

**ROSS TOWNSHIP  
PLANNING COMMISSION  
MINUTES  
June 25, 2018**

CALL TO ORDER/PLEDGE

Chairperson Lauderdale called the regular meeting of the Ross Township Planning Commission to order at 7:00 p.m. at the Ross Township Hall.

ROLL CALL

Present: Jim Lauderdale, Chairperson  
Russell Fry  
Greg Pierce  
Jesse Zamora

Absent: Victor Exbenko  
Sherri Snyder

Also present: Kelly Largent, AGS – Township Zoning Administrator  
Bert Gale, AGS – Township Zoning Administrator  
Rebecca Harvey – Township Planning Consultant  
Robert Thall – Township Attorney

APPROVAL OF AGENDA

The agenda was reviewed and approved as presented.

APPROVAL OF PRIOR MEETING MINUTES

The Commission proceeded with consideration of the **May 21, 2018** regular Planning Commission meeting minutes. Fry moved to approve the minutes as presented. Zamora seconded the motion. The motion carried unanimously.

The Commission then proceeded with consideration of the **June 11, 2018** special Planning Commission meeting minutes. Fry moved to approve the minutes as presented. Pierce seconded the motion. The motion carried unanimously.

## NEW BUSINESS

### 1. Public Hearing – SLU/SPR for Residential Accessory Building (Morgan)

The next matter to come before the Commission was consideration of the request by Dennis Morgan for special land use permit/site plan review for the proposed construction of a 30 ft x 40 ft residential accessory building that fails to meet the locational and lot coverage requirements. The subject property is situated adjacent to the site of the applicant's existing dwelling located at 13060 East Baseline Road and is within the R-R District.

Fry moved to open the public hearing. Pierce seconded the motion. The motion carried unanimously.

Gale provided an overview of the request, noting that the subject property is a vacant lot adjacent to the west of the site of the applicant's residence. He noted the following:

- Pursuant to Section 16.3 C., the two contiguous lots shall be considered a single 'zoning lot'.
- The subject property exists as a corner lot (Baseline Road/North 40<sup>th</sup> Street), resulting in the creation of two front yards on the site.
- The proposed accessory building is located within the front yard (40<sup>th</sup> Street) and exceeds the 10% rear yard lot coverage standard.
- Pursuant to Section 18.4 D., the proposed accessory building is subject to the special land use permit process.

Dennis Morgan was present on behalf of the application. He stated that the pole barn is proposed for residential storage. He explained his desire to remove all outdoor storage on the property and to keep his vehicles and recreational equipment out of sight.

Lauderdale noted that the applicant provided the required information regarding locations/heights of buildings in the area and that the proposal appears to be consistent with area building patterns.

In response to questions, Morgan stated that the existing driveway will provide access to the accessory building. A new driveway is not proposed.

He further noted that the proposed building is located to the rear of the property and is set back as far from the abutting roadways as feasible. Attorney Thall confirmed that as a 'zoning lot', the proposal does not require approval for an accessory building on a 'vacant lot', however, the front yard limitation is still applicable.

Gale confirmed that the property line dimensions and setbacks do not take into account the curvature of the abutting road and so do not appear to be consistent.

Michael Kline, a neighbor to the west, stated that he is in support of the request and that the proposal for indoor storage will improve the aesthetics of the area.

No further public comment was offered on the matter and the public comment portion of the public hearing was closed.

The Commission proceeded with a review of the application pursuant to Section 18.4 D. – residential accessory buildings/structures. It was noted that the proposed building will meet applicable front/side/rear setback requirements but is proposed to be located within the front yard and will exceed rear yard lot coverage standards. The following was also noted:

- the proposed accessory building is allowable as a special land use;
- the proposed accessory building is located in excess of 5 ft from all lot lines;
- the proposed accessory building is proposed to be used for personal residential storage;
- a variance is not requested/required for the proposed accessory building; and,
- adequate application material has been presented to allow for site plan review pursuant to Article 21.

In consideration of the Special Land Use Criteria set forth in Section 19.3, the Commission concluded the following: the proposed accessory building is located largely to the rear of the site and in compliance with applicable setback requirements; the proposal is consistent in size, design, and use of buildings allowed within the R-R District; the proposed building will be served by an existing driveway, construction will not involve tree removal and will require minimal site disturbance thereby having limited impact on the natural environment and existing tree line buffers; the proposed building will not adversely affect public services or facilities serving the area; adequate parking will continue to be provided on the site; the proposed building will not be detrimental to adjacent properties or the public health, safety or general welfare of the general neighborhood given the proposed use and building size/design and the comparable land use/building patterns on properties in the surrounding area; consideration of the subject property as a ‘zoning lot’ allows for consideration of the proposed accessory building as a special land use.

It was noted that the site plan presented was acceptable (per Section 21.4) and that the proposal meets the Site Plan Review Criteria set forth in Section 21.6 B.

Fry stated that the situation of the ‘zoning lot’ as a corner lot creates a locational limitation but that the proposal 1) still meets all setback requirements; 2) is in the

side yard from Baseline Road; and, 3) meets the overall lot coverage requirement. He also noted the building size has reasonable proportion with respect to the size of the 'zoning lot' and that the tree lines along the property boundaries are proposed to remain.

It was reiterated that the above findings were based on the application documents presented and the representations made by the applicant at the meeting.

Fry then moved to grant Special Land Use Permit/Site Plan Approval for the proposed accessory building on the subject site based upon the review findings of Section 18.4 D. – residential accessory buildings/structures, Section 19.3 – Special Land Use Criteria, and Section 21.6 – Site Plan Review Criteria, conditioned upon the following:

1. The site plan presented is acceptable, with the information required by Section 21.4 A., E. and N. waived per Section 21.4 T.
2. The subject vacant site and the property adjacent to the east occupied by the applicant's residence shall be considered as and remain a 'zoning lot' as defined by Section 16.3 C.
3. The proposed accessory building may be used for purposes accessory only to the residence located on the 'zoning lot'.

Zamora seconded the motion. The motion carried unanimously.

## 2. Public Hearing – SLU/SPR for Residential Accessory Building (Bond)

The next matter to come before the Commission was consideration of the request by Timothy Bond for special land use permit/site plan review for the proposed construction of a 32 ft x 48 ft residential accessory building that fails to meet the lot coverage and building height requirements. The subject property is located to the rear of the site of the applicant's existing dwelling located at 16523 East Augusta Drive and is within the R-1 District.

Pierce moved to open the public hearing. Fry seconded the motion. The motion carried unanimously.

Gale provided an overview of the request, noting that the subject property is a vacant lot adjacent to the rear of the site of the applicant's residence. He noted the following:

- Pursuant to Section 16.3 C., the two contiguous lots shall be considered a single 'zoning lot'.
- The proposed accessory building exceeds the building height requirement (10 ft to eaves allowed; 12 ft proposed) and exceeds the 10% rear yard lot coverage standard (17.4% proposed).

- Pursuant to Section 18.4 D., the proposed accessory building is subject to the special land use permit process.

Timothy Bond was present on behalf of the application. He stated that the pole barn is proposed for residential storage and a small personal workshop area. Bond noted that the accessory building is proposed to be located to the rear of the site, in compliance with all applicable setback requirements. He added that visibility will be limited given existing tree lines along the property boundaries.

Bond distributed building elevations and photos of the subject site and surrounding properties. He explained that the unusual configuration of the lot creates a small rear yard and limits the ability to comply with the 10% rear yard lot coverage requirement.

In response to Commission questions, Bond stated that the existing driveway will be extended to the rear of the site to service the accessory building. He noted that a new driveway is not proposed.

Bond confirmed that the subject property and the adjacent site of the residence have already been combined into a single lot.

No public comment was offered on the matter and the public comment portion of the public hearing was closed.

The Commission proceeded with a review of the application pursuant to Section 18.4 D. – residential accessory buildings/structures. It was noted that the proposed building will meet locational and setback requirements but is proposed to exceed the building eave height requirement and will exceed rear yard lot coverage standards. The following was also noted:

- the proposed accessory building is allowable as a special land use;
- the proposed accessory building is located in excess of 5 ft from all lot lines;
- the proposed accessory building is proposed to be used for personal residential storage and workshop use;
- a variance is not requested/required for the proposed accessory building; and,
- adequate application material has been presented to allow for site plan review pursuant to Article 21.

In consideration of the Special Land Use Criteria set forth in Section 19.3, the Commission concluded the following: the proposed accessory building is located to the rear of the site and in compliance with applicable locational and setback requirements; the proposal is consistent in size/height, design, and use of buildings allowed within the R-1 District; the proposed accessory building will be served by an extension of the existing driveway; proposed construction will require minimal site disturbance thereby having limited impact on the natural

environment and existing tree line buffers; the proposed building will not adversely affect public services or facilities serving the area; adequate parking will continue to be provided on the site; the proposed building will not be detrimental to adjacent properties or the public health, safety or general welfare of the general neighborhood given the proposed use and building size/height/design and the comparable land use/building patterns on properties in the surrounding area; consideration of the subject property as a 'zoning lot' allows for consideration of the proposed accessory building as a special land use.

It was noted that the site plan presented was acceptable (per Section 21.4) and that the proposal meets the Site Plan Review Criteria set forth in Section 21.6 B.

It was reiterated that the above findings were based on the application documents presented and the representations made by the applicant at the meeting.

Fry observed that if the proposed accessory building was attached to the principle building (residence), the 10% rear yard lot coverage requirement would not apply to the building. He noted that most of the homes in the area have attached garages and that the proposed detached accessory building was, in effect, being penalized as a 'detached' structure.

Pierce then moved to grant Special Land Use Permit/Site Plan Approval for the proposed accessory building on the subject site based upon the review findings of Section 18.4 D. – residential accessory buildings/structures, Section 19.3 – Special Land Use Criteria, and Section 21.6 – Site Plan Review Criteria, conditioned upon the following:

1. The site plan presented is acceptable, with the information required by Section 21.4 A. and N. waived per Section 21.4 T.
2. The eave height of the proposed accessory building will not exceed 12 ft.
3. The rear yard lot coverage shall not exceed 17.4% (includes both detached accessory buildings).
4. Approval is granted in recognition of the property as a 'zoning lot; compliance with locational and setback requirements; and, the presence of tree line buffers.

Fry seconded the motion. The motion carried unanimously.

### 3. Schedule Public Hearing – Ordinance #209

The next matter to come before the Commission was the scheduling of a public hearing to consider Ordinance #209. Chairperson Lauderdale referenced correspondence received from Township Attorney Thall wherein the following guidance on the matter was provided:

Although Ordinance 210 repealed Ordinance 205 and all other Ordinances in conflict, this is a police power ordinance. No MMFs are allowed in the Township according to Ordinance 210 and applications are no longer being processed. Zoning Ordinance provisions however are adopted and repealed with different procedures. Zoning Ordinance provisions can only be repealed by going through the zoning ordinance process which involves a planning commission public hearing and then a recommendation to the Township Board. The Township Board can then do what they want with the recommendation and can then pass an ordinance repealing the Zoning Ordinance provisions. This can only occur after the Planning Commission holds a public hearing.

Chairperson Lauderdale referenced written correspondence received by the Township relative to this agenda item. He noted that the correspondence will not be read at the meeting but will be included as part of the record.

Fry moved to schedule a public hearing for consideration of Ordinance #209 for the July 23, 2018 regular Planning Commission meeting. Pierce seconded the motion. The motion carried unanimously.

## UNFINISHED BUSINESS

### 1. Discussion – RT/RC Resort/Recreation District

Chairperson Lauderdale referenced Planning Commission discussion in November on the draft Resort/Recreation District dated November 27, 2017. He noted that Harvey had revised the draft text pursuant to public input and Planning Commission feedback provided in November, as well as to incorporate ideas garnered from additional research on the concept of resort/recreational zoning. The revised draft text dated February 26, 2018 was then considered by the Commission in March.

Chairperson Lauderdale noted that the matter had not been considered since March due to limited agenda space in April and May.

Harvey provided a brief overview of the draft text, noting the key elements of the district. She provided additional comment on the use of the ‘conditional zoning’ option in establishing the district within the Township and the inclusion of the resort/recreational land use concept in the Master Plan (and on the Future Land Use Map).

It was agreed that the matter would be scheduled for continued discussion in July when more Planning Commission members could be present.

## 2. Master Plan Update

Chairperson Lauderdale provided an overview of the work of the Master Plan Review Committee, noting that the Committee had met in February, 2018 and had provided a report to the Planning Commission at the March meeting noting the following conclusions:

- the review efforts of the Committee members and the review discussion held at the meeting of the Committee constitutes the 5-year review required by statute
- the existing Master Plan should receive a minor update - - addressing 'existing conditions' and revising goals/objectives/strategies and implementation elements to reflect current efforts and trends
- a full rewrite of the Master Plan should be considered following the release of the 2020 census information
- the Master Plan rewrite should include a meaningful public engagement element
- the mechanics of the minor update of the Plan are at the discretion of the Planning Commission
- Harvey is requested to develop update/cost scenarios for Planning Commission consideration in February

He stated that the Planning Commission had accepted the report of the Committee and agreed to discuss as a future agenda item moving forward with the recommended minor update.

Chairperson Lauderdale commented that the discussion has not yet occurred due to the April, May and June meeting agendas. Planning Commission members agreed to schedule discussion of proceeding with the recommended minor update to the Plan for the July meeting. To assist with that discussion, Harvey was requested to develop update/cost scenarios for Planning Commission consideration.

## 3. Watershed Protection Strategies

Chairperson Lauderdale noted that the matter continues to be 'on hold' at this time.



#### 4. Sign Ordinance

Chairperson Lauderdale noted that the draft sign ordinance remains 'on hold'.

#### REPORT FROM TOWNSHIP BOARD

No Township Board report was offered.

#### REPORT FROM ZONING BOARD OF APPEALS

Chairperson Lauderdale reported that the Zoning Board of Appeals did not meet in June.

#### PUBLIC COMMENT

Robert Bachand suggested that the Planning Commission consider the approach used by Crystal Mountain as they proceed in developing the 'resort/recreation district' text.

Tim Walters requested that the Planning Commission establish a citizen advisory council with Township-wide resident participation as they proceed with the update of the Township Master Plan.

Laura Williams requested Planning Commission consideration of her letter sent regarding MMFs in Ross Township and stated her desire for a recommendation to repeal Ordinance #209. She further requested that the review/update of the Master Plan be placed on hold until after the 2020 Census information is released and that a survey of the Ross Township residents/property owners regarding MMFs be conducted.

Chuck Brandy stated that 44<sup>th</sup> Street needs grading.

Patricia Thornapple requested the repeal of Ordinance #209 and noted concerns regarding related odor, property values and water contamination.

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Angela Bowers stated that solar farms, bit coin operations and MMFs go hand in hand and that they all result in an increase in property-related crime. She warned about the potential for illegal MMF farms and stated that the legalization of MMFs will not result in the revenue source imagined.

Brad Warsek requested a recommendation to repeal Ordinance #209. He stated that the mission statement set forth in the Master Plan has not been changed to support MMFs and that the Township's efforts to allow MMFs are an effort to change the quality of life in Ross Township.

Michelle Labadis requested a recommendation to repeal Ordinance #209. She stated that the mission statement in the Master Plan has not been changed to support MMFs and that some residents of the Township have presented facts that demonstrate the negative impacts of MMFs. She asked that the Planning Commission not believe the information presented by the applicants because it is not truthful. The costs associated with MMFs (fire department; legal; energy) are not a positive for the community.

Lisa Stevenson requested a recommendation to repeal Ordinance #209. She stated that she likes the fields adjacent to her property to remain undeveloped.

Lynn Harmon stated that she was disappointed with the position and actions of the Planning Commission and Township Board regarding the MMF issue. She requested a recommendation to repeal Ordinance #209.

Stan Sager requested a recommendation to repeal Ordinance #209.

#### MEMBERS, CONSULTANTS, ADVISORS

No member/staff comments were offered.

#### ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 9:09 p.m.

Respectfully Submitted,  
Rebecca Harvey, AICP, PCP  
Township Planning Consultant