

**LIVINGSTON COUNTY PLANNING COMMISSION  
MEETING MINUTES**

**APPROVED – February 21, 2018**

**6:30 p.m.**

**304 E. Grand River Ave., Howell, Michigan**

<b>PLANNING COMMISSION</b>		
<b>COMMISSIONERS PRESENT:</b>	BRIAN PROKUDA JEANNE CLUM BILL ANDERSON	LAURA ABRAMSON MATT IKLE JAMES SPARKS
<b>COMMISSIONERS ABSENT:</b>	MIKE HUBERT	
<b>STAFF PRESENT:</b>	KATHLEEN KLINE-HUDSON ROB STANFORD	SCOTT BARB
<b>OTHERS PRESENT:</b>	TAMMY BEAL, MARION TWP. CHERYL RANGE, MARION TWP. BRUCE POWELSON, MARION TWP. LES ANDERSON, MARION TWP. KATE DEROSIER, HARTLAND TWP.	LARRY GRUNN, MARION TWP. BOB HANVEY, MARION TWP. SALLY WITKOWSKI AND FAMILY (3), MARION TWP. RON KARDOS, HARTLAND TWP.

1. **CALL TO ORDER:** Meeting was called to order by Commissioner Prokuda at 6:30 PM.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL AND INTRODUCTION OF GUESTS:**
4. **APPROVAL OF AGENDA**

**Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO APPROVE THE AGENDA DATED FEBRUARY 21, 2018, SECONDED BY COMMISSIONER IKLE.**

**All in favor, motion passed.**

5. **APPROVAL OF MINUTES**

**Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO APPROVE THE MINUTES OF THE PLANNING COMMISSION MEETING DATED JANUARY 17, 2018, SECONDED BY COMMISSIONER CLUM.**

**All in favor, motion passed.**

6. **CALL TO THE PUBLIC:** Kate DeRosier, Hartland Township resident and member of Crossroads Sierra Club, spoke briefly about her concerns regarding an upcoming rezoning from Handy Township. She entered into the file a letter officially voicing her concerns to the Livingston County Planning Commission. Ron Kardos, Hartland Township resident and member of the Crossroad Sierra Club, spoke briefly about his concerns regarding an upcoming rezoning from Handy Township. He entered into the file a letter voicing his

concerns to the Livingston County Planning Commission. They both will be in attendance at the March Livingston County Planning Commission meeting regarding this case.

**7. ZONING REVIEWS**

**A. Z-04-18: DEERFIELD TOWNSHIP – REZONING**

**Current Zoning:** A-2: Small Farms/10 acre minimum

**Proposed Zoning:** A-3: Small Farms/5 acre minimum

**Section / Proponents:** Section 19 / David and Betty Beach

**Township Master Plan:** The Future Land Use Map for Deerfield Township designates the subject parcel as an Agricultural and Rural Residential Area. The master plan for the Township states on page 4-6 the following:

*The Agricultural and Rural Residential Area covers the vast majority of the Township and provides opportunities for continued agricultural use as well as residential development within an open space, rural character setting. An overall, low open spaced development density of one dwelling unit per 2 to 20 acres will be encouraged for dwellings within the Agricultural and Rural Residential Area due to the lack of public sewer and water, the generally poor soils for septic systems in much of the Township, the limited capacity of the predominantly unpaved roadway network, and the public's interest in protecting farmland resources and the rural character of the Township.*

The rezoning of the subject parcel is compatible with the Township's master plan. The resulting 5 acre parcel will be compliant with the one dwelling unit per 2 to 20 acre criteria as established.

**County Comprehensive Plan:** The Livingston County Comprehensive Plan designates the site as Agriculture/Rural Residential (page 64). According to the County Comprehensive Plan:

*The county's four western townships and three of the northern ones are primarily agrarian, along with portions of three additional townships. These are areas where agricultural preservation programs should be at an extremely low density per housing unit, but with houses clustered on small lots to preserve viable agricultural land in the resulting open space. Agriculture should be the predominant land use, with non-farm residential uses very limited.*

The proposed rezoning is compatible with the Livingston County Comprehensive Plan that recommends extremely low density in this primarily agrarian area of the county.

**Township Planning Commission Recommendation: Approval.** The Deerfield Township Planning Commission recommended Approval of the proposed rezoning at the January 17, 2018 public hearing. There were no comments at the meeting.

**Staff Recommendation: Approval.** Staff recommends approval of the proposed rezoning from A-2 (Small Farms/10 acre minimum) to A-3 (Small Farms/5 acre minimum). The resulting parcels are compatible with the Township Master Plan.

**Commission Discussion:** None.

**Public Comment:** None.

**Commissioner Action:**

**Commissioner Action:** IT WAS MOVED BY COMMISSIONER ABRAMSON TO RECOMMEND **APPROVAL**. SECONDED BY COMMISSIONER ANDERSON.

**Motion passed: 6-0**

**B. Z-05-18: MARION TOWNSHIP – CONDITIONAL REZONING**

**Current Zoning:** RR: Rural Residential  
**Proposed Zoning:** HS: Highway Service (Commercial)  
**Section / Proponents:** Section 24 / AJR Group/Sally Witkowski

**Township Master Plan:** The Future Land Use plan and map of Marion Township designates the site as Low Density Residential (LDR). The Township Master Plan describes this area in the following manner (p. 77):

*The intent of the Low Density Residential future land use category is to preserve land area suitable for large-lot residential and agricultural land use, and to protect the rural character of the Township. Much of this land area is currently farmed or it contains single family residences on large lots that are served by septic sewage disposal and gravel roadway. This land use designation also includes large expanses of privately owned recreational resources. LDR designated lands are the least capable of supporting development and community water and sewer services, due to soil conditions, high water table and other environmental issues that impact development and infrastructure.*

*The 15,186 acres of land in the Low Density Residential category comprises most of the southern 2/3 of the Township. The Low Density Residential land use designation is the largest future land use category in the Township. Development densities within the Low Density Residential category should not exceed 1 dwelling unit per 2 acres in order to insure safe septic disposal and to minimize developmental impacts on existing open space, recreational and agricultural lands as well as adjoining conservation lands. This future land use designation corresponds to the RR Rural Residential District of the Marion Township Zoning Ordinance.*

**County Comprehensive Plan:** The Livingston County Comprehensive Plan designates the site Transitional Residential. According to the County Comprehensive Plan (page 63-64):

*Transitional Residential applies to areas that have already experienced new suburban housing growth, but which retain some of their agricultural characteristics. These areas act as a buffer between more strictly agricultural lands and Residential areas. Most of the Transitional Residential area will be on the front lines of residential development pressure over the next two decades. Therefore, it is important to have effective open space and cluster ordinances in place, in order to keep residential development surrounded by plenty of open space or agricultural land at low to moderate overall densities. Public sewer and water are already present in some Transitional Residential areas, but should not be extended further into them, in order to focus higher density development in more appropriate Residential, City/Village, Settlement, and Primary Growth areas. This will help keep the remaining farmland viable while still allowing some residential growth.*

**Township Planning Commission Recommendation: Approval.** The Marion Township Planning Commission recommended Approval of this Conditional Rezoning at its January 23, 2018 Public Hearing. There were several public comments noted in the meeting minutes both for and against this proposed Conditional Rezoning request.

**Staff Recommendation: Denial.** Staff recognizes that an event barn as proposed can be a beneficial land use activity, both for the community and for the economic viability of the applicant. However, Staff also believes that this conditional rezoning undermines the intended nature of the HS district, and would have serious unintended consequences to the overall character of this location in the township if approved. The multitude of conditions associated with the rezoning are testament to the fact that perhaps a rezoning is not the best alternative to address this land use type/activity at this location.

Staff believes that a much better alternative to the proposed conditional rezoning for event barns would be the following. 1) to reexamine this case, within the bounds of the existing zoning district, 2) utilize the township's already adopted, comprehensive agricultural-tourism ordinance, and 3) create and incorporate a set of zoning ordinance regulations for event barns, which embrace and preserve the intended nature of the Township Zoning Ordinance and Master Plan, as well as allowing for a means for the continued economic vitality of the applicant's property, without undermining the intent of the Township's Zoning Ordinance and Master Plan, and without carrying with it the potential for unintended, ill-effects of the decision for the entire Marion Township community and its residents.

**Commission Discussion:** Commissioner Sparks asked what structures are on the site now. Principal Planner Stanford responded that the residence is the same as the event barn, and there are also outbuildings and parking areas on-site. Commissioner Sparks inquired about the land use and zoning to the south of the site. Commission Abramson stated that the sample ordinance language from Locke Township that is provided in the staff review is for an agricultural district and not a rural residential district; she wondered if staff knew of any examples for agricultural zones. Principal Planner Stanford explained that essentially the Rural Residential District in Marion Township is also their agricultural district; it is a catch all district for both rural residential and agricultural uses.

Planning Commissioners requested clarification from the applicant regarding various issues including: why her application for agri-tourism was denied; whether she would use caterers: the farm-to-table concept and whether we have other examples of this use in Livingston County; the special uses that have already been allowed on this property; and the allowed occupancy of the barn and its square footage. Planning Commissioner Ike mentioned other commercial uses along D-19 that are not zoned commercial. Planning Commissioner Prokuda asked how a conditional zoning impacts future zoning and where existing Highway Service zoning is present in the Township. Principal Planner Stanford pointed out HS zoning on the Marion Township Zoning map.

**Public Comment:** Applicant Sally Witkowski explained the background of their request to rezone and discussed the varying paths to approval with the Township. She stated that the request was in line with the ordinances of Marion Township and with the intent of the HS District. She explained that the use of their property is rural residential, so the proposed use will not be the intensiveness of a Highway Service use. She said that Marion Township conditional zoning language states that a conditional zoning is to meet the needs of a unique use. Highway Service zoning is pertinent to their proposed use because it is a regional use and it is located on D-19 which is a regional transportation corridor. Witkowski stated that there are few dissenters and Marion Township has few zoning options. She expressed that she believes conditional zoning precludes it from being spot zoning. They will be leaving natural buffers in place. She is not receiving special treatment.

Marion Township Planning Commissioner Cheryl Range expressed concern regarding the existing well and septic service on the proposed site and whether it can accommodate large gatherings generated by an event barn.

**Commissioner Action:**

**Commissioner Action:** IT WAS MOVED BY COMMISSIONER SPARKS TO RECOMMEND APPROVAL. NO SECOND FOR THIS MOTION. MOTION FAILS DUE TO LACK OF SUPPORT.

**Commissioner Action:** IT WAS MOVED BY COMMISSIONER CLUM TO RECOMMEND DENIAL, WITH STAFF RECOMMENDATIONS PER REVIEW. SECONDED BY COMMISSIONER ANDERSON.

**Motion passed: 5-1 (Sparks-Nay)**

**C. Z-06-18: HAMBURG TOWNSHIP, ZONING ORDINANCE AMENDMENTS -**

**ARTICLE 2.00: DEFINITIONS, ARTICLE 5.00: ENFORCEMENT, ARTICLE 8.00: SUPPLEMENTARY PROVISIONS.**

In memorandums to the Hamburg Township Planning Commission, the Hamburg Township Planning and Zoning Director states that these proposed amendments will streamline the review regulations for temporary buildings, structures, uses and seasonal sales permits. The Planning Commission desires to amend these processes to make it easier for applicants to work with the Township. In addition to these procedural amendments, it is proposed that Article 5.00 Enforcement be amended to revise the penalties section of the zoning regulations, in order to change the process from a misdemeanor penalty to a civil infraction. The new wording complies with the revised Hamburg Township Civil Infraction Ordinance 71A

**Township Planning Commission Recommendation: Approval.** The Hamburg Township Planning Commission recommended Approval of the amendments to Article 2.00, 5.00 and 8.00 at their January 17, 2018 meeting. Minutes of the meeting and public hearing were not available at the time of review, however, minutes of the December 20, 2017 Planning Commission meeting were reviewed.

**Staff Recommendation: Approval With Conditions.** The Hamburg Township Planning Commission and Planning and Zoning Staff did a good job of restructuring the Supplementary Provisions regarding Temporary Buildings, Structures, and Shelters and Special Events, Seasonal Sales and other Temporary Uses. County Planning Staff urge Hamburg Township to re-examine the proper intent and location of subsection 8.10.3 Performance Guarantee, and to consider the additional revisions discussed in this County Planning Staff Review.

**Commission Discussion:** Commissioner Sparks asked for clarification of the definition of ‘Temporary Shelter’.

**Public Comment:** None.

**Commissioner Action:**

**Commissioner Action:** IT WAS MOVED BY COMMISSIONER SPARKS TO RECOMMEND APPROVAL. SECONDED BY COMMISSIONER CLUM.

**Motion passed: 6-0**

**D. Z-07-18: HAMBURG TOWNSHIP, ZONING ORDINANCE AMENDMENTS -**

**ARTICLE 4.00: SITE PLAN REVIEW.**

In memorandums to the Hamburg Township Planning Commission, the Hamburg Township Planning and Zoning Director states that these proposed amendments will streamline the site plan review process for minor projects. The Planning Commission desires to amend this process to make it easier for applicants to work with the Township.

**Township Planning Commission Recommendation: Approval.** The Hamburg Township Planning Commission recommended Approval of the Article 4.00 text amendment at their January 17, 2018 meeting.

Minutes of the meeting and public hearing were not available at the time of review, however, minutes of the December 20, 2017 Planning Commission meeting were reviewed.

**Staff Recommendation: Approval.** Although County Planning Staff finds Article 4.00 to remain rather complex, staff commends Hamburg Township Planning Commission and Planning and Zoning staff, for finding solutions to streamline the site plan review process.

**Commission Discussion:** Commissioner Sparks mentioned the many typographical errors found in the amendments. Commissioner Prokuda stated that he thought both an architectural and engineer scale would suffice. Commissioner Abramson stated she thought that the Staff comment on page 3 may not be redundant.

**Public Comment:** None.

**Commissioner Action:**

**Commissioner Action:** IT WAS MOVED BY COMMISSIONER IKLE TO RECOMMEND APPROVAL. SECONDED BY COMMISSIONER SPARKS.

**Motion passed: 6-0**

**E. MP-01-18: ROSE TOWNSHIP, OAKLAND COUNTY, MASTER PLAN AMENDMENT**

Livingston County Planning Department received correspondence from Rose Township Planning Commission requesting Livingston County Planning Commission review and comment on the proposed update to the 2005 Rose Township Master Plan. This request is in accordance with Section 41 of the Michigan Planning Enabling Act (P.A. 33 of 2008).

County Planning Staff reviewed the 2018 amended master plan for compatibility with the Livingston County Comprehensive Plan and for potential impacts on Livingston County residents and communities.

**Township Planning Commission Recommendation: Approval.**

**Staff Recommendation: Approval.** That the Livingston County Planning Commission concurs with staff's comments on the Rose Township 2018 Master Plan, and submit the foregoing comments to the Rose Township Planning Commission.

**Commission Discussion:** Commissioners discussed the e-mail correspondence from the Tyrone Township Planning Commission Chair expressing that Tyrone Township had received no notification of the Rose Township draft master plan and insufficient time to review and comment on the draft plan in the time required by the Michigan Zoning Enabling Act.

**Public Comment:** None.

**Commissioner Action:**

**Commissioner Action:** IT WAS MOVED BY COMMISSIONER SPARKS TO RECOMMEND APPROVAL. SECONDED BY COMMISSIONER IKLE.

**Motion passed: 6-0**

**8. OLD BUSINESS**

**9. NEW BUSINESS:**

- a. **Distribution of draft Livingston County Planning Department 2018 Work Program:** Director Kline-Hudson distributed a copy of the draft 2018 work program to all planning commissioners, along with a summary sheet regarding the contents. She requested Planning Commissioners review of the draft and stated that this item will be on the March 21, 2018, Livingston County Planning Commission agenda.

## 10. REPORTS

### a. County Planning Staff Reports:

- i. **Ordinance For The Creation Of A Planning Commission For Livingston County, Michigan:** Director Kline-Hudson stated that this ordinance will need to be amended due to a section that states that County Planning Commissioners shall serve without compensation. The amendment should mention the monthly per diem.
- ii. **Online and Interactive County Planning and Zoning Amendment Form:** Principal Planner Stanford presented a brief overview of the newly added Online and Interactive County Planning and Zoning Amendment Form to the planning commissioners. It is hoped that the next phase of this project will be to add e-signatures and then become a 100% digital process going forward.
- iii. **Planning Commissioner Resignation:** Director Kline-Hudson reported that she has received the resignation of Planning Commissioner Mike Hubert, and his last meeting will be March 21, 2018.

11. **COMMISSIONERS HEARD AND CALL TO THE PUBLIC:** Bruce Powelson, Marion Township Planning Commissioner, spoke briefly regarding the Marion Township Conditional Rezoning case.

## 12. ADJOURNMENT

**Commissioner Action:** IT WAS MOVED BY COMMISSIONER SPARKS TO ADJOURN THE MEETING AT 8:25 P.M., SECONDED BY COMMISSIONER ANDERSON.

**Motion passed: 6-0**