

*GREEN OAK CHARTER TOWNSHIP*

Planning and Zoning Department  
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Green Oak Charter Township  
Planning Commission  
Regular Meeting  
Thursday, January 3, 2013  
7:00 p.m.

Green Oak Charter Township Hall  
10001 Silver Lake Road  
Brighton, MI 48116  
810. 231-1333

**AGENDA**

1. Call to Order
2. The Pledge to the Flag
3. Roll Call of the Commission
  
4. Approval of the Agenda
  
5. Approval of November 15, 2012 Regular Meeting Minutes
  
6. Call to the Public (Limited to agenda items only)

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7. Business Items:
  - A. Conditional Rezoning request at 8480 M-36 , R 02-2012  
Rezone from R-2, Residential to GB, General Business to allow a landscape business
  
  - B. Discussion of Public Land Zoning
  
  - C. Review text amendments:
    - i. Wireless Communication, OA 02-2012 (To comply new State and Federal Laws)
    - ii. Lot Coverage, OA 03-2012
    - iii. Wind Energy, OA 04-2012
  
  - D. Set regular planning commission meeting dates for 2013
  
8. Reports
  - A. Chairman
  - B. Township Board Representative
  - C. Zoning Board of Appeals Representative
  - D. Planning Consultant
  - E. Correspondence
- 9 Call to the Public
- 10 Adjournment

Posted: December 21, 2012

**PLANNING COMMISSION**

Robert Moran, Chairperson  
Chuck Fellows, Vice Chairperson  
Sarah Pearsall, Secretary  
Rollin Green, Twp. Board Rep.

Dean Williams  
Russell Brooks  
Lamberto Smigliani

Green Oak Charter Township  
Planning Commission  
Regular Meeting Minutes  
January 3, 2013

Approved: \_\_\_\_\_

The meeting was called to order by Mr. Moran at 7:00 p.m.

Roll Call:           Russell Brooks  
                          Chuck Fellows  
                          Rollin Green  
                          Robert Moran  
                          Sarah Pearsall  
                          Lamberto Smigliani  
                          Dean Williams

Guests:             2

Also Present:       Lesa Brookins, Zoning Administrator  
                          Don Wortman, Carlisle/Wortman

Mr. Moran welcomed the newest member to the Planning Commission, Lamberto Smigliani.

**APPROVAL OF AGENDA**

**Motion by Fellows, second by Pearsall  
To approve the agenda as presented.**

**Voice Vote: Ayes:       Unanimous  
                  Nays:         None**

**MOTION APPROVED**

**APPROVAL OF November 15, 2012 Regular Meeting Minutes**

Additional language was added to the minutes.

**Motion by Pearsall, second by Brooks  
To approve the Consent Agenda as amended.**

**Voice Vote: Ayes:       Unanimous  
                  Nays:         None**

**MOTION APPROVED**

**CALL TO THE PUBLIC**

50 **Walt Ernst** – He suggested that some sort of screening be used too keep the unsightly  
51 equipment/items screened from the road and neighbors at the landscape store on  
52 Maltby Road & Rickett Road.  
53

54 **BUSINESS ITEMS**

55  
56 **A. Conditional Rezoning request at 8480 M-36, R 02-2012**

57  
58 **Representing the request: James Kenney**

59  
60 Mr. Wortman explained that an application was received for Conditional Rezoning for  
61 the property on M-36 which used to be a landscape business called Shady Stop. The  
62 applicant was before the Commission at the November meeting and the Commission  
63 had concerns since it is a non-conforming use. He explained that there are 2 homes on  
64 the property to the west of the commercial center. The homes are currently rented. The  
65 homes are an issue in terms of zoning compliance. Mr. Wortman explained that if a non  
66 conforming use ceases for 6 months it shall then lose its legal non conforming status.  
67 As such, the property is now residentially zoned. The two main issues are the plan is  
68 not consistent with the Master Plan and the nonconforming status.  
69

70 There was discussion regarding setting precedence and the possibility of this request  
71 being perceived as spot zoning. Nonconformities should be reduced as the Township  
72 moves forward. Mr. Wortman explained that the business use stopped in 2008 which is  
73 longer than the 6 month grace period. Mr. Moran explained that the Master Plan has  
74 this portion zoned as residential and questioned if this type of use would be unique to  
75 the Township.

76  
77 Mr. Kenney commented that the value of granting the rezoning is that the property will  
78 be used instead of sitting vacant. He handed out a new map with the proposed  
79 setbacks. He explained that there is a prison, small businesses, and light industrial  
80 surrounding this property he did not understand why this property was zoned  
81 residential. Mr. Moran explained that the Planning Commission will be looking at the  
82 Master Plan this year and decide if the residential is still appropriate for that area.  
83

84 The Commission had concerns with that particular area being in transition, concerns  
85 with spot zoning and inconsistency with the Master Plan.  
86

87 Mr. Moran suggested tabling this request until a formal review is done. Mr. Wortman  
88 explained that if the applicant does proceed then the applicant is deficient since there  
89 no conditions being offered. There is concern that this application has tough road  
90 ahead and there is opportunity to pull the application. If the applicant chooses to  
91 proceed, the applicant has to offer conditions. There was brief discussion regarding the  
92 types of conditions that could be offered.  
93

94 Mr. Moran stated that they will move forward after a formal review has been completed  
95 and at that point a public hearing will be set.  
96

97 **B. Discussion of Public Land Zoning**  
98

99 Mr. Wortman reviewed the Carlisle/Wortman memo dated 12/18/12. He explained that  
100 Green Oak Charter Township has established a PL (Public Land) zoning district, where  
101 the principal use of land is primarily for public uses, natural areas, public buildings, or  
102 areas for public uses. While reviewing the HCMA along Rickett Road, it was discovered  
103 that some of the HCMA property was in fact zoned Residential and should be zoned  
104 Public Land. After further review it was discovered that other parcels should be  
105 included for a Public Land rezoning.  
106

107 The consensus of the Commission was to move forward and set a public hearing for  
108 February.  
109

### 110 **C. Review Text Amendments**

#### 111 **i. Wireless Communication, OA 02-2012 (to comply with new State and Federal Laws).**

112 Mr. Wortman reviewed the Carlisle/Wortman memo dated 12/18/12. He explained that  
113 the additional review to the proposed Green Oak Township Wireless Communication  
114 Ordinance has been completed. The Township Attorney also updated the proposed  
115 amendments and made modifications to the definition of "essential services" to clarify  
116 specific communication facilities. Mr. Wortman explained that a new change is the  
117 minimum setback of the support structure and equipment compound from an adjacent  
118 boundary of any property shall be equal to 125% of the height of the support structure.  
119  
120

121 Mr. Wortman continued that in the event LI and GI are not sufficient in providing  
122 wireless coverage then municipal sites, school sites, religious centers can be  
123 considered and then the 3<sup>rd</sup> category is all other sites can be used which opens it up to  
124 all areas of the Township.  
125

126 The Commission requested a red-line version of the existing ordinance to understand  
127 the rationale behind the changes. Mr. Fellows requested to see the legal reference that  
128 authorizes the changes to this ordinance.  
129

#### 130 **ii. Lot Coverage, OA 03-2012**

131 Mr. Wortman reviewed the Carlisle/Wortman memo dated 12/18/12. At the last Planning  
132 Commission meeting it was suggested that a maximum impervious surface area be  
133 added to the Schedule of Regulations, Section 38-136. As a result of that comment, the  
134 proposed zoning regulations for lot coverage, including impervious area, have been  
135 completed with the addition of a 90% maximum impervious surface area.  
136  
137

#### 138 **iii. Wind Energy, OA 04-2012**

139 Mr. Wortman reviewed the Carlisle/Wortman memo dated 12/6/12. He explained that  
140 the revised text amendments were discussed at the last Planning Commission meeting  
141 in November. The color of the towers for commercial WECS has been specified along  
142 with the addition of shadow flicker regulations.  
143  
144

145 Concerns were discussed regarding the flicker affect, the height of the tower as well as  
146  
147

148 the length of the blades. Commercial vs. residential applications were also touched on.

149  
150 Mr. Fellow reviewed his memo dated 1/2/13 which laid out various questions and  
151 specific notes and additions he suggested.

152  
153 **D. Approve 2013 Planning Commission Meeting Dates**

154  
155 **Motion by Pearsall, second by Green**

156 **To approve the calendar for the 2013 meeting dates which is the 1<sup>st</sup> and 3<sup>rd</sup>**  
157 **Thursday of each month with the exception of July which would be the 2<sup>nd</sup>**  
158 **and 4<sup>th</sup> Thursday of the month.**

159  
160 **Voice Vote: Ayes: Unanimous**  
161 **Nays: None**

162  
163 **MOTION APPROVED**

164  
165 **REPORTS**

166  
167 A. Chairman - Mr. Moran announced that the Federal Transportation Grant that the  
168 Livingston County Road Commission applied for and it will cover the repaving of  
169 Whitmore Lake Road from 8 Mile to Winans Lake Road with a 2016 time frame. He  
170 also asked that the Commission review the priority planning items. He also touched on  
171 capturing the feelings of the community before beginning the review process of the  
172 Master Plan.

173 B. Township Board Representative - Mr. Green reported that at the 12/19/12  
174 meeting the Bonds were presented for the Road Millage. There was a presentation  
175 given regarding the possibility of a new community center that would involve Lyon  
176 Township, South Lyon, Green Oak and possibly Salem Township. At the 1/2/13  
177 meeting and IFT was approved for Allor, Inc.. Fire inspection of firework vendors was  
178 approved. Fire inspection was added to the events permit and a new truck purchase for  
179 the Fire Department was approved.

180 C. ZBA – None

181 D. Planner – Mr. Wortman reported SEMCOG and the Michigan Department of  
182 Transportation announced a grant program for transportation enhancement, mainly  
183 non-motorized pathways/trails for 5 million dollars. It will be competitive but he felt that  
184 this grant would be a good program to investigate further.

185  
186 **CORRESPONDENCE** - None

187  
188 **CALL TO THE PUBLIC**

189  
190 **Walt Ernst** – He asked that if the zoning was changed from residential to public land  
191 would anything be allowed to go on that site. Mr. Wortman stated no, it would still be  
192 subject to site plan review.

193  
194 **ADJOURNMENT**

195  
196 Mr. Moran adjourned the Regular Planning Commission meeting at 9:04 p.m. due to no

197 further business.

198  
199  
200 Respectfully Submitted,

201  
202 *Kellie Angelosanto*

203  
204 Kellie Angelosanto  
205 Recording Secretary  
206  
207