

*Approved by: _____
Larry Grunn, Chairperson

Date: _____

MARION TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
November 26, 2019 / 7:30PM

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

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

MEMBERS ABSENT: JAMES ANDERSON

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 November 26, 2019
Bob Hanvey motioned to approve the agenda as presented. Cheryl Range seconded. **MOTION CARRIED.**

APPROVAL OF MINUTES:
Approval of the Regular Meeting Minutes for October 24, 2019
Bob Hanvey motioned to approve the minutes from the October 24, 2019 meeting. Cheryl Range seconded.
MOTION CARRIED.

Bob Hanvey motioned to approve the grammar and spelling changes for the minutes from the October 24, 2019 meeting. Jim Anderson seconded. **MOTION CARRIED.**

CALL TO THE PUBLIC:

Tim Ryan, 459 E. Davis, stated that his comments from the last Planning Commission meeting appear to have been misinterpreted, according to page 2 of the minutes. Tim Ryan read the following statement.

“I did not say that Howell Landscaping was discharging into the wrong drain. In my comment regarding drainage at Howell Landscaping, I indicated that the surface water from that site is discharged into Marion #3 drain and is covered by a State of Michigan permit. An NPDES permit was issued to Howell Landscape identifying the type of business as “Trucking, no outside storage”.

Susan Schooley, 459 E. Davis, discussed the various requests and required maps and documentation for other site plans. She feels that the same requests and requirements have not been applied to Howell Landscaping. Nothing seems to have changed over at Howell Landscaping and she doesn't understand why the township has not moved forward with anything prohibiting the activity taking place there.

Jeff Hanson, 100 Lucy Road, explained that the vacant lot next to him has recently been purchased by LoRea Topsoil and Aggregate. There is currently not a greenbelt between his property and LoRea; however, he feels that because of this new business, the traffic on Lucy Road is going to increase, along with the activity taking place on the parcel. Jeff would like to see a greenbelt put in to help with screening.

NEW BUSINESS:

1) *SPR# 02-19 Evergreen Landscape 386 Lucy Road SS Real Estate Holdings LLC*

Dan Brockway owns and operates Evergreen Landscape located at 386 Lucy Road. Dan attended a ZBA meeting to request a variance for the minimum setback from the road. He asked for 50 feet instead of the required 75 feet. He also requested that the side yard buffer fencing requirement be waived, but he agreed to build a fence if needed. This request was approved. Dan Brockway discussed all the reviews from outside agencies. He will need to apply for a commercial waiver or permit.

John Enos said that he believes that Dan Brockway has spent a lot of time on this site plan and believes that he is in the right location for a landscape operation. John's only request is that he meet the rear setback requirement, along with some clarification on the parking spots.

Dan said that Phil Westmoreland expressed that he would like the fuel tank located in the back of the property. However, Dan would like to leave the fuel tank in the front, due to easy access and limited space in the back.

John Enos said that he appreciates all the work that he has done on this plan and is happy with everything. Dan has complied with all of our requests and John recommends approval of this site plan. Dave Hamann would like this approval contingent on all the requests from outside agencies being fulfilled. He would like the board to see the same plan that we are seeing today with a list of all the requirements/reviews and would like documentation of what has been completed and what still needs to be completed. Dave said that putting the fuel tank in the back of the property would make it very difficult for it to be filled.

Bob Hanvey asked if Dave would be the one to make sure that Dan completes everything being requested by the other agencies. Dave said yes. Bob asked if Phil's recommendation about the fuel tank was in the ordinance. Dave said that it's not in the ordinance, it is just a recommendation.

Cheryl Range made a motion to recommend approval and send the site plan for SPR# 02-19 Evergreen Landscape on 386 Lucy Road to the Board of Trustees with all of the reviews and recommendations from outside agencies. Bruce Powelson seconded. **MOTION CARRIED**

Bob Hanvey asked if we could send a list of all of the recommendations to the Board of Trustees as well. Dan Brockway agreed to send that list to Dave.

2) SPR# 03-19 LoRea Topsoil and Aggregate on Lucy Road. (Paul Marie Properties)

David LeClair works for Livingston Engineering and is representing Matt Peevey who purchased a 4.55 acre property on Lucy Road from Frank Lover. This was originally approved when it belonged to Frank Lover, along with three variances regarding the setbacks, the loading area, and the paving. This new site plan is very similar to what was previously approved. The purpose of this site is to sell landscape supplies. There is no dumpster, no lighting at the entrance and ten evergreen trees along the front for landscaping.

John Enos said that this is a nice plan. This is an unusual site, but it is a highway district use and in the correct location for a contractor/landscaping yard. The canvas storage structure is in the back of the site. John likes the evergreen trees. John would prefer that they use wall packs for the lighting and that they face down out of respect to the neighbors.

Bob Hanvey said that in the general notes, #4 states that there should be "No buildings on site." Bob thinks this needs to be removed.

Larry Grunn asked about the fencing. David LeClair said that they have repaired the fence. Dave Hamann explained that the privacy fence must be able to be maintained from both sides.

David LeClair said that previously Frank Lover wanted semi-trucks but that is currently not happening on this property.

Matt Peevey said that his property is located in a Highway Service district and none of this should be a problem. Bob Hanvey reminded Matt that even though it is in an Industrial district, the adjacent properties are residential. Bob also wanted Jeff Hansen's (Jeff Hansen resides at 100 Lucy Road) request for a greenbelt mentioned to the Board of Trustees. Bob then asked about the guide wires. David LeClair said that DTE came out and spoke with Matt Peevey and told him that they might decide to put a concrete cone or barrier around the guide wires.

John Enos said that this would not have to be on the plan because it is not something that Mr. Peevey has control over. It is something that may or may not be handled by DTE.

Bob Hanvey said that Mr. Peevey would have to get a water tap for the water usage and for the sewer, he would need to get a four party agreement between LoRea, Genoa Township, Marion Township and Genoa-Oceola Sewer Authority. Matt Peevey said that he would get these things to Dave Hamann as soon as possible. Matt then asked Bob if the REU was paid for by the previous owner. Bob Hanvey said that it had NOT been paid for yet and to check with MHOG on the REU requirements.

Cheryl Range made a motion to recommend approval and to send the site plan for SPR# 03-19 LoRea Topsoil and Aggregate on Lucy Road to the Board of Trustees with all of the reviews and recommendations from outside agencies. Bob Hanvey seconded. **MOTION CARRIED**

Larry Grunn asked if Jeff Hansen's request for a greenbelt would be sent to the Board of Trustees, along with the other reviews and comments from outside agencies. Dave Hamann said that Mr. Hansen's request would be sent with the rest of the comments and reviews.

3) TXT #01-19 Short Term Rental Special Use

John Enos explained that because of the lakes throughout Marion Township, we are going to continue to see this problem occur. Lakes can be a prime location for rentals, which can then turn into a party house. John explained that we could allow them under a special use while enforcing a minimum rental time frame, such as no rentals less than 30 days. We can also list other requirements that have to be met or we can revoke their permit.

Dave Hamann said that we currently don't even allow one to have a "Bed and Breakfast" within the ERS Districts. However, we currently have four "short term rentals" in the township. One of them is a true B&B because the owner actually lives in the home being rented. Another one being rented out is the one on Triangle Lake, which happens to come with several deed restrictions. There is currently a Senate Bill that could allow rentals in residential properties. We need to restrict this type of use or find a way to control/regulate this before it gets out of hand.

Cheryl Range said that Grand Rapids thinks property owners should be allowed to do what they want with their own property. There are other communities are also allowing rentals in residential areas. John Enos said that this sounds like a business/commercial use; therefore, we should prohibit this in residential areas. Bob Hanvey thinks that we shouldn't offer this in every district but maybe we should at least offer this in some parts of the township. Bruce Powelson asked if we could prohibit this from happening on the lake properties, which might help eliminate the more common rentals from happening. John Enos said that might be an option and is not opposed to that. Bob Hanvey likes the idea that involves a list of regulations that the property owners and renters have to abide by.

Les Andersen, 4500 Jewell Road, said that this happened up north near his vacation home. It ruined the feel of the community and he doesn't think we should allow this anywhere in Marion Township.

John Enos said that regulating this would be a lot of work. Limiting the rental time frame would be the more efficient way to go. John said that he would get some information together and gather some more research. Larry Grunn suggested that we get Mike Kehoe's opinion on this topic as well.

Cheryl Range made a motion to postpone further action on this until the next meeting scheduled for January 28, 2020. At that time, we can review Mike Kehoe's opinions and John Enos recommendations. Bob Hanvey seconded. **MOTION CARRIED.**

OLD BUSINESS:

1) TXT #04-17 LCPD Review

Dave Hamann is still waiting for the county. The Marion Township Board of Trustees did not make a decision on Section 17.32 Home Based Business. However, they did decide to remove the language in 6.14 Home Occupation prohibiting occupation signs.

Bob Hanvey made a motion to postpone further action and discussion on this until we get some feedback from Livingston County. Larry Grunn seconded. **MOTION CARRIED.**

2) TXT #07-17 Proposed Changes on Lots

Bob Hanvey made a motion to postpone action and discussion on this until the next meeting scheduled for January 28, 2020. Bruce Powelson seconded. **MOTION CARRIED.**

CORRESPONDENCE AND UPDATES:

▪ Notice from Hamburg Township about Pre-Draft Master Plan Review.

Bob Hanvey asked if we had to do a Pre-Draft Review for our Master Plan. John Enos said NO. John also said that he would have the changes to our Master Plan for the January 28, 2020 meeting.

▪ Notice from City of Howell Public Hearing for 645 Lucy Road for Scrap Processing Facility.

Dan Brockway (owns Evergreen Landscaping on Lucy Road) shared that he is glad that they are planning doing something with that land on Lucy Road. It was zoned for this type of business and he is glad that they are finally doing something with it.

▪ Annual Meeting/Election will be held in January 2020.

CALL TO THE PUBLIC:

Les Andersen, 4500 Jewell Road, told John Enos and Dave Hamann that Home Occupations shouldn't be visible to the public eye. However, the Board of Trustees approved the removal of the language stating "No Signs" for Home Occupations. Should we at least have some stipulations for signs? Dave Hamann explained that it does have to be attached to the house, along with being discrete and meeting the stated size requirements, etc. Mike Peevey asked if Marion Township received two offers for the property on Lucy Road: \$250k and \$275k. Bob Hanvey said YES. Mike Peevey asked if they plan on putting in more housing on that property. Bob Hanvey said that the interested buyers did not say whether or not it would be for housing. The township is not sure if we even want to sell that piece of property. We are getting an appraisal and will go from there.

ADJOURNMENT:

Cheryl Range made a motion to adjourn the meeting at 9:36pm. Bruce Powelson seconded. **MOTION CARRIED.**