

TYRONE TOWNSHIP PLANNING COMMISSION
Approved Regular Meeting Minutes

January 23, 2007 7:30 p. m.

PRESENT: Bob Byerly, Dave Hanoute, Mark Meisel, Steve Hasbrouck, Laurie Radcliffe

ABSENT: Sally Eastman, Joe Fumich

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

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

APPROVAL OF THE AGENDA:

Mr. Byerly requested addition of an item to other Business from Members (1).

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

APPROVAL OF THE MINUTES:

1) January 9, 2007 Work Session Minutes

MOTION: Moved by Hanoute, seconded by Radcliffe, to approve the January 9, 2007 Work Session Minutes as corrected. The motion was carried by majority voice vote, with Mr. Meisel abstaining.

Page 7, Line 3: (...and **building standard** condominiums based on zero lot lines which ~~do not provide for deedable limited common elements.~~

Page 8, Line 47: (...will serve in **place plane** of Joe Fumich...)

2) January 9, 2007 Ordinance Public Hearing Minutes

MOTION: MOVED BY Hanoute, seconded by Radcliffe to approve the January 9, 2007 Ordinance Public Hearing Minutes as corrected. The motion was carried by majority voice vote, with Mr. Meisel abstaining.

Page 2, Line 45: (...asked if the whole ~~road~~ private **road** would have...)

Page 2, Line 46: (...before they can expand...)

Page 3, Line 41: (...have to address the numbers of lots...)

Page 4, Line 36: (...tell them how to **do** the job.)

CORRESPONDENCE:

SUBCOMMITTEE REPORT:

MOTION: Moved by Meisel, seconded by Byerly, to suspend the orders and review Mr. Bryan's request (2) first. Motion carried by unanimous voice vote.

- 1) Request of **Bobby and Kathryn Talley** for a state statute shared driveway land division public hearing for property at 8079 Faussett Rd., Section 31, Tyrone Township to create 5 parcels. The February 13, 2007 Planning Commission meeting would meet the public notice requirements for a hearing.

The Planning Commission was told that:

- Four new parcels and 2 boundary realignments were proposed;
- The four new parcels would be accessed by shared driveway from McGuire Road;
- There were issues with the calculation of the net area of the parent parcel and the open space;
- The wetlands area will be identified for the public hearing;
- Drainage flow from the high point of the property will need to be shown for the public hearing;
- Storm water run off and culvert requirements will need to be shown for the public hearing; and
- A public hearing is required because the shared driveway is within 50 feet of adjacent property;
- Drain Commissioner reviews aren't usually required for parcels of the size proposed;

MOTION: Moved by Hanoute, seconded by Radcliffe to hold a shared driveway public hearing on February 12, 2007 at the Tyrone Township Hall following the Bryan hearing. Motion carried by unanimous voice vote, with an abstention by Mr. Hasbrouck because of conflict of interest.

- 2) Request of **Richard Bryan** for a state statute shared driveway land division Public Hearing for property at 102 Jayne Road, R-1 parcel 01-100-030, Section 1, Tyrone Township to create 4 parcels. The February 13, 2007 meeting would meet the public notice requirements for a hearing.

The Planning Commission was told that:

- Mr. Bryan's request was for establishment of a shared driveway public hearing;
- The proposed shared driveway was within 50 feet of an adjacent property line;
- All existing structures would be removed;
- Storm water management information would be provided for the public hearing;
- Mr. Bryan was living in the existing home;
- Mr. Bryan was interested in using a portion of the existing home until a new one could be built on a different footprint;
- Because the location of the home would become non-conforming, the new lot wouldn't be recordable until the dwelling was removed;
- Temporary mobile home housing is allowed during residential construction;
- A written and financial removal guarantee would be required for temporary housing;
- The minimum parcel area for the R-1 district is 30,000 square feet;
- The Zoning District should be shown on the site drawing; and
- Language should be added to the parcel descriptions for use and maintenance of the open space.

MOTION: Moved by Hanoute, seconded by Meisel, to schedule a shared driveway public hearing for February 13, 2007 at 8:00 p.m. at the Township Hall.

OLD BUSINESS:

1) Review of revised LK-1 text and comments from Mr. Milliken

Mr. Milliken said a few changes were made, primarily in Section 7.04, based on comments at the last meeting. Section 7.04.A.1 references existing lots of record, 7.04.A.2 refers to existing combined lots of record, Section 7.04.A.3 deals with unplatted parcels and 7.04.A.4 regulates further division of any of the lots.

Section 7.04.B lists the procedures for new development and requires lake frontage for all new parcels (7.04.B.3).

The Planning Commission discussed:

- The current and proposed 60 foot lot width;
- The minimum width, minimum area (21,780 square feet) and statutory length to width requirements;
- Applying the LK-1 standards to pre-existing nonconforming lots;
- How to determine new zoning classifications for lots created without lake when an LK-1 parcel is split;
- Ways to avoid "spot zoning" and the number of parcels which might be involved;
- Restricting LK-1 zoning to Runyan Lake and Lake Tyrone only;
- The correct text to for Section 7.05 regarding Dock and Launching Restrictions;
- The new language for Article 20.00, Section 20.01 LK-1 Minimum Site and Lot Area, Section 20.03.U and V;
- Basing water frontage measurements on shoreline width rather than yard setback width;
- Eliminating the public water requirements from the Master Plan text;
- The Master Plan references to medium density single family detached residential development in the LK-1 District (p. 78) and map references to "residential lakefront;"
- Developing specific LK-1 Districts requirements that may not be used in any other portion of the Township or apply to any other zoning district;
- Revision of Section 7.04.A.2 to require that, "All existing lots, parcels, or units which **resulted** from..."; and
- Correlating the Section 7.00 - Intent references and the Master Plan language regarding building descriptions.

MOTION: Moved by Meisel, seconded by Hanoute, to schedule a Public Hearing to review proposed LK-1 amendments to the Zoning Ordinance text for February 13, 2007. Motion carried by unanimous voice vote.

Mr. Milliken explained that limiting the map revisions to the two LK-1 districts would just require a letter to the surrounding communities. Following a public hearing, the recommendation to the Board would be distribute the materia. After they have approved distribution of the draft, the surrounding communities have 75 days to send back comments. Following that, the Township will hold a public hearing for the proposed revisions and follow the regular adoption procedure.

- 2) Summary of the Public Hearing comments regarding revisions to the Agri-Business amendments, the Lot Width amendments (20.02.A), Private Roads and Shared Driveway amendments (24.00) and the Land Division Ordinance amendments (Section 17.263).

AGRI-BUSINESS. Mr. Milliken said there was nothing received at the Public Hearing. One of the comments he received after the hearing regarded inclusion of some general review standards for the Agri-Business section. They are covered elsewhere in the Ordinance, but including a set of conditions in this section would help make it clear to applicants that all of the conditions must be met to the satisfaction of the Township. The Planning Commission asked Mr. Milliken to add the review standards.

Mr. Hasbrouck asked Mr. Milliken to put together the final Agri-Business language and mark up text to be forwarded to the Board and the County Planning Department.

LOT WIDTH. Mr. Milliken said that comments had been received after the hearing regarding lot width measurements. He felt the setback and waterfront measurements served two different purposes. Lot width would be determined by the width at the setback lines while water frontage width would be determined at the water's edge. He reminded the Planning Commission that the water frontage might sometimes be measured across the water, rather than across the land.

Mr. Milliken felt that this revision was ready for recommendation to the Board and County at the same time as Agri-Business.

PRIVATE ROADS AND SHARED DRIVEWAYS. He had received a comment regarding the approach to take when an existing non-conforming road would not be able to meet the LCRC or AASHTO requirements. The Planning Commission discussed:

- Prohibiting new development on a private road that can't meet County standards.
- Consideration of flexible standards related to length of the road for additional land divisions;
- A separate, non road easement, utility easement;
- Establishing a right-of-way width based on width requirements for utilities which logically might be associated with the road;
- Basing any modifications of standards on health, safety and welfare considerations or requirements for utilities which logically might be associated with the road;
- Permitting narrower road surfaces in order to preserve an area for utilities;
- Requiring that residents sign an agreement to permit utilities to cross their property if the road easement width is reduced;
- Improving all or part of a non-conforming road when lots are added;
- Extending partial improvements to the farthest boundary line of the parcel being split;
- Drainage problems resulting from the connection of a wide road with a narrow road;
- Separating road width issues from easement issues;
- Requiring road surface improvements for the full length of a non-conforming road;
- Maintenance agreements are only as good as their enforcement;
- Classifying private roads without maintenance agreements as non-conforming;
- Using extensive road improvements to provide an economic advantage for any one who wanted to split at the expense of the person improving the road;
- The fairness related to Township road repairs compared with road repairs by a single individual

- Requiring all the owners to share the expense and the benefit after the road is improved;
- Allowing Township residents to come to the Township and request private road improvement;
- Refusing land divisions and/or building permits for private roads that do not meet county standards;
- Requiring the first split applicant to improve the roads so they can handle traffic from additional splits in the future;
- Keeping maintenance and improvement costs for private road owners private;
- Requiring private road applicants to improve a nonconforming private road all the way to the end to benefit all users;
- Not putting the cost of improving the road to benefit the sale of property by one person on other owners;
- Creating a severe financial hardship if one person at the beginning of the private road has to improve it all;
- Consideration of drainage and safety issues should be considered for the whole road;
- Using improvement requirements to restrict future private road development; and
- Requiring full road improvement might motivate private road maintenance associations and agreements.

Mr. Byerly thought the Board would be in favor of improving the entire road anywhere a property split occurred on a non-conforming road. Other Planning Commission members thought it might be unfair if it cost more to fix the road than an applicant could get for their land division.

Mr. Milliken commented that the Township Board would like to retain approval over private road developments so some of the proposed Ordinance language would have to be changed.

Mr. Milliken noted that the language regarding the minimum number of dwelling units accessed from a single access cul-de-sacs had been removed, but the maximum length of 1200 feet had been retained. Mr. Hanoute noted that the length would be measured from the public road intersection to the front building line of the farthest parcel, so the road could not be extended by the addition of a shared driveway. Mr. Meisel asked if locating a dry hydrant on the road would allow the road to be extended. Mr. Milliken thought it would be better to leave the ordinance as proposed, and allow the ZBA to make any variances. The length was established because of fire hose length, to limit the number of vehicles which would travel through a single access point, to limit the potential for accidents at that point. Mr. Hasbrouck commented that the current ordinance measured the length of the cul-de-sac to the property line, not the setback line.

Mr. Milliken said he would have review copies ready for the Road Ordinance ready for the next meeting.

LAND DIVISION. Mr. Milliken explained that this was another issue where the Planning Commission had planned to expedite the process by granting final approval for land divisions, but the Township Board decided to retain final approval. There was a minor change to the recording section (17.263) based on information from the County.

Ms. Radcliffe asked if there was some way to keep better track of the Ordinance revisions. The Recording Secretary said there had been discussions with the Clerk's Office and improvements would be made. Once the changes were made to this ordinance, it would be forwarded to the Board.

- 3) Review of the Livingston County Planning Department recommendations regarding the MZEA amendments and the amendments to Article 29 - Rezoning Amendments with comments from Mr. Milliken.

Mr. Milliken provided a copy of his response to the Board's concerns forwarded from Mr. Kurtz and the comments from the County.

Chairman Hasbrouck reminded the members that no new topics would be discussed after 9:30 and discussion of the MZEA and LK-2 items would be continued to the next meeting.

NEW BUSINESS:

- 1) Discussion of proposed revisions to the Future Land Use Map and Future Land Use Text for the LK-1 and Commercial Land Use Districts

OTHER BUSINESS FROM MEMBERS:

- 1) Kennel Memo from Clerk Morton

Mr. Byerly said that the Board had sent the Shulz kennel violation back to the Planning Commission. Mr. Hasbrouck and Mr. Hanoute weren't able to visit the kennels.

Mr. Hasbrouck said that the owner (Ms. Shulz) had cancelled the first meeting and never called him back about another and he didn't want to go there without her knowledge.

Mr. Byerly said the Board wants to know where the Planning Commission stands on the issue it was just dropped. Mr. Hasbrouck explained that he had talked with Mr. Schmidt who told him it would be turned over to the Attorney, and it would be handled by that means. Ms. Shulz wasn't willing to come in with a kennel application for us because she doesn't feel that she has to. Mr. Byerly said that the Board wanted something official from the Planning Commission about where they stand. Then they would turn it over to Mr. Van Hecke and the Attorney.

Mr. Hasbrouck explained that the Planning Commission couldn't force Ms. Schalz to respond and it really wasn't part of the Planning Commission authority to look for applicants. Mr. Milliken said it was his understanding that Mr. Van Hecke, as the enforcement officer, had tried to enforce the Ordinance. When nothing worked, the Board took it on. Because planning and zoning aren't things the Board usually deals with, they probably wanted the Planning Commission to provide a recommendation or provide some guidance. Ms. Radcliffe said that she had been in contact with Ms. Schalz quite a while ago, and she didn't feel she was doing anything wrong. She doesn't even have dog licenses.

Mr. Van Hecke said he had taken all of the material he had in his files to the Township Attorney in November and told him the Board wanted him to take action, but apparently he has been waiting until he hears from the Board. Mr. Van Hecke thought that all that was needed was a letter. Ms. Radcliffe, said the July 25, 2006 Planning Commission described the

problem detail. Mr. Meisel recalled that we tried to come up with alternatives, but Ms. Shulz didn't want to participate in the process. Mr. Van Hecke said that in the meantime, she has sold her property so she doesn't even own the house where she keeps the dogs. There is 5 acres with the house, and 15 acres of property sold to someone else.

Mr. Hanoute suggested that the Zoning Administrator write a letter to the Board letting them know Ms. Schulz is not in compliance with the ordinance. Ms. Radcliffe asked why the neighbors haven't called the Health Department or the Sheriff's department. Mr. Byerly said he and Mr. Schmidt had been there. Mr. Hanoute thought the issue could be addressed here if the Township enforced the Zoning Ordinance. Mr. Hasbrouck recalled that the Planning Commission had tried to talk to her, and she came in unannounced, didn't want to talk to us, and then left. She isn't willing to follow through with what has been recommended, so we don't have any way to work with her or find out what she has at the kennel.

Ms. Radcliffe thought that the Township should be talking to the owner of the house where all the animals were kept. Mr. Hanoute asked what the procedure was for Ordinance violations. Mr. Van Hecke said he has already sent letters, written a violation, and taken her to court. Then we had a change in Attorneys, and the files were returned to the Board. Now the new Attorney has to proceed with it. He could write another letter to the Board if he had to.

Mr. Hasbrouck said that would be the Planning Commission's recommendation, that Mr. Van Hecke follow the procedures, contact the Board, and follow up on what he has already attempted to do.

Mr. Meisel wanted the minutes to state that the Planning Commission attempted to mediate in spite of Ms. Schulz, that she has declined to communicate or participate, and the Planning Commission didn't know what more it could do. Mr. Hasbrouck observed that Ms. Shulz felt she was exempt from the ordinance. It was the recommendation of the Planning Commission that Mr. Van Hecke follow the established ordinance violation procedures.

ZONING ADMINISTRATOR'S REPORT:

ZONING BOARD OF APPEALS REPORT:

Mr. Meisel said the Board ZBA would review a request for a front yard accessory structure in February.

BOARD ACTION:

Mr. Byerly reported that the Township had settled all of its lawsuits. A portion of the Fire Authority was already being held in escrow, and the rest would be paid over five years with no interest.

FUTURE AGENDA ITEMS:

NEXT MEETINGS:

ADJOURNMENT: 10:00 p.m.



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission