

**TYRONE TOWNSHIP PLANNING COMMISSION
APPROVED REGULAR MEETING MINUTES
April 12, 2022 7:00 p.m.**

PRESENT: Rich Erickson, Kurt Schulze, Steve Krause, Garrett Ladd, and Jon Ward

ABSENT: Chet Schultz

OTHERS PRESENT: Ross Nicholson and Zach Michels

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

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

Scott Dietrich spoke via Zoom. He said he supports the Vale Royal wedding venue. He said he was concerned about REUs and how much discharge there will be. He wanted to know how it would be billed. Nicholson explained that his understanding was that residential accounts pay a set quarterly rate, and commercial businesses are based on meter readings.

APPROVAL OF THE AGENDA:

Vice-Chairman Kurt Schulze moved to approve the agenda as presented. Steve Krause supported the motion. Motion carried by unanimous voice vote.

APPROVAL OF THE MINUTES:

- 1) **10/12/2021 Regular Meeting Minutes & Public Hearing Minutes:** Approved as presented.
- 2) **11/17/2021 Regular Meeting Minutes:** Approved as presented.
- 3) **11/30/2021 Special Meeting Minutes:** Approved as presented.

OLD BUSINESS:

- 1) **Vale Royal Special Land Use & Site Plan Amendment:**

Chairman Erickson explained that this had been previously recommended for approval by the Planning Commission and it has not been sent to the Township Board for final approval yet. The applicant has added some things to the site plan. He asked the applicant

to summarize the changes. The applicant explained that they would like to be able to allow someone to spend the night, just one evening, in the cabin. She said that Nicholson had told her she may need to ask for a variance to build the cabin closer than the required 50-feet from the river. If she pushes it back 50-feet, it will be very close to where her barn already exists. She wanted some input from the Planning Commission. Nicholson stated that that aspect would be solely up to the Zoning Board of Appeals; the Planning Commission can discuss the use aspect of it, but not the setback itself. The applicant explained that the use would be an area for the groomsmen to get ready. The grain building is for storage & currently is where the caterers are getting ready and prepping. They tend to leave a lot of bins and things outside where it's kind of close to one of the cocktail areas, so she wants to have an area where they can store items. The third thing is the patio; they want to add a deck with a linking porch for caterers to have a flat, dry surface to work on when it rains.

Chairman Erickson asked if the 30 x 30 deck was existing; the applicant stated it was not. He asked if this deck and porch changed the occupancy or scope of use that they're planning. She said it did not. He said he felt that having overnight capabilities changes the scope of the special land use and from the Planning Commission's perspective his opinion was that they should have their planner review it and provide feedback. The applicant stated that the current special land use approvals allow for limited use of the Inn for guests to stay overnight. Chairman Erickson asked if this was limited to the wedding party. The applicant stated it was. Chairman Erickson stated they would need a revised statement of use. Nicholson said adding another enclosed structure complicates things a bit. He said the grain bin just for storage should be fine, it's just a shed, basically. The cabin does not meet the setback and they will need more details such as whether it will have facilities, etc. He said that as far as the existing recommendation for approval the cabin itself may require a little bit of additional review and possibly a public hearing just based on our ordinance standards. He said the other two aspects could potentially be considered under a modified recommendation because it really isn't changing too much; they should be noted in the use statement. Chairman Erickson agreed.

Schulze asked for Zach Michels' opinion. Michels said it's difficult to opine what is a minor or major amendment since it hasn't all been approved yet. He said that the new items could be added since it hasn't been to the Township Board. He said he'd recommend a new public hearing with a revised statement of use. The ZBA would need to weigh in on the variance. The site plan does need to be prepared and stamped by a registered professional surveyor, engineer, or architect. The applicant then asked if she should just take the cabin off and do it another time because an engineered drawing is going to cost her more money. Nicholson stated that the application is currently open, so if the Planning Commission wanted to move it forward, they potentially could. The cabin aspect seems to be the biggest issue; he says the Planning Commission could modify or

do conditional recommendation if they felt it was not a major change for the storage and the deck. He said they were minor and would comply with all the other ordinance standards. He said he believed they could withdraw their previous recommendation and make a new recommendation with conditions, one of which would be to remove the cabin. It may also be necessary to amend the use statement to clarify what the buildings will be used for (storage and work staff preparation).

Chairman Erickson agreed that they'd want a new use statement that will clearly explain the buildings and their functions.

The applicant asked if there were any ordinances regarding Air BNBs. Nicholson said that we don't have a short-term rental ordinance written specifically. Ward asked if that meant that it was not allowed or not denied. Michels said that the scheduled use table lists the things that are permitted. Anything not on there is not permitted. Having a bed and breakfast on this property would be a bit tricky because it must be in the same building. As part of a principal building, it would be easier but with a detached structure, there is no current path to do this. There is a potential to change our ordinances to allow for bed and breakfasts in small cabins on the property.

The applicant said she thought there was a business in the Township that has cabins available for rental. Nicholson said there was a youth camp at a church. He believed it to be an existing non-conforming that predates the standards.

Krause asked if the cabin were not to be rented out overnight, would it make it easier to get it through this application. Nicholson said it does not meet the setbacks and the applicant should seek the variance prior to the Planning Commission making a recommendation.

The applicant asked if she were to move the cabin into a tree as a treehouse, would the setbacks still apply. Michels stated that they would.

Nicholson stated that the modified recommendation would be to remove the cabin from the site plan and amend the use statement and make note of the uses allowed in the grain bin and the deck. Krause asked if they could just amend the recommendation. They pulled up the original recommendation. The original recommendation from the August 18, 2021, meeting was to recommend conditional approval of the site plan and special land use amendment with conditions that the site plan has the dumpster locations and has a stamp. The site plan must have the same notes consistent with the use statement.

Krause moved to make a recommendation of approval conditional upon the removal of the cabin from the sight plan and making note of the deck and grain bin including the

uses of such on the use statement. Ward seconded. The motion carried by unanimous vote.

2) Foster Storage Condominium Special Land Use:

Chairman Erickson said that in previous meetings they had requested that the Township engineer provide feedback and a report which was just received this week just before tonight's meeting. They will defer this item until they have time to review that report and to give the applicant time to provide all the items they requested at the last meeting. Nicholson stated that it was the applicant who asked that it be deferred.

3) Runyan Lake Heights Private Road Improvements:

Chairman Erickson asked Nicholson to summarize this item. Nicholson explained that our ordinance has a provision in it for existing non-conforming roads that allows for modification of the standards. This is an existing non-conforming road. He said we allow for standard maintenance and upkeep. It is allowed to exist as is with maintenance as needed, but maintenance does not include paving. The Planning Commission does have the option to allow a modification. He referred to Article 24.04.D, repair and maintenance. D.2 indicates that replacement of a private road or paving of a previously unconfirmed, non-conforming road shall require bringing the private road into compliance with the ordinance.

Chairman Erickson asked the applicant, Brian Helm, to give a summary. Mr. Helm said that he had been elected to be the rouge chairman or commissioner of his neighborhood. He said he's lived there a little over five years, and the roads are in rough shape. He said they've brought in 15 tons of stone to build it up and level it out and they are still having severe ice problems in the winter. There is a hill and a pretty big slope, and no delivery trucks will go into the neighborhood because they can't get back out. He said they've constantly sanded it and they still can't get up and down. They've had to pull people out and it's become a big concern of the road itself and the ice, it's just a sheet of ice getting in and out of the road. The community voted, checked into paving, and got all the information on how to build it. They want it safe, and everyone voted yes. They secured their own funds to do the project so they're not asking for any outside funds.

Chairman Erickson put up the description on the big screen. Richard George with Quality Paving explained that they did a core sample, and it came back positive. He said there is a very negative pitch coming from Carmer Road; it's straight down so there is nothing they can do as far as pitching it away from there, but they can do a two-percent crown. They anticipate the roadway will be about 18-20 feet wide, but they will prep about 22-foot wide to leave a little spillway for it to flow. Halfway down Carmer Road, there is a bridge which is the lowest point of the entire private community. That is where everything flows and there is a creek there, so that's where they're going to channel most

of it. They are going to do a two percent crown to keep it off the centers. The asphalt is going to provide more traction than gravel or dirt. They have an awesome base there that needs to be touched up and some regraded and recut. They have to add a little bit more base but he is confident that four inches of asphalt and two lifts would be a great benefit to Brian and his community.

Schulze asked Nicholson what the current standard was for the depth of asphalt. Ward said he looked for the information and couldn't find it. He thinks that it refers to Livingston County, and Livingston County doesn't have standards for private roads. Richard George said that nine times out of ten it's four inches at two-inch lifts.

Ward asked how many houses were on this dead-end road. Richard George stated he believed there are seven houses. It does provide access to the whole neighborhood, which he believes is 69 homes. There is always a big dust problem in the summer even with the chloride treatments. Chairman Erickson asked if it would be possible to get a sketch showing the edges and dimensions.

The Commissioners continued to discuss the topic. They discussed runoff, grading, and maintenance. They agreed that they were in support of the road being repaired. The Planning Commission said they need to know who will be maintaining the road. They also said they'd recommend it be approved by the Township Engineer.

The applicant stated they'd like to get this approved as soon as possible and the asphalt dries faster when it's cooler. The Planning Commission listed the things he needed to provide such as precisely how wide the road would be and how thick the pavement will be. No action was taken.

New Business:

1) Gasior Zoning Map Amendment:

Michels summarized the review he prepared, which can be found in its entirety on the Tyrone Township website. Chairman Erickson asked Mr. Gasior if he would like to explain his application. Mr. Gasior wanted to clarify that rather than it being a 40% increase in the number of lots, it will be a 15% reduction in the lot size. The average lot size is going to be 2.53 acres. It's going from 5 to 7 lots. He said he'd like to build homes on the properties. He said that 2.53 acre lots aren't much different than three acres, in his opinion. He said trying to put seven homes in there makes more economic sense than trying to do five. He is being transparent in what he wants to do.

Nicholson explained to the Planning Commission that they can determine at this time if the application is adequate enough to schedule the public hearing. Krause said he'd recommend it for the next meeting; it seems to be pretty cut & dry. No comments have been received from the public yet since there has been no public hearing notification. Schulze asked Mr. Gasior if he was planning to put in site condos, he said he would be platting the lots as subdivision. He said there would be three land divisions and then four platted lots. Michels said that plats are rare; Gasior said everything's on a public road,

so it makes no sense to do a site condo. He's done them both ways and he prefers the plats, especially in a situation like this where you're on a public road and there is no private road. He likes them because everybody owns their own parcel, they're on a public road, they're not tied to their neighbors, their mortgage isn't tied in with a master deed, etc.

The Planning Commission continued the discussion on the rezoning. Ward said that he felt like the minimum 1.75 acres fits well in a rural community. There was more discussion about the future land use map.

Nicholson explained that the next step would be the public hearing for the rezoning. After the public hearing, the Planning Commission could potentially make a recommendation. It would then be forwarded to the Livingston County Planning Commission for review. With the outcome of the Tyrone Township Planning Commission and the Livingston County Planning Commission, it is then forwarded to the Township Board for a final decision. Assuming it is approved, the applicant would then be able to apply for a land division.

CALL TO THE PUBLIC:

Janice Stevenson of Sleepy Shores Path said that her concern is about the asphalt from Carmer down to the bridge and where the runoff is going to be going. She asked if it would be going into the creek and then putting more silt into Runyan Lake. She is concerned because it goes through her sister's property, and she already has flooding issues when it rains. When she built her house, she had to put in a retaining wall so her house wouldn't fall into the creek. Chairman Erickson explained that that was why they asked the applicants to provide a better plan to the township engineer. Ward said he understood that would be a concern, but if they fix the road properly, there should be less sediment going down there.

Scott Dietrich of White Lake Road spoke via Zoom. He was sharing his concerns about Durocher and his special land use. Nicholson explained that if he had any specific environmental concerns, he should contact the responsible agencies. They are investigating site plan-related issues. As far as environmental spills or hazardous contamination, no evidence has been provided. All we have is speculation. There is no reason to believe that anything does exist, but Mr. Dietrich is more than welcome to file complaints with additional agencies he has concerns. Mr. Dietrich asked if the Township officials care about what Durocher is doing; Nicholson said if there was any official report, then absolutely they would care. Currently, it's just speculation. Mr. Dietrich told Nicholson it was his job to be sure things are done properly. Nicholson agreed that it was his job to ensure they are compliant with the site plan and the approvals and the terms of the special land use. Michels said that when it comes to complex enforcement, there are different hands involved. The Township cares but they don't regulatory care, and by that,

he meant if someone is doing something that requires an EGLE permit, that's EGLE's enforcement. The Township can't enforce. There are things that the Township would be concerned about, but they don't have the ability to do enforcement against them. Mr. Dietrich then about a property down the road from the Township Hall with all the cars and trucks. Nicholson said that we had just recently received a complaint and enforcement has been initiated.

MISCELLANEOUS BUSINESS:

The next Workshop meeting is scheduled for 4/20/2022.

ADJOURNMENT: The meeting was adjourned at 8:49 pm by Chairman Erickson.