

**MARION TOWNSHIP PLANNING COMMISSION
AGENDA**

REGULAR MEETING
November 28, 2017
7:30 p.m.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

INTRODUCTION OF MEMBERS:

APPROVAL OF AGENDA FOR: *November 28, 2017 Regular Meeting*

APPROVAL OF MINUTES FROM: *October 24, 2017 Regular Meeting*

CALL TO THE PUBLIC:

PUBLIC HEARING:

- 1) *Mugg & Bopp Special Use (Bring back from 10/24/17 Packet)*
- 2) *TXT#04-17 proposed Landscape Contractors Operation Section 10.01 (New)*
- 3) *TXT#05-17 proposed Outdoor Vehicle Storage Section 17.34 (New)*

New BUSINESS:

- 1) *AJR Group Conditional Rezoning set Public Hearing for 1/23/2018 (New)*
- 2) *Sterling Training Center SUP#03-02 revision to add new arena (New)*
- 3) *Master Plan Approved to move forward. Preview by John Enos (New)*
- 4) *Annual Meeting, Rules Review, Budget review*

Old BUSINESS:

- 1) Review Planning Commission ordinance work list and prioritize (New)
- 2) TXT#06-17 proposed 6.07.12 Roof pitch and 6.22 LCBD reference (New)
- 3) TXT#07-17 proposed changes Lots (Bring back from 10/24/17 Packet)
- 4) TXT#08-17 6.14 Home Occ Class I add 'application' in first paragraph (New)
- 5) GO proposed #01-17 Land Division
 - #02-17 Nuisance (New)
 - #03-17 Noise (New)
 - #04-17 Motor Braking (New)
 - #05-17 Combine Lake Ordinance's, Chg Cemetary, Chg Park&Rec

CALL TO THE PUBLIC:

ADJOURNMENT:

Approved by: _____
Larry Grunn, Chair

**MARION TOWNSHIP
2877 W. Coon Lake Rd., Howell MI 48843
PLANNING COMMISSION
REGULAR MEETING MINUTES
OCTOBER 24, 2017
7:30 P.M.**

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

MEMBERS ABSENT: NONE

OTHERS PRESENT: DAVE HAMANN, ZONING ADMINISTRATOR; JOHN ENOS, PLANNER WITH CARLISLE WORTMAN

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. John Enos with Carlisle Wortman introduced himself.

APPROVAL OF AGENDA

October 24, 2017 Regular Meeting Agenda

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

APPROVAL OF MINUTES

September 26, 2017 Regular Meeting Minutes

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

CALL TO THE PUBLIC

No response.

OLD BUSINESS

1) Nuisance/Noise Ordinance Update – requested by the Township Board

Cheryl proposed language:

"The purpose of this ordinance is to secure public health, safety and general welfare and to deter loud noise and disturbances to the peace, quiet and comfort to the residents and property owners of the township by any person, their possessions, or owed animal.

(Please apply, include and review township nuisance definition. Article III – pg. 3-15)

It is recommended:

- A) *Offended party to peaceably contact the offender to discuss/inform of said issue.*
- B) *Notify the township by a written complaint (containing information of: who, want, when, where)*
- C) *In the case of the unreasonable resolve, after a possible site visit by township authority a further resolution may be attempted by:*
 - 1) *Board of Trustee show cause hearing.*
 - 2) *Contacting township attorney*
 - 3) *Other possible agencies relating to the situation and issues involved."*

Bob is concerned about how we are going to enforce this noise ordinance. John Enos said that typically the Planning Commission doesn't work on general ordinances but he thinks this is workable language. Bob asked if we should include a fee schedule or a list of punishments to go with the language. John Enos said that the judge will determine any fees and possible punishments, so Marion does not have to include anything regarding these items in the language.

Bob Hanvey motioned to send the definition along with the proposed language to the Board of Trustees for approval to send to Carlisle Wortman. Cheryl Range seconded. **Motion carried 5-0.**

2) Review Landscape Supply/Operation Proposed Ordinance – requested by Township Board

The new proposed language for Landscape Operations and Contractor Yards was presented to the Planning Commission. John Enos explained that ordinances are constantly changing and evolving. Every city/township is different and has different rules and regulations. We need to better clarify what a greenhouse, nursery and farm related nursery are. We need to state that Marion does allow residents/business owners to run these types of operations, but they must go through a site plan review process first. This new Landscape Supply/Operation ordinance is for large companies that currently exist or are planning to move to the township. This is not for the small home-based businesses. Eddie's Greenhouse is not in an industrial zoned area, so he is currently operating as an existing, non-conforming business. John asked how many employees business owners are allowed to have when operating out of their home. Dave Hamann stated that the owner can only employ people that reside working at that address; once someone who resides outside the home is hired, then they have to apply for a special use permit. Les Andersen stated that any and all of these business owners need to buy acreage in an industrial or commercial zoned area to store any business related equipment and it should NOT be stored in a rural residential area. Bob asked if it was ok that the language was allowing residents to operate their business in light industrial areas, even though Marion Township currently does not have any light industrial areas left for sale/use. John Enos said that it is acceptable to allow business owners to operate their business in light industrial zoned areas, even if Marion Township does not have any light industrial areas available at the time.

Cheryl Range motioned to have a public hearing regarding the new language for Landscape Supply/Operations and Contractor Yards on November 28, 2017. Claire Stevens seconded. **Motion carried 5-0.**

3) Review Outside RV/Boat Storage Ordinance – requested by Township Board

Marion Township had Carlisle Wortman put together proposed language that would allow residents to store and maintain boats, RV's, and other "fun" equipment. Marion is also allowing residents to have a storage facility on the property as well. These businesses must be located in a highway service area if they wish to store, maintain and repair this kind of equipment. John Enos said that they will change the ordinance so it allows storage facilities to do repairs as well as store and maintain. They will also change the Section number in C-1 to reflect the correct ordinance that pertains to lighting requirements. D-2 needs to state that the fencing will be dependent on screening and the required setbacks may be reduced or modified. John Enos will make the necessary changes and adjust the language. Bob Dymond attended the meeting to make sure that he was in compliance with his business "McGowan's Mini Storage." John Enos believes that he is compliant with the new proposed language.

Cheryl Range motioned to have a public hearing for Vehicle storage and RV repairs on November 28, 2017. Claire Stevens seconded. **Motion carried 5-0.**

NEW BUSINESS

1) Mugg & Bopp’s Special Use Set Public Meeting for 11/28/2017

Bob Dymond said when Bella’s expanded, he spoke with Mike Crain about separating the ingress from the egress. He said it was not in the budget at that time. Bob Dymond is concerned that there will be more traffic with a gas station there. Bob Hanvey said Mugg & Bopp’s will be required to follow the DEQ laws and gas station requirements. They will also have to follow regulations enforced by the Livingston County Road Commission. Bob Dymond also shared that he filed a complaint with the Drain Commission about the drainage issue that is dumping water on his property. He believes that it is their responsibility to make sure that things are draining properly and not causing issues for other property owners. Bob Hanvey said that the Road Commission and the Drain Commission will discuss all possible issues regarding the Mugg & Bopp’s gas station.

Cheryl Range motioned to have a public hearing for Mugg & Bopp’s Special Use Permit on November 28, 2017. Bruce Powelson seconded. **Motion carried 5-0.**

2) Review Planning Commission Ordinance Work List and Prioritize

Cheryl Range sent an email to Dave Hamann on October 16, 2017 listing these topics for the Planning Commission meeting:

Parks and Rec. Ordinance & Lake Ordinance:

Cheryl Range asked if we could have a more general yet specific line added for moral conduct behavior as well. For EXAMPLE:

- Anything that offends public decency or morality is prohibited.
- At the end of the ordinance, do we need to have the dates inserted for the Livingston County Clerk and Township?

Lake Ordinance:

Cheryl Range proposed to add a line; “To unlawfully interfere, obstruct, or render dangerous passage to a lake or canal to ensure safe entryways.” Cheryl also asked if these ordinances would cover Coon Lake, Cedar Lake and Triangle Lake as well. Bob Hanvey said that we have to make sure that we consider the size of the lakes in comparison to the population. Dave Hamann suggests combining the Triangle Lake general ordinance and the Boating general ordinance into the Lake general ordinance and we could call it “Watercraft.”

Cemetery Ordinance:

Cheryl Range asked if we could mention fines for inappropriate/disruptive behavior that destroys/defaces markers and/or sites. Bruce Powelson mentioned that there are state laws pertaining to cemeteries, so is it still necessary to create an ordinance pertaining to them as well?

Motor Braking General Ordinance:

Les Andersen said that the Board of Trustees requested that the Planning Commission create language for a Motor Braking General Ordinance. Cheryl Range prepared possible language for this ordinance:

“An ordinance to ensure appropriate and considerate operation, at all times, of large diesel (tractor trailer), truck vehicle (s) on any Marion Township R/R roadway. If said truck vehicle(s) has repurposed (now defected) exhaust system, legally modified system, straight pipes, bypass or amplified systems or similar sound devices resulting in the excessive loud, unusual or explosive noise levels which exceeds general noise limits (established in Articles 17.09 D5, 17.13 E9, 17.24 E2, 17.257 C1D) ; or the operator uses motor braking (compression released motor braking) ; a violation of any provision of this ordinance is a misdemeanor (according to Section 6251C of MI Vehicle Code 1949 PA 300, MCL 257.625) and can carry a fine of \$200.00 - \$500.00 per charged offense.”

Larry Grunn suggested to take out “tractor/trailer” because that is actually already considered a “large diesel.” Cheryl Range recommended that the Board of Trustees determine fee if this ordinance is violated. John Enos said that you could add a Township Fee Schedule to the ordinance and have police officers enforce these fees or you

can just let the judge decide the dollar amount. Either option would work. Bruce Powelson would like to change the word "defected" to "modified". Bob Hanvey suggested to remove "R/R" from the language.

Cheryl Range motioned to type up this language with these requested amendments and send it to the Board of Trustees for review. Claire Stevens seconded. **Motion carried 5-0.**

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Claire Stevens motioned to adjourn the meeting at 9:30 p.m. Larry Grunn seconded. **Motion carried 5-0.**



November 20, 2017

Dave Hamann
Marion Township
2877 W Coon Lake Rd
Howell, MI 48843

RE: D-19 Gas Station / Convenience Store
Preliminary Site Plan Review

Mr. Hamann:

We have received and reviewed the site plan for the D-19 Gas Station / Convenience Store located on the west side of D-19 (Pinckney Rd) north of Francis Rd. The plans were prepared by ACE Civil Engineering of Howell, MI on behalf of C D Okemos 10, of Howell, MI. This plan set is dated 9-1-2017. We offer the following comments:

General

The proposed property consists of approximately ten acres zoned Highway Service, already partially developed with a convenience store and parking lot in the southeast portion of the site. A legal description is provided on the cover of the plans which does not close within acceptable tolerances. However, the bearings and distances are indicated on the existing conditions plan which do close within acceptable tolerances. The legal description shown on the plans should be corrected.

A low-resolution black and white aerial image taken from the Livingston County Parcel Viewer was provided with the review application documents. A full color, presentation quality aerial photograph should be provided with land uses, property owners, Sidwell numbers, buildings, driveways, streets, lot lines, structures, and parking areas within 100 feet of the site.

A 3' landscape wall is shown in front of the parking lot, running more or less parallel to D-19. A detail of this wall should be provided.

Fuel Pumps and Storage

The primary purpose of this site plan is to add fuel pumps and storage to the existing convenience store. The expansion consists of five fuel pumps under a canopy, and two underground storage tanks. There is no information about the storage tanks provided. Size and material is not shown. There is no indication of how the tanks are accessed for filling, or how they connect to the pumps. There is no indication of protecting the ground from contamination in the event of a leak. Note there is a wetland area immediately north of the proposed storage tank location; a fuel leak could be detrimental to the wetland habitat and water quality.

The fuel pump canopy is shown 90.2' from the right-of-way line of D-19. The canopy needs to be moved back, as the minimum setback on D-19 is 100'. The canopy is 24' front to back, but the width and height should be shown as well.

Utilities

There are no new water or sewer utilities proposed on this site. There is a hydrant west of the existing building that is proposed to be moved 5' west to move it out of the proposed pavement. Due to cuts and fills in the parking lot grading, the cover over the water main is likely to change. We defer to MHOG for

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comment regarding the water main. The developer should confirm hydrant locations with the Fire Marshall.

There is an existing 6" SDR 23.5 sewer lead north of the existing building, which will be under the proposed parking lot and canopy. Invert elevations of the sewer lead should be shown. We discourage the placement of a canopy above the sewer lead, as it will be difficult to maintain, rehabilitate, or replace if necessary in the future.

Storm Water

In general, drainage in the proposed parking lot flows northwest to a catch basin in the corner of the parking lot curblin. This catch basin should include an oil separator. From there, it is conveyed via a 12" diameter storm sewer of unknown material into an existing catch basin on site. This catch basin is located essentially above an existing plastic culvert. There is no profile or detail of this catch basin and sewer pipe. Assuming a two-foot sump, and about seven inches for pipe thickness and manhole floor thickness, the bottom of the manhole is near the same elevation as the top of the culvert pipe. The horizontal separation is only about five feet from center of the catch basin to the center of the culvert, assuming the culvert is truly straight. We would recommend this catch basin be relocated to avoid conflict with the existing pipe. Additionally, this is located in an easement shown on the plans. The engineer should confirm that a sewer structure is allowed within that easement.

The existing sewer system flows to a detention basin at the west end of the site, which was initially sized to accommodate site improvements. Because the detention basin was designed to include site improvements, the improvements it was designed for are different from the improvements proposed on these plans. We recommend that storm water calculations still be provided to indicate how much of the detention and sewer capacity is being utilized.

Pavement

A portion of the existing parking area is proposed to be removed, and a new parking area and fueling station will be constructed. The pavement cross section consists of 6" of MDOT 21AA aggregate with 6" of 3500 psi concrete in areas outside MDOT ROW, or 6" of the same concrete in MDOT ROW. There is no MDOT ROW near this site, D-19 is a Livingston County Rd. The concrete is to be air entrained, with an air content of 5% to 8%. It is our understanding that this site contains fill material and we would recommend a geotechnical analysis be performed to determine the required pavement cross section.

The plans indicate use of existing driveways being used for access to the site off D-19. No changes are proposed to the driveways or approaches. It appears that the north driveway approach does not meet Livingston County Road Commission standards. We defer to LCRC for comment on the driveway approaches.

Recommendation

After careful review, we do not recommend these plans for approval. The following items should be addressed:

1. Provide an accurate legal description of the parcel. The legal description should be consistent among all sheets.
2. Provide presentation quality aerial photograph of the site with adjacent property information.

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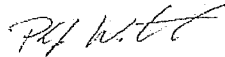
3. Provide detail of the landscaping wall.
4. Move canopy to abide by the 100' setback from D-19
5. Provide more detailed information regarding the fuel storage tanks.
6. Provide width and height of canopy.
7. Show invert elevations of sanitary sewer lead.
8. Catch basin should include an oil separator.
9. Provide storm sewer and detention calculations specific to the proposed design.
10. Relocate the catch basin to avoid conflict with existing culvert.
11. Correct the pavement cross section detail to indicate LCRC ROW instead of MDOT ROW.
12. Confirm use of the existing driveway approaches with LCRC.
13. Relocate the catch basin to avoid conflict with existing culvert.
14. Perform a geotechnical analysis to determine required pavement cross section.

If you have any questions or require any more comment on this matter, please feel free to contact our office.

Sincerely,



Kevin J Wilks, E.I.T.
Design Engineer
SPICER GROUP, INC.
125 Helle Blvd., Suite 2
Dundee, MI 48131



Philip A. Westmoreland, P.E.
Senior Project Manager
SPICER GROUP, INC.
125 Helle Blvd., Suite 2
Dundee, MI 48131

CC: SGI File
Patrick Keough, P.E., ACE Civil Engineering
Ken Recker, P.E., Livingston County Drain Commissioner
Kim Hiller, P.E., Livingston County Road Commission



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

SPECIAL USE REVIEW ANALYSIS
Marion Township

Applicant: Marion – D19 LLC

Property Address: 1644 Pinckney Road (Bella’s Market) Mugg & Bopps

Current Zoning: Highway Service Commercial

Action Requested: Approval of Special Use Permit to Construct Fueling Station

DESCRIPTION

The applicant is requesting special use in order to construct a gasoline station as part of the overall Bella’s Market store site. Automobile fueling/mixed use stations per Zoning Ordinance Section 9.01.D.3 are uses permitted by special use permit within the Highway Service District. The new development will include the construction of a canopy and five (5) gas pumps. New parking, paving and landscaping will also be installed. Other changes to the existing store site will include new lighting, underground infrastructure and drive lanes.

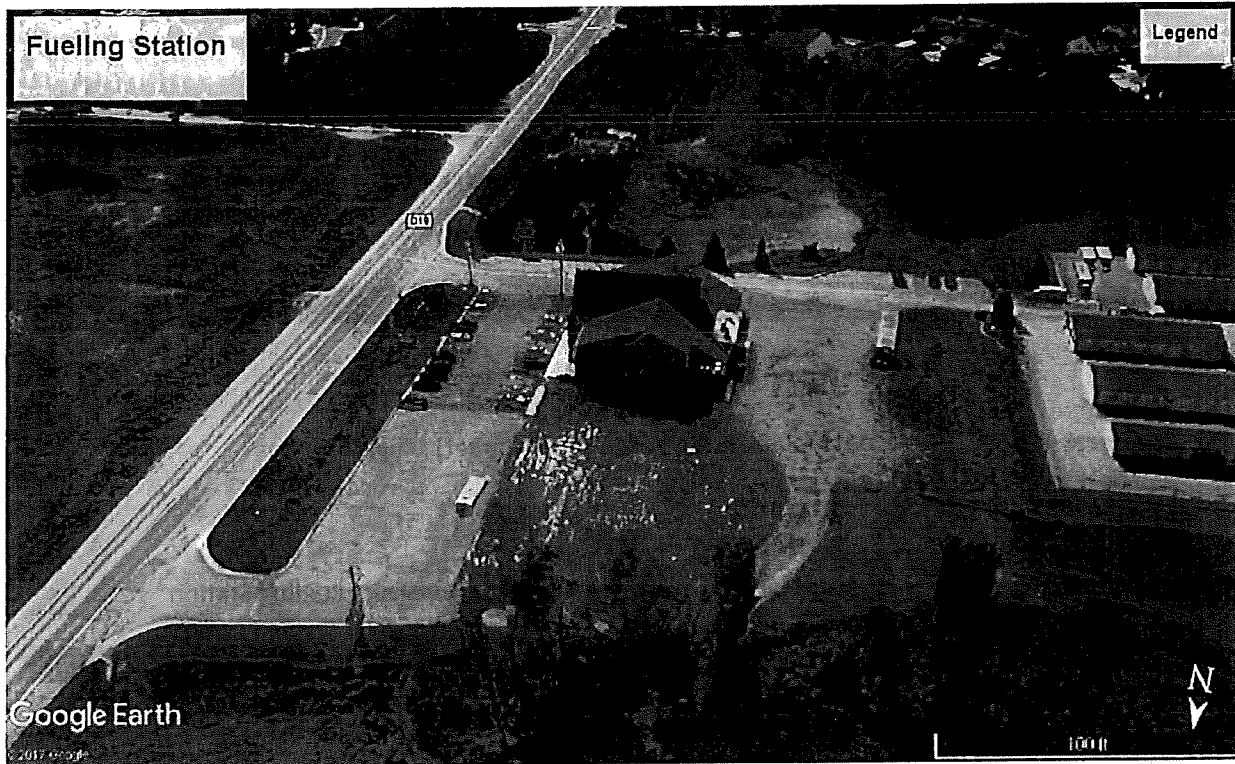
Gasoline stations have become a successful part of small stores and based on the location this will be a nice amenity to Township residents accessing I-96 for work or other.

PROPERTY BACKGROUND

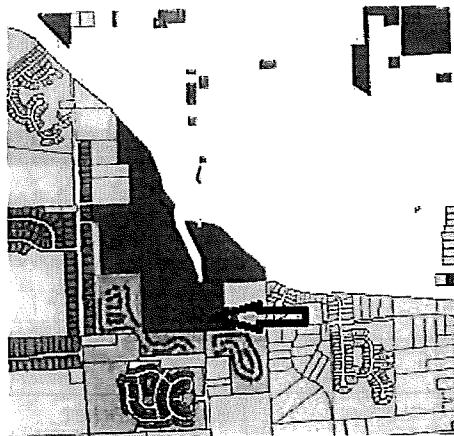
The applicant requests a use permitted by special use permit for an addition to an existing store creating an mixed use station.

Subject Site	
Current Use	Bella’s Market
Master Plan Recommended Use	Commercial

PROJECT LOCATION



ADJACENT PROPERTIES



All parcels in the immediate vicinity that front along D-19 north of the property are zoned for a variety of commercial uses. Adjacent zoning and land uses to the subject property are listed below:

Adjacent Properties		
	Existing Use	Zoning
North	Highway Service Commercial (MVS)	HS Highway Service
South	Residential Uses & Wetland	Suburban Residential
East	Vacant	HS Highway Service
West	Mini-Storage	HS Highway Service

MASTER PLAN COMPATABILITY

The future land use plan of the Marion Township Master Plan has designated the subject property as Commercial. The Master Plan indicates that commercial land uses could include but are not limited to: gas stations, large single-use retailers, restaurants and larger retail strip developments. The proposed use is in conformance with the Master Plan.

Items to be Addressed: None.

AREA, WIDTH, HEIGHT, SETBACKS

The Ordinance outlines the regulations for the HS Highway Service Commercial District. The following table compares the proposed development against these requirements:

	Required	Proposed	Compliance
Minimum Lot Area	1 acre	10.01 acres	✓
Minimum Lot Width	150 ft.	500 ft.	✓
Minimum Front Yard	100 ft. from D-19	114 ft.	✓
Minimum Side Yard	25 ft.	31 ft.	✓
Minimum Rear Yard	40 ft.	144 ft.	✓
Maximum Height	35 ft.	Not Provided	NA

Items to be Addressed: Provide canopy height.

BUILDING LOCATION AND SITE ARRANGEMENT

The building location (store) is existing the canopy and pumps are proposed just north. Site arrangement is reasonable with direct access off the existing access drives from D-19. The Fire Department should review for circulation and the ability to access all sides of the building.

Items to be Addressed: Fire Department Review.

PARKING, LOADING

Gasoline Stations with the existing Store we consider it a convenience retail store requiring the following number of parking spaces:

REQUIRED: One (1) space for each three hundred (300) square feet of gross floor area. The store area is 8,549 square feet requiring 29 spaces.

PROVIDED: Fifty one (51) around the building and ten (10) at the pumps for a total of 61 spaces proposed.

The site has more than enough parking, almost twice that is required. The applicant should consider replacing some of the parking area fronting D-19 with landscaping.

Items to be Addressed: Consider removing some parking and replacing with landscaping.

LANDSCAPING, FENCING, SCREENING

No viable landscaping is proposed. Section 6.13 is very clear on required landscaping for a commercial use. The only planned landscaping is within the greenbelt along D-19 that will have decorative knee wall installed. We do not find any additional landscaping proposed. Due to the visibility of this location along D-19 and as a gateway into the Township we suggest an improved landscape plan that includes:

1. A detail of the proposed decorative knee wall should be provided. We prefer brick similar to the building, this will limit headlight glare on to D-19.
2. A combination of evergreen and deciduous trees should be planted in the front greenbelt.
3. A small group of evergreens should be planted to partially screen the existing mini-storage area west of the property.
4. Parking is ample, some spaces should be replaced with landscape islands.

Items to be Addressed: Significantly improve landscape plan.

LIGHTING

No lighting plan is provided. We are especially concerned with canopy lighting and the need for it to be down shielded. If any pole lights, wall packs or other is proposed, the applicant should provide fixture, detail including height, location and illumination levels.

Items to be Addressed: 1.) Provide lighting plan, if applicable. 2.) Down shield all canopy lighting.

SIGNS

The existing sign will remain. We question any new signage will be placed on the canopy and whether and electronic price signs are proposed.

Items to be Addressed: Clarify any additional signage.

FLOOR PLAN AND ELEVATIONS

Canopy structure elevations have not been provided. We would prefer the base columns, at least partially, of the canopy be of similar brick as the building. This will tie the two uses together.

Items to be Addressed: 1) Provide canopy elevations. 2) Provide brick canopy columns.

CONDITIONAL USE STANDARDS

1. Be harmonious with and in accordance with the general principles and objectives of the Master Plan of the Township. *The parcel is planned for and currently being used for commercial uses. The proposed use is harmonious with the current Master Plan.*
2. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. *The existing and proposed commercial uses are appropriate in appearance and fit the area.*
3. Not be hazardous or disturbing to existing or future uses in the same general vicinity and will substantially improve property in the immediate vicinity and in the community as a whole. *We do not anticipate any hazardous or disturbing issues upon approval of all outside agencies and the Township.*
4. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools. *Adequate services are available to the site.*
5. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. *We do not anticipate any additional potential uses on site as it has been used for a commercial store for several years.*
6. Meet the intent and purpose of the zoning regulations; be related to the standards established in the Ordinance for the land use or activity under consideration; and will be in compliance with these standards. *Upon addressing the issues contained in this review and as required by the Planning Commission the proposed project will meet Township requirements.*
7. Ensure that landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications, which result in maximum harmony with adjacent areas. *Limited new landscaping is proposed and the existing landscaping will be preserved.*

8. Ensure that special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties. ***The Township engineer should review for compliance with all infrastructure needs.***
9. Ensure that all exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted. ***Lighting should be clarified.***
10. Meet the site plan review requirements of Article XVIII. If the applicant chooses to submit a preliminary site plan, the special use permit may also be considered preliminary. ***Upon addressing issues as noted in this review the project shall meet Ordinance requirements.***
11. Conform to all applicable state and federal requirements for that use. ***Prior to Township approval the project should meet all outside agency approvals.***

SUMMARY OF ITEMS TO BE ADDRESSED BY APPLICANT

The following items shall be addressed by the applicant to the satisfaction of the Planning Commission prior to special use approval:

1. Provide canopy height.
2. Fire Department Review.
3. Consider removing some parking and replacing with landscaping.
4. Provide canopy elevations.
5. Provide brick canopy columns.
6. Significantly improve landscape plan.
7. Clarify any additional signage.
8. Provide lighting plan, if applicable.
9. Down shield all canopy lighting.
10. Township engineer review and approval.
11. Outside agency review and approval.

**HOWELL AREA FIRE DEPARTMENT
FIRE MARSHAL DIVISION**

1211 W. Grand River
Howell, MI 48843
517-546-0560
FAX: 517-546-6011
firemarshal@howellfire.net

DATE: November 14, 2017

TO: Mr Dave Hamann
Marion Twp Zoning Administrator
2877 W Coon Lake Rd
Howell, MI 48843

FROM: Bryan Hager-Fire Inspector

PROJECT: Fuel Pumps 1644 Pinckney Rd, Marion Township,

REF: Special Use Permit, Site Plan Review - **Approved w/concerns noted**

CONCERNS:

I have reviewed the above listed site plan and find it is **satisfactory** as presented with 3 concerns:

1. The pump location is shown on the side of the building. IFC 2012 Section 2304.2.4 states: "Dispensing devices shall be in clear view of the attendant at all times." What measures will be taken to allow employees inside to have a clear and unobstructed view of the pumps at all times?
2. What are the sizes of the two underground storage tanks?
3. Fire Extinguishers complying with IFC 2012 Section 906 with a minimum rating of 2-A: 20-BC shall be provided and located such that an extinguisher is no more than 75 feet from pumps, dispensers, or storage tank fill-pipe openings. Along with warning signs conspicuously posted within sight of each dispenser that shall state statements listed in Section 2305.6 IFC 2012

Any changes in this site plan shall be submitted to the Howell Area Fire Department for additional approval. Please feel free to give me a call if there are any concerns. Thank you for the opportunity to review this site plan.

Dave Hamann


From: Aaron Aumock <AAumock@livgov.com>
Sent: Thursday, November 02, 2017 3:09 PM
To: Dave Hamann
Subject: 1644 Pinckney Rd.,

Dave,

Additions of gas stations in certain areas can restrict potential developments that would be on wells for their water source needs. Considering municipal water is utilized at this facility and any potential construction within the vicinity of this proposal would also be on municipal water, the Livingston County Health Department does not have any comments.

Sincerely,

Aaron Aumock, REHS, PEM
Field Program Coordinator
Livingston County Health Department
2300 E. Grand River, Suite 102
Howell, MI 48843-7578
P: 517.552.6873
F: 517.546.9853
aaumock@livgov.com

LIVINGSTON COUNTY 
Health Department



Dave Hamann

From: Kim Hiller <khiller@livingstonroads.org>
Sent: Monday, November 06, 2017 10:07 AM
To: Todd Lekander; Dave Hamann
Cc: Keough, Pat; Mike Craine
Subject: RE: Marion D19 LLC - Mugg and Bopps
Attachments: Image_20171106_0001.jpg

Hi Todd,

The Boss Engineering plan is attached. The plan does not show a center left turn lane at the north entrance because it was not warranted for the use that was proposed in phase I of the development.

We do not have a record of the 15" line aside from the Boss Engineering survey since it is outside of the road right-of-way and is not a public drainage system.

Thank you,

Kim Hiller, P.E.
Utilities and Permits Engineer
Livingston County Road Commission
3535 Grand Oaks Dr.
Howell, MI 48843
Ph. (517) 546-4250

From: Todd Lekander [mailto:todd@cdo10.com]
Sent: Monday, November 06, 2017 8:32 AM
To: Dave Hamann
Cc: Kim Hiller; Keough, Pat
Subject: FW: Marion D19 LLC - Mugg and Bopps

Hello Kim,

We need more information than what was provided in the LCRC review. The drawing attached to your review is only a snippet of a larger document.

We did ask Boss Engineering for and did receive a copy of part of their work on this site.

We are not George Jappaya and as such do not have the site plan referenced in your review.

As to the conversations with the adjacent property owner, we do not know everything that was discussed or the exact nature of the 15" line.

We continue to examine all available records. Other than that 15" line being noted on the Boss drawing, we have not found a document to support its existence.

Please help us clarify, understand the character of this site with any other documents in your files.

Thank you,

Todd Lekander
517.202.0232

From: Dave Hamann [mailto:za@]
Sent: Thursday, October 26, 2017 9:15 AM
To: Todd Lekander <todd@cdo10.com>
Subject: FW: Marion D19 LLC - Mugg and Bopps

Hi Todd, here is the LCRC response!

Dave Hamann
Zoning Administrator
Marion Township
za@mariontownship.com

From: Kim Hiller [mailto:khiller@livingstonroads.org]
Sent: Thursday, October 26, 2017 8:09 AM
To: Dave Hamann <za@mariontownship.com>
Cc: Ken Recker (KRecker@livgov.com) <KRecker@livgov.com>; Pat keough (advantagece@att.net) <advantagece@att.net>
Subject: Marion D19 LLC - Mugg and Bopps

Dave,

I have completed a preliminary review of the site plan you supplied for the above captioned project and offer the following comments.

- According to the Trip Generation guidelines for a gas station, a center left turn lane will need to be constructed at the northern approach for the vehicles turning left into the site during AM and PM peak hours. (Attached is the permit issued for Bella's Market including attachments A and B)
- The LCRC has had many conversations with the adjacent property owner to the south (Dymond) with regard to the high water in the pond on his property. There is a pipe that runs from the pond to the wetland on the north side of this project. The existing conditions plan shows this 15" plastic pipe, in an easement. The pipe needs to be inspected to determine if it is functioning as intended.

If you have any other questions, please contact me.

Thank you,

Kim Hiller, P.E.
Utilities and Permits Engineer
Livingston County Road Commission
3535 Grand Oaks Dr.
Howell, MI 48843
Ph. (517) 546-4250

APPLICATION AND PERMIT

to construct, operate, maintain
use and/or remove within a county
road right-of-way

CRA 100 Rev 7/99

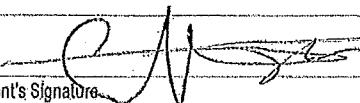
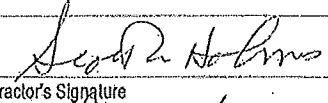
Permit Number
MS 1012-004

Issuance Date
24-Aug-10

BOARD OF COUNTY ROAD COMMISSIONERS, of LIVINGSTON COUNTY, MICHIGAN
ADDRESS: 3535 GRAND OAKS, HOWELL, MICHIGAN 48843-8575
TELEPHONE: 517-546-4250

If applicant hires a contractor to perform the work, BOTH must complete this form and BOTH assume responsibility for the provisions of this Application and Permit.

APPLICANT	CONTRACTOR
NAME: <u>GEORGE AND RAMZYA JAPPAYA</u>	NAME: <u>D & H ASPHALT</u>
MAILING ADDRESS: <u>3911 SOUTH SHORE</u> <u>COMMERCE TWP, MI 48382</u>	MAILING ADDRESS: <u>PO BOX 729</u> <u>HAMBURG, MI 48139</u>
TELEPHONE NO.: <u>(517) 545-0000</u>	TELEPHONE NO.: _____

 Applicant's Signature _____ Title <u>owner</u> Date: <u>9-1-10</u>	 Contractor's Signature _____ Title <u>President</u> Date: <u>9-1-10</u>
--	--

FINANCIAL REQUIREMENTS	ATTACHMENTS REQUIRED
Application Fee _____	Plans and Specs. _____
Permit Fee <u>\$50.00</u> ✓ <u>\$0.00</u>	Bond _____
Est. Inspect. Fee _____	Proof of Insurance
Bond _____	Yes _____ No _____
Deposit _____	P.I. \$ _____ P.D. \$ _____
Other _____	Other _____
To Be Billed _____	
Receipt Number <u>310123</u>	
Date <u>9-1-10</u>	

APPLICATION

Applicant and/or Contractor request a Permit for the purpose indicated in the attached plans and specifications at the following location:

CITY _____ for TOWNSHIP MARION SECTION 2

NAME OF ROAD D-19 (PINCKNEY ROAD) Lot # _____

for a period beginning 08/24/2010 and ending 02/24/2010

and agrees to the terms of the permit.

PERMIT TO WORK WITHIN THE D-19 RIGHT-OF-WAY TO PAVE THE NORTHERN APPROACH OF MARION RETAIL CENTER AND REPAIR THE CONCRETE SPILLWAY AS DETAILED ON THE PLAN PREPARED BY POWELL ENGINEERING AND DATED 7/2/10. PERMIT HOLDERS ACKNOWLEDGE THE "ATTACHMENT A" AND THE "ATTACHMENT B" TO THE PERMIT. ALL TRAFFIC SHALL BE MAINTAINED PER THE MMUTCD. CONTACT THE LCRC 48 HOURS PRIOR TO WORK WITHIN THE RIGHT-OF-WAY. CONTACT THE LCRC FOR A FINAL INSPECTION.

PERMIT

A permit is granted in accordance with the foregoing application for the period stated above, subject to the following terms agreed to by the Permit Holder. When Applicant hires a Contractor the "Permit Holder" is both the Applicant and the Contractor.

RECOMMENDED FOR ISSUANCE:

KIM HILLER, P.E. Investigator
24-Aug-10 UTILITIES & PERMITS ENGINEER
 Date Title

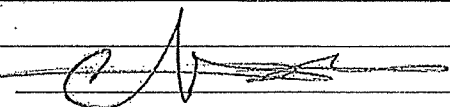
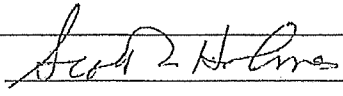
BOARD OF COUNTY ROAD COMMISSIONERS
LIVINGSTON COUNTY, MICHIGAN

By _____
 By Kim Hiller 9/1/10
 By _____

Attachment A

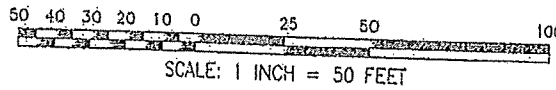
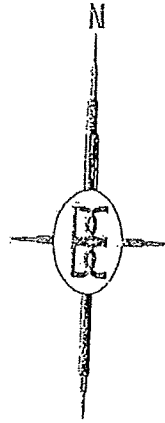
Permit Provisions

It is expressly understood and agreed by all parties that the proposed improvements to the northern approach of Marion Retail Center, as detailed on the plan prepared by Powell Engineering and dated 7/2/10, are temporary and meet the Livingston County Road Commission requirements for the current uses of a liquor store and beauty salon. It is also understood and agreed by all parties that additional uses in Phase I or subsequent phases will require center left turn lane improvements to D-19 (Pinckney Road), as noted on sheet 3 of the Marion Retail Center construction plans, prepared by Boss Engineering and dated 1/23/07.

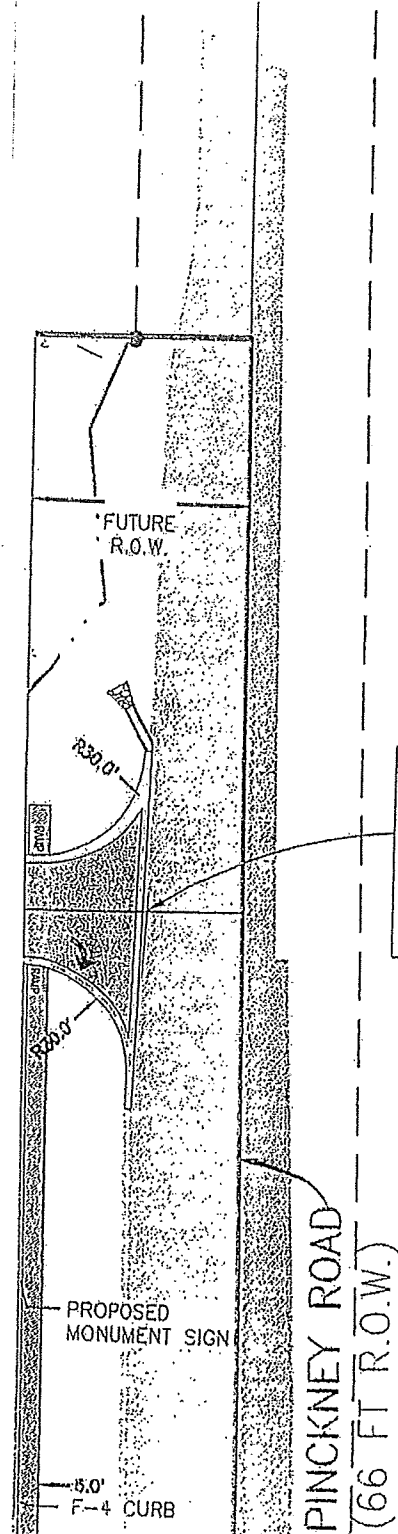
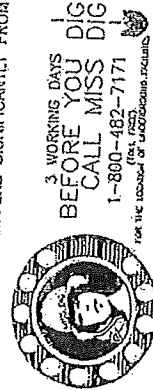
Applicant	Contractor
<u>GEORGE JAPPAYA</u>	<u>D & H ASPHALT</u>
<u>3911 SOUTH SHORE</u>	<u>PO BOX 729</u>
<u>COMMERCE TWP, MI 48382</u>	<u>HAMBURG, MI 48139</u>
By: 	By: 
Print: <u>George Jappaya</u>	Print: <u>Scott W. Holmes</u>

ATTACHMENT B

Sheet 3 of the Marion Retail Center construction plans,
 prepared by Boss Engineering and dated January 23, 2007,
 as approved by the LCRC on January 30, 2007



THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THESE DRAWINGS ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND ELEVATION OF EXISTING UTILITIES AND PROPOSED UTILITY CROSSINGS IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY CONFLICTS ARE APPARENT OR IF THE LOCATION OR DEPTH DIFFERS SIGNIFICANTLY FROM THE PLANS.



Applicant	Contractor
GEORGE JAPPAYA	D & H ASPHALT
3911 SOUTH SHORE	PO BOX 729
COMMERCE TWP, MI 48382	HAMBURG, MI 48139
By: <i>[Signature]</i>	By: <i>[Signature]</i>
Print: <i>George Jappaya</i>	Print: <i>Scott W. Holmes</i>

NORTH APPROACH NOTE:
 LCRC APPROVAL OF THE NORTHERN APPROACH IS CONDITIONED BY THE TRIPS GENERATED BY THE TYPE OF USE OCCURRING IN PHASE 1. HIGH VOLUME USES IN PHASE 1 OR SUBSEQUENT PHASES MAY REQUIRE CENTER LEFT TURN LANE IMPROVEMENTS.

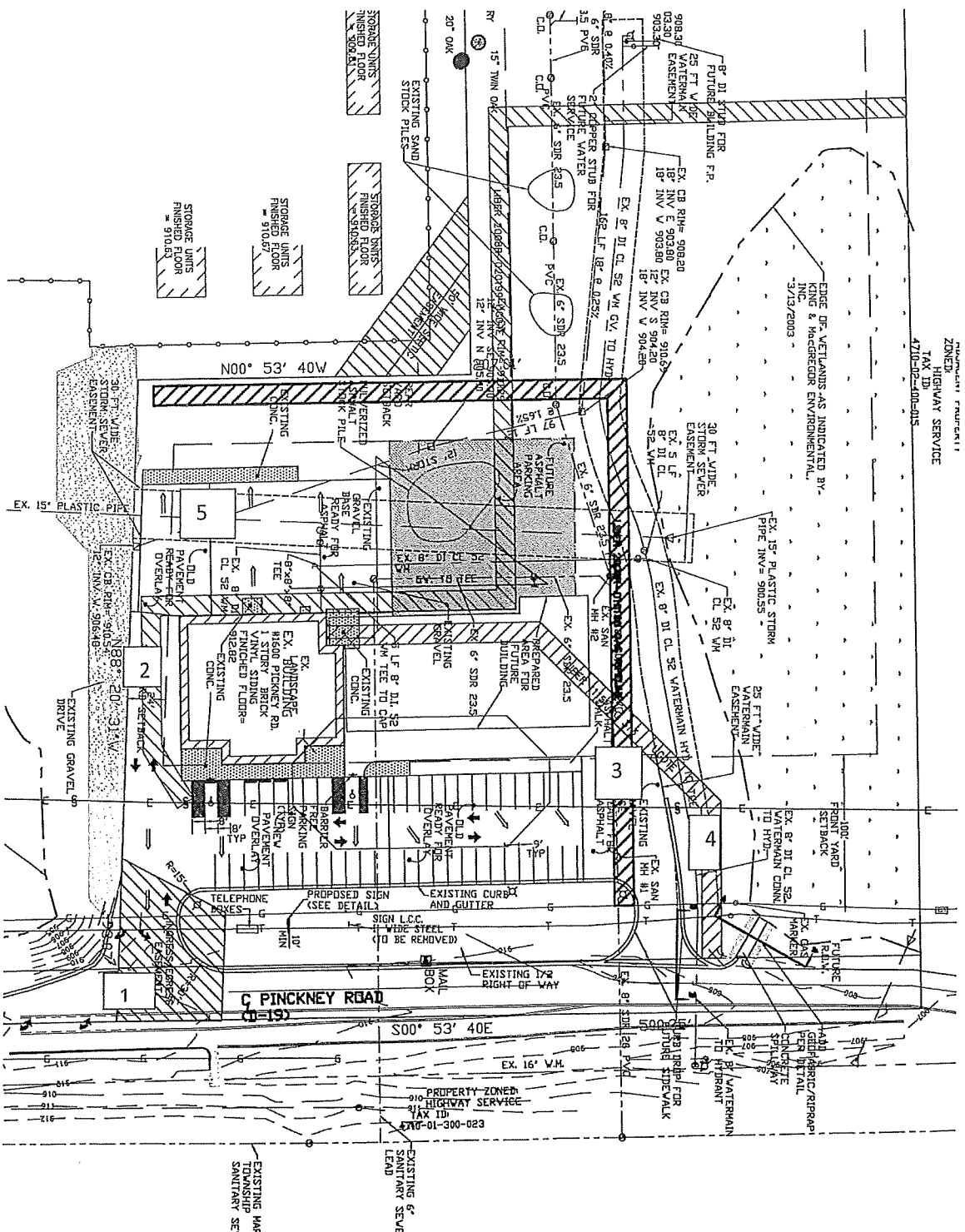
BOSS ENGINEERING
 ENGINEERS • SURVEYORS • PLANNERS
 LANDSCAPE ARCHITECTS
 (E-MAIL: be@bosseng.com)

OAKLAND COUNTY OFFICE:
 GRAND RIVER AVE.
 MI. 48845
 FAX (517) 548-1670

OAKLAND COUNTY OFFICE:
 24435 HALSTED ROAD
 FARMINGTON HILLS, MI. 48335
 (800) 763-0390 FAX (248) 626-9480









TY ZONED:
 Y SERVICE
 X ID:
 -300-023

MUNICIPAL FRANCHISE
 ZONE/HIGHWAY SERVICE
 TAX ID:
 4710-02-400-015



On our title work, we have recorded easements for items 1 – 4 listed above.

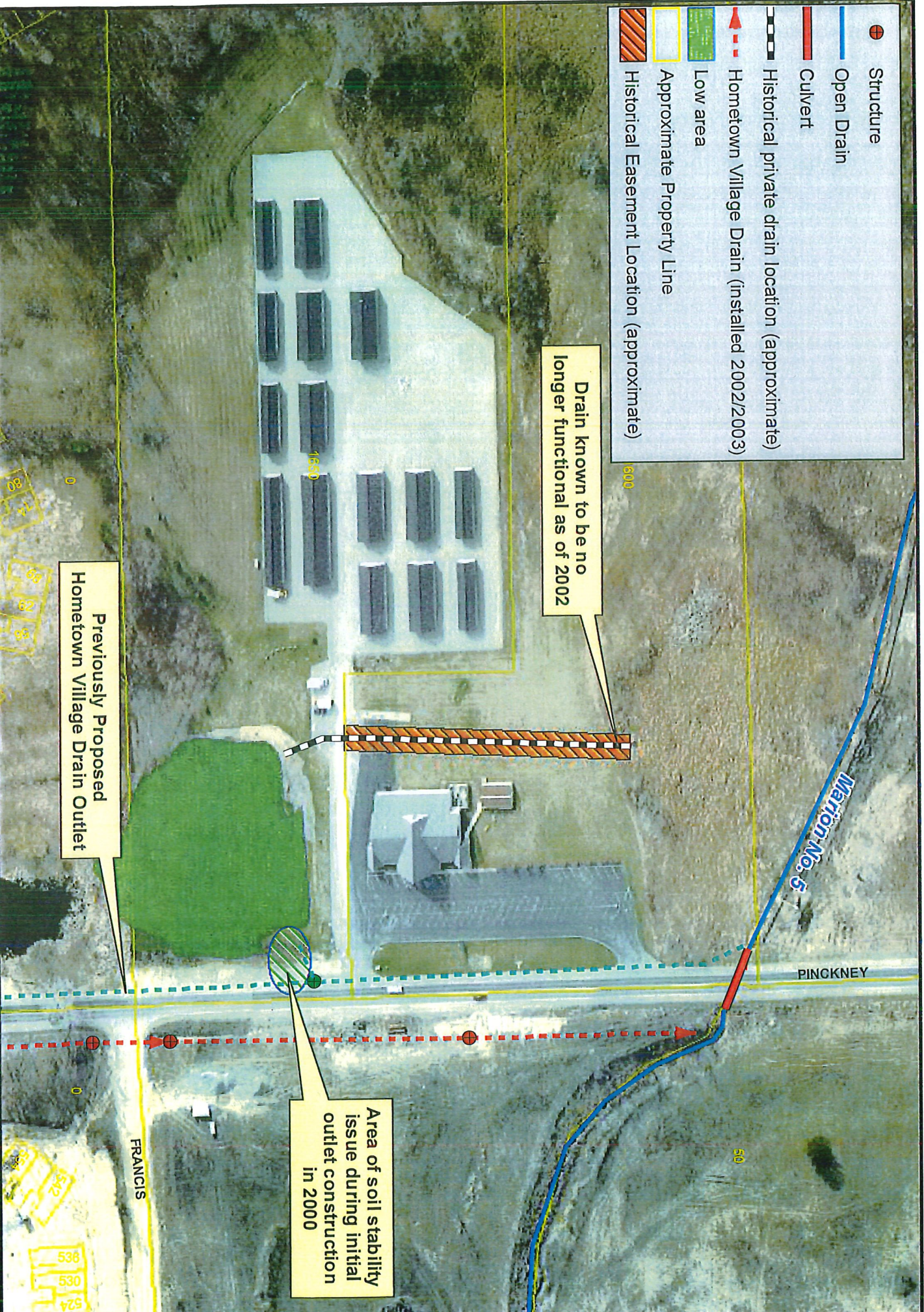
We do not have and cannot find any easement of record for item #5.

-  Structure
-  Open Drain
-  Culvert
-  Historical private drain location (approximate)
-  Hometown Village Drain (installed 2002/2003)
-  Low area
-  Approximate Property Line
-  Historical Easement Location (approximate)

Drain known to be no longer functional as of 2002


Previously Proposed Hometown Village Drain Outlet

Area of soil stability issue during initial outlet construction in 2000



Livingston County Drain Commissioner
 2300 E Grand River
 Howell, MI, 48843
 Orthophoto Flown 2000
 Printed October 24, 2017

McGowan's Mini Storage and Surrounding Area
 Part of the SE 1/4 of Sec. 2 and the SW 1/4 of Sec. 1, T2N, R4E


 1 inch = 150 feet

Dave Hamann

From: Ken Recker <KRecker@livgov.com>
Sent: Tuesday, October 24, 2017 12:26 PM
To: Annette McNamara
Cc: Bob Dymond; Todd J Lekander (todd@cdo10.com); Pat Keough; Phil Westmoreland (philaw@spicergroup.com)
Subject: Proposed D-19 gas station/convenience store SUP #02-17
Attachments: McGowansite2000.pdf; Message from KM_C368 (623 KB)

Dave,

Thank you for the opportunity to comment on the special use for the proposed D-19 gas station. As we discussed on the phone on October 23, 2017, there is a historical drainage issue we are aware of pertaining to this site plan. It involves the storm drainage easement immediately west of the building, as shown on sheet 2 of 3 of the plans prepared by Ace Civil Engineering.

This issue was first brought to the attention of the Drain Commissioner's office in early 2002, during discussions subsequent to a slope stability issue being discovered in the west half of the right-of-way of Howell-Pinckney Road (D-19), immediately south of the entrance to McGowan's mini-storage. At the time the solution to the slope stability issue was being debated, the landowner (Mr. McGowan) had noted concerns regarding drainage outlet function for a low area towards the east side of his property, fronting D-19. While the specifics regarding how the slope stability issue was resolved are probably better explained by the Road Commission, I distinctly recall two outcomes:

1. The pipe was relocated to the east side of D-19 from its previously proposed location on the west side of the road (see the first attachment), and
2. Mr. McGowan was not satisfied with his drainage at the time the Drain Commissioner, Road Commission, and Delcor Homes were dealing with the constructability problem.

The initial plan, for running the Hometown Village Outlet pipe up the west side of D-19, included plans for a high water overflow for the low area on the McGowan property, south of the driveway entrance to the mini-storage. However, with the relocation of the outlet pipe to the east side of D-19 south of Francis Road, the outlet for the McGowan low area was not constructed. You'd mentioned Jack Lowe pumping this area for Mr. McGowan years ago. Our office recently pumped the low area on what is now the Dymond parcel, during high water conditions in the spring of this year.

The expansion plans for Marion Retail Center, which we reviewed in 2007 & 2008, also reflect this easement. There is a notation to the effect that this tile ceased to function in our correspondence to Mr. George Jappaya (in a letter dated April 7, 2008; second attachment). Our understanding is most of the Phase I improvements from the Marion Retail Project were completed, excluding the rear parking lot.

We would request that consideration be given towards a resolution of the historical drainage issue as part of the site plan approval for this project.

If you have any questions give me a call or send me an email.

Sincerely,

Kenneth E. Recker, II, P.E.
Chief Deputy Drain Commissioner



Brian Jonckheere

2300 E. Grand River, Suite 105
Howell, Michigan 48843-7581
(517) 546-6040
Fax (517) 545-9658

April 18, 2008

Mr. George Jappaya
124 Holiday Lane
Howell, MI 48843

Re: Marion Retail Center
Construction Plans Resubmittal
Southeast 1/4 of Section 2
Marion Township

Dear Mr. Jappaya:

I received revised construction plans for the proposed detention basin on the above referenced site and have reviewed the submitted information for conformance with the "Procedures and Design Criteria for Stormwater Management Systems" and with my review letter dated April 3, 2008.

I find that the required storage volume has now been correctly computed at approximately 23,900 cubic feet based on the difference between the required volumes for the pre-development and post-development conditions as summarized below:

Pre-Development Conditions

Tributary Area	3.75 Acres
Runoff Coefficient	0.40
Discharge Rate	0.20 cfs/acre
Permissible Discharge	0.75 cfs
Required Storage Volume	15,309 Ft ³

Post-Development Conditions

Tributary Area	3.75 Acres
Runoff Coefficient	0.87
Discharge Rate	0.20 cfs/acre
Permissible Discharge	0.75 cfs
Required Storage Volume	39,231 Ft ³

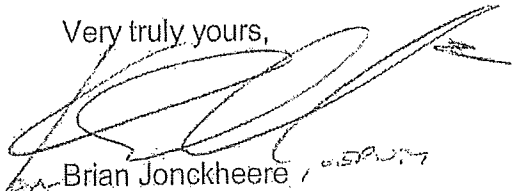
Marion Retail Center Detention Basin
April 18, 2008
Page 2

The elevation-versus-contour area data provided indicates that a storage volume of approximately 24,000 cubic feet will be available between Elevation 901.00 and 904.50. The required one foot of freeboard will be provided between Elevations 904.50 and 905.50. Furthermore, I find that the required forebay volumes, as well as the required volumes for the first flush and bankfull events, have been correctly computed. The outlet control structure has been redesigned and will restrict the discharge from each event in accordance with the L.C.D.C. design standards.

Please be advised that the proprietor to the south, Bob Dymond, has approached this office with concerns regarding the elevation of water on the east side of his property. It appears that this pothole was historically served by a 15-inch single-wall plastic pipe. The location of this pipe is shown on Sheets 2 and 5 of the Boss Engineering plans previously submitted to this office. Based on the elevations of water observed during our April 14, 2008 site meeting, it appears this tile has ceased to function. The failure of this tile represents a potential liability underneath the proposed parking lot, and poses substantial consequences to the southerly property it originally serviced. Unless another agreement between interested parties is reached, I would request that this tile be renewed as a condition of construction of the parking lot behind the existing building.

My review of the construction plans for the Marion Retail Center Detention Basin having a revision date of April 4, 2008, is complete.

Very truly yours,


Brian Jonckheere
Livingston County Drain Commissioner

c: Environmental Engineers, Paul Lewsley
Garlock-Smith, William J. Goodreau
Marion Township
Marion Township Zoning Department (via email)
Orchard, Hiltz & McCliment, Philip Westmoreland

Marion Township
Landscape Operations and Contractor Yard
Plant Nursery
October 17, 2017

SECTION 1. MODIFY SECTION 3.02: DEFINITIONS

[Add the following definitions] **Landscape Contractor's Buildings, Offices and Yards:** A space, building or structure, or combination thereof, used exclusively for the storage of equipment, tools, vehicles, and materials used in or associated with such a business and/or the retail sale of live trees, shrubs or plants not grown on the property. Products used for gardening or landscaping such as, but not limited to, fertilizers, mulch, groundcovers, boulders, etc., may also be sold.

Landscape Contractor's Operation: A business engaged in the practice of improving building sites or other grounds by contouring the land and planting flowers, shrubs, and trees. A Landscaping Contractor's Operation typically consists of equipment, tools, vehicles, and materials used in or associated with such a business.

Plant nursery, greenhouse, farm related: A parcel, area, space, building or structure, or combination thereof, used chiefly for the storage, wholesale sale, or retail sale, of live trees, shrubs, and plants exclusively grown onsite. The area and amount of such structures, equipment, vehicle storage and other areas dedicated to the use shall be consistent with the residential character of the area and shall not adversely impact neighboring properties.

[Delete the following definition]

Nursery, Commercial: A space, building or structure, or combination thereof, used exclusively for the storage or retail sale of live trees, shrubs or plants not grown on the property. Products used for gardening or landscaping such as, but not limited to, fertilizers, mulch, groundcovers, boulders, etc., may also be sold.

[Amend the following definition]

Farm/Farm Operation: As defined by the Right to Farm Act, PA 93 of 1981, as amended.

1. **Farm Operation, Animals.** All aspects of a Farm Operation, Crops, with the addition of the following: use of feed lots; handling and care of farm animals for profit. A Farm Operation, Animals, does not include an Intensive Livestock Operation (ILO.)
2. **Farm Operation, Crops.** The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:
 - a. Marketing produce at roadside stands
 - b. The generation of noise, odors, dust, fumes, and other associated conditions
 - c. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations
 - d. Field preparation and ground and aerial seeding and spraying

Marion Township
Landscape Operations and Contractor Yard
Plant Nursery
October 17, 2017

- e. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides
- f. Use of alternative pest management techniques
- g. The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals not for profit
- h. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes
- i. The conversion from a farm operation activity to other farm operation activities
- j. The employment and use of labor.

This use includes greenhouses, plant nurseries, and orchards, but does not include landscape contractor's operations (see definition).

SECTION 2. MODIFY SECTION 8.01 RR: Rural Residential District

Township Zoning Ordinance Section 8.01 B. titled "Uses Permitted By Right" is modified as follows:

- 1. Single-family dwellings.
- 2. Agricultural buildings and agricultural operations involving no more than two hundred (200) animal units at a density not to exceed 1.4 animal units per acre.
- 3. Plant nursery, greenhouse, farm related.
- 4. Public or private conservation areas, parks, game refuges, and similar uses.
- 5. Family day care homes.
- 6. Adult foster care small group homes.
- 7. Accessory buildings.

Township Zoning Ordinance Section 8.01 C. titled "Permitted Accessory Uses" is modified as follows:

- 1. Accessory uses or structures, clearly incidental to the operation of an existing farm, including:
 - a. Agricultural buildings, pole barns, sheds, greenhouses and similar structures customarily incidental to the permitted principal use.

SECTION 3. MODIFY SECTION 10.01 LI: Light Industrial District

Township Zoning Ordinance Section 10.01 B. titled "Uses Permitted By Right" is amended to add the following new Subsection 10.01 B. 16.

(16) Landscape Contractor's Buildings, Offices and Yards

Marion Township
Vehicle Storage in Commercial District
Outdoor Vehicle Storage
October 26, 2017

SECTION 1. MODIFY TABLE OF CONTENTS ARTICLE XVII: STANDARDS FOR SPECIFIC SPECIAL LAND USES

*[Add the following]*Section 17.34 Outdoor Vehicle Storage

SECTION 2. MODIFY SECTION 3.02 DEFINITIONS

*[Add the following definition]***Motor Vehicle:** Any vehicle which is self-propelled.

Recreational Vehicle: Includes travel trailers, pickup campers, motor homes, folding tent trailers, boats, boat trailers, snowmobiles, all terrain or special terrain vehicles, utility trailers, and similar equipment used for transporting recreational equipment.

Vehicle: Every device in, upon, or by which any person or property is or may be transported or driven upon a highway except devices moved by human power or used exclusively upon stationary rails or tracks.

*[Delete the following definition]***Recreational Vehicle:** A vehicle primarily designed and used as a temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

SECTION 3. MODIFY SECTION 9.01 HS: Highway Service District

Township Zoning Ordinance Section 9.01 D. titled "Uses Permitted By Special Use Permit" is modified to include Subsection 9.01 D. 11.

11. Outdoor Vehicle Storage, subject to additional requirements found in Section 17.34.

SECTION 4. MODIFY ARTICLE XVII: STANDARDS FOR SPECIFIC SPECIAL LAND USES

Township Zoning Ordinance Article XVII is modified to include Subsection 17.34.

Section 17.34 Outdoor Vehicle Storage

- A. Location Requirements:** Outdoor Vehicle Storage uses are permitted by Special Use Permit in the Highway Service District.
- B. Site Requirements**
 1. The minimum lot area shall be three (3) acres.
 2. Site Design and layout shall meet all applicable requirements and standards of Article VI: GENERAL PROVISIONS, and Article XVIII: SITE PLAN REQUIREMENTS
- C. Performance Standards**
 1. All vehicle storage sites shall contain a permanent enclosed office building.
 2. No vehicles shall be stored in the front yard, or, if applicable, exterior side yard.

Marion Township
Vehicle Storage in Commercial District
Outdoor Vehicle Storage
October 26, 2017

3. All lighting shall be shielded from adjacent residentially used or zoned districts.
4. No major repair or major refinishing shall be done on the lot.
5. Motor homes, mobile homes, or other large vehicles over eight (8) feet in height shall be parked or stored any nearer to the property line than the required minimum setback distance of the HS: Highway Service District.
6. All such recreational vehicle and equipment storage must be operable and licensed to operate on the highways of the State of Michigan.

D. Buffering Requirements:

1. The front yard and, if applicable, exterior side yard/s, shall be planted with trees, grass, and shrubs. The spacing and type of plant materials shall be consistent with the provisions of Section 6.13.
2. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around the periphery of the site to screen said site from surrounding property. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. Such fence, wall or berm shall be of permanent finish and construction.
3. Dependent on provided screening and buffering, required setbacks may be reduced or modified.

RECEIVED

NOV 13 2017

**APPLICATION FOR REZONING
MARION TOWNSHIP
LIVINGSTON COUNTY, MICHIGAN**

I/we, the undersigned, do hereby make application to and petition the Marion Township Board to amend the township zoning ordinance and change the zoning map of Marion Township as hereinafter requested. In support of this application, the following facts are shown:

Name of Applicant ATR Group
Address 3111 PINCKNEY RD
City/State/Zip HOWELL MI 48843
Phone/Fax 248 505 3030 / 877 879 2915

If applicant is not the owner, please provide the following, along with a letter of authorization signed by the owner:

Name of Owner _____
Address _____
City/State/Zip _____
Phone/Fax _____

Property Information

Address/Location 3111 PINCKNEY RD
Parcel ID # 4710-24-100-006
Parcel Size 6.257
If multiple lots, are they contiguous? N/A

Legal description and certificate of survey for land proposed to be rezoned **(please attach)**

Present zoning classification RURAL RESIDENTIAL
Requested zoning classification HIGHWAY SERVICE
CONDITIONAL

FEE SCHEDULE
\$500 fee
\$3,000 escrow

I hereby attest that the information on this application is, to the best of my knowledge, true and accurate.

[Signature] 11/13/17
Signature of Applicant Date

Office Use Only		
Date Received: <u>11/13/17</u>	Fee Paid: <u>3500</u>	Legal Description: _____
Materials Received: _____	Site Plans: _____	Application #: <u>01-17</u>
Application accepted by: <u>[Signature]</u>		

RECEIVED

NOV 13 2017

CONDITIONAL RE-ZONING OF BARN PARCEL ONLY

4710-24-100-006

MARION TOWNSHIP

Conditions:

- Proposed use meets the intent of Highway Service
 - The Highway Service District (HS) is intended to accommodate retail business and service activities which serve the particular needs of the highway traveler and/or meet the consumer needs of a more regional population than that of Marion Township
 - The intent of this District is to provide for retail businesses, personal, and business service establishments and small warehouses developed along major arterial roads in a fashion that minimizes traffic congestion, traffic conflicts, and traffic hazards
- All other parcels unchanged and remain ag tourism, rural residential, and agricultural
- There will be no new development, grading, clearing, alterations, drives, landscaping, or any changes, including utilities, to the property for the intended commercial use. No on-site preparation of food or meals to be included in any part of the commercial use or application.
- Keep boundaries of barn parcel as is. 14.03, Highway Service, allows parking on adjacent premises, and outdoor area is already within the boundaries
- Re-zoning is for seasonal, Saturday social events only and therefore will not be required to comply with any regulations cited in the Ordinance regarding and relating to Highway Service Requirements, including but not limited to
 - No buffering, screening, or fencing between re-zoned parcel and remaining parcels
 - No site requirements to be met
 - No Uses by Right in Highway Service to be permitted, as listed in 9.01 B
 - No Special Use Activities in Highway Service to be permitted, as listed in 9.01 D
 - No taxing of personal property
 - Primary use of parcel, 7 days a week, to remain and be residential, agriculture, and ag tourism
 - All residential rights and uses to continue on and be permitted on the re-zoned parcel and not be altered or changed
 - All Agricultural rights and uses to continue on and be permitted on the re-zoned parcel and not be altered or changed
 - All Ag tourism approved uses, therapy, riding, school trips, farm market, U-pick, farm tours, including the use of the barn, that are permitted on the other parcels, to continue on and be permitted on the re-zoned parcel and not be altered or changed
 - Driveway access for entering all other parcels, and their uses, to continue on and be permitted on and not be altered or changed
 - Parking lot to remain as is and continue on and be permitted on for ag tourism and residential uses as well as commercial events one day a week
 - Drive to remain as is. It is 25 feet wide, with one 20 foot wide gate, meeting fire department requirements
- Loading and unloading areas and dumpster area are delineated, and dumpster screened
- Only Commercial activity permitted will be seasonal, Saturday social events, ending at 10:30
- Social events include, but are not limited to, weddings, meetings, parties, etc.

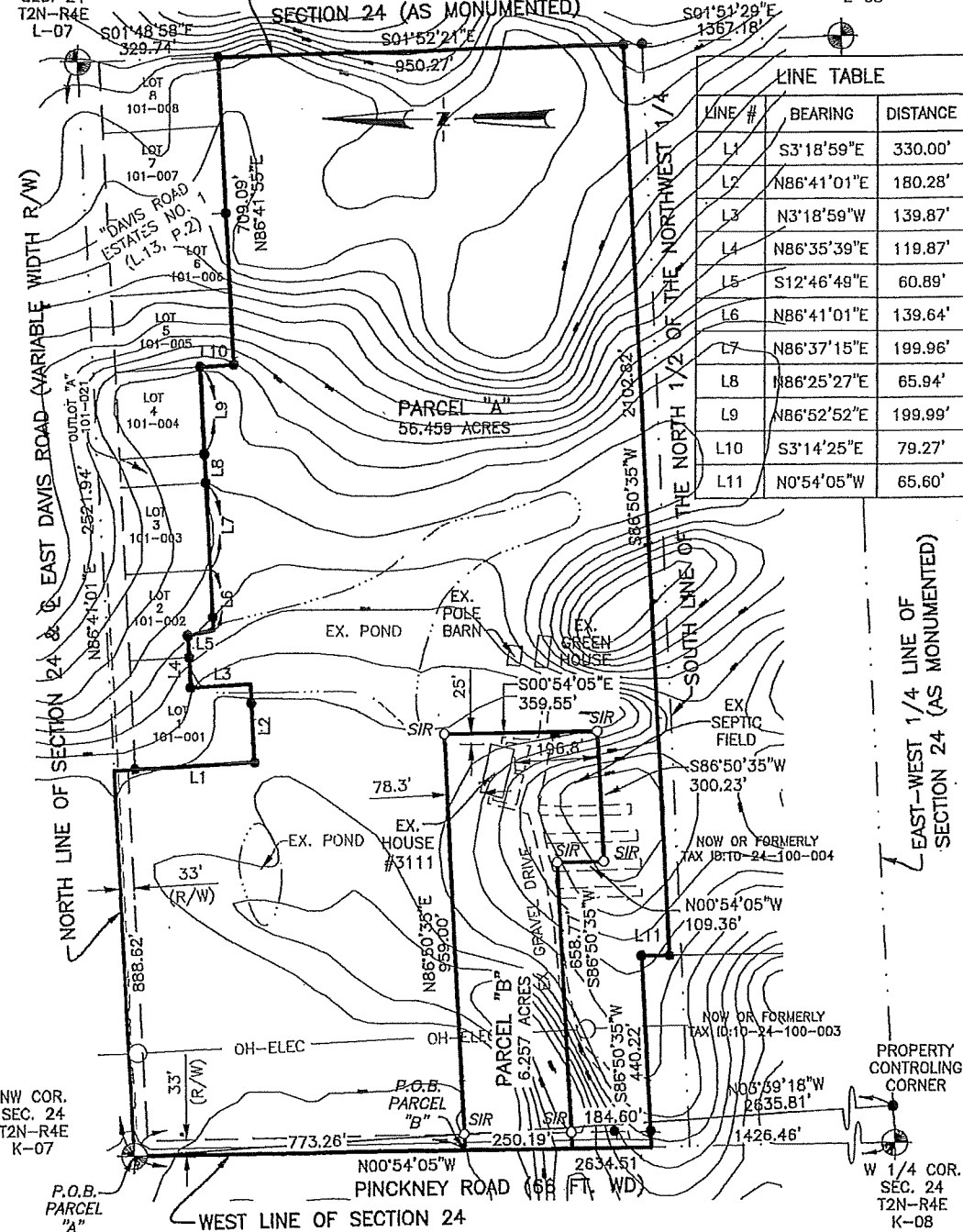
PROPOSED LAND DIVISION

(RESULTANT PARCELS)

C.O.S.
SEC. 24
T2N-R4E
L-08

N 1/4 COR.
SEC. 24
T2N-R4E
L-07

NORTH & SOUTH 1/4 LINE OF
SECTION 24 (AS MONUMENTED)



LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S3°18'59"E	330.00'
L2	N86°41'01"E	180.28'
L3	N3°18'59"W	139.87'
L4	N86°35'39"E	119.87'
L5	S12°46'49"E	60.89'
L6	N86°41'01"E	139.64'
L7	N86°37'15"E	199.96'
L8	N86°25'27"E	65.94'
L9	N86°52'52"E	199.99'
L10	S3°14'25"E	79.27'
L11	N0°54'05"W	65.60'

NW COR.
SEC. 24
T2N-R4E
K-07

W 1/4 COR.
SEC. 24
T2N-R4E
K-08

Allan W. Pruss

REGISTERED LAND SURVEYOR No. 44284

I HEREBY CERTIFY that I have surveyed and mapped the land above plotted and/or described on 3/23/16, and that all of the requirements of P.A. 132, 1970, as amended, have been complied with, and that the ratio of closure on the unadjusted field observations of such survey was no greater than 1 in 10,000.
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ENGINEERS • SURVEYORS • CONSULTANTS • LANDSCAPE ARCHITECTS • LAND PLANNERS



638 SOUTH GRAND AVE.
FOWLERVILLE,
MICHIGAN 48836
(OFFICE) 517-223-3512
(FAX) 517-223-9987

CLIENT: **AJR GROUP**

NW 1/4, SEC 24, T2N-R4E, MARION TWP.
(M) - Measured Dist. (R) - Recorded Dist.
● MON - Found Concrete Monument
● FIR/P - Found Iron Rod/Pipe
○ SIR - Set Iron Rod
⊗ MAC - Set Magnetic Nail
P.O.B./E. - Point of Beginning/Ending
● - Soil Evaluation Dig
*** - Fence

LEGAL DESCRIPTION

(AS PROVIDED)

Legal Description Parent Parcel Tax Id:10-24-100-001

(Per previous survey performed by Desine Inc., Dated: 01/21/15, Job #1-11-24-142522)

Situated in the Township of Marion, County of Livingston and State of Michigan, being more particularly described as follows:

A part of the North 1/2 of the Northwest 1/4 of Section 24, Town 2 North, Range 4 East, being more particularly described as follows:

BEGINNING at the Northwest Corner of said Section 24; thence N86°41'01"E 888.62 feet along the North line of said Section 24 and the nominal centerline of East Davis Road (33 foot wide 1/2 Right-of-Way); thence along the boundary of "Davis Road Estates No. 1," according to the plat thereof, as recorded in Liber 13 of Plats, Page 2, Livingston County Records, the following eleven courses:

- (1) S03°18'59"E (platted S02°02"E) 330.00 feet,
- (2) N86°41'01"E 180.28 feet (platted N87°58'E 180 feet),
- (3) N03°18'59"W 139.87 feet (platted N2°02'E 140 feet) to a found monument,
- (4) N86°35'39"E 119.87 feet (platted N87°58'E 120 feet) to a found monument,
- (5) S12°46'49"E 60.89 feet (platted S11°29'50"E 60.83 feet),
- (6) N86°41'01"E 139.64 feet (platted N87°58'E 140 feet),
- (7) N86°37'15"E 199.96 feet (platted N87°58'E 200 feet) to a found monument
- (8) N86°25'27"E 65.94 feet (platted N87°58'E 66 feet) to a found monument,
- (9) N86°52'52"E 199.99 feet (platted N87°58'E 200 feet) to a found monument,
- (10) S03°14'25"E 79.27 feet (platted S2°02'E 80.00 feet) to a found monument and
- (11) N86°41'55"E 709.09 feet (platted N87°58'E 708.93 feet) to a found monument, which is distant 329.74 feet S01°48'58"E from the North 1/4 Corner of said Section 24; thence S01°52'21"E 950.27 feet along the North-South 1/4 line of said Section 24 (as established by previous surveys); thence S86°50'35"W 2102.82 feet (record S86°50'15"W 2102.69 feet) along a line parallel with and 43.57 feet Northerly of the South line of the North 1/2 of the Northwest 1/4 of said Section 24 (as established by previous surveys); thence along the boundary line of Parcel described in Warranty Deed (Liber 640, Page 161, Livingston County Records), the following two courses:

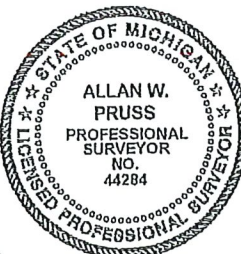

- (1) N00°54'05"W 65.60 feet and
- (2) S86°50'35"W (record S88°16'W) 440.22 feet;

thence N00°54'05"W 1208.05 feet along the West line of said Section 24, also being (in part) the nominal centerline of Pinckney Road (D-19)-33 foot wide 1/2 Right-of-Way, to the Place of Beginning. Subject to the rights of the public over that portion thereof occupied by East Davis Road and Pinckney Road (D-19), also subject to the public trust and the rights (if any) of the other riparian owners in the waters of Marion No. 3 Drain, also subject to and together with all easements and restrictions affecting title to the above described premises.

Allan W. Pruss

REGISTERED LAND SURVEYOR No. 44284

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	ENGINEERS · SURVEYORS · CONSULTANTS · LANDSCAPE ARCHITECTS · LAND PLANNERS 	CLIENT: AJR GROUP NW 1/4, SEC 24, T2N-R4E, MARION TWP. (M) - Measured Dist. (R) - Recorded Dist. ● MON - Found Concrete Monument ● FIR/P - Found Iron Rod/Pipe ○ SIR - Set Iron Rod ∅ MAG - Set Magnetic Nail P.O.B./E. - Point of Beginning/Ending ● - Soil Evaluation Dig *-*-* - Fence
	638 SOUTH GRAND AVE. FOWLERVILLE, MICHIGAN 48836 (OFFICE) 517-223-3512 (FAX) 517-223-9987	DATE: 4/4/2016 DR. BY: DC CHK: AP SCALE: N/A SHEET: 3 of 4 FILE: 16-028_Bndy JOB No. 16-028

LEGAL DESCRIPTIONS

(AS SURVEYED)

Legal Description Parcel "A"

A part of the Northwest 1/4 of Section 24, T2N-R4E, Marion Township, Livingston County, State of Michigan, being more particularly described as follows:

Beginning at the Northwest corner of Section 24; thence N86°41'01"E, along the North line of said Section 24 and centerline of East Davis Road (Variable Width Right-of-Way), 888.62 feet to the Northwest corner of "Davis Road Estates No. 1", according to the plat thereof, as recorded in Liber 13, Page 2 of Livingston County Records; thence along the boundary of said "Davis Road Estates No. 1", the following eleven courses:

- (1) S03°18'59"E, 330.00 feet; thence
- (2) N86°41'01"E, 180.28 feet; thence
- (3) N03°18'59"W, 139.87 feet; thence
- (4) N86°35'39"E, 119.87 feet; thence
- (5) S12°46'49"E, 60.89 feet; thence
- (6) N86°41'01"E, 139.64 feet; thence
- (7) N86°37'15"E, 199.96 feet; thence
- (8) N86°25'27"E, 65.94 feet; thence
- (9) N86°52'52"E, 199.99 feet; thence
- (10) S03°14'25"E, 79.27 feet; thence
- (11) N86°41'55"E, 709.09 feet to a point on the North & South 1/4 line of Section 24 (As Monumented); thence S01°52'21"E along said North & South 1/4 line of Section 24, 950.27 feet; thence S86°50'35"W, 2102.82 feet; thence N00°54'05"W, 65.60 feet; thence S86°50'35"W, 440.22 feet to the West line of Section 24; thence ALONG SAID West line N00°54'05"W, 184.60 feet; thence N86°50'35"E, 658.77 feet; thence S00°54'05"E parallel with said West line of Section 24, 109.36 feet; thence N86°50'35"E, 300.23 feet; N00°54'05"W, 359.55 feet; thence S86°50'35"W, 959.00 feet to the West line of Section 24; thence along said West line N00°54'05"W, 773.26 feet to the Point of Beginning containing 57.212 acres also subject to the rights of the public over East Davis Road (Variable Width Right-of-Way) and Pinckney Road (66 Ft. Wd. Right-of-Way), also subject to any other easements or restrictions of record.

Legal Description Parcel "B"

A part of the Northwest 1/4 of Section 24, T2N-R4E, Marion Township, Livingston County, State of Michigan, being more particularly described as follows:

Commencing at the Northwest corner of Section 24; thence S00°54'05"E along West line of Section 24, 773.26 feet to the Point of Beginning of Parcel to be described; thence N86°50'35"E, 959.00 feet; thence S00°54'05"E parallel to said West line of Section 24, 359.55 feet; thence S86°50'35"W, 300.23 feet; thence N00°54'05"W, 109.36 feet; S86°50'35"W, 658.77 feet; thence to the West line of Section 24; thence along said West line N00°54'05"W, 250.19 feet to the Point of Beginning containing 6.257 acres also subject to the rights of the public over Pinckney Road (66 Ft. Wd. Right-of-Way), also subject to any other easements or restrictions of record.

Bearing Reference

Bearings are based on a previous survey performed by Desine Inc., Dated: 01/21/15, Job 1-11-24-142522.

Sections corner Witnesses

NW corner Section 24, K-07

Found Remonumentation cap, per the position as described and recorded in LSC#232m Livingston County Records.

N 1/4 corner Section 24, L-07

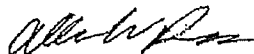
Found Remonumentation cap, per the position as described and recorded in LSC#234m Livingston County Records.

W 1/4 corner Section 24, K-08

Found Remonumentation cap, per the position as described and recorded in LSC#200m Livingston County Records.

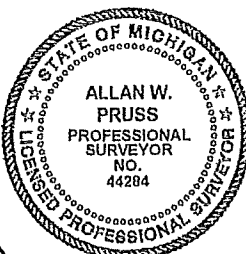

Center Section 24, L-08

Found Remonumentation cap, per the position as described and recorded in LCRC# 2009CR-0002 Livingston County Records.



REGISTERED LAND SURVEYOR No. 44284

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	ENGINEERS • SURVEYORS • CONSULTANTS • LANDSCAPE ARCHITECTS • LAND PLANNERS 	CLIENT: AJR GROUP NW 1/4, SEC 24, T2N-R4E, MARION TWP.
	638 SOUTH GRAND AVE. FOWLerville, MICHIGAN 48836 (OFFICE) 517-223-3512 (FAX) 517-223-9987	(M) - Measured Dist. (R) - Recorded Dist. ● MON - Found Concrete Monument ● FIR/P - Found Iron Rod/Pipe ○ SIR - Set Iron Rod ✕ MAG - Set Magnetic Nail P.O.B./E. - Point of Beginning/Ending ● - Soil Evaluation Dig * * * - Fence
DATE: 4/4/2016		DR. BY: DC CHK: AP
SCALE: N/A	SHEET: 4 of 4	FILE: 16-028_Bndy JOB No. 16-028

RECEIVED

NOV 16 2017

MARION TOWNSHIP

APPLICATION FOR SITE PLAN REVIEW

Date: 11/14/17

Parcel I.D. Number: #10-31-180-039

MARION TOWNSHIP

Property Owner(s) Name (Print or Type):
Katherine Maur

Mailing Address (Print or Type):
5326 Pingree Rd

City, State, ZIP (Print or Type):
Howell, MI 48843

Phone (Print or Type):
734-915-0697

Applicant(s) Name (Print or Type):

Mailing Address (Print or Type):

City, State, ZIP (Print or Type):

Phone (Print or Type):

Name of Proposed Development: Arena

Location of Proposed Development (address): Same

N E S W Side of Side Pingree Rd Road between
Vines and Schafer Roads

- The property owner(s) must sign this application. In lieu of the owner(s) signature on this application, the owner may provide a letter authorizing the applicant to act on his / her behalf. This application will not be processed until authorized by the property owner and/or the authorized applicant.

Brief Description of the Proposed Development and / or Project (Land Use): New indoor arena connected to my current barn

I hereby grant permission for members of the Planning Commission, Zoning Administrator or their appointed designee to enter the above-described property for the purpose of gathering information related to this application.

Owner(s) of Record Signature: [Signature]

Applicant(s) Signature (if other than owner): _____

Date: 11/15/17

SITE PLAN FEE 500
ESROW 2500

Row J. Hancock 11/16/17

Attention to the members of The Planning Commission of Marion Township:

My name is Katie Mair, and I own and operate Sterling Training Center, Inc. I have been in business at the address of 5326 Pingree Road, Marion Township, MI for 15.5 years, and have trained numerous national and world champion Morgan show horses and riders. My intention for the proposed arena space is to have a longer indoor arena to properly prepare my show horses for competition. Though I have operated a successful training program for 15+ years using the small arena space I currently have (60 x 100 feet, total 6000 square feet), I feel that my business will be much more successful with a longer and bigger space (60 x 200, total 12,000 square feet-proposed). I do NOT intend to add any more horses or stalls to the property.

Below I addressed some of the criteria from section 17.28 Stables (commercial) that were not addressed directly on the site plan:

C2: Some manure is taken off the property by a dumpster service. The remainder is piled in an appropriate area, rotated until properly composted, and is loaded by many individuals, including but not limited to farmers, landscapers, tree farmers, and individual home owners looking to improve their soil quality. We use a front end loader to load dump trucks, trailers, and trucks full of composted manure.

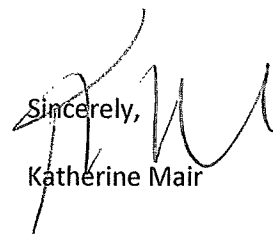
D1: Sterling Training Center provides a safe and fun environment for families to learn to ride beautiful Morgan horse under the direction of an instructor with 30+ years of experience. Sterling does operate within all local, state, and federal regulations.

D2: The horses at Sterling Training Center receive the very best care. These horses eat the finest hay and grain, and are exercised under the direction of a skilled professional trainer daily. These horses receive regular vaccinations, dental care, vet care, and are blanketed during periods of inclement weather, and each have a personal fan in the summer heat. They also receive fresh water several times a day, and a clean and freshly bedded stall daily.

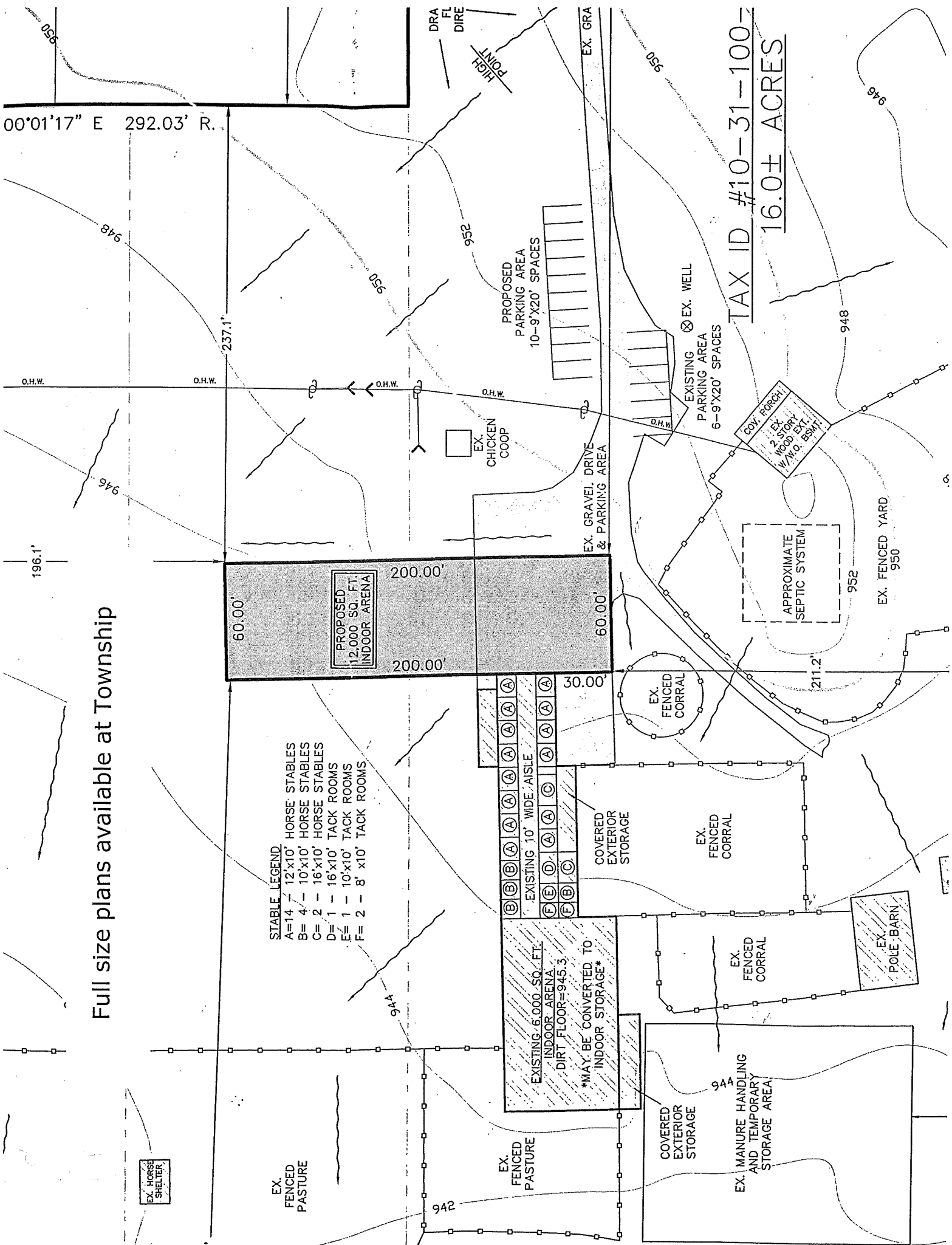
D8: When I was emailing with Annette McNamara, the Zoning Administrator, in the spring of 2017, she asked the Township planner to clarify this statement because it did not specify total arena space. Rather, that any arena space could not exceed 15,000 square feet. The Township planner's answer was that a second arena could be built as long as it didn't exceed 15,000 square feet. If this is an issue, the existing arena would be converted for storage of vehicles, tractor, trailers, etc. I can provide those pertinent emails, if necessary.

We did spend a significant amount of money to survey the proposed area due to the fact that the attached email stated that I could build a second arena as long as it did not exceed 15,000 square feet in space.

Thank you for your time and consideration with this matter.

Sincerely,

Katherine Mair

Full size plans available at Township



00°01'17" E 292.03' R.

O.H.W. O.H.W. O.H.W. O.H.W.

196.1'

237.1'

60.00' 200.00' 200.00' 60.00'

PROPOSED
12,000 SQ. FT.
INDOOR ARENA

- STABLE LEGEND**
- A=14 - 12'x10' HORSE STABLES
 - B=4 - 10'x10' HORSE STABLES
 - C=2 - 16'x10' HORSE STABLES
 - D=1 - 16'x10' TACK ROOMS
 - E=1 - 10'x10' TACK ROOMS
 - F=2 - 8' x10' TACK ROOMS

PROPOSED
PARKING AREA
10-9'x20' SPACES

EXISTING
PARKING AREA
6-9'x20' SPACES

TAX ID #10-31-100-
16.0± ACRES

EX. CHICKEN COOP

EX. GRAVEL DRIVE & PARKING AREA

APPROXIMATE SEPTIC SYSTEM

EX. FENCED YARD 950

EX. FENCED CORRAL

COVERED EXTERIOR STORAGE

EX. FENCED CORRAL

EXISTING 6,000 SQ. FT. INDOOR ARENA
DIRT FLOOR=945.3

MAY BE CONVERTED TO INDOOR STORAGE

COVERED EXTERIOR STORAGE

EX. MANURE HANDLING AND TEMPORARY STORAGE AREA

EX. POLE BARN

EX. HORSE SHELTER

EX. FENCED PASTURE

EX. FENCED PASTURE

942

944

948

946

DRA FL DIRE
HIGH POINT

952

950

948

952

211.2'

9

949

**SPECIAL USE PERMIT
MARION TOWNSHIP, LIVINGSTON COUNTY**

Application No: 03-02

Date: 11-21-02

Name of Applicant: Katherine Mair
Address of Applicant: 5326 Pingree Road Howell 48843
Phone Number of Applicant: 734-954-0593
Tax Code Number of the Parcel: 4710-31-100-036

The above applicant is: Owner _____ Purchaser _____ Representative X

Purchaser or other will need a letter of permission from owner.

Please attach the following to your request, these are needed for determining administrative completeness:

- The current zoning of the property involved. Rural Residential
- Twenty (20) of the required site-plan per section 18.03 of the Marion Township Zoning Ordinance.
- Supporting documentation with regard to all the provisions of the Marion Township Zoning Ordinance pertaining to a Special Use request.

*The undersigned agrees to comply with all the requirements for which this application is made and will conform with the ordinances affecting Marion Township, Livingston County.

*Further, the undersigned acknowledges being responsible for all costs incurred by the Township in relation to this request. Such costs included, but are not limited to: Engineering reviews, legal fees, newspaper notices, postage, etc. The undersigned understands final approval is subject to complete payment of all incurred fees and any outstanding escrow balances.

Katherine Mair
Applicant's Name (print)

Katherine Mair
Applicant's Signature

Fee Received: \$ 500 Escrow amount: \$ 1000

Application received by: Janette McNamee

Sterling Training Center, Inc.
Commercial Stable Application
December 17, 2002

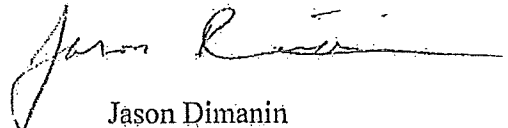
Jason Dimanin
5326 Pingree Road
Howell, MI 48843

Marion Township Hall
Attn: Annette McNamara

To whom it may concern:

Katherine Mair of Sterling Training Center, Inc., is representing Jason Dimanin, the property owner of 5326 Pingree Road in the process of applying for a commercial stable permit. Katherine Mair will speak on behalf of Jason Dimanin at the Planning Commission Meeting on December 17, 2002 regarding the application of a commercial stable permit.

Sincerely,

A handwritten signature in cursive script that reads "Jason Dimanin". The signature is written in black ink and is positioned above the printed name.

Jason Dimanin

ORIGINAL

MORTGAGE INSPECTION

PAGE 1 OF 2

Do Not Scale 1"=200'

Date 05/13/02

Revised

NOTE: Our work does not include a title search. There may be easements or other encumbrances upon the land which may not be shown on this Mortgage Inspection. Legal description as furnished to us by others.

Legal Description



483.46' (TOTAL)

S01°23'35"W N01°23'35"E

317.67' 145.79'

PARCEL E-3 VACANT

CONTAINING 10.91 ACRES OF LAND, MORE OR LESS FOR PARCEL I

CONTAINING 3.0 ACRES OF LAND, MORE OR LESS FOR PARCEL E-3

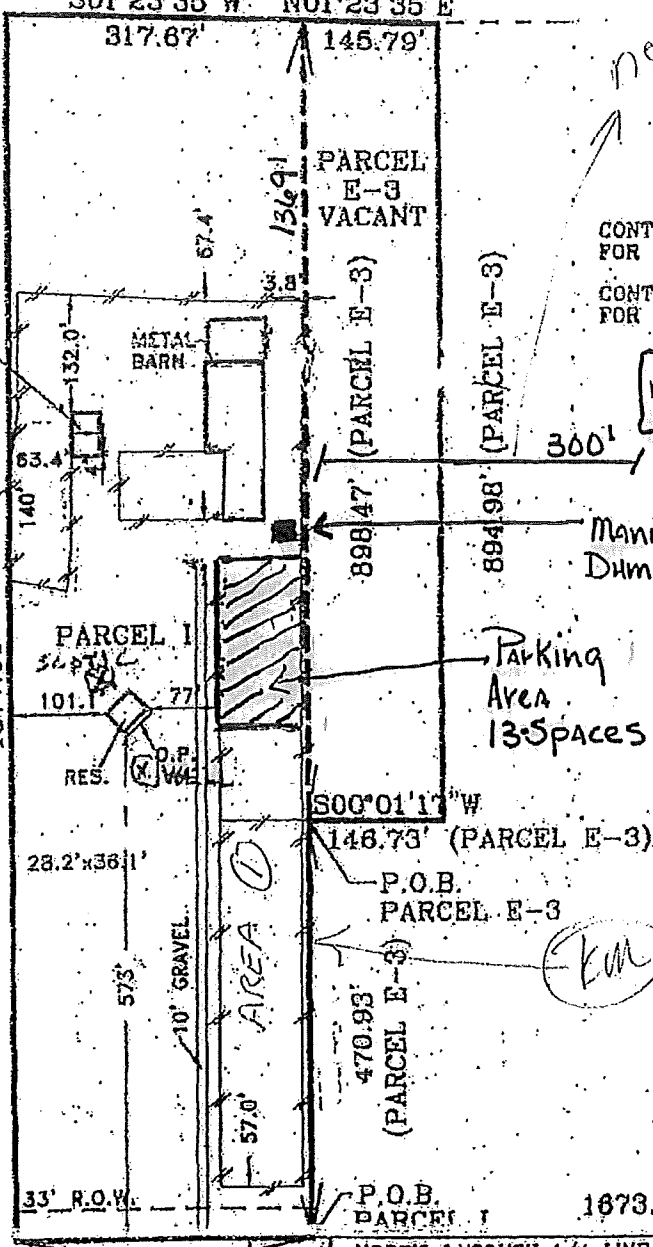
neighbors Home

Manure Dumpster

Parking Area 13 Spaces



Ken Kak initiated change



N00°01'17"E 317.53'

NORTH & SOUTH 1/4 LINE OF SECTION 31

0° PINGREE RD. 1672.57'

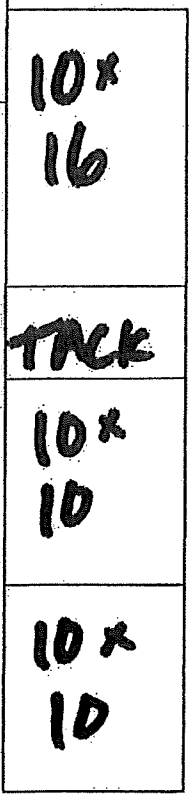
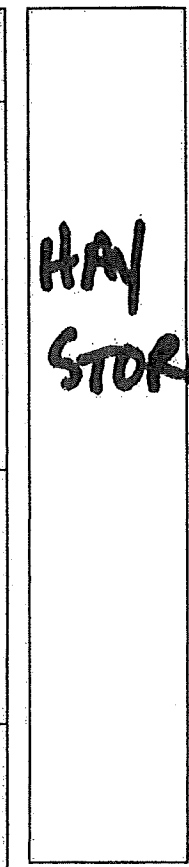
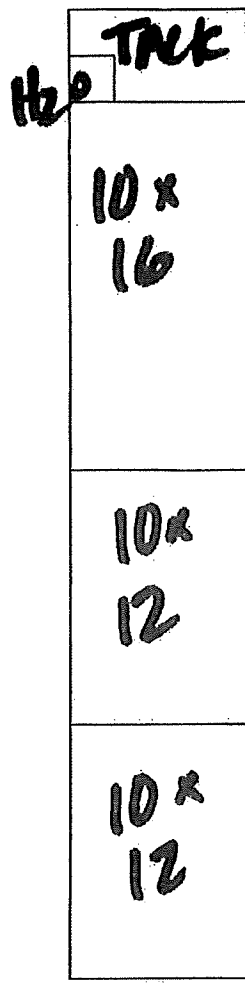
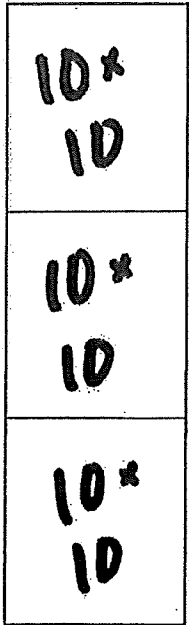
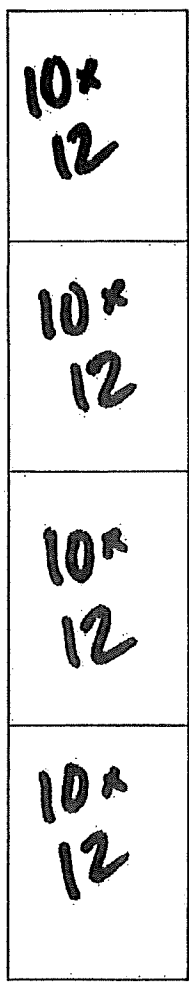
S00°01'17"W 1673.57' (PARCEL E-3) NW 1/4 COR. OF SEC. 31

We hereby certify to all title companies and to:

1/28/03

GREAT LAKES FINANCE

ENTRANCE



Section 16.05 special land use compliance standards

1. We are harmonious with and in accordance with the rural residential character of the Township.
2. The barn is about 850 feet from the road. Our land backs up to state land. The house is set about 600 feet from the road. The buildings are designed, constructed, operated and maintained so as to be appropriate in appearance with the existing and intended character of the general vicinity.
3. The property is not and will not be hazardous or disturbing to existing or future uses. The property is beautiful. We had added a considerable amount of landscaping and trees. We keep the grounds neat and clean. The barn is kept very tidy, and manure is hauled away by a waste company once a week. The property as a whole will substantially improve property in the immediate vicinity and in the community as a whole.
4. We will be served adequately by essential public facilities and services.
5. We will not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, or general welfare.
6. We meet the intent and purpose of the zoning regulations. We are related to the standards established in the Ordinance for the use or under consideration, and will be in compliance with these standards.
7. Landscaping shall be preserved in its natural state, by minimizing tree and soil removal, etc. We have added trees, and plan to continue to add more.
8. Special attention shall be given to proper site surface drainage.
9. All exterior lighting is arranged so that it is deflected away from adjacent properties and streets.
10. We meet the site plan review requirements of Article XVIII.
11. We conform to all applicable state and federal requirements for the use.

MORTGAGE INSPECTION

PAGE 1 OF 2

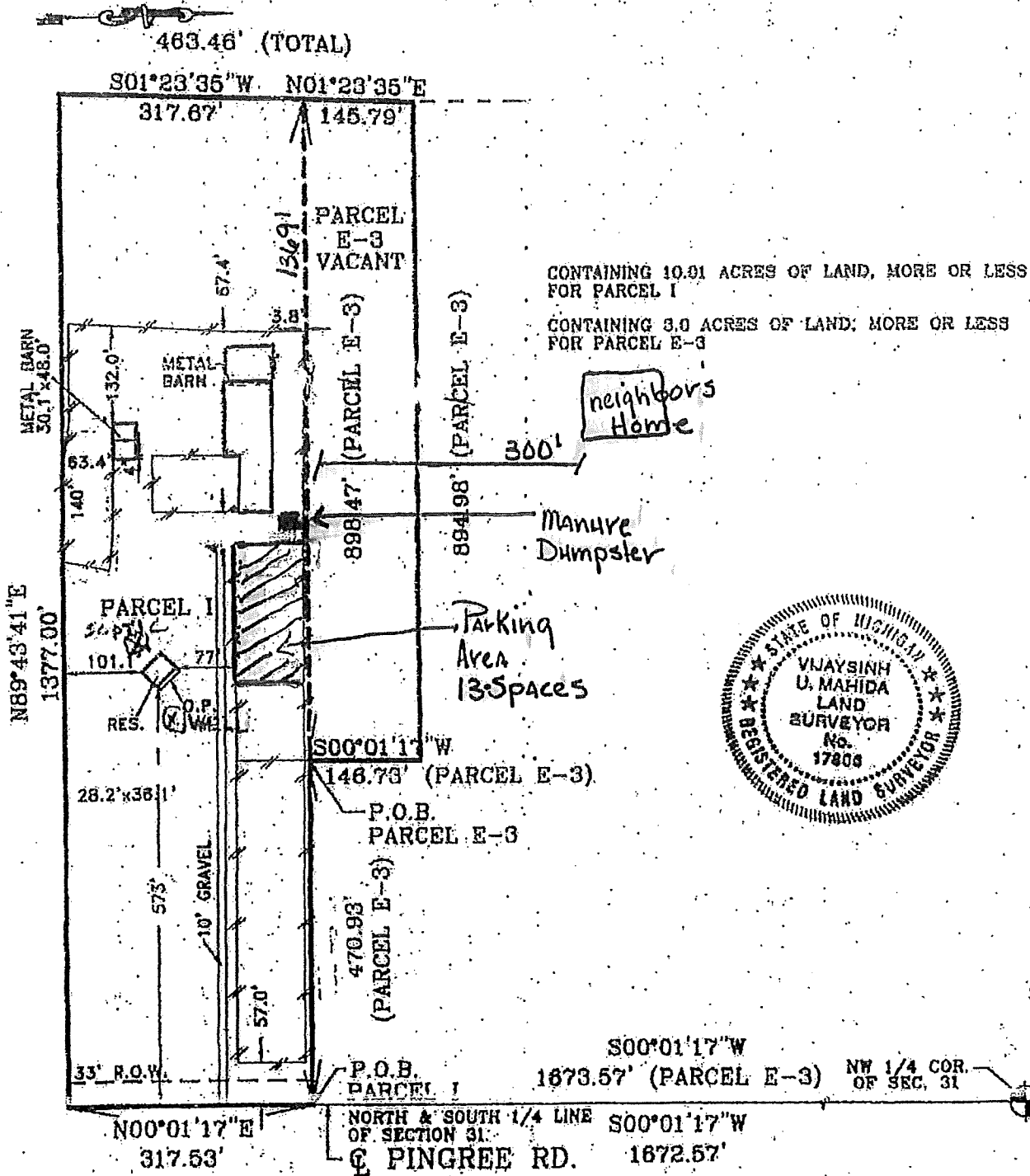
Do Not Scale 1"=200'

Date 05/16/02

Revised

NOTE: Our work does not include a title search. There may be easements or other encumbrances upon the land which may not be shown on this Mortgage Inspection. Legal description as furnished to us by others.

Legal Description



We hereby certify to all title companies and to:

GREAT LAKES FINANCE

 ORIGINAL

CONDITIONS OF
SPECIAL USE PERMIT

At a meeting of the Marion Township Board of Trustees held on the 13th day of February, 2003, pursuant to the application of Katherine Mair and Jason Dimanin, and a recommendation from the Marion Township Planning Commission the Board of Trustees by motion duly made and passed granted permission to Katherine Mair and Jason Dimanin to operate a Commercial Stable to be located at 5326 Pingree Road, Howell, MI, Tax I.D. # 4710-31-100-036.

The use of the property and Commercial Stable shall be in accordance with the following terms, and the provisions of the Marion Township Zoning Ordinance that are not in conflict with this Special Use Permit.

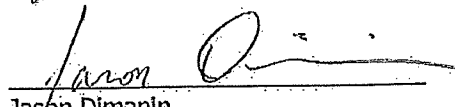
1. All fencing to meet all township ordinances/standards.
2. Area #1 labeled on mortgage inspection, dated 5/18/02, (see attachment) is to be signed and dated by the owner that this area is to be used as temporary pasture and the horses are not to be pastured in that area for any extended period of time.
3. It is the Planning Commission's understanding that Section 16.05 A, basis for determination items 1 through 11, has been met.
4. The use of the property shall at all times comply with Section 17.28.
5. In the event the property is sold the new owner must apply for an amendment to the Special Use Permit and agree to be bound by the terms.

We, the undersigned, Katherine Mair and Jason Dimanin, agree to abide by the terms of the Special Use Permit as above described. Further, we understand that said permit may be revoked by the Marion Township Board of Trustees if a violation of the conditions occurs.

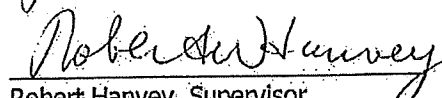
DATED: 3-18, 2003


Katherine Mair

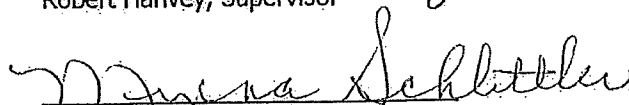
DATED: 3-18-03, 2003


Jason Dimanin

DATED: 3-13, 2003


Robert Harvey, Supervisor

DATED: 3-13, 2003


Myrna Schlittler, Clerk

MILLER, KEHOE & ASSOCIATES
ATTORNEYS AT LAW
2790 W. GRAND RIVER, SUITE 100
HOWELL, MI 48843



Bonnie J. Miller
Michael J. Kehoe

517-546-4570
Fax 546-7651

December 10, 2002

Ms. Annette McNamara
Marion Township Zoning Administrator
2877 W. Coon Lake Rd.
Howell, MI 48843

RE: STERLING TRAINING CENTER
My File 3679.254

Dear Ms. McNamara:

I have reviewed the zoning ordinance and information that you sent to me regarding the Sterling Training Center and its application for a special use permit. Based on my review the proposed use is allowed as a special use in the RR Rural Residential District. The photographs and other information submitted would appear to indicate the applicant has good facilities for this use but there was some information that was not provided or included that needs to be in the township's files for a decision on the application. I offer the following comments in regard to my review.

- The number of horses should not exceed 7 if there is only 10 acres without a variance from the Zoning Board of Appeals. I note an adjacent vacant parcel but can't tell if it is part of the applicant's property. The dashed line makes me think it might be. If it is part of the applicant's property then it can be used for computing the number of horses allowed, etc.
- The applicant needs to show the distance to comply with Section 17.28 C.1. I would also suggest dimensions be more thoroughly shown on the site plan as needed.
- The applicant needs to show that stall sizes meet Section 17.28 D.6.
- There is no distance indicated for determining compliance with Section 17.28 D.7 but then see Section 8.01 F. 3.d.

Ms. Annette McNamara
Page 2
December 10, 2002

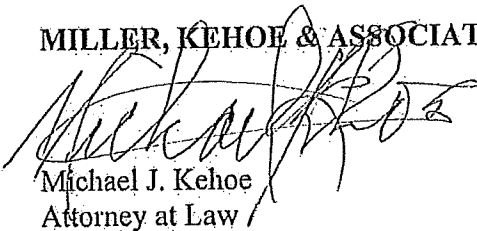
- There appears to be a conflict between Section 17.28 D. 8 and 9.

I believe this application could be granted depending upon responses to the above. I note that the pole barn and facilities were already present before the applicant purchased the property so there is no proposed new construction planned at this time. Any approval should make it clear that the permit, if recommended by the Planning Commission for approval by the Township Board, should incorporate as conditions the performance standards of Section 17.28 D. This will impose upon the applicant the duty to run the operation according to those standards.

Please let me know if you need any additional information.

Yours truly,

MILLER, KEHOE & ASSOCIATES



Michael J. Kehoe
Attorney at Law

blp



JOHN AMBROSE & COMPANY, INC.

"Established in 1979"

3247 Alexander / Howell, MI 48843
Phone: 517 / 548 / 5865
Fax: 517 / 548 / 5833
Mobile Phone: 586 / 201 / 5520
E-mail: jacoinc@amentech.net
www.johnambroseandcompany.com

December 7, 2002

Marion Township
2877 West Coon Lake Road
Howell, MI 48843

Attention: Planning Commission

Re: Special Use Permit; Commercial Stables

Dear Commissioners:

John Ambrose & Company has been request by the Township to review a special use permit application submitted by Ms. Katherine Mair, 5326 Pingree Road, Howell, Michigan. The applicant is requesting a special use permit for a commercial stable in a RR, Rural Residential District. The site is currently occupied by a residence, an indoor and outdoor arena, stalls, and a round outdoor pen. The site contains ten (10) acres of land with 317.67 feet of road frontage and a depth of 1,377 feet. The Special Use Approval is subject to the requirements and standards found in Section 17.28 (site requirements, buffering requirements and performance standards) and Section 16.05 (Standards for Determination for the Special Use Permits) of the Township's Zoning Ordinance. It should be noted that this application is for an existing operation, which in the past has been operating without a proper Special Use Permit for a commercial stable operation. The Planning Commission shall review the particular circumstances and facts applicable to each proposed special use in terms of the following standards and requirements and shall make a determination as to whether the proposed use to be developed on the subject parcel meets the following standards and requirements:

Section 16.05 Basis for Determination

The Planning Commission, before acting on a special use permit application, shall employ and be guided by standards found in Section 16.05 of the Township's Zoning Ordinance. The land use or activity shall be consistent with the public health, safety, and welfare of the Township and shall comply with the following:

General Standards: The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards and, in addition, shall find adequate evidence that each use on its proposed location will:

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Expert Witness / Central Business District Planning / Private Road Regulations / Land Division Regulations
Site Analysis and Selection / Feasibility Studies / Project Management and Coordination / Grant Applications

1. Be harmonious with and in accordance with the general principles and objectives of the Comprehensive Plan of the Township.
2. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the area in which it is proposed.
3. Not be hazardous or disturbing to existing or future uses in the same general vicinity and will substantially improve property in the immediate vicinity and in the community as a whole.
4. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.
5. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
6. Meet the intent and purpose of the zoning regulations, be related to the standards established in the Ordinance for the land use or activity under consideration; and will be in compliance with these standards.
7. Ensure that landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
8. Ensure that special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.
9. Ensure that all exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
10. Meet site plan review requirements of Article XV/III.
11. Conform with all applicable state and federal requirements for that use.

RECOMMENDATION

The applicant has submitted supporting documentation for the existing commercial stable operation, however, a written response to the eleven (11) special land use compliance standards found in Section 16.05 of the Township's Zoning Ordinance were not included with this submittal. Based on the findings for this Special Land Use, it is recommended that a Special Use Permit be **GRANTED** for a commercial stable subject to following site requirements, buffering requirements and performance standards:

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Site Requirements:

1. Commercial stables shall have a minimum lot size of ten (10) acres for the first seven (7) horses and an additional one-half (½) acre for each horse thereafter. **The subject site contains ten (10) acres of land, and therefore, the subject use shall not house more than seven (7) horses at any one time.**

13.1 Acres
= 13 horse stalls
Annex #2
Parking

2. Commercial stables shall provide off-street parking at a minimum of one parking space per two (2) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stable. **With a maximum of seven (7) horses being allowed on the subject site, three (3) off-street parking spaces will need to be provided. Such spaces shall be developed to the standards of a residential driveway. Parking on grass is prohibited.**

3. Stables may not be located in platted subdivisions. **The subject site is not in a platted subdivision.**

Buffering Requirements:

All not within 50' of dwelling area unless permit is granted
2. land yet no trees

Animals shall be confined in a suitably fenced area or paddock to prevent their approaching nearer than fifty (50) feet to any dwelling on adjacent premises. **The new home developed on the adjacent parcel (Parcel E-3) to the north of the subject site may be within fifty (50) feet to where horses are fenced. Said fence in this location shall be no closer than fifty (50) feet to any adjacent dwelling to the subject site.**

A vegetative strip of at least fifty (50) feet wide shall be maintained between any animal holding area, manure pile, or manure application area and any surface water or wellhead. In areas with slopes of over five (5) percent, the Planning Commission may increase setbacks in order to minimize runoff, prevent erosion, and promote quick nutrient absorption. **Adequate information concerning these items was not provided with the exception that the applicant indicated that manure was placed in a dumpster and hauled away. Otherwise, all of these requirements shall be met by the applicant.**

The operation of the subject commercial stable shall be in conformance with the following performance standards:

Performance Standards:

1. All stables shall be operated in conformance with all applicable county, state and federal regulations.
2. All animals shall be maintained in a healthy condition and carefully handled.
3. The facility shall be constructed and maintained so that dust and drainage from the stable will not create a nuisance or hazard to adjoining property or uses.

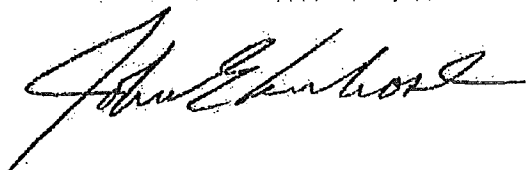
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Continuing Planning Services / Master Plans / Zoning Standards / Development Reviews / Recreation Plans
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4. Inspections of stables may be conducted at any time within reason by either the police authorities or by employees under the supervision of the Township Supervisor. A review of inspections shall be made prior to special use permit renewal.
5. Manure piles shall be stored, removed, and/or applied in accordance with Michigan Department of Agriculture and County Health Department regulations.
6. A shelter shall be provided for all horses, including a separate stall for each horse, which is at least ten (10) feet by ten (10) feet.
7. Stables, corrals, and piles of manure or feed shall not be located nearer than two hundred (200) feet to any lot line and one hundred and fifty (150) feet from any right-of-way line.
8. Enclosed riding arenas associated with commercial stables shall not exceed ten thousand (10,000) square feet in gross floor area on a minimum of a ten (10) acre site, except that an additional one thousand five hundred (1,500) square feet of floor area may be permitted for each additional full acre in a lot area, provided that no riding arena shall exceed fifteen thousand (15,000) square feet in gross floor area.
9. Riding arenas are permitted providing they meet height and setback restrictions of the district and they do not exceed four thousand five hundred (4,500) square feet in gross floor area.
10. No living quarters shall be located in any arena building.
11. Special events for which a fee is paid, such as shows, exhibitions, and contests shall only be permitted only after a temporary zoning permit has been secured.
12. The Planning Commission may limit the number of horses and prescribe the manner of keeping the animals as necessary to prevent offensive odors, the pollution of water supplies, and/or the spread of infectious disease.

Very sincerely,

JOHN AMBROSE & COMPANY, INC.



John E. Ambrose
President

SUP3103-02 Commercial Stables

"A Community Planning and Development Firm"

Continuing Planning Services / Master Plans / Zoning Standards / Development Reviews / Recreation Plans
Expert Witness / Central Business District Planning / Private Road Regulations / Land Division Regulations
Site Analysis and Selection / Feasibility Studies / Project Management and Coordination / Grant Applications



Submitted by: S. Longstreet

Approved:

John Lowe
John Lowe, Chairman

MARION TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING—STERLING TRAINING CENTER
JANUARY 28, 2003
7:00 p.m.

MEMBERS PRESENT: David Hamann, Jean Root, Jim Anderson and Debra Wiedman-Clawson

MEMBERS ABSENT: John Lowe

OTHERS PRESENT: Annette McNamara, Zoning Administrator

CALL TO ORDER

Dave Hamann called the Public Hearing to order at 7:00 p.m.

APPROVAL OF AGENDA

Jean Root motioned to approve the agenda. Debra Wiedman-Clawson seconded. Motion carried 4-0.

OLD BUSINESS

Sterling Training Center—Special Use Permit

Katherine Mair gave a summary of her request for a commercial stable special use permit.

CALL TO PUBLIC

Duane Heard, 5200 Pingree: Mr. Heard has concerns regarding the number of horses per acre and the odor.

Charlene Heard, 5200 Pingree: Mrs. Heard has concerns regarding electric fence on the property line and access for Detroit Edison along the property line

The Zoning Administrator responded that Ms. Mair has 13 acres and 13 horses, the number allowed per the zoning ordinance. The electric fence will be modified to comply with the zoning ordinance or the fenced-in pasture will be moved to an area further from the road and neighbors. Detroit Edison has access

Ms. Mair explained the process for clean-up and disposal of manure. Manure holding area is approximately 1,000 feet from 5200 Pingree (Heard property).

Virgil Wilson, 5138 Pingree: Mr. Wilson has no objection to permit being granted; says the operation is clean and there is no odor.

Richard Davies, 5170 Pingree: Mr. Davies has no objection to permit being granted, says the place is clean.

Call to the Public closed.

Planning Commission members were asked if they had any questions. Debra Wiedman-Clawson asked if the size of the arena meets the zoning ordinance. The Zoning Administrator stated the arena is 100' x 60', which does meet the ordinance.

ADJOURNMENT

Jean Root motioned to adjourn at 7:20 p.m. Debra Wiedman-Clawson seconded. Motion carried 4-0.

December 17, 2002 Regular Meeting

Dave Hamann motioned to approve minutes as presented. Jean Root seconded. Motion carried 4-0 (Anderson abstained).

OLD BUSINESS

Sterling Training Center—Special Use Permit

Jean Root questioned the need to move the fenced-in pasture. Can it remain where it is? John Lowe said yes.

Call to the Public—None.

Motion

Jean Root motioned to accept site plan for Sterling Training Center (Tax ID #4710-31-100-036) with the following conditions:

- All fencing to meet all township ordinances/standards.
- Area #1 labeled on mortgage inspection, dated 5/18/02, is to be signed and dated by the owner that this area is to be used as temporary pasture.

Jim Anderson seconded the motion. Roll call vote: Lowe, Root, Hamann, Wiedman-Clawson, Anderson—all yes. **Motion carried 5-0.**

Jean Root motioned to approve the Special Use Permit for Sterling Training Center, Application #03-02, with the following conditions:

- It is the Planning Commission's understanding that Section 16.05 A, basis for determination items 1 through 11, has been met.
- Section 17.28 D 1 through 12 are to be complied with.
- The Special Use Permit is terminated on the sale of the property and would be eligible for renewal upon review.

Debra Wiedman-Clawson seconded the motion.

Jean Root motioned to amend the Special Use Permit for Sterling Training Center to include item 4 that this is to be sent to the Township Board for its review. Debra Wiedman-Clawson seconded the motion. Roll call vote: Anderson, Root, Lowe, Wiedman-Clawson, Hamann—all yes. **Motion carried 5-0.**

applicable property line no less than the required minimum setback for either a side or rear yard in the zoning district in which it is located.

Sue Lingle motioned to approve the addition of Section 6.28 in Article 6, as approved by the Planning Commission. Myrna Schlittler seconded. Roll call vote: Lowe, Schlittler, Hanvey, Hamann, and Lingle—all yes. **Motion carried 5-0.**

Special Use Permit: Sterling Training Center

Bob Hanvey explained this is a request to operate a horse-training center on Pingree Road. Resident has been to the Planning Commission where it has been approved, with a condition that, in the event the property is sold, the new owner must apply for an amendment to the Special Use Permit and agree to be bound by the terms. Sue Lingle asked if the attorney had approved the condition placed on the Special Use Application by the Planning Commission.

Myrna Schlittler motioned to approve the Special Use permit for Sterling Training Center, contingent upon the attorney's review and approval. Sue Lingle seconded. **Motion carried 5-0.**

Georgetown Rebid

The Livingston County DPW Board has approved this bid, subject to the Marion Township Board approval.

Dan Lowe motioned to accept the Tetra Tech bid to do the bid process, not to exceed \$3800 and \$350 for advertising costs. Sue Lingle seconded. Roll call vote: Lowe, Schlittler, Hanvey, Hamann, and Lingle—all yes. **Motion carried 5-0.**

Sewer and Water Financing

In 1999, the Marion Township Board approved a motion requiring all developments pay up front, in cash, the entire sewer and water required for their project if they hadn't been special assessed. Currently, there is a developer who would like to develop 15 lots and pay full payment on half of the parcels and pay for the remaining as the land use permits are obtained. Bob Hanvey felt this project would be completed in less than 2 years and that they will have access to sewer at that time. Subsequent Board meetings since 1999 have suggested this motion was inappropriate but has never been officially changed.

Myrna Schlittler motioned to table item for further investigation. Dave Hamann seconded. **Motion carried 5-0.**

Sundance Plat Extension

Sue Lingle motioned to extend Sundance Meadows No. 3 platted subdivision approval for 2 years from today. Dan Lowe seconded. **Motion carried 5-0.**

Highland Development

Dave Hamann motioned to authorize Bob Hanvey to negotiate, on behalf of the board, with Highland Development. All recommendations will come before the Board for its approval. Sue Lingle seconded. **Motion carried 5-0.**



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

MEMORANDUM

TO: David Hamann, Zoning Administrator, Marion Township
FROM: John L. Enos, AICP, Township Planner
DATE: October 27, 2017
RE: Master Plan Update

MASTER PLAN UPDATE (See Attached Work Plan)

The Planning Enabling Act (PA 33 of 2008), as amended requires a Planning Commission to make and approve a Master Plan as a guide for development for the municipality. A Master Plan shall address land use and infrastructure issues and can project twenty (20) years into the future.

In addition to requiring Marion Township to produce a Master Plan, PA 33 of 2008 requires that the Planning Commission review the Master Plan every five (5) years and determine whether to commence the procedure to amend the master plan or adopt a new master plan. We assisted in past Master Plans, a review of the current document is in order.

The Master Plan serves many functions, and is to be used in a variety of ways:

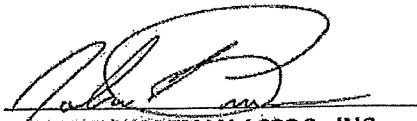
1. The Plan is a general statement of the Township's goals and policies. It provides a single, comprehensive view of the community's desires for the future.
2. The Plan serves as an aid in daily decision-making. The goals and policies outlined in the Plan guide the Planning Commission and Township Board in their deliberations on zoning, capital improvements and other matters relating to land use and development.
3. The Plan provides the statutory basis upon which zoning decisions are based. The Zoning Enabling Act (PA 110 of 2006, as amended) requires that the Zoning Ordinance be based upon a plan designed to promote the public health, safety and general welfare.

4. The Plan attempts to coordinate public improvements and private developments. For example, public investments such as road or sewer and water improvements should be located in areas identified in the Plan as resulting in the greatest benefit to the Township and its residents.
5. Finally, the Plan serves as an educational tool and gives citizens, property owners, developers and adjacent communities a clear indication of the Township direction for the future.

The following list highlights items that should be considered, and if deemed necessary, incorporated into a plan amendment:

- ✓ Public input via a web-based or other type of survey
- ✓ Update Census information to the most current available
- ✓ Incorporate "Complete Streets" policies as now required in PA 33 of 2008
- ✓ In association with "Complete Streets" incorporate non-motorized planning within the Master Plan document
- ✓ Coordination of the Master Plan with other Township plans and studies
- ✓ Incorporate redevelopment ready strategies
- ✓ Future land uses along the D-19 Corridor
- ✓ Improve the format by making the document more concise and user-friendly
- ✓ Development of Future Land Use Plan in full accordance with PA 33 of 2008

Based upon the above list, we propose the cost of an update to the current Master Plan to be \$9,500.00. We base this amount on the assumption that both can be done concurrently and 4 meetings can cover everything needed to complete the task. We appreciate the opportunity to submit this proposal and look forward to discussing this proposal with you and the Township at an upcoming meeting.



CARLISLE/WORTMAN ASSOC., INC.
John L. Enos, AICP
Principal



TASK 1.0 PROJECT INITIATION

- 1.1 Review work plan for Master Plan Update with Planning Commission
- 1.2 Discuss methodology for public input (Survey Monkey)
- 1.3 Discuss elements of current Plan and necessary updates

TASK 2.0 BACKGROUND STUDIES AND EXISTING LAND USE

- 2.1 Identify growth and development trends
 - Regional setting/Major Road Corridors
 - Historic context
- 2.2 Population and housing update from 2010 Census
 - Population projections
 - Household characteristics
 - Trends
 - Age of housing, housing conditions

(Source: US Census Bureau and SEMCOG)
- 2.3 Community facilities and services
 - Community facilities
 - Public Safety
- 2.4 Environmental Resources
 - Open space
 - Wetlands/floodplains
 - Woodlands
 - Watersheds and floodplains, stormwater management
 - Natural features inventory
- 2.5 Update of existing land use
 - Agricultural/Vacant
 - Recreational
 - Residential
 - Commercial/Industrial
 - Analysis of land use patterns
 - Map

(Sources: Previous land use surveys and Livingston County GIS)
- 2.6 Review Master Plans of adjacent communities



TASK 3.0 PUBLIC PARTICIPATION (SUBJECT TO PLANNING COMMISSION INPUT)

- 3.1 Joint Township Board and Planning Commission Meeting
- Present background data on community
 - Solicit input on various topic areas
 - Determine future direction

TASK 4.0 GOALS AND POLICIES

- 4.1 Review and update draft goals and policies for Planning Commission review
- 4.2 Incorporate comments from survey

TASK 5.0 FUTURE LAND USE PLAN

- 5.1 Topics to consider
- Existing land use plan
 - New classifications
 - Identified goals and policies
 - Existing land use patterns and zoning
 - Natural features analysis
 - Commercial adequacy and analysis
 - Roadway system (D-19 Corridor Plan)
 - Utility planning
- 5.2 Incorporate input from survey
- 5.3 Develop draft land use plan and map; present to Planning Commission

TASK 6.0 ZONING PLAN

- 6.1 Identify potential zoning strategies
- 6.2 Identify general areas of the zoning ordinance requiring adjustments

TASK 7.0 IMPLEMENTATION PLAN

- 7.1 Provide legal controls and administration
- 7.2 Formulate implementation strategies
- 7.3 Describe periodic review and update procedures



TASK 8.0 PUBLIC REVIEW AND APPROVAL PROCESS

- 8.1 Present draft plan to Township Board
- 8.2 Review by adjacent communities and county planning/compliance with PA 33 of 2008
- 8.3 Amend and revise draft based on final input
- 8.4 Present at a Public Hearing



SCHEDULE - MASTER PLAN UPDATE

Task	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10
1. Project Initiation	█									
2. Background Studies and Existing Land Use	█	█	█							
3. Joint Township Board & Planning Commission Meeting			█	█	█					
4. Goals and Policies			█	█	█					
5. Future Land Use Plan				█	█	█				
6. Zoning Plan						█	█			
7. Implementation Plan							█			
8. Public Review and Approval Process							█	█	█	█

	Actual	Amended	Over Budget	Proposed
	Jul '16 - Jun 17	Jul '16 - Jun 17	Jul '16 - Jun 17	Jul '17 - Jun 18
6411 · PLANNING COMMISSION				
411-702 · SALARIES	3,740.00	5,400.00	-1,660.00	5,400.00
411-727 · SUPPLIES	0.00	100.00	-100.00	100.00
411-730 · TRAINING FOR PLANNING COMMISSION	629.00	750.00	-121.00	750.00
411-805 · ATTORNEY	0.00	750.00	-750.00	750.00
411-900 · PRINTING & PUB.	147.00	1,700.00	-1,553.00	1,700.00
411-910 · RECORDING SECRETARY	845.00	1,750.00	-905.00	1,750.00
411-956 · MISCELLANEOUS	92.60	100.00	-7.40	100.00
411-957 · PLANNER	1,882.50	4,000.00	-2,117.50	4,000.00
411-958 · PROFESS SERV - PREAPPLICATION	0.00	250.00	-250.00	250.00
411-965 · ENGINEER	0.00	250.00	-250.00	250.00
Total 6411 · PLANNING COMMISSION	7,336.10	15,050.00	-7,713.90	15,050.00

10/16/17 - 1000 PROPOSAL 3 ORDINANCES (LANDSCAPE, RV, PIERCY) APPROVED D.H.

11/9/17 - TB APPROVED MASTER PLAN #9500

MARION TOWNSHIP PLANNING COMMISSION BYLAWS



INTRODUCTION

The basic responsibilities of Marion Township Planning Commission are contained in Act 33 of the Public Acts of 2008, as amended and Act 110 of the Public Acts of 2006, as amended. Each of these acts grants specific jurisdiction to a township planning commission in matters of land use planning and associated public concerns. The intent of this text is to outline the procedures and rules of order that will be followed by the Marion Township Planning Commission. The general operating regulations for the Marion Township Planning Commission are also presented herein which include regular meetings, special meetings, public records, referrals, quorum, disqualification and order of business.

REGULAR MEETING SCHEDULE

Regular meetings of the Marion Township Planning Commission will be held on the fourth (4th) Tuesday of every month at 7:30 p.m. at the Marion Township Hall, 2877 W. Coon Lake Road, Howell, or as otherwise determined by the Planning Commission. When regular meeting day falls on a legal holiday or when an occasion of special importance takes place or because of conditions of weather, the Chair-person shall select a suitable alternative day. Dates and times for meetings shall be posted at the Marion Township Hall in accordance with the Open Meetings Act. Regular meetings may be cancelled by the Chair-person for lack of scheduled business with appropriate notification of all Commission members and the public when feasible.

ANNUAL ORGANIZATIONAL MEETING – MEMBERSHIP

An annual organizational meeting shall occur at the first regular meeting in November of each calendar year for appointment to committees (if necessary), election of officers (Chair and Vice-Chair and Secretary), preparation of an annual budget (if required), and review of rules and procedures of the Planning Commission. The Marion Township Planning Commission shall consist of five (5) members; one will be the Township Board liaison and a Marion Township Board member, the remaining four (4) shall be residents of Marion Township. Each member shall be appointed by the Township Supervisor with the approval of the Township Board. Terms of office shall be three (3) years, except the Township Board member's term shall terminate if his/her membership on the Township Board ends before his/her three (3) year term is completed. Vacancies shall be filled for the remainder of the uncompleted term by appointment of the Supervisor and approval of the Township Board. The legislative body may remove a member of the planning commission for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.

OFFICERS

The officers of the Planning Commission shall consist of a Chair-person, Vice Chair-person and a Secretary. The Chair-person shall preside at all meetings and hearings of the Planning Commission. The Vice Chair-person shall preside when the Chair-person is absent. Should neither the Chair-person nor the Vice Chair-person be present at a meeting, a temporary Chair-person shall be elected. The Secretary shall keep the minutes and the Zoning Administrator keep the records of the Commission, prepare the agenda of regular and special meetings with the Chair-person, provide notice of meetings to Commission members, arrange proper and legal

notice of hearings, attend to correspondence of the Commission and such other duties as are normally carried out by a Zoning Administrator.

No Planning Commission rule or procedure shall supercede any regulation adopted by the Township Zoning Ordinance and no rule or procedure shall be in conflict with the provisions of Act 110 of the Public Acts of 2006, as amended or Act 33 of the Public Acts of 2008, as amended, or Act 267 of the Public Acts of 1976, as amended.

SPECIAL MEETINGS

Special meetings may be called for the following reasons:

1. For business that cannot await action until a regular meeting.
2. For the convenience of citizens or communities with matters before the Planning Commission for consideration.
3. At the request of the Chairman.
4. By request of two (2) members of the Planning Commission.

Fees for special meetings shall be established by resolution of the Marion Township Board.

Applications shall be supplied by the Township Clerk to the applicant upon request.

Procedure for special meetings shall be:

1. Township Clerk shall receive the appropriate fees and forward the applications/request to the Township's Zoning Administrator.
2. The Zoning Administrator, with the approval of the Chair-person, shall choose a day for the special meeting and give notice of the date to the Township Clerk who then shall post it at the Township Hall and time permitting, local newspapers. The Zoning Administrator shall also, by means of written or verbal notice, inform each Planning Commission member at least 72 hours prior to such meeting and shall state the purpose, time, and place of the meeting. If the subject of the special meeting requires a public hearing then notice shall be given in compliance with the Township Zoning Ordinance and the Zoning Enabling Act.

QUORUM

Three (3) members shall constitute a quorum for the transaction of business and the taking of official action. An affirmative vote of a majority of the Planning Commission members shall be required to make a decision on any matter that is before the Planning Commission for its action. Whenever a quorum is not present at a regular or special meeting, those present may adjourn to another day or meet as a committee of the whole for the purpose of considering such matters as are on the agenda. No formal action shall be taken at such meetings. An adjournment to a date which does not constitute a regular meeting is subject to the same provisions of notice as hereby required for special meetings. Voting shall ordinarily be voice vote, provided however that a roll call vote shall be required if requested by any Commission member or directed by the Chair-person. All members of the Commission including the Chair-person shall vote on all matters. A

member abstaining from a vote should not participate in discussion of that item. Any member may be excused from voting only if that person has a conflict of interest. Should any Planning Commission member have a perceived conflict of interest regarding an item before the Planning Commission, that member shall not participate in the discussion of that item and shall not vote. The Planning Commission member with a perceived conflict of interest shall state why they believe there is a conflict of interest. The remaining members of the Planning Commission may discuss the potential conflict of interest and may vote to determine if that member should abstain.

REFERRALS

All matters to be referred or presented to the Planning Commission for study and recommendation must first be presented to the Zoning Administrator or the Township Clerk of Marion Township.

The Zoning Administrator and/or Assistant Zoning Administrator shall review all submitted information to determine if it is administratively complete. Only administratively complete packages will be officially received by the Planning Commission. All matters shall be reviewed at a meeting of the Planning Commission held no less than 21 days nor more than 45 days after receipt of an administratively complete package. The Livingston County Road Commission Site Distance Approval is not required for an administratively complete package.

The Chairperson of the Planning Commission or the Township Zoning Administrator shall establish and post the Agenda by the Monday preceding the meeting. Individual items can be added to the agenda upon request of a Planning Commission member with the support of a majority vote of the Planning Commission.

ATTENDANCE

Members of the Marion Township Planning Commission are required to attend all regular meetings and special meetings, duly scheduled or called by the chairperson or membership except in the event of illness, emergency or other similar circumstances. Any member who is absent from three (3) consecutive meeting or four meetings held within a five (5) month period shall be subject to recommendation to the Marion Township Board for removal for nonfeasance from the Commission. A roll of monthly attendance shall be recorded as part of official minutes.

ORDER OF BUSINESS

The Chair-person of the Planning Commission in conjunction with the Township Zoning Administrator shall develop an agenda for each meeting of the Planning Commission. A recommended order of business is as follows:

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda/Introduction of Planning Commission Members
4. Call to the Public-limited to 3 minutes per person
5. Approval of Past Minutes

6. Public Hearing
7. Old Business
8. New Business
9. Call to the Public
10. Adjournment

DISQUALIFICATION - CONFLICT OF INTEREST

If any member of the Marion Township Planning Commission has pecuniary or financial interest in the outcome of a proceeding, such member should abstain from participation in the decision making process and voting on the issue. Conflicts of interest include but are not limited to a financial interest in the outcome of the request; a close business or family relationship with the applicant, his/her attorney or an expert witness. The member with a conflict of interest should disqualify him/herself at the outset of the hearing or sooner if the conflict is identified.

COMMITTEES

The Chair-person may appoint such other committees from time to time which serve to assist the Planning Commission in discharging its responsibilities. Said committees shall consist of two (2) members.

RECORDS

Availability to the Public

All meetings of the Marion Township Planning Commission, any resolutions, any transactions, findings, dated letters submitted and determinations as well as acts shall be open to the public during business hours as posted at the Township Hall as governed by the Freedom of Information Act.

The office of Marion Township Planning Commission shall be located at the Township Hall.

PROCEDURE FOR PUBLIC PARTICIPATION

In the interest of time and of equal opportunity to address the Commission, a limit of three (3) minutes during the call to the public shall be permitted, if necessary, for each person submitting written or verbal statements. This rule may be implemented by majority vote of the Commission. At the discretion of the Chair-person, the public may be allowed to participate during Planning Commission discussion of agenda items provided such participation does not interfere with the orderly conduct of the meeting. Any letters regarding agenda items will be read aloud by the Chair-person and will include; name, address and date. Specific content will be duly noted in the minutes.

POWERS AND DUTIES OF THE PLANNING COMMISSION

1. The Commission shall, after a public hearing, make a recommendation for the approval or denial of any petition for the rezoning of property with a written record of the basis for the recommendation.
2. The Commission shall, after a public hearing, make a recommendation for the approval, approval with conditions or denial requests for certain special land uses specified in the zoning ordinance and shall set forth its findings and conclusions upon which the action is recommended in accordance with the Zoning Enabling Act.
3. The Commission shall conduct site plan reviews for those land uses for which the zoning ordinance requires such approval. The Commission shall make a recommendation to approve, approve with conditions or denial of final site plans with a written record of the basis for the recommendation. Reasonable modifications of the site plans may be required by the Commission prior to the recommendation of final approval.
4. The Commission shall conduct tentative, preliminary, and final plat reviews and shall make recommendations for the approval, modification or denial of such plat proposals to the Board of Trustees. Before making its recommendation, the Planning Commission shall hold a public hearing on the proposed plat consistent with requirements under Section 71 of PA 33 of 2008, 125.3871.
5. The Commission shall, after a public hearing, recommend approval or denial of amendments to the zoning ordinance. Such amendments may be initiated by the Commission, the Township Board, or by private petitioners (land owners).
6. The Commission shall, after a public hearing, approve or deny modifications to the Township Master Plan.
7. The Commission shall refer cases to the Zoning Board of Appeals when it is deemed appropriate.
8. The Commission shall submit a yearly report of its activities to the Township Board.
9. The Commission shall fulfill such other duties and responsibilities as are delegated to it by the Township Board, Township ordinances, or State Statutes.

AMENDMENTS

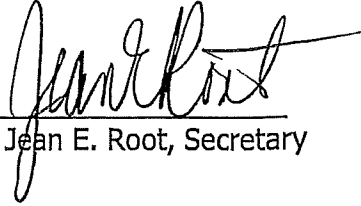
Amendments to these Bylaws may be proposed at any meeting of the Planning Commission and may be adopted by an affirmative vote of at least two-thirds of the Commission membership.

Adopted by the Marion Planning Commission on the 26th day of April 2011.

Presiding Chair-person:


John Lowe, Chair

Secretary:


Jean E. Root, Secretary

PUBLIC HEARING PROCEDURAL GUIDE

Opening of Hearing:

- ❖ Official opening announcement, indicating basic nature of request, citing public notice in official newspaper and notification of neighboring properties (if applicable).
- ❖ Announce order of hearing which is as follows:
 - Explanation of request as received by the Township
 - Comments and explanation by applicant.
 - Questions by Commissioners
 - Responses by applicant and/or professional
 - Opening of hearing for public comments
 - ◆ Written letters received
 - ◆ Oral comments from the public
 - Close hearing to public comments
 - Review and recommendation by planner and other township consultants
 - Consideration of action by commission
- ❖ Announce that all comments will be addressed to the Chair-person. Each person will be given an opportunity to be heard; second comments will not be permitted until every person has had a chance to speak for the first time. In the interest of fairness to the public, ask that statements from the floor be as concise as possible. The chair-person reserves the right to terminate a presentation or ask for a summation if comments become excessively repetitive or stray from the issues at hand. For large hearings, a time limit should be established, i.e., three minutes per person.

COURTESY IS EXPECTED AT ALL TIMES DURING THE HEARING FROM ALL PARTICIPANTS.



MARION TOWNSHIP

www.mariontownship.com

2877 W. Coon Lake Rd.
Howell, MI 48843

Phone (517) 546-1588
Fax (517) 546-6622

Please Sign and Return to the Clerk's Office

The undersigned acknowledges receipt of the Marion Township, ***Planning Commission Bylaws*** Dated 4/26/2011.

Print Employee Name

Employee Signature

Date

Received by

Date Received

ZONING ORDINANCE TEXT AMENDMENTS

CASE #	ARTICLE	SECTION	STATUS	PROPOSED CHANGE	PH	ADOPTED
TXT # TBD	XVII	17.33	Ag/Tour	On hold but needs rework		
TXT #04-17	K	10.01B16 8.01B3 Definitions	Landscape Contractor's Operation	LI district rqst Board chg Plant Nursery	1.1/28/17	
TXT #05-17	XVII	17.34 9.01D.11 Definitions	Outside Vehicle Storage	SU 17.34 rqst (Board) HS district	1.1/28/17	
TXT #	VI	6.07 6.22	Accessory Structures LCBD	roof pitch for AG engineered structures no bldg code, zoning issue		
GO #01-17	GO	G11-97	Land Div GO	revise with 6.19B,6.15A		
GO #02-17	GO	tbd	Nuisance	rqst(Board)	1.1/28/17	
GO #03-17	GO	tbd	Noise	rqst(Board)		
GO #04-17	GO	tbd	Motor Braking GO	rqst(Board) send to Board(10/24/17)		
GO #05-17	GO	tbd	combine Lake & Boat GO Cemetery GO Park & Rec	cover all lakes add fines for vandalism still needed? Add moral conduct		
TXT #	III	Definitions 6.11 18.02 Splits	Lots per Parent Parcel Land Balancing/clearing nonconforming Acc Structure	in 10/24/17 packet in 10/24/17 packet in 10/24/17 packet in 10/24/17 packet		
TXT #	VI	6.14	Home Occupation Class I	add application in first paragraph		

Dave Hamann

From: Michael Kehoe <mike@michaelkehoelaw.com>
Sent: Wednesday, November 01, 2017 12:26 PM
To: Dave Hamann
Subject: Re: question on RTFA and our ordinance Roof Pitch

Dave,

Good question. I don't really think the RTFA applies regarding this issue as that's a little more geared to farming activities. You do raise a good point about the roof pitch issue. There is a definition in the zoning ordinance for agricultural buildings. Maybe the exception to 6.07.12 could simply say, except for agricultural buildings. I believe the 4/12 was more aesthetics than snow load but I'm not sure. It might have been a combination. I think the PC could handle it one of two ways. Use the ag building exception as I mentioned or go with an exception based upon engineering standards. The latter probably won't address aesthetics.

If you have any questions, please contact me.

Mike

Michael J. Kehoe
Attorney at Law
710 E. Grand River
Howell, MI 48843
(517) 546-4570

From: Annette McNamara <za@mariontownship.com>
Date: Wednesday, November 1, 2017 at 9:34 AM
To: Michael Kehoe <mike@michaelkehoelaw.com>
Subject: question on RTFA and our ordinance Roof Pitch

Hi Mike,

In our ordinance section 6.07.12 we insist on a roof pitch of 4/12 for all accessory structures. I have been getting a number of ag use accessory structures that are engineered steel buildings for ag with required snow load and what not but I have been enforcing the 6.07.12 on them. I'm trying to get the Planning Commission to consider a change or a qualification for ag use as long as it's an engineered structure. Should I be enforcing that 4/12 against ag use under the RTFA and is there any issue with modifying the ordinance to allow those engineered steel structures to be exempt from the 4/12 pitch?

Thoughts?

Dave Hamann
Zoning Administrator
Marion Township
za@mariontownship.com

Section 6.14

Home Occupations Class I

The regulation of Home Occupations Class I as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance. Home Occupations Class I is permitted as an accessory use to the principal residential use of a lot, a zoning permit for such an occupation is not required. Change to 'a Home Occupation Class I Application is required to be on file with the Zoning Administrator'

Such flexibility is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of non-residential activities. Home Occupations Class I shall satisfy the following conditions. These regulations do not apply to farms.

- A. The Home Occupation Class I shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential character of the premises including both the dwelling and yard areas.
- B. Refuse generated by the Home Occupation Class I shall be safely and properly disposed of.
- C. Home Occupation Class I shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation Class I based business shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the dwelling for residential purposes.
- D. A resident of the dwelling on the lot shall be actively and personally engaged in and responsible for all Home Occupation operations. No employees shall be permitted, other than members of the immediate family residing in the dwelling unit.
- E. All of the activities on the property related to the occupation, except horticultural, shall be carried on indoors including the storage of materials, goods, supplies, refuse and waste materials, equipment or products related to the occupation.
- F. Traffic generated by the combined home and Home Occupation Class I shall be no greater in volumes than would normally be expected in a residential district, and such traffic shall be limited to passenger vehicles, delivery vans and similarly sized vehicles. Any need for parking used by such Home Occupation Class I shall be met off the street and motor vehicles may be parked in an existing driveway if it is of sufficient size. No additional off-street parking demand shall be created.
- G. The Home Occupation Class I shall be conducted within the dwelling unit. However, the Home Occupation Class I shall not occupy more than twenty-five (25%) percent of the total gross floor area of said dwelling including the basement.
- H. No hazardous chemicals shall be stored on site. No process, chemicals, or materials shall be used which are contrary to any applicable state or federal laws.
- I. The Home Occupation Class I shall comply with all applicable federal, state and local laws, including, but not limited to, laws regarding licensing, occupational health and safety, and the environment.
- J. Home Occupation Class I approval is not transferable with the sale, rental or lease of the dwelling unit.
- K. Traffic and delivery or pickup of goods shall not create a nuisance.
- L. Home Occupation Class I are allowed signage. See Article XV Signage.

Home Occupation Class I Application
MARION TOWNSHIP
2877 WEST COON LAKE ROAD
HOWELL, MI 48843

Date: _____

Name of Applicant: _____

Address of Applicant: _____

Phone Number: _____

Tax Code: _____

Home Occupation : _____

I, _____ certify that I have read and understand Section 6.14 Home Occupations Class I attached.

Approved () Yes () No

By: _____ Date: _____

Rvsd 10/23/17

Section 6.14 Home Occupations Class I

The regulation of Home Occupations Class I as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance. Home Occupations Class I is permitted as an accessory use to the principal residential use of a lot, a zoning permit for such an occupation is not required.

Such flexibility is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of non-residential activities. Home Occupations Class I shall satisfy the following conditions. These regulations do not apply to farms.

- M. The Home Occupation Class I shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential character of the premises including both the dwelling and yard areas.
- N. Refuse generated by the Home Occupation Class I shall be safely and properly disposed of.
- O. Home Occupation Class I shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation Class I based business shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the dwelling for residential purposes.
- P. A resident of the dwelling on the lot shall be actively and personally engaged in and responsible

for all Home Occupation operations. No employees shall be permitted, other than members of the immediate family residing in the dwelling unit.

- Q. All of the activities on the property related to the occupation, except horticultural, shall be carried on indoors including the storage of materials, goods, supplies, refuse and waste materials, equipment or products related to the occupation.
- R. Traffic generated by the combined home and Home Occupation Class I shall be no greater in volumes than would normally be expected in a residential district, and such traffic shall be limited to passenger vehicles, delivery vans and similarly sized vehicles. Any need for parking used by such Home Occupation Class I shall be met off the street and motor vehicles may be parked in an existing driveway if it is of sufficient size. No additional off-street parking demand shall be created.
- S. The Home Occupation Class I shall be conducted within the dwelling unit. However, the Home Occupation Class I shall not occupy more than twenty-five (25%) percent of the total gross floor area of said dwelling including the basement.
- T. No hazardous chemicals shall be stored on site. No process, chemicals, or materials shall be used which are contrary to any applicable state or federal laws.
- U. The Home Occupation Class I shall comply with all applicable federal, state and local laws, including, but not limited to, laws regarding licensing, occupational health and safety, and the environment.
- V. Home Occupation Class I approval is not transferable with the sale, rental or lease of the dwelling unit.
- W. Traffic and delivery or pickup of goods shall not create a nuisance.
- X. Home Occupation Class I are allowed signage. See Article XV Signage.

Dave Hamann

From: Christopher Atkin <catkin@cwaplan.com>
Sent: Friday, November 17, 2017 4:03 PM
To: Dave Hamann; John Enos
Subject: Proposed Draft Nuisance - Noise Ordinance
Attachments: Public Nuisances - Noise Ordinance.pdf

Dave,

Attached is draft language for noise/nuisance ordinance. It is a bit more involved than what you sent last week, however, I was able to incorporate most of the requested language. This language will replace the current ordinance of Section 4.04 A., all subsequent subsection will remain. I would recommend all of Section 4.04 and Section 4.05 be place in the townships general ordinance.

I reviewed the proposed regulations for decibel levels, as stated in Section 17.09 D. 15, *The intensity level of sounds shall not exceed seventy (70) decibels (dba) at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the lot line of residential uses. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards;* unfortunately, the maximum 70 decibel level may be too restrictive for a passenger car. Below is the decibel scale I referenced.

Noise Source	Decibel Level	Decibel Effect
Jet take-off (at 25 meters)	150	Eardrum rupture
Aircraft carrier deck	140	
Military jet aircraft take-off from aircraft carrier with afterburner at 50 ft (130 dB).	130	
Thunderclap, chain saw. Oxygen torch (121 dB).	120	Painful. 32 times as loud as 70 dB.
Steel mill, auto horn at 1 meter. Turbo-fan aircraft at takeoff power at 200 ft (118 dB). Riveting machine (110 dB); live rock music (108 - 114 dB).	110	Average human pain threshold. 16 times as loud as 70 dB.
Jet take-off (at 305 meters), use of outboard motor, power lawn mower, motorcycle, farm tractor, jackhammer, garbage truck. Boeing 707 or DC-8 aircraft at one nautical mile (6080 ft) before landing (106 dB); jet flyover at 1000 feet (103 dB); Bell J-2A helicopter at 100 ft (100 dB).	100	8 times as loud as 70 dB. Serious damage possible in 8 hr exposure.
Boeing 737 or DC-9 aircraft at one nautical mile (6080 ft) before landing (97 dB); power mower (96 dB); motorcycle at 25 ft (90 dB). Newspaper press (97 dB).	90	4 times as loud as 70 dB. Likely damage in 8 hour exposure.
Garbage disposal, dishwasher, average factory, freight train (at 15 meters). Car wash at 20 ft (89 dB); propeller plane flyover at 1000 ft (88 dB); diesel truck 40 mph at 50 ft (84 dB); diesel train at 45 mph at 100 ft (83 dB). Food blender (88 dB); milling machine (85 dB); garbage disposal (80 dB).	80	2 times as loud as 70 dB. Possible damage in 8 hour exposure.
Passenger car at 65 mph at 25 ft (77 dB); freeway at 50 ft from pavement edge 10 a.m. (76 dB). Living room music (76 dB); radio or TV-audio, vacuum cleaner (70 dB).	70	Arbitrary base of comparison. Upper 70s are annoyingly loud to some people.
Conversation in restaurant, office, background music, Air conditioning unit at 100 feet.	60	Half as loud as 70 dB. Fairly quiet.
Quiet suburb, conversation at home. Large electrical transformers at 100 feet.	50	One-fourth as loud as 70 dB.
Library, bird calls (44 dB); lowest limit of urban ambient sound	40	One-eighth as loud as 70 dB.
Quiet rural area.	30	One-sixteenth as loud as 70 dB. Very Quiet.

Whisper, rustling leaves	20	
Breathing	10	Barely audible

Please let John or I know if you have any questions.

Have a good weekend and Happy Thanksgiving.



Carlisle | Wortman
ASSOCIATES, INC.

Chris Atkin

Planner

PH: 734.662.2200

Fax: 734.662.1935

Marion Township
Draft Nuisance – Noise Ordinance
November 17, 2017

SECTION 1. MODIFY SECTION 3.02 DEFINITIONS

[Amend the following definition]

Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to: noise; dust; smoke; odor; glare; fumes; flashes; vibration; objectionable effluent; noise of a congregation of people, particularly at night; passing traffic; or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities. A continuing or repeated act or continuing or repeated occurrence which annoys, injures, or endangers the safety, health, welfare, comfort, or repose of the public; offends public decency or aesthetic sensibilities; interferes with, obstructs, or renders dangerous any street, highway, navigable lake, or stream; or in any way renders the public insecure in life or property, and is hereby declared to be a public nuisance. Public nuisances shall include, but shall not be limited to: noise; dust; smoke; odor; glare; fumes; flashes; vibration; objectionable effluent; noise of a congregation of people, particularly at night; passing traffic; or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities, is forbidden by any provision of this Ordinance. No person shall commit, create or maintain any public nuisance.

SECTION 2. MODIFY SECTION 4.04 VIOLATIONS

[Amend the following]

- A. Violations are Nuisances Per Se: Violations of any provisions of this Ordinance are declared to be nuisances per se. The following acts, apparatus, accumulations, violations, and activities within the Township are hereby declared to be nuisances per se:
1. No person shall throw, place, or leave; or permit the throwing, placing, or leaving any of the following substances: organic refuse, food wastes, ashes, dead animals, fish, animal bones, hides, rotten soap, grease, tallow, offal, shell, food containers or wrappings, cans, bottles, jars, crockery, garbage, discarded furniture, cartons, boxes, crates, rags, discarded clothing, bedding, floor covering, wallpaper, sweepings, waste paper, newspapers or magazines, discarded appliances, rubbish, excrement, rot, construction debris including, but not limited to, lumber, bricks, block, plumbing or heating materials, roofing materials, concrete, cement, electrical materials or siding, yard debris or rubbish including, but not limited to, grass clippings, clippings from hedges or shrubs, or detached tree branches, industrial waste, unclean or nauseous fluids or gases, in any of the following locations:
 - a. On the premises of another without permission.
 - b. On any public street, highway, lane, road, alley, public place, square, sidewalk, sewers, or any lands within the boundaries of the Township owned by the Township or other municipal corporation.
 - c. In any river, lake, stream, or other body of water.
 - d. No person shall maintain or permit to remain on their premises, so owned, occupied, or possessed by another, substances that constitute a dangerous

Marion Township
Draft Nuisance – Noise Ordinance
November 17, 2017

condition or are detrimental to the public health, safety, or welfare or may cause sickness or attract flies, insects, rodents, or vermin.

2. The emission of noxious fumes or gas, smoke, ashes, or soot in such quantities as to render occupancy of property dangerous to a person of ordinary sensibilities.
3. The keeping, either inside or outside of any building, structure, or dwelling, in a place accessible to children, any abandoned, unattended, unused, or discarded icebox, refrigerator, or any airtight container of any kind which has a snap latch or other locking device thereon without first removing the snap latch or other locking device or the doors from such icebox, refrigerator, or other such airtight container.
4. Abandoning, leaving, keeping, or maintaining a junk or abandoned motor vehicle, as provided in the Michigan Vehicle Code (MCL 257.1 et seq.), unless such vehicle body or chassis is enclosed in a building or is not visible from surrounding properties,
5. The registered owner or lessee of a vehicle from which litter is thrown, dropped, dumped, deposited, placed or left is presumed to be the person responsible for littering.
6. Violating the following noise regulations:
 - a. *General Regulation.* It shall be unlawful for the owner of any premises within the Township of Marion, or for the occupant or person in possession of any premises within the Township of Marion, or for any person to knowingly make, allow to be made, or to permit to be made upon the premises so owned, occupied, or possessed, any excessive, unnecessary, unnatural, repeated, prolonged, unusually loud noise, which is clearly audible from nearby properties, within the limits of the Township of Marion.
 - b. *Specific Noise Violations.* The following recurring noise disturbances are hereby declared to be a violation of this Ordinance provided, however, that the specification of the same is not to be construed to exclude other violations of this Ordinance not specifically enumerated below:
 - (i) The playing of any radio, television, or other electronic or mechanical sound-producing device, including any musical instrument.
 - (ii) Yelling, shouting, singing or other noise making at any time or place.
 - ~~(i)~~(iii) The keeping of any animal, bird or fowl that emanates frequent or extended noise such as allowing or permitting any dog to bark repeatedly.
 - (iv) The operation of any automobile, motorcycle or other vehicle in such disrepair; or modified, enhanced, upgraded, or improved with aftermarket products, beyond manufacturer standards, which cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise including the noise resulting from exhaust, which is clearly audible from nearby properties. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this Section.

Marion Township
Draft Nuisance – Noise Ordinance
November 17, 2017

- (v) The use of compression release engine brakes, commonly known as or referred to as Jake Brakes.
- (vi) The sounding of any unreasonably disturbing horn unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.
- (vii) The construction, excavation, demolition, alteration or repair of any building or premises in any part of the Township, including the streets and highways, other than between the hours of 7:00 a.m. and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. Urgent necessity would include snow plowing, utility repairs, and similar situations.
- (viii) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose.
- (ix) The operation of any machinery, equipment or mechanical device, so as to emit unreasonably loud noise or frequent noise.
- (x) The operation of any race track, proving ground, testing area or obstacle course for vehicles of any kind or nature in any area of the Township.

c. Exceptions. None of the prohibitions enumerated above shall apply to the following:

- (i) Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
- (ii) Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, Marion Township, or the County of Livingston, between sundown and 7 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.
- (iii) Warning devices emitting sound for warning purposes as authorized by law.
- ~~(ii)~~(iv) Activities permitted by Township actions.
- ~~(iii)~~(v) Home owners performing ordinary property maintenance (i.e. lawn mowing, general repairs, gardening, snow removal...etc.)

Dave Hamann

From: pcrange@mariontownship.com
Sent: Wednesday, November 08, 2017 12:12 PM
To: supervisor@mariontownship.com; Sandi Longstreet; za; larrygrunn@yahoo.com
Subject: Fwd: Proposed Nuisance Ordinance
Attachments: Forwarded Message (1.64 KB)

----- Forwarded message from pcrange@mariontownship.com -----

Date: Wed, 25 Oct 2017 15:09:03 +0000
From: pcrange@mariontownship.com
Subject: Proposed Nuisance Ordinance
To: supervisor@mariontownship.com

Purposed Nuisance Ordinance

The purpose of this ordinance is to secure public health, safety and general welfare and to deter loud noise and disturbances to the peace, quiet and comfort to the residents and property owners of the township by any person, their possessions, or owned animal. (Please apply, include and review township nuisance definition. Article III pg. 3-15.) It states: Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being or the generation of an excessive or concentrated movement of people or things including but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, objectionable effluent, noise of a congregation of people-particularly at night, passing traffic, or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

It is recommended:

- A) Offended party to peaceably contact the offender to discuss/inform of said issue.
- B) Notify the township by a written complaint (containing information of: who, what, when, where).
- C) In the case of the unreasonable resolve, after a possible site visit by township authority, a further resolution may be attempted by:
 - 1) Board of Trustee show/cause hearing
 - 2) Contacting township attorney
 - 3) Other possible agencies relating to the situation and issues involved.

----- End forwarded message -----

Dave Hamann

From: pcrange@mariontownship.com
Sent: Wednesday, November 08, 2017 12:14 PM
To: supervisor@mariontownship.com; Sandi Longstreet; za; larrygrunn@yahoo.com
Subject: Fwd: Proposed Motor Braking Ordinance
Attachments: Forwarded Message (1.02 KB)

----- Forwarded message from pcrange@mariontownship.com -----

Date: Wed, 25 Oct 2017 15:30:09 +0000
From: pcrange@mariontownship.com
Subject: Proposed Motor Braking Ordinance
To: supervisor@mariontownship.com

Proposed Motor Braking Ordinance

An ordinance to ensure appropriate and considerate operation, at all times, of large diesel truck vehicle (s) on any Marion Township roadway. If said truck vehicle (s) has repurposed or modified exhaust system, illegally modified system, straight pipes, bypass or amplified systems (or similar sound devices resulting in the excessive loud, unusual or explosive noise levels which exceeds the general noise limits (established in township Articles 17.09 D15, 17.13 E9, 17.24E2, 17.27 C1D); or the operator uses motor braking (compression released motor braking); a violation of any provision of this ordinance is a misdemeanor (according to Section 6251C of MI Vehicle Code 1949 PA 300, MCL 257.625) and can carry a fine of \$200.00 - \$500.00 per charged offense.

----- End forwarded message -----

From: Bob Hanvey [<mailto:supervisor@mariontownship.com>]
Sent: Thursday, November 09, 2017 10:01 AM
To: McGeen, Dan (DEQ) <MCGEEND@michigan.gov>
Subject: Large Compost / Mulch storage

Hi Dan – The attached photo is of a fire at a landscape supply business in Marion Township (Livingston County). I have no reason to suspect that the fire was intentionally started but it burned for several days and created a lot of smoke.

Even before the fire one of the neighbors complained about the odor of the mulch pile. This business is in a rural area of the township.

Are there any DEQ regulations regarding storage of mulch or landscape materials in general?

I'm not sure that you are the correct person for this question but you helped us before so I'm starting with you.

Thanks
Bob Hanvey
Marion Township Supervisor

Hi Bob,

Thank you for contacting me on this. I was out to Howell Landscape Supplies recently, on November 3, 2017, to follow up on a complaint of smoke and odors from the fire that took place in the large wood chip/mulch pile. The complaint had come in a week or two earlier, but I was not able to get out to the site on a more timely basis, unfortunately, and the fire was extinguished prior to the date of my visit. I was advised onsite that the fire had been unintentional, and heat from the wood chips or mulch breaking down likely led to the fire. I will send the company a standard open burning Violation Notice, which is not associated with any penalties, to document the fire. The letter will ask for a written response, explaining what led to the fire, and how things will be done in the future to prevent a reoccurrence. Verbally, I was told that they are trying to remove all of the wood chips/mulch from the site, except for the small piles of colored wood chips/mulch. My understanding is that they will not have such a large pile again, in the future.

It is my understanding that commercial composting of yard waste is regulated by the DEQ's Waste Management & Radiological Protection Division. However, since the wood chips here were not from residential lawns, to my knowledge, and they were stockpiled rather than managed as a compost operation, I'm not sure if they would be involved. However, I will cc their inspector, Ms. Jill Coulter in the event they would have some involvement. Thank you for contacting me, and please let me know if I can be of assistance in the future.

Sincerely,

Dan

Daniel McGeen
DEQ, Air Quality Division
Lansing District Office
First Floor Southwest
P.O. Box 30242
Lansing, MI 48909
517-284-6638
Fax: 517-241-3571
mcgeend@michigan.gov