

MARION TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
January 28, 2020 / 7:30PM

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

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

MEMBERS ABSENT: NONE

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 January 28, 2020
Bob Hanvey motioned to approve the agenda as presented. Cheryl Range seconded. **MOTION CARRIED.**

APPROVAL OF MINUTES:
Approval of the November 26, 2019 Regular Meeting Minutes
Jim Andersen said the minutes indicate that he seconded a motion to approve the grammar and spelling changes for the October 24, 2019 minutes; however, he was not present at the November meeting. It was determined that Bruce Powelson seconded the motion. Bob Hanvey motioned to approve the minutes from the November 26, 2019 meeting as amended. Jim Andersen seconded. **MOTION CARRIED.**

CALL TO THE PUBLIC:
No response.

NEW BUSINESS:

1) Rob Stanford, Livingston County Planning Annual Visit

Brian Prokuda, Chairman of Livingston County's Planning Commission, was present in place of Rob Stanford. He thanked Bruce Powelson and Bob Hanvey for their active role by attending county planning commission meetings and their active participation. Mr. Prokuda updated the commissioners on three items: Livingston County's Master Plan; the county's Trail Network Plan; and the Livingston County Planning Commission's County Park program. He said the master plan is in the implementation stage. The county received a \$30,000 SEMCOG grant for the trail network plan; they are working with GIS and other departments to implement. With regard to the county park program, he said Fillmore Park (corner of Kellogg & McClements) will have sports fields and a 5K running trail; the ribbon-cutting ceremony will be held in the spring.

2) Renew SUP #01-03—Majestic Oaks Stable, due to change in ownership

Brian and Angela Jessie were present to discuss this agenda item. Dave Hamann summarized the material he provided for this item. The previous agreement in 2003 stated a new owner must apply. Mr. Jessie said they recently purchased this property and would like to continue operating in the same manner with a new name. Larry Grunn asked if they would be doing shows or training; Mr. Jessie said it's really just boarding and the facilities are only for the boarders. Jim Anderson asked if there would be additional buildings; Mr. Jessie said no. Mr. Anderson also asked about the manure pile; the old site plan shows that it's right off the driveway. Mr. Jessie said it's actually further back. Dave Hamann said most of that is controlled by GAAMPS (Generally Accepted Agricultural Management Practices) and told Mr. Jessie he could get further direction from MDARD for manure management.

Les Andersen, Marion Township trustee, welcomed the new residents and said he appreciates the continuing use of this property for agricultural purposes. Bob Hanvey asked if they have experience with this type of business; Mr. Jessie said his wife has boarded horses for a number of years. Larry Grunn asked about the sign; it's a legally non-conforming sign. Mr. Jessie said they are just going to replace the sign to reflect the new name: Q Card Stables. Mr. Enos said Mr. Jessie shouldn't have to come before the Planning Commission again. The zoning administrator will review the SUP every two years to make sure it's in compliance. Mr. Hanvey questioned why the SUP is signed by board members, and couldn't the PC chairman and secretary sign? Mr. Hamann said a new SUP isn't being given, it's just an amendment to an existing SUP. Mr. Enos said this a simple amendment due to change of ownership as already approved by the township board.

Cheryl Range motioned to recommend approval of SUP #01-03 amendment due to change of ownership for Q Card Stables (formerly Majestic Oak Stables) and send to the Board of Trustees for approval. Bruce Powelson seconded.

MOTION CARRIED.

3) Annual Meeting and Election of Officers

Bruce Powelson nominated Larry Grunn as Planning Commission chairman for 2020. Cheryl Range seconded. **MOTION CARRIED.**

Larry Grunn nominated Cheryl Range as Planning Commission secretary for 2020. Bruce Powelson seconded. **MOTION CARRIED.**

Jim Anderson nominated Bruce Powelson as Planning Commission vice chairman for 2020. Bob Hanvey seconded. **MOTION CARRIED.**

OLD BUSINESS:

1) TXT #03-18, Section 17.32 back from BOT with minutes

John Enos said it looks like the board recommended a minor change regarding lot size, to change the minimum parcel size in item J from “2 or more acres and less than 6 acres” to “up to 6 acres.” Bruce Powelson questioned the reason for only allowing a 6’ fence, not 8’. Dave Hamann explained that the state’s building code requires permits for fences over 7’. He also said the township could require something over 6’ if it was needed for screening. Jim Anderson said there is a comment from Les Andersen regarding the Planning Commission being a recommending body and the township board grants approval. Cheryl Range asked Mr. Hanvey if there is an issue with the interchangeable language throughout the zoning ordinance to specify the pertinent situation or usage when the terms “lots”, “plats”, “parcels”, “net”, “gross”, and “tracts”; Mr. Hanvey said that still needs to be worked on because they’re really not interchangeable.

Cheryl Range motioned to send TXT #03-18, Section 17.32, with the agreed upon changes in section J, to the Board of Trustees for final review and approval. Bob Hanvey seconded. **MOTION CARRIED.**

John Enos said the PC worked really hard on this language; now that it’s in place, we will see how this moves to the enforcement process for any new expansions, additions, etc.

2) TXT #04-17 Review Comments from LCPD, then send to BOT

Dave Hamann said this is the one the PC asked to come back; next time, when it’s sent to the county, if there aren’t any changes or comments, it should go straight to the board.

Cheryl Range motioned to send TXT #04-17 to the township board for review and adoption. Jim Anderson seconded. **MOTION CARRIED.**

3) Discuss Sections 15.05 and 15.06—Signs relating to Home Occupations and Home-based Businesses

Dave Hamann said when the county reviewed 6.14 and 17.32, they had an issue with the sign section of the ordinance not being changed. When Section 6.14 went to the board, the board changed it to allow signs for a home occupation as long as it’s discreet on the structure, not out by the road. Something should be in the detail of the sign ordinance regarding home-based businesses. Currently, he’s not aware of any free-standing signs for a home-based business. Larry Grunn said the PC talked about equipment trucks and/or trailers with signage. Mr. Hamann said Section 15.04—Signs Allowed without a Permit, item T, says “signs located on motor vehicles or trailers bearing current license plates which are traveling or lawfully parked upon public highways, or parked upon any premises where the sign is not readily and obviously visible from the street;” the ordinance says you don’t need a permit for those type of signs. Bob Hanvey said he supports allowing a sign for a home-based business. Les Andersen said there’s a large truck on M-59 that’s always parked out by the road that has a large sign on it; Mr. Grunn said that’s what he would like to prevent. John Enos said he’s concerned about crafting language that would not allow a business vehicle, although it’s something that could be looked at. Jim Anderson said he doesn’t think a home occupation should be allowed to have a freestanding sign out by the road. Mr. Enos said typically home occupations don’t have freestanding signs. Mr. Anderson asked if a person with a home occupation could apply for a variance to have a sign at the road; Mr. Enos said he doesn’t believe so because that would be a use variance, not dimensional. He said the way to do it would be to allow either/or for a home-based business and either/or for a home occupation depending on the distance from the road. Bruce Powelson asked how 25% of window area could be enforced for a sign in a non-residential district and feels that should be removed from the schedule of sign regulations. Dave Hamann pointed out that there is additional language in Section 15.06 that the PC

members need to consider. Mr. Enos said he will discuss with the zoning administrator for review at the next meeting, and will also look at home-based business sign ordinances.

Bob Hanvey motioned to postpone action until the February meeting. Cheryl Range seconded. **MOTION CARRIED.**

4) TXT #07-17 Proposed Changes—Lots

Bob Hanvey asked the PC to consider two items: 3.01 B, definition of single ownership, and the distinction between the term “building” and the term “structure.” Cheryl Range motioned to postpone this item until the February 25 meeting. Bob Hanvey seconded. **MOTION CARRIED.**

5) TXT #01-19 Short-term Rentals Discussion Continued

Cheryl Range said this month’s MTA magazine discussed short-term rentals. John Enos said the PC members have a letter from the attorney, which he agrees with, with a clear explanation of what a single-family home or use is within the residential districts. The attorney feels there is strong language right now that single-family homes are permitted and short-term rentals aren’t because they’re not defined. The township could beef that language up to give the ability to rent on a limited-basis for no less than 30 days.

Bob Hanvey asked if the township wants to regulate short-term rentals, should it also regulate rentals in general? He doesn’t feel they should. Cheryl Range said she believes lake rental homes are different than other homes. John Enos shared information that he drafted for another township which limits it to a minimum of a 30-day rental. Mr. Enos would like the attorney and the commissioner’s to review this for discussion at the next meeting.

Cheryl Range motioned to postpone action on TXT #01-19 until the February 25 meeting. Bruce Powelson seconded. **MOTION CARRIED.**

CORRESPONDENCE & UPDATES:

▪ Farmland Preservation

A handout was provided about farmland preservation regarding grant opportunities through the Michigan Department of Agriculture and Rural Development and the Agricultural Preservation Fund Board. To qualify, the township would need to have this in its master plan. Jim Andersen asked whether it would make sense to contact owners of large parcels whether there’s any interest in this type of thing.

▪ City of Howell ZBA meeting for the shredder was postponed

CALL TO THE PUBLIC:

Les Andersen, 4500 Jewell Road, asked John Enos about the language in Section 17.32 related to Planning Commission versus Board of Trustees; he said the Board of Trustees is the approving board, and the Planning Commission makes recommendations. He also asked Mr. Enos about another township that has stopped issuing Special Use Permits for home-based businesses. Mr. Andersen said it says in the ordinance that a home-based business is a commercial activity; why shouldn’t the township require it to be in a commercial zoning district. Mr. Andersen also asked if a home-based business is taxed differently; Mr. Enos said that’s a question for an assessor. Mr. Enos said the language in place will regulate new uses, not existing uses. Mr. Enos also asked whether the attorney has reviewed some of the existing uses. Bruce Powelson said until the

township has an enforcement officer, we're just spinning our wheels. Mr. Enos said the attorney should be relied on for many of these issues.

Brian Prokuda said there is a Planning Commission Rules & Responsibilities class scheduled for Wednesday, January 29 at the EMS building from 6:30-8:30 pm.

ADJOURNMENT:

Bruce Powelson motioned to adjourn at 9:37 pm. Cheryl Range seconded. ***MOTION CARRIED.***