

**ROSS TOWNSHIP  
PLANNING COMMISSION  
MINUTES  
June 25, 2008**

The regularly scheduled meeting of the Ross Township Planning Commission meeting on **June 25, 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  
   Sandra Kiger  
   Garry Lane  
   Diana Langshaw  
   Jeff Price

Absent was:                        None

Also present were:                Rebecca Harvey, Planning Consultant  
   Bruce Dean, AGS

**APPROVAL OF AGENDA**

On motion by Lauderdale, seconded by Lane, the agenda was amended to add discussion of current dock language (Section 7.13) under OLD BUSINESS, and was unanimously approved.

**APPROVAL OF MINUTES for June 04, 2008**

On motion by Blain seconded by Lane the minutes of **06/04/2008** were unanimously approved with the following change:

1. Page 2, paragraph 7: change “described” to “stated”
2. Page 2, paragraph 7: delete “not” in first sentence

**PUBLIC COMMENT** on non-agenda items - None

## NEW BUSINESS

### **Hillcrest – Bob Oudsema**

Mr. Oudsema stated that he is attempting to button up issues that will allow the project to be complete, in terms of agency approvals, so that when the time comes to move ahead all is ready. He is continuing to work with the Gull Lake Sewer & Water Authority, and is currently attempting to finalize Kalamazoo County Road Commission (KCRC) approval. Mr. Oudsema described that the current plan is for the entrances and circulation streets to be public, if approval from the KCRC can be obtained. The cul-de-sacs and eyebrow streets would continue to be private roads. The public designation will insure safe access for school transportation, noting that school buses do not run on private roads. In the current discussions with the KCRC connectivity is the issue. The KCRC is seeking verification that connectivity has been reviewed and approved by the Planning Commission, as currently proposed.

Lane asked about the availability of public water and sewer in the development.

Mr. Oudsema confirmed that it is the current intension to include public sewer through the Village of Augusta, and the water system may be either public or private water supply, depending on the scope of the project at the time that the project proceeds.

Fry asked for additional explanation of the public/private mixed road system in terms of the original plan.

Mr. Oudsema stated that the designations were not specific in the initial plan.

There was discussion of the provisions of the “open space” language, and private versus public road systems.

Harvey indicated that the language of the ordinance anticipates street designs in either format, and that the original approval may have anticipated private roads, but a mixture does not violate the conceptual approval.

Langshaw moved, and Lane seconded, authorizing the Zoning Administrator to prepare a letter to the KCRC verifying that the plan approved by the Township includes the proposed manner and location of future street connections. The motion was unanimously approved.

### **Modification of Section 7.13(B)(6)**

Lauderdale referred to the letter from Supervisor Jeff Bither dated June 11, 2008. The letter requests consideration by the Planning Commission of deleting the phrase “and/or non-seasonal permanent docks” from the Section 7.13(B)(6). The change would remove the requirement for residential property owners to demonstrate Michigan Department of Environmental Quality (MDEQ) approval in order to qualify for a dock permit in Ross

Township. The feeling of the Township Board is that the current language requires the Township to do “the DEQ’s job.”

Price asked about the effect of deleting this regulation in connection to docks, but leaving the marina requirement in place.

There was discussion of MDEQ requirements; commercial and private marina operation versus residential docks; seasonal versus non-seasonal, permanent docks; effect of State budget on MDEQ enforcement and administrative operations.

Fry stated that it is his understanding that MDEQ approval is required for any dock.

Dean confirmed that the MDEQ does not regulate seasonal docks.

Lauderdale recognized Mr. Kemppainen, and he stated that it is his understanding based on information from the MDEQ website, that the MDEQ will be discontinuing residential inspections related to dock enforcement.

Dean described a recent application in which the MDEQ declined to take action: the proposed dock replacement was neither approved, nor denied. A letter was issued indicating that no action would be taken on the request. Under the current ordinance language, the applicant cannot receive Township zoning approval in the absence of the MDEQ permit, even if the proposal meets all other Ross Township Zoning Ordinance requirements.

It was the consensus of the members that an application for non-seasonal permanent dock placement, which demonstrates compliance with all other requirements of the Ross Township Zoning Ordinance, should not be denied zoning approval based on inaction by the MDEQ.

Lane moved, and Price seconded, recommendation to the Township Board that the phrase “and/or non-seasonal permanent docks” be removed from Section 7.13(B)(6). The motion was unanimously approved.

## OLD BUSINESS

### **Dock Text Amendment**

Harvey distributed a summary document dated 06/25/2008. The document represents her review notes on Section 7.13(B). Harvey presented the contents of the document, and stated that based on the summary provided, the zoning ordinance may already contain the tools appropriate to serve the objectives of the Township related to docks.

There was discussion of the ability of owners to repair and replace existing docks, in particular of “ordinary repair and maintenance”, and the limitations of the 50%

replacement cost language of Section 9.34 (Repair, Maintenance and Restoration of Nonconforming Use or Building/Structure).

Lauderdale asked if clarification from the ZBA would be appropriate, or otherwise, whether the committee to do additional work on the topic.

Blain requested clarification on the application of the Section 9.34, and the application of the phrase “Where such damage or destruction is less than 50% “ of value.

Dean described that the section is applied to damage described earlier in that same section, based on “sudden” damage or destruction by fire, flood, wind or other calamity. The section does not allow reconstruction, replacement, or structural alteration based on deterioration. Dean summarized that the ultimate intent of the nonconforming language is the elimination of nonconformities, therefore, normal deterioration is not considered as “damage or destruction” in terms of Section 9.34. Ordinary repair and maintenance does not generally include structural components of the building or structure.

Dean also confirmed that the long-term effects of ice damage and rot do not qualify as damage or destruction. Ice damage could qualify, in the case of a dock that had been in good condition, which sustains extensive damage by ice in a particular winter season.

There was a discussion of the responsibilities and interaction of the ZBA and the Planning Commission.

Kiger asked how the 50% of replacement value section is applied.

Dean explained that this is usually based on information from the assessment records and estimates of replacement costs submitted by the applicant. The Zoning Administrator confers with the Township Assessor and Township Supervisor on the particulars of replacement cost and “fair market value”. If an applicant were denied based on these criteria, they would have recourse through an appeal to the ZBA.

Price expressed that based on the information available there may be few situations that would be affected by the changes that have been recently discussed.

Lauderdale summarized that he believes there is general consensus among the members that the present language of the ordinance does not need to be changed or modified at this time.

## **ISSUES FOR PC TO CONSIDER IN 2008**

### **Adjust Master Plan & Zoning Ordinance**

Lauderdale stated that per input from Attorney Rolfe and Harvey, there should be a continual effort to keep the ordinance and the Master Plan in agreement.

Harvey described that the recently approved ordinance updates contain changes to the zoning district titles, and that the titles now do not correlate directly with the headings in the Master Plan. These should be reconciled.

Lauderdale asked that Harvey be authorized to make those adjustments, following the final adoption of the zoning updates.

There was discussion of other items identified through the course of the ordinance update that required additional attention.

Harvey will work with Rolfe to identify these issues and report to the Planning Commission for consideration.

### **Wind as a Source of “Green Energy”**

Harvey and Dean will provide information, and Lauderdale encouraged members to seek information independently, and he will also seek input from Jon Scott, who originally approached the PC on this topic.

### **M-89 Landscaping for Commercial Zone**

Lauderdale stated that consideration of standards or requirements for landscaping of commercial developments has previously been requested by Jon Scott.

Harvey summarized that in addition to plantings, many communities incorporate standards for signage, landscaping, driveways, sidewalks, general building appearance and construction materials. The goal is to create a sense of place, as well as to improve the functionality and safety. These goals can be incorporated in the form of general commercial requirements, overlay districts or as a corridor plan. The overlay or corridor plans generally center on a corridor, intersection or other area of identification for the community or jurisdiction.

Lauderdale recognized Mr. Cox, who stated that the requirement for a “landscape plan” has been discussed in the past as an addition to the requirements for site plan review.

### **Hotel/Motel Bed & Breakfast**

Lauderdale referred to previous correspondence identifying this as an issue.

Dean stated that at present there is not agreement between definitions and the listed uses within the zoning districts related to this range of uses.

Lauderdale asked that a memo be provided for the next meeting.

### **Commissioner Topics**

- Lane stated that he would like to see a dedicated bike path developed around Gull Lake. He stated that cooperation between the Township, MDOT, and adjacent property owners would be required, and it would be a terrific asset to the area. He indicated that he would be willing to approach the Four Townships organization to seek support and participation.
- Blain suggested outdoor furnace regulations should be considered. Harvey will present draft language for consideration.

### **REPORTS**

**ZBA** – No report – meetings coming up on 07/02/2008 and 08/06/2008.

**Township Board** – Langshaw reported that there would not be a Township Board meeting in July. The Board will consider the ordinance updates at the August 12, 2008 meeting.

### **Workshops –**

Lane stated that he was unable to attend the session on the Michigan Planning Act (the Act).

It was the consensus of the members that training on the Act would be valuable. Harvey will prepare a presentation for a future meeting.

Langshaw asked about the scheduling of a joint meeting of the PC and Township Board, and stated that an annual meeting should be scheduled. Lauderdale will continue work on the scheduling.

Lauderdale advised the member of recent communication with Brenda Moore from LSL Planning, representing the Gull Lake Water Quality Association. He referred to a letter dated 12/20/2007, which requests a meeting with the Planning Commission to consider the essential nature of water quality for the area. A tentative meeting at Friona's is set for 07/14/2008. It was the consensus of the members that Lauderdale would represent the Ross Township PC in this meeting.

### **COMMISSIONER COMMENTS**

Fry suggested that a prospective bike path should tie in with other are pathway developments in the area.

Lauderdale stated that faded-gray pickup has been in the area. The drivers inquire of homeowners as to any scrap metal, equipment or appliances they might need picked up. He and Langshaw have each had contact, and the police have are aware, and have indicated that there appear to be three teams operating in the area. The inquiry regarding

scrap or other materials is a cover for casing the property, when no one is at home the drivers return to steal items from the property. Lauderdale stated that communication among citizens and to the police is necessary to stop these scams.

#### ADJOURNMENT

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

Respectfully submitted,

Bruce Dean, AGS