

# PLANNING COMMISSION

## MINUTES - FEBRUARY 23, 2010

**MEMBERS PRESENT:** JOHN LOWE, CHAIRPERSON  
JEAN ROOT, SECRETARY  
JERRY SIDLAR, CO-CHAIR  
JIM MURRAY  
BOB HANVEY

**MEMBERS ABSENT:** NONE

**OTHERS PRESENT:** ANNETTE MCNAMARA, ZONING ADMINISTRATOR  
JOHN ENOS, CARLISLE/WORTMAN & ASSOCIATES  
SCOTT LLOYD, TRUSTEE  
LES ANDERSEN, TRUSTEE

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### **CALL TO ORDER**

John Lowe called the meeting to order at 7:35 p.m.

### **PLEDGE TO FLAG**

### **APPROVAL OF AGENDA**

Jean Root motioned to approve the February 23, 2010 regular meeting agenda as submitted. Jim Murray 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**

#### **December 15, 2009 Regular meeting minutes**

Page 2 of 4, Chapter Two of Master Plan, item #4 the word not should be changed to note. Jean Root motioned to approve the December 15, 2010 regular meeting minutes as amended. Jim Murray seconded. **Motion carried 5-0.**

### **OLD BUSINESS**

#### **Proposed Amendment – Wellhead Protection Area Section 6.27**

The Planning Commission members were satisfied with the amendments suggested by Mike Kehoe. John Lowe asked to have text added to the end of the first paragraph on page 3 of 8 to read 'The final review and recommendation will be determined by Marion Township Planning Commission and Board of Trustees as required by Article XVII Site Plan Review Requirements. He also asked this be sent to Mike Kehoe for his review and approval.

The Planning Commission members agreed to hold a public hearing after the Joint Planning Commission Advisory Committee reviews the language at the March 31, 2010 meeting.

Jean Root would like a draft watermark added to the document.

Bob Hanvey motioned to table this agenda item until the April 27, 2010 meeting. Jean Root seconded.

**Motion carried 5-0.**

#### **Master Plan update/revisions**

Jean Root motioned to table the Master Plan updates/revisions to the March 23, 2010. Jim Murray seconded. **Motion carried 5-0.**

#### **Proposed Amendment - Article XV Signs**

The Planning Commission members requested the following amendments to the document.

Page 3 of 12 – Section 15.4 item N - delete 'or other non commercial'

Page 4 of 12 – Section 15.5 within the table add to Home Occupation freestanding signs allowed maximum of 4' high, 15' off the road right-of-way. Below the table add an item #7 to read 'In Rural Residential District only'

Page 5 of 12 – Section 15.6 item E – delete 'not to exceed a total of two (2)

Page 8 of 12 – Section 15.8 item 6 b – delete in its entirety

Page 8 of 12 – Section 15.9 – delete the graphic

Page 9 of 12 – Section 15.9 C – delete the word 'section' and replace with 'Article XV'

The Planning Commission members agreed the changes warrant a second public hearing.

Jean Root motioned to hold a public hearing on March 23, 2010 at 7:15 p.m. for Article XV Signs; the text should include the changes requested at the February 23, 2010 meeting. Jim Murray seconded.

**Motion carried 5-0.**

### **Wind Energy Conversion System**

John Lowe asked John Enos how many communities are adopting this kind of language.

John Enos answered many. Jean Root would like the Board of Trustees to give the Planning Commission direction. Annette McNamara will send the three examples of proposed text along with a memo to the Board of Trustees for their March 11, 2010 meeting. The memo should request that the Board of Trustees review proposed text and send the Planning Commission members written recommendations for direction to proceed. Bob Hanvey asked if Marion Township can limit wind energy systems to vertical axis only. John Enos answered yes; you can call out the type, placement and height. Bob Hanvey motioned to table this agenda item until there is a written response from the Board of Trustees. Jim Murray seconded. **Motion carried 5-0.**

### **NEW BUSINESS**

#### **Outdoor Furnaces**

John Enos found the example to be cumbersome. He can provide more reasonable comprehensive text for the March meeting. Jean Root motioned to table Outdoor Furnaces to the March 23, 2010. Jim Murray seconded. **Motion carried 5-0.**

#### **Proposed Rezoning**

John Enos summarized his memo regarding a request to rezone a parcel in Rural Residential that is contiguous to Suburban Residential. This is typical when a community updates the Master Plan. He believes the request is reasonable and does not have any major issues. Marion Township can make the request or an individual can submit an application. Bob Hanvey will take this to the Board of Trustees.

#### **MHOG Water Tower on HomeTown Village of Marion Property**

Bob Hanvey summarized the proposal for the Planning Commission members. The site plan was approved as an expandable condominium yet the site plan expired prior to expansion. The MHOG engineer evaluated this site and found it is 20' higher than the last site they proposed. This would also work for the residents of HomeTown as they experience low water pressure during high volume use. John Lowe questioned access.

Bob Hanvey said a construction entrance with conditions was approved by the Livingston County Road Commission. It would be an issue that would have to be worked out.

Bob Hanvey asked John Enos to develop a laundry list of issues to be address. He would like the Planning Commission to be involved in the planning aspect. The Board of Trustees has a committee that will look at the financial aspect.

#### **Rules and Procedures**

Bob Hanvey has corrections he would like made to the document. He will work with Annette McNamara on the corrections and she will provide a clean copy for signatures at the March 23, 2010 meeting.

#### **CALL TO THE PUBLIC**

John Lowe opened the call to the public. Charles Musson, 333 Triangle Lake Road; made a comment. John Lowe closed the call to the public.

#### **ADJOURNMENT**

Jean Root motioned to adjourn the meeting at 9:45 p.m. Jerry Sidlar seconded. **Motion Carried 5-0.**

## **MINUTES - MARCH 23, 2010**

**MEMBERS PRESENT:** JOHN LOWE, CHAIRPERSON  
JEAN ROOT, SECRETARY  
JERRY SIDLAR, CO-CHAIR  
JIM MURRAY  
BOB HANVEY

**MEMBERS ABSENT:** NONE  
**OTHERS PRESENT:** ANNETTE MCNAMARA, ZONING ADMINISTRATOR  
JOHN ENOS, CARLISLE/WORTMAN & ASSOCIATES  
SCOTT LLOYD, TRUSTEE  
LES ANDERSEN, TRUSTEE

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**CALL TO ORDER**

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

**PLEDGE TO FLAG**

**APPROVAL OF AGENDA**

Jean Root motioned to approve the March 23, 2010 public hearing meeting agenda as submitted. 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. Phyllis Meadows, 5410 Lowe Road; she owns a business on Pinckney Road and wanted to review the text to see if it had an affect on her existing sign. She has read the text and is satisfied. John Lowe closed the call to the public.

**APPROVAL OF MINUTES**

No minutes to approve.

**OLD BUSINESS**

**Proposed Amendment - Article XV Signs**

The Planning Commission members are satisfied with the text.

**NEW BUSINESS**

**CALL TO THE PUBLIC**

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

**ADJOURNMENT**

Jean Root motioned to adjourn the public hearing at 7:20 p.m. Jerry Sidlar seconded. **Motion Carried 5-0.**

**MINUTES - MARCH 23, 2010**

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

**MEMBERS ABSENT:** NONE

**OTHERS PRESENT:** ANNETTE MCNAMARA, ZONING ADMINISTRATOR  
JOHN ENOS, CARLISLE/WORTMAN & ASSOCIATES  
SCOTT LLOYD, TRUSTEE  
LES ANDERSEN, TRUSTEE

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**CALL TO ORDER**

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

**PLEDGE TO FLAG**

**APPROVAL OF AGENDA**

Jim Murray motioned to approve the March 23, 2010 regular meeting agenda as submitted. Jerry Sidlar seconded. **Motion Carried 5-0.**

**INTRODUCTION OF MEMBERS**

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

**CALL TO THE PUBLIC**

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

**APPROVAL OF MINUTES**

**February 23, 2010 Regular Meeting minutes**

Jean Root motioned to approve the February 23, 2010 regular meeting minutes. Jim Murray seconded.

**Motion carried 5-0.**

**OLD BUSINESS**

**Master Plan update/revisions**

The Planning Commission members reviewed amendments to Chapters two, four, five, seven and eight. Fire Services on page 40 in chapter five will need to be updated. The Planning Commission members would like to review the entire document at the next meeting. If they are satisfied with the Master Plan the Planning Commission will make a recommendation for distribution to the Board of Trustees. Jean Root motioned to table the Master Plan updates/revisions to the April 27, 2010. Jerry Sidlar seconded. **Motion carried 5-0.**

**Proposed Amendment - Article XV Signs**

The Planning Commission members are satisfied with the text. Jean Root motioned to send Article XV Signs to the Livingston County Department of Planning, if no significant changes are requested Annette McNamara will forward to the Board of Trustees for review and approval/denial. Jim Murray seconded.

**Motion carried 5-0.**

**Wind Energy Conversion System**

The Board of Trustees motioned no further action on this agenda item. Jerry Sidlar has concerns that the existing language in the Zoning Ordinance does not adequately address wind turbines on smaller lots. The Planning Commission members reviewed Section 6.12 and agreed to make a request that the Board of Trustees give permission to work on the addition of acreage requirements to the existing text. Annette McNamara will put a package together for the April 8, 2010 Board of Trustees meeting. Jerry Sidlar motioned to make a recommendation to the Board of Trustees. Jean Root seconded.

**Motion carried 5-0.**

**NEW BUSINESS**

**Outdoor Furnaces**

The Planning Commission members reviewed the text submitted by John Enos and asked for the following amendments.

Item C – delete 35,000 square feet and insert 1 ½ acres

Item F – delete

Definition – add safety standards

Jean Root motioned to table Outdoor Furnaces to the April 27, 2010. Jerry Sidlar seconded.

**Motion carried 5-0.**

**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 8:40 p.m. Jerry Sidlar seconded. **Motion Carried 5-0.**

**MINUTES - APRIL 27, 2010**

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

**MEMBERS ABSENT:** NONE

**OTHERS PRESENT:** ANNETTE MCNAMARA, ZONING ADMINISTRATOR  
SALLY ELINGER, CARLISLE/WORTMAN & ASSOCIATES  
SCOTT LLOYD, TRUSTEE  
LES ANDERSEN, TRUSTEE

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**CALL TO ORDER**

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

## **PLEDGE TO FLAG**

### **APPROVAL OF AGENDA**

Bob Hanvey asked to add 'Planning Commission review of proposed construction at Marion Township cemeteries.' Jean Root motioned to approve the April 27, 2010 regular meeting agenda as amended. Jim Murray 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**

#### **March 23, 2010 Public Hearing minutes**

Jean Root motioned to approve the March 23, 2010 public hearing minutes as submitted. Jim Murray seconded. **Motion carried 5-0.**

#### **March 23, 2010 Regular Meeting minutes**

Jean Root motioned to approve the March 23, 2010 regular meeting minutes as submitted. Jim Murray seconded. **Motion carried 5-0.**

### **OLD BUSINESS**

#### **Master Plan Review of Chapters Three & Six**

The Planning Commission members were O.K. with reviewing the Master Plan online for the second, third review. If it is the first review they would like to see a hard copy.

The Commissioners reviewed Chapters Three and Six and are satisfied with the amendments. They would like the aerials of developments in Chapter Six if there are vacant parcels remaining. Keep the photos as they are for the developments that are built out.

Jean Root wants to ask the Board of Trustees to be sure to consider the deletion of Manufactured Home Communities from the Master Plan. She also wants them to be aware that the Planning Commissioners are waiting for the 2010 census results before they update the demographics.

Sally Elmiger noted the next step is to send the Master Plan to the Board of Trustees for approval to distribute. After the 63 day review period the Planning Commission members consider any comments made then hold a public hearing on the finalized draft.

Jean Root motioned to send the entire Master Plan with revisions up to April 27, 2010 to the Board of Trustees for approval to distribute. Jim Murray seconded. **Motion carried 5-0.**

#### **Proposed Zoning Ordinance requirements for Wind Energy Conversion Systems**

The Planning Commission members reviewed the Board of Trustees minutes and text and requested the following amendments.

- Page 1 of 1 – sub section F – amend the second sentence to read; Provided, further, that the distance from the base of the tower to any lot line shall be 1 ½ time the height of the tower.

The Planning Commission members agreed that the changes were extensive enough to warrant a second review by the Board of Trustees.

Jean Root motioned to send the amended text back to the Board of Trustees for review and comment.

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

#### **Proposed Amendment – Wellhead Protection Area Section 6.27**

John Lowe gave an update of the last Joint Advisory Committee meeting with the City of Howell. The City of Howell is satisfied with the text and would like to be notified when it is adopted.

The Planning Commission members requested the following change.

- Page 4 of 8 – first sentence on the page delete and approved.

Jean Root motioned to send the amended text to the Board of Trustees for review and comment. Jerry Sidlar seconded. **Motion carried 5-0.**

#### **Outdoor Furnaces**

The Planning Commission members reviewed the amendments requested at the March meeting and requested the following amendments.

- Page 1 of 1 – opening paragraph – change Township of Handy to Township of Marion
- Page 1 of 1 – item B – change to read vegetative matter or noxious plants
- Page 1 of 1 – item C – consider changing acreage requirements from 1 ½ acres to 5 acres
- Page 1 of 1 – item D – consider only allowing wood burners in rear yards

- Page 1 of 1 – item F – do not delete this text and change 200’ to 100’

The Planning Commission members would like another month to research wood burners. Jean Root motioned to table this agenda item to the May 25, 2010 meeting. Jerry Sidlar seconded.

**Motion carried 5-0.**

**Planning Commission Rules & Procedure – final review/adoption**

The Planning Commission members reviewed the rules and procedures and requested the following changes.

- Page 2 of 6 – delete the second sentence in its entirety
- Page 2 of 6 – under Special Meetings delete the word petitions and replace with application
- Page 2 of 6 – under Procedure for Special Meetings – end of first sentence to read time permitting, local newspaper
- Page 3 of 6 – under Quorum – delete but the Chair-person shall vote last
- Page 5 of 6 – under Powers and Duties of the Planning Commission – item 2 to read; The Commission shall, after a public hearing, make a recommendation for the denial or approval with conditions, requests for certain special land uses specified in the zoning ordinance

Jean Root motioned to table the Rules and Procedures to the May 25, 2010 meeting at that time the Planning Commission members would like a clean copy. Jerry Sidlar seconded. **Motion carried 5-0.**

**NEW BUSINESS**

**Proposed Amendment – Manufactured Home Park District Section 7.01, 7.10 & 8.05**

The Planning Commission members discussed deleting Manufactured Home Park Districts from Article VII & VIII. Jean Root motioned to table this agenda item to the May 25, 2010 regular meeting for clarification and a consensus from John Enos and Mike Kehoe.

**Planning Commission role in proposed construction within Marion Township Cemeteries**

Bob Hanvey told the Planning Commission members that someone would like to donate monies to upgrade Lakeside Cemetery. One upgrade would be an accessory structure to house the backhoe. Sally Elmiger noted that this is an accessory use permitted by right and no review is required by the Planning Commission.

**CALL TO THE PUBLIC**

John Lowe opened the call to the public. Jim Murray told the Planning Commission members he will not be at the May 25, 2010 meeting. John Lowe closed the call to the public.

**ADJOURNMENT**

Jean Root motioned to adjourn the meeting at 9:15 p.m. Jerry Sidlar seconded. **Motion Carried 5-0.**

**MINUTES - MAY 25, 2010**

**MEMBERS PRESENT:** JOHN LOWE, CHAIRPERSON  
JERRY SIDLAR, VICE-CHAIR  
BOB HANVEY

**MEMBERS ABSENT:** JEAN ROOT, SECRETARY  
JIM MURRAY

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

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**CALL TO ORDER**

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

**PLEDGE TO FLAG**

**APPROVAL OF AGENDA**

Discussion on the rezoning of Rocky Knoll was added under new business. Bob Hanvey motioned to approve the May 25, 2010 regular meeting agenda as amended. Jerry Sidlar seconded. **Motion Carried 3-0.**

**INTRODUCTION OF MEMBERS**

The members of the Planning Commission introduced themselves. Jean Root and Jim Murray were absent.

## **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**

### **April 27, 2010 Regular Meeting minutes**

Bob Hanvey motioned to approve the April 27, 2010 regular meeting minutes as submitted. Jerry Sidlar seconded. **Motion carried 3-0.**

## **OLD BUSINESS**

### **Proposed Amendment – Wellhead Protection Area Section 6.27**

The Board of Trustees reviewed the proposed amendments and they are satisfied with the changes.

Bob Hanvey motioned to schedule a public hearing for Section 6.27 on June 22, 2010 @ 7:15 p.m.

Jerry Sidlar seconded. **Motion carried 3-0.**

### **Outdoor Furnaces**

Bob Hanvey asked how to enforce item B which doesn't allow burning of certain materials.

John Enos answered you would have to catch a person in the act yet if the language doesn't include this it opens the door for abuse.

Bob Hanvey motioned to send the amended text to the Board of Trustees for review and comment.

Jerry Sidlar seconded. **Motion carried 3-0.**

## **NEW BUSINESS**

### **Baruzzini Special Use Permit review – located in the Rural Residential District on the south side of Combine Court – Tax ID# 4710-28-200-040 – 3069 Combine Court – proposed use: Commercial Kennel**

John Enos summarized the request for a Commercial Kennel. This is a use permitted by special use permit in the district. Marion Township needs to regulate access, parking, hours of operation, number of dogs, screening and waste removal. John Enos has reviewed the submittal and noted the screening and waste removal needs clarification. John also noted a special use runs with the property and if the applicant sells the new owner needs to be aware of the conditions.

Ted Baruzzini told the Planning Commission he plans to install chain link fencing and a screening to the fence. He will provide details on the fencing and placement on the property for the Planning Commission. Due to the placement of his house and the structure he wanted direction from the Planning Commission. John Enos told the Planning Commission he has visited the site and from the cul-de-sac of Combine Court you will only be able to see the roof of the structure. From the Knolls of Grass Lake walking path you will be able to see the dog runs on the North and South side of the building. The screening will keep the dogs from seeing any walkers on the path so the dogs will not bark. Ted Baruzzini told the Planning Commission the building is 17' x 35' with a 17' x 10' attached office. The 9' trusses over hang the dog runs. He is going to extend chain link fencing with the screening 50' on each side. He also noted that someone will be at the house 24 hours a day and 7 days a week. If by chance they go on vacation they would not board any dogs during that time. He told the Planning Commission members the plan for waste removal will be Doggie Dulies, which is a method of composting the waste. No waste will leach into the ground, the compost bins are contained.

Mike Kollath, 3144 Combine Court expressed his concern of a home based business on a private road, the value of his property, additional traffic and the possibility of seeing the building.

Bob Hanvey told Mr. Kollath that Marion Township has no jurisdiction on private roads or deed restrictions. The normal number of trips per house is 10.

John Enos said that he did not agree with Mr. Kollath, he does not think traffic will become an issue. If Mr. Kollath has a copy he should review his private road maintenance agreement.

Jim Barnwell asked if the kennel would provide grooming facilities and if it would have employees.

The applicant answered no. Bob Hanvey said he is most concerned with noise, barking dogs ranks high on the list of Marion Township complaints. Ted Baruzzini noted that blocking the dogs' view of one another keeps noise to a minimum. The block built structure will be filled with sound proofing materials as will the roof.

Jerry Sidlar reiterated what the Planning Commission would like to see for the June meeting.

1. Fencing and screening details
2. Location of compost drums and specifications.

Bob Hanvey motioned to schedule a public hearing for June 22, 2010 @ 7:15 p.m. Jerry Sidlar seconded. **Motion carried 3-0.**

**Eat to the Beat – Presentation of proposed use Highway Service District**

Mark Roman summarized his proposal to the Commissioners. The restaurant will be open Monday thru Saturday 3:00 p.m. to 2:00 a.m. and Sunday noon to midnight. He will be adding 1,000 s.f. inside with 142 seats, additional 72 seats will be provided on the patio. He met with Boss Engineering and found out the septic system has a 73,000 gallon capacity which is more than adequate as it was originally set up for two hotels. Mr. Roman said he is leasing from the owner of the hotel and the owner does not want the expense of hooking up to public utilities. The Livingston County Health Department will ultimately make that call. Mr. Roman is here tonight to find out if this project can be administratively reviewed or does the Planning Commission feel they should review.

It was the consensus of the Planning Commission members a site plan review would be required.

**OLD BUSINESS**

**Planning Commission Rules & Procedure – final review/adoption**

The Planning Commission members would like all members to be present for this agenda item.

Bob Hanvey motioned to table the Rules and Procedures to the June 22, 2010 meeting. Jerry Sidlar seconded. **Motion carried 3-0.**

**Proposed Amendment – Manufactured Home Park District Section 7.01, 7.10 & 8.05**

The Planning Commission members reviewed Mike Kehoes’ letter regarding the removal of this from the Zoning Ordinance. Mike Kehoe suggested keeping it in.

John Enos said if someone has a piece of property that can accommodate a Manufactured Home Community they can submit a proposal. This proposed text amendment was dropped.

**Charnesky Rezone Request**

John Lowe told the Planning Commission members he would submit an application for all the parcels and should have this ready for the June 22, 2010 Planning Commission meeting.

**CALL TO THE PUBLIC**

John Lowe opened the call to the public. Les Andersen told the Planning Commission members he ran into James L. Anderson. John Lowe closed the call to the public.

**ADJOURNMENT**

Bob Hanvey motioned to adjourn the meeting at 9:10 p.m. Jerry Sidlar seconded. **Motion Carried 5-0**

**MINUTES - JUNE 22, 2010**

**MEMBERS PRESENT:** JOHN LOWE, CHAIRPERSON  
JEAN ROOT, SECRETARY  
JERRY SIDLAR, CO-CHAIR  
JIM MURRAY  
BOB HANVEY

**MEMBERS ABSENT:** NONE

**OTHERS PRESENT:** ANNETTE MCNAMARA, ZONING ADMINISTRATOR  
JOHN ENOS, CARLISLE/WORTMAN & ASSOCIATES  
LES ANDERSEN, TRUSTEE

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**CALL TO ORDER**

John Lowe called the meeting to order at 7:20 p.m.

**PLEDGE TO FLAG**

**APPROVAL OF AGENDA**

Jerry Sidlar motioned to approve the June 22, 2010 public hearing meeting agenda as submitted. Jean Root 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. Jim Barnwell, 2183 Pless Drive, Brighton; gave the Planning Commission members a copy of a review he did on the Baruzzini special use proposal.



Mike Kollath, 3069 Combine Court; gave the Planning Commission members copies of photos he took of the Baruzzini property. John Lowe closed the call to the public.

### **APPROVAL OF MINUTES**

No minutes to approve.

### **OLD BUSINESS**

#### **Baruzzini Special Use Permit review – located in the Rural Residential District on the south side of Combine Court – Tax ID# 4710-28-200-040 – 3069 Combine Court – proposed use; Commercial Kennel**

John Lowe asked John Enos to summarize his review letter.

John Enos introduced himself as the Marion Township Planner and informed the public on special uses within each District of Marion Township and if the special use submittal meets the conditions of the Zoning Ordinance such as lighting, parking, placement of structures and so on the application shall be approved. The applicant provided a variety of information and met most of the requirements. John Enos would like the Planning Commission members to consider the following issues.

1. Waste removal
2. Landscaping
3. Food storage
4. Septic system

John Enos told the audience members if the application is approved and the conditions are not met the special use permit can be revoked. John Lowe asked Mr. Baruzzini if he had additional information to present tonight. Ted Baruzzini doesn't want the neighbors to get hung up on the word commercial. It has a negative connotation. His kennel will only house one more dog than would be allowed with a Hobby Kennel.

John Lowe asked if the Planning Commission members had any questions. There was no response.

John Lowe asked John Enos to go thru the issues in his review letter.

Item #1 – Landscaping – John Enos is suggesting two islands of three trees within each island on the north side of the exercise area and three trees placed along the westerly side for a total of five landscape areas. Six foot evergreens would be best.

Jim Barnwell, 2183 Pless Drive, Brighton; point of order, he thinks the Planning Commission members are making decisions without the input from the public.

John Lowe responded he is trying to expedite the process by informing the audience of items that will be addressed so there will not be repetition.

#### Item #2 – Waste removal

Ted Baruzzini has spoken with the Robert Paul, Sanitation Engineer for Livingston County Department of Public Health (LCDPH). Robert Paul said there is no requirement to hook into Baruzzini's septic system and suggested composting the waste. The pens will be cement flooring on the inside and the outside. Outside pens will slope from the inside to the outside and the indoor pens will slope from the outside to the inside and flow into a pipe that will drain into his lawn. He is installing four Dog Dullies near the kennel to compost the waste.

Jerry Sidlar asked what he will do when the temperature is less than 40 degrees, the Dullies do not work at that temperature.

Bob Hanvey said others have placed a dumpster on site and had the waste hauled away.

Jerry Sidlar said just as long as the applicant is open to other options and is flexible.

Ted Baruzzini said that is open and flexible to other methods of removal.

Item #3 – John Enos noted the site plan requirements called out in the Zoning Ordinance. The real question is does the site plan submitted by the applicant provide the Planning Commission members with enough information to make a decision. John Enos asked the Planning Commission members if they want anything more specific.

Jean Root would like to see a landscape plan.

Bob Hanvey said in the past Marion Township has dealt with contentious situations and referred to the sled dog violation. The problem with that was all the dogs belonged to the owner of the property.

That would not apply to this situation as Mr. Baruzzini owns two dogs. If problems occurred the applicant would have to stop the operation until compliance was achieved.

Item #4 – John Enos said this is more of a statement and again if there were problems the permit would be revoked. Annette McNamara noted the Livingston County Animal Control (LCAC) inspects the kennels and sends a report to Marion Township.

Item #5 – John Enos thought this was worth discussion and asked the applicant how he will store the food.

Mr. Baruzzini said he will store the food in the office in 40 pound dispensers off of the ground. The food will be kibble. Yet if clients bring other foods he will store it properly. Medications will be stored in his home or locked inside of the kennel office. Jean Root would like to see the sidewalk drawn on the site plan and asked if it would meet American with Disabilities Act (ADA) requirements. John Enos answered yes and Mr. Baruzzini agreed to show on the site plan and is aware of the requirements.

Item #6 – discussion on chain link fencing and when the dogs will be able to see one another. Ted Baruzzini said they will only be able to see one another inside of the building which will be built with cement block and blown insulation.

Item #7 – discussion of the definition of a rear yard for a lot on a cul-de-sac and that the Zoning Ordinance allows for the Zoning Administrator to make the determination. John Enos noted he agreed with the Zoning Administrator interpretation.

John Lowe addressed the audience and hoped this helps them answer their questions.

John Lowe opened the call to the public.

Jim Barnwell, 2183 Pless Drive; Brighton; repeated what was addressed in the Carlisle/Wortman Associates, Inc. review letter. Questioned if this meets the Master Plan and asked throughout the public hearing if this is harmonious with the area.

Ted Baruzzini does not think Jim Barnwell has the right to tell the Planning Commission members how to do their job and the issues he brings up are redundant.

Mike Kollath, 3069 Combine Court; has concerns with waste removal, a paved exercise area and would like to see all of it moved south.

John Enos noted the concerns with waste removal have been addressed. An exercise area is optional and there is no requirement to pave. The applicant has met the qualifications and will do all that is necessary to make sure the kennel is run in an appropriate manner, again this kennel will be inspected by the LCAC. The Planning Commission members asked Ted Baruzzini if he would be will to move the kennel to the south. Discussion ensued; if the kennel is moved does this eliminate the landscaping and an easement that runs through the property.

The following people attended the public hearing and brought up nuisance, deed restriction, waste removal, hours of operation, employees and private road maintenance. The nuisance issues and waste removal were addressed earlier. Deed restrictions are not enforced by Marion Township; it would be up to the Home Owners Association to enforce. The hours of operation will be listed in the 'Conditions of Special Use' that the Baruzzinis will sign along with Marion Township officials. There will not be any employees and the operation will not be expanded to allow additional dogs. The public wanted to know what will happen if the Baruzzinis sell; this will also be addressed in the conditions. Mr. Baruzzini has been maintaining the private road since he moved in. He has the road graded and the bill is divided between he and his four neighbors, Mr. Baruzzini pays his share. Snow removal is arranged by Mr. Baruzzini and he asks his neighbors to pay what they feel is fair, again Mr. Baruzzini pays his share. All of the road maintenance is done by Mr. Baruzzini's family members who have the equipment for the job. Connie Bukoski, claimed to be representing Mr. & Mrs. Corrigan. They may not be willing to build with a kennel across the street.

Mary Ann Bahr, 3201 Grass Lake Court; she sent a letter via email addressing her concerns. This letter will be attached to the minutes.

Marty Richie, 3173 Grass Lake Court; would like to know the parameters for complaints.

Bob Hanvey summarized the most recent situation regarding barking complaints in other areas of Marion Township.

The question of what would be done with the building if the kennel operation was closed.

It was noted that a similar operation including horses, dogs and running a business out of the home is taking place on the parcel to the west of the Baruzzini parcel.

Ted Baruzzini said he would knock down the inside walls and use as an accessory structure.

Would this structure comply with the Marion Township Zoning Ordinance? Annette McNamara answered yes.

Andrea Wallen, 3145 New Holland Drive; repeated the issues stated above.

Randal Gerding, 3145 New Holland Drive; repeated the issues stated above.

Brian & Tina Holmes, 3110 Combine Court; sent a letter that will be attached to the minutes.

Ted Baruzzini invited all of his neighbors to his parcel to discuss the operation in an attempt to alleviate their concerns. John Lowe closed the call to the public.

Jean Root noted the following people send written comments for the Planning Commission to review.

1. Brian & Tina Holmes, 3110 Combine Court
2. Mary Ann Bahr, 3201 Grass Lake Court
3. Jim Barnwell, 2183 Pless Drive

**Proposed Amendment – Wellhead Protection Area Section 6.27**

John Lowe opened the call to the public.

Jim Barnwell, 2183 Pless Drive, Brighton; asked what part of the text was amended.

John Enos answered; the amended text is regarding the wellhead protection area for the City of Howell well. Marion Township would like to send any site plans submitted for development in this area to be reviewed by the City of Howell personal in relationship to their standards.

Jean Root noted there were also housekeeping amendments. The Planning Commission members are satisfied with the text. John Lowe closed the call to the public.

**NEW BUSINESS**

**CALL TO THE PUBLIC**

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

**ADJOURNMENT**

Jean Root motioned to adjourn the public hearing at 9:04 p.m. Jim Murray seconded.

**Motion Carried 5-0.**

**MINUTES - JUNE 22, 2010**

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

**MEMBERS ABSENT:** NONE

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

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**CALL TO ORDER**

John Lowe called the meeting to order at 9: 50 p.m.

**PLEDGE TO FLAG**

**APPROVAL OF AGENDA**

Discussion on the rezone of Rocky Knoll was added under new business. Jean Root motioned to approve the June 22, 2010 regular meeting agenda. 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**

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

**APPROVAL OF MINUTES**

**May 25, 2010 Regular Meeting minutes**

Bob Hanvey motioned to approve the May 25, 2010 regular meeting minutes as submitted. Jerry Sidlar seconded. **Motion Carried 3-0.** Jean Root and Jim Murray abstained.

**OLD BUSINESS**

**Baruzzini Special Use Permit review – located in the Rural Residential District on the south side of Combine Court – Tax ID# 4710-28-200-040 – 3069 Combine Court – proposed use;**

## **Commercial Kennel**

John Enos reiterated what was addressed at the public hearing and said these conditions run with the land and he may not always be the owner.

Jean Root would like to attach the condition if the property is sold the new owner will have to comply. She is concerned with hosing down the concrete onto the lawn, could this cause odors?

Ted Baruzzini said this was the suggestion made by Robert Paul, Sanitation Engineer of the Livingston County Department of Public Health. He asked Jean Root to phone Mr. Paul and discuss her concerns. John Enos recommended the Planning Commission members table this agenda item for further review of the letters submitted and the issues brought up at the public hearing.

John Lowe felt there was a lot of information brought to the meeting and would like more time. The issues to be addressed prior to the next meeting are;

1. Hours of operation
2. No employees
3. Show sidewalks and landscaping on the site plan
4. Consider moving the building to the south of the property

Jean Root motioned to table the Baruzzini special use request to the July 27, 2010 meeting. Jerry Sidlar seconded. **Motion carried 5-0.**

## **Proposed Amendment – Wellhead Protection Area Section 6.27**

The Board of Trustees reviewed the proposed amendments and they are satisfied with the changes. Jean Root motioned to send Section 6.27 to the Livingston County Department for review and comment, if no significant comments are made the text should be sent to the Board of Trustees for approval/denial. Jerry Sidlar seconded. **Motion Carried 5-0.**

## **Proposed Amendment – Section 6.12 item F - Height Requirement Exceptions**

The Board of Trustees sent their suggestions to the Planning Commission. Jean Root motioned to hold a public hearing on July 27, 2010 @ 7:15 p.m. Jerry Sidlar seconded. **Motion Carried 5-0.**

## **Outdoor Furnaces**

The Planning Commission members would like direction from the Board of Trustees.

Les Andersen noted that some of the Board members felt if there are no complaints why adopt language. The Planning Commission members do not think this needs immediate attention.

Jean Root motioned to hold a public hearing for proposed text Outdoor Furnaces Section 6.31 and 3.02 definitions on September 28, 2010 @ 7:15 p.m. Jerry Sidlar seconded. **Motion Carried 5-0.**

## **Planning Commission Rules & Procedure – final review/adoption**

The Planning Commission members are satisfied with the changes made. Jean Root motioned to accept the Planning Commission Rules & Procedures as submitted. Jerry Sidlar seconded.

**Motion Carried 5-0.**

## **NEW BUSINESS**

### **Marion Township Meeting Schedule**

The Planning Commission members discussed canceling the August meeting yet did not come to a decision, they will wait to see.

## **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 9:30 p.m. Jerry Sidlar seconded. **Motion Carried 5-0.**

## **MINUTES - JULY 27, 2010**

### **MEMBERS PRESENT:**

JOHN LOWE, CHAIRPERSON  
JEAN ROOT, SECRETARY  
JIM MURRAY  
BOB HANVEY

### **MEMBERS ABSENT:**

JERRY SIDLAR, CO-CHAIR

### **OTHERS PRESENT:**

ANNETTE MCNAMARA, ZONING ADMINISTRATOR  
JOHN ENOS, CARLISLE/WORTMAN & ASSOCIATES  
LES ANDERSEN, TRUSTEE

SCOTT LLOYD, TRUSTEE  
PAULA WYCKOFF, TREASURER

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**CALL TO ORDER**

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

**PLEDGE TO FLAG**

**APPROVAL OF AGENDA**

Jean Root motioned to approve the July 27, 2010 public hearing agenda. Jim Murray seconded.

**Motion Carried 4-0.**

**INTRODUCTION OF MEMBERS**

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

**CALL TO THE PUBLIC**

John Lowe opened the call to the public. John Enos explained the amendments.

John Lowe closed the call to the public.

**APPROVAL OF MINUTES**

No minutes to approve.

**OLD BUSINESS**

**Proposed Amendment – Section 6.12 item F - Height Requirement Exceptions**

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

The Planning Commission members are satisfied with the text.

**NEW BUSINESS**

**CALL TO THE PUBLIC**

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

**ADJOURNMENT**

Jean Root motioned to adjourn the public hearing at 7:20 p.m. Jim Murray seconded.

**Motion Carried 4-0.**

**MINUTES - JULY 27, 2010**

**MEMBERS PRESENT:** JOHN LOWE, CHAIRPERSON  
JEAN ROOT, SECRETARY  
JIM MURRAY  
BOB HANVEY

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

**OTHERS PRESENT:** ANNETTE MCNAMARA, ZONING ADMINISTRATOR  
JOHN L. ENOS, CARLISLE/WORTMAN & ASSOCIATES  
LES ANDERSEN, TRUSTEE  
SCOTT LLOYD, TRUSTEE  
PAULA WYCKOFF, TREASURER

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**CALL TO ORDER**

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

**PLEDGE TO FLAG**

**APPROVAL OF AGENDA**

The Chestnut lawsuit and Planning Commission By-Laws were added to the agenda. Jean Root motioned to approve the July 27, 2010 regular meeting agenda as amended. Jim Murray seconded.

**Motion Carried 4-0.**

**INTRODUCTION OF MEMBERS**

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

**CALL TO THE PUBLIC**

John Lowe opened the call to the public. Jim Barnwell, 183 Pless Drive; asked if there will be an opportunity for public questions. Ted Baruzzini wanted clarification as to whether this is an additional public hearing. John Lowe noted that the public will have an opportunity to make comments with a three minute limit. John Lowe closed the call to the public.

**APPROVAL OF MINUTES**

### **June 22, 2010 Public Hearing minutes**

Bob Hanvey noted page two of five combine the first and second sentence with 'and' and add 'the application shall be approved' at the end. Page four of five the word 'know' should be replaced with 'knock'. Jean Root motioned to approve the June 22, 2010 public hearing minutes as amended. Jim Murray seconded. **Motion Carried 4-0.**

### **June 22, 2010 Regular Meeting minutes**

Jean Root motioned to approve the June 22, 2010 regular meeting minutes as submitted. Jim Murray seconded. **Motion Carried 4-0.**

### **OLD BUSINESS**

#### **Baruzzini Special Use Permit review – located in the Rural Residential District on the south side of Combine Court – Tax ID# 4710-28-200-040 – 3069 Combine Court – proposed use; Commercial Kennel**

John Enos addressed the Planning Commission members. This application has been discussed for the past two months. The use should be allowed if it meets the criteria of Section 16.0-5 A #1 thru #11 and the specific standards provided. Ted Baruzzini noted to the Planning Commission members that he attempted to move the operation south on his property yet came too close to the easement.

Jim Barnwell, 183 Pless Drive; what about the information provided by the residents?

John Enos noted the applicant has met the requirements. If there is a violation to the conditions of the permit, the permit can be revoked. Jean Root asked questions about where the dog urine will go if the kennel is washed down. Ted Baruzzini explained and noted the Livingston County Department of Environmental Health (LCDEH); Robert Paul has approved the process. If he installs a sink, then the LCDEH will require he hooks into his septic field. Jean Root has done research into kennels and is not satisfied with the process. If Marion Township approves then she feels they are telling the township residents it is OK under poor conditions. Discussion ensued on soil conditions and hot and cold running water for the kennel. John Lowe asked the applicant to at a minimum add more pea stone around the building along with a disinfectant. Jean Root asked if the kennel will be heated and air conditioned. Ted Baruzzini answered yes. The Planning Commission reviewed the conditions of the special use permit and requested minor changes.

Andrea Wallen, 3145 New Holland Drive; she has issues with the dogs urinating on the grass and cars traveling on the gravel road.

Jim Barnwell, 183 Pless Drive; reiterated issue previously resolved. He asked if the number of dogs allowed includes the ones owned by the applicant. The answer is yes.

Mike Kollath, 3144 Combine Court; he asked if the Board of Trustees could remove the easement and have the kennel moved south. Bob Hanvey answered the Board of Trustees does not have the authority to do that. John Lowe asked the applicant if he would pursue this.

Ted Baruzzini answered he can look into it.

Jean Root addressed the items in Section 16.05 A

1. It is the opinion of the Planning Commission; this is not creating any use not provided for in the Master Plan.
2. It is the opinion of the Planning Commission; the structure constructed will be of a residential nature.
3. It is the opinion of the Planning Commission; the use and structure are in accordance with the surrounding area.
4. It is the opinion of the Planning Commission; in the Rural Residential district all residents are allowed these structures.
5. It is the opinion of the Planning Commission; special conditions have been attached to the permit that address these issues
6. It is the opinion of the Planning Commission; the use meets all Zoning Ordinance requirements including attachments to the special use permit.
7. It is the opinion of the Planning Commission; by adding additional landscaping and screening there will be no disruption of plants and trees.
8. It is the opinion of the Planning Commission; site plan review with attachments regarding run off.
9. It is the opinion of the Planning Commission; there will be no flashing or intermittent lights.

There will be downward shielded lights and is included in the conditions.  
Jean Root motioned to send the Baruzzini request for a Commercial Kennel Tax ID#4710-28-200-040 to the Board of Trustees with the following attached.

1. Site plan dated 7-27-10
2. Carlisle/Wortman Associates, Inc. review letter dated 6-15-10
3. Mike Kehoe review letter dated 6-15-10
4. LCDEH letter dated 5-5-10 (information filtered thru Annette McNamara)
5. Conditions of Special Use as amended at the meeting tonight
6. The kennel be temperature controlled
7. The kennel will have full screening
8. The medicine will be kept in the applicant's home, not in the kennel

Jim Murray seconded. Jean Root amended the motion to include; the Planning Commission is recommending approval of the Site Plan. Jim Murray seconded. **Roll Call Vote: Jim Murray-yes, Jean Root-no, John Lowe-yes, Bob Hanvey-yes. Motion Carried 3-1.**

Jean Root motioned to recommend approval of the Special Use Permit for the Baruzzini Kennel Tax ID#4710-28-200-040 to the Board of Trustees. Jim Murray seconded. **Roll Call Vote: Jim Murray-yes, Jean Root-no, John Lowe-yes, Bob Hanvey-yes. Motion Carried 3-1.**

**Proposed Amendment – Section 6.12 item F - Height Requirement Exceptions**

Jean Root motioned to send Section 6.12 F to the Livingston County Department of Planning and if there are no significant comments send on to the Board of Trustees for review and approval/denial. Jim Murray seconded. **Motion Carried 4-0.**

**Master Plan – set a public hearing**

Jean Root motioned to hold a public hearing for the Master Plan on September 28, 2010 @ 7:20 p.m. Jim Murray seconded. **Motion Carried 4-0.**

**Planning Commission Rules & Procedure – final review/adoption**

The Planning Commission members are satisfied with the changes made.

Jean Root motioned to accept the Planning Commission Rules & Procedures as submitted. Jim Murray seconded. **Motion Carried 4-0.**

**NEW BUSINESS**

**Chestnut Law Suit**

Bob Hanvey updated the Planning Commission members on the outcome of the trial.

**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 9:15 p.m. Jim Murray seconded. **Motion Carried 4-0.**

**PUBLIC HEARING MINUTES - SEPTEMBER 28, 2010**

**MEMBERS PRESENT:** JOHN LOWE, CHAIRPERSON  
JERRY SIDLAR, CO-CHAIR  
JEAN ROOT, SECRETARY  
JIM MURRAY  
BOB HANVEY

**MEMBERS ABSENT:** NONE

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

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**CALL TO ORDER**

John Lowe called the meeting to order at 7:20 p.m.

**PLEDGE TO FLAG**

**APPROVAL OF AGENDA**

Bob Hanvey motioned to approve the September 27, 2010 public hearing agenda. Jerry Sidlar seconded. **Motion Carried 5-0.**

**INTRODUCTION OF MEMBERS**

The members of the Planning Commission introduced themselves.

**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**

No minutes to approve.

**OLD BUSINESS**

**Proposed Zoning Ordinance requirements for Outdoor Furnaces**

John Lowe has concerns with the safety standards called out in the definition; he does not want redundancy with the requirements of the Livingston County Building Department (LCBD). John Lowe will contact the LCBD to check and will let the Planning Commission members know at the October meeting. Jerry Sidlar will find out if there is a governing body that certifies the outdoor furnaces. John Lowe opened the call to the public. Jason Smith, 5950 Vines Road; he is considering installing an outdoor furnace and is here tonight to look at the requirements. Planning Commission members discussed safety standards. John Lowe closed the call to the public.

**Proposed Amendments to Marion Township Master Plan**

John Enos commented on the comments sent from the Livingston County Department of Planning (LCDP), Genoa Township and the City of Howell. John Enos noted the Planning Commission has discussed Manufactured Home Communities and is satisfied with how the Master Plan addresses this. As for the comments sent by Genoa Township regarding the differences in lot size zoning along the contiguous border, the zoning may be five acres and up yet the lots along the border are the same acreage as the lots in Marion Township.

John Lowe asked are the maps in Chapter Nine can be printed at the original size. Annette McNamara answered yes. John Lowe also wants clarification on the LCDP questions on the crash data text. Annette McNamara noted the Planning Commission members discussed amending the text and agreed to leave it as is and rely on the crash data in the updated table.

Jean Root, Jerry Sidlar, Jim Murray and John Enos would like a hard copy of the completed document prior to approving. Mike Kehoe should also receive a hard copy.

Bob Hanvey asked the Planning Commission members if they would prefer to see aerials inserted where the subdivision developments signs are within the Master Plan. The Planning Commission member agreed to it. The Planning Commission members discussed future updates and how that can be handled.

**NEW BUSINESS**

**CALL TO THE PUBLIC**

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

**ADJOURNMENT**

Jean Root motioned to adjourn the public hearing at 7:45 p.m. Jim Murray seconded.

**Motion Carried 5-0.**

**MINUTES - SEPTEMBER 28, 2010**

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

**MEMBERS ABSENT:** NONE

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

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**CALL TO ORDER**

John Lowe called the meeting to order at 7:45 p.m.

**PLEDGE TO FLAG**



## **APPROVAL OF AGENDA**

Jean Root motioned to approve the September 28, 2010 regular meeting agenda. Jerry Sidlar seconded. **Motion Carried 5-0.**

## **INTRODUCTION OF MEMBERS**

The members of the Planning Commission introduced themselves.

## **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**

### **July 27, 2010 Public Hearing minutes**

Jim Murray motioned to approve the July 27, 2010 public hearing minutes. Jean Root seconded.

**Motion Carried 5-0.**

### **July 27, 2010 Regular Meeting minutes**

Jean Root motioned to approve the July 27, 2010 regular meeting minutes as submitted. Jim Murray seconded. **Motion Carried 5-0.**

## **OLD BUSINESS**

### **Proposed Zoning Ordinance requirements for Outdoor Furnaces**

Jean Root motioned to table Outdoor Furnaces to the October 26, 2010 meeting. Jerry Sidlar seconded. **Motion carried 5-0.**

### **Proposed amendments to Marion Township Master Plan**

Jean Root asked for a hard copy of the completed Marion Township amendments. Five hard copies will be printed for Jean Root, Jerry Sidlar, Jim Murray, John Enos, and Mike Kehoe.

Jean Root motioned to table the Master Plan to the October 26, 2010 meeting and the Zoning Administrator to provide a clean copy. Jerry Sidlar seconded. **Motion Carried 5-0.**

## **NEW BUSINESS**

### **Proposed General Ordinance – Aggressive Dogs**

John Enos told the Planning Commission members that the text he submitted may be more restrictive than Marion Township would want. He suggested taking item #2 a thru f, Owner Responsibility and amending the language to fit the purpose. John Lowe told the Commissioners that there have been too many situations and the Livingston County Animal Control Office (LCAC) is too slow to respond.

The Planning Commission members discussed the following.

1. Fine dog owners that have a reported incident with the LCAC
2. The reported incident had to happen within a public right-of-way
3. Reports from LCAC would prompt a Marion Township fine
4. Inform the residents of the new policy through the Township website, cable channel & newsletter in tax bill

The Planning Commission members asked for the following changes to item #2 a thru f.

1. #1 to read; Every dog shall be kept under restraint, when off of property, at all times
2. #4 to read; Every dog shall be identified at all times by a microchip or current municipal tag that states, at a minimum, the name and address of the owner of the dog.

The Planning Commission members asked Annette McNamara to send the amended text along with the questions asked at tonight's meeting to Mike Kehoe for his review and comment.

Jean Root motioned to table Aggressive Dog Owner language to the October 26, 2010 meeting. Jerry Sidlar seconded. **Motion carried 5-0.**

### **Community Placement Facility/Halfway Houses – Proposed Zoning Ordinance Text**

The Planning Commission members are concerned by adopting text then it would be a use permitted.

As it is now this is not a permitted use, nor is a boarding house a permitted use.

Jean Root asked if there was still a homestead exemption on the property and questioned if this would be considered running a business.

The Planning Commission members asked the Zoning Administrator to request comments from Mike Kehoe on this item. Jean Root motioned to table Community Placement Facilities to the October 26, 2010 meeting. Jerry Sidlar seconded. **Motion carried 5-0.**

**Discussion on Article XV Signs –**

**15.03 Prohibited signs – subsection E. intermittent electrical pulsations**

**15.04 W Promo job site sign &**

**15.5 & 15.6 C Home Occupation sign requirements**

**Section 3.02 Definition of Signs**

Annette McNamara clarified her request to include another item under Section 15.04.

**15.04 W Promo job site sign** The Planning Commission members would like to specify a size, 4 square feet and a time limit for removal of 30 days.

**15.5 & 15.6 C Home Occupation sign requirements** The Planning Commission members discussed allowing freestanding home occupation signs and could not come to a consensus. John Enos will provide them with suggestions for the October 26, 2010 meeting.

**15.03 Prohibited signs – subsection E. intermittent electrical pulsations** John Enos will provide the Planning Commission with electronic messaging center language he worked on for another community. He believes it may be restrictive enough to satisfy the Commissioners.

Jean Root motioned to table Article XV Signs to the October 26, 2010 meeting. Jerry Sidlar seconded.

**Motion carried 5-0.**

**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 9:20 p.m. Jim Murray seconded. **Motion Carried 5-0.**

**MINUTES - OCTOBER 26, 2010**

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

**MEMBERS ABSENT:** NONE

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

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**CALL TO ORDER**

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

**PLEDGE OF ALLEGIENCE**

**APPROVAL OF AGENDA**

Jean Root motioned to approve the October 26, 2010 regular meeting agenda. Jim Murray seconded.

**Motion Carried 5-0.**

**INTRODUCTION OF MEMBERS**

The members of the Planning Commission introduced themselves.

**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**

**September 28, 2010 Public Hearing minutes**

Jean Root motioned to approve the September 28, 2010 public hearing minutes. Jim Murray seconded.

**Motion Carried 5-0.**

**September 28, 2010 Regular Meeting minutes**

Jean Root motioned to approve the September 28, 2010 regular minutes. Jim Murray seconded.

**Motion Carried 5-0.**

**OLD BUSINESS**

**Proposed Zoning Ordinance requirements for Outdoor Furnaces**

Jean Root motioned to table Outdoor Furnaces to the November 23, 2010 meeting. Jerry Sidlar seconded. **Motion carried 5-0.**

**Proposed amendments to Marion Township Master Plan**

Jean Root made a resolution to approve the 2010 Master Plan dated October 26, 2010. Jim Murray seconded. **Roll Call; Jean Root yes, Jim Murray yes, John Lowe yes, Bob Hanvey yes, Jerry Sidlar yes. Motion Carried 5-0.**

**Proposed General Ordinance – Dangerous Animal Owner**

John Lowe noted that this went beyond his intent. John Enos suggested the Planning Commission members draft a resolution asking the Livingston County Board of Commissioners to be more diligent. This will let the County Commissioners know that Marion Township is concerned.

The Planning Commission members agreed to draft a resolution and send it to the Marion Township Board of Trustees with a request to forward the resolution to the Livingston County Board of Commissioner. John Lowe asked Annette McNamara to contact the resident who was bitten by a pit bull for an update. Jean Root motioned to table this agenda item to the November 23, 2010 meeting. Jim Murray seconded. **Motion carried 5-0.**

**Community Placement Facility/Halfway Houses – Proposed Zoning Ordinance Text**

John Enos told the Planning Commission members that the Zoning Ordinance is permissive and this is not a use that is permitted. The Planning Commission members have reviewed the comments sent by Mike Kehoe, Township Attorney. All agreed that the enforcement action required by the Ordinance should be followed. Jean Root motioned no action taken regarding the Community Placement Facility text in Zoning Ordinance. Jim Murray seconded. **Motion carried 5-0.**

**Discussion on Article XV Signs –**

**15.03 Prohibited signs – subsection E. intermittent electrical pulsations**

**15.04 W Promo job site sign &**

**15.5 & 15.6 C Home Occupation sign requirements**

**Section 3.02 Definition of Signs**

John Lowe contacted Erin Perdu, Zoning Administrator for the City of Howell to ask about the City’s sign ordinance. Erin told him it is the same as Marion Township’s in restricting intermittent electrical pulsation signs. John Lowe feels that since Marion Township and City of Howell have a Joint Planning Commission we should be consistent. The Planning Commission members would like to see the following changes made to Article XV.

**15.04 W Promo job site sign** A time limit for removal of 30 days should be inserted.

**15.5 & 15.6 C Home Occupation sign requirements** Within Section 15.5 insert the word ‘or’ so an applicant doesn’t think that a wall sign along with a freestanding sign is allowed.

**15.03 Prohibited signs – subsection E. intermittent electrical pulsations** No changes will be made to this subsection.

**Section 3.02 Definition of Signs** – Definition to be deleted in its entirety and replaced with ‘See Article XV for definitions. Jean Root motioned to hold a public hearing on November 23, 2010 @ 7:15 p.m. for Article XV Signs, Sections 15.04, 15.05, 15.06 and Section 3.02 Definitions. Bob Hanvey seconded. **Motion carried 5-0**

**NEW BUSINESS**

**CALL TO THE PUBLIC**

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

**ADJOURNMENT**

Jean Root motioned to adjourn the meeting at 8:30 p.m. Jim Murray seconded. **Motion Carried 5-0.**

**MINUTES - NOVEMBER 23, 2010**

**MEMBERS PRESENT:** JERRY SIDLAR, CO-CHAIR  
JEAN ROOT, SECRETARY  
JIM MURRAY  
BOB HANVEY

**MEMBERS ABSENT:** JOHN LOWE, CHAIRPERSON

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

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**CALL TO ORDER**

Jerry Sidlar called the meeting to order at 7:20 p.m.

**PLEDGE TO FLAG**

**APPROVAL OF AGENDA**

Jean Root motioned to approve the November 23, 2010 public hearing agenda. Jim Murray seconded.

**Motion Carried 4-0.**

**INTRODUCTION OF MEMBERS**

The members of the Planning Commission introduced themselves. John Lowe 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**

No minutes to approve.

**OLD BUSINESS**

**Discussion on Article XV Signs –**

**15.03 Prohibited signs – subsection E. intermittent electrical pulsations**

**15.04 W Promo job site sign &**

**15.5 & 15.6 C Home Occupation sign requirements**

**Section 3.02 Definition of Signs**

John Enos summarized the proposed amendments. The sign amendments are minor adjustments to the language that was adopted earlier this year. The amendments include increasing the size of home occupation signs and allowing freestanding home occupations signs if the resident doesn't want a wall sign. Allowing construction promotions signs and deleting the definition of signs in Section 3.02; to be replaced with 'see Article XV'. Bob Hanvey noted the HomeTown restrictions on signage. The Planning Commission members had expressed concerns with signage on smaller lots. Bob Hanvey thinks a 35' setback for signs in the Rural Residential District is excessive. The Planning Commission discussed the setback issue and all agreed to keep the setback language as it reads.

**NEW BUSINESS**

No new business.

**CALL TO THE PUBLIC**

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

**ADJOURNMENT**

Jean Root motioned to adjourn the public hearing at 7:25 p.m. Jim Murray seconded. **Motion Carried 4-0.**

**MINUTES - NOVEMBER 23, 2010**

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

**MEMBERS ABSENT:** JOHN LOWE, CHAIRPERSON

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

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**CALL TO ORDER**

Jerry Sidlar called the meeting to order at 7:25 p.m.

**PLEDGE OF ALLEGIENCE**

**APPROVAL OF AGENDA**

The Planning Commission members agreed to table agenda item #1 until the next regularly scheduled meeting. Jean Root motioned to approve the amended November 23, 2010 regular meeting agenda. Jim Murray seconded. **Motion Carried 4-0.**

**INTRODUCTION OF MEMBERS**

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

## **CALL TO THE PUBLIC**

Jerry Sidlar opened the call to the public. There was no response.

Jerry Sidlar closed the call to the public.

## **APPROVAL OF MINUTES**

### **October 26, 2010 Regular Meeting minutes**

Jean Root motioned to approve the October 28, 2010 regular minutes. Jim Murray seconded.

**Motion Carried 4-0.**

## **OLD BUSINESS**

### **Proposed Resolution – Dangerous Animal Owner**

Bob Hanvey would like an acknowledgement in the proposed resolution that there is a new Director at the Livingston County Animal Control office.

Jean Root motioned to table this agenda item to the next regularly scheduled meeting. Jim Murray seconded. **Motion carried 4-0.**

### **Discussion on Article XV Signs –**

#### **15.04 W Promo job site sign &**

#### **15.5 & 15.6 C Home Occupation sign requirements**

#### **Section 3.02 Definition of Signs**

Jean Root motioned to send Article XV Signs, Sections 15.04, 15.05, 15.06 and Section 3.02 Definitions to the Board of Trustees for review and comment. If there are no comments from the Board then Annette McNamara is to forward language to the Livingston County Department of Planning for their review and comment. Jim Murray seconded. **Motion carried 4-0.**

## **NEW BUSINESS**

Jim Murray suggested canceling the December 21, 2010 meeting and meet on January 18, 2011. The Planning Commission members agreed. Annette McNamara will contact John Lowe for his approval and take care of notices to the public. There is a form based code presentation at Conway Township Hall. Glen Pape will present the information. John Enos noted that the Marion Township Zoning Ordinance in essence covers this type of regulation and does not have that many commercial parcels. There will be three more strategic growth planning meetings. Contact Bob Hanvey if you need additional information. The Transportation Bonanza presentation was discussed. Jim Murray asked if the road mileage passed. The answer was no.

## **CALL TO THE PUBLIC**

Jerry Sidlar opened the call to the public. Les Anderson asked if the Planning Commission members received a copy of the November Michigan Township Association magazine. There is a great article on open burning and wood burning stoves. Annette McNamara will provide all of the Planning Commission members with a copy of the article in the next Planning Commission package.

Jerry Sidlar closed the call to the public.

## **ADJOURNMENT**

Jean Root motioned to adjourn the meeting at 8:00 p.m. Jim Murray seconded. **Motion Carried 4-0.**