

**TYRONE TOWNSHIP PLANNING COMMISSION
APPROVED REGULAR MEETING & PUBLIC HEARING MINUTES
May 10, 2022 7:00 p.m.**

**This meeting was held at the Tyrone Township Hall with remote access via Zoom videoconferencing.
The meeting was recessed at 7:30 pm to hold the scheduled public hearing.**

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

ABSENT: Garrett Ladd

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 (resident) expressed concerns with the Gasior Zoning Map amendment application, stating that allowing parcels to be split into smaller parcels conflicted with the Township Master Plan. He stated that the site of Durocher Special Land Use is a mess and is essentially operating as a gravel pit. He stated that he is appalled that he was told at a previous meeting that if he has concerns regarding potential environmental hazards on the Durocher site that he would be responsible to report to the State agencies having jurisdiction. He stated that there is also an auto salvage site near Faussett Road and Runyan Lake Road that looks bad. He stated that the Township should make sure that special land uses are in compliance with approved site plans.

Jannette Ropeta (resident) stated that the public hearing notice for the Gasior Zoning Map amendment application was published in the Tri-County Times newspaper which does not have many subscribers in the Township. She stated that she feels that the Township is doing the bare minimum to comply with the laws regarding public hearing notifications. She stated that she spoke with many of her neighbors and asked if they have heard that there was a public hearing scheduled. She stated that none of her neighbors had heard that a public hearing was scheduled. She stated that the only reason that her neighbors know that a public hearing is scheduled is because she informed them. She stated that her neighbors could not attend the meeting, but may have been able to if they were informed earlier. She stated that she requested that the Township send out a public hearing notice via email to the people registered on the email distribution list but was told that they will be notified when the agenda becomes available. She stated that the agenda was not published until the day prior to the public hearing. She stated that other communities put up signs on sites where rezonings are proposed. She asked that the Planning

Commission be more transparent and encourage public involvement. She suggested that the Planning Commission should research and implement additional means for notifying the public of public hearings.

Chairman Erickson asked if there were any additional public comments. None were received.

APPROVAL OF THE AGENDA:

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) **12/14/2021 Regular Meeting Draft Minutes:** Kurt Schulze moved to approve the minutes as presented. Chet Schultz supported the motion. Motion carried by unanimous voice vote.
- 2) **01/11/2022 Regular Meeting and Public Hearing Draft Minutes:** Steve Krause moved to approve the agenda as presented. Kurt Schulze supported the motion. Motion carried by unanimous voice vote.
- 3) **02/08/2022 Regular Meeting Draft Minutes:** Kurt Schulze moved to approve the minutes as presented. Chet Schultz supported the motion. Motion carried by unanimous voice vote.
- 4) **03/08/2022 Regular Meeting Draft Minutes:** Steve Krause moved to approve the minutes as presented. Chet Schultz supported the motion. Motion carried by unanimous voice vote.
- 5) **04/12/2022 Regular Meeting Draft Minutes:** Kurt Schulze moved to approve the minutes as amended. Steve Krause supported the motion. Motion carried by unanimous voice vote.

OLD BUSINESS:

1) Gasior Zoning Map Amendment:

Chairman Erickson asked Zach Michels to summarize the request based on the review of the application he had prepared. Zach Michels described the formal review procedure and process for zoning map amendment applications based on the Michigan Zoning Enabling Act and the Township Zoning Ordinance. The Planning Commission discussed the procedure and Zach Michels questions for clarification. Zach Michels noted a discrepancy in the Master Plan and Future Land Use Map, noting that the subject property is designated as the Natural Resource Preservation which is listed as the equivalent of Rural Estate (RE) zoning on the equivalency table but is described differently in the description of the Natural Resource Preservation district. Chairman Erickson asked the Planning Commission if they had any additional questions pertaining to the review process and procedures. None were received.

Zach Michels described the request. He stated that the application is for a Zoning Map amendment to rezone the subject property from Farming Residential (FR) to RE with no conditions proposed. He stated that the proposed zoning allows for the same principal permitted and special land uses as the existing zoning. He stated that the applicant expressed that the intent is to rezone the property and divide it in the future into smaller residential parcels. He stated that the Planning Commission is currently reviewing the proposed rezoning of the property and that the applicant would need to seek additional approvals such as land divisions prior to being able to develop the site as proposed. He stated that the subject property is approximately 17.7 acres including road rights-of-way, is currently being used for agriculture, and has frontages along 2 roads. He stated that the property is located in the area designated as Natural Resource Preservation on the Future Land Use Map which describes 3-acre minimum lot sizes. He stated that Table 20 in the Master Plan states that RE zoning is the equivalent of the Natural Resource Preservation designation. He stated that the proposed RE zoning is consistent with the zoning of properties to the north of the subject parcel. He stated that the biggest difference between the FR and RE districts is the minimum lot area, RE being 1.75 acres versus FR being 3 acres. He stated that the minimum lot width in RE is 200 feet versus FR which is 250 feet. He stated that all other developmental standards inclusive of setbacks, maximum lot coverage, and maximum building height are the same in both the existing and proposed zoning districts.

Zach Michels indicated that, following the Public Hearing, the Planning Commission may make a recommendation for approval or disapproval to the Township Board. He stated that the recommendation and supporting documents would be forwarded to the Livingston County Planning Commission (LCPC) for review and recommendation prior to the Township Board's final review and determination.

Chairman Erickson asked if the Planning Commission had any questions or comments prior to opening the scheduled public hearing. None were received.

Kurt Schulze made a motion to suspend the regular meeting agenda to move into the scheduled public hearing for the Gasior Zoning Map amendment application. Steve Krause supported the motion. Motion carried by unanimous voice vote.

PUBLIC HEARING:

1) Gasior Zoning Map Amendment:

Chairman Erickson read the public hearing notice that was published in the Tri-County Times on Sunday, April 24th, 2022:

Notice is hereby given the Tyrone Township Planning Commission will hold a Public Hearing on Tuesday, May 10, 2022, beginning at 7:30 pm at the Tyrone Township Hall, 8420 Runyan Lake Road, Fenton, Michigan 48430. The purpose for the Public Hearing is:

TYRONE TOWNSHIP PLANNING COMMISSION
5-10-2022 REGULAR MEETING & PUBLIC HEARING MINUTES - APPROVED

*To receive public comments regarding the following proposed Zoning Map amendment:
Regarding a request by Kevin Gasior for a proposed rezoning of Parcel #4704-16-100-019
currently zoned FR (Farming Residential) to RE (Rural Estates). The parcel is located at the
Southeast corner of Runyan Lake and Foley Roads, regulated by Zoning Ordinance #36 Article
23 Site Plan Review and Impact Assessment and Article 29 Zoning Amendments.*

Chairman Erickson asked if the applicant would like to briefly describe his request to the Planning Commission and the public in attendance. Kevin Gasior (applicant) summarized the rezoning request. He stated that under the current FR zoning, he could potentially develop 5 lots and is proposing to rezone the property to RE to develop 7 lots. He stated that he does not intend to create lots at the minimum of 1.75 acres but, would like the lots to be approximately 2.3 acres. He stated that he would like to develop the properties as residential lots that are nice and relatively affordable. He stated that he is a builder and developer who has built approximately 300 homes in his career. He stated that he lives in the Township near the subject property and is not seeking to build cheap, low-quality homes. He stated that he is semi-retired and is proposing the project because it is close to his home.

Steve Krause asked Ross Nicholson if it may be feasible to create more than 7 lots from the subject property if the rezoning is approved. Ross Nicholson indicated that, based on the dimensional standards in the Schedule of Regulations, it would be unlikely that it would be possible to create more than 7 lots unless dimensional variances are granted or special development methods are approved. Kevin Gasior indicated that he had worked with an engineer to create the draft lot layout depicted in the application drawings based on the Township's standards. Kurt Schulze asked for clarification on the front yard setbacks depicted on the drawings. Kevin Gasior indicated that he believes the drawings indicate that the front yard setbacks would be 150 feet. Ross Nicholson indicated that the minimum front yard setback in the FR district is 150 feet, but is only 100 feet in RE. Kevin Gasior stated that, based on the depth of the proposed lots, he might as well utilize the available space and set the dwellings back an additional 50 feet. He stated that it would be more desirable from a salability standpoint to have the new dwelling setback as far as possible from Runyan Lake Road and Foley Road. Kurt Schulze asked Kevin Gasior for clarification that he would be proposing that the dwellings would be setback at the same distance as the current FR zoning requires even if the property is rezoned. Kevin Gasior confirmed. He stated that it is his intent to have the dwellings setback at least 150 feet from the road rights-of-way unless there is some reason that they would need to be reduced.

The Planning Commission briefly discussed the application. Chairman Erickson opened the floor to receive public comments.

Jannette Ropeta (resident) stated that there had been no mention of how Article 8 of the Zoning Ordinance (Open Space Preservation Option) works into the request. She noted that the Open Space Preservation Option is mentioned in the Master Plan. She asked if it would be possible for

Zach Michels to explain where the required open space for the proposed lots would be located. Ross Nicholson indicated that the Open Space Preservation Option (OSP) is an optional development method that has not been proposed as part of the request. Jannette Ropeta stated that the Master Plan states that OSP is required. Ross Nicholson stated that the OSP option is a method that may be used if a developer was seeking to reduce lot sizes to less than the minimum required in the zoning district. He stated that the OSP option may allow for reduced lot sizes as long as a specific amount of open space is provided. Jannette Ropeta stated that the applicant is proposing reduced lot sizes. Ross Nicholson indicated that the applicant is proposing a rezoning which is a separate process not directly related to the OSP option. Jannette Ropeta stated that she has been told by someone who extensively studied the Zoning Ordinance that the OSP option has to be considered for creating new lots in both the existing and proposed zoning districts. She asked the Planning Commission to confirm that the OSP option does not need to be considered as part of the review process for the proposed rezoning. Zach Michels stated that he would respond to the question following the public comment portion of the public hearing. She stated that there is some confusion amongst herself and other residents regarding the OSP option and it would be great if it could be explained further. She stated that, on the surface, the proposal does not seem like a bad idea, however, she still has concerns. She stated that the Township Board and Planning Commission consistently state that they wish to avoid lawsuits. She stated that all rezonings set precedents for other developers. She stated that the more rezoning requests that are submitted and approved, the more will be submitted. She stated that she would imagine that if rezonings are approved and other developers want to propose the same thing, the Township would need to approve them. She stated that the people that have spoken via the existing Master Plan feel very strongly about keeping things the way the Master Plan intends. She stated that the existing Master Plan is consistent with the way people feel today so there are likely only a few minor changes that need to be made during the current Master Planning process. She stated that the Master Plan designates the subject property as something other than what is being proposed. She stated that the Master Plan designated areas for all kinds of different uses and it should be followed. She stated that the residents have not changed their opinions since the last Master Plan was adopted. She cited several sentences from the Master Plan regarding residential development and preservation of open spaces. She stated that she has been told that the Master Plan has no legal basis but she was also told that it is required that the Township has a Master Plan. She stated that the Master Plan has a purpose and the Township should follow it.

Keith Kitowski (resident) stated that he owns the property directly south of the subject property. He stated that he did not know about the proposed rezoning until he received the public hearing notice in the mail. He stated that he did not know that the application had been reviewed at a previous meeting. He stated that he farms his property and owns animals that generate sounds and smells that may not be desirable to potential buyers of the proposed new lots. He stated that he keeps animals within feet of the subject property boundary and believes that the associated smells and sounds may not be pleasant to prospective buyers of the proposed new lots. He stated that farms have animals that may potentially escape from their enclosures and wander onto nearby properties. He stated that there have been horses from other properties that have

wandered onto his property. He stated that this occasional issue does not bother him or his existing neighbors because they are farmers and understand that animals may occasionally get loose. He stated that the people who may buy the proposed lots may not understand or like the presence of farm animals. He stated that this may create a significant issue for both the owners of the new lots and the residents that currently live in the area. He stated that buyers may be keeping animals and pets that could cause problems with his farm animals. He stated that he does not want tension with neighbors such as this. He stated that the well on his property is very deep, in excess of 100 feet deep. He stated that he is concerned that adding 7 new wells on the subject property may diminish the water supply that he uses for his home and farm. He stated that he is also concerned about the potential for contamination from sewage that may seep into the aquifer. He stated that he loves that in the Spring and Fall, a huge flock of geese will land on the subject property during their migration as well as nesting sandhill cranes. He stated that potential buyers of the proposed lots may not like the wildlife. He stated that if he wanted to sell his property, prospective buyers may see that there is residential development adjacent, which may discourage the sale of the property and decrease his property value. He reiterated that he lives directly adjacent to the subject property and hopes that the Township takes his concerns into account.

Kevin Gasior (applicant) stated that he would like to make a statement for clarification. He stated that before he submitted the proposal he met with Township staff to ensure the proposal could be considered. He stated that it was never his intent to propose a development that would not be acceptable to the Township. He asked Zach Michels if the proposed rezoning is consistent with the Master Plan. Chairman Erickson stated that the Planning Commission would address questions and comments following the public comment portion of the public hearing.

Scott Dietrich (resident) stated that the biggest problem with the request is the rezoning. He stated that he feels that the Township gives the impression to applicants that they guarantee approval of applications. He stated that he is tired of hearing about all the conflicts that are found in the Master Plan and ordinances. He stated that he feels the Township will look for loopholes and do whatever they want regardless of how residents feel.

Janice Dobbs (resident) asked the Planning Commission if the applicant would be able to split the subject property into 5 new lots without having the property rezoned. Chairman Erickson confirmed. She asked if the applicant is going through the rezoning process for 2 additional lots for a total of 7 lots. Chairman Erickson confirmed. Janice Dobbs stated that she does not understand why the Township would consider amending the Zoning Map and the Master Plan to allow for an additional 2 lots. She asked if splitting the subject property into 7 lots would result in a public sanitary sewer being installed in the area. The Planning Commission indicated that expansion of the public sanitary sewer in the area of the subject property was not currently planned. Janice Dobbs stated that the property will either be divided into 5 or 7 lots and will require 5-7 new wells and new septic systems. She stated that it does not make sense to her why the Township would consider allowing the property to be divided into 7 lots. She asked if there

was no longer a requirement for preserved land for each newly created parcel. She reiterated that she did not feel that there was a need for 2 additional lots beyond the 5 that would be permitted.

Kurt Scarberry (resident) stated that he agrees with Janice Dobbs that 5 new homes would be sufficient. He stated that the subject property has a significant slope which will need to be considered in terms of drainage. He stated that it does not make sense to him why the applicant is requesting a rezoning to gain 2 additional lots. He stated that he believes 5 new homes are plenty.

Steve Bissell (resident) stated that the developer mentioned that the homes he would build would be reasonably priced. He asked the Planning Commission if they knew an approximate price range. He stated that he feels that 5 new homes would be adequate for the subject property but the price may make a difference.

Chairman Erickson closed the public comment portion of the public hearing.

Zach Michels stated that he understands the frustration of those members of the public who did not receive immediate answers to their questions during the public comment portion of the public hearing. He explained that the public hearing is designed to allow the Planning Commission to receive comments and questions may be addressed by the Planning Commission and/or Township staff following the public comments at the discretion of the Planning Commission. He stated that he would do his best to address the questions that were asked. He stated that the Open Space Preservation option is a development style that is required by the state of Michigan through the Zoning Enabling Act. He stated that the intent is to allow cluster development in a manner that preserves undeveloped natural areas or working farmlands. He stated that if you have undeveloped land between certain densities, you are required to include the OSP option in the Zoning Ordinance. He elaborated on the standards for the OSP option. He stated that the option is not required for development, but must be offered as an option as required by the Michigan Zoning Enabling Act.

Zach Michels continued to address questions. He stated that he understands that the Township previously required open space area for newly created parcels which was eliminated in 2018. He stated that there is language in the Zoning Ordinance referencing parcels that were created with lot open space, recognizing those parcels that were created with open space that do not meet the current lot area requirements as legally nonconforming lots of record. He stated that the open space requirement is no longer in place for standard land divisions.

Zach Michels stated that the keeping of animals and general agriculture are permitted in both the FR and RE zoning districts. He stated that the applicant has proposed a conventional rezoning and the Township cannot place conditions on the application. He stated that the applicant is under no obligation to divide the subject property as proposed in the rezoning application. He stated that there is going to be a maximum number of lots based on the minimum dimensional

standards for the zoning district which will likely be the same or very close to the number that is proposed. He stated that, though the number of lots would be limited to what is proposed or very close to what is proposed, it may be possible for the applicant to reconfigure the lots so some are smaller as long as they all meet the minimum required lot area for the zoning district. He stated that the proposed Zoning Map amendment if approved, would not bind the applicant to divide the subject parcel exactly as presented in the application for rezoning. Chairman Erickson stated that the role of the Planning Commission at the present time is to review the proposed rezoning itself, not the proposed land division and/or subdivision plat. Zach Michels confirmed. He stated that the rezoning review is more broad and focuses on what potential uses could be permitted in the zoning district and if the proposal is suitable for the area based on available utilities, services, and other factors in the area.

Zach Michels stated that some questions were raised about specific developmental standards such as on-site septic systems and wells. He stated that those items are reviewed at a later time if application(s) are received for a land division, subdivision, site condominiums, or a combination of those methods. He stated that minimum lot areas are generally determined based on soils. He stated that there are fairly good soils in the Township so the required minimum lot areas reflect what may be required to accommodate on-site septic systems and wells. He stated that wells are generally required to be located below a layer of clay for separation purposes and there are also separation requirements between wells and septic systems for additional separation. He stated that those items are reviewed during or following the land division process.

Zach Michels stated that the Master Plan can be tricky due to its complexity and it is not uncommon that discrepancies may exist. He stated that certain areas require larger lot sizes than others based on a number of variables, which could lead to discrepancies. He stated that, in the case of the current application being reviewed, the written description for the Natural Resource Preservation area on the Future Land Use Map describes 3-acre minimum lot areas. He stated that the conversion table, which is required for the Master Plan, indicates that the equivalent zoning for the Natural Resource Preservation area is RE, which requires minimum lot areas of 1.75 acres.

Zach Michels stated that Master Plans are required in the state of Michigan for municipalities that regulate zoning. He stated that municipalities that do not do zoning are not required to create a Master Plan. He stated that Zoning Map amendments are nonprecedential which is consistent with most zoning decisions. He stated that if the Township approves a rezoning it does not mean that they have to approve the next rezoning application because each application is very property specific. He stated that a rezoning request may be reasonable in one area but could be found to be unreasonable in another area depending on a number of variables. He stated that the Township needs to review each rezoning application based on the specific property where the rezonings are proposed based on the specific conditions of each property and of the surrounding area. He stated that the Planning Commission should clearly document why a decision is made for a specific application because it helps with more precise decision making

process and provides guidance to the Township Board. He stated that it also provides guidance for future applicants when deciding whether or not to apply for a rezoning.

Zach Michels asked if there were any questions that he had not addressed. Jon Ward stated that he believes there was a question of whether or not approval of a rezoning application would require an amendment to the Master Plan. Zach Michels indicated that approval of a rezoning would not require an amendment to the Master Plan. Kurt Schulze asked Zach Michels if approval of this specific rezoning application would mean a difference in 2 lots/houses on the subject property. Zach Michels stated that if the applicant were to propose a land division with 5 lots that all comply with the minimum dimensional standards for the FR district it could be approved without rezoning. A resident in attendance (name not provided) stated that he believes the applicant could create more than 7 lots if the rezoning is approved if the lots are reduced to 1.75 acres instead of the proposal for ~2.3 acre lots. He asked for clarification. Ross Nicholson indicated that there would not be sufficient divisions available to the subject property according to the Michigan Land Division Act, assuming the applicant wanted to develop by means of land division only. Steve Krause asked Ross Nicholson how many divisions the subject property has available. Ross Nicholson stated that he believes 4 or 5 splits may be available, however, if the applicant wanted to develop the property as a subdivision or site condominium, the number of available divisions would be irrelevant because it would fall under the Michigan Condominium Act or the Michigan Subdivision Control Act. Jon Ward stated that if the rezoning is approved, the applicant could potentially come back with a different plan for development than what is currently proposed. Zach Michels stated that if a private road were created to provide access to resulting lots/units/parcels, it would not be counted towards the lot area and would need to be subtracted from the area calculations. He stated that for certain properties that may be impactful, however, in this case where there is an unusual shaped property so it would be difficult to increase the number of possible lots beyond 7.

Chairman Erickson closed the public hearing.

OLD BUSINESS (CONTINUED):

1) Gasior Zoning Map Amendment:

Chairman Erickson stated that the Planning Commission could potentially make a recommendation on the application. He asked the Planning Commission if they had any additional questions for the applicant or Zach Michels regarding the application. None were received. He asked Zach Michels if he could reiterate how the procedure works for the benefit of the public in attendance. Zach Michels stated that applications for rezoning do not require applicants to provide a plan that specifies how they would like to use the property if the rezoning is approved unless the proposal is for a conditional Zoning Map amendment. He stated that it may be possible for the subject property to be developed in a configuration other than what has currently been proposed but noted that it is unlikely that it would be possible to create more lots

than presently proposed due to minimum lot sizes and other dimensional standards. He stated that the review letter that he had prepared details the guidance criteria for considering approval or disapproval of the proposed rezoning on pages 8, 9, and 10. Jon Ward asked if the Planning Commission needs to report all findings in addition to providing a recommendation. Zach Michels stated that documenting reasoning for a recommendation would be beneficial. He stated that the Planning Commission does not need to specifically note each specific aspect that is being considered because not all aspects are required criteria. The Planning Commission briefly discussed. Kurt Schulze asked the applicant what the difference in housing values between 5 homes and 7 homes would be. Kevin Gasior stated that the cost of the land generally drives the cost to develop the lots. He stated that he is not attempting to maximize profits as much as possible but instead is attempting to develop the land to create a finished product that is both desirable and moderately affordable to prospective buyers. He stated that he is hesitant to provide monetary estimates based on the many variables which result in change but presented the figure of \$350,000 versus \$400,000 per home depending on whether the total number of lots was 5 or 7. The Planning Commission continued discussion.

Bill Wood indicated that he would be abstaining from a vote on the recommendation because he owns property adjacent to the subject property.

Steve Krause made a motion to recommend approval of the Gasior Zoning Map amendment application based on the Planner's review and comments that the application is consistent and compatible, it is a relatively small change, it would not create a negative impact to public services, there is a significant demand for new lots, it is consistent with the Master Plan, and because of the proximity to US-23 and the service drive. Kurt Schulze supported the motion. Votes in favor: Krause, Schulze, Erickson, Ward. Votes opposed: Schultz. Votes abstained: Wood. Motion carried by majority voice vote.

Zach Michels stated that the next step will be for the application to be forwarded to and reviewed by the Livingston County Planning Commission and then will be forwarded to the Township Board for review and final determination.

2) Foster Storage Condominium Special Land Use:

Chairman Erickson introduced the topic and brought up the latest application documents on the overhead display screens. He asked Zach Michels if he had prepared a revised review of the application based on the latest documents received. Zach Michels indicated that he had not been able to prepare a formalized review letter but had prepared several comments based on the latest information received. He asked for confirmation that the application has not been scheduled for a public hearing yet. Ross Nicholson confirmed that the required public hearing had not yet been scheduled. Zach Michels stated that a comment received from the applicant's engineer indicated that there were a number of details that will be addressed for the final site plan. Zach Michels noted that those details should be provided as soon as possible if the intent is still to combine

preliminary and final site plan review. He stated that there is an option for the applicant to seek preliminary approval prior to final site plan review, which would consist of general conceptual information, whereas final site plan review will require all pertinent details.

Zach Michels stated that he would be going through his notes based on the latest documents received. He indicated that the latest revised site plan does not appear to include a soil map. He stated that a soil map is generally required but may be waived by the Planning Commission if they determine that the information is not necessary/relevant. He stated that the front yard setbacks are shown on the site plan drawings diagonally. He noted that there is language in the Zoning Ordinance that requires that certain features be located outside of the required front yard setbacks including parking and fences. He stated that the aisleway shown on the site plan should not be located within the front yard setback as it is currently depicted. He stated that the turning radius for fire trucks has been added to the site plan, however, there appears to be a conflict with the fire truck maneuvering lane and the proposed loading/unloading spaces which should be resolved. He suggested that the loading/unloading zones should be relocated to resolve the conflict. He stated that the latest landscaping plan does not include any information on a proposed irrigation system. He recommended that an irrigation system for the landscaping should be included to sustain the proposed plantings in perpetuity. He stated that it does not appear that required clear vision zones are depicted on the site plan, which should be included. He stated that a photometric plan was provided, however, it does not include any additional information regarding the lighting and color temperatures. He recommended that details on fixtures and lighting should be included on a specification sheet that should be attached to the site plan. He stated that the building plans should also be incorporated into the site plan drawings as opposed to being provided as a separate document.

Kurt Schulze asked Zach Michels to elaborate further on his comment regarding parking and fencing being located outside of the required front yard setbacks. Zach Michels indicated that Section 20.02.I of the Zoning Ordinance states that: *“The front yard setback shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping and vehicle access drives. The front yard setback area may not be used for off-street parking, except in PCS, B-1, B-2, or ES business districts where any portion of the front yard may be used for parking, and in FR, RE, R-1, R-2 and LK-1 districts where only the front access driveway area may be used for parking vehicles used by occupants of the residence. For the purposes of this section, the access driveway is defined to include only the paved or surfaced portion of the driveway through the front yard used to access the side or rear yard and/or garage.”* He stated that Section 25.02.C states that: *“Parking is prohibited in any yard area except in clearly defined driveways”* and references Section 20.02.I. He stated that Section 25.03.J states that: *“Off-street parking spaces may be located within a rear yard or within a side yard which is in excess of the minimum side yard setback unless otherwise provided in this ordinance.”* He stated that because the PCI zoning district is not listed as an exception, all of the sections noted above would apply to the subject property.

Brendan Foster (applicant) stated that he does not recall the information on front yard setbacks being previously noted. Zach Michels referenced and read from a previous review letter he had prepared that referenced the requirement in question. The Planning Commission briefly discussed the issue of items being located within the required front yard setbacks amongst themselves and with Zach Michels. They briefly discussed the meaning of “access drive” and continued discussion on items permitted or not permitted within required front yard setbacks.

The Planning Commission briefly discussed the items noted by Zach Michels with the applicant’s engineer. The engineer noted the recommendations and indicated that they would make revisions to the application documents accordingly. The engineer noted that his understanding was that the applicant was seeking preliminary approval prior to final approval as opposed to combined preliminary and final. The Planning Commission briefly discussed the proposed landscaping and screening with the applicant. The Planning Commission briefly discussed drainage and stormwater management with the applicant and the applicant’s engineer. The Planning Commission recapped their discussion and provided direction to the applicant regarding items to be addressed prior to holding the required public hearing. The Planning Commission determined that the public hearing should be scheduled for the next regular meeting

No action was taken.

3) Runyan Lake Heights Private Road Paving Request:

Chairman Erickson introduced the topic and brought up the drawings and engineering review of the proposal for modified nonconforming private road standards to pave a portion of Merrill Drive, part of the Runyan Lake Heights subdivision. The Planning Commission briefly discussed the Township Engineer’s review of the drawings provided. They discussed the proposed drainage of surface water and proposed drainage features with the applicant.

Steve Krause asked the applicant if they noted the recommendation in the review to remove several obstructions within 2 feet of the edge of the roadway. Brian Helm (applicant) confirmed that they had noted the obstructions should be removed and agreed to have them removed. The Planning Commission continued to discuss potential obstructions to the roadway noted and shown in photographs in the review.

Jon Ward indicated that he believed surface drainage/stormwater management to be the most significant aspect to consider when determining whether or not to permit the proposed modified private road standards. He suggested that the proposed ditching should be better defined to ensure the water flow is sufficiently diverted from the road surface. The Planning Commission briefly discussed the proposed drainage features with the applicant.

Kurt Schulze noted that he has concerns regarding potential drainage issues affecting properties along Merrill Drive which may be created as a result of the proposed paving and improvements.

The Planning Commission briefly discussed potential liability regarding the proposed road improvements. Brian Helm indicated that the private road is the responsibility of the Association. The Planning Commission briefly discussed the possibility of requiring a hold harmless agreement that would defer liability to the Association and not to the Township. Ross Nicholson stated that the road in question is an existing nonconforming private road that is owned and maintained by an existing association. Steve Krause expressed concerns regarding the potential for the Township to become liable if an issue were to arise as a result of the paving based on the Township approving the proposed modified private road standards. The Planning Commission briefly discussed. Steve Krause asked Ross Nicholson if requiring and approving a hold harmless agreement could be done administratively. Ross Nicholson indicated that the Planning Commission would provide a recommendation to the Township Board who would then have the final say on the specifics of a hold harmless agreement if recommended by the Planning Commission. The Planning Commission briefly discussed a potential recommendation to the Township Board.

Kurt Schulze made a motion to recommend Township Board approval of modified private road standards to pave a portion of Merrill Drive with the conditions that the trees noted in the Spicer Group review are removed and that the Township will not be held liable for any potential issues that occur as a result of the paving. Steve Krause supported the motion. Votes in favor: Krause, Schulze, Schultz, Ward. Votes opposed: Erickson. Motion carried by majority voice vote.

NEW BUSINESS:

1) Durocher Special Land Use Minor Site Plan Amendment (Driveway Approach):

Chairman Erickson introduced the topic and brought up the associated application document on the overhead display screens. He asked Ross Nicholson if he could provide a summary of the request. Ross Nicholson stated that the request for a minor amendment to pave the driveway approach is separate from the open application for a major site plan amendment to expand the special land use. He stated that the proposed amendment is specific to the design of the driveway approach to the site that was originally approved in 2018. He stated that the applicant brought the approved driveway approach plans to the Livingston County Road Commission (LCRC) who indicated that they would require several minor modifications to the plans so the approach can be paved in accordance with the LCRC standards for commercial driveway approaches. He stated that the Planning Commission Subcommittee identified the proposal as a minor change to the site plan. He stated that the next step is for the Planning Commission to review the proposal and approve or deny the proposed minor site plan amendment. He continued stating that, if approved, he would notify the Township Board of the minor amendment and file the associated plans with the approved documents either incorporated into the original approved site plan or as an attachment to the original approved site plan. He stated that it appears the only changes to the driveway approach design are a slight change in the location, some widening of the approach, and paving, which he believes were required for clear vision and sight distance

compliance. Jon Ward asked if a copy of the latest LCRC approval or review has been provided. Ross Nicholson indicated that the document was not included in the meeting packet but can likely be obtained if it has not already been received. Jon Ward asked if the plan provided is the actual plan for construction because it is lacking certain details such as dimensions. Ross Nicholson indicated that the actual construction details would primarily be reviewed by the LCRC. Ross Nicholson noted that a condition of the initial Special Land Use approval was to pave the driveway approach to comply with LCRC standards within 2 years of the approval, which had not yet occurred. Jon Ward presented questions pertaining to the culvert that exists on the property. He asked if the drawings show a new culvert that would be installed. The Planning Commission briefly discussed. Kurt Schulze stated that he would recommend placing a timeframe on the completion of the work as a condition if they approve the proposed minor amendment.

The Planning Commission briefly discussed potential approval of the proposed minor amendment.

Kurt Schulze made a motion to approve the minor amendment to the Durocher Special Land Use site plan with the conditions that the LCRC approval is provided and the work is completed within 12 months of the approval. Chet Schultz supported the motion. Motion carried by unanimous voice vote.

CALL TO THE PUBLIC:

Scott Dietrich (resident) apologized to the Planning Commission for the manner in which he presented his previous comments. He stated that he takes issue with the Gasior Zoning Map amendment application, specifically the discrepancy with the Master Plan between the text describing the Natural Resource Preservation area designation and the zoning district equivalency table. He stated that the Master Plan is designed to protect the public. He stated that if the current Master Plan has so many discrepancies, the Township should put all applications on hold until after the new Master Plan is adopted. He urged the Planning Commission to focus on putting together the new Master Plan and amending the Township ordinances to reflect the intentions expressed in the Master Plan. He stated that he has an issue in his neighborhood with excessive feral cats which should be addressed by the Township.

MISCELLANEOUS BUSINESS:

Zach Michels stated that the Gasior Zoning Map amendment application should be included on the Livingston County Planning Commission agenda for their June 15th meeting. He stated that the Master Plan survey has been set up online and should be ready to go live in the near future. He stated that they hope to have the website live by the end of the week. He stated that they are working on putting together maps for the Master Plan and elaborated on the status of each map. He stated that several of the draft maps should be available for review at the next workshop

meeting. He stated that he is also working on compiling census and SEMCOG data for the Master Plan. The Planning Commission briefly discussed the Master Plan timeline with Zach Michels.

The next workshop meeting was scheduled for May 18th, beginning at 6:00 pm.

ADJOURNMENT: The meeting was adjourned at 9:49 pm by Chairman Erickson.