

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

**MARION TOWNSHIP**  
2877 W. Coon Lake Rd., Howell MI 48843  
**PLANNING COMMISSION**  
**REGULAR MEETING MINUTES**  
**FEBRUARY 27, 2018**  
**7:30 P.M.**

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

**MEMBERS ABSENT:** NONE

**OTHERS PRESENT:** DAVE HAMANN- *ZONING ADMINISTRATOR*  
JOHN ENOS- *TOWNSHIP PLANNER, CARLISLE WORTMAN*

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**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 from Carlisle Wortman introduced himself.

**APPROVAL OF AGENDA**

*February 27, 2018 Regular Meeting Agenda*

Larry Grunn motioned to approve the agenda but to also move the Meadows West Public Hearing up to #1. Bruce Powelson seconded. **Motion carried**

**APPROVAL OF MINUTES**

*January 23, 2018 Regular Meeting Minutes*

Bob Hanvey motioned to approve the minutes as presented. Bruce Powelson seconded. **Motion carried**

**CALL TO THE PUBLIC**

No response.  
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## **PUBLIC HEARING**

### **1) SUP#03-17 Meadows West 17.21 Multiple Family Development**

Larry Grunn shared a letter that was written to the Marion Township Planning Commission. This letter was written by Vincent Banks, 994 Yarrow. This letter discussed some concerns that Mr. Banks has with Mitch Harris' new development, Meadows West. Dave Hamann, Zoning Administrator, is keeping a copy of this letter with his records.

Jim Barnwell with Desine Engineering is a designer for Mitch Harris. He is here today to discuss his request to obtain a special use permit in order to develop multi-family homes. Back in 2004-05, a special use permit was requested for the development of 63 units, which would include ranches and condominiums. At the time, 63 units were approved. The 2006 site plan was also approved and water and sewer permits were given for 63 units to Mitch Harris. Shortly after, the economy tanked, so nothing more was done with this development.

Now, in 2018, they are proposing 54 units across 11.6 acres (similar to previous proposal), along with permits for sewer and water. This is basically a continuation of the Meadows; however, because of the legal system, they have to call it the "Meadows West".

John Enos responded that area of Marion Township is one of our more intense residential areas. It is also a public sewer area. The Planning Commission makes advisory suggestions such as:

- The site plan needs more detailed landscaping.
- They need to limit the lighting, to avoid disturbing existing neighbors.
- They need approval from all outside agencies.
- They should not have access to Peavy Road.
- There should not be a retention wall or fencing.

Dennis McCarthy, 908 Spirea: The Meadows should not have to suffer due to this new development. Mitch Harris is going to be using our road to develop this addition, causing more wear and tear on the road. He should also have to install a traffic light to help support the increased traffic. Any additions to our existing road should be made with the same material, so they all match.

Vincent Banks, 994 Yarrow: He has done some research on this development. Nobody else in the community wanted to pay for an attorney. However, the attorney he found did some research for them anyways and said that Mitch Harris had ten years to begin and finish this new development. That was in 2000 he believes. Since Mitch Harris did not comply, any profit made on the new lots should go to the existing owners. Mitch Harris also refused to pay for repairs on their main road, but now wants to use it to develop more houses.

Mark Mynsberge, 1019 Spirea: Mark is the president of the Homeowners Association at the Meadows. He stated that this expansion had to be started within six years of breaking ground. One of his questions is whether this is considered an expansion or a new development? This is the number one concern at this point.

Dan Tomaszewski, 204 Penobscot Drive: Dan lives in one of the closest homes to this new development. All the trees that are currently a buffer are going to be taken down. Traffic is already congested in this area and it is difficult to get out of the subdivision. Adding more homes is going to intensify this. The lighting from the new development is going to be shining right in his back yard and into his bedroom. He bought his house because of the privacy. The Planning Commission needs to stop putting in houses on top of each other. This new development is going to cause the value of his home to drop around \$10,000.

Barbara Cruzen, 470 Hosta: Barbara stated that traffic is going to be a big issue. It is not going to be safe and just because he cannot use Peavy Road as an entrance, should not be mean that it should become everyone else's problem. They are just going to tear up their road, which was just repaired. Mitch Harris did pay for some of the repairs, but not enough of them.

Tom Miller, 16 Sedum: Tom is an association board member. Many things were promised by Mitch Harris and he did not follow through on any of them. He promised an egress, sidewalks, grass spaces and many other things. He broke promises back then and fears that he is just going to continue to break them going forward.

Dennis Wolak, 954 Spirea: Dennis' biggest concern is refinancing and/or selling his unit in the future. He was told that until at least 80% of the new units are sold, other home owners in the subdivision will not be able to sell or refinance until this happens.

Jennifer Miller, 192 Penobscot: Jennifer stated that she was not aware of this new development until recently. She and her son started a petition on Sunday, February 25, 2018. Since then they have received over 50 signatures, petitioning against this new development. She is concerned with tearing down big, beautiful trees, only to replace them with shrubs. There are already people that don't live in our community that are cutting through our subdivision and using our amenities, amenities that our community members pay \$120 a month to have. The reason that she purchased her house was because of the natural beauty that surrounded her lot. She is also concerned with the new gas station going in, 100 feet away from her house. She expressed that both of these things are going to drastically increase traffic.

Jennifer Robinson, 1025 Yarrow: Jennifer is not from the US. She is from England. She feels like this area is turning into Livonia, instead of the rural area it used to be. Right now, people can refinance if they so choose. If this new development goes in, that option is going to decrease drastically.

Dennis Fijalkowski, 1026 Spirea: Dennis is concerned that if things don't go as planned, then Mitch Harris is going to disappear leaving the rest of us holding the bag. He wants to know if this is going to be part of the Meadows. If so, he believes this is illegal. Or is this going to be a new development all together? If this is the case, he wonders how Mitch Harris obtained the right to develop a new subdivision, which will be connected to the Meadows, without getting our permission? He thinks that Mitch Harris should have to pay a deposit/bond for any future repairs on their road. Will the new homeowners be part of our association and will they have to help maintain our main road? We had to pay a lot of money to fix the road because Mitch Harris only put a base coat down, which is not the standard practice in Michigan. The township should make these developers post a bond, so they cannot walk away without finishing the roads.

Betsy Ormsbee, 536 Newberry Lane: Betsy is very worried about the increased traffic that will occur if this new development occurs.

Dean Kelly, 1044 Spirea: Dean is worried about Mitch Harris building on the wetlands and Mitch using their roads, causing wear and tear.

Irvin Clouse, 74 Sedum: Irvin would like everyone to please have some consideration for the condominium law.

## **PUBLIC HEARING**

### **2) TXT#04-17 Proposed Landscape Contractors Operation Section 10.01**

John Enos explained that this public hearing had to be re-done because the time requirement was not met back in November. This language is going to help regulate land use for these types of things.

## **PUBLIC HEARING**

### **3) TXT#05-17 Proposed Outdoor Vehicle Storage Section 17.34**

John Enos explained that this public hearing had to be re-done because the time requirement was not met back in November. This language is going to help regulate land use for these types of things.

## **PUBLIC HEARING**

### **4) SUP#02-17 D19 Marion LLC 17.04B Automobile Fueling/Mixed-Use Station**

TJ Lekander owns several gas stations through the county. They are hoping to open a new Mugg and Bopp's gas station where Bella's party store is currently located. They plan on extending the left turn lane on D19, provide more parking, and reduce traffic by providing a gas station for those getting off and on I-96. It will eliminate the need to cross the I-96 overpass to fuel up. They can get off I-96 and get gas without having to travel across the bridge. It will also make it easier for them to get back on the expressway.

John Enos said according to their site plan, the new gas station will be a beautiful building and will have significant landscaping.

Leo Hirschman, 475 Hosta: Leo asked if any kind of soil testing will be done, because of it being a gas station, to make sure that nothing is going to get into our sewer system or leak into our subdivision.

Tom Miller, 16 Sedum: Tom wants to know if they could put in a sidewalk with landscaping so the people living close by can walk or ride their bike to the gas station, which would help cut back on traffic.

Regina Fisher, 485 Hosta: Regina asked if the new Mugg and Bopp's intends on having any of the tall signs that other service stations have. TJ Lekander said they are not installing any tall signs and do not intend on asking for that in the future. John Enos stated that those would not be allowed.

Margaret Kelly, 1044 Spirea: Margaret asked if any of the fuel will be leaking into the ground. TJ Lekander said that the only place he wants the fuel to go is in your car. He doesn't want to pollute the earth or cause harm to anyone. The fuel sits in double-walled tanks and will not be leaking into the ground at any point.

Nancy Dubay, 294 Newberry Lane: Nancy is worried about the traffic and the outsiders coming here to use the gas station. She just hopes that the Planning Commission thinks about all of our faces when making these decisions.

Lawrence Jackson, 420 Newberry Lane: We have enough noise and light pollution as it is. We already have six gas stations in this area and don't need any more.

## **PUBLIC HEARING**

### ***SUP#01-18 Schroeder's Body Shop 17.04A Auto Repair Facility***

This body shop will not be off Francis Road. It is about 1000 feet away from Francis. We have a good landscaping plan and will make the building look nice. Currently you can see a lot of campers because I can only work on two at a time. The new building will have space for 6-8 campers at one time. I do not plan on working past 6:00pm. We will have proper exhaust and filtering. The building will be facing D19 but you will enter off Schroeder Park Drive. There will not be any other entrances. We will have proper screening around the parking lot along with proper lighting in the parking area. He is not exactly sure what kind of lighting just yet, but it will fall within the guidelines.

John Enos said he sees a lot of issues with this proposal. He does not believe that it is ready for action just yet. There are still a lot of issues that need to be handled. We want to be proud of this building going in and want to make sure everything is ready before we give the green light.

## **NEW BUSINESS:**

### ***SUP#02-17 D19 Marion LLC 17.04B Automobile Fueling/Mixed-Use Station***

TJ Lekander is hoping that we can do whatever is most expedient to get this process started.

Bruce Powelson would like to recommend putting in charging stations for electric cars.

Cheryl Range motioned to recommend approval to the board with all the conditions met from the outside agencies. Bruce Powelson seconded. **Motion carried.**

## **NEW BUSINESS:**

### ***SUP#03-17 Meadows West 17.21 Multiple Family Development***

John Enos reminded the audience that the next meeting on this will not necessarily be in March. Give the township a call to find out when the next meeting will be to discuss these issues and concerns.

Cheryl Range motioned to postpone action on this item so the applicant can address some of these issues and concerns. Claire Stevens seconded. **Motion carried.**

## **NEW BUSINESS:**

### ***SUP#01-18 Schroeder's Body Shop 17.04A Auto Repair Facility***

John Enos said that the revisions have come a long way. Suggest for Planning Commission to review the updated plan. Some of these things need clarification and recommended to extend any decision making until we review the new plan and discuss the landscaping in more detail with one another.

Bob Hanvey stated that Schroeder's Body Shop will need to ask for variance for parking (section 14) and also a variance for being within 200 feet of a church (17.04A #8).

Dave Hamann said that he will have to ask the ZBA Board in April for this variance. Matt Schroeder

asked if there is any way that we can speed this process up. John Enos said no, because we have to inform the proper channels of the public hearing in advance. We also need more details on the design and landscaping. Cheryl Range also added that she got a late response from MHOG regarding fire suppression.

Cheryl Range motioned to postpone this for review and timing of outside agencies. Also so the variance can be requested from the ZBA. Bob Hanvey seconded. **Motion carried.**

### **NEW BUSINESS:**

#### ***PUD#01-18 Casa Villa Entrance- Golf Ranch Conceptual Review***

John Enos explained that Casa Villa is proposing this PUD because they are not going to be developing all the units that they originally thought. John recommends that we postpone decision making until the next meeting.

Brent Lavanway with Boss Engineering explained that they are requesting a PUD on the corner of Peavy Road and Mason. They were planned for 61 units and revised to 52 units. This allows several different options with the remaining unused parcels. This leaves more open space available, it could increase the size of the park, allow room for walking trails to be put in and it could increase the size of the entrance. The community can only benefit from these added amenities. John Enos thanked Brent for the fast turnaround time and recommends that the Planning Commission set a public hearing for the next meeting.

Bruce Powelson asked what the square footage of the houses are. Brent replied with 1300 square feet, plus an extra 1000 for two story homes.

Bruce Powelson also inquired about the retention pond. Brent explained that it gives an opportunity to create a large buffer and because it is so shallow, it does not require a fence.

Bob Hanvey motioned to set a public hearing for March 27, 2018. Claire Stevens seconded. **Motion carried.**

### **NEW BUSINESS:**

#### ***TXT#04-17 Proposed Landscape Contractors Operation Section 10.01***

Cheryl Range motioned to send this language over the County Planning Commission with comments for review. Bob Hanvey seconded. **Motion carried.**

### **NEW BUSINESS:**

#### ***TXT#05-17 Proposed Outdoor Vehicle Storage Section 17.34***

Cheryl Range motioned to send this language over the County Planning Commission with comments for review. Bob Hanvey seconded. **Motion carried.**

## **OLD BUSINESS:**

### **1) Rules & Procedures Handbook**

Claire Stevens asked if the remaining items should be postponed due to the time.

Dave Hamann said that the Planning Commission members need to be ready to finalize a time or curfew to back up postponing items on the agenda during meetings. Dave recommends using the ZBA's regulation for curfew times during meetings, but maybe instead, put 9:30pm as the cut-off time instead of a three hour maximum.

Dave also recommended changing the April meeting date because of the MTA conference.

### **2) *TX#06-17* Proposed 6.07.12 Roof Pitch and 6.22 LCBD Reference (Discuss Calculations)**

### **3) *TX#07-17* Proposed Lot Changes (10/24/17 packet)**

### **4) General Ordinances Proposed:**

**#01-17 Land Division**

**#05-17 Change Cemetery & Change Parks and Recreation**

### **5) Master Plan Discussion**

Chery Range asked why the master plan still seems to be unfinished. She recalls that everything was done except for chapter three. John Enos would like to meet with Cheryl to discuss the completion of the Master Plan further.

Bob Harvey motioned to postpone Old Business items #1-5 until the next Planning Commission meeting. Bruce Powelson seconded. **Motion carried.**

## **CALL TO THE PUBLIC**

No response.

## **ADJOURNMENT**

Cheryl Range motioned to adjourn the meeting at 9:39 p.m. Claire Stevens seconded. **Motion carried**