

**APPROVED
TYRONE TOWNSHIP JOINT MEETING MINUTES**

March 15, 2008

9:00 a. m.

Township Board Members Present: Robert Byerly, David Kurtz, Steve Nagy, Brian Miles, Hod Morton, Lynn Thompson

Planning Commission Members Present: Gary Butler, Dave Hanoute, Ed Kempisty, Mark Meisel, Laurie Radcliffe

Zoning Board of Appeals Members Present: Greg Carnes, David Cypher, Maureen Leaske, Claudette Moyski, Debbie Smulsky

Also Present: Sally Hodges of McKenna Associates, Township Zoning Administrator George Van Hecke

CALL TO ORDER: 9:00 p.m. by Clerk Morton in the absence of Supervisor Schmidt

PLEDGE OF ALLEGIANCE:

NEW BUSINESS:

1) PIRO/PCS/PUD Discussion:

Mr. Morton informed the Planning Commission that the costs for this project were too high. Twenty one consultant hours were billed in January and he wanted to know how much longer the PUD Ordinance would take to write and how much more money it would cost.

Mr. Hanoute explained that aside from the routine Planning Commission activities, PUD ordinance development has been interrupted for revisions to the Land Division Ordinance, the LK-1 Ordinance, the Agri-Business Ordinance, the Private Road Ordinance and the Master Plan. The Planning Commission tried to schedule joint meetings earlier for discussion of the PUD ordinance, but this was the first available date for the Board.

The PUD Ordinance is one of the most important ordinances the Township faces now and in the future. That is why it is important to reach agreement about the best way to meet the Township's goals and objectives and agreement about the way to apply Planned Development requirements.

Mr. Morton commented that the Future Land Use Map has been approved for a long time and he wondered why we still had to rezone to allow commercial development. Mr. Kurtz asked why the Ordinance would use underlying zoning instead of a PUD to develop commercial property. We needed to allow a mixed use PUD.

Mr. Hanoute explained that all PUDs deal with mixed uses. In the case of residential PUDs, our Zoning Ordinance allows between 7% and 10% of the parcel area for commercial use. Mr. Meisel said there has been discussion about doing PUDs without rezoning by referring to underlying uses shown on the Zoning Map or the Future Land Use Map. We had feedback from Board members saying they didn't want to go through the rezoning process.

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Mr. Morton was concerned because the Land Use Map and the Zoning Map didn't match. We will have to change the map any time developers want to do something. People who want to develop in this Township look at it and go away.

Township Planner Sally Hodges of McKenna Associates, explained that there are two primary documents required for zoning and land use. One is the Master Plan which is the vision for 10, 20, and even 30 years in the future. The other is the Zoning Map. In most communities the Zoning Map doesn't match the Master Plan Future Land Use Map. The reason the zoning and future land use maps aren't identical is because it is usual to wait for property owners to request rezoning for their property rather than having the Township rezone property on its own.

To convert property from one zoning use to another you have to request a rezoning, send out notices, hold a public hearing, and make a recommendation for the Board to rezone the property. Once it has been rezoned, the owner or purchaser can present a site plan. It is a rare situation where there are large chunks of land zoned and waiting for any use that a buyer would want to put on it. Showing different uses in the Master Plan is one way to show where a community would be inclined to approve rezoning. Rezoning approval is made for a specific use (R-1, B-1, M-1) without reference to a site plan. Any use allowed by the related Zoning Ordinance would be permitted on the rezoned site at the owner's discretion.

Mr. Van Hecke explained that PUDs allow a mix of uses, but the mix and the percentage would depend on the underlying zoning and the Master Plan Future Land Use map. Ms. Hodges said that usually an interested party will bring a general conceptual plan to the community for informal discussion with officials and residents. PUD ordinances are tools to establish qualifying criteria to allow deviations from the ordinance and to establish a way various uses can be put together. The Township's current PUD isn't broad enough to fit all the uses shown on the Future Land Use Map.

Mr. Morton said PUDs were fine, but looking at the Township Map, places to locate PUDs are too limited. Mr. Kurtz suggested allowing PUDs to locate anywhere in the Township as long as the Township has the right of refusal. Once property is rezoned you are stuck with it. PUDs are designed to give someone who wants to develop land the most development flexibility.

Ms. Hodges agreed, but said the PUD or Rezoning request would still have to have some relationship to the Zoning Map and Master Plan. She asked if the Township should change their vision of the future at the request of developers. Mr. Kurtz said PUD plans should allow for flexible boundaries and the open space requirements are too high. A multi-use PUD that allows seven percent for commercial use doesn't allow enough for good development in the Township. If we don't have multi-use PUDs they will have to rezone.

Mr. Hanoute commented that the most recent Planning Commission discussion on Tuesday dealt with allowing planned commercial uses in planned services and high density residential development areas. We wouldn't allow commercial use in all the residential locations on the zoning map, but they could fit in the high density residential locations shown on the future land use map. Ms. Hodges said the problem with any mixed use PUD

was the transition from commercial to residential zoning. Many changes were discussed at the last Planning Commission meeting because allowing commercial PUDs in all parts of the Township didn't make sense.

Mr. Meisel said that after going through the "one size fits all" discussion the Planning Commission agreed that one PUD wouldn't fit all the Township requirements. We have to keep in mind the area surrounding the PUD so we need to specify what the character of the PUD will be and how to regulate it to provide reasonable transitions. Mr. Morton replied that he is in the office every single day of the week and he has not had one phone call from residents concerned about development in the Township. Mr. Meisel and Mr. Miles said they had different experiences and had talked to residents worried about development.

Ms. Hodges said that during the March 11, 2008 PUD discussion the Planning Commission decided that PUDs might not make sense everywhere in the Township. PUDs would make the most sense in the US 23 corridor but there needed to be ways to deal with residential use PUDs and commercial use PUDs. Within the corridor the commercial PUDs (purple area) would permit any master planned mixed commercial uses allowed by the Zoning Ordinance; the service area (blue) and the high density housing (orange) use districts are designed to serve as transitional areas which would contain a mixture of less intense commercial or service and high density residential uses. The residential use areas (yellow) could transition between mixed high density residential and commercial uses to lower density residential uses.

Mr. Hanoute explained that allowing mixed use PUD options would not only fit the US 23 - White Lake Road intersection but other similar commercial and transitional areas shown on the Future Land Use Map. As planned, the White Lake Road intersection could provide almost 100 acres of commercial use in some degree, with the most intense uses closest to the US 23 intersection and the commercial uses graduated into residential development as you move farther into the property.

Mr. Morton and Mr. Kurtz were worried about the residential zoning shown for the property at White Lake Road and US 23. Mr. Hanoute explained that is where a residential PUD could be used to transition from commercial to residential use, especially with sewers available.

Mr. Kurtz pointed out that the underlying zoning was shown as RE on the Zoning Map. Ms. Hodges said that the underlying zoning would be used as a reference point for a Rezoning request. The Future Land Use Map shows high density attached and medium density detached residential uses in that area. That would include the RE, R-1, R-2, and RM-1 Zoning Districts. Future Land Use Commercial and Service areas are related to the B-1, B-2, ES or OS Zoning District classifications.

Mr. Hanoute explained that the Planning Commission wasn't recommending rezoning to a specific residential or commercial use. The PUD development would be applied to the Future Land Use Map as a Special Land Use process to allow mixed uses related to several Zoning District or Future Land Use categories.

Ms. Hodges thought that the best way to show this would be to include a table listing the Zoning District uses related to the Planned Services district (B-1, B,2, OS and ES) and the Zoning Districts (R-1, R-2, RM-1) related to High Density Residential districts. By using a PUD, the uses could be combined in a single project rather than in separate parcels rezoned for separate uses. The language referring to underlying zoning and parallel plan requirements was part of the Township's original residential PUD requirement for development under the Open Space Preservation statute. The problem with any mixed use PUD is the transition to residential

Mr. Hanoute explained that the Planning Commission had spent time testing a lot of mixed use theories in various areas of the Township before arriving at a decision last Tuesday to develop standards for a variety of PUDs. We think it is a solid approach and hope the Board will too. If we agree, we could finalize this within one or two meetings.

Mr. Kurtz commented that the lines between the uses shouldn't be considered hard and fast. They need to be able to morph with the site design.

Mr. Morton said that when someone wants to do something in the corridor, we should tell them to bring us a plan so we can work with them and not take two years to get it done. If we don't do something, developers will go away from Tyrone Township.

Mr. Meisel explained that the Planning Commission is trying to design something highly flexible with broad enough lines to accommodate a large cross section of plans. He has been told personally that residents don't want this Township to develop with the same results as Fenton Township where any piece of property can turn into a PUD for any developer even if it doesn't fit the character of an established neighborhood. We need language that works in the best interest of the Township as well as the developer.

Mr. Morton said he was worried about what we will be faced with in three or four years when we are going to wish we had some tax base. Whether we like it or not we have a sewer debt coming due. Mr. Kurtz said that good planning doesn't necessarily have to be tied to overhead, but we have to realize that we need to move forward at a reasonable pace, so we can be ready if someone wants to develop in the Township. Right now the economy is down and building is a little cheaper so a developer might want to take advantage of that. Mr. Meisel thought the process could be a lot farther along if we had some idea of what the owner of the property at White Lake Road and US 23 wanted to do. We keep guessing, and the only feedback we get is that they don't like what we have.

Mr. Morton asked what would happen if the developer went out the window and then another developer came along. Would we have to go back and do the process all over? If we lose one, will there be another one? The people of this Township are tired of having to leave the area to go to a Doctor. We need to do whatever we can to capture things our residents can use. Along US 23, there are two little buildings that a number of people have wanted to use, and we told them to hit the road.

Mr. Meisel said we still have processes in the ordinance which will allow people to use non-conforming parcels. We have made approvals for uses that haven't been continued or recommendations pending ZBA approval that haven't been followed. Once property is

rezoned, the Township no longer has control over the use as long as it follows the Zoning Ordinance use requirements. PUDs are more complicated to work with, but they allow the Township to retain some control over the project.

Mr. Morton believed the Planning Commission needed to be more flexible and make the Township more attractive for development. We are too restrictive

Mr. Nagy asked how the Planning Commission would determine where to locate a residential PUD site. Mr. Meisel said that would depend on the Future Land Use Map. If you have a parcel zoned commercial or shown as commercial on the Future Land Use Map, you could argue that the highest percentage of the development should be commercial. Then you negotiate transition zones depending on the size of the commercial development. If your property is located in a Multiple Family attached residential Future Land Use area, the significant component would be residential development with some transitional commercial uses. If your property is located in a Future Land Use Area shown as FR and zoned as FR, the development would be residential and might not have any non-residential uses included. With a PUD that is all negotiable. In large parcels you need to make sure the transitional zones work to the best interest of the surrounding properties.

Responding to questions from Mr. Nagy and Mr. Kurtz, Mr. Meisel said the intent of PUDs is to negotiate with a developer to come close to what the developer would like to do. Numbers serve as guidelines. We have density bonuses, and other criteria based on desirability or site specifics so the guidelines aren't always hard and fast.

Mr. Miles thought we needed to sell the program. How can we tell people we are trying to protect our rural environment, but be able to grow the corridor. We have to articulate the program to the Township. Ms. Thompson said the Township shouldn't have to articulate the program. The developer will have to sell it. If you want to look at your back woods forever, you should buy an estate sized lot. There is no guarantee when you buy next to 160 acres of open land that it is going to be that way for the next 50 years.

Mr. Meisel said the problem is that most of the commercial area in the Township abuts rural or residential areas. Most people who see "residential" on a map are worried because of what happened with Walmart on Silver Lake Road.

Mr. Hanoute said the Planning Commission was not inclined to allow commercial PUDs in residential areas, but to allow mixed residential use PUDs. We don't want to have party stores all over Tyrone Township.

Mr. Kurtz was worried that the hard and fast lines drawn on the Future Land Use Map would hinder development of the corridor. Mr. Nagy commented that Future Land Use Maps serve as a wish list. The only thing that is cast in stone is the Zoning Map. With the Future Land Use map we have right now, all of it is subject to negotiation.

Mr. Hanoute explained that there would be different PUDs for different areas. In the corridor, the orange color indicates mixed residential use. There would be a percentage of commercial allowed in that residential area because it is transitional. Mr. Morton wanted to have the orange area increased.

Mr. Meisel commented that we have to make sure that we have some kind of transition occurring in the vicinity of the Future Land Use Map residential borders. Mr. Hanoute noted that residential PUDs can be located in high intensity residential (Yellow) use areas. That could be a combination of apartments, duplexes, and single family homes. The issue is whether we should allow some commercial use in that type of residential development. Probably in the corridor, but not in other areas.

Mr. Morton wondered if the residents would prefer 400 apartments to nice commercial buildings. There are a lot of apartments north of Fenton that they wish had never been put up, but the area was zoned residential. Mr. Nagy commented that the apartments on Denton Hill Road have never been a problem. They are multiple family as opposed to high density multiple family. Mr. Hanoute said that Senior Housing would be allowable as a residential PUD use. We have to consider transitional residential uses because sites like the White Lake Road intersection don't represent enough population density to support even 100 acres of commercial use.

Mr. Kurtz asked if that meant if you lived on the north end of the property your Doctor's office would have to be on the south end. Many graduated care facilities have apartments on the outside, a central building that offers more care, and some Doctors offices scattered throughout. If we build according to the map, the office will have to be on the south end of the property.

Ms. Hodges said that would be where the transitional areas come into play and the transitional areas would be the hardest part to develop. The boundaries in a PUD don't have to be rigid. Some uses might even be based on percentages rather than zoning district alone. Some of the yellow residential areas shown on the Future Land Use Map will still be predominately residential unless the developer can prove a benefit to the community from incorporating other uses. Mr Hanoute asked if the Township would want to allow commercial PUD uses in all of the yellow residential areas on the Future Land Use Map. Mr. Kurtz thought that residential PUD commercial uses could be restricted to the US 23 corridor.

Mr. Hanoute brought up the question of allowing the same type of development on the east side of US 23. Mr Kurtz noted that it was outside of the sewer district, but if somebody bought a lot of property at the Center Road exit on the east side and brought the sewer across, we would have to consider a commercial PUD.

Mr. Hanoute said it would be one thing to limit commercial development to the corridor and another to limit it to the sewer district. We should make that distinction. Allowing it on the east side of the expressway could create a whole lot of problems. In that case, Mr. Meisel thought the Ordinance should make sure that someone won't be able to build a gas station within 500 feet of a residential area. Mr. Morton thought a gas station should be allowed if the neighbors were surveyed for approval. Mr. Kurtz thought the Future Land Use Map had too much residential area shown in the US 23 corridor.

Ms. Hodges suggested that the Township might want to consider some combination of corridor and sewer district availability to support non-residential PUDs. Mr. Van Hecke

explained that there is a difference between the sewer assessment district and the sewer district. There is room for expansion within the sewer assessment district and within 200 feet of the sewer line in some places within the sewer district.

Mr. Kurtz thought the Planning Commission should prepare some options for development on the east side of the expressway whether we need them or not. There should be ways to use that property if a developer comes in. He asked about the best way of getting comments to the Planning Commission. Sometimes his comments get twisted. Mr. Hanoute suggested e-mailing the comments directly to him.

Mr. Miles asked why he did not have a correct version of the PUD text. Mr. Meisel said the text didn't get out of date until Tuesday night, but we needed to have something to provide prior to this meeting that demonstrated what we were thinking about so we could discuss it. Mr. Nagy said there wasn't all that much change in the text language. Mr. Hanoute said the biggest change was to the concept. Mr. Meisel noted that the Planning Commission had tried to have this forum several times before. Now we have the new concept, we still need to know if this is the right way compared to the existing concept. It sounds like we are in agreement that this is the right way.

Mr. Morton was concerned that a very important issue wasn't touched on. The owner of the intersection has met with everyone here and one of his main concerns is still about adjustment to our open space requirement. He was under the impression that everything can get adjusted in a PUD. Under proper planning, how do we do that if the developer can't work with the 30% open space requirement.

Mr. Miles said the complaint wasn't with the 30% but how you divide it up to get 30%. Mr. Kurtz commented that another issue with the open space requirement is that it has to be on site. Ms. Hodges said off-site open space language could be added to the PUD. Mr. Kurtz pointed out that the ordinance is very specific about open space. He had worked with many projects where off-site open space was permitted. It could be negotiated at two for one or three for one if it is off site and as contiguous as possible, but the Township Ordinance says absolutely no off-site open space. If the property has a lake on it, we don't get to count all of the lake as open space. We need to make that an option at least. Mr. Morton wanted to include language in the Ordinance so that developers would know that the open space requirements aren't concrete.

Mr. Hanoute thought that open space variances could be allowed at the discretion of the Planning Commission and the Board. Mr. Kurtz said that if the Township gets a good plan, it shouldn't be too hard to make it fit, but we should permit off-site green space and 100% of lake open space as options.

Mr. Meisel recalled that flexibility opportunities have been included in almost all of the ordinances forwarded to the Board in the last nine months. Mr. Kurtz said that this ordinance specifically excluded the ZBA from a PUD appeal process. They would have to go directly to circuit court. Mr. Morton thought development PUD requests should be handled so they didn't have to come before the ZBA for a variance. It costs the developer money when they have to get a variance. Usually the variances deal with common sense issues. We should be able to apply variances without having to go to the ZBA.

Mr. Byerly thought any interested developer should come to the Township and make a presentation so everyone will be on the same page. Mr. Kurtz explained that the developer isn't really sure what he wants to do. We can develop an ordinance to fit his plan or we can develop an ordinance to fit us, but we need to make an ordinance flexible enough to be able to stretch around plans that may not meet the ordinance requirements exactly. He didn't see any flexibility in the first PUD draft, but it sounds like the new one will allow for different types of uses.

Ms. Hodges explained that by developing the PUD ordinance first, developers will understand that we are providing flexibility, but there are certain things that may not be approved. Mr. Morton wanted a PUD that the developer could look at to tell if his project would be able to fit. If not, they should give us comments back. If he has something to look at, his people can determine if we can work together or not. Then we will see a conceptual plan.

Mr. Meisel said we need to understand if the developer is looking at something reasonable for Tyrone Township. Although the Board feels that 30% open space is too much, the actuality is that it isn't really inconsistent with what many other communities have. If a developer comes in with a request for 25% we might be able to consider it, but with 5% we would be butting heads. Mr. Morton suggested allowing the developer to locate 1% of the open space on the site and 99% of it elsewhere. Mr. Meisel said that would have to be worked out and we would have to determine if adjacent developments would have the same relocation opportunity.

Mr. Kurtz referred to VG's and K-Mart development in Fenton. They have a few strips of green by the sidewalk and an expressway setback behind the buildings, so there isn't much green space. In a development like Silver Lake Parkway, you will get requests for minimal green space. Even if you go to the apartment complex across the street, there is only slightly more green space. Ms. Hodges said new commercial areas are developing as life style centers. It may not be green space, but it is open space useable by people within the PUD. Mr. Kurtz replied that the ordinance didn't say that. It says the open space has to be 50 feet by 100 feet at a minimum.

In response to a question from Ms. Hodges, Mr. Kurtz said the developer interested in the White Lake Road property was branching out from residential development into commercial development. One of his residential developments was located near 8 Mile and Novi Road.

Mr. Hanoute observed that the Planning Commission and the Board were agreed that a single PUD ordinance would not meet the needs of the Township. He asked Ms. Hodges to prepare revisions for review at the next Planning Committee meeting to include charts showing which Zoning uses would be allowed in Residential PUDS, High Density Residential PUDs and Commercial PUDs.

2) Planning Services Costs

Responding to further comments regarding Planning Commission expenses, Mr. Hanoute said that the Planning Commission collected funds for Planning and Engineering review of projects submitted by applicants. The Planner has been attending every meeting this year

because we have been working on ordinances at every meeting. Once the ordinances are finished, the Planning Commission will try to maintain a schedule that will address ordinance revisions or other items requiring planner review at only one meeting a month.

3) Planning Commission Budget Concerns

Several Board members asked for an explanation of the codification item carried in the Planning Commission budget. It was explained that codification is a contract service proposed as a method of tracking Zoning Ordinance topics and Ordinance revisions in a cumulative index. It is a time consuming project to key the topics to their location in every Township Ordinance as adopted or amended, particularly if the regulations are keyed to statutory revision dates. Although the Board has not authorized the service to date, funds have been carried in the Budget in case the Board would opt to contract for the service.

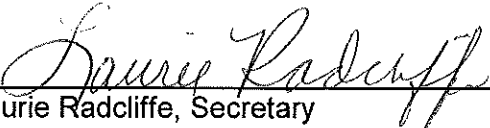
Mr. Hanoute said that the Planning Commission budget was smaller than it has been in past years and the Accountant recommended maintaining the funds in the budget for contingency use.

The Planning Commission also suggested that the Board might want to increase the Fee Schedule for Public Hearings, Planning Commission review of Land Divisions, Site Plans, Special Uses and other applications.

Members of the Board commented that the Web Site didn't provide adequate information about the Planning Commission Meetings. Mr. Miles asked that copies of the Planning Commission Agendas be forwarded directly to the Board.

ADJOURNMENT:

The meeting was closed at 12:00 p.m. by Clerk Morton


Laurie Radcliffe, Secretary
Tyrone Township Planning Commission


Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission