

TYRONE TOWNSHIP PLANNING COMMISSION

Approved Work Session Minutes

April 26, 2005 7:30 p.m.

PRESENT: Sally Eastman, Joe Fumich, Dave Hanoute, Richard Hartigan, Steve Hasbrouck

ABSENT: S. Randy Laue, Laurie Radcliffe

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: April 12, 2005 approved as corrected:

Page 3, Line 20: (...while ~~the a~~ planned unit development would allow...)

Page 3, Line 40: (...Mr. Fecho ~~said~~ agreed...)

Page 4, Line 15: (...the corner of Hartland and ~~Center White Lake Road~~...)

Page 4, Line 22: (...Mr. Strong said that ~~they the~~ were...)

CORRESPONDENCE:

SUBCOMMITTEE REPORT:

- 1) Request of **Richard Osborn**, representing the Coyote Preserve Golf Course, and **Larry Czekaj** of TCF Bank, representing TCF and Golf Course Properties, to realign "The Preserve" parcel boundaries and reissue parcel identification numbers to reflect the separation of the Preserve Golf Club from the Preserve Residential Community following the sale of the golf course to Mr. Osborn in 2004. An ALTA Survey (revised 5/26/04) has been provided to show the boundaries of the golf course. The subcommittee recommended approval of the request.

Mr. Hanoute commented that the property was being realigned to separate the golf course property from the residential property. The residential open space which had been included in the golf course will be transferred to the areas retained by TCF in Sections 8 and 9.

MOTION: Moved by Hanoute, seconded by Hartigan, to recommend to the Township Board approval of the applicant's request to realign the boundaries between the golf course and the residential property as shown in the ALTA survey revised 5/24/04.

During discussion of the motion, the Planning Commission:

- Requested inclusion of the name of Boss Engineering as part of the drawing reference in the approval motion;
- Was informed the Township Attorney considered the project a realignment rather than a land division;
- Was reminded by Township Planner Darrell Fecho that the project had originally been approved as a single site plan;
- Was told by Mr. Czekaj that Golf Course properties owned the property in Section 9 separate and distinct from the condominium properties owned by TCF in Section 8;

- Was told by Mr. Czekaj that the site was being marketed based on the original site plan but the undeveloped residential property might or might not be part of the existing site condominium;
- Asked for a legal description of the property which contained future condominium units 1 through 46 and the open space area in the NE quarter of Section 8;
- Told Mr. Czekaj that the legal description of the TCF condominium property should match the boundaries shown in the Coyote golf course site plan;
- Informed Mr. Czekaj that legal descriptions would be needed for all the "jig saw puzzle" pieces created by TCF in Section 8 and Section 9; and
- New parcel numbers would be assigned by the Assessor.

Mr. Hartigan withdrew his second of the motion, and Mr. Hanoute withdrew his motion.

MOTION: Moved by Hanoute, seconded by Fumich, to recommend to the Township Board approval of the Coyote Preserve golf course parcel realignment as shown and described in the Boss Engineering site drawing titled "The Preserve" (revised 5/26/04) and the Boss Engineering site drawing revised 10/05/04 and titled "The Preserve (Residential Property)" so the resulting parcels can be assigned proper parcel identification numbers. Motion carried by voice vote.

Ms. Eastman asked Mr. Czekaj why he would have a problem providing legal descriptions and other documents that the Planning Commission had requested. Mr. Hasbrouck told Mr. Czekaj that we needed certain information for our files and we were asking him to provide it.

- 2) Request of **Larry Czekaj** of TCF Bank, representing Golf Course Properties, for site plan amendment as required by Zoning Ordinance Section 23.13.1 to relocate the open space set aside for "The Preserve" site condominium units from the Coyote Preserve golf course to property located in Section 9 and the north east corner of Section 8 owned by TCF. "The Preserve (Residential Property)" Alta Survey prepared by Boss Engineering (revised 10/05/04) has been provided to show the location of the parcels retained by TCF and Golf Course properties. An open space drawing (revised 4/20/05) has been provided to show the relocated open space options and the variances which will be required.

The subcommittee recommended approval of the request to increase the amount of wetland open space permitted to approximately 35% of the required area pending receipt of a variance from the ZBA.

During review of the request, Mr. Hanoute explained that Sheet 4 (Increased Wetland Use) showed cross-hatched upland areas located in the Section 8 wetlands which totaled 10.88 acres and 31.4 upland acres in Section 9 (Residential Open Space drawing of 2/28/05). They are suggesting that the allowable wetlands open space be increased to 32.6% (20.45 acres) and indicated that would meet the Township requirements for open space based on the drawing originally approved in 1998 for 62.73 acres of open space. During Subcommittee review, he was told that there were three (3) acres of wetlands area in the Section 9 parcel which would reduce the allowable open space to approximately 28.4 acres. Essentially, there is a deficiency of upland open space of some 7.7 acres. TCF was suggesting that the allowable open space within the Section 8 wetland should be increased to 37.4%, which would meet TCF's open space requirements as opposed to 35% which has already been discussed by the Planning Commission as a contemplated Ordinance change. TCF needs to provide the additional open space or present a variance appeal to the ZBA.

His motion at this point would be to deny a recommendation for approval of the open space relocation and reduction request because the request is not in compliance with our Zoning Ordinance or the proposed amendment to the Zoning Ordinance which would allow up to 35% of open space in wetlands.

MOTION: Moved by Hanoute, seconded by Eastman, to recommend denial of the request for reduction of open space and the relocation of open space and suggest that the applicant apply to the ZBA for a variance.

During discussion of the motion, Mr. Czekaj said he thought the Planning Commission had not followed the subcommittee recommendation as stated in the Agenda. Mr. Hasbrouck said although it had been discussed, the 35% open space wetlands allowance wasn't available at this time. That is something we can't recommend because it isn't part of the ordinance now. To be eligible for an appeal to the ZBA, the Planning Commission has to turn the request down.

Mr. Fumich said that the agenda was worded wrong. At the Subcommittee Meeting they had told Mr. Czekaj that he could let the ZBA know the Planning Commission was working on a 35% allowance, but the Subcommittee couldn't recommend approval of any of the requests because they didn't meet the ordinance requirements.

Mr. Hasbrouck recalled that during the Subcommittee Meeting, Mr. Hanoute said he didn't think the ZBA would approve any of the variance requests. There were certain requirements the applicant had to meet in order to get a ZBA variance, but whether the ZBA would grant a variance or not, we can't state. Mr. Czekaj said he clearly understood that this body didn't have the authority to grant a variance, but he hoped to get a recommendation from this body that the Planning Commission would not have a problem with the request if the ZBA did not have a problem.

Mr. Hasbrouck explained that Mr. Hartigan, the Planning Commission's representative to the ZBA, could mention the decision by the Planning Commission to begin the process of changing the wetlands open space allowance to 35%, but as far as stating what the ZBA should do, that wouldn't happen. Nothing was recommended in the current motion and at this point the motion was for denial.

Mr. Hanoute commented that Mr. Czekaj would need a variance to get from 25% to 35% of wetlands open space and he was sure that Mr. Hartigan would inform the ZBA that we are working on an amendment to the Zoning Ordinance which would allow 35%. Going beyond 25% to 35% or 37.4% is the ZBA's decision to make and Mr. Czekaj would have to present his case to them. The ZBA is an autonomous body. Whether we make a recommendation to them or not makes no difference. He personally felt it would be a bad decision to go beyond the 35% because that would establish a precedent for arbitrarily reducing the open space requirement for everybody else.

Mr. Hartigan asked if the request was deficient because the open space previously dedicated on the golf course when the project was first approved is not included in the calculations now, but when the site plan was first approved there was the proper amount of open space based on the amount included in the golf course and Section 9. Mr. Hanoute said that was the case. When the golf course was sold and they removed the open space from the golf course, TCF came up with less upland open space than required in the property they retained.

Mr. Hartigan explained to Mr. Czekaj that the only thing he could do as a representative on the ZBA was to inform them that there is revised language for the open space which is being reviewed by the County, but even that language limits the use of wetlands to 35%. Under the current ZBA criteria there are four conditions they have to meet before the ZBA can grant a variance, and Mr. Czekaj should address all of them.

Ms. Eastman said she wouldn't feel comfortable making a recommendation about something that may happen in the future. Until the recommendation for the wetlands increase is voted on by the County and the Township, she wouldn't want to make any recommendation about open space.

Mr. Van Hecke asked how much the 37.4% open space request amounted to in acres. Mr. Czekaj said it came out to 7.77 acres. The drawings provided by Boss showed a deficiency of 4.77 because the original site plan approval indicated that the 34 acres in Section 9, less the road amount of 3.2 acres, was all available uplands. At the Subcommittee meeting last week, Mr. Hanoute pointed out that there were approximately 3 acres of wetlands within the Section 9 parcel. Originally, they thought they were 4.77 acres deficient based on the approved 1998 plan and they needed 35 acres to satisfy the open space requirement, but excluding the three (3) acres of wetland in Section 9 pushed it to 3.74.

Mr. Fumich asked if they were relocating the open space to the residential area, why they were short seven acres. Mr. Czekaj said that initially, the open space was met on a much larger parcel, and at the request of the golf course they had agreed to compress as much open space as they could, hopefully all of it, onto the property owned by TCF or Golf Course Properties. Originally, approximately 30 acres (32.89) acres of open space was located on the golf course and we are attempting to spread it over the residential component so as to not impact the 72 residential units that had been approved.

Mr. Hasbrouck explained that some of the golf course open space had been relocated to Section 8 (north of Preserve Drive) with some of it in the uplands, but a majority of it is in the wetlands, and they are obviously a little bit short on being able to relocate it that way.

Mr. Fumich asked what would happen if the ZBA turned them down. If he interpreted it right, they would have to free up a lot to come up with the required open space. Mr. Hanoute said that was one option. Mr. Hasbrouck said it might be possible to put the seven acres somewhere else and Mr. Hartigan commented that the open space actually had never been removed from the golf course. If the ZBA turns the request down, it stays on the golf course. It's on the Coyote property now, regardless of what was agreed to at sale. If it gets denied now, and denied by the ZBA, it's still on the golf course. Mr. Hanoute thought that would probably depend on any deed restrictions.

Mr. Czekaj said this was a single development approved with 62.74 acres of open space and the Planning Commission had to find space for 62.74 acres between the residential property and the golf course. That was his premise. If the ZBA denies the request, he would hope that everything but the 7.7 acres could be taken off the golf course. Mr. Hasbrouck reminded Mr. Czekaj that he would have to come back to the Planning Commission at that point to show where the deficient open space would be located.

Mr. Hanoute commented that some of the open space could be located in open water as well as in wetlands. Currently 25% of open water can be used as open space in addition to upland or wetland open space.

MOTION: Chairman Hasbrouck called for the motion to recommend denial of the TCF bank request for open space reduction or relocation as shown in the Boss Engineering drawing (dated 2/28/05). The motion to deny was approved unanimously by voice vote.

Mr. Hasbrouck reminded Mr. Czekaj that he would have to be the applicant for a ZBA variance.

Mr. Hartigan said he had a concern about the "Declaration of Open Space" (received March 7, 2005), Paragraph 2 - Restrictions on Use of Section 9 Parcel. He objected to the phrase which referenced maintenance of the property without alteration, "...unless authorized by the Bank, its successors and assigns." That phrase doesn't fit at all. That property is part of the Open Space, period. Mr. Hanoute noted that it should really be part of the condominium association because it is open space dedicated to the condominium residential area. Mr. Fecho said the changes needed to reflect that should be referenced

in the deed and the condominium documents. Mr. Czekaj said he just wanted to insure that if the Township changed its open space position in three years, and Golf Properties still owned it, they didn't want anyone building on it.

Mr. Hartigan explained that the document stated that it would remain as open space until the Bank authorized it to be something else. That can't happen. Mr. Czekaj said he wasn't aware that the document referred to the bank specifically. Mr. Hartigan said the open space agreement referred to the bank and it should be part of the condominium, as condominium open space. Mr. Czekaj said that was in case the property got sold to the Golf Course or the residential component or someone else and the ordinance changed and the owner wanted to come back and seek some type of use in the open space, TCF wanted to have the right to make the same change there as their successors would.

Mr. Hasbrouck observed that Township Attorney John Drury had several comments about the Preserve Documents in a letter dated April 5, 2005 and the Declaration of Open Space was one of them. Mr. Czekaj said it was his recollection that they had forwarded other documents which addressed the comments, but he wasn't sure if the Township had received the documents or not.

Mr. Hanoute said this issue had been addressed during the discussion of amendments to the Open Space ordinance in regard to assigning open space to a parcel "down the road." There is probably nothing wrong with that, as long as there is a deed restriction which requires it to remain open space in perpetuity. Mr. Hasbrouck noted that the TCF (Golf Course Properties property) in Section 9 already had dedicated open space assigned to it prior to the relocation of the golf course open space. Mr. Hanoute asked if it was part of the original condominium association and if it was illustrated in the Exhibit B documents. Mr. Czekaj said it was listed as part of the golf course.

Mr. Fecho said his recollection was that the original draft, before TCF Bank got involved, was a single project. Anything that shows residential versus golf course property is new from the previous approvals. Mr. Hanoute said we had approved a condo development and there should be a Master Deed on file that shows the condominium project and that is another document that has to be amended. Mr. Czekaj said that the Master Deed reflects just what is in the condominium and that does not reflect the golf course or the land in Section 9. Mr. Fecho said his concern was that the original condominium documents and Master Deed were never filed or that the state never received them. Mr. Hanoute thought that Mr. Drury was reviewing the documents and would advise Mr. Czekaj of his concerns and requirements. He reminded Mr. Czekaj that ZBA approval of the open space variance would not amend the site plan.

OLD BUSINESS:

- 1) Review of the revised "Future Land Use" text dated April 19, 2005 (pages 75 to 85) forwarded by Mr. Fecho

In response to a question from Mr. Hartigan, Mr. Fecho said that an overlay district is based on the existing underlying zoning district with an area established where some additional criteria would apply to a more intense use and would require additional development conditions. The district would allow the use, but different standards would apply for the higher intensity use. However, any basic use allowed by the zoning district can be established without the special standards referenced in the overlay. Basic zoning is the underlying ordinance criteria while the overlay is the list of additional standards to be met under certain circumstances.

The Planning Commission decided:

- Not to include references to overlay districts in the Master Plan or Zoning Ordinance at this time;

- That some of the page 84 use definitions were too specific;
- That assembly or storage would be a component of many of the uses listed in Research Office;
- That ancillary services could be allowed based on minimum square footage, percentage of overall area, containment within the same structure or building envelope, and so forth;
- Manufacturing uses were being replaced by parts suppliers or modifiers of other materials;
- Cabinet makers or other craftsmen could be considered low intensity uses; and
- Specific use standards should be inserted in the Zoning Ordinance rather than the Master Plan.

The Planning Commission asked for the following text revisions:

- Page 78: Introduction, Line 6: (...developers to create **comprehensive** developments...);
- Page 78: Introduction, Paragraph 2, Line 3: (regulations or ~~planned~~ unit development agreements to...);
- Page 78: (~~Planned Development Techniques~~);
- Page 78: (~~Planned Development Techniques~~, Paragraph 1, Line 1: ...use to create **and** coordinate...)
- Page 78: ~~Planned Development Techniques~~, Paragraph 1, Line 4: (...architectural standards, and access management standards and landscaping standards. Creating districts that **incorporate** that refer to or enhance these standards **insures** ~~creates~~ a controlled result);
- Page 78: ~~Planned Development Techniques~~, Paragraph 1: Delete the last two sentences of the paragraph;
- Page 78: ~~Planned Development Techniques~~, Paragraph 3: Line 2: (planned developments listed **on page 81 under the heading "Overall Regulations for Planned Development** below and each will be a consideration or approval.);
- Page 80: Manufactured Single Family Detached Residential, Line 3: (A manufactured housing park is **located** built in one of the designated areas on the south side of Hogan Road, west of Linden Road. A second such park is **located** under construction at the northwest corner of Parshalville Road and Old US 23. ~~No additional land area for this use is contemplated in the near future.~~);
- Page 83: Planned Industrial, Research, and Office (PIRO), Paragraph 1, Line 6: (...regulations will be incorporated into **the Zoning Ordinance language** mechanism created for the implementation of this area;
- Page 83, Planned Industrial, Research, and Office (PIRO), Paragraph 3, Line 1: (For the PIRO in Section 17, a sub-area plan **has been** ~~was~~ created...); and
- Page 83, Planned Industrial, Research, and Office (PIRO), Paragraph 3: Delete the last sentence.

Mr. Fecho told the Planning Commission the "PIRO" district recommendations from Greg Milliken (dated 4/14/05) had already been incorporated into the text.

2) Review of the "Public Utilities Text, pages 62 to 64 (4/19/04 version)

In terms of sewer usage, Mr. Fecho said Tetra Tech had informed him that the Township had purchased 1.5 million gallons of capacity with the potential for 3 million gallons available. He thought the Township should stick to the map of the existing district until such time as there is a need for additional service in other areas and the urban services boundary should describe the district as it is. He didn't know if an urban services map had been adopted by the Township Board, but it should be done. Otherwise, he didn't recommend a significant change to the Public Utilities section at this time.

Mr. Hasbrouck commented that until we could look at the map, the Planning Commission wouldn't be able to make any judgment about the services district. His point was, that the

Township needs to plan for service areas and not use the leap frog approach.

Text changes requested were:

- Page 2, Paragraph 2, Line 6: Replace the hyphens with commas;
- Page 2, Paragraph 2, Line 7: (that a the site is...)
- Page 63, Paragraph 4, Line 1: (...the public sewer system will focus primarily along the **western side** of the US-23 Corridor...)

NEW BUSINESS:

- 1) Comments regarding the proposed PIRO regulations to be included in the Township Ordinance as a separate Zoning District (4/19/05 version)

Mr. Fecho explained that the text was based on other documents. The Planning Commission needed to discuss ways to handle the district and whether to rezone to a PIRO district at this time. Waiting for individuals to bring in a request would provide patchwork development. As a result of the rezoning, the hearings would open public discussion with the owners. The PIRO district would become a zoning district with specific conditions.

ZONING BOARD OF APPEALS REPORT:

No report

ZONING ADMINISTRATOR'S REPORT:

No report

OTHER BUSINESS FROM MEMBERS:

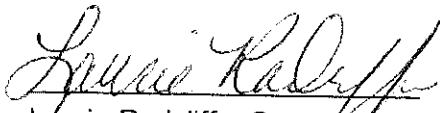
NEXT MEETINGS:

May 10, 2005 - Regular Meeting

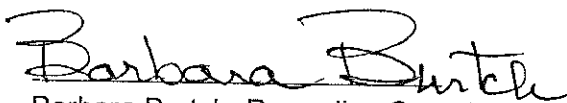
May 17, 2005 - Subcommittee Meeting

May 24, 2005 - Work Session

ADJOURNMENT: 9:35 p. m.



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission

CORRECTIONS TO THE MINUTES:

- Page 2, Line 21: (~~Ms. Mr.~~ Eastman asked Mr. Czekaj...)
- Page 2, Line 54: (...because the request it is not in compliance...)
- Page 3, Line 50: (...there are four conditions **they that** have to meet...)
- Page 4, Line 2: (The drawings provided by Boss...)
- Page 4, Line 12: (...they **had add** agreed to compress...)
- Page 4, Line 43: (...reduction or relocation as **shown sown**...)
- Page 5, Line 22: (...**as is** long as there is a deed...)
- Page 5, Line 52: (...while the **overlay overly** is the list of...)
- Page 6, Line 4: (...could be allowed based **on in**...)
- Page 7, Line 1: (Township needs to ~~need to~~ plan for service...)
- Page 7, Line 6: (...the public **sewer system seres-system** will focus...)