

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
November 23, 2015**

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
 Victor Ezbenko
 Russell Fry
 Greg Pierce
 Jon Scott
 Sherri Snyder

Absent: Jeff Price

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 **October 26, 2015** Planning Commission meeting minutes. Fry moved to approve the minutes as presented. 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

1. PC 2016-2017 Budget

Chairperson Lauderdale referenced the Income Statement (*For the Twelve Months Ending March 31, 2016*) and the Department Budget Request 2016-2017 (Planning Commission) provided to Commission members.

The Commission conducted a line-item review of the current budget (*2015-2016*). It was noted that the Professional Services category was referenced as ‘AGS & Harvey’. Commission members opined that the category had previously been limited to expenses related only to ‘Harvey’ and questioned if the budget had been modified intentionally or labeled in error. Supervisor Dykstra was present and noted that he would investigate and respond.

It was further noted that the ‘Spent YTD’ for ‘Printing & Publishing’ exceeded the 2015-2016 budgeted amount. It was agreed that the overage was in large part due to the amount of work accomplished by the Planning Commission during the year involving text amendments. In consideration of the proposed 2016 Planning Commission Work Plan, it was noted that it would be prudent to increase the budgeted amount from \$1800 to \$2500, consistent with the 2015 actual expenses amount.

The Commission concluded that the amounts for each line-item in the 2015-2016 budget were generally acceptable for the 2016-2017 budget, noting the following proposed modifications:

: the allocation for ‘Professional Services’ should be **increased from \$5000 to \$5500** in consideration of the scheduled 5-year review of the Master Plan (assuming the ‘Professional Services’ category is confirmed to be limited to expenses related only to ‘Harvey’);

: the allocation for ‘Printing & Publishing’ should be **increased from \$1800 to \$2500** in consideration of the 2016-2017 Planning Commission Work Plan and anticipated amendments to the Zoning Ordinance;

: an overall **increase from \$21,990 to \$23,190** in the total Budget request for 2016-2017.

UNFINISHED BUSINESS

1. New Township Hall & Fire Station

Supervisor Dykstra and Howard Overbeek, project architect, were present and provided an overview of the new Ross Township Hall & Fire Station. A detailed site plan, building elevations, and building floor plans were presented.

Supervisor Dykstra stated that the drawings were complete and that the bid package was scheduled to go out to (seven) contractors on November 30, 2015. Project bids will be due by December 21, 2015 and are scheduled to be reviewed by the Township Board at the January 12, 2016 Board meeting.

He stated that the \$1.5 million project will be funded through available cash, donations, and a low interest financial plan; no additional millage will be requested.

In response to Commission questions, Supervisor Dykstra explained that construction is anticipated to begin as soon as weather permits in 2016 . . . and that an eight-month construction time table is estimated. He noted that the new building will be constructed behind the existing Township Hall and then the existing Township Hall will be demolished and the site work completed following occupancy. It was explained that the construction proposal will allow for an easy and inexpensive transition into the new building.

2. Section 2.2 – Definition of ‘Permanent Resident’ (Rental of Residential Dwellings)

Chairperson Lauderdale stated that the Commission had engaged in a discussion of the existing definition of ‘permanent resident’ at the October meeting. In response to questions posed regarding the Township’s ability and/or desire to regulate the rental of homes in the Zoning Ordinance, Harvey was directed to review the noted provision with Township Attorney Thall for a legal opinion.

Harvey stated that she had discussed the definition of ‘permanent resident’ set forth in Section 2.2 of the Ross Township Zoning Ordinance with Attorney Thall as requested. She noted that Attorney Thall was comfortable that the noted provision only required residential occupants to have ‘continued residency in the same dwelling for 30 days or more’ . . . and did not require that the occupants be the home owner. To that end, he did not feel that the Zoning Ordinance prohibits the rental of property in the Township.

Further, he felt that limiting occupancy of dwelling units to ‘permanent residents’ (30 day continuous residency) could be argued to further zoning objectives of

‘general welfare’ as it relates to recognized impacts of a transient population. (ie. traffic, noise, property maintenance, etc.)

Supervisor Dykstra offered that this is becoming a frequent issue in the Township and that residents continue to express concern.

Snyder raised the validity of local non-recreational demands for temporary housing and the Township’s inability to respond. Ezbenko wondered if the concerns expressed are from a vocal minority. He questioned what negative impacts are being experienced and whether they could better be addressed as nuisance complaints.

Pierce stated that historically impacts from rental of waterfront residences have largely been related to traffic and noise. He explained that because the rental activity is generally related to summer recreational use . . . it tends to translate into large groups with vacation schedules, both of which are contrary to the surrounding residential character.

Fry stated that he recognizes that the trend is toward ‘rental’ in that many times it allows for home ownership to stay in the family.

Chairperson Lauderdale raised the following questions for Commission consideration: 1) What is the vision for Ross Township? . . . are we strictly a ‘bedroom community’ or are we a community with recreational/tourism opportunities?, and 2) Do we want to encourage rental activity? . . . or should we engage in active enforcement of the 30-day residency limitation?

General Commission discussion ensued wherein the following was noted:

: the situation is difficult to address in that strict enforcement of the existing standard would result in application to scenarios not intended;

: waterfront properties are densely populated and transient occupancy creates the potential for social friction (noise, encroachment, parking, etc.)

: does the current Ordinance definition of ‘family’ adequately address the situation?

: the Master Plan does not support an increase in the concentration of population around the lakes (pg VII)

: the issue is not an increase in density through additional lots but through additional people . . . specifically, the impacts from the behavior of a transient population. The question is: do we stop the source or address the impacts?

: how do other similarly situated communities address the issue? . . . many communities embrace the recreational/tourism component . . . how do they address the impacts? (ie. South Haven)

: is there a demand to which the Township is not responding?

Scott stated that the current Ordinance text allows the Township to respond to complaints or when problems arise. Enforcement on a ‘response’ basis allows for reasonable application of the existing standard.

Fry and Pierce opined that the existing text was adopted to allow for a response to envisioned problems . . . and that if reasonably applied will not be challenged.

Ezbenko and Snyder expressed concern with applying occupancy limits on allowed uses, especially if established only to deal with specific waterfront-related issues.

The Commission agreed to accept the current definition of ‘permanent resident’ as set forth in the Zoning Ordinance with reasonable and customary application of same. It was also requested that AGS provide an analysis of the complaints received related to this issue, specifically in relation to the number of dwellings in the Township.

3. Dock Rental Issue (per AGS)

Chairperson Lauderdale stated that the Commission had reviewed draft text (prepared by AGS) at the October meeting. He noted that in response to lengthy Commission review and discussion, Harvey had been directed to compare the regulatory approach to docks and dock rentals employed by the other three (3) communities with Gull Lake waterfront property.

Harvey referenced the memo (dated November 23, 2015) provided to the Commission wherein a compilation of area ordinance text addressing ‘docks’ and ‘waterfront access lots’ was summarized.

The Commission acknowledged receipt of the compilation of ordinance text and determined that continued discussion would be scheduled for the January meeting.

4. Screening Standards

Chairperson Lauderdale stated that the Commission had reviewed draft text (prepared by Harvey using Table A. of the Genoa Township Zoning Ordinance and Commission discussion as reference) at the October meeting. In response to

Commission review and discussion, Harvey had been directed to revise the draft text for continued Commission review.

Harvey referenced draft text dated November 23, 2015 (Draft #2) and noted the revisions made in response to the Commission's review in October.

The Commission acknowledged receipt of the revised draft text and determined that continued discussion would be scheduled for the January meeting.

5. Horse Boarding Facility

Chairperson Lauderdale noted that the Commission had agreed to place consideration of an amendment to the 'horse boarding facility' provision currently in the Ordinance on the agenda in response to a request made by the Terpenings at the August meeting. He further noted that the Commission has since acknowledged that the Terpenings have instead opted to pursue approval of their proposed facility under the Right to Farm Act GAAMPS instead of obtaining local zoning approval . . . but had agreed to continue consideration of the matter outside of application. To that end, Harvey had been directed to research/compile sample ordinances for Commission consideration.

Harvey referenced the memo (dated November 23, 2015) provided to the Commission wherein a compilation of area ordinance text addressing 'stables' and the 'keeping of animals' was summarized.

Gale provided an update on Township communications with the Terpenings regarding the use of their property on Baseline Road as a horse boarding facility. He requested direction from the Commission on the desired 'next step' in achieving compliance with the Ordinance.

The Commission opined that AGS should continue with application of the standard ordinance enforcement process.

6. Watershed Protection Strategies

Due to the lateness of the hour, discussion of the matter was postponed to the January, 2016 meeting.

7. Recreation Plan

Chairperson Lauderdale reminded that the Commission had agreed that Fry (and the Parks Commission) will work to complete a recommended prioritization list that aligns with the Park grant for submission to the Commission after October.

Due to the lateness of the hour, discussion of the matter was postponed to the January, 2016 meeting.

REPORT FROM TOWNSHIP BOARD

In light of the status report on the new Township Hall and Fire Station provided by Supervisor Dykstra earlier in the meeting, an additional Township Board report was not given.

REPORT FROM ZONING BOARD OF APPEALS

Chairperson Lauderdale stated that the Zoning Board of Appeals did not meet in November and is not scheduled to meet in December.

MEMBERS, CONSULTANTS, ADVISORS

Gale noted that AGS granted administrative approval of a site plan amendment for the Studio 111 Hair Salon located at 12173 East D Avenue (C-1 District). He provided the November 24, 2015 Site Plan Review Report for reference.

ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 9:03 p.m.

Respectfully Submitted,

Rebecca Harvey, AICP, PCP
Township Planning Consultant