

TYRONE TOWNSHIP PLANNING COMMISSION

Approved Meeting Minutes

March 11, 2008 7:00 p. m.

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

ABSENT: Gary Butler, Joe Fumich

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

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC: No response

APPROVAL OF THE AGENDA:

Chairman Hanoute suggested suspension of Robert's Rules to permit consideration of the Road Ordinance Final Draft as Old Business Item 1, and to renumber the other items accordingly; and to begin with the New Business items, so that the residents with an interest in the New Business won't have to sit through a long agenda.

Moved by Meisel, seconded by Radcliffe, to bring forward New Business Items 2 and 3, as New Business Item 1 was conditional upon the outcome of the Public Hearing. Motion carried by unanimous voice vote.

APPROVAL OF THE MINUTES:

1) February 26, 2008 - Planning Commission Meeting

Moved by Radcliffe, seconded by Kempisty, to approve the February 26, 2008 Planning Commission Meeting Minutes as corrected. Motion carried by unanimous voice vote.

Page 4, Line 1: (Moved by Meisel, seconded by Butler to approve...)

Page 5, Line 22: (...and the recommendation of **the** Township's engineer...)

Page 7, Line 42: (...lists suitable types of residential...)

Page 9, Line 12: (He asked ~~asked~~ if anyone...)

CORRESPONDENCE:

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NEW BUSINESS:

- 1) Request of **Dale Schaller**, representing the estate of **Helen Bantle**, for land division of property at 9927 Parshallville Road, RE parcel 32-300-031, to complete settlement of the estate.

Attorney Schaller recalled that the request had been approved in 2006, subject to provision of additional materials. The materials have been provided, and he asked to have the material forwarded to the Township Board with a recommendation for approval.

Chairman Hanoute noted that the Open Space calculation was incorrect. It was larger than required. There only needed to be 1.1 acres of open space, based on the net area of the parcel. The open space boundary could be moved approximately 54 feet to the west based on the correct amount of open space. Another drawing has been provided which shows the open space incorrectly located in the yard setbacks. Mr. Schaller said that was an old drawing included to show existing building setbacks.

Mr. Hanoute explained that the structures and all other required information should be shown on the final survey as opposed to using two or more drawings. The private easements shown as A and B did not indicate if they were to be used as shared driveway easements or single use easements. Mr. Schaller said that Easement A would be shared eventually. Currently it is accessing Mr. Bantle's property (32-300-026) but it will eventually access the remainder of Parcel B (32-300-031). Mr. Hanoute explained that the minimum building setback from a shared driveway was 50 feet, and it should be shown on the site drawing. Parcel A is a corner lot with a 50 foot setback from Easement A and 100 feet from Parshallville Road. The new site drawing should show the building envelope 50 feet from the boundary of easement A and 100 feet from the Parshallville Road right-of-way. The RE zoning should be referenced on the parcel drawing and the easements should be labeled as single or shared access and utility easements.

The easement dimensions shown across the bottom of Parcel A did not equal the 599.20 feet shown on the site drawing as the width of Parcel A. The legal description also corresponds to the 599.20 measurement and may have to be revised. If Easement B is proposed for shared access as a road or driveway, it should be so labeled on the site drawing.

Mr. Meisel thought there should be similarity in the attachments to the drawings, as either "Exhibit A" or "Rider A." Previously, he had concerns about the lack of consent from all parties and errors in the lot lines. Work has been done to clear that up. He further noted that Mr. Schaller had represented the Bantles, drawn up the documents and acted as notary. He recommended getting at least one independent verification of the identities. Mr. Schaller said he had filed an agency document with the Township bearing on his representation in this matter. The personal representative (Mr. Bantle) would be signing the deed.

Mr. Meisel asked about the deed recorded in Liber 187 (page 0802, item 12), which allowed the easement to be abandoned. After discussion, it was determined that the language

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related to the sale of the property from Lakehead Pipeline (Grantor) to Enbridge Energy (Grantee). Earlier he was concerned because of errors and conflicts relative to open space, building envelopes, and easements.

Mr. Schaller recalled that the problem at the last meeting seemed to be concern about the accuracy of the Parcel B size and description (32-200-024). Mr. Schaller said that there was a document recorded by the Register of Deeds which hadn't been referenced earlier. The parcel boundaries were re-drawn for parcel 32-300-024 and the description has been corrected at the County. The Township may still have the incorrect description on file.

Mr. Hanoute said he didn't feel that there were issues serious enough to prevent a Planning Commission recommendation. The applicant will have to submit a new survey with a corrected open space calculation chart, open space located correctly on the drawing, a statement acknowledging the excess open space if the applicant plans to keep it, review of the southerly boundary dimensions for consistency, and assure the Township that the legal description for parcel 32-300-024 on file with Livingston County correctly describes the parcel and all buildings now shown as located on 32-300-031 are actually contained within the boundaries of RE parcel 32-300-024.

Moved by Meisel, seconded by Radcliffe, to recommend to the Township Board approval of the Helen Bantle Estate land division at 9337 Parshallville Road, RE parcel 32-300-031, with the following conditions to be met prior to submission to the Township Board for final approval: 1) a single site drawing showing the location of existing structures, 2) correction of the open space or acknowledgment of the excess open space at the applicant's discretion, 3) location of the building envelope setbacks including the 50 foot setback distance from easement A, 4) the actual building setbacks on proposed parcel A, 5) a correction to the southern boundary width measurements, if necessary; 6) a reference to the RE zoning on the drawing, and 7) revision of the legal description of Easement A to indicate the future use as a shared driveway and utility easement. The motion was carried by unanimous voice vote.

The meeting was recessed at 7:35 for the Epiphany Church public hearing and reconvened at 8:20 p.m.

- 2) Request of Ethan and Alyssa La Vigne for an Agri-Business Special Land Use Permit to use the buildings located at 8444 Bennett Lake Road, RE parcels 06-200-004 and 06-200-005 as a nursery, greenhouse and sales location for La Vant Landscape.

Moved by Meisel, seconded by Radcliffe, to hold an Agri-Business public hearing for Alyssa and Ethan La Vigne on April 8, 2008 at 7:30 p.m. at the Township Hall to review their request for an Agri-Business Special Use. Motion carried by unanimous voice vote.

- 3) Mr. Meisel moved to suspend the Order of Business and address New Business Item 1 as New Business Item 3. The motion was seconded by Radcliffe and approved by unanimous voice vote.

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Recommendation regarding the request of Epiphany Community Church to use their property at 11062 Runyan Lake Road for a worship center

Moved by Meisel, seconded by Radcliffe, to forward the request to the Township Board with a recommendation for approval of a Special Land Use for Epiphany Community Church at 11062 Runyan Lake Road for a worship center as it meets the criteria for Special Land Use as specified in the Ordinance. The motion carried by unanimous voice vote.

Mr. Meisel explained that the actual Special Land Use Permit would not be issued until the final site plan was approved. The landscaping, the driveway locations, and clarification of the driveway areas are all site plan issues, but we have agreed that the property can be used for the purpose specified. Mr. Hanoute said that the Special Use approval should allow them to submit their plans to the Drain Commissioner and Road Commission for review and comment before presenting the final site plans for Township approval.

OLD BUSINESS:

- 1) Review of the final draft of Zoning Ordinance Article 24 - Private Road, Private Shared Driveway and Access Easement Standards

The chairman asked the Recording Secretary to forward the Ordinance and consultant correspondence from the Planner to the Board as recommended at the February 26, 2008 meeting (March 6, 2008 rev)

- 2) Review of Zoning Ordinance Article 11 - Planned Unit Development (PUD) (03/04/08) revision

Mr. Hanoute asked about the restriction of commercial uses in PUDs brought up at the last meeting and referenced in the McKenna Memo of March 5, 2008. He thought we might want to allow commercial areas in residential developments along the US 23 corridor. Mr. Meisel said he was still concerned about using PUDs to change the character of residential neighborhoods.

Township Planner Sally Hodges of McKenna Associates said the theory behind allowing commercial buildings in residential areas was to aid "corner store" development. Since PUD is a discretionary approval, it will depend on how strong the discretionary standards are, particularly in regard to established residential districts and uses.

Mr. Hanoute thought the language which allowed PUDs anywhere was wrong. Mr. Byerly was opposed to the language on Page 11-3, #3. He felt it was unrealistic for Tyrone Township. Most of the agricultural land in the Township has been developed. Mr. Hanoute suggested referencing preservation of rural character under Item #3 instead. Ms. Hodges said she would review the Master Plan to determine if protecting agricultural land was mentioned as a specific goal of the Township

Mr. Hanoute wanted to focus on the specific areas Master Planned for commercial use in general, and the parcel at White Lake Road in particular. Whether it is developed by the

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owner or someone else, developing commercial areas in the Township will face the same problems. He suggested sending a copy of the PUD language to the developers interested in Township land use for their comments. Mr. Meisel said that most of the Planning Commission members had talked to the developer, but there was never any specific talk about the use of the site. Mr. Hanoute explained that commercial uses drive development in high value location areas, not residential development. As it stands now, there isn't enough commercial area set aside to allow the amount of development we would want to have in the Township.

After reviewing the opportunities and constraints connected with some of the large sites in Tyrone Township and the underlying zoning, Mr. Hanoute suggested allowing commercial uses in residential areas bordering the freeway or service drives. Ms. Radcliffe said that seemed like we were trying to tailor the use of property in the Township for a developer who has not presented any ideas. They needed to come and talk to us as a group. Mr. Hanoute said developers didn't want to plan if they didn't know what their parameters were. Ms. Hodges suggested asking the developers for a PUD example they had used before and a list of the requirements that would concern them. Mr. Meisel said that one of the Township resident's main concerns was the way in which the Future Land Use Map was developed and how it would be used.

Ms. Hodges said it was hard to make a plan that fit all of the areas in the Township. We have the US 23 corridor, the lakes, the urban services boundary and everything else. We need to locate the areas where the uses will fit, and then devise ways to fit them in. Some requirements would be to exclude commercial PUDs from any area not connected to the Urban Services District, exclude them from the LK-1 Residential district, require a minimum lot size, require proximity to a major interchange, and require infrastructure improvements.

Mr. Hanoute thought that any residential commercial development should be neighborhood uses restricted to high density residential areas. Mr. Meisel thought we should consider allowing residential PUDs and nonresidential PUDs. Ms. Hodges said the Township already had a residential PUD, so we might add a nonresidential PUD category and a high density residential PUD category for lands already planned for that. Non-residential PUDs could include everything and high density residential PUDs could include some limited commercial uses.

Ms. Radcliffe was concerned about the development of the PIRO district. We should require building along the Expressway before considering development along Linden Road where there are residential areas. Mr. Hanoute explained that most industrial or commercial uses would want freeway exposure to begin with and we will require access roads from Old US 23 to get them into the sites.

Referring to page 11-4, Ms. Hodges asked if the Planning Commission wanted to continue the uses listed under #5 as uses for PUDs generally or commercial PUDS. She suggested reviewing the maximum commercial footage allowed for residential PUDs if they were only going to be allowed in high density residential zoning. Mr. Hanoute said we should consider allowing the Planning Commission to transition some of the development boundaries based

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on the PUD development criteria. Ms. Hodges was asked to consider transition methods (density, height, setback, buildable area) between single family residential and non residential uses.

Ms. Hodges said she didn't recommend using PUDs as an overlay because PUDs were usually specific concepts designed to fit specific sites rather than a general zoning category.

Mr. Hanoute asked Ms. Hodges to make sure that the parallel plan requirement applied only to residential PUDs and review building size limitations for commercial uses outside of high density residential PUDs. Limits on building sizes, setbacks, and facade contours could be established as discretionary requirements for commercial PUDs.

Referring to Page 4, Item 4, Mr. Hanoute suggested allowing Senior Housing PUDs in residential areas based on the scale of the project and Planning Commission recommendation.

During review of page 11-5, Item 6, Mr. Hanoute asked Ms. Hodges for clarification of the difference between a Zoning district and a Master Plan Land Use district to clarify what the PUD districts are and what zoning districts will be allowed in the PUD districts. A list or chart should be located somewhere at the beginning of the documents showing the relationship between land use and zoning. Item G (Uses), page 11-3 should be rewritten to establish the difference between residential and nonresidential PUDs.

Ms. Hodges thought the minimum separation distance between PUD structures may have been a blanket requirement for residential PUD development.

Speaking from the audience, Steve Hasbrouck, a former Planning Commission member, said he thought it was difficult to prepare for some unknown use. The beginning of the PUD document references creativity and innovation, and you will never accomplish that if you try to get too specific.

He always felt that the Master Plan designations weren't high enough for the property at White Lake Road. Originally, the use classifications lines were drawn as general guidelines to show the types of uses that could be included, not as restrictive boundaries. Mr. Meisel thought the problem with moving the boundaries too much would be the concerns of the residents living in the area. Mr. Hanoute said we could try to tailor the plan for the site, but we really needed a plan which could work in other areas of the Township too.

Mr. Byerly was concerned about page 11-7, Item 1.a. Ms. Hodges said that was a residential requirement. Mr. Hanoute explained the text would be revised so that it only applied to residential PUDs. It could apply to mixed single family and two family use. The open space cluster development option could be applied for by the developer to increase the density and the open space.

Mr. Hanoute asked Ms. Hodges to revise the PUD Ordinance for the next meeting. He also noted that the more the document was simplified, the better it would be. We should also

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begin to review the PCS text. The PUD districts could be developed as Special Uses. We need to relate the B-1, B-2, and ES zoning districts to Planned Commercial Services and we have to relate our Future Land Use Map to our Zoning Ordinance and Zoning Map.

- 3) Review of proposed PCS language to be added to the Zoning Ordinance

Discussion will be continued at the March 25, 2008 meeting.

OTHER BUSINESS FROM MEMBERS:

- 1) Comments regarding the Coates Land Division

Mr. Hanoute said that he had considered the Coates land division on the way home from the February 26, meeting. He reviewed some documents he had on file, and found that the open space required for the 50 acres was included within the parcel boundaries when it was divided from the Parent Parcel so additional open space would not be required. Since all of the open space required for the 50 acre parcel was inside the parcel boundaries, the new parcel created by Mr. Coates did not require additional open space, and the location as shown and the land division drawing were correct. He asked to have the Applicant and Township Board informed.

- 2) Directional Advertising Signs

Mr. Meisel asked if anyone had problems with the sign advertising "Homes and Golf" at the Preserve. It appeared to be in the road right of way.

Mr. Van Hecke said he had issued a permit for a real estate sign. Mr. Meisel said it was more than a real estate sign. The sale of homes is a separate entity from golf. They have combined two activities on one sign. It is just crammed into the ground and may obstruct sight lines. Mr. Van Hecke said he would take a look at it. Mr. Meisel said that if it is advertising a mixed use, it is an off premise sign, because the property is not owned by the golf course and the location is not correct.

FUTURE AGENDA ITEMS:

- 1) PUD Review
- 2) PCS Review

NEXT MEETINGS:

March 15, 2008 - Joint Meeting

March 25, 2008 - Regular Meeting

April 8, 2008 - Regular Meeting and Public Hearing

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ADJOURNMENT: 9:40 p.m.



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission