

PLANNING COMMISSION

AGENDA - January 21, 2014

CALL TO ORDER:

PLEDGE OF ALLEGIENCE:

APPROVAL OF AGENDA FOR: *January 21, 2014 Regular Meeting & Public Hearing*

INTRODUCTION OF MEMBERS:

CALL TO THE PUBLIC:

APPROVAL OF MINUTES FROM: *December 17, 2013 Regular Meeting*

PUBLIC HEARING:

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

REGULAR MEETING:

OLD BUSINESS:

1. *Section 5.05 C #'s 4 & 5 Zoning Board of Appeals Variance Criteria & 5.05 E Approval Period*
2. *Section 3.02 Definition & 17.04 Automobile Service and Repair Stations*
3. *Article XVI – Special Use Permits*
4. *Article XVIII – Site Plan Review Requirements*
5. *Proposed Text Amendment – Section 10.01 B #16 – Major Automobile Repair Facilities*
6. *Review of Special Events application & requirements*

NEW BUSINESS:

1. *Annual Organizational Meeting*

CALL TO THE PUBLIC:

ADJOURNMENT:

MINUTES – January 21, 2014

MEMBERS PRESENT: JERRY SIDLAR, CHAIR
GREG DURBIN, VICE-CHAIR
CHERYL RANGE, SECRETARY
BOB HANVEY
CHARLIE MUSSON

MEMBERS ABSENT: NONE

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

CALL TO ORDER

Jerry Sidlar called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Bob Hanvey motioned to approve the 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

December 17, 2013 Regular meeting minutes

Bob Hanvey noted a typo on pages 2 & 3 and asked that the words 'to the website' be added next to the word link on page 3 under wellhead protection discussion. Bob Hanvey motioned to approve the December 17, 2013 minutes as amended. Greg Durbin seconded. **Motion Carried 5-0.**

Public Hearing

Jerry Sidlar opened the call to the public.

Annette McNamara summarized the proposed text amendment, the text was amended to remove the 4:12 pitch requirement and in the process other requirements that are regulated by other agencies were removed. There were no comments from the public. Jerry Sidlar closed the call to the public.

Regular Meeting

OLD BUSINESS

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

The Commissioners are satisfied with the proposed text.

Bob Hanvey motioned to send the proposed text to the Board of Trustees for preliminary review and comment, if no significant comments are made, Annette is to forward on to the Livingston County Department of Planning for review and comment. If no significant comments are made by the Livingston County Department of Planning, Annette is to forward materials to the Board of Trustees for review and approval and or denial. Greg Durbin 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 additional changes to the text.

Bob Hanvey motioned to have Annette make the proposed amendments and submit for the regularly scheduled February 25, 2014 meeting. Greg Durbin seconded. **Motion Carried 5-0.**

Section 3.02 Definition & 17.04 Automobile Service and Repair Stations

This agenda item is postponed to the February 25, 2014 meeting. No motion necessary.

NEW BUSINESS

Article XVI – Special Use Permits

The Planning Commission members reviewed Bob Hanvey's suggestions made at the December 17, 2013 meeting. Bob Hanvey motioned to hold a public hearing on Article XVI Special Use Permits & associated definition, at the regularly scheduled February 25, 2014 meeting. Greg Durbin seconded.

Motion Carried 5-0.

Article XVIII – Site Plan Review Requirements

The Planning Commission members are satisfied with the proposed amendments.

Bob Hanvey motioned to hold a public hearing on Article XVIII Site Plan Review Requirements & Section 6.13 Landscaping requirements, at the regularly scheduled February 25, 2014 meeting. Greg Durbin seconded. **Motion Carried 5-0.**

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

This agenda item is postponed to the February 25, 2014 meeting. No motion necessary.

Special Events Permit

Jerry Sidlar asked Sally Elmiger if she had reviewed the materials.

Sally Elmiger answered yes, she also noted that this should be a General Ordinance as they are easier to modify.

Dan Perkins, 5510 Hinchey Road answered the Planning Commission members' questions. He took the materials, at the suggestions of the Commissioners and promised to look it over, mark it up and get it to Annette McNamara before the February meeting.

The Planning Commission members reviewed the materials and asked Annette McNamara to put together proposed language for the February 25, 2014 meeting.

Bob Hanvey motioned to have Annette McNamara collaborate with Mr. Perkins and bring back proposed text at the February 25, 2014 meeting. Greg Durbin seconded. **Motion carried 5-0.**

NEW BUSINESS

Annual Organizational Meeting

Greg Durbin nominated Cheryl Range for Planning Commission Secretary. Charlie Musson seconded.

Roll Call: Charlie Musson – yes, Greg Durbin – yes, Bob Hanvey – yes, Jerry Sidlar – yes.

Cheryl Range abstained. Motion carried 4-0-1.

Jerry Sidlar nominated Greg Durbin for Planning Commission Co-Chair. Bob Hanvey seconded.

Roll Call: Charlie Musson – yes, Cheryl Range – yes, Bob Hanvey – yes, Greg Durbin – yes.

Motion carried 5-0.

Greg Durbin nominated Jerry Sidlar for Planning Commission Chair. Cheryl Range seconded.

Roll Call: Charlie Musson – yes, Cheryl Range – yes, Bob Hanvey – yes, Jerry Sidlar – yes,

Greg Durbin - yes. Motion carried 5-0.

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 8:50pm Greg Durbin seconded. **Motion carried 5-0**

AGENDA - February 25, 2014

CALL TO ORDER:

PLEDGE OF ALLEGIENCE:

APPROVAL OF AGENDA FOR: *February 25, 2014 Regular Meeting & Public Hearing*

INTRODUCTION OF MEMBERS:

CALL TO THE PUBLIC:

APPROVAL OF MINUTES FROM: *January 21, 2014 Regular Meeting*

PUBLIC HEARING:

- 1. Article XVI – Special Use Permits*
- 2. Article XVIII – Site Plan Review Requirements*
- 3. Section 6.13 G – Exceptions to Fencing & Screening Requirements*

REGULAR MEETING:

OLD BUSINESS:

- 1. Article XVI – Special Use Permits*
- 2. Article XVIII – Site Plan Review Requirements*
- 3. Section 6.13 G – Exceptions to Fencing & Screening Requirements*
- 4. Section 5.05 C #'s 4 & 5 Zoning Board of Appeals Variance Criteria & 5.05 E Approval Period*
- 5. Section 3.02 Definition & 17.04 Automobile Service and Repair Stations*
- 6. Review of Special Events application & requirements*

NEW BUSINESS:

- 1. Section 17.10 C #1 a; C #3 a 5 & C #4 b - Wireless Communication Support Facilities – amend distance requirements*

CALL TO THE PUBLIC:

ADJOURNMENT:

MINUTES – February 25, 2014

MEMBERS PRESENT:

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

CHARLIE MUSSON

MEMBERS ABSENT:

NONE

OTHERS PRESENT:

ANNETTE MCNAMARA, ZONING ADMINISTRATOR

CALL TO ORDER

Jerry Sidlar called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Bob Hanvey motioned to approve the 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

January 21, 2014 Regular meeting minutes

Bob Hanvey motioned to approve the January 21, 2014 minutes as submitted. Greg Durbin seconded.

Motion Carried 5-0.

Public Hearing

Article XVI – Special Use Permits

Jerry Sidlar opened the call to the public. There were no comments from the public.

Jerry Sidlar closed the call to the public.

Public Hearing

Article XVIII – Site Plan Review Requirements

Jerry Sidlar opened the call to the public. There were no comments from the public.

Jerry Sidlar closed the call to the public.

Public Hearing

Section 6.13 Landscaping Requirements

Jerry Sidlar opened the call to the public. There were no comments from the public.

Jerry Sidlar closed the call to the public.

Regular Meeting

OLD BUSINESS

Article XVI – Special Use Permits

The Planning Commission members reviewed the proposed amendments and requested the following amendments be made.

1. Page 2; Section 16.05 A General Standards – add 'shall be reviewed' after the word application

Bob Hanvey motioned to send the proposed amendments to Article XVI Special Use Permits to the

Board of Trustees for preliminary review and comment. If no significant comments are made by the

Board of Trustees Annette McNamara is to forward the amendment to the Livingston County

Department of Planning for review and comment. If no significant comments are made,

Annette McNamara is to forward to the Board of Trustees for final review and approval and or denial.

Cheryl Range seconded. **Motion Carried 5-0.**

Article XVIII – Site Plan Review Requirements

The Planning Commission members reviewed the proposed amendments and requested the following amendments be made.

1. Page 2; Section 18.03 B General information #2 – to read "Name, address, phone fax number and/or email of applicant(s), property owner(s), engineer(s), architect(s), and landscape architect(s)
2. Page 2; Section 18.03 C Planning Commission Action – third sentence remove the word 'deny'

Bob Hanvey motioned to send the proposed amendments to Article XVIII Site Plan Requirements to the Board of Trustees for preliminary review and comment. If no significant comments are made by the Board of Trustees Annette McNamara is to forward the amendment to the Livingston County Department of Planning for review and comment. If no significant comments are made, Annette McNamara is to forward to the Board of Trustees for final review and approval and or denial. Cheryl Range seconded. **Motion Carried 5-0.**

Section 6.13 Landscaping Requirements

The Planning Commission members reviewed the proposed amendments and requested the following amendments.

1. Page 1; Section 6.13 G #4 – the first sentence of paragraph insert 'and/' between recommend and or

Bob Hanvey motioned to send the proposed amendments to Section 6.13 G Exceptions to Fencing and Screening Requirements to the Board of Trustees for preliminary review and comment. If no significant comments are made by the Board of Trustees Annette McNamara is to forward the amendment to the Livingston County Department of Planning for review and comment. If no significant comments are made, Annette McNamara is to forward to the Board of Trustees for final review and approval and or denial. Jerry Sidlar 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 requested the following amendments.

1. Page 2; Section C items #1 thru #4 to read;
 - o That the restrictions of the Township Zoning Ordinance would unreasonably prevent the owner from using the property for a permitted use.
 - o That the variance would do substantial justice to the applicant and a lesser relaxation than that requested would not give substantial relief to the owner of the property.
 - o That the request is due to the unique circumstances of the property.
 - o That the alleged hardship has not been created by the property owner.
2. Page 2; Section C – add colon after board of Appeals
3. Page 2; Section C – change reference to five criteria to four criteria

Bob Hanvey motioned to hold a public hearing at 7:00 p.m. on Section 5.05 C & E at the regularly scheduled March 25, 2014 meeting. Cheryl Range seconded. **Motion Carried 5-0.**

Section 3.02 Definition & 17.04 Automobile Service and Repair Stations

The Planning Commission members discussed the proposed text and requested the following changes.

1. That references to oil and grease be changed to automotive lubricants
2. Separate Automobile service and repair stations/garages and Automobile fueling/mixed-use stations w/carwash, renumber into 17.04 A and 17.04 B

Bob Hanvey motioned to have Annette McNamara revised Section 17.04 per Planning Commission request and check on propane tank refill requirements. Greg Durbin seconded. **Motion Carried 5-0.**

Special Events Permit

The Planning Commission members reviewed the proposed text and requested the following amendments.

1. Page 1; delete the first three and the last definition
2. Page 2; typo in last definition
3. Page 2; General provisions item #3 – need Mike Kehoe's comments on the last sentence
4. Page 3; General provisions item f – need to define or get comments from Mike Kehoe on 'no unreasonably carry beyond the boundaries'

5. Page 3; General provisions – add item h requiring Livingston County Drain Commission and Michigan Department of Environmental Quality review and approval

Bob Hanvey motioned to have Annette McNamara make the requested amendments and bring back proposed text to the March 25, 2014 meeting. Cheryl Range seconded. **Motion carried 5-0.**

NEW BUSINESS

Section 17.10 Communication Towers (Wireless Communication Facilities)

The proposed amendments are to remove the requirements for no new towers within three miles of an existing tower. The Planning Commission members agreed this is an amendment that should be made. The Planning Commission members would like Annette McNamara to check on which zoning districts towers are allowed.

Bob Hanvey motioned to have Annette McNamara make the changes and do the research requested at tonight's meeting. Greg Durbin seconded. **Motion carried 5-0.**

CALL TO THE PUBLIC

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

ADJOURNMENT

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

AGENDA - March 25, 2014

CALL TO ORDER:

PLEDGE OF ALLEGIENCE:

APPROVAL OF AGENDA FOR: *March 25, 2014 Regular Meeting & Public Hearing*

INTRODUCTION OF MEMBERS:

CALL TO THE PUBLIC:

APPROVAL OF MINUTES FROM: *February 25, 2014 Regular Meeting*

PUBLIC HEARING:

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

REGULAR MEETING:

OLD BUSINESS:

1. *Section 5.05 C #'s 4 & 5 Zoning Board of Appeals Variance Criteria & 5.05 E Approval Period*
2. *Section 3.02 Definition & 17.04 Automobile Service and Repair Stations*
3. *Review of Special Events application & requirements*
4. *Section 17.10 C #1 a; C #3 a 5 & C #4 b - Wireless Communication Support Facilities – amend distance requirements*

NEW BUSINESS:

CALL TO THE PUBLIC:

ADJOURNMENT:

MINUTES – March 25, 2014

MEMBERS PRESENT:

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

MEMBERS ABSENT:

NONE

OTHERS PRESENT:

ANNETTE MCNAMARA, ZONING ADMINISTRATOR

CALL TO ORDER

Jerry Sidlar called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Bob Hanvey asked to have CD Okemos 10, LLC added to the agenda as a discussion item under Old 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.

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 25, 2014 Regular meeting minutes

Greg Durbin motioned to approve the February 25, 2014 minutes as submitted. Bob Hanvey seconded.

Motion Carried 5-0.

Public Hearing

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

Jerry Sidlar opened the call to the public. There were no comments from the public.

Jerry Sidlar closed the call to the public.

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

Todd Lekander wanted to attend tonight's meeting and let the Planning Commission members know where he and his son TJ Lekander are at with the project.

Mr. Lekander stated he had submitted for final special use and site plan recommendation and then he was informed by Mike Craine of the Livingston County Road Commission (LCRC) that an ingress/egress onto D-19 would require approval from the State of Michigan and others to resolve this issue. He would like to understand timelines prior to submitting to the Planning Commission.

Jerry Sidlar asked Mr. Lekander if he was willing to elaborate.

Mr. Lekander told the Commissioners that when LCRC employees were reviewing old documents for specifications related to upcoming road repairs they found plans that designated that area as "Limited Access" and the LCRC does not have authority to approve a drive onto D-19 thru the area.

Greg Durbin asked if the work that has been done so far by the applicant and Marion Township, will it be protected/reserved.

Discussion ensued regarding time limits on granting approval and time limits on Zoning Board of Appeals variances. No answers so far. No action taken.

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

The Planning Commission members would like to have the following changes made to the proposed text.

1. Page 2 of 3; fourth paragraph after the criteria in 5.05 C #'s 1 thru 4. The paragraph should read; the Zoning Board of Appeals shall not approve an application for a variance unless it has found positively that a practical difficulty exists under the four preceding criteria. If any criteria does not apply, the Zoning Board of Appeals shall justify why it does not apply.

Bob Hanvey motioned to send the proposed amendments to Section 5.05 C #'s 4 & 5 Zoning Board of Appeals Variance Criteria and 5.05 E Approval Period to the Board of Trustees for preliminary review

and comment after Annette McNamara makes the changes requested at tonight's meeting. If no significant comments are made by the Board of Trustees Annette McNamara is to forward the amendment to the Livingston County Department of Planning for review and comment. If no significant comments are made, Annette McNamara is to forward to the Board of Trustees for final review and approval and or denial. Jerry Sidlar seconded. **Motion Carried 5-0.**

Section 3.02 Definition & 17.04 Automobile Service and Repair Stations

The Planning Commission members discussed the proposed text and requested the following changes.

1. 17.04-A & 17.04-B – subsection B #7 be deleted in its entirety
2. 17.04-A & 17.04-B – subsection B #8 – the Planning Commission members question the reasoning for this requirement and asked Annette McNamara to look at other zoning ordinances to see if there is alternate language or if this should be deleted.
3. 17.04-A & 17.04-B – subsection B #9 second sentence, typo, 'on' should be 'one'
4. 17.04-D #'s 5 & 6 & 17.04-D #'s 2 & 3 – the Commissioners questioned whether this requirement should be kept as it is enforced by other agencies. 17.04A – subsection D #7 and 17.04-B subsection D #4 is a summary of the two requirements before and Mike Kehoe along with Carlisle/Wortman should be able to give direction as to whether to delete or keep Annette McNamara will do research and submit for the April 22, 2014 meeting.

Bob Hanvey motioned to have Annette McNamara revise Section 17.04 per Planning Commission request. Jerry Sidlar seconded. **Motion Carried 5-0.**

Special Events Permit

The Planning Commission members reviewed the proposed text and requested the following amendments.

1. Page 3 of 6; typo in the middle of the page under exemptions, add an 's' after Event
2. Page 4 of 6; Section IV item #5 – need Mike Kehoe's comments
3. Planning Commission members asked Annette McNamara to send the request from the February meeting to Mike Kehoe and submit his comments in the April 22, 2014 Planning Commission package
4. Include the application in the April 22, 2014 Planning Commission package

Cheryl Range motioned to have Annette McNamara make the requested amendments and request review and comment from Mike Kehoe and bring back proposed text to the April 22, 2014 meeting.

Bob Hanvey seconded. **Motion carried 5-0.**

Section 17.10 Communication Towers (Wireless Communication Facilities)

The Planning Commission members would like to review new information given to them at the meeting and bring their comments to the April 22, 2014 meeting.

Bob Hanvey motioned to postpone this agenda item to the April 22, 2014 meeting. Jerry Sidlar seconded. **Motion carried 5-0.**

NEW BUSINESS

No new business.

CALL TO THE PUBLIC

Jerry Sidlar opened the call to the public.

Les Andersen, 4500 Jewell Road; he is concerned that two items were removed from 5.05 C, first item is; the conditions and circumstances were not self-created. He gave an example, say someone owns a parcel that is 95% wetlands with a small area close to property lines that is buildable, first owner sells to a second party who wants to build a home and requests a variance to building setbacks. Les Andersen thinks the second property owner should be held to the self-created requirement, that the person should have done their due diligence to find out about the wetlands & buildable area. Annette McNamara gave Les an example of a parcel that fit his description, and that Marion Township played a part in creating the parcel in a land division. The second concern is with the language; the request

should not be deemed solely economic. He used the example of a developer creating a lot in a site condominium that would require a variance to gain site plan approval. The Zoning Board of Appeals felt there are many examples that could be deemed solely economic.

Say the topography of the parcel prevents building within a building envelope or prevents building in a side or rear yard. The applicant could have fill brought to the site to remedy the situation, yet that would add cost to the project. Would that be considered solely economic? Les Andersen asked that Annette send it Mike Kehoe for his comments prior to the Board of Trustees preliminary review. Jerry Sidlar closed the call to the public.

ADJOURNMENT

Bob Hanvey motioned to adjourn the meeting at 8:40p.m. Greg Durbin seconded. **Motion carried 5-0**

AGENDA - April 22, 2014

CALL TO ORDER:

PLEDGE OF ALLEGIENCE:

APPROVAL OF AGENDA FOR: *April 22, 2014 Regular Meeting*

INTRODUCTION OF MEMBERS:

CALL TO THE PUBLIC:

APPROVAL OF MINUTES FROM: *March 25, 2014 Regular Meeting*

REGULAR MEETING:

OLD BUSINESS:

1. *Section 5.05 C #'s 4 & 5 Zoning Board of Appeals Variance Criteria & 5.05 E Approval Period*
2. *Section 3.02 Definition & 17.04 Automobile Service and Repair Stations*
3. *Review of Special Events application & requirements*
4. *Section 17.10 C #1 a; C #3 a 5 & C #4 b - Wireless Communication Support Facilities – amend distance requirements*

NEW BUSINESS: No new business

CALL TO THE PUBLIC:

ADJOURNMENT:

MINUTES - APRIL 22, 2014

MEMBERS PRESENT: JERRY SIDLAR, CHAIR
GREG DURBIN, VICE-CHAIR
CHERYL RANGE, SECRETARY
BOB HANVEY
CHARLIE MUSSON

MEMBERS ABSENT: NONE

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

CALL TO ORDER

Jerry Sidlar called the meeting to order at 7:05 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Bob Hanvey motioned to approve the agenda. 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

March 25, 2014 Public Hearing & Regular meeting minutes

Cheryl Range motioned to approve the March 25, 2014 minutes as submitted. Greg Durbin seconded.

Motion Carried 5-0.

OLD BUSINESS

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

Bob Hanvey told the Commissioners that the proposed amendments were sent to Mike Kehoe for review and comment prior to the Board of Trustees preliminary review. The Board of Trustees requested the criteria language include the following.

1. The practical difficulty was not self-created
2. The request is not economically driven

The Planning Commission members reviewed Mike Kehoe's review letter and the Board of Trustees request and are satisfied with the changes and would like the following additional changes.

1. Page 2 of 3 sub-section C #4 change 'the' to 'a'
2. Page 2 of 3 sub-section C renumber 1 thru 5
3. Page 2 of 3 sub-section C change exists under the four preceding criteria to five preceding criteria

Jerry Sidlar asked if the Zoning Board of Appeals received a copy of Mike Kehoe's letter.

Annette McNamara answered yes.

Cheryl Range motioned to send the proposed amendments to Section 5.05 C #'s 4 & 5 Zoning Board of Appeals Variance Criteria and 5.05 E Approval Period to the Livingston County Department of Planning for review and comment. If no significant comments are made, Annette McNamara is to forward to the Board of Trustees for final review and approval and or denial. Greg Durbin seconded.

Motion Carried 5-0.

Section 3.02 Definition & 17.04 Automobile Service and Repair Stations

The Planning Commission members discussed the proposed text and requested the following changes.

1. Page 2 of 4 - 17.04 A, item B #7 to read; Driveway approach width shall meet Livingston County Road Commission current standards
2. Page 2 of 4 - 17.04 A, item B #9 correct 'on' to 'one'
3. Page 2 of 4 - 17.04 A, item D #5 to read; All floor drains shall be designed to current Township Policy
4. Page 2 of 4 - 17.04 A, item D #6 add sentence; Such containment measures shall be designed and approved by the appropriate federal, state or local authority having jurisdiction prior to installation
5. Page 2 of 4 - 17.04 A, item D #7 add prior to township approval and the word local twice in sentence
6. Page 3 of 4 - 17.04 B, item B #7 to read; Driveway approach width shall meet Livingston County Road Commission current standards
7. Page 3 of 4 - 17.04 B, item B #9 add sentence; Such containment measures shall be designed and approved by the appropriate federal, state or local authority having jurisdiction prior to installation
8. Page 3 of 4 - 17.04 B, item D #2 to read; All floor drains shall be designed to current Township Policy

9. Page 4 of 4 – 17.04 B, item D #3 add sentence; Such containment measures shall be designed and approved by the appropriate federal, state or local authority having jurisdiction prior to installation
10. Page 4 of 4 – 17.04 B, item D #4 add prior to township approval and the word local twice in sentence

Bob Hanvey motioned to have Annette McNamara revise Section 17.04 per Planning Commission request and schedule a public hearing for Section 3.02 definitions, 9.01 D #2 & 3 and Section 17.04 A & B on May 27, 2014 at 7:00 p.m. Cheryl Range seconded. **Motion Carried 5-0.**

Special Events Permit

The Planning Commission members reviewed the proposed text and requested the following amendments.

1. Page 1 of 6 Definition of Outdoor Seasonal Sales – place comma and etc. after fireworks
2. Page 1 of 6 Definition of Owner – ‘delete land contract vendor’
3. Page 1 of 6 Definition of Special Event – add ‘with anticipated participation rate of three hundred or more people’
4. Page 2 of 6 Section III #3 to read - The Township Board or Zoning Administrator may require the Owner and/or Operator to post a cash bond with the Township in an amount that will guarantee the restoration of any public property to a like condition as existed before the event. This may include, but is not limited to, costs associated with sign removal and litter/garbage disposal.
5. Page 3 of 6 Section III #6 item f delete in its entirety
6. Page 4 of 6 Section IV # 5 to read – Copies of insurance policies naming the Township as additional insured for one million dollars and keep final sentence
7. Indemnification Agreement – make changes per Mike Kehoe’s review for April 22, 2014 Planning Commission meeting
8. Marion Township Special Event Permit/Application – make changes per Mike Kehoe’s review for April 22, 2014 Planning Commission meeting

Jerry Sidlar motioned to have Annette McNamara make the requested amendments for the May 27, 2014 meeting. Cheryl Range seconded. **Motion carried 5-0.**

Section 17.10 Communication Towers (Wireless Communication Facilities)

The Planning Commission members reviewed the proposed amendments and requested the following amendments.

1. Page 2 of 4 Section D #1 K to read – The distance between an occupied structure or a property line shall be no less than the height of the WCSF

Bob Hanvey motioned to send the proposed amendments to the Board of Trustees for preliminary review and comment at the regularly scheduled May 8, 2014 meeting. Jerry Sidlar seconded.

Motion carried 5-0.

NEW BUSINESS

No new business.

CALL TO THE PUBLIC

Jerry Sidlar opened the call to the public.

Les Anderson 4500 Jewell Road; Expressed concerns that Marion Township is spending four hundred thousand dollars on D-19 road improvements south of the 1-96 eastbound entrance ramp. The safety issues came up during the review of CD Okemos 10, LLC. He thinks the businesses on Old Pinckney Road should pay for these improvements via a special assessment. In the future proposed commercial developments should be financially responsible for any road improvements that are required for safety. Sally Elmiger noted that the Livingston County Road Commission is responsible/owns the road and should require the developer whose project has an impact on the roadway pay for the upgrades.

Jerry Sidlar closed the call to the public.

ADJOURNMENT

Jerry Sidlar motioned to adjourn the meeting at 9:00pm Charlie Musson seconded **Motion carried 5-0**

AGENDA - May 27, 2014

CALL TO ORDER:

PLEDGE OF ALLEGIENCE:

APPROVAL OF AGENDA: *May 27, 2014 Regular Meeting*

INTRODUCTION OF MEMBERS:

CALL TO THE PUBLIC:

APPROVAL OF MINUTES FROM: *April 22, 2014 Regular Meeting*

PUBLIC HEARING:

- 1) *Section 3.02 Definition & 17.04 Automobile Service and Repair Stations*

REGULAR MEETING:

OLD BUSINESS:

- 1) *Section 3.02 Definition & 17.04 Automobile Service and Repair Stations*
- 2) *Review of Special Events application & requirements*
- 3) *Section 17.10 C #1 a; C #3 a 5 & C #4 b - Wireless Communication Support Facilities – amend distance requirements*

NEW BUSINESS:

1. *Proposed amendments to Section 6.07 Accessory Uses and Structures*

CALL TO THE PUBLIC:

ADJOURNMENT:

MINUTES- May 27, 2014

MEMBERS PRESENT:

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

MEMBERS ABSENT:

NONE

OTHERS PRESENT:

ANNETTE MCNAMARA, ZONING ADMINISTRATOR
SALLY ELMIGER, CARLISLE/WORTMAN, ASSOC

CALL TO ORDER

Jerry Sidlar called the meeting to order at 7:06 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Jerry Sidlar asked to have item #1, Old Business to the first item discussed once the regular meeting is opened. Greg Durbin motioned to approve the agenda as amended. Cheryl Range 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.

Mark Perakoski, 32400 Telegraph. Mr. Perakoski represents SR Jacobson who is looking to develop Sunridge Phase II. They are looking to use the approved site plan and amend the existing Planned

Unit Development Agreement. Mr. Perakoski has met with Marion Township Officials to discuss the proposal and the following items were brought up.

1. Bypass road from Peavy Road to D-19
2. Number of lots
3. Assignment of REU's

This is new territory for everyone involved, the approval has timed out and there is no answer as of yet as to how this will be handled.

The Commissioners discussed the following items.

1. The limited access situation with D-19
2. Using the Best Western curb cut to access D-19
3. Proposed bypass road cuts across an exclusive easement
4. Paving Kedde Road as an alternative to the bypass road
5. Changing the name of the development to something other than Sunridge II
6. Approaching the residents of Sunridge phase I to remove SR Jacobson from the PUD agreement
7. Setting up an escrow account for research into state law regarding PUDs to be done by Carlisle/Wortman

Scott Lloyd, 5717 Pingree asked Mr. Perakoski if the number of lots was reduced from 144 to 77 would they still be interested in developing. Mr. Perakoski answered no. Jerry Sidlar closed the call to the public.

APPROVAL OF MINUTES

April 27, 2014 Public Hearing & Regular meeting minutes

Bob Hanvey motioned to approve the April 27, 2014 minutes as submitted. Greg Durbin seconded.

Motion Carried 5-0.

PUBLIC HEARING

Section 3.02 Definition & 17.04 Automobile Service and Repair Stations

Jerry Sidlar opened the public hearing. Jerry Sidlar asked if there were any public comments.

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

Jerry Sidlar opened the Regular Meeting.

OLD BUSINESS

NEW BUSINESS

Section 6.07 Accessory Uses and Structures & definitions

Annette McNamara is asking the Planning Commission members to consider revising the existing text to allow larger accessory structures. There have been a number of Zoning Board of Appeals cases in the last few years and a number of people who ask at the counter. Since they have no practical difficulty it would be unlikely a variance would be granted.

Randy Gerding, 3145 New Holland Drive, explained the situation and his reason for requesting a 60' x 40' accessory structure.

Mike Kollath, 3144 Combine Court, he told the Commissioners that he also has talked to Annette about an addition to his existing structure and was told it exceeds the amount of square footage allowed.

The Commissioners took comments from the public and after discussion requested Annette look into the number and type of accessory structure land use permits from 2013, how other like/similar communities regulate and increasing the .015 to .030

Jerry Sidlar motioned to have Annette McNamara make the requested changes and gather information to bring back to the June 24, 2104 meeting. Greg Durbin seconded. **Motion Carried 5-0.**

Section 3.02 Definition & 17.04 Automobile Service and Repair Stations

The Planning Commission members are satisfied with the proposed amendments.

Bob Hanvey motioned to send the proposed amendments to the Board of Trustees for preliminary review and comment at the regularly scheduled June 12, 2014 meeting. If no significant comments

are made Annette McNamara is to forward the proposed amendments to the Livingston County Department of Planning for review and comment. Cheryl Range seconded. **Motion Carried 5-0.**

Special Events Permit

The Planning Commission members reviewed the proposed text and are satisfied.

Jerry Sidlar motioned to send the proposed text, application and indemnification agreement to the Board of Trustees for approval at the regularly scheduled June 12, 2014 meeting. Cheryl Range seconded. **Motion carried 5-0.**

Section 17.10 Communication Towers (Wireless Communication Facilities)

The Planning Commission members are satisfied with the proposed amendments yet would like to clarify that Wireless Communication Antennas are allowed on water towers, adding that clarification to General Requirements, item g.

Bob Hanvey motioned to schedule a public hearing for Section 17.10 Wireless Communication Facilities on June 24, 2014. Jerry Sidlar seconded. **Motion carried 5-0.**

CALL TO THE PUBLIC

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

ADJOURNMENT

Jerry Sidlar motioned to adjourn the meeting at 8p.m. Charlie Musson seconded. **Motion carried 5-0**

AGENDA - June 24, 2014

CALL TO ORDER:

PLEDGE OF ALLEGIENCE:

INTRODUCTION OF MEMBERS:

APPROVAL OF AGENDA FOR: *June 24, 2014 Regular Meeting*

APPROVAL OF MINUTES FROM: *May 27, 2014 Regular Meeting*

CALL TO THE PUBLIC:

PUBLIC HEARING:

1. *Section 17.10 C #1 a; C #3 a 5 & C #4 b - Wireless Communication Support Facilities – amend distance requirements*

REGULAR MEETING:

OLD BUSINESS:

1. *Section 17.10 C #1 a; C #3 a 5 & C #4 b - Wireless Communication Support Facilities – amend distance requirements*
2. *Proposed amendments to Section 6.07 Accessory Uses and Structures*

NEW BUSINESS:

1. *Review Marion Township Meeting Schedule 2014-2015*
2. *Cancel July 22, 2014 meeting*

CALL TO THE PUBLIC:

ADJOURNMENT:

MINUTES – JUNE 24, 2014

MEMBERS PRESENT:

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

MEMBERS ABSENT:

NONE

OTHERS PRESENT:

ANNETTE MCNAMARA, ZONING ADMINISTRATOR
SALLY ELMIGER, CARLISLE/WORTMAN, ASSOC

CALL TO ORDER

Jerry Sidlar called the meeting to order at 7:05 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Bob Hanvey asked to have discussion on Sunridge phase II placed as item #3 under New Business. Greg Durbin motioned to approve the agenda as amended. Cheryl Range 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

May 27, 2014 Public Hearing & Regular meeting minutes

Jerry Sidlar motioned to approve the May 27, 2014 minutes as submitted. Cheryl Range seconded.

Motion Carried 5-0.

PUBLIC HEARING

Section 17.10 Communication Towers (Wireless Communication Facilities)

Jerry Sidlar opened the public hearing. Jerry Sidlar asked if there were any public comments. No response. Jerry Sidlar closed the call to the public.

Jerry Sidlar opened the Regular Meeting.

OLD BUSINESS

Section 17.10 Communication Towers (Wireless Communication Facilities)

Charlie Musson question item D 3 d iii, on page 3 of 4, how would Marion Township get money from a property owner when it's the cell tower company that abandoned the tower?
Bob Hanvey clarified the word all, and stated the property owner has an agreement with the cell tower owner.

Greg Durbin stated that it's an enforcement issue, a security agreement.

Jerry Sidlar asked Sally Elmiger if she had any comments. She answered no.

The Planning Commission members discussed the amended text on page 2 of 4 item D 1 g.

They agreed that item g & h should be combined to read as follows.

Construction of the WCSF shall be of monopole design. Antenna may be installed on an existing structure as long as the structure is certified by a registered civil engineer to be in compliance with all applicable codes.

Jerry Sidlar motioned to have Annette McNamara make the changes discussed tonight and send to the Livingston County Department of Planning for review and comment. If no significant comments are made then Annette McNamara is to forward Section 17.10 and the Livingston County Department of Planning comments to the Board of Trustees for review and approval and/or denial. Cheryl Range seconded. **Motion Carried 4-1.**

Section 6.07 Accessory Uses and Structures & definitions

The Planning Commission members reviewed the proposed text and discussed large structures and large parcels. There was discussion on smaller lots and concerns about lot coverage.

Bob Hanvey motioned to schedule a public hearing for the August 26, 2014 meeting. Greg Durbin seconded. **Motion Failed 0-5.**

Les Andersen 4500 Jewell Road; is concerned that smaller lots in the Rural Residential district with 35% of the lot covered will not have room for a septic and reserve field.

Annette McNamara stated the Livingston County Health Department reviews land use permit and will make sure that doesn't happen.

Sally Elmiger suggested a third tier be added to address lots over 10 acres, these lots could be based on .015% or set a maximum building size for larger lots.

Bob Hanvey reminded everyone that at one time Marion Township did a search on large parcels in Marion Township, due to PA 116. He will find the list in an attempt to get a handle on how many parcels in the Township we are talking about.

Les Andersen 4500 Jewell Road, asked Sally Elmiger if there is anything in the Land Division Act that would give Marion Township control over splits with large structures or if other municipalities have requirements that would address this issue.

Sally Elmiger agreed to do the research and send Bob Hanvey an estimate for the work.

Jerry Sidlar noted that this proposed text needs additional work.

Jerry Sidlar motioned to table this agenda item for further research. Cheryl Range seconded.

Motion Carried 5-0.

NEW BUSINESS

Review Marion Township Meeting Schedule

The Planning Commission members reviewed the schedule and noted the time error for the Planning Commission meetings. No motion necessary.

Cancel July 22, 2014 Planning Commission meeting

Jerry Sidlar motioned to cancel the July 22, 2014 Planning Commission meeting. Cheryl Range seconded. **Motion carried 5-0.**

Sunridge Phase II Discussion

Bob Hanvey met with the developers and building a by-pass road is a deal breaker. He asked the Planning Commission members if they have any suggestions or comments.

Les Andersen, 4500 Jewell Road, stated the Planned Unit Development (PUD) agreements clearly states, by the time the 170th land use permit is issued, the road shall be built.

Discussion ensued regarding traffic on Peavy Road and the intersection of Peavy and Mason Roads.

Bob Hanvey reminded everyone that the proposed access to D-19 is no longer viable, there is a limited access area that prevents it. The soils prevent using an alternate route south of the Best Western Hotel. Sally Elmiger noted in the previous PUD agreement the developer acknowledged the impact on Peavy Road and agreed to build an alternate route. She noted that the current Planning Commission members, with the exception of Charlie Musson & Bob Hanvey, have no history with the Sunridge site plan review. They need more information and a presentation by the developer.

Charlie Musson suggested a traffic impact study be done and presented to the Commissioners. No motion necessary.

CALL TO THE PUBLIC

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

ADJOURNMENT

Jerry Sidlar motioned to adjourn the meeting at 8:30pm. Charlie Musson seconded.

Motion carried 5-0

AGENDA - August 26, 2014

CALL TO ORDER:

PLEDGE OF ALLEGIENCE:

INTRODUCTION OF MEMBERS:

APPROVAL OF AGENDA FOR: *August 26, 2014 Regular Meeting*

APPROVAL OF MINUTES FROM: *June 24, 2014 Regular Meeting*

CALL TO THE PUBLIC:

OLD BUSINESS:

1. *Section 3.02 Definition & 17.04 Automobile Service and Repair Stations*

2. *Section 17.10 C #1 a; C #3 a 5 & C #4 b - Wireless Communication Support Facilities – amend distance requirements*
3. *Proposed amendments to Section 6.07 Accessory Uses and Structures*

NEW BUSINESS:

1. *Roy's Autoworks – SUP# 01-14 an amendment to the existing SUP#01-09*

CALL TO THE PUBLIC:

ADJOURNMENT:

MINUTES – August 26, 2014

MEMBERS PRESENT: JERRY SIDLAR, CHAIR
 LARRY GRUNN
 CHERYL RANGE, SECRETARY
 BOB HANVEY
 CHARLIE MUSSON

MEMBERS ABSENT: NONE

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

CALL TO ORDER

Jerry Sidlar called the meeting to order at 7:05 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Bob Hanvey suggested moving new business before old business to accommodate the people present tonight who came to represent Roy's Autoworks. Bob Hanvey motioned to approve the agenda as amended. Cheryl Range 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

June 24, 2014 Public Hearing & Regular meeting minutes

Cheryl Range noted a typo on page three. Bob Hanvey motioned to approve the June 24, 2014 minutes as amended. Cheryl Range seconded. **Motion Carried 5-0.**

NEW BUSINESS

Roy's Autoworks – SUP# 01-14 an amendment to the existing SUP#01-09

The Planning Commission members reviewed the submittal

Sally Elmiger summarized the review process for a Special Use Permit and Site Plan Review.

Jerry Sidlar asked the applicant to present the proposal.

Keith Lynnman explained to the Planning Commission members that Roy Caverly purchased the property to the south of his auto repair business to expand his operation. Mr. Lynnman has received all the review letters and feels the outstanding items will be easily addressed. He realized variances will be necessary and informed the Commissioners that the land combination is in play.

Jerry Sidlar asked Sally Elmiger to summarize her review letter.

Sally Elmiger noted the review is based on the assumption that the two properties will be combined. The Special Use Permit request is consistent with Marion Township's Master Plan. Carlisle/Wortman would support variances to setback and landscape requirements. She asked Mr. Lynnman to provide a

cover memo listing the changes and how they are addressed on the revised plans. The outstanding issues are as follows.

- Parking lot requirement for a dustless surface
- Removing existing access drive to bring the number of access drives down to two
- Show designation of parking spaces on site plan & who is circulating where on the site
- Respond to traffic generated, is it less or more than the traffic table in the review letter
- Screening from D-19
- 5% of lot landscaped
- 10% of entire site landscaped
- Dumpster being used for the business, how is it screened?
- Photometric lighting plan

Sally Elmiger is recommending the Planning Commission members schedule a public hearing for September 23, 2014 and asked the applicant to provide revised plans with a cover memo for the September meeting.

Jerry Sidlar asked Phil Westmoreland to comment.

Phil Westmoreland summarized his review letter as follows.

- Check with Marion Township's assessor to make sure the legal description closes properly
- Howell Area Fire Authority may require an additional fire hydrant, Les Rodwell will comment on that
- Grading is unclear, three catch basins may not be adequate yet this is a preliminary
- Detention system may need to be enlarged yet he isn't overly concerned about this

Phil Westmoreland noted that nothing on the plan is viewed as a deal killer.

Discussion ensued regarding the overflow parking lot that Roy's Autoworks has been leasing. If the owner is going to continue using this lot should it be included with this review?

Charlie Musson has concerns, if Roy Caverly doesn't own the property and a special use is approved to use that property for storing cars, someone other than Roy could purchase the property and use it to store cars.

Roy Caverly agreed to look into this prior to the next meeting.

Discussion on the Old Pinckney Road and D-19 road improvements took place. The project should go out to bid September 2014 and start construction in 2015.

The applicant, Mr. Lynnman and the engineer would like to submit revised preliminary plans for the October 28, 2014 meeting. They would prefer the public hearing be held at that time.

Bob Hanvey motioned to schedule a public hearing for the Special Use Permit request by Roy's Autoworks, Tax ID# 4710-02-400-006 to be held at the October 28, 2014 meeting starting at 7:30 p.m. Jerry Sidlar seconded. **Motion Carried 5-0**

OLD BUSINESS

Section 3.02 Definition & 17.04 Automobile Service and Repair Stations

This amendment was sent back to the Marion Township Planning Commission due to comments made by the Livingston County Department of Planning Commission. They have suggested adding language that would limit the number of cars stored on site after repairs, where the cars can be stored, number of days cars can be stored and if there should be any type of fencing surrounding the stored cars.

The Planning Commission members agreed to reference sections of the ordinance that pertained to the requirement, yet they did not want to call out requirements regarding storage, number of days and fencing.

Bob Hanvey motioned to have Annette McNamara make the changes discussed tonight and send to the Board of Trustees for review and approval and/or denial. Charlie Musson seconded.

Motion Carried 5-0.

Section 17.10 Communication Towers (Wireless Communication Facilities)

This amendment was sent back to the Marion Township Planning Commission due to comments made by the Livingston County Department of Planning Commission. They questioned whether the amendments made to PA 110 of 2006 regarding wireless communication antennas have been incorporated into Marion Township’s text.

Annette thought that Marion Township had covered the amendments because co-location did not require a special use permit.

The Commissioners asked Sally Elmiger if all the details in the amendment to the public act have to be included in our language.

Sally Elmiger suggested adding the recent amendments to Public Act 110 of 2006.

Charlie Musson motioned to postpone the agenda item to the September 23, 2014 meeting. Cheryl Range seconded. **Motion Carried 5-0.**

Section 6.07 Accessory Uses and Structures & definitions

At the June meeting the Planning Commission members reviewed the proposed text and discussed large structures and large parcels.

Bob Hanvey provided a list with the number of larger parcels in Marion Township.

Sally Elmiger suggested clarifying the lean-to definition to read a roof held up by two posts.

There was discussion on larger lots and concerns about business being run out of the larger structures.

The Planning Commission members agreed to add another tier to the table.

The amendment suggested tonight will be made to the text and brought back at the September 23, 2014 meeting.

Charlie Musson motioned to postpone until September 23, 2014 meeting. Cheryl Range seconded.

Motion Carried 4-1.

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 9:01 p.m. Cheryl Range seconded.

Motion carried 5-0.

AGENDA - September 23, 2014

CALL TO ORDER:

PLEDGE OF ALLEGIENCE:

INTRODUCTION OF MEMBERS:

APPROVAL OF AGENDA FOR: *September 23, 2014 Regular Meeting*

APPROVAL OF MINUTES FROM: *August 26, 2014 Regular Meeting*

CALL TO THE PUBLIC:

OLD BUSINESS:

1. *Section 17.10 C #1 a; C #3 a 5 & C #4 b - Wireless Communication Support Facilities – amend distance requirements*
2. *Proposed amendments to Section 6.07 Accessory Uses and Structures*

NEW BUSINESS:

1. *Planning Commission members elect Co-Chair*

CALL TO THE PUBLIC:

ADJOURNMENT:

MINUTES - SEPTEMBER 23, 2014

MEMBERS PRESENT: JERRY SIDLAR, CHAIR
CHERYL RANGE, SECRETARY
BOB HANVEY
CHARLIE MUSSON

MEMBERS ABSENT: LARRY GRUNN

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

CALL TO ORDER

Jerry Sidlar called the meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Bob Hanvey asked to have the election vice-chair to be postponed to the annual organization meeting in November. Bob Hanvey motioned to approve the agenda as amended. Cheryl Range seconded.

Motion Carried 4-0.

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. Larry Grunn was 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

August 26, 2014 Regular meeting minutes

Multiple corrections were made to the minutes. Bob Hanvey motioned to approve the August 26, 2014 minutes as amended. Cheryl Range seconded. **Motion Carried 4-0.**

NEW BUSINESS

No new business.

OLD BUSINESS

Section 17.10 Communication Towers (Wireless Communication Facilities)

The Planning Commission members reviewed the amendments, the decision was made to have the text reflect the language in PA 110 of 2006.

Bob Hanvey motioned to postpone this agenda item the October 28, 2014 meeting. Cheryl Range seconded. **Motion Carried 4-0.**

Section 6.07 Accessory Uses and Structures & definitions

There was extensive discussion on the definition of a lean-to.

Greg Durbin, 4389 Sundance Crossing; a lean-to is attached to a garage or a barn, it's not a living area, not used as a dwelling and is not a taxable structure. A porch has furniture on it, people use it as an extension of the home.

The Planning Commission members reviewed the additional tiers that were added to the table. A consensus was not reached.

Sally Elmiger suggested allowing larger structures on parcels with a special use permit. Marion Township would have more control.

The Planning Commission members agreed this may take care of the concerns that larger structures will be used to run a business out of.

Charlie Musson motioned to postpone until the October 28, 2014 meeting. Bob Hanvey seconded.

Motion Carried 4-1.

CALL TO THE PUBLIC

Jerry Sidlar opened the call to the public.

Mike Kollath, 3144 Combine Court asked the Planning Commission members if the square footage of accessory structures that were reviewed tonight are the numbers that will be put in place. Bob Hanvey answered, maybe not. Jerry Sidlar closed the call to the public.

ADJOURNMENT

Bob Hanvey motioned to adjourn the meeting at 8:10 p.m. Cheryl Range seconded.

Motion carried 4-0.

AGENDA - OCTOBER 28, 2014

CALL TO ORDER:

PLEDGE OF ALLEGIENCE:

INTRODUCTION OF MEMBERS:

APPROVAL OF AGENDA FOR: *October 28, 2014 Regular Meeting*

APPROVAL OF MINUTES FROM: *September 28, 2014 Regular Meeting*

CALL TO THE PUBLIC:

PUBLIC HEARING:

- 1. *Roy's Autoworks – SUP# 01-14 an amendment to the existing SUP#01-09*

OLD BUSINESS:

- 1. *Roy's Autoworks – SUP# 01-14 an amendment to the existing SUP#01-09*
- 2. *Section 17.10 C #1 a; C #3 a 5 & C #4 b - Wireless Communication Support Facilities – amend distance requirements*
- 3. *Proposed amendments to Section 6.07 Accessory Uses and Structures & 3.02 Definitions*
- 4. *Planning Commission members elect Co-Chair*

NEW BUSINESS:

- 1. *Proposed text for Large Accessory Structures*

CALL TO THE PUBLIC:

ADJOURNMENT

MINUTES - OCTOBER 28, 2014

MEMBERS PRESENT: JERRY SIDLAR, CHAIR
CHERYL RANGE, SECRETARY
LARRY GRUNN
BOB HANVEY
CHARLIE MUSSON

MEMBERS ABSENT: NONE

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

CALL TO ORDER

Jerry Sidlar called the meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Bob Hanvey motioned to approve the agenda. 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 23, 2014 Regular meeting minutes

Cheryl Range motioned to approve the September 23, 2014 minutes. Bob Hanvey seconded.

Motion Carried 5-0.

PUBLIC HEARING

Roy's Autoworks – SUP# 01-14 an amendment to the existing SUP#01-09

Jerry Sidlar opened the call to the public.

Keith Pinkelman summarize the project. The applicant purchased the property to the south and plans on expanding the existing building to accommodate the growing business. He noted the review letters have been received and the applicant will provide an access agreement from Terry Newman (property owner to the North) and amend the plans to reflect comments made by Spicer Engineering.

No public comments were heard. Jerry Sidlar closed the call to the public.

OLD BUSINESS

Roy's Autoworks – SUP# 01-14 an amendment to the existing SUP#01-09

Jerry Sidlar asked Sally Elmiger to summarize Carlisle/Wortman review letter.

Sally Elmiger stated the applicant has met standards for the special use permit, Carlisle/Wortman recommends the Planning Commission recommend approval.

As for the site plan, the comments are minor and can be addressed in the final review, the comments are as follows.

- Recommendation for a written/signed agreement be provided to Marion Township for the North driveway
- Information on stored and abandoned vehicles, how will the applicant handle this issue?
- Two variances will be necessary to move forward with the project, the front yard setback and the greenbelt requirements

Scott Lloyd, 5717 Pingree asked why a public hearing is held before the applicant seeks variances. He thinks this doesn't make sense, people should be able to make comments after variances are either granted or denied.

Annette McNamara stated this is a State Law under PA 110 of 2006, the Zoning Enabling Act and something that Marion Township has to follow.

Bob Hanvey noted that the public can make comments at any of these meetings.

Roy Caverly addressed the abandoned vehicle issue. He has spoken with his attorney and he suggested following the garage keeper lien requirements yet the storage and repair costs must exceed the blue book price of the car to use this option. His other option is to call the Livingston County Sheriff to tag the vehicles and have them moved to the junk yard. He brought a signed document from Terry Newman, owner of the property where Roy has been storing the overflow, giving Roy permission to use the property. He has also provided the Planning Commission members with a site plan showing the placement of evergreen trees to buffer the view of the lot from I-96. He is hoping this will satisfy the Planning Commission members. He does not intend to use the overflow lot once the building renovations are complete.

The Planning Commission members had the following comments on the preliminary site plan.

1. How will the parking spaces be delineated?
2. Removing the first three parking spaces at the entrance to the site
3. Crushed asphalt vs concrete runoff
4. Will the crushed asphalt hold up during snow removal
5. How will one way travel be maintained?
6. Signage for the business

The applicant, engineer and builders addressed the comments.

1. Parking bumpers will be installed to delineate parking

2. The first three spaces will be removed from the site plan
3. Crushed asphalt is 80% porous vs 90% for concrete, this was taken into consideration with run-off calculations
4. In the past they haven't had issues with snow removal from crushed asphalt parking lots
5. One way travel will be indicated with signage
6. The placement of the business sign is on the site plan and a sign that meets the Zoning Ordinance will be applied for after the building is complete

Bob Hanvey motioned to recommend approval for Roy's Autoworks Special Use Permit as presented.

Larry Grunn seconded. **Motion Carried 5-0.**

Bob Hanvey motioned to recommend preliminary approval for Roy's Autoworks Site plan as presented conditioned on the following.

1. Spicer Engineering review letter dated 10-27-14
2. Carlisle/Wortman review letter dated 10-21-14
3. Howell Area Fire Authority review letter dated 10-15-14
4. Livingston County Drain Commission review letter dated 8-21-14
5. Livingston County Road Commission review letter dated 8-19-14
6. Letter from Marion Township Assessor, Charlie Decator regarding border line change dated 8-20-14
7. Applicant apply for necessary variances
8. Terry Newman letter of permission to plant trees & site plan submitted showing planting dated 10-21-14
9. Conditions of Special Use Permit for original submittal signed and recorded

Larry Grunn seconded. **Roll Call: Charlie Musson yes, Bob Hanvey yes, Jerry Sidlar yes, Cheryl Range yes, Larry Grunn yes. Motion Carried 5-0.**

Section 17.10 Communication Towers (Wireless Communication Facilities)

The Planning Commission members reviewed the amendments and are satisfied with the language taken from PA 110 of 2006. Charlie Musson motioned to send the proposed text to the Board of Trustees for review and approval and adoption. Cheryl Range seconded. **Motion Carried 5-0.**

Section 6.07 Accessory Uses and Structures & definitions

The Planning Commission members reviewed the proposed text and had the following comments.

1. Increase the size within the second category from .020 to .030
2. Include a maximum size of 2,400 s.f. on all parcels

Bob Hanvey motioned to hold a public hearing at the November 25, 2014 Planning Commission meeting. Cheryl Range seconded. **Motion Carried 5-0.**

Planning Commission members elect Vice-Chair

The Planning Commission members agreed to postpone this to the November Annual Organization Meeting. Charlie Musson motioned to place this on the November 25, 2014 agenda. Jerry Sidlar seconded. **Motion Carried 5-0.**

NEW BUSINESS

Section 17.34 Larger Accessory Structures

The Planning Commission members agreed to work on this proposed amendment at a later date. Jerry Sidlar motioned to postpone this agenda item to a later date. Bob Hanvey seconded.

Motion Carried 5-0.

CALL TO THE PUBLIC

Jerry Sidlar opened the call to the public. No comments were heard. Jerry Sidlar closed the call to the public.

ADJOURNMENT

Bob Hanvey motioned to adjourn the meeting at 8:40p.m. Larry Grunn seconded. **Motion carried 5-0**

AGENDA - November 25, 2014

CALL TO ORDER:

PLEDGE OF ALLEGIENCE:

INTRODUCTION OF MEMBERS:

APPROVAL OF AGENDA FOR: *November 25, 2014 Regular Meeting*

APPROVAL OF MINUTES FROM: *October 28, 2014 Regular Meeting*

CALL TO THE PUBLIC:

PUBLIC HEARING:

Proposed amendments to Section 6.07 Accessory Uses and Structures & 3.02 Definitions

OLD BUSINESS:

Proposed amendments to Section 6.07 Accessory Uses and Structures & 3.02 Definitions

NEW BUSINESS:

Annual Organizational Meeting

CALL TO THE PUBLIC:

ADJOURNMENT:

MINUTES – November 25, 2014

MEMBERS PRESENT: JERRY SIDLAR, CHAIR
CHERYL RANGE, SECRETARY
LARRY GRUNN
BOB HANVEY
CHARLIE MUSSON

MEMBERS ABSENT: NONE

OTHERS PRESENT: ANNETTE MCNAMARA, ZONING ADMINISTRATOR
JOHN ENOS, CARLISLE/WORTMAN, ASSOC

CALL TO ORDER

Jerry Sidlar called the meeting to order at 7:02 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Cheryl Range asked to have Sunridge Phase II traffic study discussion added to the agenda and motioned to approve the agenda as amended. Bob Hanvey 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

October 28, 2014 Regular meeting minutes

Cheryl Range motioned to approve the October 28, 2014 minutes as submitted. Larry Grunn seconded. **Motion Carried 5-0.**

PUBLIC HEARING

Section 6.07 Accessory Uses and Structures & definitions

Jerry Sidlar opened the call to the public. No public comments were heard.
Jerry Sidlar closed the call to the public.

OLD BUSINESS

Section 6.07 Accessory Uses and Structures & definitions

Bob Hanvey told the Planning Commission members that he went through the assessing records to find square footage totals for agricultural building within Marion Township. There were approximately 160 parcels listed and twenty of them exceeded 2,400 square feet. These numbers do not account for structures listed as garages. Bob Hanvey thinks 200 parcels or 8% of improved parcels would have structures that fall under the nonconforming status if the Planning Commission members placed a cap of 2,400 square feet for accessory structures.

Jerry Sidlar asked Annette how much it would cost a resident to apply for a special use permit for a large accessory structure, if that was the direction the Planning Commission would go.

Annette McNamara told the Planning Commission members there would be a \$500.00 fee and up to \$5,000.00 in escrow money.

Bob Hanvey doesn't think it is fair to place a 2,400 square foot cap on accessory structures, a two acre lot can have the same size structure as a ten acre parcel. In general outdoor storage is not viewed as acceptable by neighbors. If the issue is a business being run out of large structures, the impact can be enforced. If a business is being run and no one complains, that speaks volumes.

John Enos said that rural communities do not have a maximum size, it is based on a sliding scale, and larger parcel equals larger structures. Regarding the use of the large structures, enforcement is the answer. If it becomes an issue, then Marion Township can address it. Residents with large parcels have equipment to tend to the parcel and recreational vehicles to use on the parcel.

Bob Hanvey questioned what the governmental interest is, the purpose for setting the numbers.

The Planning Commission members discussed requesting variances to allow a larger structure and the lack of practical difficulty, large structures on farms that are divided.

The Planning Commission members agreed to amend the language as follows.

1. Keep parcels equal to or less than 1.5 acres at 1,200 square feet
2. Parcels equal to or greater than 1.5 acres at .030% times the parcel size
3. Item #2 be deleted
4. Item #4 change 'locater' to 'located'
5. Item #7 delete 'be constructed' and replace with 'receive a certificate of zoning compliance'
6. Item #9 to read; Accessory structures under 200 s.f. do not require a land use permit or building permit and must meet zoning district setbacks and maximum size requirements

Cheryl Range motioned to amend Section 6.07 to reflect changes discussed tonight and send Section 6.07 & 3.02 to the Board of Trustees for preliminary approval. If the Board of Trustees members do not have significant comments, the amendments can be forwarded to the Livingston County Department of Planning for review and approval. Jerry Sidlar seconded. **Motion Carried 5-0.**

Les Andersen, 4500 Jewel Road; asked John Enos about a large structure on Cedar Lake Road that is up for sale. The parcel has a large accessory structure on it. Can Marion Township divide the parcel and create a nonconforming structure?

John Enos said it isn't a good idea to create nonconforming structures. There can be a provision in the Land Division General Ordinance that would prohibit the division.

Sunridge Phase II Traffic Study

The Planning Commission members reviewed the traffic study submitted by the developer and discussed the problems with requiring the proposed by-pass road. The developer would like to use the existing site plan for Phase II, the problem is the site plan has timed out and if there is a possibility of creating a special assessment district to pay for a by-pass road.

Bob Hanvey noted the number of REU's associated with the parcel and the back taxes that need to be paid. If the developer was allowed to use the existing plan, Marion Township would not be left with unusable REU's and unpaid taxes.

John Enos believes it would be in Marion Township best interest to have Spicer Engineering review the traffic impact study and make comments to the Board of Trustees. Discuss the timed out site plan issue with Mike Kehoe to find out what options are available. This is a relatively low number of units. He feels it would be best to get the Board of Trustees comfortable with the PUD process and move forward.

Planning Commission members elect Vice-Chair

The Planning Commission members agreed to postpone this to the November Annual Organization Meeting. Charlie Musson motioned to place this on the November 25, 2014 agenda.

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

NEW BUSINESS

Annual Organizational Meeting

Larry Grunn nominated Jerry Sidlar for Planning Commission Chair. Cheryl Range seconded.

Roll Call: Charlie Musson – yes, Cheryl Range – yes, Bob Hanvey – yes, Jerry Sidlar – yes, Larry Grunn - yes. Motion carried 5-0.

Jerry Sidlar nominated Larry Grunn for Planning Commission Co-Chair. Cheryl Range seconded.

Roll Call: Charlie Musson – yes, Cheryl Range – yes, Bob Hanvey – yes, Larry Grunn – yes. Motion carried 5-0.

Jerry Sidlar nominated Cheryl Range for Planning Commission Secretary. Larry Grunn seconded.

Roll Call: Charlie Musson – yes, Larry Grunn – yes, Bob Hanvey – yes, Jerry Sidlar – yes. Cheryl Range - yes. Motion carried 5-0.

CALL TO THE PUBLIC

Jerry Sidlar opened the call to the public.

Greg Durbin, 4389 Sundance Crossing, asked John Enos if the condition of the bridge is less than adequate, does Marion Township have the ability to tell the developer he needs to make off-site improvements.

John Enos said he wasn't sure how far Marion Township would get with the request. Maybe Marion Township and the Livingston County Road Commission could work with the developer to make sure the safety of the residents is being met.

Les Andersen, 4500 Jewell Road, asked John Enos if Marion Township could ask the developer to make a commitment to a special assessment district during the Phase II discussions, the commitment to create a special assessment district once phase III is under site plan review?

Bob Hanvey answered, there are only two parcels within the proposed special assessment district and both are owned by the developer. Jerry Sidlar closed the call to the public.

ADJOURNMENT

Cheryl Range motioned to adjourn the meeting at 8:15p.m. Jerry Sidlar seconded.

Motion carried 5-0

AGENDA - DECEMBER 16, 2014

CALL TO ORDER:

PLEDGE OF ALLEGIENCE:

INTRODUCTION OF MEMBERS:

APPROVAL OF AGENDA FOR: *December 16, 2014 Regular Meeting*

APPROVAL OF MINUTES FROM: *November 25, 2014 Public Hearing & Regular Meeting*

CALL TO THE PUBLIC:

OLD BUSINESS:

NEW BUSINESS:

- 1. *Consideration of Bentley Lake Road proposed land use*

CALL TO THE PUBLIC:

ADJOURNMENT

MINUTES - DECEMBER 16, 2014

MEMBERS PRESENT: JERRY SIDLAR, CHAIR
CHERYL RANGE, SECRETARY
LARRY GRUNN
BOB HANVEY

MEMBERS ABSENT: CHARLIE MUSSON

OTHERS PRESENT: ANNETTE MCNAMARA, ZONING ADMINISTRATOR

CALL TO ORDER

Jerry Sidlar called the meeting to order at 7:04 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Bob Hanvey motioned to approve the agenda as presented. Cheryl Range seconded.

Motion Carried 4-0.

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. Charlie Musson was 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

November 25, 2014 Regular meeting minutes

Cheryl Range motioned to approve the November 25, 2014 minutes with changes as discussed.

Larry Grunn seconded. **Motion Carried 4-0.**

OLD BUSINESS

No Old Business

NEW BUSINESS

Consideration of Bentley Lake Road proposed land use

SuzAnne Akhavan-Tafti, 4545 Vines Road; told the Commissioners her husband is a retired inventor and would like to get back into business. They own a property on Bentley Lake Road with an existing building yet would like to build another. The details are as follows.

- Approximately 5,000 square footage of building
- Possibility of ten employees after two years
- No visitors
- Minimal signage and lighting
- 8:00 a.m. to 8:00 p.m.
- Self-contained building, septic & well
- Use existing driveway
- No use of chemicals that would need licensing

Larry Grunn asked if anyone is living on the property now.

SuzAnne Akhavan-Tafti answered no.

Jerry Sidlar asked what type of building is on the property now.

SuzAnne Akhavan-Tafti replied, a pole barn. They are flexible as to what type of building they would place on the property for the laboratory

Larry Grunn asked if she had gotten any input from the neighbors.

SuzAnne Akhavan-Tafti replied, not to date

Cheryl Range asked if there would be a need for additional parking.

SuzAnne Akhavan-Tafti replied, they plan on using the existing parking lot.

Bob Hanvey asked if this project went through as a conditional rezoning and ten years down the road the Akhavan-Taftis decided to sell to DuPont, would DuPont have to adhere to the conditions.

SuzAnne Akhavan-Tafti noted that they only sell ideas, not physical property.

Bob Hanvey handed out the list of uses permitted by special use permit in Rural Residential and told the Planning Commission members there is a possibility this use would fall under item #2 as similar uses. He also feels this use would have a minimal impact on the neighboring properties.

The benefits and drawbacks of adopting Conditional Rezoning language was discusses. Even if the proposed language was not used for this situation, it would be beneficial in the future. The uses of properties in Marion Township has changed since this ordinance was adopted in the 1990's.

Cheryl Range motioned to have Bob Hanvey take Conditional Rezoning proposal to the Board of Trustees along with the question of whether this use would fall under 'similar uses' in Section 8.01 E #1. Jerry Sidlar seconded. **Motion Carried 4-0.**

CALL TO THE PUBLIC

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

Jerry Sidlar closed the call to the public.

ADJOURNMENT

Bob Hanvey motioned to adjourn the meeting at 8:00 p.m. Cheryl Range seconded.

Motion carried 5-0.