

**ROSS TOWNSHIP  
PLANNING COMMISSION  
MINUTES  
April 23, 2018**

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: Jesse Zamora

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

APPROVAL OF AGENDA

Chairperson Lauderdale advised that the special land use permit/site plan review application for a proposed medical marijuana facility previously scheduled for consideration at this meeting has been removed from the agenda. He explained that the application material had been determined to be incomplete and was removed from the agenda per the Township's procedural requirements.

Chairperson Lauderdale noted that the agenda presented for approval reflects the removal of the aforementioned application.

The agenda was then reviewed and approved as presented.

APPROVAL OF PRIOR MEETING MINUTES

The Commission proceeded with consideration of the **March 26, 2018** regular Planning Commission meeting minutes. Pierce moved to approve the minutes as presented. Ezbenko seconded the motion. The motion carried unanimously.

## PUBLIC COMMENT ON NON-AGENDA ITEMS

Michelle Labedis inquired regarding the agenda item ‘Master Plan revisions consistent with Committee report and recommendation’.

Chairperson Lauderdale explained the Township’s initiation of the required 5-year review of the Ross Township Master Plan. He noted that the agenda item constitutes the review committee’s recommendation to the Planning Commission regarding that update.

Chairperson Lauderdale referenced written correspondence received from the Directors of the Woods of Stonehedge HOA requesting information on the process by which medical marihuana facilities were approved for location within the Township. He distributed and referenced a chronology of events detailing the discussion and adoption of the Medical Marihuana Facilities Ordinance (Ordinance #205) by the Ross Township Board and the subsequent discussion and adoption of the amendments to the Zoning Ordinance required by Ordinance #205 by the Planning Commission and Township Board. He further reviewed the standards set forth in the Zoning Ordinance applicable to a medical marihuana facility and the required review/approval process for same.

Chairperson Lauderdale noted that concerns regarding the merit of allowing medical marihuana facilities within the Township should appropriately be directed to the Township Board. He explained that Ordinance #205 has been adopted by the Township Board and that the Planning Commission has no ability to impact that decision.

Chairperson Lauderdale also explained that questions/comments regarding the potential impacts of a medical marihuana facility would be appropriately raised at such time as a specific facility proposal is under consideration. He noted that any facility proposal will be considered in a public hearing where specific elements of a proposal will be presented and facility representatives present to provide answers to questions of operation.

Dorothy Dykema questioned if any Grower Facilities were currently operating in Ross Township. She referenced the November Township Board minutes wherein it seemed as though there was reference made to ‘existing growers’. Chairperson Lauderdale responded that no medical marihuana facilities have applied for or received approval to operate within the Township to date. He added that he was not aware that the State had even issued any licenses yet.

Michelle Labedis stated that she owns Maple Ridge Farms, which is located within 300 ft of the proposed medical marihuana grower/processor facility previously scheduled for consideration at this meeting. She expressed concerns with the water/energy usage, wastewater disposal, and soil contamination related to the proposal. She requested that studies be presented by the applicant on these issues.

Chairperson Lauderdale confirmed that at such time as an application is before the Planning Commission, information related to the environmental impacts of a proposed facility will be required/presented.

Michelle Labedis inquired how the Zoning Ordinance provisions applicable to a medical marihuana facility were established and how an amendment of those provisions could be initiated. Harvey provided an overview of the Zoning Ordinance amendment process, noting that an amendment to the Zoning Ordinance could be initiated by the Township or through receipt of an application for a text amendment.

Elizabeth Walters expressed concerns that a grower facility will use pesticides in the grow operations; will require large quantities of water; and, will contaminate soil and groundwater through storm water discharge.

Sally Labor stated that medical marihuana grower and processor facilities are commercial activities and should not be allowed within the Township's agricultural districts. She noted her concern with the potential for water depletion as a result of said facilities. She added that notification of the adoption of the medical marihuana ordinances was not received by Township property owners.

Tim Walters referenced the State's water withdrawal permit requirements.

Lee Heidmous inquired how the citizens of the Township could proceed with getting Ordinance #205 rescinded and the Zoning Ordinance amendments deleted.

Melissa Stevenson expressed her opposition to the Medical Marihuana Facilities Ordinance and to the entire process. She added her concern with the Planning Commission's inability to address her concerns.

Laura Williams referenced the Township's Mission Statement set forth in the Ross Township Master Plan and opined that Ordinance #205 is inconsistent with that mission.

Mike (?) expressed concern with the impact a medical marihuana facility will have on area property values.

Jenny Doan referenced studies from Colorado in support of the concern expressed regarding negative impacts on property values.

Kyle Barker stated that he is in full support of the Township's decision to allow certain medical marihuana facilities and noted that concerns expressed thus far can all be addressed during site specific facility reviews.

No further public comment on non-agenda items was offered. (8:00 p.m.)

## NEW BUSINESS

1. Public Hearing – SLU/SPR for Modification of Nonconforming Dwelling (Mueller/LeRoy)

The next matter to come before the Commission was consideration of the request by Chris Mueller and Chris LeRoy for special land use permit/site plan review for the proposed construction of a deck railing system replacement and structural support for a legal nonconforming attached deck. The subject property is located at 8 LaBelle Terrace and is within the R-1 District.

Chairperson Lauderdale opened the public hearing.

Gale referenced the application material for the request and provided an overview of the proposal. He noted that the proposed improvements to the attached deck constitute alterations to a lawful nonconforming building/structure and pursuant to Section 22.3, Zoning Ordinance are subject to the special land use permit process.

Chris Mueller and Chris LeRoy were present on behalf of the application. They noted that the existing house/deck are located within the required waterfront setback and that modifications of the attached deck cannot comply with the applicable setback requirement. They noted that the existing deck is in alignment with the buildings on the adjacent lots and that the proposed construction will not alter that alignment nor encroach further into the front setback.

In response to questions, the applicant confirmed that the footprint and setbacks of the deck will remain the same. It was noted that the new deck support and railing are proposed to bring the deck into compliance with the building code and improve safety.

Drane Dalm stated that she owns the neighboring property and questions the proposal. She suggested that the subject deck has been expanded within the waterfront setback in the past.

Chairperson Lauderdale referenced a letter received from John and Maria Pavletic, occupants of the neighboring property owned by Dalm. Concern was expressed regarding the enlargement of the deck and opposition to any alteration that 'obstructs the view'.

The applicant stated that the deck has never been expanded.

No further public comment was offered on the matter and the public comment portion of the public hearing was closed.

Commission members noted that an inspection of the area revealed that waterfront setbacks on lots to the north are similar to the existing waterfront setback on the subject site. However, waterfront setbacks on lots to the south are generally greater than the existing 26 ft waterfront setback on the subject site

The Commission proceeded with a review of the application pursuant to Section 22.3 – Expansion of a Nonconforming Use or Building/Structure. It was noted that the proposed structural support and railing will not increase the existing nonconformity, and will, in fact, slightly increase the waterfront setback by straightening the railing. It was reiterated that the footprint of the deck will not be modified.

In consideration of the Special Land Use Criteria set forth in Section 19.3, the Commission concluded the following: the alterations to the existing deck are compatible with the uses/structures allowed within the District; the proposed alterations will not increase the footprint of the deck nor decrease the waterfront setback of the existing deck, thereby having limited impact on the natural environment; the proposed alterations to the deck will not adversely affect public services or facilities serving the area; adequate parking will continue to be provided on the site; the proposed alterations to the deck will not be detrimental to adjacent properties or the public health, safety or general welfare of the general neighborhood given that the size and location (setback) of the deck will not be modified and the comparable waterfront setbacks on properties in the surrounding area.

It was noted that the site plan presented was acceptable (per Section 21.4) and that the proposal meets the Site Plan Review Criteria set forth in Section 21.6 B.

It was reiterated that the above findings were based on the application documents presented and the representations made by the applicant at the meeting.

Fry then moved to grant Special Land Use Permit/Site Plan Approval for the proposed alterations to the existing nonconforming attached deck on the subject site based upon the review findings of Section 22.3 – Expansion of Nonconforming Use or Building/Structure, Section 19.3 – Special Land Use Criteria, and Section 21.6 – Site Plan Review Criteria, conditioned upon the following:

1. the site plan presented is acceptable, with the information required by Section 21.4 A., B., C., E., I. and N. waived per Section 21.4 T.;

Price seconded the motion. The motion carried unanimously.

## UNFINISHED BUSINESS

1. 2017 Planning Commission Annual Report

It was noted that the draft Annual Report had been reviewed at the March meeting and suggested revisions were noted. Price then moved to accept the 2017

Planning Commission Annual Report, as revised. Pierce seconded the motion. The motion carried unanimously.

## 2. Discussion – Resort/Recreation Overlay District

Chairperson Lauderdale referenced Planning Commission discussion in March on the revised draft Resort/Recreation District dated February 26, 2018.

Harvey reiterated that she had revised the draft text pursuant to public input and review comments provided in November, as well as in response to continued research on the concept of resort/recreational zoning. She noted again the 3 key elements of the revised text are: 1) the RT/RC District as a stand-alone district rather than an overlay district; 2) the use of an ‘outdoor recreational facility’ as a fundamental element of a ‘resort’ or residential development; and, 3) clarification of resort use and expanded residential options.

General Planning Commission discussion ensued wherein questions regarding the flexibility of the approach used and the mechanism for placement of the district in targeted areas of the Township were raised.

Jon Scott was present and stated that he has reviewed the revised draft text and has met with Chairperson Lauderdale and Harvey for discussion of same. He requested Planning Commission consideration of the following questions/concerns regarding the draft text:

- the text should be clearer that identified special land uses are required to be associated with an ‘outdoor recreational use’
- the special land use process can be time consuming and cumbersome - - can this process be modified so as to allow ‘uses similar to uses already approved on a site’ as a ‘permitted use’
- can the text be modified to address quickly and easily a ‘change in direction’ on previously approved property
- Subsection G. – does ‘in association with’ mean ‘in conjunction with’
- Subsection H. – this provision should include permanent single family dwellings
- Section 14.4 should be revised so as to allow snowmobiles
- The proposed 2A lot size minimum is confusing in its application to the allowed residential components of the district

Due to the lateness of the hour, it was agreed that continued discussion on the revised draft text would be scheduled for May.

3. Master Plan Update

Due to the lateness of the hour, discussion of the Committee's recommended minor update of the Master Plan was postponed to a future agenda.

4. Watershed Protection Strategies

Chairperson Lauderdale noted that the matter continues to be 'on hold' at this time.

5. Sign Ordinance

Chairperson Lauderdale noted that the draft sign ordinance remains 'on hold'.

#### REPORT FROM TOWNSHIP BOARD

Price reported on the Township Board's recent focus regarding roads and the establishment of the Safety Committee.

#### REPORT FROM ZONING BOARD OF APPEALS

Chairperson Lauderdale reported that the Zoning Board of Appeals met in April and considered/granted variance approval from setback and lot coverage requirements for two lawful nonconforming waterfront lots.

#### MEMBERS, CONSULTANTS, ADVISORS

Snyder and Pierce complimented Chairperson Lauderdale on his conduct of the public comment element of the meeting.

Snyder opined that a Township Board meeting structured to receive public comment and answer questions on the Medical Marijuana Facilities Ordinance should be considered.

Price requested consideration of ways the Township could improve communication with residents on Township issues.

Fry reported that the Township Parks Committee has successfully completed/filed the grant application for \$40,000 for improvements to the Township Park.

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