

1 **TYRONE TOWNSHIP PLANNING COMMISSION**  
2 **REGULAR MEETING MINUTES**

3 August 08, 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 (7:02 PM):** By Chairman Meisel

11 **PLEDGE OF ALLEGIANCE (7:03 PM):**

12 **CALL TO THE PUBLIC (7:04 PM):** No comments received.  
13

14 **APPROVAL OF THE AGENDA (7:05 PM):**  
15

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

19 **APPROVAL OF THE MINUTES (7:05 PM):** July 18, 2017  
20

21 On page 4, line 141, “not directly related to or necessary for this particular application” was  
22 changed to “not necessary to make an informed decision for this application.”  
23

24 On page 5, line 216, “stating that they have received approval from the association” was changed  
25 to “stating they have received no objection from the association.”  
26

27 On page 5, line 216, “association” was changed to “Association.”  
28

29 Cam Gonzalez made a motion to approve the July 18<sup>th</sup>, 2017 meeting minutes as amended. Ron  
30 Puckett supported the motion. The motion carried by unanimous voice vote.  
31

32 Chairman Meisel read through the letter to Deerfield Township that he had prepared on behalf of  
33 the Planning Commission, regarding their recently updated master plan.  
34

35 Dave Wardin made a motion to suspend the order of business and move New Business #1 above  
36 Old Business #1 since the applicants are in attendance. Al Pool supported the motion. The  
37 motion carried by unanimous voice vote.  
38  
39  
40  
41

42 **NEW BUSINESS # 1 (7:17 PM): Mikat Land Division**

43 Chairman Meisel opened the discussion stating that the land division application had briefly been  
44 discussed during the previous meeting and Brian Keesey has prepared a review of the application  
45 that had been revised upon receipt of updated drawings on 08/07/2017.

46  
47 Brian Keesey briefly summarized the application and began to read through the updated review  
48 he had prepared. He stated that the applicant has revised the drawings to address the comments  
49 made during the previous meeting. He stated the property in question (parcel ID 4704-03-400-  
50 022) is currently an existing nonconformity because there are two principal structures on one  
51 parcel. The proposed land division, if approved, would increase conformity through separation  
52 of the existing principal structures onto two individual parcels. Brian Keesey continued to read  
53 through the review, explaining which land division requirements have been fulfilled. He noted  
54 that there are several revisions that will need to be made to legal and open space descriptions for  
55 clarification purposes before the application can be recommended for approval. The revisions  
56 requested include; combination of the open space and legal description for “Parcel 2A” and  
57 removing the word “proposed” from the Parcel 2A legal/open space descriptions.

58  
59 Brian Keesey continued through the review, touching on all of the additional land division  
60 requirements which the applicant has addressed in the application. He noted that an open space  
61 calculation table was not included on the drawing, but he had created his own calculation table to  
62 verify that the proposed open space meets the dimensional requirements. He said that he has no  
63 concerns with the size of the proposed open space and the Planning Commission can make a  
64 decision on whether or not the location of the proposed open space meets the intent of the  
65 ordinance.

66  
67 Brian Keesey summarized his review. He explained that there are still several revisions that will  
68 need to be made to the legal descriptions. He recommended that the Planning Commission  
69 should consider requiring the combining of the open space description with the legal description  
70 and consider approving the proposed location of the open space within the setbacks.

71  
72 Chairman Meisel asked if anyone had any questions pertaining to the application. Bill Wood  
73 inquired about the open space comment that Brian Keesey had mentioned in the review. He  
74 asked if the open space description being combined with the legal description is a requirement or  
75 not. Chairman Meisel replied, stating that it is not necessarily a requirement, but it is an option  
76 that the Planning Commission has to ensure the open space descriptions are recorded properly.  
77 (Note: this is actually required per Section 21.51.G) Bill Wood asked if that is something that  
78 the Planning Commission requires of everyone who applies for a land division. Chairman  
79 Meisel stated that it is something that the Planning Commission has been requiring of all recent  
80 land divisions and will continue to do so for the sake of consistency. He continued, stating that it  
81 is similar to what the Planning Commission is trying to accomplish with the naming of  
82 engineered drawings, by removing words such as “proposed” from drawings that will be  
83 recorded.

84  
85 Dave Wardin made a motion to recommend Township Board approval of the Mikat Land  
86 Division subject to several minor revisions to the legal descriptions including; (1) Removal of  
87 the word “Proposed” and replacing with “New Parcel 2A” and (2) Combining the legal

88 description for Parcel 2A with the open space description for Parcel 2A. He stated that the  
89 Planning Commission has approved the proposed location of the open space and that approval of  
90 this land division does not guarantee that the parcels will be developable in the future. Cam  
91 Gonzalez supported the motion. The motion carried by unanimous voice vote.

92  
93 The item was closed at 7:40 PM.

94  
95 **OLD BUSINESS # 1 (7:41 PM): Open Space Requirements for Residential Districts, Cluster**  
96 **Development Option (CDO), and Subdivision Control Amendments**

97  
98 Brian Keeseey opened the discussion by summarizing the updates to the memo he had made since  
99 the last discussion. The first significant change was to the Cluster Open Space Preservation  
100 (OSP) option calculation table, found in Article 8 of the Zoning Ordinance #36. He explained  
101 that some suggestions had been made during the previous meeting for revising the minimum lot  
102 area for each zoning district, the minimum lot area for each zoning district when utilizing the  
103 OSP option, and the minimum open space requirement when utilizing the OSP option. He stated  
104 that he had changed the location of the footnote that specifies reduced lot sizes where public  
105 sanitary sewer or community septic systems are available.

106  
107 Dave Wardin stated that he approved of most of the changes that had been made, but he  
108 questioned why the footnote applied to all zoning districts including FR (Farming Residential).  
109 Chairman Meisel explained that the OSP option is something that the Township allows  
110 voluntarily, therefore, they do not necessarily need to allow the OSP option at the proposed  
111 densities. The Planning Commission could potentially require lower density than what is  
112 proposed; therefore it would not be unreasonable to apply the footnote to the FR district as well  
113 as the other single-family zoning districts.

114  
115 A brief discussion amongst the Planning Commission followed regarding why the minimum lot  
116 size for a Cluster Development Option (CDO) is currently ten acres. Chairman Meisel inquired  
117 if the State of Michigan had set the minimum lot area at ten acres. Brian Keeseey did some  
118 research and determined that the ten acre minimum area requirement originated in a previous  
119 version of the Tyrone Township Zoning Ordinance. Chairman Meisel suggested that the real  
120 question the Planning Commission should discuss is whether or not the ten acre minimum is the  
121 right number to use going forward. He stated that there are actually two parts to the question; (1)  
122 What is the minimum land area the Planning Commission should allow for a CDO?; and (2)  
123 What should the minimum size requirement be if a community septic system were utilized?  
124 Brian Keeseey mentioned that part two of the question is most important since even if someone  
125 were to have that threshold at a ten acre minimum, they still have the option for CDO, which  
126 promotes preservation and therefore meets the intent of the Zoning Ordinance. Chairman Meisel  
127 agreed. He stated that the Planning Commission should discuss the minimum lot sizes under  
128 OSP/CDO to require a community septic system. Dave Wardin suggested possibly adding  
129 another footnote to the table. Chairman Meisel stated that the Planning Commission should try  
130 to reduce the number of footnotes and just make the minimum requirements easier to locate in  
131 the ordinance text (defining them under the minimum standards section). After a brief  
132 discussion, it was determined a blanket statement should be created regarding the community  
133 septic requirement, which covers FR, RE (Rural Estates), and R-1 (Single Family Residential).

134  
135 The Planning Commission discussed several problems with the current Tyrone Township Sewer  
136 Use & Rate Ordinance #43, primarily the distance requirement for mandatory hook-in. The  
137 current ordinance states that any structures that are within two hundred feet (200') of the existing  
138 sewer lines are required to hook-in to the sewer system by a certain date. That requirement has  
139 been found to be flawed because many residents who have access to the public sanitary sewer  
140 system are opting out if their homes are beyond 200' or choosing to build new homes beyond  
141 200' from the sewer line which abuts their property. In efforts to reduce the number of cases  
142 where this loophole can occur, the Township is considering revising the sewer ordinance to  
143 require all properties that have boundaries within 200' of the existing sewer line hook-in to the  
144 public sanitary sewer system.

145  
146 Chairman Meisel summarized what had been discussed regarding the open space text  
147 amendments. R-2 and LK-1 should be 10 acre minimums, where public sanitary sewer is  
148 available, for developments using the CDO/OSP. When using CDO/OSP in FR or RE, if the  
149 parcel is 20 acres or more, the public sanitary sewer system or a community septic system must  
150 be utilized. Ron Puckett and Cam Gonzalez agreed that those minimum standards should be  
151 sufficient. Bill Wood inquired about situations where  $\frac{3}{4}$  acre lots could be created which could  
152 not/just barely support a septic field. Chairman Meisel mentioned that Bill Wood had a good  
153 point, and further discussion is needed. Brian Keesey suggested that they could include an  
154 additional notation regarding parcels that are less than an acre in area. Chairman Meisel  
155 suggested adding a double asterisk to the table which states something like "lots of this size must  
156 demonstrate their ability to percolate or meet individual septic requirements". Brian Keesey  
157 suggested that they shouldn't make positive percolation test results a requirement for creating the  
158 parcel(s) since that would require land division applicants to get each proposed lot percolated  
159 prior to approval. Dave Wardin mentioned that developers creating platted subdivisions or site  
160 condos would already be required to provide proof of percolation for approval. Brian Keesey  
161 agreed, but stated it should not be something required for land divisions that are not part of a  
162 platted subdivision or site condominium development.

163  
164 Dave Wardin asked if the CDO can even apply to simple land divisions, or if it is only applicable  
165 when developing site condominiums or platted subdivisions. He continued, stating that the CDO  
166 must only apply to site condominiums or platted subdivisions since the required open space  
167 would need to be set aside as community property. With no association or bylaws, it would be  
168 extremely difficult to ensure maintenance of the open space area(s), therefore a land division  
169 between metes and bounds parcels could not realistically utilize the CDO. Brian Keesey stated  
170 that it is theoretically possible to create community open space as part of a land division if all the  
171 open space lies entirely on one parcel and is recorded as such. Chairman Meisel stated that a  
172 problem with that method would be that the open space requirement for land divisions will be  
173 amended shortly, eliminating the need to create open space for land divisions. Another issue is  
174 that the CDO clearly indicates that the open space created must be community space as part of  
175 the development, and a land division is not technically a development. Dave Wardin inquired if  
176 there is any way to specifically require that a CDO applies only to site condominium  
177 developments and platted subdivisions. Chairman Meisel mentioned that the wording in the  
178 Ordinance already implies that, but the options for revising the text should be explored further.  
179 Brian Keesey searched through the Michigan Land Division Act and the Michigan Zoning

180 Enabling Act and stated that he could not find anything that would indicate specifying that the  
181 CDO/OSP option applies only to site condominium developments or platted subdivisions would  
182 be prohibited. He then requested clarification from Dave Wardin on what he believes the  
183 ordinance text should say. Dave Wardin replied, stating that he does not believe the CDO should  
184 be available for land divisions, but instead only for traditional condominiums, site  
185 condominiums, or platted subdivisions. Brian Keesey stated that he would do some research and  
186 bring some options to the Planning Commission at a future meeting.

187  
188 The last item of significance in the memo that had been revised since the last meeting was bullet  
189 point C on the last page. Brian Keesey read from the memo; “Any open space conservation  
190 easement, plat dedication, restrictive covenant, or other legal mechanism that runs with the land  
191 must be properly disposed of to the satisfaction of the Township”. He explained that the purpose  
192 of this text is to provide some realignment for divisions which had taken place in the past where  
193 development had not yet taken place and the owner(s) would like to relocate or reconfigure the  
194 open space portion of the property/properties. Chairman Meisel stated that he is not certain if  
195 there is a way to eliminate existing open space since the original intent was to preserve it in  
196 perpetuity, but if any means do exist it can be done under this requirement.

197  
198 The discussion shifted to focus on the subdivision control portion of the agenda item. Dave  
199 Wardin had prepared several comments in response to the memo Brian Keesey had prepared  
200 prior to the meeting. Brian Keesey stated that he would go through and address those comments,  
201 but first wanted to point out the most significant change to the text in the memo since the topic  
202 was last discussed.

203  
204 He stated that the variance portion for subdivision control text has been revised to state that any  
205 non-use variance requests dealing with subdivision/site condominium developments would go  
206 directly to the Township Board instead of the Zoning Board of Appeals (ZBA). He mentioned  
207 that the text would be consistent with what the Zoning Ordinance already states regarding the  
208 types of variances the ZBA has the authority to grant.

209  
210 Brian Keesey then moved on to read through Dave Wardin’s first comment on the proposed  
211 subdivision control text amendments, which was to include the existing lot depth and width  
212 requirements from the Zoning Ordinance in the subdivision control regulatory ordinance. There  
213 was a brief discussion regarding the depth and width measurement requirements, whether or not  
214 the measurement should begin from the chord or the tangent. Brian Keesey and Dave Wardin  
215 agreed that the measurement should be taken from the tangent. Brian Keesey mentioned that the  
216 suggested change would add clarification so it would be beneficial to include it in the  
217 subdivision control ordinance, but it would also require an update be made to the text in the  
218 Zoning Ordinance. Dave Wardin agreed.

219  
220 Brian Keesey then moved on to Dave Wardin’s second comment regarding text on page three of  
221 the memo which states; ”The report is only required if public water and sewer are not available  
222 and accessible to the subject property.” Dave Wardin suggested removing the word “and” and  
223 rewording the text to read;”The report is only required if public water, sewer, or both are not  
224 available and accessible to the subject property.”

225

226 Chairman Meisel mentioned that public water is currently not available within the Township. He  
227 stated that there may be one or two subdivisions in the northernmost part of sections 1 and 2  
228 which have access to public water from the City of Fenton. He said that verification will be  
229 needed to see if there are any subdivisions that actually have access to public water.

230  
231 Chairman Meisel then moved on to Dave Wardin's last comment regarding Section 17.095  
232 Monuments, on page 5 of the memo. Dave Wardin had suggested adding clarification to the text  
233 by including a reference to the Michigan Condominium Act rules and making a few minor  
234 changes to clean up the section. Chairman Meisel and Brian Keesey agreed that the suggested  
235 changes would be beneficial.

236  
237 Dave Wardin requested an explanation of the purpose of Section 17.104, on page 6 of Brian  
238 Keesey's memo. He stated that he didn't understand why the section was necessary. Brian  
239 Keesey explained that it was included because recreational spaces are required under the  
240 Michigan Land Division act for a platted subdivision.

241  
242  
243 The item was closed at 9:01 PM.

244  
245 **NEW BUSINESS # 2 (9:02 PM): Proposed Cemetery Ingress/Egress Amendments**

246  
247 Chairman Meisel opened the discussion, stating that the Planning Commission had previously  
248 discussed the topic of cemetery ingress/egress requirements at the last Planning Commission  
249 Workshop meeting, utilizing Kurt Schulze's experience and expertise he has acquired through  
250 working at a cemetery for a number of years. He then suggested that Brian Keesey go through  
251 the memo he had prepared on the topic.

252  
253 Brian Keesey mentioned that there has not been a change to the placement and number of access  
254 location standards since the previous memo, but he is referencing the access management  
255 standards which will dictate the number of access points and their location(s). Chairman Meisel  
256 stated that Brian Keesey is basically just using the standards that already exist in the Zoning  
257 Ordinance to reduce any potential confusion that could result from adding additional standards  
258 specific to cemeteries. Brian Keesey added that he made sure to reference the existing standards  
259 since the current access requirement for cemetery special land uses contradicts the access  
260 management section of the Zoning Ordinance.

261  
262 Brian Keesey then moved on to road design standards, stating that the internal road design for a  
263 cemetery should meet or exceed the Livingston County Road Commission's minimum standards  
264 for road design. He mentioned that under the Livingston County standards, the Township would  
265 not require new cemeteries have paved concrete or asphalt surfaces. The Township could  
266 encourage the road surface be paved, but would not mandate it. Chairman Meisel asked the  
267 Planning Commission if they believed a paved road should be required for new cemeteries. Kurt  
268 Schulze mentioned that unpaved surfaces should be sufficient as long as the finished road surface  
269 can adequately support the weight of passenger vehicles, hearses, and flatbeds hauling heavy  
270 objects such as vaults or monuments. He added that the road surface should be designed more  
271 closely to private road standards versus private driveway standards. Ron Puckett agreed that the

272 Livingston County private road standards should be used to determine the minimum road  
273 standards for cemeteries. Chairman Meisel suggested reviewing what the Livingston County  
274 minimum private standards are. The Planning Commission briefly discussed the design  
275 standards to determine whether or not they would be adequate for the purpose of cemeteries.  
276 Cam Gonzalez mentioned that he was concerned about the ingress to a cemetery; specifically he  
277 suggested requiring a deceleration lane at the entrance. Chairman Meisel stated that the  
278 Livingston County Road Commission would be the entity that determines where and when  
279 deceleration lanes must be implemented, therefore, the Township cannot require one specifically  
280 for cemeteries. He continued, stating that the Road Commission would perform a study to  
281 determine whether or not a deceleration or acceleration lane would be required on a case by case  
282 basis depending on a number of factors. Chairman Meisel then asked the Planning Commission  
283 if they have any opinions on which Livingston County road standards should be utilized for  
284 cemeteries (private driveway, private road, or public road). Kurt Schulze responded, stating that  
285 one important factor when dealing with cemeteries is the financial aspect. He mentioned that  
286 there are many cemeteries that have gone bankrupt and ownership/maintenance has been  
287 transferred to a bank or local municipality. He said the Planning Commission should definitely  
288 keep long term maintenance/repairs in mind when establishing minimum developmental  
289 requirements such as road standards. A brief discussion amongst the Planning Commission  
290 followed.

291

292 Chairman Meisel summarized what had been discussed and stated the Planning Commission  
293 should continue to research the standards for the road surface and access, taking into account the  
294 comments that were made, and make a decision at a later date.

295

296 Kurt Schulze asked if the Planning Commission has considered requiring any features that would  
297 prevent or discourage trespassing in cemeteries after normal business hours. He stated that  
298 trespassing is a common problem for cemeteries, so it should be a topic worth discussing.  
299 Chairman Meisel agreed that the Planning Commission should discuss fencing and gating  
300 requirements. Kurt Schulze stated that most of the damage/vandalism that occurs in cemeteries  
301 is cause by vehicles driving onto the premises after hours. He stated that there is no way to  
302 completely prevent trespassing, but gating the cemetery would greatly discourage it by  
303 eliminating the option to park on site. The Planning Commission briefly discussed possible  
304 fencing and gating options which could be used to reduce the frequency of trespassing.

305

306 The item was closed at 9:43 PM.

307

308 **NEW BUSINESS # 3 (9:43 PM): Rebuilding of Nonconforming Structures after a Disaster**

309

310 Chairman Meisel briefly summarized why the Planning Commission is reviewing the standards  
311 for rebuilding nonconforming structures after they are destroyed by a disaster such as fire. He  
312 cited a few recent examples of residents who had existing nonconforming structures they wished  
313 to rebuild after they were destroyed by fires. He explained that the Planning Commission should  
314 review the current standards and discuss whether or not they should consider amending  
315 ordinance text to allow residents in similar situations to rebuild. He noted that they should be  
316 careful when making the decision since they will need to be certain any revised ordinance text  
317 can apply to all single-family zoning districts and will not negatively impact adjacent properties.

318  
319 The item was closed at 9:53 PM.

320  
321 **NEW BUSINESS # 4 (9:53 PM): Detached Accessory Structures on Adjacent Lots**

322  
323 Chairman Meisel reminded the Planning Commission of a particular situation where a resident  
324 on Runyan Lake owns a waterfront lot as his primary residence and owns an adjacent parcel  
325 across a private road easement where he would like to erect a detached accessory structure. He  
326 stated that there have been many similar inquires received over the years and that there are some  
327 municipalities that do allow accessory use on adjacent properties, so it is a topic worth  
328 discussing. He also mentioned that the Planning Commission has discussed the topic in past  
329 years, but has never decided to permit it due to a number of factors. Some common problems  
330 that arise when accessory use is permitted on adjacent lots were discussed.

331  
332 Bill Wood gave an example of a development outside of the Township where all waterfront lots  
333 have accessory structures across a public road easement. Chairman Meisel explained that the  
334 resident who had recently been trying to accomplish this has cited that development as an  
335 example (Enid Blvd and Haddon St on Lake Fenton). The issue with that example is that the  
336 properties were all developed uniformly at the same time along a peninsula, so it cannot be  
337 directly compared to the Township permitting it in existing platted subdivisions which do not  
338 allow accessory uses without a principle (residential) use. A brief discussion amongst the  
339 Planning Commission followed.

340  
341 The item was closed at 10:05 PM.

342  
343 Chairman Meisel reminded the Planning Commission that the next workshop meeting would be  
344 held on 08/16/2017 at 7:00 PM.

345  
346 **MISCELLANEOUS BUSINESS: NONE**

- 347  
348  
349 1) Planning and Zoning Administrator's Report: None  
350 2) Other Business Items: None  
351 3) Township Board Actions: None  
352 4) ZBA Report: None  
353 5) Future Items: N/A  
354 6) Correspondence: N/A

355  
356 **ADJOURNMENT (10:10 PM):** by Chairman Meisel