

**PLANNING COMMISSION
PUBLIC HEARINGS
JANUARY 25, 2005**

MEMBERS PRESENT: JOHN LOWE, CHAIRPERSON
JEAN ROOT, SECRETARY
JIM ANDERSON
DAVE HAMANN
DEBRA WIEDMAN-CLAWSON

ABSENT: NONE

OTHERS PRESENT: ROBERT W. HANVEY, SUPERVISOR
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
JOHN ENOS, CARLISLE/WORTMAN

CALL TO ORDER

The meeting was called to order at 7:15 p.m.

APPROVAL OF AGENDA

Dave Hamann motioned to approve the January 25, 2005 Public Hearings agenda. Jean Root seconded. **Motion carried 5-0.**

INTRODUCTION OF MEMBERS

The Planning Commission members introduced themselves.

CALL TO THE PUBLIC

No response.

APPROVAL OF MINUTES

None.

OLD BUSINESS

Creative Discovery Pre-School - Special Use Permit #3-04

Terry Clark of Lindhout Associates introduced himself as the applicant's architect. He also introduced Bill Goodrow from Civil Design Services and Sharon & Ken VanOrd, the applicants. Bill Goodrow gave an overview of the general workings of the site.

Mr. Goodrow noted the site is ¼ E of D-19 on the north side of East Davis Road on a 2-acre site. The area of development is 1.6 acres. The existing trees on the site will be kept. The building will be 2,600 square feet, access is off East Davis Road and there will be 22 parking spaces. Due to the soil constraints of the site, we have designed an elevated septic field currently being reviewed by the Livingston County Department of Health. There will be a well on site. The detention basin will be located at the low point along East Davis Road. Comments have been received from the Livingston County Road Commission (LCRC), the township planning consultant and the township engineer. Comments were of a technical nature that cannot be met in order to develop the site. Mr. Goodrow then invited any questions.

Terry Clark gave a presentation on the structure. There will be two classrooms and a small kitchen for warming food and serving snacks. Each class has its own bathroom. They tried to stay with a residential theme using earth tones for the elements of the building. Terry then turned the floor over to Sharon VanOrd.

Ms. VanOrd introduced herself and Ken VanOrd and noted they are residents of Marion Township. Ms. VanOrd gave a description of herself and her activities. She would like to provide an educational opportunity to the community, and gave an overview of her educational background, including 20 years experience as a teacher, specializing in pre-schoolers. The pre-school would run during the Howell Public school year, there would be a morning group and an afternoon group. During the school year, she may need to meet at night with parents. She will not be running a 12-hour shift. She will hold week-long programs during the summer; the program would run three hours.

John Lowe asked John Enos to summarize his review letter. Mr. Enos explained the special use

permit process allowed by our zoning ordinance. The special use permit is only allowed under certain conditions. The Planning Commission decides if the conditions are being met. It is our job to review the conditions and elements to reduce the impact to the residents. A thorough review was done by John Enos and documented in his letter dated January 17, 2005 and he read that to the public. Mr. Enos noted landscaping is aesthetically pleasing and provides a noise buffer, he is recommending additional landscaping, conifer and deciduous. He would like the outside lighting to be off at 7:00 p.m. He is recommending additional canopy trees on the playground and that it is fenced in. Future submittals need to spell out clearly that they meet all the requirements of the zoning ordinance, they need to provide maximum lot coverage, soil information, sidewalk details, details of the trees to be planted, landscaping calculations, tree protection details, 50' buffer along East Davis Road, the caliper of trees need to increase for proposed maples, move detention basin to the north, 25' buffers along the east and west property lines. Mr. Enos noted that the 22 parking spaces exceed the number required by the zoning ordinance and would like it reduced to the minimum number. They have concerns about the existing barn on site, the children's accessibility to the barn and safety. Mr. Enos ended by stating several items need to be addressed on the plan, and per our ordinance and meeting the special use standards, that is something the Planning Commission will have to discuss based on the public input and looking at the ordinance requirements.

John Lowe read a detailed review letter from LCRC regarding Creative Discovery Pre-School and read the site distance review performed by the LCRC. Additional information is required by the LCRC prior to its approval. John Lowe read the review letter from the Howell Area Fire Authority (HAFA). They recommend approval upon the conditions stated in the letter and strongly recommend a heat/smoke detection and/or fire suppression system within the building.

John Lowe then asked Phil Westmoreland to summarize his review letter. Mr. Westmoreland stated the comments are related to the site plan and not the special land use. There are a number of items to address. The reserve septic system needs to be reviewed. Livingston County Drain Commission requires a sedimentation fore bay on the detention basin that will need to be added. They are recommending the driveway entrance be widened to 30' and the radius where it turns into the parking lot be increased to allow better access for emergency vehicles. Also curb-and-gutter be added around the perimeter of the parking lot to help control storm water.

John Enos asked Terry Clark if they could decrease the number of parking spaces. Mr. Clark responded that the applicant wants the parents to park their car and enter the building to drop off the child and talk with Ms. VanOrd. With two classrooms and staggered times, the increased parking spaces are necessary. When the first session is leaving and the second session arriving, there may be a little mingling of time when someone would still be there when the next session is coming. If it was the 10 spaces required by the ordinance, there would not be enough.

Mr. Enos is concerned that it retains a residential feeling and character. A large span of asphalt in the front takes away from the residential look and creates an impervious surface and storm water run off. That will be a decision of the Planning Commission, yet you are over the required amount. Mr. Goodrow noted the parking is 6' above the elevation of East Davis Road, that and landscaping should help. Mr. Enos said they can show the potential for future parking or deferred parking; this is shown on the site plan yet not developed.

John Lowe asked the applicant the number of children that would be attending.

Ms. VanOrd said the state requires 35 square feet per child, each class room is 700 square feet, and each class would be licensed for 20 children. For four-year old children, she would have 18 children per 700 square feet and for three-year old children; she would have 16 children for every 700 square feet. Ms. VanOrd asked permission to address the parking questions. She staggers the classes so class one will arrive and start 15 minutes prior to class two; this applies to pick up also. Ms. VanOrd wants to greet each child and parent individually to start the day on a positive note. When the class ends, she insists on speaking with the parent to summarize the child's day.

Mr. Enos asked for clarification on the number of children. By his calculations, there would be a maximum of 34 children. Ms. VanOrd answered 16 three-year olds and 18 four-year olds—one

three-year old class and one four-year old class. On Monday, Wednesday and Friday, she would be hosting four-year old children in the morning and in the afternoon. On Tuesdays and Thursdays, the three-year olds will come. On Tuesday and Thursday, each classroom would hold 16 children. There are two classrooms per shift and four shifts per day.

Mr. Enos noted due to this being a special use, conditions can be attached, a maximum number of children per day or per week. Mr. Enos would recommend attaching that condition.

John Lowe clarified, two classrooms per shift, that is 40 per shift, a morning class and afternoon class. Ms. VanOrd answered yes. She also noted that all do not use the play area at the same time, that is staggered also.

John Lowe asked the applicant if they are comfortable with reducing the number of parking spaces. Mr. Clark answered no.

John Lowe asked if they could meet the 50' setback requirement along East Davis Road and move the detention basin to the north and still make the site work. Mr. Goodrow acknowledged this is a design problem and he plans on meeting with the LCRC and thinks the basin can be moved to the north.

Jim Anderson questioned the number of cars accessing the site and time frames. There would be 40 cars in the morning, 80 in the afternoon and another 40 in the late afternoon. Ms. VanOrd said they are staggered: class A starting time is 15 minutes prior to class B. Jim Anderson noted the potential for overlap and there would be 80 cars accessing the site at one time. Ms. VanOrd stated over an hour and fifteen minutes there will be 80 cars coming and going from the site around lunch time.

Jean Root asked about the hours of operation? Ms. VanOrd answered that the classroom hours will be 8:45 a.m.-11:45 a.m., 9:00 a.m.-12:00 noon, 1:00 p.m.-4:00 p.m., and 1:15 p.m.-4:15 p.m.

Jim Anderson noted again over an hour and fifteen minutes, you will have 80 cars coming and going.

Ms. Root asked about staff arrival and departure times, prep time and summers. Ms. VanOrd responded the staff will be in at 8:00 a.m. and out at 6:00 p.m. She will have two teachers, two assistants and one manager for a total of five employees all day long, including Sharon. These employees will park in parking lot.

Ms. Root asked about summer hours. Ms. VanOrd said she will hold week long classes during the summer from 9:00 a.m.-12:00 noon on different subjects, six to eight weeks out of the summer.

Ms. Root asked if the driveway for the flag lot behind the subject site has been approved by the LCRC? She is concerned and wants to see documentation the driveway has been approved. The existing drive is cut into the hill and run-off is a problem onto East Davis Road. Annette McNamara will provide Ms. Root with a site distance review for the flag lot.

Ms. Root clarified the schedule: six-eight weeks during the summer and 8:00 a.m.-6:00 p.m. during Howell public school year, and she is concerned with the dozen busses that come down East Davis Road at 8:30 a.m. Ms. Root also told audience that she lives on East Davis Road.

Ms. VanOrd addressed the barn. It will be used for storage of maintenance items and will not be accessible to the children.

Mr. Anderson questioned curb-and-gutter and drainage. Mr. Westmoreland answered that it deters parking on grass and directs water to the detention basin.

CALL TO THE PUBLIC

George Holt, 459 East Davis Road: Mr. Holt wrote a letter to the Planning Commission, yet he has additional comments. East Davis Road conditions are too poor to handle 240 vehicles per day. He has concerns about parking on the road when the parking lot is full, and does not agree that natural colors help this to blend into the residential. This is a for-profit business. They should put it in their back yard, they can't, people don't want it and won't have it, and we don't either. They should build in a commercial area. It lowers our property value. He does not believe there is a need for pre-school, he spoke with two others in township and they are not at capacity. He has concerns about enough parking. If the business fails, who would take over? We would be stuck with building.

Andrew Atamanchuk, 590 East Davis Road: The speed limit on East Davis Road is 55 mph. Mr. Atamanchuk had a company track the cars from 8:00 a.m.-6:00 p.m., the speed of the cars was averaging 65 mph. There should be no parking on East Davis Road. In winter, this could be more hazardous.

Chris Fleming, 843 East Davis Road: Is concerned about the storm water run off and the detention basin. Will the water become stagnant and what about the safety of the children. Will there be signage and what will it look like? Reiterated Ms. Roots' comment about East Davis Road becoming a main drag, this needs to be considered.

John Lowe asked the applicant to address the sign. Terry Clark answered a 3' brick sign, yet had no drawings. He showed Mr. Lowe the placement of the sign on the site, 15' off the front property line. Mr. Enos reviewed the sign requirements. He assured the public there would be no lighting in or on the sign. Mr. Clark said the sign will be 3' X 8".

Pat Stratton, 354 East Davis Road: This is directly across the street. Has lived there 29 years and raised kids, does not see a problem with homes. Does not want a commercial building across the street, it is a business. His wife wrote a letter.

Dave Burton, 840 East Davis Road: The neighbors are upset with this proposal. Does not want to sound threatening, yet he shares the neighbors' sentiments that they are willing to go the full distance to fight this. Would like to know if barn is encroaching on greenbelt. What is frontage on East Davis Road? Is opposed to project.

Answer 186'.

Jan Hartford, 3681 Kipling Circle: As a parent of younger children, she would welcome this pre-school. Enrollment of the facilities mentioned before are down because they do not have the structured programs that prepare children for school. She supported Sharon VanOrd.

Allison Gibb, 189 East Davis Road: Is opposed to the proposed special use permit. The traffic from Three Fires Middle School has increased the use of the road and she does not think it is a good idea.

John Enos wants to clarify the parcel will stay Rural Residential. If this special use is allowed, the only uses that could ever go there would only be Rural Residential uses. If it went under, an office building could not go in.

Terry Marvel, 161 East Davis Road: Would like the Planning Commission to clarify—in the opening comments it sounded like if the applicant met all the requirements that the special use would be approved. Are we deciding to have it or are we deciding how to have it? It is not safe for her kids to ride their bikes on the street or for her to walk her dog.

John Lowe responded, no this is to let the public know what the final product looks like, and to present it to the public, the public has input, letters are read, see how it fits with the ordinance. Make a determination if that is an acceptable project in that location or if it is not. It will also go before the Board of Trustees for its review and decision.

Mary Hammond, 216 East Davis Road: What about fencing, what kind and where?

John Enos said the children will be housed in the building or within a fenced in area. Sharon VanOrd is choosing to fence in the area. There will be one adult for every nine children at the four-year old level and one adult for every eight children.

Sharon VanOrd presented the Planning Commission Chair a letter from a consultant she is working with to make sure that all state requirements are being met. She is also working with the National Association for the Educational of Young Children. She would like to become state certified and nationally accredited.

John Lowe read the letter from Childcraft Education Corporation. Then asked for details on the fence. Terry Clark said 3' high and green chain link.

Sue Fleming, 843 East Davis Road: What is the difference between day care center and pre-school.

John Enos answered day care is a permitted use with a limited number of children. A pre-school that allows more children requires a special use permit. He read the list of what is permitted in Rural Residential with a special use permit. If the business failed and another special use came in, they would need to go through the same process. Jean Root clarified if this failed, then one

of the other uses permitted with a special use permit could be allowed in.

Maggie Stratton, 354 East Davis Road: She wrote a letter and has thought of something else. She lives directly across the street. If 40 cars are coming into the pre-school, I will not be able to get out of my driveway; my neighbors have the same problem. This will have a negative impact on their daily life and the lives of their neighbors.

Dave Burton, 840 East Davis Road: Will there be any sign normally seen with children and schools. Questions were asked about a fire suppression system and the well that a system like that would require, there are children in the building.

Terry Clark said what they have at this time does not require a fire suppression system. John Lowe asked if that is required by the state. Mr. Clark answered he would rely on the HAFA comments and he suggested alarm systems.

Dave Hamann read the HAFA letter strongly recommending, yet did not state it was a requirement.

Chris Fleming, 843 East Davis Road: Did the LCRC talk about improving the road? John Lowe said cannot require off-site improvement.

George Holt, 459 East Davis Road: Questioned if this all can physically fit on site. Is there gas in the barn, a safety problem for children. Water run-off is a problem now. Parking was discussed again.

John Lowe noted all agencies will have to review this project to avoid these problems.

Vance Ferguson, East Davis Road: He reiterated the concerns of the other residents. He has concerns the run off will affect his driveway. He will be moving his construction trucks and trailers weighting 20,000 lbs. up and down the driveway trying to get in and out with all that traffic. I moved out here to have room to store my things and for my kids to play. He has concerns about the pond on his property.

John Lowe read the following letters, Dick and Mary Haan, 325 East Davis Road and Pat and Maggie Stratton, 354 East Davis Road. Letters were also submitted by George Holt, 459 East Davis Road, A.J. Gibb and Mary Hammond, 216 East Davis Road.

Jim Anderson asked if the building was stick built and if it had a basement or was on a slab?

Terry Clark answered, stick built on a slab.

John Enos reiterated the process to the audience.

Dave Hamann motioned to close the call to the public at 8:55 p.m. Jean Root seconded.

Motion carried 5-0.

NEW BUSINESS

None.

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Dave Hamann motioned to adjourn the public hearing at 9:18 p.m. Jean Root seconded.

Motion carried 5-0.

PLANNING COMMISSION SPECIAL MEETING JANUARY 10, 2005

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
JEAN ROOT, SECRETARY
JIM ANDERSON
DAVE HAMANN
DEBRA WIEDMAN-CLAWSON

ABSENT:

NONE

OTHERS PRESENT:

ROBERT W. HANVEY, SUPERVISOR
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
KRISTEN LUNDEEN, ORCHARD, HILTZ & MCCLIMENT
JOHN ENOS, CARLISLE/WORTMAN

MIKE KEHOE, MILLER, KEHOE & ASSOCIATES

CALL TO ORDER

The meeting was called to order at 7:30 p.m.

APPROVAL OF AGENDA

Jean Root motioned to approve the agenda as presented. Dave Hamann seconded. **Motion carried 5-0.**

INTRODUCTION OF MEMBERS

The Planning Commission members introduced themselves.

CALL TO THE PUBLIC

No response.

APPROVAL OF MINUTES

Debra Wiedman-Clawson should be removed from Members Present. Dave Hamann motioned to approve the October 18, 2004 Special Meeting minutes as amended. Jim Anderson seconded.

Motion carried 4-0 (Debra Wiedman-Clawson abstained.)

Jean Root noted a question she had asked regarding the 425 agreement and how long it had been in place. Robert Hanvey had answered that it was put in effect in 1987 for a length of 50 years. This should be added to the minutes. Dave Hamann motioned to approve the December 13, 2004 Regular Minutes as amended. Jim Anderson seconded. **Motion carried 5-0.**

Discussion

John Lowe asked Mike Kehoe if a 425 agreement is made between a city and a township, can the township still retain credit for the zoning of the property that is annexed.

Mike Kehoe stated yes, you can have a 425 contain any information and would have to be set up initially. General guidelines are in place.

John Lowe asked if a 425 could be amended. Mike Kehoe answered yes.

Debra Wiedman-Clawson asked if anyone had been invited to the City of Howell Council Meeting being held tonight and if anyone knew the purpose of the meeting.

Robert Hanvey answered they are meeting tonight to decide if counsel will accept the sewer REUs from Marion Township or if the applicants buy their own REUs.

OLD BUSINESS

Comprehensive Plan - Review Revisions

John Enos informed the Planning Commission that he and Mike Kehoe worked on additional Mobile Home Park language to insert into the Comprehensive Plan. John Enos read Future Land Use Plan and Objective Mobile Home Park language.

Kathleen Kline-Hudson adjusted the language that John Enos had sent her.

Debra Wiedman-Clawson asked if the adjacent municipalities need to review. Mike Kehoe was comfortable with not sending it out for review.

Dave Hamann asked if a complete/final copy has been submitted to the township and if so, is it reasonable to adopt without seeing the completed document? Annette McNamara said no.

Mike Kehoe feels the Planning Commission should see a complete (clean copy) document prior to adoption.

Dave Hamann asked Annette McNamara to get a clean copy for the Planning Commission to review.

Mike Kehoe directed the Planning Commission that when they do adopt the document, include in the motion a directive that it be circulated to the appropriate agencies as required by law. The Planning Act does require that after its adoption, it be submitted to the same agencies that reviewed it. The motion should make reference to that as well.

Annette McNamara asked to include in the motion that the original mailing list be used.

Dave Hamann motioned to table the Comprehensive Plan along with latest revisions. Annette McNamara will request a final copy from Kathleen Kline-Hudson (without the adoption date) for adoption at the January 25, 2005 meeting. Jim Anderson seconded. **Motion carried 5-0.**

Private Road Discussion

John Lowe read two letters, one from Tammy Beal dated January 20, 2004 and one from Sue

Lingle dated September 12, 1996.

John Lowe asked if it was legal for one resident to upgrade a private road (due to a land division) or would that be trespassing?

Mike Kehoe stated it depended on how the legal description was laid out: to the center of the road or to the road right-of-way.

Deed restrictions were discussed and the fact that the township cannot enforce deed restrictions. John Lowe suggested that the township set up standards that have to be met prior to a land division—as long as the road met the standards of when it was built, then you can have the split. Discussion on a land division and not issuing a land use permit because the lot does not meet the zoning ordinance.

John Enos stated the assessor should not allow a division that cannot be built on. May have to create a general law ordinance, which would be retroactive. We should craft language on these pre-existing non-conforming private roads.

John Lowe said we still have the problem of the existing private roads that were built to specifications and have fallen into disrepair.

Debra Wiedman-Clawson reiterated the residents need to take responsibility for their own roads and maintenance agreements. The residents feel it is the township's responsibility.

Dave Hamann thinks as soon as you set up a road classification, you are taking on the responsibility for the roads and the business of road commission. You have to set up the specs for each class, enforce them at each class, and maintain and identify each year at each class because they will change over time.

John Lowe said there have been three changes on road width in the county standards from 1960 to now. The road thickness or road right-of-way hasn't changed. Ask the resident to provide the standards for the year it was built and an engineer to verify it meets the standards for that year. We let them know that this is what we expect.

Jim Anderson asked if we can require a Private Road Maintenance Agreement.

Charles Musson said when he was involved, they required a road maintenance agreement recorded with the Register of Deeds before they approved a land division.

With the previous administration in the township, in the ordinance and with the assessor, there was a procedure that would enforce when a resident requested a split on a private road without an agreement on the deed for the road. That resident would be the beginning of starting a deed restriction for a private road.

Jim Anderson asked if they are responsible for the entire road.

Yes, but how else are you going to do it. Eventually you get enough people that you have your 51% and you can take the others to Circuit Court.

Adverse possession was discussed.

John Lowe verified that we can only require a maintenance agreement for the new splits. It would be too high of a standard to ask that they get the maintenance agreement from the rest of the people.

Mike Kehoe answered it would be difficult to require, he is not certain it is too high a standard. Trying to ensure well-maintained roads and cost is fairly borne among the property owners. If they want additional splits and additional burdens, then they all have to pay. May preclude the majority of roads from future splits. Perhaps more reasonable approach that from here on, everyone that derives an additional split has to sign the maintenance agreement. Sooner or later you get to the 51%.

John Enos said we have zoning to protect the health, safety and welfare and we allow splits on roads that once met standards, allowing further splits without upgrading, we are not doing our duty as planners.

Jim Anderson asked what the pitfalls of special assessments were.

The law provides a way to challenge a special assessment, but also if you get the 51% whether or not anybody has signed agreements to that affect it is on a private road if they put together the necessary signatures and bring it to the board it could happen.

Jim Anderson said we are proposing 51% on the agreement and special assess the rest, it is not

going to guarantee that is going to happen.

Mike Kehoe suggested saying majority in place of 51%.

John Lowe what we are doing at this point is just all new parcels. If they can get the other homeowners. great.

John Enos suggested talking to the Livingston County Road Commission for input. John will also ask his contacts in Washtenaw County.

Dan Lowe urged the Planning Commission to get something going. If there are problems, then you can go back and make changes.

Robert Hanvey asked if you were the only owner in the agreement, do you have to take care of the entire road or only your portion.

Dave Hamann answered this is just creating the document that is used as leverage down the road.

Discussion ensued as to how much responsibility the owner on the agreement would have.

John Lowe summarized: the township would require land owners requesting a split to bring the road up to the standards that were in place when the road was built. If a road maintenance agreement is not in effect, the township would request that the owners of the divided parcels start a road maintenance agreement. The person dividing their parcel would have to request the existing residents on the road to sign the road maintenance agreement or a signature sheet proving they attempted to get the others to sign up for the road maintenance agreement.

Mike Kehoe and John Enos to develop language for the certified letter we would require land owners to use when contacting the residents on their private road.

The Planning Commission discussed the denial of a land use permit on a road that was built in the 1930's. Does the township have to allow if the standards were 33' wide roads. Mike Kehoe stated the crucial question is when the parcel was created. was it a legal parcel. If it was, the township has a problem with stopping a land division or land use permit.

You also have to look at the zoning ordinance in place when the road was built. If the ordinance allowed and it was legal to have a 33' access, then you have a problem if you deny them building on the parcel.

Dan Lowe suggested knowing what ordinances were in place when.

Charlie Musson stated the zoning ordinance was adopted in 1959.

Discussion on placement of language within the zoning ordinance, will the pre-existing non-conforming private roads be addressed in Section 6.20 or Article XVIII. Mike Kehoe suggested a subsection in Section 6.20.

The next Special Meeting will be on Tuesday, February 15, 2005 at 7:30 p.m. John Enos and Mike Kehoe will work on language for Section 6.20.

Dave Hamann motioned to table Private Road discussion. Mike Kehoe and John Enos to discuss and develop language for private roads and submit text for the next Special Meeting to be held February 15, 2005 at 7:30 p.m. Jean Root seconded. **Motion carried 5-0.**

NEW BUSINESS

Amend November 10, 2004 minutes

Jean Root motioned to amend the November 10, 2004 Comprehensive Plan public hearing minutes to show John Enos was not present. Debra Wiedman-Clawson seconded. **Motion carried 5-0.**

CALL TO THE PUBLIC

Jean Root asked the Planning Commission members if they would like to add another member when the number of board members is increased.

John Enos acknowledged the upcoming public hearing for Creative Discovery Pre-School and passed out the State of Michigan Family Independence Agency requirements for the Planning Commission information. He also reminded the Planning Commission that the Family Independence Agency will have stringent requirements for a pre-school.

John Enos informed the Planning Commission they are expecting the governor to sign the Contractual Zoning Amendment Legislation.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 10:10 p.m. Debra Wiedman-Clawson seconded. **Motion carried 5-0.**

**PLANNING COMMISSION
PUBLIC HEARINGS
JANUARY 25, 2005**

MEMBERS PRESENT: JOHN LOWE, CHAIRPERSON
JEAN ROOT, SECRETARY
JIM ANDERSON
DAVE HAMANN
DEBRA WIEDMAN-CLAWSON

ABSENT: NONE

OTHERS PRESENT: ROBERT W. HANVEY, SUPERVISOR
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
JOHN ENOS, CARLISLE/WORTMAN

CALL TO ORDER

The meeting was called to order at 9:00 p.m.

APPROVAL OF AGENDA

Dave Hamann motioned to approve the January 25, 2005 Public Hearings agenda. Jean Root seconded. **Motion Carried 5-0.**

INTRODUCTION OF MEMBERS

The Planning Commission members introduced themselves prior to the previous public hearing.

CALL TO THE PUBLIC

No response.

APPROVAL OF MINUTES

None

OLD BUSINESS

Proposed Test Amendment 8.01 F 6 & 7 - Rural Residential Site Development Requirements

John Lowe read the proposed language and opened the call to the public.

Jim Barnwell asked the Planning Commission to clarify the goals and objectives of the proposed language. Jim Barnwell thought the language was redundant (which would consist of but not be limited to.) Can the Planning Commission members expound on what else would be included other than the trees, shrubs and vegetation. Also, regarding the definition of negative impact on adjoining developments, he would also like to see a definition for natural vegetation and the landscaping as provided above. He thought the proposed language was vague.

John Enos said the Planning Commission intent was to take what vague language exists and make it more detailed for the developers and for the Planning Commission in the review process, what vegetation would be allowed in the greenbelt and what would not be allowed. As to the negative impact, this would be on a case-by-case basis.

John Lowe stated it was designed to give the Planning Commission flexibility with each development. It is not possible to get specific.

Phil Westmoreland asked what the Planning Commission idea is for the greenbelt—can this be excavated for utilities as long as they are returned to green or no disruption from the state it is in when the plan is submitted?

John Lowe responded that the Planning Commission wants flexibility to save valuable trees on a case-by-case basis to consider the variables.

Chris Fleck, Advantage Civil Engineering, said the township is requesting a looped system from the adjacent development. He asked if they maintain the buffer or do they, at the township's request, bring water to the site? You cannot plant trees on top of utilities.

Jean Root reiterated the Planning Commission's desire for flexibility.

Closed Call to the Public at 9:05 p.m.

Proposed Test Amendment 8.02 F 6 & 7 - Suburban Residential Site Development Requirements

John Lowe noted this is essentially the same language, only the Suburban Residential District. Debra Wiedman-Clawson asked if the Planning Commission would revisit the definitions and have them cross-referenced.

Jean Root noted Mike Kehoe had submitted possible definitions.

Closed Call to the Public at 9:12 p.m.

Proposed Test Amendment 6.18 F & G - Condominium Projects

John Lowe asked if there were comments.

Jean Root noted that on all of these, we made sure to include language that no lots shall have access to roads other than those interior to the project. The developers have tried to maximize use by creating lots with access to other roads.

Closed Call to the Public at 9:14 p.m.

Proposed Test Amendment 6.20 E 1 - Connection to County Roads

John Lowe read the proposed language and asked for comments.

Jim Barnwell questioned developments where you develop on one side of the road and dedicate it to the public; if the adjoining parcel is developed at a later date, why shouldn't these be accessible. You need to clarify that these are main county roads, not some of the other internal roads.

Debra Wiedman-Clawson also asked for clarification.

John Enos read the language. The Planning Commission is trying to prevent exception lots from gaining access or having a subdivision with three lots on a county road.

Debra Wiedman-Clawson asked if a parcel can be developed with a portion as a subdivision and some parcel splits that access off of another road.

John Enos answered. The intent is if it is only part of the master deed.

Closed Call to the Public at 9:16 p.m.

Proposed Test Amendment 6.24 - Landscape Buffer

John Lowe opened the floor for discussion.

Closed Call to the Public at 9:18 p.m.

NEW BUSINESS

None.

ADJOURNMENT

Dave Hamann motioned to adjourn the public hearings on the proposed text amendments at 9:18 p.m. Jim Anderson seconded. **Motion carried 5-0.**

**PLANNING COMMISSION
JANUARY 25, 2005**

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
JEAN ROOT, SECRETARY
JIM ANDERSON
DAVE HAMANN
DEBRA WIEDMAN-CLAWSON

ABSENT:

NONE

OTHERS PRESENT:

ROBERT W. HANVEY, SUPERVISOR
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
JOHN ENOS, CARLISLE/WORTMAN

CALL TO ORDER

The meeting was called to order at 9:20 p.m.

APPROVAL OF AGENDA

Dave Hamann asked the agenda be amended to include the Comprehensive Plan under Old Business. Dave Hamann motioned to approve the January 25, 2005 regular meeting amended agenda. Jean Root seconded. **Motion carried 5-0.**

INTRODUCTION OF MEMBERS

The Planning Commission members introduced themselves at the public hearing.

CALL TO THE PUBLIC

During the approval of the agenda, it was noted that Copperfield Villas had requested to be removed from tonight's agenda. A resident had come to the meeting for that agenda item. The Planning Commission asked if he had any questions or comments. The resident asked the pricing of the homes in Copperfield Villas. The Planning Commission could not answer the question. The resident questioned the plans noting the current vegetation to be kept, how will that be done? John Enos answered his question and clearing limits and buffering were discussed. The resident questioned the usability of the park. John Enos answered it is more of a natural area.

APPROVAL OF MINUTES

Dave Hamann motioned to approve the December 20, 2004 regular minutes. Jim Anderson seconded. **Motion carried 4-0.** Jean Root abstained.

OLD BUSINESS

Comprehensive Plan Review and Adoption

John Lowe asked the Planning Commission members if they had any comments.

Jean Root motioned to approve Resolution No. PC 1-25-05 and read the following:

WHEREAS, the Marion Township Planning Commission desires to adopt a comprehensive plan and has made the necessary inquiries, investigations and surveys of the appropriate resources of the township; and

WHEREAS, the comprehensive plan will promote the public health, safety and general welfare; to encourage the use of resources in accordance with their character and adaptability; to avoid the overcrowding of land by buildings or people; to lessen congestion on public roads and streets; to facilitate provision for a system of transportation, sewage disposal, safe and adequate water supply, recreation and other public improvements; and consider the character of the township and its suitability for particular uses judged in terms of such factors as the trend in land and population development; and

WHEREAS, the Marion Township Planning Commission has noticed and conducted a public hearing in accordance with the requirements of the Township Planning Act (Public Act 168 of 1959, as amended), said hearing held on November 10, 2004;

NOW, THEREFORE, BE IT RESOLVED, that the Marion Township Planning Commission hereby adopts the 2005 Marion Township Comprehensive Plan.

Dave Hamann seconded the resolution and noted that page two of the comprehensive plan introduction needs the date inserted, the date should also be inserted in the footer, and 2004 should be changed to 2005 on the cover page. Roll call vote: Jim Anderson, Jean Root, John Lowe, Dave Hamann, and Debra Wiedman-Clawson—all yes. **Resolution passed 5-0.**

Plan Review, Inspection and Construction Standards

John Enos asked that this agenda item and the next agenda item be combined. John Enos updated the Planning Commission on the progress and summarized.

Chris Fleck, Advantage Civil Engineering, would like a checklist included in the protocols; too difficult to follow. A preliminary and final site plan review is a must. He feels construction issues are holding up site plan review.

John Enos said that is the ultimate goal.

Jean Root motioned to table Plan Review, Inspection and Construction Standards until John Enos and Phil Westmoreland request placement on an agenda. Dave Hamann seconded. **Motion carried 5-0.**

Proposed Text Amendment Article XVIII Site Plan Review Procedure

Dave Hamann motioned to table Proposed Text Amendment Article XVIII Site Plan Review

Procedure until John Enos and Phil Westmoreland request placement on an agenda. Debra Wiedman-Clawson seconded. **Motion carried 5-0.**

Copperfield Villas Site Plan Review

Dave Hamann motioned to table this item as requested by the applicant, and this item will not be placed on an agenda until requested by the applicant. Jim Anderson seconded. **Motion carried 5-0.**

Woodland Ordinance

Phil Westmoreland asked for direction and suggested a performance ordinance instead of a regulatory-type thing. That way, tree identification/survey is eliminated. A certain percentage of vegetation is to remain 6 inches in diameter or larger.

Jim Anderson asked how the Planning Commission would know what is on site. Phil Westmoreland said it is up to the developer to identify trees.

Jean Root would like drip line language included. John Lowe would like to see language included that anything other than the building envelope is not to be disturbed. Maybe they can get credit for undistributed tree stands.

John Enos suggested a condition in Planned Unit Development or Open Space Development to give a credit for preservation and get more units for this. We have to provide incentive.

Incentive to developer was discussed.

Jean Root suggested revisiting the Single Family Cluster Housing language.

Dave Hamann motioned to table the Woodland Ordinance until John Enos and Phil Westmoreland request placement on an agenda. Jean Root seconded. **Motion carried 5-0.**

NEW BUSINESS

Pinebrook Meadows Site Plan Review

Chris Fleck asked if this was to be reviewed as a preliminary tonight.

John Enos stated the Planning Commission is not comfortable with seeing a plan only once. This will be a preliminary review tonight.

Jim Lawrence gave a presentation. The Master Deed and Bylaws are being reviewed by Mike Kehoe.

Chris Fleck noted an easement agreement with a neighbor needs to be reviewed by Mike Kehoe. Michigan Department of Transportation (MDOT) requirements were discussed—street lights, sidewalks and signage.

John Enos summarized his review letter dated January 13, 2005, which explains how to handle outstanding issues and gave preliminary approval.

Phil Westmoreland summarized his review letter dated January 11, 2005. Mr. Westmoreland spoke about the outlet at the detention basin and thinks this can be accomplished without changing the site plan. He also spoke about the necessity of the easement agreement with the neighbor. Orchard, Hiltz & McCliment is recommending preliminary approval.

Jean Root questioned the lot frontage of lot 7. Chris Fleck explained there are two dimensions that equal 85 feet.

John Lowe asked about the water main from Crystal Court along the property line to the proposed development. The fire hydrant that Phil Westmoreland referenced was too far off the road right-of-way. The water main is within the 25-foot greenbelt, there are large oaks on that lot line. Is there enough room to move that water line within the easement to avoid the trees. If there are no trees in the way, it is not a problem. John Lowe would like Chris Fleck to look.

Chris Fleck will locate any existing oak trees and move the pipe around it. Phil Westmoreland does not think there are any oaks within that area.

Debra Wiedman-Clawson questioned street lighting and a general note with the easement issue. Planning Commission recommendations were contingent.

Phil Westmoreland stated he will not issue construction plan approval without the easement agreement.

Jean Root motioned to recommend preliminary approval for Pinebrook Meadows, Tax #4710-03-200-005 located on Mason Road. Dave Hamann seconded. **Motion carried 5-0.**

Marion Pines Site Plan Review

Larry McCarthy gave a presentation and expressed his frustration with the site plan review process.

John Enos summarized his review letter dated November 12, 2004. Mr. Enos has concerns that the building envelopes on lots 3, 13 & 14 are too small, the adjacent wetlands may need to be mitigated to build a home. Another concern is lots 11 & 12: depending on how Marion Township calculates the 4:1 ratio, these lots may not meet these requirements. If we can come to a conclusion on those issues, he is comfortable granting preliminary approval.

Phil Westmoreland summarized his review letter dated January 18, 2005. Mr. Westmoreland noted ongoing issues with the Michigan Department of Environmental Quality (MDEQ) permit. Yet this will have no impact on a preliminary site plan approval. There is a question of the 50-foot greenbelt and the point from where the measurement is taken. They are showing a proposed right-of-way and an existing right-of-way. The detention basin and the cul-de-sac encroach on the 50 feet if measured from the proposed 60-foot right-of-way. It does not encroach from the existing 33-foot right-of-way. This should be explored by the Planning Commission and will not require major changes for the final site plan, should the Planning Commission desire a change. Phil Westmoreland is recommending preliminary approval other than discussion on the 50-foot greenbelt issue.

Discussion of the encroachment of the greenbelt ensued. The cul-de-sac is a minor issue as it is just within the greenbelt. The entire detention basin is placed within the 50-foot greenbelt. There are no existing trees within this area and disturbance within the greenbelt was discussed. Planting within the easement without disturbance to underground utilities is possible.

Debra Wiedman-Clawson noted they already have the 60-foot right-of-way plus the 50-foot greenbelt. There will be 77 feet of buffer.

John Enos said if the Planning Commission accepts this, the applicant will need to include significant landscaping around the detention basin.

John Lowe questioned where the mitigation area is for the 14,000 square feet of wetland. Larry McCarthy answered that to preserve the woodlands on the site, they applied to MDEQ without showing mitigation on the plan. The MDEQ review letter came back with no comment. MDEQ does not require mitigation under 1/3rd of an acre and this is 1/4 acre. It is not worth it to cut the trees for the mitigation. John Enos asked Larry McCarthy to provide documentation of that. The 4:1 ratio requirement for lots 11 & 12 were discussed and reconfigurations of these lots to meet the zoning ordinance were reviewed. Larry McCarthy said the owner did not want to keep the property and this affords ownership of a large parcel for the proposed development. John Enos reiterated to the applicant the Planning Commission is concerned with the length-to-width ratio and the policy of Marion Township is the measurement of lot width is at the front lot line, there is no averaging.

John Lowe told applicant the Planning Commission does not want to set a precedent for allowing distorted lots. He does not see a demonstrated purpose, unless you have something that would benefit those two lots as opposed to having the property go with the front house.

John Enos suggested an Open Space Preservation project, due to the unbuildable land behind lots 11 & 12. He also suggested a variance. John Lowe answered that the Zoning Board of Appeals does not look at variances that are economically driven.

Debra Wiedman-Clawson asked if the property lines were redrawn, how many acres would the parcel be. Larry McCarthy answered possibly 20 acres and would be 75% wetlands.

John Lowe asked if they planned on using engineered fill on lots 8 through 14. Larry McCarthy answered yes.

Jean Root motioned to recommend preliminary approval for Tax #4710-04-200-013, Marion Pines, on Mason Road. Jim Anderson seconded. **Motion carried 5-0.**

CALL TO THE PUBLIC

Jim Barnwell commented on preliminary versus final approval for site plan review. On the woodland ordinance, he hears the Planning Commission say the developer will pay for this. Keep in mind that the developer will pay for this and all the costs will be passed on to the consumer.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 11:05 p.m. Debra Wiedman-Clawson seconded. **Motion carried 5-0.**

**PLANNING COMMISSION
SPECIAL MEETING
FEBRUARY 15, 2005**

MEMBERS PRESENT: JOHN LOWE, CHAIRPERSON
JEAN ROOT, SECRETARY
JIM ANDERSON
DAVE HAMANN
DEBRA WIEDMAN-CLAWSON

ABSENT: NONE

OTHERS PRESENT: ROBERT W. HANVEY, SUPERVISOR
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
ANGELA CAMPBELL, ORCHARD, HILTZ & MCCLIMENT
PAUL SIERSMA, CARLISLE/WORTMAN
MIKE KEHOE, MILLER, KEHOE & ASSOCIATES

CALL TO ORDER

The meeting was called to order at 7:32 p.m.

APPROVAL OF AGENDA

Jean Root motioned to approve the agenda as presented. Dave Hamann seconded. **Motion Carried 5-0.**

INTRODUCTION OF MEMBERS

The Planning Commission members introduced themselves to the audience.

CALL TO THE PUBLIC

Ken Tyler 5200 Richardson. He has seen the proposed text for pre-existing non-conforming private roads and questioned the second handout, are they related to one another? Ken Tyler complemented the Planning Commission on the pre-existing non-conforming private roads Proposed text, yet questioned why American Association of Street, Highway and Traffic Officials (AASHTO) standards were not mentioned in second set of proposed text.

Jack Lowe clarified this is a workshop. Tonight is not a public hearing it is an opportunity to discuss and receive input from the public.

Jack Lowe closed the first call to the public.

APPROVAL OF MINUTES

Dave Hamann motioned to approve the January 10, 2004 Special Meeting minutes. Jim Anderson seconded. **Motion Carried 5-0.**

OLD BUSINESS

Section 6.20 Private Roads Serving Single-Family, Multiple-Family and Commercial Developments

Mike Kehoe opened the discussion with the proposed text 6.20 A and 6.20 P on pre-existing non-conforming private roads. He has also submitted amended text for previous submittals to the Planning Commission; two have already had public hearings that he was not aware of. Mike Kehoe would like the Planning Commission to consider two options for private road language. At the last Planning Commission meeting the problems regarding private road developments that have been approved and additional splits are applied for, the township refers to the zoning ordinance in place at the time for the additional splits. The Planning Commission has seen amended language addressing this in Section 6.20 paragraph 3, application and review process. Mike Kehoe asked the Planning Commission to choose the first paragraph, that refers to splits or the second paragraph, which refers to land use permits. He does not expect the Planning

Commission to make a decision tonight.

Mike Kehoe referred to the current zoning ordinance, which does not address future splits on pre-existing non-conforming private roads. He read the proposed text and the second option.

Debra Wiedman-Clawson asked if this only applies to new private road applications.

Mike Kehoe answered yes.

Jean Root likes language that requires additional site plan review, thinks the average person can understand this text.

Jack Lowe asked if this conflicts with the Land Division Ordinance.

Phil Westmoreland yes, if they meet the requirement of the public land act, the township cannot legally deny a land division.

Discussion ensued on State of Michigan Land Division requirements; the township is required to split a property if it meets all the requirements and the township denying a land use permit.

Wording such as no new primary residents will be approved without an amendment to the original site plan. Or a sentence stating a split does not entitle an owner to a land use permit for a primary residence.

All agreed on inserting 'no new developable lots/units may be created for which a land use permit will be issued without an approved amendment to the site plan' and a definition of developable lots/units. Mike Kehoe will amend the proposed text to cover 6.20 J 3.

Jean Root asked if this would affect decks, pools, accessory structures.

Mike Kehoe answered no; a primary structure must be in place for accessory structures.

Annette McNamara noted Mike Kehoe was asked to submit proposed text for 6.19 B Access Controls, 6.24 Landscape Buffer and 6.20 E 1 for the February 22, 2005 regular meeting. Public hearings were held on the amendments for 6.24 and 6.20 E 1 on January 25, 2005. Those items will be on the February agenda with the exception of 6.20 C Right of Way Width.

Jean Root asked if this was just cleaning up the language from the public hearings.

Annette McNamara answered yes.

Jack Lowe informed the audience members the February 22, 2005 agenda will include Section 6.24 Greenbelt Buffer, proposed text addresses greenbelts where a 66' right of way and entrance to a road are adjacent to a property line, the 66' right of way will need a 25' greenbelt between it and the property line, to minimize impact to adjoining property. Section 6.19 Access Controls, lots/units that are part of a development must access a road interior to the development.

Mike Kehoe read the new sentence added to 6.20 A, and the creation of Section 6.20 P, which would address pre-existing non-conforming private roads. Mike Kehoe read the purpose and intent of 6.20 P then sub section 1 and sub section 2.

Jack Lowe asked if the Planning Commission had any questions.

Jim Anderson has a question about AASHTO standards that are in effect at the time the application is submitted to the township. Does that mean if the road met current requirements in say 1960, and a split is requested, does the road meet 1960 standards or the standards at the time the land division application is submitted?

Mike Kehoe answered this reads they have to be brought up to the standards at the time the division is created.

Jack Lowe asked Phil Westmoreland how the AASHTO standards have changed in the 20 years.

Phil Westmoreland answered the road width has changed, cul-de-sac radius increased, multiple changes have been made over the years. There are provisions to violate the rules for roads with a 25 mph speed limit and lower. Most subdivision streets are 25 mph and lower, so long as you meet health, safety and welfare issues.

Debra Wiedman-Clawson noted private roads do not have speed limits.

Jack Lowe wants to avoid Zoning Board of Appeal cases with multiple variance requests to the AASHTO standards.

Jack Lowe asked if it would be reasonable to pick out the highlights and relate back to those standards without going to a 4" book.

Phil Westmoreland said township can pick out highlights they want to maintain as a consistent design feature. Highlight road widths, cul-de-sac radius, site distance and curb requirements. If

AASHTO standards change, Planning Commission will evaluate the zoning ordinance and decide if they want to change. There are typically changes every 15 to 20 years.

Jack Lowe also asked how they compare to Livingston County Road Commission (LCRC) standards.

Phil Westmoreland answered. In general they are the same, yet they spell out their requirements in detail and have their own book.

Jack Lowe noted LCRC standards book is not as involved as AASHTO standards book and may be easier to reference. Our zoning ordinance makes reference to LCRC standards.

Phil Westmoreland said LCRC requirements are good.

Jack Lowe noted existing roads have a 50' cul-de-sac and would not be able to expand to 75' to meet current standards. There are other requirements that cannot be met.

Site distance is another issue.

Jim Anderson noted the proposed text reads in 1960 a road is built at a certain specification. In 2005 an owner applies for a land division and the township says they have to bring the road up to current standards, this is not what the Planning Commission wanted and that is the way this reads.

Debra Wiedman-Clawson suggested a minimum depth of gravel, this is where most of the poor road conditions. For pre-existing non-conforming private roads it is a safety issue.

Jean Root noted residents come to the township and complain that their roads are sub standard.

Debra Wiedman-Clawson the township is not responsible.

Discussion on proposed text stating the township has a private road maintenance agreement template and the necessity of developing a one. Currently Mike Kehoe reviews private road maintenance agreements on an individual development basis. Suggestions of accepting existing agreements and updating. If there is no agreement in existence the township can provide the template and it is the owners' responsibility to put into place.

Further discussion on where the responsibility lies, with the township or with the property owner.

Jean Root felt the property owner that wants to split property and profit from it should bear the brunt of the cost of upgrading and getting the other neighbors to sign up.

Debra Wiedman-Clawson disagreed.

Jim Anderson asked Mike Kehoe if the township adopted this language and a person wants to split their property and doesn't follow the zoning ordinance and we go after them can they sue the township and win. Can we stop them if they cannot get their neighbors to sign the agreement?

Mike Kehoe said we can provide in our zoning ordinance they have to do it yet the neighbor might succeed in keeping them from doing it. Neighbor could sue to prevent the expansion of the road. The township can get involved in litigation yet the township is not liable from that standpoint. If it says it is a private road easement that is more difficult to stop as opposed to an easement that is described as an easement for ingress and egress.

Charlie Musson suggested reading the Land Division Ordinance, the Planning Commission is discussing things they don't have any control over.

Mike Kehoe responded that getting a division of a piece of property comes under the land division act totally separate from the zoning. We blur the lines when we talk about if someone can get a land division what is the status of the private road. Again, if they meet the land division requirements they can get a split. We can't talk about zoning issues in regards to that land division application. Mike Kehoe does not think a road that was built to 1960 standards should carry anymore house until it is brought up to 2005 standards. The increase in numbers and density needs higher standards.

Jack Lowe suggested the township come up with a reasonable set of standards.

Discussion on getting 51% of the homeowners on the road to sign an agreement and coming to the township for a special assessment.

CALL TO THE PUBLIC

Larry Diedrick 3371 Sesame - they have a special assessment, their road is 22' paved, will this make them non compliant with the zoning ordinance? Jack Lowe answered no. They wrote a

maintenance agreement for them and it works well.

Jack Lowe asked what would happen if someone upgraded the road and got a maintenance agreement in place, they pay for it themselves. How does this cost get passed along?

Phil Westmoreland if someone brings it up to standards and others follow right behind, the others don't make that much of an investment, yet they must become part of the maintenance agreement.

Discussion ensued as to possible scenarios and how they could be handled.

Charlie Musson suggested language in the agreement anyone who buys property has to sign a document they will participate with the township in the automatic consent of a special assessment.

Dan Lowe 2441 Norton suggested the Detroit Edison way. The first person to upgrade, the next person to split has to pay a percentage back to the first person.

Charlie Musson asked if the legislator give the township the authority to do?

Mike Kehoe will look into it.

Ken Tyler, 5200 Richardson. Noted AASHTO standards are the best. Felt a minimum of 24' width and 6" of crushed stone is reasonable, you cannot ask someone to put sand under an existing road. He asked the Planning Commission if the township has adopted the International Fire Code, allowing 30 lots/units on a road with one point of access.

Steve Majors, Pheasant Run. Relate standards to the number of parcels served by a road. A tiered requirement.

Debra Wiedman-Clawson reminded him you have to look at the maximum number a road can serve.

Gerald McCann, 883 Hurley. His road could not be upgraded like what was discussed tonight. The road Gerald McCann lives on has exceeded the maximum of 28 lots/units.

Gary Puma, 200 Dinkle Drive. Questioned the Planning Commission on placement of cul-de-sac on his 10 acre parcel as Dinkle Drive would be too costly to upgrade.

Jack Lowe suggested he consult an engineer to see if standards could be met.

Jim Barnwell, 127 S. Tompkins. Expounded on the question of where the road ends. Is it the intent the upgrade is on the entire road or up to a property and a cul-de-sac is placed on the property. He also suggested an entire Section related to pre-existing non-conforming private roads instead of including it in Section 6.20.

Jack Lowe closed the call to the public at 9:05 p.m.

Jack Lowe asked Mike Kehoe, Phil Westmoreland and John Enos to work on the proposed text for the next workshop. Copies of the proposed text will be available one week prior to the next special meeting.

Jean Root motioned to hold the next workshop on March 14, 2005 at 7:30 p.m. and tentatively on April 11, 2005 at 7:30 p.m. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

Dan Lowe expressed the position that it is not acceptable to ask a land owner who would like to split property to have to upgrade the entire road. He also agrees with a percentage being paid after the investment on behalf of another.

Jean Root wants text that would prohibit site condominiums off of private roads.

Other Discussion

Debra Wiedman-Clawson would like the township to look into the auto service station operating within the Wellhead Protection Area on Amos Road. Item #6 - Auto Service Stations are not allowed in this area.

Jack Lowe asked Mike Kehoe what is necessary to protect open space and common areas in developments from defaulting on taxes, being sold to a developer and built on. How are we making sure these areas protected?

Mike Kehoe answered most do not even have a tax id, and are never assessed, thus cannot go into default. He suggested working with the township assessor to make sure these are handled properly.

Jim Anderson asked how other townships handle that situation.

Ken Tyler gave a few examples.

NEW BUSINESS

No new business.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 9:40 p.m. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

**PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 22, 2005
7:30 P.M.**

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
JEAN ROOT, SECRETARY
JIM ANDERSON
DAVE HAMANN
DEBRA WIEDMAN-CLAWSON

ABSENT:

NONE

OTHERS PRESENT:

ROBERT W. HANVEY, SUPERVISOR
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
ANGELA CAMPBELL, ORCHARD, HILTZ & MCCLIMENT
JOHN ENOS, CARLISLE/WORTMAN

CALL TO ORDER

The meeting was called to order at 7:32 p.m.

APPROVAL OF AGENDA

Jack Lowe asked that the agenda be amended to include review and comment from the Planning Commission on the submittal of revised floor plans for Hometown Village of Marion. Jean Root motioned to amend the agenda for February 22, 2005 regular meeting to include discussion under New Business regarding the memo on Delcor Homes' revision to floor plans and to set a public hearing for Section 6.19—Access Controls for the March 22, 2005 regular meeting. Jim Anderson seconded. **Motion carried 5-0.**

INTRODUCTION OF MEMBERS

The Planning Commission members introduced themselves to the audience.

CALL TO THE PUBLIC

A member of the audience had come to discuss private roads. According to the agenda, the first call to the public is on agenda items only. The call to the public on items not on the agenda is heard at the end of the meeting.

Jack Lowe answered yes; items not on the agenda are discussed at the last call to the public.

Jack Lowe closed the first call to the public.

APPROVAL OF MINUTES

Jean Root motioned to approve the January 25, 2005 Public Hearing minutes for Creative Discovery Pre-School Special Use Permit #03-04. Debra Wiedman-Clawson seconded. **Motion carried 5-0.**

Jean Root motioned to approve the January 25, 2005 Public Hearing minutes for Proposed Text Amendments. Jim Anderson seconded. **Motion carried 5-0.**

Dave Hamann noted the time in the heading shows 7:15 p.m. for the first public hearing, 9:00 p.m. for the second public hearing and 7:30 p.m. for the regular meeting. What does the Planning Commission want shown for the time? The heading should show published start time and the previous motion should be amended.

Dave Hamann motioned to approve the January 25, 2004 Regular minutes. Jean Root seconded.

Motion carried 5-0.

Jean Root motioned back to the previous public hearing minutes from January 25, 2005 and

amended the time in the header to reflect 7:15 p.m., as that was the published time, and the call to order time is correct.

OLD BUSINESS

Pinebrook Meadows Site Plan Review

Chris Fleck of Advantage Engineering explained the changes made to the site plan since the last meeting. Michigan Department of Transportation (MDOT) required the culvert be cleaned out and these requirements have been met. The developer has paid to have the culvert cleaned out, documentation was submitted to MDOT and a permit was issued. The developer has procured the necessary easement from the homeowner. The easement has been reviewed and approved by Mike Kehoe, Township Attorney and has been recorded at the Register of Deeds office. Copies have been supplied to Carlisle/Wortman, Orchard, Hiltz, and McCliment, and Planning Commission members.

Chris Fleck gave an overview of development. He addressed Orchard, Hiltz and McCliment's concern regarding detention ponds spillway and control of water in the event of failure of the detention system. To avoid water running toward the homes on Norton Road, they have designed an overflow structure that runs between units #1 and #2 that goes to a separate wetland and a separate culvert that runs to the north. In the event of failure, we are not directing water toward existing residences.

Chris Fleck noted the sign is not shown on the plans, yet the easement for the sign is shown. There will be a sign for the development. When the developer is ready, they will propose a sign and have it approved by the Planning Commission under a separate submittal. At this time, they are asking for final site plan approval.

Chris Fleck informed the Planning Commission that Exhibit B, the Master Deed and Bylaws have been submitted to Mike Kehoe, Township Attorney. Mike Kehoe and the developers have been in contact and Chris Fleck believes everything is in compliance. Construction plans will be submitted to Orchard, Hiltz and McCliment after the Planning Commission gives a recommendation for final site plan approval. Chris Fleck asked the Planning Commission members if they had any questions.

Jim Anderson asked about the detention pond overflow structure between lots #1 and #2. Chris Fleck explained the flow of the water on the site and how it would reach the overflow structure and into the wetlands. It is a third method of accounting for an emergency overflow.

Jack Lowe commended the engineer and developer on the system, the potential for damage to existing houses is eliminated. It was over and above what they had to do.

Debra Wiedman-Clawson asked if the wetlands were regulated and if there are problems discharging into it? Jack Lowe answered yes, yet emergency discharge they don't worry about. Jack Lowe asked John Enos if he had any comments. John Enos noted a few items that have been addressed and feels it will overall be a nice project.

Jack Lowe asked Phil Westmoreland if he had any comments. Phil Westmoreland responded that Orchard, Hiltz and McCliment are happy with the plan.

Debra Wiedman-Clawson noted that where the cul-de-sac ends and the trees will be removed for utilities, there is a 40' easement to Crystalwood. She is concerned that lots #7 and #10 abut each other for anybody cutting across that property using the 40' wide easement on Crystalwood. She apologized for not bringing the plat showing the 40' wide easement.

Jack Lowe said there was a utility easement there.

Debra Wiedman-Clawson noted an area on the plan showing trees to be removed and asked if there would be an issue with replacement plantings of evergreens.

Jack Lowe walked the property and found there are only a few nice trees and the rest is scrub. It will look much better when done than it does now. If they locate the trees on the edge of the easement so if something has to be done, chances are it wouldn't have to be disturbed and that should be sufficient.

Jean Root motioned to recommend final site plan approval for Pinebrook Meadows, Tax ID 4710-03-200-005 on Norton Road with the following conditions, to be forwarded to the township Board of Trustees for review and approval. Item #1 to reference all reviewing agencies letters and

recommendations. Item #2 Master Deed and Bylaws to be reviewed and approved by Mike Kehoe. Item #3 copies of reviewed Master Deed and Bylaws to be included in township board's reviewing packet. Item #4 signage may be handled at a later date. Jim Anderson seconded. Roll call vote: Jim Anderson, Jean Root, John Lowe, Dave Hamann, and Debra Wiedman-Clawson—all yes. **Motion carried 5-0.**

Marion Pines Site Plan Approval

Larry McCarthy gave a presentation and addressed Carlisle/Wortman review letter. The first issue was the landscaping at the end of the cul-de-sac. The second issue was lots that exceeded the 4:1 ratio. They took the irregular lots out and Preview Properties is pursuing a land division for the remaining property. They have added shrubs between the trees at the end of the cul-de-sac to increase the buffering.

John Enos has concerns with the land division, remainder lot and access. Will the remainder lot have access through the development? Will the existing home have access from the development?

Larry McCarthy said the remainder lot will have 120' of frontage and access off Mason Road. The road frontage requirement for the Suburban Residential district is 120'. The existing home will access off the private road Marion Pines Court.

John Enos asked if the existing home would be part of the association.

Larry McCarthy answered no.

Debra Wiedman-Clawson has concerns about future extension of Marion Pines Court to access the remaining parcel.

Jack Lowe asked Larry McCarthy why they don't want the existing residence and remaining parcel to be part of the development.

Debra Wiedman-Clawson suggested a land division for the remaining parcel and the existing residence become lot #15 and be a part of the association.

Discussion ensued on existing house not meeting covenants, proposed language in the maintenance agreement and the possibility of the road ever being extended.

Jean Root asked what the dotted line shows on the plan between lots #8 and #9 crossing over to Turtle Creek and if there was an intention to connect to Turtle Creek.

Larry McCarthy answered just for sewer and water.

Jack Lowe asked the ownership of the easement and suggested a woodchip walking path between the two developments.

Larry McCarthy thought it could be up to the homeowner's association once the development is built out, show a proposed path on the plan and make the homeowners aware of the possibility to utilize it if they choose. Make sure the owners of lots #8 and #9 are aware of the easement for a walking path.

Jack Lowe asked the Orchard, Hiltz and McCliment consultants if there were any comments.

Angela Campbell responded that the final site plan has their approval yet there will be items to be addressed in the construction plans.

Jack Lowe asked if there was a response from Michigan Department of Environmental Quality (MDEQ) on mitigation.

Larry McCarthy answered no.

Jack Lowe said that approval will be subject to the MDEQ response.

Jean Root asked the Planning Commission members if they want to see revised plans considering the changes have asked for the easement, lot #24 added and landscape buffering at the end of the cul-de-sac revised. In the meantime the applicant can have the private road maintenance agreement, Master Deed and Bylaws revised and reviewed based on lot #24. The next submittal will include all this documentation.

The Planning Commission and applicant reviewed the landscape buffering at the end of the cul-de-sac. All agreed the bushes proposed to fill in are not tall enough and salt tolerant evergreens would work better. The elevation difference between Mason Road and the cul-de-sac merits taller trees.

Lot #24 frontage on Mason Road or on Marion Pines Court was discussed along with the 4:1

ratio, how will this be measured.

Jean Root motioned to table final site plan approval for Marion Pines located on Mason Road until such time as the applicant requests placement on a regular meeting agenda. Dave Hamann seconded. **Motion carried 5-0.**

Creative Discovery Pre-School Special Use Permit #03-04

Jack Lowe read the applicant's letter to the Planning Commission members withdrawing the application for a Special Use Permit. He asked the Planning Commission members if they had any questions.

No response from the Planning Commission members.

Article XVIII - Site Plan Review Requirements

John Enos informed the Planning Commission members that the proposed text they received in their packages is still being reviewed by Mike Kehoe and Orchard, Hiltz and McCliment. John Enos gave a summary of the text and noted the Master Deed and Bylaws reviewed by the Planning Commission members needs to be added.

Dave Hamann noted that in Section 6.18, it says the Planning Commission members are supposed to review those documents. We as a Planning Commission must decide if we are going to follow the ordinance for condominium projects and start requiring Master Deed and Bylaws to review in conjunction with the site plan or are we going to defer that to the township attorney and Board of Trustees. If so, we have to change the 6.18 ordinance.

John Enos responded that Article XVIII will cite Section 6.18 of the ordinance. Typically that is a final site plan issue; you will have a general layout and restrictions within the Bylaws.

Dave Hamann asked if John Enos was saying this should not be included in the preliminary, it should be part of the final.

John Enos answered yes.

Jack Lowe noted we are not looking at the typical legal language, we are looking at how that relates to the specific site plan. Like the Marion Pines site plan and the walking path would be looked at. Mike Kehoe would not know as he does not attend the meetings.

Robert Hanvey asked if changes in the Bylaws were brought back to the Planning Commission. Debra Wiedman-Clawson stated only if it affects the site plan.

Discussion ensued regarding approval of site plans that have an existing building on the property to be developed. The potential problems this can cause and can restrictions cannot change. Fencing, accessory structures restrictions can be changed by a 51% vote of the association, but what happens when the developer is the 51%. Who is in charge of homeowner's association violations, the township or the homeowners? The township can enforce requirements of the approved site plan.

Jean Root read from Section 18.03, subsection D, Effect of Approval. The second sentence reads that the Planning Commission may at its discretion, and with the appropriate conditions attached, authorize issuance of grading and foundation permits on the basis of approved preliminary site plan. Jean Root asked the Planning Commission members if this was something they want to do. They answered no.

John Enos will take that out.

Jack Lowe wants specifications for aerial photographs @ 1"=100' and 200' beyond the property lines included in the preliminary site plan requirements.

John Enos will take care of that.

Dave Hamann wants to know where the site plan review checklist fits into revised site plan requirements. He asked if the site plan checklist we have in place is being used.

John Enos will work on that.

Dave Hamann asked if we are asking for a preliminary and final site plan review, can they take care of it in one meeting if the site plan meets approval. He has concerns about the preliminary and final reviews, payment to Planning Commission members, recording secretary and consultants will be coming out of the general fund.

Debra Wiedman-Clawson suggested revising our fees.

Dave Hamann suggested incorporating Section 6.18 with Article VXIII. He has concerns the

developers are being directed at pre-application meetings and are surprised when they come in front of the Planning Commission and are asked to make changes to their plans.

John Enos responded that he prefaces at the beginning of the pre-application meeting they are not the decision makers, this is just a review.

Discussion ensued on pre-application meetings, who should attend and what the meeting should consist of.

Section 6.20 E 1 - Proposed Text Amendment

Jean Root noted text revisions since the January 25, 2005 public hearing submitted by Mike Kehoe. Jack Lowe asked the Planning Commission members if they have any changes to text. No response.

Jean Root motioned to send to Livingston County Department of Planning (LCDP) for review and comment, text amendment 6.20 E, then forward to Board of Trustees for review and approval.

Jim Anderson seconded. **Motion carried 5-0.**

Section 8.01 F 6 & 7, 8.02 F 6 & 7, Section 6.24 and Section 6.18 F & G - Proposed Text Amendment

Jean Root stated at the January 25, 2005 public hearing, the Planning Commission requested definitions for vegetation and would like to have the definitions first.

John Enos is not sure that it is necessary to have definitions prior to approval; in the meantime, we can use the best known definition.

The Planning Commission members would like to see clean copies of all proposed text before sending to Livingston County Department of Planning.

Jean Root motioned to table Section 8.01 F 6 & 7, Section 8.02 F 6 & 7, Section 6.24 and Section 6.18 F & G until the March 22, 2005 meeting. Dave Hamann seconded. **Motion carried 5-0.**

NEW BUSINESS

The Pines at Kingswood

Bill Strebbling of Livingston Engineers gave a presentation of the proposed six unit one-acre development; one lot has an existing home on it. An exception lot remains off of the cul-de-sac.

John Enos summarized his review letter dated February 14, 2005. Do the trees and the existing house remain, greenbelt buffers requirements are met, a question on remaining parcel #7 4:1 ratios, and it is a flag lot and will meet the requirements. Carlisle/Wortman is recommending preliminary approval.

Angela Campbell summarized her review letter dated February 16, 2005. Orchard, Hiltz and McCliment is recommending preliminary site plan approval. They are also asking direction from the Planning Commission on lot #7, lot #1 the 25' buffer requirement and existing home driveway in the 25' landscape buffer.

Phil Westmoreland discussed the utility easement and tree removal. The Livingston County Road Commission (LCRC) requires 66' road easement and 12' easement on both sides of the road for utilities. It is proposed that the utilities be placed in the actual road right-of-way to save as many trees as possible. On the west side of the proposed private road, due to the septic field and driveway locations, once these are put in place there will not be that many trees remaining. Phil Westmoreland proposed a utility easement be located on the west side of the private road. On the east side, the developer has the ability to save a lot more trees. This means the private utilities will have to cross under the road for service, yet that is not a major issue.

Angela Campbell noted the Livingston County Drain Commission (LCDC) will accept drainage easements for the wetland area if it is a public road. If not, it will be the responsibility of the homeowners on the private road to maintain the wetland area, fore bay and storm sewer system. The two cul-de-sacs are an odd situation. Typically if a road is extended beyond an existing cul-de-sac, the existing cul-de-sac is removed. Because this is an extension of a public road (Prince Edward) into a private road, the existing cul-de-sac has to remain in place for LCRC maintenance vehicles to turn around. Orchard, Hiltz and McCliment is recommending the Prince Edward cul-de-sac remain in place. If the road is public, Orchard, Hiltz and McCliment recommends the cul-de-sac be removed and the driveway on lot #37 be reconstructed. They are looking to the Planning Commission for direction.

Jean Root asked if removal of the existing cul-de-sac would require approval of existing homeowners. Phil Westmoreland answered no, it is a public right-of-way.

Jack Lowe asked about the recommendations from the LCDC to make the wetlands area a public drainage district. Phil Westmoreland said the LCDC would be willing to make the wetland area part of Kingswood #2 drainage district, but there is no requirement to do so.

Jack Lowe is also concerned how this proposed development will connect in the future with the adjoining parcels. He would like to see the road designed for future expansion, leaving an easement for inner connection to adjoining parcels. The parcel to the south is of concern as it has a connection to D-19, which could be developed in the future.

Debra Wiedman-Clawson asked how parcel #7 will be accessed—off of D-19 or off of the proposed private road? Bill Strebbling responded parcel #7 has 120' of frontage on the private road. There is a 66' easement off of D-19, site distance was approved in 1982. There are structures too close to the easement to develop without problems.

Debra Wiedman-Clawson is concerned the property will be sold and the development will be increased at the expense of these others because it was not part of the original site condominium, or it could be done in phases.

Jack Lowe acknowledged the developer has no intention of extending this development and suggested the developer show how it could be developed in total and how and where to leave easements. If it is kept as an isolated piece of property, there is the potential of development of adjoining property and can create problems for the Planning Commission when making recommendations. Somehow make a connection to the south or the east, not creating a land locked parcel.

Phil Westmoreland showed how this could be done.

Bill Strebbling noted the property to the south cannot be connected due to the topography, the drop is 15' to 20' and there is a drainage course.

Debra Wiedman-Clawson questioned the 120' frontage on lot #4. Is this lot on the cul-de-sac; if not, there is not enough frontage.

Phil Westmoreland said he and John Enos bantered back and forth on this, is this lot on the cul-de-sac or not, they agreed ½ of the lot was on the cul-de-sac.

The frontage could be corrected if lot #7 was done as a land division, the lot lines can be moved.

Bill Strebbling is willing to make lot #7 a one-acre lot if the Planning Commission was okay with the layout. He would like an interpretation of the frontage requirements for lot #4.

Phil Westmoreland read the zoning ordinance on frontage measurements.

Access to lot #7 was discussed. There is a wetland area to be crossed. Bill Strebbling showed the Planning Commission where access to lot #7 lies, there is a two-track crossing now and that would be where the driveway would be located. That would eliminate the landscape buffering requirement between lots #3 and #4; he wants to discuss this with the Planning Commission.

Debra Wiedman-Clawson stated if the Planning Commission is going to eliminate that, they should eliminate the buffering requirement for lot #1. The existing driveway on lot #1 is within the landscape buffer area and this would take care of that.

Bill Strebbling noted there are existing trees buffering the proposed development from the existing development. He also plans on relocating trees that have to be removed. Bill Strebbling told the Planning Commission he plans on continuing the tree business and planting more trees.

Jim Anderson asked how the customers for the Snowshoe Tree Farm will access property; he wants to be sure they do not come through Kingswood subdivision to purchase trees. Will they come through Kingswood or off of D-19?

Bill Strebbling said they access off of D-19 now and would continue accessing from D-19.

John Enos said the Planning Commission can make this a part of its approval process; the commercial business will have to access via D-19.

Jean Root asked the applicant to show how lot #7 would be reconfigured. Bill Strebbling showed her on the plans.

Jim Anderson asked how the proposed detention basin drains to the wetlands and is there a culvert under the two tracks.

Bill Strebbling answered there is no culvert and the water naturally seeps through to the wetland. Most of the water in the wetland now comes off the farm land to the south. There has never been any flooding over the two tracks.

Jim Anderson question where the storm sewers drain to, how about all the water from the roadway?

Phil Westmoreland noted sheet #3 shows the retention system. There is a sediment fore bay in front of the detention pond on lot #7, that small wetland is connected by culvert to the bigger wetland--this is a retention system.

Debra Wiedman-Clawson asked if the lots perk?

Bill Strebbling answered all were done but lot #7, yet it is mostly sand and he does not foresee any problems.

The topography was reviewed by the Planning Commission.

The existing well on lot #1 was discussed, is an easement necessary? Phil Westmoreland noted the well is on lot #1 yet he wants to see an area around the well for maintenance purposes.

Bill Strebbling asked if the Planning Commission would like him to jockey the property line to accommodate or would they like to see an easement.

Jean Root asked Phil Westmoreland if the Livingston County Department of Public Health would have an issue with the easement.

Phil Westmoreland answered since it was an existing well, they may accept it. He would still recommend the easement so there is still an area around the well.

Jack Lowe wants to see the well on the lot. Bill Strebbling said he will take care of it.

Jean Root motioned to recommend preliminary site plan approval for The Pines of Kingswood located on Prince Edward Drive, Tax ID#4710-36-300-012. Dave Hamann seconded.

Roll call vote: Jim Anderson, Jean Root, John Lowe, Dave Hamann, and Debra Wiedman-Clawson—all yes. Motion carried 5-0.

Section 6.19 B Lots to Have Access & 3.02 Definitions Landscaping

Jean Root motioned to set a public hearing on March 22, 2005 at 7:15 p.m. for Section 6.19 B—Lots to Have Access and Section 3.02--Definitions-Landscaping as submitted on February 21, 2005. Debra Wiedman-Clawson seconded. **Motion carried 5-0.**

HomeTown Village of Marion - Delcor Homes

Jack Lowe asked if everyone was familiar with the development. Delcor has had problems with cars being able to access the garage and are proposing a street/front entrance garage.

Debra Wiedman-Clawson stated she was not on the Planning Commission at the time of approval, yet she feels they have come back to the township more than once asking for changes to the approved site plan.

Jack Lowe noted in the beginning the concern was too many smaller homes to accommodate empty nesters and first-time home buyers. When they came back to increase the number of larger homes, it was more in compliance with what the people wanted.

Debra Wiedman-Clawson stated they should have figured out they needed larger lot sizes to accommodate that request, they offer side entry, we approved side entry, they should build them that way.

Jack Lowe is concerned that cars would be blocking the sidewalks. We would ask Delcor to show these would not be farther forward and closer to the road by doing this than what the other garages were. At a minimum this is what the Planning Commission should look at because it approved specific floor plans along with the Planned Unit Development (PUD). The request would be for Delcor to come and make a formal proposal of their plans and the ramifications of the changes.

Debra Wiedman-Clawson asked if the Planning Commission can get copies of the original floor plans that were approved by the current board.

Jack Lowe said they will ask Delcor to bring those plans in and explain the how and why and what the benefits are going to be and how this is not going to create more problems.

Annette McNamara told the Planning Commission she wrote a letter to Delcor approving the front entrance garages. Kevin Wilson, Delcor Homes, brought his request to the zoning administrator,

she reviewed the PUD agreement, Master Deed and Bylaws and did not find any restrictions on front loading garages. She provided the Board of Trustees with a copy of the memo sent to Delcor and photos of the proposed homes.

Debra Wiedman-Clawson asked if the zoning administrator could rescind the letter.

Annette McNamara answered yes.

Jack Lowe stated because it was a PUD, changes would need to be reviewed. There were specific site plans submitted with the PUD and if there is any variation of the proposal, they would have to reapply for review and approval.

The zoning administrator will check with Mike Kehoe, township attorney for direction and ask him to review the PUD agreement. She will also contact Kevin Wilson to let him know what is going on.

Planning Commission Handouts

Jean Root asked about handouts given to the Planning Commission members tonight.

John Enos answered that based on some of the concerns he heard from the residents and Planning Commission members, he thought the Planning Commission should look at removing Child Care Center out of that district or at least redefining Child Care Center.

The handout is the list of Uses Permitted by Right Subject to Special Conditions in Section 8.01 Rural Residential Districts. John Enos is proposing removing Crematories from item #6 and removing item #7 Child Care Centers then renumbering the list accordingly.

Jean Root asked if this was to be placed on the next regular agenda.

John Enos asked the Planning Commission members to review the list of Uses Permitted by Special Use Permit to see what fits or does not fit. Not that we want to exclude uses within that district, yet as the township grows, we want to make sure these uses fit.

CALL TO THE PUBLIC

Jack Lowe opened the call to the public.

Charles Musson, 333 Triangle Lake Road, asked the Planning Commission what the restriction is for noxious weeds, poison oak, poison ivy and sumac.

Jean Root said there is just a definition.

The Planning Commission answered you can remove them from a greenbelt area or just let them grow. You are allowed to remove the noxious weeds if you choose.

Jack Lowe answered the Planning Commission is working on a definition to put into the zoning ordinance.

Rudolph Ramirez, 5929 Crofoot, explained the process he has gone through with Marion Township regarding land divisions completed years ago. The township created the four parcels with the understanding that the easement would be turned into a private road. He applied for a private road site plan review with the township and was granted approval. He began building the private road. On June 22, 1999, he received a letter from the township stating there were two issues that needed to be addressed in building the road and he complied. Since then he has had to move telephone poles, create new ditches and a number of other things that were not initially part of the project. A stop work order was put on the project because he owed the township \$3,000 for escrow fees, \$2,600 were costs incurred by the township and that was paid. He is looking for direction.

Jack Lowe told Rudolph Ramirez that when the weather breaks, the township will arrange a meeting on site, when the frost laws are lifted, Orchard, Hiltz and McCliment, the township engineer, will take boring samples and review of the road conditions. Then the township would be better able to tell him how to get from point A to point B. In the meantime, the township will update Orchard, Hiltz and McCliment on the project. You can provide Orchard, Hiltz and McCliment with your road profiles, they can verify the conditions and give you a list of items to be addressed, and this should be straightforward.

Robert Hanvey met with developers for Marion Oaks to discuss the range of things we might explore. They requested a meeting with the Board of Trustees to bring in plans and show what they would change and Robert Hanvey is asking the Planning Commission members if they want to attend the meeting. This is a pre-trial opportunity to work out an agreement. He asked them

to let him know what dates they would be available.
Debra Wiedman-Clawson asked what Mike Kehoe thought.
Robert Hanvey said Mike Kehoe thought it was okay.
Discussion ensued among the Planning Commission members and they stand behind their initial recommendation. They do not agree with the density or the commercial portion of the development, unless they come up with a reasonable number other than what was proposed.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 11:00 p.m. Jean Root seconded. **Motion carried 5-0.**

**PLANNING COMMISSION
SPECIAL MEETING
MARCH 14, 2005**

MEMBERS PRESENT: JOHN LOWE, CHAIRPERSON
JEAN ROOT, SECRETARY
JIM ANDERSON
DAVE HAMANN
DEBRA WIEDMAN-CLAWSON

ABSENT: NONE

OTHERS PRESENT: ROBERT W. HANVEY, SUPERVISOR
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
ANGELA CAMPBELL, ORCHARD, HILTZ & MCCLIMENT
PAUL SIERSMA, CARLISLE/WORTMAN
MIKE KEHOE, MILLER, KEHOE & ASSOCIATES

CALL TO ORDER

The meeting was called to order at 7:32 p.m.

APPROVAL OF AGENDA

Dave Hamann noted the date for the next special meeting is April 11, 2005 and asked that the agenda be amended. Dave Hamann motioned to approve the agenda as amended. Jean Root seconded. **Motion carried 5-0.**

INTRODUCTION OF MEMBERS

The Planning Commission members introduced themselves to the audience.

CALL TO THE PUBLIC

No response. Jack Lowe closed the first call to the public.

APPROVAL OF MINUTES

Jean Root noted on page six the motion to tentatively set the April 11, 2005 special meeting read April 11, 2004 and asked that the minutes be amended. Dave Hamann motioned to approve the February 15, 2005 Special Meeting minutes as amended. Jean Root seconded.

Motion carried 5-0.

OLD BUSINESS

Section 6.20 A - Intent

Jack Lowe opened the discussion by stating that the text is a sentence added to the intent, directing the applicant to the Pre-existing Non-conforming Private Roads Section. Jack Lowe asked the Planning Commission members if they had any comment.

Jean Root noted that nothing can be done with Section 6.20 A until 6.20 P is acted upon.

It was agreed to set this aside.

Section 6.20 P - Pre-existing Non-conforming Private Roads

Jack Lowe opened the discussion.

Mike Kehoe told the Planning Commission that the text they had before them includes the revisions requested at the last meeting. This makes reference to the American Association of

Street, Highway and Traffic Officials (AASHTO), which he knows the PC doesn't want, yet the PC can put something else in its place when they decide what they want.

The Planning Commission agreed the text reflects its input with the exception of the AASHTO standards. The private road maintenance agreement has been incorporated into the text.

Jean Root asked if the Planning Commission would like to see the word "private" added to the phrase "new road maintenance agreement" to be consistent throughout the text? The Planning Commission agreed.

Jean Root noted on item number two, "shall provide documentation," the Planning Commission wanted documentation to include registered mail.

Debra Wiedman-Clawson thought a certificate of mailing may be better, showing an attempt to mail it.

Discussion ensued on personal attempts to get neighbors to sign the private road maintenance agreement and how much effort should be put into it.

Mike Kehoe will add to the text that certified mailing is required. Mike Kehoe will submit the proposed text for the April 11, 2005 special meeting. Mike Kehoe also noted references in paragraph two and paragraph one where the word "divided" was used. This will run afoul of the Land Division Act if it says a parcel cannot be divided. He will change the text to read there will be no land use permits issued. They have a right to have their lot divided; they do not have a right to get a land use permit under the zoning ordinance.

Jack Lowe opened the floor to Angela Campbell of Orchard, Hiltz and McCliment.

Angela Campbell summarized the ordinance as a guideline for anyone initiating a private road or further developing on a non-conforming existing private road. Some of the standards are taken from the county, some are taken from AASHTO, giving the township an opportunity to have its own set of guidelines for private roads.

Jack Lowe thought these guidelines should only be used on pre-existing non-conforming private roads, not new developments.

Phil Westmoreland stated one of the benefits of having your own is you approve a private road under a standard, that standard changes and you have no control over it. If they change something, it can put every private road you have in a non-conforming status. This gives you more flexibility and control over your private roads. Some of the requirements of the county and AASHTO may not be necessary to have safe conditions on those roads.

Discussion ensued and the Planning Commission agreed to go with two separate sections.

Jean Root asked if they can limit the language to pre-existing non-conforming private gravel roads, the design requirements and if is a new development build to county standards or a set of our own.

Debra Wiedman-Clawson questioned why paved roads wouldn't require upgrades also.

Jack Lowe noted in item ten, they require more than six acres for a drainage district. In Rural Residential District, that would create a problem because the roads all have ditches and it would be more than six acres. The roadway length requirement should be changed from 750' to 2,000'.

Phil Westmoreland stated changes can be made to the submittal. This is to give an idea of what township standards can look like if you don't want to follow county standards.

Jack Lowe asked how to handle the condition of existing sub-grades, add extra gravel? How can this be done with an even hand.

Dave Hamann stated most of the roads could never be brought up to standards. Sort out the roads that have the width, cul-de-sac and set standards for those.

Phil Westmoreland said it is subject to site conditions and they are given a choice: they can work from a set of standards or they can have a geo-technical engineer look at it. Orchard, Hiltz and McCliment would look at their review and make a determination on what the best application is for that road.

Jean Root asked if everyone would have to meet the same standards.

Phil Westmoreland answered yes.

Debra Wiedman-Clawson asked for clarification of the number of sections.

The Planning Commission agreed there will be two sections, one for new private road

developments and another for pre-existing non-conforming private roads.

Phil Westmoreland will revise the text submitted and send to Mike Kehoe and John Enos for review and comment. Once the Planning Commission agrees on the set of standards they would like, this will be placed in Section 6.20 P. The revised text will be submitted for the April 11, 2005 special meeting.

Section 6.20 B - Construction Standards and Road Geometrics

Jack Lowe asked if the previous discussion covered this agenda item. The Planning Commission agreed to move on to Section 6.20 J 3.

Section 6.20 J 3 - Application Review & Approval or Rejection

John Lowe asked Mike Kehoe to summarize his submittal.

Mike Kehoe told the Planning Commission that the text he submitted would apply to a private road development site plan that has been approved by the Board of Trustees. Then at a later date, a property owner on the approved private road files a land division application. If the parcel meets the state requirements for a land division, then the parcel can be divided. The new text Mike Kehoe added is as follows; 'no new developable lots or units may be created for which a land use permit will be issued without an approved amendment to the site plan and road application in compliance with the zoning ordinance in effect at the time the additional lot or unit is requested to be created.' This will let the land division applicant know that there is a possibility a land use permit may not be issued to build on the new lots. The township cannot deny a land division that meets requirements, yet can withhold a land use permit not a land division. The text in italics is what was discussed at the last Planning Commission meeting.

Debra Wiedman-Clawson said this text is assuming there is a site plan for the private road.

Dave Hamann read "approved amendment to the site plan and road application" and thought it should read "amendment to a previously approved private road."

Mike Kehoe will make the change "approved amendment to the site plan or road application, as applicable."

Jack Lowe asked the Planning Commission if there was anything else.

No response.

Mike Kehoe will make appropriate changes to the text and submit to Orchard, Hiltz and McCliment and John Enos for review and comment. Revised text will be submitted for the April 11, 2005 special meeting.

Section 6.20 C - Right-of-Way Width

Jack Lowe asked the Planning Commission if they had any comments.

Jean Root and Dave Hamann thought they were not going to make reference to Livingston County Road Commission (LCRC) standards.

Jean Root suggested replacing it with Marion Township private road development standard if we decided to do this later on.

Dave Hamann asked if 6.20 C is part of the new pre-existing non-conforming private road ordinance, the existing private road ordinance or both.

The Planning Commission agreed it would be the new.

Dave Hamann stated the only agenda item for the pre-existing private roads tonight is 6.20 P. Is Angela Campbell going to come up with specifications for pre-existing also?

Jean Root said when Orchard, Hiltz and McCliment looks at potential Marion Township private road standards, we would want to have that text added in there that Mike Kehoe is suggesting.

Mike Kehoe noted that paragraph will be more relevant for Phil Westmoreland and Angela Campbell to keep in mind when developing those standards. The Planning Commission will want it included in the new private road developments.

Jack Lowe asked the Planning Commission if they wanted to discuss using LCRC standards for the new private road developments and asked if our new private road standards would essentially be LCRC standards.

Phil Westmoreland answered it can be anything the township wants and will make recommendations.

Discussion ensued on Howell Area Fire Authority requirements and parking on one side of the

road. The width of roads and emergency vehicle access was discussed. Thirty two foot, back-to-back with a mountable curb was looked at. Specifications for minimum widths for parking on one side of the road.

Mike Kehoe suggested taking the LCRC standards and putting them into the ordinance, yet not making reference to the LCRC specifically.

Dave Hamann clarified they would have standards that reference the county for paved private roads, standards that Phil Westmoreland will put together for gravel private roads and standards that Angela Campbell will put together for pre-existing, non-conforming private roads.

Jack Lowe said that's right.

Angela Campbell asked if the gravel option pertains to single-family developments only.

Debra Wiedman-Clawson answered yes.

Jack Lowe would like to see a maximum number on gravel roads and over that, the road has to be paved.

Discussion ensued on this topic.

CALL TO THE PUBLIC

Ken Tyler, 5200 Richardson—Mr. Tyler thinks the township should stick to one set of standards. Discussion ensued on standards for length of road and number of homes. Is it better to limit by length or limit by number of homes, the burden this puts on the road. Can this be tied into Section 6.20 H. of new private roads? The Planning Commission agreed on 25 units for a single point of access.

Dan Murdock, Berry Manor—Mr. Murdock asked the definition of a pre-existing, non-conforming private road. Mr. Murdock explained his situation to the Planning Commission, part of his road is pre-existing and part will be new. Where does he stand?

Phil Westmoreland answered his question and discussed the variables.

William Buyers, 401 S. Truhn Road—Mr. Buyers explained an easement situation to the Planning Commission and asked for its help.

Discussion ensued and it was decided Mr. Buyers should come to the township hall during regular business hours to look into this further.

Jack Lowe closed the call to the public at 9:05 p.m.

Other Discussion

The Planning Commission confirmed the April 11, 2005 Special Meeting.

Jean Root asked that the private road maintenance agreement submitted by Mike Kehoe be placed on the April 11, 2005 agenda.

Jack Lowe would like the Planning Commission to review the master deed and bylaws to make certain the requirements set forth are in the documents.

Mike Kehoe gave suggestions for reviewing the documents.

Jack Lowe asked the Planning Commission to make sure they make the requirements for a development part of the minutes.

Jean Root asked if the Rural Residential—Uses Permitted with a Special Use Permit handout from February 22, 2005 meeting can be placed on the March 22, 2005 regular meeting agenda.

Annette McNamara answered yes.

Jack Lowe would like discussion on the gun range at that meeting also.

Mike Kehoe noted the private road maintenance agreement has a provision that disputes would be resolved by the Board of Trustees. This is just a suggestion and depends on how the Board of Trustees feels about it. There needs to be some sort of dispute resolution spelled out.

Jack Lowe told the Planning Commission that the Livingston County Health Department (LCHD) has developed criteria for private sewage/waste water treatment plants. There is now a dispute between the LCHD and Michigan Department of Environmental Quality (MDEQ). Jack Lowe has given a copy of the LCHD criteria and would like to know what could apply to the township. The isolation distances are different from what the township zoning ordinance calls out. He would like to discuss this at the next meeting.

NEW BUSINESS

No new business.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 9:24 p.m. Debra Wiedman-Clawson seconded. **Motion carried 5-0.**

**PLANNING COMMISSION
PUBLIC HEARINGS
MARCH 22, 2005**

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
JEAN ROOT, SECRETARY
JIM ANDERSON
DAVE HAMANN

ABSENT:

DEBRA WIEDMAN-CLAWSON

OTHERS PRESENT:

ROBERT W. HANVEY, SUPERVISOR
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
ANGELA CAMPBELL, ORCHARD, HILTZ & MCCLIMENT
JOHN ENOS, CARLISLE/WORTMAN

CALL TO ORDER

The meeting was called to order at 7:15 p.m.

APPROVAL OF AGENDA

Dave Hamann motioned to approved the agenda for March 22, 2005 public hearings. Jim Anderson seconded. **Motion Carried 4-0.**

INTRODUCTION OF MEMBERS

The Planning Commission members introduced themselves to the audience. Debra Wiedman-Clawson is absent.

APPROVAL OF MINUTES

No minutes to approve.

OLD BUSINESS

Proposed Text Amendment 6.19 B—Lots to Have Access

Jack Lowe read the proposed text to the audience and opened the call to the public.

CALL TO THE PUBLIC

No response. Jack Lowe closed the call to the public.

Proposed Text Amendment 3.02—Definitions of Landscape Buffer

Jack Lowe noted the text is straightforward and opened the call to the public.

CALL TO THE PUBLIC

No response. Jack Lowe closed the call to the public.

Jack Lowe asked the Planning Commission members if they had any comment. There was no response.

John Enos noted the definition for natural vegetation, discussion with Orchard, Hiltz and McCliment and Carlisle/Wortman resident landscape architect narrowed it down to indigenous to the mid-west and non invasive.

NEW BUSINESS

No new business.

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Dave Hamann motioned to adjourn the public hearing at 7:20 p.m. Jim Anderson seconded. **Motion Carried 4-0.**

**PLANNING COMMISSION
MARCH 22, 2005**

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
JEAN ROOT, SECRETARY
JIM ANDERSON
DAVE HAMANN

ABSENT:

DEBRA WIEDMAN-CLAWSON

OTHERS PRESENT:

ROBERT W. HANVEY, SUPERVISOR
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
ANGELA CAMPBELL, ORCHARD, HILTZ & MCCLIMENT
JOHN ENOS, CARLISLE/WORTMAN

CALL TO ORDER

The meeting was called to order at 7:34 p.m.

APPROVAL OF AGENDA

Jean Root asked that under Old Business, Section 6.20 E be added as part of the discussion along with agenda items Section 8.01 F 6 & 7 and 8.02 F 6 & 7. Jean Root also said that under New Business, she has suggestions for the private roads proposed text. Dave Hamann motioned to approve the amended agenda for March 22, 2005 regular meeting. Jean Root seconded.

Motion Carried 4-0.

INTRODUCTION OF MEMBERS

The Planning Commission members introduced themselves to the audience. Debra Wiedman-Clawson was absent.

CALL TO THE PUBLIC

No response. Jack Lowe closed the first call to the public.

APPROVAL OF MINUTES

Dave Hamann noted on page 6 of 12 a correction to Article VXIII; it should be XVIII. Dave Hamann motioned to approve the February 22, 2005 regular meeting minutes as amended. Jim Anderson seconded. **Motion Carried 4-0.**

OLD BUSINESS

Copperfield Villas Final Site Plan Review

Tom Dumond of Boss Engineering gave a brief overview of the project and the corrections to the site plan requested by the Planning Commission members at the January 25, 2005 meeting. Tom Dumond also noted that Mike Kehoe, Township Attorney, has reviewed the Master Deed, Bylaws and Exhibit B and has asked for revisions to the documents. These revisions will be made and reviewed by Mike Kehoe prior to the Board of Trustees meeting.

Jack Lowe asked John Enos for comments.

John Enos summarized Carlisle/Wortman review letter dated March 9, 2005. The final site plan submitted addressed all of the concerns Carlisle/Wortman had, the gated gravel entrance and the cul-de-sac. Again, the Master Deed and Bylaws will have to be revised per Mike Kehoe's comments, especially the comments on tree preservation. However, he is happy with the final site plan. Jack Lowe asked Angela Campbell for comments.

Angela Campbell summarized Orchard, Hiltz and McCliment review letter dated March 10, 2005, recommending final site plan approval.

Phil Westmoreland noted the utility lines crossing the first few lots and then the roadway. This does not impact the plan, it does mean the road cannot be dedicated to the public and turned over to the Livingston County Road Commission (LCRC). This was pointed out in a previous Orchard, Hiltz and McCliment review letter because this was an issue on a different site plan. During the preliminary review, the developer discussed contacting DTE to have the lines moved. Phil Westmoreland assumes this is not going to happen at this point based on the plans he has seen.

Jack Lowe asked if there is a difference between high power lines and electric lines when it comes to the LCRC accepting a road.

Phil Westmoreland stated it is an easement and it comes down to which takes precedence, the roadway or the utility lines. It usually goes by who is there first.

Discussion ensued on easements and the LCRC.

Jack Lowe read Mike Kehoe review letter dated March 14, 2005. A list of revisions was included in the letter and Mike Kehoe did not see a problem with these being addressed. A copy of the private road ordinance will be sent to the applicant's attorney for a reference. Mike Kehoe also noted tree preservation not covered in the documents. This should be addressed more clearly by the Planning Commission and then provisions included in the documents. Same comment holds true for open space, that it be maintained in perpetuity by the association. Mike Kehoe would also want included "no amendment can occur that affects the township's right without the township's approval."

Jack Lowe asked the Planning Commission members to clarify their preference on the tree removal.

John Enos interjected; the applicant agreed that each individual unit would submit a site plan to the township indicating tree preservation.

Tom Dumond said this would be incorporated into the Master Deed.

Jack Lowe asked if Phil Westmoreland has received a grading plan showing the clearing limits.

Phil Westmoreland answered yes, Orchard, Hiltz and McCliment has completed one construction review and the grading limits are consistent with what the applicant is showing tonight.

Jack Lowe asked the Planning Commission members if they had any questions.

Jim Anderson had questions about the gravel road going to the west. On the adjacent parcel, is that a road bed also?

Tom Dumond answered the road ends several hundred feet to the west of the applicant's property line.

Jim Anderson noted during the preliminary review there was discussion on bringing that section of land up to the requirements necessary to accommodate emergency vehicles. That was the reason for the access, not necessary for future development, but for emergency vehicles in case the main entrance was blocked.

The Planning Commission noted to Tom Dumond that the site plan shows an easement from the end of the cul-de-sac to the existing Schroeder Park Drive. They want to see a viable access to the existing road rather than stubbing it at the end of the applicant's property.

Tom Dumond said that would be something they would have to work out with the adjacent property owners as they would need their approval for the connection.

Jim Anderson was under the impression that had already been worked out.

Tom Dumond said the use was worked out but upgrades were not discussed with the owners.

Jim Anderson wants that addressed; otherwise, it is useless under poor conditions.

John Enos told the Planning Commission this can be made a condition of final approval.

Jean Root asked about outstanding items in a review letter from the Livingston County Drain Commission (LCDC) that are referenced in an Orchard, Hiltz and McCliment review letter. She wants to know if these items have been addressed.

Phil Westmoreland said the changes are reflected on the site plan and he is comfortable with the changes.

Jean Root asked for clarification on when the condominium documents would reflect the changes discussed earlier. Would this be completed prior to going to the Board of Trustees?

Tom Dumond answered yes.

Discussion ensued on tree preservation shown on plot plans submitted with land use permits and how this will be addressed in motions for enforcements.

Jean Root motioned to recommend final site plan approval for Copperfield Villas, Tax ID #4710-01-300-030, 031 & 032 with the following conditions to be met and sent to the Board of Trustees for their review and approval.

1. All concerns addressed in township attorney Mike Kehoe review letter dated March 14, 2005.

2. Orchard, Hiltz and McCliment review letter dated March 10, 2005.
3. The final site plan should reflect and instruct each individual lot owner to submit with each land use application to the township for their review and approval indicating tree preservation for each lot.
4. The connection to Schroeder Park Drive for emergency access should be shown and approved by Howell Area Fire Authority.

Jim Anderson seconded. Roll call vote: Dave Hamann, John Lowe, Jean Root, Jim Anderson—all yes. **Motion carried 4-0.**

Proposed Text Amendment Article XVIII Site Plan Review Procedure

Jack Lowe asked John Enos to give an update.

John Enos informed the Planning Commission that they have been working on the proposed text with Orchard, Hiltz and McCliment. They received comments from Orchard, Hiltz and McCliment this week and they intend to incorporate these into the draft Site Plan Review Procedure and have that available at the next Planning Commission meeting. John Enos is requesting this item be tabled to the April 26, 2005 Planning Commission meeting.

Dave Hamann clarified with John Enos that the site plan checklist will need to be updated to reflect any changes to Article XVIII and included with the submittal.

John Enos said the site plan checklist will be incorporated into the text and he will review for changes.

Jack Lowe asked if Orchard, Hiltz and McCliment had any comments. None heard. Jack Lowe asked the Planning Commission members if they had further comments. None heard.

Dave Hamann motioned to table proposed text amendment to Article XVIII Site Plan Review Procedure. Jean Root seconded. **Motion Carried 4-0.**

Sections 8.01 F 6 & 7, 8.02 F 6 & 7, Section 6.20 E and Section 6.18 F & G - Condominium Projects

These four proposed text amendments were part of this discussion.

Jack Lowe asked the Planning Commission if item #7 implied to them this could apply with individual lot splits, could this be interpreted to do so, because that was not the intent. He thinks it could be interpreted that way as written.

Dave Hamann said item #7 should only apply to site condominium and asked John Enos if he knew where the Planning Commission was going.

John Enos said maybe this should be taken out of 8.01 F #7 Rural Residential (RR) and 8.02 F #7 Suburban Residential (SR). It is covered in the site condominium section and that section requires subdivisions follow the same standards.

Dave Hamann feels the text should clarify interior road of a private road, site condominium or subdivision.

John Enos agreed if text is kept in RR & SR, then site condominium or subdivision should be added.

Planning Commission would rather do this than strike entirely.

Dave Hamann suggested using the word development instead of private road, site condominium or subdivision.

Discussion ensued on the text "no lots or units will be accessed other than roads interior to the development." The Planning Commission would like to see this in the three Sections 8.01 F, 8.02 F and 6.18. The definition of a development was discussed and Dave Hamann read to the Planning Commission and it was determined this may not work. The text plat, site condominium unit or development was settled upon.

Jack Lowe asked if this justified another public hearing.

John Enos thought the removal of one word would not constitute another public hearing, he will check with Mike Kehoe.

Discussion ensued on the various scenarios that could arise and how these would be resolved.

Jack Lowe asked John Enos to read the proposed text.

John Enos read "no lots or units will be permitted driveway access from a road that is not an interior road of a plat or condominium or development."

Jean Root asked if the same text could be added to 6.20 E and if this would help clarify the intent?

John Enos said the text along with a graphic would help. This will also take care of the earlier concern if someone has a large parcel and the ability to land divide without going through a site plan review, this would still have to meet this requirement.

John Enos recommendation to include proposed text in 8.01 F 7, 8.02 F 7, 6.18 F & G and 6.20 E.

Jean Root asked that 8.01 F 7, 8.02 F 7, 6.18 F & G and 6.20 E to be brought to the April 26, 2005 meeting for the Planning Commission to review. Then send the three text amendments off to Livingston County Department of Planning (LCDP) along with 6.20 E.

Jean Root asked if a diagram is added to the definition section would this require a public hearing.

John Enos does not think so, yet will ask Mike Kehoe to be certain.

Dave Hamann suggested John Enos bounce this off of Robert Stanford of the LCDP to see if this clarifies the intent.

Proposed Text Amendment 6.24—Landscape Buffer

Jack Lowe asked the Planning Commission members if they have any comments on the proposed text. None heard.

Jack Lowe asked the public if they had any comment. None heard.

Jean Root motioned to send Section 6.24 Landscape Buffers to LCDP for its review and comment, and then send to the Board of Trustees for its review and approval. Dave Hamann seconded.

Motion Carried 4-0.

Proposed Text Amendment 8.01 E 6 & 7 Rural Residential Uses Permitted by Right Subject to Special Conditions

Jack Lowe opened discussion.

John Enos noted this is the removal of crematorium from item #6 and deleting item #7 Child Care.

Dave Hamann asked if crematorium and child care would be removed in the SR district.

John Enos thinks these are better in a commercial or industrial district. In a residential district it could be an accessory use to a funeral home instead of a listed use.

Discussion ensued on removing gun ranges and John Enos will discuss this with Mike Kehoe to make sure it is not exclusionary.

The Planning Commission does not feel this is exclusionary because there is already a gun range in the township.

John Enos reiterated the Planning Commission is requesting removal of Child Care from RR and Crematorium from RR & SR.

Day care would still be allowed in a single family home.

Discussion ensued on removing item #2 from the list. Some of the minimum requirements can be tightened up and the definitions could be clarified. Limits and regulations are placed by the State of Michigan. The Planning Commission discussed limiting crematoriums to the SR district.

John Enos to submit text for the April 26, 2005 meeting.

NEW BUSINESS

Private Road Discussion

Jean Root wants discussion on boulevards and single point of entry. The LCRC starts the count again when there is a road crossing.

Dave Hamann thought that situation is managed by the International Fire Code limiting the amount to 30 with a single point of access.

Charles Musson, 141 Triangle Lake Road, does not see where the Planning Commission can land lock property by limiting the amount with one point of access.

Discussion ensued on paved vs. gravel roads and the number that will be allowed with one point of access. It is not unusual to limit the amount with a linear distance or number of units.

Jean Root wants to avoid this situation and emphasize to the consultants the maximum number of 25 units on a gravel road. She would like further discussion at the April 11, 2004 Special

Meeting.

John Enos has some examples and will review these with Mike Kehoe for the April 11, 2005 meeting.

Proposed In-House Workshop

John Enos is teaching a citizen planner class for the Livingston County Extension office. He would like to offer a 1 hour presentation/overview of this class to the township. He would like to have the Planning Commission, Zoning Board of Appeals and Board of Trustees attend. Can this be added to the Planning Commission May Special meeting agenda or set a separate date.

Dave Hamann would like to see all outstanding zoning ordinance text amendments placed on Special Meeting agendas. He is concerned there are outstanding amendments that are getting strung out.

Annette McNamara to provide the Planning Commission with a list of the proposed text amendments.

Annette McNamara will work with John Enos to set a date and pass that on to the Board of Trustees and Zoning Board of Appeals. At the April 11, 2005 special meeting the date can be set.

Jack Lowe would like Mike Kehoe to attend.

Dave Hamann summarized the agenda for the May meeting. John Enos presentation on private roads and discussion with the Zoning Board of Appeals on the proposed text amendments.

CALL TO THE PUBLIC

No response. Jack Lowe closed the call to the public.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 9:34 p.m. Jim Anderson seconded. **Motion Carried 4-0.**

**PLANNING COMMISSION
SPECIAL MEETING
APRIL 11, 2005**

MEMBERS PRESENT: John Lowe, Dave Hamann, Jean Root, Jim Anderson, Debra Wiedman-Clawson
MEMBERS ABSENT: None
OTHERS PRESENT: Mike Kehoe, Township Attorney
Phil Westmoreland, OHM, Township Engineer
Angela Campbell, OHM, Township Engineer
Paul Siersma, Carlyle/Wortman, Township Planner
Annette McNamara, Zoning Administrator
Bob Hanvey, Township Supervisor

CALL TO ORDER

Chairman Lowe called the meeting to order at 7:30 p.m.

APPROVAL OF AGENDA

John Lowe asked to have an item on discussion of zoning districts, and Annette McNamara asked to have an item added to set date for May joint meeting. Dave Hamann motioned to approve the agenda as amended. Debra Wiedman-Clawson seconded. **Motion carried 5-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission (PC) introduced themselves.

CALL TO THE PUBLIC

None.

APPROVAL OF MINUTES

March 14, 2005 Special Meeting

Jean Root motioned to approve the minutes as presented. Jim Anderson seconded. **Motion carried 5-0.**

OLD BUSINESS

Paul Siersma explained that Carlyle/Wortman is developed a new process for providing text

amendments to the zoning ordinance. Carlyle/Wortman will be coordinating efforts with the help of OHM and the zoning administrator. The amendments that the PC has been provided are quite extensive. There are two new ordinances—one for pre-existing, non-conforming private roads, and the other for new private roads. He explained the format used. Mr. Siersma said both ordinances are very similar, with the exception of some of the road design standards, purpose and intent, and some of the definitions.

Section 6.20 A—Pre-Existing, Non-Conforming Private Roads

Mr. Siersma said OHM provided next text for paragraph A, Purpose and Intent. Dave Hamann asked what happens to all pre-existing, non-conforming private roads that don't or can't meet this ordinance. Mr. Hamann said some residents previously asked about situations where there are roads in platted subs and they're 25 feet wide. There's no way they will ever be brought into conformance. Mr. Siersma said it might be up to the township engineer to review applications that are submitted, and perhaps make a judgment call. Mr. Hamann said in other townships they have ordinances for new roads; pre-existing, non-conforming roads that could conform; and then they recognize those that can't or won't. The roads that can't or won't are addressed at the zone administrator level. Mr. Hamann is concerned that the ordinance is not worded clearly. Mike Kehoe asked if the township wouldn't know the roads that can't be upgraded. Mr. Hamann said they could be put in the ordinance as examples of those that wouldn't have to follow this. Mr. Kehoe said he thought the position was going to be that there would be some pre-existing, non-conforming roads that wouldn't be able to meet these standards. If those roads can't meet these standards, then maybe we shouldn't allow additional land uses. Mr. Hamann said there's a difference between allowing splits and land use permits. This has nothing to do with splits. Jean Root asked Mr. Hamann to give an example. Mr. Hamann said if this ordinance were in place today, and someone on Pleasant Lake wanted to tear down an old cottage, they can't get a land use permit to rebuild until they bring up the roads within the sub and the road going out to Triangle Lake Road.

Jean Root provided a copy of Genoa Township's ordinance, which has a sentence included which reads, "...this section is also intended to allow new construction to occur on existing lots which front along such a road on the effective date of this section, if the roads are reasonably capable of providing sufficient access for the uses permitted in the zoning district." Ms. Root suggested adding a statement like this. Mr. Hamann provided copies of ordinances from other municipalities that recognize pre-existing, non-conforming roads. Mr. Kehoe said he doesn't see where the ordinance prohibits someone from tearing down and rebuilding. Mr. Hamann said it would become an interpretation issue.

John Lowe said with pre-existing, non-conforming roads that have houses, the roadway curves are already in place. The hope was to get the best possible solution with the roads that are already there. Phil Westmoreland said in order to get driveways, the roads have to be in a safe condition. Even if it's pre-existing and they can't move the road, he strongly recommends a driveway not be placed if it doesn't meet safety criteria. Debra Wiedman-Clawson asked who would do the site distance review? Mr. Westmoreland said the township engineer should.

John Lowe said that on page 6-12 is the issue of land use permits on private roads. It states that a land use permit can't be issued until there's final approval. In subdivisions, for example, there are basecoats of asphalt. In order to get final approval, the top coat has to be on. That's not the direction the PC wanted. Mr. Westmoreland said with a plat, most people would generally finish the plat before they get anything more than four models built. Some people will bond for the final topcoat. It's up to the developer in that case. With it being a private road, the township has no responsibility for maintenance after the fact.

Ms. Root said there possibly needs to be three sections. Mr. Hamann said another angle he's seen is when it's called out as a pre-existing, non-conforming road, some townships will spell out all of those situations, or roads, in the first paragraph. Mr. Siersma asked if he was suggesting inserting an inventory of the roads. Mr. Hamann said he's seen it done that way. Ms. Root has some concerns with actually listing the roads.

John Lowe asked about indicating utility easements in the Private Road Maintenance Agreement. Mike Kehoe said it would be done that way. Discussion ensued on wording for the Private Road Maintenance Agreement. Jean Root suggested adding definitions to further clarify. Mr. Kehoe suggested additional language in the Purpose and Intent paragraph of Section 6.20 A. The

definitions should include language that would cover additional residential uses or the creation of new lots or an increase in the number of residential units, as opposed to someone wanting a deck or pool. A number of different scenarios were discussed. John Lowe said he would like to see the option to pave the road within the current road structure. Phil Westmoreland said as long as the ground surface is 26 feet wide with 11-foot lanes. John Lowe asked if the township assessing records could be used to indicate that a parcel can't be built on. Annette McNamara said it's up to the seller to inform prospective buyers that a parcel can't be built on.

Mike Kehoe said the township can't do anything to prevent a situation where someone splits property that doesn't qualify for a land use permit. The township can't protect someone from buying the property. Mr. Kehoe said that is standard procedure everywhere.

Dave Hamann asked if it would behoove the township to have a "review board" for any situation related to pre-existing, non-conforming roads. Mike Kehoe pointed out the variance criteria and factors to be looked at. Phil Westmoreland suggested language to the effect that the review board can waive whatever requirements it feels necessary to produce a quality development, or an improvement in the health, safety and welfare of the residents. John Lowe suggested the review board could submit a recommendation back to the Planning Commission for its review.

Jim Anderson said he's concerned about the consistency of a review board. Mr. Anderson also suggested that the minimum requirements for a non-conforming road be listed in simple language. Phil Westmoreland said that poses a problem with interpretation. Mike Kehoe suggested having the information included in the land split packet rather than in the ordinance.

Debra Wiedman-Clawson asked if the land split application is the same as an application for upgrading a road—would there be a separate application. Dave Hamann said Section D says what needs to be done. Phil Westmoreland said it depends on how significant the change would be. Debra Wiedman-Clawson asked if it could be done in a way that if the private road is less than 26 feet wide, then they have to do this. If it's 26 feet wide and needs a little more gravel and a couple of soil borings, then there's not a problem.

John Lowe said this is what is needed for reconstruction—is there some way to specify that if a site visit determines the only thing required is minimal ditching and gravel, then anything beyond Item C doesn't need to be dealt with. Jim Anderson said almost like a decision tree. Phil Westmoreland said he thinks that would be possible. The assumption should be there would be up to 25 homes on the road. Mike Kehoe asked Phil Westmoreland to draft a standardized form for evaluation of a road. Jim Anderson said he believes the township needs a 2000-foot limit on the length of the road. John Lowe said 2000 feet is an arbitrary number. They can apply for a variance. Mr. Lowe asked Mr. Siersma to include 2000 feet as well as 25 units in Section 6.20 A, subsection D 1 *d*. Phil Westmoreland said he would lump *d*, *e* and *f* into significant versus minor adjustments.

Debra Wiedman-Clawson asked if a new item should be added about making an attempt to get current homeowners to sign a private road maintenance agreement. Phil Westmoreland said that 24 feet should be the minimum for pre-existing roads. John Lowe commented on the stopping distance chart, which seems very daunting. Mr. Westmoreland said the chart reflects the minimum acceptable standards. Mr. Lowe asked about not including this information for pre-existing, non-conforming roads. The question was deferred to the attorney. Mr. Kehoe said he believes the township may be putting itself at greater exposure if there aren't some standards.

Jim Anderson asked if speed limit signs would be required.

Phil Westmoreland asked for clarification on minor or major revisions and what triggers the need for a plan set. If they have to do major revisions with a plan set, do they have to meet everything that's listed for new roads or will the township let them only meet the minimum requirements.

Debra Wiedman-Clawson said she believes the minimum. Mr. Westmoreland said then something needs to be in the ordinance for that minimum.

John Lowe asked about using the criteria the ZBA uses if the site distance can't be met due to unique circumstances.

Jean Root mentioned item *e*, which says dead end roads shall terminate with one of the turnarounds. What if they don't want a cul-de-sac at the end of the road? Debra Wiedman-Clawson said it's a safety issue. John Lowe said he's concerned with the T-intersections; he would rather see a cul-de-sac. Angela Campbell from OHM said these options were presented as an alternative if there isn't enough room to achieve a cul-de-sac.

John Lowe asked about item *h* on page 6-5 on 90° turns. Mr. Lowe suggested adding the Planning Commission in there as well as the township engineer. Phil Westmoreland said he would prefer to change it to Planning Commission and Board. Mr. Westmoreland said if the sight distance is taken out (drop *f* & *g*), then *i* goes with them. The maximum slopes are addressed under *i*. The section on vertical curves will be dropped (ii under *h*).

There is a misprint on page 6-7: bottom width should be 2 feet, not 2 inches. On page 6-8, item G, add 2000 feet.

Phil Westmoreland suggested at the bottom of page 6-7 and top of 6-8, item *f* about the cul-de-sac, that should be left in. John Lowe said he believes that's all in there. Mr. Westmoreland also wanted to clarify that anything over 25 homes, even on pre-existing, should be paved. The response was yes. Mr. Westmoreland then asked at what point do we start counting?

Discussion ensued on the best way to determine this.

Annette McNamara asked about item 2 on page 6-9 and whether the language should be changed to read "no more than a total of 25 land use permits will be issued without an approved amendment to the site plan." Debra Wiedman-Clawson said yes. John Lowe said the language needs to be clearer. Ms. Wiedman-Clawson said this would only pertain to existing roads that would be increased in size.

Annette McNamara suggested that she provide a breakdown of the private roads are involved and how many houses are on each road. Jim Anderson said he thinks that would be helpful—it may not be as big an issue as it appears to be. Jim Anderson asked if something could be done with deed restrictions when splits are done. Dave Hamann said the problem is those things can't be enforced at the time land splits are done.

It was decided that Mike Kehoe, Paul Siersma and Phil Westmoreland would incorporate changes discussed tonight and provide copies for further discussion with the township board members.

Annette McNamara indicated that May 16 had been selected for a joint meeting with the Planning Commission, Board of Trustees, and Zoning Board of Appeals.

Jean Root motioned to table the remainder of the agenda items under Old Business. Jim Anderson seconded. **Motion carried 5-0.**

NEW BUSINESS

John Lowe asked Mike Kehoe to address the zoning portion of the comprehensive plan. Mr. Kehoe said that there's an area within the master plan where reference is made to medium-density residential as a transition zone between suburban residential and rural residential. There isn't anything for medium-density zoning. Jim Anderson pointed out that discussion with held with Kathleen Kline-Hudson with regard to the fact that there is no zoning for each colored box in the future land use map, and she explained this is not a zoning map.

ADJOURNMENT

Jean Root motioned to adjourn the meeting at 11:00 p.m. Jim Anderson seconded. **Motion carried 5-0.**

**PLANNING COMMISSION
APRIL 26, 2005**

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
JEAN ROOT, SECRETARY
JIM ANDERSON
DAVE HAMANN, CO-CHAIRPERSON
DEBRA WIEDMAN-CLAWSON

OTHERS PRESENT:

ROBERT W. HANVEY, SUPERVISOR
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
PAUL SIERSMA, CARLISLE/WORTMAN

CALL TO ORDER

The meeting called to order at 7:35 p.m.

APPROVAL OF AGENDA

John Lowe read the Planning Commission agenda for the regular meeting, April 26, 2005, 7:35 p.m. Jean Root asked to review items under Old Business 8.01E 6 & 7 combined with 8.01 E 17 under New Business and make corrections together while in E. Motion by Jean Root to accept the agenda as amended, 2nd by Dave Hamann. **Motion carried 5-0.**

INTRODUCTION OF MEMBERS

The Planning Commission members introduced themselves to the audience.

CALL TO THE PUBLIC

No response. John Lowe closed the first call to the public.

APPROVAL OF MINUTES

Dave Hamann motioned to approve the minutes of March 22, 2005, 7:15 p.m., public hearing, 2nd by Jim Anderson. **Motion carried 4-0.** Debra Wiedman-Clawson abstains.

In the regular meeting minutes, Jean Root wanted to include Section 6.18 in the motion to send Sections 8.01 F 7, 8.02 F 7 and 6.20 E to be brought to the April 26, 2005 meeting for the Planning Commission to review. Then send the two text amendments off to Livingston County Department of Planning (LCDP) along with 6.20 F. Motion by Jean Root to approve the minutes from March 22, 2005 as amended, 2nd by Jim Anderson. **Motion carried 4-0.**

Debra Wiedman-Clawson abstains.

OLD BUSINESS

Proposed Text Amendment 6.19 B - Lots to have access

John Lowe said this was supposed to pertain to pre existing non-conforming and it doesn't really state that clearly. And, as it is, it could be interpreted every subdivision there is and every road there is. There needs to be some language in there.

Debra Wiedman-Clawson said it needs to be said under the reference of the section we put in for non-conforming existing roads.

John Lowe said also in the paragraph where it says in order to obtain a land use permit for a new parcel or lot created on a road that needs to be a private road.

Dave Hamann asked where is this going to fall with redoing the whole section on roads.

Debra Wiedman-Clawson, this is under Access Controls. The problem I have is how we are going to leave what we have in here, and add this paragraph.

John Lowe, I haven't decided exactly where to put it, but the language needs to be clarified.

Debra Wiedman-Clawson, can we take B, Lots to Have Access that's in our current ordinance and reword the whole thing to include non-conforming, or stick another section under it that say's non-conforming? This is quite a large paragraph for all parcels and lots having access because it's more referring to the new roads.

John Lowe, would you suggest adding it to B as language?

Debra Wiedman-Clawson said or breaking it up B into subsection one and two, one for conforming and for non-conforming. So that there's a distinction between the two, because most of that is in the current is for conforming.

John Lowe said let's do B 1 and B 2 then?

Debra Wiedman-Clawson said that's my suggestion would be.

Jim Anderson said so you would have paragraphed one either pre existing non-conforming or item two related to?

Debra Wiedman-Clawson said what's in the current ordinance now.

John Lowe said I think I would make this secondary because it's much less use, I don't think I would make that the first.

Jean Root said we have issues with people wanting to divide their land on private roads that are sub-standard, so I think this was kind of a way to contain that quickly prior to us getting in force a non-conforming private road ordinance. So I would like to make sure this gets done soon if we're going to make any more changes to it.

Debra Wiedman-Clawson said I think if we put it in a one and two section and clean up the language like Jack had on here a private road that was in existence prior, clean that up a little bit, I don't see why it can't go.

Jean Root said right but rather than redoing it and saying one and two, if you look down on page 6.19 of our ordinance book, they have two sections, their just not labeled. But under B it has two paragraphs, why not just add this as a second paragraph?

Discussion ensued on Private Roads as to where to put paragraph.

John Lowe is it clear as to where we put this?

All reply yes.

John Lowe need motion to send this to County, we're at that point.

Jean Root asked do you want in the motion that the text is to be amended to include that in every spot it is to refer to a private road.

John Lowe is this going to make them demonstrate we don't want to get into the bureaucracy thing.

Debra Wiedman-Clawson said that's why we have to put pre-existing non-conforming put in there.

Discussion ensued on definition.

Jim Anderson said what your missing in this paragraph is what you really want, not that you stop the land use, but that you stop it so that a road maintenance agreement can be established, that's not in here and that is what you want. You still haven't addressed the problem of people on roads with no maintenance agreement. They go and split it and no body establishes a road maintenance agreement.

Further discussion ensued on road maintenance agreements.

Jean Root motion to send Section 6.19, Access Controls, Sub Section B Lots To Have Access, as a matter of format just adding a second paragraph the submitted text from today's meeting should include adding a private where necessary in sentence one and in sentence two as discussed to be sent to Livingston County Planning for their review and comments to be forwarded to Board of Trustees for their review. Debra Wiedman-Clawson second. Roll call – Jim Anderson yes, Jean Root yes, Dave Hamann yes, Debra Wiedman-Clawson yes & John Lowe yes.

Proposed Text Amendment 3.02 - Definition of Landscape Buffer

Planning Commission reviewed paper work.

Jim Anderson questioning under BERM should the word intensity be density?

John Lowe said I think what their talking about is the use of the property.

Jim Anderson is that the right word? You could have two adjacent residentially uses, one with a real high density and one with a real low single family density. You may want to screen that so it's in different intensity.

John Lowe, I think what this would cover if we had a Planned Unit Development (PUD).

Discussion ensued regarding intensity.

Jean Root asked if it should read intensity or intensive uses.

Jim Anderson asked under GREENBELT if it could be mowed.

John Lowe stated or landscaping it doesn't really address that.

Discussion ensued regarding definition of landscaping or mowing and vegetation (planting).

Jim Anderson stated mowing could be the option of the adjacent property owner and could do what they want.

Jean Root motion to send Section 3.02 Definitions/Landscaping as submitted with the exception of one adjustment on item one, BERM to Livingston County Planning for their review and comments to be sent the Board of Trustees for their review & approval.

I would like to amend my motion to include under item one the whole sentence should state, "A mound of earth graded, shaped and improved with landscaping in such a fashion as to provide a visual and/or audible screen and a transition between uses or differing intensities or intensive uses. Debra Wiedman-Clawson second. Roll call Jim Anderson yes, Jean Root yes, John Lowe yes, Dave Hamann yes, Debra Wiedman-Clawson yes.

Proposed Text Amendment 6.20 E 1 - Condominium Projects

Jean Root said this went to county and they didn't like it. After out last meeting we agreed to add plat or condominium or development. Section 6.20 E 1 deals with private roads and somewhere along the line as it was originally sent to county it included the word private road,

from a private road that is not interior road. It was previously submitted stating 'no lots unit shall be permitted driveway access from a road that is not an interior road of the private road development'. The county thought that was confusing and vague.

Discussion ensued.

Jim Anderson would like to note this is from the original or the existing 6.20 and now that we have 6.20 A and 6.20 B paragraph has moved in those sections and will place the language in the appropriate paragraph 6.20 A and 6.20 B, the pre-existing non-conforming roads or the new private roads. A point of clarification.

Discussion ensued if it should go the County again.

Jean Root would like to motion to sent 6.20 E 1, Connection to County Roads to the Board of Trustees for their review and approval as submitted on April 26, 2005, as amended adding private road, adding the word private before the second road in the submitted document. Jim Anderson second. Roll call, Jim Anderson yes, Jean Root yes, John Lowe yes, Dave Hamann yes, Debra Wiedman-Clawson yes.

Proposed Text Amendment Article XVIII Site Plan Review Requirements

Questioning which submission is the correct one to be reviewing. Should be dated April 20, 2005 Version 2.

John Lowe wants scale on aerial.

Phil Westmoreland said its 40 - 50 range.

Debra Wiedman-Clawson asked what John Lowe was looking for.

John Lowe replied woodlands; he would like to see this on a presentation board.

Discussion ensued as to the detail wanted on a site plan.

Dave Hamann said the GIS takes the flyovers every couple years and your concern is that you have one that is current.

John Lowe said standard is blueprint is fine. Minimum of one copy same scale the plans are submitted, to pick out what is adjacent.

Debra Wiedman-Clawson said there are going to be contours on these, why muddy with all these extra drawing. And if they do a topography will have accurate topography of the property not going off what GIS has, you'll see it in the site plans.

John Lowe thinking of reference when looking at the pictures of woodlands on it you see valley's on that picture because otherwise not going to be able to transfer the drawing you're looking at necessarily to those contours when you have the picture on the easel.

Debra Wiedman-Clawson asked what you are trying to get at by looking at those and knowing where the contours are.

John Lowe said if you have steep slopes you wanted to save on the site you would be able to tell where they were. Have preservation of the woodlands a part of requirement when doing PUD.

Discussion ensued regarding PUD.

Jim Anderson commented in this revised Site Plan Requirements on page 18-5, sub-heading NATURAL FEATURES, 1 through 5, we do require item #4 under Natural Features, "Location of existing woodlands delineated with symbolic lines tracing the spread of the outermost branches" on the plan which would show in addition the topography you would be able to see the woodland areas and wetland areas are in relation to the grade.

John Lowe said that would be my point, should have it first not at the final when the preliminary has been approved. We're done at that point and nothing we can change.

Jean Root said I would think all the natural features that whole sub-section 1 through 5, Natural Features, should be moved up into the Preliminary. Also noted item #10 deals with "Existing natural and man-made features to be retained or removed" might want to add that to 1 through 5.

Debra Wiedman-Clawson noted #12, "Location of wetlands, drainage courses, and floodplain areas". I'm wondering if some of this isn't already in here under a different wording, so it's not only in the preliminary but in the final, so they have to carry it forward.

Discussion ensued on Natural Features.

John Lowe refers back to the number of copies required.

Annette McNamara said it calls for 20 site plans. I need 7 copies to send out to various county agencies and our consultants for review and approval. They come back like so many have and don't meet the zoning requirements, and I throw away 14 site plans that cannot be recycled. Debra Wiedman-Clawson said Livingston Recycle will take any thing on bond paper because we recycle over 20 bags of paper a week from our office.

Phil Westmoreland "Most everybody know they have to go through a review before they submit the sets before the Board. Initially we want to know how many sets we need for their agencies, submit those before it goes to next level, planning commission or board, that's going to review it at that point you then call them and ask for the addition sets.

Discussion ensued on number of sets and review time need.

Dave Hamann noted that by law Planning Commission has to review within 45 days a submittal that meets our check list as an administratively complete package. It meets our check list from an administratively complete package point of view that's in our rules and procedures. So when you say administratively complete, that means she doesn't have to go in there and check everything in, it just said administratively. It's complete, you time stamp it from the township's point of view. The Township Planning Act say's we have to see that request within 45 days. But if he say's he's going to keep sending it back and forth between them until they get everything fixed and you have a situation like one of the people we've had here, that don't want to fix what they say we're going to sit here and not have it before the planning commission in 45 days.

Discussion ensued regarding developers getting their site developed.

Jean Root said they've reviewed it, found 60% of it wrong, they send us the review letters that say's we're still working with these people we're addressing the planning commission and we table it. Our policy should be not to sit there and debate it for 45 minutes. If we've got that letter from the two people we hire, our consultants, and they say flat out it's not ready to go. Then before we even establish communication with that person, we say look the plans are not ready!

Debra Wiedman-Clawson said the only thing I can see is their looking at it as a technical, now we send it back and say fix this, give them one chance.

Phil Westmoreland gave his input to this problem. Make sure it's going to work on the site.

More discussion ensued regarding final and preliminary and if developer could combine and have to pay a fee.

John Lowe asked about aerial photograph.

Jim Anderson said one aerial color photo same size as the plan.

Debra Wiedman-Clawson leave the application with the 20 and put under general information a presentation photo. Highlight items you want to see.

Discussion on Site Plan Requirements and placement of requirements in document.

Jean Root asked how do the applicants notify you and what point do they need to notify you to come out and take a look at it.

Phil Westmoreland - What we'll do is once they have their construction plan approval we set up a pre-construction meeting that's part of the requirements in the engineering requirements. Hold the pre-construction meeting we tell them the number to call how much notice to give, what to call to inspect, what the township wants us watching on what kind of basis. We give them a nice thick packet of pre-con meeting notes that everybody gets a copy of with numbers of everyone, developer, emergency numbers so we can contact them if there is an issue. We go through that in great detail as we go through construction drawing review. A check point between the designer and a transition with the contractor then it hands off to have everyone together saying here are your requirements going forward.

Discussion ensued on Site Plan Requirements.

Jean Root motion to table Article XVIII, Site Plan Review Requirements, until revisions have been made for our review. Jim Anderson second. **Motion Carried 5-0.**

Jean Root motion to table Site Plan Review Application & Checklist. Debra Wiedman-Clawson second. **Motion Carried 5-0.**

Jean Root wants to review 8.01 F 6 & 7, Rural Residential Site Development Requirements, 8.02

F 6 & 7, Suburban Residential Site Development Requirements and 6.18 F & G, Condominium Projects. All the same, adding language, want continuity. Only concern is it went to Livingston County Department of Planning (LCDP) and item #7 under 8.01 and 8.02 should be the same language.

Jean Root motion to send text amendment 8.01 F 6 & 7 to LCDP and amend item #7 to read "No lots or units shall be permitted driveway access from a road that is not an interior private road of the plat or condominium or development. Upon County Planning approval it shall be sent to the Township Board for their review and approval. If the County disapproves, it shall be sent back to the Planning Commission for their review. Jim Anderson second. Roll call Jim Anderson yes, Jean Root yes, John Lowe yes, Dave Hamann yes, Debra Wiedman-Clawson yes.

Jean Root motioned to send 8.02 Suburban Residential to LCDP for their review. Item #7 shall be amended to read "No lots or units shall be permitted driveway access from a road that is not an interior private road of the plat or condominium development. To be sent to County Planning for their review, upon approval it shall be sent to the Township Board. Disapproval back to Planning Commission for their review. Jim Anderson second. Roll call Jim Anderson yes, Jean Root yes, John Lowe yes, Dave Hamann yes, Debra Wiedman-Clawson yes.

Jean Root motioned to send proposed text amendment Section 6.18 F & G, Condominium Projects, item #F 1 amended to read 'No lots or units shall be permitted driveway access from a road that is not an interior private road of the plat or condominium or development'. Sent to LCDP for their review and comments, if approved sent to the Board of Trustees for their review and approval, if disapproved sent back to Planning Commission for their review. Jim Anderson second. Roll Call Jim Anderson yes, Jean Root yes, John Lowe yes, Dave Hamann yes, Debra Wiedman-Clawson yes.

Discussion ensued about Text amendments 8.01 E 6 & 7, Rural Residential Uses Permitted by Special Use Permit and 8.01 E 17 Shooting ranges, including gun, rifle, skeet, trap, pistol and archery clubs.

Jim Anderson wishes more discussion regarding child care location.

Jean Root motioned to hold a public hearing for Section 8.01, item E #6 and #17, Rural Residential Uses Permitted by Special Use Permit, May 24, 2005 at 7:15 p.m. Dave Hamann second. **Motion Carried 5-0.**

Jean Root motioned to hold a public hearing for Section 8.02, item E and amending item #4, Suburban Residential - Uses Permitted by Special Use Permit. Jim Anderson second. **Motion Carried 5-0.**

Jean Root motioned to table Section 6.20 A, Pre-existing Non Conforming Private Roads, Section 6.20 B, New Private Roads and Private Road Maintenance Agreement template until our next workshop meeting May 16, 2005. Debra Wiedman-Clawson second. **Motion Carried 5-0.**

CALL TO THE PUBLIC

Mr. Ramirez, 519 Crofoot. I was here in February and asked the township to come out and have a look at my private road. It was constructed back in 1997 and have been going through quite a few issues trying to get it completed. It is a well constructed road.

At the end of March a meeting hadn't been set. I asked Mr. Hanvey to please not schedule a meeting between April 9th to 16th. An appointment was set for the 11th, so I couldn't be there. Wish I had been there because I think a lot of these issues that I do have could have been answered. But, I do appreciate that you came out.

In 1997 I received a list of issues that had to be answered prior to receiving final approval. I met all of those issues and then in 1998, a little history about the road, I received another list before receiving final approval. About two hours ago, Mr. Hanvey gave me a list of things I had to accomplish before final approval. Like I said earlier, I think a lot of these could have been answered on the site.

But, what I see here on the list, if you will look at the list, mostly are maintenance issues. That road was constructed 8 years ago. It hasn't been touched in 8 years and I think you would agree that it's in pretty good shape for something that hasn't been graded or touched in 8 years. What I would like to know, is if according to this list, It's going to cost me a couple thousand to

hire a bull dozer to come out, make these clean up changes to the road, am I finished? I want a little assurance the process is completed. Like I said, I've gone down this road quite a few times. I'm just trying to work with you and get this done.

John Lowe is turning this over to the Township Engineer.

Phil Westmoreland said as far as the issues go, there aren't a lot of them. Nothing to significant. The road is not in bad shape, needs a little up-grade, little improvement, that's about it. And, at that point you could consider it an improved private road. Being a gravel road, even if it was a paved road, they always do require some on going maintenance, but not for necessarily approval.

John Lowe said I guess what he is saying is that if you comply with the issues on the letter and he comes out and do one more walk through on the final and those issues are met, you should be good to go.

Debra Wiedman-Clawson asked if there is a road maintenance agreement on that property for that road.

Mr. Ramirez said yes there was during the initial first approval. You went through all the approval at the first drawing there was a maintenance agreement. Since then I have gone through and drafted three more maintenance agreements. I had my last attorney, David Walker did some correspondence back and forth with your attorney and they together put together a final road maintenance agreement.

Phil Westmoreland and Mr. Ramirez to work out a schedule for walk through and work on the maintenance list.

CALL TO THE PUBLIC

No response. John Lowe close call to the public

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 10:30 p.m. Jean Root second. **Motion Carried 5-0.**

**PLANNING COMMISSION
SPECIAL MEETING
MAY 16, 2005**

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
JEAN ROOT, SECRETARY
JIM ANDERSON
DAVE HAMANN
DEBRA WIEDMAN-CLAWSON

ABSENT:

NONE

OTHERS PRESENT:

ROBERT W. HANVEY, SUPERVISOR
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
JOHN ENOS, CARLISLE/WORTMAN

CALL TO ORDER

The meeting was called to order at 7:35 p.m.

APPROVAL OF AGENDA

Jean Root motioned to approve the agenda for May 16, 2005 Planning Commission Special Meeting. Dave Hamann seconded. **Motion Carried 5-0.**

INTRODUCTION OF MEMBERS

The Planning Commission members introduced themselves to the audience.

CALL TO THE PUBLIC

Jerry McCann 883 Hurley Drive - questioned the highlighted area under purposed and intent of Section 6.20 A. If he built an addition would he have to update the road to meet these specifications?

John Lowe clarified this is for new buildings only.

Jerry McCann asked if he built a garage.

John Lowe replied no.

Dave Hamann noted the text does not specify and it is up to interpretation.

John Lowe stated this is meant for new lots only and would be amended.

Jerry McCann stated that Hurley Drive could never meet these specifications.

Gary Dunn, 893 Hurley Drive - there is one vacant lot on the lake can they build on it. The Planning Commission members answered yes, on a lot of record.

John Enos read from proposed text 'no land use permit for proposed new principal buildings. Discussion ensued on Hurley Drive and other pre-existing non-conforming private roads in the township.

Jerry McCann reiterated if he wants to build on his lot he can and wants this on record for when he decides to build.

Robert W. Hanvey noted in his copy of 6.20 A, as he read it if you have a lot of record it still applies.

Gary Dunn noted that houses would have to be vacated to meet these standards.

John Enos noted there is relief in the text; you can go to the Zoning Board of Appeals.

It is the intent of the Planning Commission members to change that tonight.

Jack Lowe closed the first call to the public.

APPROVAL OF MINUTES

Jean Root noted on page one under Old Business third line down the word 'extension' should be changed to 'extensive' the remainder of the minutes look good. Discussion ensued as to the extent of the changes made to the text at the last meeting and the impossible task of getting the changes into the minutes. Jean Root motioned to approve the minutes for April 11, 2005 as amended. Jim Anderson seconded. **Motion Carried 5-0.**

OLD BUSINESS

Section 6.20 A Pre-Existing Non-Conforming Private Roads

John Enos noted the changes were a result of Planning Commission members input at special meetings and staff meetings. Mike Kehoe has reviewed and approved the changes, yet has not put that in writing. Orchard, Hiltz & McCliment staff has reviewed and approved also.

John Lowe asked the Planning Commission members if they wanted to go through page by page.

Page One

John Enos noted earlier discussion during call to the public where the intent was not specified in the text. Changes to Section A – Purpose and Intent, second paragraph shall be amended to clarify this applies to newly created lot.

Dave Hamann noted a new lot can only be created in a platted sub if a re-plat is done or if the Board of Trustees approves a combination/reconfiguration. Dave Hamann told the history of a lot on Hurley Drive and asked the Planning Commission members to either be specific as to what it does not pertain to or be specific and say new lots that result from a land division. The Planning Commission members' goal is as result of a land division some form of control and maintenance to pre-existing non-conforming private roads, how they word can include and exclude.

John Enos suggested listing what is required and what is not required.

Jean Root suggested a statement in the text and state it only applies to lots created as a result of a land division.

Jean Root has a note that this text should be restricted to residential uses, on non-conforming private roads.

John Enos read 'if it is not in the best interest of the general health, safety and welfare of the citizens to allow for further development of single development residences on pre-existing non-conforming private roads unless those roads are updated'. He thinks this will cover it.

Planning Commission members agreed this would cover it.

Discussion ensued about where to place the platted subdivision, lot of record, land division text that specifies what lots this applies to. John Enos understands the Planning Commission

members' intent and will place the text on the first page.

Page Two

John Enos noted to the Planning Commission members sub-section C 1 a – Permit Application, the engineering standards were removed. If it is in the zoning ordinance, the only way to change a requirement is through the Zoning Board of Appeals (ZBA). This will allow on a case by case basis to look at the standards, if minor changes are necessary they can be flexible. That is why the engineering standards are referred to in this section instead of listing them.

Dave Hamann asked if Section 12 is written up yet, the new paving and road standards.

Phil Westmoreland answered this is still being worked on and clarified to the Planning Commission members these are engineering and design standards adopted by the township. The standards will be a policy not a zoning ordinance.

Dave Hamann asked if they would differentiate between pre-existing non-conforming private roads and new private roads.

Phil Westmoreland answered yes. If the standards need to be updated it will be a resolution by the Board of Trustees. The Planning Commission members may want to mirror the engineering criteria in Section 6.20 B New Private Roads. It would be engineering requirements for pre-existing non-conforming private road and engineering requirements for new private roads.

John Enos suggested that the Planning Commission members consider including design standards with the engineering standards, rather than having design criteria listed in the zoning ordinance. Again you can use in a case by case basis. If in the zoning ordinance the only way to make changes is to go through the ZBA.

Dave Hamann asked if this is legally binding.

John Enos answered yes if the zoning ordinance refers to the policy document.

Every site plan review the Planning Commission members will have to evaluate to what level the specifications are admissible against the site plan and on the site plan for it to be enforceable, correct?

John Enos responded the township engineer would be the one to evaluate that.

Dave Hamann noted now it is pulled back into the site plan review process.

John Enos answered engineering requirements would be part of the final site plan review process.

Discussion ensued on engineering requirements policy and standard practice within townships this will allow for flexibility with pre-existing non-conforming private roads upgrades.

Jean Root asked for a definition of 'lot of record' to be inserted in sub-section B - Definitions on page two.

Page Three

Jean Root asked the Zoning Administrator if the number of plans submitted for review and the time frame were changed to her satisfaction. This was discussed for the Site Plan Review Application and should be incorporated into this section also.

John Lowe thought the number and detail of information requested for pre-existing non-conforming private roads should be less than a new private road site plan submittal.

Discussion ensued on the text 'shall meet or exceed the engineering design standards and how the condition of the pre-existing non-conforming private roads in the township vary, some may not be able to meet the standards.

Phil Westmoreland read alternate text 'Design requirements for pre-existing non-conforming private roads shall follow the specifications set forth in the most recent Marion Township engineering standards' and believes this text should be used.

John Lowe called out sub-section F Connection to County Roads. He and thinks this should apply here also or the text redone. John Lowe asked Phil Westmoreland if trees and sight distance would be part of his review when connecting to county roads.

Phil Westmoreland said if there was a change in the construction of the connection, the Livingston County Road Commission (LCRC) would have to review and issue permits. If it was just a few trees that need to be removed then no.

The Planning Commission members would like the construction authorization portion reworked.

Text accommodating site distance authorization should be included. The line 'no lots or units' does not apply and the last line of sub-section F – Connection to County Roads should be deleted.

Phil Westmoreland noted this text is already within the zoning ordinance.

Discussion ensued on the possible scenarios where this may apply and the pitfalls.

Back to sub-section G - Application Procedure and the site plan requirements. Some of the applicants may not have certified plans. The number of plan to be submitted was discussed. Seven sets of plans for initial submittal and twelve sets of plans for Planning Commission submittal.

Phil Westmoreland suggested 'Applicant shall provide information pursuant to application and design requirements of this ordinance'.

The initial application will not need to provide private road maintenance agreement information

Page 4

Debra Wiedman-Clawson asked if the Planning Commission members want to cross out last line stating the Zoning Administrator will forward to the attorney.

Phil Westmoreland thinks it should be left as is. This is information for the applicant to submit and if they can submit in the beginning of the process then that is the sooner Mike Kehoe can review the private road maintenance agreement.

John Lowe noted section H directs the applicant to the Board of Trustees then to the Planning Commission. This should be changed to read Planning Commission first and to the Board of Trustees for final approval.

John Lowe questions the intent of sub-section H item #2 of Application Review and Approval or Rejection.

Debra Wiedman-Clawson said if an applicant was given approval and six years later decided to build a primary structure and the road is now not up to standards.

John Lowe would like this to be more clearly written and asked John Enos to take care of it.

Debra Wiedman-Clawson would like issuance of land use permit to be added to sub-section H item # 3 (last line) as a requirement along with the requirement for the issuance of certificate of compliance.

John Enos is not clear on sub-section I Variances, item # five; variance requests and requirements for curb-n-gutter, most of the pre-existing non-conforming private roads will not have curb-n-gutters.

This was taken from the existing text and should be reworded. John Enos will do this.

Relief from design requirements will be Orchard, Hiltz & McCliment making a recommendation to the Planning Commission and either the Planning Commission follows the recommendation or not.

Discussion ensued on variance text being included in 6.20 A. Planning Commission agreed to delete this text and use existing Section 5.05 within the zoning ordinance. This will cover relief from design requirements

Jean Root asked to revisit item H. Item number three should be item two and item two should be item 3. These seem out of sequence.

When John Enos reworks item number two they will review text in item number two and item number three.

Phil Westmoreland talked with the Planning Commission members about construction time frames and if they approved.

Page 5

Jim Anderson wants the word structure removed from the heading for sub-section K and principal structure in its place, the same in changes should be made in sub-section A Purpose and Intent.

Debra Wiedman-Clawson question sub-section L – Posting of Private Roads, the LCRC gives approval for names not the Zoning Administrator. Does this apply to pre-existing non-conforming private roads? Zoning Administrator should be removed from this item. Would also like homeowners association removed and maintenance in its place, there many not be a homeowners association. She would like to see 'no outlet' signs also.

Jean Root does not understand why sub-section M - Notice of Easements is included in this Section and why does it say '66' wide easement.'

Phil Westmoreland said it should read 'permanent easement.'

Exhibit B - Road Maintenance Agreement Template

Debra Wiedman-Clawson questioned the second paragraph stating survey requirements for an existing road. The property cannot be re-surveyed for a legal description without an extra expense to the applicant. Can a description by township assessor suffice? This number, per this description, per the 2005 tax rolls.

Discussion ensued requirements for a survey of private road and the possible scenarios that could result.

John Lowe noted on page eight number item # 12 you have the township back as mediators. That should be removed.

John Enos will ask Mike Kehoe if this is legal or if we should keep.

Exhibit B – Dead End Turnarounds and Cul-de-Sacs will be removed from this Section as they are called out in the Engineering Standards.

John Enos to submit changes for the June 28, 2005 Planning Commission meeting.

Section 6.20 B New Private Roads

Planning Commission members will wait until engineering standards are done to review this section. The Planning Commission will review at the June 28, 2005 Planning Commission meeting.

Livingston County Department of Public Health (LCDPH) Private Sewage/Waste Water Treatment Facilities Guidelines

John Lowe asked Phil Westmoreland to address the Planning Commission members.

Phil Westmoreland stated his review of the guidelines. This is basically for community septic systems, up to a less than 6,000 gallons per day the LCDPH signs the permit. 6,000 gallons a day serves approximately 20 homes. From 6,000 to 10,000 the LCDPH and the state gets notified. Over that the state takes care of it. The LCDPH guideline is good for up to 10,000 gallons per day, and does not cover what the township could easily get into.

Discussion ensued on the perimeter isolation distances and the townships ability to adjust the isolation distances.

Phil Westmoreland said Mike Kehoe would be better able to say if this is possible and legal.

NEW BUSINESS

No Special Meetings to be held in June, July or August

Planning Commission members agreed.

Review Proposed Zoning Map

Orchard, Hiltz & McCliment submitted a proposed zoning map for Marion Township. The map was reviewed by Planning Commission members and changes were noted by Phil Westmoreland. Annette McNamara is to provide Phil Westmoreland with zoning on Lake in the Pines and Mitch Harris property to the north of The Meadows. Phil Westmoreland will make changes for the June 28, 2005 meeting.

Other Discussion

John Lowe discussed a parcel in Rural Residential District just below the Suburban Residential District. Can the Comprehensive Plan call this out as a transition area? The consensus was no and it was determined a site condominium would be the best way to develop.

John Enos discussed multi-family dwelling units and ways to determine the number. He would like Planning Commission members to review for the Urban Residential District. He would like to see the number reduced from 10 units per acre. John Enos to provide text for a future meeting. Developers Agreements was handed out by John Enos for the Planning Commission members to review and use in their site plan reviews.

Performance Review for Zoning Administrator, Planning Commission & Consultants

The Planning Commission members agreed to hold reviews at the June 28, 2005 Planning Commission meeting. Jean Root asked the Zoning Administrator to contact Mike Kehoe so he can attend.

CALL TO THE PUBLIC

Debra Wiedman-Clawson would like the Zoning Administrator to investigate Fox Meadows and the removal of evergreen trees for the placement of an electric line pole.

Debra Wiedman-Clawson handed out a copy of a newspaper article stating Dr. May is moving his medical practice to Marion Township.

Debra Wiedman-Clawson informed the Planning Commission members of a dump site on County Farm Road. The residents believe there is hazardous materials are being dumped and there are people living on the property. The owner is Joe Leach. John Lowe and Charles Musson remember Marion Township taking Joe Leach to court in the past. The judge made Joe Leach list all the equipment on site and no more was done. Debra Wiedman-Clawson is requesting Annette McNamara investigate.

John Lowe asked John Enos to pursue the Woodland Ordinance so it can be placed on a future agenda.

Robert W. Hanvey handed out a letter from Ken Tyler regarding changes to Section 6.20 A Pre-Existing Non-Conforming Private Roads to the Planning Commission members for their review.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 10:24 p.m. Jean Root seconded. **Motion Carried 5-0.**

**PLANNING COMMISSION
PUBLIC HEARINGS
MAY 24, 2005**

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
DAVE HAMANN
DEBRA WIEDMAN-CLAWSON

ABSENT:

JEAN ROOT, SECRETARY
JIM ANDERSON

OTHERS PRESENT:

ROBERT W. HANVEY, SUPERVISOR
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
PAUL SIERSMA, CARLISLE/WORTMAN

CALL TO ORDER

The meeting was called to order at 7:20 p.m.

APPROVAL OF AGENDA

Dave Hamann motioned to approve the agenda for May 24, 2005 Planning Commission Public Hearings. Debra Wiedman-Clawson seconded. **Motion Carried 3-0.**

INTRODUCTION OF MEMBERS

The Planning Commission members introduced themselves to the audience. Jean Root and Jim Anderson are absent.

CALL TO THE PUBLIC

Debra Wiedman-Clawson questioned the reason for deleting crematories from the uses.

John Lowe said it is a commercial use and does not think it is an appropriate use in residential districts.

Debra Wiedman-Clawson asked in what district could you put it, the use does not create high traffic volumes.

John Lowe stated it is the burning that becomes an issue with the residents.

Debra Wiedman-Clawson believes the township is running out of burial space and you have to have an option.

Discussion ensued regarding which district to place it in and the repercussions with each district.

John Lowe thinks it is a commercial operation and can be a use in Highway Service.

John Luitink 4757 Pingree Road. By taking it out of the text does that mean you cannot build

one period?

John Lowe asked Dave Hamann if he had any thoughts.

Dave Hamann responded no.

John Lowe closed the call to the public. Agenda item to be placed on the June 28, 2005 agenda.

APPROVAL OF MINUTES

None

OLD BUSINESS

Proposed Text Amendment - Rural Residential uses Permitted by Special Use Permit - Section 8.01 E 6 - Cemeteries, Crematories & Mausoleums and Section 8.01 E 17 Shooting ranges, including gun, rifle, skeet, trap, pistol and archery clubs

John Lowe opened discussion on Section 8.01 E 17 - shooting ranges, including gun, rifle, skeet, trap, pistol and archery clubs. The removal of all but archery clubs. John Lowe asked the audience members if that was what they were here for.

John Luitink 4757 Pingree Road - Yes.

John Lowe asked the Planning Commission members if they had any comments. They answered no.

John Lowe opened the call to the public.

John Luitink asked how this would affect the Howell Gun Club and if this meant there will be no new gun clubs allowed in rural residential.

John Lowe answered no it would not effect them and yes this would prohibit any new gun clubs in rural residential.

Debra Wiedman-Clawson is opposed to removing this text from rural residential. She would rather have controlled shooting. She also asked if this applied to an individual property owner.

John Lowe answered this is for gun clubs.

Discussion ensued on individuals shooting in their back yards and how that would be monitored.

John Luitink asked for the definition of shooting range.

Dave Hamann read the definition of shooting range and it clarified the issue.

John Lowe asked if there were any other comments. No response. Agenda item to be placed on the June 28, 2005 agenda.

Proposed Text Amendment - Suburban Residential District - Uses Permitted by Special Use Permit - 8.02 E #4 Cemeteries, Crematories & Mausoleums

John Lowe noted this is essentially the same text amendment as discussed earlier under agenda item 8.01 E #6.

John Lowe opened the call to the public. No response. John Lowe asked the Planning Commission members if they had any comments. No response.

Debra Wiedman-Clawson asked to revisit the gun club discussion. If the Howell Gun Club sold would the new owners be able to continue a now non-conforming use?

John Lowe would like to have this discussion at the June 28, 2005 meeting when Mike Kehoe will be present.

NEW BUSINESS

None

CALL TO THE PUBLIC

No response. John Lowe closed the call to the public.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 7:40 p.m. Debra Wiedman-Clawson seconded. **Motion Carried 3-0.**

PLANNING COMMISSION MAY 24, 2005

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
JEAN ROOT, SECRETARY
DAVE HAMANN

ABSENT:

OTHERS PRESENT:

DEBRA WIEDMAN-CLAWSON
JIM ANDERSON
ROBERT W. HANVEY, SUPERVISOR
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
PAUL SIERSMA, CARLISLE/WORTMAN

CALL TO ORDER

The meeting was called to order at 7:43 p.m.

APPROVAL OF AGENDA

Dave Hamann motioned to approve the agenda for May 24, 2005 Planning Commission Regular Meeting. Debra Wiedman-Clawson seconded. **Motion Carried 3-0.**

INTRODUCTION OF MEMBERS

The Planning Commission members introduced themselves to the audience. Jean Root came @ 7:50 p.m. Jim Anderson is absent.

CALL TO THE PUBLIC

John Lowe opened call to the public. No response. John Lowe closed the call to the public.

APPROVAL OF MINUTES

Jean Root requested by phone earlier in the day that this item be tabled until she is in attendance and has an opportunity to respond. Dave Hamann motioned to table the April 26, 2005 minutes. Debra Wiedman-Clawson seconded. **Motion Carried 3-0.**

OLD BUSINESS

Proposed Text Amendment - Article XVIII Site Plan Review Requirements

The Planning Commission members agreed to forgo reading the entire document and focus on the items they would like changed.

Section 18.01, item B Paul Siersma clarified the last word 'and' as a transition to item C.

Section 18.03 Preliminary Site Plan - A Application 'aerial photos of the site area and surrounding areas showing overlaying property lines and the proposed site layout at a scale ten times that used for the site plan' John Lowe asked Phil Westmoreland what scale that would be? If it was 1"=100' it would be 1"=1,000'.

John Lowe asked if you could use a different scale. He would like to see one presentation aerial for the night of the meeting and smaller aerials for the Planning Commission members.

It was agreed that six 11" x 17" color aerials and one 24" x 36" presentation color aerial.

Section 18.03 Preliminary Site Plan - A - Application - the number of copies to be submitted will be changed from twenty to twelve.

Section 18.03 Preliminary Site Plan - B - Information required - underline the first line of the paragraph so it will stand out to applicants.

Section 18.03 Preliminary Site Plan - General Information - Copy item #12 (except zoning classification) and #13 and place in item #3 as information required in the presentation quality aerial photograph.

Section 18.03 Preliminary Site Plan - General Information - item #15 delete 'to road geometrics'.

Section 18.03 Preliminary Site Plan - Physical Features - item #6 add (where applicable.)

Section 18.03 Preliminary Site Plan - D - Effect of Approval - discussion on the word approval vs. recommending took place.

Debra Wiedman-Clawson stated the word approval implies the Planning Commission is an approving body. This is not true, does this mean it is sent to the Board of Trustees.

Dave Hamann noted the preliminary site plan is the driving force for a final and it may not be wise to approve a preliminary without Board of Trustees input. If Article XVIII is being revised Dave Hamann would like Annette McNamara approach the Board of Trustees with the question 'what is their interest in a preliminary site plan do they want to be part of the preliminary approval process or waive and allow another process.'

Jean Root clarified Planned Unit Development process gets the Board of Trustees approval at the

preliminary level.

Discussion ensued on this subject. Debra Wiedman-Clawson would like Mike Kehoe to comment on this.

Section 18.03 Preliminary Site Plan - E - Expiration of Approval of Approval - Paul Siersma stated this is an arbitrary number. The Planning Commission members would like to delete one hundred eight days and insert one year.

Section 18.04 Final Site Plan - A - Application - change twenty copies to twelve copies.

Section 18.04 Final Site Plan - B - Information Required - Physical Features - add (where applicable) to item #9 and item #13. Add 'limits of clearing' to item #16.

Section 18.04 Final Site Plan - B - Information Required - Additional Requirements for Residential Developments - copy items #1, #2 & #3 to Section 18.03 Preliminary Site Plan - B - Information Required as a new item below Natural Features.

Section 18.04 Final Site Plan - C - Standards for Review - delete last three words of last sentence in item #3. Debra Wiedman-Clawson would Like Livingston County Drain Commission changed to Livingston County Drain Commissioner throughout the document. Add (where applicable) to item #6.

Section 18.04 Final Site Plan - D - Planning Commission Action - the Planning Commission members would like to include a 90 day limitation and would like Mike Kehoe to approve the time frame. Howell Area Fire Authority should be added.

Section 18.09 Construction Observation - the Planning Commission members would like input from Mike Kehoe on the sentence "Any facilities installed without Marion Township observation will be required to be removed and reinstalled at the applicant's expense with proper Marion Township observation." They would also like to keep the last sentence.

Section 18.10 Modification of Plan During Construction - discussion on fees. Dave Hamann noted Section 4.07 of the zoning ordinance addresses the Zoning Administrator ability to determine fees.

Section 18.12 Appeals - Paul Siersma to ask Mike Kehoe if this can be removed.

The changes to Article XVIII to be submitted by Carsile/Wortman for the June 28, 2005 meeting.

Site Plan Review Application & Checklist

It was agreed by the Planning Commission members that this agenda item be worked on once Article XVIII is completed. Dave Hamann motioned to table this item to the June 28, 2005 meeting. Debra Wiedman-Clawson seconded. **Motion Carried 4-0.**

Proposed Text Amendment Rural Residential - Uses Permitted by Special Use Permit

Section 8.01 E 7 - Child Care Centers

Debra Wiedman-Clawson stated the zoning ordinance needs a clear definition for Child Care Center. What is a day care and what is a school?

John Lowe asked Paul Siersma to submit examples for definitions of child care center and day care center for the June 28, 2005 Planning Commission meeting.

The Planning Commission members would like to clarify day care and schools. The Planning Commission members do not want to remove this from Rural Residential. They would prefer to work on definitions and the special use permit requirements set forth in Article XVII - Section 17.08. Add paved roads as a requirement, isolation distances and a primary residence must be in place and occupied by the child care center operator. The Planning Commission members do not want to see a stand alone business.

Carslie/Wortman to make changes to Section 3.02 and Section 17.08 and submit for June 28, 2005 meeting.

Proposed Text Amendment Suburban Residential - Uses Permitted by Special Use Permit Section 8.02 E 5 - Child Care Centers

Discussion ensued on requirements for Suburban Residential (SR.)

John Lowe would like acreage requirements so they are not on ¾ acre lots.

Debra Wiedman-Clawson would still like to see a primary residence in place.

John Lowe does not think you could get a primary and an accessory structure on a 2 acre lot.

Section 17.08 covers all three districts in the township. Discussion on allowing on gravel roads,

more stringent isolation distance requirements and play areas being isolated from neighbors in the SR district.

Carlsie/Wortman to research other communities and text for examples to be submitted for the June 28, 2005 meeting.

Land Division amendment 525

John Lowe asked Paul Siersma or Phil Westmoreland to comment.

Paul Siersma informed the Planning Commission the amendment has refined time changes, more detailed sections, consolidated and clarifying of language, reviewing departments have changed.

Dave Hamann interjected other changes, consolidating county agency review and township reviewed reduced from 90 to 60 days to process. He also suggested the Marion Township Subdivision Control Ordinance should be revised to reflect the changes in 525.

John Lowe would like to discuss this issue further at the June 28, 2005 meeting when Mike Kehoe will be in attendance.

Performance reviews scheduled for June 28, 2005

This is to confirm the date for everyone and acknowledge that Mike Kehoe will attend.

Approval of minutes from: April 26, 2005 Regular Meeting

Jean Root and Debra Wiedman-Clawson noted their changes to the minutes. Dave Hamann motioned to approve the minutes as amended. Jean Root seconded. **Motion Carried 4-0.**

NEW BUSINESS

None

CALL TO THE PUBLIC

Jean Root noted in removing crematorium from uses permitted with a special use permit. It should also be taken out of the heading and be removed from item #1. Can Paul Siersma look at this section and amend accordingly for the June 28, 2005 Planning Commission meeting.

Jean Root also an FYI; Hidden Pines in Genoa Township had to upgrade the on site sewage/waste water treatment system at a cost of \$366,000.00.

John Luitink 4757 Pingree. Would like to see all agendas posted in the glass box outside of the building.

John Lowe discussed Cedar Creek Estates roads. They are falling apart and who is responsible for fixing the problems.

Dave Hamann suggested reviewing the Master Deed and By-Laws for Cedar Creek Estates and see what percentage the developer is liable for.

John Lowe closed the call to the public.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 10:15 p.m. Jean Root seconded. **Motion Carried 4-0.**

**PLANNING COMMISSION
REGULAR MEETING
JUNE 28, 2005
7:30 P.M.**

MEMBERS PRESENT: JOHN LOWE, CHAIRPERSON
JEAN ROOT, SECRETARY
DAVE HAMANN
DEBRA WIEDMAN-CLAWSON
JIM ANDERSON

ABSENT: None

OTHERS PRESENT: ROBERT W. HANVEY, SUPERVISOR
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
JOHN HILTZ, ORCHARD, HILTZ & MCCLIMENT

PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
MIKE KEHOE, MILLER, KEHOE & ASSOCIATES
JOHN ENOS, CARLISLE/WORTMAN

CALL TO ORDER

The meeting was called to order at 7:30 p.m.

APPROVAL OF AGENDA

Jean Root motioned to approve the agenda for June 28, 2005 Planning Commission Regular Meeting. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

INTRODUCTION OF MEMBERS

The Planning Commission members introduced themselves to the audience.

CALL TO THE PUBLIC

John Lowe opened call to the public. No response. John Lowe closed the call to the public.

John Lowe asked the members if New Business can be addressed first to accommodate the audience. Dave Hamann noted there are members of the audience that came to comment on Section 6.20 A Pre-Existing Non-Conforming Private Roads under Old Business. The Planning Commission members agreed to discuss Section 6.20 A then on to New Business.

APPROVAL OF MINUTES

May 16, 2005 Special Meeting Minutes

Dave Hamann motioned to approve the May 16, 2005 minutes. Jean Root seconded. Motion Carried 5-0.

May 24, 2005 Public Hearing Meeting Minutes

Dave Hamann motioned to approve the May 24, 2005 Public Hearing minutes. Debra Wiedman-Clawson seconded. Jim Anderson and Jean Root abstained. **Motion Carried 3-0.**

May 24, 2005 Regular Minutes

Jean Root asked that a question mark be inserted after "what is a day care and what is a school" page 3 of 5. Jean Root motioned to approve the May 24, 2005 regular minutes as amended. Dave Hamann seconded. Jim Anderson abstained. **Motion Carried 4-0.**

OLD BUSINESS

Proposed Text Amendment - Section 6.20 A Pre-Existing Non-Conforming Private Roads

John Lowe asked Phil Westmoreland if he had the design standards ready for review. Phil Westmoreland answered the standards are procedure dependent and the text for Section 6.20 A will be need to be complete before he can finish. They will be ready for the July 26, 2005 meeting.

Jean Root questioned why the statement 'this will only pertain to newly created lots. It should be clear that this does not pertain to lots of record.

John Enos will insert text into the purpose & intent section.

Mike Kehoe asked the Planning Commission why they want this placed in the text if there is a definition. Why place it twice?

Jean Root answered the intent was to make this text user friendly. Wanted it to be clear to applicants which section of 6.20 they need to follow A or B.

Mike Kehoe wants to make sure that the definitions are exactly the same.

John Lowe asked Mike Kehoe to review the memo from the Livingston County Department of Planning (LCDP) on 6.19 B Access Controls.

Discussion ensued on the relationship between 6.19 B and Section 6.20 A, the private road language currently being worked on. Had the person at LCDP contacted one of the township consultants they could have explained the relationship between the two and the proposed changes to the 6.19 B Access Controls.

Dave Hamann read from the LCDP review letter. " Staff recommends, however, that the text be expanded to clarify what will be required in the event a new lot is to be created on a private road that did not meet applicable standards when it was built (for example, a variance or bringing the road into compliance)."

John Lowe had questions on the page two the highlighted area that proposed variances.

John Enos noted that it was a suggestion by the LCDP. After reading the review it is apparent that there needs to be better communication between the LCDP and the consultants.

Discussion ensued on what information was sent to the LCDP and what can be done to better get the intent of the Planning Commission across.

John Enos will contact the LCDP to discuss the best policy for better communication.

John Lowe asked what Phil Westmoreland needed to move forward with the engineering and design standards.

John Enos answered for Phil Westmoreland as he left the room for a moment, Section H Application and Review Process addresses when Phil Westmoreland reviews the design standards.

Phil Westmoreland answered when this is solidified he can move forward. There are no changes that need to be made to the text. Review of pre-existing non-conforming private roads will be on a case by case basis, not hard and fast rules that apply to all.

John Enos noted the 21 day submittal requirement. No plans should be changed and submitted after the 21 day cut off. This confuses the Planning Commission members and slows the process down.

Jean Root read under the Application and Review Process item #3, "if the Township Board or the Planning Commission recommends approval" she remembers the Planning Commission being a recommending body only and would like to see this reflected in the text. She wants 'or Planning Commission' taken out of the text.

Debra Wiedman-Clawson noted the Township Board can delegate the responsibility to the Planning Commission. If you remove then you need to amend the first paragraph of 6.20 A.

Jim Anderson noted on page 5 of 10, Section J - 'no land use permit will be issued for a structure' his notes show this should read "new principal structure." Section A Posting of Private Roads,

asking the applicant contact the Livingston County Road Commission (LCRC) to verify the name of the road is not duplicated.

Jean Root read from the first paragraph "the proposed name shall be reviewed and approved by the LCRC."

Jim Anderson also asked that Exhibit A item #12 makes reference to the signage as an item to be maintained.

John Enos read from the private road maintenance agreement "Sign shall be paid for, posted and there after be maintained under the maintenance agreement by the homeowner." Yet signage is not included in the draft maintenance agreement.

Mike Kehoe agreed it should be included in the private road maintenance agreement. Mike Kehoe asked if the private road maintenance agreement is going to be part of the zoning ordinance or is this going to be a suggested agreement.

John Enos answered this is a template and depending on the road the consultants and township will look at it with the differences in mind.

Mike Kehoe would like to see this private road maintenance agreement as a suggestion, not mandatory. There are times when you need to adjust.

John Lowe said it is subject to consultant review and if it doesn't address the items they feel are necessary on an individual basis then adjustments can be made.

Mike Kehoe said if they are concerned about the signage then they should include it in the private road maintenance agreement.

John Enos noted it is in the zoning ordinance, then in item #12 of the private road maintenance agreement.

John Lowe said the stop sign and the road name sign are important. The fire department needs to find the road.

Jean Root motioned to table Section 6.20 A Pre-Existing Non-Conforming Private Roads until the July 26, 2005 meeting. Jim Anderson seconded. **Motion Carried 5-0.**

NEW BUSINESS

Spruce Run Preliminary Site Plan Review

Debra Wiedman-Clawson is abstaining.

Jim Barnwell of Desine, Inc. gave a presentation of the proposed development. This will be a 36 unit development South of Mason Road in the Suburban Residential District. Directly to the West is Maple Farms Planned Unit Development (PUD) and to the South is Turtle Creek. The development will be served by sewer and water, private road, curb-n-gutter and sidewalks.

A request was made to the Zoning Board of Appeals (ZBA) to relax Section 6.20 Private Roads sub section B that states no more than 25 units with one point of access. Maple Farms PUD was approved with a stub road running east toward the subject property. This stub road could be connected to the proposed Spruce Run development.

Maple Farms has 52 lots with one point of access, the proposed Spruce Run has 36 units, and this makes a total of 88 units with two points of access. The ZBA approved the variance with conditions. One condition was a connection between Maple Farms PUD and the proposed Spruce Run. The developer for Maple Farms PUD agreed to the connection with no objections.

There will be two exception lots that will gain access off of Painted Drive in Turtle Creek. The parcel was designed this way to avoid removing existing woodlands on the South/East portion for a new roadway to gain access to the proposed units.

Jim Barnwell went over consultant comments and noted to the Planning Commission members that the site plans they received include the changes requested in the consultants review letters. Jim Barnwell discussed the how the site drains and his reason for the drainage retention on the site.

John Enos opened by reviewing the submittal process. Jim Barnwell indicated a site plan was submitted a month ago and the June 17, 2005 review letter the Planning Commission members received from Carsile/Wortman was based on that submittal. There were several issues addressed in my review letter as you can see. The site plan that you are looking at is not in relation to the site plan I reviewed. It is the corrected version. Now we get into logistical

problems with processing, getting the revised plan to the consultants and how they deal with that. He does not like to bring his review to the Planning Commission members the night of the meeting and that is what has happened here. The Planning Commission members have a second review letter on the table for them tonight and there is not time to read it in relationship to the site plan. This is not fair to the Planning Commission or the applicant.

John Enos noted in his second review letter the first item is the width of unit #10. This is a corner lot; the applicant does meet the required front yard set back on both road frontages, yet does not meet the required lot width on one side. The ordinance is clear on where the lot is measured in regards to the front lot line. In this case you have 149' on one side and 62' on the other, the requirement is 85'. This may require a variance unless in the past the Planning Commission has allowed a corner lot to meet the frontage requirement on one side and not the other. John Enos read from the zoning ordinance "In the case of the above definitions the Zoning Administrator shall designate the front, rear and side in consideration of the orientation of the building." I would expect unit 10 to front Spruce Hill Drive not the cul-de-sac drive. Would be willing to recommend allowance of this lot if they make sure the driveway comes off of Spruce Hill Drive, if the Planning Commission members want to allow for the reduced lot width.

The Planning Commission members do not remember this situation has come up before.

John Enos noted all other corner lots meet this lot width.

John Lowe asked Jim Barnwell there was a possible solution?

Jim Barnwell answered they could meet the 85' frontage if measured at the front yard setback.

John Enos addressed the 50' required greenbelt along Mason Road is within the 35' setback building envelope for lots #26 and #27. This has been allowed in the past with increased landscaping and be included in part of the area calculation of lot requirements.

Phil Westmoreland reviewed the site plan for a proposed development Marion Pines that is to the East of proposed Spruce Run to see the required setback off of Mason Road. The Planning Commission required a 50' setback from the LCRC new road right of way requirement. Marion Pines engineer had to move the cul-de-sac to accommodate. If this site plan had to meet the requirements it would affect lots #26 & #27.

Jim Barnwell revised the ordinance, the 50' greenbelt established within a public road right of way which is not located within the project. The project encompasses everything from the existing road right of way to the internal; I interrupted that to mean 50' would be measured from the existing road right of way. Currently there is a 33' half of the road right of way, will be as part of this project and still dedicating another 27'. They would rather do that than making new lots and having them access off of Mason Road. The site plan shows 50' from the current road right of way. If you use 50' from the future road right of way then you limit the building envelopes of lots #26 & #27 and leave 25' to build in.

John Lowe clarified that the LCRC is asking for 120' road right of way.

Jim Barnwell said yes, they ask for additional road right of way along primary roads that have a subdivision fronting.

Mike Kehoe expressed concern, if required for Marion Pines and not Spruce Run this may create problems.

Phil Westmoreland noted the detention basin grading for Marion Pines encroached into the greenbelt, no hard surface or building was allowed. Additional screening was required because of this.

John Lowe asked that the Planning Commission members review this later and move on with the review letter.

John Enos addressed item # of his second review letter. Tree lines were shown yet the zoning ordinance indicates need for clarification on what type and size of trees. Marion Township would like to see protection of existing trees. There is an existing 44" Oak tree that should be protected.

The applicant told the Planning Commission the oaks are gone, trees were removed before he bought the property. His goal is to save as many trees as possible.

John Enos as we have done in the past, we can require clearing limits be shown on individual site

plans submitted for homes.

John Enos addressed item #4, the suitability of the existing soils. More information is necessary and Orchard, Hiltz & McCliment will take care of that.

John Enos asked what material will be used for the nature path, woodchips, or stone. This needs to be clarified. Also lighting on the site, is it necessary, homeowners will have individual lighting? The road name has to be approved by the LCRC and the condominium documents need to be submitted and reviewed. The biggest issues are clarification on the tree removal and to be addressed and the 50' setback off of Mason Road (as this will set precedence.)

Phil Westmoreland summarized his review letter noting some of the same issues as the planner. The grading of the detention pond in the past the Planning Commission has allowed grading within the setback. A more pressing issue is the detention basin discharging into the right of way ditches along Mason Road, with Marion Pines the LCRC would not allow this. The LCRC made the engineers for Marion Pines reroute the water to the wetlands. With Spruce Run the only options other than directing the water into the road right of way is to work out something with Turtle Creek or Marion Pines to get it though to the low area. Before the Planning Commission gives approval Phil Westmoreland would like to know if the LCRC is going to approve discharge as it stands today into the road right of way.

Jim Barnwell was not able to discuss options at this time.

John Lowe is concerned if the LCRC does not approve the discharge then the detention basin has to be larger which will affect the lot layout. This is a major concern that needs to be answered. Discussion ensued on the exception lots draining onto Painted Drive and the remainder of the development retaining the water on site, if the Livingston County Drain Commissioner (LCDC) approves this then Phil Westmoreland is ok with it. Ken Recker of the LCDC is still waiting to hear from the LCRC before giving approval.

John Lowe noted Howell Area Fire Authority (HAFA) gave approval and the LCRC site distance has been approved.

John Lowe asked the Planning Commission members if they had a preference as to the material used on the walking path. Woodchip is out of the question.

Jim Barnwell stated they are willing to use woodchips or crushed stone no hard surface material. The zoning ordinance does not require any specific material.

John Lowe asked Jim Barnwell if he was OK with item #2 of John Grissom letter dated June 9, 2005. The way it reads the applicant will be responsible until the last house is built.

Jim Barnwell answered yes; the biggest concern is the construction traffic.

John Lowe asked Mike Kehoe his opinion on interpretation of the 50' greenbelt and lots #26 & #27 and if he needs time to consider.

Mike Kehoe would need time to review the Marion Pines site plan and zoning ordinance prior to answering. His first thought is the zoning ordinance does not support the proposal. Marion Township and the Planning Commission should be consistent.

Jim Barnwell went on to explain reasoning for placement of the roadway. They wanted to keep the existing house within the development.

Discussion ensued as to whether the applicant should request a variance for the 50' greenbelt, if the Planning Commission would make a recommendation to the ZBA. The conciseness was no. A break was called by the Chairperson.

Phil Westmoreland reviewed the Marion Pines site plan and related to the Planning Commission the building setbacks for the lots that front on Mason Road are 50' from the proposed 60' road right of way. The Planning Commission did allow for grading within the 50' greenbelt and what Spruce Run site plan proposes is consistent with Marion Pines.

The Planning Commission members agreed to crush stone for the walking path.

John Enos reiterated the need for language in the Master Deed the individual homeowner shall provide a plot plan showing trees to be protected.

Jean Root motioned to table Spruce Run site plan Tax ID# 4710-04-200-051 until applicant request further review. Jim Anderson seconded. Debra Wiedman-Clawson abstained. **Motion Carried 4-0.**

OLD BUSINESS

Proposed Text Amendment - Section 17.27 - Standards for Specific Land Uses - Shooting ranges, including gun, rifle, skeet, trap, pistol and archery clubs

John Lowe opened discussion on the impact to the existing Gun Club if all but archery clubs are removed from the Suburban Residential District Uses Permitted with a Special Use Permit.

Mike Kehoe stated if these uses are removed the existing Gun Club would become pre-existing non-conforming and would fall under provisions of Article XVIII, non-conforming use restricts the ability to expand. A potential serious effect on the Gun Club as it currently exists. Instead of excluding these uses, a better idea would be to expand the requirements.

John Enos stated this would allow existing use and add restrictions for future applicants and not prohibit existing use of the gun range.

John Luitink - 4757 Pingree Road - the township has already done this with the noise ordinance which would prohibit another club due to the noise unless it is an indoor facility. His understanding is they are already pre-existing non-conforming because they do not have a special use permit as this was not required in 1940. The Howell Gun Club is rethinking the purchase of 10 acres for an additional buffer because this would be increasing the non-conformance.

John Lowe asked if this purchase increases the operation and if this is viewed as increasing non-conformance.

Discussion ensued on the status of Lange Road. Can a land use permit be issued to build on property that fronts on Lange Road? The LCRC abandoned the road years ago. Is the parcel accessible? The answer is no.

Robert W. Hanvey suggested buying the property and not combining it with the existing property, and then it will not add to the non-conformance.

Douglas Reed - Hinchey Road asked the Planning Commission members if this would affect him. He owns 80 acres and has friends over a few times a year to use their antique fire arms.

The Planning Commission members said this text does not apply to his situation.

John Lowe asked John Enos and Mike Kehoe to research further and bring back proposed text to the next meeting.

Dave Hamann motioned to table Section 17.27 until the July 26, 2005 meeting. Jean Root seconded. **Motion Carried 5-0.**

NEW BUSINESS

Bentley Ridge - Private Road

Mike Kehoe addressed the Planning Commission members; he revealed his relationship with Mr. Bond, owner of the proposed development. In the past Mike Kehoe has provided legal services for Mr. Bond, yet Mike Kehoe does not have a financial interest in this project and does not feel this would affect his review and comment.

Debra Wiedman-Clawson abstained from discussion and motions on the agenda item.

Jim Barnwell gave a presentation on the proposed private roads. There are a couple of out buildings on the existing property that will fall into the private road developments. There will be two private roads that will end in cul-de-sacs. There will be one exception parcel that will not be part of the private road maintenance agreement. The LCDC has reviewed and has concerns regarding Marion 2 drain. They want buildings to have a minimum first floor elevation and accommodation for a 100 year flood.

Jean Root asked the acreage of the exception parcel.

Jim Barnwell answered 2.9 acres.

John Enos summarized his review letter. He would like to make sure existing buildings on A-1 will be removed. Item #2, the zoning ordinance states that on a corner lot the side yard setback has to meet the front yard setback, this would make lots A-2, A-3 and B-1 non-conforming as they would require a 70' side yard setback. This is footnote e of Section 7.10; the intent of the zoning ordinance is not that both side yards are setback 70'. He is concerned about the access of lot C-1; they have made that an exception lot and must be made clear that it is not part of the project and not part of the private road maintenance agreement. The Livingston County

Department of Public Health review of soil suitability is necessary. The road names need to be coordinated with the LCRC. Preliminary approval is reasonable.

John Lowe asked Jim Barnwell if he had LCRC approval on parcel C-1.

Jim Barnwell answered no.

Phil Westmoreland summarized his review letter in relationship to the revised plan, nothing significant just clean up issues, grading information to the West of the site. The LCDC proposed easement agreements, the information is not available at this time. Phil Westmoreland would like to see in writing that the well and septic on the exception lot are on that lot and will remain there. Are there road names?

Jim Barnwell answered the road to the South is Combine Court West and extension of Combine Court on the East side of Bentley Lake Road.

John Lowe asked about the transfer parcel to the South/West, we don't want to create a land locked parcel.

Jim Barnwell answered it will be transferred to an adjacent property owner.

Dave Hamann asked if there would be two private road maintenance agreements.

Jim Barnwell answered two.

John Lowe asked about removal of existing buildings and which road will be built first.

Jim Barnwell answered all buildings except one will be removed. The applicant will build a principal structure on parcel A-1. There will be no pre-existing non-conforming buildings as a result of this process. The road to the North will be built first and the road to the South within a few years of the first being finished.

John Enos wants to give thought to the potential non-conformance and the possibility of a performance bond to ensure the zoning ordinance is complied with.

Jean Root motioned to table Bentley Ridge Private Road site plan Tax ID# 4710-28-200-016 until applicant request further review. Jim Anderson seconded. Debra Wiedman-Clawson abstained.

Motion Carried 4-0.

OLD BUSINESS

Land Division Amendment 525

Mike Kehoe noted minor changes will have to be made to the existing general ordinance Subdivision Control Ordinance. He will work with John Enos to have proposed changes and a synopsis of Act 525 to the Planning Commission for the July 26, 2005 meeting.

John Enos said a representative from his office has put together a report on the amendments and will provide the Planning Commission members with a copy.

Debra Wiedman-Clawson noted additional changes should be made to the zoning ordinance in additional sections.

Discussion ensued on the proposed changes and the process involved that is shown on the new flow chart.

Proposed Text Amendment - Section 6.20 B New Private Roads

Jean Root motioned to table until the July 26, 2005 meeting. Dave Hamann seconded. **Motion Carried 5-0.**

Proposed Text Amendment - Article XVIII Site Plan Review Requirements

Jean Root motioned to table until the July 26, 2005 meeting. Dave Hamann seconded. **Motion Carried 5-0.**

Site Plan Review Application & Checklist

Jean Root motioned to table this item to the July 26, 2005 meeting. Dave Hamann seconded. **Motion Carried 5-0.**

Proposed Text Amendment - Section 8.01 E 6 - Rural Residential uses Permitted by Special Use Permit - Cemeteries, Crematories & Mausoleums and Section 8.01 E 17 Shooting ranges, including gun, rifle, skeet, trap, pistol and archery clubs

Jean Root motioned to table until the July 26, 2005 meeting. Jim Anderson seconded. **Motion Carried 5-0.**

Proposed Text Amendment - Section 8.02 E 4 - Suburban Residential uses Permitted by Special Use Permit - Cemeteries, Crematories & Mausoleums

Jean Root motioned to table until the July 26, 2005 meeting. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

Performance reviews

Jean Root noted there have been new consultants hired and the thought was a review would be a good time to review as it has been six months.

Jean Root started with comments addressed to Mike Kehoe. Jean Root is please with the review and comments being a part of the package as opposed to the night of the meeting. From her perceptive there is a better communication between consultants and this is apparent. Jean Root asked if Annette McNamara had any comments. She answered no. Jean Root noted it is easier to review amendments when they are submitted separately. Jean Root asked if there were any other comments.

John Lowe asked Mike Kehoe if he was getting all the information he needed for his review and comments. The Planning Commission would like to have Mike Kehoe attend all of the meetings so there is a better understanding of the Planning Commission intent.

Mike Kehoe answered he is available for meetings that the Planning Commission would like him to attend. He will leave this to the townships discretion.

Jean Root noted there are times they say they would like Mike Kehoe comments then no one gets to ask the question. They will make a better effort to make a list and follow through.

John Lowe suggested at the end of every meeting make a list of the questions and follow through.

John Enos suggested a monthly meeting during the day with a representative from the Planning Commission, ZBA and Board of Trustees to address outstanding issues.

Discussion ensued on late submittals, site plans with multiple outstanding review items and review letters handed out the night of the meeting. If there are items that need interpretation then those are addressed other than that the site plan is tabled until the next month. If they don't make the mailing (site plans) then they are not on the agenda and new plans will not be reviewed the night of the meeting.

Jean Root started with comments addressed to Phil Westmoreland. She appreciated the review letters submitted in a timely fashion. Orchard, Hiltz & McCliment has multiple resources and she would like Phil Westmoreland to interject when there are times the resources can be used. Jean Root would like Phil Westmoreland to be forthright and tell the Planning Commission when a different avenue can be taken and different ways other municipalities handle situations.

John Lowe is pleased with the process and quality of workmanship. He feels Phil Westmoreland has done an exceptional job.

Annette McNamara noted the relationship with Phil Westmoreland has been a good one. Having Kevin Novak observing construction of the approved developments has lifted a burden off of her shoulders. Annette McNamara appreciates the brevity, access to Phil Westmoreland when she places a call to him, input and quality of work.

Jean Root started with comments directed to John Enos. Jean Root likes the format of the review letters especially listing the issues at the end of the review letter. She appreciates the professionalism he brings to the meetings and interaction with the residents. On the months there are two meetings and Paul Siersma is in attendance there seems to be difficulty in interpreting Johns intent there is a struggle within the Planning Commission members to get the language right. Again as with Mike Kehoe there are items that the Planning Commission members would like to discuss with John Enos and they seem to fall through the cracks.

John Enos has realized over the last six months the township needs the continuity of him attending two meetings. There have been changes in his organization and he will now attend both meetings. Paul will still be working with him and possibility he will attend the meetings also. John Enos sees the need for a more senior associated at the meetings.

John Lowe agreed with John Enos and reiterated how critical it is to stay pro-active not re-active. He would like to see better progress made with the zoning amendments.

Annette McNamara is grateful to hear John Enos will attend both meetings each month. Paul Siersma works well yet does not have the experience necessary to handle the meetings alone.

Debra Wiedman-Clawson likes the layout of his review letters. She feels some of the items listed at the end are contradictory to the zoning ordinance.

Discussion ensued on joint meetings and the value of the input from multiple boards.

Dave Hamann left the meeting at 11:00 p.m.

Proposed Text Amendment - Section 8.01 F 6 & 7 - Rural Residential - Site Development Requirements

The Livingston County Department of Planning (LCDP) returned the proposed text "no action encourage further review." Mike Kehoe has comments on the staff review done by the LCDP and what was presented to Livingston County Planning Commission. Mike Kehoe will submit his comments in writing for the July 26, 2005 meeting. Jean Root motioned to table until the July 26, 2005 meeting. Jim Anderson seconded. **Motion Carried 4-0.**

Proposed Text Amendment - Section 8.02 F 6 & 7 - Suburban Residential - Site Development Requirements

The Livingston County Department of Planning (LCDP) returned the proposed text "no action encourage further review." Mike Kehoe has comments on the staff review done by the LCDP and what was presented to Livingston County Planning Commission. Mike Kehoe will submit his comments in writing for the July 26, 2005 meeting. Jean Root motioned to table until the July 26, 2005 meeting. Debra Wiedman-Clawson seconded. **Motion carried 4-0.**

Proposed Text Amendment - Section 6.18 F 1 & G - Condominium Projects

The Livingston County Department of Planning (LCDP) returned the proposed text "no action encourage further review." Mike Kehoe has comments on the staff review done by the LCDP and what was presented to Livingston County Planning Commission. Mike Kehoe will submit his comments in writing for the July 26, 2005 meeting. Jean Root motioned to table until the July 26, 2005 meeting. Debra Wiedman-Clawson seconded. **Motion Carried 4-0.**

Proposed Text Amendment - Section 6.19 B - Access Controls

The proposed text was sent to the Board of Trustees for review at their June 14, 2005 meeting after returning from LCDP "approved." The Board of Trustees had questions on the proposed text and motioned to send it back to the Planning Commission for further review. Because the questions were not included in the Board of Trustees minutes, John Enos will meet with the Zoning Administrator & Supervisor for clarification on the Board of Trustees requested changes. John Enos will submit the changes for the July 26, 2005 meeting. Jean Root motioned to table until the July 26, 2005 meeting. Debra Wiedman-Clawson seconded. **Motion Carried 4-0.**

Proposed Text Amendment - Section 3.02 - Definitions - Landscape Buffers

The proposed text was sent to the Board of Trustees for review at their June 14, 2005 meeting after returning from LCDP "approved with conditions." Robert W. Hanvey agreed with the LCDP that certain text was redundant and asked for a motion to send it back to the Planning Commission for further review. John Enos will meet with the Zoning Administrator & Supervisor for clarification on the Board of Trustees requested changes. John Enos will submit the changes for the July 26, 2005 meeting. Jean Root motioned to table until the July 26, 2005 meeting. Debra Wiedman-Clawson seconded. **Motion Carried 4-0.**

NEW BUSINESS

Proposed Text Amendment - Section 17.07 - Standards for Specific Land Uses - Cemeteries, Crematories & Mausoleums

Jean Root motioned to table until the July 26, 2005 meeting. Debra Wiedman-Clawson seconded. **Motion Carried 4-0.**

Proposed Text Amendment - Section 17.16 - Standards for Specific Land Uses - Group Day Care Homes

Jean Root motioned to table until the July 26, 2005 meeting. Jim Anderson seconded. **Motion Carried 4-0.**

Proposed Text Amendment - Section 17.08 - Standards for Specific Land Uses - Child Care Centers

Jean Root motioned to table until the July 26, 2005 meeting. Debra Wiedman-Clawson seconded. **Motion Carried 4-0.**

Proposed Text Amendment - Section 3.02 - Definitions - Cemeteries

Jean Root motioned to table until the July 26, 2005 meeting. Jim Anderson seconded. **Motion Carried 4-0.**

Proposed Text Amendment - Section 3.02 - Definitions - Child Care Centers

Jean Root motioned to table until the July 26, 2005 meeting. Debra Wiedman-Clawson seconded. **Motion Carried 4-0.**

Proposed Text Amendment - Section 17.08 - Standards for Specific Land Uses - Child Care Centers

Jean Root motioned to table until the July 26, 2005 meeting. Debra Wiedman-Clawson seconded. **Motion Carried 4-0.**

Joint Meeting

Jean Root would like to see a joint meeting scheduled for the near future and asked that this be placed on the July 26, 2005 agenda for scheduling.

CALL TO THE PUBLIC

Jim Barnwell 127 S. Thompkins would like to commend the consultants. Jim Barnwell would like to see them separate fiction from fact. Some are suggestions and not in the zoning ordinance. He is not receiving the review letters and would like better communication between the consultants and engineers. He does not agree that the consultants can decide whether the applicant can be placed on the agenda or not. He feels the Planning Commission has the authority to say yes or no. Had he not been on the agenda tonight they would have argued this the next month. It is better to find out what the Planning Commission wants to see early on in the project before more money is put into the project and the applicant digs in his heels. Jim Anderson reiterated he does not like to have review letters submitted the night of the meeting.

Debra Wiedman-Clawson agreed with Jim Barnwell on submittals.

Jean Root asked where you draw the line. The Planning Commission spends time and nothing is achieved. Does the chairperson say there are too many outstanding items and ask for a motion to table?

Debra Wiedman-Clawson stated if that is the way it goes give the applicant three minutes to address items open for interpretations.

Jim Barnwell stated there are items that need to come before the Planning Commission to be answered. The limits of tree removal should be a point of discussion. There is nothing in the zoning ordinance that addresses tree removal.

John Enos understands Jim Barnwell concerns and agrees.

Discussion ensued review letters and site plans submitted with the package. The site plan did not match the review letter.

ADJOURNMENT

Debra Wiedman-Clawson motioned to adjourn the meeting at 11:22 p.m. Jean Root seconded. **Motion Carried 4-0.**

**PLANNING COMMISSION
JULY 26, 2005**

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
DAVE HAMANN
JIM ANDERSON

ABSENT:

JEAN ROOT, SECRETARY
DEBRA WIEDMAN-CLAWSON

OTHERS PRESENT:

ROBERT W. HANVEY, SUPERVISOR
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
JOHN ENOS, CARLISLE/WORTMAN

CALL TO ORDER

The meeting was called to order at 7:32 p.m.

APPROVAL OF AGENDA

Annette McNamara noted agenda item #1 under New Business should have been placed under Old Business, and Kevin Novak, Orchard, Hiltz & McCliment is present tonight to discuss proposed inspection procedures. It was decided to move item #15 under Old Business to item #2 and item #1 & 2 under New Business, to item #3 & 4 under Old Business. Dave Hamann motioned to approve the agenda for July 26, 2005 Planning Commission Regular Meeting as amended. Jim Anderson seconded. **Motion Carried 3-0.**

INTRODUCTION OF MEMBERS

The Planning Commission members introduced themselves to the audience. Jean Root and Debra Wiedman-Clawson are absent.

CALL TO THE PUBLIC

John Lowe opened call to the public. No response. John Lowe closed the call to the public.

APPROVAL OF MINUTES

June 28, 2005 Regular Meeting Minutes

Dave Hamann motioned to table the June 28, 2005 minutes until Jean Root, Secretary and Debra Wiedman-Clawson are present. Jim Anderson seconded. **Motion Carried 3-0.**

OLD BUSINESS

The Pines at Kingswood

Bill Strebbing, Livingston Engineering updated the commissioners on the changes since preliminary review. The parcel has gone through the land division process and is here seeking recommendation for final approval.

John Enos summarized his review letter dated July 13, 2005. He noted Bill Strebbing addressed his concerns on landscape buffering. John Enos would like to see the tree preservation shown on the Exhibit drawings.

Bill Strebbing discussed this with his attorney and is questioning the requirement for to be shown on the Exhibit B. Bill Strebbing is concerned as he may use the existing trees for sale at his Christmas tree farm. He feels thinning the trees will not have an effect on tree preservation.

John Enos said this will depend on the commissioners' definition, yet he suggests a note on the drawings 'trees on individual lots will be preserved to the best of their ability.'

John Lowe wants to make sure the buyers are notified in the Master Deed and on the Exhibit B drawings the perimeter landscape buffering is not to be disturbed by future homeowners. There have been problems with homeowners removing the greenbelt buffering around the development.

Phil Westmoreland summarized his review letter dated July, 15, 2005. He does not see any outstanding issues that cannot be addressed during review of the construction drawings.

John Lowe questioned the basement elevations.

Phil Westmoreland said this will be corrected and will not have an impact on the grading. There are still questions about the overflow for the detention and he will follow through with Ken Recker, Livingston County Drain Commissioners Office, to make sure these are addresses.

John Lowe asked how unit 3 will be accessed.

Bill Strebbing answered there is an existing drawing across the wetland and has an existing culvert.

Discussion ensued on basement elevations and off site drainage easements. Bill Strebbing noted a builder in Kingswood built too low and this has forced him to build an off site pond.

John Lowe noted county agency approval letters, Howell Area Fire Authority, dated 7.13.05, LCDC letter email dated 7.5.05 indicating elevations for specific lots, and Livingston County Road Commission letter dated 7.11.05.

Discussion on what type of process can be established to make sure first floor and basement elevations are maintained when a land use permit is submitted. Since there are only 7 lots this should not be difficult to check the site plan and land use permit.

Dave Hamann motioned to recommend to the Board of Trustees, final approval for the Pines at

Kingswood, Tax Id #4710-36-300-012. Contingent of review and approval of final revisions to the Master Deed, By-Laws and Exhibit B drawings by Mike Kehoe, Township Attorney, Phil Westmoreland, Township Engineer and the LCDC. Jim Anderson seconded. **Roll Call - John Lowe-yes, Dave Hamann-yes, Jim Anderson-yes.**

Proposed Text Amendment - Section 17.27 Shooting Ranges (Rifle, Skeet, Trap, Pistol and Archery)

John Enos summarized the research he and Mike Kehoe have done to clarify the status of the Howell Gun Club. The Howell Gun Club wants to know if purchasing adjacent property is an expansion of a non-conforming use. This is a lawful use of land as existing and may be continued although the use does not conform to the ordinance or amendment. In this case the use is not prohibited under the current ordinance, or its predecessors, but requires a conditional or special use permit.

John Luitink, 4757 Pingree Road, clarified to the commissioners how the property is access and that they cannot change the placement. He would like to know if additional fencing would be helpful.

John Enos does not feel it is necessary unless the commissioners require this.

Discussion ensued on the safety issues, people need to be aware of where they are walking their dogs, hunting.

John Luitink asked about buying additional land in the future.

John Lowe read from Mike Kehoe letter dated 7.18.05 stating there is no problem purchasing additional land if it is used for buffering purposes. When the commissioners amend Section 17.27 they need to keep the Howell Gun Club in mind and not create further non conformance. He also invited the Howell Gun Club to engage in the process of amending this section.

Review of proposed Zoning Map & Private Road Map

The commissioners discussed adopting the proposed zoning map as it is or waiting for property north of 1-96 to be turned over to the City of Howell. There were questions whether it is necessary to hold a public hearing. Existing Residential Subdivision-2 (ERS-2) is a district listed in the legend and was published as such in 1992. When the map was printed ERS-2 was not shown. John Enos does not think this is necessary to hold a public hearing; this was done when certain parcels were rezoned, and this is an update of the map. It was decided to publish the map in the local newspaper as a public notice stating this map shows the rezoning that have taken place since the last publication of the map.

Jim Anderson wants the most current update shown on the map.

Dave Hamann motioned to publish the updated zoning map. Jim Anderson seconded. **Motion Carried 3-0.**

NEW BUSINESS

Proposed Inspection Procedures

Phil Westmoreland stated the proposed inspection procedures was the result of a discussion between himself, Sue Lingle, Treasure and Robert W. Hanvey, Supervisor about consistency in reviewing residential development construction and gave an overview of his submittal. They will performance what ever level of inspection the township wants. He wants the township to be aware the restrictions such as mass grading, they are not doing inspections, if they are on site and see a problem they will make the township aware.

John Enos noted the inspection fees come out of the developers escrow account.

John Lowe asked about density reports.

Phil Westmoreland answered any reports that are submitted they will not be reviewed by Orchard, Hiltz & McCliment. They have been certified by professional and there is no need. This is to make sure they are performing to specifications.

Dave Hamann asked if this would be mandatory for all developments. Do Orchard, Hiltz & McCliment become part of the townships liability if there are problems?

Phil Westmoreland answered yes.

Dave Hamann asked if this applied to all developments, private road developments.

Phil Westmoreland answered if they need public improvements, yes.

Discussion ensued on how this will effect pre-existing non-conforming private road and township liability.

Dave Hamann motioned to forward recommendation for approval of proposed inspection procedures to the Board of Trustees for review and approval. Jim Anderson seconded. **Motion Carried 3-0.**

OLD BUSINESS

Proposed Text Amendment - Section 6.20 B New Private Roads and Section 6.20 A New Private Roads

John Lowe asked Phil Westmoreland if he had the standards.

Phil Westmoreland answered that is the handout they received tonight.

John Enos will submit changes requested by the commissioners for the August 23, 2005 meeting.

Phil Westmoreland asked the Planning Commission members to think about allowing new private roads to be built with gravel. If so he will develop a set of standards that will apply. They can let them know at the next meeting.

Dave Hamann motioned to table 6.20 A & 6.20 B when John Enos submits a final documents for the August 23, 2005 meeting. Jim Anderson seconded. **Motion Carried 3-0.**

Proposed Text Amendment - Article XVIII Site Plan Review Requirements & Site Plan Review Application & Checklist

John Enos noted the Board of Trustees was asked if they would like to review preliminary submittals and they said yes. Mike Kehoe has review this text and given his approval.

The Planning Commission members asked John Enos to submit a copy including Mike Kehoe suggestions without highlighting for the August 23, 2005 meeting.

Dave Hamann motioned to table items #4 & #5 until John Enos submits final copy. Jim Anderson seconded. **Motion Carried 3-0.**

Proposed Text Amendment - Section 8.01 E 6 - Rural Residential uses Permitted by Special Use Permit - Cemeteries, Crematories & Mausoleums and Section 8.01 E 17 Shooting ranges, including gun, rifle, skeet, trap, pistol and archery clubs

Dave Hamann motioned to send Section 8.01 E 6 to Livingston County Department of Planning for review and approval, if approved it will then be sent to the Board of Trustees for approval. Section 8.01 E 17 to be placed on the August 23, 2005 agenda. Jim Anderson seconded.

Motion Carried 3-0.

Proposed Text Amendment - Section 8.02 E 4 - Suburban Residential uses Permitted by Special Use Permit - Cemeteries, Crematories & Mausoleums

Dave Hamann motioned to send Section 8.02 E 4 to Livingston County Department of Planning for review and approval, if approved it will then be sent to the Board of Trustees for approval.

Jim Anderson seconded. **Motion Carried 3-0.**

Proposed Text Amendment - Section 3.02 - Definitions - Landscape Buffers

The commissioners asked John Enos to make the following changes and submit for the August 23, 2005 meeting.

#1 Berm - replace audible to auditory and remove 'and a transition between uses of differing intensity.'

#2 Buffer Zone - insert will between than and serve. Insert may between below and function. Insert and between zone and therefore.

Joint Meeting

Annette McNamara will contact the Board of Trustees members and Zoning Board of Appeals members to find out the dates they are available in early September. A date will be set at the August 23, 2005 meeting.

Land Division Amendment 525

John Enos will submit proposed changes to the Subdivision Control Ordinance General Ordinance for the August 23, 2005 meeting.

John Enos suggested the Planning Commission members look at proposed text he has developed for a conditional zoning ordinance. He asked that they let him know if they are interested and he will submit for their review.

John Enos reminded the Planning Commission members of the State Planning Conference taking place in September 2005 and suggested they start receiving the publication "Michigan Association of Planners."

Proposed Text Amendment - Section 8.01 F 6 & 7 - Rural Residential - Site Development Requirements

Proposed Text Amendment - Section 8.02 F 6 & 7 - Suburban Residential - Site Development Requirements

Proposed Text Amendment - Section 6.18 F 1 & G - Condominium Projects

Proposed Text Amendment - Section 6.19 B - Access Controls

Proposed Text Amendment - Section 17.07 - Standards for Specific Land Uses - Cemeteries, Crematories & Mausoleums

Proposed Text Amendment - Section 17.16 - Standards for Specific Land Uses - Group Day Care Homes

Proposed Text Amendment - Section 17.08 - Standards for Specific Land Uses - Child Care Centers

Proposed Text Amendment - Section 3.02 - Definitions - Cemeteries

Proposed Text Amendment - Section 3.02 - Definitions - Child Care Centers

Proposed Text Amendment - Section 17.08 - Standards for Specific Land Uses - Child Care Centers

Dave Hamann motioned to table the above agenda items (numbered 8 through 19) to the August 23, 2005 meeting. Jim Anderson seconded. **Motion Carried 3-0.**

CALL TO THE PUBLIC

None heard.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 10:15 p.m. Jim Anderson seconded. **Motion Carried 3-0.**

**PLANNING COMMISSION
August 23, 2005**

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
DAVE HAMANN
JIM ANDERSON
JEAN ROOT, SECRETARY
DEBRA WIEDMAN-CLAWSON

ABSENT:

OTHERS PRESENT:

ROBERT W. HANVEY, SUPERVISOR
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
VICKIE MOELLMANN, DEPUTY ASSESSOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
JOHN ENOS, CARLISLE/WORTMAN
PAUL SERSIMA, CARLISLE/WORTMAN

CALL TO ORDER

The meeting was called to order at 7:30 p.m.

APPROVAL OF AGENDA

Jean Root told the Planning Commissioners that Jim Barnwell, Desine, Inc., the representative for Bentley Ridge would be late, and asked that the agenda item be tabled until Jim Barnwell arrives. Jean Root also requested the proposed amendment to the Planning Commission Rules and Procedures and discussion on a second meeting a month for the Planning Commission, be placed under new business.

Dave Hamann motioned to approve the August 23, 2005 Planning Commission agenda as amended. Jim Anderson seconded. **Motion Carried 5-0.**

INTRODUCTION OF MEMBERS

All members were present.

CALL TO THE PUBLIC

John Lowe opened call to the public.

Ken Tyler, Richardson Road noted the meeting started early. Ken Tyler made comments on the proposed text, Section 6.20 A, Pre Existing Non Conforming Private Roads.

John Lowe closed the call to the public.

APPROVAL OF MINUTES

June 28, 2005 Regular Meeting Minutes

Debra Wiedman-Clawson noted a typo and correct address for Jim Barnwell. Jean Root motioned to approve the June 28, 2005 Planning Commission minutes as amended.

Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

July 26, 2005 Regular Meeting Minutes

Jean Root and Debra Wiedman-Clawson abstained. Debra Wiedman-Clawson noted to correct the date on page one. Dave Hamann motioned to approve the July 26, 2005 Planning Commission minutes as amended. Jim Anderson seconded. **Motion Carried 3-0.**

OLD BUSINESS

Pinebrook Meadows

Jim Lawrence, representative for Pinebrook Meadows, gave a presentation for the proposed entrance sign and provided the commissioners with a copy of the site plan, showing the entrance to the development and where the sign would be placed.

John Enos noted the sign can be no larger than 12 square feet and this sign exceeds that. He also noted it should be 15' off of the road right-of-way. (r.o.w.) The Planning Commission members have the ability to increase the size if they see fit.

John Lowe asked about the dimensions.

Jim Lawrence answered; the sign is 6' off the ground.

Jean Root asked about lighting.

Jim Lawrence said they had thought about lighting from the ground, soft lighting.

John Lowe told Jim Lawrence there have been problems in the past with neighbors complaining of glaring light.

Discussion ensued about the square footage exceeding the requirements of the zoning ordinance and scaling back the dimensions. Jim Lawrence agreed to a sign no larger than 2' X 6'.

Jean Root motioned to approve the Pinebrook Meadows sign submittal with the following conditions.

1. The sign shall not exceed 12 square feet in area.
2. If lighting is installed it will be low voltage, such as landscape lighting.
3. The sign be placed at least 15' from the r.o.w. easement.

Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

Marion Pines Site Plan Review

Larry McCarthy, Kebs, Inc., representative for Marion Pines gave started the discussion on the 4:1 ratio.

John Enos explained the methods used to figure 4:1 ratios. Marion Township historically has done this by averaging, if you use this method, then the lot in question does meet the 4:1 ratio.

Larry McCarthy continued his presentation. The pedestrian path easement that was suggested is now shown on the plans. The hydrants were move per Howell Area Fire Authority recommendations. The comments made by the Livingston County Drain Commission have been addressed, an approval letter has been sent to the township. Michigan Department of Environmental Quality has sent the township a copy of the permit. Unit #13 will be a small site, yet still build able. There will be language in the condominium documents that will allow a deck to be built off of the lower level of the home, extending 15' to 20' into the wetland, as long as posts are the only means of support. No patios or permanent structures will be allowed. Larry McCarthy also explained that lot 24 will be part of the road maintenance agreement and the existing structure will be grand fathered in.

Discussion ensued on the remained lot to the east of the development. An application has been submitted to the Michigan Department of Environmental Quality, there has been no response. This metes and bounds parcel is not part of the Planning Commission review, the Michigan Department of Environmental Quality and Livingston County Road Commission would be the approving bodies. Michigan Department of Environmental Quality is requiring silt fencing and wetland protective fencing to be installed to keep the contractors from encroaching on the wetland and is temporary.

Vickie Moellmann, Marion Township Assessor told the Planning Commission members the land division would be approved after site plan approval.

John Enos had only one issue with the site plan. The caliper of the trees needs to be 2 1/2", the site plan shows 2" trees. Other than that Carsile/Wortman is recommending final site plan approval.

Phil Westmoreland summarized his review. He is comfortable with the building envelope for unit #13, it is tight, yet they have the ability to fill in certain areas.

Jean Root motioned to recommend approval to the Board of Trustees for Marion Pines Tax ID# 4710-03-100-062, site plan dated July 20, 2005, with the following conditions that all issues in the following review letters met.

1. Carsile/Wortman review letter dated August 10, 2005.
2. Orchard, Hiltz & McCliment review letter dated August 16, 2005.
3. Mike Kehoe review letter dated August 15, 2005.
4. Livingston County Road Commission review letter dated August 9, 2005.
5. Howell Area Fire Authority review letter dated August 8, 2005.
6. Vickie Moellmann, Marion Township Deputy Assessor letter of recommendation dated August 23, 2005.
7. Michigan Department of Environmental Quality permit dated July 25, 2005.
8. Livingston County Drain Commission email dated August 15, 2005.
9. The 9th condition is the land division will be held until the Board of Trustees has approved the final site plan.

Dave Hamann seconded. **Roll Call. Jim Anderson - yes. Jean Root - yes. John Lowe - yes. Dave Hamann - yes. Debra Wiedman-Clawson - yes. Motion Carried 5-0.**

Bentley Ridge Private Road

Debra Wiedman-Clawson will abstain from discussion and voting on this agenda item.

Jim Barnwell, Desine, Inc., representative for Bentley Ridge gave a presentation and discussed various county agency reviews.

John Enos summarized his review letter. He discussed the footnote in the ordinance that reads 'on corner lots the side yard set back must meet the front yard set back'. He believes the intent is on a corner lot you would have one lot line that is the designated road frontage, and would meet the required front yard set back. The lot line along the second road would also have to meet the required front yard set back. It does not mean three front yard set back requirements. This site plan meets the intent of the zoning ordinance. Carsile/Wortman is recommending approval.

Phil Westmoreland summarized his review letter. He has concerns on an existing parcel and wants to know where well and septic are on the parcel.

Jim Barnwell clarified that parcel has been divided from the parcel being reviewed.

Phil Westmoreland would like to see which parcel the transfer parcel is going to be attached to. Livingston County Drain Commission had questions on drain calculations, which are easily addressed.

John Enos asked if the Planning Commission members wanted to review the private road maintenance agreement.

The commissioners thought this could be part of the Board of Trustees final approval.

Jim Barnwell noted the Livingston County Drain Commission would like a drainage easement included with the private road maintenance agreement.

Jim Anderson asked if parcel A1 and A2 are going to access from the private road.

Jim Barnwell answered A1, A2, B1 and B2 will all access from the private road and the private road maintenance agreement will prohibit access from Bentley Lake Road. Discussion ensued on the time frame for the access from Bentley Lake Road being terminated and the greenbelt to be completed. There were questions about green belting around the development.

Dave Hamann questioned how that would be enforced; this development does not have a master deed and by-laws. He noted that this is a private road review and the zoning ordinance does not require green belting per Section 6.20. If this is something the Planning Commission members would like included, it can be inserted into the proposed Section 6.20 B New Private Roads.

Jean Root motioned to send to the Board of Trustees for final approval, Bentley Ridge, private road development, Tax ID#'s 4710-28-200-018, 4710-28-200-005 & 4710-28-200-016, with the following conditions. All issues in the following review letters met.

1. Carsile/Wortman review letter dated August 9, 2005.
2. Orchard, Hiltz & McCliment review letter dated August 16, 2005.
3. Mike Kehoe review letter dated August 15, 2005 to include a follow up to his review of the private road maintenance agreement, to include language regarding storm water and retention easements. Language to be added to the private road maintenance agreement; any land divisions off of Combine Court or Olivia Trail have access only to the interior of those roads.
4. Livingston County Road Commission review letter dated June 22, 2005 & August 19, 2005. 5. Livingston County Drain Commission review letter dated August 8, 2005 and email dated August 10, 2005.
5. Howell Area Fire Authority review letter dated August 8, 2005.
6. Land division of parcel A1 upon completion of Combine Court shall only have access to those interior to the development and the completion of the greenbelt along Bentley Lake Road is to be completed.

Jim Anderson seconded. **Roll Call. Jim Anderson - yes. Jean Root - yes. John Lowe - yes. Dave Hamann - yes. Debra Wiedman-Clawson -abstained. Motion Carried 4-0-1. Proposed Text Amendment - Section 6.20 A New Private Roads**

John Enos summarized his submittal to the Planning Commission. What the commissioners have before them is text to clarify the intent of the section. The highlighting and strikethroughs have been removed.

John Lowe asked if Mike Kehoe has seen this copy and if he approves?

John Enos answered yes.

John Lowe asked what will happen if a owner wants to divide his ten acres and the existing adjacent owners do no want to sign or participate in the private road maintenance agreement. In this text there is language that states if the road falls into disrepair then the township will upgrade the road and assess every resident on the road. They end up paying when they did not want to participate. He would like Mike Kehoe to review this scenario.

Dave Hamann would like to know how review of private roads, like the review of land division, drainage and landscaping, will be incorporated into the proposed text for Section 6.20 A and Section 6.20 B. We want to represent in the zoning ordinance what we are imposing on the applicants.

Jean Root motioned to table until Planning Commission members request placement on a future agenda, a joint meeting of Board of Trustees, Zoning Board of Appeals and Planning Commission to be scheduled before the end of this meeting. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

Proposed Text Amendment - Section 6.20 B New Private Roads

Jean Root motioned to table until Planning Commission members request placement on a future agenda, a joint meeting of Board of Trustees, Zoning Board of Appeals and Planning Commission to be scheduled before the end of this meeting. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

Proposed Text Amendment - Article XVIII Site Plan Review

Jean Root motioned to schedule a public hearing for September 26, 2005 at 7:15 p.m. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

Requirements & Site Plan Review Application & Checklist

Jean Root tabled until Article XVIII is revised and accepted by the Planning Commission. Jim Anderson seconded. **Motion Carried 5-0.**

Section 8.01 E 17 Shooting ranges, including gun, rifle, skeet, trap, pistol and archery clubs

John Enos told the Planning Commission members that he spoke with Mike Kehoe. Mike Kehoe thinks this would be exclusionary and there should be no action taken. He and Mike Kehoe suggest the Planning Commission work on more stringent requirements for Section 17.27

Jean Root motioned to remove this item from the agenda. Dave Hamann seconded. **Motion Carried 5-0.**

Proposed Text Amendment - Section 8.01 F 6 & 7 - Rural Residential - Site Development Requirements

John Enos summarized the history of this and the next four amendments. The recommended changes were made and he suggests these go to the Board of Trustees.

Jean Root would like to send the next five amendments to the Board of Trustees for their approval. She realizes the Livingston County Department of Planning did not recommend approval, yet feels they did not understand how the Planning Commission members decided on this proposed text.

Debra Wiedman-Clawson motioned to send to the Board of Trustees for review and approval/denial. Jim Anderson seconded. **Motion Carried 5-0.**

Proposed Text Amendment - Section 8.02 F 6 & 7 - Suburban Residential - Site Development Requirements

Debra Wiedman-Clawson motioned to send to the Board of Trustees for review and approval/denial. Jim Anderson seconded. **Motion Carried 5-0.**

Proposed Text Amendment - Section 6.18 F 1 & G - Condominium Projects

Debra Wiedman-Clawson motioned to send to the Board of Trustees for review and approval/denial. Jean Root seconded. **Motion Carried 5-0.**

Proposed Text Amendment - Section 6.19 B - Access Controls

Debra Wiedman-Clawson motioned to send to the Board of Trustees for review and approval/denial. Jean Root seconded. **Motion Carried 5-0.**

Proposed Text Amendment - Section 3.02 - Definitions - Landscape Buffers

Debra Wiedman-Clawson motioned to send to the Board of Trustees for review and approval/denial. Jim Anderson seconded. **Motion Carried 5-0.**

Land Division Amendment 525

John Enos is working on the proposed amendments to General Ordinances that include, Marion Township Subdivision Control Ordinance and Marion Township Land Division Ordinance. He is waiting for Marion Township to submit an electronic copy of these ordinances. For the time being Carsile/Wortman staff has scanned the hard copy and is using that to make changes. Debra Wiedman-Clawson asked if these should be done in sections or just change what needs to be done to comply with the state?

John Lowe recommended compliance with the state and amend the remained of the document after private roads are complete.

Debra Wiedman-Clawson motioned to table until John Enos submits state required changes.

Jean Root seconded. **Motion Carried 5-0.**

Proposed Text Amendment - Section 17.07 - Standards for Specific Land Uses - Cemeteries, Crematories & Mausoleums

Discussion ensued on which zoning district would be appropriate for a crematory. The Planning Commission members agreed to add this as discussion under new business on the September 26, 2005. They feel it would be more appropriate in Urban Residential or Highway Service.

Jean Root motioned to send to the Board of Trustees for removal of crematories from the heading and item A #1; remove crematories and the word permit. Dave Hamann seconded.

Motion Carried 5-0.

Proposed Text Amendment - Section 17.27 Shooting Ranges (Rifle, Skeet, Trap, Pistol and Archery)

John Enos will work with Mike Kehoe to tighten up the requirements of this section.

Dave Hamann motioned to table pending Mike Kehoe review and John Enos subsequent submittal. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

Proposed Text Amendment - Section 17.16 - Standards for Specific Land Uses - Group Day Care Homes

Debra Wiedman-Clawson has concerns with the square footage requirements in the proposed text. This should be left up to the Family Independence Agency.

John Enos will look into this and bring something back to the next Planning Commission meeting.

Proposed Text Amendment - Section 17.08 - Standards for Specific Land Uses - Child Care Centers

John Enos summarized the proposed text. Ingress/egress, buffering and parking requirements were discussed.

Dave Hamann motioned to table pending Mike Kehoe review and John Enos subsequent submittal. Jim Anderson seconded. **Motion Carried 5-0.**

Proposed Text Amendment - Section 3.02 - Definitions - Cemeteries

No action taken.

Debra Wiedman-Clawson motioned to table pending Mike Kehoe review and John Enos subsequent submittal. Jim Anderson seconded. **Motion Carried 5-0.**

Proposed Text Amendment - Section 3.02 - Definitions - Child Care Centers

Dave Hamann motioned to set a public hearing for September 26, 2005 at 7:20 p.m. Debra Wiedman-Clawson seconded.

Jean Root would like to see all child care and day care text amendments to be done at one time.

Dave Hamann amended his motion and motioned to table until Mike Kehoe reviews and John Enos subsequent submittal. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

Joint Meeting

Jean Root motioned to request a joint meeting with the Board of Trustees, Zoning Board of Appeals and Planning Commission on Monday, September 25, 2005 @ 7:15 p.m.

NEW BUSINESS

Planning Commission Rules and Procedures

The Board of Trustees has request a monthly report from the Secretary of the Planning Commission. The rules and procedures calls for a yearly report. All Planning Commission members agreed to amend item number eight on page six to reflect these changes.

Dave Hamann motioned to amend the Planning Commission Rules and Procedures. Jim Anderson seconded. **Motion Carried 5-0.**

Planning Commission second monthly meeting

Discussion on whether a scheduled meeting or a workshop would be the way to go. If it is a workshop, a date will be chosen at the previous meeting and only text amendments will be placed on the agenda.

Debra Wiedman-Clawson is in favor of a scheduled meeting where site plans can be reviewed.

Robert W. Hanvey noted to the Planning Commission members this will be an added expense to the budget and the Board of Trustees should be made aware of a second meeting.

Jean Root motioned to have Dave Hamann take the proposal of a second meeting a month to the Board of Trustees. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

CALL TO THE PUBLIC

John Enos reminded the Planning Commission members of the state planners' conference at Mackinaw Island. He would also like the Planning Commission members to consider implementing a conditional zoning ordinance.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 10:20 p.m. Jean Root seconded. **Motion Carried 5-0.**

**PLANNING COMMISSION
SPECIAL JOINT MEETING
SEPTEMBER 26, 2005**

MEMBERS PRESENT: JOHN LOWE, CHAIRPERSON
DAVE HAMANN
JEAN ROOT, SECRETARY
DEBRA WIEDMAN-CLAWSON

ABSENT: JIM ANDERSON

OTHERS PRESENT: ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
JOHN ENOS, CARLISLE/WORTMAN
MIKE KEHOE, MILLER KEHOE & ASSOCIATES

CALL TO ORDER

The meeting was called to order at 7:15 p.m.

INTRODUCTION OF MEMBERS

John Lowe, Jean Root, Dave Hamann and Debra Wiedman-Clawson were present. Jim Anderson was absent

CALL TO THE PUBLIC

Robert Hanvey opened the call to the public.

Ken Tyler, 3300 Richardson Road. Have there been any changes to the text since the last meeting?

Robert Hanvey answered minimal changes have been made to the document.

Robert Hanvey closed the call to the public.

APPROVAL OF MINUTES

None heard.

OLD BUSINESS

Proposed Text Amendment - 6.20 A Pre-Existing Non-Conforming Private Roads

Robert Hanvey noted the proposed text is to provide residents with a safe route to get home. He questioned the definitions in the text and said they can be interpreted in many ways. He asked Mike Kehoe if a private road does not have a maintenance agreement, is it pre-existing non-conforming.

Mike Kehoe answered yes.

Residents from Pheasant Run attended the meeting to clarify their current situations in relationship to the proposed text.

Discussion on Public Act 188. PA 188 spells out a method for calculating homeowners cost for special assessment. The township uses a different method for calculating. Allocation of cost per PA 188 does not go along with proposed Section 6.20 A. Which takes precedence?

Mike Kehoe answered PA 188. A homeowner could protest this and take it to the tribunal. Mike Kehoe agreed to look into PA 188.

Phil Westmoreland explained the engineering standards. The criteria covers different situations, gives the township a starting point. There are too many variables, all the roads are different, and one set of standards will not cover each one. This gives the Planning Commission a starting point and provides flexibility.

Sue Lingle questioned page 1 of 9 the last sentence, fee in the amount of twenty-five percent of total costs. Isn't the township responsible for 8%?

Mike Kehoe answered, this is a different situation. If they agree to 25%, then the township gets 25%.

John Enos will make the following changes to the document and submit to the Planning Commission.

Page 8 of 9, the private road maintenance agreement template, item #12 remove this text and replace with the existing text in Section 6.20.

Page 2 of 9, subsection C d, make clear this is for newly created lots.

Page 4 of 9, subsection F, remove the word New Private Road in the second sentence.

Page 4 of 9, subsection G, delete "without evidence of an approved land division and at least twenty-one days prior to the meeting date for which the applicant requests consideration" and replace with "subject to approved land division."

Page 5 of 9, subsection J, change wording to read, anything pre-existing non-conforming, a lot of record does not apply.

Dan Lowe does not agree with the proposed language that requires a property owner at the beginning of a private road to upgrade the entire road to get a land use permit. He does not think this is fair.

Timber Bluff Site Condominium Development

Marion Township has been receiving complaints about vehicles accessing the Timber Bluff development through the emergency access that connects to Pleasant Lake Rd.

Marion Township approved shrubs along Pleasant Lake Rd. to keep non-emergency vehicles from using the access. The developer has not planted the shrubs yet. Robert Hanvey asked the group if there were any objections to a gate in place of the shrubs.

Discussion ensued. All agreed on Robert Hanvey asking the Howell Area Fire Authority which they preferred. A representative of Marion Township will then meet with the developer to work out a solution.

Proposed Text Amendment - Section 8.01 F 6 & 7 - Rural Residential - Site Development Requirements

Proposed Text Amendment - Section 8.02 F 6 & 7 - Suburban Residential - Site Development Requirements

Proposed Text Amendment - Section 6.18 F 1 & G - Condominium Projects

Proposed Text Amendment - Section 6.19 B - Access Controls

Proposed Text Amendment - Section 3.02 - Definitions - Landscape Buffers

The above five proposed text amendments were discussed.

Dave Hamann reiterated to the group the reason for using the 25' greenbelt buffer in area calculations. If a homeowner changes the character of the buffer in any way and the township wants to enforce the natural state it must be made a part of the Exhibit B drawings.

Debra Wiedman-Clawson stated if the area is cleared it is up to the homeowners association to pursue, not the township.

Robert Hanvey would like to know how the State of Michigan defines noxious.

All agreed to send the five text amendments to Mike Kehoe for his review and comment. The proposed amendments along with comments will then to be sent to the Board of Trustees for their review & approval/denial.

NEW BUSINESS

None heard.

CALL TO THE PUBLIC

Ken Tyler, 3300 Richardson; Ken Tyler reiterated concerns previously discussed.

ADJOURNMENT

Sue Lingle motioned to adjourn the meeting at 10:08 p.m. Debra Wiedman-Clawson seconded.

Motion Carried 4-0. The meeting was adjourned at 10:35 p.m

PLANNING COMMISSION PUBLIC HEARING SEPTEMBER 27, 2005

MEMBERS PRESENT:

JEAN ROOT, SECRETARY
DAVE HAMANN
DEBRA WIEDMAN-CLAWSON
JOHN LOWE, CHAIRPERSON
JIM ANDERSON

ABSENT:

OTHERS PRESENT:

ROBERT W. HANVEY, SUPERVISOR
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
JOHN ENOS, CARLISLE/WORTMAN

CALL TO ORDER

The meeting was called to order at 7:21 p.m.

APPROVAL OF AGENDA

Jean Root motioned to approve the agenda for September 27, 2005 Planning Commission Public Hearings. Debra Wiedman-Clawson seconded. **Motion Carried 3-0.**

INTRODUCTION OF MEMBERS

The Planning Commission members introduced themselves to the audience. John Lowe and Jim Anderson are absent.

CALL TO THE PUBLIC

None heard.

APPROVAL OF MINUTES

None

OLD BUSINESS

Proposed Text Amendment – Article XVIII Site Plan Review Requirements

John Enos summarized the proposed text; a two step process is included in the amended text.

Dave Hamann opened the call to the public. None heard.

Dave Hamann asked the Planning Commission members if they had any comments. No response. Agenda item to be placed on the October 25, 2005 agenda.

NEW BUSINESS

None

CALL TO THE PUBLIC

Jim Barnwell 127 S. Tompkins – asked if the preliminary process could be skipped if the proposed site plan was in compliance.

John Enos answered yes.

Dave Hamann closed the call to the public.

ADJOURNMENT

Jean Root motioned to adjourn the meeting at 7:25 p.m. Debra Wiedman-Clawson seconded.

Motion Carried 3-0.

**PLANNING COMMISSION
SEPTEMBER 27, 2005**

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
DAVE HAMANN
JEAN ROOT, SECRETARY
DEBRA WIEDMAN-CLAWSON

ABSENT:

JIM ANDERSON

OTHERS PRESENT:

ROBERT W. HANVEY, SUPERVISOR
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
JOHN ENOS, CARLISLE/WORTMAN

CALL TO ORDER

The meeting was called to order at 7:34 p.m.

APPROVAL OF AGENDA

Jean Root motioned to table items #2 & #3, since it was discussed last night at the joint meeting. Jean Root asked the Commissioner if they would like further discussion about the emergency gate at Timber Bluff. They responded yes, this item will be placed under New

Business. Debra Wiedman-Clawson seconded. **Motion Carried 4-0.**

INTRODUCTION OF MEMBERS

John Lowe, Jean Root, Dave Hamann and Debra Wiedman-Clawson were present. Jim Anderson was absent

APPROVAL OF MINUTES

Jean Root would like the motion for agenda item 6.20 A & 6.20 B to be amended to read; motion to be tabled until the joint meeting to be returned to the agenda when requested. Debra Wiedman-Clawson motioned to approve the minutes for August 23, 2005 regular meeting. Dave Hamann seconded. **Motion Carried 4-0.**

CALL TO THE PUBLIC

John Lowe opened call to the public. No response. John Lowe closed the call to the public.

OLD BUSINESS

Land Division Act amendment 525 (amendments to General Ordinance Subdivision Control & Land Division)

John Enos summarized the changes to the General Ordinance - Subdivision Control Act, that allow for concurrent agency reviews and conceptual review of site plans. The document the commissioners are reviewing tonight need to have graphics include. Mike Kehoe has reviewed these changes and his comments were incorporated. He clarified because this is a general law ordinance the Board of Trustees will approved the proposed text.

John Lowe clarified the 4:1 ration measurement, measure the front lot line and back lot line then average the two. He asked John Enos if we have met the state requirements for changes and any deadlines.

John Enos answered yes.

Jean Root asked Page 22 of 25, item H, "the system provided shall be turned over to the township for operation and maintenance", and does this apply to private treatment plants?

John Enos will strike this language and discuss subdivision design standards with Phil Westmoreland.

Debra Wiedman-Clawson motioned to table agenda item #4 until regularly scheduled meeting. Dave Hamann seconded. **Motion Carried 4-0.**

Proposed Text Amendment - Section 17.27 Shooting Ranges (Rifle, Skeet, Trap, Pistol and Archery)

John Enos summarized the changes to the text. Mike Kehoe has reviewed and commented, his requested changes have been incorporated.

Debra Wiedman-Clawson had questions regarding the hours of operation. Does this include the indoor range?

John Enos will change to outside hours and the Planning Commission can place restrictions on any site plan. He noted these standards do not apply to the Howell Gun Club, they are pre-existing non-conforming. He informed the Planning Commission if the minimum acreage requirements are 80 acres the buffering requirements reduce the amount of land to 37 acres. Mike Kehoe did not have a problem with that, he only wanted discussion by the Planning Commission.

Planning Commission members agreed to keep the 80 acre requirement with buffering.

Jean Root question item #7, decibels levels, can that be enforced?

John Enos answered there will always be problems enforcement, there are too many variables. The 75 decibel number is something you always see in ordinances; this must be based on studies. Again, with new applications the Planning Commission can adjust.

Jean Root motioned to hold a public hearing on Section 17.27 on October 25, 2005 at 7:15 p.m.

Dave Hamann seconded. **Motion Carried 4-0.**

Proposed Text Amendment - Section 17.16 - Standards for Specific Land Uses - Group Day Care Homes

John Enos summarized the changes to the text. The State of Michigan requires 400 s.f. of play area, this text requires 3,000 s.f. It can stay at 3,000 or 100 s.f. per child.

The Commissioners would like 100 s.f. per child.

John Enos noted item #8, landscape buffering and fencing, Mike Kehoe has reviewed this and had no problem with this text.

Jean Root asked if the definition for Group Day Care needs to be amended along with these changes.

John Enos answered no.

Jean Root motioned to hold a public hearing for Section 17.16 on October 25, 2005 at 7:25 p.m.

Dave Hamann seconded. **Motion Carried 4-0.**

Spruce Run Site Plan Review

Debra Wiedman-Clawson will abstain from this agenda item.

Jim Barnwell, Desine Inc. gave a presentation. They have addressed the outstanding items from previous review letters.

John Enos stated the site plan has been changed to address his previous concerns. He would like to have the Master Deed and By-Laws state for lots #26 & #27 no structures permitted in the greenbelt area. It is not an ordinance requirement, yet John Enos would like to see additional landscaping along the west side of the detention pond. John Enos would like to see individual plot plans to show limits of clearing and wetland limits.

Jean Root asked if these were addressed in John Enos latest review letter.

John Enos answered yes, under recommendations. Carlisle/Wortman is recommending approval.

John Lowe asked Phil Westmoreland if he will walk the site prior to land balancing.

Phil Westmoreland answered yes. Phil Westmoreland summarized his review letter. Orchard, Hiltz and McCliment has no outstanding issues with the site plan. When the Livingston County Road Commission is satisfied with the alternatives for out letting of water from the site and the Livingston County Drain Commissioner is satisfied then Orchard, Hiltz and McCliment will recommend approval.

Jean Root noted that during preliminary review the Planning Commission asked that the walking path be a more stable material than wood chips.

Jim Barnwell stated this was not a requirement, only a discussion point. The zoning ordinance does not have a requirement for material.

The Planning Commission asked John Enos if they can require this.

John Enos answered if there are no specific requirements then no, yet the Commissioners can look at making this part of the design standards.

Mike Kehoe would like to review the Master Deed and By-Laws along with the site plan. At this time he does not have an approved site plan to review. The suggested motion regarding Maple Farms was reviewed by Mike Kehoe and he gave approval.

Jean Root motioned to recommend approval and send to the Board of Trustees, Spruce Run, Tax ID# 4710-04-200-051 under the following conditions;

1. Carlisle/Wortman review letter dated 9-16-05
2. Orchard, Hiltz and McCliment review letter dated 9-15-05
3. Livingston County Drain Commissioner review letter dated 8-29-05
4. Livingston County Road Commission review letter dated 8-29-05
5. Howell Area Fire Authority review letter dated 8-30-05
6. Recommendation that the Board of Trustees approve the connection of the private road from Spruce Run to the existing private road system in Maple Farms pursuant to the Planned Unit Development Agreement and prior Site plan Approval of Maple Farms. Furthermore the Board of Trustees is to approve the construction as proposed over the one foot easement dedicated to Marion Township. Furthermore that the proposed improvements within Maple Farms are consistent with the approval granted to Maple Farms and therefore no additional review and/or approval is required.
7. The Planning Commission recommends use of permanent material for the walkway, such as rock or stone. This is not a zoning ordinance requirement, however Planning Commission
8. Mike Kehoe to review the Master Deed and By-Laws, paying special attention to lots #26 & #27, no building within landscape buffer area.

Dave Hamann seconded. **Roll Call Jean Root-yes, Dave Hamann-yes, and**

John Lowe-yes. Motion Carried 3-0.

Proposed Text Amendment - Section 17.08 - Standards for Specific Land Uses - Child Care Centers

Proposed Text Amendment - Section 3.02 - Definitions - Child Care Centers

John Enos summarized changes to the text. Mike Kehoe has review and commented. Mike Kehoe would like to see item #10 read "appropriate licenses from the State of Michigan shall be maintained and copies shall be provided to the Township", this has been added. Also added, no play areas in the setback area.

Jean Root noted the minimum acreage requirements, subsection B item #5, the Rural Residential (RR) requirements should be 2 acres. She would also like to see any reference to school removed from Section 17.08 and the definition of child care center in Section 3.02.

Jean Root asked the Planning Commission members if they should include agenda item #9 in this discussion.

They answered yes.

Discussion ensued on provisions for schools in the zoning ordinance and avoiding exclusion. Schools are permitted as a Special Use Permit in RR.

Jean Root motioned to hold a public hearing for Section 17.08 to include Section 3.02 new definition of Child Care Center on October 25, 2005 @ 7:25 p.m. Dave Hamann seconded.

Motion Carried 4-0.

Proposed Text Amendment - Section 3.02 - Definitions - Cemeteries

Robert Hanvey noted cemeteries are not allowed in the Wellhead Protection Area.

John Lowe asked John Enos to check with the State of Michigan and find out if this is a health issue.

8.01 E 6 and 8.02 E 4, the next two agenda items should be looked at in connection with this definition.

John Enos summarized the proposed text. There is no provision for a funeral parlor in the zoning ordinance; he is proposing adding this to the Highway Service, Light Industrial or Urban Residential.

John Enos will submit a definition for funeral parlor along with changes to Section 17.07.

Jean Root motioned to hold a public hearing for Section 3.02 Cemetery definition on October 25, 2005 at 7:25 p.m. Dave Hamann seconded. **Motion Carried 4-0.**

Proposed Text Amendment - Rural Residential Uses Permitted by Special Use Permit - Section 8.01 E 6 cemeteries, crematories & mausoleums (remove crematories)

Proposed Text Amendment - Suburban Residential Uses Permitted by Special Use Permit - Section 8.02 E 4 cemeteries, crematories & mausoleums (remove crematories)

Jean Root motioned to table Sections 8.01 E 6 & 8.02 E 4 until Planning Commission requests placement on an agenda. Dave Hamann seconded. **Motion Carried 4-0.**

NEW BUSINESS

Crematories In Urban Residential, Highway Service or Light Industrial District(s)

Dave Hamann motioned to table until John Enos submits changes for the Planning Commission members to review. Jean Root seconded. **Motion Carried 4-0.**

Planning Commission Budget discussion

Robert Hanvey provided the Commissioners with a copy of Public Act 168 of 1959.

Discussion ensued on the accuracy of the budgets they were given to review and all agreed they needed more information. Will the Planning Commission Rules and Procedures need to be amended as a result of this? Dave Hamann noted item #4 on page 6 will have to be amended when the Land Division General Ordinance is updated.

Dave Hamann motioned to appoint Debra Wiedman-Clawson to gather information as the budget planner. Jean Root seconded. **Motion Carried 4-0.**

Set a date for a second monthly meeting

Jean Root motioned to set a workshop for Tuesday, October 11, 2005 at 7:30 p.m. Agenda items will be Section 6.20 A, Pre-Existing Non-Conforming Private Roads, 6.20 B, New Private

Roads and Engineering Standards. Debra Wiedman-Clawson seconded. **Motion Carried 4-0.**
City of Howell Master Plan Amendment

John Enos summarized the proposed amendment. He will discuss with his associate at Carlisle/Wortman the possibility of using Chateau Estates as a mobile home park designation for Marion Township, initiation of a joint meeting with the City of Howell Planner regarding Michigan Avenue improvements.

Timber Bluff Emergency Access

Jean Root suggested no longer recommending shrubbery and recommending a break away gate. Robert Hanvey will discuss this with the Howell Area Fire Authority on 9-28-05 and make a decision.

The Planning Commission members are not opposed to a break away gate.

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 9:30 p.m. Debra Wiedman-Clawson seconded. **Motion Carried 4-0.**

**PLANNING COMMISSION
SPECIAL MEETING
OCTOBER 11, 2005**

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
DAVE HAMANN
JIM ANDERSON
DEBRA WIEDMAN-CLAWSON

ABSENT:

JEAN ROOT, SECRETARY

OTHERS PRESENT:

ROBERT W. HANVEY, SUPERVISOR
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
JOHN ENOS, CARLISLE/WORTMAN

CALL TO ORDER

The meeting was called to order at 7:37 p.m.

APPROVAL OF AGENDA

Dave Hamann motioned to approve the October 11, 2005 Planning Commission Special Meeting agenda. Jim Anderson seconded. **Motion Carried 4-0.**

INTRODUCTION OF MEMBERS

John Lowe, Jim Anderson, Dave Hamann and Debra Wiedman-Clawson were present. Jean Root was absent.

CALL TO THE PUBLIC

John Lowe opened call to the public.

Senator Valde Garcia introduced himself and gave a synopsis of the work done by the Senate over this summer.

The first was balancing the budget; this was accomplished with give and take.

The second was long range in diversifying the economy in the State of Michigan, no longer depending on the auto industry for employment. Creating new jobs in the life science, alternative energy, homeland security and advanced manufacturing.

The third would be to coordinating contracts with the government and existing factories to build products for defense and homeland security. This will put people to work today.

Senator Garcia asked if there were any questions.

Jim Anderson asked the Senator about local school and higher education funding.

Senator Garcia answered; higher education took a cut and an increase of \$175.00 per student at the local school level. The majority of this money went to school employee health care costs.

John Enos asked the Senator where he stands on requiring developers to invest in off site improvements, schools and such, based on the impact of the proposed development. John Enos has heard of other states that require this and it has been successful.

Senator Garcia answered; he did not think there was support at the state level as this cost gets passed on to the homeowner. He does not think there is a lot of support at the state level.

John Lowe asked the Senator if there has been any clarification from the state on the MDEQ (Michigan Department of Environmental Quality) requirements for On-Site Private Sewage/Waste Water Treatment Plants.

Senator Garcia clarified, the gap between what the township think they can do and what the MDEQ tells the township they can do?

John Lowe answered yes.

Senator Garcia invited John Lowe and others that may be interested, to meet with him and discuss the topic.

John Lowe impressed upon the Senator the impact on Marion Township, as a large portion of the township is not served by public utilities.

John Lowe closed the call to the public at 7:50 p.m.

APPROVAL OF MINUTES

September 26, 2005 Special Joint Meeting Minutes

Dave Hamann motioned to table the minutes until the Planning Commission Secretary, Jean Root is in attendance, and this will be the October 25, 2005 regular meeting.

Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

OLD BUSINESS

Proposed Text Amendment Section 6.20 A - Pre-Existing Non-Conforming Private Roads

Debra Wiedman-Clawson asked for clarification on the roads that will be affected. Would this be a road in existence, which does not have a private road maintenance agreement and was never approved by the township?

John Enos answered yes.

She thinks there should be a date attached, so people would know whether they fell into this category. She also asked the Planning Commission members what they were trying to prevent. John Enos said to allow for development of pre-existing non-conforming private roads. The road may or may not be safe and the township is concerned with the health, safety and welfare of residents.

Discussion ensued on which roads this applies to, what the township is trying to prevent and the set of standards. Is this the responsibility of the homeowners or the township? Will the proposed requirements hold up in court? We are asking the residents to invest in their roads, yet the township is not putting budget monies into the public roads, such as Davis Road. Some municipalities go by a sliding scale, once you reach a certain threshold and are increasing traffic on the road you have to upgrade the road. Special assessment districts were discussed and the possibility of doing this with private roads.

Dave Hamann stated putting township authority out there, we are putting them in a position where they cannot resolve this and forcing court action against the township because of it. Think about what that will cost the township as a whole. There are other township ordinances relating to private roads that are less restrictive, high level of health, safety and welfare reasons.

Debra Wiedman-Clawson thinks the standards are too restrictive. She thinks the township is asking for higher standards than the county roads.

The Commissioners would like to discuss this at a meeting with Mike Kehoe in attendance.

Phil Westmoreland noted to the Commissioners, this is a guideline to go by; all the standards do not have to be met. Each road is different; some may not need much work.

To answer Debra Wiedman-Clawson question on which roads this applies to; John Enos read from Section 19.10-Illegal Nonconforming Uses.

"Nonconforming uses of structures or land existing at the effective date of this Ordinance that were established without approval of zoning compliance or without a valid building permit or

those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of this Ordinance, or the prior Ordinance enacted January 11, 1977, shall be declared illegal nonconforming uses and are not entitled to the status and rights accorded legally established nonconforming uses.”

John Enos proposed the following text to the Commissioners. This text would be placed in ARTICLE XIX NONCONFORMING USES OF LAND AND STRUCTURES. “New lots as a result of land division shall not receive a land use permit for a proposed new principal dwelling unless the road is improved to meet the then current private road design standards or as decided by the township private road committee.”

Dave Hamann motioned to table agenda items number 1 and 2 until the next workshop, Mike Kehoe will be asked to attend. Jim Anderson seconded. **Motion Carried 4-0.**

Proposed Text Amendment Section 6.20 B - New Private Roads

See the above motion.

Proposed Engineering Standards

Phil Westmoreland went over the proposed standards with the Commissioners and noted that Items B thru K are at the discretion of Marion Township and adjustable.

A discussion on who would be designated to review and decide if a road required upgrading. Would this be the Planning Commission or the Board of Trustees?

The Commissioners requested the following changes to be submitted for the next special meeting.

I. Roads and Paving

Item B - Adjust language to include standards for new private roads.

Item F - The Commissioners would like to discuss the number of lots to have access. Is the township required to follow the International Fire Code (IFC) that has been adopted, or can the number stay at 25. They agreed to discuss this at the next special meeting.

Item G - The length of a private road will be discussed at the next special meeting with Mike Kehoe. Commissioners questioned if this enforceable and reasonable.

Item L - the Commissioners would like the same number of units allowed on a new private road as a pre-existing non-conforming private road.

Item L 2 a & b - Debra Wiedman-Clawson would like Phil Westmoreland to define major and minor to the best of his ability.

Item L 3 a - Phil Westmoreland noted some roads will be more narrow than twenty-four feet edge of gravel to edge of gravel.

Item L 5 b & c - Gravel road and paved road requirements - Phil Westmoreland noted these items are discretionary, Marion Township can recommend 22AA limestone aggregate, equivalency is the goal, sometimes six inches of sand is not necessary.

Item L 10 - The Commissioners would like to discuss this further with Mike Kehoe at the next special meeting.

Discussion on Section 6.19 B Access Controls

The number of lots to have access with one point of intersection in relationship to the IFC was discussed. Again, the Commissioners would like Mike Kehoe to be part of the discussion.

The Commissioners went back to the Engineering Standards to discuss the length of a private road, all agreed on the following.

For new private roads in Rural Residential, thirty lots with one hundred fifty feet of frontage on two thousand linear feet of black top.

Also in Rural Residential, twenty lots with one hundred fifty feet of frontage on two thousand linear feet of gravel road.

The requirements for Suburban Residential will be discussed at the next special meeting. The Commissioners would like to have time to think about this and would like to discuss with Mike Kehoe.

NEW BUSINESS

No new business.

CALL TO THE PUBLIC

None heard.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 10:06 p.m. Debra Wiedman-Clawson seconded. **Motion Carried 4-0.**

**PLANNING COMMISSION
PUBLIC HEARINGS
OCTOBER 25, 2005**

MEMBERS PRESENT: JOHN LOWE, CHAIRPERSON
DAVE HAMANN
JEAN ROOT, SECRETARY
DEBRA WIEDMAN-CLAWSON
JIM ANDERSON

ABSENT:

OTHERS PRESENT: ROBERT W. HANVEY, SUPERVISOR
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PAUL SIERSMA, CARLISLE/WORTMAN

CALL TO ORDER

The meeting was called to order at 7:15 p.m.

APPROVAL OF AGENDA

Dave Hamann motioned to approve the October 23, 2005 Planning Commission public hearing agenda. Jim Anderson seconded. **Motion Carried 5-0.**

INTRODUCTION OF MEMBERS

John Lowe, Jean Root, Dave Hamann, Jim Anderson and Debra Wiedman-Clawson were present.

CALL TO THE PUBLIC

John Lowe opened call to the public.

Bonnie White, 3546 Bent Drive. Bonnie White addressed the proposed text, Section 17.16. She handed out a copy of the State of Michigan requirements for Group Day Care. The State of Michigan requirements do not include paved roads or fenced in yards. Bonnie White lives on ten acres, located on a dirt road. She is currently licensed for six children. Bonnie White opposed the restrictions in the text and would like the Planning Commission members to consider her comments when deliberating.

Paul Siersma noted the document Bonnie White handed out was considered when revising this text. This does not restrict Marion Township from having additional restrictions.

Mr. Keith Rushlow, 484 Brighton Road. Keith Rushlow feels this text is singling out child care home occupation, adding restrictions not required of other home occupations. He is also concerned there is a shortage of quality child care.

John Lowe closed the call to the public.

APPROVAL OF MINUTES

None

OLD BUSINESS

Proposed Text Amendment - Section 17.27 Shooting Ranges (Rifle, Skeet, Trap, Pistol and Archery)

Paul Siersma noted there have been two edits per the Commissioners request. Section A, item number 2; made the paragraph more general. Section Commissioners, item G; changed the hours from 9:00 a.m. to dusk.

John Lowe opened the call to the public.

Tom Bauer, 5757 Lange Road. Tom Bauer noted the minimum parcel size of 80 acres. His first question; are there any parcels left in Marion Township of that size? Second, if the facility is strictly an indoor range, would the 80 acre minimum apply?

Paul Siersma will look into the indoor range requirements.

John Lowe noted there are many parcels in Marion Township over 80 acres.

Discussion ensued on other communities with indoor only ranges. Debra Wiedman-Clawson will look into the requirements of those communities before the next meeting.

Jean Root noted a letter from Mike Kehoe stating the 80 acre minimum or the landscape buffering increased.

John Lowe closed the call to the public for Section 17.27 at 7:30 p.m.

This agenda item will be tabled until the November 22, 2005 Planning Commission meeting.

Proposed Text Amendment - Section 17.16 - Standards for Specific Land Uses - Group Day Care Homes

Paul Siersma noted there has been one change per the Commissioners request. Section B, item number 7; the square footage per child in the play area has been reduced to 100 square foot per child.

It was established the definition for Group Day Care Homes is under Day Care Group Home. Les Kern, 1775 Foxfire. He is licensed for 12 children, must he be on a paved road if this text is adopted. Mr. Ken would like to divide his property and build another home, maybe increase the number of children he is licensed for. Mr. Kern lives on a dirt road; this proposed text would affect his business.

Paul Siersma answered yes, if the text is adopted it would require a paved road.

Jean Root clarified the number of trips, the influx of cars at a certain time of the day.

Discussion ensued on the necessity of paved roads and the difference between a two acre lot with 12 children and a 20,000 square foot lot with 12 children.

Paul Siersma will modify text for the November 22, 2005 meeting to include different zoning districts with different requirements. Also requiring paved roads only if more than 12 children.

The members of the audience would also like the Commissioners to review the State of Michigan requirements in relationship to Family Group Day Care. Also, the fencing requirement and they feel 100 square feet is too much.

John Lowe closed the call to the public for Section 17.16 at 8:10 p.m.

This agenda item will be tabled until the November 22, 2005 Planning Commission meeting. A public hearing may be scheduled for the December 27, 2005 regular meeting at the November 22nd meeting.

Proposed Text Amendment - Section 17.08 - Standards for Specific Land Uses - Child Care Centers

John Lowe noted Section B, item number 6; 5,000 square feet per child is too excessive he wants this changed to 100 square foot per child. Also, Section B, item number 7, John Lowe questioned if the fencing requirement is excessive?

John Lowe opened the call to the public. No response

Discussion ensued on whether to limit the number of children or increasing the acreage requirements. Debra Wiedman-Clawson believes the State of Michigan and the lot size will mandate the number of children.

Paul Siersma will make changes for the November 22, 2005 meeting.

This agenda item will be tabled until the November 22, 2005 Planning Commission meeting.

Proposed Text Amendment - Section 3.02 - Definitions - Child Care Centers

This agenda item was discussed with Section 17.08 - Standards for Specific Land Uses - Child Care Centers. This agenda item will be tabled until the November 22, 2005 Planning Commission meeting.

Proposed Text Amendment - Section 3.02 - Definitions - Cemeteries

Paul Siersma researched the public health issues in the wellhead protection area. State of Michigan does not have restrictions, no statutes, no regulation of location of cemeteries.

John Lowe asked who the oversight agency for municipal wellheads is. He asked Paul Siersma to consult with them, if they do not have a problem with this then he is ok with it.

John Lowe opened the call to the public. No response.

This agenda item will be tabled until the November 22, 2005 Planning Commission meeting.

NEW BUSINESS

None

CALL TO THE PUBLIC

Charles Musson, 333 Triangle Lake Road. Charles Musson if Marion Township requires a home occupation to be in the home or can it be run from an accessory building? The State of Michigan requires it be located in the home.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 8:35 p.m. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

**PLANNING COMMISSION
OCTOBER 25, 2005**

MEMBERS PRESENT: JOHN LOWE, CHAIRPERSON
DAVE HAMANN
JEAN ROOT, SECRETARY
DEBRA WIEDMAN-CLAWSON
JIM ANDERSON

ABSENT:

OTHERS PRESENT: ROBERT W. HANVEY, SUPERVISOR
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PAUL SIERSMA, CARLISLE/WORTMAN

CALL TO ORDER

The meeting was called to order at 8:40 p.m.

APPROVAL OF AGENDA

Dave Hamann motioned to approve the October 23, 2005 Planning Commission regular meeting agenda. Jim Anderson seconded. **Motion Carried 5-0.**

INTRODUCTION OF MEMBERS

John Lowe, Jean Root, Dave Hamann, Jim Anderson and Debra Wiedman-Clawson were present.

CALL TO THE PUBLIC

No response.

APPROVAL OF MINUTES

Jean Root motioned to approve the September 26, 2005 joint meeting minutes. Debra Wiedman-Clawson seconded. **Motion Carried 4-0.** Jim Anderson abstained.

Jean Root noted she spoke with Annette McNamara earlier today regarding the September 27, 2005 regular meeting minutes. Jean Root asked Annette McNamara to make the corrections to these minutes for tonight's meeting. The minutes have been corrected. Dave Hamann motioned to approve the September 27, 2005 regular meeting minutes as amended.

Debra Wiedman-Clawson seconded. **Motion Carried 4-0.** Jim Anderson abstained.

Dave Hamann motioned to approve the September 27, 2005, Public Hearing minutes.

Debra Wiedman-Clawson seconded. **Motion Carried 4-0.** Jim Anderson abstained.

OLD BUSINESS

Proposed Text Amendment - Article XVIII Site Plan Review Requirements

Paul Siersma will submit the following changes to the proposed text for the next regularly scheduled meeting.

1. Section 18.02, item A; construction plan approval prior to a land balancing permit being issued.
2. Section 18.06; add that landscaping and the first course of black top down prior to first land use permit being issued.

Dave Hamann motioned to table until the November 22, 2005 regular meeting.

Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

Proposed Text Amendments - General Ordinance Subdivision Control

Paul Siersma will submit text showing the legislative requirements of Act 525 and other required updates to the ordinance for the November 14, 2005 special meeting. The Planning Commission will send the legislative requirements on to the Board of Trustees for their review and approval/denial. The additional changes will be reviewed by the Planning Commission members and sent on to the Board of Trustees when ready.

Dave Hamann motioned to table until November 14, 2005 Special Meeting.

Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

Proposed Text Amendment - Section 17.07 - Standards for Specific Land Uses - Cemeteries, Crematories & Mausoleums (location requirements)

Dave Hamann motioned to table until November 22, 2005 regular meeting. Jim Anderson seconded. **Motion Carried 5-0.**

Planning Commission Budget Discussion

Debra Wiedman-Clawson needs more time to discuss the budge with Mr. Hanvey. Dave Hamann motioned to table until November 22, 2005 regular meeting. Jim Anderson seconded. **Motion Carried 5-0.**

City of Howell Master Plan Amendment

Paul Siersma informed the Commissioners that John Enos was still working with the City of Howell Planner (a Carlisle/Wortman Associates, Inc. employee) to arrange a joint planning commission meeting.

Dave Hamann motioned to table the agenda item until John Enos was available to comment on November 22, 2005. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

NEW BUSINESS

Set date for a second monthly meeting

Dave Hamann motioned to set a second meeting on November 14, 2005, Mike Kehoe to attend. The agenda items will be Section 6.20 A, Pre-Existing Non-Conforming Private Roads, Section 6.20 B, New Private Roads and Subdivision Control Ordinance. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

Planning Commission Rules & Procedures (Powers and Duties of the Planning Commission item #9)

This item was placed on the agenda by mistake. No action taken.

CALL TO THE PUBLIC

Jean Root motioned to place the Planning Commission Annual Organizational Meeting to be placed under new business on the November 22, 2005 regular meeting agenda. Jim Anderson seconded. **Motion Carried 5-0.**

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 9:38 p.m. Jean Root seconded. **Motion Carried 5-0.**

**PLANNING COMMISSION
SPECIAL MEETING
NOVEMBER 14, 2005**

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
DAVE HAMANN
JIM ANDERSON

ABSENT:

JEAN ROOT, SECRETARY
DEBRA WIEDMAN-CLAWSON

OTHERS PRESENT:

ROBERT W. HANVEY, SUPERVISOR
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
MIKE KEHOE, MILLER KEHOE & ASSOCIATES
PAUL SEIRSMA, CARLISLE/WORTMAN

CALL TO ORDER

The meeting was called to order at 7:32 p.m.

APPROVAL OF AGENDA

Jean Root motioned to approve the November 14, 2005 Planning Commission Special Meeting agenda. Dave Hamann seconded. **Motion Carried 4-0.**

INTRODUCTION OF MEMBERS

John Lowe, Jean Root, Jim Anderson, and Dave Hamann were present.
Debra Wiedman-Clawson was absent.

CALL TO THE PUBLIC

None heard.

APPROVAL OF MINUTES

Dave Hamann motioned to approved the October 11, 2005 Planning Commission special meeting. Jim Anderson seconded. **Motion Carried 3-0.** Jean Root abstained.

OLD BUSINESS

Proposed Text Amendment Section 6.20 A - Pre-Existing Non-Conforming Private Roads

Paul Siersma addressed the Planning Commission members. At the last meeting the Planning Commission members expressed concern with the equity, fairness and enforceability of the proposed text of 6.20 A. Paul Siersma suggests dropping the proposed text of 6.20 A, Pre-Existing Non-Conforming Private Roads. The proposed paragraph would be placed within Section 6.20 Private Road Developments, to address the pre-existing non conforming roads within the township. This would require the creation of a Private Road Committee. The Private Road Committee would review existing conditions, in relationship to the design standards in place at the time the private road was built. The committee would submit a report to the approving body as to what extend road in question needs improvement. It was suggested that the Private Road Committee's decision could be appealed with the Zoning Board of Appeals.

John Lowe would like the standards set forth in Section 6.20 A be used as a guideline for the report on road conditions.

Discussion on who would make the final decision, would this be the Board of Trustees or can this decision is taken to the Zoning Board of Appeals.

The commissioners asked Mike Kehoe questions on the definition of an 'easement' vs. the definition of ingress/egress. Mike Kehoe explained each private road maintenance agreement is written differently. If it came to a court decision, the judge would look at the wording and making a decision. Again, each situation would be reviewed and evaluated on an individual basis.

After much discussion the Planning Commission members agreed Phil Westmoreland and the Zoning Administrator would do the review work and make a recommendation to the Board of Trustees.

Jean Root summarized the proposed changes for Paul Sersmia to make to Section 6.20 A – Pre-Existing Non-Conforming Private Roads and Section 6.20 B New Private Roads. Paul Siersma will submit these changes for the December 27, 2005 meeting.

Jean Root motioned to table Section 6.20 A – Pre-Existing Non-Conforming Private Roads and Section 6.20 B New Private Roads, agenda items number 1 and 2 until the December 27, 2005 meeting. Jim Anderson seconded. **Motion Carried 4-0.**

Proposed Text Amendment Section 6.20 B - New Private Roads

See the above motion.

Subdivision Control Ordinance (General Ordinance)

Paul Siersma summarized the changes made per Public Act 525.

The Planning Commission members asked that the following changes be made to the document.
Page 4 of 7 Article II Definitions

Planned Unit Development - this reads as an agreement and should be revised.

Plat - add a definition for tentative

Right-of-way - clear easement and right-of-way

Page 6 of 27 - typographical error, capitalize the 's'
Page 8 of 27 - Uses Section 3.2 Preliminary Plats; Requirements; subsection B items 1 thru 15.
Use 1 thru 15 in the site plan review application check list.
Jim Anderson asked if aeriels can be required in this check list.
Mike Kehoe will find out.

Page 9 of 27 - Procedures

Subsection B - John Lowe asked if this requirement is a state statute? Paul Siersma noted this is existing text within the document.

Subsection B - item 1 - Add or Zoning Administrator to the first line. Throughout the document wherever it says secretary of the Planning Commission, add Zoning Administrator.

Page 16 of 27 - Article IV: Subdivision Design Standards, Section 4.1 Traffic ways-streets and roads - subsection I - Half Streets, remove paragraph.

Page 17 of 27 - Section 4.2 Intersections - the Planning Commission members would like an answer on this.

Page 18 of 27 - Section 4.3 - Pedestrian ways

4.3 A 1 - John Lowe would like to see sidewalks on one side of the street.

4.3 B - John Lowe asked Paul Siersma to tweak for the ability to use in Rural Residential.

Page 19 of 27 - 4.5 Blocks - John Lowe asked Paul Siersma to see if B and C can be deleted.

Page 19 of 27 - Section 4.6 Lots

Subsection E - Mike Kehoe suggested changing to a portion of a lot.

Subsection G - John Lowe can we add private road?

Subsection J - Remove

Page 21 of 27 Section 4.7 item 2 - Last sentence, change shall to may.

Page 23 of 27 Article V Subdivision Improvements

Subsection D - remove the fourth sentence.

Subsection G - remove the third, fourth and fifth sentences.

Subsection H - remove the second and fourth paragraph.

Subsection J - replace shall with may.

Page 24 of 27 - Article VI - Variances - Planning Commission would like this Article removed. Paul Siersma will submit the requested changes for the December 27, 2005 meeting.

Jean Root motioned to table Subdivision Control Ordinance (General Ordinance) agenda item number 3 until the December 27, 2005 regular meeting. Jim Anderson seconded. **Motion**

Carried 4-0.

NEW BUSINESS

No new business.

CALL TO THE PUBLIC

Ken Tyler Richardson Road; reiterated concerns expressed at previous meetings.

Robert Hanvey informed the Planning Commission members of a joint commission between Howell Township and Marion Township to create a park.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 11:20 p.m. Jean Root seconded. **Motion**
Carried 4-0.

PLANNING COMMISSION NOVEMBER 22, 2005

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
DAVE HAMANN
JIM ANDERSON
JEAN ROOT, SECRETARY
DEBRA WIEDMAN-CLAWSON
NONE

ABSENT:

OTHERS PRESENT: ROBERT W. HANVEY, SUPERVISOR
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
JOHN ENOS, CARLISLE/WORTMAN

CALL TO ORDER

The meeting was called to order at 7:32 p.m.

APPROVAL OF AGENDA

Dave Hamann motioned to approve the November 22, 2005 Planning Commission agenda as amended. Jean Root seconded. **Motion Carried 5-0.**

INTRODUCTION OF MEMBERS

John Lowe, Jean Root, Jim Anderson, Debra Wiedman-Clawson, and Dave Hamann were present.

CALL TO THE PUBLIC

None heard.

APPROVAL OF MINUTES

Jean Root would like to see the word "NONE" inserted next to absent. Dave Hamann motioned to approved the October 25, 2005 Planning Commission regular meeting minutes as amended.

Jean Root seconded. **Motion Carried 5-0.**

Jean Root would like to see the word "NONE" inserted next to absent. Dave Hamann motioned to approved the October 25, 2005 Planning Commission public hearing minutes as amended. Jim Anderson seconded. **Motion Carried 5-0.**

Motion Carried 5-0.

OLD BUSINESS

Marion Pines Site Plan Review

John Lowe expressed his concern with reviewing this site plan without Michigan Department of Environmental Quality (MDEQ) approval for crossing the wetland.

Debra Wiedman-Clawson motioned to table Marion Pines Site Plan Review until the applicant submits an MDEQ permit and a letter from the township engineer recommending approval. Jim Anderson seconded. **Motion Carried 5-0.**

Motion Carried 5-0.

Proposed Text Amendment - Article XVIII Site Plan Review Requirements

Debra Wiedman-Clawson motioned to send proposed text amendment to Livingston County Department of Planning for review and comment. Dave Hamann seconded.

Motion Carried 5-0.

Proposed Text Amendment - Section 17.07 - Standards for Specific Land Uses - Cemeteries, Crematories & Mausoleums (location requirements)

John Enos informed the Planning Commission members the MDEQ does not view cemeteries any differently than septic systems in relationship to pollutant discharge.

Jim Anderson would like the text to clarify that funeral homes contract out crematory services.

Marion Township wellhead ordinance prohibits funeral homes within the wellhead protection area. This will have to be amended also.

Jean Root motioned to table agenda items three and seven. Any other amendments associated with crematories will be put on hold until John Enos submits a package with all associated amendments for review by the Planning Commission. Debra Wiedman-Clawson seconded.

Motion Carried 5-0.

Proposed Text Amendment - Section 17.27 Shooting Ranges (Rifle, Skeet, Trap, Pistol and Archery)

John Enos summarized the changes requested by the Planning Commission at the last meeting. The Planning Commission members would like to see the following changes to the text.

Page 1 of 2; Section 17.27, subsection B, change set back distance from 250' to 450'.

Page 1 of 2; Section 17.27, subsection C #1 item c, to read as follows; "The Township Planning Commission may have the County Sheriff review and comment on the site plan prior to submitting it to the Township Planning Commission."

Page 2 of 2; Section 17.27, subsection C #2 item b, add text regarding warning signs attached to fencing at intervals to be determined by the Planning Commission.

Page 2 of 2; Section 17.27, subsection C #2 item d, delete item d in its entirety and replace with "central loudspeakers/paging systems are prohibited."

Jean Root motioned to send proposed text amendment Section 17.27 Shooting Ranges (Rifle, Skeet, Trap, Pistol and Archery, with requested changes to Livingston County Department of Planning for review and comment. Jim Anderson seconded. **Motion Carried 5-0.**

Proposed Text Amendment - Section 17.16 - Standards for Specific Land Uses - Group Day Care Homes

John Enos summarized the changes requested by the Planning Commission at the last meeting. Discussion ensued as to the State of Michigan requirements vs. Marion Township requirements; can Marion Township be more restrictive?

Jean Root would like to see Family and Group day care homes under one heading.

John Enos is not certain this can be done, he will check with Mike Kehoe. He is also not comfortable moving this along without discussing the legality, a definition and the number per district with Mike Kehoe. John Enos will bring this information back to the Planning Commission members at the December 27, 2005 meeting.

Dave Hamann motioned to table Section 17.16 - Standards for Specific Land Uses - Group Day Care Homes, agenda item number five until the December 27, 2005 meeting. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

Proposed Text Amendment - Section 17.08 - Standards for Specific Land Uses - Child Care Centers

John Enos summarized the changes requested by the Planning Commission at the last meeting. The following changes were requested by the Planning Commission.

Page 1 of 2 Section 17.08, subsection B, item 10, remove the last sentence.

Page 2 of 2 Section 17.08, subsection C, to read as follows "Any child care center that abuts residential use or zoned property, shall be screened according to the applicable provisions of Section 6.13."

The Planning Commission members would like to motion both agenda item number six and seven together.

Proposed Text Amendment - Section 3.02 - Definitions - Child Care Centers

No changes were made to this definition since the last meeting.

The Planning Commission would like to see the following added to the definition.

Page 1 of 1 Section 3.20 Definitions, Child Care Center, remove 'other than a private residence' from the first line.

Page 1 of 1 Section 3.20 Definitions, Child Care Center, add item 3 Summer Day Camp.

Debra Wiedman-Clawson motioned to send proposed text amendments 3.02 definition of Child Care Center and Section 17.08 Standards for Specific Land Uses - Child Care Centers to Livingston County Department of Planning for review and comment. Dave Hamann seconded.

Motion Carried 5-0.

Proposed Text Amendment - Section 3.02 - Definitions - Cemeteries

See motion for agenda item number three, Proposed Text Amendment - Section 17.07 - Standards for Specific Land Uses - Cemeteries, Crematories & Mausoleums (location requirements.)

Planning Commission Budget Discussion

Debra Wiedman-Clawson motioned to table this until research is completed. Jim Anderson seconded. **Motion Carried 5-0.**

City of Howell Master Plan Amendment

The following dates will be presented to the City of Howell Planning Commission members for a joint meeting to be held at the Marion Township Hall.

January 11, 2006, January 16, 2006 or February 16, 2006. John Enos will report at the December 27, 2005 meeting.

NEW BUSINESS

Set date for a second monthly meeting

A second meeting to review private road language will not be held until February 2006. The

Planning Commission members need further information from Mike Kehoe on whether Marion Township can require 2,000 l.f. for a private road and can they restrict the number to 24 lots? If Marion Township adopted the International Fire Code which allows more than 24 lots with one point of access, should Marion Township Zoning Ordinance be changed to reflect that number? The Planning Commission members would like Mike Kehoe to attend the meeting in February.

Planning Commission Organizational Meeting

Dave Hamann nominated John Lowe for the Chairperson. Jean Root seconded. **Motion Carried 5-0.**

Jean Root nominated Dave Hamann for the Vice-Chairperson. Jim Anderson seconded. **Motion Carried 5-0.**

Jim Anderson nominated Jean Root for the Secretary. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

CALL TO THE PUBLIC

Robert Hanvey asked what initiated a zoning ordinance amendment. John Enos explained this to Robert Hanvey.

ADJOURNMENT

Debra Wiedman-Clawson motioned to adjourn the meeting at 9:35 p.m. Jean Root seconded. **Motion Carried 5-0.**

**PLANNING COMMISSION
DECEMBER 27, 2005**

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
DAVE HAMANN
JIM ANDERSON
JEAN ROOT, SECRETARY
DEBRA WIEDMAN-CLAWSON

ABSENT:

NONE

OTHERS PRESENT:

ROBERT W. HANVEY, SUPERVISOR
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
PAUL SIERSMA, CARLISLE/WORTMAN

CALL TO ORDER

The meeting was called to order at 7:30 p.m.

APPROVAL OF AGENDA

Jean Root requested the two New Business items be moved ahead of the Old Business items. Jean Root motioned approve the December 27, 2005 Planning Commission agenda as amended. Jim Anderson seconded. **Motion carried 5-0.**

INTRODUCTION OF MEMBERS

John Lowe, Jean Root, Jim Anderson, Debra Wiedman-Clawson, and Dave Hamann were present.

CALL TO THE PUBLIC

None heard.

APPROVAL OF MINUTES

Jean Root motioned to approved the November 14, 2005 Planning Commission special meeting minutes. Dave Hamann seconded. Debra Wiedman-Clawson abstained. **Motion carried 4-0.** Jean Root motioned to approved the November 22, 2005 Planning Commission regular minutes. Jim Anderson seconded. **Motion carried 5-0.**

NEW BUSINESS

Franklin Knolls of Marion

Pat Keough of Advantage Civil Engineering gave an overview of the proposed development. This 40 acre parcel will be developed into 25 units on a private road with two land divisions at County Farm Road.

Pat Keough addressed the concerns of Carlisle/Wortman Associates, Inc. regarding the connection to the Black Eagle Development to the south. Black Eagle is 72 lots on private roads controlled by the Homeowners Association. To get them all to agree to a connection would be impossible. He suggested an easement to serve residents now and be a possible connection in the future.

Pat Keough noted with private road and drainage this development could be reviewed by the Livingston County Drain Commissioners Office or the township engineer. He asked that Marion Township choose one entity so he will not have to pay twice.

Paul Siersma, Carlisle/Wortman summarized his review letter. The applicant has addressed his concerns with the concept of a park easement. The main concern is the long parcel and the future. As the township develops there will be many outlets onto primary roads.

Carlisle/Wortman would like to see the tree removal at a minimum. The buffering along the pole section was a strict interpretation of the zoning ordinance.

Phil Westmoreland summarized his review letter. They have everything for a preliminary plan. For final approval notes and minor items need to be added to the plan. He would like to see septic fields on a few lots moved to limit tree removal. Also, clarify the limits of removal for the entire development and first floor elevations.

The Planning Commission members discussed connections to Black Eagle to the south and a future connection to the north and the potential liability. Also tree plantings along the pole section of the proposed road and a sidewalk out to County Farm Road. The applicant agreed to the planting along the pole section of the road, a sidewalk on the south side of the development that will extend to County Farm Road and an easement between lots 02 & 21 for a walking path.

Jean Root motioned to recommend preliminary approval for Franklin Knolls of Marion, tax ID# 4710-22-100-002 under the following conditions.

1. Livingston County Road Commissioners review letter dated 12-9-05
2. Howell Area Fire Authority review letter dated 12-12-05
3. Carlisle/Wortman review letter dated 12-16-05
4. Orchard, Hiltz & McCliment review letter dated 12-19-05
5. Drainage approval will be given through Orchard, Hiltz & McCliment with their contact given to the Livingston County Drain Commissioners office for their review.
6. The idea of potentially adding a walking path to the south border to Black Eagle will be done with an easement
7. Walking path to northern border will be done between lots 11 & 12
8. On the overall project to limit tree removal
9. Utility easement is to be done within the 66' Right of Way easement on the north and south side
10. Sidewalk on the south side of project starting at County Farm Road

Dave Hamann seconded. Roll Call; Jim Anderson-yes, Jean Root-yes, John Lowe-yes, Dave Hamann-yes and Debra Wiedman-Clawson-yes. **Motion carried 5-0.**

Proposed Text Amendment - Article XX Amendments - Section 20.03 C Notice of Hearing

Governor Granholm will sign a bill to amend the township Zoning Act to include the address of a parcel proposed to be rezoned in publications and mailings.

Debra Wiedman-Clawson suggested an adjacent parcel addressed be used in case the proposed parcel is vacant and without does not have an address.

Jean Root motioned to table this agenda item be tabled until the Governor signs the bill. Jim Anderson seconded. **Motion carried 5-0.**

OLD BUSINESS

Proposed Text Amendment - Section 17.16 - Standards for Specific Land Uses - Group Day Care Homes

Paul Siersma answered the questions asked by the Planning Commission members at the November meeting and reviewed the comments from Mike Kehoe.

Jean Root motioned to table this agenda item until Paul Siersma incorporates Mike Kehoe

comments and submits a clean copy for the January 24, 2006 meeting. Debra Wiedman-Clawson seconded. **Motion carried 5-0.**

Proposed Text Amendment - Subdivision Control General Ordinance

The Planning Commission members asked Paul Siersma to contact Mike Kehoe for a yes or no answer to the following question. Is it necessary to enhance the State of Michigan Subdivision Control Ordinance language and refer to it in the Marion Township Zoning Ordinance, or use the State of Michigan Subdivision Control Ordinance language as is and make reference to it in the Marion Township Zoning Ordinance?

Dave Hamann requested to table this agenda item pending Mike Kehoe in collaboration with Carlisle/Wortman to submit in writing how to proceed. This should be placed on the January 12, 2006 Board of Trustees agenda. The submittal date for that meeting is January 9, 2006 @ 12:00 p.m. Debra Wiedman-Clawson seconded. **Motion carried 5-0.**

Proposed Text Amendment - Section 8.01 F 6 & 7 - Rural Residential Uses Permitted by Right Subject to Special Conditions

Proposed Text Amendment - Section 8.02 F 6 & 7 - Suburban Residential Uses Permitted by Right Subject to Special Conditions

Proposed Text Amendment - Section 6.19 - Standards for Specific Land Uses - Group Day Care Homes

Proposed Text Amendment - Section 3.02 - Definition of Landscape Buffer

The four agenda items above were recently sent back to the Planning Commission by the Board of Trustees. The Board of Trustees felt it was unnecessary to have the landscape buffer language in four different sections of the zoning ordinance. Robert Hanvey has been in contact with Mike Kehoe and stated the attorney agreed this should not be repeated in these various sections of the zoning ordinance. Robert Hanvey has been working on developing new text for landscape buffer and the definition of landscape buffer, yet it is not ready to present to the Planning Commission at this time.

The Commissioners were confused by this as they were under the impression the repetition was suggested by Mike Kehoe.

Paul Siersma noted the other municipalities Carlisle/Wortman works with do not repeat within the zoning ordinance. It becomes cumbersome and may be overlooked when amending the zoning ordinance.

Annette McNamara, Zoning Administrator noted the proposed text "no lots or units shall gain access from a road other than a road interior to the development" is item 7 in 8.01 F and item 7 in 8.02 F. She does not want this to be overlooked.

Debra Wiedman-Clawson motioned for the Zoning Administrator to send the proposed text to Mike Kehoe for a final determination. Once Mike Kehoe submits this determination in writing, this should all be sent to the Board of Trustees. Jim Anderson seconded. **Motion carried 5-0.**

Planning Commission Budget Discussion

Debra Wiedman-Clawson motion to table this agenda item until February 2006. Jim Anderson seconded. **Motion carried 5-0.**

City of Howell Master Plan Amendment

A letter sent to the City of Howell Planning Commission Chairperson was sent in the Commissioners packages and was noted. Paul Siersma informed the Planning Commission members that the City of Howell Planning Commission met the previous Thursday and has not had an opportunity to respond. John Enos will let the Commissioners know when he receives a date.

CALL TO THE PUBLIC

None heard.

ADJOURNMENT

Debra Wiedman-Clawson motioned to adjourn the meeting at 9:38 p.m. Dave Hamann seconded. **Motion carried 5-0.**