

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
June 27, 2022**

CALL TO ORDER/PLEDGE

Chairperson Lauderdale called the regular meeting of the Ross Township Planning Commission to order at 6:00 p.m. at the Ross Township Hall.

ROLL CALL

Present: Chairperson Lauderdale
Michael Bekes
Mark Markillie
Steve Maslen
Michael Moore
Pam Sager
Sherri Snyder

Absent: None

Also Present: Bert Gale – Township Zoning Administrator
Rebecca Harvey – Township Planning Consultant
Seth Koches– Township Attorney

APPROVAL OF AGENDA

The agenda was approved as presented.

APPROVAL OF PRIOR MEETING MINUTES

The Commission proceeded with consideration of the **May 23, 2022** regular Planning Commission meeting minutes. Moore moved to approve the minutes as presented. Snyder seconded the motion. The motion carried unanimously.

NEW BUSINESS

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

The next matter to come before the Planning Commission was consideration of the request by Nicholas Miller for special land use permit/site plan review to

construct a 2560 sq ft residential accessory building that fails to meet the maximum eave height standard and is proposed to be located on a vacant lot. The subject property is located at 16307 East CD Avenue and is within the R-R District.

Chairperson Lauderdale opened the public hearing.

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

- Applicant proposes the construction of a 40 ft x 64 ft (2560 sq ft) accessory building with an overall building height of 20 ft 8 in and an eave height of 14 ft 4 in.
- The proposed building meets applicable setback, lot coverage, and overall building height requirements, but exceeds the maximum eave height standard of 14 ft.
- Applicant further proposes the construction of the accessory building prior to the construction of the principal dwelling on the site.

Nick Miller was present on behalf of the application. He explained that he desires to construct the accessory building first so that the home construction materials can be secured (due to several recent occurrences of theft in the area). He added that the accessory building would also provide an enclosed work space during the home construction. Miller stated that the proposed building height is due to the desire to have a 14 ft overhead door for recreational vehicles, adding that a 16 ft eave height would be even better. He noted that the proposed building location will be in excess of 600 ft from CD Avenue.

In response to Commission questions, Miller confirmed that the principal dwelling is scheduled for construction in Summer of 2024; the accessory building is not proposed to be used as a dwelling in the interim; and, the accessory building will be provided electric service only (no sewer/water).

To questions posed regarding the sketch plan, Miller confirmed that the proposed accessory building location will be behind the dwelling. It was further noted that if the building is proposed to have overhangs, the eave height may not be at issue.

John and Jennifer Hartwig, area neighbors, stated they had no concerns with the proposal. They noted the proposed setbacks, the existing land cover on the site, and the presence of similar barns in the area as the basis for their support. They confirmed the incidents of theft in the neighborhood and expressed understanding for the request.

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. The following was noted:

- the accessory building is proposed to be located in excess of 5 ft from all lot lines;
- the accessory building is proposed 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:

- a. The proposal meets the standards of Section 18.4 D., with the exception of eave height and location on a vacant lot;
- b. Regarding impact on the natural environment, there will be minimal disturbance to on-site land cover;
- c. The proposed accessory building can be adequately served by on-site utilities;
- d. Regarding compatibility with adjacent uses, it was recognized that the proposed building is located in excess of required building setbacks; existing vegetation on the site provides a suitable buffer and will not be significantly altered; the building is proposed for residential use; and, support from a neighboring property owner has been received; and
- e. The general area is rural-residential in character and there are similarly-situated accessory buildings on nearby properties.

It was noted that the site plan presented was acceptable (per Section 18.4 D.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 representations made by the applicant at the meeting.

Chairperson Lauderdale moved to grant Special Land Use Permit/Site Plan Approval for the proposed construction of a 2560 sq ft accessory building with an eave height not to exceed 16 ft on the subject vacant lot. Approval is granted 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, and conditioned on the following:

1. Pursuant to the Lot Diagram that accompanied the application, the proposed accessory building will be located to the rear of the ‘future home’.
2. The proposed accessory building will not be occupied as a ‘dwelling’.

Moore seconded the motion. The motion carried unanimously.

Snyder encouraged Bekes to share the reports of theft to the Township Board . . . noting that in part it prompted the applicant's request.

UNFINISHED BUSINESS

1. Master Plan

Attorney Koches reported that the Township Board continued their review of the updated Master Plan recommended for approval by the Planning Commission at their June meeting and expressed reservation about the Plan's position on solar energy facilities. They requested the Planning Commission consider revisions to the Plan that would clarify a desire to target solar farms to industrial areas and prohibit individual solar panels in front yards. To that end, the Plan was returned to the Planning Commission for that consideration.

Harvey provided an overview of text changes to Sections V and VI of the draft Plan proposed to address the Township Board's stated concerns.

Planning Commission discussion ensued. It was reminded that the role of the Plan is to provide the vision and foundational support . . . while the role of the Zoning Ordinance is to establish the specific standards. To that end, the proposed text was determined to be adequate.

Markillie suggested that it seemed more appropriate that the Plan direct solar farms to 'designated' areas rather than 'industrial areas' . . . given that very little property in the Township is planned/zoned for industrial land use . . . and based on the fact that solar farms require very specific conditions that do not necessarily exist by district. Harvey agreed that a better implementation approach may be to allow solar farms by overlay district . . . which would be in alignment with the phrase 'to designated areas'.

Sager wondered if the proposed text was still too specific. Snyder expressed concern that an approach that basically serves to prohibit solar farms in the Township is contrary to the results of the community survey conducted by the Township Board in 2018, which is referenced in the Plan. She stated that such a position would seem to suggest that the results of the survey are not legitimate.

Attorney Thall entered the meeting.

Attorney Thall offered that the proposed text seems to address all of the questions/concerns posed, agreeing that any regulations specific to solar energy facilities would be established by the Zoning Ordinance.

Chairperson Lauderdale then moved to recommend approval of the proposed modifications to Chapters V and VI, noting a change to 10.f. on page VI-16 so as

to replace 'industrial' with 'designated'. Snyder seconded the motion. The motion carried unanimously.

Harvey was requested to make the recommended changes to the draft of the updated Master Plan, to be shown as track changes, and resubmit same to Bekes for distribution to the Township Board.

Attorney Thall confirmed that no additional public hearing is required and that the Township Board is positioned to approve the draft Master Plan, as revised.

2. Status of Compliance – 5957 N. 37th Street

Gale stated that on January 24, 2022, the Planning Commission granted special land use permit/site plan approval to 5957 N. 37th Street for a solar panel array in the front yard, conditioned upon the requirement that 'the applicant provide screening landscaping to soften the view of the solar array from the neighboring properties.'

Gale distributed photos of the subject property and approved solar array, highlighting the screening landscaping that has been established to comply with the condition of approval. He requested Planning Commission feedback on the adequacy of the screening landscaping.

Snyder opined that what has been established is not adequate. She noted that the growth of what has been planted will take a long time and that there needs to be a minimum size at planting required.

Sager agreed that the screening landscaping is inadequate.

Markillie stated that he feels what has been established will likely be adequate eventually . . . probably within the next 2-3 years . . . but that larger plants should have been used initially. He added that the Planning Commission required that landscaping be established to 'soften the view' . . . not totally screen . . . and that he feels what has been established is well-intentioned.

Moore stated that the Planning Commission frequently approves the location of accessory buildings in the front yard and never requires landscaping or screening to 'soften the view'. He questioned how/why the solar array was different.

Snyder added that care should be taken so that any required landscaping does not end up blocking the solar panels from the sun. She suggested the use of 6 ft grasses.

Moore then moved to find that the landscaping that has been installed (reflected in the photos provided by AGS dated June 24, 2022) sufficiently meets the condition

of approval to 'soften the view'. Maslen seconded the motion. The motion carried 4-2, Sager and Snyder dissenting and Bekes abstaining.

Chairperson Lauderdale suggested that Gale could advise the property owner of Snyder's suggestion as to the use of grasses to improve the effect of the landscaping.

3. Definition of 'Structure'

Gale provided an overview of concerns regarding the definition of the term 'structure' in the Zoning Ordinance, and the application of the locational and setback requirements that should occur as a result.

The Planning Commission agreed to consider Gale's questions of application at the July meeting. Harvey was requested to be prepared to provide insight as to how this is addressed in other communities.

4. Medical Marihuana Caregiver

Due to the lateness of the hour, the matter was postponed to the July meeting.

5. Definition of 'fence' related to sight lines.

Due to the lateness of the hour, the matter was postponed to the July meeting.

REPORT FROM TOWNSHIP BOARD

Bekes reported:

- A boat, lift station, and accessory pieces have been donated to the Township for use in police enforcement activity on Township lakes.
- A public discussion on the expenditure of AARP funds in the Township is scheduled for September.

REPORT FROM ZONING BOARD OF APPEALS

Chairperson Lauderdale reported that the ZBA did not meet in June.

PUBLIC COMMENT

No public comment was offered.

MEMBERS, CONSULTANTS, ADVISORS

No member comments were offered.

ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 8:02 p.m.

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