

TYRONE TOWNSHIP PLANNING COMMISSION
Approved Regular Meeting Minutes

January 24, 2006 7:30 p. m.

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

ABSENT: Joe Fumich

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

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

Township Attorney Neal Nielsen asked Mr. Hasbrouck and Mr. Hanoute if they had prepared previously requested lists of concerns they might have about future development of the Bantle property in Section 32. He wanted to be aware of the Planning Commission concerns as the development moved forward.

Mr. Hasbrouck said he had not prepared a recommendation because the Planning Commission acts as a full board and he didn't feel it was appropriate for him to make a recommendation for them. Procedurally, he didn't feel the proposal was going according to MTA recommendations for conditional zoning. Mr. Nielsen asked for his concerns in writing.

Mr. Hanoute said he had the same concerns about expressing his personal feelings as a Planning Commission recommendation. Mr. Nielsen replied that he wanted Mr. Hanoute to express his personal concerns just as he does in meetings. He asked for individual input from all of the Planning Commission members.

Mr. Nielsen explained that he was interested in the Planning Commission's visions and concerns for the property. He said that it would be appropriate for the Planning Commission to view copies of two drawings; an overall site plan for Cider Mill Crossings (10 X 15, dated 9-27-05) and a copy of an aerial overlay view of the Bantle property showing a proposed layout (9 x 13, dated 9-27-05) prepared by Bartow and King Engineers. He requested that the Planning Commissioners base their comments on the site drawing of the Bantle property only and that each Commissioner submit their own individual written list of thoughts and concerns.

Chairman Hasbrouck asked to have the Planning Commission comments returned on or before the February 14, 2006 meeting.

APPROVAL OF THE AGENDA:

Moved by Hanoute, seconded by Eastman, to approve the January 24, 2006 agenda as presented. Motion carried unanimously by voice vote.

APPROVAL OF THE MINUTES:

Moved by Hanoute, seconded by Radcliffe, to approve the January 10, 2006 Work Session minutes as corrected. Motion carried unanimously by voice vote.

Page 2, Line 42: (...consider the UFA language ~~as is~~ it applied...)

Page 3, Line 1: (...that he thought ~~the~~ many of the...)

Page 3, Line 31: (...will be required for ~~or~~ a complete application...)

CORRESPONDENCE:

- 1) January 11, 2006 - Southern Lakes Planning Initiative Special Meeting Minutes. The minutes were received and placed on file.
- 2) January 23, 2006 - Letter from Tetra Tech regarding the Shannon Glen concept plans. The letters were added to the materials to be discussed under the Subcommittee Report.
- 3) January 23, 2007 - Letter from Shannon Glen residents regarding the Shannon Glen concept plans. The letters were added to the materials to be discussed under the Subcommittee Report.

SUBCOMMITTEE REPORT:

- 1) Request of Shannon Ridge, represented by **Brent LaVanway** of Boss Engineering to remove from the table the Shannon Ridge Site Condominium Concept Plan Approval request. The request was tabled October 25, 2005 for revised drawings. The proposed project is an addition to the existing Shannon Glen site condominium to be called Shannon Ridge.

MOTION: Moved by Hartigan, seconded by Hanoute, to remove the request from the table for the purposes of discussion. Motion carried by unanimous voice vote.

Mr. Hasbrouck said that he and Mr. Hartigan had visited the site with Mr. LaVanway approximately two weeks ago.

Township Planner Phil McKenna of McKenna Associates, Inc., reported that their concerns about the project remain the same as referenced in their first review. The concerns are a single access point, lack of continuous travel, the proposed community sewage system, and the location of the new treatment area. They concur with the Township Engineer's recommendation for a joint sewer study.

Brent LaVanway displayed site drawings showing the cul-de-sac roads and the location of steep slopes. He explained that Keith Mohr, the parcel owner, decided to ask the Planning Commission to forward the original request to the Board whether it was recommended for concept plan approval or denial.

While discussing the site plan (revised 12/08/05), Mr. LaVanway said:

- The developer would be willing to build a dry-hydrant as requested by the fire authority, provided they could meet the construction standards;
- They would consider locating a secondary "emergency only" access route somewhere south of the current entrance;

- The soils next to the existing community septic system are not suitable for expansion or addition of new treatment areas;
- The new community system site is located closer to Ore Creek;
- The original proposal (12/8/05, Sheets 1-4) is the best for their development;
- Connection to a sewer at Faussett Road would be considerably more expensive than installation of a community sand filtration system based on their financial analysis;
- The Fire Marshall had not disapproved the proposed road layout;
- They would probably be able to adjust some of the proposed lot lines to meet the lot width requirements if it was a contingency of approval;
- Looping the road system would require wider easements and more tree removal than the original cul-de-sac / shared driveway plans;
- Some extreme cuts and fills would be required to make the roads connect;
- They had estimated the costs for sewer construction at about \$300,000.00;
- They had not included the Shannon Glen development or other Faussett Road property owners in their sewer cost calculations;
- They did not want to build a sewer line on Faussett Road for the benefit of Lake Shannon;
- They preferred to wait until the Lake Shannon system was installed and then hook into that system;
- Legally, they didn't have to hook up if they were farther than 200 feet from an existing sewer,
- The developer might be willing to listen to the Township if a good deal is available; and
- Parking for the Rizor Nature Area would be located in the southwest corner of the property.

During comparison of the original plans with the alternate road plans (also dated 12/08/05), the Planning Commission commented that:

- Several ZBA variances would be required for the road system as originally proposed;
- Plans that did not comply with ordinance requirements could not be recommended for approval;
- Continuous travel (looped) roads are considered a health and safety issue as they allow for emergency vehicle access in case of blockage;
- The trees are so thick in the area where the looped road connection would occur that most of them are invisible;
- Overly dense tree cover makes it harder to maintain roads in a safe condition during cold or rainy weather;
- The Riverwalk/Shannon Glen Drive connector slope is shown as 4.8%, less than many Township roads (i.e., 7.8% in Top of the Pines);
- The ADDA handicapped ramp requirements allow an 8.33% slope;
- The slopes or tree cuts proposed in the alternate road plan didn't appear excessive;
- Many of the proposed lots are located in steep slope areas;
- If they wanted to preserve woodlands, the connection of Riverwalk and Shannon Glen Drive could be designed as a curve so lots 17, 18, 19, and 20 could be served by a shared driveway;
- Mr. LaVanway's sewer cost estimates worked out to about \$9,500.00 per lot for the Shannon Ridge portion of the development;
- That would probably equal about 10% of the cost of the lots considering the size and value of the homes in the development;

- The original condominium documents for Shannon Glen require attachment of their community system to municipal sewers when they become available;
- In the case of roads and sewers, Township requirements are allowed as long as they are not less stringent than the County or State requirements;
- Converting failed community treatment systems to municipal sewer systems is expensive and it would be best to do it right the first time; and
- The applicant should follow the Township Engineer's recommendations for consultation about providing sewer service for Shannon Glen and Shannon Ridge.

Mr. LaVanway told the Planning Commission he wanted the Board to consider the original concept plan rather than the alternate looped road system plan requested by the Planning Commission's request.

MOTION: Moved by Hanoute, seconded by Hartigan, to recommend to the Township Board denial of the Shannon Ridge Site Condominium concept plan (as revised 12/08/05) based on the lack of conformance with the Zoning Ordinance private road requirements for cul-de-sac lengths, number of lots, continuous circuit of travel, and single means of access; on the number of development access points (1); and on the sanitary system which does not serve the best interests of the Township as a whole or the residents of the development in particular as proposed by the developer. Motion carried by unanimous voice vote.

- 2) Request of **Gary Edwards** for land division of property with frontage on McGuire Road, R-1 parcel 30-100-015. Open space will remain with the parent parcel. Legal descriptions for the new parent parcel and the new condo units have not been provided.

Mr. Hanoute noted that the proposed parcel is the last split allowed from the original parent parcel by the Land Division Act, and is being proposed as a site condominium of four parcels. The land division, as described in the condominium site drawings, will set the new parcel apart from the remainder of the parent parcel (30-100-015).

MOTION: Moved by Hanoute, seconded by Hartigan, to recommend to the Township Board approval of Mr. Edwards' land division for property in Section 30 with frontage on McGuire Road to create a parcel of approximately 4.06 acres as shown in the Livingston Engineering Drawing revised 1/18/06 as it complies with the Zoning Ordinance requirements. Motion carried unanimously by voice vote.

During the Condominium Concept Review, the Planning Commission noted that;

- Final documents are not required for concept approval;
- The landscape, shared driveway, and unit areas meet the ordinance requirements;
- The front yard setbacks meet the road right-of-way requirement for the zoning district;
- Landscaping issues have been addressed;
- The corrections required by the drain commissioner are minor; and
- The concept drawings should not have been labeled as Final Site Plans.

MOTION: Moved by Hanoute, seconded by Hartigan, to recommend to the Township Board concept approval of the McGuire Ravine Site Condominium with the understanding that the drawings as revised 1/18/06 by Livingston Engineering, sheets 1 through 4, are Concept Plans and not Final Site Plans. Motion carried by unanimous voice vote.

Chairman Hasbrouck recessed the meeting for two minutes.

OLD BUSINESS:

1) Review of the revised Land Division Ordinance text (1/16/06)

The Planning Commission reviewed the proposed language and suggested some additional revisions for consideration at the Public Hearing:

Page 5, 1: Schedule or Regulations for existing and newly created **parcels** ~~parcel areas~~.

Page 6, 4, Line 4: ...space locations and descriptions of **private** road, ~~or shared driveway~~, **and public utility** easements located within the parcels. All private road or shared driveway easements should include a **public** utility easement reference.

Page 6, 6: Existing Structures **and Easements**. The location of all existing structures and **utility or access easements** on the property and within **fifty (50)** ~~five hundred (500)~~ feet of the boundary lines **on adjacent property** shall be shown.

Page 7, 13: Contour Intervals. Topographic contours shall be shown on **the most recent aerial photo** at not more than **five (5)** ~~two~~ foot intervals. **(5 foot is the GIS interval)**

Page 7, 14, Documents. Last line: ...driveways or **private** roads shall be provided.

Page 8, C: If the land split includes the establishment of a public road, private road, shared driveway or **new single use driveway**, approval by the Township is contingent upon approval of the Livingston County Road Commission (LCRC) for ~~road~~ access to a public road. **Approval of the access location will be required as part of a complete application.**

Page 8, C, Line 7: ...deadline required in Article Six, Section One of this Ordinance ~~or else obtain LCRC approval prior to submitting the land division application.~~

Page 9, F: Upon approval of the division by the Planning Commission ~~or the Township Board if the case is appealed~~, the site drawing...

Page 10, 17.262, Sec 2, Line 4: ...after the Planning Commission renders ~~a the~~ decision or else the Planning Decision becomes ~~and remains~~ final.

Page 11, B. Tyrone Township and its employees shall not be held liable if a **land use permit** and/or building permit ~~land use permit~~ is not issued...

Page 12, B: Mr. McKenna suggested, "**Even if recorded by the County Register of Deeds, no land division that has not been approved by the township and does not bear the stamp of the township shall be considered valid nor shall a Parcel ID number be issued.**"

Page 12, C, Line 2: ...responsible for monitoring the **recording** time schedule...

Page 13, 17.282. Sec. 2, B: Search for repetitive language and eliminate if not needed (i.e., Page 12, B).

Chairman Hasbrouck scheduled further discussion of this Ordinance at the Public Hearing.

Ms. Radcliffe informed the Planning Commission that she had forwarded a letter to the Board regarding the way land divisions were recorded by the County Register of Deeds, but a copy of the letter hadn't been included in the Agenda items.

2) Discussion of shared driveway corner lots and review of the revised Private Road/Shared Driveway Ordinance (11/30/05) distributed at the January 10 meeting

The Planning Commission continued their discussion of corner lots created by shared driveways and how to handle existing structures which did not meet the required corner lot setback requirements in relationship to new driveways.

Mr. Hanoute commented that the Planning Commission has latitude to modify the shared driveway requirements when the modification meets safety and sound engineering standards (24.06, Paragraph 1, and 24.06.N). Mr. Hartigan said he thought the issue was a question of setbacks rather than design standards.

During discussion of the interpretation of the Ordinance, the Planning Commission members commented that:

- Corner lots were defined as fronting on the intersection of two or more street rights-of-way (Section 2, page 2-12);
- Shared driveways had the potential for conversion to private roads;
- There should be a point during shared driveway reviews when conversion to private roads should be anticipated;
- Corner lot setbacks should be applied to all buildings adjacent to new shared driveway easements;
- Corner lot setbacks should not be required for buildings in existence on adjacent property prior to shared driveway development;
- Language could be added to the ordinance which would require developers to permit access from an adjacent parcel when they create a shared driveway;
- Parcels on both sides of a shared driveway should be classified as corner lots to insure that accessory buildings would not interfere with clear vision;
- Each request should be evaluated on its individual merits at the time the request is presented;
- Corner lot setback requirements should be required for any new buildings erected on parcels with frontage on an access road and a shared driveway;
- Modifications of the corner setback standards should be allowed for pre-existing structures;
- The Planning Commission should specify if the standards for pre-existing structures should be established as a policy or an ordinance procedure;
- Penalties shouldn't be inflicted on property owners who have made no change in their circumstances;
- Lack of flexibility in evaluating setbacks would defeat the purpose of shared driveways by encouraging proliferation of individual driveways;
- There should be guidelines to help determine when modifications to the driveway standards should be considered; and
- A distinction between streets and driveways should be maintained when applying the corner lot setback requirements.

Chairman Hasbrouck asked to have an earlier shared driveway land division request which involved a pre-existing structure scheduled for re-review at the February 14, 2006 Planning Commission Work Session.

NEW BUSINESS:

- 1) Suggestions for concept review fees and site visit or developer conference fees to be charged to the applicants.

The discussion was rescheduled for the next meeting.

ZONING ADMINISTRATOR'S REPORT:

- 1) Used car sales

Mr. Van Hecke informed the Planning Commission that the Sell Fast Realty office on US 23 was using their parking lot for car sales. He informed the owner that the site was not authorized as a used car lot and the sales would have to be discontinued.

- 2) Dean Road unapproved land division

In regard to the land division made by Mr. Gordon in Section 29, Mr. Van Hecke said he felt the lot would be considered as part of the PUD because it was included in the published Township Zoning Map and it had been issued a Tax ID number.

Other opinions were that:

- The Planning Commission and Township Board did not approve the parcel split at the time they reviewed and approved others for Mr. Gordon;
- Condominium units had to be referenced in the Irish Hills Master Deed and By-Laws to be included in the PUD;
- The seller would have to amend the documents to bring the parcel into the Irish Hills condominium development before declaring it a condominium unit;
- The parcel did not meet the Zoning District minimum lot size and was not buildable;
- The parcel did not have to be classified as a buildable lot; and
- The ruling regarding zoning changes published by map does not apply if the map zoning is clearly a mistake.

ZONING BOARD OF APPEALS REPORT:

OTHER BUSINESS FROM MEMBERS:

- 1) Contractual Zoning

Mr. Hanoute asked Mr. McKenna if a Public Hearing process was required for contractual zoning.

Mr. McKenna replied that a hearing and review process was required for any type of zoning, the way he read the (state) law.

NEXT MEETINGS:

February 14, 2006 - Work Session

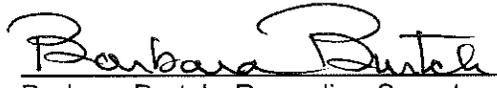
February 21, 2006 - Subcommittee Meeting

February 28, 2006 - Regular Meeting

ADJOURNMENT: 9:50 p. m.



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission