

TYRONE TOWNSHIP PLANNING COMMISSION

Approved Work Session Minutes

January 25, 2005 7:30 p.m.

PRESENT: Sally Eastman, Dave Hanoute, Steve Hasbrouck, S. Randy Laue, Laurie Radcliffe

ABSENT: Joe Fumich, Richard Hartigan

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:

January 11, 2005, postponed until the next meeting

CORRESPONDENCE:

January 12, 2005 - Letter from Oakland County Planning and Development regarding the Rose Township Master Plan

Chairman Hasbrouck asked if any members of the Planning Commission had been able to review the Master Plan and asked to have a copy available for review at the Township. He also asked for a written reply to the Oakland County Planning Department.

SUBCOMMITTEE REPORT:

- 1) Request of **Ronald, Linda and Jame Puckett** for land division of property at 9475 Denton Hill Road, RE parcel 14-200-006. The Parent Parcel will be accessed from an existing driveway on Denton Hill Road. Proposed parcels 'A,' 'B,' and 'C' will be accessed by a shared driveway from Apple Court, a public road located in the Eagle at Orchard Knoll Condominium. The driveway easement crossing the Consumers Energy easement will be 33 feet wide, the maximum easement width Consumers permits.

The Subcommittee recommended approval of the request pending revised open space calculations and site drawings and ZBA approval for the reduced easement width across the Consumers Power easement.

Mr. Hanoute said he felt the open space calculation was still in error, but the zoning district hadn't been shown and he was unable to read the dimensions from the drawing so he hadn't been able to check the calculations for compliance. Referring to the Open Space Calculations table, he noted that the gross parcel area and the developable area of Parcels B & C were larger than the net area of the parcels. The developable area should equal the net parcel area so it should be smaller than the gross area. The chart had to be corrected so we could check that the developable area was equal to the 60,000 square foot minimum parcel area for the zoning district.

MOTION: Moved by Hanoute, seconded by Eastman to table the request for legible drawings and accurate open space information.

During discussion of the motion, George La Marche a representative of Allied Land Surveying, said that they started working with Mr. Puckett in April of 2004. The drawings

and legal descriptions now ran to 8 sheets of paper and that was getting ludicrous for three parcels of land. There was nothing in the ordinance that stipulated open space couldn't be more than required. The legal descriptions are getting so far out of hand even a professional (like Mr La Marche) finds them hard to decipher. Mr. Puckett has gone along with everything the Planning Commission wants, but every time he comes before them there is another change request. They are out of hand, and he has never had a project come back as often. From now on, Allied would not take any verbal requests for revisions and would only make them based on written information. The open space calculations had been prepared exactly as the Township requested, but he didn't know what measurements the table was predicated on at this time. Mr. Puckett was looking for the Planning Commission to approve or deny the request. If the request gets approved, Mr. Puckett and Allied would do whatever the Planning Commission required.

Mr. Hasbrouck asked Mr. La Marche to explain his problem with the difference between the net area and the developable area, and if he felt it was related to the definitions. Mr. La Marche said that it was a definition and interpretation problem and he was aware that more open space had been provided than required.

Ms. Radcliffe commented that Parcel 'C' had been designed so that the developable portion contained less than an acre and that didn't meet the minimum parcel size for the zoning district. Mr. La Marche said that there were too many parameters that had to be met and they were just trying to meet whatever the Township required. They felt that if there was an open space overage, it was a benefit to the Township and a detriment to the client. He didn't know how you could compute the developable (minimum) parcel area when you couldn't develop inside of the open space or setback areas.

Mr. Hasbrouck recalled that he had attended at least two of the Subcommittee meetings when the land division had been discussed and the piece was a difficult one to work through. The early drawings were definitely limited and had contained errors that needed to be worked out and that required more trips than usual. Ms. Eastman asked if Mr. La Marche knew what the numbers were that the Planning Commission couldn't read. Mr. La Marche replied that they could reduce the size of the Open Space chart and blow up the drawings so they aren't as hard to read. He just wanted to know what it would take to make the project fly.

Mr. Hanoute said that the Planning Commission couldn't confirm his numbers until we could read the drawing. Mr. La Marche said he couldn't understand why the request should be tabled for that purpose.

The discussion was closed and Mr. Hasbrouck called for a vote on the motion to table. Ayes: Hanoute, Radcliffe. Nays: Eastman, Laue, Hasbrouck. The motion did not carry.

MOTION: Moved by Laue, seconded by Radcliffe, to approve the state statute land division request of Ronald, Linda and Jame Puckett for land division of property at 9475 Denton Hill Road, RE parcel 14-200-006 to create 4 parcels with shared driveway access from Apple Court for proposed parcels 'A,' 'B' and 'C,' pending receipt of a larger drawing which can be checked by Mr. Van Hecke for confirmation that the open space and the developable space (minimum parcel area) meet the Township requirements before it is forwarded to the Township Board. Ayes: Laue, Hasbrouck, Eastman, Radcliffe. Nays: Hanoute. Motion carried.

Mr. Hasbrouck reminded Mr. La Marche that the drawing would have to be reviewed by Mr. Van Hecke before sending it to the Board, and the request would be held until that time. Mr. Laue also reminded Mr. La Marche that if Mr. Van Hecke asked for corrections those would have to be made before the Board would review the site plan. Mr. La Marche was also reminded that each lot would have to be a minimum of 60,000 square feet exclusive

of open space as required by the zoning district, the zoning district should be indicated on the drawing, an open space chart should be provided, the parent parcel should be labeled, the net and gross area of each parcel should be stated, the easement widths should be shown, and the easement should be labeled as a shared driveway and utility easement.

OLD BUSINESS:

1)* Discussion of Planning Consultant fees and billing procedures

Mr. Fecho, McKenna's Director of Economic Development, commented that Dave Nicholson, the township's former planner, was a Principal Planner who had a great deal of experience and had worked with the Township for many years. Mr. Milliken, as a Senior Planner, was knowledgeable in planning, but had not worked for McKenna as long as Mr. Nicholson had. It was McKenna's practice to provide an experienced planner to assist their newer planners. Mr. Milliken does the majority of work in terms of reviews, recommendations and ordinances, while Mr. Fecho provided general overviews and advice.

Site Plan Reviews and developer conferences are billed at a flat rate, based on McKenna's published Fee Schedules. These fees are usually charged to the developers although billed through the township. When two planners attended a Planning Commission meeting, the Township is only charged for one. Having two planners benefits the Township but it also benefits McKenna because it guarantees continuity and consistency in meeting their planning obligations to the Township. It also provides for continuity if one of the planners is not available for a particular meeting and a substitute planner is required. Mr. Fecho didn't believe that McKenna's hourly rates for services to the Township had been raised recently.

He also noted that the Township was at a point in its development where decisions made now would affect the township for the next fifty years and it was important to have an enforceable plan in place to help control development as the Township wanted.

The Planning Commission also agreed to request credit for some of the fees collected by the Planning Commission (land divisions, rezonings, special uses, site plans, etc.) or publications generated by the Planning Commission (maps, ordinances, master plans) and to charge off lengthy consultant discussions of projects during Planning Commission meetings to the developer's escrow account.

Chairman Hasbrouck asked Secretary Radcliffe to write to the Board and request copies of the Planner's bills so we could evaluate the expenses charged to the Planning Commission. Mr. Laue said that he had also been asking for copies of the bills for the past two years, but hadn't been able to get them. Previous Township Boards were aware of the importance of the Planner to the development of the Township and were willing to shoulder a certain amount of that cost. The new Board believes that the Planning Commission should be self-sustaining which represents a change in philosophy. The fees charged should balance out the Planning Commission costs and should be carried by the users.

Mr. Fecho said it was hard to set amortization fees to cover the costs of creating zoning ordinances and master plans. They would have to be fairly high and would be hardest on the local residents who came before the Planning Commission. When local governments charged exorbitant fees in order to divide property or build a garage, residents tended to get angry.

2) Review of the Open Space calculations discussed at the January 11, 2005 meeting as they impact the zoning ordinance and the residential zoning density

Mr. Hasbrouck said the Board had been getting a lot of complaints about the problems with calculating open space. Mr. Hanoute thought we should enforce the zoning ordinance exactly as it was written while we were trying to make the current language easier to understand and use.

Mr. Fecho said at first he thought the open space calculation was a calculus problem, but it's not. Density is one issue and open space is another and they can't be expressed by a single formula. If applicants happened to read the ordinance, they would know the number they should be working from is the minimum lot size. What confuses people is having one number for the minimum lot size and another number for the density.

The Planning Commission discussed:

- Maintaining the current minimum parcel and density requirements, rather than increasing the minimum FR parcel to 3 acres, the minimum RE parcel to 90,000 square feet and so on;
- Requiring 'same lot' open space for any new metes and bounds parcels created;
- Allowing the Planning Commission to recommend or approve open space locations to control fragmented open space;
- Revising ordinance language which restricts the location of open space;
- Development of a single formula to use in calculating the amount of open space required;
- Language specifying that any new parcel would have to meet the minimum parcel area requirements for the zoning district exclusive of open space;
- Eliminating the open space requirement for small lots;
- The use of open space to prevent over development of small lots;
- The advantage of open space buffers between small lots;
- Increased emphasis on using open space to preserve rural character;
- Encouraging the use of front yard open space to enhance front yard setbacks;
- The poor design of some of the land divisions proposed by Township residents or developers;
- The amount of open space located at the rear of parcels where it wasn't visible;
- Requiring additional open space to compensate for side yard open space continued into front yards;
- Allowing side yard open space to extend into the front yard when parcels exceed the zoning district minimum parcel width;
- The relationship of open space to residential building envelope setbacks and accessory building setbacks;
- The use of side and rear yard building envelope setbacks for accessory buildings;
- General corrections to the text to make it less confusing;
- Language which would stress using open space to protect the most important natural features of the parcel;
- Allowing buildings to be located immediately adjacent to front yard open space;
- Revising Section 21.51.B.3 to allow open space in a portion of the front or rear yard areas, as defined by the ordinance, when the parcel width exceeds the minimum required yard width;
- Front and rear yard ordinance definitions related to the building location;
- Building envelope definitions based on lot line or open space setbacks;
- Including ordinance language in Section 21.51 which permits the use of open space boundaries as lot lines for the purpose of establishing building envelopes;
- Alleviating front yard setback requirements when open space is located in the front yard;
- Restrictions on the use of setback areas as open space since the setbacks serve as accessory building locations; and
- Eliminating the setback areas for buildings located immediately adjacent to open space.

The Planning Commission agreed to continue further discussion at the next meeting in an attempt to finalize the sections of the ordinance and the exact language which would be included in the ordinance Public Hearing.

3) PIRO review

The discussion of the PIRO regulations will be continued at the next meeting.

NEW BUSINESS:

1) Distribution of Planning Commission packets

It was the consensus of the Planning Commission members that they preferred to have the packets mailed to them since it was difficult to get to the Hall during working hours for a majority of the Commissioners.

ZONING BOARD OF APPEALS REPORT:

ZONING ADMINISTRATOR'S REPORT:

1) Land division for non-conforming parcels

Mr. Van Hecke informed the Planning Commission that he had been involved in a discussion regarding land division of a five acre parcel. The applicant wanted to split the property in order to build a house near her mother-in-law in order to help care for her.

Because the property was a corner parcel, the net area was less than five acres so only one of the parcels would be able to meet the zoning district minimum and the open space would also be less than required. He told the owner that he would ask the Planning Commission for their comments and whether they might consider a variance recommendation for the ZBA.

It was the consensus of the Planning Commission that the lot was too small to meet any of the land division requirements and they could not support a recommendation for a ZBA variance in this case. They suggested that an addition could be attached to the existing residence in order to provide quarters for the mother-in-law or the care giver.

OTHER BUSINESS FROM MEMBERS:

NEXT MEETINGS:

February 8, 2005 - Regular Meeting

February 15, 2005 - Subcommittee Meeting

February 22, 2005 - Work Session and Public Hearing

ADJOURNMENT:



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission

CORRECTIONS TO THE MINUTES:

- Page 3, Line 4: (easement should **be** labled...)
- Page 3, Line 19: (...to the developers although **the**)
- Page 3, Line 26: (...had been raised **since** recently.)
- Page 3, Line 28: (...noted that **the** Township...)
- Page 5, Line 35: (...suggested that an **addition** apartment could be added..)