

TYRONE TOWNSHIP PLANNING COMMISSION

Approved Work Session Minutes

November 13, 2007 7:00 p. m.

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

ABSENT: Joe Fumich

CALL TO ORDER: 7:11 p. m. by Chairman Hanoute

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

1) October 23, 2007 - "The Rock" Public Hearing Minutes

MOTION: Moved by Meisel, seconded by Butler, to approve the "The Rock" Special Land Use Public Hearing Minutes for October 23, 2007 as corrected. Motion carried by unanimous voice vote.

Page 1, Line 35: (...proposed site plan showing)
Page 1, Line 61: (...connector with of brick veneer...)
Page 2, Line 18: (...explained to the Township Planner...)
Page 3, Line 18: (...when the time comes to re-roof...)
Page 3, Line 54 (...his sump pump quite working...)

2) October 23, 2007 - Regular Meeting Minutes

MOTION: Moved by Byerly, seconded by Meisel, to approve the October 23, 2007 Regular Meeting Minutes as corrected. Motion carried by unanimous voice vote.

Page 4, Line7: (...the quality of life in for...)
Page 4, Line 22: (someone drives develops a 66 foot wide...)
Page 4, Line 43: (there is us a requirement...)
Page 5, Line 20: (As an another example...)
Page 6, Line 13: (...because the parcels have has to...)
Page 7, Line 1: (...development a-under under single ownership or documentation that the property will be...)

Page 7, Line 12: (...a rezoned as a PUD)
Page 7, Line 14: (Mr. Mister Hanoute asked if...)

CORRESPONDENCE:

SUBCOMMITTEE REPORT:

OLD BUSINESS:

- 1) Request of "The Rock" (Linden Community Baptist Church) for Preliminary Special Land Use and Site Plan approval. The Public Hearing was held October 23, 2007.

Mr. Hanoute explained that the Livingston County Drain Commissioner would not review the church site plans until they had received preliminary plan approval from the Township. The effort tonight would be to recommend to the Township Board that the Special Land Use permit be granted to the church with or without conditions and that we approve a preliminary site plan as there is a great deal of work yet to be done for the final site plan.

He recalled that some of the special land use permit conditions discussed at the Public Hearing were that the church would be re-roofed with the same standing seam ribbed metal roofing as the activity center when the time comes, parking would be confined to the asphalt areas and other conditions which will have to be addressed on the final site plan. Mr. Meisel was concerned about whether the church's use of metal roofing should be required or encouraged. Mr. Hanoute explained that a Special Land Use Permit allows the Township to attach conditions for the betterment of the development and the community. The church has already agreed that metal church roofing is a good idea.

Mr. Milliken noted that special land use conditions should be reasonable. However, Article 23 - Site Plan Review gives the Township authority to apply architectural standards to all non-residential buildings. The use of similar roofing material is one of the standards. Mr. Meisel asked if continuity in roofing should be established by requiring standing seam re-roofing for the church building or allowing them an option to use the same type of roofing on the church and activity center whatever they finally decided to use. We could make a requirement for continuity in terms of material and color, rather than for a specific material.

Mr. Hanoute said they were proposing a metal standing seam roof for the activity center. They could opt for something else, but they are showing metal roofing for site plan review and that is what the approval will be based on. They will be coming back to Subcommittee with a final site plan which will be used to establish any Special Land Use Permit conditions. Whether we specify metal roofing or continuity in roofing color and form will be determined at final site plan approval.

Mr. Meisel asked if the Planning Commission needed to take care of the drainage. Mr. Hanoute explained that any drainage issues would be included as part of the special land use permit associated with the final site plan. We need to give them preliminary plan approval so they can go to the Drain Commissioner for drainage review. Another item we

discussed with them was the use of horizontal siding on the front of the building with vertical metal siding on the other facades. There is a financial consideration related to this decision, but the siding and the location of the 3 foot brick belt will be issues to be discussed further at final Special Land Use Permit review.

Mr. Meisel said that based on looking at the preliminary site plan they needed to address parking and roof continuity. Mr. Hanoute explained that a Special Land Use Permit is required to allow a church to be located on a site which is zoned for residential use. The site plan issues will be covered in the final site plan and any conditions attached to the Special Land Use Permit will be based on the final site plan.

Mr. Milliken explained that there will have to be a Special Land Use Permit for the church whether the church is expanded or not. The drainage can't be finalized because it hasn't been reviewed by the Livingston County Drain Commissioner. The Township will have to get approval of the Drain Commissioner and Township Engineer for the expansion of the parking and expansion of the roof area before the final plan can be reviewed. This will be a tacit approval for the expansion aside from what the church is going to look like. This is not a Special Land Use Permit approval.

Mr. Hanoute agreed that the Church has presented a site plan which doesn't meet our requirements at this point. The only reason it would be approved as a preliminary plan is so they can submit it to the Drain Commissioner to initiate a drain study and find out what the drainage requirements will be. We aren't approving a Special Land Use Permit final site plan at this time.

Mr. Milliken said in that case the approval should be conditioned on returning for final site plan review, with development conditional upon final site plan approval by the Township. Mr. Hanoute said that when we make a final recommendation to the Township Board, the Special Land Use Permit will be conditioned upon parking issues, roofing issues, and Drain Commissioner approval. What we are recommending is a preliminary drainage site plan review based on the October 20, 2007 site plan and conditional upon returning to the Planning Commission for final site plan review and Special Land Use Permit approval.

MOTION: Moved by Meisel, seconded by Butler, that the Planning Commission recommend to the Township Board granting of a Special Land Use Permit to "The Rock" (Linden Community Baptist Church) for expansion of the church use conditional upon the preliminary site plan drawing dated 8/20/07, and conditional upon resolution of parking issues inclusive of a prohibition of parking on the grassy areas, satisfactory resolution and agreement of continuity relative to the roofing color, texture, and appearance, and the use being subject to approval of the Livingston County Drain Commissioner. Motion carried by unanimous voice vote.

MOTION: Moved by Meisel, seconded by Byerly, to recommend to the Township Board preliminary site plan approval for "The Rock" (Linden Community Baptist

Church) based on a preliminary site drawing dated 8/20/07 and conditional upon re-review by the Planning Commission for final site plan approval in compliance with our Ordinance. Motion carried by unanimous voice vote.

- 2) Recommendation to the Township Board regarding the revisions to **Zoning Ordinance Article 24 - Private Road**, Shared Private Driveway and Access Easement Standards. The Ordinance was returned to the Planning Commission from the Township Board for further review.

Mr. Milliken recalled that there had been some discussion at the Joint Meeting about the difference in the use requirements for private driveways, shared private driveways, and private roads. The minimums for a private road (3) and maximums for a shared driveway (4) were probably based on the potential for expansion in case a land developer wanted to begin with development of a road to accommodate future land splits. The ordinance standards are minimum standards and developers can exceed the driveway construction requirements if they want.

Mr. Meisel asked if road classification depended on use or the construction. Would allowing construction of a private road with county approval on a single parcel of land imply or permit additional development opportunities that are restricted by a shared driveway. Mr. Milliken explained that a shared driveway constructed as a road could not be accepted as part of the County Road system unless approved as a road by the County. Mr. Hanoute added that the number of units allowed to use a shared driveway is restricted by the Ordinance. It is classified as a driveway by county review and by use. Mr. Butler said that as long as it is used as a driveway it classifies as a driveway regardless of construction. To become a road the County or Township would have to approve it and test for compliance with the road standards.

Mr. Milliken commented that any owner who wants to build a shared driveway to road standards may do so, but even if they call the driveway a private road it does not permit them to name the driveway or have more splits than the ordinance allows.

Mr. Meisel thought the Ordinance should be revised to note that a public hearing shall be required for any proposed private road where any proposed private road access easement or right of way is within 50 feet of an adjacent property line with the same language used for driveways. (See 24.2.B and 24.05.A.3)

The Planning Commission reviewed the road length requirements and discussed measuring the maximum length of the roads and shared driveways based on the front building line, whether the road length should be extended to the length of a quarter section, or whether an arbitrary length should be established to control traffic and manage the number of roads which could branch out from private road cul-de-sacs. Mr. Byerly said he would contact the fire departments for their recommendations regarding cul-de-sac road length.

Mr. Meisel wondered if some of the road requirements had been adopted as access management standards. He thought we should let the Road Commission determine the separation distances between public road access points. The Planning Commission should make a definite effort to have some language in the Ordinance that encourages somebody to consider allowing neighbors to use existing shared driveways or private roads. We can encourage that, but not force someone onto somebody else's property.

Chairman Hanoute asked Mr. Milliken to include the following recommended changes to the proposed Ordinance and return the draft to the Planning Commission.

- Section 24.01.B and 24.01.D - Remove any references to the minimum number of parcels required for a shared driveway or a road;
- Revise Section 24.03, Paragraph 2, by removing the second sentence; and
- Add language to encourage joint use of shared driveways and private roads by neighboring parcels in the first paragraph of Article 24.00 - Intent and Purpose and replace "shall" with "encourage" where there is a reference to mandatory shared use of driveways or roads throughout the text.

Mr. Meisel thought it would be a good idea to make sure that Mr. Kurtz and Mr. Nagy get copies of the revised draft prior to the next meeting.

- 3) Recommendation regarding the revised draft of **Zoning Ordinance Article 7 - LK-1, Lake Front Single Family Residential District**. The Public Hearing was held August 14, 2007 and the text has been reviewed by the Livingston County Planning Department and Livingston County Planning Commission.

Mr. Meisel informed the Planning Commission that Livingston County had reviewed the marked up copy of the text. The County recommended approval without any objections.

Mr. Milliken noted that the County Planning Commission had no comments, but the County Department of Planning had some comments about spelling corrections which could be made without requiring another public hearing.

MOTION: Moved by Meisel, seconded by Butler, to recommend to the Township Board approval and adoption of revised Zoning Ordinance Article 7 - LK-1, Lake Front Single Family Residential District, and to amend the definitions conditional upon correction of the misspelled word associated with the graphic. Motion carried by unanimous voice vote.

Mr. Meisel recalled that while working with Mr. Milliken on the Ordinance, they had agreed as part of the process that the Planning Commission should consider amending the other residential zoning districts to include a footnote that addresses sight lines, so that all of the districts that had lake front lots with a potential situation where a new house could block the view of an existing house would be included. One option is to add a footnote across the table (20.01) for all of the other zoning districts (20.02) with lakes or lake front development.

Mr. Hanoute said that issue didn't apply specifically to adoption of the proposed LK-1 ordinance. He asked Mr. Meisel to keep his comments in mind for future consideration.

- 4) Establishment of a Public Hearing Date for review of the proposed **Master Plan** revisions for Public Utilities and Urban Services (pp. 62-64) and The Future Land Use Plan (pp. 77-88). December 11, 2007 would be the earliest available Public Hearing date based on the statutory requirements.

MOTION: Moved by Butler, supported by Kempisty, to schedule a Master Plan Public Hearing for review of the proposed Master Plan revisions for December 11, 2007 at 7:30 p.m. at the Tyrone Township Hall. Motion carried by unanimous voice vote.

- 5) Review of proposed **Article 11 - Planned Unit Development (PUD)** (10/17/07 rev.). The review was continued from the October 23, 2007 meeting

Mr. Milliken commented that the PUD ordinance was being put together in a way which would allow use of the process without having a Planned Commercial Services District text in place.

Mr. Meisel said he had e-mailed the comments he recorded following review of the earlier PUD draft to Mr. Milliken and had highlighted the issues where there was comment or discussion. He had followed up with a brief phone call to make sure that Mr. Milliken had clarity on all of the items discussed and what was being conveyed to him.

Mr. Milliken suggested that the Ordinance review continue from the point where the last discussion ended so the document could be revised as a whole. He noted that Mixed Uses had not been specifically addressed in the language, but generally the text is being revised to allow mixed use zoning districts.

Mr. Meisel began the discussion with Item H.2.b - Dimensional Standards. Mr. Milliken explained that the standards were contained within Zoning Ordinance Article 20. Mr. Meisel thought the standards in Chapter 20 should be verified to make sure that the Planning Commission is comfortable with the standards that are there and that the setbacks are appropriate.

Beginning with Page 11-7, I - Regulatory Flexibility, Mr. Milliken noted general language had been added to permit the Planning Commission to modify some of the zoning district standards (Items 1 and 2). Item 3 deals with changes made by the most recent Zoning Enabling Act, which requires Circuit Court review of PUD zoning variance appeals rather than ZBA review.

Item 11.02.I.5 requires the applicant to submit a list of proposed zoning ordinance deviations. This puts the responsibility on the developer rather than the township and saves time and expense for the Township.

Phasing (11.02.J) should be addressed in the preliminary plan with a description of the planning process that lists the work to be done in each phase and a proposed time table for phasing construction and completion. Construction schedules (11.02.J.2) should be included to help maintain development progress or indicate phases which need to be reassessed during development. Otherwise, phasing could go on for ever.

Mr. Kempisty asked what would happen if a developer intentionally delayed a phase because it wasn't as profitable as some of the others. Mr. Milliken said they would have to come in and resubmit a revised plan at some point. Mr. Hanoute noted that if the applicant came in for a commercial - residential development, with the first phase as commercial, the second multiple residential, and the third phase as single family residential and they only built the commercial, the commercial phase should be able to stand on its own. Mr. Kempisty asked what could be done if we approved the commercial because we wanted the residential with it. Mr. Milliken said that would be something the Planning Commission would have to explore. They would have to weigh the reasonableness of the plans. Mr. Hanoute commented that one way would be to not approve each use separately, but prorate the uses. One third of the commercial, one third of the multiple family, and one third of the single family would have to be built before the rest of the development occurs.

Mr. Milliken said another issue was open space. Many times the applicants want to wait to the end until they locate the open space. The township might require that all of it be located by the time the development was half completed. The problem is that you don't want to control the development too much, but you also don't want a lot of empty parcels sitting around.

Mr. Byerly asked why we didn't allow two years for construction. Mr. Hanoute explained that the one year time limit was related to the beginning of development, not the total time required to complete development. If conditions warrant, developers can always request an extension for completion of a project. Mr. Milliken commented that most developers probably wouldn't develop an aggressive residential phasing plan in this economic market. Mr. Meisel said that if something didn't get started by the end of a year, we could revert the phase back to its prior zoning.

Mr. Milliken asked if the new model of the PUD Ordinance was on the track the Planning Commission wanted to follow. He had held two conversations with the engineer representing the group considering development. He had considered the engineering firm's comments about the old ordinance and tried to incorporate some of them into the new one. In general, their ideas were similar to his recommendations, although he hasn't had any feed back on this particular document from them.

In general, they agreed with the Planning Commission that the Township's ordinance was residentially oriented. Their concern was about having to rezone their acreage into several different zoning district classifications to qualify as a PUD. The revised PUD has been set up so that in a residential zoning district, a percentage of the property may be used for commercial development based on the future land use map and the underlying zoning. It also lists a variety of commercial uses which might be included in a residential PUD without

rezoning the property for a commercial use. They could also rezone the property to PCS and then do a PUD based on the PCS requirements.

Mr. Byerly said it was his understanding that the developer didn't feel that they would be interested in developing the property under the current PUD. Mr. Milliken said that was because the current PUD had been developed for residential uses only. We are trying to revise it to provide for mixed uses. Developers and Engineers frequently help develop zoning texts for communities so it wouldn't be uncommon for them to bear some of the Planning costs.

During discussion of the text, the Planning Commission requested revision of Page 11-8, Phasing, J.5 to read: All of the required open space for a PUD development shall be **provided** approved by...

Mr. Hanoute scheduled discussion of the remaining items for the next meeting, beginning with Page 11-9, K.2 - Protection of Open Space.

- 6) Review of the proposed Planned Commercial Services Text (PCS) (9/05/07 rev.) The text has been prepared as a Zoning Ordinance Amendment.

Mr. Hanoute scheduled review of the text for the next meeting.

NEW BUSINESS:

OTHER BUSINESS FROM MEMBERS:

- 1)* December 25, 2007 Regular Meeting

The Planning Commission agreed that they would meet on December 11, 2007 and the Subcommittee would meet on December 18, 2007, but the December 25, 2007 meeting would be cancelled and not rescheduled.

- 2)* Election of Officers

The election was delayed until December 11, 2007 in order to give Mr. Fumich a chance to attend.

ZONING ADMINISTRATOR'S REPORT:

ZONING BOARD OF APPEALS REPORT:

BOARD ACTION:

FUTURE AGENDA ITEMS:

Continuation of the PUD Ordinance revisions

Review of the proposed PCS text
Subcommittee Reviews
PCS Review

NEXT MEETINGS:


December 11, 2007 - Work Session and Public Hearing

December 18, 2007 - Subcommittee Meeting

December 25, 2007 - Cancelled

January 8, 2008 - Work Session

ADJOURNMENT:



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission