

1 **TYRONE TOWNSHIP PLANNING COMMISSION**
2 **REGULAR MEETING & PUBLIC HEARING MINUTES**

3 December 12, 2017 at 7:00 p.m.

4
5 **PRESENT:** Mark Meisel, Al Pool, Cam Gonzalez, Bill Wood, Ron Puckett, and Kurt Schulze.

6 **ABSENT:** Dave Wardin.

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

9 **CALL TO ORDER (7:03 PM):** By Chairman Meisel.

10
11 **PLEDGE OF ALLEGIANCE (7:04 PM):**

12
13 **CALL TO THE PUBLIC (7:05 PM):** No comments were received

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

16
17 Chairman Meisel explained that there had been several revisions made to the agenda since the
18 time it had been published. The November meeting minutes would need to be deferred until the
19 following meeting and application for the Shannon Glen Land Division Review (New Business
20 item #2) was withdrawn by the applicant.

21
22 Al Pool made a motion to approve the agenda as amended. Ron Puckett supported the motion.
23 The motion carried by unanimous voice vote.

24
25 **APPROVAL OF THE MINUTES (7:06 PM):** November 14, 2017

26
27 The November 14, 2017 Regular Meeting and Public Hearing minutes were deferred until the
28 next regular meeting. The Planning & Zoning Administrator was unable to complete the
29 meeting minutes in time for the December meeting.

30
31 **OLD BUSINESS # 1 (7:07 PM): Recreational Uses in the FR District**

32
33 Brian Keesey introduced the topic with a brief explanation of the agenda item. He explained that
34 there are a number of uses in the Farming Residential (FR) zoning district, existing and
35 proposed, that have unique characteristics which are not addressed by the current Township
36 Zoning Ordinance #36. Some of these uses are seasonal/temporary in nature, whereas others are
37 long-term/permanent operations. Chairman Meisel stated that there are a number of residents
38 who would like to obtain approval for land uses which the Zoning Ordinance, as currently
39 written, does not accommodate. Brian Keesey stated that the Planning Commission had
40 previously been discussing the duration of operations, specifically how much time should be
41 permitted to pass before an operation would be considered a Special Land Use. He referenced
42 his memo which includes all proposed revisions to the Zoning Ordinance text, and indicated that
43 he had updated the timeframe to state operations that exceed fifteen (15) consecutive days or

44 thirty (30) days within a one (1) year period would be considered Special Land Uses. Chairman
45 Meisel stated that there is still ongoing discussion on the actual duration of events, and the dates
46 included in the memo simply provide the framework for continuing discussion.

47
48 Brian Keeseey continued to work through his memo, indicating changes that have been made
49 since the last discussion. He stated that he modified the section which refers to compatibility of
50 uses, specifically; liability insurance, parking assistance, safety/security, duration, and refuse
51 disposal. He stated that he included a statement that the time involved in setup and cleanup be
52 excluded from the total duration of an operation. He stated that parking requirements have been
53 extensively discussed during previous meetings and, based on those discussions, he found that
54 the general consensus was to be more lenient with off-street parking requirements for seasonal
55 recreational uses versus permanent/long-term operations. He continued, stating that the language
56 in the memo would require applicants to meet the minimum parking standards in Article 25 of
57 the Zoning Ordinance, but the Planning Commission and/or Township Board would have the
58 authority to modify parking requirements on a case-by-case basis, depending on the nature and
59 intensity of the use.

60
61 Brian Keeseey continued through his memo. He stated that the last significant revision he made
62 since the last discussion was language on deviations. He explained that the purpose of including
63 text regarding deviations is due to the broad range of uses that could potentially be categorized as
64 recreational. He stated that the standards would allow the Planning Commission to determine
65 specific requirements that should apply to certain special land uses and not to others, depending
66 on the nature of each proposed use. He stated that his proposed decision criteria for deviations
67 are based on the criteria for Zoning Board of Appeals (ZBA) variances.

68
69 Brian Keeseey stated that during a previous discussion he indicated that a colleague of his is the
70 Professional Planner for the Holly and handles the permitting process for the annual Renaissance
71 Festival. The Planning Commission had requested that Brian Keeseey discuss some of the details
72 regarding how the municipality reviews and manages the Renaissance Festival and other unique
73 land uses. He stated that he had a discussion with his colleague and began explaining what he
74 had learned from his discussion to the Planning Commission. He stated that Holly does not have
75 formal criteria that is applied uniformly to all recreational special land uses. Chairman Meisel
76 stated that he is very surprised that there are not specific review standards, especially because
77 Mount Holly is also located within their jurisdiction and the scale and duration of the
78 Renaissance Festival is significant. Brian Keeseey elaborated further, explaining that the
79 Township treats the Renaissance Festival as an ongoing review, recognizing the benefits and
80 working with the festival organizers on an annual basis to modify the operation where needed.
81 He stated that each year they hold a series of informal meetings leading up to a formal review to
82 obtain the necessary approvals. Chairman Meisel asked Brian Keeseey how they are able to grant
83 formal approvals if they are not based on any established standards. Brian Keeseey stated that the
84 operation is considered a special land use and is permitted based on standards that the Township
85 establishes based on the specific details of the operation. He continued, stating that the
86 Township will review the overall operation from the previous year, identifying known/potential
87 problem areas, and create standards to address them. Chairman Meisel stated that it is an
88 interesting method for permitting a dynamic special land use. He asked Brian Keeseey if there are
89 any elements that Tyrone Township can use from Holly Township's annual review process for

90 recreation special land uses. Brian Keeseey stated that the draft he is working on for recreational
91 special land uses already provides a decent amount of flexibility, but he could try to work the
92 annual review process requirement into the standards to allow additional flexibility where
93 needed. He stated that many special land uses, such as mining operations, are already required to
94 submit documentation on an annual basis and go through review when necessary.

95
96 Ron Puckett stated that parking seems to be a significant issue with the Renaissance Festival.
97 Brian Keeseey agreed, stating that it is one of the most frequently reviewed topics during the
98 annual review. He stated that the parking area is constantly being relocated, and they generally
99 utilize trash receptacles strung with rope to delineate parking areas and drive lanes. Chairman
100 Meisel stated that he likes the idea of an annual report from applicants and review where
101 necessary regarding certain recreation special land uses. He continued, stating that without some
102 kind of consistent means to keep up on the specific factors involved in each recreational special
103 land use, there would be no way to adequately regulate them. Chairman Meisel instructed Brian
104 Keeseey to draft some language regarding the requirement for annual reports from the applicant
105 for approved recreation special land uses. Brian Keeseey asked whether they Planning
106 Commission would prefer the annual reports are submitted directly to them or if they should be
107 submitted to the Zoning Administration who could make a determination regarding whether or
108 not additional formal review is necessary. Chairman Meisel asked what his opinion is on
109 whether the annual report should be handled formally or administratively. Brian Keeseey stated
110 that these types of reports are typically submitted to the Zoning Administrator and handled
111 administratively. Chairman Meisel and Al Pool agreed that the reports should be submitted to
112 the Zoning Administrator annually and reviewed by the Planning Commission when necessary,
113 depending on the content of the report. Chairman Meisel asked if everyone was on board with
114 the proposed annual report requirement and asked if there were any questions. Cam Gonzalez
115 stated that he agreed with the proposed requirement.

116
117 *The item was closed at 7:30 pm.*

118
119 *As a result of a late commissioner joining the meeting, Cam Gonzalez made a motion to re-*
120 *approve the amended agenda (with a quorum present). Al Pool supported the motion. The*
121 *motion carried by unanimous voice vote.*

122
123 ***The regular meeting was suspended at 7:32 pm for a scheduled public hearing regarding the***
124 ***proposed Sanctuary at Tyrone Site Condominium Private Road Application.***

125
126 **PUBLIC HEARING (7:32 PM): Proposed Sanctuary at Tyrone Site Condominium Private**
127 **Road**

128
129 Chairman Meisel summarized the purpose of the public hearing. He explained that the main
130 purpose of the hearing is to review the proposed private road design for a proposed site
131 condominium development located off of Runyan Lake Road south of Center Road. He read the
132 public notice that was mailed to property owners within three hundred feet (300') of the
133 proposed site condominium boundaries, posted on the Tyrone Township website, and published
134 in the Tri-County Times newspaper. He then suggested that the applicants give a brief overview
135 of their proposed site condominium to give the public in attendance a better understanding of the

136 proposal. He suggested that they should show the general layout of the proposed site
137 condominium and explain some of the details regarding the private road design, open space
138 layout, etc...

139
140 Dan Boss introduced himself and his colleagues in attendance before summarizing their
141 proposed site condominium development. He stated that he would like to cast a vision of their
142 proposed development to the public in attendance. He described the location of the proposed
143 development and stated that they intend to design it with single family dwellings beginning in
144 the mid three hundred thousand-dollar (\$300,000) price range (he specified that would be
145 towards the low end of the price spectrum). He stated that they would be designed as minimum
146 one (1) acre lots, located entirely on private curb and gutter, roads. He stated that curb and gutter
147 roads are not required, but they wanted to include them as part of the development to appeal to
148 an up-scale customer base. He stated that fifty (50) percent of the total development area would
149 be dedicated as permanent open space which could not be developed, emphasizing that there
150 would be a great deal of buffering between existing adjacent developments. He stated that the
151 property is currently heavily wooded, and they intend to preserve as much of the wooded area as
152 possible through the use of open space. He stated that the development would utilize a
153 community septic system and pointed to the location on the preliminary site plan to show the
154 public in attendance. He stated that they would use community mailboxes located in a
155 consolidated area so the individual units would not have personal mailboxes in front of each
156 dwelling. He also indicated that there would be designated areas where snow from the roads
157 would be moved to during winter months. He stated that they intend to permit outbuildings for
158 the storage of recreational vehicles and prohibit the outdoor storage of said vehicles. He stated
159 that they would only permit side-entry garages so garage doors would not be visible when
160 driving into the development. He stated that, in terms of dwelling sizes, ranch homes would start
161 at a minimum of sixteen hundred (1,600) square feet and two-story dwellings starting at two
162 thousand (2,000) square feet. He stated that they would require a certain percentage of dwelling
163 exteriors to incorporate brick and/or stone, specifically on the front and sides, to maintain the
164 overall appearance of the development. He stated that they would not permit fences on
165 individual units. He stated that all driveways would be paved and any dwelling with basements
166 would be required to configure them in a way that they are not exposed. He stated that they do
167 not want to permit any outdoor parking or storage in the development. Dan Boss summarized
168 the proposal and stated that he would be happy to answer any questions regarding it.

169
170 Chairman Meisel thanked Dan Boss for his overview and suggested that Brian Keeseey read
171 through the review letter he had prepared based on the application that was received. Brian
172 Keeseey stated that the application is for a site condominium development consisting of single-
173 family dwelling units, which is a permitted use in the Farming Residential (FR) zoning district,
174 so no special land use permit(s) would need to be obtained. He continued, stating that there are
175 mechanisms built in to the Zoning Ordinance to help the Township require preservation of
176 natural features, specifically the Cluster Development Option (CDO). The CDO allows for
177 slightly reduced minimum lot sizes in exchange for additional open space area to preserve
178 natural features and maintain adequate buffer areas. He stated that another mechanism the
179 Township has is the Site Condominium review process. He stated that the application submitted
180 is for a site condominium development, which is a commonly used development option in the
181 State of Michigan. He then explained that the Township requires a review process consisting of

182 several steps; preliminary/concept plan review, agency reviews, and final site plan review. He
183 briefly described the approval processes for each step in the overall site condominium review.
184 He stated that the public hearing is required based on the location of the [southernmost] proposed
185 access drive, since it would be located within fifty feet (50') of the southern property boundary.
186 He continued, stating that any access drive/easement located 50' or less from adjacent
187 property/properties requires a public hearing because they have the potential to impact adjacent
188 parcel(s). He elaborated further on the proposed private road design, explaining where the
189 primary access point would be located and the purpose of the secondary access drive being for
190 emergency access only. Chairman Meisel explained that the Township and Fire Department
191 require a minimum of two access points for developments of this scale for safety reasons. He
192 said that the secondary access drive would be gated and locked with a locking mechanism
193 accessible to the fire department in case of an emergency. Brian Keesey summarized, stating
194 that the Planning Commission would appreciate feedback on potential traffic and/or safety
195 concerns based on the proposed private road design.

196
197 Chairman Meisel briefly explained that site condominium developments are very similar to
198 subdivisions in the sense that they consist of individual, single-family lots. He stated that many
199 people get confused when they hear the term "site condominium" because they automatically
200 think of high-density, multi-family (attached) residential condominiums, which are designed
201 similarly to apartments. He stated that the site condominium process is utilized as a way for
202 developers to obtain approvals more quickly than traditional platted subdivisions, but they have
203 several other advantages over platted subdivisions as well. He stated that site condominium
204 developments need to establish an association, a master deed, and bylaws to govern the use,
205 standards, and maintenance of single family units and common elements within the development.
206 He said that these requirements are arguably advantageous, as they force the developer to design
207 restrictions and requirements that would later be carried out by a legally-established association
208 to ensure consistent compliance and maintenance of the development.

209
210 *Chairman Meisel opened the floor to receive public comments on the proposed road design for*
211 *the proposed development.*

212
213 Rick Klemett (10064 Center Road) asked whether the southernmost proposed access drive would
214 be blocked off at all times, except in the case of an emergency. Chairman Meisel confirmed that
215 the southernmost access drive would be gated and only accessible by the Fire Department if they
216 require secondary access during an emergency. He used the emergency access drive in the Cider
217 Mill Crossings Manufactured Home Community as an existing example of what the proposed
218 access drive would look like and how it would function. Another resident [name not stated]
219 asked what the distance from the access drive to the southernmost property boundary would be.
220 Chairman Meisel stated that it would be located approximately thirty feet (30') from the
221 boundary, as currently proposed. The resident also asked whether trees were going to be
222 preserved on a particular area of the site which abuts her property. Brent LaVanway of Boss
223 Engineering, representing the applicant, explained that the area in question would be designated
224 as open space and the trees would be preserved. The resident asked if the developer would be
225 cleaning up some of the brush and fallen trees in the existing wooded areas or if they would be
226 leaving it as it exists. Brent LaVanway stated that most of the wooded open space areas would
227 remain natural.

228
229 Tiffany Reese (8424 Indian View Trail) asked if the required open space area could be
230 designated as a conservation easement to ensure it would remain as undeveloped land. Chairman
231 Meisel explained that, through the Cluster Development Option (CDO) process, the required
232 open space would be required to be maintained in perpetuity, essentially accomplishing the same
233 thing that a conservation easement would. Tiffany Reese asked if the open space on individual
234 lots would also be preserved and whether or not that would ensure the areas could not be
235 filled/graded or be used for outdoor storage/parking. It was explained the lot open space for
236 individual units would also be designated as preservation areas where grading and outdoor
237 storage would not be permitted. Brian Keesey added that the Township would not permit
238 grading, building, or storage within dedicated open space areas.

239
240 John Murphy (8395 Carole Lane) stated that he understands the public hearing is intended to
241 receive public comments regarding the proposed road design, but would like to know when the
242 Planning Commission would receive comments regarding other aspects of the proposed
243 development. Chairman Meisel stated that the Planning Commission is willing to take
244 comments at this time. John Murphy stated that he was concerned about the proposed location
245 of the community septic system because it would be located near his property. He asked how the
246 Township would determine if there are any potential issues with the location or design of the
247 septic system. Chairman Meisel explained that the Livingston County Health Department
248 (LCHD) would perform review(s) to ensure the location and design would be adequate for the
249 proposed use. He continued, adding that the County would look for things such as percolation
250 tests, proximity to wells (distance separation), and a number of other factors to determine the
251 feasibility of the proposed community septic system. John Murphy thanked Chairman Meisel for
252 the explanation. Chairman Meisel stated that it is a fair question that has come up frequently
253 during reviews of other developments utilizing community septic systems. He explained that the
254 Michigan Department of Environmental Quality (MDEQ) encourages the use of community
255 septic systems as an alternative to individual septic systems because they reduce the risk for
256 contamination through consolidation and requirements for consistent monitoring and
257 maintenance. Brian Keesey encouraged the residents in attendance to keep updated on the
258 meeting agendas for the Township and County agencies to stay informed on the status of the
259 proposed development since there will not likely be another public hearing unless significant
260 alterations to the concept plan [that fall within a category that would prompt a public hearing] are
261 proposed.

262
263 Mark Klumpp (8353 Carole Lane) stated that he is not particularly in favor of such a high-
264 density development located between much lower-density single family properties. He said that
265 although he is not in favor, he is impressed with the overall layout of the proposed development,
266 specifically how the locations of open space areas are designed to provide significant buffers
267 between adjacent properties, maintaining the rural character of the area as much as possible. He
268 stated that he was concerned about the proposed location of the community septic system and
269 wanted to know how it would be operated and maintained long-term. He also asked how the
270 storm water management system (storm sewers) would disperse the surface water from the
271 private road system. Brent LaVanway explained that the community septic system would be
272 regulated through the local health department (LCHD). He stated that the LCHD has higher
273 maintenance standards for community septic systems versus individual septic systems including

274 the requirement for a certified operator. He continued, stating that the Condominium Master
275 Deed and Bylaws would also require regular inspections and maintenance of the community
276 septic system. Chairman Meisel added that community septic systems are operated and
277 maintained much like a small scale sanitary sewer system to a certain degree. Brent LaVanway
278 stated that they are not maintained to as high of standards as sanitary sewer systems, but they are
279 the next best thing, and they are certainly maintained better than individual septic systems. Brent
280 LaVanway then addressed the question regarding storm water management. He stated that the
281 design for the storm water management system is intended to follow the natural drainage patterns
282 that exist on the site prior to development. He stated that they wanted to design the storm sewers
283 in a way that would allow the surface water to flow into the natural wetland areas that exist on
284 the site to reduce the likelihood of creating drainage problems. He pointed out the Livingston
285 County Drain Commissioner (LCDC) will be performing an in-depth review of site drainage and
286 the Township will use their engineering consultant for additional review, if necessary.

287
288 Sharon Murphy (8395 Carole Lane) stated that they have regulated wetlands present on their
289 property (which is adjacent to the proposed development) and wanted to know how the site
290 condominium would impact them. Brent LaVanway explained that the proposed storm water
291 management system would divert water into the areas where surface water already settles,
292 therefore, the development should have little to no impact to wetlands on adjacent properties.
293 Sharon Murphy stated that the course of the water, even if not significantly changed, could
294 potentially impact the regulated wetlands because the water would be coming from road surfaces
295 that could contain pollutants. She stated that there could be a significant environmental impact
296 to the existing wetlands from salt, chemicals, and other pollutants traveling through the storm
297 water management system into the wetland areas. Brent LaVanway stated that the LCDC has
298 specific standards and requirements for storm water treatment to mitigate the potential pollution
299 of the existing wetlands. Chairman Meisel stated that any development creates potential impacts
300 to the flow and quality of water on site. He continued, stating that the purpose of the formal
301 review by the Township and Livingston County is to identify potential risks and require
302 modifications to plans where necessary to reduce the likelihood of creating negative impacts to
303 the sites or the adjacent properties. Brian Keesey asked Brent LaVanway whether they intend to
304 utilize an oil separator at each cul-de-sac or if they would use the sediments in the retention basin
305 for storm water treatment. Brent LaVanway stated that there would be storm sewer gutters along
306 the road frontage which would carry storm water to pretreatment tanks before being deposited
307 into the detention basin.

308
309 Mike Suchodolski (8417 Carole Lane) asked about how the community septic system would
310 function and the size of the storage tanks. Brent LaVanway explained that the waste would flow
311 from each dwelling through gravity systems to a sewer main located along the road frontage,
312 which would then carry waste to the septic tanks where the waste would be treated before being
313 dispersed into the drain field. Mike Suchodolski asked how many septic tanks would be used for
314 the community septic system. Brent LaVanway stated that they intend to use a series of three (3)
315 large septic tanks to ensure adequate separation of the waste before being dispersed into the
316 drainage field. Mike Suchodolski asked about who would be responsible for monitoring and
317 maintaining the community septic system. Brent LaVanway explained that the Condominium
318 Association would be responsible for operating and maintaining the septic system. He stated that
319 the Condominium documents will require the Association collect the necessary funds from

320 residents to pay for a licensed operator and continuous maintenance associated with the
321 community septic system. Mike Suchodolski then asked how enforcement for outdoor storage
322 would be handled since it was previously stated it would not be permitted within the
323 development. Brent LaVanway stated that the Association would be the initial enforcement
324 mechanism and the Township would also have some enforcement authority. Chairman Meisel
325 stated that the Township would only have the authority to enforce outdoor storage if it violates
326 the Zoning Ordinance. Chairman Meisel and Ross Nicholson elaborated further to provide
327 clarification.

328
329 Art Palaian (8101 Older Lane) stated that he had a number of questions to ask. He asked what
330 the existing wooded wetland area closest to Runyan Lake Road would be used for. Brent
331 LaVanway stated that the area would be used for storm water management and preserved as
332 open space. Art Palaian asked if the brush and lumber generated through clearing/developing the
333 site would be burned or buried. Brent LaVanway stated that the debris would definitely not be
334 buried and if any is burned it would be done so in a responsible manner. Art Palaian asked what
335 material would be used for lining the detention ponds. Brent LaVanway stated that they do not
336 intend to line the ponds with clay or synthetic materials, but instead utilize the existing sediment
337 basin to mimic the natural drainage conditions of the site. Art Palaian asked if they would be
338 taking steps to separate salt, debris, and other waste from the storm water before it settles back
339 into the ground. Brent LaVanway stated that they would utilize a process that meets LCHD
340 standards. Art Palaian asked whether the roads would be concrete or asphalt. Brent LaVanway
341 stated that the road material has not yet been determined but he anticipate they will probably use
342 asphalt. Art Palaian asked how the roads would be maintained. Chairman Meisel stated that site
343 condominium developments are required to record private road maintenance agreements to
344 establish a mechanism for associations to fund and maintain their internal private road systems.
345 He added that developers typically include enforcement mechanisms in the condominium
346 documents to ensure consistent maintenance of the roads. Art Palaian asked if they had
347 communicated with any utility companies to inquire about service to the proposed development.
348 Brent LaVanway stated that they have not yet contacted any utility companies. Dan Boss added
349 that they intend to go with the best cable provider available. Art Palaian asked about a particular
350 area on the preliminary site plan which shows a wetland area encroaching on one of the proposed
351 lots. He wanted to know whether the future owner of said lot would be able to fill in a portion of
352 the wetland area if they desired. Brent LaVanway stated that they would not be able to fill in the
353 wetland area because it would be dedicated as lot open space, which would be preserved in
354 perpetuity. Art Palaian asked if a particular [smaller] wetland area near the center of the
355 proposed development would be filled. Brent LaVanway explained that the wetland area in
356 question is not regulated by the MDEQ, and the intent would be to fill it so the area could be
357 developed. Art Palaian asked whether or not they have contacted the MDEQ to obtain permits
358 for modifications to the wetland areas that are regulated. Brent LaVanway stated that they have
359 not yet contacted the MDEQ, but it will be the next step in the approval process following
360 concept plan approval. He continued, stating that most of the wetlands on the site are
361 unregulated and he does not anticipate they will need any MDEQ permits for the development,
362 as it is currently proposed. Art Palaian stated that Runyan Lake Road is in a state of disrepair
363 and anticipates that the construction traffic from the development of the site would damage it
364 even further. He asked who would be responsible for repairing Runyan Lake Road. Chairman
365 Meisel stated that the Livingston County Road Commission (LCRC) will typically evaluate the

366 road surface prior to development and post development. The LCRC will request reimbursement
367 for a portion of the road repair from the developer or they will make the repairs with existing
368 funds, depending on how much damage was caused by construction traffic. Art Palaian directed
369 a question to John Murphy. He asked whether John Murphy has any concerns with the proposed
370 design of the community septic system. John Murphy did not have any notable concerns.
371 Chairman Meisel stated that if any residents do have any concerns with the design/configuration
372 of the community septic system he would encourage them to communicate with the developer.
373

374 Jake Frazee (8175 Older Lane) asked what the distance is from the nearest lot in the site
375 condominium development to the eastern property boundary. Brent LaVanway stated that the
376 distance would be approximately four hundred feet (400'). Jake Frazee stated that he had
377 previously lived in a site condominium development and explained that he experienced a number
378 of issues. He stated that the association did not function as it was originally intended to and
379 bylaws were continuously amended to suit their personal needs instead of the development as a
380 whole, defeating the purpose of the bylaws. He asked if there are any mechanisms that can be
381 utilized to ensure the bylaws for the proposed development will be maintained. Chairman
382 Meisel stated that at some point ownership of the development is transferred from the developer
383 to the association and asked the applicants their thoughts on how the issue could potentially be
384 addressed. Dan Boss stated that in instances when a development is struggling financially due to
385 failure to sell enough lots within a certain timeframe, bylaws are usually modified to be less
386 restrictive as a way to attract potential buyers. He stated that he has not personally been involved
387 with any developments that have significantly altered dwelling design standards from those
388 originally established, but there is a potential that it can happen depending on a broad range of
389 factors. Chairman Meisel stated that there is usually a change mechanism in the bylaws which
390 would allow modification of standards if necessary, however, the permitted modifications are
391 generally limited to a certain extent until the association is transferred from the developer to the
392 property owners. Jake Frazee stated that he is not in favor of the proposed development,
393 however, he understands the developer's right to develop the property as permitted. He stated
394 that he would like to see as much preservation of natural resources as possible. Chairman Meisel
395 stated that the developer is required to preserve a minimum of fifty percent (50%) of the total
396 development area as open space because they are utilizing the CDO to reduce the minimum lot
397 sizes. He continued, stating that no development is perfect, but the developer, in this instance, is
398 taking steps to minimize the impact of the development on the existing wildlife, natural
399 resources, and adjacent properties.

400
401 Tiffany Reese (8424 Indian View Trail) stated that she has significant drainage issues on her
402 property to the extent that she is unable to mow her lawn most of the time. She stated that the
403 wetland area identified on the preliminary site plan as "Retention Pond B" currently drains
404 directly on to her property. She stated that she does not want the proposed development to result
405 in increased drainage problems on her property. Chairman Meisel stated that the LCDC will
406 review the proposed drainage plan a little further along in the approval process. He added that if
407 the drainage plan is prepared to LCDC standards and is followed during development, there
408 should be no change to the drainage from the site to her property.

409
410 Rick Klemett (10064 Center Road) asked if outbuildings would only be permitted in the rear
411 yard, if they would require Township approval, and whether they could be built within areas

412 designated as open space. Chairman Meisel stated that the outbuilding size, setbacks, and yard
413 location would need to be approved by the Township. He explained that under the Zoning
414 Ordinance for the FR zoning district, the outbuildings would be permitted in the side or rear yard
415 and could not be located within open space. He continued, stating the condominium documents
416 can include restrictions greater than the Zoning Ordinance requirements, but not less. For
417 example, the bylaws can restrict outbuildings to be located in the rear yard only, but not the front
418 yard as it would be prohibited by the Township Zoning Ordinance. He explained that the
419 building envelopes which show where structures can be erected would be clearly indicated on the
420 final site plan. Brent LaVanway stated that they wanted to design the building envelopes so the
421 majority of lots could build outbuildings in the rear yards. He used the preliminary site plan to
422 demonstrate the size and location of proposed building envelopes to provide better clarification
423 to the public in attendance. Rick Klemett asked if the developers intend on mandating paved
424 driveways to any outbuildings that are erected. Dan Boss stated that a paved outbuilding
425 driveway requirement has not yet been determined. Chairman Meisel stated that it is common to
426 have no access driveway to outbuildings.

427
428 Art Palaian (8101 Older Lane) asked what the approximate timeframe for completion of the
429 development would be. Dan Boss stated that they would, ideally, like to complete the general
430 infrastructure (roads, septic system, utilities, common areas, etc.) within about one (1) to one and
431 a half (1.5) years. Art Palaian asked Chairman Meisel if the Township could assist himself and
432 other residents on Older Lane to convince the cable company to provide service to their
433 properties. Chairman Meisel explained that the Township has run into a number of problems in
434 the past regarding cable providers. A brief discussion followed. Chairman Meisel suggested that
435 residents should frequently check in with the Township to see if they could provide any
436 assistance in negotiations with cable companies.

437
438 Rick Klemett (10064 Center Road) asked if natural gas will be provided to residents in the area.
439 Chairman Meisel stated that the gas company has been expanding their service area and will
440 likely serve most of the Township in the near future, however, he could not speak on their behalf
441 to guarantee when it might happen.

442
443 Tiffany Reese (8424 Indian View Trail) stated that she has gathered based on the discussion that
444 the developer's intent is to see the development through from start to finish instead of obtaining
445 the approvals and selling immediately (flipping the property). Dan Boss stated that their intent is
446 to see the project through completion. He continued, stating that if they do flip the property they
447 would first ensure that they put mechanisms in place to maintain the overall design and character
448 of the development, as it was originally intended. Chairman Meisel stated that if the property
449 transfers ownership after the proposed development is approved, the new owner(s) would need to
450 comply with the approved site plan and condominium documents or submit a new application
451 and start over from scratch.

452
453 Chairman Meisel inquired if there were any additional public comments. No comments were
454 received. He asked the Planner and Planning Commission if they had any questions or
455 comments. No additional questions or comments were received.

456
457 *Chairman Meisel closed the public hearing at 8:47 pm.*

458
459 *Cam Gonzalez made a motion to suspend the order of business, placing New Business #1 ahead*
460 *of all other agenda items. Kurt Schulze supported the motion. The motion carried by unanimous*
461 *voice vote.*

462
463 **NEW BUSINESS # 1 (8:49 PM): The Sanctuary at Tyrone Site Condominium Concept Plan**
464 **Approval**

465
466 Chairman Meisel opened the discussion and requested that Brian Keesey read through the review
467 letter he had prepared for the application that was received.

468
469 Brian Keesey began reading through his review letter. He stated the plans submitted meet the
470 requirements to develop the property utilizing the CDO. He stated that the proposed access
471 would be sufficient for the proposed development. He stated that that the section of Runyan
472 Lake Road that the development would use for access has a relatively low average traffic count.
473 He stated that the latest data provided by SEMCOG indicates the average traffic count is
474 approximately twelve hundred (1,200) vehicle per day. He stated that the national average for
475 number of trips per single-family residence per day is approximately twenty (20). He stated that
476 the dwelling unit calculations and minimum lot sizes proposed would be sufficient under cluster
477 development standards.

478
479 Brian Keesey then moved to discuss Site Plan Review standards. He stated that the application
480 fulfills most of the requirements for Site Plan Review, but there are several items where
481 clarification will need to be provided prior to final approval. He stated that the plans do not
482 include information on floodplains. He explained that the floodplains should be included on the
483 site plan, and if none are present, a statement indicating that should be included. He continued,
484 stating that additional clarification for phasing of the development will be required, which can be
485 submitted as a written statement describing proposed phases of development.

486
487 Brian Keesey moved on to discuss the site condominium approval process requirements. He
488 stated that the current plan contains a number of lots which do not meet the minimum lot width
489 requirement for newly created parcels in the FR zoning district. He said that there are
490 mechanisms which can be used to modify the minimum lot width requirement, which he will
491 discuss in detail later on. He continued, stating that all proposed lots would meet the minimum
492 front and side yard setbacks for the FR zoning district, however, the proposed rear yard setbacks
493 vary significantly and all lots would not meet the minimum setback, as currently presented.
494 Chairman Meisel stated that the primary function of rear yard setbacks is to ensure adequate
495 buffering/separation distance between dwellings. He added that the proposed development
496 would have a significant amount of dedicated open space located around the perimeter which
497 would act as a natural buffer, reducing or eliminating the need for all lots to meet the minimum
498 rear yard setbacks. He added that the site plan for the development, if approved, would clearly
499 show the established building envelopes for each lot, so any lots that do not specifically meet the
500 minimum rear yard setbacks for the FR zoning district would be considered conforming.

501
502 Brian Keesey then brought up the mechanisms that could be utilized to modify the site
503 condominium approval standards mentioned previously; the minimum lot width and rear yard

504 setbacks. He stated that Section 21.43.D (Modification of Design Standards) of the Zoning
505 Ordinance allows the Planning Commission to modify certain dimensional requirements for lots
506 within site condominium developments if they can demonstrate that the modified dimensions
507 would still meet the original intent of the Ordinance. He stated that the proposed location of the
508 open space, functioning as a natural buffer to adjacent properties, should be sound justification
509 for reducing the minimum required lot width. He added that the proposed lot widths are
510 consistent with developments of similar density in other zoning districts, such as R-1 (Single
511 Family Residential). Chairman Meisel stated that allowing minimized lot widths in this instance
512 can, arguably, be justified, but he would consider the reduction to be reasonable but not ideal.
513 He stated that the strongest argument to modify the requirement is probably the preservation of
514 existing wooded areas as open space being used as a natural buffer between the proposed
515 development and adjacent properties. Brian Keeseey stated that the other mechanism that could
516 potentially be used to modify the dimensional requirements would be to establish a Planned Unit
517 Development (PUD).

518
519 Brian Keeseey then read through the table in the Zoning Ordinance which lists the basic
520 application requirements for preliminary/concept approval of site condominiums. He stated that
521 the application meets the minimum requirements for concept plan approval and he would
522 recommend that the Planning Commission recommends approval to the Township Board. He
523 added that the Planning Commission should make note of the three (3) items previously
524 discussed that should be addressed prior to final approval.

525
526 Chairman Meisel commended the applicants on the quality of their preliminary plans and the
527 overall application. He thanked them for their attention to detail and regard for adjacent property
528 owner's concerns.

529
530 Chairman Meisel addressed the Planning Commission, stating that they have three options;
531 recommend approval, recommend denial, or table the item/take no action. Cam Gonzalez
532 commended the applicants on their presentation of the proposed development. Cam Gonzalez
533 made a motion to recommend approval of the proposed Sanctuary at Tyrone Site Condominium
534 Development Concept Plan to the Township Board. Kurt Schulze supported the motion. The
535 motion carried by unanimous voice vote.

536
537 *The item was closed at 9:06 pm.*

538
539 *There was a brief discussion amongst the Planning Commission regarding the feasibility of*
540 *expanding the sanitary sewer system to service properties on the east side of US-23 and*
541 *Residential Equivalency Unit (REU) transfers between properties.*

542
543 **NEW BUSINESS # 3 (9:21 PM): Response to Township Board's Request for Information**
544 **Regarding Open Space Elimination**

545
546 Chairman Meisel introduced the topic with a brief summary of the Township Board's comments
547 regarding the proposed Zoning Ordinance text amendments to eliminate the open space
548 requirement for newly created parcels in residential zoning districts. He stated that the topic was
549 discussed during the last joint meeting between the Planning Commission and Township Board.

550 He noted that several other proposed Zoning Ordinance text amendments were discussed during
551 the same meeting; Registered Designer Requirements and Cemetery Access Standards. There
552 were very few comments and several suggested revisions to the proposed text for these items, but
553 several significant concerns regarding the proposed Open Space amendments.

554
555 Chairman Meisel continued, stating that one significant comment made by the Township Board
556 regarding the proposed Open Space amendments was that they had concerns about the amount of
557 open space required when utilizing the Cluster Development Option (CDO) and/or Open Space
558 Preservation Option (OSP) for residential developments. Chairman Meisel indicated that the
559 Zoning Ordinance currently permits a fifty percent (50%) reduction in minimum lot sizes as long
560 as at least fifty percent (50%) of the total development area is preserved in perpetuity as Open
561 Space under CDO and OSP. Chairman Meisel stated that the Michigan Zoning Enabling Act
562 requires townships to require that at least 50% of the total parent parcel area be preserved as
563 open space to utilize the CDO or OSP. He referenced Section 125.3506 (Open Space
564 Preservation) of the Zoning Enabling Act and read the first several paragraphs (provided below).

565
566 **“125.3506 Open space preservation.**
567 Sec. 506. (1) Subject to subsection (4) and section 402, a qualified local unit of government shall
568 provide in its zoning ordinance that land zoned for residential development may be developed, at
569 the option of the landowner, with the same number of dwelling units on a smaller portion of the
570 land than specified in the zoning ordinance, but not more than 50% for a county or township or
571 80% for a city or village, that could otherwise be developed, as determined by the local unit of
572 government under existing ordinances, laws, and rules on the entire land area, if all of the
573 following apply: (a) The land is zoned at a density equivalent to 2 or fewer dwelling units per
574 acre or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre. (b) A
575 percentage of the land area specified in the zoning ordinance, but not less than 50% for a county
576 or township or 20% for a city or village, will remain perpetually in an undeveloped state by
577 means of a conservation easement, plat dedication, restrictive covenant, or other legal means that
578 runs with the land, as prescribed by the zoning ordinance.”

579
580 Chairman Meisel stated that the wording of the text in the Zoning Enabling Act is written in a
581 way that is difficult to interpret and the areas that reference the percentages permitted can come
582 across as contradictory. He explained that the first part of the statement refers to the maximum
583 reduction in minimum lot sizes (increase in density) townships can permit and the second part
584 refers to the minimum percentage of open space townships must require to permit the reduction
585 in minimum lot sizes/increase in density. Brian Keesey agreed with Chairman Meisel’s
586 interpretation of the State requirements. There were no objections from the Planning
587 Commission.

588
589 Chairman Meisel stated that the second significant concern the Board had with the proposed
590 Open Space amendments was the increase in minimum lot sizes to compensate for the absence of
591 open space. He continued, stating that the topic spurred extensive discussion on what minimum
592 lot sizes for residential zoning districts should be, especially in the FR (Farming Residential)
593 district. Chairman Meisel stated, in his opinion, that the current minimum lot size in FR is too
594 small since parcels can be created that would not allow animal units and the minimum lot sizes
595 are already significantly smaller than residential/agricultural zoning districts in most other semi-

596 rural communities. He stated that the Planning Commission should discuss the topic to
597 determine why minimum lot sizes should be increased from two (2) acres to three (3) acres if the
598 open space requirement is eliminated. Chairman Meisel stated that Section 4 of the Zoning
599 Ordinance (FR Farming Residential) indicates that the intent of the district is “to protect lands
600 best suited to agricultural uses from the encroachment of incompatible uses, while designating an
601 area appropriate to the type of single family residential development that does not alter the
602 general agricultural character of the district.” He added that he feels, based on formal and
603 informal interactions with residents (including during public hearings for higher density
604 developments in FR), that many people residing in FR tend to prefer larger lots/lower density
605 developments for various reasons including; privacy, agricultural uses, separation from high-
606 density developments, nature/wildlife, etc.). Based on the intent of FR described in the Zoning
607 Ordinance, public opinions, and agricultural/residential use zoning districts in similar
608 communities, it could be argued that the current FR minimum lot sizes are less than adequate. He
609 stated that a few potential options to resolve the issue could be to increase the minimum lot sizes
610 in FR or a new zoning district focused on mixed agricultural and residential uses (with larger
611 minimum lot size requirements) could be established. He added that the minimum acreage
612 requirements for properties to have animal unit(s) could also be discussed to determine whether
613 or not the three (3) acre minimum for one (1) animal unit is sufficient and to ensure the safety
614 and welfare of animals and residents. Ron Puckett stated that he believes animal units should be
615 reviewed since there are many properties that have at least three (3) acres but not enough area for
616 animals to graze due to existing natural features such as wetlands. He explained that he feels any
617 property under ten (10) acres could be problematic for the keeping of animals since, even if the
618 entire property was usable pasture, there would not be enough vegetation to sustain animals for
619 very long. He continued, stating that those situations where the land is not suitable for grazing
620 due to topography, size, or other factors, management of food and waste can become difficult
621 and potentially problematic for the animals and adjacent properties. He stated that he feels the
622 FR zoning district should not be called Farming Residential if the minimum lot sizes are less
623 than three (3) acres because, in most cases, parcels within the district cannot actually be used for
624 agriculture of any kind. Chairman Meisel agreed with Ron Puckett’s statement. He explained
625 that one argument for reducing the minimum lot size in FR to less than three (3) acres is that
626 “Residential” is in the name of the zoning district. He stated that continued discussion would be
627 beneficial because there are conflicting opinions on both sides of the issue that need to be
628 worked through.

629
630 Chairman Meisel had prepared a draft that he wanted to run past the Planning Commission
631 regarding their collective opinions on why they determined the minimum lot sizes in FR should
632 be increased from two (2) to three (3) acres if the open space requirement is eliminated. He
633 presented the draft to the Planning Commission to receive feedback. He stated that dividing
634 property in FR with the intent to create the maximum number of parcels possible leads to higher-
635 density single-family developments which are not conducive to the intended purpose of the
636 zoning district. He explained that it would eliminate the agricultural character of the district by
637 creating properties that are inadequate in size for animal units and/or other agricultural uses.
638 This would likely lead to a number of incompatibilities between the residential and agricultural
639 uses permitted in the district. Chairman Meisel stated that another piece of the question is
640 determining whether or not the minimum lot sizes in FR are competitive with other local
641 communities, such as Deerfield Township. He stated that Deerfield Township has mixed use

642 residential/agricultural districts separated into three (3) categories; general agriculture (large
643 commercial farms), small farms (hobby/small commercial farms), and another small farm
644 category (geared more towards residential than agriculture- similar to the RE Rural Estate zoning
645 district in Tyrone Township). He mentioned that Deerfield Township requires larger minimum
646 lot sizes than Tyrone Township, and noted that their Zoning Ordinance includes additional
647 language designed to discourage high-density developments and preserve large parcels in zoning
648 districts intended to function similarly to FR (mixed residential and agricultural uses). Ron
649 Puckett stated that maintaining small minimum lot sizes in FR not only conflicts with the intent
650 of the district described in the Zoning Ordinance, but would also violate the Master Plan.

651
652 Brian Keeseey brought up a spreadsheet he had prepared which compares the minimum lot sizes
653 for different zoning districts in other local municipalities with Tyrone Township's. He stated
654 that his intent was to give the Planning Commission a visual aid to help demonstrate how the
655 Township's zoning districts compare to those of similar local communities. He briefly explained
656 some of the notable differences and similarities. He concluded that nearly all of Tyrone
657 Township's minimum lot size requirements are smaller than those of most other local
658 municipalities. Chairman Meisel stated that most of the communities being compared have very
659 similar zoning districts to Tyrone Township, however, many also have districts that are primarily
660 agricultural. He continued, explaining that a number of large commercial agricultural operations
661 exist in Tyrone Township that, under the current minimum lot size requirements, could be
662 converted into high-density residential developments, arguably leading to significant
663 compatibility issues. He suggested that there may be justification to establish an additional
664 zoning district as a way to help ensure compatibility between uses.

665
666 Chairman Meisel stated that he will work with the Planning Commission and Planner to prepare
667 a statement summarizing the Planning Commission's findings and thoughts on the proposed
668 Open Space amendments. A brief discussion amongst the Planning Commission regarding
669 agricultural land uses followed.

670
671 The Planner and Planning Commission came to the conclusion that they should present their
672 statement to the Township Board during a joint meeting and/or workshop meeting. The intent is
673 to have an interactive discussion to finalize the proposed Open Space amendments and begin
674 discussing the revision of the Township Master Plan.

675
676 *The item was closed at 10:15 pm.*

677
678 **MISCELLANEOUS BUSINESS: NONE**

- 679
680 1) Planning and Zoning Administrator's Report: None
681 2) Other Business Items: None
682 3) Township Board Actions: None
683 4) ZBA Report: None
684 5) Future Items: N/A
685 6) Correspondence: N/A

686
687 **ADJOURNMENT (10:16 PM):** By Chairman Meisel