

**ROSS TOWNSHIP  
PLANNING COMMISSION  
MINUTES  
April 27, 2020**

CALL TO ORDER/PLEDGE

Chairperson Lauderdale called the regular meeting of the Ross Township Planning Commission to order at 7:00 p.m. The Planning Commission meeting was conducted through electronic remote access due to Executive Order 2020-59.

ROLL CALL

Present: Chairperson Lauderdale  
Mike Bekes  
Mark Markillie  
Michael Moore  
Pam Sager  
Sherri Snyder  
Mike Sulka

Absent: None

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

APPROVAL OF AGENDA

The agenda was approved as presented.

APPROVAL OF PRIOR MEETING MINUTES

The Commission proceeded with consideration of the **February 24, 2020** regular Planning Commission meeting minutes. It was requested that text be added to the discussion of the Annual Report on page 2 to reflect that the Supervisor had shared that it was determined that a joint meeting of the Planning Commission/Township Board is not needed at this time. It was agreed that Chairperson Lauderdale would amend the minutes to reflect the correction and forward same to the Township as the approved minutes. Bekes moved to approve the minutes as corrected. Markillie seconded the motion. The motion carried unanimously.

Chairperson Lauderdale reminded that the March 23, 2020 Planning Commission meeting was canceled due to the COVID-19 pandemic.

## NEW BUSINESS

### 1. 2020-2021 Planning Commission Meeting Schedule

Sager requested that the regular meeting time of 7:00 p.m. be changed to 6:00 p.m. The majority of Planning Commission members noted no objection to the earlier meeting time.

Bekes moved to adopt by resolution the proposed 2020-2021 Planning Commission Meeting Schedule, noting a revised meeting time of 6:00 p.m. Markillie seconded the motion. The motion carried unanimously.

Attorney Thall indicated he would forward the adopted Resolution to the Township for the appropriate signature.

### 2. Election of Officers

Bekes moved the nomination and election of Lauderdale as Planning Commission Chairperson for the 2020-2021 fiscal year. Snyder seconded the motion. The motion carried unanimously.

Markillie moved the nomination and election of Bekes as Vice Chair for the 2020-2021 fiscal year. Snyder seconded the motion. The motion carried unanimously.

Bekes moved the nomination and election of Moore as Secretary for the 2020-2021 fiscal year. Sager seconded the motion. The motion carried unanimously.

It was noted that the Planning Commission Bylaws authorize the use of a recording secretary.

### 3. 2019-2020 Planning Commission Annual Report

Chairperson Lauderdale provided an overview of the draft Annual Report initially provided to members in March. He requested that Commission members submit educational courses attended in the last year to allow for Item #12 of the Annual Report to be completed.

In discussion of the 2020-2021 Work Plan set forth in the Report, it was clarified that Work Item 4 – *Address and Resolve Approach to Watershed Protection Strategies* was added as a ‘work item’ in 2011. Item #4 was developed in response to watershed protection objectives added in the 2011 Master Plan Update, and followed receipt of the Gull Lake Watershed Resource Protection Guidebook prepared in July, 2011 by the four Gull Lake waterfront communities, with the assistance of LSL Planning, Inc. Chairperson Lauderdale noted that the storm water management standards added to the Zoning Ordinance in 2017-2018 were driven by this work item.

Sulka noted that not much progress has been made on this work item since it was added in 2011 and opined that the proposed amendments seem dated. He suggested that it may be appropriate to remove Work Item #4 from the Work Plan and instead revisit the watershed protection objectives in the current update of the Master Plan.

He further suggested that instead of adding any more specific work items to the Work Plan, the Planning Commission plan to respond as issues are raised. Chairperson Lauderdale noted that such an approach could be ‘covered’ under Item #6 – *Address Opportunities Presented Subsequent to Establishing the Work Plan for 2020-2021*.

There was general agreement regarding the suggestions. It was noted that the remainder of the draft report is acceptable.

It was then agreed that Chairperson Lauderdale revise the Annual Report/Work Plan to reflect the discussion of the Commission and forward same to Planning Commission members for final review (and revision, if required) prior to submission to the Township Board.

## UNFINISHED BUSINESS

### 1. Master Plan Update

Harvey provided an overview of updated Sections 1 and 5. She reported that the updates to the remaining sections of the Master Plan are nearly completed. It was requested that the complete draft Plan be not only submitted electronically to Planning Commission members, but also to the Township Office so that hard copies can be made and provided to the Commission. Harvey indicated that the draft Plan should be ready for submission within a week.

## 2. Discussion – Lot Coverage Standard for Nonconforming Lots

Chairperson Lauderdale reminded that the Planning Commission conducted a review of past variance requests from the lot coverage standard at the February meeting. The review was conducted to determine if there is a need to revisit the standard, especially as it applies to nonconforming lots (which are largely waterfront lots). Following the discussion in February, the Planning Commission agreed to review lot coverage standards from other communities to further assist in determining if the current standard warrants adjustment.

Harvey provided an overview of the April 27, 2020 Memo – Maximum Lot Coverage Standards, highlighting the following:

- lot coverage standards applicable within the communities surrounding Gull Lake, as well as Yankee Springs Township and 10 communities in Barry County, were provided
- the majority of these communities define ‘lot coverage’ similarly and establish maximum lot coverage standards that range between 25%-30%
- Ross Township has the most restrictive lot coverage standard at 20%, but applies a sliding scale approach on nonconforming lots that allows an increase in the lot coverage allowed in direct proportion to the degree of its nonconformity
- through the sliding scale approach, a 50% lot coverage can be allowed in Ross Township
- approaches used in Leighton Township (no lot coverage standard for lots less than 5000 sq ft in area) and Yankee Springs Township (lot coverage increase allowed with the use of permeable products) may be of interest if additional lot coverage relaxation is desired

Commission discussion then ensued regarding the basis for the 20% lot coverage standard; the purpose of the sliding scale approach and how it is applied; and, whether more relief is needed than is currently provided through the sliding scale approach.

Gale commented that he feels the sliding scale approach has allowed many projects to proceed that would not have been allowed under the 20% standard.

Harvey noted that most nonconforming waterfront lots experience rear yard (street side) limitations. She questioned if these lots found difficulty complying with the rear yard lot coverage standard more than the overall lot coverage standard. Gale responded that there are many small lots around the lakes that lack

the necessary depth or have grade limitations that make compliance with both standards difficult.

Markillie opined that Ross Township should be careful in drastic changes in the standard that may create undesirable situations around the lakes. He suggested that there may be a different way to apply the existing sliding scale standards that would give the relief that is being requested.

The Planning Commission requested that Markillie forward his calculations to better explain his suggestion. This would allow each member the opportunity to consider the effects of its application to typical nonconforming waterfront lot sizes in the Township and then discussion of same could continue in May.

Chairperson Lauderdale expressed interest in encouraging the use of permeable products on small lots.

Attorney Thall reminded that the authority of the ZBA to consider unusual circumstances in granting relief from standards serves an important purpose . . . and may be preferred to a relaxation of the standard. He noted that the special land use approach to lot coverage relief also has merit where protection of the lake could be an objective.

### 3. RTFA/GAAMPS

Chairperson Lauderdale noted that Attorney Kaufman (from Attorney Thall's office) conducted a review of the Zoning Ordinance for consistency with the RTFA/GAAMPS, and presented same to the Planning Commission in February.

Attorney Kaufman concluded with a recommendation that an amendment be considered that essentially acknowledges that the RTFA/GAAMPS supersede any Zoning Ordinance provision applicable to commercial agriculture activities. She recommended such an amendment in lieu of amending each provision that would potentially be in conflict with the RTFA/GAAMPS.

Attorney Thall reiterated the recommendation for amendment and explained that such an amendment would also allow those specific regulations to continue to apply to non-commercial agricultural uses. He acknowledged that it would be a simple solution to the existing Zoning Ordinance conflicts.

Attorney Thall was directed to prepare the recommended draft text for consideration at the May meeting.

#### 4. Discussion – Outdoor Wood Furnaces

Chairperson Lauderdale reminded that the Township Board asked the Planning Commission to work on the development of an ‘outdoor wood furnace’ ordinance for the Township. He noted that the Board indicated a preference for such standards to be set forth in the Zoning Ordinance rather than to be established as a general ordinance.

Following lengthy discussion on the topic in February, the Commission directed Harvey to compile sample ‘outdoor wood furnace’ ordinances from other communities for review/discussion. Harvey was further directed to prepare draft ‘outdoor wood furnace’ zoning text using Alternative #4, Outdoor Burning Model Ordinance (MDEQ, MTA) as a template, for review in April.

Harvey referenced sample ordinances provided from Alamo Township, Clyde Township, Texas Township and Watson Township. She noted that many communities in the area either don’t regulate or prohibit the use of an ‘outdoor wood furnace’. For those communities that do allow an ‘outdoor wood furnace’, it is typically done through a general ordinance and the ordinance generally limits: where (district or lot size); setback from property line/adjacent dwellings; stack height; number allowed; time of use; and applicable codes/inspections.

In reference to the draft text, she highlighted the suggested standards of the MDEQ template, as well those provisions found in the sample ordinances that are recommended for consideration.

Due to the lateness of the hour, Planning Commission members agreed to review the information for continued consideration in May. Members were asked to send their review perspectives to Chairperson Lauderdale for inclusion in the May meeting material.

#### REPORT FROM TOWNSHIP BOARD

Sulka reported that the Township Board did not meet in April.

#### REPORT FROM ZONING BOARD OF APPEALS

Chairperson Lauderdale reported that the Zoning Board of Appeals did not meet in February, March or April.

#### PUBLIC COMMENT

No public comment was offered.

## MEMBERS, CONSULTANTS, ADVISORS

Attorney Thall advised that the May Planning Commission meeting will be noticed as both an in-person meeting and an electronic remote access meeting in consideration of unknown meeting restrictions that may apply during that time of May.

No further member or advisor comments were offered.

## ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 9:00 p.m.

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