

TYRONE TOWNSHIP PLANNING COMMISSION
Approved Work Session Minutes

July 10, 2007 7:30 p. m.

PRESENT: Gary Butler, Bob Byerly, Joe Fumich, Dave Hanoute, Ed Kempisty, Mark Meisel, Laurie Radcliffe

ABSENT:

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

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

APPROVAL OF THE AGENDA:

- 1) Mr. Meisel asked to report on the Runyan Lake Point Road Maintenance Agreement under Item 1 of Other Business from Members.

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

APPROVAL OF THE MINUTES:

- 1) June 26, 2007 Regular Meeting

Moved by Butler, seconded by Kempisty, to approve the June 26, 2007 Regular Meeting Minutes as corrected: The motion carried by majority voice vote with an abstention by Mr.Meisel.

Page 2, Line 31: (...the proposed cul-de-sac providing a drainage swale on the south side of the proposed cul-de-sac with ditching..)

Page 2, Line 40: (A **detention** retention pond has been located...)

Page 2, Line 45: (...headlight glare **from** form the neighbor...)

Page 3, Line 1; (...have a problem **with** headlights...)

Page 3, Line 5: (The Planning Commission **asked** Mr. Brayan to explain the function of the proposed drainage systeme)

Page 3, Line 17: (...east side drainage ditch driveway...)

Page 3, Line 18: (...swales would be **wider** than the driveway surface and provided...)

Page 3, Line 30: (...the easement around the **cul-de-sac** culvert to the culvert proposed for Parcel B)

Page 4, Line 15: (His questions was whether the recommendations...)

Page 4, Line 18: (...objectives for the Township. For instance, an objective **would be** to increase...)

Page 4, Line 21: (**Mr. Hanoute** he asked Mr.Milliken to review...)

Page 5, Line 35: (problems would related to the existing...)

Page 6, Line 13: (...farming requirement in on our Ordinance...)

Page 6, Line 18: (added to the Action list if for future discussion if it wasn't...)

CORRESPONDENCE:

SUBCOMMITTEE REPORT:

OLD BUSINESS:

- 1) Review of the final language for the Master Plan Public Utilities and Urban Services section (pp. 62-65) and the Future Land Use section (pp. 77-88) prior to forwarding the text to the Board with a request for a recommendation to distribute.

Mr. Milliken commented that changes were made in the Urban Services section to reference the Township's sewer system which was not in existence at the time the original Master Plan was adopted.

During review of the Public Utilities and Urban Services section, the Planning Commission determined that :

- The reference to Runyan Lake near the bottom of page 62 had been revised as requested;
- Text language was added to support the Township Board's adoption of regulatory and procedural sewer district ordinances.
- The Sewer District boundaries have been described as subject to change as circumstances arise;
- Many of the items discussed at the Joint Meeting related to ordinance level requirements.
- Within the boundaries of the Sewer District, the Township's Sewer Ordinance currently requires connections for new dwellings within 200 feet of a sewer line, for dwellings that are being sold, for dwellings that have a failed septic system, or at the end of 15 years regardless of the status of the septic system;
- No provision has been made for dwellings which are within the sewer district but more than 200 feet from the location of the sewer line or for dwellings outside the sewer district within 200 feet of a sewer line; and
- The Township has agreed to consider repurchasing assigned sewer taps which will not be used, but has not established conditions for repurchase.

Mr. Milliken recalled that no changes to the Future Land Use text (pp. 77-88) had been recommended at the Joint Meeting or the last Planning Commission meeting in May. The most important part of this section will be the map changes for the LK-1 Zoning Districts and the Planned Industrial Research (PIRO) area located within the proposed Industrial District.

MOTION: Moved by Radcliffe, seconded by Fumich, to forward the Public Utilities Master Plan revisions (pp. 62-65) and the Future Land Use Master Plan revisions (pp. 77-88) to the Township Board with a recommendation to authorize the Planning Commission to distribute the proposed Master Plan revisions as required by PA 263 of 2001. Motion carried by unanimous voice vote of the Planning Commission.

Mr. Milliken explained that the statute makes the Planning Commission responsible for preparing and adopting a Master Plan. If the Board wants to assume approval of the Master Plan, they would have to pass a resolution to assume Master Plan adoption authority. After the time period for receipt of distribution comments has passed, the Planning Commission holds a Public Hearing and approves the Master Plan.

The Board has the authority to prepare or adopt ordinances on its own, or delegate some of that authority to the Planning Commission. In the case of Zoning Ordinances the preparation of the ordinance is delegated to the Planning Commission with the authority for approval delegated to the Board. The Master Plan process usually delegates development and approval of the Master Plan to the Planning Commission. Board approval is an option.

Mr. Meisel read a definition of "available public sanitary systems" from the sewer ordinance. There is a challenge for Tyrone Township with the differences between Genesee and Livingston Counties regarding regulations and use. There are several areas of the Sewer Ordinance that are ambiguous and he pointed out examples of problems which might occur in the future.

2) Review of the revisions made to the Private Road Ordinance following the Joint Meeting of June 12, 2007

Mr. Milliken reviewed the changes made following the Joint Meeting. The last sentence in Section 24.00.A, specifies that no public funds will be used for private roads. Section 24.02.B contains a reference to the revised Land Division requirements. Mr. Byerly and Mr. Meisel said that the Board specifically wanted to approve agreements associated with private roads (24.04.C.1), but did not want to be responsible for enforcing them.

Mr. Milliken noted that Section 24.03 - Road Design specifically refers to the LCRC requirements for provision of a 66 foot wide road easement, but excepts the requirement for bituminous surface. Section 24.03.C was added to require maintenance of the LCRC approved sight distance at intersections and 24.05.B.3 was added to require the same sight distance maintenance standards for private roads and shared driveways.

The layout of the Private Road and Shared Driveway ordinance sections were similar whenever possible, but some differences occurred because the language for road requirements is more detailed than the language for driveways. Another option would be to make both sections identical with addition of a section at the end for miscellaneous sections specific to roads or driveways. He felt the ordinance would be easier to use with all of the road information in one section and the driveway information in another.

Mr. Hanoute said he was troubled by the Access Management section (24.07). He felt that it was inappropriate to have Access Management (24.07) in the Private Road ordinance. Access Management should apply to all roads in the Township—public or private. It should be a stand alone section some place else because it deals with private driveways, shared driveways, private roads and public roads. It should be referenced in this section and located somewhere else in the Ordinance.

Mr. Milliken asked if that meant Article 21.00, the catch-all section. Mr. Hanoute replied that was where it should go. It should be removed from the Private Road Ordinance before it goes back to the Board, so the Articles will be reviewed in the form we want them to have. Mr.

Meisel said he had always struggled with Article 21.00 because it was so big. He thought any references in the Road Ordinance to Access Management in Section 21.00 should be very clear, so the requirements don't get lost.

Mr. Hanoute thought the Ordinance Index was terrible. He didn't know how anyone would be able to find the Access Standards if they were located in the Private Road Section. We need an Index that lists all the general categories. All we would have to do is state that all roads and private shared driveways would have to adhere to the standards set forth under Access Management in Section 21. Not all of the information in the Access section applies just to private roads or shared driveways.

Mr. Milliken agreed that Access Management should probably be located in Section 21.00. Mr. Hanoute commented that in the majority of ordinances access standards were located in the general information section. Mr. Milliken said he didn't feel it would be difficult to revise Article 24.00 if there were no references to Access Management elsewhere in the Ordinance. The information should continue to be referred to as "Access Management" since that is the standard title for information of this type.

The following changes in text were requested by Mr. Hanoute:

- Section 24.00.A, Line 2 should be revised to read, (...private roads, private driveways, **shared** private driveways and access easements **for the same**, should provide safe...)
- Section 24.00.B, Line 12 should be revised to read, (Private **shared** driveways and access easement...)

Mr. Byerly told the Planning Commission that the Maintenance Agreements and the Private Road Ordinance should be forwarded to the Board at the same time.

3) Review of the proposed LK-1 Public Hearing Draft

The Planning Commission concurred with Chairman Hanoute's request to suspend the rules and discuss Item 4 - Review of the Private Road Maintenance Agreement before Item 3 - Review of the proposed Lk-1 Public Hearing Draft.

4) Review of the Private Road Maintenance Agreement following the June 12, 2007 Joint Meeting

Mr. Meisel brought forward his item scheduled for Other Business from Members to present a portion of the Runyan Lake Point Property Owners Association Bylaws regarding private road maintenance. The maintenance language requires identification of the roads, a statement that the roads are private and shall be maintained so that cracks, potholes, sinkholes, shoulder erosion, surface degradation, and drainage issues do not develop so as to create unreasonable or unsafe conditions for vehicles or pedestrians; and a statement that all required maintenance and repair of these roads is the sole responsibility of the corporation and its members. Other sections list the benefits of the road for which the members are assessed, the method of payment, determination of significant repairs, methods of collecting dues in arrears, and compliance with posted regulatory signs.

Ms. Radcliffe said that she wasn't aware of any Lake Shannon road maintenance agreements or assessments. Any private roads within the Association are cared for by the residents and are not regulated by the Association.

Mr. Milliken told the Planning Commission that he had worked from the existing sample road maintenance document. The text shows what has been removed and what has been added. Once that is finalized, it will be modified for use as a Shared Driveway Maintenance Agreement.

The Planning Commission discussed:

- The common contract language use of "easement" to reference both the road and/or the utility easement;
- Revision of Section 2 - Intent, Line 2 to read, "...maintain the ~~private road~~ easement in a reasonable ~~reasonably safe~~ condition suitable...";
- The reference to the responsibility for private maintenance stated in Section 3;
- The reference to the basic purpose of the easement and uses allowed in Section 4;
- Section 5.1 provisions for formation of an Association which allows the type of Association to be determined by the owners;
- The requirements for decision making in Section 5.2;
- Provision of sample maintenance agreements which would not be mandatory;
- The obligation of current and future owners who sign a maintenance agreement to abide by the agreement once it has been recorded;
- Use of the Township maintenance agreement as a guideline;
- Requiring that maintenance agreements define the association, state the purpose of the agreement, and tell how the road will be maintained;
- Allowing the owners to define "Association" and set their own financing terms;
- Revise Section 5, Article 5.1 to read, "The owners of the parcels covered by this agreement shall form an Association;"
- Ordinance Article 21.47 requirements for commonly owned facilities;
- Sample I Maintenance Agreement Article 8 - Subdivision, Line 2, should be revised to read, "...reallocated among all property owners **accessing** ~~abutting~~ the private road;"
- The intent section of the Sample Ordinance to list the issues to be addressed, but not way they will be addressed;
- Providing a the Sample Ordinance as a guideline so residents know where to begin in regulating easement maintenance; and
- Planning Commission and Board review to insure the documents have been prepared and no article places responsibility on the Township.

The Planning Commission felt it wasn't necessary to define "Association" since the Maintenance Agreement is provided a sample. Mr. Hanoute asked Mr. Milliken to revise the Road Maintenance Agreement based on the discussion and create a cover sheet which lists the minimum requirements for a maintenance agreement.

- 5) Recommendations to the Clerk for Zoning Ordinance tracking and distribution procedures proposed by Mr Meisel.

Mr. Hanoute requested review of Item 3 (LK-1 Review) and Item 5 (Ordinance Tracking as Agenda items for the July 24, 2007 Meeting.

NEW BUSINESS:

OTHER BUSINESS FROM MEMBERS:

ZONING ADMINISTRATOR'S REPORT:

ZONING BOARD OF APPEALS REPORT:

BOARD ACTION:

FUTURE AGENDA ITEMS:

- 1) Review of revisions to the Land Division Ordinance requested by the Board
- 2) Review of the proposed Lk-1 Public Hearing Draft
- 3) Recommendations to the Clerk for Zoning Ordinance tracking and distribution procedures proposed by Mr Meisel.

NEXT MEETINGS:

July 27, 2007 - Regular Meeting

August 14, 2007 - Work Session

August 21, 2007 - Subcommittee Meeting

ADJOURNMENT:



Laurie Radcliffe, Secretary

Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary

Tyrone Township Planning Commission