

**TYRONE TOWNSHIP PLANNING COMMISSION**  
**Approved Work Session Minutes**

**July 11, 2006      7:30 p. m.**

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

**ABSENT:**

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

**PLEDGE OF ALLEGIANCE:**

**CALL TO THE PUBLIC:** No response

**APPROVAL OF THE AGENDA:**

Moved by Hanoute, seconded by Radcliffe, to approve the Agenda as amended (\*). Motion carried by unanimous voice vote.

**APPROVAL OF THE MINUTES:**

June 27, 2006 - Regular Meeting

Moved by Hanoute, seconded by Meisel, to approve the June 27, 2006 Regular Meeting minutes as corrected. Motion carried by unanimous voice vote.

Page 1, Line 38: (...to **approve** ~~approved~~ the public hearing...)

**CORRESPONDENCE:**

- 1) June 22, 2006 - Letter from the Livingston County Planning Deptment regarding the Township Zoning Ordinance amendments reviewed by the Livingston County Planning Commission at their meeting of June 21, 2006.

Chairman Hasbrouck asked Mr. Milliken to review the material for discussion at the July 25, 2006 meeting.

- 2)\* June 28, 2006 - Letter from Township Clerk David Kuzner regarding Old Business, Item 1

- 3)\* July 5, 2006 - Letter form Rizik & Rizik regarding the use of the public easement portion of Point Avenue related to land division of the Hicks property on Carner Road.

Chairman Hasbrouck scheduled review of the site condominium request for August 22, 2006 and requested review of the letter and supporting documents by the Township Attorney.

## SUBCOMMITTEE REPORT:

- 1) Request of **Rick and Michelle Tennis** for shared driveway land division of property at 13314 White Lake Road, RE parcel 12-200-010. The subcommittee recommended approval of the request pending receipt of a revised drawing.

Mr. Hanoute reported that the drawing had been corrected as the Subcommittee requested and drainage was being directed to an existing pond. Mr. Hasbrouck explained that the driveway was located 50 feet from the side lot line so a Public Hearing would not be required.

MOTION: Moved by Hanoute, seconded by Eastman, to recommend to the Township Board approval of the Tennis's request for land division of property at 13314 White Lake Road, RE parcel 12-200-010 shown in the site drawing dated 6/22/06, as the request complies with the Township Land Division Ordinance. Motion carried by unanimous voice vote.

## OLD BUSINESS:

- 1) Reconsideration of the Planning Commission's contract rezoning recommendation made April 25, 2006 for the Bantle property in Section 32. A request for re-review dated June 28, 2006 was received from the Township Board.

Mr. Hasbrouck informed the Planning Commission that there were no changes in the conditions associated with the rezoning request. Township Planner Greg Milliken explained that the Zoning statute allowed three options after the Board received the recommendations from the Township Planning Commission and the County Planning Commission. The Board can deny the application, approve the application, or send it back to the Planning Commission.

Mr. Byerly said that the Board agreed to accept the contract because there weren't many other options available to the Township.

MOTION. Moved by Hanoute, seconded by Fumich, to stand by the original Planning Commission recommendation for denial of the request to rezone the Bantle parcel by contract from R-E (Rural Estates) to R-2 (Single Family Residential) since no new rezoning conditions or rezoning information was presented; the R-2 rezoning with cluster option, as stated in the conditional zoning contract, provides a minimum lot size of 5500 square feet which does not comply with the R-2 parcel minimum; the proposed setbacks and other site requirements do not comply with the R-2 zoning minimum requirements; the open space provided by the R-2 contract does not meet the Zoning Ordinance requirements; the proposed development does not support the intent of the Master Plan or Future Land Use Map; the proposed road widths, lack of parking, lack of access, and lack of an impact study raise health and safety concerns; and agreeing to the contract would put the Planning Commission in direct conflict with the Zoning Ordinance.

Ayes: Radcliffe, Hanoute, Hasbrouck, Eastman, Fumich, Meisel. Nays: Byerly. The motion to support the recommended denial was carried.

- 2) Review of proposed revisions to Zoning Ordinance Article 29.00 "Amendments" to include language related to conditional rezoning and the Zoning Enabling Act.

During review of the Article 29 Language, the Planning Commission asked for the following revisions:

Page 1: Title - Article 29 **Zoning** Amendments

Page 1: Substitute "application or applicant" for "petition or petitioner" throughout the Ordinance

Page 1: Intro - (Act, Public Act of 110 of 2006, or as amended.)

Page 1: 29.02 - Add a Section which will allow for a developer conference with members of the Board, Planning Commission and Consultants and require Subcommittee review of the request prior to Public Hearing.

Page 1: A.2 - (regardless of whether the adjacent persons or structures **is are** located...)

Page 2: C - (within a reasonable time period of **from** the filing date...)

Page 2: D.1 - (additional ~~public~~ **public** hearing...)

Page 2: D.1 - (hold an additional public hearing upon the **require request** of any property owner)

Page 3: b - (Approve the proposed amendment, in ordinance form, with or without...)

Page 3: E - (discovered evidence, proof of changed conditions **found to be valid upon inspection by the Township Board, or significant changes** revised in the Statement... ) See also Page 5, Section 29.05. and clarify the conditional rezoning reference)

Page 3: 29.03.A.4 - Provide a specific requirement for the owners authorization for a rezoning request as part of the application if the applicant is not the owner.

Page 4: 8 - (An Impact Assessment as described in Section 23.04 **for review by Township Consultants and appropriate Agencies prior to Planning Commission discussion.**)

Page 5: B. 2 - (Improved techniques to ~~deal with~~ **resolve?, review?, evaluate?** certain zoning issue...)

Page 6: 29.06 - Add a new Section: **B. Amendment Procedure - add this as a new Section and reference 29.02.)**

Page 6: 29.06 - **C. Amendment Petition - add this as a new section and reference 29.03.A**

Page 6: 29.06 - **D. Review Criteria - add this as a new section and reference 29.04.A**

Page 6, B - Retitle this as **E. Application and Offer of Conditions.** (In addition to the information required in Section 29.06. B, 29.96.C and 29.06.D above, the following conditions shall apply: 1. An owner of land may....)

Page 6, B.4 - (~~be required to be~~ submitted)

Page 6, B.4 - (The **details** ~~detail~~ed to be offered for inclusion on a CR plan shall be determined by the applicant, subject to **review and** approval of the....)

Page 6, B.4 (...communicate the site specific conditions **enumerated** in the Statement of...)

Page 6, B.4 ( subdivision, or other similar zoning **reviews** and approvals)

Page 7: Add a Section prior to C which references a preliminary review, and the consultants or agencies which may be asked to contribute comments prior to Planning Commission Review

Page 7: C - Can the Planning Commission legally recommended "approval with recommended changes"

Page 7: E.2 - (Rezoning conditions which shall not **authorize allow?, designate?, propose?, permit?** uses or densities not permitted in the proposed zoning district and which shall not...)

Page 8: h - (Incorporate by attachment or reference the CR Plan and any other diagrams, **drawings**, plans or ~~other~~ documents submitted...)

Page 8: m - (Reclamation and reuse of land, where previous use of **the land has** caused severe...)

Page 8: 3 - (The statement of Conditions which shall be prepared by the applicant with **for review by the Township's consultants, and** shall incorporate the CR Plan and set forth the Rezoning Conditions together with any other **terms term** mutually...)

Page 10: H - (...upon the land within 18 months after the rezoning **takes took** effect and thereafter proceed diligently to completion. This time limitation may ~~upon-written request~~ be extended by **written request of the owner?, applicant?, developer?**

Page 10: I - (within the time frame specified under Subsection **H** above...)

Page 11: M - (The lack of an offer of conditions shall not affect an owner's rights **to rezone property** under this Ordinance, **as described in Sections 29.03, 29.04, and 29.05.**)

Page 13: 3 - Does the new statute clarify the text in this section?

The Planning Commission asked Mr. Milliken to consider the addition of language which would require Conditional Zoning re-applications or resubmitted conditions to offer "substantial changes" for reconsideration.

#### **NEW BUSINESS:**

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

#### **ZONING BOARD OF APPEALS REPORT:**

#### **BOARD ACTION:**

- 1) The Board members approved the Gary Edwards site condominium plan for development on McGuire Road, but there was a complaint about the quality of the GIS data forwarded with the request.

Mr. Hasbrouck explained that the GIS information was produced at the Township Hall using the equipment available. If better printers were purchased, better visuals could be produced.

#### **OTHER BUSINESS FROM MEMBERS:**

#### **FUTURE AGENDA ITEMS:**

- 1) Final review of Ordinance Sections 2.01, 20.02, 23.00, 24.00 based on Livingston County Planning Department comments

2) Revised draft of Section 29.00

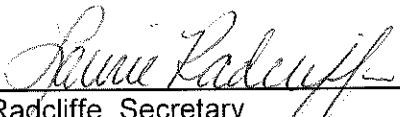
**NEXT MEETINGS:**

July 25, 2006 - Regular Meeting

August 10, 2006 - Work Session

August 15, 2006 - Subcommittee Meeting

**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

**CORRECTIONS TO THE MINUTES:**

Page 1, Line 48: (...from **Rizik & Rizik** ~~Rizek & Rizek~~ regarding...)

Page 1, Line 51: (...request for Augustus **22**, 8 2006...)

Page 4, Line 24: (...asked Mr. Miliken **to** consider the addition of language which would require  
Conditional Zoning...)