

Planning Commission Meeting SEPTEMBER 26, 2012 (unapproved as of October 15, 2012)



CAMBRIDGE TOWNSHIP PLANNING COMMISSION

WEDNESDAY, Sept. 26, 2012

Ken Gidner called the regular meeting to order at 7:00 pm. In attendance were Tom VanWagner, Kevin O'Mara, Ken Gidner, Doug Lake, Tanya Riley VanWagner, Mike Albain, Ed Plentz and Bob Matejewski. Ken reported that Theresa Friess and Pat Steele requested to be excused.

Motion was made by Mike Albain to accept the secretary's report as written for August 29, 2012. Doug Lake supported the motion. No further discussion. Yes – 8, No – 0. Motion carried.

Ken Gidner called for any other business to bring before the commission. No mention of any.

Old Business: Chairman, Ken Gidner reminded the commission of our request that he bring the Lake Overlay district discussion from August before our attorney, Phil Schaedler. We would like to add the Marsh property to the Lake Overlay district and wanted confirmation that we were covering the issue correctly. He spoke with Rick Richardson and he had already started the discussion with Phillip Schaedler. Phil Schaedler was in attendance at this meeting and Ken Gidner questioned if the Lake Overlay district was his reason for attending.

Ken Gidner wanted to be sure that we had the correct description for the Marsh property. Only the Marsh property was to be discussed and added to the Lake Overlay district at this time. Marr Lake and Wolf Lake were not being included as the original intent (although not specified in the ordinance) of the Lake Overlay district, was to include only the lake areas that had sewers.

Ed Plentz reminded the commission that the Marsh property was overlooked only because we had assumed that it was included in the Lyster Plat as listed.

Kevin O'Mara asked Phil Schaedler his thoughts about this. Phil Schaedler continued discussing various issues after Kevin O'Mara reminded him that our concerns were that the Marsh property includes leased land. He told of various ordinances in other areas and how they handled their leased lands. He mentioned the land division act and what may or may not be allowed. He also mentioned how we could not try and enforce ordinance restrictions on previously leased property; the property was "grandfathered".

The commission reminded Phil Schaedler that the Lake Overlay district was to allow the ease of restrictions not to enforce tighter restrictions.

Tom VanWagner made the motion to add the Marsh property (with appropriate legal description) to the Lake Overlay district and to amend the ordinance to reflect this change. The board and Region II will need to see the suggested addition to the ordinance. A public hearing will be called. Kevin O'Mara seconded this motion. Ken Gidner called for any further discussion. No further comments. Yes – 8, No – 0. Motion carried.

Other old business: Ken Gidner brought up the Mixed Use issue. We decided that we needed to add a definition to clarify the wording. After speaking with Bob Matejewski we thought we needed to reopen this discussion. Bob

Matejewski said that we needed to clarify that we didn't want to limit the residences to a caretaker or manager/owner. Doug Lake said that we did want to open it up so anybody would be able to rent a residence in a commercial district. Bob Matejewski pointed out that our wording didn't show our correct intent.

Phil Schaedler started a discussion on residential areas renting out their extra areas for income.

Ed Plentz explained to our attorney that we only are addressing commercial districts. We do not want to limit to caretakers, etc., since there are commercial properties in our township that have apartments and buildings that are not able to be used as a residence, under our current ordinance.

Doug Lake further explained several examples in our township.

Phil Schaedler brought up the example of the Bauer Manor and how their Township didn't have any provision to allow apartments above a commercial business. However, he didn't feel we wanted the same thing.

After the Commissioners jointly explained that they did want to allow rental/residences in commercial districts, Phil Schaedler conceded that he misunderstood the intent.

Kevin O'Mara stated that we wanted to add, a number 8, as a permitted use that allows residence as a secondary use to the commercial business.

Rick Richardson reminded all, of why this Mixed Use discussion came up to begin with. Cambridge Township has many businesses empty and/or for sale right now. They are not able to use the residence portion of their property because they have gone vacant and the 180 day clause prohibits continuation of this use.

Mike Albain suggested that we remove the 180 day empty clause to fix the issue.

It was then brought up that a residence would still not be listed as a permitted use. We need to get rid of the Non-Conforming issue. The 180 days clause would still relate to non-conformance issues.

Phil Schaedler stated that the commission's suggested ordinance change will work fine if you add Residence as a secondary use in the Commercial districts. He asked to call this Mixed Use as it fits our discussion better.

The Commissioners clarified that Mixed Use is what we called it (reference the current agenda). Ken Gidner said we just need the clarification of the definitions. Phil Schaedler asked for clarification on which definition(s) we were looking for.

Kevin O'Mara asked for a definition of a secondary dwelling unit. Tom VanWagner asked if he bought a commercial property and decided not to open the commercial enterprise, but would still live there; would this instance be covered in our ordinance? The answer is yes, but the taxes would still be higher as based on commercial property.

Phil Schaedler gave the definition of secondary dwelling unit as: "A dwelling unit in a commercial building or residence located within or on the same lot as a commercial enterprise."

Kevin O'Mara asked if it would cover an instance such as the Bauer Manor that wanted three apartments above their business. Would we be covered or did the definition limit us to a single residence?

Tanya Riley VanWagner suggested just changing the definition to reference plural.

Rick Richardson reminded the Commissioners that they wanted to fit these changes for all Commercial districts so that C1 and C4 should be listed.

After further discussion between the Commissioners, it was decided to see the suggested changes in writing since there had been so much discussion and clarification was needed. _

Phil Schaedler said that he questioned the Planning Commissions' recommendation to add as a permitted use. He would like us to reconsider. He wonders about parking, entrances, lighting, etc. _

The Commissioners mentioned that they already had discussed this and have concluded that the ordinances already cover the requirements that the attorney mentioned.

Kevin O'Mara made a motion to rescind last month's recommendation and reconsider until clarified. Motion was seconded by Ed Plentz. No further discussion. Yes – 8, No – 0. Motion carried.

Phil Schaedler mentioned that he wants to be sure what we need from him. He will clarify the definition of "secondary dwelling unit(s)" to fit within our current definition of "dwelling unit" and to fit in the permitted use list on C1 and C4. _

Ed Plentz requested that Phil Schaedler get the information to the Commissioners in a timely manner so we can review before the next meeting.

Bob Matejewski made the motion to table this discussion until we see the definition and proposed changes to the ordinance, in writing. Seconded by Doug Lake. No further discussion. _ Yes – 8, No – 0. Motion carried.

Ken Gidner called for any other old business. Mike Albain mentioned the discussion concerning accessory structures not being allowed without a principle structure present. It had been brought to his attention that current Accessory Structure ordinance 4.5.5.e mentions a building shall not be "placed" on any lot unless there is an existing principle structure. The garage in question was not placed or built without the existing principle structure.

Ken Gidner questioned if this would cover when the principle structure was not present.

Discussion follows to figure out what the original intent of the ordinance was. Doug Lake clarified that the ordinance's original intent was to make sure we could keep "mischief". _ Currently, the Board would request a "use" variance; however, many times there had not been a change in use. Also, anybody is allowed to ask for an extension beyond the 180 days mentioned. _

Mike Albain cannot see tearing down a perfectly good building no matter how long it takes to build the principle structure. He also asked how much it costs for the variance.

Rick Richardson said that it was a standard \$250 charge.

Mike Albain said that what if a family couldn't afford the charge.

It was suggested that we have a "hardship" clause in our ordinance. Exceptions should be made under exceptional circumstances.

Bruce Nichols mentioned that the process has not even begun since the house hasn't been torn down yet. He mentioned that they are in discussion with the Owner's to make something work. It is still possible to try and fix the

house up. The house would have to be boarded up until it is fixed.

Phil Schaedler mentioned that it sounded like a misunderstanding. Mike Albain will get back to the owners with this information.

New Business: Doug Lake mentioned that the West Coast of the country is looking at building apartments and living spaces with as little as 200 sq. feet. Maybe we should look at reducing the size requirements we have in our ordinances. Bruce Nichols mentioned that it has come up in our Township. People wanted smaller homes than our requirements.

| Tom VanWagner mentioned that we no longer have Tim Anderson as a resource at Region II. He has left to pursue new opportunities. He suggested that we send him a letter of thanks from our Commission Chairman. He offered to draft the letter, have Tanya Riley VanWagner edit and send on to Ken Gidner for his signature and approval.

| Rick Richardson reminded the Commissioners that the Region II annual meeting is coming up. He will need our confirmation to make the reservations by the end of October.

Mike Albain made a motion to adjourn the meeting. Kevin O'Mara seconded the motion. Yes – 8, No – 0. Motion carried. The meeting adjourned at 8:40 p.m.

Respectfully submitted by Tanya Riley VanWagner