

Crockery Township

Regular Planning Commission Meeting

March 19, 2024
Approved Minutes

Chairman Ryan Arends called the meeting to order at 6:34 p.m. Roll call:

Present: Commissioners Robert Machiela, Mike Munch, Ryan Arends, Dave Willis, Jake Noel and Ryan Kelly present.

Absent: Commissioner Roy Holmes.

Planner Julie Lovelace with Fresh Coast Planning and Attorney Ron Redick were also present on behalf of the Township. Paige Silva was present as Recording Secretary.

There were 13 people in the public gallery.

Agenda Item 2. Approval of the Agenda

A **motion** was made by Commissioner Kelly to approve the Agenda as amended, to allow for the non-approval of the Minutes from February 20, 2024. A second was offered by Commissioner Machiela.

Agenda Item 3. Approval of Minutes

The February 20, 2024 meeting minutes will be reviewed at the next meeting.

Agenda Item 4. Announcements

Commissioner Kelly provided announcements regarding the Marijuana Revenue and that it is being used for the Crockery Township Fire Department and Recreational Funds. The revenue provides equipment for the Fire Department. The average amount of fire department calls have increased to twenty three for the month of February.

Agenda Item 5. Communications

None.

Agenda Item 6. Public Comments

Chairman Arends offered public comment for any item not on the agenda at 6:37 p.m. None were offered.

Agenda Item 7. Action Items

a. Public Hearing - Woodworth

1. Zoning Ordinance map amendment request
2. Special Land Use request (SLU)

Planner Lovelace introduced this matter with a summarization of the facts. This request was submitted for rezoning from AG-2 to low density residential R-1. The applicants also request a SLU to exceed the maximum depth-to-width ratio of four to one. The property was illegally created by the former owner. In 2000 the County approved the land division without Township approval. This division created a 23 acre and a 5 acre parcel. In 2001 the Zoning Administrator notified the owner that the land division was a violation of the Township Zoning Ordinance and the vacant property was unbuildable. The two parcels that were once held in joint-ownership are currently owned by separate people. The Applicants are the owners of the 23 acre parcel. The applicants did not know about this Township's decision prior to their purchase of the property.

Attorney Redick stated the Township must use the 2014 Future Land Use Map, as that is the last one that was formally adopted. On this map, the subject property is planned as Rural Estates. If the property were rezoned to Rural Estates, it would still violate the Township Zoning Ordinance with regard to parcel width. The question is, should the Board grant this request to rezone to R-1 even though it is not consistent with the Future Land Use map? There was a proposition from the Applicant for conditional rezoning. The property would be rezoned to R-1 zoning with the condition that no land divisions may be less than five acres in size - until released from that condition at the Board's discretion).

Applicants Hayley and Jeremiah Woodworth were present in the public gallery.

Chairman Arends clarified with the Commission that there are two requests at this point. He asked for questions among the Board. Commissioner Willis asked if the land would be buildable if this request is approved, and re-zoned R-1 conditional. Commissioner Kelly said Attorney Redick's solution makes the most sense because the County created this problem and the Township had no way of catching it. Chairman Arends agreed that this should be approved with a restricted covenant.

Planner Lovelace stated a conditional rezoning must be requested by the Applicant. The Township cannot require one. The Applicants indicated their desire to submit a conditional rezoning request in writing. Attorney Redick recommended tabling this until the written request is received but the public hearing can still be held. Because this is slightly more restrictive than R-1, a new public hearing is not required. Chairman Arends asked the Commission if they had any questions regarding the depth-to-width ratio which would make the property longer/larger.

The Applicant stated their intent was not to purchase and develop it. They wanted to purchase and build a single family home. They just want a buildable parcel.

Commissioner Kelly made a **motion** at 6:52 p.m. to open the public hearing regarding the two requests on the Woodworth Property. Commissioner Munch offered a second.

Robert Kriger - 10579 Walnut Dr. - Asked about his past situation and land division issues. Water line concerns.

Alan Smith - 19083 120th Ave. - Lives near the Applicants and was against building new homes. He was concerned this opens up the opportunity for more homes.

Commissioner Kelly made a **motion** to close the public hearing. A second was offered by Commissioner Machiela.

A **motion** to table the matter pending more information was made by Commissioner Machiela. A second was offered by Commissioner Noel. The Motion was unanimously approved by the Commission.

Public Hearing - Zoning Ordinance text amendments

3. Subdivision Control Ordinance

Attorney Redick made small changes to the ordinance as per request of this Commission at the last Hearing. The changes are regarding final copies, greenbelts and street requirements being “tightened”.

Planner Lovelace had a question regarding Section 4.06.5 of the proposed Subdivision Control Ordinance. She recited the proposed Ordinance states, “. . . . no street in a subdivision shall provide access to more than 30 lots . . .” but this conflicts with Crockery Township’s Private Road provisions which states private roads can only service 29 lots. At this time a recommendation can be made or it can be tabled and time can be used to consider.

Commissioner Noel made **a motion** to open the public hearing. Commissioner Willis offered a second.

A member of the public asked when this would come into effect. Chairman Arends gave a timeline and the answer was approximately June 2024.

Commissioner Machiela stated “significant area of land” is too arbitrary and asked if this should be more defined. Attorney Redick stated that would be at the discretion of the Commission. Chairman Arends asked for any other public comment.

Commissioner Kelly made **a motion** to close the public hearing. A second was offered by Commissioner Machiela.

Commissioner Kelly made **a motion** to send to the Township Board their approval with the correction of Section 4.06(5). A second was offered by Machiela. The Motion was unanimously approved by the Commission.

4. Site Plan Review, Single Family Dwellings, Nonconforming Lots, Church or Other House of Worship

Planner Lovelace provided an introduction of the multiple revisions. She has requested to amend the Ordinance so only an electronic copy and not nine full size hard copies are required as the first copy presented to the Township for review.

The next Amendment is regarding “Single Family Dwellings” specifically their roofs pitch and the deletion of Section 3.40.13 as it governs roofs.

The third Amendment regarding “Nonconforming Lots” will be changed to allow a few more liberties for nonconforming lots held in common ownership.

The fourth amendment concerning “Church or other House of Worship” is listed as permitted use and special land use - they should be permitted use. They should be considered “places of congregation” and not under special land use. There are 3 Sections in Sections 9 to be revised to accommodate the proper language.

The revision of Section 8 “Review of Preliminary Condominium Project Plans” is amended to reflect the same type of revision as proposed in the “Site Plan Review” as stated above.

Chairman Arends asked if there is any discussion regarding these matters. All these matters will be voted on separately.

The Public hearing was open for the multiple ordinance amendments at 7:21 p.m. No comment was offered. Public hearing closed at 7:21 p.m.

Commissioner Wallis asked about the “Nonconforming Lots” Section B.ii, “The enlarged lot shall become at least ____% more conforming with respect to each of its nonconforming characteristics;” Attorney Redick said he developed this as a draft criteria and the Planning Commission may want to change the criteria accordingly. Commissioner Wallis asked how this percentage would be calculated. Attorney Redick said it can be eliminated altogether provided that the Commission is comfortable with the present verbiage. The percentage may present a math problem. Chairman Arends agreed that no percentage should be determined.

Commissioner Noel made **a motion** to send this to the Township Board, upon deleting the percentage in Section 4.1.B.ii. A second was offered by Commissioner Munch. The Motion was unanimously approved by the Commission.

5. Lot Coverage Zoning Ordinance Amendment

Planner Lovelace found that the Lot Coverage in the Zoning Ordinance had a few variations. Instead of amending them all to be 50%, just Section 3.23 will be amended to reflect lot coverage to be 50% unless otherwise stated.

Commissioner Noel made **a motion** to open the public hearing at 7:23 p.m.. A second was offered by Commissioner Willis. No public comments were offered.

A motion was made by Commissioner Machiela to close the public hearing at 7:24 p.m. A second was offered by Commissioner Kelly.

Commissioner Kelly made **a motion** to recommend the Lot Coverage Amendment to the Board. A second was offered by Commissioner Munch.

Agenda Item 8. Presentations

None.

Agenda Item 9. Discussion Items

a. Master Plan Chapter Updates

Planner Lovelace began this conversation by reviewing what the master plan consists of (goals, recommendations, strategies). Chapter 2 is regarding community preferences. She said she will keep as much content from the current master plan and update and revise each chapter in numerical order. She will be doing this for each chapter.

Commissioner Kelly asked if in the future the master plan map can utilize less colors so it is more usable for people who are colorblind.

Agenda Item 10. Adjournment

A **motion** to adjourn was made by Commissioner Noel at 7:29 p.m. A second was offered by Commissioner Willis.

Respectfully Submitted,

Paige Silva
Recording Secretary

Next Regular Meeting - April 16, 2024