

**LIVINGSTON COUNTY PLANNING
COMMISSION MEETING MINUTES**

July 20, 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;"> JASON SCHROCK BILL ANDERSON PAUL FUNK </td> <td style="width: 50%; border: none;"> DENNIS BOWDOIN MATT IKLE BILL CALL </td> </tr> </table>	JASON SCHROCK BILL ANDERSON PAUL FUNK	DENNIS BOWDOIN MATT IKLE BILL CALL
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COMMISSIONERS ABSENT:	BRIAN PROKUDA		
STAFF PRESENT:	KATHLEEN KLINE-HUDSON ROB STANFORD SCOTT BARB		
OTHERS PRESENT:	<ul style="list-style-type: none"> • BRUCE POWELLSON - MARION TOWNSHIP • BENTON HISLER – VISITOR • ADAM KREEGER – PETITIONER FOR CONWAY TOWNSHIP REZONING CASE (Z-31-22) • MEGHAN SWAIN-KUCH - CONWAY TOWNSHIP PLANNING COMMISSION CHAIR (Z-31-22) • TOM LEWIS – PUTNAM TOWNSHIP ZONING ADMINISTRATOR • CHRIS KHOREY – PLANNER FOR OCEOLA TOWNSHIP • ANDREA SYDOR – PETITIONER FOR GENOA TOWNSHIP CASE (Z-30-22) 		

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 JULY 20, 2022, SECONDED BY COMMISSIONER FUNK.

All in favor, motion passed.

5. APPROVAL OF PLANNING COMMISSION MEETING MINUTES

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

All in favor, motion passed.

6. CALL TO THE PUBLIC: None.

7. ZONING REVIEWS:

A. MP-02-22 OCEOLA TOWNSHIP, 2022 MASTER PLAN

Livingston County Planning Department received correspondence from the Oceola Township Planning Commission requesting Livingston County Planning Commission review and comment on the proposed new Oceola Township Master Plan (Draft June 7, 2022). This request is in accordance with Section 41 of the Michigan Planning Enabling Act (P.A. 33 of 2008). This newly proposed Master Plan replaces the current Township Master Plan, which was adopted in November 2007.

County Planning Staff reviewed the aforementioned documents for compatibility with the 2018 Livingston County Master Plan and for potential impacts on Livingston County residents and communities.

Township Planning Commission Recommendation: Final Approval Pending.

Staff Recommendation: Approval. That the Livingston County Planning Commission concur with staff's comments on the *2022 Oceola Township Master Plan* and submit the foregoing comments to the Oceola Township Planning Commission. County Planning Staff encourages the Oceola Township Planning Commission to seriously consider the County Planning staff suggestions for revisions that are contained in this review.

Commission Discussion: Commissioner Ikle inquired about planning for safe pedestrian access across Latson Road to the new HAPRA recreation center. Commissioner Funk stated that he and staff had visited the Oceola Planning Commission in December, 2021 when they were working on the draft of the Master Plan, he echoed Commissioner Ikle's concerns about access to community gathering places and he encourages the inclusion of Livingston County's 2022 High-Quality Natural Areas Assessment information in their master plan.

Public Comment: Chris Khorey, planner for Oceola Township briefly discussed the master plan.

Commission Action:

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

Motion passed: 6-0

B. MP-03-22 GENOA TOWNSHIP, 2022 MASTER PLAN

Livingston County Planning Department received correspondence on June 27, 2022, from Genoa Township requesting Livingston County Planning Commission review and comment on the proposed *Draft Genoa Township 2022 Master Plan*. This review is required by Section 125.3841 of the Michigan Planning Enabling Act (2008). The Planning Act provides surrounding communities and other respondents with 63 days to provide comments. This review period expires on August 29, 2022. The proposed Master Plan replaces the current Township Master Plan, which was adopted in 2013.

County Planning Staff reviewed the *Draft Genoa Township 2022 Master Plan* for compatibility with the *2018 Livingston County Master Plan* and for potential impacts on neighboring residents and communities.

Township Planning Commission Recommendation: Final Approval Pending.

Staff Recommendation: Approval. The draft 2022 Genoa Township Master Plan contains good content for leading Genoa Township planning & zoning into the future. County Planning Staff recommend that the Genoa Township Planning Commission seriously consider the County Planning staff suggestions for revision that are contained in this review.

Commission Discussion: Commissioner Funk asked about the process for adoption of the master plan, and whether the content of the plan must be consistent community by community.

Public Comment: None.

Commission Action:

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

Motion passed: 6-0

C. Z-28-22: PUTNAM TOWNSHIP, TEXT AMENDMENT, ARTICLE 2, DEFINITIONS; ARTICLE 3 GENERAL PROVISIONS; ARTICLE 5 A-O AGRICULTURAL/OPEN SPACE DISTRICT.

The Putnam Township Planning Commission is proposing to amend the Township Ordinance by amending several sections of the Ordinance including definitions, setback measurements and projections into yards, solar energy systems, and accessory structures.

Township Planning Commission Recommendation: Approval. The proposed text amendments were approved at the June 8, 2022 public hearing. No public comments on the proposed changes were noted in the minutes.

Staff Recommendation: Proposed changes are compatible with the Putnam Township Zoning Ordinance.

Commission Discussion: None.

Public Comment: None.

Commission Action:

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

Motion passed: 6-0

D. Z-29-22: HAMBURG TOWNSHIP, TEXT AMENDMENT, ARTICLE V. ZONING BOARD OF APPEALS

The proposed text amendments primarily regard Zoning Board of Appeals decisions regarding practical difficulties.

Township Planning Commission Recommendation: Approval. The Hamburg Township Planning Commission recommended Approval of the zoning ordinance text amendments to Article V. Zoning Board of Appeals, Sec. 36-137 (c.) Jurisdiction at their June 15, 2022, Planning Commission meeting. Minutes of the meeting were not available at the time of this review.

Staff Recommendation: Approval. The newly proposed list of five (5) standards for practical difficulty are very reasonable and represent current expectations of Zoning Board of Appeals procedures according to the Michigan Zoning Enabling Act.

Commission Discussion: Commissioner Ikle expressed concern over the current item #4 being taken out of the proposed text. Item 4. States “*That the granting of such variance will not adversely affect the purpose or objectives of the master plan of the Township.*” Commissioner Call echoed the sentiments that the reference to the master plan should stay in the proposed text.

Public Comment: None.

Commission Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO RECOMMEND APPROVAL WITH CONDITIONS OF INCORPORATING THE MASTER PLAN VARIANCE CONDITION (CURRENT ITEM #4) INTO THE PROPOSED TEXT, SECONDED BY COMMISSIONER BOWDOIN.

Motion passed: 6-0

**E. Z-30-22 GENOA TOWNSHIP, REZONING,
RR RURAL RESIDENTIAL TO CE COUNTRY ESTATES IN SECTION 32**

Current Zoning: RR Rural Residential

**Proposed Zoning: CE Country Estates
Section 32**

Township Master Plan: The Future Land Use Plan of the Genoa Township Master Plan (2013) designates the site as Large Lot Rural Residential. The intent of this designation is development of single family residential on large lots. Many of the areas within this designation have significant natural limitations such as wetlands or severe soil limitations and are not planned for sanitary sewer. This classification is recommended for single family residences on lots no smaller than 2 acres or clustered development with a net density of 2 units per acre.

Additionally, the Future Land Use Chapter of the Genoa Township Master Plan establishes a growth boundary that marks the separation between rural and urban areas and defines land that can efficiently support urban services such as sewer, water, and roads. The subject site is within a rural reserve area outside of the growth boundary that should be maintained at a relatively low intensity rural character of development that will not adversely impact natural features and agricultural uses.

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 was one public comment of support from a neighboring property owner at the June 13, 2022, public hearing.

Staff Recommendation: Approval. The proposed rezoning from Rural Residential (RR) to Country Estates (CE) is compatible with surrounding planning, zoning, and current land uses.

Commission Discussion: None.

Public Comment: None.

Commission Action:

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

Motion passed: 6-0

**F. Z-31-22 CONWAY TOWNSHIP, CONDITIONAL REZONING,
AR AGRICULTURAL RESIDENTIAL TO COMMERCIAL IN SECTION 10**

Current Zoning: AR Agricultural Residential
Proposed Zoning: C Commercial
Section 10

Township Master Plan: The Future Land Use plan and map of Conway Township (2018) designates the site as Agricultural Residential. The Township Master Plan further describes these area in the following manner (p.37).

Agricultural Residential

The Agricultural Residential land use category provides opportunities for low-density suburban style housing while preserving and supporting agricultural uses. District developments promote the preservation of Conway Township land area through low-density cluster development of housing and careful consideration of existing land uses and community input. Wherever, possible, residential land uses are extended along paved roadways to provide better access for higher density uses.

The residential component of this land use category recognizes existing subdivisions and makes provisions for new residential areas on large lots. Average development densities within the residential areas are planned for one dwelling unit per two acres except for subdivisions. Anticipated average development for subdivisions, whether in the form of plats or condominiums, are planned not to exceed one dwelling unit per 32,670 square feet (3/4 of an acre) although dwelling units (or lots) may be clustered in order to maximize retained open space. Single-family detached housing will be the predominant style in this area, although the Planning Commission may permit multiple family units along paved County Primary Roads through special land use approval.

As the largest land use in Conway Township, farming activities are the predominant activity within this classification, although single-family detached dwelling units are allowed. This land use is characterized by large lots, very low residential density and agricultural business activities. This category intends to preserve prime farmland properties and should be protected from residential development when possible. The land within this area is well suited for growing crops due to soil type and terrain, which are unique natural resources of the township. New residential properties are highly encouraged to be contained in cluster development to preserve land area.

Some non-agricultural uses may be of no harm to, or enhance the character of the farming area. Uses related to farming or the Planning Commission should allow agricultural production through special land use approval. For example, farm product processing, storage and distribution; the sale and service of products and equipment used in farming; farm related enterprises such as roadside produce markets, farm-craft stores; and sale of horticultural products and services.

These uses should be evaluated for their unique impacts on surrounding agricultural lands with particular reference to the amount and quality of land to be taken out of production, and the way the sites are developed and accessed to minimize conflicts with adjacent agricultural uses.

The plan recommends that subdivisions in agricultural areas be subject to special land use approval by the Planning Commission to ensure better control over timing, size and location of projects. It is expected that subdivisions in the areas will develop in a logical pattern extending out from the residential areas so that subdivision developments do not "leapfrog" into areas and result in premature loss of farmland. In order to further protect agricultural resources in Conway Township, properties within the Agriculture land use may be enrolled in the P.A. 116 Farmland and Open Space Protection Program. The availability of a Purchase of Development Rights (PDR) program is a critical component of agricultural land uses. PDRs allow landowners to sell development rights for the farm parcel to a governmental or not-for-profit entity in exchange for placement of an easement on the land which prohibits future non-agricultural development of the property. This agreement allows the farmer to receive the value of their property without allowing development.

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-Commercial zoning district, in a location where the subject property is entirely surrounded by an already established agricultural/residential land use character in all directions appears to be in conflict with the goals and objectives of the township Master Plan.

Township Planning Commission Recommendation: Approval. The Conway Township Planning Commission recommended **APPROVAL** of this Conditional Rezoning "...pending approval tied to conditions with additional information to be provided" at its May 9, 2022 Public Hearing.

Staff Recommendation: Approval with Conditions. On the face of it, the proposed rezoning is inconsistent with the Township Master Plan. However, the applicant has volunteered a set of conditions that provide more details for the township to consider and a clearer picture as to the actual intended use as a result of the rezoning being approved. However, it will be imperative that a careful and thorough site plan approval process will need to take place if the township chooses to approve of the rezoning and its conditions, in order to ensure the level of negative impacts of the proposed use are kept to the absolute minimum and compatibility of the site with surrounding properties is achieved to the best extent possible.

Recommendation: **Approval with Conditions.** Conditions being that the township and applicant mutually agree with the Statement of Conditions as required by Section 4.09 of the Township Zoning Ordinance.

Commission Discussion: Commissioner Bowdoin gave a brief explanation of history behind the proposed rezoning and asked if it would be best to eliminate the northern commercial node identified in master plan? Commissioner Call stated he felt that this was a spot zoning issue and would not support the case. Commissioner Funk asked how old the Township Master Plan was.

Public Comment: Meghan Swain-Koch provided input regarding the history of the proposed rezoning. Adam Kreeger, applicant, was present to answer questions from the commissioners.

Commission Action:

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

**Motion passed: 5-1,
NAY: CALL**

8. OLD BUSINESS:

A. Visits to Local Planning Commissions: The township meeting schedule of visits was briefly discussed. Commissioner Funk and Director Kline-Hudson briefly explained their visit to the Hartland Township Planning Commission.

9. NEW BUSINESS: None.

10. REPORTS: The Capital Improvements Plan was approved by the Board of Commissioners; Solar energy tour to Ranger Power solar facility near Lennon, MI was discussed with the Planning Commission set for 8/19/22; Newsletters were discussed from the past month; SEMCOG PAP Grant was closed out; MSU Extension is interested in doing another Citizen Planner program this fall. Principal Planner Stanford announced he is now serving voluntarily as Vice-Chair of the Livingston County Land Conservancy.

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

12. ADJOURNMENT:

Commissioner Action: IT WAS MOVED BY COMMISSIONER CALL TO ADJOURN THE MEETING AT 8:25 P.M., SECONDED BY COMMISSIONER IKLE .

Motion passed: 6-0