

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
June 24, 2019**

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: Chairperson Lauderdale
Mike Bekes
Mark Markillie
Michael Moore
Pam Sager
Sherri Snyder
Mike Sulka

Absent: None

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 approved as presented.

APPROVAL OF PRIOR MEETING MINUTES

The Commission proceeded with consideration of the **April 22, 2019** regular Planning Commission meeting minutes. It was noted that ‘4th Street’ should be corrected to read ‘40th Street’ in the first paragraph on page 2. Bekes moved to approve the minutes as corrected. Snyder seconded the motion. The motion carried unanimously.

The Commission continued with consideration of the **May 20, 2019** Joint Township Board/Planning Commission meeting minutes. It was noted that the draft minutes have received approval by the Township Board. Snyder moved to approve the minutes as presented. Bekes seconded the motion. The motion carried unanimously.

NEW BUSINESS

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

The next matter to come before the Planning Commission was consideration of the request by Jeff and Laura Mattioli for special land use permit/site plan review for the proposed construction of a residential accessory building that fails to meet the locational and maximum building height requirements. The subject property is located at 16110 M-89 and is within the R-R District.

Chairperson Lauderdale opened the public hearing.

Gale provided an overview of the request, noting the following:

- After further review of the proposal and the Ordinance definitions for ‘yard’ and ‘lot line’, it has been determined that the proposed accessory building will be located entirely within the rear yard as required. Accordingly, a special land use permit will not be needed for the proposed building location.
- The proposed accessory building will have an eave height of 21 ft, as measured from the average natural grade.
- The proposed accessory building will exceed the 14 ft maximum eave height standard applicable to accessory buildings/structures.
- Pursuant to Section 18.4 D., the proposed accessory building is subject to the special land use permit process.

Jason Blake, project contractor, was present on behalf of the application. He explained that the subject site is very hilly with very limited flat land available for building. He noted that the change in topography on the site has created an issue with meeting the height standard when measured from ‘natural (unaltered) grade’. Mr. Blake confirmed that the overall building height will comply with the 25 ft maximum height requirement.

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

In response to Commission questions, staff clarified the Ordinance definition of ‘building height’ and the intent of the measurement requirement from ‘natural grade’.

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 locational, setback and lot coverage requirements, as well as the overall maximum building height standard, but will exceed the 14 ft eave height standard applicable to accessory buildings. 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 for accessory residential 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 use of the property will continue to be residential; the subject site is large and the proposed building location is central to the property and far from the waterfront thereby having limited impact on the natural environment or existing storm water drainage patterns; the proposed accessory building will be in character with the general neighborhood and will not adversely affect public services or facilities serving the area; no modification to the existing driveway location or reduction in off-street parking is proposed; the construction will involve limited site disturbance and is provided excessive setbacks from adjacent property; the proposed accessory building complies with all applicable locational, setback, and lot coverage requirements, including the overall building height standard, and will not be detrimental to adjacent properties or the public health, safety or general welfare of the general neighborhood given its proposed use, size and location; and, the proposal meets the standards of Section 18.4D.

Snyder further recognized that the lack of disturbance to the existing grade of the property is likely better for the stability of the site and the maintenance of existing storm water drainage patterns.

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.

Bekes 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, noting that the site plan presented is acceptable, with the information required by Section 21.4 B., C., and N. waived per Section 21.4 T., and noting specifically the limitation of the site’s topography and slope. Sager seconded the motion. The motion carried unanimously.

2. Master Plan – Updated Title Pages

Chairperson Lauderdale noted the agreement reached at the recent Joint Township Board/Planning Commission meeting that the title pages of the Master Plan should be updated to reflect that the Plan was amended in November, 2011.

Harvey referenced an updated cover page, title pages and table of contents prepared in response to the recent decision. It was agreed that the updated pages would be provided to the Township Office for distribution.

3. 2019-2020 Planning Commission Work Plan Amendments

Chairperson Lauderdale noted the discussion held at the recent Joint Township Board/Planning Commission meeting regarding interest in having the Planning Commission consider the matters of ‘solar and wind energy facilities’ and ‘chickens in residential districts and plats’ within the Township.

Solar/Wind Energy Facilities: General discussion ensued regarding how these facilities are currently addressed in the Ordinance and how area communities are regulating them.

The following points of consensus were noted:

- There is general support for allowing individual solar and wind energy facilities in the Township.
- Section 8.4 G. adequately addresses individual wind energy systems.
- There is uncertainty about the prospect of allowing utility-grid scale solar farms.
- There is no support for utility grid wind farms.

Commission members expressed interest in reviewing sample ordinances from area communities regarding solar energy facilities. Snyder raised the possibility of the Township Board ascertaining the ‘pulse’ of the community regarding solar energy facilities to support the Planning Commission moving forward with proposed Ordinance amendments.

It was agreed to place the item ‘solar energy facilities’ on the 2019-2020 Planning Commission Work Plan.

Chickens in Residential Districts & Plats: AGS noted recent inquiries about the prospect of selling eggs and meat products at ‘roadside stands’ within the Township’s residential districts. They noted the Ordinance currently limits agricultural activity, the keeping of livestock and ‘roadside stands’ to the R-R District.

Lengthy discussion ensued regarding the Right to Farm Act, recent amendments to the R-R District to comply with the RTFA, what is allowed to be sold at ‘roadside stands’, and the growing interest in ‘urban agricultural’ practices.

It was agreed to place the item ‘chickens in residential districts & plats’ on the 2019-2020 Planning Commission Work Plan.

UNFINISHED BUSINESS

1. ZO Text Amendments – Section 18.4 D./Section 19.3

Chairperson Lauderdale reminded that draft text was presented in April that would modify the submittal requirements for an accessory building requiring special land use permit (Section 18.4 D.) and amend the Special Land Use Criteria set forth in Section 19.3.

He summarized that Section 18.4 D. 4. currently requires a special land use accessory building proposal to meet the site plan submittal requirements of Article 21, which are very detailed and largely intended to apply to principal development proposals. The proposed amendment to Section 18.4 D.4. removes the reference to the site plan submittal requirements of Article 21 and instead provides a list of required information specific to an accessory building proposal.

Markillie questioned if it would be easier to simply reference specific site plan content requirements in Article 21 in Section 18.4 D. rather than set forth a separate list of plan content requirements. Harvey explained that the proposed list does not replicate standards referenced in Article 21, which would make such a reference complicated and require the addition of exceptions.

Chairperson Lauderdale also summarized the proposed amendments to Section 19.3 – Criteria for Decision designed to collapse and clarify the nine special land use standards. He noted that two text options had been presented for Commission consideration.

He stated that lengthy discussion was held in April wherein it was agreed that the proposed amendments would give better direction to applicants in the preparation of a site plan and may improve understanding of the special land use approval process.

Planning Commission discussion then ensued regarding how standards of ‘compatibility’ and ‘impact-based standards’ are and can be applied to specific special land use proposals.

Sulka suggested a revision to Item #4 in the Option 2 text that would require resulting improvements to ‘public utilities, facilities and services’ to be the

responsibility of the applicant/owner and not ‘public cost’. Attorney Thall instead advised the deletion of the phrase ‘and will not create excessive additional requirements at public cost for public utilities, facilities and services’ to respond to the concern noted.

Chairperson Lauderdale requested direction on moving forward with the proposed amendments. Markillie, Bekes, Snyder and Lauderdale expressed support for accepting the proposed amendments to Section 18.4 D. and Section 19.3 – Option 2, as revised, and scheduling same for public hearing.

Sulka, Sager and Moore noted a lack of support for either Option 1 or Option 2 of the proposed amendments to Section 19.3.

It was then agreed that Sulka, Sager and Moore would work together to develop a consensus document for presentation at the July meeting.

2. RT/RC Resort/Recreation District

Sulka advised that the Township Board has requested that the Planning Commission suspend work on the draft RT/RC Resort/Recreation District until after the next major update to the Master Plan, slated to begin in 2022, is completed. He reported that the Township Board is concerned with the unintended consequences of the proposed district and a lack of consistency with the purpose of the Master Plan.

The Planning Commission agreed to remove the matter from the agenda.

Due to the lateness of the hour, discussion regarding the Master Plan Update, sign standards and GAAMPS was postponed.

REPORT FROM TOWNSHIP BOARD

Sulka reported the receipt of positive feedback on the Joint Township Board/Planning Commission meeting held in May.

REPORT FROM ZONING BOARD OF APPEALS

Chairperson Lauderdale noted that the Zoning Board of Appeals did not meet in May or June, 2019.

PUBLIC COMMENT

No public comment was offered.

MEMBERS, CONSULTANTS, ADVISORS

Snyder expressed her disappointment that the Trucks & Tunes events in the Township Park are no longer being held.

ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 9:05 p.m.

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