

**ROSE TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING  
October 1, 2009**

The following residents and guests were present:

Robert Kast  
Jim Noyes

Scott Blaska  
Brittany Bird

Roy Russell

Chairperson Proper called the regular meeting of the Rose Township Planning Commission to order at 7:30 p.m. at the Rose Township Hall, 204 Franklin Street, Holly, Michigan.

Roll Call (Present): Stanczyk, Baum, Brooks, Grice, Proper, Scheib-Snider, Lynn

Staff Present: Rob Nesbitt (Township Planner), David Plewes (Zoning Administrator), Debbie Miller (Rose Township Clerk)

**APPROVAL OF AGENDA**

**Moved by Proper, seconded by Baum, motion carried to approve the Agenda as presented.**

**Voting Yes: Proper, Stanczyk, Grice, Baum, Scheib-Snider, Lynn, Brooks**

**Voting No: None.**

**MINUTES: ADDITIONS, CORRECTIONS, AND/OR APPROVAL**

**A. Regular Meeting, September 3, 2009**

**Moved by Proper, seconded by Baum, motion carried to add, as part of the record, the letters between Dave Plewes and Mary Gabriel (11385 Stallion Lane) regarding a special land use for a kennel dated June 5, June 16 and August 20, 2009. (Letters attached)**

**Voting Yes: Proper, Stanczyk, Grice, Baum, Scheib-Snider, Lynn, Brooks**

**Voting No: None.**

**Moved by Proper, seconded by Baum, motion carried to approve the minutes of September 3, 2009 as amended.**

**Voting Yes: Scheib-Snider, Stanczyk, Baum, Brooks, Grice, Lynn, Proper**

**Voting No: None.**

**PUBLIC COMMENTS ON AGENDA ITEMS (excluding public hearing)**

None.

**COMMUNICATIONS**

None.

## **COMMITTEE REPORTS**

### **A. Rose Township Recreation Plan**

Baum states he has contacted/waiting for a reply from the Michigan Nature Association (“MNA”) as to how they wish to be involved with the Recreation Plan and is also waiting on Fenton Area Schools. *Baum states that DNR requests two (2) types of input gathered from the public (i.e., open meetings, surveys, sit down sessions, etc.).*

## **PUBLIC HEARINGS**

### **A. Section 38-582 Special Land Use: Archery at Rose Oaks Park (Oakland County Park and Recreation)**

Jon Noyes (Oakland County Parks) brings the Planning Commission the concept of an open archery hunt at Rose Oaks County Park, which will be operated in accordance with the Department of Natural Resources (“DNR”) rules/regulations.

Chairperson Proper states that Oakland County provided their information to the Planning Commission Board late today and the Board was under the impression the entire park would not be open for hunting. Mr. Noyes states that the maps provided to the Board have not changed and the whole park would be open for hunting. Mr. Noyes further states there would be a 450' foot safety zone from occupied dwellings.

Lynn states that other County Parks have restricted areas, which are not open for hunting and expresses concern over public safety.

Plewes clarifies that while the Board was considering to allow this as a special land use, it was under the impression there would be restricted areas and only saw the second map (no map while allowing it as a special land use).

Lynn states there are numerous trails running through the park and hunting areas, how do we protect the public using these trails? Mr. Noyes states that this proposal is consistent with Oakland County Parks' hunting management programs at other parks, the only difference being Rose Oaks is entirely passive recreation, thus making the entire park available. Mr. Noyes states that hunting regulations prohibit shooting from, or across, a trail or across property boundaries. Mr. Noyes further states that there have not been any negative interactions reported on state land associated with archery hunting.

Baum states that Rose Oaks Equine Adventures feels this would not infringe with their use of the park.

Proper states bow hunters intrude and there will be words.

Stanczyk states her friends ride horses in the parks during hunting season without problems.

Brooks states that hunters will not set up or hunt near trails.

Stanczyk states that most hunters will know trails are being utilized and act accordingly.

Baum states that hunting season signs will be displayed and is concerned with the Buckhorn Lake Rd. park entrance. How do we stop parking on the side of the road due to gate closure? Mr. Noyes states that this entrance remains closed due to the fact there is no access to the rest of the park through this lot, this lot only supports those ice fishing. This gate would be open during the open archery hunt and having it opened other times was causing problems.

Baum asks what would be the plan to patrol the parks? Mr. Noyes responds that Oakland County contracts with the Oakland County Sheriff's Department ("OCSD"), parks are patrolled regularly and patrols (including interior) would be adjusted during hunting season. Brittany Bird (Oakland County Parks) states that park supervisors will step up their interior inspections of the parks, check stands, etc.

Baum asks what would be the frequency of park personnel and county police patrol? Mr. Noyes states he would have to find out and get back with the Board.

Baum states that he contacted the OCSD and they said they did not have a plan in place regarding the patrol schedules for Rose Oaks, same person as Highland Oaks. Mr. Noyes responds that Sgt. Sexton, OCSD could respond to this and he would coordinate.

Grice asks if there is an afternoon/evening park staff. Mr. Noyes responds yes, gates are locked and someone always on call.

Baum asks if the entire perimeter of the park is fenced? Mr. Noyes responds yes, except for some wetland areas, working on completion of wetland fencing with Department of Environmental Quality to get the necessary permits.

Baum asks as to the time frame for signage and opening park for hunting? Mr. Noyes responds that the signage would be done this winter and opening for hunting in 2010 season.

Lynn asks if deer numbers drop would the park close for hunting? Mr. Noyes responds that it would open for hunting regardless. Brittany Bird states that annual aerial surveys are performed and long terms trends compared with current year and vegetative composition, closing would never be ruled out.

Chairperson Proper expresses concern over the whole park being hunted. Mr. Noyes states that should a different approach be taken at this point with practices already in place, appropriate rationale would need to be provided for doing so.

Nesbitt states there are two (2) issues: (1) interaction between hunters and non-hunters, and (2) safety zones (lack of safety zones around the perimeter of the park). Appropriate to have buffers around residences, there will be private property abutting areas open for hunting where there will not be an appropriate buffer adjacent to it. If hunting occurs right up to boundaries in areas where there are no safety zones identified there could be a conflict between hunters and private property owners. Overall, we understand the intent of hunting and management of numbers but from a planning standpoint want to make sure public health and safety is in the forefront. Why are some

boundaries not identified? Brittany Bird responds they are using MDNR guidelines, which require that 450' within an occupied dwelling be designated as a safety zone. Ms. Bird further responds that MDNR regulations do not state anything about buffers around perimeter(s) of property (ies).

Nesbitt states that the north area (where no safety zones are identified) would allow hunting up to the boundary. Mr. Noyes responds yes, but a hunter would not be allowed to shoot over the boundary. Mr. Noyes further responds there is no shooting over a boundary into the park and if a hunter shoots a deer on park property which travels onto private property, he would need permission from property owner to recover. Nesbitt states a buffer would be necessary to allow hunter to recover deer without trespassing on private property.

Chairperson Proper opens meeting to the public at 8:03 p.m.

Scott Blaska, Resident (6918 Fish Lake Rd.) states that even with buffer zones up to the private property a hunter would still need permission from a property owner to retrieve their game. If property owner tells hunter no, there is nothing a hunter can do about it. How would we regulate how much this park would be used for hunting, 100 hunters at once? Mr. Noyes responds that in the past hunters self-regulate, not wanting competition. Mr. Noyes states that the daily pass fees are used to offset maintenance of the county parks. Baum asks if there are any economic benefits to Rose Township (i.e., stores, etc.). Resident states that selling licenses would bring in customers to local businesses.

Roy Russell, Resident (10955 and 9640 Buckhorn Lake Rd.) states that his ten (10) acre parcel backs up to Rose Oaks property and asks if hunters in the park could not hunt within the buffers? Resident asks if he could hunt the 450' buffer near his property? Mr. Noyes responds that public land cannot be hunted within 450' of a residence, hunter's safety zones do not restrict anyone's use of their private land, however, property owners must still adhere to the 450' around an occupied dwelling rule/law.

Chairperson Proper closes public hearing at 8:11 p.m.

Plewes asks Mr. Noyes how signs will be installed in the park, small areas, concern over no safety zones from driveway into the parking area. Brittany Bird states the process consists of GPS located sign positions, driving stakes/signs made of corrugated plastic at 150' intervals. Plewes expresses concern over sign angles. Ms. Bird states this will be looked into but believes they are laid out as straight lines/angles, if it is a radius it will be made into a square.

~~Chairperson Proper closes public hearing at 8:15 p.m. (Never opened)~~

**Moved by Baum, seconded by Grice, motion carried to table this item until next meeting.**

Plewes asks if there are specific comments/questions Oakland County can come back with. Can DNR look into safety areas? Noyes responds yes.

**Voting Yes: Proper, Stanczyk, Grice, Baum, Scheib-Snyder, Lynn, Brooks**

**Voting No: None**

Chairperson recommends that an Oakland County Representative(s) be present at the next meeting.

Mr. Noyes states that Oakland County has been fielding calls wherein callers are informed Rose Oaks will not be open for hunting this year and the park is posted "No Hunting." Mr. Noyes also states that park patrols are increased at this time of year.

**B. Section 38-112 Site Plan and Sketch Plan: Zoning Ordinance Amendment, Sketch Plan requirements.**

Nesbitt refers the Board to the red-lined version of the Site Plan Review, current change(s) pp. 16-7 and 16-8, Sec. 38-113 Submittal Requirements - "The zoning administrator shall advise the planning commission on the reasons for not requiring certain data to be provided."

Brooks states he is opposed to making it subjective based on the zoning administrator, if required in site plan should have an "x" in site plan, if required in the sketch plan it should have an "x", required and completed. It is the only way the Board knows the application was complete and if it is subjective and subject to change, we have not corrected the current problem.

Nesbitt states the intent is not to have the zoning administrator make a decision as to whether a site/sketch plan is required, it is meant to have the zoning administrator decide (based on level of development) whether the site/sketch plan is required.

Brooks states that this section states it is based on the zoning administrator's discretion, should follow X's and O's plan so the Board knows the application is complete. Brooks objects to red-lined language on p. 16-7, Sec. 38-113 Submittal Requirements: "At the discretion and direction of the zoning administrator, certain data may not be required for any building, structure, or use that is determined by the zoning administrator..."

Nesbitt states that we tried to ensure that if certain data is not required a report needs to come to the Board. Understands past concerns, but will update applications, with checklists. When zoning administrator receives an application, applicant is required to provide written explanation as to why omitting requirements. Once the Board receives the rationale for why certain information is omitted the Board can express dissatisfaction if necessary.

Brooks states this is why language should be removed, determinations are made by the Planning Commission Board, not the zoning administrator. Nesbitt states that this could delay application.

Brooks states that if Dave Plewes was always going to be the zoning administrator, this would not be a problem, concern is over future zoning administrators.

Plewes states that he is unaware of any municipality wherein the planning commission looks at the checklist and determines what is applicable or not. If the zoning administrator determines one way, the board can determine otherwise.

Nesbitt states that at the end of the day nothing should come to the Planning Commission unless it has been deemed completed by the staff.

Brooks states that this is the confusion, what is complete or not?

Nesbitt states at some point, whoever is running the front counter is faced with determination of whether or not applications are completed. The problem in the past is there has never been something user friendly or matching the ordinance in place to say it is applicant's responsibility to check off or provide explanation and after application has gone through the applicant and zoning administrator the Board can send it back with their requirements. Otherwise, zoning administrator has his/her hands tied as to whether or not they can send application to the Board. Nesbitt further states that the language on p. 16-7, Sec. 38-113, gives applicant guidance of minor changes required. At the end of the day we are trying to make it user friendly while still protecting interest of the public and the Planning Commission.

Brooks states that there will always be the question as to who approves the exceptions, zoning administrator or Planning Commission, Planning Commission has the final say. Experience has shown on previous applications the Board was not following the list requirements.

Nesbitt states that this will be a leap forward with application forms clearly matching the Ordinance and the Board will clearly see what is there and what is not. Consistency between regulations and applications.

Plewes states that if the Board needed further information to make their decision, they can request it from the applicant.

Nesbitt refers the Board to p. 16-2, Table 38-111. Prefers responsibility to lie with applicant.

Baum would like to clarify Mr. Brooks' concerns over language (p. 16-8, red-lined) "The zoning administrator shall advise the planning commissions on the reasons for not requiring certain data to be provided." Brooks responds yes.

Nesbitt states his advice to the Board is to delete red-lined language on p. 16-8, Sec. 38-113: "The zoning administrator shall advise the planning commission on the reasons for not requiring certain data to be provided." Delete that sentence and in its place add that where any of the following data is not provided the applicant must provide justification for not providing same, then in sync with application and clearly indicates responsibility.

Brooks states (Sec. 38-113 Submittal Requirements) we are considering removing the red-lined portion and in its place adding the applicant is responsible for data not provided.

Nesbitt suggests deleting red-lined language on p. 16-7. Sec. 38-113 and adding language stating where any of the following data is not provided, the applicant must provide justification for not providing same.

Brooks asks Plewes if he knows of things that are consistently not applicable in site/sketch plan requirements? Plewes responds that you are basically taking me (the

zoning administrator) out of the picture, leaving the zoning administrator with no discretion and essentially becoming a paper pusher. Nesbitt states that the zoning administrator would still have responsibilities under this Ordinance in addition to zoning department issues. Zoning administrator would still be providing commentary to the Board. Plewes states that in other communities the zoning administrator has some discretion/authority when it comes to presenting things to the Planning Commission. Baum states that the zoning administrator is still the contact between the applicant and the Township in providing them with advice as how to navigate the process and presenting it to the Planning Commission for approval. Plewes states that someone in administration must be allowed to make decisions, if not process will take too long.

Lynn suggests simply taking out just the last sentence in Sec. 38-113, p. 16-8. Nesbitt agrees.

Stanczyk states the applicant is providing the rationale with the zoning administrator counseling them and once before the Board we can ask for more information if necessary.

Baum suggests deleting the red-lined language in its entirety on pp. 16-7 and 16-8, Sec. 38-113.

Chairperson Proper states the last sentence on p. 16-8, Sec. 38-113 should be deleted.

Baum states that the last sentence on p. 16-8, Sec. 38-113 should read: **“The applicant shall advise the planning commission on the reasons for not requiring certain data to be provided.”**

Nesbitt states the following changes will be made: (1) delete duplicate language in Sec. 38-113, p. 16-7: **“~~The zoning administrator may also determine that certain data is not applicable to the proposed building structure or use.~~”**; and (2) red-lined sentence in Sec. 38-113, p. 16-8) should read **“The applicant shall advise the planning commission on the reasons for not requiring certain data to be provided.”**

Plewes asks if we can code the requirements. Nesbitt responds yes, especially important on application forms, number sub-sections. This way when applicant provides description, Board can quickly go to where applicant provided description by number. In both ordinance and application language, sub-sections numbered so they match up.

Chairperson Proper closes public hearing at 9:03 p.m.

**Moved by Baum, seconded by Brooks, motion carried to table this item until Board has had a chance to see corrected language and new forms.**

Chairperson Proper states there will be a meeting on new applications on Tuesday, October 6, 2009.

**Voting Yes: Proper, Stanczyk, Grice, Baum, Scheib-Snyder, Lynn, Brooks**  
**Voting No: None.**

## **NEW BUSINESS**

None.

## **OLD BUSINESS**

- A. Review Site Plan review criteria

Addressed above.

B.

- C. Chairman's Odds & Ends

Chairperson Proper states that a meeting regarding new site/sketch plan application will be held Tuesday, October 6, 2009 at 2:00 p.m.

## **TABLED ITEMS**

None.

## **DISCUSSION ITEMS**

None

## **ANNOUNCEMENTS**

- A. Rose Township Board report – Dianne Scheib-Snyder states the Township Board met and resumed the Neighborhood Stabilization Program (“NSP”). The Board purchased a home, will remodel purchased home, and demolish modular home in Holly Shores. The demolished property will be divided between two qualified (2) homeowners. The Board will continue upon receiving reimbursements.

Chairperson Proper states that as a citizen he does not believe the Township belongs in the real estate business and are over-stepping their bounds. Chairperson Proper states that the citizens did not have the right to vote and say take my money and do this.

Scheib-Snyder states that Clerk Miller and she are going to Lansing on Tuesday, October 6, 2009 (Michigan Township Association).

- B. Comments by Rob Nesbitt– Township Planner: states that special land use applications are being revised.

- C. Next Regular Planning Commission Meeting, November 5, 2009, 7:30 pm., Rose Township Hall, 204 Franklin Street, Holly, Michigan

- D. Next Regular NOCFA Board of Directors Meeting, October 19, 2009, 7:00 pm., Rose Township

- E. Next Regular Township Board Meeting, October 14, 2009, 7:30 p.m., Holly Township, 204 Franklin Street, Holly, Michigan

- F. Rose Township Recycling, October 3, 2009, Rose Township Hall, 204 Franklin Street, Holly, Michigan, 9:00 a.m. until 12:00 p.m.

- G. Zoning Board of Appeals meeting, October 6, 2009, 7:30 p.m., Rose Township Hall, 204 Franklin Street, Holly, Michigan.

**OPEN THE MEETING TO THE PUBLIC**

None.

**ADJOURNMENT**

**Moved by Scheib-Snider seconded by Baum, motion carried to adjourn the meeting at 9:08 p.m.**

**Voting Yes: Scheib-Snider, Stanczyk, Grice, Baum, Lynn, Proper, Brooks  
Voting No: None.**

Approved/Corrected

—  
Debbie Miller  
Rose Township Clerk  
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