

**LIVINGSTON COUNTY PLANNING COMMISSION
MEETING MINUTES**

APPROVED – July 18, 2018

6:30 p.m.

304 E. Grand River Ave., Howell, Michigan

PLANNING COMMISSION		
COMMISSIONERS PRESENT:	JEANNE CLUM LAURA ABRAMSON BILL ANDERSON	MATT IKLE CLAIRE STEVENS
COMMISSIONERS ABSENT:	BRIAN PROKUDA	JIM SPARKS
STAFF PRESENT:	KATHLEEN KLINE-HUDSON	SCOTT BARB
OTHERS PRESENT:	BRUCE POWELSON, MARION TWP BRIAN KEESEY, MCKENNA ASSOC.	

1. **CALL TO ORDER:** Meeting was called to order by Commissioner Clum at 6:34 PM.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL AND INTRODUCTION OF GUESTS**
4. **APPROVAL OF AGENDA:** Commissioner Clum requested moving the Tyrone Township cases to the top of the agenda since Tyrone Township had representation in the audience.

Commissioner Action: IT WAS MOVED BY COMMISSIONER CLUM TO APPROVE THE AMENDED AGENDA DATED JULY 18, 2018, SECONDED BY COMMISSIONER ANDERSON.

All in favor, motion passed.

5. **APPROVAL OF MINUTES**

Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO APPROVE THE AMENDED MINUTES OF THE PLANNING COMMISSION MEETING DATED JUNE 20, 2018, SECONDED BY COMMISSIONER IKLE.

All in favor, motion passed.

6. **CALL TO THE PUBLIC**

7. ZONING REVIEWS

A. Z-23-18: PUTNAM TOWNSHIP, ZONING ORDINANCE AMENDMENTS - ARTICLE III GENERAL PROVISIONS, SECTION 340-33 PRIVATE ROADS & SHARED DRIVEWAYS.

The Putnam Township Planning Commission is proposing to amend the Township Zoning Ordinance by modifying various subsections of the private road and shared driveway standards found in Section 340-33.

Township Planning Commission Recommendation: Approval. There were no comments at the June 13, 2018 public hearing on the proposed amendments.

Staff Recommendation: Approval. We believe the amendments are a reasonable and appropriate addition to the Putnam Township Zoning Ordinance.

Commission Discussion: None.

Public Comment: None.

Commissioner Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO RECOMMEND
APPROVAL. SECONDED BY COMMISSIONER ABRAMSON.
Motion passed: 5-0

B. Z-24-18: GREEN OAK TOWNSHIP, ZONING ORDINANCE AMENDMENTS - ARTICLE I IN GENERAL, SECTION 38-1 DEFINITIONS; ARTICLE IV SUPPLEMENTARY REGULATIONS, SECTION 38-135 EXCEPTIONS TO HEIGHT REGULATIONS AND SECTION 39-199 WIRELESS COMMUNICATION FACILITIES.

The majority of the proposed amendments are in regards to regulating the use of utility poles, structures and wireless equipment in a public right-of-way.

Township Planning Commission Recommendation: Approval. The Green Oak Charter Township Planning Commission recommended Approval of the Zoning Ordinance Text amendments to Articles I and IV at their May 17, 2018 meeting. There were no public comments at the May 17, 2018 public hearing for the proposed text amendments.

Staff Recommendation: Approval. The proposed text amendments related to regulating the use of utility poles, structures and wireless equipment in a public right-of-way, are reasonable and appropriate.

Commission Discussion: None.

Public Comment: None.

Commissioner Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER ABRAMSON TO
RECOMMEND APPROVAL. SECONDED BY COMMISSIONER IKLE.
Motion passed: 5-0

C. Z-25-18: GENOA TOWNSHIP – REZONING

Current Zoning: AG: Agriculture
Proposed Zoning: LDR: Low Density Residential
Section / Proponents: Section 33 and 34 / Chestnut Development

Township Master Plan: The Genoa Charter Township Master Plan designates the site and the parcels immediately surrounding it to the north and east, as LDR Low Density Residential. The master plan defines this future land use category as follows:

Low Density Residential: These areas are designated for single-family residential use, located on the fringe between the rural residential and the more urbanized areas of the Township. While these areas are not planned for sewer service, they have fewer environmental constraints found in the Rural Residential. Single-family residential uses within these areas will be located on lots of at least 1 acre in size.

To the south of the site in Hamburg Township, the adjacent land is master planned Public and Private Recreational Facilities (Brighton Recreation Area) and Rural Low Density Single Family Residential (2 acres) where a small residential subdivision is located.

County Comprehensive Plan: The Livingston County Comprehensive Plan (as amended) designates this site as Residential. The Plan describes this designation as follows:

Residential - Residential areas are located mainly in the southeast quadrant of the county. This quadrant has had the largest number of new residents move in over the last decade, and is the most built out area of the county. Over 40% of the county's population lived in Residential areas in 2000. It is characterized by fairly dense residential, commercial, and to some extent industrial development, although less dense and intense than uses found in the cities and villages. Residential areas are not without their rural character and scenic vistas. However, few agricultural lands in Residential areas are expected to exist twenty years from now. New residential developments in these areas should be compact and make the best use of sewer and water if it is available, and cluster projects should be utilized when appropriate to preserve open space and scenic vistas. Projects such as planned unit developments that are not feasible in Cities/Villages or Primary Growth Areas because of parcel size or similar restrictions should be channeled into Residential areas. Limited commercial and industrial growth is appropriate.

Township Planning Commission Recommendation: Approval. The Genoa Charter Township Planning Commission recommended APPROVAL of this rezoning at their June 11, 2018 meeting. The public hearing for this rezoning was also held on June 11, 2018. At the public hearing there was one comment from an adjacent land owner about fencing and buffering the site from his land.

Staff Recommendation: Approval. The proposed rezoning to LDR Low Density Residential is consistent with surrounding residential zoning and the master plan designation of LDR Low Density Residential for the site. Additionally, the proposed Chestnut Springs residential development should not have a detrimental impact on surrounding Brighton Recreation Area lands.

Commission Discussion: Commissioners briefly discussed the area surrounding the proposed rezoning.

Public Comment: None.

Commissioner Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER ABRAMSON TO RECOMMEND APPROVAL. SECONDED BY COMMISSIONER ANDERSON.
Motion passed: 5-0

D. Z-26-18: TYRONE TOWNSHIP, ZONING ORDINANCE AMENDMENTS - SECTION 26.04 NONCONFORMING STRUCTURES.

The Tyrone Township Planning Commission proposes to add a new amendment to the township zoning ordinance regarding rebuilding nonconforming structures, specifically: **Section 26.04: Nonconforming Structures**. With these amendments, the township desires to establish criteria to allow the rebuilding of existing nonconforming structures after fire, tornado, or other damage not caused by the owner, where repair is not possible or reasonable, when conditions exist such that the rebuilding will not result in any adverse health, safety, and welfare concerns.

Township Planning Commission Recommendation: Approval. The Tyrone Township Planning Commission recommended **Approval** of the text amendments at their May 15, 2018 meeting. There were no public comments.

Staff Recommendation: Approval. While these amendments on their face appear to be very nontraditional, however, they are not precedent-setting, as compared to similar-related provisions which can be found in municipalities throughout the country. With the number of conditions included in the provisions, it is apparent that Tyrone Township has taken every effort to be as comprehensive as possible in addressing the main concerns that may arise from implementing this unique process. The amendments should serve the Township well if such an unfortunate catastrophic event ever take place in the future.

Commission Discussion: Commissioner Abramson asked if there was a definition of ‘reasonable repairs’ within the amendments or the current zoning ordinance? Brian Keesey of McKenna Associates responded that the Township intends to put the onus on the building inspection process to determine what is reasonable in this instance. Commissioner Anderson asked if there have been instances in the Township of nonconforming buildings being damaged by fire and other disasters. Brian Keesey stated that there are currently cases of residents with damaged homes waiting for the passage of this new language. Planning Director Kline-Hudson asked if the Township Attorney had reviewed these proposed text amendments.

Public Comment: None.

Commissioner Action:

**Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO RECOMMEND APPROVAL WITH CONDITIONS; CONDITIONS BEING THAT TYRONE TOWNSHIP ESTABLISH A TIME PERIOD PROVISION AS RECOMMENDED IN COUNTY PLANNING STAFF REVIEW. SECONDED BY COMMISSIONER ABRAMSON.
Motion passed: 5-0**

E. Z-27-18: TYRONE TOWNSHIP, ZONING ORDINANCE AMENDMENTS - NEW SECTION – SECTION 21.02H: REGULATIONS FOR DETACHED ACCESSORY STRUCTURES.

The Tyrone Township Planning Commission proposes to add a new amendment to the Township Zoning Ordinance regarding nonconformities, specifically, a newly proposed Section 21.02.H: Regulations for Detached Accessory Structures on Adjacent Lots.

The proposed text is intended to provide accommodations for owners of lakefront properties who also own semi-adjacent parcels separated by a road easement, so they can erect accessory structures on said semi-adjacent parcels, under certain circumstances. Tyrone Township currently requires all accessory structures in single-family residential districts, except larger FR – Farming Residential lots or parcel, be accessory to a principal residence. Recognizing that under some very limited circumstances, where topography, lot size, or other constraints might prohibit construction of a detached accessory structure on the same lot, and

where the owner owns an adjacent lot across a private road, public right of way, a shared private driveway, or other easement, the owner may be able to construct a detached accessory structure conditional upon establishing deed restrictions inclusive of the Township's right of refusal, and if said construction has the outward appearance of single-family homes in the immediate area.

Township Planning Commission Recommendation: Approval. The Tyrone Township Planning Commission recommended **Approval** of the text amendments at their May 15, 2018 meeting. There were no public comments.

Staff Recommendation: Approval. Staff believes the proposed amendments are reasonable and compatible with existing township ordinance language. The number of specific conditions included in the provisions are fairly comprehensive in scope. The provisions should serve the Township well into the future.

Commission Discussion: Planning Commissioner Ikle asked if a person owning a parcel on a lake and also owning an adjacent lot, could put a garage or other accessory building on the adjacent lot? Brian Keesey responded that this would not be allowed and the owner would need to combine the lots. He stated that the Tyrone Township Planning Commission prefers residential structures along the lake front and accessory buildings away from the lake.

Public Comment: None.

Commissioner Action:

**Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO RECOMMEND APPROVAL SECONDED BY COMMISSIONER STEVENS.
Motion passed: 4-1 (Nays – IKLE)**

F. Z-28-18: TYRONE TOWNSHIP, ZONING ORDINANCE AMENDMENTS - SECTION 4.03H: SPECIAL LAND USES IN FR AND RE, ITEM H. RECREATIONAL AREAS, AND SECTION 21.02H: REGULATIONS FOR DETACHED ACCESSORY STRUCTURES ON ADJACENT LOTS.

The Tyrone Township Planning Commission proposes new amendments to be added to the township zoning ordinance regarding public-private commercial recreation in the FR and RE zoning districts. With these amendments, the township finds it necessary to establish criteria and requirements for seasonal and longer term recreational activities. These activities may include haunted forests, a maze field, an ice-climbing site, and other similar activities with a variety of intensities.

Township Planning Commission Recommendation: Approval. The Tyrone Township Planning Commission recommended Approval of the text amendments at their May 15, 2018 meeting. There were no public comments.

Staff Recommendation: Approval. The amendments are comprehensive, well written and understandable, and do not appear to impose any unnecessary additional hardships on applicants or to the process. Staff would encourage the Township to consider the comments highlighted in the review prior to formal approval of the amendments by the Township Board.

Commission Discussion: Planning Commissioner Clum asked about shooting ranges and in what instances this use would be allowed. Brian Keesey replied that the Township would gather input from neighbors of the proposed use and determine the need for buffering etc. Principal Planner Barb stated that Federal approvals are required for all firearm facilities. Brian Keesey added that the Sheriff's opinion was also sought for a proposed paintball facility in Tyrone Township. Commissioner Abramson asked if the requirement for annual review is new. Keesey said that it is new and the Zoning Administrator can relax

this reporting requirement over time. Commissioner Ikle asked about the sub-committee of the Tyrone Township Planning Commission. Keesey stated that the Planning Commission Chair, Vice-Chair and Secretary comprise this sub-committee.

Public Comment: None.

Commissioner Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO RECOMMEND APPROVAL. SECONDED BY COMMISSIONER IKLE.
Motion passed: 5-0

G. Z-25-18: DEERFIELD TOWNSHIP – REZONING

Current Zoning: A-1: General Agriculture
Proposed Zoning: A-4: Small Farm (2-acre minimum)
Section / Proponents: Section 12 / Joe and Thomas Colbert

Township Master Plan: The Future Land Use Map for Deerfield Township designates the subject parcel as a **Suburban Residential Area**. The master plan for the Township is summarized on page 3 – 4 with the following description:

The Suburban Residential area occupies portions of the northeast quarter of the township and includes many lake area neighborhoods along Lobdell Lake and Bennet Lake... This area provides for residential development of a more suburban and urban character than planned elsewhere in the township... Key policies of the Suburban Residential area are: the primary use of land should be single family and two-family residences, maximum densities should typically not exceed one dwelling unit per one-half acre, adequate infrastructure should be in place, and development character should be compatible with the surrounding area.

The applicant is proposing to rezone the property to A-4 with a 2-acre minimum. This request is compatible with the Township’s Master Plan and Future Land Use Map that establishes those areas near the Bennett Lake area as residential in both density and character.

County Comprehensive Plan: The current Livingston County Comprehensive Plan designates the site as **Transitional Residential** (page 62 – 63). According to the County Comprehensive Plan:

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 buffers between more strictly agricultural lands and residential areas. Developments should be at low or moderate overall densities and are ideal areas for cluster development ordinances and other open space preservation options...

While the current Livingston County Comprehensive Plan does not dictate development in any given area, the transitional residential designation is compatible with the Township’s Master Plan and overall policies regarding development within this section of Deerfield Township.

Township Planning Commission Recommendation: Approval. The Deerfield Township Planning Commission recommended approval of the proposed rezoning at the June 21, 2018 public hearing. No major comments were recorded at the public hearing.

Staff Recommendation: Approval. Planning staff is recommending approval of the proposed rezoning from A-1 General Agriculture to A-4 Small Farms with a 2-acre minimum. The rezoning of the subject parcel is compatible with the Township Master Plan’s future land use residential designation and is also in agreement with the Livingston County Comprehensive Plan.

Commission Discussion: Planning Commissioner Abramson asked whether the current home has access from Turner Road. Principal Planner Barb stated that it does and that a shared driveway or private road will probably be installed to provide access to both lots.

Public Comment: None.

Commissioner Action:

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

Motion passed: 5-0

8. OLD BUSINESS:

A. Planning Commission Seats - Planning Director Kline-Hudson led a discussion regarding the seat represented by each Planning Commissioner. After discussion it was determined that Jeanne Clum would become the School Board seat due to her past experience on the Howell School Board and her current experience on a school board committee. and new Planning Commissioner Claire Stevens would become the Recreation seat because of the relevance of this subject to her career.

9. NEW BUSINESS:

A. Planning Commissioner Introductions – New Planning Commissioner Claire Stevens introduced herself to fellow Planning Commissioners.

10. REPORTS

A. County Planning Staff Reports

- 1. Progress on Livingston County Master Plan 2018 (DRAFT)** – Planning Director Kline-Hudson stated that the Livingston County Board of Commissioners approved the distribution of the Draft Livingston County Master Plan on July 2, 2018 for the 63-day period of public review and comment. A copy of the resolution was distributed. Kline-Hudson also reported the ways in which the draft plan was distributed on July 3, and distributed a copy of the press release and a digital copy of the draft plan on thumb drive.
- 2. Progress on Livingston County Capital Improvement Plan.** - Kline-Hudson reported that the Livingston County Board of Commissioners also accepted the 2019-2024 Capital Improvement Plan for review and file, at their July 2, 2018 meeting.
- 3. June 27 Brown Bag Lunch** – The Solar Ordinance handout from presenters of the firm of Fahey Schultz Burzych Rhodes was distributed to Planning Commissioners. Approximately 30 participated.
- 4. Other** – Director Kline-Hudson asked that staff and Planning Commissioners begin a schedule of visiting local Planning Commission meetings to explain the draft Master Plan and how it can be implemented. She will bring a schedule to the August 15 meeting. Kline-Hudson also distributed a copy of the County Planning Department Annual Report (power point presentation) that County Planning Staff will present to the Board of Commissioners at the Finance meeting on July 25 at 7:30 a.m.

11. COMMISSIONERS HEARD AND CALL TO THE PUBLIC: No comments.

12. ADJOURNMENT

Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO ADJOURN THE MEETING AT 7:49 P.M., SECONDED BY COMMISSIONER IKLE.

Motion passed: 5-0