

Crockery Township

Regular Planning Commission Meeting

August 20, 2024

Minutes

Chairman Ryan Arends called the meeting to order at 6:30 p.m. Roll call:

Present: Commissioners Robert Machiela, Mike Munch, Ryan Arends, Dave Willis, Roy Holmes and Ryan Kelly

Absent: Jake Noel

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

There were 8 people seated in the public gallery.

Agenda Item 2. Approval of the Agenda

Approved as submitted.

Agenda Item 3. Approval of Minutes

A **motion** was made by Commissioner Mike Munch to approve the Minutes as written from July 16, 2024. A second was offered by Commissioner Robert Machiela.

Agenda Item 4. Announcements

Commissioner Kelly reported there are spaces to fill in the Fire Department. The Commission will permanently be meeting at 6:30 p.m. in the future. Commissioner Holmes made a **motion** for this Commission to permanently change their meeting time to 6:30 p.m. A second was offered Ryan Kelly.

Agenda Item 5. Communications

None.

Agenda Item 6. Public Comments

Chairman Arends offered public comment for any item not on the agenda. None were offered.

Agenda Item 7. Action Items

A. Public Hearing - Short Term Rentals Ordinance Amendment

The Board reviewed the draft presented to them by this Commission written by the Township Planner and Attorney. The Board expressed the following concerns regarding the short term rentals ordinance amendment: The legality of the rentals having a minimum night requirement, in this case three nights was the proposed minimum. Planner Lovelace suggested that if the Commission has questions or issues regarding this amendment, it should be brought up after she has introduced the Board's concerns. The legality of a three night minimum requirement was referred to Attorney Redick and he confirmed that the purpose of the three night minimum is simply to discourage party environments. Commissioner Arends stated that the Board relayed the message that they did not want any limits in the Ordinance Amendment and if party environments, particularly noise, became an issue then a police report can be made. The Board also felt that the Special Land Use is not necessary and that the permitting process can be directly through the Crockery Township Zoning Department. The Board suggested that the Amendment should not restrict the short term rentals to a specific zoning district. Planner Lovelace went into a brief description of what the permitting process would look like - in lieu of the special land use permit. The Township would request a "responsible agent". The responsible agent would be responsible for handling complaints and issues occurring in real time. The Board also voiced they did not feel the need for building official approval, but voiced that fire marshall and zoning approval were appropriate. The Board wants to clarify that they prefer the short term rentals to occur only in the principal residence and not accessory buildings like sheds and barns. The process of monitoring liability insurance is something the Board did not like. If there is a change of ownership, the new owners would have a new permit in their own name. If there are any appeals it can go straight to the Zoning Administrator and the Board.

Commissioner Arends began the conversation by asking to redefine the minimum night rule specifically for there to be no minimums and any rental should not last more than 27 nights. He agrees that the permitting process can be done exclusively through the Zoning Department and special land use is not necessary. The Commissioners concluded that the location of the short term rental units should not be restricted by the zoning district. The Commission asked, how much would a permit fee cost? Planner Lovelace said she can review that and just put in the Ordinance that there will be a fee. The fee should not be put in the Ordinance Amendment so the Township may change the fee as needed. The Commission agrees that approval by the Fire Marshall and the Zoning Administrator will be necessary, but approval is not needed from the Building Official.

After discussion, the Commission decided that there will not be a requirement to keep a list of contacts because the office will already have it on their applications for the permit. The Commission discussed trailers and sheds as Airbnbs and they agree that this should not be permitted. Regarding insurance, the Township will not be liable in any event so the Township will not require liability insurance. Violations of the permit process or issues with existing permits will go directly to the Board for decision.

Commissioner Ryan Kelly made a **motion** to open the public hearing. A second was offered by Commissioner Mike Munch.

No public comments were offered.

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

Commissioner Ryan Kelly made a **motion** to make the edits as discussed and bring the copy back to the Commission in September for final review. A second was offered by Commissioner Robert Machiela.

Agenda Item 8. Presentations

None.

Agenda Item 9. Discussion Items

A. Detached Garages

Planner Julie Lovelace began this discussion with a definition of what detached garages are and introduced the proposed wording. The proposal is that the first 576 square feet of a detached garage shall not count towards the maximum accessory square footage. This language does not prohibit a larger garage. The Commission discussed a percentage baseline set at ninety percent of the dwelling, but decided the 576 square foot is sufficient for a garage. Planner Lovelace will make the changes and schedule a public hearing.

A **motion** to amend the maximum accessory square footage to incorporate the initial 576 square feet was made by Commissioner Dave Willis. A second was offered by Commissioner Roy Holmes.

B. Master Plan Residential and Industrial Chapters

As part of the Master Plan Review, Julie opened this discussion regarding the above-entitled Residential Chapter. Using the prior Master Plan, some repetitive paragraphs were deleted and as it is presented in its revised form, as four pages under review today.

Commissioner Willis asked why some good points were struck from the Chapter. Planner Lovelace replied that redundant things were deleted because the Commission previously stated that the Chapters should not be read in a “travel brochure” style. The conciseness of this Chapter comes down to one question - “is it necessary?” The purpose of the chapters is to inform developers and create an image for possible grants. She did not delete things that would help the Township gain access to grants or protect the environment. She offered to put some provisions back in. The Commission agrees that less is more. There is a typographical error in the introduction.

Commissioner Robert Machiela made **a motion** to approve the Residential Chapter pending correction of the small typographical error. A second was offered by Commissioner Mike Munch.

In review of the Industrial Chapter, the Commission was informed the same process that was done for the Residential Chapter was done here. Planner Lovelace compiled language from the existing Master Plan and deleted redundant language leaving this Commission two pages for review.

Commissioner Kelly admired its short and “to the point” language. Commissioner Machiela asked about a provision under Recommendations, how property developers are handling service roads and rear entries. Planner Lovelace said this provision supports the existing ordinance. Commissioner Machiela said it is not often where two developments come near each other. Attorney Redick said that neighboring properties need to have reciprocal easements for access. Commissioner Arends had a statement regarding water and sewer and how a lot of this is dependent on water/sewer access.

A motion to approve the Industrial Chapter was made by Commissioner Roy Homes. A second was offered by Commissioner Robert Machiela.

C. Land Division Ordinance conflict

Planner Lovelace began this Discussion stating the facts of a particular request that do not conform with the existing Land Division Ordinance. Specifically, there are two nonconforming parcels. The owners of the larger parcel wish to donate land to the smaller parcel. Planner Lovelace stated that the current ordinance will not allow for this because both parcels are nonconforming with the Zoning Ordinance. Further, the Land Division general ordinance conflicts with the Zoning Ordinance because it states that this transfer shall be allowed because both lots are non-conforming

but the smaller lot will be a little less non-conforming if this request is granted. The parcels are not in common ownership. Planner Lovelace asked Attorney Redick if he had a preference as to what should be amended so they do not have conflicting provisions. Attorney Redick said that both should be amended to prevent unbuildable pieces of land and there should be minimum requirements for how small the resultant parcels can be. There should also be a minimum frontage. Width-to-depth ratio be considered when amending this Ordinance. Commissioner Machiela said that the parcel should meet the requirement of the zoning it is already in.

The Owner of the lot that brought this issue to light was present at the hearing. His address is 9886 Cleveland Street and he stated that the old right-of-way of his lot comes to the front of his garage. He could build his house forward but he would be running into the right-of-way. His neighbor mentioned that he would be willing to give them land so he would be able to have enough space to expand his house in the rear yard.

Attorney Redick suggested a Special Land Use could remedy this issue. Planner Lovelace stated that if the Commission went this route there would be standards required. Commissioner Kelly suggested that this be handled on a case by case basis and Attorney Redick agreed that while this is an easy case, the language should be drafted so that people cannot abuse the ordinance. To prevent situations like this in the future, Planner Lovelace said that she can get some sort of parameters together for the Commission to review.

Public comment was made regarding possible shortcomings in the timeliness of this process.

Agenda Item 10. Adjournment

A motion to adjourn was made by Commissioner Mike Munch at 7:29 p.m. A second was offered by Commissioner David Willis.

Respectfully Submitted,

Paige Silva
Recording Secretary

Next Regular Meeting: September 17, 2024