

Approved by: _____
Larry Grunn, Chair

**MARION TOWNSHIP
2877 W. Coon Lake Rd., Howell MI 48843
PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 22, 2018
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

January 22, 2018 Regular Meeting Agenda

Cheryl Range motioned to approve the agenda. Claire Stevens seconded. **Motion carried**

APPROVAL OF MINUTES

November, 2017 Regular Meeting Minutes

Cheryl Range motioned to approve the minutes as presented, along with the recommended changes on page 4 of 4. Bob Hanvey seconded. **Motion carried**

CALL TO THE PUBLIC

Greg Durbin lives at 4389 Sundance Crossing and is also a Marion Township Trustee. Greg would like to recognize Larry Grunn and Cheryl Range for completing a training course that was seven nights long over the course of three months. This was a very involved course and completing this course should speak highly of Larry and Cheryl's dedication to their roles on the Planning Commission. Cheryl Range mentioned that Greg Durbin also completed this course.

PUBLIC HEARING

1) AJR Group Conditional Rezoning Public Hearing

Before they start the public hearing, Sally Witkowski wanted to address the board and all the residents in attendance. Sally resides at 3111 Pinckney Road. She read a letter that she had written for the Board and those who attended the meeting. She explained why she was requesting a conditional rezoning to Highway Service in Marion Township's Residential zone. Sally said that, "They had received an email in November 2015 from the township and were told that the Township would review language to accommodate weddings. During the language review period, the township Board's professional consulting firm, a right to farm specialist at a training seminar, an e-newsletter from a Michigan attorney firm posted by the Township to our application and personally by an attorney, all told the Township that weddings are common Ag Tourism. They did pass the language to accommodate weddings in July 2016 under Ag Tourism and entertainment. We applied for the Ag Tourism Special Use Permit but were still denied." Sally then said, "We meet the purpose of Conditional Rezoning which is: to meet the public's need for new or additional land uses in areas so contemplated by the Master Plan." Sally also believes that they meet the Highway Service Zone's purposes and since they meet the purposes for Conditional Rezoning and Highway Service zoning, this is why they are submitting their request. Sally expressed that weddings could be a large part of their business and provides a significant amount of their income used to support their family. Weddings are already allowed in other parts of the township, like churches, private clubs, the Howell Nature Center and the Township Hall. The Witkowski's wish to be good neighbors and don't believe that this will change the intent of Rural Residential and believe that they meet the criteria of rezoning and should be granted the rezoning and allowed weddings.

Marion Township's planner, John Enos with Carlisle Wortman, responded to Sally Witkowski's letter. John explained that even though he does not live in Marion Township, he takes pride in representing the Township and hopes to keep it rural in character and protect its integrity. John explained that typically there is a process for rezoning to Highway Services and there is a process for Conditional Rezoning. If the rezoning request is approved, then we would then list specific uses and decide if their request is possible on the particular parcel in question. In regards to this specific request for Highway Services, John recommends denial due to the use and location not fitting what that area is zoned for. (Residential and Single Family homes.)

Cheryl Range wanted to clarify that the areas that would be effected are the building itself, along with its immediate surroundings. Nothing off Davis Road will be effected. John stated if this was permitted, then the special use has no bearing on the increased amount of cars or increase in traffic. John is recommending that this issue be attached to the special use, throughout the whole process.

Larry Grunn asked John Enos if we make a recommendation to the Livingston County Planning department, doesn't that say that the Marion Township Planning Commission is approving their request? John Enos' answer was yes. If the request comes from Marion Township's Planning Commission but the county receives the request regardless of the Township's decision.

PUBLIC HEARING BEGAN:

-Larry Grunn started off by reading an email sent in by Carol Durant, whom is a resident and could not attend the meeting. Her opinion was not to have this parcel of land rezoned to a highway service district. She believes this is a farming and rural community and would like to keep it that way. She believes it would be an eyesore every time you drive by and does not want this property rezoned.

-Tim Ryan resides at 459 East Davis Road. He stated that if their request is approved, then this is going effect everyone in Marion Township. He is concerned about the future of this property and worries what will happen if the Witkowski's decided to sell their property or shut down their business. Will the next owner have the same rights and be allowed to run a business on that property?

-Sherry Marvel resides at 161 East Davis Road. Sherry did not understand why the Witkowski's were not allowed to do weddings under Ag. Tourism. She would rather see them doing weddings under Ag. Tourism instead of Highway Services.

-Jean Root resides at 723 East Davis Road. Jean would rather see these weddings done under Ag. Tourism as well. She asked if the Special Use Permit stays with the property if the Witkowski's decide to sell the property down the road. John Enos replied yes. This is why John would like to specify the specific uses that will be allowed place on the property. This way we have some control over what happens on this parcel in the future if the Witkowski's decide to sell the property. Jean would like to see them separate their parcel and only have the

weddings on a small part of the property. She is ok with the 10:30pm curfew. Jean does asks that they not be allowed to have fireworks and not allow any parking on Davis Road at any time. She asked what the occupancy is per wedding. Sally responded with "each wedding would have a 300 person limit."

-Susan Schooley resides at 459 East Davis Road. Susan said that she would help out with the animals whenever needed but she is not in support of the Event Barn. She thinks that it will be a major disturbance and she fears that if we make an exception for the Witkowski's then everyone in the future is going to expect an exception.

-Chris Fleming resides at 843 East Davis Road. Chris is in support of the Witkowski's recent request. He believes that they are invested in their property and have done a good job taking care of it. He doesn't believe that it will cause any parking or traffic issues and sees no reason not to move forward with this.

-Emily Fleming resides at 843 East Davis Road. Emily believes there is ample parking for the Witkowski's future business. She supports their idea and thinks it is exactly what Marion Township needs.

-Sally Witkowski's closing statement was that they are not interested in becoming a commercial business. This funnels in with what they are allowed to do and this is what their business needs to be profitable and successful.

PUBLIC HEARING CLOSED:

NEW BUSINESS

1) AJR Group Conditional Rezoning Review

Cheryl Range stated that she does not believe weddings are part of Ag. Tourism. She learned this at a conference that she attended. Sally Witkowski responded and stated that Carlisle Wortman's letter states that weddings are a part of Ag. Tourism. John Enos said that Carlisle Wortman said that weddings are typically a part of Ag. Tourism. Bob Hanvey said that there is a need and want for what they are asking for. It will preserve 300+ acres for farming and it will be used for educational aspects. Claire Stevens is frustrated at this point. She has seen this family many times now come back with everything that Marion Township has asked for. Each time they keep getting told that it is not sufficient. This family business is very exciting and she wants to find a way to make this happen for them. John Enos said if the Planning Commission decides to recommend approval of their request, it will first go to the County Planning Commission and then to the Board for final approval.

Bob Hanvey motioned to recommend approval of the conditional rezoning and forward to the County Planning Commission. Bruce Powelson seconded. **Motion carried 4=YES; 1=NO.**

2) Schroeder's Body Shop LLC Site Plan Review

Dave Hamann said that we need to set a public hearing for Schroeder's Body Shop's special use permit. They are working with all the outside entities to meet the requirements. John Enos mentioned applicants need to be more careful about what they are applying for. The designer made this a hard layout with little landscape and screening.

Cheryl Range motioned to set a public hearing for 2/27/2018 for Schroeder's Body Shop's special use permit. Bruce Powelson seconded. **Motion carried.**

3) New Private Road Toratola Lane for Garth Maxam

Jim Barnwell presented the site plan for Toratola Lane/private road. The road would come off of Triangle Lake Road and would go through the open land near the wood line. Jim Barnwell is requesting the Planning Commission's recommendation to the Board for approval to put in this private road.

Cheryl Range motioned to recommend approval as long as the conditions are met from Spicer, the Road Commission and the Fire Department. Also, the ZBA needs to grant a variance for the road length. Bob Hanvey seconded. **Motion carried**

4) Meadows West

Dave Hamann said that we need to set a public hearing for The Meadows West's special use permit. They are working with all the outside agencies while waiting for their approval letters.

Cheryl Range motioned to have a public hearing for Meadows West's special use permit on 2/27/2018. Claire Stevens seconded. **Motion carried**

5) Resolve issue with 6.20J relating to land use for approved roads. TXT #01-18

John Enos stated that there should be one general law ordinance to cover pre-existing private roads. Dave Hamann asked if he can just add "New" in front of "Private Roads" in the existing ordinance. John Enos said that would be fine. You do not need a public hearing or a motion because the original intent is not being changed. It is more semantics. Larry Grunn asked if we could get a group together to discuss some of these private road issues. Bob Hanvey said that is possible to do.

OLD BUSINESS

1) Redo TXT #04-17, TXT #05-17

Cheryl Range motioned to have a public hearing for text amendments #04-17 and #05-17 on 2/27/2018. Bob Hanvey seconded. **Motion carried**

2) Redo Marion D19 LLC

Cheryl Range motioned to have a public hearing for Marion D19 LLC's special use permit on 2/27/2018. Bruce Powelson seconded. **Motion carried**

3) Continue work on Rules and Procedures Handbook

Cheryl Range motioned to postpone #3, #4, #5, #6 and #7 (Except for Lake Ordinance #05-17) until the next meeting on 2/27/2018. Claire Stevens seconded. **Motion carried**

4) Review Planning Commission ordinance work list and prioritize

5) TXT #06-17 proposed 6.07.12 Roof Pitch and 6.22 LCBD reference

6) TXT #07-17 proposed changes lots

7) GO proposed

a. #01-17 Land Division

b. #05-17 Combine Lake Ordinances, Change Cemetery, Change Park and Rec.

Cheryl Range motioned to leave the Lake Ordinance as it is. Bob Hanvey seconded. **Motion carried**

8) Master Plan Status

John Enos suggests that he would like to meet with Planning Commission first and then have a kick-off meeting with the Board of Trustees. He thinks that we may need to have two meetings a month for a little while until we get things caught up.

CALL TO THE PUBLIC

Les Andersen wanted the Marion Township handbook to say that members were "required" to take training/classes pertaining to their department. The Board approved the wording "highly recommended" instead of "required."

Les Andersen commented on weddings and Ag. Tourism and said that the state said weddings are not part of Ag. Tourism. Les also heard people discussing "non-conforming business without a special use permit", on the local radio station. This topic is not going away and we need to deal with it now, so it doesn't become a bigger problem in the future. John Enos said that there are many differences between Right to Farm and Ag. Tourism. Each municipality defines Ag. Tourism differently and we need to find what works for Marion Township.

ADJOURNMENT

Cheryl Range motioned to adjourn the meeting at 9:30 p.m. Claire Stevens seconded. **Motion carried**