

**ROSS TOWNSHIP  
PLANNING COMMISSION  
MINUTES  
August 22, 2016**

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  
Russell Fry  
Greg Pierce  
Jon Scott

Absent: Victor Ezbenko  
Jeff Price  
Sherri Snyder

Also present: 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 Commission then proceeded with consideration of the **July 25, 2016** Planning Commission meeting minutes. It was noted that the discussion under Item #3 – Gull Harbor Point on page 5 should be corrected to read ‘and Scott understood he is seeking fill soil’ instead of ‘and communicated via Scott he is seeking fill soil.’ Fry moved to approve the minutes as corrected. Pierce seconded the motion. The motion carried unanimously.

PUBLIC COMMENT ON NON-AGENDA ITEMS

No public comment on non-agenda items was offered.

## NEW BUSINESS

Chairperson Lauderdale stated that no New Business is scheduled for consideration.

## UNFINISHED BUSINESS

1. Zoning Ordinance Text Amendments (*Recommended for approval by the Planning Commission on June 27, 2016*)

Chairperson Lauderdale explained that the Township Board recently considered the Planning Commission's June recommendations to approve several amendments to the Zoning Ordinance but had tabled action due to questions posed on existing text.

Following discussions between the Supervisor and Attorney Thall, it has been requested that the Township Board begin to receive a 'red-lined' copy of each proposed amendment so that proposed changes can be clearly understood. Chairperson Lauderdale stated that it has been further noted that the Township Board will respond only to proposed changes in consideration of recommended text amendments and that concerns regarding other Ordinance provisions not included in the amendment proposal will be directed to the Planning Commission at a later date.

Harvey confirmed that the 'red-lined' copy of each of the amendments recommended in June has been provided to the Supervisor and that they have already been distributed to Township Board members for consideration at the September meeting.

Scott apologized for his absence at the August meeting, noting that he may have been able to answer the questions that were raised.

2. Private Road/Driveway for Back Lots

Chairperson Lauderdale provided an overview of the land division/private road proposal (Banghart) presented to the Planning Commission at the July meeting and the Commission's subsequent action to table discussion of the request to the August meeting to allow Attorney Thall and Harvey the opportunity to discuss the applicable Ordinance provisions.

Harvey stated that she reviewed the land division proposal and has met with Attorney Thall to discuss the land division and private road options available under the Ordinance. She distributed a Memo dated August 22 wherein available land division options are detailed.

Harvey then provided an overview of the options, noting the following:

- Option 1: adequate land area and road frontage exists to create three (3) lots that comply with applicable Zoning Ordinance and Land Division Ordinance requirements.
- Option 2: the Zoning Ordinance currently offers three (3) development options that allow lots without frontage on a public road as ‘buildable lots’ – cluster land development option; open space preservation development option; and planned unit development option.
- Option 3: an amendment to the dimensional standards so as to allow the requisite lot frontage on a private road or an easement.

Nelson Karre was present and stated that he is the attorney representing the Banghart Trust. He explained that the objective of the land division proposal is to provide three (3) equal shares of the trust to its beneficiaries. He noted that the proposed lot configurations result in three (3) lots of equal value, each with frontage/access to the pond. He added that the proposed land division also meets the wishes of both the owner and the beneficiaries.

Karre explained that there is concern that the first two options noted will not allow for division of the land in such a way as to meet the objectives of the trust. He added that there was interest in discussing the matter of ‘private roads’ and ‘private access easements’ with the Planning Commission prior to appealing the matter to the Township Board.

Chairperson Lauderdale stated that it is not the responsibility of the Planning Commission to assist in the design of a land division proposal. He noted, however, that Option 3 references an amendment to the Zoning Ordinance as a possible solution and that it would be the Planning Commission’s option to initiate the request or to wait for an application.

Board discussion ensued wherein it was noted that the Planning Commission has recently discussed/studied the advantages and disadvantages of private roads. As a result, three (3) development options have been adopted that allow for the use of private roads . . . but under a planned approach to lot configuration and with the preservation of open space. There was general consensus that there is no reason for the Planning Commission to initiate consideration of the desired text amendment.

In response to questions, the Planning Commission noted that if there is interest in pursuing a text amendment, it would be appropriate for the applicant to propose specific text for consideration and that it would be acceptable to work with Township staff in the preparation of the text. The Planning Commission reminded that any such text amendment would apply district-wide, which will offer additional concerns.

### 3. Watershed Protection Strategies – *PC Member Perspectives*

Chairperson Lauderdale referenced the outcomes of the visit by Ken Kornheiser (4TWRC) to the July Planning Commission meeting and the document provided to Commission members titled 'Protecting Michigan's Inland Lakes'. He requested a discussion of the Commission's perspectives on what has been presented to date.

Scott opined that he believes the methods for watershed/waterfront protection that have been offered are valid and encourage a better approach to land development. He noted that the methods appear to be uncomplicated, but that there will always be push back from a 'land use rights' perspective. The question is how to 'sell' the ideas to property owners.

Fry stated that a grass roots approach to this effort may result in a better 'buy in' of the vision and a more workable set of tools. A pilot project may be a good way to execute.

Pierce noted his support for the statements made. He referenced Chapter 6 of the handout as helpful in identifying 'next steps'.

Chairperson Lauderdale agreed and distributed a draft 'next steps' document he prepared based on the discussions in Chapter 6. He noted that Steps 3, 4, and 5 would likely respond to the points just raised by the Planning Commission.

The Planning Commission noted support for the process outlined in the memo and agreed to proceed with Step 1: *Review Master Plan and Zoning Ordinance to identify what aspects of water (lakes and streams) protection exist.* Chairperson Lauderdale was guided by Planning Commission members to ask each member to review specific sections of the Master Plan and Zoning Ordinance and provide comments for discussion at the September meeting.

### 4. Section 17.2 B. 1. & 4. – Dock Setback Requirements

Chairperson Lauderdale stated that Harvey had developed draft text reflecting the discussion of the Commission on this matter in June and submitted same to Township Attorney Thall for review/comment. He noted that Attorney Thall recommended additional text to Subsection B.1. and the Planning Commission requested a minor rewording of Subsection B.2. He noted that the draft text provided has been revised to reflect the changes.

Pierce moved to accept the draft text as revised for public hearing. Fry seconded the motion. The motion carried unanimously.

## 5. Gull Harbor Point

Mike Sullivan was present on behalf of Gull Harbor Point. He referenced correspondence received from Bert Gale, AGS regarding completion of required on-site landscaping and requested clarification from the Planning Commission regarding the landscape requirements.

Sullivan stated that he is specifically seeking approval of the work completed to date. He indicated that the landscape plan is required to be completed before any additional building permits can be issued . . . and that AGS does not agree that the site is in compliance with the landscape plan.

Sullivan explained that there is general disagreement regarding berm construction requirements. He noted that the landscape plan calls for 3 ½ ft berms and that he has proposed berms that are not 3 ½ ft in height but have been planted with plant material that will eventually grow to give the overall berm/plantings a height of 3 ½ ft. He further noted that the 3 ½ ft berm description on the plan was not intended to apply to all of the berms in the project.

Planning Commission discussion of the landscape plan requirements occurred wherein it was noted that the landscape plan indicated a ‘typical berm’ would be 3 ½ ft in height, which meant that all proposed/approved berms must be at least 3 ½ ft in height, exclusive of plantings.

Harvey advised that the applicant (Sullivan) has the option of appealing a decision of the Zoning Administrator (AGS) to the Zoning Board of Appeals. Specifically, if he feels as though AGS is misinterpreting the approved landscape plan, he has the right to appeal that decision to the ZBA, who will then render an opinion on compliance.

She noted that a second option would be to request that the Planning Commission consider an amendment to the approved landscape plan if there were some elements of the plan that he wanted to modify.

Harvey noted that either way, building permits cannot be issued while compliance with the landscape plan is unresolved.

Sullivan asked if the Planning Commission could provide guidance to AGS on this matter. Chairperson Lauderdale reiterated that his options include an appeal to the ZBA or a request for an amendment with the Planning Commission. He added that Sullivan also had the option to meet with Supervisor Dykstra and AGS to determine if the existing landscape construction adequately meets the approved landscape plan.

## REPORT FROM TOWNSHIP BOARD

Scott provided updates on procedures for road improvements; recent discussions with SCMPC (Lee Adams) on providing assistance with grant-writing; and, building progress on the Township Hall.

## REPORT FROM ZONING BOARD OF APPEALS

Chairperson Lauderdale stated that the Zoning Board of Appeals did not meet in August. He added that the Board was initially scheduled to meet in September but the recent delay in the text amendments has caused the application to be rescheduled for consideration in October.

## MEMBERS, CONSULTANTS, ADVISORS

Fry reported that fundraising efforts for the KRVT continues, noting that \$300,000 has been raised to date. He added that Parks Commission is in the process of applying for a State grant of \$150,000.

## ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 8:45 p.m.

Respectfully Submitted,  
Rebecca Harvey, AICP, PCP  
Township Planning Consultant