

**HOWELL TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
3525 Byron Road Howell, MI 48855
October 22, 2024
6:30 P.M.**

MEMBERS PRESENT:

Robert Spaulding	Vice Chair
Mike Newstead	Secretary
Matthew Counts	Board Rep.
Paul Pominville	Commissioner
Tim Boal	Commissioner
Chuck Frantjeskos	Commissioner

MEMBERS ABSENT:

Wayne Williams Chair

Also in Attendance:

Township Planner Paul Montagno, Associate Planner Grayson Moore, Zoning Administrator Jonathan Hohenstein, Township Attorney Wayne Beyea

Vice Chair Spaulding called the meeting to order at 6:30 pm. The roll was called. Vice Chair Spaulding requested members rise for the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

Motion by Counts, **Second** by Pominville, **"To approve the agenda."** Motion carried.

APPROVAL OF THE MEETING MINUTES:

September 24, 2024

Motion by Boal, **Second** by Newstead, **"To approve the minutes as presented."** Motion carried.

ZONING BOARD OF APPEALS REPORT:

Draft minutes are included in the packet.

TOWNSHIP BOARD REPORT:

Draft minutes are included in the packet.

SCHEDULED PUBLIC HEARINGS:

- A. Special Use Request PC2024-13 and Preliminary Site Plan Review PC2024-14: The Quarry RV Resort, Bedrock Ventures 4944 Mason Road Parcel #s: 4706-31-400-003, 4706-32-300-002, 4706-32-300-003. Vice Chair Spaulding opened the public hearing. Planner Montagno provided an extensive overview of the project and his review comments related to the special use request and preliminary site plan, highlighted the comments from Spicer Engineering. Commissioner Counts inquired about the location of the registration building, the parking deficiencies, the bathhouse calculation taking into account the individual hook-ups at each site. Commissioner Pominville inquired about the concern of increased traffic. Vice Chair Spaulding recused himself from the discussion and voting on this project as he works for the applicant's brother. **Motion** by Counts, **Second** by Boal, **"To appoint Mike Newstead to moderate this hearing."** Motion carried. Owner Brad Jonckheere spoke about his family, the history of the property, and the draft plan of the project. Due to the date when the quarry was started it does not currently have a reclamation plan. Commissioner Counts inquired about the changes requested

by the Planner's report, Mr. Jonckheere has no issue with the changes requested. Commissioner Pominville inquired about the swim-up bar, Mr. Jonckheere spoke about the other campgrounds that have swim-up bars and how popular they are. Commissioner Boal spoke about the portion of the property zoned NSC that has the approved brewery, the hours of operation and months of operation, and needing to move the registration building, Mr. Jonckheere does not have an issue with moving the registration building. Commissioner Frantjeskos inquired about a traffic study, Planner Montagno indicated that a traffic study would have to be requested by the Planning Commission. Secretary Newstead took comments from the public:

Andrew Hamm, 14 Santa Rosa Dr.: Spoke in favor of the project

Shane Fagan, 30 Santa Rosa Dr.: Impartial to the project, noticed a lot of RVs in people's driveways, spoke about people's opinions to not allow any new development around them

Mike Reaid, 249 Dieterle: In opposition to project, concerned with noise, prefers people camp up north

JoAnne Shelters, 5101 Mason Rd.: In opposition, traffic issues with Mason Road

Boyd Creech, Mason Rd.: In opposition, traffic issues, decreased property values

Ron Johnson, 254 Olde English Circle: In opposition, decreased property values, traffic issues, need for privacy fence

John Siekinka, 5125 Mason Rd.: In opposition, issue with noise

Sue Johnson, 255 Dieterle Rd.: In opposition, decrease in value, noise issues

Theodore Christiansen, 375 Dieterle Rd.: In opposition

Joe Harvey, 5301 Preston Rd.: Neutral on project, spoke to people's concern about property values around a gravel pit versus around an RV park

Frank Munsell, 6679 Mason Rd.: In favor of project, spoke about all of his property, farm values, Eagle's Grove in Byron and how nice it is, the traffic that has been caused by the people in the room, no issues with traffic from Burkhart Ridge

Laura Webber 550 N. Dieterle Rd.: Concerned with fencing the property and keeping visitors to the park on the park property, concerned with traffic and would like more information

Paul Olhoff, 55 Dieterle Rd.: Concerned with traffic

Gary Shelters, 5101 Mason Rd.: Concerned with sewage issues

Shane Fagan, 30 Santa Rosa Dr.: Spoke on home values, does not think the RV park will bring down values, does not want the Township to tell people what they can do with their property

Andrew Hamm, 14 Santa Rosa Dr.: Proposal is better than a developer putting in houses, does not think project will bring down home values, spoke about a personal ongoing lawsuit, traffic issues

Bob Wilson, 2945 Brewer Rd.: Not much to do in this area, Burkhart Road needs to be changed

Cade Wilson, 1598 Woodhaven: Nothing stays the same forever, negotiate concessions, asks Township to only regulate for health and safety

Motion by Counts, **Second** by Pominville, **"To close the public hearing."** Motion carried.

Commissioner Boal started looking through the six special use standards from the Zoning Ordinance section 16.06:

1. Harmonious with the Ordinance: Commissioner Boal would like to see more information before making a determination such as a landscaping plan. Commissioner Counts spoke to the fact that this is a preliminary site plan and a lot of detail is not normally provided at this time but as a concept feels that this is a less intense use than a quarry. Commissioner Boal spoke about the usable acres and single family houses.
2. Harmonious with the character of the vicinity: Commissioner Boal and Counts think in concept it could fit well into the area. Planner Montagno discussed setting the hours of operation and management as conditions should this project move forward.
3. Project adequately served by public or private facilities: Commissioner Frantjeskos spoke about the need of a traffic study. Planner Montagno spoke on the proposed septic systems.
4. Hazardous to existing or future neighboring uses: Commissioner Counts spoke to adequate screening, emergency access to Dieterle Road.
5. Will not create excessive requirements at public cost: Commissioner Counts and Planner Montagno spoke about storm water management.
6. Substantial adverse impacts to natural resources: Commissioner Boal would like more information from EGLE.

Discussion followed. **Motion** by Frantjeskos, **"Based on what has been presented as a preliminary site plan that a traffic study be conducted for the area along Mason Road and the impact that the traffic is going to have based on number of parties in cars coming in and out of the proposed campground."** Clarity was sought. **"To postpone action on the application for the preliminary site plan with the condition of a traffic study be conducted."** Commissioner Boal suggested friendly amendments to the motion: **"That the screening be addressed, setbacks from the property lines, and that the environment is protected, issue with the parking and bathhouses be addressed."** Commissioner Counts spoke about the difference between needs for the special use versus for the preliminary site plan. The motion received no support and Commissioner Frantjeskos rescinded his motion. **Motion** by Frantjeskos, **Second** by Boal, **"To postpone action on both the preliminary site plan and the special land use application until a traffic study is completed."** Commissioner Boal requested a friendly amendment to **"add screening and setbacks."** Frantjeskos and Boal both accept the changes. Discussion followed. Frantjeskos requested to add to his motion, **"based on the Planner's report."** Discussion followed. Commissioner Frantjeskos rescinded his motion. **Motion** by Counts, **Second** by Pominville, **"To postpone action on the special use request PC2024-13 and preliminary site plan review PC2024-14, the Quarry RV Resort, Bedrock Ventures, 4944 Mason Road, based on the findings of fact listed in the Planner's report dated October 9th, 2024 under special land use standards section 16.06, looking for additional information around property screening of neighbors, setback lines, as well as a traffic study to understand the impact to surrounding neighbors and whether or not this special use is harmonious, in addition to that I would like to note the Spicer Engineering report of October 22nd, 2024 and postpone the preliminary site plan approval as well."** Motion carried, one abstention. Discussion followed.

Motion by Counts, **Second** by Boal, **“To let Mr. Spaulding do his, take care of his duties, put him back in his chair spot.”** Motion carried.

B. ADU Ordinance

Vice Chair Spaulding opened the public hearing on the ADU Ordinance. Planner Montagno gave an overview of the changes to the draft ADU Ordinance. Chair Spaulding took comments from the public:

Kerry McFarland, 2885 W. Marr Rd.: In favor of allowing ADUs due to her personal situation with her aging parents that do not live near her. Would like detached units to be allowed to give her parents some dignity and privacy.

Shane Fagan, 30 Santa Rosa Dr.: Township needs to include detached units, concerned with affordability, has issue with only allowing two bedrooms.

Bob Wilson, 2945 Brewer Rd.: Concerned with affordability, wants ADUs to be temporary, allow detached units.

Joe Harvey, 5301 Preston Rd.: Concerned with affordability, allow detached units, good for parents and children.

Aaron McFarland, 2885 W. Marr Rd.: Does not see the logic of splitting property for an additional unit.

Sharon Lollo, 2650 Fisher Rd.: What happens when family is no longer using the unit. What happens when they are rental units?

Brian Scagliarini, formerly from 7770 Golf Club Rd.: Need some sort of supplemental units so people can live here.

Andrew Hamm, 14 Santa Rosa Dr.: Housing and rental prices are very high, making an ADU be attached makes it too expensive. Wants to stipulate to family only for ADUs.

Shane Fagan, 30 Santa Rosa Dr.: Does not feel the Township should regulate if ADUs are rentals.

Sharon Lollo, 2650 Fisher Rd.: Clarified her previous comments on renters and how bad renters impact the neighbors.

Aaron McFarland, 2885 W. Marr Rd.: Can you rent without a separate address?

Joe Harvey, 5301 Preston Rd.: Are there rules in place for rental property in the Township?

Andrew Hamm, 14 Santa Rosa Dr.: Spoke on rental units, in favor of allowing ADUs to be rented.

Cade Wilson, 1598 Woodhaven: Difference between an ADU and a house with an additional kitchen and bedrooms?

Brian Scagliarini, 7770 Golf Club Rd.: Don't limit ADUs to family only.

Shane Fagan, 30 Santa Rosa Dr.: Township has other Ordinances to deal with problems with renters.

Public hearing was closed by Chair Spaulding at 8:41 p.m.. and opened to discussion by the Planning Commission. Planner Montagno clarified how multiple family units are not allowed in a single house. Commissioner Boal addressed the rental of ADUs attached or detached. Commissioner Counts along with other commissioners would like to allow detached ADUs as part of the ordinance. Assessor Kilpela spoke to taxable value and the homestead exemption for ADUs. **Motion** by Counts, **Second** by Pominville, **"To table the accessory dwelling units, and Paul, I would ask that you bring it back with the detached ADU included."** Discussion followed regarding size of the ADU and to take acreage into consideration. Motion carried.

C. Storage Container Ordinance

Vice Chair Spaulding opened the public hearing at 8:56 p.m.. Planner Montagno provided a summary of the changes made to the draft Storage Container Ordinance. Vice Chair Spaulding took comments from the public:

Joe Harvey, 5301 Preston Rd.: Confused if the Ordinance is to allow or not allow storage containers. Wants to allow storage containers due to cost of units versus building traditional storage. Spoke on the rural character of the Township.

Shane Fagan, 30 Santa Rosa Dr.: Ordinance will allow 2 20-foot containers but not 1 40-foot container. Stop worrying about what your neighbor does, if you don't like it pursue your happiness elsewhere.

Andrew Hamm, 14 Santa Rosa Dr.: Restrict the number of containers based on acreage. Spoke to the Ordinance and restrictions for accessory structures based on acreage and setbacks.

Mr. Denure, Ocoola Township: Against storage containers. Keep aesthetics in place to preserve the neighborhood.

Cade Wilson, 1598 Woodhaven: Spoke on the issue between himself and his neighbor. Spoke on his shipping containers.

Joe Harvey, 5301 Preston Rd.: Spoke on passing ordinances for aesthetics.

Mr. Denure, Ocoola Township: Questioned if there was an approved use for shipping containers. Can they be used for housing?

Cade Wilson, 1598 Woodhaven: Spoke on aesthetics.

Bob Wilson, 2945 Brewer Rd.: Spoke on limits to farmers. Would rather not see stuff around people's yard, would rather everything be nice and neat and tucked away.

Michael Dietz, 3870 Byron Rd.: Spoke on issues with his neighbor, vermin getting under his neighbor's storage containers, position of his neighbor's storage containers.

Andrew Hamm, 14 Santa Rosa Dr.: Wants public hearing comments limited to Howell Township residents.

Sharon Lollo, 2650 Fisher Rd.: Spoke on the language in the draft ordinance regarding the looks of shipping containers. Spoke on being neighborly and keeping the Township looking nice.

Cade Wilson, 1598 Woodhaven: Spoke on his shipping containers, enforcement of Township Ordinances.

Shane Fagan, 30 Santa Rosa Dr.: Spoke on permissive zoning, enforcement of Ordinances, weaponization of Ordinances.

Jamie Body, 2015 Bowen Rd.: Agrees on painting containers or shrubby, standards should be based on acreage. Spoke on Ordinance enforcement being complaint based.

Vice Chair Spaulding closed the public hearing at 9:31 p.m.. Commissioner Pominville spoke about stipulations based on acreage and questioned how the ordinance came to the Planning Commission. Zoning Administrator Hohenstein spoke about all the complaints brought to the Township regarding storage containers being the reason the topic went before the Board and why the Board sent a request to the Planning Commission to draft an ordinance. Discussion followed. Planner Montagno spoke on the International Building Code addressing foundations for shipping containers and the Right to Farm Act protecting farmers for agricultural use. Attorney Beyea spoke on addressing standards in the ordinance. Commissioner Boal spoke about the limit of units per acre. Vice Chair Spaulding inquired about the distinction between accessory structure versus accessory building. **Motion** by Counts, **Second** by Newstead, **"To table the ordinance on portable storage containers and discuss at a later date pending feedback that was provided to the Planner."** Motion carried.

D. Wellhead Protection Ordinance

Vice Chair Spaulding opened the public hearing at 9:53 p.m.. Planner Montagno provided a summary of the draft Wellhead Protection Ordinance. Attorney Beyea spoke on how an overlay Zoning District works and that the more restrictive overlay district would control in the event of a conflict between ordinance language. Vice Chair Spaulding took comments from the public:

Curt Hamilton, 1367 Crestwood Ln.: Spoke in support of the wellhead overlay district, on the Mugg & Bopps lawsuit, on issues with another Mugg & Bopps gas station.

Frank Munsell, 6679 Mason Rd.: Questions on farmer's rights in relation to the wellhead protection area.

Vice Chair Spaulding closed the public hearing. Commissioner Counts spoke about the prohibited uses in the overlay district. Planner Montagno spoke about farmer protections. Vice Chair Spaulding spoke about prohibited uses that are potentially harmful to the wellhead. Commissioner Frantjeskos inquired about the Enbridge pipeline. **Motion** by Boal, **Second** by Counts, **"To forward this to the Board with our recommendation for approval."** Attorney Beyea spoke about the regulated substances portion of the ordinance may need more clarification before the Board can approve the ordinance. Commissioner Boal rescinded his motion. Discussion followed. **Motion** by Counts, **Second** by Newstead, **"To table discussion on wellhead protection area until such time as language can be drafted around regulated substances and how it applies to either permitted principle use versus prohibited use."** Motion carried.

OTHER MATTERS TO BE REVIEWED BY THE PLANNING COMMISSION:

- A. 2025 Planning Commission Meeting Dates
Zoning Administrator Hohenstein indicated that this is the draft calendar for 2025 and inquired if the Commission wanted any changes to their meeting dates.

- B. Ordinance Violation Report
Report is in the packet, there were no questions.

OLD BUSINESS:

- A. Planning Commission Bylaws Update
Zoning Administrator Hohenstein spoke about the updated bylaws and the public hearing section and requested to change it to match the process that the Planning Commission takes on public hearings. Section 3-G, number 6 will be moved to number 3. **Motion** by Counts, **Second** by Newstead, **"To approve Howell Township Planning Commission bylaws as amended."** Roll call vote: Newstead – yes, Frantjeskos – yes, Spaulding – yes, Counts -yes, Pominville – yes, Boal – yes. Motion carried (6-0).

NEW BUSINESS:

Commissioner Boal asked Township Attorney Beyea about the lawsuit over PA-233 started by the law firm Foster and Swift. Attorney Beyea spoke on PA-233 for renewable energy projects and the class-action lawsuit started by Foster and Swift on behalf of municipalities in the state.

CALL TO THE PUBLIC:

Frank Munsell, 6679 Mason Rd.: Spoke on living together and being a good neighbor.

Shane Fagan, 30 Santa Rosa Dr.: Spoke on the storage container ordinance and his concerns.

Bob Wilson, 2945 Brewer Rd.: Spoke on Shane Fagan's comments.

Andrew Hamm, 14 Santa Rosa Dr.: Spoke on an ongoing personal lawsuit and Board moral ethics.

ADJOURMENT:

Motion by Pominville, **Second** by Counts, **"To adjourn."** Motion carried. The meeting was adjourned at 10:32 p.m.

11/19/24
Date

Michael Newstead
Mike Newstead
Planning Commission Secretary

[Signature]
Jonathan Hohenstein
Recording Secretary