

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

3 September 12, 2017 at 7:00 p.m.
4

5 **PRESENT:** Mark Meisel, Cam Gonzalez, Al Pool, Ron Puckett, and Kurt Schulze.

6 **ABSENT:** Dave Wardin and Bill Wood.

7 **OTHERS PRESENT:** Tyrone Township Planner Brian Keesey, Tyrone Township Planning &
8 Zoning Administrator Ross Nicholson.

9 **CALL TO ORDER (7:01 PM):** By Chairman Meisel.

10
11 **PLEDGE OF ALLEGIANCE (7:02 PM):**

12
13 **CALL TO THE PUBLIC (7:03 PM):** No comments received.

14
15 **APPROVAL OF THE AGENDA (7:03 PM):**

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

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

21
22 On line 85, “wood” was changed to “Wood”.

23
24 Al Pool made a motion to approve the August 8th, 2017 meeting minutes as amended. Cam
25 Gonzalez supported the motion. The motion carried by unanimous voice vote.

26
27 Cam Gonzalez made a motion to suspend the order of business and move New Business #1
28 above all new business items in consideration of the applicants in attendance. Kurt Schulze
29 supported the motion. The motion carried by unanimous voice vote.

30
31 **NEW BUSINESS # 1 (7:06 PM): Action Water Sports Site Plan Amendment**

32
33 Chairman Meisel opened the discussion by briefly going through the application. Brian Keesey
34 then read through the review that he had prepared for the application. He stated that the
35 proposed site plan amendment includes an addition to the existing [principal] building, which
36 houses service, showroom, and office facilities, and several new storage buildings.

37
38 Brian Keesey went through some of details on the proposed changes to the site plan. He stated
39 the amended sight plan shows a reduction of six (6) total parking spaces from what was
40 originally approved. The storage and service of boats was approved as a special land use in the
41 Light Manufacturing (M-1) zoning district. The retail aspect of the operation was approved as an
42 accessory use since it was found that the use was significantly less impactful than any of the
43 permitted principal uses in the district. He stated that he believes the principal and accessory

44 uses are still appropriate for the M-1 district under the current Zoning Ordinance and that there
45 are no apparent concerns with traffic flow. He continued, stating that the Planning Commission
46 will need to consider whether or not the number of parking spaces will be sufficient for the
47 operation and that the traffic flow resulting from the business operation is not problematic. He
48 mentioned that during the initial site plan review, the Planning Commission had concluded that
49 the number of spaces would be adequate for all normal business activities and special events and
50 did not foresee any significant traffic concerns.

51

52 Brian Keeseey then continued to discuss the dimensional standards. He stated that the proposed
53 structures would not replace any permeable area and therefore the overall drainage of the site
54 should not be significantly affected. If approved, the additional floor area would result in
55 approximately thirteen percent (13%) of the total [approximately twenty (20) acre] site being
56 utilized for buildings. Of that 13%, fifty-three percent (53%) would be developed for gravel
57 parking, asphalt drive(s), and similar features. Chairman Meisel mentioned that one aspect that
58 was heavily discussed during the initial site plan review was the screening of the site. He stated
59 that the way that the property is planned out, the screening is nearly optimal, which has not
60 resulted in any known issues with neighboring properties. Brian Keeseey agreed and added that
61 the use of the site has proven to be one of, if not the most benign operations in existence within
62 the M-1 district.

63

64 Brian Keeseey then revisited the topic of parking spaces. He mentioned again that the proposed
65 site plan, if approved, would result in a reduction of six (6) parking spaces. He mentioned that
66 the standards for parking spaces in the Zoning Ordinance do not directly apply to the operation in
67 question, but some similar standards do exist for operations such as auto repair shops. Although
68 similar standards exist in the Zoning Ordinance, they cannot be directly applied because of the
69 unique aspects of the operation. He also mentioned that the standards did not exist during the
70 initial review, but were determined at that time, based on the intensity of the uses on site. He
71 stated that he had reviewed some industry standards for similar uses and determined that there
72 are several viable options the Planning Commission could utilize to come up with a minimum
73 parking space requirement. Brian Keeseey recommended that the Planning Commission should
74 consider requiring one parking space for each anticipated employee at the peak business hours,
75 the current employee count being twenty-two (22), and require three (3) parking spaces for each
76 one thousand (1000) square feet of showroom space, for a total of forty-seven (47) parking
77 spaces.

78

79 Brian Keeseey stated that the proposed amended site plan contains forty-six (46) parking spaces,
80 which is one space shy of the recommended 47 parking spaces. He recommended that the
81 Planning Commission decide between several options before considering approval. The first
82 option is that the Planning Commission can approve the site plan with 46 spaces if they require
83 an area to be designated as overflow in the event that the available spaces become insufficient for
84 the number of vehicles on site. Kurt Schulze inquired about how many handicap-accessible
85 spaces are required for the site. Brian Keeseey replied that they are required to provide two
86 handicap-accessible spaces for each twenty-five (25) to fifty (50) total spaces. He continued,
87 stating that he has no concerns about the proposed handicap-accessible parking spaces. Brian
88 Keeseey then identified a few potential locations on the site plan that could be used for overflow
89 parking.

90
91 Chairman Meisel inquired where the employees currently park during normal business hours.
92 The applicants indicated that the employees typically park near the boat service area except for
93 during special events. Chairman Meisel inquired about where additional overflow parking could
94 be made available. The applicants responded, stating that the area which is fenced in can be
95 utilized in case additional parking is needed.

96
97 Brian Keeseey suggested that an alternate option to meet the recommended number of parking
98 spaces would be to reduce the width of the existing spaces to free up enough area for one or two
99 additional parking spaces. Chairman Meisel mentioned that reducing the width of the spaces
100 would be undesirable since many of the customers visiting the facility drive larger trucks or
101 SUV's with boat trailers.

102
103 Brian Keeseey moved onto the next review standard regarding, access for open storage yards. He
104 stated that the Zoning Ordinance does require that all access areas, loading areas, turning areas,
105 and etc., are paved. He also mentioned that paving was not required during the initial site plan
106 review and there have been no issues with those areas being unpaved since the business has been
107 in operation.

108
109 Brian Keeseey then moved on to the landscaping requirements. He stated that there are no
110 proposed changes to the landscaping in the new site plan. He also reiterated Chairman Meisel's
111 opinion that the landscaping/screening on site creates an excellent buffer to the surrounding
112 properties. He stated that he does not anticipate any increased noise or nuisance factors if the
113 proposed site plan amendment is approved.

114
115 Brian Keeseey made note that the west side elevation drawing for the proposed addition does not
116 include the northern most garage door on west side. The authorized agent stated that he would
117 add the information when he updates the proposed site plan.

118
119 Brian Keeseey then moved on to the exterior materials standards section of his review. He
120 explained that the current exterior materials were approved during the initial site plan review,
121 and the proposed addition would be built to match the existing exterior materials. He stated that
122 there are no proposed changes or alterations to the exterior lighting or signage.

123
124 Brian Keeseey stated that the planned future expansion, including one storage building under
125 construction and two additional storage buildings are indicated on the site plan. Chairman
126 Meisel noted that with the additional structures, the site will be, for the most part, fully
127 developed.

128
129 Brian Keeseey recommended that the Planning Commission should recommend approval if they
130 are comfortable with the proposed parking space configuration, the intensity of use, the gravel
131 driveway remaining unpaved, and the west side elevation for the addition being shown on the
132 site plan. Chairman Meisel brought up the topic of special events that are occasionally held on
133 site. Brian Keeseey stated that the Planning Commission could approve future special events as a
134 permitted accessory use.

135

136 Chairman Meisel confirmed that the Planning Commission was in agreement on the intensity of
137 the use, parking, gravel driveway, updated elevation drawing, and special event aspects of the
138 amended site plan. Cam Gonzalez suggested that to address parking, the Planning Commission
139 could require an area on the site plan be identified for overflow parking, as needed, instead of
140 requiring an additional parking space. The applicants agreed that they would be willing to set
141 aside an area for overflow parking and indicate the location on the updated site plan when they
142 are making the revision to the west side elevation drawing.

143
144 Cam Gonzalez made a motion to recommend Township Board approval of the Action Water
145 Sports site plan amendment with the following conditions: (1) Providing an updated site plan
146 elevation view which includes the missing doorway, and (2) Indicate on the site plan the current
147 employee parking area is also available for additional customer parking, if needed. Kurt Schulze
148 supported the motion. The motion was carried by unanimous voice vote.

149
150 The Item was closed at 7:46 PM.

151
152 **OLD BUSINESS # 1 (7:47 PM): Completion of Next Group of Zoning Amendments**
153 **[Registered Designer Requirements, Open Space (Revise Minimum Lot Sizes in Residential**
154 **Districts, CDO, Site Condo, & Subdivision Control), Cemetery Ingress/Egress & Other**
155 **Requirements, and Correction of Various Typos.]**

156
157 Chairman Meisel opened the discussion by summarizing where the Planning Commission had
158 left off, topic by topic. He summarized the intent and discussions regarding the Registered
159 Designer Requirements section. The updated text was designed to ensure that the Township is in
160 compliance with the recent Michigan statute which requires local municipalities accept
161 electronic signatures and electronically transmitted documents, to clarify the definition of a
162 registered designer, specify that a registered designer must be in good standing with the State of
163 Michigan, and better describe which types of designers may prepare materials for different types
164 of applications. If approved, the text amendments would be included in the Zoning Ordinance
165 #36 and the Land Division Ordinance #25.

166
167 Chairman Meisel then moved on to the topic of proposed open space text amendments. He
168 summarized all of the proposed revisions including; Increasing the minimum lot size in the
169 Farming Residential (FR) zoning district from two (2) acres to three (3) acres and eliminating the
170 open space requirement for newly created parcels, Increasing the minimum lot size in the Rural
171 Estate (RE) zoning district from one and a half (1.5) acres to one and three quarter (1.75) acres
172 and eliminating the open space requirement for newly created parcels, Increasing the minimum
173 lot size in the Single Family Residential (R-1) zoning district from thirty-thousand (30,000)
174 square feet to one (1) acre and eliminating the open space requirement for newly created parcels.
175 These text amendments, if approved, would result in the following; All newly created FR parcels
176 would be permitted at least one (1) animal unit, All existing parcels in any single family zoning
177 district that do not meet the new minimum lot sizes would be “grandfathered-in” and considered
178 existing nonconformities, Those parcels that would not meet the new minimum lot sizes would
179 be minimal, and any newly created parcels in the R-1 zoning district would have adequate area to
180 install conventional or engineered on-site/decentralized sanitary sewage disposal (septic)
181 systems.

182
183 Additionally, and separately, the two Single Family Residential (R-2) parcels currently used by
184 Fenton Sand and Gravel are proposed to be rezoned to Single Family Residential (R-1).

185
186 Brian Keeseey mentioned that the possibility of adding several footnotes to the sections of the
187 Zoning Ordinance pertaining to open space requirements was discussed during the last meeting,
188 but he neglected to prepare proposed text in time for this meeting.

189
190 Chairman Meisel stated that the footnotes had been previously discussed and it was decided that
191 footnotes must be added to the schedule of regulations, even though the text would be updated in
192 the open space-related sections of the Zoning Ordinance and Subdivision Control Ordinance, in
193 an effort to increase clarity and reduce the likelihood of creating confusion/uncertainty.
194 Chairman Meisel then mentioned a minor language revision which would add clarity to a State
195 requirement for open space area for newly-created parcels utilizing the Open Space
196 Preservation(OSP) option or Cluster Development Option (CDO) in any residential zoning
197 district. Brian Keeseey added that another minor language revision should be to differentiate
198 between the OSP option being utilized in site condominium or subdivision developments versus
199 standard land divisions. The reason this language would be used is to ensure that all
200 developments/land divisions utilizing the OSP option or CDO would have adequate land area to
201 provide for a community septic system, specifically those developments/land divisions resulting
202 in lots that are less than one (1) acre. There was a brief discussion amongst Brian Keeseey and
203 the Planning Commission regarding possible mechanisms that could be implemented to ensure
204 that if community septic systems are used, they are adequately operated and maintained. It was
205 decided that the revised text should explain that all developments or land divisions utilizing the
206 OSP option or CDO must connect to a public sanitary sewer system, if available, or through
207 another means of sanitary waste disposal, such as a community septic system.

208
209 The Planning Commission briefly went through some of the minor typos and spelling errors in
210 the current ordinance text and discussed the proposed corrections. The proposed corrections
211 would not result in any significant change in the meaning of the text, but would simply
212 clarify/correct errors that were overlooked or created when the original text was amended or
213 approved.

214
215 Brian Keeseey then brought up a concern that Dave Wardin had mentioned during a previous
216 meeting. Dave Wardin had suggested that there could be an issue with requiring a ten (10) acre
217 minimum size for a parent parcel in order to develop/divide land using the OSP option or CDO.
218 Brian Keeseey explained that if someone were to divide a ten (10) acre property under OSP or
219 CDO, it would result in two (2) one and a half (1.5) acre parcels and one (1) seven (7) acre
220 parcel, the seven (7) acre parcel containing all of the required open space. He stated that,
221 although dividing a ten (10) acre parcel with the CDO or OSP option would be possible, it is
222 unlikely that someone would choose to do so. He continued, stating that he believes that Dave
223 Wardin's suggestion was to specify a minimum parent parcel size for land divisions using CDO
224 or OSP option. He continued, explaining that he does not believe it would be possible to prevent
225 a person from using the OSP option of CDO to divide a piece of property regardless of the parent
226 parcel size, since it would be a violation of the Michigan Zoning Enabling Act. Since it is very
227 unlikely that anyone would actually choose to use the OSP option or CDO to divide a small

228 parcel, and because requiring a minimum parent parcel size may violate Michigan law, it was
229 determined that a minimum parent parcel size should not be required. Brian Keesey suggested
230 that the Planning Commission verify that Dave Wardin’s concern was explained correctly during
231 the next meeting to make sure everyone is on the same page.

232
233 Kurt Schulze inquired about how the Township can confirm that open space deed restrictions are
234 recorded properly after a property [containing open space required by CDO or the OSP option] is
235 created. Chairman Meisel explained that upon receiving a recommendation for approval from
236 the Planning Commission, the Township Board will require that the applicant(s) provide all
237 required recordable documents prior to their review of the application. Once the Township
238 Board grants approval, but before the newly created parcel(s) are issued parcel identification
239 number(s), the applicant(s)/authorized agent(s) are required to record the documents with the
240 Livingston County Register of Deeds and provide proof of recording to the Township Assessor.
241 This ensures that the all necessary documents, including open space description(s), are properly
242 recorded with the Livingston County Register of Deeds once the land division/development has
243 received final approval.

244
245 Chairman Meisel read through the list of proposed ordinance text amendments to verify that
246 everything is in order before the public hearing is scheduled for the following regular meeting.
247 One topic that had not been fully discussed is the nonconformities that would result from the
248 revisions to the minimum lot sizes and open space requirements. Brian Keesey read through the
249 suggested text in the memo he had prepared. The proposed text would explain that the intent of
250 the new regulations would not be to create nonconformities, however, some parcels will become
251 nonconforming if the proposed text amendments are adopted. It would define any newly
252 nonconforming properties as open space-dependent properties, which would be considered
253 conforming (similar to existing nonconforming or “grandfathered” properties that do not meet
254 the minimum lot size for the zoning district in which they are located). The proposed text would
255 also contain language which would allow for residents who own open space-dependent
256 properties to effectively abandon the existing open space on their property if they can provide a
257 legal mechanism to do so. If a property owner is able to prove to the Planning Commission that
258 the open space can legally be abandoned, they can approve it through a boundary realignment.
259 Allowing property owners to abandon open space should result in properties that have more
260 usable land that are fully-conforming or closer to conformity than before.

261
262 Chairman Meisel then moved on to the topic of the proposed text amendments to the Subdivision
263 Control Ordinance. Brian Keesey read through his memo which includes the proposed text
264 amendments. None of the proposed revisions would result in significant changes to the intent or
265 purpose of the Subdivision Control Ordinance. Most of the proposed revisions would be
266 statutory updates to make sure that the most recent local, State, and Federal
267 laws/legislation/regulations/departments are referenced. Other proposed revisions are designed
268 for clarification purposes, such as changing “Livingston County Health Department (LCHD)” to
269 “Livingston County Department of Health (LCDH)”. The only substantive revision to the
270 Ordinance that has been proposed is an update to the standards for granting variances. The text
271 would be updated to specify that the Township Board cannot issue use-type variances, for the
272 purpose of consistency (since the text in the Zoning Ordinance already contains a similar
273 statement). Chairman Meisel suggested adding some language that would require that any new

274 subdivision or site condominium development that would like to incorporate street lighting as a
275 common element, use LED and solar technology (self-powered/not connected to public utilities).
276 Brian Keesey said that he can prepare some text to incorporate the proposed requirement.

277
278 There was a brief discussion amongst Brian Keesey and the Planning Commission to determine
279 what the best method would be to amend the text in the Subdivision Control Ordinance since the
280 existing .PDF document is not editable. It was decided that Ross Nicholson would look through
281 the digital files at the Township Hall to see if an editable version of the document exists. If an
282 editable document does not exist, the entire ordinance will need to be retyped or text recognition
283 software must be utilized to convert the existing document into an editable format.

284
285 Chairman Meisel then moved on to the topic of cemetery ingress/egress and other requirements.
286 He summarized where the Planning Commission had left off on the discussion. A brief
287 discussion amongst the Planning Commission and Brian Keesey followed, talking through and
288 agreeing upon suggested revisions to cemetery standards. Chairman Meisel then inquired if
289 anyone had any questions, comments, or concerns regarding the proposed text amendments. The
290 Planning Commission determined that everyone was satisfied with the proposed amended text.

291
292 Chairman Meisel then moved on to the topic of proposed minor revisions to correct typos and
293 errors that were overlooked during the initial text approval/amendment processes. He read
294 through the list, citing several examples of minor typos with the Zoning Ordinance and various
295 regulatory ordinances. He then explained that minor revisions to correct typos and errors can be
296 handled administratively without going through the standard text amendment process. Although
297 these changes will not be required to go through the formal amendment process, the Planning
298 Commission intends to send them through with the rest of the proposed text amendments so that,
299 upon final approval, all ordinance text can be updated simultaneously.

300
301 Chairman Meisel asked the Planning Commission if everyone was in agreement regarding the
302 proposed ordinance text amendments. All Planning Commissioners agreed that they were
303 satisfied with the text amendments, as proposed. Chairman Meisel stated that the required public
304 hearing will be held during the October 10th Planning Commission Meeting.

305
306 The item was closed at 9:16 PM.

307
308 **NEW BUSINESS # 3 (9:18 PM): Recreation Uses in the FR District**

309
310 Chairman Meisel opened the discussion by explaining why the agenda item has been placed on
311 the table. He explained that the purpose for the discussion is to try to determine how to treat
312 recreational special land uses within the Farming Residential (FR) zoning district. The topic was
313 brought to the attention of the Township through the discovery of an existing recreational
314 business that has been in operation for several years without going through the formal process to
315 receive the required approvals. The intent of the discussion is not to determine how to penalize
316 the particular operation or similar operations, but to determine what the best way to permit them
317 would be while simultaneously taking measures to ensure they do not negatively impact the
318 community. The Zoning Ordinance does include provisions for permitting some recreational-
319 type uses within the FR zoning district, typically through a special land use permit application,
320 however, the specific operation in question has unique characteristics that are not addressed in

321 the Zoning Ordinance. Chairman Meisel brought up the website for the operation in question to
322 provide information on the unique characteristics to the Planning Commission.

323
324 Brian Keeseey suggested that the Planning Commission should consider revising the home
325 occupation and special land use requirements for the FR district. The purpose would be to
326 create/alter existing standards that would be broad enough to cover most of the potential types of
327 operations while also allowing the Planning Commission to require specific standards for unique
328 operations. A brief discussion followed.

329
330 The item was closed at 9:36 PM.

331
332 **MISCELLANEOUS BUSINESS: NONE**

- 333
334
- 335 1) Planning and Zoning Administrator's Report: None
 - 336 2) Other Business Items: None
 - 337 3) Township Board Actions: None
 - 338 4) ZBA Report: None
 - 339 5) Future Items: N/A
 - 340 6) Correspondence: N/A

341
342 **ADJOURNMENT:** The meeting adjourned at 9:37 PM.