

TYRONE TOWNSHIP PLANNING COMMISSION
Approved Work Session Minutes

December 12, 2006 7:30 p. m.

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

ABSENT:

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

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

APPROVAL OF THE AGENDA:

Mr. Hanoute and Ms. Eastman asked to add items for discussion under New Business from Members (*).

MOTION: Moved by Hanoute, seconded by Radcliffe, to approve the Agenda as amended. Motion carried by unanimous voice vote.

APPROVAL OF THE MINUTES:

1) MOTION: Moved by Hanoute, seconded by Meisel, to approve the November 28, 2006 Regular Meeting Minutes as corrected. Motion carried unanimously by voice vote.

Page 2, Line 35: (The **presentation promise** made by the clerk....)

Page 2, Line 41: (Consideration of a minimum rear yard...)

Page 3, Line 5: (...into place **until** in March.2007)

Page 5, Line 48: (...shall consist of **not nor** more...)

Page 6, Line 12: (...Preserve Master Deed **was** written...)

Page 7, Line 35: (...has been coming here since 2002 and every time ~~the Planning Commission tires to do something~~; he has issues **with no results**.)

2) MOTION: Moved by Meisel, seconded by Byerly, to approve the December 12, 2006 Joint Meeting Minutes as corrected. Motion carried by unanimous voice vote.

Page 1, Line 9: (~~Sally Eastman~~)

Page 1, Line 12: (Debbie **Smulsky Smalsky**)

CORRESPONDENCE:

1) December 1, 2006 - Copy of a Memo from Concerned Citizens of Tyrone Township to Supervisor Andrew Schmidt

The correspondence was received and placed on file.

SUBCOMMITTEE REPORT:

- 1) Request of **Ronald and Heather Johnson** for state statute land division of property at 11950 Parkin Lane, RE parcel 03-400-006, to create two additional parcels accessed by a shared driveway using an easement from Parkin Lane which crosses Parcel 03-400-015.

MOTION: Moved by Hanoute, seconded by Eastman, to remove the Johnson's request from the table for re-evaluation. Motion carried by unanimous voice vote.

Mr. Hanoute said additional information was requested in June regarding the open space calculation chart, open space maintenance language, revised yard setbacks, wetland delineation, and shared driveway drainage information.

While reviewing the revised drawing (11/16/06), the Planning Commission noted that:

- The Parcel C setbacks were not located correctly and the front yard setback should be located at the end of the driveway easement;
- The Parcel C rear yard setback should be located on the west property line, and the side yard setbacks should be located on the north and south property lines;
- The "T" turn around should be included within a right-of-way easement and shown on the final site drawing;
- The net area of Parcel A should be 2.77 acres not 2.19;
- The net (developable) area of Parcel B should be 1.65 acres, not 1.07 acres;
- The Parcel B open space should be .83 acres not .54 acres;
- The Parcel C net area should be 3.31 acres which requires 1.1 acres of open space, not 1.55 acres;
- Up to 35% of the required open space may be located in the wetland;
- The length of the shared driveway from Parkin Lane to the end of the shared driveway has not been shown on the drawing;
- The drawing should note that the existing driveway must be brought up to Township shared driveway standards;
- No shared driveway drainage improvements have been shown on the site drawing;
- Any driveway ditching and culverts should correlate with the flow arrows shown on the drawing;
- The open space and open space maintenance language has not been referenced correctly for Parcels B and C;
- There appeared to be a suitable building envelope available on Parcel B based on the MDEQ wetlands evaluation;
- Arrows showing the runoff flow from the expanded driveway had not been provided;
- References to Township maintenance of the driveway had not been removed from the shared driveway maintenance agreement;
- The current height and length of the fill where the driveway crosses the existing drainage way had not been indicated on the drawing;
- Methods to control additional impervious surface run-off from the wider driveway and additional buildings had not been addressed;
- Information regarding the neighbor's concern that more runoff and a higher water table would flood his septic tile field had not been provided; and
- The directional flow of the wetlands drainage as it leaves Johnson's property should be shown.

Mr. Hanoute had considered whether to define Parcel B as a corner lot or not, since the shared driveway terminated at the corner of Parcel A and Parcel B. Defining it as a corner lot would require a ZBA setback variance, which might be granted because of the extensive wetlands on Parcel B. The Parcel C driveway and utility easement would make Parcel B a corner lot, but the side yard easement is for a single driveway, not a shared driveway easement.

Mr. Milliken said that this could be a matter for Planning Commission interpretation because the driveway easement didn't extend the full length of the yard. If the Johnson's moved the driveway easement off of the property line a foot or two, there would be no question of interpretation.

MOTION: Moved by Hanoute, seconded by Eastman, to recommend to the Township Board approval of Ronald and Heather Johnson's request for state statute land division of property at 11950 Parkin Lane, RE parcel 03-400-006, to create two additional parcels accessed by a shared driveway using an easement from Parkin Lane, pending receipt of a revised drawing showing **1)** a reconfigured easement locating "T" turn around within the easement; **2)** correction of the Parcel C setbacks; **3)** relocation of the shared driveway easement away from the south property line of Parcel B by at least one (1) foot; **4)** correction of the open space calculation chart; **5)** provision of a complete site drawing showing the length of the shared driveway easement measured from Parkin Road to the farthest point of the shared easement; **6)** the location of any drainage courses leading to the wetland and the flow from any drainage structures releasing water to the wetland; **7)** correction of the road maintenance agreement to delete Paragraph 2 of Section 5; **8)** correction of the open space legal descriptions; **9)** correction of the open space calculation chart numbers and the open space parcel references; and **10)** review of the revised information by the staff prior to the Board review. The motion carried by majority voice vote with six Ayes and one Nay.

Mr. Meisel commented that he felt the approval recommendation had too many conditions attached and there needed to be checks and balances to make sure that all the items were corrected before it went to the Board.

Mr. Milliken reminded the Planning Commission that the Ordinance still limited the number of parcels which could be accessed from a private road. A variance will be required for the new parcels until the proposed revisions have been adopted.

AMENDMENT: Mr. Hanoute moved to amend his motion to require a ZBA variance approval to exceed the maximum number of 24 residences with access from a private road after staff review and prior to a recommendation to the Board. Ms. Eastman supported the amendment. The motion carried by majority voice vote with six Ayes and one Nay.

Mr. Hasbrouck told the Johnsons the Township was in the process of amending the Ordinance to allow more than 24 homes on a private road. If the ZBA denies the request now, there are plans for revision to the Ordinance. Mr. Milliken expected that the private road revisions would be completed sometime in the next three months. Mr. Meisel, the Planning Commission's ZBA representative, recommended waiting for a change in the ordinance since the ZBA probably wouldn't be able to find a basis for variance approval. It might be easier to wait for the new

ordinance adoption or at least wait until the revision is presented to the Board. The Recording Secretary told the Johnsons the ordinance amendment notices were always published in the Tri-County times prior to the hearing or they could call the office at any time.

OLD BUSINESS:

1) Review of Bylaws revisions

Mr. Milliken noted that there were two primary changes in the language reviewed at the last meeting. One change dealt with the Subcommittee Meetings (page 3, Section 3.02) and two other items were relocated to the duties of the Secretary under the Agenda (page 2, Section 2.03.G) and Postings (page 3, 2.03.H).

Mr. Meisel asked how this would affect the requirements for the Register (Section 1.04). Mr. Hasbrouck observed that if the Register is incorporated into the bylaws, we would have to amend the by-laws every time the register changes. Mr. Meisel said that wasn't his intent. Ms. Eastman thought the Register should be an addendum, not an amendment.

MOTION: Moved by Hasbrouck that the Bylaws of the Tyrone Township Planning Commission, as submitted by Mr. Milliken (12.04.06 revision), be approved and adopted with the Register to be completed by the Secretary as soon as possible for attachment to the Bylaws as and addendum.

Mr. Meisel asked Mr. Hasbrouck to remove his motion from the floor. As the Chairman, he could not make motions, particularly because the Bylaws are being amended. As stated by Robert's Rules of Order, which we have in our Bylaws, the Chairman can't make motions.

MOTION: Moved by Eastman to approve the Bylaws as submitted by Mr. Milliken with an addendum provided by the Secretary to follow as soon as possible. The motion was seconded by Mr. Fumich.

Before he called for the motion, Mr. Hasbrouck told Mr. Meisel he believed a Chairperson has the authority to make motions based on educational training he had received from the MTA. The motion was carried by unanimous voice vote.

2) Review of Agri-Business recommendations (12.04.06 revision)

Mr. Milliken said that the text had been revised based on discussion at the last Planning Commission meeting. The language had been broadened to refer to agricultural products and services while the Agri-Business was more closely defined. "Tourism" had been added in key areas to indicate that tourist based activities could be considered.

Mr. Hanoute asked for a definition of "similarly related uses" in Section 4.03.A. Mr. Milliken said that could be a Planning Commission decision made at the time a request was presented for the types of uses or businesses difficult to predict in advance and hard to define in terms of how far they should be allowed to go. For instance, the corn maze that turns into a dirt bike track over time. The part of the ordinance that establishes control of all of that would be the definition of Agri-Business to be added to Section 2.01.

Mr. Milliken explained that "growing season" was intended to refer to what can be produced locally while allowing the activity to be ongoing before or after the growing season has passed. Mr. Meisel asked if that part of Section 4.03.A was intended to be a restriction. Mr. Milliken said that the language was intended to give flexibility in using the Agri-Business for more than just a month or two during the growing season or to compensate for a bad growing season.

Mr. Hanoute asked if the language in 4.03.A regarding food service would prohibit a farmer raising beef from operating a steak house. He thought we should have language which would control the scale and type of non-agricultural use allowed. Mr. Milliken said the language is focused on land use more than commercial use and he would give more thought to that problem. Mr. Van Hecke believed some of the problems could be controlled by the Special Use Permit conditions required by the Planning Commission or Board. Mr. Meisel suggested restricting restaurant service to vegetables only or specifying the types of animals or animal products that could be associated with a commercial use.

Mr. Hasbrouck thought that not allowing livestock related food products would be in violation of the Right to Farm Act. Mr. Milliken said the restriction wouldn't be on raising livestock, but having a restaurant which relied on the use of the livestock. Mr. Hanoute suggested elimination of any livestock in respect to food service.

Other topics discussed were:

- Allowing flexibility in building areas (22.05.R.2) to avoid amendments of the ordinance because of some arbitrary number;
- Regulating the size of the retail facility to avoid large buildings at the roadside which would detract from rural character;
- Removing the proposed language limiting retail space to 3,000 feet;
- Basing the size of the commercial area on the proposed use and parking requirements;
- Requesting applicants to specify the amount of retail space they will use as part of the Special Use Permit conditions;
- Inclusion of site and building design standards which will contribute to rural character; and
- Correlating the use with the size of the parcel.

Chairman Hasbrouck established a Public Hearing for January 9, 2006 to review the revisions to Article 20.02.A and the Agri-Business section. A hearing for the revisions to Article 24.00 (Private Roads and Shared Driveways) was also scheduled for that meeting.

NEW BUSINESS:

- 1) Revisions to the Land Division Ordinance related to recording of land division

Before making changes to language related to recording land divisions, the Recording Secretary was asked to contact the Register of Deeds about a process they would be willing to support.

- 2) Discussion of revisions to the LK-1 Zoning District text and the Board's moratorium recommendations.

The Planning Commission considered:

- Previous court preferences for hard standards (Ordinance) over soft standards (Master Plan) when making decisions;
- The intent of the LK-1 zoning district to allow use of lots created before the adoption of a Township Zoning Ordinance;
- The intent of the Master Plan to preclude LK-1 zoning for new parcels;
- The number of existing LK-1 lots without lake frontage;
- The number of existing LK-1 lots without lake access;
- The history of LK-1 zoning;
- Refusing to allow splits for platted lots which do not comply with specific zoning district standards;
- Revising the LK-1 minimum parcel size or realigning the Zoning District boundaries;
- Prohibiting future land divisions within existing LK-1 districts;
- Regulating pre-existing nonconforming LK-1 lots;
- Legal limits on shutting the door after development has occurred;
- Requesting input from a designated spokesperson from each Lake Association;
- Treating the pre-existing LK-1 lots as conforming for building purposes;
- Existing ordinance language where a quick fix could be applied; and
- Establishing uniform standards for the use of all parcels with water frontage.

OTHER BUSINESS FROM MEMBERS:

1)* Length of Meeting

Mr Hanoute suggested limiting the meeting to a specified time with no new business to be taken up after 9:15 to help conclude the meeting at 9:30 p.m. Mr. Fumich thought that was a good idea and observed the meetings would go faster if the redundancy and irrelevance stopped. We need to limit the Agenda and get to the point.

Mr. Hasbrouck recalled that we frequently went past 9:30 the last time we worked on Master Plan and Ordinance amendments. Mr. Fumich believed we could still go faster if we stick to the point under discussion. In order to be through by 9:15 p.m., Mr. Hasbrouck reminded the Planning Commission members they would have to come prepared so we don't have to work through the material word by word.

2)* Meeting attendance;

Ms. Eastman told the Planning Commission her family would be involved in activities which occurred on Tuesday nights. She asked if she should be absent from the meetings or come late when there is a conflict.

The Planning Commission felt that she should try to be here at 8:00 p.m. for a Public Hearing, but otherwise arrive at the meeting as soon as possible. It would be helpful to inform the Recording Secretary about tardiness or absence, so the Agenda could be adjusted if necessary.

ZONING ADMINISTRATOR'S REPORT:

1) Unapproved Residential Use

Mr. Hanoute informed Mr. Van Hecke that church services were being held in the home at the corner of Runyan Lake Road and White Lake Road. The members have been parking in the front yard for at least three weeks.

Mr. Hasbrouck said the Unitarian Church had requested a Special Use Permit and then pulled the application so the site had not been approved for a church. Mr. Van Hecke was asked to investigate.

2) Road Obstruction

Ms. Radcliffe reported that people on her street were lining the edge of her paved road surface with cinder blocks to keep people from waiting for the school bus. Since Ore Knob is a public road, she wanted to know if it was against the law to block the right of way. Mr. Hasbrouck suggested that she ask Mr. Byerly to discuss it with the Road Commission.

ZONING BOARD OF APPEALS REPORT:

BOARD ACTION:

FUTURE AGENDA ITEMS:

Public Hearing for Article 20.02.A, Article 24.00, Article 4.03 and related articles, and Ordinance 25.00,
Article 17

LK-1 Text revisions

Master Plan Revisions

Planned Industrial, Research & Office District (PIRO) text and map

Planned Industrial, Research & Office District (PIRO) zoning ordinance

Planned Commercial Services District text and map

Planned Commercial Services District zoning ordinance

Urban Services District text and map

NEXT MEETINGS:

December 19, 2006 - Subcommittee Meeting

December 26, 2006 - Cancelled Regular Meeting

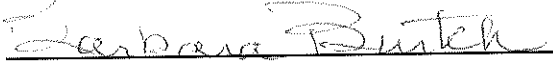
January 9, 2006 - Work Session and Public Hearing

January 16, 2006 - Subcommittee Meeting

ADJOURNMENT: 10:40 p.m.



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission