

**MARION TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING
OCTOBER 24, 2023 / 7:30PM**

PC MEMBERS PRESENT: LARRY GRUNN – CHAIRPERSON
JIM ANDERSON - VICE CHAIRPERSON
CHERYL RANGE - SECRETARY
BOB HANVEY
BRUCE POWELSON

PC MEMBERS ABSENT: NONE

OTHERS PRESENT: DAVID HAMANN - MARION TWP. ZONING ADMINISTRATOR
ZACH MICHELS – TOWNSHIP PLANNER



CALL TO ORDER

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

APPROVAL OF AGENDA

Bruce Powelson made a motion to approve the October 24, 2023 agenda as presented. Jim Anderson seconded.

MOTION CARRIED

APPROVAL OF MINUTES

Bruce Powelson made a motion to approve the September 26, 2023 Planning Commission minutes as presented. Larry Grunn seconded. **MOTION CARRIED**

CALL TO PUBLIC

None.

UNFINISHED BUSINESS:

SUP# 01-23 MITCH HARRIS REZONING PARCEL ID #'s 4710-02-400-014, 016, 017, 018

John Gormley stated that he had some concerns with the property if it were to be re-zoned. Zach Michels explained that the reason it was sent back to the Planning Commission was because the Board needs to see the reasons why the request was approved and also was the Commissioners to explain the conditions on which the approval was given.

The following conditions were voluntarily offered by the applicant:

CONDITIONS:

- A) *The property being rezoned will not use a general private or public roadway connection through the existing Meadows Condominium project along Spirea Lane; and*
- B) *If a connection through Spirea Lane is required by the governing fire authority, it will be set up with a gate that is controlled by the fire authority and will not be open for the use of the general public; and*

Anthony Longoria resides at 3724 Pinckney Road. Anthony spoke on this agenda item and stated some of his concerns with this rezoning approval of this rezoning application.

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The commissioners made the requested that Zach Michels make the following changes to their resolution.

- 100) *WHEREAS, the following conditions HAVE changed, which JUSTIFY the proposed conditional zoning map amendment:*
- A) *There is less general demand for commercial land than anticipated in previous Master Plans;*
 - B) *Confirmation from MDOT prohibiting access to the site from the limited access ramp and D-19;*
 - C) *More affordable housing and multiple-family housing are needed in the Township;*
 - D) *More people are working and shopping from home;*
 - E) *Commercial space is no longer in high demand in the county, and there are plenty of vacant commercial properties in the county; and*
- 110) *WHEREAS, the requested zoning map amendment WOULD NOT impact the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs reasonably required in the future if the proposed zoning map amendment is approved, because:*
- A) *Permitted uses in the requested zoning district are likely to create a similar or lesser demand on roads, water, sanitary sewer, stormwater sewer, police, and fire;*
 - B) *Site plan review provides the Township with the ability to mitigate potential infrastructure demands from development of the site, such as stormwater management, traffic management, and density; and*
 - C) *There is adequate capacity in the school system; and*
- 120) *WHEREAS, the requested conditional zoning map amendment DOES NOT adversely affect environmental c conditions because:*
- A) *The potential number of commercial uses that could impact the environmental conditions would be significantly reduced;*
 - B) *The potential residential development is likely to generate similar or lesser environmental impacts than commercial development or use of the properties;*
 - C) *Due to less hard surfaces in residential development, there would be less stormwater to manage; and*
 - D) *Less potential impact from contamination from chemicals, fuel, hazardous materials, air noise, and light pollution; and*
- 130) *WHEREAS, the requested conditional zoning map amendment DOES NOT adversely affect the value of surrounding property because:*
- A) *Development of the site for residential uses with the conditional zoning map amendment is likely to have less impact on the value of surrounding properties than if the site were developed for commercial uses in the current district;*
 - B) *Commercial development of the site would result in commercial traffic through Pleavy and residential areas, which would impact the value of those residential properties, because there is no direct access from D-19, as confirmed by MDOT; and*
 - C) *Adjacent residential areas are more likely to be impacted by permitted uses in the Highway Service (HS) district; and*
- 140) *WHEREAS, the petitioned conditional zoning map amendment DOES NOT generally comply with the adopted Master Plan because:*
- A) *Although it represents a deviation from the Future Land Use Map, the greater intensity of use within the Urban Residential (UR) district is consistent with the goal of locating more-intensive uses closer to the City of Howell;*

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- B) *City services are more available in the northern portion of the township, such as water, sewer, police, and fire; and*
- C) *The Master Plan assumed access for the site would be available from D-19, which is no longer available; and*
- 150) *WHEREAS, the property in question CANNOT be put to a reasonable economic use in the Highway Service (HS) zoning district, because:*
- A) *Access to the site from D-19 is not allowed, as confirmed by MDOT; and*
- B) *All commercial traffic from commercial development of the site would be sent through residential areas; and*
- C) *Alternate access to the site is already congested, including Peavy Road, the Peavy and Mason intersection, the Mason Road and Michigan Avenue intersection, the Peavy Road and Keddle Road intersection, and the D-19 and Interstate-96 intersection; and*
- 160) *WHEREAS, the applicant has provided information confirming that MDOT would not allow a direct connection to the limited access ramp, which limits commercial viability of the site; and*
- 165) *WHEREAS, the conditions offered voluntarily by the applicant address concerns raised by neighboring property owners and the Township;*
- 170) *NOW, THEREFORE, BE IT RESOLVED, the Marion Planning Commission, by a majority vote at a regularly-scheduled and duly-noticed meeting, held this 24th day of October 2023, adopts this finding of facts recommending APPROVAL of the Zoning Map Amendment petition RNZ 01-23 Mitch Harris Building Company, Section 2 of Marion Township, (10-02-400-014/016/017/018), to Mitch Harris Building Company, for a conditional zoning map amendment from Highway Service (HS) and Suburban Residential (SR) to Urban Residential (UR) for an area measuring roughly 74.4 acres; and*
- 180) *BE IT FURTHER RESOLVED, the Planning Commission directs the Zoning Administrator to forward this Resolution/Findings-of-Facts, a summary of comments received at the public hearing, and its FAVORABLE RECOMMENDATION to the Township Board within sixty (60) days; and*
- 190) *BE IT FURTHER RESOLVED, that the applicant shall provide a statement of conditions as described in §20.06 Conditional Rezoning of the Zoning Ordinance, to be reviewed by the Township Attorney and approved by the Township Board; and*
- 200) *BE IT FURTHER RESOLVED, that the use shall be established within thirty-six (36) months of the effective date of the Zoning Ordinance amendment, unless an extension is granted by the Township Board, as outlined in §20.06 Conditional Rezoning of the Zoning Ordinance;*

Jim Andersen motioned to adopt a resolution to recommend approval of SUP# 01-23 Mitch Harris rezoning parcel ID#'s 4710-02-400-014, 016, 017, 018, incorporating all the conditions previously discussed. Bruce Powelson seconded.

RESOLUTION PASSED 4-1

ROLL CALL VOTE: Anderson-YES, Grunn-NO, Hanvey-YES, Powelson- YES, Range-YES

TXT #01-23 CRYPTO ORDINANCE DATA PROCESSING INDUSTRIAL DISTRICT

Zach Michels gave his blessing to the Commissioners to send this language to the Livingston County Planning Commission for comment and review.

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Dave Hamann asked the Commissioners which draft was to be sent to the County. The Commissioners agreed to send the draft language with the changes discussed at the 08/22/2023 Planning Commission meeting.

Cheryl Range made a motion to send the 08/22/2023 draft language for TXT #01-23 Crypto ordinance to the Livingston County Planning Commission for review and comment. Bruce Powelson seconded. **MOTION CARRIED**

WELLHEAD PROTECTION ORDINANCE AND MAP

Zach Michels agreed to have some draft language to Dave Hamann by November 12th.

Cheryl Range made a motion to set a public hearing for November 28, 2023 for the Wellhead Protection Ordinance. Jim Anderson seconded. **MOTION CARRIED**

SPECIAL ORDERS

CIVIL INFRACTION

John Gormley explained the best route for Marion Township would be to hire an enforcement office to help take care of some of the violations throughout the Township.

DEVELOPMENT STANDARDS

John Gormley explained that it is always safer to keep the development standards in your Zoning Ordinance, versus having them in a separate document.

Jim Anderson made a motion to extend the meeting past 9:30 pm. Cheryl Range seconded.

COMMUNITY SOLAR

Jim Anderson asked if the Township should have protection language for community solar? John Gormley said yes and the Commissioners should start working on this now.

NATURAL GAS STATIONS

Cheryl Range asked if we should create language for Natural Gas Stations. Zach Michels does not think it is necessary at this time.

GAMPS

Dave asked if we should change our current zoning language to align with the new GAMPS. Zach said that we should wait until after January 2024 to start working on that.

CALL FOR PUBLIC COMMENT

Les Andersen resides at 4500 Jewell Road. Les asked who actually serves the resident with the enforcement ticket. John Gormley stated that usually an enforcement officer and a Sheriff will personally serve the resident with the violation. Zach Michels stated that to cover all bases, he recommends sending the violation ticket by regular mail, certified mail, post/red-stake it at the road and also tape it to the resident's front door.

ADJOURNMENT

Jim Anderson made a motion to adjourn the Planning Commission meeting at 10:05pm. Bruce Powelson seconded. **MOTION CARRIED**