

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
June 22, 2015**

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
Greg Pierce
Jeff Price
Sherri Snyder

Absent: Russell Fry
Jon Scott

Also present: Bert Gale, AGS – Township Zoning Administrator
Kelly Largent, 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 Board then proceeded with consideration of the **May 18, 2015** 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. Foundations Recovery Network

Chairperson Lauderdale explained that representatives of Foundations Recovery Network were present to discuss their interest in the Yarrow Golf Resort and Conference Center. Richard Rodgers, Chief Operating Officer of Foundations Recovery Network, provided a brief description of the company and referenced several letters of recommendation provided from other communities in which FRN is located.

Krista Gilbert, a Group CEO for FRN (Michael's House, Palm Springs, CA) presented an overview of FRN's network of treatment centers, noting elements of the facilities and resident profiles. She further detailed civic benefits FRN provides as a community partner. She then explained the attributes of the Yarrow site for FRN occupancy and reviewed the limited impact that FRN operations would have on area properties.

Terry Schley of Schley Architects noted that a formal use application had not yet been submitted by FRN in that they are still in the property acquisition stages. He stated that a productive meeting with the Township Supervisor and AGS had already occurred and that a meeting with the Planning Commission was desired to obtain a full understanding of the applicable review/approval process and to discuss any issues/questions.

John Deyo questioned the future of the existing golf course on the Yarrow site. Rodgers responded that it will be proposed to revert back to its natural state. In response to Board questions, he also noted the following:

- A 100 bed facility will be proposed for the Yarrow site.
- Residents are expected to be largely from the Midwest.
- It will be a voluntary treatment center . . . with visitation allowed.
- Emergency response personnel will be available on site in conjunction with transfer relationships that will be established with area hospitals.
- No alternate sites in the area are being considered.
- Enhancement of waterfront access on the property will be proposed.

The Board referenced the definition of 'Retreat and Educational Center' set forth in the Zoning Ordinance and agreed as to its application to the FRN use proposal. It was further noted that a 'Retreat and Educational Center' is currently a Special Land Use within the R-R Rural Residential District (Section 5.3 O.) and that the standards for same set forth in Article 20, Item 24. will apply. It was confirmed that the Yarrow property is located within the R-R District.

FRN was advised that the next step will be the submission of Special Land Use Permit and Site Plan Review applications for Planning Commission consideration.

They were advised to work with AGS and Harvey in the development of the requisite site plan.

2. Public Hearing – Heather’s Little Wonders Daycare

The next matter to come before the Board was consideration of the request by Heather Putt for special land use permit/site plan review for a group day care home (*for more than 6 but less than 12 minor children*). The subject property is located at 7906 North 44th Street and is within the R-1 District.

Chairperson Lauderdale opened the public hearing.

Gale referenced the application material and summary review provided on the request. He noted that a ‘Group Day Care Home’ is a Special Land Use within the R-1 District (Section 6.3 H.) and that the standards for same set forth in Article 20, Item 23. will apply.

Heather Putt was present on behalf of the application. She stated that she currently operates a day care out of her home on the subject site but is limited to the care of 6 minor children. She explained that she would like to become a ‘group day care home’ and increase her license to the care of 12 minor children. Putt noted that she does not intend to make any changes to the existing house but that she does propose to install a fence pursuant to the requirements of Article 20, Item 23.

Jamie Enos, an adjacent neighbor, expressed concern regarding the potential for an increase in traffic in the area and questioned how drop offs on the site would occur. Putt responded that drop offs are spread throughout the day due to school schedules, etc. She further noted that many of the children at her home are siblings which will limit the number of separate site visits.

Putt confirmed that no changes to the property are proposed except for the installation of a fence as required by Ordinance. Enos stated that the proposed fence will not be visible from their property and is acceptable.

James Fry questioned the impact that a group day care facility will have on adjacent property regarding the need for liability insurance. Attorney Thall explained that the situation will not change from what exists today.

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

The Board proceeded with a review of the application pursuant to Article 20, Item 23 – Group Day Care Home. The following findings were noted: the property is not located within 1500 ft of any facility identified by Subsection A.1.; the Sketch Plan and related aerial photo reflect the establishment of a fence to enclose the

existing outdoor play area pursuant to Subsection B. – it was noted that the fence shall be at least 48 inches high and non-climbable in design; minimal proposed site changes will serve to maintain the residential characteristic of the neighborhood; hours of operations will continue to meet Subsection D.; and, no sign is proposed at this time.

In consideration of the Special Land Use Criteria set forth in Section 19.3, the Board concluded the following: the proposed group day care home will be compatible with other uses/buildings allowed within the District and with the natural environment; it will not adversely affect public services or facilities serving the area; adequate area for parking and drop off will be provided on the site; and, it will not be detrimental to adjacent properties, the public health, safety and general welfare of the community, or the character of the site. It was noted that the above findings considered that the day care home is an existing facility that proposes only to increase the number of children served from 6 to 12 and that no changes to the existing home or site are proposed, except for the play area fencing.

It was further noted that the site plan presented was acceptable (per Section 21.4 T.) 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.

Price then moved to grant Special Land Use Permit/Site Plan Approval for the proposed group day care home on the subject site based upon the review findings of Article 20, Item 23. – Group Day Care Home, Section 19.3 – Special Land Use Criteria, and Section 21.6 – Site Plan Review Criteria, and conditioned upon the installation of a fence around the outdoor play area as proposed and in compliance with Article 20, Item 23. B. Snyder seconded the motion. The motion carried unanimously.

3. Public Hearing – Peter and Diane Smith (Czuk)

The next matter to come before the Board was consideration of the request by Bruce Blok on behalf of Peter and Diane Smith (Czuk) for special land use permit/site plan review for the proposed construction of a 34 ft x 40 ft residential accessory building on a back lot that will exceed the 10% lot coverage requirement. The subject property is located at 507 South Gull Lake Drive and is within the R-1 District.

Pierce advised that he would be abstaining from Board consideration of the request in that he owns property within 300 ft of the subject site. *Pierce then exited the meeting.*

Chairperson Lauderdale opened the public hearing.

Gale referenced the application material and summary review provided on the request. He noted that the subject site is now limited to 10% lot coverage pursuant to Sections 16.1 D. and 18.4 D.

Bruce Blok was present on behalf of the application. He explained that an existing 30 ft by 40 ft accessory building was recently removed from the site to accommodate the proposed new construction. Blok noted that the building permit application for the project was submitted just after the adoption of Section 16.1 D. and that the application of the lot coverage standard to a back lot now limited his proposal to rebuild the accessory building.

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

The Board proceeded with a review of the application pursuant to Section 18.4 D. – residential accessory buildings/structures. It was determined that the subject site is a lawful nonconforming lot due to lot frontage/width and lot area and is subject to the setback reductions and lot coverage increase afforded by Section 22.9. Specifically, a 20 ft front setback, 5 ft rear setback, and 14% lot coverage will be allowed pursuant to Section 22.9. *(Section 22.9 B. authorizes a 41% increase of the 10% lot coverage requirement in that the existing lot area is 41% less than the required lot area.)*

It was confirmed that the proposed building will meet building height and location requirements . . . but will exceed the 14% lot coverage requirement. The proposed 1360 sq ft accessory building will result in a 16.5% lot coverage.

It was further noted that the accessory building is proposed to be used for a purpose incidental to residential uses allowed within the R-1 District. The Board noted that a variance is not required for the proposed accessory building and that the site plan presented is acceptable.

In consideration of the Special Land Use Criteria set forth in Section 19.3, the Board concluded the following: the proposed accessory building will be compatible with other uses/buildings allowed within the District and with the natural environment; its location on the subject site will not adversely affect public services or facilities serving the area; adequate parking will be provided on the site; and, the proposed accessory building will not be detrimental to adjacent properties, the public health, safety and general welfare of the community, or the character of the site given its proposed use/location and the existing use and land cover of the surrounding properties. It was further noted that the proposed accessory buildings 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.

Lauderdale then moved to grant Special Land Use Permit/Site Plan Approval for the proposed accessory building on the subject back lot based upon the review findings of Section 18.4 D. – residential accessory buildings/structures and noting its small deviation from the 14% lot coverage requirement, Section 19.3 – Special Land Use Criteria, and Section 21.6 – Site Plan Review Criteria. Snyder seconded the motion. The motion carried unanimously.

Pierce returned to the meeting.

4. Dock Rental Issue (per AGS)

Gale referenced correspondence directed to Carol Wight (dated June 3, 2015) regarding dock space rental occurring at 737 South Gull Lake Drive. He has advised the property owner that dock rental is prohibited on the subject site pursuant to Sections 6.2 and 17.2, Zoning Ordinance.

Gale suggested that the addition of a provision in the Zoning Ordinance that clearly states that private docks in residential areas may not be rented out to nonresidents of the property may be in order.

It was noted that Section 17.1 – Waterfront Lot Access and Use Regulations is designed to address ‘keyholing’ in the Township and should provide the coverage requested for dock rental.

After further discussion, it was determined that Gale would draft text intended to clarify the application of Section 17.1 to a dock rental situation for Board consideration in July.

5. Preliminary Discussion – Conditional Rezoning; Sections 21.4 and 18.4 D.4.; Watershed Protection Strategies

Conditional Rezoning: As requested, Harvey had provided the Board with the conditional rezoning provision from the Prairieville Township Zoning Ordinance. She noted that the provision was drafted by legal counsel and was adopted by Prairieville Township upon recent amendments to the Planning Act authorizing the use of such an approach.

The Board agreed to review the sample ordinance in preparation for discussion in July.

Sections 21.4 and 18.4 D.4.: Gale noted that 18.4 D.4. allows the Zoning Administrator to waive site plan informational requirements for accessory building proposals. He questioned if the Board felt similar authority for all other site plans was appropriate.

It was noted that Section 21.11 – Administrative Site Plan Review was recently adopted and already gives the Zoning Administrator some latitude in the review of site plans and that modifying Section 21.4 T. to be consistent with Section 18.4 D.4. would be consistent with that effort.

Harvey was directed to draft text accordingly for Board consideration in July.

Watershed Protection Strategies: As requested, Harvey had provided the Board with copies of the Gull Lake Watershed Resource Protection Guidebook developed for Barry Township, Prairieville Township, Richland Township and Ross Township in 2011.

The Board agreed to review the Guidebook in preparation for discussion in July.

UNFINISHED BUSINESS

1. Screening Standards

Chairperson Lauderdale stated that the Board had reviewed examples of good screening standards (provided by Harvey) at the May meeting. It had been agreed that the general approach used in Table A. of the Genoa Township Zoning Ordinance was of interest in that it provided both landscaping and screening standards in an appropriate level of detail.

As directed, Harvey had drafted text (using Table A. of the Genoa Township Zoning Ordinance as a reference) for Board consideration.

Due to the lateness of the hour, the Board agreed to postpone discussion of the draft text to the July meeting.

2. Recreation Plan

Chairperson Lauderdale noted that the Board had been asked to review and prioritize the ‘Action Items’ set forth in the Recreation Plan so that they may qualify for DNR grants. The Board had agreed in May that Fry would prepare a preliminary prioritization list for Board consideration in June.

Due to the lateness of the hour and the absence of Fry, the Board agreed to postpone discussion of the matter to the July meeting.

REPORT FROM TOWNSHIP BOARD

No report was provided.

REPORT FROM ZONING BOARD OF APPEALS

Chairperson Lauderdale stated that the Zoning Board of Appeals met on June 3, 2015 to continue consideration of several variance requests related to proposed boundary line adjustments initially considered by the Board in April and to consider several variance requests to allow modifications to an existing house and the construction of a new garage within the required setbacks.

He explained that the Board granted several of the requested variances . . . but did not find in favor of the setback variance for the proposed garage and postponed action on several requests related to the boundary line adjustments to allow for the requisite noticing.

MEMBERS, CONSULTANTS, ADVISORS

No comments were offered.

ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 9:03 p.m.

Respectfully Submitted,

Rebecca Harvey, AICP, PCP
Township Planning Consultant