

# TYRONE TOWNSHIP PLANNING COMMISSION

## Approved Work Session Minutes

August 14, 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:**

- 1) **John Norris**, 11066 White Lake Road, requested time for response during the LK-1 discussion

**APPROVAL OF THE AGENDA:**

**MOTION:** Moved by Radcliffe, seconded by Butler, to approve the Agenda as presented. Motion carried by unanimous voice vote.

**APPROVAL OF THE MINUTES:**

- 1) July 24, 2007 - Regular Meeting Minutes

**MOTION:** Moved by Meisel, seconded by Byerly, to approve the July 24, 2007 Regular Meeting Minutes as corrected. Motion carried by unanimous voice vote.

Page 2, Line 22: (information listed in **Article Section 17.254**, Section 4.B.1...)

Page 3, Line 21: (...there was currently **little** no potential for development...)

Page 3, Line 34: (...the statute requirements...)

Page 3, Line 47: (...the setback **depth** shall be measured from the ordinary high water mark...)

Page 4, Line 1: (...the setback **depth** shall be measured from the road...)

**CORRESPONDENCE:**

**SUBCOMMITTEE REPORT:**

**OLD BUSINESS:**

- 1) Review of the Land Division text revisions based on comments from the Township Board

Tyrone Township Planner Greg Milliken said his Memo of July 26, 2007 was prepared to respond to the items questioned by the Township Board and the Planning Commission recommendations made following discussion of the Board's comments.

During review of the revised text, (7/26/07 rev.) the Planning Commission:

- Was informed the text had been reviewed for the use of "shall" and "may;"
- Asked for revision of Page 4, Article 172.52., Section 2, Line 8 to read, "...preliminary review as well as **the** items ~~1 through 4~~ listed in Section 17.254, Section 4.B below;"
- Discussed clarification of the intent of the statutory 4:1 length to width ratio;
- Reviewed the Zoning Ordinance description of width measurements as parallel to the front property line;
- Requested that Page 6, Section 3.A.2 be revised to read, "Minimum width and the **length depth** to width ratio of 4:1. (For example, 200 ft. wide and not more than 800 ft. **in depth length**);"
- Requested the same changes for Page 8, Section 5.A.6; and
- Noted that the definition of width and depth as described in Zoning Ordinance Sections 20.02.A and C calculated parcel width and front yard setbacks parallel to the road frontage.

MOTION: Moved by Meisel, seconded by Butler, to recommend to the Planning Commission approval and adoption of the proposed Land Division Ordinance (7/26/07 rev.) as amended. Motion carried by unanimous voice vote

2) Review of the Township Ordinance Adoption procedures requested by Chairman Hanoute (8/14/07 doc.)

The Recording Secretary explained that there were specific requirements Planning Commission and Township Officials had to follow when adopting or revising an Ordinance. In terms of tracking, there were specific records which had to be maintained throughout the process.

*Chairman Hanoute recessed the Planning Commission Meeting at 8:00 p.m. for the LK-1 Public Hearing and resumed the meeting discussion at 8:07 p.m.*

The Planning Commission continued review of the process used by the Township to track and distribute ordinances or ordinance amendments. Comments concerned:

- The difficulty some members had experienced in determining if they had a correct copy of the Zoning Ordinance;
- Preparation of an introductory page with a cumulative list of all the revisions and the date the revisions were made;
- Determining a way to require the Clerk's office to properly amend the Zoning Ordinance; document the changes, and distribute the copies;
- Including a brief description of the text as part of an introductory page for each Zoning Ordinance Article;
- Referencing the Ordinance revision date as part of the minutes; and
- Lawsuits which might result from the use of an out of date copy of the ordinance.

Mr. Meisel said he had volunteered to recommend revisions to the adoption procedure after being urged to by people. He tried to put together a procedure to follow that the Planning Commission could recommend to the Township Board. The Zoning Board of Appeals members have been making decisions based on out of date Ordinance Books. They are concerned about what will happen if they are challenged and have to go to court. Operating from month to month with a book that isn't accurate isn't doing us any good. The Clerk's Office doesn't have to issue new books, just new sections.

Mr. Hanoute appointed Mr. Meisel and Ms. Radcliffe as members of an Ad Hoc Committee to meet with the Board regarding Zoning Ordinance amendments and the procedure to be followed. Mr. Meisel said that he would arrange a meeting with Clerk Hod Morton and Treasurer Dave Kurtz. Mr. Hanoute asked for a report at the August 28, 2007 meeting.

3) Review of the proposed Private Road Maintenance Agreement and Mr. Milliken's Memo dated July 17, 2007

Mr. Milliken explained that changes were made to the Private Road Agreement based on previous Planning Commission discussions and comments from the Township Board. He noted that:

- The use of "safe" had been re-edited;
- Section 5.1 no longer mandates the formation of an Association;
- The type of group is not defined since all signatories would become a group in effect;
- The references to "abutting" was changed to "accessing" throughout; and
- The agreement is provided as a sample of concepts which might be included in a maintenance agreement.

Mr. Hanoute deferred a recommendation on the Private Road agreement until the Shared Driveway agreement was reviewed.

4) Recommendation regarding the proposed LK-1 Ordinance amendments

Mr. Meisel felt the text should address sight line issues which could occur during remodeling of water front property by revising Page 3, Section B.6. to read, "All new construction shall not obstruct ...". The same language should be referenced in Section C - Yards and Setbacks.

Mr. Milliken suggested adding a paragraph on Page 4, Section 7.04.A.1(a), to address the expansion of a non-conforming residence. There should be language which requires the owner to bring the building into compliance with yards and setbacks or go to the ZBA for a variance. He suggested referencing sight lines in conjunction with setbacks under C on page 3, and adding a reference to that Section as part of the A.1.(a) text on Page 2. The reference could be added as Item 3 under Section C, with an added reference on Page 2 regarding, "Expansion beyond the footprints which shall be in accordance with standards under Section 3 on Page3."

Mr. Meisel said his group was already working on the Ordinance to clarify that part (C) because of the difficulty in dealing with platted and unplatted lots, conforming and non-conforming lots, and combined and uncombined lots. He had already presented a copy of the proposed Ordinance to Mr. Kurtz and Mr. Nagy for preliminary review and feedback.

He had explained to Mr. Kurtz that the LK-1 districts have had sewers since 1989, so there was no need for a two tier minimum lot size in the LK-1 district. Any new lots in that district would be connected to the sewer system. They planned to continue the dialog to clarify their new language. They also might want to talk further about Article 8 (7.04.B.8)

Mr. Milliken explained that the open space referenced in Section 7.04.B.8 was added because the new minimum lot size for the LK-1 district falls under the state's cluster development parcel size regulations. The Open Space Preservation Option (Article 8.00) would be in addition to the township's land division requirements. That doesn't mean that any developer would have

to create an open space development, but it does mean that the Township has to provide that option. That change will also require some cross-referencing in other Zoning Ordinance articles.

At the last Planning Commission meeting there was some discussion about yard definitions and yard setbacks between lake front and non-lake front lots. The new language allows the yards to be determined as shown in the recorded plats. If the yards aren't defined in the plats, they will be determined by the standards of the R-2 Zoning District.

MOTION: Moved by Radcliffe, seconded by Byerly, to forward the proposed LK-1 Zoning Ordinance amendments to the Livingston County Planning Commission for review and recommendation, upon receipt of the revised text from Mr. Milliken. Motion carried by unanimous voice vote.

- 5) Review of the proposed Shared Driveway Maintenance Agreement and Mr. Milliken's recommendation for a cover sheet

Mr. Milliken recommended that the Township provide a cover page for the sample agreements which would specifically note that the document was a guide with a reference to Zoning Ordinance Sections (24.00 and 21.47) where additional information would be located.

The Shared Driveway and Private Road Maintenance agreements were very similar. Both include similar points and similar language. Comments from the Attorney and the Board have been included in both of the documents. The basic differences relate to the Ordinance standards for driveways and roads. There is an extra section in the driveway maintenance agreement which references conversion of a driveway to a road. Maintenance of the Livingston County Road Commission clear vision area is included in both agreements and both documents contain language which references responsibility for repair of the easement caused by extraordinary use (Section 6.5)

The Planning Commission suggested the following revisions for the Shared Driveway Agreement:

- Page 1, Revise the introduction to reference the shared driveway **and public utility easement**;
- Page 2, Section 6.2 should read, "Each parcel **accessing the easement** shall share..."
- Page 2, Section 7, should read, "... responsibility for the **shared driveway** easement shall only access the parcel from the **easement shared driveway**; and.
- Page 4, \_\_\_\_\_ known to be, ~~to be~~ the persons....

Moved by Kempisty, seconded by Fumich, to forward both agreements to the Township Board for review and approval. Motion carried by unanimous voice vote.

- 6) Review of the Private Road Ordinance revisions in response to comments from the Township Board and Mr. Milliken's memos of July 26, 2007 and July 17, 2007

Mr. Hanoute scheduled review of the Private Road Ordinance for the next meeting because of time limitations. The members were asked to save their documents until the next meeting.

**NEW BUSINESS:**

**OTHER BUSINESS FROM MEMBERS:**

- 1) Mr. Byerly reported that County Commissioner Dave Domas had informed the Township Board that free wireless internet service would be available for Livingston County, but he didn't say when.

**ZONING ADMINISTRATOR'S REPORT:**

**ZONING BOARD OF APPEALS REPORT:**

- 1) Mr. Meisel reported that the ZBA had approved a garage variance and a sign variance.

**BOARD ACTION:**

**FUTURE AGENDA ITEMS:**

Ad Hoc Committee Report

Review of the Private Road Ordinance Revisions

Review of Article 21.53

Review of proposed PIRO Zoning District text

Review of proposed PCS Zoning District text

Review of the PUD section of the Ordinance

**NEXT MEETINGS:**

August 21, 2007 - Subcommittee Meeting (Cancelled)

August 28, 2007 - Regular Meeting

September 11, 2007 - Work Session

**ADJOURNMENT:** 9:27 p.m.



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Laurie Radcliffe, Secretary  
Tyrone Township Planning Commission



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Barbara Burtch, Recording Secretary  
Tyrone Township Planning Commission