

**APPROVED**

**LIVINGSTON COUNTY PLANNING  
COMMISSION MEETING MINUTES**

**March 16, 2022**

**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>**

<b>PLANNING COMMISSION</b>	
<b>COMMISSIONERS PRESENT:</b>	<b>BRIAN PROKUDA PAUL FUNK BILL ANDERSON</b> <b>BILL CALL JASON SCHROCK DENNIS BOWDOIN</b>
<b>COMMISSIONERS ABSENT:</b>	<b>MATT IKLE</b>
<b>STAFF PRESENT:</b>	<b>KATHLEEN KLINE-HUDSON ROB STANFORD SCOTT BARB</b>
<b>OTHERS PRESENT:</b>	<b><u>MARION TWP:</u> BRUCE POWELLSON, BOB HANVEY <u>IOSCO TWP:</u> KEN KNUCKLES <u>HARTLAND TWP:</u> TROY LANGER, ROB BUTI <u>PUTNAM TWP:</u> BRIAN HISA ALLAN PRUSS ROD PEIRSON MARK KRYSTAK CHRIS AND KRISTEN AYRES DENISE AND DARYL KRAUSE CHARLES AND JENNIFER GRENIER KONSTANTINE PROKOS SALVATORE BIONDO TOM LEWIS ANDY NUMYER TOM ALLEN <u>RANGER POWER COMPANY:</u> DREW VIELBIG</b>

- 1. CALL TO ORDER:** Meeting was called to order by Planning Commissioner Prokuda at 6:30 PM.
- 2. PLEDGE OF ALLEGIANCE TO THE FLAG**

3. **ROLL AND INTRODUCTION OF GUESTS:** Roll call by Principal Planner Stanford indicated the presence of a quorum. Members of the public were acknowledged in the audience.

<b>Present:</b>		
Prokuda	<input checked="" type="checkbox"/>	Location: Livingston County Administration Building
Ikle	<input type="checkbox"/>	
Funk	<input checked="" type="checkbox"/>	Location: Livingston County Administration Building
Anderson	<input checked="" type="checkbox"/>	Location: Livingston County Administration Building
Bowdoin	<input checked="" type="checkbox"/>	Location: Livingston County Administration Building
Call	<input checked="" type="checkbox"/>	Location: Livingston County Administration Building
Schrock	<input checked="" type="checkbox"/>	Location: Livingston County Administration Building
<b>Absent: Ikle</b>		

4. **APPROVAL OF AGENDA**

**Commissioner Action: IT WAS MOVED BY COMMISSIONER FUNK TO APPROVE THE AGENDA, DATED MARCH 16, 2022, SECONDED BY COMMISSIONER CALL.**

**All in favor, motion passed.**

**Yea: Prokuda  Anderson  Bowdoin  Call  Funk  Schrock**

**Nay: None.**

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

**Commissioner Action: IT WAS MOVED BY COMMISSIONER BOWDOIN TO APPROVE THE MINUTES, DATED FEBRUARY 16, 2022, SECONDED BY COMMISSIONER FUNK.**

**All in favor, motion passed.**

**Yea: Prokuda  Anderson  Bowdoin  Call  Funk  Schrock**

**Nay: None.**

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

7. **ZONING REVIEWS:**

- A. **Z-14-22: IOSCO TOWNSHIP – REZONING**  
**Current Zoning: AR Agricultural Residential**  
**Proposed Zoning: C-1 Local Commercial**  
**Section 2**

**Township Master Plan:** The Future Land Use plan and map of Iosco Township (2020) designates the site as Suburban Residential. The site is also located within the township-established Mason Road Commercial Industrial Area. The Township Master Plan further describes these area in the following manner (p. 3-4 and 3-7).

**Suburban Residential**

The Suburban Residential Area provides for residential development of a more suburban and urban character than planned elsewhere in the township. There are two planned Suburban Residential Areas. The Northeast Suburban Residential Area is in the northeast corner of the township extending south of Mason Road for approximately one-half mile, from Gregory Road east to Truhn Road, but excluding those areas contained in the Resource Conservation Area and that area comprising the Mason Road Commercial Area.

These Areas are characterized by one or more conditions that are more supportive of higher-density residential growth including:

- improved access via paved primary roads and closer proximity to I-96
- closer proximity to fire protection services
- soils conditions more supportive of suburban and/or urban densities
- closer proximity to planned commercial services

#### **Mason Road Commercial Industrial Area**

The Mason Road Commercial / Industrial Area extends along Mason Road from Bull Run Road east to about 1,000' west of Kern Road, for a depth of approximately 500'. Future principal uses planned for this Area are to be commercial endeavors catering to the local population and the motoring public, and light industry. These areas are considered preferred locations for non-residential growth and are characterized by one or more conditions that support commercial and/or industrial activity including:

- improved access via paved primary roads and closer proximity to I-96
- closer proximity to fire protection services
- reduced environmental limitations
- existing and/or past commercial/industrial uses in the immediate area, including in neighboring Handy Township to the north.

There are also portions of the Resource Conservation Area designation that are found on the proposed subject site. They are further described in the township Master Plan as follows:

#### **Resource Conservation Area**

*The Resource Conservation Area includes those portions of the township comprised of wetlands and river and stream corridors. These resources provide important environmental benefits including habitats for wildlife, flood control, groundwater recharge and discharge, and surface water purification. In addition, they provide special opportunities for recreation, contribute to the township's overall rural character and desirability as a place of residence, and present severe obstacles to development. The Resource Conservation Area is intended to encourage the preservation of important natural resource areas. In light of the critical role these natural resources play, uses within the Resource Conservation Area should be predominantly limited to open space and natural resource-based conservation endeavors. Residential development is discouraged to minimize encroachment into and the disturbance of these important resource areas and the environmental systems contained within.*

**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.

Based on these strategies, the consistency of rezoning from an AR-Agricultural Residential zoning district to a C-1 Local Commercial zoning district, in a location where the subject property is adjacent to C-1 zoned land and an already established commercial business to the west and is near the Neighborhood Service District (commercial) on the west side of Fowlerville Road in Handy Township, also with several established businesses appears to be a reasonable option.

**Township Planning Commission Recommendation: Approval.** The Iosco Township Planning Commission recommended Approval of this Rezoning at its February 9, 2022 Public Hearing.

**Staff Recommendation: Approval.** The proposed rezoning appears to be reasonable and appropriate. Reviewing the proposed rezoning compared to the township Master Plan, there is nothing that clearly indicates that the proposed rezoning is inappropriate for the subject property. The subject property is within the Plan's planned Mason Road Commercial/Industrial Area. The proposed C-1 zoning is reasonably consistent with the existing mixed pattern of districts in the immediately surrounding area.

**Commission Discussion:** None.

**Public Comment:** Ken Knuckles representing Dollar General discussed how the rezoning and use would be a good fit for the community.

**Commission Action:**

**Commissioner Action: IT WAS MOVED BY COMMISSIONER SCHROCK TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER BOWDOIN.**

**Motion passed: 6-0**

**Yea: Prokuda [X] Anderson [X] Bowdoin [X] Call [X] Funk [X] Schrock [X]**

**Nay: None.**

**B. Z-15-22: HARTLAND TOWNSHIP – REZONING**

**Current Zoning: CA Conservation Agriculture**

**Proposed Zoning: SR Suburban Residential**

**Section 21**

**Township Master Plan:** The Hartland Township Master Plan adopted in 2012, designates the site and many of the surrounding parcels as MS DR Medium Suburban Density Residential. The master plan defines this future land use category as follows:

*Medium Suburban Density Residential. This designation is the third largest land use category and has been planned for approximately 2,414 acres of the Township. These areas include some of the most recent development in the community. Hartland Estates, San Marino Estates, Meadow View Estates, Autumn Woods and other similar single-family developments are all located within MS DR areas.*

**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.** Approval; Minutes reflect that there were no public comments at the February 10, 2022 public hearing.

**Staff Recommendation: Approval.** Surrounding land use patterns in this area of Hartland Township are consistent with the SR Suburban Residential rezoning request. A rezoning of the 3.9 acre subject site to SR would not negatively impact the surrounding lots on McCartney Road that are zoned CA Conservation Agriculture. Hartland Township should consider a more comprehensive rezoning of the parcels on either side of Clark Road, so that the Hartland Township Zoning Map is more consistent with the Future Land Use designations of this area.

**Commission Discussion:** None.

**Public Comment:** None.

**Commission Action:**

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

**Motion passed: 6-0**

**Yea: Prokuda [X] Anderson [X] Bowdoin [X] Call [X] Funk [X] Schrock [X]**

**Nay: None.**

**C. Z-16-22: PUTNAM TOWNSHIP – REZONING**

**Current Zoning: RS-1 Rural Residential**

**Proposed Zoning: RS-3 Rural Residential**

**Section 35**

**Township Master Plan:** The Putnam Township Master Plan Future Land Use Map (Draft August 2019) designates the subject parcel as Medium Density Residential (1 to < 3 acres). The Township Master Plan states the following regarding the Medium Density Residential future land use classification:

*MDR classified areas are located near existing residential development and provide a transition between higher and lower densities with a single-family lot sizes ranging from 1 to 3 acres. Given the overarching desire to maintain the township's rural character, homes do not gain direct driveway access from existing perimeter arterial and collector roads, but rather they are accessed from within a development through a series of interconnected streets. Views of residential neighborhoods are screened along perimeter roads by significant landscaped buffers, areas of preserved and protected trees and woodlands and changes in topography.*

The parcel is bounded by land that is master planned as Rural Preservation to the east, west, and south with Medium Density Residential to the north. Home sites within the proposed development range from 1 to < 3 acres in size and are aligned with the master plan density requirements for the Medium Density Residential classification.

**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: Disapproval.** The proposed rezoning was recommended for disapproval at the February 9, 2022 public hearing. The minutes of the public hearing note there were several in attendance who were against the proposed rezoning. Additional letters of opposition were also noted in the Township packet.

**Staff Recommendation: Approval.** The proposed rezoning from RS-1 (5 acres) to RS-3 (1 acre) is compatible with both the Putnam Township Master Plan and the Livingston County Master Plan.

**Commission Discussion:** Commissioner Call stated that this Commission is charged with making sure a community's Master Plan intentions are met in any rezoning petition. Commissioner Prokuda asked whether the properties around the parcel less than 5 acres have been grandfathered in. Commissioner Funk inquired about the possibility of larger lot sizes. Commissioners discussed whether the proposed rezoning is approvable based on the rezoning aspect only. Commissioner Bowdoin recommended the Township consider conditions on this proposal if they are offered by the petitioner. Commissioner Schrock stated he is happy to see potential new families locate into the township and school district but voiced his concern regarding the proposed rezoning and how growth may affect the area negatively. Commissioner Anderson stated his view is for compromise with the Township regarding the proposed rezoning. Commissioner Prokuda is concerned about the smallest of the lots at 1 acre in size and potential spot zoning issue. Commissioner Funk would like to inquire with the developer to consider other options and or conditions. Principal Planner Barb stated that proposed lot sizes (up to 3 acres) are compliant with surrounding parcels. Director Kline-Hudson stated that the Master Plan does show this area planned for parcels 1 to less than 3 acres in size, so that is partially what this Commission bases its recommendations on.

**Public Comment:** Tom Lewis explained the Township PC decision to deny the rezoning was based on 1 acre lot sizes being too severe of a change. Allan Pruss, engineer for the project discussed the proposal for rezoning: pipeline issues/constraints will be dealt with in site plan review, access needs to be approved by Road Commission, rural character is supported. Eight (8) residents spoke individually about the rezoning and voiced their concerns and opposition regarding the change in zoning for the parcel. Concerns raised were: well issues; further groundwater contamination in conjunction with Patterson Lakes Products site; raised water table levels; over-developing the site; loss of critical animal habitat; loss of rural character;

rezoning of 1-acre being too drastic of a change; zoning should remain 5-acre; surrounding neighbors are all 5-acres or more; rezoning of 1 to less than 3 acres is not good land stewardship; dangerous traffic concerns at the intersection of Darwin and Dexter-Pinckney Roads.

**Commission Action:**

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

**Motion Tied: 3-3, No Action on recommendation**

**Yea: Anderson [X] Bowdoin [X] Call [X]**

**Nay: Prokuda [X] Funk [X] Schrock [X]**

**D. Z-17-22 CONWAY TOWNSHIP, ZONING ORDINANCE AMENDMENTS.  
ARTICLE 6 GENERAL AND SUPPLEMENTARY REGULATIONS, SECTION 6.09 (A)(8)  
TEMPORARY USES AND BUILDINGS**

The Conway Township Planning Commission proposes to amend the provisions of Section 6.09(A)(8) pertaining to Temporary Land Use Permits for agricultural tourism entertainment events.

**Township Planning Commission Recommendation:** Approval. The Conway Township Planning Commission recommended Approval of this zoning amendment at its February 14, 2022. There were no public comments noted in the minutes.

**Staff Recommendation:** Approval. The proposed amendments appear to be reasonable and appropriate. The proposed revisions represent a good proactive regulatory response to a unique and challenging land use activity in the township.

**Commission Discussion:** Commissioner Bowdoin stated that Conway Township will soon be working on more new language regarding large events. Commissioner Funk inquired about traffic/law enforcement issues and how it affects the Township and if they are paying the Township for all of the work this entails.

**Public Comment: None**

**Commission Action:**

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

**Motion passed: 6-0**

**Yea: Prokuda [X] Anderson [X] Bowdoin [X] Call [X] Funk [X] Schrock [X]**

**Nay: None.**

**E. Z-18-22 CONWAY TOWNSHIP, TEXT AMENDMENT.  
ARTICLE 6 GENERAL AND SUPPLEMENTARY REGULATIONS, SECTION 6.27  
ACCESSORY DWELLING UNIT**

The Conway Township Planning Commission proposes a completely new set of regulations for the Township Zoning Ordinance, as Section 6.27, to allow detached accessory dwelling units in the AR and R districts.

**Township Planning Commission Recommendation: Approval.** The Conway Township Planning Commission recommended Approval of this zoning amendment at its February 14, 2022. There were no public comments noted in the minutes.

**Staff Recommendation: Approval.** The proposed amendments appear to be reasonable and appropriate. The township has done the right thing by proactively amending the zoning ordinance to allow for ADUs.

**Commission Discussion:** Commissioner Call inquired if setbacks are included in the text amendment. Commissioner Schrock identified the section for Commissioner Call.

**Public Comment: None**

**Commission Action:**

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

**Motion passed: 6-0**

**Yea: Prokuda [X] Anderson [X] Bowdoin [X] Call [X] Funk [X] Schrock [X]**

**Nay: None.**

**F. Z-19-22: MARION TOWNSHIP – REZONING**

**Current Zoning: HS Highway Service**

**Proposed Zoning: UR Urban Residential**

**Section 2**

**Township Master Plan:** The Future Land Use plan and map of Marion Township (2021) designates the site as Commercial. The Township Master Plan further describes these area in the following manner (p. 72).

*The intent of the Commercial future land use category is to concentrate future commercial uses within the Township Proposed Water/Sewer Boundary and around the highway interchange for ease of transportation access to and from establishments and to serve a regional customer base. Locating future Commercial development adjacent to the interchange and D-19, the major arterial in Marion Township, will minimize traffic congestion, traffic conflict and traffic hazards and will keep nonresidential uses contiguous to the commercial services of the City of Howell. Traffic generated by commercial uses will also benefit from a future paved roadway that will connect D-19 to Peavy Road just south of the interchange.*

*The Commercial future land use designation encompasses 238 acres of land. The bulk of this land area surrounds the I-96 interchange extending south to Francis Road and west to Peavy Road. It includes land area on both sides of D-19. Another small node of commercial is noted near the southern boundary of the Township, at the northwest corner of the Schafer Road and D-19 intersection where existing commercial is present. Lastly, small commercially-designated Township parcels are scattered amongst City of Howell properties along Mason Road and Michigan Avenue.*

*Developmental Densities within the Commercial future land use designation should not exceed one building or structure per one acre. The Commercial future land use category corresponds to the HS Highway Service District of the Marion Township Zoning Ordinance.*

**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.

Based on these strategies, the consistency of rezoning from a Highway Service Commercial zoning district to an Urban Residential zoning district, in a location where all of the immediately adjacent parcels are of similar single-family residential character, but which are master planned for Commercial uses appears to be incompatible with the Best Practices on their face, as identified in the Livingston County

Master Plan. However, as the details of this review reveals, there are extenuating circumstances related to this particular parcel that make rezoning the subject site to a residential land use a better, more reasonable option.

**Township Planning Commission Recommendation: Approval.** The Marion Township Planning Commission recommended Approval of this Rezoning at its February 22, 2022 Public Hearing.

**Staff Recommendation: Approval.** While the proposed rezoning to Urban Residential is not consistent with the Township Master Plan designation for the subject parcel, it would, however, be generally compatible with the urbanized, residential nature of the immediately surrounding area and would create a more suitable economic and land use solution for this particular parcel.

**Commission Discussion:** Commissioner Funk inquired about the parcel and if it is considered as a potential spot zone?

**Public Comment:** None.

**Commission Action:**

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

**Motion passed: 6-0**

**Yea: Prokuda [X] Anderson [X] Bowdoin [X] Call [X] Funk [X] Schrock [X]**

**Nay: None.**

**8. OLD BUSINESS: None.**

**9. NEW BUSINESS:**

**A. Livingston County Planning Department Work Program.** A brief discussion of the 2022 Planning Department Work Program was explained. Commissioner Funk inquired about the Housing Best Practices project.

**10. REPORTS:**

**A. Livingston County High Quality Natural Areas Assessment.** Principal Planner Stanford handed out individual copies of the Livingston County High Quality Natural Areas Assessment to each Commissioner and stated that all 20 local communities are also receiving a hard copy via USPS to their Planning Commissions via their local Planning Director or Zoning Administrator.

**B. Livingston County Capital Improvement Plan.** Principal Planner Stanford briefed the Commissioners that the initial Capital Improvement Plan project submission packets were sent out to all County departments and agencies and outlined the planned time table of activities related to the CIP process. The Planning Commission will receive the CIP at the June meeting for review and anticipated approval.

**11. COMMISSIONERS HEARD AND CALL TO THE PUBLIC:** Drew Vielbig from Ranger Power discussed solar projects that are currently in progress in various townships. Commissioner Bowdoin discussed the benefits of Mr. Vielbig's solar power presentation at Conway Township. Bruce Powelson commended the Commission on excellently handling a contentious meeting and inquired about gas line easement locations. Director Kline-Hudson said that gas line easements are recorded with Livingston County Emergency Management. Commissioner Schrock thanked staff for their work and efforts.



**12. ADJOURNMENT:**

**Commissioner Action: IT WAS MOVED BY COMMISSIONER FUNK TO ADJOURN THE MEETING AT 8:37 P.M., SECONDED BY COMMISSIONER ANDERSON.**

**Motion passed: 6-0**

**Yea: Prokuda [X] Anderson [X] Bowdoin [X] Call [X] Funk [X] Schrock [X]**

**Nay: None.**