

TYRONE TOWNSHIP PLANNING COMMISSION

Approved Work Session Minutes

March 22, 2005 7:30 p.m.

PRESENT: Joe Fumich, Dave Hanoute, Richard Hartigan, Steve Hasbrouck, S. Randy Laue, Laurie Radcliffe

ABSENT: Sally Eastman

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:

March 8, 2005 - Regular Meeting, approved as corrected:

- Page 2, Line 14: (Updates to the **public utilities text sewer plan**)
- Page 2, Line 50: (...would be subject **to** conditional zoning...)
- Page 3, Line 12: (...the PIRO area would need up to **2400 4000** REU's.)
- Page 3, Line 15 (A mention **of or** the reserve policy...)
- Page 3, Line 45: (Conditional zoning was a **was a** state statute...)

March 8, 2005 - Public Hearing, approved as corrected:

- Page 2, Line 9: (...shall be in addition to any developable **area are**...)
- Page 7, Line 22: (**pay his has** taxes or take the five million...)
- Page 8, Line 16: (Mr. Hartigan **noted** observed that...)
- Page 8, Line 30: (**Mobile Mobil** Home Parks...)

CORRESPONDENCE:

Mr. Hasbrouck received a letter from SEMCOG inviting a member of the Planning Commission to their April 6, 2005 outreach meeting. He asked interested Planning Commission members to look at the material after the meeting.

SUBCOMMITTEE REPORT:

- 1) Request of **Kurt and Jennifer Herbstreit** for open space relocation for property in Section 13. Their preferred building site was too close to the approved open space location in the southwest corner of their property. They also questioned the amount of the open space located on their parcel based on the zoning district requirements.

The subcommittee recommended approval of the relocation request, but asked the Herbstreits to maintain the amount of open space originally approved or provide a wetlands evaluation to insure that the lesser amount of open space they proposed did not contain more than twenty-five (25) percent of wetlands.

Mr. Hanoute informed the Planning Commission that the new site drawing and calculation chart they provided (received 2/28/05) reduced the total developable area of the lot below the RE zoning district minimum of 60,000 square feet. He asked them to reduce the amount of open space to 1.07 acres, as originally approved.

The required open space should equal .82 acres, but apparently the wetlands included in the open space increased the actual total to 1.07 acres. Even though the amount of open space shown in the original site drawing totaled 1.3 acres, the chart showed a total of 1.07 as the required amount and that is what was approved.

MOTION: Moved by Hanoute, seconded by Laue, to recommend to the Township Board approval of the Herbstreit's open space relocation request for RE parcel 13-200-015 with access from Woodbrook, based on provision of a new drawing which shows a total of 1.07 acres as approved by the Township Board October 19, 2004. Motion carried by voice vote.

Mr. Hanoute reminded the Herbstreit's that a new legal description of the parcel must be provided with the request and the reconfigured property should be recorded at Livingston County.

Mr. Herbstreit asked for clarification about what could be done with the open space. He hadn't been able to find any information in the ordinance other than the definition of "open to the sky" (Section 2 - Definitions: Open space). He asked where he could find information about what he could and could not do there.

Mr. Hasbrouck invited him to remain for the discussion of the proposed revisions to the open space ordinance. Mr. Hanoute said that the old and new ordinance prohibited the building of structures in the open space, but he could do anything else that the ordinance did not specifically prohibit. Mrs. Herbstreit was told that Section 21.51 of the Zoning Ordinance listed the restrictions which were placed on open space use.

- 2) Request of **Steven and Wendy J. Gornick and Joyce and Jack Wilson** for boundary realignment of property at 13160 Old Oaks (FR parcel 36-100-41) and property at 13170 Old Oaks (FR parcel 36-100-042). Mr. Gornick would like to increase the width of his parcel to provide room for an accessory building.

Mr. Hanoute informed the Planning Commission that the Subcommittee had recommended approval of the request. The property realignment would also bring the frontage of 100-042 (13170 Old Oaks) into compliance with the zoning district requirements.

MOTION: Moved by Hanoute, seconded by Fumich, to recommend to the Township Board approval of the Gornick's request for boundary realignment of property at 13160 Old Oaks (FR parcel 36-100-041) and 13170 Old Oaks (FR parcel 36-100-42), as shown in the drawings dated 2/27/05, as it complies with ordinance requirements. Motion carried by voice vote.

OLD BUSINESS:

- 1) Recommendations regarding the final drafts of Zoning Ordinance Sections 2.00, 22.02.AA, 21.51, 21.53 and the status of Sections 21.09 and 21.15 (3/22/05 revision).

Mr. Fecho said he had made changes to the proposed text (Section 21.51) as requested at the Public Hearing and had indicated the changes through the use of italics together with the "developable" definition (Section 2.00).

During their review of the March 22, 2005 revisions, the Planning Commission continued to discuss whether to make open space restrictions mandatory or to apply them as circumstances required and whether the restrictions should be based on an all inclusive list or a set of general objectives.

Item 21.51.J listed mandatory conditions to be imposed for privately owned open space. In regard to the dumping of material or off road vehicles (21.51.J.8), Mr. Hasbrouck

commented that lawn mowers or compost piles would be the kind of off road vehicle use or material storage that you would expect to have associated with open space. The township had other ordinances to deal with nuisance situations that might be caused by out door storage, dumping, or noise.

Other Planning Commission members observed that revised Section 21.51.J.8 uses the same language as existing Ordinance Section 21.51.F.8, so the question was still whether the ordinance should tell applicants specifically what they could do or not do, how specific the open space language should be, and whether 'Development,' as defined in Section 2 - Definitions, was specific enough for use in proposed Section 21.51.J.7. Currently, septic systems were allowed in open space since they had minor impact on the open space surface. By their nature, they would always remain open to the sky, even though they could be considered a 'structure' because they were a man made change under the Section 2 definition of "Development."

Cutting or mowing of open space might not be something to specifically prohibit in open space either (21.51.J.2 and 3, and 21.51.H.8). Some people wanted to mow everything they owned, some people wanted to leave it in a totally natural state, and there were others who wanted to plant things in it. Many open space uses could be controlled during site plan review or when building permits were issued for individual parcels. As written at present, section 21.51.J.7 prohibited any man made change to a site which meant that septic systems or gardens wouldn't be allowed.

Other sections of the ordinance allowed landscaped detention areas (21.51.O.1.c), which are man made structures, or certain recreational structures associated with large developments (21.51.O.1. a. and b). The problem was to provide language which would give direction on what people could do or not do when they looked in the ordinance without making the section too long. The Township still had the right to review the open space when someone brings in a residential site plan and approve what is shown or not.

Mr. Hasbrouck suggested that the Subcommittee could ask individual parcel owners more specific questions about their intended open space use to get more precise information and then make sure that restrictions that may apply are put into the maintenance agreement. Mr. Hanoute thought that if we didn't make a list and agree on it now, how would the Subcommittee know what standards to apply and enforce. If Mr. Hasbrouck wanted to allow certain things, but if he didn't like them, they would have to sit in the Subcommittee and argue about it.

Mr. Hasbrouck replied that the intent of open space is to manage the density of building on the parcel and he would rather not have a whole lot of things written down that we wouldn't be successful in enforcing. Mr. Fumich said he thought we were trying to cultivate a rural look by keeping it natural, that's why we have open space. Keeping that in mind, you don't build anything on it, but you don't have to do much to it either.

Mr. Hasbrouck commented that everyone has a different idea about what "rural" means. To some people that means farming or gardening or cutting down weeds. Some people want to leave it alone or put ball fields on it. You can't police everything. Mr. Van Hecke thought the important part was to have no structures. As long as there weren't any structures in the open space, it should be used as the owner wanted.

Mr. Laue thought we had spent so much time on the language we were getting hung up in details. We should go ahead with what we have and come back to it again later if we have to. Mr. Hanoute still wanted to establish a list of all the negative things we didn't want (Section 21.51.B and 21.51.J.8). He was in favor of having the Planner write something very specific to bring back to the Planning Commission. Mr. Laue said he wanted to keep the ordinance simple. Mr. Hartigan commented that once you started listing things, you could list one hundred of them and then someone would come up with two more. Then

when you amended the ordinance to add those to the list, that would open the door for one hundred and four. The list could become never ending. As long as we recognize the limitations listed in Item J (21.51.J), then any thing that does not meet the requirement should be shown on the site plan.

Mr. Hasbrouck thought that even septic systems could fit the open space definition because they were open to the sky, so interpretation could be flexible. Originally, we had intended the ordinance to be flexible so it wouldn't take away more rights from the property owners than we needed to and to allow the owners to do things with their land that are generally acceptable. Things that aren't acceptable are usually regulated somewhere else in the ordinance like trash and grading. Also, we have a chance to specify what changes might be allowed when we review the master deeds and by-laws of the larger developments.

Mr. Hanoute said he wanted some specific basic standards to follow. Mr. Hartigan said he thought most of the standards were covered under the definition of 'Development' and the rest were included in the ordinance. Mr. Hasbrouck still didn't feel that prohibiting 4-wheelers was a standard that should be imposed on property owners. As long as the yard area is maintained, and nothing permanent is built, owners should be able to use their open space for recreation.

As the ordinance language was discussed, the Planning Commission requested:

- An addition to the last line of newly created Section 21.51.G. to read, "...within the open space no permanent structures may be built **except as permitted in Section 21.51.M and Section 21.51.O.**"
- Clarification of proposed section 21.51.H to note that the, "...open space requirement may be met at another location within the **lot, parcel or condominium unit project.**"
- An addition to the new language inserted into the second line of Section 21.51.J.7. to include, "...as permitted by **Section 21.51.N and 21.51.O.**"
- Revision of proposed Section 21.51.J.8 to read: "Indicate **any** the proposed allowable uses of the dedicated open space."
- Revision of proposed Section 21.51.8.b to read: "Activity that may cause risk of soil erosion or threaten any living **plant** material;"
- Deletion of proposed Section 21.51.8.c. and 21.51.8.e.
- Revision of proposed Section 21.51.f to read: "Use of pesticides, herbicides or fertilizers ~~within or adjacent to wetlands.~~"
- Addition of a new Section 21.51.8.d: "**Any activity or use that is not consistent with the intent of the open space regulations in Section 21.51.A.**"
- Revision of proposed Section 21.51.M beginning with line 2 to read: "...within the dedicated open space subject to ~~an the~~ approved site plan. ~~Such accessory structure(s) or building(s) shall not exceed, in the aggregate, one percent (1%) of the required open space.~~"

It was the consensus of the Planning Commission that the Township should maintain flexibility of use by limiting the amount of detail contained in the Ordinance restrictions.

Mr. Fecho reminded the Planning Commission that no revisions to proposed Sections 20.02.AA and 21.53 - Ponds had been requested at the Public Hearing and no revisions to those particular sections texts had been made in several weeks.

MOTION: Moved by Hartigan, seconded by Hanoute, to make the corrections to Sections 21.51.G; Section 21.51.H; Section 21.51.J.7; Section 21.51.J.8; 21.51.J.8 b, c, and e; and Section 21.51.M as discussed by the Planning Commission at the Meeting of March 22, 2005 and to forward the corrected text of Section 21.51 and the text of Section 2.01, Section 20.02.AA and Section 21.53 and the text deletions for

Section 21.09 and Section 21.15 to the Livingston County Department of Planning, the Livingston County Planning Commission, and the Tyrone Township Board for review and approval. Motion carried by voice vote.

2) Discussion of further amendments to the Tyrone Township Master Plan in addition to the PIRO district revisions

Mr. Fecho referred to a memo dated March 17, 2005 which had been prepared regarding the Master Plan Revisions based on a review of the entire Master Plan by Mr. Fecho and Mr. Milliken. Generally, the plan was consistent with Township planning objectives. They considered that some portions of the document could be updated at this time to provide current data and policy change information. The most crucial changes involved the PIRO district and the language concerning sewer availability.

He noted that there was a heavy reliance on PUD zoning for non-residential uses and suggested that contract zoning might be another useful consideration. The census data from 2000 was not complete at the time the Master Plan was originally adopted and that should be updated in table form at a minimum.

To restart the five year calendar for the Master Plan, it would only be necessary to reference the review of the plan in general and then revise the crucial sections, in this case the PIRO section and the sewer section.

Referring to page 80 of the Master Plan, Mr. Hartigan said the Planning Commission had held a lot of discussion about what we were trying to accomplish with the Planned Office, Planned Commercial, Planned Industrial and Planned Research districts (PIRO). The previous planner kept referring to them as PUD projects, but that isn't what we intended. The overall conditions or regulations for planned development listed on page 80 do not relate just to PUDs and Items 1 through 8 weren't just specific to the PIRO district. The architectural standards, the green belts, and the open spaces are what we wanted in all of our planned districts, not just PIRO or PUD, although they should be referenced in the PIRO section. We have already written our Architectural and Access Standards.

Mr. Fecho thought this section (Nonresidential Uses) did that. That is what contract or conditional zoning can do in terms of the eight items (Overall Regulations for Planned Development). They could be dealt with by a developer coming forward to offer them to you as a condition of rezoning. With the change in state law, the developer can come forward, read the Master Plan and give you these eight items if you rezone his property to a higher density or rezone it to a more intense use like commercial. The PUD allows for that development.

Mr. Hartigan explained that page 80 is classified as part of the "Future Land Use Plans for Nonresidential Uses" and that is the section that puts a heavy reliance on a PUD. Those "Overall Regulations" weren't just for PUD's. They were supposed to be objectives for all of our Planned Districts, Commercial, Industrial, or Office Research. Our intent, right or wrong, was that developers didn't have to come and offer it. We wanted it as part of their plans with no "ifs" or "ands." It is what has to be included in any of the planned areas and none of it should be optional or tied to a PUD.

Mr. Hanoute thought the crucial items like the PIRO district changes, sewer availability language, and the common planning objectives on page 80 needed to be addressed. His question concerned the costs associated with the Master Plan Revision. Mr. Fecho said that would be difficult to say until the Planning Commission determined what they wanted to accomplish in terms of revisions. He felt the PIRO language they had already drafted was a good place to start. Mr. Hanoute said that his concern was based on the financial condition of the Township and he thought we should minimize the expense associated with this as much as possible.

Mr. Hasbrouck asked if it would be possible for Mr. Fecho to provide an estimate based on what would have to be worked out once we decide. Mr. Fecho said they could provide an estimate to update the tables, but the text would be a different issue. The PIRO text is already done, and based on the number of corrections, there shouldn't be any additional cost for that. Based on the number of Master Plan copies the Township orders at any time, the publication costs shouldn't increase significantly.

Ms. Radcliffe noted that the Parks and Recreation material (page 65) should probably be revised because the millage had failed and all plans were on hold.

Mr. Fecho commented that most of the revision costs, if they were minor, could be recovered through sale of the documents. He thought the data update might be the most expensive because of the typing hours. The Planning Commission decided to continue with the revisions to the PIRO district and sewer language.

Mr. Hanoute said that we would have to revise the Zoning Ordinance text to implement the PIRO district. We have been talking about the PIRO district and the other planned districts for three years and we still don't have anything in the ordinance for them. We seem to be avoiding the changes to the Zoning Ordinance. Mr. Hartigan recalled that our first proposal was shot down by the board, so we started doing the work at our meetings as part of our regular expense. He was against another big proposal and thought we should just identify what needs to be done and do it as part of the work sessions. Mr. Hasbrouck thought we should get an estimate for the data and continue the other revisions as we have been doing.

Mr. Fecho said he and Greg Milliken had a discussion with the Township Engineers regarding the sewer plans for the PIRO district. Based on an the estimated residential use (REUs) of approximately 500 acres, Tetra Tech estimated the minimum number of REUs at 640. To be conservative, Tetra Tech usually assigns 625 gallons per day per acre for nonresidential uses and makes no assumption about open space which comes out to 1200 REUS which gives us an upper range and lower range for sewer units. Mr. Hartigan said that we had already received a chart for each type of non-residential use. A car wash is assigned 10 REUs for a single production line, and a car wash takes half an acre. According to his experience, a 40,000 square foot industrial building requires at least 20 REUs. He thought McKenna's numbers were too low. Mr. Hasbrouck noted that the high density residential potential around the perimeter of the PIRO district could use up REUs pretty fast as well.

Mr. Hanoute commented that he liked the idea of PIRO District open space and thought it should be incorporated into all of the planned districts. He just wondered where the authority to require it came from and thought we needed to establish some standards to size and locate it when we reworked the Zoning Ordinance.

- 3) Comments regarding the PIRO district text (1/20/05 version) in terms of an overlay, conditional zoning, PUD zoning or Rezoning based on the existing Ordinance Districts (M-1, M-2, ROM, OS and ES) to determine an underlying use for the PIRO district and determination of uses by right, special uses, or other conditions to be attached to the Planned Use use district classifications.

Mr. Hasbrouck asked to have the discussion rescheduled.

NEW BUSINESS:

- 1) **ZONING BOARD OF APPEALS REPORT:** No report
- 2) **ZONING ADMINISTRATOR'S REPORT:** No report

OTHER BUSINESS FROM MEMBERS:

NEXT MEETINGS:

April 12, 2005 - Regular Meeting

April 19, 2005 - Subcommittee Meeting

April 26, 2005 - Work Session

ADJOURNMENT: 9:40 p. m.



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission

CORRECTIONS TO THE MINUTES:

Page 6, Line 16: (...because of the **typing** tying hours...)

Page 6, Line 42: (...we needed **to** establish some standards...)