

TYRONE TOWNSHIP PLANNING COMMISSION

Approved Meeting Minutes
November 11, 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) **Karl Gill**, 8374 Bennett Lake Road, asked why something wasn't being done about putting topsoil on top of the sand at the greenhouse (8444 Bennett Lake Rd.)

Chairman Hanoute added Mr. Gill's request to the Agenda as Other Business from Members, Item 1.

APPROVAL OF THE AGENDA:

Moved by Meisel, seconded by Butler, to approve the November 11, 2008 Agenda as amended under Other Business from Members. Motion carried by unanimous voice vote.

APPROVAL OF THE MINUTES:

- 1) October 28, 2008 - Meeting Minutes

Moved by Butler, seconded by Byerly, to approve the October 28, 2008 Meeting Minutes as corrected. Motion carried by unanimous voice vote.

Page 4, Line 17: (...the PUD requirements **shall** ~~may~~ override...)

Page 5, Line 9: (...she would provide ~~provide~~ language...)

Page 6, Line 46 (...to the **Township** Board...)

Page 7, Line 13: (...appointed by the **Township** Board...)

Page 8, Line 9: (by the Supervisor **and** ~~as~~ confirmed...)

Page 8, Line 31: (...appointed by the **Township** Board...)

Page 8, Line 35: (...available to him ~~him~~...)

Page 8, Line 36 (...at the same **time** it ~~is~~ **was** made available...)

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CORRESPONDENCE:

OLD BUSINESS:

1) Review of the finalized PUD Ordinance text

Tyrone Township Planner Sally Hodges of McKenna Associates, Inc. explained that the underlined material was added following the last meeting.

Page 11-3

Ms. Hodges explained that the language at the top of the page specified that compliance with the preliminary PUD plan approved by Tyrone Township would be required for any new property or unit owners.

Page 11-4

Ms. Hodges noted that the term "developable" had been inserted in the text to provide consistency with the language used in the Zoning Ordinance.

Page 11-5

Item 4, Line 2. For purposes of clarification, the text was revised to: (...that use shall be subject to the **respective** special use requirements and standards of this Ordinance ~~for that use.~~)

Page 11-7

The first paragraph was revised to allow Planning Commission latitude in applying the parallel plan requirement for specific types of residential development.

Page 11-9

Item 3, Line 2; Revise to: (The phasing plan may be modified **and/or extended** upon recommendation...)

Item 4. The Planning Commission considered:

- Requiring a market study as the basis for establishing the percentages of residential and non-residential use in a mixed use PUD;
- Requiring a market study for approving revisions to the percentages proposed in the original PUD plan;
- Insuring that allocation of open space associated with the amount of residential development would be addressed before the end of the project;
- The impact of current markets on the requirement to build "x" percent of residential and "y" percent of commercial on previously approved or revised plans;
- Requiring applicants to provide market indicators or market studies indicating the demand or lack of demand for commercial or residential uses;
- Holding applicants to some sort of documentation in consideration of changes to their approved plan or phasing;

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- Adding language which would permit changes in the approved percentage of mixed uses based on market data;
- Requiring the applicant to provide any information the Township thinks necessary at the time the change is requested;
- Whether the ordinance should list the general or specific types of information needed for consideration of a plan amendment in the ordinance;
- Requiring some portion of commercial or residential development in each phase to insure that the project will not be abandoned after a single phase is completed; and
- Insuring that open space based on a residential component is developed as approved by the Township during construction of commercial and/or residential phases.

Item 4, Line 4. The Planning Commission asked for revision to: (The required percentages of residential and nonresidential uses **as approved...**)

Item K: A lengthy open space and developable area discussion occurred related to:

- Open space based on total land area;
- Open space carried over from a previous development;
- Developable area and open space requirements (Ordinance pp 2-10, 2-16, 20-10, 20-11 and 21-49);
- Exclusion of areas that will provide open space from additional open space calculation requirements;
- The open space standard for PUD residential developments of 30%;
- The difference between total acreage (gross) and developable area (net);
- Using a developable area definition consistent with the Zoning Ordinance definition;
- Assigning the 30% open space requirement to residential portions of a PUD;
- Establishing open space exclusions for residential areas in addition to the nonresidential exclusions;
- Whether to list open space exclusions in the PUD text by referencing Ordinance Sections or by specific text within the PUD Article;
- Allowing boulevard medians and parking lot islands as open space in non-residential districts as part of the 10% non-residential open space requirements;
- Allowing the PC some discretion in determining commercial open space based on site and design conditions;
- Writing the open space language as an example rather than a standard to allow Planning Commission flexibility in assigning open space values;
- Including boulevards as an open space allowance; and
- Referencing the Zoning Ordinance open space exclusions (Section 21.51) relative to the PUD Ordinance.

Ms. Hodges said she would reconsider the Open Space language on page 11-9, based on the discussion.

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Page 11-10

Remove duplicate Item f.1 and renumber f.2 .

Page 11-12

Ms. Hodges explained that the Section had been expanded to provide regulations for land banked parking.

Page 11-14

Item 11.5: Following a discussion, the Planning Commission agreed to revise the last sentence of the first paragraph to require that a copy of any written Pre-Application Conference request is sent to the Planning Commission at the same time it is sent to the Township Clerk.

Page 11-15

Item A: Revise the last sentence in the first paragraph to permit Planning Commission determination of submittal process requirements.

Page 11-16

Item B - Technical Review. The text should be revised to require that applicants will submit their site plans to the appropriate agencies while the Planning Commission will submit the plans to the Township's consultants.

Page 11-19

Item C: The first paragraph should be revised to allow the Planning Commission, rather than the Township Board, to determine the number of copies and determine the meeting date of the final PUD application review.

Page 11-21

Item F: The sixth line of the first paragraph should be revised to permit Township Board approval for more than five years in the case of significant projects.

Page 11-22

Item G - Occupancy: During review of this section, the Planning Commission determined that:

- Occupancy relates to building occupancy;
- Occupancy permits are issued by the Livingston County Building Department;
- Site improvement standards are based on the Zoning Ordinance requirements;
- A clearer distinction should be made between Land Use Permits (site development) and Occupancy Permits (building occupancy); and
- Items, G1, 2, and 3 should be more specific in terms of permanent or temporary site occupancy.

Page 11 - 23

Item 11.10 - The amendments text should be revised to follow the Zoning Ordinance Procedures for Site Plan Amendment (23.13).

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The Planning Commission discussed whether a Public Hearing should be required for major changes to an approved final PUD plan; requiring a Bond or Letter of Credit for development of approved or amended PUD phases (Section 11.08) and processing major PUD changes as a new PUD phase plan. They requested revisions to Item G. (Page 11-22) to read that, "The Township Board may **recommend** grant an occupancy permit..."

Ms. Hodges said she would revise the Plan Amendment language and provide review copies for distribution prior to a Public Hearing.

The Recording Secretary explained that after new ordinance language is finalized, the usual procedure is to forward copies of the proposed Ordinance Amendment to the Township Board for review and comment, to the Livingston County Planning Department for a courtesy review, and to the Township Attorney for legal review prior to the Public Hearing. Once any revisions have been made based on the reviews and comments brought forward at the Public Hearing, the revised document is forwarded to the Livingston County Planning Commission for recommendation. The County Planning Commission's recommendation is forwarded to the Township Board together with the Planning Commission's response to the County comments (if any), and the Township Planning Commission's recommendation to the Board.

Mr. Merino Bernardi, representing the Balfour Drive Property Owners, said he had a plan to submit at the PUD Public Hearing. His conditions are in writing and it will be quite lengthy. Mr. Hanoute said he would be able to submit his document at the Public Hearing and be allowed to speak at the Public Hearing.

Mr. Bernardi wanted to know if he would get feedback on his document. Mr. Hanoute said that would happen at the Public Hearing. The document would be presented and the Planning Commission would comment.

2) Review of the finalized PCS Ordinance text

Page 12A-2

Item L. Ms. Hodges explained that this item had been revised to permit special consideration of any "big box" uses greater than 20,000 square feet.

Item 11A.03, Line 2; Revise to: (...and a Special Land Use permit according to Article 23 are required **for the following:**)

Item 12A.03.H and I. Ms. Hodges commented that she treated "outdoor display" and "outdoor storage" as separate categories of use. The location of the storage area was kept behind the building line, rather than the setback line, to make sure that nothing would be stored in front of the building.

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Item 12A.03 W. Ms. Hodges explained that if residential uses were included as part of a mixed use Commercial PUD, they would be considered as a Special Land Use, rather than a use by right.

Page 12A-5

Item F - Outdoor Storage, Line 4; Revise to: (...have been granted for the outdoor storage or operations.)

Moved by Kempisty, seconded by Fumich to schedule a Zoning Ordinance Amendment Public Hearing for the proposed PUD and PCS Ordinances for January 13, 2009 at 7:30 p.m. at the Township Hall. The motion carried by unanimous voice vote.

NEW BUSINESS:

- 1) Recommendation regarding the Ridenour Shared Driveway Land Division request for property located at 9154 Linden Rd., FR parcel 17-300-316, to create Parcel A, approximately 10 acres with a dwelling, and Parcel B, approximately 32 acres m/l, to be accessed by a shared driveway

The Planning Commission reviewed an earlier discussion held at the October 28, 2008 Planning Commission Meeting when Mr. Ridenour agreed that the Zoning Ordinance dry hydrant requirements (24.06.G and O.) applied and would be a condition of approval. No other buildings could be constructed on the site without proof of dry hydrant installation prior to any Land Use Permit application.

George Van Hecke, Zoning Administrator, suggested making any sale of the Parent Parcel contingent upon installation of a dry hydrant. Mr. Ridenour explained that the property would probably be purchased by the Lairs who were farming it at this time. In that case, the acreage would be attached to their property and the driveway would no longer need to be a shared driveway. He wondered why it would be necessary to require a hydrant if there was never going to be another building built on the remaining property.

Ms. Hodges said there should be a condition or deed restriction making purchasers of the Parent Parcel aware of the fact that a dry hydrant would be required if they ever planned to use the property for a building site. Following a general discussion regarding the responsibility for notification of the condition and when notification would be required, the Planning Commission felt that the dry hydrant reference should be added to the Assessor's records.

Mr. Ridenour asked if the Parent Parcel was attached to the adjacent farm, and if the driveway only served the existing house, if the shared driveway dry hydrant requirement would go away. The Planning Commission agreed that it would.

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Mr. Meisel said he had calculated the developable area of Parcel A as 6.54 acres and the open space should be calculated as 3.27 acres. All of the numbers referenced in the chart, the drawings, and the legal descriptions should be the same for the developable area and the open space.

Moved by Meisel, seconded by Butler, that the Planning Commission recommend to the Township Board, approval of the Shared Driveway Land Division request of Mr. Doug Ridenour conditional upon the correction of the drawing Table to show the Parcel A developable area as 6.54 acres and correction of the cross-hatched area showing the Parcel A Open Space as 3.27 acres and also conditional on a dry hydrant being required prior to any issuance of a Land Use Permit for any development or construction on Parcel B, and further that the requirement be recorded on the Assessor's Residential Property Record for Parcels A and B. Motion carried by unanimous voice vote.

- 2) Request of Kim Verhelle for a Home Occupation at 11273 Runyan Lake Road, R-1 parcel 04-401-001, to counsel individuals in her home.

Mr. Kempisty asked Ms. Verhelle about the type of counseling she would do in her home. Ms. Verhelle told the Planning Commission she is a licensed professional counselor. She counsels people who aren't mentally ill, but may have depression or anxiety. She also does couples counseling and counseling for a number of different issues within a normal population.

She has counseled a mother and child or husband and wife, but most of the time it is a single person. Ms. Hodges observed that Ms. Verhelle's letter explained her business very well. Mr. Hanoute asked if there would be occasions when she might have five or six youngsters all together in a group session or adult groups like A.A. Ms. Verhelle said she doesn't do A.A. counseling and normally doesn't do small groups. She usually counsels couples, individuals, and families.

Mr. Hanoute said as a neighbor, he would be concerned about the number of cars parked in the driveway on a daily basis. There might be a reason to consider a limitation on the number of cars parked in the driveway at any given time. The Planning Commission discussed the number of vehicles which might be parked at one time related to the counseling activities and asked for topographical information to be included in the packet.

Moved by Butler, seconded by Byerly, to recommend to the Township Board approval of Ms. Verhelle's Home Occupation Request based on, and limited to, no more than four client vehicles on the premises at any one time. Mr. Meisel asked to have the motion amended to include a statement that no on-site advertising of the occupation will be allowed. Mr. Butler and Mr. Byerly agreed to support the amendment. Motion carried by unanimous voice vote.

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- 3) Request of Oasis Academy, represented by Jim Knapp, for location of a Private School at 9484 Dean Road, FR parcel 29-200-006 (22.05.D)

Mr. Knapp told the Planning Commission the school is currently located in his residence, there are four pupils, he has been looking for sites in Livingston County for a year, and he wants to ascertain if the Dean Road site would even be workable. The ten acre site has room for growth and the existing building will suit the handful of students currently enrolled. He is aware that Dean Road is not an arterial road, but the property is very close to Old US-23. He hasn't made a purchase offer because he wants to know if the use is something he should pursue.

Mr. Van Hecke wondered if the road requirement would be considered a use variance or a variance to a standard.

Mr. Knapp said that initially, classes would be held in the house and they would add onto the house as the program expanded. Presently there are four students enrolled and one is his son. Mr. Knapp has been in the school business 25 years. Most recently he ran an elementary school located in Farmington Hills with 15 pupils. This is his first attempt at a High School. It is a new program in the second year of operation. He is hoping for 75 to 100 students in the future. The school is private and will not be licensed by the State of Michigan and he will not seek accreditation.

Mr. Hanoute said that if the school grows, lighting, parking, and drainage will become site plan issues. Mr. Knapp replied that the size and location of site could accommodate their program for many years, if the use is feasible. They are aware they will have to meet county and township regulations. Most of the schools in Livingston County are located in residential communities and some of them are not on arterial roads. He wants to know if the school use is flat out not workable for the proposed location.

Mr. Hanoute explained that schools are permitted as a Special Use in residential zoning districts, but they have to be located with access from an arterial road, so the parcel access isn't eligible. On the other hand, you might be able to request a variance for the arterial requirement or pave part of the road. Mr. Meisel said that it would be hard to make a decision without a full size plan related to full time maximum use in order to determine infrastructure requirements before assessing it as reasonable.

Mr. Hanoute commented that right now, it doesn't comply under the zoning requirements. Ms. Hodges asked if paving a portion of the road might be a condition of the variance. Mr. Meisel said they should think about a site plan for 50 students and work out parking, sewer requirements, utility upgrades, road improvements, etc., to understand how usable and economically effective the site would be. Mr. Hanoute suggested that he look for other sites located on an arterial if he wanted a better shot at approval.

OTHER BUSINESS FROM MEMBERS:

1) Greenhouse Topsoil

Karl Gill told the Planning Commission that they are working all the time at the greenhouse (8444 Bennett Lake Rd.). They say they are cleaning the place up, but you don't need to go removing dirt and bringing in backhoes. They actually covered the sand with black top soil.

Mr. Hanoute told Mr. Gill that if they are moving dirt to the extent described, they may be in violation of the Ordinance. We will ask Zoning Administrator George Van Hecke to inspect the site and report to the Planning Commission what he found and what action was taken. If we find something that isn't supposed to be occurring, we will take action.

Mr. Byerly reported that Mr. Gill told him a neighbor had put a gate across his driveway. Mr. Hanoute said that was not a problem the Planning Commission could deal with. Mr. Gill asked why the Planning Commission was letting Mr. Ridenour get away with a shared driveway and the people buying it wouldn't know what was going on.

Mr. Hanoute suggested that Mr. Gill document his driveway problem and then take it to the Township Board.

Mr. Gill complained about the fines he was getting from Mr. Van Hecke and wanted to know who he worked for. Mr. Van Hecke said he works for the Township Board, but he doesn't attend their meetings because they asked him not to.

ZONING ADMINISTRATORS REPORT:

1) Request of **James Solden** for a 'Paint Ball' course

Mr. Van Hecke said he had been contacted by Mr. Solden to see if he should bring his request before the Planning Commission. Mr. Van Hecke said he couldn't find a classification for that type of activity in the Table of Uses and said he told Mr. Solden it might be something for the Planning Commission to review. The site is 25 acres just east of the Cemetery (Tyrone Memory Gardens). Greg Duberg, the owner, claims there are three or four courses he can develop in there. The letter explains his plans.

Ms. Hodges noted that the site contains two Zoning classifications—M-1 and RE. The FR and RE Zoning Districts allow private or commercial outdoor recreational areas as a Special

Use, which is the closest thing in the Ordinance to this proposal. Commercial recreational use is also allowed in the B-2 Zoning District as a Special Use.

The Planning Commission reviewed the location of the M -1 and RE zoning areas within the parcel and noted that access to the RE property was provided through the M - 1 property;

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the RE area appeared to be predominately wetlands; the M -1 property would have to be rezoned to RE to permit recreational use; the Master Plan shows a quasi-public use at that location; the wetlands should be evaluated by the MDEQ; and Mr. Duberg would need to provide a site plan showing the location of the entrance, parking areas, administrative areas, and the proposed paint ball course layouts.

2) Impact Fees

Mr. Byerly said that many states have impact fees. He has been concerned for a long time about what happens when contractors come into the Township to develop. They bring heavy equipment into the area and strip the roads. They leave in a couple of years and the residents have to pay for the ruined roads.

He has some literature from Valde Garcia which lists things the Township can do which would be similar to impact fees and he will provide copies for review. Michigan has the highest road weight limit in the United States (147,000 pounds). No other state will allow more than 80,000 pounds.

ZONING BOARD OF APPEALS:

BOARD ACTION:

FUTURE AGENDA ITEMS:

NEXT MEETINGS:

1) Planning Commission Meeting Schedule

Mr. Meisel suggested cancelling the December 23, 2008 meeting because of the proximity to Christmas.

Following a discussion by the Planning Commission members, Mr. Hanoute tentatively cancelled the November 25, 2008 and cancelled the December 23, 2008 meeting.

December 9, 2008 - Meeting

January 13, 2009 - Meeting and Ordinance Public Hearing

ADJOURNMENT: 9:50 p.m.

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Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission