

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
March 26, 2018**

CALL TO ORDER/PLEDGE

Chairperson Lauderdale called the regularly scheduled 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
Victor Ezbenko
Russell Fry (by phone)
Greg Pierce
Jeff Price
Sherri Snyder
Jesse Zamora

Absent: None

Also present: Kelly Largent, AGS – Township Zoning Administrator
Bert Gale, AGS – Township Zoning Administrator
Rebecca Harvey – Township Planning Consultant
Rob 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 **January 22, 2018** regular Planning Commission meeting minutes. Price moved to approve the minutes as presented. Pierce seconded the motion. The motion carried unanimously.

PUBLIC COMMENT ON NON-AGENDA ITEMS

No public comment on non-agenda items was offered.

NEW BUSINESS

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

The next matter to come before the Commission was consideration of the request by Melvin and Sandra Porter for special land use permit/site plan review for the proposed construction of a 38 ft x 40 ft residential accessory building on the site of their existing dwelling. The subject property is located at 5246 North 37th Street and is within the R-1 District.

Chairperson Lauderdale opened the public hearing.

Largent referenced the application material, parcel maps and sketch plan for the request and provided an overview of the proposal. She noted that the proposed accessory building will extend into the 25 ft required rear yard (street side) setback and will exceed the 10% rear yard lot coverage standard and pursuant to Section 18.4 D., Zoning Ordinance is subject to the special land use permit process. Largent distributed an additional map/aerial photo that demonstrated the 192 ft x 27 ft area that constitutes the ‘rear yard’ on the subject property. She noted that the proposed accessory building will comply with the applicable locational and side/front setback requirements.

Melvin and Sandra Porter were present on behalf of the application. Mr. Porter explained that the move into the house on the property will represent a combining of households with a parent. He noted that the property does not currently have any storage capability, with the exception of a small shed, and that additional space is required for the parking of lawn equipment, vehicles, residential storage and a personal woodshop area.

In response to questions, Mr. Porter noted that the existing garage is 20 ft x 22 ft in area and is only large enough for the storage of a single vehicle. He further noted that the existing storage shed is proposed to be removed. Mr. Porter stated that they have no desire to block the view of the pond from either adjacent property and so are proposing to locate the accessory building 5 ft closer to the road than allowed. He added that the abutting road right of way in the vicinity of the subject property is 50 ft in width, instead of the typical 33 ft and has essentially increased the required rear yard setback by 17 ft.

In response to Commission questions, Harvey and Thall confirmed that the subject property (Lots 9 and 10, Gull Oak Estates) exists as a ‘zoning lot’ under the Zoning Ordinance. As such, the proposal does not constitute the construction of an accessory building on a vacant lot and locational approval pursuant to 18.4 E. is not required.

Largent summarized that a special land use permit pursuant to Section 18.4 D. is required for the following 2 elements of the proposal:

- 1 – 25 ft rear yard (street side) setback required; 20 ft setback proposed
- 2 – 10% rear yard lot coverage (518 sq ft) allowed; 32.5% rear yard lot coverage proposed

Commission discussion ensued regarding the sketch plan details provided wherein the following was noted:

- The front yard (waterfront) setback reflected (95 ft) is measured to the edge of the pond . . which adds an additional 24 ft to the front yard measurement, consistent with the 129 ft lot depth dimension shown on the plan.
- The calculation of the rear yard lot coverage allowed was based on the rear yard dimensions of 192 ft x 27 ft . . . but the proposed lot coverage calculation did not consider that a majority of the building is proposed to be located in the side yard. Article 15 is not clear on the application of the lot coverage standards applicable to principal and accessory buildings and may require clarification;
- The rear yard (street side) setbacks on the 2 adjacent lots are unknown, but through visual inspection appear similar to the proposed setback;
- The applicant is not the owner of the property; consideration of the application requires permission from the property owner.
- The woodshop is for the personal use of the applicant and is not associated with any business activity.

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 front/side setback requirements but not the rear yard (street side) setback and rear 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, including a noncommercial woodshop area for the applicant;
- 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: given the dimensions of the property and

the location of the existing house, the proposed accessory building is located largely within the side yard; with limited building area within the rear yard (street side), the proposal is consistent in size/design/use of buildings allowed within a rear yard of the R-1 District; the proposed building location complies with side and front yard setback requirements; the proposed building will be served by an existing driveway and will involve limited tree removal and minimal site disturbance thereby having limited impact on the natural environment; 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.

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.

Chair Lauderdale 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 B., C. and N. waived per Section 21.4 T.;
2. removal of the existing shed located on the site;
3. compliance with the proposed 20 ft rear yard (street side) setback;
4. compliance with the proposed 32.5% rear yard lot coverage;
5. receipt of owner authorization of the request;
6. acceptance of the proposed continued use of the existing driveway, subject to Kalamazoo County Road Commission review/approval;
7. use of the proposed accessory building for uses accessory to the dwelling located on the ‘zoning lot’ (Lots 9 and 10).

Pierce seconded the motion. The motion carried unanimously.

2. 2018-2019 Planning Commission Meeting Schedule

Fry moved to adopt by resolution the proposed 2018-2019 Planning Commission Meeting Schedule. Price seconded the motion. The motion carried unanimously.

3. Election of Officers

Price moved the nomination and election of Lauderdale as Planning Commission Chair for the 2018-2019 fiscal year. Snyder seconded the motion. The motion carried unanimously.

Pierce moved the nomination and election of Fry as Planning Commission Vice Chair for the 2018-2019 fiscal year. Snyder seconded the motion. The motion carried unanimously.

Price moved the nomination and election of Fry as Planning Commission Secretary for the 2018-2019 fiscal year. Zamora seconded the motion. The motion carried unanimously.

4. 2017 Planning Commission Annual Report

Chairperson Lauderdale provided an overview of the draft 2017 Planning Commission Annual Report. It was noted that the draft report required revision to incorporate the results of the election of officers and to correct the date on the report. It was noted that the Annual Report would be scheduled for further discussion and acceptance in April.

UNFINISHED BUSINESS

1. Master Plan Update

Chairperson Lauderdale reported that, per the Planning Commission's direction, a Committee had been convened for the purpose of discussing and providing direction on the update of the Ross Township Master Plan. He noted that the Committee met on February 7, 2018. Chair Lauderdale presented an overview of the meeting discussion, referencing the meeting notes provided.

He summarized the conclusions of the Committee as follows:

- 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

Price stated that he found the conclusions of the Committee to represent a logical approach to the matter that will result in putting the Master Plan in good standing until the major update after the 2020 Census data is available.

Ezbenko questioned why the existing document warranted any modification at this stage with so little obvious growth in the area. Pierce noted that the existing Plan does not appear to be impeding land use-related efforts in the Township.

Fry stated that the inventory in the Plan is far from accurate and that a minor update now would not only begin to provide accurate data for planning purposes but would allow for the incorporation of some new ideas now and lay the groundwork for a major update in 5 years.

Planning Commission discussion ensued regarding the conclusions of the Committee. Snyder then moved acceptance of the report from the Committee, with direction that the Planning Commission proceed with discussion of implementation of the proposed minor update as a future agenda item. Price seconded the motion. The motion carried unanimously.

2. Discussion – Resort/Recreation Overlay District

Chairperson Lauderdale referenced Planning Commission discussion in November on the draft Resort/Recreation Overlay District dated November 27, 2017. He noted that the matter had not been considered since November due to limited agenda space in December and January and cancellation of the February Planning Commission meeting.

Harvey stated that she had revised the draft text pursuant to public input and review comments provided in November, as well as in response to continued research on the concept of resort/recreational zoning. Referencing the February 26, 2018 draft text, she provided an overview of the changes . . . noting the 3 key elements of the revised text include: the RT/RC District as a stand-alone district rather than an overlay district; the use of an ‘outdoor recreational facility’ as a

fundamental element of a 'resort' or residential development; and, clarification of resort use and expanded residential options.

General Planning Commission discussion ensued regarding the following:

- the merit of identifying ideal locations for the application of the district to help guide the development of the district;
- the desire to include a discussion on 'placemaking' and destination-land use planning in the Master Plan update;
- 'overlay district' vs. stand-alone zoning district approach

It was agreed that continued discussion on the draft text would be scheduled for April.

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 met in March and considered/granted variance approval from the front yard (waterway) and rear yard (street side) setback requirements to property located on East DE Avenue.

MEMBERS, CONSULTANTS, ADVISORS

Zamora announced that he will be attending the April Planning Commission meeting by phone.

ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 9:00 p.m.

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