

**MARION TOWNSHIP PLANNING COMMISSION  
AGENDA**

REGULAR MEETING

August 25, 2020

7:30 p.m.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

INTRODUCTION OF MEMBERS:

APPROVAL OF AGENDA FOR: August 25, 2020 Regular Meeting

APPROVAL OF MINUTES FROM: July 28, 2020 Regular Meeting

CALL TO THE PUBLIC:

PUBLIC HEARING: None

New BUSINESS:

- 1) RZN#01-20 Set Public Hearing for September 22, 2020 to rezoning parcel 4710-02-200-008 from Hwy Service to UR at 725 Mason Road.

Old BUSINESS:

- 1) SPR#01-20 Final Site Plan Review for Drive-in Establishment Section 17.12
- 2) Master Plan
- 3) TXT#01-19 Short Term Rentals discussion continued (need John's input).

Correspondence and Updates and Discussion:

CALL TO THE PUBLIC:

ADJOURNMENT:

\*Approved by: \_\_\_\_\_

Larry Grunn, *Chairperson*

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

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

**DRAFT**

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

**OTHERS PRESENT:** DAVE HAMANN – ZONING ADMINISTRATOR  
PHIL WESTMORELAND - SPICERS

**MEMBERS ABSENT:**

**CALL TO ORDER:**

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

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA:**

Jim Anderson motioned to approve the agenda. Bob Hanvey seconded. *MOTION CARRIED*

**APPROVAL OF MINUTES:**

*Approval of the Regular Meeting Minutes for June 23, 2020*

Cheryl Range motioned to approve the minutes. Larry Grunn seconded. *MOTION CARRIED*  
(Bruce Powelson suggested some minor grammar changes.)

**CALL TO THE PUBLIC:**

NONE

**OLD BUSINESS:**

*1. SPR #01-20 MARION D19 LLC SECTION 17.12 DRIVE-IN ESTABLISHMENT*

Todd Lekander would like to address some items on Carlisle Wortman's review letter with the Planning Commission members.

(On PAGE 7 of the review letter.)

#1 The Township has reviewed the stormwater issues and the Road Commissions project should resolve the current issues.

#2 The height of the blade sign will be higher than any vehicle that would come through there.

#3 They would obtain approval from outside agencies. The menu and food handling would be regulated by the health department and would also require approval.

Todd explained that he believes it is not necessary to make the drive-thru "one-way". It is not ideal and it makes more sense to do things the way they have described in their plans. Lekander has added two stop signs, both located at the southwest corner facing each direction of traffic.

Jim Anderson asked about putting in a stop sign after the drive-thru window.

Todd explained that they are at least 40 feet away from the building, so there really is no need for a stop sign there.

Phil Westmoreland with Spicers is concerned that the building may block the vision for those in the drive-thru window. It just seems to be an awkward layout for a drive-thru.

Todd thinks that the distance is actually going to be larger than what everyone is picturing. From the drive-thru, people are going to be forced out past the building.

Larry Grunn said that he has watched the traffic in that parking lot and doesn't see Todd's layout being an issue.

Jim Anderson does have concerns about the drive-thru. It is a very large area with no clear direction of what people are supposed to do.

Larry Grunn asked if people are going to be picking up donuts for delivery at this location.

Todd said pickups would occur around 1:00am, so there will be very little traffic at this time.

Bob Hanvey asked about the drivers entering and leaving the storage unit and is worried there could be a collision.

Todd explained that people will treat this like any other drive-thru and will pick up on the flow of traffic pretty quick.

Todd explained that he likes Jim's idea of forcing the drive-thru traffic out past the building. That will solve a lot of issues and he believes that it will work out better this way.

Bob stated that he spoke with the Road Commission and they do plan on getting this drain project done before school starts.

Bob asked Dave if Todd has to bring updated plans back to the Planning Commission before an approval is made.

Dave stated that Todd Lekander has to bring updated plans with all of the changes before this is sent to the Board of Trustees.

Phil Westmoreland said that needs to be a designated loading and zoning area on the plans.

Todd agreed that he could make that change.

Todd Lekander explained that regarding Mr. Abraham's letter, he had sent another letter to the Road Commission to get assurance that their project would resolve the drain issues happening on the property. Bob Dymond has now sold the property to Mr. Abraham. Mr. Abraham purchased this property with the assurance that these issues will be resolved by the Road Commission.

Chery Range made a motion for Todd Lekander to bring the updated drawings to the next Planning Commission meeting for final review, before being sent to the Board. Jim Anderson seconded. **MOTION CARRIED**

**OLD BUSINESS:**

**2. TXT #01-19 SHORT TERM RENTALS**

Bob Hanvey explained that anything less than 30 days is a short-term rental. Bob suggested that we only allow short term rentals in the RR district and not in ERS1. This would be easier to argue in a courtroom. We could also allow them in RR and SR districts. We have to offer this somewhere in the community.

Cheryl Range made a motion to send John Enos a To-Do list for Short terms rentals, asking him to elaborate on the following items. Jim Anderson seconded. **MOTION CARRIED**

**SHORT TERM RENTAL TALKING POINTS FOR JOHN ENOS**

- Explain why the words “commercial use” were mentioned in the first paragraph under ARTICLE 1 DEFINITIONS.
- Explain why it was stated that, rentals by the same renter can only occur for a period less than 180 days and a minimum of 30 days. What was the reason for these time limits?
- Commissioners would like to suggest the following.
  - Letter “C. LOCAL CONTACT PERSON” should be its own heading with “a., b. & c.” listed underneath it.
  - Before the letter “d.”, there should be a new heading called “D. PERFORMANCE STANDARDS”. The remaining items would then fall under this heading and would now be letters, a., b., c., d., e., f.
- Can we allow short term rentals only in the RR district and SR district? Please explain the pros and cons.
- Who would handle the enforcement of the electrical, safety, etc. Marion Township or the Building Department?
- Review Mike Kehoe’s notes and provide some feedback and comment.

**OLD BUSINESS:**

**3. REVIEW SPREADSHEET OF ZONING ORDINANCE TEXT AMENDMENTS & SECTION 18**

Dave said that storage containers are one of the items on our spreadsheet. Dave explained that because these containers are under 200 feet, they kind of slipped through the cracks. There is currently one in the Township that is being used as a workshop. It even has air conditioning.

Bob Hanvey said that because these are under 200 feet, a person can have as many as they want. There is technically no limit to how many a person can have on one parcel.

Bruce Powelson asked if these containers are being assessed.

Dave Hamann said that these should be getting assessed as an accessory structure.

Bruce brought up his concern about the Planning Commission members putting in the work to create language that ultimately gets denied by the Board anyways.

Bob Hanvey made a motion to have Cheryl Range create a memo asking the Board of Trustees to provide some feedback on storage containers. Jim Anderson seconded. **MOTION CARRIED**

Dave Hamann said that the Commissioners need to start thinking about our Engineering Standards. Phil Westmoreld created these standards and the Planning Commission members need to update or address some of our ordinances, so they match our new Engineering Standards. Dave suggested either scheduling a workshop/meeting to work on this as a Planning Commission or passing this off to John Enos with Carlisle Wortman and request that John present a list of ordinances that need to be updated/changed.

Jim Anderson made a motion to send the Engineering Standards and Zoning ordinances to John Enos to review and provide a list of ordinances that need to be reconsidered, modified or addressed.

#### **OLD BUSINESS:**

#### **4. 6.27 WELLHEAD PROTECTION & HAZARDOUS SUBSTANCE OVERLAY ZONE REVISION**

Bruce Powelson made a motion to table discussion on this until the next Planning Commission meeting. Cheryl Range seconded. **MOTION CARRIED**

#### **CORRESPONDENCE AND UPDATES:**

Jim Anderson stated that he hasn't spoken to Barry recently about Open Land Preservation but will reach out to him, to let him know that we have not forgotten about him and that we are still interested in discussing different options.

#### **CALL TO THE PUBLIC:**

NONE

#### **ADJOURNMENT:**

Cheryl Range made a motion to adjourn the meeting at 9:49pm. Jim Anderson seconded. **MOTION CARRIED**

**APPLICATION FOR REZONING  
MARION TOWNSHIP  
LIVINGSTON COUNTY, MICHIGAN**

I/we, the undersigned, do hereby make application to and petition the Marion Township Board to amend the township zoning ordinance and change the zoning map of Marion Township as hereinafter requested. In support of this application, the following facts are shown:

Name of Applicant DEAN KILLINGBECK  
Address 4341 MARWOOD  
City/State/Zip HOWELL, MI 48855  
Phone/Fax 517-202-6985

If applicant is not the owner, please provide the following, along with a letter of authorization signed by the owner:

Name of Owner \_\_\_\_\_  
Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_  
Phone/Fax \_\_\_\_\_

Property Information

Address/Location 725 MASON, HOWELL, MI 48843  
Parcel ID # 4710-02-200-008  
Parcel Size 99 x 297  
If multiple lots, are they contiguous? \_\_\_\_\_

Legal description and certificate of survey for land proposed to be rezoned **(please attach)**

Present zoning classification HWY COMMERCIAL  
Requested zoning classification UR

FEE SCHEDULE  
\$500 fee  
\$3,000 escrow

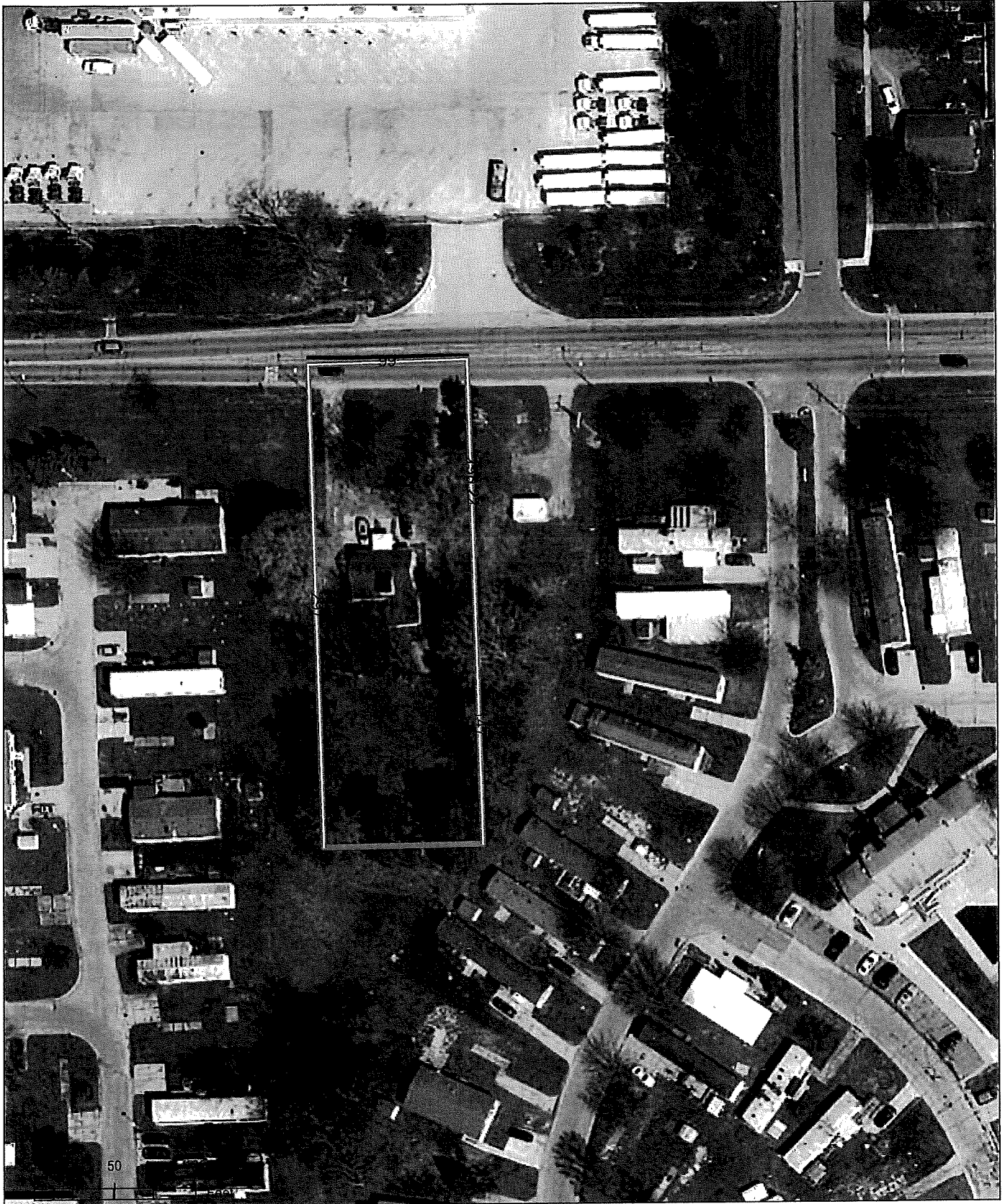
I hereby attest that the information on this application is, to the best of my knowledge, true and accurate.

Dean Killingbeck 8/17/20  
Signature of Applicant Date

Office Use Only		
Date Received: <u>8-17-2020</u>	Fee Paid: <u>500</u>	Legal Description: _____
Materials Received: <u>APPROVAL</u>	Site Plans: _____	Application #: <u>01-20</u>
Application accepted by: <u>[Signature]</u>	ESCROW <u>3000</u>	

SEC 2 T2N R4E BEG N LINE OF SEC, 1639 FT W FROM NE COR OF SEC, TH W 99 FT, TH S 297 FT, TH E 99 FT, TH N 297 FT TO POB, .67AC M/L

# MARION MARCH 2019





August 13, 2020



ACE  
CIVIL ENGINEERING, LLC

Marion Township Planning Commission  
2877 W. Coon Lake Road  
Howell, Mi. 48843

Re: Proposed Site Plan for D-19 Mugg and Bopps

Dear Planning Commission Members:


This letter is to address the following comments raised at the recent Marion Township Board meeting regarding the proposed drive-thru at the D-19 Mugg and Bopps.

- #1 The width for the semi-circle drive for the proposed drive-thru has been increase to 20' to allow for an escape lane.
- #2 The portion of the parking behind the building has been changed to one-way and a lane separation curb added to better control traffic for the drive-thru area.
- #3 Stop signs have been added to stop West bound traffic heading toward the storage unit facility and stop drive-thru traffic exiting the pickup area. A one-way do not enter sign has been added near the trash enclosure.
- #4 Pavement along the South end of the building has been widened to provide a minimum 24 feet.
- #5 The truck pad area has been designated as the loading/unloading area.
- #6 A 4' feet tall privacy fence has been added along the rear of the building to provide added protection to the electrical transformer and utility meters.
- #7 The landscaping will remain the same along the widened semi-circle drive.
- #8 A note has been added to sheet C-3 and C-4A to require the grease trap to be inspected annually and cleaned as necessary.

We believe the above revision address all outstanding issues on the project and would ask for your approval at this time.

Sincerely,

ADVANTAGE CIVIL ENGINEERING, INC.



Patrick C. Keough, P.E.  
President



**Carlisle | Wortman**  
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

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TO: Marion Township Planning Commission

FROM: John L. Enos, AICP, Township Planner

DATE: August 18, 2020

SUBJECT: Mugg & Bopp's Special Use and Site Plan

The applicant has requested a special use permit to construct a drive thru lane as part of the overall existing Mugg and Bopp's store site. The site is an existing automobile fueling/mixed use station and current uses are permitted by a previous special use permit within the Highway Service District.

The applicant is proposing the new drive-thru on the west side of the building and parcel. They have indicated it will be Dunkin Donuts franchise and will only be accessed from the drive-thru window, no pedestrian customers will be permitted in the store. Most of the space will act as a bakery facility serving the other Mugg & Bopp's throughout the area.

We recommend approval of the proposed drive-thru conditional on any outside agencies and the Township Engineer. Gasoline stations have become a successful part of small stores and based on the location. This new drive-thru will be a nice amenity to Township residents accessing I-96 for work or other activities.

July 21, 2020

Dave Hamann  
Marion Township  
2877 W Coon Lake Rd  
Howell, MI 48843

RE: Mugg & Bopps Gas Station / Convenience Store  
Final Site Plan Review for Drive Thru Addition

Mr. Hamann:

We have received and reviewed the site plan for the addition of a drive thru-lane for the Mugg & Bopps Gas station / Convenience Store located on the west side of D-19 (Pinckney Rd) north of Francis Rd. The plans were prepared by ACE Civil Engineering of Howell, MI. The revision date of the plans reviewed is August 13, 2020. We offer the following comments:

**General**

The property proposed for improvements consists of approximately ten acres zoned Highway Service, already partially developed with a gas station, convenience store and parking lot in the southeast portion of the site. A legal description is provided on the cover of the plans and closes within acceptable tolerances.

An appropriately size loading area has been added to the site immediately east of the underground storage tanks.

**Utilities**

There are no new water or sewer utilities proposed on this site and no existing utilities are being affected. With the previous expansion to the gas station, a grease trap was installed on the west side of the building and the sewer leads were reconnected. Prior to a bakery being added to the existing building the Owner should verify the operation of the grease trap and submit a routine cleaning schedule.

The landscape plans show a proposed 3' high decorative landscape wall has been placed directly over a sanitary sewer lead. This is not recommended and can lead to future maintenance issues. However, since the wall has already been constructed it can remain in place.

**Storm Water**

In general, drainage in the proposed parking lot flows northwest to a detention basin located on the west side of the site. Storm water is conveyed from the site through a series of existing catch basins. Drainage areas are shown near the improvements with their associated runoff coefficients, and a compound runoff coefficient is provided. The proposed drive thru-lane will add minimal hard surface to the site and the existing detention basin and storm sewers are capable of handling what little additional run-off is produced.

### **Pavement**

A 20' wide (16' wide pavement and 4' wide curb and gutter) drive thru-lane is proposed near the northwest corner of the building. The lane will be concrete pavement with curb and gutter. Vehicles will enter the drive thru-lane from the parking lot north of the gas pumps, loop around the fuel storage area to the order board, then cross a one-way lane to get to the pickup window located on the west side of the building.

The drive thru setup is still not intuitive but the design has been significantly improved. The location of the entry to the lane could be periodically blocked by vehicles parked along the north curb. Additional width has been added to the drive thru order lane to allow vehicles to pull out of the lane once they have entered it. The one-way lane and drive thru lane are separated by a 2-foot wide lane separation curb. South of the building allows for a 2-way traffic, with a minimum lane width of 27.6 feet. This width meets the Township's requirements.

The curb that has been added to the drive thru lane adequately channels traffic to avoid as many conflicts as possible. It moves the vehicles away from the building corner as they exit the drive thru and increases the site distance.

The drive on the west side of the building is now one-way. This improves the traffic flow and minimizes the traffic conflicts.

### **Recommendation**

We have completed our review of the Final Site Plan. We recommend the following conditions be noted as part of consideration for approval by the Planning Commission:

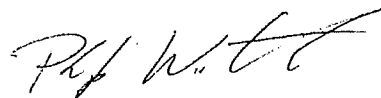
1. A cleaning schedule for the grease trap is submitted to the Township.

If you have any questions or require any more comment on this matter, please feel free to contact our office.

Sincerely,



**Brian Han, EIT**  
Design Engineer I  
Phone: (708) 846-3470  
Mailto: [Brian.Han@spicergroup.com](mailto:Brian.Han@spicergroup.com)



**Philip A. Westmoreland, P.E.**  
Senior Project Manager  
Phone: (517) 375-9449  
Mailto: [Philaw@spicergroup.com](mailto:Philaw@spicergroup.com)

## Dave Hamann

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**From:** Bob Hanvey <supervisor@mariontownship.com>  
**Sent:** Tuesday, August 18, 2020 12:23 PM  
**To:** Dave Hamann; Bob Hanvey; Bruce Powelson; Cheryl Range; Larry Grunn; mijanderson@charter.net; momrange@yahoo.com; Dan Lowe; Duane Stokes; Greg Durbin; Les Andersen; Scott Lloyd; Tammy Beal  
**Subject:** FW: D-19 project

fyi

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**From:** Jodie Tedesco <jtedesco@livingstonroads.org>  
**Sent:** Tuesday, August 18, 2020 12:01 PM  
**To:** Bob Hanvey <supervisor@mariontownship.com>  
**Subject:** RE: D-19 project

Yes it is all part of the same project. They will begin Monday 8/24 on the "McGowan" Drain but we do not have to close the road to do this work. We will be shifting southbound traffic into the left turn lane temporarily until the drain and road work is done along Mugg and Bopps.

The closure on Wed -Thurs is to replace the county drain that goes across D-19 at the north end of the project, just north of Mugg and bopps.

Thanks,

Jodie

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**From:** Bob Hanvey <supervisor@mariontownship.com>  
**Sent:** Tuesday, August 18, 2020 11:52 AM  
**To:** Jodie Tedesco <jtedesco@livingstonroads.org>  
**Subject:** RE: D-19 project

Just to verify – does this project includes the drain from Lake McGowan to the county drain and removing the spillways?

Our planning commission has the drive-thru at Mugg & Bopps on the agenda for Tuesday and the drainage at McGowan's is a large part of the approval.

Thanks  
Bob Hanvey

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**From:** Jodie Tedesco <jtedesco@livingstonroads.org>  
**Sent:** Tuesday, August 18, 2020 10:48 AM  
**To:** Bob Hanvey <supervisor@mariontownship.com>  
**Subject:** RE: D-19 project

They will have access to the storage and Mugg and bopps from the south. Francis Road will be open too. We are just closing it at the county drain.

Thanks,

Jodie

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**From:** Cathy Tallman <[ctallman@livingstonroads.org](mailto:ctallman@livingstonroads.org)>  
**Sent:** Tuesday, August 18, 2020 9:53 AM  
**To:** Jodie Tedesco <[jtedesco@livingstonroads.org](mailto:jtedesco@livingstonroads.org)>  
**Subject:** FW: D-19 project

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**From:** Bob Hanvey <[supervisor@mariontownship.com](mailto:supervisor@mariontownship.com)>  
**Sent:** Tuesday, August 18, 2020 9:10 AM  
**To:** Cathy Tallman <[ctallman@livingstonroads.org](mailto:ctallman@livingstonroads.org)>  
**Subject:** D-19 project

Hi Cathy – I distributed the flyer you sent and someone asked if it will be a complete closure or will one lane be open.

Will there be access to the storage place and Mugg & Bopps?

Thanks  
Bob Hanvey



Contact: LCRC 517-546-4250

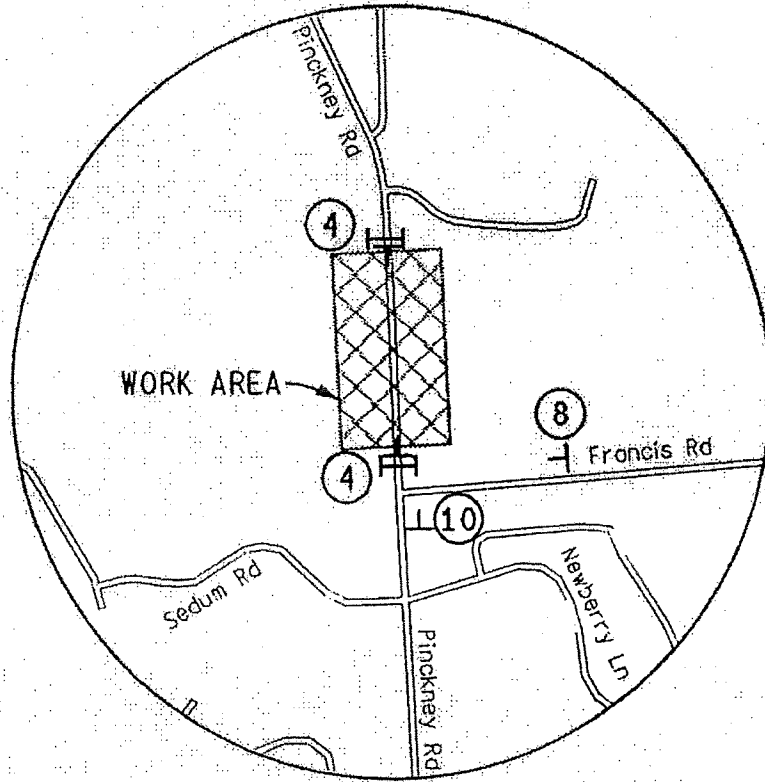
*Construction Advisory*  
**Pinckney Road (D-19)**  
**Schroeder Park Drive to Francis Road**

The following project is expected to be underway soon. As always, weather adversities, changes in contractor's schedules, or other factors could alter the timing described in this advisory. The Livingston County Road Commission will issue revised advisories for those projects with high traffic impacts.

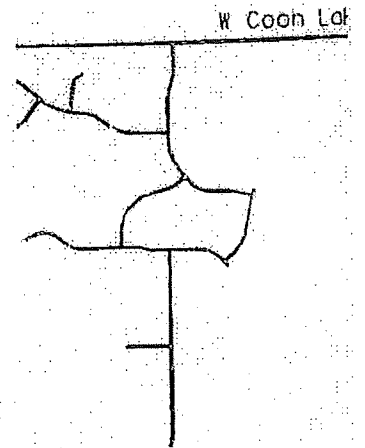
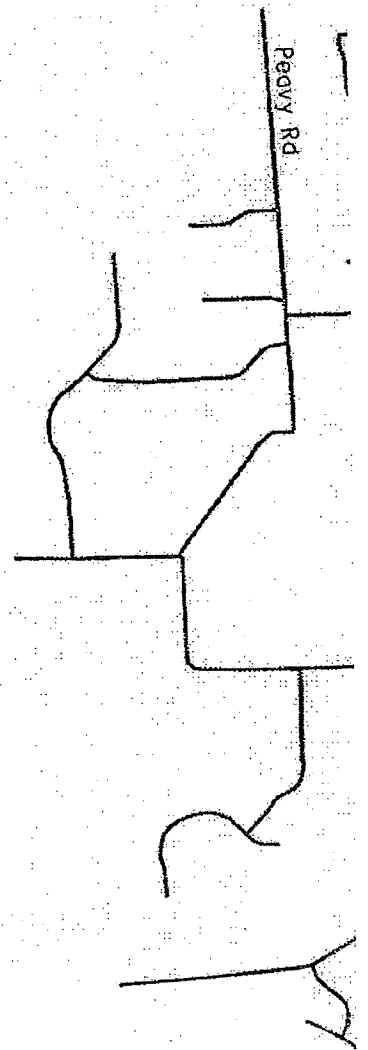
Township: Marion Township  
Roadway: Pinckney Road (D-19) between Schroeder Park Drive and Francis Road  
Starting Date: Wednesday, August 26, 2020  
Completion Date: Friday, August 28, 2020  
Project Purpose: Replacement of county drain and drainage and road improvements  
Traffic Impact: Major traffic impact. PINCKNEY ROAD WILL BE CLOSED TO THROUGH TRAFFIC beginning August 26, 2020. It is anticipated this closure will last 3 days and be re-opened on Friday, August 28, 2020.

A detour will be posted. Motorists will need to seek an alternate route.

Cedar Lake Rd



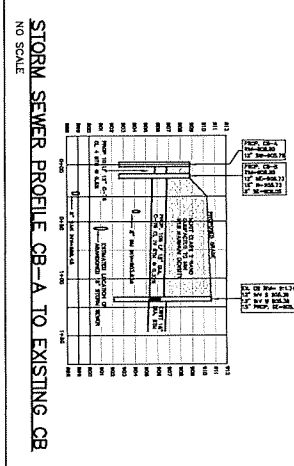
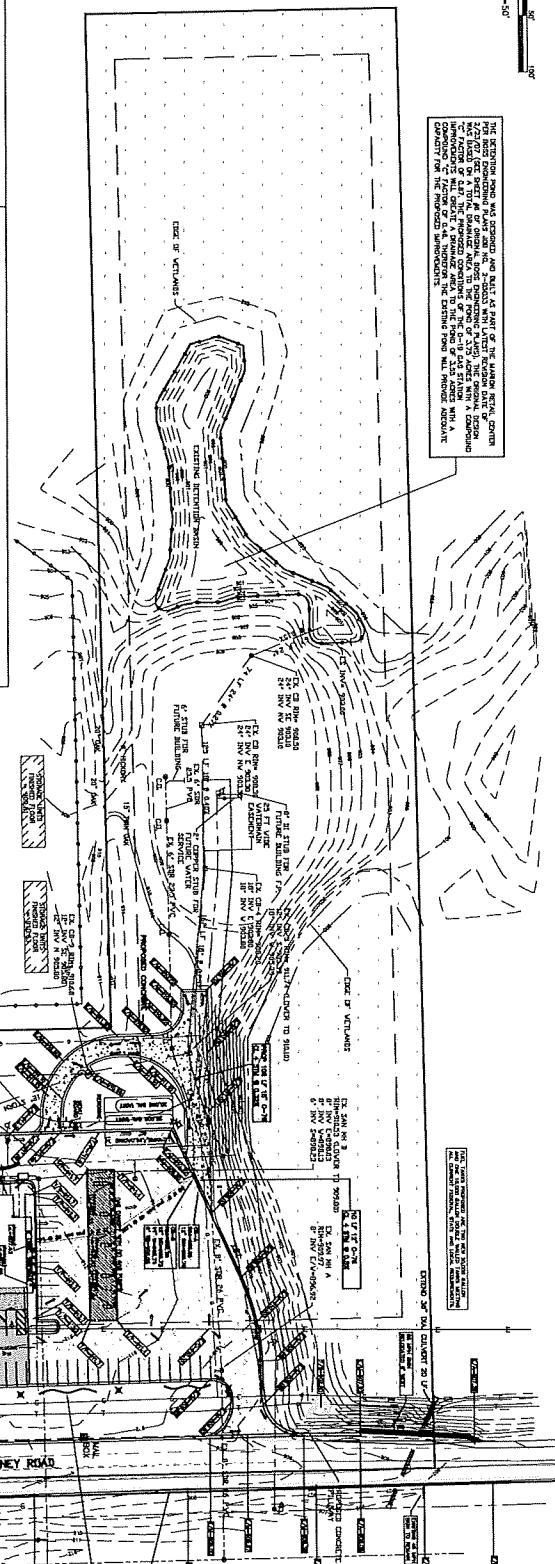
DETAIL







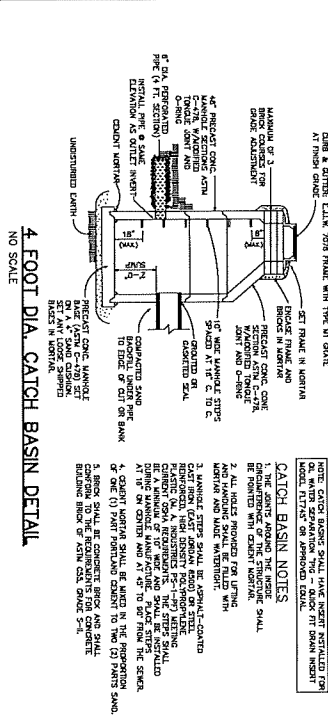
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**STORM SEWER PROFILE CB-A TO EXISTING CB**  
NO SCALE

NOTE: CATCH BASIN SHALL HAVE INVERT INSTALLED 10' DIA. WITH SEPARATION TIE - 4" DIA. FT. BRASS INVERT. SEE SECTION FOR APPROVED DETAIL.

**CATCH BASIN NOTES**  
1. ALL INVERTS PROVIDED FOR THE PROJECT SHALL BE POINTED WITH CONCRETE MORTAR.  
2. MANHOLE PIPES SHALL BE ASPHALT-CEMENT REINFORCED HIGH DENSITY POLYETHYLENE (HDPE) WITH 1/2" DIA. RINGS. THE PIPES SHALL BE POINTED WITH CONCRETE MORTAR.  
3. CONCRETE SHALL BE 2800 PSI COMPRESSIVE STRENGTH WITH 4% STEEL FIBERS.  
4. CONCRETE SHALL BE FINISHED WITH A BRUSHED SURFACE.



**4 FOOT DIA. CATCH BASIN DETAIL**  
NO SCALE

NOTE: CATCH BASIN SHALL HAVE INVERT INSTALLED 10' DIA. WITH SEPARATION TIE - 4" DIA. FT. BRASS INVERT. SEE SECTION FOR APPROVED DETAIL.

**STORM WATER FLOW CALCULATIONS (10-YEAR EVENT)**

NO.	AREA (SQ. FT.)	COEFFICIENT	PERCENT IMPERVIOUS	PERCENT PAVED	PERCENT GRASS	PERCENT ASPHALT	PERCENT CONCRETE	PERCENT BRICK	PERCENT SLATE	PERCENT SHALE	PERCENT CLAY	PERCENT SAND	PERCENT GRAVEL	PERCENT ROCK	PERCENT BUSHES	PERCENT TREES	PERCENT TOTAL	PERCENT IMPERVIOUS	PERCENT PAVED	PERCENT GRASS	PERCENT ASPHALT	PERCENT CONCRETE	PERCENT BRICK	PERCENT SLATE	PERCENT SHALE	PERCENT CLAY	PERCENT SAND	PERCENT GRAVEL	PERCENT ROCK	PERCENT BUSHES	PERCENT TREES	PERCENT TOTAL
1	1000	0.5	0	0	100	0	0	0	0	0	0	0	0	0	0	0	100	0	0	0	0	0	0	0	0	0	0	0	0	100		
2	2000	0.5	0	0	100	0	0	0	0	0	0	0	0	0	0	0	100	0	0	0	0	0	0	0	0	0	0	0	0	100		
3	3000	0.5	0	0	100	0	0	0	0	0	0	0	0	0	0	0	100	0	0	0	0	0	0	0	0	0	0	0	0	100		
4	4000	0.5	0	0	100	0	0	0	0	0	0	0	0	0	0	0	100	0	0	0	0	0	0	0	0	0	0	0	0	100		
5	5000	0.5	0	0	100	0	0	0	0	0	0	0	0	0	0	0	100	0	0	0	0	0	0	0	0	0	0	0	0	100		
6	6000	0.5	0	0	100	0	0	0	0	0	0	0	0	0	0	0	100	0	0	0	0	0	0	0	0	0	0	0	0	100		
7	7000	0.5	0	0	100	0	0	0	0	0	0	0	0	0	0	0	100	0	0	0	0	0	0	0	0	0	0	0	0	100		
8	8000	0.5	0	0	100	0	0	0	0	0	0	0	0	0	0	0	100	0	0	0	0	0	0	0	0	0	0	0	0	100		
9	9000	0.5	0	0	100	0	0	0	0	0	0	0	0	0	0	0	100	0	0	0	0	0	0	0	0	0	0	0	0	100		
10	10000	0.5	0	0	100	0	0	0	0	0	0	0	0	0	0	0	100	0	0	0	0	0	0	0	0	0	0	0	0	100		

NOTE: THE PIPE FROM EXISTING CB-3 TO EXISTING CB-4 HAS BEEN REDESIGNED AS SHOWN ON THIS SECTION OF PIPE WAS 72" DIA. THE PROPOSED DESIGN FOR THIS SECTION OF PIPE IS 36" DIA.

**ACE CIVIL ENGINEERING**  
D-19 GAS STATION / CONVENIENCE STORE  
GRADING PLAN

C D Okemos 10  
P. O. Box 708  
Howell, MI. 48844  
ATTN: Todd Lekander  
517-202-0232

NO.	DATE	DESCRIPTION
1	08-04-18	ISSUED FOR PERMITS
2	08-04-18	ISSUED FOR PERMITS
3	08-04-18	ISSUED FOR PERMITS
4	08-04-18	ISSUED FOR PERMITS
5	08-04-18	ISSUED FOR PERMITS
6	08-04-18	ISSUED FOR PERMITS
7	08-04-18	ISSUED FOR PERMITS
8	08-04-18	ISSUED FOR PERMITS
9	08-04-18	ISSUED FOR PERMITS
10	08-04-18	ISSUED FOR PERMITS





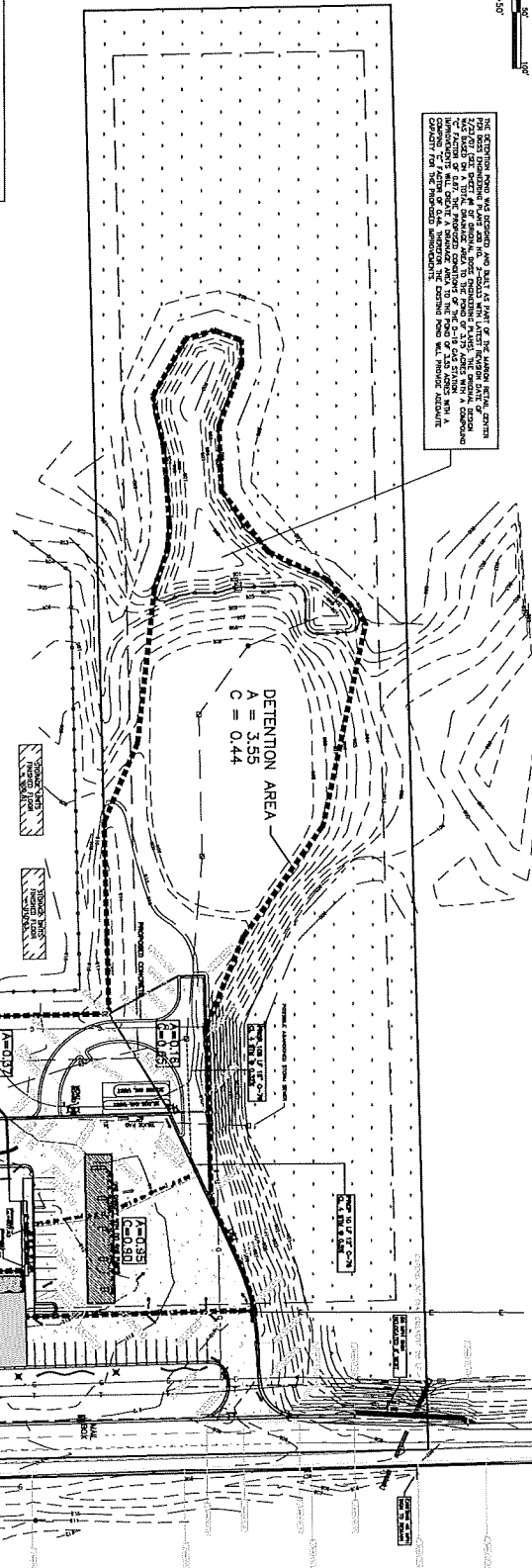




SCALE 1"=50'



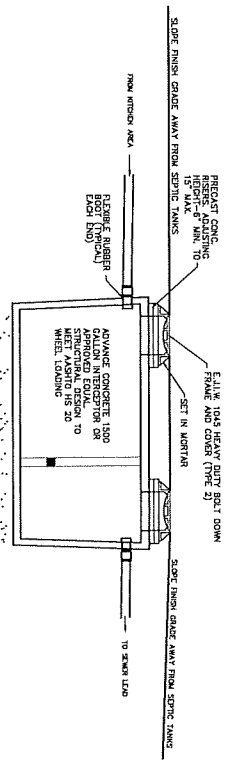
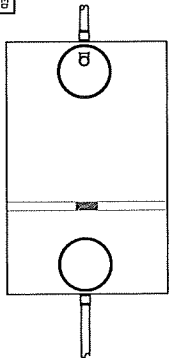
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  - 1500" DRAINAGE DITCH

NOTE: THE GREASE TRAP SHALL BE INSPECTED ANNUALLY AND REPAIRED WHENEVER STUDDER OR CRACKS ARE FOUND ON EXTERIOR SURFACE.

Top View 1500 GAL D/C SEPTIC TANK



EXTERIOR GREASE TRAP DETAIL



C-4A

DATE	06-02-18
BY	PK
CHECKED BY	PK
SCALE	1/32"

**ACE CIVIL ENGINEERING**  
 2400 Greenway, North, MI 48843 517 843-4141 Fax 517 843-4148

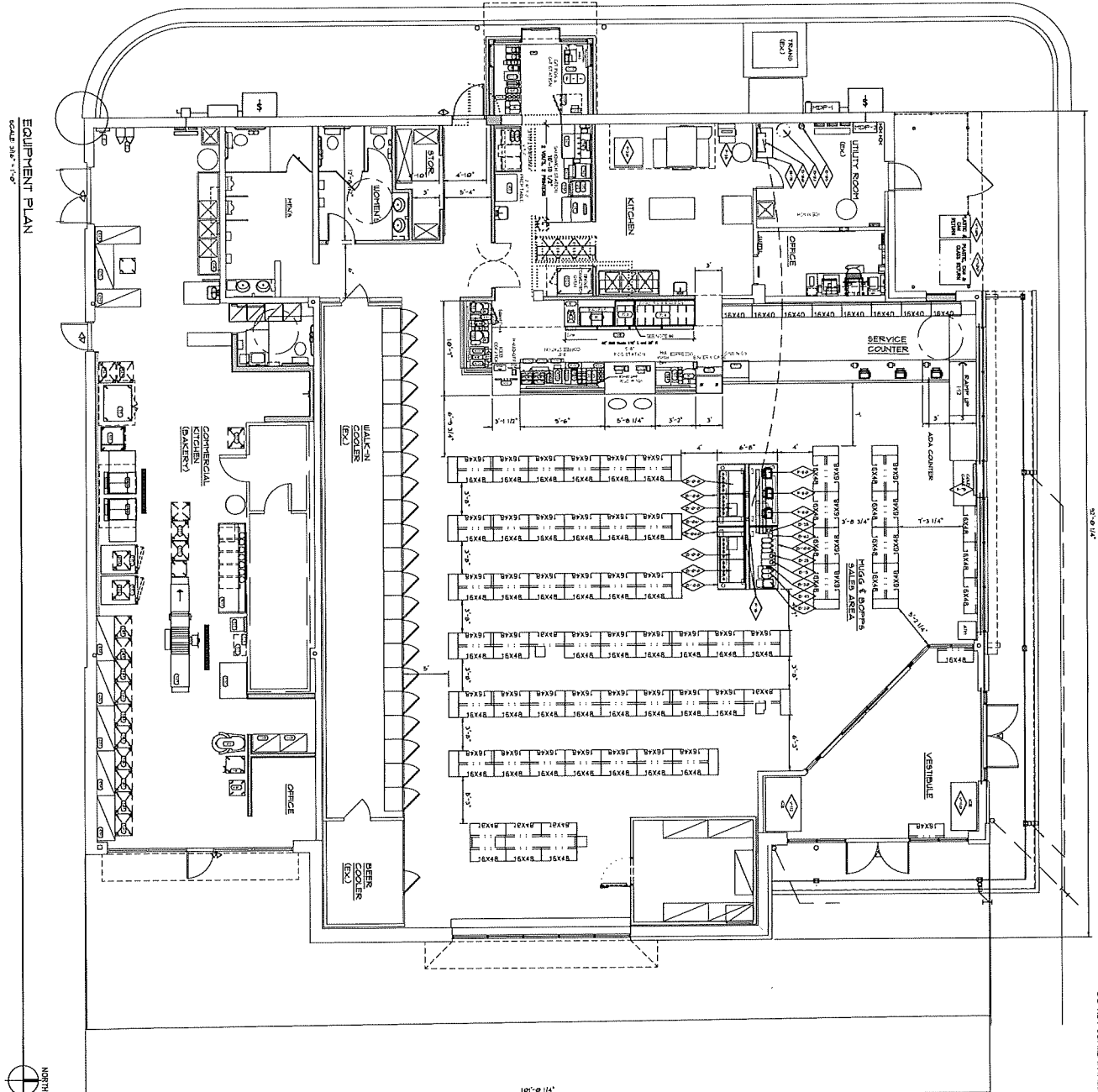
D-19 GAS STATION / CONVENIENCE STORE  
**DRAINAGE AREA PLAN**

C D Okemos 10  
 P. O. Box 708  
 Howell, MI, 48844  
 ATTN: Todd Lekander  
 517-202-0232

NO.	DATE	DESCRIPTION
1	06-02-18	ISSUED FOR PERMITS
2	06-02-18	REVISED PER COMMENTS
3	06-02-18	REVISED PER COMMENTS
4	06-02-18	REVISED PER COMMENTS
5	06-02-18	REVISED PER COMMENTS
6	06-02-18	REVISED PER COMMENTS
7	06-02-18	REVISED PER COMMENTS
8	06-02-18	REVISED PER COMMENTS
9	06-02-18	REVISED PER COMMENTS
10	06-02-18	REVISED PER COMMENTS

- NOTES**
1. THIS LAYOUT MEETS YOUR REQUIREMENTS.
  2. REVISIONS TO THIS PLAN SHALL BE MADE BY THE ARCHITECT.
  3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES.
  4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE AND ALL APPLICABLE LOCAL ORDINANCES.
  5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL MECHANICAL CODE AND ALL APPLICABLE LOCAL ORDINANCES.
  6. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL PLUMBING CODE AND ALL APPLICABLE LOCAL ORDINANCES.
  7. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL FIRE AND LIFE SAFETY CODE AND ALL APPLICABLE LOCAL ORDINANCES.
  8. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL SAFETY CODE AND ALL APPLICABLE LOCAL ORDINANCES.
  9. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL HEALTH CARE FACILITY CONSTRUCTION CODE AND ALL APPLICABLE LOCAL ORDINANCES.
  10. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL HEALTH CARE FACILITY DESIGN AND CONSTRUCTION CODE AND ALL APPLICABLE LOCAL ORDINANCES.

- CHARACTERISTICS NOTES**
1. 2011 SFDI SPEC.
  2. 2011 SFDI SPEC.
  3. 2011 SFDI SPEC.
  4. 2011 SFDI SPEC.
  5. 2011 SFDI SPEC.
  6. 2011 SFDI SPEC.
  7. 2011 SFDI SPEC.
  8. 2011 SFDI SPEC.
  9. 2011 SFDI SPEC.
  10. 2011 SFDI SPEC.



DO NOT SCALE DRAINAGES

**PLANNED**  
**SAFETY**  
**ARCHITECT**

2417 SEQUOIA LANE  
 WILMINGTON  
 DE 19804  
 302.436.1695  
 INFO@PLANNEDARCHITECT.COM

**CLIENT:**  
 HARBORBELLIC  
 70 BOYD  
 WILMINGTON, DE 19804  
 302.318.9100

**PROJECT:**  
 PHASE 2  
 PLUNKIN-TENANT  
 IMPROVEMENTS  
 1600 PARKLET ROAD  
 HARRINGTON, DE 19941

**DESIGN:**  
 1610 DATE  
 05-13-2020

**SEAL:**  
 ARCHITECT  
 1733-11

**CHECKED BY:** BSK  
**DATE:** 05/20/20

**PROJECT NO:** 1733-11  
**TITLE:** EQUIPMENT PLAN

**SHEET NO:** A-3.2

**DATE:** 05/20/20

**PROJECT NO:** 1733-11

**TITLE:** EQUIPMENT PLAN

**SHEET NO:** A-3.2

**DATE:** 05/20/20

**PROJECT NO:** 1733-11

**TITLE:** EQUIPMENT PLAN

**SHEET NO:** A-3.2



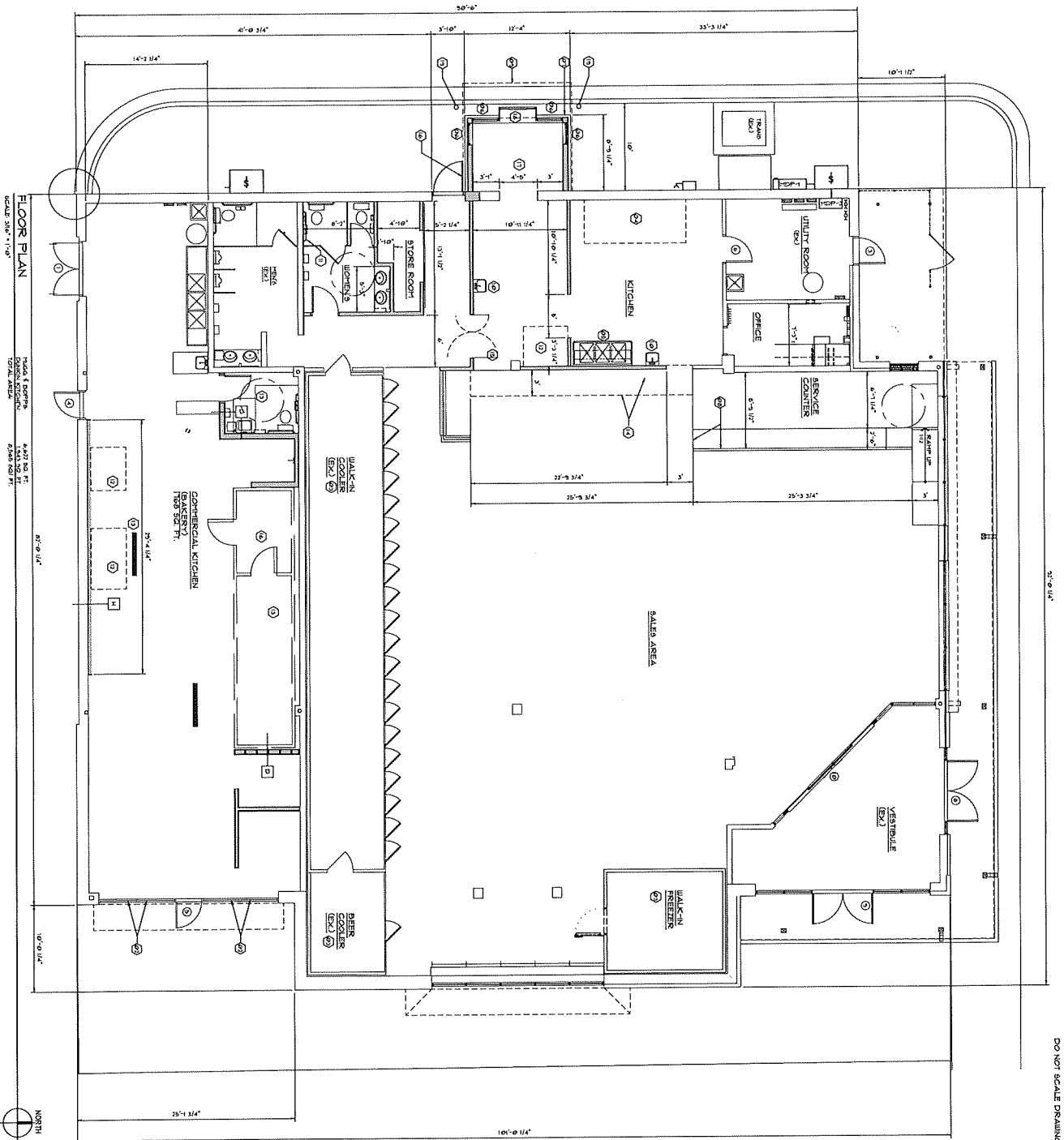


**FLOOR PLAN KEY NOTES**

- 1. FINISH FLOOR SHALL BE AS SHOWN.
- 2. FINISH FLOOR SHALL BE AS SHOWN UNLESS NOTED OTHERWISE.
- 3. FINISH FLOOR SHALL BE AS SHOWN UNLESS NOTED OTHERWISE.
- 4. FINISH FLOOR SHALL BE AS SHOWN UNLESS NOTED OTHERWISE.
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- 20. FINISH FLOOR SHALL BE AS SHOWN UNLESS NOTED OTHERWISE.

**FLOOR PLAN GENERAL NOTES**

- 1. FINISH FLOOR SHALL BE AS SHOWN UNLESS NOTED OTHERWISE.
- 2. FINISH FLOOR SHALL BE AS SHOWN UNLESS NOTED OTHERWISE.
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- 19. FINISH FLOOR SHALL BE AS SHOWN UNLESS NOTED OTHERWISE.
- 20. FINISH FLOOR SHALL BE AS SHOWN UNLESS NOTED OTHERWISE.



DO NOT SCALE DIMENSIONS

**WATHEU  
RAY  
ARCHITECT**

245 S. SHUMAKER LANE  
DALLAS, TEXAS 75235  
214.639.0105  
RAY@WATHEURAYARCHITECT.COM

**CLIENT:**  
HARRINGTON LLC  
722 BAYVIEW TOWER  
DALLAS, TEXAS 75224  
311-313-3132

**PROJECT:**  
PHASE 2  
DANKIN/TENANT  
FINISH  
IMPROVEMENTS  
16067 PARKVIEW ROAD  
HARBOR TOWER #11

**DESIGNER:** [Signature]  
**DATE:** 02-15-2020

**SCALE:** 1/8" = 1'-0"

**CHECKED BY:** [Signature]  
**DATE:** 02-15-2020

**PROJECT:** 1733-11  
**TITLE:** FLOOR PLAN  
**DATE:** 02-15-2020  
**SCALE:** 1/8" = 1'-0"

**PROJECT NO.:** 1733-11  
**SHEET NO.:** A-3.1



## MEMORANDUM

From: Marion Township Board of Trustees

To: Marion Township Planning Commission

Re: Short-Term Property Rentals

Dated: August 24, 2020

### **OMA and FOIA Disclosures**

Pursuant to the provisions of the Michigan Open Meetings Act (OMA), of which both the Marion Township Board of Trustees (the "Board") and the Planning Commission are subject to as a qualified public body, both defined in and pursuant to MCL 15.262, the Board provides the following memorandum. The primary purpose of the information contained herein is to promote government openness and accountability. Information that has been provided to the Board by the Township's legal counsel is contained herein and available for public viewing. However, the provision of actual written legal opinions or other correspondence by Marion Township's legal counsel, as directed to the Board as a public body, is considered attorney-client privileged and exempt from disclosure to the public pursuant to the provisions of the Freedom of Information Act (FOIA) at MCL 15.243(g).

### **I. Executive Summary**

The question raised and considered by the Board is as to whether certain homeowners are precluded from engaging in short-term rentals ("STR") of their home under the existing Township zoning ordinance. Although there is no explicit language contained in the zoning ordinance which prohibits this sort of activity, there are provisions which imply that undertakings of this sort do not qualify as an acceptable residential use of a lot.

### **II. Township Zoning Ordinance**

In the instant matter, there are particular residential homeowners that have engaged in STR activities which have caused neighboring residents to inquire as to whether the STR activity is prohibited or allowed under the existing zoning ordinance. STR matters involving any particular homeowners located within the Township remain unresolved with the municipality. Therefore, the divulgence of identifying information regarding any homeowners, in particular, is not being disclosed at this time in this memorandum, pursuant to the legal advice received from the Township's attorneys.

A review of the Marion Township Zoning Ordinance (the "ordinance") indicates that the section most relevant to the instant issues regarding short-term rentals is §8.04 entitled *ERS: Existing Residential Subdivision District*. Existing residential subdivisions are platted non-conforming subdivisions that were created prior to the last major ordinance revision in 1996. The intent cited in the ordinance of the ERS District is to recognize the existence of existing platted residential subdivisions that were

developed prior to the adoption of this ordinance as well as to protect the character of these type of developments. The inclusion of these existing residential developments, within other residential zoning districts of this ordinance, would result in the creation of a substantial number of non-conforming lots. The concern is that the resulting large number of non-conforming lots could place an extraordinary burden upon the landowners, the Township Zoning Board of Appeals, as well as its staff in the administration of future variance requests and appeals associated with these non-conforming lots. Two sub-districts of the ERS district have been established in recognition of the development densities associated with the existing platted residential lots and the resulting unique character associated with each development density. The further intention of the ordinance is that no new ERS districts will be established after the effective date of the ordinance.

Subsection (B) of §8.04 defines use as permitted by right within all sub-districts of the ERS District and includes single family dwellings. The site development requirements include minimum and maximum standards which apply to all uses and structures in the ERS District. This includes minimum lot areas; minimum frontage; yard setback requirements; maximum height; and maximum lot coverage.

Pursuant to §8.04(B), lots may qualify as a land use permitted *by right* due to their status as a single-family dwelling. However, a homeowner's STR efforts may attempt to expand that definition to include guests as short-term renters which would be considered a *special non-qualifying use*. (The only special qualifying use permits currently allowed under the ordinance is pursuant to §8.04(D) for group childcare homes). Therefore, a homeowner's use of their lot and dwelling as an STR is non-conforming and does not qualify under §8.04 as a use of right or by special use permit as it currently exists. An STR use could also be interpreted as a non-qualifying commercial use and, therefore, not classified for rental of a lot and dwelling in a residential zone. (Generally, legal references to STR's refer to usage for less than twenty-eight (28) days). Although homeowners may indicate that all of their rentals thus far have been for a minimum of at least twenty-eight (28) days, there may be circumstantial evidence, either online or from neighbors, which indicate that there have been prior, or are current, rentals of less than that amount of time as advertised by the homeowners through websites such as Airbnb. Thus far, no homeowners have shown any prior non-conforming use in the Township as a defense to any current STR use.

As such, it has been recommended to the Board by legal counsel that the Township adopt a new section under the existing zoning ordinance, or amend the current relevant section, to address this overall issue moving forward. This may provide explicit prohibitions of STR usage, pursuant to applicable and relevant circumstances, rather than implied violations of the existing zoning ordinance. Because currently homeowners cannot show a vested right which attaches to their lot, per any existing zoning regulations, they are unable to establish a viable defense in this matter in relation to the operation of STR usage in an existing residential subdivision district.

Presently, the legally recognized definition of "single family dwelling" does not appear to qualify for any current proposed STR usage. In general, the definition of "single families" are family relationships of non-transient character. Transient is generally regarded as being for the school year or seasonable in nature. Homeowners in these situations may be currently renting their lot and dwelling to the public on a short-term basis for less than twenty-eight (28) days through online listings. These situations may be deemed to not qualify as acceptable land use *by right* under the terms of the Township's ordinance.

In the past few years, Michigan courts have identified STRs as “inherently transitory” and the Michigan Supreme Court has interpreted STRs as “transitory in nature” which excludes usage as a residence. A “residence” has been defined as a “permanent” residency whether physically occupying the lot and dwelling or not. The result of this relevant case law has been that STRs have *not* been classified as usage for the purpose of defining a “single family dwelling.” A “family” has been defined as being domiciled together through a fixed and permanent home.

The Michigan Supreme Court ruled in 2017, in two separate cases, that STRs violate both “residential use” and non-commercial use deed restrictions in a subdivision. As a result, Michigan Courts have taken a hardline stance on STRs, whether adopted by municipalities, or through private deed restrictions.

Due to the influx of Airbnb type platforms around the country, Federal legislation has been proposed to address the matter. Pursuant to Fed. HR 4232 (the “Plan Act”), the House of Representatives has focused on STRs in relation to their web-based platforms and internet use, under the Commerce Act, and specifically has focused upon the major player: Airbnb. That Bill has not yet been passed in the U.S. Congress.

Similarly, Michigan House Bill 4046 amends the Michigan Zoning and Enabling Act and eliminates local units of government’s ability to regulate short-term rentals which are twenty-eight (28) days or less. The proposed Bill further mandates that all STR rentals will be considered as “residential use” and eliminates additional regulations such as registrations and permits that would be required to be provided by homeowners to local municipalities. This Bill is pending in the legislative process and has not yet been enacted into law.

Because homeowners may be utilizing a dwelling and lot as a non-qualifying STR use in a zoned residential district, they could be considered in violation of the Township Zoning Ordinance. This could lead homeowners to be subject to fines and/or litigation which seeks entry of a preliminary injunction in the Livingston County Circuit Court to enjoin further use of the lot and dwelling as an STR. The Board recognizes that any litigation for which the Township engages in with homeowners could involve considerable time and cost and, therefore, may take certain factors into consideration in deciding and resolving matters on a case-by-case basis.

Another option is for the current ordinance to be amended, or that a new ordinance be adopted which specifically addresses STRs. In the interim, resolutions could be made with particular homeowners to enter into an agreement, in writing, that their lot and dwelling will not be used for STR purposes for less than a minimum amount of days. The issue moving forward for the Township would then be to discuss mechanisms for oversight and enforcement and how the Board would treat any violations of any such agreements.