

Approved by: \_\_\_\_\_  
Larry Grunn, Chair

**MARION TOWNSHIP  
2877 W. Coon Lake Rd., Howell MI 48843  
PLANNING COMMISSION  
REGULAR MEETING MINUTES  
JULY 25, 2017  
7:30 P.M.**

**MEMBERS PRESENT:** LARRY GRUNN, CHAIR; BOB HANVEY; BRUCE POWELSON, VICE CHAIR; CHERYL RANGE, SECRETARY; CLAIRE STEVENS

**MEMBERS ABSENT:** NONE

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**CALL TO ORDER**

Larry Grunn called the meeting to order at 7:30 p.m.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

Cheryl Range motioned to approve the agenda as submitted. Bruce Powelson seconded. **Motion carried 5-0.**

**INTRODUCTION OF MEMBERS**

The members of the Planning Commission introduced themselves.

**CALL TO THE PUBLIC**

No response.

**APPROVAL OF MINUTES**

**June 27, 2017 Regular Meeting**

Cheryl Range asked to have her positive comments regarding the zoning administrator added to the minutes, and motioned to approve the minutes as amended. Bob Hanvey seconded. **Motion carried 5-0.**

**OLD BUSINESS**

**Witkowski Ag-tourism Special Use Permit**

Sally and Jim Witkowski were present to discuss this item. It's her understanding that the SUP would include everything from the original request except the event barn and farm-to-table events.

Bob Hanvey said the township board motion removes the more intense uses (farm-to-table and event barn) and he thinks the text from the ag-tourism section of the ordinance could be used for the site plan. Cheryl Range said the planner recommended removing the riding stable; Mrs. Witkowski said the arena is for private use only. Mr. Hanvey again recommended sticking with what's in the ordinance now that the more intense uses have been removed; he feels the performance standards are adequate, rather than requiring a full site plan review.

Larry Grunn asked if a public hearing would be required; Mr. Hanvey said yes. Bruce Powelson said he supports suggestions from the residents.

Bob Hanvey suggested restricting the site plan for Witkowski to Section 17.33 C1. Bruce Powelson concurred.

Cheryl Range said she doesn't understand the difference. Mr. Hanvey said the new application can't include those farm-to-table and event barn.

Bob Hanvey motioned to require only the site plan details as specified in Ag-tourism Section 17.33 C1 rather than full site plan review requirements. Bruce Powelson seconded.

Claire Stevens asked if this could be modified in the future. Mr. Hanvey said it can be modified with a public hearing.

Roll call vote: Powelson, Hanvey, Grunn, Range, Stevens—all yes. **Motion carried 5-0.**

With regard to buffering in Section 17.33 D1, Mr. Hanvey said he feels that no buffering is required at this time, and isn't necessary for this application. Mr. Powelson said this was a prior working farm and agrees with Mr. Hanvey. Ms. Stevens said she's not comfortable waiving this requirement at this point. Mr. Hanvey suggested that the PC members study Section 6.13 before the next meeting to see how it applies to this situation.

Bob Hanvey motioned to schedule a public hearing for Tuesday, August 22, 2017 at 7:30 pm. Bruce Powelson seconded. **Motion carried 5-0.**

### **Nuisance/Noise Ordinance Review—requested by Township Board**

With regard to existing nuisance situations related to farming, Bob Hanvey passed out the Right-to-Farm Act, which protects farm operations from nuisance complaints. He also passed out the monthly report from the Livingston County Sheriff's Department, which shows that the sheriff already responds to some nuisance complaints. Larry Grunn said the sheriff's department needs something for enforcement.

Trustee Greg Durbin said he gave some sample material to the zoning administrator, and feels that the ordinance should be broad. Bruce Powelson thanked Mr. Hanvey for sharing the report.

Cheryl Range mentioned engine braking as a nuisance. Ms. Range asked if Greg could work with a PC member(s) on this item.

Cheryl Range motioned to further work on constructing a nuisance ordinance with Greg Durbin. Bruce Powelson seconded. Discussion: Bob Hanvey reminded the PC members that this is a general ordinance and the PC's role is different than with a zoning ordinance. **Motion carried 5-0.**

### **NEW BUSINESS**

#### **Land Division Ordinance Review—requested by Township Board**

Bob Hanvey said that at this point in time, the assessor has to approve land divisions and/or boundary line changes that result in nonconforming parcels. The township can be more rigorous than the state. He also said the general ordinance isn't consistent with the zoning ordinance.

Reference 6.19 B, 6.15A

6.19B required road frontage.

6.15A—Discretionary Decisions doesn't apply to land divisions.

Get rid of #2 in the general ordinance and add no nonconforming lots shall be created.

Bruce Powelson said Deerfield Township is working on a non-conforming structure ordinance.

Bob Hanvey will discuss with the attorney and bring back to the next meeting.

### **Joint Meeting with City of Howell Planning Commission**

The purpose is an exchange of information and to discuss common interests; this is different than the joint planning commission. Bob Hanvey will talk to the representatives from the City of Howell to determine date/time and forward the info via email to PC members.

### **CALL TO THE PUBLIC**

Susan Schooley, 459 E. Davis Rd., said she has filed a complaint about a zoning violation by Howell Landscape. She feels the Board of Trustees should do their job, and the Planning Commission should return this to the board for enforcement.

Tim Ryan, 459 E. Davis Rd., said the smells, dust, and noise is extreme.

Les Andersen said the former owner should have had a Special Use Permit with performance standards. Bob Hanvey talked with John Enos who will send a proposal regarding enforcement.

### **ADJOURNMENT**

Cheryl Range motioned to adjourn the meeting at 9:15 p.m. Claire Stevens seconded. **Motion carried 5-0.**