

LIVINGSTON COUNTY
APPROVED - MEETING MINUTES

OCTOBER 19, 2011
7:30 p.m.
304 E. Grand River Ave., Howell, Michigan,

PLANNING COMMISSION			
COMMISSIONERS PRESENT:	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> JEANNE CLUM (CO-CHAIR) JAMES SPARKS BILL ANDERSON </td> <td style="width: 50%; border: none;"> MIKE HUBERT BRIAN PROKUDA SYLVIA KENNEDY-CARRASCO </td> </tr> </table>	JEANNE CLUM (CO-CHAIR) JAMES SPARKS BILL ANDERSON	MIKE HUBERT BRIAN PROKUDA SYLVIA KENNEDY-CARRASCO
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COMMISSIONERS ABSENT:	REID KRINOCK (CHAIR)		
STAFF PRESENT:	KATHLEEN KLINE-HUDSON		
OTHERS PRESENT:	BOB HANVEY, SUPERVISOR MARION TOWNSHIP		

1. **CALL TO ORDER** Meeting was called to order by Chairperson Clum at 7:34 P.M.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL AND INTRODUCTION OF GUESTS**
4. **APPROVAL OF AGENDA**

IT WAS MOVED BY COMMISSIONER SPARKS, SECONDED BY COMMISSIONER PROKUDA TO **APPROVE THE AGENDA DATED OCTOBER 19, 2011.**
All in favor, motion passed.

5. **APPROVAL OF MINUTES**

IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KENNEDY-CARRASCO TO **APPROVE THE SEPTEMBER 21, 2011 MINUTES, AS PRESENTED.**
All in favor, motion passed.

6. **CALL TO THE PUBLIC** – None.

7. **ZONING REVIEWS**

- A. **Z-32-11 UNADILLA TOWNSHIP PROPOSED AMENDMENTS TO ZONING ORDINANCE: SECTION 20.02 C CURB CUTS AND DRIVEWAYS**

The Unadilla Township Planning Commission is proposing to amend Article 20 of the Township Zoning

Ordinance. The proposed change includes a minor amendment to allow for Livingston County inspection and approval of driveways instead of the Township Zoning Administrator.

Township Planning Commission Recommendation: APPROVAL. There were no comments at the August 23, 2011 Public Hearing on the proposed text amendment.

Staff Recommendation: APPROVAL. The proposed amendment is compatible with the existing Unadilla Township Zoning Ordinance and will serve to better align the inspection process for driveways in the Township.

Commission Discussion: None.

Public Comment: None.

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

All in favor, motion passed. 6-0.

B. Z-33-11 HOWELL TOWNSHIP PROPOSED AMENDMENTS TO ZONING ORDINANCE: SECTION 14.07 ACCESSORY BUILDING PROVISIONS

The Howell Township Planning Commission is proposing to amend Article 14 of the Township Zoning Ordinance. The proposed change includes a minor amendment to allow for accessory buildings less than two-hundred (200) square feet to be exempt from the permitting requirements within the Township.

Township Planning Commission Recommendation: APPROVAL. There were no comments at the August 16, 2011 Public Hearing on the proposed text amendment.

Staff Recommendation: APPROVAL. The proposed amendment is compatible with the existing Howell Township Zoning Ordinance and will serve to better align the permitting requirements for accessory structures in the Township.

Commission Discussion: None.

Public Comment: None.

Commissioner Action: IT WAS MOVED BY COMMISSIONER PROKUDA TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER HUBERT.

All in favor, motion passed. 6-0

C. Z-34-11 GREEN OAK CHARTER TOWNSHIP PROPOSED AMENDMENTS TO ZONING ORDINANCE: SECTION 38-1 DEFINITIONS

The Green Oak Charter Township Planning Commission proposes to amend the definition of *Temporary building and use* in Section 38-1 Definitions. According to the Township Planning Consultant, the amendment is proposed in response to recent land use issues being considered by the Township Board. He also noted that the change will reflect up-to-date responsibilities of the Zoning Administrator.

Township Planning Commission Recommendation: APPROVAL. The Green Oak Charter Township Planning Commission recommended approval of the text amendment at their September 15, 2011 meeting. There were no public comments at the September 15, 2011 public hearing.

Staff Recommendation: APPROVAL. The proposed amendments to this definition are reasonable and appropriate.

Commission Discussion: Commissioners discussed the text amendment at length. County Planning Commissioners understand that the proposed amendment updates the language to note that a temporary building and use is under the responsibility of the Zoning Administrator or designee, however, they felt that the original definition does not clearly explain what a ‘temporary building and use’ is, nor the issues that the Township was considering when drafting this definition. Commissioners questioned what makes the building or use ‘temporary’; is it removed at the end of one year or does it become ‘permanent’ when the main building or use is constructed?

Public Comment: None.

Commissioner Action: IT WAS MOVED BY COMMISSIONER PROKUDA TO RECOMMEND NO ACTION, ENCOURAGE FURTHER REVIEW, SECONDED BY COMMISSIONER HUBERT.

All in favor, motion passed. 6-0

**D. Z-35-11 MARION TOWNSHIP PROPOSED AMENDMENTS TO ZONING ORDINANCE:
SECTION 8.02 SR: SUBURBAN RESIDENTIAL DISTRICT**

The Marion Township Planning Commission proposes to amend Section 8.02 - SR: Suburban Residential District by further clarifying the opening Intent Statement of the section and adding “**crop operations**” as a permitted use by right.

Township Planning Commission Recommendation: APPROVAL. There were a couple public comments noted at the September 28, 2011 Township Planning Commission public hearing.

Staff Recommendation: APPROVAL. In conducting this review, Staff noticed no glaring conflicts or errors with the proposed amendment. It appears to be reasonable and appropriate.

Commission Discussion: Commissioner Clum stated that this amendment would allow community gardens in Marion Township subdivisions. Commissioner Sparks described the subdivision farming he has seen in his work with USDA.

Public Comment: Marion Township Supervisor Bob Hanvey explained that this text amendment was initiated because of the Chestnut Development lawsuit in Marion Township where the developer claimed that his property on Mason Road had no viable use other than residential under Township zoning and master planning. Supervisor Hanvey shared some of the comments they received from residents at the public hearing regarding this text amendment.

Commissioner Action: IT WAS MOVED BY COMMISSIONER SPARKS TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER PROKUDA.

All in favor, motion passed. 6-0

E. **Z-36-11 MARION TOWNSHIP PROPOSED AMENDMENTS TO ZONING ORDINANCE:
SECTION 6.32 OUTDOOR WOOD STOVES AND FURNACES**

The Marion Township Planning Commission proposes to amend Article III – Definitions and add to Article VI – General Provisions – Section 6.32 with a set of provisions regulating the use of outdoor wood stoves and outdoor furnaces.

Township Planning Commission Recommendation: APPROVAL. There were a couple public comments noted at the September 28, 2011 Township Planning Commission public hearing.

Staff Recommendation: APPROVAL. In conducting this review, Staff noticed no glaring conflicts or errors with the proposed amendment. It appears to be reasonable and appropriate.

Commission Discussion: Commissioner Hubert questioned whether or not this amendment would allow corn burners. County Planning Commissioners discussed regulation 6.32 (4) and agreed that what constitutes a nuisance is vague and subjective. Commissioner Hubert expressed concern about the minimum two acre lot size. He feels that this use could be allowed on smaller parcels.

Public Comment: Marion Township Supervisor Bob Hanvey explained that this text amendment started out as a ten page ordinance and they shortened it.

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

All in favor, motion passed. 5-1 (Hubert)

F. **PA-03-11 DEERFIELD TOWNSHIP PA116 FARMLAND AGREEMENT**

Commission Discussion: None

Commission Comment: None

Public Comment: No public comment

Commissioner Action: IT WAS MOVED BY COMMISSIONER SPARKS TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER HUBERT.

All in favor, motion passed. 6-0.

G. **PA-04-11 DEERFIELD TOWNSHIP PA116 FARMLAND AGREEMENT**

Commission Discussion: None

Commission Comment: None

Public Comment: No public comment

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

All in favor, motion passed. 6-0.

H. PA-05-11 DEERFIELD TOWNSHIP PA116 FARMLAND AGREEMENT

Commission Discussion: None
Commission Comment: None
Public Comment: No public comment

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

All in favor, motion passed. 6-0.

I. PA-06-11 DEERFIELD TOWNSHIP PA116 FARMLAND AGREEMENT

Commission Discussion: None
Commission Comment: None
Public Comment: No public comment

Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO RECOMMEND **APPROVAL**, SECONDED BY COMMISSIONER KENNEDY-CARRASCO.

All in favor, motion passed. 6-0.

J. PA-07-11 DEERFIELD TOWNSHIP PA116 FARMLAND AGREEMENT

Commission Discussion: None
Commission Comment: None
Public Comment: No public comment

Commissioner Action: IT WAS MOVED BY COMMISSIONER KENNEDY-CARRASCO TO RECOMMEND **APPROVAL**, SECONDED BY COMMISSIONER ANDERSON.

All in favor, motion passed. 6-0.

K. PA-08-11 DEERFIELD TOWNSHIP PA116 FARMLAND AGREEMENT

Commission Discussion: None
Commission Comment: None
Public Comment: No public comment

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

All in favor, motion passed. 6-0.

L. PA-09-11 DEERFIELD TOWNSHIP PA116 FARMLAND AGREEMENT

Commission Discussion: None
Commission Comment: None
Public Comment: No public comment

Commissioner Action: IT WAS MOVED BY COMMISSIONER PROKUDA TO RECOMMEND **APPROVAL**, SECONDED BY COMMISSIONER ANDERSON.
All in favor, motion passed. 6-0.

M. PA-10-11 DEERFIELD TOWNSHIP PA116 FARMLAND AGREEMENT

Commission Discussion: None
Commission Comment: None
Public Comment: No public comment

Commissioner Action: IT WAS MOVED BY COMMISSIONER KENNEDY-CARRASCO TO RECOMMEND **APPROVAL**, SECONDED BY COMMISSIONER ANDERSON.
All in favor, motion passed. 6-0.

N. PA-11-11 DEERFIELD TOWNSHIP PA116 FARMLAND AGREEMENT

Commission Discussion: None
Commission Comment: None
Public Comment: No public comment

Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO RECOMMEND **APPROVAL**, SECONDED BY COMMISSIONER HUBERT.
All in favor, motion passed. 6-0.

O. PA-12-11 DEERFIELD TOWNSHIP PA116 FARMLAND AGREEMENT

Commission Discussion: None
Commission Comment: County Planning Commissioners suggested a couple of ways that staff might improve the P.A. 116 form that they review.
Public Comment: No public comment

Commissioner Action: IT WAS MOVED BY COMMISSIONER SPARKS TO RECOMMEND **APPROVAL**, SECONDED BY COMMISSIONER PROKUDA.
All in favor, motion passed. 6-0.

**P. Z-37-11 HANDY TOWNSHIP PROPOSED AMENDMENTS TO ZONING ORDINANCE:
CHAPTER 16: MEDICAL MARIHUANA**

The Handy Township Planning Commission proposes to amend several sections of the Township Zoning Ordinance by creating new special use standards for medical marihuana and allowing medical marihuana as a special use in commercial and industrial zoning districts.

Township Planning Commission Recommendation: APPROVAL. There were no public comments regarding the amendments at the September 29, 2011 public hearing.

Staff Recommendation: APPROVAL. Staff recommends approval of the text amendment and finds the proposed language compatible with the Township's Zoning Ordinance.

Commission Discussion: Commissioners discussed the Township definition of Medical Marihuana Facility, particularly the sentence: "Assistance to qualifying patients does not include the ingestion of marihuana on the premises." Commissioners expressed concern that this particular language was not common to other local ordinances they have reviewed.

Public Comment: None.

Commissioner Action: IT WAS MOVED BY COMMISSIONER SPARKS TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER PROKUDA.

All in favor, motion passed. 6-0.

8. OLD BUSINESS: None.

9. REPORTS –

a. Communications: Fall 2011 County Planning Connection

Director Kline-Hudson distributed newsletters to the Commissioners that were unable to print the communication. She addressed the lead article regarding the upcoming SEMCOG General Assembly.

b. September 28 Brown Bag Lunch Series

Staff and County Planning Commissioners expressed how Supervisor Mark St. Charles led an excellent Brown Bag Lunch on Low Impact Development. Commissioner Kennedy-Carrasco stated that he went above and beyond our expectations by providing each participant with a CD of materials.

c. Planning Department Move

Director Kline-Hudson explained that three County Payroll/Accounting Employees are moving from the Courthouse to the Administration Building to merge with the Human Resources Department. The Planning Department has been asked to swap office spaces with HR so that they have room for the additional employees. This move will be complete by October 31.

10. COMMISSIONERS HEARD AND CALL TO THE PUBLIC - None

11. ADJOURNMENT

Commissioner Action: IT WAS MOVED BY COMMISSIONER SPARKS TO ADJOURN THE MEETING AT 9:00 PM, SECONDED BY COMMISSIONER PROKUDA.

All in favor, motion passed. 6-0.