

Conway Township Planning Commission Meeting Minutes

5/9/2022

Conway Township Hall – 8015 N. Fowlerville Rd., Fowlerville, MI

Agenda	Items Discussed	Actions to be Taken
	<p>Attendees: 14 members from the public</p> <p>1. Vice Chair Meghan Swain-Kuch called the Conway Township Planning Commission meeting to order at 7:00pm.</p> <p>She led in the Pledge of Allegiance.</p> <p>2. She called Roll Call of:</p> <p style="padding-left: 40px;">Planning Commission Members present: Jeff Klein, Londa Horton, Meghan Swain-Kuch, Dave Whitt, George Pushies - Ex-Officio</p> <p style="padding-left: 40px;">Zoning Administrator present: -0-</p> <p style="padding-left: 40px;">Livingston County Planning Commissioner present: Dennis Bowdoin</p> <p style="padding-left: 40px;">Township Attorney present: Abby Cooper</p> <p style="padding-left: 40px;">Community Builders (CIP) Master Planners present: Justin Sprague,</p> <p style="padding-left: 40px;">Those absent: Chuck Swirsk, Kelly Ralko, Hannah Smith, Todd Thomas</p>	
Approval of last meeting minutes	<p>3. PC meeting minutes revised for March 14, 2022. A motion was made by Dave Whitt to accept the revised meeting minutes for March 14, 2022. Second by Jeff Klein. All in favor. Opposed. Motion passed.</p> <p>4. Planning Meeting Minutes from last meeting 4/11/2022 . A motion was made by Dave Whitt to accept the minutes from the last meeting. Second by Jeff Klein . All in favor. Opposed. Motion passed.</p>	
CALL TO PUBLIC	-0-	
APPROVAL OF PLANNING COMMISSION MEETING AGENDA FOR TONIGHT	Dave Whitt Made a motion to accept the meeting agenda for tonight. Second by Jeff Klein . All in favor. Opposed. Motion passed.	

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COMMUNICATIONS	<p>5. Zoning Administrator Report submitted by Todd Thomas: the following permits were issued for the month of April 2022: one deck, one addition, two signs, and one pole barn. Luke Bryan farm tour dates are to be announced April 29, 2022 per Dennis Freeman of Freeman Enterprises. They will be reaching out regarding permits, security, traffic plans, etc. The tour is Sept. 17, 2022.</p> <p>6. Board Ex-Officio Report by George Pushies.</p>	
PUBLIC HEARING	<p>7. PUBLIC HEARING: opened for public comment, closed, PC vote to send to Board</p> <p>Meghan Swain-Kuch made a motion to open the public hearing for a rezoning. Second by George Pushies. All in favor. Opposed. Motion passed.</p> <ol style="list-style-type: none"> 1. Application for amendment to Official Zoning Map (Rezoning) relative to parcel no. 4701-10-300-020 commonly known as 5.01 acres vacant land Fowlerville Rd., Fowlerville, MI. Applicant is requesting to rezone the parcel from Agricultural Residential (AR) to Commercial (C). 2. Opened for public comment <ol style="list-style-type: none"> a. Carol Miles - what will the commercial property be used for? b. Dave Crawford adjacent to Kreeger property – what is the intention for the property? It needs to be maintained and so far, they’ve done a great job. He spoke on their behalf and their character. I have no objection. 3. Meghan Swain-Kuch made a motion to close the meeting for public comment. Second by Jeff Klein. All in favor. Opposed. Motion passed. 4. Heard from the applicant. Asa Kreeger spoke about the Planner saying the application was incomplete. He was not aware of it. This is the Zoning Enabling Act. It’s also in the ZO, per Abby Cooper. The use would have to be completed by rezoning by the township board 18 months to commence. He handed out a document describing the intended use: fuel, service station for agriculture, you could pull in a truck hauling feed, etc., with a small convenience store. 5. <u>Analysis by Abby Cooper.</u> Conditional Rezoning requests are governed by Article 4 of the Zoning Ordinance generally, and by Section 4.09 of the Zoning Ordinance specifically. 1 Compliance with Section 4.09 shall require the following prior to approval by the Township Board. 	

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	<ol style="list-style-type: none"> 1. A statement by the applicant of the proposed use if the rezoning request is granted. 2. A Statement of Conditions that complies with the following standards of Section 4.09(E): <ol style="list-style-type: none"> a. Be in a form recordable with the Livingston County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and 1 Note, this applicant previously applied for and received approval for conditional rezoning for another parcel of land in 2017 (Application No. 2017-001 regarding 6995 N. Fowlerville Road). Since the time of that prior application, Conway Township has amended its Zoning Ordinance to include the procedures outlined in Section 4.09 and, therefore, these requirements may be new to the applicant.3 April 29, 2022 Page 2 signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board; b. Contain a legal description of the land to which it pertains; c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land; d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions (if any such documents are incorporated by reference, the reference shall specify where the document may be examined); e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded with the Livingston County Register of Deeds; and f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions. 	

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	<p>It is recommended that the above be submitted to the Planning Commission to be included in its review prior to a recommendation being made; however, it would also be an option for items 2(a)-(f) to be made conditions of a Planning Commission recommendation after further discussion with the applicant. – Abby</p> <hr/> <p><u>Analysis by Community Image Builders</u> – our township Planners also submitted a review of this rezoning request. It is their opinion that the request is to be tied to a specific use or development, rather than just the proposed district. Consistent with the standards in the state act, the Conway Township ZO details that an owner of land may voluntarily offer in writing conditions relating to the use and/or development of land as part of the rezoning request. In addition, Section 4.09.F details a timeframe for the approved development and/or use to commence as part of the conditional rezoning. If it does not occur within the timeframe specified, the land reverts to its former zoning classification per M.C.L. 125.3405 of the Michigan Zoning Enabling Act. Based upon this, we are of the opinion that a specific use and/or development shall be specified as part of the rezoning request.</p> <p>Justin - The application is incomplete. A complete request would be tied to a specific proposed use or development (i.e., a use listed under Commercial above.) More information is needed on the intended use of the property.</p> <p>You want to understand what you have currently and whether or not it aligns with your Master Plan and currently it does not. It is not consistent with Master Plan as we have already identified two places for this in this township. We need an updated application.</p> <p>Conditional rezoning so we would have a site plan, ZO 4.09E.</p> <p>Abby – It has to go to LCPC also. We need a statement of conditions as supplemental to the application before it goes to LCPC. The</p>	

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	<p>applicant must restate the conditions, we need clarity. Tell us what you will do. Will and will not do.</p> <p>A motion was made by George Pushies for approval to the Kreeger property rezoning from AR to Commercial pending approval tied to conditions with additional information to be provided. (Justin – consider amendment to the Master Plan after this.) Caution use of the word tentative – Abby. Second by Dave Whitt.</p> <p>Roll Call vote: Whitt – Yea Klein – Yea Pushies – Yea Kuch – Yea Horton – Yea</p> <p>All in favor. Opposed. Motion passed. Send to the Board.</p> <p>-----</p> <p>Planning Commission (PC) vote to send this application to the Township Board.</p>	<p>George Pushies to take to the Board</p>
OLD BUSINESS	<p>11. Mailing a solar survey logistics – Meghan</p> <p>\$2000 would be the cost for a survey. An option is to have an open meeting on solar. We would notify the public on solar with a public hearing. We will not conduct a solar survey.</p>	
NEW BUSINESS	<p>12. The Planners Solar draft outline – Hannah and Justin</p> <ul style="list-style-type: none"> • They need our feedback. Can send them an email. • George Pushies wants residential separated from commercial solar. • Screening – it says “nature” and it should be “mature” – George Pushies • Stagger rows of trees and make it all evergreen vs. deciduous – George Pushies • Decommissioning and bonding amount needs to be set- George Pushies • Annual reports – how do you get the reports? – George Pushies. Special Land Use – you can require that – Justin. • Kelly Ralko– fencing with woven screen. Comments that it breaks down in the weather. • Kelly Ralko – old clay tiles should be removed. Water must be maintained on that property, per Justin. Cannot change drainage of the land. 6.26 D 14. 	<p>PC members Send email with feedback on Solar draft outline</p>

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	<ul style="list-style-type: none"> • Kelly Ralko – berms and trees done at beginning of construction. No, it's done at the end – Justin. • Kelly Ralko – no use of term solar farms. Use the term Solar Energy Collector or SEC. (ZO 6.26.) <p>13. Status update on Proposed ZO amendments chart – Abby</p> <ul style="list-style-type: none"> • Item 6 we are concentrating on <p>14. ADU (Accessory Dwelling Units) – Justin</p> <ul style="list-style-type: none"> • Our language is fine. Survey of existing uses today should be done – Justin. Look for properties that look like they have a second person living on the property. If you pass the ordinance now, they are all grandfathered in. The language the county provided is fine (in red at back of the packet). It's come back from the county. We can have Justin incorporate those comments from LCPC to send up the Board – Abby. 	Justin to incorporate ADU language from LCPC
PLANNING COMMISSION MEMBER DISCUSSION		
LAST CALL TO PUBLIC	<p>Dennis Bowdoin – we verified special uses with drive-byes, but Board stopped that. Carol Miles – who makes decision on fencing, etc.? Arborvitaes are 20 feet apart. Type, caliper of tree, etc. should be defined. Multiple rows of trees will be planted as defined in our ordinance – George Pushies.</p> <p>Debbie Ott-Trailer Park, is that still on Robb Rd.? Did Bob Burk have a gas station area defined?</p>	
ADJOURMENT	<p>Geroge Pushies made a motion to adjourn. Second by Dave Whitt. All in favor. Opposed. Motion passed. Adjourned at 8:25pm.</p>	