

PLANNING COMMISSION

REGULAR MEETING - JANUARY 24, 2006

MEMBERS PRESENT: John Lowe, Dave Hamann, Jean Root, Jim Anderson, Debra Wiedman-Clawson

MEMBERS ABSENT: None

OTHERS PRESENT: Phil Westmoreland, Orchard, Hiltz & McCliment, Inc.
David Schroeder, Orchard, Hiltz & McCliment, Inc.
John Enos, Carlisle/Wortman

CALL TO ORDER

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

APPROVAL OF AGENDA

Jean Root asked to have an item on Article XX—Amendments added to the agenda and renumber the agenda items. Dave Hamann motioned to approve the agenda as amended. Jim Anderson seconded.

Motion carried 5-0.

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves.

CALL TO THE PUBLIC

None.

APPROVAL OF MINUTES

December 27, 2005 Regular Meeting

Jean Root asked for a change to the bottom of page 3, Section 6.19—Standards for Specific Land Use should say Section 6.18 F 1 & G—Condominium Projects. Dave Hamann motioned to approve the minutes as amended. Jean Root seconded. **Motion carried 5-0.**

SMALL WAY PRIVATE ROAD SITE PLAN REVIEW

Cora Sauter from Engineering Technologies was present with the applicant. Ms. Sauter briefly summarized the site plan. Jean Root said there was no review from Carlisle/Wortman and asked John Lowe if the Planning Commission should even be looking at this request today. Mr. Lowe said they are parcel splits, not a subdivision. Deborah Wiedman-Clawson said the planner reviewed Bentley Ridge and two or three others. The previous planner reviewed Tonch Drive and a few other private roads. Ms. Wiedman-Clawson said all of a sudden, the Planning Commission didn't get a review from the planner. Mr. Enos said he wasn't asked to do a review, although he has done private road reviews in the past. Mr. Lowe asked the Planning Commission members if they wanted to give the applicant some direction. Ms. Root asked if the applicant has looked at the zoning ordinance. Ms. Sauter said yes. Ms. Root said there are some issues with the flag lot, and this plan doesn't even come close to meeting the ordinance. Ms. Wiedman-Clawson said there are some road issues, too. She said that Lot 4 doesn't meet the ordinance for a flag lot, Lot 2 needs to be a seventy (70) foot setback, it's questionable whether the frontage on Lot 3 is actually one hundred twenty (120) feet, and the width of the gravel road doesn't meet the Livingston County standards and the zoning ordinance. Ms. Sauter asked how this procedure would be handled, because this is the second submittal that's been made without receiving any feedback. The Planning Commission members said this is the first time they've seen it. Ms. Wiedman-Clawson said because there was an issue with the Livingston County Road Commission and the sight distance that it had been pulled. Ms. Sauter said she did receive an engineering review, which was very helpful. Ms. Root said that reviewing Section 6.20, which deals specifically with private roads, would be helpful. Mr. Lowe confirmed that Ms. Sauter had received a copy of the letter from the township attorney. She said yes, and her client's attorney is making revisions. Mr. Lowe asked what the proposal for the existing building being within the setback. He asked if the lot could be reconfigured so there's no encroachment. Ms. Sauter said at this point, he would probably apply for a variance for the building. Mr. Morrison said the flag lot would play a role in that, too. Mr. Lowe asked the applicant if he's comfortable with the information he's received so far. Mr. Morrison asked the Planning Commission to address the road width in the future. Ms. Wiedman-Clawson said the township has been working with a

standard maintenance agreement, and we've required all of the other developers to use that standard, and this one's not even close. Ms. Sauter said they did call the attorney, who said there's not a standard maintenance agreement. Ms. Wiedman-Clawson said there's one that's been given out to use as a template. Mr. Lowe said it's not finalized at this point, but they can just ask for the template. Mr. Enos said if the applicant wants to sketch something up in terms of a lot configuration, he can do a quick review to make sure it's in conformance with the ordinance requirements on lot size, lot widths, flag lots, etc. Mr. Lowe asked the engineers from Orchard, Hiltz & McCliment, Inc. if they had gone through the drainage calculations, and does the retention pond work for what is proposed. Mr. Westmoreland said yes. Mr. Morrison asked if there were any objections to clearing the roadway areas. Ms. Wiedman-Clawson said that was brought up earlier: Where's the landscape buffer, where are the clearing limits, etc. Is that going to be required for land divisions too? Mr. Lowe said the Planning Commission has asked for it on other land splits. Mr. Morrison said all he's asking for is the road right-of-way and retention area. Ms. Wiedman-Clawson said the Planning Commission didn't receive an aerial, but the applicant could provide an aerial overlay and show the limits of clearing for the road and the retention. Mr. Lowe said the road layout could change. Ms. Sauter said the position wouldn't change; it might become longer. Ms. Wiedman-Clawson said if this development were required to have 25-foot buffers and landscaping, you'd only get one lot. Mr. Enos said his recommendation is that the Planning Commission not follow those requirements for land divisions. Ms. Root suggested requiring clearing limits for the road only. Mr. Enos said the requirements should be done on a case-by-case basis. Mr. Hamann said the Planning Commission needs to decide what it wants, and it needs to be written into the ordinance. Ms. Root said that could be discussed under the Priorities for 2006 agenda item. Mr. Hamann said the 66-foot easement would be the clearing limit. Mr. Lowe asked Mr. Westmoreland if that would be acceptable. Mr. Westmoreland said yes. Mr. Hamann asked if they need a land use permit to clear? Mr. Lowe said they need to apply for one, or is that something they don't need. Ms. Wiedman-Clawson said he shouldn't have to get a land use permit to take trees down on his own property. Mr. Enos said that trees may be removed within the 66-foot right-of-way. If they do any grading, they have to get a land use permit.

SUBDIVISION CONTROL ORDINANCE (GENERAL ORDINANCE)

John Enos said there were some changes in the state law that may expedite subdivisions, and the ordinance needs to be updated. Mr. Enos said the Michigan Township Association (MTA) has put together a model ordinance. His suggestion is to take the best parts of the MTA ordinance, the best parts of our ordinance, and incorporate them into one. Mr. Enos is asking for the Planning Commission members approval to combine the documents, send a copy to the township attorney, and have it available for discussion at the next meeting. Dave Hamann asked Mr. Enos if he would identify how this ties into the zoning ordinance. Mr. Enos said he would have a list of where in the ordinance it directs the reader to look at the subdivision control ordinance, as well as a flow chart. Jean Root said the Board of Trustees should be made aware that the two are being combined and why. Mr. Enos said he would provide a memo detailing the information. Ms. Root said she would like the letter from Mike Kehoe and the January 16, 2006 letter from John Enos to be included in what's given to the Board of Trustees. Jean Root motioned to table the Subdivision Control Ordinance to the February 28, 2006 meeting. John Enos will draft a memo advising the Board of Trustees of the Planning Commission members' intentions and include the letter from Mike Kehoe dated January 17, 2006 and memo from Carlisle/Wortman dated January 16, 2006. Deborah Wiedman-Clawson seconded. **Motion carried 5-0.**

PROPOSED TEXT AMENDMENTS

Section 17.16—Group Day Care Homes

John Enos said that minor changes have been made to the language. The attorney made some suggestions. The language that was originally discussed regulated the number of children based on the zoning district the day care home was in. The township attorney said that couldn't be done. He was also uncomfortable with requiring frontage on a paved road, and the minimum lot size. A special use permit would still be required. Mr. Enos asked if this has been to the county yet. Ms. Root said no. Mr. Enos said this could be approved with the changes and sent to the county.

Jean Root motioned to send Section 17.16—Group Day Care Homes, as submitted January 16, 2006, to Livingston County Planning for review and recommendation to be sent to the Township Board. Jim Anderson seconded. **Motion carried 5-0.**

Section 17.27—Shooting Ranges (Rifle, Skeet, Trap, Pistol and Archery)

Mr. Enos said Livingston County Department of Planning (LCDP) had an opportunity to review this text amendment. Some of the minor changes can be made. Discussion ensued on fencing requirements. Mr. Enos said he could provide a copy of the approved language with suggested changes from LCDP. Mr. Hamann said if the Planning Commission is satisfied with the ordinance, it should be sent to the Township Board for its review and approval. Mr. Hamann asked if minutes go with the recommendation to LCDP. Ms. Root said she doesn't believe minutes are included. Mr. Hamann said the LCDP liaison, Patrick Sloan, is supposed to understand what's being sent to them and should be contacting the township for clarification. Mr. Lowe said he would contact Mr. Sloan and ask him to contact our planner for background material. Jean Root motioned to send Section 17.27—Shooting Ranges (Rifle, Skeet, Trap, Pistol and Archery), as submitted, to LCDP. After further review of their suggested revisions, the Planning Commission feels comfortable with the language as submitted due to comments from the current gun club, as well as through the review process. Dave Hamann seconded. **Motion carried 5-0.**

CITY OF HOWELL MASTER PLAN AMENDMENT

Mr. Enos said that Paul Streng has been out of the country for a few months, so the city hasn't been willing to act on this item because he wants to be part of it. Mr. Enos will have his colleague ask again at the next meeting. Dave Hamann motioned to table this item until new information is received. Jim Anderson seconded. **Motion carried 5-0.**

BUDGET DISCUSSION

Jean Root asked for this item to be put on the agenda. Bob Hanvey provided the Planning Commission members with a copy of a resolution from 1959 that there was supposed to be a separation in the budget between the Township Board and the Planning Commission. Does he know if Marion Township ever made a resolution changing that? Ms. Wiedman-Clawson said not in the past ten years, but she doesn't know about before that. Ms. Root said billings from township consultants would have to be broken down by line item. Her other question was if the Planning Commission is going to start taking suggestions on language, because there have been issues with the last few amendments that have been sent to the Board of Trustees. The Township Board is doing exactly what LCDP is doing—they're nitpicking and not getting a full picture of the Planning Commission's discussion and things they've looked at. The attorney is flip-flopping on issues. Who will take that amount as part of their budget? Mr. Enos said he could modify the way his invoices are done. Mr. Hamann said the clerk's office would have to be more detailed. Mr. Enos said the township needs a set escrow policy. Ms. Wiedman-Clawson asked about having the township engineer certify as-builts after the developer's engineer has already certified it. She feels someone needs to decide whose certification the township is going to take. Ms. Root asked Mr. Enos what the standard procedure is. Mr. Enos said he feels the township engineer should do the certification. Mr. Hamann said the township needs to protect its investment. Charlie Musson said the township should take the certification from the developer's engineer. Mr. Westmoreland said the township doesn't do the layout of the facilities such as storm sewers, sanitary, water main, that are underground, they don't have that surveying information, so the developer is responsible to provide a plan to show where they put the fits. All the developer has to do is send it to Orchard, Hiltz & McCliment, Inc. and they check it to make sure it meets the criteria. Mr. Lowe said the township engineer needs to check what is actually in the field. Mr. Enos said some communities have their engineers out there full time. Mr. Lowe said Orchard, Hiltz & McCliment, Inc. has been directed to make intermittent inspections—spot checks. Mr. Westmoreland said Orchard, Hiltz & McCliment, Inc. has been having discussion with the Livingston County Drain Commissioner's office about private wastewater treatment facilities and they've found, in almost every instance, severe negligence on the part of the developer's engineer. The developer's engineer is not looking out for the township's best interest. Mr. Westmoreland said there are established township criteria for inspection. He said they are doing full-time inspections on sanitary sewer. He strongly recommends that continue because that's the township's system. Dave Hamann motioned to table this item until the February 28, 2006 meeting. Jean Root seconded. **Motion carried 5-0.**

PRIVATE SEWAGE/WASTEWATER TREATMENT FACILITIES

Mr. Enos said these systems are becoming a reasonable option, although the township needs to protect itself. Mr. Enos said he's working closely with Washtenaw County on developing a model ordinance that will allow for two things to happen. There would be a general law ordinance, which specifies special

assessment procedures, maintenance agreement procedures, and those types of things. They would also regulate these systems as a special use. Mr. Enos said the engineers would be instrumental in creating the language. Mr. Westmoreland said the county has a great set of standards, and they have a lot of experience now in taking these over. Ms. Wiedman-Clawson said it was just passed at the House level that it can be excluded. Mr. Lowe said he would check on recent legislation. He also said the township does have the ability to put anything more restrictive than the Michigan Department of Environmental Quality restrictions in the ordinance. It's important that the isolated plants out in the community are referred to separately so that the zoning districts don't change, and it's not used as a basis to increase density. Mr. Enos said it should be clarified by using the term "municipal" rather than "public." Dave Hamann motioned to table this item. Jean Root seconded. **Motion carried 5-0.**

2006 PRIORITIES

Ms. Root informed the Planning Commission members that she went to the township board meeting, and they did approve some of the text amendments. She said the board is questioning the same things that LCDP is, although the township attorney isn't doing us any favors when he advises one way and six months later, his response is different. Mr. Hamann said he feels that Mr. Hanvey is trying to get better connectivity within the zoning ordinance. Ms. Root said she feels there needs to be better communication between the Planning Commission and the Township Board prior to the whole process. Mr. Enos said the Planning Commission should provide an analysis of why things are changed, e.g., a brief synopsis for the Township Board and County Planning. Discussion ensued on the procedures for text amendments. Mr. Enos said the Planning Commission should look at Zoning Board of Appeals cases over the past few years, and those are typically issues that should be addressed. He said they should also look at the goals and objectives in the Master Plan.

Charlie Musson said the township needs to look at and be prepared to put in municipal sewers. Mr. Enos suggested having a joint meeting the Township Board in the next few months. Ms. Wiedman-Clawson said she feels that anything on the list is fine, but anything from today on needs to follow the amendment procedure. Dave Hamann motioned to table this item until the next meeting pending input from the Planning Commission members, the Township Board, and the planning consultant. Jim Anderson seconded. **Motion carried 5-0.**

ARTICLE XX—AMENDMENTS

Some of the discussion on this item was done under Priorities for 2006. Discussion was also held regarding Section 20.03 C 2. Jean Root would like the proposed amendment to Section 20.03 to separate requirements for rezoning and requirements for zoning ordinance text amendments. Mr. Enos said he would add language for the board's review. Jean Root motioned to table Article XX—Amendments until a formal written request is submitted to the planner and placed on the February 28, 2006 agenda. Dave Hamann seconded. **Motion carried 5-0.**

CALL TO THE PUBLIC

Deborah Wiedman-Clawson asked for clarification on private roads. Because there is no new ordinance yet, it falls under the old ordinance. If someone wants to split property on a private road, they get a land use permit from the zoning administrator. Nothing has to be done to the road, correct? Mr. Lowe said yes. Ms. Wiedman-Clawson cited Berry Manor Drive as an example: a ten-acre parcel and a three-acre parcel on a 66-foot wide easement. She said the property owner intends to split the ten-acre parcel into smaller pieces. If the road ordinance is in place, does he have to bring that 66-foot wide Berry Manor Drive up to current standards? Mr. Lowe said he was told that when he split the first parcel. Her second question, which no one can answer for her, is how the shared driveway by three or four parcels that comes off of Norton Road ever got put in. She said the easement has been paved and is now serving three houses. Mr. Lowe said that it's a flag lot. Ms. Wiedman-Clawson said there's not enough frontage if it's not a road. She said the zoning administrator couldn't explain how they got it through. She's been unable to get an answer from the zoning administrator and the supervisor.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 10:10 p.m. Jean Root seconded.

Motion carried 5-0.

REGULAR MEETING - FEBRUARY 28, 2006

MEMBERS PRESENT: JOHN LOWE, CHAIRPERSON
DAVE HAMANN, JIM ANDERSON
JEAN ROOT, SECRETARY

ABSENT: DEBRA WEIDMAN-CLAWSON

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

CALL TO ORDER

The meeting was called to order at 7:36 p.m.

APPROVAL OF AGENDA

Jean Root requested the agenda be amended as follows.

- New Business, agenda item #2 International Transmission Company is removed from the agenda.
- Old Business, agenda item #3 Private Sewage/Waste Water Treatment Facilities be moved up to item #2.
- Item # 6 Planning Commission budget discussions are tabled until Debra Weidman-Clawson is present.

Dave Hamann motioned to approve the February 28, 2006 Planning Commission agenda as amended.

Jim Anderson seconded. **Motion Carried 4-0.**

INTRODUCTION OF MEMBERS

John Lowe, Jean Root, Jim Anderson, and Dave Hamann were present. Debra Weidman-Clawson was absent

CALL TO THE PUBLIC

None heard.

APPROVAL OF MINUTES

Jean Root would like the following to be added to agenda item Article XX discussion. The proposed text will separate rezoning requirements and zoning ordinance text amendment requirements. Dave Hamann motioned to approved the January 24, 2006 Planning Commission regular meeting minutes as amended.

Jean Root seconded. **Motion Carried 4-0.**

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 4-0.**

OLD BUSINESS

Small Way Private Road Site Plan Review

John Lowe reference Mike Kehoe letter dated February 28, 2006 approving the Private Road Maintenance Agreement. Jack Lowe asked Mike Kehoe if the water and sanitary sewer easements were referenced in the Private Road Maintenance Agreement.

Mike Kehoe answered yes. John Enos summarize the Carlisle/Wortman review letter dated February 20, 2006, recommending approval with conditions. The conditions included and easement to protect trees along the eastern side of the road, showing side setbacks and legal descriptions. John Enos discussed the flag lot off of the cul-de-sac and it meets zoning ordinance requirements. Moving the cul-de-sac ten feet to the west to allow for saving existing trees and additional trees to be planted was discussed and the applicant agreed. The Planning Commission members, Phil Westmoreland and the applicant discussed the two alternatives for materials to be used for a gravel road. Six inches of sand along with six inches of 21 AA limestone or meeting the Michigan Department of Transportation (MDOT) specification of six inches of sand and six inches of 21AA crushed concrete minus the wire content.

Jean Root asked the Planning Commission members if they were comfortable with the jog in the north lot line of lot #2 to avoid the existing accessory structure. The Planning Commission members agreed the lot line should be straightened out. The applicant agreed to amend the site plan to reflect this request.

Jean Root motioned to recommend final approval of Small Way Private Road tax ID# 4710-05-100-002 with the following conditions.

1. Recommendations in Carlisle/Wortman review letter dated 2-20-06.
2. Orchard, Hiltz & McCliment review letter dated 2-21-06 with one exception, the surface of the private road, two options are available. Option #1 is a six inch sand base with six inches of 21AA limestone or a six inch sand base and meeting the MDOT crushed concrete minus wire specifications.
3. Move cul-de-sac ten feet to the west within road right-of-way to protect existing trees and add trees.
4. Adjust/straighten north lot line of lot #2.

Jim Anderson seconded. **Motion Carried 4-0.**

Private Sewage/Waste Water Treatment Facilities

John Enos summarized the history of Community Wastewater Utility Systems and recent legislation allowing local zoning laws to regulate these private systems also called package treatment plants. Carlisle/Wortman is developing a two-fold strategy to regulate private systems. This would include a General Law Ordinance to regulate the financial logistics and responsibility of the systems. It would protect Marion Township and require that the township attorney and engineer do a careful review. From a legal standpoint making sure the homeowners association is responsible and also Marion Township having a financial process in place in the event of a failure and other specific requirements related to that. This is a legal document on how these would be permitted. Carlisle/Wortman would be more involved in the second phase, which would be regulating the system under a Special Use Permit. Carlisle/Wortman is proposing this be a special use in the Rural Residential (RR) or Suburban Residential (SR) districts. When a private system is applied for they would go through a public hearing process and a site plan review process. These requirements ties in with the Livingston County Drain Commissioners Office (LCDC) requirements. Orchard, Hiltz & McCliment would also be involved in the review process. Marion Township would then have a set of standards for reviewing and if they felt these standards were not being met the application could be denied. Jack Lowe asked if the LCDC design standards booklet will be referenced in Marion Township text? John Enos answered no specifically referencing their booklet, yet did refer to their standards. Jack Lowe asked is that sufficient? John Enos answered when applied for the LCDC will need to give final approval on the project and they would be using their booklet at that time. Jack Lowe noted that over 40 homes the LCDC no longer has authority and it is turned over to the State of Michigan. John Enos stated Marion Township would still have review authority with the Special Use Permit and protect ourselves financially under the General Law Ordinance. Jack Lowe would like to know the State of Michigan Standards. Phil Westmoreland said at that point it becomes a regular waste water treatment plant. When someone refers to a package treatment plant they are referring to a system that discharges to surface water or ground water whatever is permitted by the Michigan Department of Environmental Quality (MDEQ.) Jean Root asked if the MDEQ regulates the appearance or just the function? Phil Westmoreland they only regulate the function.

John Enos noted that is what Marion Township will do with the Special Use Permit. No matter the size of the development. The number of units served and who is regulating it, Marion Township will still have a say in the aesthetics due to the Special Use Permit.

The Planning Commission members would like the following amended in the proposed text for Section 17.32 Community Wastewater Utility Systems.

- Include in the intend portion that there will be no bonus in density by using this system.
- Section A, item #2, systems proposed as a part of a Planned Unit Development in RR, PUD's are not allow in the RR district. Open Space Preservation is the option in RR district.
- In Article XVII there is no Section 17.31, the number assigned to Community Wastewater Utility Systems should be changed to 17.31.

John Enos will make the changes. Phil Westmoreland asked John Enos and Mike Kehoe if the proposed text has clarified if the system fails who be the responsibility party, Marion Township or the LCDC? If Marion Township is the responsibility party then they have an argument to be involved in the engineering standards. The LDCD standards may have to be tweaked. Phil Westmoreland wants to make sure Marion Township can use the same types of equipment as in current pump stations. Make sure this is covered will help Marion Township maintain and replace equipment in the future.

John Enos reiterated text from Community Wastewater Utility Systems General Ordinance, Section 3.2 - Requirements for approval and said he can add language to make that more clear.

Mike Kehoe noted the MDEQ has strict language as part of the agreement which requires two years into the operation there has to be a fund in place for five years of operation and that fund can never be depleted below the five year operation budget. If it is depleted then they automatically have to put back in whatever is needed to bring it up to the amount. Provisions in the event of a default, they may put it back on the township not the LCDC. Mike Kehoe would insist on language that would allow the township the right to inspect at anytime, the right to access the property at anytime, copies of any and all reports filed with the MDEQ are automatically filed with the township. He would like to make sure the proposed text address these issues of comparable equipment. Jack Lowe would like language that sets up the special assessment district during the site plan review process when there is one owner, the developer. It gets more complicated when a homeowner association is involved. Mike Kehoe noted in the condominium documents he will require language that provides consent is already given for the establishment of a special assessment district. John Enos will add this along with more specific failure language to the Community Wastewater Utility Systems General Ordinance. John Enos suggested that he and Phil Westmoreland develop a flow chart on the number of units and the steps of approval. Charlie Musson asked the Planning Commission members if this applies to new development only. Will a new community system in an existing development be reviewed in the same process as a new development? John Enos and Mike Kehoe will research adding language to cover that scenario. Jim Anderson asked if there was language for monitoring. John Enos answered yes in an executed agreement approved by Marion Township. The Planning Commission members reviewed the LCDC failure chart and associated costs. John Enos will also research deleting Section 6.30 Private Sewage Waste Water Treatment Facilities and the definition associated with that. The Planning Commission members do not want a window where Marion Township will not be allowed to review a process. John Enos will also change the reference to publicly owned to municipally owned and operated in the text. John Enos would like to have a public hearing set as soon as possible, maybe at the next meeting. Jean Root asked about a formal request to Carlisle/Wortman to initiate deleting Section 6.30 and the definition. Dave Hamann asked the zoning administrator if she had made any progress on developing a form to request a zoning text amendment. He stated as long as we formally set up a process where the request for creating the new 17.32 to address Community Wastewater Utility Systems is becoming an initiation of work effort by the Planning Commission and our consultants. Jean Root motioned for John Enos to submit amended text for the March 28, 2006 Planning Commission meeting. Dave Hamann seconded. **Motion Carried 4-0.**

The Community Wastewater Utility Systems General Ordinance will be sent to the Board of Trustees. Mike Kehoe left the meeting at 8:50 p.m.

City of Howell Master Plan Amendment

The City of Howell Planning Commission Chairperson, Paul Streng has just returned from an extended vacation. They were waiting for his return to schedule a joint meeting. John Enos should have a date by the March 28, 2006 Planning Commission meeting. No action taken.

Subdivision Control Ordinance (General Ordinance)

Dave Hamann reminded the Planning Commission members he had made a motion at the February 9, 2006 Board of Trustees meeting that the Planning Commission has sixty days to finalize the proposed text and send it to the Board of Trustees for their review and approval. The text submitted for the March 28, 2006 Planning Commission meeting must be ready to send to the Board of Trustees.

Jean Root motioned to table until March 28, 2006. Jim Anderson seconded. **Motion Carried 4-0.**

Planning Commission Priorities for 2006

No discussion. No action taken.

NEW BUSINESS

Marion Station Retail Center preliminary Site Plan Review

Ron Jona gave a presentation summarizing the proposed development and addressed township consultants review letters. The neighboring Fraternal Order of Eagles has placed a new sign in an easement assigned for that purpose in an area of Marion Station's parcel that was designated for the Marion Station fore bay. The proposed sign for Marion Station also sat at that corner. Ron Jona is proposing moving the Marion Station sign at the south entrance off of D-19. The Planning Commission members agreed to consider this and have further discussion during final review.

The detention pond is also within the sanitary sewer easement. Phil Westmoreland does not see this as

a problem for future maintenance and told the Planning Commission members it can be a policy decision to keep it as is. Ron Jona will look at moving the entrance and detention pond fifteen feet to the east. Carlisle/Wortman Associates, Inc. has suggested in their review letter dated February 17, 2006 to align the proposed entrance off of Schroeder Park Drive with the entrance to Howell Auto. The applicant stated this is impossible due to the grade. Discussion ensued on eliminating the Schroeder Park Drive entrance and widening the entrance off of D-19. John Lowe had concerns regarding the stacking of cars during the busy hours. Ron Jona will consider this and bring alternative entrance drawings to the next meeting he presents at. It must be sized with phase two of the development in mind. The Livingston County Road Commission (Livingston County Road Commission) future plans for D-19 and how the development fits into this was discussed. Screening between the proposed development and the Crossroads Apostolic Church was discussed and it was decided to not provide screening. John Enos would like to see a building profile in the final review stage and asked the applicant to consider an easement for future walking path/sidewalks. Ron Jona stated this would require a MDEQ permit. Phase two use was discussed. Ron Jona thought this may be a drive through bank.

CALL TO THE PUBLIC

None heard.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 9:45 p.m. Jim Anderson seconded.

Motion Carried 4-0.

REGULAR MEETING - MARCH 28, 2006

MEMBERS PRESENT: John Lowe, Dave Hamann, Jean Root, Jim Anderson, Debra Wiedman-Clawson

MEMBERS ABSENT: None

OTHERS PRESENT: Phil Westmoreland, OHM
David Schroeder, OHM
John Enos, Carlisle/Wortman

CALL TO ORDER

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

APPROVAL OF AGENDA

Dave Hamann motioned to approve the agenda as amended. Jim Anderson seconded.

Motion carried 5-0.

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves.

CALL TO THE PUBLIC

None.

APPROVAL OF MINUTES

February 28, 2006 Regular Meeting: Jean Root asked to have the following items changed: page 2, Motion carried 5-0 should be changed to 4-0; page 3 should have a question mark at the end of paragraphs 4 and 12. Jim Anderson asked to have page 4, paragraph 6, wording changed to five-year operation budget. Dave Hamann motioned to approve the minutes as amended. Jean Root seconded.

Motion carried 4-0-1 abstention.

FRANKLIN KNOLL OF MARION FINAL SITE PLAN REVIEW

John Enos said that he just received a new plan on Monday. John Lowe asked Pat Keough from Advantage Civil Engineering if it is substantially different from what the Planning Commission members have seen. Mr. Keough brought revised copies and was hoping for approval with conditions. Most of the changes are relatively minor. Mr. Keough said he has approval from the Livingston County Health Department, Road Commission, and the fire department. The limits of grading have been added to pages 2, 3, 4 and 6. Mr. Enos asked to have the silt fence coincide with the limits of grading. Mr. Enos asked for a copy of the wetlands report, and that a list of the permit approval be shown on the cover sheet. The USCS soil information has been put on the cover sheet. Eleven additional trees have been added around the detention pond for better screening. Phil Westmoreland asked for an aerial

photograph, and Mr. Keough sent him a 24" x 36" photo. Mr. Westmoreland asked that a note be added to the drawings stating the soil types are suitable for the septic systems, which was added on sheet 1. Drawings of the drain outlet have been submitted to the Drain Commission for approval. Mr. Lowe said that Ken Recker had been out of the office and wasn't able to review them. Mr. Westmoreland said they were generally acceptable, and he just wants confirmation. Mr. Enos provided the Planning Commission with a site plan review letter, and his concerns have been addressed. However, it's a matter of process, and the new site plan was just received. The zoning ordinance also requires Township Board approval. Mr. Westmoreland said he did receive the new plan, but he hasn't reviewed it yet because he wanted to look at the same thing the Planning Commission looks at. It sounds like most issues have been addressed. The issue of the drainage swale on lots 8 and 9 can be resolved during engineering, as long as Mr. Keough agrees. Mr. Enos said the applicant has put pedestrian access easements as requested; however, between units 20 and 21, the township may want to require some type of hard surface or gravel so that the residents know that it's an easement. Mr. Westmoreland also noted that the number of lots decreased from 25 to 24 between preliminary site plan review and final. Mr. Lowe said he's concerned about the issue of the changes and how they might affect the township attorney's review. Debra Wiedman-Clawson said that page 19 of the Exhibit A still reads 25 lots instead of 24. Mr. Lowe said there are several items that need to be discussed. He also said he doesn't want to set a precedent by granting approval with the last-minute changes. Ms. Root said she agrees. Mr. Hamann said he also agrees. Jean Root motioned to table Franklin Knoll until the next regularly scheduled meeting. Dave Hamann seconded. **Motion carried 5-0.**

MARION PINES FINAL SITE PLAN REVIEW

Mr. Lowe told the applicants that the township attorney hasn't received all of the documents for review. Greg Petru from Kebs, Inc. was contacted and he said he would have their attorney contact the township attorney. Karl Forell said he thought all of the documents had been received. Priscilla Watts said she spoke with the zoning administrator on March 6 and she was told that everything was in that she needed. Jean Root motioned to table Marion Pines until the next regularly scheduled meeting. Jim Anderson seconded. **Motion carried 5-0.**

MUSSON HILLS SOUTH PRELIMINARY PLAT REVIEW

Debra Wiedman-Clawson excused herself from discussion on this item. Jim Barnwell from Desine, Inc. was present on behalf of this project. The property is located south of Davis Road and west of D-19 and is approximately 100 acres. The property is divided by Marion #3 county drain. Wetlands delineation was done and there are substantial wetlands through the center of the property. The proposal is to develop the south part of the property into 33 platted one-acre lots, with one exception in the southeast corner, which would be a two-acre lot. As a platted subdivision, the project would be subject to the Subdivision Control Rules & Regulations, as well as the rules of the township. The project would have public roads and the drainage system would be dedicated to the Livingston County Drain Commission. The procedure requires approval of a tentative preliminary plat. Once tentative preliminary approval is granted, the applicant would obtain all the necessary permits and then come back to the Planning Commission for approval of the final preliminary plat. Mr. Barnwell has received comments from the township engineer and township planner, and he feels most are technical in nature and will be addressed as the project progresses. Mr. Enos reviewed his comments with the Planning Commission, and felt his concerns could be easily addressed. Mr. Westmoreland from OHM said most of their concerns are pretty minor. Mr. Lowe asked the LCRC representatives if the issues in their review letter have been addressed. Mike Crane from the LCRC said they were mostly grading and drainage concerns, which can be resolved. One comment was made about a protected left-turn lane on D-19; Mike Goral reviewed it and doesn't feel that a turn lane is necessary. Mr. Barnwell said one issue he wanted to clarify is they will probably be requesting that sidewalks be placed within the road right-of-way. Mr. Enos asked if they planned on streetlights. Mr. Barnwell said probably not internal, just the entrance. Ms. Root asked about the emergency access to Peregrine Drive, and in the past, the PC required permission to do that. Mr. Barnwell said they did retain the one foot; it's on the recorded deed. He will have Mr. Musson's attorney check with Mike Kehoe on the language in Lake in the Pines' Master Deed. Mr. Musson said he would prefer to have the road connect. He said the township has two choices: force them to comply with the Fire Department's letter and force the road to go through Mr. Lowe asked when the public hearing should be scheduled. Mr. Enos said it could be done the same night as the preliminary plat approval.

MEMBER ABSENT: JIM ANDERSON, DEBRA WEIDMAN-CLAWSON
OTHERS PRESENT: JOHN LOWE, CHAIRPERSON
ROBERT W. HANVEY, SUPERVISOR
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
DAVID SCHROEDER, ORCHARD, HILTZ & MCCLIMENT
JOHN ENOS, CARLISLE/WORTMAN

CALL TO ORDER

Dave Hamann called the meeting to order at 7:30 p.m.

APPROVAL OF AGENDA

Dave Hamann motioned to approve the agenda. Jim Anderson seconded. Motion carried 4-0.

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. John Lowe was absent.

CALL TO THE PUBLIC

None heard

APPROVAL OF MINUTES

No minutes

Article XX - Section 20.03

John Enos summarize the proposed text. The Planning Commission had requested the proposed text include a review by the Board of Trustees prior to a public hearing. Mike Kehoe did not agree to this change. An applicant may think the Board of Trustees has made a decision prior to public input. Jean Root stated that the point of the text was to get input from the Board of Trustees before time and money were put into review processes and publications. John Enos suggested sending it to the Board of Trustees after the public hearing a review and then follow the regular process.

NEW BUSINESS

None

CALL TO THE PUBLIC

Dave Hamann opened the call to the public. Mr. Hanvey asked John Enos about the procedure of first and second readings by the Board of Trustees. John Enos answered some municipalities follow that procedure. Mr. Hanvey thinks the text is confusing and would like to see requests for text amendments and rezoning separated. He asked if Article XX would need amendments due to the upcoming Public Act 110. John Enos answered yes, the notification requirements. Those can be incorporated into this text. Mr. Hanvey also expressed concern that a resident may initiate a text amendment to circumvent the Zoning Ordinance, a way to get a variance without going to the Zoning Board of Appeals. John Enos answered the request would go to the Planning Commission and they would determine if the change was appropriate and reasonable. He asked Mr. Hanvey if he would be more comfortable having a fee associated with the request. The Planning Commission would have to take action within sixty days of an application and payment.

Discussion ensued regarding previous requests from residents on changes to Zoning Ordinance language and how that was handled.

The following changes will be made to Article XX and submitted for the May 23, 2006 regular meeting.

- Section 20.03; add factors to consider for text amendment request and review process
- Amend Article XX to reflect Public Act 110
- Send text amendments to the Board of Trustees after the first public hearing for review and comment

Dave Hamann closed the call to the public at 7:55 p.m.

ADJOURNMENT

Jean Root motioned to adjourn the meeting at 8:00 p.m. Debra Wiedman-Clawson seconded. Motion carried 4-0.

REGULAR MEETING - APRIL 25, 2006

MEMBERS PRESENT: JOHN LOWE, CHAIRPERSON – ARRIVED LATE
DAVE HAMANN, CO-CHAIRPERSON

JEAN ROOT, SECRETARY
JIM ANDERSON, DEBRA WEIDMAN-CLAWSON

MEMBERS ABSENT:

NONE

OTHERS PRESENT:

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

CALL TO ORDER

Dave Hamann called the meeting to order at 8:00 p.m.

APPROVAL OF AGENDA

Mr Hanvey informed the Planning Commission of a meeting with Mr. Mark Janeck, representative for Premier Farms. Mr. Janeck would like to update the Planning Commission and Board of Trustees on the project. Mr. Hanvey asked that the agenda be amended, under New Business, dates for a joint meeting with the Planning Commission and Board of Trustees. Dave Hamann motioned to approve the agenda as amended. Jim Anderson seconded. **Motion carried 4-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. John Lowe was absent.

CALL TO THE PUBLIC

None heard

APPROVAL OF MINUTES

Debra Wiedman-Clawson motioned to approve the March 28, 2006 Planning Commission minutes. Jean Root seconded. **Motion carried 4-0.**

FRANKLIN KNOLL OF MARION FINAL SITE PLAN REVIEW

John Enos reminded the applicant of the Planning Commission policy. The plans that are submitted for review by the Planning Commission are the plans that will be reviewed the night of the meeting. The Planning Commission will not review plans that have been revised based on township consultant review letters. With that said, John Enos told the Planning Commission Carlisle/Wortman Associates, Inc. has recommended final approval per their letter dated April 13, 2006. David Schroeder, Orchard, Hiltz & McCliment, Inc. told the Planning Commission Orchard, Hiltz & McCliment, Inc. is recommending final approval per their letter dated April 17, 2006. Dave Hamann read Mike Kehoe letter dated April 17, 2006 recommending final approval of the condominium documents. Jean Root asked the applicant if he had received the Livingston County Department of Public Health letter dated March 28, 2006 and the Livingston County Drain Commissioner letter dated April 7, 2006. The applicant provided the Planning Commission with updated review he received via email from the Livingston County Drain Commissioners Office this afternoon recommending final approval. Jean Root motioned to recommend final approval of Franklin Knoll of Marion, Tax ID# 4710-22-100-002; to the Board of Trustees. Recommendation of final approval conditioned upon the following;

- 1) Livingston County Department of Public Health letter dated March 28, 2006
- 2) Carlisle/Wortman Associates, Inc. letter dated April 13, 2006
- 3) Mike Kehoe letter dated April 17, 2006
- 4) Orchard, Hiltz & McCliment, Inc. letter dated April 17, 2006
- 5) Livingston County Drain Commissioners letter dated April 7, 2006

Jean Root noted the April 25, 2006 email the applicant received from the Livingston County Drain Commissioners Office will supersede the April 7, 2006 letter. Debra Wiedman-Clawson seconded. **Roll Call; Jim Anderson-yes, Jean Root-yes, Debra Wiedman-Clawson-yes, Dave Hamann-yes. Motion carried 4-0.**

Dave Hamann informed the applicant on the submittal procedure for review by the Board of Trustees.

MARION PINES FINAL SITE PLAN REVIEW

Dave Hamann read Mike Kehoe's letter dated April 24, 2006 recommending final approval based on his review of the condominium documents. Mike Kehoe noted minor outstanding issues and does not see a problem working with the applicant's attorney to correct these items.

Dave Hamann asked the applicant to provide Marion Township Board of Trustees with updated

information for the final review and approval/denial.

Jean Root motioned to recommend final approval of Marion Pines, Tax ID# 4710-04-200-013 & 4710-03-100-064; to the Board of Trustees. Recommendation of final approval conditioned upon the following;

- 1) Michigan Department of Environmental Quality permit dated February 27, 2006
- 2) Howell Area Fire Authority letter dated March 13, 2006
- 3) Michigan Department of Environmental Quality permit dated March 14, 2006
- 4) Carlisle/Wortman Associates, Inc. letter dated March 21, 2006
- 5) Orchard, Hiltz & McCliment, Inc. letter dated March 26, 2006
- 6) Mike Kehoe letters dated April 14, 2006 and April 24, 2006

Jim Anderson seconded. **Roll Call; Jim Anderson-yes, Jean Root-yes, Debra Wiedman-Clawson-yes, Dave Hamann-yes. Motion carried 4-0.**

COMMUNITY WASTEWATER UTILITY SYSTEMS

The Planning Commission agreed they would prefer to have John Lowe present for this discussion.

Jean Root motioned to table this agenda item until the May 4, 2006 special meeting. Debra Wiedman-Clawson seconded. **Motion carried 4-0.**

PROPOSED TEXT AMENDMENT STANDARDS FOR SPECIFIC LAND USES-SECTION 17.16

GROUP DAY CARE HOMES

Carlisle/Wortman Associates, Inc. and Mike Kehoe researched the possibility of Marion Township requiring more play area than the State of Michigan requires. Mike Kehoe addressed this question in his April 18, 2006 letter and concluded the Township cannot have any restrictions greater than those established by the State of Michigan. The Planning Commission asked Carlisle/Wortman Associates, Inc. to include in the intent that Marion Township is complying with State of Michigan regulations. At the March 23, 2006 meeting Carlisle/Wortman Associates, Inc. recommended changes that were suggested by the Livingston County Department of Planning. Section 17.16 will be amended and submitted for the May 23, 2006 meeting. Jean Root motioned to table this item until the May 23, 2006 regular meeting.

Jim Anderson seconded. **Motion carried 4-0.**

CITY OF HOWELL MASTER PLAN AMENDMENT

John Lowe was going to contact Paul Streng and discuss possible dates for a joint meeting, since John Lowe is not here this item will be tabled until the May 4, 2006 special meeting.

Jean Root motioned to table this agenda item until the May 4, 2006 special meeting. Jim Anderson seconded. **Motion carried 4-0.**

NEW BUSINESS

PREMIER FARMS PRESENTATION - DISCUSSION ONLY

John Lowe came to the meeting at 8:30 p.m. The Planning Commission will invite the Board of Trustees to the Planning Commissions May 23, 2006 regular meeting to hear Mark Janeck's Premier Farms project update. This is for discussion purposes only. The Planning Commission will continue with their regular business at 9:00 p.m. Jean Root motioned to schedule a presentation of Premier Farms on May 23, 2006 at 7:30 p.m. This presentation is for discussion only. The Planning Commission will begin discussion on the remainder of the agenda items at 9:00 p.m. Jim Anderson seconded. **Motion carried 5-0.**

CALL TO THE PUBLIC

Jean Root read an article in the local paper about Steve Gronow moving his Red Hawk Landing project to Howell Township. Jean Root wants to know if the litigation has ended. The answer is no.

John Enos informed the Planning Commission of a workshop he is teaching on site plan review.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 8:45 p.m. Debra Wiedman-Clawson seconded. **Motion carried 5-0.**

SPECIAL MEETING - MAY 4, 2006

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

MEMBERS ABSENT: NONE

OTHERS PRESENT:

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

CALL TO ORDER

Jack Lowe called the meeting to order at 7:33 p.m.

APPROVAL OF AGENDA

Dave Hamann would like the proposed text amendment spreadsheet to be the first item under Old Business on all special meeting agendas to review the status of the proposed amendments and decide which items are the highest priorities. Tonight this will be included under item #3, Old Business. New Business will be amended to include item #1 - Public Act 110; item #2 - Set a public hearing for the Musson Hills South street lighting variance; item #3 - Schedule a special meeting for June. Dave Hamann motioned to approve the agenda as amended. Jean Root seconded. **Motion carried 5-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves.

CALL TO THE PUBLIC

Charlie Musson 333 Triangle Lake Road noted at the last Board of Trustees meeting there was discussion about issuing land use permits for developments when the infrastructure incomplete. The township should require a bond for these items. Discussion ensued on performance bonds, the details of Orchard, Hiltz & McCliment, Inc. (OHM) construction observation and amending Article IV, Section 4.06 to better protect the township. Phil Westmoreland suggested a irrevocable letter of credit in place of a performance bond and requiring the developer use Michigan Department of Transportation (MDOT) average unit prices to determine the amount necessary to complete the construction of remaining work at the time the a single family home land use permit is issued. Phil also suggested using a developers agreement that would be registered at the deeds office, and have the performance guarantee assessed and in the agreement. If the developers sells to anyone else this would be brought up during the sale. John Enos will submit for the next regular meeting suggested changes for Section 4.06. These changes will include;

- removing text referencing bonds
- replace with irrevocable letter of credit
- review to insure private roads and site condominium developments are covered

APPROVAL OF MINUTES

None

OLD BUSINESS

6.20 A - PRE-EXISTING NON-CONFORMING PRIVATE ROADS SERVING SINGLE-FAMILY, MULTIPLE-FAMILY AND COMMERCIAL DEVELOPMENTS

Phil Westmoreland summarized the Private Roads standards for the Planning Commission. The Planning Commission members discussed the number of homes to allow on a Private Roads with one or more points of access, how many roads in the township this would affect and pre-existing non-conforming private road ordinances for other townships. It was suggested this all may change with Public Act 110 which states townships do not have to address pre-existing non-conformities. The Planning Commission members agreed to review Public Act 110 prior to making any decisions. Debra Wiedman-Clawson motioned to postpone Old Business agenda items #1 & 2 until discussion on agenda item #3 is complete. Dave Hamann seconded. **Motion carried 5-0.**

6.20 A - PRIVATE ROADS SERVING SINGLE-FAMILY, MULTIPLE-FAMILY AND COMMERCIAL DEVELOPMENTS

See above motion.

PLANNING COMMISSION PRIORITIES FOR 2006

The Planning Commission members agree their priorities will change as a result of Public Act 110 and that agenda item should be discussed first. Debra Wiedman-Clawson motioned to postpone Old Business agenda items #3, 4, 5, and 6 until after New Business agenda item #1 Public Act 110. Dave Hamann seconded. **Motion carried 5-0.**

PLANNING COMMISSION BUDGET

See above motion.

COMMUNITY WASTE WATER UTILITY SYSTEMS - PROPOSED TEXT AMENDMENTS

See above motion.

CITY OF HOWELL MASTER PLAN AMENDMENT

See above motion.

NEW BUSINESS

PUBLIC ACT 110

John Enos summarized changes as a result of Public Act 110. John Lowe wants John Enos to confer with Mike Kehoe and have those both attend the next workshop to summarize for the Planning Commission, the changes to the zoning ordinance. John Enos will submit a summary of the proposed changes for the May 23, 2006 regular meeting. He will also send a copy of this to Mike Kehoe for his review prior to the next workshop so Mike is prepared to answer any questions the Planning Commission members may have. Jean Root motioned to hold a public hearing based on Public Act 110 of 2006 @ 7:30 p.m. on June 6, 2006. Jim Anderson seconded. **Motion carried 5-0.**

MUSSON HILLS SOUTH

John Enos reminded the Planning Commission of the variance requirement in the Subdivision Control Act. If the applicant does not want to include street lighting throughout the development a public hearing must be held prior to the Planning Commission making a decision. Jean Root motioned to hold a public hearing @ 7:15 p.m. on June 27, 2006. Jim Anderson seconded. **Motion carried 5-0.**

PLANNING COMMISSION SPECIAL MEETING

The Planning Commission would like Community Waste/Water Utility Systems on the special meeting agenda. They would also like the Board of Trustees to get a copy of the Community Waste/Water Utility Systems General Ordinance and the Planning Commission February 28, 2006 minutes. John Enos and Mike Kehoe will attend this meeting. Jean Root motioned to schedule a workshop on June 6, 2006, agenda items to include Public Act 110 and Community Waste/Water Utility Systems zoning ordinance amendments following the public hearing. Jim Anderson seconded. **Motion carried 5-0.**

CALL TO THE PUBLIC

None heard.

ADJOURNMENT

Debra Wiedman-Clawson motioned to adjourn the meeting at 9:45 p.m. Jean Root seconded. **Motion carried 5-0.**

REGULAR MEETING - MAY 23, 2006

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

MEMBERS ABSENT: NONE

OTHERS PRESENT: ROBERT W. HANVEY, SUPERVISOR
TAMMY L. BEAL, CLERK
DAN LOWE, TRUSTEE
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
PAUL SIERSMA, CARLISLE/WORTMAN

CALL TO ORDER

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

APPROVAL OF AGENDA

Dave Hamann motioned to approve the agenda. Jim Anderson seconded. **Motion carried 5-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves.

CALL TO THE PUBLIC

None heard

APPROVAL OF MINUTES

Jean Root motioned to approve the April 25, 2006 Planning Commission regular minutes as amended. Debra Wiedman-Clawson seconded. **Motion carried 5-0.**

Dave Hamann motioned to approve the April 25, 2006 Planning Commission public hearing minutes as amended. Debra Wiedman-Clawson seconded. **Motion carried 4-0.**

BOARD OF TRUSTEES CALL TO ORDER

Mr. Hanvey called the Board of Trustees meeting to order at 7:37 p.m. The members of the Board of Trustees introduced themselves. Paula Wyckoff, Treasurer was absent.

PREMIER FARMS PLANNED UNIT DEVELOPMENT

Mr. Janeck made a presentation for the Premier Farm owners William Anest and Peter Anest of Circle Land Company. He described the property and said that they have been paying a substantial amount of the money for REI's that were purchased when the development first began. John Lowe opened the call to the public. Jean Root asked how changes will be made if the developer goes with a different plan. Mark Janeck said they have to abide by our current ordinance. Paul Siersma said the plan looked good to him, when will you go to the next level? Mark Janeck said he is meeting right now with Phil Westmoreland of Orchard, Hiltz & McCliment, Inc. and the Howell Schools. Work will be done through local engineers plus a Chicago based engineering firm. We are looking for approval in nine months to one year. Annette McNamara asked Paul Siersma which Planned Unit Development (PUD) Ordinance the applicant has to follow. Paul Siersma said current PUD ordinance would supercede the previous one. Mr. Hanvey asked what has changed on the site plan since the first submittal. Debra Wiedman-Clawson noted previously the applicant rushed to submit under the PUD ordinance that has since been revised. Had they waited they would have had to show a parallel plan which costs more money. Jean Root asked about the small triangle of property that was planned for a fire substation is that still the plan? Mark Janeck answered yes. They plan on working with the township on that. Jean Root asked would the infrastructure be private or public and will there be separate associations or one association for the entire development? Mark Janeck said it would be mostly interior private roads with a few public roads on the perimeter of the site. He would like to keep the association at 100-150 in size with maybe a master association over the entire development. Or a management company may be hired to oversee the homeowner associations. Jim Anderson asked about the build out time frames? Mark Janeck said 10 years for 2000 homes, so possibly 200 constructed per year. They will start at the north end of the development and moving south. Jeff Grainger, 2988 W. Coon Lake Road, during the public hearing there were questions, how will those get passed along to the Planning Commission and Board of Trustees? Annette McNamara answered that she has nine pages of public comment that will be brought back to this Planning Commission and the Board of Trustees. Travis Hodge, 1345 N. Alstott asked what the size of the triangle parcel is and where are the wetlands? Mark Janeck answered the triangle is approximately 900 feet by 150 feet deep and the wetlands are in the northeast portion of that piece. Phil Westmoreland stated that there is quite a bit of wetlands, how will you handle the approval process? Will you seek the Michigan Department of Environmental Quality (MDEQ) approval first or Marion Township approval first? Mark Janeck said they are planning to have the wetlands delineated. The plan is to stay away from high quality wetlands and use low quality wetlands for detention ponds. He stated that they want to work with Marion Township regarding the best use for the wetlands. The Planning Commission asked the Board of Trustees to request clarification from Mike Kehoe, Township Attorney on which PUD ordinance to use; the zoning ordinance in place at time of submittal or the current PUD ordinance. Mark Janeck is of the understanding the conceptual has been approved which means they move on to preliminary review/approval. The Board of Trustees closed their meeting at 8:30 p.m. The Planning Commission continued with their regular meeting.

PROPOSED TEXT AMENDMENT STANDARDS FOR SPECIFIC LAND USES - SECTION 17.16

GROUP DAY CARE HOMES

The Planning Commission reviewed the text submitted by Carlisle/Wortman in relationship to the comments from the Board of Trustees and Livingston County Department of Planning. The members are satisfied with the changes. Jean Root motioned to forward Section 17.16 to the Board of Trustees for review and approval/denial. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

PROPOSED TEXT AMENDMENT ARTICLE XX - SECTION 2.03

The Planning Commission would like Carlisle/Wortman to separate the zoning amendment requirements from the rezoning requirements. Jean Root questioned the requirement in Section 20.03 B; it states the Planning Commission secretary submits the documentation to the Board of Trustees for their review. Annette McNamara thinks the Planning Commission Policy and Procedures turns that responsibility over to her. She will review the policy to make sure. The Planning Commission would like Mike Kehoe, Township Attorneys opinion in writing by the June 27, 2006 regular meeting. They would like to know; is it necessary to follow the text amendment process and hold a public hearing when a resident is requesting a text amendment. Jean Root motioned to table Article XX Section 20.03 to the June 27, 2006 regular meeting. Jim Anderson seconded. Motion carried 5-0.

CITY OF HOWELL MASTER PLAN AMENDMENT

A meeting has been scheduled for Wednesday, July 12, 2006. The time and place will be chosen by the City of Howell and they will contact Marion Township. Carlisle/Wortman Associates, Inc. will develop an agenda and submit all supporting documentation to Marion Township for distribution to the Planning Commission members.

PROPOSED TEXT AMENDMENT TO COMPLY WITH MICHIGAN ZONING ENABLING ACT - PA 110 OF 2006

Paul Siersma summarized the proposed text amendments and informed the Planning Commission members the amendments to Article XIII are forthcoming. Mike Kehoe has requested additional changes to Article V; these will be submitted for the June 6, 2006 public hearing. Paul Siersma also noted that the Michigan Zoning Enabling Act (MZEA) will become effective on July 1, 2006 even if these amendments have not yet been adopted. Dave Hamann questioned the use variance requirements and if they applied to Marion Township. He questioned if Marion Township has ever granted a use variance. The Planning Commission would like Mike Kehoes' written opinion on whether a use variance was granted in the past and if they have to grant use variances in the future. Dave Hamann questioned changes to Article XVIII in relationship to condemnation of non conforming structures. The new MZEA in Section 32.08 #3 stated the township has the right to take non-conforming structures by condemnation. The Planning Commission would like Mike Kehoe written opinion on this also. Jean Root motioned to request a letter from Mike Kehoe, his opinion on use variances and clarification on the MZEA Section 32.08 #3, and that Carlisle/Wortman make changes to the text based on Mike Kehoes' opinion for the June 6, 2006 meeting. Debra Wiedman-Clawson seconded. **Motion carried 5-0.**

NEW BUSINESS

PROPOSED TEXT AMENDMENT ARTICLE IV - SECTION 4.06 PERFORMANCE GUARANTEES FOR COMPLIANCE

Planning Commission members reviewed the proposed text amendment and are satisfied. Jean Root motioned to hold a public hearing on June 27, 2006 for Section 4.06; following the public hearing for Musson Hills South; and a public hearing for Article XIII following Section 4.06. Debra Wiedman-Clawson seconded. Motion Carried 5-0.

CALL TO THE PUBLIC

None heard.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 9:15 p.m. Jean Root seconded. **Motion carried 5-0.**

PUBLIC HEARING - JUNE 6, 2006

MEMBERS PRESENT:

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

MEMBERS ABSENT:

NONE

OTHERS PRESENT:

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

CALL TO ORDER

Jack Lowe called the meeting to order at 7:33 p.m.

APPROVAL OF AGENDA

Jean Root motioned to remove Article VI and Article XIII from the public hearing agenda. A public hearing for Article VI will be scheduled at the June 27, 2006 meeting. A public hearing for Article XIII will be held on June 27, 2006. Debra Wiedman-Clawson seconded. **Motion carried 5-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves.

CALL TO THE PUBLIC

None heard.

APPROVAL OF MINUTES

No minutes to approve.

OLD BUSINESS

PROPOSED AMENDMENTS TO COMPLY WITH PUBLIC ACT 110 ARTICLE I; ARTICLE V; ARTICLE XVI AND ARTICLE XXI

John Enos prefaced the changes and noted that Mike Kehoe has reviewed and approved the changes. Jean Root asked if these changes need to be sent to the Livingston County Department of Planning since these are mandated by the State of Michigan. Mike Kehoe answered yes. The Planning Commission members reviewed the proposed amendments. Mike Kehoe suggested keeping the first paragraph of Section 5.06 sub section E titled Decision and deleting the remainder of the sub-section. No motion was made, the proposed amendments will be reviewed at the June 27, 2006 Planning Commission meeting.

NEW BUSINESS

No new business.

CALL TO THE PUBLIC

None heard.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 7:58 p.m. Debra Wiedman-Clawson seconded.

Motion carried 5-0.

SPECIAL MEETING - JUNE 6, 2006

MEMBERS PRESENT:

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

MEMBERS ABSENT:

NONE

OTHERS PRESENT:

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

CALL TO ORDER

Jack Lowe called the meeting to order at 8:00 p.m.

APPROVAL OF AGENDA

Dave Hamann motioned to approve the agenda. Jim Anderson seconded. **Motion carried 5-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves.

CALL TO THE PUBLIC

None heard.

APPROVAL OF MINUTES

Jean Root noted two changes on page 3.

Jean Root motioned to approve the May 4, 2006 special meeting minutes as amended. Dave Hamann seconded. **Motion carried 5-0.**

OLD BUSINESS

TEXT AMENDMENT SPREADSHEET

Planning Commission members agreed to work on proposed zoning ordinance amendments in the following order.

1. Public Act 110 Michigan Zoning Enabling Act amendments
2. Community Waste/Water Utility Systems
3. Private roads
4. Crematories

Woodland ordinances has been dropped from the list. Debra Wiedman-Clawson has examples for home occupation and private horse stables. No motion was made, this agenda item will be placed on the June 27, 2006 Planning Commission agenda.

COMMUNITY WASTE WATER UTILITY SYSTEMS - PROPOSED TEXT AMENDMENTS

John Enos has contacted Diane McCormick of the Livingston County Department of Public Health (LCDPH) and she would like to arrange a workshop for townships within Livingston County and develop a zoning ordinance. The Planning Commission members would like any input from the LCDPH to be incorporated into the Community Waste Water Utility Systems (CWWUS) text for review at the June 27, 2006 regular meeting, yet they do not want this to delay action. John Enos will submit final text for the June 27, 2006 regular meeting. John Enos to review existing Section 6.30 C items #'s 1, 2, 3 & 4 for building design requirements and insert text into proposed performance standards of Section 17.31 F add an item #5 or add another section. The Planning Commission would like to prohibit CWWUS in the sewer district. Mike Kehoe suggests language that gives the Planning Commission the ability to negotiate this instead of making it a requirement of Section 17.31. John Enos will review Section 6.30 A 1 & 2 location requirements and determine what to insert into proposed 17.31. John Enos to review proposed Section 17.31 C location requirements and the proposed General Ordinance to add provisions for commercial use. If inserted in Section 17.31 then amend section 9.01 D add item #10.

Planning Commission discussed the requirements for the abandonment of a CWWUS if it fails and a requirement to hook up to a municipal system. Planning Commission questioned if this would be in the master deed or should it be in Zoning and General Ordinances. Planning Commission wants to see text that clarifies what maintenance will be the townships responsibility and what maintenance is the homeowners. Phil Westmoreland suggested the townships responsibility will end at the lead to the house. From that point on will be the homeowners' responsibility. Would this be included in the zoning ordinance general ordinance or the deed restrictions?

Section 6.27 Wellhead Protection and Hazardous Substance Overlay Zone - Zone "A" prohibited Uses item #17. Carlisle/Wortman Associates, Inc. noted since it may be difficult to restrict the establishment of a CWWUS, the township should consider removing this restriction from the Well Head Protection and Hazardous Substance Overlay Zone. The Planning Commission would like to keep item #17 in Section 6.27. John Enos is to check with Paul Siersma to see if this is OK.

PLANNING COMMISSION PRIORITIES FOR 2006

This item was addressed under agenda item #1 Text Amendment spreadsheet.

PLANNING COMMISSION BUDGET

Debra Wiedman-Clawson updated the Planning Commission members; she is working with Tammy Beal, Clerk. Debra Wiedman-Clawson asked the Planning Commission how many meetings they would want for the year. They agreed to twenty-four meetings, twelve regular meetings and twelve workshops. No motion was made, this agenda item will be placed on the June 27, 2006 Planning Commission agenda.

NEW BUSINESS

Article XIX Nonconforming uses of land and structures was discussed in relationship to PA 110. The Planning Commission members asked Mike Kehoe if any amendments were necessary. Mike Kehoe told the Planning Commission members to leave the text as is and no amendments will be made.

CALL TO THE PUBLIC

None heard.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 9:35 p.m. Jean Root seconded. **Motion carried 5-0.**

PUBLIC HEARING - JUNE 27, 2006

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

MEMBERS ABSENT: NONE

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

CALL TO ORDER

Jack Lowe called the meeting to order at 7:15 p.m.

APPROVAL OF AGENDA

Dave Hamann motioned to approve the agenda. Debra Wiedman-Clawson seconded.

Motion carried 4-0.

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. Jean Root was absent

CALL TO THE PUBLIC

None heard.

APPROVAL OF MINUTES

No minutes to approve.

OLD BUSINESS

Musson Hills South - Variance to Subdivision Ordinance #5 - Article V: Subdivision Improvements - Required public improvements - item J Street Light Requirements

Debra Wiedman-Clawson abstained from the agenda item. Jim Barnwell, Desine Inc. presented the variance request to the Planning Commission. John Enos informed the Planning Commission members he felt the request was valid. Street lighting would conflict with the Marion Township Comprehensive Plan advocating the preservation of rural character. Therefore Carlisle/Wortman is recommending approval. John Lowe opened the call to the public. Leonid Chalawa 598 W. Davis Road. He is supportive of the variance for no lighting. Jim Anderson asked if there would be an entrance sign and would that have lighting. Jim Barnwell answered yes. John Lowe closed the call to the public.

Jean Root arrived at 7:26 p.m.

The Planning Commission typically will table a variance request until the following meeting. John Lowe asked John Enos if due to the tight time lines associated with a platted subdivision approval process can the Planning Commission make a motion tonight? John Enos answered yes.

Dave Hamann motioned to approve the variance request to eliminate street lighting in the Musson Hills South platted subdivision noting the reasons stated by John Enos. Jim Anderson seconded. Debra Wiedman-Clawson abstained. **Motion Carried 3-0.**

Article IV - Section 4.06 - Performance Guarantees for Compliance

John Lowe asked John Enos if there were any changes to the text. John Enos answered no changes since the last meeting. John Enos summarized the text for the Planning Commission members and the public. John Lowe asked the Planning Commission members if they had any input. None heard. John Lowe opened the call to the public. None heard. John Lowe closed the call to the public.

Dave Hamann motioned to table Section 4.06 to the July 25, 2006 regular meeting. Jean Root seconded. **Motion carried 5-0.**

Article XIII - Planned Unit Development Overlay District - amendments to comply with PA 110

John Lowe asked John Enos if there were any changes to the text. John Enos answered there is a minor change to the text on page nine regarding notification requirements. John Lowe asked the Planning Commission members if they had any input. Jean Root asked if the revision date in the footer could be changed to June 27, 2006. Annette McNamara said she would do that.

John Lowe opened the call to the public. None heard. John Lowe closed the call to the public. Dave Hamann motioned to table Article XIII to the July 25, 2006 regular meeting for further discussion. Jim Anderson seconded. **Motion carried 5-0.**

NEW BUSINESS

No new business.

CALL TO THE PUBLIC

None heard.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 7:28 p.m. Debra Wiedman-Clawson seconded.

Motion carried 5-0.

REGULAR MEETING - JUNE 27, 2006

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

MEMBERS ABSENT: NONE

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

CALL TO ORDER

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

APPROVAL OF AGENDA

Jean Root requested the agenda be amended to include Section 3.02 Definition for Private Sewage/Waste Water Treatment Facilities be added to agenda item #4; add Planning Commission budget discussion as item #5 under Old Business and City of Howell joint meeting agenda items as item #2 under New Business. Dave Hamann motioned to approve the June 27, 2006 regular meeting agenda as amended. Jean Root seconded. **Motion carried 5-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves.

CALL TO THE PUBLIC

None heard.

APPROVAL OF MINUTES

Jean Root motioned to table the May 23, 2006 minutes to the July 25, 2006 meeting for corrections to be made. Jim Anderson seconded. **Motion carried 5-0.**

Dave Hamann motioned to approve the June 6, 2006 Special meeting minutes. Jean Root seconded.

Motion carried 5-0.

Dave Hamann motioned to approve the June 6, 2006 Public Hearing minutes. Jean Root seconded.

Motion carried 5-0.

OLD BUSINESS

Article XX - Proposed amendments to comply with PA 110

John Enos summarized the changes and noted the Board of Trustees will review amendments after the public hearing. He spoke with Mike Kehoe and both agree you cannot prohibit a resident from initiating a text amendment. An applicant would still go through the process for applying and the payment of a fee. Dave Hamann asked if the fee would be the same fee as for a rezoning. John Enos stated it would be up to the Board of Trustees to establish a fee. Dave Hamann noted that in previous situations a resident would make a request at the call to the public at a Planning Commission meeting. There was no money involved and if the request was denied no money lost. Will Marion Township reimburse the fee if the request is denied? Discussion ensued regarding a resident being charged for this. The Planning Commission members do not think a tax payer should have to pay for this.

Dave Hamann motioned to hold a public hearing at 7:15 p.m. on July 25, 2006. Jim Anderson seconded.

Motion Carried 5-0.

Dave Hamann questioned if Mark Janeck, representative for Premier Farms has been contacted by Marion Township and told which Planned Unit Development zoning ordinance to follow. Mr. Harvey answered yes; he has been contacted and told the current zoning ordinance will be followed.

Article VI - Proposed amendments to comply with PA 110

John Enos noted these are minor changes to the text as a result of Public Act 110 and suggested a public hearing be held. Dave Hamann motioned to hold a public hearing at 7:15 p.m. on July 25, 2006. Jim Anderson seconded. **Motion Carried 5-0.**

Proposed amendments to comply with Michigan Zoning Enabling Act Public Act 110 to include; Article I, Article V, Article XVI, & Article XXI

John Enos summarized the text. Debra Wiedman-Clawson would like to see the surety bond text stricken from page six of six in Article V. John Lowe noted Marion Township requires a bond for temporary dwellings. These are hardship cases and a performance/surety bond is the least expensive.

John Enos said the text that reads similar instrument acceptable to the Clerk should cover that situation. The Planning Commission members agreed to send all the Public Act 110 amendments to the Livingston County Department of Planning (LCDP) at one time. Dave Hamann motioned to table this agenda items pending completion of the Public Act 110 text amendment changes. Jim Anderson seconded.

Motion Carried 5-0.

Community Waste Water Utility Systems - Proposed Text Amendments - Add a Section 17.31 to Article XVII - Add item # 19 to Section 8.01 E Uses Permitted by Special Use Permit - Add item # 13 to Section 8.02 E Uses Permitted by Special Use Permit - Delete Section 6.30 Private Sewage/Waste Water Treatment Facilities Overlay Zone - Delete definition of Private Sewage Waste Water Treatment Facilitates and replace with a new Community Waste Water Utility Systems - Discussion on deleting from Section from Section 6.27 Wellhead Protection and Hazardous Substance Overlay Zone - Zone "A" prohibited Uses item # 17

John Enos told the Planning Commission he will be meeting with the Livingston County Department of Public Health and the Livingston County Drain Commissioners offices to work on the proposed text. The Planning Commission can move forward prior to this meeting with the county agencies. These agencies reviewed the new text along with the Marion Township attorney and other municipalities. Everyone agrees the text looks good and John Enos suggests a public hearing and then Board of Trustees review would be appropriate at this time. The Planning Commission members would like to send the LCDP a copy of the General Ordinance as reference when reviewing the proposed zoning ordinance amendments for Community Waste Water Utility Systems. John Lowe asked for clarification on item number nine on the Orchard, Hiltz and McCliment handout from their April 4, 2006 workshop. Phil Westmoreland clarified the developer still has to comply with the zoning requirements even if Michigan Department of Environmental Quality has approved a permit for a facility. Dave Hamann motioned to hold a public hearing at 7:15 p.m. on July 25, 2006. Jean Root seconded. **Motion Carried 5-0.**

Planning Commission Budget Discussion

Debra Wiedman-Clawson is waiting for more information on this agenda item. Dave Hamann motioned to table this agenda item until July 25, 2006. Jean Root seconded. **Motion Carried 5-0.**

NEW BUSINESS

Article VI - Section 6.07 #1 - Accessory Uses and Structures - Lot Size requirements

John Lowe summarized the reason for the text amendments. Dave Hamann motioned to hold a public hearing for Section 6.07 #1 at 7:15 p.m. on July 25, 2006. Jean Root seconded. **Motion Carried 5-0.**

City of Howell Joint Meeting

John Enos let everyone know a joint meeting between the City of Howell and Marion Township will be held at the Howell Chamber of Commerce, 123 Michigan Avenue on July 12, 2006 @ 7:30 p.m. He asked the Planning Commission members if they had any suggestions for agenda items.

The Planning Commission would like to discuss the following.

- 1) City of Howell Manufactured Home Community
- 2) Potential development in Marion Township and City of Howell
- 3) Traffic at the I-96 interchange and the impact of proposed developments

4) Pedestrian traffic along D-19

Jean Root informed the Planning Commission that she will not be attending the July 12, 2006 meeting. No motion made.

CALL TO THE PUBLIC

None heard.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 9:00 p.m. Jean Root seconded. **Motion carried 5-0.**

**MARION TOWNSHIP/ CITY OF HOWELL
PLANNING COMMISSION JOINT MEETING
JULY 12, 2006**

MEMBERS PRESENT:

MARION TOWNSHIP PLANNING COMMISSION;

JOHN LOWE, CHAIR
DAVE HAMANN, CO-CHAIR
JIM ANDERSON, DEBRA WIEDMAN-CLAWSON

CITY OF HOWELL PLANNING COMMISSION;

PAUL STRENG, CHAIR
SCOTT PATTON
DAWN COOPER
SUSAN COOPER
TRACEY CRAIG

OTHERS PRESENT:

ROBERT W. HANVEY, MARION TOWNSHIP SUPERVISOR
PAULA WYCKOFF, MARION TOWNSHIP TREASURER
CINDY HODGE, MARION TOWNSHIP RESIDENT
DAVE SCHROEDER, ORCHARD, HILTZ & MCCLIMENT
JOHN ENOS, CARLISLE/WORTMAN ASSOCIATES, INC.
JENNIFER COE, CARLISLE/WORTMAN ASSOCIATES, INC.
GERALDINE MOEN, MAYOR, CITY OF HOWELL
SHEA CHARLES, MANAGER, CITY OF HOWELL
JANE CARTWRIGHT, CLERK, CITY OF HOWELL
PAT CONVERY, HOWELL CHAMBER OF COMMERCE
AMY CONNLEY, PLANNING COORDINATOR, CITY OF HOWELL
SCOTT BARE, LIVINGSTON COUNTY PLANNING
JOHN ZEMKE, DETROIT NEWS

CALL TO ORDER

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

APPROVAL OF AGENDA

No approval of agenda.

INTRODUCTION OF MEMBERS

Everyone introduced themselves. Jean Root, Secretary of Marion Township Planning Commission was absent. Doug Hawes, City of Howell, Planning Commission was absent.

CALL TO THE PUBLIC

None heard.

APPROVAL OF MINUTES

No minutes to approve.

OLD BUSINESS

1-96 Interchange Improvements/Studies & Loop Road Mixed Use Planned Unit Development

Shea Charles, Manager City of Howell gave a presentation on the I-96 interchange improvements, the proposed loop road and the Planned Unit Development (PUD) project accessed via the loop road. The City of Howell has been involved in the conceptual review of the improvements to the D-19 corridor from Pulford Street to the West bound entrance to I-96. This will include two round-a-bouts, one at

Pulford Street and D-19 and the second at the West bound entrance to I-96. The project will start in the spring of 2007 and should take approximately six months. Bids for the loop road will go out this August and construction should begin the fall of 2006. The PUD proposal includes 460 residential units and industrial units. The developer would like the first residential model home to be completed when the loop road is completed.

Hotel demolition/redevelopment

At this point the City of Howell does not know what the owner of the property is going to develop on the now vacant land.

Marion Township residential developments and the impact on D-19

John Enos and the Planning Commission members summarize the upcoming developments including Premier Farms (2,000 units) and the residential development proposed for the Marion Oaks Golf Course. The impact on local roadways was discussed.

Both the Marion Township Planning Commission and the City of Howell Planning Commission members agreed a joint planning committee would be in the best interest of both communities. The City of Howell will choose their members at the next regular meeting. The Marion Township Planning Commission will choose their members at the July 25, 2006 meeting. The joint committee will meet in six months.

John Lowe would like to work with the City of Howell to make sure the improvements made to the north and south of the I-96 interchanges are compatible. Paul Streng would like to see MDOT install lighting at the entrance and exit ramps. There have been numerous accidents and he believes lighting would improve the situation. If Marion Township and the City of Howell formed a joint planning committee they may have more of an impact on MDOT. The committees would like to invite Senator Garcia to the next meeting to see if he would be willing to work with the communities for improvements.

Paul Streng noted the number of Marion Township parcels that are surrounded by City of Howell property. He would like the two communities to come up with a strategy to see what the homeowners can do when their septic systems fail. When the Marion Township property north of I-96 was transferred to the City of Howell, Marion Township lost the property designated for Mobile Home Park (MHP.) Marion Township asked John Enos to find out the process for contiguous communities to use one community MHP as both of their designations.

NEW BUSINESS

No New Business.

CALL TO THE PUBLIC

None heard.

ADJOURNMENT

Meeting adjourned at 9:00 p.m.

PUBLIC HEARING - JULY 27, 2006

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

MEMBERS ABSENT: NONE

OTHERS PRESENT: ROBERT W. HANVEY, SUPERVISOR
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PAUL SIERSMA, CARLISLE/WORTMAN

CALL TO ORDER

Jack Lowe called the meeting to order at 7:15 p.m.

APPROVAL OF AGENDA

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

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves.

CALL TO THE PUBLIC

None heard.

APPROVAL OF MINUTES

No minutes to approve.

OLD BUSINESS

Article XX – Proposed amendments to comply with Public Act 110

John Lowe asked Paul Siersma if he had any comments on the agenda item. Paul Siersma stated there have been no changes to the text since the last meeting. John Lowe asked the Planning Commission members if they had any comments. The commissioners responded no. John Lowe opened the call to the public. None heard. John Lowe closed the call to the public.

Article VI – General Provisions – Proposed Amendments to comply with Public Act 110

John Lowe asked Paul Siersma if he had any comments on the agenda item. Paul Siersma answered no. John Lowe asked the Planning Commission members if they had any comments. The commissioners responded no. John Lowe opened the call to the public. None heard. John Lowe closed the call to the public.

Community Waste Water Utility Systems – Proposed Text Amendments

Add a Section 17.31 to Article XVII

John Lowe asked Paul Siersma if he had any comments on the agenda item. Paul Siersma answered no. John Lowe asked the Planning Commission members if they had any comments. The commissioners responded no. John Lowe opened the call to the public. None heard. John Lowe closed the call to the public.

Add item #19 to Section 8.01 E Uses Permitted By Right

John Lowe asked Paul Siersma if he had any comments on the agenda item. Paul Siersma answered no. John Lowe asked the Planning Commission members if they had any comments. The commissioners responded no. John Lowe opened the call to the public. None heard. John Lowe closed the call to the public.

Add item #13 to Section 8.02 E Uses Permitted by Right

John Lowe asked Paul Siersma if he had any comments on the agenda item. Paul Siersma answered no. John Lowe asked the Planning Commission members if they had any comments. The commissioners responded no. John Lowe opened the call to the public. None heard. John Lowe closed the call to the public.

Delete Section 6.30 Private Sewage Waste/Water Treatment Facilities Overlay Zone

John Lowe asked Paul Siersma if he had any comments on the agenda item. Paul Siersma answered no. John Lowe asked the Planning Commission members if they had any comments. The commissioners responded no. John Lowe opened the call to the public. None heard. John Lowe closed the call to the public.

Delete definition of Private Sewage Waste/Water Treatment Facilities and replace with a new Community Waste/Water Utility Systems

John Lowe asked Paul Siersma if he had any comments on the agenda item. Paul Siersma answered no. John Lowe asked the Planning Commission members if they had any comments. The commissioners responded no. John Lowe opened the call to the public. None heard. John Lowe closed the call to the public.

Article VI – Section 6.07 #1 Accessory Uses and Structures – Lot Size Requirements

John Lowe asked Paul Siersma if he had any comments on the agenda item. Paul Siersma answered no. John Lowe asked the Planning Commission members if they had any comments. The commissioners responded no. John Lowe opened the call to the public. None heard. John Lowe closed the call to the public.

NEW BUSINESS

No new business.

CALL TO THE PUBLIC

Jean Root asked to revision Section 17.31. Her notes indicate Location Requirements; subsection D #4 b was to be stricken from the proposed amendment. Paul Siersma said he thought the Planning Commission members had decided to keep that text. He will check his notes to be sure and let the Planning Commission know at the August 22, 2006 meeting.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 7:28 p.m. Jean Root seconded. **Motion carried 5-0.**

PLANNING COMMISSION - JULY 25, 2006

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

MEMBERS ABSENT: NONE

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

CALL TO ORDER

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

APPROVAL OF AGENDA

The Planning Commission members agreed to add under new business, item #3 Planning Commission requests clean copies of all Public Act 110 amendments prior to sending to Livingston County Department of Planning. Also, move agenda item #1 Northern Lights Site Condominium preliminary Site Plan Review to the first item of business. Jean Root motioned to approve the July 25, 2006 regular meeting agenda as amended. Jim Anderson seconded. **Motion carried 5-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves.

CALL TO THE PUBLIC

None heard.

APPROVAL OF MINUTES

The Planning Commission members discussed a memo sent by the zoning administrator regarding the correct procedure for correcting minutes. Any corrections to the minutes presented at a meeting will be done in the following manner. The text to be corrected will be stricken, a caret and corrections will be inserted and the minutes will be signed as amended. The Planning Commission members would like more information on this procedure. They want to know what public act requires this procedure. The zoning administrator will bring that information to the August 22, 2006 meeting. Dave Hamann motioned to approve the May 23, 2006 Regular meeting minutes. Debra Wiedman-Clawson seconded.

Motion carried 5-0.

Dave Hamann motioned to approve the June 27, 2006 Regular meeting minutes. Jim Anderson seconded. **Motion carried 5-0.**

Jean Root motioned to approve the June 27, 2006 Public Hearing minutes. Debra Wiedman-Clawson seconded. **Motion carried 5-0.**

NEW BUSINESS

Northern Lights Site Condominium Preliminary Site Plan Review

Debra Wiedman-Clawson abstained from the agenda item. Jim Barnwell gave a presentation of the proposed development and asked the Planning Commission members for direction on two comments made by the township planning consultant.

- 1) The planning consultant suggested a sidewalk easement. Jim Barnwell feels they are providing adequate easement for future sidewalks.
- 2) The planning consultant questioned the detention pond and Lot #14. Jim Barnwell stated the 3' freeboard is at the property line and places no restrictions on Lot #14.

Paul Siersma summarized Carlisle/Wortman review and comment. The outstanding issues are minor and if the Planning Commission recommends preliminary approval this can be sent to the Board of Trustees for preliminary review and approval/denial.

Dave Schroeder of Orchard, Hiltz and McCliment summarized their review and comment. The outstanding issues are minor and they are recommending preliminary approval.

The Howell Area Fire Authority (HAFA) thought there would be four hydrants within the development,

yet thought the development was satisfactory.

The Planning Commission members, Jim Barnwell and owner of the property discussed the potential extension of the water district with the following concerns.

- 1) The Marion Township Comprehensive Plan designates a water district that is to the north of this development. If the Planning Commission requested hook up the Comprehensive Plan would have to be amended.
- 2) The Planning Commission members felt this is a decision the Board of Trustees would make and if a legal opinion is necessary the Board of Trustees would be the ones who would request this.
- 3) Ask Mike Kehoe to determine what jurisdiction the HAFA has with this site plan and the ramifications of precedence setting for future projects.
- 4) The owner of the property does not want to hook up to water.
- 5) Jim Barnwell stated the plan is consistent with the Comprehensive Plan and does not agree with the concept of connecting to the water district.
- 6) Paul Siersma suggested clarification as to the basis of the recommendation.
- 7) Special assessment districts to differ the costs were discussed.
- 8) Jim Barnwell agreed to provide an easement for future connection to water district.

Jean Root motioned to send Northern Lights Tax ID# 4710-10-100-044 preliminary site plan dated June 30, 2006 to the Board of Trustees for review and approval to include all documentation from the July 25, 2006 meeting and a copy of the draft minutes. Annette McNamara to request a review and comment by Carlisle/Wortman and Mike Kehoe regarding the HAFA letter and the possible legal ramifications. Jim Anderson seconded. **Motion carried 4-0.**

Jim Barnwell would like a separate motion requesting the Carlisle/Wortman and Mike Kehoe review and comment. He does not think it is fair for his client to pay for this. It is a Planning Commission request. The Planning Commission Chair assured the applicant he would not be responsible for the costs incurred for Mike Kehoe and Carlisle/Wortman Associates, Inc. review.

OLD BUSINESS

Article IV - Section 4.06 – Performance Guarantees for Compliance

Paul Siersma summarized; a public hearing was held on June 27, 2006 at that time there were no comments or changes requested. These are straightforward amendments.

Jean Root motioned to hold Section 4.06 and send to the Livingston County Department of Planning with the Public Act 110 amendments. Dave Hamann seconded. **Motion Carried 5-0.**

Article XIII – Planned Unit Development Overlay District - Proposed amendments to comply with PA 110

Paul Siersma noted there have not been any changes to the text.

Jean Root motioned to hold Article XIII and send to the Livingston County Department of Planning with the Public Act 110 amendments. Jim Anderson seconded. **Motion Carried 5-0.**

Proposed amendments to comply with Michigan Zoning Enabling Act Public Act 110 to include; Article V

Paul Siersma noted there was one change surety bond was deleted and similar instrument was inserted. Jean Root motioned to hold Article V and send to the Livingston County Department of Planning with the Public Act 110 amendments. Dave Hamann seconded.

Motion Carried 5-0.

Planning Commission Budget Discussion

Dave Hamann motioned to table this agenda item. Jim Anderson seconded. **Motion Carried 5-0.**

NEW BUSINESS

Appointment of a Planning Commission members for Marion Township & City of Howell

Joint Planning Commission Committee Dave Hamann motioned to appoint John Lowe and Jim Anderson as representatives for the Joint Planning Commission Committee with City of Howell and provide report from each meeting. Debra Wiedman-Clawson seconded. **Motion Carried 3-0.**

CALL TO THE PUBLIC

Bob Harvey had questions on who defines an applicant meets criteria for Planned Unit Development submittals. The Planning Commission members agreed the planning consultant would determine this along with the Planning Commission members. The Planning Commission budget and responsibility for the budget was discussed.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 9:00 p.m. Jean Root seconded. **Motion carried 5-0.**

PLANNING COMMISSION - AUGUST 22, 2006

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

MEMBERS ABSENT: NONE

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

CALL TO ORDER

Jack Lowe called the meeting to order at 7:34 p.m.

APPROVAL OF AGENDA

Two items were added under New Business; #1 - September 26, 2006 meeting agenda items and #2 - setting a date at the September 26, 2006 meeting for a future workshop. Jean Root motioned to approve the August 22, 2006 regular meeting agenda as amended. Dave Hamann seconded.

Motion carried 5-0.

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves.

CALL TO THE PUBLIC

None heard.

APPROVAL OF MINUTES

Dave Hamann motioned to approve the July 25, 2006 Regular meeting minutes. Debra Wiedman-Clawson seconded. **Motion carried 5-0.** Jim Anderson asked to have the date corrected from July 27, 2006 to July 25, 2006. Dave Hamann motioned to approve the July 25, 2006 Public Hearing minutes as amended. Debra Wiedman-Clawson seconded. **Motion carried 5-0.**

Jean Root noted in the July 12, 2006 minutes, on page 3 of 3, no date was set for Carlisle/Wortman to answer the Mobile Home Park designation question. Jean Root would like discussion on this at the September 26, 2006 meeting. Jean Root motioned to approve the July 12, 2006 Joint Meeting minutes. Jean Root abstained from the vote. Debra Wiedman-Clawson seconded. **Motion carried 4-0.**

OLD BUSINESS

Proposed amendments to comply with Michigan Zoning Enabling Act Public Act 110 to include; Article I, Article V, Article VI, Article XIII, Article XVI, Article XX & Article XXI

The Planning Commission had no further discussion on this agenda item. Jean Root motioned to send to the Livingston County Department of Planning for review and comment the completed package for Public Act 110. Article I, V, VI to include 6.11, 6.27 & 6.29, Article VIII, XVI and XX combined with Sections 20.03 C & 20.02, Article XXI. If not 100% approved by the Livingston County Department of Planning the package will come back to the Planning Commission. If all approved then send to the Board of Trustees for review and approval/denial. Dave Hamann seconded. **Motion Carried 5-0.**

Article IV - Section 4.06 - Performance Guarantees for Compliance

John Lowe had questions about Performance Bonds for hardship cases and was satisfied with the language in Section 4.06 B #1 that states "or similar instrument" he also questioned whether the zoning ordinance has adequate language and or requirements for the razing of buildings. The Planning Commission members discussed Livingston County Building Department requirements for the razing of a building. A copy of the City of Howell razing application will be reviewed to see if it could work for Marion Township. Jean Root motioned to send Article IV - Section 4.06 - Performance Guarantees for Compliance to the Livingston County Department of Planning for review and comment then to the Board of Trustees for review and approval/denial. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

Article VI - Section 6.07 #1 - Accessory Uses and Structures - Lot Size Requirements

Planning Commission members had no further comments. Jean Root motioned to send Article VI - Section 6.07 #1 - Accessory Uses and Structures - Lot Size Requirements to Livingston County

Department of Planning for review and comment then to the Board of Trustees for review and approval/denial. Jim Anderson seconded. **Motion Carried 5-0.**

Community Waste Water Utility Systems - Proposed Text Amendments

Add a Section 17.31 to Article XVII Paul Siersma informed the Planning Commission members of a memo from Mike Kehoe, Township Attorney suggesting minor changes. These changes are not substantial enough to warrant an additional public hearing. John Lowe would like to see a clean/final copy of proposed ordinances in the future prior to sending it to Livingston County Department of Planning.

Add item #19 to Section 8.01 E Uses Permitted By Right

The Planning Commission members had no further comments.

Add item #13 to Section 8.02 E Uses Permitted by Right

The Planning Commission members had no further comments.

Delete Section 6.30 Private Sewage Waste/Water Treatment Facilities Overlay Zone

The Planning Commission members had no further comments.

Delete definition of Private Sewage Waste/Water Treatment Facilities and replace with a new definition for Community Waste/Water Utility Systems

The Planning commission members had no further comments. The zoning administrator suggested sending a copy of the proposed Community Waste/Water Utility Systems General Ordinance for Livingston County Department of Planning staff to reference because it is referred to in the proposed zoning ordinance text. The Planning Commission members agreed. Jean Root motioned to send Community Wastewater Utility System Section 17.31, Section 8.01 E #19, Section 8.02 E #13, Deleting Section 6.30 and deleting Section 3.02 definition of Private Sewage Wastewater Treatment Facilities Overlay Zone and replace with a new definition for Community Wastewater Utility System to the Livingston County Department of Planning for review and comment. If not 100% approved Community Wastewater Utility System package will go back to the Planning Commission. If approved then send to the Board of Trustees for review and approval/denial. Jim Anderson seconded. **Motion Carried 5-0.**

Planning Commission Budget Discussion

The Planning Commission members had a lengthy discussion on this agenda item. Debra Wiedman-Clawson has the budget for the last two years and will gather further information for the September 26, 2006 meeting. Debra Wiedman-Clawson asked that this be an agenda item for September 26, 2006. Jean Root motioned to table this agenda item to the September 26, 2006 meeting. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

NEW BUSINESS

September 26, 2006 agenda items

The Zoning Administrator informed the Planning Commission members there may not be any site plans to review at the September 26, 2006 meeting and asked them if they would like to review the proposed text amendment spreadsheet for prioritizing. The Planning Commission members agreed. Paul Siersma informed the Planning Commission members he had a meeting with Mr. Anest and Mark Janeck to review a preliminary drawing for Premier Farms. Carlisle/Wortman will put together a review letter for the township and a copy will also be sent to the developer. Dave Hamann wanted to know if they followed the conceptual drawing they were approved for and if they didn't will they have to start from the beginning with a new conceptual. Paul Siersma said it appears they followed the original conceptual.

Planning Commission Workshop

The Planning Commission members would like to see this as an agenda item on the September 26, 2006 agenda.

CALL TO THE PUBLIC

None heard.

ADJOURNMENT

Jean Root motioned to adjourn the meeting at 9:10 p.m. Debra Wiedman-Clawson seconded.

Motion carried 5-0.

PLANNING COMMISSION - SEPTEMBER 26, 2006

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

MEMBERS ABSENT: NONE

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

CALL TO ORDER

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

APPROVAL OF AGENDA

Jean Root asked that the agenda be amended and New Business be placed ahead of Old Business to accommodate Marion Retail Center applicant. Dave Hamann motioned to approve the September 26, 2006 regular meeting agenda as amended. Jean Root seconded. **Motion carried 4-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. Debra Wiedman-Clawson was absent and arrived at 7:42 p.m.

CALL TO THE PUBLIC

None heard.

APPROVAL OF MINUTES

Jean Root noted in the approval of the July 12, 2006 minutes, in the first sentence the word Joint should be inserted. Also in Motion carried it should read **Motion carried 4-0-1** because she abstained. Dave Hamann motioned to approve the August 22, 2006 Regular Meeting minutes as amended. Jean Root seconded. **Motion carried 4-0.**

NEW BUSINESS

Marion Retail Center

Noah Birmelin of Boss Engineering gave a presentation for Marion Retail Center and asked the Planning Commission members if they had any questions. John Enos of Carlisle/Wortman Associates, Inc. summarized his review letter and is recommending preliminary site plan approval. John Enos suggested a sidewalk easement in the road right-of-way and planting that do not require mowing around the detention basin due to the steep slopes. Dave Schroeder of Orchard, Hiltz & McCliment, Inc. summarized his review letter and is recommending preliminary site plan approval.

The Planning Commission members had the following concerns with the site plan.

- Two variances will be necessary. One for the wall signage per Section 15.03 D and the second for two principal structures on one lot per Section 6.08. The applicant agreed to apply for the variances.
- Alignment of ingress/egress with the proposed Marion Station on the east side of D-19. The Planning Commission members want the Livingston County Road Commission to be aware of their concerns. The applicant will contact the Livingston County Road Commission to discuss this issue.
- Pedestrian access from Building #1 to Building #2. An easement for pedestrian access to the site along D-19 in the road right-of-way. The applicant will discuss this with the Livingston County Road Commission.
- Fire Apparatus access to entire site. The applicant will show this on the final site plan.
- The zoning ordinance requires a Site Plan Review for all potential tenants. The applicant is aware of this.
- The Planning Commission members clarified the applicant must come back for approval of phase 2. If phase 2 includes a restaurant there may need to be additional parking.
- The fencing and vegetation around the detention pond was discussed.

Jean Root motioned to recommend preliminary site plan approval for Marion Retail Center, Tax ID# 4710-02-400-013 with the following conditions.

1. Howell Area Fire Authority review letter dated 9-11-06
2. Livingston County Road Commission review letters dated 9-12-06 & 9-25-06
3. Carlisle/Wortman Associates, Inc. review letter dated 9-19-06
4. Orchard, Hiltz & McCliment, Inc. review letter dated 9-19-06
5. Final site plan to show prairie grass as the vegetation around the detention basin
6. Engineer to show Fire Apparatus turning radii in parking lots on the Final Site Plan
7. Annette McNamara to draft letter of recommendation to the Zoning Board of Appeals stating the Planning Commission is recommending approval of a variance request to Section 15.03 D and Section 6.08 a copy is will be sent to the applicant
8. Final Site Plan to show sidewalk easement in road right-of-way

Dave Hamann seconded. **Motion Carried 5-0.**

OLD BUSINESS

Planning Commission Budget Discussion

Debra Wiedman-Clawson apologized to the Planning Commission members she does not have any information. Jean Root informed the Planning Commission members that November is the month that the Planning Commission has their annual organization meeting and the budget is a part of that discussion. Debra Wiedman-Clawson said she can submit materials for the October 24, 2006 meeting. Jean Root motioned to table this agenda item until the October 24, 2006 regular meeting. Jim Anderson seconded. **Motion Carried 5-0.**

Prioritize Proposed Text Amendments

The Planning Commission members reviewed the proposed text amendments and a memo from the Board of Trustees with Planning Commission priority suggestions for 2006. The Planning Commission briefly discussed the proposed pre-existing non-conforming private road language. Debra Wiedman-Clawson motioned to drop the proposed pre-existing non-conforming private road language. Dave Hamann asked if that was a motion. Debra Wiedman-Clawson stated she would like it to be. Dave Hamann seconded. The Planning Commission members agreed to work on the proposed text for 6.20 A Pre-existing Non-conforming Private Roads, 6.20 B New Private Roads and Crematories and Funeral Homes. All other proposed text amendments will be postponed until these are completed.

Amendments to the Planning Commission Rules & Procedures

This item was tabled until the November 28, 2006 regular meeting.

Set a date for a Planning Commission Workshop

A workshop was scheduled for Tuesday, October 10, 2006 @ 7:30 p.m.

Mobile Home Park Designation

John Enos will need to discuss this agenda item with Mike Kehoe. He will bring the answer back to the Planning Commission at the October 24, 2006 meeting. John Lowe would like to see something in writing and Debra Wiedman-Clawson asked that Jean Root be made aware this was discussed.

CALL TO THE PUBLIC

John Enos informed the Planning Commission members of the Planning Conference in November. He is giving a workshop along with a building inspector and is willing to give the same presentation to the Planning Commission members if they so choose. Charles Musson, 333 Triangle Lake Road asked if commercial use that is in place changes hands yet the use is not changing do they still have to come to the Planning Commission for site plan review. The Planning Commission members answered no. He also noted to the Planning Commission members a motion was made by Debra Wiedman-Clawson and seconded by Dave Hamann to retire the proposed pre-existing private road text and the motion was never taken to a vote. Debra Wiedman-Clawson withdrew her motion. Dave Hamann withdrew his second.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 9:45 p.m. Debra Wiedman-Clawson seconded.

Motion carried 5-0.

SPECIAL MEETING - OCTOBER 10, 2006

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

MEMBERS ABSENT: JOHN LOWE, CHAIRPERSON

OTHERS PRESENT: ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
PAUL SIERSMA, CARLISLE/WORTMAN

CALL TO ORDER

Dave Hamann called the meeting to order at 7:30 p.m.

APPROVAL OF AGENDA

Jean Root motioned to approve the October 10, 2006 special meeting agenda as amended. Jim Anderson seconded. **Motion carried 4-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. John Lowe was absent

CALL TO THE PUBLIC

None heard.

APPROVAL OF MINUTES

No minutes to approve.

OLD BUSINESS

Section 6.20 A Pre-Existing Non-conforming Private Road Serving Single Family, Multiple-family and Commercial Developments

Dave Hamann addressed the Planning Commission. He feels the Planning Commission has spent too much time on the proposed zoning ordinance text and they are still not comfortable with adopting text. Dave Hamann handed out text for a proposed General Ordinance that would address pre-existing non-conforming private roads. Dave Hamann feels this should not be in the zoning ordinance and should be put in the hands of the Board of Trustees. Paul Siersma agreed that this is the seventh version and still is not a good fit. He would like to work with Mike Kehoe on Dave Hamann's submittal of the General Ordinance. He told the Planning Commission members that many communities deal with these roads through a General Ordinance. Debra Wiedman-Clawson motioned to drop Section 6.20 A Pre-Existing Non-conforming Private Road Serving Single Family, Multiple-family and Commercial Developments from discussion and replace with the proposed General Ordinance to address pre-existing non-conforming private roads; forward to the Board of Trustees for comment on their October 12, 2006 agenda. **Roll Call; Jim Anderson yes; Jean Root yes; Dave Hamann yes; Debra Wiedman-Clawson yes. Motion Carried 4-0.**

Section 6.20 B New Private Road Serving Single Family, Multiple-family and Commercial Developments

Debra Wiedman-Clawson motioned to drop Section 6.20 B New Private Road Serving Single Family, Multiple-family and Commercial Developments from discussion until the Planning Commission receives Board of Trustees input on Section 6.20 A Pre-Existing Non-conforming Private Road Serving Single Family, Multiple-family and Commercial Developments. Jean Root seconded. **Motion Carried 4-0.**

Section 6.19 B – Lots To Have Access

Debra Wiedman-Clawson motioned to drop from discussion until the Planning Commission receives Board of Trustees input on Section 6.20 B New Private Road Serving Single Family, Multiple-family and Commercial Developments. Jean Root seconded. **Motion Carried 4-0.**

PROPOSED AMENDMENTS RELATED TO CREMATORIES & FUNERAL HOMES

Section 3.02 amend Cemetery definition – remove crematories

The Planning Commission members are satisfied with this amendment.

Section 8.01 E remove crematories from item # 19

The Planning Commission members are satisfied with this amendment.

Section 8.02 E remove crematories from item #4

The Planning Commission members are satisfied with this amendment.

Section 17.07 change location requirements

The Planning Commission members are satisfied with this amendment.

NEW BUSINESS

PROPOSED AMENDMENTS RELATED TO CREMATORIES & FUNERAL HOMES

Section 3.02 add Funeral Home definition

The Planning Commission members are satisfied with this amendment.

Section 8.03 D add item #16 Funeral Homes with Crematory Services

The Planning Commission members dropped the proposed amendment. They agreed allowing Funeral Homes with crematory services in the Highway Service as a use permitted by right would be sufficient.

Section 9.01 B add item #16 Funeral Homes with Crematory Services

The Planning Commission members agreed to change Section 9.01 per Mike Kehoe letter dated June 13, 2005 states For 9.01 B. I think it would be a better idea to have B. 16. read "Funeral homes subject to the requirements of 9.01 E. 10. and repeat the language of A. and B. of 17.31 and create a new subparagraph E. 10.. I think there is the potential for confusion when special use requirements and permitted use requirements are combined together in a special use section. Although I admit it would duplicate the language itself, the creation of E. 10. puts those requirements directly within the commercial districts language and I think that would be better.

Section 17.32 Special Use Requirements for Funeral Homes

The Planning Commission members dropped the proposed amendment. They agreed allowing Funeral Homes with crematory services in the Highway Service as a use permitted by right would be sufficient.

Section 6.27 Zone A prohibited uses list item #9

The Planning Commission members are satisfied with this amendment. Jean Root suggested a public hearing be held for all of the above proposed amendments related to Funeral Homes and Crematories. The Planning Commission members agreed this was a good idea. Jean Root motioned to hold a public hearing on November 28, 2006 @ 7:15 p.m. for Section 3.02 definitions for cemetery and funeral homes, Section 6.27 #9 Zone A prohibited uses, 8.01 E remove #6 from list, 8.02 E remove #4 from list, 9.01 B add #16 to list & 9.01 E add #10 to list subject to special requirements and 17.07 A remove crematories from A #1. Debra Wiedman-Clawson seconded. **Motion Carried 4-0.**

Set a date for Special Meeting

Jean Root motioned to schedule a special meeting for November 13, 2006 @ 7:30 p.m. agenda items to be determined at the October 24, 2006 meeting. Jim Anderson seconded. **Motion Carried 4-0.**

CALL TO THE PUBLIC

None heard.

ADJOURNMENT

Debra Wiedman-Clawson motioned to adjourn the meeting at 8:50 p.m. Jean Root seconded. **Motion carried 4-0.**

REGULAR MEETING - OCTOBER 24, 2006

MEMBERS PRESENT:

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

MEMBERS ABSENT:

NONE

OTHERS PRESENT:

ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
DAVE SCHROEDER, ORCHARD, HILTZ & MCCLIMENT
JOHN ENOS, CARLISLE/WORTMAN

CALL TO ORDER

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

APPROVAL OF AGENDA

Dave Hamann motioned to approve the October 24, 2006 regular meeting agenda. Jean Root seconded. **Motion carried 5-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves.

CALL TO THE PUBLIC

None heard.

APPROVAL OF MINUTES

Jean Root motioned to approve the September 26, 2006 Regular Meeting minutes. Debra Wiedman-Clawson seconded. **Motion carried 5-0.**

OLD BUSINESS

Planning Commission Budget Discussion

Debra Wiedman-Clawson handed out a preliminary summary of the Planning Commission budget. Debra Wiedman-Clawson explained to the commissioners the budget for 2006 will not look the same, the clerk's office will be categorizing differently and she is open to suggestions. John Lowe commented without knowing details of the past it is hard to tell what the Planning Commission should budget. He feels this is more work than they initially thought. Debra Wiedman-Clawson suggested a two part carbon form to spell out the work they want the consultants to submit. One copy goes to the Zoning Administrator and the second to the consultant. John Enos suggested the Planning Commission form a committee to work on text amendments and once they have the language in place then they can turn it over to him to review. Jean Root has concerns with the Planning Commission getting into wordsmith. Dave Hamann stated the Planning Commission needs to be the one to add value prior to the consultant reviewing. He would also like to get the clerks office to provide detailed information so the Planning Commission can establish the budget. The Planning Commission members agreed until they can get details worked out there is no reason for further discussion. Dave Hamann agreed to take this to the October 26, 2006 Board of Trustees meeting and will bring back more information.

Jean Root motioned to table this agenda item until the November 13, 2006 special meeting @ 7:30 p.m. then the Planning Commission can get further input. Dave Hamann seconded. **Motion Carried 5-0.**

Planning Commission Rules and Procedures

The Planning Commission members received a submittal from the Zoning Administrator in their packages with Michigan Zoning Enabling Act changes. John Enos handed out a copy that Carlisle/Wortman Associates, Inc. has gone through with multiple changes. He noted the Planning Commission members can review both documents and let him know at the next meeting which changes they want made. Jean Root motioned to table this agenda item to the November 13, 2006 meeting for further discussion and review. Jim Anderson seconded. **Motion Carried 5-0.**

Community Waste Water Utility Systems

Phil Westmoreland informed the commissioners that the issues that were brought up by Mike Boss are ones the township can decide on. John Enos noted these are for residential only and are to be used outside of the sewer district this is in keeping with the Comprehensive Plan. Phil Westmoreland summarized the October 17, 2006 memo responding to Mike Bosss' concerns and made suggestions to the Planning Commission members on changes that can be made to the text. Planning Commission members think there is flexibility in the text and consideration in the special use review.

Jean Root motioned to amend the text per Orchard, Hiltz & McCliment, Inc. suggestions and send a clean copy of the proposed text and a copy of the Orchard, Hiltz & McCliment, Inc. memo to the Board of Trustees for their review. Jim Anderson seconded. **Motion Carried 5-0.**

Agenda items for the November 13, 2006 Planning Commission Special Meeting

Dave Hamann informed the Planning Commission members the General Ordinance for Private Roads was well received by the Board of Trustees and will be reviewed again at the October 26, 2006 meeting. Jean Root suggested that Section 6.20 B New Private Roads be changed to Section 6.20 A.

The Planning Commission members agreed to have the following on the November 13, 2006 agenda.

1. Planning Commission Budget Discussion
2. Planning Commission Rules and Procedures
3. Section 6.20 A – New Private Roads Serving Single-Family, Multiple-Family and Commercial Developments
4. Section 6.19 B – Lots to Have Access
5. Mobile Home Park Discussion
6. Section 3.02 Figure 3-2 Flat & Mansard roofs & Figure 3-6 Show Utility Easement on diagram

7. Section 4.03 E – Final Inspections

John Enos summarized a memo he handed out at the meeting on Mobile Home Parks. With the growth of the township the Planning Commission may need to update the Comprehensive Plan with a new designated area for Mobile Home Parks. If a joint Planning Commission is established with the City of Howell it will not be necessary to designate a new area. As long as the Planning Commission is working on this, pull their facts together and document the work it should be O.K. John Lowe wants to see progress in developing a joint Planning Commission with a limited planning area that would benefit both parties. John Enos will discuss this with Mike Kehoe and bring more information to the November 13, 2006 Special Meeting.

NEW BUSINESS

John Lowe would like the commissioners to consider working on the sign ordinance for commercial district. He does not feel it adequately accommodate the commercial district.

CALL TO THE PUBLIC

John Enos informed the Planning Commission members of a workshop on building better communities this Thursday. Carlisle/Wortman Associates, Inc. is one of the sponsors.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 8:55 p.m. Debra Wiedman-Clawson seconded.
Motion carried 5-0.

SPECIAL MEETING - NOVEMBER 13, 2006

MEMBERS PRESENT:

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

MEMBERS ABSENT:

DAVE HAMANN, CO-CHAIRPERSON

OTHERS PRESENT:

ANNETTE MCNAMARA, ZONING ADMINISTRATOR
DAVID SCHROEDER, ORCHARD, HILTZ & MCCLIMENT
JOHN ENOS, CARLISLE/WORTMAN

CALL TO ORDER

John Lowe called the meeting to order at 7:33 p.m.

APPROVAL OF AGENDA

John Lowe asked to have Section 6.08 One Building to a Lot placed under New Business. Debra Wiedman-Clawson motioned to approve the November 13, 2006 special meeting agenda as amended. Jim Anderson seconded. **Motion carried 3-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. Jean Root and Dave Hamann were absent. Jean Root arrived at 7:50 p.m.

CALL TO THE PUBLIC

None heard.

APPROVAL OF MINUTES

Jim Anderson noted that page three of three had a different date in the footer and questioned if this page belonged in the minutes. Annette McNamara said that it was the wrong page and asked if the minutes could be tabled until the next special meeting. Debra Wiedman-Clawson motioned to table the October 10, 2006 special meeting minutes until the next special meeting. Jim Anderson seconded. **Motion Carried 3-0.**

OLD BUSINESS

Planning Commission Budget Discussion

Debra Wiedman-Clawson informed the members of a discussion at the October 26, 2006 Board of Trustees meeting. At that meeting Mr. Hanvey clarified his intent was for the Planning Commission members to be aware of the cost for requesting input from the attorney and consultants. He would like the Planning Commission members to be aware of the monies available for educational workshops. He did not intend for the Planning Commission to detail all expenses. Debra Wiedman-Clawson motioned to table this item to the next special meeting. Jim Anderson seconded. **Motion Carried 3-0.**

Planning Commission Rules and Procedures

Debra Wiedman-Clawson would like Jean Root to be present for this discussion. Debra Wiedman-Clawson motioned to table this agenda item until the next special meeting. Jim Anderson seconded.

Motion Carried 3-0.

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

The Planning Commission members reviewed the proposed text and agreed to remove sub-section D Road Design Requirements from the text. This sub-section mirrors the Marion Township Engineering Standards. The Planning Commission members agreed it would be best to reference the Marion Township Engineering Standards in the text and not list the requirements.

The Planning Commission members reviewed Section 6.20 A and sub-section D Road Design Requirements and asked for the following changes.

1. Page 1 of 9 C 1 d.; Remove **Section 6.20 (D), "Road Design Requirements."**
2. Page 2 of 9 C 1 h iii; Remove 'in the amount of twenty-five (25) percent of total loss'
3. Page 6 of 9 G Application Procedure; Change eight (8) sets of plot plans to twelve (12)

These items to be changed in the Marion Township Engineering Standards

1. Page 3 of 9 D 1 d i & ii; Change twenty-five (25) to thirty (30)
2. Page 4 of 9 D 1 j i; Change eight (8) inches of MDOT 21 AA specification to Livingston County Road Commission specifications
3. Page 5 of 9 Note; Remove the last sentence
4. Page 5 of 9 D 1 k ii; Delete
5. Page 5 of 9 D 1 k v; Delete
6. Page 6 of 9 D 1 l i; First two bulleted items change two (2) inches to two (2) feet

Carlisle/Wortman Associates, Inc. and Orchard, Hiltz & McCliment, Inc. will work together and clean up the document, remove the design standards and cross check with one another to make sure nothing is necessary is omitted. Dave Schroeder asked John Enos to send him via email the text he is removing from sub-section D Road Design Requirements to make sure nothing is omitted. John Enos agreed. Debra Wiedman-Clawson motioned to table Section 6.20 A New Private Roads Serving Single Family, Multiple-family and Commercial Developments to the December 19, 2006 Regular Meeting. Jim Anderson seconded. **Motion Carried 4-0.** Jean Root arrived at 7:50 p.m. during the discussion.

Section 6.19 B – Lots to Have Access

Since extensive changes are being made to Section 6.20 A, the Planning Commission members asked John Enos to review the text and make any necessary changes. Debra Wiedman-Clawson motioned to table this agenda item to the December 19, 2006 Regular Meeting. Jean Root seconded.

Motion Carried 4-0.

Mobile Home Park Discussion

John Enos summarized his conversations with Mike Kehoe regarding Mobile Home Park designation. Mike Kehoe is not confident with coordinating with the City of Howell. Another option would be to find a suitable site or lay out a strategy using the Mobile Home Parks in the surround area, showing the vacancy rates, a demonstrated need and the number of Mobile Home Parks in the surrounding area. John Lowe would like John Enos to concentrate on scheduling a meeting with the City of Howell to see if this is a direction Marion Township should go in, if not then pursue other options. John Enos suggested scheduling a meeting with the Marion Township committee members, Marion Township attorney, City of Howell attorney and planning consultants. He will report back to the Planning Commission at the December 19, 2006 meeting. Jean Root motioned to table Mobile Home Park Discussion until Marion Township and the City of Howell committees meet and have more information to bring forth in a Mobile Home Park designation within Marion Township. Debra Wiedman-Clawson seconded.

Motion Carried 4-0.

NEW BUSINESS

Proposed amendment to Section 3.02 Figure 3-2 delete Flat & Mansard roofs from diagram & Figure 3-6 Show Utility Easement on diagram

The Planning Commission members approve of the proposed amendment. Jean Root motioned to hold a public hearing for Section 3.02 Figure 3-2 and 3-6 on December 19, 2006 at 7:15 p.m. Debra Wiedman-Clawson seconded. **Motion Carried 4-0.**

Proposed amendment to Section 4.03 E add final inspection to receive Certificate of Compliance

The Planning Commission members approve of the proposed amendment. Jean Root motioned to hold a public hearing for Section 4.03 E on December 19, 2006 at 7:15 p.m. Jim Anderson seconded. **Motion Carried 4-0.**

Proposed Amendment to Section 6.08 E One Building to a Lot

The Planning Commission members reviewed the text submitted by John Enos and Mike Kehoe. There were two options and they chose the second. Jean Root motioned to hold a public hearing for Section 6.08 One Building to a Lot on December 19, 2006 at 7:15 p.m. Jim Anderson seconded. **Motion Carried 4-0.**

Set a date for Special Meeting

Jean Root motioned to schedule a special meeting for January 9, 2007 @ 7:30 p.m. Jim Anderson seconded. **Motion Carried 4-0.**

CALL TO THE PUBLIC

Jean Root asked Annette McNamara to contact the owners of the property on the corner of Schroeder Park Drive and D-19 to ask them to remove the sign that reads "Marion Station Coming Soon." The owners have withdrawn the application for Marion Station. John Enos gave the Planning Commission members an update on Premier Farms.

ADJOURNMENT

Jean Root motioned to adjourn the meeting at 9:05 p.m. Debra Wiedman-Clawson seconded. **Motion carried 4-0**

PUBLIC HEARING - NOVEMBER 28, 2006

MEMBERS PRESENT:

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

MEMBERS ABSENT:

NONE

OTHERS PRESENT:

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

CALL TO ORDER

Jack Lowe called the meeting to order at 7:15 p.m.

APPROVAL OF AGENDA

Dave Hamann motioned to approve the agenda. Debra Wiedman-Clawson seconded.

Motion carried 5-0.

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves.

CALL TO THE PUBLIC

None heard

APPROVAL OF MINUTES

No minutes to approve.

OLD BUSINESS

Section 3.02 amend Cemetery definition – remove crematories

John Lowe asked the Planning Commission members if they had any comments. The commissioners responded no. John Lowe opened the call to the public. None heard. John Lowe closed the call to the public. Jean Root motioned to table this agenda item to the December 19, 2006 Planning Commission regular meeting for review and approval. Dave Hamann seconded. **Motion Carried 5-0.**

Section 3.02 add Funeral Home definition

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

The commissioners responded no. John Lowe opened the call to the public. None heard. John Lowe closed the call to the public. Jean Root motioned to table this agenda item to the December 19, 2006 Planning Commission regular meeting for review and approval. Dave Hamann seconded.

Motion Carried 5-0.

Section 8.01 E remove crematories from item # 19

John Lowe asked the Planning Commission members if they had any comments. The commissioners responded no. John Lowe opened the call to the public. None heard. John Lowe closed the call to the public. Jean Root motioned to table this agenda item to the December 19, 2006 Planning Commission regular meeting for review and approval. Dave Hamann seconded. **Motion Carried 5-0.**

Section 8.02 E remove crematories from item #4

John Lowe asked the Planning Commission members if they had any comments. The commissioners responded no. John Lowe opened the call to the public. None heard. John Lowe closed the call to the public. Jean Root motioned to table this agenda item to the December 19, 2006 Planning Commission regular meeting for review and approval. Dave Hamann seconded. **Motion Carried 5-0.**

Section 9.01 B add item #16 Funeral Homes with Crematory Services & sub section E add item #10 funeral homes performance standards

John Lowe asked the Planning Commission members if they had any comments. The commissioners responded no. John Lowe opened the call to the public. None heard. John Lowe closed the call to the public. Jean Root motioned to table this agenda item to the December 19, 2006 Planning Commission regular meeting for review and approval. Dave Hamann seconded. **Motion Carried 5-0.**

Section 17.07 remove crematories from location requirements & site requirements

John Lowe asked the Planning Commission members if they had any comments. The commissioners responded no. John Lowe opened the call to the public. None heard. John Lowe closed the call to the public. Jean Root motioned to table this agenda item to the December 19, 2006 Planning Commission regular meeting for review and approval. Dave Hamann seconded. **Motion Carried 5-0.**

Section 6.27 Zone A prohibited uses list delete graveyard & cemeteries item #9

John Lowe asked the Planning Commission members if they had any comments. Jean Root asked if animal burial sites should be removed from #9. The Planning Commission members agreed to keep the text as is and consider removing animal burial sites from item #9 when they review Article VI for housekeeping purposes. John Lowe opened the call to the public. None heard. John Lowe closed the call to the public. Jean Root motioned to table this agenda item to the December 19, 2006 Planning Commission regular meeting for review and approval. Dave Hamann seconded. **Motion Carried 5-0.**

NEW BUSINESS

No new business.

CALL TO THE PUBLIC

None heard

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 7:31 p.m. Jim Anderson seconded.

Motion carried 5-0.

REGULAR MEETING - NOVEMBER 28, 2006

MEMBERS PRESENT:

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

MEMBERS ABSENT:

NONE

OTHERS PRESENT:

ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
DAVE SCHROEDER, ORCHARD, HILTZ & MCCLIMENT
JOHN ENOS, CARLISLE/WORTMAN
PAUL SIERSMA, CARLISLE/WORTMAN

CALL TO ORDER

Jack Lowe called the meeting to order at 7:32 p.m.

APPROVAL OF AGENDA

John Lowe asked that T-Mobile Cell Tower Special Use Permit review be placed first on the agenda to accommodate the residents who came to voice their opinion. Dave Hamann motioned to approve the November 28, 2006 regular meeting agenda as amended. Jim Anderson seconded.

Motion carried 5-0.

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves.

CALL TO THE PUBLIC

None heard.

APPROVAL OF MINUTES

Dave Hamann motioned to approve the October 24, 2006 regular Meeting minutes. Jim Anderson seconded. **Motion carried 5-0.**

NEW BUSINESS

T-Mobile Cell Tower Special Use Permit Review

John Lowe informed the applicant the package submitted did not contain enough information for the Planning Commission members to formulate questions. With this in mind he is not comfortable setting a public hearing tonight. John Lowe told the residents to continue checking the web site and public service channel for the next time this item will be on an agenda. He would like to give the applicant and the residents who attended the meeting a chance to be heard. John Lowe asked the applicant if she would like to give an overview. Ellen Tencer answered no. John Enos summarized the special use process and non-conforming uses for the residents. He asked the residents to save any major issues for the public hearing so it will be fresh in the commissioners' minds. John Lowe opened the call to the public.

R. Lindberg, 78 Amber Glen – Will the review be done by an independent agency? John Lowe answered the applicant will provide the materials and Marion Township will choose a Radio Frequency Engineer to review the materials. S. Merline, 91 Cranbrook Drive – How will the review process change?

John Lowe responded the process will remain the same.

Bernwanger, 5234 Scheuners Way – Some communities work with the cell phone companies to find appropriate placement for towers, is Marion Township open to that.

T. Wilson, 112 Cranbrook – Would like to see a deadline placed on the application.

Truesdell, 5244 Scheuners Way – Asked the Planning Commission members if they had visited the site. The Planning Commission members answered yes.

Unknown Scheuners Way – Would like to know if they can take action to change the zoning ordinance. John Lowe answered yes.

Wexel, 4175 Pinckney Road – Wants to know if the proposed tower will benefit more than T-Mobile customers.

Burnia, 5055 Scheuners Way – What is the best way to know when a complete application is submitted to Marion Township.

John Enos answered – Check the web site, public information channel or call Marion Township.

Wright, 5228 Cranberry Court – He is a Verizon customer and has been assured by that company that Verizon will connect to the T-Mobile tower.

Unknown, Coon Lake Road – Not opposed to the T-Mobile tower.

Uchman, 5191 Queensway – Would like the applicant to provide him with a list of tower put up where there was resistance from neighbors and a list of the neighbors.

Merline, 91 Cranbrook – Handed out pictures of the tower behind Marion Township hall showing the state of disrepair. He is concerned T-Mobile will not maintain the site.

Wexel, 4175 Pinckney Road – He would like to know the percentage of people in Marion Township using T-Mobile.

Faucher, 5066 Scheuners Way – When the structure is up how many co-locators will it accommodate? Why aren't they putting them on electrical towers?

Theys, 4999 Scheuners Way – Questioned the light at the top of structure.

Merline 91 Cranbrook – He has heard once the tower is up T-Mobile can add another 30' is this true.

John Enos answered no.

Montague, 5192 Scheuners Way – He feels the tower is for Putnam Township residents. John Lowe closed the call to the public. Jean Root asked what to do with the letters submitted. John Enos said to keep them until the public hearing. At that time they will be made part of the record. Ellen Tencer gave a presentation to the residents. She explained how a site is chosen, the Federal Communications Act and placement of top of electric towers.

The Planning Commission members would like the applicant to submit the following information.

1. Information requested in Carlisle/Wortman Associates, Inc. letter dated 11-17-06
2. Information requested in Orchard, Hiltz & McCliment, Inc. letter dated 11-20-06
3. Livingston County Road Commission approach approval
4. 24" x 36" Propagation maps to scale
5. Show transmission lines on site maps
6. Show topography on site maps
7. Address the continuance and expansion of the non-conforming use
8. Increase the side yard set back – side yard set back is measured from the edge of easement not the tower
9. Why the antenna structure is different from the Marion Township tower
10. Minimum and maximum channels on each antenna panel
11. Minimum and maximum power for each channel
12. Orientation of antennas relative to North. Why is the south west not covered?
13. Why do all of the T-Mobile towers have this orientation?
14. Why T-Mobile made decision to locate on this site
15. Include an adequate fall zone
16. Co-locator propagation maps for tower for all levels

Jean Root motioned to table T-Mobile Special Use Permit request for a cell tower at 5205 Pinckney Road, until the applicant provides a complete package. A complete package will be determined by Carlisle/Wortman Associates, Inc. At Carlisle/Wortman Associates, Inc. request it will be placed on the next available agenda. Jim Anderson seconded. **Motion Carried 5-0.**

OLD BUSINESS

Planning Commission Rules and Procedures

The Planning Commission members reviewed the submitted changes. They would like to see the following items changed and a clean copy submitted to them for the December 19, 2006 meeting.

Page 1 of 7 – Introduction – remove and parliamentary procedures from the last sentence

Page 3 of 7 – Quorum – add language suggested by Carlisle/Wortman Associates, Inc

Page 5 of 8 – Parliamentary Procedures – remove

Jean Root motioned to table this agenda item to the December 19, 2006 Planning Commission regular meeting for review. Jim Anderson seconded. **Motion Carried 5-0.**

NEW BUSINESS

Planning Commission Organizational Meeting

Jean Root nominated John Lowe for Chairperson. Jim Anderson seconded. **Roll Call; Jim Anderson – yes, Jean Root – yes, John Lowe – yes, Dave Hamann – yes, Debra Wiedman-Clawson – yes. Motion Carried 5-0.**

John Lowe nominated Dave Hamann for Co-Chairperson. Jim Anderson seconded. **Roll Call; Jim Anderson – yes, Jean Root – yes, John Lowe – yes, Dave Hamann – yes, Debra Wiedman-Clawson – yes. Motion Carried 5-0.**

Jim Anderson nominated Jean Root for Secretary. 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.**

Debra Wiedman-Clawson updated the Planning Commission members on budget items and asked that it be placed on the December 19, 2006 Planning Commission regular meeting agenda.

Jean Root motioned to table this agenda item to the December 19, 2006 Planning Commission regular meeting. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

CALL TO THE PUBLIC

Annette McNamara informed the Planning Commission members of an information seminar that will be held at the Marion Township Hall on Monday, December 4, 2006 immediately after the Zoning Board of

Appeals meeting is closed. The Board of Trustees have been asked to attend. Wilson, 112 Cranbrook - Asked the Planning Commission members if they have looked into early warning systems for the township. Discussion ensued and the Planning Commissioners will look into this.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 9:05 p.m. Debra Wiedman-Clawson seconded. **Motion carried 5-0.**

PUBLIC HEARING - DECEMBER 19, 2006

- MEMBERS PRESENT:** JOHN LOWE, CHAIRPERSON
DAVE HAMANN, CO-CHAIRPERSON
JIM ANDERSON, DEBRA WIEDMAN-CLAWSON
- MEMBERS ABSENT:** JEAN E. ROOT, SECRETARY
- OTHERS PRESENT:** ROBERT W. HANVEY, SUPERVISOR
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
JOHN ENOS, CARLISLE/WORTMAN
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT

CALL TO ORDER

Jack Lowe called the meeting to order at 7:17 p.m.

APPROVAL OF AGENDA

Dave Hamann motioned to approve the December 19, 2006 public hearing agenda. Debra Wiedman-Clawson seconded. **Motion carried 4-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. Jean Root was absent.

CALL TO THE PUBLIC

Annette McNamara informed the Planning Commission members of the Citizen Planner online program end of the year discount for training planning officials. If anyone wants to sign up they must do so by December 30, 2006. Jim Anderson will sign up for the class and send the bill to Marion Township. John Enos told the Commissioners this may be a requirement for Planning Commission member in the future.

APPROVAL OF MINUTES

No minutes to approve.

OLD BUSINESS

Proposed amendment to Section 3.02 Figure 3-2 delete Flat & Mansard roofs from diagram & Figure 3-6 Show Utility Easement on diagram

John Lowe asked if this was for the utility easement only. John Enos answered yes; this is just to clarify the area for utility easements. John Lowe asked the Planning Commission members if they had any comments. The commissioners responded no. John Lowe opened the call to the public. None heard. John Lowe closed the call to the public. Dave Hamann motioned to table this agenda item to the January 30, 2007 Planning Commission regular meeting for further review. Jim Anderson seconded.

Motion Carried 4-0.

Proposed amendment to Section 4.03 E add final inspection to receive Certificate of Compliance

John Lowe asked John Enos to summarize the changes. John Enos stated this was a request from the Zoning Administrator to further clarify the land use permit process. John Lowe asked the Planning Commission members if they had any comments. The commissioners responded no. John Lowe opened the call to the public. None heard. John Lowe closed the call to the public. Dave Hamann motioned to table this agenda item to the January 30, 2007 Planning Commission regular meeting for further review. Jim Anderson seconded. **Motion Carried 4-0.**

Section 6.08 One Building to a Lot

John Lowe asked the Planning Commission members if they had any comments. The commissioners responded no. John Lowe opened the call to the public.

Ronald Rozevink, 5218 Scheuners Way, asked how this change in text came about.

John Lowe answered this came up during the site plan review for a commercial development in the Highway Service district. One building to a lot did not fit for commercial. Mr. Harvey gave a list of lot definitions to the Planning Commission members. Mr. Harvey thinks the definitions are not consistent. He would like them to put this on the list of zoning ordinance text to be reviewed for amendments. Dave Hamann suggested finding the legal definition for a lot. The Planning Commission members agreed to look into it. John Lowe closed the call to the public. Dave Hamann motioned to table this agenda item to the January 30, 2007 Planning Commission regular meeting for further review. Jim Anderson seconded. **Motion Carried 4-0.**

NEW BUSINESS

No new business.

CALL TO THE PUBLIC

None heard

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 7:39 p.m. Debra Wiedman-Clawson seconded.

Motion carried 4-0.

REGULAR MEETING - DECEMBER 19, 2006

MEMBERS PRESENT:

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

MEMBERS ABSENT:

JEAN ROOT, SECRETARY

OTHERS PRESENT:

ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
JOHN ENOS, CARLISLE/WORTMAN

CALL TO ORDER

Jack Lowe called the meeting to order at 7:40 p.m.

APPROVAL OF AGENDA

Dave Hamann asked to have the proposed general ordinance for Pre-existing Non-conforming Private Roads and feedback from the December 4, 2006 meeting with Burnham-Flowers Insurance Company placed on the agenda. Dave Hamann motioned to approve the December 19, 2006 regular meeting agenda as amended. Debra Wiedman-Clawson seconded. **Motion Carried 4-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. Jean Root was absent.

CALL TO THE PUBLIC

None heard.

APPROVAL OF MINUTES

Dave Hamann motioned to approve the November 28, 2006 public hearing minutes. Debra Wiedman-Clawson seconded. **Motion Carried 4-0.**

Dave Hamann motioned to approve the November 28, 2006 regular meeting minutes. Debra Wiedman-Clawson seconded. **Motion Carried 4-0.**

OLD BUSINESS

Section 3.02 amend Cemetery definition – remove crematories

John Enos, Carlisle/Wortman Associates, Inc. addressed the concerns Mr. Harvey had with the language. John Enos reviewed the proposed text and explained he and the township attorney think this is the best way to regulate crematories in the township. Mr. Harvey found State of Michigan statutes that prohibit crematory services performed at a funeral home. The commissioners, township supervisor and township planner discussed options and decided the following changes should be made to the text.

- 1) TXT# 09-06 - Section 3.02 – Definition of Cemetery – no changes
- 2) TXT# 08-06 - Section 3.02 – Definition of Funeral Homes – add services after the work cremation
- 3) TXT# 03-05 – Section 8.01 E #6 – no changes
- 4) TXT# 04-05 – Section 8.02 E #4 – no changes
- 5) TXT# 07-05 – Section 17.07 – no changes

6) TXT# 10-06 – Section 9.01

- i) sub-section B; page 1 of 3 - add #17 Crematories subject to the requirements of 9.01 E #11
- ii) sub-section E; page 1 of 3 - Site Development Requirements – change sub-section letter E to C
- iii) sub-section C (formerly E); page 3 of 3 – add #11 – Crematories subject to the following additional requirements – John Enos to submit requirements

Dave Hamann motioned to table agenda items 1 thru 7 to the January 9, 2007 special meeting.

Jim Anderson seconded. **Motion Carried 4-0.**

Section 3.02 add Funeral Home definition

The motion made for Section 3.02 Cemetery Definition applies to this agenda item.

Section 8.01 E remove crematories from item # 19

The motion made for Section 3.02 Cemetery Definition applies to this agenda item.

Section 8.02 E remove crematories from item #4

The motion made for Section 3.02 Cemetery Definition applies to this agenda item.

Section 9.01 B add item #16 Funeral Homes with Crematory Services & sub section E add item #10 funeral homes performance standards

The motion made for Section 3.02 Cemetery Definition applies to this agenda item.

Section 17.07 remove crematories from location requirements & site requirements

The motion made for Section 3.02 Cemetery Definition applies to this agenda item.

Section 6.27 Zone A prohibited uses list delete graveyard & cemeteries item #9

The motion made for Section 3.02 Cemetery Definition applies to this agenda item.

6.20 A – New Private Roads Serving Single-Family, Multiple-Family and Commercial Developments

John Lowe asked John Enos to summarize the proposed changes. John Enos told the Commissioners he removed the technical jargon per their request and this was the extent of the changes. Phil Westmoreland gave the Planning Commission members a copy of the Marion Township Engineering Standards and reviewed the document with them. Dave Hamann asked John Enos if the new speed limits on gravel roads would affect the proposed text. John Enos answered no, not the private roads. The Planning Commission members debated the number of homes that would be allowed on a private road with one point of access and with two points of access. No decision was made.

The Planning Commission members asked John Enos to make the following changes to the text for the January 9, 2006 meeting.

- 1) Section 6.20 A – page 3 of 9 sub-section D; Road Design Requirements #1 b; remove ii & iii
- 2) Section 6.20 A – page 4 of 9 sub-section D; Road Design Requirements #2 b; John Lowe would like text to be more user friendly. Phil Westmoreland to provide a graphic for Section 3.02 to be labeled 3-8
- 3) Section 6.20 A – page 6 of 9 sub-section H; Application Review and Approval or Rejection #2; clarify in second sentence land use permit is for construction of a private road
- 4) Section 6.20 A – page 8 of 9 sub-section K; Issuance of Land Use Permit for Structures on Private Roads; add text giving direction to developers

Debra Wiedman-Clawson motioned to table this agenda item to the January 9, 2007 Special meeting.

Dave Hamann seconded. **Motion Carried 4-0.**

6.19 B – Lots to Have Access

Debra Wiedman-Clawson motioned to table this agenda item to the January 9, 2007 Special meeting.

Jim Anderson seconded. **Motion Carried 4-0.**

Mobile Home Park Discussion

John Lowe would like Annette McNamara to contact Mike Kehoe and ask if he has completed his research and if he is ready to contact the City of Howell attorney. Debra Wiedman-Clawson motioned to table this agenda item to the January 9, 2007 Special meeting. Dave Hamann seconded.

Motion Carried 4-0.

Planning Commission Rules and Procedures

The Planning Commission members reviewed the proposed amendments to the rules and procedures.

Dave Hamann motioned to adopt the amended Planning Commission Rules and Procedures. Debra

Wiedman-Clawson seconded. **Motion Carried 4-0.**

Planning Commission Budget Discussion

Debra Wiedman-Clawson asked that this agenda item be placed on the February 27, 2007 Planning Commission Regular Meeting agenda. Debra Wiedman-Clawson motioned to table this agenda item to the February 27, 2007 Planning Commission Regular Meeting agenda. Jim Anderson seconded.

Motion Carried 4-0.

Pre-existing Non-conforming Private Roads

Dave Hamann updated the Planning Commission members on the proposed General Ordinance. Debra Wiedman-Clawson asked if Mike Kehoe had reviewed the document. Dave Hamann answered yes and Mike Kehoe suggested this apply to splits only. There was discussion on the proposed text. No motion made.

NEW BUSINESS

Burnham-Flowers Workshop Update

Dave Hamann told the Planning Commission members that it was suggested the Planning Commission does not make a recommendation to the Zoning Board of Appeals in the future. John Enos agreed, in the review letters he writes to the Zoning Board of Appeals, he never makes a recommendation. Dave Hamann told the Planning Commission members it was suggested the Planning Commission does not just make reference to the review and comment letters from the consultants. The Planning Commission should list the criteria in their motions. John Lowe told the Planning Commission members it was suggested the Planning Commission revise Section 5.03 1-6. The presenters said that two of the items 1 thru 6 did not apply.

CALL TO THE PUBLIC

John Enos introduced two new residents of Marion Township, Mr. & Mrs. James Murray, 2541 Rubbins. Mr. & Mrs. Murray work for Huron Township and would be an asset to any committees that need additional help.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 9:40 p.m. Debra Wiedman-Clawson seconded.

Motion Carried 4-0.