MARION TOWNSHIP PLANNING COMMISSION AGENDA

REGULAR MEETING September 22, 2020 7:30 p.m.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

INTRODUCTION OF MEMBERS:

APPROVAL OF AGENDA FOR:

September 22, 2020 Regular Meeting

APPROVAL OF MINUTES FROM:

August 25, 2020 Regular Meeting

CALL TO THE PUBLIC:

PUBLIC HEARING:

1) RZN#01-20 Public Hearing to rezoning parcel 4710-02-200-008 from Hwy Service to UR at 725 Mason Road.

New BUSINESS:

- 1) RZN#01-20 review request to rezoning parcel 4710-02-200-008 from Hwy Service to UR at 725 Mason Road.
- 2) Workshop discussion of ZBA cases and variances from September Meeting.

Old BUSINESS:

1) TXT#01-19 Short Term Rentals discussion continued

Correspondence and Updates and Discussion:

CALL TO THE PUBLIC:

ADJOURNMENT:



Approved by:	Larry Grunn, Chairperson
Date:	

MARION TOWNSHIP PLANNING COMMISSION REGULAR MEETING MINUTES August 25, 2020 / 7:30PM

MEMBERS PRESENT:

LARRY GRUNN - CHAIRPERSON

BOB HANVEY

CHERYL RANGE — SECRETARY
BRUCE POWELSON — VICE CHAIR

JAMES ANDERSON

OTHERS PRESENT:

DAVE HAMANN - ZONING ADMINISTRATOR

JOHN ENOS - CARLISLE WORTMAN

MEMBERS ABSENT:

CALL TO ORDER:

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

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA:

Jim Anderson motioned to approve the agenda for the August 25, 2020 Planning Commission meeting. Bruce Powelson seconded. *MOTION CARRIED*

APPROVAL OF MINUTES:

Approval of the Regular Meeting Minutes for July 28, 2020.

Cheryl Range motioned to approve the minutes with the changes. Larry Grunn seconded. *MOTION CARRIED* (Bruce Powelson suggested some minor grammar changes, including adding "Jim Anderson seconded" for the motion on page 4, under Zoning Ordinance Spreadsheet.)

CALL TO THE PUBLIC:

NONE

NEW BUSINESS:

1) RZN#01-20 SET PUBLIC HEARING FOR SEPTEMBER 22, 2020 FOR REZONING PARCEL 4710-02-200-008 FROM HWY SERVICE TO UR AT 725 MASON ROAD

Dave Hamann explained that there is a stone house located at 725 Mason Road and it is currently zoned in a Highway Service district. If something were to happen to that house causing the house to be torn down, they would sell property as a commercial property, move the property to the City of Howell or have it re-zoned. They are currently trying to sell the property but are having a hard time doing so because mortgage companies will not finance a mortgage for the house because of the way it is zoned.

Chery Range made a motion to set a public hearing for the next Planning Commission meeting on September 22, 2020, so Dean Killingbeck can start the process for re-zoning his parcel which is located at 725 Mason Road. Bruce Powelson seconded. **MOTION CARRIED**

OLD BUSINESS:

1) SPR#01-20 FINAL SITE PLAN REVIEW FOR DRIVE-IN ESTABLISHMENT SECTION 17.12

Todd Lekander told the Commissioners that he made the suggested changes to his site plan. He changed the traffic behind the drive-thru to ONE-WAY which will address a lot of the issues that the Commissioners had, as well as Phil Westmoreland from Spicers.

Jim Anderson thanked Todd for making the requested changes. Jim asked Todd about putting in another STOP sign on the other side of the ONE-WAY.

Todd said that he will have ONE-WAY arrow signs along with directional indicators painted on the ground. Bob Hanvey asked about painting something on the pavement for those turning right onto D19, using the south side exit.

Todd requested that we wait for Jim Abraham to decided what he is going to do with his driveway. He believes that Mr. Abraham intends on paving his driveway and is willing to work with him on the signage for both of their driveways. He assured Bob that he would absolutely do what he could to mark that area as best he can. Bob Hanvey asked Todd if he could get a copy of the schedule involving the grease traps. Todd agreed to provide that to Bob.

Larry Grunn stated that Phil Westmoreland from Spicers had mentioned the decorative landscaping along the wall that is directly over the sewer lead. Todd said that all of the trees will be planted by the end of this year. John Enos said that he is happy with all of the changes and everything that has been addressed.

Chery Range made a motion to recommend approval of the site plan and send it to the Board of Trustees for review. Jim Anderson seconded. **MOTION CARRIED**

2) MASTER PLAN

John passed out a written resolution, requesting permission to distribute to the Board of Trustees as well as the surrounding "neighbors" for review. John stated that he still needs to make some graph changes but he has added some photos and changed some of the numbers.

Jim Anderson stated that he thought that there were quite a few changes that needed to be made and asked if those changes have been updated. John Enos said that these changes were made, along with new language regarding Open Space and Land Preservation. John said that he plans on reviewing things again with Dave Hamann before distributing the updated draft. Today he is just asking that the Master Plan be distributed to the outer communities and the Board of

Trustees for their review. This way we can at least get the 60-day process started, so we can set a public hearing. Changes can still be made, even after distribution.

John said that the public hearing would probably have to be done over a Zoom meeting with the residents.

Bob Hanvey said that we would probably have to wait until December so we are able to use the laptops that are typically reserved for Elections.

Jim Anderson suggested having questions be submitted and asked by precinct for the Zoom public hearing.

Larry Grunn asked if there was any language added about wedding barns. John said that there is some language about Ag Tourism but nothing specific about wedding barns.

Cheryl Range asked if we could mention that wedding barns are allowed in a commercial district but not under Right to Farm.

Larry Grunn asked if we should consider sending a copy of the Master Plan to our attorney for review. John Enos said that that would be very unusual. Typically, Attorneys do not get involved too much when updating the Master Plan.

Cheryl Range made a motion to send the updated Master Plan to the Board of Trustees for their review, along with distributing it to the outside communities, after Dave Hamann, Bruce Powelson and John Enos have had their final review. Larry Grunn seconded. **MOTION CARRIED**

3) TXT#01-19 SHORT TERM RENTALS DISCUSSION CONTINUED (NEED JOHN'S INPUT).

John Enos suggested having the new Attorneys take a look at some of this language and provide some feedback to us. Bob Hanvey said that we need to be careful not to exclude this use from the Township. We have to allow it in some way and somewhere within the Township.

John Enos suggested only allowing it in certain districts such as commercial.

Bob Hanvey suggested only allowing this use on 10 acre lots.

Jim Anderson suggested allowing this use on certain sized parcels and in specific districts, like commercial districts. Les Andersen resides at 4500 Jewell Road. Les inquired about the term "Bed and Breakfast", asking if the owner had to reside in the house, along with the guests. John Enos stated that the owner does have to live in the house while it is being rented out, for it to be considered a "Bed and Breakfast", which is currently not allowed in the ESR-1 district. John Enos said that we should send this language to the new Attorneys for review and input. They may have some better options for us. John suggested sending the following language options for review;

- Allow this use only in commercial districts making this a commercial only use.
- Send in a draft with the change about acreage requirements.
- Ask if they have any further options.
- Ask them for their opinion on adding "short-term rentals" to our "hotel/motel" definition which would then cover any issues related to short term rentals.

CORRESPONDENCE AND UPDATES AND DISCUSSION

STORAGE CONTAINERS:

Bob Hanvey explained that Dan Lowe requested that we come up with something basic and simple and to be careful not to let this language get too wordy and confusing.

Dave Hamann suggested creating a text amendment in section 67 and having it be an extension of "under 200 square foot / item 9".

Cheryl Range said that she has seen other language limiting this use to light industrials or commercial districts. Cheryl spoke with the Township Assessor, Loreen Judson and she stated that something like this would be hard to assess, especially if they don't actually bring any value to the property.

Jim Anderson asked what the size of the smallest container is.

Dave Hamann said 8 x 20, which is under the 200-foot requirement.

Page 3 of 4

Planning Commission Meeting 08-25-2020 MINUTES TAKEN BY: Jessica Timberlake

Jim Anderson asked if Dave Hamann could put together a text amendment for this. Jim asked if we should cover tractor trailers or just the trailers. Jim said the square footage of the container should be determined by the size of the parcel.

Les Andersen stated that the Planning Commission and John Enos should talk about putting together a training for all of the Board members and other Commissioners. A training that covers things like, easements crossing over parcels, Special Use Permit regulations, mobil home regulations, etc.

John Enos said that they could definitely put on a training regarding these items, but suggested getting a list of questions together and allow them plenty of notice so Carlisle Wortman could properly prepare and prep for something like this. John suggested something after the November election.

CALL TO THE PUBLIC:

NONE

ADJOURNMENT:

Cheryl Range made a motion to adjourn the meeting at 8:50pm. Larry Grunn seconded. MOTION CARRIED

APPLICATION FOR REZONING MARION TOWNSHIP LIVINGSTON COUNTY, MICHIGAN

I/we, the undersigned, do hereby make application to and petition the Marion Township Board to amend the township zoning ordinance and change the zoning map of Marion Township as hereinafter requested. In support of this application, the following facts are shown:

Name of Applicant	DEAN KILLINGBECK
Address	4341 MARWOOD
City/State/Zip	HOWELL, Mi 48855
Phone/Fax	517-202-6985
If applicant is not the owner signed by the owner:	, please provide the following, along with a letter of authorization
Name of Owner	
Address	
City/State/Zip	
Phone/Fax	
Property Information	
Address/Location	725 MASUN, HOWELL, MI 48843 4710-02-200-008
Parcel ID #	
Parcel Size	99 x 297
If multiple lots, are t	hey contiguous?
Legal description and certific	cate of survey for land proposed to be rezoned (please attach)
Present zoning classification	HWY COMMERICAL
Requested zoning classificat	ion <u>UR</u>
FEE SCHEDULE \$500 fee \$3,000 escrow	I hereby attest that the information on this application is, to the best of my knowledge, true and accurate. Signature of Applicant Date
	Office Use Only
Date Received: 8-17.00 Materials Received: APPLO	Fee Paid: 500 Legal Description:Ay Site Plans: Application #: 01-20
Application accepted by:	4 Newsger

SEC 2 T2N R4E BEG N LINE OF SEC, 1639 FT W FROM NE COR OF SEC, TH W 99 FT, TH S 297 FT, TH E 99 FT, TH N 297 FT TO POB, .67AC M/L

September 14, 2020

Marion Township Planning Commission:

Marion Township Board of Trustees:

Please be advised that I am the owner of the property at 725 Mason Road, Marion Township, Michigan. I agree that my agent, Gary McCririe, may speak on my behalf and represent me at any and all rezoning hearings and meetings.

Sincerely,

- Authentisign

Dean Killingbeck

9/14/2020 3:16:49 PM EDT Dean Killingbeck

MARION MARCH 2019



September 12, 2020

Honorable Planning Commission Members:

We are seeking a rezoning of the property located at 725 Mason Road. The property is currently zoned Highway SE. We are requesting a rezoning to UR.

Following is the information supporting our request;

a) What, if any, identifiable conditions related to the application have changed which justify the proposed rezoning?

The area surrounding our parcel on three sides is a residential manufactured home park. The use is residential. We wish to be residential as well. Our lot size does not conform to the Highway SE district and there isn't any reasonable expectation that additional parcels contiguous to ours will become available to make our parcel conforming.

b) What is the impact of the rezoning on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed rezoning is approved?

We believe that the rezoning we are requesting is actually less of a burden on the Township or other governmental agencies to provide public services.

c) Does the requested rezoning adversely affect environmental conditions, or the value of the surrounding property?

We do not believe so. We believe a residential use would be more harmonious to the surrounding and adjoining properties.

d) Does the petitioned district change generally comply with the adopted Township Master Plan?

No. We believe that a change to the future land use map for this property is warranted.

e) Can the property in question be put to a reasonable economic use in the zoning district in which it is presently located?

No. We have been actively marketing the property on and off for several years. The character of the building is residential and has been historically used as a residential home. All interest so far has been for a residential use but financing isn't available because of the zoning.



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

Date: September 8, 2020

Land Use and Zoning Analysis For Marion Township, Michigan

Applicant:

Dean Killingbeck

Location:

725 Mason Road

Parcel ID:

4710-02-200-008 (.67 acres)

Zoning:

HS Highway Service

Action Requested:

UR Urban Residential

Required Information:

Article XX of the Marion Township Zoning Ordinance requires a variety of information be submitted. This information allows for a thorough and fair

decision by the Planning Commission and Township Board.

SITE/PROJECT DESCRIPTION

The applicant is requesting approval to rezone a small parcel zoned Highway Service (HS) to Urban Residential(UR). Adjacent to the City of Howell, the property contains a home and outbuilding and is surrounded by mature trees. The property is surrounded on three sides by a manufactured home park and to the north is a large Pepsi distributor. The applicant is seeking the rezoning so that the home can be used as a residence.

The parcel is one of the many small Township islands surrounded by the City of Howell that at one time was part of the Township.

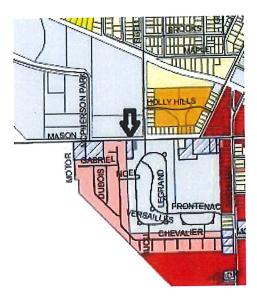


Figure 2 - Mason Road View of Site



NEIGHBORING ZONING AND LAND USE

The adjacent zoning and land uses are as follows:



Direction	Zoning	Use
North	I-1 Light Industrial	Pepsi Distributor
South	I-1 Light Industrial	Manufactured Homes
East	I-2 Heavy Industrial & I-1 Light Industrial	Manufactured Homes
West	TC Trailer Court	Manufactured Homes

Items to be Addressed: None.

MASTER PLAN

The current Master Plan currently being revised, designated the future land use for this location to be commercial. We are of the opinion that plan currently being drafted should designate this property as residential.

Items to be Addressed: None.

NATURAL RESOURCES

Topography: Existing home and vegetation on site. Slight grade to road.

Woodlands: Mature Trees are present on the property.

Wetlands: No wetlands appear to be present on the subject site.

Items to be Addressed: None.

DEVELOPMENT POTENTIAL

Currently zoned for highway commercial uses, the property could be developed into a variety intense commercial uses that could negatively impact the adjacent manufactured homes. Under the proposed Urban Residential zoning only homes or other typically non-objectionable uses could be developed. Because the parcel size is legally non-conforming (.67 acres in size, .75 acres required) we would think that the current single-family home will remain on the parcel.

Items to be Addressed: None.

TRAFFIC IMPACT AND SITE ACCESS

There is a circular drive on site accessing Mason Road at two locations. If the existing single-family home remains, we do not expect any major traffic issues from this location.

Items to be Addressed: None.

ESSENTIAL FACILITIES AND SERVICES

Essential facilities and services related to the proposed development will be evaluate during the site plan review process. If used for additional parking stormwater will have to be addressed.

Items to be Addressed: None.

OTHER

Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the application, and shall report its findings in full along with its recommendations for disposition of the application, to the Township Board within a period of sixty (60) days. The matters to be considered by the Planning Commission shall include, but shall not be limited to the following:

- 1. What, if any, identifiable conditions related to the application have changed which justify the proposed rezoning?
 - The property is almost totally surrounded by manufactured homes. While this has been in existence for some time, to develop the parcel commercially would be difficult as the screening requirements would close in the already small buildable area.
- 2. What is the impact of the rezoning on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed rezoning is approved?

Remaining a single-family home does not require significant public service and facilities.

Killingbeck Rezoning September 8, 2020

- 3. Does the requested rezoning adversely affect environmental conditions, or the value of the surrounding property?
 - The home and mature trees are expected to remain and will not create any negative environmental impacts.
- 4. Does the petitioned district change generally comply with the adopted Township Master Plan?
 - Although the proposed rezoning is in conflict with the current Master Plan Future Land Use Map the plan currently being drafted should revise as designate as residential.
- **5.** Can the property in question be put to a reasonable economic use in the zoning district in which it is presently located?
 - As indicated due to the size attempting to develop a commercial use as allowed under current zoning would be difficult.

RECOMMENDATIONS

Based upon the comments of this analysis, we recommend approval of the proposed rezoning from HS Highways Service to UR Urban Residential.





DEAN RESIDENT AGENT AG	Old ID No.
AGENT	F0045V
DEAN RESIDENT A341 MARWOOD DR T25 MASON ROAD LLC R02078995	F1356V
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8/18/2020

Corporations Division - Search for a business entity

Online Filing System

Department of Licensing and Regulatory Affairs

Business Entity Results

Number of Records: 1

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Entity No

Print Results

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72,450C			86,800		38,300	48,500	2020	REAPE	- 1	(2) 1000	
72,450C			86,000		37,500	48,500	2021	en What	Who When		Compare Kommunication of the communication of the c
/ Taxable r Value	of Tribunal/ ew Other	Board of Review	Assessed Value	Ass	Building Value	Land Value	Year	lain	Flood Plain		
						;		Paved Road Storm Sewer Sidewalk Water Sewer Electric Gas Curb Street Lights Standard Utilities Underground Utils. Topography of Site Level Fevel Fevel Fevel Fandscaped Swamp Wooded Pond Waterfront Ravine Wetland	X Paved Road Storm Sewer Sidewalk Water Sewer Electric Gas Curb Street Lights Standard Util Underground U Topography of Site Level Rolling Low High Landscaped Swamp Wooded Pond Waterfront Ravine Wetland	OF SEC, 1639 FT W 99 FT, TH S 297 FT TO POB, VALUE TO FF BASIS	W FROM NE COR OF SEC, TH W FROM NE COR OF SEC, TH W 297 FT, TH E 99 FT, TH N 3.67AC M/L Comments/Influences 2018 ROLL; CHANGED LAND V./ WAS METES & BOUNDS.
Value 96,996 96,996	Reason Land Value =		Rate 9 804 Total	Front Depth 1.0000 1.2186 Total Acres	Frontage Depth Fr RD 99.00 297.00 1.0 Front Feet, 0.68 Tot		Description OLD PINCKNEY	ments oad Road	Improvement Dirt Road Gravel Road		Tax Description
	CHARLES FOR THE THE THE STATE OF THE STATE O		201.COMMERCIAL	le 201.CO	for Land Tab	臣	Land Value	Vacant	X Improved		HOWELL MI 48855
						.34	TCV/TFA: 145.	TCV 172,081	2021 Est		725 MASON ROAD LLC
				A THE RESERVE AND A STREET AND		Constitution of the Consti			MAP #:	NAMES OF THE PROPERTY OF THE P	
			-				e de la completa del la completa de la completa del la completa de la completa del la completa del la completa de la completa del l	(All designated and other designation of the state of the	P.R.E. 0%	AND THE RESERVE OF THE PROPERTY OF THE PROPERT	
FINISHED	73668-970-00	82428	02/01/1998		NSTRUCTION	NEW CON	OLS	ELL PUBLIC SCHOOLS	School: HOWELL	e elektron mandalan dala manya dala den pergebagai a dala pera interpera administra dalam deleta deleta deleta	725 MASON RD
Status		Number	Date		ng Permit(s)	S Building	Zoning: HWY	COMMERCIAL - IMPR 2	Class: COMM		Property Address
0.0	REG OF DEEDS	RE	3308/0649	TENANCY	CREATE JOINT TEN		/28/2002 QC	0 02,	JANET R	WEITZEL, DAVID &	WEITZEL JANET R
100.0	TA	PTA	4546/0818		ARMS-LENGTH		07/12/2004 WD	160,000 07	Ħ	KILLINGBECK DEAN	WEITZEL DAVID & JANET R
0.0			4571/0643		OTHER		08/25/2004 QC	0 08,	& FOSTER	KILLINGBECK DEAN &	KILLINGBECK DEAN E
0.0		291	2017R-012291		QUIT CLAIM		04/20/2017 QC	0 04.	rc rc	725 MASON ROAD LLC	KILLINGBECK DEAN & FOSTER
Frent. Trans.	Verified By	Ve. By	Liber & Page		Terms of Sale	Inst. Te	Sale In	Sale Price	A ANTONOMIA SE ANTON	Grantee	Grantor
7			The second secon							5 _	

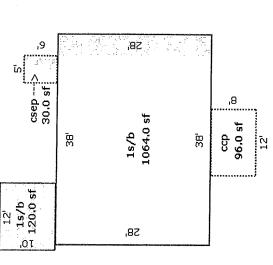
^{***} Information herein deemed reliable but not guaranteed***

1 111	X Asphalt Shingle	90. iP 40 c = 9.20	μ.,		Storms & Screens			Horiz Slide		Metal Sash	A Cach	Few Small	Many	SMODUTM (7)	۱	X Insulation		Aluminum/Vinyl	2	(1) Exterior	4 Bedrooms	Pac # Foor	Basement	Room List		Condition: Average	88€	ilt Remodeled		Building Style:		X Wood Frame	A-Frame	Duplex	Town Home		l B
	Unsupported Len: Cntr.Sup:	Joists:	loor Suppor	No Floor SF	Living SF	Recreation SF	(9) Basement Finish	Concrete Floor	Treated Wood	Poured Conc.	Conc. Block	(8) Basement	Height to Joists: 0.0	0	H	Basement: 1184 S.F.	(7) Excavation	The section of the se		(O) CETTINGS		Othor:	Kitchen:	(5) ELOORS	U	D-10-2	4 O T D	of Closets		Trim & Decoration	Paneled Wood T&G	7	(4) Interior	Other	0 Front Overhang	Eavestrough	(3) Roof (cont.)
Lump Sum Items:	1 1000 Gal Septic 2000 Gal Septic	: Wel	Public Water	(14) Water/Sewer		Ceramic Tub Alcove	Tile	Show	Extra Sink		Solar Water Heat		Softener Auto	2 3 Fixture Bath	Average Fixture(s)	(13) Plumbing	1 2	Elec. Outlets	ix. X Or	indr. Or head	No /Onal of Fixtures		إلسوا	Wood Furnace	Central Dir	No Heating/Cooling	Horced Heat & Cool	loor Fu	Space Heater	Maghand (in-floor)	Elec. Ceil. Radiant	ic Ba	A Forced Air W/ Ducts Forced Hot Water	Forced Air w/c	wood Coal Steam	0,11	(11) Heating/Cooling
		Notes:	F C F	Fireplaces	Cost	Garages	1	CCP (1 Story)	Water Well, 200 Feet Porches	Septic	er/Sewer	Fixture Bath	ditions/Ad	•		1 Story Stone	g Areas	Phy/Func/Ec	Ground Area = 1184 SF	Est. For Kes.	ecurity System	Central Vacuum	Trash Compactor	Sauna Sauna	Standard Kange	Microwave		Jacuzzi repl.Tub	=	Vented Hood	Unvented Hood	Vent Fan	Bath Heater	Garbage Disposal	Dishwasher	Appliance Allow.	(15) Built-ins
	(CO)				מדסכע בסתומפנדטוו. אג ד				et				justments		Basement	Basement		Comb. % Good=48/	EF Floor Area = 1184		1		Fistimated T.C.V: 75.085	Base New :	Area:	Effec. Age: 52	,	Direct-Vented Ga	Raised Hearth	Heat Circulator	Prefab 2 Story	7 H	rior 1	α	2nd/Same Stack	- 1	(15) Fireplaces
	(COMMERCIAL) 0.109 =>		Totals: 203	٠.	480 19	nch (Infinished)	30 1			1 4		<u>μ</u>			120	1,064 COST		100/100/48	S H	L STORK		c c	640 X 0.769 085	7 E	Compensation of the second				a.C.Malifor	Chamadhan AN	A-Andrew K-Arm		TOTAL TOTAL			Area Type	(16) Porches/Decks
	100: /3,083		203,417 97,640		19,118 9,177		1,726 828	2,247 1,079	3,914 4,279	4,036 1,937	Į	3,855 1,850		159,092 76,364		cost New Debr. cost	† 1			CIS C BIT O			Carport Area:	Bsmnt Garage:	No Conc. Floor: U	Area: 0		Area: 480	Doors:	Finished ?:	Foundation: 42 Inch	0	Ven.:	Exterio	Class: C	Year Built:	s (17) Garage

^{***} Information herein deemed reliable but not guaranteed***

Garage 480.0 sf ନ

725 MASON RD



Sketch by Apex Sketch