# MARION TOWNSHIP PLANNING COMMISSION AGENDA

# REGULAR MEETING

# Due to COVID-19 considerations and consistent with State Policy: The Township Planning Commission will meet virtually January 26, 2021 at 7:30 pm

Instructions to participate in the meeting are posted on www.mariontownship.com

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

	INTRODUCTION OF MEMBERS:	
	APPROVAL OF AGENDA FOR:	January 26, 2021 Regular Meeting
	APPROVAL OF MINUTES FROM:	December 22, 2020 Regular Meeting
	CALL TO THE PUBLIC:	
	PUBLIC HEARING: none	
	<ul> <li>2) Review PUD#01-20 Tamarack F</li> <li>3) Review LCPD comments for TX</li> <li>4) Review LCPD comments for TX</li> <li>5) Review LCPD comments for TX</li> </ul>	way 1388 Lucy Road Industrial zoning Place (Sunridge III) Preliminary Site Plan Review T#01-19 Short Term Rentals & send to BOT for Adoption T#02-19 Signs for Home Occupation/Based Business send to BOT T#01-20 Site Plan/Private Road changes send to BOT for adoption T#02-20 Accessory Structure send to BOT for Adoption
	New BUSINESS:  1) Annual Report from Secretary 2) Election of Officers	
	Correspondence and Updates and Disc	cussion:
(	CALL TO THE PUBLIC:	
1	ADJOURNMENT:	

*Approved by:	
	Larry Grunn, Chairperson

# MARION TOWNSHIP PLANNING COMMISSION VIRTUAL MEETING MINUTES DECEMBER 22, 2020 / 7:30PM

DRAFT

**MEMBERS PRESENT:** 

LARRY GRUNN - CHAIRPERSON (Township Hall)

BOB HANVEY (Township Hall) CHERYL RANGE – SECRETARY

**BRUCE POWELSON – VICE CHAIR** (Township Hall)

JAMES ANDERSON (Home)

**OTHERS PRESENT:** 

**DAVE HAMANN – ZONING ADMINISTRATOR (Home)** 

JOHN ENOS – CARLISLE WORTMAN (Home) PHIL WESTMORELAND – SPICERS (Home)

**MEMBERS ABSENT:** 

NONE

**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 for the December 22, 2020 meeting. Cheryl Range seconded. **MOTION CARRIED** 

# **APPROVAL OF MINUTES:**

Cheryl Range motioned to approve the Regular Meeting Minutes from November 24, 2020. Jim Anderson seconded. **MOTION CARRIED** 

# **CALL TO THE PUBLIC:**

NONE

# **PUBLIC HEARING:**

# TXT #03-20 PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT (PUBLIC COMMENT ONLY)

John Enos said they have been working with the Engineers and Dave Hamann on this topic. The goal is to provide the applicant with the ability to amend things if needed. This does not take away any of the responsibility of the Planning Commission members. It will better prepare the applicant so they are able to have a good review of their PUD with the Planning Commission. John Enos said they were also looking at taking this out of the PUD district.

## **NEW BUSINESS:**

# 1) REVIEW PUD#01-20 TAMARACK PLACE (SUNRIDGE III) PRELIMINARY SITE PLAN REVIEW

Manny Kianicky is Vice President of SR Jacobson Development Corporation. They are the Master Developers of Sunridge. They purchased the development called Sunridge located on the west side of Peavy Road. Phase 1 was almost complete at the time of purchase. SR Jacobson developed phase 2. They are finishing up phase 2 and will be starting phase 3 in the near future. They are here today for a Site Plan approval for phase 3. They are trying to stay close to the original site plan that was created for phase 1.

Mike West Edwin Allen Homes located at 795 Clive Court in Byron Center Michigan.

Mike West shared and reviewed the preliminary site plan design with the Commissioners. There were some minor modifications to the roadway. There will be the same number of lots and the same number of access points. The lot numbers are the same, the size, the width, the setbacks and open space are all still the same. All of the main physical features will remain the same. However, the old plan had about eight different internal intersections. They have been able to reduce the linear footage of interior roadways from 7900 feet, down to 6400 feet. This will increase open space from 42.5 acres to 46 acres. They also changed the amenities within the open space, such as adding additional walking trails for the residents. They have addressed most of the comments from the Planners and Engineers. They have done a wetland delineation. They won't be filling or modifying any of these wetlands. They also initiated a traffic study for the project. Copies were distributed to the Township and the Road Commission. They also constructed a deceleration tapper for the south bound lag of Peavy Road, as recommended.

John Enos said that we really need to discuss issues involving transportation and traffic. This is a major concern of ours.

Jim Anderson is concerned about the open space on the north side that is currently inaccessible. Mike West explained that it is something they can look into, but the residents over on Alstott might have some concerns about people traveling along that side of the development.

John Enos said that we really need to discuss issues involving the increased traffic due to this new development.

Phil Westmoreland explained that the increased traffic issues are going to have to be addressed by the Township. Having that access road between Peavy and Pinckney Road was a benefit to the Township and allowed for more density in that area. The three big problem areas are going to be Mason at Peavy Road, Keddle Road at D19 and Keddle Road itself. Some improvements on Keddle Road and Mason Road either now or in the future, should be something the Township should consider.

Larry Grunn asked about Mason Road and Michigan Ave. Phil explained that this area was not included in the traffic study. This area is an issue and could potentially be even worse in the future, with the increased traffic.

Manny Kianicky explained that Julie Crowl, who is our traffic engineer, has been in communications with MDOT and Cook County about potential future traffic impacts.

Jim Anderson inquired about lot 11 on Peavy Road. There does not appear to be a house on that lot, so it could potentially be a great entry point.

Bruce Powelson appreciates that there will be a tree planted in the front of every home. Bruce also asked if homeowners are allowed to plant additional trees. Mike West said they would actually encourage residents to plant additional trees if desired.

Mike West said that he really appreciates the Planning Commissions time, especially right before the holidays.

Marion Township Planning Commission Meeting 12/22/2020

MINUTES TAKEN BY: Jessica Timberlake

Dave Hamann thinks that there is going to be a lot to discuss come January.

Cheryl Range made a motion to table discussions PUD# 01-20 Tamarack Place Site Plan Review, until our January 26 meeting. Jim Anderson seconded. **MOTION CARRIED** 

Bob Hanvey said that there is a house on lot 11. It is not on our plans but according to GIS, there is a house located on that lot.

### **NEW BUSINESS:**

# 2) REVIEW TXT# 03-20 PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT (MOVE 13.04 TO EDS, ADD AMENDING)

Dave Hamann explained that John Enos provided some language to us labeled section 13-05. Dave would like to move 13-04 to our Engineering Development Standards and replace 13.04 with Johns language for amending a Planned Unit Developments.

John Enos said that this would allow more flexibility to everyone.

Dave is suggesting to send this to the County Planning Commission for comment and review, if it looks good to everyone. Our Zoning Ordinance would be consistent with what it's going to be and the Engineering Standards would complement the entire Zoning Ordinance.

Cheryl Range made a motion to send TXT# 03-20, The Planned Unit Development Overlay District to the Livingston County Planning Commission for comment and review. Larry Grunn seconded. **MOTION CARRIED** 

# **CORRESPONDENCE AND UPDATES:**

NONE

# **CALL TO THE PUBLIC:**

NONE

<u>ADJOURNMENT</u>: Cheryl Range made a motion to adjourn the meeting at 8:46pm. Larry Grunn seconded. **MOTION CARRIED** 



# Monument Engineering Group Associates, Inc.

Developing Lifelong Relationships monumentengineering.com

Headquarters 298 Veterans Drive Fowlerville, MI 48836 (517) 223-3512 Battle Creek Office 7100 Tower Road Battle Creek, MI 49016 (269) 963-7778



Date January 14, 2021

Dave Hamann Zoning Administrator Marion Township 2877 W Coon Lake Road Howell, MI 48843

RE: 1388 Lucy Road

**Preliminary Site Plan Review** 

Dear Mr. Hamann,

Monument Engineering Group Associates, Inc (MEGA) is in receipt of various review letters from Township consultants and various review agencies. We offer the following response:

# **Engineering (Spicer Group) 12-7-20**

Spicer is recommending withholding of approvals from other agencies and consultants 1. Plans should be reviewed and approved by:

a. Fire Marshal MEGA Assumes Twp. has submitted plans

b. Township Planner

c. Livingston County Drain Commissioner Plans submitted for erosion control. Spicer to

approve storm water management

d. Livingston County Road Commission Plans submitted, summary below

e. Livingston County Health Department Plans submitted, summary below

# **Erosion Control (LCDC) 12-17-20**

- 1 Storm water calculation can be found one sheet C-9.2.
- 2 The west side of the site is graded to flow south into the retention basin overland as the elevations allow for this. There are no proposed ditches on site.
- 3 The silt fence is called out to be 36".
- The swale into the retention basin now has rip rap shown to the bottom of the basin to minimize potential erosion in this area.
- 5 Silt fence details are on the plans.
- 6 There are no ditches on the plans.
- 7 The outlet has been redirected to not be over the existing driveway.

# Other items Requested

- A commercial application was submitted originally and is included herein.
- A right of entry agreement was submitted originally and is included herein.
- A check for \$400 was submitted with the original submittal. We acknowledge an outstanding balance of \$570 to complete this process.
- Contractor will provide the noted bond at the time the permit is issued.

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# 1388 Lucy Road

- We are in the process of obtaining a drainage review letter. Spicer has confirmed they will perform the drainage review.
- We are in the process of obtaining a land use permit.

Plans have been resubmitted with one comment concerning the orientation of the emergency spillway from the retention basin. MEGA is waiting on further direction from LCDC.

# Livingston County Road Commission (LCRC) 12-17-20

- 1. Contractor to be determined
- 2. Additional grades in the drive have been provided to prevent ponding
- 3. Clear vision has been provided. MEGA is working with the City of Howell for permission to clear the necessary vegetation.

# **Health Department (HD)**

- 1. Well has been moved to provide min 75' separation from the retention basin
- 2. Septic tank has been moved to provide min 50' separation from retention basin
- 3. We understand other applications will be necessary prior to starting construction.

# **Planner**

MEGA believes the planners comments have all been addressed during the initial review period.

# Fire Department (FD)

MEGA has not received review comments from the fire department. MEGA assumes plans have been submitted to the FD by the Township for review. MEGA will address any review comments once received.

# **Variances**

The site was granted 8 variances during the Zoning Board of Appeals (ZBA) meeting on 1-4-21. These variances were 4 for setbacks and 4 for landscape buffer. These variances will allow the parcel to be developed for the intended use.

Sincerely,

Monument Engineering Group Associates, Inc.

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Allan W Pruss, PE, PS

President

1388 LUCY ROAD PART OF SE 1/4 OF SEC. 1, T2N-R4E JARION TOWNSHIP, LMNGSTON COUNTY, MICHIGAN

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PLAN SUBMITTALS

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PARCEL TAX NUMBER: 4710-01-400-009

LEGAL DESCRIPTION (AS PROVIDED)

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BEARING REFERENCE

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SCALE: 1"=2000"

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INNOVATIVE GEOSPATIAL & ENGINEERING SOLUTIONS

MONUMENT ENGINEERING GROUP ASSOCIATES,

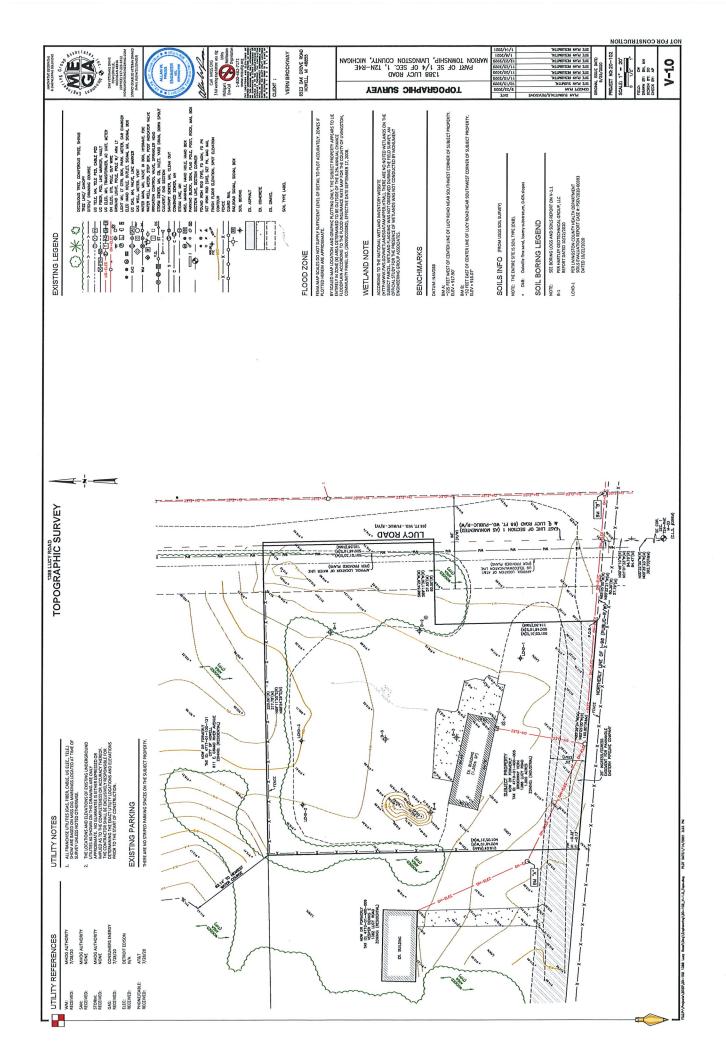
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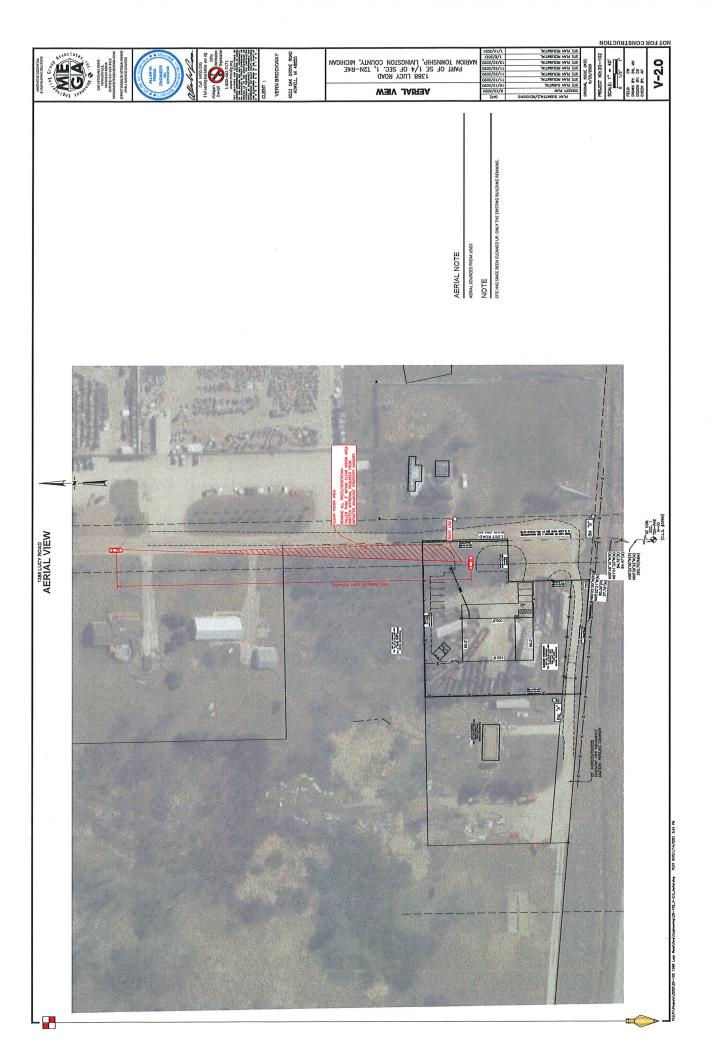
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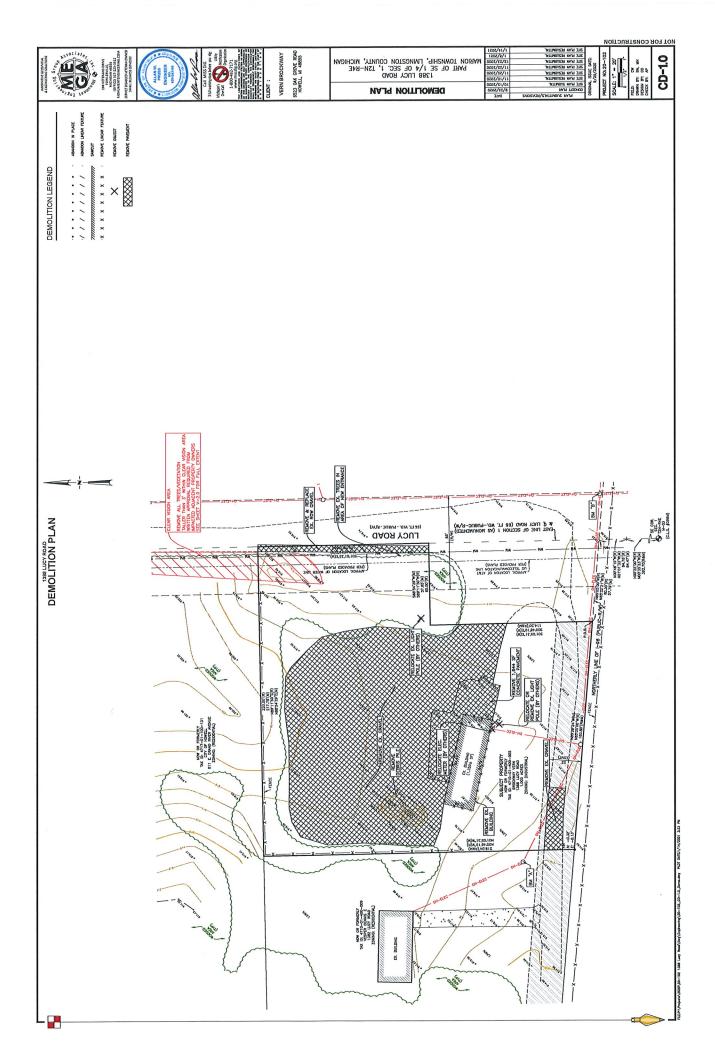
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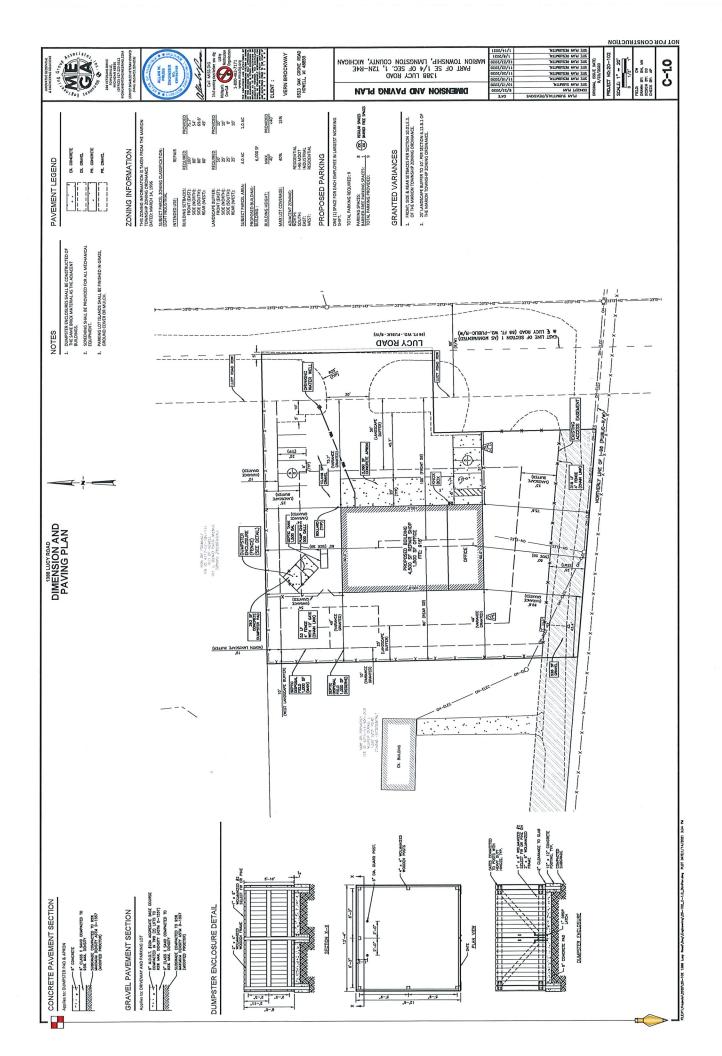
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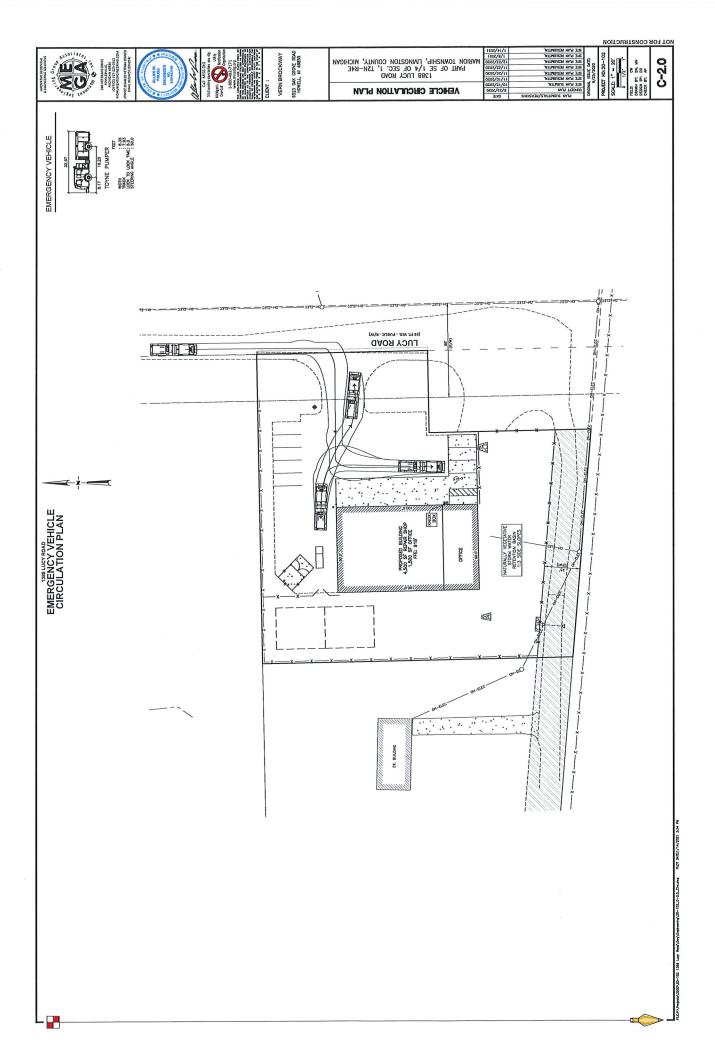
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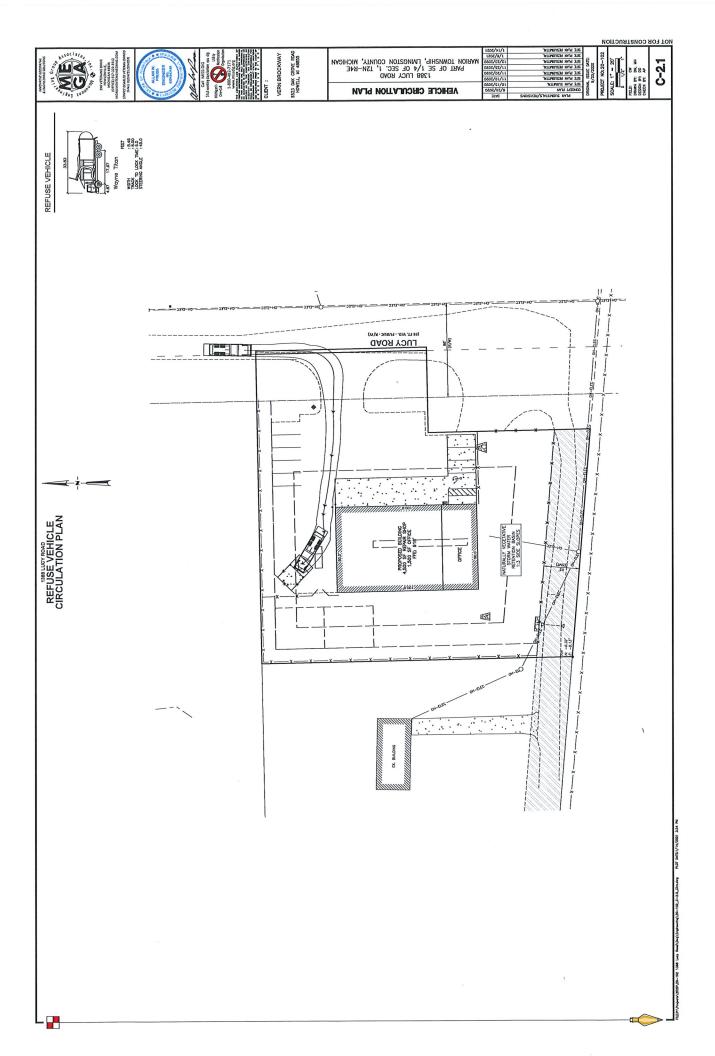


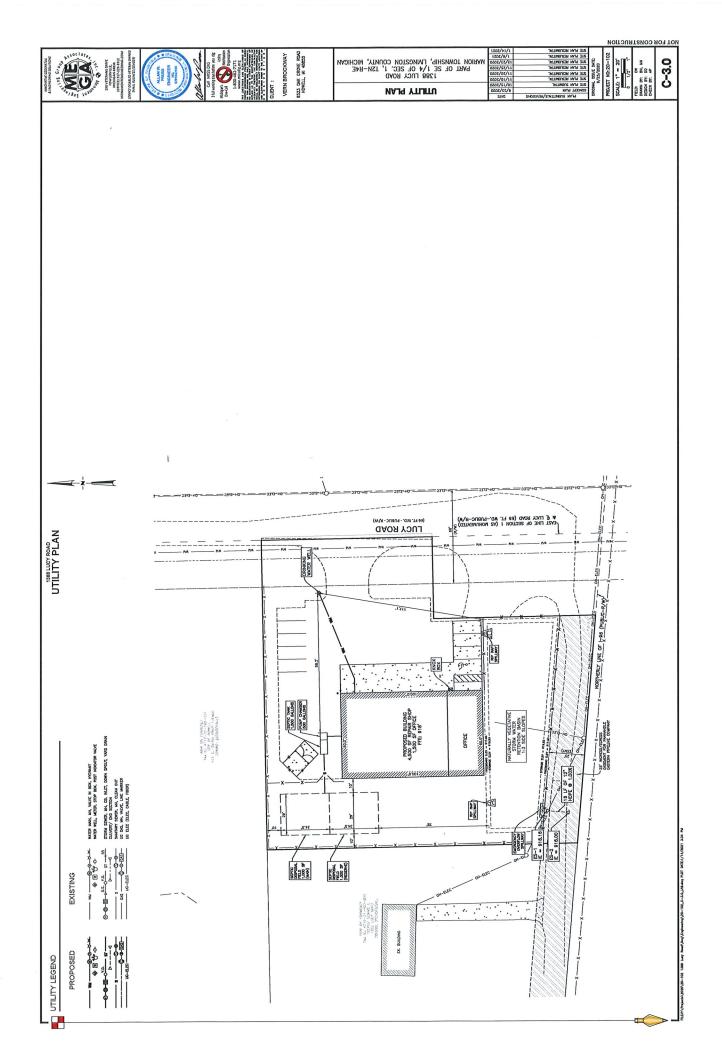


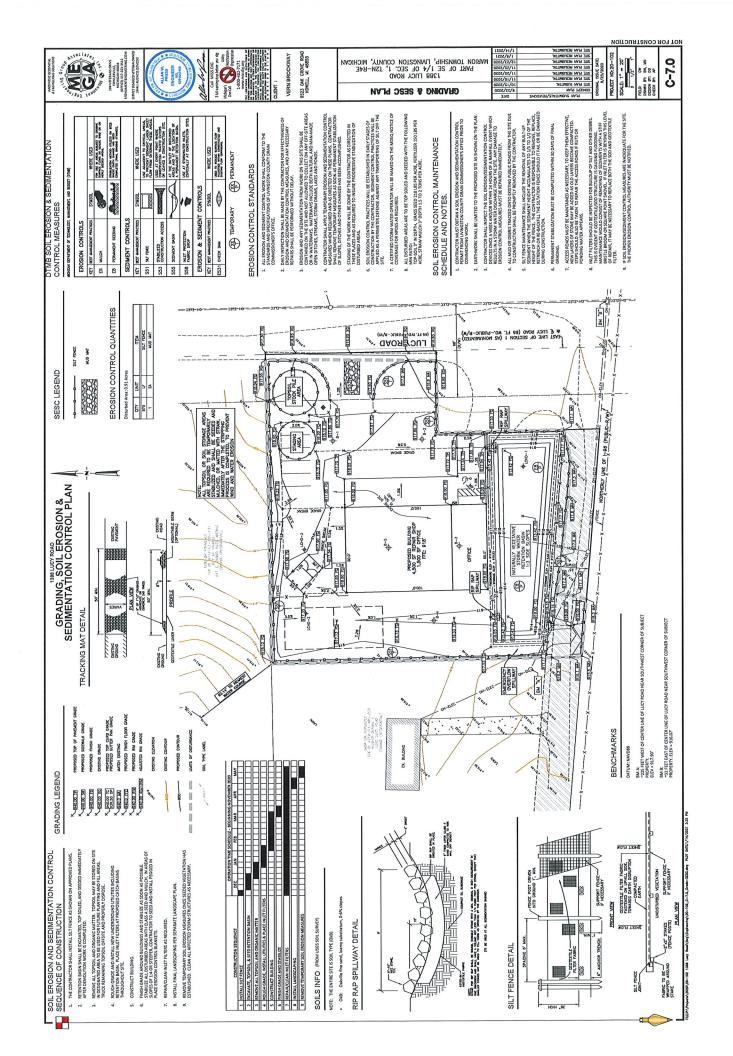


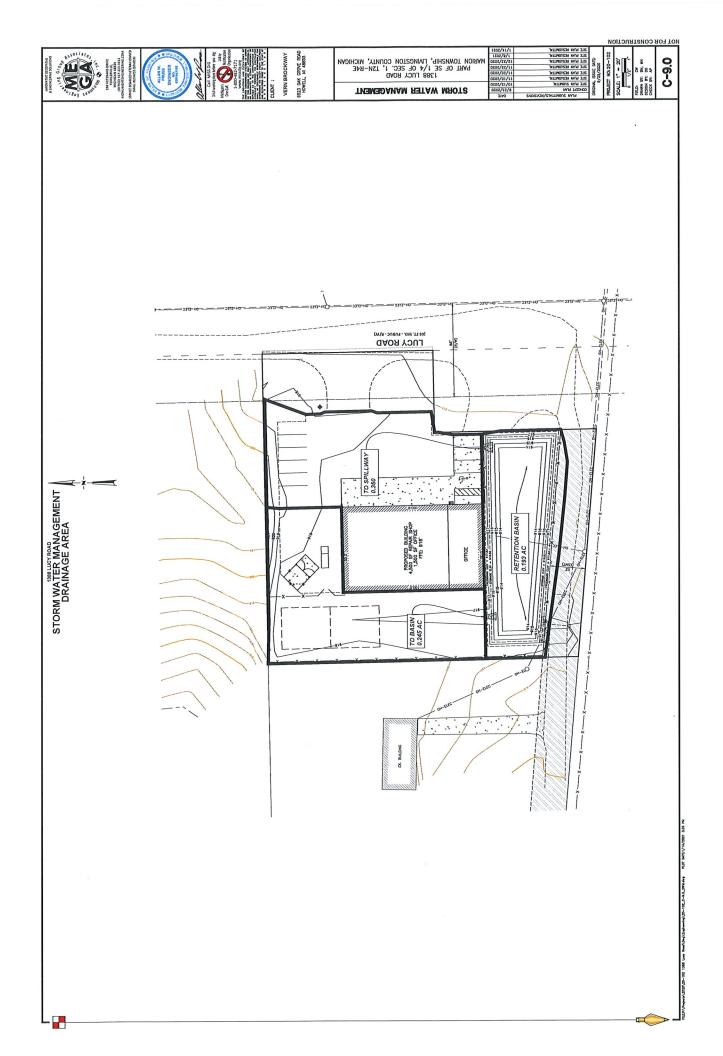












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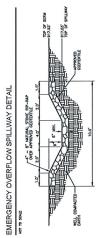




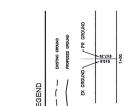




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THE CONTRICTOR SHALL PROVICE ALL MEDIZIARY BARBOLDES, SOUNDE AND LIGHTS TO PROTECT THE WORK AND SHALLY MAKENA TRAFFIC, IN ACCORDANCE WITH LOCAL ELECTRICALES AND THE MAKENA. OF LINE'DIM TRAFFIC CONTRICAL CONTROL.

THE CONTRACTION SHALL RESTORE TO THEIR PRESENT CONDITIONS ANY PAYOR OF PLEAD ROTHS CONTRACT OF THE CONTRACTION OF THE PRESENT PROPERTY AND THE CONTRACTOR AND THE CONTRACTOR OF THE CONTRACTOR AND THE CONTRACT ADDRESS TAKNOR OF THE CONTRACT ADDRESS TAKNOR

WATER MAIN SPECIFICATIONS

THE COMPISSION AGENCY WILL INSPECT THE INSTALLATION OF ALL EAWTARTS

THE CONTRACTOR SAULD BE RESPONDED FOR THE SAVE STORAGE OF ALL MATERIAL INTENDED FOR THE WORK. THE CONTRACTOR SAULL TAKE ALL WORK.

TO MATERIAL PREMATIONS TO PREVOIT DAMAGE TO MATERIALS, EQUIPMENT AND MODIC.

27. WHO DERING DENERS DOCKETE MANIGED BULLER CREATER THE PROCESS OF WHITE PROCESS OF WELL PICTURE OF SERVER TO ACTIVE THE PROCESS OF SERVER TO PROCESS OF SERVER TO PROCESS OF SERVER DESCRIPTION OF THE DE

28. ALL EXHIDES BAAL BE SUBJECTION TO INTURATION, ARE OF DOUBTHAND INTERPRETABLE OF A COMMUNION THEREOF IN ACCORDANCE WITH THE POLLOWING PROSENCE OF THE STRIPLY AND PRICE TO RELEASE.

23. BODGE BLOSTLING MOUND LIKE MIL TORKE, TRUSH MO DERRE SHALL DE REMOVED NO GLAVEN, NOT, SELECIDED DOCKNITED MITTER SHALL DE PALCED TRANSFINCLITY ON MIL SOUS N E MANNEL LATRIC LOCAL LATRI SHALL DE MOSIDUD AND CORPACITID WITH MID-UNITUL, AN INVO THATBOLL.

33. ROLLINGTR OF TROOKS SAULT RE BACKTLED WITH SPECIFIED BACKTLE TO SPECIFIED TO WAR TO SPECIFIED SAULT RE COMPACTED TO WAR OF MACHINE MACHINE SAULT RE COMPACTED TO WAR ASTAN DETICAL.

THE CONTROL OF SHALL ON ALL STREET DOWNSHIPS HAVE THE SHALL ON ALL STREET DOWNSHIPS HAVE THE SHALL ON ALL STREET DOWNSHIPS HAVING OF MATERIAL OSCILLATION DAWN IN THE WHO THE WIND THE WORLD ON THE WORLD WINDOW THE PROPERTY OF WORLD WINDOW THE WORLD WIND WINDOW THE WORLD WIND WINDOW THE WORLD WIN 38. ALL CONNECTIONS TO DOSTINO BONDES SHALL BE PROF MANCHAL REQUIDED THE AND ALL CONSTS INCLUDING TISTING AND/OR YOU'D OF SEMICE SHALL BE INCODORAR. TO THE JOB.

THE OLD WAS AN ORDER TO ANY ALC. A CARE AT LEWES BRYCH THE OLD 
CONCRETE AND MASCAINY MATERIALS FOR CONSTRUCTION OF STORM DRAWAGE STRUCTURES SAUL CONSIST OF THE FOLLDWING.

PORTLAND COLDIT SHALL BE STANDARD BRAND OF PORTLAND COLDIN CONTINUED TO ASTIM CHISQ, TIPE I OR M.

WHEN Y OF THE 4'S INILIDICE LINE OF THE SERGENDE OF STREETS, DRIVES, PARKED, PORTOR OF THE FANCE, THE SERVENDE OF THE FANCE THE THE THE SERVENDE OF THE SERVEN

RETORE BADOFILMO ARONO STRUCTURES, ALL FORMS, TAXAN AND DODRES BAULD, REIORODO AND GLAVED AREN'S, ESLICION DO CONVIND MATERIAL SHALL RE PLACED STRUCTURES, CAN ALL BOCKS IN FLANDARIO, LAYONS ALL DE MOSTIDISO, AND COMPACTID WITH MICHANICAL, OR HAND TAMPOS.

BEDSHO LEED FOR TRONCH BOTTOM SHALL BE COTDOED UP THE SECSE AND
CARROLLINE TRANCH AND ONG PIECE IN BENEVALLY WITH SHALL BE THOROUGHT AND CARROLLY CODAMINED ONE OF THE SHALL BE THOROUGHT AND CARROLLY CODAMINED ON TO SHALL BE THOROUGHT AND THE SHALL BE THOROUGHT AND THE STATE OF COURT DESTIN ONE PIECE AND THE STATE OF COURT DESTIN ONE PIECE SHALL BE THOROUGHT AND THE STATE OF COURT DESTIN ONE PIECE SHALL BE THOROUGHT AND THE STATE OF COURT DESTIN ONE PIECE SHALL BE THE STATE OF COURT DESTINATION OF THE STATE 
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SANITARY SEWER SPECIFICATION, CONTINUED

RDNORCOD PRE-CUET CONORTIE MANACE SCOTIONE NOLLONO CONCONTRIC ON ECCONTRIC CONCE AND GALOE RINGS SAML DE 4000 PSI CONGRETE AND CONFORM TO ASTA C-478 OR AUSTO M-199.

PPE GROOM, EXTREMENT RECORDS THE COMES THE COM

OATE WILLS BAUL DE REDIYONCO PRE-CAST CONCRETE DECITIONS MILLION OF CONCENTRICE ON ECONOMISMO ON SALVE, RINGS SALVE, DE 4000 PER CACHETE, AND CONFIDEN TO ASTIN CA-ATE. 18. THRUST BLOOCE, IF RECURED BY THE MUNICIPALITY, SHALL BE MADE OF 3000 PS CONCRETE MET MIX.

THE MAJORUM WOTH OF TREDICH TO TOP OF PIPE SHALL BE AS FOLLOWS.

21. DURNO DOZANATON, MATDOLI, SUTABLE FOR BACOGLING SAULL BE PALD IN AN ORDER! MAKERS A SURPROBE TOTAL FOR BANKE OF TROPOSES TO AND OPPLACIONED, AND TO PREVIOUS DOS OR DANG-HEL.

23. MANACES AND CATCH BASINS SHALL BE CONSTRUCTED OF BROCK, CONDER, MASHING THIS OF PRE-EAST CONDER, WITH EAST RICH FYMES, CONDES AND MANACE STEPS.

THE WALL THOORES OF MANHALES AND CATCH BASHES CONSTRUCTED OF WALLS MANAGED WITHOUT TO PERMANE SOUTH OF THE CONTRACT OF THE CON

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CONTRACTOR SALL TURKES COTTED RECOLC THAT ALL MATTER. TISTS AND RESISTENCE HAS BOTH PROPRIED AND THAT THE PRODUCT HAS BOTH MANIFACTORY OF THE PROPERTY OF THE

AL NODESLAY POWER, BONGS, NGUAWACES, ETC., SHALL BE PAD FOR BY THE CONTINETION. WY WORK WITH STREET OR HOWAY ROTT-O"-WAYS SHALL BE DOKE IN TOO STOOMER WITH THE RECURBIONIS OF THE ONGOWEN'S ADDICES HAVING LARDCITCH AND SHALL NOT BEAN UNTIL FOWER SHAKE BEEN ESTATED BY FIRST CONDINSIA ALTHORITIES.

ALL DENTING SHOWN ARE BUSIN ON THE DRAWNOS. BY THE LDCAL MUNICIPALITY LALESS OFFICIANCE NOTED ON THE DRAWNOS.

AL IIDES OF WORK NOT SPECIFICALLY INDICATED AS PAY IIDES ON THE DAWNINGS OR IN THE ISD PACKAGE SHALL BE CONSIDERED INCODITAL IIDES. THE COMMUTER SAMIL BE RESPONSED. FOR DUST COMPACE DURING THE PERSONS OF CONSTRUCTION.

PROPER INFLUENCES. AND FACURES SHALL BE PROMIDED AND USED FOR NACOMBRAIN AND DESTRUCTABLE ALCHORUS THE LINE OF WORK. ANY PRESENCES AND THE LINE OF WORK. ANY PRESENCES THAN OLVINGO SHALL BE REJECTED AND MEDIATELY ROUND FROM THE ADD SHE.

THEE SPECIFICATIONS SHALL BE USED IN CONLINCTION WITH THE CONDIVI.

SPECIFICATIONS AND THE SPECIFICATIONS AND DETAIL SHETTS OF THE COMPANY
AND COLUMN SHALL BE TRAIN THE SPECIFICATIONS. THE

STORM SEWER SPECIFICATIONS

22. WEN WET DELIVATION IS DICEMPERED. THE TROOCH SHALL BE DE-WATERED LIGHT, THE WATER LAW AND BACKSTLED. TO A FORM AT LEAST 1 FOOT ABOVE TOP OF PINE.

THE CONTRACTOR SHALL BE RESPONSILE FOR THE SAVE STERACE OF ALL MATERAL INTEREST FOR THE WORK. THE CONTRACTOR SHALL THAT ALL MODESTANT PRECUITIONS TO PREVENT DAMAGE. TO MAIDSUAS EQUIPMENT AND MODES.

17. CHE SHALL DE TANDH HOT TO DICAVATE DIDAY THE COTHIS NOICHTO ON THE WASSEL, WHEE COZCURY ON UNAUTHORIZED DICAVATION TANCE THE OFFICIOR OFFICIAL DE PACIFICATION TO THE PRIORIC GRADE WITH COMPACTED RECORDED.

SOL DICOGNI CONTRICT, PRUCTICES WILL DE CITYALISMED IN DALLY STACES OF COMPINACIONI DY THE CONTRACTOR, SEDAMON CONTRICA, PRUCTICES WILL DE STITLE AS A POSIMETER DOTOGE, ADAMENT ANY TRANSPONTING OF SLE OPP THE STITLE.

DUST SHALL BE CONTROLLED BY WATERBIG OR BY OTHER APPROVED MEANS THROUGHOUT ALL CONSTRUCTION OPERATIONS.

E STORN THE WORK WILL BE DONE BY THE CONTRACTOR AS DISECTED IN THESE PARKS AND AS REQUIRED TO DISEASE STABLESTED OF DISTURBED UNITED TO DISEASE STABLESTED OF DISTURBED DISEASE STABLESTED OF DISTURBED DISEASE STABLESTED OF THE DISTURBED DISEASE STABLESTED OF THE DISTURBED OF THE DISTURBED DISEASE STABLESTED OF THE DISEASE STABLESTED OF THE DISEASE STABLESTED OF THE DISTURBED OF

ALL DORTHOUND AN URBULLS SHALL BY ACCORDANCE WITH TICE CURRON
AND/OF SERVE ALL HOUSE AND THE LOOK, MASSAMITY, THE LUDGH, LAND THE LOOK, MASSAMITY, THE CHAIN TO SERVE AND THE LOOK, MASSAMITY, THE CHAIN TO SERVE AND THE LOOK, MASSAMITY, THE CHAIN TO COMMENSION, MASSAMITY TO WASSAMITY, THE STATE OF MASSAMITY, THE STATE OF MASSAMITY TOOK COMMENSION WASSE, APPLICATE.

RULE, REDLATIONS ON LAWS OF ANY CONTROLLING CONDOMENTAL ACCIVITY SALL CONTROLL WITH THE KECLIFICHDRIS OF THE WORE STRANGET THAN THE RECLIFICHDRIS OF THE SECURIFICATIONS.

EROSION CONTROL STANDARDS CONTINUED

ALL WITH FIGU DEWITENO OR SURFACT DRANAUG FROM THE CONSTRUCTOR SITE SAUL BE CONTROLLED TO ELBRANTE SENDIT CONTAMANTON OF OFF-STITEMENTS OF STREAM SENDED AND MECHANISM SAUL BE APPROVED BY THE DIGHTER PROXY TO ANY DEWITENOW OF UAND DISTURBANCE.

THE CONTINCTOR SALL PROVICE ALL MATTERIALS, LARGE AND EXPENDIT TO CONTINCTOR OF THE OF WORK WHICH IS IDD. IN ACCORDANCE WITH THE PLANCE PROPERTIES AND THE SALISFACTION OF THE OWNER AND THE PROVIDED AND THE OWNER 
THE STATE OF THE S

IR. DPICH NO MORE TRENCH IN ADVANCE OF PIPE LATING THAN IS NECESSARY TO EXPEDITE THE WORK.

STORM SEWER SPECIFICATIONS, CONTINUED

DCANTION FOR DRANGE STRUCTURES SHALL CYTON A SUPPODIT DSTANCE FROM THE WALLS AND FOOTINGS TO ALLONG FOR FORMS, CONSTRUCTION OF WALLS, CONNECTIONS AND FOR INSPECTION. DO. PROVIDE REGURED THEOR BASTING, BRACING AND SHORMS TO PROTECT SOCIAL OF DELAYATION, DO NOT BASKE SHORTING AUGUST PINK, PROVIDE SHITABLE LADORS FOR SAVE DITHY TO AND DOT FIND DICKNITTON.

WERE LASTABLE SOL IS DISCUNTIDED, CONTRACTOR SHALL NOT PLACE PPE UNTL. A SOLID BED HAS BEDY PRONDED.

WATER MAIN SPECIFICATIONS, CONTINUED

OPION NO MORE TRONCH IN ADVANCE OF PIPE LATING THAN IS NECESSAY DIPEDRITE THE WORL.

PRUSS ENGINEER EXPLOSTER CT DISABLED VETERAN

Durbad Dizanation, Matidaal, Sathare for Bacotaling Shall be Paled in An Orderl' Annest a Bathacast Instruct Rail the Bases of Treoper To Anne Orderackons, And To Prevent Care-tea.

PROVICE RICLARD TABLY SETTING, BRACKS AND SHORNO TO PROTECT SACES OF COCKNITION OF ANY SPECIAL PROVICES SACES OF ANY SPECIAL LACKS SPECIAL CHARGES WIDE RICLARD.

13. WHO WIT DOXIVITION IS ENCOUNTED. THE TRONG SHALL BE DC-WITTED UNIT, THE PRE LINE SHED LAD AND ENCOUNTED TO A POST AT LLOST 1. FOOT ABOVE THE OF PIPE.

14. SANTIATY STATE CROSSING SAILL DE MACE WITH 15" OF VERTICAL PONT LLAGOS PROM ANCHEST UTLITY AND SAILL DE MACE WITHOUT PALONO PONT LLAGOS ON DIRECT POLICE CANGENICEI SAGOLIS, OR PALCE PROTECTIVA CONCETTE, OUP TO PREVIOT DAMAGE.

ONE SALL DE TAGO HOT TO DEMNITE BEING THE COPIES HOUSING OF THE CONTRACT OF THE COPIES OF THE PROPERTY OF THE COPIES OF T DICAYATION FOR STRUCTURES SHALL DITIDGO A SUFFICIANT DETAMIC FROM THE WALLS AND PODINGS! TO ALLOW FOR FORMS, CONSTRUCTION OF WALLS, CONSTRUCTION AND FOR HEYCLITICK.

OPEN NO MORE TRENICH IN ADVANCE OF PPE LATING THAN IS NECESSARY TO EXPERTE THE WORK.

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16. SIZMOC LEADS SHULL TOWARUT (WITH AN APPRIOUD STOPOUT) POR PLAKE OR AS DRECFED DY OWERS OR OWNER'S REPRESENTATIVE.

17. EACH REST AND/OR SCRAIG LEAD SAUL DE MARCON WITH A 2 NOT X 2 OF THE PROFILE MARCON, PLACED VERTICALLY AT THE DIG OF THE PPPL.

18. DOWERDUTS, WZP, TLZ, FOOTHO DRANG, OR ANY CORDUT, THAT CARREST STORM OR GROUND WATER BALL NOT BE ALLOWED TO DISCUSSION OF A SWITKHT STREE.

A COMPLTEY PLL JONTS ON PRE-CAST CONDETE SECTIONS WITH BITLANOSE MATIN CASTING DESIGNAND OF ADMISSIONAL DE MADE WITH CASHING WHI PASSE PORTING AND CUTSEE RESSET PRINCE NA COLTECT RESSET PRINCE NA COLTECT RESSET PRINCE NA

LO BROCK SHALL RET WEND, LLY BROCK OR CORPORT MADORY LATES A USE A STATE OF THE THE WAY WEND THE SHALL 
26. ALL THARDS BELLOW A PLANE 12" ABOVE TOP OF PPC BALLL RELAYER IN PLACE IN BOOKEN NOT TO DETHUGO PRC BALLHA, INCOME DAGOVELING, RELAYER ALL OFFEN BELCHO BRACHO, AND BACING.

28, SET PRAISES IN FULL IND OF STIFF MORTAR OR INTURNIOUS MASTIC JOHTHO COMPOUND AT PINAL ELEVATION.

27. ALL PIPPLE DITIONAGE OF LEAVED ENAUGE STRUCTURES SAUL IN LACELATELY SUPPLIED BY POLICE DE CONTRET TO UNESTINESS SECULO. Nº-PLACE CONCRETE PLE IPPLE PPLE CONTRET TO UNESTINESSE SECULO.

28. MANHOLE STEPS SHALL BE OUT.T INTO AND THOROUGHLY ANCHORED TO WALLS. STEPS SHALL BE PACTORY INSTALLED IN PRE-CAST STRUCTURES.

ROLANDOR OF TROICH SALL BE EASOFLED WITH SPECIFED EASOFLE LANDERAN TO SPECIFED SARGAME ELEVATION. IN ACCOURTED SALL DE COMPACTED TO BOX OF MAXIMAL DEF EDISTY PER ACTU D-1557.

THEN YON'S PARK AND AND THE STREET OF THE ST

B. ROPORCID CONCRET PPC, FOR PPC 12" N DAMETRA AND UP, SHALL CONTROL TO ANY ALCAS WIN HALTS MOOTIN BY THE PARKET, JUNIOR SHALL BE MOOTIN DROAD TOWARD WIN HARRY CHOICE ONFORMED TO JUTN C—44. PEFDANIO SESSIFIAZO DANA PPE SANLI DE PAS CONTORANO TO ASTA D-ZEZ SOR PERDANIOLI, COMBANDA POR DOSETY POLYCIMILA PPE CORTORANO TO AUSITO BI-ZEA, JONES TOR POS AN POLICIMIDAE PPE SANLI DE PREVABBOATIO COJPUNO WITH SOLVIDA

ALL CONTRACTORS SECOND THE PROJECT SAUL HAY. VETED THE SET TO SECOND AN EAST THE WEST THE COSTUDING AN WEST THE WEST THE COSTUDING THE OPENING. ANY VARANCE TRANS ETTED BETTO SET ANY VARANCE TRANS ETTED SET AND SET 

33, BEDGNO UPED TON THENCH BOTTOM SHALL BE EXTENDED UP THE SIDES AND CANNELLY FACED MANNEN AND ONCH PER N. B. "MANNEN LATTER." EACH LATTER SHALL BE THORSIDARY AND EMBELLAT COMMUNITED TO SAS GO WANNED TO THE STATE AT ATTN B—1607 (MODERED PRINCIPAL) UNTIL. 12" OF CONTRIDENTS OFFICE PRINCIPAL UNTIL. 13" OF CONTRIDENTS OFFICE PRINCIPAL UNTIL. 13" OFFICE PRINCIPAL UNTIL. 13

ADDITIONAL DISPLANCE AND SHALL KNOWED SANK THE ADDITIONAL AND STIME AND STIM PATYWRT, OALDREG (PVC) AND ACRILDANINE BITADDIC STREDE (ABS) FOR PRO IP TO AND INCLUSING OF BOARDERS, BALL CORPORT TO ARTH DOON, BEY 220 FOR PAC PRE AND ACRIL CORPORT TO WITH ALTHAUTING OACH CARRY CORPORABION TO AND VAINT OR GOODFOLLY WILLDS PPE, ADMIS CORPORABION TO ASTM FORC.

PROUJE RUTH MATERIAL FOR PERSONATED SAUGUSFACE DRAINE SAULL DE CRUSED ROCK OR ORIVAL GRADED BETHEON 1-1/7" AND 3/4" OR PER PLANS AND DETAILS.

PPE EXDONG, UNLISS OTHERWISE PROTOKITO, SHALL RE CL. I SAND, CRUSHED STYTE OR READED GRAVEL. EXDORED MITTERS, LAULL HINK BOX PAUSHO A STYLE SINC AND AT LUXES FOR PETINED ON A NG. 4 SENL.

AT LEAT THEE (3) WORKING DATS PRORT TO ANY DICKNITION, THE COMPACTO SHALL CONTACT MISS DOD (1-600-482-717)) TO VIDEY THE LICKITION OF ANY DIRECTION DECORATION OF THE WORK. ALL PROPORTES ON FACILIES IN THE SURBOUNDING AREAS, FUILE OR PROMIT CONTINUED OUT TO CONTINUED BY WILL BE REPARTED FOR SECTION TO THE ORGANI, CONGINON IT THE CONTINUED AT NA ACOMINAL COST TO THE OPHER.

WANCE, OUTH BUSH, OUT WILL FING NO HIGHWIT FINGH GUGE ELENTO KLIST DE JASHLET NA JAPANTO DY THE DEBASTR BOTONE, THE CONTINCTOR THE OFFICE OFFICE ASSAULT ASSAULT PORT RECEIVED THE RECORD DRIVEN ALSO APPLY.

COMPACTOR SALL ROLLOF, AND DEPOSE OF OFF-SEE ANY THEIRS, BRIEFS, TRACE OF DIFFER ROMENTY DESCRIPS, SECURED OLD BLIEFS OF THE OFF SECURITY OF THURS OF DIFFER BRIEFS OF THIS OFF THE OFF SECURITY OF THURS OF OFF SECURITY OF THURS.

ALL ROTOBOCCO TO M.D.A.T. SPECIFICATIONS REPORT TO THE MOST CURRENTS STANDARD SPECIFICATIONS.

THE CONTRACTOR SHALL BE RESPONSINE FOR THE SUFE STORACE OF ALL MAINLY INDICED FOR THE WORK, HE SHALL THAN ALL MICHIGAN PRECAUTIONS TO PREVIOUR DAMAGE TO MAINDRALS, EXAMPLED AND WORK,

33. DOS OF HELDWILL AND DISCITIONS TOR PIPOTS LANDER THAN IS INCHES. SHALL BE THEM WILLD STEEL FICE GAING, FICE SHALL BE SPACED OF G.C. MADAIN, WILD FOR AT ALL INTERCECTIONS, GIVING SHALL BE RESPONSE. FOR ACCESS AND GLANKIN.

34. APTR RETALLATION OF PPETS AND DRAWACE STRUCTURES, CLEAN THOLE AND STRUCTURES, WITH THE PLAL REDUCE OAMETER YEARL WITH SHOTHED BETWEND STRUCTURES, WITH THE PILL REDUCE OAMETER YEARL WITH SHOTHED BETWEND

REPROPED PRE-CAST CONCRETE MANAGE SCHOOLS NOLLDON CONCLINES ON EDGENING COMES AND GANGE RINGS SHALL BE 4000 PS CONCRETE AND CONCRETE TO ACTA CA-772—647.

IN CONCIL UNI DELLEY AND INV. TOTAL INC. SERVICES OF AN DONESTED TO AN OUTCOME. AND AND TOTAL AND AND TOTAL AND AND TOTAL AND AND TOTAL AND T

MANHALES, CATCH BARRIES, AND METS SHALL BE OF THE SEZE AND THE POLLOW

B. BRCK SHALL DE SCHO, HARD-BURNED THROUGHOUT AND OF UNIFORM SEE AND CLAUTY AND SHALL DE IN ACCORDANCE WITH AASHTO M PI, GRADE ME,

C. CONDETT MASSAY SAUL DE SOUD PRE-CAST SCOADYTAL UNITS CONTORING TO ASTA C-138.

NA. RE-NA BALL DE LUO FROM THE DOTTAL LEWARD, STOKES BALL, DE LUO I NAM WHY E BARBAN BADGOON PROSOUCALE OLOGE WHY ML-READ JOHN COMPANIED AS IT COST, THE F. D. LAE, ALL ANTIS SHALL DE FLIZE WILL BOART MOTIVE, SURVICE STOKE TO DE LOCKED. LIZAN JOHES WEN WERE BALDA, LOCKING, SURVICE STOKE TO BE LOCKED.

ONIT WILLS BUILL DE CONSTRUCTED OF BROCK, CONCRETE JUADONIT UNTER OF PRE-CLUT CONCRET, WILL CLUT INDICATE ON THANKS, CONTRE AND MANHOLE SITEM, AS RESCRIPE OF DAYMENG AND SPICIOSED HEREX.

PHOENCY DOTHIN WANGLE OR ENGY PPE ARE TO BE TAPPED, DRILL HOLE 4" CONTO, TO CONTO, AROUND THE PORPHORY OF OPDINGS TO CIEVITE A PLANC OF WEARDERS JOINT DEDOKE RELEASE SECTION OUT.

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VERN BROCKWA

1523 DAK CROVE ROA HOWELL, MI 48855







C. PROTECT FRESH BROCK WORK FROM FREZHAL, FROM DRYNN, DYTECTS OF SLAW MAG, AND TOR SLON THE AS DRECTED BY THE GEDTECHNICAL DISABLE A PREZENS WANNER, HEAT SAFRICANTY TO REJOYE EST. AND FREST FRESH BROCK WORK, שווא סד משפיטאל איסיוסאס איס איס שוונד איס שוונד איסיוסאס דט איעונא

24. HE GUITHOU SHEKACH OF BRICK OR CONCRETE MASSNEY PORTION OF GATE WILLS SAUL BY PASTENDE AND TREVILED SHOOTH WITH 1/2" LAYDES OF GENET MORTEN. 24, SET FRANCS IN FULL BOD OF STRF MORTAR OR BITLARNOUS MASTIC JOHNHAO COMPOUND AT PRIVE DEFAMILION.

ALL PRING DITTEND OR LEAVING CAST, WILLS SHALL BE, ADEQUATELY SUPPORTIDE BY POUND—IN-PLACE CONCRETE. PLE. PROM. PRY. CONTENT TO DISTERSED OROUNG.

21. ALL TABER BEETHO BELOW A PLANE 12" ABONE TOP OF PPE SHALL REMAIN IN PLACE AN BROOK NOT TO SETHING PPE GANDARIA. BEDONE BLACFILLING, THE PLACE ALL OTHER SHEETHING BRACKAN AND SHORMS. 22. BEDONG UPED FOR TRENCH BOTHLAN BOULDE DE DETENDEU DE "THE SECULIA CONTROLLE PER SECULIA DE L'ACTUAL L'ACTUAL L'ACTUAL L'ACTUAL L'ACTUAL L'ACTUAL DES POUR L'ACTUAL DES POUR L'ACTUAL DES POUR L'ACTUAL DE L'AC

23. ROLANDER OF TRONGI SYLLE DE MADELLE WITH SPICIFIED BADELLE LINEAREN TO STOFFED BADELLE TO A STOFFED BADELLE TO WAS OF WASHINGTON TO WAS OF WASHING TO PROSE BADELLE TO WASHINGTON TO

PLACE ALL CONCRETE ANCHOLOGIS AND DECEMBRITS, AS CALLED FOR ON THE DEVIANCE. THE COST OF RESTRUMED ANCHES ON ANCHOLOGIS AND DECEMBRITS SALL IE RELICIOD IN THE PRICE BID FOR WITHIN MAN.

A TOWN OF THE PROPERTY AND THE PROPERTY

20. WHO CONCEINDS AND MADE WITH ERRORS OR DRAWS CANNING FILES.
STOCKL, CHE MISTER TAXON TAYN SO MATE OF WASKE BLEAT FOR WHITE. A FILE OR DAW MAST BE RESTALD AND PARMY NATURAL MASTALD AND TAXONS, NOT DAWN SEEN WASKE GOT OFF UNTIL CAPALITIES NO ANY CONCEIT. OR MASTIN MAS SE.

1388 LUCY ROAD PART OF SE 1/4 OF SEC. 1, T2N-R4E ARION TOWNSHIP, LMNGSTON COUNTY, MICHIGAN

SPECIFICATIONS

PILLD: CW DISMIN BY: BN, MN DESIGN BY: DD CHECK BY: AP

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KRAY GRUED AKUS SAUL BE PROTECTED PISA THE ACTION OF THE COLDENS. AND SETULATED, TO ESPACADED TO, FROM SO COSTRUCTOR SAUL MAY COCK PROST TO CARACICOSI THE KINT PANAS OF CONTRICTION SAUL SECTIONS. AND GRACES RESTAULISED TO THE RECURED DLEVATIONS AND SAURE. THE PRINCE SUBCACE SURFACE SHALL BE SHARD TO NOICHTED PROFILES CHANGES AND SHALL BE NO MORE THAN I THOU MORE AND SHALL BE NO MORE THAN I THOU ADONE ON BELOW THE NOICHTED SUBCACE LECENTRICE.

THE ONLINE CONTRACTOR SAUL BADGEL ALL PARSHO LOT PLANTER AND THE ANALYSES OF THE TRY ADJACHT CARE GADGE. THE TOP ADJACHT CARE GADGE. THE TOP ADJACHT CARE DIRECT AND STORES AND STORES AND STORES THAN I MOI IN DAMETER.

THE CONTINUED SHALL DEPOSE OF WATER IN A SAVE AND SWATARY WAY TO PROLE CONTINUE TO PROLE CONTINUE TO PROLE CONTINUE TO PROLE CONTINUE RETURN EXCHANGE WITH STORE DECOMMENT AND STATE STORE STATES. SET DROSCH CONTINUE HOTTLE FOR ADDRESSAVE TO PROSCH CONTINUE HOTTLE FOR ADDRESSAVE TO PROSCH CONTINUE FOR THE FOR T

ANY BITLANCIS CONCRET. THAT BECOMES LODGE AND BRODCH, UNDOWN TRESH DRIFT, ON THE WAY WAY DESTROYED AND RESHOULD THE STANCED WITH PRESH FOR BITLANCIS CONCRET, AND BARDANIEL COMPACTED TO CONTRACT THE STANCESCHOOL WAST. THE WAYS SHALL BY DONE AT THE CONTRACTION'S POPULS. 300 PATENTING SHALL NOT BE ALLOWED.

THE CONTRACTOR SAMIL PROVOE AT LEAST ON ROLLD'S TOR EACH PAVOR OPENING ON THE WORL, THE CONTRACTOR SAMIL USE ADDITIONAL ROLLD'S AS REQUENT TO DOTTO.

IN JAPAS NOT ACCESSIVE TO THE ROLLIP, THE BITUMHOUS CONCRETE SHALL BE THOROUGHLY COMPACTED WITH HOT HAND TAMPITS.

rederice spospolorings were applicable to work under thei sectiv are redered to by abbrevation as folloris BITUMINOUS PAVING SPECIFICATIONS А. АИТИСАМ АSSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AMSHID).

GRADING AND EARTHWORK SPECIFICATIONS

C. MOHIGAN DEPARTMENT OF TRANSPORTATION/ GURRENT STANDARD SPECIFICATIONS FOR CONSTRUCTION (MOOT)

ADDITION IN THE COURTS SAME WITH THE PROJECTION OF SECTION BOX OF THE MOOF STANDARD SPECIAL CONSTITUTION AND SHALL CONSTITUTION OF SAME SPECIAL CONSTITUTION OF SAME IS PROPERTION. CHARLES SAN, AND THE CHARLES S TACK COAT SHALL BE DIALSHID ASPHALT METING REQUIREMENTS OF MOOT SECTION FOR, GRADE CSS—1H.

ASPILLT COLONT SHULL COLOUTY WITH THE RECURROLEMENTS OF MOOT SECTION 904.

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CONTINUES AND TEXT PROSTED AS THE CONTINUES TO THE CONTINUES TO THE CONTINUES TO THE CONTINUES AND THE CONTINUES OF THE CONTINUES AND THE CONTINUES OF THE CONT THE CONTRACTOR SHALL ROADS, VICETATION, EDIREL, UNIVILED FACTORY SOL. WATERLALE SHEAR SHEAR PRODUCT BOOM SHALL BETONE SHARLES TO BE DISPOSED OF N A LEGAL MANNER OF SHILL.

PROF TO COMMOND THE DICAVATION THE CONTRACTOR SUMLEMENT A PLAY OF HE PROPOSED DICEASURES AND THE SOUDLIE TO THE OWERS & OWERS REPRESENTATIVE FOR THEIR APPROVAL.

INTERNATE WEARNO COURTE SAUL DE MOOT HALA, JUA UNLESS OFFENEZE RECUIRED BY THE MUNCHALITY OR ROAD ACCIONY WITH JURESDICTION. SOFTENEZE MAY SUCRITUTE 13A WITH THE APPROVAL OF THE OPHICE AND MOMENTA. BRININGLE LEVELNG COLREG SHALL BE MOOT HALK, 134, UNLESS OTHERWIS REQUIRED BY THE MUNICIPALITY OR ROAD AGENCY WITH JURISDICTION. HOT MIXED ASPHALT (HALA) SHALL COMPLY WITH MOOT SECTION BO! OF STANDARD SPECIFICATIONS FOR CONSTRUCTION.

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3523 OAK CROVE ROA HOWELL, MI 48853

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ASSOCIATES, INC.

117 NORTH FIRST STREET

SUITE 70

ANN ARBOR, MI 48104

734.662.2200 734.662.1935 FAX

# For Marion Township, Michigan

**Applicant:** 

Vern Brockway

**Project Name:** 

1388 Lucy Road

Plan Date:

September 25, 2020

**Revision Date:** 

January 6, 2021

Location:

Lucy Road (Approximately .99 acres)

Zoning:

LI: Light Industrial

**Action Requested:** 

Site Plan Approval

**Required Information:** 

Noted in Review

# PROJECT AND SITE DESCRIPTION

The applicant, Vern Brockway is planning a major renovation to their site located at 1388 Lucy Road. Specifically, an approximately 1,354 square foot building will be removed and replaced with a larger 6,000 square foot repair shop and office building. Storage containers (Based on the latest aerial photo), mature trees, gravel parking and the existing poor condition building make up most of the site. As part of the project, access will be more clearly defined with a new drive on Lucy Road, stormwater basins will be constructed, and a drain field for septic service will installed. No building elevations, landscaping, screening, lighting or signage have been provided.

This latest revision does not significantly change the building and parking layout of the site. However, the location of the stormwater facilities and septic locations have switched places. We actually prefer this location as it allows a better natural greenbelt between the site and I-96.

1388 Lucy Rd

Figure 1 – Aerial Image of Site and Surroundings



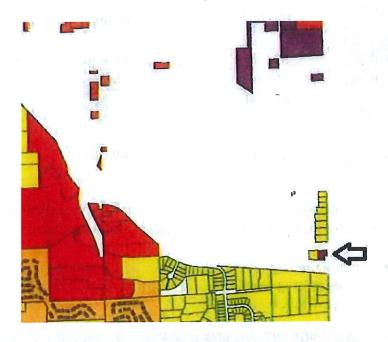
Items to be addressed: None.

# **SURROUNDING ZONING AND LAND USE**

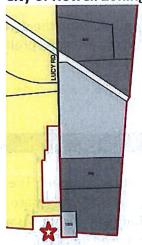
Table 1 – Surrounding Zoning and Land Use

Direction	Zoning	Use
North	City of Howell - Residential	Wooded
South	I-96 MDOT	Highway
East	City of Howell - Industrial	Salvage Yard
West	Residential	Home?

**Marion Township Zoning Map** 



City of Howell Zoning Map



Items to be addressed: None.

# AREA, WIDTH, HEIGHT, SETBACKS

The proposed use is a permitted use in the Light Industrial District. The applicant is proposing to dress up the site with a new repair shop, office and other improvements.

Table 2 – Required and Provided Dimensions of the Proposed Pole Barn

Carl Carl Carl State	Required	Provided	Compliance
Minimum Lot Area	4 acres	.99 acres*	✓
Minimum Frontage	330 feet	120 feet*	✓
Setbacks:			
Front Yard(Building)	100 feet	76 feet	Variance Granted
Side Yard (North)	80 feet	54 feet	Variance Granted
Side Yard (South)	80 feet	70 feet	Variance Granted
Rear Yard	80 feet	49 feet	Variance Granted
Lot Coverage	40%	15%	<b>√</b>
Maximum Height	40 feet	<40 feet	<b>√</b>

We note that the existing parcel and lot frontage is legally non-conforming\*, however bulk regulation items need to be addressed via variances granted by the ZBA.

**Items to be addressed:** The site was granted 8 variances during the Zoning Board of Appeals (ZBA) meeting on 1-4-21. These variances were 4 for setbacks and 4 for landscape buffer. These variances will allow the parcel to be developed for the intended use.

# **NATURAL RESOURCES**

Significant natural features are shown on the plan and the aerial photo indicates mature trees on the northern boundary. These are shown on the provided preliminary plan and they are proposed to be removed.

Items to be addressed: None.

# PARKING AND LOADING

A large gravel parking area exists on site and will remain. The plan indicates that the use for the new building will be repair and eight (8) parking spaces are proposed along with one (1) ADA accessible space located on concrete. A dumpster location is also shown in the northwest corner of the site. The dumpster will be enclosed. Based on the square footages of office and repair shop space we find this amount reasonable based on Ordinance requirements.

Items to be addressed: None.

# SITE ACCESS AND CIRCULATION

No sidewalks exist within the site, or along its perimeter. Due to the site's location and lack of "walkable" parcels within proximity, visitation is likely achieved using a vehicle and sidewalks are not necessary. A proposed new driveway will require Livingston County Road Commission approval. The Fire Department should review access to the proposed new building along with their ability to fight a fire on site. Truck turning templates have been provided on the plan indicating the ability of a large truck to circulate on site.

**Items to be addressed:** 1.) Livingston County Road Commission approval of driveway. 2.) Fire Department review and approval.

# LANDSCAPING AND SCREENING

No landscaping plan is provided. The plan indicates that landscaping will consist of grass, ground cover and mulch. This should be provided and includes and not limited to screening of adjacent uses. The applicant should review Section 6.13 of the Ordinance for direction on required landscaping. Unless waived or modified by the Planning Commission a variance will be necessary to allow a ten (10') foot landscape buffer rather than the required twenty-five (25) foot buffer. A four (4') foot chain link fence will surround the property.

The Planning Commission may wish to consider waiving or modifying landscape requirements for this site due to the location and adjacent land uses. We are of the opinion the applicant is significantly improving the site and significant landscaping is not necessary due to the location and area. The proposed stormwater basins will be natural vegetative covers.

Items to be addressed: None.

# **ESSENTIAL FACILITIES AND SERVICES**

A well is shown just south of the driveway access. A septic tank and drain field are also shown on the plan and will be located behind the building. Livingston County Environmental Health will be required to review and approve the septic system. The Livingston County Drain Commissioner will be required to review and approve the stormwater system. Retention/Sedimentation basins are proposed on the south side. The Township Engineer will do a detailed review of infrastructure during the final site plan review phase.

**Items to be addressed:** 1.) Livingston County Environmental Health Department approval 2.) Township Engineer review and approval of all proposed infrastructure. 3.) Livingston County Drain Commission review and approval of stormwater system.

# LIGHTING

The applicant should indicate any existing or proposed lighting within the site. Any proposed lighting can be provided during final site plan review.

**Items to be addressed:** Provide at final site plan review information regarding existing or proposed lighting.

# RECOMMENDATIONS

We would recommend approval of the preliminary site plan as submitted conditional upon the following issues being addressed at Final Site Plan. We look forward to clean up and improvement of the site.

- 1. Provide at final site plan review information such as lighting, building elevations and landscaping.
- 2. Livingston County Environmental Health Department approval.
- 3. Township Engineer review and approval of all proposed infrastructure.
- 4. Livingston County Drain Commission review and approval of stormwater system.
- 5. Livingston County Road Commission approval of driveway location.
- 6. Fire Department review and approval.

# Westview Capital, LLC 795 Clyde Ct Byron Center, MI 49315

January 14, 2021

Mr. Dave Hamann, Zoning Administrator Marion Township 2877 W. Coon Lake Road Howell, Michigan 48843

Re: <u>Tamarack Place (Final Phase of Sunridge PUD) – revised Preliminary Site Plan</u> submittal

Dear Mr. Hamann,

Attached please find eight (8) sets of the revised Preliminary Site Plan for the Tamarack Place Site Condominium project (Final Phase of Sunridge PUD) on the 93 acre property located along the west side of Peavy Road, south of Alstott Drive.

The Preliminary Site Plan has been revised based on written comments received from Carlisle/Wortman Associates, Inc (November 16, 2020), Spicer Group (December 15, 2020) and verbal comments received during the December 22, 2020 Planning Commission meeting. A summary of changes made is attached with this cover letter.

We believe the changes made address comments relevant to the Preliminary Site Plan and more detailed engineering issues will be addressed with the subsequent submittal of the Final Site Plan (construction plans). We look forward to continuing discussion of the Preliminary Site Plan with the Marion Township Planning Commission on January 26, 2021, then with the Marion Township Board of Trustees afterwards.

Thank you for your assistance with this project and we look forward to continuing our cooperative relationship with Marion Township. If you have any questions or require additional information, please contact me at your earliest convenience.

Sincerely,

Michael West, AICP

Land Planning Project Manager

Westview Capital, LLC 795 Clyde Court SW

Byron Center, Michigan 49315

(269) 365-8548

mwest@allenedwin.com

# Carlisle/Wortman Associates (November 16, 2020) Spicer Group (December 15, 2020) Planning Commission (December 22, 2020)

(see developer responses below)

# Consistency with Approved PUD Plan

- The Preliminary Site Plan has been designed consistent with the original Sunridge PUD Plan which was approved in 2003 (amended in 2015) in regard to number lots, accesses, internal street layout, minimum lot size/width, setbacks and open space.
- Based on site surveying and more detailed engineering review, the following refinements have been made to the Preliminary Site Plan:
  - 1) More efficient internal roadway design
    - Fewer street intersections, more flowing curvilinear interior street design.
    - Approximately 1,500 feet less overall internal roadway (7,950 feet with original PUD Plan; 6,430 feet with revised Preliminary Site Plan).
    - Less impervious/paved surface; less storm water runoff; less public/private infrastructure and associated maintenance; more open space (see below).
  - 2) Increase in Open Space/Amenities
    - 3.5 acres of additional open space [42.5 acres (48%) with original PUD Plan; 46 acres (50%) with revised Preliminary Site Plan].
    - More lots adjacent to open space [104 lots with original PUD Plan; 129 lots with revised PUD Plan].
    - Over 3,800 feet (3/4 mile) of interconnected paths/trails through open space areas (1,725 feet hard path + 2,100 feet natural path) providing all residences of the subdivision walkable access to wooded areas, meadows and wetlands.

# Woodland/Open Space Preservation, Supplemental Landscaping/Buffering

- The Preliminary Site Plan has been designed to preserve natural features, wetlands, wooded areas and open space consistent with the approved PUD Plan.
- The limits of clearing have been shown on the Preliminary Site Plan drawings.
- Mature trees and other natural features will be preserved to the greatest extent possible after allowances for necessary roadway and public/private infrastructure construction, drainage and individual home construction.
- Supplemental landscaping/buffering will also be installed across the site:
  - A deciduous street tree will be installed along the street frontage of each lot.
  - Mixture of deciduous and coniferous trees will be installed within the open space buffer area along the entire eastern portion of the site (where abutting residences along Peavy Road) and along the entrance from Alstott Drive.
  - Mixture of deciduous and coniferous trees will be installed around Storm Water Basin L, Basin M and Basin N.
  - Landscaping (ornamental shrubs, deciduous tree) will be installed within the median island from the entrance from Alstott Drive.

# **Designated Wetland Area Delineation and Impacts**

- A wetland delineation study was completed for the overall 93 acre property in September 2020 by ASTI Environmental and these wetland boundaries are shown on the Preliminary Site Plan.
- Construction activities associated with the subdivision will not encroach into designated wetland areas.

# Identification of Pedestrian Access Points to Open Space Areas

• Where pedestrian access points to designated open space areas, from the interior sidewalk along the roadways, are narrow (e.g., between Lots 44-45, 62-63, 82-83), decorative vinyl, split-rail style fencing will be installed on either side to more clearly define these pedestrian access points.

# Number of Lots on a Cul-de-Sac Street

 Lots and open space areas on the west end of Linkwood Court, Scapa Street and Dalmore Street have been adjusted so that no more than four lots front the right-ofway of these cul-de-sac streets, consistent with current ordinance requirements.

# Street Name Change ("Edradour" to "Dalmore")

• "Edradour Street" within the middle portion of the development has been changed to "Dalmore Street".

# Lot 145 - Removal from Site Condominium

- While Lot 145 was shown on the approved PUD Plan, it is understood that a recent zoning ordinance amendment now requires that all lots within a site condominium be provided driveway access from the interior private street network.
- As such, Lot 145 has been removed from site condominium and the building site will be established as a metes and bounds land division parcel (Parcel A).
- Only a small portion of the approximate 1.0 acre parcel is encumbered by wetlands (western portion) leaving more than a sufficient building envelope along the northern portion of the parcel for construction of a single family home.

# Construction Vehicle Traffic

• The developer concurs with the recommendation from Carlisle/Wortman that construction traffic access the site through Moray Street and be prohibited from Alstott Drive.

# Traffic Impact Study/Off-Site Roadway Improvement

- Consistent with the 2015 Amended PUD Agreement, a Traffic Impact Study was completed in October 2020 by Freis and Vanderbrink. The study was prepared by a licensed professional engineer utilizing accepted traffic engineering practices and Information published by the Institute of Transportation Engineers (ITE)
- The study recommends a right-turn deceleration taper be constructed along southbound Peavy Road at Alstott Drive and this improvement is shown on the Preliminary Site Plan.
- A GoToMeeting was conducted on January 12<sup>th</sup> with several Township officials and representatives of S.R. Jacobson Development Corporation and Westview Capital, LLC to discuss the traffic study and recommended off-site roadway improvements.
- Additional information regarding this issue will be forthcoming.

# Engineering Details/EGLE-LCRC-LRDC Approvals and Permits

- The developer continues to work with the Township Engineer, Livingston County Drain Commission (LCDC), Livingston County Road Commission (LCRC) and the Michigan Department of Environment, Great Lakes & Energy (EGLE) to address all public and private infrastructure design related matters.
- All public and private infrastructure, including private roadways, will be designed and constructed in conformance with required Township and County engineering design standards.
- Engineering related comments and details including necessary agency approvals and permits will be addressed with the Final Site Plan submittal, following Planning Commission and Township Board favorable consideration and approval of the Preliminary Site Plan.

# TAMARACK PLACE

PRELIMINARY SITE PLAN

A PLANNED UNIT DEVELOPMENT (PHASE 3 OF SUNRIDGE P.U.D.)

MARION TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN BEING PART OF THE SW 1/4 OF SECTION 2,

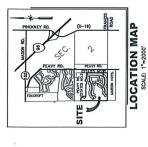
LEGAL DESCRIPTION



OWNER BLUE SOUTH SUNRIDGE, ILC 32400 TELEGRAPH ROAD, SUITE 200A BINGHAM FARMS, MICHIGAN 45025

DEVELOPER

WESTVIEW CAPITAL, LLC 795 CLYDE COURT SW BYRON CENTER, MICHIGAN 49315 269—365—8548



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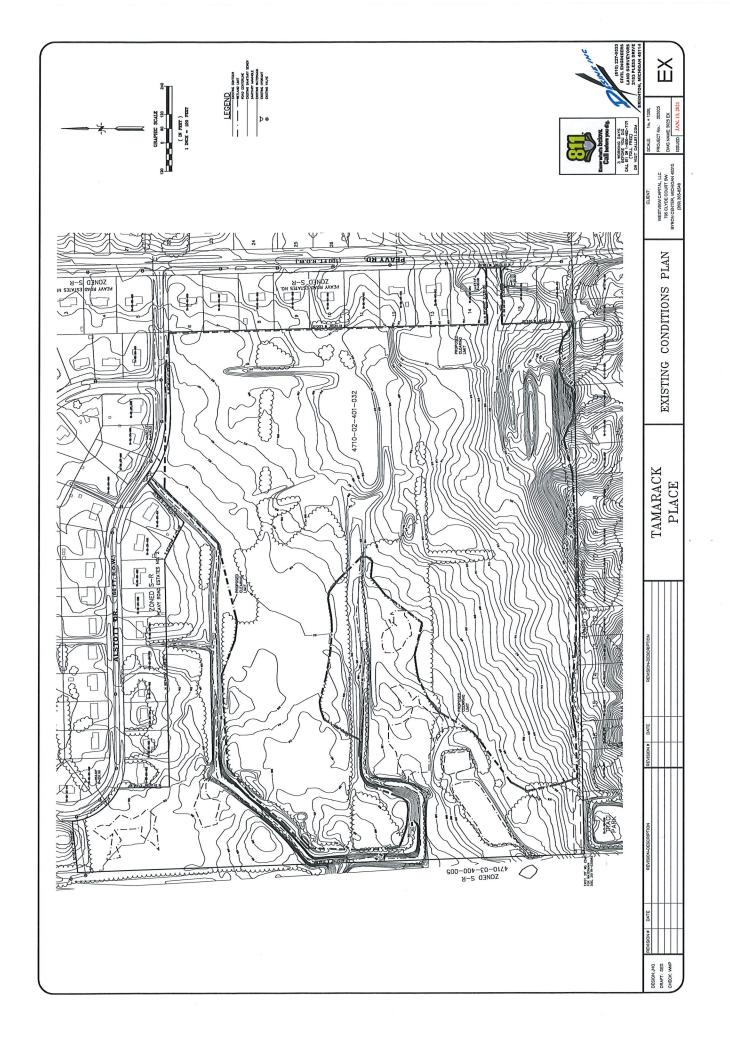
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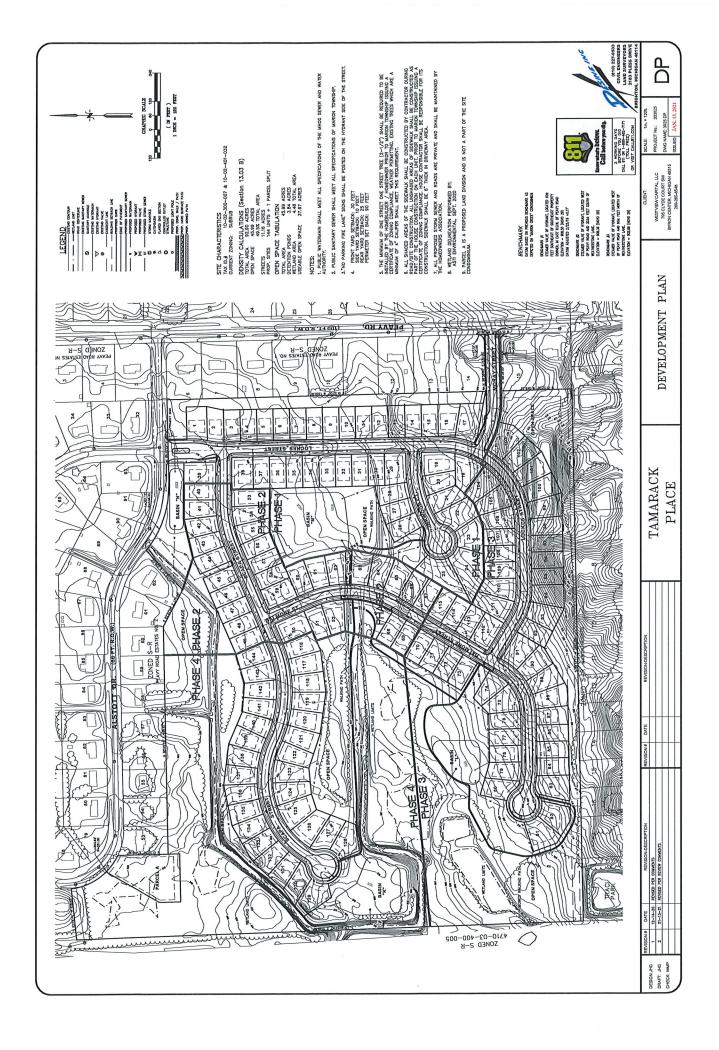
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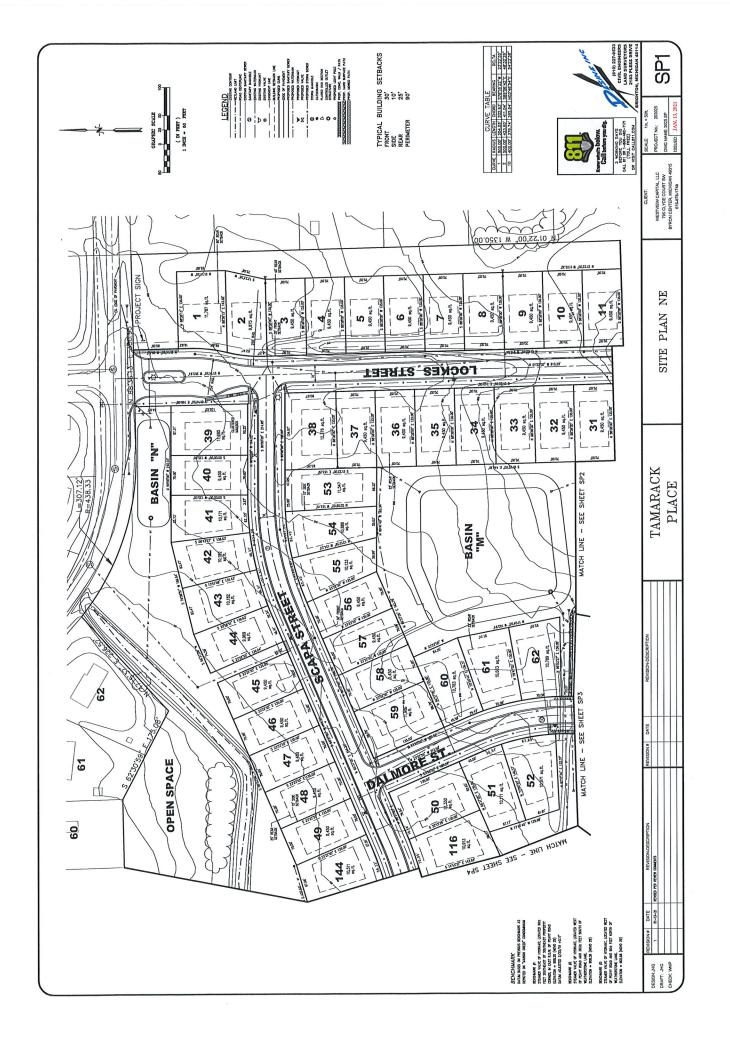


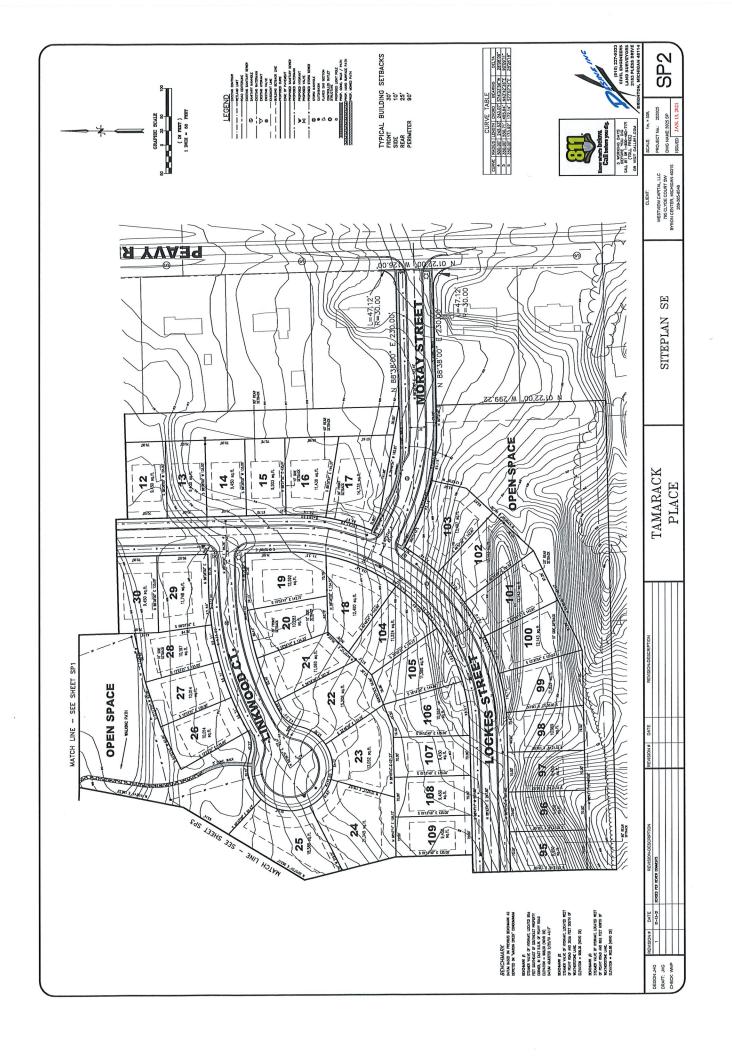


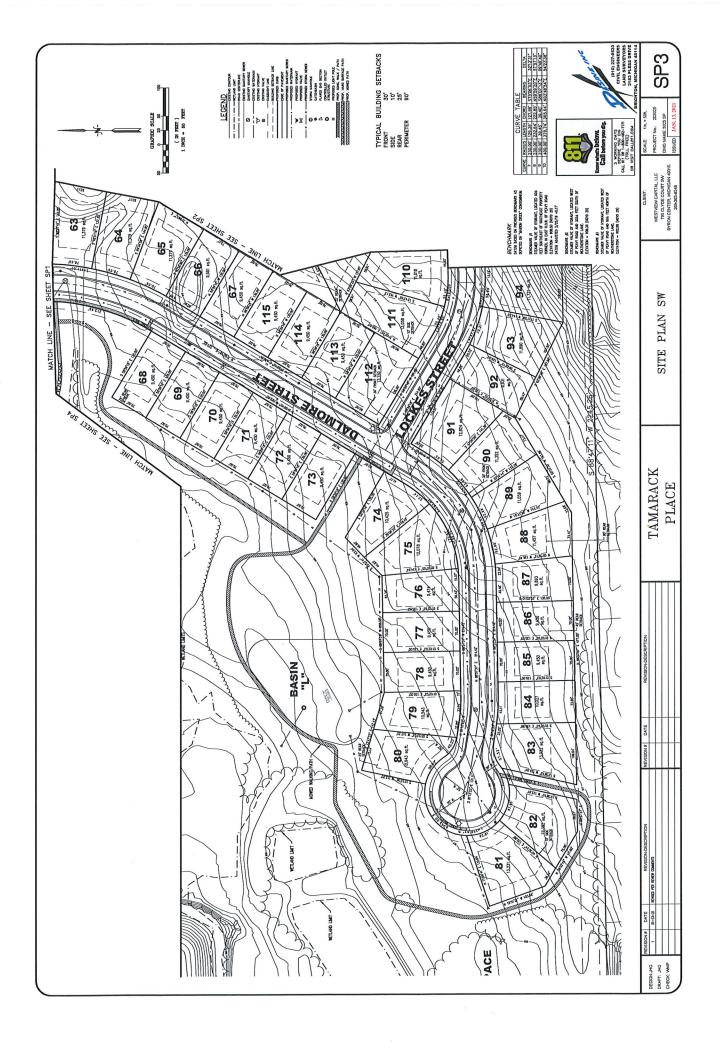


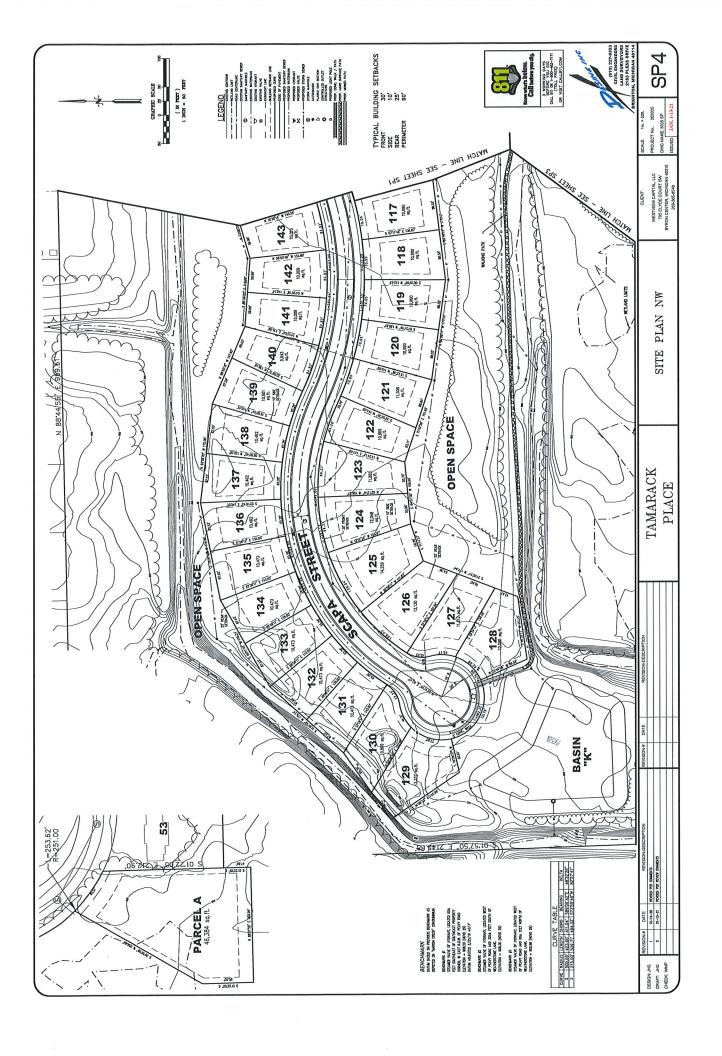


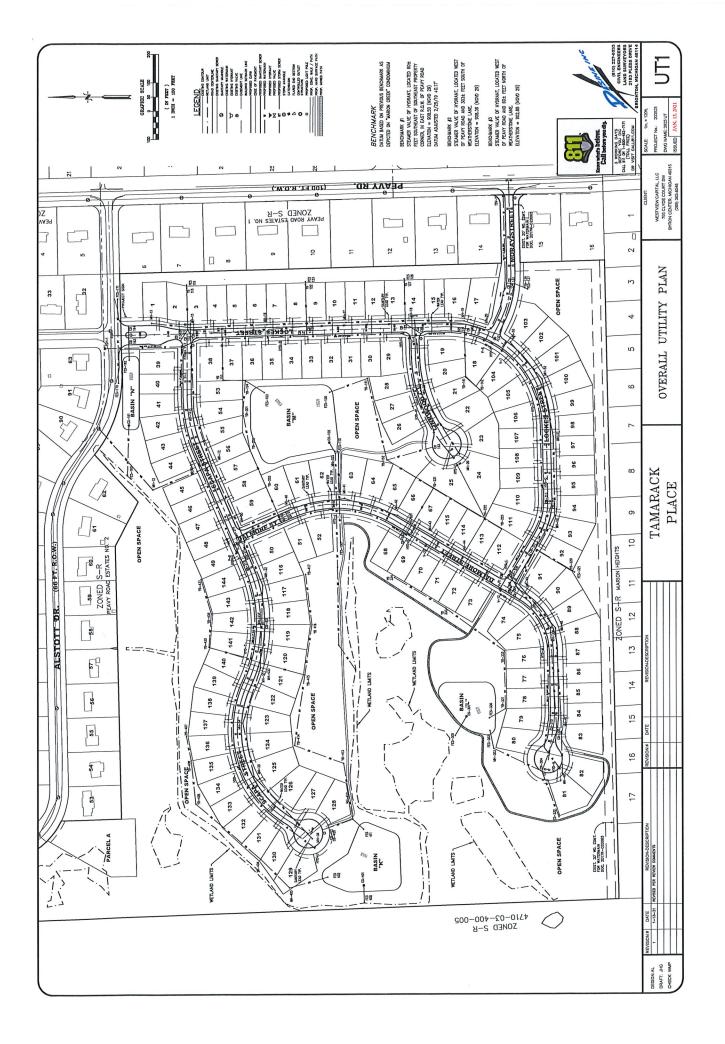


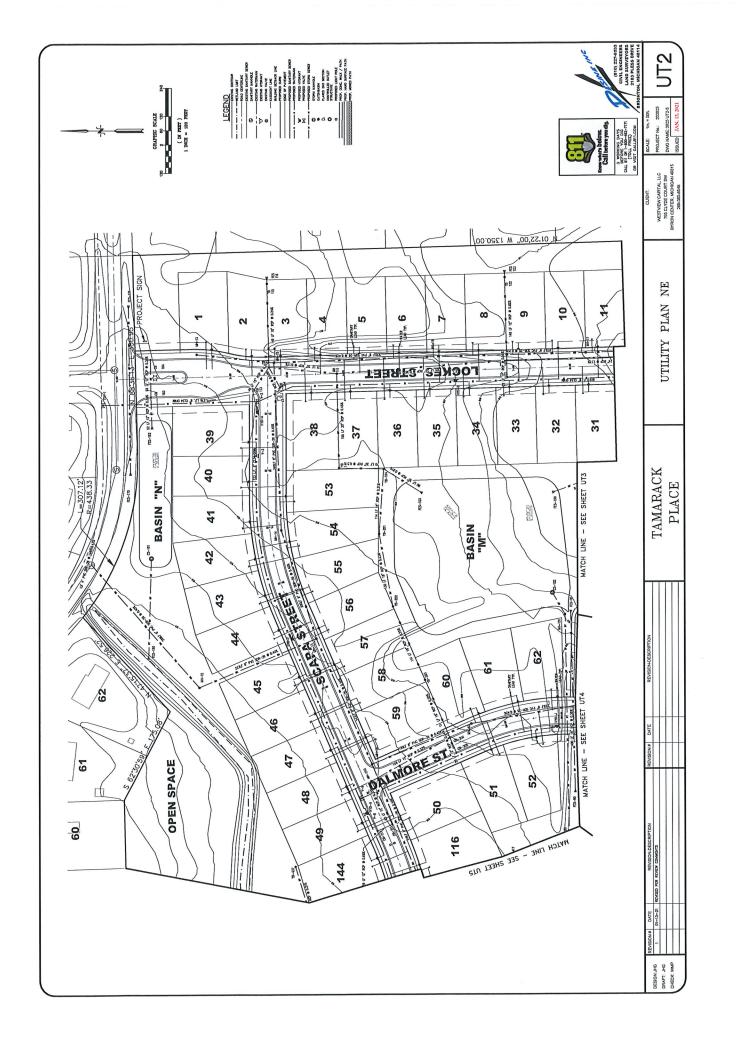


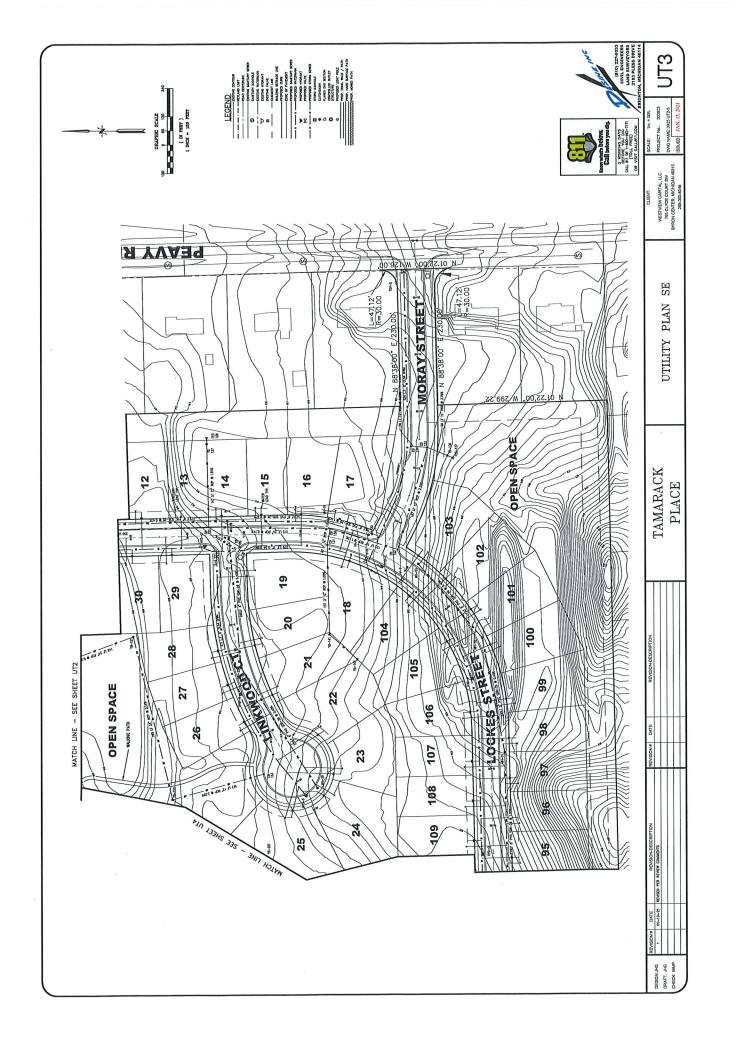


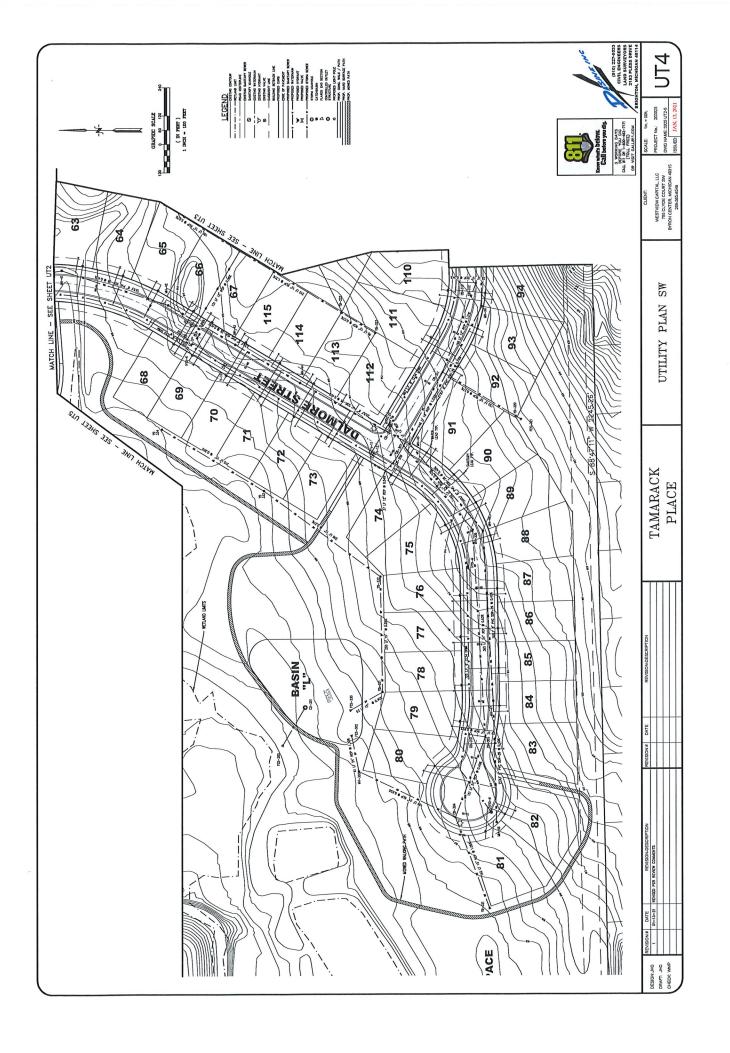


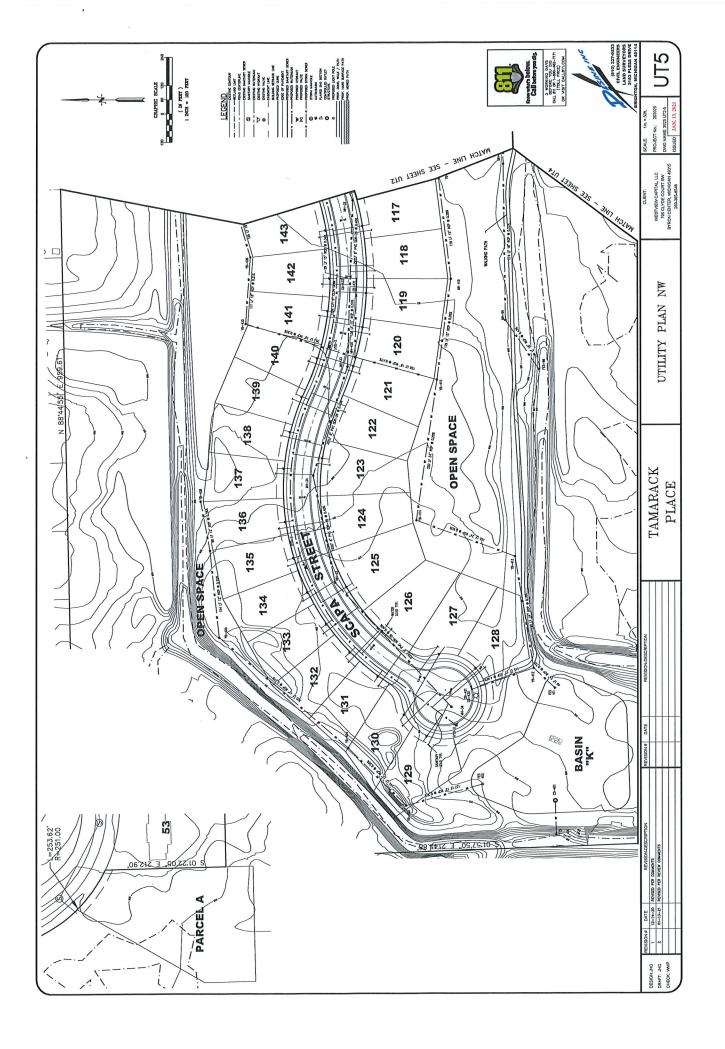


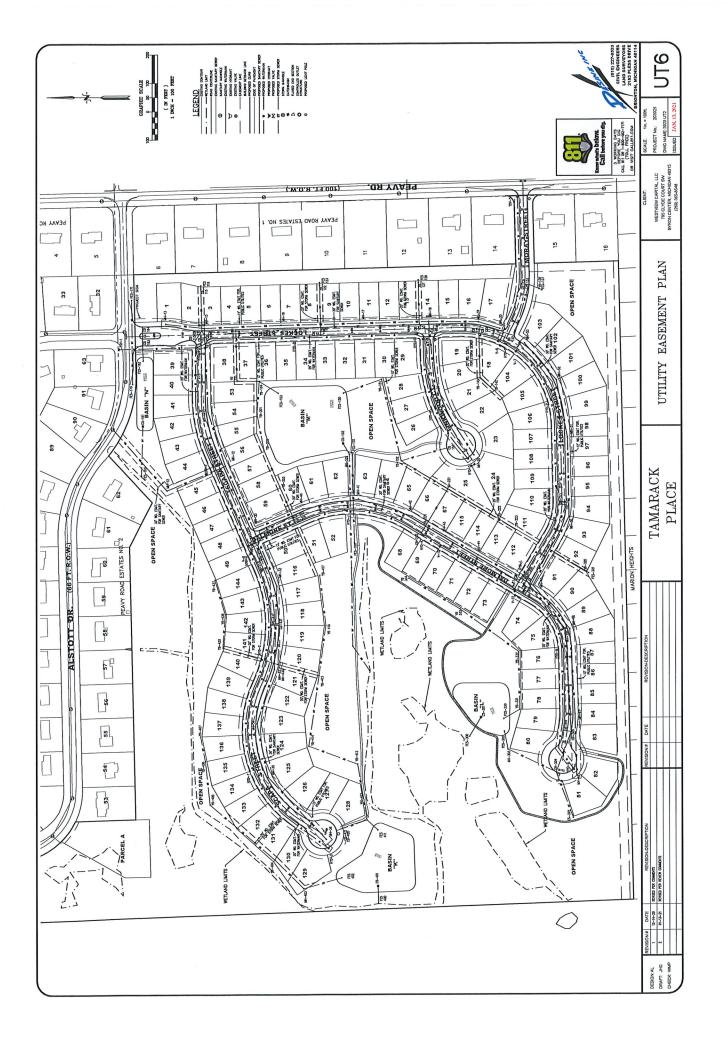












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UTILITY CALCULATIONS

TAMARACK PLACE

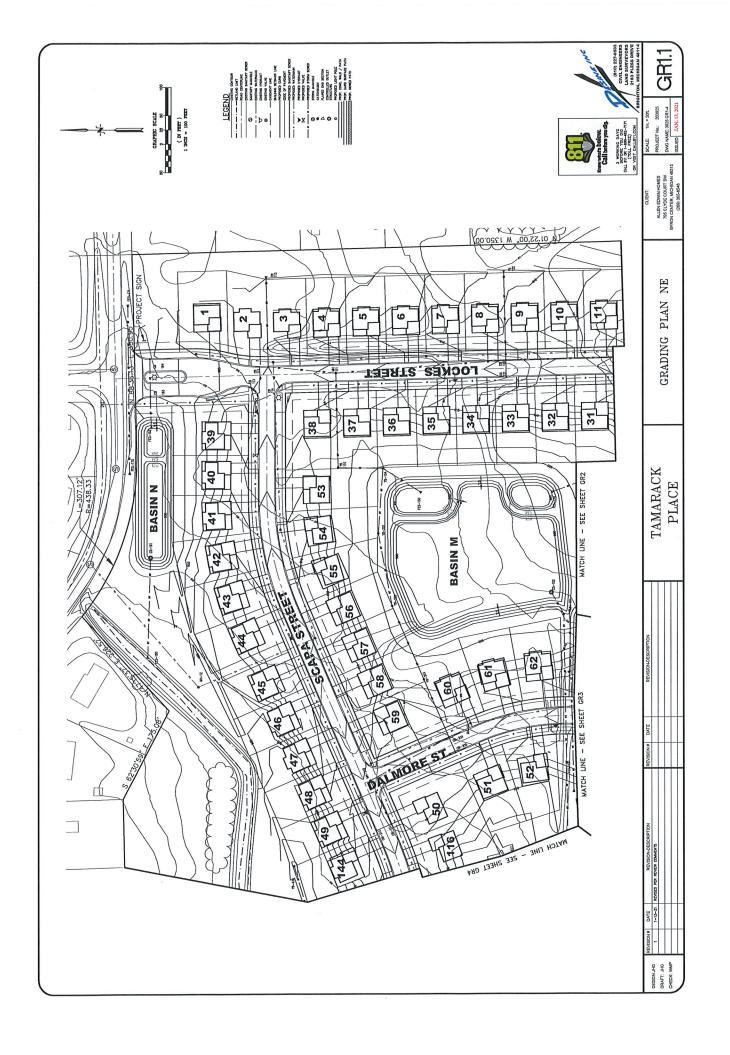
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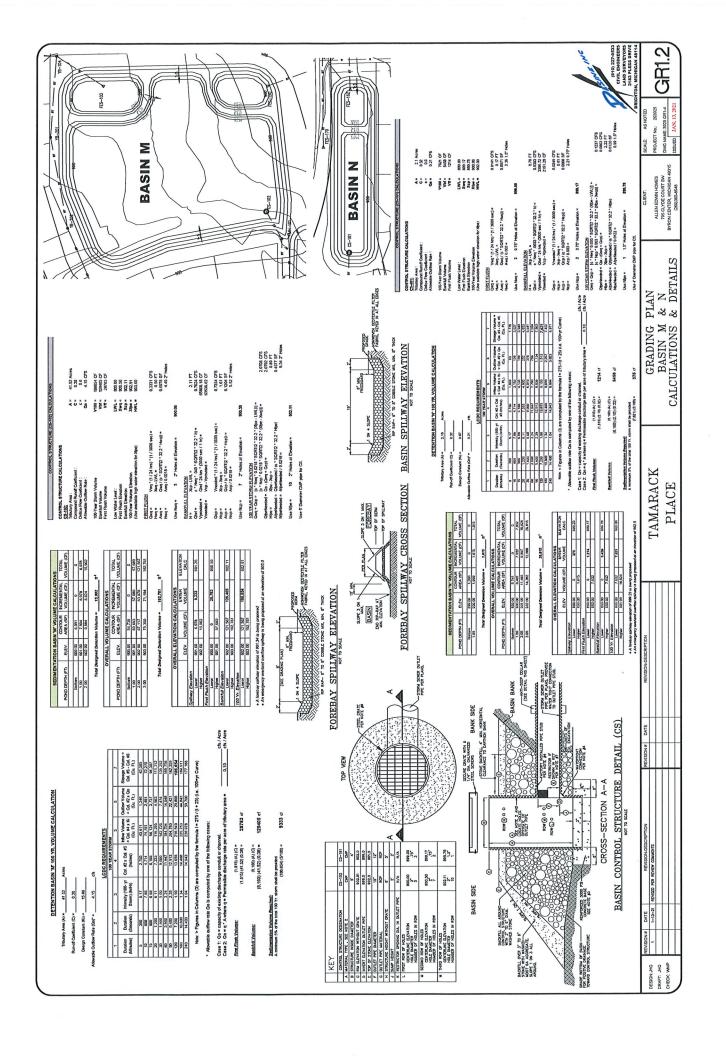
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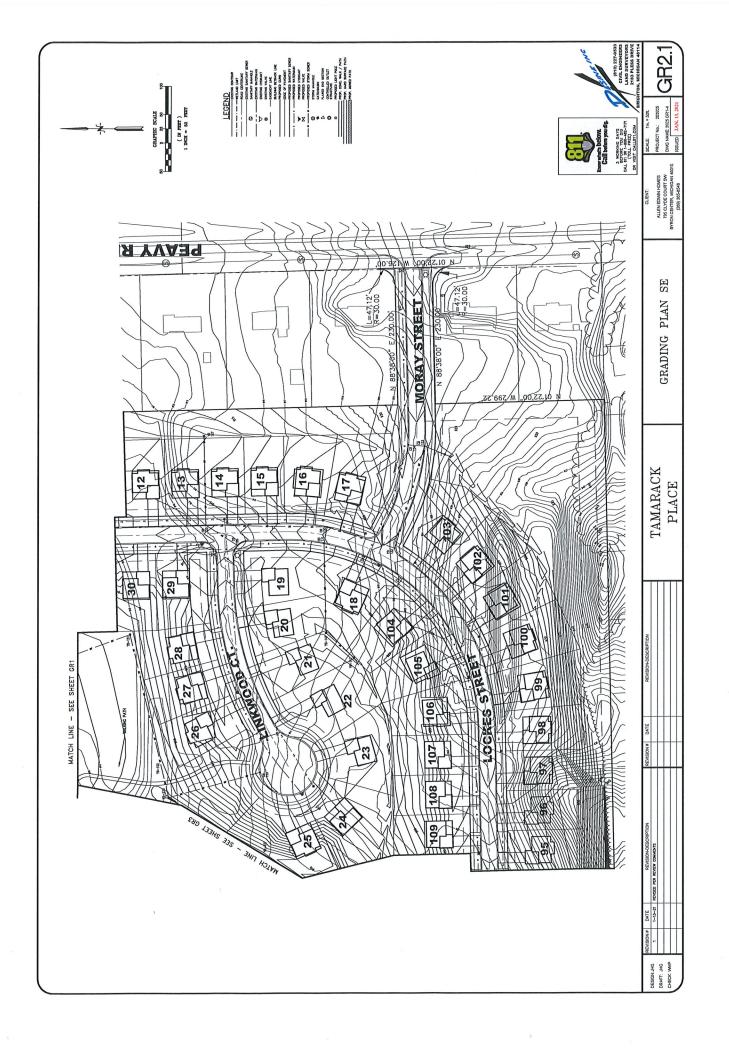
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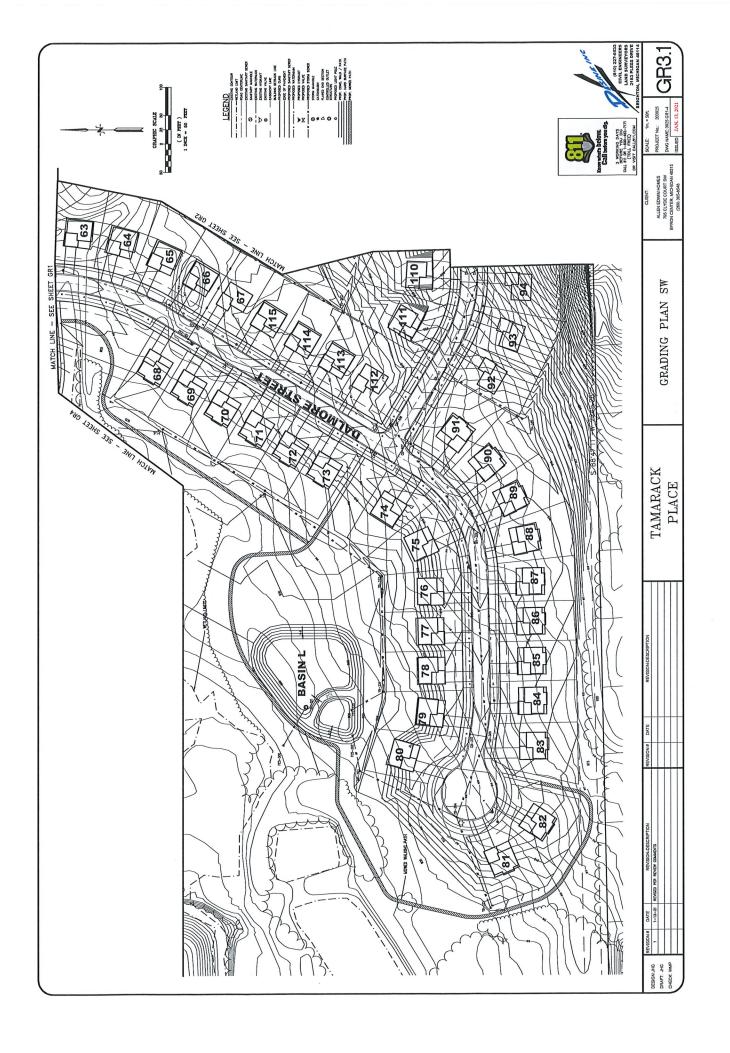
WESTVIEW CAPITAL, LLC
705 CLYDE COURT SW
BYRON CENTER, MICHIGAN 40315
(209) 365-8548

PROJECT No.: 203925 JAN, 13, 2021 DWG NAME: 3925 UT









# DETENTION BASIN 1. 100 YR. VOLUME CALCULATION

DETENTION BASIN 'L' CALCULATIONS

Tributary Area (A) = 21.44 Acres
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Design Constant (K) = 7.53

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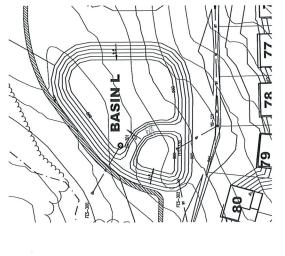
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Bottom	8000	2772	0	0
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2.00	902.00	4.005	3,568	0.544
Total D	edgned For	Total Designed Forebay Volume -	775'9	2
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		CONTOUR	NCREMENTAL	TOTAL
POND DEPTH (FT)	ELEV.	AREA (SF)	VOLUME (CF)	VOLUME (CF)
Bottom	00'000	15,638	0	0
1.00	901.00	18,395	17,101	17,101
2.00	902.00	21.732	20,040	37,141
3.00	903.00	25,899	23,785	60,926
4.00	004:00	29,041	27,455	88,381
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PROPOSED

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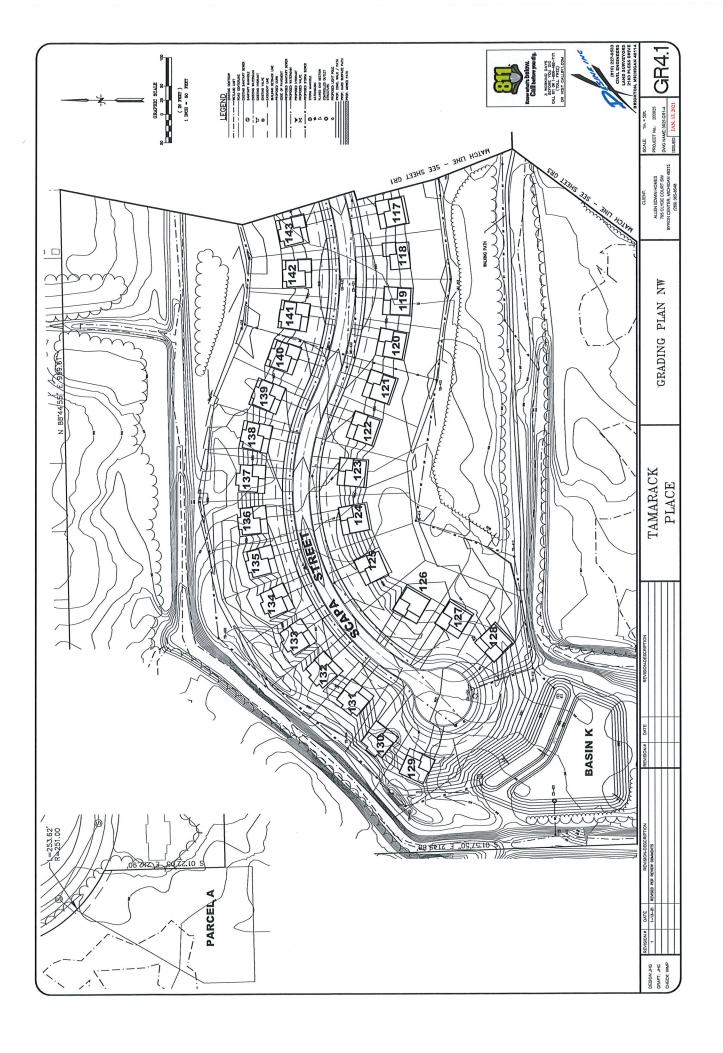
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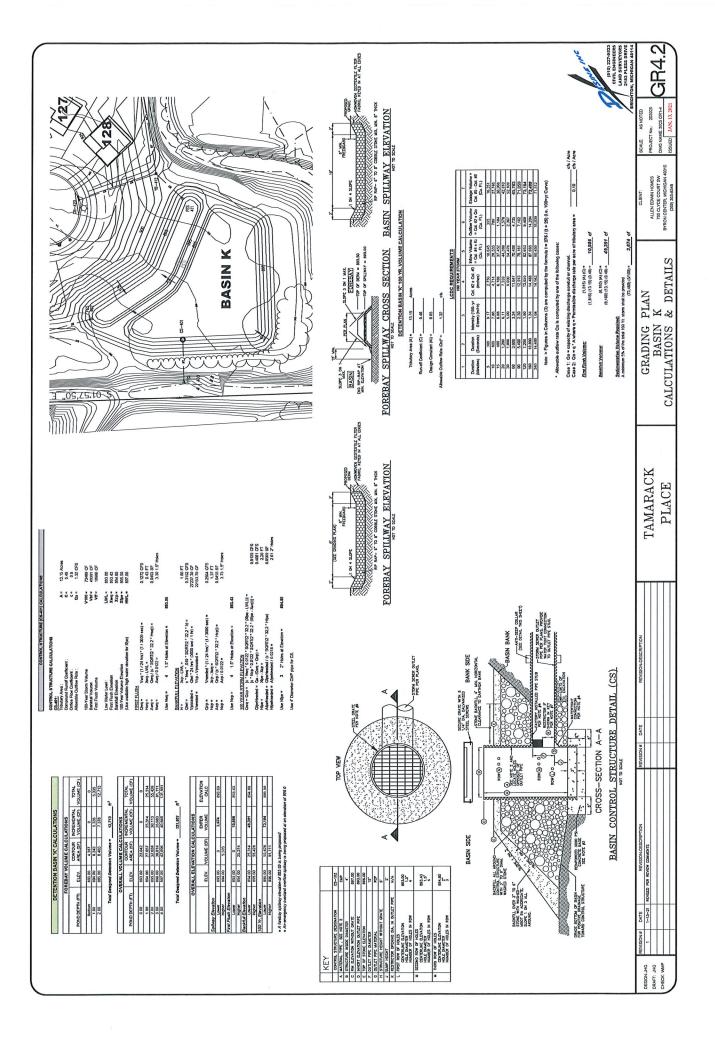
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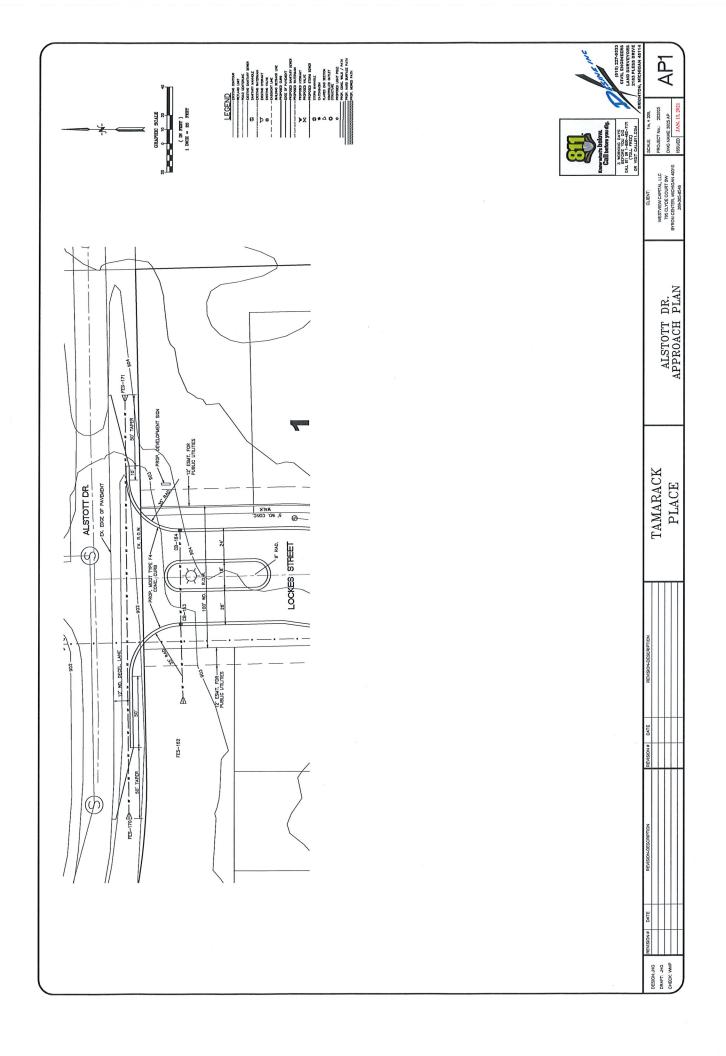
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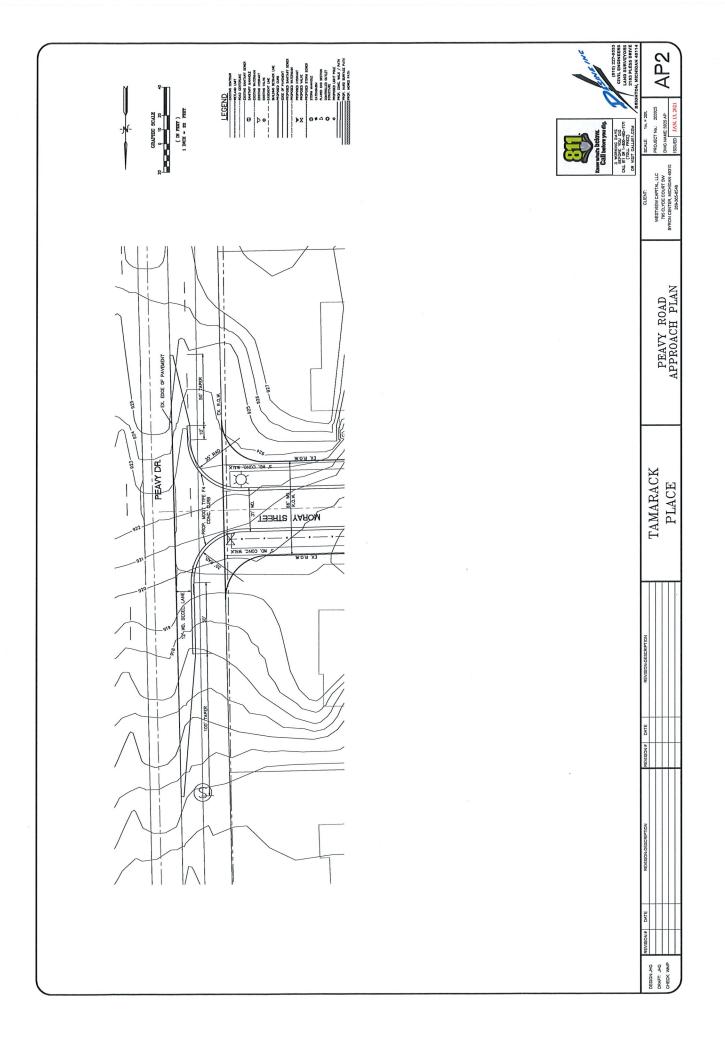
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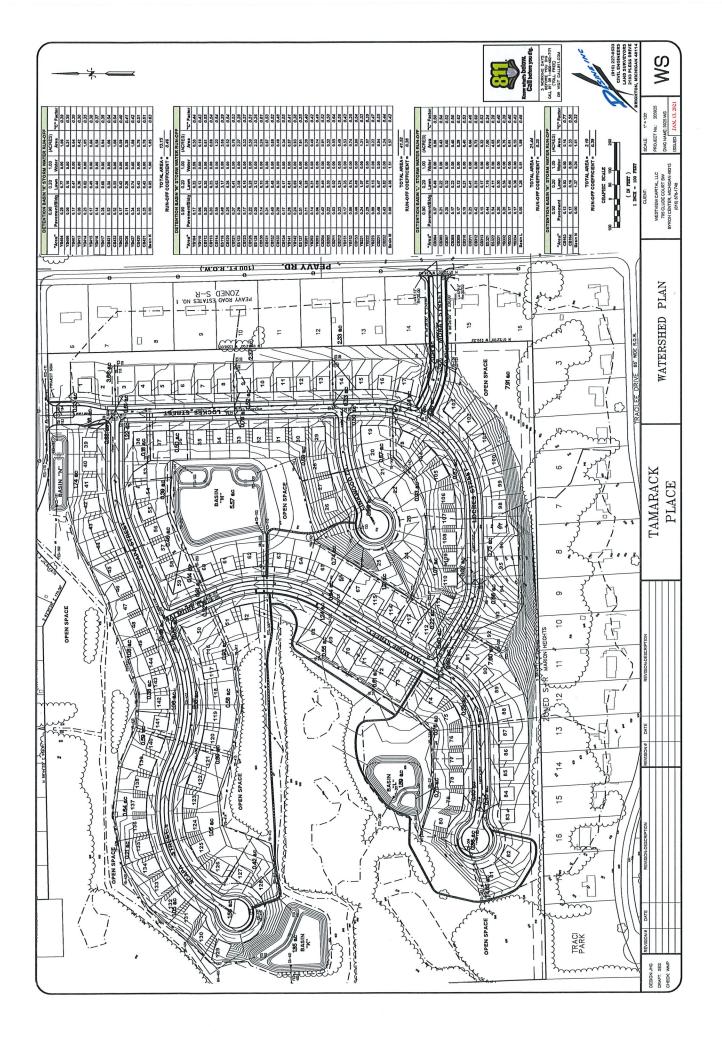
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CALCULATIONS & DETAILS	BYRON CENTER, MICHIGAN 40315 (268) 365-8548	ISSUED. JAN. 13, 2021	

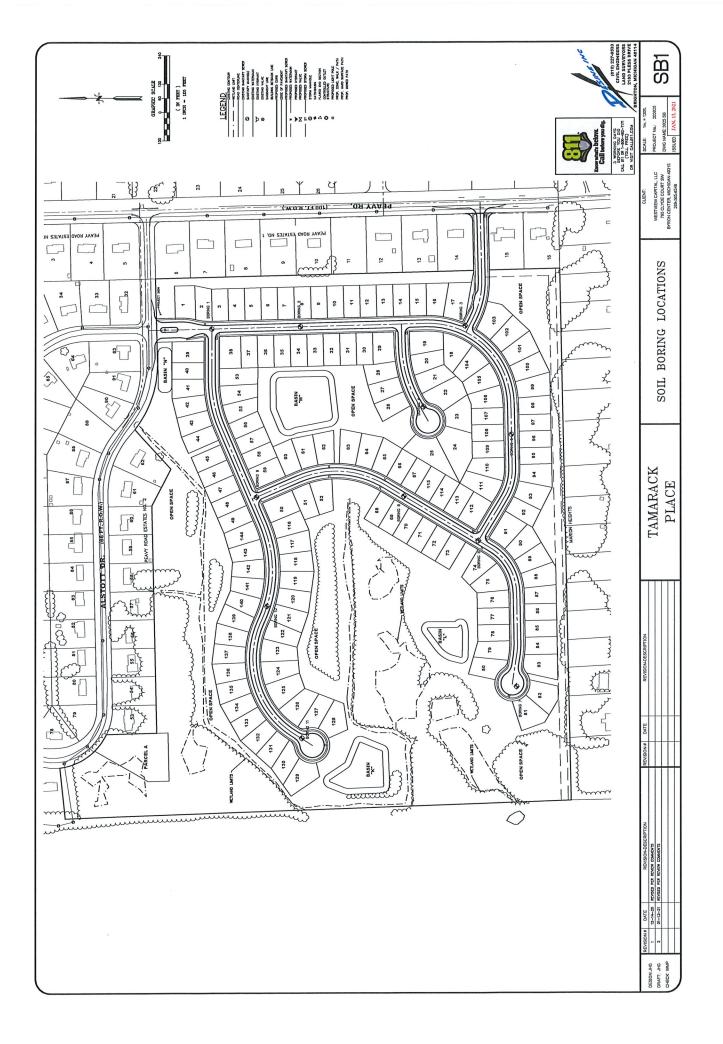


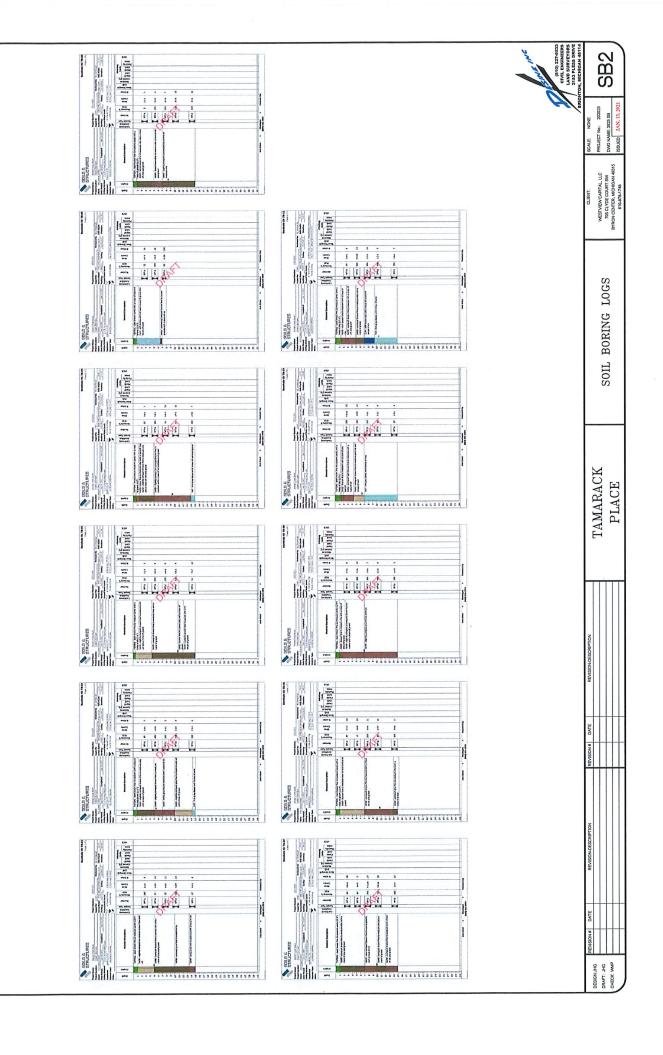










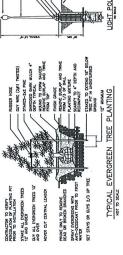








- 4" MIN. THICK CRUSHED STONE OR WOODCHIP AS ACCEPTABLE TO OWNER



TYPICAL TREE/SHRUB/PERENNIAL PLANTING



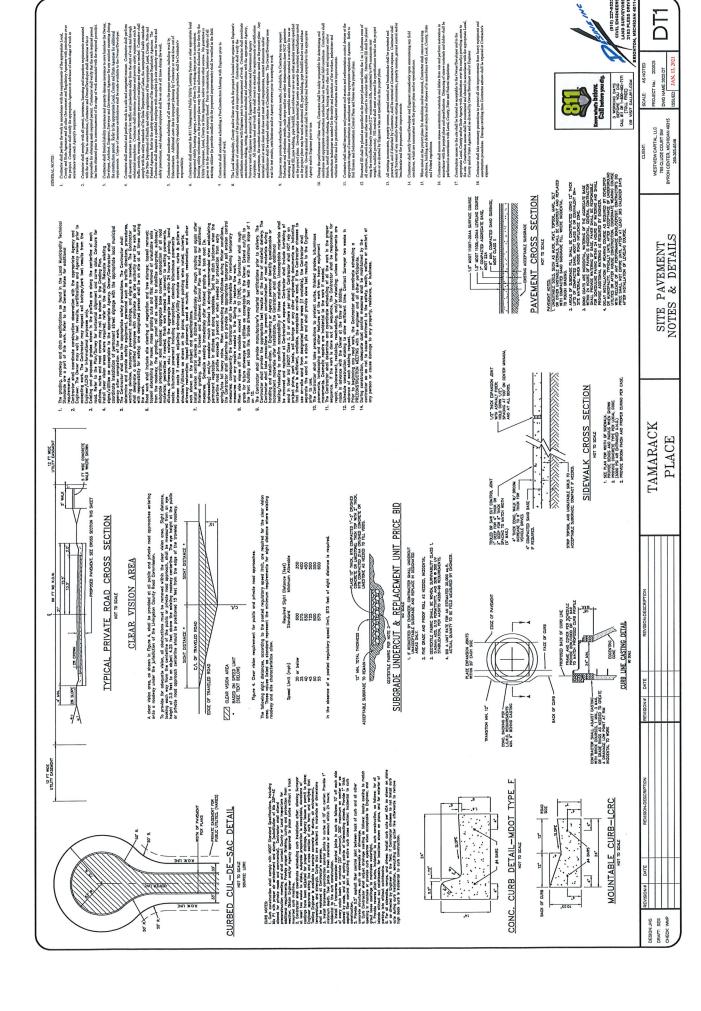


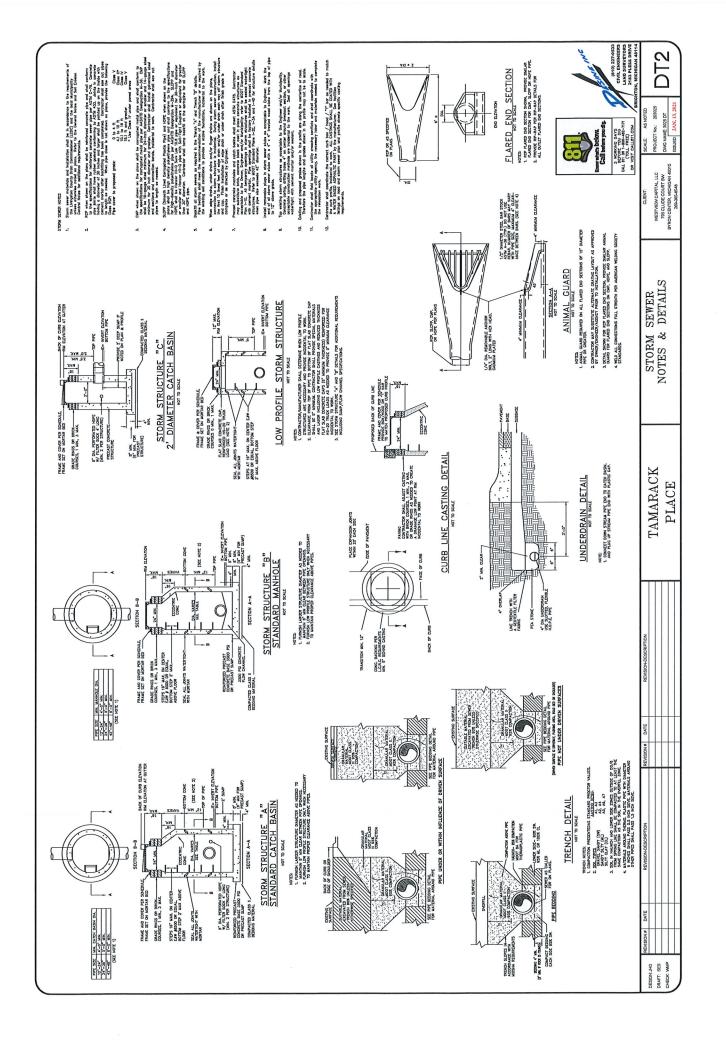
DESIGN: AL DRAFT: JHG CHECK: WMP

LANDSCAPING	NOTES & DETAIL

APING DETAILS
<b>→</b>

PROJECT No.:	DWG NAME:	ISSUED: JAN.
WESTVIEW CAPITAL, LLC	705 CLYDE COURT SW	ON CENTER, MICHIGAN 40315 269-365-8548







### Carlisle | Wortman

ASSOCIATES, INC.

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

Date:

December 14, 2020

## PUD Site Plan Review For Marion Township, Michigan

Applicant:

Blue South Sunridge, LLC

**Project Name:** 

Tamarack Place

Plan Date:

November 16, 2020

Location:

West side of Peavy Road just south of Alstott Drive

Zoning:

PUD Phase 3 of Sunridge P.U.D.

**Action Requested:** 

Site Plan Approval Amendment to PUD

**Required Information:** 

As noted in the following review.

#### PROJECT AND SITE DESCRIPTION

The 93-acre project is the last and final phase of the Sunridge P.U.D. To be called "Tamarack Place" the 4-phase site condominium PUD consists of 145 units. A total of 46 acres will be preserved as open space in the form of wetlands, woodlands, walking paths, and drainage system. The applicant is requesting an amendment to the originally approved PUD. While this phase continues to have 145 units as originally approved the layout has changed due to the significant wetlands, drain and other natural features. While the Township has always expected this project to come to a completion there continues to be significant concerns with the traffic that will be generated once complete and the impact it will have on Township roads.



#### **Location of Subject Site**

#### **Current Use of Subject Site:**

The site is currently vacant land with a mix of woodlands, trails, open fields and wetlands. We expect significant need for outside agency approvals due to the environmental constraints. These include but are not limited to EGLE and the Livingston County Drain Commission.

Items to be Addressed: 1.) Outside approvals from such agencies as EGLE and the Livingston County Drain Commission due to the significant environmental concerns. 2.) Every effort should be made to preserve as much of the existing woodlands as possible.

#### AREA, WIDTH, HEIGHT, SETBACKS

## SCHEDULE OF REGULATIONS Suburban Residential (SR) District

SPOKE WEST STORY	Required	Provided	Compliance
Lot Area (sq ft.)	32,670 sq. ft.	9,000 sq. ft. +	Complies
Lot Width (feet)	85 ft.	70 ft. +	Complies
Setbacks (feet)	(SR)	7 (1977)	Complies
Front	35 ft.	30 ft.	or and the same
Side	15 ft.	10 ft.	s a contract of a track
Rear	. 25 ft.	25 ft.	s deperement of a second
Maximum Lot Coverage	35%	NA	Complies
Maximum Height (feet)	45	N/A	Complies

Because the use was approved as a PUD, flexibility is allowed in regard to bulk regulations. We note that the building envelope for homes along Lockes Street will be approximately ninety (90) feet from the rear property lines of the homes fronting Peavy Road. In addition, the required twenty-five plus (25'+) foot setback is shown between these units/parcels. This greenbelt area will have to be landscaped to the satisfaction of the Planning Commission.

Items to be Addressed: Provide greenbelts to the satisfaction of the Planning Commission.

#### NATURAL RESOURCES

**Topography:** The topography of the site is very undulating with significant slopes near the southeast corner of the parcel. Trails are provided throughout the site a nice amenity.

**Wetlands:** Wetland areas are situated throughout the site. We defer further comment to the Township Engineer in regard wetlands being impacted by this proposed development. The applicant has provided a detailed wetland report indicating the several small wetlands throughout the site. All of these appear to be preserved per the plan except for part of .48-acre wetland in the northwest corner of the site. Lot 145 is impacting this wetland and should be removed. Not only in order to preserve the wetland, but it is also located on a previously approved and already built phase of Sunridge. an unnamed watercourse flows through the project and will be preserved.

**Woodlands:** From the aerial photograph, the site appears to be wooded and there will have to be a significant amount of tree removal for the construction of the roads and dwellings. Again, we note preservation of mature hardwoods should be a priority on the site.

**Items to be Addressed:** 1) Preserve woodlands to the greatest extent possible. 2) Remove parcel A from the plan as it impacts a wetland and also is part of a different phase.

#### SITE ARRANGEMENT, ACCESS AND CIRCULATION

The applicant proposes a thirty-one(31') foot wide paved private road serving the 145 units. A typical suburban style layout of winding roads and cul-de-sacs are similar to many projects in the Township and southeast Michigan. The applicant shall obtain the necessary permits from the Livingston County Road Commission for the curb cuts. We defer to the Township Engineer and Fire Department regarding whether site access and circulation is adequate.

We remain concerned with the amount of traffic that will be generated with the completion of this PUD, the applicant has provided a traffic impact study that should be evaluated for relevance and timeliness by the Township Engineer, however more importantly we recognize that the roads that will be mostly impacted include the paved Mason and Peavy and the gravel Keddle roads which are all under the jurisdiction of the Livingston County Road Commission. As a PUD the Township has the right to require off-site improvements in return for the density bonuses, lot size reductions or other benefits provided the project. The Township Engineer in coordination with the Road Commission and developer should agree to specific off-site road improvements to better manage traffic this project will create.

We would require that all construction traffic be accessed from Moray Street, Alstott Drive access should be closed until construction is completed.

**Items to be Addressed:** 1) Obtain necessary permits from Livingston County Road Commission for the two proposed drive access locations. 2) Defer to the Township Engineer and Fire Department regarding whether site access and circulation is adequate. 5) Clarify needed off-site improvements for Livingston County Roads. 4.) Prohibit construction traffic from accessing Alstott Drive. 5.) Confirm relevancy of traffic study provided by Fleis and Vandenbrink.

#### LANDSCAPING

A landscape plan has only been provided for the entrance and along the eastern boundary. The Planning Commission may wish to discuss the following:

- Buffer and screen between existing homes on Peavy Road and homes on the proposed Lockes Street. We note that several of the existing homes along Peavy have already planted significant landscaping as a screen.
- Proposed park and detention basin landscaping.

We are pleased to see that the developer will require at least one street tree per home be planted. In addition, sidewalks and a walking trail are proposed throughout the development. A decorative light pole is proposed at the Alstott entrance the applicant should clarify any further lighting proposed. We question the width of access for some of the proposed open space and parks. Especially the "park" proposed off of Linkwood Court. Due to the narrowness all this will become is extra yard space for the adjacent units, a unit should be removed or moved so that this park is more welcoming to the entire site and playground equipment be installed.

Items to be Addressed: 1.) Clarify lighting of entire site. 2.) Widen access points for proposed parks, especially park accessed off of Linkwood Court

Tamarack Place December 14, 2020

#### SIGNS

There is a well-designed proposed sign at the entrance. The proposed light pole at the entrance should provide visibility of the sign in the evening.

Items to be Addressed: None.

#### **INFRASTRUCTURE**

The Township Engineer will review the proposal for infrastructure needs, including but not limited to public, water, sewer and stormwater. In addition, the plans must adhere to the Marion Township Engineering Design Standards, especially in regard to private road design. Detailed engineering appears to be provided.

Items to be Addressed: 1)Township Engineer's review for infrastructure needs including public water, sewer and stormwater. 2) Clarify conformance with the Township Engineering Design standards especially in regard to private roads. 3) Request PUD flexibility and relaxation of standards if not in conformance.

#### RECOMMENDATIONS

We recommend the Planning Commission consider the following outstanding items, especially traffic issues in their consideration of this site plan. We recommend postponing a decision on the plan at this time.

- 1. Outside approvals from such agencies as EGLE and the Livingston County Drain Commission due to the significant environmental concerns are required.
- 2. Every effort should be made to preserve as much of the existing woodlands as possible.
- 3. Provide greenbelts to the satisfaction of the Planning Commission.
- 4. Provide information on wetlands impact.
- 5. Remove unit A from the plan as it impacts a wetland and also is part of a different phase and not in conformance with section 6.18.F.1.
- 6. Preserve woodlands to the greatest extent possible.
- 7. Obtain necessary permits from Livingston County Road Commission for the two proposed drive access locations.
- 8. Defer to the Township Engineer and Fire Department regarding whether site access and circulation is adequate.
- 9. Clarify conformance with the Township Engineering Design standards especially in regard to private roads. Request PUD flexibility and relaxation of standards if not in conformance.

Tamarack Place December 14, 2020

- 10. Confirm relevancy of traffic study provided by Fleis and Vandenbrink.
- 11. Clarify needed off-site improvements for Livingston County Roads.
- 12. Prohibit construction traffic from accessing Alstott Drive.
- 13. Clarify lighting of entire site.
- 14. Widen access points for proposed parks, especially park accessed off of Linkwood Court.
- 15. Consider wider open space views at roadway ends such as between units 48 & 49 on Edradour street.



## Howell Area Fire Department Fire Marshal Division

1211 W Grand River Ave - Howell, MI 48843 office: 517-546-0560 fax: 517-546-6011 firemarshal@howellfire.net

**DATE:** January 5, 2021

**TO:** Mr. Dave Hamann

2877 W Coon Lake Rd Howell, MI 48843

FROM: Bryan Hager-Fire Inspector

PROJECT: Tamarack Place Site Plan, Marion Township

#### **COMMENTS:**

I have reviewed the above listed site plan and find that it is *satisfactory* as presented as long as the following conditions are met:

- 1. Where the road is 20' wide to 26' wide then I would require that no parking be allowed on both side of the street and be posted with "No Parking-Fire Lane" signs. Where the road is more than 26' wide to 32' wide then I would require that no parking be allowed on the hydrant side of the street and be posted with "No Parking this side of street" signs.
- 2. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads and shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.
- 3. All cul-de-sacs shall have a minimum turning radius of 28' and be 96' diameter in size.
- 4. All dead-end roads in excess of 150' shall be provided with an approved width and turnaround provisions.
- 5. All roads in this development shall not exceed 10 percent in grade.
- 6. If there is to be an installation of a security gate across the roadway, it shall be approved by the fire department.
  - o The use of a Knox Rapid Entry system padlock or Knox key switch is required if a gate is

#### **Dave Hamann**

From:

Ken Recker < KRecker@livgov.com>

Sent:

Friday, January 8, 2021 6:26 PM

To:

Dave Hamann

Cc:

Wayne Perry; Thomas M. Larabel

Subject:

RE: [EXT] FW: Tamarack Place - revised Preliminary Site Plan submittal to Marion

Township

#### Dave,

This is just a follow up to your email from last month regarding the aforementioned site plan. After reviewing our records regarding the proposed project, I reviewed the records for the Jewett Drain & Extension, which was improved by Drain Commissioner Richard Rudnicki in the late 1980's. I have the following comments:

- 1. Our records indicate the existing open drain behind proposed condominium units 42 through 49, and proposed condominium units 129 through 144, was established as part of the Jewett & Extension Drain in proceedings from 1987. A review of our records indicates no easement was taken over this portion of drain from Harry Malynowsky, who was the property owner at the time proceedings were completed. We have approached Tom Larabel of Allen Edwin regarding this matter, and Wayne Perry of Desine Inc., and they have indicated a willingness to grant the necessary easement over this open drain, which will serve both the the existing Peavy Road Estates No. 2 Subdivision and the Proposed Tamarack Place Condominium. Desine Inc. started drafting the easement this week. Providing this easement is granted, this will allow for continued maintenance of the ditch.
- 2. Soils on the ditchbank are highly erodible in certain locations. Following our last cleanout of parts of the ditch in the early 2000's, significant effort was expended to stabilize sloughing and eroding ditch banks behind proposed units 43-48. We will need to work with the engineer and contractor regarding special provisions regarding the proposed detention basin outlets, so as to avoid potential bank instability.
- 3. The Peavy Road Estates No. 2 subdivision is known for having a high water table, we therefore expect this to be the case with the condominium units adjacent to the existing Jewett Drain Ditch. Proposed basement elevations in the development's construction plans should take this into account to reduce complaints by future homeowners regarding basement water damage and excessive sump pump operation.
- 4. The Jewett Drain is a historical agricultural drain. The proposed outlet rate of 0.2 cfs/acre will need to be reduced to reflect the limited capacity of the system.

I will be in the office next week if you have any questions.

Sincerely,

Kenneth E. Recker, II, P.E. Chief Deputy Drain Commissioner

From: Dave Hamann <za@mariontownship.com>

Sent: Tuesday, December 15, 2020 11:25 AM

To: Ken Recker <KRecker@livgov.com>; khiller@livingstonroads.org; Aaron Aumock <AAumock@livgov.com>; Jamil

Czubenko < jczubenko@howellfire.net>

Subject: [EXT] FW: Tamarack Place - revised Preliminary Site Plan submittal to Marion Township



## **Livingston County Department of Planning**

December 17, 2020

Marion Township Board of Trustees c/o Tammy Beal, Township Clerk Marion Township Hall - 2877 West Coon Lake Road Howell, MI 48843

Kathleen J. Kline-Hudson AICP, PEM Director

Robert A. Stanford AICP, PEM Principal Planner

Scott Barb PEM Principal Planner Re:

Planning Commission Review of Zoning Text Amendments

Z-33-20 through Z-36-20

Dear Board Members:

The Livingston County Planning Commission met on Wednesday, December 16, 2020, and reviewed the proposed zoning ordinance amendments referenced above. The County Planning Commissioners made the following recommendations.

**Z-33-20 - Approval**. The proposed text amendments are reasonable and appropriate. The township has taken great time and effort to be proactive and somewhat flexible in allowing short-term rentals to lawfully occur as a permitted use in the township, however, it appears to have taken the necessary steps to ensure that there are no compatibility issues associated with this type of use by directing it to what the township feels is the most appropriate district.

**Z-34-20 - Approval**. The proposed text amendments are reasonable and appropriate.

**Z-35-20 - Approval**. The proposed text amendments are reasonable and appropriate. Taking these steps will provide the Township with a better organized system and reference document pertaining to its developmental and engineering standards to utilize in the future.

**Z-36-20 - Approval**. The proposed text amendments are reasonable and appropriate.

Copies of the staff reviews as well as draft Livingston County Planning

Commission meeting minutes are enclosed. Please do not hesitate to contact our office should you have any questions regarding county actions.

Sincerely,

Kathleen J. Kline-Hudson

Kathleen J. Kline-Hudson, Director

rs Enclosures

c: Larry Grunn, Chair, Marion Township Planning Commission Dave Hamann, Zoning Administrator, Marion Township

Department Information

Administration Building 304 E. Grand River Avenue Suite 206 Howell, MI 48843-2323

> (517) 546-7555 Fax (517) 552-2347

Web Site co.livingston.mi.us

Additional minutes and agendas are available at: https://www.livgov.com/plan/Pages/meetings.asp



Z-36-20: Marion Township Amendments to Article III: Definitions and Article VI: General Provisions Page 4

STAFF COMMENTS: There seems to be a recent rise in the use of cargo container storage units and similar so called "PODS" units on private properties. Many local jurisdictions throughout the State of Michigan and country are struggling with how to fairly regulate these unique types of uses. While there is not much the township can do to regulate those accessory structures that are 200 square feet or less, Staff believes the path that Marion Township has taken in this regard seems a fair and equitable solution without disrupting the rural character of the township, by requiring a temporary use permit for a specific amount of time (time period was not noted from the available minutes, but 90 days was discussed). It is also noted from the Township Planning Commission meeting minutes of November 24, 2020, that if a resident wants a similar temporary storage unit on their property and they do not reside in one of the two designated zoning districts in which they are allowed, then they too can apply for a temporary use permit, however, they are not automatically guaranteed approval by the township.

**Township Recommendation:** Approval. The Marion Township Planning Commission recommended Approval of the text amendments at their November 24, 2020 public hearing and planning commission meeting. There were a few comments from Commissioners during the discussion period noted in the meeting minutes regarding these new provisions.

**Staff Recommendation:** Approval. The proposed text amendments are reasonable and appropriate.



Z-36-20: Marion Township Amendments to Article III: Definitions and Article VI: General Provisions Page 3

- 4. Accessory buildings may be allowed in side yards providing they meet the minimum setbacks for the district in which it is located.
- 5. The maximum height for accessory buildings located on any parcels of land containing one acre of land or less or on any platted subdivision lot or site condominium building site shall not exceed thirty-five feet.
- 6. Accessory structures shall meet the minimum setbacks for the district in which it is located.
- 7. No accessory structure shall receive a certificate of zoning compliance prior to the principal structure receiving a certificate of zoning compliance.
- 8. No accessory structure shall be constructed prior to the approval of land use permit and the issuance of a building permit.
- 9. Accessory structures under two-hundred (200) square feet do not require a land use permit or building permit and are limited to three per parcel and must be behind the primary structure and screened from the public right-of-way. Accessory structures under 200 square feet and with a height no more than ten (10) feet above grade shall maintain a minimum five (5) foot side yard setback & five (5) foot rear yard setback. Accessory structures two-hundred (200) square feet and over and/or more than ten (10) feet above grade must meet the setback requirements of the zoning district in which they are located.
- 10. In no instance shall any accessory building be located within a dedicated easement right-of-way.
- 11. An accessory building shall not project within the front yard when it is located on a corner lot except as provided in item 3 above.
- 12. Accessory structures greater than two-hundred (200) square feet shall have a minimum 4:12 roof pitch, except engineered steel structures may have minimum 3:12.
- 13. 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
  - Container storage areas that 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

STAFF COMMENTS: Item 13.a. seems a bit vague. Perhaps better defining the front face of what building is intended by the provision (Primary dwelling, garage, etc?) would help alleviate the confusion



Z-36-20: Marion Township Amendments to Article III: Definitions and Article VI: General Provisions Page 2

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.

Revised item 6.07 as follows:

ARTICLE VI:

**GENERAL PROVISIONS** 

Section 6.07

**Accessory Uses and Structures** 

Accessory buildings, structures and uses are permitted only in connection with and on the same lot with a principal building, structure or use, provided such buildings, structures and uses are incidental to the principal building or use and does not include any activity conducted as a livings quarters, except for farms or other uses otherwise permitted in this Ordinance that may be permitted on a separate lot in conjunction with the permitted activity, and shall be subject to the following regulations:

1.

Zoning districts	Lot Size Based on Gross Lot Area	Maximum Square Footage of all Accessory Structures
All single	All parcels equal to or less	1,300 square feet
family	than 1 acre in size	i
residential		
districts		
All single	All parcels that are greater	These sizes are based on a
family	than 1 acre	.030 x parcel size calculation
residential		
districts		

- 2. An accessory structure, including carports which are attached to the principal building, shall comply in all respects with the requirements of this ordinance applicable to the principal building. Any covered or roofed structure, as an attachment between the accessory structure or carport and the main building, shall be considered a part of the main building, but shall not be considered habitable floor area.
- 3. Accessory buildings shall not be erected or allowed in any front yard, except for parcels larger than five acres providing no accessory building or structure is located closer than one hundred feet to the front property line or closer to the front property line than a principal building on any adjacent parcel of land or lot, whichever is greater.



# **Livingston County Department of Planning**

# MEMORANDUM

TO:

Livingston County Planning Commissioners and the

Marion Township Board of Trustees

Kathleen J. Kline-Hudson AICP, PEM Director

FROM:

Robert Stanford, Principal Planner

DATE:

December 1, 2020

Robert A. Stanford

Z-36-20 Amendments to Zoning Ordinance Article -

SUBJECT:

Article III: Definitions

Article VI: General Provisions

AICP, PEM **Principal Planner** 

The Marion Township Planning Commission proposes to update the aforementioned Articles/Sections regarding cargo and shipping container storage.

Scott Barb PEM **Principal Planner** 

NOTE: When existing (current) text are utilized in this review for illustrative purposes, additions (or newly proposed text) are noted in underlined bold font while deletions to existing text are noted in strikethrough font (Times New Roman). Planning Staff comments are noted in bold italic underline fashion (Arial).

The Marion Township Planning Commission proposes to update the following Articles/Sections regarding cargo and shipping container storage in the following manner:

Add new definitions as follows:

# ARTICLE III: DEFINITIONS

**Section 3.02 Definitions** 

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.

# Department Information

**Administration Building** 304 E. Grand River Avenue Suite 206 Howell, MI 48843-2323

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# Section 18.12 Appeals

No decision or condition related to a site plan approval shall be taken to the Zoning Board of Appeals.

# Section 18.13 Fees

The Marion Township Board shall establish by resolution a fee schedule to defray costs, which may include but not be limited to inspection, plan review, administration, and enforcement of this section. Before final approval, any costs incurred by the Township shall be paid by the applicant. The applicant may also be required to post a cash Escrow Account according to Section 4.07 of the Marion Township Zoning Ordinance.

# STAFF COMMENTS:

County Planning Staff believes this to be a great step in reorganizing Marion
Township's engineering and developmental procedures, by having all related
requirements and procedures placed together in an easy to understand and userfriendly format.

The Township Supervisor, Planner, Engineer and Zoning Administrator have been working together on making their engineering standards more flexible. The Township believes that through adoption of these changes and the creation of a new Township Engineering Standards document out of this process will allow the township administration, engineering, planning and zoning administration and its contractual planning entity to better prepare applicants before they seek approval for projects from the Township Planning Commission and Board of Trustees.

**Township Recommendation:** Approval. The Marion Township Planning Commission recommended **Approval** of the text amendments at their November 24, 2020 public hearing and planning commission meeting. There were no public comments noted in the meeting minutes regarding these amendments.

**Staff Recommendation:** Approval. The proposed text amendments are reasonable and appropriate. Taking these steps will provide the Township with a better organized system and reference document pertaining to its developmental and engineering standards to utilize in the future.



# Section 18.07 Amendment of Approved Site Plan

The Zoning Administrator shall have the authority to determine if a proposed change requires an amendment to an approved final site plan. The Zoning Administrator may approve minor changes in an approved final site plan, provided that a revised final site plan drawing(s) be submitted showing such minor changes, for purposes of record. An approved final site plan may be amended upon re-application including any fees required and in accordance with the procedure herein for a final site plan.

# Section 18.08 Construction Plan Review

Following approval of the final site plan by the Township Board of Trustees, the applicant shall submit to the Zoning Administrator two (2) copies of construction plans as well as any other data and exhibits hereinafter required. The construction plans shall be consistent with the approved final site plan but shall provide greater detail in accordance with the Marion Township Engineering Standards. Approval of the construction plans by appropriate authorities is required prior to beginning construction. Final ASBUILT's will be require to be submitted for final record to the Marion Township Zoning Administrator for master file retention.

### Section 18.09 Construction Observation

Marion Township or its designated representative will provide observation on all proposed public utilities and improvements, as well as limited construction observation of private improvements. The requirements for construction observation and final project closure shall be in accordance with the Marion Township Development Standards, as amended.

# Section 18.10 Modification of Plan During Construction

All improvements shall conform to the final site plan. It shall be the responsibility of the applicant to notify the Zoning Administrator of any such changes prior to such change being made. Any changes which result in a material alteration of the approved final site plan shall require resubmittal of a site plan, which shows the proposed changes, to the Planning Commission including any fees determined by the Township Board of Trustees. The Planning Commission or Township Board of Trustees may require the applicant to correct the changes so as to conform to the approved final site plan.

# Section 18.11 Phasing of Development

The applicant may, at their discretion, divide the proposed development into two (2) or more phases. In such case, the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size, and character of each phase. A site plan for each phase shall be submitted in accordance with the procedure herein for a final site plan including any fees required.



- D. Planning Commission Action. The Planning Commission shall recommend to the Township Board of Trustees approval, approval with conditions, or denial of the final site plan within ninety (90) days after the final site plan is first reviewed by the Planning Commission. This time limit may be extended upon agreement between the applicant and the Planning Commission. The Planning Commission may suggest modifications in the proposed final site plan as are needed to gain Planning Commission recommendation for approval. All engineering drawings and plans shall be reviewed by the township's engineer, planner, attorney, Howell Area Fire Authority, and appropriate Livingston County and state agencies before a final site plan may be recommended for approval, approval with conditions, or denial by the Planning Commission.
- E. Effect of Approval. A recommendation of approval advances the final site plan to the Township Board of Trustees for its review and action. Upon approval of a final site plan by the Township Board of Trustees, the applicant may apply for a land balancing/land use permit in accordance with the terms of the approved final site plan and any other Township requirements.
- F. Expiration of Approval. Approval of a final site plan shall expire and be of no effect one (1) year following the date of approval unless construction has begun on the property in conformance with the approved final site plan

# Section 18.05 Combining Preliminary and Final Site Plans

An applicant may, at their discretion and risk, request to combine a preliminary and final site plan in one (1) application for approval. Only applications for Revised Site Plan Review will be considered for Combining. In such a situation, the portion of the review process concerning preliminary site plan application and review may be waived by the Planning Commission. The Planning Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan where, in its opinion, the complexity and/or scale of the site for the proposed development so warrant.

# Section 18.06 Conformity to Approved Site Plans

Property, which is the subject of an approved final site plan, must be developed in strict compliance with the approved final site plan and any amendments thereto which have been approved by the Township Board of Trustees. If construction does not conform to the approved final site plan, the approval shall be revoked. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than actions taken to correct the violation. For residential developments, no land use permit for dwellings shall be issued until the first course of blacktop, by development phase if applicable, and landscaping has been installed. The required landscaping shall include, but not be limited to, greenbelts, entrance(s), detention/retention basins, and buffers as shown on the approved final site plan.



and/or edge of pavement, edge of walk/pathway, top and bottom of retaining wall, property corners, finished floor, storm structures, and detention and forebay high water.

- 17. Location of existing and proposed ground, wall, or directional signs, and details of all proposed signs.
- 18. Any other pertinent physical features.

# Additional Requirements for Commercial and Industrial Developments

- 1. Loading/unloading areas.
- 2. Total and useable floor area.
- 3. Number of employees in peak usage.
- C. Standards for Review. In reviewing the final site plan, the Planning Commission and Township Board shall determine whether the plan meets the following specifications and standards:
  - 1. The plan conforms to the approved preliminary site plan and with all Zoning Ordinance regulations.
  - 2. All required information is provided.
  - 3. There is a proper relationship between major thoroughfares and proposed service drives, driveways and parking areas. Proper access to all portions of the site and all sides of any structure is provided. All structures or groups of structures shall be so arranged as to permit emergency vehicle access by some practical means.
  - 4. Site plans shall fully conform to the Livingston County Drain Commission standards.
  - 5. Wastewater treatment systems, including on site septic systems, will be located to minimize any potential degradation of surface water or groundwater quality and meet County and State standards.
  - 6. Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby water bodies in accordance with County and State standards, where applicable.
  - 7. The proposed use is in compliance with all Township Ordinances and any other applicable laws.



- 4. Location of existing storage tanks. This may include, but not be limited to, information on the following:
  - Chemical and fuel storage tanks and containers;
  - Water supply facilities;
  - Sanitary sewage disposal facilities;
  - Storm water control facilities and structures; and
  - Location of all easements.
- 5. Location, size/dimension of existing and proposed fire hydrants, water service and fire suppression leads, and public and private water main easements. (All proposed water mains must meet the standards of the Marion, Howell, Oceola, Genoa (MHOG) Water Authority.)
- 6. Grading and overflow route for proposed and existing detention and forebay basins and public and private drainage easements. Calculations shall be included and indicate that the detention and forebay areas meet the Livingston County Drain Commission standards.
- 7. A note shall indicate the ultimate outlet for storm water runoff (County Drain, creek, or river).
- 8. Location of all building structures with setback and yard dimensions.
- 9. Dimensioned floor plans and typical elevation views for all buildings, where applicable.
- 10. Proposed exterior lighting locations, typical detail, and illumination pattern.
- 11. Location and description of all existing and proposed landscaping, berms, fencing, retaining walls, and quantity and size of all proposed landscaping.
- 12. Trash receptacle pad location, area, method of screening, pavement type and cross-section.
- 13. Location, area, depth, and method of screening of transformer pads, compressors, air conditioners, generators, refrigeration units, and similar equipment, where applicable.
- 14. Entrance detail(s) including traffic control and monument sign locations and size.
- 15. Designation of fire lanes.
- 16. Proposed grading and how it shall tie into existing grading, and the limits of clearing and grading. Elevations shall be provided at, though not limited to: top of curb



the proposed development. The Zoning Administrator or duly appointed agent shall, within ten (10) days of the date of approval of the preliminary site plan by the Board of Trustees, transmit a written certification of such approval to the applicant.

F. Expiration of Approval. Approval of a preliminary site plan by the Board of Trustees shall be valid for a period of one (1) year from the date of approval and shall expire and be of no effect unless a completed application for a final site plan approval with all necessary supporting information is filed with the Zoning Administrator within that time period.

### Section 18.04 Final Site Plan

- A. Application. The applicant shall submit to the Zoning Administrator twelve (12) copies of a final site plan as well as other data and exhibits hereinafter required, the review fee required herein, and a completed application form. The Zoning Administrator, upon receipt of the application, shall transmit only complete submittals of the final site plan drawing(s) to the Planning Commission prior to its next regular meeting.
- B. Information Required. Site plans shall consist of an overall plan for the entire development. Sheet size shall be at least 24" x 36" with plan view drawn to a scale of no greater than 1" = 50' for property less than three (3) acres or no greater than 1" = 100' for property three (3) or more acres. A final site plan submitted for review and approval shall contain all of the information required in the Marion Township Engineering Standards required for the preliminary site plan and final site plan in addition to the following data presented in a clear and legible format.

### Physical Features

- 1. Location of existing and proposed centerline, edge of roadway, approach radii at intersections, and pavement cross-sections for public and/or private roads on site or abutting the site. Acceleration, deceleration, passing lanes, approaches and curb and gutter shall also be shown.
- 2. Existing and proposed location, width, and approach radii of access drives, driveways, sidewalks, pathways, and curb and gutter. Pavement cross sections shall be provided for each.
- 3. Existing and proposed off street parking with calculations of the number of parking spaces required and provided.



# Additional Requirements for Residential Developments

- 1. Density calculations by type of unit.
- 2. Designation of units by type and number of units in each building.
- 3. Amount, type, and location of common open space, including general and limited common elements within a site condominium, and any recreational amenities (i.e., playground equipment).
- C. Planning Commission Action. The Planning Commission shall recommend to the Township Board of Trustees approval, approval with conditions or denial of the preliminary site plan. If the preliminary site plan requires extensive revisions to meet Township requirements, the Planning Commission may recommend denial of the preliminary site plan. The Planning Commission shall set forth the reason for its action in the record of the meeting at which action is taken.
  - 1. The Planning Commission recommendation of the preliminary site plan shall be forwarded to the Township Board of Trustees for its review.
  - 2. If the preliminary site plan is recommended for denial or approval with conditions, the applicant may address all the conditions and submit the revised preliminary site plan to the Zoning Administrator for further action by the Planning Commission. The applicant may choose to proceed to the Township Board for review of the preliminary site plan.
- D. Board of Trustees Action. The Township Board of Trustees shall review the preliminary site plan and approve, approve with conditions, or deny the preliminary site plan.
  - 1. If the Board of Trustees approves the preliminary site plan, the applicant may submit a final site plan to the Zoning Administrator in accordance with the provisions herein.
  - 2. If the preliminary site plan is approved with conditions, the applicant shall address all the conditions and submit a revised site plan to the Zoning Administrator. Upon a determination by the Township's Engineer and Planner that all the conditions have been satisfied, the plan shall be forwarded to the Planning Commission for final site plan review.
  - 3. If the preliminary site plan is denied by the Township Board, the applicant may submit an alternative preliminary site plan to the Zoning Administrator for review by the Planning Commission in accordance with the provisions herein.
- E. Effect of Approval. Approval or approval with conditions of a preliminary site plan by the Township Board of Trustees shall indicate general acceptance of the use and the proposed layout of buildings, streets and drives, parking areas, other facilities and overall character of

# **Physical Features**

- 1. Location, size, and dimension of proposed buildings/structures, including floor area, finished floor elevation, number of floors, height, number and type of dwelling units (where applicable).
- 2. Location of existing and proposed private and public roads and access drives, including general alignment, right of way or easement, surface type, and width.
- 3. Location, size, and dimension of the following existing and proposed site features: water main, wells, detention and forebay basins, private utilities, utility poles, and public and private easements.
- 4. Location, size, and dimension of existing and proposed storm sewer, culverts, ditches, and public and private storm sewer casements.
- 5. Location, size, and dimension of existing and proposed sanitary sewer, septic fields, reserve septic fields (including reserve fields), sewage disposal facilities, and public and private sanitary sewer easements.
- 6. Location of all existing and proposed parking, including dimensions of spaces, maneuvering lanes, and surface type, where applicable.

# **Natural Features**

- 1. Soil characteristics of the parcel to at least the detail provided by the U.S. Soil Conservation Service, Soil Survey of Livingston County, Michigan.
- 2. Existing topography with a maximum contour interval of two (2) feet for the site and beyond the site for a distance of one hundred (100) feet in all directions. Final grading plan, showing finished contours at a maximum interval of two (2) feet, correlated with existing contours so as to clearly indicate required cutting, filling and grading.
- 3. Location of existing wetlands, drainage courses, floodplains, and associated bodies of water, within one hundred (100) feet of the site, and their elevations.
- 4. Location of existing woodlands delineated with symbolic lines tracing the spread of the outermost branches and shall be described as to the general sizes and kinds of trees contained.
- 5. Location of natural resource features, including, but not limited to, woodlands and areas with slopes greater than eighteen percent (18%) incline.

# **General Information**

- 1. Name of the proposed development.
- 2. Name, address, phone, fax number and/or email of applicant(s), property owner(s), engineer(s), architect(s), and landscape architect(s).
- 3. A written narrative of the proposed use(s) of the property. For other than residential uses, including factors that potentially impact the proposed development may have on the surrounding area.
- 4. One (1) presentation quality aerial photograph with adjacent property information and features including, though not limited to, the following: land use(s), property owner(s), sidwell number(s), location of adjacent buildings, driveways, streets, existing and proposed lot lines, building lines, structures, and parking areas on the parcel and within one hundred (100) feet of the site.
- 5. Date of plan preparation, including revision dates.
- 6. Complete legal description of the site.
- 7. Professional seal of a registered architect, engineer, surveyor, landscape architect, or a planner.
- 8. Vicinity map drawn at a scale of 1" = 2,000'.
- 9. Dimensions and gross acreage of the site.
- 10. Zoning classification of petitioner's parcel and all abutting parcels and demonstration of compliance with lot area, width, coverage, and setback requirements.
- 11. Scale and north arrow on each plan sheet.
- 12. Existing natural features and man-made features to be retained or removed.
- 13. Adjacent property information and features including, though not limited to, the following: land use(s), property owner(s), sidwell number(s), zoning classification, location of adjacent buildings, driveways, streets.
- 14. Existing and proposed lot lines, building lines, structures, parking areas, etc., on the parcel and within one hundred (100) feet of the site.
- 15. Proposed construction phasing.
- 16. Identification of variances that may be required.



- A. The proposed use will not be injurious to the surrounding neighborhood and protects the general health, safety, welfare and character of the Township;
- B. Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, soils, groundwater and woodlands; and
- C. Landscaping, including grass, trees, shrubs and other vegetation is provided to maintain and improve the aesthetic quality of the site and area.

# Section 18.02 Approval of Site Plan Required

A final site plan shall be reviewed by the Planning Commission who shall then provide a recommendation of approval, approval with conditions, or denial, to the Township Board of Trustees. The Township Board of Trustees must approve or approve with conditions the final site plan prior to the establishment of any new land use, change of use, addition to an existing use, or the erection of any structure in any zoning district. Individual single family structures erected within a single lot, parcel or building envelope shall not require site plan review.

- A. The Township shall not issue a land balancing permit until the final site plan has been approved by the Township Board of Trustees and is in effect.
- B. No grading, removal of trees or other vegetation, landfilling, land balancing, or construction of improvements shall commence for any development that requires site plan approval until a final site plan is approved and is in effect, except as otherwise provided in this Article.

# Section 18.03 Preliminary Site Plan

- A. Application. Any applicant may submit a request for preliminary site plan review by filing with the Zoning Administrator completed forms, payment of the review fee required herein, and twelve (12) copies of the preliminary site plan drawing(s) plus 1 electronic PDF format copy, and six (6) 11 x 17 inch color aerial photographs of the site area and surrounding areas showing overlaying property lines and the proposed site layout at a scale ten times that used for the site plan, and one (1) 24 x 36 inch presentation aerial photograph, at least twenty one (21) days prior to the next scheduled Planning Commission meeting. The Administrator, upon receipt of the application, shall transmit only complete submittals of the preliminary site plan to the Planning Commission reviewers. The purpose of such preliminary review is to confirm general compliance with Township standards as well as to suggest changes, if necessary, for final site plan approval.
- B. Information Required. Site plans shall consist of an overall plan for the entire development. Sheet size shall be at least 24" x 36" with plan view drawn to a scale of no greater than 1" = 50' for property less than three (3) acres or no greater than 1" = 100' for property three (3) or more acres. A preliminary site plan submitted for review shall contain all of the following information required in the Marion Township Engineering Standards in a clear and legible format.



"This parcel of land has private road access across a permanent sixty-six (66) foot easement which is a matter of record and a part of the deed. This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only. Neither the County nor Township has any responsibility for maintenance or upkeep of any improvement across this easement. This is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Maintenance of Private Roads Act, PA 139 of 1972, as amended.)"

**K.M.** Fees: The Marion Township Board shall establish by resolution a fee schedule to defray costs, which may include but not be limited to inspection, plan review, administration, and enforcement of this section. Before final approval, any costs incurred by the Township shall be paid by the applicant.

# Section 6.25 Sidewalks in Residential/Commercial Developments

The Planning Commission may require the development of sidewalks in any residential (single-family) or commercial development subject to the following conditions:

- A. Sidewalks shall be constructed of concrete with a minimum width of five (5) feet and a minimum depth of four (4) inches and six (6) inches of reinforced concrete at driveway crossing points.
- B. Sidewalks are to be constructed within the road right of way or easement one (1) foot from the right of way or easement line.
- Add: Reference to Marion Township Engineering Development Standards Policy Document for Site Plan Requirements.
- Completely move Sections 18.01 through 18.13 and place them into the new Township Engineering Development Standards Policy

STAFF COMMENTS: It's understood that the Township intended to provide a reference here to the newly created Township Engineering Development Standards Policy Document but a reference was not provided. Staff would simply remind the Township to include this reference if intended prior to any final approval of these amendments.

ARTICLE XVIII: SITE PLAN REQUIREMENTS

### Section 18.01 Purpose

It is the purpose of this Section to specify standards and data requirements, which shall be followed in the preparation of site plans as required by this Ordinance. It is also the purpose of this Section to ensure that:



- 7. That there are such special circumstances or conditions affecting said property that strict application of the provisions of this Ordinance would clearly be impractical or unreasonable. This may include topographic, vegetative, or drainage conditions.
- 8. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
- 9. That such variance or exemption will not be contrary to the intent and purpose of this Ordinance, the Master Plan, or the Zoning Ordinance.
- G.I. Failure to Perform: Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required by the Township subject to any changes made herein or subject to any changes made by the Livingston County Road Commission or the design requirements set forth in the current Livingston County Road Commission Plat & Street Development Specifications.
- H.J. Issuance of Land Use Permit for Structures on Private Roads: No land use permit shall be issued for a structure on any private road until such private road is given final approval by the Township Board. Should the applicant desire to obtain a land use permit prior to final completion and Board approval of the approved private road, as a condition to the granting of any permit under this Ordinance, the Township Board may require that the applicant deposit with the Township Clerk a sum of money, bank letter of credit or certified check, in an amount sufficient to guarantee that the applicant shall perform the terms and conditions of the permit, including the application of a final course of asphalt and payment of any required fees. Upon completion of all road improvements required by this Ordinance, any unused portion of the deposit shall be refunded to the applicant. Regardless of the amount of money deposited with the Township, the actual cost to complete all of the road improvements remains the responsibility of the proprietor or its surety agent.
- L.K. Posting of Private Roads: Regulatory signs shall be positioned and installed in accordance with the Michigan Manual of Uniform Traffic Control Devices on all private roads where such private road intersects public streets. All other signs with the private road shall be identified on the site plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Planning Commission approves another type of design for consistency with the character of the development. Street name signs shall be provided at all intersections. Private road name signs shall contrast in terms of color with public street name signs, and shall clearly indicate the private road is private.

The sign shall be paid for, posted, and thereafter maintained by the property owner's association or developer.

**J.**L. **Notice of Easements:** All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:



# E.G. Application Review and Approval or Rejection

- 1. The reports of the Livingston County Road Commission, Township Attorney, Township Engineer, the application, and all supporting data shall be forwarded to and reviewed by the Planning Commission which shall make a recommendation to the Township Board who shall be responsible for granting final approval for the private road.
- 2. If the private road application is approved, construction authorization will be issued by the Zoning Administrator. Following approval of a private road application no new private road construction permit(s) will be issued without an approved amendment to the site plan or the private road application, as the case may be, in compliance with the zoning ordinance in effect at the time the land use permit is requested. If the private road application is rejected, the reasons for the rejection as well as any requirements that must be met in order to obtain approval shall be given in writing to the applicant.
- 3. The Zoning Administrator will arrange for inspections by the Township Engineer during construction of, and upon completion of the private road. The costs of inspection, including the compensation of the Marion Township Engineer or designated official shall be paid by the applicant prior to the issuance of the certificate of completion.
- F.H. Variances: The Zoning Board of Appeals shall not grant a variance from road design requirements found in the Livingston County Road Commission Plat & Street Development Specifications until the Planning Commission has provided a recommendation on the variance being requested based upon the nine (9) criteria listed below. The Planning Commission and Zoning Board of Appeals shall consider the following criteria prior to making their recommendation and decision, respectively.
  - 1. Anticipated traffic flows will not overburden the proposed roadway design.
  - 2. Unusual topographic conditions constrain roadway design.
  - 3. Roadway design will preserve natural features on the site.
  - 4. Stub road connections do not exist nor are such connections feasible.
  - 5. The Planning Commission shall make reference to the specific criteria met in their recommendation to the Zoning Board of Appeals.
  - 6. That a variance or exemption is required in order to comply with conflicting County or State laws, rules, or regulations.



- 1. Dead end roads shall terminate with a cul-de-sac that meets or exceeds standards in the current Livingston County Road Commission Plat & Street Development Specifications and the following:
  - a. Any cul-de-sac shall terminate at the property line except when precluded by a natural barrier or when the cul-de-sac terminates at the last available building envelope, lot or parcel that fronts upon the cul-de-sac.
  - b. Frontage measurements along a cul-de-sac shall be measured along the tangent of the front setback line between the side lot lines. See diagram 3-8.
  - e. Not more than four (4) principal buildings shall have frontage on a cul-de-
  - d. Any lot located on a cul-de-sac shall have its side lot lines designated to be radial to the front property line or right-of-way line on either public or private roads, except where such lot lines would create unusual, inconvenient, or irregular lot shapes.
- **B.D. Dedication of Rights-of-Way or Easements:** While not required to be dedicated to the public, no structure or land use activity shall be established within approved rights-of-way or easements. All plans, as submitted for approval, must show the private road easement including a legal description.
- Connection to County Roads: Construction authorization from the Livingston County Road Commission is required for connection to County roads. When applicable, a permit is also required from the County under the Soil Erosion and Sedimentation Control Act, PA 347 of 1972. At the discretion of the Township Board, a proposed private road that otherwise meets the requirements of this Ordinance may be disapproved unless it connects to another private road or a County road when necessary to provide safe traffic flow and emergency vehicle access. No lots or units shall be permitted driveway access from a road that is not an interior road of the plat, condominium, or development.
- **D.F.** Application Procedure: Application for road construction shall not be made without evidence of an approved land division. The applicant shall prepare and provide twelve (12) sets of a plot plan, site plan, or construction plan, pursuant to the application and design requirements of this Ordinance. All of the required information shall also be submitted twenty-one (21) days prior to the meeting date to which the applicant requests consideration by the Marion Township Zoning Administrator. The Zoning Administrator shall submit the private road site plan to the Livingston County Road Commission and Township Engineer for review and comment as necessary. The proposed road maintenance agreement and road easement agreement shall be sent to the Zoning Administrator who shall then forward to the Township Attorney for review and comment.



iv. A notice that no public funds of the Township of Marion are to be used to build, repair, or maintain the private road.

Furthermore, said road maintenance agreements shall be in such form as to be recordable with the County Register of Deeds and shall specifically address the liability and responsibility of the parties to said agreement to maintain the private road pursuant to the specifications of this section, including, but not limited to, the responsibility of removing snow from said private roads. The recorded road easement and maintenance agreement, which shall run with the land, shall also inform subsequent purchasers that the road is private and may never be maintained or accepted by the Livingston County Road Commission.

- j. A complete statement of all the terms and conditions of the proposed road easement and road maintenance agreement, which shall also provide for:
  - i. Easements to the public for purposes of emergency and other public vehicles and for whatever public utility services are necessary.
  - ii. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties and having a need to use the road.
- k. Appropriate deed restrictions and/or master deed provisions shall provide for free and clear vehicular access for emergency service vehicles on all private roads.
- Upon approval of the road easement and road maintenance agreement, it shall be recorded at the Livingston County Register of Deeds and a copy of the recorded agreement shall be filed with the Township Clerk. The Township shall not issue a land use permit for any dwelling unit until it has received a copy of the recorded, approved agreement.
- C. Road Design Requirements: Private roads shall meet or exceed the following standards and the design requirements set forth in the current Livingston County Road Commission Plat & Street Development Specifications.

NOTE: Any dwelling unit whose only means of ingress or egress is via the private road shall be considered in the number of dwelling units allowed.



- b. A vicinity map of a minimum scale of one inch equals two thousand feet (1" = 2,000"), showing the location of the private road in the Township, any access roads and cross streets, road names, a scale, and a north arrow.
- c. Existing topography at two (2) foot contour intervals for the portions of the site sufficient to determine drainage from the private road easement to a suitable storm water outlet.
- ditches) shown in plan and profile indicating all materials, grades, dimensions, and bearings. The plans shall also show all existing and proposed grades, the location of all existing and proposed drainage facilities, the location of existing and/or proposed utilities and structures, other structures, physical or natural conditions existing adjacent to such improvements, and any connections to existing public and private roads.
- e. Soil borings within the proposed route of the road. Tree coverage and wetland areas within one hundred (100) feet of either side of the proposed route.
- f. Location of existing buildings on the lots or parcels being served or intended to be served by the private road, as well as any existing buildings or structures in or adjacent to any proposed road easement.
- g. Plans shall show the existing or proposed location of private utilities and easements, such as gas, telephone, and electric.
- h. Document from Marion Township assessor verifying two or more land divisions are available.
- i. A complete copy of the road maintenance agreement(s) and road easement agreement(s) regarding the maintenance and improvements of the right of way and roadway. The road maintenance agreement shall, at a minimum, provide for:
  - i. A method of initiating and financing of such road in order to keep the road up to Township specifications as set forth in this amendment.
  - ii. A workable method of apportioning the costs of maintenance and improvements to current and future users.
  - iii. A notice that if repairs and maintenance are not made, the Marion
    Township Board may bring the road up to established Township
    standards as set forth in this amendment and assess owners of parcels
    on the private road for the improvements, plus an administrative fee.



- Re-letter Section 6.19 Item "B" in Zoning Ordinance as new Item "A" and remove Item "C".
- A.B. Lots to Have Access: All parcels or lots hereinafter created in the Township shall have frontage on a public street, or an approved private road, and take their lot access from such frontage so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking. Except that corner lots shall take their access from an approved private road or approved public street in a platted subdivision or condominium project. Wherever a corner lot exists at the intersection of two (2) major thoroughfares, then access shall be taken from the thoroughfare presenting the least hazard in the opinion of the Livingston County Road Commission.

Prior to obtaining a land use permit for a new parcel or lot created on a private road that was in existence prior to the effective date of this ordinance, the Township may initiate an inspection of the private road in accordance with General Ordinance No. 07-03, Preexisting, Non-conforming Private Roads.

- C. Clear Vision Zone: Livingston County Road Commission Rules shall apply to all private roads in the Township.
- Completely move Section 6.20 Items "B" and "C" to the new Township Engineering Development Standards Policy and Re-letter Items "D" through "M".

Section 6.20 Private Roads Serving Single-Family, Multiple-Family and Commercial Developments

A. Purpose and Intent: Unobstructed, safe and continuous vehicular access to parcels is necessary to promote the health, safety and welfare of the citizens of Marion Township by ensuring that police, fire, and emergency services can safely and quickly enter and exit private property at all times. It is the intent of this Ordinance to allow for development of private roadways. Marion Township requires that all new private roads meet the Livingston County Road Commission Standards. Marion Township does not guarantee that the roads may become public at a later date. The decision to accept roads as public will be made by the Livingston County Road Commission.

# B. Permit Application

- 1. Requirements. The application and plans for a private road shall include the following information:
  - a. Survey that provides the legal description(s) of all the parcel(s) and any and all easements that exist on the subject property. If applicable, the names and addresses of all the lot or parcel owners served or to be served by the private road shall also be provided.



appropriate state authorities as required by law; provided, however, such approval shall not be given where such curb cuts and driveways shall cause an unreasonable increase in traffic hazards, including but not limited to allowing adequate sight distance for ingress and egress.

- 1. All plans for buildings to be erected, altered, moved or reconstructed, and use of premises within the Township shall contain a plan for the proposed driveway access to the premises. The Zoning Administrator prior to the issuance of a building permit shall approve said plan. No such plan shall be approved unless such driveway access is onto a dedicated public street or an approved private road. The Zoning Administrator shall refer to appropriate Livingston County Road Commission standards during his review. Driveways shall, at a minimum, meet the following standards:
  - a. Culverts shall be installed in line with and on the same grade as the road ditch.
  - b. Driveways shall intersect an existing public street or private road in a generally perpendicular manner.
  - e. No portion of the driveway entrance within the right-of-way shall have a grade of greater than ten (10) percent—one (1) foot vertical rise in ten (10) feet of horizontal distance.
  - d. The driveway shall meet the sight distance and clear vision standards of the Livingston County Road Commission.
  - e. Residential driveways shall be a minimum of fifty (50) feet from the nearest right-of-way line of an intersecting road or street.
  - Driveways shall be designed to minimize runoff and erosion.
- 2. No more than one (1) driveway shall be allowed per parcel.
- 3. New driveways shall align with existing or planned driveways, crossovers, turn lanes or other access features. This shall only be required if the resulting alignment provides safe access and if all requirements of this Ordinance and the Livingston County Road Commission are met.
- 4. The location of new driveways shall conform to road improvement plans or corridor plans that have been adopted by the Township or Livingston County Road Commission or Michigan Department of Transportation.
- No driveway shall serve more than one (1) dwelling.



# **Livingston County Department of Planning**

# MEMORANDUM

TO:

Livingston County Planning Commissioners and the

Marion Township Board of Trustees

Kathleen J. Kline-Hudson AICP, PEM Director

FROM:

Robert Stanford, Principal Planner

DATE:

December 1, 2020

SUBJECT:

Z-35-20 Amendments to Zoning Ordinance Article -

Article VI: General Provisions

Article XVIII: Site Plan Requirements

Scott Barb PEM **Principal Planner** 

Robert A. Stanford AICP, PEM

**Principal Planner** 

The Marion Township Board of Trustees has decided to adopt an Engineering Development Standards Policy document that will encompass all of the Site Plan section and some of the General Provisions relating to access controls, private roads, and sidewalks. The Standards are already adopted and are on the township web site at the following link.

https://protect-us.mimecast.com/s/A5WiC0RXjzSGXyXEHwC5R ?domain=mariontownship.com

They will be updated and re-adopted by the board once these changes to the zoning ordinance are final.

NOTE: When existing (current) text are utilized in this review for illustrative purposes, additions (or newly proposed text) are noted in underlined bold font while deletions to existing text are noted in strikethrough font (Times New Roman). Planning Staff comments are noted in **bold italic underline** fashion (Arial).

### **Department Information**

Administration Building 304 E. Grand River Avenue Suite 206 Howell, MI 48843-2323

> (517) 546-7555 Fax (517) 552-2347

Web Site co.livingston.mi.us

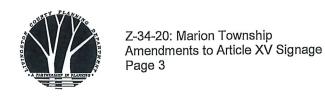
The Marion Township Planning Commission proposes to update the township zoning ordinance in the following manner with regard to the newly adopted Township Engineering Development Standards Policy:

Completely move Section 6.19 Item "A" to the new Township **Engineering Development Standards Policy** 

ARTICLE VI: GENERAL PROVISIONS

**Section 6.19 Access Controls** 

Curb Cuts and Driveways: Curb cuts and driveways shall be located only upon the approval of the Livingston County Road Commission and



C. Home Occupation/ Based Business Signs: one (1) wall sign per parcel containing a permitted use, not exceeding four (4) square feet in area. Such signs may not be illuminated and must be consistent with the residential character of the neighborhood in which they are to be located. Within the Rural Residential (RR) district, one (1) freestanding sign may be substituted for a wall sign. Free standing signs shall not exceed six (6) square feet in area or four (4) feet in height and shall be located no closer to the right of way (ROW) line than one half (1/2) the required front yard. than fifteen (15') feet from the road right-of-way (ROW)

STAFF COMMENT: These amendments are minor follow ups related to past comments and recommendations generated by staff and the County Planning Commission for the changes in 2019 to the Township's proposed (at the time) Home Occupation and Home Based Business regulations (see Z-48-19). The new changes as proposed in item 15.06.C., better clarify the intent of the regulation.

**Township Recommendation:** Approval. The Marion Township Planning Commission recommended Approval of the text amendments at the November 24, 2020 public hearing and planning commission meeting. There were no public comments in relation to these proposed amendments.

**Staff Recommendation:** Approval. The proposed text amendments are reasonable and appropriate.



Z-34-20: Marion Township Amendments to Article XV Signage Page 2

Sign	Number	Max. Area	Max.	Min.
	Number	Max. Area	Height	Setback
Signs in Residential Districts (Sec. 15.06)				
Agricultural Product Signs	1	20 s.f.	4 ft.	15 ft.
Farm Signs	1	32 s.f.	6 ft. <sup>1</sup>	15 ft.
Home Occupation & Home-Based Business Wall Sign, or	1	4 s.f.	4 ft.	n/a
Home Occupation & Home-Based Business Freestanding Sign	1	6 s.f.	4 ft.	15 ft.
Non-Profit Organization Signs	1	32 s.f.	6 ft.	15 ft.
Residential Development Entranceway Signs	2/entrance	20 s.f.	6 ft.	15 ft.
Temporary Construction Signs	1/frontage	32 s.f.	6 ft.	15 ft.
Signs in Non-residential Districts (Section 15.07)				
Awning and Canopy Signs	N/A	25% of surface <sup>2</sup>	n/a	per district
Free-Standing Signs	1/frontage	1/2 s.f. per foot of frontage <sup>3</sup>	6 ft.	15 ft.
Gasoline Price Signs	1	20 s.f.	6 ft.	15 ft.
Marquee Signs	1/frontage	1½ s.f. per foot of building frontage	per district	per district
Menu Board Signs	2	60 s.f.	6 ft.	15 ft.
Office or Industrial Development Entranceway Signs	2/entrance	36 s.f.	6 ft.	15 ft.
Temporary Construction Signs	1/frontage	32 s.f.	6 ft.	15 ft.
Time/Temperature/Stock Market Signs	1/frontage	N/A <sup>4</sup>	6 ft.1	15 ft. <sup>1</sup>
Wall Signs	1/frontage <sup>5</sup>	1 s.f. per foot of building frontage <sup>6</sup>	see below	n/a
Window Signs	N/A	25% of window area	n/a	n/a

- 1. If sign is free-standing.
- 2. Such signs shall be counted in determining compliance with maximum permitted area of wall signage.
- 3. Not to exceed 32 s.f., unless premises contain multiple tenants, in which case 4 s.f. may be added per additional tenant, up to a maximum of 64 s.f.
- 4. Such signs shall not be counted in determining compliance with wall or free-standing sign area requirements.
- 5. Or one per tenant having individual public access.
- 6. Not to exceed 60 s.f., unless such signs are set back at least 150 ft., in which case such signs shall not exceed 200 s.f.

# Section 15.06 Signs in Residential Districts

The following signs shall be allowed in the RR, SR, UR, ERS#1, and ERS#2 zoning districts, subject to permit approval in accordance with Section 4.03 and the following standards. Such signs shall only pertain to permitted or special land uses or a legally nonconforming non-residential use, and shall be located upon the same property to which the sign relates, unless otherwise provided herein.



# **Livingston County Department of Planning**

# <u>MEMORANDUM</u>

TO:

Livingston County Planning Commissioners and the

Marion Township Board of Trustees

Kathleen J. Kline-Hudson AICP, PEM

FROM:

Robert Stanford, Principal Planner

Director

DATE:

December 1, 2020

SUBJECT:

Z-34-20 Amendments to Zoning Ordinance Article -

Robert A. Stanford AICP, PEM **Principal Planner** 

Article XV: Signage

Scott Barb PEM **Principal Planner**  The Marion Township Planning Commission proposes to update the following Article:

Article XV: Signage

NOTE: When existing (current) text are utilized in this review for illustrative purposes, additions (or newly proposed text) are noted in underlined bold font while deletions to existing text are noted in strikethrough font (Times New Roman). Planning Staff comments are noted in bold italic underline fashion (Arial).

The Marion Township Planning Commission proposes to update the township zoning ordinance in the following manner:

### **Department Information**

Administration Building 304 E. Grand River Avenue Suite 206 Howell, MI 48843-2323

> (517) 546-7555 Fax (517) 552-2347

Web Site co.livingston.mi.us

# ARTICLE XV: Signage

# Section 15.05 Schedule of Sign Regulations

The schedule provided below summarizes the quantity, maximum area, maximum height, and minimum setback from existing road rights-of-way permitted for signage requiring a permit under this Section. Detailed requirements for the signs listed below are provided under subsections 15.06 and 15.07. Wherever conflict exists between the following schedule and the standards of those subsections, those subsections shall prevail.



Z-33-20: Marion Township Amendments to Article III: Definitions and Article IX: Commercial Districts Page 4

**Township Recommendation:** Approval. The Marion Township Planning Commission recommended Approval of the text amendments at their November 24, 2020 public hearing and planning commission meeting. There were a few general public comments noted in the meeting minutes regarding these new provisions, mainly about issues with allowing this use to occur in other districts besides commercial.

**Staff Recommendation:** Approval. The proposed text amendments are reasonable and appropriate. The township has taken great time and effort to be proactive and somewhat flexible in allowing short-term rentals to lawfully occur as a permitted use in the township, however, it appears to have taken the necessary steps to ensure that there are no compatibility issues associated with this type of use by directing it to what the township feels is the most appropriate district.



# Z-33-20: Marion Township Amendments to Article III: Definitions and Article IX: Commercial Districts Page 3

#### HOUSE BILL 4046:

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act,"

(MCL 125.3101 to 125.3702) by adding section 206b.

### THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 206b. (1) For the purposes of zoning, all of the following apply to the rental of a dwelling, including, but not limited to, short-term rental:

- (a) It is a residential use of property and a permitted use in all residential zones.
- (b) It is not subject to a special use or conditional use permit or procedure different from those required for other dwellings in the same zone.
  - (c) It is not a commercial use of property.
- (2) This section does not prohibit regulation applied on a consistent basis to rental and owner-occupied residences for noise, advertising, traffic, or other conditions.
- (3) As used in this section, "short-term rental" means the rental of any single-family residence or 1-to-4-family house or dwelling unit, or any unit or group of units in a condominium, for terms of less than 28 days at a time.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

According to a Michigan Township's Association (MTA) article written in October 2019, in a piece entitled "More Efforts to Enable Short-Term Rentals", another similar Bill was proposed in late 2019 in what's called the "Michigan Short-Term Rental Promotion Act" as an alternative approach. The article reads as follows:

"Under HB 4554, all short-term rentals of no more than 30 consecutive days would be required to register their property with the state. The bill clarifies that personal information, such as the street address and owner's name, is exempt from the Freedom of Information Act. Additionally, the bill states that local units cannot have any zoning ordinance that effectively prohibits short term rentals in compliance with the Michigan Zoning Enabling Act. The bill would require anyone who owns a short-term rental to carry \$1 million in liability insurance, either on their own or through their hosting platform, such as Airbnb. The owner must also pay all taxes and assessments required by law. Any owner who violated the act would be subject to a fine of as much as \$15,000. HB 4554 would also create a work-group of stakeholders, including local units, the tourism industry and real estate professionals. The group would be tasked with assisting the state Department of Licensing and Regulatory Affairs (LARA) with developing best practices and model short-term rental zoning. To date, no action has been taken by the Michigan Legislature on HB 4554."

Source: [online] https://mymlsa.org/more-efforts-to-enable-short-term-rentals/



Z-33-20: Marion Township
Amendments to Article III: Definitions and Article IX: Commercial Districts
Page 2

Add new item 9.01.B (18) as follows:

ARTICLE IX: COMMERCIAL DISTRICTS

Section 9.01: HS: Highway Service District

**B. Uses Permitted By Right:** 

In the Highway Service District, no building or land shall be used and no building or structure erected except for one or more of the following specified uses, unless otherwise provided for in this Ordinance. All uses permitted in this district are subject to the requirements and standards of Site Plan Review (Article XVIII) prior to initiation of the use or structure.

# 18. Short Term Rentals

STAFF COMMENT: For some time, the Township has worked on formulating language that would allow short-term rentals as a permitted use to some extent within the township. There was noted some past concerns with this type of activity going on in residential districts. With this amendment, the Township is being proactive with regard to this use, in allowing short-term rentals as a permitted use, however, only in the Highway Service Commercial district. As of this report, it was not known as to the number of possible parcels this amendment would directly affect. The Township has also sought advice from their township legal counsel and has let the township know that this is a good start and has provided some additional items that could be added at a later date if necessary.

Related, in early 2019, a Bill was introduced in the Michigan House of Representatives, HB 4046, which would amend the Michigan Zoning Enabling Act. As of the date of this report, this bill is still under consideration and has yet been signed into law. In essence, the bill effectively strips local townships, cities and villages of their authority to regulate the location (zoning) of vacation and short-term rentals of 28 days or less. The Bill reads as follows (see following page):



# **Livingston County Department of Planning**

# MEMORANDUM

TO:

Livingston County Planning Commissioners and the

Marion Township Board of Trustees

Kathleen J. Kline-Hudson AICP, PEM

Director

FROM:

Robert Stanford, Principal Planner

DATE:

December 1, 2020

SUBJECT:

Z-33-20 Amendments to Zoning Ordinance Article -

Article III: Definitions

Article IX: Commercial Districts

Scott Barb PEM

**Principal Planner** 

Robert A. Stanford AICP, PEM

Principal Planner

The Marion Township Planning Commission proposes to update the following Articles:

**Article III: Definitions** 

**Article IX: Commercial Districts** 

NOTE: When existing (current) text are utilized in this review for illustrative purposes, additions (or newly proposed text) are noted in underlined bold font while deletions to existing text are noted in strikethrough font (Times New Roman). Planning Staff comments are noted in bold italic underline fashion (Arial).

The Marion Township Planning Commission proposes to update the township zoning ordinance in the following manner:

# **Department Information**

**Administration Building** 304 E. Grand River Avenue Suite 206 Howell, MI 48843-2323

> (517) 546-7555 Fax (517) 552-2347

Web Site co.livingston.mi.us Add new definitions as follows:

ARTICLE III: DEFINITIONS Section 3.02 Definitions

Short Term Rental: The renting of a residential dwelling unit usually leased for a period of twenty-eight or fewer 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.

**Township Planning Commission Recommendation: Approval.** The Marion Township Planning Commission recommended Approval of the text amendments at their November 24, 2020 public hearing and planning commission meeting. There were a few comments from Commissioners during the discussion period noted in the meeting minutes regarding these new provisions.

Staff Recommendation: Approval. The proposed amendments are reasonable and appropriate.

**Commission Discussion:** Commissioner Abramson noted that this only addresses containers used for storage purposes and not residential purposes.

Public Comment: None.

#### **Commission Action:**

Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO RECOMMEND APPROVAL. SECONDED BY COMMISSIONER IKLE.

Motion passed: 7-0

Yea: Prokuda [X] Ikle [X] Clum [X] Anderson [X] Bowdoin [X] Abramson [X] Call [X] Nay: None.

# G. PA-15-20: COHOCTAH TOWNSHIP, FARMLAND AND OPEN SPACE AGREEMENT, SECTION 2, 54 ACRES, NICHOLAS AND LARRY ADAMS

Staff Recommendation: Approval.

Commission Discussion: None.

Public Comment: None.

**Commission Action:** 

Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER CLUM.

Motion passed: 7-0

Yea: Prokuda [X] Ikle [X] Clum [X] Anderson [X] Bowdoin [X] Abramson [X] Call [X] Nay: None.

#### 8. OLD BUSINESS: None.

### 9. NEW BUSINESS:

**A.** 20 Year Service Award: Kathleen Kline-Hudson presented Rob Stanford with a Certificate of Recognition for 20 years of outstanding service to the Livingston County Planning Department. Commissioners shared in congratulating Rob. Rob shared his appreciation with staff and commissioners.

#### 10. REPORTS:

- **A.** Planning Director Kline-Hudson reported that Bill Call will retiring from Handy Township at the end of this year.
- **B.** A successful virtual Brown Bag Lunch was held on December 2, 2020, with a turnout of 60 attendees. Kline-Hudson reported that the Livingston County Trails Plan is prompting discussion and initiatives within other communities. The Huron Clinton Metroparks will be applying for a grant to conduct a

Staff Recommendation: Approval. The proposed text amendments are reasonable and appropriate.

Commission Discussion: None.

Public Comment: None.

**Commission Action:** 

Commissioner Action: IT WAS MOVED BY COMMISSIONER CALL TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER CLUM.

Motion passed: 7-0

Yea: Prokuda [X] Ikle [X] Clum [X] Anderson [X] Bowdoin [X] Abramson [X] Call [X]

Nay: None.



# Z-35-20: MARION TOWNSHIP, ZONING ORDINANCE AMENDMENT, ARTICLE XVIII SITE PLAN REQUIREMENTS (MULTIPLE SECTIONS) AND ARTICLE VI GENERAL PROVISIONS (MULTIPLE SECTIONS)

The Marion Township Board of Trustees has decided to adopt an Engineering Development Standards Policy document that will encompass all of the Site Plan section and some of the General Provisions relating to access controls, private roads, and sidewalks. The Standards are already adopted and are on the township web site at the following link:

# https://protect-us.mimecast.com/s/A5WiC0RXjzSGXyXEHwC5R ?domain=mariontownship.com

They will be updated and re-adopted by the board once these changes to the zoning ordinance are final.

Township Planning Commission Recommendation: Approval. The Marion Township Planning Commission recommended Approval of the text amendments at their November 24, 2020 public hearing and planning commission meeting. There were no public comments noted in the meeting minutes regarding these amendments.

**Staff Recommendation: Approval.** The proposed text amendments are reasonable and appropriate. Taking these steps will provide the Township with a better organized system and reference document pertaining to its developmental and engineering standards to utilize in the future.

Commission Discussion: None.

Public Comment: None.

**Commission Action:** 



Commissioner Action: IT WAS MOVED BY COMMISSIONER ABRAMSON TO RECOMMEND APPROVAL. SECONDED BY COMMISSIONER CALL.

Motion passed: 7-0

Yea: Prokuda [X] Ikle [X] Clum [X] Anderson [X] Bowdoin [X] Abramson [X] Call [X] Nay: None.

# F. Z-36-20: MARION TOWNSHIP, ZONING ORDINANCE AMENDMENT, ARTICLE III DEFINITIONS, SECTION 3.02 DEFINITIONS AND ARTICLE VI GENERAL PROVISIONS, SECTION 6.07 ACCESSORY USES AND STRUCTURES

The Marion Township Planning Commission proposes to update the Township Zoning Ordinance regarding the regulation of cargo and shipping container storage.

#### **Commission Action:**

Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO RECOMMEND APPROVAL. SECONDED BY COMMISSIONER ANDERSON.

Motion passed: 6-1

Yea: Prokuda [X] Ikle [X] Clum [X] Anderson [X] Bowdoin [X] Call [X]

Nay: Abramson [X]

Z-33-20 MARION TOWNSHIP, ZONING ORDINANCE AMENDMENT, ARTICLE III DEFINITIONS, SECTION 3.02 DEFINITIONS AND ARTICLE IX COMMERCIAL DISTRICTS, SECTION 9.01.B HS: HIGHWAY SERVICE DISTRICT, USES PERMITTED BY RIGHT

The Marion Township Planning Commission proposes to update the following Articles:

Article III: Definitions

• Article IX: Commercial Districts

Township Planning Commission Recommendation: Approval. The Marion Township Planning Commission recommended Approval of the text amendments at their November 24, 2020 public hearing and planning commission meeting. There were a few general public comments noted in the meeting minutes regarding these new provisions, mainly about issues with allowing this use to occur in other districts besides commercial.

**Staff Recommendation: Approval.** The proposed text amendments are reasonable and appropriate. The township has taken great time and effort to be proactive and somewhat flexible in allowing short-term rentals to lawfully occur as a permitted use in the township, however, it appears to have taken the necessary steps to ensure that there are no compatibility issues associated with this type of use by directing it to what the township feels is the most appropriate district.

Commission Discussion: None.

Public Comment: None.

**Commission Action:** 

Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO RECOMMEND APPROVAL. SECONDED BY COMMISSIONER ABRAMSON.

Motion passed: 7-0

Yea: Prokuda [X] Ikle [X] Clum [X] Anderson [X] Bowdoin [X] Abramson [X] Call [X]

Nay: None.

D. Z-34-20: MARION TOWNSHIP, ZONING ORDINANCE AMENDMENT, ARTICLE XV SIGNAGE, SECTION 15.05 SCHEDULE OF SIGN REGULATIONS, AND SECTION 15.06 SIGNS IN RESIDENTIAL DISTRICTS

The proposed text amendments are in regard to: Signage

Township Planning Commission Recommendation: Approval. The Marion Township Planning Commission recommended Approval of the text amendments at the November 24, 2020 public hearing and planning commission meeting. There were no public comments in relation to these proposed amendments.



## Planning Commission Annual Report 2020

### January

- LCPC annual visit by Brian Prokuda. The LCPC appreciates our members attending their meetings especially when our items are on the agenda in case of questions arising and information sharing. Trail and park plans are taking shape for the community.
- Majestic Oak Stable renewing SUP#01-03 (new ownership and new name: "Q Card Stable")
- Election of Officers: Larry Grunn- Chairman; Bruce Powelson- Vice Chairman; Cheryl Range-Secretary
- TXT#03-18 17.32 Changes of B o T (to J) was approved by PC
- TXT#04-17 Comments from LCPC sent to B o T (review and adoption)
- Section 15.05,06 (Signs); TXT#07-17 (Lots); TXT#01-19 (Short Term Rentals) Discussed but, postponed to 2-25-20 meeting.
- -Discussion on SUP, Home Based Business continued. Les A. (B o T) wishes to incorporate language of Farm Progress and its application in the Master Plan drafting update.

# **February**

- -Section 15.05,06 (Signs); update given by John E. (meetings with Mike K., and Dave H.) Free standing signs questioned and discussed. TXT change to 15.06 and 06(C) more discussion and postponed to 3-24-20 meeting.
- -Discussion on cell towers (must be allowed). Solar panels being considered as an accessory use (for Dave H. To regulate). Principle structure vs. Principle use (single family/ AG farm/ open space usage). John E. will bring language from Huron Twp. to share and discuss. Postponed to 3-21-20 meeting.
- -TXT#01-19 Short Term Rentals (not allow in ERS our plan). Still having many numerous issues from Triangle Lk. House being repeatedly rented.
- April 20th meeting (Monday) MTA mtg conflict
- -Master Plan update (John E. Sorry for the delays)
- -Open Spaces, farmland preservation discussed along with Jim A. mtg with an Ann Arbor outreach.

March - No Meeting - Governor closed many things she considers non essential

April - Conference Call Meeting - Township closed still

-Mugg & Bopps explanation and discussion for a Dunkin Donut drive thru extension/addition by Todd Lekander and John E. Add ins and upcoming meetings with Phil W. regarding the drain, pond, the turn arounds, and discussion with Bob Dymond and PC's. Zoning issues not considered "essential" and information being shared now and moving forward as we can, when we can, and are allowed. Jim Abraham spoke (future owner of McGowan's Mini Storage) LCDC is going to (but, when?) help with the water depth issues in the pond. Township not being open is keeping applications etc. on hold. Maybe May 18<sup>th</sup> as a re open date? Maybe. Discussion/meeting ended.

### May - Conference Call Meeting

- -B-Line is asking for outdoor dining discussion and approval with state guidelines in practice and as an Accessory Use permitted by Dave H. With approved considerations and input from LCFD. PC's in favor of helping to keep the business on going.
- -SPR#01-20 & SUP#01-20 for Marion D19 LLC Section 17.12 (drive in) PC's discussed drive thru issues and set a Public Hearing for 6-23-20 meeting.

- -TXT#05-05,06 (Signs) Home Occupation/Home Based Business postponed again to 6-23-20 meeting due to waiting on the update from John E.
- -TXT#07-17 Proposed Lot Changes postponed (same as above). Waiting on info from John E., Bob H., Dave H., & Twp. Attorney)
- -TXT#01-19 Short Term Rentals Discussion continues. PC does NOT want this allowed in ER but, only in Commercial or HS. Postponed as well.
- -Master Plan update John E. has added pictures, cleared up demographics on pages, and will add Open Spaces and Farmland Preservation paragraphs.
- -Multiple drives being a continual request in the township to Dave H. (to get to a barn, to avoid septic fields, non conforming lots etc.) Should we pull this language (clarify) out of our ZO and have the LCRC regulate as much as possible to help our township residents?

#### June

- -Public Hearing SUP#01-20 Marion D19 LLC Section 17.12 (Drive in Mugg/Bopps) John E. shared another drive thru SUP in Cohoctah with details. PC's asked about signs, barriers, traffic flow safety with cross over customers, buffers etc. Jim Abraham (Mini Storage owner) also had input regarding his area (drainage/pond, and easement). SUP approved and sent to B o T for review/comments/approval. SPR tabled for outstanding issues.
- -Soul Embodied Sanctuary Proposal Heard from owner (Brigette Patton) and her friend about wanting a multiple tiny house commune set up on her 14 acre parcel plus another parcel she is looking into purchase for a rehab establishment for women. She is involved with an outreach of Global and on-line International Networks for Sustainable and Resource Energy Aid. She was "pulled" to the land in a spiritual vision and connection. She has a Green Global outreach and entities and wishes to bring emotional, educated, peace and inner genius with a miracle to needing women. We explained along with John E. that Marion Township is not the proper fit for this "vision". Some other areas in the state were suggested. They thanked us for the time and left.
- -TXT#01-19 and TXT#07-17 (Short Term Rentals/ Lots) were tabled to 7-28-20 meeting.

### July

- -SPR#01-20 Marion D19 LLC 17.12 Drive in (Mugg & Bopps) Todd Lekander spoke to PC's regarding issues to explain reviewed comments from Carlisle Wortman (Outside agencies expressing concern/addressing problems: drain,health dept., LCRC points brought up). PC's and Phil W. were some of the attendees having thoughts and questions. Todd L. was willing to appease with information/suggestions and brought updated drawings back to PC for final review.
- -Storage containers discussion: uses, how many per parcel, time allotted for use each etc.
- -TXT# 01-19 Short Term Rentals John E. is requested to give clarification for items in statements to be used regarding ERS1, RR, SR districts as well as days (time allowed for rentals 30-180 days) also acknowledging our Commercial/ HS only request for allowing these rentals, and to explain further Mike K.'s comments and info. from their meeting.
- -New Engineering Standards/ updating our ordinances to be compliant with our ZO.
- -Tabled Wellhead Protection revision to 8-25-20 meeting.

#### August

- -=RZN#01-20 Public Hearing set for 9-22-20 (4710-02-200-008) rezone from HWY Service to UR (725 Mason Rd) Due to sales stalling by mortgages being denied because of the zoning classification.
- -SPR#01-20 Final Site Plan for D19 LLC Drive in in Section 17.12} Changes made that were requested. PC's and John E. thanked Todd L. for addressing prior issues. PC approved and sent to

B o T for review/approval.

- -Master Plan John E., Dave H., Bruce P. to meet and review the latest version then send it on to B o T and outside communities to also review.
- -TXT#01-19 Short Term Rentals John E. suggests to send our previous information gathered to the new attorney (Mike K. retired) for their input, direction, or comment.
- -Storage container further discussion. Bob H. relayed that Dan L. (B o T) wants a simple & direct language for adding to our amendments/text/articles.
- -Les A. (BoT) wishes the ZB, PC,& B o T to attend a meeting to train and update on subjects as: SUP regulations, easements crossing parcels, mobile home regulations etc. John E. said that he (Carlisle Wortman) can head up and prepare that request after the Nov. election.

# September

- -Melissa (Carlisle Wortman representing John E.) attending this meeting.
- -Public Hearing RZN#01-20 for parcel 4710-02-200-008 (725 Mason Rd.) from Hwy Service to Urban Residential & Gary McCreary representing Dean Killenbeck and all information is in order, all approved, and sending to LCPC for review/approval.
- -Larry G. (PC Chairman) updated PC's on ZBA cases from the recent meeting concerning variances on flag lots/cul-de-sacs. A joint meeting is suggested to update our ZO hoping to eliminate some extra applications for variances.
- -TXT#01-19 Short Term Rentals discussed again and tabled again to 10-27-20 meeting.

#### October

-Joint Training with all board members in attendance and led by John E. topics covered from Land Use decisions, Board Authorities and powers, Site Plan Reviews, variances, decisions, principles, motion content, site visits etc. Question and answer time after.

### **PC Meeting**

- SPR#02-20 Vern Brockway 1388 Lucy Rd Industrial Zoning (4710-01-400-005) Alan Crestwood representing Vern B. Requesting (among other things) 6,000 sq. ft. bldg. to be used for (mostly) truck repairs with septic, well, a 1,500 sq. ft. office and 4,500 sq. ft. repair shop (on a non conforming lot). Still needing outside agencies LCDC, LCRC, LCFD, and ZBA input. Sent to ZBA for review/variance.
- -Public Hearings set for 11-24-20 for: TXT#01-19 Short Term Rentals (HS/Commercial only); Short Term Rental Article III Definition 3.02; TXT# 02-19 Signs for Home Occupations/Home Based Business; TXT#01-20 Site Plan/ Private Road Changes for Development Standards; TXT#02-20 Accessory Structure.

# November (Virtual on-line meeting) gotomtg

- -Public Hearing TXT#01-19 Short Term Rentals Ed Grima (resident) would like to NOT have short term rentals in residential areas. Still having issues on the Triangle Lk home. Hoping to have these rentals only in Commercial zones as has been discussed by PC's.
- -Public Hearings TXT#02-19 Signs for Home Occupations/Home Based Business

TXT#01-20 Site Plan Private Road Changes for Development Standards
TXT#02-20 Accessory Structure and Storage Containers: NO Comments from

the public on any of these three.

-TXT#01-19, TXT#02-19, TXT#01-20, TXT# 02-20 (All mentioned above) and sent to LCPC for review/comment/ approval.

-Public Hearing set for 12-22-20 for TXT#03-20 Planned Unit Development Overlay District (traffic increase will be one issue.) Some discussion regarding front lot # 145 and traffic (Allstott/Tracilee).

December (Zoom/ virtual/ some in Twp. Hall attending)

-Public Hearing TXT#03-20 Planned Unit Development Overlay District - John E. summarized the text for amending purposes, detailing submissions, and a more comprehensive info packet for PC's. Manny K. (Master developer of Phase III) introduced himself and spoke of the upcoming project. -Review of PUD#01-20 Tamarack Place (Sunridge III) Pre Site Plan Review - Manny K. Gave an overview of his Phase III/ 145 unit project. History: The west side of Peavy Rd 2011 (foreclosed by Bank of America/ Edwin Allen Homes) 2008 Mitch Harris lost it. Marion Creek Phase II Original PUD needed to be modified in order to accommodate Phase III. Site Plan was approved. Mike West (Edwin Allen Homes) started PUD site plan. Enhanced intersections with flowing street patterns. 7,900 - 6,400 ft of roads (less rain water run off & maintenance.) Amenities addressed (paths, walkways, trails, lineal paths, open spaces, etc) Water lands left alone. Traffic study done in Oct. (deceleration taper lane addressed). LCRC will always be updated as the project moves along. Want to retain woods, meadows, and preserve open spaces etc. LCRC, City of Howell, MDOT, all multiple jurisdictions staying in contact with discussions regarding traffic congestion. More discussion continued regarding traffic, turn lanes and stones/gravel paths with timber fence entries etc.

-13.04 TXT# 03-20 PUD Overlay District move to EDS (Engineering Development Standards) to help clarify verbiage with our ZO. Motioned to send to LCPC for comments/approval.

Respectfully Submitted, Cheryl Range PC Secretary 1-4-21