

MARION TOWNSHIP PLANNING COMMISSION

AGENDA and MINUTES
PUBLIC HEARING & REGULAR MEETING
June 23, 2015

CALL TO ORDER:
PLEDGE OF ALLEGIENCE:
INTRODUCTION OF MEMBERS:
APPROVAL OF AGENDA FOR: *June 23, 2015 Regular Meeting*
APPROVAL OF MINUTES FROM: *May 24, 2015 Regular Meeting*
CALL TO THE PUBLIC:
PUBLIC HEARING:

- 1) *Proposed Conditional Rezoning CZRN# 01-15 – AhuraTec, LLC 4254 Bentley Lake Road – Tax ID# 4710-28-200-044 and 045*

OLD BUSINESS:
1) *Proposed Conditional Rezoning CZRN# 01-15 – AhuraTec, LLC 4254 Bentley Lake Road – Tax ID# 4710-28-200-044 and 045*

NEW BUSINESS:
1) *Audal Private Road Application PR#01-15 – tax ID# 4710-34-400-002 – North of W. Schafer Road*
2) *Williams Distributing amendment to existing site plan SPR# 02-15 – tax ID# 4710-02-100-007 – 840 Motor Drive*

CALL TO THE PUBLIC:
ADJOURNMENT:

MINUTES

MEMBERS PRESENT: LARRY GRUNN, CHAIR
CHERYL RANGE, SECRETARY
BRUCE POWELSON
BOB HANVEY

MEMBERS ABSENT: JOANIE PARIS

OTHERS PRESENT: ANNETTE MCNAMARA, ZONING ADMINISTRATOR

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Bob Hanvey motioned to approve the agenda. Cheryl Range seconded. **Motion Carried 4-0.**

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. Joanie Paris was absent.

CALL TO THE PUBLIC

Larry Grunn opened the call to the public.

No response.

Larry Grunn closed the call to the public.

APPROVAL OF MINUTES

May 26, 2015 Regular meeting minutes

Bruce Powelson noted his name was misspelled within the minutes. Bob Hanvey motioned to approve the May 26, 2015 minutes as amended. Bruce Powelson seconded. **Motion Carried 5-0.**

PUBLIC HEARING

Proposed Conditional Rezoning CZRN# 01-15 – Ahura Tec, LLC 4254 Bentley Lake Road – Tax ID# 4710-28-200-044 and 045

Larry Grunn opened the public hearing.

Jim Barnwell, Desine Inc., summarized the project. This property was an approved development of two private roads and seventeen lots. The development went into bankruptcy and was bought by the Akhavan-Tafti's to grow organic clover for feed. The applicant, Ahura Tec, is proposing a conditional rezoning. They would like to use a lot created with the original development, Bentley Lake Farms, to build a house for a "Think Tank". Ahura Tec develops patents and licenses

products augmenting existing products. No manufacturing will take place on the property, they will be farming minds and growing ideas. Conditional rezoning is a process to allow a specific use under conditions specified in a contract between the applicant and Marion Township. The proposal is designed to be nonintrusive, much less intrusive than seventeen homes. The house will be served by onsite well and septic. There will be a limited number of visitors and deliveries. The applicant is looking for a relaxing setting. A conditional rezoning agreement with Marion Township assures the property will be used as stipulated.

Paul Gyer, CEO, Ahura Tec explained that the company invents technologies, display technologies. Mr. Gyer showed the kinds and quantities of the items that could possibly be used on site. These items are commonly found on store shelves. Material Data Safety Sheets are required. They will be provided to the Howell Area Fire Authority and will be displayed onsite. The founder of Ahura Tec is world renowned and holds sixty-five patents. One patent is for a luminescent product that allows doctors to easily detect diseases, saving lives under emergency conditions. There will be no heavy equipment, such as forklifts or large trucks. No compounds will be used that require special permitting of any kind. John Enos, Carlisle/Wortman, noted to the audience that site issues will be discussed if and when the conditional rezoning is approved. Tonight the Planning Commission is gathering information on the conditional rezoning. A conditional rezoning is a tool, similar to special uses permitted by the Zoning Ordinance. The only zoning district with a designation similar to the use requested is within the Light Industrial zoning district. This is not a rezoning to Light Industrial. A rezoning would allow the property owner to use the property for any of the uses listed within the Light Industrial district, which is not the case with a conditional rezoning. Conditional rezoning is limited to what is agreed upon by the applicant and Marion Township. The Planning Commissions task tonight is to determine if the factors presented tonight are going to work at this location.

Larry Grunn opened the public hearing to comments from the audience.

Romanowski, 3220 Combine Court, will the two existing barns on the property remain. If they do will they qualify as Light Industrial?

Answer, yes they will remain for the farming operation and no they will not qualify as Light Industrial.

Raymond, 3218 New Holland, What activity is taking place in the existing barns presently? I see people arrive with briefcases.

Answer, there is a mechanic that works on the farm equipment and Mr. Akhavan-Tafti's cars.

MacLeish, 3447 Mayberry Lane, at one point the previous owner was doing perc tests on the property in preparation for new houses. I didn't want to see houses so close to me, I bought the property. This proposed use is much better than the hog farm that existed previously and better than seventeen homes. This is their property and they can use it as they choose.

Wallen, 3145 New Holland, I can buy products at any store and build a bomb. I would like more information as to what will take place on the property.

Mr. Gyer, the work that will take place on the property is proprietary in nature. To disclose would be giving others the ideas. I can't disclose the work on technology that allows curved displays. Any intensive scientific work that would necessitate the use of certain products is done at Wayne State University, we have a contract with them.

Potter, 3181 New Holland, most of the people in this room ran from the city to be in the country, there are many vacant buildings in commercial areas that could be used. This will lower property values and if Marion Township allows this, more will come.

Buko, 3182 New Holland, what is the purpose of the conditional rezoning, this is not fair to the residents, please consider us.

Bahr, 3201 Grass Lake, how did the 10,000 s.f. structure come about, who certified the organic farm, this is against the intent/nature of the Zoning Ordinance and Master Plan, this doesn't mesh with the residents comments, the narrative doesn't state the conditions that run with the land, I can't find anything on the educational trust, the HVAC on the roof is not consistent with residential, will the applicant submit a bond to cover reverting back to Rural Residential, this will set a precedent.

Richie, 3173 Grass Lake, he agrees with others, why can't they use the existing structures and will there be an audit process?

Answer, yes there will be an inspection process. To revert back to Rural Residential the Township will go through the same process as tonight. An explanation was giving for the 10,000 s.f. structure. Organic certification will be provided to Marion Township. Yes, there are cars in the barn and they have employees in to help with the farm work, a bond can be provided to Marion Township. This is not spot zoning, this process has many conditions attached.

Kollath, 3144 Combine Court, believes the conversion back to a residential home would be expensive, I have concerns about the well water being contaminated.

Bliese, 3217 New Holland, this proposed use is very close to my house, I desire a rural atmosphere, I am opposed to this proposal.

Carlson, 3475 W. Coon Lake, how will the property be assessed, can Marion Township ask for a favorable return?

MacLeish, 3447 Mayberry Lane, this is a pastoral setting, twenty-five years ago we had one neighbor, the proposed house is attractive, she thinks this is a good idea.

Gokey, 3355 Mayberry, has concerns about the Red Cedar River, environmental factors.

Larry Grunn closed the call to the public.

Larry Grunn closed the public hearing and opened the regular meeting.

John Enos reiterated to the Planning Commission members they have to decide if this use is a good fit, if there are enough conditions to make them comfortable.

Cheryl Range noted that she could not find the foundation online either.

Paul Gyer gave the web address.

Bob Hanvey clarified that Marion Township cannot negotiate with the applicant. The applicant can respond to tonight's comments and questions. What are the property value implications? No one knows and cannot know until the use is in place. The folks working within the proposed Think Tanks have a vested interest in maintaining safety.

Jim Barnwell suggested taking time to review tonight's comments and adjust the application. That will give the Planning Commission members time to mull over the comments made tonight and hear from the applicant at the July meeting.

Larry Grunn asked the Planning Commission members if they were comfortable making a recommendation tonight.

Paul Gyer noted the process of developing conditions and anticipating concerns is challenging, whatever conditions offered won't satisfy everyone. They would be happy to have this placed on hold. He feels as if they are shooting in the dark yet they will do their best to offer additional conditions, such as reducing the number of cars allowed on site for the proposed use.

Bob Hanvey motioned to postpone action on this agenda item until the July 28, 2015 Planning Commission meeting at that time another public hearing will be held at 7:30 pm. Larry Grunn seconded. Roll Call, all yes. **Motion Carried 4-0.**

NEW BUSINESS

Audal Private Road Application PR#01-15 – tax ID# 4710-34-400-002 – North of W. Schafer Road

Jim Barnwell, Desine, Inc. summarized the private road project. The road will be built to Livingston County Road Commission gravel road specifications. Comments were made by the Township engineer asking for more detail, such as topography for the entire site. Typically this is not required as the only building that will take place is the building of the road. With each lot a land use permit will be submitted along with topography for the lot. He is asking the Planning Commission for relief from this requirement. The remainder of the engineers' comments are just housekeeping issues. Legal comments from Mike Kehoe will be incorporated into the Private Road Maintenance Agreement. They are asking for final approval tonight.

Bruce Powelson asked whether the lots could be split.

The applicant answered yes, that is not their intent.

Larry Grunn asked the Planning Commission members if they had any other comments.

Cheryl Range motioned to recommend approval for PR# 01-15 based on the conditions in the Livingston County Road Commission and Spicer Engineering review letters. Bruce Powelson seconded. **Motion Carried 4-0.**

Williams Distribution amendment to existing site plan SPR# 02-15 – tax ID# 4710-02-100-007 – 840

Motor Drive

Jim Cappo, Ronnisch Construction Group and Kris Guccione, KMG Designs presented the proposal to place an addition on the existing building. This will be a 100' x 150' addition that will be used strictly as warehouse. There is an existing easement running between Mason Road and the existing building. The property is served by well and septic.

John Enos summarized Carlisle/Wortman review letter. He noted that no variance is required for the setback from Motor Drive, one was granted in 1986 for the existing building and the proposed building will not be any closer to Motor Drive than the existing building.

Bob Hanvey asked if there was a permission letter from the owner.

The owner signed the application.

Question was asked and answered about the street sign for Motor Drive.

Bob Hanvey motioned to recommend preliminary approval to the Board of Trustees. Bruce Powelson seconded. **Motion Carried 4-0.**

CALL TO THE PUBLIC

Larry Grunn opened the call to the public.

John Enos informed the Planning Commission members of a planning conference this fall and suggested the new members attend.

Larry Grunn closed the call to the public.

ADJOURNMENT

Bob Hanvey motioned to adjourn the meeting at 9:35 p.m. Larry Grunn seconded. **Motion carried 4-0.**