

TYRONE TOWNSHIP PLANNING COMMISSION
Approved Work Session Minutes

April 11, 2006 7:30 p. m.

PRESENT: Robert Byerly, Sally Eastman, Joe Fumich, Dave Hanoute, Steve Hasbrouck, Mark Meisel, Laurie Radcliffe

Mr. Hasbrouck arrived at 7:50 p.m.

CALL TO ORDER: 7:30 p. m. by Vice-Chairman Eastman

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC: No response

APPROVAL OF THE AGENDA:

Moved by Hanoute, seconded by Radcliffe to approve the Agenda as presented. Motion carried unanimously by voice vote.

APPROVAL OF THE MINUTES:

Moved by Meisel, seconded by Radcliffe, to approve the March 28, 2006 Regular Meeting Minutes as corrected. Motion carried unanimously by voice vote.

Page 2, Line 4: (...to the Zoning Board **of Appeals.**)
Page 3, Line 2: (...Association's issue **is with** the lots...)
Page 3, Line 5: (...no access what so ever **whatever**...)
Page 4, Line 2: (...had made previously...)
Page 4, Line 5: (...Mr. Milliken noted **commented** that...)

Moved by Hanoute, seconded by Meisel, to approve the March 28, 2006 Public Hearing Minutes as corrected. Motion carried unanimously by voice vote.

Page 2, Line 13: (...with the goals ...)
Page 3, Line 1: (...understand what **the** Mr. Gavin's...)
Page 5, Line 41: (...the validity of **the** contact...)
Page 6, Line 22: (...we offer **to** you...)
Page 7, Line 11: (...you hear **about**...)
Page 7, Line 13: (...contributing \$400,000 **towards** the cost...)
Page 8, Line 7: (...so it **is** usable...)
Page 10, Line 6: (...in this direction there was a permission...)
Page 10, Line 11: (...because these either **will** **to** be...)
Page 11, Line 5: (...home **park part** has not been...)
Page 12, Line 39: (... signed over to the **Drain Commission Planning Commission**)
Page 13, Line 17: (...owed Landon \$1,900,000 for the pipe **we** in the ground)

CORRESPONDENCE:

- 1) April 7, 2006 - Letter from John K. Harris regarding the referral process for ZBA variances

The Planning Commission felt that the letter clarified some of the questions that his earlier letter raised about the timing of ZBA variance appeals and recommendations from the Planning Commission.

SUBCOMMITTEE REPORT:

- 1) Request of Jack Cantrell for boundary realignment and open space relocation for property at 8327 Hartland Road. A land division was approved September 20, 2005 for 4 parcels. His request is to realign the Parcel 1 boundaries and relocate the open space (Open Space A) to proposed Parcel 2 as shown in the Boss site drawing revised 3/13/06.

Mr. Hanoute recommended that the Planning Commission move forward with the boundary realignment first in order to allow further division of the property into five (5) parcels as opposed to the four (4) parcels currently approved.

Moved by Hanoute, seconded by Fumich, to recommend to the Township Board approval of the boundary realignment request of Mr. Cantrell for Parcel 1 as shown in the Boss site drawing revised 3/13/06, as the reconfiguration complies with our Zoning Ordinance. Motion carried by unanimous voice vote.

- 2) Request of Mr. Cantrell to combine the remainder of Parcel 2 and the Parent Parcel as shown in the original 2005 site drawing and then reconfigure them as Parent Parcel 2 and proposed Parcel 5 as shown in the site drawing revised 3/13/06. The open space required for Parcel 1 and proposed Parcel 5 will be located on Parcel 2 together with some of the open space previously set aside for Parcels 3 and 4. A new access point for Parcel 2 has been approved by the Livingston County Road Commission on the south side of proposed Parcel 5.

Mr. Hanoute noted that the second request was to further divide the property to provide 5 parcels as indicated in the site drawing revised 3/13/06. The new Parent Parcel has been indicated on the drawing; the 150 foot setback for Parcel 2 (the Parent Parcel) is noted on the drawing as well as the 75 foot rear yard setback on the same parcel; the open space calculation has been provided and meets the Township requirements; the driveway locations for all three of the new access points onto Hartland Road have been indicated on the site drawing; and the proposed division fully complies with the Ordinance requirements.

Responding to a question from Mr. Miesel, Mr. Hanoute explained that the access for Parcel 2 was the Private Driveway / Utility Easement that crosses Parcel 5 on the south side property line. The shared driveway cross section shown on the site drawing applies to Parcels 3 and 4, which have been previously split.

Moved by Hanoute, seconded by Fumich, to recommend to the Township Board approval of the land division and open space relocation request of Jack Cantrell for property at 8327 Hartland Road, to create 5 parcels as shown in the site drawing revised 3/13/06, as the application complies with our Zoning Ordinance. Motion carried unanimously by voice vote.

OLD BUSINESS:

- 1) Motion to reschedule the Frank shared driveway Public Hearing from April 11, 2006 to April 25, 2006.

Moved by Hanoute, seconded by Radcliffe, to reschedule the Kimberlee Frank shared driveway Public Hearing for April 25, 2006 at 8:00 p.m. Motion carried by unanimous vote.

ZONING ADMINISTRATOR'S REPORT:

Mr. Van Hecke said that he had contacted Aqua Pools regarding the swimming pool being used for advertising at the Lesko property on Old US - 23.

He reported that sewers were going in at Hills of Tyrone West.

ZONING BOARD OF APPEALS REPORT:

Mr. Meisel informed the Planning Commission that they had received a request to re-split two parcels that had previously been combined. Based on the Attorney's letter, it was determined that the request had to go to the Planning Commission for denial before it could go to the ZBA.

In regard to a property in Runyan Lake Heights, the ZBA agreed to grant a variance as long as the nonconformance that currently existed did not increase. As long as they retained the current level of non-conformance, they were allowed to proceed.

Mr. Hanoute said that increasing the length or height of a building would not increase the nonconformity, if the existing nonconforming setbacks weren't expanded. Issues of that type have never been brought before the Planning Commission. They have always gone directly to the ZBA. Mr. Miesel said this was one area of the Attorney's letter that wasn't clear and he wanted to re-read the Attorney's recommendation.

Referring to the re-split, Mr. Hanoute said that was a case where we were creating two parcels from one, and open space would be required under the current ordinance..

OTHER BUSINESS FROM MEMBERS:

- 1) Greg Milliken informed the Planning Commission that a bill had recently been signed titled the Michigan Zoning Enabling Act and scheduled to take effect in July. The Bill consolidates the Zoning Enabling legislation acts that were previously adopted for townships, for counties, and for municipalities into a single act. There will be numerous articles and memos summarizing the impact, and there may be amendments necessary on the noticing requirements as well as references to the Township Zoning Act which will need to be changed to the Michigan Zoning Act.

There are also references to use variances and clarification of development rights as well as conditional zoning. Mr. Hanoute asked if there were any procedural references relative to contractual zoning. Mr. Milliken thought that there had been no changes. Everyone seems to be waiting for that first legal case and for the decision to come down. Then the legislature would act on that.

- 2) Mr. Hasbrouck asked if the Town Hall Meeting had already been discussed. Mr. Byerly replied that the meeting would be held at the church on White Lake Road across from the cemetery at 7:00 p.m., Tuesday, April 18, 2006. There will be a published Agenda, but everything is going to be discussed—the Landon deal, the Fire Authority, and some of the legal problems we still have.

Ms. Radcliffe asked if the Supervisor had resigned, as published in the local paper. Mr. Byerly said that there was a tie vote and Mr. Lewis is still the Supervisor. He told Mr. Byerly that he would be present for the Town Hall Meeting. The vote was tied to accept and then to reject his request, and the Supervisor couldn't vote. He still has a residence in the Township on Foley Road. He does own property in another state, but he hasn't moved there yet. Right now, he is on vacation.

The meeting was recessed at 8:00 p.m. for a Public hearing and reconvened at 9:15 p.m.

NEW BUSINESS:

- 1) Recommendations regarding the amendments to Ordinance #36, the Zoning Ordinance, Section 2.01 - Definitions, Section 20.02.A - Lot Width, Article 23 - Site Plan Review, Article 24 - Private Roads and Ordinance 25.00, Section 17 - Land Division

MOTION: Moved by Hanoute, seconded by Meisel, to submit the documents referenced above and reviewed at the Public Hearing to the Attorney and County Planning Commission for review. Motion carried unanimously by voice vote.


NEXT MEETINGS:

April 18, 2006 - Subcommittee Meeting

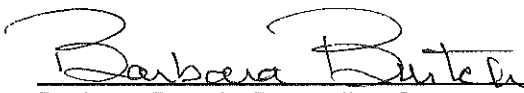
April 25, 2006 - Regular Meeting

May 9, 2006 - Work Session

ADJOURNMENT: 9:20 by Chairman Hanoute



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission

CORRECTIONS TO THE MINUTES:

- Page 1, Line 38: (...seconded by Meisel, to **approve** correct the....)
- Page 3, Line 32: (...had recently **been be** signed...)
- Page 3, Line 41: (...any **references** procedure **references** relative...)
- Page 3, Line 53: (...Ms. ~~Eastman~~ **Radcliffe** asked...)