

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

3 February 13, 2018 at 7:00 p.m.

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

7 **ABSENT:** NONE

8 **OTHERS PRESENT:** Tyrone Township Planner Brian Keesey, Tyrone Township Assistant
9 Planner Molly Redigan, and Tyrone Township Planning & Zoning Administrator Ross
10 Nicholson.

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

12
13 **PLEDGE OF ALLEGIANCE (7:02 PM):**

14
15 **CALL TO THE PUBLIC (7:03 PM):** No comments were received

16
17 **APPROVAL OF THE AGENDA (7:04 PM):**

18
19 Chairman Meisel explained that the January 9, 2018 meeting minutes should be removed from
20 the agenda since the draft had not yet been completed. Cam Gonzalez made a motion to approve
21 the agenda as amended. Al Pool supported the motion. The motion carried by unanimous voice
22 vote.

23
24 **APPROVAL OF THE MINUTES (7:03 PM):** December 12, 2017 Regular Meeting & Public
25 Hearing

26
27 Several minor corrections were made to the December 12, 2017 regular meeting and public
28 hearing minutes. Cam Gonzalez made a motion to approve the December 12, 2017, regular
29 meeting and public hearing minutes as amended. Al Pool supported the motion. The motion
30 carried by unanimous voice vote.

31
32 *Kurt Schulze made a motion to suspend the order of business, moving all New Business items*
33 *above Old Business in consideration of the applicants in attendance. Cam Gonzalez supported*
34 *the motion. The motion carried by unanimous voice vote.*

35
36 Brian Keesey took a moment to introduce Molly Redigan, Assistant Planner with McKenna and
37 Associates. He explained that she will be assisting him with preparing memos and reviews for
38 the Planning Commission.

39
40 **NEW BUSINESS # 1 (7:11 PM): Rex-Panfil Boundary Realignment**

41
42 Chairman Meisel asked if there were any applicants in attendance. Dan Callan of Remax Real
43 Estate and Wayne Perry of Desine Inc. indicated that they were representing the applicants.

44 Brian Keeseey then summarized the application and read through the review he had prepared. He
45 stated that all of the application requirements have been submitted. He mentioned that there was
46 a minor discrepancy found between the drawings and the legal descriptions (a section line on the
47 drawing was numbered incorrectly). Wayne Perry stated that he was aware of the discrepancy
48 and intended to make the correction in the near future. Brian Keeseey continued, stating that there
49 are no structures within fifty (50) feet of the property boundaries, therefore the Planning
50 Commission could waive the requirement to show such structures since none exist. Chairman
51 Meisel stated that there were no structures within fifty (50) feet of the property boundaries and
52 he would be comfortable waiving the requirement if the Planning Commission is in agreement.
53 Brian Keeseey continued, reading through each requirement and explain how they have been
54 fulfilled. He made mention that there was an easement shown on the drawing that was not
55 described in the legal description. Chairman Meisel asked Wayne Perry for an explanation.
56 Wayne Perry explained that the easement was clearly shown on the drawing and included a note
57 referencing a recorded legal description on file with the Livingston County Register of Deeds.
58 Chairman Meisel stated that the note referencing the existing easement would be sufficient to
59 fulfill the requirement.

60
61 Brian Keeseey continued through the rest of the review and recommend the Planning Commission
62 recommend Township Board approval as long as the following requirements are met; (1) correct
63 the section number discrepancy on the drawing, (2) the Planning Commission waives the
64 requirement to show all structures within fifty (50) feet of the boundaries on the drawings (the
65 Planning Commission has stated that they would be comfortable waiving the requirement), and
66 (3) get clarification on the Consumers Energy utility easement discrepancy (the Planning
67 Commission has stated that they find this to be acceptable as presented). Dave Wardin asked if a
68 fourth condition should be added to indicate the Planning Commission would waive the
69 requirement to show elevation contours/drainage on the drawings. Wayne Perry stated that all of
70 the contours are shown on one of the following drawings included in the packet. Dave Wardin
71 found the information and stated that he was satisfied that the requirement was met. Chairman
72 Meisel commended Wayne Perry for being so thorough and submitting such a complete and
73 accurate application.

74
75 Kurt Schulze made a motion to recommend Township Board approval of the Rex-Panfil
76 Boundary realignment, conditional upon correction of the minor section number discrepancy on
77 the drawing, acknowledging that the Planning Commission will waive the requirement to show
78 all structures located within fifty (50) feet of the boundaries, and noting that they are satisfied
79 that the Consumers Energy utility easement shown on the drawings is adequately described.
80 Dave Wardin supported the motion. The motion carried by unanimous voice vote.

81
82 Chairman Meisel explained that the applicants will just need to submit an updated drawing
83 showing the correction to the section number reference and provide recordable copies before
84 going before the Township Board.

85
86 *The item was closed at 7:23 pm.*

87
88 *The Planning Commission had a brief discussion amongst themselves to determine which agenda*
89 *topic should be reviewed during the next few minutes before the public hearing begins.*

90 *Chairman Meisel suggested that they begin discussing the Durocher Special Land Use*
91 *application until the public hearing begins since that is the purpose of the public hearing.*

92
93 **NEW BUSINESS # 3 (7:25 PM): Durocher Special Land Use Application**

94
95 Brian Keesey opened the discussion, briefly introducing the purpose of the application. He
96 explained that the applicant would like to use the property for administrative office space and
97 outdoor storage of construction equipment, materials, and supplies. He continued, explaining
98 that the Zoning Ordinance does not specifically address the proposed combination of uses in the
99 Planned Commercial Industrial (PCI) Zoning District, but it is very similar in character to
100 permitted uses. He explained that the Planning Commission could determine that the proposed
101 uses are similar in nature to those permitted in the zoning district and can apply standards based
102 on the similar uses for the purpose of reviewing the application. He stated that, in general terms,
103 the proposed use would fit as long as the Planning Commission adequately addresses buffering
104 and other standards.

105
106 Brian Keesey described the property location, zoning, size, existing structures, etc., and indicated
107 that the proposed uses would utilize approximately half of the ~fourteen (~14) acre property. He
108 explained that the applicant has provided an updated site plan following some preliminary
109 Planning Commission comments including landscaping details and parking spaces. Brian
110 Keesey summarized, stating that the applicant has provided most of the information necessary
111 and he believes that the proposed uses could be permitted at the proposed location once the
112 Planning Commission is satisfied that all requirements have been fulfilled.

113
114 ***The regular meeting was suspended at 7:32 pm for a scheduled public hearing regarding the***
115 ***proposed Sanctuary at Tyrone Site Condominium Private Road Application.***

116
117 **PUBLIC HEARING #1 (7:32 PM): Durocher Special Land Use Application**

118
119 Chairman Meisel read the public hearing notice that was published in the Tri-County Times on
120 Sunday, January 28, 2018, in compliance with the Open Meetings Act:

121
122 “Notice is hereby given the Tyrone Township Planning Commission will hold a Public Hearing on
123 Tuesday, February 13, 2018, beginning at 7:30 at the Tyrone Township Hall, 10408 Center Road,
124 Fenton, Michigan 48430. The purpose for the Public Hearing is:
125 To receive public comments regarding a request by Laura Durocher, represented by Gerry Durocher,
126 for a special land use to operate a commercial business with office space and outdoor storage of
127 construction materials and equipment, regulated by Zoning Ordinance #36 Section 13A.03.U, PCI
128 Special Land Uses, located at 7079 Old US-23, Fenton, Michigan 48430, Tax ID 4704-29-400-006.
129 The property is zoned PCI, Planned Commercial Industrial.”

130
131 Chairman Meisel asked if there were any questions related to the public hearing notice. No
132 questions were received.

133
134 Chairman Meisel asked if there was anyone in attendance who has any interest in the public
135 hearing aspect of the application. Harold Dexter (7145 Old US-23) indicated that he was
136 interested. Chairman Meisel thanked him for being present.

137 Chairman Meisel asked Brian Keesey his opinion on the order in which the topics in the
138 application should be discussed. Brian Keesey recommended that they begin by reading through
139 the review letter he had prepared.

140
141 Brian Keesey stated that there are several sets of standards that need to be met, inclusive of
142 special land use approval standards, some special land use standards for open storage yards, and
143 site plan review standards applicable to all commercial developments in the Township. He
144 explained that the first standard is the special land use will be harmonious with adjacent
145 properties and other uses in the PCI zoning district. He reiterated that the proposed uses are not
146 specifically addressed, in whole, as permitted uses in the zoning district, however, there are
147 many aspects that are similar. He stated that he believed all aspects of the proposed operation
148 could be harmonious with the character of other uses in the area and would be a suitable use in
149 the proposed location.

150
151 Chairman Meisel asked if they should discuss the recommended landscaping buffer and how the
152 applicant has depicted it on the most recent version of the site plan. Brian Keesey stated that
153 landscaping buffers are important in the zoning district and especially at the intersection of Old
154 US-23 and Faussett Road, where the property is located, since it is an area that is highly visible.
155 He continued, stating that the updated site plan provides better detail than the original version on
156 the height of the berms along the road frontage and elsewhere on the property and the types of
157 trees that would be planted. Brian Keesey continued, stating that one requirement not shown on
158 the site plan is a perimeter fence. He suggested that the Planning Commission discuss that topic
159 further to determine whether or not a complete perimeter fence would be necessary for the
160 proposed uses. Brian Keesey explained that the Zoning Ordinance requires fencing along the
161 side and rear boundaries of open storage yards to keep any debris from encroaching on adjacent
162 properties. Chairman Meisel asked what types of debris the fence would be containing in the
163 case of the proposed outdoor storage of vehicles, equipment, and materials. Brian Keesey stated
164 that he was uncertain how it would apply to the situation in question, but it is how the Ordinance
165 is written. He said that he assumes the intent of the fencing requirement is to contain debris for
166 higher intensity uses such as vehicle crushing or storage of refuse.

167
168 Brian Keesey continued to walk through the approval standards in the review letter. He stated
169 that another standard is the proposed use must be designed to exist harmoniously with existing
170 and future land uses in the general vicinity. He continued, explaining that the property is situated
171 between Suburban Propane to the north and a vacant wooded lot to the south. He stated that, in
172 his opinion, it is important to focus on the landscaping at each common boundary to create
173 natural buffers.

174
175 Chairman Meisel read through the use statement provided by the applicant. The use statement
176 outlined hours of operation, the number of employees, the intensity of use on site, anticipated
177 noise levels, and lighting details. Brian Keesey explained that the majority of activity on site
178 would take place early and late when workers load the vehicles to go offsite in the morning and
179 when they return to the site in the evening. He suggested that the proposed hours of operation
180 would be typical for this type of operation and would be appropriate for the operation in the
181 proposed location.

182 Brian Keesey continued, stating that it was requested the applicant provide details on the type of
183 vehicles and equipment that would be stored or used on the site, the typical loading/unloading
184 procedures, who would have access to the site, and other important details so potential nuisance
185 factors can be evaluated in order to ensure the operation would exist harmoniously with existing
186 and future uses in the area. Chairman Meisel read from the use statement the types of
187 equipment, which includes trucks, excavators, pickup trucks, and trailers. Chairman Meisel
188 continued through the loading/unloading procedures which stated that loading and unloading of
189 equipment and materials would take place on a periodic basis to be transported to and from
190 various job locations. During the busy season most equipment and materials would be stored at
191 job locations and during the slow season most would be stored on site. Brian Keesey stated that
192 the proposed storage and loading/unloading is typical of the type of operation and would be
193 suitable in the proposed location. Chairman Meisel stated that the site is located in close
194 proximity to US-23 which produces consistent traffic noise, so in terms of sound, the area would
195 not be significantly impacted by the proposed operation.

196
197 Brian Keesey continued through the review letter. He stated that the applicant provided details
198 on the number of employees, which would typically be between fifteen (15) and seventeen (17)
199 employees. He stated that the updated site plan shows eighteen (18) parking spaces on the site,
200 which would be sufficient for the proposed use. He noted that the parking spaces would not have
201 painted lines since they would be located on a gravel pad. Chairman Meisel stated that painted
202 lines would not likely be necessary due to the character of the site. Chairman Meisel asked the
203 Planning Commission and Planner if they agree. All were in agreement.

204
205 Brian Keesey continued through the review, stating they would need to ensure the proposed use
206 would not be hazardous to surrounding uses. He stated that the property located to the south is
207 currently zoned Single Family Residential (R-1), but the future land use map calls for Planned
208 Commercial Industrial (PCI), which would be used for uses similar in character to the proposed
209 use. He stated that noise is a potential concern, but it would not be as long as there is adequate
210 buffering to surrounding uses. He continued, stating the noise concern would not likely be a
211 significant issue unless future expansion towards the back of the site occurs, which would be in
212 closer proximity to existing residences. He also stated that appearance from the road is a
213 concern as it could directly impact the economic welfare of adjacent sites. He continued, stating
214 that they should ensure commercial operations have aesthetically acceptable outward
215 appearances as they are going through the review and approval process. He asked if there were
216 any questions. No questions were received.

217
218 Brian Keesey stated that it is recommended that the type of operation proposed should have a
219 paved surface to prevent oil and other fluids from seeping into the ground if any leaks occur but
220 a gravel surface is proposed on the site plan. He said that this item should be discussed further.
221 Chairman Meisel suggested taking a moment to discuss further while they are on the topic. He
222 asked the applicant what their thoughts were on paving to reduce the likelihood of soil and/or
223 groundwater contamination if any vehicle and/or equipment leaks occur. Gerry Durocher stated
224 that they maintain all of their vehicles and equipment to keep them in good working order, free
225 of leaks. Chairman Meisel replied, stating there is always a risk of leakage, even with brand new
226 vehicles and equipment. He stated that there are different types of hydraulic fluids, some of
227 which are more environmentally friendly than others, but ultimately it would be beneficial to

228 mitigate the potential for any soil and/or groundwater contamination. Gerry Durocher replied,
229 stating that all of the major vehicle and equipment repairs would occur offsite, which would
230 greatly reduce the potential for fluid leaks onsite. Chairman Meisel stated that major vehicle and
231 equipment repairs offsite would definitely reduce the risk of major fluid leaks/spills, but leakage
232 could still occur. Gerry Durocher stated that he would not be opposed to exploring the options
233 for leak mitigation. Dave Wardin stated that he has had experience working with mining
234 operations, most of which have spill prevention and emergency response plans. Chairman
235 Meisel suggested including information on the site plan and use statement regarding leak
236 mitigation and emergency response.

237
238 Dave Wardin asked the applicant if there would be any fuel storage and/or fueling on the site.
239 Gerry Durocher stated that there would be two (2) fuel storage tanks located on site which would
240 be filled regularly by tanker trucks. He stated that the fuel tanks would be used for fueling
241 vehicles and equipment on site before they are moved to various job locations. Dave Wardin
242 suggested addressing the fuel delivery, storage, and fueling in the written spill prevention
243 statement. Dave Wardin asked for details on the fuel storage tanks. Gerry Durocher stated that
244 they were above-ground, double-wall insulated tanks. Dave Wardin asked if the tanks would be
245 mounted on concrete pad(s). Gerry Durocher stated that they were currently not on pads. Dave
246 Wardin suggested that the tanks should be located on concrete pads to reduce the likelihood of
247 tipping and mitigate potential leakage. Brian Keeseey asked Dave Wardin if he believes rolled
248 curbs on the pad(s) would be necessary. Dave Wardin stated that there are certain requirements
249 for fuel storage on mining sites and he will send the information to him so it can be addressed in
250 the future. Brian Keeseey stated that curbed pads are typical for fuel storage tanks to prevent
251 spillage from the pad to the ground if leaks occur. Dave Wardin stated that he would like to see
252 the location of the fuel storage tanks on the updated site plan.

253
254 Brian Keeseey continued through the review letter. He stated that the property is currently on
255 well and septic. He asked the applicant if the intent is to utilize the existing restroom facilities in
256 the home on site or if they planned to add additional restroom(s). Gerry Durocher stated that the
257 short-term plan would be to use the existing restroom facilities. Chairman Meisel asked Brian
258 Keeseey if the property would be required to hook into the sewer system. It was requested that
259 the Zoning Administrator verify. Brian Keeseey continued, stating it was requested that the
260 location of refuse disposal including receptacles be included on the site plan, which has since
261 been provided.

262
263 Brian Keeseey continued, stating that the use should not create excessive nuisance factors such as
264 noise, smoke, fumes, vibrations, lighting, etc. He stated that much of the potential nuisance
265 factors have been discussed with the exception of lighting. Chairman Meisel stated that the use
266 statement includes information on lighting. It stated that the initial lighting would be limited to
267 security-level lighting around the office and storage building and the developer intends to install
268 site lighting at a later date, at which time a photometric study would be performed and details
269 would be submitted to the Township.

270
271 Kurt Schulze stated that there is currently a house on the site and inquired if there was anyone
272 currently living there or if there was any plan for the structure to be utilized, in part or whole, as
273 a residential dwelling. Gerry Durocher stated that the home would not be used as a dwelling.

274 Brian Keeseey continued through the review letter. He walked through the standards for outdoor
275 storage lots and indicated that most of the items have been addressed except for dust mitigation.
276 He stated that dust mitigation can be addressed as part of the use statement. Chairman Meisel
277 asked if the applicant had a schedule for chloride or other means of dust mitigation. Gerry
278 Durocher indicated that he did not currently have a plan or statement for dust control but would
279 be willing to provide one. Brian Keeseey suggested that a statement indicating chloride would be
280 sprayed for dust control, as needed, would likely be sufficient to address the issue.

281
282 Brian Keeseey stated that fencing/screening is required on all side and rear boundaries unless it
283 can be demonstrated that all materials could be adequately stored within structures on the site.

284
285 Brian Keeseey stated that another item that has not been addressed is the performance guarantee.
286 He explained that in instances where performance bonds or escrow accounts are deemed
287 necessary they can be applied. Chairman Meisel stated that the performance guarantee aspect
288 would ultimately be determined by the Township Board. He stated that the applicant has
289 provided a statement indicating that he would be open to providing a performance guarantee, if
290 required.

291
292 Chairman Meisel asked if any residents in attendance had questions or comments related to the
293 application. Harold Dexter (7145 Old US-23) stated that most of his questions have already been
294 addressed, but he would also like to know if there would be any large vehicles or semis left
295 running to warm up prior to departure from the site. He stated that the diesel exhaust could
296 potentially create unwanted fumes and noise that could potentially affect his property. Gerry
297 Durocher stated that the heavy excavation equipment would not be left running on site but there
298 would likely be several semis running during loading and unloading. Chairman Meisel inquired
299 about the number of semis. Gerry Durocher stated there would likely be between five (5) and
300 seven (7) semis on site. Chairman Meisel asked if there were any other public questions or
301 comments. Harold Dexter stated that his concerns have been addressed and his questions
302 answered.

303
304 Brian Keeseey continued through the review letter. He stated that the proposed modular office
305 has not yet been discussed. He stated that architectural review by the architectural review
306 committee is required for structures in the PCI zoning district. Dave Wardin and Chairman
307 Meisel asked who the Architectural Review Committee was. It was determined that there was no
308 one currently appointed to the Architectural Review Committee. Chairman Meisel suggested
309 that they revisit the proposed modular office shortly.

310
311 Brian Keeseey stated that a driveway approach permit from the Livingston County Road
312 Commission (LCRC) would be required and the applicant has provided a statement indicated
313 that they were in the process of obtaining one. He continued, stating that all of the other special
314 land use standards have been addressed or discussed.

315
316 Chairman Meisel suggested discussing the modular office that is proposed. He stated that
317 permanent foundations are typically required for structures not located within a manufactured
318 home community. He stated that the close proximity to Suburban Propane could potentially be
319 of some concern. He suggested a possible scenario where high winds could potentially result in

320 air pressure building underneath the structure to the point where it could possibly be moved or
321 even lifted from the ground. If the high winds are traveling north, this could potentially result in
322 damage to the adjacent propane facility. He stated that this may not be an entirely valid concern
323 but it could be a possible worst-case scenario. Chairman Meisel suggested discussing options for
324 foundation and/or anchoring of the structure to prevent worst-case scenarios similar to the one
325 previously mentioned. Gerry Durocher stated that he intends to install an anchoring system to
326 hold the modular office in place to prevent potential damage to the site and adjacent properties.

327
328 Brian Keeseey asked the applicant if he could provide any additional details on the modular
329 office, such as siding materials. Gerry Durocher stated that the intent is to reroof the structure,
330 replace all of the windows, and install new siding to the Township's preference. Brian Keeseey
331 briefly described the exterior material requirements for uses in the PCI district. Chairman Meisel
332 added that the intent of the architectural standards is not to be overly restrictive, but to ensure the
333 appearance of the site maintains the overall character of the surrounding area. Bill Wood pointed
334 out that most of the property is proposed to be buffered by berms and vegetation so the modular
335 office would probably not be visible from the road or adjacent properties. Chairman Meisel
336 agreed that the berms and buffers should be considered when determining how strict the
337 architectural standards should be applied to the structure. Gerry Durocher stated that he would
338 not be opposed to increasing the height of the berm, if necessary.

339
340 Kurt Schulze asked the applicant if he intends to install a gate at the entrance to discourage
341 trespassing, theft, vandalism, etc. Gerry Durocher stated that he would be willing to install a
342 gate as a security measure, but he is not overly concerned about security since only a small
343 portion of the site would be visible from the road. Chairman Meisel cited a different outdoor
344 storage yard outside of the township as an example of a similar operation with highly limited
345 visibility from the road. He stated that limited visibility would potentially be a deterrent for
346 trespassing, theft, vandalism, etc., but suggested a gate would likely be beneficial as an added
347 security measure, which the applicant should consider.

348
349 Chairman Meisel summarized the details of the proposed use and asked if anyone had any
350 further questions or comments regarding the application. Kurt Schulze and Brian Keeseey stated
351 that there appeared to be an additional structure on the site, according to aerial photographs,
352 which is not shown on the site plan. Brian Keeseey suggested that the structure appears to be an
353 old shed. Gerry Durocher indicated that the structure has been removed since the aerial
354 photograph was taken. Kurt Schulze asked if there were any thoughts or plans to expand the
355 proposed use any further west in the future. Gerry Durocher replied, stating that there is a
356 possibility they may consider expanding in the future, but there are no definite plans at the
357 present time.

358
359 Brian Keeseey summarized the special land use and site plan review standards that have been
360 discussed. He stated that signage was not discussed, however, the applicant has indicated in the
361 use statement that no signage would be used. He also mentioned that Livingston County Road
362 Commission (LCRC) approval for the driveway approach will be required. The applicant
363 indicated that they are in the process of obtaining the LCRC approval. Brian Keeseey continued,
364 noting that the Planning Commission has the option to require a Traffic Impact Study to evaluate
365 how the proposed operation would affect the typical traffic flow in the area. He stated the

366 applicant indicated there would be approximately five (5) to seven (7) semis on site and
367 requested clarification from the applicant on whether or not they would be making multiple trips
368 to and from the site throughout the day or if they would leave the site in the mornings and return
369 in the evenings. Gerry Durocher stated that the semis would not typically make multiple trips
370 throughout the day and would generally depart in the mornings and return in the evenings. Brian
371 Keeseey stated that, based on the information provided, he does not feel that the proposed
372 operation would significantly impact traffic flow in the area.

373
374 Harold Dexter asked if there were any wetlands on the property and whether or not the site
375 would be required to hook into the sanitary sewer system. Chairman Meisel stated that he is not
376 aware of any regulated wetlands on the site and asked the applicant if he could confirm. Gerry
377 Durocher stated that he is not aware of any regulated wetlands on the site. Chairman Meisel
378 stated that if no wetlands are present on the site, a note should be added to the site plan to
379 indicate that. Dave Wardin stated that he believes there are wetlands present on the site, but not
380 in any areas where the commercial operation is proposed. Chairman Meisel suggested to the
381 applicant that they should get verification on the presence, location, and category (regulated or
382 unregulated) of the wetlands and revise the site plan to include the information. Chairman
383 Meisel asked Ross Nicholson whether or not he was aware if the proposed operation would be
384 required to connect to the sewer. Ross Nicholson stated that he believes all uses in the PCI
385 zoning district are required to connect to the sanitary sewer system. Chairman Meisel requested
386 he verify and follow up with the applicant the next day. Harold Dexter asked if there were plans
387 to demolish the existing home on the site. Gerry Durocher stated that there were no formal plans
388 to demolish the home, but it would definitely not be occupied.

389
390 Chairman Meisel asked if there were any additional questions or comments. No questions or
391 comments were received.

392

393 *Chairman Meisel closed the public hearing at 8:35 pm.*

394

395 **NEW BUSINESS # 3 (7:25 PM): Durocher Special Land Use Application (Continued)**

396

397 Chairman Meisel summarized the requirements that have been fulfilled and those outstanding.
398 He explained that the applicant still needs to submit LCRC sight distance approval, a spill
399 prevention plan, additional details on the fuel storage tanks and concrete pads, a statement
400 regarding dust management, and a statement indicating that all vehicle and equipment
401 maintenance would be performed off site. Chairman Meisel continued, stating in addition to the
402 outstanding requirements for the special land use there are also several site plan review aspects
403 that need to be addressed including: further discussion on the potential for an architectural
404 waiver/modification of architectural review standards, additional details on screening (inclusive
405 of berms, landscaping, and fencing), additional information on wetlands and wetland delineation,
406 confirmation on the requirement for connection to public sanitary sewer, and a statement relative
407 to the foundation/anchoring and exterior façade materials of the modular structure. Dave Wardin
408 added that all fencing, existing and proposed, will be required to be shown on the site plan.

409

410 Chairman Meisel asked the applicant if they have any additional thoughts on fencing, gating, and
411 other security measures. Gerry Durocher stated that he intends to utilize the existing fence on

412 the north side, berms, and a gate for security measures initially and possibly add more at a later
413 date. Chairman Meisel stated that the intent of the fencing requirement is to contain debris,
414 which would not directly apply to the proposed use, so he believes the proposed safety measures
415 would be sufficient for the proposed use. Chairman Meisel asked the Planning commission if
416 anyone had any different opinions on the topic of fencing and/or security. Dave Wardin stated
417 that he didn't necessarily have a different opinion but asked how the gate would be beneficial if
418 there is no fencing on either side of it. Chairman Meisel stated that it would likely just deter
419 people from driving into the site. Gerry Durocher agreed. Dave Wardin suggested that he
420 believes some type of fencing or barrier around the gate would probably be of some benefit to
421 further deter unauthorized access to the site. Bill Wood cited a recent occurrence where the
422 Fenton Trading Post (a trailer Dealership located along Old US-23, north of the proposed special
423 land use) had recently fallen victim to theft. He stated that the site was gated with a padlock with
424 piping along either side. The offender(s) cut through the padlock and accessed the site in order
425 to commit the crime. Chairman Meisel stated that if someone wants to access a site, they will be
426 able to one way or another. Dave Wardin stated that he would at least like the gate to be shown
427 on the site plan. Chairman Meisel agreed and explained to the applicant that even if the gate
428 would not be installed immediately, if it is shown on the final site plan it can be installed at a
429 later date.

430
431 Chairman Meisel asked if anyone had additional questions or comments regarding the
432 application. No comments or questions were received. He stated that he feels there is still quite
433 a bit of information missing and requirements that need to be addressed before a
434 recommendation can be considered. He continued, stating that the Planning Commission should
435 provide the applicant with a list of outstanding requirements and table the application pending
436 the receipt of additional information.

437
438 Dave Wardin made a motion to table the Durocher Special Land Use and Site Plan Review
439 Application until further information is received based on review comments and discussions
440 during the Public Hearing (he also noted that the Planning Commission would provide a list of
441 items required before a recommendation can be considered). Kurt Schulze supported the motion.
442 Bill Wood inquired as to why they could not consider a conditional approval at the present time.
443 Chairman Meisel explained that there are a number of unanswered questions including details on
444 the wetlands, LCRC approval, sanitary sewer connection, specific details on the fuel storage
445 tanks and pads, confirmation that no Michigan Department of Environmental Quality (MDEQ)
446 permits are required, etc. Chairman Meisel continued, stating that many of the aspects go
447 beyond what could be sufficiently approved through an administrative review. Dave Wardin
448 agreed. Chairman Meisel took a vote on the motion. All voted in favor of tabling the application
449 except for Bill Wood, who voted against. The motion carried.

450
451 Chairman Meisel explained to the applicant that the Planning Commission would put together a
452 list of requirements and provide it to them so they can come back for a final review. The
453 applicant requested additional details on what type of information is needed regarding wetlands
454 present on the site. Brian Keesey stated that they would need to verify the presence or absence
455 of wetlands on the property according to the National Wetlands Inventory (NWI). Chairman
456 Meisel stated that the NWI contains data on wetlands that are regulated. He continued, stating
457 that according to aerial images, it appears there are some wet areas present which should be

458 noted on the site plan, even if they are not categorized as regulated wetlands. Dave Wardin
459 looked up the NWI map online and confirmed that there are no regulated wetlands present on the
460 property. Harold Dexter suggested to the applicant that the Livingston County Drain
461 Commission may have helpful information on wetlands present on the property. Chairman
462 Meisel stated that they may or may not be able to provide assistance in that regard.

463

464 *The item was closed at 8:51 pm.*

465

466 **NEW BUSINESS # 2 (8:52 PM): Rex Land Division & Shared Private Driveway**

467

468 Chairman Meisel pulled up all of the documents from the application and suggested that Brian
469 Keesey read through the review letter he had prepared. Brian Keesey summarized the
470 application. He stated that the request is for a land division with a shared private driveway. He
471 noted that there is no public hearing required for the shared private driveway aspect of the
472 application because there are no adjacent properties within fifty feet (50') of the proposed
473 driveway location. He continued, stating the parent parcel is approximately sixty (60) acres
474 located at the northeast corner of Parshall Road and Hartland Road. All of the resulting parcels
475 would be accessed from Hartland Road or the proposed shared private driveway. He noted that
476 the allocation of remaining divisions being transferred to a resulting parcel should be discussed
477 at some point during the review.

478

479 Brian Keesey went through the list of application requirements and confirmed that all required
480 documents have been submitted. He noted that there are no existing structures within fifty feet
481 (50') of the proposed land division according to the aerial image, so the Planning Commission
482 could waive the requirement. Chairman Meisel stated that the requirement does not need to be
483 waived but can be satisfied through a note on the site plan indicating that no existing structures
484 are present. Brian Keesey continued, stating that no regulated wetlands are indicated on the site
485 plan. He said that there appear to be some wet areas on the property but did not believe them to
486 be regulated wetlands. Wayne Perry of Desine Inc. (authorized agent) confirmed that there are
487 no regulated wetlands present on the site. Chairman Meisel asked if there was a note on the site
488 plan indicating that that he may have missed. Wayne Perry stated that he did not include a note
489 on the site plan but he would add one.

490

491 Brian Keesey continued to work through the review letter. He stated that in terms of Open
492 Space, there may be a few minor miscalculations. He noted that the potential miscalculations
493 were insignificant and should not negatively impact the overall land division. Chairman Meisel
494 briefly worked through the open space calculations. The Planning Commission briefly discussed
495 the calculations. Chairman Meisel stated that regardless if the numbers don't add up completely
496 accurately, there would definitely be more than the required minimum open space area. Brian
497 Keesey agreed. Brian Keesey stated that the proposed location of the open space appears to
498 meet the intent of the Zoning Ordinance, however, some of it is allocated along the property
499 boundaries within required setbacks, so the Planning Commission would need to approve the
500 minor location modification of the Open Space requirement. Wayne Perry presented a rendering
501 of the proposed land division he prepared specifically to explain the purpose of the proposed
502 open space locations. He explained that the intent is to preserve natural buffers, consisting of
503 mature trees and vegetation, between adjacent properties and between the road and proposed

504 parcels. Chairman Meisel stated that he believes the proposed open space location would
505 definitely meet the intent of the requirement. He requested that Wayne Perry provide the
506 Planning Commission with a digital version of the open space rendering to be included with the
507 application.

508
509 Brian Keesey continued through the review letter. He stated that the proposed building
510 envelopes are not shown on all of the drawings, so the Planning Commission should determine
511 whether or not it will be necessary to include them. He noted that the building envelopes are
512 included on the overall land division plan drawing, but not on all of the following pages.
513 Chairman Meisel asked the Planning Commission if they had any opinions on whether or not it is
514 necessary to include the building envelopes on all drawings or if the overall land division plan
515 would be sufficient. There was a brief discussion amongst the Planning Commission. Dave
516 Wardin suggested that if all of the documents will be recorded, there is no need to include the
517 building envelopes on every single page. There were no objections.

518
519 Brian Keesey continued through the review to the topic of proposed access. He stated that the
520 proposed access for four (4) of the proposed parcels would be through private driveways off of
521 Hartland Road and the remaining three (3) parcels would take access from a shared private
522 driveway off of Hartland Road.

523
524 Brian Keesey moved on to the topic of drainage and contours. He stated the grading proposed
525 for the shared private driveway is not extensive, but there is potential to alter the existing
526 drainage patterns. He stated that the retention area is designed with at five to one (5:1) slope,
527 which may be a potential safety concern. He explained that if a person were to fall into the
528 retention basin they may have difficulty getting out due to the steep slope. Chairman Meisel
529 asked Wayne Perry for his thoughts on the proposed slope of the retention basin. Wayne Perry
530 explained that the proposed 5:1 slope is typical of retention basins and is not actually very steep.
531 Chairman Meisel stated that he has seen a number of retention basins with similar slopes. Dave
532 Wardin stated that he had a question regarding the soil boring results in relation to the proposed
533 drainage plan. He stated that the boring sample taken closest to the retention basin shows a
534 seasonal high-water table approximately one and a half feet (1'6") down. He asked if the
535 retention basin would have a permanent water level. Wayne Perry stated that there is no water
536 flowing off of the site or flowing water within the site. He stated that the intent of the drainage
537 plan is to avoid significant alterations to the natural drainage patterns as they currently exist. He
538 said that there would not likely be permanent standing water due to the soil conditions and
539 natural drainage of the site.

540
541 Brian Keesey continued through the review. He stated that there are no issues with minimum lot
542 sizes, open space, tax status, or the four to one (4:1) maximum depth to width ratio. He then
543 moved on to the topic of resulting parcels and remaining land division rights. He asked Wayne
544 Perry if he could explain why they propose to transfer future division rights to one of the parcels
545 that would take access from the shared private driveway. Wayne Perry explained that there
546 would be several divisions remaining after the proposed division and the potential buyer for the
547 proposed parcel would like to have one of the remaining land division rights. He explained, in
548 depth, the land division calculations and explained why what is proposed would be legal and
549 compliant with the Land Division Act. Chairman Meisel asked the Planning Commission if

550 there were any objections to Wayne Perry's explanation. No objections were stated. Dave
551 Wardin stated that he had one question. He asked how proposed Parcel C3 would be divided in
552 the future if they are allocated the division right. Wayne Perry stated that it would be completely
553 up to the owner of the property if they decided to split it at a later date. He then explained the
554 reasoning behind the proposed parcel configuration and why it would not be problematic. The
555 Planning Commission was satisfied with the explanation. Chairman Meisel commended Wayne
556 Perry on an excellent job preparing the application.

557
558 Brian Keesey walked through the remainder of the review letter and summarized the overall
559 application. He stated that he believes there are no significant issues upon receiving clarification
560 from the authorized agent and discussion amongst the Planning Commission.

561
562 Dave Wardin made a motion to recommend approval of the Rex Land Division & Shared Private
563 Driveway to the Township Board, noting that the Planning Commission is in favor of the
564 proposed Open Space allocation and no regulated wetlands or structures are present so they are
565 not included on the drawings. Al Pool supported the motion. The motion carried by unanimous
566 voice vote.

567
568 *The item was closed at 9:41 pm.*

569
570 **NEW BUSINESS # 5 (9:43 PM): Planning Commission Bylaws Amendment**

571
572 Chairman Meisel introduced the topic. He stated that the Planning Commission should
573 occasionally revisit their Bylaws to confirm they are accurate and up-to-date. He stated that they
574 should discuss subcommittee standards and add workshop meetings to ensure they meet the
575 requirements of the Open Meetings Act, but still allow for some flexibility. He read through the
576 proposed amendments and explained the purpose and intent behind them.

577
578 The Planning Commission and Planner briefly discussed the proposed amendments to the
579 Bylaws.

580
581 Dave Wardin made a motion to approve the Planning Commission Bylaws as amended. Kurt
582 Schulze supported the motion. The motion carried by unanimous voice vote.

583
584 **NEW BUSINESS # 4A (9:50 PM): Review and Recommendations for Proposed Zoning**
585 **Amendments: Elimination of Land Division Open Space Requirement**

586
587 Chairman Meisel introduced the topic and summarized the previous discussions on the proposed
588 amendment. He stated that they last left off on the topic in discussion with the Township Board.
589 The Township Board had requested explanations and some additional information prior to
590 considering approval of the proposed amendment. He stated that additional details and
591 explanations were provided and found to be acceptable. He noted that there was one outstanding
592 aspect that was not completely agreed upon, which is whether or not a dedicated agricultural
593 district would be necessary or beneficial in any way. Brian Keesey stated that the possibility of
594 adding an agricultural district would not necessarily impact the proposed amendment to
595 eliminate the Open Space requirement.

596 The Planning Commission briefly discussed the proposed amendment to eliminate the Open
597 Space requirement for newly created parcels. The Planning Commission unanimously agreed
598 that they are be ready to recommend the proposed amendment to the Township Board, as was
599 motioned during a prior meeting.

600

601 **NEW BUSINESS # 4B (9:54 PM): Review and Recommendations for Proposed Zoning**
602 **Amendments: Commercial Recreational Uses in the FR District**

603

604 Chairman Meisel summarized the proposed amendment and where the Planning Commission
605 had last left off in discussion. He requested that Brian Keesey go over the latest revisions to the
606 amendment draft. He stated that the last topic discussed was the intensity of use section. He
607 stated that the intent is to determine which types of uses could be administratively approved and
608 which would require Special Land Use permits, based on the intensity of the use instead of
609 duration. He stated that the proposed text would allow the Zoning Administrator to make
610 determinations on which uses could be permitted administratively, while also providing the
611 option to call upon the Planning Commission Subcommittee in instances where additional input
612 is necessary.

613

614 Chairman Meisel asked the Planning Commission if they were in agreement with the proposed
615 text. All were in agreement. Chairman Meisel asked if they felt the proposed text amendment
616 was ready to be presented during a public hearing. There were no objections.

617

618 **NEW BUSINESS # 4C (9:58 PM): Review and Recommendations for Proposed Zoning**
619 **Amendments: Rebuilding of Nonconforming Structures after a Disaster**

620

621 Brian Keesey summarized where the Planning Commission had last left off in discussion on the
622 topic of rebuilding nonconforming structures if they are destroyed. He stated that the last aspect
623 discussed was the wording intended to exclude structures that were intentionally damaged from
624 being rebuilt in nonconforming locations.

625

626 Chairman Meisel asked if the Planning Commission has any additional questions or comments
627 on the topic. No comments or questions were received. He asked if they felt the draft
628 amendment was ready to be presented during a public hearing. There were no objections.

629

630 **NEW BUSINESS # 4D (9:59 PM): Review and Recommendations for Proposed Zoning**
631 **Amendments: Solar Farms**

632

633 Chairman Meisel introduced the topic of proposed solar farm regulations. He stated that they
634 last left off on the topic discussing potential concerns with financial implications. He stated that
635 he sent an email to the Township Attorneys regarding the possibility of requiring solar farm
636 applicants to provide evidence of the financial viability to the Township before considering
637 approval. He stated that he has not yet received a response to the inquiry. He stated that aspect
638 is the last remaining unresolved issue with the draft amendment. Brian Keesey confirmed.
639 Chairman Meisel noted that the pending response, regardless of the outcome, would not prevent
640 the proposed amendment from being presented at a public hearing.

641

642 Dave Wardin stated that there are some townships on the west side of the state that are actively
643 seeking to approve solar farms because of a mechanism called “payment in lieu of taxes” or
644 “PILTS”. He explained that the property taxes are assessed differently in order to mutually
645 benefit the solar farm operators and local municipalities. He noted that he was not completely
646 familiar with the details of how this works but suggested it may be something worth looking
647 into. Brian Keeseey stated that he has some familiarity with the topic, but at this time it is not
648 certain whether or not the practice is legal and can hold up in court. The Planning Commission
649 briefly discussed potential benefits and detriments regarding the financial aspect of solar farms.

650
651 Chairman Meisel asked the Planning Commission if they feel the proposed draft amendment is
652 ready for a public hearing once a response from the Attorney is received. There were no
653 objections.

654
655 *The item was closed at 10:06 pm.*

656
657 **OLD BUSINESS # 1 (10:07 PM): Detached Accessory Structures on Adjacent Lots**

658
659 Brian Keeseey introduced the topic of the proposed amendment to permit detached accessory
660 structures on adjacent lots under certain circumstances. He stated that the Planning Commission
661 still needs to determine whether the proposed text should apply to only the LK-1 (Lake Front
662 Residential) Zoning District or if it should include other zoning districts as well. He explained
663 that the proposed text is intended to provide accommodations for owners of lakefront properties
664 who also own semi-adjacent parcels separated by a road easement, so they can erect accessory
665 structures on said semi-adjacent parcels, under certain circumstances. He summarized the
666 proposed standards for approval.

667
668 The Planning Commission discussed the topic to try to come to an agreement on where the
669 proposed ordinance text could be applied. They discussed a number of scenarios where similar
670 situations exist in order to determine how they could apply to uses within the Township.

671
672 The Planning Commission and Planner discussed proposed dimensional and architectural design
673 standards for structures regulated under the proposed ordinance text. It was determined that
674 further discussion is needed on the topic so it should be revisited during a future meeting.

675
676 *The item was closed at 10:34 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: None

686
687 **ADJOURNMENT (10:35 PM):** By Chairman Meisel