

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

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

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

CALL TO ORDER:

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

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA:

Regular Meeting Agenda for February 26, 2019

Jim Anderson motioned to approve the agenda. Cheryl Range seconded. **Motion carried.**

APPROVAL OF MINUTES:

Approval of the Regular Meeting Minutes for January 22, 2019

Jim Anderson motioned to approve the minutes from January 22, 2019. Cheryl Range seconded. **Motion carried.**

CALL TO THE PUBLIC: None

NEW BUSINESS:

1) TORATOLA LANE SITE CONDO FINAL SITE PLAN REVIEW

Jim Barnwell came before the Planning Commission to request approval for the final site plan for Toratola Lane Condos. Toratola Lane is over 750 feet long and a variance was given for the length of this road. Ken Recker from the Drain Commission office had no objections regarding this site plan.

John Enos recommend approval to the Planning Commission and if approved, this will then be brought to the board for final approval.

Jim Anderson asked if all of the condos would be paying for any maintenance on the limited common areas. Jim Barnwell said there will be very little to no maintenance on this area because it's a natural wooded area that won't require any maintenance. Jim Anderson asked who will be paying taxes on the common area. Jim Barnwell said the four houses that back up to this area will be paying the taxes because this common area adds value to their properties.

Bob Hanvey asked if the home owners have authority to make repairs on the waste water system. Jim Barnwell said that the association has authority to make these repairs.

Jim Barnwell said that Marion's attorney Mike Kehoe would like something in the master deed that requires Board approval for site plan changes.

Larry Grunn asked how far away the bordering neighbors are from the property line. Jim Barnwell said about 250 feet from the property line. Barnwell made a suggestion to Garth about planting some trees along the property line for better screening.

Cheryl Range made a motion recommending approval to the Board for the final site plan for Toratola Lane, along with the conditions/comments from the outside agencies. Bruce Powelson seconded. **Motion carried.**

2) BOT REQUEST LIGHT ORDINANCE FOR RESIDENTIAL AREA

Dave Hamann said that he included language on nuisance ordinances because that is kind of where lighting issues would fall. Cheryl Range read the nuisance ordinance that she and Greg Durbin put together. This would have covered some of these current issues happening in the township.

Bob Hanvey mentioned that currently in the township, a particular resident has lighting on the trees within her property and it shines over her fence, along with between the gaps of her fence. Technically they would be in violation if this language was part of our ordinance. Les Andersen said that if we had language that required the homeowner to put a shield on the light, this would eliminate some of the current issues. John Enos said that Howell Township's language is appropriate and very typical.

Bob Hanvey asked what would happen if two different residents had the same lighting and one neighbor liked the lighting but another didn't. Would both residents be in violation? John said technically both parties would be in violation. Cheryl Range said that we could state something that required enforcement to be complaint driven or stated that you had to have approval from the adjacent neighbors in order to be compliant. Bruce Powelson suggested to only violate those that have neighbors who are complaining. Dave Hamann suggested taking our commercial language for nuisances and use it in residential areas. Dave also said that if we made this a general ordinance, then it would cover any current issues, not just the ones going forward.

Bob Hanvey asked if Carlisle Wortman would be our "Township Manager". John Enos said that right now, Carlisle Wortman spends two days a week at another township, writing tickets and arguing with residents at

the counter. It is very difficult and hard to do, but doing this is what works. You have to enforce your ordinances or it doesn't work. John will provide an electronic copy of Howell Township's ordinance.

Jim Anderson made a motion, allowing Cheryl Range to prepare language for a Nuisance ordinance, using the language from Howell Township, along with our existing definitions. Bruce Powelson seconded. **Motion carried.**

OLD BUSINESS:

1) FINAL CHANGES TO RULES AND PROCEDURES

Everyone signed the signature page for the Planning Commission Rules and Procedures.

2) LANDSCAPE NURSERY OPERATION REVIEW

John Enos said that Marion has a landscape operation definition and now we have to decide if it needs to be changed. The ZBA made this definition, so Dave has to follow this until told otherwise, so this needs to be incorporated to the zoning ordinance. John Enos stated that there is a difference between a "landscape operation" and a guy mowing grass for a living. That would fall under "home occupation". Bob Hanvey said that this definition doesn't say "secondary to growing". John thinks that it does say that.

John said that the Planning Commission needs to determine whether or not we want this as our definition. Should this definition be changed/modified or should we make it part of the ordinance. Dave Hamann said he thinks we should make this part of our Special Use process and that way, we have the ability to review it. John Enos completely agreed with Dave.

Tim Ryan, 459 East Davis Road, asked if a particular parcel is in a RR district and they build a pole barn on their parcel, but later they decide to split the parcel. The barn is now on a parcel without a house and is operating as a business. This is what happened with Eddies and now, it is actually more of a trucking company versus a landscaping operation.

John Enos said that a landscape nursery with or without a barn is not unusual. John said that we could look at over fifty different pieces of language, but they will all be similar to this one. John said that if the Planning Commission wants this as our definition, he recommends sending this language to the board for review. If the board wants us to change/modify anything, then we can do so at that time.

Jim Anderson made a motion to send this language along with the new definition to the Board of Trustees for review. Bruce Powelson seconded. **Motion carried.**

3) TXT# 07-17 PROPOSED CHANGES LOTS

Cheryl Range made a motion to postpone this item until the next meeting on March 26, 2019. Jim Anderson seconded. **Motion carried.**

4) TXT# 03-18 HOME OCCUPATION

Jim Anderson found some interesting language regarding "Home Occupations".

Jim Anderson made a motion to send both pieces of language he found on Home Occupations along with the language he found on Residential & Agricultural Districts to Dave Hamann so it can be distributed to the board members for review. Bruce Powelson seconded. **Motion carried.**

Cheryl Range made a motion to postpone further discussion on this item until the next meeting on March 26, 2019. Bob Hanvey seconded. **Motion carried.**

5) TXT# 01-18 6.20 PRIVATE ROADS

Jim Anderson found some language on "Private Roads".

Jim Anderson made a motion to send the language he found on Private Roads to Dave Hamann so it can be distributed to the board members for review. Cheryl Range seconded. **Motion carried.**

Cheryl Range made a motion to postpone further discussion on this item until the next meeting on March 26, 2019. Bob Hanvey seconded. **Motion carried.**

CORRESPONDENCE AND UPDATES:

MSU EXTENSION CULTIVATING LOCAL FARM ECONOMIES (MARCH 21, 2019 IN ANN ARBOR)

Cheryl Range, Larry Grunn and Bob Hanvey would like to attend this seminar. Bob Hanvey will check with the Board to see who else would like to attend this training and then will coordinate with the Clerk about getting everyone registered for the class.

PLANNING COMMISSION ANNUAL REPORT

Bob Hanvey said that Cheryl Range put together the Planning Commission Annual report for this year and did a very nice job, and thanked Cheryl for her efforts on this.

SET NEXT SPECIAL MASTER PLAN MEETING

John Enos passed out the Master Plan draft and will coordinate the next Special Meeting with Dave Hamann. Tim Ryan asked if he could review the Master Plan handout. John Enos said that it is a rough draft and would be ok with him taking a quick look at it, but reminded everyone that it is not approved yet, so it is not ready for the public to review it yet.

CALL TO THE PUBLIC: None

ADJOURNMENT:

Bruce Powelson made a motion to adjourn the meeting at 9:45pm. Jim Anderson seconded. **Motion carried.**