

**TYRONE TOWNSHIP PLANNING COMMISSION
APPROVED REGULAR MEETING MINUTES
March 8, 2022 7:00 PM**

**This meeting was held at the Tyrone Township Hall with remote access via Zoom
videoconferencing**

PRESENT: Kurt Schulze, Jon Ward, Steve Krause, Chet Schultz, and Rich Erickson

ABSENT: Bill Wood and Garrett Ladd

OTHERS PRESENT: Ross Nicholson and Zach Michels

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

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

Chairman Erickson opened the floor to receive public comments.

No public comments were received.

APPROVAL OF THE AGENDA:

Steve Krause made a motion to approve the agenda as presented. Kurt Schulze supported the motion. Motion carried by unanimous voice vote.

APPROVAL OF MINUTES:

1. September 14, 2021 Regular Meeting and Public Hearing Minutes:

Chairman Erickson brought the draft meeting minutes up on the overhead display screens. Steve Krause made a motion to approve the minutes as presented. Kurt Schulze supported the motion. Motion carried by unanimous voice vote.

OLD BUSINESS #1: Foster Storage Condominium Special Land Use:

Chairman Erickson introduced the topic and asked Zach Michels if he had comments to go through based on his review of the application.

Zach Michels read through the review he had prepared based on the application materials provided. He summarized the request. He indicated that the proposal is for a special land use similar to mini-warehousing in the Planned Commercial Industrial (PCI) zoning district. He stated that the proposal includes a condominium aspect which would require condominium documents and an association. He stated that the subject property is located at the southwest corner of Faussett Road and Old US-23 and is

approximately nine and a half acres in area excluding road rights-of-way. He stated that surrounding properties are zoned Farming Residential (FR). He briefly described the topography and soils of the subject property. He stated that the Planning Commission may request a soil map but it may not be of significant benefit because conditions are likely to change with grading of the property. He briefly described the setback and dimensional requirements for the PCI zoning district. He briefly described setback variances that were obtained for the subject property. He explained the setback requirements pertaining to access roads and parking. Ross Nicholson brought up the variance approvals from the Zoning Board of appeals and read the decision letter.

Brendan Foster (applicant) indicated that there was a calculation error on the engineered drawings regarding setback distances from a proposed structure to the right-of-way. He indicated that they are working on correcting the error and will provide updated drawings once resolved.

Zach Michels continued reading through his review of the application. He recommended including a note on the site plan documents pertaining to the variances that were obtained for setbacks. He stated that the proposal is to access the site from a single driveway off Faussett Road with a controlled gate to restrict access. He stated that the fire inspector will likely request that a lock box or “Knox Box” be installed at the gate to allow emergency vehicle access so he would recommend that the applicant requests a review from the fire department having jurisdiction. He indicated that the driveway approach will need to be approved by the Livingston County Road Commission (LCRC). He stated that the proposed driveway and interior access drives appear to be sufficient for emergency vehicle maneuverability but suggested requesting additional data on turning radiuses.

Zach Michels continued reading through his review. He stated that the subject property would be served by municipal sewer and varied electrical supply. He suggested that the applicant provide additional information on electrical lines. He stated that stormwater would be managed on-site via a retention basin which will required review from the Township Engineer and the Livingston County Drain Commissioner’s office (LCDC). He stated that there is not a dumpster shown on the site plan so it is implied that owners of the units would be responsible for removal of waste from the site. He suggested that a statement be provided on the site plan and/or use statement so that waste management/collection is clearly described.

Zach Michels continued reading through his review. He described the proposed landscaping for the property and indicated that it appears to be compliant with the standards for the proposed use. He stated that the site plan does not include an irrigation system. He suggested that an irrigation system may be necessary because the proposed landscaping may require a lot of watering, especially while the plantings are young and because of the loamy soils on the subject property. He stated that the proposed landscaping along Old US-23 may need to be modified because it may not adequately screen the proposed structures due to a significant change in elevation between the structures and the road. He suggested that the Planning Commission should review and determine whether or not additional landscaping for screening is necessary.

Zach Michels briefly described the proposed lighting for the site based on the provided photometric plan. He stated that the proposed lighting appears to be consistent with the requirements for the use but suggested that lighting specifications are provided detailing the lighting angles, intensity, and color temperatures. He stated that it is important to review the site lighting, especially for wall-mounted lighting, because there is a potential for generating increased glare from the walls of the structures. He suggested that the Planning Commission requests clear vision zones on the site plan drawings.

Zach Michels continued reading through his review. He moved on to the use-specific standards for mini-warehouse special land uses. He stated that the proposal complies with the lot area requirement. He stated that there are three options for screening mini-warehouse facilities; masonry walls, chain-link fencing, or landscaping. He stated that the applicant is proposing an aluminum picket fence, which would essentially function as a chain-link fence, as well as landscaping for screening purposes. He stated that the Planning Commission will need to determine if the proposed screening is sufficient for the proposed use. He stated that the Zoning Ordinance does not allow for open bay doors to face towards streets unless adequate screening is provided. He noted that the site plan shows that the easternmost proposed structure does show that bay doors would be facing Old US-23 with screening from the proposed fence and landscaping. He stated that the requirements for exterior appearance can be tricky because the standards in the Zoning Ordinance require that it shall be a finished quality design compatible with the designs of structures on surrounding properties. He stated that the surrounding properties are currently used for residential purposes, agricultural purposes, and undeveloped woodlands. He stated that the nearest commercial building is Suburban Propane, located on the opposite side of Faussett Road. He described the appearance of the structure at Suburban Propane and indicated that it is a much different architectural style than the structures proposed at the subject property. He described the proposed architectural design of the structures proposed on the subject property. He stated that the Zoning Ordinance gives the Planning Commission discretion on whether or not masonry facades and/or alternative design options are necessary for the structures to be considered compatible with nearby development. He stated that the Zoning Ordinance allows for a resident manager on site for mini-warehouse uses but noted that a resident manager is not proposed in this application.

Zach Michels continued through his review. He stated that the driveways proposed would all be intended to allow for two-way traffic. He described the proposed driveway layout and configurations. He noted that the Zoning ordinance requires some delineation between drive lanes and parking areas so he suggested painting the paved surface to identify drive lanes and parking areas. He recommended that fire lanes, if required, be identified on the site plan with signage.

Zach Michels stated that the application includes most of the required information but does not include some items. He stated that the application does not include information on surrounding properties and specific information on proposed site lighting including projected lighting limits that note what areas would be disturbed. He stated that the Planning Commission has the ability to recommend granting waivers for certain requirements that are deemed unnecessary.

Zach Michels moved on to the topic of requirements for site plan review which are described in Section 23.03 of the Zoning Ordinance. He noted the information that was not included in the application and recommended that the Planning Commission require that it be included in the site plan documents excluding any items they waive.

Zach Michels moved on to the topic of condominium requirements. He indicated that the majority of requirements included in the Zoning Ordinance are specific to site condominiums, however, there are a few items that may be applied to the storage condominium proposal including the requirement for condominium documents including a master deed and bylaws. He briefly explained general standards that apply to the proposal including site location, stormwater management, impact on public utilities, impact on traffic, public services, and general safety and welfare.

Zach Michels explained the review process and procedures. He provided the Planning Commissions on how they can proceed with the process.

The Planning Commission discussed the application based on the review provided by Zach Michels. The Planning Commission asked several questions regarding the application documents and made comments directed towards the applicant. Brendan Foster answered questions and made comments. The Planning Commission provided direction to Brendan Foster regarding revisions to the application documents and additional information that will be required. Brendan Foster read back the list of items the Planning Commission requested for confirmation. The items included revisions to the application documents regarding parking and circulation, fire code, storage of hazardous materials, architectural design features, landscaping, stormwater management, sewer capacity and usage, condominium association roles, condominium documents, site lighting, nuisance mitigation, and engineering and agency reviews.

OLD BUSINESS #2: Sight Lines:

Chairman Erickson introduced the topic. He stated that the Planning Commission had received several examples of sight line regulations from other municipalities from Zach Michels since the last discussion on the topic. He asked Zach Michels if he would like to make any comments regarding the sample sight line regulations he provided.

Zach Michels stated that the example ordinance text he provided from Webster Township is very complex and may be difficult to interpret. He stated that a simplified explanation for that example is that it attempts to utilize averaging to regulate sight lines. He stated that it uses measurements from the road to the back façade of adjacent properties to establish waterfront setbacks. He stated that the text was designed for very specific circumstances where an established line of houses existed, and it was designed to maintain the pattern of development as closely as possible. He stated that the text accomplishes what it was designed to do in that application. He stated that there are other more simplified versions of the same concept that could potentially accomplish similar goals such as measuring averages linearly from the ordinary high-water mark to adjacent houses.

Zach Michels moved on to explain the example he provided from Dexter Township. He indicated that he had direct involvement in drafting the Dexter Township example using similar methods to regulations he had drafted for a municipality in Indiana. He stated that this example was designed with the intent to regulate sight lines in areas where there were many lots and existing houses including some that were on platted lots dating back to the 1910's, 1920's, and 1930's, prior to when access roads were installed. He stated that the intent of the regulations is based on the view property owners have from the back of their homes towards the lake. He stated that it uses the concept of a traverse line that extends from the farthest points of two surrounding properties. He stated that there are several variations that take into account the existence of vacant adjacent lots as well as shoreline variations such as coves and peninsulas. He stated that this approach utilizes maximum and minimum measurements based on specific lakes and features that impact views. He stated that the Township has taken measurements based on existing development around each lake in order to establish the minimum and maximum for specific areas. He stated that Tyrone Township could potentially use a similar approach or set more broad standards that apply to all lakes in the Township.

Zach Michels further elaborated on the specific methods for sight line measurements used in the Dexter Township example. He stated that the methods used in each example will require property surveys to determine exact measurements for subject and adjacent properties.

Chairman Erickson asked Zach Michels, based on his experience, what types of issues have arisen regarding sight line regulations, if any. Zach Michels indicated that he has experienced issues with the regulations in areas where there were long, narrow lots with many houses being set back significant

distances from lakes. He stated that where there were minimum setbacks of fifty (50) feet to the water, situations arose where property owners wanted to build new homes as close to the water as possible which led to reduction of waterfront views from existing houses. He stated that in situations where there is no existing lakefront development minimum setbacks generally work fine without sight line regulations but, in areas where there is an existing pattern of development, there are generally challenges associated with preserving views from existing homes.

Chairman Erickson briefly described the current Tyrone Township sight line regulations and noted that there had been recent examples of challenges associated with them. He asked Ross Nicholson to elaborate on the issues that he has come across with lakefront residential development under the current regulations. Ross Nicholson indicated that there is a lot of potential for disagreements in evaluating sight lines under the current standards because they lack specific formulas or other methods for evaluating views. He stated that the local issue is that the Zoning Ordinance does not specify how the Planning Commission should evaluate sight lines in cases where shoreline variations exist such as coves and peninsulas. He stated that the intent to regulate sight lines exists in the Zoning Ordinance, but it does not provide mechanisms to evaluate them adequately and equally in all scenarios. Chairman Erickson asked if there were any recommendations or input from Livingston County on how to regulate sight lines. Ross Nicholson stated that sight lines are not regulated at the county level, but he had researched how various local municipalities in Livingston County regulate or do not regulate sight lines. He stated that one of the communities in Livingston County with a significant number of lakes is Hamburg Township, which does not have any regulations specific to sight lines. He stated that Hamburg Township simply defaults to minimum setbacks for residential lakefront development. He stated that he had researched most of the local municipalities in the area to find out how waterfront views are regulated and found that very few examples of sight line regulations exist. He stated that most local municipalities use minimum setback requirements for residential lakefront development.

Zach Michels stated that there are many different potential options for regulating residential lakefront development with the intent of preserving lake views. He stated that the Township could just default to the minimum waterfront setback but specify different minimums for specific lakes and areas based on existing patterns of development. Ross Nicholson asked Zach Michels if the Township decides to regulate sight lines with specific minimum setback for specific areas if he would suggest creating overlay districts or incorporating the minimum setbacks for specific areas directly into the Zoning Ordinance text. Zach Michels indicated that there are several different ways to accomplish it but either method could be utilized. He suggested that writing specific setbacks into the text may be the simplest method if the Township chooses to go that route.

The Planning Commission briefly discussed examples of lakefront development patterns that exist around lakes in the Township. They discussed the example regulations Zach Michels had provided. They discussed the potential to use illustrations for clarifying whatever methods of sight line regulations they decide to utilize. They discussed variables that should be considered when evaluating lake views including topography, shoreline variations, distance, development patterns, and vegetation. They discussed potential challenges with regulating sight lines on lakes that lie partially within the Township boundaries with portions extending into other municipalities. They discussed private lake associations with architectural control which could potentially evaluate sight lines. They weighed pros and cons of regulating sight lines with calculation methods/mechanisms verses setback requirements, whether universal or specific to individual lakes/areas.

Chairman Erickson asked Ross Nicholson how difficult it would be for Township staff to compile data on specific lakes based on existing development patterns to aid in future discussion on the topic. Ross Nicholson indicated that they could compile the requested data.

The Planning Commission and Zach Michels continued discussion on potential methods/mechanisms for evaluating sight lines. Ross Nicholson requested clarification on what type of data the Planning Commission would like staff to compile. The Planning Commission briefly discussed and provided direction.

Discussion on the topic concluded.

Chairman Erickson asked if there were any additional items on the agenda to be discussed. Chet Schultz asked if there were any options for placing moratorium on new caregiver operation special land use applications until the Planning Commission reviews and potentially makes amendments to the standards. The Planning Commission briefly discussed amongst themselves and with Zach Michels. The Planning Commission asked Ross Nicholson to seek a legal opinion on the topic from the Township Attorney.

CALL TO THE PUBLIC:

Chairman Erickson opened the floor to receive public comments.

CJ Callaghan (resident) stated that he would like to make comments regarding the Foster Storage Condominium special land use application. He stated that he drives by the subject property every day and noticed that real estate signs come and go so he is uncertain if the applicant is the same person that originally purchased the property or not. He stated that he does not understand how condominiums work so he asked if the Planning Commission could provide a summary of how the condominium aspect of the request would function. Zach Michels explained that the proposal is similar to mini warehousing except that each individual unit would be privately owned. CJ Callaghan stated that he understood that aspect but wanted to know why it was called a condominium. Zach Michels explained that the method of ownership proposed is that of a condominium which is regulated by the Michigan Condominium Act. CJ Callaghan asked what the zoning of the subject property is. Ross Nicholson stated that the property is zoned PCI (Planned Commercial Industrial). CJ Callaghan asked if the area is supposed to be zoned PCI. Ross Nicholson indicated that the PCI zoning is consistent with the Future Land Use Map and was rezoned to PCI in 2018. CJ Callaghan asked why the proposed entrance is located along Faussett Road as opposed to Old US-23. Ross Nicholson indicated that the Livingston County Road Commission (LCRC) determined that the driveway approach should be located along Faussett Road. CJ Callaghan stated that he doesn't want the proposed facility to lead to major traffic congestion such as at the Clyde Road and Old US-23 intersection. Ross Nicholson stated that the Township Engineer and LCRC would both need to review the proposed approach based on the proposed use to determine whether or not it will be appropriate at the current proposed location. CJ Callaghan stated that he had another question regarding site topography. He noted that the property has a significant change in elevation (drop) from the area where buildings are proposed to the road frontages. He asked why the applicant would not try to apply for the use on a different property with less elevation variations. Ross Nicholson stated that he did not have an answer but assumed it was because the property was available and zoned appropriately. CJ Callaghan stated that the applicant indicated there were no wetlands on the subject property. He stated that Old Ore Creek runs through the area. CJ Callaghan asked about the status of an application for a caregiver special land use. Ross Nicholson indicated that the applicant had contacted the Township by phone to indicate they would like to withdraw their application. He stated that he had asked that they provide a request to withdraw in writing to officially withdraw the application. He stated that the written

request had not yet been received so the application is technically still open. CJ Callaghan asked if the application is withdrawn if they could operate a grow facility on any level. Ross Nicholson indicated that if the application is withdrawn the applicants would need to reapply if they wanted to pursue a grow operation beyond the twelve (12) plants that all property owners are permitted to grow for personal use under Michigan law. CJ Callaghan stated that the applicants invested over one hundred thousand (100,000) dollars into the barn which he had helped build and does not understand what else they would do with the structure besides grow marijuana.

MISCELLANEOUS BUSINESS:

The next workshop meeting was scheduled for March 16th, beginning at 6:00 pm.

CJ Callaghan stated that he would like to volunteer to help with discussion on caregiver regulations. He stated that he would be willing to offer any assistance they would like free of charge.

ADJOURNMENT:

Kurt Schulze made a motion to adjourn the meeting.

The meeting was adjourned at 9:00 pm by Chairman Erickson.