

**TYRONE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING AGENDA
January 11, 2022 7:00 p.m.**

**This meeting will be held at the Township Hall with remote access via Zoom
Videoconferencing**

This meeting will be recessed at 7:30 p.m. for a public hearing.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

APPROVAL OF THE AGENDA:

APPROVAL OF THE MINUTES:

- 1) 08/10/2021 Regular Meeting & Public Hearing Minutes
- 2) 08/18/2021 Regular Meeting Minutes

OLD BUSINESS:

- 1) Niemi Shared Private Driveway
- 2) Master Plan

NEW BUSINESS:

- 1) Sultani Caregiver Special Land Use
- 2) Private Road Standards

CALL TO THE PUBLIC:

MISCELLANEOUS BUSINESS:

ADJOURNMENT:

**TYRONE TOWNSHIP PLANNING COMMISSION
PUBLIC HEARING AGENDA
January 11, 2022 7:30 p.m.**

The notice below was published in the Tri-County Times on Sunday, December 19th, 2021, in compliance with the Open Meetings Act.

**TYRONE TOWNSHIP PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**

Notice is hereby given the Tyrone Township Planning Commission will hold a Public Hearing on Tuesday, January 11, 2022, beginning at 7:30 pm at the Tyrone Township Hall, 8420 Runyan Lake Road, Fenton, Michigan 48430. The purpose for the Public Hearing is:

1. To receive public comments regarding a request by Mark Niemi for a proposed shared private driveway as part of a land division resulting in two (2) new parcels at the end of the cul-de-sac on Indian View Trail. The parent parcel is Parcel Number: 4704-21-100-010, zoned FR (Farming Residential). Reference Tyrone Township Zoning Ordinance #36, Article 23 and Article 24.
2. To receive public comments regarding a request by Halim & Hanna Sultani for a proposed caregiver operation special land use permit at the property located at 9165 Faussett Road. The property is zoned RE (Rural Estates), Parcel Number: 4704-29-300-029. Reference Tyrone Township Zoning Ordinance #36, Section 21.55, Article 22, and Article 23.

Additional information is available at the Tyrone Township Clerk's Office, 8420 Runyan Lake Road, Monday through Thursday, 9 a.m. to 5 p.m. Individuals with disabilities requiring auxiliary aids or services should contact the Tyrone Township Clerk, at (810) 629-8631, at least seven days prior to the meeting.

Rich Erickson, Chairman
Tyrone Township Planning Commission

PUBLIC HEARING AGENDA:

- 1) Open the Public Hearing
- 2) Reading of the Public Notice
- 3) Review of the Application
- 4) Receive Public Comments
- 5) Planning Commission and Planner Comments
- 6) Close the Public Hearing

Tyrone Township is inviting you to a scheduled Zoom meeting.

Topic: 01/11/2022 Regular Planning Commission Meeting and Public Hearing

Time: Jan 11, 2022 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/86785595050>

Meeting ID: 867 8559 5050

Passcode: 123456

One tap mobile

+16465588656,,86785595050#,,,,*123456# US (New York)

+13017158592,,86785595050#,,,,*123456# US (Washington DC)

Dial by your location

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+1 301 715 8592 US (Washington DC)

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+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 867 8559 5050

Passcode: 123456

Find your local number: <https://us02web.zoom.us/j/kelprHGRXi>

APPROVAL OF MINUTES

- 1) 08/10/2021 Regular Meeting & Public Hearing Minutes
- 2) 08/18/2021 Regular Meeting Minutes

TYRONE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES DRAFT
August 10, 2021

PRESENT: Kurt Schulze, Jon Ward, Dan Stickel, and Rich Erickson

ABSENT: Perry Green, Steve Krause, and Bill Wood

OTHERS PRESENT: Ross Nicholson

CALL TO ORDER: The meeting was called to order by Chairman Stickel at 7:00 pm.

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

Kim Fracalossi asked the Planning Commission if there had been any new developments or updates to several open rezoning applications. Chairman Stickel indicated that there were no new updates.

Scott Dietrich stated that Ross Nicholson had indicated during a previous meeting that the developer was no longer pursuing the rezonings. Ross Nicholson indicated that as long as the applications are open, it is possible that the property owner may continue to pursue the rezonings. He stated that the Board would need to move to close the application during a regular meeting.

[Name not stated] inquired as to whether or not the Township would be making improvements to roads in the near future. Chairman Stickel indicated that the Township Board is responsible for making those decisions, not the Planning Commission.

APPROVAL OF THE AGENDA:

Kurt Schulze moved to approve the agenda as presented. Rich Erickson supported the motion. Motion carried by unanimous voice vote.

APPROVAL OF THE MINUTES:

1) 04/13/2021 Regular Meeting Minutes:

Kurt Schulze moved to approve the 04/13/2021 Regular Meeting Minutes as presented. Rich Erickson supported the motion. Motion carried by unanimous voice vote.

2) 05/11/2021 Regular Meeting Minutes:

Kurt Schulze moved to approve the 05/11/2021 Regular Meeting Minutes as presented. Jon Ward supported the motion. Motion carried by unanimous voice vote.

OLD BUSINESS:

1) Lake Urban Crossing Preliminary PUD:

Chairman Stickel asked Ross Nicholson where the best place to start the discussion would be. Ross Nicholson indicated that a revised site plan had been received since the previous discussion. He stated that the Planner had not yet had the opportunity to complete an updated review of the application. He suggested that the applicant and/or their authorized agent(s) begin with a summary of the revised site plan noting the changes that had been made since it was last reviewed. Ross Nicholson apologized that the Planner was not in attendance and for the new review not being completed. He suggested that the Planning Commission refrain from taking action on the application until at least after the new Planner review is available and after the public hearing is held.

Chairman Stickel asked the applicant to provide a summary of the project and explain the revisions that had been made to the site plan. Rade Beslac (agent) provided a summary of the proposed residential Planned Unit Development (PUD). He stated that the site contains approximately 160 acres with approximately 75 acres of buildable area. He stated that they had created a parallel plan based on the PUD standards in the Zoning Ordinance to come up with the approximate number of lots that may be permitted based on the Future Land Use Map zoning designations for the subject property. He stated that the Planning Commission may approve a density bonus of up to fifteen (15) percent if concessions are provided as described in Article 11 of the Zoning Ordinance. He stated that, based on the latest parallel plan, they are proposing a total of eighty-nine (89) lots. He stated that the proposed PUD would be developed in two (2) phases- Phase 1 taking access off of Runyan Lake Road containing fifty-two (52) lots and Phase 2 taking access from White Lake Road containing the remaining thirty-seven (37) lots. He stated that the Livingston County Road Commission (LCRC) has already granted preliminary approval for the proposed private road approach from Runyan Lake Road and is in the process of working with the LCRC for preliminary approval of a boulevard private road approach from White Lake Road. He stated that the proposed PUD would have access to the public sanitary sewer. He stated that, when acquired, the property already had seventy-four (74) Residential Equivalency Units (REU's) allocated on special assessment and additional REU's as necessary depending on the total number of lots that are approved. He stated that all of the proposed roads within the development would be built to LCRC public road standards. He stated that the proposed PUD would be a walkable community with several walking trails proposed.

Rade Beslac indicated that the site plan is still in the preliminary phase and a number of approvals from outside agencies would be required before a final site plan can be generated, inclusive of the Michigan Department of Environment, Great Lakes, and Energy (EGLE). Chairman Stickel asked if they had had any preliminary communication with EGLE regarding the wetlands on the site. Rade Beslac indicated that they have had preliminary discussion and asked that they verify the status of the wetlands on site.

Chairman Stickel asked Ross Nicholson to provide a summary of the PUD process and explain where the application is at in the review process. Ross Nicholson provided a summary of the

PUD process. He stated that the PUD process is two phases- preliminary review and final review. He stated that the application is currently in the preliminary review phase. He stated that the preliminary phase is more of a “big picture” review of the PUD development to determine whether or not the proposed development may be feasible and determine the maximum density that may be permitted. The final review phase follows agency reviews that cannot be obtained until after the preliminary phase including but not limited to EGLE, Fire Department, Livingston County agencies, and all other agencies having jurisdiction. He stated that the final review phase would take a much deeper dive into technical details that are necessary before final approval could be considered. He stated that, in the final review phase, the Planning Commission would review the agency reviews and request reviews of the complete application from the Township Planner and Engineer. An additional public hearing would be required at the Planning Commission level during the final review phase, He stated that if the Planning Commission finds that all requirements have been met, they may recommend approval to the Township Board. The Township Board may then hold an additional public hearing if deemed necessary and review the application prior to approving or denying the application. He stated that the complete PUD process is described in Article 11 of the Zoning ordinance which may be viewed on the Township’s website. Ross Nicholson indicated that this is the first PUD he has been involved with. He stated that the Township has not received an application for a PUD since the late 1990’s/early 2000’s, which is the only PUD that currently exists in the Township. He stated that, because no one currently sitting on the Planning Commission has any first-hand experience with PUD applications, they are practicing caution in reviewing the application to ensure all requirements are fulfilled prior to considering a favorable recommendation. Chairman Stickel stated that the Planning Commission will be holding the public hearing for the preliminary phase of the review process during tonight’s meeting. Ross Nicholson added that there will be a minimum of two (2) public hearings at the Planning Commission level (1 for preliminary and 1 for final). Chairman Stickel indicated that the Planning Commission does not feel like they are sufficiently equipped to make a decision on the application during tonight’s meeting.

Wilson Lahoud (applicant) stated that the subject property was purchased with 74 REU’s designated and that the proposed development would utilize an extension of the existing public sanitary sewer system. He stated that there are approximately eighty (80) acres of unusable land on the property which is nearly half of the total site area. He indicated that utilizing the public sanitary sewer for all lots would be better for the environment than utilizing on-site sewage treatment systems (septic). He stated that he believes the development would be complementary to existing development in the area and would be a benefit to the Township.

Chairman Stickel stated that the public hearing to be held shortly is for the preliminary PUD site plan. Kurt Schulze asked the applicants to describe the proposed stormwater treatment system. Rade Beslac indicated that the plan is to utilize as much of the existing wetlands as possible for treatment of stormwater as recommended by EGLE. He elaborated further on specific aspects of the proposed system. Chairman Stickel asked if they are proposing any type of pretreatment of stormwater prior to allowing flow into wetlands. Rade Beslac elaborated on the proposed pretreatment system. Chairman Stickel indicated that stormwater treatment will be very

important to prevent excess sediment from flowing into Runyan Lake. Rade Beslac acknowledged the importance of ensuring the stormwater treatment system is built to the standards required by the Livingston County Drain Commissioner (LCDC) and EGLE.

Jon Ward asked what the status of the proposed roadway locations were. Rade Beslac indicated that they have been working with the Livingston County Road Commission (LCRC). He stated that they have received preliminary approval for the proposed private road approach off of Runyan Lake Road and are currently seeking preliminary approval for the approach from White Lake Road. Jon Ward questioned whether or not the proposed approach off of Runyan Lake Road could be permitted based on the Zoning Ordinance requirement that “The PUD shall be located so that it can be accessed from a paved, County primary road able to safely serve the proposed development without adverse impact on the community” (Section 11.02.E). The Planning Commission briefly discussed. Chairman Stickel indicated that the standard in question was specific to the Tyrone Township Zoning ordinance and is not a standard required by the LCRC. Rich Erickson asked if the latest parallel plan should reflect the road layout shown in the latest site plan documents. Chairman Stickel indicated that the parallel plan has different requirements than the site plan and is only intended to determine the maximum allowable density for the development.

Kurt Schulze made a motion to temporarily recess the regular meeting and open the scheduled public hearing.

Chairman Stickel recessed the regular meeting to hold the scheduled public hearing for the Lake Urban Crossings Preliminary PUD application.

PUBLIC HEARING:

1) Lake Urban Crossing Preliminary PUD:

Chairman Stickel read the public hearing notice that was published in the Tri-County Times newspaper on 07/25/2021:

“Notice is hereby given the Tyrone Township Planning Commission will hold a Public Hearing on Tuesday, August 10, 2021, beginning at 7:30 pm at the Tyrone Township Hall located at 8420 Runyan Lake Road, Fenton, MI. The purpose for

the Public Hearing is:

1. To receive comments regarding the proposed Lake Urban Crossing preliminary residential Planned Unit Development (PUD) application. The subject property is vacant land located east of Runyan Lake Road and north of White Lake Road, Parcel ID numbers: 4704-03-300-020, 4704-10-100-024, 4704-10-100-025, 4704-10-200-025, and 4704-03-400-001. The property is zoned RE, Rural Estates.

Additional information is available at the Tyrone Township Planning & Zoning Department, 8420 Runyan Lake Road, Monday through Thursday, 9 a.m. to 5 p.m. Individuals with disabilities requiring auxiliary aids or services should contact the Tyrone Township Clerk, at (810) 629-8631, at least seven days prior to the meeting.”

Chairman Stickel explained the protocol for receiving public comments during the public hearing. He asked if the applicants, the Planning Commission, or Ross Nicholson had anything to add before opening the floor to accept public comments. Ross Nicholson reiterated the PUD procedure and emphasized that this would be the first public hearing for the preliminary PUD application.

Chairman Stickel opened the floor to receive public comments.

Michael Hayek (resident) stated that he was a US history teacher for forty (40) years. He stated that approval of the proposed development would result in the property values of existing nearby development would be negatively impacted. He stated that the sewer system would go into Runyan Lake. He stated that it sounds like the British had input into the project as if this were the times of the American Revolution. He stated that he says no to the proposed development.

Jim Sporer (resident) indicated that he had previously submitted a letter to the Planning Commission which he would like to read for the public record. He read from the letter which outlined specific concerns regarding wetland protection. He asked if a qualified wetland consultant has identified and staked the locations of wetland areas on the subject property. He asked who the consultant was and asked if the information was reported to and verified by EGLE. He indicated that twenty-four (24) of the lots shown on the parallel plan would not meet the required fifty (50) foot wetland setback as required by the Zoning Ordinance. He stated that Section 11.01 describes the intent of PUD's and Section 11.02 describes the open space requirements for PUD's. He indicated that he does not believe that the proposed development would meet the intent of PUD's or the open space requirements. He thanked the Planning Commission for taking the time to hear his comments.

Scott Dietrich (resident) stated that a lot of the information being discussed was not available on the Township website until recently. He stated that he contacted the Township regarding the information being unavailable and was told by someone that no one cares. He stated that he has concerns regarding a potential increase of traffic on White Lake Road if the proposed PUD is approved. He expressed concerns regarding stormwater treatment, specifically pertaining to fertilizers that may be present in runoff. He stated that if the stormwater treatment system were to fail, Runyan Lake would become polluted. He reiterated that he was very concerned about the potential increase in taxes. He stated that the proposed development contains too many lots which is inconsistent with the Township's intent of preserving the rural character of the community. He stated that the proposed development would contain too many homes.

Jeff Cooper (resident) stated that he lives adjacent to the area where the proposed road entrance from Runyan Lake Road is located. He stated that traffic is a major concern. He stated that approximately seventeen hundred (1,700) cars travel down that particular stretch of Runyan Lake Road daily. He stated that approval of the development would result in an increase in that number, adding to congestion. He stated that there is increased traffic due to construction on US-23. He stated that the applicant indicated that they received preliminary approval for the proposed road entrance from Runyan Lake Road two (2) years ago. He stated that the developer did not own adequate land to meet the LCRC requirements for a private road approach at that

time and had only acquired the space required more recently. Wilson Lahoud indicated that the LCRC review was pertaining only to the sight distance requirements at that time. He reiterated that it was a preliminary review based on the plans that were available during that time for line-of-sight review. Jeff Cooper continued. He stated that he is wondering widening of Runyan Lake Road would be necessary to add a turn lane to accommodate the proposed development. He stated that he had moved to the area for the rural character and feels that approval of the proposed PUD would be detrimental to said character.

Mark Glazewski (resident) asked for clarification on the sanitary sewer system that would be utilized for the proposed development. Ross Nicholson indicated that the sewer system is the Livingston Regional Sewer System (LRSS) which is a shared system between Hartland and Tyrone Townships. He stated that the outflow from the system is processed in Genesee County. Mark Glazewski asked if it would be the same system utilized by the development around Runyan Lake. Ross Nicholson indicated that it would be on the same system that serves the rest of the Township. Mark Glazewski stated that he heard that there were a number of beaver dams on the property. He stated that disturbing the natural habitat could significantly impact the subject property as well as Runyan Lake by altering the natural flow rates and patterns.

A gentleman in attendance (name not stated) asked if the Planning Commission had received a letter from the Runyan Lake Board of Trustees. Chairman Stickel indicated that the correspondence was received shortly before the meeting. The gentleman asked if Chairman Stickel could read the letter aloud for the public in attendance. Chairman Stickel indicated that he would read the letter prior to closing the public hearing.

Greg Johnson (resident) indicated that the proposed road entrance off of White Lake Road would be located directly across from his property. He stated that he has concerns regarding headlights facing towards his home at night. He stated that he also has safety concerns. He stated that many motorists speed in excess of the speed limit along that stretch of White Lake Road. He indicated that a combination of increased speed and low visibility lead to hazardous driving conditions in the area. He stated that the conditions of the roads themselves are also a safety concern. He stated that he has concerns that approval of the proposed PUD would lead to further/increased rates of deterioration of the road surface.

Kim LaClear (resident) stated that she lives on White Lake Road and frequently witnesses vehicles speeding in excess of eighty (80) miles per hour in the area. She stated that conditions are already unsafe and that the roadway would not accommodate additional traffic.

Dan Podeszwik (resident) indicated that a previous version of the site plan depicted a road layout which would be dangerous. He stated that he sees the plans have since been revised and the latest version alleviates those specific concerns. He stated that he agrees with many of the previous comments regarding safety concerns along White Lake Road.

Richard Sirna (resident) cited a statement from the Zoning Ordinance, Article 4, regarding the intent of the Farming Residential and Rural Estate zoning districts. He asked if the Michigan Department of Natural Resources (DNR) has any comments regarding the proposed development within and near wetland areas. He stated that he has concerns regarding stormwater runoff

flowing into Runyan Lake as well as concerns regarding disruption of the beaver dams on the subject property. He stated that the water levels on Runyan Lake fluctuate because of beaver dams. He stated that he has concerns regarding the potential traffic increase. He stated that Lake Urban is not so much a lake as it is wetlands. He stated that two additional cars per new dwelling would result in a significant traffic increase.

Mike Kohler (resident) stated that he lived near the subject parcel for fifty-nine (59) years. He stated that he is very familiar with the wetland areas. He asked if the developer was aware that pilons would be required in order to build on the subject parcel. He stated that the western portion of the subject property was assessed REU's when the public sanitary sewer system was installed. He noted that the cost for each REU as well as sewer billing rates are very expensive. He stated that many residents in the area were required to connect to the public sanitary sewer due to lake contamination from private septic systems. He provided some history of the wetland and lakes in the area. He stated that some of the new homes being built along Hartland Road will not be able to get favorable percolation test results and will likely want to have the sewer system expanded which would force all of the dwellings in between to connect as well.

Nick Branoff (resident) indicated that he lives in the Hills of Tyrone site condominium, just north of the subject property. He stated that he is Vice President of the Hills of Tyrone Association. He asked what the distances would be from the rear property boundaries of the units within the Hills of Tyrone to the proposed road which would take access from Runyan Lake Road. He stated that there is a retention pond located on the southwest corner of the Hills of Tyrone property which is currently overflowing due to sediment clogging the drains. He stated that the water travels southwest from the retention pond. He stated that he has lived adjacent to the wetlands on the subject property for twenty-five (25) years and is very familiar with the natural course of surface water flow. He stated that all of the water from the subject property ultimately flows into Runyan Lake. He indicated that there are significant wetland drainage issues on the subject property, noting that the beaver dams frequently cause major fluctuations in the water levels. He stated that much of the area shown on the site plan as open water contains invasive species of plants resulting in little to no visibility beneath the surface of the water.

Kim Fracalossi (resident) thanked the Planning Commission for all the work they do. She stated that she lives on White Lake Road. She stated that she feels the Planning Commission has already informally granted the project approval and are now working backwards to figure out a way to formally approve. She stated that she has issues with the proposed density of the development. She stated that the proposed density would conflict with the Master Plan and Future Land Use Map designation for natural resource preservation. She stated that the proposal conflicts with the spirit of the Master Plan. She stated that waiving a percentage of the open space requirement would conflict with the intent of the open space design requirements in the Zoning Ordinance. She stated that Section 11.01 from the Zoning Ordinance (PUD Intent) indicates that PUD's should be developed with consideration of the intent of development of the area in the Master Plan. She stated that the Master Plan does not indicate that the area would be suitable for the proposed PUD. She stated that the development would result in economic and

noneconomic costs that would impact existing development and residents in the area. She stated that the proposed development would result in loss of scenic landscape, loss of rural character, increased traffic congestion, increased noise pollution, increased light pollution, etc....

John Leece (resident) stated that he owns property to the north of the proposed PUD. He stated that his property drains into the wetland area on the subject property. He stated that the proposed development would likely result in his property becoming flooded.

Paul Lewis (resident) stated that he lives off of Carmer Rd. He asked where the proposed White Lake Road entrance would be located in relation to Carmer Rd. The Planning Commission pointed out the location. He stated that he moved from West Bloomfield which he feels is overdeveloped and congested. He stated that he moved to the area with his family to get away from the congestion and because he loves Runyan Lake. He stated that one of his biggest concerns is the potential impacts to Runyan Lake. He stated that he is worried that the proposed development may result in reduction of his property value due to negative impacts to Runyan Lake.

John Fialka (resident) stated that he has lived on Runyan Lake since 1968. He stated that everyone has already expressed their concerns but wanted to make note that he was also concerned about potential impacts to Runyan Lake and the surrounding areas including sediment runoff, pollution, and increased traffic.

Herman Ferguson (resident and Township Trustee) stated that he has lived in the Township for forty-five (45) years and he sincerely cares about the community. He stated that he wishes that he would see public turnout at the Township Board meetings as he sees tonight. He stated that he is glad that he came and is happy to see the passion and public participation. He stated that he represents all residents of the Township and wants to hear from them so he can make informed decisions.

Nick Branoff (resident) asked if the developer plans to reroute the drainage flow from Denton Creek to Runyan Lake and whether or not the beaver dams would be removed from the subject property. Chairman Stickel stated that the plans do not depict any change to the water system he described. Nick Branoff asked how the stormwater drainage system would work. Chairman Stickel elaborated. Rade Beslac indicated that they have no intent of moving the beaver dams.

James May (resident) stated that he has concerns about the volume of water and sediment that could potentially flow into Runyan Lake. He stated that he would like to see additional calculations to confirm that the drainage system would work.

Resident (name not stated) indicated that the developer could easily obtain a permit to remove the beaver dams from the property through the Michigan DNR.

Scott Dietrich (resident) stated that the residents have expressed a consensus regarding road safety on White Lake Road.

Sara Dollman-Jersey (resident) thanked Ross Nicholson for his explanation of how the PUD process works. She stated that she is inspired by the number of people in attendance engaging in

the discussion. She asked if the application would be included on future Planning Commission meeting agendas between the preliminary and final application. Ross Nicholson provided clarification. He indicated that, following preliminary review, the applicants would seek agency reviews and put together an application meeting the requirements for final PUD review before returning to the Planning Commission. Sara Dollman-Jersey asked how she can obtain the application documents. Ross Nicholson indicated that the application documents are available in the meeting packet documents on the Township website.

Jannette Ropeta (resident) thanked the Planning Commission and Ross Nicholson for the work they do. She stated that she has frequently been attending Township meetings and is very interested in what is going on in Township government. She stated that she was happy to see so many residents in attendance and hopes to see consistent turnout moving forward. She stated that she is recording the meeting because she was told by someone at the Township that nobody cares. She stated that she has started a Facebook group called Tyrone Township Watch to ensure that all meetings are recorded and livestreamed for those who are unable to attend meetings in-person.

Michael Ewles (resident) stated that he and his wife own two properties in the area and have lived in the Township for twenty-five (25) years. He stated that he has concerns with the potential for increased light pollution as a result of the proposed development. He stated that he very much enjoys the natural beauty of the Township and is concerned that increased traffic and additional dwellings would lead to increased light pollution. He stated that he loves and cares about Runyan Lake. He stated that the wetlands on the subject property are significant and development of the area would negatively impact Runyan Lake.

Resident (name not stated) asked the Planning Commission to point out where the proposed development would be located in relation to her property. The Planning Commission pointed it out on the map.

Resident (name not stated) asked if residents in the area could launch kayaks into the water on the subject property. Rade Beslac responded.

Chairman Stickel read a letter addressed to the Planning Commission from Runyan Lake Incorporated (association). The letter summarized the intent and purpose of the association and outlined concerns regarding drainage/stormwater management, exploitation of natural features, overdevelopment, sediment runoff control, etc... The letter recommended that the Planning Commission require specific review/approvals from other agencies having jurisdiction prior to granting preliminary PUD approval. The letter also stated concerns regarding potential incompatibility of the development with the Zoning Ordinance requirements for the zoning district as well as concerns regarding potential contamination of Runyan Lake. The letter also indicated that it would be illegal for the development to create runoff that would impact nearby properties. The letter concluded with a request to the Planning Commission that they recommend denial of the application until the aforementioned concerns are sufficiently addressed.

Chairman Stickel asked if there were any additional public comments. None were received. He asked the Planning Commission if they had any questions or comments. Rich Erickson stated that the new road layout should be shown on the parallel plan and indicated that he would like to know if it would be possible to reduce the number of lots in the PUD. Jon Ward asked if a traffic impact study would be required for preliminary PUD review. Chairman Stickel indicated that a study would be required as part of a complete final PUD application. The Planning Commission asked the applicants if they have received feedback from any other agencies having jurisdiction aside from the LCRC and EGLE. Rade Beslac indicated that they have not received reviews or approvals from other agencies because preliminary PUD approval is required prior to seeking them. Chairman Stickel asked for clarification of the status of the wetlands on the subject property. Rade Beslac indicated that they have hired a wetland consultant to flag and delineate the wetlands on the property and confirmed the status of the wetland areas with EGLE. The Planning Commission briefly discussed. Chairman Stickel reiterated the requirements for preliminary PUD review versus final PUD review. He stated that the Planning Commission would not be making a recommendation tonight. There was a brief discussion between the Planning Commission and members of the public. The Planning Commission and Ross Nicholson discussed the timeline and requirements for the review process.

Chairman Stickel stated that they have received many comments regarding concerns primarily regarding increased traffic and stormwater management. He asked the applicants for clarification on how the proposed roads would be built within the PUD. Rade Beslac stated that the roads would be built to LCRC but managed by the condominium association. Chairman Stickel recommended that they should draft road maintenance agreements prior to submitting the application for final PUD review. Rade Beslac indicated that they would include maintenance agreements as well as drafts of the condominium documents including the master deed and bylaws.

Chairman Stickel asked if there were any additional comments from the Planning Commission. Jon Ward stated that the PUD standards require that the development be located on a primary road. It was determined that Runyan Lake is not considered to be a primary road. The Planning Commission briefly discussed. Chairman Stickel indicated that that would need to be evaluated and further discussed prior to making a recommendation.

Chairman Stickel closed the public hearing at 8:54 pm.

NEW BUSINESS:

2) Vale Royal Barn Special Land Use Amendment

The applicant requested that the item be deferred until a future meeting when the Planner is in attendance.

The item was tabled.

CALL TO THE PUBLIC:

Scott Dietrich (resident) stated that White Lake Road is a mess. He stated that all residents in attendance agree. He stated that the proposed Lake Urban PUD includes too many wetland areas and is too dense of a development. He reiterated concerns regarding safety along White Lake Road.

Jeff Cooper (resident) expressed safety concerns with White Lake Road.

Kim Fracalossi (resident) asked for a status update on the Master Plan. Chairman Stickel indicated that they have not formally begun the master planning process.

Jannette Ropeta (resident) stated that it is hard for residents to participate in the master planning process if they are unaware of when the discussions will take place. She stated that she feels the Township is attempting to hold off on discussion until the public loses interest.

ADJOURNMENT: The meeting was adjourned by Chairman Stickel at 9:04 pm.

TYRONE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES DRAFT
August 18, 2021

PRESENT: Vice-Chairman Kurt Schulze, Commissioners Rich Erickson, Jon Ward, and Steve Krause

OTHERS PRESENT: Karie Carter and Zach Michels

ABSENT: Chairman Dan Stickel, Commissioners Bill Wood and Perry Green

CALL TO ORDER: The meeting was called to order by Vice-Chairman Kurt Schulze at 6:05 pm.

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

A member of the public spoke about some intersections he felt were dangerous in the Township.

APPROVAL OF THE AGENDA:

Commissioner Rich Erickson moved to approve the agenda as presented. Commissioner Steve Krause seconded. The motion carried.

APPROVAL OF THE MINUTES: None

OLD BUSINESS: None

The meeting was suspended at 6:09 pm to wait for the arrival of Zach Michels. The meeting reconvened at 6:13 pm.

NEW BUSINESS:

1) Vale Royal Barn Special Land Use Amendment

Vice-Chairman Schulze asked the applicants if they had anything they wanted to say or ask about their application before hearing from Carlisle Wortman. They said they would wait until after Zach Michels did his review. He explained that the applicant is requesting to amend the description of use (use statement) governing the previously approved site plan and special land use for a public/private recreation area/facility (event/wedding barn).

He went over all of the changes the applicants were requesting, which included changing the hours of operation on weekdays to 9:00 am to 11:00 pm (the original hours were 2:00 pm to 9:00 pm), allowing for later music on weekdays, allowing for more events on weekends (up to two events on up to six weekends rather than the current one event per weekend), and expanding the potential for subcontracted use of the facility (renting out for other types of events like Boy

Scouts, etc.). They would like to increase the number of participants on weekdays to 163; currently, it is 60.

Mr. Michels stated that the commercial nature of the use and the proposed changes to the description of use statement are generally consistent with the intent of the future land use map. He stated that the proposed change does not appear to have an impact on any of the natural resources on the site, nor would the potential increase in the volume of vehicles cause any impact.

He suggested the Planning Commission consider converting the grass parking area to gravel. He also said they should consider if it needs additional information about employee parking (location, etc.). Other items Mr. Michels said the applicants should provide are confirmation that the existing utilities will be adequate to accommodate the potential increased volume of guests, and that there will be no changes to the existing landscaping, screening, and lighting. He said they should confirm there will be no additional signs than what was previously approved on their site plan.

Mr. Michels said that the Planning Commission may want to consider some changes to sound and trash management if there are concerns about their potential impact on surrounding properties. He said that the proposed amendment would likely create increased volumes of traffic, as the capacity will be increased for events on weekdays. However, the maximum volume for any single event will not exceed the current maximum volume. He recommended the Planning Commission consider consulting the Livingston County Road Commission to determine if any additional improvements may be necessary for the driveway.

Mr. Michels talked about the music and said the noise levels would have to follow the ordinance on how loud it can be. If there is concern about noise, the ordinance states that outdoor music ends at 10:00 pm.

He said there may be a need for more trash bins with an increase in guests. There is no need to change any parking areas; there are enough spaces for the proposed increase of guests. Vice-Chairman Schulze asked if the 163 parking spots were for the guests and not the staff. Mr. Michels said it was just for the guests; staff and employees park off-site.

The applicants asked to eliminate the requirement to submit monthly reports. They appear to have operated without any significant issues since originally approved. Mr. Michels felt the Planning Commission should consider the owner prepare and submit an annual report instead of the monthly reports.

The site plan needs to be stamped by a licensed professional. It should show the locations of any trash dumpsters, as well. If parking will change, it should be shown on the site plan.

After Mr. Michels completed his review, Vice-Chairman Schulze asked the Planning Commission to share any thoughts or ask any questions they may have. Commissioner Krause asked about converting the grass to gravel. He said if it gets muddy, it would get messy for their guests. The applicant stated that the grass area is high and dry, it is mostly clay so it stays

compact. They keep the grass cut very short. If it rains, gravel tends to spread and cause more holes for guests to trip on.

Vice-Chairman Schulze asked if they were expanding the number of months they would operate. The applicants stated they would not – they will still hold events from April through October.

Commission Krause agreed that grass is easier to maintain than gravel. He then asked if the off-site parking for staff/vendors was an issue. Mr. Michels said it is not an issue. The applicant said they have only maxed out their parking one time. Vice-Chairman Schulze asked about other events that would be hosted there and where the staff would park. Ms. Johnson stated that no event will ever be over 150 guests.

There have never been complaints against them. The neighbor who lives to the north of them has stated she is very pleased with the operation so far. The music cannot be heard from afar, especially because of the noise from US-23. Vice-Chairman Schulze asked if they had their fire suppression system installed; Ms. Johnson confirmed that they did.

In regards to parking, if there are a bunch of cars parked up and down the road (Old US-23) that would be a violation of the special land use approval. The township could then put them on notice, give them a warning. If it were to happen multiple times, the special land use could be revoked.

The Planning Commission discussed approving the request contingent upon the changes that were discussed were made. The site plan needed to be updated showing dumpsters, dates of operation. The applicants need to prove adequate sewer/bathrooms/utilities for the increased use. The use statement needs to be revised. The Planning Commission agreed that the applicants can convert from monthly reports to annual reports.

Commissioner Erickson moved to conditionally approve the Site Plan/Special Land Use Amendment with the conditions that the site plan has the dumpster locations and has a stamp and the site plan has the same notes to be consistent with the use statement and that they amend to require an annual report. Commissioner Krause seconded. The motion carried.

CALL TO THE PUBLIC: A few members of the public spoke.

ADJOURNMENT: The meeting was adjourned by Vice-Chairman Schulze at 7:05 pm.

OLD BUSINESS #1

Niemi Shared Private Driveway

RECEIVED

OCT 06 2021

TYRONE TOWNSHIP PLANNING COMMISSION REVIEW APPLICATION

TYRONE TOWNSHIP
PLANNING & ZONING

Property Address / Location <u>Indian View Trail</u>		Parcel ID/Zoning District <u>4704-21-100-010</u>
Property Owner(s) <u>Mark Nremi</u>		Telephone
Street Address <u>1756 Oakbrooke Drive #1</u>		Cell Phone <u>248-513-9811</u>
City <u>Howell</u>	State and Zip code <u>MI, 48843</u>	FAX or E-Mail
Authorized Agent		Telephone
Street Address		Cell Phone
City		State and Zip Code

Type of Review:

- ☐ Boundary Realignment
☐ Concept Review
☐ Conditional Zoning
☐ Home Occupation
☒ Land Division
☐ Open Space Preservation
☐ Other

- ☐ Open Space Relocation
☒ Private Road/Shared Drive
☐ Planned Unit Development
☐ Public Hearing
☐ Rezoning
☐ Site Condominium

- ☐ Site Plan Review
☐ Site Visit
☐ Special Land Use
☐ Special Meeting
☐ Subcommittee Meeting
☐ Subdivision Plat

Project Description:

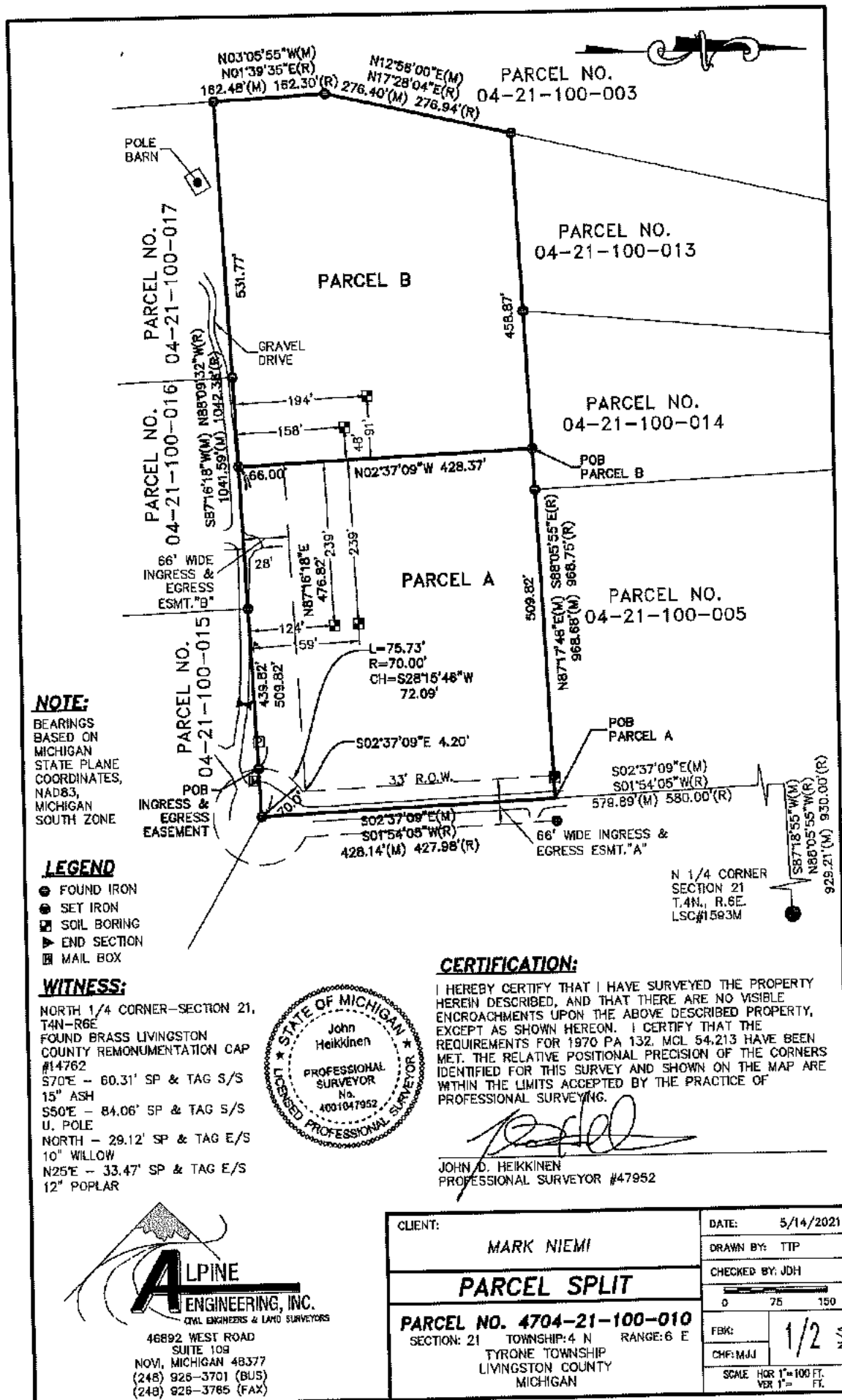
Split 10 acres into two 5 acre parcels

shared private driveway

Planning Commission applications should be filed with the Planning Commission Recording Secretary at least 14 days (21 days for land divisions/realignments) prior to review. Applications will not be scheduled for review until all information has been received. This Signature constitutes the applicant's acknowledgement of the application requirements and permission for site inspection by Tyrone Township representatives.

[Signature]
Signature of Owner(s) or Authorized Agent

Date <u>10</u>	Tax Status	Fees: 101-000000-607-006	Escrow: 701-000000-283- <u> </u>
Received By: <u>RN</u>	<u>OK per cert of paid taxes</u>	<u>\$1,000</u>	<u>\$2,000</u>



PARENT PARCEL (AS PROVIDED):

PART OF THE NORTHWEST 1/4 OF SECTION 21, TOWNSHIP 4 NORTH, RANGE 6 EAST, DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 21; THENCE NORTH 88 DEGREES 05 MINUTES 55 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION 21 A DISTANCE OF 930.00 FEET; THENCE SOUTH 01 DEGREES 54 MINUTES 05 SECONDS WEST 580.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01 DEGREES 54 MINUTES 05 SECONDS WEST 427.98 FEET; THENCE NORTH 88 DEGREES 09 MINUTES 32 SECONDS WEST 1042.38 FEET; THENCE NORTH 01 DEGREES 39 MINUTES 35 SECONDS EAST 182.30 FEET; THENCE NORTH 17 DEGREES 28 MINUTES 04 SECONDS EAST 276.94 FEET; THENCE SOUTH 88 DEGREES 05 MINUTES 55 SECONDS EAST 968.75 FEET TO POINT OF BEGINNING.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: A 66 FOOT WIDE INGRESS, EGRESS, PUBLIC UTILITY AND EMERGENCY VEHICLE EASEMENT, THE CENTERLINE OF WHICH IS DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 21; THENCE NORTH 88 DEGREES 05 MINUTES 55 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION 21 A DISTANCE OF 930.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01 DEGREES 54 MINUTES 05 SECONDS WEST 1007.98 FEET TO THE CENTER OF A 70 FOOT RADIUS CUL-DE-SAC.

PARENT PARCEL (AS SURVEYED):

PART OF THE NORTHWEST 1/4 OF SECTION 21, T4N, R6E, TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 21; THENCE S87°18'55"W 929.21 FEET ALONG THE NORTH LINE OF SECTION 21 AND THE CENTERLINE OF CENTER ROAD; THENCE S02°37'09"E 579.89 FEET TO THE POINT OF BEGINNING; THENCE S02°37'09"E 428.14 FEET; THENCE S87°16'18"W 1041.59 FEET; THENCE N03°05'55"W 162.48 FEET; THENCE N12°58'00"E 276.40 FEET; THENCE N87°17'48"E 968.88 FEET TO THE POINT OF BEGINNING, CONTAINING 10.03 ACRES, MORE OR LESS, SUBJECT TO AND INCLUDING THE USE OF A 66 FOOT WIDE INGRESS, EGRESS, PUBLIC UTILITIES, AND EMERGENCY VEHICLE EASEMENT, KNOWN AS EASEMENT "A".

RESULTANT PARCELS:

PARCEL A:

PART OF THE NORTHWEST 1/4 OF SECTION 21, T4N, R6E, TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 21; THENCE S87°18'55"W 929.21 FEET ALONG THE NORTH LINE OF SECTION 21 AND THE CENTERLINE OF CENTER ROAD; THENCE S02°37'09"E 579.89 FEET TO THE POINT OF BEGINNING; THENCE S02°37'09"E 428.14 FEET; THENCE S87°16'18"W 509.82 FEET; THENCE N02°37'09"W 428.37 FEET; THENCE N87°17'48"E 509.82 FEET TO THE POINT OF BEGINNING, CONTAINING 5.01 ACRES, MORE OR LESS, SUBJECT TO AND INCLUDING THE USE OF A 66 FOOT WIDE EASEMENT "A" AND ALSO BEING SUBJECT TO AND INCLUDING THE USE OF A 66 FOOT WIDE INGRESS & EGRESS EASEMENT "B".

PARCEL B:

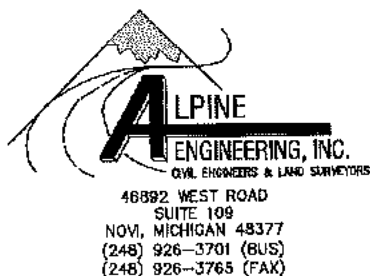
PART OF THE NORTHWEST 1/4 OF SECTION 21, T4N, R6E, TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 21; THENCE S87°18'55"W 929.21 FEET ALONG THE NORTH LINE OF SECTION 21 AND THE CENTERLINE OF CENTER ROAD; THENCE S02°37'09"E 579.89 FEET; THENCE S87°17'48"W 509.82 FEET TO THE POINT OF BEGINNING; THENCE S02°37'09"E 428.37 FEET; THENCE S87°16'18"W 531.77 FEET; THENCE N03°05'55"W 162.48 FEET; THENCE N12°58'00"E 276.40 FEET; THENCE N87°17'48"E 458.87 FEET TO THE POINT OF BEGINNING, CONTAINING 5.01 ACRES, MORE OR LESS, BEING SUBJECT TO AND INCLUDING THE USE OF A 66 FOOT WIDE EASEMENT "A".

66 FOOT INGRESS & EGRESS EASEMENT "A"

PART OF THE NORTHWEST 1/4 OF SECTION 21, T4N, R6E, TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER S87°18'55"W 929.21 FEET TO THE POINT OF BEGINNING; THENCE S02°37'09"E 1007.98 FEET TO THE CENTER OF A 70 FOOT RADIUS CUL-DE-SAC.

66 FOOT INGRESS & EGRESS EASEMENT "B"

PART OF THE NORTHWEST 1/4 OF SECTION 21, T4N, R6E, TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER S87°18'55"W 929.21 FEET; THENCE S02°37'09"E 1008.03; THENCE S87°16'18"W 70.00 FEET TO THE POINT OF BEGINNING; THENCE S87°16'18"W 439.82 FEET; THENCE N02°37'09"W 66.00 FEET; THENCE N87°16'18"E 476.81 FEET; THENCE S02°37'09"E 4.20 FEET; THENCE 75.73 FEET ALONG A 70.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S28°15'46"W 72.09 FEET TO THE POINT OF BEGINNING.



CLIENT:	MARK NIEMI	DATE:	5/14/2021
PARCEL SPLIT		DRAWN BY:	TTP
PARCEL NO. 4704-21-100-010		CHECKED BY:	JDH
SECTION: 21 TOWNSHIP: 4 N RANGE: 6 E		0 50 100	
TYRONE TOWNSHIP		FBK:	2/2 N/A
LIVINGSTON COUNTY		CHP: MJJ	
MICHIGAN		SCALE HOR 1"=100 FT. VER 1"= 10 FT.	

RECEIVED

OCT 06 2021

TYRONE TOWNSHIP
PLANNING & ZONING

Shared Private Driveway Maintenance

Legal description of Parcel A

PARCEL A:

PART OF THE NORTHWEST 1/4 OF SECTION 21, T4N, R6E, TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 21; THENCE S87°18'55"W 929.21 FEET ALONG THE NORTH LINE OF SECTION 21 AND THE CENTERLINE OF CENTER ROAD; THENCE S02°37'09"E 579.89 FEET TO THE POINT OF BEGINNING; THENCE S02°37'09"E 428.14 FEET; THENCE S87°16'18"W 509.82 FEET; THENCE N02°37'09"W 428.37 FEET; THENCE N87°17'48"E 509.82 FEET TO THE POINT OF BEGINNING, CONTAINING 5.01 ACRES, MORE OR LESS, SUBJECT TO AND INCLUDING THE USE OF A 66 FOOT WIDE EASEMENT "A" AND ALSO BEING SUBJECT TO AND INCLUDING THE USE OF A 66 FOOT WIDE INGRESS & EGRESS EASEMENT "B".

Legal description of Parcel B

PARCEL B:

PART OF THE NORTHWEST 1/4 OF SECTION 21, T4N, R6E, TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 21; THENCE S87°18'55"W 929.21 FEET ALONG THE NORTH LINE OF SECTION 21 AND THE CENTERLINE OF CENTER ROAD; THENCE S02°37'09"E 579.89 FEET; THENCE S87°17'48"W 509.82 FEET TO THE POINT OF BEGINNING; THENCE S02°37'09"E 428.37 FEET; THENCE S87°16'18"W 531.77 FEET; THENCE N03°05'55"W 162.48 FEET; THENCE N12°58'00"E 276.40 FEET; THENCE N87°17'48"E 458.87 FEET TO THE POINT OF BEGINNING, CONTAINING 5.01 ACRES, MORE OR LESS, BEING SUBJECT TO AND INCLUDING THE USE OF A 66 FOOT WIDE EASEMENT "A".

Creation of Shared Private Driveway

The legal owners of the legally described parcels herein ("the **Benefited Parcels**") hereby grant and convey to each other a 66 foot wide ingress and egress easement for a shared private driveway, the easement being described as follows:

A nonexclusive ingress and egress 66 foot wide easement for shared private driveway purposes, further described as:

66 FOOT INGRESS & EGRESS EASEMENT "A"

PART OF THE NORTHWEST 1/4 OF SECTION 21, T4N, R6E, TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER S87°18'55"W 929.21 FEET TO THE POINT OF BEGINNING; THENCE S02°37'09"E 1007.98 FEET TO THE CENTER OF A 70 FOOT RADIUS CUL-DE-SAC.

66 FOOT INGRESS & EGRESS EASEMENT "B"

PART OF THE NORTHWEST 1/4 OF SECTION 21, T4N, R6E, TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER S87°18'55"W 929.21 FEET; THENCE S02°37'09"E 1008.03; THENCE S87°16'18"W 70.00 FEET TO THE POINT OF BEGINNING; THENCE S87°16'18"W 439.82 FEET; THENCE N02°37'09"W 66.00 FEET; THENCE N87°16'18"E 476.81 FEET; THENCE S02°37'09"E 4.20 FEET; THENCE 75.73 FEET ALONG A 70.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S28°15'46"W 72.09 FEET TO THE POINT OF BEGINNING.

located in Tyrone Township, Livingston County, Michigan. The owners of the *Benefited Parcels* shall use the shared private driveway easement for the purposes of vehicle ingress and egress, including public and emergency vehicles, and for the placement of public utilities to benefit their parcels. Use of this easement is limited to the *Benefited Parcels*.

Maintenance

The shared private driveway easement shall be constructed and maintained in accordance with Tyrone Township standards. The cost of construction (if applicable) and maintenance shall be shared equally between both parcels where the cost of driveway construction can be added to sale price of land. The shared private driveway easement shall be maintained in a good state of repair not less than that required by Tyrone Township at the time of the creation of the shared private driveway easement. Tyrone Township and Livingston County shall not be responsible for maintenance, or the cost thereof.

No capital expenditures exceeding \$500 shall be made without consent of all owners of the *Benefited Parcels*. Cost less than \$500 for normal maintenance may be performed by any *Benefited Parcel* owner, with the costs shared equally by all of the *Benefited Parcels*. A *Benefited Parcel* who fails to pay their share of costs associated with this agreement shall be subject to lien by the owners of the remaining *Benefited Parcels* 90 days after written request for payment is mailed to the non-paying *Benefited Parcel* owner(s). The request for payment shall state whether the purpose of the expenditure was for normal maintenance or a capital expenditure, the total amount of the expenditure, the date of the expenditure(s), and the pro rata share of the expenditures which apply to the parcel against which a lien may be filed. Enforcement and collection of the lien created by this agreement shall be by, and at the expense of, the benefited parcels by a court having jurisdiction, or as otherwise provide by statute.

Township Indemnification

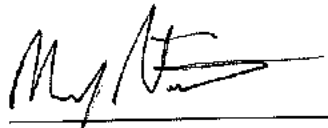
The owners of the *Benefited Parcels*, their successors, and assigns agree to indemnify and hold harmless the Township of Tyrone for any claim, cause of action, or liability which may be created by the *Benefited Parcel* owner's maintenance, or lack thereof, of the shared private driveway easement.

Recording of Agreement

This agreement shall run with the land, shall be recorded with each *Benefited Parcel* by the Livingston County Register of Deeds, and shall be enforceable upon and by all current and future owners of the *Benefited Parcels*. The Tyrone Township Clerk and each party to this agreement shall be provided a copy of this recorded document.

sign above

Print name below



Mark J Niemi

Document must be signed by all *Benefited Parcel* owners and notarized.

RECEIVED

OCT 06 2021
TYRONE TOWNSHIP
PLANNING & ZONING

Tyrone Township Escrow Agreement

This Escrow Agreement is for the cost of review, inspection and monitoring of the project of the Applicant. This includes, but not limited to:

- a) The cost of the review of applications for approvals and variances;
- b) Site Plan Reviews;
- c) Any Planning Commission meetings;
- d) Special meetings;
- e) Reviews by Township Attorney and preparation of appropriate approving resolutions or ordinances;
- f) Reviews by Township planner and/or engineer;
- g) Publications and notices of public hearings or meetings;
- h) Traffic studies;
- i) Environmental impact studies;
- j) Engineering Construction Reviews
- k) Zoning administrator inspections and involvement;
- l) Any other services or expenses relating to the application, inspection or monitoring processes incurred by the Township that are necessary and incident to the completion of the work or project.

Accordingly the Applicant shall pay, simultaneously with the execution of this Agreement, the sum of \$ 2,000 to be held in escrow by the Township to cover the aforementioned costs and expenses. The escrow deposits shall bear no interest.

If, during the project, the escrow balance falls below the amount necessary to complete the project, the Applicant shall make additional deposits sufficient to cover any deficit.

Any excess funds remaining in any escrow account after the project completion will be refunded to the Applicant less any administrative fees.

If the project costs and expenses exceed the amount remaining in the escrow after final project approval, the Township shall send the Applicant a statement for such additional costs. Until the Applicant pays for such costs, no further Township permits or approvals shall be issued.

RECEIVED
OCT 06 2021
TYRONE TOWNSHIP
PLANNING & ZONING

TYRONE TOWNSHIP

By:

Its:

Planning & Zoning Administrator

APPLICANT

TYRONE TOWNSHIP

Receipt: 114309

10/06/21

8420 RUNYAN LAKE RD
FENTON, MI 48430
810-629-8631

WWW.TYRONETOWNSHIP.US

Payment for:
PLANNING COMMISSION

Cashier: TDORSCH
Received Of: NIEMI MARK J

3535 MILL ST
HARTLAND MI 48353

The sum of: 1,000.00

BDINV

00018143

101-000.000-628.000

1,000.00

Total

1,000.00

1,000.00

1,000.00

TENDERED:

CHECKS

007

Signed: _____

TYRONE TOWNSHIP

Receipt: 114308

10/06/21

8420 RUNYAN LAKE RD
FENTON, MI 48430
810-629-8631

Cashier: TDORSCH
Received Of: NIEMI MARK J

WWW.TYRONETOWNSHIP.US

3535 MILL ST
HARTLAND MI 48353

Payment for:

ESCROW

4704-21-100-010

The sum of: 2,000.00

BDINV

00018144

701-000.000-283.000

2,000.00

Total

2,000.00

2,000.00

2,000.00

TENDERED:

CHECKS

006

Signed: _____



City of Fenton Fire Department

205 East Caroline Street
Fenton, MI 48430
(810) 629-8595
Emergency Dial 911

11/23/2021

Ross Nicholson
Tyrone Township
Planning and Zoning Administrator

RE: Mr. Niemi Shared drive off Indian View Trail

Dear Mr. Nicholson,

I have reviewed the information provided by Mr. Niemi regarding the proposed shared drive off Indian View Trail. After reviewing the provided information and speaking to Mr. Niemi and yourself I see no reason to deny the request.

There is not a sufficient water source in the area that would make a dry hydrant possible. The access provided on Indian View Trail and the turn around at the end of the road make access for our fire trucks possible.

The only item I would request is that all addresses that are serviced by the private drive be marked with appropriate signage at the road. Additionally at every drive off the shared driveway each address should be identified.

Should you have any questions, please contact my office at 810-629-8595.

Sincerely,

Robert Cairnduff

Robert C. Cairnduff
Fire Chief



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

November 4, 2021

Shared Private Driveway Review for Tyrone Township, Michigan

PETITION INTRODUCTION

Applicant: Mark Niemi (*agent*)
Owner: Mark Niemi
Plan Date: May 14, 2021 (*survey*)
Request: Shared private driveway

PETITION DESCRIPTION

The applicant is requesting approval of a shared private driveway to provide access for a proposed land division.

Shared private driveways can provide access for up to 4 single-family lots, site condominium units, or non-residential principal buildings and can have a maximum length of up to 1,200 feet.

The proposed shared private driveway could provide access for up to 2 lots.

The proposed shared private driveway would have access from Indian View, an existing private road. Indian View connects with Center to the north.

The Zoning Ordinance outlines the process and design standards for shared private driveways and the process and limitations for the expansion (*length or number of lots*) of private roads, including shared private driveways connected to existing private roads.

This review does not examine the proposed land division, but it should be noted that lot areas should exclude the shared private driveway easement.

The application is not complete at this time, but the Planning Commission can provide some guidance to the applicant.

PROPERTY INFORMATION

Address: None
Location: West of Indian View, south of Center
Parcel Number: 04-21-100-010
Lot Area: ~9.9 acres (*gross*)
Frontage: ~428 feet
Existing Land Use: Vacant/woodlands

Aerial of the Site



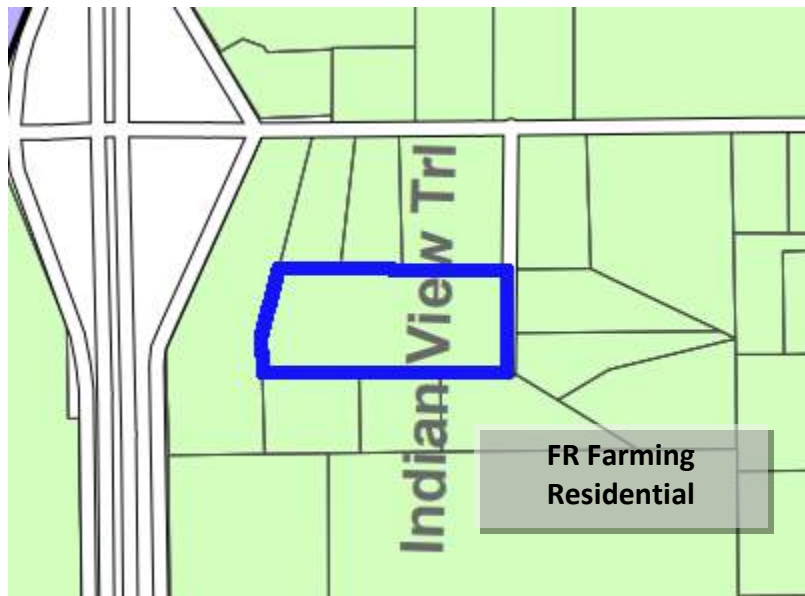
ZONING

The property is within the FR Farming Residential zoning district. The intent of that district is below.

Zoning per Zoning **FR Farming Residential**

Map: *The intent of the FR Farming Residential District is to protect lands best suited to agricultural uses from the encroachment of incompatible uses, while designating an area appropriate to the type of single family residential development that does not alter the general agricultural character of the district. Moreover, the intent also is to protect vital natural resources, including wetlands, inland lake water quality, groundwater supplies, fertile and stable soils, and significant stands of wood lots and vegetative cover. Lands in the FR and RE District are not likely to be served with centralized public water and sewer facilities.*

Current Zoning Map



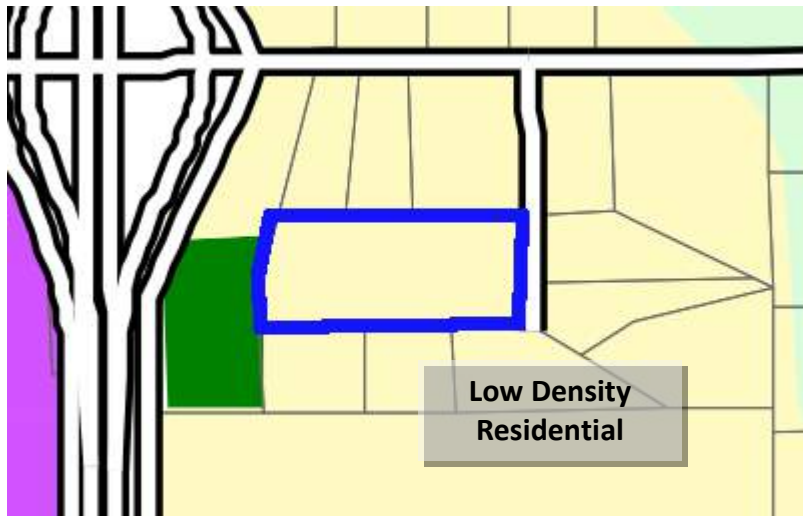
Comments: *Although not directly a part of the shared private driveway application, the proposed properties appear generally consistent with the developmental standards of the FR Farming Residential zoning district. Future surveys should describe both the gross and net lot area.*

FUTURE LAND USE MAP

Future Land Use Map **Low Density Single Family Detached Residential**

This category will permit single family residential development at a density of 1.5 to 3 acres per dwelling unit. This designation can be found in portions of the southeast part of the Township, where residential uses are appropriate but higher densities are not advisable due to infrastructure concerns.

Future Land Use Map



Comments: Although not directly a part of the shared private driveway application, the proposed properties appear consistent with the Future Land Use Map.

SURROUNDING PROPERTIES

The surrounding properties are primarily residential uses with a public use, as noted below.

	North	East	South	West
Surrounding Zoning	<i>FR Farming Residential</i>	<i>FR Farming Residential</i>	<i>FR Farming Residential</i>	<i>FR Farming Residential</i>
Surrounding Land Uses	<i>Houses</i>	<i>Houses</i>	<i>Houses</i>	<i>Township Hall</i>
Future Land-Use Map	<i>Low Density Single Family Residential</i>	<i>Low Density Single Family Residential</i>	<i>Low Density Single Family Residential</i>	<i>Low Density Single Family Residential, Public/Quasi Public</i>

PRIVATE ROAD EXPANSION

The proposed shared private driveway will have access from an existing private road.

The existing private road has a length of roughly 1,008 feet from Center Road to the north and provides access for 9 existing lots (*10 lots following division*).

Limits are placed on the expansion of existing private roads, including physical extension of a private road (*length*), providing access to additional lots (*number of lots*), or the addition of shared private driveways with access from the private road.

A private road with a single access point can have a maximum length of 1,200 feet, including the length of any shared private driveways. The Township can allow a greater length, if a dry hydrant system is installed. (§24.03(G) Maximum Length and Units, Single Access Point)

Private roads with a single access point can provide access for a maximum of 30 lots, including lots with shared private driveways from the private road. The Township can reduce that number based on local conditions. With the proposed division, Indian View would provide access to less than 30.

Comments: *The proposed shared private driveway would result in a length of roughly 1,517 feet, which is greater than the 1,200 feet allowed (shared private driveway plus private road with a single access point).*

A longer distance may be approved by the Township Board, upon recommendation by the Planning Commission, if a dry hydrant system approved by the Township Engineer and fire department is installed. We recommend the Township consult with the fire department with jurisdiction in this area if it wishes to consider allowing a longer length.

SHARED PRIVATE DRIVEWAY APPROVAL PROCESS

The approval process for shared private driveways is outlined in §24.05 Shared Private Driveway and Access Easement Approval Requirements.

The Planning Commission holds a public hearing and provides a recommendation to the Township Board. The applicant may be directed to provide additional information deemed necessary to review the application.

An applicant must provide a site plan/engineering plan of the proposed shared private driveway, as outlined in §24.05(J) Review Process, and a maintenance agreement, as outlined in §24.05(B) Maintenance Agreement and 24.02(C) Maintenance Agreement.

Comments: *It is difficult to provide comment on the current sketch that has been provided, as it does not include most of the information that should be included in a shared private driveway plan. A plan should be provided that includes at least the basic information to provide further guidance.*

The draft maintenance agreement that has been provided does not appear to be in a recordable form nor does it appear to clearly address access rights or limits or location of utilities within the easement.

We defer comment on details of the maintenance agreement to the Township attorney.

SHARED PRIVATE DRIVEWAY DESIGN STANDARDS

Design standards for shared private driveways are outlined in §24.06 Shared Private Driveway and Access Easement Design Standards of the Zoning Ordinance and are examined below. The Planning Commission may recommend approval of a modified shared private driveway design standard where it can be demonstrated that the modified standard meets safety and sound engineering requirements.

- A. Design of Shared Private Driveways.** A shared private driveway shall be designed and constructed consistent with the standards adopted herein and by the Livingston County Road Commission standards for public roads except the requirement for bituminous pavement as modified in this Article by Tyrone Township. In the event of conflict between standards, the higher standard, as determined by the Planning Commission, shall prevail. The design of a shared private driveway shall be subject to approval by the Township. When the developer of a proposed shared private driveway owns an additional access point for a lot along the adjacent public or private road, the additional access point shall be removed and the lot shall be accessed from the shared private driveway. This standard may be waived where it is determined that the access point does not have a negative impact on traffic or safety along the main road and that compliance would be a burden to the site, the resources on it, its configuration, and/or the property owners.

***Comments:** At this time, no engineering details for the proposed shared private driveway have been provided. A cross section and other design details should be provided as part of the application to allow review for consistency with this standard.*

To the best of our knowledge, the applicant does not own any adjacent access points that should be removed.

We defer further comment related to public road standards to the Township Engineer and the Road Commission.

- B. Drainage.** Shared private driveways shall be designed and constructed in relation to existing land contours and other natural or man-made features to assist in providing controlled drainage for the shared private driveway in accordance with Township and County requirements. A drainage bypass culvert may be required where a shared private driveway intersects with a road. All other drainage improvements shall be required as determined necessary by the site drainage patterns and be consistent with established Township policy, the requirements of the Livingston County Road Commission and Drain Commissioner, and sound engineering practices.

***Comments:** At this time, no engineering details have been provided, including the location of the proposed shared private driveway within the proposed easement, topography, or proposed drainage improvements.*

We defer further comment related to drainage to the Township Engineer

- C. Sight-Distance.** Shared private driveways shall be designed and constructed in relation to existing land contours and other natural or man-made features to provide safe and adequate vision for drivers using a shared private driveway access. A shared private driveway intersection with a road shall meet the sight distance requirements of the Livingston County Road Commission for driveways and road approaches. Other traffic safety improvements shall be required as determined necessary to be consistent with established Township policy, the requirements of the Livingston County Road Commission, and sound planning and engineering practices. If the area to be maintained in order to meet the sight distance requirement extends onto adjacent property, then easements shall be secured for the purposes of clearing and maintaining the area for compliance with this requirement. If easements cannot be secured, the access point will have to be relocated. Provisions for maintenance of

areas required for sight-distance shall be included in the shared private driveway and access easement maintenance agreement (see Section 24.05.B).

Comments: *At this time, no design details have been provided as part of the application. Design information, such as sight distances, should be provided in order to determine consistency with this standard.*

We defer additional comment to the Township Engineer and Road Commission.

- D. Minimum Easement Width.** The minimum width of the easement for a shared private driveway shall be sixty-six (66) feet.

Comments: *The proposed easement width, as shown in the survey dated May 14, 2021, would be 66 feet wide.*

- E. Minimum Finished Surface Width.** The finished, load-bearing surface of a shared private driveway shall be not less than twenty (20) feet in width. Subject to the Township's approval, a shared private driveway may have a finished, loadbearing surface of not less than sixteen feet in width, plus two (2) load-bearing shoulders, each two (2) feet wide. Those shared private driveways served by hydrants shall have a finished, load-bearing surface of not less than twenty-six (26) feet. This width may be reduced to twenty (20) feet at the discretion of the Planning Commission provided that bump-outs, which are a minimum of twenty-six (26) feet in width, are provided at least once every 300 feet.

Comments: *At this time, no design details have been provided as part of the application. Design information, including width of the finished surface, should be provided in order to determine consistency with this standard.*

- F. Shared Private Driveway Construction Materials.** The surface of a shared private driveway shall be constructed on a base of not less than six (6) inches of road gravel. The base shall be laid after removal of all unsuitable soil. Unsuitable soil shall be replaced with road gravel or other material as may be specified by the Township Engineer. The Township Engineer may also specify the installation of soil stabilization devices, sub-base, or underlying fabric and drainage facilities to better assure the long-term life of the shared private driveway.

Comments: *At this time, no design details have been provided as part of the application. Design information, including surface material, base material, soil information, and any necessary soil stabilization devices, should be provided in order to determine consistency with this standard.*

- G. Maximum Length and Units.** Maximum length of a shared private driveway shall be one thousand, two hundred (1,200) feet with a maximum of four (4) lots or dwelling units served by the shared private driveway. The maximum length requirement may be extended upon the recommendation of the Planning Commission and the approval of the Township Board. Shared private driveways that exceed the one thousand, two hundred (1,200) foot maximum length shall be required to install a dry hydrant system. The system shall be subject to the approval of the Township engineer and fire department with jurisdiction.

Comments: *The proposed shared private driveway itself would be less than 1,200 feet in length and would provide access for less than 4 lots.*

The length of the proposed shared private driveway and the existing private road would exceed 1,200 feet in length. See the "Private Road Expansion" section of this report for more details.

- H. Turnarounds.** Any shared private driveway serving more than three (3) lots or dwelling units shall include a circular cul-de-sac turnaround or a "T" turnaround. The Planning Commission shall determine the type of turnaround required. Cul-de-sacs and "T" turnarounds shall be in accordance with these standards and LCRC geometric design requirements. This requirement may be waived if the shared private driveway is 150 feet or less in length.

Comments: *The proposed shared driveway will only serve 2 dwelling units, so a circular cul-de-sac or t-turnaround is not required.*

However, it is our understanding that the International Fire Code generally requires some type of turnaround when an accessway is longer than 300 feet to ensure fire apparatus are able to access the site.

If a turnaround is not provided, it would likely limit or prohibit garbage truck access to the proposed western lot.

We defer further comments to the Township Engineer and Fire Inspector.

- I. Circular Cul-De-Sac Turnaround Design.** When a circular cul-de-sac turnaround is required for installation by the Planning Commission, the turnaround shall be designed with a forty-five (45) foot radius if no internal landscape island is required or with a fifty-five (55) foot radius if a center landscaped island is required. Where required, the internal landscape island shall be located in the center of the turnaround and shall be twenty (20) feet in diameter. A larger turnaround may be required for commercial and industrial shared private driveways.

Comments: *The application does not call for a circular cul-de-sac turnaround. This standard would only apply if the applicant proposes a circular cul-de-sac turnaround or if the Planning Commission determines a circular cul-de-sac turnaround is required.*

- J. "T" Turnaround Design.** When a "T" or "hammerhead" turnaround is required for installation by the Planning Commission, the turnaround shall provide perpendicular extensions from the main traveled surface of the shared private driveway to permit a vehicle to turn around. The extensions shall be not less than twenty (20) feet in width and extend from each side of the centerline of the easement for a distance of sixty (60) feet. A turning radius of twenty-eight (28) feet shall be provided from the traveled surface onto the turnaround. The surface and base materials of the "T" turnaround shall be the same as the surface and base materials of the shared private driveway.

Comments: *The application does not call for a t/hammerhead turnaround. This standard would only apply if the applicant proposes a t/hammerhead turnaround or if the Planning Commission determines a t/hammerhead turnaround is required.*

- K. Intersection Design Standards.** Shared private driveways that intersect with existing or proposed private roads or public street rights-of-way should intersect at a ninety (90) degree angle. Where constrained by environmental features, the Township Engineer may allow a reduced angle of intersection but in no case shall the angle be less than seventy (70) degrees.

Comments: *At this time, no design details have been provided as part of the application. Design information, including details of the proposed geometry where the proposed shared driveway connects with Indian View, should be provided in order to determine consistency with this standard.*

- L. Intersection Offsets from Streets.** Proposed shared private driveway intersections with a public or private road shall align directly across from, or be offset by at least two hundred fifty (250) feet from existing intersections of public streets or private roads on the opposite side of the street, measured centerline to centerline. This standard may be reduced if approved by the Livingston County Road Commission and the Tyrone Township Board of Trustees, with recommendation from the Planning Commission.

Comments: *The proposed shared private driveway is more than 250 feet from intersections with any public or private street.*

- M. Vertical Clearance.** In order to provide adequate access for emergency vehicles, fifteen (15) feet of overhead tree clearance shall be provided within the width of the finished surface.

Comments: *At this time, no design details have been provided as part of the application. Design information, including details about vertical clearance, should be provided in order to determine consistency with this standard.*

- N. Signs.** Regulatory signs shall be positioned and installed in accordance with the Michigan Manual of Uniform Traffic Control Devices on all shared private driveways where such driveways intersect with public or private roads. All other signs within the shared private driveway easement shall be identified on the site plan and designed and placed in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Planning Commission approves another type of design for consistency with the character of the development. Shared private driveways shall not be named and shall not have signs bearing street names.

Comments: *At this time, no design details have been provided as part of the application. Design information, including details about proposed regulatory signs, should be provided in order to determine consistency with this standard.*

We defer comment to the Township Engineer as to what traffic control signs would be appropriate.

- O. Modifications of These Standards.** At the discretion of the Planning Commission and Township Board, the standards of this article may be modified. The Planning Commission and Township Board may determine that alternative design or construction materials will provide a shared private driveway of equal or superior quality. Further, the Planning Commission and Township Board shall have the authority to modify the review requirements in order to assure the requirements of the Township are considered in an appropriate forum and with the necessary level of professional design expertise.

Comments: *Information about the design of the proposed shared private driveway has not been provided, so it is not possible to provide comment about potential modifications or determine if an alternative design or construction materials would be of equal or superior quality at this time.*

- P. Compliance with AASHTO Standards.** Where no specific standard is provided in this Section, shared private driveway design plans shall meet the design criteria for local rural roads described in the most

recent edition of the American Association of State Highway and Transportation Officials (AASHTO) Manual "A Policy on Geometric Design for Highways and Streets." Minimum horizontal and vertical curve radii and stopping distances shall be determined using design standards in this AASHTO manual to provide minimum safe sight-distances, provided that the minimum horizontal curve shall be two-hundred and thirty (230) feet in radius.

Comments: *At this time, no design details have been provided as part of the application. Design information, including details about horizontal and vertical curve radii, should be provided in order to determine consistency with this standard.*

We defer additional comment to the Township Engineer.

- Q. Conversion of Shared Private Driveway to Private Road.** Any proposal to modify the use of a shared private driveway so that the shared private driveway will serve the functional capacity of a private road...

Comments: *The application does not call for the conversion of a shared private driveway to a private road. This standard does not apply.*

- R. Setbacks and Structures.** Shared private driveways shall not be considered streets. However, on lots where the only means of access is a shared private driveway and there is no street frontage, the yard fronting on the shared private driveway shall be considered the front yard for zoning and setback purposes. On lots where the only means of access is a shared private driveway and there is street frontage, the lot shall be treated as a corner lot (i.e. a lot with two front yards) for zoning and setback purposes.

Comments: *Future surveys used for the proposed land division should accurately show the setbacks as described above.*

- S. Adjacent Properties.** For shared private driveways built after the effective date of this amendment (April 30, 2008) and located on a property line, access to that shared private driveway is encouraged to be provided to the adjacent property. The developer or owner of the adjacent property shall petition the owner(s) of the shared private driveway(s) located on the adjacent property to request a forum to discuss and negotiate access to, and use of, the existing shared private driveway(s). However, where such access is granted and will exceed the maximum number of lots permitted on a shared private driveway, the shared private driveway shall be converted to a private road per paragraph P above.

Comments: *We have no information whether or not the applicant/owner has petitioned the owners of the existing adjacent private shared driveway to explore potential use. If such use were granted, it appears that the resulting shared private driveway would provide access for up to 4 lots.*

We recommend the applicant/owner approach the adjacent property owners and provide proof of that contact and the response with the Township.

- T. Nonconforming Shared Private Driveways.** Nonconforming shared private driveways may be modified in conformance with the requirements in Section 24.04. Where necessary to accommodate shared private driveways versus private roads, the standards may be modified by the Township.

Comments: *The application does not call for modifying an existing nonconforming shared private driveway. This standard does not apply.*


SUMMARY & COMMENTS

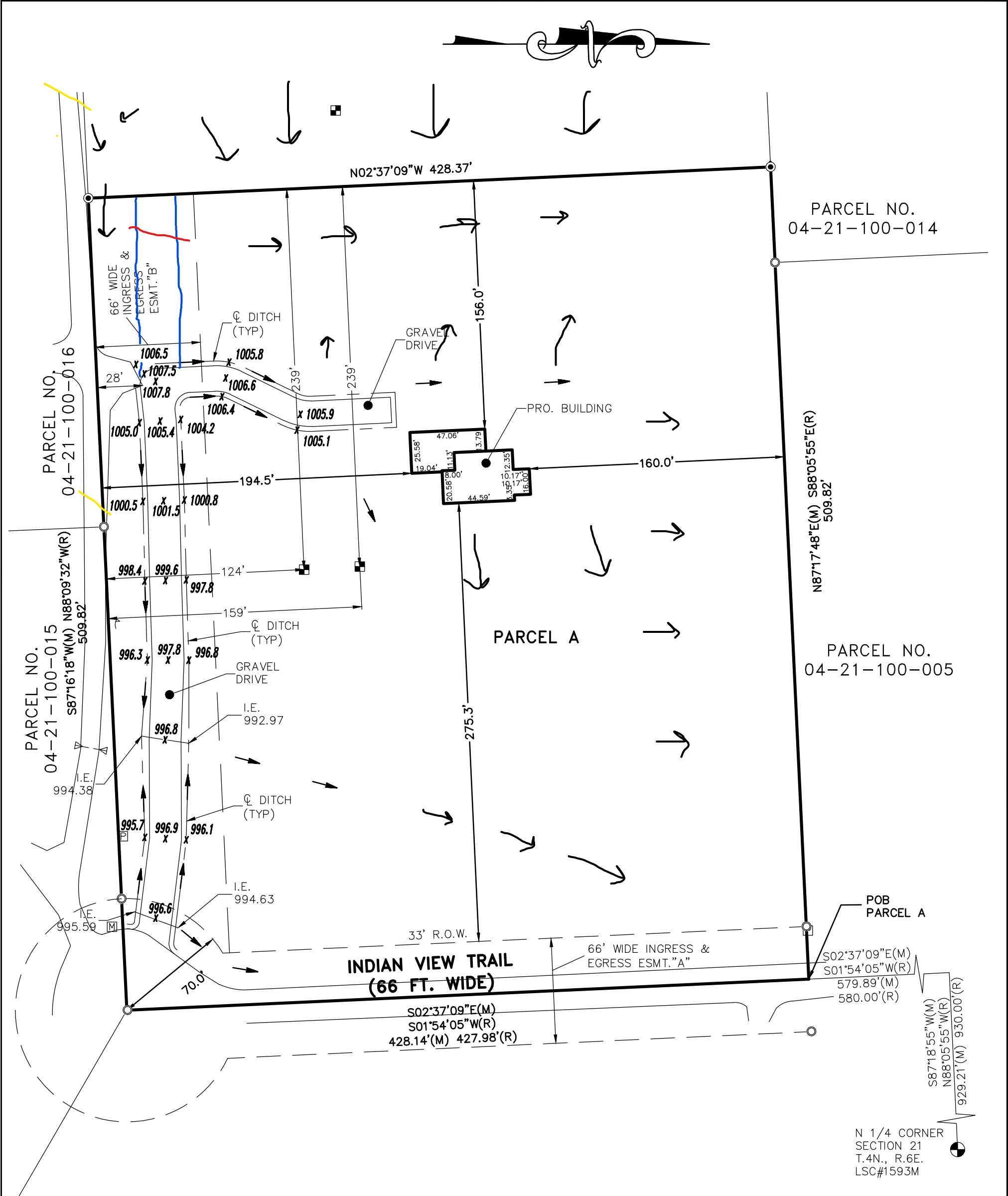
The proposed shared private driveway application is not complete at this time.

This review does not examine the proposed lots.

Some guidance and areas for Planning Commission discussion are outlined below.

- 1) *A plan should be provided that is generally consistent with §24.05(J) Review Process.*
- 2) *The applicant should provide proof of an attempt to get permission to use the shared private driveway immediately south of the proposed shared private driveway.*
- 3) *Planning Commission should discuss whether it might consider making a favorable recommendation for a length (private road and shared private driveway) of greater than 1,200 feet, if a dry hydrant system is installed.*
- 4) *A maintenance agreement consistent with §24.05(B) Maintenance Agreement and §24.02(C) Maintenance Agreement should be provided in a recordable form for review by the Township Attorney.*
- 5) *Access for the proposed eastern lot should be clarified.*
- 6) *The plan should be shared with the Fire Inspector for additional comment.*


CARLISLE/WORTMAN ASSOC., INC.
Zach Michels, AICP
Planner



DESCRIPTION:

PART OF THE NORTHWEST 1/4 OF SECTION 21, T4N, R6E, TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 21; THENCE S87°18'55"W 929.21 FEET ALONG THE NORTH LINE OF SECTION 21 AND THE CENTERLINE OF CENTER ROAD; THENCE S02°37'09"E 579.89 FEET TO THE POINT OF BEGINNING; THENCE S02°37'09"E 428.14 FEET; THENCE S87°16'18"W 509.82 FEET; THENCE N02°37'09"W 428.37 FEET; THENCE N87°17'48"E 509.82 FEET TO THE POINT OF BEGINNING, CONTAINING 5.01 ACRES, MORE OR LESS, SUBJECT TO AND INCLUDING THE USE OF A 66 FOOT WIDE EASEMENT "A" AND ALSO BEING SUBJECT TO AND INCLUDING THE USE OF A 66 FOOT WIDE INGRESS & EGRESS EASEMENT "B".

LEGEND

- FOUND IRON
- SET IRON
- SOIL BORING
- ▷ END SECTION
- ▣ MAIL BOX
- ➔ PROP. FLOW ARROW
- x 60.0 PROP. SPOT ELEVATION

ALPINE ENGINEERING, INC.
CIVIL ENGINEERS & LAND SURVEYORS

RESIDENTIAL
SUBDIVISIONS
SITE CONDOMINIUM
MULTI-FAMILY
PLOT PLANS
CONSTRUCTION LAYOUT

SURVEYING
ALTA SURVEYS
BOUNDARY SURVEYS
TOPOGRAPHIC SURVEYS
PARCEL SPLITS

COMMERCIAL
SITE PLANNING
SITE ENGINEERING
INDUSTRIAL & MULTI-UNIT
LAND SURVEYING
CONSTRUCTION LAYOUT

CLIENT: **MARK NIEMI**

SITE PLAN

PARCEL NO. 4704-21-100-010

SECTION: 21 TOWNSHIP: 4 N RANGE: 6 E
TYRONE TOWNSHIP
LIVINGSTON COUNTY
MICHIGAN

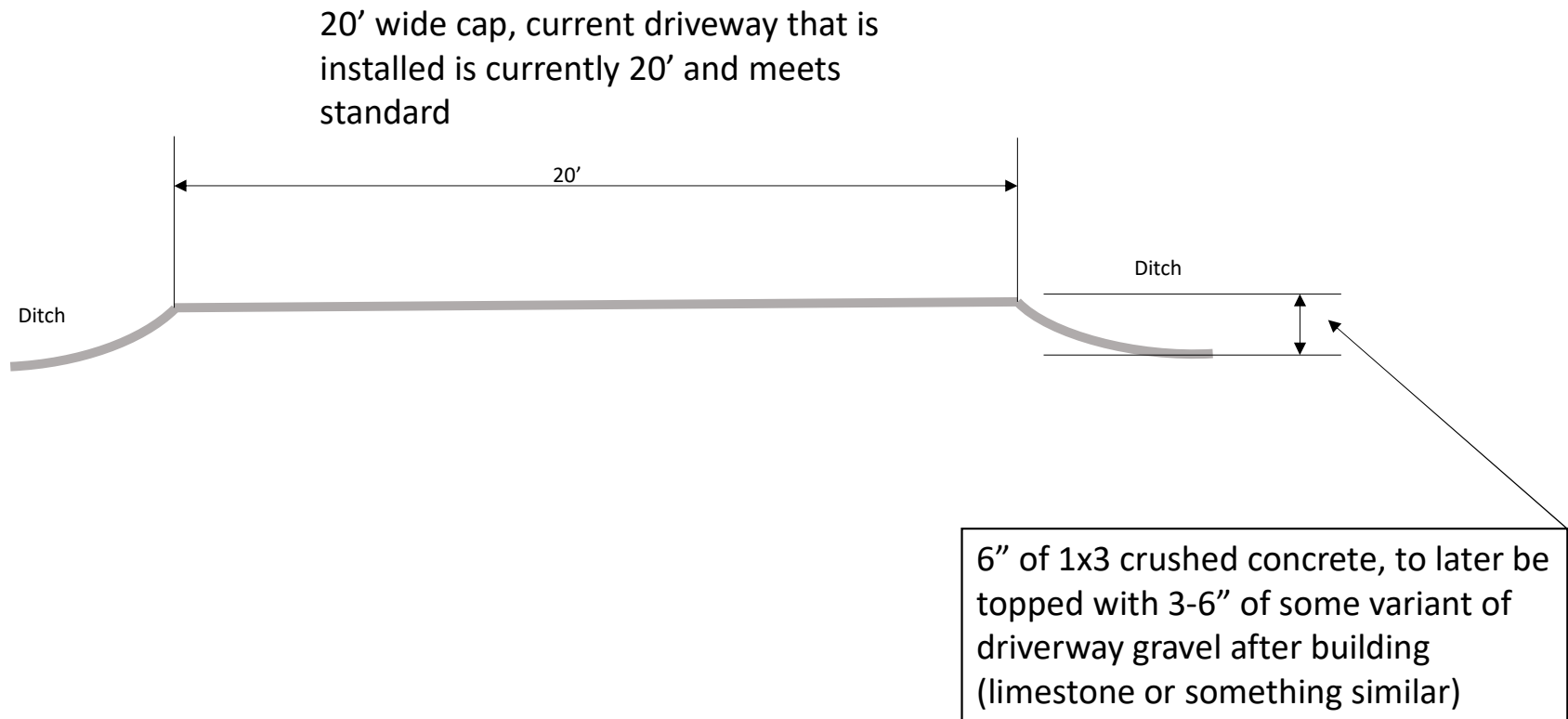
DATE: 11/4/2021
DRAWN BY: TTP
CHECKED BY:

SCALE: HOR 1"=60 FT.
VER 1"=60 FT.

1

21-115

Drive Way Section
Mark Niemi
Indian View Trail,
Fenton, MI, 48430





Shared Private Driveway Maintenance

Legal description of Parcel A

PARCEL A:

PART OF THE NORTHWEST 1/4 OF SECTION 21, T4N, R6E, TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 21; THENCE S87°18'55"W 929.21 FEET ALONG THE NORTH LINE OF SECTION 21 AND THE CENTERLINE OF CENTER ROAD; THENCE S02°37'09"E 579.89 FEET TO THE POINT OF BEGINNING; THENCE S02°37'09"E 428.14 FEET; THENCE S87°16'18"W 509.82 FEET; THENCE N02°37'09"W 428.37 FEET; THENCE N87°17'48"E 509.82 FEET TO THE POINT OF BEGINNING, CONTAINING 5.01 ACRES, MORE OR LESS, SUBJECT TO AND INCLUDING THE USE OF A 66 FOOT WIDE EASEMENT "A" AND ALSO BEING SUBJECT TO AND INCLUDING THE USE OF A 66 FOOT WIDE INGRESS & EGRESS EASEMENT "B".

Legal description of Parcel B

PARCEL B:

PART OF THE NORTHWEST 1/4 OF SECTION 21, T4N, R6E, TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 21; THENCE S87°18'55"W 929.21 FEET ALONG THE NORTH LINE OF SECTION 21 AND THE CENTERLINE OF CENTER ROAD; THENCE S02°37'09"E 579.89 FEET; THENCE S87°17'48"W 509.82 FEET TO THE POINT OF BEGINNING; THENCE S02°37'09"E 428.37 FEET; THENCE S87°16'18"W 531.77 FEET; THENCE N03°05'55"W 162.48 FEET; THENCE N12°58'00"E 276.40 FEET; THENCE N87°17'48"E 458.87 FEET TO THE POINT OF BEGINNING, CONTAINING 5.01 ACRES, MORE OR LESS, BEING SUBJECT TO AND INCLUDING THE USE OF A 66 FOOT WIDE EASEMENT "A".

Creation of Shared Private Driveway

The legal owners of the legally described parcels herein ("the **Benefited Parcels**") hereby grant and convey to each other a 66 foot wide ingress and egress easement for a shared private driveway, the easement being described as follows:

A nonexclusive ingress and egress 66 foot wide easement for shared private driveway purposes, further described as:

66 FOOT INGRESS & EGRESS EASEMENT "A"

PART OF THE NORTHWEST 1/4 OF SECTION 21, T4N, R6E, TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER S87°18'55"W 929.21 FEET TO THE POINT OF BEGINNING; THENCE S02°37'09"E 1007.98 FEET TO THE CENTER OF A 70 FOOT RADIUS CUL-DE-SAC.

66 FOOT INGRESS & EGRESS EASEMENT "B"

PART OF THE NORTHWEST 1/4 OF SECTION 21, T4N, R6E, TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER S87°18'55"W 929.21 FEET; THENCE S02°37'09"E 1008.03; THENCE S87°16'18"W 70.00 FEET TO THE POINT OF BEGINNING; THENCE S87°16'18"W 439.82 FEET; THENCE N02°37'09"W 66.00 FEET; THENCE N87°16'18"E 476.81 FEET; THENCE S02°37'09"E 4.20 FEET; THENCE 75.73 FEET ALONG A 70.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S28°15'46"W 72.09 FEET TO THE POINT OF BEGINNING.

located in Tyrone Township, Livingston County, Michigan. The owners of the *Benefited Parcels* shall use the shared private driveway easement for the purposes of vehicle ingress and egress, including public and emergency vehicles, and for the placement of public utilities to benefit their parcels. Use of this easement is limited to the *Benefited Parcels*.

Maintenance

The shared private driveway easement shall be constructed and maintained in accordance with Tyrone Township standards. The cost of construction (if applicable) and maintenance shall be shared equally between both parcels where the cost of driveway construction can be added to sale price of land. The shared private driveway easement shall be maintained in a good state of repair not less than that required by Tyrone Township at the time of the creation of the shared private driveway easement. Tyrone Township and Livingston County shall not be responsible for maintenance, or the cost thereof.

No capital expenditures exceeding \$100 shall be made without consent of all owners of the *Benefited Parcels*. Cost less than \$100 for normal maintenance may be performed by any *Benefited Parcel* owner, with the costs shared equally by all of the *Benefited Parcels*. A *Benefited Parcel* who fails to pay their share of costs associated with this agreement shall be subject to lien by the owners of the remaining *Benefited Parcels* 90 days after written request for payment is mailed to the non-paying *Benefited Parcel* owner(s). The request for payment shall state whether the purpose of the expenditure was for normal maintenance or a capital expenditure, the total amount of the expenditure, the date of the expenditure(s), and the pro rata share of the expenditures which apply to the parcel against which a lien may be filed. Enforcement and collection of the lien created by this agreement shall be by, and at the expense of, the benefited parcels by a court having jurisdiction, or as otherwise provide by statute. Both parcels have responsibility for driveway maintain in keeping vertical clearance above drive clear for 15 feet as required to allow for emergency vehicles. Snow plowing shall be shared equally between houses for keeping drive clear and passable.

Township Indemnification

The owners of the *Benefited Parcels*, their successors, and assigns agree to indemnify and hold harmless the Township of Tyrone for any claim, cause of action, or liability which may be created by the *Benefited Parcel* owner's maintenance, or lack thereof, of the shared private driveway easement.

Recording of Agreement

This agreement shall run with the land, shall be recorded with each *Benefited Parcel* by the Livingston County Register of Deeds, and shall be enforceable upon and by all current and future owners of the *Benefited Parcels*. The Tyrone Township Clerk and each party to this agreement shall be provided a copy of this recorded document.

Document must be signed by all *Benefited Parcel* owners and notarized.

OLD BUSINESS #2

Master Plan



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

December 9, 2021

Master Plan Draft Work Plan for Tyrone Township, Michigan

INTRODUCTION

Tyrone Township is preparing to review and revise or replace its current Master Plan, which was adopted in 2012.

A master plan is intended to serve as a comprehensive document outlining the community's vision for its future and strategies to achieve that vision. Master plans are required for communities in Michigan that engage in zoning.

The Michigan Planning Enabling Act requires communities to review their master plan every five years to keep them current. At that review, a community could determine no action is necessary (*if the current master plan is still appropriate*), adopt minor revisions (*if there have been some small changes*), or adopt a new master plan (*if there have been significant change*).

All master plans must include certain elements and follow certain process (*outlined in the Planning Enabling Act*), but there is a wide variety of master plans and processes, tailored to suit the specific needs of the community.

This outline describing a potential path for Tyrone Township has been prepared and revised based on previous discussions by and guidance from the Planning Commission. This outline assumes a rigorous revision of the current master plan or adoption of a new master plan. Estimated times are rough and may vary greatly, depending on the ultimate scope of the project.

WORK PLAN

Phase 1: KICK OFF

2-3 months

To finalize a work plan, Carlisle Wortman will work with the Township, through the planning commission, study group, or steering committee, to help identify the “big picture” concerns and review options available for master plan development. In addition to planning commission members, this discussion should include members of the zoning board of appeals and township board, township staff, and others.

Richard K. Carlisle, *President* Douglas J. Lewan, *Executive Vice President* John L. Enos, *Principal*
David Scurto, *Principal* Benjamin R. Carlisle, *Principal* Sally M. Elmiger, *Principal* Craig Strong, *Principal* R. Donald Wortman, *Principal*
Laura K. Kreps, *Senior Associate* Paul Montagno, *Senior Associate* Megan Masson-Minock, *Senior Associate*

Task 1.1: Establish Master Plan Steering Committee

At previous meetings, there has been discussion of the Planning Commission serving as the steering committee. This should be confirmed if it is still the Township's intent.

If the Planning Commission does serve as the steering committee, we recommend creating a smaller group that can help provide guidance or make decisions for smaller issues in order to help keep the process moving forward between Planning Commission meetings.

*Decisions: Will the Planning Commission serve as the steering committee?
Will there be a smaller body to provide guidance for smaller questions between meetings?*

Task 1.2: Define/Confirm Scope and Work Plan

The Township and Carlisle Wortman will work together to define/confirm the scope of the work plan. Typical decisions include the number and purpose of vision sessions/workshops, time frame, and responsibilities for different tasks. Important decisions associated with each task have been outlined in this draft work plan.

Once decisions that affect the scope and timeline have been decided, Carlisle Wortman will provide the Township a cost estimate and draft timeline. Adjustments are typically made to balance the scope of the work plan and the available budget.

Task 1.3: Launch Master Plan Website

Carlisle Wortman, with guidance from the steering committee, will design and launch a master plan website that will be updated and maintained throughout the master planning process. It will serve as a one-stop location for information on the master plan, including links to surveys, online engagement tools, frequently asked questions page, drafts of all documents, contact information, and project calendar.

The Township can include links to this website from its website and other platforms.

Task 1.4: Prepare Community Survey

Carlisle Wortman, with guidance from the steering committee, will prepare a community survey. Initial discussion focuses on defining broad areas of interest, which Carlisle Wortman will use to prepare potential questions. Later discussion focuses on refining the questions included in the survey.

Most surveys use an online platform. Depending on the Township's desires, the online survey platform may or may not require confirmation of respondent identity. Survey promulgation may be done by the Township or Carlisle Wortman, typically through mailings with property tax bills, special purpose mailings, press releases to local media.

*Decisions: What limitations will be placed on the online survey?
Who will be responsible for spreading word of the survey?*

Notes:

“Intent to plan letters” are typically sent to adjacent communities, utilities, and interested parties at this point. Carlisle Wortman has provided sample letters to Township staff and reviewed a contact list. Township staff will be responsible for sending these letters.

Phase 2: WHAT YOU HAVE/ASSETS & CHALLENGES

3-6 months

In order to plan for the future, it is necessary to understand current conditions. The extent of background studies can vary widely, depending on the community and scope of the master plan. The basic idea is to conduct background studies and document the current conditions. Some tasks in this phase take place concurrently with tasks in Phase 1. This phase typically consists of the following tasks:

Task 2.1: Collect and Analyze Community Profile/Demographics

Carlisle Wortman will collect and update the community profile for the master plan using the most recent information from the US Census, as well as information from the county, state, SEMCOG, and other sources.

Decisions: What scope of demographic information is desired?

Task 2.2: Review and Analyze Existing Plans

Carlisle Wortman will review plans of surrounding communities, Livingston County, SEMCOG, other agencies, and other Township-generated plans. Information and findings from these plans will be incorporated into the master plan and public input sessions.

*Decisions: Which communities plans are the most impactful for the Township?
What other agency plans should be included for review?*

Task 2.3: Inventory Existing Land Use

Carlisle Wortman will review existing land use information and prepare maps, to be verified by the steering committee. Maps and information will be incorporated into the master plan and public input sessions.

Decisions: What land use categories will be explored?

Task 2.4: Inventory Natural Resources

Carlisle Wortman will review natural resources information and prepare maps, to be verified by the steering committee. Maps and information will be incorporated into the master plan and public input sessions.

Decisions: What natural resources will be explored?

Task 2.5: Inventory Infrastructure and Services

Carlisle Wortman will review existing infrastructure and public service information and prepare maps, to be verified by the steering committee. Maps and information will be incorporated into the master plan and public input sessions.

Decisions: What infrastructure and public services will be explored?

Notes:

If “intent to plan letters” were not sent earlier, they must be sent once this phase has been completed.

Phase 3: WHAT YOU WANT/VISIONING

3-9 months

With an understanding of current conditions, the focus of master plan development shifts to what the community wants to be in the future. It is our understanding that a more-robust public engagement process will be important to Tyrone Township. This phase typically consists of the following tasks:

Task 3.1: Hold Vision Session(s)

Carlisle Wortman will facilitate vision session(s). The purpose of these sessions is to gather community input to help guide the development of goals and objectives, future land use, and subarea plans. Vision sessions can be of a general nature, focus on a specific issue or area, or include a specific group.

*Decisions: Are there specific groups, areas, or topics for vision sessions?
How many vision sessions are likely necessary?*

Task 3.2: Develop Goals and Objectives

Based on information gathered from background studies and the community, Carlisle Wortman will prepare draft goals and objectives, to be refined and endorsed by the Planning Commission. Review may also include a community workshop.

*Decisions: What general categories of goals are important to the Township?
Is there an interest in gathering community input on draft goals and objectives through a workshop?*

Task 3.3: Develop Future Land Use

Based on information gathered from background studies and the community, Carlisle Wortman will prepare draft future land use, to be refined and endorsed by the Planning Commission. Review may also include community workshop.

*Decisions: What categories of future land uses will be explored?
Is there an interest in gathering community input on draft future land use through a workshop?*

Task 3.4: Develop Subarea Plans

If subarea plans are determined necessary for the master plan, Carlisle Wortman will prepare subarea plans, based on information gathered from background studies and the community, to be refined and endorsed by the Planning Commission. Review may also include community workshop.

*Decisions: Is there interest in or need for subarea plans?
Is there interest in gathering community input on draft subarea plans through a workshop?*

Task 3.5: Develop Implementation Plan

Master plans may include an implementation plan, detailing specific tasks and the parties responsible for those tasks, to achieve the goals and objectives in the master plan. If such a plan is desired, Carlisle Wortman will prepare a draft implementation plan, to be refined and endorsed by the Planning Commission.

Decisions: Is there interest for including an implementation plan?

Notes:

The number and scope of vision session(s)/workshops will have an impact on the length of this phase.

Phase 4: PLAN DEVELOPMENT & ADOPTION

6-9 months

Following general consensus on the community's vision, the master plan document is prepared, reviewed, and adopted. Development of portions of the draft master plan can take place concurrently with earlier phases. This phase typically consists of the following tasks:

Task 4.1: Prepare Initial Draft

Carlisle Wortman will prepare a draft master plan, based on guidance from the goals and objectives, future land use, and subarea plans. The master plan will be highly-graphical, with an emphasis on user friendliness. Carlisle Wortman will also prepare snapshot informational posters of the draft master plan for use at public meetings and display in the community.

Decisions: Is there an interest in developing informational posters for public meetings or future use?

Task 4.2: Prepare Distribution Draft

Once a draft has been forwarded by the Planning Commission and approved by the Township Board for distribution, Carlisle Wortman or the Township will distribute copies of the draft master plan to surrounding communities and other interested parties for their review and comment or may assist the Township with this task. Surrounding communities and other interested parties have 63 days to review the draft master plan and provide comments.

*Decisions: Will the Township or Carlisle Wortman distribute copies of the draft?
Will hardcopies be sent or will surrounding communities and other interested parties be directed to the master plan website?*

Task 4.3: Conduct Public Hearing

The Township must hold at least one public hearing on the draft master plan. Carlisle Wortman can help the Township prepare public hearing notices and prepare materials for the public hearing.

*Decisions: Will the Township or Carlisle Wortman prepare public hearing notices?
What materials are desired for the public hearing?*


Task 4.4: Prepare Final Draft


Based on guidance from the Township following the public hearing and comment period, Carlisle Wortman will revise the master plan accordingly for final presentation/adoption.

Task 4.5: Adopt Master Plan

By default, planning commissions have the authority to adopt master plans. The Township Board can assume this authority to adopt the master plan by resolution. Carlisle Wortman can prepare draft resolutions for the Township to consider.

Decisions: Will the Township Board or Planning Commission be the body to adopt the master plan?


CARLISLE/WORTMAN ASSOC., INC.
Zach Michels, AICP
Planner


CARLISLE/WORTMAN ASSOC., INC.
Douglas J. Lewan, AICP
Executive Vice President

NEW BUSINESS #1

Sultani Caregiver Special Land Use

RECEIVED

NOV 22 2021

TYRONE TOWNSHIP
PLANNING & ZONING

TYRONE TOWNSHIP
PLANNING COMMISSION REVIEW APPLICATION

Property Address / Location 9105 FAISSETT RD.		Parcel ID/Zoning District 4704-29-300-029
Property Owner(s) Harlin & Hanna Sothern		Telephone
Street Address 30376 WARWICK DR		Cell Phone
City NOVI	State and Zip code MI 48430	FAX or E-Mail
Authorized Agent Gump Group		Telephone 248-865-5015
Street Address 7419 MIDDLEBURY RD, Ste H		Cell Phone 248-640-5001 - John Gump
City West Bloomfield	State and Zip Code MI 48322	

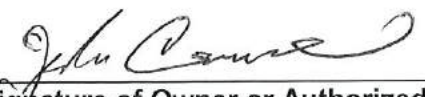
Type of Review:

- | | | |
|--|--|--|
| <input type="checkbox"/> Boundary Realignment | <input type="checkbox"/> Open Space Relocation | <input type="checkbox"/> Site Plan Review |
| <input type="checkbox"/> Concept Review | <input type="checkbox"/> Private Road/Shared Drive | <input type="checkbox"/> Site Visit |
| <input type="checkbox"/> Conditional Zoning | <input type="checkbox"/> Planned Unit Development | <input checked="" type="checkbox"/> Special Land Use |
| <input type="checkbox"/> Home Occupation | <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Special Meeting |
| <input type="checkbox"/> Land Division | <input type="checkbox"/> Rezoning | <input type="checkbox"/> Subcommittee Meeting |
| <input type="checkbox"/> Open Space Preservation | <input type="checkbox"/> Site Condominium | <input type="checkbox"/> Subdivision Plat |
| <input type="checkbox"/> Other | | |

Project Description:

Requesting Special land use for activation of medical marijuana as caregiver for 5 patients, in burn.

Planning Commission applications should be filed with the Planning Commission Recording Secretary at least 14 days prior to review. Applications will not be scheduled for review until all information has been received. This Signature constitutes the applicant's acknowledgement of the application requirements and permission for site inspection by Tyrone Township representatives.


Signature of Owner or Authorized Agent

Date 11/22/21	Tax Status Paid	Fees: 101-000000-607-006 1650-	Escrow: 701-000000-283- 2000-
Received By: KC	JE		

USE STATEMENT

Medical Marijuana Caregiver Operation

Halim Sultani
9165 Faussett Rd
Fenton, MI 48430

To: Tyrone County Planning Commission

I Halim Sultani the owner of 9165 Faussett Rd, Fenton, MI 48430 is requesting from the Tyrone County Planning Commission a Special Land Use to operate as a Medical Marijuana Caregiver.

An overview of the use is as follows:

- A medical marijuana caregiver operation will be conducted at the barn on the property.
- We will be cultivating marijuana for 6 patients (12 plants per patient). A total of 72 plants will be occupied at the location at all times. 36 in the flower stage and 36 in the vegetative stage.
- Our site will be controlled by the owner of the home who is also the primary caregiver.
- There will be one caregiver at the location
- Transfers of the medical marijuana to the patients will be done only by the primary caregiver.
- Sales of medical marijuana will only be permitted to the qualifying patients.
- There will be no signage on the property that would indicate such an operation is being conducted at the location
- Consumption of medical marijuana of the qualifying patient will not be allowed at the location.
- All plants will be enclosed in a locked and secure facility with cameras, internet and alarm on site.
- There will be no windows that give off light at the growing location
- Facility has seen an investment of over 100k in the past month.
- The facility is completely insulated and includes indoor filters to prevent any smell from leaking outdoors.
- Our employees will be working only during normal business hours. Rarely will be working late.
- Our lighting will be all LED to conserve a safe and green friendly environment.
- Our water will go through a rigorous filtration process to ensure our product is safe for our patients.
- All plants will be grown organically
- Will be keeping the property clean and safe at all times.
- No one will be living at the house on the property. We will be commuting to the location to conduct the operation.

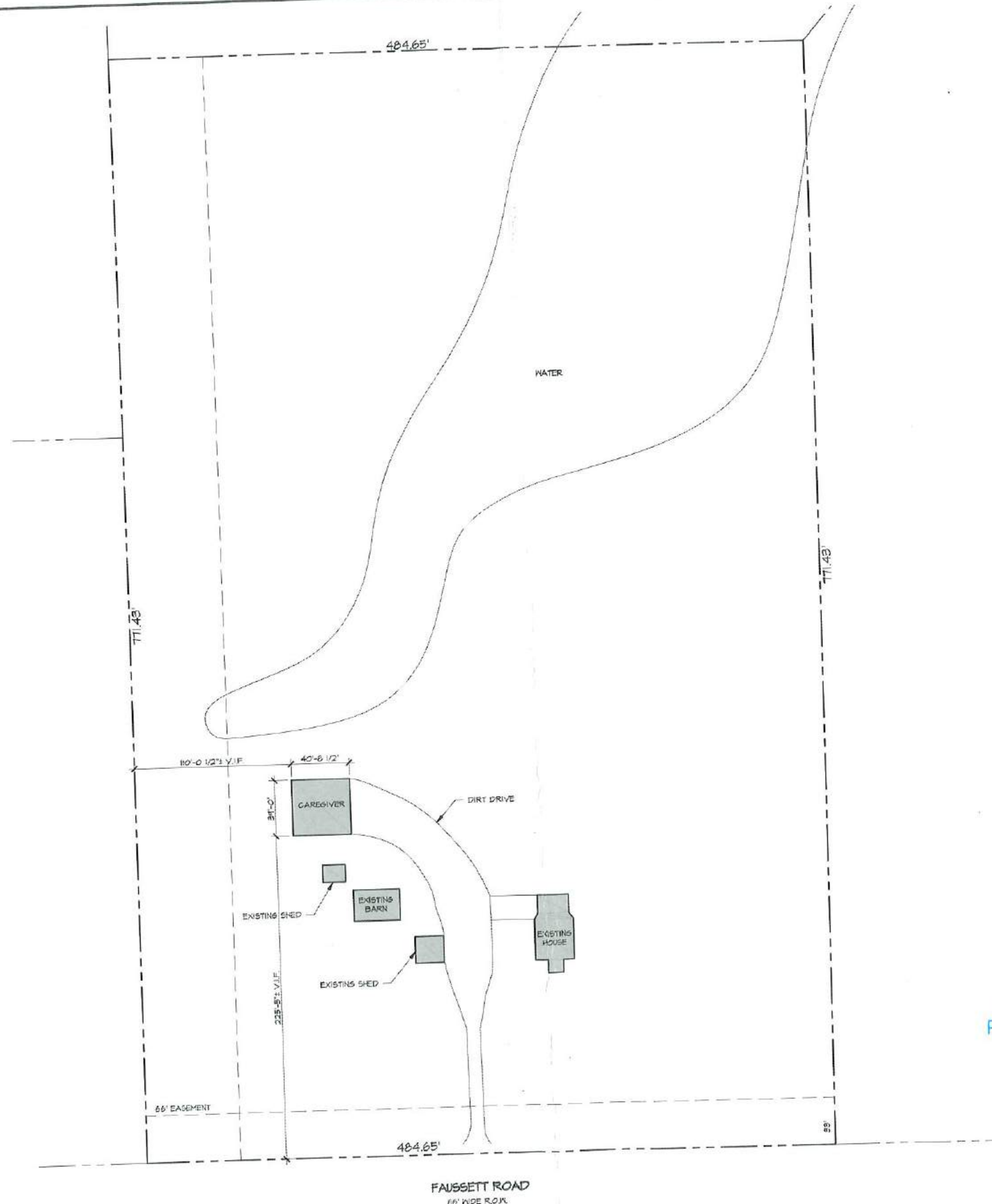
- Currently the home is not livable. We need to make improvements and eventually we will have someone on site at all times.
- We will be working in good faith and will be conducting the operation to the highest standards in respect to the community and neighbors.

Best regards,

Halim Sultani

248-207-2087

Home owner and caregiver



SITE PLAN
SCALE: 1" = 40'-0"



RECEIVED
NOV 22 2021
TYRONE TOWNSHIP
PLANNING & ZONING



GUMMA GROUP
DESIGNERS BUILDERS
www.GUMMAGROUP.net
7419 Middlebelt Road, Suite 4
West Bloomfield, MI 48322
(248) 865-5555 Fax (248) 865-5015

Project:
Caregiver
9165 Faussett Road
Fenton, MI 48430

Designed J.G.
Drawn L.A.
Approved S.S. P.E.
Scale AS NOTED

Notes
All drawings and written material appearing herein constitute original and unpublished work of Gumma Group and may not be duplicated, used or disclosed without the written consent of Gumma Group.
Do not scale drawings. Use given dimensions only. If not shown, verify correct dimensions with Gumma Group. Contractor shall check and verify all dimensions and conditions at job site.
Project No. 21-81

Issued
Site Plan Approval 11/23/21

Sheet Title and Number
Site Plan
A-1

TYRONE TOWNSHIP

8420 RUNYAN LAKE RD
FENTON, MI 48430
810-629-8631
WWW.TYRONETOWNSHIP.US

Payment for:
SPECIAL LAND USE REVIEW
219-300-029

Receipt: 115030 11/22/21

Cashier: TDORSCH
Received Of: HALIM A SULTANI

30376 NORWICH DR
NOVI MI 48377

The sum of: 1,650.00

BDINV	00018187			1,650.00
		101-000-628.000	1,650.00	
			Total	1,650.00
	TENDERED:	CHECKS	1540	1,650.00

Signed: _____

TYRONE TOWNSHIP

Receipt: 115029 11/22/21

8420 RUNYAN LAKE RD
FENTON, MI 48430
810-629-8631
WWW.TYRONETOWNSHIP.US

Cashier: TDORSCH
Received Of: ABDO SULTANI HAMLIM & HANNA

Payment for:
ESCROW
4704-29-300-029

30376 NORWICH DR
NOVI MI 48377

The sum of: 2,000.00

BDINV	00018188			2,000.00
		701-000-283.000	2,000.00	
			Total	2,000.00
	TENDERED:	CHECKS	1539	2,000.00

Signed: _____



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

January 7, 2022

Special Land Use and Site Plan Amendment Review for Tyrone Township, Michigan

PETITION INTRODUCTION

Applicant: Gumma Group (*John Gumma*)
Owner: Halim and Hanna Sultani
Request: Special land use and site plan for a medical marihuana caregiver operation
Plan Date: November 23, 2021
Use Statement Date: *undated*

PETITION DESCRIPTION

The applicant is requesting a special land use and site plan for a medical marihuana caregiver operation.

The medical marihuana caregiver operation will be located entirely within an existing accessory building on the site. The single-family dwelling on the site is currently vacant and would remain so for the foreseeable future.

The medical marihuana caregiver operation would grow plans for 5 or 6 patients, with a total of up to 72 plants. Distribution to and consumption of the medical marihuana by registered patients would not take place on the site.

The application does not call for any new buildings or building expansions.

A public hearing has not been set for the January Planning Commission meeting, but the Planning Commission can review the application and provide guidance to the applicant.

The Planning Commission reviews site plan/special land use applications and makes a recommendation, and the Township Board makes the final decision.

PROPERTY INFORMATION

Address: 9165 Faussett
Location: North side of Faussett, between Linden and Old US 23
Parcel Number: 4704-29-300-029
Lot Area: ~8.58 acres
Frontage: ~484 along Faussett
Existing Land Use: Vacant residential dwelling

The property is outlined below with the blue line. The rough location of the proposed medical marihuana caregiver operation is shown with the dashed boxes on the aerial below.

Aerial of the Site



ZONING

The site is within the RE Rural Estate district. A summary of the intent of that district is below.

A current zoning map is included in the Surrounding Properties section of this report.

Current Zoning: RE Rural Estate

The intent of the RE Rural Estate District is to provide a transitional area between the FR District and other more intense land utilization districts. However, the RE District will generally maintain the same types of land uses permitted in the FR District. The primary difference between the two districts is that the RE District permits the creation and use of smaller lots than the FR District. In order to preserve natural features and to provide design flexibility in the FR and RE Districts, cluster development shall be permitted as described in Article 8.

FUTURE LAND USE MAP

The site is within the Residential/Natural Resources Preservation area. A summary of the intent of that area is below.

The future land use map is included in the Surrounding Properties section of this report.

Future Land Use Map Residential/Natural Resources Preservation

The Future Land Use Plan's Residential/Natural Resource Preservation designation is located in areas that possess one or more of these significant natural features. It is intended to allow residential development at the very low density of a minimum of 3 acres per dwelling unit. Residential uses will be developed in a planned manner that preserves the attractive natural features of Tyrone Township.

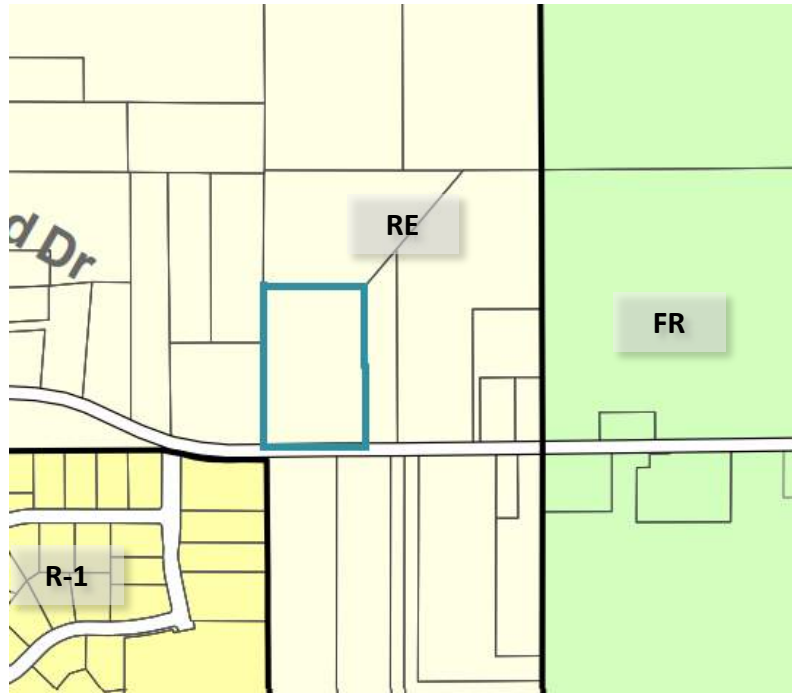
SURROUNDING PROPERTIES

The surrounding properties are primarily developed and used for single-family dwellings, and the surrounding area is generally designated for low-density residential and natural resources preservation.

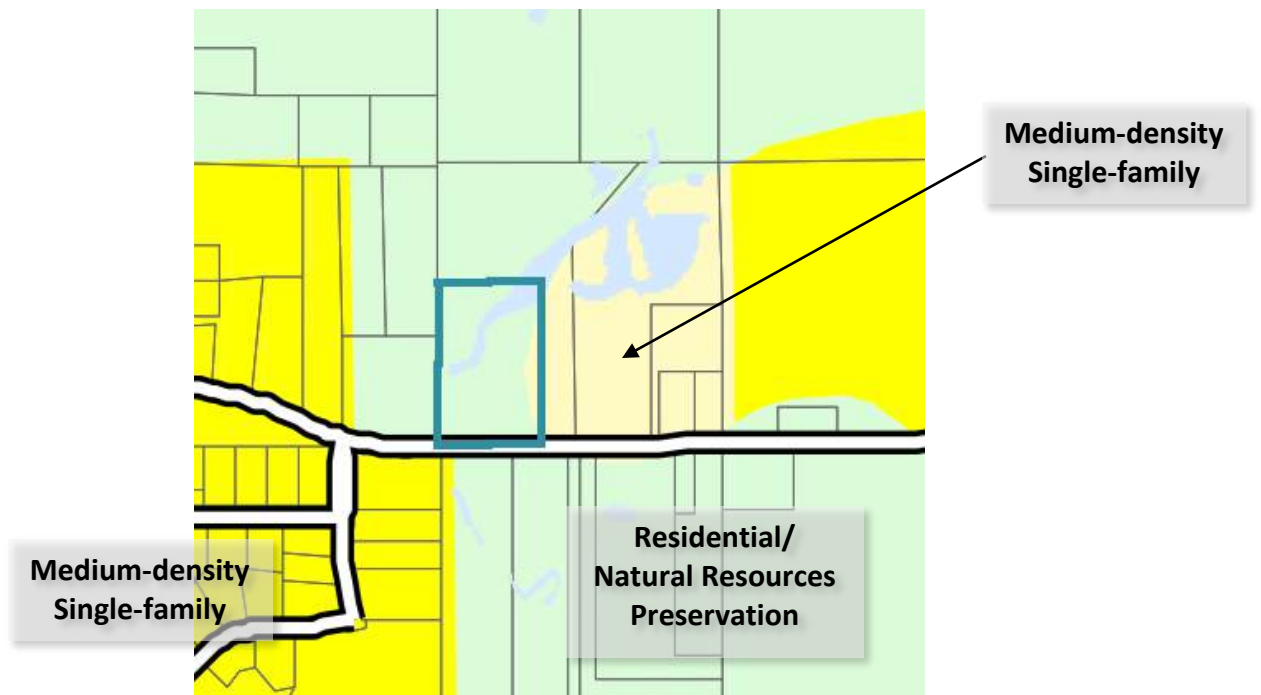
	North	East	South	West
Surrounding Zoning	RE Rural Estate	RE Rural Estate	RE Rural Estate	RE Rural Estate
Surrounding Land Uses	Single-family houses	Single-family houses	Single-family houses	Single-family houses
Future Land-Use Map	Residential/Natural Resources Preservation	Low Density Single Family Detached Residential	Residential/Natural Resources Preservation	Residential/Natural Resources Preservation

The property is outlined in the maps below with the blue line.

Current Zoning Map



Future Land Use Map



NATURAL RESOURCES

- Topography:** The property is relatively flat.
- Wetlands:** There is a pond that extends from this property to the northwest into adjacent properties.
- Woodland:** There is a woodland area north of the pond. There are existing mature trees throughout the property.
- Soils:** According to the USDA National Resource Conservation Service, a majority of the soils on the site are loamy or sandy loams.

Items to be Addressed: None.

AREA, WIDTH, HEIGHT, & SETBACKS

The proposed site, buildings, and improvements must meet the developmental standards for the zoning district in which it is located. Additional specific standards for medical marihuana caregiver operations, found in §21.55 Medical Marihuana Uses of the Zoning Ordinance, are explored in the Medical Marihuana Uses section of this report.

The location of buildings and other improvements are shown on the site plan. Dimensions of buildings or setbacks are not shown for all of the buildings or setbacks on the site plan.

The table below shows standards for the Rural Estate district.

Developmental Standards

	RE district	Proposed	Complies
Lot Area (min)	1.75 acres	~8.5 acres	Yes
Lot Width (min)	200 feet	~484 feet	Yes
Setbacks			
Front	100 feet	unknown	likely
Side	20 feet	44 feet (west) unknown	Yes
Rear	75 feet	unknown	Yes
Water	50 feet	unknown	unknown
Building Coverage	20 percent	unknown	likely
Building Height	30 feet	unknown	likely

Items to be Addressed: Although the site plan does not call for any additional buildings, setbacks for the existing buildings, specifically the existing house and marihuana caregiver operation building, should be dimensioned on the site plan, with measurements made as described in the Zoning Ordinance.

Although the site plan does not call for any additional buildings, basic information like building coverage and height should be added to the site plan, with measurements made as described in the Zoning Ordinance.

Documentation is important to identify the current conditions and legal nonconformities.

ACCESS & CIRCULATION

The medical marihuana caregiver operation will be accessed by the existing gravel driveway from Faussett to the south.

Vehicles within the site will use the current driveway to access the accessory building used for the medical marihuana caregiver operation.

Items to be Addressed: The street address should be visibly posted at the driveway.

OFF-STREET PARKING & LOADING

The site plan and use statement do not describe parking or loading. It appears that the existing gravel driveway is adequate to serve the proposed medical caregiver operation.

Items to be Addressed: None.

ESSENTIAL SERVICES

It is our understanding that the site will be served by an on-site well and septic field. Marihuana grow operations may place strains on these systems. The location and details of the existing water and sanitary sewer are not shown on the site plan.

Marihuana grow operations may place strains on the electrical system, due to lighting, heating, and water circulation. In some cases, this may cause power fluctuations for surrounding properties if the electrical distribution system in the area is not adequate to handle the load.

Items to be Addressed: Location of existing utilities should be added to the site plan.

Confirmation from the electrical utility that there is adequate capacity for the anticipated load.

LANDSCAPING & SCREENING

The site plan does not show the location of any existing landscaping or screening nor does it appear to call for any additional landscaping or screening.

There is substantial landscaping along Faussett that provides significant screening for the site.

Items to be Addressed: *The location of existing landscaping should be added to the site plan, identifying landscaping to remain or to be removed.*

LIGHTING

The site plan and use statement do not describe exterior lighting. The use statement notes that there will be no windows that give off light outside the medical marihuana caregiver operation building.

Items to be Addressed: *Existing outdoor lighting should be added to the site plan, and any lighting not consistent with the Zoning Ordinance should be removed or replaced.*

The applicant should consider addition of motion-activated security lighting around the medical marihuana caregiver operation building.

OUTDOOR ADVERTISING & SIGNS

The use statement states that there will be no signage on the property. This is consistent with standards for medical marihuana caregiver operations that prohibits signs or emblems identifying the use of the site

Items to be Addressed: *None.*

MEDICAL MARIHUANA USES

In addition to the general standards of the Zoning Ordinance, there are specific standards for medical marihuana uses. These standards, outlined in §21.55 Medical Marihuana Uses, are examined below.

H. Requirements for Caregiver Operations. Any person who has been issued and possesses a valid registry identification card as a primary caregiver as set forth in the Act is a "medical marijuana caregiver operation" for the purposes of this Ordinance, and shall comply with the requirements below.

1. Where Permitted. The site must be under the control, through written lease, contract, or deed, in favor of the primary caregiver or registered qualifying patient associated with that facility.
 - a. If the registered qualifying patient has site control, only the primary caregiver for that qualifying patient shall access the growing portion of the structure, and if the structure is a residence, only those qualifying patients residing in the residence may be supported by that primary caregiver.
 - b. Qualifying Patients, unless residing in the single family structure, are prohibited from entering the structure where growing is occurring. Those Qualifying Patients residing in the single family structure must comply with Section 21.55.H.2;
 - c. There shall be no outward appearance of a caregiver operation.

Comments: *The applicant/owner should clarify who the primary caregiver is and provide any necessary documentation described above. The use statement was submitted by Halim Sultan, who is also one of the property owners. The application states that the Gumma Group (John Gumma) is the applicant/authorized agent.*

As noted in the use statement, there will be no residents on-site.

2. One Caregiver per Approved Caregiver Operation. The structure and location from which a primary caregiver grows, cultivates, or otherwise provides services to his or her qualifying patients shall not be used by more than one primary caregiver for that primary caregiver's services as allowed under the Act.

Comments: *The use statement indicates that there will be a single primary caregiver, identified as the property owner.*

3. Delivery Required. Transfers of medical marijuana from the primary caregiver to his or her qualifying patient(s) shall be accomplished only by the delivery of medical marijuana by the primary caregiver to the home of the qualifying patient. No onsite transfer to a qualifying patient is permitted.

Comments: *The use statement indicates that transfers of the medical marihuana to qualifying patients will only be done by the primary caregiver. This statement should be revised to make it clear that onsite transfer will not take place.*

4. Sales of Paraphernalia Prohibited. No sales of drug paraphernalia as defined herein are permitted, except to the qualifying patients of that caregiver.

Comments: *This should be added to the use statement.*

5. Signage. A primary caregiver operation shall not bear any sign or emblem that would indicate the presence of the MMMA related activity.

Comments: *The use statement indicates that there will be no signage on the property indicating the medical marihuana use of the property.*

6. Consumption. Consumption of marijuana by a qualifying patient shall not occur at a caregiver operation, and, as set forth by the Act, shall not consume marihuana on any form of public transportation, or in any public place, or at a primary caregiver's dwelling unit. In the case where a registered caregiver is also a registered qualifying patient, consumption exclusively by the caregiver/patient at the caregiver/patient's dwelling unit is permitted. Also, a qualifying patient who resides in the same dwelling unit as his/her caregiver may consume at the same dwelling unit.

Comments: *The use statement indicates that consumption of marihuana by qualifying patients will not be permitted on the site.*

- I. Growing of Medical Marijuana. Growing of marijuana shall only be allowed as set forth in the Act, including the requirement that plants must be located within an enclosed, locked facility. An enclosed locked facility means:
 1. For marijuana grown indoors, a closet, room, or other comparable, stationary, and fully enclosed area equipped with secured locks or other functioning security devices that permit access only by the registered primary caregiver or registered qualifying patient associated with that facility.
 2. For marijuana grown outdoors:

Comments: *The use statement indicates that the medical marihuana will be grown within an existing accessory building on the property and that the building will be locked, with cameras, internet, and alarm.*

- J. Lighting. If a room with windows is utilized as a growing location, any lighting between 10 PM and 7 AM shall be shielded to prevent ambient light spillage onto adjacent residential properties.

Comments: *The use statement indicates that there are no windows in the existing accessory building to be used for the growing location.*

- K. Building Approvals. Any building or structure used for cultivation of marijuana shall obtain all necessary building, plumbing, electrical, and any other necessary permits and approvals to ensure the facility meets current code standards. In addition, the facility shall be subject to inspection to ensure compliance with applicable fire code and the security requirements of the Act.

Comments: *This should be a condition of approval. The applicant has stated that there have been significant improvements to the site. Information about those improvements should be provided, including any building permits.*

APPLICABLE DECISION CRITERIA

The proposed expansion requires both special land use and site plan review. The decision criteria for those approvals are examined below.

Site Plan Review

Standards for site plan review are outlined in §23.03 Standards for Site Plan Review, and a description of information that must be included in a site plan is outlined in §23.02 Site Plan Information. Comments addressing these standards are included throughout this report and below.

Comments: *The site plan is limited in nature, showing the parcel boundaries, location of existing buildings and driveways, existing driveway, easements/right-of-way, and some limited dimensions.*

While a full site plan is likely not necessary in order to review this application, some additional information should be provided, as noted throughout this report.

Special Land Use Review

The general review standards for special land uses are outlined in §22.04 General Review Standards for All Special Land Uses and are included below. Specific standards for medical marihuana uses have been explored in the Medical Marihuana Uses section of this report. Comments addressing these standards are included throughout this report and below.

- A. Master Plan. The special land use will be consistent with the goals, objectives and future land use plan described in the Township's Master Plan.

Comments: *The proposed medical marihuana caregiver operation is allowed as a special land use within the current zoning district and the Future Land Use Map.*

- B. Zoning District. The special land use will be consistent with the stated Intent of the zoning district.

Comments: *The proposed medical marihuana caregiver operation is a special land use in the Rural Estate district.*

- C. Neighborhood Compatibility. The special land use will be designed, constructed, operated and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity in consideration of environmental impacts, views, aesthetics, noise, vibration, glare, air quality, drainage, traffic, property values or similar impacts.

Comments: *The proposed medical marihuana caregiver operation does not appear to result in significant changes to the current property. The application may need to provide additional information about utilities and management of odors to demonstrate the*

proposed medical marihuana caregiver operation would not be a negative impact on the neighborhood.

D. Environment. The special land use will not significantly impact the natural environment.

Comments: *It does not appear likely that the proposed medical marihuana caregiver operation would have a significant impact on the natural environment.*

E. Public Services. The special land use can be served adequately by public facilities and services such as police and fire protection, drainage structures, water and sewage facilities, refuse disposal and schools.

Comments: *It does not appear likely that the proposed medical marihuana caregiver operation would create negative impacts on public facilities or services.*

As noted earlier, we recommend additional information related to water and sewage facilities and electrical supply.

F. Traffic. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration the following...

Comments: *It does not appear likely that the proposed medical marihuana caregiver operation would generate vehicular or pedestrian traffic greater than a single-family dwelling use of the property.*

G. Additional Development. The proposed use shall be such that the location and height of buildings or structures, and the location, nature and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

Comments: *If adequate screening is maintained on the site, it does not appear likely that the proposed medical marihuana caregiver operation would have a negative impact on the use, value, or development of adjacent properties.*

H. Health, Safety and Welfare. The proposed use shall be designed, located, planned, and operated to protect the public health, safety, and welfare.

Comments: *If the Planning Commission determines that the proposed medical marihuana caregiver operation is consistent with the standards in the Zoning Ordinances and other conditions it determines appropriate, it should not create a negative impact on public health, safety, or welfare.*

SUMMARY & COMMENTS

While a public hearing has not been scheduled for this meeting, the Planning Commission can review the submitted materials and provide some guidance to the applicant.

The Planning Commission should determine what additional information it will require to be included in the site plan. *(The Zoning Ordinance provides a list of required information, but it allows for a waiver if the information is not necessary.)*

The use statement should be revised as necessary and as identified throughout this report.



CARLISLE/WORTMAN ASSOC., INC.
Zach Michels, AICP
Planner

USE STATEMENT

Medical Marijuana Caregiver Operation

Halim Sultani

9165 Faussett Rd

Fenton, MI 48430

To: Tyrone County Planning Commission

I Halim Sultani the owner of 9165 Faussett Rd, Fenton, MI 48430 is requesting from the Tyrone County Planning Commission a Special Land Use to operate as a Medical Marijuana Caregiver.

An overview of the use is as follows:

- A medical marijuana caregiver operation will be conducted at the barn on the property.
- We will be cultivating marijuana for 6 patients (12 plants per patient). A total of 72 plants will be occupied at the location at all times. 36 in the flower stage and 36 in the vegetative stage.
 - Each patients' plants will be tagged and have their own designated area within the facility.
 - All patients are registered medical marijuana patients with the MMMP.
 - Their caregiver is Halim Sultani.
 - Copies of the patients' cards will be provided.
 - Patients will not be allowed at the caregiver facility.
 - Delivery of the Medical Marijuana will be conducted by the primary caregiver to the patient.
 - There will be no on-site transfer.
 - Consumption of medical marijuana of the qualifying patient will not be allowed at the location.
 - Sales of medical marijuana will only be permitted to the qualifying patients.
- Our site will be controlled by the owner of the home who is also the primary caregiver.
 - There will be one caregiver registered at the location.
- There will be no signage on the property that would indicate such an operation is being conducted at the location.

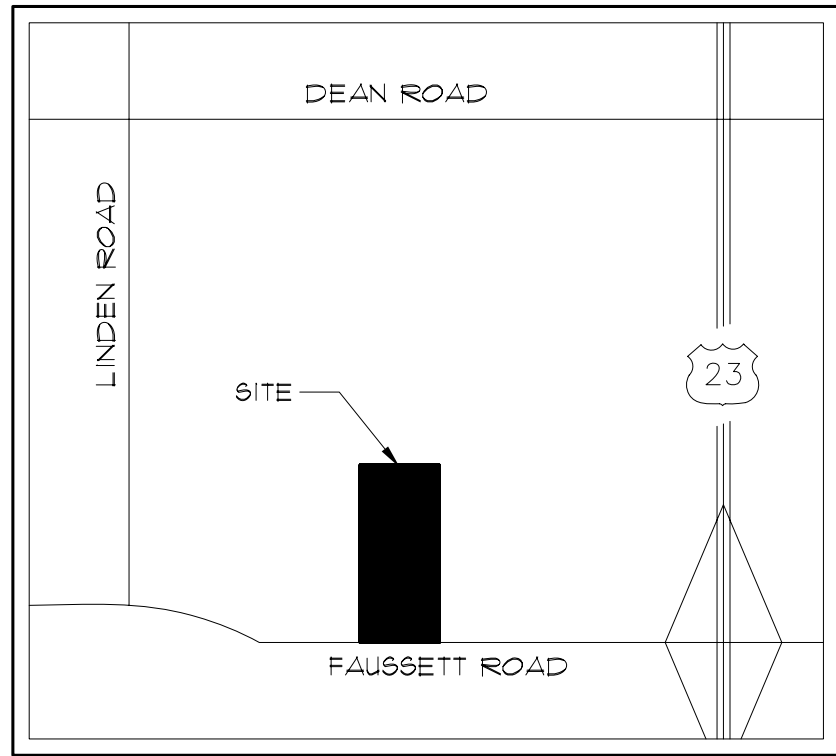
- All plants will be enclosed in a locked and secure facility with cameras, internet and alarm on site.
 - Camera system will be installed that will detect and alert the owner when movement, voice and lights are detected.
 - Security alarm system will be installed.
 - Signage outside the building stating that this building is protected by an alarm and cameras.
 - Motion detected lighting will be installed around the front entrance.
 - No trespassing signage will be posted at the entrance of the property.
- There will be no windows that give off light at the growing location.
 - All outdoor and indoor lighting will be shielded from any adjacent properties.
- Facility has seen an investment of over 100k in the past month.
 - Investment includes:
 - New LED lighting.
 - 6 inches of foam insulation around the entire barn to contain any odor.
 - Additional foam board insulation on top of foam insulation to further contain any odor.
 - All mechanicals installed do not use any fresh air intake. All odors will be contained in each space and have carbon filters in each room to dissipate any odors.
 - New air conditioners
 - New carbon filters.
 - New water filter system.
- The facility is completely insulated with multiple layers of foam and includes indoor carbon filters to prevent any smell from leaking outdoors.
- The caregiver will be working only during normal business hours during the day. Rarely will be working late.
- Our lighting throughout the facility will be all LED to conserve a safe and green friendly environment.
- Our water will go through a rigorous filtration process to ensure our product is safe for our patients.
- All plants will be grown organically.
- Will be keeping the property clean and safe at all times.

- No one will be living at the house on the property. Caregiver will be commuting to the location to conduct the operation.
 - Once improvements are made to the house on the property someone will be living there permanently.
- We have provided a complete site plan and floor plan of the interior of the building to describe how the operation will be conducted in detail.
 - Our site plan shows the closest dwelling, distance to adjacent structures, and all outdoor lighting.
 - We have no neighbors.
 - Closest dwelling is about 500 ft away from caregiver building.
- We are currently working with the Livingston County Building commission to get all necessary permits and approvals to ensure the facility meets all current code standards.

Best regards,

Halim Sultani

248-207-2087



LOCATION MAP
NO SCALE

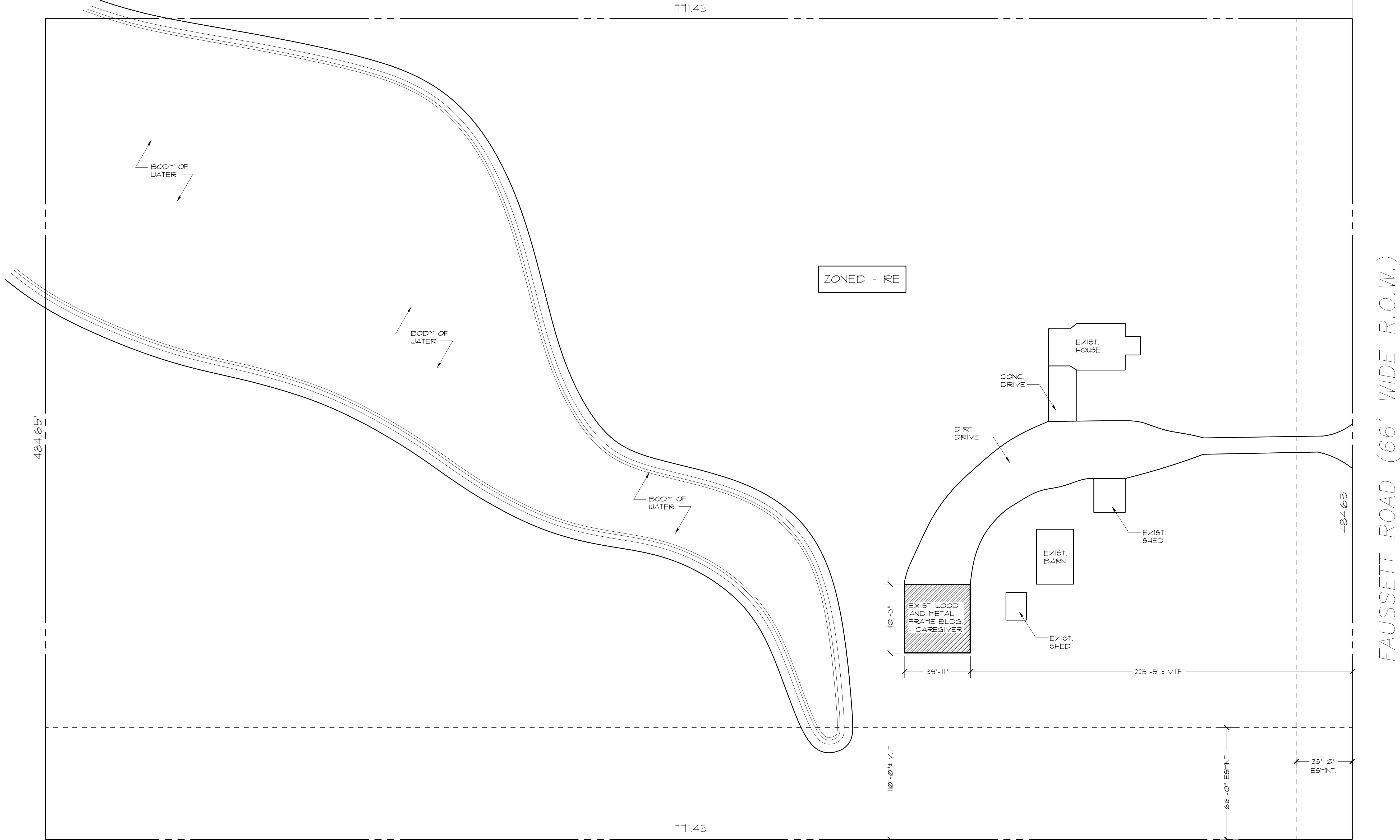
PROPOSED CAREGIVER FACILITY
THE CITY OF FENTON, MICHIGAN

APPLICANT:
HALIM ABDO SULTANI
30376 NORWICH DRIVE
NOVI, MICHIGAN 48377
(248) 755-0785

SITE DATA:
ZONED: RE (RURAL ESTATE)
SIZE: 313,814 S.F. = 8.58 ACRE

BUILDING DATA:
BUILDING - BARN ONLY: 1,607 S.F. (GROSS)
BUILDING - ALL OTHER STRUCTURES: 2,533 S.F. (GROSS)
TOTAL: 4,140 S.F. (GROSS)
PROPOSED USE: B - BUSINESS

BUILDING TO SITE RATIO:
BUILDING: 4,140 S.F. (GROSS)
SITE: 313,814 S.F. = 8.58 ACRE
BUILDING RATIO: 1.11%

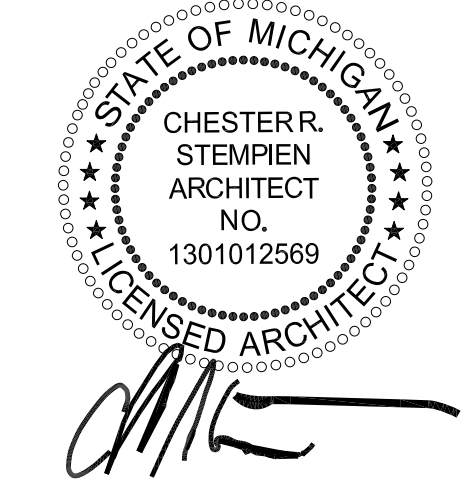


ARCHITECTURAL SITE PLAN
SCALE: 1" = 30'



Z A
D B

31313 NORTHWESTERN
HWY., SUITE 104
FARMINGTON HILLS,
MICHIGAN 48334
OFFICE - 248-767-6928
FAX - 248-564-5277



PROJECT:
PROPOSED
CAREGIVER
FACILITY
9165 FAUSSETT
ROAD
FENTON,
MICHIGAN 48430

ISSUED FOR:
PERMIT
01-06-2022

DO NOT SCALE PRINTS -
USE FIGURED
DIMENSIONS ONLY

JOB NO.
21-088

SHEET NO.

AS.1



PROJECT:
PROPOSED
CAREGIVER
FACILITY
9165 FAUSSETT
ROAD
FENTON,
MICHIGAN 48430

ISSUED FOR:

PERMIT
01-06-2022

DO NOT SCALE PRINTS -
USE FIGURED
DIMENSIONS ONLY

JOB NO.

21-088

SHEET NO.

AS.2

- NOTES:
1. ALL EXTERIOR AND INTERIOR WALLS ARE EXISTING AND TO REMAIN.

2. EXISTING FLOORING TO REMAIN.

3. EXISTING CEILING TO REMAIN.

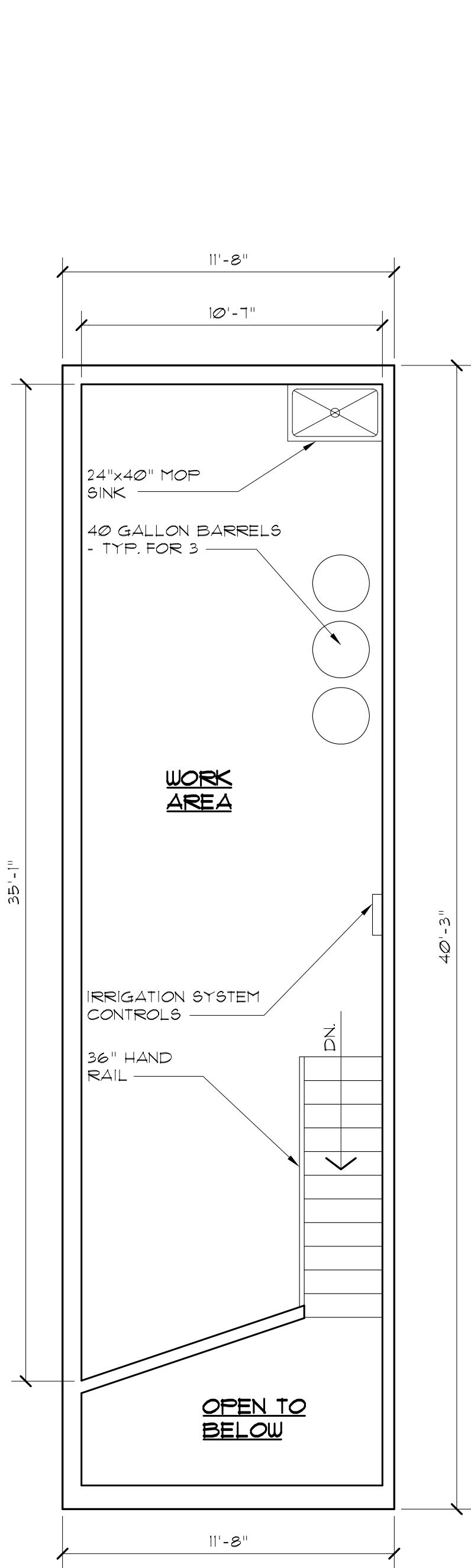
4. ALL EQUIPMENT ON PLANS ARE EXISTING AND TO REMAIN.

5. EXISTING ELECTRICAL SERVICE TO REMAIN.

6. EXISTING LIGHTING AND RECEPTACLES TO REMAIN.

SECOND LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"



5 TON A/C UNIT IN CEILING - TYP.
FOR ONE PER FLOWER ROOM ROOM

EXIST. SUMP PUMP -
BEING USED FOR ALL
WATER DISCHARGE

AIR HANDLER - TYP.
FOR ONE PER ROOM

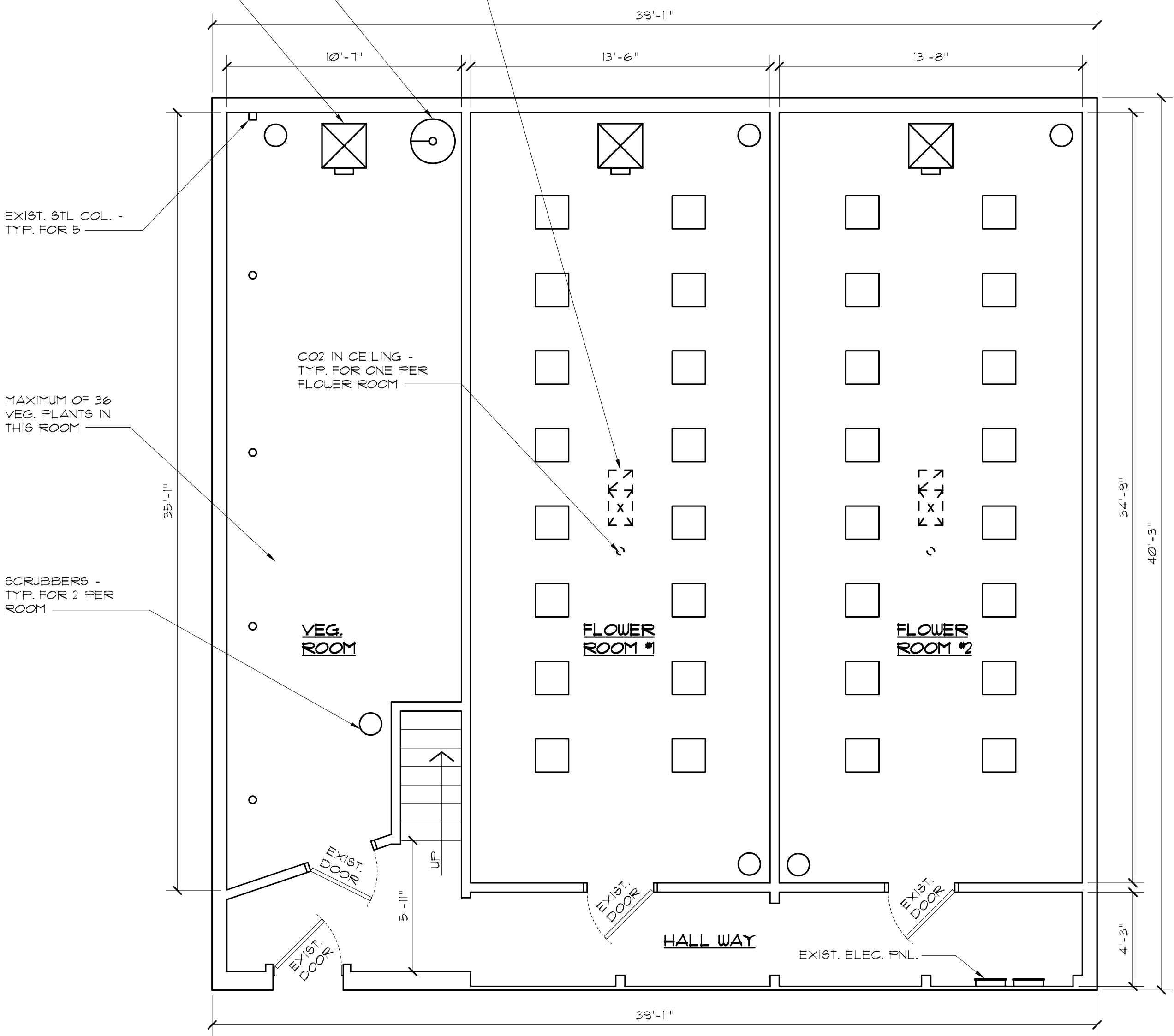
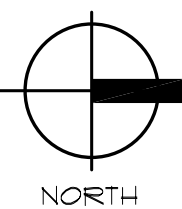
EXIST. STL COL. -
TYP. FOR 5

MAXIMUM OF 36
VEG. PLANTS IN
THIS ROOM

SCRUBBERS -
TYP. FOR 2 PER
ROOM

FIRST LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"





PROJECT:
PROPOSED
CAREGIVER
FACILITY
9165 FAUSSETT
ROAD
FENTON,
MICHIGAN 48430

ISSUED FOR:

PERMIT
01-06-2022

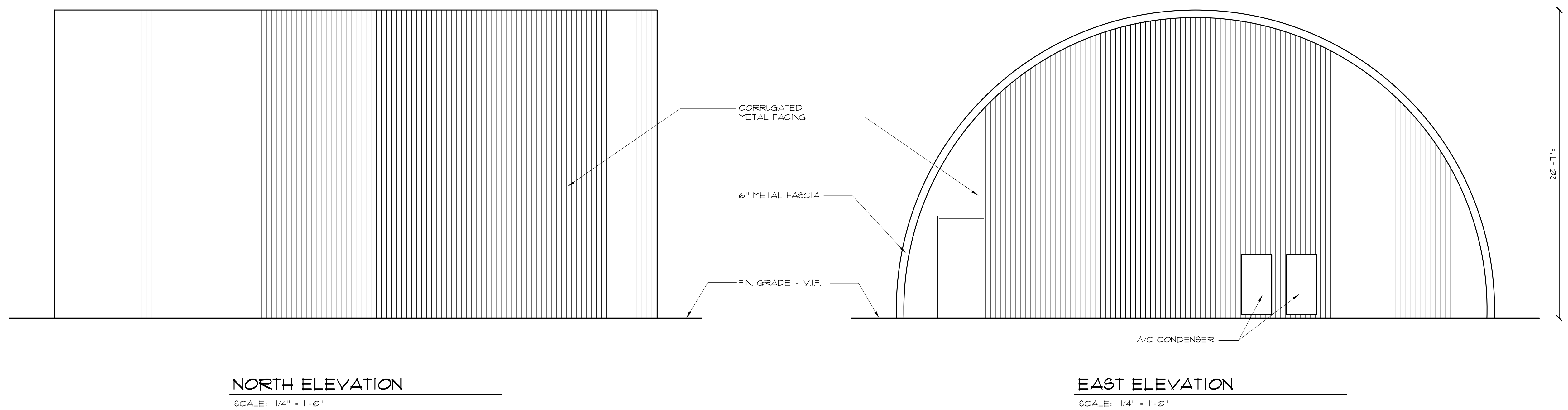
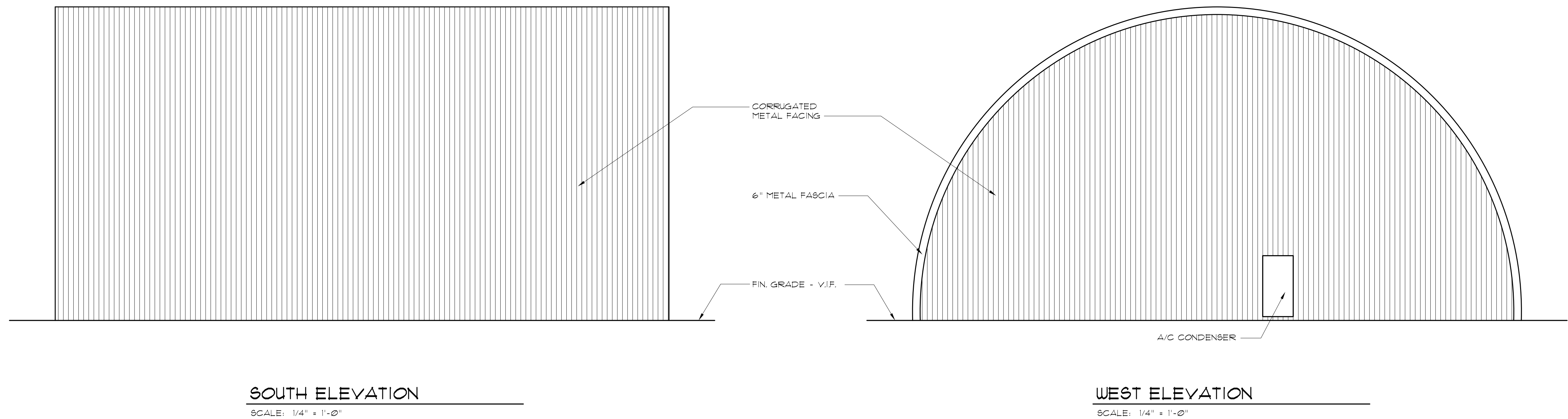
DO NOT SCALE PRINTS -
USE FIGURED
DIMENSIONS ONLY

JOB NO.

21-088

SHEET NO.

AS.3



NEW BUSINESS #2

Private Road Standards

terrimerdor@gmail.com

From: "Ross Nicholson" <rnicholson@tyronetownship.us>
Date: Wednesday, October 20, 2021 11:13 AM
To: "BRIAN HELM" <brianhelmhomes@aol.com>
Subject: RE: zoning request for paving

Hi Brian,

I have received the email and will be working with the Township Officers to determine if there is a way to allow for the proposed improvements without requiring that the complete private road system is brought into compliance with the current standards.

Best regards,

Ross Nicholson

Planning & Zoning Administrator

Tyrone Township
8420 Runyan Lake Rd.
Fenton, MI 48430
phone: (810) 629-8631
fax: (810) 629-0047



www.tyronetownship.us

Notice: This email, including any attachments, is covered by Electronic Communication Privacy Act, 18 U.S.C. 2510-2521, is confidential and may be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, distribution or copying of this communication is strictly prohibited. Please reply to the sender if you have received this message in error and destroy all copies of the original message.

From: BRIAN HELM <brianhelmhomes@aol.com>
Sent: Wednesday, October 20, 2021 6:11 AM
To: Ross Nicholson <rnicholson@tyronetownship.us>
Subject: Fwd: zoning request for paving

Please read below and confirm you received this email

Sent from my iPad

Begin forwarded message:

From: BRIAN HELM <brianhelmhomes@aol.com>
Date: October 19, 2021 at 5:45:59 AM EDT

1/10/2022

To: john fialka <jfialka77@gmail.com>
Subject: zoning request for paving

Good Morning Ross,

Runyon Lake Heights association is requesting permission to pave approximately 15,500 sq.ft of our entrance and approach to the bridge, for safety purposes. Our neighborhood has had several incidents of vehicles not able to get up the hill in our neighborhood due to ice. We also have had vehicles slide off the road going down the hill. The water gathers at the mailboxes and turns into an ice rink. Several people fell last year even after we sanded the areas. Every year we have ice issues on our private gravel roads.

The ice also prevents garbage removal, UPS, FedEx and amazon deliveries.

Runyon Lake Heights association will be funding the complete project that has been approved in the minutes.

We propose to grade and add 6"-8" of compacted 21 AA to the existing road.
Install 4" of 1100T Commercial (M-DOT topping) w/ machine at approximately 225 degrees in lifts (2 layers). Then steam roll for compaction @ 95% max compaction.

Thank you in advance for consideration,

Runyon Lake Heights Association.

Sent from my iPad

ARTICLE 24
PRIVATE ROAD, SHARED PRIVATE DRIVEWAY AND
ACCESS EASEMENT STANDARDS

SECTION 24.00 INTENT AND PURPOSE

The standards of this Article provide for the design, construction and maintenance of private roads, shared private driveways, and access easements in order to ensure safe and efficient access to lot owners, motorists, and particularly emergency vehicles. The minimum width requirement provides sufficient room for public utility access as well.

Private roads and shared private driveways are to be maintained privately and shall not be maintained by public funds.

- A. Intent.** This Article establishes requirements and procedures for the review and construction of private roads, shared private driveways, and access easements. This section includes standards intended to accommodate private roads in particular instances where public roads may not be appropriate or desired or where they may not be accepted.
- B. Purpose and Basic Requirements.** A private road shall not be approved by the Township until it has been demonstrated by the applicant that the proposed private road will not be accepted by the Livingston County Road Commission as a public road. Tyrone Township discourages private roads due to long-term maintenance issues and concerns regarding the overall continuity of the Township's public road system. The Township encourages the use of existing private roads and shared private driveways for development, where possible, to reduce the need for additional curb cuts. The private road design and construction standards of this article are intended to match, as closely as possible, the minimum road standards of the Livingston County Road Commission.

The purpose of matching the County's standards is to allow for the public conversion of private roads which may be incorporated in the County's public road system in the future. Some standards, however, may be more restrictive than County and/or Michigan Department of Transportation standards. The standards herein are also intended to require owners with access to private roads to assume full liability and maintenance responsibilities for private roads. Shared private driveway and access easement standards are established to provide minimum design specifications consistent with sound planning and

engineering principles. The right of way requirements are enforced to ensure adequate room is provided or utilities to access the properties located along the private road or shared private driveway.

SECTION 24.01 DEFINITIONS

- A. Private Road Land Development.** A private road land development is created when property of record is divided into three or more parcels by action other than platting as defined by the Michigan Land Division Act, as amended, and primary access to the parcels is to be provided via a private road.
- B. Private Road.** A road owned and maintained by the owners of the property it serves. Private roads include roads within condominium or site condominium projects, office or industrial complexes, or land division developments. A private road may be used to provide public services such as utility easements, waste collection and emergency services. The definition of "private road" does not include drives serving multiple family senior housing projects or apartment complexes where internal private drives are the ongoing responsibility of the management and parking lot aisles or drives connecting parking lots to internal roads. For the purposes of the definitions within this Zoning Ordinance, private roads shall be considered "streets".
- C. Private Driveway.** Any vehicular access that provides access to one (1) dwelling unit, building or lot, or serving an essential public service structure.
- D. Shared Private Driveway.** A driveway that provides access to a maximum of four (4) single family lots, site condominium units or non-residential principal buildings, provided that it is not more than 1,200 feet in length. For the purposes of the definitions within this Zoning Ordinance, shared private driveways shall not be considered "streets".
- E. Access Easement.** An easement across private land granted to provide access to other land and that does not meet the definitions of a private road or shared private driveway.

SECTION 24.02 PRIVATE ROAD APPROVAL REQUIREMENTS

- A. Proof of County Rejection.** Prior to the Township's consideration of a proposed private road, the applicant must submit written documentation indicating that the Livingston County Road Commission will not accept the proposed road as part of the County's road network and specifying the County's reasons for rejection.

B. Approval Process. The private road development, including the proposed private road meeting the standards of this Article, must be submitted for either site plan approval as required by Article 23 or site condominium project review as required by Section 21.43. For land divisions requiring private road approval, the private road application shall be reviewed concurrently with the land division application. Additionally, the following submittal and approval requirements shall be met:

- 1. Sight Distance.** Confirmation that all sight-distances of the proposed private road complies with the standards of the Livingston County Road Commission.
- 2. Maintenance Agreement.** A private road maintenance agreement as required by paragraph 24.02.C. shall be provided as part of the application and considered for approval, approval with conditions, or denial together with the site plan or site condominium plan.
- 3. Construction Documentation.** Documentation/certification that the private road meets all Township private road construction specifications.
- 4. Public Hearing.** A public hearing shall be required for any private road proposed where the access easement or right-of-way would be within fifty (50) feet of the property line of an adjacent property. The public hearing shall be held prior to consideration of the site plan, site condominium plan, or land division by the Planning Commission. Notice by mail shall be provided to all lot or home owners within three hundred (300) feet of the easement boundaries as well as all occupants of structures within three hundred (300) feet of the easement boundaries. The notice shall generally describe the location of the proposed private road and provide the date and time of the public hearing. Notice by mail shall be deemed to have been given when deposited at the U.S. Post Office address of the respective property owner shown on the last assessment roll of the township. A notice shall appear in a newspaper of general circulation announcing the public hearing no less than fifteen (15) days nor more than sixty (60) days prior to the public hearing.

C. Road Maintenance. A private road maintenance agreement shall satisfy the following and be provided to the Township for review and approval:

- 1. Recordable Agreement.** Road maintenance agreements, as approved by the Township, shall be recorded with the Livingston County Register of Deeds, with a copy of such registration filed with the Township Clerk.

- 2. Certification.** The developer shall provide each buyer of property served, all or in part, by a private road, with certification that such private roads are not maintained by public funds. Such certification shall include a legally executed road maintenance agreement between all property owners that details, in part, that all road maintenance is the responsibility of the property owners served by the private road and is not the responsibility of Tyrone Township or the Livingston County Road Commission.
- D. Land Use Permit.** After approval of the site plan or site condominium project, the Zoning Administrator shall issue a land use permit for private road construction. Prior to the issuance of the land use permit, the developer shall be required to post a financial guarantee, consistent with the provisions of Section 23.16. The Zoning Administrator shall also confirm that the applicant has submitted a copy of the recorded Maintenance Agreement with the Township Clerk prior to issuing a permit.
- E. Inspections.** During and upon completion of the private road construction, inspections shall be made by the Township Engineer or an appointed representative according to a schedule developed between the Engineer and developer prior to the start of construction. Any inspection fees charged by the Township Engineer are the obligation of the developer. All elements of the private road construction shall be inspected by the Township Engineer and shall be included in the final report and certification required under (F) below. Other agencies such as the Livingston County Road Commission, the Drain Commissioner and the MDEQ may also be involved in the inspection process, depending on the location and construction parameters of the project.
- F. Land use Permits, Legal Descriptions and Certification.** Land use permits for any dwelling or building on any parcel served by the private road shall not be issued until the developer's licensed engineer certifies to the Zoning Administrator that the private road was constructed according to the specifications issued by the Township. The developer's engineer shall certify in writing, with copies of inspection reports that the private road, drainage improvements and all other utility improvements have been constructed according to the private road standards and in conformance with the approved site plan. Final certification does not relieve the applicant from compliance with the requirements of Section 24.03. It shall also be the responsibility of the developer's engineer to assure accurate preparation of all legal descriptions related to the development of the private road, and all lots and all easements associated with the private road.

- G. Expiration of Approval.** A developer shall start and complete all land development and private road construction, in accordance with the approved site plan or site condominium plan on file, within one (1) year from the date of approval. A one year extension may be granted when requested by the developer in writing prior to the expiration date if, in the opinion of the Planning Commission, a finding that conditions or circumstances so warrant.
- H. Drainage.** Storm water runoff from a private road shall be controlled consistent with the requirements of the Livingston County Drain Commissioner and the MDEQ. Uncontrolled storm water shall not drain directly onto adjacent property or onto a public road. Appropriate permits must be obtained from the Livingston County Drain Commissioner, the MDEQ and other appropriate governmental agencies prior to initiation of any work on a private road. Storm water drainage into regulated wetlands shall only be permitted subject to issuance of a permit from the MDEQ. Use of storm water management in accordance with sound drainage engineering practices shall be required.
- I. Design Standards.** Private roads shall meet all design and construction requirements of Section 24.03 of this Article and all applicable Livingston County Road Commission requirements. If there is a conflict between the standards of this Ordinance and the requirements of the Road Commission, the higher standard, as determined by the Planning Commission, shall apply.
- J. Utility Easements.** Easements for all public utilities shall be granted before sales of property commence. The Township will review the easement for overall configuration and use but will not verify the accuracy of the legal description submitted for the easement. Easements for public utilities running to the properties along the private road should be located within the boundaries of the private road easement.
- K. Review Process.** A private road proposal shall be submitted for review in accordance with the Site Plan Review procedures described in Article 23. The Township Planning Commission and Township Board may require advice and consultation from professional planning, engineering, or other experts. When such professional expertise is required during the review of a proposal in accordance with these provisions, the applicant shall be responsible for reimbursing the Township for all costs associated with the expert's advice and consultation.

SECTION 24.03 PRIVATE ROAD DESIGN STANDARDS

Private roads shall be constructed according to the following standards. The Planning Commission may recommend approval of a modified road standard in a particular application where it can be demonstrated that the modified standard meets safety and sound engineering requirements. Modifications to these design standards shall be considered and recommended for approval or denial by the Planning Commission. The Township Board shall consider the recommendation of the Planning Commission and take final action on the request for a modified design standard.

It shall generally be the policy of the Township to encourage maximum joint utilization of private roads in order to minimize construction of new private roads and to reduce access points on major roads. Consistent with that intention, the Planning Commission and Township Board shall discourage development of new roads within two hundred and fifty (250) feet of an existing road or shared driveway where the existing road or driveway could be used to provide access to the lots intended to be served by the new access route.

- A. Road Design.** The minimum right-of-way width shall be sixty-six (66) feet. Additional private road design standards, unless otherwise modified in this Article, shall meet the, street base, pavement width, surface, slope, drainage system and all other standards of the most current adopted Livingston County Road Commission design standards for public roads, with the exception of bituminous surfacing where not required below. The design of private roads shall be approved by the Township.
- B. Drainage.** Private roads shall be designed and constructed in relation to land contours and other natural or man-made features to provide efficient storm water drainage. A drainage bypass culvert may be required where a private road intersects with a public road. Other drainage improvements shall be required as determined necessary by the site drainage patterns and be consistent with established Township policy, the requirements of the Livingston County Drain Commissioner and sound engineering practices.
- C. Sight-Distance.** Private roads shall be designed and constructed in relation to land contours and other natural or man-made features to provide safe and adequate ingress and egress by driveway access for each parcel. An intersection of a private road with a public or private road shall meet the current sight-distance requirements of the Livingston County Road Commission. The sight-distance requirements imposed on a site or private road shall be maintained for the life of the private road in order to better ensure safe movement of traffic at the intersection.

If the area to be maintained in order to meet the sight distance requirement extends onto adjacent property, then easements shall be secured for the purposes of clearing and maintaining the area for compliance with this requirement. If easements cannot be secured, the access point must be relocated. Provisions for maintenance of areas required for sight distance shall be included in the private road maintenance agreement (see Section 24.02.C).

- D. Connection to Existing Roads.** If a road of an existing, abutting development or subdivision terminates at the boundaries of the proposed development, the proposed private road shall connect to this road. Where circumstances warrant, such as natural barriers, pre-existing man-made barriers, or those other factors that may affect the health, safety, and welfare of the residents in the opinion of the Township, this requirement may be waived after review and recommendation by the Planning Commission.
- E. Layout of Roads; Continuous Circuit of Travel.** The layout of private roads shall generally provide a continuous circuit of travel, both within a particular development and between developments on adjacent parcels. Multiple points of access shall be provided in order to limit the number of households dependent on a single ingress and egress point.

Where a development abuts open, undeveloped land, stub streets or easements shall be provided that extend to the property line for future connection. Where natural barriers or adjacent land uses limit the possibility of such a connection, the Planning Commission may recommend a cul-de-sac design that meets these specifications, provided that a right-of-way is reserved extending from the end of the cul-de-sac to the development boundary in a manner acceptable to the Township. This requirement may be waived by the Planning Commission or Township Board if future connections are highly unlikely.

- F. Reduced Width to Preserve Natural Features.** The minimum pavement width for a private road may be reduced to not less than twenty two (22) feet of lane width where the Planning Commission determines that the reduced width will preserve significant natural features and there is no alternative design that will preserve the natural features and meet the regular width standard.
- G. Maximum Length and Units, Single Access Point.** Maximum length of a private road with a single access point shall be one thousand, two hundred (1,200) feet. This measurement shall be from the right-of-way of the public road at the intersection with the private road to the minimum front building line of the furthest parcel with access to the public road via that single access point. This shall include parcels located on shared private driveways or other private roads that branch off of the private road and are accessed via this single access point.

The maximum length requirement may be extended upon the recommendation of the Planning Commission and the approval of the Township Board. Private roads that exceed the one thousand, two hundred (1,200) foot maximum length shall be required to install a dry hydrant system. The system shall be subject to the approval of the Township engineer and fire department with jurisdiction.

With an approved dry hydrant system, there is no maximum length for the private road. However, the maximum number of units that may be accessed by a private road with a single access point shall be thirty (30). The 30-unit limitation is based on the standards of the International Fire Code. However, if the roadway design, circulation conditions, anticipated traffic circulation, or other site conditions warrant a reduction of the maximum units in order to protect the health, safety, and welfare of the residents of the development and Tyrone Township, the maximum may be reduced to 24 units. The 24-unit limitation is based on the recommendations of the Institute of Traffic Engineers. The total number of units shall be inclusive of all units on the private road or road system using the same single access point.

If a second access point from the development is provided, then there shall be no limit on the number of units or the length of the private road.

- H. **Turnaround.** Any private road with a single means of access shall include a turning circle with a forty-five (45) foot radius or a fifty-five (55) foot radius if a center landscaped island is included, to provide a continuous loop layout. A larger turning circle may be required for commercial and industrial private roads.
- I. **Intersection Design Standards.** Private roads that intersect with existing or proposed private roads or public street rights-of-way should intersect at a ninety (90) degree angle. Where constrained by environmental features, the Township Engineer may allow a reduced angle of intersection but in no case shall the angle be less than seventy (70) degrees.
- J. **Intersection Offsets from Public Streets.** Proposed private roads or entrances to a development shall align directly across from, or be offset at least two hundred fifty (250) feet from, public streets or private road intersections on the opposite side of the street, measured centerline to centerline. This standard may be reduced if approved by the Livingston County Road Commission.
- K. **Minimum Offsets for Private Roads.** Private roads shall:
 - 1. Align directly across from other private roads or shared private driveways
or

2. Be offset in accordance with Livingston County Road Commission requirements or
 3. In the event no such County Road Commission requirements are in effect for the proposed private road, it shall be offset at least one-hundred and fifty (150) feet measured from centerline to centerline.
- L. Vertical Clearance.** In order to provide adequate access for emergency vehicles, fifteen (15) feet of overhead tree clearance shall be provided within the width of the pavement.
- M. Signs.** Regulatory signs shall be positioned and installed in accordance with the Michigan Manual of Uniform Traffic Control Devices on all private roads where such private roads intersect public streets. All other signs within the private road or access easement shall be identified on the site plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Planning Commission approves another type of design for consistency with the character of the development. Street name signs shall be provided at all intersections. Private street name signs shall contrast in terms of color with public street name signs, and shall clearly indicate the private road is private.
- N. Street Names.** The name for a private road shall be approved by the Planning Commission with the concurrence of the Post Office, local fire services, and the Livingston County Road Commission to assist emergency services.
- O. Compliance with AASHTO Standards.** Where no specific standard is provided in this Section, private road design plans shall meet the design criteria outlined in the most recent edition of the American Association of State Highway and Transportation Officials (AASHTO) Manual "A Policy on Geometric Design for Highways and Streets." Minimum horizontal and vertical curve radii and stopping distances shall be determined using design standards in this AASHTO manual to provide minimum safe sight-distances, provided that the minimum horizontal curve shall be two-hundred and thirty (230) feet in radius.
- P. Extension of Conforming Private Roads.** A conforming private road may be extended to serve additional existing lots or additional new lots. The private road must meet the standards set forth in Section 24.02 and 24.03. A Traffic Impact Study may be required if the vehicular trips from the proposed new development on the extension of the private road meet the thresholds listed in Table 23.1. If the extension to the existing private road network requires an amendment to the bylaws of the respective homeowner or condominium association, the Township must approve the amendment. The cost of the private road extension and the Traffic Impact Study shall be borne by the applicant.

- Q. Structures and Setbacks.** Private roads shall be considered streets, and yards fronting on private roads shall be considered front yards for setback and other regulatory purposes. Any new structure proposed after approval of the private road shall satisfy the appropriate setback standards for the zoning district and shall have access to the private road only and not be permitted access to the public road. Existing structures with setbacks that are not in compliance with the Zoning Ordinance shall be permitted to remain as legal nonconforming structures, in accordance with the provisions of Section 26.03.
- R. Adjacent Properties.** When a private road is located along a property line, any new structure expansion, or addition proposed after approval of the private road shall satisfy the appropriate setback standards for the zoning district. Existing structures on adjacent properties with setbacks that are not in compliance with the Zoning Ordinance shall be permitted to remain as legal nonconforming structures, in accordance with the provisions of Section 26.03.

New lots developed on adjacent properties are encouraged to utilize existing private roads where feasible. The developer or owner of the newly developed lot(s) shall petition the owner(s) of the private road(s) located on the adjacent property to request a forum to discuss and negotiated access to, and use of, the existing private road(s). If a stub street is provided (generally perpendicular to the property line) on either the subject property or the adjacent property, access shall be provided per the standards in Section 24.03.E above.

SECTION 24.04 NONCONFORMING ROADS

- A. Intent.** The Township recognizes there exists private roads, service roads and access easements which were lawful prior to the adoption of this section, but are now inconsistent with the standards of this ordinance. Such roads are declared by this section to be legal nonconforming private roads or easements. The intent of this ordinance with respect to nonconforming roads and the development of land with access to such roads is as follows:
1. Permit legal nonconforming private roads to continue to exist and undergo routine maintenance for safety purposes;
 2. To provide for maintenance of the LCRC sight distance requirements through brush mowing and clearing as necessary;
 3. Disallow expanded use of legal nonconforming private roads in a condition which does not meet the design standards of this ordinance; and

4. Private roads shall be upgraded to meet the design standards of this ordinance when additional lots are added to be served by the private road.

The Planning Commission may recommend approval of a modified standard for a nonconforming private road in a particular application where it can be demonstrated that the modified standard meets safety and sound engineering requirements. Modifications to these design standards shall be considered and recommended for approval or denial by the Planning Commission. The Township Board shall consider the recommendation of the Planning Commission and take final action on the request for a modified design standard. The modification, if granted, shall be based on a practical difficulty associated with the request, such as but not limited to pre-existing development, natural features and topography, or protection of the health, safety, and welfare of Township residents.

B. Development of Land with Access to Nonconforming Private Roads. The Township recognizes that there exist private roads that are inconsistent with the standards herein which were lawfully adopted on September 21, 2004 as a part of the Tyrone Township Zoning Ordinance and amended, effective April 30, 2008. Such private roads are considered by this section to be legal nonconforming private roads to continue and undergo routine maintenance for safety purposes. Furthermore, these private roads may continue to be used as follows:

1. **Existing Lots of Record.** The development of existing lots or parcels of record with access to legal nonconforming private roads shall be permitted.
2. **Lot Splits and Unpaved Nonconforming Private Roads.** Any proposed lot splits with access to a legal nonconforming private road may be permitted only if the entire private road meets the applicable current LCRC standards for public roads, except the requirement for bituminous pavement, unless otherwise modified in this Article by Tyrone Township. However, the proposed lot split(s) may not cause the number of units served by a private road with a single access point to exceed the maximum number of units provided in Section 24.03.G. If this is desired, an additional access point to the public road system is required.

The private road shall be inspected by the Township Engineer to determine compliance with these LCRC standards and the improvements necessary to achieve compliance. The inspection and plans for bringing the private road into compliance, if necessary, shall be provided prior to

approval. The cost of the inspection as well as the improvement of the existing private road shall be borne by the applicant. If the private road is nonconforming because it does not have a maintenance agreement, an agreement shall be prepared in compliance with Section 24.02.C.

- 3. Expansion or extension of a Nonconforming Private Road.** A nonconforming private road shall not be expanded or extended until an inspection of the condition of the existing nonconforming private road has been made by the Township Engineer. An expansion or extension of a nonconforming private road shall be considered to occur when length or units are added to a private road.

The Township Engineer shall prepare a report containing a description of the current condition of the private road, its compliance with the applicable current LCRC standards for public roads, except the requirement for bituminous pavement, and the work necessary to bring the private road into compliance with those standards. This expansion or extension, or the addition of a shared private driveway or new private road branching off of the nonconforming private road, shall not cause a private roadway to exceed the maximum limits stipulated in Section 24.03.G. The inspection and plans for bringing the entire private road into compliance, if necessary, shall be provided prior to approval. The cost of the inspection as well as the improvement of the existing private road shall be borne by the applicant. If the private road is nonconforming because it does not have a maintenance agreement, an agreement shall be prepared in compliance with Section 24.02.C.

The expansion or extension also must comply with the conditions set forth in Section 24.03. The Planning Commission may recommend and the Township Board may waive some of these standards at its discretion, provided the private road meets Livingston County Road Commission standards for public roads, except the requirement for bituminous pavement.

- 4. Compliance with AASHTO Standards.** Where no specific standard is provided in this Section, design plans for nonconforming private roads shall meet the design criteria outlined in the most recent edition of the American Association of State Highway and Transportation Officials (AASHTO) Manual "A Policy on Geometric Design for Highways and Streets."

C. Existing Lot or Parcel. For the purposes of determining whether a lot along a private road or access easement qualifies as an “existing lot or parcel” as used in this section, at least one of the following conditions must have existed at the time this section was adopted.

1. The lot consists of a “condominium unit” for which a master deed had been recorded with the Livingston County Register of Deeds in accordance with the requirements of the Michigan Condominium Act and other applicable laws and ordinances.
2. The lot consists of a parcel that was described by metes and bounds as recorded by a deed or as a land contract, and registered with the Livingston County Register of Deeds.
3. The lot had been assigned a unique parcel number by the Township Assessor and was individually assessed and taxed on that basis.

D. Repair and Maintenance. Legal nonconforming private roads shall be permitted to be maintained for safety purposes in accordance with the following provisions:

1. Routine maintenance for safety purposes shall be permitted without requiring the legal nonconforming private road be brought into conformance with the requirements of this Ordinance.
2. Replacement of the private road or paving of a previously unpaved nonconforming private road shall require bringing the private road into conformance with the requirements of this Ordinance.

SECTION 24.05 SHARED PRIVATE DRIVEWAY AND ACCESS EASEMENT APPROVAL REQUIREMENTS

A. Approval Process. The shared private driveway and/or access easement development, including the proposed shared private driveway or access easement meeting the standards of this Article, must be submitted for either site plan approval as required by Article 23 or site condominium project review as required by Section 21.43. For land division applications requiring shared private driveway approval, shared private driveway applications shall be reviewed concurrently with land division applications. Additionally, the following submittal and approval requirements shall be met:

1. **Sight Distance.** Confirmation that all sight-distances of the proposed shared private driveway complies with the standards of the Livingston County Road Commission.
 2. **Maintenance Agreement.** A shared private driveway or access easement maintenance agreement as required by paragraph 24.05.B shall be provided as part of the application and considered for approval, approval with conditions, or denial together with the site plan or site condominium plan.
 3. **Public Hearing.** A public hearing shall be required for any shared private driveway or access easement proposed where the easement will be within fifty (50) feet of the property line of an adjacent property. The public hearing shall be held prior to consideration of the site plan, site condominium plan, or land division by the Planning Commission. Notice by mail shall be provided to all lot or home owners within three hundred (300) feet of the easement boundaries and to all occupants of structures located within three hundred (300) feet of the easement boundary. The notice shall generally describe the location of the proposed shared private driveway or access easement and provide the date and time of the public hearing. Notice by mail shall be deemed to have been given when deposited at the U.S. Post Office address of the respective property owner shown on the last assessment roll of the Township. A notice shall appear in a newspaper of general circulation announcing the public hearing no less than fifteen (15) days nor more than sixty (60) days prior to the public hearing.
- B. Shared Private Driveway or Access Easement Maintenance.** A shared private driveway or access easement maintenance agreement shall be provided to the Township for review and approval:
1. **Recordable Agreement.** Maintenance agreements, as approved by the Township, shall be in a recordable format ready to be recorded with the Livingston County Register of Deeds, with a copy of such registration filed with the Township Clerk.
 2. **Certification.** The developer shall provide each buyer of property served, all or in part, by a shared private driveway or access easement, with a statement that such shared private driveway or easement is not maintained by public funds. Such certification shall include a legally executed easement agreement and a maintenance agreement between the property owners responsible for the maintenance of the shared private driveway.

- 3. Conformance with Private Roads.** The maintenance agreement shall be in conformance with the standards in Section 24.02.C
- C. Land Use Permit.** After approval of the site plan, the Zoning Administrator shall issue a land use permit for shared private driveway or access easement construction. Prior to the issuance of the land use permit, the developer shall be required to post a financial guarantee, consistent with the provisions of Section 23.16. The Zoning Administrator shall also confirm that the applicant has submitted a copy of the recorded Maintenance Agreement with the Township Clerk prior to issuing a permit.
- D. Inspections.** During and upon completion of the shared private driveway or access easement construction, inspections shall be made by the Township Engineer or an appointed representative according to a schedule developed between the Engineer and developer prior to the start of construction. Any inspection fees charged by the Township Engineer are the obligation of the developer. All elements of the shared private driveway construction shall be inspected by the Township Engineer and shall be included in the final report and certification required under (E) below. Other agencies such as the Livingston County Road Commission, the Drain Commissioner and the MDEQ may also be involved in the inspection process, depending on the location and construction parameters of the project.
- E. Land use Permits, Legal Descriptions and Certification.** Land use permits for any dwelling or building on any parcel served by the shared private driveway or access easement shall not be issued until the developer's licensed engineer certifies to the Zoning Administrator that the shared private driveway or access easement was constructed according to the specifications approved by the Township. The developer's engineer shall certify in writing, with copies of inspection reports that the shared private driveway, drainage improvements and all other utility improvements have been constructed according to the shared private driveway or access easement standards and in conformance with the approved site plan. Final certification does not relieve the applicant from compliance with the requirements of this article. It shall also be the responsibility of the developer's engineer to assure accurate preparation of all legal descriptions related to the development of the shared private driveway or access easement, and all lots and all easements associated with the shared private driveway or access easement.
- F. Expiration of Approval.** A developer shall start and complete all land development and shared private driveway construction, in accordance with the approved site plan or site condominium plan on file, within one (1) year from the date of approval. A one year extension may be granted when requested by the

developer in writing prior to the expiration date if, in the opinion of the Planning Commission, a finding that conditions or circumstances so warrant.

- G. Drainage.** Storm water runoff from a shared private driveway or access easement shall be controlled consistent with the requirements of the Livingston County Drain Commissioner and the MDEQ. Uncontrolled storm water shall not drain directly onto adjacent property or onto a public road. Appropriate permits must be obtained from the Livingston County Drain Commissioner, the MDEQ and other appropriate governmental agencies prior to initiation of any work on a shared private driveway or access easement. Storm water drainage into regulated wetlands shall only be permitted subject to issuance of a permit from the MDEQ. Use of storm water management in accordance with sound drainage engineering practices shall be required.
- H. Design Standards.** Shared private driveways or access easements shall meet all design and construction requirements of Section 24.06 of this Article and all applicable Livingston County Road Commission requirements. The shared private driveway and utility easements shall meet the Livingston County standards for public roads except the requirement for bituminous pavement as modified in this Article by Tyrone Township. If there is a conflict between the standards of this Ordinance and the requirements of the Livingston County Road Commission, the Road Commission Standards shall apply.
- I. Utility Easements.** Easements for all public utilities shall be granted before sales of property commence. The Township will review the easement for overall configuration and use but will not verify the accuracy of the legal description submitted for the easement. Easements for public utilities running to the properties along the shared private driveway should be located within the boundaries of the shared private driveway easement.
- J. Review Process.** A shared private driveway or access easement site plan proposal shall be submitted for review in accordance with this procedure. At minimum, the information indicated below must be submitted with or indicated on the site plan. In the event the Township Planning Commission determines additional information is necessary to complete their review of the plan, a complete site plan with additional information specified in Section 23.02 may be required. The Township Planning Commission and Township Board may require advice and consultation from professional planning, engineering, or other experts. When such professional expertise is required during the review of proposal in accordance with these provisions, the applicant shall be responsible for reimbursing the Township for all costs associated with the expert's advice and consultation.

1. Date; North Arrow and Scale. The scale shall be not less than one inch equals twenty feet (1" = 20') for property under three (3) acres, and at least one inch equals one hundred feet (100') for sites three (3) acres or more. For sites greater than three (3) acres, site plan details at a scale of not less than one inch equals twenty feet (1" = 20') may be required.
2. Locations and dimensions of all property lines.
3. Location and dimensions of existing and proposed drives, sidewalks, and curb openings.
4. Location and construction details of the proposed shared private driveway or access easement including:
 - a. Radii of proposed curves and turns.
 - b. Width and depth of the proposed finished surface.
 - c. Width and depth of proposed base.
 - d. Specification of the materials to be used for the base and finished surface.
 - e. A cross-section detail of the proposed shared private driveway or access easement construction indicating the construction materials.
5. Vehicular and pedestrian circulation within and adjacent to the site.
6. Size and location of existing and proposed utilities and easements.
7. Location map.
8. Location, width, and type of surface for all roads, driveways, alleys, or easements within fifty (50) feet of the site.
9. Distance from the proposed shared private driveway or access easement to all required open space, buildings, lot lines, and other built elements within fifty (50) feet of the site.
10. Existing and proposed drainage facilities on or within one-hundred (100) feet of the site. The locations and sizes of all such facilities must be described.
11. Existing and proposed topographic information shall be prepared and provided for review.
12. Wetland locations on or within fifty (50) feet of the site.

SECTION 24.06 SHARED PRIVATE DRIVEWAY AND ACCESS EASEMENT DESIGN STANDARDS

Shared private driveways and access easements as defined in this article shall be constructed according to the following standards. The Planning Commission may recommend approval of a modified shared private driveway or access easement design standard in a particular application where it can be demonstrated that the modified standard meets safety and sound engineering requirements. Modifications to these design standards shall be considered and recommended for approval or denial by the Planning Commission.

The Township Board shall consider the recommendation of the Planning Commission and take final action on the request for a modified shared private driveway design standard. It shall generally be the policy of the Township to encourage maximum joint utilization of shared private driveways to reduce access points on existing roads. Consistent with that intention, the Planning Commission and Township Board shall discourage development of a shared driveway within two hundred and fifty (250) feet of an existing road or shared driveway where the existing road or shared driveway could be used to provide access to the lots intended to be served by the new access route.

- A. Design of Shared Private Driveways.** A shared private driveway shall be designed and constructed consistent with the standards adopted herein and by the Livingston County Road Commission standards for public roads except the requirement for bituminous pavement as modified in this Article by Tyrone Township. In the event of conflict between standards, the higher standard, as determined by the Planning Commission, shall prevail. The design of a shared private driveway shall be subject to approval by the Township. When the developer of a proposed shared private driveway owns an additional access point for a lot along the adjacent public or private road, the additional access point shall be removed and the lot shall be accessed from the shared private driveway. This standard may be waived where it is determined that the access point does not have a negative impact on traffic or safety along the main road and that compliance would be a burden to the site, the resources on it, its configuration, and/or the property owners.
- B. Drainage.** Shared private driveways shall be designed and constructed in relation to existing land contours and other natural or man-made features to assist in providing controlled drainage for the shared private driveway in accordance with Township and County requirements. A drainage bypass culvert may be required where a shared private driveway intersects with a road. All other drainage improvements shall be required as determined necessary by the site drainage patterns and be consistent with established Township policy, the requirements of the Livingston County Road Commission and Drain Commissioner, and sound engineering practices.

- C. Sight-Distance.** Shared private driveways shall be designed and constructed in relation to existing land contours and other natural or man-made features to provide safe and adequate vision for drivers using a shared private driveway access. A shared private driveway intersection with a road shall meet the sight-distance requirements of the Livingston County Road Commission for driveways and road approaches. Other traffic safety improvements shall be required as determined necessary to be consistent with established Township policy, the requirements of the Livingston County Road Commission, and sound planning and engineering practices.

If the area to be maintained in order to meet the sight distance requirement extends onto adjacent property, then easements shall be secured for the purposes of clearing and maintaining the area for compliance with this requirement. If easements cannot be secured, the access point will have to be relocated. Provisions for maintenance of areas required for sight-distance shall be included in the shared private driveway and access easement maintenance agreement (see Section 24.05.B).

- D. Minimum Easement Width.** The minimum width of the easement for a shared private driveway shall be sixty-six (66) feet.
- E. Minimum Finished Surface Width.** The finished, load-bearing surface of a shared private driveway shall be not less than twenty (20) feet in width. Subject to the Township's approval, a shared private driveway may have a finished, load-bearing surface of not less than sixteen feet in width, plus two (2) load-bearing shoulders, each two (2) feet wide. Those shared private driveways served by hydrants shall have a finished, load-bearing surface of not less than twenty-six (26) feet. This width may be reduced to twenty (20) feet at the discretion of the Planning Commission provided that bump-outs, which are a minimum of twenty-six (26) feet in width, are provided at least once every 300 feet.
- F. Shared Private Driveway Construction Materials.** The surface of a shared private driveway shall be constructed on a base of not less than six (6) inches of road gravel. The base shall be laid after removal of all unsuitable soil. Unsuitable soil shall be replaced with road gravel or other material as may be specified by the Township Engineer. The Township Engineer may also specify the installation of soil stabilization devices, sub-base, or underlying fabric and drainage facilities to better assure the long-term life of the shared private driveway.
- G. Maximum Length and Units.** Maximum length of a shared private driveway shall be one thousand, two hundred (1,200) feet with a maximum of four (4) lots or dwelling units served by the shared private driveway. The maximum length requirement may be extended upon the recommendation of the Planning

- Commission and the approval of the Township Board. Shared private driveways that exceed the one thousand, two hundred (1,200) foot maximum length shall be required to install a dry hydrant system. The system shall be subject to the approval of the Township engineer and fire department with jurisdiction.
- H. Turnarounds.** Any shared private driveway serving more than three (3) lots or dwelling units shall include a circular cul-de-sac turnaround or a “T” turnaround. The Planning Commission shall determine the type of turnaround required. Cul-de-sacs and “T” turnarounds shall be in accordance with these standards and LCRC geometric design requirements. This requirement may be waived if the shared private driveway is 150 feet or less in length.
- I. Circular Cul-De-Sac Turnaround Design.** When a circular cul-de-sac turnaround is required for installation by the Planning Commission, the turnaround shall be designed with a forty-five (45) foot radius if no internal landscape island is required or with a fifty-five (55) foot radius if a center landscaped island is required. Where required, the internal landscape island shall be located in the center of the turnaround and shall be twenty (20) feet in diameter. A larger turnaround may be required for commercial and industrial shared private driveways.
- J. “T” Turnaround Design.** When a “T” or “hammerhead” turnaround is required for installation by the Planning Commission, the turnaround shall provide perpendicular extensions from the main traveled surface of the shared private driveway to permit a vehicle to turn around. The extensions shall be not less than twenty (20) feet in width and extend from each side of the centerline of the easement for a distance of sixty (60) feet. A turning radius of twenty-eight (28) feet shall be provided from the traveled surface onto the turnaround. The surface and base materials of the “T” turnaround shall be the same as the surface and base materials of the shared private driveway.
- K. Intersection Design Standards.** Shared private driveways that intersect with existing or proposed private roads or public street rights-of-way should intersect at a ninety (90) degree angle. Where constrained by environmental features, the Township Engineer may allow a reduced angle of intersection but in no case shall the angle be less than seventy (70) degrees.
- L. Intersection Offsets from Streets.** Proposed shared private driveway intersections with a public or private road shall align directly across from, or be offset by at least two hundred fifty (250) feet from existing intersections of public streets or private roads on the opposite side of the street, measured centerline to centerline. This standard may be reduced if approved by the Livingston County Road Commission and the Tyrone Township Board of Trustees, with recommendation from the Planning Commission.

- M. Vertical Clearance.** In order to provide adequate access for emergency vehicles, fifteen (15) feet of overhead tree clearance shall be provided within the width of the finished surface.
- N. Signs.** Regulatory signs shall be positioned and installed in accordance with the Michigan Manual of Uniform Traffic Control Devices on all shared private driveways where such driveways intersect with public or private roads. All other signs within the shared private driveway easement shall be identified on the site plan and designed and placed in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Planning Commission approves another type of design for consistency with the character of the development. Shared private driveways shall not be named and shall not have signs bearing street names.
- O. Modifications of These Standards.** At the discretion of the Planning Commission and Township Board, the standards of this article may be modified. The Planning Commission and Township Board may determine that alternative design or construction materials will provide a shared private driveway of equal or superior quality. Further, the Planning Commission and Township Board shall have the authority to modify the review requirements in order to assure the requirements of the Township are considered in an appropriate forum and with the necessary level of professional design expertise.
- P. Compliance with AASHTO Standards.** Where no specific standard is provided in this Section, shared private driveway design plans shall meet the design criteria for local rural roads described in the most recent edition of the American Association of State Highway and Transportation Officials (AASHTO) Manual "A Policy on Geometric Design for Highways and Streets." Minimum horizontal and vertical curve radii and stopping distances shall be determined using design standards in this AASHTO manual to provide minimum safe sight-distances, provided that the minimum horizontal curve shall be two-hundred and thirty (230) feet in radius.
- Q. Conversion of Shared Private Driveway to Private Road.** Any proposal to modify the use of a shared private driveway so that the shared private driveway will serve the functional capacity of a private road shall require that the shared private driveway must be improved to meet the minimum design requirements for a private road as described in Section 24.03 of these regulations. The proposed private road shall be considered for approval in accordance with the foregoing provisions of Section 24.02.

The improvements to the shared private driveway necessary to satisfy the requirements for a private road shall be the responsibility of the applicant submitting the proposal for the development that requires the improvements.

- R. Setbacks and Structures.** Shared private driveways shall not be considered streets. However, on lots where the only means of access is a shared private driveway and there is no street frontage, the yard fronting on the shared private driveway shall be considered the front yard for zoning and setback purposes. On lots where the only means of access is a shared private driveway and there is street frontage, the lot shall be treated as a corner lot (i.e. a lot with two front yards) for zoning and setback purposes.
- S. Adjacent Properties.** For shared private driveways built after the effective date of this amendment (April 30, 2008) and located on a property line, access to that shared private driveway is encouraged to be provided to the adjacent property. The developer or owner of the adjacent property shall petition the owner(s) of the shared private driveway(s) located on the adjacent property to request a forum to discuss and negotiate access to, and use of, the existing shared private driveway(s). However, where such access is granted and will exceed the maximum number of lots permitted on a shared private driveway, the shared private driveway shall be converted to a private road per paragraph P above.
- T. Nonconforming Shared Private Driveways.** Nonconforming shared private driveways may be modified in conformance with the requirements in Section 24.04. Where necessary to accommodate shared private driveways versus private roads, the standards may be modified by the Township.

SECTION 24.07 ACCESS MANAGEMENT

Private roads and shared private driveways shall be constructed to satisfy the access management standards provided in Section 21.54.

REVISIONS:

- 2004 MARCH - Section 24.05; Access Management.
- 2004 SEPTEMBER - Section 24.01 Definitions 24.01.A,B,C,D,E; Section 24.02 Private Road Approval Agreement, 24.02.B.1,2,3,4; 24.02.D,E,F,H,I,J,K; Section 24.03 Private Road Design Standards, 24.03.B,F,L,M,N,O; Section 24.04 Nonconforming Private Roads, Section 24.04.A.2,3,4; 24.04.B.4; Section 24.05 Shared Driveway and Access Easement Approval Requirements; Section 24.06 Shared Driveway and Easement Design Standards; Section 24.07 Access Management (renumbered from 24.05).
- 2008 MARCH - General revisions throughout (Article revision).
- 2014 SEPTEMBER – Deleted prior 24.03.P Access Easements and added “Access Easement” to 24.06