

**ROSS TOWNSHIP
PLANNING COMMISSION MEETING
APRIL 25, 2007**

1. The meeting was called to order at 7:02 PM by Chairman Bob Cox with the Pledge of Allegiance.

2. ROLL CALL OF MEMBERS:

PRESENT: Bob Cox Rusty Fry Jeff Price
 Jim Lauderdale Diana Langshaw

ABSENT: Garry Lane Robb Blain

Also present was Rebecca Harvey, PC Planning Consultant.

3. AGENDA:

Add "7A. Future Agendas"

Motion was made by Commissioner Langshaw, seconded by Commissioner Fry to accept the agenda as amended. Motion passed unanimously.

4. MINUTES JANUARY 24, 2007:

Item #9: Change Kellogg Company to Kellogg "Foundation"

Motion was made by Commissioner Langshaw, seconded by Commissioner Lauderdale, to approve the minutes of January 24, 2007 amended. Motion passed unanimously.

Commissioner Cox and Commissioner Lauderdale updated their contact information for the township.

5. PUBLIC COMMENTS – NON-AGENDA ITEMS: No public present.

6. NEW BUSINESS – PRIVATE ROAD IN STONEY CREEK #5:

Residents of Stoney Creek plat were present, with Mr. Ed Harvey, 7390 Pin Oak Circle, beginning the discussion. He said they have a problem with a motion made at the June 28, 2006, PC meeting recommending tentative preliminary approval for Stoney Creek #5 and forwarded it to the Township Board for their approval. The approval was recommended with three conditions, one of which was making Marsh Ridge Trail in Stoney Creek #5 a private road, conditioned upon KCRC approval. Mr. Harvey said they would like to see the minutes amended to state "Marsh Ridge Trail in Phase #5 a private road" because Marsh Ridge Trail is already a public road in the rest of the development.

Mr. Harvey presented a petition of 31 signed sheets requesting the PC take a second look at making Marsh Ridge Trail in Stoney Creek #5 a private road. They have concerns regarding the tentative preliminary approval of the plan. There is to be a filtration pond right next to the Goff Drain. Some of the homeowners have already been assessed \$1,000.00 by the previous Drain Commissioner to clean the Goff Drain out and now there will be a filtration pond right next to it. The residents had questions on legal, financial, liability, and maintenance matters regarding this filtration pond.

The neighbors also shared concerns about increased traffic flow, snowplowing, road maintenance, and increased number of children and vehicles at the bus stop and safety of the roads with the trees left so close to the road.

Commissioner Cox said that the construction of the private road will meet the KCRC specifications in every way with the exception of width and guttering. The aggregate, the

grading, and the materials to be used will all be the same as the public portion of Marsh Ridge Trail. The primary benefit of the private road, other than the financial gain to the developer, and the reason why the PC is more inclined to approve private roads now in developments, is that the township gains from an environmental and esthetic standpoint because to build roads to KCRC specifications, you have to clear trees further back from the center of the road right of way. When you are dealing with a natural wooded development its not only in the developers interest not to cut down so may trees and not to put down so much pavement, but its often in the interest of future residents and the community to have more natural settings with trees lining the road, as long as you are not talking about high speed roads. Obviously here we are talking about a mixed combination of roads in a single development, an issue which Commissioner Cox didn't think the PC had encountered before. He also stated that when the PC went through the process of approving this plat, the private road issue was not an easy issue to resolve.

There was some discussion regarding the drain culverts across the creek and why the PC didn't seem to be concerned with it since the Drain Commissioner said the culverts were put in illegally. Commissioner Cox said that this is not in the jurisdiction of the PC. There are other agencies that handle these issues, such as Associated Government Services, the County Drain Commission, the County Health Dept., and the County Road Commission. Currently Stoney Creek #5 has some lots that are not yet approved by the Health Dept. Mr. Rosenberger has some more work to do before he can proceed with this plat. Commissioner Cox said that they do set conditions in advance and It is the developer's responsibility to meet those conditions. In general, it is the responsibility of the township zoning inspector to go out and look at those things at times during the process. But also, like so much else, it sometimes works by complaint, when a neighbor complains, things get hurried up and looked at much faster.

Ms. Harvey explained the platting process to the public. She said that the first step in the approval process is tentative preliminary approval of plat, and that is the step that comes to the PC, as it did on June 28, 2006. Their action was advisory, and they recommended to the Township Board approval with the conditions that were noted. The Township Board is then in a position to act, either consistent with or contrary to the PC's recommendation, and accept or not accept any of the conditions the PC recommends. Assuming that the action is approval, the approval is basically an approval of the lot sizes, lot orientation and street lay out. This gives an applicant something to move forward with working on the design of the plan. This is also the time that the developer is dealing with the agencies that were mentioned previously. They will not need to return to the PC, they do return to the Township Board for a final preliminary plat approval once they have all their approvals in order. They need to have met all the conditions that were applied by the Township Board, and also any conditions of any applicable agencies as mentioned previously. Ms. Harvey said that Stoney Creek #5 currently does not have the health dept.'s approval at this point, and have not yet returned to the Township Board, with this final approval of a preliminary plat request. Without this approval they are not able to move forward with construction. Once this plat is given final preliminary approval then the developer can move forward, construct it and come back in for his final approval. Now they should be producing a plan that meets all the standards of the action of the Township Board as well as the agencies.

Ms. Harvey also said that assuming the Township Board approved this private road and all the conditions have been met, this plat is not something that the PC is in a position to reconsider. They already gave their recommendation and passed it along. Now if the Township Board had issue with the recommendation, it was within their authority to return it to the PC for further consideration. If they did approve it, there is nothing the residents can now do about it.

Commissioner Cox said they need something official from the Township Board stating the Board is sending it back to the PC for reconsideration and if so, then they need to have an in depth discussion regarding this plat. The PC will find out from the Township Board if they are officially sending it back to them for reconsideration. If the Board is not sending it back for reconsideration and they have approved the PC recommendation, Commissioner Cox thought the Homeowners Assoc. may have legal issues with the developer. The residents said they aren't required to become an Association until 2010, taking over the park lands, retention pond, etc. at that time. The residents also said they are now working on forming an Association and are getting legal advice as to what is going to happen in the future.

Commissioner Lauderdale explained the process again to the public. He also explained that when they approved the private road, the approval was only for that portion of Marsh Ridge Trail in Phase 5, since that was the plan they were approving. Conceptually they did not consider all of Marsh Ridge Trail, only that part in Phase #5. He said that the inference was there, all the references, all their collective memory, and they all know unquestionably that it was only that last little piece of Marsh Ridge Trail in Phase #5. All private roads have to meet KCRC standards, except for width and slope. The PC accepted this, thinking that it would enhance the beauty of the area, and enhance the use of the trails. He also said that the fire chief has been out to look at the cul-de-sac and said that as long as the turn around meets the KCRC specifications the fire trucks can turn around quite easily. Commissioner Lauderdale also said that they will discuss the issue with the Township Board and see exactly what the Board wants done.

Motion was made by Commissioner Lauderdale, seconded by Commissioner Price, that the PC requests from the Township Board clarification on the approval of Stoney Creek #5 and what the Township Board would like the PC to consider regarding this plat at their next PC meeting. Motion was approved unanimously.

7. NEW BUSINESS – DARK SKIES:

Commissioner Cox presented some of this lighting language to the Commissioners, which the Commissioners can review at their convenience. There was some discussion on this issue and it will be on the agenda for the next meeting.

Ms. Harvey passed out some language from the Oshtemo Township zoning ordinance from 1994, which has been slightly amended a couple of times. Oshtemo Township developed this language with the help of a lighting consultant and it was also reviewed by some developers and architects in the area, as well as by the township attorney.

7A. NEW BUSINESS – FUTURE AGENDAS:

Commissioner Cox said that one of the items on the last agenda was the Master Plan Review. He asked Ms. Harvey if she knew how the process of amending the State Planning Act was doing. She said it is still in the House, and that the township should be okay, especially if they are not going to do a rewrite of the Master Plan. Commissioner Cox said he would like the Commissioners to review the Master Plan for the June PC meeting and see if there are some areas that could be improved.

Ms. Harvey said she was contacted by Attorney Rolfe and will meet with him this week. The proposed text amendments should be ready for the May PC meeting.

Commissioner Fry said that the Commissioners mentioned at the last meeting that they would be very receptive to meeting with a representative of the linear bike path project. The project has a grant that is currently funding this project. Commissioner Fry said he would like to see how this bike path may be tied in with our future Master Plan. Commissioner Fry will see if the representative can come to the June PC meeting.

Commissioner Cox would like to see the Augusta Well Head Protection overlay district on the PC agenda, possibly at the end of the summer. He will talk to the Village of Augusta for help in defining where their well head zone is located and what the Village would like to see happen.

8. REPORTS:

ZBA: Commissioner Lauderdale reported that there have been no issues presented to them. The next PC meeting is scheduled for May 9th.

TOWNSHIP BOARD: Trustee Langshaw reported that everyone is concerned about the possibility of losing our local units of government. She hopes that the Commissioners will write letters to our local representatives because we really don't want to lose local control of how we are going to do things. She also stated they would be honoring Allen Harmon for his years of service at the next Township Board meeting, and that it would be nice if the Planning Commissioners could attend this meeting also.

WORKSHOPS: Commissioner Cox stated there is money in the budget for workshops. He said there was a leadership workshop in May but that he wasn't able to attend due to prior commitments. Commissioner Cox asked Commissioner Lauderdale if he would be interested in attending this workshop. Commissioner Lauderdale said he was already committed for that weekend.

9. COMMISSION COMMENTS:

Commissioner Cox will meet with Supervisor Bither regarding the Stoney Creek #5 issue. He also said they could expect to hear a lot more about exotic invaders in the lakes and streams and what can or cannot be done about them. The DNR is taking this issue very seriously and implementing a potential task force, with all kinds of plans laid out, to fight this potential problem and is working on obtaining emergency funding to fight these invaders.

Bob Oudsema spoke briefly about the Hillcrest problem of obtaining water and sewer for the development. He said they hope to know more in another week or so about obtaining sewer for their development. They have drilled wells and sent water samples to the DEQ. The results of the water tests are good. Gull Lake Water & Sewer Authority is the agency working on this issue on obtaining sewer for Hillcrest.

10. ADJOURNMENT:

Motion was made to adjourn.

Respectfully submitted,

Jackie Whitney
Recording Secretary