

1 **TYRONE TOWNSHIP PLANNING COMMISSION**
2 **REGULAR MEETING MINUTES**
3 **November 12, 2019 7:00 p.m.**
4

5 **PRESENT:** Mark Meisel, Dave Wardin, Kurt Schulze, Rich Erickson, and Dan Stickel
6

7 **ABSENT:** Perry Green and Bill Wood
8

9 **OTHERS PRESENT:** Tyrone Township Planner Greg Elliott and Tyrone Township Planning &
10 Zoning Administrator Ross Nicholson
11

12 **CALL TO ORDER (7:00 pm):** The meeting was called to order by Chairman Mark Meisel.
13

14 **PLEDGE OF ALLEGIANCE (7:01 pm):**
15

16 **CALL TO THE PUBLIC (7:02 pm):**
17

18 No public comments or questions were received.
19

20 **APPROVAL OF THE AGENDA (7:03 pm):**
21

22 Dave Wardin made a motion to approve the agenda as presented. Kurt Schulze supported the
23 motion. Motion carried by unanimous voice vote.
24

25 **APPROVAL OF THE MINUTES (7:04 pm):**
26

27 August 13, 2019 Regular Meeting & Public Hearing Minutes:
28

29 The minutes were reviewed and minor revisions were made. Dave Wardin made a motion to
30 approve the minutes as amended. Kurt Schulze supported the motion. Motion carried by
31 unanimous voice vote.
32

33 September 10, 2019 Regular Meeting Minutes:
34

35 The minutes were reviewed and minor revisions were made. Dave Wardin made a motion to
36 approve the minutes as amended. Kurt Schulze supported the motion. Motion carried by
37 unanimous voice vote.
38

39 **OLD BUSINESS #1 (7:03 pm): The Sanctuary at Tyrone Site Condominium Conditional**
40 **Rezoning Application:**
41

42 Chairman Meisel took a moment to thank the applicants for their attendance. He briefly
43 summarized the application. He stated that the latest application is a revised offer for a
44 conditional rezoning, which is to rezone the entirety of the site, inclusive of the 62-acre parcel
45 and the 10-acre parcel from Farming Residential (FR) to Rural Estate (RE). He continued,

46 stating that the proposed unit size and layout is the same as was previously proposed- a total of
47 thirty-six (36) 1-acre units.

48
49 Chairman Meisel stated that there are several preliminary issues that the Planning Commission
50 has with the application. He indicated that there is the statutory Cluster Development Option
51 (CDO) issue. He stated that the total developable area of 72-acres, once the detention pond and
52 private road system are subtracted, would not be meet the minimum fifty-percent (50%) open
53 space requirement set forth in the Zoning Ordinance and the Michigan Zoning Enabling Act
54 (MZEAA). He also indicated that the Planning Commission has some concerns regarding the
55 wetland areas, specifically “Unregulated Wetland B” which would exist on units 4 and 5. He
56 indicated that they would like verification that the wetland is unregulated by the Michigan
57 Department of Environment, Great Lakes, and Energy (EGLE). He also indicated that the
58 Planning Commission has concerns that, due to the impact of the wetland area on the building
59 envelopes of Units 4 & 5, it may not be possible to erect accessory structures.

60
61 The Planning Commission continued to review the plans and provide feedback to the applicants.
62 Dave Wardin stated that Units 13, 14, and 15 would need to be revised on the drawings because
63 lot open space area is depicted within the building envelopes. He also indicated that
64 “Unregulated Wetland B” is considered to be a lake by definition of the Zoning Ordinance, and
65 therefore, the front yard setbacks should be a minimum of fifty-feet (50’), which is currently not
66 shown on the drawings. The Planning Commission briefly discussed minimum requirements for
67 determining the status of the wetland areas present on the site. The applicants indicated that
68 there is a wetlands study that had previously been performed to determine the status of the
69 wetland on site. The indicated that they would check their records and forward all available
70 information on the wetlands to the Planning Commission.

71
72 Discussion between the applicants and the Planning Commission regarding wetlands status and
73 open space calculations ensued. Dan Boss indicated that they would address some of the lot area
74 open space issues that had been brought up and will provide the wetland delineation information
75 as soon as possible. He requested clarification on remaining concerns. Chairman Meisel
76 indicated that the land area and open space calculations (pertaining to CDO) were the biggest
77 concerns since the Planning Commission cannot violate the Zoning Ordinance of MZEAA in
78 review/approval of an application. Dan Boss stated that they had previously received approval
79 for thirty-two (32) units on a sixty-two (62) acre site. He continued, stating that if the property is
80 rezoned from FR to RE, they should be able to develop forty-one units on the 72-acre site. He
81 stated that they are not requesting to develop 41 units, but 36 instead- which should be consistent
82 with what was previously granted approval. He stated that the latest plan was designed based on
83 logic. Chairman Meisel reiterated that the previous plan had received concept plan approval,
84 which is substantially different than final approval. While it was not final approval, approval
85 was granted for the concept plan, right or wrong. He continued, stating that the primary concern
86 is that the development would be of greater density than what is permitted in the FR zoning
87 district. He stated that the future land use map in the Master Plan calls for future zoning in the
88 area for residential lots between 1.5 and 3 acres minimum. He stated that the proposed
89 development is essentially requesting R-2 (Single Family Residential) lot sizes in the FR district.
90 He asked Dan Boss about potentially reducing the size of the development by several units to
91 meet the minimum CDO open space requirements. Dan Boss replied, stating that they will not

92 consider reducing the number of proposed units. The Planning Commission discussed the open
93 space calculations with the applicants including whether or not the areas reserved for the
94 community septic system and the detention pond can be included as open space. Chairman
95 Meisel stated that it would be a deviation from the MZEA requirements for open space to include
96 the community septic system and the detention pond since the areas would be significantly
97 altered and would need to be utilized and maintained as common elements of the condominium.
98 Dave Wardin stated that he believes the open space calculation of 52% would be less than 50%
99 after the community septic system and the detention pond are subtracted. He requested some
100 additional information on the open space calculations from the applicants.

101
102 Chairman Meisel asked if there is a way to alter the unit boundaries to provide for the additional
103 open space area required for CDO. Dan Boss stated that it may be possible, however, it would
104 not be without reducing the unit sizes to under one acre. He continued, stating that they designed
105 the open space to act as a buffer between the development and existing properties and preserve
106 the natural features and it would not be desirable for them to create units under one acre in area.
107 Greg Elliott pointed out that it would be possible to permit lots under one acre in area if the
108 conditional rezoning from FR to RE is granted. The Planning Commission briefly discussed the
109 proposed stormwater management system with the applicants.

110
111 Chairman Meisel summarized the discussions on open space calculations, wetland delineation,
112 and the conditional rezoning offer. He stated that there are several elements which need to be
113 addressed for which additional information is required including; (1) a current wetland
114 delineation study, (2) additional information on the proposed open space demonstrating that it
115 would fulfill all statutory requirements, (3) discussion with the Township Board on the offer
116 being presented for the conditional rezoning. He stated that if all of the pending issues are
117 resolved, it is possible that a public hearing for the application can be scheduled during the
118 month of December.

119
120 *The item was closed at 8:05 pm.*

121
122 *Dave Wardin made a motion to suspend the order of business, moving Old Business #2 (Pool*
123 *Covers) above all other business items. Kurt Schulze supported the motion. Motion carried by*
124 *unanimous voice vote.*

125
126 **OLD BUSINESS #3 (8:06 pm): Pool Covers:**

127
128 Chairman Meisel opened the discussion with a summary of where the Planning Commission had
129 left off. The Planning Commission briefly discussed the ASTM International (formerly known
130 as the American Society for Testing and Materials) safety standards pertaining to pool safety
131 covers, specifically their use as an alternative to fenced pool enclosures with self-latching gates.
132 The Planning Commission discussed ASTM-compliant pool covers verses fenced enclosures
133 from a maintenance and longevity perspective. It was determined that ASTM-compliant pool
134 covers typically have a life-span of between five (5) and ten (10) years before they need to be
135 replaced/refurbished. The Planning Commission discussed potential pros and cons of ASTM-
136 compliant safety covers. It was noted that such pool covers have limited weight capacities and

137 that excessive snow loads during the winter could potentially damage, destroy, or otherwise
138 render them inoperable.

139

140 Don Peitz (resident in attendance) stated that the principal issue behind pool safety in general is
141 whether or not safety devices are utilized. He pointed out that a fenced enclosure with self-
142 latching gate is useless unless the gate is kept closed as a safety cover is if left open. The
143 Planning Commission briefly discussed. It was determined that additional research would be
144 necessary prior to continuing discussion.

145

146 *The item was closed at 8:22 pm.*

147

148 **OLD BUSINESS #1 (8:23 pm): The Sanctuary at Tyrone Site Condominium Conditional**
149 **Rezoning Application:**

150

151 Chairman Meisel reopened discussion on the Sanctuary at Tyrone Conditional Rezoning
152 application. The Planning Commission briefly discussed the application and worked on drafting
153 a response to the applicants. The Planning Commission determined that they would need to
154 discuss in further detail with the Township Officers, specifically pertaining to the concessions
155 being offered as conditions for the proposed rezoning.

156

157 *The item was closed at 9:12 pm.*

158

159 **NEW BUSINESS #1 (9:13 pm): Highland Township Master Plan Notice:**

160

161 The Planning Commission briefly discussed the master plan notice received from Highland
162 Township. It was agreed this was good for informational purposes, but since the two townships
163 do not share a border it is unlikely any adverse impact would arise, but we will continue to
164 monitor the changes.

165

166 *The item was closed at 9:16 pm.*

167

168 **MISCELLANEOUS BUSINESS #1 (9:16 pm): Next Workshop Meeting:**

169

170 A workshop meeting was scheduled for November 20, 2019, beginning at 6:00 pm.

171

172 *The meeting was adjourned at 9:18 pm.*