

**TYRONE TOWNSHIP PLANNING COMMISSION**  
**Approved Work Session Minutes**

**October 9, 2007                      7:30 p. m.**

**PRESENT:** Gary Butler, Bob Byerly, Joe Fumich, Dave Hanoute, Ed Kempisty, Mark Meisel, Laurie Radcliffe

**ABSENT:**

**CALL TO ORDER:** 7:30 p. m. by Chairman Hanoute

**PLEDGE OF ALLEGIANCE:**

**CALL TO THE PUBLIC:**

**APPROVAL OF THE AGENDA:**

MOTION: Moved by Meisel, seconded by Fumich, to approve the Agenda as amended under Other Business From Members (\*). Motion carried by unanimous voice vote.

**APPROVAL OF THE MINUTES:**

1) September 25, 2007 Regular Meeting Minutes

MOTION: Moved by Byerly, seconded by Kempisty, to approve the September 25, 2007 Regular Meeting Minutes as corrected. Motion carried by unanimous voice vote.

Page 4, Line13: (...parcels with access from the Faussett Road...)

Page 5, Line 12: (...seconded by Fumich...)

Page 5, Line 44: (the recreation center site.)

Page 6, Line 23: (...figure out if there **needs needed** to be...)

Page 6, Line 27: (...the article **referred refereed** to structures...)

Page 6, Line 36: (...to be relocated to a private road...)

Page 7, Line 15: (...talked about **this** before...)

Page 7, Line 37: (...the Attorney's opinion **opinion**...)

Page 8, Line 24: (...Road Agreement **to** with the addition of...)

**CORRESPONDENCE:**

1) October 1, 2007 - Letter from Planning Commission Secretary Radcliffe to Township Clerk Morton

The letter was received and placed on file for future action.

2) October 2, 2007 - E-mail from Attorney Harris to Mr. Meisel regarding Ordinance Article 24.00 revisions

Mr. Meisel said the response was specifically in regard to whether the Township could mandate shared driveway conversion to a private road for use by property owners who weren't part of the original shared driveway development. He wasn't able to get a summary of the Attorney's letter to everybody, but would do so after he had reviewed the conversation he had with Mr. Harris. He wanted to make sure that Mr. Harris understood what the question was, since it was clear from the Township Board what they wanted clarified.

Mr. Hanoute asked the Planning Commission members to read the communication from Mr. Harris. Zoning Administrator Van Hecke commented that the Attorney had advised that the requirement could not be retroactive and the developer only had to move the shared driveway easement off the property line if he did not want to allow a neighbor access to the easement.

As items to think about, Mr. Meisel recommended that any applicant who applies for a property line shared driveway easement must be duly notified that it can be converted to a private road. We can create an easement smaller than 66 foot in width for shared driveway use, and then note that a 66 foot width would have to be reserved for expansion into a private road. We could make sure that the applicant is notified that the approval is conditional, the condition being that it has the potential to be expanded into a private road which will require a 66 foot wide easement.

Mr. Fumich said the Attorney had answered the Planning Commission's question and wondered why we needed to wait for a report. Mr. Meisel said his concern was whether to pass this back to the Board now, or spend time at our next meeting to add a sentence or two, which he would be happy to work on, to clarify the requirement. We can decide to amend it later or amend it before we forward it to the Board.

Mr. Hanoute asked to have the discussion brought forward at the next meeting and asked for input from Mr. Milliken.

#### **SUBCOMMITTEE REPORT:**

#### **OLD BUSINESS:**

- 1) Consideration of revisions to Zoning Ordinance Article 11 - PUD Planned Unit Development to reference PCS and PIRO development continued from September 25, 2007

Township Planner Greg Milliken commented that he had prepared a revised version of the Township's PUD Ordinance based on comments made during previous Planning Commission Meetings. The one question still under discussion is rezoning. Existing Article 11 is essentially for a mixed use residential rezoning district. It can be located anywhere in the Township as its own zoning district based on the uses and standards stated in Article 11, rather than the requirements for the underlying residential zoning district.

The alternative to rezoning would be similar to a special use. Districts within the zoning map would be defined to show where a PUD could be located. A PUD located in an RE zoning district would be based on the uses allowed in the RE District, or uses based on R-1 District zoning if that is where the PUD is located. Then you supplement the basic district requirements with additional uses. Typically, commercial uses are added as supplemental uses in a residential rezoning.

The question is whether to establish the PUD text as a rezoning process or a development process. Rezoning eliminates confusion over the standards that would apply although approval of the PUD would create flexible standards. The problem with PUD rezoning is when the rezoning would take place. If property is rezoned at the preliminary review stage, there is a problem if the developer doesn't come back for final approval. Using PUD rezoning, all the areas rezoned to PUD would look the same on zoning map and a developer wouldn't be able to tell what the parcel's underlying zoning was. The development time period would be similar in both cases, based on preliminary and final approvals with a Public Hearing at some stage.

Mr. Hanoute noted that rezoning must comply with options shown on the Future Land Use Map, but there are no PUD districts shown on the future land use map at this point. Mr. Miliiken said the PUD would be based on the underlying use shown on the Future Land Use Map. In a residential area, you would consider a residential PUD. Mr. Hanoute was concerned that relying on a PUD might be considered spot zoning, because it involves mixed uses more often than not.

The Planning Commission discussed the following considerations:

- Including PUD zoning language allowing limits to be established for the types or percentage of uses in the mix;
- The current PUD ordinance does not require additional rezoning for the addition of non-residential uses in a residential zoning district;
- Within areas shown as R-1 on the Zoning Map, there would be differences in the R-1 standards applied inside the PUD and elsewhere in the Township;
- PUDs might cause administrative difficulties by applying different standards to different parcels within the same zoning district;
- The PUD approach Fenton Township's uses for rezoning and development;
- The frequent use of PUDs to override zoning district designations and cause spot zoning
- Inclusion of design parameters in the PUD ordinance;
- Whether a PUD Agreement or some type of special use agreement would be more flexible for mixed use development;
- Possible Future Land Use Map locations for PIRO and PCS PUDs;
- Whether the PUD requirements should be applied as rezoning requirements or process requirements;
- Whether developmental cooperation, phased development and project monitoring would be most effective through the PUD or a development process;
- The use of hatching on the land use maps to show acceptable locations for PUDs, so developers can determine whether existing land use would support a residential, commercial, or industrial PUD;
- The number of public hearings required to implement the PUD process;
- Establishing the public hearing early in the process so residents are aware of the PUD project proposals;
- Whether a rezoning hearing would allow for a more thorough review of compatibility with adjacent zoning and development than a PUD hearing;
- If PUD rezoning would limit development to the approved plan without establishing specific zoning districts within the PUD;
- Whether the approved PUD conditions would remain with the land;
- Requirements for a contract between the developer and Township establishing standards for the property where the PUD is located;

- Inclusion of a time limit on development and a reversion clause in any contract or agreement;
- Whether pulling a phase of a partially developed PUD would be more difficult than zoning reversion because of failure to begin development;
- Whether the PUD agreement and PUD rezoning attaches to a single parcel or all parcels within the proposed PUD development;
- Whether the PUD approval is conditional for the developer;
- Whether future owners would have to use the property under the terms and conditions of the original PUD;
- How far the original terms and conditions of the original PUD would reach in a change of owner or use;
- Requiring a new development plan for any change of use;
- The Township's responsibility for rezoning property to the original zoning if the PUD is not completed;
- The Township's lack of authority to rate tenants if a second or third tenant meets the use standards established in the PUD agreement;
- New plans would not be required for a change in use similar to the original use;
- Owners or tenants would have to follow all criteria listed in the applicable ordinances and agreement for the development;
- The Township would have the authority to review signage, or hours, parking and so forth under terms of the original agreement
- The PUD would be based on the underlying zoning district uses allowed and any supplemental uses allowed by the PUD agreement based on the ordinance criteria for the underlying zoning;
- The integrity of the Future Land Use Map would be better maintained by cross hatching the underlying zoning district where PUDs are located or approved;
- Basing the rezoning intent of a PUD or Planned Use development on the Future Land Use Map;
- Based on the current zoning map, the majority of PUDs would have to be residential since the majority of zoning districts in the Township are residential;
- Whether development of a PUD by process or by rezoning would better limit future uses in the PUD;
- The procedural problems associated with developing a mixed use non-residential project on a 100 acre parcel with only 10 to 20 acres of commercial showing on the future land use map;
- Using Article 11 to establish the process for development of Residential, Commercial (PCS), and Industrial (PIRO) PUDs;
- The best method of rezoning to include mixed uses in a PUD;
- Requiring preliminary rezoning to establish an underlying zoning district before holding PUD or Special Use hearings;
- The application of underlying zoning standards unless specifically revised within the PUD document;
- Whether residential parcel rezoning will be required before creating a PCS or PIRO PUD;  
Requiring a complete concept plan as part of the PUD process;
- Rezoning property to one of the non-residential PUD categories where the underlying district is different than the PUD proposal;
- Requiring that changes made to a PUD after adoption of the PUD agreement must follow the ordinance zoning amendment procedures;

- Changes in ownership might not mandate changes in the PUD agreement or site plans;
- Determining the zoning districts where PUDs could be allowed or excluded;
- Establishment of the type of zoning district categories where a PUD would be excluded;
- Restricting residential PUDs to high density residential zoning districts;
- Establishing a minimum parcel size for PUD developments;
- Establishing factors which would limit PUD locations (access, parcel size, building size; infrastructure)
- Avoiding overuse of "shall" in the PUD language to encourage flexibility;
- Requiring that PUD Special Uses be compatible or desirable additions to the underlying PUD zoning;
- Separately addressing each PUD district (PIRO, PCS and Residential) in terms of limiting factors; ;
- Development of a new PUD Article which would better suit a variety of PUDs;
- Require additional information over and above the requirements in Zoning Article 29 for rezoning to a mixed use;
- Provide guidelines for the enumeration and percentage of the use types to be included in a mixed use development;
- Establishment of the PUD Zoning Article as a review process rather than a rezoning process;
- Requiring a preliminary Planning Commission hearing and recommendation prior to a Township Board PUD Hearing; and
- Simplification of the PUD requirements and process as much as possible.

Mr. Hanoute asked Mr. Milliken to rewrite the PUD ordinance as a process rather than a rezoning and bring it back to the next meeting.

#### **NEW BUSINESS:**

1) Discussion of the Planning Commission Meeting Time

MOTION: Moved by Byerly, seconded by Radcliffe, to amend the By-Laws to begin the Planning Commission Meetings at 7:00 p.m.

As a procedural matter, the Planning Commission agreed to take up no new business after 9:00 p.m.

#### **OTHER BUSINESS FROM MEMBERS:**

1)\* Ordinance Status Report

Mr. Meisel reported that he met with Clerk Morton, Deputy Clerk Medor, and Planning Commission Secretary Radcliffe to discuss the Ordinance revisions. The Clerk's Office has agreed to support the use of Mr. Milliken to provide some of the masters he might have to improve the updates.

The Clerk will focus on getting the Ordinance books in place and then we will sit down and review the process. Everybody agreed that they were on board for the checklist, but we will do a dry run through first to see what we missed and what we still need to do. He said he and Ms. Radcliffe would work with Mr. Morton to help proof the articles to make sure we get what we have amended.

**ZONING ADMINISTRATOR'S REPORT:**

**1) Off Premise Signs**

Mr. Van Hecke said that he had received questions about seasonal signs. There are seasonal businesses in the area which would like to advertise and he asked the Planning Commission to consider a revision to the Ordinance which would allow off premise seasonal signs under certain circumstances.

Mr. Hanoute commented that Township residents were able to advertise on their own property and Mr. Meisel suggested application for an off-premise sign. Mr. Van Hecke explained that the Township Ordinance did not allow advertising for home occupations and permanent business signs were not allowed in Residential Zoning districts.

**2) Minimum Single Story Residential Footage Requirements**

Mr. Van Hecke said that a builder came into the office to get a land use permit to build a two story 1500 square foot home. The overall building area meets the Ordinance requirements, but he doesn't have 900 square feet on the first floor as required by the Ordinance. The developer would like the Planning Commission to consider revision of their requirements and set the minimum R-1 building footage at 1500 square feet without reference to specific footage for each floor.

**ZONING BOARD OF APPEALS REPORT:**

**BOARD ACTION:**

**FUTURE AGENDA ITEMS:**

Ordinance Article 11 Revisions

Ordinance Article 24.00 Revisions

Off-Premise Sign Control

Revisions to the Minimum Two Story Footage Requirement

**NEXT MEETINGS:**


October 16, 2007 - Subcommittee Meeting

October 23, 2007 - Regular Meeting

November 13, 2007 - Work Session

ADJOURNMENT: 9:45 p.m.

  
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Laurie Radcliffe, Secretary  
Tyrone Township Planning Commission

  
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Barbara Burtch, Recording Secretary  
Tyrone Township Planning Commission