

# TYRONE TOWNSHIP PLANNING COMMISSION

## Approved Minutes

April 22, 2008                      7:00 p. m.

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

**ABSENT:**

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

**PLEDGE OF ALLEGIANCE:**

**CALL TO THE PUBLIC:** No response

**APPROVAL OF THE AGENDA:**

Moved by Meisel, seconded by Radcliffe, to approve the Agenda as amended(\*). Motion carried by unanimous voice vote.

**APPROVAL OF THE MINUTES:**

1) April 8, 2008 - Regular Meeting Minutes

Moved by Butler, seconded by Kempisty, to approve the April 8, 2008 Regular Meeting Minutes as corrected. Motion carried by unanimous voice vote.

Page 2, Line 38: (...the southern portion **of**...)

Page 3, Line 30: (...described the parcels as they are **just**...)

Page 5, Line 23: (...site area in comparison **with** Genesee Valley...)

Page 5, Line 36: (Mr. Meisel recommended retaining...)

Page 6, Line 22: (...contact Mr. La Fever and Mr. La Vigne...)

2) April 8, 2008 - La Vant Nursery\* Public Hearing Minutes

Moved by Kempisty, seconded by Fumich, to approve the April 8, 2008 La Vant Nursery Public Hearing Minutes as corrected. Motion carried by unanimous voice vote.

Page 2, Line 5: (Mr. Meisel recalled...)

Page 2, Line 20: (Mr. Hanoute **noted** thought...)

Page 2, Line 24: (...Mr. La Vigne said...)

Page 2, Line 46: (...the entire ~~the~~ frontage serves...)

Page 3, Line 1: (There are three **or** of four different driveway locations **accessing** crossing the property ...)

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Page 3, Line 15: (...if there was discharge and where it **goes went**.)  
Page 3, Line 25: (...if the Township has specific hours regulations.)  
Page 3, Line 31: (There is no **parking lot** paving requirement...)  
Page 4, Line 16: (...there is no eight foot **rise raise**...)  
Page 4, Line 34: (...explained that **the** Planning Commission...)

**CORRESPONDENCE:**

**OLD BUSINESS:**

- 1) Request of **Tyrone Woods** and **Tyrone Township** to accept the revised legal description and reconfiguration of the ingress/egress easement (River Oak Drive) as proof of access for Tyrone Township FR parcel 18-100-073 (Parcel A) and the "Pump Station" Parcel as shown in the Gould Engineering Drawings and legal descriptions revised September 20, 2007 with a recommendation to the Board that the Assessor be authorized to issue a Parcel ID number for the "Pump Station" Parcel as described in the Gould Engineering drawing of 2007 and approved by the Board in 2006.
  
- 2) Request of **Tyrone Woods** and **Tyrone Township** to realign the boundaries of Hogan Road parcels 18-100-072 and 18-200-002, by combining the MHP portions of the 18-100-072 and 18-200-002 (shown in the Flint Surveying and Engineering drawings dated 2/2/08 as Parcels 1 and 2) and combining the FR portions of parcels 18-100-072 and 18-200-002 (shown as parcel 3 in the Flint Surveying and Engineering Drawing dated 2/26/08). Corrected site drawings and legal descriptions and a correct Court Order Amendment have been requested by the Township Officials.

The Planning Commission was informed that approximately 20 acres of the Tyrone Woods property currently zoned FR was set off in 2006 for the Tyrone Township Sewer District. A small pump station parcel (0.44 acres) was later required and an ingress/egress utility easement was established to provide access to the pump station and the Tyrone Township parcel. After the Board approved the land division in 2006, the 20 acre parcel (Parcel A) was issued a Tax ID number (18-100-073) which was recorded at Livingston County in 2007 although the Title is still held by Tyrone Woods.

A Parcel ID number was not issued for the Pump Station parcel because the proposed easement did not appear to connect with the proposed pump station parcel boundaries. All of the land division records have been retained by the Assessor pending receipt of revised descriptions for the easement and/or the pump station. The legal description and site drawing revisions were made on September 20, 2007 by Gould Engineering.

Following the land division, suits involving Tyrone Township and Tyrone Woods delayed connection of the sewage treatment facility at Tyrone Woods to the Township sewer system. As part of a recent settlement, the Township has agreed to allow Tyrone Woods to realign the boundaries of their property. Instead of dividing the MHP Zoning and FR Zoning between two parcels, the realignment will put all of the MHP Zoning into one parcel as shown for Parcels 1 and 2 in the FSE drawing dated 2-26-08. The FR zoning will be located in a separate parcel shown as Parcel 3 in the FSE drawing dated 2-26-08.

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The FSE drawings and legal descriptions prepared by the Attorney for the boundary realignment were inaccurate and revisions have been requested. The Board would like to continue with the boundary realignment as agreed to by the Township and Tyrone Woods pending receipt of the revised documents.

Mr. Hanoute commented that the "Pump House" parcel was non-conforming in terms of size and open space, but had already been approved. The ingress/egress easement was part of the original court approved MHP, but didn't meet the minimum width requirement for extension into FR Zoning. He thought it should go to the ZBA for a variance, since it would probably be granted. Mr. Fumich thought all we needed to do was approve the easement realignment because the 33 foot easement was already there. Ms. Radcliffe suggested incorporating some of the Agenda language as part of the motion.

Moved by Meisel, seconded by Radcliffe, to recommend to the Township Board approval of the request of **Tyrone Woods and Tyrone Township** to accept the revised legal description and reconfiguration of the ingress/egress easement (River Oak Drive) as proof of access for Tyrone Township FR parcel 18-100-073 (Parcel A) and the "Pump Station" parcel as shown in the Gould Engineering drawings revised September 20, 2007 with a recommendation to the Board that the Assessor be authorized to issue a Parcel ID number for the "Pump Station" parcel as shown in the Gould Engineering drawings revised September 20, 2007 and approved by the Township Board in 2006 subject to acknowledgment that the easement is provided for unrestricted access to the "Pump Station" Parcel and FR parcel 18-100-073 (Parcel A), that the Township will be willing to overlook the nonconforming easement width in the FR district because the legal description was established by Court Order, and that the Township will be willing to overlook the nonconforming "Pump Station" parcel size because the legal description was established by Court Order; and further recommends to the Township Board approval of the request of **Tyrone Woods and Tyrone Township** to realign the boundaries of Hogan Road Parcels 18-100-072 and 18-200-002 by combining the MHP portions of 18-100-072 and 18-200-002 (shown in the Flint Surveying and Engineering Drawings dated 2/26/08 as Parcels 1 and 2) and combining the FR portions of parcels 18-100-072 and 18-200-002 (shown as Parcel 3 in the Flint Surveying and Engineering Drawing dated 2/26/08), conditional upon receipt of corrected site drawings and legal descriptions.

3) Review of proposed Zoning Ordinance Article 11 - Planned Unit Development (PUD) (4/15/08 rev.)

Township Planner Sally Hodges of McKenna Associates commented that Table 1.1 on Page 11-4 was included to help correlate the Township's Zoning Districts with the uses shown on the Master Plan. Mr. Hanoute commented that Planned Services were referenced in Footnote (b) and suggested referencing the classification as "PS" instead of Planned Services.

Ms. Hodges explained that the first column in the Table (Master Plan Designations) related the Master Plan use categories shown on the Future Land Use Map to the Township's

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Zoning Districts (Column 2). Currently, there is no separate Zoning District or acronym for Planned Services. She included PIRO and PCS references because the Planning Commission will be recommending new Zoning districts for those categories. Quasi-Public uses were referenced by Footnote (c) for the same reason. The list of uses designated by Footnotes (b and c) are very specific about what will be permitted.

Mr. Hanoute thought that referencing uses without having a Zoning District for them was very confusing. Ms. Hodges said that except for Senior Housing, the Planned Services and Quasi Public Services are similar. Short term, it probably won't matter, but long term the Planning Commission should consider if they wanted to go with Quasi-Public and Planned Services Zoning Districts. She suggested referring to the existing zoning districts which were closest to the proposed uses, by correlating the Planned Services with the OS Zoning District, allowing "similar uses" by special approval, and referencing RM-1 as an associated residential use. That would get rid of Footnote (b). Public/Quasi Public references could include publicly owned facilities, parks, and essential services.

Mr. Hanoute asked if there were PUD development criteria other than roads or parcel size. Ms. Hodges referred to PUD Page 11-24 and noted that the criteria were subjective rather than objective. Related Zoning District and Special Land Use criteria also would apply. When applicants submit their site plans for a PUD you will look at where the buildings and parking lots are placed, the type of buffer or transition elements required based on the related Zoning District criteria, and the general PUD criteria. The text is designed to allow the Township to negotiate the criteria.

Mr. Hanoute commented that the standards for locating a PUD can be used anywhere within the corridor. He wondered if the standards were definitive enough and offered enough constraints to manage PUDs the full length of the Township on both sides of US 23. Ms. Radcliffe recalled that the original plan was to locate non-residential development on the west side of the corridor because of the sewer going along that side. The east side of the expressway remained single family residential zoning. Mr. Hanoute explained that the corridor study originally dealt with both sides of the corridor, but the Township decided to concentrate commercial development on the west side.

Ms. Hodges said she would recommend referencing the OS and RM-1 Zoning Districts in the PUD Table for Planned Services and referencing the OS Zoning District under Quasi/Public uses in the table. The Planning Commission agreed with the recommendation.

Mr. Fumich commented that once development starts on the west side of the corridor, it won't be long until you start seeing development on the east side, but there were no directions for development on the east side as there were for the west side. Mr. Hanoute said there were provisions in the PCS Ordinance which permitted development on both sides of the corridor. He asked Ms. Hodges to explain the criteria which would apply on the east side.

She recalled that two weeks ago the Planning Commission had asked for ability to locate some non-residential uses on the east side of the Expressway, even though the Master

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Plan didn't show any non-residential classifications. A small percentage of non residential uses may be included based on the footnotes for the Residential Zoning districts located on the east side of the freeway. It is the same amount included in the current PUD Ordinance and came out of the discussion at the joint meeting regarding the White Lake and Old US 23 intersection on the east side of the expressway.

Mr. Fumich asked what would happen if a developer wanted to put in a 200,000 foot plant on the east side of the expressway and if we could stop him from an economic standpoint. Ms. Hodges said that was up to the Township and the standards the Township would apply. Mr. Fumich asked what would happen if there were no standards. Mr. Meisel said that he would rely on a standard of respect for the people living in that area. Ms. Hodges said you could try to facilitate another location where the plant would be a better fit, but ultimately you could amend the Master Plan or rezone the property.

Township Clerk Hod Morton said that sometimes developers don't have the luxury for three years of planning. We could get a request this year and the year after that the development might be gone. If the standards we put on the corridor are so restrictive it takes two years to get a development going, what can we do to not lose it. Mr. Hanoute replied that it takes ten times longer to create an Ordinance than it does to get a project going. Ms. Hodges commented that this ordinance is even more difficult because we are trying to be able to permit anything anywhere. Doing that flies in the face of land use planning, but there have been changes in planning over the years. We have learned that you don't have to separate all land uses, and many of them can work well together. Practically, when you consider extremes like a large industrial facility, it shouldn't go on the east side where you would have to get utilities from the Township, pavement from the County, and financial incentives from the State. Those things don't happen quickly.

Mr. Meisel explained that Mr. Morton was suggesting that if somebody wanted to develop something on the east side of the expressway, it should be decided within a year. That's not the case. After applicants get all their approvals, they would still have a year to dig some dirt. Ms. Hodges said a project developer would usually contact the Township Office for information about the land and then sit down for a discussion. They identify what they need, the Township identifies what it can provide, and the project works out or it doesn't. It is difficult to write an ordinance that anticipates everything that can happen. Much of the development will be done outside the realm of zoning.

Mr. Hanoute recalled that when the Master Plan was developed everyone brought their wish lists to the community sessions before the Master Plan was finalized. One of the priorities was to maintain the rural character of the Township and that is what the current land use concept portrays. That is why there is no new commercial land on the east side of the corridor. The commercial/industrial uses were on the west side. If we can live with a commercial corridor up US 23, like there is from Owen Road north, then we can make it all happen and people will flock here, but that isn't what the Township residents said they wanted.

Mr. Morton said that the problem was that the Township didn't have the luxury to preserve rural character. We have a sewer. The Township said we needed a sewer system to get

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development, but there is nothing happening in the areas we have for development. The Township is upside down. Mr. Hanoute asked why he thought allowing non-residential development on the east side would make development happen any faster. Mr. Morton said it was about defining uses. The area on the west side of the corridor should all be commercial. The US 23 corridor should be structured to become a commercial corridor before all the farmland is sold. Irish Hills was a farm and all of a sudden they sold it and put in houses. What do we do when all the farms are sold for houses.

Mr. Meisel asked Mr. Morton if he actually believed that all of the area that abuts the expressway would be heavily developed commercial within five or ten years. Mr. Morton replied that realistically, the owners may all want to sell now, but getting it developed is a long term program. Our corridor has been sitting like this for 35 years and not even ten businesses have located in our Township. The Township's north and south of us have had decent growth because they had sewers. So we put in a sewer, but that has to be paid for. Mr. Hanoute said even with sewers, nobody is flocking here. Mr. Morton said we still have to get some development in the Township to pay for the sewer.

Ms. Hodges commented that the Master Plan has identified residential and non-residential areas where development should be concentrated. If there is a market for commercial uses, they will be here. Mr. Morton said they would be here if they can get cooperation, but we have several steps they have to follow before they can get there.

Ms. Hodges said they would need proper zoning and they would need to submit a plan for site plan approval. First, they are going to look at the Township property and ask where the commercially zoned areas are. Mr. Meisel commented that there were two areas zoned for commercial. He asked Mr. Morton where he would like to put other commercial districts. with good interior roads and freeway access. Mr. Morton replied that we have six miles of freeway all the way through the Township. We should access the interchanges on both sides of the freeway. Mr. Meisel said there were no roads on the east side to support a commercial district. Huge infrastructure improvements would have to occur and there are huge topography issues on the east side of the expressway.

Ms. Hodges noted that there has been development to the north. The developer sees that as a tipping point for additional market. He is trying to get his ducks in a row, so he will be ready to develop. Her experience has been that regulations very rarely keep development from happening. Mr. Morton said we are rural but we have six miles of expressway frontage. We need to do something with it, not just use it for houses. Mr. Meisel replied that we needed to have something structured, so that if someone comes to the table, they can take advantage of it. If he was a developer, he would take advantage of all the empty buildings that are already existing from Thompson Road to Owen Road.

Mr. Morton commented that the vacant property was in Genesee County, but Livingston County has a greater appeal for business.

Ms. Radcliffe said she had located a reference to the corridor function on Page 36 of the Master Plan, but it didn't say much. Ms. Hodges suggested the corridor could be more clearly defined by referring to the Sections abutting US 23. Mr. Hanoute suggested drawing

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parallel lines on both sides of US 23 on the Future Land Use Map to indicate the corridor. On the west side the colored Future Land Use sections abut US 23, but there are no colored sections on the east side for developers to look at. The Planning Commission agreed to locate the planned development corridor as one half of a mile from the center line of the US 23 Expressway on either side.

During discussion of the PUD text, the Planning Commission requested the following changes:

Page 11-4

- Item 2: **Single family detached** residential uses in a PUD....
- Table 11.01: Include some B-1 and B-2 uses in the Planned Services zoning District category

Page 11-5

- (e): Mr. Hanoute asked why "quadraplex" buildings couldn't be allowed in the low and medium density residential use districts. They are more popular now than duplex construction.
- (c): Add a period at the end of the sentence
- (h): Reverse the order of (h) and (i)

Page 11 -9

- J. Phasing: Include language requiring the minimum amount of open space that has to be completed as part of phased development if the project is not developed as a single phase.

Page 11-10

- K.2: Reference a minimum amount of open space required for non-residential development (possibly 10%)
- K.3.e: Allow non-contiguous open space only in non-residential areas and require location of all relocated open space within Tyrone Township. Switch Sections e and K.3.e: Reverse the order of "e" and "f".

Page 11- 14

- A: Correct Line 3 to (...how the proposed PUD it relates...)

Page 11-24

- 11.09 Revise the beginning paragraph to (...approval by the **Planning Commission and Township Board**. Locate other referrals to the "Township" where the Board or Planning Commission should be specifically included in the text.

Mr. Meisel asked if anything had been done in regard to clarifying the expiration dates for phasing and the type of plan amendment which would qualify for an extension. Ms. Hodges said the last sentence in the paragraph on top of Page 11-24 referenced extension.

Mr. Hanoute informed the Planning Commission that an informal meeting had been scheduled with some of the Planning Commission and Board members to discuss a

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development at the intersection of White lake Road and Old US with the parcel owner. Mrs. Hodges was asked to have a review copy of the PUD Ordinance available for discussion at the meeting. He considered the PUD Ordinance would become the most important document in the Zoning Ordinance.

3) Review of the proposed PCS Text (2/20/08 rev).

Ms. Hodges commented that the PCS text would become a zoning district like B-1 or B-2. This document refers to PCS locations "inside" the corridor and "outside" the corridor, but the Master Plan locates PCS developments inside the corridor. She thought that made any references in the PCS text to locations "outside the corridor" irrelevant, unless the Planning Commission intends to change the Master Plan. Removing "outside corridor" from the text would simplify the ordinance.

Mr. Hanoute scheduled further discussion of the PCS review for the next meeting.

**NEW BUSINESS:**

**OTHER BUSINESS FROM MEMBERS:**

**ZONING ADMINISTRATOR'S REPORT**

1) The Preserve sign.

Mr. Van Hecke reported that he had contacted developer of the Preserve regarding their new sign. He agreed to take the sign down. The real estate agent who ordered the sign asked for a variance. Mr. Van Hecke told him that he would have to take the sign down before asking for a variance, rather than leaving it up while they applied. The sign is located on the open space set aside for the residential property and it is too close to the road.

2) Action Water Sports

Mr. Meisel commented that Action Water Sports had put a boat in their front yard right at the edge of the road easement. Mr. Van Hecke said he thought it looked like the boat had had been left there because of trailer problems. Mr. Hanoute recalled that their special use permit allowed them to display boats in the front yard, but that was restricted to the pond area.

**BOARD ACTION:**

1) Spring Clean-up

Mr. Byerly said that the Township would hold a Spring clean-up this year, tentatively scheduled for June 7, 2008. Brian Miles was serving as the Chairman.



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**FUTURE AGENDA ITEMS:**

- 1) La Fever Land Division
- 2) Johnson Land Division
- 3) La Vant Landscaping Special Use

Chairman Hanoute authorized addition of the Land Divisions to the Agenda for the May 13 meeting and asked to have the LaVant Landscape Company application included if the requested information could be provided in time.

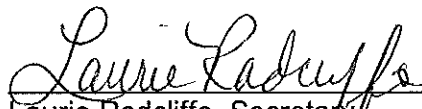
**NEXT MEETINGS:**

May 13, 2008 - Regular Meeting

May 27, 2008 - Regular Meeting

June 10, 1008 - Regular Meeting

**ADJOURNMENT:** 9:30 p.m.

  
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Laurie Radcliffe, Secretary  
Tyrone Township Planning Commission

  
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Barbara Burtch, Recording Secretary  
Tyrone Township Planning Commission