

\*Approved by: \_\_\_\_\_  
Larry Grunn, *Chairperson*

Date: \_\_\_\_\_

**MARION TOWNSHIP PLANNING COMMISSION**  
**REGULAR MEETING MINUTES**  
**SEPTEMBER 24, 2019 / 7:30PM**

**MEMBERS PRESENT:** LARRY GRUNN – *CHAIRPERSON*  
BOB HANVEY  
CHERYL RANGE – *SECRETARY*  
BRUCE POWELSON – *VICE CHAIR*  
JAMES ANDERSON

**OTHERS PRESENT:** DAVE HAMANN – ZONING ADMINISTRATOR  
JOHN ENOS – PLANNER WITH CARLISLE WORTMAN

**MEMBERS ABSENT:**

**CALL TO ORDER:**  
Larry Grunn called the meeting to order at 7:30 p.m.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA:**  
*Regular Meeting Agenda for September 24, 2019*  
Bruce Powelson motioned to approve the agenda. Cheryl Range seconded. **Motion carried.**

**APPROVAL OF MINUTES:**  
*Approval of the Regular Meeting Minutes for August 27, 2019*  
Cheryl Range motioned to approve the minutes from the August 27, 2019 meeting with the grammar and spelling changes. Larry Grunn seconded. **Motion carried.**

**CALL TO THE PUBLIC:**

**NEW BUSINESS:**  
NONE

## **OLD BUSINESS:**

### **1) TXT #03-18 Section 6.14 and 17.32 Home Occupation / Home-Based Business**

Dave explained that the task at hand is to discuss the content from the previous email and decide if you, as the commissioners, are happy with this language and if it's ready to be sent to the County for review.

Larry Grunn asked how we planned on enforcing this language. For example, Stamper's has really grown over the years. Larry spoke with some of Stamper's neighbors about the business activities that have been taking place and many of them are very unhappy with what has been going on. However, none of them wanted to file a complaint but agree that what Stamper is doing is not right. Trucks are coming and going all of the time and because of the auto repair, there are trucks and cars everywhere. Larry asked how the township allowed this to happen. How are we going to enforce this new language going forward?

John Enos responded that this is good language that you all came up with. It is never going to fit every situation and it will never be perfect. We should move forward with this by sending it to the county planners for review and input. They could give some good insight that could be very helpful and useful. We will be able to add conditions to each Special Use as they come in, depending on the circumstances.

Cheryl Range asked how many cars does the Home Occupation language allow. Larry Grunn responded "eight".

John Enos appreciates all of the responses made by Jim Anderson regarding Cheryl's concerns throughout the email.

Jim Anderson asked if any of this is enforceable. Would John Enos be able to enforce those that violate this language? John Enos said that he would absolutely be able to enforce this language. The language is pretty strict but it is enforceable.

Bruce Powelson asked about the pre-existing businesses that have been in existence prior to this language. John Enos said that if it is a general ordinance, it would also affect the pre-existing business. If it is a zoning ordinance, it only affects from the date of adoption. Bruce said what about the businesses that were given certain rules and regulations in the past, do they still have to follow the new rules and regulations list in this language. Jim Anderson said that we would have to review the previous resolutions and see if they are still compliant. If they are not, then their Special Use Permit could be revoked if they don't comply. Then a new Special Use Permit would have to be applied for and they would then have to follow the current ordinances. Dave Hamann said that people are hesitant scared to come forward because it costs a lot of money to prepare and present site plans. That is why it was changed to plot plans, which are basically plans that are not engineered.

Bob Hanvey said that this language is not perfect and probably never will be. Bob thinks it is ready to move forward to the county for review and input.

Larry Grunn would like to review the county's recommendations after review, before it is sent to the Board.

Cheryl Range asked about the people who reside on Hawthorne, who were never notified of their neighbor's business. Dave Hamann said that they were declared a Class One Home Occupation, which does not require notification to the neighbors.

All Commissioners agreed to send this home occupation and home-based business language to the Livingston County planners for review and then return back to the township Planning Commission for review of the county's recommendations and input.

### **2) TXT# 04-17 Create Special Use for Nursery and Make Changes Requested by BOT**

Dave Hamann said that he attend the board meeting two weeks ago and brought a “strawman” piece of language that he created to get the board’s opinion and direction. “Section 17.44 Landscape Nursery Special Use”. The board sent this language back to the Planning Commission to make some changes. Dave also spoke with Kathleen Kline-Hudson at the county about this language and the definition changes and she said that we would have to start the process all over again and go through the Public Hearing process again and then send it back to the county for review.

Bob Hanvey said that he thinks we should take the word “Landscaping” out of the definition. Dave asked if we would then be calling it “Nursery Operation” instead.

Cheryl Range asked if the definition would stop at “decorations.” She also wanted to confirm that they would not be allowed to have piles of mulch, only bagged mulch.

Bob Hanvey said that we did not address whether or not the business owner would have to live on site. Should we add that somewhere in this language?

Jim Anderson asked about a person that plants a dozen seedlings to grow Christmas trees to sell at Christmas time.

John Enos said that we can address things like that if/when it happens. We can also add conditions to each Special Use Permit to prevent things from evolving too quickly.

Jim Anderson asked what happens when they start growing bushes, other plants, etc. Wouldn’t they now be considered a home-based business?

Dave Hamann said according to the new definition, you are not allowed to have these items but agrees with Jim Anderson. Where do you draw the line?

Les Andersen said that he just wanted to convey that a landscaping business is NOT covered by Right-to-Farm. Mulch and many landscaping materials are not included in Right-to-Farm. We are trying to get away from things like that.

John Enos said that we can add a few more conditions to this and put it to bed. We can allow Nursery Operations but NOT Landscaping Operations.

Bob Hanvey asked if we could work on the conditions right now during the meeting.

John said yes.

Dave Hamann asked if we are going to require a site plan or a plot plan.

John Enos said that if they are building a retail building, they need a site plan. If they are doing it out of their home, then a plot plan would suffice.

Jim Anderson said that essentially, someone could purchase a bunch of property, plant a bunch of trees and plants and start selling them to consumers.

Dave Hamann said that would be considered under Right-to-Farm.

Jim Anderson asked what happens if they buy their trees from somewhere else and bring them to their property to sell at their nursery. Are they still growing on site?

Dave asked if we could go back to a “use by right” for nurseries. Also, for Right-to-Farm, do they even need a SUP?

Les Andersen said that if they grow the trees on site, then they would be covered under Right-to-Farm and would not need a SUP.

Cheryl Range suggested adding something as general as “Do not effect neighboring communities”.

John Enos said yes, we could add something like that.

Bob Hanvey asked if this new language for Nursery Operations would override the existing language that the ZBA created.

John Enos said yes, it would replace the existing language. John also stated that if they are covered by Right-to-Farm, then they don't even need a SUP. They can do it in any district.

Bob Hanvey asked if this would override our marijuana prohibition.

John Enos said no way, that language is solid. A person can grow marijuana inside their home for themselves as long as no one else can see it or purchase it from them. Marion Township's prohibition is strong and opts the township out of allowing sale of marijuana within the township.

Bob Hanvey said that he would still prefer to have a Public Hearing notifying the community about the new language.

Jim Anderson suggested taking out the phrases "but not limited to..." along with "but not exclusively...".

Cheryl Range made a motion to schedule a Public Hearing for October 22, 2019 for Section 8.01.E.22 Nursery Operations in Marion Township. Bob Hanvey seconded. **Motion carried.**

Cheryl Range also motioned to remove the "Strawman" language, *Section 17.44 Landscape Nursery Special Use*, created by Dave.

### **3) TXT# 07-17 Proposed Changes Lots**

Bob Hanvey passed out copies of a map to the other commissioners. Bob asked the commissioners what Dave should do if a resident wanted to split their property where the black line indicated.

Larry Grunn said that the residents wouldn't be able to because there is no access point.

Bob said that our general ordinance states a split can occur if there is a place for an easement to go even if there is no road frontage. However, according to our zoning ordinance, they cannot split this unless there is frontage on the road. These two are very contradicting.

Dave Hamann said that there are a lot of situations like this throughout the township where zoning ordinances are conflicting with general ordinances. This was sent to the board at one point and they did not want to make any changes, even though they conflict each other.

Bob said that we need to pick which one of these ordinances we want to keep in effect.

Dave said that the Planning Commission cannot fix this, only the Board can.

Bob said that the Planning Commission can make a recommendation to the Board so they can make this correction.

Dave asked the commissioners what their actual recommendation to the board is going to be. We just need to make sure that our general ordinance helps support our zoning ordinance.

Cheryl Range motioned to recommend to the BOT to remove Section III Accessibility #2 Easements. Jim Anderson seconded. **Motion carried.**

### **4) Wellhead Protection Overlay District replacing 6.27**

John Enos met with Tim Schmidt and discussed some different items concerning the Wellhead Protection Overlay District. John will call Tim and see if he has looked at everything yet so they can continue discussion.

Cheryl Range motioned to postpone discussion on this until John Enos speaks with Tim. Bob Hanvey seconded. **Motion carried.**

## **CORRESPONDENCE AND UPDATES:**

### ***BOARD OF TRUSTEES DID NOT APPROVE MASTER PLAN FOR DISTRIBUTION***

John Enos said he plans on minimizing some of the first few chapters to get rid of some maps (that can now be found online) and also become more descriptive with certain things throughout the master plan. He plans on having this done by the next Planning Commission meeting on October 22.

## **CALL TO THE PUBLIC:**

Les Andersen wanted to remind the commissioners that someone could be allowed to build three huge pole barns on their property but because of what Dave did when he created the waiver affidavit, that person will no longer be allowed to use those barns for their personal belongings. All items in these barns would have to be related to the business. Remember, these buildings could potentially be HUGE buildings.

Also, the Board budgeted for \$50,000 to be spent on enforcement. Should we hire someone to enforce one day a week and patrol the township looking for violations? This would leave Dave Hamann out of the enforcement side of things.

John Enos said that a better and more cost-effective idea would be to hire, train and help a new individual that would work with Dave and John.

Les Anderson also made a comment regarding Wedding Barns.

## **ADJOURNMENT:**

Larry Grunn made a motion to adjourn the meeting at 9:41pm. Bruce Powelson seconded. **Motion carried.**