

**TYRONE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING AGENDA
July 13, 2021 7:00 p.m.**

**This meeting will be held at the Township Hall
This meeting will be recessed at 7:30 p.m. for a public hearing.**

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

APPROVAL OF THE AGENDA:

APPROVAL OF THE MINUTES:

- 1) None

OLD BUSINESS:

- 1) Lake Urban Crossing Preliminary PUD

NEW BUSINESS:

- 1) Proposed Amendments to Table 11.1 in Article 11 of the Zoning Ordinance
- 2) Durocher Special Land Use Site Plan Amendment

CALL TO THE PUBLIC:

MISCELLANEOUS BUSINESS:

- 1) Next Workshop Meeting

ADJOURNMENT:

**TYRONE TOWNSHIP PLANNING COMMISSION
PUBLIC HEARING AGENDA
July 13, 2021 7:30 p.m.**

The notice below was published in the Tri-County Times on Sunday, June 27, 2021, in compliance with the Open Meetings Act.

**TYRONE TOWNSHIP PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**

Notice is hereby given the Tyrone Township Planning Commission will hold a Public Hearing on Tuesday, July 13, 2021, beginning at 7:30 pm at the Tyrone Township Hall, 8420 Runyan Lake Road, Fenton, Michigan 48430. The purpose for the Public Hearing is:

To receive public comments regarding proposed amendments to Zoning Ordinance #36:

1. Planned Unit Development: Article 11, Section 11.02, Table 11.1 – to revise the table used to correspond Master Plan Future Land Use Map designations with current zoning districts to resolve discrepancies between Table 11.1 in the Zoning Ordinance and Table 20 in the Master Plan

Additional information is available at the Tyrone Township Planning & Zoning Department, 8420 Runyan Lake Road, Monday through Thursday, 9 a.m. to 5 p.m. Individuals with disabilities requiring auxiliary aids or services should contact the Tyrone Township Clerk, at (810) 629-8631, at least seven days prior to the meeting.

Dan Stickel, Chairman
Tyrone Township Planning Commission

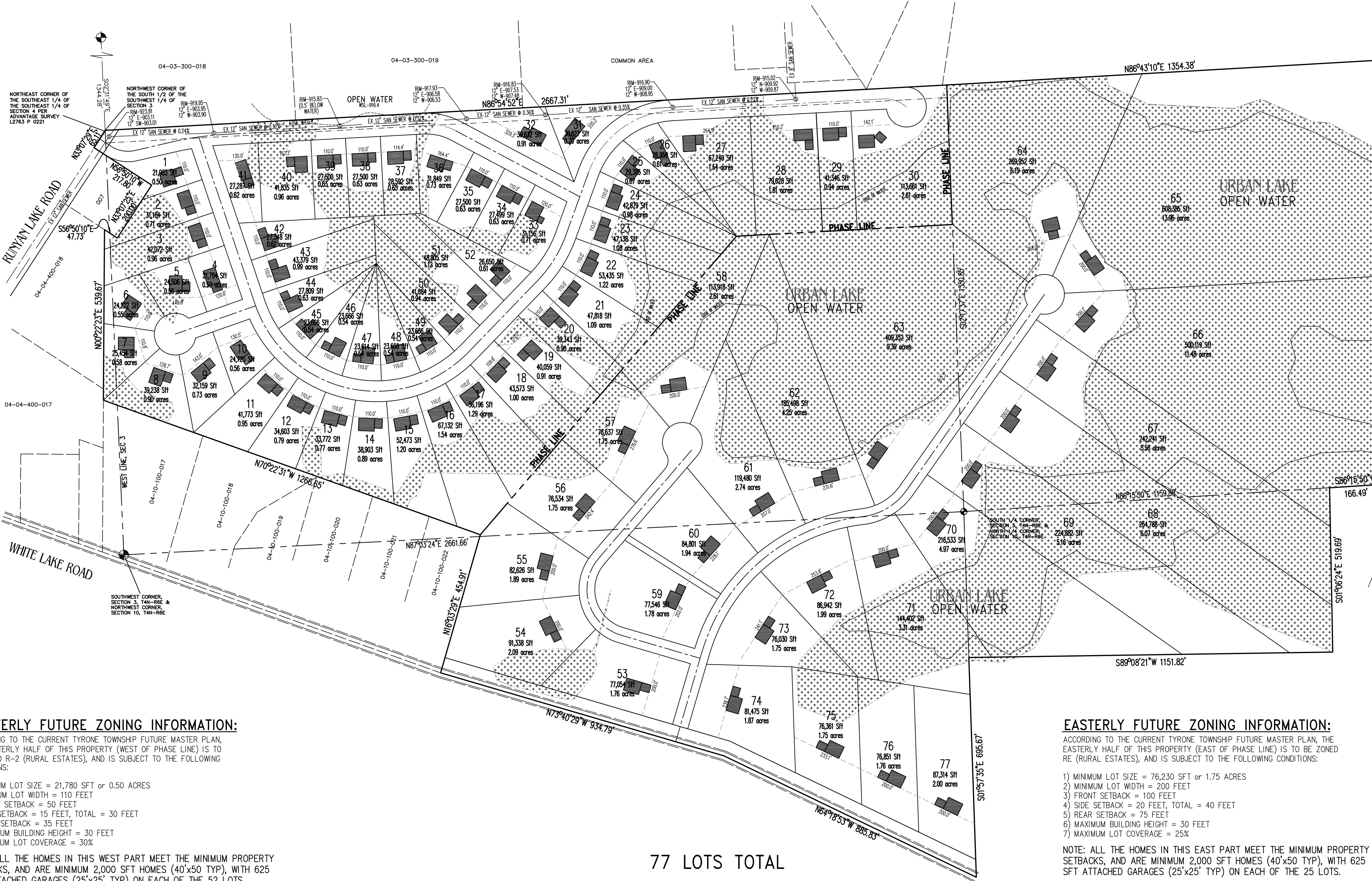
PUBLIC HEARING AGENDA:

- 1) Open the Public Hearing
- 2) Reading of the Public Notice
- 3) Review of the Application
- 4) Receive Public Comments
- 5) Planning Commission and Planner Comments
- 6) Close the Public Hearing

OLD BUSINESS #1

Lake Urban Crossing Preliminary PUD

PARALLEL SITE PLAN LAYOUT
LAKE URBAN ESTATES



WESTERLY FUTURE ZONING INFORMATION:

ACCORDING TO THE CURRENT TYRONE TOWNSHIP FUTURE MASTER PLAN, THE WESTERLY HALF OF THIS PROPERTY (WEST OF PHASE LINE) IS TO BE ZONED R-2 (RURAL ESTATES), AND IS SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) MINIMUM LOT SIZE = 21,780 SFT or 0.50 ACRES
- 2) MINIMUM LOT WIDTH = 110 FEET
- 3) FRONT SETBACK = 50 FEET
- 4) SIDE SETBACK = 15 FEET, TOTAL = 30 FEET
- 5) REAR SETBACK = 35 FEET
- 6) MAXIMUM BUILDING HEIGHT = 30 FEET
- 7) MAXIMUM LOT COVERAGE = 30%

NOTE: ALL THE HOMES IN THIS WEST PART MEET THE MINIMUM PROPERTY SETBACKS, AND ARE MINIMUM 2,000 SFT HOMES (40'x50' TYP), WITH 625 SFT ATTACHED GARAGES (25'x25' TYP) ON EACH OF THE 52 LOTS.

EASTERLY FUTURE ZONING INFORMATION:

ACCORDING TO THE CURRENT TYRONE TOWNSHIP FUTURE MASTER PLAN, THE EASTERLY HALF OF THIS PROPERTY (EAST OF PHASE LINE) IS TO BE ZONED RE (RURAL ESTATES), AND IS SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) MINIMUM LOT SIZE = 76,230 SFT or 1.75 ACRES
- 2) MINIMUM LOT WIDTH = 200 FEET
- 3) FRONT SETBACK = 100 FEET
- 4) SIDE SETBACK = 20 FEET, TOTAL = 40 FEET
- 5) REAR SETBACK = 75 FEET
- 6) MAXIMUM BUILDING HEIGHT = 30 FEET
- 7) MAXIMUM LOT COVERAGE = 25%

NOTE: ALL THE HOMES IN THIS EAST PART MEET THE MINIMUM PROPERTY SETBACKS, AND ARE MINIMUM 2,000 SFT HOMES (40'x50' TYP), WITH 625 SFT ATTACHED GARAGES (25'x25' TYP) ON EACH OF THE 25 LOTS.

77 LOTS TOTAL

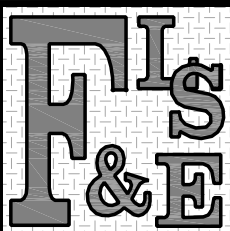
FILE: JOBS 2019/20-290-WL/DWG/20-290 PARALLEL SITE PLANDWG - PAR

SCALE: 1"=150'

JOB NO. 20-290

OWNER/DEVELOPER:
LAKE URBAN DEV, LLC
C/O WILSON & LINO
8273 S SAGINAW ST, GRAND BLANC, MI 48439
CONTACT: 810.244.6302

PART OF SECTIONS 3 & 10
TYRONE TOWNSHIP, T4N-R6E
LININGSTON COUNTY, MICHIGAN



Fenton Land Surveying & Engineering, Inc
14165 N. FENTON ROAD, SUITE 101A, FENTON, MI 48430
PHONE: 810.354.8115 EMAIL: INFO@FENTONLSE.COM

PARALLEL SITE PLAN LAYOUT FOR:
LAKE URBAN ESTATES CONDOMINIUM
PART OF SECTIONS 3 & 10, T4N-R6E,
TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

| REVISIONS | DRN. BY: | J.R.B. | 06.10.2021 | SHEET NO: |
|------------|-----------|--------|------------|-----------|
| 06.24.2021 | DSN BY: | J.R.B. | " | PAR |
| | CHK'D BY: | J.P.W. | " | |
| | APPR BY: | J.B.M. | " | |



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

July 2, 2021

Planned Unit Development Parallel Plan Review for Tyrone Township, Michigan

PETITION INTRODUCTION

Applicant: David McLane, AMAG LLC (agent)
Owner: Lake Urban Crossings LLC
Plan Date: June 24, 2021
Request: Review of Planned Unit Development Parallel Plan

PETITION DESCRIPTION

The applicant has previously requested concept review of a residential planned unit development on a site with several parcels and a total area of roughly 158 acres. Residential planned unit developments may be approved as a special land use at this location.

For residential planned unit developments, a parallel plan showing how the property could be developed, according to the zoning district consistent with the Future Land Use Map, serves as the basis for number of lots and additional lots. This review focuses on whether or not the revised parallel plan meets Zoning Ordinance standards and is feasible.

The most recent parallel plan is dated June 24, 2021. It was submitted following review/comments by the Planning Commission in June 2021. Previously-submitted parallel plans are dated June 10, 2021, and March 22, 2021.

This review is based on the understanding that the Planning Commission may initiate an amendment to the Zoning Ordinance for a planned unit developments related to zoning district correspondence in Table 11-1.

The purpose of this review is to provide general feedback to the applicant and provide a starting point for Planning Commission discussion. Because of the quick turn-around, there may be some items or issues not identified. Additionally, it is not intended to serve as a deep review of all of the Zoning Ordinance standards.

Richard K. Carlisle, *President* Douglas J. Lewan, *Executive Vice President* John L. Enos, *Principal*
David Scurto, *Principal* Benjamin R. Carlisle, *Principal* Sally M. Elmiger, *Principal* Craig Strong, *Principal* R. Donald Wortman, *Principal*
Laura K. Kreps, *Associate* Paul Montagno, *Associate*

PROPERTY INFORMATION

Address: n/a, Runyan Lake Road, White Lake Road

Location: North side of White Lake Road, east of Runyan Lake Road, south of Hills of Tyrone West

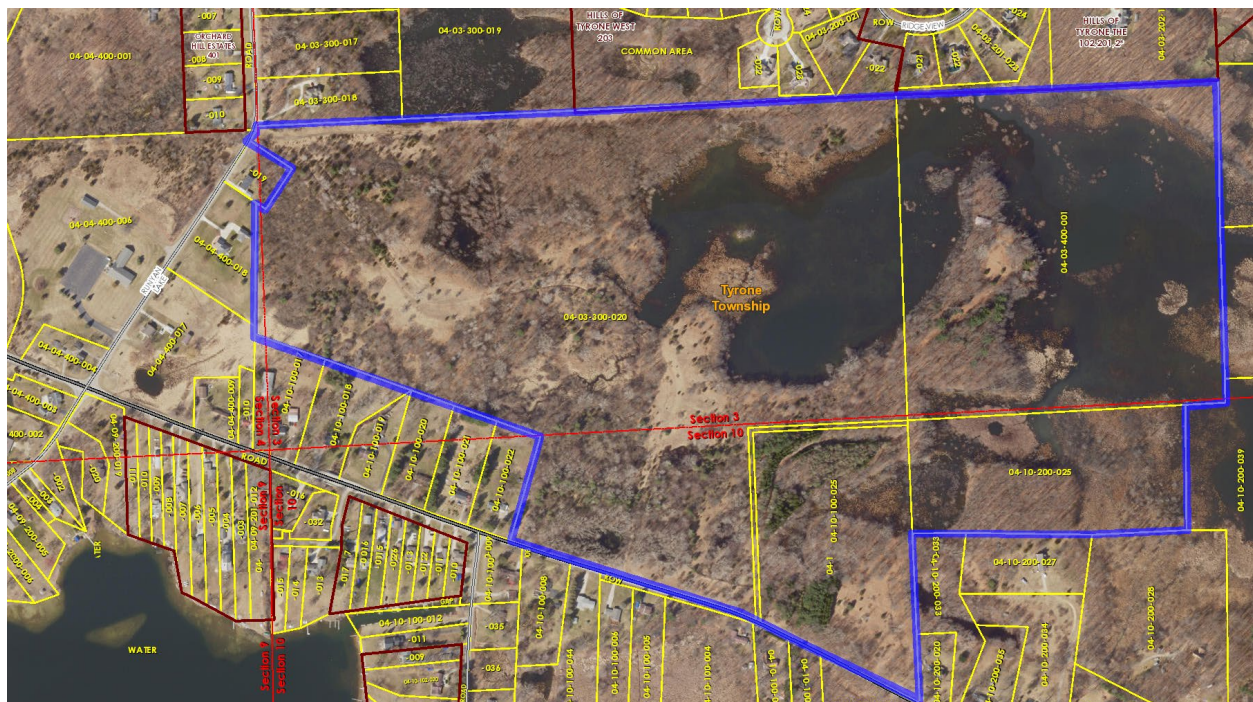
Parcel Number: 04-03-300-001/020, 04-10-100-024/025, 04-10-200-025

Lot Area: ~158 acres

Frontage: ~70 feet along Runyan Lake Road
~1,835 along White Lake Road

Existing Land Use: Undeveloped woodlands, wetlands, and water

Figure 1- Aerial of the Site



ZONING

The property is currently within the RE Rural Estate district.

The parallel plan, however, should be prepared based on the zoning districts that correspond with the Future Land Use Map.

According to Table 11.1, the western portion of the site would be in either the R-1 Single Family Residential or R-2 Single Family Residential district and the eastern portion of the property to be located within the FR Farming Residential district.

According to Table 20 in Master Plan, the zoning district most consistent with the Future Land Use Map is RE Rural Estate. The Planning Commission appears open to amending the Zoning Ordinance to be consistent with the Master Plan.

The intents of those districts are below.

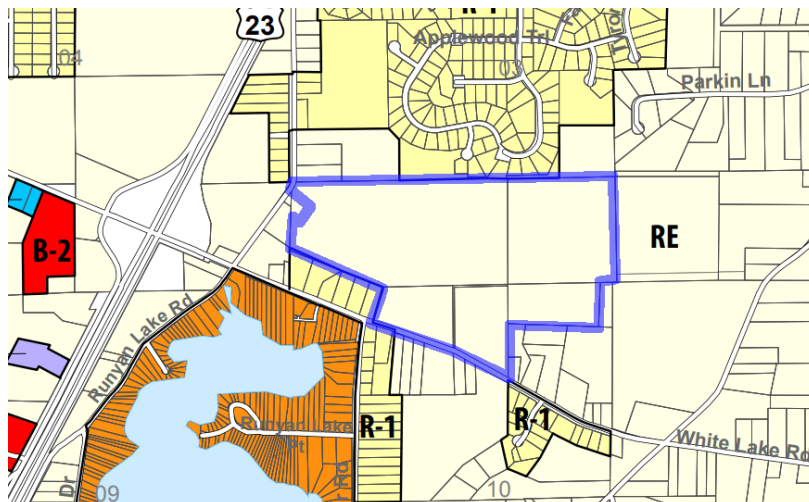
Zoning per Master Plan: R-2 Single Family Residential

Plan: *The intent of the R-2 district is the same as in the R-1 district, except that the district is intended for areas served with public sewer and water, or locations adjacent to urbanizing centers in which public sewer and water is expected in the foreseeable future. In order to preserve natural features and to provide design flexibility in the R-2 District, cluster development shall be permitted as described in Article 8.*

Zoning per Master Plan: RE Rural Estate

Plan: *The intent of the RE Rural Estate District is to provide a transitional area between the FR District and other more intense land utilization districts. However, the RE District will generally maintain the same types of land uses permitted in the FR District. The primary difference between the two districts is that the RE District permits the creation and use of smaller lots than the FR District. In order to preserve natural features and to provide design flexibility in the FR and RE Districts, cluster development shall be permitted as described in Article 8.*

Map 1 – Current Zoning Map



Comments: *If the project is approved as a planned unit development, the zoning district in which it is located becomes less important for developmental standards (lot area, setbacks, etc) because modified developmental standards could be approved for the project. Those modified developmental standards would then act as the standards for review/approval of future improvements within the project.*

The underlying zoning district could have an impact on potential uses within the development. As a practical matter, however, most master deeds limit use to single-family residential uses.

The parallel plan, which serves as the basis for the number of potential lots within a planned unit development, is based on the Master Plan, not the current zoning district.

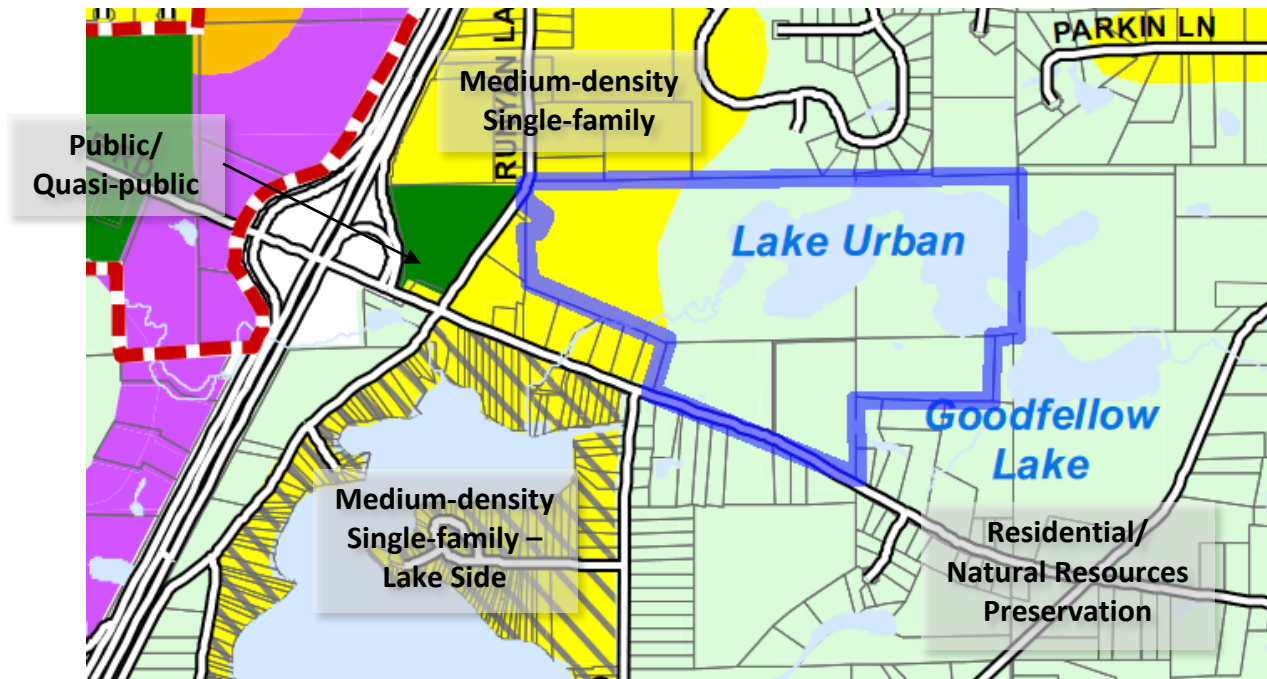
Although there is disagreement between the Zoning Ordinance and the Master Plan as to which zoning districts are consistent with the Future Land Use Map, this section and this report have been prepared with the presumption that the Zoning Ordinance may be amended to make it consistent with the Master Plan, specifically that Table 11.1 may be amended for Residential/Natural Resources to correspond with RE Rural Estate.

FUTURE LAND USE MAP

The western portion of the site is located within the Medium Density Single Family Detached Residential area. The eastern portion of the site is located within the Residential/Natural Resources Preservation area.

| | |
|--|---|
| Future Land Use Map (western portion) | Medium Density Single Family Detached Residential <i>This classification is intended to provide a transitional residential density between Low and High Density Residential. Lots will generally range from <u>0.5 acre to 1.5 acres per dwelling unit</u>. This designation has been applied to land in and around existing residential subdivisions and near planned commercial areas. Medium density development should be encouraged to locate near areas that already have the infrastructure and amenities to support it.</i> |
| Future Land Use Map (eastern portion) | Residential/Natural Resource Preservation <i>As noted on the Opportunities and Constraints Map, Tyrone possesses a wealth of significant natural resources and features. These include woodlands, wetlands, natural water bodies, and areas with steep slopes and scenic vistas. The Future Land Use Plan's Residential/Natural Resource Preservation designation is located in areas that possess one or more of these significant natural features. It is intended to allow residential development at the very low density of a minimum of <u>3 acres per dwelling unit</u>. Residential uses will be developed in a planned manner that preserves the attractive natural features of Tyrone Township.</i> |

Map 2- Future Land Use Map



Comments: The boundary between the Medium-density Single-Family Residential and Residential/Natural Resources Preservation areas cuts through the property.

The boundary, as identified in the Future Land Use Map, is different from that used to prepare this parallel plan. The boundary in the Future Land Use Map runs roughly north and south from a property corner. The boundary in the parallel plan runs from that corner along the northern edge of Lake Urban, matching the phase boundary of the proposed development.

Although the parallel plan deviates from what is shown in the Future Land Use Map, it appears appropriate for the Planning Commission to consider use of the proposed boundary. It is common to use natural features as boundaries, and that practice has been used in other areas of the Future Land Use Map. At the last review, the Planning Commission appeared to be comfortable with this approach.

NATURAL RESOURCES

| | |
|---------------------|---|
| Topography: | Due to the size of the property, there are a variety of topographies present. |
| Waterbodies: | A significant portion of the site consists of Lake Urban. Additionally, Denton Creek flows through the site, connecting Lake Urban and Runyan Lake. |
| Wetlands: | There are significant wetland areas within the site that are adjacent and connected to Denton Creek and Lake Urban. |
| Woodland: | A significant portion of the site that is not a waterbody is currently woodlands. |

Soils: We have no information of soils at the site. Due to the proximity to water and wetlands, it is likely that some soils may pose challenges for development.

Comments: This revised parallel plan shows possible locations for a 2,500 square foot house and 2-car attached garage on each of the lots.

Lots are not required to provide the minimum lot area exclusive of wetlands and waterbodies, but all lots should be buildable.

AREA, WIDTH, HEIGHT, & SETBACKS

Residential developments must be planned to meet the developmental standards for the zoning district in which it is located. The standards for the current zoning district and the zoning districts corresponding with the Master Plan are outlined below.

As noted earlier, there is disagreement between the Zoning Ordinance and Master Plan as to which zoning districts are consistent with the Future Land Use Map. This report is based on the Master Plan and the understanding that the Zoning Ordinance may be amended to be consistent with the Master Plan.

Table 1 - Developmental Standards

| | RE Rural Estate <i>current</i> | R-2 Single Family <i>western portion per Master Plan</i> | RE Rural Estate <i>eastern portion per Master Plan</i> | Compliant |
|----------------------------|-----------------------------------|---|---|----------------|
| Lot Area (min) | 1.75 acres | 21,780 square feet | 1.75 acres | Yes, Yes |
| Parallel Plan -> | | 21,794 square feet | 1.75 acres | |
| Lot Width (min) | 200 feet | 110 feet | 200 feet | Yes, Yes |
| Parallel Plan -> | | 110 feet | 200 feet | |
| Lot Coverage (max) | 25 percent | 30 percent | 25 percent | Likely, Likely |
| Setbacks | | | | |
| Front | 100 feet | 50 feet | 100 feet | Yes, Yes |
| Side | 20 feet | 15 feet | 20 feet | Likely, Likely |
| Rear | 75 feet | 35 feet | 75 feet | Likely, Likely |

Comments: The proposed lots in the revised parallel appear to meet the developmental standards for the R-2 Single Family Residential district in the northwestern portion of the site and the RE Rural Estate district in the southeastern portion of the site.

ACCESS & CIRCULATION

The parallel plan shows an access point from Runyan Lake Road for the western portion of the development and two access points from White Lake Road to the south. Additionally, 3 lots would have direct access from White Lake Road.

Comments: *Although not dimensioned, it appears that the proposed road rights-of-way in the parallel plan would allow for the installation of roads generally consistent with design standards, including cul-de-sacs.*

Although not necessary as part of review of the parallel plan, the Planning Commission could request review/comments from the Township Engineer, Livingston County Road Commission, and Fire Chief if there are any specific questions or concerns.

ESSENTIAL SERVICES

It is our understanding that the project can be served by public water and sewer. Onsite facilities in most of the parallel plan would likely be limited due to lot sizes, soils, and proximity to waterbodies and wetlands.

An existing sanitary sewer, likely to have an easement, is shown along the northern side of the site, running partially through lots 32 and 34.

The parallel plan does not show the location of all of the potential utilities or stormwater management systems.

Comments: *The parallel plan appears to provide adequate space for essential services.*

It is our understanding that the site has enough taps available and that there would be adequate capacity to provide sewer service to the number of lots in the parallel plan. If necessary, the Planning Commission could request confirmation from the utility authority.

While the exact sizing and details for a stormwater management system are not necessary for review of a parallel plan, the applicant should demonstrate to the Planning Commission's satisfaction that it would be possible to manage stormwater in the parallel plan.

LANDSCAPING & SCREENING

No information has been provided for potential landscaping.

Comments: *While landscaping details are not necessary for review of a parallel plan, the applicant should demonstrate to the Planning Commission's satisfaction that it would be possible to install landscaping in the parallel plan.*

Because of the depth of the lots along White Lake, it appears likely that there would be space for landscaping in that area.

Landscaping along the northern lot line may be tight in some areas due to smaller lot areas.

PARALLEL PLAN REVIEW

The Parallel Plan review process, noted below, is outlined in §11.02G.

To assist the Planning Commission in determining the number of lots, units, or square footage permitted in a residential PUD or the residential component of a PUD, the applicant shall submit a parallel plan (see also Sections 11.04.B and 11.06.A.4) for the development. The parallel plan shall comply with the requirements for a site plan in Section 23.02, and shall show how the site could be reasonably developed in compliance with adopted zoning and subdivision ordinances and standards. The parallel plan should be drawn to contain the maximum number of lots or dwelling units allowable and reasonable per the dimensional and other Ordinance standards and practical engineering limitations that would apply to the site if zoned in accordance with the site's future land use designation (see Table 11.1).

The Planning Commission shall review the parallel plan and determine the number of lots or dwelling units that could be constructed (based on adopted ordinances and standards, site conditions, engineering, cost and similar factors). For example, parallel plans showing lots with dwellings on extremely steep slopes, in bodies of water, or in a right-of-way will have these lots rejected, as they are not reasonable and do not meet ordinance requirements. This number, as recommended by the Planning Commission and approved by the Township Board, will be the base number of dwelling units allowable for the residential PUD. Any density bonus (see Section 11.02.H) granted by the Township Board will be applied to this base number. For residential PUDs which do not request a density bonus, the parallel plan requirement may be waived, subject to the determination of the Planning Commission.

Comments: *The proposed residential planned unit development would include additional lots, so review and approval of a parallel plan is required.*

This parallel plan includes building footprints, showing the potential location for houses on each of the lots. Even with the extensive wetlands and a sanitary sewer easement, it appears that all of the lots appear feasible.

It appears that all of the lots would meet the lot area and width standards. The proposed house locations appear to meet the setback standards, and it appears that the lot coverage standards would be met.

SUMMARY & COMMENTS

Comments provided throughout this report are intended to provide guidance to the applicant and for the Planning Commission to examine the recently-submitted parallel plan.

The Planning Commission should confirm if it is comfortable using the natural features as a boundary rather than the line identified in the Future Land Use Map. If not, the parallel plan should be revised consistent with the boundary as shown in the Future Land Use Map.

The Planning Commission should determine if any of the proposed lots in the parallel plan do not appear to be feasible.

The Planning Commission should determine if it needs additional information about potential stormwater management in the parallel plan.

The Planning Commission should determine if it needs additional information about potential landscaping in the parallel plan.

Review of the proposed lots in the southeastern portion of the parallel plan (phase 2) is based upon a potential zoning text amendment to Table 11-1, which would add RE Rural Estate as a corresponding zoning district for Residential/Natural Resources Preservation.



CARLISLE/WORTMAN ASSOC., INC.
Zach Michels, AICP
Planner

NEW BUSINESS #1

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

**Table 11.1
PUD Uses Permitted**

| Master Plan Designation | Uses Permitted in PUD | | |
|--|--|------------------------|-----------------------------------|
| | Corresponding Zoning District – Uses Permitted | Maximum % PCS Uses (d) | Maximum % of Other Uses Permitted |
| Residential/Natural Resources Preservation | FR | (h)(i) | 0 |
| Agricultural/Residential | FR | (h)(i) | 0 |
| Low Density Single Family Detached Residential | RE | (h)(i) | (e) |
| Medium Density Single Family Detached Residential | R-1, R-2 | (a) (h) | (e) |
| Medium Density Single Family Detached Residential – Lakeside | LK-1 | 0 | 0 |
| High Density Attached Residential | RM-1 | 30 | (f) |
| Manufactured Single Family Detached Residential | MHP (j) | 30 | 0 |
| Planned Commercial Services | PCS, B-1, B-2 | 100 | (f) (g) |
| Planned Office | OS | 50 | (g) |
| Planned Services | OS, RM-1 (b) | 50 | 0 |
| Planned Industrial, Research, and Office | ROM, M-1, M-2, PIRO | 20 | 0 |
| Public/Quasi-Public | OS (c) | 50 | (f) |

Footnotes:

- (a) Non-residential uses may be permitted only on land within the U.S. 23 Corridor as defined in this Ordinance. Up to 20% of the PUD site area may be permitted as such non-residential uses.
- (b) Government facilities including post office, educational facilities, township hall, township fire station; library; public or private recreation uses; senior citizen housing.
- (c) Parks, public utility rights-of-way, churches, and similar public/quasi-public uses.
- (d) Percentage of PUD site area, as defined in 11.02.F.2 of this Ordinance.
- (e) Up to 30% of the PUD site area may be permitted as attached dwelling units, subject to a determination by the Township Board, upon recommendation of the Planning Commission, that adequate buffering, access management, and transitions are provided, that the location of such uses will not adversely impact neighboring

established residential areas, and that compliance with all other requirements of this Ordinance exists. Each building shall contain no more than four dwelling units. Attached dwellings shall be subject to special use approval.

- (f) Senior housing development(s), subject to special use approval, on up to 50% of the PUD site area.*
- (g) Residential uses may be permitted subject to the standards of the RM-1 zoning district. If the residential uses are in separate buildings, or are a distinct use apart from the nonresidential component of the PUD, the residential development shall not exceed 50% of the PUD site area. If the residential and nonresidential uses are mixed, the limit on the extent of residential development shall not apply. The permitted number of units, square footage to be constructed and density allowed shall be calculated for each use as if each were being developed independently on that site.*
- (h) Allowable non-residential uses shall be limited to those permitted by right in the Planned Commercial Services District. Automotive supply retail businesses, outdoor sales, and outdoor storage shall not be permitted. All such uses shall be compatible with the predominant single family residential character of the PUD and neighboring area.*
- (i) Non-residential uses may be permitted only on land located within the U.S.23 Corridor as defined in this Ordinance. Up to 10% of the developed area may be permitted as such non-residential uses.*
- (j) No residential density bonus shall be permitted.*

NOTES:

- Table 11.1 is located in Article 11 of the Zoning Ordinance (Planned Unit Development/PUD). It is intended to be used to compare Future Land Use Map classifications from the 2012 Master Plan with current zoning districts to determine potential density bonuses and permitted uses for PUD developments.
- The Planning Commission identified discrepancies between Table 11.1 in the Zoning Ordinance and Table 20 in the 2012 Master Plan. To address the discrepancies, the Planning Commission has proposed Amending Table 11.1 to ensure consistency between the Zoning Ordinance and the Master Plan.
- The highlighted portions of Table 11.1 (above) indicate the areas in which discrepancies with Table 20 exist.
- Table 20 from the 2012 Master Plan is included below for reference.

Table 20
Comparison of Future Land Use Classifications and Zoning Districts

| Future Land Use Classification | Corresponding Zoning District(s) |
|--|---|
| Agricultural/Residential | FR Farming Residential District |
| Residential/Natural Resources Preservation | RE Rural Estate District, and EI Extractive Industry |
| Low Density Single Family Detached Residential | R-1 Single Family Residential District |
| Medium Density Single Family Detached Residential | R-2 Single Family Residential District |
| Medium Density Single Family Detached Residential - Lakeside | LK-1 Lake Front Residential District |
| High Density Single Family Attached Residential | RM-1 Multiple Family Residential District |
| Manufactured Single Family Detached Residential | MHP Mobile Home Park District |
| Planned Commercial Services | PCS Planned Commercial Services District developed to replace existing B-1 Local Business District, B-2 Community Business District, and ES Expressway Service District |
| Planned Office | Currently OS Office Service District – new district to be developed |
| Planned Industrial Research Office | PIRO Planned Industrial Research Office District developed to replace existing M-1 Light Manufacturing, M-2 Heavy Industrial, and ROM Research-Office-Manufacturing, |
| Planned Commercial Industrial | None Yet – to be developed |
| Commercial Recreation | RE Rural Estate District |
| Public/Quasi Public | All districts except EI Extractive Industrial |

Table 20
Comparison of Future Land Use Classifications and Zoning Districts

| Future Land Use Classification | Corresponding Zoning District(s) |
|--|---|
| Agricultural/Residential | FR Farming Residential District |
| Residential/Natural Resources Preservation | RE Rural Estate District, and EI Extractive Industry |
| Low Density Single Family Detached Residential | R-1 Single Family Residential District |
| Medium Density Single Family Detached Residential | R-2 Single Family Residential District |
| Medium Density Single Family Detached Residential - Lakeside | LK-1 Lake Front Residential District |
| High Density Single Family Attached Residential | RM-1 Multiple Family Residential District |
| Manufactured Single Family Detached Residential | MHP Mobile Home Park District |
| Planned Commercial Services | PCS Planned Commercial Services District developed to replace existing B-1 Local Business District, B-2 Community Business District, and ES Expressway Service District |
| Planned Office | Currently OS Office Service District – new district to be developed |
| Planned Industrial Research Office | PIRO Planned Industrial Research Office District developed to replace existing M-1 Light Manufacturing, M-2 Heavy Industrial, and ROM Research-Office-Manufacturing, |
| Planned Commercial Industrial | None Yet – to be developed |
| Commercial Recreation | RE Rural Estate District |
| Public/Quasi Public | All districts except EI Extractive Industrial |

NEW BUSINESS #2

Durocher Special Land Use Site Plan
Amendment

**TYRONE TOWNSHIP
PLANNING COMMISSION REVIEW APPLICATION**

| | | |
|--|---------------------------------------|--|
| Property Address / Location 7079 Old US Hwy. 23 | | Parcel ID/Zoning District 4704- 29-400-006 |
| Property Owner(s) Gerry Durocher | | Telephone 810-625-3501 |
| Street Address 3103 West Thompson Road Suite 435 | | Cell Phone (same as above) |
| City Fenton | State and Zip code MI 48430 | FAX or E-Mail jr@fortressfoundations.com |
| Authorized Agent Gerry Durocher | | Telephone (same as above) |
| Street Address (same as above) | | Cell Phone (same as above) |
| City | | State and Zip Code |

Type of Review:

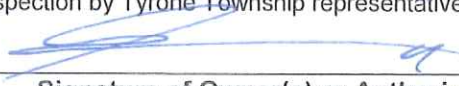
- | | | |
|--|--|--|
| <input type="checkbox"/> Boundary Realignment | <input type="checkbox"/> Open Space Relocation | <input type="checkbox"/> Site Plan Review |
| <input type="checkbox"/> Concept Review | <input type="checkbox"/> Private Road/Shared Drive | <input type="checkbox"/> Site Visit |
| <input type="checkbox"/> Conditional Zoning | <input type="checkbox"/> Planned Unit Development | <input checked="" type="checkbox"/> Special Land Use |
| <input type="checkbox"/> Home Occupation | <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Special Meeting |
| <input type="checkbox"/> Land Division | <input type="checkbox"/> Rezoning | <input type="checkbox"/> Subcommittee Meeting |
| <input type="checkbox"/> Open Space Preservation | <input type="checkbox"/> Site Condominium | <input type="checkbox"/> Subdivision Plat |
| <input type="checkbox"/> Other | | |

Project Description:

Expansion of contractor yard to rear of site with use similar to previous Special Land Use approval.

Improvements include gravel surface, drainage, detention pond, paved approach and landscape screening.

Planning Commission applications should be filed with the Planning Commission Recording Secretary at least 14 days (21 days for land divisions/realignments) prior to review. Applications will not be scheduled for review until all information has been received. This Signature constitutes the applicant's acknowledgement of the application requirements and permission for site inspection by Tyrone Township representatives.


Signature of Owner(s) or Authorized Agent

| | | | |
|------------------------|-----------------------------|---|--|
| Date 3/29/21 | Tax Status pd per JE | Fees: 101-000000-607-006 CK# 8442 | Escrow: 701-000000-283- CK# 8443 |
| Received By: KC | | 1650.00 | 1000.00 |

Tyrone Township Escrow Agreement

This Escrow Agreement is for the cost of review, inspection and monitoring of the project of the Applicant. This includes, but not limited to:

- a) The cost of the review of applications for approvals and variances;
- b) Site Plan Reviews;
- c) Any Planning Commission meetings;
- d) Special meetings;
- e) Reviews by Township Attorney and preparation of appropriate approving resolutions or ordinances;
- f) Reviews by Township planner and/or engineer;
- g) Publications and notices of public hearings or meetings;
- h) Traffic studies;
- i) Environmental impact studies;
- j) Engineering Construction Reviews
- k) Zoning administrator inspections and involvement;
- l) Any other services or expenses relating to the application, inspection or monitoring processes incurred by the Township that are necessary and incident to the completion of the work or project.

Accordingly the Applicant shall pay, simultaneously with the execution of this Agreement, the sum of \$ 1000.00 to be held in escrow by the Township to cover the aforementioned costs and expenses. The escrow deposits shall bear no interest.

If, during the project, the escrow balance falls below the amount necessary to complete the project, the Applicant shall make additional deposits sufficient to cover any deficit.

Any excess funds remaining in any escrow account after the project completion will be refunded to the Applicant less any administrative fees.

If the project costs and expenses exceed the amount remaining in the escrow after final project approval, the Township shall send the Applicant a statement for such additional costs. Until the Applicant pays for such costs, no further Township permits or approvals shall be issued.

TYRONE TOWNSHIP

By: _____

Its: _____

APPLICANT

Gerald F Durocher II

Laura Durocher
12255 Lillie Rd
Byron, MI 48418

June 1, 2021

Mr. Ross Nicholson
Tyrone Township
8420 Runyan Lake Rd
Fenton, MI 48430

Dear Mr. Nicholson,

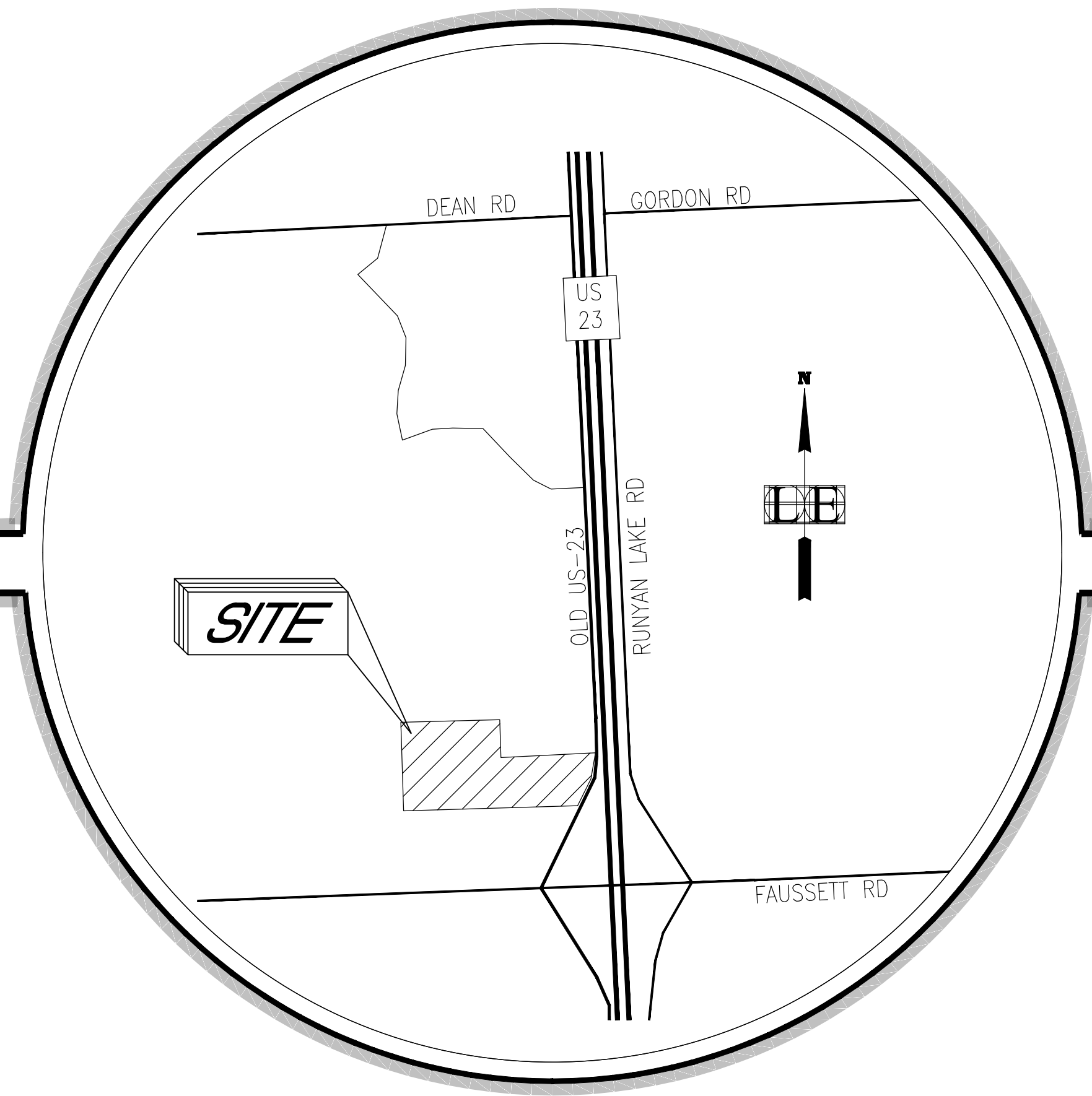
I, Laura Durocher, am writing this letter to indicate that I authorize Gerry Durocher & Timothy Zimmer to act on my behalf with regards to Zoning for 7079 Old US 23. Thank you in Advance.

Sincerely,

A handwritten signature in cursive script that reads "Laura Durocher". The signature is written in black ink and is positioned above the printed name.

Laura Durocher

SITE PLAN FOR
7079 OLD US HWY. 23
PARCEL ID# 04-29-400-006
TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN



LOCATION MAP
NTS

SITE AND USE NOTES:

1. THE PRIMARY SITE USE IS A BUSINESS OFFICE AND YARD FOR STAGING AND STORAGE OF EQUIPMENT AND MATERIALS RELATED TO A FOUNDATION, EXCAVATION AND UNDERGROUND UTILITIES CONTRACTING. THE OWNER ALSO OFFERS DELIVERY OF SCREENED TOPSOIL TO PUBLIC VIA TELEPHONE ORDER.
2. NO REGULATED WETLANDS EXIST ON-SITE.
3. THE EXISTING FENCE ON THE NORTH AND THE PROPOSED BERMS WILL CONTAIN ANY DEBRIS ON-SITE.
4. NO HEAVY EQUIPMENT MAINTENANCE WILL BE PERFORMED ON-SITE.
5. DUST WILL BE MANAGED ON-SITE AS NEEDED WITH DUST STABILIZATION OR OTHER BEST MANAGEMENT PRACTICES.
6. NO PARKING OF VEHICLES OR EQUIPMENT IS PROPOSED WITHIN THE YARD SETBACK AREAS.
7. NO STORAGE OF MATERIALS IS PROPOSED WITHIN THE YARD SETBACK AREAS.
8. HOURS OF OPERATION: 6:30AM – 6 PM (SUMMER).
9. MAXIMUM EMPLOYEES ON LARGEST SHIFT: 15 – 17

LEGAL DESCRIPTION

(As provided by West Michigan Realtors Title Company, LLC dba Title RSource Agency, 12-2-13)

The land referred to in this Commitment, situated in the County of Livingston, Township of Tyrone, State of Michigan, is described as follows:

Part of the Southeast 1/4 of Section Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan, more particularly described as: Commencing at the East 1/4 corner of said Section 29; thence South 00 degrees 17 minutes 15 seconds East, 1647.99 feet along the East line of said Section 29 to the point of beginning; thence South 00 degrees 17 minutes 15 seconds East, 216.61 feet along the East line of said Section 29; thence South 89 degrees 38 minutes 04 seconds West, 76.52 feet to the Westerly right of way line of Old U.S. 23 Highway; thence South 28 degrees 58 minutes 33 seconds West, 203.04 feet along said U.S. 23 Highway right of way line; thence South 89 degrees 55 minutes 00 seconds West, 478.08 feet (previously recorded as South 89 degrees 52 minutes 00 seconds West, 478.07 feet); thence North 00 degrees 06 minutes 31 seconds West, 65.60 feet (previously recorded as North 00 degrees 13 minutes 15 seconds West, 66.00 feet); thence South 89 degrees 52 minutes 54 seconds West, 658.83 feet (previously recorded South 89 degrees 52 minutes 00 seconds West, 658.73 feet) to the West line of the Southeast 1/4 of the Southeast 1/4 of said Section 29; thence North 00 degrees 10 minutes 25 seconds West, 636.19 feet along the West line of the Southeast 1/4 of the Southeast 1/4 of said Section 29 to the North line of the Southeast 1/4 of the Southeast 1/4 of said Section 29; thence North 89 degrees 51 minutes 10 seconds East, 551.96 feet along the North line of the Southeast 1/4 of the Southeast 1/4 of said Section 29; thence South 00 degrees 17 minutes 15 seconds East, 310.00 feet; thence North 89 degrees 51 minutes 10 seconds East, 760.00 feet to the East line of said Section 29 and the point of beginning.

SITE DATA

CURRENT ZONING: PCI (PLANNED COMMERCIAL INDUSTRIAL)

| LOT AREA | REQUIRED | EXISTING |
|------------------------------|-----------|----------|
| 1.00 AC. | 14.22 AC. | |
| LOT WIDTH | | |
| 150 FT | 411 FT | |
| BUILDING SETBACKS: | REQUIRED | EXISTING |
| FRONT | 150 FT | 71 FT |
| SIDE | 30 FT | 63 FT |
| REAR | 30 FT | 370 FT |
| ACCESSORY BUILDING SETBACKS: | REQUIRED | EXISTING |
| FRONT | 150 FT | 177 FT |
| SIDE | 15 FT | 28 FT |
| REAR | 10 FT | 222 FT |

SITE PLAN NOTES:

1. NO REGULATED WETLANDS EXIST ON-SITE.
2. THE EXISTING FENCE ON THE NORTH AND THE PROPOSED BERMS WILL CONTAIN ANY DEBRIS ON-SITE.
3. NO HEAVY EQUIPMENT MAINTENANCE WILL BE PERFORMED ON-SITE.
4. DUST WILL BE MANAGED ON-SITE AS NEEDED WITH DUST STABILIZATION OR OTHER BEST MANAGEMENT PRACTICES.
5. OPERATION NOTES:
HOURS OF OPERATION: 7AM – 6 PM (SUMMERS)
MAXIMUM EMPLOYEES ON LARGEST SHIFT: 15 – 17
6. AN EXISTING PARKING AREA WITH SPACE FOR 18 VEHICLES IS PROVIDED ON THE NORTH SIDE OF THE EXISTING OFFICE TRAILERS.

SHEET INDEX

1. COVER SHEET
2. EXISTING CONDITIONS PLAN
3. LAYOUT, GRADING AND STM WTR MGMT PLAN

LEGEND

| | EXISTING | PROPOSED |
|------------------------|----------|----------|
| SPOT GRADE | > 000.00 | > 000.00 |
| CONTOUR | 000 | 000 |
| SANITARY SEWER | C.S. SAN | C.S. SAN |
| STORM SEWER | ST | ST |
| WATER | W | W |
| OVERHEAD | X | X |
| FENCE | X | X |
| GAS | GAS | GAS |
| ELECTRIC | E | E |
| DRAINAGE AREA BOUNDARY | | |
| LIMITS OF DISTURBANCE | | |
| SILT FENCE | | SF |
| SIGN | | |
| LIGHT POLE | | |
| UTILITY POLE | | |
| DECIDUOUS TREE | | |
| GATE VALVE IN WELL | | |

OWNER/DEVELOPER

GERRY DUROCHER II
3103 West Thompson Rd.
Suite 435
Fenton, MI 48430
PHONE: (810) 625-3501

ENGINEER

LE

LIVINGSTON ENGINEERING
CIVIL ENGINEERING SURVEYING PLANNING
3300 S. OLD U.S. 23, BRIGHTON, MI 48114
www.livingstoneng.com PHONE: (810) 225-7100 FAX: (810) 225-7699

7079 OLD US HWY. 23
TYRONE TOWNSHIP
LIVINGSTON COUNTY, MICHIGAN
SITE PLAN

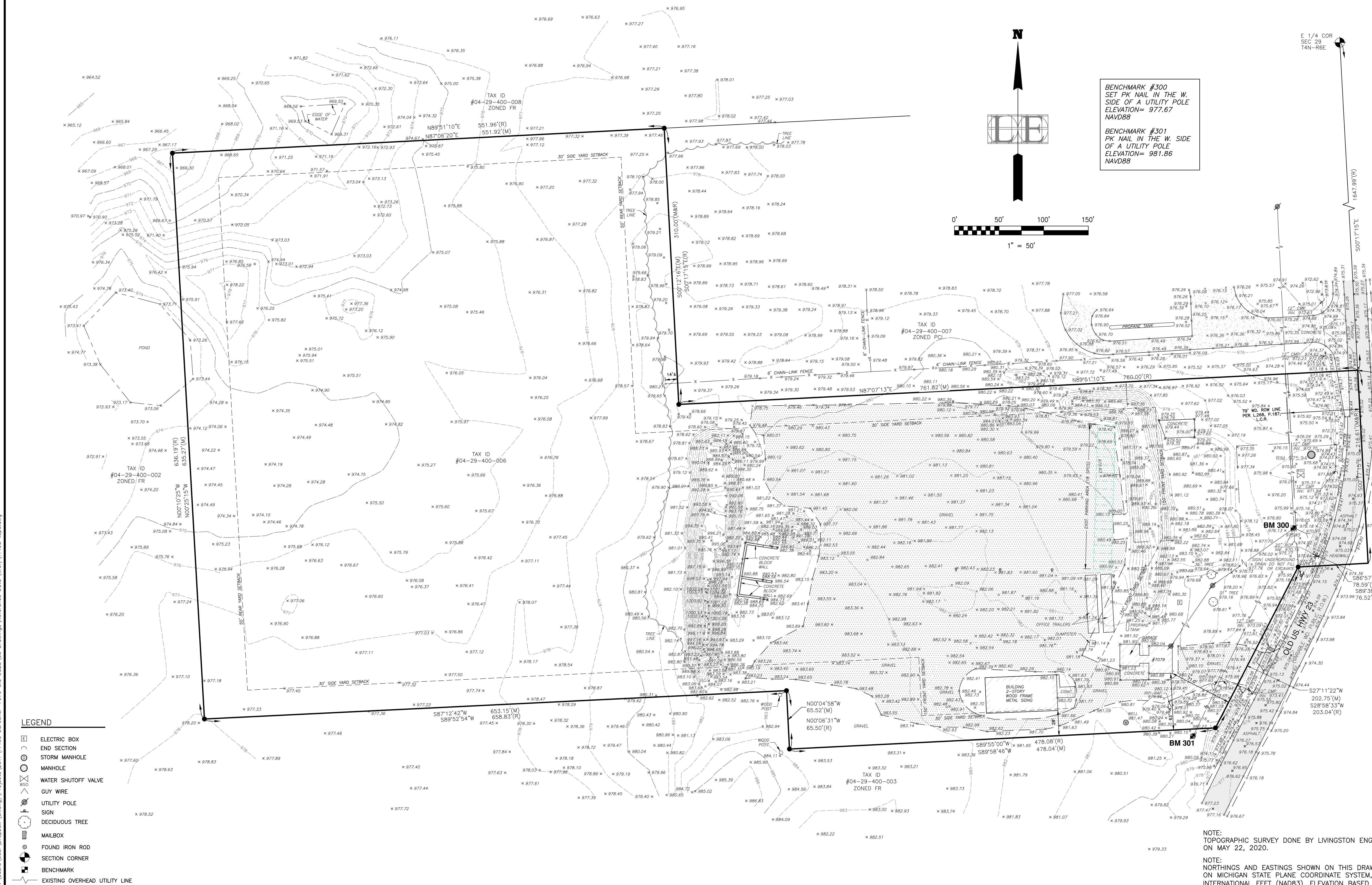
ENGINEER'S SEAL



UTILITY DISCLAIMER



Utilities as shown indicate approximate location of facilities only, as described by the various companies and no guarantee is given either as to the completeness or accuracy thereof. Contractor shall call "MISS DIG" 1-800-482-7171 prior to the start of construction. Electric, gas, phone and television companies should be contacted prior to the commencement of field activities.



BENCHMARK #300
SET PK NAIL IN THE W.
SIDE OF A UTILITY POLE
ELEVATION= 977.67
NAVD88

BENCHMARK #301
PK NAIL IN THE W. SIDE
OF A UTILITY POLE
ELEVATION= 981.86
NAVD88

LIVINGSTON ENGINEERING
 CIVIL ENGINEERING SURVEYING PLANNING
 3300 S. OLD U.S. 23, BRIGHTON, MI 48114
 PHONE: (810) 225-7100 FAX: (810) 225-7699
<http://www.livingstoneng.com>

Client
Gerry Durocher II
3103 W. Thompson Rd
Suite 435
Fenton, MI 48430
phone: 810.625.3501
email: j@tortressfoundations.com

7079 OLD US HWY. 23
SITE PLAN
TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN
EXISTING CONDITIONS PLAN

| | | | | | |
|---|-------------|--------------|------------------|-----------------------------|------------|
| 2 | Job. no. | 17195 | Drawn: TIZ | PERSONS | DATE |
| | Score: | | Checked: TIZ | PER TWP SUBCOM MFG COMMENTS | 05/11/2021 |
| | Vertical: | | Approved: TIZ | | |
| | Horizontal: | 1" = 50 FEET | Date: 03/24/2021 | | |



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

June 24, 2021

Special Land Use and Site Plan Amendment Review for Tyrone Township, Michigan

PETITION INTRODUCTION

Applicant: Gerry Durocher
Owner: Laura Durocher
Request: Major amendment of a special land use and site plan for an open storage yard
(*contractor yard*)

PETITION DESCRIPTION

The applicant is requesting a major amendment of a previously-approved special land use and site plan for an open storage yard (*contractor yard*). The amendment would expand the open storage yard use onto the back portion of the property and calls for paving the driveway to Old US 23.

The expanded outdoor storage yard would require clearing of the trees in the area. It would be surfaced with gravel. The area would be used for “staging and storage of equipment and materials related to a foundation excavation and underground utilities contracting.” Screened topsoil is also stored on the site.

A site plan/special land use for an outdoor storage yard was approved, with conditions, for the eastern portion of the property in 2018. A Planning Commission subcommittee review determined that the proposed amendment should be considered a major change.

The application does not call for any buildings to be added.

The Planning Commission reviews site plan/special land use applications and makes a recommendation, and the Township Board makes the final decision.

PROPERTY INFORMATION

Address: 7079 Old US 23
Location: West side of Old US 23, between Faussett and Dublin
Parcel Number: 4704-29-400-006
Lot Area: ~14.2 acres
Frontage: ~418 along Old US 23
Existing Land Use: Contractor yard

A special land use/site plan was approved for an open storage yard in 2018, with the condition that the gravel drive must be paved within 2 years.

The eastern side of the site has a berm along Old US 23, intended to screen the outdoor storage yard and support buildings. The western side of the site remains in an undeveloped, wooded nature.

The rough locations for the proposed expansion and associated improvements are shown with the dashed boxes on the aerial below.

Figure 1- Aerial of the Site



ZONING

The site is within the PCI Planned Commercial Industrial district. The proposed expansion is a special land use in that district. A summary of the intent of that district is below.

A current zoning map is included later in this report.

Current Zoning: PCI Planned Commercial Industrial

The PCI Planned Commercial Industrial District is designed to accommodate land extensive commercial uses serving both residents and businesses in the Township. These uses typically include outdoor storage or display, may require large sites, access to a major thoroughfare, and may have offsite impacts. Standards are provided to create an environment of consistent attractive character and design with generous landscaping, screening, and attractive buildings, where permitted uses will not negatively impact adjacent uses in other zoning districts. The PCI District is intended to be located near the freeway, with interchange access but not immediately adjacent to the interchange. Therefore, the appearance of uses in this district is important to the image of the community and maintaining the quality of life.

FUTURE LAND USE MAP

The site is within the Planned Commercial Industrial area. A summary of the intent of that area is below.

The future land use map is included later in this report.

Future Land Use Map Planned Commercial Industrial

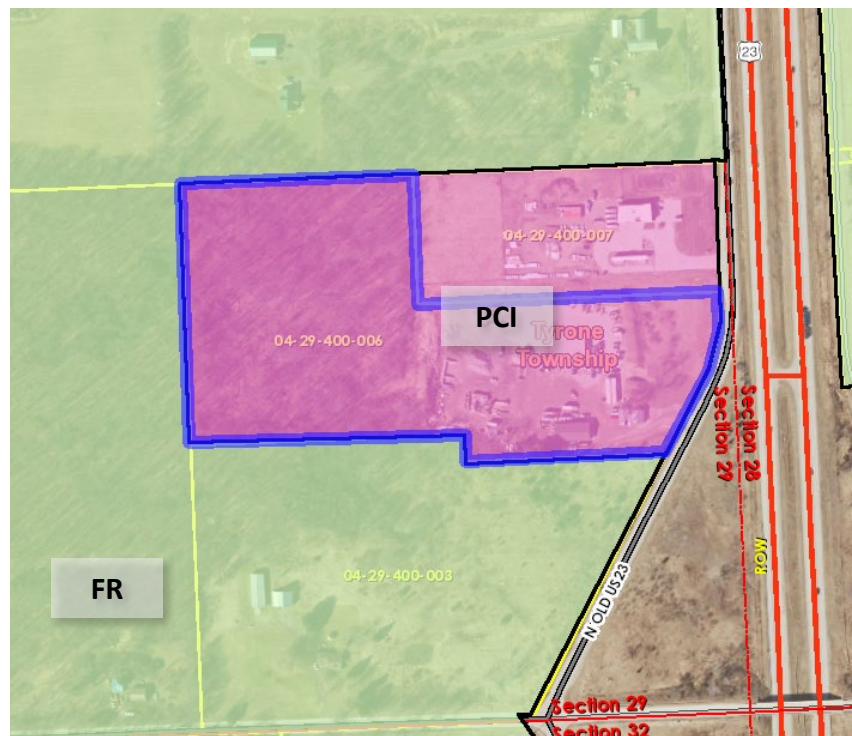
South of the area planned as PCI is land that has potential access to sanitary sewer, and while farther from the Center Road/US 23 interchange, has both good access via Old U.S. 23 and good visibility from the freeway. Along Old U.S. 23 south of Center Road, are several developed sites including Pennington Gas, Action Watersports, small industrial uses, and construction contractors, that are land extensive operations that could be characterized as heavy commercial or light industrial. The Planned Commercial Industrial plan category anticipates development of similar uses that do not need to be at an interchange, but do depend on traffic and paved primary road access. Development should be in a PUD environment with care given to generous landscaping, attractive high quality architecture and the appearance from the road, consistent with the character of the Township. Protections should be required during site plan review to minimize any negative impacts on the residential neighbors.

SURROUNDING PROPERTIES

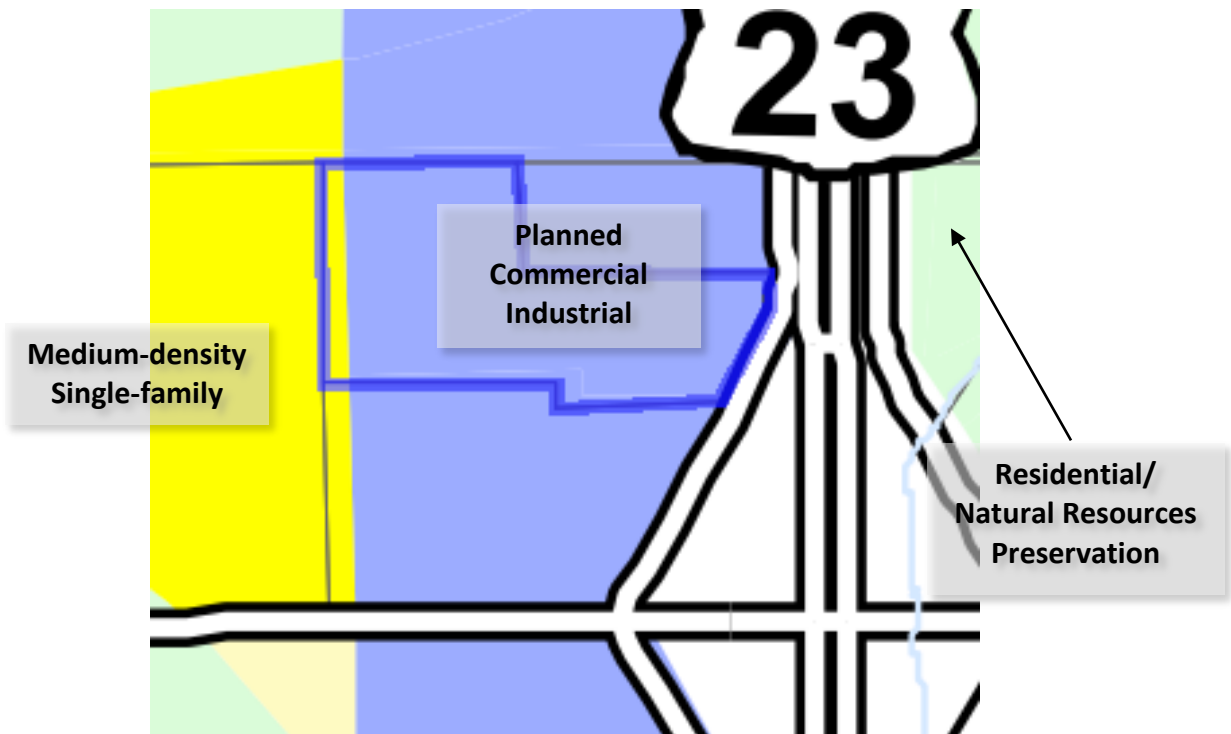
The surrounding properties are a mix of commercial and residential uses, as noted below.

| | North | East | South | West |
|------------------------------|---|--|-------------------------------|---|
| Surrounding Zoning | FR Farming Residential, PCI Planned Commercial Industrial | FR Farming Residential (across US 23) | FR Farming Residential | FR Farming Residential |
| Surrounding Land Uses | Single-family house, Propane sales | Single-family house, Agricultural fields (across US 23) | Single-family house | Woodlands, Single-family house |
| Future Land-Use Map | Planned Commercial Industrial | Residential/ Natural Resources Preservation (across US 23) | Planned Commercial Industrial | Medium Density Single Family Detached Residential |

Map 1 - Current Zoning Map



Map 2- Future Land Use Map



NATURAL RESOURCES

- Topography:** The property is relatively flat, except for installed berms, sloping downwards from the center to the east and west.
- Wetlands:** According to the State of Michigan Wetland Viewer, there are no wetlands on the site.
- Woodland:** The area for the proposed expansion is a woodland that will be cleared.
- Soils:** According to the USDA National Resource Conservation Service, a majority of the soils in the existing open storage yard are Conover Loams, which are somewhat poorly drained, and a majority of the soils in the expanded open storage yard are Pewamo Clay Loams, which are poorly drained.

Items to be Addressed: 1) The location of trees with a caliper of 8 inches or more within the expansion area should be added to the site plan, unless the Planning Commission waives the requirement upon determination that it would be clearly unnecessary for substantial review. 2) The soils map should be added to the site plan, unless the Planning Commission waives the requirement upon determination that it would be clearly unnecessary for substantial review.

AREA, WIDTH, HEIGHT, & SETBACKS

The proposed site, buildings, and improvements must meet the developmental standards for the zoning district in which it is located. Additional specific standards for open storage yards, found in §22.05 P Open Storage Yards of the Zoning Ordinance, are explored in the “Open Storage Yards” section of this report. The table below shows standards for the Planned Commercial Industrial district. The location of buildings and other improvements are shown on the site plan.

Table 1 - Developmental Standards

| | PCI District | Proposed <i>buildings</i> | Proposed <i>outdoor storage</i> | Compliance |
|--------------------------|--------------|------------------------------|------------------------------------|-----------------------|
| Lot Area (min) | 1 acre | ~14.2 acres | | Yes |
| Lot Width (min) | 150 feet | ~411 feet | | Yes |
| Setbacks | | | | |
| Front | 150 feet | 71 feet ¹ | ~100 feet | No ¹ , Yes |
| Side | 30 feet | 28 feet ¹ | 20 feet | No ¹ , No |
| Rear | 30 feet | 370 feet | 20 feet | Yes, No |
| Building Coverage | 40 percent | unknown | n/a | Yes |
| Building Height | 40 feet | unknown | n/a | Yes |

- 1) *Setbacks for existing legally nonconforming buildings; no changes are proposed to these buildings as part of this application.*

Items to be Addressed: *The site plan should be amended so the outdoor storage areas meet the required side and rear setbacks.*

ACCESS & CIRCULATION

The expanded open storage yard will be accessed through a reconfigured driveway from Old US 23 to the east. This driveway would be located in the area of the current one, but it will be paved and will not be as wide.

When originally approved in 2018, the requirement to have a paved driveway was waived for 2 years to allow for a future relocation. A paved driveway should reduce dirt tracking onto the road and discourage expansion of the driveway through use.

Driveway design and location will require approval of the Livingston County Road Commission.

We defer further comments and recommendations related to access and circulation to the Township Engineer and the Fire Department.

Items to be Addressed: 1) The applicant should describe what measures will be used to keep truck traffic to the paved driveway. 2) Livingston County Road Commission approval of the driveway. 3) Township Engineer approval of access and circulation. 4) Fire Chief approval of site circulation.

OFF-STREET PARKING & LOADING

Off-street parking for workers will remain unchanged from the previously-approved site plan, with 18 spaces provided on the western side of the front berm. The Planning Commission approved a waiver to allow gravel parking rather than paved parking surfaces as part of that site plan.

The existing and proposed parking surfaces will be gravel. Parking areas are required to be paved, per §25.02 B Paving Required, but that text allows the Planning Commission to grant a waiver for alternative materials “*subject to satisfactory demonstration by the applicant that the type and volume of traffic expected for the requested use will not exceed the capacity of the alternative requested, and that the public health, safety and welfare will be protected.*” This paving requirement and waiver authority appears to apply to off-street parking and loading in general.

Specific standards for open storage yards, however, require all driveways, loading areas, staging areas, and truck maneuvering lanes to be paved (§22.05 P 2). It does not appear to grant authority to grant a waiver from this standard. See the Open Storage Yards section of this report below. Where there is a difference between a general standard and a specific standard, the specific standards are controlling.

Items to be Addressed: 1) The site plan should be amended so driveways, loading areas, staging areas, and truck maneuvering lanes should be paved. 2) Other parking/loading areas should be paved, unless the Planning Commission determines the type and volume of traffic will not exceed the capacity of gravel and that the gravel will still protect the public health, safety, and welfare.

ESSENTIAL SERVICES

It is our understanding that the expansion of the outdoor storage yard will not require any additional utility services. An existing propane tank on the property does not appear to be included in the site plan.

The site plan shows the location of 2 new stormwater management detention ponds. The pond in the front between the berm and Old US 23 appears to be located in an area that had an identified septic field and easement in the previously-approved site plan. If the septic field and easement are no longer in use or in place, the applicant should provide confirmation. If the septic field and easement are still in use or in place, this detention pond should be relocated.

It appears that the proposed stormwater management system is sized for a gravel surface. If paving is added in the future, the stormwater management system would likely need to be expanded to accommodate the additional runoff.

We defer to the Township Engineer on specific details of the stormwater management system.

Items to be Addressed: 1) The location of the existing propane tank should be added to the site plan. 2) The detention pond along Old US 23 should be relocated unless the applicant provides confirmation of abandonment of the septic field and easement. 3) The Planning Commission should consider requesting the applicant demonstrate it would be possible to manage stormwater if the entire site is paved in the future. 4) Township Engineer approval of the stormwater management.

LANDSCAPING & SCREENING

The site plan calls for the addition of 160 American Arbovitae along the northern lot line of the expanded storage yard area. A portion of these arbovitae will be planted on a 3 to 4 foot tall berm.

Additional screening is not proposed along other lot lines. While those lot lines are adjacent to residentially-zoned and used properties, there are significant distances to dwellings and existing vegetative screening on those properties.

The site plan is not clear what existing vegetation will be removed. If the existing vegetation between the lot lines and the required setbacks remains, it appears likely to provide adequate screening.

It does not appear that trees required as part of the previously-approved site plan along the berm have been added or maintained.

Items to be Addressed: 1) The Planning Commission should determine if the proposed landscaping will provide adequate screening from the adjacent residential property to the north. 2) The site plan should be amended to make it clear that the existing vegetation between the lot lines and the required setbacks will remain. 3) The landscaping in the previously-approved site plan should be installed before use of the expansion area.

LIGHTING

The site plan does not appear to show the location of or any details of existing or proposed outdoor lighting.

Items to be Addressed: The location and details of existing and proposed outdoor lighting should be added to the site plan, or a note should be added that there will be no exterior lighting.

OUTDOOR ADVERTISING & SIGNS

The site plan does not indicate whether or not there will be any signs associated with the open storage yard.

Items to be Addressed: The location and details of any signs should be added to the site plan, or the applicant should confirm that no signs will be added.

OPEN STORAGE YARDS

In addition to the general standards of the Zoning Ordinance, there are specific standards for outdoor storage yards. These standards, outlined in §22.05 P Outdoor Storage Yards, are examined below.

1. Setbacks. In order to reduce the effects and visual impact of the open storage yard equipment, storage areas, truck staging areas, and similar operations shall be located no closer than the required yard setbacks of the zoning district. In the case where adjacent residential uses exist or are planned, the Planning Commission may increase the setback requirements.

CWA Comment: *The site plan shows existing and proposed gravel areas, which could be used for storage areas, truck staging areas, and similar operations, extending into required side and rear yard setbacks. The existing gravel area along the northern lot was shown meeting the setback in the previously-approved site plan, but it has since extended into the setback. It appears that the expansion area will extend into all of the required yards.*

The proposed expansion is adjacent to existing residential uses along the northern, western, and southern lot lines. The Planning Commission should determine if increased setbacks are necessary to mitigate any impacts on those adjacent uses.

The site plan should be amended for the open storage yard, equipment storage areas, truck staging areas, and similar operations to meet the required setbacks.

2. Access. Storage yards shall have direct access onto a paved principal arterial. All driveways, loading areas, staging areas, and truck maneuvering areas within the site shall be paved.

CWA Comment: *The outdoor storage yard will continue to have access from Old US 23, a paved principal arterial.*

The site plan calls for paving the driveway.

All other areas for loading, staging, and truck maneuvering are proposed to be gravel. A waiver was granted as part of the original approval. While the Planning Commission has the authority for waiving paving requirements for parking in general, the specific standards for open storage yards does not appear to allow for such a waiver.

It is our understanding that the driveways, loading areas, staging areas, and truck maneuvering areas should be paved, as this standard specific to outdoor storage yards does not appear to grant the Planning Commission the authority to grant a waiver from the surface requirement.

3. Staging Area. All vehicle traffic stacking and waiting areas shall be contained on the site and shall be designated on the site plan. Staging and parking areas shall not occur within the required yard setbacks nor in areas not designated for stacking purposes on the approved site plan.

CWA Comment: *All of the existing and proposed stacking and waiting areas, though not specifically delineated in the site plan, are contained within the site.*

There are several areas where the proposed surface improvements, which could be used for staging and parking, are located within required side and rear yards, as noted above. The site plan should be amended so that these areas meet the required setbacks.

4. Outdoor Storage of Material. Only those types of materials included in the proposal at the time of site plan approval shall be permitted in the outdoor storage areas. Such permitted outdoor storage areas shall be enclosed on all sides with a wall or maintained landscaped berm. The location and size of storage areas shall be shown on the site plan. All loading and unloading of materials for storage shall occur in these designated areas and are limited to between 7 a.m. and 10 p.m. At no time shall storage stacks exceed the height of the approved screening wall or landscaped screen. An erosion prevention and containment plan must be prepared and maintained for any proposed outdoor storage of dirt, gravel, sand, or other loose material.

CWA Comment: *The site plan shows an existing area for the outdoor storage of materials along the western edge of the existing gravel area.*

The site plan does not appear to describe what materials may be kept in the outdoor storage areas or if there will be any additional outdoor storage areas. We are aware of a previously-provided spill management plan, but are not aware of an erosion prevention and containment plan for dirt, gravel, sand, or other loose material. This information should be added.

There is a discrepancy between the hours of operation noted on the cover sheet. It is described as 6:30 am to 6 pm under Site and Use Notes and 7 am to 6 pm under Site Plan Notes. This should be corrected.

A note on Sheet 1 states that the materials that may be stored on site will be related to foundation, excavation, and underground utilities excavation and topsoil.

5. Screening. All outdoor storage facilities, including parking and loading areas, shall be screened and landscaped in accordance with Section 21.35. At the discretion of the Planning Commission, vegetative plantings or other means of sound absorption may be required to mitigate noise impacts. A fence or wall shall be constructed and maintained along the rear and side lot lines in order to keep trash, paper and other debris on the site. (See Section 21.19). At the discretion of the Township, this provision may be waived if the applicant demonstrates that all activities and storage will be contained within the confines of structures on the site.

CWA Comment: *The applicant is proposing to add a small berm and arborvitae screening along the northern lot line of the expansion area. It does not appear that additional screening or fencing will be added along the other lot lines.*

The existing vegetation between the lot lines and the proposed open storage yard should remain to provide screening.

The Planning Commission should determine if the applicant has demonstrated that all activities and storage will be contained within the site in order to waive the requirement to provide fencing along the rear and side lot lines.

6. Display. Subject to Planning Commission approval and the following requirements, a display may be allowed as an open storage use...

CWA Comment: *To the best of our knowledge, the applicant is not proposing to include a display of any products as part of the open yard expansion. This should be confirmed by the applicant.*

7. Site Design. An outdoor storage use shall not be permitted to occupy a site where no building has been constructed. A building shall be constructed on the premises for office use in connection with the storage facility. The building should be located on the site to provide an office for site management and to assist in screening the operation from adjacent road right-of-way. This provision may be waived by the Township if the applicant can demonstrate other acceptable mechanisms for screening and site management.

CWA Comment: *There are several existing buildings on the site that serve as an office and indoor storage. These buildings are located between the road and the existing outdoor storage yard and are themselves screened from Old US 23 to the east by a berm.*

Lighting for the site shall be shielded and directed so that glare and illumination from the lights shall not create a hazard for vehicles on adjacent roads or to cause a nuisance for adjacent or nearby uses. Lighting shall be indicated on the site plan and be maintained consistent with the approved site plan. All lighting must be down directed and shall not exceed .5 foot candle at all property lines.

CWA Comment: *The site plan does not appear to show the location of or any details for lighting on the site. Any existing or proposed lighting should be added to the site plan, or a note should be added to the site plan that there will be no lighting.*

Outdoor storage shall not be permitted in the required front yard. All loading, parking, and maneuvering shall be restricted to the site. Screening and noise abatement shall be provided for storage areas adjacent to residential zoning districts in accordance with the provisions of Section 21.35.

CWA Comment: *The existing and proposed storage will be located outside of the required front yard and all of the activities will be located within the site.*

The northern lot line along the expansion area, adjacent to a residentially used and zoned property, shows a row of 160 American Arborvitae. There will be a small berm, 3 to 4 feet high, along the eastern portion of this lot line; it does not appear that this berm is fully consistent with §21A.04 (B), which requires a minimum 2-foot-wide flat area on the top and undulating height. However, it appears the Planning Commission can approve berms that deviate from these standards as part of site plan review.

The landscaping on/along the front-yard berm, as shown in the previously-approved site plan should be installed before any use of the expansion area.

8. Minimum Site Dimensions. The site shall comply with the minimum zoning district area, dimensional and configuration requirements.

CWA Comment: *The site meets the minimum lot area and width standards. Some of the proposed improvements are located within required setbacks.*

9. Performance Guarantee. Prior to issuance of a land use permit, the Township may require submission of a performance guarantee, in accordance with the provisions of this Ordinance.

CWA Comment: *We recommend the Township collect a performance guarantee to ensure that improvements, such as landscaping, are completed in accordance with any approved site plan/special land use.*

APPLICABLE DECISION CRITERIA

The proposed expansion requires both special land use and site plan review. The decision criteria for those approvals are examined below.

Standards for site plan review are outlined in §23.03 Standards for Site Plan Review, and a description of information that must be included in a site plan is outlined in §23.02 Site Plan Information. Comments addressing these standards are included throughout this report and below.

CWA Comment: *It appears that the site plan includes much, but not all, of the information required in this section. (Previous sections of this report have outlined other missing information.) Some of the missing information includes lighting and soils information. The Planning Commission may waive the requirement to include any of the missing information if it determines that such information is clearly unnecessary for substantial review and states the reasons for waiving the requirements in writing. A waiver may be appropriate for information generally required in site plans.*

The proposed use expansion is generally consistent with the Zoning Ordinance. However, some of the proposed gravel areas are located within required setbacks, and the Zoning Ordinance appears to call for paved surfaces for open storage yards.

Comments about soils, drainage, and erosion are deferred to the Township Engineer. Information about lighting has not been provided.

The site will be graded in order to allow for vehicular movement and storage of materials. This will have a significant impact on the nature of the property, but it would be consistent with the intent of this district.

The general review standards for special land uses are outlined in §22.04 General Review Standards for All Special Land Uses and are included below. Specific standards for outdoor storage yards uses have been explored in the Outdoor Storage yards section of this report. Comments addressing these standards are included throughout this report and below.

- A. Master Plan. The special land use will be consistent with the goals, objectives and future land use plan described in the Township's Master Plan.

CWA Comment: *The Future Land Use Map calls for planned commercial industrial uses in the area, consistent with the proposed use expansion.*

- B. Zoning District. The special land use will be consistent with the stated Intent of the zoning district.

CWA Comment: *The proposed use expansion is a special land use in the Planned Commercial Industrial district.*

- C. Neighborhood Compatibility. The special land use will be designed, constructed, operated and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity in consideration of environmental impacts, views, aesthetics, noise, vibration, glare, air quality, drainage, traffic, property values or similar impacts.

CWA Comment: *The proposed use expansion is compatible with the current commercial use immediately to the north. The other adjacent properties are zoned and used for residential purpose. Most of those properties have significant distances to the dwelling unit and are wooded. The site plan calls for an arborvitae and berm buffer to the residentially zoned and used property to the north.*

- D. Environment. The special land use will not significantly impact the natural environment.

CWA Comment: *It does not appear likely that the proposed outdoor storage yard expansion would create a significant impact on the environment. However, the use of gravel rather than paved surfaces could make it more likely for fuel or other materials to penetrate the soil.*

- E. Public Services. The special land use can be served adequately by public facilities and services such as police and fire protection, drainage structures, water and sewage facilities, refuse disposal and schools.

CWA Comment: *It does not appear likely that the proposed outdoor storage yard expansion would create negative impacts on public facilities or services. The proposed expansion would not require any addition public facilities or services.*

- F. Traffic. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration the following...

CWA Comment: *It does not appear likely that the proposed use expansion would create traffic hazards, though it is likely to increase the number of trips generated from the facility. Narrowing of wide driveways is generally considered a positive improvement, as it makes traffic turning more predictable.*

- G. Additional Development. The proposed use shall be such that the location and height of buildings or structures, and the location, nature and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

CWA Comment: *If the site plan is amended to meet setbacks and the Planning Commission determines the proposed screening is adequate, the proposed use expansion does not appear likely to have a negative impact on the use, value, or development of adjacent properties.*

- H. Health, Safety and Welfare. The proposed use shall be designed, located, planned, and operated to protect the public health, safety, and welfare.

CWA Comment: *If the Planning Commission determines that the proposed open storage yard expansion is consistent with the standards in the Zoning Ordinances and other conditions it determines appropriate, the expansion should be not create a negative impact on public health, safety, or welfare.*

SUMMARY & COMMENTS

As noted throughout this report, there are some areas where the major site plan/special land use amendment are not consistent with the Zoning Ordinance or where the Planning Commission may consider waivers.

The Planning Commission could make a favorable recommendation to the Township Board, with conditions, if it determines decision criteria and developmental standards are met or would be met with those conditions.


The Planning Commission can postpone action if it determines there are significant or too many changes that would be necessary to receive a favorable recommendation. If this is the case, it should direct the applicant to prepare revisions based on this review and provide guidance to the applicant as to what information or standards it would be comfortable with waiving.

The Planning Commission could make an unfavorable recommendation to the Township Board if it determines decision criteria and developmental standards are not met and could not easily be met with changes.


The list below includes potential conditions of approval and items that require Planning Commission determinations.

- 1) *The location of trees with a caliper of 8 inches or more within the expansion area should be added to the site plan, unless the Planning Commission waives the requirement upon determination that it would be clearly unnecessary for substantial review.*
- 2) *The soils map should be added to the site plan, unless the Planning Commission waives the requirement upon determination that it would be clearly unnecessary for substantial review.*
- 3) *The site plan should be amended so outdoor storage, staging, and parking areas meet the required side and rear setbacks.*
- 4) *The applicant should describe what measures will be used to keep truck traffic to the paved driveway.*
- 5) *The driveway should be approved by the Livingston County Road Commission.*
- 6) *Access and circulation should be approved by the Township Engineer and Fire Chief.*
- 7) *The site plan should be amended so driveways, loading areas, staging areas, and truck maneuvering lanes should be paved.*
- 8) *Other parking/loading areas should be paved, unless the Planning Commission determines the type and volume of traffic will not exceed the capacity of gravel and that the gravel will still protect the public health, safety, and welfare.*
- 9) *The location of the existing propane tank should be added to the site plan.*

- 10) *The detention pond along Old US 23 should be relocated unless the applicant provides confirmation of abandonment of the septic field and easement.*
- 11) *The Planning Commission should consider requesting the applicant demonstrate it would be possible to manage stormwater if the entire site is paved in the future.*
- 12) *Approval of the stormwater management system by the Township Engineer.*
- 13) *The Planning Commission should determine if the proposed landscaping will provide adequate screening from the adjacent residential property to the north.*
- 14) *The site plan should be amended to make it clear that the existing vegetation between the lot lines and the required setbacks will remain.*
- 15) *The Planning Commission should determine if the proposed berm can deviate from the berm standards.*
- 16) *The landscaping in the previously-approved site plan should be installed before use of the expansion area.*
- 17) *The location and details of existing and proposed outdoor lighting should be added to the site plan, or a note should be added that there will be no exterior lighting.*
- 18) *The location and details of any signs should be added to the site plan, or the applicant should confirm that no signs will be added.*
- 19) *The Planning Commission should determine if increased setbacks are necessary to mitigate any impacts residential uses along the northern, western, and southern lot lines.*
- 20) *An erosion prevention and containment plan for dirt, gravel, sand, or other loose material should be provided.*
- 21) *The hours of operation should be corrected on the cover sheet.*
- 22) *The Township should collect a performance guarantee to ensure that improvements, such as landscaping, are completed in accordance with any approved site plan/special land use.*



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