

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
October 26, 2020**

CALL TO ORDER/PLEDGE

Chairperson Lauderdale called the regular meeting of the Ross Township Planning Commission to order at 6:00 p.m. The Planning Commission meeting was conducted through electronic remote access due to Executive Order.

ROLL CALL

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

Absent: None

Also Present: Bert Gale, AGS – Township Zoning Administrator
Kelly Largent, 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 **September 28, 2020** regular Planning Commission meeting minutes. Bekes moved to approve the minutes as presented. Sager seconded the motion. The motion carried unanimously.

NEW BUSINESS

1. Section 17.2 – Docks / Section 18.6 - Fences

Chairperson Lauderdale referenced the issues raised in September regarding property on Gull Lake (in the Township) involving dock length and the placement of trees along the lot line that have resulted in viewshed problems for adjacent properties.

He noted that, in response, Harvey had been directed to: 1) compile the dock standards adopted by the other three communities with frontage on Gull Lake for Planning Commission review; and 2) develop proposed modifications to the fence standards that would serve to address the problem currently under discussion. It was agreed that study of the requested information would be conducted in October.

Chairperson Lauderdale acknowledged that there are members of the public present with interest in the subject matter. It was agreed that public comment would be received at this time.

Stephanie Walbridge, 2884 Burlington Drive, stated that she owns property adjacent to the property at issue and would like to provide comment to the Planning Commission regarding the dock and fencing ordinances in the Township. She referenced her letter to the Planning Commission dated October 23, 2020.

She noted the following:

- The existing ordinance standards for docks and fences are adequate and simply need to be enforced.
- The dock length standard is important in protecting the dock rights of adjacent properties.
- The dock length standard should not be removed from the ordinance, even though area community ordinances do not include a comparable standard.
- The intent of the fencing standards includes the protection of viewsheds; the Master Plan, in fact, references the issue of viewsheds on waterfront lots.
- Even though the current fence standards do not specifically address vegetative ‘fencing’, the intent to not block viewsheds is inherent in the fencing standards and should be enforced.

Chairperson Lauderdale suggested the Planning Commission first consider the issues related to the dock standards.

Attorney Thall advised that the Township will need to decide if they are willing to enforce the dock standards. He confirmed that the Township’s dock standards apply only to temporary docks, while permanent docks are regulated by the MDNR.

Gale explained that he is unaware of when the dock in question was installed and that no permit was ever issued. He added, however, that dock installations have

historically occurred in the Township without permits or inspections. Attorney Thall reiterated that the Township's dock standards should be enforced uniformly and that permits and inspections can be required.

Moore questioned how the 'average dock length' would be determined given that docks are installed at different times and are responding to different lake bottom conditions.

Sager suggested an amendment to the dock length standard to clarify how average dock length would be determined. Chairperson Lauderdale stated that the Planning Commission debated that question many years ago and determined not to complicate the standard.

Snyder stated that the issue appears to have been generated as a result of a dispute between neighbors and there is not a request to improve or alter the standard. Sulka agreed, noting that the matter can better be addressed by AGS and the Supervisor as a matter of enforcement.

Moore then moved that no change be made to Section 17.2 and that the existing language be retained, noting the following points of consensus:

- There is support for the current dock standards set forth in Section 17.2.
- Removing any of the dock standards could negatively impact adjacent properties.
- The existing dock standards offer a reasonable approach to the management of temporary docks.

Sager seconded the motion. The motion carried unanimously.

Regarding the matter of fencing and viewsheds, Bekes inquired if the berm/trees that are at issue were recently established and if they are allowed. Gale explained that the existing definition of 'fence' in the Ordinance would not include a vegetative buffer and so it has been interpreted that the subject berm/trees are not prohibited. He confirmed that AGS has never had this question raised in Ross Township while it has provided zoning administration services.

Attorney Thall stated that typically a tree line and/or berm would not be considered to be regulated through fencing standards, unless the community had a history of applying it that way or the ZBA had rendered a formal interpretation on the matter. He advised that the Planning Commission may not want to consider any amendments on the issue until a formal interpretation on the question can be rendered by the ZBA. Doing so without that interpretation would suggest that the Township thinks the Ordinance is silent on the subject, which would then qualify the existing situation as lawfully nonconforming and negate the ability for enforcement.

Chairperson Lauderdale expressed agreement with the perspective offered by Attorney Thall. He then moved that an amendment of the fencing standards not be considered unless and until a formal interpretation on the question is rendered by the ZBA and there is an identified need for clarification. Bekes seconded the motion. The motion carried unanimously.

It was noted that AGS, as the Township Zoning Administrator, intends to proceed to the ZBA with a request for interpretation on the Zoning Ordinance standards applicable to the use of dense landscaping which has the effect of limiting sight lines/viewsheds.

It was agreed that the comments provided by Walbridge should be shared with the Township Board as foundational information to the discussion.

2. Public Hearing – Rezoning Request (Allendale Park, LLC)

The next matter to come before the Planning Commission was consideration of the request by Allendale Park, LLC to rezone an approximately 0.64-acre parcel located at 156/160 East Gull Lake Drive from the R-2 District to the C-1 District.

Chairperson Lauderdale noted that following receipt of public comment on the request in July, the Commission postponed consideration of the rezoning application to the August meeting to allow Township staff the opportunity to prepare a review of the request pursuant to applicable zoning ordinance amendment criteria.

He stated that the applicant has requested a continued postponement of the request since August as he explores other approaches to the rezoning application, including a Conditional Rezoning application. Attorney Thall advised that a postponement of the request is no longer necessary in that a revised application will require a new public hearing notice. He reviewed the public hearing noticing requirements that apply.

AGS advised that the applicant continues to work to refine the application and is currently in the process of meeting with area property owners.

UNFINISHED BUSINESS

1. Master Plan Update

Chairperson Lauderdale noted that the review/update of the Master Plan and Future Land Use Map was completed in September, and that Harvey was requested to revise the draft Master Plan pursuant to the review comments provided for final Planning Commission review in October.

Harvey reported that the bulk of the revisions have been incorporated but that she continues to work on updating the few tables lacking updated census data. She advised that she hopes to complete the updates and forward the final draft Plan to the Planning Commission within the week.

The Planning Commission reaffirmed that the final draft document should show all track changes.

REPORT FROM TOWNSHIP BOARD

Sulka reported that the Township Board adopted the recommended amendments to the Zoning Ordinance related to outdoor furnaces, as presented.

He further advised that Brook Lodge was recently sold to a non-profit organization.

REPORT FROM ZONING BOARD OF APPEALS

Chairperson Lauderdale stated that the ZBA did not meet in October, 2020.

PUBLIC COMMENT

David Scott inquired regarding the adoption process for the recently reviewed/updated Master Plan and the opportunity to provide public comment. Harvey noted that the draft updated Plan is being prepared and will next be forwarded to the Township Board for authorization to distribute and to begin the 63-day review period. She noted the Planning Commission will conduct the public hearing on the updated Plan following that review period whereat public comment will be received.

Scott also asked if the petitions on the McKay rezoning request submitted to Planning Commission members had been received. Chairperson Lauderdale acknowledged that members had received the material.

Stephanie Walbridge thanked the Planning Commission for the discussion on the dock and fencing issues, noting that she will plan to attend the ZBA meeting when they consider the fencing matter.

No further public comment was offered.

MEMBERS, CONSULTANTS, ADVISORS

Markillie stated that he recently walked the North Country Trail as it extends through Ross Township and as a result of recent study of the trail maps, discovered that the trail extends largely through federal, state and institutional lands. He noted that there is only one parcel that abuts the trail that is privately owned, and that said parcel is currently for sale. Markillie requested the Township consider the purchase of the property or an easement over the property in support of the trail.

Snyder suggested that the local chapter of the Friends of the North Country Trail may be the appropriate entity to pursue the suggestion. Attorney Thall added that the MDNR may also have grant money available for such a purchase.

Snyder requested that the Township Board consider actively promoting the Township's assets that exist along the trail. Sulka agreed to present the suggestion to the Board.

ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 7:16 p.m.

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