

**TYRONE TOWNSHIP PLANNING COMMISSION**  
**Approved Regular Meeting Minutes**

**November 27, 2007                      7:00 p. m.**

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

**ABSENT:** Joe Fumich

**CALL TO ORDER:** 7:00 p. m. by Chairman Hanoute

**PLEDGE OF ALLEGIANCE:**

**CALL TO THE PUBLIC:**

**APPROVAL OF THE AGENDA:**

**MOTION:** Moved by Meisel, seconded by Radcliffe to defer the Planning Commission elections to December 11, 2007 to permit attendance by Mr. Fumich and to amend the Agenda accordingly. Motion carried by unanimous voice vote.

**APPROVAL OF THE MINUTES:**

**CORRESPONDENCE:**

**SUBCOMMITTEE REPORT:**

**OLD BUSINESS:**

- 1) Recommendation to the Township Board regarding Zoning Ordinance Article 24 - Private Road, Shared Private Driveway and Access Easement Standards as revised following the November 13, 2007 Joint Meeting

The Planning Commission reviewed the revisions made following the discussion of the Township Board comments from the Joint Meeting and asked and for additional clarification of certain sections.

Page 24-2, Article 24.03 - Private Road Design Standards: Mr. Hanoute asked Mr. Milliken to return some of the deleted language to the second paragraph of Section 24.03, to encourage shared use of existing roads and driveways to help maintain a 250 foot separation distanced between access points.

Page 24-5, Section 24.03.D, Line 1: The Planning Commission asked for clarification of the text to read, "If the road of an existing development ~~abuts terminates at~~ the boundaries of the proposed development.... "

Page 24-5, Section 24.03.G: The Planning Commission questioned the information from Fenton provided by Mr. Byerly which required 2 means of access and a length of not more than 1,000 feet (center to center) for a cul-de-sac road. Mr. Milliken suggested that the second cul-de-sac access might be required if the second entrance was through another development.

Mr. Hanoute said he understood that the Board felt that our 1200 foot length was too restrictive and it should be extended further. Mr. Milliken commented that during his review of online ordinances, the majority of private roads terminated at 1,000 feet with approximately 25% extending to 2,650 feet. Since shared driveways are limited to 4 lots, the length of the cul-de-sac for a private road is the issue. We have eliminated the maximum number of lots allowed with access from a single private road and have set the limit based on length.

Mr. Hanoute observed that fire hose length or pumper capacity might still be a private road length consideration. Mr. Byerly said that the Fenton Fire Chief gave him a copy of the city's regulations. The Chief didn't think the length of the cul-de-sac would be a problem, but they didn't have a specific discussion about it. The Chief didn't mention anything about hose length.

Mr. Hanoute asked Mr. Byerly if he would discuss hose limitations with the Fire Chiefs so the Planning Commission could make a recommendation for cul-de-sac length if there was a fire hose length limitation. He asked him to get comments for a 1,200 foot length and a 2,650 length based on fire department hose and pumping equipment limitations if there was some reason the pumper couldn't get beyond the entrance to the cul-de-sac.

Page 24-6, Section 24.03.R: To clarify the section, Mr. Meisel recommended addition of a sentence to state, **"The developer or owner of the newly developed lot or lots shall petition the owner or owners of the private roads to located on the adjacent property to request a forum to discuss and negotiate access to and use of the existing private road."** The owner or owners of the private road or roads are encouraged to reach and agreement for the use of the private road." ~~but are not required to do so~~

Page 24-11 and 12, Section 24.06.A. Design of Shared Private Driveways: The Planning Commission asked Mr. Milliken to search the text and make the language in this Section consistent with the Private Road language relative to corner lots.

Page 24-12, G: The Planning Commission will review the text and make it consistent with the Private Road Section when the fire department information is received regarding the cul-de-sac length for private roads and shared private driveways. .

Page 24-13, Section I, "T" Turnaround Design: Mr. Hanoute asked Mr. Byerly to discuss turn around requirements with the fire departments before finalizing Section I, in particular the curve turning radius, depth from front to rear of a cul-de-sac, and the depth and width of a "T" or hammer head turnaround arm. Mr. Milliken commented that many planners and governments don't even require a turning area because they believe there will be very little use for it. Emergency equipment will drive where they want if they have to because setting aside turning radii takes up too much useable space.

Page 24-14, Section G, Sentence 2: The Planning Commission asked for revision to read, "However where such access **is granted and will** exceed the the maximum number..."

Chairman Hanoute asked the Planning Commission members to forward any additional recommendations to Mr. Milliken to include in a final version to be discussed at the December 11, 2006 meeting.

2) Discussion of revisions to Zoning Ordinance Article 11 - Planned Unit Development continued from the November 13, 2007 Planning Commission Meeting

Mr. Hanoute said that he had heard comments that the Township Board wasn't receptive to some of the language in the Ordinance. Mr. Byerly agreed that was true for some of it. Mr. Milliken said that after the last meeting some requirements were discussed which he wasn't sure about, so he called the project engineer (Giffels-Webster). Based on their review of the proposals (10/17/07 rev.) he was told the project was still too residential in character, and they were also concerned about the amount of open space, the way the development would move forward procedurally, and if they would have to chunk the property up and rezone the pieces before developing the PUD.

Mr. Hanoute commented that all developer's fought open space requirements even though most PUD ordinances require it. Other Planning Commission members commented that some of the drainage areas and open water areas could be included as open space, it was difficult to preserve natural features or hold a picnic in a parking lot, and there were provisions in the proposed PUD Ordinance which would allow them to negotiate density bonuses.

Mr. Meisel thought that we might want to talk to the Board about the methods the Township can use to create a PUD. Mr. Milliken said that from the phone conversations it was his impression that the developer was talking to the Board, but they haven't had much communication with the Planning Commission. Mr. Meisel said he had attended one meeting. The developers talked about forwarding their concerns to the Planner with a copy of their concerns to the Planning Commission and he was still waiting for the list. Mr. Byerly said he hadn't been involved in discussions with the developer either. Mr. Hanoute said he had just received a call from the developer and was going to lunch next week so they could "get to know him."

Mr. Byerly said that Supervisor Schmidt had talked about getting the Board and Planning Commission together on a Saturday. Mr. Meisel felt that there needed to be agreement on the process before we went any farther. Additional comments were related to including Planning Commission representatives during some of the private discussions, receiving a list of the developer's specific questions, suburban PUD open space requirements; use of open space for buffers, drainage structures, landscaping features or recreation areas; the applicant's intention in regard to strip mall developments; urban density and suburban density definitions and standards; Township resident's concerns about "rural character," and the amount of use and design flexibility to include in the PUD requirements.

Mr. Milliken reminded the Planning Commission that they had discussed developing mixed use projects as PUDs or Special Land Uses. The type of mixed use districts can be determined by the Zoning Map or the Future Land Use Map. It was his understanding that the Ordinance was being revised to allow planned commercial, residential, and industrial development as Special Land Uses because there were no PUD Zoning Districts established on the Future Land Use Map. The advantage to using a Planned Unit development process is that you don't have to establish several types of zoning districts.

For example, the White Lake Road intersection is zoned RE, but the Future Land Map shows three different land uses---Planned Commercial, Planned Services and Residential. It could all be rezoned to PUD provided that the various land uses shown on the Future Land Use map are included in the mix. Mr. Hanoute commented that the purpose of a PUD was to include

mixed uses. If the Master Plan shows all residential zoning, he wondered how could we allow for non residential uses. Mr. Milliken said that a typical residential PUD would allow for a small area of very specific non-residential uses, but not the broad range of uses proposed for the area where the Master Plan shows the potential for mixed uses. To get the range of uses the developer is planning, they would have to rezone the property to PCS and then develop the PUD as Special Land Use.

Mr. Hanoute asked why they would have to rezone the property at all and why we just couldn't use the PUD ordinance as a zoning district overlay. Mr. Meisel said one of his concerns about using PUD zoning was the way it was being used in Fenton Township as spot zoning. There is nothing on the zoning maps that suggest what the PUD uses are or where they could go.

Mr. Milliken explained that the White Lake Road property is currently zoned RE. He suggested using Planned Unit Development so the property wouldn't have to be rezoned from RE. Mr. Hanoute agreed. We should use the Master Plan and the Future Land Use Map as an underlying zoning guide for development of the PUD to allow Planned Commercial development there and whatever else is designated on the Master Plan.

Mr. Meisel said he thought the options were to rezone the existing property to PUD or rezone it to the uses that were established on the Future Land Use Map and do a PUD within that. Either way, there would have to be some sort of rezoning to get to the classifications shown on the Future Land Use map. Mr. Hanoute asked why you would want to rezone. That would create specific zoning district boundaries within the area and developer's don't plan that way. Mr. Meisel asked Mr. Hanoute if he was recommending that we don't rezone the property, but just use the PUD process to accommodate the uses shown on the Master Plan.

As an example, Mr. Milliken referred to the Future Land Use PIRO District which is currently zoned FR. If someone wanted to locate a headquarters there, we would just establish a PUD to provide for industry and office, but the land would still be zoned FR. Hanoute asked if that would be the same process as a Special Use. He asked what would happen to the RE zoning if only half of the White Lake Road development gets rezoned. Would it be a problem to have the undeveloped part revert to the underlying zoning. If it is done in stages and the adjacent undeveloped areas are buffered sufficiently, it shouldn't be a problem.

Mr. Milliken said he wanted to think more about the implications of putting a PIRO use in the FR district as a Special Land Use or a PUD. Under a PUD you can create your own special zoning district. By skipping the PUD rezoning step and using it as a development process, we can just revise the zoning map. Mr. Meisel asked if that would expose the Township to liability, if someone wanted to come in and create an undesirable PUD regardless of process. Would they still have to go through a process and agree to develop it from the perspective of our language and requirements without having to go through rezoning.

Mr. Hanoute commented that the agreement process is only as good as Township enforcement. Mr. Milliken said that without a rezoning in this case, the onus would be on the Master Plan limitations. It would have to follow the Master Plan and the Township interpretation and enforcement of the plan. Mr. Meisel asked if that meant that we could determine that some PUDs would be undesirable or unacceptable because they didn't meet the Master Plan Future Land Use. If they wanted to do the commercial type of development at Center Road, would that be much less acceptable because of the Master Plan.

Mr. Hanoute asked how the PUDs would be documented in terms of the existing Zoning Map. Mr. Milliken recommended that there could be some sort of overlay designation on the map, since there wouldn't be a change in zoning. The overlays could be color coded, titled, or numbered to specify the type of PUD and the PUD standards. The amount of underlying zoning use required and the variety of uses could be related to the size and location of the parcel. The PUD classifications could be based on the Master Plan Future Land use designations as described in the Zoning Text. Getting the PUD ordinance text revised will probably be enough to get the project underway.

Based on previous experiences, Ms. Radcliffe was worried about the appearance of negotiating behind closed doors over a long period of time. She wondered if the developer might not have two projects going and they were trying to see which place would give them the best deal. Mr. Meisel said that they were very unwilling to disclose much detail about anything and he got the opinion that they had a plan that they were taking to different locations to see which one would buy it first. Mr. Milliken commented that during his conversation with Giffels-Webster and their complaints that the PUD ordinance was too residential, he explained that even though it was zoned R-1, they could use up to 40% of the land area as Commercial. Their response was that the Township's commercial uses were too limited as to the uses they could have and the maximum number of square feet they could build, but he couldn't get them to be specific about the size or type of big box they were considering.

Mr. Hanoute thought we should have a joint meeting with the Board over this project so we could hear their opinions about what should take place on that site. We need to know if they want to see a Sam's Club or a Wal-Mart or if they want something a little more rural in character and nature. We need to be able to tailor the document to give us the type of development the Township wants. Mr. Byerly said there had been some talk of retirement homes. Mr. Hanoute said he would guarantee they aren't talking about retirement homes because that isn't where they want to make their money. Mr. Milliken said they mentioned retirement housing as a commercial element, but they wanted to have the flexibility to put in offices and services if there was an adult living component. If that didn't fly, they wanted to have apartments and broader flexibility in the type of retail. Mr. Meisel said what we don't want to have is the public perception that the board and developer are in cahoots.

Mr. Hanoute said we needed a joint meeting to see if we can all get on the same page before anything is decided. Mr. Byerly said the residents have said for a long time they want the area to remain rural, but at the same time we need to have a commercial district. Mr. Hanoute referred to the original plan for development at the site that had been cancelled when the owner died and the heirs had other ideas. That development was able to maintain rural character and provide for a variety of commercial uses at the same time. He planned to look through his records to see if he still had some of the site drawings.

The Planning Commission tentatively scheduled a meeting for December 15, 2007 at 9:00 a.m. Mr. Milliken suggested that he would be able to revise the documents and based on the discussion today, and have them available for review at the December joint meeting.

As an additional revision, The Planning Commission commented that Page 11-10, Item 3.a and 3.b could be deleted since it was included in Zoning Ordinance Section 21.51. On the same page, they asked for revisions to Item M to read, "A PUD development in excess of 50 lots **and or an average of 50 daily vehicle trips** shall at the discretion of the Planning Commission provide a minimum of 2 **means methods** of ingress and egress. "

- 3) Review of the proposed the PCS - Planned Commercial Services Text to be included in the Zoning Ordinance

Review of the text was postponed pending review of the PUD ordinance by the Board and Planning Commission

**NEW BUSINESS:**

**OTHER BUSINESS FROM MEMBERS:**

- 1) Election of Officers

Postponed until December 11, 2007 to permit Mr. Fumich to attend.

**ZONING ADMINISTRATOR'S REPORT:**

**ZONING BOARD OF APPEALS REPORT:**

**BOARD ACTION:**

**FUTURE AGENDA ITEMS:**

December 11, 2007 - Work Session and Public Hearing

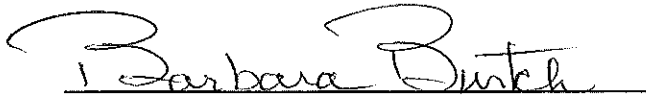
December 15, 2007 - Joint Meeting - 9:00 a.m.

December 18, 2007 - Subcommittee Meeting

**NEXT MEETINGS:**

**ADJOURNMENT:**

  
Laurie Radcliffe, Secretary  
Tyrone Township Planning Commission

  
Barbara Burtch, Recording Secretary  
Tyrone Township Planning Commission