

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

CALL TO ORDER/PLEDGE

Chairperson Lauderdale called the regular 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
Sherri Snyder

Absent: None

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

Chairperson Lauderdale announced that Planning Commission member Jesse Zamora has submitted his resignation from the Planning Commission, effective immediately.

APPROVAL OF AGENDA

The agenda was reviewed and approved as presented.

APPROVAL OF PRIOR MEETING MINUTES

The Commission proceeded with consideration of the **June 25, 2018** regular Planning Commission meeting minutes. Fry moved to approve the minutes as presented. Pierce seconded the motion. The motion carried unanimously.

NEW BUSINESS

1. Public Hearing – Reconsideration of Ross Township Zoning Ordinance Text related to Commercial Medical Marijuana Facilities (Ordinance #209)

The next matter to come before the Commission was reconsideration of Ross Township Zoning Ordinance text related to Commercial Medical Marijuana Facilities (Ordinance #209).

Chairperson Lauderdale referenced correspondence received from Township Attorney Thall wherein guidance on the matter was provided. He noted that with the recent repeal of Ordinance #205, MMFs are no longer allowed within the Township and applications are no longer being processed. The repeal of the Zoning Ordinance provisions related to MMFs must go through the zoning ordinance process, which involves a public hearing by the Planning Commission and a recommendation to the Township Board. Chairperson Lauderdale explained that the matter before the Commission at this time is the required public hearing on the repeal of those provisions.

Chairperson Lauderdale then provided an overview of the public hearing notice, noting that the following zoning ordinance text will be reconsidered:

- Section 2.2 – Definitions
- Section 4.3 – MMFs in the AG District
- Section 5.3 – MMFs in the RR District
- Section 12.3 – MMF in the I-R District
- Article 20 – SLU standards for MMFs

Snyder moved to open the public hearing. Fry seconded the motion. The motion carried unanimously.

Attorney Thall reiterated his guidance to the Planning Commission, noting that MMFs are no longer allowed within the Township and a recommendation to repeal the related provisions would be consistent with the Township Board's action to repeal Ordinance #205.

Chairperson Lauderdale referenced written correspondence received relative to the matter and indicated that it will not be read at the meeting but will be included as part of the record.

Chairperson Lauderdale stated that public comment on the matter will now be received. He advised that each member of the audience wishing to comment will be limited to 3 minutes and reminded that a name/address is requested for the record.

The following speakers expressed support for the repeal of Ordinance #209.

Michelle Labadis
Pam Sager
Bob Worgess
Tim Walters

Pete Plummer
Brad Worthem
Dave Sachowitz
Linda Moore

Speakers reiterated their position that allowing MMFs in the Township is inconsistent with the Master Plan and Section 19.3 and is not supported by some residents of the Township. It was stated by several that the topic is sensitive and divisive and should have involved more communication with Township residents.

No further public comment was offered on the matter. Pierce then moved to close the public hearing. Snyder seconded the motion. The motion carried unanimously.

Planning Commission discussion ensued wherein it was noted that repeal of the noted provisions would be in order given the recent repeal of Ordinance #205. Pierce then moved to recommend Township Board repeal of the Zoning Ordinance text regarding medical marihuana facilities as set forth in the public hearing notice dated July 23, 2018. Fry seconded the motion. The motion carried unanimously.

Snyder questioned Attorney Thall as to the impact on the Township if the upcoming ballot proposal for recreational marihuana in Michigan is passed. Attorney Thall explained that the legislation would essentially allow the same facilities as with medical marihuana and would continue to allow communities to opt out. However, it adds the ability of an electorate to reverse the decision of the elected body regarding opting in/out . . . an option that is not currently present in the MMF law.

UNFINISHED BUSINESS

1. Discussion – RT/RC Resort/Recreation District

Chairperson Lauderdale referenced Planning Commission discussion in March on the draft Resort/Recreation District. He noted that the matter had not been considered since March due to limited agenda space.

Harvey referenced the updated draft of the Resort/Recreation District dated July 23, 2018. She noted that the updated text incorporated a few changes (shown in bold) in response to feedback received since March. She provided a brief overview of the four proposed modifications to the text.

For clarification, Attorney Thall stated that the draft text is in the development stage and is still before the Planning Commission for discussion. He noted that

when the draft text is ready for public hearing, copies will be available for review and there will be opportunity for public comment.

Planning Commission discussion of the draft Resort/Recreation District ensued, with a focus on the four proposed modifications. The following was noted:

- the proposed clarifying text to the special land use 'housing/lodging' (Section 14.3 H.) is good; is there a need to add a definition of 'temporary residence'?
- the optional 'resort' provision (Section 14.3 I.) adds needed clarity and is preferred;
- the proposed addition of the use 'resort hotel' (Section 14.3 J.) is supported;
- the proposed modification to Section 14.6 F. so as to allow modification of the building separation standard is supported

Fry questioned if there would be value in reviewing other resort area zoning ordinances for direction. He expressed concern that the Resort/Recreation District be developed with adequate 'teeth' to effectively apply to a project that is large in scale.

Harvey explained that both sample ordinances and 'resort' planning principles were reviewed in the development of the draft outline in November.

In response to questions posed by Ezbenko, there was discussion regarding the differences in lodging types allowed in the proposed District and how the standards in the District would work with projects of different scales.

In consideration of Section 14.4, Ezbenko questioned if any off-road vehicle should be prohibited. He opined that such a use would be an attractive commercial use of private space that is consistent with other approved rural uses.

There was consensus that the objective of the provision to protect natural resources may not be applicable with respect to the use of snowmobiles, but that there was general comfort with the provision as written. It was agreed that the provision could be revisited if desired.

Discussion then ensued regarding the concept of a minimum district size requirement (Section 14.6 A.) Harvey clarified that the standard is designed to create an area appropriate to carry out the objectives of the district . . . not to establish a project size minimum. It was agreed that the provision should be reviewed in consideration of the following: how is this addressed in 'resort' communities; would this allow for the smallest type of resort activity envisioned to be appropriate in Ross Township; and, how would this impact current resort uses in the Township.

In review of Article 15, the proposed dimensional standards for the Resort/Recreation District were considered in comparison to the dimensional requirements applicable to existing districts.

Snyder questioned the applicability of screening standards. Harvey responded that Section 18.6 would apply. It was noted that Section 18.6 may need revision to add use options allowed within the proposed District.

Following Planning Commission review and discussion of the draft text, the following conclusions were noted:

- 1) a definition of 'temporary residence' is needed
- 2) the proposed changes to Section 14.3 (H., I. and J.) are supported
- 3) no modifications to Section 14.4 are desired at this time
- 4) additional information is needed to allow for further discussion of the minimum district size standard (Section 14.6 A.)
- 5) changes are needed to Section 18.6 to improve the application of screening/buffer requirements within the proposed District

Harvey was directed to provide the requested additional information and revise the draft District as noted for further discussion in August.

2. Master Plan Update

Chairperson Lauderdale provided an overview of the work of the Master Plan Review Committee, noting that the Committee had met in February, 2018 and had provided a report to the Planning Commission at the March meeting.

He stated that the Planning Commission had accepted the report of the Committee and agreed to discuss moving forward with the recommended minor update. To assist with that discussion, Harvey was requested to develop update/cost scenarios for Planning Commission consideration.

Harvey noted that a cost estimate for a full update of the Plan had been previously provided. She then presented a cost proposal for an update of the Master Plan consistent in scope with the recommendation of the Master Plan Review Committee.

Fry questioned if the cost of a Master Plan update is in the budget. Chairperson Lauderdale confirmed that it was recognized that an update to the Plan was under consideration and would be presented as an amendment to the budget when cost estimates were secured and a project scope/timeline determined.

Planning Commission members accepted the cost proposal presented by Harvey and agreed that the matter is now ready to be presented to the Township Board for

consideration. It was agreed that Chairperson Lauderdale would present the recommendations of the Master Plan Review Committee and the cost estimates received for a full update and a minor update to the Township Board for their direction.

Snyder suggested that if the Township Board agrees to proceed with a minor update to the Master Plan, the elements and cost of the project should be posted on the Township website to keep residents informed.

3. Watershed Protection Strategies

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

4. Sign Ordinance

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

REPORT FROM TOWNSHIP BOARD

No Township Board report was offered.

REPORT FROM ZONING BOARD OF APPEALS

Chairperson Lauderdale reported that the Zoning Board of Appeals met in July and considered two variance requests from the waterfront setback requirement. Both variances were granted without conditions.

PUBLIC COMMENT

Laura Williams expressed appreciation for the Planning Commission's recommendation to repeal Ordinance #209. She requested that the Planning Commission delay action on the Resort/Recreation District until the Township residents have the opportunity to become educated on the subject. She also requested that the Township delay moving forward with an update of the Master Plan until after the 2020 Census data has been released. Williams further requested the Township begin to host Town Hall meetings to improve communications with Township residents.

Several speakers expressed appreciation for the Planning Commission's recommendation to repeal Ordinance #209.

MEMBERS, CONSULTANTS, ADVISORS

Chairperson Lauderdale stated that the Planning Commission serves at the discretion of the Township Board and was acting according to the laws adopted by the Township in the review of the MMF proposals presented. He expressed concern and disappointment with the lack of civility afforded the Planning Commission during this process.

Snyder expressed her thanks to the Planning Commission for their dedication to the Township and professional behavior during these past months of challenges.

Fry agreed that the past few months have been tough. He stated that the Planning Commission members live in the Township and also represent the view of 'Township residents'. He added that the Planning Commission is very deliberative in carrying out their responsibilities, as those in attendance during recent accessory building approvals could attest . . . but how the process would have worked during the plan review stage was never allowed to be demonstrated. Fry thanked the Planning Commission for their endurance.

Pierce noted that it is a collaborative process involving the Township Board, Planning Commission and public that works if it is allowed to proceed.

Chairperson Lauderdale reminded that the Planning Commission is scheduled to consider needed changes to the Zoning Ordinance regarding number of principal buildings per parcel and the side/rear lot coverage requirement. Harvey was directed to prepare draft changes to the identified provisions for Planning Commission consideration in August.

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