

**PLANNING COMMISSION – January 15, 2013**  
**MINUTES**

**MEMBERS PRESENT:** JERRY SIDLAR, VICE-CHAIR  
JEAN ROOT, SECRETARY  
BOB HANVEY

**MEMBERS ABSENT:** JOHN LOWE, CHAIRPERSON  
CHARLIE MUSSON

**OTHERS PRESENT:** ANNETTE MCNAMARA, ZONING ADMINISTRATOR  
JOHN L. ENOS, CARLISLE/WORTMAN

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**CALL TO ORDER**

Jerry Sidlar called the meeting to order at 7:30 p.m.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

Jean Root motioned to approve the January 15, 2013 regular meeting agenda. Bob Hanvey seconded.

**Motion Carried 3-0.**

**INTRODUCTION OF MEMBERS**

The members of the Planning Commission introduced themselves. John Lowe and Charles Musson were not present.

**CALL TO THE PUBLIC**

Jerry Sidler opened the call to the public.

No response.

Jerry Sidler closed the call to the public.

**APPROVAL OF MINUTES**

**November 27, 2012 Regular meeting minutes**

Jean Root motioned to approve the November 27, 2012 regular meeting minutes as submitted. Bob Hanvey seconded. **Motion carried 3-0.**

**NEW BUSINESS**

**Eat to the Beat – Amendment to existing Best Western Site Plan**

Mark Roman presented on behalf of UM Saloon Concepts. Proposing Eat to the Beat Restaurant in the existing space and adding approximately 1,000 square feet along with a patio. Liquor license has been approved by the Marion Township Board of Trustees and State of Michigan. He is here tonight to answer any questions the Planning Commission members may have.

John Enos noted this plan was reviewed in 2010 and the applicant is back and requesting a recommendation of approval. An amendment to an existing use is reviewed differently than a new use as everything is pretty much in place. Parking should be safe and easy access and he is recommending parking bumpers be installed, conflict with hotel parking should be avoided. The existing restaurant pole sign will be used. Carlisle/Wortman Associates, Inc. is recommending approval of the amended site plan. Mark Roman stated his responsibility with the liquor license and keeping patrons within the bar area. He wants to be a good neighbor and will send fliers to surrounding residential neighbors with a direct phone number for the manager.

Jean Root asked if the asphalt millings drain better than asphalt.

John Enos answered yes. There should have been an initial review by the Livingston County Drain Commissioners office when the hotel was built. He believes the property drains into a nearby wetland.

Jean Root asked if the Livingston County Road Commission and Howell Area Fire Authority have given any review and comments. Mark Roman provided the Commissioners with an email from Kim Hiller, Livingston County Road Commission stating no further upgrades are necessary. The Howell Area Fire Authority will have to give a final approval prior to opening.

Jean Root asked about signage.

John Enos and Annette McNamara both said it will meet the Zoning Ordinance requirements.

Bob Hanvey asked if the sign was either on or off and if there were any flashing components. Mark Roman answered; yes either on or off and no flashing components. Jerry Sidlar asked when the grand opening will take place. Mark Roman said May 15, 2013. Jean Root asked if there were comments from John Lowe and Charles Musson. Annette McNamara responded; John Lowe's questions have been answered with the exception of the site plan layout not matching up with the restaurant layout. Mark Roman said that this will be corrected prior to Board of Trustees review. Jean Root motioned to recommend approval to the Board of Trustees for Woolly Bully, Eat to the Beat; Tax ID#4710-02-400-011 with the following information/conditions.

- o Carlisle/Wortman Associates, Inc. review letter dated January 11, 2013
- o Applicant's response to review letter dated January 15, 2013
- o Memo from Kim Hiller, Livingston County Road Commission provided by applicant and dated May 2010 noting approval of access from D-19

Bob Hanvey seconded. **Motion carried 3-0.**

**OLD BUSINESS**

No Old Business

**CALL TO THE PUBLIC**

Jerry Sidler opened the call to the public.

Jean Root asked when the next meeting will be held. Annette McNamara said possibility February 26, 2013

Jerry Sidler closed the call to the public.

**ADJOURNMENT**

Jean Root motioned to adjourn the meeting at 7:53 p.m. Bob Hanvey seconded. **Motion carried 3-0.**

**PLANNING COMMISSION – MINUTES  
February 26, 2013**

**MEMBERS PRESENT:** JOHN LOWE, CHAIRPERSON  
JERRY SIDLAR, VICE-CHAIR  
JEAN ROOT, SECRETARY  
BOB HANVEY  
CHARLIE MUSSON

**MEMBERS ABSENT:** NONE

**OTHERS PRESENT:** ANNETTE MCNAMARA, ZONING ADMINISTRATOR

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**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

John Lowe asked to have the connector road between Peavy and D-19 placed on the agenda under new business. Jean Root motioned to approve the amended February 26, 2013 regular meeting agenda.

Jerry Sidlar seconded. **Motion Carried 5-0.**

**INTRODUCTION OF MEMBERS**

The members of the Planning Commission introduced themselves. All were present.

**CALL TO THE PUBLIC**

John Lowe opened the call to the public.

No response.

John Lowe closed the call to the public.

### **APPROVAL OF MINUTES**

#### **January 15, 2013 Regular meeting minutes**

Jean Root motioned to approve the January 15, 2013 regular meeting minutes as submitted. Jerry Sidlar seconded. **Motion carried 5-0.**

### **NEW BUSINESS**

#### **The Meadows – amendment to existing site plan**

Mitch Harris is requesting an amendment to the existing site plan. The number of units will remain the same; it will be the number of units within a building that will change. He would also like the Mast Deed amended to allow changes to the site plan without Marion Townships' approval.

Mike Kehoe, Township Attorney and John Enos, Township Planner have reviewed the request and commented, both agree that Marion Township should review any amendments.

John Lowe commented that the package was difficult to decipher. If the developer wants to make changes to the site plan it will have to be reviewed and approved by Marion Township.

Bob Hanvey explained this condominium has timed out and the developer cannot build on property not designated on the exhibit B drawings. Once the master deed is recorded sole ownership of the common elements is abandoned. He has no objection to the proposed changes he doesn't believe Marion Township has the authority to grant approval.

The Planning Commission members agreed they are not opposed to any changes yet they suggested she contact their attorney for direction.

Jean Root motioned to deny the developers (Mitch Harris) request to amendment to the Meadows site plan based on the following.

Carlisle/Wortman Associates, Inc. letter dated February 19, 2013

Mike Kehoe email dated December 12, 2012

Michigan Compiled Law 559.167

Charles Musson seconded. **Motion carried 5-0.**

#### **Discussion on Peavy Road connector road to D-19**

John Lowe is concerned if the connector road is built the alignment of the connector road on the west side of D-19 with the driveways on the east side of D-19 may not work. John Lowe has discussed this with a representative for the Livingston County Road Commission (LCRC) and John Enos, Carlisle/Wortman Associates, Inc.

The Planning Commission members reviewed drawings for the connector road dated 2008.

John Lowe would like to work with the LCRC staff, John Enos and Phil Westmoreland to come up with a cost effective corridor plan. He will bring information back to the next meeting.

#### **Discussion on proposed Zoning Ordinance amendments**

When Mike Kehoe was asked to review a recent submittal for a gas station/convenience store, it was noted in the review letter that Section 17.04 Automobile Service and Repair Stations is outdated, these types of operations no longer exist. Annette McNamara has reviewed Article III and highlighted proposed amendments and is currently working through the Zoning Ordinance looking any errors or updates. The goal is to make amendments by Article, not piece meal. If the Planning Commission members agree, Article III, VI & V can be placed on the March 26, 2012 agenda.

#### **Marion Oaks Consent Judgment amendment**

Bob Hanvey provided the Planning Commission members with a letter from the Van Gilder attorney and an email from Mike Kehoe regarding modification of the consent judgment.

Jean Root asked if Marion Township has the ability to monitor the hours of operation.

Bob Hanvey said if it is in the consent judgment.

John Lowe feels anything under agricultural tourism should be allowed.

Les Anderson, Jewell Road; agriculture related is fine, 5K runs should need permitting. This property was bought knowing about the consent judgment and Marion Township is in a position to negotiate.

Annette McNamara explained the temporary use permit process the Eagles have used in the past.

The Planning Commission members considered limiting the number of non-agricultural events per year.

### **OLD BUSINESS**

No Old Business

**CALL TO THE PUBLIC**

John Lowe opened the call to the public.

No response.

John Lowe closed the call to the public.

**ADJOURNMENT**

Jean Root motioned to adjourn the meeting at 8:45 p.m. Jerry Sidlar seconded. **Motion carried 5-0.**

**PLANNING COMMISSION – MINUTES  
April 23, 2013**

**MEMBERS PRESENT:** JERRY SIDLAR, VICE-CHAIR

BOB HANVEY

CHARLIE MUSSON

**MEMBERS ABSENT:** JOHN LOWE, CHAIRPERSON

JEAN ROOT, SECRETARY

**OTHERS PRESENT:** ANNETTE MCNAMARA, ZONING ADMINISTRATOR

JOHN L. ENOS, CARLISLE/WORTMAN

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**CALL TO ORDER**

Jerry Sidlar called the meeting to order at 7:33 p.m.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

Bob Hanvey motioned to approve the amended April 23, 2013 regular meeting agenda. Charles Musson seconded. **Motion Carried 3-0.**

**INTRODUCTION OF MEMBERS**

The members of the Planning Commission introduced themselves. John Lowe and Jean Root were absent.

**CALL TO THE PUBLIC**

Jerry Sidlar opened the call to the public.

No response.

Jerry Sidlar closed the call to the public.

**APPROVAL OF MINUTES**

**February 26, 2013 Regular meeting minutes**

Bob Hanvey motioned to approve the February 26, 2013 regular meeting minutes as submitted. Charles Musson seconded. **Motion carried 3-0.**

**NEW BUSINESS**

**Proposed Zoning Ordinance Text amendment - Amend Section 8.02 E #16; add Adult Foster Care Large Group Home to Uses Permitted with Special Use Permit - Amend Section 17.01 A; add Suburban Residential to Locational Requirements**

Jerry Sidlar asked John Enos to summarize the review letter submitted by Carlisle/Wortman Associates, Inc.

John Enos; The State of Michigan requires Townships to allow Day Care Foster Homes within residential neighborhoods. The Marion Township Zoning Ordinance currently allows up to 12 residents in a Adult Foster Care Small Group Home in all residential districts and up to 20 residents in a Adult Foster Care Large Group Home in the Urban Residential District with a Special Use Permit. The Standards for an Adult Foster care Large Group Home with a Special Use Permit does not specify the lot size, in Suburban Residential that could be as little as ¾ acre.

Because there is not a full Planning Commission here tonight, this agenda item should be tabled and a public hearing should not be scheduled for the May 28<sup>th</sup> meeting.

Bob Hanvey stated, when a resident makes a request for a text amendment, the proposed text should be fine tuned prior to scheduling a public hearing. He also doesn't agree with the lot size issue. Lots in Urban Residential are smaller than lots in Suburban Residential and he doesn't think these should be placed on small parcels.

John Enos noted that he has provided the Planning Commission members with proposed language for the Commissioners to consider. Last year the Planning Commission members discussed the Prisoner Re-Entry Program and expressed concerns that they could be placed in Marion Township. The language he provided specifically states no prisoners.

Bob Hanvey read the list of Special Uses allowed in Suburban Residential, including Hospitals and he doesn't think Adult Foster Care Homes are that much different. He doesn't see this use having more of an impact than say, Commercial Kennels.

John Enos said if the Planning Commission members were interested, Carlisle/Wortman Associates, Inc. could put together requirements.

Bob Hanvey asked the chair for permission to ask the applicant questions.

Jerry Sidlar gave permission.

Bob Hanvey asked what type of patients would be living in the home.

Kathy Johnson answered, elderly and Alzheimer, she also noted that a large parcel, 3-5 acres would be needed.

John Enos noted that he is not basing his recommendation on her proposal; he is basing it on all types of uses that fall under Foster Care Homes.

Bob Hanvey also noted, the size of home Kathy Johnson would build, 5,000 + or -, is not larger than some of the single family homes that have been built in Marion Township. He asked the applicant how many care givers she would employ. He reminded the Planning Commission members when St. Joseph Hospital looked at the golf course property a plus was the large parcel which they felt was conducive to healing.

Kathy Johnson said there would be 2 per shift with 3 shifts for a total of 6 employees.

The Planning Commission members agreed to add conditions to the special use language and bring it back to the May meeting when there is a full Planning Commission. The following conditions will be added and Bob Hanvey asked that Kathy Johnson be part of that discussion as she knows what use entails.

1. Lot size
2. Buffering
3. Plot Plan

Bob Hanvey motioned for review of specifics for Special Use Standards for Adult Foster Care in Urban and Suburban Residential to be brought back for the Planning Commission to review at the May 28, 2013 meeting. Charles Musson seconded. **Motion carried 3-0.**

**Proposed Zoning Ordinance Text amendment TXT# 02-13 One Building to a Lot**

Bob Hanvey explained that the current language doesn't cover situations that exist in Marion Township or a recent situation with George Town. He thinks if you want to build a house that spans two owned lots, you should be required to combine those lots.

Bob Hanvey motioned to have Carlisle/Wortman Associates, Inc. submit text for the May 28, 2013 meeting to address the issue of combining lots. Charles Musson seconded. **Motion carried 3-0.**

**Proposed Zoning Ordinance Text amendment TXT# 03-13 Single Family Design Standards**

Annette McNamara explained the reason for reviewing this section.

Scott Lloyd, Trustee thinks the houses being built in Marion Township should meet the 6 inch overhang requirements in Section 6.22, Single Family Design Standards. Allen Edwin builders have been building homes in Marion Township that do not have a 6 inch overhang on the gable ends of roofs.

John Enos asked do they meet code.

Scott Lloyd answered yes.

Bob Hanvey asked why it is important to have.  
Scott Lloyd answered aesthetics.  
John Enos suggested adding a line to the land use permit asking the applicant if the home has a 6 inch overhand on the gable ends of roof.  
All Planning Commission members agreed this would be an appropriate fix.  
No action was necessary or taken by the Planning Commission members at this time.

**OLD BUSINESS**

No Old Business

**CALL TO THE PUBLIC**

Jerry Sidlar opened the call to the public.  
No response.  
Jerry Sidlar closed the call to the public.

**ADJOURNMENT**

Charles Musson motioned to adjourn the meeting at 8:30 p.m. Bob Hanvey seconded.  
**Motion carried 5-0.**

**PLANNING COMMISSION –MINUTES  
May 28, 2013**

**MEMBERS PRESENT:** JERRY SIDLAR, VICE-CHAIR  
BOB HANVEY  
CHARLIE MUSSON  
JEAN ROOT, SECRETARY

**MEMBERS ABSENT:** NONE

**OTHERS PRESENT:** ANNETTE MCNAMARA, ZONING ADMINISTRATOR  
SALLY ELMINGER, CARLISLE/WORTMAN

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**CALL TO ORDER**

Jerry Sidlar called the meeting to order at 7:30 p.m.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

Jean Root motioned to approve the May 28, 2013 regular meeting agenda. Charles Musson seconded.  
**Motion Carried 4-0.**

**INTRODUCTION OF MEMBERS**

The members of the Planning Commission introduced themselves all were present.

**CALL TO THE PUBLIC**

Jerry Sidlar opened the call to the public.  
No response.  
Jerry Sidlar closed the call to the public.

**APPROVAL OF MINUTES**

**April 23, 2013 Regular meeting minutes**

Bob Hanvey motioned to approve the April 23, 2013 regular meeting minutes as submitted. Charles Musson seconded. **Motion Carried 3-0-1.** Jean Root abstained.

**NEW BUSINESS**

**Proposed Home Occupation Class II – SUP# 01-13 Pardiac Auto Repair**

Ken Pardiac, 4312 Rurik presented the proposal and introduced his family members, Richard Pardiac, Barbara Pardiac and his brother Bob Pardiac, the applicant. He noted Barbara Pardiac is the property owner. The package submitted is a request for a Home Occupation Class II Special Use Permit. There will be no construction taking place on site, the proposed auto repair will be operated out of two existing buildings on the property and will retain the bucolic nature of the area. Repairs will take place in one of the larger buildings and the office will be placed in the smaller building on site. The auto repair facility will be by appointment only, no drop in repairs. He will answer any questions the Commissioners have.

Jerry Sidlar asked if Bob Pardiac lives on the property.

Bob Pardiac answered yes.

Jerry Sidlar asked Sally Eliminger for comments.

Sally Eliminger summarized the Carlisle/Wortman Associates, Inc. review letter, noting the applicant has met the eleven criteria for Home Occupation Class II. It is harmonious with the Master Plan; the area is designated as low density. The use will not change the character of the neighborhood. The proposed use will not be detrimental to the Rural Residential district. She would like the applicant to state the type and size of cars to be worked on. Disposal of toxic materials has been addressed yet there is no dumpster show on the site plan and asked the applicant to address. The use will not create a nuisance to neighboring properties and asked the applicant to confirm no body work or intensive auto repair will take place on site. Parking/storing cars behind the low farm structure is open at the south side and the Planning Commission members have the flexibility to ask for screening if necessary. It is Carlisle/Wortman Associates, Inc. evaluation that the proposal meets the standards for Home Occupation Class II.

Jean Root asked if an air compressor will be used.

Bob Pardiac answered; he will be using a small portable compressor that does not create a nuisance.

Jerry Sidlar the sign requirements shown exceed the requirements allowing a four square foot will sign.

The Planning Commission members discussed signage and informed the applicant he could apply for a variance to allow for additional square footage or remove signs and meet the requirement.

Jean Root noted the Livingston County Road Commission review letter. They will allow the two driveways off of W. Coon Lake Road to be used, yet they want some type of directional signage indicating ingress/egress.

It was noted that directional signage is allowed and doesn't diminish the square footage requirements.

Jean Root noted the Howell Area Fire Authority review letter stating as long as the owner complies with the review with the county building department and fire department, due to the change in use, they approve the site plan.

Bob Pardiac told the Planning Commission members he will be working on light truck and automotive.

Bob Hanvey expressed concerns there will be more than eight cars on site at one time.

Ken Pardiac said Bob Hanvey has a more optimistic view of the operation. It will be low key and typically dealerships have all the repairs for the day dropped off at eight a.m. and picked up at five p.m. That will not be the case with this operation.

The Planning Commission members said this can be a condition of approval for the Special Use Permit.

The Planning Commission members discussed buffering along the south side of the lot. There are the ten acres owned by the applicant's family and another ten acres between the car holding area and the next house to the south. They felt no additional buffering is necessary.

Jean Root motioned to hold a public hearing at the June 25, 2013 meeting at 7:30 p.m. for the proposed Home Occupation Class II Special Use Permit # 01-13 Tax ID# 4710-26-200-044; 55 W. Coon Lake Road with the following conditions.

1. Carlisle/Wortman Associates, Inc. review letter dated May, 20, 2013
2. Livingston County Road Commission review letter dated May, 15, 2013 and directional signage as discussed
3. Sign requirements be met or applicant applies for a variance
4. Howell Area Fire Authority review letter Dated May 17, 2013 and written documentation stating approval

Bob Hanvey seconded.

Charles Musson would like the conditions for the Special Use Permit be included in the motion.

Jean Root amended the motion to include making the conditions part of the Conditions for a Special Use Permit (draft copy) and include applicant takes clients by appointment only, no drop in traffic.

Bob Hanvey supported the amended motion. **Motion Carried 4-0.**

**Proposed Rezoning RZN# 01-13 – Public Land to Suburban Residential – Tax ID#4710-13-100-002**

Rick Terres, Howell Public Schools presented the request for the proposed rezoning. They would like to split two  $\frac{3}{4}$  acre parcels on the north east corner of the Parker School site and have them rezoned to Suburban Residential for the construction trades class to build two homes. This year the construction trades class built a home in Sundance III and it went well, now they want to build on property owned by the school.

Jean Root asked if they are building classrooms or single family homes.

Rick Terres answered, no they will be single family homes built for resale.

Sally Elming, Carlisle/Wortman Associates, Inc. summarized their review letter supporting the rezoning as submitted.

Bob Hanvey asked Sally Elming if the property can be rezoned when the land division hasn't been completed.

Sally Elming answered no; you would need the new Tax ID#'s for the publication.

There is a letter in the Planning Commission member's package from Charles Decatur, Marion Township Assessor stating the land division application meets all requirements.

Discussion ensued and all agreed new Tax ID #'s can be issued in time for the publication.

Jean Root motioned to hold a public hearing for RZN# 01-13; Tax ID# 4710-13-100-002 on June 28, 2013 at 7:30 pm. Bob Hanvey seconded.

Bob Hanvey then asked the motion be amended to clarify new Tax ID#'s be used in the publication.

Jean Root motioned to amend previous motion to clarify new Tax ID#'s be used in the publication and directed they be used on the June 28, 2013 agenda along with clarification the rezoning is from Public Land to Suburban Residential. Bob Hanvey seconded. **Motion Carried 4-0.**

**OLD BUSINESS**

**Proposed Zoning Ordinance Text amendment - Amend Section 8.02 E #16; add Adult Foster Care Large Group Home to Uses Permitted with Special Use Permit - Amend Section 17.01 A; add Suburban Residential to Locational Requirements**

Jean Root asked for clarification on the proposed amendments as she wasn't at the last meeting when this was discussed.

Sally Elming summarized the Carlisle/Wortman Associates, Inc. review letter and noted that these requirements can be changed if the Planning Commission members agree to do so.

After extensive discussion the Planning Commission members asked to have the following changes made to the text.

1. Delete the requirement for this use to be on a paved road
2. Parking requirements clarify number of cars per shift
3. Signage requirements be increased to allow twenty square feet per sign face and placed fifteen feet off of the road right-of-way
4. Include adult foster care small group home in uses permitted by Special Use Permit in all districts
5. Delete adult foster care large group homes in Rural Residential and Existing Residential Subdivisions Districts

Carlisle/Wortman Associates, Inc. was asked to make the proposed amendments to the text.

Jean Root motioned to table this agenda item to the June 28, 2013 meeting for review of changes and ask Mike Kehoe to review and comment to be included in the Planning Commission member's packages.

Charles Musson seconded. **Motion Carried 4-0.**

**Proposed Zoning Ordinance Text amendment TXT# 02-13 One Building to a Lot**

Charles Musson did not agree that lots within a platted subdivision could be under one Tax ID#.

Bob Hanvey attempted to explain and said that Marion Township has done this for years within the Existing Residential Subdivision District. Bob Hanvey asked that the last line read 'A principal building

and/or accessory building or structure may not straddle the property line of two or more lots.' Annette McNamara will make these changes. The Planning Commission members agreed to ask Mike Kehoe for his review and comments on this proposed amendment for the June 28, 2013 meeting. Jean Root motioned to hold a public hearing for TXT#02-13, Relationship of Buildings to Lots as amended per tonight's discussion on June 25, 2013 at 7:30 p.m. Bob Hanvey seconded. **Motion Carried 4-0.**

**CALL TO THE PUBLIC**

Jerry Sidlar opened the call to the public. Kathy Johnson 3175 Mason Road; asked if the amendments for Adult Foster Care Facilities could be on the public hearing agenda for June 28, 2013. Jean Root responded that the Planning Commission members want to be sure the language is correct prior to holding the public hearing. Kathy Johnson understood. Les Anderson, 4500 Jewell Road; made comments on the ingress/egress traffic flow at the Burkhart/Mason Road facility. The LETS bus parks on Burkhart when the employees are changing shifts and creates a traffic jam. Sally Elminiger noted the language in the amended text for loading/unloading area to be of sufficient size so as to not create congestion on the site or within a public roadway. Jerry Sidlar closed the call to the public.

**ADJOURNMENT**

Jean Root motioned to adjourn the meeting at 9:30 p.m. Charles Musson seconded. **Motion carried 4-0**

**PLANNING COMMISSION PUBLIC HEARING & REGULAR MINUTES  
JUNE 25, 2013**

**MEMBERS PRESENT:** BOB HANVEY  
CHARLIE MUSSON  
JEAN ROOT, SECRETARY

**MEMBERS ABSENT:** JERRY SIDLAR, VICE-CHAIR

**OTHERS PRESENT:** ANNETTE MCNAMARA, ZONING ADMINISTRATOR  
SALLY ELMIGER, CARLISLE/WORTMAN

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**CALL TO ORDER**

Jean Root called the meeting to order at 7:45 p.m.

**PLEDGE OF ALLEGIANCE**

Per the Planning Commission Rules & Procedures, should neither the Chair-Person nor the Vice Chair-Person be present at a meeting, a temporary chair-person shall be elected. Bob Hanvey nominated Jean Root as temporary Chair-Person for tonight's meeting. Charles Musson seconded. Motion carried 3-0.

**APPROVAL OF AGENDA**

Bob Hanvey motioned to approve the June 25, 2013 regular meeting agenda. Charles Musson seconded. Motion Carried 3-0.

**INTRODUCTION OF MEMBERS**

The members of the Planning Commission introduced themselves. Jerry Sidlar was absent.

**CALL TO THE PUBLIC**

Jean Root opened the call to the public. No response. Jean Root closed the call to the public.

## **APPROVAL OF MINUTES**

May 25, 2013 Regular meeting minutes

Annette McNamara noted errors on page two and three that have been corrected on the master copy. Bob Hanvey motioned to approve the amended May 25, 2013 regular meeting minutes. Charles Musson seconded. Motion Carried 3-0.

### **Public Hearing #1 Proposed Home Occupation Class II - SUP# 01-13 Pardiac Auto Repair**

Jean Root opened the public hearing.

Cathy Minard, 367 W. Coon Lake Road; she is concerned as Mr. Pardiac has been running this business for three years. She would like to know the number of cars that will be allowed on site and where or how chemical waste will be disposed of. She said Mr. Pardiac allows his dog to run loose. She asked if the residents can have a vote.

Jean Root told her that the approving body is the Board of Trustees; the elected Officials make the final decision. Jean Root felt this would be a good time to summarize the proposal and asked Sally Elmiger to do so.

Sally Elmiger introduced herself as the Marion Township Planner and summarized the proposal for the audience.

Joan O'Brien, 335 W. Coon Lake Road; she also has concerns. She has problems with Mr. Pardiac driving his snowmobile too close to her house, his dog barks and he fires off guns. There are too many car repair businesses in Marion Township.

Mike O'Brien, 335 W. Coon Lake Road; said Mr. Pardiac doesn't own the property, asked if Mr. Pardiac has liability insurance. He wants to know what Mr. Pardiac will do if a car is not picked up after it is repaired; can he put it up for sale on the property?

Ken Pardiac, Rurik; the applicant was asked to submit additional information at the last meeting and tonight Mr. Pardiac has brought information on ingress/egress signage required by the Livingston County Road Commission, where the dumpster will be located and secondary containment for chemical waste.

Jean Root closed Public Hearing #1 at 8:05 p.m.

### **Public Hearing #2 Proposed Rezoning RZN# 01-13 - Public Land to Suburban Residential - Tax ID#4710-13-100-024 & 4710-13-100-025**

Jean Root opened Public Hearing #2 at 8:06 p.m.

No comments were heard.

Jean Root closed Public Hearing #2 at 8:07 p.m.

Public Hearing #3 Proposed Rezoning RZN# 02-13 - Public Land to Suburban Residential - Tax ID#4710-13-100-003

Jean Root opened Public Hearing #3 at 8:08 p.m.

No comments were heard.

Jean Root closed Public Hearing #3 at 8:08 p.m.

### **Public Hearing #4 Proposed Zoning Ordinance Text amendment TXT# 02-13 Relationship of Buildings to Lots**

Jean Root opened Public Hearing #4 at 8:09 p.m. No comments were heard.

Jean Root closed Public Hearing #4 at 8:09 p.m.

Jean Root opened the Regular Meeting at 8:10 p.m.

## **OLD BUSINESS**

### **Proposed Home Occupation Class II - SUP# 01-13 Pardiac Auto Repair**

Bob Pardiac did not meet the June 17, 2013 deadline for submitting materials addressing the comments made by the Planning Commission members at the May 24, 2013 meeting. He

brought them tonight and gave copies to the Planning Commission members.

Sally Elminger summarized the materials submitted tonight by the applicant to include an aerial depicting the Livingston County Road Commission requirements for directional signage, secondary containment for toxic materials, such as oil. Bob Pardiac does not want to apply for a variance to allow additional signage; he will remove two of the signs and comply with Zoning Ordinance requirements as shown in tonight's submittal.

Jean Root asked if the Howell Area Fire Authority has approved the site yet. Once the applicant receives approval from the Board of Trustees she would like a letter from the Fire Chief granting approval for the file. She asked the applicant about potential hiring practices.

Ken Pardiac responded that Mr. Pardiac will hire employees in accordance with the law.

Jean Root addressed the letter in the applicants June 6, 2013 submittal stating no drop-ins, car repair will be by appointment. A home occupation becomes a privilege to work out of your home. She has concerns the model is changing.

Ken Pardiac said he is confident Mr. Pardiac will comply with the limit on number of cars.

Discussion ensued regarding drop-ins.

The conditions for the special use were discussed and the Planning Commission members agreed to have Mike Kehoe review and approve before the Board of Trustees review. The Planning Commission members asked to have the following changes made to the conditions.

1. Business hours shall not exceed the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday.
2. Applicant shall operated business in accordance with the requirements stated in the Howell Area Fire Authority letter dated 5-17-2013, Livingston County Road Commission letter dated 5-15-2013 and Carlisle/Wortman Associates, Inc. letter dated 5-20-2013.
3. Applicant shall record Conditions of Special Use Permit by Tax ID# 4710-26-200-044, not attached to the deed.

Jean Root motioned to recommend approval and send the request for the proposed Home Occupation Class II Special Use Permit #01-13; Tax ID# 4710-26-200-044; 55 W. Coon Lake Road to the Board of Trustees, under the following conditions.

1. Will the proposal be harmonious and in accordance with the general principals and objectives of the Master Plan of the Township?

The subject site and the surrounding area are depicted as LDR, Low Density Residential, in the 2010 Marion Township Master Plan. The intent of this area is to preserve land suitable for large-lot residential and agricultural land use, and to protect the rural character of the Township. If the proposed use involved a greater number of vehicles per day, or vehicles parked on the property Subject Site at any one time, then we would not consider it fitting the intent of this area in the Master Plan. However, because the home occupation is limited to twelve visitors/customer/deliveries per day, and only eight (8) cars, including those owned by the applicant, are to be parked on the parcel at any one time, we consider it a use that will not have a detrimental effect on the surrounding properties.

2. Will the proposal be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed?

The auto repair business will use an existing 1,800 square foot garage and small office building for its activities. The orientation of the buildings will limit the impact this business has on neighbors and the character of the site since they block the view from adjoining properties and the roadways. The submitted materials show that parking for automobiles on the property will be hidden from view from the roadway and neighboring properties. The application also states that

he will abide by the maximum of twelve (12) visitors, customers or deliveries in a day, and a maximum of eight (8) motor vehicles temporarily parked or located outdoors at a time. The applicant should provide information about what types and sizes of vehicles he will be servicing. Will the proposal be hazardous or disturbing to existing or future uses in the same general vicinity and will substantially improve property in the immediate vicinity and in the community as a whole?

If the proposed use remains small, it will most likely not be hazardous or disturbing to the existing and future uses in the same general vicinity. The application states that the business will not reach an intensity that would create a nuisance to adjacent properties. In addition, the applicant states that all toxic materials will be stored inside, in approved containers, and be removed from the property monthly to be recycled. If the applicant abides by the limits set by the Home Occupation Class II site requirements, then traffic and other potential nuisances will be minimized.

4. Will the proposal be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools?

The site is located at the intersection of W. Coon Lake Road and Pinckney Road. There are three access points: two on W. Coon Lake Road and one on Pinckney Road. We consider access adequate. This property is served by local police and fire protection. The application states that no additional grading or soil removal is proposed. The existing building and driveway configuration drain properly, and since no other site changes are being made, we consider drainage adequate. Regarding refuse disposal, the application states that toxic materials will be removed from the property monthly, and be recycled. Since a dumpster has not been identified on the plans, the applicant should describe the amount of non-toxic material that will be generated by the business and how/where they are stored before being disposed of off the property.

5. Will the proposal involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors?

The application states that the business will not be detrimental to person or property. It also states that it will engage in minor auto repair, such as tune ups, brake services and exhaust repairs. The applicant should confirm that activities such as body work, painting, or more intensive vehicle repairs will not be conducted on the premises.

6. Will the proposal meet the intent and purpose of the zoning regulations; be related to the standards established in the Ordinance for the land use or activity under consideration; and will be in compliance with these standards.

Refer to our comments in the next section that evaluates the Home Occupation Class II Site Requirements.

7. Will the proposal ensure that landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications, which result in maximum harmony with adjacent areas?

No modifications are being proposed at the site. The proposed business will use existing drives and buildings. No vegetation will be removed as a result of this proposal.

8. Will the proposal ensure that special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties?

As mentioned above, no changes to the site are proposed. Existing drainage will not be modified

by this proposal.

9. Will the proposal ensure that all exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets? Flashing or intermittent lights shall not be permitted.

No additional lighting is proposed.

10. Will the proposal meet the site plan review requirements of Article 18?

Section 17.32, Home Occupation Class II, states that an informal site plans (does not need to comply with the requirements found in Article XVIII Site Plan Review) must be submitted for review. The applicant has provided the information required in Section 17.32.

11. Will the proposal conform to all applicable state and federal requirements for that use?

The application states that he will abide by all applicable laws regarding the auto repair business. Charles Musson seconded. Roll Call - Charles Musson - yes, Bob Hanvey - yes, Jean Root - yes; Motion Carried 3-0.

Jean Root motioned to recommend approval for the site plan submitted for Special Use Permit #01-13; Tax ID# 4710-26-200-044; 55 W. Coon Lake Road to the Board of Trustees, to include; Carlisle/Wortman Associates, Inc. review letter dated 5-20-13, Howell Area Fire Authority review letter dated 5-15-13, Livingston County Road Commission review letter dated 5-15-13 and the Conditions of the Special Use Permit as amended at 6-25-13 Planning Commission meeting to include the conditions be recorded by Tax ID# and not attached to the deed and reviewed by Mike Kehoe before the Board of Trustees review. Charles Musson seconded. Roll Call - Charles Musson - yes, Bob Hanvey - yes, Jean Root - yes; Motion Carried 3-0.

**Proposed Rezoning RZN# 01-13 - Public Land to Suburban Residential - Tax ID#4710-13-100-024 & 4710-13-100-025**

The Planning Commission members do not have any comments on the proposed rezoning request.

Jean Root motioned to send the proposed rezoning request RZN# 01-13 - Public Land to Suburban Residential - Tax ID#4710-13-100-024 & 4710-13-100-025 to the Livingston County Department of Planning for review and comment. If no significant comments are made, the request is to be sent to the Board of Trustees for review and approval/denial. Charles Musson seconded. Roll Call - Charles Musson - yes, Bob Hanvey - yes, Jean Root - yes; Motion Carried 3-0.

**Proposed Rezoning RZN# 02-13 - Public Land to Suburban Residential - Tax ID#4710-13-100-003**

Annette McNamara told the Planning Commission members that this parcel was a part of the Howell Public Schools property and has been sold to a private company. The parcel now must be rezoned to a residential designation, preferably Suburban Residential. She has discussed this with Mike Kehoe, Township Attorney and he agreed this request could be advertised with RZN#01-13. Mike Kehoe said that Suburban Residential would be the best designation as the parcel is one acre, rezoning to Rural Residential would be creating a non-conforming parcel.

The Planning Commission members all agreed with Mike Kehoe and had no additional comments.

Jean Root motioned to send the proposed rezoning request RZN# 02-13 - Public Land to Suburban Residential - Tax ID#4710-13-100-003 to the Livingston County Department of Planning for review and comment. If no significant comments are made, the request is to be sent to the Board of Trustees for review and approval/denial. Charles Musson seconded. Roll Call - Charles Musson - yes, Bob Hanvey - yes, Jean Root - yes; Motion Carried 3-0.

## **Proposed Zoning Ordinance Text amendment TXT# 02-13 Relationship of Buildings to Lots**

The Planning Commission members agreed with the changes Mike Kehoe suggested in his review letter dated 5-20-13.

Jean Root motioned to send the proposed text amendment TXT# 02-13 - Relationship of Buildings to Lots to the Livingston County Department of Planning for review and comment. If no significant comments are made, the request is to be sent to the Board of Trustees for review and approval/denial. Charles Musson seconded. Roll Call - Charles Musson - yes, Bob Hanvey - yes, Jean Root - yes; Motion Carried 3-0.

Proposed Zoning Ordinance Text amendments 1) Section 3.02 Definitions of Adult Foster Care Family, Large, Small Group Home, Family & Group Child Care Home 2) Sections 8.01, 8.02, 8.03 & 8.04 add Adult Foster Care Large & Small Group Home to Uses Permitted with Special Use Permit Section 8.05 add Adult foster care family home and delete Adult Foster Care Small Group Home 3) Sections 8.01, 8.02, 8.03, 8.04 & 8.05 amend heading for Family & Group Day Care Homes 4) Section 17.01 Adult Foster Care Large Group Home/Adult Foster Care Small Group Home 5) Section 17.16 Group Day Care Homes

Annette McNamara noted the addition of proposed changes to Family and Group Child Care Homes. The headings of definitions, listing under residential districts and Section 17.06 were amended per Mike Kehoe's review letter. Mike Kehoe thinks the language in the Zoning Ordinance should match the language in the State of Michigan statute to avoid confusion.

Bob Hanvey would like to have Small Foster Care and Large Foster Care Group Homes as a use permitted by special use permit in the Rural Residential zoning district.

The Planning Commission members agreed.

After discussion the Planning Commission members asked to have the following changes made to the text.

1. Small Foster Care and Large Foster Care Group Homes as a use permitted by special use permit in the Rural Residential District

Changes to Section 17.01

2. Delete private roads from text 3. Add text per Mike Kehoe review letter as item A #3; The distance shall be measured along public road rights-of-way between the nearest boundaries of the proposed foster care home lot and the facility lot. The subsequent establishment of any of the facilities listed in this subsection shall not affect any approved Special Use Permit for an adult foster care small group and/or large group home 4. Add under Section B as #2; property shall have frontage on a public road and renumber accordingly 5. Add 'constructed or' before the word maintained under item B #6 6. Delete item 'b' under B #5 7. Add item #3 under section C to read "no building shall be closer to any rear or side lot line than 40"

Annette McNamara was asked to make the proposed amendments to the text.

Jean Root motioned to hold a public hearing at the July 23, 2013 meeting for the proposed text amendments associated with child care and foster care homes. Charles Musson seconded.

Motion Carried 3-0.

## **NEW BUSINESS**

### **CALL TO THE PUBLIC**

Jean Root opened the call to the public.

Sally Elmiger would like to offer the Planning Commission and the Zoning Board of Appeals training.

Jean Root asked that the training be held in September or after.

Bob Hanvey agreed; he would like the new appointee to be present for training.  
Jean Root closed the call to the public.

**ADJOURNMENT**

Charles Musson motioned to adjourn the meeting at 9:39 p.m. Bob Hanvey seconded. Motion carried 3-0.

**PLANNING COMMISSION PUBLIC HEARING & REGULAR MINUTES  
JUNE 25, 2013**

**MEMBERS PRESENT:** BOB HANVEY CHARLIE MUSSON JEAN ROOT, SECRETARY

**MEMBERS ABSENT:** JERRY SIDLAR, VICE-CHAIR

**OTHERS PRESENT:** ANNETTE MCNAMARA, ZONING ADMINISTRATOR  
SALLY ELMIGER, CARLISLE/WORTMAN

\*\*\*\*\*

**CALL TO ORDER**

Jean Root called the meeting to order at 7:45 p.m.

**PLEDGE OF ALLEGIANCE**

Per the Planning Commission Rules & Procedures, should neither the Chair-Person nor the Vice Chair-Person be present at a meeting, a temporary chair-person shall be elected.

Bob Hanvey nominated Jean Root as temporary Chair-Person for tonight's meeting. Charles Musson seconded. Motion carried 3-0.

**APPROVAL OF AGENDA**

Bob Hanvey motioned to approve the June 25, 2013 regular meeting agenda. Charles Musson seconded. Motion Carried 3-0.

**INTRODUCTION OF MEMBERS**

The members of the Planning Commission introduced themselves. Jerry Sidlar was absent.

**CALL TO THE PUBLIC**

Jean Root opened the call to the public.

No response.

Jean Root closed the call to the public.

**APPROVAL OF MINUTES**

May 25, 2013 Regular meeting minutes

Annette McNamara noted errors on page two and three that have been corrected on the master copy. Bob Hanvey motioned to approve the amended May 25, 2013 regular meeting minutes. Charles Musson seconded. Motion Carried 3-0.

**Public Hearing #1 Proposed Home Occupation Class II - SUP# 01-13 Pardiac Auto Repair**

Jean Root opened the public hearing.

Cathy Minard, 367 W. Coon Lake Road; she is concerned as Mr. Pardiac has been running this business for three years. She would like to know the number of cars that will be allowed on site and where or how chemical waste will be disposed of. She said Mr. Pardiac allows his dog to run loose. She asked if the residents can have a vote.

Jean Root told her that the approving body is the Board of Trustees; the elected Officials make the final decision. Jean Root felt this would be a good time to summarize the proposal and asked Sally Elmiger to do so.

Sally Elmiger introduced herself as the Marion Township Planner and summarized the proposal for the audience.

Joan O'Brien, 335 W. Coon Lake Road; she also has concerns. She has problems with Mr.

Pardiac driving his snowmobile too close to her house, his dog barks and he fires off guns. There are too many car repair businesses in Marion Township.

Mike O'Brien, 335 W. Coon Lake Road; said Mr. Pardiac doesn't own the property, asked if Mr. Pardiac has liability insurance. He wants to know what Mr. Pardiac will do if a car is not picked up after it is repaired; can he put it up for sale on the property?

Ken Pardiac, Rurik; the applicant was asked to submit additional information at the last meeting and tonight Mr. Pardiac has brought information on ingress/egress signage required by the Livingston County Road Commission, where the dumpster will be located and secondary containment for chemical waste.

Jean Root closed Public Hearing #1 at 8:05 p.m.

**Public Hearing #2 Proposed Rezoning RZN# 01-13 - Public Land to Suburban Residential - Tax ID#4710-13-100-024 & 4710-13-100-025**

Jean Root opened Public Hearing #2 at 8:06 p.m.

No comments were heard.

Jean Root closed Public Hearing #2 at 8:07 p.m.

**Public Hearing #3 Proposed Rezoning RZN# 02-13 - Public Land to Suburban Residential - Tax ID#4710-13-100-003**

Jean Root opened Public Hearing #3 at 8:08 p.m.

No comments were heard.

Jean Root closed Public Hearing #3 at 8:08 p.m.

**Public Hearing #4 Proposed Zoning Ordinance Text amendment TXT# 02-13 Relationship of Buildings to Lots**

Jean Root opened Public Hearing #4 at 8:09 p.m. No comments were heard.

Jean Root closed Public Hearing #4 at 8:09 p.m.

Jean Root opened the Regular Meeting at 8:10 p.m.

**OLD BUSINESS**

**Proposed Home Occupation Class II - SUP# 01-13 Pardiac Auto Repair**

Bob Pardiac did not meet the June 17, 2013 deadline for submitting materials addressing the comments made by the Planning Commission members at the May 24, 2013 meeting. He brought them tonight and gave copies to the Planning Commission members.

Sally Elminger summarized the materials submitted tonight by the applicant to include an aerial depicting the Livingston County Road Commission requirements for directional signage, secondary containment for toxic materials, such as oil. Bob Pardiac does not want to apply for a variance to allow additional signage; he will remove two of the signs and comply with Zoning Ordinance requirements as shown in tonight's submittal.

Jean Root asked if the Howell Area Fire Authority has approved the site yet. Once the applicant receives approval from the Board of Trustees she would like a letter from the Fire Chief granting approval for the file. She asked the applicant about potential hiring practices.

Ken Pardiac responded that Mr. Pardiac will hire employees in accordance with the law.

Jean Root addressed the letter in the applicants June 6, 2013 submittal stating no drop-ins, car repair will be by appointment. A home occupation becomes a privilege to work out of your home. She has concerns the model is changing.

Ken Pardiac said he is confident Mr. Pardiac will comply with the limit on number of cars.

Discussion ensued regarding drop-ins.

The conditions for the special use were discussed and the Planning Commission members agreed to have Mike Kehoe review and approve before the Board of Trustees review. The Planning

Commission members asked to have the following changes made to the conditions.

1. Business hours shall not exceed the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday.
2. Applicant shall operated business in accordance with the requirements stated in the Howell Area Fire Authority letter dated 5-17-2013, Livingston County Road Commission letter dated 5-15-2013 and Carlisle/Wortman Associates, Inc. letter dated 5-20-2013.
3. Applicant shall record Conditions of Special Use Permit by Tax ID# 4710-26-200-044, not attached to the deed.

Jean Root motioned to recommend approval and send the request for the proposed Home Occupation Class II Special Use Permit #01-13; Tax ID# 4710-26-200-044; 55 W. Coon Lake Road to the Board of Trustees, under the following conditions.

1. Will the proposal be harmonious and in accordance with the general principals and objectives of the Master Plan of the Township?

The subject site and the surrounding area are depicted as LDR, Low Density Residential, in the 2010 Marion Township Master Plan. The intent of this area is to preserve land suitable for large-lot residential and agricultural land use, and to protect the rural character of the Township. If the proposed use involved a greater number of vehicles per day, or vehicles parked on the property Subject Site at any one time, then we would not consider it fitting the intent of this area in the Master Plan. However, because the home occupation is limited to twelve visitors/customer/deliveries per day, and only eight (8) cars, including those owned by the applicant, are to be parked on the parcel at any one time, we consider it a use that will not have a detrimental effect on the surrounding properties.

2. Will the proposal be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed?

The auto repair business will use an existing 1,800 square foot garage and small office building for its activities. The orientation of the buildings will limit the impact this business has on neighbors and the character of the site since they block the view from adjoining properties and the roadways. The submitted materials show that parking for automobiles on the property will be hidden from view from the roadway and neighboring properties. The application also states that he will abide by the maximum of twelve (12) visitors, customers or deliveries in a day, and a maximum of eight (8) motor vehicles temporarily parked or located outdoors at a time. The applicant should provide information about what types and sizes of vehicles he will be servicing. Will the proposal be hazardous or disturbing to existing or future uses in the same general vicinity and will substantially improve property in the immediate vicinity and in the community as a whole?

If the proposed use remains small, it will most likely not be hazardous or disturbing to the existing and future uses in the same general vicinity. The application states that the business will not reach an intensity that would create a nuisance to adjacent properties. In addition, the applicant states that all toxic materials will be stored inside, in approved containers, and be removed from the property monthly to be recycled. If the applicant abides by the limits set by the Home Occupation Class II site requirements, then traffic and other potential nuisances will be minimized.

4. Will the proposal be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools?

The site is located at the intersection of W. Coon Lake Road and Pinckney Road. There are three

access points: two on W. Coon Lake Road and one on Pinckney Road. We consider access adequate. This property is served by local police and fire protection. The application states that no additional grading or soil removal is proposed. The existing building and driveway configuration drain properly, and since no other site changes are being made, we consider drainage adequate. Regarding refuse disposal, the application states that toxic materials will be removed from the property monthly, and be recycled. Since a dumpster has not been identified on the plans, the applicant should describe the amount of non-toxic material that will be generated by the business and how/where they are stored before being disposed of off the property.

5. Will the proposal involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors?

The application states that the business will not be detrimental to person or property. It also states that it will engage in minor auto repair, such as tune ups, brake services and exhaust repairs. The applicant should confirm that activities such as body work, painting, or more intensive vehicle repairs will not be conducted on the premises.

6. Will the proposal meet the intent and purpose of the zoning regulations; be related to the standards established in the Ordinance for the land use or activity under consideration; and will be in compliance with these standards.

Refer to our comments in the next section that evaluates the Home Occupation Class II Site Requirements.

7. Will the proposal ensure that landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications, which result in maximum harmony with adjacent areas?

No modifications are being proposed at the site. The proposed business will use existing drives and buildings. No vegetation will be removed as a result of this proposal.

8. Will the proposal ensure that special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties?

As mentioned above, no changes to the site are proposed. Existing drainage will not be modified by this proposal.

9. Will the proposal ensure that all exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets? Flashing or intermittent lights shall not be permitted.

No additional lighting is proposed.

10. Will the proposal meet the site plan review requirements of Article 18?

Section 17.32, Home Occupation Class II, states that an informal site plans (does not need to comply with the requirements found in Article XVIII Site Plan Review) must be submitted for review. The applicant has provided the information required in Section 17.32.

11. Will the proposal conform to all applicable state and federal requirements for that use?

The application states that he will abide by all applicable laws regarding the auto repair business. Charles Musson seconded. Roll Call - Charles Musson - yes, Bob Hanvey - yes, Jean Root - yes; Motion Carried 3-0.

Jean Root motioned to recommend approval for the site plan submitted for Special Use Permit #01-13; Tax ID# 4710-26-200-044; 55 W. Coon Lake Road to the Board of Trustees, to include; Carlisle/Wortman Associates, Inc. review letter dated 5-20-13, Howell Area Fire Authority review letter dated 5-15-13, Livingston County Road Commission review letter dated 5-15-13

and the Conditions of the Special Use Permit as amended at 6-25-13 Planning Commission meeting to include the conditions be recorded by Tax ID# and not attached to the deed and reviewed by Mike Kehoe before the Board of Trustees review. Charles Musson seconded. Roll Call - Charles Musson - yes, Bob Hanvey - yes, Jean Root - yes; Motion Carried 3-0.

**Proposed Rezoning RZN# 01-13 - Public Land to Suburban Residential - Tax ID#4710-13-100-024 & 4710-13-100-025**

The Planning Commission members do not have any comments on the proposed rezoning request.

Jean Root motioned to send the proposed rezoning request RZN# 01-13 - Public Land to Suburban Residential - Tax ID#4710-13-100-024 & 4710-13-100-025 to the Livingston County Department of Planning for review and comment. If no significant comments are made, the request is to be sent to the Board of Trustees for review and approval/denial. Charles Musson seconded. Roll Call - Charles Musson - yes, Bob Hanvey - yes, Jean Root - yes; Motion Carried 3-0.

**Proposed Rezoning RZN# 02-13 - Public Land to Suburban Residential - Tax ID#4710-13-100-003**

Annette McNamara told the Planning Commission members that this parcel was a part of the Howell Public Schools property and has been sold to a private company. The parcel now must be rezoned to a residential designation, preferably Suburban Residential. She has discussed this with Mike Kehoe, Township Attorney and he agreed this request could be advertised with RZN#01-13. Mike Kehoe said that Suburban Residential would be the best designation as the parcel is one acre, rezoning to Rural Residential would be creating a non-conforming parcel.

The Planning Commission members all agreed with Mike Kehoe and had no additional comments.

Jean Root motioned to send the proposed rezoning request RZN# 02-13 - Public Land to Suburban Residential - Tax ID#4710-13-100-003 to the Livingston County Department of Planning for review and comment. If no significant comments are made, the request is to be sent to the Board of Trustees for review and approval/denial. Charles Musson seconded. Roll Call - Charles Musson - yes, Bob Hanvey - yes, Jean Root - yes; Motion Carried 3-0.

**Proposed Zoning Ordinance Text amendment TXT# 02-13 Relationship of Buildings to Lots**

The Planning Commission members agreed with the changes Mike Kehoe suggested in his review letter dated 5-20-13.

Jean Root motioned to send the proposed text amendment TXT# 02-13 - Relationship of Buildings to Lots to the Livingston County Department of Planning for review and comment. If no significant comments are made, the request is to be sent to the Board of Trustees for review and approval/denial. Charles Musson seconded. Roll Call - Charles Musson - yes, Bob Hanvey - yes, Jean Root - yes; Motion Carried 3-0.

Proposed Zoning Ordinance Text amendments 1) Section 3.02 Definitions of Adult Foster Care Family, Large, Small Group Home, Family & Group Child Care Home 2) Sections 8.01, 8.02, 8.03 & 8.04 add Adult Foster Care Large & Small Group Home to Uses Permitted with Special Use Permit Section 8.05 add Adult foster care family home and delete Adult Foster Care Small Group Home 3) Sections 8.01, 8.02, 8.03, 8.04 & 8.05 amend heading for Family & Group Day Care Homes 4) Section 17.01 Adult Foster Care Large Group Home/Adult Foster Care Small Group Home 5) Section 17.16 Group Day Care Homes

Annette McNamara noted the addition of proposed changes to Family and Group Child Care

Homes. The headings of definitions, listing under residential districts and Section 17.06 were amended per Mike Kehoe's review letter. Mike Kehoe thinks the language in the Zoning Ordinance should match the language in the State of Michigan statute to avoid confusion. Bob Hanvey would like to have Small Foster Care and Large Foster Care Group Homes as a use permitted by special use permit in the Rural Residential zoning district. The Planning Commission members agreed.

After discussion the Planning Commission members asked to have the following changes made to the text.

1. Small Foster Care and Large Foster Care Group Homes as a use permitted by special use permit in the Rural Residential District  
Changes to Section 17.01

2. Delete private roads from text 3. Add text per Mike Kehoe review letter as item A #3; The distance shall be measured along public road rights-of-way between the nearest boundaries of the proposed foster care home lot and the facility lot. The subsequent establishment of any of the facilities listed in this subsection shall not affect any approved Special Use Permit for an adult foster care small group and/or large group home 4. Add under Section B as #2; property shall have frontage on a public road and renumber accordingly 5. Add 'constructed or' before the word maintained under item B #6 6. Delete item 'b' under B #5 7. Add item #3 under section C to read "no building shall be closer to any rear or side lot line than 40"

Annette McNamara was asked to make the proposed amendments to the text.

Jean Root motioned to hold a public hearing at the July 23, 2013 meeting for the proposed text amendments associated with child care and foster care homes. Charles Musson seconded. Motion Carried 3-0.

**NEW BUSINESS**

**CALL TO THE PUBLIC**

Jean Root opened the call to the public.

Sally Elmiger would like to offer the Planning Commission and the Zoning Board of Appeals training.

Jean Root asked that the training be held in September or after.

Bob Hanvey agreed; he would like the new appointee to be present for training.

Jean Root closed the call to the public.

**ADJOURNMENT**

Charles Musson motioned to adjourn the meeting at 9:39 p.m. Bob Hanvey seconded. Motion carried 3-0.

**PLANNING COMMISSION MINUTES  
PUBLIC HEARING & REGULAR MEETING  
July 23, 2013**

**MEMBERS PRESENT:** JERRY SIDLAR, VICE-CHAIRPERSON  
JEAN ROOT, SECRETARY  
BOB HANVEY  
CHARLIE MUSSON  
GREG DURBIN

**MEMBERS ABSENT:** NONE

**OTHERS PRESENT:** ANNETTE MCNAMARA, ZONING ADMINISTRATOR  
SALLY ELMIGER, CARLISLE/WORTMAN

\*\*\*\*\*

**CALL TO ORDER**

Jerry Sidlar called the meeting to order at 7:30 p.m.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

Annette McNamara asked to include three items to the agenda; noise ordinance, roof pitch and Planning Commission, Zoning Board of Appeals training. Charlie Musson motioned to approve the July 23, 2013 regular meeting agenda as amended and the public hearing agenda as submitted. Greg Durbin seconded. **Motion Carried 5-0.**

**INTRODUCTION OF MEMBERS**

The members of the Planning Commission introduced themselves. All were present.

**CALL TO THE PUBLIC**

Jerry Sidlar opened the call to the public.

No response.

Jerry Sidlar closed the call to the public.

**APPROVAL OF MINUTES**

**July 25, 2013 Public Hearing and Regular meeting minutes**

Charlie Musson motioned to approve the July 25, 2013 public hearing and regular meeting minutes. Greg Durbin seconded. Jean Root noted the motion for Pardiac Special Use permit did not include that draft Planning Commission minutes were to be sent to the Board of Trustees as part of the package. Charlie Musson motioned to approve the amended July 23, 2013 public hearing and regular meeting minutes. Greg Durbin seconded. **Motion Carried 5-0.**

**Public Hearing #1**

Jerry Sidlar opened the call to the public.

Jean Root asked Sally Elmiger, Carlisle/Wortman if these amendments can be grouped together as they are all related.

Sally Elmiger answered yes.

**TXT# 01-13 - Section 17.01 Adult Foster Care Large Group Home/Adult Foster Care Small Group Home**

No response.

**TXT# 03-13 - Section 3.02 Definitions of Adult Foster Care Family, Large, Small Group Home, Family & Group Child Care Home**

No response.

**TXT# 04-13 - Sections 8.01, 8.02, 8.03 & 8.04 add Adult Foster Care Large & Small Group Home to Uses Permitted with Special Use Permit Section 8.05 add Adult foster care family home and delete Adult Foster Care Small Group Home Sections 8.01, 8.02, 8.03, 8.04 & 8.05 amend heading for Family & Group Day Care Homes**

No response.

**TXT# 05-13 - Section 17.16 Group Day Care Homes**

Jerry Sidlar closed Public Hearing at 8:05 p.m.

No response.

**NEW BUSINESS**

No new business.

**OLD BUSINESS**

**TXT# 01-13 - Section 17.01 Adult Foster Care Large Group Home/Adult Foster Care Small Group Home**

**TXT# 03-13 - Section 3.02 Definitions of Adult Foster Care Family, Large, Small Group Home, Family & Group Child Care Home**

**TXT# 04-13 - Sections 8.01, 8.02, 8.03 & 8.04 add Adult Foster Care Large & Small Group Home to Uses Permitted with Special Use Permit Section 8.05 add Adult foster care family home and delete Adult Foster Care Small Group Home Sections 8.01, 8.02, 8.03, 8.04 & 8.05 amend heading for Family & Group Day Care Homes**

**TXT# 05-13 - Section 17.16 Group Day Care Homes**

Jean Root noted that the Planning Commission has discussed these agenda items at length and feels the

changes have clarified existing language.

Jean Root motioned to send TXT #01-13 Section 17.01 Adult Foster Care Large and Small Group Homes, TXT #03-13 Section 3.02 Definitions, TXT #04-13 Residential Districts and TXT #05-13 Section 17.16 Group Day Care Homes to the Livingston County Department of Planning for review and comment, if no significant comments or changes are suggested they are to be sent to the Board of Trustees for review and approval/denial.

Kathy Johnson, 3175 Mason Road asked what the next step will be.

Jean Root explained the remainder of the process, Livingston County Department of Planning and then on to the Board of Trustees. Jean suggested Ms. Johnson check websites for dates and times.

**Noise Ordinance**

Since the 4<sup>th</sup> of July there have been five to six noise/firework complaints.

After much discussion the Planning Commission members agreed that it wouldn't be fair to the residents to write language that cannot be enforced.

Greg Durbin noted that a resident can file a noise complaint with the Livingston County Sheriff Department, yet the resident would have to follow through with court proceedings.

**Roof Pitch**

Annette McNamara explained the latest situation with the 4:12 roof pitch requirement and asked the Commissioner if they would be willing to consider amending the Zoning Ordinance to allow of lower roof pitch requirements within certain guidelines.

All Commissioners agreed they are willing to look at an amendment to the Zoning Ordinance.

**Training**

Training for the Planning Commission and Zoning Board of Appeals members in a group session was discussed. Again the Planning Commission expressed their desire to hold the training after August.

**CALL TO THE PUBLIC**

Jerry Sidlar opened the call to the public.

No response.

Jerry Sidlar closed the call to the public.

**ADJOURNMENT**

Jean Root motioned to adjourn the meeting at 8:19 p.m. Charlie Musson seconded. **Motion carried 5-0.**

**PLANNING COMMISSION – MINUTES  
September 24, 2013**

**MEMBERS PRESENT:** JERRY SIDLAR, VICE-CHAIR  
JEAN ROOT, SECRETARY  
BOB HANVEY  
CHARLIE MUSSON  
GREG DURBIN

**MEMBERS ABSENT:** NONE

**OTHERS PRESENT:** ANNETTE MCNAMARA, ZONING ADMINISTRATOR  
SALLY ELMIGER, CARLISLE/WORTMAN

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**CALL TO ORDER**

Jerry Sidlar called the meeting to order at 7:30 p.m.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

Bob Hanvey motioned to approve the agenda as presented. Charlie Musson seconded.

**Motion Carried 5-0**

**INTRODUCTION OF MEMBERS**

The members of the Planning Commission introduced themselves. All were present.

**CALL TO THE PUBLIC**

Jerry Sidlar opened the call to the public.

No response.

Jerry Sidlar closed the call to the public.

### **APPROVAL OF MINUTES**

#### **July 23, 2013 Public Hearing and Regular meeting minutes**

Jean Root motioned to approve the July 23, 2013 minutes as presented. Bob Hanvey seconded.

**Motion Carried 5-0.**

### **NEW BUSINESS**

#### **CD Okemos 10 – Special Use Request for Drive-thru Establishment & Automobile Service & Repair Station; 1442 Old Pinckney Road; Tax ID#4710-02-400-005**

Jerry Sidlar asked Sally Elmiger to comment.

Sally Elmiger summarized the Special Use Permit requirements and went on to address Section 16.05 items #1 thru #10

1. Be harmonious with and in accordance with the general principles and objectives of the Comprehensive Plan of the Township. ***It is the opinion of Carlisle/Wortman this harmonious with the objectives of the Master Plan.***
2. Not be hazardous or disturbing of existing or future uses in the same general vicinity and will substantially improve property in the immediate vicinity and in the community as a whole. ***It is the opinion of Carlisle/Wortman this use will not disturb uses to the North and West, yet may have an effect on the single family home to the east. Since the site sits lower than the home it may not become an issue.***
3. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools. ***Site is served with public sewer and water. Site drains to the west, under D-19 this area is regulated by the Livingston County Road Commission, the applicant will work with the Livingston County Road Commission to meet their requirements.***
4. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. ***It is the opinion of Carlisle/Wortman traffic may become an issue.***
5. Meet the intent and purpose of the zoning regulations; be related to the standards established in the ordinance for the land use or activity under consideration; and will be in compliance with these standards. ***The property is located within the Highway Service District and meets the intent and purpose of the zoning regulations. It is Carlisle/Wortman opinion that the variances necessary makes the use noncompliant.***
6. Ensure that landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modification, which result in maximum harmony with adjacent areas. ***The site plan submitted shows no changes to current landscaping. Variances for landscaping may be necessary, the Planning Commission does have the ability to modify the requirements.***
7. Ensure that special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties. ***Site drains to the West. This will be addressed in the Final Site Plan and at the Livingston County Road Commission level.***
8. Ensure that all exterior lighting shall be so arranged that is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted. ***Lighting was not shown on the preliminary plan, this is normally addressed in the Final Site Plan Review.***
9. Meet the site plan review requirement of article XVIII. ***The site plan submitted is a Preliminary, Article XVIII requirements will be addressed during Final Site Plan Review.***
10. Conform to all applicable state and federal requirements for that use. ***The proposal will comply with all state and federal requirements on site location and operation.***

Sally Elmiger did comment on the proposed use bordering the wellhead protection area and concerns with the underground storage tanks.

Jean Root asked if the underground tanks are regulated by the State of Michigan or should Marion Township be regulating.

Sally Elmiger responded that it is regulated by the State of Michigan.

TJ Lekander handed out the State of Michigan requirements to all Planning Commission members.

Todd Lekander, 2203 Sexton Road. Introduced himself as the applicant and summarized his proposal by saying this will create up to 25 full-time jobs for people in the community. This proposal will fill a need in Marion Township and help to reduce traffic, not increase traffic.

Pat Keough, 5040 Queensway. Mr. Keough is the applicants engineer, he noted the unique site in that the setbacks overlap one another, and there is no building envelope and the excessive road right-of-way. Variances are necessary for those reasons alone. Any use on this site would require more than one variance. He believes the use will benefit traffic flow and eliminate potential problems. As to the landscaping requirements, this site is approximately 10' above D-19, eliminating the need for buffering, also there is no significant vegetation of the surrounding sites. The underground detention system has a treatment system and the outlet is at a controlled rate. This can be worked out with the Livingston County Road Commission. He doesn't feel this will create additional traffic, it will serve existing traffic. As for the wellhead protection area, the City of Howell has their wastewater treatment plant within the area along with two gas stations and a Goodyear Tire retread plant. The underground storage tanks are double walled and the risk is minimal.

Todd Lekander noted this is not adding trips it is serving existing demand, getting cars out of the mixing bowl of the I-96 interchange. This is not a destination use.

Jerry Sidlar asked if I-96 travelers will be attracted.

Todd Lekander said yes, it is much easier to make a right hand turn off of the I-96 East bound ramp and another right to get back onto the freeway.

The applicant showed photographs of other sites that are on equal or smaller parcels than the one proposed. He wanted to show the Commissioners that this is not too intensive of a use for the site. There is a synergy established and accepted with this type of use, fuel for your car and fuel for your body.

Greg Durbin brought up the issue of cars traveling North on D-19 onto Old Pinckney Road. The design of the road encourages drivers to use the shoulder of the road, this can cause accidents when two tires are on gravel and two tires on pavement.

Discussion ensued, this will be a Livingston County Road Commission call.

Bob Hanvey doesn't agree with requiring landscaping along the West side of the site to shield view of gas pumps. He thinks full view of the site and safety if more important. The Planning Commission does have the ability to waive these landscaping requirements. Minimal landscaping would be consistent with the contiguous uses.

Site circulation and size of parking spaces were discussed. The applicant is showing parking spaces larger than what is required by the Zoning Ordinance. The applicant prefers wider parking areas as do their customers.

Sally Elmiger is concerned with the conflict point at the North/West corner of the site.

Pat Keough didn't agree it is a conflict point and will include dimensions on the next plan.

Jerry Sidlar noted the engineers review and comment the drive exceeds the 30' requirement in the Zoning Ordinance.

Pat Keough said the approach has been reviewed by the Livingston County Road Commission. Additional room is a plus for customers.

Jean Root has concerns there is no escape once you enter the drive-thru area.

Sally Elmiger asked if they will have a menu board.

Pat Keough answered yes, that will be shown on the Final Site Plan.

The applicant is seeking approval of the Preliminary Site Plan tonight, taking the input from the Commissioners and amending the site plan. They would like to seek necessary variances before getting too far into the final drawings, this can be costly, changes just add to that cost.

The Planning Commission members couldn't answer at what point to seek variances.

Jean Root motioned to hold a public hearing at the next regularly scheduled meeting for the CD Okemos 10, LLC proposal, 1442 Pinckney Road, Tax ID# 4710-02-400-005. Greg Durbin seconded.

**Motion Carried 5-0.**

The public who attended tonight's meeting in support of the project asked if they could comment. Jerry Sidlar said they would have to wait until the final call to the public.

**Section 6.22 Single Family Design Standards amend roof pitch requirements for sunrooms**

Jean Root asked if Sally Elmiger had reviewed the proposed text.

Sally Elmiger answered yes and that she has no additional comments.

Jean Root would like Sally Elmiger to put this into writing. She would also like Mike Kehoe to review the proposed changes prior to the next meeting.

Jean Root motioned to table the proposed text amendment to the next regularly scheduled meeting. At that time a memo from Sally Elmiger and Mike Kehoe are to be submitted with the amendments. Bob Harvey seconded. **Motion Carried 5-0.**

**Section 5.05 C #'s 4 & 5 Zoning Board of Appeals Variance Criteria & 5.05 E Approval Period**

Jean Root asked if Sally Elmiger had reviewed the proposed text.

Sally Elmiger answered yes and that she has provided additional comments in a memo to the Commissioners. She would suggest that item #6 the proposed variance request is not economically driven be deleted, Mike Kehoe, Township Attorney should comment on this deletion.

Jean Root would like Sally Elmiger to put this into writing. She would also like Mike Kehoe to review the proposed changes prior to the next meeting.

Jean Root motioned to table the proposed text amendment to the next regularly scheduled meeting. At that time a memo from Sally Elmiger and Mike Kehoe are to be submitted with the amendments. Charlie Musson seconded. **Motion Carried 5-0.**

**Section 17.04 Automobile Service & Repair Station – update criteria**

Jean Root asked if Sally Elmiger had reviewed the proposed text.

Sally Elmiger answered yes.

Jean Root would like Sally Elmiger to put this into writing. She would also like Mike Kehoe to review the proposed changes prior to the next meeting.

It was suggested that this language be broken into two sections. This may take longer than three weeks.

Jean Root motioned to table the proposed text amendment until the amendments are worked on. At that time a memo from Sally Elmiger and Mike Kehoe are to be submitted with the amendments. Greg Durbin seconded. **Motion Carried 5-0.**

**OLD BUSINESS**

**CALL TO THE PUBLIC**

Jerry Sidlar opened the call to the public.

Doug Webster, 1101 Gray Fox; is happy with the proposal by CD Okemos 10, LLC, aesthetically it will help the appearance of the area unlike the used car lot which is not pleasing in appearance. His son works for Todd Lekander and he thinks he is a good employer who works with the schedules of people he employs. He likes the convenient aspect of the left hand turn lane out of the site.

Tom Kurtz, 4901 Richardson; Mr. Kurtz is pro CD Okemos 10, LLC and believes the design will increase the safety of drivers. He has had a good experience with Todd Lekander and the people he employs. He also believes aesthetically this is a plus for the area.

Mel Gillett, 2000 County Farm Road; he owns the Howell Auto Parts building across the street from Mugg & Bopps. There was a substantial upgrade in appearance when Todd Lekander took over the Mugg & Bopps Gas Station/Convenience Store.

Jerry Sidlar closed the call to the public.

**ADJOURNMENT**

Jean Root motioned to adjourn the meeting at 9:50 p.m. Charlie Musson seconded. **Motion carried 5-0.**

**MEMBERS PRESENT:** JERRY SIDLAR, VICE-CHAIR  
JEAN ROOT, SECRETARY  
BOB HANVEY  
CHARLIE MUSSON  
GREG DURBIN

**MEMBERS ABSENT:** NONE

**OTHERS PRESENT:** ANNETTE MCNAMARA, ZONING ADMINISTRATOR  
SALLY ELMIGER, CARLISLE/WORTMAN

\*\*\*\*\*

**CALL TO ORDER**

Jerry Sidlar called the meeting to order at 7:32 p.m.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

Bob Hanvey motioned to approve the agenda as presented. Charlie Musson seconded.

**Motion Carried 5-0.**

**INTRODUCTION OF MEMBERS**

The members of the Planning Commission introduced themselves. All were present.

**CALL TO THE PUBLIC**

Jerry Sidlar opened the call to the public.

No response.

Jerry Sidlar closed the call to the public.

**APPROVAL OF MINUTES**

**September 24, 2013 Regular meeting minutes**

Jean Root motioned to approve the September 24, 2013 minutes as presented. Bob Hanvey seconded.

**Motion Carried 5-0.**

**Public Hearing- Proposed Special Use Request for Automobile Service & Repair Station; 1442 Old Pinckney Road Tax ID# 4710-02-400-005 – SUP# 02-13**

Jerry Sidlar opened the public hearing.

Pat Keough, ACE engineering, applicants' representative summarized the proposed project and said the changes requested by the Planning Commission at the September meeting were incorporated into the drawing.

Todd Lekander gave an oral history of the company.

Jerry Sidlar asked the audience if they had any comments.

Shannon Lane, 5267 Universe; thinks area north of I-96 freeway is dangerous, would like to see this project south of I-96 and feels it would be safer.

William Buckingham, 2645 Peavy; he will go east on I-96 to Brighton. There he will purchase gas, coffee and any other items he needs. Feels going north of I-96 is not safe. He would like to see this project approved.

Mel Gillett, 2000 County Farm Road; Mr. Gillett owns a commercial building across the street from Todd Lekander, said Todd Lekander is a good neighbor and has improved the appearance of the building. He would like to see the project approved.

Nic Patel, 1475 Old Pinckney Road; he has concerns regarding safety on Old Pinckney Road when the school busses pick-up/drop off. If these issues can be resolved he has no problem with the project moving forward.

George Watts, 4231 Sundance Meadows; he likes the fact that the project is owned by locals, not a corporation. Todd Lekander is a supporter of the local little league and swim team. He would like to see this project approved.

Shannon Grainger, 3786 Pinckney Road; she has safety concerns with traffic north of I-96.

Craig Whitney, 1290 Byron Road; he is the current owner of the property to be developed and is eager to see it developed. He has paid over \$50,000.00 in taxes over the last 5-6 years.

Valde Garcia sent an email on October 22, 2013 in support of the project. The letter will be attached to the approved minutes.

Jerry Sidlar closed the Public Hearing.

Jerry Sidlar opened the regular meeting.

### **OLD BUSINESS**

#### **CD Okemos 10 – Special Use Request for Drive-thru Establishment & Automobile Service & Repair Station; 1442 Old Pinckney Road; Tax ID#4710-02-400-005**

Jean Root appreciates the public attendance and would like to see the project developed. She still has concerns regarding the intensity of the use, she thinks five pumps are excessive. She is concerned with the distance between pumps and turning radii. Ingress off Old Pinckney Road concerns her, the property is lower than the roadway. She would like the Township Engineer to comment on this. She is concerned with traffic coming north on Pinckney Road onto Old Pinckney Road, there is too much gravel accumulating on the pavement.

Pat Keough noted there is a grading plan and this shows less of a drop from Old Pinckney onto the site. He also noted that dimensions, cars and industry standard turning radii have been depicted on plan.

Jean Root went through the ten criteria used to evaluate if a Special Use Permit request.

1. Be harmonious with and in accordance with the general principles and objectives of the Comprehensive Plan of the Township. ***This is the use designated in the Master Plan for this area.***
2. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. ***The proposed use is consistent and harmonious with the character of other surrounding uses.***
3. Not be hazardous or disturbing of existing or future uses in the same general vicinity and will substantially improve property in the immediate vicinity and in the community as a whole. ***The use is consistent with other uses. This is the area Marion Township has designated for commercial.***
4. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools. ***Site is adequately served.***
5. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. ***The use is consistent with surrounding uses.***
6. Meet the intent and purpose of the zoning regulations; be related to the standards established in the ordinance for the land use or activity under consideration; and will be in compliance with these standards. ***The property is located within the Highway Service District and is consistent with the character of the neighborhood. Bob Hanvey noted variances may be necessary***
7. Ensure that landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modification, which result in maximum harmony with adjacent areas. ***The Planning Commission has ability to waive this requirement.***
8. Ensure that special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties. ***This is shown on the site plan.***
9. Ensure that all exterior lighting shall be so arranged that is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted. ***Lighting was not shown on the preliminary plan, this is normally addressed in the Final Site Plan Review.***
10. Meet the site plan review requirement of article XVIII. ***The site plan submitted is a Preliminary, Article XVIII requirements will be addressed during Final Site Plan Review.***

11. Conform to all applicable state and federal requirements for that use. ***The proposal will comply with all state and federal requirements on site location and operation.***

Bob Hanvey asked if the parallel parking along the west side will get much use.

Pat Keough stated yes, by people with trailers.

Discussion ensued regarding Special Use Permit verses Site Plan Review, when variances should be sought, between preliminary reviews or after final review/approval and whether to waive the landscaping requirements or just leave this to the Zoning Board of Appeals.

Jean Root motioned to recommend approval for the Special Use Permit request made by CD Okemos 10, LLC, 1442 Pinckney Road, Tax ID# 4710-02-400-005, the request is for a filling station and drive thru.

The following is the Planning Commission's evaluation.

1. Be harmonious with and in accordance with the general principles and objectives of the Comprehensive Plan of the Township. ***It is the opinion of the Planning Commission the proposed use meets the current Marion Township Master Plan.***
2. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. ***It is the opinion of the Planning Commission the project is not detrimental and is consistent with the general area.***
3. Not be hazardous or disturbing of existing or future uses in the same general vicinity and will substantially improve property in the immediate vicinity and in the community as a whole. ***It is the opinion of the Planning Commission this use will not disturb existing uses to the north and west.***
4. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools. ***It is the opinion of the Planning Commission that the site is adequately served.***
5. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. ***It is the opinion of the Planning Commission that given this is Highway Service zoning and the general area, it is consistent with surrounding uses.***
6. Meet the intent and purpose of the zoning regulations; be related to the standards established in the ordinance for the land use or activity under consideration; and will be in compliance with these standards. ***It is the opinion of the Planning Commission the property is located within the Highway Service District and the intent of this district is to serve the motoring public.***
7. Ensure that landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modification, which result in maximum harmony with adjacent areas. ***The property is clear of natural features.***
8. Ensure that special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties. ***There are plans for underground detention and the Township Engineer and local county agencies that regulate will review this during the construction review phase.***
9. Ensure that all exterior lighting shall be so arranged that is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted. ***It is the opinion of the Planning Commission that the applicant will follow zoning ordinance requirements.***
10. Meet the site plan review requirement of article XVIII. ***The site plan submitted is a Preliminary, Article XVIII requirements will be addressed during Final Site Plan Review.***
11. Conform to all applicable state and federal requirements for that use. ***The county reviewed preliminary plans as related.***

Greg Durbin seconded. **Roll Call; Greg Durbin, yes; Bob Hanvey, yes; Jerry Sidlar, yes; Jean Root, yes; Charlie Musson, abstained. Motion carried 4-0.**

**CD Okemos 10 – Site Plan Review for Drive-thru Establishment & Automobile Service & Repair Station; 1442 Old Pinckney Road; Tax ID#4710-02-400-005**

Sally Elmiger informed the Planning Commission members this is the time to consider preliminary site plan.

After extensive discussion the following items are of issue.

- Loading and unloading lighting – to be addressed during final review
- Minimize parking space width
- Road improvements per the Livingston County Road Commission
- Elevations of proposed buildings
- Necessary variances including landscaping
- Height of fueling canopy
- Tanker truck refueling

Greg Durbin motioned expressed his concerns with the intersection of Pinckney Road and Old Pinckney Road. He is asking the Official from Marion Township involved with the Livingston County Road Commission to work with them and the applicant to come up with a solution. Charlie Musson seconded. Discussion ensued on the motion and Greg Durbin withdrew his motion, Charlie Musson withdrew his second.

Jean Root motioned to recommend preliminary approval for the Site Plan Review request made by CD Okemos 10, LLC, 1442 Pinckney Road, Tax ID# 4710-02-400-005 for proposed convenience store, drive thru and fueling station, contingent upon necessary variances being granted, site plan revision date October 7, 2013 and reviewed at the October 22, 2013 meeting, also to include review letters from the following.

1. Carlisle/Wortman dated September 11, 2013
2. Spicer Group dated September 17, 2013
3. Howell Area Fire Authority dated September 16, 2013
4. Livingston County Health Department dated September 9, 2013
5. Livingston County Road Commission dated September 9, 2013
6. Livingston County Drain Commission dated September 17, 2013
7. City of Howell dated September 16, 2013

Greg Durbin seconded. **Roll Call; Greg Durbin, yes; Bob Hanvey, yes; Jerry Sidlar, yes; Jean Root, yes; Charlie Musson, yes. Motion carried 5-0.**

**Section 6.22 Single Family Design Standards amend roof pitch requirements for sunrooms Section 5.05 C #'s 4 & 5 Zoning Board of Appeals Variance Criteria & 5.05 E Approval Period**

Jean Root motioned to table the proposed text amendments to the next regularly scheduled meeting.

Greg Durbin seconded. **Motion Carried 5-0.**

**NEW BUSINESS**

**Fourth Amendment to the Master Deed for Georgetown Site Condominium**

Pat Keough summarize the request for the fourth amendment to the Master Deed. Russell Springborn would like to remove four units (44, 45, 46 & 48) that he owns from the development, reducing the number of units in Georgetown from 20 to 16.

Mike Kehoe has reviewed the documents and suggests the following.

Include the previous amendments to the Master Deed, the liber's and page numbers where those amendments have been recorded in the initial paragraph of the Fourth Amendment

Correct typo in second line of paragraph under "FOURTH ADMENDED EXIHIBIT B" – "supersedes" should be "supersede"

Under the heading "AMENDED ARTICLE V" would like it see Section 1 read;

Section 1. Description of Units. Each Unit in the Condominium Project is described in the Condominium Subdivision Plan of the Fourth Amendment to the Master Deed of GEORGETOWN SITE CONDOMINIUM which is attached hereto as Exhibit "B". There are now sixteen (16) units created for residential use in the Condominium Project established by this Master Deed. Each Unit shall consist of the space (land area) located within horizontal and vertical Unit boundaries as delineated on Exhibit "B" hereto together with all appurtenances thereto.

Mike Kehoe would like to see language to renumber if there was no owner of Unit 47, yet there is so that will not be included

After the language of Section 2 he suggests adding "All other provisions of Article V remain unchanged"; or "Sections 3 and 4 of Article V remain unchanged." Language that clarifies that those sections are not being affected by this amendment.

Jean Root motioned to send Forth Amendment to the Georgetown Master Deed, Tax ID#'s 4710-04-401-044, 045, 046 & 048 to be combined with Tax ID# 4710-04-400-024. Changes to be made to the documents per Mike Kehoe's review letter dated October 14, 2013 before submitting to the Board of Trustees for review and approval/denial. Greg Durbin seconded. **Motion carried 5-0.**

**Meeting Procedure**

Bob Hanvey would like the first call to the public to be for any issue not just agenda items.

Planning Commission members agreed.

Charlie Musson motioned to amend the agenda. Bob Hanvey seconded. **Motion carried 5-0.**

**Mud Bog Ordinance – discussion only**

Bob Hanvey summarized the reason for this ordinance. He would like to meet with members of Marion Township community and people/officials from other communities to see if language can be developed, to possibly include;

Parking

Bathroom facilities

Hours of operation

Food safety

Traffic safety

Insurance

Entertainment

Les Anderson would like this text to cover special events not just mud bogs.

Sally Elmiger offered to bring suggested text to the November meeting.

**CALL TO THE PUBLIC**

Jerry Sidlar opened the call to the public.

TJ Lekander, 417 Maple Center; would like to acknowledge the passing of his Uncle, Timothy Wilson and thank the Planning Commission members for their hard work on the proposed development.

Jerry Sidlar closed the call to the public.

**ADJOURNMENT**

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

**PLANNING COMMISSION – MINUTES  
November 26, 2013**

**MEMBERS PRESENT:** JERRY SIDLAR, VICE-CHAIR

BOB HANVEY

CHARLIE MUSSON

GREG DURBIN

**MEMBERS ABSENT:** NONE

**OTHERS PRESENT:** ANNETTE MCNAMARA, ZONING ADMINISTRATOR

SALLY ELMIGER, CARLISLE/WORTMAN

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**CALL TO ORDER**

Jerry Sidlar called the meeting to order at 7:32 p.m.

## **PLEDGE OF ALLEGIANCE**

### **APPROVAL OF AGENDA**

Bob Hanvey motioned to approve the agenda as presented. Charlie Musson seconded.

**Motion Carried 4-0.**

### **INTRODUCTION OF MEMBERS**

The members of the Planning Commission introduced themselves. All were present.

### **CALL TO THE PUBLIC**

Jerry Sidlar opened the call to the public.

Annette McNamara would like to acknowledge Jean Root's resignation from the Planning Commission.

Jerry Sidlar closed the call to the public.

### **APPROVAL OF MINUTES**

#### **October 22, 2013 Regular meeting minutes**

Greg Durbin motioned to approve the October 22, 2013 minutes as presented. Bob Hanvey seconded.

**Motion Carried 4-0.**

### **OLD BUSINESS**

#### **Section 6.22 Single Family Design Standards amend roof pitch requirements for sunrooms**

The Planning Commission members discussed the changes made to the document per Mike Kehoe's suggestions and are satisfied.

Bob Hanvey motioned to hold a public hearing on December 17, 2013 at 7:00 p.m. Greg Durbin seconded. **Motion Carried 4-0.**

#### **Section 5.05 C #'s 4 & 5 Zoning Board of Appeals Variance Criteria & 5.05 E Approval Period**

The Planning Commission members discussed the changes made to the document per Mike Kehoe's and Sally Elmiger's suggestions and suggested the following changes.

- Amend language in 5.05 C #5 so it is less cumbersome
- Amend language in 5.05 C A to reference 'finding of facts'

Annette McNamara will make the requested changes for the December 17, 2013 Planning Commission meeting.

Bob Hanvey motioned to postpone the proposed text amendments to the December 17, 2013 meeting.

Greg Durbin seconded. **Motion Carried 4-0.**

### **NEW BUSINESS**

#### **Proposed Text Amendments**

##### **Section 3.02 Definition & 17.04 Automobile Service and Repair Stations**

Mike Kehoe suggested this Section of the Zoning Ordinance be updated to reflect current trends. The Planning Commission members reviewed the text and agreed to the following amendments.

Section 3.02 Definition of Automobile Service Station; delete in its entirety and add new definition

Section 3.02 Definition of Automobile Repair Garage; add the word 'or' between servicing and repair; delete the word 'painting'

Section 3.02 Definition; add a definition for auto body work and auto body painting

Section 17.04 be broken into two sections. First section 'Automobile filling/mixed-use station. Second section 'Automobile Repair Garage'

Section 17.04 A #2; delete in its entirety as the State of Michigan Department of Environment Quality regulates underground storage tanks

Section 17.04 A #4; delete in its entirety and replace with 'driveway or curb cut shall be approved if consistent with the Livingston County Road Commissions determination of approval

Section 17.04 A #5; text to be amended to reflect the Livingston County Road Commissions requirements

Section 17.04 B #1; Sally Elmiger to determine if this requirement is necessary

Section 17.04 B #5; clarification that this doesn't include the smaller containers used with backyard BBQ's

Section 17.04 C #3; delete in its entirety

Section 17.04 D – Performance Standards – these requirements would be for 'Automobile Repair Garage' language

Section 17.04 D #2; include text regarding cars that have been repaired yet not picked up for more than

thirty days

Section 17.04 D #4; delete in its entirety

The Planning Commission members will need to work on language for auto body work and painting in the Light Industrial zoning district.

Sally Elmiger will amend the definitions and Section 17.04 for the December 17, 2013 Planning Commission meeting.

Greg Durbin motioned to postpone discussion to December 17, 2013 Planning Commission meeting.

Sally Elmiger to provide revised text. Charlie Musson seconded. **Motion Carried 4-0.**

**Article XVI – Special Use Permits**

The Planning Commission members reviewed Bob Hanvey's suggestions and asked the members to review his proposed amendments and bring any suggestions back to the December 17, 2013 meeting.

Greg Durbin motioned for Bob Hanvey to continue work on the text and submit for the December 17, 2013 meeting. Bob Hanvey seconded. **Motion Carried 4-0.**

**Article XVIII – Site Plan Review Requirements**

The Planning Commission members reviewed Bob Hanveys' suggestions and asked the members to review his proposed amendments and bring any suggestions back to the December 17, 2013 meeting.

Greg Durbin motioned for Bob Hanvey to continue work on the text and submit for the December 17, 2013 meeting. Bob Hanvey seconded. **Motion Carried 4-0.**

**Annual Organizational Meeting**

**Election of Officers**

The Planning Commissioners agreed to postpone the election of officers until such time as there is a full Planning Commission.

**Meeting Time (start and end)**

Jerry Sidlar asked the other Planning Commission members if they would agree to the Planning Commission meetings starting at 7:00 p.m. as opposed to 7:30 p.m. and if they would agree to choose a time that the meeting would end.

The Commissioners agreed to change the meeting start time to 7:00 p.m. and end at 9:00 p.m. Should an agenda item take the meeting beyond 9:00 p.m., there shall be an approved motion to do so. The revised meeting start time will begin at the December 17, 2013 Planning Commission meeting.

**CALL TO THE PUBLIC**

Jerry Sidlar opened the call to the public.

Bob Hanvey acknowledged Cheryl Range and her husband in the audience tonight. Cheryl Range has submitted an application to fill the Planning Commission vacancy.

Jerry Sidlar closed the call to the public.

**ADJOURNMENT**

Greg Durbin motioned to adjourn the meeting at 8:50 p.m. Charlie Musson seconded

**Motion carried 4-0**

**PLANNING COMMISSION AGENDA – MINUTES**

**December 17, 2013**

**MEMBERS PRESENT:**

JERRY SIDLAR, VICE-CHAIR  
BOB HANVEY  
CHARLIE MUSSON  
GREG DURBIN  
CHERYL RANGE

**MEMBERS ABSENT:**

NONE

**OTHERS PRESENT:**

ANNETTE MCNAMARA, ZONING ADMINISTRATOR  
SALLY ELMIGER, CARLISLE/WORTMAN

\*\*\*\*\*

**CALL TO ORDER**

Jerry Sidlar called the meeting to order at 7:16 p.m.

## **PLEDGE OF ALLEGIANCE**

## **APPROVAL OF AGENDA**

Bob Hanvey asked to have Mud Bogs changed to Special Events and add Cell Towers to Discussion items under New Business. Bob Hanvey motioned to approve the agenda as amended. Greg Durbin seconded.

**Motion Carried 5-0.**

## **INTRODUCTION OF MEMBERS**

The members of the Planning Commission introduced themselves. All were present. New Planning Commission member Cheryl Range was welcomed to the Planning Commission.

## **CALL TO THE PUBLIC**

Jerry Sidlar opened the call to the public.

No Response. Les Anderson, 4500 Jewell Road wanted to clarify the Board of Trustees reasoning for doubling the Planning Commission Chair's pay to the Commissioners. The Board of Trustees has an expectation that the Planning Commission Chair will do research beyond the other members of the Planning Commission.

Jerry Sidlar closed the call to the public.

## **APPROVAL OF MINUTES**

### **November 26, 2013 Regular meeting minutes**

Bob Hanvey motioned to approve the November 26, 2013 minutes as presented. Charlie Musson seconded. **Motion Carried 5-0.**

## **OLD BUSINESS**

### **Section 6.22 Single Family Design Standards amend roof pitch requirements for sunrooms**

The above proposed amendment will not have a public hearing tonight, the deadline for legal publication was missed. The Commissioners agreed to hold the public hearing at the regularly scheduled January 21, 2014 Planning Commission meeting.

Bob Hanvey motioned to hold a public hearing on January 21, 2014 at 7:00 p.m. Charlie Musson seconded. **Motion Carried 5-0.**

### **Section 5.05 C #'s 4 & 5 Zoning Board of Appeals Variance Criteria & 5.05 E Approval Period**

The Planning Commission members discussed the changes made to the document per their suggestions at the November 26, 2013 meeting.

The Planning Commission members would like to see the following amendments.

Page 2; 5.05 C last sentence in opening paragraph, keep the word 'exists'

Page 2; 5.05 C items A & B should be stand-alone sentences

Page 2; 5.05 C delete 'unnecessary hardship' from last sentence

Page 3; 5.05 E typo 'ben' should be 'been'

The Planning Commission members would like Mike Kehoe to review the text prior to a public hearing.

Bob Hanvey motioned to postpone this agenda item to the January 21, 2014 meeting. Greg Durbin seconded. **Motion Carried 5-0.**

### **Section 3.02 Definition & 17.04 Automobile Service and Repair Stations**

The Planning Commission members reviewed the proposed amendments requested at their November 26, 2013 meeting. There was extensive discussion on differences between minor and major auto repair. Sally Elmiger and Annette McNamara will work the text and bring it back to the Planning Commission.

Bob Hanvey motioned to postpone this agenda item to the January 21, 2014 meeting. Greg Durbin seconded. **Motion Carried 5-0.**

## **NEW BUSINESS**

### **Article XVI – Special Use Permits**

The Planning Commission members reviewed Bob Hanveys' suggestions he discussed at the November 26, 2013 meeting and are satisfied with the amendments.

Bob Hanvey motioned to postpone action on this agenda item until Action XVIII is complete. Greg Durbin seconded. **Motion Carried 5-0.**

### **Article XVIII – Site Plan Review Requirements**

Bob Hanvey was unable to work on the proposed amendments and will submit amendment to the Planning Commission when complete

Greg Durbin motioned for Bob Hanvey to continue work on the text and submit when complete. Bob

Hanvey seconded. **Motion Carried 5-0.**

**NEW BUSINESS**

**Proposed Text Amendment – Section 10.01 B #16 – Major Automobile Repair Facilities**

Planning Commission members discussed this language under the agenda item Section 17.04.

Bob Hanvey motioned to postpone action on this agenda item. Charlie Musson seconded. **Motion Carried 5-0.**

**Amendment to Planning Commission By-Laws to reflect 7:00 p.m. meeting start time**

The Planning Commission members agreed to amend the Planning Commission By-Laws. Annette McNamara will bring the amended document to the January 21, 2014 meeting for signatures.

**Discussion Only – Mud Bogging, Fracking and Wellhead Protection Area**

Bob Hanvey told the Planning Commission members that citizens have attended Board of Trustees meeting with concerns about fracking in Marion Township and would like a township wide discussion.

Bob Hanvey is hoping this can be held at the Parker Middle School and should be sometime in January 2014.

Bob Hanvey told the Planning Commission members about a link in our Wellhead Protection Area Zoning Ordinance language. The link no longer works yet he found an area off of W. Coon Lake Road that has a large day care center. This area is referred to a provision wellhead protection area and he was not able to gather much information about it. Marion Township's Wellhead Protection Area language will have to be revised, it doesn't include any provisions for fracking.

Two cell tower representatives have approached Marion Township recently. The representative is proposing a tower near Jewell and Cedar Lake Road and Hometown Village of Marion. The way the language currently reads, this would not be allowed. Given the current trend in Hardwire technology and Land Line Carriers, Bob Hanvey asked the Planning Commission members to read the current language and give feedback on amendments.

Special Events provisions need to be address. The Planning Commission members will be provided with information in the January 21, 2014 package. Sally Elmiger will look at what Marion Township is proposing and give her comments at the next meeting.

**CALL TO THE PUBLIC**

Jerry Sidlar opened the call to the public.

No response.

Jerry Sidlar closed the call to the public.

**ADJOURNMENT**

Bob Hanvey motioned to adjourn the meeting at 8:50 p.m. Greg Durbin seconded. **Motion carried 5-0.**