

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

MINUTES OF A MEETING HELD MARCH 9, 2006

Agenda

**TEXT AMENDMENT (VERHAGE) - AGRICULTURAL SIGNS - PUBLIC HEARING**

**BUFORD - SKETCH PLAN REVIEW - 6312 WEST MAIN STREET- (PARCEL NO. 3905-14-255-080)**

A meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, March 9, 2006, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: James Turcott  
Terry Schley  
Lee Larson  
Fred Gould

MEMBERS ABSENT: Deborah L. Everett  
Mike Smith  
Kathleen Garland-Rike

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

**CALL TO ORDER**

The meeting was called to order at 7:00 p.m.

**AGENDA**

The Chairman asked if there were any changes to the Agenda. Ms. Stefforia asked that the Commission consider setting a public hearing to amend the Village Commercial District text in the Zoning Ordinance to reference the Downtown Development Authority's Village Theme Development Plan. Mr. Schley made a motion to approve the Agenda, as amended. The motion was seconded by Mr. Gould. The Chairman called for a vote on the motion, and the motion passed unanimously.

## **MINUTES**

The Chairman announced that the next item on the Agenda was the minutes of February 23, 2006. Mr. Larson made a motion to approve the minutes as submitted, and the motion was seconded by Mr. Schley. The Chairman called for a vote on the motion, and the motion passed unanimously.

## **TEXT AMENDMENT (VERHAGE) - AGRICULTURAL SIGNS - PUBLIC HEARING**

The Chairman indicated that the next item for consideration was a text amendment to address various provisions in Section 76.000 regarding agricultural directional signs. Ms. Stefforia recommended to the Commission that the matter be tabled for two reasons. First, the applicant's attorney had emergency surgery and was not going to be available to discuss the proposal with the Commission. Second, given the significance of the proposal and the fact that there were only four members of the Planning Commission in attendance, she thought it appropriate to table the matter until the full Commission could discuss the proposed text amendments.

Mr. Larson made a motion to table the matter until April 13, 2006. The motion was seconded by Mr. Gould. The Chairman called for discussion. Ms. Stefforia noted that, since the Commission was adjourning this matter to a date certain, as requested, there would be no need to re-notice the matter for the April 13, 2006 meeting. The Chairman called for a vote on the motion, and the motion passed unanimously.

## **BUFORD - SKETCH PLAN REVIEW - 6312 WEST MAIN STREET- (PARCEL NO. 3905-14-255-080)**

The Chairman indicated the next item for review was the conceptual site plan for an office building at 6312 West Main Street, Parcel No. 3905-14-255-080. The Chairman asked to hear from Ms. Stefforia. Ms. Stefforia submitted her report to the Planning Commission dated March 9, 2006, and the same is incorporated herein by reference.

Ms. Stefforia explained that the Planning Commission had recently recommended rezoning the subject property from "R-2" to "R-3," and that the Township Board had accepted that recommendation and set the first reading for March 14, 2006. She said, based upon the Township Board's anticipated action, the rezoning for "R-3" would likely be in effect in April. Given that likelihood, the applicant was seeking input from the Planning Commission regarding the proposed development of his property.

Ms. Stefforia explained to the Planning Commission that, due to the size of the parcel, variance requests were likely, and the applicant was requesting feedback on a proposed site plan before formal application for special exception use, site plan approval or the submission of any variance requests.

Ms. Stefforia then took the Planning Commission through a review of Section 23.404(f) regarding off-street parking within the setback areas; Section 23.404(l) regarding landscaping required in accordance with Section 75.000; and Section 68.300 B regarding aisle width for on-site drive aisles. In addition, Ms. Stefforia took the Planning Commission through a review of Section 64.100, dealing with the setback provisions for buildings constructed along a public highway. Ms. Stefforia then provided an overhead of the proposed site plan for the Planning Commission's review.

The Chairman asked if there were any questions of Ms. Stefforia, and hearing none, asked to hear from the applicant. Mr. Jim Buford introduced himself to the Planning Commission. He explained that he was proposing to develop an office on the property, but due to the very small size of the parcel, it would be extremely difficult to comply with the greenspace requirements. He said, based upon the size of the parcel, he was seeking relief from the greenspace requirement, as well as the parking setback currently required under the Ordinance.

Mr. Larson asked if the building was a package building. Mr. Buford said that it was not; it would be a stick-built building. Mr. Larson then asked why the building could not be re-oriented on the property so that the entrance faced the west. Mr. Buford said that it might be possible to flip the building, and he could explore that possibility. Mr. Larson said that, in his mind, he thought that the Township's requirements were intended to maintain a residential look in the area, and that developing the property, as proposed, would not achieve that result. He said he thought the applicant needed to get much closer to complying with the required greenspace provisions of the Ordinance than proposed. Mr. Buford said he did not think he could meet the greenspace requirements. Mr. Larson said he could get much closer than proposed on the submitted site plan.

Mr. Schley asked how the applicant had arrived at the requirement of nine parking spaces. Mr. Buford said it was based on square footage of the proposed structure. Mr. Schley pointed out that, if nine spaces were needed, Mr. Buford did not have sufficient space, because he had made no accommodations for a barrier-free parking space, which would require additional area. Mr. Buford said there were not nine spaces currently on the site. Mr. Larson pointed out that there was also not an office building currently on the site.

Mr. Larson asked if Mr. Buford needed 1,900 square feet for his office building. Mr. Buford said he thought that would be the least he would need for his business.

Ms. Bugge asked if the proposed structure was a one-story or two-story building. Mr. Buford said it was a one story. Ms. Bugge asked if it could be changed to a two-story building. Mr. Buford said he did not think that was feasible, because it would require an elevator and would create a small dysfunctional structure. Ms. Stefforia pointed out that the cost of an elevator would likely make the development cost prohibitive.

Mr. Buford said, unless he got some relief, he did not think the property was buildable. Ms. Stefforia noted that the subject property would likely never be able to be built upon, in total compliance with the Ordinance. She said the real issue was what type of relief could be granted or would be acceptable to the Planning Commission in order to make the parcel buildable.

Mr. Gould asked what the status was of the property to the north and to the west of the subject parcel. Ms. Stefforia said that the property surrounding the subject parcel had hundreds of feet of frontage and could be developed. Mr. Buford said he had talked with the adjoining landowner, who was not interested in selling even a small portion of his property. Mr. Buford said that Robert Snell suggested obtaining an easement in order to provide the necessary greenspace and inquired as to whether that was an option. Attorney Porter noted that, while obtaining an easement might not meet the requirements of the Ordinance 100%, it certainly would meet the spirit of the Ordinance. Attorney Porter thought it was something perhaps the Zoning Board of Appeals and the Planning Commission could consider. Mr. Schley suggested that it would be tantamount to contract zoning. Attorney Porter concurred.

Ms. Bugge pointed out that, if the subject building was turned running north and south, the applicant could possibly obtain the requisite greenspace along the western property line. Ms. Stefforia pointed out, however, that the fire department might be concerned about the fact that they did not have a turnaround on the property.

Mr. Schley asked when the landscape provisions were enacted and when the applicant acquired the subject property. As a result of the discussion, it was noted that the applicant acquired the property after the landscape provisions had been enacted.

Mr. Schley asked Mr. Buford what business he operated. Mr. Buford indicated that he was a realtor. Mr. Schley said that he certainly had knowledge of these types of Ordinances, and he did not see a lot of good reasons to permit the proposed site plan as submitted. Mr. Buford said that he understood that he should have done more homework when looking into the development of the site and not have waited until after he had received rezoning of the property. Mr. Schley said that he simply thought the proposed structure for the subject property was too large.

The Chairman explained to the applicant that the Township took its landscaping requirements very seriously, and he concurred with his colleagues that the extent of the requested relief was likely too great to be considered. Mr. Larson asked who laid out the proposed site plan. Mr. Buford said LandTech. Ms. Stefforia then suggested moving the building to the north and putting the parking in front of the building in order to achieve greater compliance with the Township zoning provisions. Mr. Buford said he did not think he could put parking in front of the building. Ms. Stefforia and Ms. Bugge explained that the only prohibitions against parking was within the front and side yard setback areas and not necessarily in front of the building. Mr. Buford then explained that he told his engineer that there was no parking allowed in front of the building.

Mr. Larson said that he thought Mr. Buford had more options than he apparently understood and suggested reviewing the proposed site plan with his engineer. Ms. Stefforia, in defense of Mr. Buford, pointed out that the tax maps were in error in not showing the 75-foot right-of-way for the state highway, and only when this was discovered did Mr. Buford realize that he had such a small area with which to work.

Mr. Buford said he would meet with his engineer and redesign the site with parking in front of the building in an attempt to bring the site into compliance as much as possible.

#### Other Business

The Chairman said that the other item of business was consideration of an amendment to the Village Commercial text language to include reference to the Downtown Development Authority's Village Theme Development Plan. Mr. Larson made a motion to have a public hearing on the proposed amendment on April 13, 2006. The motion was seconded by Mr. Gould. The Chairman called for a vote on the motion, and the motion passed unanimously.

#### Planning Commissioner Comments

None.

#### Adjournment

There being no further comment, the meeting was adjourned at approximately 7:45 p.m.

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

By: Kathleen Garland-Rike

Minutes prepared:  
March 16, 2006

Minutes approved:  
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