

TYRONE TOWNSHIP PLANNING COMMISSION

Approved Regular Meeting Minutes

August 23, 2005 7:30 p. m.

PRESENT: Sally Eastman, Dave Hanoute, Steve Hasbrouck, S. Randy Laue, Laurie Radcliffe

ABSENT: Joe Fumich, Richard Hartigan

CALL TO ORDER: 7:30 p. m by Chairman Hasbrouck

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC: No response

APPROVAL OF THE AGENDA: Moved by Eastman, seconded by Laue, to approve the agenda as amended (*).

APPROVAL OF THE MINUTES: Moved by Hanoute, seconded by Eastman, to approve the August 9, 2005 minutes as corrected:

Page 4, Line 8: (...the enforcement officer was let **go**...)

CORRESPONDENCE:

1)* Aug 22, 2005 - Letter from Ed Siwik regarding the Public Hearing notice

Mr. Hasbrouck explained that a letter had been received from Mr. Siwik regarding the incorrect Public Hearing date. Mr. Siwik believed that we had already held the Public Hearing. His later stated that he was very unhappy.

Recording Secretary Burtch said that Mr. Siwik had already been contacted. The hearing will have to be readvertised because an incorrect meeting date was published due to her error. The applicants requesting the shared driveway public hearing were also notified that the hearing would be rescheduled.

SUBCOMMITTEE REPORT:

1) Request of **Pamela Grieve** and **Jack Cantrell** for land division of property at 8327 Hartland Road, RE parcels 21-200-024 and 21-200-027. Parcel 21-200-027 will be divided into Parcel 1 and Parent Parcel 2, each with single use driveway access from Hartland Road. Existing Parcel 21-200-024 will be divided into Parcels 3 and 4, accessed by a shared driveway.

Mr. Hasbrouck said that any recommendations for changes to the site drawings could be discussed prior to the Public Hearing, but no decision could be made on approval of the request until the hearing was held.

During discussion of the open space locations, Mr. Cantrell said that he had originally planned a drive for the south side of Parcel 2, but the Road Commission wouldn't approve the location. When he relocated the drive to the southerly boundary of Parcels 3 and 4 the open space strip next to the Parcel 2 proposed driveway location was removed.

Mr. Cantrell presented new site drawings (dated 7/27/05) at the meeting which showed open space revisions, a typical driveway cross section, and a reconfigured Parcel 3 with a developable area of 2 acres. Mr. Hanoute asked to have the Parcel 1 driveway entrance shown on the drawing and the locations of any shared driveway culverts or ditches needed to control run-off.

Mr. Hasbrouck commented that the new drawings appeared to be in order, but a Public Hearing would still be required in case the adjacent property owner wanted to join in the use of the driveway at some point. Mr. Hanoute said the hearing would also let the neighbors become aware that the new easement would create two corner lots at the property line and affect future setback requirements on the neighbor's parcel.

In response to a question from Ms. Radcliffe, Mr. Cantrell said that only enough brush would be cleared at the roadside to meet the Road Commission sight distance requirements for the shared driveway.

MOTION: Moved by Hanoute, seconded by Laue, to table the request until after the shared driveway public hearing. Motion carried by voice vote.

MOTION: Moved by Laue, seconded by Eastman, to schedule the Grieve - Cantrell shared driveway Public Hearing for September 13, 2005 at 8:00 p. m. During discussion, Mr. Laue amended the motion to add a shared driveway Public Hearing for the Dinser request on September 13, 2005 immediately after the Cantrell hearing. Ms. Eastman seconded the amendment. The amendment and the motion carried by voice vote.

- 2) Request of **Tammy Dinser** and **Duane Copeland**, represented by **Dave LeClair**, for land division of property at 6291 Linden Road, RE parcel 31-400-011, to create 3 parcels. Parent Parcel A contains the existing buildings. Proposed Parcels B and C will be accessed from a shared ingress/egress easement with access from Linden Road.

Mr. Hasbrouck explained that the open space had been consolidated on their new drawing (revised 7/21/05) and he was told by Mr. LeClair that the length of the shared driveway was 950 feet. Mr. Hanoute noted that because Parcels B and C didn't front on a shared driveway or private road, the ordinance required a front yard parallel with Linden Road. The front yard setbacks should be located accordingly and the side yard and rear yard setbacks would also have to be reassigned.

Mr. Hanoute thought there were wetlands involved that had only been estimated at this point. He asked if the circular drainage swales on Parcels B and C were wetlands and if they were regulated. Mr. LeClair thought that Parcel C might be regulated, but the wet area on Parcel B is unregulated because it is less than five acres and it isn't connected to another wetland. Mr. Hanoute commented that they would be regulated if they were within 500 feet of another wetland. He also wanted to know if there were any wet areas adjacent to the drainage ditch

shown on Parcel B. According to the contour map, there are extensive wetlands associated with B and C. Mr. Hasbrouck noted that they might need some sort of permission to cross the drainage ditch with a shared driveway.

Ms. Eastman felt there was the potential for a future problem if additional splits were required because of the length of the driveway and wanted to point that out at this time. Mr. LeClair said that there was no intent to split the property further, although there was the potential for another split from Parcel A. Mr. Hanoute observed that bringing two separate side by side driveways from the end of the shared driveway posed a potential safety hazard. Mr. Hasbrouck reminded Mr. LeClair that the parcel addresses would have to be posted on Linden Road and the shared driveways could not be named.

Mr. Van Hecke suggested a turn-around area for emergency vehicles somewhere on Parcel C. Responding to comments from Mr. LeClair, Ms. Eastman commented that the Ordinance required the Planning Commission to be concerned for the safety of the residents. We couldn't require a turn-around at the end of the driveway, but it would be a good thing to do. Ms. Radcliffe noticed that the parcel was shown with frontage on Lake Shannon, but the water shown was really part of Ore Creek.

Mr. Hanoute asked for revisions to the drawing which would differentiate between swales and wetlands. Mr. Copeland said there were springs on the property which fed the drainage ditch, but weren't connected to any wetlands. Mr. Hanoute asked if there were any wet areas immediately adjacent to the ditch which could be considered as wetlands. Mr. Copeland explained that he created the wetlands on Parcel B when he built a track and it would be gone as soon as he opened the end of it. Mr. Hasbrouck agreed that more information on the wetlands would be beneficial and there were maps available which would help with the wetlands determination.

Ms. Radcliffe asked about improving the existing driveway sight distance to the standards recommended by the Road Commission and Mr. Laue wondered about documentation for crossing the MichCon gas line right-of-way. Mr. LeClair said that the right-of-way was leased so the owner didn't have to get approval to cross it.

After discussing the Fire Marshal's recommendations, Mr. Hanoute thought the cul-de-sac turning radius could be reduced to 45 feet as required by the Zoning Ordinance.

For the Public Hearing, Mr. LeClair was asked to provide new drawings which would differentiate between the wetlands and the drainage swales, show any wetland areas adjacent to the drainage ditch, show the existing driveway, and relocate the Parcel B and C front yards to parallel Linden Road and adjust the other setbacks accordingly.

MOTION: Moved by Hanoute, seconded by Laue, to table further action on the request until after the Public Hearing on September 13, 2005. Motion carried by unanimous voice vote.

OLD BUSINESS:

- 1) Review of the Land Division Ordinance modifications received August 17, 2005

Mr. Fecho noted that the Land Division Ordinance (No. 25) hadn't been reviewed since 1983. He had tried to take care of the obvious problems and incorporate language which would give the Planning Commission authority to make Land Division final approvals while providing a process for appeals to the Township Board. By statute, the ZBA may not review land divisions.

During review of the Ordinance language, the Planning Commission requested the following changes based on the format copy:

- 17.230, Article Three Applicability, Line 5: (...along a private road **or shared driveway** shall also apply the provisions of the Tyrone Township Zoning Ordinance ~~Article Eleven, Private Road Land Developments~~, as amended (Section 11 is the PUD section).
- 17.240, Article Four Definitions: Add **SHARED DRIVEWAY**. A driveway that provides access to at least two (2) but not more than four (4) single family lots, site condominium units, or non-residential principal buildings, provided that the shared driveway is not more than 1,000 feet in length. Add **OPEN SPACE**. An unoccupied space open to the sky. Such open space shall be designed in accordance with provisions of the Tyrone Township Zoning Ordinance.
- Section 17.240, Article Four Definitions, 5 **LOT**, Add a reference to "**site condominium units**" in connection with lots.
- 17.251, Section 1. **FILING**, Line 1: (The applicant shall submit ~~ten (10)~~ **the number of copies requested by the Planning Commission for the proposed division of land to the Planning Commission Secretary....**)
- 17.252, Section 2. **PLAN REQUIREMENTS**, Line 3: (...Subdivision Ordinance as amended. ~~except as follows~~)

During discussion of the Plan Requirements (17.252, Section 2) Mr. Hanoute thought it wasn't necessary to repeat all of the requirements because they were covered in various sections of the Zoning Ordinance. The appropriate sections could be referenced in this Ordinance without having to include all the individual requirements.

Mr. Hasbrouck wondered if a land split could be further split by dividing it into condominium lots once the maximum number of state statute splits had been reached. Mr. Fecho explained that the courts have determined that you can use the condominium act to sell off space within a defined parcel, whether it's twenty stories up or a parcel of land that is divided like a flat. You get a share of space within the legally described parcel or building.

Mr. Hanoute was concerned because there was nothing in the ordinance which required open space for site condominiums. Mr. Fecho thought that the Township's definition of "Lot" (page 2-12) included a reference to a condominium unit (see also "Condominium Lot or Site," page 2-6). Another definition might be, "A condominium unit as defined in the Condominium Act shall be the equivalent of a lot." That language could be added to the Zoning Ordinance.

Mr. Hanoute replied that the Schedule of Regulations didn't address the issue of joined condominium units either. The division of a large parcel into smaller units or the conversion of apartments to condominiums should be addressed in the Zoning Ordinance.

- The Planning Commission agreed to eliminate 17.252, Section 2 - **PLAN REQUIREMENTS**, Sections A-K ,and include general language references for compliance with the current Zoning regulations for open space, building envelopes, private roads and so on. The language in Section K will be located in another portion of the Land Division Ordinance.
- 17.253, Section 3. **ACCESS EASEMENTS** or **ACCESS EASEMENTS** - Line 1: (All parcels shall abut a public road, shared driveway, or approved private road. **Access must meet the standards of the Township Zoning Ordinance.** Delete the rest of the article. Mr. Hanoute asked for an "Access" definition to be added to Article Four of this Document.
- 17.260, Article Six Variances. Delete this article
- Article 17.274 - Section 4. **BOND OR FINANCIAL GUARANTEE MAY BE REQUIRED.**
- Article 17.281 - Section 1. **DUTY TO REPORT REGISTERED LAND DIVISIONS.** This section should be reviewed with the Township Board
- 17.292 - Section 2. **PENALTIES.** Line 6: (Court **together with** ~~to get her with~~ costs...)

NEW BUSINESS:

ZONING ADMINISTRATORS REPORT:

Mr. Van Hecke reported that the owner of the Coyote Golf Course had placed a sign on Lee Jones Road because the existing golf course sign wasn't visible from Old US 23. He thought another sign could be allowed because there were two businesses (the golf course and the residential development) occupying the site. Once the residential units are sold, Mr. Osborn would be willing to work with a new owner on a joint sign, but he can't get any cooperation while TCF Financial controls the road frontage.

Mr. Hanoute and Mr. Hasbrouck told Mr. Van Hecke to have Mr. Osborn bring his sign request before the Planning Commission.

ZONING BOARD OF APPEALS REPORT:

OTHER BUSINESS FROM MEMBERS:

NEXT MEETINGS:

September 13, 2005 - Work Session and Public Hearing

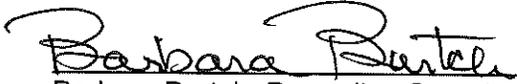
September 20, 2005 - Subcommittee Meeting

September 27, 2005 - Joint Meeting

ADJOURNMENT: 9:45 p. m.



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission