

**LIVINGSTON COUNTY PLANNING
COMMISSION MEETING MINUTES**

June 15, 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>**

PLANNING COMMISSION			
COMMISSIONERS PRESENT:	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> BRIAN PROKUDA BILL ANDERSON PAUL FUNK </td> <td style="width: 50%; border: none;"> DENNIS BOWDOIN MATT IKLE BILL CALL </td> </tr> </table>	BRIAN PROKUDA BILL ANDERSON PAUL FUNK	DENNIS BOWDOIN MATT IKLE BILL CALL
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COMMISSIONERS ABSENT:	JASON SCHROCK		
STAFF PRESENT:	KATHLEEN KLINE-HUDSON ROB STANFORD SCOTT BARB		
OTHERS PRESENT:	BRUCE POWELLSON, MARION TOWNSHIP PLANNING COMMISSION TOM LEWIS, PUTNAM TOWNSHIP ZONING ADMINISTRATOR MEGAN SWAIN, CONWAY TOWNSHIP PLANNING COMMISSION RICHARD ERICKSON, TYRONE TOWNSHIP PLANNING COMMISSION JANNETTE ROPETTA, RESIDENT, TYRONE TOWNSHIP		

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:** None.
4. **APPROVAL OF AGENDA**

Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO APPROVE THE AGENDA, DATED JUNE 15, 2022, SECONDED BY COMMISSIONER ANDERSON.

All in favor, motion passed.

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

Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO APPROVE THE MINUTES, DATED MAY 18, 2022, SECONDED BY COMMISSIONER BOWDOIN.

All in favor, motion passed.

6. CALL TO THE PUBLIC: None.

7. ZONING REVIEWS:

A. Z-22-22: PUTNAM TOWNSHIP, TEXT AMENDMENT, ARTICLE II. TERMINOLOGY, ARTICLE III. GENERAL PROVISIONS, SECTION 340.25 ROADSIDE STANDS, ARTICLE V. A-O AGRICULTURAL/OPEN SPACE DISTRICT, SECTION 340.47 TABLE OF USES, AND ARTICLE XIII. SPECIAL LAND USES, SECTION 340.145.3 AGRITOURISM ACTIVITIES.

The Putnam Township Planning Commission is proposing to amend several sections of the Township Ordinance that address agritourism related uses. These changes will affect definitions, roadside stands, table of uses, and other agritourism related activities.

Township Planning Commission Recommendation: Approval. The Putnam Township Planning Commission recommended Approval of the proposed amendments at their May 11, 2022 public hearing. There were no public comments on the proposed amendments.

Staff Recommendation: Approval. The proposed amendments to the township ordinance will substantially enhance the standards and regulations for agritourism related uses in the township.

Commission Discussion: Commissioner Ikle asked if this amendment includes any other stands such as firework stands. Principal Planner Barb answered that roadside stands must be agricultural uses.

Public Comment: None.

Commission Action:

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

Motion passed: 6-0

B. Z-23-22: PUTNAM TOWNSHIP, TEXT AMENDMENT, ARTICLE XV DEVELOPMENT REGULATIONS, SECTION 340.163.2 GRADING.

The Putnam Township Planning Commission is proposing to amend the Ordinance by creating two new sections that will address stormwater management and grading standards for applicants and projects within the Township.

Township Planning Commission Recommendation: Approval. The Putnam Township Planning Commission recommended Approval of the proposed amendments at their May 11, 2022 public hearing. There were no public comments on the proposed amendments.

Staff Recommendation: The proposed amendments are a reasonable addition to the Township Zoning Ordinance, but staff strongly encourages the Township to consider the addition of a reference to the SESC permit process that is required by Livingston County as referenced in our review comments.

Commission Discussion: Commissioner Prokuda asked for clarification regarding Soil Erosion and Sedimentation Control (SESC) permits.

Public Comment: None.

Commission Action:

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

Motion passed: 6-0

C. Z-24-22: IOSCO TOWNSHIP, TEXT AMENDMENT, ARTICLE 6 NONCONFORMING LOTS, STRUCTURES, AND USES, SECTION 6.4 NONCONFORMING STRUCTURES, AND ARTICLE 20 SUPPLEMENTAL PROVISIONS, SECTION 20.23 DONATION BINS

The Iosco Township Planning Commission proposes to revise current provisions related to nonconforming structures and their enlargement or alteration.

The Iosco Township Planning Commission also proposes a completely new set of regulations for the Township Zoning Ordinance, as Section 20.23, to regulate donation bins.

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

Staff Recommendation: Approval. The proposed amendments for both issues appear to be reasonable and appropriate. The regulations as proposed for donation bins are consistent with those found in other municipalities that have recently begun to regulate these uses.

Commission Discussion: Commissioner Ikle stated that not all churches are located in commercial districts like the C-1 District; this would preclude them from having donation bins. Commissioner Bowdoin believes it would be prudent to add a reference to the State Law and /or the State Attorney General Opinion as provided by County Planning Staff in the review, in the return letter to the Township.

Public Comment: None.

Commission Action:

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

Motion passed: 6-0

D. Z-25-22: GENOA TOWNSHIP, TEXT AMENDMENT, ARTICLE 7 COMMERCIAL AND SERVICE DISTRICTS, SECTION 7.02 PERMITTED AND SPECIAL LAND USES.

Genoa Township Assistant Township Manager/Community Development Director Kelly VanMarter summarized the text amendment at the April 25 Genoa Charter Township Planning Commission Special Meeting/Public Hearing as follows:

This zoning ordinance amendment to Article 7, Table 7.02, relates to educational land uses in Commercial Districts. This amendment is to allow schools and school-related uses within all commercial districts. Specifically, to allow elementary schools, junior and senior high schools, and colleges as a special land use in the Neighborhood Service District (NSD) and as a permitted use in both the General Commercial District and Regional Commercial District. It is currently a special use in only the Office Service District (OSC). It would also add dormitories or student apartments accessory to a college, as a special land use within all commercial districts, instead of just the OSD. Lastly, vocational, and technical training facilities would be added as a special land use in the NSD district.

Township Planning Commission Recommendation: Approval. The Genoa Charter Township Planning Commission recommended Approval of the Zoning Ordinance text amendments to Article 7 at their April 25, 2022, meeting. There were no comments from the public.

Staff Recommendation: Approval. The proposed amendments to Article 7 Commercial and Service Uses are straightforward and understandable and will allow schools and school-related uses within all commercial districts.

Commission Discussion: Commissioner Funk asked if schools are referenced as public schools or other types of facilities used for educational purposes?

Public Comment: None.

Commission Action:

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

Motion passed: 5-1

NAY: Ikle

E. Z-26-22: HAMBURG TOWNSHIP, TEXT AMENDMENT, ARTICLE 2.00 DEFINITIONS, ARTICLE 7.00 DISTRICT REGULATIONS, AND ARTICLE 8.00 SUPPLEMENTARY PROVISIONS REGARDING ALTERNATIVE ENERGY SYSTEMS.

The proposed text amendments primarily regard Alternative Energy Systems and definitions. Also included in this zoning text amendment are amendments to Articles 2,7, and 8 regarding other subjects such as riparian frontage, that were inadvertently removed from previous Hamburg Township text amendments.

Township Planning Commission Recommendation: Approval. The Hamburg Township Planning Commission recommended Approval of the zoning ordinance text amendments to Article 2.00 Definitions, Article 7.00 District Regulations, and Article 8.00 Supplementary Provisions at their May 18, 2022, Planning Commission meeting. Minutes of the meeting were not available at the time of this review.

Staff Recommendation: Approval. Regulating Alternative Energy Systems is a relatively new zoning ordinance subject matter, and Hamburg Township has done a good job of drafting this language. Although County Planning Staff has suggested some potential revisions for this AES language, it is understood that there are times when new zoning ordinance language must be put in place and utilized before needed revisions are identified.

Commission Discussion: Commissioner Prokuda asked about restrictions on large scale facilities for shadowing and other issues. He stated that purchase power agreements are required.

Public Comment: None.

Commission Action:

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

Motion passed: 6-0

F. Z-27-22 TYRONE TOWNSHIP, REZONING, FR FARMING RESIDENTIAL TO RE RURAL ESTATE IN SECTION 16

Current Zoning: FR Farming Residential

Proposed Zoning: RE Rural Estate

Section 16

Township Master Plan: The Future Land Use plan and map of Tyrone Township (2012) designates the site as Residential/Natural Resource Preservation. The Township Master Plan further describes this FLU area designation in the following manner (p. 92):

As noted on the Opportunities and Constraints Map, Tyrone possesses a wealth of significant natural resources and features. These include woodlands, wetlands, natural water bodies, and areas with steep slopes and scenic vistas. The Future Land Use Plan's Residential/Natural Resource Preservation designation is located in areas that possess one or more of these significant natural features. It is intended to allow residential development at the very low density of a minimum of 3 acres per dwelling unit. Residential uses will be developed in a planned manner that preserves the attractive natural features of Tyrone Township.

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 FR-Farming Residential zoning district to a RE-Rural Estate Residential zoning district, in a location where the immediately surrounding properties are of a similar rural residential nature appears to be a reasonable option. The proposed zoning map amendment would not result in a change of potential - permitted or special land uses.

Township Planning Commission Recommendation: Approval. The Tyrone Township Planning Commission recommended Approval of this Rezoning at its May 10, 2022 Public Hearing. Meeting minutes (NOTE: i.e., file name: "May 10 2022 PC Synopsis") supplied by the Township at the time of review did not indicate any public comments either for or against the proposal.

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 proposed RE-Rural Estate zoning designation is reasonably consistent with the current established land use patterns in the immediately surrounding area.

Commission Discussion: Commissioner Anderson asked for clarification on the 'Immediately Surrounding Zoning Map' provided in the review. Commissioner Funk stated that he believed the application was not complete and the County Planning Commission is only getting half of the picture. This is the Commission's opportunity to thoroughly review the rezoning and evaluate other aspects of the Township Master Plan that have not been included with the proposed rezoning. Principal Planner Stanford stated that in the packet of information supplied there was no mention of open space as part of the development, and that in the review he was only able to supply the Planning Commission with what was supplied to him by the Township at the time of this review. Commissioner Anderson stated that open space requirements would be considered in site plan review.

Public Comment: Jannette Ropetta, resident, Tyrone Township, spoke against the proposed rezoning due to concerns over potential wetland issues on the property and no open space being proposed, as identified in the Master Plan as a consideration for new developments in this area. She stated that the rezoning was highly opposed by the public at the Township Planning Commission meeting. Richard Erickson, Tyrone Township Planning Commission Chairman, clarified the Master Plan open space issue. He said that open space requirements were removed from the zoning ordinance regulations for some of the zoning districts.

Commission Action:

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

Motion passed: 5-1

NAY: Funk

8. OLD BUSINESS:

- A. Visits to Local Planning Commissions:** Township meeting schedule of visits was discussed briefly.
- B. Capital Improvement Plan (CIP):** An overview of the CIP was presented to the Planning Commission.

Commission Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER FUNK TO RECOMMEND APPROVAL OF THE 2023-2028 LIVINGSTON COUNTY CAPITAL IMPROVEMENT PLAN BY RESOLUTION, AND TO FORWARD TO THE LIVINGSTON COUNTY BOARD OF COMMISSIONERS TO RECEIVE AND FILE AS PER CUSTOMARY PROCEDURE, SECONDED BY COMMISSIONER ANDERSON.

Motion passed: 6-0

9. NEW BUSINESS: None.

10. REPORTS:

- A. May 19 Brown Bag Lunch:** Director Kline-Hudson provided a brief overview of this educational event regarding Livingston County's High-Quality Natural Area Assessment, land preservation and conservation.
- B.** Director Kline-Hudson explained that this new MSU resource provides guidance important to Livingston County Planning Commission decisions.

Planning & Zoning for Solar Energy Systems: A Guide for Michigan Local Governments – <https://www.canr.msu.edu/resources/planning-zoning-for-solar-energy-systems-a-guide-for-michigan-local-governments>

11. COMMISSIONERS HEARD AND CALL TO THE PUBLIC: None.

12. ADJOURNMENT:

Commissioner Action: IT WAS MOVED BY COMMISSIONER CALL TO ADJOURN THE MEETING AT 8:04 P.M., SECONDED BY COMMISSIONER ANDERSON .

Motion passed: 6-0