

TYRONE TOWNSHIP PLANNING COMMISSION
Approved Work Session Minutes

September 12, 2006 7:30 p. m.

PRESENT: Bob Byerly, Sally Eastman, Joe Fumich, Mark Meisel, Steve Hasbrouck, Laurie Radcliffe

ABSENT: Dave Hanoute

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

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

John Norris of Runyan Lake Association asked why the Bantle property was scheduled for land division when the property was involved in a November referendum. Mr. Hasbrouck explained that a land division has been requested, and the Planning Commission has to hear the request.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

1) August 22, 2006 Regular Meeting Minutes

MOTION: Moved by Meisel, seconded by Eastman to approve the August 22, 2006 Regular Meeting Minutes as corrected. Motion carried by unanimous voice vote.

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 members 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**.)

CORRESPONDENCE:

- 1) August 30, 2006 - Letter from Attorney John K. Harris regarding recent land division rulings (Old Business #1)
- 2) September 1, 2006 - Revised Livingston County Sight Distance report for Tyrone Covenant Presbyterian Church (Subcommittee Report #2)
- 3) September 4, 2006 - Memo from Greg Milliken regarding LK-1 Zoning, scheduled for discussion during the Public Hearing
- 4)* September 10, 2006 - Memo from John Harris regarding PUD amendments, scheduled for discussion under New Business, #4
- 5* September, 2006 Emergency Preparedness Meeting

Mr. Hasbrouck explained that the scheduled meeting conflicts with the September 26, 2006 Planning Commission meeting. He had made arrangements to have copies of the emergency preparedness information forwarded to the Planning Commission.

SUBCOMMITTEE REPORT:

- 1)* Compliance with the Bylaws

Mr. Meisel requested compliance with the existing Bylaws by removing Items 1,2,3, and 4 from the Subcommittee Report to New Business, and then moving New Business in front of Old Business to keep the Agenda in line.

NEW BUSINESS:

- 1) Request of **Charles** and **Mary Ellen Rogers** for boundary realignment of property at 7027 Hartland Road, FR parcel 28-400-008 (A) and 7033 Hartland Road, FR parcel 28-400-036 (B). Existing parcel 28-400-008 (A), which does not meet the minimum parcel standards, is shown with a dashed outline on the site drawing.

Mr. Hasbrouck reported that the Subcommittee had reviewed the request and recommended approval. There is an existing parcel that is nonconforming in size and the Rogers are requesting a boundary realignment to make it a conforming lot. Because no new parcel is created, open space is not required. The Subcommittee recommended approval.

MOTION: Moved by Eastman, seconded by Fumich, to recommend to the Township Board approval of the Rogers request for boundary realignment to increase the size of Parcel A at 7027 Hartland Road, FR parcel 28-400-008, as shown in the site drawing received 7/12/06, in order to bring the parcel into compliance with the Township Ordinance. Motion carried by unanimous by voice vote.

- 2) Request of **Tyrone Covenant Presbyterian Church** for a site plan amendment to add a second parking lot entrance and rebuild the church portico entrance.

Mr. Hasbrouck explained that the Subcommittee felt the plan should be reviewed as a major site plan amendment due to the addition of another entrance from White Lake Road. The only change to the drawings reviewed by the Subcommittee was the new driveway location. At the request of the LCRC it was moved approximately 55 feet west to align with the driveway from Tyrone Memory Gardens.

Matt Prince, of Prince Architecture, told the Planning Commission that the existing porte-cochere would be extended across the full width of the driveway. The new entrance and facade improvements would better reflect the building's use as a church.

Township Planner Greg Milliken noted that the revised plan improved both the site aesthetics and the traffic circulation and felt it was a good plan.

MOTION: Moved by Eastman, seconded by Fumich, to recommend to the Township Board approval of the Tyrone Covenant Church site plan amendment pending receipt of a revised drawing showing the driveway location approved by the LCRC. Motion carried by unanimous voice vote.

The meeting was recessed at 8:00 p.m. for a public hearing and reconvened at 8:30 p.m.

- 3) Request of the Estate of **Helen Bantle** for land division of property at 9227 Parshallville Road, RE parcel 32-300-031, to create Parcel A (approximately 5 acres gross) and remainder Parcel B (approximately 39 acres gross). Parcel A is accessed by an existing private driveway not shown on the site drawing. The Road Commission has approved only one shared driveway access location for Parcel B (32-300-031) and 32-300-026 on the east boundary of proposed parcel A next to an existing 30 foot easement owned by Lakehead/Enbridge Corporation for access to the pumping station shown as Parcel 300-013 (Abstracts on file).

Mr. Hasbrouck informed the Planning Commission that the Subcommittee had reviewed the request and recommended approval of the land division.

Dale Schaller, Attorney for the Bantle Estate, informed the Planning Commission that the land division is related to Helen Bantle's will which specifically stated that her house and five acres of property surrounding it was to be given to one of her daughters. The estate is asking to have that land divided from the rest of the Bantle property so the gift can be conveyed.

Mr. Schaller provided a revised site drawing showing the open space relocated outside of the yard setbacks, the access easements crossing proposed Parcel A, and a revised open space calculation letter. He told the Planning Commission that the well is located directly in front of the house and the septic field is located behind the house, all within the 5 acres and outside of the easements.

Mr. Hasbrouck said the Subcommittee had discussed the narrow easement between 32-300-024 and 32-300-026 with Mr. Schaller. The site drawing shows there will be shared driveway access to Parcel B from the 66 foot wide easement on the east side of Parcel A if the split is approved. This land division is not connected to the Landon proposal, and the portion of the property where the 5 acres is located was never included in the Landon rezoning request.

The Planning Commission noted that an accurate legal description was not provided and the open space maintenance agreement and calculation chart had not been included; land division requests would not be forwarded to the Board until all required drawings and documents had been received; the dimensions of the easement between 32-300-024 and 32-300-026 had not been provided; there was no way to determine how the width of the proposed and existing parcels related to the width of the original parcel prior to all of the land divisions; and additional buildings seemed to be located elsewhere on Parcel B.

MOTION: Moved by Hasbrouck, seconded by Fumich, to recommend to the Township Board approval of the Bantle Estate's land division request for Parcel A.

During discussion of the motion, the Planning Commission commented that:

- The revised open space location and the revised open space calculation were not clear;
- Open space descriptions and maintenance language will have to be included in the legal description;
- The survey should show the open space location and contain a calculation chart;
- There might be overlap between Parcel A and Parcel 32-300-025 or overlap on the easement between 32-300-24 and 32-300-026 if the parcel deeds are not based on accurate legal descriptions;
- The Township should not approve a parcel split that might take land away from one owner to give to another because of inaccurate descriptions; and
- There is no way to determine which parts of the site drawing are accurate.

Mr. Schaller assured the Planning Commission that the site drawings were accurate because they were based on recorded deeds on file with the County although they might not match descriptions on file with the Township.

Mr. Hasbrouck amended his motion, and Mr. Fumich seconded the amended motion, to recommend to the Township Board approval of the Bantle Estate's land division request to create Parcel A at 9227 Parshallville Road with the conditions that Attorney Schaller make sure that the dimensions on the site drawing are accurate and correct as stated; that the distance between parcels 32-300-030, 32-300-034, and 32-300-26 is correctly shown on the map; that an open space description and maintenance agreement is included as part of the Parcel A legal description; and that an open space calculation chart is included as part of the site drawing. Ayes: Hasbrouck, Radcliffe, Eastman, Fumich, Byerly. Nays: Meisel. Motion carried by majority vote.

Mr. Schaller was informed that the recommendation would be forwarded to the Board when a revised drawing and documents were received.

- 4) Request of **Ron Gordon** for a PUD site plan amendment to allow commercial use of one of the existing barns at 7335 Old US 23, PUD parcel 29-200-023 to continue until 2012.

Mr. Hasbrouck informed the Planning Commission that the request had been reviewed by a joint Planning Commission and Board committee before the request was presented to the Planning Commission Subcommittee. Some of the recommendations made by the joint Committee were different than the language proposed in the amendment agreement.

Mr. Hasbrouck read the September 10, 2006 E-mail from Township Attorney Harris recommending a Public Hearing for PUD site plan amendments.

Mr. Gordon told the Planning Commission that he wanted to amend the PUD to extend the trailer sales on his property until 2012 rather than 2008 as shown in Paragraph 2a of the proposed amendment (replaces original paragraph 2). He would agree to immediately discontinue the Michigan Horse Auction operation as described in new paragraph 2b.i, ii, and iii, (replaces original paragraph 3); remove the south barn by 2008 as stated in new paragraph 3.a (replaces original paragraph 3.a); and complete improvements on the remaining building (new paragraph 3.b, replaces original paragraph 3.b, c, d and e). Economic conditions have made changes in the real estate market, and he wanted to continue the trailer sales as a source of income until lots were selling again.

There will be no change in the footprint of the Horse Auction barn, but he will improve the appearance of the site by removing the old porch, replacing the front door, and adding windows and a smaller entry porch.

Wayne Perry of Desine Engineering explained that all of the plans that are part of the original PUD agreement is still in force. This is an amendment to the agreement so the landscaping plans won't change, the development plans won't change, and the agreements won't change. The only change is in the time frame and specific items within the time frame as shown in the amendment.

MOTION: Moved by Meisel, seconded by Fumich, to establish a Public Hearing date for Mr. Gordon's request as soon as possible.

During discussion of the motion, the Planning Commission:

- Considered outdoor storage related to the ordinance requirements and the original approval;
- Requested improved site drawings showing the location of buildings and the location of signs, fencing, lighting, parking, or display areas;
- Requested a better depiction of the proposed building appearance;
- Asked for a copy of Mr. Gordon's LCRC driveway review; and
- Decided on a hearing date of October 10, 2006 at the usual time.

Chairman Hasbrouck called for the motion to establish a Public Hearing for October 10, 2006 at 8:00 p.m. The motion carried by unanimous voice vote.

Mr. Perry said Mr. Gordon still had a question about the existing land divisions known as Parcels A and B on Dean Road. When the application was made for a PUD, the Master Deed was provided and considered by the Planning Commission. They voted to provide preliminary approval of the plan June 1, 2001. From there it went to the Township Board and the Board

approved the preliminary plan in August. Final approval of the site plan was recommended by the Planning Commission and agreement was forwarded to the Board for approval. That document was executed by the Township and is in effect today. All the components---condominium, commercial uses, and land divisions A and B were approved by the contract with the Township.

Mr. Perry was informed that Mr. Gordon's final PUD contract and the final Master Deed and By-Laws were not reviewed by the Planning Commission. Mr. Perry said the drawing in the contract was the one the Planning Commission approved and it showed the land divisions. They were approved by the Township as part of the contract. Mr. Perry said his concern was that the Township wouldn't issue a Land Use Permit because the lot was undersized, but it wasn't undersized for a PUD parcel according to the contract.

Mr. Hasbrouck noted that one of the reasons we are discussing changes in the Ordinance is to make sure that the Planning Commission gets to review the final site plan documents before they are reviewed by the Board.

OLD BUSINESS:

- 1) Recommendations regarding the proposed text revisions for Ordinance #36:
 - General statutory references: Preamble; Article 1; Article 2; Article 9; Article 11; Article 19; Article 21; Article 22; Article 23; Article 24; Article 26, Article 27; and Article 28.
 - Article 20 - Schedule of Regulations;
 - Article 23 - Site Plan Review and Impact Assessment
 - Ordinance 25, Article 17 - Land Division; and
 - Article 29 - Zoning Amendments

Mr. Milliken said that the Public Hearing copy of the Site Plan Text (Article 23.00) didn't contain some of the most recent revisions and presented copies of the changed text for review.

It was his opinion that the Planning Commission could postpone action on Article 23.00, and the changes discussed at the Public Hearing for Section 20.02 of the Schedule of Regulations. Section 29.0 - Zoning Amendments would have to be reviewed by the Livingston County Planning Commission before going forward to the Board.

MOTION: Moved by Eastman, seconded by Meisel, that the Planning Commission forward Article 29,00 to the Livingston County Planning Commission for review, that Ordinance 25, Section 17 - the Land Division Ordinance (including Sections 17.240, 17.251, 17.252, 17.254, 17.255, 17.261, 17.271, 17.273, and 17.282); Article 2 - Definitions, and Article 29 - Zoning Amendments (Including Sections 29.02, 20.03, 29.04, 29.05, 29.06 and 29.07) be forwarded to the Board with a recommendation for adoption. Motion carried unanimously by voice vote.

MOTION: Moved by Eastman, seconded by Meisel, that the Planning Commission forward the General Revisions to Ordinance 36, Article 1 - Enabling Authority; Article 2 - Definitions; Article 9 - M-1 Multiple Family Residential; Article 11 - PUD Planned Unit Development District; Article 19 - Extractive and Industrial District; Article 21 - Supplemental District Regulations; Article 22 - Special Land Uses; Article 23 - Site Plan

Review and Impact Assessment; Article 26 - Nonconformities; Article 27 - Outdoor Advertising; and Article 28 - Zoning Board of Appeals to the Board with a recommendation for adoption. Motion approved unanimously by voice vote.

Mr. Hasbrouck asked to have the sections of Article 23.00 and 20.02 that weren't included scheduled for review as soon as they could be added to the Agenda.

OTHER BUSINESS FROM MEMBERS:

- 1)* Revisions of the Bylaws requested by Mr. Meisel as an amendment to the Agenda.

Mr. Meisel said that he had reviewed the Planning Commission Bylaws after the last meeting and wanted to add amendments to Section 4.01 and 4.02 to comply with current statutory requirements.

Mr. Milliken commented that the language in Section 4.01 could be limited to the Master Plan, since the same noticing requirements for Master Plans remained in place under the new legislation. Mr. Hasbrouck thought that other recent changes made to the Master Plan notification requirements also should be included as an amendment to the Bylaws.

Mr. Meisel said he had added new Section 3.06 from material in the MTA recommendations with inclusion of other procedures he thought would be helpful. He asked the Planning Commission to review his recommendations for review and discussion at the next meeting and volunteered to forward his copy of the bylaws and recommendations to the Planning Commission members.

- 2)* Sewer information discussion requested by Ms. Eastman as an amendment to the Agenda.

Ms. Eastman said she had been to 2 meetings where it was stated as a fact that once sewer taps are allotted, you could develop a parcel up to that amount, but that wasn't her understanding from the discussion at the last meeting.

Mr. Hasbrouck commented that assigning sewer connections was a "best estimate." There will be arguments for using all of the taps, but that shouldn't be part of the zoning district development decision criteria. Some people may ask for more units so they can develop more of their property, others will ask for fewer units so they don't have to a large assessment. The Livingston Regional sewer has a consistent process they use to handle assessment assignments.

Ms. Eastman asked if the property owners were given an opportunity to appeal the number of taps they were assigned, and if they didn't appeal within the time limit if that meant there was no promise on the Township's part that they would be able to develop that many units just because they were assigned that many. Mr. Meisel replied that was correct. The County's position is that they will sell you as many connections as you ask for, but there is no contract or granting of rights implying that you will be allowed to use them all. Ms. Radcliffe said sewer connections should really be considered a long term investment. As circumstances in the Township changed, some parcels might not have enough.

3)* LK-1 density recommendations

Mr. Mesiel asked if the Planning Commission wanted to review his LK-1 density recommendations at this time. The Planning Commission decided to review the text at a later date.

Mr. Milliken distributed some maps illustrating LK-1 density factors based on the most recent GIS information. The maps indicated the number of parcels that could be split based on the ordinance as it now stands and the interpretation made at the last meeting. The memo was sent so the conflicts in the standards could be addressed.

Mr. Hasbrouck observed that it wasn't easy to split a platted lot and you couldn't use the land division process to do it. After interpreting the intent of the Mr. Milliken's memo for the Planning Commission, Mr. Meisel provided his own recommendations (in red) which would make the Ordinance language consistent with Mr. Milliken's memo for consideration of the Planning Commission.

ZONING ADMINISTRATOR'S REPORT:

ZONING BOARD OF APPEALS REPORT:

BOARD ACTION:

FUTURE AGENDA ITEMS:

NEXT MEETINGS:

September 19, 2006 - Subcommittee Meeting

September 26, 2006 - Regular Meeting and Public Hearing

October 10, 2006 - Work Session and Public Hearing

ADJOURNMENT: 9:55 p.m.



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission