

**MINUTES OF THE FRANKENMUTH TOWNSHIP  
PLANNING COMMISSION  
May 6, 2014**

The Regular Meeting of the Frankenmuth Township Planning Commission was held on Tuesday, May 6, 2014, at 8:00 P.M., at 240 West Genesee Street, Frankenmuth, Michigan.

Present: Haubenstricker, Frahm, Scherzer, Grueber, and Reid also Friend, Zoning Administrator  
Absent: None

Chairman Haubenstricker called the meeting to order at 8:00 P.M., and asked for review and approval of the minutes for April 1, 2014, which were approved as circulated.

Chairman Haubenstricker called for public comment and noted that there was none.

Chairman Haubenstricker asked for comment on the City of Frankenmuth city manager for a joint planning commission meeting suggestion.

The commission discussed the review of the 50% formula for adjustment of the urban limit line and the prior changes of RPUD to commercial zoning. (From prior meeting minutes, the city's request for rezoning of the land to the adjacent to the current city EDC property.) The commission approved a special meeting of the joint planning commissions of May 27, 2014, at 7pm. The meeting will be posted as a special meeting.

Chairman Haubenstricker asked for comment on special use permit policies.

Mr. Frahm reported that the township board had no desire to be involved in the special use permit proceedings. (Research by secretary confirmed that the Michigan zoning enabling act directs the planning commission to consider special uses. MSA 12.3502; copy attached)

Mr. Friend reported that in his review of the Zoning Ordinance there were questions and inconsistencies. The first item for review was Chapter 2, Definition 57, which recited action by the township board; the commission determined that the Definition may have been amended and if not, then the exclusion of the township board should be one of a number of technical revisions for a single amendment process rather than a piece meal series of amendments. Renumbering of the Definitions was also approved.

Mr. Friend also referred the commission to section 2202 (3) which required referral to the Saginaw County Metropolitan Planning Commission. The commission noted that the Metro Planning Commission had previously given notice that they would not be reviewing local municipal zoning actions. The commission directed the commission secretary and zoning administrator to maintain list of agreed upon amendments of a technical nature for a later (fall) amendment proceeding.

Mr. Friend asked for guidance on his review with the city clerk on the topic of decks and pools. After a lengthy discussion, involving percentage of lot size, percentage of residential building size, set back requirements and definitions for decks and porches. The commission asked the zoning administrator to draft a proposal for an amendment to the Definition section which deals with accessory buildings. The commission determined that any detailed attempt to particularize the issue of decks and pools would involve limits which would be allowed by right and the remainder require a variance from the township board of appeals, which seemed to be more than the issues required in a rural neighborhood with neighbors at some distance, and the township building code was applicable if the situation was questioned.

Chairman Haubenstricker asked Mr. Friend to explain a request from the Coles who have a variance for their Tuscola Road residential plans.

Mr. Friend states that the Coles had made revisions to their plans and were not able to start or complete their plans within their original time line. The commission noted that the Coles had done site improvements and the time limits on extensions of variances had been lenient in the past. The commission also made clear that the conditions for granting the variance could not be expanded.

It was moved, supported and infamously:

RESOVLED: that the variance time limit be extended for a reasonable time as long as the Coles were progressing with their approved plans.

Chairman Haubenstricker asked Mr. Friend to explain his request for guidance in a renumbering of the zoning ordinance chapters to avoid the skipping of the chapters which were repealed in the 1989 amendment and his progress with the review of the content of the zoning ordinance.

After discussion of alternatives, it was moved, supported and unanimously:

RESOLVED: That the numbering of chapters be consecutive which will be part of the coming multiple amendments to the Frankenmuth Zoning Ordinance.

Mr. Friend stated that he will have complete chapters 4-9 by the next meeting.

Chairman Haubenstricker stated that the complaint regarding the Marigold Horse Stables had been handled by other agencies and that no issue remained that would require planning commission action.

Chairman Haubenstricker asked Mr. Friend to explain his progress on the tracking of buildable splits.

Mr. Friend stated that the project was in progress and would report more next month.

Chairman Haubenstricker asked for an update on the Windmill ordinance drafting.

Mr. Reid stated that he had done another review and noted recommended changes and additions which were reviewed with approval; Mr. Reid will have the current draft revised for presentation at the next meeting.

Chairman Haubenstricker reported that Mrs. Zehnder had filed her annual report for Eduplay Daycare to satisfy the special use conditions.

After review, the commission directed the Zoning Administrator to respond, in writing, to Mrs. Zehnder that the report was received and approved.

Chairman Haubenstricker asked for an update on the medical marijuana status.

Mr. Frahm stated that the township board had extended the moratorium for six months.

Chairman Haubenstricker asked about an article in the Michigan Township magazine which described appeals from the township zoning board of appeals.

The commission discussed the requirement for written meeting minutes and their approval at the next meeting. Mr. Reid stated that the ZBA could produce a written decision at or shortly after the meeting which should be certified by the secretary and chairman and then delivered to the petitioner; the written

decision should be part, verbatim, of the minutes as approved at the next ZBA meeting; the written decision should contain the information required by the Michigan statutes regarding ZBA decisions; the appeal of the decision is to circuit court, not the township board; and is subject to a time limitation beginning with the delivery of the decision.

Chairman Haubenstricker asked for other business. None was mentioned.

Mr. Friend reported that there has been no activity regarding zoning permit applications.

The meeting was adjourned.

The next regular meeting would be June 3, 2014 at 8pm.

A special joint meeting will be held on May 27, 2014, at 7pm in the Frankenmuth City chambers.

Respectfully submitted,  
Frankenmuth Township Planning Commission  
Robert J. Reid, Secretary