

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
June 4, 2008**

The meeting of the Ross Township Planning Commission on **June 4, 2008** was called to order by **Chairman Lauderdale** at approximately 7:00 P.M. at the Ross Township Hall.

ROLL CALL OF MEMBERS

Those present were: Jim Lauderdale
 Robb Blain
 Russell Fry
 Garry Lane
 Diana Langshaw
 Jeff Price

Absent was: Sandra Kiger

Also present were: Rebecca Harvey, Planning Consultant
 Craig Rolfe, Township Attorney
 Bruce Dean, AGS

APPROVAL OF AGENDA

The agenda was approved by consensus of the members.

APPROVAL OF MINUTES for May 1, 2008

On motion by Lane, seconded by Fry, the minutes of **05/01/2008** were unanimously approved.

PUBLIC COMMENT on non-agenda items

Robert Cox – 12138 N Sherman Lake Drive – stated his concern that the minutes of the October 2007 does not refer to revisions of Master Plan.

Donna Pieracini – 12124 N Sherman Lake Drive – inquired about the processing of funds due to residents of Sherman Lake for treatment of the lake. Lauderdale confirmed that this was not a topic for the Planning Commission (PC). The question was addressed by Martha Chambers (Township Clerk), from the audience.

Lauderdale expressed appreciation to the audience for their attendance and interest in the update.

PUBLIC HEARING

Zoning Ordinance and Zoning Map Update Project

Lauderdale presented the following documents:

- “Ross Twp Planning Commission Public Hearing – Zoning Ordinance/Zoning Map Update 06/04/08 – Explanation of Request”
- “Ross Twp Planning Commission Public Hearing – Signs and Outdoor Advertising Update 06/04/08 – Explanation of Request”
- “Ross Twp Planning Commission Public Hearing – Outdoor Lighting - 06/04/08 – Explanation of Request”
- The document was placed on the overhead projector and presented point by point with additional explanation.

PUBLIC QUESTIONS

Don Lavender – 10670 N 40th Street – comment on lighting ordinance. Has had ongoing concerns regarding neighbor’s lighting. Congratulate Township on the development of the lighting ordinance. Will it apply to existing lighting?

Lauderdale responded that the new language would not apply to existing conditions. Mr. Lavender was encouraged to communicate with the Township Supervisor.

Wyn Howard - 11272 East CD Ave – requested an explanation of the difference between the proposed R-R District and the existing RA District. Will the change affect the establishment of farming?

Lauderdale responded that the R-R District would not be significantly different in its regulation of farming than the previous the previous RA District.

Robert Cox - 12138 N Sherman Lake Drive - requested explanation of the exclusion of the Y-Center and the Cheff Center properties from the Preservation District (AG).

Lauderdale described that the parties were contacted, and that neither entity indicated they are not interested in being included in this district. The Y-Center provided an affirmative response that it did not wish to be included in the district, and the Cheff Center did not respond to 5 notices, receipt of which was verified.

Donna Pieracini - 12124 N Sherman Lake Drive – asked whether the decision not to include the Y-Center in the AG District was based on input from that entity.

Lauderdale described that the AG District has been limited to public lands. The two entities identified by Mr. Cox have not indicated that they wish properties to be included. It may be desirable to have these properties included in the AG District, the PC has determined that it is appropriate at this time is to move ahead, with potential to revisit the

issue at later date. The uses conducted by these entities must comply with zoning ordinance regulations for the district in which they are located, and a change to AG would potentially have an undesirable affect on the operation of these uses.

Rolfe stated for clarification that these entities did not have “veto” authority regarding the zoning classification of the properties. The proposed AG District would have caused each use to become non-conforming, and the description of zone does not appear appropriate to these uses, as they exist.

Ann Coutre - 1451 Shoal - appreciates efforts of PC, but expressed concern about exclusion of Cheff Center from AG District.

COMMISSION QUESTIONS

Statement by Langshaw that adequate time was provided for the governing boards of the Y-Center and the Cheff Center to consider the issue of inclusion in the AG District.

PUBLIC COMMENTS

Robert Cox – 12138 N Sherman Lake Drive – stated that he received written comments from Ross Township citizens requesting return to previous zoning classifications. The documents were presented to Chairman Lauderdale. Mr. Cox then made additional comments regarding addition of Y-Center and Cheff Center to the AG District, and reviewed some previous considerations by the PC during his tenure on the commission. He stated his belief that the proposed Zoning Ordinance amendments do not adequately correspond to the provisions of the Master Plan.

Donna Pieracini – 12124 N Sherman Lake Drive – expressed support for comments by Cox.

COMMISSION COMMENTS

Lauderdale stated his position that the language will not be acceptable to everyone here tonight. The PC must determine whether the product is sufficient, and he stated that two courses are possible.

Rolfe described that if the PC members agree with comments regarding relationship of the Master Plan and the Zoning Ordinance, it should be noted that there is always a “catch-up” relationship between the documents. The Master Plan is forward looking, and the Zoning Ordinance follows the direction of the plan in future amendments, rezoning and modifications to the ordinance. Adoption of the amendments under consideration tonight does not preclude modification or revisiting of issues identified. He also made

the point that Federal and State owned properties are completely exempt from the provisions of the Zoning Ordinance.

Lauderdale referred to the letter dated 6/04/2008 from Mr. Charles J. Reid, Director of Land Management Office at MSU. The letter indicates that MSU does not wish to have Brook Lodge included in the AG District.

Rolfe confirmed that this is a legitimate issue for MSU, and despite his previous comments regarding State and Federal property; this would affect the potential sale of the properties.

Harvey described that this was in fact the intent of the revision and inclusion of public lands. Inclusion in the AG District would allow for some control on the part of the Township should the properties be sold to a private concern. The potential purchaser would be required to petition the Township for rezoning in order to change the use of the property.

The public hearing was adjourned at approximately 7:55 pm.

NEW BUSINESS

Action on Zoning Ordinance and Zoning Map Update Project

OUTDOOR LIGHTING – Section 9.3 (new section)

(Item #7 from public notice and Proposed Ross Township Zoning Ordinance Text Amendments)

Langshaw moved that the proposed ordinance amendment titled Section 9.3 -OUTDOOR LIGHTING be recommended for approval by the Township Board. Lane seconded, and the motion was unanimously approved.

SIGNS – Section 9.2

(Item #6 from public notice and Proposed Ross Township Zoning Ordinance Text Amendments)

Fry moved that the proposed ordinance amendment titled Section 9.2 –SIGNS AND OUTDOOR ADVERTISING SIGNS be recommended for approval by the Township Board. Price seconded, and the motion was unanimously approved.

ZONING DISTRICTS – Section 8.1 – 8.6

(Item #5 from public notice and Proposed Ross Township Zoning Ordinance Text Amendments)

Lane moved that the proposed ordinance amendment pertaining to new Sections 8.1 through 8.6 - ZONING DISTRICTS be recommended for approval by the Township Board. Fry seconded, and the motion was unanimously approved.

ORGANIZATIONAL & OTHER ISSUES

(Items #1 through #4, and #8 through #28 from public notice and Proposed Ross Township Zoning Ordinance Text Amendments)

Langshaw moved that the proposed ordinance amendments, as identified and described in items #1 through #4, and #8 through #28 of the public notice, be recommended for approval by the Township Board, with the following modifications:

- The *Minimum Lot Area Per Dwelling Unit (Sq.Ft.)* for the R-3 District - Multiple Family is modified to remove “5,000/5,000” and replace it with “See Sec. 8.52(C)”. (The referenced section limits density to not more than 8 units per acre.)

Fry seconded, and the motion was unanimously approved.

REZONING OF PROPERTIES (amendment of zoning map)

(Section D from public notice)

Fry moved that the proposed amendments to the zoning map, as identified and described in Section D of the public notice, be recommended for approval by the Township Board, subject to descriptions to be created from approved zoning map by the Township Engineer, with the following modifications:

- The parcel identification number in the 3rd column, 5th row from the bottom, is corrected to read “3904-27-110-010”.

Blain seconded, and the motion was unanimously approved.

Rolfé noted for the information of the citizens in attendance that the information considered and acted upon this evening has been under consideration and development since approximately 2003. The issues have been deliberated extensively to come to the point of recommendation to the Township Board. The lack of discussion does not suggest a “rush judgment”. The language will be submitted to the Township Board in the form of a Zoning Ordinance amendment, which may be approved or modified by the Township Board. Following action by the Township Board, the approved document will be published and become effective eight (8) days after publication.

Lauderdale expressed appreciation for all citizens that have participated in the process, in particular former members of the Ross Township Planning Commission that worked on the Master Plan and Zoning updates: Allen Harmon, Robert Cox, Tim Putney, Owen Murray, Russ Downey, Anne Couture, Rick King, George Riegle, Susanne Sippel, and Stephanie Walbridge.

Robert Cox stated that the original Citizen Review Committee was formed in 1996, and that committee represents the beginning point of the revision/update process.

OLD BUSINESS

Discussion on Selected Waterfront Regulation

The members reviewed table titled “Comparison of Selected Waterfront Regulations On Gull Lake” prepared by Harvey.

Lauderdale stated that this document was generated based on an expressed interest in consideration of application of “sliding scale” for side setbacks to dock placement.

Fry stated that the interest in this information was based on a desire to compare and possibly achieve commonality between Ross Township requirements and those of other Townships on Gull Lake. He noted that other lakes in the Township would also be affected by any change to these requirements. The “sliding scale” language is contained in Section 9.39.

There was discussion of the ordinance text in Section 9.39(2)(c) and 7.13(B)(3), highlighting that the former describes the applicable side setback for non-conforming lake lots, and the latter states a minimum of ten (10) feet from a side lot line, with no reference to the minimum side setback.

Rolfe indicated that the requirement for ten (10) feet from the side line in Section 7.13(B)(3), includes extension of the side lot line into the water and is intended to allow mooring and maneuvering space, and that the existing requirements have proven to be inadequate at times.

There was general discussion of riparian rights and the implication for docks and boat mooring purposes, and the extreme application of the current regulations (e.g. in the case of a 20 foot wide lot, zero space is available for a dock).

Rolfe reminded the PC that properties with extreme conditions relative to the requirements have recourse to the Zoning Board of Appeals, and suggested that a determination regarding the number of these extreme conditions may be advisable prior to development of new language.

There was discussion of the methods of incorporating such changes, including text amendment.

Price and Fry volunteered to work with Harvey on development of draft language.

REPORTS

ZBA - No report.

Township Board

Langshaw described recent board activities: a fire works permit was approved; dust control and road monies were discussed at a special meeting; and, the Y-Camp was granted approved for a special Bingo-Night.

Workshops – No report.

Lauderdale presented the letter dated May 22, 2008 regarding Michigan Planning Enabling Act, and confirmed that there are funds in the budget for PC training.

Lane stated he is interested in attending at KVCC, and was advised to contact the Township office to make arrangements to attend.

COMMISSIONER COMMENTS

Lauderdale thanked the members and the citizens for their participation and attendance at tonight's meeting.

ADJOURNMENT

On motion by Blain, seconded by Lane, and unanimously approved, the meeting was adjourned.

Respectfully submitted,

Bruce Dean, AGS