

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF DECEMBER 11, 2007**

**FENTON TOWNSHIP CIVIC COMMUNITY CENTER
12060 MANTAWAUKA DRIVE, FENTON, MICHIGAN**

Chairman Tucker called meeting to order at 7:04 p.m.

Present: Carlson, Franz, Richard, Root, Spees, Tucker

Zoning Administrator Piggott, Recording Secretaries McDonald & Sharich

Absent: Ochodnicky

APPROVAL OF AGENDA:

Motion to approve the agenda as presented

Motion by: Tucker

Seconded by: Carlson

Ayes: Carlson, Franz, Richard, Root, Spees, Tucker

Nays: None

Absent: Ochodnicky

Motion carried

UNFINISHED BUSINESS:

None

NEW BUSINESS:

None

ORDINANCE AMMENDMENTS:

Todd A. Murawski requested the Planning Commission initiate a text amendment to Article 5 Non-Conforming. Piggott explained that Todd Murawski, owner of property located at 11243 Jennings Rd. had met with the Planning and Zoning Department. Murawski has a 3 unit dwelling located on a parcel that is zoned C-3. He is attempting to sell the property, but cannot get bank financing because the Township cannot guarantee that the structure could be rebuilt if it is destroyed more than 50%. The issue is the use of the property, therefore the applicant cannot get a variance to allow the building to be rebuilt if it is destroyed. We discussed his options to address this issue, and felt that there were two. Option 1 would be to rezone to R-M and then acquire dimensional variances (the building is too close to the lot line and the lot is not be large enough for that number of dwelling units). Option 2 amend Section 5.05 E to allow for relaxation of the prohibition of re-establishment of non-conforming use. We identified many factors that we felt made option 1 unlikely. The property owner then asked to be placed on the December Planning Commission agenda to discuss the possibility of option 2 (modify restrictions on re-establishing non-conforming uses). Piggott explained there are other communities that have done this in one of the two following ways. Approach 1 is to allow non-conforming residences to be rebuilt by right even if they are destroyed more than 50% provided reconstruction begins within a year, and it is ready for occupancy within two years and the reconstructed building follows the footprint of the original building. Approach 2 is to allow for designation of Class "A" and Class "B" non-conforming uses. Using this approach all uses are initially Class "B", with normal non-conforming rights, but a property owner could apply for and a Township body (the Board, ZBA or Planning Commission) could grant Class "A" status that would relax the restrictions of Article 5. Piggott added both approaches are authorized by the Zoning Enabling Act. The advantage to approach 1 is that the benefit is limited to the relaxation

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF DECEMBER 11, 2007**

in the restrictions to residential non-conforming uses. In addition, this process is administrative so it would not add to the work load of the Township Board, ZBA or Planning Commission. Piggott explained the problem with this approach is the potential impact on the Township as a whole. This approach is normally only applied to single family residences, in order to provide relief in Murawski's situation, it would have to be expanded to apply to all residential dwellings (or at least residences with 3 or fewer dwelling units). If there are a significant number of legal non-conforming multi-family residences in single-family residential or commercial areas this provision could unintentionally permit the continuation of unwanted non-conformities. Approach 2 has the benefit of providing a way to control the number and location of non-conforming uses that would be allowed by requiring a body to review each request for Class "A" designation. A problem with this approach is that, as it is usually structured, it does not limit the use of this technique to residential non-conforming uses (although it could be written that way if the Planning Commission wished) and it would add to the work load of the Board, ZBA or Planning Commission. After much discussion the Commission felt that, because any relaxation of the non-conforming language would apply to all non-conforming uses of property, changing the Ordinance is not an appropriate action. The language is in the Ordinance to prevent the re-establishment of non-conforming uses to further the goals and policies of future land use and development of the Township. They said they understood and would like to help this property owner but felt that it is not in the best interest of the Township as a whole. They agreed that when these non-conforming uses of land are ceased they should be established to meet the current ordinances.

Temporary Accessory Structures

The Commission felt the new language will address the concerns of the Board and the residents. The time limits have been adjusted to address winter storage and the use of portable on demand storage structures. They asked that Zoning Administrator have the ability to grant extensions of these structures.

Motion to send the revised language to the Township Board

Motion by: Tucker
Seconded by: Carlson
Ayes: Carlson, Franz, Richard, Root, Spees, Tucker
Nays: None
Absent: Ochodnicky

Motion carried

Tucker - Expiration of Site Plans Tucker said this issue has been resolved
Open Space & PUD Agreements Tucker will present some draft language

Spees - Storm Water Spees submitted some example of ordinances

CORRESPONDENCE:

Letter from JM Developments, Inc. regarding Mallard's Landings expiration – The issue is that with this economy there are several preliminary and final site plan approvals that meet the current ordinance and have significant amount of investment. The developers are not able, at this time, to proceed with the plans. The Commission asked if there was anything that could be

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF DECEMBER 11, 2007**

done administratively to address this situation. Piggott felt the only way to address this issue is to amend the ordinance. The Commission asked that Piggott draft amendatory ordinance language to allow further extensions for the time being.

DISCUSSION ITEMS:

Michigan Economic Developers Association McDonald explained she had conversation with the Association and they felt the Commission was looking for the MEDC. She said she will contact MEDC.

Thompson Road Corridor – Design Standards The Commission expressed there desire to move forward with the pattern book. The study was done in 2002 and this next step is overdo they said that this is a good time to work on these standards.

Dates for upcoming workshop Tentative date January 28th at 7:00 p.m.

MINUTES: November 13, 2007 stand approved as submitted.

ADJOURN: 9:17 p.m.

John Tucker, Chairman
Minutes Posted 12/17/07

Sandra Carlson, Secretary