

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD MARCH 23, 2006

Agenda

**SOCCER ZONE AND BRANCH GYMNASTICS - SPECIAL EXCEPTION USE - 6255
TECHNOLOGY AVENUE - (PARCEL NO. 3905-35-450-009)**

**RAYBOW, INC. - SKETCH PLAN REVIEW - OPEN SPACE COMMUNITY - WEST G
AVENUE - (PARCEL NOS. 3905-03-130-020 AND 3905-03-205-001)**

A meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, March 23, 2006, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: James Turcott
Terry Schley
Lee Larson
Fred Gould
Deborah L. Everett
Mike Smith
Kathleen Garland-Rike

MEMBERS ABSENT: None

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Township Planner, and James W. Porter, Township Attorney; and approximately 15 other interested persons.

CALL TO ORDER

The meeting was called to order at 7:00 p.m. The Chairperson asked that those in attendance note the passing of one of the Township's most prominent citizens, Ted Corakis. He said that Ted had served on the Planning Commission as well as the Township Board. He noted that Ted was a kind and generous person dedicated to public service and that he would be greatly missed.

AGENDA

The Chairman asked if there were any amendments to the Agenda. Ms. Stefforia asked that the agenda be amended to include two items under Any Other Business, the first being amendment of the minutes of February 23, 2006, and the second revisiting the cul-de-sac issue for Buckham Woods. Mr. Schley made a motion to approve the Agenda, as amended. The motion was seconded by Mr. Smith. The Chairman called for a vote on the motion, and the motion passed unanimously.

MINUTES

The Chairman noted that the minutes were not in the packet and could not be approved and item #3 was deleted from the Agenda.

SOCCKER ZONE AND BRANCH GYMNASTICS - SPECIAL EXCEPTION USE - 6255 TECHNOLOGY AVENUE - (PARCEL NO. 3905-35-450-009)

The Chairman indicated that Item #4 was a special exception use review for two indoor recreational facilities at 6255 Technology Avenue for the Soccer Zone and Branch Gymnastics, Parcel No. 3905-35-450-009.

Mr. Schley immediately excused himself from the dias and indicated that he had an ongoing relationship with one of the applicants. The Chairman asked that Mr. Schley be excused. Ms. Everett made a motion to excuse Mr. Schley because of a conflict of interest, the motion was seconded by Mr. Gould. The Chairman called for a vote on the motion, and the motion passed unanimously.

The Chairman asked for a report from the Planning Department. Ms. Stefforia submitted her report to the Planning Commission dated March 23, 2006, and the same is incorporated herein by reference. Ms. Stefforia told the Planning Commission that the property was zoned "I-R" Industrial and that the owners of the Soccer Zone and Branch Gymnastics were seeking approval for special exception use for an indoor soccer facility and a children's gymnastic facility. She said the building was in the Oshtemo Business Park and that the applicants were both tenants of LAGEOC, Limited, LLC.

Ms. Stefforia noted that the building had about 114 parking spaces available. She said that the Soccer Zone would likely have a peak use of up to 40 cars and that the Branch Gymnastics would have a peak use of approximately 40 to 50 cars.

Ms. Stefforia noted for the Planning Commission the fact that the Zoning Ordinance was amended in 1999 to make indoor recreation a Special Exception Use within the "I-R" District. Ms. Stefforia then took the Board through the provisions of

Section 60.100, as set forth in her report. Ms. Stefforia made it clear to the Board that there were two separate applications for two separate facilities.

The Chairman asked if there were any questions and hearing none, the Chairman called for input from the applicant. Mr. Schley introduced Mr. Mike Garrett to the Planning Commission. Mr. Garrett introduced himself to the Planning Commission and said he was there representing the Soccer Zone. He said that the subject building would be used as a satellite location to supplement their other facilities in the area. He asked for questions. Hearing none, the Chairman asked to hear from the representative the Branch Gymnastics.

Ms. Cindy Scharns introduced herself to the Planning Commission. She apologized for not approaching the Township before moving into the subject building, however, she thought her landlord had received authorization for the move. She said once it was discovered that was not the case, she immediately applied for a special use permit. She asked if there were any questions from the Planning Commission.

The Chairman asked how they were coming on the site on Stadium. Ms. Scharns said they were looking at that site as well as another site with their new builder and would be making a decision on a permanent location shortly.

The Chairman asked if there was any input from the audience and hearing none, he closed the public portion of the meeting and called for Planning Commission deliberations. The Chairman said he thought this was quite straightforward and asked if there were any questions that concerned the Planning Commission. Mr. Larson then made a motion to approve a special exception use for the Soccer Zone and Branch Gymnastics as submitted. The motion was seconded by Mr. Smith. The Chairman called for further discussion and hearing none called for a vote on the motion and the motion passed unanimously.

RAYBOW, INC. - SKETCH PLAN REVIEW - OPEN SPACE COMMUNITY - WEST G AVENUE - (PARCEL NOS. 3905-03-130-020 AND 3905-03-205-001).

The Chairman indicated that the next item was a conceptual review of a proposed open-space community on West G Avenue, Parcel Nos. 3905-03-130-020 and 3905-03-205-001. The Chairman then asked to hear from the Planning Department. Ms. Bugge submitted her report dated March 23, 2006, and the same is incorporated herein by reference.

Ms. Bugge explained that the applicant was proposing to develop a residential site condominium using the Open Space criteria set forth in Section 60.500 of the Zoning Ordinance. She said that the staff has suggested a pre-application review given

some of the unique recreational amenities and development layout proposed by the applicant. The development would only involved Parcel 3905-03-130-020.

Ms. Bugge said that the property was located in the Rural Residential District where only single-family dwellings are permitted, except under the Open Space provisions where two-family dwellings are also allowed. She said the applicant was proposing 16 building sites for a total of 31 dwelling units on the 33 acre site.

Ms. Bugge suggested the Commissioners discuss the proposed ownership of the site, as well as the private gated road on G Avenue. She noted that sidewalks had not been planned but were required under the Township ordinance. She said the Open Space abutted ten proposed sites and was easily accessible to all others. She asked that the Board look at the placement of the proposed sites and amenities given their location to the surrounding properties. She noted that the proposed amenities did not appear to be located within the required 40% open space.

Ms. Bugge then reviewed the pre-application review requirements of Section 60.580B with the Planning Commission. Ms. Bugge again noted for the Board and those in attendance that no application for site plan review has yet been filed and, therefore, this was just a pre-application review. The Chairman asked if there were any other questions. Hearing none, he asked to hear from the applicant.

Vicki Alexander introduced herself to the Planning Commission. Ms. Alexander said she thought the site plan was self-explanatory but asked the Planning Commission if they had any questions. Mr. Turcott asked if they would be putting sidewalks within the proposed development. Ms. Alexander said they certainly could do that and there would be no problem complying with the Township ordinance.

Ms. Garland-Rike asked how each of the duplexes would be owned. Ms. Alexander said each would be owned by a single person who would then pay dues for the support and upkeep of the development. Ms. Garland-Rike asked if there would be two dwelling units on each site. Ms. Alexander said there would be. Mr. Larson asked if one could live in one side and rent the other side. Ms. Alexander said that could be done, but the owner would still have to pay the dues for the use of the facilities.

Ms. Everett asked if the duplexes had to be owner occupied. Ms. Alexander said she did not believe so. She said that both of the sides of the duplex could be rented by the owner.

Ms. Stefforia asked if there had been any market analysis for this type of development within the Kalamazoo area. Ms. Alexander said that the financial backers had developed these types of facilities elsewhere and had done quite well. Ms.

Stefforia asked if they could provide information regarding the other locations. Ms. Alexander said that she thought that they could.

The Chairman asked what the square feet of each unit would be. Ms. Alexander said 800 square feet per side. She said each would be a three-bedroom with a 9 foot basement. Ms. Bugge clarified that each unit would have 800 square feet on the first and second level for a total of 1600 square feet. Ms. Alexander said that was correct.

The Chairman asked whether the tennis courts would be lighted. Ms. Alexander said yes and that she thought they should be.

Ms. Stefforia asked if Ms. Alexander had shared the proposed development plans with the health department. Ms. Alexander said they had not discussed this with the health department and would not do so until they had some input from the Planning Commission.

Mr. Smith asked what demographic group the applicant was aiming at. Ms. Alexander said probably seniors who did not want to have the upkeep, who wanted their roads cleared and their grounds taken care of.

Mr. Schley asked if he understood correctly that it was possible for two nonowners to live within the duplexes. Ms. Alexander indicated that was correct. Ms. Everett said that most senior developments she had seen did not have multiple stories, but usually they were a single storey. Ms. Alexander said she had not come up with the proposed design but these types of developments had been very successful in New Mexico and California.

Ms. Garland-Rike said when she saw the wading pool she was thinking children. Ms. Alexander said they were thinking grandchildren.

Ms. Bugge asked, given the development was a site condominium, whether the association would own the open space. Ms. Alexander indicated that was correct. She also noted that each unit would have a two car garage, and while they were modular construction that they would have a fully drywalled interior set on a 9 foot basement.

Mr. Schley said the proposed structures looked more like townhouses. Ms. Alexander said that was probably a fair comparison. Mr. Larson asked where the units were manufactured. Ms. Alexander said they were manufactured in Rochester Hills, Indiana.

Mr. Smith asked what kind of gate control would be used for the facility. Ms. Alexander said that it would likely be a keypunch or keypad unit. Mr. Gould asked what

the price range would be for the proposed duplexes. Ms. Alexander said in the \$300,000 to \$370,000 range.

Ms. Garland-Rike said she was a somewhat concerned about the proposed development given that open space development required the applicant to maintain a low visual impact on the community. She said that she did not understand how they could do that with such large duplexes. Ms. Alexander said they would maintain a tree line around the boundary of the property. Ms. Bugge pointed out that most of the trees were within the road right of way and not necessarily under the control of the development.

Mr. Schley asked how the Township typically controls the density of dwelling units. Ms. Bugge said there was a limit of one per acre. Mr. Schley asked what allowed the Township to control the transient nature of such use since they could be rented to two unrelated people. Ms. Bugge said there would only be allowed one family per unit which allows no more than two unrelated persons to occupy a dwelling. Mr. Schley then said that the Township basically restricts the use of facilities through its definition of family. Ms. Bugge indicated that was correct. Mr. Schley said that while that was true, he said he thought that the proposed development would seem to allow for more transient use of the property than most residential neighborhoods.

Mr. Stefforia asked if the applicant had done the mathematical computations to determine whether or not someone could actually purchase one of these facilities and rent it out and make it financially viable. Ms. Alexander said they had not done that type of analysis but thought rental to a family was feasible.

Mr. Larson said he had a very difficult time reconciling the design standards in relationship to the proposed layout. He said that the provisions in Section 65.540, particularly subsection G, did not seem to be followed by the applicant at all. He said he was not sure they met any of the standards. Ms. Bugge said the Township had been flexible regarding the clustering requirements with other open space developments. She said she thought part of the reason they were clustering everything to the northeast had to do with the topography of the area. She said this layout would minimize earth moving.

Mr. Larson said he understood that but he said he felt this looked like the traditional subdivision and not something that would qualify for the open space development. He said everything was done at right angles and much too close to the east property line. He said it looked like a standard subdivision and that the applicant needed to rethink the proposed development.

Mr. Smith said he was also concerned about the property to the east. He asked whether it continue to be farmed. Ms. Alexander said that it would.

Ms. Everett asked if Ms. Alexander or her backers owned the property to the east. Ms. Alexander indicated they did not.

The Chairman asked how large the putting greens would be. Ms. Alexander said she was not sure. The Chairman also asked if there were any walking paths. Ms. Alexander said that there would be and that they wanted to put them all around the back of the property. She said they would most likely gravel the walk areas. She indicated the property would be fenced.

Ms. Everett asked about the fencing for the property. Ms. Alexander said it would be black wrought iron fencing enclosing the entire perimeter of the development.

Ms. Bugge noted that Ms. Alexander had said that she could be the rental agent if any of the properties were rented. Given that, she asked if Ms. Alexander would be managing the property. Ms. Alexander said she was not certain of that but it was a possibility. However, she noted, no one would be required to use her as agent for rental of any of the properties.

Ms. Stefforia asked if there would be any crops planted on any of the property. Ms. Alexander said there would not but that the property would be mowed. Mr. Larson asked if the developer could plant some of the property in naturally native grasses and create a natural habitat around the property. Ms. Alexander said that was also a possibility.

The Chairman said he was concerned, along with Mr. Larson, about the elevation of the buildings as they related to the surrounding properties. He asked if it was possible to redesign the premises in a way to minimize the impact on surrounding properties. He said he was concerned about the clustering of everything together in the northeast rather than small cluster groups.

Mr. Schley said that he understood the intent of the ordinance but read it somewhat different from that of the Chairman or Mr. Larson. He said he was mainly bothered by the issue of compatibility. He said he thought that much of the development was crowded too close to the north and east edges of the property. He said he did not think this was compatible with the rural residential property surrounding the proposed development site. He said he would like to see them move the development away from the north and east edges of the property to make it more compatible with the surrounding rural residential area.

Ms. Everett said she had to agree with Mr. Schley, particularly with regard to the development to the east. She said if that property ever developed it would create a high density residential development totally incompatible with the rural residential area.

Ms. Everett asked if the property to the east could be developed along 7th Street. Ms. Bugge said that it could be, like any other residential subdivision. Ms. Everett then said she was very concerned, especially in light of the proposed location for the pool and the tennis courts. She said the plan was very traditional and needed to be developed with a softer overall design. The Chairman said he agreed with Ms. Everett and thought that the character of the development should be changed significantly.

Mr. Larson suggested the applicant look at the design standards set forth in Section 60.540 of the Zoning Ordinance and redesign the development in accordance with those standards. Ms. Garland-Rike agreed with Mr. Larson and said they needed to soften the development, create more vistas and move the buildings and amenities off the east boundary line to create a buffer from the other surrounding properties.

The Chairman asked if there were any further comments and hearing none, he asked to hear from the public. Mr. Ziolkowski introduced himself to the Planning Commission and said he had a few questions. He asked for clarification on the proposed square footage for each of the units. Ms. Bugge said they were proposing 1600 square feet. Mr. Ziolkowski asked if the lights for the tennis courts would be on all the time. Ms. Alexander said they could be put on a timer or a switch to turn them on and off as needed.

Mr. Stan Burchett said he owned property east of the proposed development. He said he did not like the modular construction. He also said the proposed development looked like a city, not rural residential. In addition, he said that the property to the east was owned by the applicant's relative and would likely be developed by Ms. Alexander in the future.

Ms. Deb Baker told the Planning Commission she did not like the proposal at all. She said it looked much too much like a city. She said also she did not want to see lights from the tennis courts. In addition, she said she felt there was absolutely no buffer between this proposed development and the surrounding property.

Mr. Tom Baker introduced himself to the Planning Commission and said he was very upset about the proposed development because of noise and lights. He said that this development would be very near his property and he did not think this type of development was at all compatible with his home or his property.

The developer, Vicki Alexander, said that she very much wanted to talk with everyone in the community and would provide her name and address for anyone who wished to talk with her. She said that she would go back and talk with the financial

backers and discuss some of the issues raised by the Planning Commission, revise the development, and present it at some point in the future.

Other Business

Mr. Schley made a motion to correct the minutes of February 23, 2006, to reflect a reference to Ms. Stefforia, not Ms. Bugge, on page 7, second paragraph. He also asked to add the following comment: "Mr. Schley said he noted that there was a very large male who kept moving back and forth, toward the front of the audience. Mr. Schley stated that the person seemed very agitated and was mumbling to himself, and he made a note to keep an eye on him." Mr. Gould seconded the motion. The Chairman called for a vote on the motion and the motion passed unanimously.

The next item was the reconsideration of the cul-de-sac for Buckham Woods Site Condominium. Ms. Stefforia reminded the Planning Commission that at the last meeting they approved the Buckham Woods Site Condominium by a 4 to 3 vote. She said many of the public thought that 3 votes against the motion were votes against the development rather than a vote against denying the cul-de-sac. She said that the applicant at her request was reappearing to provide the Planning Commission with additional information with regard to the amount of earth moving which would be necessary to achieve the desired result; i.e., the road going through. Ms. Stefforia said she thought it would be best if the Planning Commission address this issue before the Township Board meeting next Tuesday night since the Road Commission wanted to have the Township and possibly the Planning Commission approve all the cul-de-sacs proposed within the Township.

The Chairman asked to hear from the applicant Allen Edwin Homes. Mr. Scott Sanderson introduced himself to the Planning Commission and those in attendance. He said he thought there were many reasons for allowing the cul-de-sac. The first was that it provided for good residential development. The second was that since it was a test case, he would like to see the Road Commission presented with a plan to approve a cul-de-sac development. He said the Road Commission for years had not approved any new cul-de-sacs and they have recently put more flexibility into their design plans and he would like to see it go forward.

Mr. Sanderson then presented the Planning Commission with a printout prepared by his engineers, Ingersoll, Watson & McMachen. He explained to the Planning Commission the amount of soil which would need to be removed in order to have the cul-de-sac road put through to Road E. He said it was not an insignificant amount of soil. He said that it would be approximately 21,000 cubic yards of excess soil that

would have to be removed. He said the volume would equate to a block of earth measuring 100 feet wide by 100 feet long by 56.7 feet in depth.

Mr. Sanderson said that he understood concerns over safety, however, this cul-de-sac measured from the top of the bulb was really only approximately 300 feet in length. He said that the safety impact from having cul-de-sacs were minimal but that the effects of putting a road all the way through would have significant impact on the topography of the subject property.

Ms. Garland-Rike said that the reason she wanted the road to go through not only included safety, but it was also related to how she wanted to see the property developed. She said she thought it lacked connectivity and shut certain people off from the rest of the neighborhood.

Ms. Stefforia said she thought that was a bit subjective. Ms. Garland-Rike said that she did not think it was because the trend was away from cul-de-sacs under current plan principles.

Mr. Gould said he was in favor of the concept of the cul-de-sac originally and that was why he voted against the motion. He said he thought it was a mistake to put the road through because of the disturbance it would cause to the topography and the effect it would have on the value of the lots, as well as the impact on the surrounding community.

The Chairman said that he had to agree with Mr. Gould in that he thought that the cul-de-sac made the most sense because it would minimize the earth change in the area.

Mr. Schley said that he thought it was a mistake that the Board did not approve the cul-de-sac. He said he thought most of the neighbors were concerned about the disturbance to the land and that if there was anything the Planning Commission could have done to minimize the impact, it would have been to approve the cul-de-sac. He said he was also concerned about safety of the proposed road. He said a road with a 7% grade versus a 1-1/2% grade was a significant difference. He said in the northern areas like Michigan he did not think he could safely approve a road with a 7% grade. He said he also thought that putting in a cul-de-sac provided some type of diversity in the shape and design of the overall neighborhood which he thought was a positive. He said without the cul-de-sac the roads would be routine, straight rectangle lots.

Mr. Smith said he had to concur with Mr. Schley and said that he did not believe that the vote last time was the correct way to go.

Ms. Everett expressed a concern over considering that matter without it being publicly noticed. She asked whether or not the applicant was requesting this or whether someone else had requested this.

Ms. Stefforia said she was putting this back in front of the Board because she was concerned about the impact that it would have upon the property and the surrounding neighbors. She said she was also concerned about not approving the first cul-de-sac that the Township was given an opportunity to approve in the last 15 years.

Attorney Porter said that he did not believe it was a significant enough issue to re-open the matter for consideration at a re-noticed meeting. He said certainly the public had input on the overall site plan and there did not seem to be any objection to the cul-de-sac but to the size and nature of the development itself. He said that given that he did not see a problem with the Board making this minor modification.

Mr. Larson said that it was important to remember the motion. He said there was no requirement that the road had to be put through in the form in which it was now being presented to the Planning Commission. He said this was simply one of many available designs and was likely the worse case scenario. He said that the alleged increase in devastation was illusory. He said that when the homes were put in this whole area was going to be all completely re-landscaped and, therefore, putting the road in if it was done responsibly would not have any greater impact than putting the houses in on the individual lots.

The Chairman said he thought the question was whether or not the Planning Commission was willing to reconsider the cul-de-sac. Mr. Schley then made a motion to reconsider the cul-de-sac and approve it. The motion was seconded by Mr. Smith. The Chairman called for a vote on the motion and the motion passed 5 to 2, with Mr. Larson and Ms. Garland-Rike in opposition.

Mr. Gould said he thought it would be important for the Township Board to know that the previous vote, which was a 4-3 split, was over the issue of the cul-de-sac, not because of the issue of approving the site condominium. He said since the site condominium met the ordinance requirements, the Township did not have much choice but to approve it and thought that this issue should be made clear to the Township Board.

Mr. Larson said he thought the design was somewhat outdated and thought that it was not kid friendly. Mr. Schley said given the long disagreement over cul-de-sacs perhaps the Planning Department could do some research to indicate what was currently happening in the market. Ms. Stefforia said that the Planning Department

could do that but would have to look outside the county given the restrictions put in place by the Kalamazoo Road Commission over the last 10 to 15 years.

Mr. Gould asked the representatives of Allen Edwin Homes if they have had any more problems since last meeting. Mr. Sanderson said he would prefer not to answer but did have to admit there had been some vandalism to their signs. However, he said he hoped that calmer heads would prevail because he did not want to escalate the problem.

Other Business

The next matter was Item #7. Mr. Schley said he had been at the last Township Board meeting and had heard about some of the limitations placed on the Township Board in approving subdivisions and site plans. He said given the State law and the limitations on the Township in controlling developments without sewers, he thought it behooved the Planning Commission and the Township to reconsider mandatory dry sewers, if at all possible. Mr. Smith agreed. Many of the other members concurred.

Planning Commissioner Comments

Mr. Gould said he also thought the people at Oshtemo Township should consider an issue which was raised during his discussion with Township counsel. He said he now understood that there was method by which the Township people could vote in a small millage and actually purchase development rights to keep the Township from being too heavily developed. Attorney Porter heartily concurred.

Adjournment

There being no further comment, the meeting was adjourned at approximately 8:50 p.m.

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

By:

Kathleen Garland-Rike

Minutes prepared:
April _____, 2006

Minutes approved:
_____, 2006