

**TYRONE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING & PUBLIC HEARING
APPROVED MINUTES
February 9, 2021**

Note: This meeting was held via electronic remote access (Zoom)

PRESENT: Chairman Dan Stickel, Vice-Chairman Kurt Schulze, Commissioners Rich Erickson, Jon Ward, Steve Krause and Bill Wood

ABSENT: Commissioner Perry Green

OTHERS PRESENT: Ross Nicholson

CALL TO ORDER: The meeting was called to order by Chairman Stickel at 7:00 pm.

Chairman Stickel acknowledged the large presence of public. He stated that anyone who wants to speak will be given the opportunity to do so. He said that at 7:30 the regular meeting activities will be suspended for a public hearing which is not related to what most people were there for.

He said that regarding the proposed asphalt plant and warehouse site, tonight's meeting was the first time that the Planning Commission as a whole was being introduced to this project. At this stage, no decisions have yet to be made and no approvals have been issued thus far. The applicant is here tonight to introduce the project to the Planning Commission and to get initial feedback from commissioners and the public. This project will very likely require many reviews and approvals from Tyrone Township as well as a myriad of other agencies and no consideration for final approval will be made until approvals from other agencies have been secured. At the appropriate time during tonight's meeting, the public will have a chance to speak.

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

Chairman Stickel asked if there were any members of the public in attendance who would like to ask any questions or make public comments about anything not on the agenda.

No public comments or questions were received.

APPROVAL OF THE AGENDA:

The minutes for approval on this agenda were not ready yet, so Chairman Stickel suggested the approval of the minutes be removed from the agenda. Steve Krause moved to approve the agenda as amended, Rich Erickson supported. The motion carried.

OLD BUSINESS: None

NEW BUSINESS:

1) Newman TTP Rezoning (Parcel #4704-17-400-007)

Chairman Stickel explained that this is part of the parcel that is proposed to be developed into an asphalt plant & warehouse. It is the first step of many that will have to be taken.

Abby Cooper, the attorney for the developer of the proposed plant on the parcel ending in -007, explained the application. She explained that she represents Jon Sawyer, the developer, who was also present at the meeting. Mr. Sawyer is the owner of Capital Asphalt in Lansing. He is also the owner of Tri-State Development which develops warehouses, which would be designed for the southern 30 acres of the site. Also present was Capital Asphalt superintendent, Darren Zimmerman, as well as their engineer, TJ Dori. Dan Callan was also present, representing Newman TTP. He was there in support of the current application and also the sister application - the rezoning of the -001 parcel, the 74 acres to the north.

Chairman Stickel shared the application on his screen for the public to see and asked Ms. Cooper to walk them through it.

Ms. Cooper explained that they are requesting the 50-acre parcel (4707-17-400-007), which is located north of Center Road, be rezoned from FR (Farming Residential) to M-2 (Heavy Industrial). The next item is for the 74-acre parcel to the north of that to also be rezoned from FR to M-2.

Most of the considerations that support the rezoning on -007 would apply to -001 as well.

Ms. Cooper continued to explain their request and stated that the properties immediately to the west and to the south are zoned M-1 and house the TRW Auto Parts Manufacturer Plant. When you look at the Master Plan, it is master-planned for industrial use. Parcel -007 is 50 acres, and the project that is being proposed is on the 30 most southern acres of that parcel. The developer has plans to develop the new parcel into an asphalt plant on the inner part of the parcel with three warehouses along the Old US-23 road front as phase one. The planned warehouses are anticipated to be approximately 12,000 square feet each and would be a permitted use in the M-2 district. The asphalt plant would be permitted as a special land use in the M-2 district with additional requirements as set forth in Tyrone Township's Zoning Ordinance #36, section 22.05 (O). The last ten acres are noted on the site plan as phase two; it is likely to include future, similarly-sized warehouses. This is only if they are successful in rezoning the properties.

She said that when looking at the rezoning, they aren't looking at the project specifics. They look at the rezoning in general and what makes sense for this area. In the application, they walk through the criteria that the Planning Commission is going to look at. When looking through all the criteria in Zoning Ordinance section 29.04.A, rezoning from FR to M-2 meets all those criteria. Most critical for the Planning Commission's review is whether it is consistent with the Master Plan and the Future Land Use Map. After reviewing these things, they felt there is no better spot in the Township than this proposed parcel to rezone to M-2. In the Master Plan and the Future Land Use Map, the Township specifically states that along the US-23 corridor is where they want industrial growth to be. It is favored in this area because of sewers, the access to the highway & putting an industrial use where there already exists industrial use – the TRW

plant. Putting the industrial use there will preserve the rural character of the township. The Master Plan says that a number of times; that putting non-residential uses in the place that makes the most sense where non-residential uses are supposed to go preserves the rural character of the township as a whole. The number one area pegged for nonresidential use is the US-23 corridor.

Another thing the Planning Commission must look at when considering a rezoning is the return on investment. What would the current landowner be able to do with the property at its current zoning versus the proposed rezoning? Infrastructure impact is another issue the Planning Commission needs to consider. A traffic study has been submitted with the application. The Planning Commission also needs to look at the surrounding uses. Will the proposed use be similar to the surrounding existing uses? She said it would be very consistent with what is existing. There is no other M-2 zoning in the Township. So where would it make sense to put an M-2? Right next to an M-1.

The last thing they need to look at is demand. Do we have a demand for this kind of use and if so, where should we put it? The Master Plan says “US-23 corridor”. The demand for industrial use is a good revenue generator for the Township. This kind of use is not prevalent in the county.

Chairman Stickel explained that they were going to discuss the application with the applicants, and then they will open it up to the public for comments.

Commissioner Rich Erickson asked about the traffic impact study. Ms. Cooper stated that it was included in the application (exhibit F).

Commissioner Steve Krause wanted an explanation that a granting of rezoning doesn't mean an approval of the asphalt plant. Planning & Zoning Administrator Ross Nicholson explained that while the applications can be tied together, and that it is nice that the Township has an idea of what is proposed should the rezoning be approved, the rezoning itself is a separate issue from the Special Land Use.

Commissioner Kurt Schulze said we needed to point out that we don't currently have M-2 zoning in the Master Plan. The TRW plant is zoned M-1, light industrial. The asphalt plant would be zoned M-2, heavy industrial. This is a request for something that currently is not in the Master Plan (future land use map). We would have to determine if it is appropriate to reclassify M-1 property and FR into M-2.

Commissioner Jon Ward asked what it showed on the Master Plan; it was determined that is currently shown as PIRO – Planned Industrial Research and Office. Nicholson said the Township has never initiated any rezoning for PIRO. Krause asked Nicholson if an asphalt plant would be allowed in M-1 zoning, even as a Special Land Use. Nicholson said that it would be permitted as a Special Land Use in M-1.

Schulze moved to suspend the meeting to begin the public hearing portion of the meeting. Krause supported. Motion carried.

NEW BUSINESS:

4) Villiard Accessory Structure Floor Area Increase

Chairman Stickel read aloud the public hearing notice. The applicant, Mr. Villiard, explained that he would like to build a 1,200 square foot pole barn.

The neighbors directly to the north of Mr. Villiard were opposed to having the barn in the proposed location, and Krause asked if he could move the barn further to the east. Mr. Villiard stated there was a gas line 93 feet from his house and he didn't want the barn so far from his house, as he intends to park in it. He was asked if he could move it to the other side of the driveway, but he stated he couldn't because the main sewer line goes through there. He was asked if he could move the barn to the east of the gas line, and he said it would block his entire driveway if he did. Chairman Stickel asked Mr. Villiard about the existing structure on his property for which the township has no record. He stated it would be removed once his new barn was done. Chairman Stickel stated that if he is approved, it would be conditional upon removal of the existing structure. Krause said he was concerned with the residents to the north, the proposed location of his barn is right up next to their porch. He said he would like to see it moved more to the east. Ward agreed, he said he'd like to see him move it in line with their neighbor's garage. Villiard said he would have to clear-cut about 12 trees that are there. Also, it's very low and wet in the spring. Chairman Stickel agreed that is a good reason not to put it there. Mr. Villiard said he has always had issues with the neighbors to the north. He said this barn won't block their view of the lake.

The neighbor to the south talked about how his and most of the neighbor's detached structures are located back further on the property and mostly in line with other barns.

Nicholson recommended that the Planning Commission review the decision criteria for increasing the size of a detached accessory structure in the zoning ordinance. Chairman Stickel read aloud section 21.02.G. It was determined that most of the criteria were met except the last one which talks about the compatibility of accessory structure appearance with any residential principal and accessory buildings on nearby lots. Chairman Stickel said they should focus on that factor, a lot of the pole barns around the applicant's property are in line, and there are more than three which establishes a pattern. While he understands why Mr. Villiard wants the structure closer to his home, but he feels they need to follow the ordinance and be considerate of neighbors. The other commissioners agreed with Chairman Stickel.

After some more discussion regarding the location of the proposed structure, Krause moved to conditionally approve Mr. Villard's request for a 1,200 square foot accessory structure conditional upon removal of the existing detached accessory structure, and a revised site plan approved by the Planning Commission subcommittee. Schulze supported. The motion carried.

NEW BUSINESS:

2) Newman TTP Rezoning (Parcel #4704-17-400-001)

Dan Callan, who represents Newman TTP, LLC on both properties, explained the purpose of the application. He said this requested rezoning of the second parcel is to continue the zoning north of the potential asphalt plant and the 50 acres for a similar use as the asphalt plant. He said they

don't have any specific plans for the property to the north. In this application, they have reserved the northern 20 acres as a buffer to the adjacent residential property. That was part of what was described in the PIRO district description. There would be an adequate transition from the industrial to residential. The property has been on the market for over three years, this is the first serious interest. The Newmans committed to 249 REUs for this property; since that time, the Master Plan changed substantially. There is no way that this property would ever use anywhere near that many REUs. The Master Plan and the Sewer District were created before this administration was in place, so the Newmans were burdened with way more REUs than they could ever use. The only type of development that could use those REUs would be high-density residential on that property. There will never be demand for that type of use in this location. They said in the future they'd divide off some acreage at the road frontage to be used by small businesses. They feel this is consistent with the Master Plan. The property is properly buffered to the adjacent properties. They understand that people don't love industrial, but every community has an obligation to provide for industrial uses, along with other uses.

Chairman Stickel asked if the board and Nicholson had any questions or comments for Mr. Callan. There were none.

NEW BUSINESS:

3) Capital Asphalt Special Land Use

Ms. Cooper explained that the Special Land Use wouldn't come into play unless the rezoning moves forward. Upon approval of the rezoning, they would be requesting a warehouse use and asphalt plant in M-2 zoning. They would both be permitted in M-1 as well, and as well as in the PIRO district. Whether it's currently in the Master Plan, the Township has many ways to go about allowing these types of use. They are open to any input from the Planning Commission on the best way to proceed.

The site plan was shared on the screen and Ms. Cooper explained that it was a good glimpse of the southern 30 acres of -007. The northern 10 acres would be reserved for phase two, so right now they're talking about the southern 20 acres. The proposed ingress/egress is off of Old US-23. There will be landscaping for buffers. There are three 12,000 square foot warehouse buildings on the site plan. The area to the west will contain the asphalt plant. It would be located in the interior of the site and be immediately adjacent to the already existing industrial plant located to the south of this parcel.

Ms. Cooper acknowledged they are in the very preliminary stages and that they've not yet received all of the agency approvals that are needed.

She briefly discussed the Impact Assessment that was submitted with her packet. It acknowledges that there are some wetlands to the north of the 50-acres, but currently no wetlands on the proposed project area. It also talked about the appropriateness of the use in that area, the infrastructure, the sewers, and a drainage plan. There will be no hazardous materials on site. The asphalt is a seasonal use, and the warehouses will be very low impact.

Erickson asked them to explain how they'd dispose of waste and control the odor. Jon Sawyer of Capital Asphalt explained that the State of Michigan has an air quality division that monitors asphalt plants on almost a daily basis. Daily reports are submitted to the air quality department that requires that there is no pollution outside of the plant. If there is any waste it would be normal waste going into a regular dumpster. The main concern for the neighbors would be the air quality which is severely regulated by the State of Michigan. They have a department that handles that on all asphalt plants, they're very receptive to any violations.

There was a discussion regarding the number of trucks that would be running in and out of the plant. Mr. Sawyer said it could be anywhere between 20-30 trucks. Production is tied to the job they're working on. The trucks would only be driving a short distance from the plant to get onto the highway.

The Planning Commission further discussed with Mr. Sawyer the odor, the legal amount of emissions, the types of equipment that would be used in the plant, and the number of employees that would be employed by the plant.

CALL TO THE PUBLIC:

Chairman Stickel opened the public hearing at 8:54 pm. Many people in the audience spoke in opposition to the proposed asphalt plant and had questions for the applicants.

ADJOURNMENT:

The meeting was adjourned at 9:50 pm by Chairman Stickel.