

**LIVINGSTON COUNTY PLANNING COMMISSION
MEETING MINUTES**

**May 20, 2020
6:30 p.m.**

**Zoom Virtual Meeting Room Meeting ID: 399-700-0062 / Password: LCBOC
<https://zoom.us/j/3997000062?pwd=SudLYVFFcmozWnFxbm0vcHRjWkVIZz09>**

PLANNING COMMISSION		
COMMISSIONERS PRESENT:	BRIAN PROKUDA MATT IKLE JEANNE CLUM	BILL ANDERSON DENNIS BOWDOIN BILL CALL
COMMISSIONERS ABSENT:	LAURA ABRAMSON	
STAFF PRESENT:	KATHLEEN KLINE-HUDSON ROB STANFORD SCOTT BARB	
OTHERS PRESENT:	BRUCE POWELSON, MARION TOWNSHIP PLANNING COMMISSION KELLY VANMARTER, ASSISTANT GENOA TOWNSHIP MANAGER/COMMUNITY DEVELOPMENT DIRECTOR SCOTT PACHECO, HAMBURG TOWNSHIP PLANNER	

1. **CALL TO ORDER:** Meeting was called to order by 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.

Present: Prokuda [X] Ikle [X] Clum [X] Anderson [X] Bowdoin [X] Call [X]
Absent: Abramson

4. **APPROVAL OF AGENDA**

**Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO APPROVE THE
AGENDA DATED MAY 20, 2020, SECONDED BY COMMISSIONER IKLE.**

All in favor, motion passed.

Yea: Prokuda [X] Ikle [X] Clum [X] Anderson [X] Bowdoin [X] Call [X]
Nay:

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

**Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO TABLE THE
UNAPPROVED MINUTES OF THE PLANNING COMMISSION MEETING DATED
FEBRUARY 19, 2020 UNTIL THE JUNE 17, 2020 PLANNING COMMISSION MEETING.
MOTION SECONDED BY COMMISSIONER CALL.**

All in favor, motion passed.

Yea: Prokuda [X] Ikle [X] Clum [X] Anderson [X] Bowdoin [X] Call [X]
Nay:

6. **CALL TO THE PUBLIC:** Mr. Bruce Powelson, Marion Township Planning Commission offered in an email received by Planning Department on May 20, 2020, a few minor housekeeping-related comments related to case reviews Z-06-20 and MP-01-20. Staff has made corrections to the final review documents that will be sent to the townships.

7. **ZONING REVIEWS:**

A. **Z-06-20: HAMBURG TOWNSHIP – ZONING ORDINANCE AMENDMENTS - ARTICLE 2.00 DEFINITIONS, 7.00 DISTRICT REGULATIONS AND ARTICLE 8.00 SUPPLEMENTARY PROVISIONS**

This text amendment regards allowing collection bins as a permitted use in Hamburg Township. The Hamburg Township Planner noted in a staff report that the Township has encountered some problems with the placement of collection bins, most notably an instance of donation collection bins being placed on the township-owned trailhead parking lot at M-36 and Pettysville Road, as well as in the parking lot of a commercial business. The Township Code enforcement Officer contacted the company that placed the bins on the park property and they were promptly removed. A verbal warning was given to the commercial business that the location of their bins block access to required parking spaces, but the bins have not been moved.

The Hamburg Township Planner also notes that in 2015, the Court of Appeals ruling in Planet Aid v. City of St. Johns, 782 F.3d 318, (6th Cir. 2015) extended First Amendment protection to unattended charitable bins. The City of St. Johns, Michigan had enacted an ordinance that banned all outdoor, unattended donation bins but the Court ruled that the ban was likely unconstitutional.

The proposed text amendments comply with this court ruling, and they have been reviewed by the Township Attorney.

Township Planning Commission Recommendation: Approval. The Hamburg Township Planning Commission recommended Approval of the amendments at their February 19, 2020 meeting. Minutes of the meeting and public hearing were not available at the time of review.

Staff Recommendation: Approval. The proposed new language in Articles 2.00, 7.00 and 8.00 regarding collection bins, should do a fine job of regulating this permitted use in Hamburg Township.

Commission Discussion: Commissioner Ikle had a question regarding the maximum number of bins allowed on church properties. Scott Pacheco, Hamburg Township Planner, stated that locals cannot regulate bins on church properties if they follow the mission of the church; if they are bins placed by another entity they can be removed by enforcement.

Public Comment: None.

Commission Action:

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

Motion passed: 6-0

Yea: Prokuda [X] Ikle [X] Abramson [X] Clum [X] Anderson [X] Bowdoin [X] Call [X]

Nay:

B. Z-08-20: GENOA TOWNSHIP – REZONING

Current Zoning: OSD: Office Service District and GCD General Commercial District
Proposed Zoning: GCD (General Commercial District) with a Redevelopment Planned Unit Development (RDPUD) overlay
Section 9 / Genoa Township

Township Master Plan:

The Future Land Use Plan of the Genoa Township Master Plan (2013) designates this site as General Commercial. This designation is intended for businesses which serve the requirements of the community at large including Genoa Township, Howell, Brighton, and pass-by traffic along Grand River Avenue are designated by this category. The large size and variety of permitted commercial uses generate significant volumes of vehicular and pedestrian traffic, and there may be some outdoor sales or display areas. These districts are intended to be clustered, rather than allowed to create an undesirable commercial strip pattern of development, and they are buffered from nearby residential area. Appropriate uses include larger grocery stores, restaurants and retail shopping centers.

The site is also in a designated Primary Growth Area of Genoa Township, along Grand River Avenue. Primary growth areas are currently served or available to be served by public sewer and water. These areas include single family and multiple family residential at higher densities with public water and sewer, commercial centers, industrial parks and mixed-use centers.

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. There were 2 public comments in support of this development at the March 9 public hearing.

Staff Recommendation: Approval. The proposed rezoning to General Commercial with a Redevelopment Planned Unit Development overlay is compatible with surrounding planning, zoning and current land uses. The proposed cohesive development should enhance the appearance and use of this under-utilized area of the Grand River Avenue corridor while providing commercial benefits to Genoa Township and surrounding communities.

Commission Discussion: Commissioner Ikle mentioned his attendance at the Genoa Township Planning Commission meeting and that they decided to allow drive-thru restaurants as a special land use. Kelly Van Marter, Assistant Township Manager, Genoa Township, addressed Commissioner Ikle's remarks regarding drive-thru restaurants.

Public Comment: None.

Commission Action:

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

Motion passed: 6-0

Yea: Prokuda [X] Ikle [X] Clum [X] Anderson [X] Bowdoin [X] Call [X]

Nay:

C. MP-01-19: HAMBURG TOWNSHIP: MASTER PLAN AMENDMENT.

Livingston County Planning Department received correspondence from Hamburg Township Planning Commission requesting Livingston County Planning Commission review and comment on the proposed 2020 Hamburg Township Master Plan and 2020 Update to the 2011 Village Center Master Plan. This request is in accordance with Section 41 of the Michigan Planning Enabling Act (P.A. 33 of 2008).

Township Planning Commission Recommendation: Final Approval Pending.

Staff Recommendation: Approval. That the Livingston County Planning Commission concur with staff's comments on the 2020 Hamburg Township Master Plan and 2020 Update to the 2011 Village Center Master Plan, and submit the foregoing comments to the Hamburg Township Planning Commission.

Commission Discussion: Commissioners Ikle and Prokuda commented favorably on Planning Staff comments and the Hamburg Township Master Plan.

Public Comment: None.

Commissioner Action:

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

Motion passed: 6-0

Yea: Prokuda [X] Ikle [X] Clum [X] Anderson [X] Bowdoin [X] Call [X]

Nay:

8. OLD BUSINESS: None.

9. NEW BUSINESS:

A. Livingston County Planning Department 2020 Work Program: Director Kline-Hudson discussed the 2020 work program with the Planning Commission and highlighted a few of the projects that staff is currently undertaking for this year. There were a couple questions about the planned "soft opening" of Fillmore Park. Planning Department staff will use the Work Program for orienting the new County Administrator to our department.

10. REPORTS:

A. 2021 Livingston County Capital Improvement Plan: Principal Planner Stanford briefed the Commissioners regarding their participation in the upcoming County Capital Improvement Plan at the June 2020 Planning Commission meeting.

B. Z-07-20: Trinity Health: This case may be on the June 2020 agenda.

11. COMMISSIONERS HEARD AND CALL TO THE PUBLIC: Commissioner Ikle mentioned that the remote meeting process will likely need to be continued forward – he has a compromised person in his family.

12. ADJOURNMENT:

Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO ADJOURN THE MEETING AT 7:40 P.M., SECONDED BY COMMISSIONER CLUM.

Motion passed: 6-0

Yea: Prokuda [X] Ikle [X] Clum [X] Anderson [X] Bowdoin [X] Call [X]

Nay: