

## TYRONE TOWNSHIP PLANNING COMMISSION

### Approved Regular Meeting Minutes

January 11, 2005 7:30 p.m.

**PRESENT:** Sally Eastman, Joe Fumich, Richard Hartigan, Steve Hasbrouck, Laurie Radcliffe

**ABSENT:** Dave Hanoute, Randy Laue

**CALL TO ORDER:** 7:30 p. m. by Chairman Hasbrouck

**PLEDGE OF ALLEGIANCE:**

**CALL TO THE PUBLIC:** No response

**APPROVAL OF AGENDA:** Approved as presented

**APPROVAL OF MINUTES:** December 14, 2004 approved as corrected:

Page 3, Line 38: (Mr. Hasbrouck said that ~~the~~ he...)

Page 4, Line 45: (...ordinances for neon **palm** trees...)

**CORRESPONDENCE:**

**SUBCOMMITTEE REPORT:**

- 1) Request of **David** and **Deanna Cypher** for state statute land division of property at 11578 Hartland Road, RE parcel 02-200-002, to create 4 parcels. Proposed 'Parcel 1' contains the existing buildings and is accessed by a private driveway. The new parcels will be accessed by a shared driveway. All required open space has been located on proposed 'Parcel 4.'

New drawings were provided as requested by the Subcommittee as part of their approval recommendation. The drawings show revised open space calculations and a revised open space configuration. The Planning Commission determined that a turn-around area was optional under the terms of the Zoning Ordinance because of the number of parcels served and the length of the shared driveway.

Mr. Cypher presented a shared driveway maintenance agreement which had been reviewed by his attorney. He explained that most of the roadside brush had been cleared and he was negotiating with the power company for removal of two trees. The open space had been set off as a buffer because he planned to have horses on the property.

**MOTION:** Moved by Hartigan, seconded by Fumich, that the Planning Commission recommend to the Township Board approval of Mr. Cypher's state statute land division request for property at 11587 Hartland Road, RE parcel 02-200-002, as shown in the revised drawing received December 9, 2004 with inclusion in the survey of a complete open space legal description for 'Parcel 4' and addition of the driveway location for the existing residence. Motion carried by voice vote.

Mr. Cypher was informed that he had one hundred and twenty (120) days following receipt of the Township Board approval letter to complete the survey and provide a copy to the Township Assessor for assignment of parcel identification numbers.

- 2) Request of **Robert Ostermyer** for boundary realignment and open space relocation for a land division approved September 8, 2004 by the Township Board upon recommendation

of the Planning Commission for property located at 8314 Hartland Road, FR parcel 22-100-013. The information provided in the approved scale drawing was incorrect, and the open space location and parcel boundaries had to be changed to conform to the required parcel dimensions as shown in the preliminary survey. The new parcel boundary was reconfigured to include enough area to meet the minimum lot size requirements for the zoning district and the open space had to be relocated as a result.

Following the Subcommittee review, Mr. Ostermyer and Mr. Van Hecke reconfirmed the front yard set back measurements based on the averaging provisions of the Zoning Ordinance and concluded that the front yard setback shown on the revised Delta drawing (dated 10/01/04) meets the averaging requirements.

MOTION: Moved by Hartigan, seconded by Eastman, to recommend to the Township Board approval of Mr. Ostermyer's boundary and open space realignment request for property at 8314 Hartland Road, FR parcel 22-100-013, as shown in the Delta Engineering drawing dated 10/01/04 including the supporting documentation for the front yard setback averaging (dated 12/09/04) as required by the ordinance. Motion carried by voice vote.

#### **OLD BUSINESS:**

1)\* Review of Enrolled House Bill No. 6206

Mr. Fecho explained that the new bill was an amendment to 1943 PA 184 which established and regulated zoning districts. The new Section (16i) allowed a form of 'contract' rezoning which permitted specific conditions to be considered with the rezoning request.

As written and adopted, the bill:

- Allows owners or developers of the land to voluntarily offer in writing certain uses or conditions to be associated with the rezoning;
- Allows townships to establish a zoning reversion time limit after rezoning approval;
- Does not allow townships to add to or alter the conditions once rezoning is approved;
- Allows applicants to request an extension of the rezoning time limit by mutual agreement;
- Does not allow the township to require conditions as a rezoning requirement and does not allow the applicant's lack of conditions to otherwise affect the rezoning;
- Does not prohibit the township from requiring conditions as part of a PUD;
- Does not address the use of the Master Plan as a basis for establishing conditions prior to negotiation;
- Does not differentiate between uses by right and special uses within a zoning district; and
- Does not change the amount or type of information which the township could request for consideration of a rezoning request.

2) Finalization of ordinance language (dated 12/30/04) which will permit flexibility in locating open space and determination of the ordinance section(s) to be revised to accommodate the new language.

Mr. Milliken explained that the new language had been based on the December 14, 2004 Planning Commission discussion. He had proposed major changes in footnote AA which would limit the open space to the newly created parcel only, so a land division like the Cypher's would require that open space be placed on each newly created parcel rather than the parent parcel. Language had also been added which would permit the Planning Commission to locate the open space to preserve rural character, protect historic buildings or sites, buffer areas adjacent to streets and roads, protect significant natural features or connect with other open space (21.51.A.)

A single formula was recommended which divided the net parcel area by three (3) to determine the minimum required open space area for each new parcel. Paragraph 'D' (formerly B.2) has been modified slightly to reference building envelope adjustments based on the open space boundaries.

Ms. Eastman wondered if Mr. Hanoute had forwarded any comments. Mr. Hartigan said he had sent his support of the new language to Mr. Fecho and Mr. Milliken. He thought some adjustment might be necessary at the public hearings, but felt we should go ahead with their recommendation. It provides a single formula and gives the Planning Commission an option to locate the open space in any of the places we talked about before.

The Planning Commission observed that:

- The new language was much simpler to use;
- The same open space calculation would be based on the same formula for each individual lot for metes and bounds or platted land divisions;
- The language allowing the use of setbacks for open space might be clarified;
- The language meets the intent of the ordinance to put the open space where it would be most useful; and
- Application of the proposed formula to the zoning district minimum parcel areas might not result in an open space area equal to one half of the parcel created (20.02.AA).

The Planning Commission tentatively scheduled a Public Hearing for February 22, 2005 to discuss revisions to the Open Space language, deletion of Ordinance Sections 21.09 and 21.15 or inclusion of a notation that they were "reserved for future use," and adoption of the language regarding ponds.

- 3) Discussion of the non-residential use categories described in Ordinance Section 20.03, Table of Land Uses by Zoning District, for location within the proposed PIRO district rescheduled from the December 14, 2004 meeting.

Mr. Fecho told the Planning Commission that an important zoning issue was allocation of the Expressway Service District (ES) uses to other categories, prior to the elimination of that zoning district. Many of the uses allowed in the ES district could fit into the PIRO district as special uses rather than uses by right. Dividing the PIRO area into specific zoning districts was not a good idea. Keeping the property zoned as farmland and using a PIRO overlay would help handle problem uses like gas stations and SOB's.

Mr. Milliken noted that the current zoning map doesn't show zoning districts which correspond to the industrial uses referenced in the ordinance. The developer of a concrete batch plant would look at the Master Plan which might show an area where the use could be located. Without that, the applicant would just pick a site and ask for rezoning and eventually the whole thing would end up in court. That is why the PIRO district was planned with the potential to provide for a lot of uses through the process of a PUD type overlay to provide for negotiation and flexibility. Tonight he wanted to accomplish a "sign-off" on the layout and an understanding of what types of uses could be located in the various categories. He suggested making a list of the uses which would not be acceptable (or not allowed as a special use) in the Higher Intensity, Lower Intensity, Research Office, and Commercial zones.

The Planning Commission noted that:

- Because of the size, the PIRO area would take a long time to build out;
- It was better to locate higher intensity uses in the center of the project;
- Uses that need high visibility and provide the best facade (i.e., Office-Research) should be located along the US 23 and Center Road frontage;

- The Office Research zone shouldn't be used as a transition on the west side of the property;
- Light industrial uses could be located on the west side of the parcel to circle the high intensity uses in the center
- Ordinance language should be included to regulate some of the smoke and noise problems associated with industrial uses;
- It was difficult to recruit commercial chains to locations away from the expressway or other commercial uses;
- Service businesses which support industrial or research operations could be located within the area;
- Mr. Fumich's restaurant probably should be located in one of the commercial areas;
- The wetlands location shown on the use map should be reviewed;
- Some uses which should be considered high, medium, and low intensity should be listed for purposes of referencing the master plan;
- The township's Expressway Service zoning district was currently occupied;
- The final use map could be adopted as a Master Plan overlay;
- Using a Master Plan overlay which allows a wide variety of uses makes it more difficult to request spot zoning;
- The Research Office use should be extended to Center Road and include the TRW property;
- Big box commercial developments could use the same visibility as Research-Office uses;
- A commercial use block could be located in the south west quadrant of the PIRO district;
- Square footage of industrial or commercial buildings could be used as a qualifier for location within the project; and
- The township should resist pressure to locate multiple residential uses in the PIRO district.

#### **NEW BUSINESS:**

- 1) Discussion of Agenda Items for the January 13, 2004 Special Joint Meeting

As topics for review, the Planning Commission suggested establishing a method for insuring reserve sewage units for allocation to commercial and industrial developments within the sewer district rather than residential developments; board approval of boundary realignments and site plans; development of a utility plan for the township; and the future direction of the township

#### **ZONING BOARD OF APPEALS REPORT:**

#### **ZONING ADMINISTRATOR'S REPORT:**

- 1) Tipsico Estates

Mr. Van Hecke reported that road work had started on Tipsico Estates although the site plan approval had expired and permits had not been pulled.

It was the consensus of the Planning Commission that the developer should follow the ordinance requirements and come to the Township Hall for site plan renewal.

- 2) Hills of Tyrone West

Mr. Van Hecke reported that he had issued a waiver so the Hills of Tyrone developer could begin environmental clean up of the site

3) Open space relocation

Mr. Van Hecke asked about open space relocation for a parcel which was approved for land division in October or November. The purchaser had requested elimination of excess open space to improve the building site. He asked if the Planning Commission would want to review the open space revision or if he could just revise the drawing and make a note in the file.

The Planning Commission asked that the new owner follow the ordinance requirements for open space relocation and submit a plan to the Planning Commission since the request involved a change in a recorded legal description.

**OTHER BUSINESS FROM MEMBERS:**

1) Appointment of a Subcommittee alternate for January and February

Laurie Radcliffe will attend the Planning Commission Subcommittee meetings as an alternate while Joe Fumich is absent.

**NEXT MEETINGS:**


January 18, 2005 - Subcommittee Meeting

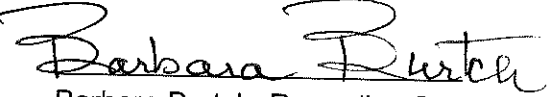
January 25, 2005 - Work Session

February 8, 2005 - Regular Meeting

February 15, 2005 - Subcommittee Meeting

**ADJOURNMENT:** 9:45 p. m.

  
Laurie Radcliffe, Secretary  
Tyrone Township Planning Commission

  
Barbara Burtch, Recording Secretary  
Tyrone Township Planning Commission

**CORRECTIONS TO THE MINUTES:**

- Page 1, Line 44: (...because **he** had planned...)
- Page 2, Line 25: (...allowed a **form** from of...)
- Page 3, Line 15: (...based **on** the same formula)
- Page 4, Line 10: (...probably should **probably** be located...)
- Page 5, Line 18: (alternate **while** Joe Fumich is absent.)