

**PLANNING COMMISSION**  
**Minutes for Regular Meeting of**  
**July 12, 2022**

**PRESENT** Commissioners Dave Roesler, John Warner, Mike Holman, John Gloster and Paul Josephson.

**NOT PRESENT** Commissioner Maribeth Picard and Chad Kuipers.

**ALSO PRESENT** Zoning Administrator Jensen, Recording Secretary Sally Dion and 1 interested party.

**CALL TO ORDER** Chairperson Roesler called the July 12, 2022 to order at 6:07 p.m.

**AGENDA** Motion by Commissioner Holman, second from Commissioner Warner, **ADOPTED**, to accept the agenda as written.

**5 AYES, 2 ABSENT**

**MINUTES** Motion by Commissioner Holman, second from Commissioner Warner, **ADOPTED**, to accept the April 7, 2022 Regular Meeting Minutes as written.

**5 AYES, 2 ABSENT**

Motion by Chairperson Roesler, second from Commissioner Holman, **ADOPTED**, to accept the June 2, 2022 Regular Meeting Minutes as written, the meeting was called due to the lack of quorum.

**5 AYES, 2 ABSENT**

**PUBLIC COMMENT**

Jeff Marcinkowski, Supervisor, 3767 Jay Road. Expressed an idea he has about the South side of White Lake Drive. On the north side of White Lake Drive there is the Industrial Park, Howmet, Library, Credit Union, many businesses. On the south side it is residential homes and one farm business (Stibitz) down by Durham. Would like to know from the Planning Commission, after looking at the Master Plan, if it would be feasible to create a commercial district or zone along White Lake Drive from Durham Road to Zellar Road. He said he brought it up at the Township Board work session, they said it would have to go to the Planning Commission and some questions were brought forth, one of them being wouldn't that make all those homes non-conforming? He would like the Planning Commission to review the Master Plan, if feasible would like them to resurrect it. White Lake Drive has great access to the freeway, businesses could hook into utilities available on the north side of the road. He believes this area would be a good growth sector and great opportunity for the township.

Motion by Mike Holman, second from John Warner, **ADOPTED**, to suspend Robert's Rules of Order for discussion.

**5 AYES, 2 ABSENT**

Commissioner Holman reiterated that this idea was discussed at the Township Board and one of the questions/concerns that it was brought up is if rezoned it would make all the homes non-conforming. According to Attorney Even the homes would have to be empty, vacated or sold, and there would be a waiting period before the use could be changed to Commercial/Industrial.

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Commissioner Warner advised the homes would be grandfathered.

Zoning Administrator Jensen stated in another of his areas a home in a Neighborhood Commercial district had a catastrophe and was allowed to be rebuilt by ordinance, that is something that needs to be looked at. There are laws that prohibit you from not allowing this, it is like taking of land.

Chairperson Roesler asked Supervisor Marcinkowski if he was talking Durham Road towards Zellar Road? Supervisor Marcinkowski stated it could be any section along there, it doesn't have to be the full strip. Chairperson Roesler said he wonders about creek and the parcel on the corner of White Lake Drive and Zellar as it was contaminated at one time.

Chairperson Roesler advised that in the Master Plan Industrial has been pushed to the City of Whitehall.

Supervisor Marcinkowski said he is bringing the idea to their attention for thought.

Motion by Commissioner Holman, second from Commissioner Warner, **ADOPTED**, to reinstate Robert's Rules of Order.

**5 AYES, 2 ABSENT**

**NEW BUSINESS**

**1. Single Family Dwelling – Minimum square footage**

Supervisor Marcinkowski stated earlier he was at an MTA conference and they spoke of smaller homes, these homes are being pushed by younger groups not married or not having children and also some older people that don't want to take care of a large home. He thinks if this ever goes to the House for approval our square footage is going to have to change. How much space is needed to live? He said the need is growing and that he knows it is a trend.

**2. Solar Farm Ordinance**

Supervisor Marcinkowski stated we do not have an ordinance; do we need one?

Chairperson Roesler asked where would it fit? Consumers Energy is looking for larger parcels.

Zoning Administrator Jensen stated that solar panels are allowed at this time in the township. Roof mounted are looked at under the Electrical Code and ground mounted are considered an accessory use and are regulated by Article III, General Provisions, SECTION 3.08, Accessory Buildings and Uses. He also went on to say that companies are looking for 100 + acres near transmission lines.

Chairperson Roesler said life expectancy is minimal on the solar panels.

Both Zoning Administrator Jensen and Commissioner Warner stated there would have to be a bond that would restore the property if they decided not to replace panels as needed. It was also stated that there should probably be a review by the White Lake Fire Authority so they know what they are dealing with in case of fire.

Consumers Energy is doing 1,900 acres of solar at the Wastewater site.

**OLD BUSINESS**

1. Zoning Ordinance Review/Conflicting language

**SECTION 3.07 PROJECTIONS INTO YARDS**

- B. Porches, terraces, decks, balconies, window awnings, and similar structures which are open on all sides, unenclosed and uncovered:
  4. on parcels contiguous to Lake Michigan, White Lake and Duck Lake, the highest point of any deck, including railings, shall not exceed 6' above the original grade.

Zoning Administrator Jensen is requesting this be reviewed. This language was added when the perspective was that everyone had a right to a view. This limits lakefront properties of having an upper balcony or deck.

**PLANNING/ZONING UPDATES**

Commissioner Warner advised that the Zoning Board of Appeals met and the question was asked if a covered porch is considered as gross floor area. He requested clarification. If it is that would cause a lot of trouble for most people. It's not useable space.

Zoning Administrator Jensen stated according to the building code if not heated they are not included in square footage for dwelling, it is only heated areas.

Supervisor Marcinkowski stated when referring to covered porch and accessory building do not mix the two, they are separate.

Motion by Commissioner Holman, second from Commissioner Warner, **ADOPTED**, to adjourn the July 12, 2022 regular meeting at 7:03 p.m.

**5 AYES, 2 ABSENT**

Respectfully Submitted,

Sally Dion, Recording Secretary  
Township of Fruitland