

**MARION TOWNSHIP PLANNING COMMISSION
AGENDA**

REGULAR MEETING
July 28, 2020
7:30 p.m.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

INTRODUCTION OF MEMBERS:

APPROVAL OF AGENDA FOR: July 28, 2020 Regular Meeting

APPROVAL OF MINUTES FROM: June 23, 2020 Regular Meeting

CALL TO THE PUBLIC:

PUBLIC HEARING: None

New BUSINESS:

Old BUSINESS:

- 1) SPR#01-20 Continue with Site Plan Review for Drive-in Establishment Section 17.12
- 2) TXT#01-19 Short Term Rentals discussion continued (John & Mike feedback).
- 3) review spreadsheet of zoning ordinance Text Amendments & Section 18
- 4) 6.27 Wellhead Protection & Hazardous Substance overlay zone revision

Correspondence and Updates and Discussion:

CALL TO THE PUBLIC:

ADJOURNMENT:

DRAFT

*Approved by: _____
Larry Grunn, *Chairperson*

Date: _____

**MARION TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
June 23, 2020 / 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

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. Cheryl Range seconded. ***MOTION CARRIED***

APPROVAL OF MINUTES:
Approval of the Regular Meeting Minutes for May 26, 2020
Cheryl Range motioned to approve the minutes. Bob Hanvey seconded. ***MOTION CARRIED***
(Prior to the start of the meeting, Bruce Powelson gave Jessica a copy of the minutes, with some grammar and spelling corrections listed.)

CALL TO THE PUBLIC:
NONE

PUBLIC HEARING:
SUP #01-20 MARION D19 LLC SECTION 17.12 DRIVE-IN ESTABLISHMENT

John Enos assisted Cohoctah with a business similar to this Mugg and Bopp's gas station. John explained that drive-thrus are typically a Special Use because they sometimes can cause nuisance and/or safety concerns. The purpose of this Public Hearing and a site plan is to get the Community and Board's input on things like lighting, landscaping, signage, traffic and any major issues that could arise. John Enos does feel that there should be further discussion on this prior to

Planning Commission Minutes June 23, 2020
By: Jessica Timberlake
Page 1 of 4

approval. Due to the shape of the property, the layout of the drive-thru is a little different than normal. John believes with a little work and some minor adjustments; we can make this work.

Larry Grunn asked Dave Hamann if there is a conflict with our engineers and Mugg and Bopp's.

Dave Hamann explained that there is some confusion with the window location, along with some other issues listed in their review.

Todd LeKander is one of the owners of Mugg and Bopp's. Todd explained that customers keep asking when the drive-thru is going to be in place. He believes that the consumer wants to see a drive-thru at this location and is confident that their customers will be able to adapt quickly and follow the flow of traffic throughout the parking lot. Todd has spoken to Phil Westmoreland (with Spicer's) about their review, regarding this SUP and site plan. Todd cleared up some of the confusion with Spicer's and asked Phil if he was willing to write a new review letter based on their conversation. Phil said that no one on the Board has requested another review letter from him. Todd sent over some examples and photos of other drive-thrus that cross through traffic. Todd believes that if Phil was in attendance tonight, he would say that he understands why the drive-thru is located where it is. It is not the best layout but it makes sense to position it where it is. Todd is willing to re-mark the parking lot and make some changes to the lighting.

Larry Grunn asked if there have been any recent traffic issues at the other Mugg and Bopp's location, due to COVID-19. Todd said that there have not been any recent traffic issues at that location and everything seems to be flowing pretty well.

Jim Anderson said that Todd should consider putting in a curb on the west side of the building to help curb the traffic on that side.

Todd explained that he is putting in a durable barrier that will be attached to the concrete. This will still allow an escape route for customers, so they are not blocked in the drive-thru line.

Jim Anderson asked if there would be any stop signs throughout the parking lot.

Todd said that there would be a stop sign on the southwest corner of the building and it would be large enough to be seen from both sides of the road. There will also be a stop sign right after the order window.

John Enos explained that he believes we can make this work, once we make some changes that will make Phil Westmoreland more comfortable. The Planning Commission can request a revised plan or we can approve this one with contingencies.

Bob Hanvey asked if Todd planned on planting more trees on the property.

Todd said that they already relocated certain trees, so they would act as a buffer from D19.

John Enos said that we could approve this, with conditions regarding the 13 items. There is no reason that we can't approve this with the agreement that these things will get resolved prior to being sent to the Board of Trustees.

Bob Dymond from McGowan's Mini Storage believes that what Todd and TJ are doing is a wonderful addition to that property. However, he would like to discuss the current drain issues involving his property. There was currently a drain that runs across LeKander's property, which is supposed to help prevent flooding onto his property. The Drain Commission is working on solving this issue which should cause less flooding. Bob Dymond would like an easement where the current drain is located, which would run across LeKander's property. Todd and Bob cannot seem to agree on the location of the new drain.

Todd LeKander believes that Bob Dymond has the ability to resolve this issue on his own property without affecting the Mugg and Bopp's property. He does not want to run a drain across his property that would cross over gas lines, fuel lines, utility lines, electrical lines and sanitary lines.

Bob Dymond stated that he is only asking for a 40-foot easement, so the contractors had enough room to get in there if needed. If the contractor determined that he only needed 25 feet, then Bob would be ok with that instead.

John Enos explained that this is not the right platform for this type of discussion.

Larry Grunn said that these issues need to get resolved now.

Dave Hamann explained that the current Special Use Permit states that Todd had the choice to provide an easement within five years.

Jim Abraham is going to be the future owner of McGowan's Mini Storage. His concern is that, currently the water level gets very high in the winter time. The Drain Commission project is not completed yet and we don't know what kind of

impact that project is going to have on things, until it is 100% complete. Jim is hoping to compromise with installing a drain cap temporarily, just in case the Drain Commission project fails.

Larry Grunn asked Jim Abraham if he was planning to add asphalt to his parking lot.

Jim Abraham said that he does plan to in the future and also plans to add pavement as well.

Larry Grunn asked Jim if he had spoken to any of the Drain Commission excavators about this issue.

Jim Abraham said he has spoken with them; however, it would still be nice to have the easement alongside of the existing drain just in case something happens.

NEW BUSINESS:

SUP #01-20 and SPR #01-20 MARION D19 LLC DRIVE-IN ESTABLISHMENT SECTION 17.12

John Enos recommends that the Planning Commission should approve the Special Use Permit and send it to the Board but hold off on the Site Plan Review until we have some of these issues resolved with Phil, Todd and the Planning Commission.

Jim Anderson made a motion to recommend approval for the Special Use Permit and send it to the Board of Trustees for review. Cheryl Range seconded. **MOTION CARRIED**

Jim Anderson made a motion to table approval of the Site Plan Review until some of these issues get resolved. Larry Grunn seconded. **MOTION CARRIED**

NEW BUSINESS:

SOUL EMBODIED SANCTUARY PROPOSAL BY BRIGETTE PATTON

Brigette Patton is a homeowner and resident of Marion Township. For 10 years, she has lived on a 14-acre parcel off Sexton Road. Brigette would like to start the process for developing a tiny-home community for women in recovery off Sexton Road. There are two properties that she is looking at for this project. One is on her own property which is a 14-acre parcel and the other is a 10-acre parcel, also off Sexton Road. These would be 500 square foot homes with their own kitchen area, bathroom and bedroom. The members of this community would learn to do their own gardening, along with performing many other chores and jobs throughout their community. There would be one person living in each home and most would work on-site within this community. This would be a 6-month program for each member and they would have chores and responsibilities during this time. There would be little traffic because they would be doing most of everything on site. She is looking to make this a peaceful and quiet community. Family including children would be allowed to visit but there would not be any overnight visitation.

Bob Hanvey explained that in the past, people have come forward and asked for ordinance and zoning changes and then disappear shortly after.

Brigette explained that she plans to put all of her energy in this and feels very passionate about this project. They already have several global connections, fundraising and donations in place to help support this project.

Larry Grunn asked why they have chosen this specific piece of property.

Jennifer Hall resides at 2727 Glorietta Road in Howell. Jennifer is working on this project with Brigette and hopes that this community will be able to re-circulate energy and resources to help generate and income for these women so they can be proactive members of society. Brigette is interested in this piece of land because it is untouched and believes that it could be a healing space or these women.

Bob Hanvey asked how many people/homes do they plan on having in this community.

Jennifer said that they hoped to have 10-15 homes to start.

Larry Grunn explained that Marion Township is a rural area and our Master Plan does not allow for things like this.

Les Andersen resides at 4500 Jewell Road. Les suggested that they get in contact with Camp Innisfree and maybe utilize some of the resources that Camp Innisfree has to offer. Les explained that the residents in Marion Township want to keep this community rural and that they moved away from things like this because they wanted to be in a quiet and rural area.

John Enos said that currently the Zoning requirements don't allow for houses this small. There is also a two-acre minimum in Marion Township. Marion Township does offer group homes and sober living homes, just not in tiny-houses.

Bob Hanvey said that our ordinance currently does not allow multiple homes on one parcel.

John Enos explained that this type of use is just not permitted in Marion Township.

Dave Hamann stated that Brigitte and Jennifer are welcome to send a survey out to the residents of Marion Township to see what kind of feedback something like this would get.

John Enos also suggested doing a survey and looking at Zoning changes for similar projects.

OLD BUSINESS:

1. TXT #01-19 SHORT TERM RENTALS DISCUSSION

2. Txt #07-17 PROPOSED CHANGES LOTS

3. REVIEW SPREADSHEET OF ZONING ORDINANCE TEXT AMENDMENTS

Cheryl Range motioned to table all old business items until the July 28, 2020 Planning Commission meeting. Bruce Powelson seconded. **MOTION CARRIED**

CORRESPONDENCE AND UPDATES:

NONE

CALL TO THE PUBLIC:

TJ LeKander just wanted to thank the Planning Commission, Dave Hamann and John Enos for their time this evening.

ADJOURNMENT:

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



ACE
CIVIL ENGINEERING, LLC

July 15, 2020

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

Re: Proposed Site Plan for D-19 Gas Station

Dear Planning Commission Members:

This letter is in response to comments within the Carlisle Wortman Associates correspondence and the Spicer Group correspondence dated May 20, 2020 pertaining to the above referenced project.

- #1 Items pertaining to landscaping are being address under separate cover provided by the architect Matt Ray.
- #2 The delivery truck will be parked on an existing concrete pad located behind the trash enclosure which should provide ample screening.
- #3 The drive thru has been configured to provide the best layout for the existing site. The Southern portion of the building will be a kitchen and does not share the same operations internally with the convenience store and gas station. As a result the Southern wall is not accessible for use to the convenience store.

The drive thru has been placed at the rear of the building (West wall) where it will have minimal traffic conflicts with the convenience store and fueling station operations. On almost every drive thru site that shares multiple uses there is a point where the drive thru traffic must interact with adjacent parking, lane crosses, or merging. The D-19 site has the traffic interaction of the drive thru at the rear of the building where the other traffic uses are minimal. The layout as designed is the best layout for the existing conditions of the site.

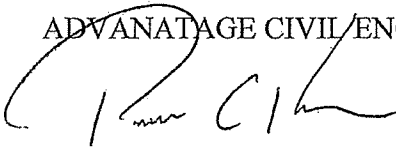
- #5 There is no additional lighting proposed for the drive thru improvements. There are existing light poles with down shielded lighting already located along the rear parking lot curb line. This existing lighting should provide ample lighting due to it being in the same general area as the proposed drive thru.
- #6 The drive thru lane will be identified with raised rubberized lane markers. The lane markers should provide the traffic clarity needed and will also allow for easy snow removal. Lane bollards and raised concrete curbs are being avoided because they create snow removal obstacles that usually get damaged during normal snow plowing operations.

#7 Stop signs have been added at the drive thru menu board and the Southwest corner of the building to help control traffic in the drive thru area.

We believe the site as designed provides for the best configuration for the existing conditions of the particular site. The proposed drive thru addition will create a convenience for the general public and will be an asset for the overall community. Attached is an updated PDF set of drawings for your reference. If you have any questions in this matter please feel free to contact me at your convenience.

Sincerely,

ADVANTAGE CIVIL ENGINEERING, INC.

A handwritten signature in black ink, appearing to read 'Patrick C. Keough', written over the printed name below.

Patrick C. Keough, P.E.
President

17021 (Marion Township)
07/15/20

FINAL SITE PLAN/CONSTRUCTION DRAWINGS: D-19 GAS STATION/CONVENIENCE STORE DRIVE THRU

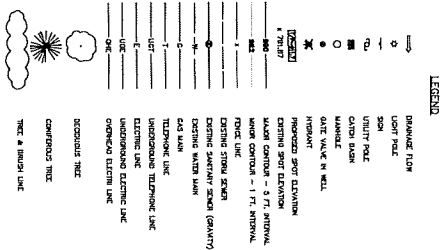
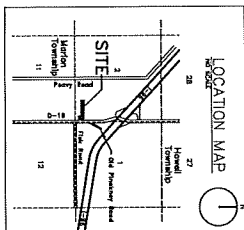
SECTION , T2N-R4E, MARION, TOWNSHIP
LIVINGSTON COUNTY, MICHIGAN

DRAWING INDEX

NO.	TITLE
C-1	COVER SHEET
C-2	EXISTING CONDITIONS/DEMO PLAN
C-3	SITE PLAN
C-4	GRADING PLAN
C-4A	DRAINAGE AREA PLAN
C-5	SOIL EROSION CONTROL

LEGAL DESCRIPTION

Part of the Southeast 1/4 of Section 2, Town 2 North, Range 4 East, Marion Township, Livingston County, Michigan, described as: Commencing at the Southeast corner of said Section 2, thence North 00°53'40" West along the centerline of Pinedey Road, said centerline being the East line of said Section 2, 283.47 feet to the point of beginning of the road to be abandoned, thence North 88°20'31" East, 1281.24 feet to the point of beginning of said Section 2, thence North 88°48'41" West, 500.35 feet to the centerline of Pinedey Road (0--19) and the East line of section 2; thence South 00°53'40" East, along the said centerline and subject to the rights of an easement for purposes of ingress and egress and an easement for an easement of record, together with all other interests therein, 10.00 acres and subject to any easements of record.



REQUIRED PERMITS/APPROVAL

AGENCY: MARION TOWNSHIP
LIVINGSTON COUNTY DRAIN COMMISSION
LIVINGSTON COUNTY BUILDING DEPARTMENT

PERMIT: SITE PLAN/SPECIAL USE APPROVAL
SOIL EROSION CONTROL
BUILDING PERMIT



**ACE
CIVIL
ENGINEERING**

2008 Ridgeway, Royal, MI 48063 317 842-4141 Fax 317 842-4148

D-19 GAS STATION / CONVENIENCE STORE

COVER SHEET

OWNER: C D Okemos 10
P. O. Box 708
Howell, MI, 48844

ATTN: Todd Lekander
517-202-0232

DATE: 08-01-17

SCALE: AS SHOWN

PROJECT: PKC

DATE: 1/201

DATE: 1/201

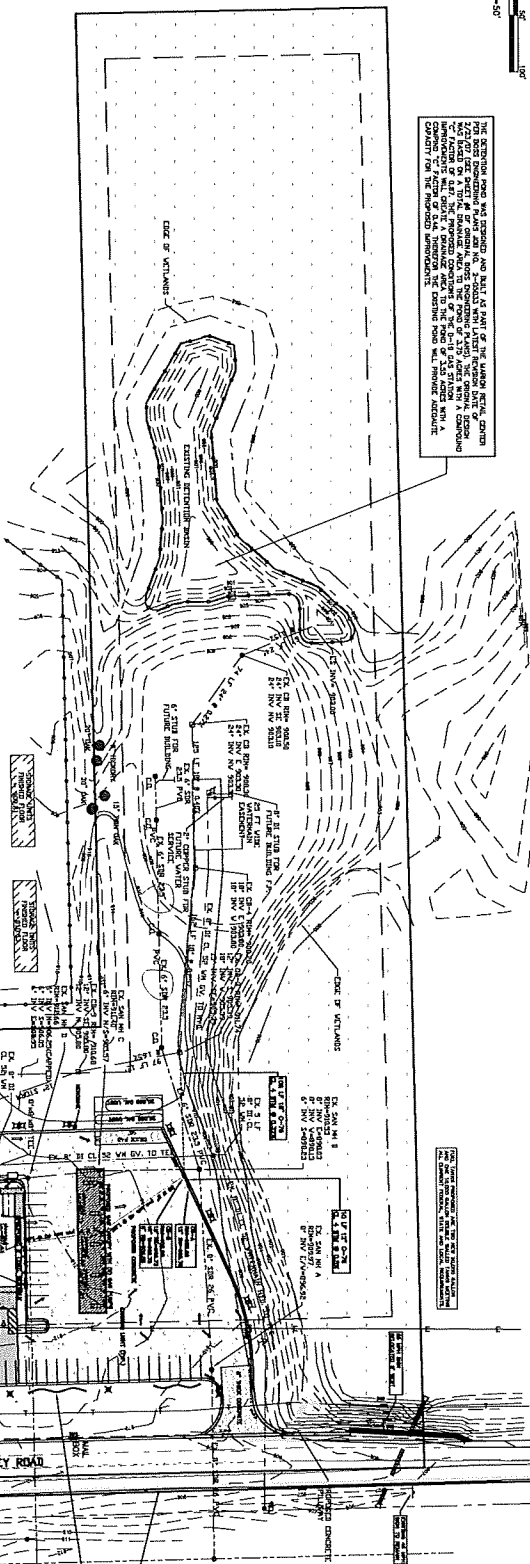
DATE: 1/201

NO.	DATE	DESCRIPTION
1/2017	08-01-17	REVISION: REVISED PER MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) REQUIREMENTS FOR SIGNAGE
2/2017	08-01-17	REVISION: REVISED PER MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) REQUIREMENTS FOR SIGNAGE
3/2017	08-01-17	REVISION: REVISED PER MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) REQUIREMENTS FOR SIGNAGE
4/2017	08-01-17	REVISION: REVISED PER MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) REQUIREMENTS FOR SIGNAGE
5/2017	08-01-17	REVISION: REVISED PER MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) REQUIREMENTS FOR SIGNAGE
6/2017	08-01-17	REVISION: REVISED PER MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) REQUIREMENTS FOR SIGNAGE
7/2017	08-01-17	REVISION: REVISED PER MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) REQUIREMENTS FOR SIGNAGE
8/2017	08-01-17	REVISION: REVISED PER MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) REQUIREMENTS FOR SIGNAGE
9/2017	08-01-17	REVISION: REVISED PER MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) REQUIREMENTS FOR SIGNAGE
10/2017	08-01-17	REVISION: REVISED PER MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) REQUIREMENTS FOR SIGNAGE
11/2017	08-01-17	REVISION: REVISED PER MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) REQUIREMENTS FOR SIGNAGE
12/2017	08-01-17	REVISION: REVISED PER MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) REQUIREMENTS FOR SIGNAGE

C-1

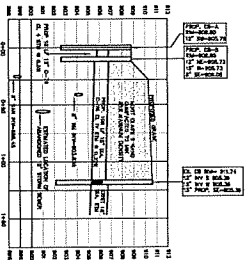


THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF THE DESIGNER AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER. THE DESIGNER ASSUMES NO LIABILITY FOR DAMAGES OF ANY KIND, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS INFORMATION. THE DESIGNER SHALL NOT BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DOCUMENT. THE DESIGNER'S LIABILITY IS LIMITED TO THE DESIGN SERVICES PROVIDED HEREIN.



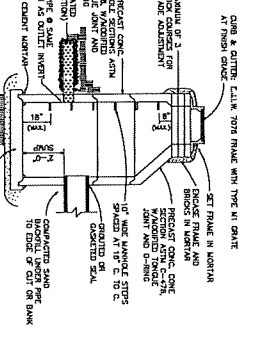
STORM SEWER PROFILE CB-A TO EXISTING CB

NO SCALE



4 FOOT DIA. CATCH BASIN DETAIL

NO SCALE



CATCH BASIN NOTES

1. THE JOINTS AROUND THE PERIMETER SHALL BE POINTED WITH CONCRETE MORTAR.
2. ALL HOLES PROVIDED FOR LIGHTING, VENTILATION, AND WATER WASTEWATER SHALL BE POINTED WITH CONCRETE MORTAR.
3. LANDING STEPS SHALL BE ASPHALT-CONCRETE FINISHED, 18" HIGH, 18" WIDE, AND 18" DEEP. THE STEPS SHALL BE CONCRETE FINISHED, 18" HIGH, 18" WIDE, AND 18" DEEP. THE STEPS SHALL BE CONCRETE FINISHED, 18" HIGH, 18" WIDE, AND 18" DEEP.
4. CURBS SHALL BE CONCRETE FINISHED AND SHALL BE CONCRETE FINISHED.
5. CURBS SHALL BE CONCRETE FINISHED AND SHALL BE CONCRETE FINISHED.

STORM WATER FLOW CALCULATIONS (10-YEAR EVENT)

NO.	AREA (SQ. FT.)	C	P	Q (GPM)	Q (MGD)
1	1000	0.5	0.5	1000	0.001
2	2000	0.5	0.5	2000	0.002
3	3000	0.5	0.5	3000	0.003
4	4000	0.5	0.5	4000	0.004
5	5000	0.5	0.5	5000	0.005
6	6000	0.5	0.5	6000	0.006
7	7000	0.5	0.5	7000	0.007
8	8000	0.5	0.5	8000	0.008
9	9000	0.5	0.5	9000	0.009
10	10000	0.5	0.5	10000	0.010
11	11000	0.5	0.5	11000	0.011
12	12000	0.5	0.5	12000	0.012
13	13000	0.5	0.5	13000	0.013
14	14000	0.5	0.5	14000	0.014
15	15000	0.5	0.5	15000	0.015
16	16000	0.5	0.5	16000	0.016
17	17000	0.5	0.5	17000	0.017
18	18000	0.5	0.5	18000	0.018
19	19000	0.5	0.5	19000	0.019
20	20000	0.5	0.5	20000	0.020

NOTE: THE PIPE FROM EXISTING CB-3 TO EXISTING CB-2 WAS DESIGNED AS PART OF THE LAKESHORE CENTRAL AS SHOWN ON THIS SECTION OF PIPE WAS 12" DIA. THE PROPOSED DESIGN FOR THIS SECTION OF PIPE IS 18" DIA. 150' DIA.



ALL WORK SHALL BE DONE AND APPROVED BY THE ENGINEER PRESENT TO WORK WITHIN THE SCOPE OF THE CONTRACT. THE ENGINEER SHALL NOT BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DOCUMENT. THE ENGINEER'S LIABILITY IS LIMITED TO THE DESIGN SERVICES PROVIDED HEREIN.

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



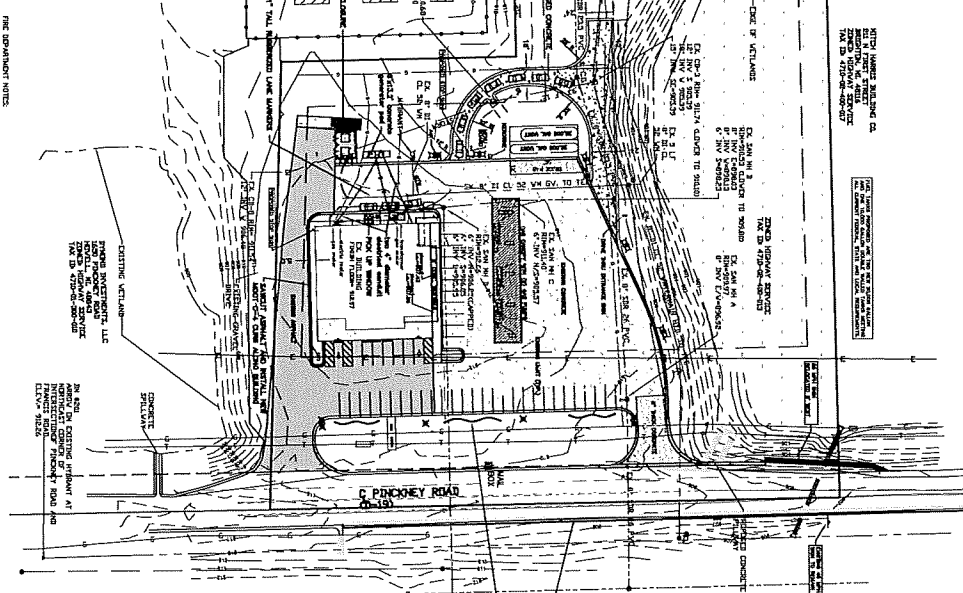
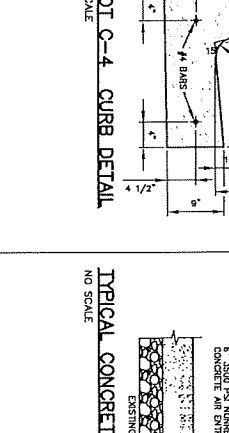
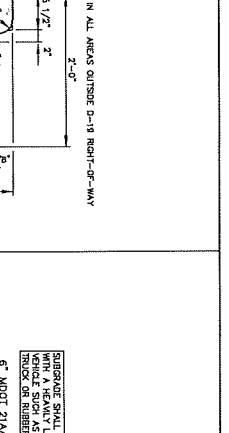
SCALE 1" = 40'

THE INFORMATION ON THIS DRAWING WAS OBTAINED FROM A VISUAL INSPECTION OF THE PROJECT AREA. THE CLIENT IS RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROJECT AREA AND HAS FOUND THAT THE INFORMATION PROVIDED HEREON IS ACCURATE. THE ENGINEER HAS NOT CONDUCTED ANY SURVEYING OR TESTING OF THE PROJECT AREA.

REQUIRED		PROPOSED	
ZONING	HIGHWAY SERVICE	HIGHWAY SERVICE	
LOT AREA	1.0 acres	10.01 acres	
FRONT SETBACK	150 feet	500.33 feet	
SIDE SETBACK	100 feet D-19	123.4 feet	
REAR SETBACK	25 feet	21 feet	
FUEL PUMP/CONVENY	40 feet	144.9 feet	
CANOPY HEIGHT	20 feet	100.2 feet	
		18.7 feet	

Site Data Table

Required:
 Frontage - entire to road - 1 space/250 sq. ft. building - 640 sq./250sq. - 26 required
 Drive in Restaurant - 3 spaces per employee on target shift plus 8 standing
 Total spaces required - 24 spaces plus 8 standing
 Parking spaces provided - (51) plus (10) of pumps - 61 spaces plus 10 standing.



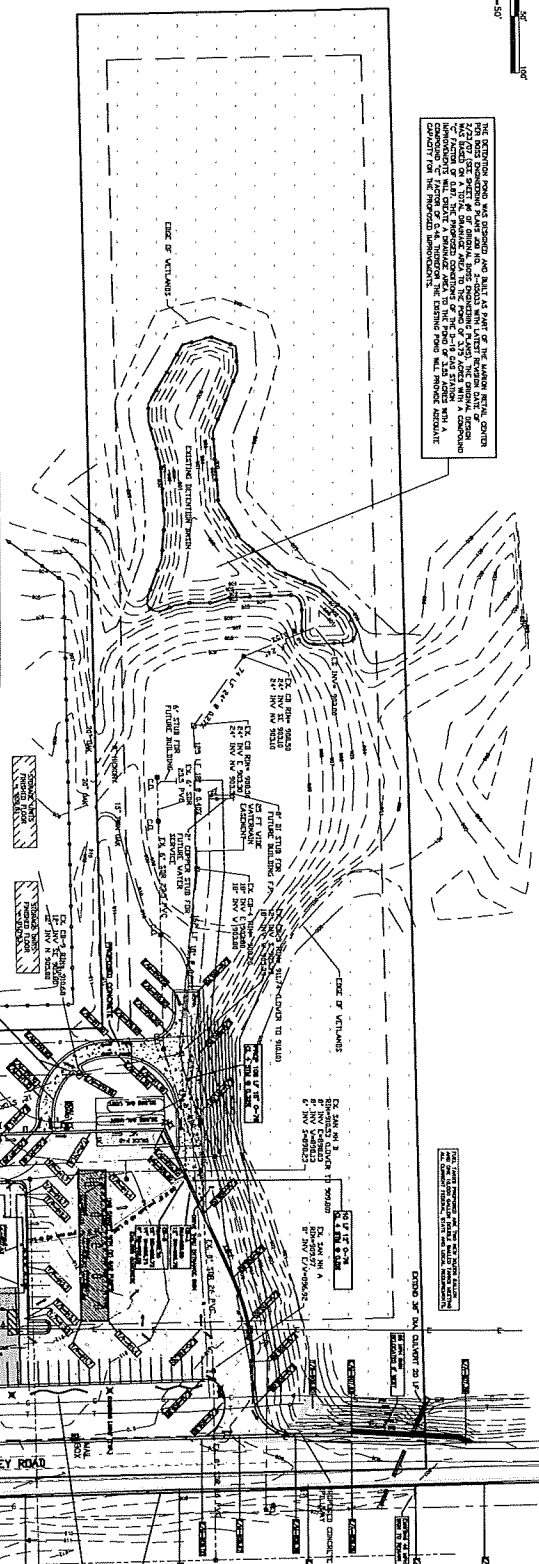
TO BE USED IN ALL AREAS OUTSIDE D-19 RIGHT-OF-WAY

NO.	DATE	DESCRIPTION
1	06-11-09	ISSUED FOR PERMITS
2	07-19-09	REVISED FOR PERMITS
3	08-11-09	REVISED FOR PERMITS
4	08-11-09	REVISED FOR PERMITS
5	08-11-09	REVISED FOR PERMITS
6	08-11-09	REVISED FOR PERMITS
7	08-11-09	REVISED FOR PERMITS
8	08-11-09	REVISED FOR PERMITS
9	08-11-09	REVISED FOR PERMITS
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12	08-11-09	REVISED FOR PERMITS



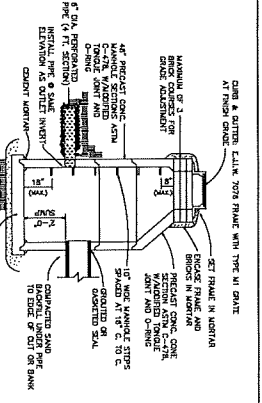
SCALE 1"=50'

THIS GRADING PLAN IS BASED ON THE SURFACE GRADE SHOWN ON THE ATTACHED PHOTOGRAPHS AND FIELD SURVEY DATA. THE SURFACE GRADE IS SUBJECT TO CHANGE. THE ELEVATIONS SHOWN ON THIS PLAN ARE BASED ON THE DATUM INDICATED. THE ELEVATIONS SHOWN ON THIS PLAN ARE SUBJECT TO CHANGE. THE ELEVATIONS SHOWN ON THIS PLAN ARE SUBJECT TO CHANGE.



STORM SEWER PROFILE CB-A TO EXISTING CB
NO SCALE

Table showing storm sewer profile data with columns for stationing (e.g., 0+00, 0+10, 0+20) and pipe elevations.



4 FOOT DIA. CATCH BASIN DETAIL
NO SCALE

CATCH BASIN NOTES
1. MANHOLE RINGS SHALL BE ASPHALT-CEMENT REINFORCED FROM TOP TO BOTTOM. THE RINGS SHALL BE CONCRETE WITH REINFORCING BARS AT 18" ON CENTER AND AT 45° TO THE HORIZONTAL. THE RINGS SHALL BE SET ON A CONCRETE SAND. THE RINGS SHALL BE SET ON A CONCRETE SAND. THE RINGS SHALL BE SET ON A CONCRETE SAND.

STORM WATER FLOW CALCULATIONS (10-YEAR EVENT)

Table for storm water flow calculations with columns for 'Area', 'C', 'Length', 'Velocity', 'Flow', and 'Time'. Includes a note: 'NOTE: THE PIPE FROM EXISTING CB-3 TO EXISTING CB-A WAS REDESIGNED AS PART OF THE DESIGN OF THE CONVENIENCE STORE. THE DESIGN FLOW FOR THIS SECTION OF PIPE WAS 727 CFS. THE PROPOSED DESIGN FOR THIS SECTION OF PIPE IS 545 CFS.'



D-19 GAS STATION / CONVENIENCE STORE
GRADING PLAN

CONTRACT NO. 15881-048-9724
C D Okemos 10
P. O. Box 708
Howell, MI. 48844
ATTN: Todd Lekonder
517-202-0232

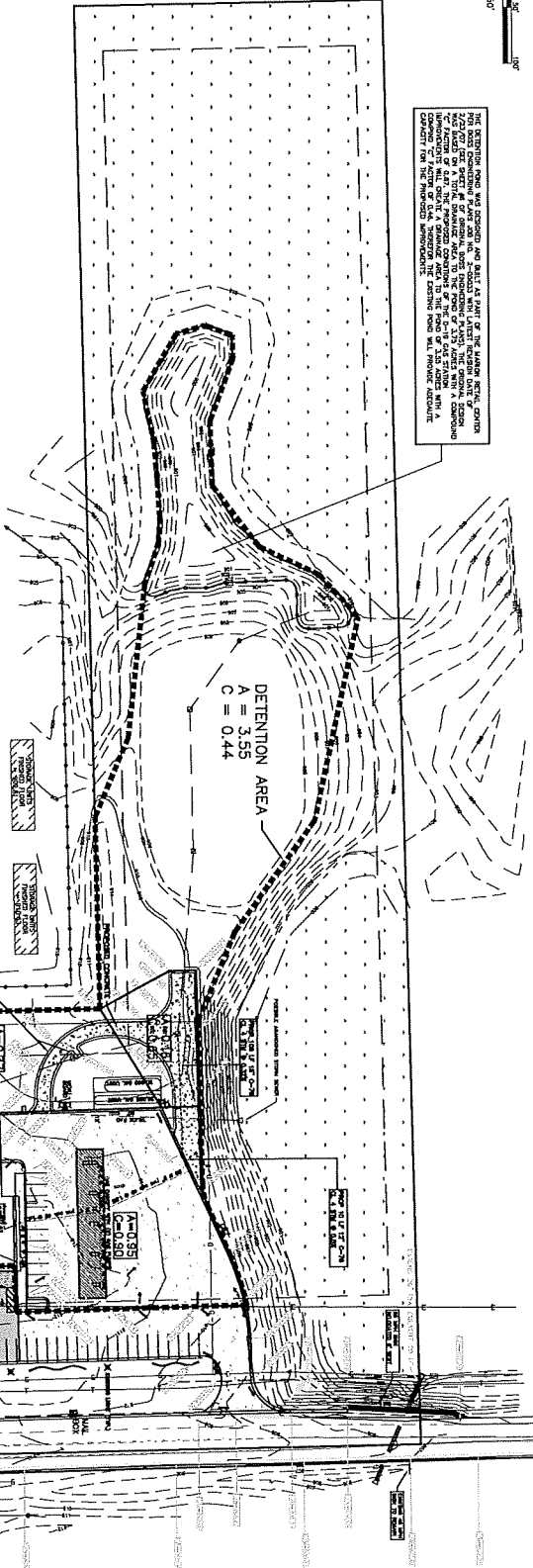
C-4



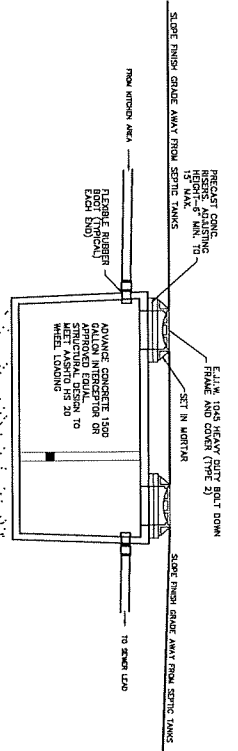
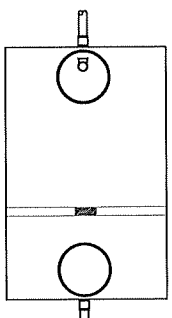


SCALE 1" = 40'

THE DRAINAGE AREA WAS DETERMINED AND CALCULATED BY THE UNIFORM RATE CONTROL METHOD. THE METHOD OF CALCULATING THE DRAINAGE AREA IS BASED ON THE ASSUMPTION THAT THE DRAINAGE AREA IS THE TOTAL AREA OF ALL THE IMPERVIOUS ROOFS AND PATIOS IN THE AREA, PLUS A PORTION OF ALL THE PERVIOUS ROOFS AND PATIOS. THE PORTION OF THE PERVIOUS ROOFS AND PATIOS WHICH IS CONSIDERED TO BE IMPERVIOUS IS BASED ON THE PERCENTAGE OF THE TOTAL AREA OF THE PERVIOUS ROOFS AND PATIOS WHICH IS COVERED BY ASPHALT OR BITUMEN. THE DRAINAGE AREA WILL PROVIDE ADEQUATE STORAGE FOR THE DESIGN FLOOD.



- LEGEND**
- GRADUAL FLOW
 - LIGHT FLOW
 - SLOW FLOW
 - STORM FLOW
 - CATCH BASIN
 - MANHOLE
 - DATE WALK IN WALL
 - HYDRANT
 - PERVIOUS SPOT PLANNING
 - DESIGN SPOT PLANNING
 - MAIN CENTERLINE - 3 FT. MINIMUM
 - MAIN CENTERLINE - 1 FT. MINIMUM
 - DESIGN STORM SEWER
 - DESIGN SANITARY SEWER (GRAVITY)
 - EXISTING WATER MAIN
 - OLD MAIN
 - UNDERGROUND TELEPHONE LINE
 - ELECTRIC LINE
 - UNDERGROUND CABLE TV LINE
 - OVERHEAD ELECTRIC LINE
 - OVERHEAD CABLE TV LINE
 - OVERHEAD WATER MAIN
 - COMPACTED TRAIL
 - TRAIL & BURNED LINE



EXTERIOR GREASE TRAP DETAIL



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

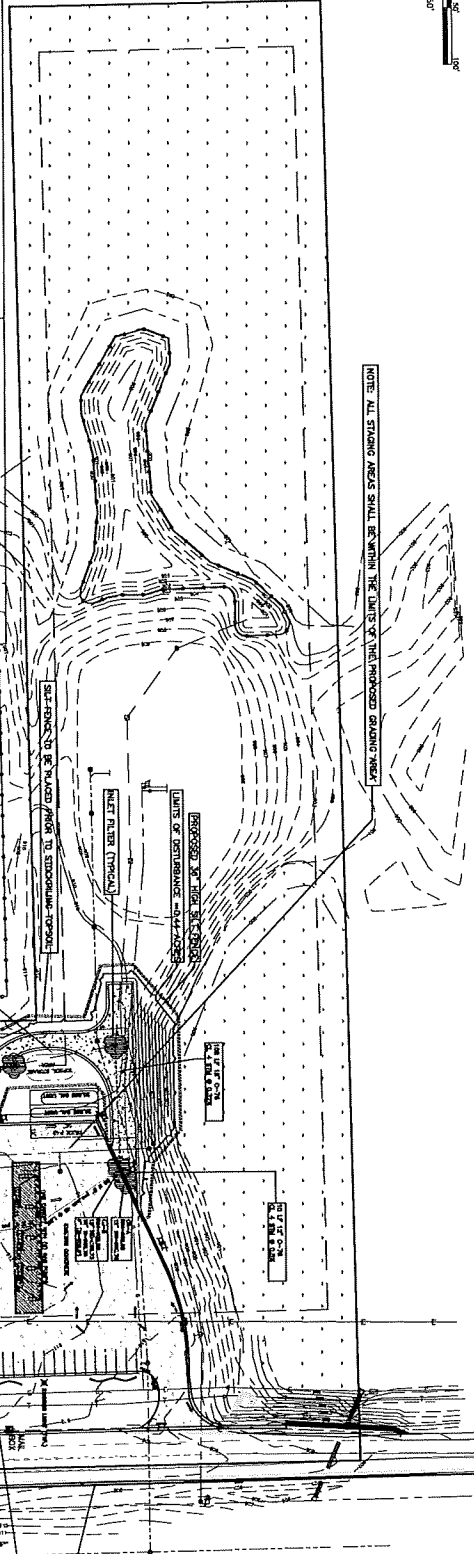
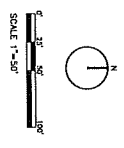
DATE	REVISIONS
06-08-18	REVISED PER LDC
07-15-18	REVISED PER M
08-14-18	REVISED PER DRAINAGE DESIGNER
09-05-18	REVISED PER CATCH BASIN/SEWER STORM SEWER
09-17-18	REVISED PER CATCH BASIN/SEWER STORM SEWER
09-19-18	ADD TOP SOLE

C-4A

06-08-18
PKC
PKC
LTKS

ACE CIVIL ENGINEERING

2500 Grandville Avenue, N.E. Grandville, MI 49431-1701 Tel: 517-335-4144



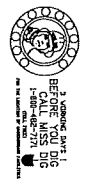
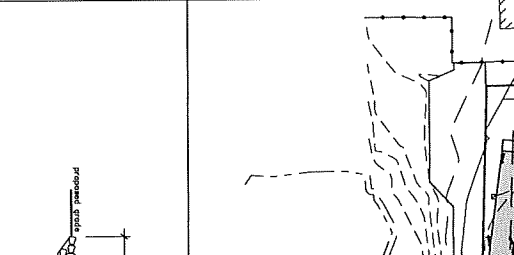
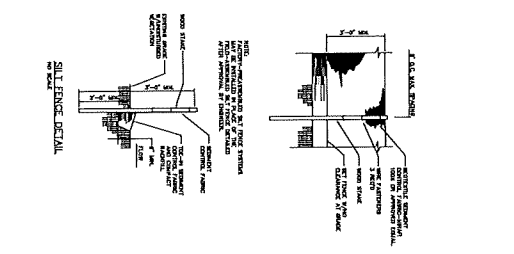
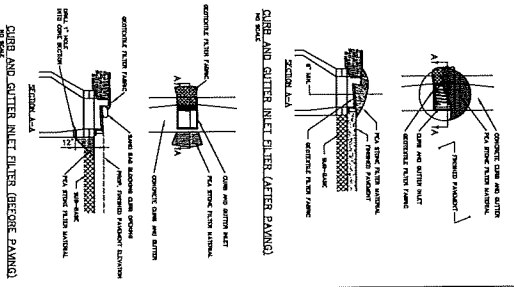
SOIL EROSION CONTROL NOTES:

- All erosion and sediment control work shall conform to standards and specifications of the Michigan County Drain Commission.
- Construction shall be completed within the time frame specified on the contract. Erosion control measures shall be installed prior to the start of construction and maintained throughout the project.
- Construction shall be completed within the time frame specified on the contract. Erosion control measures shall be installed prior to the start of construction and maintained throughout the project.
- Construction shall be completed within the time frame specified on the contract. Erosion control measures shall be installed prior to the start of construction and maintained throughout the project.

- MAINTENANCE SCHEDULE**
- CONTRACTOR SHALL CHECK INLET FILTERS WITHIN ONE DAY AFTER A STORM, AND SHALL REPAIR AND CLEAN AS NECESSARY.
 - CONTRACTOR SHALL CHECK THE FLOW OF EACH DRAIN WITHIN ONE DAY AFTER A STORM, AND SHALL REPAIR AND CLEAN AS NECESSARY.
 - CONTRACTOR SHALL CHECK THE FLOW OF EACH DRAIN WITHIN ONE DAY AFTER A STORM, AND SHALL REPAIR AND CLEAN AS NECESSARY.
 - CONTRACTOR SHALL CHECK THE FLOW OF EACH DRAIN WITHIN ONE DAY AFTER A STORM, AND SHALL REPAIR AND CLEAN AS NECESSARY.

TOTAL AREA OF DISTURBANCE = 0.44 ACRES

DATE	NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10	NO. 11	NO. 12
1/15/18												
2/15/18												
3/15/18												
4/15/18												
5/15/18												
6/15/18												
7/15/18												
8/15/18												
9/15/18												
10/15/18												
11/15/18												
12/15/18												



NO.	DATE	REVISIONS PER LOG
01	01-15-18	ISSUE FOR PERMITS
02	02-15-18	ISSUE FOR BIDDING
03	03-15-18	ISSUE FOR CONSTRUCTION
04	04-15-18	ISSUE FOR AS-BUILT
05	05-15-18	ISSUE FOR RECORD
06	06-15-18	ISSUE FOR FINAL

D-19 GAS STATION / CONVENIENCE STORE
SOIL EROSION CONTROL PLAN
 ATTN: Todd Lekander
 517-202-0232

ACE CIVIL ENGINEERING
 17081
 517-202-0232

C-5

DO NOT SCALE DIMENSIONS

MATTHEW RAM ARCHITECT

254 S. SHANNON LANE
 WATERBURY, VT 05671
 TEL: 802.244.1111
 FAX: 802.244.1112
 WWW.MATTHEWRAMARCHITECT.COM

CLIENT:
 MARION DALLIC
 60 BUCK 198
 HOBELL H. 48944
 517-10-5130

PROJECT:
 PHASE 2
 DUNKIN' TENANT
 FINISH
 IMPROVEMENTS
 1000 CHURCH STREET
 WATERBURY, VT 05671

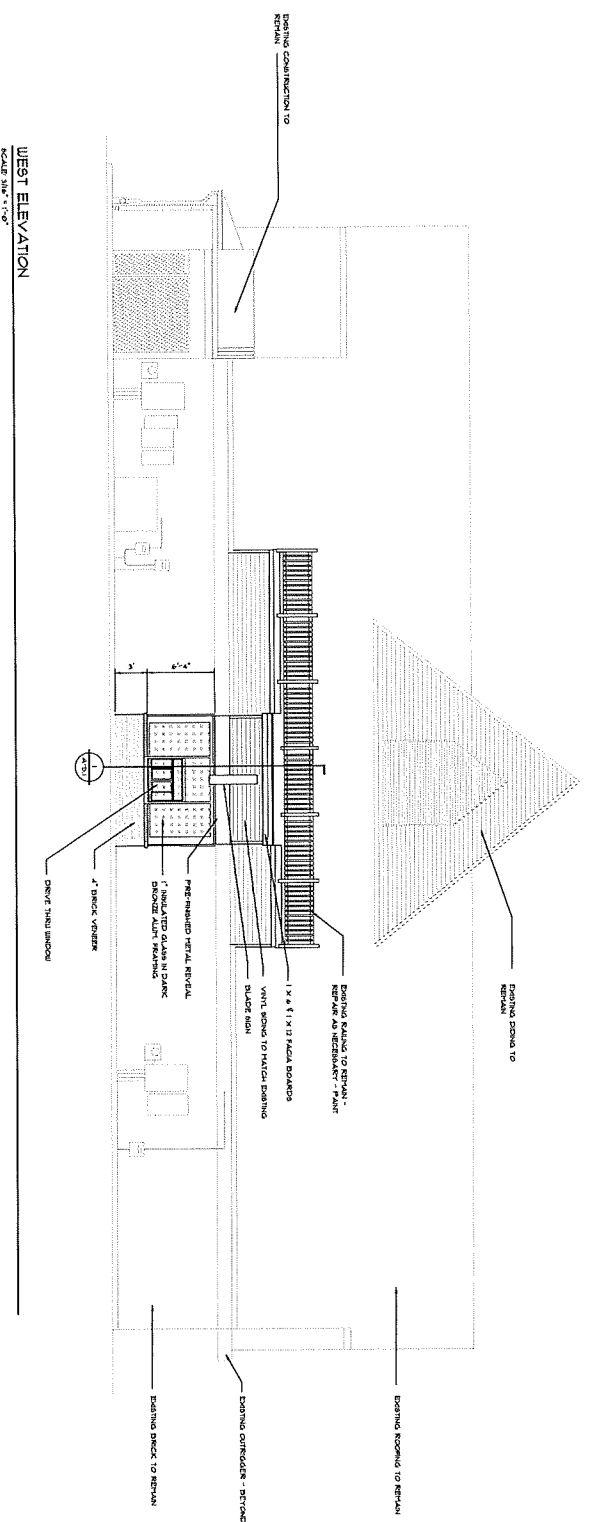
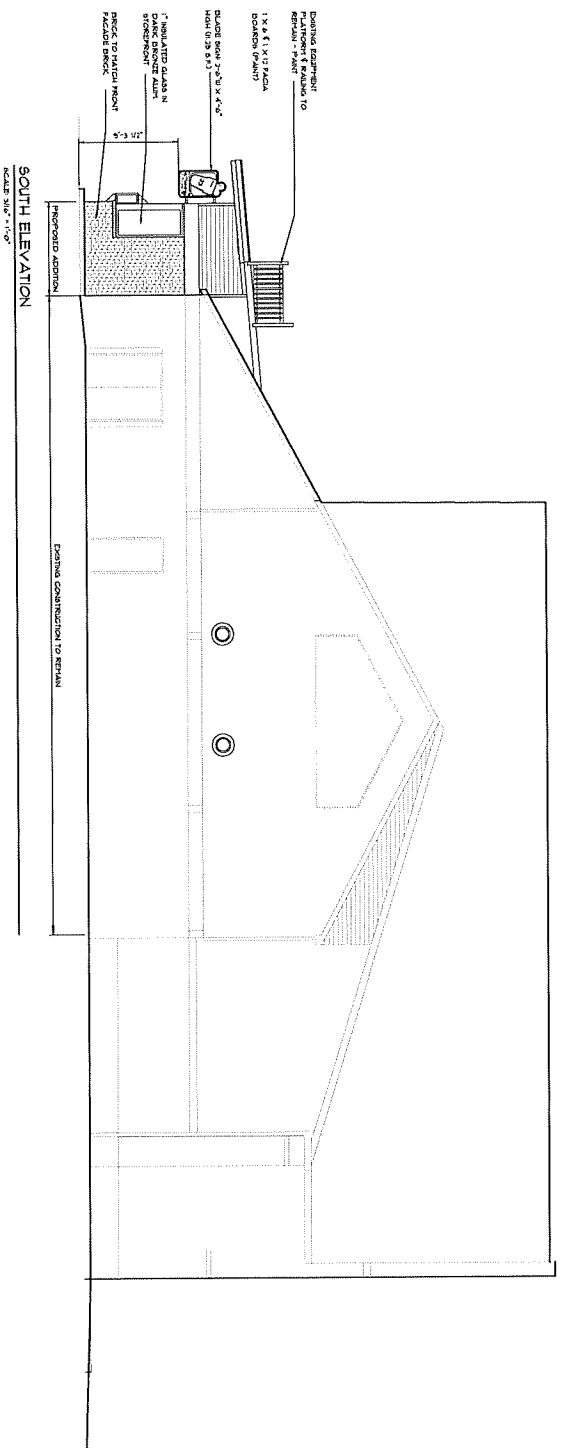
DESIGN: []
DATE: 07-13-2020
SCALE: 3/8" = 1'-0"

DESIGNER: M
CHECKED BY: M
DATE: 07-13-2020
SCALE: 3/8" = 1'-0"

CHECKED BY: M
DATE: 07-13-2020
SCALE: 3/8" = 1'-0"

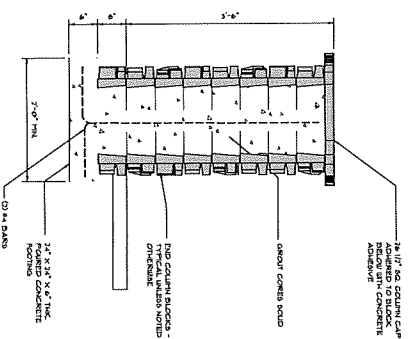
PROJECT NO: 1733-II
TITLE: IMPROVEMENTS
DATE: 07-13-2020
SCALE: 3/8" = 1'-0"

SHEET NO: A-4.2

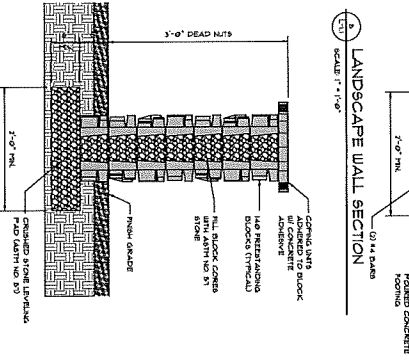


WEST ELEVATION
 SCALE: 3/8" = 1'-0"

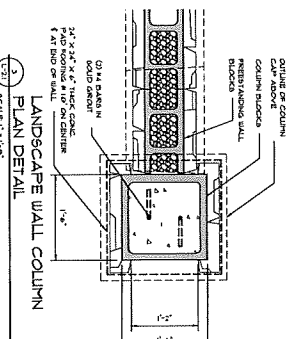
SOUTH ELEVATION
 SCALE: 3/8" = 1'-0"



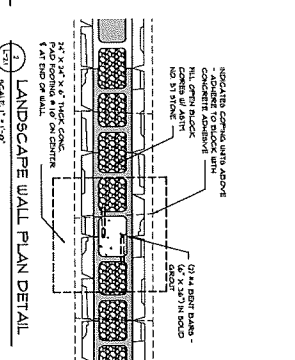
1 LANDSCAPE WALL COLUMN SECTION SCALE: 1" = 1'-0"



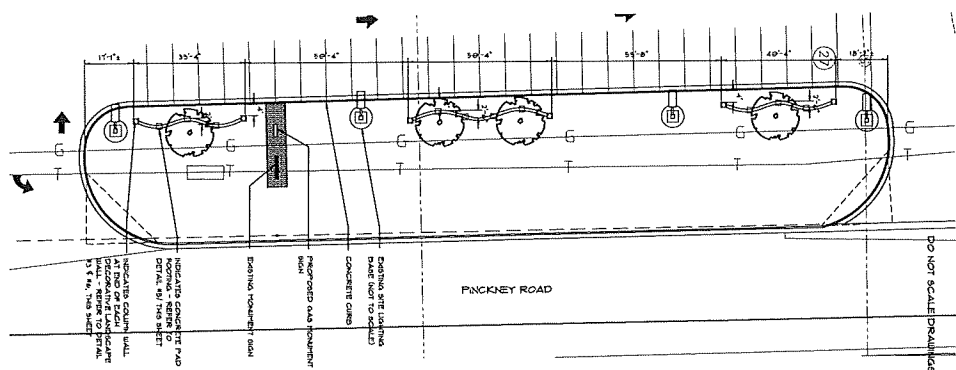
2 LANDSCAPE WALL SECTION SCALE: 1" = 1'-0"



3 LANDSCAPE WALL COLUMN PLAN DETAIL SCALE: 1" = 1'-0"



4 LANDSCAPE WALL PLAN DETAIL SCALE: 1" = 1'-0"



5 LANDSCAPE WALL PLAN DETAIL SCALE: 1" = 1'-0"

DO NOT SCALE DRAWINGS

PLATTEN
RAV
ARCHITECT

3483 S. 100th STREET
TAMPA, FLORIDA 33619
TEL: 813.298.2343
WWW.PLATTE-RAV.COM

CLIENT
MARKEN-SIIC
70 BOX 708
4716 CHANDLER
51736-5102

PROJECT
PROPOSED
PHASE 2
DUNKIN' TENANT
FINISH
IMPROVEMENTS
16000 SHANKER ROAD
TAMPA, FL 33613

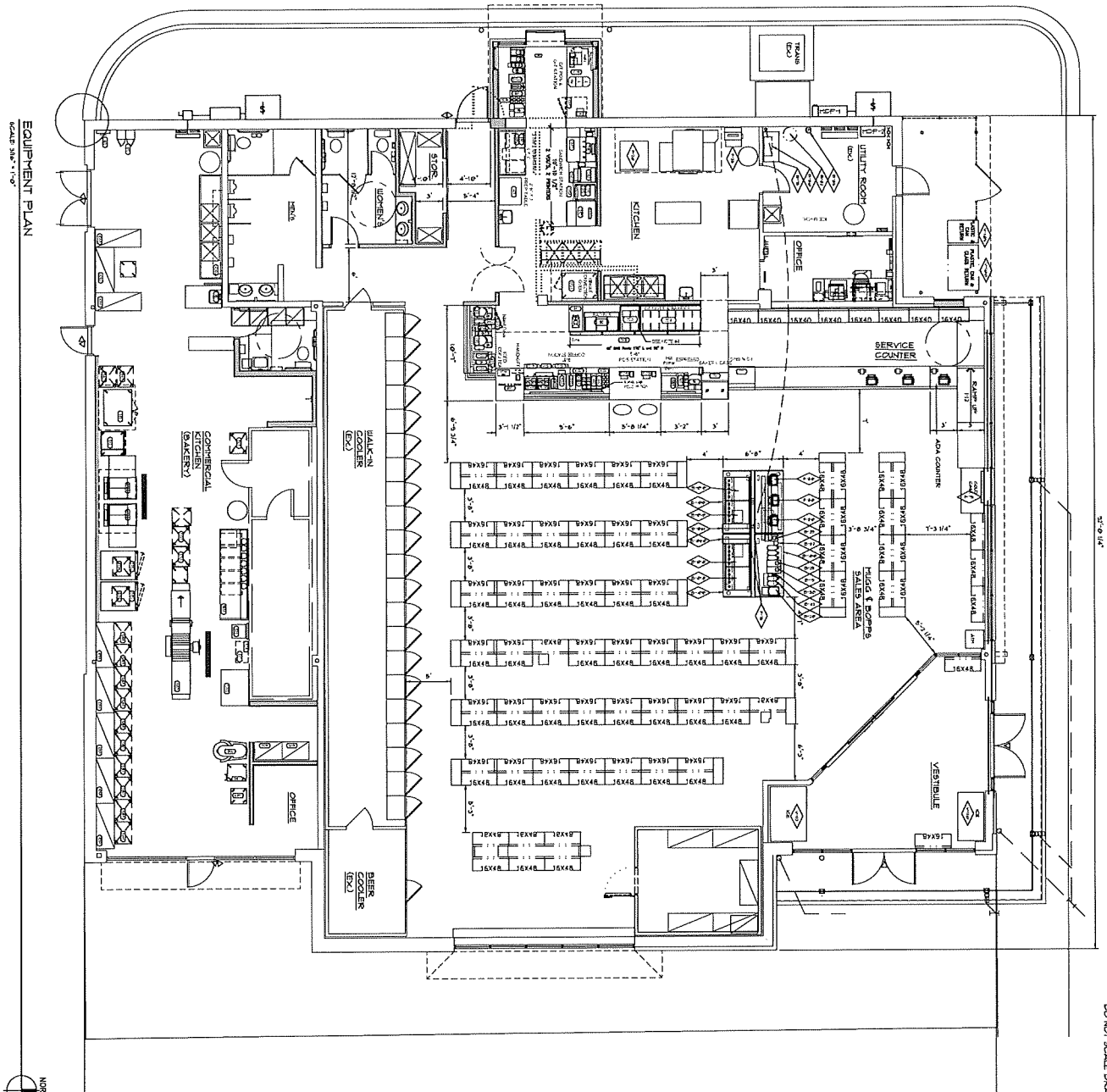
DESIGN
DESIGNED/DRAWN BY
DATE: 05/19/2020

DATE: 05/19/2020
DRAWN BY: CHB
CHECKED BY: HBC
DATE: 05/19/2020

PROJECT NO. 1733-11
TITLE LANDSCAPE DETAILS
SHEET NO. L-2.1

DATE: 05/19/2020

- NOTES:**
1. BELAYEV SETS SHOP FURNISHING.
 2. FURNISHING AND SHOP FURNISHING TO BE PROVIDED BY BELAYEV.
 3. BELAYEV TO PROVIDE ALL NECESSARY PERMITS AND APPROVALS FOR THE PROJECT.
 4. BELAYEV TO PROVIDE ALL NECESSARY PERMITS AND APPROVALS FOR THE PROJECT.
 5. BELAYEV TO PROVIDE ALL NECESSARY PERMITS AND APPROVALS FOR THE PROJECT.
 6. BELAYEV TO PROVIDE ALL NECESSARY PERMITS AND APPROVALS FOR THE PROJECT.
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 8. BELAYEV TO PROVIDE ALL NECESSARY PERMITS AND APPROVALS FOR THE PROJECT.
 9. BELAYEV TO PROVIDE ALL NECESSARY PERMITS AND APPROVALS FOR THE PROJECT.
- CLIENT/OWNER NOTES:**
1. 2000 SQ FT (2000) SQ FT
 2. 2000 SQ FT (2000) SQ FT
 3. 2000 SQ FT (2000) SQ FT
 4. 2000 SQ FT (2000) SQ FT
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 7. 2000 SQ FT (2000) SQ FT
 8. 2000 SQ FT (2000) SQ FT
 9. 2000 SQ FT (2000) SQ FT



EQUIPMENT PLAN
SCALE: 1/8" = 1'-0"



DO NOT SCALE DRAWINGS

RAY
ARCHITECT

251 S SHAWNEE LANE
LAVENDER
DALLAS, TEXAS 75201-3038
714.426.8888

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OR BY ANY INFORMATION
SYSTEMS WITHOUT PERMISSION
IN WRITING FROM RAY
ARCHITECT.

CLIENT:
BANDOLINI
10000 W. WILSON
DALLAS, TEXAS 75241

PROJECT:
BANDOLINI
PHASE 2
DUNKIN' TENANT
IMPROVEMENTS
10000 WILSON ROAD
DALLAS, TEXAS 75241

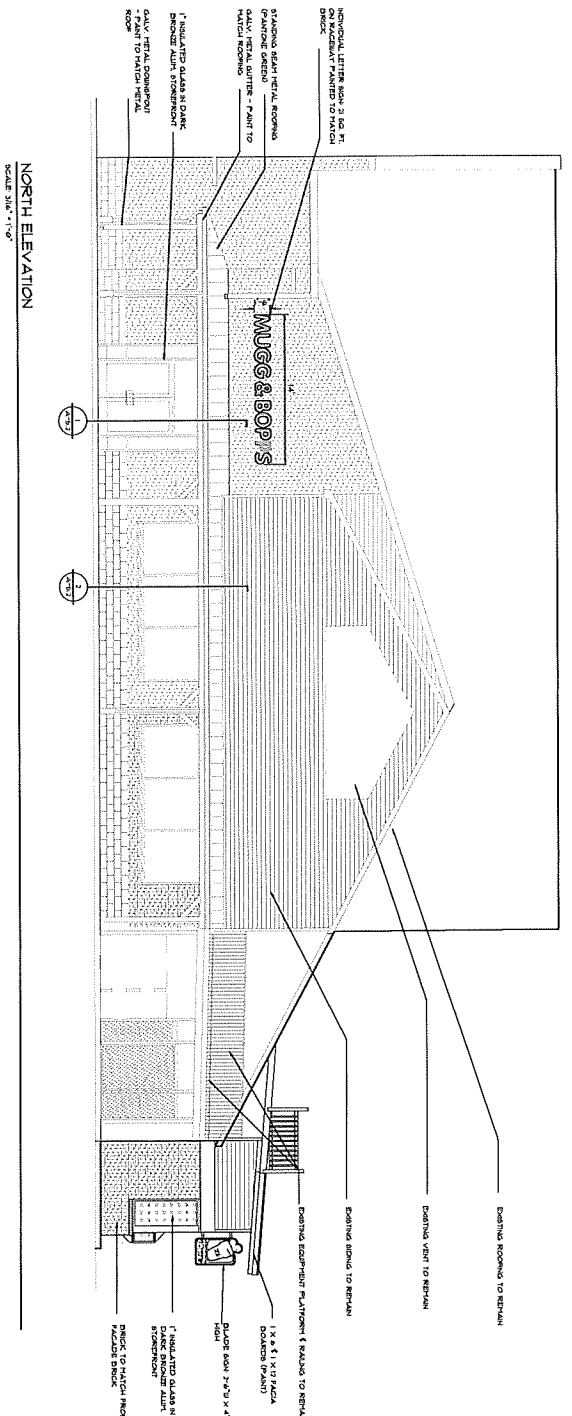
DESIGN:
ISSUED DATE:
05-13-2020

SEAL:
RAY ARCHITECT
REGISTERED ARCHITECT
STATE OF TEXAS
NO. 12345
EXPIRES 12/31/2025

DRAWN BY: RHR
CHECKED BY: RHR
DATE: 05-08-2020

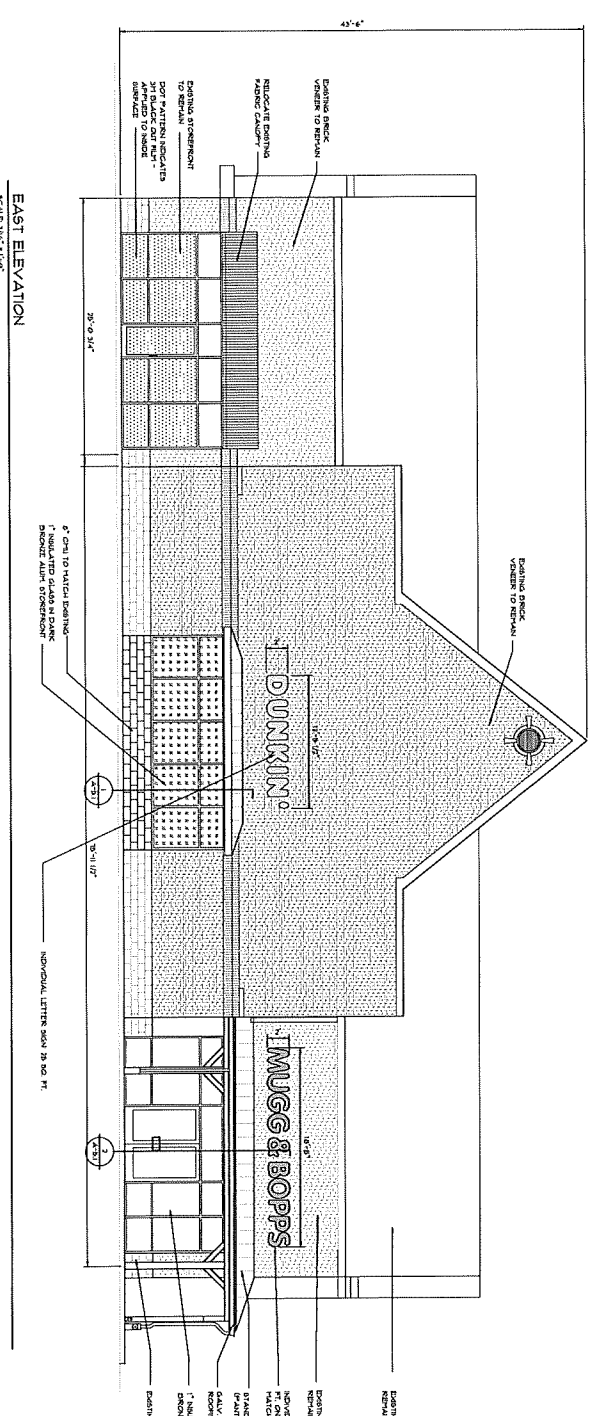
PROJECT NO: 1733-11
TITLE: EQUIPMENT PLAN

SHEET NO: A-3.2



NORTH ELEVATION
SCALE: SHIP - 1/8" = 1'-0"

DO NOT SCALE DRAWINGS



EAST ELEVATION
SCALE: SHIP - 1/8" = 1'-0"

MATTHEW RAY ARCHITECT

3617 SHAWNEE LANE
WATERFORD
MICHIGAN
48315
248.278.0335
248.278.0335
248.278.0335

CLIENT:
DUNKIN'
1133-11

PROJECT:
PHASE 2
DUNKIN' TENANT
FINISH

DESIGN:
DATE: 07-20-2020
BY: MRR

DATE: 07-20-2020
CHECKED BY: MRR
DRAWN BY: MRR

TITLE:
EXTERIOR
ELEVATIONS

SHEET NO.:
A-4.1

June 26, 2020

Hello Mr. Hamon and Mr. Enos,

Thank you both for being a voice of reason during the June 23, 2020 Planning meeting. We understand water on the Dymond parcel is and has been a point of concern to Marion Township for 6 plus years. We want the Township to understand we have tried to work with Mr. Dymond.

To that point:

As agreed in our first Township site plan approval, we offered Line B (shown on the attached sheet) as the spot for the Dymond's storm water drain to cross our property. We said, "Run the drainpipe from your pond along our mutual lot line to our common corner, then cross our property at Line B."

Mr. Dymond replied:

- 1) Line B would not work because his septic filed is in his front yard. He did not want to disturb it.
- 2) He felt according to the approved minutes of the Township Board, we agreed to allow him to dictate where his proposed drain line runs across our land.
- 3) Stated he needed a 40' easement across our entire lot for his drain
- 4) We could not install a drive thru lane because it would be in the way of his storm drain.
- 5) Line A would not work because of the hill and potential problems with his fence.

We investigated this issue further. We found installation cost of line A or Line B is approx. \$20,000. Line A could solve his water problem, on his own property, under his own control, today and into the future.

Mr. Dymond does not express concern for future damage Line B might cause as it crosses under our 5 existing utility lines as he did for his fence. His insistence on a 40' easement thru our entire parcel is not logical. His insistence he should be allowed to choose the line across our property is not logical. What would be more costly or problematic? Underground utility problems or a fence needing repair? Why would someone want to impose a potential future problem like line B crossing our 5 utility lines, when that person has the ability to solve their problem, at a similar cost and not involve anyone else?

At first, Mr. Dymond sounds logical. Then, as you get into the nuts and bolts of the problem and begin to discuss solutions, Mr. Dymond drops all logic. As an example, we do not find his interpretation of the Board minutes logical.

I ask the Township to verify the facts about installing line A or Line B, as we have described above.

At the June 23, 2020 Marion Township Planning commission meeting, Mr. Dymond stated he would pay to install a new storm drain.

If the facts we have described are found to be accurate and the costs are close, we ask that Marion Township instruct Mr. Dymond to install a drain on his own property as described by line A and stop these never ending, circular discussions.

Respectfully,

Todd J Lekander, Manager
Marion – D19, LLC

Dave Hamann

From: Todd Lekander <todd@cdo10.com>
Sent: Friday, June 26, 2020 6:16 PM
To: Dave Hamman; Bob Hanvey
Cc: TJ Lekander; Westmoreland, Phil A.; John Enos
Subject: FW: Flooding Issue
Attachments: McGowan Mini Storage - Storm Drain Solution - 03.09.20.pdf; Hello Mr Hamon.pdf

Dear Sirs,

We want it clearly know by Marion Township that Marion D19 LLC has tried to work with Mr. Dymond to resolve the water drain issue, as we agreed in our original site plan approval.

That fact was not clearly expressed to the board members during the 06.23.20 planning meeting. The board members seemed to be left feeling, "Why has this not been resolved?"

Via email, we have previously sent written documentation to the Township about our actions to resolve the water drainage issue with Mr. Dymond.

By this email, we state that MR. Dymond has been offered a legitimate path for his storm water drain to cross our parcel, as we agreed and have been required to do.

We cannot nor do we want to make Mr. Dymond do anything. We cannot make him accept our plan and he has stated he will not accept it.

Please read thru our attached letter and review the attached drawings of solutions.

It is our opinion the water issue has not been resolved, only due to the fact that Mr. Dymond is not wanting to or willing to resolve it.

Please enter our prior emails to the Township about this topic, this current email chain, our drawing and todays letter attached into the file and share with your board members.

We do not understand why Mr. Dymond has chosen not to take steps to solve his problem.

By the actions we have taken, we believe we have met our obligation as stated in the original Marion Township site plan approval of our site.

Sincerely,

Todd J Lekander, manager
Marion – D19, LLC

From: Bob Dymond <bob@rdscrew.com>
Sent: Thursday, April 16, 2020 1:27 PM
To: Todd Lekander <todd@cdo10.com>
Subject: FW: Flooding Issue

Hi Todd,
Hope you guys are doing well through this corona mess.
I know you mentioned on 3/10 that you thought we would never put a pipe in the middle of your property.
I just wanted to make sure you knew that the easement I was suggesting is where the "existing pipe" is now.
The Road Commission had it located with an underground pipe detector and it was marked with wood stakes at one time. I think the stakes were removed when your generator was installed.
It is in the grassy area and not by your concreted areas.
I am asking again if you will agree to an easement 40' wide running parallel to our property lines going north from our driveway area. This allows enough room to do the work and restore the area after installation.
The easement shown on the prior site plans is 30' wide and closer to the building. I think 40' gives more room to do the work and restore the area better.
Please reconsider and get back with me to resolve.
Much appreciated.
Bob

From: Bob Dymond [<mailto:bob@rdscrew.com>]
Sent: Tuesday, March 10, 2020 12:21 PM
To: 'Todd Lekander'
Cc: 'TJ Lekander'
Subject: RE: Flooding Issue

Yup, it's pretty vague,
Paragraph 6 of the recorded special use permit states Marion-D19 LLC will grant an easement of choice to the parcel adjacent to the south to address the drainage issues if requested within five years.
I believe the intent was for an easement to replace the existing pipe.
I guess the "easement of choice" could apply to either parcel the way it is written.

From: Todd Lekander [<mailto:todd@cdo10.com>]
Sent: Tuesday, March 10, 2020 11:40 AM
To: Bob Dymond
Cc: TJ Lekander
Subject: RE: Flooding Issue

Hello Bob,

At no point did I ever agree to or think you would put a pipe in the middle of our property.

If you get the recorded minutes, I stipulated that it is at my direction and choosing.

I did not agree to anything else.

Todd

From: Bob Dymond <bob@rdscrew.com>
Sent: Tuesday, March 10, 2020 10:12 AM
To: Todd Lekander <todd@cdo10.com>
Cc: TJ Lekander <TJ@cdo10.com>
Subject: RE: Flooding Issue

Good Morning Todd,

Thank you for getting back to me, I appreciate your time spent reviewing this, I know you are very busy.

I believe my prior suggestion is the best route to replace the pipe since that is where its general location now.

According to the Contractors I have discussed this with, the utilities are not an issue to work around as its very common to run into those situations.

Regarding the easement, I believe it was the Township's intent for an easement to be granted to address the water issue on my property if needed to replace the pipe. I don't recall a stipulation that it had to be on the NE corner of the property.

In the diagram you sent, Line B is very disruptive to us. Fencing would have to be removed and replaced, the entrance to the facility would be totally blocked off during the excavating, there is no good place to put the dirt that is removed and the gravel would need to be replaced. Line A is not very practical for us either, the distance is over twice as long as my suggested route, the elevations are unknown at this point and would have to be determined, it would be very difficult for the excavator equipment to navigate on a steep hill that is approximately at a 45 deg. angle, the fence would have to be removed and replaced, and it would be hard to manage the dirt that is removed on a steep hill like this.

Although your Line A and Line B would be options, they are much more complicated than just replacing the existing pipe that worked at one time to keep this area dry.

I do appreciate your attention to this but please give my original suggestion more consideration.

Also, if you could give permission to pump water into your catch basin from time to time to keep the water at bay until a resolution is reached it, It would be very much appreciated.

Best Regards,

Bob

From: Todd Lekander [<mailto:todd@cdo10.com>]
Sent: Monday, March 09, 2020 6:32 PM
To: Bob Dymond
Cc: TJ Lekander
Subject: RE: Flooding Issue

Hello Bob,

I have had a chance to review the site and examine storm drain options.

On the attached drawing, I have presented two solutions. Line A and Line B.

With Line A, you control your own destiny.

With Line B, comes the added long term responsibility to keep our utility lines functioning.

I think a farm drain could be installed along Line A that will be less costly than a solid pipe necessary for Line B.

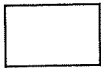
Line A would be easier installation and much simpler to maintain since it is on your own property, you only have to answer to yourself.

Best regards

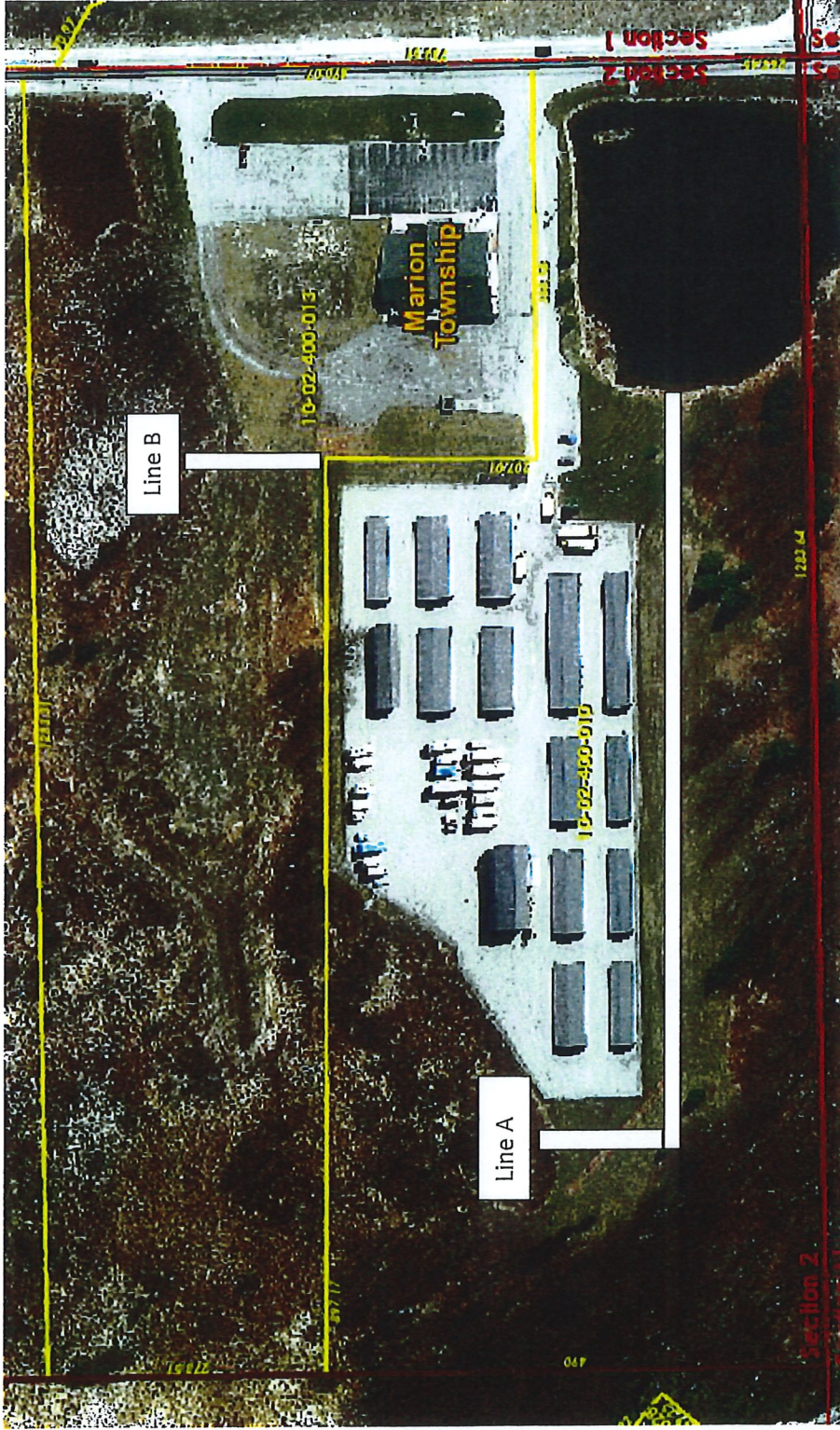
Todd

From: Bob Dymond <bob@rdscrew.com>
Sent: Monday, March 9, 2020 4:28 PM
To: Todd Lekander <todd@cdo10.com>
Cc: TJ Lekander <TJ@cdo10.com>
Subject: FW: Flooding Issue

Hi Todd,
Any attention you can give this is appreciated.



Virus-free. www.avg.com



03.09.20

Hello Bob,

We agreed to provide a storm drain easement from the NE corner of our lots meeting to the north wetland. (Line B) Your install crew must cross our utility lines to get to that north wetland. The utilities include sanitary, storm, water, gas and electric lines. You recently told me you would also disrupt your own septic system just to get to our common corner. My questions is "why?" You could control your own destiny and run the drain line across your own property, east to west on the south side of your own buildings. (Line A)

Dave Hamann

From: Todd Lekander <todd@cdo10.com>
Sent: Wednesday, July 22, 2020 4:09 PM
To: Dave Hamman
Cc: Westmoreland, Phil A.; info@abesstoragemi.com
Subject: Dymond Pond water flooding resolution
Attachments: 2-05033 GRADING PLAN.pdf; D19_PlanPF_002 (2020.05.28).pdf

Hello Gentleman,

The only reference we found to a drain on the 1650 Pinckney Road property is detailed on a 09.01.06 Boss Drawing, Job #2-05033, attached.

That drawing states the Dymond Pond drain pipe invert is 905.65. The LCRC plan (attached) details their drain outlet will be installed at 905.00.

Once set, the new LCRC drain invert will be 7.8" lower than the historical drain pipe shown on the Boss drawing.

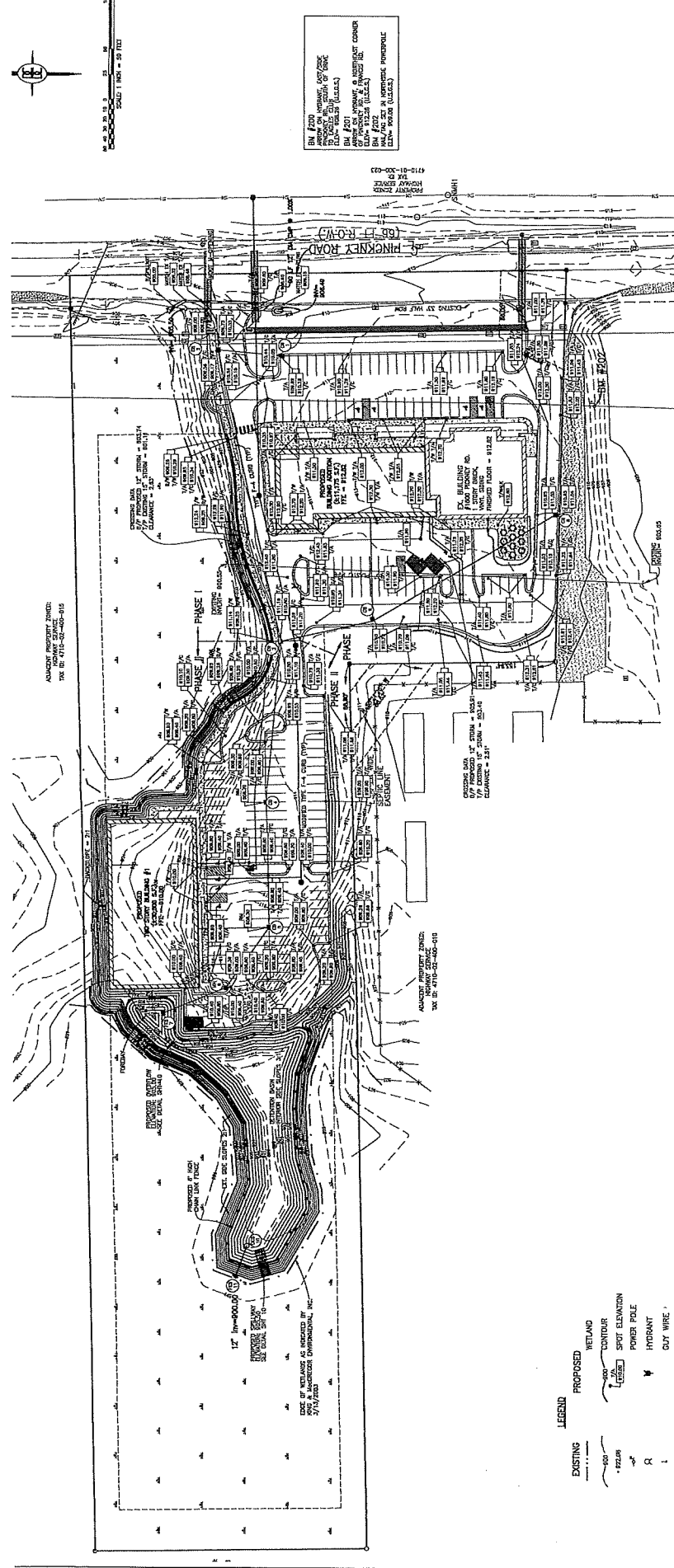
The new LCRC drain should resolve any water issue related to overflow water of the Dymond Pond.

Further, Mr. Jim Abraham told me he executed his purchase of the Dymond property based on being told by LCRC manager, Steve Wasylk, that this new drain would be installed.

Jim, would you please express your thoughts on this matter?

Thank you,

Todd Lekander



BOSS ENGINEERING
ENGINEERS SURVEYORS & PLANNERS

MARION RETAIL CENTER
GEORGE JAPPAY

TENTATIVE CONSTRUCTION SCHEDULE

NO.	DATE	ITEM
1	MARCH 2007	START CONSTRUCTION
2	MAY 2007	COMPLETE CONSTRUCTION
3	AUGUST 2007	COMPLETE FINAL ASPHALT, SEWER & WELLS

NOTES:

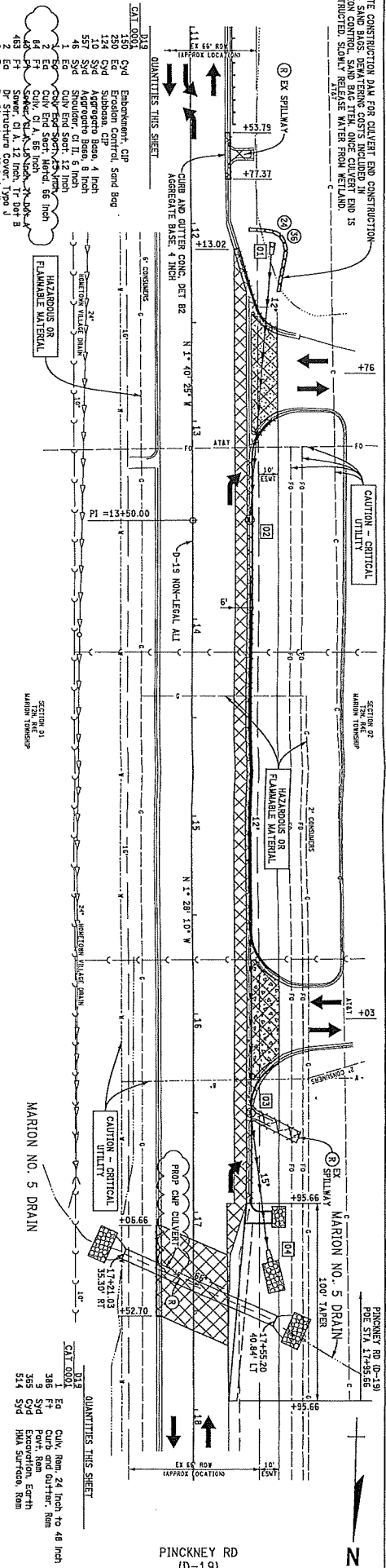
- ALL UTILITIES SHOWN ARE BASED ON THE DATA PROVIDED BY THE CLIENT. THE ENGINEER HAS VISUALLY VERIFIED THE LOCATION AND DEPTH OF THE UTILITIES SHOWN ON THE PLAN. THE ENGINEER DOES NOT WARRANT THE ACCURACY OF THE DATA PROVIDED BY THE CLIENT.
- ALL UTILITIES SHOWN ARE BASED ON THE DATA PROVIDED BY THE CLIENT. THE ENGINEER HAS VISUALLY VERIFIED THE LOCATION AND DEPTH OF THE UTILITIES SHOWN ON THE PLAN. THE ENGINEER DOES NOT WARRANT THE ACCURACY OF THE DATA PROVIDED BY THE CLIENT.
- AS NOTED ON PLANS, THE EXISTING UTILITIES SHALL BE PRESERVED AND RELOCATED AS NOTED ON PLANS.
- DEVELOPING CONTRACTOR SHALL MAINTAIN THE MARKING THROUGHOUT THE CONSTRUCTION PERIOD.
- ALL UTILITIES SHOWN ARE BASED ON THE DATA PROVIDED BY THE CLIENT. THE ENGINEER HAS VISUALLY VERIFIED THE LOCATION AND DEPTH OF THE UTILITIES SHOWN ON THE PLAN. THE ENGINEER DOES NOT WARRANT THE ACCURACY OF THE DATA PROVIDED BY THE CLIENT.
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DESIGNED BY: _____
DRAWN BY: _____
CHECKED BY: _____
SCALE: _____
JOB NO. 2- _____
DATE: _____
SHEET NO. 06

FOR SITE PLAN APPROVAL ONLY
NOT FOR CONSTRUCTION

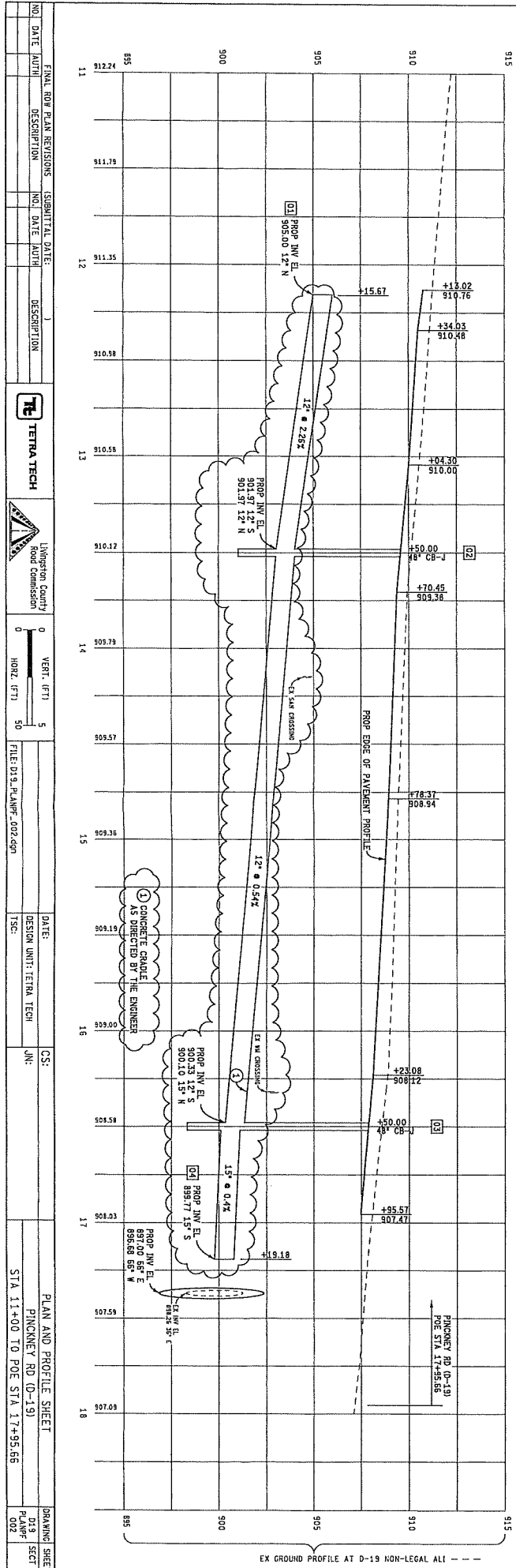
CREATE CONSTRUCTION DAM FOR CULVERT END CONSTRUCTION USING SAND BAGS, DEMONSTRING COSTS INCLUDED IN END IS EROSION CONTROL. SAND BAG TAIL ONE CULVERT END IS CONSTRUCTED. SLOPE MUST BE MAINTAINED FROM NE CANAL.

PINCKNEY RD
(D-19)



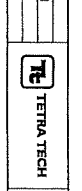
- QUANTITIES THIS SHEET**
- 150 Cyd Embankment, Cip
 - 250 Ea. Erosion Control, Sand Bag
 - 176 Svd Spon. Gravel, 4 inch
 - 577 Svd Aggregate Base, 6 inch
 - 46 Svd Shoulder, CI II, 6 inch
 - 2 Ea. Curb and gutter, 24 inch
 - 2 Ea. Curb and gutter, 36 inch
 - 2 Ea. Curb and gutter, 48 inch
 - 2 Ea. Curb and gutter, 60 inch
 - 1 Ea. Underdrain, 48 inch dia.
 - 1 Ea. Underdrain, 36 inch dia.
 - 1 Ea. Underdrain, 24 inch dia.
 - 20 Ft. Riprap, Comp.
 - 47 Svd Slope Restriction, Type B

ALIGNMENT	STATION	BACK SET		PROP DRIVEWAY	PROF. FINISH	RAISED	PAVEMENT	RADIUS	PROP. CURB	PROP. CURB	PROP. CURB
		FT	IN								
D19	12476 LT	43.0	43.0	40.0	25.0	25.0	25.0	45	45	45	45
D19	14703 LT	43.0	43.0	38.0	25.0	25.0	25.0	45	45	45	45

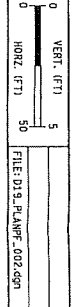


FINAL ROW PLAN REVISIONS (SUBMITTAL DATE:)

NO.	DATE	AUTH.	DESCRIPTION	NO.	DATE	AUTH.	DESCRIPTION
-----	------	-------	-------------	-----	------	-------	-------------



Lingston County
Road Commission



DATE: _____
DESIGN UNIT: TETRA TECH
TSC: _____
CS: _____

PLAN AND PROFILE SHEET
PINCKNEY RD (D-19)
STA 11+00 TO POE STA 11+95.65

DRAWING SHEET
D19
PLAMP
SECT 1
002

Dave Hamann

From: info@abesstoragem.com
Sent: Thursday, July 23, 2020 11:10 AM
To: 'Todd Lekander'; 'Dave Hamman'
Cc: 'Westmoreland, Phil A.'; 'Steve Wasylk'; 'Carey Bogle'
Subject: RE: Dymond Pond water flooding resolution
Attachments: D19_PlanPF_002 (2020.05.28).pdf; RE: Pumping - McGowan Mini Storage (43.4 KB)

Good morning all, I hope you are having a good week.

Todd is correct, we assumed ownership of McGowan's Storage (now "Howell Storage") about two weeks ago. We have been working hard to get familiar with the business and have begun to execute our plan to improve the site to better serve our customers and the community. We look forward to working with you going forward.

I would like to recap my brief understanding of what seems to be a very long and complicated history of the low-lying area of land on the eastern most side of my self-storage property:

- In distant years past, the two owners of McGowan Storage were maintaining the low-lying area by cutting the grass field with a lawn mower, there was only one small spot (about 10' in diameter) that occasionally got wet. In that area was a small sump crock with a submersible pump which could be manually activated to keep it dry.
- A pipe running from that crock area to the north across Todd's property, and finally outletting to the large wetland/drain area was working for any overflow water.
- With the various improvements to D-19 including the road widening, at some point the Livingston County Road Commission added 2 spillways which directed road water runoff on to the already low area of the self-storage property. From that point forward the property began to become a wetland, most recently (the last 3 years) the water level in this area has continued to rise exponentially and is now a flood hazard to the self-storage business and potentially to the Mugg and Bopps patrons. The drain pipe running across Todd's property became overwhelmed and obstructed by the excess water and is no longer working.
- Over the years the various owners and local municipalities have realized this concern and attempted to administratively address it, but no such permanent fix has occurred. Instead it had been dealt with through temporary relief such as pumping the area down from time-to-time.
- As of recent the Livingston County Road Commission has stepped up and committed to a project where I was told the 2 spillways will be blocked off and a drain pipe will be installed into the pond (per the attached plan). I am also told that the new project is designed to keep the water level to a minimum in this affected area and the Livingston County Road Commission will be responsible for maintaining the drain system going forward. This is part of an overall county drain improvement plan for the area in front of Mugg and Bopps on D-19.

With all that being said, per the attached email you will notice that Mr. Steve Wasylk from the Livingston County Road Commission is in charge and has been pushing to complete the new drain project. His original timing estimate was around the 4th of July, however due to the pandemic he has informed us that his contractors are running behind. Steve's second timing estimate was the end of July for project completion. Finally, the most recent update we have from Steve is now end of July/early August as noted on the attached.

At this point we are confident in Steve's commitments as well as the Livingston County Road Commission commitments to repair this issue and eliminate the flooding once and for all. While we wish the project would have been completed at the first committed date of early July so that we could all see the impact and be comfortable with the new drain, we still believe that Steve will get this project completed shortly. With those commitments from the LVCC in mind, we do not feel that this drainage and flooding issue should hold up Todd's Mugg and Bopps New Drive Through project. If the LVCC fails to uphold their commitments within a timely manner, we will have to revisit what options are available to correct this situation but again, I do not feel that should impact Todd's project. In the meantime, until the new drain is installed

by the LVCC, Steve Wasyk and the LVCC has committed to continue pumping down the pond (when needed) and Todd has allowed Steve to pump that excess water into his drain basin at Mugg and Bopps. We greatly appreciate these efforts. By us all working together on this, I sincerely hope that this project can be completed before the end of August and certainly before we get into another wet season which usually starts in the fall. I am sure everyone agrees it will be nice to put this very long-standing issue behind us.

Thanks to all for your support on this and contact me directly with any questions.

Thank you,

Jim Abraham
Howell Storage
1650 Pinckney Road
Howell, MI 48843
248-343-8855

-----Original Message-----

From: Todd Lekander [mailto:todd@cdo10.com]
Sent: Wednesday, July 22, 2020 4:09 PM
To: Dave Hamman <za@mariontownship.com>
Cc: Westmoreland, Phil A. <philaw@spicergroup.com>; info@abesstoragemi.com
Subject: Dymond Pond water flooding resolution

Hello Gentleman,

The only reference we found to a drain on the 1650 Pinckney Road property is detailed on a 09.01.06 Boss Drawing, Job #2-05033, attached.

That drawing states the Dymond Pond drain pipe invert is 905.65. The LCRC plan (attached) details their drain outlet will be installed at 905.00.

Once set, the new LCRC drain invert will be 7.8" lower than the historical drain pipe shown on the Boss drawing.

The new LCRC drain should resolve any water issue related to overflow water of the Dymond Pond.

Further, Mr. Jim Abraham told me he executed his purchase of the Dymond property based on being told by LCRC manager, Steve Wasyk, that this new drain would be installed.

Jim, would you please express your thoughts on this matter?

Thank you,

Todd Lekander



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 July 15, 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.

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 being placed directly over a sanitary sewer lead. This is not recommended and the wall should be moved to not be in conflict with the sanitary lead.

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 small 16' wide (12' 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 2 lanes of traffic to get to the pickup window located on the west side of the building.

The drive thru setup is very awkward. The location of the entry to the lane is not intuitive and could be periodically blocked by vehicles parked along the north curb. There is no space to pull out of the lane once you have entered it, which is a good design practice. The lane should be widened to 24' (20' pavement and 4' curb and gutter). Requiring vehicles to cross a two-way maneuvering lane to get to the pickup window is also substandard, and cars at the window are facing opposing traffic with only 1" tall rubberized lane markers to separate them from oncoming traffic while they wait. At a minimum there should be a physical barrier between them like concrete curb and a small island. The rubberized lane markers are typically damaged and/or removed by plow trucks and are not a good long-term solution to traffic control.

A stop sign has been added to the southwest corner of the building. Presumably this is to help alleviate traffic conflicts with the "wrong way" drive thru lane. The desired travel path for the drive thru traffic should be delineated on the plans to determine if this stop sign will be effective and the sight distance triangle should be shown for the drive thru vehicle.

As part of the project, curb is being proposed along the south side of the building with a narrow island next to the building. This will narrow the existing asphalt drive lane. No dimensions are given but the design needs to maintain a minimum of 24' to allow for 2-way traffic at that point.

Based on these factors, we don't recommend the configuration as currently designed.

Recommendation

We have completed our review of the Final Site Plan. We do not recommend the acceptance of the site plan as designed. We recommend the following modifications to the plan:

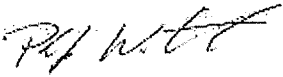
1. Make the rear drive lanes one way in the direction of the drive thru lane in order to minimize opposing traffic conflicts.
2. Widen the proposed drive thru lane to a minimum of 24' from back of curb to back of curb to allow adequate bail out of the drive thru lane.
3. Add asphalt to the south driveway to ensure a minimum pavement width of 24'.
4. Add curbing and possibly a small island to separate the drive thru lane at the building from the driving lane.
5. The decorative landscape wall should be relocated so that it is not over the sanitary sewer lead.

July 22, 2020
Page 3 of 3

6. A cleaning schedule for the grease trap is added to the plans and 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,



Philip A. Westmoreland, P.E.
Senior Project Manager
SPICER GROUP, INC.
125 Helle Blvd., Suite 2
Dundee, MI 48131

CC: SGI File
Patrick Keough, ACE Civil Engineering
Ken Recker, P.E., Livingston County Drain Commissioner
Kim Hiller, P.E., Livingston County Road Commission
Greg Tatara, MHOG



Carlisle | Wortman

ASSOCIATES, INC.

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

SPECIAL USE AND SITE PLAN REVIEW ANALYSIS Marion Township

Applicant: Marion – D19 LLC

Property Address: 1644 Pinckney Road (Bella’s Market) Mugg & Bopp’s

Current Zoning: Highway Service Commercial

Plan Date: July 1, 2020

Action Requested: Approval of Special Use Permit to Construct Drive Through Lane

DESCRIPTION

The applicant is requesting 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 Mugg and Bopp’s includes a canopy and five (5) gas pumps, employee and customer parking, paving, and adequate landscaping. The site also has sufficient lighting, underground infrastructure, and drive lanes.

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.

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.

PROPERTY BACKGROUND

The applicant requests a use permitted by special use permit for a drive-thru lane at the mixed-use station.

Subject Site	
Current Use	Mugg & Bopps
Master Plan Recommended Use	Commercial

PROJECT LOCATION

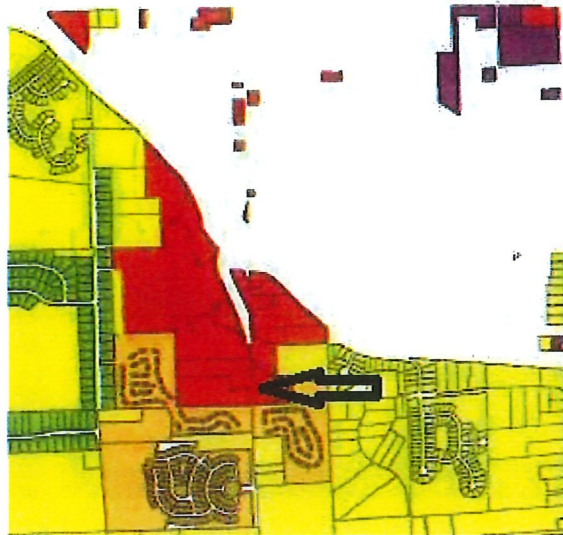
Aerial (Google 2018)



STREET VIEW (Google 2020)



ADJACENT PROPERTIES, ZONING AND MASTER PLAN COMPATABILITY



All parcels in the immediate vicinity that front along D-19 north of the property are zoned for a variety of commercial uses. Adjacent zoning and land use to the subject property are listed below:

Adjacent Properties		
	Existing Use	Zoning
North	Highway Service Commercial (MVS)	HS Highway Service
South	Residential Uses & Wetland	Suburban Residential
East	Vacant	HS Highway Service
West	Mini-Storage	HS Highway Service

The future land use plan of the Marion Township Master Plan has designated the subject property as Commercial. The Master Plan indicates that commercial land uses could include but are not limited to gas stations, large single-use retailers, restaurants and larger retail strip developments. The proposed use is in conformance with the Master Plan.

Items to be Addressed: None.

AREA, WIDTH, HEIGHT, SETBACKS

The Ordinance outlines the regulations for the HS Highway Service Commercial District. The following table compares the proposed development against these requirements:

	Required	Proposed	Compliance
Minimum Lot Area	1 acre	10.01 acres	✓
Minimum Lot Width	150 ft.	500 ft.	✓
Minimum Front Yard	100 ft. from D-19	114 ft.	✓
Minimum Side Yard	25 ft.	31 ft.	✓
Minimum Rear Yard	40 ft.	144 ft.	✓
Maximum Height	35 ft.	Not Provided	NA

Items to be Addressed: Provide drive-thru height restrictions.

BUILDING LOCATION AND SITE ARRANGEMENT

The building location (store) is existing the canopy and pumps are just north. Site arrangement is reasonable with direct access off the existing access drives from D-19. The proposed drive-thru will begin at the northwest corner of the property making a semi-circle towards the gas pump area, then vehicles will have to cross a drive to get to the pickup window on the west side of the building. Vehicles will then use the back drive to exit the drive-thru and the property.

The Fire Department has reviewed and approved the plan for circulation and the ability to access all sides of the building.

Items to be Addressed: None.

PARKING, LOADING

Gasoline Stations with the existing Store we consider it a convenience retail store requiring the following number of parking spaces:

REQUIRED: One (1) space for each three hundred (300) square feet of gross floor area. The store area is 8,549 square feet requiring 29 spaces.

PROVIDED: Fifty-one (51) around the building and ten (10) at the pumps for a total of 61 spaces proposed.

Items to be Addressed: None.

LANDSCAPING, FENCING, SCREENING

Landscaping meeting Ordinance standards has been provided. We are pleased with the proposed mix of evergreen trees to be planted buffering the drive-thru lane. The Planning Commission approved waiving greenbelt requirements due to the property having a viable greenbelt in the form of a large wetland on the north. All landscaping previously approved for the original building needs to be installed.

Items to be Addressed: None.

LIGHTING

No new lighting proposed. As indicated by the applicant and we agree, the existing light poles and building mounted lights will provide ample lighting. All existing is down shielded.

Items to be Addressed: None.

SIGNS

The existing signs on building and canopy will remain. Several new directional and safety related signs will be installed on site. In addition, a projecting sign is proposed at the drive-thru window. A concern for the drive-thru sign is height. Is the applicant comfortable that this will be high enough to not be impacted by higher vehicles such as a delivery truck?

Items to be Addressed: Discuss height of projecting "blade" sign.

FLOOR PLAN AND ELEVATIONS

The building will primarily stay the same except for the construction of the drive thru window, new brick will be installed at the rear of the building improvements aesthetics overall.

Items to be Addressed: None.

DRIVE-IN PERFORMANCE STANDARDS

1. The outdoor space used for parking and vehicle stacking shall be hard surfaced and adequately drained pursuant to Section 14.04.D. ***The proposed drive-thru will be concrete.***
2. All areas used for the storage of trash and rubbish shall be screened by a vertical screen consisting of structural or plant materials no less than five (5) feet in height, with a view-obstructing door. ***Storage for trash is screened to the southwest of the parcel. Adjacent to the dumpster enclosure is a concrete pas a delivery van will park when not in use.***
3. Drive-in restaurant management shall provide adequate trash and litter policing for the parking lot and the shoulders of adjacent roadways. These areas shall be completely cleared of accumulated debris as often as necessary. ***Mugg & Bopp's has trash and litter policy and have trash cans around to ensure a clean property.***

4. No drive shall be closer to any other drive than seventy-five (75) feet and the maximum number of driveways permitted is two (2). ***Drive-thru is more the seventy-five (75) feet and the property has two existing driveways.***

5. Vehicular circulation patterns into and out of such businesses shall be located and designed to minimize disruption of and conflicts with through traffic movement on abutting streets. ***The Planning Commission has discussed this issue in detail and with the proper signage and directional traffic devices such as raised rubber rubberized lane markers the circulation pattern should work. The applicant had provided similar examples of other drive-thrus they operate and after much discussion this plan is not perfect but it one the Planning Commission is comfortable approving.***

6. Devices for the transmission or broadcasting of voices or music shall be so directed or muffled as to prevent said sound or music from being audible beyond the boundaries of the site. ***Site plan does not indicate the noise level of the PA. The proposed volume should be at a minimum level so the adjacent properties cannot hear the different orders of customers.***

Items to be Addressed: None.

CONDITIONAL USE STANDARDS

1. Be harmonious with and in accordance with the general principles and objectives of the Master Plan of the Township. ***The parcel is planned for and currently being used for commercial uses. The proposed use is harmonious with the current Master Plan.***
2. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. ***The existing and proposed commercial uses are appropriate in appearance and fit the area.***
3. Not be hazardous or disturbing to existing or future uses in the same general vicinity and will substantially improve property in the immediate vicinity and in the community as a whole. ***We do not anticipate any hazardous or disturbing issues upon approval of all outside agencies and the Township.***
4. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools. ***Adequate water and sewer services are available to the site.***
5. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. ***We do not anticipate any additional potential nuisance issues.***
6. Meet the intent and purpose of the zoning regulations; be related to the standards established in the Ordinance for the land use or activity under consideration; and will be in compliance with these standards. ***The plan, upon addressing the issues contained in this review and as required by the Planning Commission the proposed project will meet Township requirements.***

7. Ensure that landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications, which result in maximum harmony with adjacent areas. ***Most of the existing landscaping will be preserved.***
8. Ensure that special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties. ***The Township engineer should review for compliance with all infrastructure needs, especially the continuing issue with stormwater and the neighboring property.***
9. Ensure that all exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted. ***Provided.***
10. Meet the site plan review requirements of Article XVIII. If the applicant chooses to submit a preliminary site plan, the special use permit may also be considered preliminary. ***Upon addressing issues as noted in this review the project shall meet Ordinance requirements.***
11. Conform to all applicable state and federal requirements for that use. ***Prior to Township approval the project should meet all outside agency approvals.***

SUMMARY OF ITEMS TO BE ADDRESSED BY APPLICANT

The following items shall be addressed by the applicant to the satisfaction of the Planning Commission prior to special use approval, we recommend approval.

1. Township engineer review and approval, especially stormwater issues.
2. Clarify height of projecting "blade" sign.
3. Outside agency review and approval, if needed.

SHORT TERM RESIDENTIAL RENTALS (What Districts Are Appropriate?)

ARTICLE 1 DEFINITIONS ADD

Short Term Rental. The commercial use of renting a dwelling unit for a period less than one hundred and eighty (180) calendar days and at a minimum of thirty (30) consecutive calendar days by the same renter. Short Term Rental does not include a bed and breakfast permitted and operated in accordance within this Ordinance.

ARTICLE 5.03 RURAL AGRICULTURAL DISTRICT ADD

BB. Short Term Residential Rentals

ARTICLE 16.22 ADD SHORT TERM RESIDENTIAL RENTAL

- A. Only one (1) dwelling unit per parcel shall be leased, subleased, rented or sub rented at any given time. All lodging is to be exclusively within the dwelling unit and not in a recreational vehicle, camper, or tent.
- B. A separate permit is required for each Short-Term Rental property.
- C. Local Contact Person:
 - a. Each owner of a Short-Term Rental must designate a local contact person who has access and authority to assume management of the unit and take remedial measures.
 - b. The local contact person must be available twenty-four (24) hours a day during the rental period and be within forty-five (45) minutes travel time of the property (or portion thereof) used for a Short-Term Rental.
 - c. The Township will provide the phone number of the local contact to all neighbors within a three hundred (300) foot radius of the subject property boundaries.
 - d. All parking associated with a Short-Term Rental shall be out of the roadway and entirely on-site, in the garage, driveway or other improved area.
 - e. Special events, outdoor events, lawn parties, weddings or similar activities are not allowed on the site for more than the number of permitted occupants.
 - f. Fireworks of any kind are not allowed on rental property.
 - g. No person shall start or maintain a fire except within provided devices or locations. Fires shall not be left unattended and must be fully extinguished. Only clean, dry wood may be burned.

- h. Provisions for trash disposal must be provided. Trash must be contained in properly sealed receptacles. There must be no overflow that will be attractive to vermin.
- i. Noise during quiet hours must be limited to that which does not disturb the quiet, comfort or repose of a reasonable person of normal sensitivities. Quiet hours shall be from 10:00 PM to 8:00 AM.

MICHAEL J. KEHOE, P.C.
ATTORNEY AT LAW
710 E. GRAND RIVER
HOWELL, MI 48843



Michael J. Kehoe

517-546-4570
Fax No. 517-546-7651

January 13, 2020

Mr. Larry Grunn, Chairperson
Marion Township Planning Commission
2877 W. Coon Lake Rd.
Howell, MI 48843

By email only

Re: Short-term Rentals

Dear Mr. Grunn:

This is in response to the Planning Commission's request for my input regarding the issue of short-term rentals and the many homes located in subdivisions on lakes in the Township. I have reviewed the zoning ordinance, including certain definitions that I think are relevant and the Ordinance is not very clear on this topic, certainly not as clear as it could be. I think the Township can take the position that this use isn't permitted for the reasons that follow in this letter. If the Township wishes to prohibit this use, or if it wishes to regulate them, then the issues I've outlined in this letter should be considered.

I reviewed the intent of the ERS: Existing Residential Subdivision District which is the district that would probably see the most potential for short term rentals. The Intent section of this District states: "It is the intent of the Existing Residential Subdivision District (ERS) to recognize the existence of existing platted residential subdivisions, developed prior to the adoption of this Ordinance, and to protect the character of these existing residential developments and hence the investment in them by current owners." The intent does discuss the issue of non-conforming lot sizes but then also states: "It is the intent of this District to recognize these residential developments as legitimate and conforming uses and provide for the continuance of these uses and their current character." (Emphasis added) It is my opinion that this can be taken to mean that this district is meant to allow for them to be used in a manner that maintains their essential character. Short-term rentals would/could be considered as being contrary to, or in conflict with, the intended character of this district. This purpose language could either be refined to more clearly state short term rentals are inconsistent with this purpose and not permitted or, if you want to allow them, then I suggest a brief reference to them in this section while also including them as a specific use with regulations accordingly. I will also say that I agree with John Enos that regulating these would present some significant issues and challenges.

I also have reviewed the following definitions from the zoning ordinance:

1. Dwelling, Single-Family: A building containing one dwelling unit and that is not attached to any other Dwelling;
2. Dwelling Unit: One or more rooms intended for occupancy as a separate living unit, with bathroom, kitchen facilities, and bedrooms provided in the unit for the exclusive use of a single family; (Emphasis added)
3. Family: A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit and having an intentionally structured relationship providing organization and stability; (Emphasis added)
4. Principal Use: The main use to which the premises are devoted and the main purpose for which the premises exist;
5. Use: The purpose for which land or a building is arranged, designed or intended, or for which land or a building may be occupied;

In considering these definitions, a single-family dwelling is a dwelling unit and, by definition, a dwelling unit is for the exclusive use of a single family. In the case of a dwelling that is being used for short term rentals, I doubt that it is being used for the exclusive use of a single family. It is, instead, being used by a succession of random occupants and often times used by groups of individuals, couples, etc. who do not meet the definition of family as defined in the ordinance and as I've underlined above.

I also question whether the short term rental use of the dwelling meets either the definition of principal use or use as spelled out in the ordinance. The dwelling was built to be a single-family dwelling, and, being used as a short-term rental property, I think, is inconsistent with those definitions.

I believe that each of the above definitions should be "tweaked" accordingly depending on whether the decision is to allow and regulate short term rentals or if the decision is to more clearly prohibit them. I'm not certain Principal Use or Use necessarily need to be amended depending on the ultimate decision that is made regarding short term rental.

If you have any questions or desire any further information, please contact me.

Yours truly,

MICHAEL J. KEHOE, P.C.

Michael J. Kehoe
Attorney at Law



Carlisle | Wortman
ASSOCIATES, INC.

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

March 20, 2019

Fred Lucas, Attorney
7577 US Highway 12, Suite A
Onsted, MI 49265


Re: AshKay Short Term Rental

Dear Mr. Lucas:

You have asked for my opinion regarding a short-term rental house being conducted on AshKay Island. My opinion is based on over 40 years of experience as a professional community planner in the State of Michigan. I have read through the exhibits and information provided and understand the facts of the case.

The use of AshKay Island has clearly been designed for rental by the owner including a rental website with reviews, rates, rules, liability waiver, and a rental agreement:

← → ↻ <https://ashkayisland.com/about-us> 🔍 ☆ 🌐



HOME ABOUT US CAREER VIDEO ACTIVITIES REVIEWS RATES NEWS CONTACT

OUR RATES




Please contact us for availability

Dates	Min. Stay	Nightly	Weekly	Monthly
Peak Season: June 1 - August 30	7 Nights	N/A	\$4,200	\$15,800
Peak Season: Minimum Stay 3 Nights	3 Nights	\$800	\$4,200	\$15,800
Off Season: August 31 - May 31	3 Nights	\$700	\$3,675	\$13,700

ADDITIONAL INFORMATION

Deposit: 50% due at the signing of the rental agreement
 Tax Rate: 6%
 Non-refundable pet fee: \$150 (per pet — when applicable)
 Check-in time: 4pm, Check-out time: 11am
 Peak season: Check-in and Check-out occur on Saturday

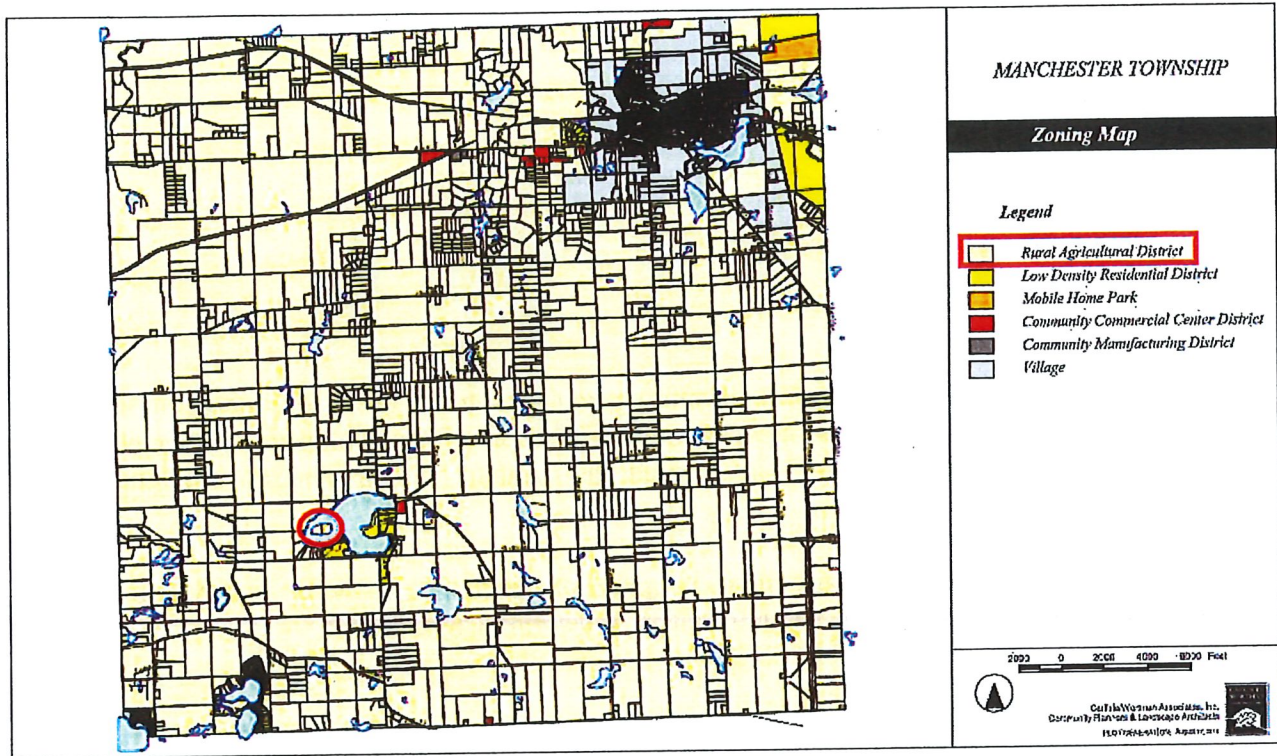
RENTAL INFORMATION

-  Rules & Policies
-  Liability Waiver
-  Rental Agreement

Source: ashkayisland.com

The property is available to rent via direct contact with the owner or through Vacation Rental By Owner (VRBO): <https://www.vrbo.com/800299?unitId=1348237>. In addition, it is our understand that island has also been rented for private events such as weddings.

The property in question is zoned AR, Rural Agriculture District:



As set forth in Section 5.02 of the Zoning Ordinance, AR, Rural Agriculture District permits a limited number of uses, including single family dwellings. However, the district does not permit other forms of temporary lodging and housing.

The Manchester Township Zoning Ordinance makes a very clear distinction between various types of dwellings and other forms of lodging and/or temporary housing.

Dwellings, including single family dwellings, are defined in the Zoning Ordinance as follows:

Dwelling: Any building, or part thereof, containing sleeping, kitchen, and bathroom facilities designed for and occupied by one family. In no case shall a travel trailer, motor home, automobile, tent or other portable building not defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of this Ordinance.

Dwelling, One-Family or Single-Family: *An independent, detached residential dwelling designed for and used or held ready for use by one (1) family only. Single-family dwellings are commonly the only principal use on a parcel or lot.*

Various types of temporary housing or lodging are defined as follows:

Boarding or Rooming Houses: *A building, other than a hotel, where for compensation or by pre-arrangement for definite periods of time, lodging or lodging and meals are provided for three or more persons.*

Bed-And-Breakfast Inn: *A dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provisions for a morning meal for overnight guests only.*

Hotel: *A building occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of one (1) bedroom and a bath, occupied for hire, in which access to at least fifty percent (50%) of the lodging units is through a common entrance, in which provision is not made for cooking in the individual units, which shall provide customary hotel services such as maid service, the furnishing and laundering of linens, telephone and secretarial or desk service, the use of furniture, a dining room accommodating at least twenty (20) guests which provides dining service for a minimum of two meals during the day, a general kitchen, and a minimum of one (1) meeting room accommodating at least fifty (50) persons.*

Motel: *Any establishment in which individual cabins, courts, or similar structures or units, are let or rented to transients for periods of less than thirty (30) days. The term "motel" shall include tourist cabins and homes and motor courts. A motor court or motel shall not be considered or construed to be either a multiple dwelling, a hotel, or a trailer coach park.*

The use of AshKay Island as a rental property is more consistent with a commercial operation such as a temporary housing or lodging use. Commercial uses have a greater impact than a single-family home because they have a greater amount of activity. Increased activity includes the traffic to the site and on the pond, number of people using the property, noise, light, and extended hours of use. The increased activity of the use of AshKay Island as a commercial use has a greater impact upon neighboring properties than the use of a single-family home.

In conclusion I find that the use of the property does not constitute a single-family dwelling, and thus is not a permitted use in the AR, Rural Agriculture District. The use is more inline with a commercial operation, which creates more activity and thus greater impact than a single-family home use.

Yours Truly,

RE: AshKay Short Term Rental
March 15, 2019



CARLISLE/WORTMAN ASSOC., INC.
Richard K. Carlisle, AICP
President

Attachments: Zoning Map
Zoning Ordinance

ZONING ORDINANCE TEXT AMENDMENTS

CASE #	ARTICLE	SECTION	STATUS	PROPOSED CHANGE	PH	ADOPTED
TXT # TBD	XVII	17.33	Ag/Tour	On hold but needs rework	Public Hear	Adopted
TXT #04-17	X	10.01B16 8.01B3 Definitions	Landscape Contractor's Operation contract C/W	LI district rqst Board chg Plant Nursery, RTF Nursery Only	2/27/18 10/22/19	2/28/20
TXT #05-17	XVII	17.34 9.01D.11 Definitions	Outside Vehicle Storage contract C/W	SU 17.34 rqst (Board) HS district	2/27/18	10/25/19
TXT # 06-17	VI	6.07 6.22	Accessory Structures LCBD	roof pitch for AG engineered structures +calculation no bldg code, zoning issue	4/18/18 4/18/18	6/30/18 6/30/18
GO #01-17	GO	G11-97	Land Div GO	revise with 6.19B,6.15A	N/R	
GO #02-17	GO	tbd	Nuisance	rqst(Board)	BOT	1/12/20
GO #03-17	GO	tbd	Noise	rqst(Board)	BOT	Nuisance GO
GO #04-17	GO	tbd	Motor Braking GO	rqst(Board) send to Board(10/24/17)	BOT	Nuisance GO
GO #	GO	tbd	combine Lake & Boat GO Cemetery GO Park & Rec	cover all lakes add fines for vandalism still needed? Add moral conduct	N/R N/R N/R	
TXT #07-17	III	Definitions 6.11 18.02 Splits	Lots per Parent Parcel Land Balancing/clearing nonconforming Acc Structure	in 10/24/17 packet in 10/24/17 packet in 10/24/17 packet in 10/24/17 packet	discuss	ongoing
TXT #	VI	6.14	Home Occupation Class I	add application in first paragraph	dropped	

Definitions Section

Cargo Containers. Standardized reusable receptacles that are:

1. Originally designed for or used in the parking, shipping, movement or transportation of freight, articles, goods or commodities; and or
2. Originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport "portable site storage containers" having a similar appearance to and similar characteristics of cargo containers.

Portable Temporary Storage Container (PSC): A box-like container typically delivered by truck, used to temporarily store household or other goods and items. A PSC does not include a truck trailer, or other part of a motor vehicle, nor any type of wheeled vehicle or conveyance except when attached to a truck for delivery and removal.

Accessory Use Section 6.07

The use of cargo containers for storage shall only be permitted in HS and LI Districts, subject to the following:

- a) Containers shall be restricted to a location behind the front face of the building.
- b) Containers shall not be stacked above the height of a single container.
- c) Container storage areas which are visible from the public right-of-way or abut residentially zoned or used properties shall be screened in accordance with the standards set forth in this Ordinance.

Materials stored within cargo containers are subject to review and approval by the Township Fire Department

(Discussion Item: Allow on viable farming operations?)

Temporary Uses Section 6.06

Section 6.55, Portable Temporary Storage Containers

- A. A portable temporary storage unit, also known as a portable storage container (PSC) and sometimes called a portable on-demand storage unit, may be temporarily delivered, placed and used in any zoning district, but only in compliance with the provisions of this section.
1. A PSC may be temporarily placed on a property to store goods, items or objects that are being moved to another location or that are being stored during building remodeling or for other purposes.
 2. The placement and use of a PSC require a land use permit and shall only be issued by the zoning administrator upon finding that the provisions of this section have been met. The

permit shall state the date of issuance, the maximum time a PSC can remain on the property and any terms and conditions.

3. Except as stated below, a PSC shall not remain on a property for more than 30 consecutive days during a 12-month period, commencing on the date the permit is issued. However, when being used to store equipment, goods and materials associated with remodeling or new construction, a PSC may remain on a property for not more than 90 days during a 12-month period, commencing on the date the permit is issued. In either case, one permit extension may be granted by the zoning administrator for a period not more than 30 additional days beyond the time originally specified, subject to the following:
 - i. The applicant has demonstrated a sufficient reason for the time extension, such as extenuating circumstances requiring additional and reasonably necessary time for storage.
 - ii. That the requirements of this section were satisfied by the applicant during the initial approved period of storage.
 - iii. That serious adverse effects are not likely to result from extending the period for storage.
4. A PSC shall not be longer than 16 feet, wider than eight feet, nor taller than eight feet, except that in the HS and LI districts a PSC may be up to 20 feet in length.
5. Not more than one PSC may be placed on a property at one time, except that in the HS and LI Districts the zoning administrator may approve up to four (4), subject to all the requirements of this section. When approving additional PSCs, the zoning administrator shall find:
 - i. The applicant has demonstrated a sufficient reason for additional PSCs, such as extenuating circumstances requiring additional storage space.
 - ii. That the terms and conditions of this section would be satisfied, despite additional PSCs.
 - iii. That serious adverse effects are not likely to result from additional PSCs.
6. A PSC shall not be located closer than ten feet to a public or private street right-of-way, nor closer than ten feet to a property line.
7. A PSC shall only contain a sign that is limited to the name, address and telephone number of the owner of the PSC. No other text or graphics referring or pertaining to any service or product other than the PSC or the person or business entity providing the PSC are permitted, including any advertising, logo or slogan.
8. A PSC shall not be used to store toxic or hazardous materials.

STATE
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