

PLANNING COMMISSION

PUBLIC HEARING - MINUTES - JANUARY 20, 2009

MEMBERS PRESENT: JOHN LOWE, CHAIRPERSON
 JEAN ROOT, SECRETARY
 ROBERT HANVEY, JIM MURRAY, JERRY SIDLER

MEMBERS ABSENT: NONE

OTHERS PRESENT: ANNETTE MCNAMARA, ZONING ADMINISTRATOR
 JOHN ENOS, CARLISLE/WORTMAN
 PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
 LES ANDERSEN, TRUSTEE
 SCOTT LLOYD, TRUSTEE
 DAN LOWE, TRUSTEE

CALL TO ORDER

John Lowe called the meeting to order at 7:245 p.m.

APPROVAL OF AGENDA

Jean Root motioned to approve the January 20, 2009 public hearing agenda. Robert Hanvey seconded. **Motion Carried 5-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves.

CALL TO THE PUBLIC

John Lowe opened the call to the public. No response.

John Lowe closed the call to the public.

APPROVAL OF MINUTES

No minutes to approve.

OLD BUSINESS

Proposed Text Amendment – Section 6.17 Infrastructure and Concurrency Standards

John Enos summarize the proposed amendment and is satisfied with forwarding this to the Board of Trustees for review and if no comments on to the Livingston County Department of Planning for their review and comment.

NEW BUSINESS:

No new business.

CALL TO THE PUBLIC

John Lowe opened the call to the public. No response.

John Lowe closed the call to the public.

ADJOURNMENT

Jean Root motioned to adjourn the meeting at 7:30 p.m. Robert Hanvey seconded.

Motion Carried 5-0.

REGULAR MEETING- JANUARY 20, 2009

MEMBERS PRESENT: JOHN LOWE, CHAIRPERSON
 JEAN ROOT, SECRETARY
 BOB HANVEY, JIM MURRAY, JERRY SIDLAR

MEMBERS ABSENT: NONE

OTHERS PRESENT: ANNETTE MCNAMARA, ZONING ADMINISTRATOR
JOHN ENOS, CARLISLE/WORTMAN
PHIL WESTMORELAND, ORCHARD, HILTZ & MCCLIMENT
LES ANDERSEN, TRUSTEE
SCOTT LLOYD, TRUSTEE
DAN LOWE, TRUSTEE

CALL TO ORDER

John Lowe called the meeting to order at 7:30 p.m.

APPROVAL OF AGENDA

To accommodate the people here for specific agenda items John Lowe asked that item #2 Litter Ordinance under New Business and item #4 Accessory Structures be moved to numbers 1 and 2 on the agenda with the remainder numbered accordingly. Bob Hanvey motioned to approve the January 20, 2009 regular meeting agenda as amended. Jean Root seconded. **Motion Carried 5-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. All were present.

CALL TO THE PUBLIC

John Lowe opened the call to the public. Rich Perlberg, 323 E. Grand River Avenue; asked if this was the time to be heard on the Litter Ordinance. John Lowe let him know he will have an opportunity later. Jean Root noted everyone who speaks must give their name and address. John Lowe closed the call to the public.

APPROVAL OF MINUTES

November 28, 2008 Regular meeting minutes

Bob Hanvey asked what was corrected. Annette McNamara read the corrected minutes. Bob Hanvey motioned to approve the November 28, 2008 regular meeting minutes. Jean Root seconded. **Motion carried 5-0.**

December 16, 2008 Regular meeting minutes

Bob Hanvey motioned to approve the December 16, 2008 regular meeting minutes. Jim Murray seconded. **Motion carried 4-0.** Jean Root abstained.

NEW BUSINESS

Proposed General Ordinance and/or Zoning Ordinance – Litter Ordinance

John Enos opened by stating there have been several complaints regarding papers being delivered when it is obvious that no one is collecting them. He suggested reworking the existing general ordinance to satisfy the problem with relationship to enforcement.

Rich Perlberg, 323 E. Grand River, Howell; explained he is the General Manager for the Livingston County Press (LCP.) They have been made aware of the situation. He receives as many complaints for not delivering as delivering without being picked up. The LCP wants to work with the township to effectively delivery the papers.

John Lowe told Rich Perlberg over a period of time if the papers are not picked up then they scatter and are unsightly. If the carrier is paid by the piece there is no incentive to not deliver. Rich Perlberg said they are paid to pick up the undelivered paper and replace with a new one. Mary Scott, 323 E. Grand River, Howell; noted with all the snow this year it is difficult to see that papers have not been picked up.

Charles Musson, 333 Triangle Lake Road; he feels it is the residents problem for not picking them up. John Lowe said if the resident doesn't want the paper they should be put on a do not deliver list. Rick Fitzgerald, 420 W. Main Street, Brighton; he is the Managing Editor for the Community News. They maintain a 'do not deliver' list and

respond immediately. The only effective way to deliver is to place in a plastic bag and toss on driveways. John Lowe suggested putting a hook on the mailbox, if the resident does not remove the paper it is safe to assume they don't want delivery and don't deliver again. He thinks this is beyond tolerable. Some residents leave their homes early and come back late, they don't have the inclination to call the paper to be put on a do not call list. Mary Scott, she has personally gone out to police for papers lying on the ground. Dan Lowe, Marion Township Trustee; he called the paper last September; they said the problem had been addressed. The next time he checked the papers were still there. He brought this issue up at a MHOG meeting that is attended by representative of other townships; they are disturbed by the delivery practice also. John Lowe closed the Call to the Public. John Lowe asked John Enos to provide text for the February meeting and asked the people from the papers to submit any suggestions they have. Jean Root motioned to table the language for Litter General Ordinance to the February 24, 2009 meeting. Jim Murray seconded. **Motion carried 5-0.**

OLD BUSINESS

Proposed Text Amendment – Section 6.07 size requirements for Accessory Structures

John Enos passed out a memo from his office with proposed text based on the ground floor living space. He noted if the accessory structure is based on acreage the township may get into a situation where the structures are so large they look out of place.

John Lowe would like to see a visual on the way it would look using a percentage of the acreage. Robert Hanvey has concerns regarding small lots. John Lowe opened the call to the public. Brian Brandt, 5152 Dutcher Road; he submitted a letter and the Planning Commission received it tonight. He told the story about being denied because of the square footage of his home on ten acres, a neighbor with five acres and more square footage could have a larger structure than him.

Ray Strzalkowski, 308 W. Schafer Road; told his story of being denied due to the square footage of his home on eleven acres.

Les Andersen, Marion Township Trustee; he is not sure it is a good idea to allow a large structure if the house is not that big. John Lowe closed the call to the public.

The Planning Commission would like to see the following at the February meeting.

- 1) A visual on accessory structures based on percentage of acreage
- 2) Language that the calculations based on net acreage
- 3) Whether to use the square footage of an attached garage in the ground floor living space calculations
- 4) How this would work out using a marginal rate and a fixed rate

Jean Root motioned to table Section 6.07 Accessory Uses and Structures to the February 24, 2009 meeting. Jim Murray seconded. **Motion carried 5-0.**

Sample of a proposed General Ordinance – Stormwater Ordinance w/maintenance agreement

The Planning Commission is satisfied with the proposed text. Jean Root motioned to send the General Ordinance for Stormwater Management and Maintenance Agreement to the Board of Trustees for preliminary review and comment. If no changes are requested then forward as a reference to the LCDP with Section 6.19 Infrastructure and Concurrency Standards. Jim Murray seconded. **Motion carried 5-0.**

Proposed Text Amendment – Section 6.17 Infrastructure and Concurrency Standards

The Planning Commission is satisfied with the proposed text. Jean Root motioned to

send Section 6.17 Infrastructure and Concurrency Standards to the Board of Trustees for review and comment, if no changes are requested then forward with the General Ordinance to the LCDP for review and comment. Jim Murray seconded. **Motion carried 5-0.**

Proposed Text Amendment - Corner Lot Frontage requirements

John Enos summarized the proposed text. The Planning Commission is satisfied with the amendments. Jean Root motioned to hold a public hearing on Section 7.10 Schedule of Regulations on February 24, 2009 at 7:15 p.m. Robert Hanvey seconded. **Motion carried 5-0.** Jean Root motioned to hold a public hearing on Section 3.02 Yard Definitions, specifically Front Yard Definition on February 24, 2009 at 7:15 p.m. Jim Murray seconded. **Motion carried 5-0.**

NEW BUSINESS:

Proposed Text Amendment – Section 11.01 B #7 Municipal Cemeteries/Mausoleums

Annette McNamara told the Planning Commission this came up in preparation to update the Comprehensive Plan and the rezoning of Public Lands. Some of the Public Land to be rezoned are cemeteries and were not listed in Public Lands as a use permitted. Mike Kehoe has reviewed the amendment and is satisfied.

Jean Root motioned to hold a public hearing on Section 11.01 B #7 on February 24, 2009 at 7:15 p.m. Robert Hanvey seconded. **Motion carried 5-0.**

CALL TO THE PUBLIC

John Lowe opened the call to the public. No response.

John Lowe closed the call to the public.

ADJOURNMENT

Robert Hanvey motioned to adjourn the meeting at 9:30 p.m. Jim Murray seconded. **Motion Carried 5-0.**

PUBLIC HEARING - FEBRUARY 24, 2009

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|-------------------------|--|
| MEMBERS PRESENT: | JOHN LOWE, CHAIRPERSON JEAN ROOT, SECRETARY ROBERT HANVEY, JIM MURRAY, JERRY SIDLER |
| MEMBERS ABSENT: | NONE |
| OTHERS PRESENT: | ANNETTE MCNAMARA, ZONING ADMINISTRATOR JOHN ENOS, CARLISLE/WORTMAN LES ANDERSEN, TRUSTEE SCOTT LLOYD, TRUSTEE |

CALL TO ORDER

John Lowe called the meeting to order at 7:25 p.m.

APPROVAL OF AGENDA

Jean Root motioned to approve the February 24, 2009 public hearing agenda. Jim Murray seconded. **Motion Carried 5-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. All were present.

CALL TO THE PUBLIC

John Lowe opened the call to the public.

Karl Bohn, 376 Triangle Lake Road; Mr. Bohn wondered why the Planning Commission

doesn't say the Pledge of Allegiance? He thought it was mandatory at all public meetings. Does the rezoning of residential to public land have any tax implications? Does the Harger Cemetery rezoning include the parcel Marion Township purchased from Charles Musson? John Lowe answered the Pledge of Allegiance question, it hasn't been a part of the Planning Commission meetings for the eight years he has been a member. John Enos spoke to the tax implications and let Mr. Bohn know there were none. Annette McNamara told Mr. Bohn that the rezoning does not include the newly purchased parcel that will have to be done at a later date. Charles Musson, 333 Triangle Lake Road; Can you rezone the lots in Twilly Hills Estates if they are part of a platted subdivision? Bob answered yes. John Lowe closed the call to the public.

APPROVAL OF MINUTES

No minutes to approve.

OLD BUSINESS

Proposed Rezoning RZN# 08-08 Tax ID # 4710-02-101-021 – .35 acre vacant parcel on east side of Foxfire - The proposal is to rezone from Existing Residential Subdivision 1 to Public Land

Proposed Rezoning RZN# 09-08 Tax ID # 4710-09-401-018 – 1.37 acre vacant parcel on west side of Jewell Road; Tax ID # 4710-09-401-019 – 1.38 acre vacant parcel on west side of Jewell Road - The proposal is to rezone the above property from Existing Residential Subdivision 2 to Public Land

Proposed Rezoning RZN# 10-08, 11-08, 12-08 & 13-08 Tax ID # 4710-15-300-006 - .38 acre County Farm Infirmary Cemetery within Blossom Farms; Tax ID # 4710-19-300-027 – 2.08 acre Green Cemetery on corner of Pingree & Vines; Tax ID # 4710-23-400-023 – 1.37 acres Harger Cemetery on west side of D-19; Tax ID # 4710-27-200-031 – 9.3 acres Marion Township Park #1 on east side of Triangle Lake Road - The proposal is to rezone the above properties from Rural Residential to Public Land

Proposed Rezoning RZN# 14-08 Tax ID # 4710-13-100-002 – 118.61 acres – Howell Public Schools – on south side of Wright Road; Tax ID # 4710-13-100-003 – 1 acre – Howell Public Schools on south side of Wright Road; Tax ID # 4710-13-100-022 – 3 acres – Howell Public Schools on east side of D-19; The proposal is to rezone the above properties from Rural Residential to Public Land

The Planning Commission chooses to discuss the multiple rezoning cases as one. John Lowe asked John Enos to give an overview. John Enos noted that the parcels are being rezoned to bring them into compliance and to prepare for updating the Comprehensive Plan it is straightforward. Jean Root noted the letter submitted by a resident should be put in the record. John Lowe opened the call to the public.

Andrew Nathanson, 2611 Pinckney Road; Mr. Nathanson wanted to know if Marion Township collects taxes from the credit union that is run out of Parker High School. What control will Marion Township have once it is zoned Public Land.

John Enos answered Mr. Nathanson. The zoning of property has no tax implications. As for control once zoned to public land, none, schools are exempt from township review. John Enos told Mr. Nathanson he could attend a school board meeting and voice his opinion. John Lowe closed the call to the public.

Proposed Text Amendment – Section 11.01 B #7 Municipal Cemeteries/Mausoleums

John Lowe asked John Enos to summarize. John Enos told the Planning Commission the uses within this district were clarified. John Lowe asked the Planning Commissioners if

they had any comments. None heard. John Lowe opened the call to the public. No response. John Lowe closed the call to the public.

Proposed Text Amendment – Section 7.10 Schedule of Regulations footnote e (Corner Lot Frontage requirements)

John Lowe asked John Enos to summarize. John Enos noted the Planning Commission ran into a situation with a corner lot next to a private road without a landscape buffer. The setback off of Pinckney Road and the private road took away too much of the residents property, also the parcel had no access to the private road. Charles Musson, 333 Triangle Lake Road – what is the setback reduced to. John Enos said either 15’ or 25’, a side yard or a rear yard setback which ever applies. John Lowe asked the Planning Commissioners if they had any comments. None heard. John Lowe opened the call to the public. No response. John Lowe closed the call to the public.

Proposed Text Amendment – Section 3.02 Definition of Yard, Front yard (Corner Lot Frontage requirements)

John Lowe asked John Enos to summarize. John Enos noted the definition of front yard set backs needed amending due to the change in Section 7.10. John Lowe asked the Planning Commissioners if they had any comments. None heard. John Lowe opened the call to the public. No response. John Lowe closed the call to the public.

NEW BUSINESS:

No new business.

CALL TO THE PUBLIC

John Lowe opened the call to the public. Karl Bohn, 376 Triangle Lake Road – he is still concerned about the Pledge of Allegiance yet he is happy to see the POW/MIA flag. John Lowe closed the call to the public.

ADJOURNMENT

Jean Root motioned to adjourn the meeting at 7:50 p.m. Robert Harvey seconded.

Motion Carried 5-0.

MINUTES - FEBRUARY 24, 2009

- MEMBERS PRESENT:** JOHN LOWE, CHAIRPERSON
JEAN ROOT, SECRETARY
BOB HANVEY, JIM MURRAY, JERRY SIDLAR
- MEMBERS ABSENT:** NONE
- OTHERS PRESENT:** ANNETTE MCNAMARA, ZONING ADMINISTRATOR
JOHN ENOS, CARLISLE/WORTMAN
LES ANDERSEN, TRUSTEE
SCOTT LLOYD, TRUSTEE

CALL TO ORDER

John Lowe called the meeting to order at 7:51 p.m.

APPROVAL OF AGENDA

John Lowe would like to add under new business, update on Marion Township Park #2 and walking trails. Jean Root motioned to approve the February 24, 2009 regular meeting agenda as amended. Jim Murray seconded. **Motion Carried 5-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. All were present.

CALL TO THE PUBLIC

John Lowe opened the call to the public.

Karl Bohn, 376 Triangle Lake Road - Mr. Bohn question the depth of the pond in Marion Township Park #2. John Lowe let him know that the pond is 5' deep in the middle and that it has a 5:1 slope and no fence is required. This also serves as a stormwater detention pond which is required on any project. John Lowe closed the call to the public.

APPROVAL OF MINUTES

January 20, 2009 Public Hearing minutes

Jean Root motioned to approve the January 20, 2009 public hearing minutes. Jim Murray seconded. **Motion carried 5-0.**

January 20, 2009 Regular meeting minutes

Jean Root motioned to approve the January 20, 2009 regular meeting minutes. Jim Murray seconded. **Motion carried 5-0.**

NEW BUSINESS

Proposed General Ordinance – Litter Ordinance

Bob told the Planning Commission members that representatives from the paper are unable to attend, they had a prior engagement. They did provide documentation on clean up and fines given to delivery people if the address is on the do not deliver list. Mary Scott told Bob the City of Howell has an ordinance that works well. Jim Murray said he called the Community News to be put on the do not deliver list and they were polite and responsive. Jean Root said she has done an informal survey and found majority of the people wanted to receive the Green Sheet publication. She has also seen a clean up since the snow has melted. The Planning Commission agreed that rewriting the language can be timely and costly. They asked John Enos to provide them with the language used by the City of Howell for the next meeting. Jean Root motioned to table the language for Litter General Ordinance to the March 24, 2009 meeting as per the discussion John Enos will provide City of Howell language. Jim Murray seconded.

Motion carried 5-0.

OLD BUSINESS

Proposed Text Amendment – Section 6.07 size requirements for Accessory Structures

Bob came up with a determination table and explained it to the Planning Commissioners. Jim Murray was not satisfied with the 653 s.f. for a parcel that is 1 acre or less. What does a resident do if they want a bigger accessory structure than what is allowed? The Planning Commission discussed the possibility of doing a review procedure for structures larger than what the table allows and decided that the Zoning Board of Appeals is the only body that has that ability to deviate from the Zoning Ordinance. They decided this is a starting point and still needs work; John Enos will work with Annette McNamara. They will work the determination table into Section 6.07 and provide drawings to show the Planning Commission members how the structures will look on the parcel. Jean Root motioned to table Section 6.07 Accessory Uses and Structures to the March 24, 2009 meeting as per tonight's discussion John Enos will provide additional numbers, language and drawings. Jim Murray seconded. **Motion carried 5-0.**

Proposed Rezoning RZN# 08-08 Tax ID # 4710-02-101-021 – .35 acre vacant parcel on east side of Foxfire - The proposal is to rezone from Existing Residential Subdivision 1 to Public Land

Jean Root motioned to send RZN# 08-08 to the Board of Trustees for review and comment. Jim Murray seconded. **Motion carried 5-0.**

Proposed Rezoning RZN# 09-08 Tax ID # 4710-09-401-018 – 1.37 acre vacant parcel on west side of Jewell Road; Tax ID # 4710-09-401-019 – 1.38

acre vacant parcel on west side of Jewell Road - The proposal is to rezone the above property from Existing Residential Subdivision 2 to Public Land

Jean Root motioned to send RZN# 09-08 to the Board of Trustees for review and comment. Jim Murray seconded. **Motion carried 5-0.**

Proposed Rezoning RZN# 10-08, 11-08, 12-08 & 13-08 Tax ID # 4710-15-300-006 - .38 acre County Farm Infirmary Cemetery within Blossom Farms; Tax ID # 4710-19-300-027 – 2.08 acre Green Cemetery on corner of Pingree & Vines; Tax ID # 4710-23-400-023 – 1.37 acres Harger Cemetery on west side of D-19; Tax ID # 4710-27-200-031 – 9.3 acres Marion Township Park #1 on east side of Triangle Lake Road - The proposal is to rezone the above properties from Rural Residential to Public Land

Jean Root motioned to send RZN# 10-08, 11-08, 12-08 and 13-08 to the Board of Trustees for review and comment. Jim Murray seconded. **Motion carried 5-0.**

Proposed Rezoning RZN# 14-08 Tax ID # 4710-13-100-002 – 118.61 acres – Howell Public Schools – on south side of Wright Road; Tax ID # 4710-13-100-003 – 1 acre – Howell Public Schools on south side of Wright Road; Tax ID # 4710-13-100-022 – 3 acres – Howell Public Schools on east side of D-19; The proposal is to rezone the above properties from Rural Residential to Public Land

Jean Root motioned to send RZN# 14-08 to the Board of Trustees for review and comment. Jim Murray seconded. **Motion carried 5-0.**

Proposed Text Amendment – Section 11.01 B Municipal

Cemeteries/Mausoleums The Planning Commission is satisfied with the proposed text. Jean Root motioned to send Section 6.17 Municipal Cemeteries/Mausoleums to the Board of Trustees for review and comment. Jim Murray seconded. **Motion carried 5-0.**

Proposed Text Amendment – Section 7.10 Schedule of Regulations footnote e (Corner Lot Frontage requirements)

The Planning Commission is satisfied with the proposed text. Jean Root motioned to send Section 7.10 Schedule of Regulations footnote e (Corner Lot Frontage requirements) to the Board of Trustees for review and comment. Jim Murray seconded. **Motion carried 5-0.**

Proposed Text Amendment – Section 3.02 Definition of Yard, Front yard

(Corner Lot Frontage requirements) The Planning Commission is satisfied with the proposed text. Jean Root motioned to send Section 3.02 Definition of Yard, Front yard (Corner Lot Frontage requirements) to the Board of Trustees for review and comment. Jim Murray seconded. **Motion carried 5-0.**

NEW BUSINESS:

Lucy Road, LLC

Jean Root motioned to have Annette McNamara send a letter to the Hansen's to let them know if they do not sign and return the agreement they will be responsible for the maintenance. Jim Murray seconded. **Motion carried 5-0.**

Marion Township Park #2 & Community Walking Path/Greenways

John Lowe gave a summary of the proposed park and informed the Planning Commissioners of grants that will help with the cost. John Enos asked if the park committee would like one of his associates to attend the next meeting.

CALL TO THE PUBLIC

John Lowe opened the call to the public.

Karl Bohn, 376 Triangle Lake Road – he is grateful to be a Marion Township resident.

Charles Musson, 333 Triangle Lake Road – asked if anyone went to hear the Governor at the City of Howell today. Bob said he called and it was invitation only.

John Lowe gave the Planning Commissioners an update on the last meeting of the Joint Advisory Committee. John Lowe closed the call to the public.

ADJOURNMENT

Jean Root motioned to adjourn the meeting at 9:35 p.m. Jim Murray seconded.

Motion Carried 5-0.

MINUTES - MARCH 24, 2009

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
JEAN ROOT, SECRETARY & ACTING CO-CHAIR
BOB HANVEY, JIM MURRAY, JERRY SIDLAR

MEMBERS ABSENT:

NONE

OTHERS PRESENT:

ANNETTE MCNAMARA, ZONING ADMINISTRATOR
SALLY ELMIGER, CARLISLE/WORTMAN
LES ANDERSEN, TRUSTEE
SCOTT LLOYD, TRUSTEE

CALL TO ORDER

John Lowe called the meeting to order at 7:35 p.m.

APPROVAL OF AGENDA

Jim Murray motioned to approve the March 24, 2009 regular meeting agenda. Jean Root seconded. **Motion Carried 5-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. All were present.

CALL TO THE PUBLIC

John Lowe opened the call to the public. No response.

John Lowe closed the call to the public.

APPROVAL OF MINUTES

February 24, 2009 Public Hearing minutes Page 2 of 3 under Old Business, in the heading for RZN# 08-08; strike 'north' and insert 'east', in the heading for RZN# 10-08, add the word 'cemetery' after Infirmary. Jean Root motioned to approve the February 24, 2009 public hearing minutes as amended. Jim Murray seconded.

Motion carried 5-0

February 24, 2009 Regular meeting minutes Page 2 of 3 under Old Business, in the heading for RZN# 08-08; strike 'north' and insert 'east', in the heading for RZN# 10-08, add the word 'cemetery' after Infirmary. Jean Root motioned to approve the February 24, 2009 regular minutes as amended. Jim Murray seconded. **Motion carried 5-0.**

OLD BUSINESS

Proposed Text Amendment – Section 11.01 B Municipal Cemeteries/Mausoleums

The Planning Commission is satisfied with the proposed text. Jean Root motioned to send Section 6.17 Municipal Cemeteries/Mausoleums to the Livingston County Department of Planning for review and comment; if no significant comments are made, send on to the Board of Trustees for approval and/or denial. Jim Murray seconded. **Motion carried 5-0.**

Proposed Text Amendment – Section 7.10 Schedule of Regulations footnote e (Corner Lot Frontage requirements)

The Planning Commission is satisfied with the proposed text. Jean Root motioned to send Section 7.10 Schedule of Regulations footnote e (Corner Lot Frontage requirements) to the Livingston County Department of Planning for review and comment; if no significant comments are made, send on to the

Board of Trustees for approval and/or denial. Jim Murray seconded.

Motion carried 5-0

Proposed Text Amendment – Section 3.02 Definition of Yard, Front yard (Corner Lot Frontage requirements) The Planning Commission is satisfied with the proposed text. Jean Root motioned to send Section 3.02 Definition of Yard, Front yard (Corner Lot Frontage requirements) to the Livingston County Department of Planning for review and comment; if no significant comments are made, send on to the Board of Trustees for approval and/or denial. Jim Murray seconded. **Motion carried 5-0.**

Proposed Rezoning RZN# 08-08 Tax ID # 4710-02-101-021 – .35 acre vacant parcel on east side of Foxfire - The proposal is to rezone from Existing Residential Subdivision 1 to Public Land Jean Root motioned to send RZN# 08-08 to the Livingston County Department of Planning for review and comment; if no significant comments are made, send to the Board of Trustees for approval and/or denial. Jim Murray seconded. **Motion carried 5-0**

Proposed Rezoning RZN# 09-08 Tax ID # 4710-09-401-018 – 1.37 acre vacant parcel on west side of Jewell Road; Tax ID # 4710-09-401-019 – 1.38 acre vacant parcel on west side of Jewell Road - The proposal is to rezone the above property from Existing Residential Subdivision 2 to Public Land

Jean Root motioned to send RZN# 09-08 to the Livingston County Department of Planning for review and comment; if no significant comments are made, send to the Board of Trustees for approval and/or denial. Jim Murray seconded.

Motion carried 5-0

Proposed Rezoning RZN# 10-08, 11-08, 12-08 & 13-08 Tax ID # 4710-15-300-006 - .38 acre County Farm Infirmary Cemetery within Blossom Farms; Tax ID # 4710-19-300-027 – 2.08 acre Green Cemetery on corner of Pingree & Vines; Tax ID # 4710-23-400-023 – 1.37 acres Harger Cemetery on west side of D-19; Tax ID # 4710-27-200-031 – 9.3 acres Marion Township Park #1 on east side of Triangle Lake Road - The proposal is to rezone the above properties from Rural Residential to Public Land

Jean Root motioned to send RZN# 10-08, 11-08, 12-08 & 13-08 to the Livingston County Department of Planning for review and comment; if no significant comments are made, send to the Board of Trustees for approval and/or denial. Jim Murray seconded. **Motion carried 5-0.**

Proposed Rezoning RZN# 14-08 Tax ID # 4710-13-100-002 – 118.61 acres – Howell Public Schools – on south side of Wright Road; Tax ID # 4710-13-100-003 – 1 acre – Howell Public Schools on south side of Wright Road; Tax ID # 4710-13-100-022 – 3 acres – Howell Public Schools on east side of D-19; The proposal is to rezone the above properties from Rural Residential to Public Land

Jean Root motioned to send RZN# 14-08 to the Livingston County Department of Planning for review and comment; if no significant comments are made, send to the Board of Trustees for approval and/or denial. Jim Murray seconded.

Motion carried 5-0

Proposed General Ordinance – Litter Ordinance

The Planning Commission members discussed the City of Howell Litter Ordinance and agreed they were not satisfied with the text and did not want to put time and effort into something that may resolve it's self. The Ann Arbor News is going out of business, which will take care of the Community News being dropped at the ends of driveways. All agreed to wait to see what will happen with the Green Sheet publication.

Jean Root motioned to table the potential language for the Litter General Ordinance until

such time as the Board of Trustees deems necessary to review again. Jerry Sidler seconded. **Motion carried 5-0.**

Proposed Text Amendment – Section 6.07 size requirements for Accessory Structures

Sally Elmiger told the Planning Commission members John Enos suggested option #2 as it is easier to understand and administer. Planning Commission members are satisfied with the size determination table. There was discussion as to how this relates to farming operations. Jean Root would like to make sure all bases are covered, such as definitions and any other text that relates to Accessory Structures. This agenda item will be placed on the April 28, 2009 agenda, giving the Zoning Administrator time to do the research. Jean Root motioned to table Section 6.07 Accessory Uses and Structures to the April 28, 2009 meeting giving the Zoning Administrator time to research items discussed tonight. Bob Hanvey seconded. **Motion carried 5-0.**

Proposed Text Amendment – Section 00.00 Wind Energy Conversion Systems

Bob Hanvey noted that the systems are not allowed in residential areas and Marion Township should not worry, there is no Agricultural zoning. Sally Elmiger told the Planning Commission members that a community can regulate setbacks and noise. Most of the wind energy farms will be utility scale operations. She doesn't see that large of an area for a wind energy farm. Jean Root motioned to table Wind Energy Conversion Systems text to the September 23, 2009 meeting unless the State of Michigan has additional information to review. Jerry Sidlar seconded. **Motion carried 5-0.**

NEW BUSINESS:

Howell Area Parks and Recreation Master Plan

John Lowe wants to know if Marion Township can readopt the Howell Area Parks and Recreation (HAPRA) Master Plan and use it to apply for grants. He told the Planning Commission members that a representative from HAPRA will attend the April 28, 2009 meeting to answer questions. John Lowe gave Paula Wyckoff, Treasurer and Parks and Recreation Representative a list of questions so the representative is prepared. Jean Root motioned to table the Howell Area Parks and Recreation Master Plan and a question and answer session until the April 28, 2009 Planning Commission meeting. Jim Murray seconded. **Motion carried 5-0.**

CALL TO THE PUBLIC

John Lowe opened the call to the public.

Les Andersen, Trustee; suggested that in five years if the park is finished maybe HAPRA could lease the park from Marion Township for one dollar a year.

Sally Elmiger said that HAPRA is trying to reduce the cost of maintenance and may not be interested. Bob Hanvey gave the Planning Commission an update on the ten acre parcel to the west of the Marion Township Hall. He has spoken with the owners, they intend on moving back to Marion Township and do not want to let go of it unless they have another option. Bob is also working on purchasing a bank owned parcel on Cedar Lake to make a swap. John Lowe told everyone about the local Boy Scouts volunteering to work on the Buck Pole. There was discussion about using the Buck Pole to hang signs the remainder of the year. Charles Musson, 333 Triangle Lake Road – he thinks that Marion Township Park Advisory Committee should work on getting the Buck Pole up and work on the sign issue later. Scott Lloyd, Trustee; suggested placing the Buck Pole to the north of the parking lot and using it as a swing set during the summer.

John Lowe gave the Planning Commissioners an update on the last meeting of the Joint Advisory Committee. John Lowe closed the call to the public.

ADJOURNMENT

Jean Root motioned to adjourn the meeting at 8:47p.m. Jerry Sidlar seconded.
Motion Carried 5-0.

MINUTES - APRIL 28, 2009

MEMBERS PRESENT: BOB HANVEY, JIM MURRAY, JERRY SIDLAR
MEMBERS ABSENT: JOHN LOWE, CHAIRPERSON
JEAN ROOT, SECRETARY & ACTING CO-CHAIR
OTHERS PRESENT: ANNETTE MCNAMARA, ZONING ADMINISTRATOR
JOHN ENOS, CARLISLE/WORTMAN
LES ANDERSEN, TRUSTEE
SCOTT LLOYD, TRUSTEE

CALL TO ORDER

Jim Murray called the meeting to order at 7:40 p.m.

APPROVAL OF AGENDA

Bob Hanvey motioned to approve the April 28, 2009 regular meeting agenda. Jerry Sidlar seconded. **Motion Carried 3-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. John Lowe and Jean Root were absent.

CALL TO THE PUBLIC

Jim Murray opened the call to the public. No response.
Jim Murray closed the call to the public.

APPROVAL OF MINUTES

March 24, 2009 Regular meeting minutes

Jerry Sidlar motioned to approve the March 24, 2009 regular minutes as amended. Bob Hanvey seconded. **Motion carried 3-0.**

OLD BUSINESS

Proposed Text Amendment – Section 6.07 size requirements for Accessory Structures.

The Planning Commission members are satisfied with the proposed text. Bob Hanvey motioned to hold a public hearing on May 26, 2009 at 7:15 p.m. Jerry Sidlar seconded. **Motion carried 3-0.**

Howell Area Parks and Recreation Master Plan

Deb Mikula, Howell Area Parks and Recreation (HAPRA) Director attended the meeting to answer any questions the Planning Commission member may have. She told the Planning Commission that the Marion Township Board of Trustees has accepted the plan. She is now proposing Marion Township adopts the plan as their own to use for applying to the State of Michigan for grant monies. The second step in this process is the Planning Commission holds a public hearing, and then at the next meeting adopts the plan and place in the Marion Township Parks and Recreation Plan. The State of Michigan Department of Natural Resources has told her that the grant money can be used for acquisitions or development projects. The other townships are in the process of adopting this plan. John Enos noted a regional plan is good and general enough for Marion Township to use. Marion Township can adopt both plans. Bob told the Planning Commission members that Marion Township can adopt the HAPRA Master Plan or update the expired Marion Township Parks and Recreation Plan. He asked does it have

to be a parks and recreation plan or can they call it a park plan. Charles Musson, 333 Triangle Lake Road; he thought the idea was to get parks off the Board of Trustees plate. Now it's going in another direction. Deb Mikula said she was confused about the direction of the Marion Township Parks Committee if it is separate, two different entities. We want to take you out of the recreation business, Marion Township has paid for this already and together we will go further. John Enos noted the State of Michigan prefers to give money when it is regional. Les Anderson, 4500 Jewell Road; when and if the Board of Trustees decides to move forward with Marion Township Park #2 they could lease the park to HAPRA for \$1.00 a year. Bob Hanvey would like a joint meeting between the Board of Trustees, Planning Commission, and HAPRA to discuss and clarify some of these issues. Deb Mikula said Marion Township may want to invite Lucy from Carlisle/Wortman Associates, Inc.

NEW BUSINESS:

Marion Township Comprehensive Plan Updates

The Planning Commission members agreed to postpone this item until John Lowe and Jean Root are present. Bob Hanvey motioned to postpone this agenda item to the May 26, 2009 Planning Commission meeting. Jim Murray seconded. **Motion carried 3-0.**

Sundance Meadows I – Proposed Entrance Street Light.

The Planning Commission members agreed to wait until the Sundance Meadows Homeowners Association sends a letter requesting the street light. Annette McNamara will contact the resident who made the request and let her know what the Planning Commission needs. Bob will contact Mike Goryl, Livingston County Road Commission to make sure the proposed light is not within the road right-of-way.

CALL TO THE PUBLIC

Jim Murray opened the call to the public. No response.
Jim Murray closed the call to the public.

ADJOURNMENT

Jerry Sidlar motioned to adjourn the meeting at 8:47p.m. Bob Hanvey seconded.
Motion Carried 3-0.

PUBLIC HEARING – MINUTES - MAY 26, 2009

MEMBERS PRESENT: JOHN LOWE, CHAIRPERSON
JEAN ROOT, SECRETARY
ROBERT HANVEY, JIM MURRAY

MEMBERS ABSENT: JERRY SIDLAR

OTHERS PRESENT: ANNETTE MCNAMARA, ZONING ADMINISTRATOR
JOHN ENOS, CARLISLE/WORTMAN
LES ANDERSEN, TRUSTEE
SCOTT LLOYD, TRUSTEE

CALL TO ORDER

John Lowe called the meeting to order at 7:20 p.m.

APPROVAL OF AGENDA

Jim Murray motioned to approve the May 26, 2009 public hearing agenda. Jean Root seconded. **Motion Carried 4-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. Jerry Sidlar was absent.

CALL TO THE PUBLIC

John Lowe opened the call to the public. No response.

John Lowe closed the call to the public.

APPROVAL OF MINUTES

No minutes to approve.

OLD BUSINESS

Proposed Text Amendment – Section 6.07 size requirements for Accessory Structures

Bob Hanvey gave the members a GIS photo of a 1.03 acre lot, and told the Planning Commission members that under the current accessory structure requirements based on acreage and ground floor living space, this parcel would be allowed a 1,200 s.f. structure. Under the proposed accessory text the maximum square footage allowed would be 1,000. Also, he would like to discuss allowing Home Occupation Class II in the Existing Residential Subdivisions Districts. John Enos noted that the Planning Commission members discussed allowing Home Occupation Class II in the Existing Residential Subdivisions Districts. The Planning Commission members came to the conclusion that due to the density of the ERS districts it may have a negative impact on the neighbors. Jim Murray said Marion Township will never find a solution that will work in every situation; somebody, sometime will have to request a variance.

John Lowe opened the call to the public. Scott Lloyd, 5717 Pingree Road; he owns two one acre plus lots in Love’s Creek and doesn’t think a 653 s.f. accessory structure is large enough. He is not satisfied with the proposed text. John Lowe closed the call to the public. The Planning Commission members agreed to amend the text so the first category would be 1 acre or less and the second category greater than 1 acre but less than 2 acres. John Lowe closed the call to the public.

NEW BUSINESS:

No new business.

CALL TO THE PUBLIC

John Lowe opened the call to the public. No response.

John Lowe closed the call to the public.

ADJOURNMENT

Jean Root motioned to adjourn the meeting at 7:55 p.m. Jim Murray seconded.

Motion Carried 4-0.

REGULAR MEETING - MINUTES - MAY 26, 2009

MEMBERS PRESENT: JOHN LOWE, CHAIRPERSON
JEAN ROOT, SECRETARY & ACTING CO-CHAIR
BOB HANVEY, JIM MURRAY

MEMBERS ABSENT: JERRY SIDLAR

OTHERS PRESENT: ANNETTE MCNAMARA, ZONING ADMINISTRATOR
JOHN ENOS, CARLISLE/WORTMAN
LES ANDERSEN, TRUSTEE
SCOTT LLOYD, TRUSTEE

CALL TO ORDER

John Lowe called the meeting to order at 7:56 p.m.

APPROVAL OF AGENDA

Jean Root motioned to approve the May 26, 2009 regular meeting agenda. Jim Murray seconded. **Motion Carried 4-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. Jerry Sidlar was absent.

CALL TO THE PUBLIC

John Lowe opened the call to the public. No response.

John Lowe closed the call to the public.

APPROVAL OF MINUTES

April 28, 2009 Regular meeting minutes

Bob Hanvey motioned to table the April 28, 2009 minutes to the June 23, 2009 meeting due to lack of quorum. Jean Root seconded. **Motion carried 4-0.**

OLD BUSINESS

Howell Area Parks and Recreation Master Plan

John Lowe asked the Planning Commission members if they would like to update the Marion Township Parks Master Plan along with or instead of adopting the Howell Area Parks and Recreation (HAPRA) Master Plan. John Enos told the Planning Commission members the HAPRA Master Plan will be approved by the State of Michigan Department of Natural Resources (DNR). Marion Township has invested time and money into the HAPRA plan yet can specify a plan for Marion Township Parks #1 & 2, and submit it to the DNR also. Jean Root wants to know who would have jurisdiction over the Marion Township Parks. She has seen the previous Parks Authority cannibalize other parks and uses. She saw parents use their time and resources only to have the authority threaten to take it away. Charles Musson, 333 Triangle Lake Road; the Board of Trustees can join the authority to get the grants or Marion Township can update their own plan to apply for grants. If you don't want Marion Township parks to be a part of HAPRA then update the Marion Township Parks Master Plan. If you want to retain your own parks, have your own plan. Les Andersen, 4500 Jewell Road; told the Planning Commission members that Deb Mikula Director for HAPRA told the Planning Commission in April that she wanted to take Marion Township out of the parks business. Paula Wyckoff, Treasurer corrected Les Andersen, she spoke with Deb Mikula and Deb said she wants to take Marion Township out of the recreation business, not the parks business. Jean Root asked if Marion Township wants passive or active parks, she is not clear on what the Parks Advisory Committee wants. John Lowe answered passive and he thinks HAPRA is more active. John Lowe told the Planning Commission members the Parker High School fields are open to the Marion Township residents as long as the gates are open. Our residents can use Marion Township Park #1 for passive and Parker High School for active. The Planning Commission members asked Annette McNamara to go through the Marion Township Park Master Plan to note what changes should be made to update the plan. Then pass it on to Lucy at Carlisle/Wortman Associates, Inc. to make sure it is ready to submit to the DNR for approval. Jean Root wants to know if both plans were adopted which would override development of future use HAPRA or Marion Township. The Planning Commission members agreed it would be a good idea to have a joint meeting between the Board of Trustees and the Planning Commission to have questions answered. Les Andersen, 4500 Jewell Road; he agreed a joint meeting with the Board of Trustees and Planning Commission would be a good idea. Right now there are too many questions and he is afraid if the Planning Commission adopted a plan it would get

bogged down at the Board of Trustees level. Jean Root motioned to table the HAPRA Master Plan. Annette McNamara will review the Marion Township Park Master Plan dated 2002-2007 and will include the HAPRA resident input then forward to Lucy at Carlisle/Wortman Associates, Inc. for her review. Jim Murray seconded.

Motion carried 4-0.

Proposed Text Amendment – Section 6.07 size requirements for Accessory Structures

Jean Root motioned to send Section 6.07 size requirements for accessory structures to the Board of Trustees for preliminary review. The text should include the changes discussed at the Planning Commission meeting tonight. Jim Murray seconded.

Motion carried 4-0.

Marion Township Comprehensive Plan Updates

John Enos told the Planning Commission members that the update will not be extensive. Jean Root motioned to table the Comprehensive Plan updates to the June 23, 2009 Planning Commission meeting. The Planning Commission members will review the current plan and come back with comments. Bob Hanvey seconded.

Motion carried 4-0

NEW BUSINESS:

No new business.

CALL TO THE PUBLIC

John Lowe opened the call to the public. Bob Hanvey gave the Planning Commission members an update on Home Town Village of Marion and the possible placement of the MHOG water tower within the Copperfield development. John Lowe asked if anyone was going to the Citizen Planner Workshop. No response. John Lowe closed the call to the public.

ADJOURNMENT

Jean Root motioned to adjourn the meeting at 9:00p.m. Jim Murray seconded.

Motion Carried 4-0.

MINUTES - JUNE 23, 2009

MEMBERS PRESENT:

JOHN LOWE, CHAIRPERSON
JEAN ROOT, SECRETARY & ACTING CO-CHAIR
BOB HANVEY, JERRY SIDLAR

MEMBERS ABSENT:

JIM MURRAY

OTHERS PRESENT:

ANNETTE MCNAMARA, ZONING ADMINISTRATOR
JOHN ENOS, CARLISLE/WORTMAN
LES ANDERSEN, TRUSTEE
SCOTT LLOYD, TRUSTEE

CALL TO ORDER

John Lowe called the meeting to order at 7:32 p.m.

APPROVAL OF AGENDA

Bob Hanvey motioned to approve the June 23, 2009 regular meeting agenda. Jean Root seconded. **Motion Carried 4-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. Jim Murray was absent.

CALL TO THE PUBLIC

John Lowe opened the call to the public. No response.

John Lowe closed the call to the public.

APPROVAL OF MINUTES

April 28, 2009 Regular meeting minutes

Jean Root motioned to table the April 28, 2009 minutes to the next meeting due to lack of quorum. Bob Hanvey seconded. **Motion carried 4-0.**

May 26, 2009 Public Hearing minutes

Jean Root motioned to approve the May 26, 2009 public hearing minutes as presented. Bob Hanvey seconded. **Motion carried 4-0.**

May 26, 2009 Regular meeting minutes

Jean Root motioned to approve the May 26, 2009 regular meeting minutes as presented. Bob Hanvey seconded. **Motion carried 4-0.**

OLD BUSINESS

Marion Township Master Plan Updates

John Enos summarized the process; a handout was given to the Planning Commission members outlining the process. John Enos told the Planning Commission members the Board of Trustees could pass a resolution to be the adopting body if they chose to do so. He could have a draft to the Planning Commission by the September 22, 2009 meeting. John Lowe asked about Howell Public Schools renting out the now vacant Parker High School to commercial entities and if Marion Township has the legal right to review the uses. The use of the facility to shoot movies is not a use allowed in the Suburban Residential District along with the other proposed uses. How can Marion Township handle these situations? Should the township consult with Mike Kehoe regarding the uses? He also noted that Marion Township residents are allowed to use the outdoor facilities while the school is vacant. John Enos said the Board of Trustees can pass a resolution to use the facility for recreation. The Planning Commission could add language to the Master Plan regarding the nonconforming uses within the Parker High School building. John Enos agreed Mike Kehoe would be the one to answer the proposed uses. Bob Hanvey noted the uses do not have immunity and it becomes a pre-emption. Does the State Board of Education still regulate? What kind of uses would Marion Township want within the school? Will the building always be owned by the Howell Public Schools? Jean Root said the use of a school set regular hours and days; maybe other uses would be 24 hour and on weekends. John Lowe said there is the potential of change of use from a school to private entity; again he wants to know what ability Marion Townships has to say what goes on. Maybe Mike Kehoe could ask for the Attorney General's opinion on this. John Enos suggested a letter from the State Board of Education stating they would not go beyond certain uses or Marion Township send a letter to the Howell Public School Board to keep this from spinning out of control. Bob Hanvey stated there is a one million dollar bond associated with the building of Parker High School, if not a traditional school setting it is no longer operating under the original bond agreement. We can tell the School Board that Marion Township is updating the Master Plan and would like to know what they see as a future use of the school. Jerry Sidlar feels sending a letter to the School Board is a good place to start, let them know Marion Township wants to be involved. Jean Root agreed it is a good idea to be proactive. John Enos said the Michigan Township Association Attorney can address this free of charge. Bob Hanvey asked when Marion Township will start spending money on the Master Plan. John Enos said he will send a proposal to the Board of Trustees. Bob Hanvey told John Enos the Board of Trustees made a motion to have all expenses beyond the Carlisle/Wortman Associates, Inc. retainer will require Board of Trustees

approval. Approval for expenses applies to the Planning Commission also. The Board of Trustees had motioned at the last meeting to require all expenses by the Planning Commission to be approved by the Board of Trustees prior to spending any monies. Les Andersen, Jewell Road; told the Planning Commission members the Board of Trustees were reviewing the budget and the residents who attended asked a lot of questions about the money being spent by the Planning Commission. John Enos suggested sending a Carlisle/Wortman Associates, Inc. fee schedule to the Board of Trustees for approval. Then in the future if the Planning Commission requires a letter to be drafted that would require two hours of work, the Board of Trustees would be able to estimate the cost. Jean Root expressed concern that the Planning Commission no longer has the latitude to do this job without approval. Say the Planning Commission members want to send a question to the township attorney, now they have to ask permission. This will add time and money to the projects. Les Andersen, Jewell Road; he thought the Board of Trustees was looking at big ticket items like the Master Plan, Wind Energy, that sort of thing. He told the Planning Commission members about the phone conversation with a Michigan Township Association (MTA) representative regarding committee members spending township monies without Board of Trustees approval. John Lowe does not think this is fair and gave the example of doing an excavation project. You know what is above ground yet when you turn the ground over you never know what you will find. Developers find loop holes and once this happens the Planning Commission must look at amending that ordinance. Jean Root wanted to know how the other committee members were notified. She feels this should have been a written directive from the Board of Trustees and an agenda item. That way both the Planning Commission and John Enos would have come prepared to discuss budgets. Jerry Sidlar noted this is something dictated by the Board of Trustees with no specifics, he asked how can they work as a group when we don't know what is allowed. John Lowe said he spoke with Mike Kehoe about this issue and Mike did not agree with the MTA representative. Annette McNamara asked if this applies to the Zoning Board of Appeals also. Bob Hanvey said no, the Zoning Board of Appeals does not ask for letters from the consultants. Annette McNamara respectfully disagreed and believes that more cases than not the Zoning Board of Appeals asks for comments. Bob Hanvey told the Planning Commission that PA 110 mandates a Planning Commission budget. Bob Hanvey motioned to have John Enos prepare a proposal to revise Marion Township and submit it to the Board of Trustees. Jean Root seconded. **Motion carried 4-0.**

Proposed Text Amendment – Article XV Signs

John Enos summarized the work to date; the committee formed met on two occasions and reworked text from another community to fit Marion Township. The text is completed and ready for the Planning Commission to review at the next meeting. John Lowe asked if it adequately covers LEED and flashing signs. Annette McNamara answered yes. Jean Root motioned to table Article XV – Signs to the next Planning Commission meeting. Jerry Sidlar seconded. **Motion carried 4-0.**

NEW BUSINESS:

No new business.

CALL TO THE PUBLIC

John Lowe opened the call to the public. Jean Root would like a formal directive from the Board of Trustees regarding the Planning Commission budget and the day to day activities. Annette McNamara asked the Planning Commission members if they would like to cancel the July Planning Commission meeting due to only one agenda item.

Discussion on whether John Lowe can cancel a scheduled meeting. The Planning Commission members in attendance agreed to cancel the July and maybe the August meeting. John Lowe has concerns about the Marion Township Park #2 requiring review by the Planning Commission for the proposed gazebo. Could that be done after the joint meeting on July 8, 2009? Annette McNamara said if the Planning Commission wants to do that she can post the meeting on the outside board and website. John Enos informed the Planning Commission of a workshop he and Mike Kehoe have been offering to other municipalities. It consists of four sessions, a few relate to planning and a few relate to legal issues. He is offering this to Marion Township. Les Andersen, Jewell Road; can the Board of Trustees attend also? John Enos answered yes. Bob Hanvey wants the Planning Commission members to be aware that a few of the Home Owners Associations (HOA) are going defunct and what Marion Townships' role in enforcement is. What is the role of the Board of Trustees and Planning Commission in Master Deed and By-law enforcement? If the HOA can change the By-Laws then why does Marion Township approve them? John Enos does not believe it is the Planning Commissions role, maybe the Zoning Administrators role. He suggested getting a legal opinion. John Lowe closed the call to the public.

ADJOURNMENT

Jean Root motioned to adjourn the meeting at 9:20p.m. Jerry Sidlar seconded.

Motion Carried 4-0.

MINUTES - JULY 8, 2009

MEMBERS PRESENT: JOHN LOWE, CHAIRPERSON

JEAN ROOT, SECRETARY & ACTING CO-CHAIR

BOB HANVEY, JERRY SIDLAR, JIM MURRAY

MEMBERS ABSENT: NONE

OTHERS PRESENT: ANNETTE MCNAMARA, ZONING ADMINISTRATOR

LUCY FORTIN, CARLISLE/WORTMAN

DEB MIKULA, HOWELL AREA PARKS/RECREATION AUTHORITY

CALL TO ORDER

John Lowe called the meeting to order at 7:07 p.m.

Pledge of Allegiance

APPROVAL OF AGENDA

Jerry Sidlar motioned to approve the July 8, 2009 joint meeting agenda. Jim Murray seconded. **Motion Carried 4-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. Jean Root arrived @ 7:20 p.m.

CALL TO THE PUBLIC

John Lowe opened the call to the public. No response.

John Lowe closed the call to the public.

APPROVAL OF MINUTES

No minutes to approve.

OLD BUSINESS

Parks & Recreation Discussion

Bob Hanvey stated the reason for the joint meeting between the Board of Trustees and

Planning Commission is to clarify the relationship between Howell Area Parks & Recreation Authority (HAPRA) and Marion Township Parks.

Deb Mikula gave a history of the Authority. In September 2008 the HAPRA Master Plan was approved by Carlisle/Wortman Associates, Inc., City of Howell, Marion Township, Genoa Township and Oceola Township. HAPRA paid Carlisle/Wortman Associates, Inc. for preparing the Master Plan. The second step is the Marion Township Planning Commission to review the plan and make a recommendation to the Marion Township Board of Trustees for approval and/or denial. Deb believes there is a mutual benefit and does not see a reason to duplicate the effort. The HAPRA Master Plan was written as a guide on where to focus attention. Bob Hanvey said the facilities in Marion Township are reserved for Marion Township residents (Marion Township Park #1) and Marion Township Park #2 can be shared with HAPRA. The main concerns brought up at the meeting were. If Marion Township uses the HAPRA Master Plan to apply for grants through the Department of Natural Resources (DNR) does Marion Township retain control of what is purchased with the grant money? Lucy Fortin answered yes, until another arrangement is made. Do Marion Township residents have to pay to use a facility in Marion Township that was developed with DNR grant money? Deb Mikula answered it would be part of a lease agreement between Marion Township and HAPRA. If Marion Township wants to apply for a grant for a use not listed in the HAPRA Master Plan does the Master Plan have to be amended? Lucy Fortin answered yes, and the amendment must be approved by the other participating municipalities.

If Marion Township wants to buy property at a tax sale and this is inconsistent with the HAPRA Master Plan will this cause a problem? Does the Master Plan put any constraints on what Marion Township wants to do? Lucy Fortin answered it should not.

If another participating municipality applied for money at the same time as Marion Township or if two municipalities applied for the same grant what happens? What if Marion Township wants to apply for a use the other municipalities don't want?

Deb Mikula answered the municipality would need the blessing of HAPRA. If Marion Township wants something then Paula Wyckoff will come to the Authority and lobby for the Township. If one of the participating municipalities pays more money to HAPRA than Marion Township do they get priority? Deb Mikula answered no, again your representative, Paula Wyckoff has to lobby. Charles Musson, 333 Triangle Lake Road asked if an authority branching out as an individual has been tested in court. Lucy Fortin answered no. If Marion Township wants to apply for a grant that the HAPRA committee has turned down, can Marion Township use the HAPRA Master Plan?

Jim Barnwell answered yes and noted that Marion Township would have to pay for the grant preparation. Has HAPRA applied for any grant money yet? Deb Mikula answered no. Who will maintain what is purchased with a HAPRA Master Plan grant?

Lucy Fortin answered it depends on who owns it and if there is a lease agreement with HAPRA. Also if maintenance is part of the lease agreement.

What happens to a funded project in Marion Township if Marion Township opts out?

Lucy Fortin answered the project will remain with HAPRA in perpetuity.

If the residents vote to approve a millage and later Marion Township opts out do the residents have to continue to pay the millage? Lucy Fortin answered yes.

How long would it take if Marion Township decided to opt out? Deb Mikula answered two years. Concern was expressed regarding past experience with the Howell Area Parks & Recreation. It became anti user friendly. It was difficult for citizens to use the facilities for organized recreation. Is this how HAPRA will operate? Deb Mikula answered no.

Deb Mikula noted that grants are due in April 2010 and this is a prime time to get going on this. Bob Hanvey noted to the group that because the Marion Township Master Plan references HAPRA Master Plan the Planning Commission should have input into whether the HAPRA Master Plan is adopted by the Marion Township Board of Trustees.

Lucy Fortin said it isn't necessary to have the Planning Commission make a recommendation. Jean Root wants to know why the Planning Commission is spending time on this if they have no authority and the Board of Trustees approves what the Recreation Committee recommends.

The Board of Trustees motioned to approve the HAPRA Master Plan.

Lucy Fortin noted the Board of Trustees will now have to take care of the following.

- Board of Trustees will hold a public hearing
- Copy of the published notice and the minutes of the public hearing
- A resolution by the Board of Trustees
- A signed certification checklist

Also the MDNR Grants Management will need a resolution from HAPRA stating that they accept and authorize their participating communities to adopt the HAPRA Master Plan as their own.

Update on Gazebo for Marion Township Park #2

John Lowe summarized for the Board of Trustees changes made to the site plan for the park and the style and placement of the proposed gazebo. He is not asking for any approvals, just giving information for the Board of Trustees to think about.

NEW BUSINESS:

No new business.

CALL TO THE PUBLIC

John Lowe opened the call to the public. John Lowe, Planning Commission Chair is canceling the July 28, 2009 regular meeting due to lack of business. The Planning Commission members agreed. The next Planning Commission meeting will be held on the regular date, August 25, 2009. John Lowe closed the call to the public.

ADJOURNMENT

Jean Root motioned to adjourn the meeting at 9:05p.m. Jim Murray seconded.

Motion Carried 5-0.

REGULAR MEETING - AUGUST 25, 2009

- MEMBERS PRESENT:** JOHN LOWE, CHAIRPERSON
JEAN ROOT, SECRETARY & ACTING CO-CHAIR
BOB HANVEY, JERRY SIDLAR, JIM MURRAY
- MEMBERS ABSENT:** NONE
- OTHERS PRESENT:** ANNETTE MCNAMARA, ZONING ADMINISTRATOR
JOHN ENOS, CARLISLE/WORTMAN
LES ANDERSEN, TRUSTEE
SCOTT LLOYD, TRUSTEE

CALL TO ORDER

John Lowe called the meeting to order at 7:35 p.m.

APPROVAL OF AGENDA

Discussion on Wellhead Protection Area Environmental review by City of Howell and Parker High School were added under new business. Jean Root motioned to approve

the August 25, 2009 regular meeting agenda as amended. Jerry Sidlar seconded.

Motion Carried 5-0.

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves.

CALL TO THE PUBLIC

John Lowe opened the call to the public. No response.

John Lowe closed the call to the public.

APPROVAL OF MINUTES

April 28, 2009 Regular meeting minutes

Jim Murray motioned to approve the April 28, 2009 minutes as presented. Bob Hanvey seconded. **Motion carried 3-0.** Jean Root and John Lowe abstained.

June 23, 2009 Regular minutes

Jean Root motioned to approve the June 23, 2009 regular meeting minutes as presented. Jerry Sidlar seconded. **Motion carried 4-0.** Jim Murray abstained.

July 8, 2009 Joint meeting minutes

Jean Root motioned to approve the July 8, 2009 joint meeting minutes as presented. Jim Murray seconded. **Motion carried 5-0.**

OLD BUSINESS

Marion Township Master Plan Updates

The Planning Commission discussed manufactured housing zoning and agreed to ask Mike Kehoe and the City of Howell attorneys to provide a legal review of the state of Michigan Manufactured Home requirements.

The Planning Commission would like to see the following amendments made to the Master Plan for the September 22, 2009 meeting.

Goals and Objectives

- Review the Capital Improvement Plan in regards to Sewer/Water, City of Howell Filter System and Parks
- MHOG future plans be noted in the Master Plan

Jean Root motioned to table the Master Plan to the September 22, 2009 meeting with updates per tonight's discussion. Jim Murray seconded. **Motion carried 5-0.**

Proposed Text Amendment – Article XV Signs

The Planning Commission members reviewed the proposed text and requested the following changes. Section 15.4 item N – amend text to allow off premises signs. On site signs will not have size limits

Section 15.4 item T – replace text with 'Identification of a use permitted by right, special use permit or a nonconforming non residential use. Such sign shall not exceed twelve (12) square feet

Section 15.15 Appeals – change article to V
Jean Root motioned to hold a public hearing on Article XV Signs on September 22, 2009 at 7:15 p.m. Bob Hanvey seconded. **Motion carried 5-0.**

Proposed Text Amendment – Section 6.07 size requirements for Accessory Structures

Jean Root motioned to send Section 6.07 size requirements for accessory structures to the Livingston County Department of Planning (LCDP) for review and comment. If no changes are requested by the LCDP send to the Board of Trustees for final review and approval/denial. Jerry Sidlar seconded. **Motion carried 5-0.**

NEW BUSINESS:

Discussion on Zoning District Boundary between SR to RR

John Lowe asked if anyone knew the reasoning behind the jog in the boundary line

between the two districts. Charles Musson 333 Triangle Lake Road – he doesn't remember any specific reason for it.

John Enos told the Planning Commission members if the Master Plan Future Land Use describes this area the same as the surrounding area then Marion Township can initiate a rezoning. The Planning Commission must find out if it would impact the capacity of the sewer and water. Also, if the township initiates the rezoning the residents do not have to pay for it. Bob Hanvey said it would not be served with sewer and water.

Environmental review by City of Howell

The wellhead protection area east of D-19 and south of I-96 is a City of Howell well. As opposed to the larger area that is a MHOG well. The City of Howell well is in the Highway Service District and covers eight parcels. It would make sense for Marion Township wellhead protection Zoning Ordinance language cover only MHOG wells. Site plans for parcels that fall within the City of Howell wellhead could have the environmental assessment and mitigation techniques reviewed by the City of Howell. The Planning Commission could amend the wellhead protection text to reflect this change. Bob Hanvey asked the Planning Commission members if they have any objections to this proposal. None heard.

Parker High School Future Uses

Bob Hanvey has been placed on the review committee for future uses of Parker High School. He gave the Planning Commission members a copy of deed restrictions for the school.

CALL TO THE PUBLIC

John Lowe opened the call to the public. Bob Hanvey gave the Planning Commission members a flier on Master Plan classes. Charles Musson 333 Triangle Lake Road – asked if the final preliminary site plan for Musson Hills can get an extension from the Board of Trustees. Bob Hanvey said yes. John Lowe closed the call to the public.

ADJOURNMENT

Jean Root motioned to adjourn the meeting at 9:30p.m. Jerry Sidlar seconded.

Motion Carried 5-0.

PUBLIC HEARING - SEPTEMBER 22, 2009

MEMBERS PRESENT: JOHN LOWE, CHAIRPERSON
JEAN ROOT, SECRETARY & ACTING CO-CHAIR
ROBERT HANVEY, JIM MURRAY, JERRY SIDLAR

MEMBERS ABSENT: NONE

OTHERS PRESENT: ANNETTE MCNAMARA, ZONING ADMINISTRATOR
LES ANDERSEN, TRUSTEE
SCOTT LLOYD, TRUSTEE

CALL TO ORDER

John Lowe called the meeting to order at 7:20 p.m.

APPROVAL OF AGENDA

Jean Root motioned to approve the September 22, 2009 public hearing agenda. Jim Murray seconded. **Motion Carried 5-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves.

CALL TO THE PUBLIC

John Lowe opened the call to the public. No response.
John Lowe closed the call to the public.

APPROVAL OF MINUTES

No minutes to approve.

OLD BUSINESS

Proposed Text Amendment – Article XV Signs

The Planning Commission members would like to see the following changes.

1. Section 15.4 A – remove the words ‘number and address’
2. Section 15.6 F – add ‘is sold’ to the end of the sentence
3. Section 15.7 E #'s 1 & 3 – add the word ‘freestanding’ before the word gasoline
4. Section 15.3 N – add ‘No Trespassing signs are allowed’
5. Section 15.4 V – add ‘no hunting’ after the word trespassing
6. Add the word ‘legally’ prior to nonconforming throughout the document
7. Have Mike Kehoe review the text in its entirety. Ask him to comment on the Zoning Administrator removing signs on public property or within the road right-of-way
8. Ask Mike Kehoe to see if there is a conflict with the language in Section 15.3 D (portable signs) and 15.04 J, N, O & P. Again if there is a conflict with Section 15.3 J (signs projecting above roof line) and 15.7 J 6 a.

John Lowe opened the call to the public. No response. John Lowe closed the call to the public.

NEW BUSINESS: No new business.

CALL TO THE PUBLIC

John Lowe opened the call to the public. No response.
John Lowe closed the call to the public.

ADJOURNMENT

Jean Root motioned to adjourn the meeting at 7:51 p.m. Jim Murray seconded.
Motion Carried 5-0.

REGULAR MEETING - SEPTEMBER 22, 2009

- MEMBERS PRESENT:** JOHN LOWE, CHAIRPERSON
JEAN ROOT, SECRETARY & ACTING CO-CHAIR
BOB HANVEY, JERRY SIDLAR, JIM MURRAY
- MEMBERS ABSENT:** NONE
- OTHERS PRESENT:** ANNETTE MCNAMARA, ZONING ADMINISTRATOR
LES ANDERSEN, TRUSTEE
SCOTT LLOYD, TRUSTEE

CALL TO ORDER

John Lowe called the meeting to order at 7:52 p.m.

APPROVAL OF AGENDA

Jim Murray motioned to approve the September 22, 2009 regular meeting agenda. Jean Root seconded. **Motion Carried 5-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves.

CALL TO THE PUBLIC

John Lowe opened the call to the public. No response.

John Lowe closed the call to the public.

APPROVAL OF MINUTES

August 25, 2009 Regular minutes

Jean Root motioned to approve the August 25, 2009 regular meeting minutes as presented. Jim Murray seconded. **Motion carried 5-0.**

OLD BUSINESS

Proposed Text Amendment – Wind Energy Conversion Systems

Jerry Sidlar gave the Planning Commission members an overview of the workshop he attended on these systems. The presenter encouraged municipalities to adopt language to regulate wind energy conversion systems and to look at language to regulate individual residential units.

Jerry Sidlar motioned to have John Enos write a memo to the Board of Trustees regarding any pending litigation or issues to be aware of including individual residential units. Jean Root seconded. **Motion carried 5-0.**

Proposed Text Amendment – Article XV Signs

Jean Root motioned to postpone Article XV Signs to the October 27, 2009 regular meeting with public hearing comments to be addressed and language to be reviewed by Mike Kehoe. Jim Murray seconded. **Motion carried 5-0.**

Master Plan Updates

The following items were discussed.

1. Reasoning behind the jog in the Suburban Residential/Rural Residential delineation line. The Planning Commission agreed to keep as is.
2. Bob Hanvey will review PA 33 to find out the Capital Improvement Requirements are
3. Chapter 7 Goals & Objectives – Under Housing and Residential Development the third objective delete the first word 'Encourage' and replace with 'Provide'. This objective is questionable and still needs work
4. Chapter 7 Goals & Objectives – Under infrastructure and Community Facilities delete last highlighted objective that reads 'Continue to work with Marion, Howell, Oceola, Genoa Water Authority (MHOG) to implement future plans
5. Chapter 7 Goals & Objectives – Under Inter-jurisdictional cooperation add to the second objective 'continue to work with Howell Area Parks and Recreation, Watershed Advisory Committee, MHOG and the Livingston County Road Commission'
6. Chapter 7 Goals & Objectives – Under Inter-jurisdictional cooperation Jean Root and John Lowe would like to see the last two objectives removed

Jean Root motioned to postpone Master Plan updates and changes to Chapter Seven to the October 27, 2009 meeting. Jerry Sidlar seconded. **Motion carried 5-0.**

NEW BUSINESS

No new business.

CALL TO THE PUBLIC

John Lowe opened the call to the public. No response.

John Lowe closed the call to the public.

ADJOURNMENT

Jean Root motioned to adjourn the meeting at 9:15 p.m. Jerry Sidlar seconded.

Motion Carried 5-0.

REGULAR MEETING - OCTOBER 27, 2009

MEMBERS PRESENT: JOHN LOWE, CHAIRPERSON
JEAN ROOT, SECRETARY & ACTING CO-CHAIR
BOB HANVEY, JERRY SIDLAR, JIM MURRAY

MEMBERS ABSENT: NONE

OTHERS PRESENT: ANNETTE MCNAMARA, ZONING ADMINISTRATOR
JOHN ENOS, CARLISLE/WORTMAN
LES ANDERSEN, TRUSTEE
SCOTT LLOYD, TRUSTEE

CALL TO ORDER

John Lowe called the meeting to order at 7:30 p.m.

APPROVAL OF AGENDA

John Lowe asked to have the Caverly Special Use Permit moved to the first agenda item. The following items were added as new business; accessory structures and wind turbines. Jean Root motioned to approve the October 27, 2009 regular meeting agenda as amended. Bob Hanvey seconded. **Motion Carried 5-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves.

CALL TO THE PUBLIC

John Lowe opened the call to the public. No response.

John Lowe closed the call to the public.

APPROVAL OF MINUTES

September 22, 2009 Public Hearing minutes

Jean Root motioned to approve the September 22, 2009 public hearing minutes as presented. Jim Murray seconded. **Motion carried 5-0.**

September 22, 2009 Regular minutes

Jean Root motioned to approve the September 22, 2009 regular meeting minutes as presented. Jim Murray seconded. **Motion carried 5-0.**

NEW BUSINESS

Caverly Special Use Permit review – located in the Highway Service District on the east side of Pinckney Road – Tax ID# 4710-02-400-006 – 1424

Pinckney Road – proposed use; Automobile Repair Business

John Enos summarize his review letter, this special use is allowed in Highway Service District yet because of the wellhead protection area the ability for commercial use is limited. This area is appropriate for commercial use and the building to house the auto repair is in place. John Enos noted his recommendation for approval.

John Lowe told the Commissioners he and Bob Hanvey attended the Joint Planning Committee with the City of Howell two weeks ago and discussed the wellhead issue. The wellhead belongs to the City of Howell and was placed eight years ago; the commercial buildings have been in place for 30 +- years. The City of Howell uses the well in emergency situations, yet now has the ability to use MHOG wells instead. In the spirit of cooperation the City of Howell has agreed to provide an environmental review of any uses within their wellhead area and Marion Township can amend the wellhead protection area language to accommodate. Terry Wilson has provided a review for Mr. Caverly proposed use and the Planning Commission members received a copy in their packages. Bob Hanvey asked what Mr. Caverly considers the front of the building.

There is no concrete answer, the address is Old Pinckney Road yet the Howell Area Fire Authority would like the address to be visible from D-19 (Pinckney Road.)

Bob Hanvey asked about the driveway (it is on the neighboring property.) The access to the parcel is legally nonconforming.

Jean Root asked if they will be enclosing the existing loading docks. Is he using this property in lieu of his personal property? Mr. Caverly answered yes to both questions.

Jean Root asked if they will hook up to public utilities.

Mr. Caverly said he will see what the Livingston County Department of Public Health has to say, yet there will not be excessive use of the well and septic. Everything will be removed from the site. Jerry Sidlar asked how spills will be handled.

Mr. Caverly said there will be secondary containment and he owns a zamboni type machine to clean up the floor.

Jean Root motioned to schedule a public hearing for Roy Caverly, Tax ID# 4710-02-400-006 Special Use Permit # 01-09 for an Auto Repair on November 24, 2009 at 7:15 p.m.

Jim Murray seconded. **Motion carried 5-0.**

OLD BUSINESS

Proposed Amendment - Article XV Signs

The Planning Commission members reviewed the comments sent in Mike Kehoe letter and requested the following revision.

Page 3 of 12; Section 15.04 P second sentence to read 'No more than four (4) such signs advertising the same property or building shall be located within the Township.

The Planning Commission members discussed the possibility of asking the Livingston County Road Commission to write a letter granting Marion Township permission to remove signs within the road right-of-way.

Jean Root motioned to send Article XV Signs to the Board of Trustees for preliminary review and then returned to the Planning Commission. Jerry Sidlar seconded.

Motion carried 5-0.

Master Plan update/revisions

John Enos is satisfied with the amendments Annette McNamara has made to the text.

The Planning Commission members discussed more regional references to the need for Manufactured Home Communities and not rely on the City of Howell's communities as a demonstrated need. John Lowe informed the Planning Commission members of the Joint Planning Advisory Committee meeting with the City of Howell on October 7, 2009. The committee agreed to ask the City of Howell Attorney and Mike Kehoe, Township Attorney to develop text to include in the Master Plan regarding the Manufactured Home Communities. They would also like both Attorneys to comment on the wellhead protection area environmental review of any uses proposed within the City of Howell's wellhead and an intergovernmental agreement. Annette McNamara will contact Erin Perdu, City of Howell and Mike Kehoe to check on progress. Jean Root motioned to postpone Master Plan to the December 15, 2009 regular meeting for further review and comment from Attorneys. Jim Murray seconded. **Motion carried 5-0.**

Motion carried 5-0.

NEW BUSINESS

Proposed Amendment – Wellhead Protection Area Section 6.27

The Planning Commission members reviewed the changes to the text by Mike Kehoe.

Annette McNamara will contact Mike Kehoe and ask that he and the City of Howell Attorney work on an intergovernmental agreement for the environmental review of uses within their wellhead area. Jean Root motioned to table this agenda item to the November 24, 2009 regular meeting. Jerry Sidlar seconded. **Motion carried 5-0.**

Accessory Uses and Structures

Annette McNamara has received a request to allow a 10,000 s.f. accessory structure on a 20 acre parcel that does not have a principal structure. The request came from a potential resident, they want to buy this parcel and slowly work on their home. They need a structure to park antique cars and construction materials. The Planning Commission members agreed that this is not allowed per the Zoning Ordinance and is not uncommon for municipalities to prohibit accessory structures without a principal structure.

Wind Energy Turbines

The Board of Trustees has approved the Planning Commissions request to work on language to regulate wind energy turbines other than wind energy farms. John Lowe would like to talk to someone in a local unit of government in the thumb area. At one time the residents in the thumb were gun-ho and now that has changed. John Lowe would like to know what has changed and why. Jerry Sidlar said he would not want to see a 70' wind turbine in his neighborhood. The lots are one acre and in not large enough to accommodate this type of accessory use. Jean Root asked that this be placed on the January 26, 2010 agenda. Annette McNamara told the Planning Commission members the Board of Trustees has been discussing regulating outdoor wood burners. It is possible the Board of Trustees will ask that this be worked on in January also. Bob Hanvey told the Planning Commission members expandable site condominiums, such as Sunridge, Home Town Village of Marion may need their approvals extended or revoked. Since the downturn in the economy the developers are not in a position to expand per their approval by Marion Township. A decision will have to be made. Charles Musson, 333 Triangle Lake Road; he would like the Board of Trustees to ask Marion Township's accountant to determine the cost of REU's ten years from now. Bob Hanvey has already asked for this information.

CALL TO THE PUBLIC

John Lowe opened the call to the public. No response.
John Lowe closed the call to the public.

ADJOURNMENT

Jean Root motioned to adjourn the meeting at 9:15 p.m. Jerry Sidlar seconded.
Motion Carried 5-0.

PUBLIC HEARING - NOVEMBER 24, 2009

- MEMBERS PRESENT:** JEAN ROOT, SECRETARY, ACTING CO-CHAIR
ROBERT HANVEY, JIM MURRAY, JERRY SIDLAR
- MEMBERS ABSENT:** JOHN LOWE, CHAIRPERSON
- OTHERS PRESENT:** ANNETTE MCNAMARA, ZONING ADMINISTRATOR
DAN LOWE, TRUSTEE
LES ANDERSEN, TRUSTEE
SCOTT LLOYD, TRUSTEE

CALL TO ORDER

Jean Root called the meeting to order at 7:15 p.m.

APPROVAL OF AGENDA

Bob Hanvey motioned to approve the November 24, 2009 public hearing agenda. Jim Murray seconded. **Motion Carried 4-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. John Lowe was absent.

CALL TO THE PUBLIC

Jean Root opened the call to the public. No response. Jean Root closed the call to the public.

APPROVAL OF MINUTES No minutes to approve.

OLD BUSINESS

Caverly Special Use Permit review – located in the Highway Service District on the east side of Pinckney Road – Tax ID# 4710-02-400-006 – 1424 Pinckney Road – proposed use; Automobile Repair Business

Jean Root updated the Planning Commission and audience members on the proposal. This is a special use in the Highway Service District. The use will be general auto repair in an existing building. At the October meeting lighting, signage and parking were discussed. Jean Root asked the Planning Commission members if they had any additional questions. There was no response. Jean Root opened the call to the public. Scott Lloyd, 5717 Pingree; asked if auto sales would be allowed. Jean Root answered no; the special use does not allow the applicant to sell automobiles. Jean Root closed the call to the public.

NEW BUSINESS:

No new business.

CALL TO THE PUBLIC

Jean Root opened the call to the public. No response. Jean Root closed the call to the public.

ADJOURNMENT

Bob Hanvey motioned to adjourn the meeting at 7:20 p.m. Jerry Sidlar seconded. **Motion Carried 4-0.**

REGULAR MEETING - NOVEMBER 24, 2009

MEMBERS PRESENT: JEAN ROOT, SECRETARY, ACTING CO-CHAIR
BOB HANVEY, JERRY SIDLAR, JIM MURRAY

MEMBERS ABSENT: JOHN LOWE, CHAIRPERSON

OTHERS PRESENT: ANNETTE MCNAMARA, ZONING ADMINISTRATOR
JOHN ENOS, CARLISLE/WORTMAN
DAN LOWE, TRUSTEE
LES ANDERSEN, TRUSTEE
SCOTT LLOYD, TRUSTEE

CALL TO ORDER

Jean Root called the meeting to order at 7:30 p.m.

APPROVAL OF AGENDA

Bob Hanvey asked to have the Georgetown site plan amendment moved to the second agenda item. Jim Murray motioned to approve the November 24, 2009 regular meeting agenda as amended. Jerry Sidlar seconded. **Motion Carried 4-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. John Lowe was absent.

CALL TO THE PUBLIC

Jean Root opened the call to the public. No response.

Jean Root closed the call to the public.

APPROVAL OF MINUTES

October 27, 2009 Regular minutes

Bob Hanvey motioned to approve the October 27, 2009 regular meeting minutes as presented. Jim Murray seconded. **Motion carried 4-0.**

OLD BUSINESS

Caverly Special Use Permit review – located in the Highway Service District on the east side of Pinckney Road – Tax ID# 4710-02-400-006 – 1424 Pinckney Road – proposed use; Automobile Repair Business

Jean Root asked John Enos to summarize the request. John Enos said this is a proposed special use Auto Repair within the Highway Service District. The Board of Trustees is working on Section 6.27 Wellhead Protection Area regarding the environmental reviews which is a reasonable change to the Zoning Ordinance. At the October meeting there was discussion on the layout, landscaping, removal of fluids, lighting and signage.

Carlisle/Wortman Associates, Inc. is recommending approval.

Bob Hanvey asked the Planning Commission members if they agreed the City of Howell environmental review is acceptable, if so applicant does not have to wait for the amendment to be completed. The Planning Commission members and John Enos all agreed. Jean Root summarized the process for rescinding the existing Home Occupation Class II special use permit the applicant now has. John Enos gave the applicant a copy of the letter from Mike Kehoe, Township Attorney regarding the rescinding process.

Jessica Caverly noted the existing conditions for the Home Occupation Class II special use permit does not allow the special use to transfer with the sale of the home.

Jerry Sidlar motioned to recommend approval to the Board of Trustees for the Automobile Repair Business located at 1424 Pinckney Road in the Highway Service district on the east side of Pinckney Road, Tax ID# 4710-02-400-006, contingent on the following.

1. Be harmonious with and in accordance with the general principles and objectives of the Comprehensive Plan of the Township. ***It is the opinion of the planning commission this special use will not change the character of the area given that the structure and the surrounding buildings have been located on this site for a number of years.***
2. Not be hazardous or disturbing of existing or future uses in the same general vicinity and will substantially improve property in the immediate vicinity and in the community as a whole. ***It is the opinion of the Planning Commission this special use will not detrimentally affect the use or future uses of this area given that for many years it was a different commercial use. In addition, the proposed use will remain a viable non-residential use adjacent to the commercial services district with the City of Howell. Lastly the Marion Township Comprehensive Plan allows and encourages commercial uses in this area.***
3. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools. ***This building and the special use are located on D-19 (Pinckney Road) a major thoroughfare in Marion Township and will limit any impact to any residential areas located***

- within the township.*
4. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. ***It is the opinion of the Planning Commission and the applicant agrees to operate this commercial business in a fashion that does not create any conditions that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.***
 5. Meet the intent and purpose of the zoning regulations; be related to the standards established in the ordinance for the land use or activity under consideration; and will be in compliance with these standards. ***The property is located within the Highway Service District and meets the intent and purpose of the zoning regulations and will be in compliance with those standards.***
 6. Ensure that landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modification, which result in maximum harmony with adjacent areas. ***The site plan submitted shows no changes to current landscaping as the building has been located on this site for many years.***
 7. Ensure that special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties. ***Site surface drainage will remain as is because the building has been on this site for many years.***
 8. Ensure that all exterior lighting shall be so arranged that is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted. ***Current lighting is adequate and will remain with downward shielding and no flashing or intermittent lights shall be used.***
 9. Meet the site plan review requirement of article XVIII. ***The site plan submitted shall meet all site plan and zoning requirements.***
 10. Conform to all applicable state and federal requirements for that use. ***The proposed auto repair commercial business will comply with all state and federal requirements on site location and operation.***
 11. A public hearing was held and there was one public comment regarding the sales of automobiles. There will be no sales of automobiles.
 12. Approval is contingent on updating Section 6.27 Wellhead Protection Area.
 13. Letter from Terry Wilson, City of Howell, dated September 3, 2009.
 14. Letter from Carlisle/Wortman Associates, Inc. dated October 12, 2009.

Jim Murray seconded. **Roll Call; Jim Murray yes, Jean Root yes, Bob Hanvey yes, Jerry Sidlar yes. Motion Carried 4-0.**

Bob Hanvey motioned to amend the motion to remove item #13, also there were no negative or adverse comments made at the public hearing. Jim Murray seconded. **Roll Call; Jim Murray; yes, Jean Root; yes, Bob Hanvey; yes, Jerry Sidlar; yes. Motion Carried 4-0.**

NEW BUSINESS

Georgetown condominium lot reconfiguration

Ken Tyler is asking for approval to amend the existing site plan for Georgetown Site

Condominium. He has a buyer for an adjacent 25 acre parcel and the potential buyer would like to purchase the .70 acre detention pond that was designed for Georgetown. Since the approval of the site plan Marion Township has reduced the acreage requirements for that district from 1 acre to 3/4 acre. He is proposing reducing the size of the Georgetown lots to accommodate the detention pond. He will provide Marion Township with any amendments to the Master Deed and By-Laws along with the amended Exhibit B drawings. He will have all of this ready for the December 10, 2009 Board of Trustees meeting.

The Planning Commission discussed the following items.

1. Mike Kehoe, Township Attorney strongly suggested giving preliminary approval noting that Marion Township must protect themselves by having the updated and approved Master Deed, By-laws and Exhibit B drawings.
2. Orchard, Hiltz & McCliment, Inc. reviewing and approving the amended drawings.
3. Livingston County Drain Commissioners Office (LCDC) review and approval of the amended drawings.
4. Ken Tyler depositing an escrow with Marion Township for the cost of review and approval by Mike Kehoe, Township Attorney and Orchard, Hiltz & McCliment, Inc., Township Engineering Firm.
5. Ken Tyler would not be able to receive a clean title search necessary to sell the property until the site plan is amended and recorded with the Livingston County Register of Deeds.
6. A State of Michigan law; a Site Condominium that is not built within 6 years renders the site plan is null and void.
7. All Planning Commission members agreed, along with John Enos, Township Planner, since a road and homes have been built the State of Michigan law would not apply.

Jim Murray motioned to recommend preliminary approval for the Georgetown project to the Board of Trustees contingent on relocating the detention pond that is on the east side of lot numbers 23, 24 & 25, Orchard, Hiltz & McCliment, Inc. review, comment and approval, Mike Kehoe review, comment and approval and the LCDC review, comment and approval. Applicant to submit updated Master Deed, By-laws and exhibit B drawings, deposit an escrow with Marion Township, maintain $\frac{3}{4}$ acre lots. After Board of Trustees review, the project comes back to the Planning Commission. Bob Hanvey seconded. **Roll Call; Jim Murray; yes, Jean Root; yes, Bob Hanvey; yes, Jerry Sidlar; yes. Motion Carried 4-0.**

OLD BUSINESS

Proposed Amendment – Wellhead Protection Area Section 6.27

Jean Root asked Annette McNamara to summarize her conversation with Mike Kehoe. Annette McNamara responded; Michael Kehoe, Township Attorney would like to craft additional language for Section 6.27 that would give Marion Township more leeway with environmental reviews done by the City of Howell. He agreed to have it ready for the December 15, 2009 Planning Commission meeting.

Bob Hanvey motioned to table this agenda item until the December 15, 2009 meeting. Jerry Sidlar seconded. **Motion carried 4-0.**

Proposed Amendment - Article XV Signs

The Planning Commission members agreed to table this agenda item until John Lowe is present. Scott Lloyd, 5717 Pingree questioned why the Home Occupation signs are only

two square feet. John Enos answered that all zoning ordinances are filled with requirements that do not necessarily have any rhyme or reason. The size could be increased to four square feet. Jerry Sidlar motioned to table Article XV Signs to the December 15, 2009 Planning Commission. Jim Murray seconded. **Motion carried 4-0.**

NEW BUSINESS

Annual Organizational Meeting

Jean Root asked why the Planning Commission members' terms went from three years to one year. Annette McNamara answered it was a requirement in PA 33 the Planning Enabling Act. Annette McNamara asked Bob Hanvey to let her know if the Capital Improvement Plan will be taking care of by the Planning Commission, if so it will need to be included in the Planning Commission By-Laws.

The Planning Commission members agreed to table this agenda item until John Lowe is present. Jean Root motioned to table Article XV Signs to the December 15, 2009 Planning Commission. Jerry Sidlar seconded. **Motion carried 4-0.**

CALL TO THE PUBLIC

Jean Root opened the call to the public. Charles Musson, 333 Triangle Lake Road; had a question regarding a motion that was made.

Karl Bohn, 376 Triangle Lake Road; wanted to know why the microphones were not working tonight? Mr. Hanvey answered that the microphones are not hooked up. Mr. Bohn asked that the Planning Commission members speak up. Mr. Bohn noted he had a difficult time seeing the entrance into the Marion Township parking lot; could the township install a light? And lastly, he is glad the meeting was over before 9:00 p.m. Jean Root closed the call to the public.

ADJOURNMENT

Jean Root motioned to adjourn the meeting at 8:30 p.m. Bob Hanvey seconded. **Motion Carried 4-0.**