

TYRONE TOWNSHIP PLANNING COMMISSION
Approved Work Session Minutes

September 13, 2005 7:30 p. m.

PRESENT: Sally Eastman, Joe Fumich, Steve Hasbrouck, S. Randy Laue, Laurie Radcliffe

ABSENT: Dave Hanoute, 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 Laue, seconded by Radcliffe, to approve the agenda as presented. Motion carried by voice vote.

APPROVAL OF THE MINUTES:

Moved by Laue, seconded by Fumich, to approve the August 23, 2005 Regular Meeting Minutes as presented. Motion carried by voice vote.

CORRESPONDENCE:

September 2, 2005 - Letter from the Hartland Deerfield Tyrone Fire Authority regarding the Dinser (Copeland) land division

SUBCOMMITTEE REPORT:

OLD BUSINESS:

- 1) Request of **Don McIntosh**, represented by **Nancy McIntosh** and **Ward Clark**, for land division of property at 9141 Denton Hill Road, FR parcel 14-400-023, to create two new parcels. Proposed parcels B and C will be accessed from an existing shared driveway. The request was tabled July 26, 2005 for revised drawings showing the location of the turn around, a complete description of the easement, and a shared driveway agreement for each of the new parcels.

During review of the request, the Planning Commission asked Ms. McIntosh to revise the maintenance agreement by eliminating the second paragraph in Section 5: Voting (page 1) which required the Township to make final decisions regarding maintenance of the shared driveway and to provide a revised copy of the driveway agreement for the Township records.

As part of a general driveway maintenance agreement discussion, Mr. Hasbrouck commented that if we require shared driveways to be built a certain way we should verify that they have been built that way. The biggest problem with shared driveways is getting them built as shown. Mr. Laue commented that something needed to be done about the driveways and thought it would be a good subject to discuss at the joint meeting. He didn't feel that there was any problem with this driveway because it was already in existence.

MOTION: Moved by Laue, seconded by Eastman, to recommend to the Township Board acceptance of the Donald McIntosh land division at 9141 Denton Hill Road, FR parcel 14-400-020 to create two new parcels (B and C) as shown in the Real Estate Consulting Engineers drawing dated 8/22/05 with access for 4 parcels from a driveway shared by parcel 14-400-020 and 14-400-022 owned by Ward Clark of 9111 Denton Hill Road. Ayes: Eastman, Hasbrouck, Laue, Radcliffe. Nays: Fumich. Motion carried.

Mr. Fumich commented that he voted against the reference to the Township in Section 5 of the maintenance agreement rather than the land division.

The meeting was recessed at 8:00 p. m. for two public hearings and reconvened at 8:26 p. m.

- 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. The parent parcel (A) contains the existing buildings. Proposed Parcels B and C will be accessed from a shared driveway easement with access from Linden Road.

The request was tabled previously pending the outcome of the shared drive 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 parallel with Linden Road, and adjust the other setbacks accordingly.

Mr. Hasbrouck noted that the Shared Driveway Public Hearing was completed and the revised drawings were received.

The Planning Commission discussed the September 2, 2005 letter forwarded from the Hartland Deerfield Tyrone Fire Authority. Ms. Radcliffe commented that the turning radius had already been reviewed at a previous meeting and the Planning Commission felt 45 feet was adequate. The latest Fire Authority letter recommended using reflective signs if the Planning Commission did not decide to follow their recommendations for a 50 foot turning radius.

Planning Commission members reviewed the Township Zoning Ordinance requirements for a 45 foot turning radius for cul-de-sacs and a 50 foot radius for T turn around designs. The Township requires purchase of a reflective sign at the time land permits are issued. One sign is required, but additional signs may be ordered. The purchasers of the property who were in attendance at the meeting agreed that the use of two signs would be a good idea.

MOTION: Moved by Laue, seconded by Eastman, that the Planning Commission recommend to the Township Board acceptance of the Dinser (Copeland) shared driveway land division for property at 6291 Linden Road, FR parcel 31-400-011, to create Parent Parcel A (approximately 19.55 acres) containing the existing buildings with proposed Parcel B (approximately 10.02 acres including approximately 3.31 acres of open space) and proposed Parcel C (approximately 10.01 acres including approximately 3.31 acres of open space) accessed by a shared driveway as shown in the Livingston Engineering drawings revised 9/01/05. Motion carried unanimously by voice vote.

- 3) 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.

The request was tabled pending the outcome of the Public Hearing scheduled for September 13, 2005. A revised drawing was requested showing the location of the driveway entrance on Parcel 1 and the locations where culverts or ditches would be needed for the shared driveway.

Mr. Hasbrouck noted that the Shared Driveway Public Hearing had been completed and the requested changes to the drawing had been made.

MOTION: Moved by Laue, seconded by Fumich, to recommend to the Township Board acceptance of the Grieve-Cantrell request for land division of property at 8327 Hartland Road, RE parcels 21-200-024 and 21-200-027, to create 4 parcels with parcel 21-200-027 divided into proposed Parcel 1 accessed by a single driveway at the north edge of the parcel and Parent Parcel 2 accessed by an existing single driveway; and Parcel 21-200-024 divided into Parcel 3 and 4 accessed by a shared driveway located on the south edge of the property as shown in the Boss Engineering drawing dated 9/12/05. Motion carried by voice vote.

- 4) Review of revisions to Regulatory Ordinance No. 25, The Tyrone Township Land Division Ordinance and the cover letter to be forwarded with the text revisions for the Joint Meeting.

Mr. Fecho of McKenna Associates presented the documents related to the Regulatory Land Division Ordinance. He noted that the new state statute limits the ability of Townships to deny a land division to four items specified in the state law. Denial of any land division would have to be based on depth to width ratio; compliance with minimum lot width requirements; compliance with minimum lot area requirements; and accessibility to each resulting parcel. In Tyrone's case, the most controversial item is the minimum lot area which is tied directly to open space.

Based on previous discussions with the Planning Commission, changes had been made to bring the ordinance into compliance with state statutes and make the ordinance easier to understand.

During discussion of the revised text, the Planning Commission noted that:

- Page 1, Article 3 - Did not include specific Zoning Ordinance section references so the regulatory ordinance wouldn't have to be revised each time the zoning ordinance was amended;
- Page 2, Article 4, Definitions (1) - A new access easement definition consistent with the Zoning Ordinance definition was included;
- Page 3 & 4, Article 4, Definitions 6, last line, should be revised to: (...which is subject to Township regulations). Plans may be denied if the request does not meet state criteria;
- Page 4, Article 4, Definitions (11) - Includes a new shared driveway definition consistent with the Zoning Ordinance definition;
- Page 5, Section 2, Requirements (A) - Allows the Township to "review" plans for compliance with the 4 state statute requirements, rather than "approve;"
- Page 6, Article Six - Follows statute language which allows the Township to grant variances for width to depth ratios if compatible with surrounding parcels;

- Page 6, Article Seven - Requires that the Planning Commission "review and act" on the land division plan, rather than "review and approve;"
- Page 8, Section I, Open Space and Wetlands, Line 2 should be revised - (If wetland conditions are **located within dedicated open space or building envelopes are known or suspected to exist on the site**, a determination shall be made...);
- Page 8, Section J, Registered Seal Required should be revised - (**Plans shall contain the signature seal of one of** a Professional Civil Engineer or Land Surveyor registered in the State of Michigan and shall bear the seal of the same.); and
- Page 8, Section 5 should be revised - (**Financial Guarantee Requirements**) Bond ~~May Be Required~~).

During discussion of Section 2 - Requirements, Mr. Fecho explained that many of the Township's approval requirements that related to private roads, driveways, and drainage could no longer be considered as part of a land division review. However, they could be required for Land Use Permits.

Mr. Hasbrouck commented that many of the land divisions we get require Site Plan Review when they deal with the development of private roads. In the case of land divisions, Mr. Fecho explained that as long as the road access was there, the applicant didn't have to make any guarantees about complying with Township standards. All parcels had to be accessible, but the state statute didn't allow for the condition of the easement.

He felt that most developers would comply with the Township's access requirements anyway, rather than risk the delay and the costs associated with a court case for a land use permit. In response to Mr. Laue's question about zero lot lines, Mr. Fecho said that would be a Zoning Ordinance issue. The Land Division ordinance only deals with the process of splitting land as authorized by the state. That is why the language on the last two pages of the September 9, 2005 revision shows material deleted from the current ordinance.

Mr. Milliken told the planning Commission that McKenna's transmittal letter (dated September 6, 2005) attempted to provide a brief summary of what has been done to change some of the Township's review and approval procedures. Basically, the administrative decision would shift from the Board to the Planning Commission to make the process more efficient. By creating an appeals process not previously available, the Board would still be able to make the final decision when requested by Township residents or required by statute.

In response to questions by Mr. Laue, Mr. Fecho said that the Township shouldn't be selective in regard to the requests to be reviewed by the Planning Commission and requests to be reviewed by the Board. If any request meets the ordinance requirements it has to be allowed whether it is by Planning Commission or Board approval. The appellate process allows the Board to get involved if the Planning Commission denies a request. If the conditions of the ordinance have been met and the Planning Commission approves the request based on the Ordinance, a change in the approval by the Board could be a cause for legal action.

Because statutes require Board approval of subdivision plats and zoning ordinance amendments, the current procedure of Planning Commission review and Board approval should be followed. In these cases, the Board can also require changes as a condition of their approval after it has been reviewed by the Planning Commission.

Mr. Laue asked the McKenna representatives to provide the names of other localities which

followed the proposed format of permitting the Planning Commission to approve Zoning Ordinance requests. Mr. Hasbrouck said he wouldn't disagree if the Board wanted to continue approvals, but the Planning Commission had asked them to consider a change and we have the language ready now. Mr. Fecho said that in terms of Economic Development, the changes would allow the Township to process applications more quickly and reduce the fact finding and negotiating time. Mr. Hasbrouck agreed, but commented that the Township really didn't want to get into a situation where the Board would agree to things with developers and then have the Planning Commission try to fit the agreement into the Ordinance. Developers need to know what they can do and not do at the beginning.

NEW BUSINESS:

ZONING ADMINISTRATORS REPORT:

ZONING BOARD OF APPEALS REPORT:

OTHER BUSINESS FROM MEMBERS:

1) Ordinance Revisions

While waiting for the 8:00 p. m. Public Hearing recess, Mr. Laue reported that the Board had passed adoption of the proposed ordinance revisions by a vote of 4 to 3.

2) Review of the Action List

During a review of the Action List prior to the Public Hearing, the Planning Commission revised the list to advance items which could be addressed quickly or were in conflict with recent court rulings or statute revisions. During their evaluation, the Planning Commission determined that:

- The number of dogs (3 or more) that established the need for a kennel and special use permit might be too restrictive;
- The Cabaret Ordinance should be acted on before we receive a request for an SOB;
- The sign ordinance should be reviewed for language regarding streaming billboards or facade advertisements;
- "Contract" zoning language should be provided as permitted by state statute;
- Tree preservation language should be considered for inclusion in the Zoning Ordinance; and
- Provisions requiring compliance with the Livingston County Community Septic System and Storm Water Management standards should become part of a Zoning or Regulatory ordinance.

The Planning Commission scheduled the list as joint meeting agenda item for review and comment.

Mr. Hasbrouck said he would contact the Drain Commissioner's office to determine the best way for the Township to handle their regulations for community waste water treatment facilities and storm water management.

3) Appointment of a Planning Commission member to the Economic Development Committee

Mr. Hasbrouck reminded the Planning Commission that the appointment would be made soon.

4) Joint Meeting agenda

The Planning Commission asked to include review of the proposed Ordinance Amendments, review of the Planning Commission action list, adjustments to the Land Use Permit process to include some of the previous land division requirements, regulation of shared driveways, and Economic Development goals as part of the joint meeting agenda.

5) Shared driveway development.

Mr. and Mrs. Bockelman addressed the Planning Commission from the audience and said they had missed the call to the public, but wanted to attend the meeting because they wanted to find out as much as they could about the status of their joint driveway easement.

6) Ordinance enforcement

Mr. Fumich said he was still interested in finding out the Township's plans for ordinance enforcement. There was no sense in having ordinances if they weren't enforced. Mr. Hasbrouck noted that another problem was selective enforcement. You shouldn't drive by ten infractions to get to another one without doing something about the other ten. That was a good way to get into legal trouble. Mr. Laue commented that the Board didn't want to make residents of the Township angry by constantly looking for little violations. Unless there was an official complaint, they had asked the Zoning Administrator and the former Zoning Enforcement Officer not to take action.

7) Mr. Fecho informed the Planning Commission that he was leaving McKenna Associates to take a position as Township Manager with Scio Township (Washtenaw County). Phil McKenna and Greg Milliken will be the new Township representatives.

The Planning Commission thanked Mr. Fecho for his efforts on their behalf, and congratulated him on his new position.

NEXT MEETINGS:

September 20, 2005 - Subcommittee Meeting

September 27, 2005 - Joint Meeting

October 11, 2005 - Work Session

ADJOURNMENT: 9:45 p. m.



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission


Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission