

**TYRONE TOWNSHIP PLANNING COMMISSION
APPROVED REGULAR MEETING MINUTES
June 14, 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, Jon Ward, and Bill Wood

ABSENT: Chet Schultz and 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: Several members of the public spoke about items not on the agenda.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

OLD BUSINESS:

1) Foster Storage Condominium Special Land Use.

Zach Michels gave a brief review to refresh everyone's memory. This is for a special land use and a combined preliminary and final site plan for a mini-warehouse facility. It will be condominium ownership and not a rental. It requires condominium documents and an association just as if it were a whole site plan with a bunch of houses on it. It calls for 115 individual units. The property is 10 acres in size including the right-of-way and, in the PCI district, – Planned Commercial Industrial –where that use is a special land use and the future land use map also calls for PCI up and down that side of the highway. Regarding natural resources, there's big topography there, there are hydric soils but no wetlands. There were variances granted by the ZBA for several of the setbacks. The Planning Commission determined that the access drives fell underneath the exemption that allows drives to access rear yards and garages. He recommended they ensure the variances were still good, as they do expire at some point.

For access and circulation, it will require driveway approval from Livingston County Road Commission. The fire inspectors should look at it and give their approval. There are turning radiuses for the trucks on there. One thing he didn't see on the site plan was security gate details including first responder access. The off-street parking and loading have been revised from what they saw last time for essential services. The location of electrical services within the site isn't shown on the site plan. There is a lot of landscaping going in. The board may want to consider more landscaping on the side toward Old US-23, primarily because it is elevated up and more visible. Irrigation system details should be added to the site plan. The lighting details are consistent with what the zoning ordinance requires; it should be added to the site plan where all of the fixtures will go on the buildings. The sign on the site plan is out of the clear vision zone, and a note on the site plan says it will be a separate permit, so at that time the staff can check to be sure the height and the area, and the setback from the road right-of-way are all consistent. There will be no outside parking as all belongings must be inside the owner's unit. This should be put on the site plan.

The Planning Commission discussed the special land use and the site plan. Zach Michels reminded the audience that the Planning Commission makes a recommendation on the site plan and special land use to the Township Board who makes the final decision.

Bill Wood said that a lot of the questions that came up tonight were already brought up last time. Zach Michels said he wanted to bring them up again. He said he didn't talk too much about the appearance but wanted to remind the Planning Commission that our ordinance says commercial buildings should look like other commercial buildings. This one is a bit different because there aren't a lot of commercial buildings right near it. Jon Ward said these last comments were the details that need to be added to the site plan. He also said there are already a lot of trees on the site plan, and maybe some of the trees from the back side could be moved up closer to the front. Mr. Foster said the challenge with moving the trees up to the front is it won't change a whole lot because it's higher in elevation than on the Southeast corner. It takes a couple of years for them to grow, but they will fill in quite a bit and have a lot of coverage.

Vice-Chairman Kurt Schulze asked Ross Nicholson if he'd received any written communications; he stated he had not. Chairman Rich Erickson asked the applicant if the electrical would be underground. He stated that it would be. Chairman Rich Ericson then asked the applicant if he had a general indication if these are going to be filled right away. He said he didn't know, it was still early. He said there is a lot of interest and they're going to go into phases instead of building all at once and letting it sit. They still need to get out there and start promoting them.

Chairman Rich Erickson asked for a motion to suspend the meeting to begin the public hearing. Vice-Chairman Schulze moved to suspend the regular meeting to begin the public hearing. Bill Wood supported the motion. Motion carried.

PUBLIC HEARING #1:

1) Foster Storage Condominium Special Land Use:

Chairman Rich Erickson read the notice that was published in the newspaper.

Chairman Rich Erickson asked Zach Michels to do another quick review for the people who just got to the meeting.

Zach Michels said that this is a special land use and combined preliminary final site plan for a mini-warehouse facility that will be owned by individual people. Each unit will be a part of a condominium association. There will be 115 individual units. It is a special land use in that zoning district. It meets the developmental standards or received variances for setbacks. There are several smaller issues to be addressed. They can be addressed in revisions that go to the Township Board or administratively approved with conditions.

Commissioner Steve Krause said that everything Zach Michels mentions seems like it could be approved administratively by Ross Nicholson. Ross Nicholson agreed and said if it is a conditional approval, he will give it a review and verify that everything has been completed as far as he can see. He will also send it to the subcommittee for verification.

Chairman Rich Erickson asked the applicant, Brendan Foster, to come up to the podium and give a summary of his application. Mr. Foster explained that he was the developer of this project. There will be 115 units in the multiple buildings that are on the 10-acre site. It is a condo association so each individual purchaser will own the actual unit itself and will fall into a condominium association which will be managed by the association; all grounds maintenance and other items will be managed by the association. This is a very aesthetically pleasing project. There will be fencing around the facility; it will be a gated community so it will only allow access via a code to go into the facility. It is not a gathering facility; it is a storage location where you're going to have either RVs, boats, or classic cars. Some people may store other goods in their possession there. It's not a 24-hour round-the-clock type of facility. Most customers will probably come in during midday to take care of whatever they need to take care of. It's a growing popular concept. It gives a lot of opportunity for residents in this area, especially lake residents, to get RVs out of their yards. People accumulate things and need a place to store them.

PUBLIC COMMENTS:

A resident named Angela said that she lived across the street from the proposed condos. She said she was concerned about businesses being run out of the units. She wanted to know if there was any way to prevent that. She said she could easily see a mechanic trying to work out of one of the units. She is also concerned that because there will be bathrooms in the units and satellite dishes & Wi-Fi will be permitted, people might live in the units. She asked if there will be a presence on-site to prevent these things.

Scott Dietrich of White Lake Road spoke. He said he submitted some things to the Planning Commission, and he hopes they enter into record before the end of the meeting. He foresees a lot of problems. He said, “these aren’t storage units. They’re going to be whatever these people want them to be”. He said that an association and the township are two separate entities, and he doesn’t think we need to be babysitting. He doesn’t like that there will be 115 owners and he thinks they should be leased or rented. He doesn’t like the heat or the bathrooms and said they’re ridiculous. There were several other issues he had with the proposed development. The Planning Commission thanked him for his comments.

Janette Ropeta of Fuller Drive spoke. She wanted to know what the restrictions would be; who was going to police it. She said that the neighbors have to watch it and they have to call in complaints. That’s the only way someone can be held to account.

Kurt Kennedy spoke. He said he lived directly across the street; he no longer lives there but his 90-year-old mother currently lives there by herself. A concern is how much partying will be going on and also from an aesthetic standpoint, they have to look at the back side of 20 garages. He said he doesn’t care how much landscaping they put in, it will be 20 years before it looks like anything. Another concern is the lighting. If it’s 24/7 lighting there will be a lot of light pollution. He said currently there is a tree down that’s been there for several months and there has been trash on the driveway for over a year. He wanted to know why the entrance had to be off of Faussett Road. He said if you pull a fifth wheel out of there with a 30-foot truck They’ve lived there long enough to know that everybody flies over that hill at 50 miles per hour and that’s an accident waiting to happen.

Marjorie Kennedy spoke. She stated that she lives directly across the street from the subject property. She said when she first asked about the project, she was told it was just storage units. Then she was told that people could work on their things there and treat the units like “man caves”. She is worried there is going to be drinking, drug use, and parties at the proposed storage condominium facility.

Steve Hasbrouck spoke. He said he doesn't think the architectural review has been properly handled because we're still talking about plain steel-sided buildings. He asked if they had an architectural committee meeting on this. Chairman Rich Erickson stated that they had not. Mr. Hasbrouck said that it was required. Chairman Rich Erickson said that they have reviewed what he submitted. Mr. Hasbrouck said it was supposed to be reviewed before the final site plan reviews. He said if he lived where the Kennedys lived they'd *really* be hearing from him. He said it needs to be made to look better than what is being planned. He said the setback variances are a joke and there is no way the ZBA should have granted those. It was strictly to put more units on it which is not a reasonable variance request. He said there are definitely wetlands along the edge of OLD 23 and everybody seems to be ignoring the fact it's contiguous to the stream and could even be regulated wetlands. He wanted to know what would be done with snow that's going to have to be pushed out of the way. He said he expects that something will be done with the facades; they can't just not have the meeting.

BOARD COMMENTS:

Vice-Chairman Kurt Schulze asked Mr. Foster if he was putting all 115 buildings up at once. The applicant said that to begin with he would put up roughly 30 units. Vice-Chairman Kurt Schulze asked if the fencing and everything would be up, just not all of the buildings. Mr. Foster said he wasn't sure if they'll be able to put in all of the fencing prior to doing all of the grading, etc. He wants to be sure once he installs the fence it won't have to come down for any reason. Vice-Chairman Kurt Schulze said he would hate to see a half-finished project out there. What if he puts up 30 and doesn't get any more sales for a while? His question is whether there should be an end time to when the remaining ones need to be built. He also asked Mr. Foster how many parties could own one unit. Mr. Foster stated that legally he did not know the answer to that; he said he guessed someone could establish an LLC or some type of corporation or a trust or something like that they would be able to purchase for that trust or LLC. It would be an ownership investment. A business could purchase one for storage, but they could not run a storefront or run a business. Vice-Chairman Kurt Schulze then asked if these units could be sublet. Mr. Foster said that the owners can sublet the units and the owner would be responsible for the unit.

Vice-Chairman Kurt Schulze wanted to ensure that each unit is responsible for its own upkeep as far as garbage. Mr. Foster said there is no garbage on site, so the association is not going to manage dumpsters. Everyone is responsible for their own trash. Vice-Chairman Kurt Schulze asked about parking. How long can his car be parked out there while he is getting his RV? Mr. Foster said 12 hours is the limit. It was determined that due to the building size fire suppression systems were not necessary. There are walls between units in case one catches fire. There can be

people who own two or three units so they may not have any wall between them. The interior walls can be taken down between the units to make one big unit.

Vice-Chairman Kurt Schulze reiterated his concern about ending up with a half-finished building site and the market goes south which it has been going here the past few weeks and people don't buy any more condos to store their stuff in, then what happens with it? Mr. Foster said that with any investment that you make when you go into any development there is the possibility of a slow period of time that sales would not be as robust as in other times. He said he is going with the best intention of developing this project and getting this up and operating in a timely fashion. Time is money.

Zach Michels said he would try to address some of the questions that were raised. He said that his understanding was that the location of the driveway was dictated by the Livingston County Road Commission, so there's not a lot of wiggle room on that. Most county commissions want the driveway access on the lease high-volume road if it's an intersection. The condominium element of this... it's just an ownership system. He said it's what we typically call subdivision is now a condominium for state enabling purposes. People own their unit whether or not it's a house, a lot, an apartment, or a storage space. It's a state way for you to jointly care for shared assets like driveways and exterior building walls and ceilings and elevators and streets, etc.

In reference to enforcement, he said that enforcement is always difficult to do and it is a bit of a mixed case of whether or not it is easier to have an association or not. Often it can be easier on the local unit of government because the association tends to have much stricter rules and more people looking at it immediately that will police it on their own.

Regarding the comment about architectural review; there is a section that says all the things in these zoning districts need to go through architectural review and it has different classes of buildings depending on what the use is. There are standards for how much brick you have to have, how much metal you can have, how many EIFS you can have, etc. There is also a section with standards for mini-warehouses. When there are conflicts in the zoning ordinance, the rule of thumb is you go with the most specific. There is specific language for mini-warehouse facilities that says the exterior of any mini-warehouse shall be finished quality and design compatible with the design of structures on surrounding property. This is why he hadn't previously brought up architectural review.

To address the lighting concern, the proposed lighting is within what the zoning ordinance says they can do. It will be angled to point down. Most of it is going to be between the buildings. There will be no measurable foot candles at the property line. That doesn't mean if you're

standing at the property line you may not see lights, but it does meet what the zoning ordinance says.

Screening that is required is fencing and landscaping. It is important that the landscaping is maintained in a healthy manner and in order to do that watering it regularly can be important. That's why there is a recommendation for an irrigation system.

Commissioner Bill Wood said that before an occupancy permit was given he would like the fencing and landscaping to be done. He wants to see those things done before he starts selling the units. Mr. Foster said he wants to be sure of how it will all be laid out and that it all fits before installing a fence. If he has to remove the fence it would be a huge expense. The same goes for landscaping. He'd like to show them phases. He said he could come up and present a plan for the entire thing. Commissioner Bill Wood understands his concerns about the expense.

Vice-Chairman Kurt Schulze asked where the first of the units will go. Mr. Foster said they will go along Faussett Road and then come down into the front along US-23 so that it would create a barrier. Commissioner Steve Krause said he could take care of the fencing and landscaping on those sides since the other side is just a field. It would alleviate most of their concerns.

The trees along Faussett Road need to be removed for traffic line of sight.

Steve Krause moved to close the public hearing and return to the regular meeting. Vice-Chairman Kurt Schulze supported. The motion carried.

The Planning Commission returned to the first agenda item, Old Business No.1, Foster Storage Condominium Special Land Use. They discussed the phasing of the project, and Zach Michels said it should be on the site plan for the approving bodies to see. They went over the conditions for approval. They discussed the changes and additions that were needed on the site plan. There was discussion on when the landscaping will be complete; whether before or after all of the phases of building were complete.

After a long discussion of conditions and changes/additions to the site plan, Ross said he will need clarification on the timeline for everything if he is going to be sending this to various outside agencies. He explained that if they approved with conditions, it wouldn't have to come back to the Planning Commission. It would be the staff and the Planning Commission Subcommittee that verify the conditions have been met before the recommendation letters are provided to the Township Board. It was noted that the fact there will be phasing should be included in the documents.

There were a total of 17 conditions. Steve Krause moved to recommend conditional approval for preliminary site plan and final site plan and special land use for the Foster Storage Condominium application. Vice-Chairman Kurt Schulze supported the motion. The motion carried. There was then a brief discussion with the applicant on an approximate timeline of what will happen next.

Vice-chairman Kurt Schulze motioned to move New Business No 1 ahead of Old Business No 2; Commissioner Steve Krause seconded. The motion carried.

NEW BUSINESS NO.1:

1) Hornbacher Contractor Limited Storage Special Land Use:

Christina Hornbacher gave a summary of her application. She said they want to use the property for their home and a pole barn. Her husband will use the pole barn to store some of his equipment and to work on equipment, as well. They will only store one vehicle outside. They will create an asphalt driveway.

BOARD COMMENTS:

There were no issues with setbacks. Ross Nicholson said this is kind of an introduction because it's the first time the full Planning Commission is seeing it. It would be a good time to ask questions or suggest anything else they'd like to see on the site plan.

Commissioner Jon Ward said he would like more information in the use statement regarding the number of vehicles and employees. He said he liked the summary, and it should be put in the use statement. There should be as much detail as possible. This will come back to the Planning Commission because it requires a public hearing. Chairman Rich Erickson said that the reason they want to clearly identify the scope of the use is that the purpose of a special land use is to prevent it from becoming a nuisance. In the future, it could expand and become something completely different.

A formal review from the planner will be required; the question is how in-depth does the Planning Commission want that review to be? Zach Michels gave a quick review of the special land use request. He stated that the fact that one of the conditions for this use is that it's owner-occupied, so that should be included on the site plan. It meets the minimum acreage requirement. All materials and equipment are to be stored indoors with one commercial vehicle being parked outside. It should be shown on the site plan if there is an area where vehicles are intended to be stored outdoors. He continued to talk about what should be included on the site plan, such as screening, employees, parking, and details about what the building will look like. No signs shall

be permitted. Commissioner Bill Wood asked Ms. Hornbacher if she was aware that she had a loud factory as a neighbor and there were lagoons behind her. He didn't want her coming to the township in the future complaining about these things. She said she understood. Ross Nicholson stated that it was over ¼ mile from the lagoon to her property.

The Planning Commission and Ross Nicholson quickly reviewed what was needed on the site plan. They also mentioned again that there shall be no signage. They agreed they didn't need a formal, in-depth review from the planner. They agreed that the public hearing would be at the next meeting.

OLD BUSINESS:

1) Sight Lines:

Chairman Richard Erickson said they've talked about sight lines at length. At the last workshop meeting, Ross Nicholson did a lot of work and put together some data for them. Chairman Richard Erickson said he has yet to see in any of his research any examples of sightline regulations that are perfect. Some may be better than others and a lot of them are specific to the conditions of a particular lake. He feels that those regulations that may work the best are those based on topography and layout and all the variables surrounding specific areas. It's difficult to come up with blanket regulations that can be placed on every single waterfront property in a particular municipality. They have talked to Ross Nicholson about coming up with an average of setbacks for each lake and saying that it is going to be the baseline they're going to start with. The commissioners said they felt like it could be lake specific. Currently, the minimum setback from water is 50 feet in all zoning districts. Footnote X in the Schedule of Regulations allows the Planning Commission to require greater setbacks. It's difficult to apply this to every situation. Chairman Richard Erickson asked what would happen if they were to remove footnote X. Ross Nicholson said it would default to setbacks unless additional setbacks were added. They could add specific setbacks for specific lakes or just keep it at 50 feet everywhere. The lakefront properties in the township are either zoned LK-1, R-1, or RE. They have different setback requirements on the front and sides. Chairman Richard Erickson said that he has a nice view of a field and wouldn't want that blocked. It adds value to his property. He asked how they can plan for every scenario, not just the lakefront properties. Ross Nicholson said that would be valuing a certain view over others.

They continued discussing how to regulate sight lines. Zach Michels offered his advice. He stated that if they increased the setbacks, they would have a compelling argument for doing so. Around 90% of the houses meet this greater setback. They can add language addressing existing homes that are removed and can be rebuilt in that same building envelope without having to get a

variance. He said that it may not be in the interest of the township's residents or body politic to go with just the simple 50 feet for everybody, but as far as due process and equal protection it would pass that. Vice-Chairman Kurt Schulze said the township doesn't want to get involved in litigation for every single decision that goes through this. They understand that the language is probably not the best that could have been put in there but what it's left them with is too much discretion regarding how a decision is made and how to apply that in each and every situation. It would be nice if they could come up with a formula. They did try that in the past and they either got a formula that was too complex for some to understand or that didn't work in every situation. It didn't offer the solution they were seeking. So, either they regulate it or leave it at 50 feet. Do they just limit the regulations to lake properties? What about properties with a different view they don't want to be blocked like a golf course.

There was a brief discussion about Planning Commission determinations vs. ZBA decisions. They then asked Zach Michels to prepare some sample text for sightlines and they could review it at a future meeting.

CALL TO THE PUBLIC:

Scott Dietrich spoke about the Foster Storage Condominiums and the Master Plan. Janette Ropeta spoke. She said she wants the Planning Commission to make people come to the podium to talk. She said Supervisor Cunningham wants her to stay in the corner if she video records, but she refuses to comply with that Resolution. She said she will continue to stay in front to video record. She also stated that the Planning Commission didn't address one of the concerns about safety and the driveway location. Commissioner Jon Ward told her that it was addressed and that it will be reviewed by the Livingston County Road Commission. She also expressed concerns over the Storage Condominiums and the rezoning at Foley & Runyan Lake Roads.

MISCELLANEOUS BUSINESS:

The next workshop meeting is scheduled for 6/22/2022 at 6:00 pm. The Master Plan will be on the agenda, and maybe sightlines. Vice-Chairman Kurt Schulze asked Zach Michels about the Master Plan. He gave a quick review of where he was with the updates. He talked about planning some visioning sessions. He is working on gathering infrastructure information. He discussed the postcard surveys that would be mailed out.

ADJOURNMENT:

The meeting was adjourned at 10:04 pm by Chairman Erickson.

APPROVED