

**BENNER TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
December 8, 2011**

CALL TO ORDER

The regularly scheduled meeting of the Benner Township Planning Commission was called to order at 7:00 p.m. by Nate Campbell, Chair, at the Benner Township Municipal Building.

ATTENDANCE

Members present: Dave Jackson, Rob Fugate, Genny Robine, Jim Swartzell, and Nate Campbell. Member absent was Mike Anthony. Also in attendance were Brian Walker, Ray Walker Jr., Carol Walker, and Renee Swancer, Zoning officer.

MINUTES

The minutes from the November 17, 2011 meeting minutes were presented for approval with a correction that Mr. Swartzell was absent. Mrs. Robine moved the approval of the minutes. Mr. Jackson seconded the motion.

Vote: Mr. Swartzell - yes	Mr. Fugate - yes	Mrs. Robine - yes
Mr. Jackson - yes	Mr. Campbell - yes	Mr. Anthony - absent

**PERSONS TO ADDRESS THE BOARD
NEW BUSINESS**

Walker's Rezoning Request:

[Note: It is noted that the Planning Commission only reviewed the rezoning request and the zoning amendment on the application was not placed on their agenda for discussion, as requested by the applicant.]

Brian Walker began the discussion by requesting the Walker property be rezoned back to the Light Industrial. Brian explained prior to the 2009 Zoning Ordinance, the property was rezoned from highway commercial to light industrial, but the Roth ordinance placed it back into highway commercial. Brian stated that two of the four businesses located on the property are nonconforming businesses. The Walkers originally owned property adjacent to Route 26, but subsequently sold that property in December of 2009 and that is maybe why the property was zoned highway commercial? Carol Walker stated they were never notified about the zoning changes. Brian said that prior to 2009, the Walkers hadn't looked into expansion of the property, but they are now looking to expand some of the businesses on the property and that was when they discovered the property was located in highway commercial. Brian noted some of the expansion discussed for the property is not permitted in the highway commercial zone. Mr. Campbell questioned does being nonconforming not allow for the existing businesses to expand? Ms. Swancer noted existing businesses are allowed to expand up to 50%, as outlined in the zoning ordinance. Ms. Swancer added the residence and mobile home park are known nonconforming uses, but cannot answer at this time about the excavation or trucking businesses. Ms. Robine clarified the comprehensive plan was adopted in 2004 and the zoning ordinance in 2009. Brian Walker understands the requirements for expanding nonconforming uses, but it seems more feasible for the property to be rezoned back to light industrial. The Commission looked at the comprehensive plan map showing the surrounding properties.

Mr. Campbell expressed concerns about changing the zoning map, if the existing uses are allowed to expand under the current zoning ordinance—then why change the zoning map? Brian expressed the zoning hinders the expansion of the excavation and trucking businesses. Brian noted the next step for them to expand their business is to have the zoning changed on the property. Ms. Robine asked if it is possible to make an allowance in the existing highway commercial zone for this expansion instead of changing the zone to light industrial since changing the comprehensive plan is not so easy? Mr. Fugate asked if the entire area is to be rezoned? Ms. Swancer clarified just the Walker property is being requested to be rezoned. Ray Walker added the request is to change the

property back to what it was in 2000.

The Commission discussed which is the better option--making an allowance in the existing zoning or changing the zoning map? Mr. Fugate brought up if allowances are made in the existing highway commercial zone, those impacts would be seen in all highway commercial areas. Mr. Fugate added since we have to notify the other townships involved in the Comprehensive Plan about this request, and if there are no objections from these townships, then the request can go through with no problem. Mr. Swartzell agreed then the Township could proceed with changing the zoning.

Mr. Campbell noted he doesn't want zoning to hinder business, but does want the Township to change zoning maps arbitrarily. Mr. Fugate feels that if what Walkers want to do does not create a negative impact with what exists now, then he has no problem. Ms. Robine added she does not want to change the zoning map just because someone wants different zoning.

Mr. Fugate made a motion to recommend the Supervisors send a letter to the other townships involved in the regional comprehensive plan to see if any of these townships have any input or objections to the Township changing the zone from highway commercial to light industrial. Mr. Swartzell seconded the motion.

Vote: Mr. Swartzell - yes Mr. Fugate - yes Mrs. Robine - yes
Mr. Jackson - yes Mr. Campbell - yes Mr. Anthony - absent

Brian Walker asked if the letter could state that the property was previously zoned light industrial. Mr. Fugate agreed. Brian asked if a copy of the letter could be forwarded to the Walkers. Ms. Swancer indicated she would.

OLD BUSINESS
CORRESPONDENCE
NOTES
ADJOURN

With all business complete, the meeting adjourned.

Respectfully submitted by:
Renee Swancer, Zoning Officer