

**TYRONE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
July 13, 2021**

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

OTHERS PRESENT: Tyrone Township Zoning Administrator Ross Nicholson and Planner Zach Michels

ABSENT: Commissioners Bill Wood and Perry Green

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

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC: No comments were received.

APPROVAL OF THE AGENDA:

Commissioner Steve Krause moved to approve the agenda as presented. Vice-Chairman Kurt Schulze seconded. The motion carried.

APPROVAL OF THE MINUTES: None

OLD BUSINESS:

1) Lake Urban Crossing Preliminary PUD

The Planning Commission received a new review from Carlisle Wortman. Chairman Stickel asked Zach Michels to go over their review of the parallel plan submitted by the applicant.

Mr. Michels explained what the Planned Urban Development (PUD) project is. It's a tool used in planning where it's understood that it doesn't necessarily meet all the zoning development standards, but those can be modified because there is a recognized substantial benefit from that type of project. Some of the requirements are preserved open space, walkways, landscaping. As a part of the PUD, the applicant must prepare what is called a parallel plan. The parallel plan is how the property could be developed based on the comparable zoning district from the future land use map. There is a discrepancy between what the zoning ordinance says is comparable and what the Master Plan says is comparable; this is the reason for the public hearing. Chairman Dan Stickel interjected. He wanted to clarify that the public hearing was not specifically regarding the Lake Urban Crossing review, but to correct the zoning text discrepancy that they found coincidentally going through this process.

Mr. Michels continued to explain that the parallel plan is used to determine how many lots can be in a PUD and as a basis if an applicant wishes to earn additional lots through doing certain additional design requirements. This is the third revision. This report was prepared with the presumption that the Planning Commission and Township Board was going to act on the zoning

text amendment. The parallel plan is a little different from what they've seen. The property is going to be in two different zoning districts. The western portion would be in the R-2 single-family district and the eastern portion would be in the RE – Rural Estate (presuming the text amendment is adopted). All the lots that are prepared as part of the parallel plan should be buildable. The new revision shows a house with the appropriate square footage and an attached garage. All the lots in the parallel plan meet the minimum lot area in both the zoning districts. It appears it's likely to meet setbacks and lot coverage, as well. It appears that all the proposed lots on the parallel plan would be buildable. For access and circulation, the streets aren't dimensioned but appear to be consistent with the township requirements. The right-of-way is big enough to put in the streets and sidewalks. No details were provided for stormwater management on the parallel plan. It's not required but something that the Planning Commission feels confident could be done. The understanding is that the wetlands will be used as part of the stormwater management system; the water would be pre-treated with bays to get sediment out. There would be adequate space in the rights-of-way to do many of those features.

Landscaping is not shown on the plan; however, it was not required to be. It would be up to the Planning Commission to decide if they felt there was enough space to put any required landscaping.

If the Planning Commission believes any of the lots are not buildable, tonight is the time to discuss it. The lots don't need to have all the minimum area on dry land. The ordinance allows to use part of the wetlands as part of the lot area, but it does have to be buildable. Tonight would be the time to discuss stormwater management.

After Mr. Michels concluded his review, Chairman Dan Stickel spoke. He said when determining the buildability or suitability of lots he still had some concerns on some of the lots. Lots 62, 63, 65, and a few others were very close to the lake. The setback from lakes is 50-feet from the highwater mark. They wouldn't meet the required setbacks on some of these and may require variances.

The plan needs to include underground basins for stormwater management. He asked if there should be a maintenance agreement in place for those. Mr. Michels stated it would be in the Master Deed and written on the site plan, as well.

Commissioner Rich Erickson agreed with Chairman Dan Stickel's comments regarding the lots needing to meet dimensional and other ordinance standards. He stated they need to be consistent.

Chairman Dan Stickel went over the recommendations by Mr. Michels. First, the Planning Commission should confirm if it is comfortable using the natural features of the boundary. The future land use map shows land-use boundaries that are not coterminous with parcels or much of anything else. Mr. Michels briefly spoke on that, as well.

Chairman Dan Stickel said it would all be considered medium density single-family as opposed to the preservation of the natural resources. The board continued a discussion on the boundaries and setbacks.

The next item to be discussed is the Planning Commission should determine if any of the proposed lots in the parallel plan do not appear to be feasible. The board asked the applicants their thoughts on some of the lots such as 62 & 63. The applicant stated they could make some changes to the road to help fix those lots. Ross Nicholson asked if the roads would all be private. The applicant confirmed that they would be. Nicholson said that a footnote in the Schedule of Regulations allows for the front yard setback on a private road to be reduced to 50-feet which would increase the buildable area on some of those lots.

The board further discussed the ordinances on lot sizes and setbacks. Commissioner Dan Stickel said that before they can make any preliminary approval, they'd have to be sure those lots that are close to the water are buildable before a public hearing is held. The lots need to be dimensioned from the ordinary high-water mark as well as the setbacks from the road. They can't give plan approval until they have a public hearing. The applicants should have those dimensions on the site plan at the public hearing meeting.

Vice-Chairman Kurt Schulze motioned to suspend the regular meeting to open the public hearing. Commissioner Steve Krause seconded. The motion carried.

NEW BUSINESS #1:

Proposed Amendments to Table 11.1 in Article 11 of the Zoning Ordinance

Chairman Dan Stickel read aloud the public notice.

Ross Nicholson explained the nature of the ordinance revision. Chairman Dan Stickel put table 11.1 from Article 11 – PUDs - on the big screen. At the last regular meeting, a discrepancy was noted between table 11.1 and table 20 in the Master Plan. The intent of that table is to identify Master Plan designations and then indicate which current zoning districts we have that correspond to them. For the purposes of a PUD, it's important that we have accurate designations and corresponding districts to determine what can be used in determining the maximum density for a PUD with the parallel plan. The amendment will amend the one box where it says FR and change it to RE – Rural Estates and EI – Extractive Industry. There are other discrepancies and it's up to the Planning Commission to decide if they want to address and correct all discrepancies tonight. They decided that all of them should be corrected at the meeting.

CALL TO THE PUBLIC: A few members of the public spoke.

Vice-Chairman Schulze motioned to close the public hearing portion of the meeting. Commissioner Jon Ward seconded. The motion carried.

The Planning Commission continued with the planner review of Lake Urban Crossings. Mr. Michels talked about stormwater management. There will be two separate drainage systems for each phase. The homes will have basements with sump pumps. They continued the discussion regarding stormwater management.

Next for discussion was landscaping. Mr. Michels explained that our ordinance requires some landscaping along streets adjacent to other properties. It appears that there is room to add

landscaping, maybe as part of an easement. Chairman Dan Stickel stated he felt there could be an adequate amount of space along White Lake Road to add vegetation and landscaping. That would satisfy the requirement for landscaping. There is also room for landscaping in the right-of-way at the north end, as well. It was recommended to the applicants that before the public hearing they make notes on their parallel plan of these things so the Planning Commission will feel comfortable that they're meeting all the requirements.

The Planning Commission asked the applicants if they had any questions. They did not have questions and stated they would make the requested changes. They will show the building envelopes on the lots, as well.

After the conclusion of their discussion on Lake Urban Development, they re-visited the New Business #1: proposed amendments to Table 11.1. Commissioner Steve Krause motioned to approve the table amendments as proposed. The motion carried, all ayes.

NEW BUSINESS #2:

Durocher Special Land Use Site Plan Amendment

Chairman Dan Stickel asked the applicant to explain everything they're proposing prior to hearing the planning review.

Tim Zimmer, a civil engineer, was there on behalf of Laura and Gerry Durocher who are the owners of the property; they are out of town and unable to attend this meeting. He explained that Mr. Durocher runs an underground construction and earthwork business. His property is a staging yard, and his main offices are now housed in the trailers on the property which are part of the original special land use. Mr. Durocher would like to develop new stages with a new permanent construction building somewhere on the site. He wants to expand as it is a bit crowded on the property as it is. He went over some of the details on the site plan which was shown up on the screen.

Mr. Michels read through his review which is available in its entirety in the meeting packet for tonight's meeting on Tyrone Township's website. After he read his review, Chairman Dan Stickel summarized: The applicant is operating a contractor yard base out of the front half of the property and they want to expand their operations and do substantially similar things in the back half, just more of it. They're growing as a business and want this space to do so.

Vice-Chairman Kurt Schulze said he felt they needed to determine whether the paving is going to be required or not. He felt that according to what Mr. Michels stated they may not be able to waive that. Mr. Michels said that from his research he understands it may be possible to do waivers for off-street parking, but this specific use the ordinance says you must have these things paved. Chairman Dan Stickel asked what impact that would have. Would they have to pave the whole thing or just certain areas? Off-street parking and loading areas are where it's required to be paved, so that seems to be a narrow definition. Commissioner Steve Krause asked if the original site plan was approved under that same standard. Commission Jon Ward pointed out other surrounding properties that were not required to be paved. Mr. Michels explained that typically in off-street parking and loading, in some circumstances the paving can be waived.

Where they are finding an issue is in the Outdoor Storage standards which says all driveways, loading areas, staging areas, and truck maneuvering areas within the site shall be paved. If it does turn out that the previous waiver was an error, it would be very difficult for the Township to go back and require it to be paved now because the applicant has made a good effort to act on that previous approval. At worst to the applicant that would apply only to the expansion area.

Commissioner Steve Krause asked what the benefit would be to paving it all. Maybe dust control? Mr. Michels said that his experience with these types of operations with landscaping materials, they are not paved. Heavy trucks coming in and out will tear up the pavement, especially if it's asphalt.

The board, planner, and applicant continued the discussion on paving the property. It didn't make sense that they'd have to pave it. It would be throwing away money as they'd be fixing it all the time. The Planning Commission discussed how to get around the part of the ordinance requiring paving the property.

Ross Nicholson said that believes this was a permitted special land use as a *similar* use, not exactly spot on with an open storage yard. It was similar to a permitted special land use but considered and outdoor storage and contractor's office space. He suggested they look at the meeting minutes from that original meeting.

Mr. Michels explained some of the avenues they could take regarding paving the property: One, the Planning Commission can say the applicant has to follow the specific standard for this, even though it's not an exact fit; this is what we determined was the closest fit in our zoning ordinance. Another option would be to continue to search for something in our ordinances that would allow for them to waive the requirement. A third option would be, if the Planning Commission were comfortable with it, would be to include a waiver option similar to the regular off-street parking and loading. There could be a zoning ordinance text amendment.

Commissioner Jon Ward asked about the detention basin and setbacks; Mr. Nicholson stated that some of the detention basins could be located within the setbacks. They also discussed whether the front yard setback was correct, should be 150' from the road right-of-way. They determined that he was within the correct setbacks.

They then discussed the gravel driveway and how far back it should go. Also talked about whether it should go beyond the setbacks. Commissioner Steve Krause said he'd like to see the setbacks increased to the north side of the property. Mr. Michels said they had the authority to increase the setbacks in the case where adjacent residential uses exist. Chairman Dan Stickel asked what authority they have to restrict his ability to pave within the existing setbacks. He said he felt there is no way to limit storage in that area. Mr. Nicholson said that vehicular access drives can be located within required setbacks. Chairman Dan Stickel said if they allow a contiguous gravel area for the whole area it will be reproduced for storage. Chairman Dan Stickel told the applicant they'd like to see the gravel pulled back to the setback line. They don't think it's very practical for the applicant to say they're only going to use it for turning and maneuvering.

He also said they still need to find a way to not require the applicant to pave. He said he doesn't think they can justify requiring that. Based on his use, it would be impractical. He asked Mr. Michels to find the best way for them to not require this. He then asked Mr. Nicholson to explain the next steps.

The Planning Commission also discussed extending the driveway a bit, too.

Mr. Nicholson explained that once the Planning Commission feels they have sufficient information, and the plan is complete enough then we can hold a public hearing. Afterward, the Planning Commission can make a recommendation. The paving dilemma must be resolved before it can be ready for a public hearing.

Chairman Dan Stickel stated that they must table the application until they have any issues resolved. He said he would like a review from the Township engineer. Mr. Nicholson stated he wasn't sure where in the process this would come in. It will for sure be required for final approval, but it may lie on the Township Board to request it.

Mr. Michels said there are some cases in the zoning ordinance where the access drives are allowed in the front yard; it's listed as one of the few things that can be within the front yard setback. You cannot use a front yard setback for off-street parking except in certain districts.

Commissioner Rich Erickson asked the applicants to provide detail on the site plan as to where they intended to store things in the back, especially regarding the required setbacks.

CALL TO THE PUBLIC: A few members of the public expressed some concerns and opinions on the applications being reviewed.

ADJOURNMENT: The meeting was adjourned by Chairman Dan Stickel at 9:30 pm.