



PLANNING COMMISSION WORKSHOP MEETING, April 11, 2023

CALL TO ORDER/ROLL CALL

Vice Chair Davis called the meeting to order at 5:00 p.m. and Secretary Loeks called the roll. The following Commissioners were present, Vice Chair Davis, Secretary Loeks, Commissioners Roberts, Eavey, Matson, and Buckham. Also present was Zoning Administrator Lovely, Recording Secretary Kerr, and 2 interested persons. Chair Corfman arrived at 5:20 p.m.

PUBLIC COMMENTS

There were no comments.

ADOPTION OF MEETING AGENDA

Vice Chair Davis reviewed the agenda. Motion by Loeks, seconded by Eavey, motion carried, to adopt the agenda as presented.

APPROVAL OF MEETING MINUTES

Motion by Roberts, second by Matson, motion carried, to approve the minutes of March 28, 2023, Regular Meeting as presented.

NEW BUSINESS

A. Review Draft Site Condominium and Subdivision Ordinance Amendments

Request: Review current drafts and discuss strategy moving forward to streamline the review process.

Mr. Lovely provided the most recent draft of the combined subdivision/site condominium ordinance. He explained that the ordinance is large and will require many reviews to complete. He encouraged Commissioners to review the draft to determine if anything was missed and focus on the areas which are changes from the current standards. He felt combining the two ordinances is good practice and understands this was previously started but was put on hold and now is a suitable time to start the process while waiting for additional feedback on the riparian survey.

Discussion:

Ms. Buckham noted that the Township Board wanted the riparian ordinance to be a priority.

Mr. Davis reiterated that the Board's priorities were the CBD, Riparian, and Sign Ordinances.

Mr. Loeks stated that the entryway requirements in the draft ordinance need clarification as they currently are only applicable to site condominiums and should include subdivisions.

OLD BUSINESS

Review Draft Miscellaneous Ordinance Amendments

Request: Continued review and consideration of draft ordinance amendments for Front Yard Sport Courts, Land Divisions, and Site Plan Review Table.

Front yard sport courts- good-move forward.

Changes for Section 36-5.1: Limitations on all Land and Structures

Amendment to Section 36-5.1 (Add 36-5.1.5,6,7)

~~#5 Lot frontage along a public or approved private road may be reduced to a minimum of 86 feet if, the lot complies with all other district standards and contains sufficient land area and surrounding infrastructure to develop the land as a subdivision or commercial development in the future. This judgment is to be made at the Zoning Administrator's discretion.~~

#6 Lot frontage along a public road or approved private road containing marginally less than the minimum required frontage in accordance with the district standards may be reduced by a maximum of 1.5-percent in the R-1A, R-2, R-3, R-4, and R-5 districts. The frontage may be reduced by a maximum of 2-percent in the A and R-1 districts. Such lot frontage reductions shall not be applied to multiple family development in the R-4 districts.

#7 Lot frontage along a public or approved private road may be reduced to a minimum of 86-feet if the lot complies with all other district standards. The depth to width ratio calculation of each parcel created by

54 a permitted land division, parcel combination or property line adjustment for a flag shaped lot shall exclude
55 the flag portion of the lot so long as the access portion of the land is a minimum of 86-feet wide and does
56 not exceed 1,000 feet in length. Flag shaped lots shall have a front setback perpendicular to the path of
57 travel of the access portion of the property and the flag portion of the lot must meet all minimum
58 dimensional standards. The long strip of land shall not be included in the minimum required lot area unless
59 the minimum required district frontage is provided.

60 Mr. Lovely stated that after the last meeting concern was voiced that the wording concerning 86-foot-
61 wide lots was confusing and felt that combining #5 and #7 helped clarify the intent. He emphasized that
62 the Land Division Act does not specify how to calculate the width to depth ratio which makes it difficult to
63 deny undesirable land configurations.

64 Discussion:

65 Ms. Buckham questioned what was driving the change and did not feel that land divisions were the
66 problem. She felt it was going to allow more splits and that many individuals know they cannot split their
67 property. She sees safety issues.

68 Ms. Roberts agreed with Ms. Buckham and works in the office every day and did not see land divisions
69 as being a problem. When the 86-foot lot frontage was first introduced, she understood that it was to
70 address existing unbuildable parcels to make them buildable, which she agreed with. But now it appears
71 to be enabling the creation of new flag shaped lots with a minimum of 86-foot frontage. By allowing a
72 minimum of 86-foot lot width that does not exceed 1,000-feet in depth, the ratio just increased from the 4:1
73 to 10:1. This allows the creation of numerous 86-foot-wide lots that are less than the minimum standard
74 for our highest density residential zoning.

75 Mr. Loeks suggested adding language, stating that the 86-foot frontage is for access only and cannot
76 be used for building. This could be noted in a drawing depicting flag shaped lots. He felt #5 should not be
77 eliminated but moved to a different section, i.e., subdivisions/site condominiums ordinance and utilities
78 must be stubbed into the outlots.

79 Mr. Lovely explained that the ordinance does not have a minimum lot width, which could be the 86-foot
80 he proposes. The reasoning is because over the last few months he has reviewed 5-6 Land Division
81 Applications that are questionable because the Land Division Act does not have a clear definition on how
82 to calculate the width to depth ratio. This change to the ordinance along with allowance of sport courts
83 allows for more flexibility and promotes a family atmosphere, while still maintaining the minimum lot size
84 in each district.

85 Action:

86 #5. Removed. (Put in another section of ordinance with addition of utilities stubbed to outlots Site
87 condominium/subdivision).

88 #6. No change (reference to 86-foot frontage removed)

89 #7. 86-feet of frontage is designated for access only.

90
91 Section 36-6.0 Development Procedures

92 *36-6.1.1 Site Plan Review and Administrative Sketch Plan Reviews*

93 Mr. Lovely explained this was brought up at the last meeting due to an administrative review he
94 approved for changes to an approved site plan. There was disagreement on whether this constituted a
95 minor or major change.

96 Discussion:

97 Ms. Roberts explained that she felt the change to the Plan was major because it involved a change in
98 traffic flow and parking.

99 Mr. Corfman stated the Site Plan Review and Administrative Sketch Plan Review chart is black and
100 white and that some reviews involve the building official. An administrative review is like a 3-legged stool
101 which includes the zoning administrator, building official, and fire marshal. Coming from the Fire
102 Department side, he did not feel the fire marshal or fire department should ever be bypassed, especially if
103 changes involve turning dimensions, access, fire hydrant locations, utilities, driveways, etc. these changes
104 should be double checked for everyone's safety.

105 Mr. Lovely explained that his review was based on his knowledge of site development. The fire and
106 building departments did give their approval the following day. He feels confident moving forward with what
107 the Planning Commission expects.

108 Ms. Roberts stated there is a lot of sensitivity in the Corners Business District regarding access drives
109 and a lot of complaints, especially about that site. The site is already an issue and then a change to the
110 access drive created more problems.

111 Mr. Loeks pointed out that residential developments require a second access if there are 50 homes.
112 Commercial does not address this issue at all. The amended site has enough parking but funnels though
113 a less than desirable drive.

114 Mr. Lovely pointed out that the sections in the Table that refer to building department review are those
115 areas that deal with single-and two-family residential buildings and barrier-free compliance. The building
116 code also regulates these aspects of development.

117 **Riparian Ordinance Amendments Updates**

118 Request: Review resident comments from the February 15, 2023, Public Listening Session and discuss
119 comments/process moving forward. A notice of the upcoming survey will be mailed to all riparian lot owners
120 showing a link to the online survey. CIB consultants have been given a deadline of next week to respond
121 to survey questions.

122 Discussion:

123 In response to a question Mr. Lovely explained that a riparian lot is a parcel of land that is contiguous
124 to a lake, river, stream, or pond and staff is doing everything in their power to make sure that all riparian
125 lot owners will receive the mailing. The environmental aspect of the ordinance needs to be clear, especially
126 with the recent flooding and high-water tables. In addition, we should confirm what bodies of water will be
127 subject to the riparian regulations. The new ordinance should include all parts of the old ordinance that are
128 in different sections and combined into one ordinance. The different standards based on zoning district
129 may or may not remain the same. Moving forward, we need to focus on the intent of the ordinance and
130 consider issues brought forward at the Listening Session and feedback from the survey later this
131 spring/summer.

132 Action:

133 Continue to review comments from Listening Session and review survey questions when available.

134 **COMMISSIONER COMMENTS**

135 Ms. Roberts shared that the Township Board approved the bid specifications for improvements to the
136 Fire Department renovations and will be going out for bid. She explained some of the changes that will be
137 made and the need to expose the foundation to resolve moisture infiltration. The new building should be
138 complete in October/November and then hopefully the renovation will commence and be complete
139 sometime in March before the opening of the Farmers Market. It is difficult to move forward without a firm
140 cost. She expressed concern about the ADU that was approved at the last meeting. The ordinance allows
141 for a shared driveway which she interprets would be for both the ADU and principal structure. The ADU
142 was approved without a driveway going all the way back to the ADU, making it inaccessible for emergency
143 vehicles. She questioned if the ordinance should be revised or amended requiring an ADU for human
144 occupancy be required to provide vehicle access. Mr. Lovely explained that the ordinance allows one
145 driveway to access two separate parcels.

146 Mr. Davis reported that he had a unique opportunity and recently visited England and France. He stated
147 that after going and coming back and listening to complaints about parking and restrooms; he realized the
148 wonderful things being done in this county with infrastructure and accessibility. You cannot find a public
149 restroom over there.

150 Ms. Buckham stated she was glad to be back.

151 Mr. Loeks questioned why the public sidewalk/trailway is closed due to construction of
152 commercial buildings; the sidewalk/trailway belongs to the public. Thousands of dollars were
153 spent constructing these amenities, and they should not be closed. Dumpster gates also need to
154 be monitored to ensure they are complying and mentioned one on Texas Drive/12th Street that is
155

157 in disrepair and the business has only been open for a brief period. Additionally, there is a roofing
158 business operating out of a pole barn on the southwest corner 10th Street/Q Avenue and the
159 backyard is full of a myriad of roofing items. This is the main entrance to Texas Township which
160 once was a sense of pride, it was clean, and spoke to our rural character. The roadsides are full
161 of brush and need to be cleared. There is consideration given to a property maintenance code
162 which would address some of these matters.

163 Chair Corfman stated there is no Zoning Board of Appeals meeting scheduled.
164

165 **PUBLIC COMMENTS**

166 Dan Burton lives in Bay Ridge and is a volunteer steward of Michigan Nature Association and a
167 watershed management group. He questioned who will receive the riparian survey that will be mailed as
168 he would like to participate. The lakes are a public trust and owned by the Public of Michigan and everyone
169 should have a say in how they are managed. He explained that Paw Paw Lake is the headwater of the
170 East Branch of the Paw Paw River Watershed and is incredibly unique and deserves special attention. He
171 noted all the species that live in the wetlands, and some are on the endangered species list. At one time,
172 the area surrounding the lake was designated by the Township as Resource Conservation and felt action
173 should be taken to rezone that area as called for in the Master Plan.

174 If the purpose of the ordinance is to protect waterways that must be clearly stated. The DNR provides
175 public boat launches but does nothing to protect water quality and the shoreline. These public accesses
176 are responsible for a lot of the aquatic invasive species.
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178 **ADJOURNMENT**

179 Motion by Matson, seconded by Roberts, motion carried, to adjourn the meeting. The meeting was
180 adjourned at 6:55 p.m.

181
182 Submitted: April 19, 2023 Approved: April 25, 2023

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184
185 Recording Secretary Kerr