

**ROSS TOWNSHIP
PLANNING COMMISSION
APPROVED MEETING MINUTES
March 24, 2025**

CALL TO ORDER/PLEDGE

Chairperson Sager called the meeting of the Ross Township Planning Commission to order at 6:00 PM at the Ross Township Hall. All rose to recite the Pledge of Allegiance.

ROLL CALL

Present: Chairperson Pamela Sager
Michael Bekes
Mark Markillie
Michael Moore
Steve Maslen
Sherri Snyder

Absent: Jeff Price

Also Present: Bert Gale, AGS – Township Zoning Administrator
Nick Keck, AGS
Robert Thall – Township Attorney

APPROVAL OF AGENDA

Moore motioned to approve the agenda as amended with the addition of “Secretary” in New Business, Elections, and Maslen supported. The motion was unanimously approved.

APPROVAL OF PRIOR MEETING MINUTES

The Commission proceeded with consideration of the January 27, 2025, Planning Commission (PC) meeting minutes. Sager motioned to approve the minutes as written and Moore supported. The motion was approved 5-0 with Bekes abstaining as he was absent from said meeting.

NEW BUSINESS

The next matter to come before the Planning Commission was consideration of an Amended Site Plan Review for The Bluffs located in the R-3 District at 12135 M-89 regarding establishing a walking path to D Avenue.

Gale from AGS stated the original site plan did not include walking paths to D Avenue. The application is to amend the site plan accordingly. Gale then deferred to Attorney Thall who provided a synopsis of the denial by the Zoning Board of Appeals with the interpretation no allowance is given to go from an R-3 District to an R-1 District, the application moving to court where the Circuit Court Judge ruled the

application be remanded back to Ross Township as the court ruled it is permitted use and the status of Ross Township's appeal of the Circuit Court decision. Thall stated the case can come to the Planning Commission for consideration before the appeal decision is made.

Thall opined that the Planning Commission needs to review the application with applied standards in the Ordinances per the Circuit Court ruling, suggesting a condition of approval being tied to the appeal decision. Thall also shared neighbors may go to court and possibly claim private rights issues, but doing so would not be a Ross Township issue.

Thall stated the original plan for a walkway to the east connecting to the C-1 District was deemed not viable due to ownership and deed issues of the properties needed for construction. Thall opined it became very complicated and unworkable due to this issue.

Gale explained the walkway is not considered a structure subject to setbacks, specifically because the sets of steps comprise less than 50 square feet each and are not attached to one another. Lighting, screening and handrail heights were also discussed.

Sager questioned exactly where the walkway would be situated as from observation the area cleared is quite wide and traverses a section of private drive.

Applicant Matthew Callander shared the pathway runs over the sewer system easement, and he has GLWSA's approval in hand to build the path on the easement. He stated the path will be crushed stone with wood stairs. Thall confirmed GLWSA had given approval as that documentation was not available to the PC at this time.

Moore questioned if this would be ADA compliant and Applicant responded it would not.

Moore opined there was not enough information available for a decision and subsequent conversation between committee members agreed with that position. Specifically, PC discussion resulted in a list of items needed for a decision including:

- A list of materials to be used in the construction of the path.
- Where on the property will the path be constructed including grade, dimensions, steps, retaining features, water run-off concerns
- Establishing the height of the railing.
- A drawing of the intended path in relation to homes on adjacent properties.
- Consideration for landscape screening.
- Consideration for walkway lighting.
- Consideration of crossing the paved private drive to connect sections of the path.
- Approval from the Kalamazoo County Road Commission (KCRC) for construction of three sets of steps within the road right of way.

The PC confirmed the applicant did not need to refurnish the entire package of drawings for The Bluffs with this request for additional information, instead supplying only the pages that change regarding the walking path.

Thall shared the appeals process normally takes a year, suggesting a decision could be in hand by November 2025. Bekes asked Callander if he agreed the path would need to be removed if built and a decision is made to reverse the Circuit Court decision. Callander stated he understands that risk.

Although this was not noticed as a public hearing and there were many people in attendance, the Chair allowed citizen time to address the Planning Commission:

Public Comment:

David Schurr asked if it was OK for people at The Bluffs to walk through the property now to which Thall shared there should be no trespassing on private land, but the Circuit Court said R-3 can traverse through R-1. Thall reiterated Ross Township cannot adjudicate private rights issues. Applicant Callander offered signage to help guide users of the path to stay off adjacent properties.

Tom Cole - asked the PC to consider the dangers to additional pedestrian traffic on D Avenue as the entry would be steep, the road is narrow, and the speed of traffic is normally above the speed limit.

Tammy Woodhams – agreed traffic on the road goes too fast and asked for consideration to lower the speed limit to allow for more safety. She shared interest in getting information out to impacted neighbors.

Jean Hansen – opined nine of 10 cars speed on that road, including both school buses and garbage trucks.

Tammy Woodhams – stated she does not know why there could be no path via M-89.

One piece of written correspondence from Rusty and Julie Fry indicating their concerns and negative impact was given to the PC members for additional consideration.

Chairperson Sager closed Public Comment.

Markillie moved to postpone the decision on a walking path at The Bluffs with access to East D Ave for the application of The Bluffs at 12135 M-89 until the following conditions are met:

1. A detailed plan with path location is submitted.
2. Distances from the path to adjacent property lines are established.
3. Locations of the steps are determined.
4. Buffer plan consideration for screening is submitted.
5. Approval from the KCRC to construct stairs within the road easement has been obtained.
6. Lighting of the path considerations are submitted.
7. Signage considerations are submitted.
8. Landscaping considerations are submitted.

Bekes seconded the motion and with no further discussion, the motion passed 6-0.

The next matter to come before the Planning Commission was consideration of a Site Plan review and Special Land Use Request for the Water's Edge Day Spa located at 11289 M-89. The property is conditionally rezoned C-2 Neighborhood Commercial Overlay District for the construction of a 740 square foot building.

Gale stated this is a continuation of the original application as the property went through conditional rezoning first. The consideration for PC approval is the second piece needed prior to the start of construction. The inability to drill a well for potable water caused a delay in the applicant's schedule but that is not a continuing issue.

Alex Frazier of Hurley and Stuart and architect Chris Nelson were present for the applicant. They confirmed the building size of 740 square feet, reduced from an original 907.5 square feet, all utilities will be underground, stormwater drainage will be to the east, away from the wetlands, the size of the building only requires one door per code and there is ample room between the well and septic field to meet standard. The goal to match existing topography to maintain buffer is accomplished with the plan.

Attorney Thall read all provisions from the conditional rezoning to the C2 District agreement. The PC agreed that all provisions are met but shared concern over the two-year time limit. The applicant discussed the water issue as the main reason the timeline is stressed. Thall suggested the applicant ask their attorney to get with him regarding an extension once expected timing is established. Thall would ask the Ross Township board for said extension and Bekes confirmed there would be no additional cost to the applicant other than their own attorney costs to come before the Ross Township board to request an extension.

Chairperson Sager opened public comment. With no one approaching the podium, public comment was closed.

The Commission proceeded with their review beginning with Section 21.4---Site Plan Review. Gale reported all components were met with the exception of the following:

B. All lot and/or property lines are to be shown and dimensioned, including building setback lines. The PC agreed this was met with new drawings that were submitted at the meeting.

J. Location of all fire hydrants. The PC agreed to waive this requirement as there are no fire hydrants in the area.

S. Any other information deemed necessary by the Township Planning Commission. The PC did not determine any additional information was needed for the Section 21.4 site plan review.

U. Soil characteristics of the site at least to the detail provided by the U.S. Soil Conservation Service. The PC agreed to waive this requirement.

V. Significant environmental features such as wetlands, shorelines, streams, woodlots, existing trees and vegetation. The PC agreed that this requirement is met according to the information brought forward by the applicant during discussion.

W. Water courses and water bodies, including lakes, ponds, rivers, streams, floodplains and wetlands, county drains, and manmade surface drainage ways.

The PC agreed that this requirement is met according to the information brought forward by the applicant during discussion.

Bekes moved to waive application requirements B, J, S, U, V and W outlined in Section 21.4 to allow the application to be further considered by the PC. Snyder seconded and the motion passed unanimously.

The PC proceeded with their review of Section 11.5 – Site Development Standards under Article 11 – C-2 Neighborhood Commercial Overlay District. Standards discussed were:

District Boundaries: Each overlay district shall not be greater than two (2) contiguous acres in size and shall be provided frontage on a county and/or Township designated primary street or state trunkline.

Dimensional Requirements: All Zoning Ordinance dimensional requirements for the underlying zoning district shall apply, unless specifically reduced by the Planning Commission upon a finding that the reduction meets the purpose of the overlay district to provide for compatibility of design and use between neighboring properties. Such a dimensional reduction is not subject to variance approval or further relief by the Zoning Board of Appeals.

Lot Coverage: The total improved area of each lot shall not occupy more than 50% of the lot area. For purposes of this overlay district, 'improved area' shall include the amount of a lot that is covered by buildings and hard-surfaced areas, such as drives, parking areas, and sidewalks.

Access: Shared access between lots through shared driveways, driveway placement or closure of any existing driveway to facilitate future shared access between lots shall be encouraged where feasible and appropriate.

Parking: Except as specified herein, parking for motor vehicles shall be provided as set forth in Section 18.1. Parking layouts designed to allow for shared-access and shared-parking with adjacent properties will be encouraged where feasible and appropriate. An overlap in parking requirements between uses that have alternating peak parking demands may be allowed for efficient land use.

Architectural Design Features: Building architecture shall have a residential appearance compatible with the residential character of the Township, including, but not limited to, roof line, exterior materials, building height, orientation and façade. Elevation drawings shall be submitted with the site plan for consideration during the Special Land Use approval process.

Lighting: Lighting shall comply with Section 18.3, Outdoor Lighting.

Signs: In this District signs are allowed as provided by Section 18.2, except Section 18.2.F shall not apply.

Landscaping: Green space shall be established along the perimeters of the lot to establish a continuity of natural areas along the abutting street and between adjacent residential properties. Screening shall be established along property lines abutting an existing residential use if determined to be necessary to

minimize any impacts. Screening shall be accomplished through the siting of land uses, maximizing existing screens or land cover, or providing new screens consistent with Section 18.6.A. Landscaping shall be provided on site and in internal areas of parking lots to provide shade, visual relief, and vehicular/pedestrian separation.

Design of Unimproved Areas: Unimproved areas shall be designed to achieve the following:

- Screen undesirable views.
- Complement building form.
- Mitigate impacts from lighting and noise.

For purposes of this District, 'unimproved areas' shall include that portion of the lot that is not covered by buildings and hard-surfaced areas, such as drives, parking areas, and sidewalks.

Stormwater Management: Stormwater management systems should be designed to:

- Incorporate and/or use natural drainage systems existing on the site.
- Protect the surrounding natural environment.
- Retain the natural retention and storage capacity of any wetland or waterway.
- Not increase flooding or the possibility of polluting surface water or groundwater.

The PC agreed that all site development standards are met by the materials presented by the applicant and their representatives.

The PC then assessed the criteria for site plan review as outlined in Section 21.6 B – Approval in the Zoning Ordinance. The site plan shall be reviewed and approved by the Township Planning Commission upon a finding that:

1. The proposed use will not have a harmful effect on the surrounding neighborhood development. The provision for fencing, walls, and/or landscaping may be required as a screening device to minimize adverse effects upon surrounding development.
2. There is a proper relationship between the major thoroughfares and proposed service drives, driveways and parking areas so as to ensure the safety and convenience of pedestrian and vehicular traffic.
3. The adverse effects resulting from the locations of buildings and accessory structures will be minimized to the occupants of adjacent properties.
4. The proper development of roads, easements and utilities has been provided to protect the general health, safety and welfare of the citizens of the Township.
5. The natural features of the landscape, such as ponds, streams, hills, wooded areas, etc. shall be retained where they afford a barrier or buffer between adjoining properties being put to different use.
6. That as many features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters. Judicious effort shall be demonstrated to preserve the integrity of the land, existing topography, natural features (i.e., slopes, woodlands, etc.) and natural drainage patterns to the greatest extent feasible.
7. That the plan will not result in any additional run off of surface waters onto adjoining property.

The PC agreed there are no issues with the requirements outlined in Section 21.6 B and proceeded to review Section 19.3 - Criteria for Decision.

Special land uses are not allowed to be engaged in within a particular zone in which they are listed in this ordinance unless and until the Planning Commission approves or approves with conditions a special land use permit. Such approval shall be granted when the Planning Commission finds from the evidence produced at the hearing that the proposed land use or activity:

1. Will meet all the requirements specified in this Ordinance for the Special Land Use requested, as well as all other Township, County, State and Federal requirements.
2. Will be compatible with the natural environment.
3. Can be served adequately by essential on-site or public utilities, facilities and services.
4. Will be located, designed, constructed, operated and maintained so as to be compatible with adjacent uses of land.
5. Is consistent with the public health, safety, and general welfare of the community.
6. Is consistent with and promotes the intent and purpose of the Zoning Ordinance.

The PC agreed that the six provisions are met based on the evidence produced at the hearing.

Bekes moved to grant the approval to proceed with the construction of Waters Edge Day Spa at 11289 M-89 for the application of Rebecca Byron with a condition the signage is low monument and minimal lighting. The approval is granted based upon the review findings of Section 21.4 Site Plan Review, Section 11.5 – Site Development Standards, Section 21.6B – Approval Criteria, Section 19.3 – Special Land Use Criteria, and all material supplied by the applicant to the Planning Commission at the March 24, 2025 meeting. Maslen seconded the motion. Bekes then amended the motion to include if a variance is needed and approved by the Zoning Board of Appeals for signage the approval would be acceptable to the PC resulting in no need for the applicant to come back to the Planning Commission for additional consideration. Snyder seconded the amended motion. The motion with amendment passed unanimously.

Chairperson Sager moved to extend the meeting to cover agenda items as the meeting was running late. After discussion, the motion to extend would only cover agenda items election of officers, budget, establishing 2025/2026 meeting dates, the board report and the ZBA report. Markillie supported and the motion passed unanimously.

The next matter to come before the Planning Commission was the election of officers for fiscal 2025 – 2026 with the following results:

- Bekes motioned for Sager to remain Chairperson with Moore supporting. The motion passed unanimously.
- Moore motioned for Snyder to remain Vice Chairperson with Sager supporting. The motion passed unanimously.

- Snyder motioned for Moore to be Secretary with Maslen supporting. The motion passed unanimously.

The PC was informed the fiscal year 2025 – 2026 budget had already been established and approved by the board after a public hearing. Bekes committed to get a copy of the new budget to PC members.

Bekes motioned to approve a resolution for fiscal year 2025 – 2026 meeting dates including April 21, May 19, June 23, July 21, August 25, September 22, October 27, November 24, January 26, February 23, March 23 with no meeting in December to align with the established fourth Monday each month except in May due to Memorial Day. Moore supported and the vote on the resolution was as follows: Moore – aye, Markillie – aye, Sager – aye, Maslen – aye, Snyder – aye and Bekes – aye. Price was absent. The motion passed.

REPORT FROM TOWNSHIP BOARD

Bekes reported the board asked the PC to address the Ordinances in relation to patios, landscaping and natural grade from a recent ZBA decision on lakefront lots as a priority, the public hearing for the Township's 2025/2026 budget was held on March 18th and two presentations were given to the board at their March 18th meeting including a presentation from Life EMS and a presentation on water quality of stormwater and lakes, managing runoff.

REPORT FROM ZONING BOARD OF APPEALS

Bekes reported there will be no April 2025 ZBA meeting as there was nothing that needed ZBA consideration per Bert Gale.

ADJOURNMENT

There being no further business to come before the Commission, Bekes motioned to adjourn the meeting and Snyder supported it. The motion was unanimously approved and the meeting adjourned at 8:03 PM.

Respectfully Submitted,

Michael Bekes
Board Liaison to the Planning Commission