

1                                   **TYRONE TOWNSHIP PLANNING COMMISSION**  
2                                   **REGULAR MEETING & PUBLIC HEARING MINUTES**

3                                   **October 12, 2021 7:00 p.m.**

4                                   **Meeting Held at the Tyrone Township Hall**  
5                                   **The Meeting was Recessed at 7:30 pm for a Public Hearing**  
6

7  
8   **PRESENT:** Kurt Schulze, Jon Ward, Garrett Ladd, Steve Krause, Bill Wood, and Rich Erickson  
9

10 **ABSENT:** None  
11

12 **OTHERS PRESENT:** Ross Nicholson and Zach Michels (CWA)  
13

14 **CALL TO ORDER:** The meeting was called to order at 7:00 pm by Vice Chairman Schulze.  
15

16 **PLEDGE OF ALLEGIANCE:**  
17

18 **CALL TO THE PUBLIC:**  
19

20 Vice Chairman Schulze opened the floor to accept public comments not related to items on the  
21 agenda.  
22

23 Scott Dietrich (resident) stated that he feels the Planning Commission should be accepting  
24 comments related to agenda items so they can take them into account while discussing. Vice  
25 Chairman Schulze indicated that they will try to hear public comments regarding agenda items at  
26 the time of discussion. He noted that there is a public hearing during the meeting, during which  
27 time they can receive public comments related to that item.  
28

29 Sara Dollman-Jersey (resident) asked if there had been any updates on the status of several  
30 zoning map amendment applications that were previously received. Vice Chairman Schulze  
31 indicated that there had not been any updates and the applications were technically still open.  
32 Sara Dollman-Jersey asked if there is a timeframe in which the applications would expire if no  
33 further action was taken. Vice Chairman Schulze indicated that the timeframe is generally one  
34 year.  
35

36 A member of the public in attendance (name not provided) asked the Planning Commission to  
37 provide clarification on the previous question. Vice Chairman Schulze indicated that the zoning  
38 map amendment applications Sara Dollman-Jersey was referring to were for those properties on  
39 the west side of Old US-23, north of Center Road, which were received concurrently with the  
40 previously withdrawn special land use application for an asphalt mixing plant.  
41

42 Vice Chairman Schulze asked if there were any additional public comments. None were  
43 received.  
44

45 **APPROVAL OF THE AGENDA:**  
46

47 Vice Chairman Schulze indicated that Dan Stickel, the current Planning Commission Chairman,  
48 had resigned. He recommended amending the agenda to move New Business Item #2 ahead of  
49 all other items to elect the Planning Commission Officers.

50  
51 Bill Wood made a motion to amend the agenda, moving New Business Item #2 ahead of all other  
52 items. Rich Erickson supported the motion. Motion Carried by unanimous voice vote.

53

54 **NEW BUSINESS #2: Election of Officers:**

55

56 Vice Chairman Schulze indicated that the first step in election of officers is to nominate  
57 members for the three positions. He stated that Dan Stickel was the Chairman, Jon Ward is the  
58 Secretary, and he is the Vice Chairman. He confirmed with Jon Ward that he would like to  
59 retain his position as Secretary and indicated that he would like to retain his position as Vice  
60 Chairman. He indicated that he would be unable to be elected as Chairman because he is also  
61 the Ex-Officio member who sits on the Township Board of Trustees. He stated that he would  
62 entertain a motion for Rich Erickson to be elected as Chairman, himself to retain the position of  
63 Vice Chairman, and Jon Ward retain the position of Secretary.

64

65 Jon Ward made a motion to elect Rich Erickson as the new Planning Commission Chairman,  
66 himself as the Secretary, and Kurt Schulze as the Vice Chairman. Motion carried by unanimous  
67 voice vote.

68

69 Vice Chairman Schulze indicated that since they have elected a new Chairman, he would pass  
70 the gavel to Rich Erickson to conduct the remainder of the meeting and public hearing.

71

72 **APPROVAL OF THE MINUTES:**

73

74 The item was deferred.

75

76 **OLD BUSINESS #1: Lake Urban Crossing Preliminary PUD:**

77

78 Chairman Erickson indicated that the applicants have provided some additional information at  
79 the direction of the Planning Commission following the last discussion on the topic. He stated  
80 that the Planner had not had enough time to prepare a formal review letter pertaining to the  
81 recently received information. He asked Zach Michels if he could describe the latest information  
82 received and provide feedback.

83

84 Zach Michels indicated that the application has been in front of the Planning Commission several  
85 times previously, but the majority of discussion and the formal reviews were focused primarily  
86 on the parallel plan, which is a requirement for all PUD (Planned Unit Development)  
87 applications. He briefly summarized the intent and purpose of PUDs and the purpose of parallel  
88 plans. He noted that the last plan he had received from the applicants before the last meeting in  
89 which it was discussed had been reviewed and a number of issues were identified. He stated that  
90 the majority of issues had been addressed with the latest submission. He indicated that he has  
91 performed a preliminary review of the latest plans received. He provided the Planning  
92 Commission with several requirements for PUDs which they have the option to waive or modify

93 including; drawing scale, depiction of structures located within five hundred feet of the subject  
94 property, development impact statement, impact assessment, traffic impact statement, test wells,  
95 additional landscaping/screening, street lighting, and sidewalks/walking paths. He recommended  
96 that the Planning Commission discuss the items and provide direction for the applicants. He  
97 indicated that he feels the application is substantially complete and could be considered for a  
98 potential recommendation for the preliminary PUD plan once the aforementioned items are  
99 addressed.

100

101 Zach Michels briefly explained the topic of access to the subject property. He indicated that the  
102 Zoning Ordinance language requires that the PUD site shall be located so that it can be accessed  
103 by a paved primary road but does not mandate that it must take access from a paved primary  
104 road. He stated that one of the two phases of the proposed development would take access from  
105 a paved primary road, but the other phase would not. He noted that the Zoning Ordinance  
106 requires that private roads with a single access point shall not provide access to more than thirty  
107 dwelling units. He noted that there are previous examples where it has been demonstrated that a  
108 boulevard/separated approach to the public road adequately addresses the issue and can be  
109 considered as multiple access points, allowing more than thirty dwelling units to take access  
110 from a private road. He stated that the PUD standards also allow for more than thirty dwelling  
111 units taking access from a private road if approved by the fire authority having jurisdiction.

112

113 Jon Ward asked Zach Michels what the purpose/intent of requiring that a PUD shall be located  
114 along a paved primary road if it is not mandatory that they take access from it. Zach Michels  
115 stated that his interpretation is based on the Zoning Ordinance text which is regulatory and must  
116 be followed as it is written regardless of the intent. He stated that the intent may have been  
117 different than the plain text that was adopted, however, it is required that the Planning  
118 Commission review the application based on the text as it is written. Jon Ward stated that he  
119 believes it should be researched and discussed further since he believes that the language is  
120 clearly in conflict with the implied intent. Brief discussion followed.

121

122 Jon Ward stated that the first item Zach had identified that the Planning Commission should  
123 discuss and provide direction to the applicants on is map scale. He indicated that he would be  
124 comfortable with the Planning Commission accepting the map scale as provided due to the large  
125 area of the subject property. He asked the applicants if they would be able to provide electronic  
126 (CAD) files of the plans. Rade Beslac (agent for the applicants) indicated that he could send  
127 them over. Jon Ward asked the Planning Commission if everyone was amicable to accepting the  
128 modified map scale. No objections were received.

129

130 Kurt Schulze asked what the width of the proposed private road taking access from Runyan Lake  
131 Road would be. Rade Beslac indicated that it would have a fifteen-foot lane in and two twelve-  
132 foot lanes out. The Planning Commission briefly discussed.

133

134 Kurt Schulze asked if the applicants had an approximate phasing timeline for the two proposed  
135 phases. Rade Beslac stated the phasing is described in the site plan documents provided (first  
136 page/cover sheet) and elaborated. The Planning Commission reviewed the notes on the site plan  
137 document and briefly discussed.

138

139 Chairman Erickson asked if there was sufficient area between the proposed private road and the  
140 north property boundary for landscaping and screening. Rade Beslac indicated that there is  
141 approximately fifteen to eighteen feet of space which would allow for the planting of trees for  
142 screening.

143  
144 Kurt Schulze noted that lots number six and seven are located adjacent to/directly abutting two  
145 existing residential properties on White Lake Road. He asked if there was any proposed open  
146 space or screening to provide a buffer between the proposed units and the existing properties.  
147 Rade Beslac indicated that there is not any open space or screening currently proposed in that  
148 area. Kurt Schulze briefly discussed with Rade Beslac. Zach Michels noted that, as a PUD, lot  
149 areas may be reduced if granted by the Planning Commission and Township Board if warranted.

150  
151 The Planning Commission briefly reviewed the site plan documents. Jon Ward asked the  
152 Planning Commission if they felt that adjacent structures within five-hundred feet of the subject  
153 property should be shown on the site plan. The Planning Commission briefly discussed. Zach  
154 Michels suggested that the applicants could potentially obtain data on existing structures through  
155 the Livingston County GIS (Geographic Information Systems) Department if the Planning  
156 Commission feels that it is pertinent that they are shown.

157  
158 Chairman Erickson suggested suspending the regular meeting to hold the scheduled public  
159 hearing. Kurt Schulze made a motion to suspend the regular meeting to hold the scheduled  
160 public hearing. Jon Ward supported the motion. Motion carried by unanimous voice vote.

161

162 **PUBLIC HEARING #1: Durocher Special Land Use and Site Plan Amendment:**

163

164 Chairman Erickson opened the public hearing and read the public hearing notice that was  
165 published in the Tri-County Times on Sunday, September 26, 2021, in compliance with the Open  
166 Meetings Act:

167

168 *“Notice is hereby given the Tyrone Township Planning Commission will hold a Public Hearing*  
169 *on Tuesday, October 12, 2021, beginning at 7:30 pm at the Tyrone Township Hall, 8420 Runyan*  
170 *Lake Road, Fenton, Michigan 48430. The purpose for the Public Hearing is:*

171

172 *To receive public comments regarding a request by Laura Durocher, represented by Gerry*  
173 *Durocher, for an amendment to an outdoor storage and contractor office special land use and*  
174 *site plan, regulated by Zoning Ordinance #36 Section 13A.03.U – PCI Special Land Uses and*  
175 *Article 22 – Special Land Uses, located at 7079 Old US-23, Fenton, Michigan 48430, Tax ID*  
176 *4704-29-400-006. The property is zoned PCI (Planned Commercial Industrial).”*

177

178 Chairman Erickson asked Zach Michels to read through the review letter he had prepared for the  
179 application. Zach Michels provided a summary of the application. He indicated that the  
180 Planning Commission Subcommittee determined that the proposal constitutes a major site plan  
181 amendment and is, therefore, required to go through the formal Planning Commission review  
182 process and be approved or denied by the Township Board. He stated that the proposal is to  
183 expand an existing special land use for an outdoor storage yard and contractor’s office. He  
184 stated that the original special land use for the site was granted in 2018. He noted that the

185 Zoning ordinance does not have a specific special land use for this type of operation, however,  
186 during the review of the original special land use it was determined to be similar in nature and  
187 consistent with similar special land uses permitted in the PCI (Planned Commercial Industrial)  
188 zoning district. He stated that the western portion of the site where the expansion is proposed  
189 was formerly wooded but has since been cleared. He continued to read through the review letter  
190 he had prepared, noting zoning designations of adjacent and nearby properties. He stated that the  
191 property is primarily flat with no wetlands present. He stated that the proposal meets the area  
192 and dimensional requirements for the use and zoning district. He stated that the Planning  
193 Commission may require increased setbacks greater than the minimum for the zoning district if  
194 determined to be necessary for screening and/or buffering. He stated that there are some existing  
195 structures that are located within required setbacks, however, they are classified as existing  
196 nonconformities which are permitted to remain as long as they are not enlarged or altered in a  
197 way to increase the nonconformities. He indicated that there is an existing driveway that  
198 provides access to the site which is proposed to be paved in compliance with LCRC (Livingston  
199 County Road Commission) standards. He stated that correspondence from the LCRC has been  
200 provided indicating that the proposed approach could be approved. He stated that there are  
201 specific off-street parking requirements for open storage yards, requiring the parking surface to  
202 be completely paved, however, during the initial review of the special land use it was determined  
203 by the Planning Commission that paving of the off-street parking would not be required since the  
204 use does not match the definition of open storage yards in the Zoning Ordinance. He stated that  
205 the current proposal is consistent with the original approval and, therefore, the Planning  
206 Commission may waive the off-street paving requirement. He recommended  
207 retaining/expanding on the site plan notes placing restrictions on heavy maintenance of  
208 chemicals to reduce the risk of chemicals seeping into the ground. He stated that the proposal for  
209 expansion would not require the expansion of essential services. He indicated that the  
210 stormwater management improvements proposed have been reconfigured since the previous  
211 version of the site plan at the direction of the Planning Commission. He stated that a berm along  
212 the north side of the property is proposed to be five feet in height. He noted that there are  
213 plantings of various species of evergreens for the purpose of screening along the north property  
214 line but no additional landscaping and screening along other expansion areas. He noted that the  
215 existing adjacent residential properties are built far off the property lines of the proposed  
216 expansion area. He also noted that the Future Land Use Map designated adjacent properties for  
217 medium-density single-family residential so there may be a potential for future conflicts if the  
218 adjacent properties are rezoned and developed consistent with the Future Land Use Map  
219 designation. He stated that, while there may be a potential for future conflict, it is not good  
220 practice to requiring landscaping in anticipation of potential future development of adjacent  
221 properties. He further elaborated on landscaping and screening requirements and reiterated that  
222 the Planning Commission may modify those standards. He stated that there is no lighting or  
223 outdoor advertising proposed as part of the expansion.

224  
225 Zach Michels continued through his review letter. He explained and elaborated on the additional  
226 requirements in the Zoning Ordinance which apply to all special land uses. He indicated that the  
227 proposal meets the Zoning Ordinance standards for special land uses including setbacks, access,  
228 hours of operation, screening, lighting, display areas, yard locations, site area, and stormwater  
229 management. He stated that in addition to the standards for the specific special land use and for  
230 all special land uses, there are also specific standards for site plan review. He stated that the

231 proposed expansion is generally complete and consistent with the Zoning Ordinance standards  
232 except for those areas previously noted which the Planning Commission may consider  
233 modifications or waivers. He stated that the proposal does not appear to have a significant  
234 impact on public facilities. He stated that screening could potentially manage the negative  
235 impacts of sound and light that may impact adjacent properties. He listed the standards for  
236 special land uses and indicated that the proposal meets the requirements. He noted several items  
237 that the Planning Commission should discuss to determine whether or not they may waive or  
238 modify them. He recommended that the Township require a financial guarantee if the proposed  
239 expansion is approved.

240  
241 The Planning Commission briefly discussed the application. Jon Ward asked Ross Nicholson if  
242 the Township Engineer would review the plans. Ross Nicholson indicated that the Township  
243 Board generally requires engineering review for special land uses. He stated that the Planning  
244 Commission may require engineering review prior to Township Board consideration as a  
245 condition for favorable recommendation.

246  
247 Jon Ward stated that the existing woodland on adjacent properties appear to provide adequate  
248 screening/buffering with the exception of the property to the north where the berm and plantings  
249 are proposed. He stated that he would be interested to hear if any adjacent neighbors have any  
250 comments on the proposed screening to the north. The Planning Commission referenced  
251 correspondence that was received regarding excessive noise emanating from the subject property  
252 outside the approved hours of operation for the existing special land use. Jon Ward asked if the  
253 noise reported in the correspondence was in violation of the existing special land use permit.  
254 Ross Nicholson indicated that it may be a violation if verified. Jon Ward noted that  
255 recommending approval of the proposed expansion may lead to an increase in noise outside of  
256 approved hours of operation. Ross Nicholson stated that it could potentially occur but would be  
257 enforced if a complaint is filed and verified. Jon Ward asked if the correspondence received was  
258 the first mention of noise emanating from the site outside of the approved hours of operation.  
259 Ross Nicholson confirmed. Jon Ward asked what would happen if the proposed expansion is  
260 approved and excessive noise outside of approved business hours is reported. Ross Nicholson  
261 stated that upon receipt of a written complaint, the Township would follow up to attempt to  
262 verify the complaint. If verified, enforcement would commence which may include revocation  
263 of the special land use permit. He stated that if the special land use permit is revoked, all  
264 operations associated with the special land use on site must cease and the applicant would be  
265 required to reapply if they wish to continue operations.

266  
267 Steve Krause stated to the applicants that the Planning Commission received correspondence  
268 from a resident indicating that on the night of September 15<sup>th</sup>, 2021, excessive noise was  
269 observed until 2:30 am on September 16<sup>th</sup>. He asked the applicants for an explanation. Gerry  
270 Durocher (applicant) indicated that it was an isolated incident where they needed to assist in  
271 delivering materials for construction of the ramp for Owen Road off of US-23. Steve Krause  
272 asked Ross Nicholson how that type of situation should be treated in terms of the Zoning  
273 Ordinance. Ross Nicholson indicated that, as a special land use, a site plan amendment should  
274 be required to make a statement on the site plan and/or use statement regarding emergency  
275 situations.

276

277 Rich Erickson stated that there has been a sign at the site advertising screened topsoil which was  
278 not approved as part of the original special land use. He asked the applicants if the sign would  
279 be removed. Gerry Durocher indicated that the sign would be removed.

280  
281 Chairman Erickson opened the floor to receive public comments relating to the application.

282  
283 Scott Dietrich (resident) asked the Planning Commission to bring up a satellite view of the  
284 subject property on the overhead display screens. He indicated that the area of the proposed  
285 expansion has already been cleared and leveled. He stated that there are tires piled up on the site.  
286 He stated that he knows that they are working on their trucks on the property. He stated that  
287 there are a lot of problems on the site. He stated that he is worried about oil spills. He stated that  
288 the Planning Commission should pay attention and take measures to prevent potential  
289 contamination as a result of the operation. He stated that the driveway approach should be  
290 located to the north. He stated that the owner is already in violation of a number of things. He  
291 stated that he is concerned about the mechanical work being performed on trucks in the barn. He  
292 stated that he is concerned about fuels being stored on the property. He stated that he has high  
293 concerns in regards to machinery/equipment stored on site. He stated that there is garbage  
294 behind the barn. He stated that the property is not in his backyard but is in his Township and he  
295 wants to ensure that the owner is abiding by all applicable rules and regulations.

296  
297 Chairman Erickson asked if there were any additional public comments regarding the  
298 application.

299  
300 Ben Dexter (resident) indicated that he owns the property to the north of the subject property.  
301 He stated that there is a lot of noise emanating from the site very frequently. He stated that he  
302 has concerns regarding the potential seepage of contaminants into the ground and aquifer which  
303 could potentially contaminate drinking water. He stated that he feels the proposed five-foot  
304 berm along the shared property boundary would do little to no good in mitigating nuisance noise  
305 emanating from the site. He suggested that at least a twelve-foot berm would be necessary to  
306 reduce the noise that is audible from his property. He stated that mud spilling from the site to the  
307 roadway from trucks pulling onto Old US-23 is a safety concern.

308  
309 Chairman Erickson asked if there were any additional public comments regarding the  
310 application.

311  
312 Angela (last name not stated) stated that the noise from the site is excessive and frequently  
313 occurs outside of the permitted hours of operation. She stated that she leaves her property to go  
314 to work at 4:30 am and goes to be at 8:00 pm and frequently hears noise from the subject  
315 property during both times. She stated that the Planning Commission is likely wondering why  
316 she has not reported the noise issues in the past. She explained that she did not feel a complaint  
317 would do anything to resolve the issue. She stated that she would like to see additional  
318 screening/buffering along the west side of the subject property to prevent trespassing. She also  
319 indicated that she has concerns regarding potential soil and groundwater contamination.

320  
321 Chairman Erickson asked if there were any additional public comments regarding the  
322 application.

323  
324 Mike Stiff (resident) stated that he lives in the Hills of Tyrone. He stated that he is hearing that  
325 the applicants have a habitual disregard for abiding by the special land use conditions. He stated  
326 that he believes that indicates an absence of good will. He stated that he believes if the Planning  
327 Commission recommends approval of the proposed expansion, there would be no good  
328 confidence that they would abide by the conditions placed on the use by the Township. He  
329 stated that this is good justification to deny the application.

330  
331 Chairman Erickson asked if there were any additional public comments regarding the  
332 application. None were received. Chairman Erickson closed the public comment portion of the  
333 public hearing.

334  
335 Jon Ward asked the Planning Commission regarding potential for soil and/or groundwater  
336 contamination if the property owners are required to comply with other environmental regulatory  
337 agencies. He stated that it is a concern if they are working on equipment and potentially storing  
338 hazardous materials on the site. He asked how they could mitigate the concern for  
339 environmental contamination. He stated that he does not feel that paving the site would be of  
340 benefit because it would likely result in excessive erosion and increased stormwater runoff. He  
341 asked how they could prevent storage of materials that could potentially contaminate the soils  
342 and groundwater. Kurt Schulze indicated that the Township can require a performance  
343 guarantee. Kust Schulze indicated that the driveway approach was supposed to be paved within  
344 two years of the initial approval. He indicated that he feels that the Township should definitely  
345 require a performance guarantee if they are going to consider approval of the proposed  
346 expansion. He stated that the operator should be a good neighbor to adjacent property owners  
347 and abide by the approved hours of operation. He stated that there are a lot of minor items on the  
348 site which are noncompliant with the approved site plan and special land use. He stated that the  
349 best option to ensure the operator stays in compliance with the terms of the special land use  
350 would be to require a performance guarantee.

351  
352 Bill Wood asked what the hours of operation for the propane facility located directly north of the  
353 subject property are. Kurt Schulze stated that the Planning Commission should verify the hours.  
354 Ross Nicholson indicated that the propane facility likely predates the current standards for such  
355 facilities but he can find out what the hours of operation are. Bill Wood stated that he would like  
356 to know whether all of the noise that has been observed by neighbors is emanating from the  
357 subject property or if some may be coming from the propane facility. He state that in the winter  
358 time, the propane facility generally operates more than during other seasons. Jon Ward indicated  
359 that he doesn't feel that the propane operation would be very noisy in comparison to the subject  
360 property. Bill Wood indicated that they need to run pumps to fill propane tanks and they have  
361 trucks equipped with air brakes, both of which may generate substantial noise. The Planning  
362 Commission asked Ben Dexter if he believed any of the noise he observed to be emanating from  
363 the propane facility. Ben Dexter indicated that he believes all the noise originated from the  
364 subject property. The Planning Commission briefly discussed noise. They briefly discussed  
365 hours of operation for the subject property. The Planning Commission asked the applicants what  
366 times and how frequently they anticipate working hours outside of the permitted hours of  
367 operations for emergencies. Gerry Durocher indicated that they don't typically like to work  
368 during night hours but if there is an emergency situations such as sewer main breaks, they may



369 be called upon to assist. Kurt Schulze stated asked for confirmation from the applicant that he  
370 would define an emergency situation as any time they are requested to work during the night  
371 hours beyond the approved hours of operation. Gerry Durocher confirmed. Kurt Schulze asked  
372 if those emergency circumstances are more likely to occur during certain times of the year.  
373 Gerry Durocher indicated that those situations tend to occur more frequently during summer  
374 months. He stated that he works in the office on the property and frequently hears excessive  
375 noise from US-23 including, emergency vehicles, truck traffic, and accidents. He stated that it is  
376 likely very difficult at times to differentiate between noise generated from site and noise  
377 generated from freeway traffic. Zach Michels indicated that the permitted hours of operation  
378 that are approved as part of the special land use are the only hours they would be permitted to  
379 operate. He continued, stating that the Planning Commission may determine what the  
380 appropriate hours of operation should be in order to mitigate nuisance factors including noise.  
381 He stated that there is language in the Zoning Ordinance that allows the Township to revoke a  
382 special land use permit if it is documented that violations to the terms of approval have occurred.  
383 He stated that enforcement likely is initiated through neighbors filing complaints with the  
384 Township. He stated that berms are generally an effective tool to mitigate sound, much more  
385 than trees. Jon Ward asked if there is a maximum amount of sound permitted during permitted  
386 hours of operation. Zach Michels indicated that there are maximum sound limits for all uses  
387 with certain exceptions listed in the Zoning Ordinance. Jon Ward stated that it would be in the  
388 applicant's best interest to create berms of a size to mitigate the nuisance noise generated on the  
389 site. The Planning Commission briefly discussed. They determined that they would like to  
390 include a performance guarantee and require berms to mitigate sound as potential conditions if  
391 the application is recommended for Township Board approval. Jon Ward indicated that he  
392 would suggest the applicants increase the height of the berms proposed on the site plan.

393  
394 Chairman Erickson asked the applicant if they intend to mow along the west property line.  
395 Gerry Durocher indicated that that area is part of the proposed drainage system. He stated that it  
396 is his understanding that he can lay gravel down in that area but it cannot be used for parking of  
397 vehicles, equipment, or material. Steve Krause asked the applicant if they would be opposed to  
398 adding additional landscaping along the west property line for additional buffering. Gerry  
399 Durocher indicated that they would be willing to add additional landscaping along other property  
400 lines. He asked if the Planning Commission would permit the west property line to be graveled  
401 and used as an access drive if materials, equipment, and vehicles are not stored there. Zach  
402 Michels indicated that access drives are required to comply with the setbacks for the zoning  
403 district. Steve Krause asked the applicant if they would be willing to increase the height of the  
404 berm along the north property line to the maximum allowable height. Gerry Durocher  
405 confirmed. The Planning Commission briefly discussed.

406  
407 Kurt Schulze made a motion to close the public hearing to resume the regular meeting. Jon  
408 Ward supported the motion. Motion carried by unanimous voice vote.

409  
410 Chairman Erickson closed the public hearing to resume the regular meeting.

411  
412 **OLD BUSINESS #1 (continued): Lake Urban Crossing Preliminary PUD:**

413

414 Zach Michels asked the Planning Commission to confirm that they were comfortable with  
415 waiving the map scale requirement to allow the plans to be reviewed as provided. The Planning  
416 Commission confirmed. He asked the Planning Commission to confirm that they would like  
417 adjacent structures within five hundred feet of the subject property to be shown on the drawings.  
418 The Planning Commission confirmed. He asked the Planning Commission if they would like to  
419 request developmental and traffic impact studies to be provided as part of the preliminary PUD  
420 review or if they would just be required as part of a complete final PUD application. The  
421 Planning Commission briefly discussed. Jon Ward indicated that he would like the studies to be  
422 prepared for the preliminary PUD review. Jon Ward indicated that the applicants had previously  
423 stated that they have hired a traffic engineer to prepare a traffic impact study. The applicants  
424 confirmed. Zach Michels asked the Planning Commission if they had any thoughts regarding  
425 reducing the required lot area for certain units in the proposed development. Jon Ward asked if  
426 the current proposed lot sizes were consistent with that required for the PUD based on the Future  
427 Land Use Map zoning designations. Zach Michels stated that they comply for the most part  
428 except for a few deviations. Jon Ward asked for the specific deviations. Zach Michels pointed  
429 out that the data was provided on sheet P-1 of the site plan documents. The Planning  
430 Commission briefly discussed.

431  
432 Zach Michels continued with the recap of the earlier discussion regarding waivers and  
433 requirement modifications. He stated that street lighting was briefly discussed but no decision  
434 had been made. The Planning Commission briefly discussed street lighting. The Planning  
435 Commission briefly discussed sight distance for the proposed private road approaches. Rich  
436 Erickson asked the applicants if they had any information on proposed sidewalks and/or walking  
437 trails. Rade Beslac pointed out where the walking trails and paths are depicted within the site  
438 plan documents. Jon Ward noted that a beaver dam is depicted and labeled on the site plan. He  
439 asked what the plan was for the beaver dam and if there were specific regulations regarding  
440 preservation or alteration of the dam. The Planning Commission briefly discussed. Jon Ward  
441 asked Zach Michels about the open space calculations. Zach Michels indicated that the provided  
442 open space is just short of the requirement for the upland area open space. He stated that the  
443 Zoning Ordinance sets a minimum requirement for open space but does allow for reductions if  
444 warranted as well as the option for offsite open space. Jon Ward asked how short on the upland  
445 open space they are. Rade Beslac stated that they are currently short 7.81 acres but have far  
446 exceed the submerged land and wetland open space requirements. Garrett Ladd asked the  
447 applicants for clarification on whether the proposed walking paths would use woodchips or  
448 gravel. Rade Beslac stated that the Department of Environment, Great Lakes, and Energy  
449 (EGLE) would need to let them know if they need to use gravel or woodchips since the paths  
450 would be located within regulated wetlands. Bill Wood asked if the proposed walkways would  
451 be located on a separate property. Rade Beslac indicated that the walkways would be located  
452 within the open space area. Bill Wood asked if they would cut through any private property.  
453 Rade Beslac indicated that they would not.

454  
455 Bill Wood asked if the Planning Commission had received any feedback or comments from the  
456 fire department regarding the proposed private road layout. Rade Beslac indicated that they had  
457 not yet heard back from the fire department. The Planning Commission briefly discussed fire  
458 department jurisdiction. They determined that the fire department having jurisdiction over the  
459 subject property would be through the City of Fenton. Rade Beslac asked if they would need to

460 go through the Township to communicate with the fire department. Ross Nicholson indicated  
461 that the applicants can contact the fire department directly and relay correspondence to the  
462 Township for review.

463  
464 Garrett Ladd asked who would be responsible for maintain the private roads and walkways.  
465 Rade Beslac indicated that private roads and walkways would be maintained through the  
466 condominium association.

467  
468 Jon Ward asked the applicants if the proposed alterations to the wetland areas would be  
469 permitted by EGLE. Rade Beslac indicated that EGLE permits will be required. Garrett Ladd  
470 asked if they had contacted EGLE regarding the proposed wetland alterations. Rade Beslac  
471 indicated that they had not yet applied for permits through EGLE. The Planning Commission  
472 briefly discussed the proposed filling and alteration of wetland areas.

473  
474 Jon Ward stated that he has heard a lot of comments regarding the suitability of the soils on the  
475 site to support the dwellings proposed. He asked the applicants if they have concerns regarding  
476 whether or not they could actually build the number of dwellings they are proposing. Rade  
477 Beslac stated that they do not have concerns and are willing to invest in any special foundations  
478 necessary to support the proposed dwellings. Garrett Ladd asked the applicants if they have had  
479 soil borings done to test the suitability of the soils for supporting new dwellings. Rade Beslac  
480 stated that they have not yet done soil boings because they need to wait until they receive  
481 preliminary PUD approval. The Planning Commission briefly discussed the soils with the  
482 applicants. Wilson Lahoud explained that they need to receive preliminary approval before they  
483 can seek out the necessary agency reviews and have testing done. He stated that the results of  
484 those reviews and tests would be required for final PUD review. Zach Michels confirmed that  
485 Wilson Lahoud's statement on preliminary versus final PUD review was accurate. He indicated  
486 that preliminary PUD approval is necessary before they can apply for the necessary agency  
487 reviews and have tests done.

488  
489 A resident in attendance asked if the proposed development would be required to connect to the  
490 public sanitary sewer system. Jon Ward confirmed that sewer connection into the Livingston  
491 Regional Sewer System (LRSS) would be required. The resident asked if the Township has  
492 enough available sewer capacity to adequately serve the proposed development. Ross Nicholson  
493 indicated that, in theory, based on the number of available Residential Equivalency Units  
494 (REUs), that there should be sufficient capacity available. He stated that it is possible that a new  
495 lift (pump) station may be required for the proposed development.

496  
497 Kurt Schulze brought up the topic of required open space area and asked Zach Michels how the  
498 Planning Commission should proceed. Rade Beslac read from the Zoning Ordinance regarding  
499 waivers and modifications to the open space requirements. Zach Michels elaborated. He stated  
500 that the Planning Commission has the option to recommend waiving or modifying the open  
501 space requirements. He stated that the Township could also require that offsite open space be  
502 created to offset the deficiency. The Planning Commission briefly discussed open space  
503 calculations and a potential waiver amongst themselves and with the applicants. The Planning  
504 Commission decided that they would like to receive a revised review letter from Zach Michels

505 based on the latest plans and application documents prior to determining whether or not they will  
506 recommend granting a waiver for the open space discrepancy.

507  
508 Chairman Erickson opened the floor to accept public comments regarding the application in  
509 consideration of the public in attendance.

510  
511 Jeff Cooper (resident) indicated that he lives directly adjacent to the subject property. He  
512 indicated that Runyan Lake Road is not a primary road and a private road approach off of  
513 Runyan Lake Road should not be permitted. He referenced the site plan drawings on the  
514 overhead displays and described the natural flow of surface water in the area. He indicated that  
515 all of the runoff from the subject property flows into Runyan Lake. He stated that wetlands  
516 should not be developed. He stated that he has walked the property in the past and knows that  
517 the majority of the subject property is submerged.

518  
519 Mike Stiff (resident) stated that he is the president of the Homeowners Association for the Hills  
520 of Tyrone. He stated that the Hills of Tyrone development is located directly north of the subject  
521 property. He pointed to the site plan and noted that people live in homes in the Hills of Tyrone.  
522 He stated that the existing homes have a great view of the wetland areas and would not like to  
523 see a new road built. He stated that he is disappointed that Zach Michels suggested that the  
524 Planning Commission could grant waivers and modify requirements. He stated that the Planning  
525 Commission should consider the residents living in the Hills of Tyrone before considering  
526 granting waivers or modifying requirements. He stated that the site plan does not accurately  
527 depict the actual upland areas or the wetland areas on the subject property. He stated that the  
528 criteria for the Planning Commission to consider recommending waivers or modified  
529 requirements are very subjective. He stated that if the Planning Commission were to walk in the  
530 Hills of Tyrone and other adjacent properties, they would not consider granting waivers or  
531 modifying requirements. He reiterated that he believes waiving or modifying requirements  
532 would not be appropriate based on the existing adjacent development. He stated that Runyan  
533 Lake Road is not a primary access road and the Township should not consider permitting a  
534 private road for the proposed PUD to take access from it.

535  
536 Scott Dietrich (resident) stated that he would like to answer a question asked by another member  
537 of the public in attendance. He cited a news article describing a sewer line break that led to  
538 contamination of a river in Genessee County. He stated that the fact that the proposed PUD  
539 would connect to the public sanitary sewer would not guarantee that the wetland would not  
540 become contaminated. He stated that the subject property is part of a major water tributary  
541 system that flows into other lakes and streams. He stated that the existing wetlands on the  
542 subject property currently act as a natural filtration system that cleans the water before flowing  
543 into Runyan Lake and beyond. He stated that building on wetlands is not right. He stated that  
544 the Planning Commission needs to protect the community. He stated that he cares about the  
545 community.

546  
547 Jim Sporer (resident) read to the Planning Commission from a letter that he had previously  
548 submitted. The letter described issues he had with the original parallel plan. He stated that a  
549 large percentage of the structures depicted on the parallel plan do not comply with the minimum  
550 setback requirements. He stated that he is concerned about the proposed private road entrance

551 off of Runyan Lake Road because Runyan Lake Road is not a County primary road. He stated  
552 that is it a very important and compelling issue. He cited data from a traffic study of Runyan  
553 Lake Road from 2006. He stated that the proposed PUD would result in more than four hundred  
554 additional vehicles travelling on Runyan Lake Road per day based on the data from the traffic  
555 study. He stated that the present condition of Runyan Lake Road is very poor. He thanked the  
556 Planning Commission.

557  
558 John Leece (resident) stated that the proposed development would be a major eyesore for him.  
559 He stated that himself and his neighbor has spent a lot of money making their properties nice.  
560 He stated that his sump pump is constantly running due to the high-water table and wetlands in  
561 the area of his property and the subject property. He stated that the site plan does not accurately  
562 depict upland and wetland areas. He stated that he has talked with the State of Michigan  
563 regarding wetlands. He indicated that the State told him that one the Township approves a plan,  
564 wetland regulation is out of their hands. He stated that he didn't sign up for additional  
565 development on the subject property when himself and his neighbor bought their homes. He  
566 suggested that the Planning Commission go to the subject property to look at the amount of  
567 wetlands present on the site. He described drainage issues that occur on his property.

568  
569 Chairman Erickson asked if there were any additional public comments. None were received.

570  
571 Jon Ward made a brief statement regarding setbacks for proposed structures and delineation  
572 between wetlands and open water depicted on the site plan. He stated that engineering review  
573 will be required for the proposed drainage systems.

574  
575 Zach Michels explained the purpose and intent of zoning ordinances and zoning regulation in  
576 general. He indicated that the most difficult aspect of zoning is trying to balance property rights  
577 to ensure everyone is being treated as fairly as possible. He stated that the question is not  
578 whether or not the property can be developed. He stated that the property could be developed by  
579 right as it currently exists. He stated that the question is whether or not the property can be  
580 developed under the standards for Planned Unit Developments. He explained the purpose of  
581 PUD regulations. He indicated that PUDs are a tool provided to local governments through the  
582 Michigan Zoning Enabling Act. He further elaborated on the intent of the PUD standards. He  
583 noted that there is a lot of balancing and discretionary measures involved in the PUD process.

584  
585 Zach Michels stated that there are three criteria to be considered when defining an area as  
586 wetlands; the presence of water, the types of soils, and the presence of wetland plants and  
587 vegetation. He stated that at least two of the three criteria must be present for an area to be  
588 considered a wetland. He stated that wetland delineations are necessary for determining what  
589 areas are considered wetlands. He noted that wetlands can be dynamic and may change over  
590 time. He cited an example from his personal experience of a wetland area significantly changing  
591 within a five-year period.

592  
593 Jon Ward stated that he believes there may be too many lots proposed based on the concerns  
594 expressed regarding potential traffic impacts and wetlands. He stated that he is not prepared to  
595 recommend a reduction in the required open space. The Planning Commission briefly discussed.

596

597 The Planning Commission discussed the application with the applicants and Zach Michels  
598 regarding the number of proposed units within the PUD, lot sizes, the public sanitary sewer  
599 system, wetlands, and the challenges associated with developing the site.

600  
601 Steve Krause made a motion to table the application based on the question of whether or not the  
602 proposed private road approach from Runyan Lake Road could be permitted and resolving the  
603 open space calculation and number of lots question. Kurt Schulze supported the motion. Motion  
604 carried by unanimous voice vote.

605  
606 **OLD BUSINESS #2 (continued): Durocher Special Land Use Site Plan Amendment:**

607  
608 Kurt Schulze made a motion to table the application. Jon Ward supported the motion. Motion  
609 carried by unanimous voice vote.

610  
611 **NEW BUSINESS #1: Foster Storage Condominium Special Land Use:**

612  
613 Chairman Erickson introduced the topic and brought up the application documents on the  
614 overhead display screens. He stated that this is the first time the application is being formally  
615 reviewed by the Planning Commission. He asked the applicant to briefly summarize the  
616 application.

617  
618 Brendan Foster (applicant) summarized the request. He indicated that the subject property is ten  
619 acres located at the southwest corner of Faussett Road and Old US-23 and was rezoned to PCI  
620 (Planned Commercial Industrial) in 2018. He stated that he originally received approval to build  
621 a light manufacturing/assembly/warehouse facility for his company but subsequently decided to  
622 move to the industrial park in Fenton. He stated that he is currently proposing one hundred and  
623 fourteen storage condos on the site. He stated that the condominium units would be privately  
624 owned by individuals and used for storing recreational vehicles, boats, classic cars, etc.. He  
625 stated that the units are proposed to be approximately nine hundred square feet. He stated that he  
626 is proposing class A buildings with a modern farmhouse design featuring white and black colors.

627  
628 Bill Wood asked if the units would be sold individually. Brendan Foster confirmed. He stated  
629 that the proposal is to set them up as condominiums so each unit would be privately owned and  
630 the facility as a whole would be owned and maintained through the condominium association.  
631 Bill Wood asked if there is a mechanism to prevent businesses from purchasing units and  
632 operating commercially from them. Brendan Foster stated that it is not his intent to have  
633 businesses run from the condominium units. He stated that it may be possible for businesses to  
634 store materials/products at the facility but would not be able to operate/conduct business on the  
635 premises.

636  
637 Kurt Schulze asked if the units could be sublet. Brendan Foster indicated that subletting would  
638 not be permitted and that the condominium bylaws would be written in a way to prohibit the use.  
639 Kurt Schulze asked how the bylaws would be enforced. Brendan Foster stated that the bylaws  
640 would be written by him and approved by the Township. He stated that the condominium  
641 association and owners would be responsible for enforcement of the bylaws. Kurt Schulze asked

642 if the bylaws have been drafted yet. Brendan Foster indicated that they have not yet been  
643 drafted.

644  
645 Bill Wood cited an example of storage condominiums in the area on Thompson Road and asked  
646 Brendan Foster of his proposal would be similar to those. Brendan Foster indicated that he is  
647 proposing a similar but higher end facility with more aesthetic appeal. He stated that he intends  
648 that the facility act as a small community within itself where people can store their  
649 vehicles/items and enjoy the lifestyle associated with the storage condominium.

650  
651 Kurt Schulze inquired about planned security measures. Brendan Foster stated that the entire  
652 facility would be fences with a keypad locked entrance, security cameras, and security lighting.  
653 Kurt Schulze asked if the owners of individual units would be permitted to furnish the interior of  
654 their units as they please. Brendan Foster stated that they do not have a specific plan for interior  
655 furnishing except that each unit would include rough plumbing for a half bathroom. Kurt  
656 Schulze asked if they intend on allowing people to live within the units. Brendan Foster stated  
657 that the bylaws would prohibit utilizing the units as dwellings. He stated that they may allow  
658 owners to put a small mezzanine up with a television and couch so their friends can stop by to  
659 hang out for a few hours, similar to a “man cave” setup. Kurt Schulze asked if the units would  
660 have individual electrical connections for powering furnaces, televisions, and similar appliances.  
661 Brendan Foster confirmed that the electrical for each unit would be individualized.

662  
663 Bill Wood stated that he is concerned that people may be inclined to park recreational vehicles in  
664 the units and live out of them. He asked for further explanation on how the bylaws could  
665 effectively prevent such situations from occurring. Brendan Foster stated that the bylaws would  
666 be strict and easily enforced through the condominium association.

667  
668 Kurt Schulze asked what he anticipates selling individual units for. Brendan Foster stated that he  
669 anticipates they may sell for around one hundred to one hundred and thirty thousand dollars.

670  
671 Garrett Ladd asked what the size of each unit would be. Brendan Foster stated that the units  
672 would be roughly nine hundred square feet. Garrett Ladd asked if buyers could purchase more  
673 than one unit. Brendan Foster confirmed.

674  
675 Steve Krause asked Brendan Foster if he has had any engineering done on the proposed hard  
676 surface. He stated that it appears that the proposed detention basin may be insufficient in size to  
677 properly manage stormwater runoff. Brendan Foster indicated that he has had some preliminary  
678 engineering done but understands that additional engineering will be necessary.

679  
680 Chairman Erickson asked where owners and visitor would park their vehicles when visiting their  
681 units. Brendan Foster stated that the bylaws would regulate where vehicles not being contained  
682 within individual units could be parked. He stated that there would be one individual parking  
683 space in front of each unit. He stated that it is not his intent to create excessive parking spaces so  
684 people could hold gatherings in the units. Chairman Erickson asked if there would be signage  
685 proposed for the site. Brendan Foster indicated that there would not be signage other than on  
686 individual units to identify them.

687

688 Kurt Schulze indicated that the Planning Commission wants to make sure that individuals would  
689 not be growing marijuana within the units. Brendan Foster stated that growing of marijuana  
690 would be prohibited through the bylaws which would be enforced through the condominium  
691 association.

692  
693 Jon Ward asked Ross Nicholson what standards the application is being reviewed under. Ross  
694 Nicholson stated that the proposal would be required to go through site plan and special land use  
695 review. He stated that the Planning Commission Subcommittee previously determined that the  
696 proposed use is similar enough in nature to listed special land uses in the zoning district,  
697 specifically mini-warehouses.

698  
699 Zach Michels stated that the applicant should initiate discussion with the fire department having  
700 jurisdiction regarding fire suppression and site access/circulation. He stated that the PCI zoning  
701 district has specific architectural standards which should be considered during review of the  
702 application. He stated that additional landscaping and screening may be required. He stated that  
703 the dumpster location may need to be relocated so it can be more easily accessed by waste  
704 collection trucks. Brendan Foster noted that they are currently working to determine whether or  
705 not they will have a dumpster on site or if they will require individual owners to remove their  
706 own refuse from the site. Zach Michels stated that the fire department will likely require  
707 individual numbering/addressing for each of the units. He stated that the site plan should include  
708 additional information on utilities, landscaping, and stormwater management. He asked if the  
709 plan was to connect the facility to the public sanitary sewer. Brendan Foster confirmed. Zach  
710 Michels recommended consulting with those responsible for ensuring the sewer system can  
711 handle the capacity proposed. He stated that the condominium documents would need to be  
712 reviewed carefully and recommended that language be included requiring Township review and  
713 approval of any proposed amendments to the documents. He stated that the proposal with be  
714 more complex than most site plan review due to the separate standards for condominium  
715 developments.

716  
717 Steve Krause asked Brendan Foster if he is proposing block fire walls between the units.  
718 Brendan Foster indicated that block fire walls are not currently proposed. Steve Krause asked  
719 what the proposed eave height for the buildings would be. Brendan Foster indicated that he is  
720 proposing around twenty-four feet overall height with fourteen-foot doors.

721  
722 Chairman Erickson asked for information on site lighting. Brendan Foster stated that the  
723 specifics have not yet been determined but they will likely be proposing soft lighting. Zach  
724 Michels suggested using motion detectors for site lighting.

725  
726 Bill Wood asked if the units would be accessible to owners twenty-four hours a day. Brendan  
727 Foster confirmed but noted that it is not likely that owners would be accessing the units late at  
728 night. He asked if each building would contain ten units. Brendan Foster indicated that most of  
729 the buildings would include ten units with several exceptions.

730  
731 Jon Ward asked if there are any use specific standards for mini-warehouses that the proposal  
732 would not comply with. Zach Michels indicated that more information will be necessary to  
733 determine whether or not all standards will be met.



734  
735 Steve Krause asked Ross Nicholson if the Zoning Ordinance allows for doors facing the road  
736 sides of the property. Ross Nicholson indicated that he believes the door configurations may  
737 conflict with the standards but could potentially be waived if sufficient landscaping and  
738 screening is provided. He stated that there are specific architectural standards for uses in the PCI  
739 district and that he would need to review them to confirm. Zach Michels confirmed and cited the  
740 standards in the Zoning Ordinance. Brendan Foster noted that he is proposing all of the doors to  
741 face inwards except for several in one area.

742  
743 Chairman Erickson asked if there were any additional questions pertaining to the application.

744  
745 A resident in attendance (name not stated) asked the Planning Commission if a public hearing  
746 would be required for the application. Chairman Erickson confirmed.

747  
748 Scott Dietrich (resident) stated that he believes there is going to be future potential to build an  
749 exit ramp at Faussett and Old US-23. He stated that he is concerned that the Zoning Board of  
750 Appeals granted setback variances for the subject property. He stated that he believes the  
751 applicant is proposing an accident looking for a place to happen. He stated that people will treat  
752 the units as apartments and will generate noise pollution. He stated that the proposal is more  
753 similar to an apartment complex than storage units. He stated that he believes people will  
754 convert the units to living space which will result in crime and other issues. He stated that he  
755 feels bad for the neighbors.

756  
757 A resident (name not provided) stated that she lives across the street from the subject property  
758 and was under the impression that the proposal was for storage units and did not anticipate it  
759 would involve people coming and going.

760  
761 Chairman Erickson reminded the public in attendance that a public hearing will be required for  
762 the application.

763  
764 **CALL TO THE PUBLIC:**

765  
766 Chairman Erickson asked if there were any additional public comments. None were received.

767  
768 Kurt Schulze made a motion to adjourn the meeting. Steve Krause supported the motion.  
769 Motion carried by unanimous voice vote.

770  
771 The meeting was adjourned at 10:38 pm by Chairman Erickson.

772