

**MARION TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 13, 2024 / 7:30PM**

PC MEMBERS PRESENT: **JIM ANDERSON – CHAIRPERSON**
 CHERYL RANGE – SECRETARY
 BOB HANVEY
 BRUCE POWELSON

PC MEMBERS ABSENT: **LARRY GRUNN**

OTHERS PRESENT: **DAVID HAMANN – MARION TWP. ZONING ADMINISTRATOR**
 ZACH MICHELS – TOWNSHIP PLANNER
 JOHN GORMLEY – TOWNSHIP ATTORNEY

▪ CALL TO ORDER:

Jim Anderson called the meeting to order at 7:30 pm.

▪ APPROVAL OF AGENDA:

Cheryl Range made a motion to approve the February 13, 2024 agenda as presented. Bruce Powelson seconded. **4-0 MOTION CARRIED**

▪ APPROVAL OF MINUTES:

Cheryl Range made a motion to approve the January 23, 2024 Planning Commission minutes as amended. Bruce Powelson seconded. **4-0 MOTION CARRIED**

▪ CALL TO PUBLIC:

James Paulson resides at 2745 Sexton Road. James does not approve of the Home-Based Business that Mr. Chistopher Smith is running at 2817 Sexton Road. James Paulson is concerned about the property values, safety and screening.

Dave Hamann explained that the first "Call to Public" is intended for the public to address topics that are NOT already on the meeting agenda.

▪ PUBLIC HEARING:

SUP# 01-24 CHRISTOPHER SMITH SECTION 17.32 HOME-BASED BUSINESS

Christopher Smith did not have any comments at this time.

Larry Shovan resides at 3023 Sexton Road. Larry Shovan believes that Christopher Smith's business is disrespectful to the community and he does not approve of the business location.

Troy Caldwell resides at 2891 Sexton Road. Troy is worried about the salt dome and has concerns about the fuel tank.

Gerald Mikols resides at 2129 Ridgeway Drive. Gerald is worried about the property values, increased traffic, the wellhead protection area and the maintenance of the roads.

Patricia Freidline resides at 2606 Sexton Road. Patricia has concerns about the salt dome, the months of operation, property values, screening, equipment not being stored in a building, excessive noise, increased traffic and the nuisance it is causing to the surrounding neighbors.

Jim Freidline resides at 2606 Sexton Road. Jim Freidline has concerns about the 50 tons of salt being stored on the property, property values and salt contamination issues. Jim also wants to know why it took so long for this Home-Based Business to be addressed because he has been running this business since before the summer of 2023.

Dianne Paulson resides at 2745 Sexton Road. Dianne is concerned about the salt dome, excessive noise, the storage of heavy equipment, employees yelling and screaming at each other and the property values.

Christopher Smith is operating a Home-Based Business at 2817 Sexton Road. Christopher explained that no one has previously spoken to him about any of these concerns. He is trying to be compliant and making the quickest transition possible. He is trying to address all of these matters. The salt dome is up to code per the County Drain Commission. The fuel tank has been fixed and it has been there for years. Christopher explained that he has solutions for all of these concerns.

Dianne Paulson resides at 2745 Sexton Road. Dianne stated that she was trying to be friendly and asked Mr. Smith if he was operating a business on the property and she stated that Christopher said "no".

▪ **NEW BUSINESS:**

SUP# 01-24 CHRISTOPHER SMITH SECTION 17.32 HOME BASED BUSINESS

Dave Hamann explained that he previously met with Christopher Smith and answered all of the questions he had about our ordinance.

Zach Michels explained that this should be treated as a conditional use Home-Based Business, which is more intense than a Home Occupation. Zach read through pages 2/6 and 3/6 of the Special Use Permit Review.

Cheryl Range spoke to the Livingston County Health Department and is gathering information for the Board. She is also waiting on someone to contact her from EGLE. This should all take about two weeks.

Jim Anderson explained that the Home-Based Business ordinance needs to be followed and a completed site plan needs to be submitted for review. There are three questions that need to be answered and explained:

- What has been done to/on the property?
- What is the current condition or state of the property?
- What does the property owner plan to do with the property?

Jim Anderson explained that the neighbors appear to have valid concerns. Anderson is concerned about the noise level, increased traffic from the trucks, the hours of operation, how many employees will be on site and the wellhead protection area. Anderson stated that there needs to be more detail on the site plan about the protections in place to prevent water contamination. Anderson said there should also be a "Pollution Incident Prevention Plan" submitted. Anderson said the applicant should correct and submit an application so the Commissioners can review all of the information.

John Gormley recommended that the Planning Commissioners table further conversation on this issue so the applicant can re-submit his application along with all of the missing information. At that point, the Commissioners can make a recommendation to the Board of Trustees.

Cheryl Range asked if Christopher Smith was running his business in another location prior to the location on Sexton Road. Mr. Smith stated that for 15 years his business was located off Coon Lake and D19.

Cheryl Range made a motion to deny Christopher Smith's Special Use Permit #01-24 for a Home-Based Business. No one seconded.

Jim Anderson made a motion to postpone discussion on Christopher Smith's Special Use Permit #01-24 for a Home-Based Business, until Mr. Smith gathers and re-submits all of the requested information. Bruce Powelson seconded.

4-0 MOTION CARRIED

UNFINISHED BUSINESS:

REVIEW FLOWCHART DRAFT FOR TEXT AMENDMENT CHANGES

John Gormley had no concerns with the Flowchart for text amendment changes.

Bruce Powelson made a motion to adopt the Flowchart for text amendment changes. Cheryl Range seconded. **4-0 MOTION CARRIED**

UNFINISHED BUSINESS:

CONTINUE DISCUSSION ON SIGN SECTION

John Gormley recommended changing some of the terminology and re-categorizing the existing ordinance.

Zach Michels will make some more changes and bring back for more discussion.

UNFINISHED BUSINESS:

MASTER PLAN GOALS FOR ZONING ORDINANCE CHANGES

John Gormley suggested that we clean up our language on shared/private driveways because currently it conflicts with our General Ordinance.

Zach Michels said he will begin working on our ordinance about "splits".

UNFINISHED BUSINESS:

AFFORDABLE HOUSING

Bob Hanvey said there are currently no updates on this topic.

Cheryl Range said that if people cannot afford to live in Marion Township, then they should not move here.

Jim Anderson said that we should at least listen to what this group has to say.

Bruce Powelson made a motion to postpone discussion on the "Affordable Housing Group" until further notice Cheryl Range seconded. **4-0 MOTION CARRIED**

SPECIAL ORDERS:

RESPONSE FROM ATTORNEY ON DP AND WELLHEAD ZONING ORDINANCE

Dave Hamann asked if the Commissioners should consider changing our ordinance now that wedding barns fall under GAMPS?

John Gormley said that the Township should not try and regulate barn weddings that offer "farm to table".

ANNOUNCEMENTS:

Dave Hamann told the Commissioners that TXT# 01-23 DATA PROCESSING was ready to go to the Board of Trustees with a recommendation. Dave Hamann said that the Wellhead Protection language is going to the Livingston County Planning Department for review and comment.

Bruce Powelson made a motion to recommend approval of TXT# 01-23 DATA PROCESSING to the Board of Trustees. Cheryl Range seconded. **4-0 MOTION CARRIED**

Jim Anderson suggested that we postpone further discussion on the Wellhead Protection ordinance until the next Planning Commission meeting, after the Livingston County Planning Department has reviewed it.

▪ **CALL TO PUBLIC:**

Andy Herold resides at 1881 Cedar Lake Road. Andy Herold stated that he feels the Planning Commission should have denied Christopher Smith's request and should shut down his Home-Based Business.

Debra Mikols resides at 2129 Ridgewood Drive. Debra Mikols asked if the Township could notify more residents about Christopher's Smith's business.

Dave Hamann explained that the residents within 300 feet of the property were notified, which is required by statute.

It was also explained that a Public Hearing notice was posted in the newspaper and on the bulletin board outside. This Public Hearing was also listed as an agenda item on the Planning Commission agenda for tonight's meeting, which is also on the Township's website.

▪ **ADJOURNMENT:**

Bruce Powelson made a motion to adjourn the Planning Commission meeting at 9:20pm. Cheryl Range seconded. **4-0 MOTION CARRIED**

MINUTES TAKEN BY: Jessica S. Timberlake

ORIGINAL