

HOWELL TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
Howell Township Hall
March 26, 2019
6:30 p.m.

MEMBERS PRESENT:

Andrew Sloan Chairman
Mark Freude Vice Chairman
Wayne Williams Secretary
Jeff Smith Board Rep – Alternate
Martha Haglund Commissioner
Peter Manwiller Commissioner

MEMBERS ABSENT:

Carolyn Henry Commissioner
Matthew Counts Board Rep

Also in attendance: Zoning Administrator, Joe Daus
Township Planner, Paul Montagnano

Chairman Sloan called the meeting to order at 6:33 p.m. The roll was called.

All rose for the Pledge of Allegiance.

Deputy Clerk Johnson announced that Josie Modrack, who began working at Howell Township Hall as the Office Receptionist and Zoning Assistance to Joe Daus in December of 2018, will now be responsible for the Planning Commission Minutes and for other Planning Commission meeting preparations going forward.

On behalf of the Planning Commission, Commissioner Manwiller gave words of thanks to Deputy Clerk Johnson for all of the great work she's done, emphasizing complete appreciation for Deputy Clerk Johnson.

APPROVAL OF THE AGENDA:

MOTION by Manwiller, seconded by Freude, **"TO APPROVE THE MARCH 26, 2019 PLANNING COMMISSION AGENDA AS PRESENTED."** Discussion followed. Motion carried.

APPROVAL OF MINUTES:

MOTION by Freude, seconded by Manwiller, **"TO APPROVE THE FEBRUARY 26, 2019 PLANNING COMMISSION MEETING MINUTES AS PRESENTED."** Discussion followed. Motion carried.

CORRESPONDENCE:

Normal monthly magazines.
No additional correspondence.

TOWNSHIP BOARD REPORT:

(Board Rep Alternate Jeff Smith reported on the following items)

- Recreational Marijuana was given to the Planning Commission from the Board to review the Township's options and the Public's insight on the matter. The Board values the Planning Commission's insight as the Township goes forward with the process. It has been decided that the Township will opt-out of Recreational Marijuana for the time being, but will continue to discuss and be open to other options available. More about Recreational Marijuana in Unfinished Business.
- Discussed the proposed amendments to the Township's Sign Ordinance. The County Planning Commission has given their approval. The Township Board on Monday, March 18, 2019 gave Final Approval to the amended Sign Ordinance.

ZONING BOARD OF APPEALS REPORT:

(Chairman Sloan reported on the following items)

- A March meeting was not held.
- Reminder that there will be a Zoning Board of Appeals meeting Monday, April 15, 2019 at 6:30 p.m.

ZONING REPORT:

(Zoning Administrator Joe Daus reported on the following items)

- There is not a report regarding the Grand River Party Store's Final Site Plan included in this Agenda because the Applicant did not get the Final Site Plan to the Township Zoning Administrator by the Application due date, February 26, 2019, for this March 26, 2019 Planning Commission Meeting.
- The Applicant has the opportunity to request a Special Meeting in regards to the Grand River Party Store Final Site Plan so the Applicant doesn't have to wait another month for the Planning Commission Meeting in April, no formal request or date has been set or discussed.
- Chairman Sloan asked if the Final Site Plan Report was turned in, wondered if the Plan looked decent. Daus replied that all of the necessary paperwork is turned in and everything looks good with a few minor details that can be easily worked through.

HOWELL TOWNSHIP PARK'S REPORT:

(Commissioner Haglund reported on the following items)

- Property Preservation progress: December 2018 Haglund and Daus met to go over the desirability and feasibility matrix of the three properties to be designated as accessible, preserved land for residents in the future. Referring to the map, it shows the three properties: one south, one middle, and one north.
- March 6th, 2019 the Recreation Committee met with Chairman Sloan to go over the three properties and make some modifications.
- The Township owned property on Mason and Burkhart is being recommended to preserve the north-west corner of the 25 acres of wetlands for land preservation. Natural features priority number one in the Recreation Master Plan.
- The second property in mention is the 80 acres on Tooley and Warner Road.
- The third property in mention is one just south of Marr Rd. off of Oak Grove, specifically the southern 20 acres out of the total 75 acres.
- Commissioner Haglund will make a proposal with the Recreation Committee to the Board.
- Commissioner Haglund states the current goal is to preserve these lands in mention with the potential of pathways or boardwalks in 5 to 10 years. Right now the goal is to preserve these 3 lands as the first essential step to this process of planning something that is low cost and low maintenance.
- Chairman Sloan: Mason and Burkhart – it was important for Commissioner Haglund to bring this before the Board because there is an offer on that property and the Board can incorporate that into the bidding.
- Chairman Sloan emphasizes the preservation of these lands is a big step forward for Howell Township Parks and Recreation, he gives Commissioner Haglund credit for being a major force toward this progression.

PUBLIC HEARINGS:

A. JOHN MILLS – PARCEL #4706-27-200-001 – REQUESTING TO REZONE FROM SINGLE FAMILY RESIDENTIAL DISTRICT (SFR) TO NEIGHBORHOOD SERVICE COMMERCIAL DISTRICT (NSC).

- **MOTION** by Haglund, seconded by Williams, **"TO OPEN THE PUBLIC HEARING AT 6:40 P.M. FOR PUBLIC INPUT REGARDING THE REQUEST TO REZONE PARCEL #4706-27-200-001 FROM SINGLE FAMILY RESIDENTIAL DISTRICT (SFR) TO NEIGHBORHOOD SERVICE COMMERCIAL DISTRICT (NSC)."** Motion carried.
- Howell Township Planner, Montagno: Applicant is proposing a request to the rezoning of a 1.02 acre parcel of land, address 2198 W. Highland Rd., currently SFR looking to rezone as NSC. The applicant indicated they would like to use the building on this plot of land as an office space for their business. The NSC District's intention is to provide areas wherein trade and service outlets can be located in order to satisfy the day-to-day needs of residents in a convenient neighborhood, office space is consistent with that intention.
- Parcel #4706-27-200-001 and its adjacent properties to the east have been planned for Local Commercial uses. The properties to the North and West of the parcel in subject have been planned for Medium Residential Density in the Master Plan. The request of the Applicant would match what the Master Plan has stated.
- Ultimately the Master Plan conceives that the existing use of sites zoned SFR will be replaced eventually by Local Commercial uses. Montagno opens the floor to Commissioners for questions.

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- Commissioners ask for clarity on what the lot two doors to the east of the parcel in subject is zoned, it is stated that this lot is zoned as NSC and is the site for a Heating and Cooling business. The lot sandwiched between the Heating and Cooling site and the parcel in subject is still zoned SFR. Very little SFR left in the area.
- Chairman Sloan asks to hear from the Applicant
- Applicant: Joe and John Mills, twin brothers, owners of the business, family business has been around for almost 70 years. Stated their plans to buy the lot to the east of the parcel in question, so that SFR zoning won't be sandwiched between what's going to be two NSC zoned lots. The Applicant is currently in the process of buying the lot to the east with the intent to decrease complaints, if any, and further match what is stated in the Master Plan.
- Chairman Sloan asks the Commissioners if they have any questions for the Applicant.
- Commissioners ask for clarification on future plans for the parcel, adjoining properties, and if they will be building any new structures. The Applicant states that their plan is to make the lot to the east of the subject lot an office space as an investment, they plan on keeping the current structure on that lot the same except for some remodeling to make it look more commercial, the building will keep its basic structure. If there is any new construction it would simply be a small addition to the pole barn already on site, but none other than that.
- Commissioners questioned about another access point and the typical hours of operation of the business. The Applicant said a new access point is possible and that they have typical business hours, 8 a.m. – 5 p.m., stating that they do not typically advertise for emergency services or 24-hour calls or anything like that, but if they are to go on an emergency call, the dispatch would be from their employee's houses, and not the office, so there wouldn't be any loud noises in the middle of the night to worry about.
- Applicant also mentions they plan to get 1 or 2 more service trucks, not semi-trucks, and that they currently have 3 service trucks on the road right now. They do not have any retail plans at the moment, just an office manager at the front of the office who will be taking dispatch.
- Chairman Sloan entertains the motion to close the public hearing,
- **MOTION** by Freude, seconded by Manwiller, **"TO CLOSE THE PUBLIC HEARING REGARDING PARCEL #4706-27-200-001 REQUEST TO REZONE FROM SFR TO NSC AT 6:50 P.M."** Motion carried.
- Discussion among Commissioners about whether or not the three parcels in discussion would be better off as one or remaining three separate. Montagno says it's not a matter of better or worse it's just something for future consideration.
- **MOTION** by Freude, seconded by Manwiller, **"TO RECOMMEND APPROVAL TO REZONE PARCEL #4706-27-200-001 FROM SINGLE FAMILY RESIDENTIAL (SFR) TO NEIGHBORHOOD SERVICE COMMERCIAL (NSC) CONSIDERING THE SUGGESTED FINDINGS IN TOWNSHIP PLANNER, MONTAGNO'S REPORT"** Discussion followed.
- Rollcall was taken: Manwiller – yes, Smith – yes, Williams – yes, Haglund – yes, Freude – yes, Sloan – yes. Motion carried 6 to 0.
- Planning Commission's recommendation to rezone parcel #4706-27-200-001 from SFR to NSC will be on the May 13, 2019 Township Board meeting agenda.

UNFINISHED BUSINESS:

(Chairman Sloan reported on the following items)

A. Recreational Marijuana Discussion:

- As Board member Jeff Smith stated during the Board Report, there was a discussion at the last Board meeting, March 18, 2019. Chairman Sloan was present for this Board meeting to report how the Planning Commission was proceeding with the Recreational Marijuana discussion.
- Back in December 2018, the Board had asked Chairman Sloan to bring it to the Planning Commission to discuss and make a recommendation to the Board. At the February Planning Commission meeting, Matthew Counts made the motion to recommend Prohibiting Marijuana Commercial Business in Howell Township. That motion did not pass by a 4 to 3 vote.
- The matter of Recreational Marijuana Commercial Business in the Township ultimately got tabled, with intent to continue discussing and weighing their options.
- Shortly after the February Board meeting, two things happened on a State level: first, the Governor signed an executive order creating a sub-agency from the Licensing and Regulation Affairs (LARA), specifically to deal with Marijuana Regulation. Second, a new bill was put in front of the Legislature that, in short, said both the executive order and the new legislative bill's intent is to expedite the backlog of medical marijuana applications.

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- Because both the Executive and the Legislature on the State level are moving to speed up the medical marijuana regulations, Chairman Sloan suggested to the Board that Howell Township passes an ordinance Prohibiting Commercial Recreation Marijuana Businesses for the time being, until the State gets their licenses and regulations in order.
- The Board said at their next meeting, they are proposing to have an ordinance before them prohibiting Recreational Marijuana Commercial Business within the township but they ask for the Planning Commission to continue to look at all the options available to us while the State gets their licenses in order.
- Chairman Sloan opens the floor for discussion amongst Commissioners. Discussion followed.
- Discussion on the Township to be in a position that when the State has licenses and regulations in effect, those who wish to come to Township Hall with a business proposal and apply for a business license, those people have the option to do that, to be open to allowing these things to happen. The marijuana aspect isn't going to generate income for the Township, but as a business they are going to have REU's, property taxes, and pay as a business would, and we should have that option because the Township voted for it, and we should be ready with ordinances and regulations on how to deal with such thing and be prepared to go about it.
- Township Planner Montagno will have additional information for the Commissioners about zoning at the next meeting.
- **Motion** by Manwiller, second by Haglund **"TO JUMP AHEAD TO ITEM 15, CALL TO THE PUBLIC, TO HEAR FROM THE PUBLIC ABOUT RECREATIONAL MARIJUANA OR ANY OTHER TOPIC."** Discussion followed. Motion was passed.

CALL TO THE PUBLIC:

- Alex Hansen, 3531 Amber Oaks Dr. Howell Township: Disappointed that the attorney was not present at tonight's meeting to provide guidance, disappointed that discussion and ideas based off other township's ordinances did not happen tonight, and disappointed that the Board is looking to prohibit it outright, without receiving full recommendation from the Planning Commission.
- Doug Stewart, resident of White Lake: Comes to the Planning Commission with 30 years of law enforcement experience. Believes that when you opt-out of something, you have no control over it. Says the problem is created by not having control, that because of this the Township is putting it in the Black Markets hand's to regulate, which isn't good because the Black Market can put anything in marijuana. The voters voted for it and if we don't regulate it and take control, it won't stop the Black Market, where it's not tested, it's not regulated, it's not taxed, but it's still getting sold, we just don't have the control. Believes the only way you can control it is to opt-in, regulate, set guidelines, like a lot of other communities are doing.
- Casey Kelton, 285 Cowberry Dr., Marion Township: Believes there is a harmful stigma equating marijuana to pain pills, she has personally experienced the repercussions of this harmful stigma because her mother was sick and what helped her was marijuana, and it helped a lot more than Hospice Care, only thing is that they had to go around the law in order to give her mother some relief. Feels disappointed in the Township Board like they are disregarding the Public's point of view. Brought up the possibility for the public to gather a Civil Rights Referendum to get this matter on the ballot. To her, she believes the public does not need to show their support anymore, they voted for it and that should be enough.
- Rick K., City of Brighton: Wants the Howell Township Planning Commission to keep in mind that in the 90's everyone in the City of Brighton voted against the tattoo parlor going in a storefront on Grand River near downtown, but it is now the longest standing business to ever be put in that strip mall, and goes unnoticed by many by blending in, comparing that to recreational marijuana businesses going unnoticed to make a point it will not change the Township.
- Rachel Manwiller, wants to raise her two children here in the Township and emphasized her stance on the fact that recreational use of marijuana has physical and mental health consequences.
- Joe Mills, 5160 Preston: Sees the need to educate people on the subject because he believes recreational marijuana usage leads to other things, essentially a gateway drug. Says it comes down to education, can see both sides of the matter.
- Dave, 2100 Highland Rd. Howell Township: Mentions that although he was against Recreational Marijuana and voted against it himself, believes that since the voters have spoken it is the Township's duty to regulate it. If you opt-in you know where it's at, who has it and when.
- Frank, Marian Township: Encouraged about the fact the Township is allowed to first opt-out, gather information, and eventually opt-in if they so choose. Wants the Planning Commission to check the statistics instead of taking the Public's word for these facts, suggests we look into before and after differences between communities that allow recreational marijuana businesses.
- CONCLUDES CALL TO THE PUBLIC.

UNFINISHED BUSINESS:

- B. Pathway and Sidewalk Discussion:

- Township Planner Montagno stated that the gist of the Pathway ordinance and Sidewalk ordinance is that Pathways and Sidewalks are developed to require the installation and regulate the maintenance. These ordinances will set up fees and standards for the development of sidewalks and pathways.
- Pathway ordinance says the developer would be required to put in their own pathway in sections of the non-motorized plan if they are developing along that area. The map is to pinpoint which side of the road the pathways should be developed since there has been discussion on this matter.
- The sidewalk ordinance says subdivisions within condos, on both public and private streets, the developer would be required to put sidewalks on both sides so that there is local connections to the regional pathways.
- A question Montagno proposed to the Planning Commission is if the areas where there isn't a pathway would we be looking to install sidewalks along their frontage and along public roads as well so there's more than just that internal connectedness. If this is the direction the Planning Commission decides to go, which is recommended by Montagno, there would have to be an amendment to the current sidewalk ordinance.
- These ordinances are just drafts at this time, looking for Planning Commission input. These ordinances are based on what the Master Plan says, but with more specifics.
- The difference between a pathway and a sidewalk: physically, a sidewalk is a 5 ft. wide concrete sidewalk that you would typically see in a neighborhood or in front of a store downtown, whereas pathways are essentially an 8-10 ft. wide asphalt pathway that you would see set back off the road as much as possible, intended to be regional and/or recreational use, some consider them safety paths, going along the main roads and thoroughfares, providing an enjoyable experience for people to use either as an alternative transportation route or as a recreational opportunity.
- Based on the language in the ordinance it would make clear whether or not a pathway or sidewalk is required or not with all types of development.
- Discussions on: where to put pathways vs. sidewalks, having a priority map, escrows for pathways and sidewalks, having sidewalk and pathway funds, who's responsible of maintaining the pathways/sidewalks, cost of pathways/sidewalks, having funds specifically for pathways/sidewalks, and funds for maintaining pathways/sidewalks.
- Township Planner Montagno will create a Draft Resolution for next meeting.

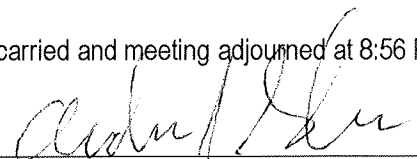
OTHER BUSINESS:

No response.

ADJOURNMENT:

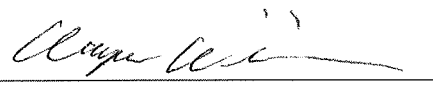
MOTION by Manwiller, seconded by Haglund, **"TO ADJOURN."** Motion carried and meeting adjourned at 8:56 P.M.

Approved: _____



Andrew Sloan, Chairman

As Presented: _____



Wayne Williams, Secretary

As Amended: _____

As Corrected: _____

Dated: 5.14.19



Josie Modrack, Recording Secretary