

**ROSS TOWNSHIP  
PLANNING COMMISSION MEETING  
AUGUST 24, 2005**

1. The meeting was called to order at 7:05 PM by Chairman Allen Harmon with the Pledge of Allegiance.

2. ROLL CALL OF MEMBERS:

PRESENT:	Allen Harmon	Anne Couture	Owen Murray
	Garry Lane	Jim Lauderdale	
ABSENT:	Bob Cox	Ray Wolfram	

Also present were Rebecca Harvey, PC Planning Consultant, Craig Rolfe, Township Attorney and Gary Webster, Associated Government Services.

3. AGENDA:

**Motion was made by Commissioner Murray, seconded by Commissioner Lane to accept the agenda as amended. Motion passed unanimously.**

Item #8: Omit everything except "Open Space Draft" .

4. MINUTES JULY 27, 2005:

**Motion was made by Commissioner Murray, seconded by Commissioner Lane to accept the minutes of July 27, 2005 as amended. Motion passed unanimously.**

Page 1, second to last line: change "affect" to "effect"; change "statue" to "statute".

Page 2: first line: remove "the capital provisions"; third line: change "citing" to "siting"; second paragraph, second and third lines: change "50 animals..." to "50 animal units" .

5. PUBLIC COMMENTS – NON-AGENDA ITEMS: None

6. OLD BUSINESS: CRANE'S POND CONCEPTUAL REVIEW:

Charlie and Jon Scott, Tim Woodhams, and Attorney Enderle were in attendance to present Crane's Pond Development on the former Durham property between 37<sup>th</sup> and 38<sup>th</sup> Streets.

Tim Woodhams said he received a review memo from AGS dated August 17, 2005 with some items that needed to be addresses. He said he addressed all these items and resubmitted drawings and a lengthy letter addressing each individual item per AGS's memo.

Gary Webster went over the resubmittal with the PC. The number of lots has been revised to replace storm retention areas. They are left with four sediment basins.

Item C on the review has been included, this is satisfied.

Item D on the soil information is satisfied.

Item K, the overall storm water drainage system is shown on the parallel plat, and the storm drainage basins are also shown, with a worksheet of computations included. It is listed for the PC to determine if this item is satisfied. This is item #1 that may need discussion.

Item N, parcel locations of each principal structure in the development are included on the drawing, as are setbacks and unit boundaries. Mr. Woodhams wasn't sure how relevant the architectural building elevations were to the PC. This is item #2 to be discussed tonight.

Item O is addressed, 104 lots on the parallel plan, 52 duplex units, and all the road widths and lots areas have been satisfied, so this condition is met.

Item Q, vehicular traffic analysis has been provided and is quite adequate.

*Under the Conceptual Plan:*

Item B, legal descriptions of the property. The developers are asking that this be postponed until such time as other matters are satisfied. This is the third item the PC must discuss.

Item E, a general statement as to how the common open space and park recreation area are to be maintained, this condition has been met.

Item 2, the contours are shown and have been met.

Item 3 has been met.

Items 5- 9 have been met.

Item 11.(c) postponement of legal descriptions, need to be discussed by the PC.

Item 11.(e) sealed drawings have been provided.

Item 12, the owners of adjacent properties are shown. Applicant says all adjacent properties are developed, so this condition is met.

Item D.1.(d), applicant indicates no such primary roads are abutted, so this condition is satisfied.

Item D.1.(l) regarding the permanent dead-end street, beginning at lot #93 and terminating at lot #88, which is proposed at about 1,400 ft., exceeding the maximum 660ft. permitted. Applicant has given a detailed description of why this is necessary. The ordinance allows for a variance to be granted provided that the hardships are shown. This needs to be discussed by the PC to see if the hardships presented are an adequate response to justify the variance

Item 3.(c), regarding land in the floodplain, in every case the applicant has demonstrated there is adequate buildable areas on the lots to stay within the building envelope, to construct the required size necessary. This item is no longer an issue.

Mr. Webster said that all the interior streets were blocks limited to 1000 ft., so this condition is met.

Mr. Woodhams said that building elevations were turned in to the township office. They were shown to the PC by the applicant. He also said the boundary descriptions were faxed over to AGS August 23, but weren't presented to the PC yet. Mr. Woodhams also said the description of the meandering line has been written and will ultimately be under the documentation section. This is necessary to clean up the land transfers and divisions that might be necessary. He said the applicant only wants to do this once. Commissioner Harmon said the Commissioners are comfortable with this.

Mr. Woodhams said he provided Stormwater discharge, sedimentation control, based on the Kalamazoo County Drain Commission recommendations. He provided calculations to show that the stormwater sedimentation basins fit within each of the prescribed areas of watersheds that would lead to Crane's Pond. Mr. Woodhams said he does address stormwater on the open space plan, and that they will meet the retention criteria based on the County's 25 year standards for retention. The retention areas are better than a direct discharge system. Commissioner Couture said she was comfortable with this issue on the parallel plan. Mr. Woodhams said regarding the cul-de-sac length on the north property line, Item D.1.(l), the subdivision ordinance speaks to this issue. He quoted the ordinance on this topic. He explained the conditions that exist on all three sides of the property, which show to him that a cul-de-sac is the only

way to develop that land and that the PC is compelled more or less to approve this design the way it is.

Commissioner Harmon asked about the block length of the cul-de-sac and if the golf course/club is considered to be developed. He also asked if there was any possibility that the golf course would cease to exist and the land open to be developed. Attorney Rolfe said the developer says the golf course will not be developed at anything other than a golf course/club. Commissioner Couture said she considers the golf course to be "developed".

Attorney Rolfe said the application is not asking for a variance on the cul-de-sac length. He said the applicant states that there are enough factual conditions existing that the flat 660 ft. prohibition does not apply. Attorney Rolfe agrees with this interpretation of the ordinance. Commissioner Murray agrees with this interpretation also.

Commissioner Harmon asked that since some of the lot lines adjoining the golf course have been moved to accommodate the development, could the line be moved further to eliminate relief from the 660 ft. requirement. Jon Scott said this is a land swap, he was forced to give up certain parts of the Crane's Pond property in order to dislocate some parts of the golf course usage. He said there was a balancing act involved. They were moving a tee box for one of the holes. He also stated the owners were trying to make the best use of the golf course and the development.

Commissioner Harmon said he is comfortable with moving forward to the open space conceptual plan, with the fire departments recommendations for safety access.

**Motion was made by Commissioner Harmon, seconded by Commissioner Lane, to accept the revised parallel plan, dated August 16, 2005, which meets the requirements of the ordinance for the purpose of the yield. Motion passed unanimously.**

OPEN SPACE CONCEPTUAL PLAN:

Mr. Woodhams said there is to be 52 duplex construction projects in neighborhood clusters, utilizing the pond for the design. Most of the buildings will have a good or at least somewhat of a view of the Pond. They are planning to construct a gazebo, a wetland boardwalk, and a few neighborhood docks proposed for fishing. He stated that about 80% of the land is to be retained for open space on the project, and with the setbacks of 20 ft proposed, the open space is over 80%. He stated they are doing bio-retention, using naturalized areas for stormwater.

Mr. Woodhams said that Phase I will be on the north side of the property, with Phase II between 37<sup>th</sup> and 38<sup>th</sup> Streets with neighborhood clusters.

Ms. Harvey asked about the timing for the phases. Jon Scott said this was hard to determine since it is market led. At best the project could take 5-6 years, if the market is bad it could take longer than that. Mr. Woodhams said he is working with the Gull Lake Sewer Authority and this issue of public sewer will also help drive the phasing schedule. Mr. Scott said they will submit a phasing schedule, probably starting a phase every two years. He will try to get this to the township office within a week.

Commissioner Lauderdale asked about the open space remaining in its natural state. Mr. Scott said there is very little natural ground left in the township and that they had a natural features survey completed by the 4-Township Water Resources Council. They understand the intent of open space for natural undisturbed settings. Mr. Scott said they want to enhance the natural settings, and that sometimes you can make them better. He said they have a staff biologist already out on the property looking at the land.

Mr. Woodhams said the buildings are to be 25-35 ft. from the road and about 20 ft. from each other.

Attorney Rolfe said the ordinance does require a minimum easement of 66 ft., per the KCRC's standards. Attorney Enderle asked Mr. Scott if there were any physical limitations limiting the 66 ft. easement for the roads. Mr. Scott said there were none and that they could meet this standard. Mr. Scott also said they have no double loaded roads, and are not trying to push the buildings as close together as they can.

Mr. Scott said each phasing will be approached separately with its own set of problems and the road easement will be deducted from the open space. Mr. Woodhams said he will recalculate and update the plan.

Commissioner Harmon said he is ready to approve the conceptual plan for Crane's Pond.

**Motion was made by Commissioner Harmon, seconded by Commissioner Lauderdale to approve the amended plan for the Crane's Pond development, dated August 16, 2005, with the following conditions: the legal descriptions of the development to be provided, a phasing schedule to be provided, and setbacks from the road easement to be not less than 20 ft. with 20 ft. between the duplex buildings as noted on the drawing. Motion passed unanimously.**

7. OLD BUSINESS: RIGHT TO FARM ACT

Attorney Rolfe reviewed his Right to Farm Act memorandum dated August 11, 2005, (Supplementary to April 5, 2005 memorandum). He said there were a couple of loose ends yet. One is the requirement of a minimum of 5 acres of land for livestock and the other is having Riding Stables as an accepted use because having them as a special exception use conflicts with the GAAMPS and is preempted. He also said the GAAMPS change annually.

Attorney Rolfe said he will review the GAAMPS again regarding the language changes. The PC directed Attorney Rolfe to come back with the new language to the October PC meeting.

Attorney Rolfe said siting GAAMPS don't apply to under 50 animal units and the Right to Farm Act only applies to commercial production of farm products.

8. 50% OPEN SPACE DRAFT:

Attorney Rolfe reviewed his memorandum dated August 15, 2005 with the changes he proposed to Ms. Harvey's open space language. Ms. Harvey will make the proposed adjustments with Attorney Rolfe to make it clean and bring the new language back to the October PC.

9. NEW BUSINESS: REVISIT SIDE YARD SETBACKS ON NONCONFORMING LOTS:  
Commissioner Murray reminded the PC about the changes they made to the ordinance to allow for relief to side yard setbacks, among other things. Principally it came because of the number of applications for variances coming from people who have smaller lots. He said there are houses which have a 70 ft. width, which is a pretty wide width on a house. It seems to him that this wasn't the type of variance they were trying to accommodate with people coming in with small lots. He asked if the PC could revisit this issue. He asked if there could be a maximum width allowed on these smaller lots. Commissioner Harmon said this will be put on the September agenda.
10. REPORTS:  
*ZBA:* Commissioner Harmon reported there would be no meeting scheduled for September, no applications have been received. He said the Sopjes/Sauers application was withdrawn from the agenda of the last meeting. The only other issue was a deck on Des Jones new home.  
*TOWNSHIP BOARD:* Commissioner Murray went over the Township Board minutes for the PC.  
*4-TOWNSHIP WATER RESOURCES COUNCIL:* No report  
*WORKSHOPS:* None
11. COMMISSION COMMENTS: None
12. ADJOURNMENT:  
**Motion to adjourn was made by Commissioner Lauderdale, seconded by Commissioner Lane, to adjourn at 10:00 PM. Motion passed unanimously.**

Respectfully submitted,

Jackie Whitney  
Recording Secretary