

TYRONE TOWNSHIP PLANNING COMMISSION

Approved Meeting Minutes

June 24, 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:

- 1) Mr. Meisel requested addition of a discussion of the Helen Bantle Estate conditional approval and comments regarding his phone call with Mark Guidobono under Other Business from Members (*).

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

APPROVAL OF THE MINUTES:

- 1) May 24, 2008 - Meeting Minutes

Moved by Butler, seconded by Radcliffe, to approve the May 27, 2008 Meeting Minutes as corrected: Ayes: Butler, Kempisty, Fumich, Byerly, Radcliffe. Abstention: Meisel.

Page 2, Line 6: (Planner Sally Hodges of McKenna Associates...)

Page 2, Line 9: (Other Planning Commission comments...)

Page 3, Line 7: (Trying **to** approve this...)

Page 3, Line 7: (Mr. La Vigne replied that he understand **s** why he needed to have an Agri-Business permit **because unless** that meant...)

Page 4, Line 2: (At Bennett Lake **Road**...)

Page 4, Line 14: (...until they know if they can...)

Page 6, Line 5: (...has been revised to **21,780 247980** sq. ft...)

CORRESPONDENCE:

- 1) May 30, 2008 - Letter from Attorney Harris regarding the amendments to Ordinance Article 11 - Planned Unit Development (PUD)

Mr. Hanoute included discussion of the correspondence with Old Business Item 1.

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OLD BUSINESS:

1) Review of Zoning Ordinance Article 11 - Planned Unit Development (PUD)

Ms. Hodges said that she had attended a meeting with Mark Guidobono, his Planning Consultant and his Zoning Attorney, regarding the application of the Township's PUD Ordinance procedures to their proposed commercial development.

They will prepare a memo to the Planning Commission with their comments in writing to be forwarded for the next meeting. Generally they are comfortable with the PUD proposal, but they have concerns about timing, duration of approvals, and other PUD process requirements. Overall, the meeting was positive.

Mr. Meisel reported that he had received a phone call from Mr. Guidobono today related to some additional discussion they had following the meeting with Ms. Hodges. There is some concern about whether the Planning Commission would use a broad interpretation of the Master Plan in respect to the overall area of the non-residential zone or a narrow interpretation based on the strictly defined zoning district's boundaries. If it is a narrow interpretation, they believe they would have to pursue changes to the Master Plan. Mr. Guidobono was looking for some feedback to the approach.

Within two weeks, they intend to provide their comments and suggestions noted in the text. They will leave it to the Planning Commission to determine if it should be reviewed during a public hearing or not. Mr. Guidobono asked for a call back on Wednesday for guidance regarding the way the Planning Commission might interpret the Master Plan.

Ms. Hodges said the developer had concerns about the property lines used to set off some of the non-residential uses. The divisions between the uses go east and west instead of parallel to the expressway in a north and south direction. Another related question is whether they would be held to the percentage of land uses as shown on the Future Land Use Map. The Master Plan describes the PIRO district with somewhat moveable area outlines, but the non-residential area north of White Lake Road is not described in the same way. Commercial Services are located at the White Lake Road intersection only. The developer's concern is about relocating the commercial uses to the US 23 frontage.

Mr. Hanoute asked Ms. Hodges for her advice about the application of rigid zoning district boundary lines and the acceptable deviations based on her experience. She said there was no hard and fast rule. If she reviewed the plan, she would look at their transition areas and proposed use proportions. We have already allowed an increase in non-residential use through PUD development. Mr. Hanoute asked if the same logic would apply to all the other use areas shown on the Master Plan. Rotating other uses shown on the Master Plan from horizontal to vertical could make a serious difference. Another item to consider is the point in the application and review process when there should be discussion about the re-location of non-residential uses on the Future Land Use Map.

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Mr. Hanoute agreed that one of the most important issues would be the transitions. The developer was proposing vertical separation rather than horizontal separation between high intensity commercial uses and less intense residential uses. They want to maximize the highway frontage but that doesn't fit the Future Land Use map. They should come to a public hearing, express their thoughts, and let the public react to repositioning the transitional areas. He isn't necessarily opposed to the plan, but he would feel uncomfortable about an arbitrary change to the Future Land Use Map. Mr. Meisel agreed that the Master Plan shouldn't be altered without public input.

Ms. Hodges said there were questions about whether our proposed PUD ordinance will allow them to put as much commercial development on the site as they would like. Because it is a large area of land, it would be at least a ten year phased process to build it out properly. Under our Master Plan, they might not get as much nonresidential use as they would like to see. In that case, it would help them to approach the project as a Master Plan Amendment and show us what they would like to have considered.

The developer had also mentioned rezoning. She had told them that the Township might be reluctant to go forward with a traditional rezoning. The PUD ordinance has been created to insure that the Township would have the ability to negotiate non-residential developments. Negotiation is not allowed as part of the rezoning process. Mr. Fumich thought they should at least come in with a concept drawing for viewing by the public.

Mr. Hanoute noted that any applicant would probably want to rezone ninety percent of the property to commercial use while most members of the public would be opposed to anything that goes on that site, let alone commercial. The only way to expedite the process is to work with the developer at the same time we let the public know that we may be moving some of the land use areas around. The developer definitely will want more commercial than we show right now.

Ms. Hodges said that any property owner wants what they perceive as the maximum financial return so they will try to include as much commercial area as they can. She agreed to review the revised Master Plan to determine if the text will have to be amended or if changes to the land use categories can be handled by revising the Future Land Use Map.

Mr. Hanoute said that the developer's concept plans show relocation of the service road connecting with Jennings Road toward the center of the property to create a new service drive. Everything east of the service drive will become commercial. Small store commercial and office uses will be located on the west side and mixed with transitional residential uses. Mr. Meisel said the size of the buildings would be bigger at the expressway and smaller as the development moves toward residential areas.

Mr. Hanoute explained that the new service road would be designed as a boulevard, but the buildings facing the expressway would be designed to be appealing from the expressway as well as the boulevard. Their initial concept was very innovative and could be a very nice addition to the Township.

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Mr. Meisel commented that the developer hadn't wanted to be too specific about their plans until they could secure some tenants, secure their financing and establish a development organization. We need to determine if the Master Plan and PUD process will support the program or if we have to make some Master Plan amendments.

Ms. Hodges recommended a Master Plan amendment as the best way to go in order to relocate the use districts and the access road on the Future Land Use Map. Ms. Radcliffe asked how the project would connect to the sewer system. Mr. Hanoute said that the connection would be made in Tyrone Township. Mr. Fumich reminded the Planning Commission that he was still looking for a good restaurant.

Mr. Meisel commented that the developer was looking for feedback which he would be willing to forward for the Planning Commission. His first comment to the developer would be that they should be prepared to come to a Public Hearing regarding the concept. Based on the reaction to the plan, they could pursue a Master Plan amendment.

Ms. Hodges thought that they should come to a public meeting, not necessarily a public hearing. From that discussion, the Planning Commission could start to develop a Master Plan amendment based on the proposed use areas. When the amendment is ready, the Planning Commission could hold a Public Hearing for the Master Plan amendment or a Future Land Use Map amendment. The zoning of the property will remain RE if the project is developed using the PUD process.

Mr. Hanoute believed that the project had advanced far enough to require some sort of paper trail rather than individual conversations with the developer. He asked Ms. Hodges to take care of that part of the process and advise the developer that the Planning Commission's recommendation is to pursue a Master Plan amendment. They can propose whatever they want predicated on the uses currently described in the Master Plan and reconfigure the location and size of the use areas shown on the Future Land Use Map.

Referring back to the PUD Ordinance, Mr. Hanoute noted that no comments about the text had been received from the Board. He asked Ms. Hodges to revise the PUD Ordinance copies based on the comments on the May 30, 2008 letter from Township Attorney Harris and prepare a final draft.

Ms. Hodges pointed out that comment number 4 of the Attorney's letter, which referred to the density bonus on PUD page 11-7 (H), did not require the applicant to meet all of the density bonus provisions, but if they did, the total density bonus could not be more than fifteen percent.

The Planning Commission asked for revision of the last sentence on PUD page 11-6 (H) to stike out by including one or more of the elements identified below:

Ms. Hodges recommended waiting two weeks in order to receive the developer's comments before setting a hearing date for the PUD ordinance. At that point, the Planning Commission could

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determine if they wanted to make any other revisions based on the applicant's comments, set the date for a Public Hearing, and forward the hearing draft to the Livingston County Planning Commission.

2) Review of the proposed PCS - Planned Commercial Services Text (06/03/08 rev.)

Ms. Hodges reminded the Planning Commission that the PCS text would replace the B-1, B-2, and ES Zoning Districts. Some of the standards had been revised to support a combined commercial use Zoning District

The Planning Commission reviewed the text and requested the following changes:

Page 12-A 3

12.04.A, Paragraph 2, Line 3: (...building design shall be coordinated throughout ~~the development~~, and the layout of the buildings shall form an orderly **relationship development**.

12.04.A, Paragraph 2, Line 4: (Buildings shall provide architectural variety ~~and but~~ enhance...)

Page 12-A 4

B., Line 1: (All utilities constructed or located within the site, including **electrical** service lines...)

E., Paragraph 1, Line 1: (...loading **docks** and service ramps....)

E., Paragraph 2, Line 3: (Screening **shall** comply...)

F., Line 2: (...screened and approved ~~per~~ **for special use** and site plan review

F., Line 2: (...shall not be permitted in any required setback area ~~and~~ must be located **behind the front building line** ~~to the rear~~)

G., Line 3: Delete ~~Such development may include multiple phases, multiple uses, and/or a mix of uses in accordance with the standards of this Article-~~

Page 12-A 5

I., Line 3: (...separation distance for **projects developments** being...)

K., Line 1: (**Additional Requirements----Business Centers or Supermarkets**
Review the Ordinance for references to stores greater than 20,000 Square Feet in Floor Area

K., Paragraph 2: Determine if the 50 feet references access, parking setbacks, and service areas, etc, and where the measurement will be taken

K., Paragraph 4: Relocate this requirement as a general use

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L., [Delete the section]

Q., [Rewrite and reference Article 21.37]

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3) Review of the revisions to the Table of Schedule of Regulations (06/03/08 rev,)

Ms. Hodges noted that the PUD zoning was still included in the chart pending adoption of the New PUD Ordinance. The PCS Ordinance will replace the B-1, B-2, and ES districts. She recommended adopting the PCS Zoning Classification before eliminating the other business Zoning Districts. The owners of the existing commercial parcels could then be notified to make sure there is no misunderstanding about the change in parcel Zoning.

Mr. Meisel thought the Planning Commission had decided to hold off on changing the business zoning until we could show the parcel owners a copy of the new PCS regulations and the way they would apply to the existing property. Mr. Hanoute thought it would be best to make all of the changes at the same time. He asked Ms. Hodges to prepare a revised Schedule of Regulations based on the new Zoning Districts. He suggested use of an amendment to change the PUD Zoning District for Irish Hills.

Ms. Hodges said we would have to open up the PUD contracts. There will have to be an amendment to the Irish Hills PUD contract and the contracts between the home owners and the PUD developer which would be very complicated. Mr. Hanoute felt that leaving the PUD reference in the Schedule of Regulations would create a nightmare of confusion between the PUD zoning use and the PUD processing use. Ms. Hodges suggested using a footnote for the PUD section in the Schedule of Regulations. Since it is an adopted PUD, it gives rights to that zoning and the terms of the contract between Irish Hills and the Township. Eliminating the Zoning District would not affect the validity of the PUD contract.

Mr. Hanoute asked Ms. Hodges to outline a process for changing the zoning of parcels which were in existence before the specific business and PUD categories were removed from the Zoning Ordinance and provide a schedule of regulations which would eliminate the B-1, B-2, and OS Zoning Classifications.

Mr. Hanoute observed that the PIRO zoning classification will need to have three subdivisions----Research Office, Low Intensity, and High Intensity because there may be requirements for each of the categories which would be different from the others. Ms. Hodges suggested using a separate Schedule of Regulations for inclusion in the PIRO text with a reference to the PIRO chart in the schedule of regulations which would eliminate the B-1, B-2 and OS Zoning Classifications.

Ms. Hodges noted that the Master Plan indicated an area for Planned Services, but there was no existing Zoning District. However, the description of Planned Services in the Master Plan is very narrow and may not require one. There are other Land Use areas which don't have zoning classifications as well—Planned Service, Planned Office and Public/Quasi Public. Ms. Hodges wasn't sure that Public Services would need a specific Zoning District because they require a special Land Use Permit review, but there should be some decision regarding Planned Office and Planned Services. She agreed to bring back a recommendation for the blue areas shown on the Future Land Use Map that didn't have existing Zoning Districts.

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- 4) Review of the proposed PIRO - Planned Industrial Research and Office Text (09/05/07 rev.) at the next meeting.

NEW BUSINESS:

- 1) Review of Mr. Meisel's recommended Zoning Ordinance detail corrections

Mr. Meisel presented some Ordinance text revision recommendations based on his discussion with the Township Attorney. They were corrections which did not change the intent of the Ordinance so no Public Hearing would be required. They will have to be approved by the Board because they are related to changes in the text made after the Ordinance was adopted by the Board.

Moved by Fumich, seconded by Butler, to recommend to the Township Board adoption of the Zoning Ordinance revisions suggested by Mr. Meisel as shown in his Memo dated June 4, 2008. Motion carried by unanimous voice vote.

- 2) Discussion of the Public Hearing dates for the PUD, PCS and PIRO Zoning Ordinance amendments

Mr. Hanoute requested that the Public Hearing Date discussion be carried over to a future meeting.

OTHER BUSINESS FROM MEMBERS:

- 1) ZBA Ordinance Interpretation

The ZBA will hold a meeting on July 7, 2008 to interpret the Zoning Ordinance language relating to kennels. The meeting will begin at 7:30 p.m. at the Township Hall.

Mr. Van Hecke explained that Ms. Schulz had been asked to apply for a kennel permit, but her attorney felt that Ordinances do not apply to service dogs, so she doesn't have to comply with the Township kennel requirements. If the ZBA feels that kennel regulations do apply, the Attorney will ask the ZBA for a variance. Township Attorney, John Harris, will be present at the meeting.

Mr. Hanoute asked if Ms. Shulz had even made a request for a kennel operation. It was his understanding that applicants can go to the ZBA for an interpretation, but they can't request a variance until something has been reviewed and turned down.

Mr. Hanoute said he was concerned about procedure. He wondered who accepted the request. Mr. Van Hecke explained that he and the ZBA secretary were told by our Attorney to accept it. The Board gave Ms. Schulz a date for completion of the kennel application and the dead line is coming up. In an attempt to prolong this thing, Mr. Cooper sent in an application to the ZBA for interpretation. Mr. Hanoute believed that the ZBA could accept the interpretation request, but not the variance request.

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Mr. Meisel thought Ms. Schulz was trying to usurp the authority of the Township by citing ADA references. He wanted to make sure that there was Planning Commission consensus on the intent of the Ordinance and asked the members to attend the meeting. Procedurally, the application is clearly an attempt to challenge the Township.

2) Request of Lynn Meissner for a Home Occupation Permit

Mr. Hanoute and Mr. Van Hecke discussed the request and asked to have it presented as a Home Occupation rather than an Agri-Business request

3)* Helen Bantle Conditional Land Division Approval

Mark Meisel said he had received information relative to the Helen Bantle estate Land Division, but he wasn't sure why he was given the material. The Recording Secretary explained that the documents requested for Board approval had been received, but the information contained in the documents wasn't what was requested by the Planning Commission. Since Mr. Meisel made the conditional approval recommendation, Clerk Morton asked that it be returned to him for further consideration regarding presentation to the Board.

Mr. Meisel said there was no chronology with the information, a number of things had been changed, and he didn't have a copy of the minutes. He didn't feel that it was his decision to make a recommendation to the Board.

Mr. Hanoute asked to have the Bantle request presented at the next Planning Commission Meeting.

4)* PUD Ordinance comments from Mr. Meisel

The comments were discussed during review of Old Business Item 1.

ZONING ADMINISTRATORS REPORT:

BOARD ACTION:

1) Bentley Sand and Gravel

Mr. Byerly reported that Bentley Sand and Gravel has been granted a 30 day extension on their bond. Mr. Van Hecke said he had recently received notification that the letter of credit has been initiated.

FUTURE AGENDA ITEMS:

PUD Text Revisions
PCS Text Revisions
Schedule of Regulations Revisions
Review of the PIRO Text
Public Hearing Dates
Reconsideration of the Bantle Land Division Request

NEXT MEETINGS:

July 8, 2008 - Regular Meeting

July 22, 2008 - Regular Meeting

August 12, 2008 - Regular Meeting

ADJOURNMENT: 9:30 p.m. by Chairman Hanoute



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission