

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
June 27, 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
 Victor Ezbenko
 Russell Fry
 Greg Pierce
 Jeff Price
 Sherri Snyder

Absent: Jon Scott

Also present: Bert Gale, AGS – Township Zoning Administrator
 Kelly Largent, AGS – Township Zoning Administrator
 Rebecca Harvey – Township Planning Consultant
 Rob Thall – Township Attorney

APPROVAL OF AGENDA

The agenda was reviewed and approved as presented.

APPROVAL OF PRIOR MEETING MINUTES

The Commission then proceeded with consideration of the **May 23, 2016** Planning Commission meeting minutes. Price moved to approve the minutes as presented. Snyder seconded the motion. The motion carried unanimously.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Vince Carahaly stated that he is a member of the Southcentral Michigan Planning Council and is also a candidate for the Kalamazoo County Board of Commissioners (District 6). He provided updates on Kalamazoo County's current effort to update the County Master Plan; the ongoing efforts to receive approval of the Missile Defense Site in Battle Creek; and a recently received application for a gravel mine in Richland Township.

No further public comment on non-agenda items was offered.

NEW BUSINESS

1. Public Hearing – Zoning Ordinance Text Amendments

Chairperson Lauderdale opened the Public Hearing. He stated that the required notification had been completed to allow for Board consideration of the following amendments to the Ross Township Zoning Ordinance:

- A. Proposed amendment of Article 23: to add a preliminary statement to Section 23.8 regarding variance authority of the ZBA and to revise Section 23.8 A. pertaining to the standards for consideration of variances by the ZBA.
- B. Proposed amendment of Article 22: to completely revise Section 22.3 pertaining to the alteration of nonconforming uses and buildings/structures.
- C. Proposed amendment of Article 22: to completely revise Section 22.4 pertaining to the repair, maintenance, and restoration of nonconforming uses and buildings/structures.
- D. Proposed amendment to add a new Section 25.3 pertaining to Conditional Rezoning to provide for the intent, application and offer of conditions, Planning Commission review, Township Board review, approval, compliance, time period for establishing, reversion of zoning, subsequent rezoning, amendment of conditions, Township right to rezone and failure to offer conditions.
- E. Proposed amendment of Article 20: to revise the minimum required standards for Horse Boarding or Riding Stables and to revise the special use standards for Horse Boarding or Riding Stables under Item 13.
- F. Proposed amendment of Article 17: to revise Section 17.1 pertaining to waterfront lot access and use regulations by adding that allowed docks shall only be used by the approved access lot beneficiary; by providing that an access lot serving more than one access lot beneficiary shall be subject to site

plan review; and, by clarifying non-application to certain existing beneficiaries of access lots.

- G. Proposed amendment of Article 2: to revise the definition of Access Lot Beneficiary to address members of same family.
- H. Proposed amendment of Article 18: to completely revise Section 18.6 A. as it pertains to screening standards.

Chairperson Lauderdale gave an overview of the proposed amendments, noting that the amendments were a product of research and review conducted by the Planning Commission since January, 2016. He added that Township Attorney Thall has provided legal review of all of the proposed amendments and that the ZBA provided input on Items A. and B. and specific interpretation regarding Item F.

Regarding Item D., Gale advised that a Section 25.3 already exists in the Ordinance. The Commission agreed that the proposed text should be changed to Section 25.4.

No public comment was offered. Chairperson Lauderdale stated no written correspondence had been received regarding the proposed amendments. He then closed the public comment portion of the public hearing.

Pierce then moved to recommend approval by the Township Board of the proposed amendments to the Ross Township Zoning Ordinance as set forth in the June 27, 2016 Public Hearing Notice and the tentative text of the proposed Zoning Ordinance amendments. Fry seconded the motion. The motion carried unanimously.

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

Attorney Thall explained that currently Section 17.2. B. 4. requires that no dock *'shall be located within 10 ft from the nearest property line as projected into the waterway.'* He noted that said provision could be argued to be inconsistent with riparian law that does not consider riparian rights to follow an extension of the property line into the waterway but rather extends it to the center (or other configuration depending on the shape) of the waterway. He referenced a memo regarding 'dock placement' dated June 7, 2016 prepared on behalf of the Township.

Thall explained that the riparian standard is difficult to apply and requires a high degree of interpretation based on the waterway. He noted that the existing Ordinance provision (Section 17.2 B. 4.) puts the Township in the position of having to identify the location of the property line as it extends into the waterway

– which could likely run counter to State law. Thall stated that the Township should not involve itself in the determination of where the riparian line is but rather allow same to be established by the MDEQ or through a dispute/court process.

In response to questions, Thall noted that most townships just regulate dock length . . . and on occasion require a setback from the on-shore property line. He advised that Section 17.2 B. 4. should be modified per this discussion, but that the Township can maintain the on-shore 10 ft sideline setback requirement and a dock length standard and maintain enforceability.

Planning Commission discussion ensued wherein it was agreed that Section 17.2 B. 4. should be amended to require a 10 ft setback for docks from the on-shore property lines. It was further noted that permanent docks should be subject to the zoning compliance permit process and that Section 17.2 B. 1. should be revised accordingly.

Harvey was directed to draft text reflecting the discussion of the Commission and to submit same to Township Attorney Thall for review/comment.

UNFINISHED BUSINESS

1. Watershed Protection Strategies

Chairperson Lauderdale distributed a memo summarizing his discussion with Ken Kornheiser regarding the potential for input from the 4TWRC on the Township's watershed protection strategies initiative.

Chairperson Lauderdale and Harvey reviewed earlier efforts of the Gull Lake Water Quality Organization that resulted in the insertion of a watershed protection mission statement into the master plans of the four townships surrounding Gull Lake and the development of the Watershed Protection Strategies Guidebook (redistributed to Planning Commission members in May). Snyder suggested that their involvement now may be prudent.

Ezbenko questioned why the Planning Commission was embarking on this effort now . . . is there some issue that needs to be solved?

General discussion ensued regarding the general principles of watershed management as a tool to protect water quality. It was suggested that a visit from Kornheiser (or an associate of the 4TWRC involved in watershed management efforts) to review the water quality issues specific to Gull Lake and the purposes/strategies of watershed management would provide the Planning Commission with valuable background and help in formulating a direction

forward. Chairperson Lauderdale agreed to contact Kornheiser to schedule the requested discussion.

Chairperson Lauderdale noted that Kornheiser had also indicated that he would place the Ross Township Planning Commission request on the July 11, 2016 meeting of the 4TWRC to discuss opportunities for collaboration on watershed protection strategies.

2. Gull Harbor Point

Gale advised that a June 1, 2016 deadline for compliance was issued by the Township with the approval of the amended landscape plan. He reported that no work has been completed to date and that he will work with Supervisor Dykstra on proceeding with enforcement action.

REPORT FROM TOWNSHIP BOARD

In the absence of Scott, a Township Board report was not provided.

REPORT FROM ZONING BOARD OF APPEALS

Chairperson Lauderdale stated that the Zoning Board of Appeals met on June 1, 2016. He noted that consideration of a scheduled setback variance application was postponed at the request of the applicant. Further, the Board considered a request for a waterfront setback variance and a lot coverage variance as they applied to new construction on a nonconforming waterfront lot. He advised that the variances were granted.

MEMBERS, CONSULTANTS, ADVISORS

Gale noted an upcoming meeting scheduled with FRN to discuss proposed site amendments and applicable setback requirements. He further noted a meeting tentatively scheduled to discuss a potential open space development project within the Township.

Fry commented on the recent biking tragedy that involved several Township residents and noted the interest generated in continuing efforts toward the funding and completion of the bikeway extensions/connections in the area.

Snyder reported on a recent rash of break-ins in the area.

ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 8:40 p.m.

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