

PLANNING COMMISSION

MINUTES - February 21, 2012

MEMBERS PRESENT: JOHN LOWE, JERRY SIDLAR, JEAN ROOT, BOB HANVEY & JIM MURRAY

MEMBERS ABSENT: NONE

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

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Jean Root motioned to approve the February 21, 2012 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. There was no response. John Lowe closed the call to the public.

APPROVAL OF MINUTES

November 22, 2011 Regular meeting minutes

Jean Root motioned to approve the November 22, 2011 regular meeting minutes as presented. Jim Murray seconded. **Motion Carried 5-0.**

OLD BUSINESS:

John Enos & Mike Kehoe review & comment – Land Division General Ordinance. John Enos and Mike Kehoe reviewed and discussed the Land Division General Ordinance and summarized their conclusion in a memo dated November 28, 2011. John Enos and Mike Kehoe are in agreement that issues related to bulk regulation and other zoning requirements do not take precedence of the State Land Division Act which our general law ordinance mirrors. Marion Township cannot prohibit a split of a parcel of land if it meets the lot area and the required length to width ratio of 4 to 1, even if it creates a lot with an accessory structure and no principal structure. The Planning Commission members discussed the contents of the memo. Bob Hanvey said he is frustrated. He referenced a recent Court of Appeals case opinion stating a township can enforce an ordinance that is more restrictive than the Land Division Act. Bob Hanvey sent this to Mike Kehoe and gave the Planning Commission members a copy of the email response from Mike Kehoe. The best idea is to try and maintain the integrity of the Zoning Ordinance. No further action to be taken on this agenda item.

NEW BUSINESS

Proposed rezoning – Harger Cemetery, 3514 Pinckney Road - 4710-23-200-007 – rezoned 2 acres. Marion Township purchased in September 2009 from Rural Residential to Public Lands This property was purchased by Marion Township and is contiguous to the existing Harger Cemetery. The parcel needs to be rezoned from Rural Residential to Public Lands District. The Planning Commission members asked Les Andersen if he is still interested in rezoning the portion of his property north of Jewell Road that is zoned Suburban Residential. Les Andersen and his father own property south of Jewell Road that is zoned Rural Residential. Les Andersen told the Planning Commission members that he hasn't made a decision yet.

Discussion ensued on other parcels within the Suburban Residential district that are currently being farmed and a parcel in Rural Residential that the owner would like to have rezoned to Suburban Residential. If the parcel in Rural Residential is rezoned, then it would be similar in density to the parcels and developments that are just to the north.

Jean Root motioned to table the rezoning of the Harger Cemetery addition Tax ID# 4710-23-200-007; until the regularly scheduled April 24, 2012 meeting so other possible rezoning cases can be reviewed. If they are not ready by the regularly scheduled April meeting, the Harger Cemetery rezoning will be held until the others are ready. Jim Murray seconded.

Motion carried 5-0.

Delete Marion Township Engineering Standards reference in; Article VI General Provisions, Section 6.20 Private Roads Section 6.20 D, 6.20 D #3 & 6.20 I Article XVIII Site Plan Review Requirements; Section 18.08 & 18.09

John Lowe said that the Marion Township Engineering Standards state that the Livingston County Road Commission standards for construction shall be met. Annette McNamara would like to have a document that states such. John Lowe and Annette McNamara will work to resolve this and bring it to the next Planning Commission meeting. Jean Root motioned to table until the next Planning Commission meeting. Jerry Sidlar seconded. **Motion carried 5-0.**

Discussion on Right to Farm and Farming requirements in Zoning Ordinance There have been numerous Court of Appeals decisions on Right to Farm cases, published and unpublished, that conflict with the requirements of the Marion Township Zoning Ordinance. Annette McNamara is asking the Planning Commission members for direction, should the Zoning Ordinance be amended or should the Planning Commission wait for the State of Michigan to make changes to the Right to Farm Act. The Planning Commission members discussed the possibilities, and received input from Les Andersen. Les Andersen has attended meetings held by the Farm Bureau Mutual Insurance Company along with a workshop at the January 2012 Michigan Township Association Annual Meeting. Farm Bureau is involved in the Right to Farm and supports farmers within Michigan when they run into zoning issues. Annette McNamara will work with Mike Kehoe to identify requirements within the Zoning Ordinance that are in direct conflict with the Right to Farm. No action taken on this agenda item.

CALL TO THE PUBLIC

John Lowe opened the call to the public. The City of Howell submitted amendments to their Master Plan for review and comment. Comments are due by March 8, 2012. Bob Hanvey questioned the need for a loop road if the Latson Interchange is built. The Commissioners discussed the options of a loop road. They also discussed the impact to Marion Township residents if the proposed amendments were adopted. The Planning Commission members all agreed to make the City of Howell officials aware of Marion Township's Planning Commission members concerns. John Lowe will contact Paul Streng for an informal discussion and ask him for direction. Jean Root would like to see the concerns put into writing. Annette McNamara will make sure the concerns are in writing and sent to the City of Howell, John Lowe spoke with Phil Westmoreland recently to ask if the 'no compete clause' with Orchard, Hiltz & McCliment, Inc. is still in effect. Phil Westmoreland said the clause is no longer in effect and he is currently working in Rochester Hills for Spalding DeDecker. John Lowe would like to research changing engineering consultants. Phil Westmoreland served Marion Township well and the current Orchard, Hiltz & McCliment, Inc. representative is not an active participant, like Phil was. John Lowe closed the call to the public.

ADJOURNMENT

Jean Root motioned to adjourn the meeting at 9:20 p.m. Jerry Sidlar seconded.

Motion Carried 5-0.

MINUTES - July 24, 2012

MEMBERS PRESENT: JOHN LOWE, JERRY SIDLAR, JEAN ROOT, BOB HANVEY & JIM MURRAY

MEMBERS ABSENT: NONE

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

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Jean Root motioned to approve the July 24, 2012 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. Sally Reynolds, 4601 Pingree Road; Mrs. Reynolds introduced herself and told everyone she is running for Register of Deeds. John Lowe closed the call to the public.

APPROVAL OF MINUTES

February 21, 2012 Regular meeting minutes

Jean Root motioned to approve the February 21, 2012 regular meeting minutes as presented. Jerry Sidler seconded. **Motion Carried 5-0.**

NEW BUSINESS

Amendment to Georgetown Site Condominium Site Plan

The Planning Commission members reviewed the proposed amendment to vacate units 16 thru 43 and units 49 thru 54 totaling 43.06 acres from the Georgetown Site Condominium. A review and comment letter was submitted by Mike Kehoe, Marion Township Attorney stating the proposed amendments were in order. Jean Root motioned to recommend approval to the Board of Trustees for the Georgetown Site Condominium Master Deed third amendment; site plan dated June 26, 2012. Jerry Sidler seconded. **Roll Call – all yes.**

Scott Reinacher, 3434 High Hillcrest Drive asked for clarification on the amendment.

Ken Tyler, Developer, 5200 Richardson; clarified the amendment is to combine thirty four units into one parcel. Discussion on State of Michigan Prisoner Re-Entry Initiative in relationship to Zoning Ordinance Sally Elminger reiterated the information in her memo dated June 8, 1012.

Explaining how the City of Howell closed one of the prisoner re-entry houses and not the other.

John Lowe suggested strengthen the definition of family to the Planning Commission. His suggestion is to add 'occupying a dwelling unit as a single non-profit housekeeping, plus no

more than two additional persons such as "roomers" or "boarders." Bob Hanvey stated that Marion Township does have the right to not allow this use and suggested adding a line to the existing definition that no half-way houses are allowed. Sally Elminger read from Public Act # 110, Zoning Enabling Act; Section 2.06 items #1 and #2. Essentially it states a township does not have to allow adult foster care facilities licensed by a State agency for the care and treatment of prisoners. Jean Root researched the definition of a half-way house prior to the meeting and shared the information with the Planning Commission.

Scott Reinacher, 3434 High Hillcrest Drive asked if he could rent to just released prisoners in a four unit residential building?

John Lowe answered no, not if language is amended.

Jean Root suggested keeping our current definition and adding language, it would read; Family: A group of individuals not necessarily related by blood, marriage, adoption or guardianship living together in a dwelling unit as single housekeeping unit and having intentionally structured relationship providing organization and stability; and shall not include a group of individuals whose association is temporary in character or nature.

Jean Root motioned to send the above definition to Mike Kehoe for review and comment along. Annette McNamara is to find if the proposed amendment in Senate Bill #1225 was included with an existing law. Jerry Sidlar seconded. **Motion carried 5-0.**

Charlie Musson would like the response from Catherine Kaufman included with the package being sent to Mike Kehoe.

TXT# 04-12 Amendments per PA 143 of 2012 Wireless Communication Antenna

John Lowe spoke with an attorney from Foster Swift to clarify amendments to the Zoning Enabling Act. John Lowe discussed his concerns with the limited timeline for approving a new cell tower. If by chance an applicant wants to install a tower that exceeds 200' the application would require approval from State and Federal agencies. That approval may take longer than the prescribed time stated in the new language. The attorney John Lowe spoke with said that was something the Legislators did not take into consideration. Another change is to classify Wireless Communication Antennas as a permitted accessory use. This can be listed under each district which allows Wireless Communication Towers as a permitted accessory use or Marion Township can rely on the language in Section 17.10 B #1 that reads; To encourage co-location and to minimize the number of WCSF within the Township, WCAs shall be considered a permitted accessory use when placed on or attached to any structure, which constitutes a principal use located in a non-residential zoning district or in the RR, Rural Residential District, including existing WCSFs. The Planning Commission members would like Mike Kehoe to review and comment on the necessity of listing this in each district or just rely on the text in Section 17.10 B #1. Jean Root motioned to ask Mike Kehoe if the paragraph in Section 17.10 B #1 fills the requirements of the newly adopted language. Jerry Sidlar seconded. **Motion carried 5-0.**

TXT# 05-12 Amending criteria for Hobby Kennel Permit

Annette McNamara is concerned with the residents who own more than three dogs yet do not meet the criteria for Hobby Kennels. Meeting the criteria can place a hardship on these residents. The Livingston County Animal Controls determines whether it is a Hobby Kennel or not by asking if it is an establishment wherein or whereon more than three but less than eleven dogs are confined and kept for sale, boarding, breeding or training purposes for remuneration. If the answer is no, then it is not classified as a Hobby Kennel. As the Zoning Ordinance reads now if a resident has more than three dogs and does not have a Hobby Kennel license they are not able to have more than three of their dogs licensed. John Lowe does not want to take away Marion Township's ability to address potential problems. If a resident is not held to the requirements of Hobby Kennel, there would be no recourse. Marion Township needs the ability to enforce. Jean Root can see the logic in both concerns and asked if this could be tabled for additional time for research. The Planning Commission members agreed. Jean Root motioned to postpone proposed text amendment # 05-12 Hobby Kennels to the next regularly scheduled meeting. Jerry Sidlar seconded. **Motion carried 5-0.**

OLD BUSINESS

No old business.

CALL TO THE PUBLIC

John Lowe opened the call to the public. Les Anderson, 4500 Jewell Road; he agrees with John Lowe on the Hobby Kennel discussion, the numbers should remain the same. Jean Root would

like the Board of Trustees to consider changing our Township Engineer and ask Phil Westmoreland to act as the Township Engineer. She would like to know if the minutes from this meeting would suffice as a request or should it be a separate memo/letter. John Lowe said that he has spoke with Phil Westmoreland and he said he would attend all meetings and the company he works for would be cost competitive. Bob Hanvey brought up the fact that Phil Westmoreland has been employed by two different engineering companies since leaving Orchard, Hiltz & McCliment, Inc. Les Anderson, 4500 Jewell Road; Phil Westmoreland was beneficial to Marion Township. Because he attended the meetings the Board of Trustees got answers to questions quickly, Phil Westmoreland's input was helpful. Scott Lloyd, Pingree Road; Brought up the Marion Retail Center issues. When the Orchard, Hiltz & McCliment, Inc. representative saw problems on site during construction they did not stop the construction. He asked if there is a need for a Township Engineer. John Lowe closed the call to the public.

ADJOURNMENT

Jean Root motioned to adjourn the meeting at 8:56 p.m. Jerry Sidlar seconded.

Motion Carried 5-0.

MINUTES - October 23, 2012

MEMBERS PRESENT: JOHN LOWE, JERRY SIDLAR, JEAN ROOT, BOB HANVEY & JIM MURRAY

MEMBERS ABSENT: NONE

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

John Lowe opened the call to the public. No response.

John Lowe closed the call to the public.

APPROVAL OF MINUTES

July 24, 2012 Regular meeting minutes Bob Hanvey noted on page 2; under discussion on State of Michigan Prisoner Re-Entry Initiative; Bob Hanvey stated that Marion Township does have the right to not allow this use and suggested adding a line to the existing definition that no half-way houses are allowed; should read; Bob Hanvey asked if Marion Township has the right to not allow this use and suggested adding a line to the existing definition that no half-way houses are allowed. Jean Root motioned to approve the July 24, 2012 regular meeting minutes as amended. Jerry Sidler seconded. **Motion Carried 5-0.**

OLD BUSINESS

Discussion on State of Michigan Prisoner Re-Entry Initiative in relationship to Zoning Ordinance John Lowe asked Mike Kehoe for a definition that the attorney felt he could defend in court. John Lowe is satisfied with the definition Mike Kehoe submitted, he asked if the rest of the Commissioners agreed.

The following amendments were made.

- 1) Make the word relationship in third sentence plural
- 2) Make the word individuals in fourth sentence singular

Jean Root motioned to send the proposed amendment to the Board of Trustees for preliminary approval and schedule a public hearing for 7:30 at the November 27, 2012 meeting.

NEW BUSINESS

Discussion on Redevelopment Ready Communities Best Practices

Bob Hanvey went thru the handout and noted the parts that could apply to Marion Township. The Planning Commission members agreed that some of the suggestions are already in place yet putting together a flow chart, working on limits for administrative review and continuing education are worth working on. No action taken. Discussion on HomeTown Village of Marion

PUD approved floor plans John Lowe remembers working on the Planned Unit Development Agreement, a certain number of homes were allowed with a reduced square footage. The facades are not that important. The Planning Commission members all agreed they want to make certain the residents of HomeTown Village of Marion are satisfied with what is built. The Planning Commission members would like to see restrictions on the following criteria.

- 1) Size of houses
- 2) Setbacks
- 3) Plan distribution percentage of square footage

No action taken. If Bob Hanvey has new information the Commissioners would like to review at the November 27, 2012 meeting.

CALL TO THE PUBLIC

John Lowe opened the call to the public. The Planning Commission members would like to hold the fourth meeting in November. The annual organizational meeting should be placed on the agenda. John Lowe closed the call to the public.

ADJOURNMENT

Jean Root motioned to adjourn the meeting at 8:30 p.m. Charles Musson seconded.

Motion Carried 5-0.

MINUTES - November 27, 2012

MEMBERS PRESENT: JOHN LOWE, JERRY SIDLAR, JEAN ROOT, BOB HANVEY & JIM MURRAY

MEMBERS ABSENT: NONE

OTHERS PRESENT: ANNETTE MCNAMARA, ZONING ADMINISTRATOR

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Jean Root motioned to approve the November 27, 2012 regular meeting 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

John Lowe opened the call to the public. No response.

John Lowe closed the call to the public.

APPROVAL OF MINUTES

October 23, 2012 Regular meeting minutes Charlie Musson motioned to approve the October 23, 2012 regular meeting minutes as submitted. Jerry Sidler seconded. **Motion Carried 5-0.**

Public Hearing #1

Proposed Text Amendment - Section 3.02 Definitions - TXT# 04-12 – Amend Definition of Family

The Board of Trustees had no comments on the proposed amendment. John Lowe asked the Planning Commission members if they had any comments. None heard.

Jean Root motioned to close the public hearing. Jerry Sidlar seconded. **Motion carried 5-0.**

NEW BUSINESS

Crystalwood Review of Conceptual Site Plan

Rick Elkwood of Elkwood Homes introduced himself and informed the Planning Commission members that he has gone through this same process in Lyon Township on two different

developments. He has met with the existing residents of Crystalwood to resolve any issues. The Township Attorney is working with his Attorney to amend the consent judgment. He has agreed to put the second lift of asphalt onto the main roadway just shy of Crystal Court. He also pulled out lots#1 & #2 to allow for the attached condominium open space/park area. A representative for the homeowners association was present for the discussion. Jean Root asked for clarification on the Planning Commission members' scope. Bob Hanvey stated that recommendations are in order. Jean Root asked how many homeowners associations will there be. Rick Elkwood said three, one for the existing single family, one for the attached condos and one for the new single family. Jean Root asked if the roads are not turned over to the Livingston County Road Commission (LCRC) how will you formulate who pays for what. Rick Elkwood said there may have to be a master homeowners association. John Lowe noted that there may be legal issues if Crystal Court is not turned over to the LCRC. The Planning Commission members agreed on the following recommendations to the Board of Trustees. Increase the front yard setback from 20' to 25' Add sidewalks Developer agrees to provide foundation surveys for all houses built Agree on who will use common open space and who will pay for maintenance of open space Clarify additional tree planting along south property line Jean Root motioned to send the Planning Commission recommendations to the Board of Trustees in the form of the draft meeting minutes. Jerry Sidlar seconded. **Motion carried 5-0.**

OLD BUSINESS

Proposed Text Amendment - Section 3.02 Definitions - TXT# 04-12 – Amend

Definition of Family Jean Root motioned to send the proposed amendment to the Livingston County Department of Planning for review and comment. If no changes are requested the amendment is to be sent to the Board of Trustees for approval/adoption. Jerry Sidlar seconded.

Motion carried 5-0.

NEW BUSINESS

Annual Organizational Meeting

Jean Root nominated John Lowe for Planning Commission Chair. Charlie Musson seconded. Roll Call; Charlie Musson – yes, Jean Root – yes, Bob Hanvey – yes, Jerry Sidlar – yes. **Motion carried 4-0. John Lowe abstained.**

Jean Root nominated Jerry Sidlar for Planning Commission Co-Chair. John Lowe seconded. Roll Call; Charlie Musson – yes, Jean Root – yes, Bob Hanvey – yes, John Lowe – yes. **Motion carried 4-0. Jerry Sidlar abstained.**

Jerry Sidlar nominated Jean Root for Planning Commission Secretary. John Lowe seconded. Roll Call; Charlie Musson – yes, John Lowe – yes, Bob Hanvey – yes, Jerry Sidlar – yes. **Motion carried 4-0. Jean Root abstained.**

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 8:15 p.m. Charles Musson seconded.

Motion Carried 5-0