

**LIVINGSTON COUNTY PLANNING
COMMISSION MEETING MINUTES**

February 15, 2023

6:30 p.m.

Hybrid In-Person and Virtual Zoom Meeting

**Zoom Virtual Meeting Room Meeting ID: 399-700-0062 / Password: LCBOC
<https://zoom.us/j/3997000062?pwd=SUdLYVFFcmozWnFxbm0vcHRjWkVIZz09>**

PLANNING COMMISSION			
COMMISSIONERS PRESENT:	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> BILL ANDERSON MATT IKLE DENNIS BOWDOIN BILL CALL </td> <td style="width: 50%; border: none;"> BRIAN PROKUDA PAUL FUNK JASON SCHROCK </td> </tr> </table>	BILL ANDERSON MATT IKLE DENNIS BOWDOIN BILL CALL	BRIAN PROKUDA PAUL FUNK JASON SCHROCK
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COMMISSIONERS ABSENT:			
STAFF PRESENT:	ROB STANFORD SCOTT BARB		
OTHERS PRESENT:	BRUCE POWELLSON – MARION TWP, JENNIFER AUSTIN – BOSS ENGINEERING, STEVE SMITH – CONWAY TWP, SHAWN MORRISON – CONWAY TWP, ROY AND ELI STEYSKAL – CONWAY TWP, DEBBIE EARLY – IOSCO TWP, ROBERT AND SARA PORTER- CONWAY TWP, KELLY RALKO – CONWAY TWP, SOFIA FRENI (ONLINE), CATHY AND STEVE (ONLINE), TIM BOAL (ONLINE)		

1. **CALL TO ORDER:** Meeting was called to order by Planning Commissioner Anderson at 6:30 PM.
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **ROLL AND INTRODUCTION OF GUESTS:** None.
4. **APPROVAL OF AGENDA**

**Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO APPROVE THE
AGENDA, DATED February 15, 2023, SECONDED BY COMMISSIONER PROKUDA.
All in favor, motion passed.**

5. **APPROVAL OF PLANNING COMMISSION MEETING MINUTES**

**Commissioner Action: IT WAS MOVED BY COMMISSIONER FUNK TO APPROVE THE
MINUTES, AS AMENDED, DATED JANUARY 18, 2023, SECONDED BY COMMISSIONER
IKLE.**

6. **CALL TO THE PUBLIC:** None.

7. ZONING REVIEWS:

A. Z-07-23 CONWAY TOWNSHIP. AMENDMENTS TO THE ZONING ORDINANCE: SECTION 6.07: SUPPLEMENTAL REGULATIONS PERTAINING TO YARDS.

The Conway Township Planning Commission proposes a minor amendment to the Township Zoning Ordinance, in Section 6.07, regarding swimming pools.

Township Planning Commission Recommendation: Approval. The Conway Township Planning Commission recommended Approval of this zoning amendment at its December 12, 2022. There were no public comments noted in the minutes.

Staff Recommendation: Approval. The proposed amendments appear to be reasonable and appropriate. This added provision makes logical sense given the level of intensity of the described land use activity.

Commission Discussion: Commissioner Funk inquired about grandfathering of pools in current existence. Commissioner Prokuda asked about the grade of the pools and how grade is referenced and defined in the ordinance. Commissioner Ikle asked if fences are really needed around hot tubs on patios and decks.

Public Comment: None.

Commission Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER FUNK TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER CALL.

Motion passed: 7-0

B. Z-08-23 GENOA CHARTER TOWNSHIP, REZONING, OS OFFICE SERVICE DISTRICT TO MDR MEDIUM DENSITY RESIDENTIAL DISTRICT IN SECTION 11.

Current Zoning: OS Office Service

Proposed Zoning: MDR Medium Density Residential
Section 11

Township Master Plan:

The Future Land Use Plan of the Genoa Township Master Plan (2015) designates the site as Office:

- The office use includes various forms of office development including professional offices, medical offices, and banks.
- The Medium Density Residential designation refers to medium density duplexes, attached condominiums, and other multiple family units. This area may also be developed with single family homes on ¼ acre lots. Developments in these areas should be served by public water and sewer and not exceed a density of 5 units per acre.

While the proposed designation to Medium Density Residential is not in keeping with the future land use map for the township, conditions have changed at this location, and we believe the request is complimentary to the current development trends in and around this area. Development of the site as an office use is unlikely due to site constraints that include access, parking, and parcel size.

County Comprehensive Plan:

The 2018 Livingston County Master Plan does not direct future land use patterns, or development within Livingston County. Alternatively, it offers a county-wide land use perspective when reviewing potential rezoning amendments. The Land Use & Growth Management chapter of the plan includes decision-making recommendations regarding potential land use conflicts and promoting good land governance.

Township Planning Commission Recommendation: Approval. Public comments at the January 9, 2023, public hearing is noted in the draft minutes and include comments on driveway length, access, and engineering items.

Staff Recommendation: Approval. We believe the proposed rezoning from OS to MDR is appropriate at the given location.

Commission Discussion: None.

Public Comment: None.

Commission Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER SCHROCK TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER PROKUDA.
Motion passed: 7-0

C. Z-09-23 GENOA CHARTER TOWNSHIP, REZONING, PROPOSED TOWNSHIP INITIATED REZONING AMENDMENT REMOVAL OF TOWN CENTER OVERLAY CENTER DISTRICT (TCOD) UNDERLYING BASE ZONING REMAINS UNCHANGED, SECTIONS 10, 11, 14 AND 15.

Current Zoning: Town Center Overlay District

Proposed Zoning: Underlying zoning districts to remain Sections 10, 11, 14, and 15

The Genoa Charter Township Planning Commission proposes to remove the current Town Center Overlay District (TCOD) with the resulting underlying base zoning for all affected parcels to remain unchanged.

The request encompasses approximately 101.61 acres surrounding the intersection of Grand River Avenue and Dorr Road. The request is petitioned by Genoa Charter Township.

The township states in the application that there have been numerous properties that are within the current Town Center Overlay District that have requested, and been approved, to have the designation removed from their property. The township's revised draft Master Plan calls for the elimination of the district. All the affected property owners received a letter from the Township advising them of the proposed change. The proposed rezoning impacts forty-two (42) parcels, which are located generally along Grand River Avenue, between Gray Road and extending east, just past South Hughes Road, with the district boundary terminating just west of Dorr Road.

The request is only to remove the overlay district; underlying zoning will remain the same. The nature of the request will not impact any existing environmental features, as the TCOD generally allows a greater density/intensity of use than underlying zones. Future development will remain subject to environmental protection provisions of the Ordinance.

Township Planning Commission Recommendation: Approval. The Genoa Charter Township Planning Commission recommended Approval of this proposed rezoning at its January 9, 2023, public hearing. There was one public comment related to the proposal noted in the minutes.

Staff Recommendation: Approval. The proposed township initiated rezoning amendment to remove the Town Center Overlay District (TCOD) appears to be reasonable and appropriate. Given that the lack of interest from the development community to propose any development plans since the district was originally created in 2006, this proposal makes logical sense. Because the allowable uses in the TCOD are generally similar to those of the remaining underlying zoning districts, the availability of public water and sewer systems in the area, and the probability of reduced traffic volumes, there should be little to no ill-effects realized by the township and its residents as a result of this proposal.

Commission Discussion: Commissioner Prokuda asked if the property at corner of Dorr and Grand River is still part of the Town Center Overlay. Principal Planner Stanford stated that the Town Center Overlay is the only district being removed, all underlying zoning remains in place. Commissioner Funk was concerned that the Township did not submit enough information for review and stated that there is no map of the complete Town Center Overlay District. Principal Planner Stanford stated that the map(s) and information submitted by the Township for this case are assumed to indicate the entire TCO district boundaries correctly, all information and intent of the township in this case appears to be clear, and that nothing seems to be amiss.

Public Comment: None

Commission Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER FUNK TO RECOMMEND NO ACTION, ENCOURAGE FURTHER REVIEW, SECONDED BY COMMISSIONER BOWDOIN.

Motion passed: 5-2 (CALL, PROKUDA – NAY)

D. Z-10-23. AMENDMENTS TO THE ZONING ORDINANCE: CHAPTER 1 DEFINITIONS; CHAPTER 16 SPECIAL USES; CHAPTER 20 RD RESEARCH AND DEVELOPMENT.

The Handy Township Planning Commission is proposing to amend several sections of the Township Ordinance that will add new definitions and modify standards for both private and industrial scale solar facilities.

Township Planning Commission Recommendation: Approval. The Handy Township Planning Commission recommended approval of the proposed amendments at their January 26, 2023, public hearing. Comments in support of and against the solar amendments were documented in the Township meeting minutes.

Staff Recommendation: Approval. The solar amendments to the Handy Township Ordinance are well written and serve to strengthen the ordinance standards for private and commercial solar energy systems.

Commission Discussion: Commissioner Ikle stated the importance of the surety bond for the Township on solar projects and discussed further the differences between a financial instrument and a surety bond. Commissioner Ikle provided a definition of a surety bond. In his experience, surety bonds have been a more successful means as opposed to using a financial instrument. Commissioner Bowdoin asked if there should be 2 bonds on a Township project, one for construction and one for decommissioning. Commissioner Ikle stated, no, one surety bond for the entire project is usually only necessary. Commissioner Call informed the public on the RD District within the Township and the history behind the creation of the district. Commissioner Bowdoin is concerned about the fire issue and didn't see anything in the text about the applicants providing such training, at their expense, both as soon as the development goes in and throughout its existence. Commissioner Bowdoin had questions regarding item #11, in that, the township needs to be also named as insured. He also had concerns about item #17, with regards to transferability, in that, the carrier will inform the township immediately if the applicant cancels. Commissioner Prokuda had concerns about item #14, with regards to what defines a "failure". Too broad and open to interpretation. Principal Planner Barb stated it seems like it is covered adequately. Commissioner Prokuda stated that he liked the provisions listed in item #9, and that compliance with the Electric Code is very important. Commissioner Prokuda stated he is in full support of the amendments and that this is a very well thought out and one of the better sets of amendments regarding solar that the commission has seen so far.

Public Comment: Steve Smith, member of solar advisory committee in Conway Township, spoke against the Handy solar ordinance and are a poorly thought-out decision for productive farmland in Michigan. Sarah Porter, Conway Township, spoke about how bonds are hard to collect on. Shawn Morrison, Conway Township, spoke about environmental issues regarding the commercial solar farms

and not having adequate detention on-site. Eli Steyskal, Conway Township, asked if the solar amendments have been approved by the Township Board. Debbie Early, Iosco Township, had concerns about the RD District and if solar is allowed in this area and how this issue will affect property owners. Kelly Ralko, Conway Township, spoke against the spread of solar throughout the county. Sarah Porter spoke about the communication process involved in the solar issues and how it is not consistent.

Commission Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER CALL TO RECOMMEND APPROVAL WITH CONDITIONS. SECONDED BY COMMISSIONER PROKUDA.

Motion passed: 7-0

E. Z-11-23. OCEOLA TOWNSHIP, TEXT AMENDMENT, ARTICLE 4, ARTICLE 5, AND ARTICLE 19 USES AND DIMENSIONS TABLES; STANDARDS FOR USE; DEFINITIONS, SCHEDULE OF REGULATIONS

The Oceola Township Planning Commission proposes to revise current provisions related to the Schedule of Regulations (footnotes), accessory uses and buildings, outdoor storage standards and the definition for building height to better clarify the process for measuring the height of a building with a cupola.

Township Recommendation: Approval. The Oceola Township Planning Commission recommended Approval of this zoning amendment at its January 10, 2023 public hearing. There were no public comments noted in the minutes.

Staff Recommendation: Approval. The proposed amendments appear to be reasonable and appropriate. They appear to pose no undue hardship as proposed. The amendments eliminate the current inconsistencies found in the township zoning ordinance as well as better clarify and illustrate the desired intent of regulatory standards for items such as setbacks for accessory structures and building heights for structures with unique roof elements such as cupolas.

Commission Discussion: Commissioner Funk asked why this issue is a priority. Commissioner Prokuda asked about the footnotes and why they are so specific to certain subdivisions. Principal Planner Stanford provided examples of similar language and provisions found in other municipalities and reiterated that this is standard practice in many communities.

Public Comment: None.

Commission Action:

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

Motion passed: 7-0

8. OLD BUSINESS:

9. NEW BUSINESS:

A. Capital Improvement Plan Review Committee – PC Member Volunteer: Commissioner Funk, Commissioner Call, and Commissioner Ikle are interested in volunteering on the committee.

10. REPORTS: None.

11. COMMISSIONERS HEARD AND CALL TO THE PUBLIC: Steve Smith, Conway Township, again spoke on the PA 116 and how they are affected by solar issues. Rob Porter, Conway Township, spoke on training aspects of dealing with solar from a firefighting perspective, the lack of training even though funds are provided (Shiawassee Township example). No follow up seems to be done in this regard. Bruce Powellson, Marion Township commended the commissioners on running a good public meeting.

Commissioner Prokuda stated that he will not attend the April meeting and anticipates that his replacement will be in board before that meeting takes place.

12. ADJOURNMENT:

Commissioner Action: IT WAS MOVED BY COMMISSIONER CALL TO ADJOURN THE MEETING AT 8:18 P.M., SECONDED BY COMMISSIONER PROKUDA.

Motion passed: 7-0

Approved