

**ROSS TOWNSHIP
PLANNING COMMISSION
July 25, 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: Chairman Lauderdale
Michael Bekes
Mark Markillie
Steve Maslen
Michael Moore
Pam Sager
Sherry Snyder

Absent: None

Also present: Bert Gale - AGS
Robert E. Thall – Township Attorney

APPROVAL OF AGENDA: Commissioner Moore moved to approve the agenda as presented. Commissioner Bekes seconded the motion and upon a vote the motion carried unanimously.

APPROVAL OF PRIOR MEETING MINUTES: The Commission proceeded with consideration of the June 27, 2022 regular Planning Commission meeting minutes. Commissioner Sager moved to approve the minutes as prepared. Commissioner Moore seconded the motion and upon a vote the motion carried unanimously.

NEW BUSINESS

Chairman Lauderdale indicated that the next item for consideration was the request at 12278 East D Avenue, for site plan approval in accordance with Zoning Ordinance Sections 21.4 and 21.6 to construct a principal building (13,810 square feet) to sell high end automobiles. Bert Gale then gave a summary of the request. He indicated that the additional building on the lot was a principal building type and not an accessory building. He further indicated that because the matter was just site plan review there was no public hearing necessary. Additionally he recommended that if the Commission approves the site plan it should add a condition of no outdoor storage. Chairman Lauderdale indicated that public comment would be allowed.

Seth Baar, with Bosch Architecture, appeared on behalf of the applicant OFF Brothers, LLC and indicated that all sales will be indoor. He indicated that the site is not going to be busy but that they're just trying to add more on-site storage for cars. He indicated the owners deal with high

end autos. One of the owners of OFF Brothers, LLC, Matt, indicated that they have a dealer's license and that there would be no external sales. They attend auctions out of state mostly and there would be no outside display at the site.

In response to inquiry from Commissioner Sager, Matt indicated that there would be no new car sales; that they deal with high end and classic cars.

Chairman Lauderdale referred the Commission to the picture in the meeting packet that shows what the building will look like. The architect explained the site plan. In response to inquiry from Commissioner Sager, it was indicated that all lots on the site will be combined into one. In response to further inquiry from Commissioner Sager, Bert Gale indicated that the property is located in the C-1 Zoning District.

In response to inquiry from Chairman Lauderdale regarding a driveway permit, Bert Gale indicated that they cannot get a building permit until the County provides for a driveway permit.

Chairman Lauderdale asked for public comment regarding the site plan. There was no public comment.

In response to inquiry by Commissioner Markillie regarding setbacks, Bert Gale explained the setbacks on the site and indicated that they were in compliance.

In response to inquiry from Commissioner Snyder regarding additional parking spots, Bert Gale indicated that there would not be any additional parking spaces. In response to inquiry from Chairman Lauderdale, Matt indicated that the available parking spots are appropriate for employee and customer parking. Bert Gale then indicated that the plans show 21 parking spaces and that only eight are required.

In response to inquiry from Commissioner Sager, the architect indicated that the utilities are underground.

Chairman Lauderdale then led the Commission through a review of the application under Section 21.4 of the Zoning Ordinance. The Commission reviewed the ordinance provisions and determined that the site plan was lacking a location for the rubbish receptacle. In response to inquiry from the Chairman in this regard, the architect indicated that the rubbish receptacle will be fenced in with a gate and would not be visible from the road. Matt indicated that the receptacle would be located in the same area as its current location and that they would use bushes or fences to make sure that the receptacle is screened.

Chairman Lauderdale then led the Planning Commission through a review of the site plan criteria for approval under Section 21.6 of the Zoning Ordinance. With regard to utilities, it was indicated that the owner would be removing the utility pole and going underground. It was further indicated that they would be removing a few trees but those trees are not used as a buffer. The Commission did not express any concerns regarding the criteria. Chairman Lauderdale moved to approve the requested site plan to construct a principal building (13,810 square feet) to sell high end automobiles, based upon the information provided by the applicant to the

Commission, and consistent with the findings of the Commission with regard to Sections 21.4 and 21.6, with the following conditions:

1. No outdoor sales displays are permitted on site.
2. All parcels on the site must be combined.
3. A revised plan must be submitted to the satisfaction of Bert Gale that will show the location of the trash receptacle and type of screening.

Commissioner Moore seconded the motion and upon a vote the motion carried unanimously.

UNFINISHED BUSINESS

Chairman Lauderdale indicated that the next item was a discussion of the Master Plan revision decision by the Township Board. Commissioner Bekes and Attorney Thall discussed with the Commission the prior Board action regarding its request to further revise the Master Plan. Planning Consultant Rebecca Harvey prepared the Township Board's requested edits. Commissioners discussed the survey and the solar revisions Commissioner Maslen indicated that he did not know what the survey questions were. Planning Commissioners engaged in discussion regarding the survey. Planning Commissioners engaged in detailed discussion regarding the edits from Planning Consultant Harvey.

Commissioner Moore moved to disapprove the removal of the survey language but to go ahead and change the other wording as set forth by Planning Consultant Harvey's edits. There was no support for this motion and it died.

Commissioner Bekes moved to approve the edits as provided by Planning Consultant Harvey in order to move this matter forward with the understanding that the Master Plan is not an edict, that the motion follows the Township Board's 6-1 recommendation, and that the Township Board will adopt the revised Master Plan, thereby allowing the Planning Commission to move forward. Commissioner Maslen seconded the motion. A roll call vote was taken and the motion carried unanimously with the following vote:

Chairman Lauderdale - yes
Michael Bekes - yes
Mark Markillie - yes
Steve Maslen - yes
Michael Moore - yes
Pam Sager - yes
Sherry Snyder – yes

Chairman Lauderdale indicated that he would let Planning Consultant Harvey know about the results and Commissioner Bekes indicated that he would inform the Township Board. Chairman Lauderdale further indicated that he would ask Consultant Harvey for a draft solar ordinance.

Chairman Lauderdale then indicated that the next item for consideration was the Medical Marijuana Caregiver Ordinance. The Planning Commission reviewed the draft medical

marihuana caregiver regulations. Attorney Thall addressed the text and answered questions regarding the same. Planning Commission consensus was to revise Section 18.8.C.2 to add that the home occupation regulations of Section 18.5 apply to a registered primary caregiver except as otherwise provided in the medical marihuana caregivers text. Further consensus was to remove Section 13 from 18.8.C. Discussion then ensued regarding when to schedule the proposed text for a public hearing. It was discussed that the Township Board indicated that the Planning Commission should have any extra meetings that are needed to move forward with the important subject matters before the Planning Commission.

Commissioner Moore moved to schedule the medical marihuana caregivers proposed text for public hearing with the revisions as discussed. Commissioner Maslen seconded the motion and upon a vote it carried unanimously. Commissioners then agreed to hold the hearing at a special meeting and that as time permits the Planning Commission could also look at a commercial solar draft. Commissioners requested that the notice for the public hearing on the medical marihuana caregivers text inform people that the proposed text is new regulation to establish control over subject matter not previously regulated in the Zoning Ordinance.

Chairman Lauderdale then brought forward the question of the Zoning Ordinance's regulation of a "structure". Bert Gale discussed with the Planning Commission the issues raised by the definition of structure in the Zoning Ordinance. There were many questions regarding air conditioners, hot tubs, bird feeders, flag poles, play equipment, etc. Chairman Lauderdale noted the critical issue of setback and that it's something that needs to be taken on by the Commission right away. Commissioners requested that the structure definition be put on the agenda for the August meeting.

TOWNSHIP BOARD REPORT

Commissioner Bekes updated the Planning Commission on the Bluffs easement question. Commissioner Bekes also provided an update to the Planning Commission on the special assessment district being established by the Township Board for sewer connection on Sherman Lake.

PUBLIC COMMENT

Mary Stage made public comment to the Planning Commission.

MEMBERS, CONSULTANTS AND ADVISORS

Commissioner Maslen engaged the Planning Commission in discussion regarding the Land Use Map. Commissioner Snyder discussed the last meeting regarding the solar panels. She indicated that Section 18.20 of the Zoning Ordinance provides minimum planting sizes and that the Planning Commission should refer to those planting standards for screening. Chairman Lauderdale discussed his resignation at year's end and a future Chair. Chairman Lauderdale reiterated his appreciation and honor of being on the Planning Commission.

ADJOURNMENT

Upon a motion duly made and seconded the Planning Commission voted unanimously to adjourn the meeting at approximately 8:00 p.m.

Respectfully Submitted,

Robert E. Thall, Bauckham, Sparks, Thall, Seeber
& Kaufman, PC
Township Attorney