

REGULAR MEETING - JANUARY 30, 2007

MEMBERS PRESENT: JOHN LOWE, CHAIRPERSON
DAVE HAMANN, CO-CHAIRPERSON
JEAN ROOT, SECRETARY

MEMBERS ABSENT: JIM ANDERSON, DEBRA WIEDMAN-CLAWSON

OTHERS PRESENT: ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
JOHN ENOS, CARLISLE/WORTMAN
ROBERT W. HANVEY, SUPERVISOR

CALL TO ORDER

Jack Lowe called the meeting to order at 7:34 p.m.

APPROVAL OF AGENDA

Dave Hamann motioned to approve the January 30, 2007 regular meeting agenda as amended. Jean Root seconded. **Motion Carried 3-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves.

CALL TO THE PUBLIC

None heard.

APPROVAL OF MINUTES

Jean Root was absent for the December 19, 2006 meeting and this makes a lack of quorum tonight to approve the December 19, 2006 public hearing and regular meeting minutes. The Planning Commission members agreed to table the minutes to the February 13, 2007 meeting. Dave Hamann motioned to table the December 19, 2006 public hearing minutes. Jean Root seconded. **Motion Carried 3-0.**

Dave Hamann motioned to table the December 19, 2006 regular meeting minutes. Jean Root seconded. **Motion Carried 3-0.**

OLD BUSINESS

Marion Retail Center – Final Site Plan Review

Joe Moore, Boss Engineering summarized the proposed project and asked the Planning Commission if they had any questions. John Enos summarized his review letter and is recommending approval. He is satisfied with sidewalks within the development and an easement for sidewalks along D-19 in the future. He would like to see the additional parking land banked for future use. Phil Westmoreland summarized his review letter and is recommending approval. Any outstanding items can be addressed during construction plan review. Jean Root motioned to recommend conditional approval and send Marion Retail Center Tax ID #4710-02-400-013 to the Board of Trustees for final site plan review and approval/denial. Conditional approval is based on the following.

- 1) Applicant to provide an approval letter from the Livingston County Drain Commissioners Office
- 2) Applicant to provide an approval letter from the Livingston County Road Commission
- 3) Remove the loading area behind phase I building and replace with patio feature
- 4) Remove additional handicap parking spaces and replace with landscaping
- 5) Howell Area Fire Authority letter dated 9-11-06
- 6) Lighting will be reduced to a minimum and no halogen lighting for signage
- 7) Applicant to submit revised site plans to Orchard, Hiltz & McCliment, Inc. &

- Carlisle/Wortman Associates, Inc. for review prior to Board of Trustees meeting
- 8) Orchard, Hiltz & McCliment, Inc. & Carlisle/Wortman Associates, Inc. to provide Board of Trustees with letters of approval
 - 9) Phase II will require an additional final site plan approval by the Marion Township Planning Commission and Board of Trustees.

Dave Hamann seconded. **Motion Carried 3-0.**

6.20 A – New Private Roads Serving Single-Family, Multiple-Family and Commercial Developments The Planning Commission members requested the following changes. John Enos will submit the changes for the February 13, 2007 special meeting.

- 1) Page 3 of 5 Sub-section E -
- 2) Page 4 of 5 Sub-section G - move 3rd section to 1st Section
- 3) Page 4 of 5 Sub-section H - #1 add construction between road and permit
- 4) Page 4 of 5 Sub-section I - #5 remove 1st sentence
- 5) Page 5 of 5 Sub-section J - remove last Sentence
- 6) Page 5 of 5 Sub-section K - reference the Subdivision plat Act

Jean Root motioned to table this agenda item to the February 13, 2007 special meeting.

Dave Hamann seconded. **Motion Carried 3-0.**

6.19 B – Lots to Have Access Jean Root motioned to table this agenda item to the February 13, 2007 special meeting. Dave Hamann seconded. **Motion Carried 3-0.**

Section 3.02 – Figure 3-8 Front Set Back measurements on a Cul-de-Sac

Jean Root motioned to table this agenda item to the February 13, 2007 special meeting.

Dave Hamann seconded. **Motion Carried 3-0.**

Proposed amendment to Section 3.02 Figure 3-2 delete Flat & Mansard roofs from diagram & Figure 3-6 Show Utility Easements on diagram

A public hearing was held on December 19, 2006 and no public comments were heard.

The Planning Commission members are satisfied with the proposed amendments.

Jean Root motioned to send Section 3.02 Figure 3-2 & 3-6 to the Board of Trustees for their review and comment. Dave Hamann seconded. **Motion Carried 3-0.**

Proposed amendment to Section 4.03 E add final inspection to receive

Certificate of Compliance A public hearing was held on December 19, 2006 and no public comments were heard. The Planning Commission members are satisfied with the proposed amendments. Jean Root motioned to send Section 3.02 Figure 3-2 & 3-6 to the Board of Trustees for their review and comment. Dave Hamann seconded.

Motion Carried 3-0.

Section 6.08 One Building to a Lot

A public hearing was held on December 19, 2006 and no public comments were heard.

The Planning Commission members are satisfied with the proposed amendments.

Jean Root motioned to send Section 3.02 Figure 3-2 & 3-6 to the Board of Trustees for their review and comment. Dave Hamann seconded. **Motion Carried 3-0.**

Community Waste Water Utility Systems – Proposed Text Amendments

The Planning Commission members reviewed the January 30, 2007 memo from Mr. Hanvey regarding proposed text amendments. The Planning Commission requested the following changes.

- 1) Page 3 of 6 Sub section B #1 - e iv - #4 change utility building to Treatment Facility
- 2) Page 6 of 6 Sub section G #3 - remove system and insert treatment Facility
- 3) Page 6 of 6 Sub section H #4 - remove system and insert treatment Facility

- 4) Page 6 of 6 Sub section H #5 - remove system and insert treatment Facility
- 5) Page 4 of 6 Sub section C #9 - to read; if a reserve field is required, it shall be fully prepared by the developer during the initial installation process
- 6) Page 5 of 6 Sub section D #4 a - remove 'approved' and replace with discharge point
- 7) Page 5 of 6 Sub section D #4 b - delete
- 8) Page 5 of 6 Sub section D - add a new #8 to read 'Within an established public wellhead protection area and renumber list'
- 9) Page 5 of 6 Sub section D #5 b - remove
- 10) Page 5 of 6 Sub section D #5 a - remove 'residential dwelling or'
- 11) Page 5 of 6 Sub section D #6 - add 'private' before easements
- 12) Page 3 of 6 Sub section B #1 e vi - keep the word wells
- 13) Page 3 of 6 Sub section B #1 e xii - remove the word public

Jean Root not comfortable with commercial or non-residential uses, how is usage and fees determined. Phil Westmoreland explained how the usage and fees are determined. Jean Root motioned to table this agenda item to the February 13, 2007 special meeting, John Enos to make amendments and provide a clean copy. Dave Hamann seconded.

Motion Carried 3-0.

NEW BUSINESS

No new business.

CALL TO THE PUBLIC

John Enos informed the Planning Commission members of the Livingston County Department of Planning review and comments procedure on proposed text amendments. The county is considering allowing municipalities to opt out of the review and comment process.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 10:15 p.m. Jean Root seconded.

Motion Carried 3-0.

PUBLIC HEARING - FEBRUARY 13, 2007

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
 DAVE HAMANN, CO-CHAIRPERSON
 JEAN ROOT, SECRETARY
 JIM ANDERSON, DEBRA WIEDMAN-CLAWSON

MEMBERS ABSENT:

NONE

OTHERS PRESENT:

ANNETTE MCNAMARA, ZONING ADMINISTRATOR
 PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
 ROBERT W. HANVEY, SUPERVISOR

CALL TO ORDER

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

APPROVAL OF AGENDA

Dave Hamann motioned to approve the February 13, 2007 public hearing meeting agenda. Jim Anderson seconded. **Motion Carried 5-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves.

CALL TO THE PUBLIC

None heard.

APPROVAL OF MINUTES

No minutes to approve.

OLD BUSINESS

CEMETERY, FUNERAL HOME & CREMATORY – PROPOSED TEXT AMENDMENTS

Section 3.02 add Crematory definition

John Lowe opened the call to the public. There was no response. Dave Hamann motioned to close the call to the public. Jim Anderson seconded. **Motion Carried 5-0.**

Section 9.01 B add item #17 Crematories subject to special requirements & sub section E add item #11 crematory performance standards

John Lowe opened the call to the public. There was no response. Dave Hamann motioned to close the call to the public. Jim Anderson seconded. **Motion Carried 5-0.**

Section 6.27 Zone A prohibited uses list delete graveyard & cemeteries item #9

John Lowe opened the call to the public. There was no response. Dave Hamann motioned to close the call to the public. Jim Anderson seconded. **Motion Carried 5-0.**

NEW BUSINESS

No new business.

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 7:38 p.m. Jean Root seconded.

Motion Carried 5-0.

SPECIAL MEETING - FEBRUARY 13, 2007

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
DAVE HAMANN, CO-CHAIRPERSON
JEAN ROOT, SECRETARY
JIM ANDERSON, DEBRA WIEDMAN-CLAWSON

MEMBERS ABSENT:

NONE

OTHERS PRESENT:

ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
ROBERT W. HANVEY, SUPERVISOR

CALL TO ORDER

Jack Lowe called the meeting to order at 7:39 p.m.

APPROVAL OF AGENDA

Discussion on Section 17.10 Wireless Communication Facilities was added under New Business. Jean Root motioned to approve the February 13, 2007 special meeting agenda as amended. Dave Hamann seconded. **Motion Carried 5-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves.

CALL TO THE PUBLIC

None heard.

APPROVAL OF MINUTES

Dave Hamann motioned to approve the December 19, 2006 public hearing meeting minutes. Debra Wiedman-Clawson seconded. **Motion Carried 4-0. Jean Root abstained.** Dave Hamann motioned to approve the December 19, 2006 regular meeting minutes. Debra Wiedman-Clawson seconded. **Motion Carried 4-0. Jean Root abstained.** Dave Hamann motioned to approve the January 9, 2007 special

meeting minutes as amended. Debra Wiedman-Clawson seconded.

Motion Carried 4-0. Jean Root abstained.

OLD BUSINESS

Section 6.20 A – New Private Roads Serving Single-Family, Multiple-Family and Commercial Developments

Jean Root noted the changes requested at the January 30, 2007 meeting have been made to Section 6.20 New Private Roads Serving Single-Family, Multiple-Family and Commercial Developments. Phil Westmoreland, with the aid of a computer and projector, made the following changes to the document for the Planning Commission members to see.

- 1) Page 1 of 1 – remove the letter A from the heading 'Section 6.20 A'
- 2) Page 4 of 5 – sub-section G Application Procedure remove 'and at least twenty-one (21) days prior to the meeting date for which the applicant requests consideration.'
- 3) Page 5 of 5 – sub-section K Issuance of Land Use Permit for Structures on Private Roads add at the beginning of the second sentence a new sentence to read 'should the applicant desire to obtain a Land Use Permit prior to final completion and Board of Trustees approval of the approved Private Road. In the third sentence delete the work shall and insert the word may.

The Planning Commission members are satisfied with the changes.

Dave Hamann motioned to hold a public hearing for Section 6.20 New Private Roads Serving Single-Family, Multiple-Family and Commercial Developments on March 28, 2007 @ 7:15 p.m. Jim Anderson seconded. **Motion Carried 5-0.**

Section 3.02 – Figure 3-8 Cul-de-sac Front Yard Set Back Diagram

Dave Hamann motioned to hold a public hearing for Section 3.02 – Figure 3-8 Cul-de-sac Front Yard Set Back Diagram on March 28, 2007 @ 7:15 p.m. Jim Anderson seconded. **Motion Carried 5-0.**

Section 6.19 B – Lots to Have Access

Dave Hamann motioned to hold a public hearing for Section 6.19 B – Lots to Have Access on March 28, 2007 @ 7:15 p.m. Jim Anderson seconded. **Motion Carried 5-0.**

Section 17.31 - Community Waste Water Utility System – Proposed Text

Amendments Phil Westmoreland, with the aid of a computer and projector, made the following changes to the document for the Planning Commission members to see.

- 1) Page 3 of 6 – sub-section B Application Requirements, e vi – delete the words wells & watermains
- 2) Page 3 of 6 – sub-section B Application Requirements, e xi – add 'for the proposed development' after water supply
- 3) Page 3 of 6 – sub-section B Application Requirements, e xii – add the words wells or watermains after water supplies
- 4) Page 3 of 6 – sub-section B Application Requirements, e vi – delete the word project and add proposed development
- 5) Page 5 of 6 – sub-section D Location Requirements, 4 b – add 'unless approved by the MDEQ or LCDPH' at the end of the sentence

Jean Root noted the changes requested at the January 30, 2007 meeting have been made to Section 17.31 Community Waste Water Utility System.

The Planning Commission members are satisfied with the changes.

Debra Wiedman-Clawson motioned to hold a public hearing for Section 17.31 - Community Waste Water Utility System on March 28, 2007 @ 7:20 p.m. Dave Hamann seconded. **Motion Carried 5-0.**

Section 3.02 – Delete definition of Private Sewage/Waste Water Treatment Facilities & add definition of Community Waste Water Utility Systems

Debra Wiedman-Clawson motioned to hold a public hearing for Section 3.02 – Delete definition of Private Sewage/Waste Water Treatment Facilities & add definition of Community Waste Water Utility Systems on March 28, 2007 @ 7:20 p.m. Dave Hamann seconded. **Motion Carried 5-0.**

NEW BUSINESS

Set Date for next Special Meeting

The Planning Commission members would like the Board of Trustees to review and prioritize proposed text amendments at their February 22, 2007 meeting. Their response will be handed out at the February 28, 2007 Planning Commission meeting. The Planning Commission will then make a decision what will be placed on the March 13, 2007 special meeting agenda. Jean Root motioned to hold a special meeting on March 13, 2007 @ 7:30 p.m. Dave Hamann seconded. **Motion Carried 5-0.**

Section 17.10 Wireless Communication Facilities

The Planning Commission members discussed the existing language and agreed to review the entire section prior to the next special meeting. Annette McNamara will send Section 17.10 to John Enos for review and comment and place this on the March 13, 2007 Special meeting agenda as the first item.

CALL TO THE PUBLIC

No response.

ADJOURNMENT

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

REGULAR MEETING - FEBRUARY 28, 2007

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
DAVE HAMANN, CO-CHAIRPERSON
JEAN E. ROOT, SECRETARY
JAMES L. ANDERSON, DEBRA WIEDMAN-CLAWSON

MEMBERS ABSENT:

NONE

OTHERS PRESENT:

ANNETTE MCNAMARA, ZONING ADMINISTRATOR
DAVID SCHROEDER, ORCHARD, HILTZ & MCCLIMENT
JOHN ENOS, CARLISLE/WORTMAN
ROBERT W. HANVEY, SUPERVISOR

CALL TO ORDER

Jack Lowe called the meeting to order at 7:31 p.m.

APPROVAL OF AGENDA

Dave Hamann motioned to approve the February 27, 2007 regular meeting agenda. Jean Root seconded. **Motion Carried 5-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves.

CALL TO THE PUBLIC

None heard.

APPROVAL OF MINUTES

Dave Hamann motioned to approve the January 30, 2007 regular meeting minutes. Jean Root seconded. **Motion Carried 3-0.**

Debra Wiedman-Clawson and Jim Anderson abstained.

OLD BUSINESS

Premier Farms – Conceptual Site Plan Review/Approval

Mark Janeck is here tonight to represent Bill and Peter Anest. Mark Janeck summarizes the history of this project and explained he is here tonight to request the Planning Commission recommend substantial conformance with the Conceptual Site Plan.

John Enos told the Planning Commission members he did not want to spend time on the review letter dated February 8, 2007 as this went further than the conceptual site plan.

David Schroeder, Orchard, Hiltz & McCliment, Inc. did not have any comments to make at this time. The Planning Commission members reviewed the plan and felt the public should be informed of the revised plan. They agreed to invite the public to the Board of Trustees meeting.

Jean Root motioned to recommend approval of the amended Premier Farms Conceptual Site Plan and send to the Board of Trustees for review and approval/denial. Board of Trustees to notify all Marion Township residents of the meeting. Dave Hamann seconded.

Roll call; John Lowe – yes, Jean Root – yes, Dave Hamann – yes, James L. Anderson – yes and Debra Wiedman-Clawson – yes. Motion Carried 5-0.

Planning Commission Budget Discussion & Text Amendment Prioritization

The Planning Commission members reviewed the Board of Trustees suggestions and the text amendment list. The following items will be placed on the March 13, 2007 special meeting agenda.

- 1) Home Occupation
- 2) Private Stables in Rural Residential and Suburban Residential
- 3) Lot definitions
- 4) Flag Lots – discussion

Jean Root motioned to place Home Occupations, Private Stables, Lot definition and discussion and review of Flag Lot requirements on the March 13, 2007 special meeting.

Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

Proposed amendment to Section 3.02 Figure 3-2 delete Flat & Mansard roofs from diagram & Figure 3-6 Show Utility Easements on diagram

The Planning Commission members are satisfied with the proposed amendments.

Jean Root motioned to send Section 3.02 Figure 3-2 regarding flat and mansard roofs & 3-6 indicating the road right of way to the Livingston County Department of Planning for their review and comment. If no significant comments are made send to the Board of Trustees for review and approval/denial. Debra Wiedman-Clawson seconded.

Motion Carried 5-0.

Proposed amendment to Section 4.03 E add final inspection to receive Certificate of Compliance

The Planning Commission members are satisfied with the proposed amendments. Jean Root motioned to send Section 4.03 E adding final inspection to the Livingston County Department of Planning for their review and comment. If no significant comments are made send to the Board of Trustees for review and approval/denial. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

Section 6.08 One Building to a Lot

The Planning Commission members are satisfied with the proposed amendments.

Jean Root motioned to send Section 6.08 One Building to a Lot to the Livingston County Department of Planning for their review and comment. If no significant comments are made send to the Board of Trustees for review and approval/denial. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

Cemetery, Funeral Home & Crematory – Proposed Text Amendments - Section 3.02 add Crematory definition - Section 9.01 B add item #17 Crematories subject to special requirements & sub section E add item #11 crematory performance standards - Section 6.27 Zone A prohibited uses list delete graveyard & cemeteries item #9

Jean Root motioned to place the proposed text amendments on the March 13, 2007 Planning Commission special meeting agenda. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

NEW BUSINESS

No new business.

CALL TO THE PUBLIC

Debra Wiedman-Clawson read an article from an Oakland County paper regarding a crematory request that was denied by the local municipality.

John Enos gave the Planning Commission members a handout on smart growth and updated them on a Michigan State University program to evaluate site plan approvals.

ADJOURNMENT

Debra Wiedman-Clawson motioned to adjourn the meeting at 9:20 p.m. Jean Root seconded. **Motion Carried 5-0.**

SPECIAL MEETING - MARCH 13, 2007

MEMBERS PRESENT: JOHN LOWE, CHAIRPERSON
DAVE HAMANN, CO-CHAIRPERSON
JEAN ROOT, SECRETARY
JIM ANDERSON, DEBRA WIEDMAN-CLAWSON

MEMBERS ABSENT: NONE

OTHERS PRESENT: ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PAUL SIERSMA, CARLISLE/WORTMAN

CALL TO ORDER

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

APPROVAL OF AGENDA

Move agenda item #3 Definitions of Pens, Corrals & Pastures under New Business to Old Business and add Fencing for discussion with Private Stables. Dave Hamann motioned to approve the March 13, 2007 special meeting agenda as amended. Jean Root seconded. **Motion Carried 5-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves.

CALL TO THE PUBLIC

None heard.

APPROVAL OF MINUTES

Dave Hamann motioned to approve the February 13, 2007 special meeting public hearing meeting minutes. Jean Root seconded. **Motion Carried 5-0.**

Dave Hamann motioned to approve the February 13, 2007 special meeting minutes. James L. Anderson seconded. **Motion Carried 5-0.**

OLD BUSINESS

CEMETERY, FUNERAL HOME & CREMATORY – PROPOSED TEXT AMENDMENTS

John Lowe asked Paul Siersma if he had any comments. Paul Siersma, Carlisle/Wortman Associates, Inc. noted all proposed amendments have been reviewed and public

hearings have been held. In some cases two public hearings. He believes the amendments are ready to be sent to Livingston County Department of Planning for review and comment. The Planning Commission members agreed.

Section 3.02 add Crematory definition Jean Root motioned to send Section 3.02 Crematory definition to Livingston County Department of Planning as submitted, latest revision date March 5, 2007, for review and comment. Then forward to the Board of Trustees if approved or with minor revisions/suggestions. Dave Hamann seconded.

Motion Carried 5-0.

Section 3.02 Funeral Home definition Jean Root motioned to send Section 3.02 Funeral Home definition to Livingston County Department of Planning as submitted, latest revision date March 5, 2007, for review and comment. Then forward to the Board of Trustees if approved or with minor revisions/suggestions. Dave Hamann seconded.

Motion Carried 5-0.

Section 3.02 Cemetery definition Jean Root motioned to send Section 3.02 Cemetery definition to Livingston County Department of Planning as submitted, latest revision date March 5, 2007, for review and comment. Then forward to the Board of Trustees if approved or with minor revisions/suggestions. Dave Hamann seconded.

Motion Carried 5-0.

Section 8.01 E #6 – remove crematories Jean Root motioned to send Section 8.01 E #6 to Livingston County Department of Planning as submitted, latest revision date March 5, 2007, for review and comment. Then forward to the Board of Trustees if all approved or with minor revisions/suggestions. Dave Hamann seconded. **Motion**

Carried 5-0.

Section 8.02 E #4 – remove crematories Jean Root motioned to send Section 8.02 E #4 to Livingston County Department of Planning as submitted, latest revision date March 5, 2007, for review and comment. Then forward to the Board of Trustees if approved or with minor revisions/suggestions. Dave Hamann seconded. **Motion**

Carried 5-0.

Section 6.27 zone A – remove #9 Jean Root motioned to send Section 6.27 #9 to Livingston County Department of Planning as submitted, latest revision date March 5, 2007, for review and comment. Then forward to the Board of Trustees if approved or with minor revisions/suggestions. Dave Hamann seconded. **Motion Carried 5-0.**

Section 9.01 B add item #17 Crematories subject to special requirements & sub section E add item #11 crematory performance standards

Jean Root motioned to send Section 9.01 B #17 & 9.01 E #11 to Livingston County Department of Planning as submitted, latest revision date March 5, 2007, for review and comment. Then forward to the Board of Trustees if approved or with minor revisions/suggestions. Dave Hamann seconded. **Motion Carried 5-0.**

Section 17.07 – amend location & site requirements Jean Root motioned to send Section 17.07 Special Use Requirements to Livingston County Department of Planning as submitted, latest revision date March 5, 2007, for review and comment. Then forward to the Board of Trustees if approved or with minor revisions/suggestions. Dave Hamann seconded. **Motion Carried 5-0.**

Proposed Text Amendment – Section 6.14 Home Occupations Paul Siersma suggested definitions for Class I & II, amend Mobile Home Park to include as a use permitted by right and define if allowed in all these districts. Debra Wiedman-Clawson would like a definition of immediate family. She stated there is no reason to amend this text if there is no enforcement. Planning Commission discussed the Board of Trustees

intent in making this a priority. Dave Hamann noted they prioritized in relationship to the list. Debra Wiedman-Clawson informed the Planning Commission members of Genoa Township language for civil infractions. She thinks it would be a good idea for Marion Township to adopt. John Lowe suggested the Planning Commission make a recommendation to the Board of Trustees regarding civil infractions and he will attend the Board of Trustees meeting to answer any questions. Jean Root asked Paul Siersma if Carlisle/Wortman Associates, Inc. has boiler plate text. Paul Siersma answered yes and asked if the Planning Commission still wants Carlisle/Wortman Associates, Inc. to work on this text. Planning Commission suggested further discussion before Carlisle/Wortman Associates, Inc. reworks. Debra Wiedman-Clawson volunteered to work on the existing text. Annette McNamara will email a copy of the document to her. Jean Root motioned to table Section 6.14 Home Occupation to the April 24, 2007 regular meeting. James L. Anderson seconded. **Motion Carried 5-0.**

Proposed Text Amendment – Section 8.01 D 2 – Rural Residential Private Stables

The Planning Commission members discussed Section 8.01 D 2 Rural Residential Private Stables, Section 8.02 D 1 Suburban Residential Private Stables, Section 17.28 Commercial Stables, Fencing requirements and Section 3.02 Definition of Pens, Corrals & Pasture. Paul Siersma suggested staying away from over regulating in the Rural Residential District.

The Planning Commission members agreed to the following changes to the text.

- 1) Look at increasing acreage and decreasing side yard set backs (Annette McNamara responsibility)
- 2) Review shelter size requirements (Debra Wiedman-Clawson responsibility)
- 3) Planning Commission to review text for changes and suggestions
- 4) Reevaluate Private Stable and Commercial Stable definitions
- 5) Reevaluate fencing requirements and Section 6.13

Jean Root motioned to table Section 8.01 D 2 to the April 24, 2007 regular Planning Commission meeting. James L. Anderson seconded. **Motion Carried 5-0.**

Proposed Text Amendment – Section 8.02 D 1 – Suburban Residential Private Stables

See discussion above. Jean Root motioned to table Suburban Residential Private Stables Section 8.02 D 1 to the April 24, 2007 regular Planning Commission meeting. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

Proposed Text Amendment – Section 17.28 – Commercial Stables

See discussion above Jean Root motioned to table Section 17.28 Commercial Stables until the Planning Commission requests placement on an agenda. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

Proposed Text Amendment – Section 3.02 Definition of Pens, Corrals &

Pasture See discussion above. Jean Root motioned to table Section 3.02 definition of Pens, Corrals & Pastures to the April 24, 2007 regular Planning Commission meeting. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

Fencing Requirements See discussion above. Jean Root motioned to table fencing requirements discussion to the April 24, 2007 regular Planning Commission meeting. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

NEW BUSINESS

Section 17.10 Wireless Communication Facilities Paul Siersma agreed the text is confusing and amendments should be made. The Planning Commission members went through the documents and suggested the following changes to be made by Carlisle/Wortman Associates, Inc.

- 1) Page 4-9; item C 1 a delete 'in the RR, Rural Residential District.'
- 2) Page 5-9; add an item C 1 p 'If the Wireless Communication Facilities (WCSF) is not entirely surrounded by non-residential uses and/or non-residential zoned land, a written justification of the need for this site showing why other sites are not reasonable'
- 3) Page 5-9; add an item C 1 q 'WCSFs proposed to be located on a historic landmark or in a designated historic district may be denied if the WCSF would create an adverse impact on the historic character of the historic landmark or district'
- 4) Page 5-9; add an item C 1 r 'The Planning Commission may require a visual/line of site analysis to enable the Township to assess impacts. Such analysis may require the applicant to provide visualization of the WCSF on-site which may include graphic representations or other acceptable methods to demonstrate the visualization'
- 5) Page 9-9; remove C 7 referencing Amateur Radio Towers & Antennas, Private Receiving Television and Radio Towers and Satellite Antennas

James L. Anderson wants pre-existing non-conforming parcels and uses included in the text or a reference to Article XIX Nonconforming Uses of Land and Structures. The Planning Commission members would like Mike Kehoe to review the changes prior to the April 24, 2007 meeting. Jean Root motioned to table this agenda item to the April 24, 2007 regular Planning Commission meeting. Dave Hamann seconded.

Motion Carried 5-0.

Proposed Text Amendment – Section 6.11 Allocation of Lot Area and Configuration of Lots (Flag Lots)

Annette McNamara told the Planning Commission members there have been odd configurations being submitted for flag lots. The Planning Commission members discussed and do not see a reason for the text to be amended if the proposed split meets the Land Division Act. Jean Root motioned Section 6.11 Allocation of Lot Area and Configuration of Lots Planning Commission decides to take no action at this time. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

Proposed Text Amendment – Review of Definitions relating to lots

Dave Hamann suggested being consistent and coping definitions from the Land Division Act. The Planning Commission members asked Paul Siersma to review and return the changes. They would also like a definition for Parent Parcel. Jean Root motion to have Carlisle/Wortman Associates, Inc. review definitions and look for consistency with the Land Division Act. Also include a definition for a parent parcel. James L. Anderson seconded. **Motion Carried 5-0.**

Set Date for next Special Meeting

Jean Root motioned to place this on the April 24, 2007 regular Planning Commission meeting agenda. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 10:05 p.m. Jean Root seconded.

Motion Carried 5-0.

PUBLIC HEARING - MARCH 27, 2007

MEMBERS PRESENT: JOHN LOWE, CHAIRPERSON
DAVE HAMANN, CO-CHAIRPERSON

MEMBERS ABSENT:
OTHERS PRESENT:

JEAN E. ROOT, SECRETARY
JAMES L. ANDERSON, DEBRA WIEDMAN-CLAWSON
NONE
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
JOHN ENOS, CARLISLE/WORTMAN
ROBERT W. HANVEY, SUPERVISOR
LES ANDERSON, TRUSTEE

CALL TO ORDER

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

APPROVAL OF AGENDA

Dave Hamann motioned to approve the March 27, 2007 public hearing agenda. Jean Root seconded. **Motion Carried 5-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves.

CALL TO THE PUBLIC

None heard.

APPROVAL OF MINUTES

No minutes to approve.

OLD BUSINESS

Section 6.20 – New Private Roads Serving Single-Family, Multiple-Family and Commercial Developments John Lowe asked the Planning Commission members if they had any comments. There was no response. John Lowe opened the call to the public. None heard. John Lowe closed the call to the public.

Section 3.02 – Figure 3-8 Cul-de-sac Front Yard Set Back Diagram

John Lowe asked the Planning Commission members if they had any comments. Jean Root asked that March 27, 2007 be placed in the lower left hand corner. John Lowe opened the call to the public. None heard. John Lowe closed the call to the public.

Section 6.19 B – Lots to Have Access John Lowe asked the Planning Commission members if they had any comments. There was no response. John Lowe opened the call to the public. None heard. John Lowe closed the call to the public.

Section 17.31 - Community Waste Water Utility System – Proposed Text

Amendments John Lowe asked the Planning Commission members if they had any comments. Page 3 of 3 B e vi add the work 'known' before the word future. There was no response. John Lowe opened the call to the public. None heard. John Lowe closed the call to the public.

Section 3.02 – Delete definition of Private Sewage/Waste Water Treatment Facilities & add definition of Community Waste Water Utility Systems

John Lowe asked the Planning Commission members if they had any comments. There was no response. John Lowe opened the call to the public. None heard. John Lowe closed the call to the public. All of the above agenda items will be placed on the Planning Commission April 24, 2007 agenda for review and approval/denial.

NEW BUSINESS

No new business.

CALL TO THE PUBLIC

None heard.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 7:30 p.m. Jean Root seconded.

Motion Carried 5-0.

REGULAR MEETING - MARCH 27, 2007

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
DAVE HAMANN, CO-CHAIRPERSON
JEAN ROOT, SECRETARY
JIM ANDERSON, DEBRA WIEDMAN-CLAWSON

MEMBERS ABSENT:

NONE

OTHERS PRESENT:

ANNETTE MCNAMARA, ZONING ADMINISTRATOR
JOHN ENOS, CARLISLE/WORTMAN
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
ROBERT W. HANVEY, SUPERVISOR
LES ANDERSON, TRUSTEE

CALL TO ORDER

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

APPROVAL OF AGENDA

Add Coordinate April 12, 2007 Board of Trustees meeting for Premier Farms and Ocoala Township Master Plan under New Business. Dave Hamann motioned to approve the March 27, 2007 regular meeting agenda as amended. Jean Root seconded. **Motion Carried 5-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves.

CALL TO THE PUBLIC

None heard.

APPROVAL OF MINUTES

Jean Root asked to have the header date of February 28, 2007 changed to February 27, 2007, page 2 of 3, and strike the 'n' in the first line. Dave Hamann motioned to approve the February 27, 2007 regular meeting minutes as amended. Jean Root seconded.

Motion Carried 5-0. Jean Root asked that page 5 of 6, under definition of lots, change coping to copying. Dave Hamann motioned to approve the March 13, 2007 special meeting minutes as amended. Jean Root seconded. **Motion Carried 5-0.**

OLD BUSINESS

Review of Definitions relating to lots

John Lowe asked John Enos if he had any comments. John Enos, Carlisle/Wortman Associates, Inc. noted the amendments submitted tie together and clear up the definitions of lots. He took the definitions from the Land Division Act and other sources. Definition of tract was discussed. The Planning Commission members asked John Enos to find definitions for Tract, and bring this back to the next meeting. Dave Hamann noted the word tract is used in Marion Township Land Division General Ordinance and suggested we be consistent. John Enos will review the Marion Township General Ordinance with the Zoning Ordinance to make sure they are consistent. The phrase 'Lot of Record' was discussed. Mr. Hanvey does not like the wording 'lot of record prior to the enactment of the Zoning Ordinance.' The Planning Commission members discussed this and did not come to a resolve. Jean Root motioned to table revisions for definitions relating to lots for further review at the April 24, 2007 regular meeting, John Enos to

submit changes. Debra Wiedman-Clawson seconded. **Motion carried 5-0.**

NEW BUSINESS

Article VII Zoning Districts and Maps/Schedule of Regulations

Annette McNamara explained to the Planning Commission this is basically housekeeping changes.

The Planning Commission members agreed with the changes and added the following.

- 1) Change 200_ to 20__ for year designation
- 2) Mike Kehoe to review page 3 of 4 Section 7.05 E, should this be deleted?

Jean Root motioned to hold a public hearing on April 24, 2007 @ 7:15 p.m. for Article VII Zoning Districts and Maps/Schedule of Regulations as submitted on 3-27-2007.

Dave Hamann seconded. **Motion carried 5-0.**

Section 8.04 E #3 Yard Set Back Requirements

Annette McNamara pointed out the last sentence of the text and thinks this is confusing. The Planning Commission members discussed the proposed changes and would like the following changes.

- 1) Add the word 'required' before setback in the last sentence
- 2) Provide a diagram showing the requirements of Section 8.04 E 3 for Section 3.02 Definitions.

Jean Root motioned to table Section 8.04 E 3 to the April 24, 2007 regular meeting, John Enos to submit diagram and amended text. Dave Hamann seconded.

Motion Carried 5-0.

Section 8.03 D #15 – Urban Residential – Two Family Dwellings and Section 17.29 Special Use Requirements for Two Family Dwellings

Mike Kehoe suggested the changes in March 2005; he thought they were too restrictive. The Planning Commission members discussed the pros and cons of two family dwellings in Urban Residential as a use permitted by right and Mike Kehoe's comments. They agreed to make the changes Mike Kehoe proposed if the additional requirements are placed in Article VII. The Planning Commission members asked John Enos to submit suggested language for 'Granny Flats' in the Rural Residential district. The Planning Commission members would like to look at the entire Article VIII – Residential Districts at the next meeting. Jean Root motioned to table Section 8.03 D #15 and Section 17.29 to the April 24, 2007 regular meeting. James Anderson seconded. **Motion Carried 5-0**

Coordinate April 12, 2007 Board of Trustees meeting for review of Premier Farms

John Enos informed the Planning Commission they are invited to the April 12, 2007 Board of Trustees meeting where the Premier Farms Conceptual Plan will be reviewed. John Enos went on to discuss the approval process. There is plenty of work to be done bonding, phasing, and developer agreement. Accepting the conceptual does not mean a green light for the developer to do as he pleases. Mr. Hanvey told the Planning Commission the Board of Trustees want to know what items are up for negotiation. There was discussion on the possibility of an additional public hearing. Four of the Planning Commission members can attend, also Annette McNamara to post at least 18 hours prior to the meeting.

Oceola Township Master Plan John Enos informed the Planning Commission Oceola Township sent their proposed Master Plan to Marion Township for review and comment. Oceola Township is not contiguous to Marion Township and John Enos does not think there is a need to respond.

CALL TO THE PUBLIC

Charles Musson 333 Triangle Lake Road; gave the Planning Commission members his

interpretation of the Right to Farm Act and Generally Accepted Agricultural Management Practices. He informed the Planning Commission members a farm has to register with the State of Michigan. The plan you submit when you register is the plan you have to comply with. Not all farms do this.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 9:25 p.m. Jean Root seconded.

Motion Carried 5-0.

JOINT MEETING - APRIL 12, 2007

MEMBERS PRESENT: JOHN LOWE, CHAIRPERSON
DAVE HAMANN, CO-CHAIRPERSON
JAMES L. ANDERSON, DEBRA WIEDMAN-CLAWSON

MEMBERS ABSENT: JEAN E. ROOT, SECRETARY

OTHERS PRESENT: ANNETTE MCNAMARA, ZONING ADMINISTRATOR
JOHN ENOS, CARLISLE/WORTMAN
PAUL SIERSMA, CARLISLE/WORTMAN
DAVID SCHROEDER, ORCHARD, HILTZ & MCCLIMENT

CALL TO ORDER

Jack Lowe called the meeting to order at 7:07 p.m.

APPROVAL OF AGENDA

Dave Hamann motioned to approve the April 12, 2007 joint meeting agenda as amended. Debra Wiedman-Clawson seconded. **Motion Carried 4-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. Jean Root was absent

CALL TO THE PUBLIC

Dave Kocsis, 2808 Black Eagle Ridge; gave his background working for municipalities and township wide garbage pickup. He offered the Board of Trustees a copy of a contract they used for garbage pick up. There are advantages, the residents can write this off of their taxes and they save money when everyone uses one service. He spoke of the disadvantages; the Board of Trustees will get phone calls at home if the job is not done right. Mr. Hanvey asked if the penalties were too strong. Dave Kocsis responded; they are common in Wayne County. Discussion ensued between the residents about whether they want township wide pick up or not. Les Andersen spoke with many residents who think there is an opt out clause. He spoke with Alchins and there are two options the township can use. One is forced pick up and the other is to opt out. Iosco Township uses the forced pick up and as a result are paying the Clerk to come one more day a week to take care of billing and complaints. The forced pick up is the same price as the senior citizen rate and the township puts in an additional \$26.00.

APPROVAL OF MINUTES

No minutes to approve.

OLD BUSINESS

Premier Farms Conceptual Plan Discussion

John Enos introduced himself to the audience. He explained the Planned Unit Development (PUD) process then gave a history of the Premier Farms project. Around 1999-2000, the applicant and Marion Township did an extensive amount of work prior to approving the Premier Farms conceptual plan. Approximately 5 years have gone by and

the applicant is coming back to Marion Township with a plan that has slight changes from the approved plan. As the planner for Marion Township he reviewed the revised plan and found it to be substantially compliant. The plan preserves natural features, provides the family units proposed in the first plan and meets the spirit of the PUD ordinance. He does believe the plan will lose several units. If the Board of Trustees agrees then the applicant moves on to the preliminary plan. At that time the Planning Commission, Board of Trustees, local and state agencies will review the plan. If the preliminary plan is approved then they move on to the final plan. The final plan will be more detailed and will again be reviewed by the Planning Commission, Board of Trustees, local and state agencies. The Planning Commission reviewed this conceptual plan and found it to be in substantial compliance.

Kuehn, 4630 Cedar Lake Road; has there been a review of the viability of the project? Town Commons on M-59 has been sold off in auction. This may not be what this area needs. John Enos noted that Marion Township will ask the applicant to provide a market analysis. Bauer, 5757 Lange; the new proposal has increased density and the land donated for a school has been decreased. Mr. Hanvey responded the number of units is not fixed at the conceptual approval. John Enos stated 2,300 units are allowed with the underlying zoning, the unit proposed is below the number allowed. Resident, no address; will a variance be required for each house? Mr. Hanvey answered the PUD language does not provide for variances. Bauer, 5757 Lange; will this effect the amount of water I get from my well? Mr. Hanvey explained that the aquifer can provide for all, we are now using ¼ of the projected capacity.

Steve Williams, 5118 Hinchey; introduced himself to the audience, he is our county commissioner. He wants to clarify to everyone, since the article in the local paper indicating a widening and reconfiguration plan for the Burkhart I-96 interchange. The article in the paper was misleading; the only work to be done is resurfacing. There has been no formal study done by Michigan Department of Transportation and they do understand it is a safety issue. John Lowe asked John Enos to explain to the audience the lack of ability on the part of the township to force the developer to provide off-site improvements. John Enos stated some states require the off-site improvements be done prior to the implementation of the project, Michigan does not. He told of the Arrowhead Subdivision law-suit, the township tried to force the developer to pay for off-site improvements; the developer sued the township and won.

Richard Pennala, 4024 Emily Court; has conceptual approval been given?

John Enos answered yes; there is no time limit on conceptual approval, preliminary and final there are time limits. John Lowe asked John Enos to show the changes that have been made to the conceptual plan. John Enos summarized the differences; the 15 acres set aside for the school is reduced to 10 acres. More open space has been added and the buffering around the development has increased. There is now 100+ acres of significant open space. The senior and multi-family areas have been moved.

David Latcha, 5480 Norton Road; is this good for the township?

Mr. Hanvey answered the State of Michigan gave townships the authority by PA 110 Michigan Zoning Enabling Act with a PUD component that must be allowed. The State of Michigan does not give the township the ability to deny if the application meets the requirements. John Enos told the residents the Marion Township Comprehensive Plan has this area planned for Suburban Residential (SR). If this were conventionally developed under the SR zoning they would be allowed 2,300 homes. Resident, no address; at one time this was a farm why can't it stay a farm? Mr. Hanvey answered

economic viability. If the owner wants to continue to farm he can, if he wants to develop he can. Steve Williams, 5118 Hinchey; will the senior housing be low income. That question cannot be answered at this time. Gary Dunn, 893 Hurley; what good is a master plan, when a developer wants to do something he threatens to sue the township and the township folds. Mr. Hanvey advised the residents that Marion Township is currently in court with both Marion Oaks and Red Hawk Landing. Just because they threaten to sue the township does not fold. Jim Barnwell; told the residents he has been involved with the project for some time. This plan is consistent with the Marion Township Comprehensive Plan; the applicant is not taking the township to court for 3,000 homes, he submitted a plan that is allowed. He went on to give a history of the site. Mr. Hanvey said there has been no request to rezone the property. Charlie Musson, 333 Triangle Lake Road; asked what kind of PUD this is. John Enos answered an overlay district. Resident, 3355 Jewell; is the town center going to be Marion Township town center? Can he use the commercial units at the site? Mr. Hanvey answered no it will not be the center of Marion Township and yes all residents can use the commercial and open space in the development. Resident, 109 Amos; are there plans to pave Amos? Mark Janeck addressed the residents' questions. He stressed he will be here for at least 4 more meetings. It has taken 1 year, working with the township and their consultants to decide if this conceptual plan is in substantial compliance. He is looking for an affirmation from the Board of Trustees and realizes he has a lot of work to do. He would like the residents to know the following.

- 1) Originally they planned to align Cedar Lake Road and Amos, they have since come up with a better plan
- 2) The school site has increased from 15 acres to 20 acres
- 3) The underlying zoning allows 2,300 homes on this site, he is asking for less
- 4) Wooded area and wetlands have been preserved with the new plan
- 5) Previous plan the open space placement has changes, now there is more acreage and accessibility to the open space
- 6) There will be a 200' to 250' buffer between the major roads and homes
- 7) There will be public utilities (sewer and water) thus no impact on homeowners wells
- 8) Public sewer is environmentally friendly as opposed to septic fields
- 9) There are 100 acres of wetland on the site; they will impact 3 acres of wetlands
- 10) He has hired a firm to do a traffic study and they are $\frac{3}{4}$ of the way complete
- 11) He recognizes there will be necessary road improvements. Amos Road will have to be paved; he wants the site to be accessible and attractive
- 12) Is it good for Marion Township? It was made by Marion Township and their consultants when they put together the Marion Township Comprehensive Plan. Also, by Marion Township when they approved the conceptual plan
- 13) This is a great development for what could be, this is the only kind of development that will leave large areas of open space for all residents to use.

Resident, no address; will you leave an area for a fire station? Mark Janeck answered yes. Resident, no address; how will the open space area be maintained if the developer does not finish the project? Mark Janeck answered there is a letter of credit to finish public improvements. There will be a master home-owners association and smaller home-owners association under the umbrella of the master association. This will be done by phases, not all open space and road networks will be completed at once. Mr. Hanvey asked John Enos what criteria he used to determine substantial compliance.

John Enos answered he reviewed the plan verses the criteria in the PUD ordinance. Mr. Hanvey asked what the consequences are if the developer proceeds to the preliminary stage. What is cast in concrete from approving the conceptual? John Enos answered that the houses are placed where the bubbles are, the number of units and the road layout won't change. Dave Hamann noted the Board of Trustees has a copy of the current PUD ordinance; this plan was submitted under the old PUD ordinance and should be reviewed under that ordinance. Under the old PUD a conceptual plan was optional. If the applicant has to start at square one there will be additional steps in the process. Debra Wiedman-Clawson informed the residents that the old PUD ordinance is not on the Marion Township web site and asked if this could be put on the web site. John Enos asked Mike Kehoe if this plan is to be reviewed under the old PUD or the current PUD ordinance. Mike Kehoe answered Marion Township is bound by conceptual approval granted under the old PUD ordinance. He only sees 1 or 2 exceptions and thinks they are almost identical. The current PUD ordinance requires a conceptual plan and parallel plan. Richard Pennala, 4024 Emily Court; asked someone to explain phasing. Jim Barnwell showed the phasing plan which starts at the North end of the site. Mr. Hanvey wants the residents to check the cable channel (channel 18), the web site or call the Marion Township hall to find out when Premier Farms will be on an agenda. Marion Township cannot do a mailing or advertise in the newspaper. John Lowe wants to reiterate the commercial area is for all residents to use. It was planned so people do not have to drive into town for every little thing. Debra Wiedman-Clawson wants the residents to know this commercial area is within the wellhead protection area and the businesses that can locate are limited by that. No gas stations or dry cleaners.

NEW BUSINESS

No new business.

CALL TO THE PUBLIC

None heard.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 8:50 p.m. Debra Wiedman-Clawson seconded. **Motion Carried 4-0.**

PUBLIC HEARING - APRIL 24, 2007

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
DAVE HAMANN, CO-CHAIRPERSON
JEAN E. ROOT, SECRETARY
JAMES L. ANDERSON, DEBRA WIEDMAN-CLAWSON

MEMBERS ABSENT:

NONE

OTHERS PRESENT:

ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
PAUL SIERSMA, CARLISLE/WORTMAN
ROBERT W. HANVEY, SUPERVISOR
LES ANDERSON, TRUSTEE

CALL TO ORDER

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

APPROVAL OF AGENDA

Dave Hamann motioned to approve the April 24, 2007 public hearing agenda. Jean Root seconded. **Motion Carried 4-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. Debra Wiedman-Clawson was absent

CALL TO THE PUBLIC

None heard.

APPROVAL OF MINUTES

No minutes to approve.

OLD BUSINESS

Proposed Text Amendment – Article VII – Zoning Districts & Maps/Schedule of Regulations

John Lowe asked the Planning Commission members if they had any comments. Paul Siersma told the Planning Commission members that Mike Kehoe had reviewed Section 7.05 E and made the comments within the highlighted. The Planning Commission members questioned the last sentence. Paul Siersma felt this could be stricken and it would not alter the intent of the language. Paul Siersma will amend Section 7.10 Schedule of Regulations to include a letter in () that indicate a note on the back of the page. Debra Wiedman-Clawson came in @ 7:30 p.m. John Lowe opened the call to the public. None heard. John Lowe closed the call to the public. The Commissioners discussed methods of tracking changes to the zoning ordinance. They do not want to see an amended date inserted.

NEW BUSINESS

No new business.

CALL TO THE PUBLIC

None heard.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 7:32 p.m. James L. Anderson seconded. **Motion Carried 4-0.**

REGULAR MEETING - APRIL 24, 2007

- MEMBERS PRESENT:** JOHN LOWE, CHAIRPERSON
DAVE HAMANN, CO-CHAIRPERSON
JEAN ROOT, SECRETARY
JIM ANDERSON, DEBRA WIEDMAN-CLAWSON
- MEMBERS ABSENT:** NONE
- OTHERS PRESENT:** ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PAUL SIERSMA, CARLISLE/WORTMAN
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
ROBERT W. HANVEY, SUPERVISOR
LES ANDERSON, TRUSTEE

CALL TO ORDER

Jack Lowe called the meeting to order at 7:34 p.m.

APPROVAL OF AGENDA

Jean Root asked that agenda item #13 be moved to agenda item #5 and agenda item

#5 moved to agenda item #5. Jean Root motioned to approve the April 24, 2007 regular meeting agenda as amended. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves.

CALL TO THE PUBLIC

Rick Terres, Howell Public Schools; as a courtesy he is here tonight to tell the Planning Commission members about a 145' tower being erected at the Parker High School. They need the tower to communicate with the school buses and other school officials. At the moment the reception on the Nextel two-way radios is not reliable. Howell Public Schools has been approached by a company who is willing to install a 199' tower without charge. In time other phone companies will be able to co-locate on the tower. This is still preliminary in nature. John Lowe asked the number of co-locaters. Rick Terres answered four. James L. Anderson asked the height of the tower with the school antenna. Rick Terres answered 199'. Debra Wiedman-Clawson expressed her frustration with Howell Public Schools. When they were in the process of building the high school they came to the Planning Commission to show the plans. They said they would keep Marion Township up to date with the project and never came back. Jack Lowe closed the call to the public.

APPROVAL OF MINUTES

Dave Hamann motioned to approve the March 27, 2007 public hearing meeting minutes. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

Dave Hamann motioned to approve the March 27, 2007 regular meeting minutes.

James L. Anderson seconded. **Motion Carried 5-0.**

Jean Root asked that the Board of Trustees names be placed under members present.

Dave Hamann motioned to approve the April 12, 2007 special meeting minutes as amended. James L. Anderson seconded. **Motion Carried 4-0.** Jean Root abstained.

OLD BUSINESS

Proposed Amendment – Section 6.20 – New Private Roads Serving Single-Family, Multiple-Family and Commercial Developments

John Lowe asked the Planning Commission members if they had any questions or comments. There was no response. Jean Root motioned to send Section 6.20 – New Private Roads Serving Single-Family, Multiple-Family and Commercial Developments to Livingston County Department of Planning as submitted, latest revision date February 13, 2007, for review and comment. Then forward to the Board of Trustees if approved or with minor revisions/suggestions. James L. Anderson seconded.

Motion Carried 5-0.

Proposed Amendment – Section 3.02 – Figure 3-8 Cul-de-sac Front Yard Set Back Diagram

John Lowe asked the Planning Commission members if they had any questions or comments. There was no response. Jean Root motioned to send Section 3.02 – Figure 3-8 Cul-de-sac Front Yard Set Back Diagram to Livingston County Department of Planning as submitted, latest revision date March 12, 2007, for review and comment. Then forward to the Board of Trustees if approved or with minor revisions/suggestions. James L. Anderson seconded. **Motion Carried 5-0.**

Proposed Amendment – Section 6.19 B – Lots to Have Access

John Lowe asked the Planning Commission members if they had any questions or comments. There was no response. Jean Root motioned to send Section 6.19 B – Lots to Have Access to Livingston County Department of Planning as submitted, latest

revision date January 9, 2007, for review and comment. Then forward to the Board of Trustees if approved or with minor revisions/suggestions. James L. Anderson seconded.

Motion Carried 5-0.

Proposed Amendments for Community Waste Water Utility System (CWWUS) to include, Section 3.02 definition CWWUS delete definition Private Sewage Waste Water, Section 6.30 delete Private Sewage Waste Water Treatment Facilities, Section 8.01 E #19 – Use permitted with Special Use Permit, Section 8.02 E #13 – Use permitted with Special Use Permit, Section 17.31 – CWWUS

John Lowe asked the Planning Commission members if they had any questions or comments. There was no response. Jean Root motioned to send Section 3.02 definition CWWUS delete definition Private Sewage Waste Water, Section 6.30 delete Private Sewage Waste Water Treatment Facilities, Section 8.01 E #19 – Use permitted with Special Use Permit, Section 8.02 E #13 – Use permitted with Special Use Permit, Section 17.31 – CWWUS to the Board of Trustees as submitted, latest revision date February 13, 2007, for review and approval/denial. James L. Anderson seconded.

Motion Carried 5-0.

Proposed Amendment - Section 3.02 Figure 3-2 delete Flat & Mansard roofs from diagram & Figure 3-6 Show Utility Easement on diagram

The Planning Commission members discussed the comments from Livingston County Department of Planning. The following was discussed.

- The ramifications of deleting flat and mansard roofs in the commercial zoning districts and residential districts
- If flat and mansard roofs are deleted, they must be removed from the definition of height.
- Paul Siersma to provide a definition for utility easement
- Jean Root noted the zoning ordinance does have a definition for easement
- Debra Wiedman-Clawson will also do research on definition of utility easement

Jean Root motioned to table to the May 22, 2007 regular meeting, Section 3.02 Figure 3-2 delete Flat & Mansard roofs from diagram & Figure 3-6 Show Utility Easement on diagram. Dave Hamann seconded. **Motion carried 5-0.**

Proposed Amendment – Section 6.14 Home Occupations

Debra Wiedman-Clawson gave the Planning Commission members an overview of the package she submitted. James L. Anderson questioned the 25% limit for the home occupation. Debra Wiedman-Clawson said this was standard in the ordinances she reviewed. The Planning Commission members reviewed the text and requested the following changes to **Class I Home Occupation**.

- #1 add as a use permitted by right in the Urban Residential and Mobile Home Park districts also add 'residential' between any and zoning
- #2 change humane to human
- #3 OK
- #4 remove second sentence
- #5 remove 'and shall in no case be greater than twenty vehicle trips per day (10 in and 10 out)
remove the word and in the fifth sentence
do not address company vehicles with advertising
- #6 add hours of operation between 8:00 a.m. to 7:00 p.m.
- #7 remove 'on one floor of said dwelling'
- #8 delete in its entirety

- renumber list
- #9 OK
 - #10 OK
 - #11 add 'a home occupation shall not be operated in a manner that creates a nuisance.'
 - #12 OK
 - #13 OK

The Planning Commission members started to review Class II and asked that Urban, Existing Residential Subdivision 1 & 2 and Mobile Home Park Districts be excluded from Class II. The Planning Commission members discussed having a Class II as a special use permit. Paul Siersma noted if allowed as a special use permit he would need to comb the zoning ordinance to see if there would be ramifications.

Debra Wiedman-Clawson will make the changes to Class I.

Debra Wiedman-Clawson motioned to table Section 6.14 Home Occupations to the May 22, 2007 regular meeting. James L. Anderson seconded. **Motion carried 5-0.**

Proposed Amendment – Section 8.01 D 2 – Rural Residential Private Stables

Debra Wiedman-Clawson motioned to table this agenda item until the May 22, 2007 regular meeting. Jean Root seconded. **Motion carried 5-0.**

Proposed Amendment – Section 8.02 D 1 – Suburban Residential Private Stables Debra Wiedman-Clawson motioned to table this agenda item until the May 22, 2007 regular meeting. Jean Root seconded. **Motion carried 5-0.**

Proposed Amendment – Section 3.02 Definition of Pens, Corrals & Pasture & Fence discussion Debra Wiedman-Clawson motioned to table this agenda item until the May 22, 2007 regular meeting. Jean Root seconded. **Motion carried 5-0.**

NEW BUSINESS

Schedule next Special Meeting Jean Root motioned to schedule a special meeting for Thursday, May 17, 2007. Debra Wiedman-Clawson seconded. **Motion Carried 5-0**

OLD BUSINESS

Proposed Amendment – Section 17.10 Wireless Communication Facilities

Jean Root motioned to table this agenda item to the May 17, 2007 special meeting. Dave Hamann seconded. **Motion carried 5-0.**

Proposed Amendment – Review of Definitions relating to lots

Jean Root motioned to table this agenda item to the May 17, 2007 special meeting. James L. Anderson seconded. **Motion carried 5-0.**

Proposed Amendment – Section 8.04 E #3 – ERS Yard Set Back Requirements

Jean Root motioned to table this agenda item to the May 17, 2007 special meeting. James L. Anderson seconded. **Motion carried 5-0.**

Proposed Amendment – Section 8.03 B#2 & D#15 & Section 17.29 – Two Family Dwelling Jean Root motioned to table this agenda item to the May 17, 2007 special meeting. James L. Anderson seconded. **Motion carried 5-0.**

NEW BUSINESS

Proposed Amendment – Article VIII Residential Districts – Two Family Dwellings Jean Root motioned to table this agenda item to the May 17, 2007 special meeting. James L. Anderson seconded. **Motion carried 5-0.**

Proposed Amendment – Section 6.30 – Family/Accessory Apartment

Jean Root motioned to table this agenda item to the May 17, 2007 special meeting. James L. Anderson seconded. **Motion carried 5-0.**

CALL TO THE PUBLIC

None heard

ADJOURNMENT

James L. Anderson motioned to adjourn the meeting at 9:45 p.m. Jean Root seconded.

Motion Carried 5-0.

SPECIAL MEETING - MAY 17, 2007

MEMBERS PRESENT: John Lowe, Chairman
Dave Hamann, Co-Chairman
Jean Root, Secretary
Jim Anderson, Debra Wiedman-Clawson

MEMBERS ABSENT: None

OTHERS PRESENT: Paul Siersma, Carlisle/Wortman
Bob Hanvey, Township Supervisor

CALL TO ORDER

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

APPROVAL OF AGENDA

Debra Wiedman-Clawson motioned to approve the agenda as presented. Dave Hamann seconded. **Motion carried 4-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves; Jean Root arrived at 7:40 p.m.

CALL TO THE PUBLIC

Steve Merline, 91 Cranbrook: Mr. Merline said he has concerns that the language in the current zoning ordinance is too liberal. He checked other municipalities and suggested that our ordinance should require a setback distance from a lot line, not from a dwelling. Chairman Lowe said the Planning Commission will discuss.

APPROVAL OF MINUTES

None.

OLD BUSINESS

Proposed Amendment: Section 17.10—Wireless Communication Facilities

The following items were discussed:

- Page 5: remove the second and third sentences from d (1)
- Page 2: In C 1 a, change *closer than two (2) miles* to *closer than three (3) miles*
- Jim Anderson said he would like the distance to be three (3) miles for all zoning districts.
- Jean Root suggested asking the attorney what distance would be acceptable in non-residential districts
- Paul Siersma suggested the same distance for all districts
- Page 3: Item n, add *or property line, whichever is greater*
- Page 2: Under B—Wireless Communication Antenna, add same language as C 1 n
- Page 6: Under item 4—Additional Criteria for Review and Approval, add new item b to establish 3-mile limit, and reletter
- John Lowe asked Paul Siersma to check on definitions for antenna and WCSF for next meeting.

Jean Root motioned to table this item until the June 26, 2007 meeting to review

suggested changes. Dave Hamann seconded. **Motion carried 5-0.**

Proposed Amendment: Review of Definitions Relating to Lots

Paul Siersma reviewed the changes with the Planning Commission members.

- Page 1: PC agreed with changes
- Page 2: PC asked the planner to use the language from the Land Division Act and Marion Township's subdivision ordinance for definition of lot; under the definition for Lot, Flag change the words *narrow, private right-of-way* to *narrow part of the lot*.
- Page 3: No changes.
- Page 4: Under Lot Width, also reference the figure depicting cul-de-sacs; for the definition of Parcel, use the definition from the township's subdivision ordinance. Bob Hanvey questioned the use of the word *block* in the zoning lot definition. Paul Siersma will check with John Enos on why the word *block* was used.
- Page 5: No changes.

Jean Root motioned to table this item until the June 26, 2007 meeting with changes made as discussed. Jim Anderson seconded. **Motion carried 5-0.**

Proposed Amendment: Section 8.04 E #3—ERS Yard Setback Requirements

Jean Root motioned to set a public hearing for the proposed amendment to Section 8.04 E #3—ERS Yard Setback Requirements on Tuesday, June 26, 2007 at 7:15 p.m., to also include Figure 3-__ (number to be determined at a later date.) Debra Wiedman-Clawson seconded. **Motion carried 5-0.**

Proposed Amendment: Section 8.03 B #2 & D #15, and Section 17.29—Two-family Dwellings

The Planning Commission members discussed the following changes:

- 8.03 B #5: add statement at end of sentence *subject to conditions in 17.29*.
- 17.29: Get opinion from township attorney on B #1—Site Requirements. Change second sentence from 20,000 square feet to *...minimum lot size shall be thirty thousand (30,000) square feet and have a minimum frontage of one hundred thirty-five (135) feet*.

Jean Root motioned to table this item for additional review and clarification from the township attorney until the June 26, 2007 regular meeting. Jim Anderson seconded.

Motion carried 5-0.

Proposed Amendment: Article VIII Residential Districts—Two-family Dwellings No action was taken on this item.

Proposed Amendment: Section 6.30—Family/Accessory Apartment

This is a new section of the zoning ordinance. The section number should be changed to 6.31. Item #10 regarding interconnected smoke alarms should be removed. The Planning Commission members would like the township attorney to review this item prior to the May 22, 2007 meeting. Jean Root motioned to have the township attorney review Section 6.31—Family/Accessory Apartment, including the definition, and after attorney's review, have this item scheduled for a public hearing on June 26, 2007 at 7:15 p.m. Jim Anderson seconded. **Motion carried 5-0.**

NEW BUSINESS

None.

CALL TO THE PUBLIC

Sharon Marvel, 161 E. Davis Road: Ms. Marvel said she lives on Davis Road adjacent to Ed Witt's property. She has contacted the township, the Livingston County Drain Commission, and MDEQ regarding the activity on Mr. Witt's property. She feels the

zoning ordinance should protect people, and the township has no ordinance regarding drainage or filling. Ms. Marvel said she has talked with Mark Hathaway and Ken Recker from the Drain Commissioner's office. Phil Westmoreland, the township's engineer, said he would contact Ken Recker to discuss the situation. Ms. Marvel also said the ordinance should restrict times for heavy equipment operation.

Debra Wiedman-Clawson passed out the Revised School Code (Excerpt), Act 451 of 1976 for the members to review and discuss at the next meeting. Ms. Wiedman-Clawson suggested the township send a letter to the school board regarding this issue

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 10:05 pm. Jean Root seconded.

Motion carried 5-0.

REGULAR MEETING - MAY 22, 2007

MEMBERS PRESENT: JOHN LOWE, CHAIRPERSON
DAVE HAMANN, CO-CHAIRPERSON
JEAN ROOT, SECRETARY
JIM ANDERSON, DEBRA WIEDMAN-CLAWSON

MEMBERS ABSENT: NONE

OTHERS PRESENT: ANNETTE MCNAMARA, ZONING ADMINISTRATOR
JOHN ENOS, CARLISLE/WORTMAN
DAVID SCHROEDER, ORCHARD, HILTZ & MCCLIMENT
ROBERT W. HANVEY, SUPERVISOR
LES ANDERSON, TRUSTEE

CALL TO ORDER

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

APPROVAL OF AGENDA

Annette McNamara would like to update the Planning Commission members on Section 6.20 Private Roads Serving Single Family and Commercial Developments and asked that this be added to the agenda under Old Business. Dave Hamann motioned to approve the May 22, 2007 agenda as amended. Jean Root seconded. **Motion Carried 5-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. All members were present. Jean Root left the meeting at 8:20 p.m.

CALL TO THE PUBLIC

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

Jack Lowe closed the call to the public.

APPROVAL OF MINUTES

April 24, 2007 Public Hearing Minutes

Page 2 of 2; the letters j & k need to be inserted between the parentheses. Jean Root motioned to approve the April 24, 2007 public hearing meeting minutes as amended. James L. Anderson seconded. **Motion Carried 5-0.**

April 24, 2007 Regular Meeting minutes

Page 1 of 1; under approval of agenda, the first line should read 'Jean Root asked that agenda item #13 be moved to agenda item #5 and agenda item #5 moved to agenda item #13'. Page 3 of 5 under Community Waste Water Utility System, the last sentence should read; "February 13, 2007, for review and approval/denial." Jean Root motioned to approve the April 24, 2007 regular meeting minutes as amended. James L. Anderson

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

OLD BUSINESS

Proposed Amendment – Article VII – Zoning Districts & Maps/Schedule of Regulations

John Enos summarized the amendments made to Article VII so far, he noted there has been a public hearing held for the amendments. Debra Wiedman-Clawson questioned if another public hearing is necessary due to the increase in square footage for two-family dwellings. The Planning Commission members discussed having an additional public hearing for the public to comment on the changes prior to moving to the next level. All agreed to hold another public hearing. James L. Anderson felt footnote (e) "All side yard setbacks for corner lots shall be equal to the required front yard setback" is confusing. If a lot is on the corner of D-19 and Triangle Lake Road you could read this as two 100' front yard set backs. Charles Musson, 333 Triangle Lake Road; felt footnote (b) "In no case shall any yard setback be less than one hundred (100) feet along the Pinckney Road right-of-way" is also confusing and should be clarified. The Planning Commission would like John Enos to rewrite the verbiage for footnote b and e. Jean Root motioned to table Article VII Zoning Districts & Maps/Schedule of Regulations, dated April 24, 2007, to the June 26, 2007 meeting, John Enos to provide revised text. Dave Hamann seconded. **Motion carried 5-0.**

Proposed Amendment – Section 6.14 Home Occupations

John Enos summarized the changes to date and thinks Class I is straight forward. The Planning Commission members reviewed Class I and portions of Class II and requested the following changes.

- Page 1 of 3; item #3 delete 'either gratuitously or for compensation of any kind,'
- Page 1 of 3; item #4 delete the entire second sentence
- Page 1 of 3; item #6 delete the entire second sentence also John Enos and Annette McNamara to look at the sign language
- Page 1 of 3; item #8 to read 'the home occupation shall not entail the use or storage of explosive or flammable material or otherwise hazardous waste.'
- Page 2 of 3; under Approval Procedure for Home Occupations, strike the entire first sentence
- Page 3 of 3; under Definitions of Class II Home Occupations, consider deleting 'storage of oversized vehicles and/or trailers
- Throughout the entire document delete reference to Planning Commission giving approval and replace with Planning Commission recommends approval to the Board of Trustees and the Board of Trustees approves/denies

James L. Anderson asked if the storage of oversized vehicles has to be inside a building. John Enos answered with a Class II Home Occupation the Planning Commission has an opportunity to regulate that situation. Dave Hamann motioned to table agenda item #2 Section 6.14 Home Occupations to the June 26, 2006 meeting and John Enos to provide revisions. James L. Anderson seconded. **Motion carried 4-0.** Jean Root left the meeting @ 8:20 p.m.

Proposed Amendment – Section 8.01 D 2 – Rural Residential Private Stables

Proposed Amendment – Section 8.02 D 1 – Suburban Residential Private Stables

Proposed Amendment – Section 3.02 Definition of Pens, Corrals &

Pasture & Fence discussion

Agenda items #3, #4 & #5 will be discussed together. John Enos summarized the changes since the last time this text was reviewed. Les Andersen questioned why only a ½ acre for each additional horse, Putnam Township requires 1 acre for each additional horse. Debra Wiedman-Clawson explained

the reasoning behind Putman Townships' language and said she believes they have since changed to ½ acre for each additional horse. Planning Commission discussed animal units per acre and questioned if this lines up with the proposed text. John Lowe questioned if a lean to is adequate enough to protect the horses. Debra Wiedman-Clawson answered yes, a stall or three sided lean to with a roof is not necessary. Most stables have only a wall to protect the horses from prevailing winds. Les Andersen suggested a stall for every 3 horses or for 25% of the horses. John Enos said you can use a sliding scale. He does not want the Planning Commission to spend too much time over regulating. James L. Anderson asked if the minimum three acres is entirely fenced in, he would like to see this clarified in the language. Mr. Hanvey asked if you need a principal structure to have a private stable. John Enos answered yes. He will also look into fencing language. Dave Hamann motioned to table agenda items #3, #4 & #5 to the July 24, 2007 meeting, John Enos to provide updated language for the meeting. James L. Anderson seconded. **Motion carried 4-0.**

Proposed Amendment - Section 3.02 Figure 3-2 delete Flat & Mansard roofs from diagram & Figure 3-6 Show Utility Easement on diagram

Regarding the Flat and Mansard roof diagram, John Enos felt this proposed amendment should be dropped. If they are stricken from figure 3-2 (not allowed) this would include the Highway Service, Light Industrial and Public Lands Districts. The buildings in these districts have flat roofs. There is language in Section 6.22 Single Family Design Standards requiring a 4:12 roof pitch for a principle residential structure. There is language in Section 6.07 Accessory Uses and Structures that requires a 4:12 roof pitch for accessory structures. He thinks the diagram/figure should be left as is. The Planning Commission members discussed sunrooms and the fact that most of those do not have a 4:12 roof pitch. They asked that this be placed on the proposed text amendment list for future review. Dave Hamann motioned to withdraw the proposed amendment to figure 3-2, agenda item #6. James L. Anderson seconded. **Motion carried 4-0.** The Planning Commission went on to discuss figure 3-6, indicating the utility easement on the diagram. The Livingston County Department of Planning suggested a definition of utility easement to go with the figure 3-6. The Planning Commission members reviewed two suggestions and agreed on the second, which reads; "**Easement:** A right-of-way granted, but not dedicated, for limited use of private land for private, public or quasi-public purpose, such as for franchised utilities, a conservation easement or an access easement for a private road or service drive, and within which the owner of the property shall not erect any permanent structures." They agreed to move figure 3-6 along to the Board of Trustees in the mean time they will work on the definition of easement when they review definitions of pens, corrals and & pasture. Charles Musson, 333 Triangle Lake Road; would like to see the utility easement on deeds. Detroit Edison will not enter someone's property to extend a pole without documentation on a deed. If Marion Township is not going to require that then there is no reason to amend figure 3-6. Discussion ensued on this subject with no resolve. Dave Hamann amended his previous motion with the following motion. Dave Hamann motioned to withdraw figure 3-2; Flat and Mansard Roofs, send figure 3-6 to the Board of Trustees for review and approval/denial. James L. Anderson seconded. **Motion carried 4-0.**

Proposed Amendment – Section 4.03 E – add final inspection to receive Certificate of Compliance The Board of Trustees sent this language back to the Planning Commission for further review of the footing inspection language. The Planning Commission members discussed language that would require a foundation survey for

structures that are within 10' of the required setback. These are difficult to measure with any accuracy unless you have survey equipment. Debra Wiedman-Clawson suggested Annette McNamara contact the Livingston County Building Department, once language is in place, to let them know this will be a requirement for a Certificate of Compliance. So they will not issue a Certificate of Occupancy without Marion Townships Certificate of Compliance. John Enos and Annette McNamara will work together to come up with language for the Planning Commission members review. Dave Hamann motioned to table agenda item #7 to the July 24, 2007 meeting. Debra Wiedman-Clawson seconded. **Motion carried 4-0.**

Proposed Amendment – Section 6.20 – New Private Roads Serving Single-Family, Multiple-Family and Commercial Developments

Annette McNamara informed the Planning Commission members of comments made by the Livingston County Department of Planning on Section 6.20, encouraging further review of the language. Because Section 6.19 B and Section 3.02, figure 3-8 frontage measurements on a cul-de-sac were grouped together with Section 6.20, does the Planning Commission want her to hold off on sending 6.19 B & figure 3-8 to the Board of Trustees for review and approval/denial until the Planning Commission has reviewed the comments on Section 6.20? The Planning Commission agreed to place Section 6.20, 6.19 B & figure 3-8 on the July 24, 2007 agenda for review.

Dave Hamann motioned to place Section 6.20, 6.19 B & figure 3-8 on the July 24, 2007 agenda. James L. Anderson seconded. **Motion carried 4-0.**

NEW BUSINESS

Debra Wiedman-Clawson gave a copy of Public Act 451 of 1976, The Revised School Code (excerpt) to the Planning Commission and Board of Trustees for their review. It states the requirements for a township to let the school know they want to review proposed site plans. Unfortunately she did not get the copies to the Clerks office on time to have it put in the Board of Trustees packages for the May 24, 2007 meeting. There is no way they can make the 45 day deadline and send a letter to the Parker High School stating Marion Township would like to review the site plan for placing a cell tower with co-locators on school property. Debra Wiedman-Clawson wants it on record that she is opposed to Parker High School putting up a cell tower with commercial co-locators without allowing Marion Township review and comment.

CALL TO THE PUBLIC

None heard

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 10:00 p.m. Dave Hamann seconded. **Motion Carried 4-0.**

PUBLIC HEARING - JUNE 26, 2007

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
DAVE HAMANN, CO-CHAIRPERSON
JEAN E. ROOT, SECRETARY
JAMES L. ANDERSON, DEBRA WIEDMAN-CLAWSON

MEMBERS ABSENT:

NONE

OTHERS PRESENT:

ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
JOHN ENOS, CARLISLE/WORTMAN
ROBERT W. HANVEY, SUPERVISOR

LES ANDERSON, TRUSTEE

CALL TO ORDER

Jack Lowe called the meeting to order at 7:18 p.m.

APPROVAL OF AGENDA

Dave Hamann motioned to approve the June 26, 2007 public hearing agenda. Debra Wiedman-Clawson seconded. **Motion Carried 4-0.**

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.

Jack Lowe closed the call to the public.

APPROVAL OF MINUTES

No minutes to approve.

OLD BUSINESS

Proposed Amendment – Section 8.04 E #3 – ERS Yard Set Back Requirements

Jack Lowe asked John Enos to summarize the amendments. John Enos said the language is to clarify the area on a lake lot where accessory structures are allowed. This is pretty straightforward. John Lowe asked the Planning Commission members if they had any comments. There was no response. John Lowe opened the call to the public. No response. John Lowe closed the call to the public.

Proposed Amendment – Section 3.02 Figure 3-9 ERS Rear Yard Requirements diagram

John Enos informed the Planning Commission members this is a diagram for Section 3.02 to help better clarify the above amendment. John Lowe asked the Planning Commission members if they had any comments. Jean Root wanted to make sure this satisfied Annette McNamara as she was the one to request the amendment. Annette McNamara answered yes. John Lowe opened the call to the public. No response. John Lowe closed the call to the public. Jean Root clarified these proposed amendments will be on the July 24, 2007 Planning Commission agenda.

NEW BUSINESS

No new business.

CALL TO THE PUBLIC

Charles Musson, 333 Triangle Lake Road; asked how this would apply to an 8,800 square foot lot. John Enos responded the 8,800 square foot lot would be a lot of record and you could build on that lot.

ADJOURNMENT

Jean Root motioned to adjourn the meeting at 7:25 p.m. James L. Anderson seconded. **Motion Carried 5-0.**

REGULAR MEETING - JUNE 26, 2007

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
DAVE HAMANN, CO-CHAIRPERSON
JEAN ROOT, SECRETARY
JIM ANDERSON, DEBRA WIEDMAN-CLAWSON

MEMBERS ABSENT:

NONE

OTHERS PRESENT:

ANNETTE MCNAMARA, ZONING ADMINISTRATOR
JOHN ENOS, CARLISLE/WORTMAN
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT

ROBERT W. HANVEY, SUPERVISOR
LES ANDERSEN, TRUSTEE

CALL TO ORDER

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

APPROVAL OF AGENDA

Jean Root asked that the agenda be amended to accommodate the people who are here for specific agenda items. Jean Root motioned to approve the June 26, 2007 agenda as amended. Dave Hamann seconded. **Motion Carried 5-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. All members 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 17, 2007 Special Meeting Minutes

Jean Root would like 'Wireless Communication Facilities' inserted on page 1 of 1 to clarify what the resident was inquiring about during the call to the public. Jean Root motioned to approve the May 17, 2007 special meeting minutes as amended. Dave Hamann seconded. **Motion Carried 5-0.**

May 22, 2007 Regular Meeting minutes

Dave Hamann motioned to approve the May 22, 2007 regular meeting minutes. Jean Root seconded. **Motion Carried 5-0.**

OLD BUSINESS

Premier Farms update – Planner to summarize the next stage of Planning

Commission review John Enos summarized his memo of June 13, 2007. This is the biggest project in Marion Township, possibly Livingston County and the review process will be thorough. The Planning Commission recommended approval of the conceptual plan and the Board of Trustees approved the conceptual. The next step is preliminary review. John Enos wants to be clear that any reviews done outside of meetings will include a Planning Commission members and a Board member. Marion Township should receive the preliminary plans within two months. There are standards to be met by the applicant and the preliminary plans will be reviewed by outside agencies, township consultants the Planning Commission and the Board of Trustees. Tonight the Planning Commission may want to discuss Private Roads widths with Mark Janeck. Mark Janeck told the Planning Commission members the next step is engineering plans. He has concerns regarding the money invested along with the time and effort to develop these plans. He wants to make certain the Planning Commission and Board of Trustees are in general acceptance with the plan. The layout may change slightly and he does not want the Planning Commission and Board of Trustees to request major changes after the preliminary engineering plans are finished. The density may change based on the width of the roads. Mark Janeck would like a road width of 28' from back of curb from back of curb. The Planning Commission members are concerned with a 28' private road. Will this include parking on one side of the street? There have been problems with Home Town Village of Marion and the narrow width of the road. Mark Janeck will include parking on one side of the road. Phil Westmoreland recommended a 32' private road with 28' of pavement, including curb and gutter the total will be 32'. Phil Westmoreland will call the

Howell Area Fire Authority and check to see if this is what they need for emergency vehicles. Debra Wiedman-Clawson asked Mark Janeck if he has seen the email from a resident on Emily Court, the resident is concerned with the density surrounding the Private Road Emily Court. The lots on Emily Court are 2 plus acres. Debra Wiedman-Clawson wants to make sure Mark Janeck is aware of this concern. Mark Janeck acknowledged, yes he is aware of the email. John Lowe asked if Mark Janeck would be available in the near future to walk the site and if the other Planning Commission members would find this helpful. The Board of Trustees can be a part of this. John Enos noted this will require publication of some sort and it will be a meeting open to the public. Mark Janeck and the Planning Commission members agreed to walk the site on Tuesday, July 10, 2007 starting at 6:00 p.m. and ending at 7:00 p.m. Everyone will meet at the intersection of Amos Road and Norton Road. Mark Janeck will send 15 sets of plans to Marion Township one week prior to the meeting. The Planning Commission members asked that he indicate on the plans where phase I will be.

NEW BUSINESS

Verizon request to co-locate on cell tower behind Marion Township Hall

John Lowe asked John Enos if he had any comments. John Enos stated this is straightforward and he has no comments. James L. Anderson asked the size of the antenna. David Antoun said 4' x 1' wide on a crows nest, there are 4 antennas on each side and three sides. James L. Anderson asked if they could match the antenna that is already on the tower. David Antoun said everyone's antennas are different. John Lowe noted the building is substantially larger than the existing AT&T cabinet. James L. Anderson asked if the diesel fuel in its own room, he is concerned with containment if there is a spill, does the structure have the volume area necessary. Phil Westmoreland and James L. Anderson went over the calculations and James L. Anderson was satisfied with the safety of the building and surrounding area. Jean Root motioned to give preliminary/final approval to Verizon to co-locate on the mono pole located behind Marion Township Hall. The Planning Commission has confirmed the total containment area in case of spills. Debra Wiedman Clawson seconded. **Roll Call: Debra Wiedman Clawson yes; Dave Hamann yes; Jean Root yes; James L. Anderson yes; John Lowe yes. Motion Carried 5-0.**

Resident request to review definition of Nuisance – Section 3.02

Jerry McClure, 3910 Cedar Lake Road; moved to a home on Cedar Lake Road a few years ago. He asked his realtor, the previous owner and someone at the Marion Township hall if the track on the 80 acres next to him is used as a motocross track. He was assured it was not. He asked again at the closing and was assured it was not. He found out it is and this is affecting his quality of life. The track is always in use by more than the two children who live with their parents on the property. The dust is so thick you cannot enjoy the outdoors in the summertime. You cannot barbeque; the food gets a layer of dust on it. The track isn't located by the property owners home and pool, it is located up against the neighbor's homes. He has spoke to the owner and did not get any sympathy. He is asking Marion Township to look at implementing a nuisance ordinance. Marlas Grieger, 3835 Cedar Lake Road; many residents near the track have their homes up for sale because of the track, noise and dust. Tammy Rabideau, 3776 Cedar Lake Road; a fire was started on her front porch the other night. She feels it is in retaliation for complaining to the owner of the track. John Lowe asked John Enos if there was anything in the Zoning Ordinance or General Ordinance that would address this. John Enos said this is part of the rural character yet there will be future growth and

Marion Township can look at how to enforce a tough issue. The options are to enact a civil infraction bureau, work on a zoning ordinance or general ordinance to address this. Marlas Grieger, 3835 Cedar Lake Road asked the Planning Commission what the next step should be. A previous civil suit the township knew of was discussed and the possibility of the Cedar Lake Road neighbors moving in that direction. A judge has a much bigger hammer than the township. The couple involved with the previous civil suit did not hire an attorney. They took times and dates along with a video to the judge and within two court sessions the problem was solved. Marlas Grieger, 3835 Cedar Lake Road; still wants the township to work on this, she cannot understand how one neighbor can affect so many people in a negative way, it isn't fair. Debra Wiedman Clawson is concerned if the township enacted a zoning ordinance it would not address a pre-existing condition. John Enos agreed a general ordinance would be retro active. Debra Wiedman Clawson also noted two other townships recently had the same issue; they took the homeowner to court and shut down the track. Annette McNamara will ask Mike Kehoe for direction on sending a notice of violation based on a definition for nuisance. Jean Root will draft a memo to the Board of Trustees and request their thoughts on a civil infraction bureau, the definition of nuisance and a general ordinance addressing nuisance. She will ask for their response in writing.

Proposed Amendment – Section 17.10 Wireless Communication Facilities

John Enos said the changes are based on discussion and concerns with the existing text. The Planning Commission members reviewed the proposed text and requested the following changes.

Page 1 of 7; Section B #1 - place a period after Rural Residential and the last sentence should read "The location of any WCA shall not exceed two hundred (200) feet in height unless:"

Page 2 of 7; Section B #7 - delete Planning Commission review and add text for administrative review along with criteria for that review.

Page 3 of 7; Section C 1 i - include contacting the Livingston County GIS to let them know of new structures or antennas.

Page 5 of 7; Section C 3 b second paragraph - add shall require propagation maps for all co-locators and all towers within Marion Township boundaries and 2 miles into contiguous communities.

Page 6 of 7; Section C 3 e #7 - include text to make applicant aware that a review and comment may be required by an independent radio frequency engineer.

Page 7 of 7; Section C 4 c #4 - delete number four in its entirety.

Page 7 of 7; C 5 - John Enos will provide text on bond for removal of tower to be renewed every five years.

Discussion ensued regarding a site plan review that has not been acted upon in the last eight months. The Planning Commission requested additional info and the applicant has yet to submit this material. Can a letter be sent to the applicant requesting they withdraw their application? Can the application be denied due to no submittals?

John Enos will discuss with Mike Kehoe the above possibilities and Annette McNamara will find out which zoning ordinance the applicant would have to follow if the text is amended prior to them building the mono pole.

The Planning Commission members reviewed the definitions John Enos provided for Wireless Communication Facilities and asked John Enos to pull out the best text and bring it back to the Planning Commission for the July 24, 2007 meeting.

Jean Root motioned to table section 17.10 Wireless Communication Facilities and the

definitions to the next regularly scheduled meeting. James L. Anderson seconded.

Motion Carried 5-0.

Proposed Amendment – Review of Definitions relating to lots

Jean Root motioned to table definitions relating to lots to the July 24, 2007 regular Planning Commission meeting. James L. Anderson seconded. **Motion Carried 5-0.**

Proposed Amendment – Section 8.03 B#5 & D#15 & Section 17.29 – Two

Family Dwelling Jean Root motioned to table Section 8.03 B #5 & D #15 and Section 17.29 Two Family Dwellings to the next regularly scheduled meeting. Dave Hamann seconded. **Motion Carried 5-0.**

Proposed Amendment – Section 6.31 – Family/Accessory Apartment

Jean Root motioned to table Section 6.31 Family/Accessory Apartment to the next regularly scheduled meeting. James L. Anderson seconded. **Motion Carried 5-0.**

Proposed Amendment – Article VII – Zoning Districts & Maps/Schedule of

Regulations Jean Root motioned to table Article VII Zoning Districts & Maps/Schedule of Regulations to the next regularly scheduled meeting. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

Proposed Amendment – Section 6.14 Home Occupations

Jean Root motioned to table Section 6.14 Home Occupations to the next regularly scheduled meeting. James L. Anderson seconded. **Motion Carried 5-0.**

Discussion on the cell tower at Parker High School

John Lowe addressed the letter from Rick Terres at Howell High School. John Lowe wants to pursue a Site Plan Review on the cell tower and sign proposed for the Parker High School. Debra Wiedman-Clawson noted if we did not send a letter within 60 days of being notified we cannot make that request. She asked the Planning Commission to request the Board of Trustees notify the school and did not get a response.

John Lowe wants to pursue it anyway. Annette McNamara will write a letter to Rick Terres asking for an appointment at his earliest convenience.

CALL TO THE PUBLIC

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

Jack Lowe closed the call to the public.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 10:10 p.m. Jean Root seconded.

Motion Carried 5-0.

SPECIAL/JOINT MEETING - JULY 10, 2007

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
DAVE HAMANN, CO-CHAIRPERSON
JEAN E. ROOT, SECRETARY
JAMES L. ANDERSON

MEMBERS ABSENT:

DEBRA WIEDMAN-CLAWSON (will meet Planning Commission on site)

OTHERS PRESENT:

ANNETTE MCNAMARA, ZONING ADMINISTRATOR
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT

CALL TO ORDER

John Lowe called the meeting to order at 5:53 p.m.

APPROVAL OF AGENDA

Dave Hamann motioned to approve the July 10, 2007 agenda as amended. Jean Root seconded. **Motion Carried 4-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. Debra Wiedman-Clawson was absent for this portion of the meeting and will meet the Planning Commission members on site.

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

NEW BUSINESS

No new business.

OLD BUSINESS

Premier Farms Walk Through

The Planning Commission members entered the bus and rode to the corner of Amos Road and Norton Road. Debra Wiedman-Clawson, Mark Janeck, Jim Barnwell, a writer & photographer from the Livingston County Press joined the group. Mark Janeck gave a synopsis of Premier Farms Phase I. He noted the intersection would be open to retain the rural character. The group went north on Amos Road, Mark Janeck showed the group where the senior housing would be located east of Amos Road and north of Norton Road, there will be a wetland detention along the corner between the road and the housing. On the west side of Amos Road and north of Norton Road there will be multi-family housing and there will be recreation field buffering the development from the road. Further north on the west side of Amos Road there will be additional multi-family housing. Beyond to the west will be open space area. Amos Road will be improved and the trees along the east side of Amos Road will remain. The bus turned around and went south on Amos Road, making a left at Norton Road (going east) then a right on Cedar Lake Road (going south). Mark Janeck noted a 200' wide detention pond will separate the housing from Cedar Lake Road. There will be a walking path along Cedar Lake Road. An intersection will be created on the west side of Cedar Lake Road across the road from the abandoned farm houses. The bus turned left onto Emily Court. Mark Janeck showed the area to the south of Emily Court for multi-family dwellings, at the easterly end of Emily Court will be 2 acre plus lots and to the north will be multi-family housing. There will be an active recreation area to the north of Emily Court and a walking path that will run from the southern corner of Emily Court and Cedar Lake Road to the east, then along the north side of Emily Court up to the recreation area. The bus left Emily Court and proceeded north on Cedar Lake Road, turning left onto Norton Road. Mark Janeck said the trees along the north and south side of Norton Road will remain and the road will be improved up to Pingree Road. The bus continued south on Pingree Road to the Radio Control Club driveway. The bus turned left onto the driveway and went east to the interior of the site. About a quarter mile into the site the bus stopped and the group exited the bus to view the 100 plus acres of open space. There will be walking paths and active recreation in the open space. The group left the site and proceeded to the corner of Amos Road and Norton Road, then up the farm lane to one of the highest points of the site. The tour was over and the group went back to Marion Township Hall to close the meeting.

CALL TO THE PUBLIC

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

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 7:30 p.m. Jean Root seconded.
Motion Carried 4-0.

REGULAR MEETING - JULY 24, 2007

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
DAVE HAMANN, CO-CHAIRPERSON
JEAN ROOT, SECRETARY

MEMBERS ABSENT:

JAMES A. ANDERSON, DEBRA WIEDMAN-CLAWSON

OTHERS PRESENT:

ANNETTE MCNAMARA, ZONING ADMINISTRATOR
JOHN ENOS, CARLISLE/WORTMAN
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
ROBERT W. HANVEY, SUPERVISOR
LES ANDERSEN, TRUSTEE

CALL TO ORDER

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

APPROVAL OF AGENDA

Annette McNamara asked to have the Premier Farms walk-through added to the agenda. She asked the Planning Commission members to relay information from the walk through to John Enos. Dave Hamann motioned to approve the July 24, 2007 regular meeting agenda as amended. Jean Root seconded. **Motion Carried 3-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. Debra Wiedman-Clawson and James L. Anderson 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

June 26, 2007 Public Hearing minutes

Dave Hamann motioned to approve the June 26, 2007 public hearing minutes. Jean Root seconded. **Motion Carried 3-0.**

June 26, 2007 Regular Meeting minutes

Dave Hamann motioned to approve the June 26, 2007 regular meeting minutes. Jean Root seconded. **Motion Carried 3-0.**

July 10, 2007 Special/Joint Meeting minutes

Dave Hamann motioned to approve the July 10, 2007 joint meeting minutes. Jean Root seconded. **Motion Carried 3-0.**

OLD BUSINESS

Fox Meadows Site Plan Amendment

Chris Grzemkowicz, Desine Inc, presented the request to eliminate the 5' wide sidewalks along one side of Fox Meadows Court. The developer would like to put 4' wide sidewalks on both sides of Fox Meadows Court. He noted the Orchard, Hiltz & McCliment, Inc. review letter brought up American Disability Act (ADA) compliance, a site condominium on private road does not have to meet ADA requirements. The current owner/developer

realized the previous owner allowed 4' wide sidewalks to be installed on one side of the road; and he is trying to remedy the situation by proposing 4' wide sidewalks on both sides of the road. Phil Westmoreland said ADA requirements for 5' wide sidewalks are open to interpretation, he asked are a private parking lot required to have handicap parking. Orchard, Hiltz & McCliment, Inc. is recommending 5' wide sidewalks or the developer can indemnify Marion Township from all lawsuits. These would be issues to discuss with Mike Kehoe, Township Attorney. John Lowe noted Marion Township can say no sidewalks at all. John Enos said he is OK with 4' wide sidewalks and he noted the ADA issue in his review letter. Jean Root motioned to approve the amended Fox Meadows site plan, print date 6-29-07, received date of 7-3-07, with the following conditions; the applicant provide a signed waiver or a detail on the site plan indemnifying Marion Township from ADA compliance liability. Dave Hamann seconded.

**Roll Call; Jean Root yes; Dave Hamann yes; John Lowe yes;
Motion Carried 3-0.**

Premier Farms Walk through Update

The Planning Commission would like John Enos to be aware of changes requested at the July 10, 2007 walk through.

- 1) The 35' setback on the north side of Norton Road be increased to 70'
- 2) Buffering requirement be observed along the south side of Norton Road
- 3) Buffering requirement be observed along the north side of Emily Court
- 4) Mark Janeck agreed to relocate apartments along the south side of Emily Court and replace with townhouses

The Planning Commission members have concerns regarding the following items.

- 1) How will the master homeowner association and the smaller homeowners associations work?
- 2) Will there be one association to take care of common areas and roads?
- 3) Should a Special Assessment District be set up to repair roads damaged from construction equipment from the beginning or require the developer to submit a letter of credit or bond.
- 4) Will outside agencies, local and state, be attending the Planning Commission meetings to discuss site plan issues or will they submit comments.
- 5) Planning Commission feels they have too many questions to address in one preliminary review.
- 6) When you have an overlay and don't rezone each area as planned unit development you cannot ask for off site improvements. John Enos is not certain he agrees with this.

Les Andersen said he spoke with Mike Crain at the Livingston County Road Commission and Mike Crain wants 1 year to complete a traffic study, then the Livingston County Road Commission will be satisfied. Mike Crain has concerns Burkhart Road and the I-96 interchange cannot handle the traffic. John Enos wants Marion Township to partner with state and local agencies; the plan approval is contingent on outside agency review and comment.

Proposed Amendment – Section 8.04 E #3 – ERS Yard Set Back Requirements
Proposed Amendment – Section 3.02 Figure 3-9 ERS Rear Yard Requirements
diagram The Planning Commission members are satisfied with the amendments.

Jean Root motioned to send Section 8.04 E #3 ERS Yard Set Back Requirements dated May 17, 2007 and Section 3.02 figure 3-9 ERS Rear Yard Requirements dated 5-17-07 to the Board of Trustees for review. If there are no requests for changes, send to the

Livingston County Department of Planning for review and comment. Dave Hamann seconded. **Motion Carried 3-0.**

Proposed Amendment – Section 17.10 Wireless Communication Facilities

John Enos noted the shaded areas are amended text the Planning Commission requested. Mike Kehoe has reviewed the proposed language and approves. John Lowe asked if they should make an exception on the three mile distance in the Highway Service District. John Enos said the applicant could look at a dimensional variance.

The Planning Commission members would like the following changes made to the document.

- 1) Page 1 of 8 Section A #5 - add adverse prior to the word effects
- 2) Page 3 of 8 Section C 1 f - the first sentence should read ' The WCSF shall meet all requirements of the zoning district in which it is located.'
- 3) Page 3 of 8 Section C 1 h - the sentence should read 'The construction of the WCSF shall be of monopole design.'
- 4) Page 3 of 8 Section C 1 l - delete the last sentence
- 5) Page 4 of 8 Section C 1 p - place 'approved by the Planning Commission' after the word justification
- 6) Page 5 of 8 Section C 3 d (1) - should read 'The WCSF shall not exceed two hundred (200) feet in height.'
- 7) Page 7 of 8 Section C 5 - the shaded section should read 'as required by Section C 3 e (4)'

Proposed Amendment – Section 3.02 Definitions for Wireless Communication Facilities

- 1) Keep current definition of Wireless Communication Tower and remove skeleton framework
- 2) Keep current definition of Wireless Communication Antenna
- 3) Keep current definition of Wireless Communication Facilities and add items #1, #2 and #3

Jean Root motioned to hold a public hearing for Section 17.10 Wireless Communication Facilities on August 28, 2007 @ 7:15pm. Dave Hamann seconded. **Motion Carried 3-0**

Jean Root motioned to hold a public hearing for Section 3.02 Definitions for Wireless Communication Facilities on August 28, 2007 @ 7:15 p.m. Dave Hamann seconded.

Motion Carried 3-0.

Proposed Amendment – Section 6.20 – New Private Roads Serving Single-Family, Multiple-Family and Commercial Developments

The Planning Commission members reviewed and discussed the comments from the Livingston County Department of Planning. All agreed to keep the text as is and not follow the Livingston County Department of Planning recommendations. Dave Hamann told the Planning Commission members the Board of Trustees is working on a Private Road General Ordinance. He summarized the history of Section 6.20 and the creation of a General Ordinance. His opinion is to keep the General Ordinance as originally intended, for the Board of Trustees to enforce. Now with the tie between the land division and zoning, he feels it has turned back to a zoning issue. The township attorney insists on land division text in the General Ordinance. The Planning Commission will wait until Thursday night to see what the Board of Trustees wants. Mr. Hanvey said to take a paragraph out of the Land Division General Ordinance, the paragraph that allows splits with the possibility of access. How will the review of a deteriorating road be triggered without a land division?

Discussion ensued on deteriorating private roads. Jean Root motioned to send Section 6.20 New Private Roads Serving Single-Family, Multiple-Family and Commercial Developments to the Board of Trustees. After reviewing the Livingston County Department of Planning comments no changes have been made. The Planning Commission wants the Board of Trustees to review and approve as submitted. Dave Hamann seconded. **Motion Carried 3-0.**

Proposed Amendment – Section 3.02 – Figure 3-8 Cul-de-sac Front Yard Set Back Diagram Jean Root motioned to send Section 3.02 – Figure 3-8 Cul-de-sac Front Yard Set Back Diagram to the Board of Trustees for review and approval. Dave Hamann seconded. **Motion Carried 3-0.**

Proposed Amendment – Section 6.19 B – Lots to Have Access Jean Root motioned to send Section 6.19 B Lots to Have Access to the Board of Trustees for review and approval. Dave Hamann seconded. **Motion Carried 3-0.**

Proposed Amendment – Article VII – Zoning Districts & Maps/Schedule of Regulations John Enos suggested another public hearing, due to the changes since the last public hearing. Jean Root motioned to hold a public hearing on Article VII – Zoning Districts & Maps/Schedule of Regulations to include the changes to the Schedule of Regulations, on August 28, 2007 @ 7:15 p.m. Dave Hamann seconded. **Motion Carried 3-0.**

Proposed Amendment – Section 6.14 Home Occupations John Enos said the Planning Commission is comfortable with Class I and Class II will need Special Use Permit language. Jean Root motioned to table this agenda item until John Enos requests review by the Planning Commission. Dave Hamann seconded. **Motion Carried 3-0.**

Proposed Amendment – Section 8.03 B#5 & D#15 & Section 17.29 – Two Family Dwelling Jean Root motioned to hold a public hearing on Section 8.03 B#5 & D#15 on August 28, 2007 @ 7:15 p.m. Dave Hamann seconded. **Motion Carried 3-0.** Jean Root motioned to hold a public hearing on Section 17.29 – Two Family Dwelling on August 28, 2007 @ 7:15 p.m. Dave Hamann seconded. **Motion Carried 3-0.**

Proposed Amendment – Section 6.31 – Family/Accessory Apartment Jean Root asked John Enos to amend Section A #6 to read 'the primary residence and the family accessory apartment must share common water and septic, approved by the Livingston County Department of Public Health, and electric facilities. Also in the definition delete the word dwelling and replace with residence. Jean Root motioned to hold a public hearing on Section 6.31 – Family/Accessory Apartment on August 28, 2007 @ 7:15 p.m. Dave Hamann seconded. **Motion Carried 3-0.**

Jean Root motioned to hold a public hearing on Section 3.02 definition of Family/Accessory Apartment on August 28, 2007 @ 7:15 p.m. Dave Hamann seconded. **Motion Carried 3-0.**

Proposed Amendment – Review of Definitions relating to lots

John Enos noted that Mike Kehoe has reviewed the definition and approves. Jean Root motioned to table Section 3.02 Definitions relating to Lots to the August 28, 2007 meeting. Dave Hamann seconded. **Motion carried 3-0.**

Proposed Amendment – Section 4.03 E – add final inspection to receive Certificate of Compliance Dave Hamann asked Annette McNamara how many inspection she did on a land use permit. Annette McNamara said three. The Planning Commission discussed the difficulty measuring with undulating topography and other obstacles. They would like to require a foundation survey if a structure is within 5 feet of a setback. John Enos said he was going to look at language other communities' uses

and did not get a chance to do that. Phil Westmoreland said the requirement for a foundation survey could be made an internal administrative policy, instead of putting the language in the zoning ordinance. Annette McNamara can put the requirement for a sealed survey as built of foundation in the land use permit package so the builders will know this upfront. John Enos and Annette McNamara will work on this together. Jean Root motioned to table Section 4.03 E to the September 25, 2007 meeting, with changes made by John Enos and submitted for the meeting. Dave Hamann seconded.

Motion carried 3-0.

Proposed Amendment – Section 8.01 D 2 – Rural Residential Private Stables

The Planning Commission members agreed to table this agenda item until Debra Wiedman-Clawson is present. Jean Root motioned to table this agenda item to the August 28, 2007 meeting. Dave Hamann seconded. **Motion carried 3-0.**

Proposed Amendment – Section 8.02 D 1 – Suburban Residential Private Stables

The Planning Commission members agreed to table this agenda item until Debra Wiedman-Clawson is present. Jean Root motioned to table this agenda item to the August 28, 2007 meeting. Dave Hamann seconded. **Motion carried 3-0.**

Proposed Amendment – Section 3.02 Definition of Pens, Corrals & Pasture & Fence discussion

The Planning Commission members agreed to table this agenda item until Debra Wiedman-Clawson is present. Jean Root motioned to table this agenda item to the August 28, 2007 meeting. Dave Hamann seconded. **Motion carried 3-0.**

Proposed Amendment – Section 3.02 Definition of Easement

John Lowe prefers to keep the definition of easement and definition of utility easement separate, not blended. Jean Root motioned to hold a public hearing for Section 3.02 Definition of Easement on August 28, 2007 @ 7:15 p.m. Dave Hamann seconded.

Motion carried 3-0.

CALL TO THE PUBLIC

John Lowe opened the call to the public.

Nuisance questions for Mike Kehoe

Jean Root asked the Planning Commission members if they were comfortable with Mike Kehoe response to the nuisance question. The Planning Commission agreed to add this to the August 28, 2007 meeting agenda with the Board of Trustees response.

Parker High School Cell Tower

The Planning Commission members reviewed the site plan sent over by Rick Terres, Howell Public Schools, showing the new location of the cell tower. Mr. Hanvey asked if they need a land use permit to erect the tower. John Enos answered no. If other providers want to collocate on the tower, they will require a site plan review by the Planning Commission (under the current text) and a land use permit. Everyone believes the text will be amended by that time and an administrative review by the Zoning Administrator will be the requirement, and a land use permit. Jean Root motioned for Annette McNamara to draft a letter to Rick Terres, Howell Public Schools thanking him for his cooperation in relocating the cell tower. If necessary, Annette McNamara will grant a land use permit for providers collocating on the tower. Mr. Hanvey asked the Planning Commission members if the Parker High School property should be rezoned from Suburban Residential to Public Lands District. The Planning Commission members will look into this. Jack Lowe closed the call to the public.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 10:10 p.m. Jean Root seconded.

Motion Carried 3-0.

PUBLIC HEARING - AUGUST 28, 2007

MEMBERS PRESENT: JOHN LOWE, CHAIRPERSON
DAVE HAMANN, CO-CHAIRPERSON
JEAN E. ROOT, SECRETARY
JAMES L. ANDERSON, DEBRA WIEDMAN-CLAWSON

MEMBERS ABSENT: NONE

OTHERS PRESENT: ANNETTE MCNAMARA, ZONING ADMINISTRATOR
JOHN ENOS, CARLISLE/WORTMAN
ROBERT W. HANVEY, SUPERVISOR
LES ANDERSON, TRUSTEE

CALL TO ORDER

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

APPROVAL OF AGENDA

Jean Root asked to have the agenda items arranged so the definitions are discussed with the corresponding Sections. Jean Root motioned to approve the August 28, 2007 public hearing agenda as amended. Dave Hamann 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.

Jack Lowe closed the call to the public.

APPROVAL OF MINUTES

No minutes to approve.

OLD BUSINESS

Proposed Amendment – Section 17.10 Wireless Communication Facilities

John Enos summarized the amendments. The setback requirements were increased along with the distance between towers. Collocations will be approved administratively.

Jack Lowe asked John Enos to summarize the amendments.

John Lowe opened the call to the public.

Steve Merline 91 Cranbrook; asked if the questions regarding the T-Mobile application had been answered.

John Enos responded; the applicant cannot be denied due to lack of information submitted if applicant is aware of what information Marion Township is requesting.

John Lowe closed the call to the public.

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

Jean Root asked to have the dates on the definitions updated.

James L. Anderson asked if T-Mobile would have to meet the requirements of the new language. John Enos answered; yes, they do not have a vested right until construction starts. If they return they will have to follow the new language.

Jean Root motioned to place this on the September 25, 2007 regular meeting agenda.

James L. Anderson seconded. **Motion carried 5-0.**

Proposed Amendment – Section 3.02 Definition of Wireless Communication

Facilities John Lowe opened the call to the public. No response. John Lowe closed the call to the public. John Lowe asked the Planning Commission members if they had any comments. There was no response. Jean Root motioned to place this on the September 25, 2007 regular meeting agenda. James L. Anderson seconded. **Motion carried 5-0.**

Proposed Amendment – Article VII – Zoning Districts & Maps/Schedule of Regulations John Lowe opened the call to the public. No response. John Lowe closed the call to the public. John Lowe asked the Planning Commission members if they had any comments. There was no response. Jean Root motioned to place this on the September 25, 2007 regular meeting agenda. Debra Wiedman-Clawson seconded. **Motion carried 5-0.**

Proposed Amendment – Section 8.03 B#5 & D#15 & Section 17.29 – Two Family Dwelling John Lowe asked John Enos to summarize the changes. John Enos said this use was taken out of the special use category and will be a use permitted by right. John Lowe opened the call to the public. No response. John Lowe closed the call to the public. John Lowe asked the Planning Commission members if they had any comments. There was no response. Jean Root motioned to place this on the September 25, 2007 regular meeting agenda. James L. Anderson seconded. **Motion carried 5-0.**

Proposed Amendment – Section 6.30 – Family/Accessory Apartment John Lowe asked John Enos to summarize the changes. John Enos commended the Planning Commission on this language; he believes we are the first in the county to adopt this type of zoning ordinance. John Lowe opened the call to the public. No response. John Lowe closed the call to the public. John Lowe asked the Planning Commission members if they had any comments. Jean Root asked to have the section number changed to Section 6.31. Jean Root motioned to place this on the September 25, 2007 regular meeting agenda. James L. Anderson seconded. **Motion carried 5-0.**

Proposed Amendment – Section 3.02 Definition of Family/Accessory Apartment John Lowe opened the call to the public. No response. John Lowe closed the call to the public. John Lowe asked the Planning Commission members if they had any comments. There was no response. Jean Root motioned to place this on the September 25, 2007 regular meeting agenda. Dave Hamann seconded. **Motion carried 5-0.**

Proposed Amendment – Section 3.02 Definition of Easement John Lowe asked John Enos to summarize the changes. John Enos said this is to clarify a easement verses a utility easement. John Lowe opened the call to the public. No response. John Lowe closed the call to the public. John Lowe asked the Planning Commission members if they had any comments. There was no response. Jean Root motioned to place this on the September 25, 2007 regular meeting agenda. James L. Anderson seconded. **Motion carried 5-0.**

NEW BUSINESS

No new business.

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 7:37 p.m. James L. Anderson seconded. **Motion Carried 5-0.**

REGULAR MEETING - SEPTEMBER 25, 2007

MEMBERS PRESENT: JOHN LOWE, CHAIRPERSON
DAVE HAMANN, CO-CHAIRPERSON
JEAN ROOT, SECRETARY
DEBRA WIEDMAN-CLAWSON

MEMBERS ABSENT: JAMES L. ANDERSON
OTHERS PRESENT: ANNETTE MCNAMARA, ZONING ADMINISTRATOR
JOHN ENOS, CARLISLE/WORTMAN
ROBERT W. HANVEY, SUPERVISOR
LES ANDERSEN, TRUSTEE

CALL TO ORDER

John Lowe called the meeting to order at 7:41 p.m.

APPROVAL OF AGENDA

Dave Hamann motioned to approve the September 25, 2007 regular meeting agenda. Jean Root seconded. **Motion Carried 4-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. James L. Anderson was 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

August 28, 2007 Public Hearing minutes

Dave Hamann motioned to approve the August 28, 2007 public hearing minutes. Debra Wiedman-Clawson seconded. **Motion Carried 4-0.**

August 28, 2007 Regular Meeting minutes

Dave Hamann motioned to approve the August 28, 2007 regular meeting minutes. Debra Wiedman-Clawson seconded. **Motion Carried 4-0.**

OLD BUSINESS

Lucy Road, LLC Site Plan Review

John Lowe asked John Enos to comment. John Enos stated the application is for a contractor storage yard, there are a few design issues, yet he does not want to spend time on them. During his initial analysis he commented on environmental performance standards and that contractor storage yard as defined in the Zoning Ordinance is singular, not plural. He continued by paraphrasing a memo recommending denial that he wrote for the Planning Commission which he handed out to them tonight. This parcel is located in the Wellhead Protection Overlay Zone. Contractor Storage Yards are a use prohibited due to hazardous waste, thus he is recommending denial. The Planning Commission can table this agenda item for further research.

Attorney for the applicant said the applicant was told his submittal was satisfactory. He also wants to know if there are any other issues they need to address before coming back in front of the Planning Commission. John Lowe commented it may be a mute point if they can't get by the wellhead protection issue. John Enos suggested making an application to the Zoning Board of Appeals for an interpretation of contractor storage yard, singular or plural. The applicant's attorney would need to discuss the wellhead protection issue with Mike Kehoe, Township Attorney. Applicants Attorney asked if they get through the wellhead protection issue, can they get a laundry list and be placed on the October agenda. John Enos answered yes. Jean Root motioned to table the site plan for Lucy Road, LLC tax ID#4710-01-200-024, proposed contractor storage yard until the applicant request to be placed on an agenda. Dave Hamann seconded.

Motion carried 4-0.

Marion Pines Court Private Road Site Plan Review

Mark Hiller, Livingston Engineering summarized the project. This will be a gravel private road with a paved approach. The approach has been approved by the Livingston County Road Commission and the name was approved and reserved. The private road will serve five lots ranging from 3 to 11 acres. The lots will be served by well and individual septic systems; he understands this is in the sewer and water district, yet he is hoping the Planning Commission will agree with this decision. He addressed the concerns in the Carlisle/Wortman Associates, Inc. review letter. They will increase the 67' setback along Mason Road to 70' and provide topography for the entire site. For marketability they will preserve all the trees they possibly can. The existing house on lot #4 will remain and can be used for a craft/workshop, if the buyer wants it removed then it will be removed. Debra Wiedman-Clawson asked if the house on lot #4 is connected to a well and septic system. Mark Hiller answered no. He then addressed Orchard, Hiltz & McCliment, Inc. review and comment letter. There is substantial screening along Mason Road and they shouldn't be required to add more. A private road maintenance agreement will be submitted for final review. He will correct the reference to different municipalities on the plans, again the client requesting the sites be served by individual well and septic systems. The water from the site will outlet onto the east side of the site. John Lowe asked about overflow from a 17' drop. Mark Hiller answered they will piggyback overflow to outlet pipe; the soil type is prone to erosion. John Lowe asked the applicant to have the site perked before they come for final review and amend the plans accordingly. Debra Wiedman-Clawson asked to have the remainder of the shared driveway abandoned. John Lowe is concerned with revisions to the detention basin and overall site plan; he wants to make sure the Livingston County Road Commission and Livingston County Drain Commission are satisfied. The Planning Commission wants to see the easement agreement for the drainage district. Jean Root motioned to grant preliminary approval for Marion Pines Court Private Road tax ID# 4710-04-200-013 & 4710-03-100-064 with the following conditions.

- 1) Carlisle/Wortman Associates, Inc. review letter dated 8-16-07
- 2) Orchard, Hiltz & McCliment, Inc. review letter dated 8-20-07
- 3) Livingston County Road Commission review letter dated 8-10-07
- 4) Howell Area Fire Authority review letter dated 8-16-07
- 5) Applicant agrees to abandon shared driveway
- 6) Clarify detention easement & provide paperwork at final review

Debra Wiedman-Clawson seconded.

Roll Call; Jean Root yes; Dave Hamann yes; John Lowe yes; James L. Anderson yes; Debra Wiedman-Clawson yes. Motion Carried 5-0.

Review Board of Trustees response definition of Nuisance – Section 3.02

John Lowe read memo from the Board of Trustees and asked John Enos if he had any comments. John Enos said nuisance ordinances are not successful in rural communities. A motocross track that is a commercial use or if they are using the track after dark are issues that can be addressed. Les Andersen is willing to mediate along with Mr. Hanvey if Mr. McClure continues to have problems. Mr. McClure said things have been better. Kelly Hansen, 100 Lucy Road; Mr. Lover has been working at night can that be taken care of? John Enos answered; Mr. Lover is running a commercial operation and that is different. Discussion ensued. Mr. McClure thanked the Planning Commission members and the Marion Township staff for all their help.

Proposed Amendment – Review of Definitions relating to lots

John Lowe asked John Enos to summarize the amendments. John Enos said these

definitions are an attempt to tie the Land Division General Ordinance and Zoning Ordinance definitions together. Jean Root motioned to hold a public hearing on September 25, 2007 @ 7:15 for Section 3.02 Definition of Lots. Dave Hamann seconded. **Motion carried 5-0.**

Proposed Amendment – Section 8.01 D 2 – Rural Residential Private Stables
Proposed Amendment – Section 8.02 D 1 – Suburban Residential Private Stables
Proposed Amendment – Section 3.02 Definition of Pens, Corrals & Pasture & Fence discussion

John Enos informed the Planning Commissioners the language submitted is for discussion purposes, the number of horses allowed in Suburban Residential will be limited to six. Debra Wiedman-Clawson noted in Suburban Residential there are a limited number of lots with enough acreage to accommodate six horses. She would like to see a limit of four. John Lowe wants the set back from the lot line increased from 35', the Livingston County Health Departments requires more than 75' from a house. Planning Commission wants to know why there is a limit on the number of horses if the property owner has the acreage. Discussion ensued and the Planning Commission members agreed to three acres for the first horse and then go by the animal units per acre in the Rural Residential District. Annette McNamara and John Enos will research the Michigan State University website and the State of Michigan Department of Agriculture website for information to incorporate into the language.

Annette McNamara did not include the definitions for pens, corrals, pastures and fencing. She will include these in the September 25, 2007 package. Dave Hamann motioned to table this agenda item to the September 25, 2007 meeting. James L. Anderson seconded. **Motion carried 5-0.**

CALL TO THE PUBLIC

John Lowe opened the call to the public.

Chestnut Lawsuit

Mr. Hanvey gave the Planning Commission an update on the Chestnut Lawsuit.

Premier Farms

Annette McNamara told the Planning Commissioners that Mark Janeck will come to Marion Township for a meeting on Wednesday, September 5, 2007 at 11:00 a.m. and she would like Dave Hamann and John Lowe to attend. John Enos, Carlisle/Wortman Associates, Inc. and Phil Westmoreland, Orchard, Hiltz & McCliment, Inc. will attend the meeting along with a few of the Board of Trustees members at this time it is not a formal meeting as there will not be a quorum of either boards. This is for informational purposes only, no decisions will be made. Jack Lowe closed the call to the public.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 9:40 p.m. Jean Root seconded.

Motion Carried 5-0.

PUBLIC HEARING - SEPTEMBER 25, 2007

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
DAVE HAMANN, CO-CHAIRPERSON
JEAN E. ROOT, SECRETARY
DEBRA WIEDMAN-CLAWSON

MEMBERS ABSENT:

JAMES L. ANDERSON

OTHERS PRESENT:

ANNETTE MCNAMARA, ZONING ADMINISTRATOR

JOHN ENOS, CARLISLE/WORTMAN
ROBERT W. HANVEY, SUPERVISOR
LES ANDERSON, TRUSTEE

CALL TO ORDER

Jack Lowe called the meeting to order at 7:17 p.m.

APPROVAL OF AGENDA

Dave Hamann motioned to approve the September 25, 2007 public hearing agenda.

Jean Root seconded. **Motion Carried 4-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. James L. Anderson was absent

CALL TO THE PUBLIC

John Lowe opened the call to the public. Mr. Hanvey asked if the definition of lot on page 1 of 4 relates to plats only. John Enos answered yes it is tied into the recorded plat. Mr. Hanvey asked if the flag lot definition on page 2 of 4 applies to platted subdivisions only.

John Enos answered no, and the text will be corrected. Mr. Hanvey asked about the definition of lot of record on page 3 of 4 and the words "under single ownership or control", what does control mean. Also, the words "effective date of this ordinance" No one had an answer at this time. John Enos agreed to contact Mike Kehoe to find the answer. Jean Root noted the definitions were taken from the Subdivision Control Act in an attempt to be consistent. Charles Musson asked if you can divide a lot in a platted subdivision. John Enos answered yes.

Jean Root noted the Board of Trustees will have a chance to review the proposed language before the Livingston County Department of Planning makes their review and comment. Jack Lowe closed the call to the public.

APPROVAL OF MINUTES

No minutes to approve.

OLD BUSINESS

Proposed Amendment –Definitions relating to lots

John Enos summarized the amendment. It is to update the zoning ordinance and get closer to legally defensible. These definitions apply to all land uses, metes and bounds, plats and site condominiums. John Lowe opened the call to the public.

Comments were heard in the first call to the public. John Lowe closed the call to the public. John Lowe asked the Planning Commission members if they had any comments. The Planning Commission members had no further comments.

NEW BUSINESS

No new business.

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 7:40 p.m. Jean Root seconded.

Motion Carried 4-0.

REGULAR MEETING - SEPTEMBER 25, 2007

MEMBERS PRESENT: JOHN LOWE, CHAIRPERSON

DAVE HAMANN, CO-CHAIRPERSON
JEAN ROOT, SECRETARY
DEBRA WIEDMAN-CLAWSON
JAMES L. ANDERSON
ANNETTE MCNAMARA, ZONING ADMINISTRATOR
JOHN ENOS, CARLISLE/WORTMAN
ROBERT W. HANVEY, SUPERVISOR
LES ANDERSEN, TRUSTEE

MEMBERS ABSENT:
OTHERS PRESENT:

CALL TO ORDER

John Lowe called the meeting to order at 7:41 p.m.

APPROVAL OF AGENDA

Dave Hamann motioned to approve the September 25, 2007 regular meeting agenda. Jean Root seconded. **Motion Carried 4-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. James L. Anderson was 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

August 28, 2007 Public Hearing minutes

Dave Hamann motioned to approve the August 28, 2007 public hearing minutes. Debra Wiedman-Clawson seconded. **Motion Carried 4-0.**

August 28, 2007 Regular Meeting minutes

Dave Hamann motioned to approve the August 28, 2007 regular meeting minutes. Debra Wiedman-Clawson seconded. **Motion Carried 4-0.**

OLD BUSINESS

Lucy Road, LLC Site Plan Review

John Lowe asked John Enos to comment. John Enos stated the application is for a contractor storage yards. This is a use permitted by right in the Highway Service District. There are a few design issues, yet he does not want to spend time on them tonight. During his initial analysis he commented on environmental performance standards and that contractor storage yards as listed in Article IX is singular, not plural. He continued by paraphrasing a memo recommending denial that he wrote for the Planning Commission. He handed the memo out to Planning Commission members tonight. This parcel is located in the Wellhead Protection Overlay Zone. Contractor Storage Yards are a use prohibited due to hazardous waste, thus he is recommending denial. The Planning Commission can table this agenda item for further research. Attorney for the applicant said the applicant was told his submittal was satisfactory. He also wants to know if there are any other issues they need to address before coming back in front of the Planning Commission. John Lowe commented it may not be necessary if they can't get by the wellhead protection issue. John Enos suggested making an application to the Zoning Board of Appeals for an interpretation of contractor storage yards, is it singular or plural. The applicant's attorney would need to discuss the wellhead protection issue with Mike Kehoe, Township Attorney. Applicants Attorney asked if they get through the wellhead protection issue, can they get a laundry list and be placed on the October agenda. John Enos answered yes.

Jean Root motioned to table the site plan for Lucy Road, LLC tax ID#4710-01-200-024, proposed contractor storage yard until the applicant requests to be placed on an agenda. Dave Hamann seconded. **Motion carried 4-0.**

Proposed Amendment – Section 17.10 Wireless Communication Facilities

John Enos summarized the proposed amendments and feels they are reasonable and ready to go to the Board of Trustees for review and comment. Jean Root asked if the Planning Commission can set a limit on how long an application can be put on hold. John Enos said a deadline for no activity? He will ask Mike Kehoe if a limit can be included in the text, say six months, on any site plan for that matter. This would be placed in Article XVIII, Article XX, Article IV and Article III. Debra Wiedman-Clawson and Annette McNamara will review Zoning Ordinance for placement. Jean Root motioned to send Section 17.10 Wireless Communication Facilities dated 7-24-07 to the Board of Trustees for review and comment, and then back to the Planning Commission. Debra Wiedman-Clawson seconded. **Motion carried 4-0.**

Proposed Amendment – Section 3.02 Definition of Wireless Communication Facilities

John Enos noted the three definitions have additional detail. Jean Root motioned to send Section 3.02 Wireless Communication Facilities definitions dated 7-24-07 to the Board of Trustees for review and comment, and then back to the Planning Commission. Debra Wiedman-Clawson seconded. **Motion carried 4-0.**

Proposed Amendment – Section 6.30 – Family/Accessory Apartment

John Enos noted this text allows for the retrofitting of a single family home for an additional residence for a family member. Jean Root motioned to send Section 6.30 Family/Accessory Apartment dated 7-24-07 to the Board of Trustees for review and comment, and then back to the Planning Commission. Debra Wiedman-Clawson seconded. **Motion carried 4-0.**

Proposed Amendment – Section 3.02 Definition of Family/Accessory

Apartment Jean Root motioned to send Section 6.30 Family/Accessory Apartment dated 7-24-07 to the Board of Trustees for review and comment, and then back to the Planning Commission. Dave Hamann seconded. **Motion carried 4-0.**

Proposed Amendment – Article VII – Zoning Districts & Maps/Schedule of Regulations

John Enos noted these amendments were for house keeping purposes. Jean Root motioned to send Article VII Zoning Districts & Maps dated 4-24-07 and the Schedule of Regulations dated 5-22-07 to the Board of Trustees for review and comment, then back to the Planning Commission. Debra Wiedman-Clawson seconded. **Motion carried 4-0.**

Proposed Amendment – Section 8.03 B#5 & D#15 & Section 17.29 – Two

Family Dwelling John Enos noted these amendments were suggested by Mike Kehoe, Township Attorney. Changing Two Family Dwellings from a use permitted with a special use permit to a use permitted by right. Jean Root motioned to send Section 8.03 B#5, D#15 and Section 17.29 dated 5-17-07 to the Board of Trustees for review and comment, then back to the Planning Commission. Dave Hamann seconded. **Motion carried 4-0.**

Proposed Amendment – Section 3.02 Definition of Easement

John Enos summarized the proposed amendment, separating the definition of an easement from a utility easement. Jean Root motioned to send Section 3.02 definition of utility easement dated 7-24-07 to the Board of Trustees for review and comment, then back to the Planning Commission. Dave Hamann seconded. Charles Musson, 333; Triangle Lake Road; asked what legal right meant in the definition. John Enos explained

utility companies have the legal right to place their utilities within the easement. Discussion ensued on the ability to enforce. The Planning Commission members agreed to add recorded to the text. Jean Root amended her previous motion to add recorded to the text and send Section 3.02 Utility Easement definition dated 7-24-07 to the Board of Trustees for review and comment, then back to the Planning Commission. Debra Wiedman-Clawson seconded. **Motion carried 4-0.**

Proposed Amendment – Section 8.01 D 2 – Rural Residential Private Stables

Proposed Amendment – Section 8.02 D 1 – Suburban Residential Private Stables John Enos summarized the proposed text, private stables, the number of horses for the first 3 acres and one horse for each ½ acre not to exceed six. Debra Wiedman-Clawson requested a not to exceed number of four horses in Suburban Residential. The Planning Commission agreed. Mrs. Larzelere, 891 Wright Road; she has ten acres and five horses. There is enough pasture on the ten acres to feed the horses. Les Andersen requested a 10' x 10' stall for all horses. Discussion ensued on the possibility of no limit in Rural Residential. Les Andersen, 4500 Jewell Road; said in his experience if you have more than six horses; some of the horses belong to someone else. John Enos and Annette McNamara will work on the proposed amendments and bring them back to the Planning Commission. Jean Root motioned to table Section 8.01 D2 and Section 8.02 D1 until October 23, 2007. Dave Hamann seconded. **Motion carried 4-0.**

Proposed Amendment – Section 3.02 Definition of Pens, Corrals & Pasture & Fence discussion

Jean Root motioned to table Section 3.02 Definition of Pens, Corrals & Pasture to be included in discussion on private stables. Dave Hamann seconded. **Motion carried 4-0.**

Proposed Amendment – Section 4.03 E – add final inspection to receive

Certificate of Compliance Mike Kehoe commented on the proposed text. He would like "at the Zoning Administrators discretion" taken out of the text. This is subjective and will be questions by land use permit applicants. He would prefer a distance be agreed upon by the Planning Commission. Annette McNamara has already amended the text to read "structures within 5' of the required setback." The Planning Commission members agreed with Mike Kehoe and the amended text. The Planning Commission members would like to see the language in 4.03 C #9 added to sub-section E. Jean Root motioned to hold a public hearing for Section 4.03 C #9 and 4.03 E on November 27, 2007 at 7:15 p.m. Dave Hamann seconded. **Motion carried 4-0.**

Proposed Amendment – Section 6.14 Home Occupations

John Enos would like to review this text with Debra Wiedman-Clawson before discussing with the Planning Commission members. Jean Root asked since no one has shown any interest in this proposed amendment can it be tabled and the Planning Commission can work on more pressing amendments. Jean Root motioned to table Section 6.14 Home Occupations to the October 23, 2007 regular meeting. Dave Hamann seconded.

Motion carried 4-0.

CALL TO THE PUBLIC

John Lowe opened the call to the public. Jean Root reminded the Planning Commission members November is the month the Planning Commission holds their organizational meeting. She would also like a memo drafted to the Board of Trustees asking them to prioritize amendments to the Zoning Ordinance. John Enos informed the Planning Commission members of the state conference in October. There will be workshop put on by Carlisle/Wortman's Environmental Planner on Green Development. He can have

his associate come to Marion Township and give the same presentation to the Board of Trustees and Planning Commission. John Enos introduced Laura Kreps from Carlisle/Wortman Associates, Inc. Laura specializes in Agriculture and Open Space Development. Charles Musson, 333 Triangle Lake Road; informed the Planning Commission about a court case involving the Livingston County Drain Commissioners Office and Lake Shannon.

ADJOURNMENT

Jean Root motioned to adjourn the meeting at 9:20 p.m. Dave Hamann seconded.

Motion Carried 4-0.

REGULAR MEETING - OCTOBER 23, 2007

- MEMBERS PRESENT:** JOHN LOWE, CHAIRPERSON
DAVE HAMANN, CO-CHAIRPERSON
JEAN ROOT, SECRETARY
DEBRA WIEDMAN-CLAWSON, JAMES L. ANDERSON
- MEMBERS ABSENT:** NONE
- OTHERS PRESENT:** ANNETTE MCNAMARA, ZONING ADMINISTRATOR
JOHN ENOS, CARLISLE/WORTMAN
LES ANDERSEN, TRUSTEE

CALL TO ORDER

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

APPROVAL OF AGENDA

Lucy Road, LLC was removed from the agenda. Discussion on Wind Turbines and Floodplain management/Federal Emergency Management Agency (FEMA) were added to the agenda along with setting a date for a joint meeting with the City of Howell Planning Commission. Jean Root motioned to approve the October 23, 2007 regular meeting agenda as amended. Dave Hamann 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. Les Andersen would like to reserve time at the last call to the public to discuss land conservancy. John Lowe closed the call to the public.

APPROVAL OF MINUTES

September 25, 2007 Public Hearing minutes

Jean Root motioned to approve the September 25, 2007 public hearing minutes. Dave Hamann seconded. **Motion Carried 4-0.** James L. Anderson abstained.

September 25, 2007 Regular Meeting minutes

Jean Root motioned to approve the August 28, 2007 regular meeting minutes. Dave Hamann seconded. **Motion Carried 4-0.** James L. Anderson abstained.

OLD BUSINESS

Musson Hills South – Final Preliminary Plat

Jim Barnwell, Desine Inc, presented the Musson Hills South Final Preliminary Platted Subdivision. There will be thirty lots and the roads will be public, the Livingston County Drain Commissioners Office (LCDC) has given final preliminary approval and the Livingston County Department of Public Health (LCDPH) has given approval subject to review of the deed/plat restrictions. There is a wetland on the south west side of the

site. There will be two detention basins discharging into the drain.

Jim Barnwell addressed the township planner's comments.

- 1) A sidewalk easement will be along Pinckney Road and shall be located in the road R.O.W.
- 2) The park is labeled per the requirements of the plat act, it is not for recreation, and it is exclusively for detention and not encouraging access.
- 3) Musson Hills South has received a variance from the Planning Commission to the street light requirement.
- 4) The 15' set back indicated on lots #28, 29 & 25 will be increased to 25'.
- 5) Landscaping along Pinckney road will consists of trees every thirty feet with shrubs in between.

Jim Barnwell addressed the township engineer's comments.

- 1) The photo of the site with information is included in the documents.
- 2) Property lines have been corrected.
- 3) The regulated wetland on lot 18 will be noted.
- 4) With the large lots and existing topography, Desine thinks it not practicable to grade the entire site so the water flows north to the detention basin, Jim Barnwell noted the ridgeline and the lots on the south side of the site. The runoff from these lots flow south un-detained, the LCDC has approved this. Jim Barnwell completed his presentation and asked if there were any questions.

John Enos noted it is a good project and design, he appreciates Jim Barnwell's' input and the easement for the sidewalk. Carlisle/Wortman is recommending approval with conditions. Phil Westmoreland stated he is concerned with the water from the site that is not being detained. There is a substantial portion of impervious surface and the residents from Lake in the Pines may complain the wetlands behind their homes are higher than before. This plan increases the volume of water running to the south.

Jim Barnwell said there are quite a few square miles of wetland the site is draining into. Phil Westmoreland said the township can waive this requirement yet he thinks a detention basin can be placed at the bottom of the hill. Discussion ensued on the drainage. The LDCD has an easement along the drainage area and have approved the plan; they are taking on the responsibility. James L. Anderson questioned evergreen plantings along Pinckney Road, the slope in that area is steep, and also will the entrance sign be lit. Jim Barnwell answered the steep slope will not have evergreen planting. They did not plan on lighting for the entrance sign. John Lowe asked the Planning Commission members if they approved of the proposed drainage plan. Jean Root asked if there could be a back up plan if problems arise. She asked if the detention area on the plan is labeled park what prevents the residents from using it as a park. Further discussion took place regarding the drainage. The Planning Commission members agreed to accept the plan as is and direct any complaints to the LCDC. The Planning Commission members would like to see the sign lit yet because this is a platted subdivision without a home owners association they are not sure who would pay the bill. John Enos will look into this and provide the Board of Trustees with a memo on how to pay for lighting in a platted subdivision. Jean Root question was answered; the potential buyers will be made aware of the park/detention area in the paperwork they received during the purchase. Jean Root motioned to recommend final approval of the preliminary plat for Musson Hills South Tax ID# 4710-23-200-001 and send to the Board of Trustees with the following letters;

- 1) Livingston County Road Commission letter dated 7-5-07

- 2) Mike Kehoe letter dated 8-2-07
- 3) Howell Area Fire Authority (HAFA) letter dated 9-19-07
- 4) Carlisle/Wortman Associates, Inc. letter dated 10-3-07
- 5) Orchard, Hiltz & McCliment, Inc. letter dated 10-3-07 noting item #4
- 6) Retain the ability to install a sidewalk along Pinckney Road
- 7) Project will not have street light due to variance granted by the Planning Commission

Dave Hamann seconded. Roll Call; James L. Anderson-yes, Jean Root-yes, Dave Hamann-yes, John Lowe-yes, **Motion Carried 4-0.** Debra Wiedman-Clawson abstained.

Marion Pines Court Private Road Final Review – located on the south side of Mason Road – Tax ID# 4710-04-200-013 – 3025 Mason Road

Mark Hiller, Livingston Engineering presented the site plan. Marion Pines Court will be a gravel private road on the south side of Mason Road. There will be five lots ranging from 3 to 12 acres. The sites will be served by individual well and septic, the LCDPH has approved the perks. The detention basin has been moved south, modifications made and the Livingston County Road Commission (LCRC) has approved. The existing house will access via the private road. John Enos summarized his review letter, they have addressed Carlisle/Wortman Associates, Inc. concerns and with the exception of the engineering and Private Road Maintenance Agreement (PRMA) they are recommending approval. John Lowe is concerned with the easement to parcel #5, in relationship to parcels 3 & 4. He would like to see language included in the PRMA that the upkeep of the easement to parcel 5 is the responsibility of the owner of parcel #5, also that parcels 3 & 4 cannot access off of this easement. The Planning Commission members would like the seven white pines on the berm to be replaced with fir and spruce; they want the storm water easement to include the berm area. Phil Westmoreland summarized his review letter, mostly housekeeping issues. Show the well and septic placement on the lots, review of land use permits for parcels 2 & 3 does the lot drain to the Mason Road ditch or the wetland to the east, and show basement elevations for lots #2, 3 and 5. The Planning Commission members reviewed Mike Kehoe's review of the PRMA. There was discussion on the existing barn on lot #4. The developer can post a bond for removal of the barn when the principal structure is built or the future buyers can deep the barn. Jean Root motioned to recommend final approval for Marion Pines Court Private Road, tax ID# 4710-04-200-013 and 4710-03-100-064, subject to the following conditions.

- 1) LCRC letter dated 8-10-07
- 2) HAFA letter dated 8-16-07
- 3) Carlisle/Wortman Associates, Inc. letter dated 10-8-07
- 4) Orchard, Hiltz & McCliment, Inc. letter dated 10-11-07
- 5) Landscape plan amended to replace white pines with fir and spruce
- 6) Amend the storm water easement to include the berm
- 7) Mike Kehoe letter dated 10-12-07 except #14 - developer will remove the barn or post a bond until the principal structure is built.

Dave Hamann seconded. Roll Call; James L. Anderson yes, Jean Root yes, John Lowe yes, Dave Hamann yes, Debra Wiedman-Clawson-yes. **Motion Carried 5-0.**

Proposed Amendment –Definitions relating to lots

Jean Root motioned to table this agenda item until the November 27, 2007 meeting. James L. Anderson seconded. **Motion Carried 5-0.**

Proposed Amendment – Section 8.04 E #3 – ERS Yard Set Back Requirements

John Enos told the Planning Commission members this language along with the diagram was to clarify the buildable area in the rear yard on a lake lot. The Livingston County Department of Planning (LCDP) returned the amendment stating the diagram #3-9 should have a definition to go along with it. John Enos does not think this is necessary. He has included a note within the rear yard set back on the diagram, he has discussed this with Annette McNamara and she agrees. John Enos thinks the proposed amendments should be adopted as is. James L. Anderson asked what happens if their principal building is built on the rear yard setback line. John Enos said any accessory structure would then be built in a side yard. Jean Root motioned to send Section 8.04 E #3 to the Board of Trustees for review per tonight's discussion. Dave Hamann seconded.

Motion Carried 5-0.

Proposed Amendment – Section 3.02 Figure 3-9 ERS Rear Yard Requirements diagram

Jean Root motioned to send Section 3.02 figure 3-9 to the Board of Trustees for review with the corrections discussed. James L. Anderson seconded. **Motion Carried 5-0.**

Proposed Amendment – Section 8.01 D 2 – Rural Residential Private Stables

John Enos summarized the proposed amendment. Les Andersen expressed his concern of no limit on the number of horses on a large parcel and he would like to see one stall for every horse. The Planning Commission members agreed to limit the number of horses to fifteen in Rural Residential and a requirement of one stall for every two horses. Jean Root motioned to hold a public hearing for Section 8.01 D 2, Rural Residential Private Stables on 11-27-07 @ 7:15 p.m. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

Proposed Amendment – Section 8.02 D 1 – Suburban Residential Private Stables

The Planning Commission members would like to amend the text to require one stall for every two horses and limit the number of horses in Suburban Residential to four. Jean Root motioned to hold a public hearing for Section 8.02 D 1, Suburban Residential Private Stables on 11-27-07 @ 7:15 p.m. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

Proposed Amendment – Section 3.02 Definition of Pens, Corrals & Pasture & Fence discussion

The Planning Commission members agreed to amend pasture to read "Enclosed ground vegetated area for pasturing or exercising animals."

Jean Root motioned to hold a public hearing for Section 3.02 definition of Pens, Corrals and Pastures on 11-27-07 @ 7:15 p.m. Dave Hamann seconded. Jean Root amended the motion to include Private or Commercial Stable Fencing. Dave Hamann seconded the amended motion. **Motion Carried 5-0.**

Proposed Amendment – Section 6.14 Home Occupations

John Enos is not prepared to discuss this tonight, he needs more time.

Jean Root motioned to table Section 6.14 Home Occupation to the November 27, 2007 meeting. Dave Hamann seconded. **Motion Carried 5-0.**

Proposed Amendment – Section 3.02 - Definition of Contractor Storage Yard

John Enos summarized the proposed amendment. Frank Lover Bradford Circle, would a contractor be allowed to sell a piece of equipment periodically? And how come lighting is not allowed. John Lowe answered yes, if it was an occasional sale. The lighting requirement could be reviewed during the site plan review. Mark Hiller, 8455 Lamb Road, why is there a restriction on the number of contractors using the site. John Enos

answered that type of situation is ripe for abuse. You get multiple contractors using the site and they are not aware of the conditions placed on the site plan. This can cause problems. Jean Root motioned to hold a public hearing for Section 3.02 definitions of Contractor Storage Yard on 11-27-07 @ 7:15 p.m. Debra Wiedman-Clawson seconded.

Motion Carried 5-0.

NEW BUSINESS

Wind Turbines

James L. Anderson would like to see text in the Zoning Ordinance regulating wind turbines. These are farms and they are noisy, these farms are going up in the thumb area and the west coast of Michigan. John Enos just wrote language for Manchester Township and found out that the State of Michigan is in the top fifteen of windy states in the United States. He can provide a copy for the November 27, 2007 meeting.

FLOODPLAINS/FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

John Lowe informed the Planning Commission members that the Board of Trustees is looking at joining the Federal Emergency Management Agency (FEMA.) He is concerned that this may change the density in Planned Unit Developments and Suburban Residential. He asked John Enos to review and see if his concerns are justified. If Marion Township joins FEMA anyone can build one foot above the flood plain. The Zoning Ordinance now states no building in a flood plain. John Enos zoning can regulate density, now twenty-five percent can be used as open space. The downside is the maps are hard to read and this means additional work for the Zoning Administrator.

Discussion ensued on the benefits and downside to joining FEMA.

SET A DATE FOR MEETING WITH THE CITY OF HOWELL

John Lowe and James L. Anderson will meet with the City of Howell Planning Commission or the committee they have chosen. Annette McNamara will contact the City of Howell to set this up.

CALL TO THE PUBLIC

John Lowe opened the call to the public. Les Andersen told the Planning Commission members about a meeting to discuss the transfer of developmental rights. All the landowners of 20 acres or more have been notified by mail of the October 29, 2007 meeting at 7:00 p.m. John Lowe closed the call to the public.

ADJOURNMENT

Jean Root motioned to adjourn the meeting at 10:10 p.m. Dave Hamann seconded.

Motion Carried 5-0.

PUBLIC HEARING - NOVEMBER 27, 2007

- MEMBERS PRESENT:** JOHN LOWE, CHAIRPERSON
DAVE HAMANN, CO-CHAIRPERSON
JEAN E. ROOT, SECRETARY
DEBRA WIEDMAN-CLAWSON, JAMES L. ANDERSON
- MEMBERS ABSENT:** NONE
- OTHERS PRESENT:** ANNETTE MCNAMARA, ZONING ADMINISTRATOR
JOHN ENOS, CARLISLE/WORTMAN
TAMMY L. BEAL, CLERK

CALL TO ORDER

Jack Lowe called the meeting to order at 7:17 p.m.

APPROVAL OF AGENDA

Dave Hamann motioned to approve the November 27, 2007 public hearing agenda. 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. Joseph A. Siciliano asked if this was the appropriate time to comment on Public Hearing agenda items. John Lowe said he can be heard during the agenda item he is here to comment on.

Jack Lowe closed the call to the public.

APPROVAL OF MINUTES

No minutes to approve.

OLD BUSINESS

Proposed Amendment – Section 4.03 E – add final inspection to receive

Certificate of Compliance John Enos summarized the amendment. This will help the Zoning Administrator to clarify a Certificate of Final Compliance is necessary. John Lowe opened the call to the public. No response. John Lowe closed the call to the public. John Lowe asked the Planning Commission members if they had any comments. The Planning Commission members had no further comments.

Proposed Amendment – Section 8.01 D 2 – Rural Residential Private Stables

John Enos summarized the amendment. The Planning Commission has been working on this text and he feels it is ready to move on to the next level. John Lowe opened the call to the public. Tom Bauer 5757 Lange Road. Item 'c' notes agriculture buildings must be 75' from the lot line, his are not. Is he grandfathered in? John Lowe answered yes. Tom Bauer 5757 Lange Road. Item 'i', he took a class on manure management and feels his is managed well. Also, does he need a commercial stable permit? Debra Wiedman-Clawson asked when his boarding stable came into existence. No one knew and there is the assumption he is grandfathered in. Tom Bauer 5757 Lange Road. He feels 5' above grade for an electric fence does not fit all of the animals, too high for small animals and too low for large horses. John Lowe closed the call to the public.

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

Dave Hamann would like Mike Kehoe to look at item 'h' to see if this is legal.

The Planning Commission members had no further comments.

Proposed Amendment – Section 8.02 D 1 – Suburban Residential Private

Stables John Enos summarized the amendment. This language is almost identical to the previous agenda item. John Lowe opened the call to the public.

Allison Bauer 5757 Lange Road. She questioned the low acreage for Suburban Residential (SR.) Debra Wiedman-Clawson explained the smaller lots in SR and the Planning Commissions reasoning behind their decision to lower the acreage requirements. John Lowe closed the call to the public. John Lowe asked the Planning Commission members if they had any comments. Dave Hamann asked how a potential buyer would know there were only allowed two horses in SR if Marion Township doesn't require a permit for a private stable. Debra Wiedman-Clawson said due diligence. The Planning Commission members had no further comments.

Proposed Amendment – Section 3.02 Definition of Pens, Corrals & Pasture &

Fence discussion John Enos summarized the amendment. These definitions apply to fencing for private and commercial stables. He is satisfied with the text and feels it is ready to move to the next level. John Lowe opened the call to the public. Discussion

ensued on the height of electric fencing and the Planning Commission agreed to change the definition to read "A barrier intended to prevent escape, a means of confinement, constructed of wood, metal, wire mesh or synthetic material. Fences containing barbed wire, electric charges or sharp materials must address requirements to satisfy animal being contained." John Lowe closed the call to the public. John Lowe asked the Planning Commission members if they had any comments. The Planning Commission members had no further comments.

Proposed Amendment – Section 3.02 - Definition of Contractor Storage Yard

John Enos summarized the amendment. This text is ready to move to the next level. John Lowe opened the call to the public. Joseph A. Siciliano 35000 Grand River Avenue, Farmington Hills. The text has changes since the last meeting. What is the reason for adding "single entity"? His client bought property on Lucy Road in 2003. There was no restriction, no limitation and now in review of his clients' site plan this definition is being worked on by the Planning Commission. John Enos said this would be a question for Mike Kehoe. He also noted that Marion Township would have difficulty enforcing issues with more than one contractor. This will help in enforcing the ordinance. John Lowe said if there are several contractors that set up shop under the owner, then the owner has no control. If problems arise, everyone points the finger at one another. Discussion ensued on the reasoning behind contractor storage yard being singular and Marion Township attempt to clarify with a definition. John Lowe closed the call to the public. John Lowe asked the Planning Commission members if they had any comments. The Planning Commission members had no further comments.

NEW BUSINESS

No new business.

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Dave Hamann motioned to adjourn the meeting at 8:07 p.m. Jean Root seconded.

Motion Carried 5-0.

REGULAR MEETING - NOVEMBER 27, 2007

- MEMBERS PRESENT:** JOHN LOWE, CHAIRPERSON
DAVE HAMANN, CO-CHAIRPERSON
JEAN ROOT, SECRETARY
DEBRA WIEDMAN-CLAWSON, JAMES L. ANDERSON
- MEMBERS ABSENT:** NONE
- OTHERS PRESENT:** ANNETTE MCNAMARA, ZONING ADMINISTRATOR
JOHN ENOS, CARLISLE/WORTMAN
TAMMY L. BEAL, CLERK
ROBERT W. HANVEY, SUPERVISOR

CALL TO ORDER

John Lowe called the meeting to order at 8:08 p.m.

APPROVAL OF AGENDA

Dave Hamann suggested moving all proposed text amendments after the projects. Dave Hamann motioned to approve the November 27, 2007 regular meeting agenda as amended. 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. No response.

John Lowe closed the call to the public.

APPROVAL OF MINUTES

October 23, 2007 Regular Meeting minutes

Jean Root motioned to approve the October 23, 2007 regular meeting minutes. James L. Anderson seconded. **Motion Carried 5-0.**

OLD BUSINESS

Lucy Road, LLC

David LeClair of Livingston Engineering summarized the request. He questioned Carlisle/Wortman Associates, Inc. comments and suggestions. John Enos said they will not be given free rein on the site and there is the possibility of meeting in the middle, what will be parked where, additional landscaping that sort of thing. There has been a request from the City of Howell to place additional landscaping to the North of the site along the residential property line. The owner of the property, Frank Lover, noted the trailers parked along the North property line are rarely moved. He has no intent to engage in any activity that would create conflict. David LeClair stated the site plan landscaping meets the requirements of the Zoning Ordinance yet he will restrict parking along the Northeast corner. Jean Root noted Section 6.15, Conditional Approvals; she would like to see the hours of operation limited. Frank Lover said there are times when he works for Michigan Department of Transportation (MDOT) and they work at night. He would like some leeway with that requirement. Phil Westmoreland summarized his review letter. There are three issues, a perk test be done on the detention basin with the Livingston County Department of Public Health (LCDPH) once it is complete, verification from the Livingston County Road Commission (LCRC) for out letting emergency overflow water into the road right-of-way and Livingston County Drain Commission (LCDC) approval of the tributary area basin. The Planning Commission and applicant discussed parking within the setbacks. There is no parking allowed within any setbacks.

The Planning Commission would like to see the site plan amended to include the following.

1. Replace the proposed White Pines with a hardier evergreen
2. Limit the hours of operations
3. Restrict parking in the setbacks
4. Ongoing dust control
5. Limit the height of machinery along the residential property line to 8'
6. Remove 50' of the millings along Lucy Road replace with grass seed
7. Perk test on detention basin when complete with LCDPH oversight
8. LCRC letter of approval for run off onto Lucy Road
9. LCDC letter of approval for the tributary area

Jean Root motioned to table Lucy Road, LLC, Tax ID# 4710-01-200-024 until the applicant provides a revised copy of the Lucy Road, LLC site plan per tonight's discussion. James L. Anderson seconded. **Motion Carried 5-0.**

NEW BUSINESS

Rolling Hills Ranch – Commercial Stable Special Use Permit

John Enos summarized his review letter. The applicant met the requirements for a

special use permit yet the site plan review requirements were not met. There are 15 issues with the site plan. He does not want to comment further until the Planning Commission provides him with direction. The submittal does state there is a plan for 13 additional stalls; he would like to know where. Does the commercial stable have to meet American Disability Act (ADA) requirements?

Jerry Wilson noted the facility is not accessible yet he can install a handicap parking sign. Jean Root would like to see review letters from county agencies. She has concerns that the facility is on a separate parcel from the applicant's home. She wants to avoid problems down the road, say if the facility is sold and the new owner wants to expand. The Planning Commission agreed to ask Mike Kehoe to review the submittal in relationship to ADA requirements and send the submittal to county agencies (LCRC, LCDC and Howell Area Fire Authority) for their comments. Jean Root motioned to table Rolling Hills Ranch, Tax ID# 4710-22-400-007 to the December 18, 2007 regular meeting. Debra Wiedman-Clawson seconded. **Motion Carried 5-0.**

D-19 Ventures – Open Air Business Special Use Permit

Patrick Keough, Advantage Civil Engineering summarized the project. He thought tonight the Planning Commission would set a public hearing and did not expect to present the project. The applicant has been granted variances for this property to build proposed restaurant. The set backs are such that they prevent the property from being used. The Open Air Business is a temporary proposal until the economy picks up and the owner can build the restaurant. John Enos said the variances required don't preclude the site issues. This site plan cannot be acted upon until variances are granted. If the Zoning Board of Appeals does not grant additional variances for the Open Air Business, he sees no reason to review this site plan. Patrick Keough stated if the applicant has to address these issues he will drop the plan. To have to pave the parking lot and install an underground detention basin for a short time and then remove it in 5 years is not feasible. If the Planning Commission holds the applicant to the Zoning Ordinance then tell him now. The Planning Commission agreed they would have to work with anyone who wanted to develop the site. They also questioned the nature of the Open Air Business. Jean Root motioned to table D-19 Ventures Tax ID# 4710-02-400-005 until the applicant requests placement on an agenda. James L. Anderson seconded.

Motion carried 5-0.

OLD BUSINESS

Jean Root motioned to send agenda items #2 through #8; Section 17.10 Wireless Communication Facilities, Section 3.02 Definition of Wireless Communication Facilities, – Section 6.30 – Family/Accessory Apartment, Section 3.02 Definition of Family/Accessory Apartment, Article VII – Zoning Districts & Maps/Schedule of Regulations, Section 8.03 B#5 & D#15 & Section 17.29 – Two Family Dwelling and Definition of Easement to the Livingston County Department of Planning for review and comment, when returned send to the Board of Trustees for review and approval/denial. James L. Anderson seconded.

Motion carried 5-0.

PA 116 Submittal

John Enos had his assistant Laura explain the process to the Planning Commission noting this is an advisory recommendation. Jean Root motioned to the Board of Trustees that the Planning Commission has reviewed and recommends approval for Tax ID# 4710-07-300-005. Dave Hamann seconded. **Motion Carried 5-0.**

Proposed Amendment – Section 6.14 Home Occupations

Jean Root motioned to table Section 6.14 Home Occupations to the December 18, 2007

meeting. Dave Hamann seconded. **Motion Carried 5-0.**

NEW BUSINESS

Annual Organizational Meeting

Jean Root nominated John Lowe for Planning Commission Chair. Debra Wiedman-Clawson seconded. **Motion carried 5-0.**

Debra Wiedman-Clawson nominated Jean Root for Planning Commission Secretary. James L. Anderson seconded. **Motion carried 5-0.**

Jean Root nominated Dave Hamann for Planning Commission Co-Chair. Debra Wiedman-Clawson seconded. **Motion carried 5-0.**

Status of Existing Residential Subdivision District ERS 2

Jean Root motioned to table this agenda item to the December 18, 2007 meeting. Debra Wiedman-Clawson seconded. **Motion carried 5-0.**

Proposed Amendment – Section 00.00 Wind Energy Conversion Systems

Jean Root motioned to table this agenda item to the December 18, 2007 meeting. Debra Wiedman-Clawson seconded. **Motion carried 5-0.**

Proposed Amendment – Section 6.27 Wellhead Protection & Hazardous Substance Overlay Zone

Jean Root motioned to table this agenda item to the December 18, 2007 meeting. Debra Wiedman-Clawson seconded. **Motion carried 5-0.**

Involvement in Marion Township recreation plan as a commission or as individual The Planning Commission discussed this agenda item and agreed they would like to be involved.

Sample of a proposed General Ordinance – Stormwater Ordinance w/maintenance agreement

Jean Root motioned to table this agenda item to the December 18, 2007 meeting. Debra Wiedman-Clawson seconded. **Motion carried 5-0.**

Board of Trustees memo on Planning Commission priorities for 2008

Jean Root motioned to table this agenda item to the December 18, 2007 meeting. James L. Anderson seconded. **Motion carried 5-0.**

CALL TO THE PUBLIC

John Lowe opened the call to the public. Mr. Hanvey informed the Planning Commission members Chestnut Development will appeal the court’s decision. John Lowe closed the call to the public.

ADJOURNMENT

Jean Root motioned to adjourn the meeting at 10:30 p.m. Dave Hamann seconded. **Motion Carried 5-0.**

REGULAR MEETING - DECEMBER 18, 2007

- MEMBERS PRESENT:** JOHN LOWE, CHAIRPERSON
JEAN ROOT, SECRETARY
DEBRA WIEDMAN-CLAWSON, JAMES L. ANDERSON
- MEMBERS ABSENT:** DAVE HAMANN, CO-CHAIRPERSON
- OTHERS PRESENT:** ANNETTE MCNAMARA, ZONING ADMINISTRATOR
JOHN ENOS, CARLISLE/WORTMAN
PHIL WESTMORELAND, ORCHARD, HILTZ AND MCCLIMENT
LES ANDERSEN, TRUSTEE
ROBERT W. HANVEY, SUPERVISOR

CALL TO ORDER

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

APPROVAL OF AGENDA

Jean Root motioned to approve the December 18, 2007 regular meeting agenda. James L. Anderson seconded. **Motion Carried 4-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. Dave Hamann was 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

November 27, 2007 Public Hearing minutes

Jean Root motioned to approve the November 27, 2007 public hearing minutes. James L. Anderson seconded. **Motion Carried 4-0.**

November 27, 2007 Regular Meeting minutes

Jean Root noted on page two Livingston County Road Commission is inserted after Lucy Road and needs to be deleted. James L. Anderson noted the date at the heading of the minutes reads November 23, 2007 and needs to be changed to November 27, 2007.

Jean Root motioned to approve the November 27, 2007 regular meeting minutes as amended. Debra Wiedman-Clawson seconded. **Motion Carried 4-0.**

OLD BUSINESS

Rolling Hills Ranch Special Use Permit review – located in the Rural

Residential District on the north side of W. Coon Lake Road – Tax ID# 4710-22-400-007 – proposed use; Commercial Stable

John Enos summarized the review process to date and reference the Howell Area Fire Authority (HAFA), Livingston County Building Department (LCBD) and the Livingston County Road Commission (LCRC) review letters. These items need to be address prior to any decision by the Planning Commission. John Enos thinks no action can be taken due to lack of information. Jerry Wilson 1340 W. Coon Lake Road; There are two 20' gates with brass locks that the HAFA can drive right through to reach the buildings if there was a fire. There is a monitoring system, connected to their home that will alert the Wilson's if there was a fire. He hopes the HAFA will accept these provisions and give an approval. He is still holding to his belief that this is an agricultural operation and he does not need the LCBD approval or permits. The current driveway has been in place for many, many years and he does not see any reason to change the placement or install culverts. He brought up a recent court case where a resident of Tyrone Township exceeded the number of horses allowed by the township. A judge in Livingston County ordered in the residents favor, stating if the resident is boarding horses she falls under the Right to Farm Act and is not held to the townships ordinances. He is willing to revise his submittal and remove any reference to groups visiting the ranch. John Lowe told the applicants that he spoke with Kristen Linderman, State of Michigan Right to Farm specialist and she said the act is not designed to override local zoning ordinances. He discussed previous Commercial Stable submittals with the LCBD and they said they are looking at these in a different light now. He also spoke with someone from the State of Michigan Construction Codes and that person agreed with the LCBD. Discussion ensued on various Public Acts that apply to this situation and confirm it falls under the Right to Farm Act and whether Marion Township can create ordinances to review and have control over these

operations. Mr. Hanvey stated he believes that Marion Township cannot create an ordinance that interferes with Generally Accepted Agricultural Management Practices (GAAMP.) The Planning Commission members agreed they have reviewed and recommended approval for these types of submittals in the past and they would like to recommend approval for Rolling Hills Ranch.

The Planning Commission members agreed to the following.

- 1) Applicant will revise cover letter to remove any reference to people other than family and boarders using the riding arena
- 2) Applicant will submit a site plan with the items Carlisle/Wortman Associates, Inc. requested in their first review letter
- 3) Zoning Administrator will send the applicants submittal, Sterling Training Center submittal and Majestic Oaks submittal for Commercial Stables to Mike Kehoe for direction

Jean Root motioned to table Rolling Hills Ranch Special Use Permit review, Tax ID# 4710-22-400-007 to the January 22, 2008 meeting. James L. Anderson seconded.

Motion carried 4-0.

Proposed Amendment – Section 6.14 Home Occupations

John Enos summarized the proposed amendment. The Home Occupation Class I, is similar to the existing language. John Enos would like to focus on Class II, which requires a special use permit. Jean Root and Debra Wiedman-Clawson did not receive the proposed text in their December 18th Planning Commission package.

John Enos asked the Planning Commission to review Class II and be prepared to discuss it at the January 22, 2008 meeting. Jean Root motioned to table Section 6.14 Home Occupations in particular Section 17.32 to the January 22, 2008 regular meeting. James L. Anderson seconded. **Motion carried 4-0.**

Proposed Amendment – Definitions relating to lots

Jean Root questioned the history of the proposed amendment and if the Board of Trustees had reviewed it. It was clarified they had and sent it back to the Planning Commission for additional review. Discussion ensued on the definition of lot and questions regarding flag lots. Jean Root motioned to send Definitions relating to lots along with Section 6.11 (flag lots) the definition of flag lot and figure 3-7 diagram of flag lots to the Board of Trustees for review and comment. Debra Wiedman-Clawson seconded. **Motion carried 4-0.**

Proposed Amendment – Section 4.03 E – add final inspection to receive Certificate of Compliance

The Planning Commission members are satisfied with the proposed text.

Jean Root motioned to send Section 4.03 E to the Board of Trustees for final review and approval/denial. James L. Anderson seconded. **Motion carried 4-0.**

Proposed Amendment – Section 8.01 D 2 – Rural Residential Private Stables

John Enos summarized Mike Kehoe's review letter and agreed with the requested changes.

The following will be amended.

- 1) Add the word "be" to item 'j'
- 2) Add "arena building or" to item 'k'
- 3) Delete item 'h' in its entirety and replace with Mike Kehoe suggested language

Jean Root motioned to send Section 8.01 D 2 Rural Residential Private Stables to the Board of Trustees for preliminary review and approval/denial. James L. Anderson seconded. **Motion carried 4-0.**

Proposed Amendment – Section 8.02 D 1 – Suburban Residential Private Stables

The proposed amendment is similar to Section 8.01 D 2. The following will be amended.

- 1) Add the word "be" to item 'j'
- 2) Add "arena building or" to item 'k'
- 3) Delete item 'h' in its entirety and replace with Mike Kehoe suggested language

Jean Root motioned to send Section 8.02 D 1 Suburban Residential Private Stables to the Board of Trustees for preliminary review and approval/denial. Debra Wiedman-Clawson seconded. **Motion carried 4-0.**

Proposed Amendment – Section 3.02 Definition of Pens, Corrals & Pasture & Fence discussion

The Planning Commission members are satisfied with the proposed amendment. Jean Root motioned to send Section 3.02 Definition Private and Commercial Stable fencing along with definitions of Pens, Corrals, Pasture and Fences to the Board of Trustees for preliminary review and approval/denial. James L. Anderson seconded. **Motion carried 4-0.**

Proposed Amendment – Section 3.02 - Definition of Contractor Storage Yard

Joseph A. Siciliano 35000 Grand River Avenue, Farmington Hills; has the proposed language be changed since the last meeting? He would also like to ask the Planning Commission the rationale for single entity, he objects to the limitation. The Planning Commission along with John Enos explained the reasoning behind contractor storage yard being one contractor. Debate ensued and Joseph A. Siciliano agreed to disagree with the Planning Commission. Jean Root motioned to send Section 3.02 Definition of Contractor Storage Yard to the Board of Trustees for preliminary review and approval/denial. James L. Anderson seconded. **Motion carried 4-0.**

Proposed Amendment – Section 00.00 Wind Energy Conversion Systems

James L. Anderson gave the Planning Commission members his reasoning for suggesting the Planning Commission look at language. Debra Wiedman-Clawson said this would be mandated by the Federal Government at some point and will be out of Marion Township hands.

The Planning Commission agreed to the following.

- 1) John Enos to find out if Lake Township in Huron County had language in place when the Wind Turbines were installed
- 2) John Enos to find out if Marion Township would be a viable area for Wind Turbines

Jean Root motioned to table Wind Energy Conversion Systems until John Enos gathers information and requests placement on an agenda. James L. Anderson seconded.

Motion carried 4-0.

Proposed Amendment – Section 6.27 Wellhead Protection & Hazardous Substance Overlay Zone

The proposed change is a result of the City of Howell along with the Michigan Department of Environmental Quality remapping the wells; the reference in Marion Townships Zoning Ordinance is incorrect. The maps can be found at the State of Michigan, Department of Environmental Quality web site. Annette McNamara would like Mike Kehoe to review the language. Jean Root questioned if this needed a public hearing due to the fact it is a housekeeping issue. She would like Mike Kehoe to comment on that also. Jean Root motioned to table Section 6.27 Wellhead Protection & Hazardous Substance Overlay Zone for further review by Mike Kehoe, Township Attorney as to the accuracy of the maps on the State of Michigan web site and whether a public hearing is necessary, to the January 22, 2008 regular meeting. Debra

Wiedman-Clawson seconded. **Motion carried 4-0.**

Status of Existing Residential Subdivision District ERS 2

The Planning Commission, Annette McNamara and Mr. Hanvey engaged in a discussion on the reason behind establishing the Existing Residential Subdivision District #1 & #2. How and when it was eliminated from the current zoning map and whether to include it on the proposed zoning map when adopted.

The questions are.

- 1) What to do from here
- 2) How many lots would be affected?
- 3) Can Mike Kehoe attend the January 22, 2008 meeting?
- 4) An explanation of "as of the effective date or amendment to the Zoning Ordinance"

Jean Root would like this to be the first agenda item on the January 22, 2008 agenda. Annette McNamara will send everything to Mike Kehoe and ask him to attend the meeting. Jean Root motioned to table Status of Existing Residential Subdivision District ERS 2, updating the zoning map and ask Mike Kehoe to attend the meeting to the January 22, 2008 regular meeting. James L. Anderson seconded. **Motion carried 4-0.**

Sample of a proposed General Ordinance – Stormwater Ordinance

w/maintenance agreement Charles Musson 333 Triangle Lake Road; asked that the Planning Commission make the Livingston County Drain Commission (LCDC) aware they are reviewing this text. Mr. Hanvey noted the LCDC was part of the process when it was put together. John Enos will talk with his work associate who put together the language for Green Oak Township to adopt. John Lowe wants Annette McNamara to invite Ken Recker, Deputy Commissioner to the January 22, 2008 meeting or he may submit any comments in writing. Jean Root motioned to table General Ordinance – Stormwater Ordinance w/maintenance agreement to the January 22, 2008 agenda as the second agenda item. Debra Wiedman-Clawson seconded. **Motion carried 4-0.**

Board of Trustees memo on Planning Commission priorities for 2008

Jean Root noted that review of Federal Emergency Management Agency (FEMA) proposal and the Stormwater Ordinance are on the list. These are or have been taken care of and the proposed zoning map is something that should be worked on. Jean Root motioned to update the zoning map and work on Stormwater General Ordinance. James L. Anderson seconded. **Motion carried 4-0.**

NEW BUSINESS

No New Business.

CALL TO THE PUBLIC

John Lowe opened the call to the public. Mr. Hanvey informed the Planning Commission members the Marion Township Zoning Ordinance may have to be updated to include FEMA involvement. Also, no mapping has been done south of Coon Lake Road.

John Lowe closed the call to the public.

ADJOURNMENT

Jean Root motioned to adjourn the meeting at 10:05 p.m. James L. Anderson seconded. **Motion Carried 4-0.**