

## TYRONE TOWNSHIP PLANNING COMMISSION

Approved Meeting Minutes  
October 28, 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:**

- 1) Merino Bernardi, 11346 Balfour Drive, asked to address the Planning Commission regarding Gateway Village

Chairman Hanoute added Mr. Bernardi's request to the Agenda as New Business, Item 2

**APPROVAL OF THE AGENDA:**

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

**APPROVAL OF THE MINUTES:**

- 1) October 14, 2008 - Meeting Minutes

Moved by Radcliffe, seconded by Butler, to approve the October 14, 2008 Minutes as corrected. Motion carried by unanimous voice vote.

Page 1: Line 30: (...so Mr. **Bernardi Merino**...)

Page 5, Line 15: (...has to apply **to** the whole Township...)

Page 5, Line 25: (**homes residents** in Peisner Acres.)

Page 5, Line 43: (...the whole township or Mr. **Guidobono's** project.)

Page 9, Line 24: (...Mr. Hanoute rescheduled the Master Plan review...)

Page 9, Line 41: (...a reconstructed deck on **White Lake Road** ~~Garner Road~~)

- 2) October 14, 2008 - Zeller Special Land Use Permit Public Hearing

Moved by Butler, seconded by Kempisty, to Approve the October 14, 2008 Zeller

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Special Land Use Permit Public Hearing Minutes as corrected. Motion carried by voice vote.

- Page 1, Line 47: (Township Planner ~~Sally Sarah~~ Hodges...)
- Page 2, Line 32: (...the traffic away ~~from form~~)
- Page 4, Line 4: (There are ~~the~~ stands in front...)
- Page 4, Line 15: (...location of the retail space,)
- Page 4, Line 27: (One ~~of~~ if the biggest site deficiencies...)
- Page 4, Line 31: (...that ~~if~~ he combined...)
- Page 5, Line 22: (...permitted use ~~in an~~ the RE district...)
- Page 5, Line 27: (...goes on to say besides retail sales...)
- Page 5, Line 42: (~~Mr. Ms.~~ Hanoute...)
- Page 6, Line 39: (~~not~~ just for your benefit...)
- Page 8, Line 5: (Brian ~~Shaltz~~)
- Page 8, Line 11: (what ~~is required he has to~~)

**CORRESPONDENCE:**

- 1) October 13, 2008 - Letter from Erin Cassavoy requesting extension of the Christian Day Montessori School temporary Special Land Use Permit until January 2009

The Planning Commission discussed the current enrollment numbers, Ms. Cassavoy's intent to cooperate with the Ordinance's lighting and parking requirements, the responsibility for removing the tree which impedes sight distance, the length of time the facility has been in operation, the source and direction of drainage crossing the property, and the duration of the drainage issues associated with the property. Mr. Byerly commented that nothing has changed in the 16 years that a child care facility has been in operation there. The drainage is still the same. Mr. Hanoute explained that the Ordinance requires that we have a sight distance review and drainage information on file at the Township. Those are site plan issues.

Moved by Byerly, seconded by Fumich, to extend Ms. Cassavoy's Temporary Special Land Use Permit until the first Planning Commission meeting in February (February 10, 2009). Motion carried by unanimous voice vote.

**SUBCOMMITTEE REPORT:**

**OLD BUSINESS:**

- 1) Review of the Township's Master Plan revisions proposed by Mark Guidobono of Cambridge Companies (09/04/08) and recommendations prepared by Township Planner Sally Hodges of McKenna Associates, Inc. (10/13/08) during review of his comments.

Ms. Hodges reviewed some of her recommendations based on the September 4, 2008 request for a Master Plan Amendment presented by Mark Guidobono of Cambridge Companies and the Planning Commission comments.

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Item 1: Proposed Future Land Use Map revisions should be supplemented with a site analysis map showing opportunities and constraints. This document should apply to the site rather than a proposed use or specific owner.

Item 2: An existing land use map should be provided which includes transportation features (roads).

Item 3: Noise and other potential impacts resulting from proposed grade changes should be addressed.

Item 4: A statement of goals and general principles should be provided to show how the open spaces, campus like setting, and rural character referenced in the Master Plan will be incorporated.

Item 5: Traffic counts, projected development traffic, and traffic improvements (boulevards, US 23 relocation, roundabouts, etc.) should be documented.

Item 6: Finer details regarding the PCS mixed use should be provided and a new Master Plan use category may need to be defined and adopted in order to help avoid inadvertent dilution of the Master Plan's intentions.

Item 7: A general concept site plan should be included in addition to a land use category outline map to establish parameters for buffering, screening, open space, access, circulation, mixed use intensities, landscape and architectural character, building height and mass, density limits, public amenities, and should be referenced graphically and in text.

Item 8: A commitment to develop the site as a PUD only should be provided.

Item 9: More detailed market/retail gap information should be included, based on the Township projection of commercial land use in the Township to the year 2020 and the rationale for addition of 144 acres to the proposed commercial area.

Item 10: Land use calculations should be presented as gross acreage.

Mr. Guidobono (owner of the 144 acres) said he had just gotten a copy of Ms. Hodges' recommendations and might want to respond. Mr. Hanoute said the Planning Commission would like to have his comments and suggested continuing with the next agenda item while Mr. Guidobono considered the report.

2) Review of the PCS Planned Commercial Services District Discussion Draft revisions proposed by Mark Guidobono of Cambridge Companies (09/04/08)

Ms. Hodges noted that the "Forth Draft" notation at the head of the document referred to Mr. Hayward's and Mr. Guidobono's revisions to a copy of an earlier Township draft and not a new draft prepared by the Planning Commission. The Planning Commission proposed revisions for the following sections:

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Page 12A-2

Section 12A.01, Item J: The Planning Commission discussed the reference related to the ultimate size of a PCS structure over 20,000 square feet as a Special Use within a PCS district, rather than a use by right. The Planning Commission agreed to retain Item J.

Buildings over 20,000 square feet in a PUD district would be regulated by the PUD requirements.

Item L: The Planning Commission decided to delete Item L, because PCS uses by right would be allowed to occupy a single site within a PCS district without requiring a Special Use Permit.

Item M: Ms. Hodges was asked to relocate this item to Section 12.03, Special Land Uses, and suggest some standards.

Section 12A.03: The Planning Commission asked to have the last sentence of the introductory paragraph deleted, beginning with, "...unless the development is being...". Mr. Hanoute suggested requiring language stating that if there is a conflict between an individual zoning classification and a proposed PUD use, the PUD requirements shall override the Zoning District requirements.

Item H: Ms. Hodges commented that she was trying to differentiate between outdoor display and outdoor storage. Mr. Hanoute suggested requiring the use of some sort of partial screening so the displays wouldn't be located in front of the store where they would create clutter and impede traffic. Mr. Hayward, Mr. Guidobono's Planner, said their concern was permitting the storage on a case by case basis as part of the site plan approval process. Mr. Hanoute asked Ms. Hodges to provide some language which would permit the Planning Commission to review special concerns. Ms. Hodges said she would review the ordinance for screening and display language before coming up with something more specific.

Page 12A-3

Section 12.04.B: Ms. Hodges noted that the reference to corporate design schemes had been removed from the proposed text. She recommended that language be added which would state that the Planning Commission may require modification of design schemes to meet the Township's objectives.

Page 12A-4

12.04.B, cont: The Planning Commission agreed to include a reference to masonry walls as one of the screening options, and include a reference to the Landscaping Article (21A) in the text.

F: The Planning Commission thought that the reference to outdoor sales area should be moved to the article where sales was previously mentioned and that the area should be delineated on the site plan with provisions for "Special Sales" or "Seasonal Sales" as well.

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G: The Planning Commission commented that the text should note that parking area connections may be required between adjacent lots.

Mr. Hayward explained that the language requiring "best efforts" for shared service roads and parking areas was intended to address a situation which might occur when a new building was added to an existing road or one of the owners refused to allow sharing.

To avoid a situation where failure to share might be presented as an excuse, the Planning Commission suggested that the applicant should provide an explanation in writing stating why roads or parking areas couldn't be shared. If they can't get an agreement, they should have to come back to the Planning Commission for site plan modification. Another letter should come from the property owner stating that he refuses to allow access and why. Ms. Hodges said she would provide language to review.

Page 12A-5

Section I: The Planning Commission asked to have the first sentence retained, and to move the rest of the Paragraph to the PUD Ordinance.

Item K.2: Retain the first sentence only.

Item K.3: Remove "commercial" from the first sentence

Page 12A-6:

Item L, Line 4: (...storm water basins which utilize best management practices, **at the discretion of the Planning Commission.**)

Item L, Line 7: (...open spaces as **recommended determined** by the **Planning Commission Township Board**).

Mr. Meisel and Ms. Hodges discussed including references to the Township's Architectural Standards (23.18) in this section.

Mr. Hanoute asked for final drafts of the PCS Ordinance Article and the PUD Ordinance Article for review at the next meeting and asked Ms. Hodges about the procedure to be followed prior to a Public Hearing on the documents. Ms. Hodges said there should be a Zoning Amendment Hearing. After the hearing, the draft is sent to the County and then it comes back to the Township Board for action. Mr. Hanoute commented that we would probably be looking at a Public Hearing in the month of January.

**NEW BUSINESS:**

- 1) Request of **Douglas Ridenour** for land division of property at 9154 Linden Road, FR parcel 17-300-016, to create proposed Parcel B (approximately 10 acres), containing the existing residence and proposed Parent Parcel A (approximately 32 acres). Both parcels will be accessed by a shared driveway connected to Linden Road. The first available Public

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Hearing date will be November 11, 2008.

Mr. Ridenour said that his home and 42 acres is for sale, but he has a purchase offer for just ten acres. The County has approved the shared driveway site distances, his surveyor has surveyed the open space requirement for the ten acre parcel, and he will retain the remaining 32 acres as the Parent Parcel. He has a very good deal, so he would like to expedite the land division before the banks decide to change their rules again.

The site distance review was based on a shared driveway parcel split, with possible use as a future road. Right now, it is just a driveway. For a future road, a tree will have to be taken down, but right now the request is just for driveway approval. The property where the tree is located belongs to his brother, so they could take it down tomorrow if they had to. Everyone within 300 feet is either a member of his family or of the Lair's family and they don't have any objection. Mr. Fumich commented that the proposed shared driveway maintenance agreement was one of the best ones he had seen.

Mr. Ridenour said the driveway was built by the Livingston County Road Commission as a replacement for the top soil and grass they took from his property when Linden Road was rebuilt. The driveway was built to their road standards.

The Planning Commission noted that the Site Data Table showed Parent Parcel A as 32 acres and Parcel B as 10 acres, but the descriptions were reversed on the site drawing; the front yard setback for the house only had to be 50 feet when it is accessed by a shared driveway; open space is related to developable parcel area; two thirds of the net parcel area (9.81 acres) equals 6.54 developable acres with 3.27 acres of open space; and when open space is attached to the new parcel, the ratio is 2/3 developable area to 1/3 open space.

Ms. Hodges brought up the new Ordinance dry hydrant system requirements for driveways longer than 1200 feet (24.06.G). The Planning Commission had the authority to allow a longer driveway, but a dry hydrant would still be required for a road or driveway longer than 1200 feet. Mr. Ridenour explained that all of the property behind the house was vacant. Fire trucks were already back there a few years ago when they had a grass fire and they didn't have any trouble getting there or putting out the fire. The house has been in this location for ten years. He didn't think the Ordinance should apply until a new residence was added to the location.

Ms. Hodges referred to Section 24.06 (p. 24-16), the introduction to the Shared Driveway section, which allowed the Planning Commission to recommend approval of a modified design where it can be proved the modified standard meets safety and engineering requirements. Mr. Hanoute commented that Mr. Ridenour would have to tell any buyer of the vacant land that a house couldn't be built there until there was a dry hydrant.

Mr. Ridenour said he was the owner of both parcels. His buyer only had enough money for a house and ten acres, otherwise he would have sold the whole thing. Mr. Hanoute said the Zoning Ordinance gives us the option to bend the rule, and we have made the point that

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there will be no land use permit issued for the Parent Parcel until you meet the requirements of this ordinance. A condition of any approval recommendation should be installation of a dry hydrant before any building permits can be issued.

Mr. Ridenour was told that no recommendation could be made to the Township Board before the Public Hearing. The Planning Commission will hold a hearing, receive comments from the neighbors, and then make a recommendation to the Township Board.

Moved by Meisel, seconded by Butler, to hold a Shared Driveway Public Hearing for Douglas Ridenour on November 11, 2008 at 7:30 p.m. at the Tyrone Township Hall. Motion carried by unanimous voice vote.

2) Questions from Merino Bernardi regarding Gateway Village

Mr. Bernardi ( a resident of Peisenr Acres) introduced some of his neighbors from Balfour Drive: Randy Howarth, Tim Nelson, and Jim Sevick. He told the Planning Commission that Mr. Byerly attended all of the Peisener Acres committee meetings and was appointed by the Township Board to their liaison with the Plannig Commission. Supervisor Schmidt told him that Mr. Byerly could be a member of the Committee. Mr. Guidobono had promised them several things, but none of them had been written down in the Master Plan.

During further discussion of Master Plan amendments proposed by Mr. Guidobono, Mr. Bernardi's questions, the Planning Commission discussed:

- Development of a project without knowing the viability potential under the current economic conditions;
- Whether Cambridge Company would be the owner of the project, a joint owner, a developer, or a sales agent;
- The difficulty in interesting tenants to locate in Michigan at this time;
- Protection of the Peisner Acres residents during site grading and construction;
- Visual examples of sites the developer likes;
- Preliminary conceptual plans indicating the parameters of screening and buffer areas, open space areas, traffic circulation, and building mass;
- The current Master Plan projections of commercial development within the target area;
- Whether the Township or the market should define the location and composition of the commercial area;
- Justification from the developer for the size and location of the project relative to the Township Master Plan;
- Type(s) of ownership proposed for the development;
- Preparation of a Master Plan for the site in text format in addition to a site plan;
- Specific information about the appearance of the frontage;
- Whether the commercial development should focus on the Township's needs or a wider area;
- Uses which would make a project viable at the current location;
- The potential for the development to become a white elephant;

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- Possible core development uses;
- Scale of the development;
- Dating future text drafts and noting whether they were prepared by the Developer or the Township;
- Establishing a Public Hearing when the final PUD and PCS drafts are agreed upon;
- The use of Mr. Guidobono's and Mr. Hayward's expertise to help develop a document which will be workable from the standpoint of the Township and the developer;
- Opportunities to inform the Planning Commission of personal opinions by forwarding a letter, attending Planning Commission meetings; responding at the Call to the Public; or submitting a request for review of specific material and documents to be included as Agenda items;
- The Planning Commission was created by a statutory act—members are appointed by the Supervisor and confirmed by the Township Board;
- Planners are experienced professionals in the area of development and every Township either has one on staff or as a consultant;
- The Planning Commission follows a (statutory) process to develop regulatory language that becomes available for public review and discussion;
- The Gateway development is a concept and does not exist at this time;
- Site specific development plans are required for consideration during Site Plan Review;
- PUD Ordinance documents are separate from a specific PUD development site plan; and
- At this point the Township does not have a PCS Ordinance or a development site plan.

Mr. Bernardi stated that Mr. Schimidt had told him he could be placed on the Agenda so he could go through the material page by page to express his concerns. Mr. Hanoute told him that we don't have time to go through this at every meeting. There are other issues we have to address. You have already overextended your time privilege. The Planning Commission needs to make sure that they get through their Agenda items at every meeting.

Mr. Meisel told Mr. Bernardi that the Planning Commission has received Mr. Guidobono's input and Mr. Guidobono has brought some of your concerns forward, but he doesn't have a plan right now. He doesn't have a site plan or enough information to put something in writing at this point.

Mr. Byerly commented that he wasn't appointed by the Township Board. He volunteered to go to Mr. Bernardi's meeting and he feels that Mr. Guidobono has been straight forward so far. When there is a plan, everything will be open to the public.

Mr. Bernardi said he should have the same material available to him that was being reviewed by the Planning Commission. Mr. Hanoute said he could request the information and pick up a copy of the material at the same it is made available to the Planning Commission members.



**OTHER BUSINESS FROM MEMBERS:**

- 1) Request of Jim Knapp, representing Oasis Academy, for a Private School concept discussion

Chairman Hanoute asked to have the discussion added to the November 11, 2008 Agenda

**ZONING ADMINISTRATORS REPORT:**

**ZONING BOARD OF APPEALS:**

**BOARD ACTION:**

**FUTURE AGENDA ITEMS:**

**NEXT MEETINGS:**

November 11, 2008 - Regular Meeting and Shared Driveway Public Hearing

November 25, 2008 - Regular Meeting

December 9, 2008 - Regular Meeting

December 23, 2008 - Regular Meeting

**ADJOURNMENT:** 9:40 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