

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD FEBRUARY 25, 2010

Agenda

GOLF RIDGE, LLC – SPECIAL EXCEPTION USE AND SITE PLAN REVIEW – PROPOSED BANK WITH DRIVE-THROUGH SERVICE – 5313 WEST MAIN STREET WITHIN GOLF RIDGE DEVELOPMENT – (PARCEL NOS. 3905-13-405-029 AND 3905-13-405-030) (FROM TABLE OF FEBRUARY 11, 2010)

ENGEL COMMONS – SPECIAL EXCEPTION USE AND STEP I PRELIMINARY PLAN REVIEW – PROPOSED NONRESIDENTIAL SITE CONDOMINIUM WITH A PRIVATE STREET – 6220 WEST MAIN STREET – (PARCEL NO. 3905-14-288-011)

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, February 25, 2010, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairman
Deborah Everett
Bob Anderson
Kitty Gelling
Carl Benson
Fred Gould
Richard Skalski

MEMBERS ABSENT: None

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Senior Planner; James Porter, Township Attorney, and five other interested persons.

Call to Order and Pledge of Allegiance

The meeting was called to order at approximately 7:00 p.m. The “Pledge of Allegiance” was recited by the Commissioners.

Agenda

The Chairman noted that the Planning Department staff had asked to review the emergency procedures with the Commission right after the meeting. The Chairman asked if

there were any other changes to the Agenda. Hearing none, he called for a motion to approve the Agenda. Ms. Gelling made a motion to approve the Agenda, as amended, and Mr. Skalski seconded the motion. The Chairman called for a vote on the motion. The motion passed unanimously.

Public Comment on Non-Agenda Items

The Chairman asked if there was any public comment. Hearing none, he closed the public comment portion of the meeting.

Minutes

The Chairman asked if there were any changes to the minutes of February 11, 2010. Hearing no changes, the Chairman called for a motion on the minutes. Mr. Benson made a motion to approve the minutes, as submitted. The motion was seconded by Ms. Gelling. The Chairman called for a vote on the motion, and the motion passed unanimously.

GOLF RIDGE, LLC – SPECIAL EXCEPTION USE AND SITE PLAN REVIEW – PROPOSED BANK WITH DRIVE-THROUGH SERVICE – 5313 WEST MAIN STREET WITHIN GOLF RIDGE DEVELOPMENT – (PARCEL NOS. 3905-13-405-029 AND 3905-13-405-030) (FROM TABLE OF FEBRUARY 11, 2010)

The Chairman said the next item on the Agenda was consideration of a special exception use and site plan review for Golf Ridge, LLC. He said they were being asked to consider a proposed bank with a drive-through service to be constructed at 5313 West Main Street, within the Golf Ridge development, Parcel Nos. 3905-13-405-029 and 3905-13-405-030. The Chairman called for a report from the Planning Department. Ms. Stefforia submitted her report to the Planning Commission dated January 28, 2010, and the same is incorporated herein by reference.

Ms. Stefforia explained that this matter was tabled at the February 11, 2010 Planning Commission. She further indicated that the previous phases of the applicant's development were approved by the Zoning Board of Appeals, but since a bank was being proposed with a drive-through service, it triggered special exception use review required by the Planning Commission. She said, in addition, the Planning Commission needed to conduct the site plan review.

Ms. Stefforia explained that the land acquisition by the developer was different than what was shown in the earlier site plan. She explained that the applicant was acquiring all but the first two feet of the frontage along West Main Street. She said that the Elks Club had retained two feet of depth frontage of the subject parcel in order to maintain its minimum frontage requirements. She reminded the Planning Commission that the ZBA recommended a text change to address this depth-to-frontage requirement. However, it was noted that the applicant was doing what was consistent with the Township Ordinances.

Ms. Stefforia took the Commission through a review of Section 60.100, being the special exception use provisions of the Zoning Ordinance. After reviewing the special exception use provisions, she also took the Commission through a review of the site plan review provisions of Section 82.800 of the Township Zoning Ordinance.

At the conclusion of Ms. Stefforia's report, the Chairman said he was going to open the meeting to questions of the Planning Department staff. He did state, however, that frontage for the subject property was not an issue, since the applicant was in compliance with the Township Ordinances. He said to the extent that any Planning Commission members were concerned about the issue, it would be appropriate to address the issue in the form of a text change.

The Chairman asked Ms. Stefforia about the availability of parking spaces to the south of the proposed building. He said he counted approximately 35 spaces. Ms. Stefforia said she had not counted the specific parking spaces for the bank because it was part of the larger Golf Ridge development. She had looked at the total requirements and found that the site slightly exceeds the minimum required parking spaces.

The Chairman asked why the applicant had not provided barrier-free parking near the proposed building. Ms. Stefforia suggested that the Planning Commission ask the applicant; she had requested that the applicant provide some, but it was not done.

The Chairman then asked if there was adequate stacking for the drive-up lanes. Ms. Stefforia said she believed there would be adequate stacking for the drive-up windows. She noted that she had additional details regarding the drive-up lanes, being one ATM lane and two teller lanes, and relayed that information to the Commission.

The Chairman asked if any other members of the Planning Commission had questions.

Mr. Skalski asked why the Elks' Club retained their frontage to a depth of two feet along West Main Street. Ms. Stefforia said she believed it was done to remain in conformance with the 200-foot road frontage requirement of the Ordinance. She said that requirement did not apply to the subject bank site since it will be incorporated into the larger Golf Ridge development which had adequate road frontage.

Mr. Gould said he was concerned about the number of vehicles which would be cued at the drive-through bank and thought that issue should be addressed by the applicant.

Hearing no other questions from the Commission members for Staff, the Chairman asked to hear from the applicant. Mr. Josh Weiner introduced himself. He said he was happy to be in front of the Commission in three different capacities, first as a new Oshtemo Township resident, second as the developer of Golf Ridge, and third, as a board member of the First National Bank, which was the entity proposing to establish the new facility.

Mr. Weiner said he would try to address the questions raised during the Planning Commission's discussions with Staff. He said the hours of the bank would be Monday through Friday, 9 a.m. to 6 p.m. and Saturday, 10 a.m. to 5 p.m. unless there was a change in business conditions. He said that the lighting would match the other lighting throughout the development. In addition, he noted that the drive-through lanes would be able to cue up three cars each. With regard to the issue of barrier-free parking, he said that there was other barrier-free parking in the development, particularly along the east wall of Office Depot and that they would have a highlighted crosswalk. He thought that the barrier-free parking was sufficient for the development. He noted that they had 229 parking spaces available, and under the Township Zoning Ordinance, only 221 parking spaces were required. He also stated that a Herby-Curby dumpster would be placed inside and would only be out during the time of pick-up.

The Chairman asked the applicant if they could accomplish the installation of barrier-free parking immediately adjacent to the building. Mr. Weiner said he thought they could, just west of the area shown on the site plan as the walking aisle, which was five foot in width.

The Chairman asked if there were any other questions.

Ms. Gelling asked Mr. Weiner about his statement about a change in operations. Mr. Weiner said he only meant to refer to a possible change in hours if demand of the clientele required a change.

The Chairman called for public input.

Mr. Jim Bauhof introduced himself to the Planning Commission. He said he lived on Skyridge Avenue and that the lights from The National City Bank were quite problematic. He also stated that the lights from the car dealership really impacted the quality of life for him and his neighbors which faced the golf course. He asked the Planning Commission to make sure that the developer and the Planning Commission took steps to avoid any additional light directly impacting him and his neighbors.

Mr. Weiner asked if he could address Mr. Bauhof's comments. The Chairman indicated that he could as long as his comments were directly addressed to the Planning Commission. Mr. Weiner assured the Planning Commission and Mr. Bauhof that all of the lights on their property would be sharp cutoff lighting to avoid light spilling over to other properties. The Chairman asked for confirmation from the applicant that there would be a photometric study done to verify compliance with the Township's lighting restrictions. Mr. Weiner indicated that such a study would be done. Ms. Stefforia also noted that she would have to see the lighting fixtures before they could move forward because there had been issues with building lights installed in earlier phases of this development.

The Chairman asked if there were any further questions, and hearing none, suggested that the Planning Commission proceed in two steps: (1) consider the special exception use; and (2) consider the site plan.

The Chairman asked for comments from the Planning Commission members regarding the four criteria set forth under Section 60.100 of the Staff's report. Ms. Everett said she thought the request met the criteria. Mr. Skalski concurred, and there was a consensus that the proposal met the conditions of Section 60.100 Special Exception Use criteria set forth in the Staff report.

The Chairman called for a motion. Ms. Gelling made a motion to grant the special exception use but subjecting the approval to a land reconfiguration application being filed, with the appropriate supporting documents, with the Township for review and approval of the reconfiguration of the Golf Ridge and the Elk's property. Mr. Skalski seconded the motion. The Chairman called for discussion. The Chairman noted that he was satisfied by the applicant's representation that three cars can be cued up at either of the two drive-up windows, and he felt that all of the special exception use provisions were addressed. The Chairman called for further discussion. Hearing none, he called for a vote on the motion. The motion passed unanimously.

The Chairman said the next item was consideration of the proposed site plan. The Chairman said that the issue which the Commission had regarding trash should be addressed. He also said that the lighting issue would be addressed by compliance with Section 78.000 of the Township Zoning Ordinance, as well as having a photometric plan review of the property. He asked the Planning Commissioners for their comments. Most Commission members said they were very comfortable with the proposed site plan.

The Chairman said that they needed to address the barrier-free issue. He said he thought that the spirit and intent of meeting the Michigan Building Code, while not necessarily within the preview of the Planning Commission, required that barrier-free access be more immediate than what was proposed by the applicant. He said he believed, at the very minimum, there should be at least one barrier-free parking spot located adjacent to the proposed building.

The Chairman asked if there was further discussion. Hearing none, he called for a motion. Ms. Gelling made a motion to approve the site plan with the following conditions:

1. Two barrier-free parking spaces be provided near the bank building and reflected on a revised site plan.
2. Exterior lighting shall comply with Section 78.700 of the Zoning Ordinance with submission of a photometric plan for Township approval.
3. All proposed new exterior light fixtures must be submitted for Township review and approval before a Building Permit may be issued.
4. Any dumpsters and recyclable storage areas on the site shall be enclosed inside the building.

5. A Sign Permit, in compliance with Section 76, is necessary before any additional signs may be placed upon the property.
6. All landscaping shall be installed prior to issuance of a Certificate of Occupancy or a performance guarantee in accordance with Section 82.950 shall be provided.
7. Site plan approval is subject to Fire Department review and approval pursuant to adopted codes.
8. Site plan approval is subject to Township Engineer review and acceptance of site engineering as adequate.
9. The Hazardous Substances Reporting Form is needed for the bank facility.

Mr. Benson said he would support the motion. The Chairman asked if Ms. Gelling wanted two barrier-free parking spaces near the bank, and she insisted that she did. Mr. Benson said he would not support the motion without at least two barrier-free parking spaces being provided.

The Chairman asked if there were any further comments. Hearing none, he called for a vote on the motion. The motion passed unanimously.

ENGEL COMMONS – SPECIAL EXCEPTION USE AND STEP I PRELIMINARY PLAN REVIEW – PROPOSED NONRESIDENTIAL SITE CONDOMINIUM WITH A PRIVATE STREET – 6220 WEST MAIN STREET – (PARCEL NO. 3905-14-288-011)

The Chairman indicated that the next item for consideration was the special exception use and Step I preliminary plan review for a proposed nonresidential site condominium, known as Engel Commons, with a private street. He said the property is located is 6220 West Main Street, Parcel No. 3905-14-288-011. The Chairman called for a report from the Planning Department. Ms. Stefforia submitted her report to the Commission dated February 25, 2010, and the same is incorporated herein by reference.

Ms. Stefforia indicated that the developer had received approval for a private street in 2006, as well as approval of a nonresidential site condominium. However, the private street and nonresidential site condominium were never established and the approvals expired. She noted that the applicant now needed to receive approval for the private street, as well as go through the new steps for approval of a site condominium.

Ms. Stefforia took the Commission through a review of the private streets standards as set forth in Section 60.840 of the Township Zoning Ordinance, which also requires special exception use criteria as set forth in Section 60.100. After reviewing the private street issue, Ms. Stefforia also took the Commission through Step I approval under the General Township

Ordinance for approval of site condominiums in Section 290.005 of the Subdivision/Site Condominium Ordinance.

At the conclusion of Ms. Stefforia's report, the Chairman asked if there were any questions of Staff.

Mr. Skalski asked what controls the engineer will use to make sure that the road is built according to appropriate standards. Ms. Stefforia indicated that the inspectors from the Township Engineer's office would be on-site doing spot checks. She said inspectors would also be observing the construction of the road when they checked the water and sewer installations.

The Chairman asked if we had established criteria with regard to the construction of a road. Ms. Stefforia indicated that the Township had, and as set forth in her report, they would have to meet the standards set forth by the Road Commission in all respects except width.

The Chairman asked if there were any further questions. Hearing none, he asked to hear from the applicant's representative. Mr. Hill introduced himself and said he represented William Engel. He said in answer to some of the questions raised, they would be providing street lights, but he was not certain whether they would be installed by Consumers Energy or by a private company. He did know, however, that they would meet ordinance requirements.

The Chairman asked Mr. Hill about the sidewalks. Mr. Hill said he thought that a sidewalk on one side of the development was sufficient. The Chairman asked if the applicant would have a problem with providing sidewalks on both sides. Mr. Hill said he did not think it was a problem, but he would have to ask Mr. Engel. Mr. Skalski commented that he had the same question raised by the Chairman.

The Chairman asked if there was any public comment, and hearing none, called for Planning Commission discussion.

The Chairman began by noting that he thought sidewalks on both sides of the private road should be required. He said that would be consistent with past decisions, and he believed it was necessary for compliance with the non-motorized plan throughout the Township. Several Commissioners concurred.

Mr. Gould asked when the street might be completed. Mr. Hill said he thought possibly the fall of 2010.

The Chairman asked that the Commission take this matter in two steps, (1) addressing the special exception use, and (2) considering the recommendation of preliminary plan Step I approval to the Township Board.

Ms. Everett made a motion to approve the special exception use, finding that the applicant had met the applicable standards subject to the following conditions:

1. The Ordinance requires the placement of a stop sign at the private street's intersection with M-43.
2. Approval from MDOT regarding expanding the use of the existing driveway to a private street is necessary.
3. Approval is subject to review and approval of the street and stormwater management system design by the Township Engineer.
4. Master Deed of the nonresidential site condominium shall provide for maintenance of the private street per the specifications of Section 60.870 of the Zoning Ordinance.

The motion was seconded by Ms. Gelling. The Chairman called for further discussion. Hearing none, he called for a vote on the motion. The motion passed unanimously.

The Chairman asked that the Commission members then consider site condominium review and recommendation regarding Step I. The Chairman noted that the applicant had indicated that the streetlights would comply with the Township requirements, and he thought there was a consensus of the Planning Commission that sidewalks be installed on both sides of the private road.

Ms. Gelling made a motion to recommend approval of the preliminary plan for Engel Commons provided that street lighting complies with the Township's Ordinance and that sidewalks be installed on both sides of the private street. The motion was seconded by Mr. Skalski. The Chairman called for a vote on the motion, and the motion passed unanimously.

Any Other Business

Ms. Stefforia suggested that the Planning Commission consider cancelling its March 11, 2010 meeting and combine the matters which they had into one meeting scheduled for March 25. The Planning Commission members concurred with Ms. Stefforia's recommendation.

Planning Commissioner Comments

The Chairman asked Ms. Bugge if this was her last official meeting as a full-time employee. Ms. Bugge indicated that it was. The Chairman then noted for the record that the Township had been well served by her great attention to detail, her diligence and service as a good employee to which other Planning Commission members added the following comments: pleasant, efficient, professional, intelligent, and blessed. Ms. Bugge thanked the Commissioners for their comments. Ms. Gelling added a special appreciation to the record for Ms. Bugge's service. Mr. Skalski specifically thanked Ms. Bugge for her good work.

The Chairman noted that the Commission needed to keep mobility issues in the forefront of their minds as they looked at developments similar to the proposals which they looked at that evening.

Adjournment

The Commission adjourned its meeting at approximately 8:15 p.m. for purposes of an emergency procedures briefing by Ms. Bugge.

Minutes Prepared:
March 1, 2010

Minutes Approved:
_____, 2010