

1 **TYRONE TOWNSHIP PLANNING COMMISSION**
2 **REGULAR MEETING MINUTES**
3 **October 18, 2018 7:00 p.m.**
4
5

6 **PRESENT:** Mark Meisel, Dave Wardin, Kurt Schulze, Al Pool, Kim Veenstra, and Perry Green
7

8 **ABSENT:** Bill Wood
9

10 **OTHERS PRESENT:** Tyrone Township Planner Greg Elliott and Tyrone Township Planning &
11 Zoning Administrator Ross Nicholson
12

13 **CALL TO ORDER (6:01 pm):** The meeting was called to order by Chairman Mark Meisel.
14

15 **PLEDGE OF ALLEGIANCE (6:01 pm):**
16

17 **CALL TO THE PUBLIC (6:02 pm):**
18

19 No comments were received.
20

21 **APPROVAL OF THE AGENDA (6:02 pm):**
22

23 Kurt Schulze moved to approve the agenda as presented. Al Pool supported the motion. Motion
24 carried by unanimous voice vote.
25

26 **APPROVAL OF THE MINUTES (6:04 pm):**
27 **August 14, 2018 Regular Meeting Minutes:**
28

29 The August 14, 2018 Regular Meeting Minutes were reviewed. Several minor changes were
30 made to add clarity. The draft was also reformatted to be consistent with the typical format
31 (from bullet points to paragraph formatting).
32

33 Dave Wardin moved to approve the August 14, 2018 Regular Meeting Minutes, as amended. Al
34 Pool supported the motion. Motion carried by unanimous voice vote.
35

36 *Dave Wardin moved to suspend the order of business to place New Business Item #1*
37 *(Ledgewood Ravine Final Site Plan Approval) above all other Business Items. Al Pool*
38 *supported the motion. Motion carried by unanimous voice vote.*
39

40 **NEW BUSINESS #1 (6:15 pm): Ledgewood Ravine Final Site Plan Approval:**
41

42 Chairman Meisel introduced the topic with a brief history of the proposed site condominium and
43 explained that it is a very large and complex application. He suggested that Greg Elliott begin
44 the discussion by reading through the requirements and providing information on the documents
45 that have been submitted to address them.

46 Greg Elliott explained that the application consists of several aspects; the site condominium
47 itself, several land divisions, a boundary realignment, and a private road. He began to read
48 through the review letter he had prepared pertaining to the application. He explained, item by
49 item, the requirements for each aspect and how they have been addressed in the application. He
50 noted that a legal description of one of the parcels involved in the project was missing when the
51 review was prepared but had since been submitted and found to be accurate.

52
53 Dave Wardin stated that he had several questions regarding the proposed private road
54 maintenance agreement. He pointed out to the applicant, Gary Edwards, that one of the parcels
55 was named incorrectly in the maintenance agreement per the drawings that had been submitted.
56 The applicant made note of the error and stated that the maintenance agreement would be
57 corrected and resubmitted. Dave Wardin then asked for clarification on whether the community
58 septic system would be granted access through the private road. Gary Edwards provided
59 clarification which adequately addressed Dave Wardin's question.

60
61 Greg Elliott then asked the applicant who would own the community septic system. Gary
62 Edwards explained that he would initially be the primary owner of the community septic system
63 through the company he had created to operate and maintain it. Greg Elliott then asked how
64 parcels lying outside of the condominium boundaries could legally connect to the community
65 septic system. Gary Edwards explained that all properties utilizing the system outside of the
66 condominium boundaries would be required to sign legal documents allowing them to connect.
67 Chairman Meisel asked Greg Elliott how systems similar to this are typically managed. Greg
68 Elliott stated that in most cases where site condominiums utilize a community septic system, the
69 system is designed as a common element. Dave Wardin pointed out that the Michigan
70 Department of Environmental Quality (MDEQ) requirements are the same, in terms of restrictive
71 covenants, regardless if it is being used specifically for a condominium or not. He pointed out
72 that the community septic drain field should be included in the maintenance agreement as well.
73 Gary Edwards agreed and stated that he would update the maintenance agreement to include the
74 drain field. Greg Elliott stated that he had not seen a community septic system developed in this
75 way and was confused by the way everything was set up. Chairman Meisel stated that, while
76 unconventional, it ultimately doesn't make a difference how the system is proposed as long as
77 everything functions properly. He added that since the majority of the properties utilizing the
78 community septic system would be outside of the condominium boundaries it is important to
79 ensure that the requirements of the MDEQ and all applicable agencies are followed. A brief
80 discussion followed between Greg Elliott, Gary Edwards, and the Planning Commission
81 regarding the details of the community septic system to make certain that there would be no
82 unforeseen issues with the proposed properties being served. It was determined that, while
83 unconventional, there were no significant concerns regarding the operation and maintenance of
84 the system as proposed.

85
86 Greg Elliott asked Gary Edwards what the proposed term of the lease for the community septic
87 system is. Gary Edwards stated the lease term would be valid for ninety-nine (99) years. A brief
88 discussion regarding the lease term followed. Chairman Meisel asked how property owners
89 connected to the system would regain access upon the expiration of the lease term, assuming that
90 all elements stay the same for that period of time. Gary Edwards stated that the property owners
91 would have the right to renew the lease at that point in time. There was a brief discussion

92 between Gary Edwards and the Planning Commission regarding the renewal of the lease
93 following the expiration. Greg Elliott and the Planning Commission shared the concern that
94 there would be no guarantee that the future property owners would know to renew the lease
95 when it expires. Gary Edwards explained that the restrictive covenant has the lease terms as an
96 appendix which would be recorded with the Livingston County Register of Deeds. Chairman
97 Meisel stated that the reality is one or more property owners would need to take charge of the
98 renewal around the time of expiration and had concerns that those property owners may not have
99 the opportunity or knowledge to successfully renew the lease. Greg Elliott suggested that a
100 potential safeguard would be to require the lessor to provide adequate notice and/or language that
101 would allow the lease to automatically renew. Gary Edwards stated that he would be
102 comfortable adding additional language to the legal documents to protect future property owners
103 from the lease expiring with no way to renew. Chairman Meisel asked if everyone would be
104 comfortable with the proposed language being included in the documentation. All were in
105 agreement.

106
107 Greg Elliott continued to read through the review letter. He asked Gary Edwards for clarification
108 on the proposed drainage system proposed across the community septic system drain field. Gary
109 Edwards explained that the drainage easement shown on the drawings is existing for surface
110 water drainage and the Livingston County Drain Commissioner has required that the easement is
111 shown. Greg Elliott was satisfied with the explanation.

112
113 Greg Elliott continued to read through the review letter, moving on to the section pertaining to
114 the proposed private road. He explained that the Livingston County Road Commission (LCRC)
115 has rejected responsibility of the proposed private road. He explained the design of the private
116 road meets all applicable LCRC standards except that the road surface would not be paved. He
117 stated that the proposed gravel surface is acceptable per the Township standards since the LCRC
118 has rejected responsibility. He then asked Gary Edwards for clarification on the proposed
119 drainage system for the proposed private road. Gary Edwards explained that he has been
120 working with the LCDC, the LCRC, and the adjacent neighbors over the past year to address all
121 concerns regarding the drainage of the proposed private road. Chairman Meisel confirmed the
122 drainage system has received approval from all agencies having jurisdiction. Greg Elliott then
123 continued through the review letter. He explained that the road surface is currently proposed to
124 maintain a width of twenty-two (22) feet, which is less than the current standard of twenty-four
125 (24) feet. He stated that the Planning Commission can recommend approval of the reduced
126 width of 22 feet as long as they feel there is justification. Gary Edwards explained the proposed
127 road width is intended to preserve existing mature trees and natural features. There were no
128 objections from the Planning Commission regarding the proposed width of the road surface.
129 Greg Elliott noted the proposed length of the private road would exceed the one thousand two
130 hundred (1,200) foot maximum as defined in the Zoning Ordinance. He explained the Ordinance
131 states all proposed private roads exceeding the maximum length will be required to install a dry
132 hydrant or similar fire suppression system, as determined by the fire authority having
133 jurisdiction. Gary Edwards explained that he had received the Fire Chief's approval for the
134 length of the proposed road as long as all dwellings within the condominium are required to
135 install residential fire suppression systems. He stated the requested language has been included
136 in the condominium documents. There was a brief discussion amongst the Planning Commission
137 and Greg Elliott regarding the methods for measurement of private road length. The Planning

138 Commission was in agreement that all aspects regarding the proposed private road have been
139 adequately addressed in the application.

140
141 Greg Elliott continued to read through the review letter, moving on to the land division,
142 boundary realignment, and combination aspect of the proposed site condominium. Dave Wardin
143 pointed out that he felt that several of the legal descriptions in the application pertaining to
144 combinations are completely unnecessary since all combinations, realignments, and divisions
145 would be approved concurrently. There was a brief discussion amongst the Planning
146 Commission and Greg Elliott to determine whether or not the legal descriptions in question
147 should be included. The consensus was the legal descriptions are unnecessary and should be
148 removed from the application to prevent confusion.

149
150 Greg Elliott moved on to the section of the review letter focusing on the conceptual
151 configuration of the site condominium. The Planning Commission worked through the specific
152 requirements of new lots created in the Single Family Residential (R-1) zoning district. It was
153 determined the previous dimensional issues in the conceptual configuration had been adequately
154 addressed. Greg Elliott continued through the review letter until all aspects had been discussed.

155
156 The Planning Commission and Greg Elliott briefly discussed the requirements that had been
157 fulfilled and focused on the items that would need to be addressed prior to making a
158 recommendation to the Township Board. The Planning Commission confirmed with Gary
159 Edwards that he would make the necessary revisions to the application to address all concerns
160 that had been discussed. The Planning Commission and Greg Elliott then discussed the formal
161 procedures to make a determination on how to proceed with the application.

162
163 Dave Wardin made a motion to recommend Township Board approval of:

- 164 - The land division of "Parcel E" subject to:
165 o Completion of items listed in McKenna review memo (all met)
166 o Approval & establishment of the proposed private road providing access
167 (Ledgewood Ravine Trail)
168 - The boundary realignment adding additional property to Lot 27 (Plat of Lake Shannon
169 #5) subject to:
170 o Approval & establishment of the proposed private road providing access
171 (Ledgewood Ravine Trail)
172 - Ledgewood Ravine Trail (private road) establishment subject to:
173 o Revised road maintenance and drainage agreements
174 o Requirement for residential fire suppression as set forth by the Fire Marshall and
175 as included in the Master Deed & road maintenance agreements
176 - The final site plan for the Ledgewood Ravine Site Condominium subject to:
177 o Minor revisions as agreed upon with the Planning Commission
178 Al Pool supported the motion. Motion carried by unanimous voice vote.

179 *The item was closed at 8:27 pm.*

180 *The meeting was adjourned at 8:29 pm.*