

TYRONE TOWNSHIP PLANNING COMMISSION

Approved Work Session Minutes

July 26, 2005 7:30 p. m.

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

ABSENT: Salle Eastman, Joe Fumich, Richard Hartigan

CALL TO ORDER: 7:30 p. m by

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC: No response

APPROVAL OF THE AGENDA:

Moved by Hanoute, seconded by Radcliffe, to approve the July 26, 2005 Agenda as presented.
Motion carried unanimously.

APPROVAL OF THE MINUTES:

Moved by Hanoute, seconded by Radcliffe, to approve the July 12, 2005 minutes as presented. Motion carried unanimously

CORRESPONDENCE:

Ms. Radcliffe reported that she had received a questionnaire from the Southern Lakes Planning Initiative and asked that it be included in the next packet for the Board, Planning Commission and ZBA

SUBCOMMITTEE REPORT:

- 1) Request of **Don McIntosh** for land division of property at 9141 Denton Hill Road, FR parcel 14-400-023, to create three parcels. Proposed parcels B and C will be accessed from an existing shared driveway. Revised plans (dated 7/08/05) have been provided. Mr McIntosh does not want to provide another turn around area because there is a circular drive already in use.

Mr. Hanoute explained that a revised drawing had been requested following Subcommittee review. Although the driveway had been extended to the boundary of proposed Parcel C, the new drawing was incomplete because the cul-de-sac or turn around area had not been shown as requested.

During discussion of the site drawing it was noted that:

- Alternate front yard options had been discussed at the Subcommittee meeting with Mr. McIntosh;

- The applicant opted to leave the front yard setbacks as shown on the drawing;
- When Parcel A was created, the open space was located on the Parent Parcel (now Parcel B);
- The shared driveway easement was set off and in use before any land divisions were made by Mr. McIntosh or his neighbor Mr. Clark;
- The shared driveway drawing should show the location of the turn around or cul-de-sac and the location of the easement should be referenced in the description of the parcels.
- The existing circular driveway should be shown in the drawing and described as part of the easement; and
- Shared driveway maintenance agreements should be provided for each proposed parcel.

MOTION: Moved by Hanoute, seconded by Laue, to table the request pending receipt of a drawing showing the location of the turn around, a complete description of the easement including the turn around, and shared driveway agreements for each of the parcels including references to the shared driveway easement legal description.

- 2) Request of **Tammy Dinser**, represented by **Dave LeClair** of Livingston Engineering, for establishment of a shared driveway Public Hearing for property at 6291 Linden Road, RE parcel 31-400-011. As proposed in the original site drawing (dated 6/07/05), the shared driveway will be within 50 feet of an adjacent parcel. A final site drawing will be prepared following the hearing.

MOTION: Moved by Hanoute, seconded by Radcliffe, to schedule a shared driveway public hearing for August 23, 2005 at 8:00 p. m. to hear comments regarding the Dinser request. Motion carried unanimously by voice vote.

- 3) Request of **Pamela Grieve** and **Jack Cantrell** for establishment of a shared driveway Public Hearing for property at 8327 Hartland Road, FR parcel 21-200-024. The shared driveway for proposed parcels 3 and 4 will be within 50 feet of an adjacent parcel. A revised site drawing will be provided following the public hearing.

MOTION: Moved by Hanoute, seconded by Radcliffe, to schedule the Grieve - Cantrell shared driveway public hearing for August 23, 2005 immediately following the Dinser hearing. Motion carried unanimously by voice vote.

OLD BUSINESS:

- 1) Review of the amendments to Section 21.43. Mr. Laue will comment on the Board's position regarding land division and site plan approvals.

Mr. Laue explained that the Township Board had only agreed to discuss the changes in the way land divisions, special use permits, and site plans were approved, but they hadn't had time to discuss the idea yet. They were a little hesitant to allow the Planning Commission the final authority for site plans, but he hadn't heard a definite "No" from them.

Mr. Hanoute commented that the ordinance revisions prepared by McKenna didn't document the pros and cons of allowing Planning Commission approval and the advantages and

disadvantages should be conveyed to the Board by Mr. Laue or through a letter. It was Mr. Fecho's recollection that there was enough interest expressed at the joint meeting to continue the ordinance revision process.

The Planning Commission:

- Decided to continue with the ordinance text revisions;
- Planned to forward the revised text with reference to the resulting benefits to the Board for review;
- Noted that the proposed changes could benefit the Township by removing decisions from the political arena, expediting the approval process, providing better continuity and maintenance of township records, making approvals the responsibility of the group with working knowledge of the current ordinances and statutes; and avoidance of "double jeopardy" potential in the case of controversial approvals.
- Noted that Rezoning and Plat final approvals would be made by the Board as required by statute;
- Noted that Planning Commission approvals would basically concern uses by right;
- Wanted to continue Planning Commission approval of Site Condominium plans;
- Were informed that state statutes regulating condominiums do not specify the person or group with authority for final approval but do require Board final approval of plats;
- Considered including ordinance language which would authorize the Board to function as an appeal board for Planning Commission zoning and land use decisions;
- Was informed that the ZBA does not have review authority over rezoning, land divisions, or negotiated approvals like site plans, special use permits, site condominium developments, and PUDs;
- Was informed the ZBA may review use variances and attach special conditions once a zoning district or site plan has been approved; and
- Asked for changes to the zoning ordinance which would allow Planning Commission final approval for all uses by right.

In response to questions from the Planning Commission, Mr. Fecho said that the language revisions for the site plan review and special use ordinances had been prepared. Revision of the land division ordinance would take a little more time because it was part of the Subdivision Control Act (Plat Act). The "usual variances" (street trees, street lights, sidewalks or pedestrian walkways, and reduction in road widths to compensate for natural features) required in the Subdivision ordinance may continue to be approved by the Board or may be approved by the Planning Commission during site plan review if authorized in the new zoning ordinance language. There are very few cities or townships where the Board gives final approval for site plans and land divisions. The authority depends on the assignment established in the ordinance language.

Mr. Laue commented that the Board didn't really disagree with the idea, but they wanted to discuss it. Mr. Fecho replied that there were more benefits than not in having the Planning Commission make the approvals. The most obvious is that it would probably deduct 90 days from the approval process. There was also the groundswell issue related to a use by right which might not be popular with adjacent property owners and could tie up Board meetings for hours. Most communities look to the Planning Commission to make the decisions on site plans and land uses.

Mr. Fecho recommended not taking final action until all ordinance revisions were completed. Mr. Hasbrouck was concerned about doing anything more if the Board didn't want any

changes. Mr. Laue thought it would be best to present the whole package to the Board for discussion. Several Board members thought that the way the Joint Meeting Minutes were presented showed that they had already agreed to approve the changes. Mr. Hasbrouck thought the Board might want to get rid of the land splits at least and Mr. Fecho commented that he couldn't think of another township in this vicinity where the Board was involved with land splits. Mr. Laue said that initially he had some concerns about giving the approval responsibility to the Planning Commission, but after he thought about it some of them were resolved a little bit.

Mr. Hanoute wondered when the next joint Township Meeting would be held so this issue could be agreed on. Mr. Hasbrouck asked Mr. Fecho to provide an estimate of the time required to prepare the revisions to the land division ordinance language before authorizing him to go ahead. He asked Mr. Laue to talk to the other Board Members to determine if they wanted to continue as well. If they were opposed to the idea, he didn't want to burn up the Planning Commission budget for something they wouldn't support. Mr. Laue commented that he thought the Board might be in favor of increasing the Planning Commission review fees to generate revenue to cover costs.

Because the Board was required by statute to set fees, the existing procedure should be continued for bonds or financial guarantees with the final amount of the bond guarantee to be determined by resolution of the Board upon recommendation from the Zoning Administrator supported by the Township's Engineer. Escrow fees to cover the costs of professional reviews are refundable, so the estimates do not have to be as specific.

Mr. Hanoute asked to have a complete package regarding approvals be prepared for the next joint meeting with the board, in addition to any other things which might arise. The Planning Commission decided to request a joint meeting for September 27, 2005 in order to review the revisions to the ordinance language for land division and site plan approvals. Mr. Hasbrouck thought some of the suggestions regarding the benefits resulting in changes to the approval procedure should be included as part of the discussion. He was still concerned about spending money for something the Board would not approve.

Mr. Hasbrouck asked Secretary Radcliffe to write a letter to the Board requesting a joint meeting in September and listing some of the items to be discussed.

2) Discussion of the Table of Uses prepared for purposes of comparing PIRO uses and existing non-residential uses

Mr. Fecho said the table was based on the uses listed in Ordinance Section 20.00 (page 20-10) with some new uses included on the last page from a previously prepared PIRO list. It was his recommendation that any use in the PIRO district should be classified as a "Special Use" to control the sub-district locations for the various uses. Otherwise, three new zoning district texts would have to be created to match the districts shown on the maps. The list was designed to be used as a guide to determine uses which should be included in the PIRO district and how they should be classified. For example, most of the uses allowed in the ES District are currently included in the B-2 Zoning District as special uses while some of them are classified as "High Intensity Uses" in the PIRO district.

The following unanswered questions were brought forward during the discussion:

- Why the new table didn't correlate the existing business and industrial zoning districts with the new PIRO land use map;
- If the current M-2 zoning district uses could be referenced as High Intensity PIRO uses;
- How to determine where existing B-1 and B-2 Zoning districts will fit into the 'Planned Commercial' future land use districts;
- If the coordination between the Zoning Ordinance and the Future Land Use Map could be improved;
- If the M-1 and M-2 Zoning Districts should be eliminated and replaced by a PIRO Use Intensity Zoning District
- Why High Intensity, Medium Intensity, and Low Intensity districts hadn't been established for the Planned Commercial Districts;
- If all the current Zoning Districts not reflected in the Future Land Use Map should be eliminated;
- If all PIRO District or Planned Commercial District uses should be Special Uses;
- If the Zoning Map should be revised to show the location of existing PIRO and Commercial properties rather than M-1, B-1 and so on;
- What standards should be used to determine where lumberyards (M-1) would fit into the PIRO districts;
- Why permitted and special uses couldn't be listed for each of the PIRO subdistricts in each of the current Industrial Zoning district texts;
- What the Planners recommendation to not change the ordinance terminology to correspond to the Future Land Use Map intended to accomplish;
- If the existing Industrial ('M') and Commercial ('B') uses can be reclassified to fit the PIRO use classifications;
- Why Special Land Use Permit reviews should be required for all uses in the PIRO district;
- Whether to establish the boundaries of the PIRO districts based on use or parcel boundaries;
- If mixed uses (PUDs) would be allowed in the PIRO district
- If areas for uses by right should be established within the PIRO subdistricts;
- Should use district boundaries be fixed or flexible;
- Should the PIRO district be considered a use classification or a zoning district;
- What should the zoning districts associated with the PIRO map uses be called;
- If the PIRO district should be one zoning district or four (Office Research, Higher Intensity, Lower Intensity, and Transitional);
- What standards should be applied to traditional industrial uses (M-1, M-2) for classification as research, high intensity, low intensity, or transitional PIRO uses;
- What impact would the permitted uses associated with an M-2 rezoning have on a PIRO parcel or the district as a whole;
- Are there uses which could be allowed as uses by right anywhere within the Lower Intensity or Higher Intensity PIRO districts;
- Should all uses within the PIRO district be classified as Special Uses;
- Should the PIRO district be considered a use classification (Residential, Commercial, Office, Industrial) or a Zoning District (FR, B-1, M-2, etc.);
- Are there any existing zoning districts that can be associated with the PIRO uses;
- How could the use classification boundaries within the PIRO district become fixed;
- Should use classification boundaries be fixed or flexible;
- What would be the rezoning request classifications for the PIRO use district:

- What was the standard for including some PIRO uses as permitted (P) and some as Special Uses (S);
- Should permitted PIRO uses be allowed anywhere within the PIRO district or restricted to special use areas;
- Should the parcel boundaries within the PIRO district be defined by zoning district (M-1, M-2, etc) or by use intensity (OR, Lower Intensity, Higher Intensity, etc)
- Should the PIRO use boundaries be defined as parcels and rezoned?
- Should requests for industrial and commercial rezoning conform with the Zoning Ordinance or the Future Land Use Map classifications;
- How do we categorize the differences in the 'B' use categories and the 'M' use categories allowed in the PIRO district;
- Should we replace the Master Plan future land use intensity uses with OR, M-1, M-2, B-1 and B-2 zoning classifications;
- Should Section 17 become a PIRO zoning district with use overlays;
- What standards would be considered for locating development within the PIRO use subdistricts;
- How would the Special Land Use ordinance define the standards for review and intensity of use determination;
- What is the difference between Special Use Zoning and Spot Zoning
- How can the Township (or Applicants) determine whether a PIRO rezoning request is a more intensive or less intensive use;
- What standards would need to be developed to determine intensity of use for a Special Use Permit; -
- Would the Special Use Permit be tied to a specific location within the PIRO district or the proposed use;
- How would a change in building or site use affect a Special Use Permit;
- Should some of the Special Use or sub district standards be fixed or should all standards be unique;
- How should the boundaries within the PIRO district be created;
- Should the PIRO subdistricts be converted to PIRO I (Office Research), PIRO II (M-1) and PIRO III (M-2) zoning districts;
- Why hasn't the same use intensity and subdistrict process been applied to the other planned districts;
- Can Special Use Permits be used to coordinate site design and topography;
- Why can't the chart show the uses that would only be allowed in the high intensity district (smelting plants, contractors yards);
- Should the High Intensity area be defined as a use area or a zoning district;
- Can use area boundaries be less strictly defined than zoning district boundaries;
- Why can't the terms in the Ordinance and Land Use Map be consistent;
- How can applicants determine where to request rezoning for a proposed use and the type of zoning to request;
- Should the PIRO sub districts be rezoned to High Intensity, High Intensity PIRO, PIRO, PIRO III or M-2
- How should the high intensity subdistrict be defined in terms of area;
- How should the high intensity subdistrict be defined in terms of use;
- How should the Special Use conditions be defined;
- Should the entire section be rezoned to PIRO with an overlay;
- Should there be specific criteria for each of the uses within each of the sub districts;
- How should permitted uses be defined in terms of the PIRO district map locations

- Should Special Uses be related to parcels, use districts or buildings;
- What are the findings of fact which would be used to determine Special Use boundaries;
- Would use boundaries be determined by Planning Commission review or legal description of an applicant's property;
- Can a variety of uses be allowed on a single parcel;
- Should permitted uses be determined for each of the proposed PIRO uses (Office Research, Lower Intensity, Higher Intensity, Transitional Uses and High Density Housing);
What are some uses which could be permitted in any of the PIRO districts;
- Should access points or roads be used to define Use District boundaries;
- Should the Zoning Ordinance districts be reclassified to coordinate with the PIRO district map;
- Would any industrial or commercial zoning districts be needed if all uses were permitted as Special Uses;
- Where would the M-1 Zoning District uses be located in the PIRO district if that section of the ordinance was abolished;
- Should some of the uses by right currently allowed in the Commercial and Industrial Zoning Districts be restricted in the PIRO district; and
- Can general rule townships approve special uses rather than special land use permits?

Mr. Fecho thought that the new table should be discussed item by item to insure that they were assigned to the correct zoning ordinance or future land use map locations. He recommended that the Township rezone all of Section 17 as a PIRO District although he thought the Courts would consider the use too general. By using special use standards to locate uses within the PIRO district the Planning Commission could determine if the parcel was suitable for a proposed use based on the Special Use standards. Mr. Hanoute said that if we applied the Special Use Permit concept to all of the property within the PIRO district, we should apply the same standards for all of the other Planned Use Districts shown on the Land Use Map (Planned Office, Planned Service and Planned Commercial Services) to be consistent. Mr. Fecho, Mr. Hanoute, and Mr. Hasbrouck agreed that it would be a good idea to review the material again and discuss the subject further when more members were present.

- 1) Selection of a Planning Commission member to meet with Board and Citizen representatives to form an Economic Development advisory group

Mr. Hasbrouck suggested waiting until there were more members in attendance and we had more information in case some one would like to volunteer.

- 2) Quorum call for the August 9, 2005 meeting

The four members in attendance said they would be able to attend the August 9, 2005 meeting.

ZONING ADMINISTRATORS REPORT: No report

ZBA REPORT: No report

OTHER BUSINESS FROM MEMBERS:

Mr. Hanoute requested discussion of a change in the work session meeting date schedule at the next meeting.

BOARD ACTION:

Mr. Laue reported that the Township Board had appointed John Harris as the new Attorney for the Township to replace John Drury.

NEXT MEETINGS:

August 9, 2005 Regular Meeting

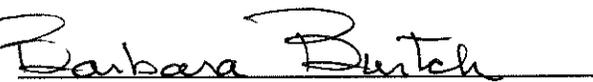
August 16, 2005 - Subcommittee Meeting

August 23, 2005 - Work Session

ADJOURNMENT: 9:40 p. m.



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission