

**ROSS TOWNSHIP
PLANNING COMMISSION MEETING & PUBLIC HEARING
AUGUST 23, 2006**

1. The meeting was called to order at 7:03 PM by Chairman Allen Harmon with the Pledge of Allegiance.
2. ROLL CALL OF MEMBERS:
PRESENT: Allen Harmon Rusty Fry Owen Murray
 Jim Lauderdale Jeff Price Garry Lane
ABSENT: Bob Cox

Also present was Rebecca Harvey, Planning Commission Consultant.

3. AGENDA:
Motion was made by Commissioner Lauderdale, seconded by Commissioner Murray to accept the agenda as amended. Motion passed unanimously.
Remove Item #7.
4. MINUTES JULY 26, 2006:
Motion was made by Commissioner Murray, seconded by Commissioner Lauderdale to accept the minutes of July 26, 2006, as presented. Motion passed unanimously.
5. PUBLIC COMMENTS – NON-AGENDA ITEMS:
Mr. Bob Oudsema gave the PC an update on the Hillcrest OSPD. He said they are almost finished with clearing the arsenic contaminated soil and should be finished with everything in a month. Mr. Oudsema also said that they will begin drilling a production well either this week or next week and they are pleased with the results so far. There will be two production wells by the time they are finished. He said they have taken possession of the little white house on Augusta Drive and the brick duplex on 46th Street, and they both will be taken down next month.
6. PUBLIC HEARING: PROPOSED OSPD TEXT AMENDMENT:
EXPLAIN REQUEST: Pat Lennon, from Miller Canfield, Attorney for Hillcrest, explained the text amendment to Item #28, subsection D.2, of the Open Space Planned Development in the Zoning Ordinance. The proposed paragraph is to be added at the end of subsection D.2. The language has been prepared by Ross Township's attorney Craig Rolfe, and the applicant is very comfortable with this language. Mr. Lennon said they take note that the category of "habitat enhancement" has been eliminated but they understand that the reason for this elimination is the potential concern about the vagueness of that phrase and have no objection to this being eliminated. They hope this will be approved by the PC and recommended for approval by the Township Board. They believe this text amendment will help bring good developments into the township.

There is no public present.

COMMISSION QUESTIONS AND COMMENTS: Commissioner Lauderdale is very impressed with the proposed language Attorney Rolfe has prepared and support that it belongs in D.2 and it seems to him that a very short word sequence can be put into the end of sentence #1 of D.2 that would direct our attention to this new text that can then be put in below the third dash as a separate paragraph, but not with a dash mark.

Commissioner Harmon has some concern with the proposed language. He feels that the last sentence in the proposed text should be looked at and discussed. A concern Commissioner Harmon wanted expressed to the Township Board was that previously when the township talked about raising lot sizes Jon Scott's father shared his concern about doing things piece meal. Commissioner Harmon said the zoning review has been held up a little bit as they are working through the process of looking at lot sizes, road frontage and such. The PC now has the issue of bonus density before them because of the needs of the Hillcrest development, but on a broader scale, he is concerned with this text amendment because the PC has not yet seen movement forward on the lot sizes and such in the zoning review. The lot size issue is important when they look at developing the parallel plan. He said he is reluctant to give much on the way of bonus density at this time until such time that they get the new zoning review done and the lot sizes changed. One of the things he would like to see happen with the new zoning review is that with larger lot sizes being required, resulting in fewer parcels allowed in a plat, there would be more incentive for the applicant to bring a better open space design to the township. He said he feels they are getting the cart ahead of the horse at this time and hopes that as the PC works through this tonight and gets the information to the Township Board that the Board will move forward quickly with their questions and concerns and get the residential zone review wrapped up quickly this fall. Commissioner Harmon thinks we should move forward with Hillcrest at this time but not be so quick to use this with other new developments until the zoning review is completed.

Commissioner Harmon said he also has concern with the last sentence regarding the phrase "The density determination by the Planning Commission, including such..." because the density determination is never subject to approval or relief by the Zoning Board of Appeals. He would like to see this reworked. After much discussion it was agreed to strike the first part of that sentence to read "*The bonus density, as may be granted by the Planning Commission, is not subject to variance approval or further relief by the Zoning Board of Appeals.*"

Commissioner Harmon's second concern was in the table under the heading of "Amenity" the phrases of "*(where not otherwise reasonably available)*" next to Public Sewer/Public Water/Public Sewer and Water. He said the PC talked last month on the logic of allowing bonus density where it may be reasonably available, and what is the definition of "reasonably available" and "not reasonably available". Should they allow bonus density if our ordinance currently says that if public water/sewer is reasonably available the applicant has to bring it to the development? There was discussion on this issue.

Commissioner Murray said that upon reviewing the current zoning ordinance, the draft language that Attorney Rolfe proposed makes sense and ties in better with our current ordinance. Commissioner Lane agrees. It was the consensus of the Commission to leave the phrase "*(where not otherwise reasonably available)*" in the proposed text. The Commissioners agreed to authorize Attorney Rolfe to clarify the language of "*exceeding 30%*". The Commissioners would like the language to explain 30% of what?

Motion was made by Commission Murray, seconded by Commissioner Lane to close the Public Hearing portion of the meeting. Motion passed unanimously.

Motion was made by Commissioner Lauderdale, seconded by Commissioner Lane to insert the following at the end of the first sentence in D.2: "... *applicable requirements of the underlying residential zoning district unless the Planning Commission authorizes a bonus density as described below.*" The proposed text and table from Attorney Rolfe, dated August 8, 2006, is inserted as a new paragraph at the end of the current D.2. The text is as amended: 1) Change the last sentence of the proposed text to read as "*The*

bonus density, as may be granted by the Planning Commission, is not subject to variance approval or further relief by the Zoning Board of Appeals.”; 2) The following words to be added at the end of the of the next to the last sentence in the proposed text to read “...exceeding 30% density authorized by the parallel plan.” The motion is dependent on Attorney Rolfe’s acceptance of the word sequence “density authorized by the parallel plan” and is authorized to adjust it consistent to the intent. The proposed text amendment as amended is forwarded to the Township Board for approval. Motion passed unanimously

7. Item #7 is removed from the agenda.

8. OLD BUSINESS: RESIDENTIAL ZONE REVIEW

There was discussion on the map Commissioner Lane prepared showing the proposed Ag-Preservation District. This map does not contain any individual private ownership land, but only large properties such as the Cheff Center, Y-Center, MSU, BC Hunt Club, Pfizer, City of Kalamazoo, etc., land determined by it’s use. The Commissioners agreed to stick to these types of large and public properties at this time then possibly add private landowners at a later time.

There was discussion on creating a committee consisting of three members of the PC and three members of the Township Board, to discuss the major issues in the zoning review. Commissioners Cox, Lane and Lauderdale will serve on this committee from the PC and it would be good to have some Trustees on the committee who were at the public hearings in 1998 and are aware of the public’s feelings on some of these issues. Commissioner Lauderdale feels the Township Board should be a full partner in developing these requirements. Commissioner Murray will take this to the Township Board for discussion.

9. REPORTS:

ZBA: No ZBA meeting

TOWNSHIP BOARD: Commissioner Murray reviewed the minutes of the August Township Board Meeting.

WORKSHOPS: None

10. COMMISSION COMMENTS:

Commissioner Lane asked if the Township could do anything about having the very high grass cut that was growing in the lot where the Gull Lake Café had been torn down.

Commissioner Harmon told the PC that Rich Rosenberger has not contacted AGS or the township office on his outlots for Phase V of the Stoney Creek plat.

Commissioner Harmon told the PC that Commissioner Murray is going off the PC and Diana Langshaw will be on the PC starting at the September meeting. Commissioner Murray stated he thinks we have a very good PC and that he has enjoyed his time on the Commission.

11. ADJOURNMENT:

Motion made by Commissioner Lauderdale to adjourn at 8:18 PM.

Respectfully submitted,

Jackie Whitney
Recording Secretary