

NEW BUSINESS

1. New language for accessory building changes.

A proposal for new language for accessory building changes has been handed out to everyone. This is something Chairperson Warner worked on as a discussion starting point for tonight. Chairperson Warner stated he went through the current listing for the average size lot, due to current increments of more than 1 acre and the average was .72% of a lot area. Chairperson Warner stated that for the smaller parcels, anything less than 1 acre, he felt 1,200 was a good size building for that. His thought was what if we look at 1,000 sq. ft. plus a percent of the total lot area. He felt that .75% looked good and ran through and figured them out based on the area of the lot at 1,000 plus .75% of the lot size. And this is presented in the proposed handout as allowable sizes. The formula is in there. He also added an "a" on handout to read that it has to be on a particular parcel with a single pin number. If you own multiple parcels, it would be contiguous and if you wanted to use the whole area you would have to combine them legally as one parcel. If you owned multiple parcels, the building would have to be on the parcel that has the single- or two-family dwelling on it.

Commissioner Butler asked what is the reason for declining percentage. He asked if Township would be better off stating that if any parcel up to an acre is allowed 1,200 sq. ft. and use the percentage from there to make it a just and equitable distribution? Chairperson Warner stated we did. It is a 1,000 sq. ft. minimum on any parcel. A 1,000 sq. ft. plus .75% of your square footage.

Mr. Baker stated that right now the smallest lot allowed is 20,000 square feet. So if there is a 1,200 square feet accessory building on 20,000 square feet, your new proposal of 1163 is actually a reduction and maybe that is what Mr. Butler is addressing.

Commissioner Butler stated he was looking for a more equitable distribution, say a 5 acre parcel is allowed a 1.01% and a 20-acre parcel is allowed a .5% coverage. Why would we not make it a .75% across the board? Commissioner Josephson stated that the bigger the lot size, the less percentage of the lot size. Chairperson Warner commented that should be the standard and use of the formula proposed. Commissioners discussed the formula proposed in relation to smaller vs. larger parcels.

Commissioner Campeau stated he felt that at some point there should be a cap. Chairperson Warner stated he thought that would come up and decided it would be up for discussion. The discussion in regard to how big a building, or how many big buildings, could a large parcel have.

Mr. Baker questioned if someone had an 80-acre parcel and put 27,000 sq. ft. of accessory structures on it, for example 4 structures and down the road they decided to divide the 80 acres into four 20-acre parcels, now you have one of the 20-acre parcel with 27,000 sq ft of accessory structures on it. And technically the 20-acre lot is only allowed to have approximately 7,500 sq ft. Now what do we do with the additional 20,000 sq ft

of accessory structures? Maybe not be able to divide it then? Chairperson Warner stated yes due to fact that dividing it would take a conforming lot and by dividing it would then make it non-conforming and that would not be allowed. Mr. Baker felt it should be spelled out. He asked if something could be written at the time of application for accessory building what had to be done to bring the parcel back to conforming.

Commissioner Lundell asked if the specifics of the new language had to be written up front? Mr. Baker suggested that language to this could be put in the enforcement ordinance. Chairperson Warner would like to see any specifics adopted at the same time as the new language.

Chairperson Warner suggested Commissioners take some time to go over it and write thoughts on what needs to be added or changed and bring back to March meeting.

Discussion was also brought up regarding a structure discussed at last month's meeting on Murray Road that was a garage and has a small sleeping area in it and they are remodeling it and enlarging it. The building is the same size, but they are taking away the garage and making it more living space even though it doesn't have all the amenities we say it has to have. Since we are looking at accessory building sizes, we also need to look at what is and is not allowed. Developers are pushing the envelope a lot on this and it goes back to the short-term rental issues.

Commissioner Lundell stated she assumes the concern is it will be a living quarter. She stated that original plan for garage and new plan is the same except for furniture. She states no kitchen, etc. Chairperson Warner stated he has talked with the Planning Consultant about this and has asked her to look over the current language and come to March meeting with some suggestions on how to further prevent these issues.

Commissioner Butler stated that he questioned this when moving into area originally. Mr. Baker explained the current ordinance and what is and is not allowed currently. Commissioner Lundell questioned why a person is not allowed to have a mother-in-law quarters? Chairperson Warner stated that current zoning states you can only have 1 residential unit on a piece of property. Commissioner Lundell questioned if that was a second livable space? Chairperson Warner stated yes.

Commissioner Butler asked what is preventing us from moving forward to allow a mother-in-law suite when we are in a tourist area and moving zoning forward to allow this? Chairperson Warner stated that right now it is not allowed and it would have to be a Township Board issue. Commissioner Campeau stated that most people live in this area to get away from urban sprawl. Commissioner Lundell stated that the original family space would then become a public rental. Commissioner Lundell stated that due to the housing shortages this could be a compromise for families. Chairperson Warner asked Supervisor Marcinkowski to take this to the Township Board and get their position on the subject.

Commissioner Josephson discussed the formula for each incremental lot size and the accessory building size allowed.

OLD BUSINESS

Master Plan

Right now, the survey notices have been sent out to the residents. The Consultant stated they have had almost 600 responses. It has approximately 3 more weeks open to response. Chairperson Warner and Supervisor Marcinkowski had a zoom meeting with the Planning Consultant, Kathy Brubaker-Clark, and Ryan Fitzpatrick and talked about doing an early public forum on that. Mr. Fitzpatrick will come with a presentation and do an interactive meeting with the public to get their input.

Electric Car Charging Station

That language is still on the agenda. We approved the language last month at January Planning Commission meeting to go to the next public hearing.

Short Term Rentals

Commissioner Butler stated that as a short draft they accommodated all the policies that were directed to the committee as well as additional policies. They went over what proposal would be. They also took the stance that they want to move forward with allowing short term rentals in all zoning districts. The questions were raised with development of short-term rentals in the Township, the regulation or regulation entity to manage it. This issue should be taken to the Township Board for management. He feels a process should be established to manage this. Also, several other Townships require a person to be within a 2-hr. time frame of the short-term rental. Not sure if we want the same requirement or something else and how do we regulate within the zoning ordinances. Chairperson Warner stated that he felt that is a valid request and should have someone as a designated representative within a reasonable response time. Commissioner Lundell questioned the amount of response time. The last item from Commissioner Butler was that many townships have developed a use or accommodation tax for this. He asked if this is something our Township would want to do. Commission members discussed the basics of administrative processes, types of enforcement, and regulatory decisions going forward. Commissioner Lundell asks about the number of short-term rentals that will be allowed. Commissioner Butler suggested using percentage based on primary residences and possibly also by zoning districts. This will be further decided. Commissioner Josephson questioned short-term rentals vs day guests only and total numbers allowed.

PLANNING/ZONING UPDATES

There will be a February ZBA meeting. A resident will come before the ZBA to request a variance to the side setback of his property.

COMMISSION COMMENTS

Chairperson Warner stated he has talked to Planning Consultant about second living quarters to see what could be done. He also asked them to look into portions of or types of accessory building that would not have to count as accessory buildings. Commissioner Butler questioned Mr. Baker in regard

sheds built off-site if they fall within the accessory building square footage. Mr. Baker indicated yes and further discussed types of current accessory buildings. Chairperson Warner stated Michigan Adventure looks to be staying but he asked for input for the appropriate zoning/use of the land should they decide to leave. He also asked about the data center issues and solar farms arising. He plans to confer with Township counsel on these issues as well.

PUBLIC COMMENT

1. Patricia Whitener, 3293 W. Bard stated she is glad Supervisor Marcinkowski is here. She stated that it is going to sound like sour grapes but 2024 she spent almost the whole year talking to the community, gathering signatures, gathering support, and asking the Planning Commission look accessory building sizes. My idea was presented and brought to the Township Board. Got approved in work session and by Board to bring it to the Planning Commission. I was not aware it was coming to the Planning Commission, and I came to the meeting, and it was a last minute thing. No one was here to support it, Supervisor Marcinkowski was not here to support it. And there was undue influence by the Board that they could not do that. She stated she was told that it was addressed multiple times and was not going to be addressed again. And now here we are, it is Supervisor Marcinkowski's idea. She asked what was all the work she did in 2024? No one has come to talk to her or said you had some really good ideas we would like to bring it to fruition. No one. The one thing I heard through the grape vine is through the Treasurer is he heard Pat was given multiple ways she could have her building built. No one has come to talk to me and I am upset here. But suddenly you are all talking about this, while I have spent time pulling FOIAs and contacting attorneys to develop a plan to be presented to the ZBA to be entitled to have my extra accessory building. She stated that she is mad and disappointed about this. She was made to feel bad about what she did. She stated she received a scathing email telling her how inappropriate she was. She stated she was trying to do something a lot of people in the Township supported. She stated she is glad the Planning Commission is looking at it and hopes they will make the right decision and does not restrict agricultural properties.
2. Jeff Marcinkowski, 3744 Jay Rd. stated he is glad the Planning Commission is looking at accessory building sizes again, whether it comes from him or anybody else he feels that is irrelevant as long it comes before the Commission. If you remember when I came on as Supervisor, it was one of the items I brought before the Planning Commission was to look at accessory building sizes. At that time, you made some changes, so now we are taking a look at it again and hopefully there will be some changes and it sounds pretty good so far tonight. I believe the decision will benefit everyone. At the time, when accessory buildings came up, and the size limit was put on at 3200 sq. ft. the reason for the Planning Commission to look at it was to make it fair and equitable. And when there is a cap on something, it does not become fair and equitable at that time. Looking back and restraining from making a comment because in the future it could become regulatory. If you make a decision at the Planning Commission, you are presenting something to the Board. It is going to require something on a regulatory basis, that is for the Board to decide. Planning Commission is supposed to be fair and equitable and look at the Master Plan. In regard to ADUs the only thing that should be included is water. When bedrooms, bathrooms and kitchenettes are included it is no longer a accessory building and becomes an ADU. Currently, there is no ordinance covering ADUs. Just accessory buildings, follow that definition of accessory building. If it starts out as accessory building and down the road wants to be a place for a family member it becomes ADU, which was not the original use applied for. If the Planning Commission decides to do something different with ADU, the Board will be receptive to it. The

responsibility is to look at the need for zoning and the ability to put types of housing in. If they are going to look at ADU, the Board does not have to come to the Planning Commission and say look at this. If you think the Township is lagging in this, put something together and bring to the Board. The Board will look at it. Saying ADUs will become rentals is for the Township Board to figure out, and how to keep them ADUs and not rentals. My point of view is ADUs is for family members. Health Dept. should be involved, as well as EGLE those districts for ADUs. As for the regulatory side for short-term rentals, everything has to be up to code. The responsible person will have to be listed on the application. He will inform the Board of the short-term rental work being done.

3. Carletta Mittenbuler, 4623 Nestrom Rd There are many issues that are revisited every time changes are needed here. I was here when Mrs. Whitener presented her wonderful, detailed description of all the work that she did and I think would be a perfect opportunity to go back into the minutes hear what she had to say. She did a lot of work, and it should be looked at again.
4. Christopher VanOosterhout, 3418 Orshal, speaking as a private resident. For regulatory concerns, that should be carried out by the Township Board. You cannot foresee what will happen in regard to accessory buildings. There are ordinances in effect already that address the past concerns. Under current regular township ordinances, you can have domesticated livestock. It is not part of the zoning ordinance; it is part of the regulatory ordinances of the Township. I came here specifically because of Fruitland Township, and we are saying you can't have greenhouses because they are a shed. I can't quite understand how that fits our rural lifestyle. The Planning Consultant stating that data centers being classified as industrial does not make sense. The biggest data center in Gaines Township sits in a commercial district. What is industrial in regard to a zoning perspective? In regard to the water issues, we have water service here, in a very limited area. Maybe the site of Michigan Adventure could be looked at if they leave. We need to think further about the future.

Motion by Commissioner Butler, seconded by Commissioner Lundell, **ADOPTED**, to adjourn the meeting at 7:23 p.m.

Respectfully submitted,

Anne Stewart
Recording Secretary