

DRAFT

*Approved by: _____

Larry Grunn, *Chairperson*

Date: _____

**MARION TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
July 23, 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
PHIL WESTMORLAND – 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 July 23, 2019

Bob Hanvey requested that we re-arrange agenda number's 2 and 3. Cheryl Range motioned to approve the agenda with the suggested changes. Jim Anderson seconded. **Motion carried.**

APPROVAL OF MINUTES:

Approval of the Regular Meeting Minutes for June 25, 2019

Bob Hanvey motioned to approve the minutes from the June 25, 2019 meeting. Cheryl Range seconded. **Motion carried.**

CALL TO THE PUBLIC:

Tim Ryan resides at 459 East Davis. Tim Ryan had some concerns regarding the Home Occupation language. He asked how many vehicles were allowed to be stored on a particular parcel. He also asked if a business in a residential area, should have a different taxation than those that are not a business.

Evelyn Markarian resides at 4077 Cedar Lake Road. She is hoping that some progress has been made regarding private driveways in Marion Township's Engineering Standards. Currently the entry to her property is on the south end of her lot. It was put there because their lot is a flag lot. They would like to move the location of their driveway and allow the parcel next to them, to have a shared driveway with them. That is why they were hoping some progress had been made on the Engineering Standard language, regarding shared driveways.

NEW BUSINESS:

1) TXT #03-18 Home Occupation Section 6.14 and 17.32. Set Public Hearing for 8/27/2019

Cheryl Range asked if we should insert a footnote that references the Nuisance ordinance that is currently still in progress. Bob Hanvey said that the Nuisance Ordinance is not completed yet but wondered if we decided to add a footnote later on, would we have to have another public hearing. John Enos said that they would not need to have another public hearing for this. Cheryl asked if the new language allows or prohibits a business from being passed down to a living trust over and over again, in the event of a death. Jim Anderson stated that there is something called a "Lady Bird Deed" which allows a home owner to list their heirs on their deed. Would this then allow the heirs to take over the business and Special Use Permit in the event of a death? Dave said that it depends on how the Special Use permit is worded. Dave believes that the Special Use Permit is pertinent to the individual that signed it, so if that individual passes away then that Special Use is no longer valid. He asked John to confirm this statement. John Enos stated that the permit stays with the property and the use. We can list in the conditions that the Special Use permit must stay with the owner instead of the property or could not be transferred to a living trust of any kind.

Bruce Powelson made some suggestions to the **17.32 Home-Based Business language**.

Page 2 - Letter J under Minimum Lot Size: 2 or more acres and less than 6 acres. 6 or more acres and less than 10 acres.

Page 1 – Letter F: Delete the word "safe" before "manner in full compliance."

Page 1 – Letter E: Delete the word "safe" before "manner in full compliance."

Page 1 – Letter E. Bruce's personal comment about this one is that he believes that this statement is too inclusive. There are items that have such a minor amount of radiation that they don't need to be controlled.

Bruce Powelson made some suggestions to the **6.14 Home Occupation language**.

Page 1 - Letter C: Remove the word "safe" before "manner in full compliance."

Page 1 – Letter I: Who is going to monitor the "25%" and who really cares about the percentage amount?

Page 2 – Letter M: When it states that Home Occupations are not allowed signage. What if the "Jones Family" wants to put a sign in their yard with their last name listed on it? Would signage really be that much of a problem?

Page 2 – Letter O: Who is going to enforce this? Also, if no one complains about it, then why does it matter? Who cares if they are not bothering anyone?

Bob Hanvey stated that he agrees with Bruce's statement about the Home Occupation language on page 1 - Letter I: Bob believes that it is going to be hard to measure a specific percentage. Bob said for Page 2 – Letter M: Add the words "Occupation related signage".

Tim Ryan asked what the difference was between a Home Occupation and a Home Based Business. Dave said that we need to make sure that we are very clear with our definitions because we don't want to leave it up to the resident or the Zoning Administrator to interpret what a specific ordinance is talking about. Tim Ryan feels as though this language could be a back-door way of allowing business in a residential area.

Cheryl Range made a motion to set a public hearing for TXT# 03-18 Home Occupation, Section 6.14 & 17.32 at the next Planning Commission meeting scheduled for August 27, 2019. Bruce Powelson seconded. **Motion carried.**

{DISC. 2 OF 2 BEGINS}

NEW BUSINESS:

1) Marion Township Engineering Standards

John Enos explained that the Township decided some of the language is not needed. They want more flexibility so we can make changes more efficiently and avoid Public Hearings and so forth. They are not trying to take anything away from the Planning Commission, they just want to make things easier to change down the road if needed.

Phil Westmoreland stated that Part one pretty much states Article 18. If a Site Plan is not approved then it cannot have 19 different conditions or be presented without approval. Part two lays out more detail about Site Plans. They need to be very detailed, which will help guide us when approving Site Plans. This language will be easy to change or add things in the future if need be.

Phil Westmoreland also looked at some unnamed private roads in the Township. Some are pre-existing, non-confirming areas where judgment will be applied and the decisions will be made on a case by case basis. Bob Hanvey is concerned about the areas that discuss getting approval from the Township for certain things. Bob wants to make sure that we have a process in place for things that the Township has to approve. Phil said that they can add some language that delegates these things to a specific person at the Township.

Larry Grunn stated that he has faith in John Enos to review these Standards in more detail before the approval process. John Enos said that he will review this language and whatever he does not understand, he trusts Phil Westmoreland's knowledge and abilities.

2) Wellhead Protection Overlay District 6.27 Review and Comments

Bob Hanvey explained that Marion Township has been asked to coordinate with Howell City and Howell Township to standardize the Wellhead Protection area ordinance, which protects bad stuff from getting in. Bob's suggestions for the Wellhead Protection Overlay District 6.27 Review are as follows:

Page 2 - Section 4: They need to list the Article number.

Page 2 - Section 5B: Take out "Dispute"

Page 2 - Section 6A: The statement "Except Single family uses" could be an issue down the road.

Page 2 - Section 6B: Remove all of the language under 6B.

John Enos recommended listing a variety of uses permitted in business areas. Someone might think they can have a specific use in a residential area. State language that explains only in business zoned areas.

Bob Hanvey suggested to change "DEQ" to "EGLE" throughout the document.

Page 4 - Section 8: Add Single Family to residential access.

Under GAMPS: There should be no livestock in the Wellhead Protection district. Tim Ryan shared that there is updated language for GAMPS. Bob also thinks that wherever we use the word "farming", we need to include "and Livestock". Tim Ryan asked if the Right to Farm overrides local zoning, except when in residential areas. Bob Hanvey said that we are currently in discussion regarding that. Bob continued with his suggestions:

Page 4 - Section 9D: Bob asked if we should take out the word "Mining" or wait until we discuss this further.

Page 5 - Section 10: Should the heading read, "Special Use with Conditions"? John Enos said that it can just say, "Special Use".

Page 6 - Section 11F: There is a spelling error; "Trichlorethane" is spelled incorrectly. (Correct spelling is: Trichloroethane.)

Page 6 - Section 11H: This is really confusing but not sure how to fix it.

Page 7 - Section 11H Item #2 and 11H Item# 3-A: "280 galloons" should be changed to "260 gallons". None of the Commissioners objected to this change.

Page 7 - Section 11I: We should take out Item# 1, 2 and 3 because it doesn't really apply to us.

Page 7 - Section 12A: Change to "Marion Township Development Standards".

Page 8 - Section 14: Bob asked John Enos if the heading should read "Use Variance" even though those are not permitted in the Township. John said he was going to talk with Howell City since we are similar to theirs, and get back with us.

Bob said that we will wait to talk further about until John brings this back to us.

3) TXT# 07-17 Proposed Lot Changes

Bob said that "lot lines" are used in many places throughout this language. In 301B, a plot plan is referred to as a site plan. We need to make sure that our terms are consistent. Bob asked John if these issues are in other communities and what did they do, because it is hard to decide where we should even begin. There are so many words that are being used inconsistently throughout the language. Jim Anderson asked if John could get some definitions in place for some of these words and see how they relate to this specific document. John Enos agreed and will talk to Chris and see what he thinks about this language. He will get some direction and see what other Townships are doing.

CORRESPONDENCE AND UPDATES:

- John Enos shared information about the Planning and Zoning conference from September 25-27, 2019 for anyone that may be interested in attending.
- Bob said that HAR Witkowski re-filed their lawsuit against the Township. Trial is set for June 22, 2020.

CALL TO THE PUBLIC:

ADJOURNMENT:

Cheryl Range made a motion to adjourn the meeting at 9:27pm. Larry Grunn seconded. **Motion carried.**