.  
325 Chairman Meisel asked the Planning Commission if there were any further questions or  
326 comments regarding the topic. No questions or comments were received.

327

328 The item was closed at 9:48 PM.

329

330 Chairman Meisel brought up the topic of repair or reconstruction of nonconforming structures  
331 after severe damage or destruction. He stated that there have been several recent situations  
332 where nonconforming structures were destroyed by fire and could not be administratively  
333 approved for reconstruction because the zoning ordinance does not allow it. He suggested that  
334 the topic be discussed in depth to determine if a text amendment should be considered to lessen  
335 the burden of residents who have nonconforming structures destroyed that they would like to  
336 rebuild.

337

338 Chairman Meisel reminded the Planning Commission that the workshop meeting on 07/19/2017  
339 would begin at 5:15 PM.

340

341 **MISCELLANEOUS BUSINESS: NONE**

342

343

344 1) Planning and Zoning Administrator's Report: None

345 2) Other Business Items: None

346 3) Township Board Actions: None

347 4) ZBA Report: None

348 5) Future Items: N/A

349 6) Correspondence: N/A

350

351 **ADJOURNMENT (9:52 PM):**