

TYRONE TOWNSHIP PLANNING COMMISSION
Approved Work Session Minutes

October 11, 2005 7:30 p. m.

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

ABSENT: Joseph 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: Approved as presented

APPROVAL OF THE MINUTES:

September 13, 2005 - Regular Meeting, approved as corrected:
Page 4, Line 19: (...driveways, and drainage which could...)

MOTION: Moved by Hanoute, seconded by Eastman, to approve the September 13, 2005 Regular Meeting minutes as corrected. Motion carried by voice vote.

September 13, 2005 - Dinsler Public Hearing, approved as corrected:
Page 1, Line 42: (...submitted it to the MDEQQ.)
Page 1, Line 51: (...said there was a culvert...)

MOTION: Moved by Hanoute, seconded by Eastman, to approve the September 13, 2005 Dinsler Public Hearing Minutes as corrected. Motion carried by voice vote.

September 13, 2005 - Grieve - Cantrell Public Hearing

MOTION: Moved by Hanoute, seconded by Eastman to approve the September 13, 2005 Grieve - Cantrell Public Hearing Minutes as presented. Motion carried by voice vote.

September 27, 2005 - Joint Meeting

Page 1, Line 24: (...by Planning Commission Chairman...)

Page 1, Line 47: (...to make it blend into...)

Page 2, Line 4: (...introduce himself to all the boards...)

Page 2, Line 39: (...the Planning Commission **invited** ~~would like to hear~~ comments from...)

Page 3, Line 11: (...in his position **at** ~~on~~ the Township...)

Page 3, Line 16: (...of the responsibility **to the people who** put us here to ~~have for~~ implementing our vision.)

Page 4, Line 12: (...incident with a private road issues.)

Page 5, Line 43: (It would depended on the circumstances.)

Page 5, Line 49: (...unless it **involves** ~~it is a~~ minor conditions)

Page 6, Line 6: (Mr. Kuzner said ~~the~~ that when...)

Page 6, Line 9: (~~The~~ **They** were pushing them...)

- Page 6, Line 10: (...coming to the Board without the conditions...)
Page 6, Line 16: (...and **fewer less** things fell through...)
Page 7, Line 48: (...or not in **an as** assessment district...)
Page 8, Line 7: (...enough people on the Committee to **meet met** with people...)
Page 8, Line 15: (...the Livingston County Economic **Director developer**...)
Page 8, Line 33: (...water would be a big issues...)
Page 9, Line 22: (...a whole list of things...)
Page 9, Line 31: (If you seldom if ever get them, the **use is uses** more like...)
Page 12, Line 37: (...increased number of parcels that can **be** built...)
Page 13, Line 27: (Mr. **Hanoute** noted that...)
Page 14, Line 3: (...important to get in **place effect** for based on the Plan **economic** updates...)
Page 14, Line 8: (...discussed under **Item 3, page 8, paragraphs 1 through 5**)
Page 14, Line 46: (requirement **has** had been in **affect effect** for...)
Page 15, Line 40: (...no easement because Callaghan's abandoned their easement **on their** property without telling us and **then added** them onto ours.)
Page 15, Line 47: (...**they the** came to the Planning Commission **and had** a surveyor draw a new site drawing using Ms. Bockleman's easement **to drive** across **the** front of her property to theirs.)

MOTION: Moved by Radcliffe, seconded by Hanoute, to approve the Planning Commission Joint Meeting minutes as corrected. Motion carried by voice vote.

CORRESPONDENCE:

- 1) September 29, 2005 - Letter from **Chuck Hirschert**, Treasurer of Epiphany Community Church, requesting extension of the tabled Special Use permit request

The Planning Commission reviewed the Zoning Ordinance requirements and determined that site plan approval was limited to one year, there was a waiting period of one year before the request could be resubmitted if site plan approval was denied (23.12), and Special Use Permit approval expired after 90 days if no action was taken on the permit (22.08).

Mr. Hanoute recalled that the Planning Commission had tabled the church's request on September 14, 2005 for 120 days so they had not been approved for a Special Use Permit. Mr. Milliken commented that if the special use was denied they would have to begin the process from the beginning and resubmit fees, resubmit plans, hold a public hearing, and go through the whole process.

Mr. Hasbrouck said that they had taken a long time to get to the approval process. They are asking for two years and our Ordinance only allows one year. Mr. Laue said he hated to do it, but because this was a Special Use, he thought we should drop the request and ask them to reapply.

MOTION: Moved by Laue, seconded by Eastman, to send Epiphany Community Church a letter stating that they have one year as stated in the Ordinance to make a decision or they will have to start the process over after one year.

The Planning Commission discussed when the period of a year would begin, the difference between Site Plan approval (1 year) and Special Use Permit approval (90 days) and noted that no approvals have been made and there is nothing in the Ordinance dealing with process delay. Mr. Hasbrouck said they had been given the specific time of 120 days as recorded in the minutes to come up with a plan.

Mr. Laue said in that case he would withdraw his motion and Mrs. Eastman withdrew her second.

Mr. Van Hecke pointed out that the church really couldn't use the existing house as a church office until they got their Special Land Use permit because it is in a residential zoning district. They couldn't get the Land Use permit until they had site plan approval because if there were any conditions, they would have to be tied to the site plan. Mrs. Eastman commented that they already had an identification sign in front of the house. Mr. Hasbrouck recalled that the request was tabled after the Public Hearing so they had no approval at all.

MOTION: Moved by Hanoute, seconded by Laue, to advise the applicant by letter that the Planning Commission would be willing to extend their tabling action for 30 days, not to extend beyond November 14, 2005, so they can submit the plans for their Special Use Permit as originally specified on June 14, 2005. Motion carried by voice vote.

During discussion of the motion, Mr. Hanoute said that the plans just had to be submitted by November 14, 2005 and then could be scheduled for review, since the final site plan would have to go through the Site Plan review process. Mr. Laue asked to have the letter include language telling them that if the plans are not submitted by that date, the request will be taken from the table and denied.

SUBCOMMITTEE REPORT:

- 1) Request of **William Staricha** for land division of property at 12275 Alcoy Drive, FR parcel 25-300-009, to create three parcels. The Parent Parcel (C) and proposed Parcel B will be accessed by single use driveways with access from Alcoy Drive, a private road. Proposed Parcel A will be accessed partially by the northerly extension of Alcoy Drive and a separate ingress/egress easement crossing the Parent Parcel (C).

Mr. Hanoute noted that the drawing had been corrected to show the driveway easement to proposed parcel A extended to provide a turnout area at the end of Alcoy drive and labeled as a driveway and utility easement. A turnaround at the end of the driveway to parcel A wasn't needed because it was a single use driveway. Mr. Hasbrouck noted that there would be two side by side 66 foot wide driveway easements from the end of Alcoy Drive to proposed parcel A because of another driveway easement ownership issue with the neighbors.

MOTION: Moved by Hanoute, seconded by Laue, to recommend to the Township Board approval of the Staricha request for state statute land division of property at 12275 Alcoy Drive as shown in the Andrew Roberts, Inc. drawing dated October 8, 2005, as it complies with the Township zoning ordinance requirements. Motion carried by voice vote.

Speaking from the audience, Mr. Staricha told the Planning Commission that he was a Post Office Supervisor and the Epiphany Church would not be allowed to get mail at their property unless the house was occupied. For receipt of mail, a business didn't have to be occupied but a residence did.

- 2) Request of **Delores C. Shook** and **Jerold M. Jung** for boundary realignment of vacant land in Section 24 with access from Tipsico Lake Road. Parcel 24-200-006 (approximately 125.66 acres) is partially located in Section 13 and partially located in Section 24.00. Parcel 24-200-004 (approximately 72.48 acres) is located in Section 24. As proposed 24-200-006, will be reduced to approximately 97.39 acres and Parcel 24-200-004 will be increased to approximately 103.07 acres.

Mr. Hanoute said the Subcommittee had no issues with the request, there were no structures or setbacks to deal with, and the parcels more than met the minimum zoning district requirements for area and frontage.

MOTION: Moved by Hanoute, seconded by Eastman, to recommend to the Township Board approval of the Shook and Jung boundary realignment request as illustrated on the drawing prepared by Edward E. Anderson of Allied Land Surveying and dated October 22, 2004. Motion carried by voice vote.

OLD BUSINESS:

- 1) Review of the existing Land Use Permit procedures and requirements

Mr. Hanoute commented that the ordinance's Zoning Administrator language was terrible and needed to be changed (Section 30.03). Mr. Hasbrouck thought we shouldn't do anything with the existing language until we heard back from the Board about the other ordinance changes.

Mr. Van Hecke said his idea was to tie the land use permit policy into the zoning administration policy. Where the application for permits is referenced in the zoning ordinance (Section 30.03.A) we could indicate what is required. The present land use permit policy was established by Mr. Van Hecke and the Township Board and it could be modified and then added to the ordinance or at least mentioned there. The policy is a list of things the Township needs now before it can issue a land use permit.

During discussion of information needed to complete the land division and land use permit (LUP) process, the Planning Commission considered:

- The point in the land use permit process when recorded drawings or documents should be required;
- The point when final surveys should be required;
- Documentation problems following land division approvals;
- Having the Assessor review surveys following receipt of an approval letter from the Planning Commission or Board;
- Recent discrepancies between approved land division plans and recorded plans;
- The failure of applicants to record surveys or site drawings in a timely manner;
- Shared driveway approval procedures connected with land divisions;
- Requiring the developer to build driveway and pay appropriate Township inspection fees;
- Requiring the developer's engineer to certify shared driveway construction;

- Requiring the township engineer to review, inspect, and report on shared driveway construction prior to issuance of a land use permit;
- Issuing land use permits for driveway construction only after the survey is recorded and a parcel ID number is issued;
- Requiring developer construction of the shared portion of the driveway before the ID numbers are issued;
- Requiring developer construction of the shared portion of the driveway only when residential land use permits are requested;
- Specifically indicating the length of the shared portion of the driveway on the land division site drawing;
- Withholding land use permits for building construction until after the driveway is reviewed by the township engineer;
- Requiring a financial guarantee for shared driveway construction if a building is constructed before the shared driveway is built;
- Requiring Board approval for all shared driveway financial guarantees or escrow accounts;
- Establishing how roads and driveways will be built as part of the approved site drawing;
- Determining when they will be built as part of the Land Use Permit procedures;
- Requiring an escrow account or financial guarantee to insure that shared driveways are built in a timely manner;
- Determining the need for an engineered or detailed shared driveway drawing at the time of site plan review;
- Assigning responsibility for the design, building, and certification of the shared driveway or private road to the applicant's engineer;
- Requiring a survey for land division approval and recording rather than a scale drawing;
- Withholding parcel ID numbers until the recorded survey has been verified;
- Requesting Board approval for prosecuting violators of the state land division act;
- Adding language to the Land Division ordinance which references the Township's Land Use Permit policy and requirements;
- Review of the MTA recommended practices;
- Revision of the Zoning Administration Ordinance (Section 30) to at least reference the Township's Land Use Permit policy and requirements;
- Development of a land division and land use permit flow chart; and
- When to require surveys for parcels in existence.

The Planning Commission asked Mr. Van Hecke to revise his list based on the discussion and resubmit it for further discussion with financial guarantees listed as "if required."

2) Additional review of the Planning Commission Action List

Mr. Hasbrouck said that the Planning Commission was getting ready to move on to other projects and we needed to determine which ones we needed to work on next and if there were others we wanted to add.

Still unfinished were the revisions to the Master Plan and the useable floor area definition. Mrs. Radcliffe wondered if we should include the revisions to Section 30, and revise the land use permit policy.

In regard to land division, Mr. Hanoute felt we still hadn't resolved when a survey would be required, when recording would be required, and when a shared driveway bond would be required. Mr. Hasbrouck thought the ordinance (Section 30.03.A) allowed the Zoning Administrator to do that, but the board would have to set the amount of the fees.

Mr. Hanoute said he wanted to go through the list a little more to determine exactly what information the Zoning Administrator would need to issue a land use permit, when a survey would be required, how the fees should be referenced, the difference between the types of land use permits, and other things that might be required.

As an example of other things, Mr. Van Hecke referred to a letter he had received from the Livingston County Building Department refusing a building permit because of a non-building violation. In this case, they refused to allow a slab for a garage until the applicant had his well tested. He wondered if that could be another Land Use Permit condition. If someone in the Township has a violation on their property or an unpaid bill like a fire run, he wondered if he could withhold a permit until it was corrected. There is nothing in the ordinance that says he can do that. Mr. Hanoute thought that the Land Use Permit policy could be revised to require that all outstanding violations must be resolved before the permit is issued.

Mr. Van Hecke brought up the problem with recorded documents and when they should be recorded. He couldn't issue a Land Use Permit without a parcel ID number, but the numbers were sometimes issued before the survey was recorded. The Assessor preferred to get copies of recorded documents for assignment of parcel ID numbers so he could record the liber and page numbers. Mr. Hanoute suggested that the Planning Commission require recording of the documents within 30 days of approval. Mr. Hasbrouck explained that the current Board policy allowed 90 days.

Mr. Van Hecke said he had noticed that most of the people who split their property get a surveyor involved prior to being approved. Mr. Hanoute said that a survey wasn't required for approval and shouldn't be required for 30 days. Mr. Van Hecke explained that with the current process, the Board gave the applicant 90 days to get a survey and have it forwarded to the Assessor. Mr. Milliken asked if anyone checked the surveys when they came back to insure that the drawing recorded was the drawing approved.

Mr. Laue asked if we were in position to have some kind of ordinance written up so the Board could take care of land divisions at this time. Mr. Milliken said he had just finished the revisions to the land division ordinance recommended by Attorney Harris and provided copies for review at the next meeting. He noted that most of the amendments involved revising the definitions to match the definitions in the new statute. The terms "review" and "act" had been replaced with "approve" and "deny" to bring the new ordinance into agreement with the statute and the drainage section carried over from the old ordinance was eliminated since it could no longer apply.

NEW BUSINESS:

ZONING BOARD OF APPEALS REPORT:

Mr. Van Hecke reported that they only had one request for an averaging variance, but the applicant decided not to take the 8 foot variance the ZBA was willing to allow.

OTHER BUSINESS FROM MEMBERS:

NEXT MEETINGS:

October 18, 2005 - Subcommittee Meeting

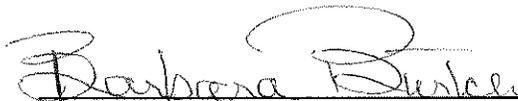
October 25, 2005 - Regular Meeting

November 8, 2005 - Work Session

ADJOURNMENT: 9:30 p.m. by Chairman Hasbrouck



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission

CORRECTIONS TO THE MINUTES:

Page 4, Line 2: (...get mail **at** their property...)

Page 6, Line 6: (...to **go get** through the list...)

Page 6, Line 13: (...County Building Department **which** refusing a building permit...)

Page 6, Line 16: (...There is **nothing nothing**...)