

TYRONE TOWNSHIP PLANNING COMMISSION

Approved Meeting Minutes

July 8, 2008 7:00 p.m.

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

ABSENT: Bob Byerly

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

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

- 1) **Dan Callan** and **Ron Gordon** asked the Planning Commission to recommend locations for their "Preserve" real estate development sign.

Mr. Hanoute explained to Mr. Callan that the Planning Commission is required to enforce the Ordinance so they could not recommend a sign location which did not comply with the Zoning Ordinance regulations. Mr. Meisel recommended an appeal to the ZBA since there were parcel conditions which would make it difficult to locate the sign as required.

APPROVAL OF THE AGENDA:

- 1) Mr. Hanoute recommended taking up the Bantle Land Division request as Old Business Item 1.

Moved by Butler, seconded by Radcliffe, to modify the Agenda and move the Bantle Land Division request from Old Business Item 5 to Old Business Item 1*. Motion carried by unanimous voice vote.

APPROVAL OF THE MINUTES:

- 1) June 24, 2008 - Meeting Minutes

Moved by Butler, seconded by Radcliffe, to approve the June 24, 2008 Meeting Minutes as corrected. Motion carried by unanimous voice vote.

Page 1, Line 21: (...comments regarding his **phone call meeting** with...)
Page 2, Line 22: (...to provide a ~~version of the PUD Ordinance~~ their comments...)
Page 2, Line 24: (determine if it should be **reviewed during** ~~scheduled for~~...)
Page 3, Line 12: (...might not get as much **nonresidential use**...)
Page 3, Line 16: (She told them...)
Page 3, Line 30: (Revised **Master Plan** to determine...)
Page 4, Line 1: (...support the program **or for** if...)
Page 4, Line 29: (...from the **Board Biard**.)

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- Page 4, Line 37: (The Planning Commission **asked** for revision...)
Page 4, Line 41: (At that point the **Planning Commission** could ...)
Page 5, Line 32: (K., **Paragraph Line-2**: Determines...service areas, etc. **and** where...)
Page 5, Line 34: (K, **Paragraph Line 4**:)
Page 5, Line 44: (...PCs Zoning Classification **and** before...)
Page 7, Line 2: (...be re- **recorded and** approved by the Board because they weren't identical to...)
Page 7, Line 12: (...carried over to **a future** ~~the next~~ meeting.)
Page 7, Line 19: (The **ZBA** will hold...)
Page 7, Line 29: (...that **the** applicants can...)
Page 7, Line 40: (He wanted **to** make sure...)

CORRESPONDENCE:

- 1) June 26, 2008 - Letter from Chairman Hanoute to Mark Guidobono regarding Master Plan Amendments

Mr. Hanoute asked that the letter be placed on file.

OLD BUSINESS:

- 1)* Reconsideration of the Bantle Land Division Request

Mr. Hanoute referred to the June 26, 2008 Memo listing some concerns that had been prepared after discussion with Township Clerk Hod Morton prior to scheduling the request for Township Board review. There were some items referenced in the memo that hadn't been reviewed by the Planning Commission and some that were mentioned in the conditional approval recommendation (March 11, 2008).

Mr. Fumich noted that Item 2 of the proposed Maintenance Agreement involves the Township Board in the maintenance of shared Easement A. It was his understanding that the Township didn't want any involvement with shared maintenance agreements. Mr. Hanoute thought the Board might want some type of enforcement instrument. Mr. Fumich said it was his recollection that the Board Members didn't want to be involved at all. The users would be the enforcers so Section 2 should come out of the agreement.

Mr. Hanoute was concerned that approval would result in liability if the Township didn't enforce maintenance. Township Planner Sally Hodges of McKenna Associates referred to the Section of the Ordinance (24.02.C, p 24-3) which required certification to purchasers that private roads are not maintained by public funds and a maintenance agreement that details that all maintenance is the responsibility of the property owners served by the private road and is not the responsibility of Tyrone Township or the Livingston County Road Commission. (See also 24.05.B.3)

Dale Schaller, Attorney for Mr. Bantle, said that the Ordinance doesn't address the enforcement of driveway maintenance. He thought the Township might want to do that.

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Mr. Meisel wondered if the language requiring Township approval of the Maintenance Agreement implied that the Township would participate in enforcement. Mr. Hanoute asked the Recording Secretary to review the minutes and contact Township Board members regarding their intent to enforce maintenance agreements.

Continuing with items related to easements, Mr. Hanoute said he was concerned that there was an accessory building sitting on Easement B that would have to be removed. Mr. Schaller said he wasn't aware that a 30 foot easement on the east property line of proposed Parcel A was owned by the Pipeline Company (32-300-013). If that is correct, the easement can't be used to calculate the area of Parcel A.

Mr. Schaller asked how open space was supposed to be calculated in general. Mr. Hanoute explained that it was based on net developable area. The Planning Commission would forward another Open Space calculation chart example if he is unable to locate his. Mr. Meisel and Ms. Radcliffe reminded Mr. Schaller that there needed to be revision dates on the site drawings to show when revisions were made.

Mr. Schaller said he had been told by Mr. Morton that he didn't have to change the appearance of Easement A shown on the site drawing as long as it was described correctly in the Deed of Conveyance. The deed will create the easement and the legal description was revised to show that "Easement A" will be shared.

There is a complete survey which shows the location of the easements located on Parcel B, but the written descriptions of Easements A and B will not extend beyond the boundaries of Parcel A because the land division for Parcel A is all that the heirs are interested in at this time. The deed for Parcel A will not describe land that is not relevant to Parcel A.

Mr. Hanoute asked Mr. Schaller to be sure that any revised drawings include the open space calculation chart and the correct legal descriptions for Parcel A and Parcel B, that the drawings and legal descriptions contain the correct revision dates, and the ownership of the thirty (30) foot easement on the east side of Parcel B has been cleared up.

Mr. Schaller explained that the Road Commission selected proposed Easement A as the access for proposed Parcel B. Proposed Easement B is an existing easement for Parcel 32-300-030 (Mersman - 9159 Parshallville Rd), but he isn't sure how it connects. Karl Gill, speaking from the audience said he owned the easement being discussed and the Township took it away from him. He doesn't understand how the Township can change the land without letting him know.

Mr. Schaller did not believe that Easement A had to continue past Parcel A in order to show access to the remainder of Parcel B located north of the pipeline. The easement only has to go across Parcel A to give access to Parcel B.

Mr. Hanoute said that Mr. Schaller was obligated to provide access to Parcel B. The site drawing only showed access to part of Parcel B. Mr. Schaller said the easement didn't have to provide access to all of Parcel B because Parcel B was one contiguous parcel. The

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access does funnel down when it gets to the excepted parcel (32-200-026). Mr. Hanoute commented that there was an easement that did provide some access to Parcel B, but what can be done with the balance of Parcel B behind the gas line is another matter.

Mr. Schaller said Mr. Morton had suggested that the Banties should get all of their easements lined up while doing this land division. The estate doesn't know what they are going to do with the remainder of Parcel B. If they end up coming back to the Township to divide the property north of the pipeline, they will have to provide a legal access at that time.

Ms. Hodges commented that the risk they are taking is that the property north of the pipe line might not have access and might not be buildable. That should be noted in the approval.

Mr. Schaller explained that Easement A was being located and described as a single use driveway for access to Parcel 32-300-030 only as part of the proposed Parcel A legal description. The Road Commission was not asked to review the easement because the driveway is in existence.

Mr. Meisel said the Planning Commission agreed with a conditional approval to recommend this land division to the Township Board. He wanted to know if we were trying to verify that it meets the Planning Commission conditions or if it is a new application and we are imposing new requirements. Mr. Hanoute thought that the Clerk was trying to tie up loose ends on a land division made many years ago and force them to do certain things before they get the land split for Parcel A. Mr. Meisel said that the Planning Commission has already made a recommendation. If the Board wants to impose additional conditions, they can do that.

Mr. Meisel said he was confused about the objective of the review and whether the Planning Commission is supposed to withdraw its recommendation and impose new requirements. The Recording Secretary said the problem was with some of the conditions in the conditional approval recommendation (March 11, 2008) which called for a single site drawing showing all structures on Parcels A and B, a correction of the Open Space or acknowledgment by the applicant that more had been set off than needed, and a correction to the southern boundary dimensions, if needed. Mr. Meisel said that the only thing he didn't see from the original motion was the building setback information for proposed Parcel A. Referring to his conditional approval motion, he felt that there are things being discussed that he didn't remember asking for.

Mr. Hanoute agreed that there were some things being asked for that the Planning Commission specifically didn't address in the motion. One is the accessory structure on Parcel B which occurs in Easement B. It needs to be shown because it is one of the structures on the Parent Parcel. The Ordinance requires the location of all buildings within the boundaries of the Parent Parcel on the site drawing. Mr. Meisel explained to Mr. Schaller that the intent of the motion, whether it was clear or not, was to show all the existing structures on the parent parcel, not just the existing house to be located on Parcel A.

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Mr. Meisel asked if the Planning Commission was to provide guidance about what should be on the drawings that was overlooked. Mr. Hanoute said that what we required should have been reviewed before it went to the Board. Any time something is sent to the Board conditionally, it should be reviewed. Mr. Meisel thought the contention was that Mr. Schaller thought the application was complete. We have identified a few discrepancies, but the problem is that it looks like he is having additional conditions imposed. Mr. Schaller said his conversations with Mr. Morton were about the shared driveway agreement and specifying in the legal descriptions that Easement A is a shared driveway, but then he gets a bulletin back with 17 bullet points.

Mr. Hanoute said we should enforce the conditions that the Planning Commission set, and any other deficiencies that we feel are applicable at this point. There is still the issue of the calculation chart and the structure that has not been shown. There is a concern about the easement on the east side of Parcel A. If it is owned by the gas company, that is the way it should be shown. Mr. Meisel requested revision dates on the drawings and Mr. Hanoute requested removal of references to the Township oversight from the maintenance agreement if confirmed at the Board level.

Moved by Fumich, seconded by Butler, to return the request to the Planning Commission after completion of the calculation chart, inclusion of all structures on the site drawing, confirmation of the ownership status of the 30 foot easement on the east side of proposed Parcel A, inclusion of drawing revision dates, and revision of the shared driveway agreement to exclude township maintenance oversight as confirmation that the approval conditions have been met. Motion carried by unanimous voice vote.

2) Review of the Planned Unit Development (PUD) text (7/2/08 rev.)

Ms. Hodges informed the Planning Commission that she had included the revisions recommended by the Township's Attorney.

To date, she had not received any comments from the major property owner within the proposed PCS district regarding the PUD development process. During a meeting at her office, they had agreed to review the text and provide their comments and suggestions for consideration within two weeks. Mr. Meisel said he had received the same information.

Mr. Hanoute said he had been contacted by Eric Lord of Giffels-Webster regarding the amount of flexibility which the Planning Commission might use in interpreting the map and the process for amending the Future Land Use Map. Ms. Hodges said she had been contacted by Steve Hayward who asked for a copy of the current Master Plan for review. They would propose amendments based on the Future Land Use Map and the changes to the Planning Act which will be effective in September. She hasn't had time to review the Master Plan in terms of the new Planning Act, but will make a report at the next meeting.

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The Planning Commission decided to hold a joint Public Hearing for the PUD and PCS Ordinance Amendments after the PCS article is completed.

3) Review of the proposed PCS Zoning District Text Revisions

Ms. Hodges presented the changes made from the previous review. She noted that some of the overlap in the process for Large Site Development (12A.04.G) has been removed.

The following revisions were requested during Planning Commission review:

Page 12A-5, Section 12A.04.G, Line 2: (The Planning Commission may ~~approve a reduced~~ **reduce separation distances between buildings for projects** being approved...)

Page 12A-5, Section 12.04.K, Line 2: (...~~or Supermarkets or Stores Greater Than 20,000 Square Feet in Floor Area.~~

In response to questions about the Architectural Review Committee, Ms Hodges referred to Ordinance article 23.18.G. which defined the Review Committee as three (3) members of the Planning Commission and any other professional design consultant determined necessary.

4) Review of the revisions to the Schedule of Regulations Table - Articles 21.01 and 21.02

Ms. Hodges explained that the PCS parcel and building standards were based on the existing B-1 and B-2 requirements. Building coverage requirements are included in almost every ordinance probably to deal with uses which require large buildings with minimal parking requirements. The OS category is included as a preliminary category for the corporate headquarters described in the Master Plan. The Planned Services (PS) column is blank and will be filled in as the uses develop. Mr. Hanoute said the proposed service uses were a fire station, township hall, library, or senior housing complex. If we amend the Master Plan, the Planned Services could be included as Special Uses in other zoning districts. Ms. Hodges commented that the Master Plan references Planned Services as a separate category. It would be useful to have the uses mixed in with other classifications, but she wasn't sure that they needed to be a separate category.

Mr. Meisel noted that Footnote J (Page 20-6) required a minimum setback of 100 feet for a perimeter property line abutting a residential district. Mr. Hanoute commented that was a requirement that would impose a limitation on the use of commercial parcels in a residential neighborhood.

Mr. Meisel referred to Footnote N which requires a depth to width ratio of 4:1 and Footnote Y which requires a mandatory 500 foot setback from the US 23 right of way at Center Road, White Lake Road, or Faussett Road. Those might not be desirable for a commercial development. Ms. Hodges said that PCS commercial zoning might allow parking in the setback areas and the PUD ordinance did allow modification of the Zoning District

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standards. The PUD ordinance will require a 50 foot buffer between residential and non-residential uses. That would mean any building would still have to be 50 feet from the buffer.

Mr. Meisel thought that Footnote I should be revised to permit front yard parking in the PCS Zoning District and some of the front yard setback requirements might need to be adjusted. Ms. Hodges commented that if changes were made to Footnote I, it wouldn't be necessary to include footnote DD.

Ms. Hodges presented a preliminary schedule for managing the adoption of the revised Master Plan, the PCS Zoning District, and the rezonings required to bring the Master Plan and the Zoning Ordinance into agreement.

The PUD and PCS texts have been finalized, but she didn't recommend rezoning any parcels until the new districts have been adopted to replace the old ones. However, a list of parcels to be rezoned should be prepared and parcel standards could be reviewed. The Township has the prerogative to rezone parcels to fit the Master Plan, but it is important to work with the property owners so they have an understanding of what is going to occur. Invite them in to meet with the Planning Commission and explain what the new zoning would permit and what the standards are. The rezoning should be consistent with the Master Plan.

Mister Hanoute reminded the Planning Commission that the PIRO district had only been planned as far as Section 17. The rest of the PIRO\PCS area in Section 20 needed to be reviewed as well. That PIRO district might be harder to plan than the PCS because there were several PIRO uses that needed to be described.

Ms. Hodges suggested that the Planning Commission focus on the B-1, B-2 and ES parcels for now. Locate the parcels affected, identify the owners, prepare a presentation regarding the proposed zoning, and listen to their concerns before scheduling a Public Hearing for the PCS and PUD amendments. She recommended holding the hearings for the Zoning Districts before the rezoning hearings.

5) Discussion of the proposed PIRO Zoning District Text

Prior to review of the text, the Planning Commission reviewed the La Fever land division survey which was different than the preliminary site drawing. The Planning Commission determined that the survey met the ordinance requirements and was suitable for Board review without requiring further review by the Planning Commission.

Chairman Hanoute asked to have the PIRO discussion scheduled for the next meeting and to not schedule any other business unless absolutely necessary.

NEW BUSINESS:

OTHER BUSINESS FROM MEMBERS:

ZONING ADMINISTRATORS REPORT:

BOARD ACTION:

FUTURE AGENDA ITEMS:

Portelli Land Division

PIRO Zoning District Review

PCS Rezoning Parcels

NEXT MEETINGS:

July 22, 2008 - Regular Meeting

August 12, 2008 - Regular Meeting

August 26, 2008 - Regular Meeting

ADJOURNMENT:



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission