

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
September 27, 2021**

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, AGS – Township Zoning Administrator
 Rebecca Harvey – Township Planning Consultant
 Rob Thall – Township Attorney

APPROVAL OF AGENDA

Chairperson Lauderdale requested the agenda be amended to remove approval of the September 17, 2021 special meeting minutes. The agenda was approved as modified.

APPROVAL OF PRIOR MEETING MINUTES

The Commission proceeded with consideration of the **August 23, 2021** regular Planning Commission meeting minutes. Bekes moved to approve the minutes as presented. Snyder seconded the motion. The motion carried unanimously.

NEW BUSINESS

1. Site Plan Review – Allendale Park Site Condominium Development

The next matter to come before the Planning Commission was consideration of the request by Allendale Park LLC for site plan review of a proposed 3-unit single-family residential site condominium development. The subject property is located at 156/160 East Gull Lake Drive and has been conditionally-rezoned to the C-1 Bay Commercial District.

Chairperson Lauderdale opened the public hearing.

Harvey provided an overview of the application. She noted that the following elements of the proposal require Planning Commission attention:

- The proposed site plan should be updated to include 1) clarification of building site boundaries; 2) the area of each building site; and 3) a corrected roadway name (E. Gull Lake Drive).

- The 3-unit residential site condominium development proposal demonstrates compliance with the conditions of rezoning accepted by the Township on August 2, 2021 (March 11, 2021 Offer of Conditions), however, the following items should be noted:
 - Item #8 – the applicant agreed to meet the architectural design standards of the C-1 District; administrative confirmation of compliance will be required prior to the issuance of building permits.
 - Item #9 – the applicant agreed to meet the landscaping standards of the C-1 District along both property lines and East Gull Lake Drive; a landscape plan is required to confirm compliance.
 - Item #17 – the applicant agreed to develop the property as a site condominium with ‘the common areas to be owned and managed by the homeowner’s association’ and ‘the recorded covenants/master deed to include the requirements to maintain the open spaces, entry statement, driveway and parking areas’; the Master Deed of Allendale Park and the Condominium Bylaws have been provided to the Township and should be subject to review/approval by Township legal counsel.

Jack Gesmundo, AVB, was present on behalf of the application. He presented a revised Sheet C-2 of the site plan submittal and noted the reflection of the 3 requested updates.

He then distributed a summary of the applicable architectural design and landscaping standards, proposing compliance as follows:

- An Exhibit B drawing will be created once the site plan is approved by the Township, which will effectively create the proposed building sites. Once the building sites are sold, the houses will be designed.

- Sheet C-2 illustrates 'shoebox footprints' of each house to demonstrate the development framework of each site and the access/parking layout of the project.
- The specific landscaping on each building site will be guided by the floor plan/garage design for that site.

Gesmundo requested that proposed house designs and on-site landscaping be reviewed administratively for compliance with the applicable architectural design and landscaping standards at the building permit stage.

He stated that once Exhibit B is added, the Master Deed and Condominium Bylaws will adequately respond to all conditions of the rezoning approval and meet all applicable standards of the C-1 District.

Bekes questioned if there would be a viewshed issue with the parcel adjacent to the south. Gale and Harvey reviewed how Section 17.3 – Waterway Setback Requirements would be applied to the 3 proposed building sites.

Chairperson Lauderdale inquired about the stormwater management approach to be applied within the development. Gesmundo reviewed the drainage proposal, confirming that no changes to the natural drainage pattern are proposed.

Sager questioned the role of the Master Deed in the Township's approval. Attorney Thall explained that the Master Deed and Condominium Bylaws will be reviewed to confirm that the elements of the development proposal are consistent with the conditional rezoning and site plan approval, as well as for compliance with the Condominium Act.

Connie (last name unknown), an area property owner, asked if the residents in close proximity to the project were aware of the end product presented. Chairperson Lauderdale referenced the elements of the review and public meeting process that have occurred with respect to the project.

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 and noted the following findings:

- The site plan/application meet the site plan content requirements of Section 21.4.
- The 3-unit residential site condominium development proposal meets the dimensional, layout and infrastructure requirements of the C-1 District for a 'site condominium project'.

- The revised Sheet C-2 provides the following updates: 1) clarification of building site boundaries; 2) the area of each building site; and 3) a corrected roadway name (E. Gull Lake Drive).
- The 3-unit residential site condominium development proposal demonstrates compliance with the conditions of rezoning accepted by the Township on August 2, 2021 (March 11, 2021 Offer of Conditions), noting that administrative confirmation of compliance with the architectural design and landscaping standards at the building permit stage is acceptable.
- The 3-unit residential site condominium development proposal responds to each of the Criteria for Site Plan Review set forth in Section 21.6.

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

Bekes moved to grant Site Plan Approval of the proposed 3-unit single-family residential site condominium development based upon the review findings of Section 21.6 – Site Plan Review Criteria and a determination of compliance with the standards of the C-1 District and the August 2, 2021 Conditional Rezoning, subject to 1) administrative confirmation of compliance with the architectural design and landscaping standards of the C-1 District at the building permit stage; and 2) review/approval of the Master Deed and Condominium Bylaws by Township legal counsel. Moore seconded the motion. The motion carried unanimously.

UNFINISHED BUSINESS

1. Work Plan for Master Plan Goals & Objectives (Section VI)

Chairperson Lauderdale stated that the Planning Commission completed the Technical Review of the Zoning Ordinance as it relates to implementation of the Master Plan goals and objectives in August. He referenced the resulting Work Plan prepared by Harvey.

Bekes advised that the Township Board has requested that the following 2 items be added to the Work Plan:

- An amendment to the Zoning Ordinance to include a provision that allows for the Township to require ‘development agreements’. Such agreements may address the cost of infrastructure and could include a performance bond requirement. Attorney Thall agreed to provide a sample ordinance for Planning Commission consideration.

- An amendment to the Zoning Ordinance that requires Township Board approval of site plans of projects of a certain size/complexity.

General discussion then ensued regarding the added Work Plan item related to ‘medical marihuana caregivers’. Attorney Thall provided an overview of State law that allows ‘caregivers’ to grow 12 plants/patient for up to 5 patients and requires that plants be kept in an ‘enclosed, locked facility’.

He explained that in a recent case (DeRuiter v Byron Township) the Michigan Supreme Court ruled that the MMMA does not prohibit a municipality from regulating marihuana facilities as long as the regulations do not prohibit the facility or impose regulations inconsistent with the Act. Specifically, the ruling clarified that a local zoning ordinance may limit where ‘caregivers’ are allowed to cultivate marihuana and may require zoning permits and apply permit fees.

Attorney Thall noted that ‘caregivers’ can be limited by location or zoning district and can be addressed as a ‘home occupation’, but cannot be prohibited. There was general discussion about the ‘grandfathering’ consequences of any new zoning regulations.

The Planning Commission then proceeded with the prioritization of the Work Plan. It was agreed that the regulation of ‘caregivers’ would be placed on the Work Plan as a priority #1 item. Attorney Thall and Harvey were directed to proceed with preparing draft text for Commission consideration.

After further discussion, it was noted that the Zoning Ordinance is lacking specific standards and review requirements for site condominium development. It was reasoned that the review process at the Township level should be similar to that applicable to a plat, which includes both Planning Commission and Township Board review. It was determined that the development of these standards should be a Priority #2 item on the Work Plan. It was felt that such an amendment would also be responsive to the Township Board’s request for an amendment of the site plan review process.

It was agreed that the development of a Zoning Ordinance amendment for ‘development agreements’ would be placed as a Priority #3 Work Plan Item.

2. Master Plan Action Plan (Section VIII) – Fences/Sight Lines

Chairperson Lauderdale stated this item is on the agenda as a ‘continued item’, noting the Planning Commission has agreed to continue thinking about the issues raised and suggested solutions . . . and to keep the matter as a priority item on the Work Plan.

REPORT FROM TOWNSHIP BOARD

Bekes reported that the joint meeting of the Township Board and Planning Commission has been tentatively scheduled for October 19, 2021 at 5:00 p.m. (prior to the Township Board meeting). He suggested that the joint meeting would be an ideal forum to continue education on board roles/responsibilities and to speak to the purpose and process of the master plan. A draft agenda for the joint meeting was developed.

Moore and Maslen stated that they will not be available to attend the joint meeting on October 19, 2021.

Bekes also noted the Township Board acted to authorize the consideration of mutual aid agreements and that a mid-year audit has been scheduled.

REPORT FROM ZONING BOARD OF APPEALS

Chairperson Lauderdale reported that the ZBA held their regular meeting on September 1, 2021 and considered a request for variance approval from the lot coverage requirement applicable to the nonconforming lot. Variance approval was granted to increase the total lot coverage to 23.8% (21.7% allowed) based upon the findings of the Board pursuant to Section 23.8.

He further reported that the ZBA held a special meeting on September 15, 2021 and considered a request for variance approval for the expansion of a nonconforming 'guest house'. Variance approval was granted to allow a 7 ft side setback (6 ft existing/10 ft required) and an increase in the 'guest house' size to 684 sq ft (640 sq ft existing/480 sq ft allowed) based upon the findings of the Board pursuant to Section 23.8.

PUBLIC COMMENT

Connie (last name unknown) referenced the town hall meeting scheduled for October 11, 2021.

No further public comment was offered.

MEMBERS, CONSULTANTS, ADVISORS

No member or advisor comments were offered.

ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 7:35 p.m.

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