

APR 05 2005

TYRONE TOWNSHIP PLANNING COMMISSION

Approved Regular Meeting Minutes

February 22, 2005 7:30 p.m.

PRESENT: Sally Eastman, Dave Hanoute, Richard Hartigan, Steve Hasbrouck, Laurie Radcliffe

ABSENT: Joe Fumich, S. 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: February 8, 2005, approved as corrected:

Page 2, Line41: (The use potential differences...)

CORRESPONDENCE:

- 1) February 10, 2005 - Letter from the Charter Township of Fenton regarding a draft land use plan amendment

The letter was received and placed on file.

- 2) February 12, 2005 - Letter from George Van Hecke regarding Township Application Fees

Mr. Van Hecke said his thought was to establish a policy for project fees. When no action has been taken by the applicant within a specified time period, the application should be considered null and void, and when an application fee should be returned. Our ordinance does have a policy that states site plan approvals are null and void if no development takes place within a year, but there is nothing that relates to other types of projects and we don't specify that the applicants have to request re-review and pay new application fees for reinstatement of the plan. He asked for recommendations to take to the Board for amendments to the Township Fee Schedule.

Mr. Fecho, Township Planner, commented that most townships establish a fairly liberal time period for cancellation of applications or plans. Planning Commission members suggested that projects should be terminated within one year with the fees non-refundable if any part of the project had been reviewed. If the project application was not completed or the project was not reviewed within a year, a portion of the fee (possibly twenty-five (25) percent) could be retained. If the project was withdrawn before any action was taken, the entire application fee should be refunded.

OLD BUSINESS:

- 1) Review of the final Open Space text amendments (2/16/05 rev) for discussion at the Public Hearing (2/16/05 rev)

The Planning commission reviewed the material which had been revised following the February 8, 2005 discussion.

Mr. Hanoute commented that Section AA still contained a reference to 'buildable area' rather than 'developable area.' Mr. Hasbrouck noted that many people thought the open space applied only to site condominiums or subdivisions, but not lot splits, because of the way Section 21.51 was written.

During discussion of specific revisions, the Planning Commission commented that:

- Section A.A., Paragraph II, should be clarified regarding the location of transferred open space;
- Recreational facilities weren't usually included as part of a basic land division open space;
- The design requirements should differentiate between individual parcel open space and the 'common' or multiple user open space associated with planned developments;
- Some of the design requirements (wetlands, woodlands, tree lines, road frontage, contiguous open space, scenic preservation) should apply to all open space locations;
- Swimming pools were defined as structures under terms of the ordinance;
- Accessory structures probably shouldn't be included in metes and bounds open space;
- Private owner and large development design requirements were all mixed together;
- Specific language should be included to allow vehicular access across the open space for shared driveways and private roads, but should note that the access may not be calculated as open space;
- Notation should be made that single access private driveways were excluded from the restrictions for shared driveways and roads;
- Preservation of the natural environment should be the main focus of open space;
- Restrictions on the use of open space should be in a separate category from permitted uses of open space;
- The intent and purpose of open space should be stated at the beginning of Section 21.51 to let people know what the Township is trying to achieve for the community;
- Open space standards could be established for land divisions of four (4) parcels or less and more than four (4) parcels.
- There was a distinction between open space and recreational space and recreational space shouldn't be part of the design standards for individual parcels;
- Private recreational facilities, historic building sites, buffer areas, and storm water detention areas should be referenced as additional open space uses for common areas;
- Areas with tree cover, wetlands, lowlands along streams, steep slopes and other natural features worthy of scenic preservation together with property lines and road frontage were the most important open space locations;
- The majority of the township's land divisions involved individual property owners rather than developers; and
- A statement of purpose should be included with the individual open space requirements as Section A (21.51).

During the discussion Mr. Fecho recommended concentration on the uses which would be allowed rather than the uses which would be prohibited. Many people will come up with a different term for a prohibited use and try to argue for their interpretation. If their interpretation isn't on the prohibited list, they will assume it must be allowed.

Mr. Hanoute asked to have items like 'J' which referred to developments clearly separated from the individual parcel requirements. Mr. Hartigan commented that the first sentence of 'J' could apply to any type of open space, but the landscaping requirements beginning with the second sentence were another example of site plan development standards mixed with lot splits. Mr. Hasbrouck thought the whole section could be split in two...one section targeting larger developments and one that deals with individual parcel splits. Mr. Hartigan asked Mr. Fecho to make the ordinance clear enough for the average person

to understand. Mr. Hanoute questioned some of the language in Section L, especially in regard to agricultural use. Mr. Hasbrouck thought that was an example of language getting so complicated that we might need to delete all of the open space requirements and just go by density. There were too many rules for people who didn't need rules, especially about putting up an animal shelter.

Mr. Fecho said he would work on the document and would try to have something to forward by Wednesday for Planning Commission review and comment.

- 2) Review of the revised PIRO use lists (2/16/05)

Mr. Hasbrouck rescheduled discussion of the lists to a future meeting.

NEW BUSINESS:

- 1) Review of the language to be inserted into the Master Plan regarding the PIRO district

Mr. Fecho explained that McKenna had prepared a preliminary draft of the language to be inserted in the master plan together with some use categories which would become part of the zoning ordinance. For purposes of the Master Plan, the use categories (Research Office, Lower Intensity, Higher Intensity, Open Space) were more important than the individual uses.

Mr. Hartigan asked if it was necessary to go into as much detail and speculation as the language in the Research Office section. Mr. Fecho explained that Master Plans provided the philosophy behind the ordinance land uses and set out the township goals and objectives. Master Plans are frequently used as a marketing tool. This was one example, but he thought the Planning Commission would probably want to revise it during future discussion. Mr. Hanoute commented that he liked it just the way it was.

- 2) Comments regarding Procedures for adoption of the Master Plan PIRO revisions (2/16/05)

Mr. Fecho explained that the first thing the Planning Commission should do would be to authorize the Secretary to send out a notice to the adjacent units of government notifying them that the Township will be amending its Master Plan. The date doesn't have to be specific, but a preliminary notice should be sent out.

While making the amendments for the PIRO district, it might be a good idea to add a paragraph or two about conditional zoning or other minor issues which the Planning Commission would like to resolve. When the amendments are finally approved and adopted, the final motion should state that they are being adopted as part of a complete review of the Master Plan.

Mr. Hasbrouck suggested that a section on Public Utilities should be included in the Master Plan revisions now that the sewer project has been approved.

MOTION: Moved by Hartigan, seconded by Eastman, that the Planning Commission Recording Secretary notify the adjacent communities, townships and counties that Tyrone Township is in the process of reviewing the Master Plan for the purposes of updating some of the sections. Motion carried by voice vote.

Mr. Fecho suggested that the Planning Commission should begin to develop a time frame at the next meeting for approval and adoption of the proposed Master Plan amendments.

- 3) Comments regarding the "Conditional Zoning in the State of Michigan" memo provided by McKenna Associates at the February 8, 2005 meeting

Mr. Fecho commented that the new statute dealt with 'conditional' rather than 'contractual' rezoning. A contract could be included as one of the conditions. One community had already prepared an ordinance revision which listed information developers would have to provide if they wanted to request conditional rezoning. Providing ordinance standards ahead of the request let developers know what the Township was looking for and was one way of making the negotiating easier. Conditional rezoning agreements were not site plans and the rezoning still had to be consistent with the Master Plan. The Master Plan amendment could be a brief statement stating that conditional zoning would be accepted by the Township, accepted only in certain areas, or not accepted at all.

In response to questions from the Planning Commission, Mr Fecho said:

- Conditional rezoning could be used to restrict rezoning to a specific type of use permitted in the zoning district rather than all uses;
- Conditional rezoning would typically relate to an increase in density or intensity of use related to the underlying district;
- The concept was designed to permit rapid redevelopment of older cities by restricting the rezoning time period;
- The applicant would provide a proposal which the township could accept or reject as presented;
- Conditional rezoning agreements could be based on more specific information and site drawings than traditional rezoning approvals;
- The duration of the zoning approval could be included as a rezoning condition;
- Conditional zoning did not allow for land use changes inconsistent with the land use map; and
- Conditional zoning could be used to address some of the issues which would normally be referred to the ZBA.

Mr. Hasbrouck asked how necessary it would be to come up with Master Plan changes every time the state adopted a new law, especially when it was a plan adopted to benefit large cities which wanted to rehabilitate certain areas.

Mr. Fecho explained that 'contract zoning' could be wide open rezoning while 'conditional zoning' was based on the underlying zoning districts or land use plans. Minimum conditional rezoning requirements could be established in the zoning ordinance as a way of insuring that any requests would be treated equally and any conditions (bonds, time limits) would be applied uniformly.

ZONING ADMINISTRATOR'S REPORT:

Mr Hasbrouck asked about the status of the landscaping associated with the Baptist Convention State Headquarters. It didn't appear that the landscaping met any of our requirements although they had originally planned to retain most of the natural vegetation. Mr. Hartigan and Ms. Eastman asked how the storage building had been added without amending the site plan since an accessory building hadn't been shown on the original drawings.

Mr. Van Hecke said he had reviewed the accessory building plan, but didn't realize that it needed to come to the Planning Commission because the storage building met all of the setback requirements. Mr. Hartigan thought the request should have been reviewed by the Planning Commission because it involved a storage building without a residence and it was part of a development approved by site plan. Ms. Radcliffe thought the building shouldn't have been approved before the project complied with all of the site plan requirements, including the landscaping.

Mr. Van Hecke said that he would review the Baptist Convention site plan again and then contact them about their landscaping plans.

OTHER BUSINESS FROM MEMBERS:

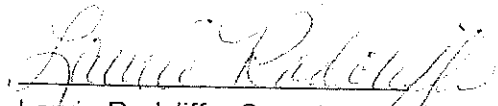
NEXT MEETINGS:

March 8, 2005 - Regular Meeting and Public Hearing

March 15, 2005 - Subcommittee

March 22, 2005 - Work Session

ADJOURNMENT: 9:35 a. m.



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission