

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A REGULAR MEETING HELD JANUARY 25, 2007

AGENDA

KALAMAZOO PUBLIC SCHOOLS - INFORMATION REVIEW - NEW ELEMENTARY SCHOOL - 2294 SOUTH 9TH STREET - (PARCEL NO. 3905-26-180-018)

OLD SAVANNAH - SITE PLAN REVIEW - STEP 1 - NORTH OF H AVENUE, IMMEDIATELY ADJACENT TO THE SAVANNAH DEVELOPMENT - (PARCEL NO. 3905-03-480-060)

CHERRY RIDGE PUD - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - SOUTH SIDE OF WEST MAIN STREET, WEST OF 10TH STREET/LODGE LANE - (PARCEL NOS. 3905-14-405-050, 3905-14-430-060 AND 3905-14-430-071)

A regular meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, January 25, 2007, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairman
Lee Larson
Deborah L. Everett
Mike Smith
Fred Gould
Robert Anderson
Carl Benson

MEMBERS ABSENT: None

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Township Senior Planner; Brian VanDenBrand, Township Associate Planner; and approximately 30 other interested persons.

Call to Order

The Chairman called the meeting to order at approximately 7:00 p.m. The Chairman said the first thing he wanted to do was to welcome new Commission Members, Robert Anderson and Carl Benson.

Election of Officers

Ms. Everett made a motion to appoint Terry Schley as the Chairman, Lee Larson as Vice Chairman, and Fred Gould as the Secretary. Mr. Smith seconded the motion. The Chairman asked if there were any other nominations, and hearing none, called for a vote on the motion. The motion passed unanimously.

The Chairman asked if the Planning Commission needed a liaison to the Zoning Board of Appeals. Ms. Stefforia indicated that they did, at which point Ms. Everett made a motion to appoint Mike Smith as the liaison to the ZBA. The motion was seconded by Mr. Larson. The Chairman called for a vote on the motion, and the motion passed unanimously.

Agenda

The Chairman announced that the next item for consideration was the approval of the Agenda. The Chairman asked if there were any amendments to the Agenda. Hearing none, he asked for a motion. Mr. Larson made a motion, which was seconded by Mr. Smith to approve the Agenda as submitted. The Chairman called for a vote on the motion, and the motion passed unanimously.

At this point, the Chairman noted, for those persons in attendance, that the Public Comment Rules were printed on the back of the Agenda, and asked that they be complied with.

Minutes

The Chairman stated that the next item for consideration was approval of the minutes of December 7 and December 14, 2006. Mr. Smith made a motion to approve the minutes as submitted. The motion was seconded by Mr. Larson. The Chairman called for discussion. Hearing none, he called for a vote on the motion, and the motion passed unanimously.

KALAMAZOO PUBLIC SCHOOLS - INFORMATION REVIEW - NEW ELEMENTARY SCHOOL - 2294 SOUTH 9TH STREET - (PARCEL NO. 3905-26-180-018)

The Chairman announced that the next item for consideration was an informational review of the Kalamazoo Public Schools elementary building to be located at 2294 South 9th Street, Parcel No. 3905-26-180-018. The Chairman asked to hear from the Planning Department. Mr. VanDenBrand submitted his report to the Planning Commission dated January 25, 2007, and the same is incorporated herein by reference.

Mr. VanDenBrand raised several issues which he recommended that the Planning Commission address with the Kalamazoo Public Schools' representatives. He outlined his areas of concern as follows:

1. The Planning Commission may request that the last parking space before the crosswalk be designed a no-parking area.
2. The Planning Commission may request verification of the walkways along the southwest parking lot.
3. The Planning Commission may recommend installation of a walkway along the northeast parking lot.
4. The Planning Commission may wish to encourage the use of pervious pavement on parking lots and drives.
5. The Planning Commission should request that all site lighting comply with Section 78.700 of the Zoning Ordinance.
6. Any sign will be subject to approval through the sign permitting process.
7. The Planning Commission should encourage additional landscaping along 9th Street.
8. Site plan approval shall be subject to the applicant satisfying the requirements of the Fire Department, pursuant to the adopted codes.
9. The Planning Commission may recommend the construction of a paved path to the southwest in the future if and when an adjacent parcel develops into a neighborhood.
10. The Planning Commission should encourage additional bike racks.
11. The Planning Commission should encourage a minimum of an eight foot width on the path connecting the school to 9th Street.
12. The Planning Commission should discuss with school representatives why the pathways connecting the school to 9th Street and connecting the rear play area to the front of the school are labeled "Future" and will not be constructed immediately.

13. The Planning Commission should request that the path along 9th Street be constructed by Kalamazoo Public Schools, or an escrow provided to the Township, if the path is not built as part of the 9th Street road project.

The Chairman asked if there were any questions from the Commission. Hearing none, he asked to hear from the Kalamazoo Public Schools' representatives. Mr. Ken Peregón introduced himself as a representative from the engineering firm doing the building design and landscape architecture for the proposed school. Mr. Peregón said that Al Taylor and Karen Jackson and a building architect were also present if the Planning Commission had questions.

Mr. Peregón presented the Commission with several board overlays of the proposed building, as well as the property layout. He explained that the development would use the southern 30 acres of the 75-acre parcel currently owned by the school district. He explained how the traffic patterns would work in relationship to the surrounding properties, as well as internally. He said they had not proposed any walks to the south or to the north because of budget constraints. He also noted that they would not be using pervious pavement due to the cost and limited longevity of the material.

Mr. Peregón said, with regard to access to the southwest, he thought it would be quite a challenge given the topography of the subject site. He said perhaps they could arrange for access to the property to the south, being the Stonehenge development.

He said that they would comply with the lighting request made by the Planning Department. He also noted that the property would be environmentally friendly, using a green roof and rain gardens to address the water run-off issue.

Mr. Peregón noted that there were two bike racks on site that would house 30 bikes. He said, given the bike storage and the showers available on site, the school would be considered alternative transportation friendly.

The Chairman asked about the drop-off zone and the issue raised by the Planning Department regarding safety. Mr. Peregón said he did not think it would be a problem, but they would consider installing a no-parking restriction in order to address the Planning Commission's concerns regarding safety. The Chairman thanked the applicant for that consideration.

The Chairman also noted that they were close to the Village Focus Area and wondered why the school was not proposing paved trails to accommodate future pedestrian access. Mr. Peregón said that the trails on site really were meant to be nature trails, not access routes. He said he would be happy to talk to the school to determine whether they could work to enhance overall pedestrian access from 9th Street. The Chairman said that he understood their comments, that the bike paths would not

necessarily connect to anything at the current time, but that the Township had to start somewhere, and asked for the school for assistance in that regard. Ms. Stefforia noted that she had applied for a grant for a bike path as part of the widening of 9th Street, and perhaps that would address the issue.

Mr. Larson said he thought the bike path which was proposed on site should be a couple of feet wider. Mr. Peregón said he thought it was adequate, to which Mr. Larson said it did not comply with current State standards.

Mr. Larson asked what plantings they would be putting in the rain gardens. Mr. Peregón said they would try to work at providing needed plants and grasses, perhaps some bushes, for aesthetic purposes. Mr. Larson asked about landscaping along 9th Street. Mr. Peregón said they would be primarily driven by their budget. The Chairman said he understood the school's budget constraints, but said he would appreciate the school reviewing the proposed landscaping in that it was far below the current standards of the Township. He asked that the issue be reconsidered. Mr. Peregón said he would pass that request onto his client.

Mr. Gould said he had a concern about overflow parking for special events. He said the site did not seem to address that issue. Mr. Peregón said that the school had planned to use its bus parking for event parking, and though that it would be adequate for those events.

Ms. Everett asked what the student capacity of the school would be. Mr. Peregón said 550. The Chairman said, when this school was originally proposed, that they were discussing a cross use of the facility. Mr. Al Tyler, on behalf of the school said that was correct. He said there was the ability to lock off the school rooms from the rest of the building to allow use of the gym, multi-media room, etc. Several Planning Commission members thanked the school for providing that facility for a broader community use.

The Chairman asked if there was any public comment. Hearing none, he thanked the school representatives for allowing the input of the Planning Commission and welcomed the new addition to the community.

OLD SAVANNAH - SITE PLAN REVIEW - STEP 1 - NORTH OF H AVENUE, IMMEDIATELY ADJACENT TO THE SAVANNAH DEVELOPMENT - (PARCEL NO. 3905-03-480-060)

The Chairman said the next item on the Agenda was consideration of a recommendation for Step 1 approval for a site condominium known as Old Savannah. He said the property was located north of H Avenue, adjacent to the current Savannah development, on Parcel No. 3905-03-480-060. The Chairman asked to hear from the

Planning Department. Ms. Bugge, on behalf of the Planning Department, submitted her report dated January 25, 2007, and the same is incorporated herein by reference.

Ms. Bugge explained that this property had been reviewed by the Planning Commission in 2002 and approval renewed in 2003 as part of Savannah open space development. She said it was now being resubmitted as a separate site condominium, Old Savannah, under the newly revised Township Ordinances. She said the applicant was requesting 49 single-family home sites, which would be served by public sewer and water. Ms. Bugge said it was very similar to the original Savannah design concept because it had to follow the irregular property lines of the established storm water basin which was constructed as part of the original Savannah development. She said that was one of the primary reasons the two permanent cul-de-sacs were proposed reflecting the original design. Ms. Bugge noted that the Road Commission would permit permanent cul-de-sacs provided they were endorsed by the Township, and therefore, this was an issue which needed to be addressed by the Planning Commission. Ms. Bugge then proceeded to take the Commission through a review of the Site Condominium Ordinance Section V, C and E, as is more fully set forth in her report.

The Chairman asked to hear from the applicant. Mr. Rick Eshlaman with Eshlaman Engineering introduced himself to the Commission. He said he thought that Ms. Bugge had covered the material quite thoroughly and asked if the Commission had any questions.

Mr. Anderson asked about the location of the temporary cul-de-sac and its purpose. Mr. Eshlaman explained that it would remain there until such time as the property further to the west developed, at which time it would be an access road for future development.

Mr. Larson asked if they were proposing sidewalks on one side or both sides. Mr. Eshlaman said both sides of the streets.

The Chairman asked if there was any public comment.

Mr. Dave Westover introduced himself to the Planning Commission. He said he was a bit concerned about traffic and questioned whether the entrance road was designed to handle that type of traffic. He also said he was concerned about street lights, since they did not appear to exist for the current development.

The Chairman asked if there was further comment, and hearing none, he closed the public portion of the meeting. The Chairman began by asking Ms. Bugge if there were existing street lights in the Savannah development. Ms. Bugge said that there should be, and that she would verify if that was the case.

The Chairman then asked Ms. Bugge about the traffic volume and the depth of the access road. Ms. Bugge pointed out that the access road had been constructed as part of a previously-approved development which was virtually identical to what was currently being proposed. She said she also knew that the Road Commission had reviewed and approved the access road previously for this level of development.

Ms. Stefforia noted that often developments come before the Commission with limited frontage and that it is a common practice to recognize that the future street development will allow the project to connect to surrounding properties, thereby providing for multiple access points in the future. The Chairman noted that there were plats in the community that had as many as 160 homes on a single access point, but would have additional access points in the future. Ms. Stefforia said that was true, provided the outlots within those developments were used for future connectivity.

The Chairman called for Planning Commission deliberations. He explained that it was the Planning Commission's function to review and provide a recommendation to the Township Board regarding Step 1 review. He said he thought that the most significant issue for the Planning Commission to address was the issue of the cul-de-sacs. Ms. Bugge again noted for the Planning Commission that the primary reason the cul-de-sacs were proposed as they were was due to the configuration of the retention pond in the prior development. She noted that the retention pond abutted the subject property in such a way as to make a through-street extremely awkward, and therefore, the applicant was requesting the two permanent cul-de-sacs.

The Chairman asked the Planning Department if the Commission should address phasing. Ms. Bugge indicated that Township Counsel had recommended, if phasing was to be considered, that it be done at the Township Board level.

The Chairman asked for further comments from the Planning Commission. Mr. Smith said he thought the proposal was reasonable and that he did not have a problem with the cul-de-sacs as proposed. Mr. Larson said he had a problem with the cul-de-sacs as proposed and thought that they should not be approved without a showing that the street connection was not feasible due to grade transitions or sensitive natural features based on his reading of the Road Commission policy. The Chairman said he did not read the policy that way; he said he thought it allowed the Township to approve cul-de-sacs if the Planning Commission and the Township chose to do so. Ms. Stefforia said that she interpreted the Road Commission's policies similarly to the way Mr. Larson did.

The Chairman asked Mr. Larson if, given the ownership issues of the retention basin, whether he would view that as a constraint on the development of a through road. Mr. Larson said he did not think so, since he thought that the developer simply chose to accommodate the use of the drainage basin, but did not necessarily have to in the way it

was proposed. Ms. Bugge said she thought it was a pre-existing condition, which needed to be taken into account.

Attorney Porter noted that he did not view the Road Commission's regulations as requiring a specific site condition, since the parameters allowed cul-de-sacs if a through-street was not feasible due to site conditions, such as grade or sensitive natural features or other existing development, or when endorsed by the Township Planning Commission and Township Board. He said, since each of the sections read "or," he did not think the Road Commission's regulations required both the showing of a specific site condition "and" the Planning Commission's and Township Board's recommendation. The Attorney said the sections should be read in the disjunctive rather than the conjunctive. Because of that, he said he thought that the written justification to the Road Commission would be that there were specific site conditions caused by existing development, OR severe grade, OR approval of the Planning Commission and Township Board.

Mr. Gould said he was in favor of cul-de-sacs from a safety standpoint. He said he thought it slowed traffic and allowed people a more private setting, and he would be in support of the development of cul-de-sacs.

Mr. Larson asked if the previously approved cul-de-sacs in the Savannah development were private. Ms. Bugge indicated that they were. He asked if the original proposed cul-de-sacs for Phase 2 and 3 of Old Savannah were private. Ms. Bugge said that they were, but at the time, the Township only allowed cul-de-sacs within open space developments, and the Road Commission would not accept them as public roads.. She said the Road Commission now allows cul-de-sacs under the conditions noted earlier. Mr. Larson again said that he thought for connectivity that a developer should have to justify its reasons for putting in a cul-de-sac. He said he did not believe it was justified in this case.

The Chairman asked if there was any further discussion, and hearing none, said he would entertain a motion. Mr. Smith made a motion to recommend approval of the Step 1 of the site condominium with the proposed cul-de-sacs. The motion was seconded by Mr. Anderson. The Chairman called for a vote on the motion, and the motion passed unanimously.

CHERRY RIDGE PUD - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - SOUTH SIDE OF WEST MAIN STREET, WEST OF 10TH STREET/LODGE LANE - (PARCEL NOS. 3905-14-405-050, 3905-14-430-060 AND 3905-14-430-071)

The Chairman indicated that the next item up for review was the special exception use and site plan review of a proposed planned unit development containing 27 two-family home sites and two nonresidential areas. He said the subject site was located on the south side of West Main, west of 10th Street/Lodge Lane, being Parcel Nos. 3905-14-

405-050, 3905-14-430-060 and 3905-14-430-071. The Chairman asked to hear from the Planning Department. Ms. Stefforia submitted her report to the Planning Commission dated January 25, 2007, and the same is incorporated herein by reference.

At the conclusion of Ms. Stefforia's presentation, the Chairman asked if the proper procedure would be to consider the PUD as a special exception use, address the site plan and then work on the approval of the site condominium. Ms. Stefforia and Attorney Porter indicated that would be the appropriate process. The Chairman asked if there were any questions of Ms. Stefforia.

Mr. Larson asked how this would be handled as a PUD since there were three separately owned properties. Attorney Porter noted that the Ordinance allowed for a joint operating agreement between multiple land owners, provided the agreement was submitted in writing and approved by Township Counsel.

The Chairman asked if there were any further questions and hearing none, he asked to hear from the applicant's representative. Mr. Butch Vliek introduced himself to the Planning Commission and introduced the developer's engineer. Mr. Vliek explained to the Planning Commission how the developer had changed the southern boundary of the property and the eastern portion of the property to provide a greater setback to the existing residential development.

Mr. Vliek explained that they were hoping for a variance to the sidewalk requirement around the interior drive because of the alternative trailway provided in the reserved open space, which could be used by the residents for pedestrian access.

Mr. Vliek noted that the storm water as shown on the plan would have to be redesigned since they had undersized the storm water retention area in the proposed drawing. He also said the retention pond would have to be relocated north of its present location.

Mr. Vliek told the Planning Commission that they would abide by any limitations on design and layout that the Planning Commission felt were necessary for purposes of approval of the planned unit development. He said that the developer understood the desire to maintain connectivity between the nonresidential portion to the east and the residential portion. He said they could install a walking path along the east boundary line where the sanitary sewer line would be installed, but felt that, due to the topographical limitations, that a roadway would be physically impossible.

Mr. Larson asked what portion of the retention area would be expanded. Mr. Hahn, the representative's engineer, explained that based on Prein & Newhof's comments, that the retention area would have to be expanded in size, and therefore, moved to the northwest corner of the residential development.

There was a brief discussion as to how the storm water would be handled. Mr. Hahn said he thought that some of the storm water would have to be piped to the various retention basins. Ms. Stefforia stated she did not believe the Road Commission would accept that type of storm water system and questioned the validity of such a proposal. Mr. Hahn said that was a good point, and perhaps they would have to rework their retention basin and develop it in accordance with Road Commission guidelines.

Ms. Everett then asked if the pedestrian trailway to the northwest would have to be moved. Mr. Hahn said that it would have to be moved. Mr. Larson expressed a concern about the size and shape of the retention area and whether it would have any natural appearance at all.

Mr. Vliek then distributed a letter from the developer, Michael Seelye, asking for a variance from the mandate that a connecting road be required over Outlot E of the adjoining subdivision. The Chairman said, given that request and the numerous proposed changes to the site plan, he was not sure what the Planning Commission was even discussing at that point in time. Attorney Porter agreed.

The Chairman asked the applicant how they wanted to proceed. Mr. Vliek asked that the matter be tabled until a subsequent meeting when revised plans could be resubmitted to the Commission. Mr. Larson made a motion to table the matter until March 22, 2007. The motion was seconded by Mr. Smith. The Chairman called for discussion. Mr. Smith said he thought that the revised site plan should include those items discussed by the Planning Commission. Mr. Vliek asked for clarification as to what issues should be addressed. Mr. Vliek mentioned the trail to the east property line. Mr. Larson said he needed to see an access route to the property to the east, otherwise, he did not feel that it was a planned unit development. Mr. Vliek said that there was a huge depression to contend with, and he did not think that the properties could be connected. Mr. Larson said that they certainly had enough room to put in a sewer line and thought that should leave sufficient room to install an access route to the property. If not, he had a hard time even seeing how the eastern portion of the property was part of a PUD. Ms. Everett expressed her concerns that the nonresidential portion of the property seemed quite disconnected from the rest of the development, and she was concerned as to whether it would meet their standards for a planned unit development.

The Chairman indicated that there was a motion on the table and called for a vote on the motion. The motion passed unanimously.

Other Business

The Planning Commission received the Annual Report from the Planning Department for review.

Planning Commission Comments

The Chairman noted that the Planning Commission should look very closely at planned unit developments to make sure that they meet the spirit and intent of the Ordinance and are not devised to avoid the zoning standards otherwise imposed by the Township. Ms. Everett and Mr. Larson agreed.

Mr. Larson also raised a concern regarding cul-de-sacs and said he thought there should be a standard upon which they could be uniformly and fairly approved. He said he was of the opinion that there needed to be justification to grant approval for cul-de-sacs.

Public Comment

Mr. Jason Nuzzo introduced himself to the Planning Commission. He said he wanted to thank the developer for his consideration in proposing the requested variance. He said he also wanted to encourage the Planning Commission to address the service road issue in order to address connectivity before there was too much commercial development in the Township.

Mr. Dan Thompson introduced himself to the Commission. He, too, said he was pleased with the request for a variance. He inquired as to the differences between a deviation and a variance, to which Attorney Porter noted that variances need to meet a very high standard, whereas, some of the deviations (particularly those associated with a special exception use), were exercised as part of the conditional authority granted to the Planning Commission under the Zoning Act. These were often granted based on a lesser standard than the grant of a variance.

Mr. Peter Simenauer introduced himself to the Planning Commission and inquired about the traffic study done on Lodge Lane. After a brief discussion, he thanked the Commission for their input.

Adjournment

There being no other business, Mr. Smith made a motion to adjourn the meeting at approximately 9:35 p.m. Mr. Larson seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

OSHTMO CHARTER TOWNSHIP
PLANNING COMMISSION

By:

Minutes prepared:
February 1, 2007

Minutes approved:
_____, 2007