

BROOKS TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
February 8, 2021 @ 7:00 PM
APPROVED

Members Present: Mark Pitzer, Pat Baker, Ryan Schultz, Mark Guzniczak, Karl Frederiksen
*Matt Arthur and Phil Knape present by Teleconference

Members Absent: None

Staff Present: Joe Selzer, Cory Nelson

Chairman Pitzer, called the regular in-person meeting to order at 7:00 p.m. Teleconference was also an available option for members and the public. This meeting was properly posted and a quorum of the Brooks Township Planning Commission was present.

Approval of Agenda:

Moved by Guzniczak, **seconded** by Schultz to accept the agenda with the addition of New Business Item 5 – Charitable Short Term Lodging. **Unanimously approved.**

Approval of Minutes:

Moved by Frederiksen **seconded** by Arthur, to approve the minutes of the January 11th, meeting. **Unanimously approved**

Public Hearing:

Moved by Baker, **seconded** by Guzniczak to suspend the regular meeting and open the Public Hearing at 7:05 PM. **Unanimously Approved**

All hearing issues were posted in the Times Indicator and no correspondence was received. ZA Selzer reviewed the changes to the following articles. Public Comments were received:

- ART III – General Provisions
 - ~ Sec 3.05b - Driveways – Addition of item E – clarifies driveways serving two (2) parcels
 - ~ Sec 3.19d – Roads-Private – Item G1– Clarifies that roads serving two (2) dwellings shall have a minimum thirty-three (33) foot wide right-of-way easement granted to adjacent property owners.
 - ~ Sec 3.02b – Accessory Structures and Buildings – New item K allows/identifies conditions for commercial shipping containers used for storage.
- ART XIX – Nonconforming Uses, Buildings and Structures – New subsection 19.04C and 19.09C address expansion guidelines for nonconforming commercial property with special land use approval. Time period for re-building was also extended from 12 to 24 months.
- Accessory Dwelling Unit (ADU) – The intent of the following item changes are to address the needs of adult children caring for aging parents. The changes permit addition to a dwelling unit with conditional requirements outlined in the following ordinance language.

- ~ ART II – Sec 2.02A – Addition of 3 definitions
- ~ ART IV – Sec 4.09 – Summary of District Land Uses – Adds ADU (Item 73 in the table), designating the use as “Special Land Use”
- ~ ART XIV - Special Land Use – Addition of new Section 14.12DD – Outlines specific standards for Accessory Dwelling Units
 - Sections 4 & 5 of the original amendment relate to severability and effective date of the ordinance changes
- ART XVI – Signs and Billboards – Sec 16.09 – C1 – Commercial District and I1 Industrial District Permitted Signs. – Changed the display time from 30 days to 120 cumulative days in a calendar year.

Moved by Baker, **seconded** by Guzniczak to close the Public Hearing and reopen the regular meeting. **Unanimously Approved**

Public Comment: None

Correspondence: Chairman Pitzer received correspondence from Ottawa County Planning and Zoning regarding an online course offering Planning and Zoning fundamentals. Handout information was shared with members.

Unfinished Business:

- 1) Continued Ordinance Review – Proposed Ordinance Changes – **Moved** by Baker, **seconded** by Frederiksen to forward Public Hearing items to the Township Board for approval. **Unanimously Approved**

New Business:

- 1) ART III – Accessory Structures and Buildings – Residential shipping containers for storage **Moved** by Baker, **seconded** by Knape to approve the language with changes to include “principle residence”, requirement that the container be painted/finished similar to the Primary residence, and also update ART XIV, Specific Standards. Selzer to forward updated language changes for the March meeting. The item will be put on a list of pending Public Hearing items. **Unanimously Approved**

- 2) Conditional Rezoning for storage units on Spruce/M-82 - Planner and land use expert, Ryan Coffee was contacted for guidelines based on an interest in building storage units on Spruce/M-82. Per Mr. Coffee, viable options would be 1) Special Use Permit 2) Conditional Rezoning or 3) Rezoning which is considered “spot zoning” and frowned upon. Joe Selzer states that based on review of the Township Master Plan it appears reasonable to allow for some commercial development along a major trunk highway especially in areas that have a need for storage facilities.
Based on further discussion with Ryan Coffee, a major concern is that “conditional rezoning” requires the property to revert back to the use zone from which it came. In this situation, the

lack of a residential dwelling on the property prevents it from reverting back to the original residential zoning. Additionally, the proposed scenario presents a specific problem as it characterizes spot zoning, which is illegal. He further explained that the Zoning Enabling Act of ‘04 established concept of Conditional Rezoning also known as Contract Zoning. This might be an option however, he strongly recommends working with an attorney throughout the entire process to spell out specifics which would provide assurances to the township and place conditions on the landowner. The interested party will provide a tentative site plan and the issue will be discussed further next month.

- 3) Zoning Map Amendments – **Moved** by Baker, **seconded** by Schultz to update Zoning Maps to formalize previously approved zoning changes in the following areas:
- Section 2 – Residential re-zoned agriculture
 - Sections 24/25 – Ottawa Point PUD
 - Section 29/30 Commercial District Expansion
 - Section 9 - Expansion of Lake District along Vista Drive to the 500’ measurement
- Unanimously Approved**

4) Short Term Rentals – Per discussion there is a need to include ordinance language for short term rental situations. The preference is to keep language simple with minimal requirements/conditions. The issue will be discussed further when Joe Selzer returns in April.

5) Charitable Short Term Lodging – A proposal was submitted to develop a “Charitable Veterans Lodge” to accommodate Gold, Silver and White star military families who have either lost a member or have been injured in the line of duty at no cost. This issue will be further discussed in March

Staff Update: January 2021 Zoning Report received

Public Comment: Comments received

Planning Commission Members Comments:

Adjournment: **Moved** by Baker, **seconded** by Guzniczak, to adjourn the meeting at 8:33 PM

Respectfully Submitted,

Pat Baker
Planning Commission Secretary

Dianna Schaafsma
Recording Secretary