

**LIVINGSTON COUNTY PLANNING COMMISSION  
MEETING MINUTES**

**November 20, 2019  
6:30 p.m.  
304 E. Grand River Ave., Howell, Michigan**

<b>PLANNING COMMISSION</b>		
<b>COMMISSIONERS PRESENT:</b>	<b>BRIAN PROKUDA JEANNE CLUM MATT IKLE BILL CALL</b>	<b>LAURA ABRAMSON BILL ANDERSON DENNIS BOWDOIN</b>
<b>COMMISSIONERS ABSENT:</b>	<b>NONE</b>	
<b>STAFF PRESENT:</b>	<b>KATHLEEN KLINE-HUDSON ROB STANFORD SCOTT BARB</b>	
<b>OTHERS PRESENT:</b>	<b>SEE SIGN-IN SHEET FROM MEETING</b>	

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

**Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO APPROVE THE AGENDA DATED NOVEMBER 20, 2019, SECONDED BY COMMISSIONER ANDERSON.**

**All in favor, motion passed.**

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

**Commissioner Action: IT WAS MOVED BY COMMISSIONER CALL TO APPROVE THE MINUTES OF THE PLANNING COMMISSION MEETING DATED OCTOBER 16, 2019, SECONDED BY COMMISSIONER CLUM.**

**All in favor, motion passed.**

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

## 7. ZONING REVIEWS:

### A. Z-49-19: BRIGHTON CHARTER TOWNSHIP – CONDITIONAL REZONING

**Current Zoning: NR: Natural Resources**

**Proposed Zoning: B-3: Special Business (Conditional)**

**Section / Proponents: Section 23 / Livingston Sand Corporation**

#### **Township Master Plan:**

The Future Land Use plan and map of Brighton Charter Township designates the site as PUD-Planned Unit Development. The Township Master Plan describes this area in the following manner (p. 28):

*Planned Unit Developments are a type of land use that allows some regulatory flexibility in favor for higher quality development. This tool allows a developer to work with the site to develop the most reasonable plan, given existing conditions, surrounding contexts and community goals. Planned Unit Developments can be used to cluster development in a certain area of the site in order to create shared open space or protect natural features. A PUD can help accomplish the following:*

- *Provide flexible design to respond to the unique characteristics of a site.*
- *Coordinate development on larger sites within the designated lands.*
- *Preserve significant natural features in a more coordinated and comprehensive manner.*
- *Provide alternatives for developing plans on land that may exhibit difficult physical constraints, and where an improved design can provide the developer and the community with benefits.*
- *Allow for clustered development in order to create common space for use by future residents or users of the development.*
- *Ensure public infrastructure and road improvements are made as practical, concurrent with the development.*
- *Provide the opportunity to mix compatible land uses.*

*The gravel pits located on several sites near the east side of the Township provide an area for future development. Extraction of gravel has extended below the water table, creating several small lakes that can be used as an attractive feature in future development plans proposed on some of these sites. The gravel pits would be most effectively developed as planned unit developments (PUD) which include a mixture of 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.

Based on these strategies, the consistency of rezoning from a NR: Natural Resources zoning district to a B-3: Special Business zoning district, in a location where many of the immediately adjacent parcels are designated NR: Natural Resources or B-3: Special Business appears to be incompatible with the Best Practices identified in the Livingston County Master Plan.

**Township Planning Commission Recommendation: Denial.** The Brighton Charter Township Planning Commission recommended Denial of this Conditional Rezoning at its October 14, 2019 Special Meeting/Public Hearing. There were several conditions tied to this conditional rezoning that were formally offered by the petitioner. There were numerous residents present that were in opposition of this rezoning request.

**Staff Recommendation: Disapproval.** The proposed rezoning is not consistent with the Master Plan for the subject parcel as:

- It does not fulfill the end of useful life, post-mining operation redevelopment plans for the subject site according to the Master Plan. The township has been fairly diligent in its efforts and decision-making processes to continue to preserve the desired future redevelopment of the gravel pits in this area to Planned Unit Development.
- The nearest B-3 zoned parcels to the proposed subject site are located approximately 5 miles away (near Hilton Road and Old US 23).
- There are no other similar special business (Commercial) types of uses located in the vicinity of the proposed subject site.
- The proposed use would generally not be compatible with the rural residential nature of the surrounding area.

**Commission Discussion:** Commissioner Prokuda had questions regarding the future redevelopment of the land and if the proposed B-3 use would be spot zoning.

**Public Comment:** Ashley Israel and his associate from Pete Lindhout Associates, spoke on behalf of the applicant. They provided history of the property and the gravel pit. Roxanne Hutchins, Milford, distributed a petition with signatures from residents that were not able to attend. Jason McIntyre, Deborah Deidrich-Milford, Jill Traub-Buno Rd, and Jordan Traub-Buno Rd, all spoke in opposition to the request.

**Commission Action:**

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

**Motion passed: 7-0**

**B. Z-50-19: GREEN OAK CHARTER TOWNSHIP – REZONING**

**Current Zoning: R2: Single Family Residential and LI: Limited Industrial**

**Proposed Zoning: LI: Limited Industrial**

**Section / Proponents: Section 29 / Nick Zander**

**Township Master Plan:**

The Green Oak Township Master Plan and Future Land Use Map (December 2014) designate the subject property as Limited Industrial. Per the Township's planning consultant and the 2014 proposed master plan update, the following description addressed the LI District:

*The intent of the LI District is to primarily accommodate research, wholesale, and warehouse activities, and light industrial operations whose external, physical effects are restricted to the district, and in no manner affect, in any detrimental way, any of the surrounding districts. It is intended for the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material. The processing of raw material for shipment in bulk form, to be used in an industrial operation at another location shall not be permitted.*

The rezoning request is consistent with the Township's Future Land Use Map. The proposed rezoning lies south of Maltby Road, is adjacent to Whitmore Lake Road, and is near areas planned for both industrial and commercial near the Whitmore Lake exit off of U.S. 23. It is apparent that the Township recognizes the impending growth patterns near major transportation routes. The rezoning from R2 to LI is compatible with both the future land use map and the Township's proposed master plan and is located in an area of the Township that is expected to grow with these types of industrial and commercial uses.

**County Comprehensive Plan:**

The 2018 Livingston County Master Plan does not direct future land use patterns or dictate development within the Township or surrounding area, but focuses on a more comprehensive approach to master planning by identifying current trends and best management practices that can help achieve orderly growth by utilizing best land management strategies.

Following these best land management and growth policies found in the county plan, the parcel that is under consideration is located near a major highway interchange and on Whitmore Lake Road. The Township has declared this site as a potential growth area for industrial and commercial uses and we believe the proposed rezoning is within the context of both the Township Master Plan and the Livingston County Master Plan and is supported by each. The development and rezoning of land on the Whitmore Lake corridor in this area to the proposed limited industrial use is appropriate at this time.

**Staff Recommendation: Approval.** The request to rezone from R2 (Single Family Residential) and LI (Limited Industrial) to LI (Limited Industrial) is compatible with the Green Oak Township Master Plan and the 2018 Livingston County Master Plan.

**Commission Discussion:** None.

**Public Comment:** None.

**Commission Action:**

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

**Motion passed: 7-0**

**C. Z-51-19: HARTLAND TOWNSHIP – REZONING**

**Current Zoning: PD: Planned Development**

**Proposed Zoning: LI: Light Industrial**

**Section / Proponents: Section 33 / Hartland Township/Beauchamp**

**Township Master Plan:**

The Hartland Township Comprehensive Plan (2015) designates the site as Planned Industrial / Research and Development. The master plan defines this future land use category as follows:

*The word “Planned” in this designation’s name is intended to convey the Township’s intentions to partner with private developers or public entities in the creation of planned developments consistent with the provisions of the Michigan Zoning Act and the Township’s Zoning Ordinance. In anticipation of population growth and the resulting demand such growth will place upon Township services, additional nonresidential land use areas will be required. These uses will help stimulate the local economy, provide jobs, and contribute to a diverse tax base in order to facilitate Township growth and allow it to continue to provide the quality of service its residents have grown to expect.*

**General Location.** On the Future Land Use Map, PIRD has been planned for approximately 627 acres of the Township. Two distinct areas have been designated for future Planned Industrial Research and Development. These areas are the Clyde Road and US-23 interchange and the Old US-23 corridor, south of M-59.

**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.** The Hartland Township Planning Commission recommended Approval of this rezoning at their October 10, 2019 meeting. The public hearing for this rezoning was also held on October 10, 2019; there were no public comments.

**Staff Recommendation: Approval.** The proposed rezoning to LI Light Industrial will bring this parcel into conformance with the Hartland Township Zoning Ordinance and will help Hartland Township achieve an area of more consistent industrial zoning along the east side of Old US-23. The LI zoning and the intended use of this site is consistent with the existing industrial land use of this area and the Planned Industrial/Research Development (PIRD) master plan designation.

**Commission Discussion:** Troy Langer, Hartland Township Planning Director, answered Planning Commissioner's questions and concerns about whether or not the owner of the property is in agreement with the rezoning and what prompted the request. Mr. Langer explained that the current zoning was not sufficient for any use and the owner is in agreement.

**Public Comment:** None.

**Commission Action:**

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

**Motion passed: 6-1 (IKLE)**

**D. Z-52-19: GENOA CHARTER TOWNSHIP – REZONING**

**Current Zoning: RR: Rural Residential**

**Proposed Zoning: UR: Urban Residential**

**Section / Proponents: Section 5 / Gary R. Boss/Gary R. Boss Trust**

**Township Master Plan:**

**GENOA:**

The Genoa Township Master Plan designates the site as Low Density Residential. The master plan defines this future land use category as follows:

**Low Density Residential:** These areas are designated for single family residential use, located on the fringe between the rural residential and the more urbanized areas of the Township. While these areas are not planned for sewer service, they have fewer environmental constraints found in the Rural Residential. Single family residential uses within these areas will be located on lots of at least 1 acre in size.

The master plan also indicates that this site and a limited amount of land adjacent to the east and west is within a Secondary Growth Area of the Township; this area is defined as follows:

**Secondary growth** areas do not have sewer and water, but due to their proximity to the cities of Brighton or Howell, are appropriate for infill with low density residential. Typical lot sizes will be around one acre or clustered developments at an overall density of two acres per dwelling.

**OCEOLA:**

The Ocala Township Master Plan designates the land area north of the site (across Golf Club Road) as Low Density Residential B. The master plan defines this future land use category as follows:

The Low Density Residential “B” designation is intended to address the need for a residential land use category with slightly higher density than the Low Density Residential “A” category. Low Density Residential “B” areas are located generally along Latson Road, south of the Village Centre and M-59. The anticipated residential unit density for this Master Plan land use category ranges from 1.5 to 1.99 dwelling units per acre.

**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:**

The Genoa Charter Township Planning Commission recommended **DISAPPROVAL** of this rezoning at their October 15, 2019 meeting. The public hearing for this rezoning was also held on October 15, 2019. At the public hearing there were several comments from members of the public in opposition to the proposed rezoning. They cited concerns such as: access to development; inconsistency with master plan and surrounding existing development; density; duplexes; access easements; tree clearing; drainage and traffic. Others spoke in support of church development on the site.

**Staff Recommendation: Disapproval.** The proposed rezoning to UR Urban Residential is inconsistent with surrounding zoning and residential densities. It is also inconsistent with the future land use recommendations of the Genoa Township Master Plan and the Ocala Township Master Plan. The environmental features of this site pose many constraints on the carrying capacity of this site for Urban Residential development.

**Commission Discussion:** Commissioner Anderson asked about access to public water and sewer. Steve Morgan, Engineer, was present on behalf of the applicant, Gary Boss. He provided copies of charts that were presented to the Commissioners. Mr. Morgan stated that there is water and sewer, however, there is no road access at this time.

**Public Comment:** Paul Rottach, Sugarbush Dr, Genoa Twp., spoke of the negative impacts to his family and household. Glynis McBain, Genoa Twp., spoke in regards to the Master Plan. Hank (unkown) spoke as a business owner and resident in opposition to this request. Bruce Macey, Sugarbush Dr, Genoa Twp., spoke in opposition to the request. Don Patell, Snowden Lane, Genoa Twp., spoke in opposition to the density increase. Kur Erholter, Sugarbush Dr; Tom Reader, Rolling Ridge resident; Brian Nichols, Hampton Ridge Apartments; Mike Luce, Rolling Ridge; Beverly, Rolling Ridge Association Board Secretary; Cheryl Buckingham, Genoa Twp.; Walt Rigowski, Lake Shore Point, all spoke in opposition to the request. Patricia Murphy, Lake Shore Point, spoke regarding noise increase. Mike Siterlet, Genoa Twp., spoke in regards to Planning.

**Commission Action:**

**Commissioner Action:** IT WAS MOVED BY COMMISSIONER ABRAMSON TO RECOMMEND **DISAPPROVAL**. SECONDED BY COMMISSIONER CLUM.

**Motion passed: 6-1 (ANDERSON)**

**ARTICLE 2.0 DEFINITIONS, ARTICLE 3.0 ZONING DISTRICTS, ARTICLE 7.0 ADMINISTRATION, APPEALS AND ENFORCEMENT.**

The Hartland Township Planning Commission is proposing to amend the Township Zoning Ordinance by modifying several sections of the ordinance regarding single family residential standards in the SR (Suburban Residential), MDR (Medium Density Residential), HDR (High Density Residential), and RR (Residential Recreation) districts. Additional changes will be made to sections of the ordinance relating to nonconforming lots of record and the establishment of waterfront lot regulations.

**Township Planning Commission Recommendation: Approval.** There were no comments at the August 22, 2019 public hearing on the proposed text amendments.

**Staff Recommendation: Approval.** The proposed text amendments are compatible with the Hartland Township Zoning Ordinance.

**Commission Discussion:** None.

**Public Comment:** None.

**Commission Action:**

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

**Motion passed: 7-0**

**F. Z-54-19: HARTLAND TOWNSHIP, ZONING ORDINANCE AMENDMENTS - ARTICLE 2.0 DEFINITIONS, ARTICLE 5.0 SITE STANDARDS: SECTION 5.24.15.M. ARCHITECTURAL STANDARDS (NOT APPLICABLE TO DETACHED SINGLE FAMILY HOUSES).**

The Hartland Township Planning Commission proposes to add new Site Standards regulations regarding Light Industrial and Industrial zoning districts to Article 5: Site Standards, by adding a new section, Section 5.24.15 (M).

According to a memorandum included in the materials supplied by the township for this review (dated August 12, 2019), the township's Ordinance Review Committee (ORC) had been asked by the Planning Commission to examine the standards that were applicable to the Industrial and Light Industrial building and determine if existing standards were satisfactory, or if there were some amendments that should be considered. The ORC examined the current standards and compared them to Industrial-Light Industrial architectural standards from many other communities both inside and outside the State of Michigan. After examining the building materials that are required, and comparing the requirements to various other communities, the ORC decided the area of concern with the architectural standards were related to breaking up a long expansive wall of the same monotone building materials.

**Township Planning Commission Recommendation: Approval.** The Hartland Township Planning Commission recommended **Approval** of the text amendments at their August 22, 2019 meeting. There were no public comments noted in the meeting minutes provided.

**Staff Recommendation: Approval.** The proposed text amendments regarding architectural standards for industrial and light industrial zoning districts is reasonable and appropriate. County Planning applauds Hartland Township for taking the extra step and developing a set of architectural standards specifically for industrial and light industrial uses in order to diminish the ill-effects of long expansive exteriors of the same monotone building materials often found in relation to these building styles and types.

**Commission Discussion:** None.

**Public Comment:** None.

**Commission Action:**

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

**Motion passed: 7-0**

G. Z

**ARTICLE III DEFINITIONS, ARTICLE VIII RESIDENTIAL DISTRICTS: SECTION 8.01 RR RURAL RESIDENTIAL DISTRICT, AND ARTICLE X INDUSTRIAL DISTRICTS: SECTION 10.01 LI LIGHT INDUSTRIAL DISTRICT.**

The Marion Township Planning Commission proposes to update the following Articles/Sections with a completely new set of definitions and regulations regarding nurseries and landscape contractors.

**Township Planning Commission Recommendation: Approval.** The Marion Township Planning Commission recommended **Approval** of the text amendments at their October 22, 2019 public hearing and planning commission meeting. There were a few general public comments noted in the meeting minutes regarding these new provisions, mainly about trucking and exhaust fumes and the definition of “nuisance” in relation to these amendments.

**Staff Recommendation: Approval.** The proposed text amendments are reasonable and appropriate. It appears that these provisions better distinguish differences between landscape contractor businesses and nursery operations and should aid the Township in the future with regards to regulating these two different land use types as so desired.

**Commission Discussion:** None.

**Public Comment:** None.

**Commission Action:**

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

**Motion passed: 7-0**

**8. OLD BUSINESS:**

**A. Planning Department Visits:** Scheduled added visits through December 2019.

**9. NEW BUSINESS:** None.

**10. REPORTS:**

**A. Staff Reports:**

- A series of potential dates for an MSU Extension Planning Commission training were discussed. January 29, 2020 was selected as the date of the training at the Livingston County Public Safety Complex. Local Planning Commissioners will be invited to participate in the training opportunity.
- Upcoming Brown Bag Lunch at Noon on December 4 at Genoa Township Hall. SEMCOG will be leading a public input session for the update of the regional Economic Development Strategy for Southeast Michigan. An event flyer was distributed.
- A new Planning Commission roster from the Board of Commissioners Office was distributed.
- Staff reported that the trail consultant hired for the Livingston County Trail Network Plan inquired as to how involved County Planning Commissioners would like to be in the process. Planning

Commissioners indicated that they would like to receive emails about upcoming meetings and they will participate if able.

- Staff are currently applying for national APA division awards for the 2018 Livingston County Master Plan.
- A new rezoning amendment form is being developed and it will be utilized for December 2019 cases. Staff would like feedback from Planning Commissioners on the format.

**11. COMMISSIONERS HEARD AND CALL TO THE PUBLIC:**

Bruce Powelson, Marion Township Planning Commission: Thanked Commissioners for lowering the lights during the rezoning presentations. Made it much easier to see.

**12. ADJOURNMENT:**

**Commissioner Action:** IT WAS MOVED BY COMMISSIONER IKLE TO ADJOURN THE MEETING AT 9:15 P.M., SECONDED BY COMMISSIONER ABRAMSON.

**Motion passed: 7-0**

Approved