

# TYRONE TOWNSHIP PLANNING COMMISSION

## Approved Work Session Minutes

January 10, 2006

7:30 p. m.

**PRESENT:** Sally Eastman, Joe Fumich, Dave Hanoute, Richard Hartigan, Steve Hasbrouck, Laurie Radcliffe

**ABSENT:** Randy Laue

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

**PLEDGE OF ALLEGIANCE:**

**CALL TO THE PUBLIC:**

**APPROVAL OF THE AGENDA:**

Moved by Hartigan, seconded by Eastman, to approve the Agenda as amended (\*)

**APPROVAL OF THE MINUTES:**

1) December 12, 2005 Work Session Minutes

Moved by Eastman, seconded by Fumich, to approve the December 13, 2005 Work Session Minutes as corrected:

Page 1, Line 27: (...was landlocked without the approval.)

Page 3, Line 5: (Mr. Milliken commented that ~~he the~~ had tried...)

Page 3, Line 10: (...areas shall be excluded from the measurement...)

Page 3, Line 13: (...the changes and ~~o~~ the language...)

Page 4, Line 14: (...the Planning Commission's responsibility to see...)

Page 4, Line 22: (...not the drawing ~~he sold~~ **the land sale was based on.**)

Page 4, Line 41: (... the County ~~would~~ **should** only record...)

Page 6, Line 46: (...language stating ~~that the~~ that the applicant...)

Page 7, Line 7: (Mr. Hasbrouck also thought ~~the~~ we should...)

Page 7, Line 23: (...the December ~~20~~ **27, 2006** Regular Meeting...)

Page 7, Line 13: (...consider association with ~~with~~...)

Page 8, Line 30: (They have ~~optioned~~ **an option to** purchased new property...)

Page 8, Line 44: (...conventional house ~~would be taxed~~ and if they would...)

Page 9, Line 2: (...to go back to courts and **it was his understanding that** public hearings weren't required...)

2) December 20, 2005 Special Meeting Minutes

Moved by Hanoute, seconded by Hartigan, to approve the December 20, 2005 Special Meeting Minutes as corrected:

Page 1, Line 17: (...by Subcommittee Chairman ~~Hanoute~~ **Hasbrouck**)

Page 2, Line 15: (...the condition of Old Oaks ~~and based on~~ safety and compliance with County...)

Page 4, Line 1: (...as far as the point ~~where were~~ the connection...)

Page 4, Line 21: (...but if the individual...)

Page 4, Line 37: (...to the Board at their the January 10, 2006 **planning Commission Meeting** if the revised drawing...

#### **CORRESPONDENCE:**

- 1) Livingston County Register of Deeds Services as shown on their web site. The County records deeds, easements, surveys, PUDs, plats and master deeds, but not "land divisions," per se.

The Planning Commission does not want any surveys recorded by the Register of Deeds unless they have been stamped as approved by the Township. Mr. Hasbrouck thought the Register of Deeds hadn't been following the new state statute which prohibited the establishment of unapproved land divisions and we could ask the County to require proof of approval. Ms. Eastman said we still needed to request a letter from the Board to the Register of Deeds requesting that they not record any land division or access easements without an approved stamped copy of the drawing from Tyrone Township.

George LaMarsh, a Township resident, informed the Planning Commission that surveyors don't usually record their surveys because owners frequently didn't want new tax numbers recorded until the parcel was sold.

#### **SUBCOMMITTEE REPORT:**

#### **OLD BUSINESS:**

- 1) Review of the final definitions for UFA (useable floor area) and ordinary high water mark

Greg Milliken, Tyrone Township Planner, said he had incorporated the changes discussed at the last meeting into the UFA text and checked the statute for references to high water marks. The statute references an "ordinary high water mark" so he has recommended that definition for inclusion in Ordinance Section 2.00 and Section 20.02.A.

The Planning Commission felt the language dealing with storage areas was still confusing. They requested that the last sentence of the Floor Area, Useable definition be changed to:

Utility or mechanical equipment rooms, hallways, emergency or access stairwells, sanitary facilities, and or/storage areas unless **the storage area is used** or intended to be used for the primary function of the unit or structure.

They also asked Mr. Milliken to consider the UFA language is it applied to Home Occupations.

- 2) Review of revisions to Regulatory Ordinance 25.00, Section 17.200 - 17. 302, The Land Division Ordinance (1/05/06)

Mr. Milliken said he had incorporated changes discussed at the December 13, 2005 meeting and rearranged some of the sections for better flow. He had revised Page 9, Section 4 - Recording, to allow some flexibility in applying the standards and included a reference to Township approval prior to recording.

Mr. Hanoute commented that he thought many of the Section 4 requirements could apply to a sketch plan or a preliminary drawing and the survey requirements should come at the end of the section as one of the requirements for a complete application.

While reviewing Page 9, Section 4 - Recording, the Planning Commission requested the following changes:

Page 9 - 17.264, Sec. 4      **RECORDING**

A: (Rename this as **2** under new item A). After **Township** approval of a land division, it shall be the duty of the applicant or their agent to record **a survey of the approved division and any related agreements** with the Livingston County Register of Deeds within 90 days.

Page 10 - 17.264, Sec. 4

A.1 (Change this to item **A**. And move to the beginning of Section 4 on page 9). A Land Division is complete when---

A.2 (Change to item **1** under new item A). No land divisions shall be filed **recorded**...

B. No change.

Page 4 - 17.251, Sec. 1      **FILING**

B. The applicant shall submit a ~~number of~~ complete and accurate application **and required attachments and the required number of copies** as designated by the Planning Commission for a ~~division of land~~ to the Planning Commission Secretary at least fifteen (15) days prior to the next regularly scheduled meeting of the Township Planning Commission, along with the appropriate fee(s) **and charges** as established by the Township Board.

Page 5 -17.254, Sec. 4:      **LAND DIVISION APPLICATION REQUIREMENTS**

Intro. The Planning Commission, at its sole discretion, may provide a concept review of a potential land division based on a **scaled site drawing** ~~sketch plan~~. **However, a survey will be required for a complete application and formal review.**

Delete the second sentence and insert: Each application for Land Division shall **be substantially accurate** and include all of the items required below, unless specifically exempted by the Planning Commission ~~and be substantially accurate~~.

A. **Applications shall contain the following information:**

1.(B) **Original Survey.** A boundary survey and legal description of the existing **parcel(s) and all easements of record** with legal description(s) for all easements.

2.(E) **Site Drawing and Scale.** An overall site drawing including the name of the preparer, the date of the drawing and a north arrow. The scale shall not be less than....

3.(t) **Data on Abutting Roads.** The location and pavement width and right-of-way....

4.(D) **Location and Dimensions of Proposed Access.** The location and dimensions....

5.(F) **Property Lines.** All **existing and proposed** property lines are to be shown.....

6. **Easements.** The location of utility and/or shared driveway or private road easements should be dimensioned and labeled. **Detailed drawings of access easements may be required for a complete application at the discretion of the Planning Commission.**

7.(E) **Location of Existing Structures.** The location of all existing structures on the property and within five hundred (500) feet....

- 8.(H) ~~Open Space Wetlands and Natural Features.~~ All dedicated open space areas shall be clearly identified and dimensioned on the application. If wetland conditions are known or suspected to exist....
9. **Open Space.** All dedicated open space areas shall be clearly identified and dimensioned on the **site drawing** (application). **A calculation chart showing the amount and location of the open space shall be provided.**
- 10.(J) **Drainage.** The location of all existing....
- 11.(K) **Contour Intervals.** Topographic contours shall be shown at not more than two (2) foot intervals....
- 12.(L) **Documents.** ~~Private Road / Shared Drive Maintenance Agreements.~~ **Copies of any required County or State agency reviews shall be provided. Deed restrictions or maintenance agreements for shared driveways or roads shall be provided, if applicable.**

B. To be considered complete, all land division applications shall include maintenance documents or other deed restrictions in recordable form together with accurate legal descriptions and surveys of each parcel created and an approved site drawing.

- 1.(G) ~~Legal Description.~~ ~~Complete legal descriptions of the original parcel.~~ Each proposed parcel and the remainder parcel shall have a separate legal description. The plan description shall include appropriate references to open space locations and descriptions of roads or shared driveways located within parcels. All private road or shared driveway easements should include a.....
- 2.(G) **Survey Requirements.** A boundary survey is required for each parcel created and the parent parcel remainder. Each plan survey shall contain the seal of a Professional Engineer or Land Surveyor registered in the State of Michigan and shall bear the signature of the same.
3. **Site Drawing.** The site drawing will be stamped as approved by the Township and should be filed with the survey and legal description.

Page 8 - 17.256, Sec. 6 **FUTURE DIVISION RIGHTS**

A: (requirements may be transferred from a parent percent parcel or tract.)

Page 8 - 17.257, Sec.7: **ROAD ACCESS.**

All additional parcels created through the procedures of this Ordinance shall abut a public road, approved private road, or approved shared driveway or **approved access easement** for the required distance...)

Page 8 - 17.261, Sec 1 **PLANNING COMMISSION APPROVAL**

A. Article 6, Sec. 1 - Planning Commission Approval: A: Upon receipt of a complete application, as **described in Article 17.2254, Section 4 - Land Division Requirements** above, the Planning Commission thereafter has forty-five (45) days to approve, approve with conditions, or disapprove the land division. The Planning Commission decision shall be final ~~unless appealed to the Township Board.~~

Page 9 - 17.263, Sec3 **BUILDING SITE**

A: Approval of a land division by the Township does not assure.....

- B: Omit this section
- C: Tyrone Township and its employees.....

Page 9 - 17.264, Sec 4      **RECORDING**

After **Township** approval of a land division, it shall be the duty of the applicant or their agent to record **a survey** of the approved division with the Livingston County Register of Deeds within 90 days, as noted in Items one (1) and two (2) below.

- B. No land divisions shall be **recorded** filed by the County unless...)

Page 10 - 17.270      **ARTICLE SEVEN VARIANCES**

Omit this section

Page 10 - 17.281, Sec. 1      **DUTY TO REPORT REGISTERED LAND DIVISIONS, ETC.**

- A. If the approved division is not filed **recorded** with the County Register of Deeds....
- B. (last line)...differs from the approved drawing bearing the stamp of the Township, the division shall be considered illegal and so labeled in the Township records. Parcel identification numbers **shall** may not be issued by...
- C. The Township Assessor and Zoning Administrator shall be responsible for monitoring the time schedule and notifying **applicants** application of any violation.

Page 11 - 17.282, Sec. 3      **DUTY TO CORRECT VIOLATION**

Last Paragraph: Review and revise

Page 12 -17.292, Sec. 2      **PENALTIES**

- A. Line 3 ...for the payment of a civil fine of not more than \$1,000 **to the Township** for each parcel sold.
- B. The Township **shall** may instruct the Assessor to notify the Livingston County Register of Deeds.

The Planning Commission also discussed establishing a fee for concept reviews, site visits and developer conferences at a future meeting.

- 3) Discussion of setbacks for corner lots created by establishment of a new shared driveway or private road easement and review of proposed revisions for Zoning Ordinance Article 24.00 - Private Road, Shared Driveway and Access Easement Standards (11/30/05)

Mr. Hartigan said his concern with shared driveways was the Township's intent to limit driveway access on high speed roads. A common shared driveway is better than two separate driveways, but by creating a shared driveway do we create corner lots? Does a flag lot create a corner lot in the front where the easement connects with the road? He thought it would defeat our purpose in minimizing curb cuts when we impose corner lot restrictions on the front lots when we create a shared driveway.

Mr. Fumich agreed that one driveway was safer than two driveways and Ms Eastman commented that she didn't see how a shared driveway would create a corner lot. Mr. Hanoute said he wasn't defending his corner lot interpretation. The interpretation got there because it's in the ordinance. Mr. Milliken said the definition of a corner lot was listed in the definitions of

yards and lots (Section 20.02.A) and the way corner lots were defined depended on the way the definition was interpreted.

Mr. Hasbrouck thought the setback requirements should be applied to the parcel that was being served by the shared driveway. Fences could always be built between the driveway and an adjacent building if there were safety concerns.

Mr. Hartigan noted that the definition of a corner lot referred to the junction and frontage of two or more intersecting street rights-of-way. A shared driveway isn't a street. A private road might stretch to meet the definition, but not a shared driveway. Mr. Hanoute pointed out that a shared driveway had the potential to become a road in the future and Mr. Hartigan replied that road setbacks could be addressed when the future occurred.

Mr. Hanoute wanted more time to discuss the issue. Because of time considerations, Chairman Hasbrouck postponed further discussion until the next meeting (January 24, 2006).

#### **NEW BUSINESS:**

- 1) Review of conditional zoning recommendations from the MTA and McKenna Associates, Inc. (Action List item 7)
- 2) Preliminary review of the revisions to Zoning Ordinance Article 23 - Site Plan Review and Impact Assessment

The review was rescheduled for another meeting.

#### **ZONING ADMINISTRATOR'S REPORT:**

- 1) Dean Road land divisions for Ron Gordon

Mr. Van Hecke said he contacted Mr. Gordon regarding one of his lots with frontage on Dean Road (29-200-013 or Parcel B) which had been sold as a building site. Mr. Gordon had told him that Parcel B was not part of his Irish Hills development.

Mr. Van Hecke said he asked Mr. Gordon to make that clear to the purchaser who was under the assumption that the parcel is part of the condominium development. If it isn't part of the subdivision, it can't be split off that way because the minimum parcel size for the district is two acres. Mr. Gordon said he would check with the project engineer to see what happened in regard to Parcel B. Mr. Van Hecke said that he told Mr. Gordon that the parcel had to be combined with the other one (A) and not left as a separate parcel.

Mr. Van Hecke commented that he had also talked to the Assessor about a parcel that was recently split without access and asked him to follow through with the Register of Deeds. By accepting the front parcel as a separate parcel the Assessor created a land locked parcel in the rear. Mr. Hasbrouck wondered if the Assessor was legally able to split property without review by the Township under the new statute.

Several of the Planning Commission members asked how the contiguous parcel - single ownership provisions of the statute applied in a case like this. Mr. Milliken said he thought the single ownership requirement usually applied when the lots are undersized.

**ZONING BOARD OF APPEALS REPORT:**

**OTHER BUSINESS FROM MEMBERS:**

- 1) Comments regarding the Special Meeting of January 11, 2006 to review the findings of the Southern Lakes Planning Initiative

Ms. Radcliffe explained that Fenton, Linden, Fenton Township, Mundy Township, Argentine Township and Tyrone Township had established a committee to meet with representatives from U of M, Flint, to explore ways to do regional planning. Representatives from the local Planning Commissions and Boards attend the meetings to discuss co-operative zoning and over all development of the Southern Lakes area. No monetary commitments are required at this time, but working as a regional group should make it easier to get some grant money.

- 2) Comments from Mr. Laue

Randy Laue informed the Planning Commission that he had resigned from the Township Board and would no longer be attending the Planning Commission meetings. He suggested that one of the Planning Commission members consider applying for the position of Trustee in his place.

Mr. Hasbrouck thanked Mr. Laue for time and effort he put into his work for the Board and the Planning Commission.


**NEXT MEETINGS:**

January 17, 2006 - Subcommittee Meeting

January 24, 2006 - Regular Meeting

February 14, 2006 - Work Session

**ADJOURNMENT:** 10:00 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