

TYRONE TOWNSHIP PLANNING COMMISSION
Approved Regular Meeting Minutes

July 25, 2006, 2006 7:30 p. m.

PRESENT: Robert Byerly, Sally Eastman, Dave Hanoute, Steve Hasbrouck, Mark Meisel

ABSENT: Joe Fumich, Laurie Radcliffe

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 Meisel to approve the Agenda as presented. Motion carried by unanimous voice vote.

APPROVAL OF THE MINUTES:

Moved by Eastman, seconded by Meisel, to approve the July 11, 2006 minutes as corrected. Motion carried by unanimous voice vote.

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

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

Page 4, Line 25: (...asked Mr. Milliken **to** consider the addition of language which would require **Conditional Zoning**...)

CORRESPONDENCE:

- 1) July 10, 2007 - Letter from the Charter Township of Highland regarding the revisions to their Future Land Use Plan as required by the Township Planning Act.

Chairman Hasbrouck asked the Planning Commission to provide any specific responses to the plan at their August 10, 2006 meeting for inclusion in a letter to Highland Township and Oakland County Planning.

- 2) July 11, 2006 - Letter from Township Attorney John Harris regarding private road land developments.
- 3) July 11, 2006 - Letter from Supervisor Schmidt regarding the Corcoran land division reconsideration

Chairman Hasbrouck explained that the letter from Mr. Schmidt was a request for re-review of the Corcoran land division application.

SUBCOMMITTEE REPORT:

OLD BUSINESS:

- 1) Reconsideration of the **James and Sylvia Corcoran** request for land division of property at 13100 Old Oaks, FR parcel 36-100-025, to create two parcels, based on the recommendation of Township Attorney Harris in his letter of July 11, 2006 (Correspondence 2)

Mr. Hasbrouck observed that the letter from Attorney Harris said that Old Oaks appeared to meet the AASHTO standards, but he wasn't able to evaluate the project for compliance with the number of vehicle trips per day.

Dale Cooper, Attorney for the Corcorans, told the Planning Commission that:

- The vehicle trips per day comment was not pertinent because the new lot would not generate 100 trips per day;
- The Corcoran's new parcel is close to Denton Hill Road;
- The Planning Commission's interpretation of the Ordinance (24.04) is different than his;
- Township Attorney Harris stated that the request met all the township's Ordinance criteria;
- When Old Oaks was built, there were more than 11 lots so the number of trips per day should not apply;
- If this split is approved, you are down to the last one or two, or possibly three new lots that can be split;
- The road should have been paved when the other 14 (sic) lots were approved;
- The split should be approved based on past practice;
- The paving threshold requirements were not well thought out when they were adopted;
- The split could be considered an oversight because the location of the split won't increase the traffic going up and down Old Oaks;
- All of the Old Oaks residents are members of a shared driveway association, but he wasn't aware of any road maintenance agreement;
- The owners had recently spent \$18,000 for road repairs and application of limestone;
- Mr. Cooper did not want to have the request tabled to allow for a longer notification period or additional review of Mr. Harris's letter;
- He asked the Planning Commission to forward a recommendation to the Township Board for their next meeting;
- He agreed that Old Oaks generated more than 100 trips per day so a traffic study wouldn't be needed; and
- The road was 3,000 feet long so there weren't enough houses there to pay for paving.

The Planning Commission commented that:

- The language in Ordinance Section 24.04.B.3 referenced the number of trips generated by total road traffic rather than single parcel traffic;
- The township attorney's comments about the number of trips was related to the entire road not the Corcoran's parcel;
- The Planning Commission makes land division recommendations based on language in the ordinance, not the name of the applicant;
- The Planning Commission does not look for excuses or reasons to not approve requests;

- The Planning Commission looks for ways to approve requests within the framework of the Zoning Ordinance regulations;
- If requirements within the ordinance are ignored, that sets a precedent which makes the ordinance unenforceable in future cases;
- Oversights are unintentional, not requested, interpretations of the ordinance;
- The applicant did not provide information regarding the actual number of trips per day;
- The average number of trips per parcel per day established by AASHTO traffic engineers is 9.5;
- The Ordinance standards were adopted after review by the township, the attorney, the county planning department, the township engineers and planners, and review at a public hearing which all township residents were invited to attend;
- The main conflict between the request and the ordinance involves the number of trips and the paving requirement (24.04.B.3 Trip Threshold - Paving Required).
- The letter from Attorney Harris also indicated that the issue lies with the number of trips;
- The Planning Commission will research the date when the paving threshold requirement was established;
- Health, safety and welfare issues are associated with the current road ordinance traffic threshold;
- The Planning Commission has to work with the paving threshold as adopted;
- The most recent Old Oaks split was an oversight approval by the Planning Commission and the Board;
- Defining nonconforming splits as oversights would establish a precedent;
- The potential for future Old Oaks splits is higher than Mr. Cooper's estimate; and
- Based on the language in the Zoning Ordinance, the request would have to be denied.

MOTION: Moved by Hanoute, seconded by Meisel, that the Planning Commission reaffirm their earlier recommendation to the Township Board that the Corcoran request for land division of property on Old Oaks be denied unless paving is accomplished, based on the Zoning Ordinance (24.04) and the traffic count and paving requirements for that road (24.04.B.3) and consistent with the recommendation of the Township Attorney for denial in his letter of July 11, 2006.

Mr. Hasbrouck and Mr. Hanoute reminded the Corcorans that they could request a variance for the ordinance trips per day or paving requirement if the road meets the other ordinance requirements for expansion of nonconforming private roads (24.04.B.2) except for the paving.

Responding to Mr. Meisel's question about modification of the non-conforming road standards as part of the Ordinance revisions, the Planning Commission thought that one or two additional parcels probably wouldn't be a problem if the owners maintained the road and met the sight distance requirements and new parcels wouldn't cause a significant increase in traffic; there were specific criteria for private road improvements to help draw a line about how many times you could add one or two parcels before the road had to be improved; the distance from the main road intersection should be a consideration in allowing additional parcels; land division shouldn't be allowed on the sections of private road that exceeds the minimum cul-de-sac length; the paving requirements in Section 24.04 should be included in the section dealing with conforming private roads (24.03); and the language in Section 24.04 should be easier to interpret in regard to the trips per day calculation.

Mr. Meisel commented that the letter from our attorney acknowledged the fact that Old Oaks is a non-conforming private road. At this moment, we are stuck in working with Section 24.04 and all its references. This brings us back to B.3 (24.04.B.3).

Chairman Hasbrouck called for the question on Mr. Hanoute's motion to recommend denial. The motion carried unanimously by voice vote.

2) Review of the final revisions to Article 2.00, 20.02, 24.00, and 23.00 and consideration of a public hearing date (7/17/06)

Mr. Milliken reported on the changes made as a result of comments from the Livingston County Planning Department and Township Attorney Harris. The Planning Commission requested the following revisions:

Page 2: Article 2 Definitions - After discussion of the Waterfront Lot changes, it was decided not to add "navigable" to the text, since there was no agreed legal definition of navigable.

Page 2: Section 20.02 - Mr. Hanoute asked for a better definition for the measurement of cul-de-sac lots including a reference to the tangent line.

Page 3: Adjacent Properties - The Planning Commission discussed the intent of the section requiring that access "shall be provided to the adjacent property owner." Mr. Hanoute said that the requirement was intended to insure the potential for extension where the end of a private road cul-de-sac abuts undeveloped land. Mr. Hasbrouck noted that we require notification when a road or driveway is built on the property line to give adjacent owners a chance to share in the development or ask questions about it.

Mr. Milliken said that the provisions related to adjacent properties would not have to apply to roads built prior to adoption of the ordinance and could require that "extensions or improvements related to additional lots shall be paid for by the person requesting the extension."

Mr. Van Hecke asked to have Section 24.03.L of the Zoning Ordinance revised to reference (...concurrence of the Post Office, the **local fire department** ~~Hartland-Deerfield-Tyrone Fire Authority~~, and the...)

Mr. Hasbrouck thought the Engineer should be asked to review the language in 24.04.B.3 regarding the number of trips, so we didn't use an arbitrary number rather than a professional engineering standard.

Mr. Milliken said he would work with the Zoning Administrator, the Recording Secretary and the Engineer in regard to the standards. Mr. Hasbrouck asked Mr. Van Hecke to invite the engineer to the August Planning Commission meeting to discuss the sewer plans and they could discuss the private road recommendations at that time.

The Planning Commission decided to postpone the general amendment public hearing until they received comments from the Engineer, and Section 29.00 has been reviewed by the Attorney.

- 3) Review of the final revisions to Article 29.00 and consideration of a public hearing date

Mr. Milliken reviewed the changes made, and noted that most of them had occurred in the Conditional Zoning Section (29.05). Mr. Meisel asked for corrections to subsection J and J on page 10.

The Planning Commission decided to include the Public Hearing for Article 29.00 at the same time as the hearing for the other articles.

NEW BUSINESS:

- 1) Discussion of revisions to the Zoning Ordinance, the Master Plan and the Future Land Use Map related to PIRO district development

Mr. Milliken said that he and Mr. Fecho had agreed that a new PIRO Zoning District should be created with its own regulations. The original Zoning districts could remain in the Zoning Ordinance until they were phased out.

Mr. Hanoute agreed that we need new districts, and we should focus on this to completion, and then move to planned commercial development with related zoning ordinance texts. In the Master Plan the only industrial district described is the PIRO district. We need to include the Master Plan categories in the Zoning Ordinance.

Mr. Hasbrouck asked Mr. Milliken to bring a development proposal with copies of the current PIRO district map to the next meeting while the Planning Commission familiarizes themselves with the proposed Master Plan PIRO language.

OTHER BUSINESS FROM MEMBERS:

- 1) Mr. Byerly said that Kimberly Schulz who raises dogs on Gordon Road was asked by the Board to come to the Planning Commission meeting and apply for a kennel permit.

Ms. Schulz told the Planning Commission that she wanted a variance from the Kennel requirements for her dogs. She doesn't board outside dogs and her dogs don't sleep outside. They have outdoor days, but they sleep inside her home because she trains them as service dogs. When she comes in to get the necessary paperwork, she keeps getting papers for a kennel permit. Between puppies and dogs in training with a partner, she estimated there was an average of 40 to 50 dogs in her home. She has 23 acres of property where the dogs are kept.

When she came in to get dog licenses this year with a form sent by Livingston County, the Township told her she couldn't buy the licenses...that she couldn't buy more than three. There is no sense in buying three if the other dogs don't get them. This was for dogs that already had 2005 dog licenses. They were renewal forms.

She has a problem with housing dogs in a kennel or a separate building from her home. You can't teach a service dog if it is going to be with a service partner on a breathing machine, or going to turn on light switches and shut doors, if they are sitting in a kennel in your yard. It is

impossible. She has a 4,000 square foot farm house and every room, except the kitchen and bathrooms, has built in dog beds and the dogs live in the house as part of the family. That is how they have to be trained and raised.

Ms. Schulz was asked to come to a subcommittee meeting and review the requirements. It was a smaller group where she could sit down and work through the situation, but the subcommittee could only make recommendations to the Planning Commission and couldn't make a final determination. The Subcommittee would meet to try and help her solve her problems, but the request would still have to go to full Planning Commission which will then make a recommendation to the Board. It takes quite a bit of time to work the process out.

Mr. Meisel asked Mr. Milliken if he had worked with this problem before. Mr. Milliken said he has seen communities that have created a use for doggy day care, but nothing related to this instance. Based on the ordinance, there might be issues about sizes of dog runs or sleeping quarters based on the number of dogs, but there is nothing that requires outdoor sleeping areas or anything like that, unless it comes from the County or State.

Mr. Meisel asked Mr. Milliken to look at what other townships do, so he could help the Subcommittee with ways to accommodate the use. Ms. Schulz said she could bring in housing information from the Americans with Disabilities Act about what is acceptable and not acceptable. Mr. Hasbrouck said he had seen the information about how the dogs should be treated when they are being trained, but it wasn't specific as to how they were housed during the training period. It wasn't specific enough to give him direction.

Mr. Hanoute said that his initial concerns would be with the numbers, and if noise would affect the neighbors. Those are conditions that can be addressed in Subcommittee. Mr. Hasbrouck asked Ms. Schulz if he could come and look at the house and meet the dogs, so Ms. Schulz could show him what the dogs could do. He would call before his visit. Ms. Schulz agreed to the visit, but said she would not be in town this week. Mr. Hasbrouck asked to have a Subcommittee review scheduled for September so he could have time to view the dogs. Mr. Hanoute said he would be willing to visit the kennels with Mr. Hasbrouck.

ZONING ADMINISTRATOR'S REPORT:

ZONING BOARD OF APPEALS REPORT:

BOARD ACTION:

NEXT MEETINGS:

August 10, 2006 - Work Session

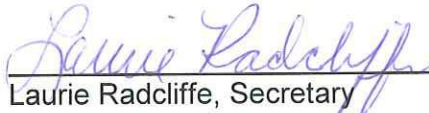
August 15, 2006 - Subcommittee

August 22, 2006 - Regular Meeting

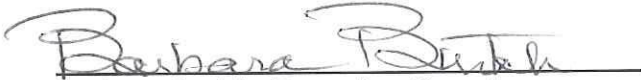
FUTURE AGENDA ITEMS:

Mr. Meisel said that he would finish the final text for the antenna text revisions and the changes for the accessory building locations for lake front lots.

ADJOURNMENT: 9:45 p.m.



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission

CORRECTIONS TO THE MINUTES:

Page 3, Line 43: (**you could** ~~could you~~ add...)

Page 5, Line 42: (told **her** she couldn't buy...)

Page 5, Line 46: (in a kennel or a ~~separate~~ building separate...)

Page 6, Line 13: (has ~~had~~ seen...)

Page 6, Line 50: (changes ~~in the~~ for **the** accessory building...)