

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
August 24, 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
 Russell Fry
 Greg Pierce
 Jeff Price
 Jon Scott
 Sherri Snyder

Absent: None

Also present: Bert Gale, AGS – Township Zoning Administrator
 Kelly Largent, AGS – Township Zoning Administrator
 Rebecca Harvey – Township Planning Consultant

APPROVAL OF AGENDA

The agenda was reviewed and approved as presented.

APPROVAL OF PRIOR MEETING MINUTES

The Board then proceeded with consideration of the **July 27, 2015** Planning Commission meeting minutes. The following corrections were noted: Page 2, 5th paragraph – ‘Judith Geery’ should read ‘Judith Geary’; Page 2, 5th paragraph – the last sentence should be modified to read ‘They did request that the address of the clinic be ~~clearly visible~~ **changed** so that the existing confusion regarding property identification **in the area** not be experienced by clinic traffic. **The Board advised that they are not involved in the assignment of property addresses.**’

Pierce moved to approve the minutes as corrected. Fry seconded the motion. The motion carried unanimously.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Cathy Huskin and Ray Brunell stated that they own property at 80 East Gull Lake Drive and recently received a letter from the Township advising that they do not have the requisite approval to stay overnight at the facility (marina).

They noted that a building permit was obtained for property improvements several years ago and that the work had received building department inspection and approval. It was explained that four rooms exist on the lower level of the marina and that one of them has been remodeled as an 'efficiency unit' and has been used for occasional overnight residency for the last 25 years.

Gale stated that the marina has never received an inspection/approval as a residence and currently is in violation of the building code. He noted that use of a portion of the marina further constitutes a 'change in use' pursuant to the Zoning Ordinance and that zoning approval is also required.

Huskin stated that they are willing to obtain the necessary approvals and requested direction regarding the application/review process. It was noted that the subject property is within the C-1 District and that a 'mixed use establishment' is allowed as a Special Land Use within the district. The application/review process and schedule for a Special Land Use Permit were provided.

Scott inquired if the owner's past residential use of a portion of the marina may have given such use status as a lawful nonconforming use. It was noted that without the documentation required to substantiate historical use and/or Township approval of same, it may be easier to go through the special land use process available to them. It was agreed that the Township Attorney would be contacted for counsel so that the property owners could move forward.

Allison and Jason ~~Terpening~~ **Terpening** then addressed the Board. They stated that they reside at 13126 East Baseline Road and desire to establish a small horse boarding facility in an existing barn on the property.

Gale advised that the subject property is within the R-R District and that a 'horse boarding or riding stable' is a Special Land Use within the R-R District, but that the standards for same set forth in Article 20 limit the use of the property for the proposed use. He noted that the surrounding zoning and land use will impact the ability to comply with setback standards. He requested Board guidance on the appropriate application process for the property owners.

Harvey stated that the ~~Terpening's~~ **Terpening's** have the option of seeking variance approval from the Zoning Board of Appeals for those requirements that cannot be met or they can request consideration by the Planning Commission for an amendment to the Zoning Ordinance to modify the standards currently applicable to 'horse boarding or riding stables'.

The Terpening's stated that they would like to request Board consideration of the noted text amendment. The Board agreed to accept the Terpening's inquiry as a text amendment request and to proceed with a study of the matter. It was further agreed to place continued discussion of the request on the September agenda.

The Board directed Harvey to research/compile sample ordinances on the regulation of horse boarding facilities for Board consideration in September. The Board further suggested that the applicant provide information on any industry standards that may be applicable to horse boarding facilities to assist in the Board's discussion.

No further public comment on non-agenda items was offered.

NEW BUSINESS

1. Section 8.2 E., 8.3 D. and 8.5 A.

In response to Board questions, Harvey provided the following guidance regarding the application of standards set forth in Sections 8.2 E., 8.3 D. and 8.5 A. to the proposed Township Hall/Fire Station:

- Section 8.2 E. establishes 'publicly owned and operated buildings and uses' as Permitted Uses within the R-3 District and will apply to the proposed Township Hall/Fire Station.
- Section 8.3 D. references 'public utility buildings and structures' and does not apply to the proposed Township Hall/Fire Station.
- Section 8.5 sets forth 'Conditions and Limitations' that are intended to provide design guidelines applicable to 'multiple family developments'. Technically, however, Section 8.5 has not been written to limit its application to 'multiple family developments' and instead must be interpreted to currently apply to all uses allowed within the R-3 District.

Harvey recommended that Section 8.5 be amended to add an introductory statement that qualifies the application of Subsections A. through J. to 'multiple family developments'.

Subsections A. through J. were reviewed wherein the Board agreed that they clearly were adopted as design standards for multiple family developments and that the inclusion of a qualifying statement in Section 8.5 is in order. It was

further noted that Section 8.2 C – ‘multiple family dwellings’ should be amended to reference the standards set forth in Section 8.5.

Following discussion of Section 8.5 A. and the building length standard set forth therein, it was determined that an amendment to Article 15 that would eliminate the ‘Maximum Building Length’ column in the Schedule of Lot, Yard and Area Requirements would also be appropriate.

Chairperson Lauderdale then moved to schedule a public hearing on the noted text amendments for the September Planning Commission meeting. Price seconded the motion. The motion carried unanimously.

Harvey was directed to draft the noted text amendments and to provide same to the Township Attorney for the public hearing notice.

2. Section 13.5 A.

Gale noted that Section 13.5 A. (P District - Design Standards) references Section 18.5 in setting forth parking requirements. He noted that he believes it was intended to reference Section 18.1. Following Board review of Section 13.5 A., it was agreed that the provision should be amended to refer to Section 18.1 instead of 18.5.

Pierce then moved to schedule a public hearing on the noted text amendment for the September Planning Commission meeting. Fry seconded the motion. The motion carried unanimously.

Harvey was directed to draft the noted text amendment and to provide same to the Township Attorney for the public hearing notice.

3. ‘Double Frontage’ Lots

Gale referenced property within the Lake Vista development and noted that the lots qualify as ‘double frontage’ lots as defined in the Zoning Ordinance. He explained that Section 18.4 C. establishes a side and/or rear yard location requirement for accessory buildings or structures. Further, the definition of ‘lot line, front’ in the Zoning Ordinance provides direction as to which yard of a double frontage lot qualifies as a ‘front yard’.

Gale then noted that the ‘minimum front yard setback’ requirement applicable to principal buildings would apply to ‘all adjoining streets’ through Footnote 14 of Article 15. He added, however, that Article 15 fails to apply Footnote 14 to the ‘minimum front yard setback’ requirement for accessory buildings or structures. As a result, accessory buildings or structures would be allowed a minimum ‘rear

yard' setback requirement from the 'adjoining street' that qualifies as the 'rear lot line.

Board discussion ensued wherein it was determined that Article 15 should be amended so as to apply Footnote 14 to the 'minimum front yard setback' requirement for accessory buildings or structures. Further, Section 18.4 C. should be modified to clarify that the front yard of a double frontage lot shall be determined by application of the definition of 'lot line, front' as set forth in Section 2.2 to allow for the placement of an accessory building/structure in the functional 'rear yard' of a double frontage lot.

Harvey was then directed to draft the noted text amendments and to provide same to the Township Attorney to notice for a public hearing scheduled for the September Planning Commission meeting.

Chairperson Lauderdale then noted that with the conclusion of discussion on the final item of New Business, public hearings on three (3) proposed text amendments have been scheduled to be held by the Board at the September meeting. The Board then agreed that a public hearing on the proposed amendments to Sections 21.4 and 18.4 D. accepted by the Board in August would also be scheduled for the September Planning Commission meeting. Harvey was directed to provide the draft text on same to the Township Attorney for noticing.

UNFINISHED BUSINESS

1. Dock Rental Issue (per AGS)

Due to the lateness of the hour, discussion of the revised draft text provided by Gale that proposes an amendment to the definition of 'Dwelling Unit' set forth in Section 2.2 and an amendment to 17.2 B. – Boathouses and Dock Regulations was postponed to the September meeting.

4. Screening Standards

Due to the lateness of the hour, the Board agreed to postpone discussion of the draft text provided by Harvey to the September meeting.

5. Conditional Rezoning

Due to the lateness of the hour, discussion of the sample ordinance provided by Harvey was postponed to the September meeting.

6. Watershed Protection Strategies

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

7. Recreation Plan

Chairperson Lauderdale reminded that the Board had agreed that Fry (and the Parks Commission) will work to complete a recommended prioritization list that aligns with the Park grant for submission to the Board after October.

REPORT FROM TOWNSHIP BOARD

Scott reported that discussion regarding the new Township facility continues. He noted that the recent Township Open House was well attended. He further provided an update on enforcement activity on Gull Lake.

REPORT FROM ZONING BOARD OF APPEALS

Chairperson Lauderdale stated that the Zoning Board of Appeals met on August 5, 2015 and continued consideration of several variance requests related to a proposed boundary line adjustment discussed by the Board in June.

He noted that the Board also considered a request for variance approval to allow for the expansion of a deck within the 50 ft waterway setback. He advised that the request was denied.

MEMBERS, CONSULTANTS, ADVISORS

Chairperson Lauderdale stated that the FRN Special Land Use Permit/Site Plan Review public hearing is scheduled for the September meeting. He noted his 'conflict of interest' status regarding the application and advised that the Vice Chair will be chairing that portion of the meeting

Fry inquired as to the status of the Credit Union project within the C-1 Bay District area. Gale stated that the project qualified for administrative review/approval and that the parking proposal is currently under review.

Scott noted recent interest expressed regarding horse trails in the Township. He opined that they should be addressed in the Recreation Plan and that he intends to forward the comments to the Parks Commission.

General Board discussion ensued regarding desired procedures for Board consideration of items such as those presented tonight under 'Public Comments on Non-Agenda Items'.

No further comments were offered.

ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 9:14 p.m.

Respectfully Submitted,

Rebecca Harvey, AICP, PCP
Township Planning Consultant