

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
September 26, 2016**

CALL TO ORDER/PLEDGE

Acting Chairperson Fry 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: Russell Fry, Acting Chairperson
 Greg Pierce
 Jeff Price
 Jon Scott
 Sherri Snyder

Absent: Victor Ezbenko
 Jim Lauderdale, Chairperson

Also present: Bert Gale, AGS – Township Zoning Administrator
 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 **August 22, 2016** Planning Commission meeting minutes. Pierce moved to approve the minutes as presented. Price seconded the motion. The motion carried unanimously.

PUBLIC COMMENT ON NON-AGENDA ITEMS

No public comment on non-agenda items was offered.

NEW BUSINESS

1. Zoning Ordinance Text Amendment – Article 20, Item 13.B.2. (*Horse Boarding or Riding Stable*)

Acting Chairperson Fry referenced the written report provided by Chairperson Lauderdale. He noted that in the Township Board's recent consideration of proposed changes to Item 13, a question was raised regarding the requirement for 'access from a County primary road or State trunkline' set forth in Subsection B.2.

In Planning Commission review of the referenced standard, the following was noted:

- the access requirement is a historic standard for the subject use;
- there are current facilities in the Township that may be considered to violate the standard;
- the requirement may be rooted in service and delivery needs customary for active stables;
- the wording of the standard suggests concern with user-related traffic (ie. parking areas);
- many special land uses regulated by Article 20 have a similar requirement;
- Article 20, Item 1 sets forth a similar standard; why provide an additional reference in the requirements set forth for individual uses?

Following general discussion, Harvey was directed to research/review standards for horse boarding facilities/riding stables established in adjacent/area communities for Planning Commission consideration in October.

2. Zoning Ordinance Text Amendment – Article 22, Section 22.4 C. (*Repair, Maintenance and Restoration of Nonconforming Use or Building/Structure*)

Acting Chairperson Fry referenced the written report provided by Chairperson Lauderdale. He noted that in the Township Board's recent consideration of proposed changes to Section 22.4, concern was expressed regarding the existing requirement that reconstruction of a nonconforming use or building/structure damaged due to 'fire, flood, wind or other calamity' be started within six months and completed within one year. He explained that the Township Board felt the standard may be too restrictive given the delays that are frequently experienced in the processing of insurance claims.

General discussion ensued wherein modifications to the standard were suggested and the merit of changing the standard to respond to infrequent situations was questioned.

Following discussion, Harvey was directed to research/review standards established for the repair/reconstruction of nonconformities in adjacent/area communities for Planning Commission consideration in October.

UNFINISHED BUSINESS

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

Acting Chairperson Fry stated that the eight amendments to the Zoning Ordinance recommended for approval by the Planning Commission in June, 2016 were adopted as presented by the Township Board on September 13, 2016.

2. Private Road/Driveway for Back Lots

Acting Chairperson Fry stated that Nelson Karre, legal counsel representing the Banghart Trust, was present at the September 13, 2016 Township Board meeting to appeal the denial of the land division proposal involving approximately 125 acres located on East 'G' Avenue.

Referencing the written report provided by Chairperson Lauderdale, he reported that the Township Board granted the appeal and approved the proposed land division pursuant to direction provided by Township Attorney Thall that the proposed land division is consistent with the Land Division Act. Acting Chairperson Fry stated that Attorney Thall explained that since the resulting parcels would exceed 10 acres in size, the division met the Land Division Act, but that development of said parcels would not be allowed under the Zoning Ordinance.

In discussion of Attorney Thall's conclusions on the matter, it was determined that a review of Section 4.34 was in order to better tie compliance with the Zoning Ordinance to the Land Division Ordinance. Planning Commission members agreed to add consideration of the matter to the 2016/2017 Work Plan.

3. Watershed Protection Strategies

Referencing the written report provided by Chairperson Lauderdale, Acting Chairperson Fry noted that the Planning Commission members had agreed in August to conduct a review of the Master Plan and Zoning Ordinance to '*identify what aspects of water (lakes and streams) protection exist*'. In response to direction provided, Chairperson Lauderdale prepared the following review assignments:

Victor Ezbenko	Sections 2.2, 16.6 and 17, ZO
Gregg Pierce	Section 20, ZO
Sherri Snyder	Section 21, ZO
Jon Scott	Section 22, ZO
Jim Lauderdale	Chapter VI, MP
Rusty Fry	Chapter VII, MP
Jeff Price	Chapter VIII, MP

It was noted that discussion of the review results would be scheduled for October.

General discussion ensued regarding the ‘next steps’ in the consideration of ‘watershed protection strategies’. Scott stated that he will explain further to the Township Board the work of the Planning Commission on this topic and attempt to gain insight as to the Board’s appetite for moving forward on specific strategies. He noted that the Township Board is generally supportive of the protection of the Township’s water resources but is also sensitive to property rights issues.

Acting Chairperson Fry stated that it will be key to keep Township Board members informed and to involve them in every step of the process. It was suggested that continued work could be done through a subcommittee that included Township Board participation.

4. Gull Harbor Point

Gale provided an update on the status of the Gull Harbor Point project. He referenced correspondence to the developer (Mike Sullivan) dated September 15, 2016 wherein it is noted that the proposed modification to the approved landscape plan for the northerly portion of the open space bounded by ‘D’ Avenue and the Horn’s property has been administratively approved. Further, the landscaping that has been completed on the site now complies with the recently approved modified landscape plan.

Mr. and Mrs. Horn were present and questioned how two homes were built if the project has never had approval until now. Harvey responded that building permits for the existing two homes were granted to the site as unplatted property . . not as building sites within the open space development.

They then inquired whether any conditions of approval remained to be completed. Gale stated that utilities have been completed but that the paving of the roads remains and must be completed before any building permits can be issued.

Mr. Horn stated that the landscaping that has been completed on the site is minimal. He added that the property looked better before Mr. Sullivan began his attempts at complying with the landscape plan.

Planning Commission discussion continued regarding the merit of applying performance bond requirements, specifically for landscaping, on future developments.

REPORT FROM TOWNSHIP BOARD

Scott stated that there is no report from the Township Board.

REPORT FROM ZONING BOARD OF APPEALS

Harvey reported that the Zoning Board of Appeals did not meet in September but is scheduled to meet in October for the consideration of two variance request applications.

MEMBERS, CONSULTANTS, ADVISORS

Fry reported that an engineer has been selected for the design of the Galesburg to Gull Lake trail segment.

ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 8:30 p.m.

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