

## TYRONE TOWNSHIP PLANNING COMMISSION

Approved Meeting Minutes  
September 23, 2008 7:00 p.m.

**PRESENT:** Bob Byerly, Gary Butler, 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:**

**APPROVAL OF THE AGENDA:**

Ms. Radcliffe asked for correction of the October meeting date from October 23, 2008 to October 28, 2008.

Moved by Meisel, seconded by Fumich, to approve the Agenda as corrected.  
Motion carried by unanimous voice vote.

**APPROVAL OF THE MINUTES:**

1) September 9, 2008 - Planning Commission Minutes

Moved by Butler, seconded by Radcliffe, to approve the September 9, 2008 Planning Commission Minutes as corrected. Motion carried by unanimous voice vote.

Page 4, Line 11: (...until ~~the~~ ~~they~~ deficiencies...)

Page 4, Line 24: (~~Ms. Mr.~~ Radcliffe reported...)

Page 4, Line 29: (...evidence indicates that ~~the~~ Planning Commission...)

Page 4, Line 28: (...was vacant again in October ~~2007.~~)

Page 5, Line 5: (...directed at the neighbors ~~to~~ ~~on~~ the north.)

Page 5, Line 9: (requirements to use the ~~facility's~~ ~~facility~~ use...)

Page 5, Line 44: (Mr. Hanoute ~~said~~ the new plan...)

Page 8, Line 31: (...the Planning Commission might want... (catch the N)

Page 9, Line 13: (...consideration ~~pm~~ of an area...)

Page 9, Line 29: (...overall issues ~~that~~ to discuss...)

Page 9, Line 33: (...discussed some of ~~the~~ their concerns with Mr. Guidobono.

They will be willing...)

Page 10, Line 2: (Mr. Meisel said the books ~~he~~ distributed...)

Page 10, Line 5: (This is ~~a~~ the same copy...)

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**CORRESPONDENCE:**

- 1) August 25, 2008 - Letter from Supervisor Andrew Schmidt reappointing Mark Meisel to the Planning Commission
- 2) August 25, 2008 - Letter from Supervisor Andrew Schmidt reappointing Laurie Radcliffe to the Planning Commission
- 3) September 10, 2008 - Report from Merino Bernaradi representing the East Balfour Property Owners

Mr. Hanoute asked to have the letters received and filed as part of the Public Record.

- 4) September 17, 2008 - Planner Review of Cambridge Companies' Master Plan Suggestions

Mr. Hanoute scheduled review of the letter during discussion of Item 2 under Old Business

**OLD BUSINESS:**

- 1) Status Report for the Christian Day Montessori School and Child Care facility at 10441 Denton Hill Road, OS parcel 11-200-012, operated by Erin Cassavoy.

Mr. Hanoute noted that the status report indicates that a Special Land Use Permit was never applied for. The property was rezoned to OS-Office Service in 1983 and there was a subsequent variance for the Wooden Shoe child care building sign in 1992. At that time, the OS Zoning District provided for specific special land uses, but child care was not one of them. In 1996, the Zoning Ordinance was revised to allow child care facilities in the OS district as a special land use, but the Wooden Shoe owner never followed through with a request for a Special Land Use Permit and the use was allowed to continue. The building has been vacant at different times after The Wooden Shoe closed.

Recently, a new occupant has located a primary school and child care facility in the building. We need to determine if a Special Land Use Permit is needed. If it is, we need to hold a public hearing. Township Planner Sally Hodges of McKenna Associates commented that a Special Land Use Permit application hasn't been submitted, so the hearing shouldn't be scheduled until an application has been made.

Following a general discussion, the Planning Commission decided that Ms. Cassavoy will require a Special Land Use Permit and a public hearing will be required as part of the process. Ms. Cassavoy should continue to work toward submitting a Special Land Use Permit application before November 13, 2008 and the process may be extended as needed if she works in good faith to meet the requirements. Based on the status report, it appears that no Public Hearing was held for the use of the facility, a Special Land Use Permit was never applied for, and there is no current site drawing on file with the Township which shows the existing property layout.

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Moved by Meisel, seconded by Butler, to advise Ms. Cassavoy that a Special Land Use Permit for the Christian Day Montessori School and Child Care facility at 10441 Denton Hill Road will be required, and a public hearing date will be set upon receipt of the permit application. Motion carried by unanimous voice vote.

- 2) Discussion of suggested revisions to the Master Plan, PUD, and PCS documents provided by Mark Guidobono of Cambridge Builders

Mark Guidobono of Cambridge Builders told the Planning Commission that he has been considering a project in the Township for about four years. His company owns 50 acres at White Lake Road and Old US-23 and has a purchase option on 160 acres north of it. They are considering ways to develop a mixed use of retail and residential to take advantage of the parcel size and expressway frontage. They want to combine uses that will create something special and different.

There is very little demand for medium density residential development in the current market. Retail has the strongest potential at this time and would serve as a cornerstone for the project. He would like to provide diversity by mixing retail, entertainment, office, medical, and residential uses. When the Planning Commission and Board have mechanisms in place that will allow him to move a project of this magnitude forward, it will send a signal to the market. Mr. Guidobono said he is requesting a Public Hearing for revision of the Ordinances and the Master Plan so the steps they will have to go through are in place and they can begin to plan.

Mr. Guidobono isn't ready to provide a site plan at this stage, but using the PUD process will give the Township flexibility to determine what they would like or not like to approve. He would like to have the PUD amendments in place so they will be able to go ahead when the market place improves and hopes the Township will have the process finished by the end of the year.

Responding to a question about the amount of retail area compared with residential area shown in his Land Use proposal, Mr. Guidobono said he had compared the site with similar locations in Hartland and Brighton. He doesn't feel that Silver Lake Village in Fenton will be competition for the retail development he is proposing and he has had preliminary discussions with some retailers who would like to enter this market. The relationship to the M-59 - US-23 site is based on strategies for site radius and population. He prefers this site to M-59 because there are more rooftops and a better income range.

The Fenton expressway interchange areas have been almost completely built out. The M-59 and US-23 intersection might be a little bit ahead of his plans, but there will be retailers who will prefer this location. The Tyrone Township site is bigger than the site in Green Oak Township. It can handle more retail diversity, but in the end the market place will make the determination. Based on the current economy, he doesn't want to develop too aggressively. His plan is to develop step by step and phase by phase to attract the right users and minimize risk.

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Comparing the proposals for commercial and residential uses shown in his preliminary acreage analysis with the Township's current proposals, Mr. Guidobono said his analysis is based on 600,000 to 800,000 square feet of retail. The current Master Plan shows his property as neighborhood commercial which would end up being a strip development. The Township's plan locates the most intense commercial use at White Lake Road with a decrease in intensity of use as it moves north. His recommendation is to locate the intense uses parallel to US-23 with less intense uses in the middle of the parcel and residential uses on the west next to the existing residential development.

The Township's Future Land Use Map shows approximately 21 acres of planned commercial, 27 acres of planned services, 48 acres of high density residential, and 112 acres of medium density residential. He would like to reserve approximately 37 acres for high density residential, 20 acres for medium density residential, 10 acres for planned services, and 144 acres for planned commercial. Of the 144 PCS (Planned Commercial Services) acres, approximately 100 would end up being useable because of land set aside for roads, open space and storm water retention. If Old US-23 can be relocated within his project, he wouldn't gain any additional area for development because the existing Old US-23 right-of-way is inside the expressway easement. The County Road Commission would probably consider relocation just to get Old US-23 out of the highway easement.

He has had general discussions with the Livingston County Road Commission about the Old US-23 and the White Lake Road expressway ramps. They have talked about using a round-about for expressway access if Old US-23 is relocated to his property. Retailers don't want to locate on sites where there are traffic issues.

To accomplish his objectives, Mr. Guidobono asked the Planning Commission to amend the Master Plan as he has suggested in his diagram of August 2008 and to adopt a revised PUD Ordinance which will provide for mixed use developments, allow flexibility in design, and provide control over approvals and phasing. Laying out lots in a subdivision is different than laying out commercial sites. Retailers all have their own specific requirements so projects tend to evolve as the retailers select parcels.

Mr. Guidobono said he has met with representatives of Peisner Acres, and discussed some of their concerns. He feels that any issues they have at this point could be worked out. He has also talked to owners of homes on the north end of the property and has been in contact with the members of Tyrone Covenant Presbyterian Church.

Ms. Hodges referred to her memo of September 17, 2008 highlighting some of her comments about the proposed Master Plan Amendment. This project will be a difficult balancing act. Mr. Guidobono has a large parcel and wants to keep all of his options open and still provide a high quality development. He is proposing to follow the same general use categories we reference in our current Master Plan.

At a minimum, the new Master Plan text should outline the area for PUD development with details attached as a sub-area plan. She is concerned about adding extensive commercial area and then losing continuity if the plan doesn't work out. She would like to see more

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detail added to Mr. Guidobono's proposal so we will have parameters and constraints outlined more thoroughly. His plan proposes the same use for the frontage on White Lake Road as shown on the current Master Plan and she agrees with applicant's concept of encouraging commercial development to move north from the interchange along the expressway frontage.

During adoption of the current Master Plan, the Township residents were concerned about keeping the Township's rural character, preserving natural features, and requiring open space. The residents envisioned the commercial development at that location as best suited for neighborhood marketing. Ms. Hodges strongly recommends receipt of more information about the perceived retail markets.

She has looked at retail gap statistics for the proposed commercial center based on 5 minute, 15 minute and 30 minute drives. Results indicated there was no need for 5 minute or 30 minute uses, but there was some gap in the 15 minute radius retail uses. The statistics Mr. Guidobono submitted don't include the million square feet of new retail construction planned at M-59. The uses should be balanced out for good return on the property to benefit the Township and the developer. Her question is why there should so much commercial development planned at his location. That question needs to be addressed with more precision.

Ms. Hodges also had questions about how the interface between residential and commercial development will be improved by his plan. Roads, drainage structures, and open space are usually included in the gross parcel area. She recommends working with the applicant to develop more specifics for the proposal at the Master Plan stage so we have more precision and predictability about what can be developed.

Mr. Guidobono said he didn't agree with all of Ms. Hodges' comments on the commercial side. He is dealing with retailers at a grass roots level. In terms of commercial acreage there is no way to know if he is asking for too much, but he wants to be in a position to make the development as successful as possible. There will be more costs than ordinary to develop this site—from the round-about to the community well system and construction of a new road. If there is too much commercial area, it will just sit there as vacant land because he doesn't allow spec buildings. The other option would be to apply for a revised PUD.

At this point, he doesn't want to spend money on studies or plans too far into the future. The PUD process should give the Township control over the plan as it develops. As long as use percentages can be agreed on, we should be able to plan together which is the way he prefers to work.

Mr. Hanoute agreed that a good PUD agreement will control what goes into a development, but he doesn't think the proposed Master Plan document is ready yet. For example, if a developer can't get an anchor store and has to resort to strip development, they might be able to put 15 fast food drive-ins on the site unless the Township has ways to prevent it. Even if we move forward and describe the PCS area Mr. Guidobono has suggested,

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division lines will not be hard and fast. The use areas can shrink or expand as a result of the PUD approval process. If we take the approach of flexible interpretation, we could adjust the use areas shown on the Master Plan. The developer may not get 144 acres of commercial development. He may get linear development along the expressway, but it may be narrower or shorter than he proposes.

Steve Hayward, an associate of Mr. Gudiobono's, told the Planning Commission he has worked as a private land use consultant and a public land use consultant. Right now he works as a full time employee for another township in the state, but they allow him to work on private projects. At one time he was the long range planner for Hilton Head Island. Mr. Gudiobono is a developer who works with projects where there has to be common ground. You can put protections in place to get quality development, but there will always be local concerns. The Master Plan process can provide specific standards for the area based on public comments. The Township should look past this economy 20 years into the future. It may take that long to fill the commercial or residential areas.

Mr. Meisel said there are local fears about a development like Silver Lake Village. Originally there was a plan, but the developer said he couldn't get purchasers who met the plan requirements. After revised plans were approved, Silver Lake Village got a car dealership and became the number one bank capitol of the area. His concern is how to preserve the proposed intent, focus on quality, and insure the PUD development is successful.

Ms. Hodges commented that she was pleased to hear Mr. Hayward say he is willing to work on additional parameters to refine the plans. This is a large commercial area and their Master Plan concept shows their wish to incorporate mixed uses, a street structure, and design characteristics. A description of the concept, incorporated in the proposed Master Plan would be helpful. Mr. Hanoute thought the whole area should be designated as a PUD, so all of the uses would be part of the agreement for the parcels.

Ms. Hodges noted that whatever is adopted in the Master Plan should be transferrable. A parcel this large will take 10 or 20 years to develop, so you have to determine how you will keep overall continuity and design. Once the PUD conditions are adopted, the Township will have more control.

Mr. Hanoute asked if we could provide more specific direction about the information we feel is necessary to come to a decision, hold the public hearing, and amend the Master Plan. He asked Ms. Hodges to define what should be included in the applicant's amendment request for consideration at the next meeting.

Mr. Hayward said their Memo (September 4, Forth Draft) was just a suggestion for starting the process. The idea behind it was to identify the uses referenced on their master plan and then come up with some specific goals and objectives. Mr. Hanoute asked them to prepare their own list of goals and objectives for Planning Commission for review.

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Dan Ryan, a resident of Peisner Acres, asked if the PUD gave the Township control as to economic viability. What could give the Township control if the developer runs out of money? Mr. Hanoute said the PUD would control the location and type of various uses, the location of buildings, the size of buildings, and the building setbacks. Another purpose of the PUD is to provide an exit plan if the developer runs out of money. The Township might impose a phasing plan if the developer doesn't suggest one, so we can follow the development's progress. If it looks like its going in the wrong direction, we can cut it off at that point. Because this is a large development, there could be bulldozers and construction equipment on the field for 20 years, but the PUD could impose hours of operation.

Mr. Meisel explained that part of the PUD will allow the Township to impose conditions on development. That could be hours of operation, restrictions on what can or cannot be developed there, and what happens if the development fails. In a way, it is a contract that everyone will agree to, how the development will proceed, and mechanisms to halt development which deviates from the plan. If someone wants to change the plan, they will have to go through the PUD process again.

Merino Bernardi of Balfour Drive commented that one section of his report required that sewers would have to be located more than 200 feet from the homes in Peisner acres. He asked Mr. Van Hecke for a copy of the Township's sewer connection regulations.

He then asked about the lady (Ms. Cassavoy) trying to get approval for the children's place. He told the Planning Commission she had to have 400 feet of sight line to get into the building and asked if there was that much available. Mr. Hanoute explained that the clear vision distance was established by the Road Commission depending on the speed of the road. It could be more or less than 400 feet.

Mr. Bernardi next brought up a situation that he said was a safety problem for everyone on Balfour Drive and Peisner Acres. Coming from the west up to the subdivision entrance is really a safety hazard. He asked who he had to see in order to get enough money to install a sign. Mr. Van Hecke explained that Balfour Drive is a county road and he should contact the Livingston County Road Commission about traffic signs.

Scott Deitrich, a White Lake Road resident, asked if the PUD development would have a boulevard or a turn-around. Mr. Howard said that hadn't been determined yet. Whether the road would go all the way through from White Lake Road or be built in phases would be determined by the Livingston County Road Commission. Their preliminary study showed that the expressway bridge will not be an issue. The issue will be widening White Lake Road to the west to 4 or 5 lanes while the round-about will go down to two lanes. Mr. Hanoute said that is the kind of information that will be provided at the PUD public hearing. Mr. Meisel said that any traffic plans will have to be reviewed by the County and State because of the property's location.

Mr. Deitrich wanted to know if the Township residents would have to pay the expenses for a water tower and road improvements. Mr. Hanoute explained that those would be the developer's expenses as would be connections to the sewer system. Mr. Deitrich said he

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was still worried that Township residents would have to connect to the sewer system. Mr. Hanoute said that would all be discussed at a Public Hearing.

Bryan Raymond of Balfour Drive worried about connecting Mr. Guidobono's road to the roads in Genesee County. The roads in Genesee County will have to be widened so he can tie into them. Mr. Hanoute said that is an item that will be addressed by the developer's traffic studies. Mr. Meisel explained that infrastructure reviews will be required before a PUD plan can be approved and county, state, and possibly federal agencies will have to review the plans before the Planning Commission approves them.

During review of Mr. Guidobono's proposed revisions to Article 11 - Planned Unit Development, the following changes were recommended:

Page 11-1;

Section 11.01; Paragraph 1 : (...various land uses **and building bulk** relate to...)

Section 11.01; Paragraph 1: (...be compatible with **no material** adverse impact...)

Page 11-3;

Section 11.02; B; Add language at the end of the sentence that requires conformance with the PUD approval process

Page 11-5;

2: Revise to (PUD **not** including the area) in order to remain consistent with other Ordinance language for "developable" area

4: Mr. Hayward will review this section to suggest ways to address special land uses within a PUD

Page 11-6

G: Line 4: (Sections 11.04.B and 11.06.A.4) for the ~~low and medium density portions of the development.~~

G: Line 6: (...the site could **reasonably** be developed in compliance with **published adopted** zoning and...)

G: Line 8: (...lots allowable per the standards **and practical engineering limitations** that would...)

G: Line 11: (that could be ~~legally~~ constructed (based on **published adopted** ordinances and standards.)

Page 11-7

Line 1: (...lots with dwellings **on extremely steep slopes**, in bodies of water...)

Line 2: (...as they do not meet ordinance requirements **and are not reasonable.**)

Line 7: (Setbacks and lot areas will be established in accordance with Section 11.01- Intent, **and the applicable zoning district.** ~~Section 11.02...~~)

H.2: Line 1: (For those ~~low and medium density~~ residential PUD's..)

H.2.c: (Providing frontage transitions areas along all ~~external~~ public roads...)



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Page 11-9

2: Reconsider phasing options to permit Planning Commission consideration of a reasonable request for extension or modification of a phasing plan to permit continued development (or similar language).

K: Deleted Items 3 & 4: Reconsider requiring a mandatory percentage of completion without reference to market conditions in order to avoid forcing premature construction, perhaps by referencing market indicators or market updates to avoid loss of residential development.

K.1; Line 2: (...a minimum of 30 percent of the **developable area total acreage**...) Line 7: ~~(For PUD's with sanitary sewer, a reduction in open space to 10 percent is allowed.)~~

Mr. Guidobono questioned the Township's open space requirement for residential development based on a restriction in the number of residential units allowed, the costs per unit in comparison with areas where there is no open space requirement, and the impact of low density in the use of sewer taps. If the Township wants to maintain the 30% open space, they are going to struggle with developers or the land owner who will have to sell his land for 30% less to be competitive. He believes that really hurts the Township from a developer's perspective and reduces the value of the land in the Township

He suggested a 10% open space requirement for residential areas (Section K.1) where sewer connections are available as something to think about in the future. Mr. Hanoute commented that the Township has a cluster development option in the Zoning Ordinance which addresses some of Mr. Guidobono's recommendations. Mr. Guidobono said he would still have to take 30% off the top of his residential area. Mr. Hanoute explained that open space was based on total developable area, not total acreage.

Mr. Hayward said it was his understanding that the residential open space had to be located in the residential area. Mr. Hanoute said the purpose of locating it there is to provide recreational space in residential areas. Mr. Hayward asked if open space in a plaza adjacent to the residential area in a mixed use development could be counted as part of the open space requirement. Mr. Hanoute said that could be one of the items discussed when creating a PUD. Modification of the requirements is addressed in Section K.2.

Ms. Hodges said she would research the Ordinance to locate the open space reference to developable area.

Continuing review of Page 11-9, K-1: the Planning Commission opted to have further discussion regarding the use of storm water basins as open space in residential areas and orientation of the residential open space toward uses that are not essential for project development. Mr. Hayward said that "marsh views" were frequently preferred home sites and that made the storm basins worth extra open space credit. Mr. Meisel said that was already included in the bonus list on a preceding page (11-8, H.2.g). Maybe the text should reference "natural appearance" as a qualifier.

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K.1: Line 9: (...However **50%** of storm water basins which utilize best management practices to provide for an aesthetic site amenity will be considered to be open space **at the discretion of the Planning Commission and the Township Board.**)

K.2; Line 6: (...and green space (**provided they exceed the minimum required by this Ordinance**), active or passive....)

Mr. Hanoute thought that it would be difficult to finish the document at this meeting. Mr. Hayward said they hoped to see some agreement on the Ordinance for adoption by the end of the year. He would also like to see the Master Plan revisions made at the same time. Ms. Hodges explained that it would be almost impossible to have the Master Plan done before the end of the year because of the process established by Public Acts. Mr. Hayward asked if the "Intent to Plan" notice could be sent out before the end of the year. Mr. Guidobono would like to have some idea of what the Township intends before he begins making any plans for the area.

Mr. Hanoute asked if Mr. Guidobono and Mr. Hayward could attend another meeting on October 14, 2008. Rather than schedule a Special Meeting, Mr. Meisel suggested scheduling the proposed Agri-Business Public Hearing for October 28, 2008 and using the October 14 meeting to continue discussion of the PUD and PCS text amendments. Mr. Hayward said he will be able to attend on October 14, 2008 and Mr. Guidobono said he will try to rearrange his schedule.

Ms. Hodges said she didn't believe it was necessary to send out revised copies of the Future Land Use Map with the Notice of Intent to Plan. At this stage, a written description can be provided. She will have the requested outline of what the applicant should include with the Master Plan ready for the October 14, 2008 meeting.

**NEW BUSINESS:**

- 1) Request of Jeff Zeller for an Agri-Business Special Land Use Permit Public Hearing for property located at 8444 Bennett Lake Road, RE Parcels 04-06-200-004 and 04-06-200-005.

Moved by Meisel, seconded by Kempisty to schedule Mr. Zeller's Agri-Business Special Land Use Permit Public Hearing for the second meeting in October (October 28, 2008). Motion carried by unanimous voice vote.

**OTHER BUSINESS FROM MEMBERS:**

**ZONING ADMINISTRATORS REPORT:**

**ZONING BOARD OF APPEALS REPORT:**

**BOARD ACTION:**

**FUTURE AGENDA ITEMS:**

**NEXT MEETINGS:**

October 14, 2008 - Planning Commission Meeting

October 28, 22008 - Planning Commission Meting

November 11, 2008 - Planning Commission Meeting

**ADJOURNMENT:** 9:45 p.m.

  
\_\_\_\_\_  
Laurie Radcliffe, Secretary  
Tyrone Township Planning Commission

  
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Barbara Burtch, Recording Secretary  
Tyrone Township Planning Commission