

TYRONE TOWNSHIP PLANNING COMMISSION
Approved Regular Meeting Minutes

August 22, 2006 7:30 p. m.

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

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

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

Joe Perrera, President of Runyan Lake Incorporated, asked to speak during the discussion of Old Business Item #2, the Hicks Land Division.

APPROVAL OF THE AGENDA:

 Moved by Eastman, seconded by Fumich to approve the Agendas as amended (*)

1)* Kirshman/Brown land division

 Mr. Hasbrouck asked to have the agenda corrected to note that the open space associated with the Kirshman/Brown land division would be retained by the Browns.

2)* Kennel discussion

 Mr. Hanoute asked to have a discussion of the kennel ordinance and the **Gold Rocks** kennel added as Subcommittee Report, Item 3.

3)* Water Sports Marine Public Hearing

 Mr. Hasbrouck informed the Planning Commission the Subcommittee had been contacted by Water Sports Marine for concept plan review special meeting. At the August 17, 20076 Special Meeting, it was determined that a Special Land Use Permit public hearing would be required.

 Determination of the public hearing date was added to the Agenda as Subcommittee Report, Item #3

APPROVAL OF THE MINUTES:

 Moved by Hanoute, seconded by Eastman, to approve the August 10, 2006 Work Session Minutes as corrected:

 Page 1, Line 43: (**Ms. Radcliffe** (He) asked Mr. Meisel...)

 Page 2, Line 40: (...measured for waterfront lots.)

 Page 3, Line 18: (...to the Board **with** for a ~~distribution~~ recommendation.)

 Page 3, Line 20: (...PIRO District designations be included...)

 Page 3, Line 32: (...or the De **Matea Matia** standards...)

CORRESPONDENCE:

- 1) July 31, 2006 - MTA conflict of interest recommendations for Planning Commissions

Mr. Hanoute asked Mr. Meisel if he still felt he had no conflict of interest related to the Hicks Subcommittee Report item, based on Section 6, Item 3, of the MTA recommendations. Mr. Meisel replied that he felt he had no conflict, but would accept the recommendation of the Planning Commission.

Township Attorney John Harris recommended that Mr. Meisel should recuse himself to avoid any appearance of impropriety. His property was immediately adjacent to the property under discussion so his interest might be interpreted as a personal interest rather than a township wide interest. The Planning Commission members agreed with Mr. Harris's recommendation.

- 2) August 15, 2006 - Memo from Greg Milliken

Mr. Milliken noted that the memo dealt with items under discussion under Old Business.

SUBCOMMITTEE REPORT:

- 1) Request of **Clare Kirshman** and **Leslie Brown** for land division of property at 9392 Faussett Road, FR parcel 32-200-005 (approximately 107 acres) to create proposed Parcel B (approximately 2.18 acres net). The open space will be attached to Parcel B.

The Subcommittee recommended approval of the request pending receipt of a revised drawing showing the shared driveway easement accessing the parent parcel, Parcel B, and parcel 32-300-006; a shared driveway maintenance agreement, and a description of the open space. The revised drawing (07-24-06) has been provided.

Referring to the revised drawing, Subcommittee Chairman Hanoute reminded the Planning Commission that the land division request was for the creation of a single 2.18 acre parcel (B) with the open space attached to the new parcel. The new legal description did not provide open space maintenance language and did not indicate which parcel contained the open space. The revised site drawing did not contain the required typical driveway cross section or the required open space calculation chart and included .02 acres of open space as part of the shared driveway, which the Ordinance does not allow.

MOTION: Moved by Hanoute, seconded by Eastman, to recommend to the Township Board approval of the Kirshman/Brown land division request for property at 9392 Faussett Road, FR parcel 23-300-005, to create proposed Parcel B pending receipt of new legal descriptions referencing the open space, deed restrictions limiting construction within the open space, a typical driveway cross section, and an open space calculation chart as it otherwise complies with the Zoning Ordinance requirements. Motion carried by unanimous voice vote.

- 2) Request of **Ray Hicks** for final Site Condominium Concept Plan review (21.43.G.1) for property at 10287 Carmer Road, LK-1 parcel 10-100-031, approximately 10 acres, to create 14 units. Lake access will be restricted to the four (4) units with lake frontage. The Planning Commission tabled the recommendation May 23, 2006 for clarification of the Runyan Lake

Point (Road) access issue. The conflicting opinions from the attorneys about the use of Runyan Lake Point have been included together with a recommendation from Township Attorney Harris regarding the use conflict.

Mr. Hanoute and Mr. Meisel declared a conflict of interest and recused themselves from discussion or voting related to the request. Chairman Hasbrouck removed the request from the table for discussion.

Mr. Hasbrouck explained that the request had originally been tabled because of questions regarding the use of Runyan Lake Point. We have since received a recommendation from the Township Attorney that the Planning Commission is not the proper judge of the right to use the road (Runyan Lake Point). The Planning Commission hoped the applicant and the Point Association would have been able to work the use problem out, but that hasn't happened, so the concept plan will be reviewed as it relates to Zoning Ordinance Section 21.43.G.1.

The Planning Commission considered:

- The failure of the parties to meet concerning the use of the access;
- The number of sewer connections assigned (16);
- The total number of lots proposed (14);
- The intent of the Master Plan language;
- The number of LK-1 parcels currently without riparian frontage on Runyan Lake;
- The existence of the Hicks property as an anomaly in existence prior to development of the Master Plan and Zoning Ordinance;
- Water frontage requirements for lots within the LK-1 district;
- Lot standards described in Ordinance Section 7.00, LK-1 Lake Front Single Family Residential District, and the Future Land Use Plan for Residential Uses;
- The environmental clean up report;
- The applicant's participation in existing agreements regarding the use and maintenance of Runyan Lake Point;
- Reconfiguration of some proposed building envelopes related to the MDEQ flood plane report for Runyan Lake;
- Access for the six lots with frontage on Point Avenue from three shared driveways;
- The average lot size of the new parcels (32,000 square feet) compared to the lot size allowed by the LK-1 Zoning District (11,000 square feet);
- Deed restrictions limiting lake access to the four lots with riparian frontage; and
- Provision of the missing section of the Phase II Environmental Assessment.

Joe Perrera, President of Runyan Lake Incorporated, expressed concerns about:

- The project's lack of compliance with the LK-1 Zoning District requirement for lake frontage at the rear of all lots within the district;
- The project's lack of compliance with the Master Plan designation for medium density single family detached residential development within the LK-1 district;
- Adherence to the Master Plan language when decisions are made;
- The Master Plan's intent to not permit any additional development around the Lake at high density; and
- The lack of Master Plan teeth because the Township knowingly and willingly has not adhered to its own regulations and ordinances in the most recent past.

Mr. Hasbrouck noted that the Planning Commission reviewed the Master Plan and the current zoning (LK-1) based on past questions from Runyan Lake residents; the Planner has stated

that the plan meets the parcel size and setback requirements for the LK-1 Zoning District; this is a conceptual plan, subject to change; final drawings and documents also will have to be reviewed and approved, and alternate access was discussed earlier, but Mr. Hicks prefers the plan as submitted.

John Fifarek, Attorney for the Runyan Lake Point Owners and the Runyan Lake Association, presented a letter which expressed some of his concerns and noted that:

- His first concern was about Township Attorney Harris's recommendation to not involve the Township in determination of the rights to use the road (Runyan Lake Point);
- The applicant relies on a conveyance of a road easement that has no teeth because the fee was conveyed away in 1932;
- The Livingston County Road Commission confirms that it (Runyan Lake Point) is a private road;
- The Runyan Lake Point Owners Association opened the road, paid for the road and maintains the road;
- The Association is being forced to defend when there is no claim of right for use of the road;
- His second concern was that the property is not zoned appropriately for the proposed development;
- The LK-1 District was clearly created to benefit the existing platted lakefront lots;
- The LK-1 Ordinance specifically states that it is intended for areas with lake frontage;
- The Ordinance intent is to permit the use of these areas compatible with the Master Plan and existing adjacent development;
- The Township does not encourage further development of such small lots;
- The Master Plan (page 78) states that the lots along Runyan Lake should not be smaller than a half acre;
- Existing homes should be allowed to be maintained; and
- This parcel is not right for division either by land division or condominium ordinances for creation of new lots that do not conform to the Master Plan minimum lot size requirements.

Mr. Fifarek requested a recommendation of denial on the zoning issue alone based on the fact that the plan does not comply with the specific intent of the Ordinance, the Master Plan or specific application of the site plan review criteria (23.02.P) which states the site plan must be in accordance with the spirit and purpose of the Ordinance. If approval under the LK-1 regulations is recommended, it should only be with the condition that the developer is able to establish through adjudication or otherwise that it he has the right to use our road.

Mr. Hasbrouck observed that Mr. Fifarek was speaking for a majority of the Runyan Lake residents and the opinions many of the residents had expressed previously. Mr. Milliken commented that the Master Plan laid out a vision for the Township, but the ordinance standards don't differentiate between developed lots or undeveloped lots in the LK-1 District.

Mr. Hasbrouck recalled that the last time the LK-1 section of the Ordinance was revised, we had input from the Runyan Lake Association and Mr. Fifarek, especially regarding the shore line regulations. The section was also reviewed by the Township Attorney, the Planner, the Livingston County Planning Department and the Board before it was approved. We tried for an equitable document that with good standards that would allow for development within

certain parameters. The ordinance doesn't exclude LK-1 development. The Planning Commission will have to weigh the pros and cons of those who don't want to see any development and those who have property they want to develop and decide if the plan is workable or not.

Ms. Eastman asked Township Attorney Harris if he had heard anything which would cause him to give the Planning Commission different approval advice than he already had. Mr. Harris noted that there is an application before the Planning Commission and the Commission's job is to process applications. If it meets the standards of your ordinance, you approve it--if it doesn't, you deny it. Counsel may be right and Mr. Hicks may not have (road) use, but we can't make that determination. He has seen other proof presented which indicates that he (Mr. Hicks) may have an argument to use the road (documents on file). To deny a request because a neighbor objects in some fashion sets a bad precedent for processing applications in the future. He heard nothing tonight to make him change his recommendation to the Planning Commission.

Ms. Eastman said she felt there was a conflict between the intent of the Master Plan and the rest of the LK-1 Ordinance and asked Mr. Milliken for his comments. Mr. Milliken replied that the Ordinance provides specific standards for minimum lot sizes, minimum setbacks, minimum frontages, and minimum lot widths. People have the right to use their land based on the minimum requirements. That may not follow the Master Plan intent, but he recommended applying the ordinance standards because they are facts that can't be argued or interpreted like "intent."

In response to questions about the process, Mr. Milliken explained that the request was a site condominium application at the concept plan review stage. The Planning Commission will make a concept plan recommendation which will go to the Township Board for approval or denial. If it is approved, there will be a period of time in which the applicant will seek approval from outside agencies like the Road Commission or Drain Commission, get final engineering specifications, final consultant reviews, and add more detail to the plan. Some of this may result in changes to the plan. If the changes are significant, then the review process will have to be repeated. If the changes aren't significant, they will present the final site plan and final documents for review by the Planning Commission and approval by the Board.

Mr. Fumich asked what would happen if the concept plan was approved and the applicant found that he couldn't use the road. Mr. Milliken said that was a private issue between the applicant and the road association. If the applicant wins, he has access to the road. If he loses or they can't work it out, the application would come back through the process with a revised plan showing redesigned access.

Mr. Hicks said he had turned his material over to the Title Insurance Company to pursue the issue of rights. His Attorney says he has rights to use the road, the Point Attorney says he doesn't have rights, and the Township Attorney says let them file. In May, he asked the Point representative to meet with his Attorney for discussion of the issue, but nothing has happened yet. He had considered several access options, but this was the best situation for him and he wanted to stick with it.

Ms. Radcliffe commented that our road ordinance limited the number of homes on a private road to 24 and the road already exceeded the number allowed. Six new homes would make

it even worse when you multiply that by 10 trips per day. If this is approved, both Carmer Road and Point Avenue would be torn up by building equipment. Mr. Hicks said he hadn't been asked to make any plans for road improvement but would be willing to contribute.

Mr. Byerly explained that Michigan was one of the states that didn't allow impact fees. The Township has a lot of problems with roads being destroyed by heavy equipment and new development. The County can't take care of it because they don't have any money, so it becomes a problem for the residents.

Speaking from the Audience, Township Board Member Lynn Thompson said she had so many calls about this issue. She wanted to hear from the residents and asked for public comments. Mr. Hasbrouck said that there were many issues left to discuss with the consultants we had invited to this meeting and one of them would be in regard to private roads. The Planning Commission had heard comments from residents previously, and he had personally heard from at least a third of the people in attendance tonight at a previous meeting. We are aware that they have concerns about the road, but the meeting isn't about the road agreement and it wasn't established as a public hearing. Earlier, Mr. Hicks assured the Planning Commission that he would do anything he needed to maintain the road and improve it if necessary.

Mr. Hicks said that right now he doesn't have any plans or drawings for the road because he doesn't know what the Association requirements are. Mr. Hasbrouck replied that the Planning Commission was aware of the concerns of Runyan Lake Point Association about their road which was in good condition and maintained well. He had considered that the six new homes and three driveways would be a fractional increase in the use of the road compared to the use it has now.

Tyrone Township Supervisor Andy Schmidt said he had concerns about road destruction from building equipment because he understood that Mr. Hicks was talking about maintaining the road just as it stands now. Mr. Hasbrouck recalled that Mr. Hicks's had agreed that the intent was, that if the road needed to be improved he would be willing to discuss that with the Association.

Mr. Hicks said he had even agreed to widening the easement if the township wanted to do that and he would absorb the wider easement. The Runyan Lake Point sewer easement runs across his property and it is probably outside of the road easement as it exists now. Jim. Sporer, project Architect, said they hadn't located the sewer easement on the site drawing, but the manhole on Mr. Hicks's property was outside of the road easement. The sewer easement didn't show up in the title work, but it was on file with the Drain Commissioner.

Mr. Sporer noted that virtually all of the lots in the proposed project exceeded half an acre while most of the Runyan Lake Point lots varied between one-third to one-half of an acre in size. None of the new lots are under the minimum width of 60 feet or 11,000 square feet. Because of the unique character of the property, all of the houses will be well behind the shore line.

A resident from Carmer Road said she had never been notified of the project and she wanted to speak about the impact of it on her drainage system. She thought there were only supposed to be nine people using the sewage system and she was worried that the new users would back up her system. Mr. Hasbrouck said the Township Engineer and the Livingston County Drain Commission would be receiving plans for review before final condominium approval and they would determine the sewer specifications needed to accommodate the new use. She thought giving them an OK for their plans before someone could say if they would back up the

system or not was backwards. Mr. Hasbrouck explained that the applicant had to have a conceptual plan they could present to the County so their Engineers would have something to review. Land divisions don't require a public hearing, and letters are only mailed out for a rezoning, special land use hearings, or easement hearings in specific cases.

Ms. Eastman asked to set aside ten or fifteen minutes for public comment because there were so many people in attendance at the meeting. She asked for new comments, not repeats of what had already been said. The rest of the Planning Commission agreed with her request and Mr. Fumich's suggestion for a time limit on the questions. Mr. Hasbrouck established a three minute time limit for questions.

Judy Uniatowski, 11002 Runyan Lake Point, said she was at the bottom of the hill and was concerned about drainage from all the units Mr. Hicks wanted to put up. Mr. Sporer reviewed their storm water plan which used the natural drainage to direct the water south into Runyan Lake. Filtering swales will be constructed between the lots and surface run-off will be directed to the swales for slow release into the lake. Most of the lake frontage will be unmowed and left in a natural state to provide additional filtration. No water will be discharged from the site to neighboring property.

Ms. Uniatowski said her concern was the water coming from Carmer Road and Runyan Lake Point which already drained onto her property. Mr. Sporer said that most of that drainage from the new Point lots could be directed to the swales between the lots, but some of the existing road runoff would probably continue.

Dick Lemke, 10495 Runyan Lake Point, asked what expansion of the road easement would do to the proposed parcels with frontage on Runyan Lake Point. Mr. Sporer explained that there was 10 foot a easement on the north side of Runyan Lake Point in addition to the an existing 40 foot easement on Mr. Hicks's side. To meet the Township road requirements, they would need to take an additional 16 feet off the front of the new lots to create a 66 foot wide road easement which would reduce the buildable area of their lots by 16 feet. The lots are 176 feet deep right now, so there is still plenty of building room. The 10 feet on the opposite side of Runyan Lake Point the road has already been set off and recorded as a "10 foot easement for highway purposes."

James Soldan, 10489 Runyan Lake Point, reminded the Planning Commission that in May Mr. Hicks was told that he had DEQ problems, Phase II environmental problems, and Runyan Lake Point Association problems and had to get that information before we met again. Mr. Hicks has never contacted members of the Runyan Lake Point Board about the problem except to hire an Attorney that forced us to hire an Attorney. Where is the copy of the Phase II environmental—he has shown nothing and we have learned nothing new. If you give him the rights to our road, and make us sue to keep him from getting those rights, you are going into the eminent domain process and giving away private property. There are less than 60 houses on our street, so adding 6 houses increases the use by more than ten percent. We all have to take care of construction problems because we have to pay every year to take care of our road out of our own pockets. We have seen how he treats his neighbors. We don't want him in our Association and we don't want him on our road. You are stepping into an area this Commission doesn't have a right to be in and we will have to follow through with another law suit against the Township. You told him to take care of his road problem with Runyan Lake Point, so he got an Attorney's opinion and he only offers to take care of road maintenance for the six lots.

Bob Fabitz, 10555 Runyan Lake Point, observed that the Runyan Lake Point and Carmer Road intersection is a collection area for children getting on the school bus. The more cars they have using this private piece of property, the more traffic the kids will have to deal with.

Marianne McDonald, 10463 Runyan Lake Point, wanted to know what would happen if you widened the road when you have all of these children at the end of the road. Mr. Hasbrouck explained that it hadn't been determined if the road easement would have to be widened. The easement, not the road, might be increased to 66 feet along the Hicks's frontage and the Township might require improvements if the road is inadequate. That is usually determined following the engineering reviews.

Emily Kunz, 10449 Runyan Lake Point, wanted to know what the addresses of the new houses would be and where the mail boxes would be. Mr. Sporer said the Post Office hadn't been approached about rural mailboxes or a central mailbox location yet. Some address would be on Carmer Road and some would be on Runyan Lake Point

John Marriott, 10449 Runyan Lake Point, asked if there was a road from Carmer Road going into the Hicks property. Mr. Hasbrouck said the site drawing showed proposed shared driveways from Carmer Road to some of the lots. Mr. Marriott wanted to know why all the houses couldn't be accessed from the driveways or why Mr. Hicks couldn't put another road across some of the open area on the property. The solution is building a new road not trying to use the private road.

Ken Burke, 10438 Runyan Lake Road, said the Hicks property did not conform to LK-1 Zoning as it was proposed and he wanted to know if the Planning Commission was trying to pacify the builder or the 300 people who live around the lake. People who have lived there for years are more important than a builder.

Mr. Hasbrouck explained that the Planning Commission had reviewed the request several times and Mr. Hicks now needs to know where he stands on this project. He thought the numbers were reasonable and the lots were bigger than most of the lots on the rest of the lake. The four lots with frontage on the lake would increase water usage, but that didn't seem to be an exorbitant increase. There is no plan for common water front usage and no intent to apply for it. Shared drives were used to avoid excessive filling or clearing of land. Using Runyan Lake Point might not be a good idea, but that is what they proposed and they will have to deal with the Association on that matter. The Planning Commission can recommend concept approval based on compliance with the Zoning Ordinance, but time will obviously have to be spent on engineering and legal matters before final plans are reviewed.

MOTION: Moved by Hasbrouck, seconded by Fumich, to recommend to the Township Board approval of Ray Hicks's request for concept approval of his Carmer Road site condominium site plan. Not voting: Hanoute, Meisel. Ayes: Fumich, Eastman, Hasbrouck. Nays: Byerly, Radcliffe. The motion carried by a majority of the quorum present and voting.

Mr. Sporer asked when Mr. Hicks should appeal to the ZBA for a length to width variance for proposed Parcel 9. Mr. Hasbrouck said there might be other variances needed and he recommended waiting until the Board reviewed the request and the final site plan was prepared.

Mr. Milliken thought the Planning Commission would have to forward the request to the Board with a recommendation for denial based on the lack of a majority vote as required in Article 3.05 of the Planning Commission Bylaws.

3)* Water Sport Marine Special Use Permit Public Hearing

Mr. Hasbrouck reported that the applicants had requested a Special Meeting on August 17, 2006 for concept review of their Water Sport Marine Site Plans. As part of the review, it was determined that a Special Land Use Permit would be required.

Subcommittee Chairman Hanoute commented that the plans were very complete and this was a better use for the property than the plans for the plastic extrusion plant or the pipe storage plans reviewed in the past.

MOTION: Moved by Hanoute, seconded by Fumich, to hold a Special Use Permit Public Hearing for Water Sport Marine on September 26, 2006 at 8:00 p.m. Motion carried by unanimous voice vote.

OLD BUSINESS:

- 1) Discussion of Sections 23.03. and 23.04 of the Private Road ordinance standards used to create the maximum cul-de-sac length, the maintenance of AASHTO standards, and the paving trip threshold requirement.

Gary Markstrom, Township Engineer, said that he felt there was room in the Road Ordinance for updates. Some of the governing codes (AASHTO or Federal Highway Administration Codes) give a range of threshold paving trips, and so forth, but there are always roads in existence which don't meet the codes and will have to be taken on a case by case basis. He recommends including ordinance language for documentation, testing and certification of whatever road building codes were used. Some communities use a connection with an existing paved road as a paving requirement or they may set a paving requirement based on the number of lots. There should be some sort of consistency with other local communities, but the actual codes you use depend on what the community wants.

The current paving threshold language doesn't define how the number of trips is calculated very well. Other communities base the requirement on the length of the road or the number of parcels. Decide if you want to eliminate gravel roads or not when you consider paving thresholds and also include language regarding looped roads.

Township Attorney John Harris commented that requiring paving when "one more person" creates a parcel isn't fair. New roads will get taken care of at approval and length extension standards can be enforced. The problem is existing roads and how you handle the use for an extra lot or lots. He thought the references to AASHTO standards in 24.04.B was good. The cul-de-sac length used to be the Road Commission Standard. Now, they give variances all the time, so the length doesn't mean anything. A better question would be if the road's condition could handle additional development.

Mr. Markstrom said road conditions could be evaluated by using grade analysis, curve analysis, dimensional analysis, and core analysis. You could visually inspect for drainage or drainage ditches and culverts and check for an adequate sand sub base. The results could be compared with AASHTO standards and it should only take a few weeks to complete the study.

The Planning Commission noted that:

- Private road maintenance agreements may make private road maintenance better than public roads;
- Maintenance standards are more important than the road surface;
- Maintenance escrow accounts or assessment districts should be required for private roads and shared driveways;
- Specific standards for private roads (AASHTO, LCRC, etc.) should be established and referenced as a specification list or by a source reference;
- The standards could be included in the ordinance or referenced as a separate source;
- Section 24.04.B.3 should be eliminated and 24.04.B.2 should be revised to eliminate the reference to B.3;
- Paving thresholds should be established for new roads;
- Private road owners should provide fees for road inspections by the Tyrone Township Engineer;
- The Township does not have the responsibility for maintenance of private roads;
- Special assessment districts only require majority approval rather than 100% approval of the district residents;
- Paving requirements could depend on the length of the road, number of parcels, or other circumstances as recommended;
- Maintenance agreements should require establishment of an owner's association and a maintenance funding mechanism;
- Private road owners or association members may determine the road surface;
- Participation in the maintenance agreement should be included as part of the purchase agreement for lots using private roads or shared drives;
- The Township would have to determine if or when it wanted to be responsible for maintenance under certain circumstances;
- Township assessments mechanisms should be referenced in the ordinance and maintenance agreements;
- Land use permits should not be issued for splits on roads that do not meet ordinance standards for construction or sight distance;
- Land use permits should not be issued for permits on shared driveways that do not meet ordinance standards for construction or sight distance;
- Paving could be required for PUDs, subdivisions, condos or other uses requiring site plan review;
- Paving requirements for existing roads should be very specific;
- Access to or from private or public roads built on property lines should be referenced in the Ordinance; and
- Standards to be maintained and the responsibility for maintenance and maintenance inspections, including crowns, ditches, thickness of base, thickness of surface and so on should be included in the ordinance.

The Planning Commission asked Mr. Markstrom and Ms. Humphriss for engineering recommendations regarding paving thresholds and recommendations for ordinance construction and maintenance standards.

The Planning Commission asked Attorney Harris for review of the private road and shared driveway standards for specific advice about when or where we can or cannot require paving, when or where access may or may not be restricted, and when splits or land use permits may be denied. The Planning Commission also asked Mr. Harris to review the shared driveway and private road maintenance agreements and recommend language to include to insure that roads and driveways are constructed as required and maintained as built.

Supervisor Schmidt said he would ask the Board to authorize expenses for Planner, Engineer, and Attorney reviews so that we can develop reasonable standards that can legally be applied and enforced.

- 2) Discussion of the future land use plan Public Utilities and Urban Services text (pp 62-64) and Planned Development text (pp 78-87) continued from August 20, 2006 and review of related language from Plymouth Township.

Tesha Humphriss, Township Engineer, explained that Tetra Tech had prepared a sanitary district master plan sometime in the late 1980s when the Township began discussing development of their own sewage treatment system. The initial phases were shown in red and the long term phases were shown in blue. The maps was updated in 2004 to show the parcels connected to the sewer (red and gold parcels) and the pumping stations (green).

The pumping station at Cider Mill Crossing pumps north along Old US 23 to Irish Hills. There is a large pumping station at Nimphie Road which pumps up to White Lake Road and the Genesee County Plant. A small gravity line on Sonora Drive has been added and the pump at Tyrone Woods will be connected to the system when we stop using their ponds. A small new pumping station is being installed on the corner of White Lake and Runyan Lake Roads for development north of White Lake Road. When asked about service for the Fenton Gravel Pit, Jayne Hill or Fenton Heights, Ms. Humphriss said the parcels were too far from the district boundaries. Mr. Markstrom explained that they didn't recommend extending pipes beyond the district boundaries because of the difficulty and expense in including scattered elements in future expansions.

Future service areas within the district could come from the Shannon Glen/Shannon Ridge development and Lake Shannon through pipes located on Dean Road. The PIRO district and the Preserve could be serviced from Dean Road or Hogan Road.

Mr. Meisel wanted to know how the number of sewer REUs were determined and how an R-1 parcel of 90 acres (Kuzer property) was assigned 70 units when 50% of the property is wetlands with the run-off going into Runyan Lake. Most of the residential areas with assessments have 2 or 3 times the number of units assigned to them than could be developed under the terms of the ordinance or land features, like the LK-1 property we just discussed.

Mr. Markstrom said the Township assigned the number of units. If too many units are assigned, most other communities don't take them back, but a few only allow them to be transferred or sold back to the Township. Each property owner was given an opportunity to agree or not with the number of units assigned. In cases like the property where the Water Sport Marine facility will be located, they may have been assigned 45 units but will only use 10. However, there may be a time when that use will be discontinued and the next purchaser may require the rest of the units.

Mr. Milliken said that it is a good idea to show the sewer district in the Master Plan even if it isn't all there yet. It shows where the service is available, where it can go, and the potential number of users needed to finance it. The current service area was based on a previous Township ground water study, which identified that area as the most susceptible to water table pollution.

In response to questions about locating the lines to service Lake Shannon and the parcels west of US 23, Mr. Markstrom said that the west end of Dean Road would be a better location for a pumping station than the east end because of the elevation between US 23 and Linden Road. Lake Tyrone would be easier to serve from the Hartland sewer and half of the users are located in Hartland township. That way, the Township wouldn't have to deal with crossing the Expressway or laying pipe on Parshallville Road or Faussett Road. Mr. Hasbrouck commented that the step system at Lake Tyrone appeared to be in good shape and probably wouldn't require a sewer connection for several years.

Mr. Schmidt said that he had met with the new manager at Hartland Township and Lake Tyrone was one of the subjects discussed. He wanted to begin studying some of the issues that involved both Townships to start planning ahead. Mr. Markstrom noted that the Planning Commission had already contacted Tetra Tech about developing an Urban Services plan, but the costs turned out to be quite substantial and the project never went forward. He thought that a smaller project than originally discussed could be useful at this stage.

Mr. Schmidt said he would like to include the discussion of sewage districts at the joint meeting and asked Mr. Markstrom to review his costs and refine the scope of the work for presentation to the Board.

Attorney Harris returned to the subject of the Hicks concept plan vote taken earlier in the meeting. After reading the Planning Commission By-Laws, he determined that the recommendation carried because it was approved by a majority of the members present and voting. An absolute majority is required for a vote on the Master Plan or Zoning amendments, but Mr. Hicks's request did not fall into that group. The first part of Article 3.05 applied in that case.

Chairman Hasbrouck rescheduled the Planned Development District for review at a later meeting.

3)* Gold Rocks Kennel

Supervisor Schmidt told the Planning Commission that he had asked Mr. Harris to work on the kennel issue. The owner has ignored what she promised the Planning Commission she would do. He has a thick file with proof that she is selling dogs and she is not a service trainer. He will review the file with Mr. Harris regarding the next step. The kennel owner is not only dealing with dogs, but cats as well.

NEW BUSINESS:

OTHER BUSINESS FROM MEMBERS:

ZONING ADMINISTRATOR'S REPORT:

ZONING BOARD OF APPEALS REPORT:

BOARD ACTION:

1) Joint Meeting

Mr. Byerly asked if the Planning Commission could provide one or two dates for a joint meeting for the Board's consideration. Mr. Schmidt wanted to hold the meeting as soon as he could, but was concerned about his availability in September. Mr. Hasbrouck thought we might have to go until the first meeting in October to get everyone together. If necessary, the Planning Commission would be willing to attend a Special Meeting. Mr. Byerly said he would try to set an October meeting for one of the Planning Commission dates, but begin it an hour earlier.

FUTURE AGENDA ITEMS:

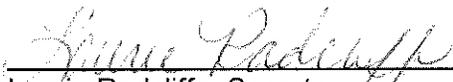
NEXT MEETINGS:

September 12, 2006 - Work Session and Public Hearing

September 19, 2006 - Subcommittee Meeting

September 26, 2006 - Regular Meeting and Public Hearing

ADJOURNMENT: 10:30 p.m.



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission

CORRECTIONS TO THE MINUTES:

- Page 3, Line 10: (...Runyan Lake Point ~~Avenue~~)
Page 3, Line 28: (The **environmental MDEQ** clean up report)
Page 3, Line 45: (...development around the Lake **at high density**)
Page 3, Line 50: (...Runyan Lake ~~Point~~ residents)
Page 4, Line 39: (...speaking for a majority of the **Runyan** Lake Point residents...)
Page 5, Line 12: (...~~does~~ may have an argument...)
Page 5, Line 43: (...the Township Attorney says let ~~the~~ them file...)
Page 6, Line 30: (Mr. Hasbrouck recalled that ~~explained that~~...)
Page 6, Line 45: (A **resident from Carmer Road** woman ~~from~~ said ...)
Page 7, Line 20: (...from Carmer Road and **Runyan Lake** Point Avenue...)
Page 7, Line 32: (...never contacted member of ~~our~~ **the Runyan Lake Point Board**...)
Page 8, Line 1: (...observed that ~~the Point Avenue~~ **Runyan Lake Point** and...)
Page 8, Line 20: (...wanted to know why ~~the~~ all the...)
Page 8, Line 39: (time spent on engineering...)
Page 9, Line 1: (...the Planning Commission ~~they~~ would have...)
Page 9, Line 29: (recommends including ordinance language...)
Page 11, Line 8: (...ask the Board ~~would~~ to authorize...)
Page 11, Line 38: (...how the number of sewer **REUs** ~~assessments~~ were **determined** made...)
Page 11, Line 38: (...an R-1 parcel of **90** ~~95~~ acres (Kuczer property) was assigned **70** ~~75~~ units when ~~at least~~ 50% of the property is in wetlands with the run-off from ~~the development~~ going into Runyan Lake...)
Page 12, Line 20: (...Tetra Tech ~~had already been~~ contacted about developing...)
Page 12, Line 43: (...she is not a service **trainer** owner.)