

**MARION TOWNSHIP PLANNING COMMISSION
AGENDA and MINUTES**

PUBLIC HEARING
March 25, 2014 @ 7:00 p.m.

CALL TO ORDER:
PLEDGE OF ALLEGIANCE:
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

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 Harvey 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 Harvey 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 Harvey 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 8:40 p.m. Greg Durbin seconded. **Motion carried 5-0.**