

**ROSS TOWNSHIP  
PLANNING COMMISSION MEETING  
SEPTEMBER 27, 2006**

1. The meeting was called to order at 7:01 PM by Chairman Allen Harmon with the Pledge of Allegiance.

2. ROLL CALL OF MEMBERS:

PRESENT:	Allen Harmon	Rusty Fry	Diana Langshaw
	Bob Cox		
ABSENT:	Jim Lauderdale	Jeff Price	Garry Lane

Also present was Gary Webster, Associated Governmental Services and Rebecca Harvey, Planning Commission Consultant.

3. AGENDA:

**Motion was made by Commissioner Cox, seconded by Commissioner Fry to accept the agenda as presented. Motion passed unanimously.**

4. MINUTES AUGUST 23, 2006:

**Motion was made by Commissioner Cox, seconded by Commissioner Fry to table the approval of the minutes of August 23, 2006, until the October meeting when Commissioner Lauderdale will be present. Motion passed unanimously.**

5. PUBLIC COMMENTS – NON-AGENDA ITEMS: None

6. OLD BUSINESS: STONEY CREEK #5:

Rich Rosenberger was present to address the two outstanding items for his plat approval. Mr. Rosenberger presented the Commissioners with a copy of a letter from the Kalamazoo County Road Commission with tentative approval on the private road in the plat with two conditions. Commissioner Harmon said that with this letter the condition regarding the private road that the PC asked in June has been met.

The other issue was the easement to the west property line. Mr. Rosenberger would like to have a bike path in the 66 ft. easement. Commissioner Harmon would like Mr. Rosenberger to meet with AGS and work out the issue of stub streets. This issue still stands.

There was discussion on the stub street issue. Commissioner Harmon stated that unless AGS recommends differently to the PC, the requirement of the stub streets stands. He also said that variance from this issue would actually come from the Township Board and not the Planning Commission.

**Motion was made by Commissioner Cox, seconded by Commissioner Fry to recommend to the Township Board that they consider relief from the Subdivision Control Ordinance and allow for the placement of a single 66 ft. easement along the west side of Stoney Creek #5, off of Marsh Ridge Road. Motion passed unanimously.**

Mr. Rosenberger thanked the PC for their time and consideration.

7. OLD BUSINESS: HILLCREST OPEN SPACE DEVELOPMENT:

Mr. Bob Oudsema was present to represent the Hillcrest OSPD. Hillcrest would like their conceptual plan approved tonight.

Mr. Webster went over AGS's review (see attached) from Bruce Dean dated September 27, 2006, which the Commissioners or the township office has not yet seen. The review basically summarized the events of the development. When Hillcrest was here last time they discussed the notion of the bonus lots based on their desire to put in public sewer and water facilities, which could allow a bonus density increase. The original conceptual plan approval has expired, so they have to come back for a new conceptual plan. The revisions in the Open Space Ordinance, contained in Ordinance #173, which allow for the bonus density, were adopted September 12, 2006 and became effective September 26, 2006. Mr. Webster said he didn't see any reason the PC could not approve the conceptual plan at this time. The review states that this revised conceptual plan still complies to the original conceptual review, even with the increased density of lots and that all the issues that were addressed previously are still compliant. The plan that AGS reviewed was the one with out the "Village Greens" area.

Mr. Oudsema said there are two issues that are different from this plan to their last plan. The first issue is that this plan has an increase of 105 lots, a little over a 21% increase, and more open space land. The second issue is the 18-20 acre parcel where the old farm house and production facilities were for Hillcrest Orchards, where the arsenic soil was located and has been stripped off the top. This area is now shown as a site for accessory storage buildings. This accessory building area is a very important area for this project, which would allow for accessory buildings for property owners in the residential area only to allow for their own storage of cars, boats, etc. This is proposed as a benefit, a reason to purchase these homes.

Mr. Webster clarified that what the PC is being asked to do is give a new conceptual plan approval with a bonus density of approximately 21 % and that all the issues contained in the original special exception use are still complied with and that all the issues of setbacks are complied with also. The PC, upon specific finding that the increase in density and the resulting modified development advances the purpose of the open space preservation development, can grant the bonus density.

Commissioner Harmon said that as far as advancing the open space plan this proposal increases the open space from about 50% to 57%, so the new plan does further the goals of our open space. There was some discussion on public sewer and water for the development and some of the costs involved. There was also discussion on the issue of finding that the public utilities are not readily available to the developer.

**Motion was made by Commissioner Harmon, seconded by Commissioner Cox, to grant approval of the new conceptual plan for the Hillcrest OSPD as presented with the specific finding that the increase in open space from 50% in the former plan to 57% in the new plan, does further the goals of the OSPD and justifies the application of a bonus density increase of approximately 21% (5% coming from the fact that the open space area will be over 55% and the other 17% for the construction of public water and sewer). The PC finds that this conceptual plan meets the elements of the conceptual plan approval given the original approval and the modifications proposed by the applicant that all the findings are still valid. The PC finds that the bonus density is granted for the public utilities based on the cost involved, the distance away, and the requirement by the Village of Augusta that Hillcrest is not allowed to connect to their present system without building the system**

they require first. The approval is conditioned upon the following as the development moves forward: 1.) the developer maintains the 57% open space; 2.) the construction of a public water tower; 3.) accessory storage buildings for personal residential storage for community property owners as presented by the applicant. These storage buildings are only for the use of lot owners for their own private storage needs, and not for any business use. The PC is also approving the prior phasing plan until the applicant proposes a new phasing plan. Motion passed unanimously.

8. OLD BUSINESS: RESIDENTIAL ZONE REVIEW

Commissioner Harmon shared Supervisor Bither's two concerns regarding the review. One issue is the math. Supervisor Bither is willing to recommend the Ag-Preservation District to the Township Board for approval if the district is limited to larger public owned properties. Commissioner Harmon said he is in agreement with that requirement. This then makes an Ag-Preservation District available to private landowners if they desire to participate in this district. The second concern the supervisor raised was the density, lot size and road frontage. He is not comfortable with any changes with these numbers. He will recommend support to the Board of the residential zone text amendment if the PC stays within this limit. This means that the R-A District, which is our new R-R District, will basically stay with the 200 ft. frontage and one acre lot requirement. The R-3 and R-4 Districts, with proposed increased densities, will scale back. We will keep in the different development options and the sewer/water connections. To get this to the Board and to alleviate these concerns, this is what we have been told the Board would like to see implemented.

Commissioner Harmon would like a final text prepared to take before the Board. He also said that since they would not then be proposing any density changes they would not have to hold a public input meeting with the extra costs involved to the township, but they would need to have a public hearing on the text amendments. He asked Ms. Harvey to prepare the draft language for the October PC meeting. This language could then be presented to the Township Board for their November meeting, with a public hearing possibly in January or February.

The township office will contact Commissioner Lane and ask that a copy of the map be delivered to the township office. Commissioner Fry will then pick up the map and make colored copies for the Board.

9. OLD BUSINESS: SECTION 9.34 UPDATE

Commissioner Harmon said he spoke with Attorney Rolfe and AGS and they felt the market value was a less subjective number, the SEV off of the township's assessment rolls. They felt the cost to rebuild could be manipulated by an unscrupulous builder. They also felt the present term should stay there. Commissioner Harmon stated he did not agree with this, especially in applying it to lake lots. Bruce Dean, AGS, thought that maybe the PC might want to insert a dollar amount potentially, so that it would read 50% of the market value or costs in excessive of a dollar amount. Commissioner Harmon would like the Commissioners to think about this issue during the next month and decide if they want to change it or just drop the issue.

10. NEW BUSINESS: AUVIL SITE PLAN AMENDMENT

Jim and Sheila Auvil were present. Mr. Webster went over their review dated Sept. 20, 2006 (see attached). Mr. Webster said the original site plan approval was granted for the use on 10/11/2000; the approval was amended 8/25/2004. The Auvil's were able to acquire the adjacent property to the east, which contains a residence. This revised site plan from the previous

approval does is move the property line separating parcels A & B further to the west by about 8 feet and that in turn allows for direct access to parcel A off of M-89. The rear portion of the parcel will actually be added to parcel A and then the parking area and loading areas are slightly relocated. Other than that, all the other areas still comply with the approval previously granted. The scale doesn't quite comply with the ordinance, it is 1 to 30, where 1 to 20 is required, which can be waived. Screening is not an issue, but the applicant is proposing a six foot tall solid fence along the easterly and northerly property lines. Drainage was an issue of the previous plan. AGS recommends that the applicant should submit a statement from a design professional confirming that grass area is adequate to retain storm water on parcel B. The re-partitioning of the parcels remains subject to submission of revised legal description for parcel A to include the rear portion of the property, and site plan approval for Dan Doe's with parcel B as shown on the current site plan.

Mr. Auvil said that by moving the property line to the west it will allow for a driveway to the house. The house will have parking in the back of it.

The Commissioners referred to Section 9.96B in the Zoning Ordinance, Criteria for Site Plan Review.

- #1. Based on the review from AGS there will be no harmful effect on surrounding neighborhood development; a 6 ft. solid fence will be built. This criteria is met.
- #2. The curb cuts are in place and parking will be in the back of the house, criteria met.
- #3. The movement of the property line helps eliminate any adverse effects, criteria met.
- #4. Criteria is met.
- #5. Criteria is met.
- #6. Criteria is met.

Commissioner Harmon stated that given the findings that we have and the review from AGS with the condition of a design professional stating that storm water for parcel B will be contained in the grass area and that the scale would be waived and the scale of 1 to 30 would be acceptable, he was ready to make a motion to approve the site plan.

**Motion was made by Commissioner Harmon, seconded by Commissioner Cox to approve the site plan review for Dan Doe's (A & W Development) with the conditions that the Applicant obtain a statement from a design professional that the grass area will contain the storm water for Parcel B and that the required scale will be waived and the 1 to 30 scale as shown is accepted. Motion passed unanimously.**

11. NEW BUSINESS: ATTORNEY ROLFE'S LETTER DATED AUGUST 30, 2006:  
Commissioner Harmon referred to Attorney Rolfe's letter dated August 30, 2006. Commissioner Harmon stated that he had been asked by Supervisor Bither to call a meeting that would include Jeff Bither, Rebecca, Craig Rolfe and himself to discuss how the PC desires to utilize the PC Planner and Township Attorney, the roles of each. Commissioner Harmon said he would like the Commissioners to sit down together and create a vision of how they see the role of the Planner and the role of the Attorney so that there is not an overlap, gap or misunderstanding. He asked the Commissioners to review the Attorney's letter and some of the concerns that have been raised and think about how they have utilized Rebecca and Craig in the past. Next month this will be placed at the end of the agenda. Ms. Harvey will be asked to leave at that point the Commissioners will come up with what their vision is and take it to the Township Board, to tell them what the PC thinks is the role of the Attorney and PC Planner, and make sure they agree

with that. At that point Commissioner Harmon will call the meeting and let everyone know their roles.

12. REPORTS:

ZBA: The ZBA had one applicant on a very odd shaped piece of property. The ZBA agreed that a variance needed to be granted, but that the applicant was asking for something far too large. The issue was tabled and the applicants will come back in a month or two with a plan that is a little more modest.

TOWNSHIP BOARD: Trustee Langshaw reviewed the minutes of the September Township Board Meeting.

WORKSHOPS: None

13. COMMISSION COMMENTS:

Commissioner Cox stated that on their proposed map of the Ag-Preservation District, the proposed district provides an almost continuous undeveloped corridor from the north township line to the south township line, through the center of the township. He also asked about the committee he was appointed to at his absence at the last meeting. He wanted to know if the committee was going forward at this point. Commissioner Harmon said that this committee was not going forward now. Commissioner Cox welcomed Diane Langshaw back to the PC.

Trustee Langshaw stated she did tell the Supervisor that there would be times she would not be able to attend, since she has prior commitments.

Commissioner Fry asked if the PC had any contacts regarding the bike trail going through the township. Trustee Langshaw said that she hadn't heard of any contact.

14. ADJOURNMENT:

**Motion was made by Trustee Langshaw to adjourn.**

Respectfully submitted,

Jackie Whitney  
Recording Secretary