

TYRONE TOWNSHIP PLANNING COMMISSION
Approved Regular Meeting Minutes

July 24, 2007 7:30 p. m.

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

ABSENT: Laurie Radcliffe

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

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

1) July 10, 2007 - Work Session Minutes

MOTION: Moved by Butler, seconded by Meisel, to approve the July 10, 2007 Work Session Minutes as corrected. Motion carried by unanimous voice vote.

Page 1, Line 25: (Mr. Meisel asked to make a ~~to~~ report...)

Page 2, Line 38: (...has agreed to **consider** repurchasing assigned sewer taps, but has not established conditions for **repurchase**.)

Page 3, Line 13: (..."available public sanitary systems" **from which he recommended for inclusion in the sewer ordinance.**

Page 3, Line 14: (There is a **challenge problem** for Tyrone Township...)

Page 3, Line 30: (~~for~~ bituminous surface.)

Page 4, Line 2: (references in the Road Ordinance to the Access **Management Easement** in Section 21.00...)

Page 4, Line 13: (Mr. Hanoute ~~said~~ commented...)

Page 5, Line 30: (The intent **section** of the Sample Ordinance ~~to~~ should list...)

CORRESPONDENCE:

SUBCOMMITTEE REPORT:

OLD BUSINESS:

1) Review of revisions to the Land Division Ordinance requested by the Board

Township Planner Greg Milliken commented that the township deals with two types of Land Divisions—boundary realignment, where no new parcels are created, and land division where at least one new parcel is created. The intent of the ordinance revisions was to create a lower level of requirements for boundary realignments than for land divisions. The Planning Commission felt that items 1 through 6 (17.254, Sec. 4.A, Items 1 - 6) would be enough for a preliminary boundary realignment review. The Board's question was why all of the conditions were not required for realignment.

During discussion of the Land Division Ordinance, the Planning Commission commented that:

- Boundary realignments typically only required a new survey and a new parcel identification number;
- Article 17.254, Section 4.A, listed the requirements for a preliminary land division review;
- The Planning Commission shortened the list of preliminary review requirements for boundary realignments;
- A boundary realignment would not be recommended for approval until all of the information listed Article 17.254, Section 4.B.1-5, was provided;
- Boundary realignments did not affect the total number of parcels.
- Open space is not required for boundary realignments if none has been assigned prior to realignment;
- Existing open space would be reapportioned if required as a result of the realignment;
- The State Plat Act, amended in 1997, requires that a municipality shall approve or disapprove a proposed land division within 45 days after the filing of a complete application (Article 560.109, Sec. 109 (1));
- Plat Act Article 560.109, Sec. 209 (1.b) requires that each land division parcel has a depth of not more than 4 times the width;
- The statutory 45 day approval/denial period would be difficult to meet because of the Planning Commission and Board meeting schedules;
- The preliminary review was established to allow time for agency or consultant reviews and revisions to the drawings or recordable documents if required;
- Preliminary reviews do not require a final survey;
- A signed and sealed survey has been incorporated as one of the complete application requirements;
- The survey and recordable legal documents required for a complete application will be reviewed by the Board; and
- The 45 day approval period will begin when the Board receives a complete application (17.254. Sec 4.B).

During their discussion of the Board's land division comments, the Planning Commission requested the following revisions before returning the text to the Board:

- Revision of Page 2, Article 17.240.C - Boundary Realignment to read, "A formal action to relocate the property line between two **or more** parcels...";
- Renumbering "Open Space" as Item 7 on the submittal list and "Wetlands and Natural Features" as Item 8 (page 6);

- Revision of Article 17.252., Sec.2 (Page 4) to read, "The information required to be submitted for a preliminary boundary realignment review is listed as **items 1 through 7** in Article **17.254**, Section 4.A below, and **items 8 through 14** if applicable as **determined by the Planning Commission**;
- Revision of Article 17.252., Sec. 2 (Page 4) to read, "The information required to be submitted for a preliminary boundary realignment review is listed as **items 1 through 14** in **Article 17.254, Section 4.A** below as **determined by the Planning Commission.**".
- Revision of Page 11, Article 17.263, Sec. 3.A.4 to read, "The Township Assessor **shall** will issue Property Identification Numbers..."

MOTION: Moved by Meisel, seconded by Fumich, to forward the July 3, 2007 Land Division Text inclusive of the edits discussed and inclusive of an edit of Item 1 in Mr. Milliken's memo (July 7, 2007) to the Township Board with a recommendation for adoption upon receipt of the edited text. Motion carried by unanimous voice vote.

2) Review of the proposed LK-1 Public Hearing draft

During discussion of the proposed language the Planning Commission

- Noted there was currently little potential for development of new LK-1 lakefront lots in the LK-1 Zoning District;
- Decided that rezoning the existing LK-1 lots without water frontage to another zoning classification would be considered spot zoning;
- Discussed which definition of front and rear yards would be applied to LK-1 lots when there is no direct road frontage or lake frontage (Definitions - Lot Lines; 20.02.V);
- Reviewed the existing LK-1 conditions to determine if new yard definitions are required;
- Considered permitting front yard accessory buildings in the LK-1 District to reduce the need for ZBA variances;
- Decided to continue ZBA variance review of LK-1 front yard accessory building requests to permit Township oversight of the layout;
- Discussed whether to establish the length to width ratio of a parcel by using the yard definitions or by using the actual parcel measurements;
- Questioned whether the statute requirements for length to width would be the same for width to length measurements if defined by yard locations;
- Commented that the setback definitions were used to determine the size of the building envelope rather than the orientation of the building;
- Discussed whether off-lake parcels could be prohibited in the LK-1 district; and
- Requested addition of language to the sight line requirements for building expansion on the lake front side of the structure.

The following text revisions were requested.

- (Page 1) Section 7.00 "Intent", Line 1 should read, "The LK-1 district ~~is intended to~~ **shall allow** provide relaxed standards for existing uniquely shaped lots..."
- (Page 3) Section 7.03.C. " Yards and Setbacks" should read, "For waterfront lots, parcels, or units, the rear yard shall be the lake side of the lot and **the setback** shall be measured from the ordinary high water mark of the lake. The front yard shall

be the roadside of the lot and the setback shall be measured from the road right-of-of-way. For lots in this district without water frontage, the standard yard definitions shall apply.

- (Page 3) Section 7.04.D "Site Plan Review" should read, "Site plan review is also required for any proposed land sub division, including site condominiums and any development including lakeshore, wetlands, or streambank properties (excluding one single family structures) as set forth in Article 23.00. Plot plans may be acceptable as determined by the Planning Commission.
- (Page 4) Section G "Division or Splitting Combined Platted Lots" appeared to allow the creation of non conforming lots by uncombining lots which had been previously combined to make them conforming.

The Planning Commission asked Mr. Milliken to determine if combined nonconforming lots could be allowed as building sites once they had been uncombined and to review the yard setback definitions for conflict of intent and to clarify them if needed.

3) Review of the Zoning Ordinance tracking and distribution procedures proposed by Mr. Meisel

Mr. Meisel reviewed the procedures he recommended as a way to insure that the Zoning Ordinance is kept up to date, and the Boards and Commissions have correct copies.

Chairman Hanoute asked Recording Secretary Burch to provide a chart showing the current Ordinance Amendment procedures for the next meeting.

NEW BUSINESS:

OTHER BUSINESS FROM MEMBERS:

ZONING ADMINISTRATOR'S REPORT:

Mr. Van Hecke reported that the new sign in front of the Coyote Preserve property was a developmental sales sign. He had issued a developmental sign permit for three years, but the ownership of the residential property has changed and the new developer has replaced the earlier sign.

ZONING BOARD OF APPEALS REPORT:

Mr. Meisel reported that the ZBA would be reviewing a sign variance request and a set back variance for a garage conversion..

BOARD ACTION:

FUTURE AGENDA ITEMS:

LK-1 Public Hearing
Ordinance Adoption Process
Private Road and Shared Driveway Maintenance Agreements
Review of the Commercial and Industrial Zoning Text

NEXT MEETINGS:

August 14, 2007 - Work Session

August 21, 2007 - Subcommittee Meeting

August 28, 2007 - Regular Meeting

ADJOURNMENT: 9:30 p.m.



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission