

TYRONE TOWNSHIP PLANNING COMMISSION
Approved Work Session Minutes

February 28, 2006 7:30 p. m.

PRESENT: Robert Byerly, Sally Eastman, Dave Hanoute, Steve Hasbrouck, Mark Miesel, Laurie Radcliffe

ABSENT: Joe Fumich,

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

Mr. Hasbrouck welcomed Mr. Byerly and Mr. Meisel as new Planning Commission members.

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC: No response

APPROVAL OF THE AGENDA:

Moved by Radcliffe, seconded by Eastman, to approve the Agenda as amended(*). Motion carried unanimously by voice vote.

APPROVAL OF THE MINUTES:

Moved by Hanoute, seconded by Eastman, to approve the February 114, 2006 Work Session Minutes as corrected. Motion carried unanimously by voice vote.

Page 3, Line 41: (...the amount **of** time allowed to complete the project, how changes to the zoning map will **be** made...)

Page 4, Line 38: (...the ~~use~~ approved use...)

Page 6, Line 8: (Your misconception is that the **issue contract** is about...)

Page 6, Line 14: (...the Board **we** will ask ...)

Page 6, Line 32: (...the Board sat down with the Planning Commission and said this is what...)

Page 7, Line 31: (Mr. **Hartigan Hasbrouck** said...)

Page 8, Line 26: (...should ~~you~~ go view it.)

Page 8, Line 29: (Green areas and landscaping **are where** what **makes made** sites appealing)

Page 9, Line 20: (...intersection should be laid out as corner lots)

CORRESPONDENCE:

SUBCOMMITTEE REPORT:

- 1) Request of **John Strayer**, owner of Tanglewood Assisted Living, for a Special Use site plan amendment for property at 19086 Tipsico Lake Road, RE parcel 13-200-010, in order to convert an existing garage into three (3) new bedrooms and sitting area and to construct a new atrium as access for the relocated parking lot. Additional landscaping is planned for the former garage parking area. The number of residents will be increased from 9 to 12 (Section 21.42)

Mr. Strayer commented that the current Special Land Use Permit permitted 9 residents at his facility. He was asking to increase the use to 12 residents. Mr. Macklin, the project architect, distributed a revised site drawing. By converting the garage, the new bedrooms and living space would be contained within the existing building shell. The only addition would be an atrium to provide an entrance from the new parking lot and a screened courtyard where the parking area was previously located. There was no dumpster because trash was picked up at the curb.

Referring to the new site drawings, Mr. Hanoute commented that the new parking area and a pole building for storage and horses was being proposed on the south side of the property. The new parking meets the zoning ordinance requirements; a curb detail showing a wheel stop has been included; the sidewalk width has been increased to 7 feet to compensate for parking overhang; the yards have been labeled; the recreation area has been revised and designated; and the new driveway width has been increased to 16 feet. The landscape plan shows the parking lot lighting with the addition of in-ground lighting following the walk to the atrium and the barrier free parking signage has been shown.

Ms. Radcliffe noted that the Livingston County Health Department would allow the existing septic system to continue, but they would have to relocate to a new field when the current system fails.

MOTION: Moved by Hanoute, seconded by Eastman, to recommend to the Township Board approval of the Special Use Site Plan amendment requested by John Strayer for expansion of the Tanglewood Assisted Living facility, 19086 Tipsico Lake Road, from 9 to 12 beds and to add increased parking and a storage building, as the expansion complies with the requirements of the Zoning Ordinance.

Ms. Eastman asked if the property would revert back to single family residential use if it was sold. Mr. Hanoute said the Special Use went with the land, not the owner, and it could continue to be used as an adult foster care facility in the future.

Township Planner Greg Milliken advised the Planning Commission that a Public Hearing probably would be required in this case because the original permit was written for 9 beds only and the increase would create a change in the intensity of use which would require compliance with the original site plan approval process (23.13). Mr. Hasbrouck agreed with Mr. Milliken that we should follow the public hearing process required for special use site plan approval (22.03). Even though the use fit in a category that can go up to 12 residents, the original approval was for 9 residents only. Mr. Milliken said that "major" or "minor" changes applied to the site plan review, but the number of beds was a special land use issue. There were two separate issues and the increased intensity of use related to the special use, not the site plan. Because it was a use issue, the Board would have to approve the change (22.07).

Mr. Hanoute agreed with Mr. Milliken and withdrew his motion, and Ms. Eastman withdrew her second.

Mr. Hasbrouck scheduled a Public Hearing for March 28, 2006 at 8:00 p. m. at the Township Hall.

- 2) Review of the Public Hearing requirements for the amendment to Special Use Site Plans, (Sections 21.42, 22.02 - 22.04, 22.05.N, 22.07, 23.01.A, 23.13, 23.03)

Discussed under Item 1.

OLD BUSINESS:

- 1) Review of proposed revisions to Ordinance Article 23.00 - Site Plan Review (dated 12/20/05) to permit Planning Commission Review and approval of Site Plans.

Mr. Milliken said that this was another one of the Zoning Ordinance procedures that was being streamlined following the joint meeting with the Township Board. Several of the Ordinance sections require Planning Commission recommendation and Board approval. Based on the joint discussion, the Planning Commission would become responsible for approving land divisions and site plans, with provisions for appeal to the Township Board. The Board would still continue to approve special land use permits, site condominium site plans, and rezoning requests following recommendation from the Planning Commission. The ordinance amendments also include revisions of related sections that refer to the Board approval requirement.

Mr. Hanoute asked if the Board would have the authority to overturn a Planning Commission decision completely or send it back to the Planning Commission for reconsideration or a specific concern. Mr. Milliken said that if the request was in violation of the ordinance, the Board probably wouldn't approve it either but, could ask the Planning Commission to reconsider their interpretation or review revised plans. The other recourse would be an appeal to the circuit court.

Ms. Radcliffe asked if the appeal had to be made by the applicant, or could some other person make the appeal. Mr. Milliken said that the appellant could be a neighbor or some other affected party and he would review the proposed language to make it more specific in regard to the "petitioner".

The Planning Commission also requested the following revisions:

- Review section reference numbers throughout the text for compliance with the other revised Ordinance sections;
- Page 3 - 23.02.G or K: Add language regarding temporary erosion control, soil stabilization, and removal of soil stabilization materials;
- Page 3 - 23.02.O, Line 1: "Areas to be left undisturbed during construction shall be so indicated ~~on an~~ the site plan;"
- Page 5 -23.02.U, Line 1: Better define "adequate assurances"; include language which will reference fencing off areas to be protected; require location of preservation areas on the site plan; reference penalties for failing to comply with "adequate assurances" in an appropriate section of the Ordinance; and require references to "assurances" on the site plans; and possibly include adequate assurance references in another Section of the Article;
- Page 9 -Table23.1: Review the current standards for Traffic Impact Study thresholds;
- Page 10 - Section 23.06, Line 1: "~~Ten copies of~~ **The number of Site Plan and Impact Assessment copies required will be based on the type of review.** All documents shall be submitted to the Township Clerk, Planning Commission Secretary **or other designated representative at least 14 days prior to the Planning Commission meeting;**"
- Page 11 - Section 23.07.D, Line 2: "...requires conformity to the same conditions **of approval.**"

- Page 11 - Section 23.08: Consider eliminating the specific time limit (60 days) and refer to a "timely fashion, reasonable progress" or other vague time period; make the same revision to Section 23.09
 - Page 11 - Section 23.10, Line 2: "...upon written request of the property owner or **their agent petitioner** for a hearing...;" Consider whether neighbors should be allowed to appeal and ask the Board for their recommendations;
 - Page 12 - Section 23.12; Line 9: "...revoke such land use at least fourteen (14) days.." Review for statutory limitations (if any); and determine if the 14 day length should be extended;
 - Page 14, Section 23.17, Line 1: "...accompanied by a fee **adopted** by the Township Board **and included in an approved Fee Schedule.** "
- 2) Discussion of a Public Hearing date for review of revisions to the following sections of the Ordinance: Article 2.02 - Definitions; Article 20.02.A - Minimum Lot Width; Article 23 - Site Plan Review and Impact Assessment; Article 24 - Private Road, Private Driveway and Access Easement Standards; Ordinance 25.00, Article 17.00 - Land Division

The Planning Commission established the ordinance Public Hearing for March 28, 2006 at 8:00 p.m. and rescheduled the Strayer hearing for March 14, 2006 at 8:00 p.m.

Mr. Hasbrouck asked to have the amendments forwarded to the Board for comments prior to the Public Hearing.

- 3) Discussion of the items from the Action List to be included in future Agendas

Mr. Hasbrouck reviewed the items on the Action List and the Planning Commission decided to continue with the conditional zoning revisions to Section 29 and then finish the Master Plan update to meet the statutory update requirements (Items 1, 2, 3, and 24).

NEW BUSINESS:

- 1) Discussion of the Southern Lakes Planning Initiative draft resolution (dated January 20, 2006)

Ms. Radcliffe reported that the City of Linden and Mundy Township had signed the resolution. Argentine Township is reviewing the request and Fenton Township may reconsider it's decision to not continue with the project. The city of Fenton will make their decision on March 23, 2006

Mr. Hasbrouck commented that this would help the Township keep up with developments on the north side of the Township and establish contacts and cooperation between the units of government. Ms. Radcliffe explained that at this point, no money is involved, but getting the resolution signed will help with establishment of a steering committee and applications for grants. Mr. Hasbrouck replied that this wouldn't solve all of the Township's planning issues. There are other jurisdictions we have to try and deal with, but this is a start.

MOTION: Moved by Hanoute, seconded by Meisel, to recommend to the Township Board endorsement and support of the resolution. Motion carried unanimously by voice vote.

ZONING ADMINISTRATOR'S REPORT:

- 1) Memo from George Van Hecke regarding flooding coming into Orchard Park from Genesee County

Mr. Van Hecke informed the Planning Commission that a retention pond built in connection with a development planned in 1999 was given a free board level of 900. Water coming from Fenton Township in Genesee County is now running down Lobdell Road into the Orchard Park retention pond. Current measurement of the water in the pond shows a level of 898. Ken Recker of the County Drain Commissioner's Office, has tried to contact the Genesee County Drain Commission, but there is no cooperation.

Mr. Hasbrouck recalled that the original plans for the development showed an extensive drainage area contributing to the retention pond and that there would continue to be drainage from the tributary area.

The Planning Commission members recommended that Mr. Van Hecke continue conversations with Mr. Recker and the Genesee County Drain Commissioner to form a joint drainage district; contact the Fenton Township Zoning Administrator for suggestions; and have the residents of the project form an assessment district to convert the pond to a detention pond. The Planning Commission also decided to discontinue the use of retention ponds in the Township and to require that all ponds be detention ponds with approved outlets.

Mr. Milliken suggested that one of the goal objectives of the Planning Initiative could be resolution of run off and flooding issues associated with high intensity development.

ZONING BOARD OF APPEALS REPORT:

OTHER BUSINESS FROM MEMBERS:

- 1)* Election of a Planning Commission Vice-Chairman to replace Mr. Hartigan and ZBA representative to replace Mr. Hartigan

MOTION: Moved by Hanoute, seconded by Radcliffe, to nominate Sally Eastman as Planning Commission Vice-Chairman. Ms. Eastman was elected unanimously by voice vote.

MOTION: Moved by Hanoute, seconded by Eastman, to appoint Mark Meisel as the Planning Commission representative to the Zoning Board of Appeals. The appointment was approved unanimously by voice vote.

BOARD ACTION:

- 1) Approved the request of Gary Edwards for state statute land division of property with frontage on McGuire Road, Section 30, Tyrone Township
- 2) Approved Gary Edwards' concept plan for McGuire Ravine site condominiums with access from McGuire Road, Section 30, Tyrone Township
- 3) Tabled the request of Shannon Ridge for concept plan approval

Mr. Meisel said there was concern about two separate subdivisions with separate roads and huge cul-de-sacs, so it was tabled for a more palatable design.

Mr. Hasbrouck explained that the Planning Commission had requested and received an alternate road design, but the applicant did not want to present that design to the Board. Mr. Byerly said that another issue involved the sewers. The developer wanted to wait until Lake Shannon was forced to develop sewers. Mr. Hanoute said the sewer cost estimate they presented based on the new users only and didn't include the parcels already there or others that would be in proximity to the sewer lines.

Mr. Van Hecke said there would be a meeting on March 6, 2006 at the Township Hall to meet with the Shannon Ridge developer and he had asked for Board members to attend.

- 4) Approved the request of Michael and Cathy Brown for state statute land division of property with frontage on Allen Road, Section 31, Tyrone Township
- 5) Tabled the Planning Commission request to forward a letter to the County Register of Deeds regarding the recording of land divisions

Mr. Meisel said the letter was tabled because there is no statutory requirement in Livingston County for the Register of Deeds to accept things contingent upon the approval stamp of the Township. There was a great deal of discussion moving toward setting up a process within the Township where the drawings held over through the process of issuing the building permit so they couldn't be altered from that point on.

Ms. Eastman asked Mr. Milliken to help her contact the individual from the MTA that who said that unapproved land divisions could not be recorded.

- 6) Accepted Richard Hartigan's resignation from the Planning Commission, effective February 22, 2006, and appointed Mark Meisel to replace Mr Hartigan on the Planning Commission
- 7) Appointed Bob Byerly as the Township Board representative to the Planning Commission replacing Randy Laue
- 8) Moved to authorize approval of the amended Consent Judgment pursuant to the terms and conditions addressed at the Township Board meeting of February 21, 2006.

Mr. Byerly said that an amended consent judgment was approved by the court. The density allowed would be 5,000 feet per unit. Mr. Milliken said that in a consent judgment the Zoning Ordinance went out the window, so the ordinance could not be enforced within the consent judgment parcel.

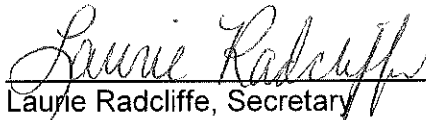
NEXT MEETINGS:

March 14, 2006 - Work Session

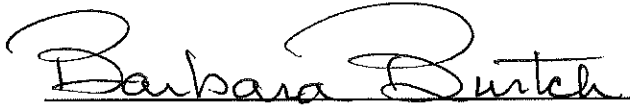
March 21, 2006 - Sub Committee Meeting

March 28, 2006 - Regular Meeting

ADJOURNMENT: 10:00 p. m.



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission

CORRECTIONS TO THE MINUTES:

Page 2, Line 5: (...to provide an entrance **from** for the new parking lot...)

Page 3, Line 34 (...stabilization, and ~~so~~ removal of...)

Page 4, Line 6: (...for their recommendations ~~regarding the appeal process for their~~
~~recommendations...~~)

Page 8, Line 8: (...revoke such ~~land and~~ use...)

Page 8, Line 36: (...and Fenton Township May **reconsider** it's decision...)

Page 5, Line 7: (...a freeboard level of 900.)

Page 5, Line 9: (...the pond shows a level of 898.)

Page 5, Line 17: (...that Mr. Van Hecke ~~to~~ continue...)

Page 5, Line 20: (...convert the pond to a **detention** ~~retention~~ pond...)

Page 5, Line 21: (...discontinue the use of **retention** ~~detention~~ ponds in the Township and require that
all ponds be **detention** ~~retention~~ ponds...)

Page 5, Line 39: (...representative to the **Zoning Board of Appeals** ~~Township Board~~)

Page 5, Line 44: (...or property **with** ~~wieth~~ frontage...)