

**ROSS TOWNSHIP
PLANNING COMMISSION MEETING & PUBLIC HEARING
MARCH 23, 2005**

1. The meeting was called to order at 7:00 pm by Chairman Allen Harmon with the Pledge of Allegiance.

2. ROLL CALL OF MEMBERS:

Present:	Allen Harmon	Bob Cox
	Jim Lauderdale	Ray Wolfram
	Anne Couture	

Absent:	Owen Murray	Garry Lane
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Also present were Rebecca Harvey, PC Planning Consultant, and Gary Webster, Associated Government Services.

3. AGENDA

Motion to approve the agenda as presented was made by Commissioner Cox, seconded by Commissioner Couture. Motion passed unanimously.

4. PUBLIC COMMENTS – NON-AGENDA ITEMS: None

5. MINUTES OF JANUARY 26, 2005:

Motion by Commissioner Lauderdale, seconded by Commissioner Cox to approve the minutes of January 26, 2005 as presented. Motion passed unanimously.

6. PRESENTATION ON PROPOSED CRANE'S POND/LAKE RESIDENTIAL DEVELOPMENT:

Jon Scott, developer of Stonehedge Development, gave the PC members a proposed conceptual drawing of their new proposed development on the formerly Sid Durham property. Mr. Scott said this proposed development was not going to be an open space development. He said they could do a better job of conservation on their own instead of going with a traditional open space development. Mr. Scott said his priorities were 1.) to achieve a certain level of profitability as a business and 2.) to protect as much of the ecological and biological aspects as possible. To achieve these goals they will have to come up with some unique and innovative ways of doing the development. They want to try to provide as much density as they can by reducing the footprints for the units as much as they possibly can. He said this development was to be designed as duplexes.

Mr. Scott said he is here tonight to show the PC what their goals are and try to make a connection with the PC for any input, questions or comments they may have for the proposed development. He will come back before the PC when he has the plans ready.

7. PUBLIC HEARING: SPECIAL EXCEPTION USE FOR BATTLE CREEK HUNT CLUB:

Mr. Robert Carr, BC Hunt Club, was present to ask for the Special Exception Use permit. He said kennel housing for their fox hounds has been on the property for 40 years and that they just want to improve the situation for their hounds. They want to replace the old wooden kennels with a slightly smaller kennel made of concrete block which would be easier to keep clean and would lessen the smell of the dogs.

Mr. Nick Dudiak, 8137 Fernwood Dr., asked if the new kennels would be enclosed at night. Mr. Carr said the dogs would have an outside run and they will be allowed to go in and out at will. Mr. Carr also said they will continue to have the same number of dogs that they currently have now.

Mr. Joe Sikkema, 14792 Trillium Dr., read a letter from Kathleen Corbett, DVM, and Gary Bowman, DO, who were not able to attend tonight's meeting. They are opposed to an open kennel but would favor an enclosed kennel, due to the barking of the dogs.

Mr. Sikkema said the dogs bark a lot, for hours at a time. He said the noise is obnoxious and worse in the summer when the windows are open.

Commissioner Harmon asked if it was possible to have an enclosed kennel for the hounds. Mr. Carr said this type of hound tends to fight when enclosed together.

Gary Webster said that all the requirements are met by the applicant and they did have a variance granted for the kennel to be closer to the property line than 500 feet.

Commissioner Couture asked about waste disposal for the hounds. Mr. Carr said the waste would be collected daily, along with the waste from the horses, and spread on the field across the street. Mr. Carr said he checked with the DEQ about piping the waste into a septic system and was told that as long as the total waste was less than 55 gallons per day they recommended not piping it into a septic system. There are no Health Dept. permits required for this project.

Mr. Pat Boyle, 14640 Trillium Dr., asked if there was light in the kennel. Mr. Carr said there would be light and heat for the dogs.

Commissioner Cox asked about the set back from the lake, if they met the setback requirements. Commissioner Harmon said they had been granted a variance from the setback from the property line. Mr. Webster said that when a kennel is not enclosed it must be located 500 ft. from the boundary lines of the residential zoning district, and 500 ft. from lot lines from property upon which a dwelling is situated. Mr. Carr said their property line runs to the middle of the lake.

Commissioner Couture asked if there could be a vegetative buffer zone to help minimize the noise.

Mr. Carr said they currently have about 300 ft. of grassy hillside and about 50 feet of small trees and brush along the lake. He said they would be willing to add more trees for noise control.

8. PUBLIC HEARING: REZONING REQUEST FOR 106 E. GULL LAKE DR.

Jeff Swarenton, attorney for Don and Annette Huskin, explained the Huskin's request to rezone 106 East Gull Lake Dr. from R-2 Residential to C-4 Bay Commercial. He said the property next door, the Lady Gull Diva, is also owned by the Huskins. The purpose of the rezoning is to allow Annette to prepare food for the Lady Gull Diva next door. He said the property is next to commercially zoned property, and was itself zoned commercial in the past and has a history of commercial use. He said the only visual change that will be seen will be that the dock at the marina will be moved about 10 feet to the north to allow people to be connected to the house. There will be no other changes to the outside of the house. Since the food preparation will be used for the boat, there will be no increase to traffic. The Huskins asked the neighbors to the north, the Quicks, if they would support this rezoning and they said they do support it. The applicants are hoping that this is good business for the lake and good for all concerned.

Commissioner Lauderdale asked if they would have a commercial kitchen. Annette said they can't do anything about the Health Department's requirements until they are rezoned commercial by the township. Annette said they will only need a commercial sink and stove.

The Huskins said there is currently a tenant in the upstairs apartment who will be moving out April 17th, and that there will no longer be a residential use to this property. The Huskins said that if they do rent out the upper floor it will be rented as office space or something commercial.

Gary Webster said that once the current tenants move out for a year or more the property can never again be used as residential use.

Commissioner Wolfram asked if the property would be handicap accessible. Annette said that there is a handicap accessible ramp and they do have to put up a railing.

Kevin Miller, 194 East Gull Lake Dr., said he is about 6 residents up from the property in question and that he has no objections to the rezoning request. He thinks it would benefit the Commercial Bay area.

9. PUBLIC HEARING: BAY ARBOR OF GULL LAKE

Larry Harris, Paul Warnick and Kim Gildea were present to discuss the new open space development. Mr. Harris said their conceptual plan was approved by the PC. The development includes 6 townhouses and 4 single family homes, with 50% open space. At the time of conceptual approval the PC wanted an easement to the north property line. This addition is shown on the new drawings. In order to meet this requirement they had to move lot #7 a little to the north, providing more green area. To meet KCRC requirements they also had to move the entrance to the development a little to the south. There will be sanitary sewer to the site and private wells to serve the homes.

Kevin Miller asked why the developers had to have approval for special exception. Commissioner Harmon said that it was an open space development which requires special exception approval.

Parry Miller, 7980 N. 39th St., across the street from the development asked where the sewer was would be coming from to the property. Mr. Harris said it would be coming down East Gull Lake Dr. Mr. Warnick said that natural gas would also be coming down East Gull Lake Dr.,

Commissioner Couture asked if they were subject to a soil erosion sedimentation permit. Mr. Harris said that they were and that this has been filed. Mr. Gildea said they are required to have stone in place and will have this done as soon as possible.

Commissioner Wolfram asked about the retention basin design. Mr. Warnick said that the range for the basin was a 100 year rain and at that amount the water level could be as high as 5 or 6 feet. In reality, there shouldn't be standing water in the retention basin. This has been approved by the Public Health Dept. and township engineers. He also said the easement was removed from the 50% open space requirement.

Commissioner Couture talked about the PC's desire to encourage low impact storm water design. She said it would be great to see a little bit more of that incorporated in this development.

10. PUBLIC HEARING: REZONING C-3 TO C-2 COMMERCIAL.

Commissioner Harmon said that to their knowledge this involves only the property owned by Ron Hutchinson near the corner of 40th St., near M-89 and D Avenue. He also said the PC determined that the C-3 zone, commercial shopping center district, was no longer an appropriate classification for the township, and moved to have the C-3 zoning district removed from the ordinance and the property involved would be changed to C-2 General Commercial District.

Kevin Miller asked if the C-2 district was more or less restrictive. Commissioner Harmon said that C-2 was less restrictive, more uses were allowed in it. This was the only property zoned C-3 in the whole township, and it was zoned C-2 in the past.

Annette Huskin asked if this was being rezoned for a particular use. Commissioner Harmon said there is no plan to use this property at this time, it is just vacant land and that Mr. Hutchinson was pleased with the rezoning.

David Hyslop, 7983 N. 40th St., said that there is a lot of school bus traffic and traffic going to and from the church on this road. He asked what type of business would be permitted there. Commissioner Harmon read the permitted uses from the Zoning Ordinance. Commissioner Cox said this issue came up because the PC was trying to simplify the zoning in the township, and to align it with the Master Plan.

11. PUBLIC HEARING: TEXT AMENDMENT

Commissioner Harmon reviewed the changes in 9.2, 9.94 and 9.95. Sections 9.92 and 9.94 references the requirement for professionally sealed drawings for site plans. This is being done to help raise the quality of some of the site plans that are coming before the PC. Some of these have been hand drawn diagrams which can be hard to read. The change in 9.95 has to do with the number of copies required for site plan review. With the submittal of the sealed drawings, they are requesting 12 copies to be given to the township. The PC is inserting the words, “3 original size copies and 9 11”x17” copies” to be inserted after the words “twelve (12) copies....”. The PC also choose the alternate proposed language for the lead-in paragraph of Section 9.95.

A motion was made by Commissioner Cox, seconded by Commissioner Lauderdale to close the Public Hearing portion of the meeting. Motion passed unanimously.

12. SITE PLAN REVIEW FOR THE BC HUNT CLUB:

Gary Webster stated that all the special exception requirements are met. The most serious problem with this project is the issue of noise and its abatement can be addressed by the PC with the applicant planting evergreen trees to the east at the top of the rise. He also said that all of the site plan requirements have been met.

The PC moved to Section 9.83 – Criteria for Decision for Special Exception approval in the Zoning Ordinance. All criteria have been met for the special exception permit with the planting of evergreen trees to the east.

Commissioner Cox would like to see the PC address lake setback for kennels at a later date.

The PC then moved to Section 9.96, Criteria for Site Plan approval. With the appropriate screening to be provided all requirements for approval have been met.

A motion was made by Commissioner Lauderdale, seconded by Commissioner Harmon, to approve the Special Exception Use permit and site plan review for the BC Hunt Club with

the condition that a landscape architect provide direction for adequate screening to minimize the noise impact on neighboring properties. Motion passed unanimously.

13. ACTION ON TEXT AMENDMENT:

Motion was made by Commissioner Harmon, seconded by Commissioner Lauderdale to approve the text amendment to sections 9.92, 9.94 and 9.95 with the adding of “3 original size and 9 11”x17” copies” to be inserted in the current text for 9.95 after the words “twelve (12) copies...”. The PC also approves of the use of the alternate language for the lead-in paragraph of Section 9.95. Motion passed unanimously.

14. ACTION OF REZONING 106 E. GULL LAKE DR.—HUSKIN PROPERTY:

Motion was made by Commissioner Harmon, seconded by Commissioner Lauderdale to approve the rezoning of C-3 Commercial to C-2 Commercial zoning. The recommendation for approval is not based on the proposed use, but is supported by the recently adopted Master Plan and is adjacent to commercial zoning in the area and the PC finds this compatible with the plans, existing zoning and existing land use plan. Motion passed unanimously.

15. ACTION ON BAY ARBOR OF GULL LAKE:

Gary Webster said they have three comments for the Bay Arbor special exception use. The Master Deed and condo by-laws need to be reviewed by the township attorney for approval, the ownership of the property needed to be provided and the applicant did provide a registered warranty deed. The interior streets are proposed as private and need to be approved by the township. The ordinance states that public water and sewer be provided where reasonably available. Public sewer is to be provided but the applicant is proposing a private water system, wells, to provide water to the development. Mr. Webster also said that all site plan issues have been addressed. The applicant does have two special exception uses, one for the duplex issue and one for the development itself.

Ms. Harvey said the development was granted the use of the private road at the time of the conceptual approval.

Commissioner Harmon asked Mr. Harris if the private roads, with the exception of width, deviated from the KCRC specifications. Mr. Harris said that all specification are in compliance with KCRC.

The PC went to Section 9.83 – Criteria for Decision for the Special Exception Use. Commissioner Harmon said that the easement being set aside for the potential of future development would require the developer to let the neighboring developer the right to connect to the current private road. Mr. Harris said they would agree to this.

The total number of families will be 16. There will be negligible impact on traffic. The development is in the R-1 zoning district and duplexes are allowed as a special exception in the R-1 zoning. The duplexes do not increase the density of the development. All other special exception requirements have been met.

The PC went to Section 9.96 – Site Plan approval in the zoning ordinance. Gary Webster said that all submittal items have been met. All approval requirements have been met.

A motion was made by Commissioner Lauderdale, seconded by Commissioner Couture to approve the Special Exception uses and site plan for Bay Arbor of Gull Lake since it is in

compliance with the density requirements and the entirety of the project contingent upon the township attorney's review and acceptance of the Master Deed and condo by-laws. They also accept that public water is not readily available and therefore not required. The PC accepts the classification of private roads and that the out lot designated area be allowed for connectivity if required in the future. Motion passed unanimously.

Commissioner Lauderdale thanked the applicant for working with the township planner and presenting an excellent plan to the PC.

16. ACTION OF HUSKIN REZONING REQUEST:

Motion was made by Commissioner Cox, seconded by Commissioner Wolfram to approve the rezoning request for 106 E. Gull Lake Drive to C-4 Bay Commercial zoning district. The recommendation for approval is not based on the proposed use, but is supported by the recently adopted Master Plan, is adjacent to commercial zoning in the area and the PC finds this compatible with the plans, existing zoning and existing land use plan. The recommendation for approval will be forwarded to the township board. Motion passed unanimously.

17. REPORTS:

ZBA: Commissioner Harmon said he was unable to attend the last ZBA meeting.

TOWNSHIP BOARD: The minutes were included in the PC packets.

4-TWRC: Commissioner Couture reminded the commissioners about the low-impact development workshop at the Kellogg Biological Station. She said this would be a very good workshop to attend.

She said the environmental site plan review guide will have a checklist in the back and should be finalized very soon. There will also be a guide to stormwater management.

Commissioner Couture said a natural features inventory has been completed for all four townships. They identified several conservation areas in the townships and have done a little flyer for each of these conservation areas. The township will have a master copy of this inventory.

WORKSHOPS: None

18. COMMISSION COMMENTS:

Commissioner Couture welcomed Commissioner Wolfram to the PC. Commissioner Wolfram gave a brief description of his family and work at WMU.

Commissioner Harmon said that even though there was no quorum for the meeting in February, the members agreed to work as a committee. There should be some good things coming from this discussion and will be discussed at the April PC meeting. Ms. Harvey will send the commissioners her review on density and sliding scale before the next PC meeting.

Commissioner Harmon said that the Township Board minutes show that the Board did approve the request by Attorney Rolfe to update the Right to Farm Act in the zoning ordinance and to also amend the subdivision control ordinance. The Right to Farm Act will come before the PC when it is completed.

19. ADJOURNMENT:
Motion to adjourn was made by Commissioner Cox, seconded by Commissioner Couture to adjourn the meeting at 9:07 PM. Motion passed unanimously.

Respectfully submitted,
Jackie Whitney
Recording Secretary