

# TYRONE TOWNSHIP PLANNING COMMISSION

## Approved Meeting Minutes

March 25, 2008                      7:00 p. m.

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

**ABSENT:** Dave Hanoute

**CALL TO ORDER:** 7:00 p.m. Vice-Chairman Meisel

**PLEDGE OF ALLEGIANCE:**

**CALL TO THE PUBLIC:** No response

### APPROVAL OF THE AGENDA:

Moved by Radcliffe, seconded by Byerly, to approve the Agenda as presented. Motion carried by unanimous voice vote.

### APPROVAL OF THE MINUTES:

#### 1) March 11, 2008 - 2008 Meeting Minutes

Moved by Radcliffe, seconded by Kempisty, to approve the March 11, 2008 Meeting Minutes as corrected:

Page 3, Line 5: (They applicant will have to...)

Page 3, Line 35: (...their request for a an Agri-Business...)

Page 4, Line 1: (The motion was carried by unanimous...)

Page 5, Line 41: (allowing the Planning Commission to transitions some...)

Page 5, Line 47: (usually specific concepts...)

Page 7, Line 6: (...documents he had on file and found that the some documents he had on file and found that the open space...)

Page 7, Line 10: (...the new parcel created...)

Page 7, Line 20: (...is a separate entity **from form** golf.)

#### 2) March 11, 2008 - Epiphany Community Church Public Hearing Minutes

Moved by Radcliffe, seconded by Byerly, to approve the March 11, 2008 Epiphany Public Hearing Minutes as corrected:

Page 1, Line 42: (The garage doors and will be removed...)

Page 2, Line 27: (...but the thy would remove...)

Page 3, Line 26: (...a **ramp** leading to the entrance...)

**CORRESPONDENCE:**

**OLD BUSINESS:**

- 1) Review of the proposed revisions to the Planned Unit Development (PUD) text

Township Planner Sally Hodges of McKenna Associates said the biggest change in the draft is the language defining and locating the types of PUDs. A new Table (11.1) has been located in Section 11.02 General Requirements. The corresponding Zoning Ordinance Districts have been correlated with the Master Plan PUD districts.

Mr. Meisel commented that most of the districts where PUDs would be suitable were zoned FR or RE which doesn't match the future Land Use Map. The property at the intersection of US 23 shows Medium Density Single Family Detached Residential. It might be necessary to amend the future Land Use Map to show exactly where the R-1, R-2 and RE uses could be located.

Ms. Hodges explained that the Master Plan definition of Medium Density Residential was one half (1/2) to one and a half (1 1/2) acres per dwelling unit. She had referenced the R-1 and R-2 residential zoning districts because they both fit the Medium Density definition. Since a PUD won't require rezoning, the Township should think about the specific zoning districts which could be acceptable in those areas. To keep the use boundaries from looking like fences, the use areas could be made irregular in shape to allow for wiggle room.

Mr. Van Hecke asked what would happen to the B-1, B-2, OS, and ES Zoning Districts after the PUD and PCS ordinances were adopted. Mr. Meisel said they should go away after the text for the PCS PUD was identified. The Zoning Districts would be realigned to support the Master Plan and there would be no B-1 or B-2 zoning districts available for rezoning requests.

In response to a question from Ms. Radcliffe, Ms. Hodges said the PUD Use Table and footnotes (a-h) had been included in the text after item 11.02.G.1 (p. 11-4), but would be separated out in the final version. Mr. Meisel asked for definition of the commercial uses that would be allowed in residential PUDs. Open space issues to think about were the 30% open space requirement, the different types of open space, open space locations on-site or off-site, and the percentage of open space allowed off-site. Another issue was whether to exclude PUDs in the LK-1 District or all lake front districts, or to establish specific regulations for lake front PUDs. He was also concerned about conflicts between condominium regulations and PUD regulations.

Ms. Hodges said that Table Footnote (h) was inserted to allow PUDs throughout the Township. That may not work, because all of the Master Planned land is located inside the US 23 corridor and there are uses which the Township might not want to allow in residential areas outside of the corridor.

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Mr. Meisel said one of the items discussed with the Board at the joint meeting was where we wanted commercial PUDs. The Board brought up the possibility of bringing sewers across the expressway if someone wanted to develop a commercial PUD on the east side of the expressway. The PUD language intends to keep PUDs close to the corridor, but the PUD process should allow the Planning Commission to make a determination about the desirability of PUDs elsewhere in the Township. We should set up some standards to determine whether that would be appropriate and what the scale of the PUD would be. If a viable plan comes forward we don't want to eliminate it because of totally arbitrary requirements.

It was his perception that the "corridor" was the area of the Future Land Use map where all of the colors were located on the west side of the expressway. Ms. Hodges said that the original corridor study was based on the properties one mile from the corridor on either side of US 23. The Recording Secretary recalled that the original study looked at both sides of the US 23 corridor initially to inventory the existing uses, but decided to concentrate on the west side of the corridor because the parcel sizes were more suitable for planned development, there was already non-residential development on that side, and infrastructure was planned for that area. Ms. Radcliffe said the first corridor study looked at the existing land use from Hartland to Fenton with concentration on the west side from Dean Road north.

Ms. Hodges said we had two issues. One was where to locate commercial PUDs and the other was where to allow residential PUDs. After the last discussion, the feeling was that the commercial PUDs should go on the west side of the corridor, but residential PUDs could be located on the east side of the expressway. Footnote (a) was included in the table to keep non-residential uses close to Old US 23 on the west side (p 11-4). Ms. Radcliffe noted that it also kept development close to the sewer. Ms. Hodges said proximity to the sewer could be included as one of the conditions for commercial PUD development.

Mr. Van Hecke said that the parcels shown with cross hatching on the sewer map were in the sewer assessment district. Property where there is a residence located within 200 feet of the sewer lines are in the sewer district and have to connect in the future if service lines are available. Ms. Hodges asked if the property on the east side of the expressway was probably more than 400 feet from Old US 23 which was one of the PUD location criteria.

Ms. Radcliffe wondered what would happen if someone wanted to locate on the east side of the expressway and was willing to drill under it to bring the sewer line to the east side, would that help the Township's tax base to support the sewer or just add more cost to the Township. Mr. Meisel said that if three or four REUs were brought into the system, it would help pay for the cost of operation, but it wouldn't do much to bring down the debt for installation of the system. Mr. Van Hecke said that bringing sewers into an area would help it expand because you could build on smaller parcels if you didn't have to use septic systems. Mr. Meisel said the sewer was developed to serve properties already connected to a sewer system and to grow the commercial area. It wasn't designed to attract more residential development, although they would be allowed to join if they were within the district or if they were willing to connect to it. Commercial development gives you a lot of REUs in a small footprint.

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Ms. Hodges said that she would revise Section 11.02.D Site Location Principles, Item 2 (p. 11-3) and would work the information into a different section of the design criteria. Ms. Radcliffe suggested referencing use of ecologically significant sites with "may" rather than "should."

Mr. Van Hecke asked what would happen to property that was already Master Planned as "Commercial". There is also property that was previously used as a commercial site now zoned as PUD residential with a small commercial area. Ms. Hodges said that if the zoning was already there, probably no one would want to rezone a parcel to a PUD. The areas which are already rezoned or developed would be allowed to continue. Right now there isn't anything to act as an incentive for something beside straight rezoning.

Ms. Hodges explained that Items 2, 3, and 4 (page 11-5) were additional standards for clarification of PUD uses. Item 2, was included to deal with large PUDs where the overall plan was approved, but the development of different outlots would be phased. If a Special Use is proposed as described in the PCS requirements, site plan approval and a Special Use Hearing would be required for development of the phase. If the Special Use category (bank, restaurant, auto dealer, etc.) is approved in the initial review, it shouldn't be necessary to hold another hearing if the use remains the same. Large PUDs take a long time to market as conditions change and tenants change. The Planning Commission asked Ms. Hodges to include a list of all the uses approved during the initial review for comparison with the development as it is built, and require revision of the list each time a change in the original plan is requested and approved.

Ms. Hodges noted that items 11.02.H and 11.02.I (pp. 11-5 & 11-6) applied to residential PUD developments or residential components of a commercial PUD, based on the statutory Open Space Preservation Option. The Dimensional Standards (11.02.J, p. 11-7) apply to both residential and non-residential uses. Following a discussion, the Planning Commission decided to eliminate items 1 through 3, add language to reference modifications of associated zoning district heights, setbacks, and coverage in paragraph J, and divide Section J into two separate paragraphs.

Ms. Hodges explained that Phasing and Open Space development (pp. 11-8 and 11-9) should be negotiated as part of the phasing plan review. The open space should be shown on the development plan, but may not have to be completed before all phases of the project could be developed. Wider sidewalks, eating areas, and court yards within the project could also be included as part of the project open space areas. Open space requirements are frequently associated with the residential portion of the project, but it should be encouraged in the non-residential use areas. Within the project it might not be green space, but it would be open space.

Mr. Meisel thought it would be hard to use a specific number to identify the amount and type of open space required for mixed uses. Another concern was deciding how natural features would be credited. He suggested establishment of benchmarks.

Ms. Radcliffe was concerned about what other Township residents who developed their property in compliance with the open space requirements would think if an outside developer wasn't required to meet the standard. Open space was developed to help keep

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the area looking rural. Allowances may have to be made, but she wasn't in favor of requiring it for one and not the other. Back when we had all the public planning meetings and talked to the residents, everybody wanted it to keep the Township looking rural. When you drive through the corridor from Ann Arbor to Flint, this is the only chunk you can drive through where the country side hasn't been destroyed yet.

Mr. Fumich commented that the only thing wrong with that was that the Township is broke. If you want to have development, the developer needs to get something out of it in addition to the buildings. Mr. Meisel said that money was important, but he always came back to sound planning. Should we sell the future of the Township or should everyone have to ante up? Even though we want commercial development, we should still try to abide by what the residents have directed. We have to consider how we can blend the uses lines, but still be consistent. We may have to negotiate for open space.

Ms. Hodges said that as part of the process, the developer could be asked to list the benefits to the Township of open space reduction. It would be similar to an impact statement or an environmental statement. Ms. Radcliffe said that reduction would be a benefit to the developer, but in return they should do something for the Township. We could use a park.

Referring to Section 11.06.D.1.a (p. 11-16), Ms. Hodges said the benefit to the community was one of the approval criteria. Hartland makes developers submit a letter to the Township stating what the open space reduction benefits will be and what the project value will be as compared to open space development. The Planning Commission asked her to add a similar requirement to the Township's PUD ordinance.

Mr. Meisel asked for a discussion of off-site open space as opposed to on-site open space. There is the problem of where the open space should be located and whether all of the open space could be relocated or only a percentage. Mr. Fumich said if there is a park the developer should build it whether it is on-site or off-site. Mr. Butler thought there should be off-site guide lines for locating open space with a two to one (2:1) or three to one (3:1) Township benefit if it is located off-site. Ms. Radcliffe suggested locating it in the same zoning district, not in some remote Township swamp. Mr. Kempisty thought that open space location should be one of the discussion items between the developer and the Township. Mr. Meisel said that in commercial PUDs some portion of the open space should remain with the development and the rest could be relocated into adjacent residential areas. Ms. Hodges said she had made a note to include open space location criteria in the PUD text. Mr. Byerly said he had found out that most Townships require 25% or 30% of open space.

Mr. Butler said if that was the case, the open space was hard to see. Ms. Radcliffe said that was probably because it was kept in the middle of the project. You should be able to drive by the site and see some of it. Mr. Van Hecke asked who would be responsible for maintaining open space. Mr. Meisel said that would be part of the negotiations. If it's off-site there would have to be signed agreements. Mr. Fumich said that if the Township got the park, the Township would have to maintain it. Mr. Van Hecke thought that off-site mitigation should be the last open space option and we would have to determine who maintains it and why it is a benefit to the Township.

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Mr. Meisel said that open space maintenance and funding would have to be part of the PUD agreement. For instance, if we allowed the developer to locate 80% of the open space off-site, as part of the agreement the developer should be responsible for open space maintenance, either through association dues or special assessments.

Mr. Butler asked where Sections 11.02.L.2 & 3 were located. Ms. Hodges said they may have been deleted during the revisions, but she would search for them.

Mr. Meisel asked about fire protection infrastructure requirements. Ms. Hodges said she would add some fire suppression language to the text.

During the discussion of Design Requirements (11.03, p 11-11), Ms. Hodges was asked to include language which would permit deviation from some of the Architectural standards to permit creativity and ingenuity in design. The Zoning Ordinance Architectural requirements could serve as a reference point.

Ms. Radcliffe asked if screening (11.03.B, p. 11-12) would really protect the values of property around the development. Ms. Hodges said the text referred to a "screening area" not a "screening wall." The intent would be to require greater setbacks or require landscaping. Ms. Radcliffe asked if we thought that would protect property values in the area. What if it doesn't. The PC suggested adding language that would "benefit" the neighborhood,"and" protect the neighborhood," "soften the transition between residential and commercial uses," or "provide a creative transition."

It was suggested that off-premise signs (11.03.C, p. 11-12) may be required for PUDs as directional signs. If signs are needed, the ordinance should establish special PUD sign recommendations for the area of facade signs, require a sign plan for review, prohibit scrolling signs, review the use of neon signs as a design element, delete C.1, and relocate sections (a), (c), and (e).

Further discussion was rescheduled for the next meeting beginning with Section 11.04, Procedural Requirements (p. 11-13). Mr. Meisel asked the Planning Commission members to forward any comments or suggestions to Ms. Hodges or the Recording Secretary for distribution.

- 2) Review of the proposed Planned Commercial Services (PCS) text (2/2/0/08 rev)

The review was rescheduled.

**NEW BUSINESS:**

**OTHER BUSINESS FROM MEMBERS:**

- 1) Subcommittee Members

The current Subcommittee members for 2008 are Dave Hanoute (Chairman), Joe Fumich, and Gary Butler. Mr. Kempisty is the alternate.

**ZONING ADMINISTRATOR'S REPORT:**

2) "The Preserve" Sign

Ms. Radcliffe asked Mr. Van Hecke for a report about the sign located on the Preserve property.

Mr. Van Hecke said the sign was too close to the road, so they would have to move it back or ask for a variance. The variance request would have to be based on a hardship, but it appeared that they did have room on their property to relocate the sign. Mr. Meisel noted that there was another sign on the Trailer Sales barn, which is definitely an off-premise sign.

**ZBA REPORT:**

Mr. Meisel reported that the ZBA would be reviewing a variance request from a resident who has been before the ZBA twice before for the same type of variance.

**BOARD ACTION:**

Mr. Byerly said he understands the concerns about development open space, but the Board is concerned about the sewer problems we have. If we don't get development, everybody in the Township will have to pay on the bond and there will be a lot of complaints. We need to have good development.

Mr. Fumich said he remembered meeting the developer with Mr. Byerly. At that time the developer was told we were ready to work with him and we asked him for copies of any ordinances from the communities where he worked which he thought they could live with. The developer said they would be mailed to the Township and Mr. Fumich wondered if anyone had seen them. That would save a lot of time.

Mr. Meisel said the Planning Commission has responded to most of the comments. The only one that hasn't changed is the open space requirement. In the end, most of the requirements will be applied at the discretion of the Planning Commission and Board. Thirty percent open space isn't really inconsistent with other communities, but the challenge is how to make it work and it all depends on what they do with it. The development should be compatible with the Township requirements.

Ms. Radcliffe said the developer was very secretive. We are trying to plan something for someone who really doesn't know what they want to do. Mr. Meisel said we have asked for input from the developer, we have gotten it, and we are changing our PUD. Mr. Hanoute had furnished Ordinances from two other places. Based on the comments from our Planner, the developer, other ordinances we have seen, and conversation with the Township Board, we have taken a new route.

**FUTURE AGENDA ITEMS:**

**NEXT MEETINGS:**

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April 8, 2008 - Meeting and Public Hearing

April 22, 2008 - Meeting

May 13, 2008 - Meeting

**ADJOURNMENT:** The meeting was adjourned at 9:35 p.m. by Vice-Chairman Meisel

**OTHER BUSINESS FROM MEMBERS:**

**ZONING ADMINISTRATOR'S REPORT:**

**ZONING BOARD OF APPEALS REPORT:**

**BOARD ACTION:**

**FUTURE AGENDA ITEMS:**

**NEXT MEETINGS:**

**ADJOURNMENT:**

  
Laurie Radcliffe, Secretary  
Tyrone Township Planning Commission

  
Barbara Burtch, Recording Secretary  
Tyrone Township Planning Commission