

**LIVINGSTON COUNTY PLANNING COMMISSION**  
**MINUTES**  
**JANUARY 20, 2010**  
**304 E. Grand River Ave., Howell, Michigan, 7:30 p.m.**

**COMMISSIONERS PRESENT:** Bethany Hammond (Vice-Chair), James Sparks, Jeanne Clum, Sylvia Kennedy-Carrasco, Brian Prokuda, Bill Anderson,  
**COMMISSIONERS ABSENT:** Reid Krinock (Chair)  
**STAFF PRESENT:** Kathleen Kline-Hudson, Rob Stanford, Scott Barb, Nancy Vorhoff  
**OTHERS PRESENT:**

1. **CALL TO ORDER** Meeting was called to order by Commissioner Hammond at 7: 33p.m.
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF AGENDA**

IT WAS MOVED BY COMMISSIONER SPARKS, SECONDED BY COMMISSIONER PROKUDA TO <b>APPROVE</b> THE AGENDA DATED JANUARY 20, 2010, AS PRESENTED. <b>All in favor, motion passed.</b>
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4. **APPROVAL OF MINUTES DATED DECEMBER 16, 2009**

IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KENNEDY-CARRASCO TO <b>APPROVE</b> THE DECEMBER 16, 2009 MINUTES, AS PRESENTED. <b>All in favor, motion passed.</b>
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5. **CALL TO THE PUBLIC** –None
6. **ZONING REVIEWS**

**A. Z-01-10 UNADILLA TOWNSHIP, AMENDMENTS TO ARTICLE 18 GENERAL PROVISIONS AND ARTICLE 23 LANDSCAPING AND SCREENING**

The Unadilla Township Planning Commission proposes to revise Section 18.08 Accessory Uses, Buildings, and Structures and Section 23.08 Fencing and Walls.

**Township Planning Commission Recommendation: APPROVAL.** The Unadilla Township Planning Commission recommended approval of the text amendments at their October 27, 2009 meeting. There were no comments at the public hearing.

**Staff Recommendation: APPROVAL.** The proposed fencing-related amendments to Articles 18 and 23 of the Unadilla Township Zoning Ordinance are reasonable and appropriate.

**Commission Discussion:** None

**Public Comment:** No public comment.

<b>Commissioner Action:</b> IT WAS MOVED BY COMMISSIONER KENNEDY-CARRASCO, TO RECOMMEND <b>APPROVAL</b> , SECONDED BY COMMISSIONER CLUM. <b>All in favor, motion passed. 6-0</b>
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**B. Z-02-10 HOWELL TOWNSHIP, AMENDMENTS TO ZONING ORDINANCE: ARTICLE 14 SUPPLEMENTAL REGULATIONS, SECTION 14.25 SWIMMING POOLS.**

The Howell Township Planning Commission is proposing to amend Article 14 of the Township Zoning Ordinance.

**Township Planning Commission Recommendation: DISAPPROVAL.** The Howell Township Planning Commission disapproved of the proposed text amendment at their December 8, 2009 Public Hearing. Planning Commissioners believed that the text should be limited to permanent swimming pools only and that the text should comply with the standards set by the Livingston County Building Department.

**Staff Recommendation: NO ACTION. ENCOURAGE FURTHER REVIEW.** Staff concurs with the actions taken by the Howell Township Planning Commission and encourages further review.

**Commission Discussion:** Commissioner Clum asked Principal Planner Barb if the Planning Commission recommendations “No Action, Encourage Further Review”, does it go back to the their Planning Commission. Barb said they may have changed their recommendation after the public hearing and then they sent it on to us to see what the Planning Commission says. Barb believes that they will require all pools to be permanent.

**Public Comment:** No public comment.

**Commissioner Action:** IT WAS MOVED BY COMMISSIONER SPARKS, TO CONCUR WITH STAFF, NO ACTION, ENCOURAGE FURTHER REVIEW, SECONDED BY COMMISSIONER ANDERSON.

All in favor, motion passed. 6-0

**C. Z-03-10 OCEOLA TOWNSHIP, PROPOSAL TO DELETE SECTION 13.41. COMMON DRIVEWAYS FROM THE OCEOLA TOWNSHIP ZONING ORDINANCE**

The Oceola Township Planning Commission proposes to remove the aforementioned section in its entirety from its Zoning Ordinance.

**Township Planning Commission Recommendation: APPROVAL.** There was one public comment clarifying the reasoning for the proposal at the December 10, 2009 Public Hearing.

**Staff Recommendation: APPROVAL.** Staff believes that the new language contained in recently adopted Section 13.46 (Flag Lots) adequately addresses the elements of current Section 13.41 (Common Driveways) relevant to common or shared driveways, thus making Section 13.41 obsolete.

**Commission Discussion:** None

**Public Comment:** No public comment.

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

All in favor, motion passed. 6-0

**D. Z-04-10 BRIGHTON TOWNSHIP, AMENDMENTS TO ZONING ORDINANCE: ARTICLE 11 OVERLAY DISTRICT; ARTICLE 20 CONDOMINIUMS, SECTIONS 20.08 MONUMENTS REQUIRED AND 20.09 POST CONSTRUCTION DOCUMENTS.**

The Brighton Township Planning Commission is proposing to modify their Zoning Ordinance by creating a new Article 11 that will utilize an overlay district and amend Article 20 by revising minor language pertaining to condominiums.

**Township Planning Commission Recommendation: APPROVAL.** There were no comments on the proposed text amendments at the December 14, 2009 Public Hearing.

**Staff Recommendation: APPROVAL.** Staff has reviewed the proposed language and believes the new Article 11 and amendments to Article 20 are reasonable and appropriate.

**Commission Discussion:** Commissioner Sparks asked if they will change subsequent numbers in the ordinance after this text. Commissioner Hammond said sometimes the larger townships have someone codify their ordinances so that the numbers correspond correctly.

**Public Comment:** No public comment.

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

**All in favor, motion passed. 6-0**

**E. Z-05-10 BRIGHTON TOWNSHIP, REZONING R-CE TO NR**

<b>Current Zoning</b>	<b>R-CE Residential-Country Estates</b>
<b>Proposed Zoning</b>	<b>NR Natural Resources</b>
<b>Proponents</b>	<b>Ashley Land Development &amp; Natural Aggregates</b>

**TOWNSHIP MASTER PLAN:** The Future Land Use map of Brighton Charter Township designates the site as Planned Unit Development. The Master Plan describes this area in the following manner (pp 2-17 to 2-18): *The gravel pits located on several sites near the east side of the Township provide an area for future development once the gravel extraction operations cease. Extraction of gravel has extended below the water table, creating several small lakes that can be used as an attractive feature in future development plans proposed on some of these sites. The gravel pits would be most effectively developed as planned unit developments (PUD) which include a mixture of uses. A PUD would accomplish the following:*

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

**COUNTY COMPREHENSIVE PLAN:** The Livingston County Comprehensive Plan designates the site as Residential (p 63). According to the County Comprehensive Plan: *Residential areas are located mainly*

*in the southeast quadrant of the county. This quadrant has had the largest number of new residents move in over the last decade, and is the most built out area of the county. Over 40% of the county's population lived in Residential areas in 2000. It is characterized by fairly dense residential, commercial, and to some extent industrial development, although less dense and intense than uses found in the cities and villages. Residential areas are not without their rural character and scenic vistas. However, few agricultural lands in Residential areas are expected to exist twenty years from now. New residential developments in these areas should be compact and make the best use of sewer and water if it is available, and cluster projects should be utilized when appropriate to preserve open space and scenic vistas. Projects such as planned unit developments that are not feasible in Cities/Villages or Primary Growth Areas because of parcel size or similar restrictions should be channeled into Residential areas. Limited commercial and industrial growth is appropriate (p 62).*

**Township Planning Commission Recommendation and Public Comments:** The Charter Township of Brighton Township Planning Commission recommended **APPROVAL** of this request at its December 14, 2009 Planning Commission meeting. There were no public comments.

**Staff Recommendation: APPROVAL.** The proposed rezoning is reasonable and appropriate given the level of specified planning and regulatory efforts undertaken by the Charter Township of Brighton to address this unique and viable land use within its borders, both at present and in the future.

**Commission Discussion:** Commissioner Anderson asked if under their existing zoning they are allowing extraction in a residential district. Principal Planner Stanford said "yes" but current properties have been able to operate under a consent judgment. Their township attorney advised that they change zoning so it's consistent. Commissioner Hammond commented that this is not uncommon for a township to be reluctant to rezone when these types of uses are involved, this is pretty common.

**Public Comment:** No public comment.

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

**All in favor, motion passed. 6-0**

**F. Z-06-10 GENOA TOWNSHIP AMENDMENTS TO MULTIPLE ARTICLES AND SECTIONS OF THE GENOA TOWNSHIP ZONING ORDINANCE.**

The Genoa Charter Township Planning Commission proposes to revise multiple articles and sections of the Genoa Township Zoning Ordinance.

**Township Planning Commission Recommendation: APPROVAL.** The Genoa Charter Township Planning Commission recommended approval of the text amendments at their November 9, 2009 and December 14, 2009 meetings. There were two public hearings on the proposed changes, held on September 14, 2009 and October 13, 2009. There were comments from the public on wind energy systems.

**Staff Recommendation: APPROVAL.** The proposed text amendments are easy to interpret and they should enhance the language of the Genoa Charter Township Zoning Ordinance. County Planning Staff urges the Genoa Charter Township Planning Commission to consider the suggestions contained within this staff review.

**Commission Discussion:** Commissioner Hammond agrees with the comments made in the staff review, and feels the County Drain Commission would not accept a small system unless they are responsible for it.

**Public Comment:** No public comment.

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

All in favor, motion passed. 6-0

**G. Z-07-10 HARTLAND TOWNSHIP, AMENDMENTS TO ARTICLES 2.0 CONSTRUCTION OF LANGUAGE AND DEFINITIONS, 10.0 SITE DEVELOPMENT STANDARDS, AND 28.0 INDUSTRIAL DISTRICTS.**

The Hartland Township Planning Commission proposes to revise Articles 2.0, 10.0 and 28.0 of the Hartland Township Zoning Ordinance to address sexually oriented businesses.

**Township Planning Commission Recommendation: APPROVAL.** The Hartland Township Planning Commission recommended approval of the text amendments at their December 17, 2009 meeting. There were no comments from the public at the public hearing.

**Staff Recommendation: APPROVAL.** The proposed text amendments represent enhanced definitions and regulations related to Sexually Oriented Businesses.

**Commission Discussion:** Commissioner Hammond asked what zoning districts would permit this use. Director Kline-Hudson said just the industrial district.

**Public Comment:** No public comment.

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

All in favor, motion passed. 6-0

**H. Z-08-10 HARTLAND TOWNSHIP, AMENDMENTS TO ZONING ORDINANCE: ARTICLE 7 LANDSCAPING, LIGHTING, AND SIDEWALKS**

The Hartland Township Planning Commission is proposing to amend Article 7 of the Township Zoning Ordinance. The proposed amendments contain minor revisions to the text and added some dimensions to the graphics and illustrations.

**Township Planning Commission Recommendation: APPROVAL.** The Hartland Township Planning Commission approved the proposed text amendment at the December 17, 2009 Public Hearing.

**Staff Recommendation: APPROVAL.** Staff believes the proposed text amendment to Article 7 is reasonable and appropriate.

**Commission Discussion:** Commission Hammond questioned the irrigation of the median on the highways. Principal Planner Barb said they are the exception to the ordinance. Commissioners asked about the list of what can and cannot be planted in the ordinance language; Barb said there is a list that they have to abide by.

**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. 5 Yeas, 1 Nay (Sparks)

**I. Z-09-10 HARTLAND TOWNSHIP, AMENDMENTS TO ARTICLE 33.0 GENERAL PROCEDURES AND RELATED PROVISIONS**

The Hartland Township Planning Commission proposes to revise Section 33.02 Site Plan Review, Item I. Expiration of Site Plan Approval.

**Township Planning Commission Recommendation: APPROVAL.** The Hartland Township Planning Commission recommended approval of the text amendments at their December 17, 2009 meeting. There were no comments from the public at the public hearing.

**Staff Recommendation: APPROVAL.** The amendment is reasonable and appropriate and it enhances the Site Plan Review language of Article 33.00.

**Commission Discussion:** None

**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**

**J. Z-10-10 COHOCTAH TOWNSHIP, AMENDMENTS TO ARTICLES VIII SR SUBURBAN RESIDENTIAL DISTRICT, AND XVI SUPPLEMENTAL REGULATIONS**

The Cohoctah Township Planning Commission proposes to revise Article VIII SR Suburban Residential District, and Article XVI Supplemental Regulations

**Township Planning Commission Recommendation: APPROVAL.** The Cohoctah Township Planning Commission recommended approval of the text amendments at their January 7, 2010 meeting. There were no comments from the public, nor written comments received, at the public hearing.

**Staff Recommendation: APPROVAL.** The proposed amendments will allow two family dwellings for the first time in Cohoctah Township. These amendments are reasonable and appropriate regulations.

**Commission Discussion:** Commissioner Prokuda asked if the additional lot dimensions are only for two family districts. Director Kline-Hudson said it is only for two family dwellings.

**Public Comment:** No public comment.

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

**All in favor, motion passed. 6-0**

**K. Z-11-10 COHOCTAH TOWNSHIP, AMENDMENTS TO ARTICLES IX SETTLEMENT DISTRICT, XXI ADMINISTRATION AND ENFORCEMENT, AND XIII SPECIAL USES.**

The Cohoctah Township Planning Commission proposes to revise Article IX S Settlement District,

**Township Planning Commission Recommendation: APPROVAL.** The Cohoctah Township Planning Commission recommended approval of the text amendments at their January 7, 2010 meeting. There were no comments from the public, nor written comments received, at the public hearing.

**Staff Recommendation: APPROVAL.** The proposed text amendments are easy to interpret and they should enhance the language of the Cohoctah Township Zoning Ordinance.

**Commission Discussion:** Commissioner Hammond asked about the extensions, how many, the length, and how often they can apply for them.

**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. 5 Yeas, 1 Nay (Hammond)**

**7. OLD BUSINESS –**

**8. REPORTS – Director Kline-Hudson commented on:**

- Two upcoming Census presentations that the commissioners maybe interested in.
- The Planning department will continue with our Township visits, we will be setting new appointments up soon.
- The CIP was sent to the Board of Commissioners with a motion to have the CIP integrated with the Master Plan.

**9. COMMISSIONERS HEARD AND CALL TO THE PUBLIC – No Public Comment.**

**10. ADJOURNMENT**

IT WAS MOVED BY COMMISSIONER SPARKS, TO ADJOURN THE MEETING AT 8:50 P.M., SECONDED BY COMMISSIONER ANDERSON.

**All in favor, motion passed. 6-0**