

1 **TYRONE TOWNSHIP PLANNING COMMISSION**
2 **REGULAR MEETING MINUTES- Approved**
3 **November 17, 2021 7:00 p.m.**
4

5 **PRESENT:** Kurt Schulze, Rich Erickson, and Chet Shultz
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7 **ABSENT:** Jon Ward, Steve Krause, Garrett Ladd, and Bill Wood
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9 **OTHERS PRESENT:** Ross Nicholson and Zach Michels
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11 **CALL TO ORDER:** The meeting was called to order at 7:00 by Chairman Erickson.
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13 **PLEDGE OF ALLEGIANCE:**
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15 **CALL TO THE PUBLIC:**
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17 Members of the public spoke about the notifications the public receives regarding meetings.
18 There was a question regarding the budget for a Master Plan and why it isn't addressed at every
19 meeting.
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21 **APPROVAL OF THE AGENDA:**

22 Chairman Erickson explained a quorum was not present to conduct business. He said that items
23 on the agenda could be discussed; however, no decisions could be made. Chairman Erickson
24 took a moment to welcome the newest member of the Planning Commission – Chet Schultz.

25 **APPROVAL OF THE MINUTES:**
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- 27 1) **06/08/2021 Regular Meeting Minutes:** Deferred.
28 2) **07/13/2021 Regular Meeting and Public Hearing Minutes:** Deferred.
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30 **OLD BUSINESS:**
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32 1) **Lake Urban Crossing Preliminary PUD Plan:**
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34 Zach Michels gave an overview of the Planned Unit Development (PUD). He read through
35 the latest review letter he had prepared for the application, such as PUD standards, zoning,
36 future land use map consistency, and general requirements. He explained that it was a
37 special land use throughout the zoning district. It will require a site plan approval. The
38 preliminary approval is the first step; does it comply with the ordinances, and are there
39 specific things the Planning Commission wants to see on the final site plan approval? He
40 explained that a PUD is a tool that allows the development users to make modifications to the
41 zoning standards to make smaller, narrower lots with different setbacks and lot coverage.

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Preliminary approval only grants rights to begin final approval, and preliminary approval has not been granted. Mr. Michels ran through the details of his report, which is available in its entirety on the Tyrone Township website.

Chairman Erickson thanked Zach for his explanation on the access – that had been his biggest concern. He also stated he was concerned about the one end of the road; the applicant said that the fire chief had contacted him and wanted to see a cul-de-sac there. Chairman Erickson asked if the applicants had any comments before moving on, and they did not.

2) Durocher Special Land Use and Site Plan Amendment:

Mr. Michels read through the latest review letter he had prepared for the application. He explained it was a major amendment to a previously approved special land use and site plan for an open storage yard/contractors’ yard. He explained that a special land use is a permitted use, but because of its nature, it may cause greater impacts on the surrounding areas. This gives the township more discretion in conditions, and if it determines it may have a significant negative impact, it can say “not in this location”. Mr. Michels gave a summary of recommendations required for the Planning Commission to make determinations.

The original approvals were granted in 2018 with the condition that the gravel driveway is paved within two years. It is located within the Planned Commercial Industrial (PCI) district, consistent with the future land use area. Properties to the north, west, and south are zoned Farming Residential (FR), and the Planning Commission can require larger buffers than what the zoning ordinance prescribes.

He continued to read his review, which is available in its entirety on Tyrone Township’s website. Some of the conditions for approval were the existing lighting should be added, any lighting not consistent with the zoning ordinance should be removed or replaced, the potential for a berm along the western lot line to mitigate sound, and a performance guarantee that if any of the waivers are not granted the site plan should be changed to address what wasn’t met.

The applicant made a comment for Planning Commission consideration on a berm to buffer the residential properties. He stated that there is an acre of woods between them and the residential property. He said it’s a quarter of a mile to the next neighbor to the west. He said Mr. Durocher is not in favor of this. He also mentioned some general lighting, and he is not sure what the issue is. Mr. Michels explained that he has driven by and noticed lighting that illuminates the site's trees. The applicant stated they could add the lighting to the site plan. He talked about making changes to the original hours of

84 operation. They initially proposed 6 am to 6 pm; 7 am isn't realistic. They need an
85 earlier open time. They will document it on their use statement.

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88 **NEW BUSINESS:**
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90 **1) Niemi Shared Private Driveway:** Mr. Michels read through the latest review letter
91 he had prepared for the application, which is available on Tyrone Township's
92 website. He explained the request was for a shared private driveway to provide
93 access to two single-family lots for a proposed land division. It would have direct
94 access from Indian View, an existing private road. Indian View is roughly 1,800 feet
95 from Center Road and provides access for nine lots, ten with the new division.
96 Private roads with a single access point have a maximum length of 1,200 feet,
97 including the length of any shared driveway. However, the township can allow a
98 greater length if a dry hydrant system is installed. He gave a quick explanation of
99 what a dry hydrant system is. He summarized areas for future Planning Commission
100 discussion.

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102 Mr. Niemi asked for clarification on the need to create a pond on the property. Mr.
103 Nicholson explained that the Fire Chief makes a recommendation to the Planning
104 Commission to determine if a dry hydrant system is warranted. Chairman Erickson
105 recommended that Mr. Niemi reach out to the Fire Chief to assess the necessity of a
106 pond.

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108 **CALL TO THE PUBLIC:**
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110 A neighbor of Mr. Niemi's, Mr. Bissell, asked if there was any evidence on the drawings of
111 private drive access to parcel A. Currently, Mr. Niemi's driveway ends at parcel B. He
112 wondered why the proposed driveway to the proposed parcel didn't have to be shown on the
113 plans. His concerns were the driveway accessing the new parcel would end up in his front yard.
114 He wondered if the driveway could go toward the back of the property.

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116 Regarding Lake Urban Crossings, Ms. Cooper from the audience wanted clarification on the
117 "shall" in our ordinances. She said that if "shall" means "must" then the ordinance states that a
118 PUD must be located so that you can access it from a paved primary county road. She asked if
119 they just make recommendations to decide what "shall" means. Mr. Michels explained that there
120 are other instances of access for specific uses that have very clear language that says "you shall
121 have direct access from this" or "you shall only have direct access". Ms. Cooper said the
122 ordinance on PUDs says, "you must have access from a paved county road". Mr. Michels gave
123 an example with the Durocher's special land use. It stated that storage yards shall have direct
124 access onto a paved principal arterial road. He explained that whenever there is weirdness in the
125 plain text they've looked to see if they're defined terms. In zoning, where it says "shall" it's

126 mandatory. They also look to previous interpretations; because this was the first time in this
127 millennium that there's been a PUD, they don't have a lot to look at. When they had the single
128 access point, they looked at what this body had done in the past; is a boulevard a single access
129 point or not? In this case, they looked to language in other places in the zoning ordinance to see
130 do they all have this language, and, in that case, they could see how it was interpreted. The
131 language for the other ones is much more direct. Ms. Cooper stated that she feels the ordinance
132 on PUDs sounds very direct, stating "you must have access from a primary paved county road".
133 Mr. Michels explained that the words used in zoning ordinances matter. If you add something in
134 one section, but you don't add it to another, the interpretation is that you purposely omitted it
135 from this place.

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137 Scott Dietrich, a resident, stated that he understood this is just preliminary, but several past
138 surveys show the residents don't want densely populated areas. They want larger lots. He
139 mentioned there are a lot of accidents on US-23 and the service drive is a madhouse. He said he
140 doesn't care what the township says about traffic studies, and it's crazy & stupid to even think
141 about that many homes there. Mr. Dietrich also complained about the Durocher special land use,
142 stating that it gets worse every time he drives by there. He said, "Durocher is your next asphalt
143 plant. You may not smell all the asphalt, but you can see all the trucks they have". He is very
144 concerned that Durocher is way too big for this area.

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146 A few other residents spoke out from the audience.

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148 **MISCELLANEOUS BUSINESS:** The Planning Commission briefly discussed the strategy for
149 the master planning process. Several public comments were received.

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151 **ADJOURNMENT:** The meeting was adjourned at 9:03 by Chairman Erickson.

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