

DRAFT

*Approved by: _____
Larry Grunn, Chairperson

Date: _____

MARION TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
October 22, 2019 / 7:30PM

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

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

MEMBERS ABSENT: LARRY GRUNN – *CHAIRPERSON*

CALL TO ORDER:
Bruce Powelson called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA:
Regular Meeting Agenda for October 22, 2019
Cheryl Range motioned to approve the agenda for the October 22, 2019. Jim Anderson seconded. **Motion carried.**

APPROVAL OF MINUTES:
Approval of the Regular Meeting Minutes for September 24, 2019
Bob Hanvey motioned to approve the minutes from the September 24, 2019 meeting. Cheryl Range seconded. **Motion carried.**

Bob Hanvey motioned to approve the grammar and spelling changes for the minutes from the September 24, 2019 meeting. Jim Anderson seconded. **Motion carried.**

CALL TO THE PUBLIC:

Rebecca Mistretta resides at 2883 Rubbins. Rebecca is concerned about the house on 1697 Triangle Lake Road. This property is currently being used as a rental property. The Township needs to put an immediate stop to this use, for various reasons. There are already major parking issues on this road, due to the road being extremely narrow. Last weekend there were seven vehicles visiting this residence and they were parked alongside the road, near this property.

Edward Grima resides at 2943 Rubbins. Ed is concerned about the septic system that runs under the road. The basement was only supposed to be used for storage. The website says that there is a washer and there should not be.

PUBLIC HEARING:

TXT# 04-17 Landscape Contractor and Nursery Operations

Jean Root resides at 723 E. Davis Road. Jean said that we have a trucking company running trucks illegally in the Township. These trucks are starting up at 4:30am-5:30am and you can hear them backing up and coming and going throughout the day. The Master Plan that the Township worked on in 2008 intended for Marion to remain rural in character. So something like this is not allowed in rural residential. Jean is concerned about accidents that could occur in result of these trucks and would like the Township to move forward and take action against this trucking operation.

Tim Ryan resides at 459 E. Davis. Tim agrees with everything that Jean Root just explained. This trucking operation is currently using Drain #3 which is not the drain they are supposed to be utilizing. In the mornings, the neighbors including himself can smell the exhaust fumes from the trucks. Tim is not trying to be a bad neighbor and it is not his job to come to the Township and complain but the Township needs to get some enforcement on this issue.

John Enos said that the Planning Commission Board is appointed by the Board of Trustees. The goal is to keep the Townships rural character intact. They try to protect and guide the future of the Township. It is not the Planning Commission's job to handle enforcement. They write language to protect and allow certain things within the Township. There is a difference between a trucking company that hauls mulch, stone and so forth versus a Landscape Contractors yard. We have created language that expresses the difference between the two. John's hope is to approve this language and sent it to the Livingston County Planning Commission for review and then to the Marion Township Board for approval.

Susan Schooley resides at 459 E. Davis road. Susan says that the Nursery Operation language states that it must not create a nuisance or disrupt the rural character. This leaves a lot of room from interpretation and different opinions of what is and isn't allowed. **PUBLIC HEARING CLOSED**

John Enos wished to address the short-term rental property on Triangle Lake. Marion Township is separated into different Zoning Districts. ERS-1 (existing rural subdivision) is one of the smaller districts. A short-term rental is not a permitted use according to our ordinance. There will be no more discussion on this during

tonight's meeting but maybe these residents should attend one of the regular weekly Board meetings to discuss your concerns.

Cheryl Range mentioned that there are currently two bills being discussed in the State House and Senate. This keeps getting stalled by the Senate but it addresses the definition of short and long-term rentals.

NEW BUSINESS:

TXT# 04-17 Landscape Contractor and Nursery Operations

Jim Anderson wanted to discuss the storage of live trees and shrubs. Does this mean trees with root balls or just growing trees?

Tim Ryan resides at 459 E. Davis. Tim explained that Right to Farm means that you are growing things from the ground. Not storing bagged trees or balled trees for a later sale. Storing these does not sound like something that should happen in Rural Residential.

John Enos asked why you couldn't have retail sale of trees in RR.

Tim Ryan explained that retail sales in RR opens the door for more issues, unless they are being grown on site.

Jim Anderson said that we need to spell out what they are allowed to do so there is not room for interpretation. Jim also said that he doesn't like the word "storage". He prefers "Natural growing of bulbs, trees and shrubs." John read a proposed draft of this definition:

"Nursery Operations: A parcel, area, space, building or structure, or combination thereof, used chiefly for the storage of, live trees, shrubs, and plants; natural growing or balled for retail sale."

Dave Hamann said that if it is Right to Farm then a Site Plan Review is not required.

Jim Anderson said that if it is naturally grown from the ground, then that is considered Right to Farm.

Jim Anderson made a motion to modify the language for the "Nursery Operations/Right to Farm" definition; Section 8.01.B.3, Section 8.02.B.6 and Section 10.01.B.16, with the verbiage previously read. Cheryl Range seconded. **Motion carried.**

Jim Anderson made a motion to send this updated language for the "Nursery Operations/Right to Farm" definition; Section 8.01.B.3, Section 8.02.B.6 and Section 10.01.B.16, to the County for recommendations and then back to the Planning Commission for review. Cheryl Range seconded. **Motion carried.**

OLD BUSINESS:

1) TXT #03-18 Section 6.14 and 17.32 Home Occupation / Home-Based Business

John Enos explained that the County did a thorough review of this language.

Jim Anderson said that since we are not allowing signs for Home Occupations, then we need to strike it from 15.05 and 15.06 in our Zoning Ordinance.

John Enos said that we should approve this language and clean up the Zoning Ordinance later on.

Bob Hanvey is still concerned with the word "Lot" in 6.14 Home Occupation.

Jim Anderson made a motion to replace the word "lot" with the word "parcel" through all of section 6.14 Home Occupation and recommend approval of 6.14 & 17.32. Bob Hanvey seconded. **Motion carried.**

2) TXT# 07-17 Proposed Changes Lots

Bob Hanvey motioned to postpone discussion on this topic until the next meeting on November 26, 2019. Cheryl Range seconded. **Motion carried.**

3) Wellhead Protection Overlay District replacing 6.27

Cheryl Range motioned to postpone discussion on this topic until the next meeting on November 26, 2019. Jim Anderson seconded. **Motion carried.**

CORRESPONDENCE AND UPDATES:

McKay:

Dave Hamann discussed that in sections 6 and 6-10, it talks about yard encroachments. There is a resident in the audience tonight that has a lake front property. With lake properties, the lake-side is always considered the front and the road side is always the back side.

Gary McKay resides at 1451 Triangle Lake Road. Gary needs a variance for his deck because of issues that occurred years back.

Dave Hamann explained that he is just using McKay's situation as one of the examples that will help explain the importance of making changes to this language.

Gary said that several years ago their Land Use got approved to build their house on this property. Recently this house was torn down and it turns out that there is no drain field. The new house had to be moved to accommodate this. He would also like to build a deck but now the front yard setback is too short.

John Enos said that it sounds like Gary has a good practical difficulty.

Bob Hanvey asked if we could allow an encroachment on a lakeside.

John Enos said he will bring him some language options for the next meeting.

Cheryl Range motioned to postpone further discussion until the next meeting on November 26, 2019. Bob Hanvey seconded. **Motion carried.**

Esper/Wolf:

Bob Hanvey explained that Wolf is stating that his property has sufficient frontage to not be a flag lot.

Jim Anderson said that you can't encroach on property lines without a variance. You have to meet the setbacks from the property lines.

Jim Anderson made a motion to continue this meeting until 9:45pm. Bob Hanvey seconded. **Motion carried.**

Clarification on multi-pole flag lots:

Bob Hanvey said there is a parcel on Cedar Lake Road that has two poles. Is this still a flag lot?

Dave Haman said that he has to allow these residents to move forward because there is no language that says they can't. Should we put more language in section 6, to limit the amount of poles on a flag lot?

November is Annual meeting/election and no meeting scheduled for December:

Jim Anderson shared that he will not be here for the November meeting.

CALL TO THE PUBLIC:

Les Andersen wanted to know if the words "Right to Farm" was replacing the work "Ag" in our definition for Nursery operations.

Jim Anderson said it will now read, "Nursery / Right to Farm"

ADJOURNMENT:

Cheryl Range made a motion to adjourn the meeting at 9:47pm. Jim Anderson seconded. **Motion carried.**