

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A REGULAR MEETING HELD APRIL 10, 2008

AGENDA

HISTORIC OVERLAY ZONING DISTRICT - 2611 NORTH DRAKE ROAD (3905-12-230-036), 927 NORTH DRAKE ROAD (3905-13-230-024) 7181 WEST KL AVENUE (3905-22-430-011) and 5770 PARKVIEW AVENUE (3905-25-355-025).

ZONING ORDINANCE TEXT AMENDMENTS - SECTION 33.250, VILLAGE COMMERCIAL DISTRICT, ADMINISTRATIVE REVIEW; 78.720 BUILDING LIGHTING; SECTIONS 30 AND 31 CONSOLIDATION; SECTION 41.401, I-1, INDUSTRIAL DISTRICT, SECTION 41.408 TO ALLOW VETERINARIAN CLINICS, DOG POUNDS, AND CREMATORIES RELATED THERETO, IN THE I-1, INDUSTRIAL DISTRICT, SECTION 12 DISTRICT LIST, SECTIONS 64.300, 64.750, 66.201, TABLE 75-B TO REMOVE REFERENCE TO C-1, LOCAL BUSINESS DISTRICT, AND SECTION 78.200 TO SWITCH REFERENCE TO C-1 TO C, LOCAL BUSINESS DISTRICT IN TABLE 75-B.

REZONING FROM C-1, LOCAL BUSINESS DISTRICT TO C, LOCAL BUSINESS DISTRICT - 5020 WEST MAIN STREET, 5030/5022 WEST MAIN STREET, 927 N DRAKE ROAD, 6100 STADIUM DRIVE, 5160 WEST MAIN STREET, 5050 WEST MAIN STREET, 6080 STADIUM DRIVE, 6040 STADIUM DRIVE, 167 N DRAKE ROAD, 5080 WEST MAIN STREET, 827 N DRAKE ROAD, 5018 WEST MAIN STREET, 5015/5063 WEST MAIN STREET, 927 N DRAKE ROAD (VACANT), N DRAKE ROAD (VACANT); 6150 STADIUM DRIVE, 6200/6220 STADIUM DRIVE, 6120 STADIUM DRIVE, 5171 WEST MAIN STREET, 5125 WEST MAIN STREET, 5161 WEST MAIN STREET; 5159 WEST MAIN STREET, 7250 WEST MAIN STREET; 7292 WEST MAIN STREET, CROYDEN AVENUE (VACANT), AND CROYDEN AVENUE/DRAKE ROAD (VACANT). (PARCEL NUMBERS: 3905-13-280-055, 3905-13-280-051, 3905-13-230-024, 3905-26-440-021, 3905-13-280-010, 3905-13-280-022, 3905-26-440-028, 3905-26-440-035, 3905-13-485-011, 3905-13-280-030, 3905-13-280-040, 3905-13-280-061, 3905-13-430-041, 3905-13-230-040, 3905-13-230-022, 3905-26-440-016, 3905-26-440-013, 3905-26-440-018, 3905-13-430-020, 3905-13-485-005, 3905-13-430-038, 3905-13-430-037, 3905-15-255-070, 3905-15-255-011, 3905-12-230-021 AND 3905-13-230-028).

CONCEPTUAL REVIEW - NON-RESIDENTIAL USE WITHIN THE SKY KING MEADOWS PUD

A regular meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, April 10, 2008, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley
Lee Larson
Carl Benson
Kitty Gelling
Fred Gould
Bob Anderson

MEMBERS ABSENT: Deborah Everett

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Senior Planner; Brian VanDenBrand, Associate Planner; and approximately 8 other interested persons.

Call to Order

After the Chairman called the meeting to order at approximately 7:00 p.m., the The Pledge of Allegiance was recited.

Agenda

The Chairman asked if there were any changes to the agenda. Ms. Stefforia indicated that under Any Other Business she would be introducing a rezoning request for purposes of scheduling the public hearing. Mr. Gould made a motion to approve the Agenda as amended. Ms. Gelling seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

Minutes

The Chairman asked if there were any corrections to the minutes of the work session and regular meeting of March 27, 2008. Hearing none, he called for a motion to approve the minutes. Ms. Gelling made a motion to approve the Minutes as submitted, and the motion was seconded by Mr. Anderson. The Chairman called for a vote on the motion, and the motion passed unanimously.

HISTORIC OVERLAY ZONING DISTRICT - 2611 NORTH DRAKE ROAD (3905-12-230-036), 927 NORTH DRAKE ROAD (3905-13-230-024) 7181 WEST KL AVENUE (3905-22-430-011) and 5770 PARKVIEW AVENUE (3905-25-355-025)

The Chairman said the next item was to conduct a public hearing to consider proposed properties to be included in the Historic District Overlay Zone where the underlying zoning of each property will not change. Subject properties to be considered

for inclusion in the Historic District Overlay Zone are 2611 North Drake Road (3905-12-230-036), 927 North Drake Road (3905-13-230-024) 7181 West KL Avenue (3905-22-430-011) and 5770 Parkview Avenue (3905-25-355-025).

The Chairman asked for a report from the Planning Department. Mr. VanDenBrand submitted his report to the Planning Commission dated April 10, 2008, and the same is incorporated herein by reference.

Mr. VanDenBrand began by noting an error in the parcel number listed in the staff report for 2611 North Drake Road. He reminded the Planning Commission that they had held a public hearing and sent forward to the Township Board the actual text for the Historic Overlay Zoning District last month. It was now appropriate to consider which properties the overlay zoning should include. Mr. VanDenBrand recalled the Planning Commission's previous determination that a buffer of 100 feet should be given to historic features. Initially, Staff was recommending four parcels be included given the zoning on adjacent properties and potential for incompatible development thereon. The owners of the four properties had been contacted, and each owner requested to be included.

Mr. VanDenBrand went on to describe the historic features of the four properties, adjacent zoning, and how the overlay zone would be applied. The Drake House, 927 North Drake Road, the Township's most well-known historic property would be included entirely except for that area more than 100 feet south of the historic driveway. Next, Mr. VanDenBrand described 2611 North Drake Road, the house built by Sam Harris in 1877. On this property, the overlay zone would encompass the entire parcel as the building is within 100 feet of the property lines. The Duncan Anderson House, at 7181 West KL Avenue, is the third property proposed for inclusion in the overlay zone. It was built in 1854 and the property has been designated a Michigan Centennial Farm. The small size of the property, previously split from the rest of the acreage, suggests that the entire parcel be included in the overlay zone. Finally, the Atwater-Carver House at 5770 Parkview was reviewed. The home was completed in 1840 and the property also contains a historic gabled barn. The drive, lined with 168-year old maple trees, contributes to the historical integrity of the property. With the 100-foot buffer from historic features, it is not necessary to include the entire parcel in the overlay zone.

The Chairman, thanked Mr. VanDenBrand for his review of the properties and then asked the Commissioners if they had any questions of Mr. VanDenBrand. Hearing none, he opened the item up for Public Comment. Hearing no public comment, he closed it. Mr. Anderson then made a motion to recommend to the Township Board that the four properties, as presented on the maps included in the staff report, be included in the Historic District Overlay Zone. Mr. Benson supported the motion. Upon vote, the motion passed unanimously.

ZONING ORDINANCE TEXT AMENDMENTS - SECTION 33.250, VILLAGE COMMERCIAL DISTRICT, ADMINISTRATIVE REVIEW; 78.720 BUILDING LIGHTING; SECTIONS 30 AND 31 CONSOLIDATION; SECTION 41.408 TO ALLOW VETERINARIAN CLINICS, DOG POUNDS, AND CREMATORIES RELATED THERETO, IN THE I-1, INDUSTRIAL DISTRICT, SECTION 12 DISTRICT LIST SECTION 64.300, SECTION 64.750, SECTION 66.201, SECTION 78.200, AND TABLE 75-B IN SECTION 78.200

The Chairman said the next item was to consider various amendments to the Zoning Ordinance affecting Sections 33.250, Village Commercial District; Section 78.720 building lighting, a consolidation of Sections 30 and 31; Section 41.401, Section 41.408, I-1, Industrial, Section 12 District List, Section 64.300, Section 64.750, Section 66.201, Section 78.200, and Table 75-B in Section 78.200.

The Chairman asked for a report from the Planning Department. Ms. Bugge submitted her report to the Planning Commission dated April 10, 2008, and the same is incorporated herein by reference.

Ms. Bugge then addressed the Planning Commission. She indicated that the bulk of the amendments address the consolidation of the C and C-1 business districts. In a recent review of the two districts Staff realized that the two were so similar that it was not necessary to have both. Therefore, it was suggested that the districts be consolidated into a single C, Local Business District. Two new provisions were being suggested to the VC, Village Commercial District to address occupancy of existing buildings and Planning Commission review of new construction without necessarily triggering the special exception use process which is presently required. Regarding outdoor lighting, a change to allow some flexibility in the full cut-off requirement for building-mounted lights, when presented with an architectural feature such as a permanent canopy that serves as the cut-off, is suggested. Minor changes to the I-1, Industrial District to add veterinary hospitals and dog pounds, including crematories, which were all previously allowed in the C-1, Local Business District are proposed. Finally, inclusion of the Historic District Overlay Zone, elimination of the C-1, Local Business District is proposed for Section 12 of the Ordinance which lists all the zoning districts and various references to the C-1, Local Business District are removed to replace with the C, Local Business District as appropriate.

The Chairman then asked if there were any questions of Ms. Bugge. Mr. Benson asked if the changes to building lights conflicted with the provisions being drafted in the form based code regarding back-lit canopies. Ms. Bugge indicated no, the provisions in the form based code would not be affected.

The Chairman then called for public comment on the proposed ordinance amendments. Hearing none, he closed the public comment.

Mr. Larson made a motion to recommend to the Township Board that the proposed zoning ordinance text amendments, as presented in the staff report, be

adopted. Ms. Gelling supported the motion. Upon a vote, the motion passed unanimously.

REZONING FROM C-1, LOCAL BUSINESS DISTRICT TO C, LOCAL BUSINESS DISTRICT - 5020 WEST MAIN STREET, 5030/5022 WEST MAIN STREET, 927 N DRAKE ROAD, 6100 STADIUM DRIVE, 5160 WEST MAIN STREET, 5050 WEST MAIN STREET, 6080 STADIUM DRIVE, 6040 STADIUM DRIVE, 167 N DRAKE ROAD, 5080 WEST MAIN STREET, 827 N DRAKE ROAD, 5018 WEST MAIN STREET, 5015/5063 WEST MAIN STREET, 927 N DRAKE ROAD (VACANT), N DRAKE ROAD (VACANT); 6150 STADIUM DRIVE, 6200/6220 STADIUM DRIVE, 6120 STADIUM DRIVE, 5171 WEST MAIN STREET, 5125 WEST MAIN STREET, 5161 WEST MAIN STREET; 5159 WEST MAIN STREET, 7250 WEST MAIN STREET; 7292 WEST MAIN STREET, CROYDEN AVENUE (VACANT) AND, CROYDEN AVENUE/DRAKE ROAD (VACANT). (PARCEL NUMBERS: 3905-13-280-055, 3905-13-280-051, 3905-13-230-024, 3905-26-440-021, 3905-13-280-010, 3905-13-280-022, 3905-26-440-028, 3905-26-440-035, 3905-13-485-011, 3905-13-280-030, 3905-13-280-040, 3905-13-280-061, 3905-13-430-041, 3905-13-230-040, 3905-13-230-022, 3905-26-440-016, 3905-26-440-013, 3905-26-440-018, 3905-13-430-020, 3905-13-485-005, 3905-13-430-038, 3905-13-430-037, 3905-15-255-070, 3905-15-255-011, 3905-13-230-021, AND 3905-13-230-028)

The Chairman said the next item was to consider rezoning 26 parcels from C-1, Local Business District to C, Local Business District as a result of the proposed consolidation of the C-1, Local Business District into the C, Local Business District.

The Chairman asked for a report from the Planning Department. Ms. Bugge submitted her report to the Planning Commission dated April 10, 2008, and the same is incorporated herein by reference.

Ms. Bugge began by stating that the proposed rezonings are being triggered by the consolidation of the C-1, Local Business District into the C, Local Business District. There are 26 parcels affected. Twenty parcels are completely zoned C-1, Local Business District; six parcels have a portion of the property zoned C-1, Local Business District and only that portion zoned C-1, Local Business District would be rezoned. The rezoning does not take away any rights a current owner enjoys. Ms. Bugge indicated that she had talked to several of the affected owners who were comfortable with the rezonings as proposed.

The Chairman asked for public comment. No comments were offered. Ms. Gelling made a motion to recommend the proposed rezonings to the Township Board as presented in the staff report. Mr. Anderson supported the motion. Upon a vote, the motion passed.

CONCEPTUAL REVIEW - NON-RESIDENTIAL USE WITHIN THE SKY KING MEADOWS PUD

The Chairman said the next item was to conduct a conceptual review of a proposed nonresidential use within the Sky King Meadows Planned Unit Development.

The Chairman asked for a report from the Planning Department. Ms. Bugge submitted her report to the Planning Commission dated April 10, 2008, and the same is incorporated herein by reference.

Ms. Bugge began by reminding the Planning Commission that the Sky King Meadows Planned Unit Development (PUD) was approved in 2004 with two nonresidential areas. Per the provisions of Section 60.400, the nonresidential area of PUD may not be developed until the residential area is 60% complete. To date, 71% of the housing units in the Sky King Meadows PUD are complete. Therefore, the nonresidential element may get underway subject to Planning Commission review and approval. The nonresidential area was set aside along 9th Street in the original PUD plan approval.

The northern nonresidential area is six acres in size. The plan before the Planning Commission encompasses the north one acre of the six acres. The proposed use is Hannapel Home Center which would relocate from the current store on West Main Street.

The applicant has requested conceptual review to have a discussion with the Planning Commission to see if the use, design and layout are appropriate for both this site and the PUD.

The building is proposed at 10,000 square feet with 8,000 square feet used for showroom and 2,000 square feet for warehouse space. The existing store is 17,000 square feet.

Ms. Bugge shared the proposed building elevations. She noted no overnight parking of trucks was proposed. She stated that the applicant had indicated typically there are two deliveries a day by a box truck.

Regarding the site plan, Ms. Bugge pointed out the full access drive off Mickey's Trail, a rear service drive and potential for connection to the south along both the front and rear of the site. She also pointed out the right-in/right-out driveway proposed along 9th Street and mentioned that it was contrary to the conditions imposed when the PUD was approved.

With respect to how this site may impact the residential area, Ms. Bugge commented that the adjacent storm water retention pond provides a significant separation of this site from the adjacent residential area. The access to the loading dock

on the rear of the building is not a large concern to her given the infrequency of deliveries.

For landscaping, a C+ may be required along 9th Street to accommodate the required bike path outside the right-of-way; the PUD approval calls for imposing landscaping required of a site zoned commercial on the nonresidential area of this PUD. She asked the Commission to determine if sidewalk should be required along Mickey's Trail. The ordinance requires a setback of 15 feet from a service drive; as proposed, the building abuts the service drive. Relief from that requirement is requested.

Regarding signs, the entire nonresidential area of the PUD is limited to two ground-mounted signs. Lighting details are pending. The applicant is seeking relief to allow a 10-foot greenspace along the east property line abutting the retention pond. The dumpster's location and orientation should be discussed.

Ms. Bugge concluded by stating that the Planning Commission should discuss the use, size of the building and site layout.

The Chairman asked if there were any questions of Ms. Bugge. Mr. Larson began by asking for clarification about amending the Master Deed. Ms. Bugge explained that since the applicant was only interested in one acre of the northern six acre nonresidential "unit", the Master Deed would have to be amended to split the unit. The Ordinance does allow a site condominium unit to be divided creating up to four units. When the PUD was approved it was not known how the nonresidential area would be developed.

Mr. Benson asked for clarification regarding the porch and a possible encroachment on the setback requirement. Ms. Bugge stated that the porch runs the length of the west façade, the area that encroaches is where the name is shown on the elevations.

The Chairman reminded everyone that this was just a conceptual review. He then asked if the PUD approval had limited wall signs. Ms. Bugge answered that just the freestanding signs were limited. He also asked what the 9th Street Focus Area Plan said about parking placement. Ms. Bugge said she would review the plan and give answer shortly.

The Chairman then called on the applicant to address the Planning Commission. Greg Dobson of American Village Builders greeted the Commission. He introduced Dave Hannapel of Hannapel Home Centers. Mr. Dobson distributed colored renderings of the site plan to the Commission. Mr. Dobson stated that they had not yet met with the neighborhood, but will before the project returns for formal review.

Mr. Dobson stated he feels this use, Hannapel Home Center, is appropriate in the PUD. He feels the use would transition from nearby Wal-Mart to the neighborhood with the building's height and materials fitting with the residential area, it's a low traffic use, and the business caters to homeowners and builders.

Regarding deviations from the ordinance and PUD approval, Mr. Dobson stated he would like to keep them to a minimum. However, he was asking for a right-in/right-out driveway to 9th Street. He also felt that the need for a delivery truck to back into the loading dock would only briefly block a few parking spaces and the deliveries were infrequent. He indicated they were considering eliminating the loading dock in order to achieve a 15-foot setback from the rear service drive. Regarding signs, he expressed that only two for the entire nonresidential area was too limiting and that Hannapel Home Center would like to utilize the current sign at the West Main Street store at this new site.

The Chairman then asked the Planning Commission if they had any questions for the applicant.

Mr. Benson began by stating the loading dock appears sized for semi-trucks. Mr. Dobson indicated that was correct; occasionally, a 50-foot truck does make a delivery to the store. Mr. Hannapel added that he is changing the nature of the store so that most of the warehousing will occur at the Portage location. However, sometimes a customer wants to pick up their item at this location and it may be a large order.

Mr. Anderson asked if parking was adequate questioning if big sales events were planned at this store. Mr. Hannapel answered that he feels the number of spaces provided are adequate.

Ms. Gelling then questioned if the barrier-free spaces were close enough to the front door. Mr. Dobson responded they will be near the door and that a door is also planned on the north façade.

The Chairman then returned to Ms. Bugge to address what the Focus Area Plan expected with respect to parking placement. Ms. Bugge read from the Plan which calls for inconspicuous parking lot designs that use effective landscaping.

Mr. Gould commented that he felt it was an attractive building.

Mr. Benson added that he feels the use is totally appropriate.

Mr. Anderson stated he feels the right-in/right-out access onto 9th Street would be useful. Mr. Dobson added that he felt it would reduce the impact on 9th Street.

Mr. Benson stated he was concerned about additional driveways on 9th Street.

Mr. Larson pointed out that in reading the original approval he felt the applicant was asking for relief from nearly all the conditions placed on the PUD.

The Chairman added that he would not be comfortable allowing access to 9th Street. He felt the Township already gave some flexibility regarding access to 9th Street when the PUD was approved.

Mr. Dobson responded that the plan is meant for discussion purposes not an attempt to violate the original approval conditions and that there are many conditions that the proposed plan does satisfy.

Ms. Gelling stated she is also opposed to the 9th Street access and would also be concerned about the bike path crossing it.

The Chairman said the dumpster location is problematic; the deviation to allow a reduced greenspace on the east is not problematic but the lack of a 15-foot separation from the loading dock to the service drive is a concern. The rear layout has a retail feel to it and he is not comfortable with that in this area. The porch setback issue and size limitations have been created by the applicant. He further stated a concern about setting a precedent. He feels the overall development is too retail in nature and not how he envisions the area developing.

Mr. Larson stated he feels the bike path along 9th Street is appropriate and that sidewalk should be required along Mickey's Trail and the retention pond frontage to give a connection to the residential area. Ms. Stefforia indicated that she will investigate why the sidewalk has not yet been established along the retention pond frontage especially since it was shown on the approved PUD site plan.

Ms. Gelling agreed with the comments made indicating she felt the plan reflected too much development on the site.

The Chairman asked about the sign initiations of the PUD. Ms Bugge responded that the PUD approval allows for two ground-mounted signs up to eight feet tall and 60 square feet in area each. The Chairman said he might be willing to give flexibility on the sign limitations with respect to size but not as to allow pole signs.

Mr. Benson suggested that the dumpster may be better if the gates faced east instead of north. Ms. Bugge indicated that access to the dumpster is problematic in its present location. The Chairman indicated that this area is the entry to the neighborhood and nonresidential area making appropriate placement of the dumpster important.

Mr. Dobson suggested eliminating the loading dock and placing the dumpster on the southeast end of the building. He concurred that ~~he~~ **the** site could be longer and the building a little narrower to fit it all better.

The Chairman asked Mr. Dobson if he had considered other areas in the PUD for the store.

Mr. Dobson indicated that with the changes he previously suggested, there were only two deviations still on the table. The first deviation was with respect to a C+ 30-foot greenspace along 9th Street and asked if the path could be placed entirely within the street right-of-way to avoid having to provide a ~~30-foot~~ **30-foot** greenspace. He added that relief to allow a reduced greenspace width along the east property line while still

landscaping that area for screening purposes was still being requested.

Ms. Stefforia clarified that the 30-foot Type C+ greenspace along 9th Street may not be necessary in that the right-of-way was already 100 feet wide in this area. That is, the bike path may fit in the right-of-way if and when the road goes to five lanes. She will check on this and let Mr. Dobson know if the path will fit in the right-of-way eliminating the need for a Type C+ greenspace on this site.

Mr. Dobson stated that a 30-foot greenspace to fit a 10-foot side path is unusual. He further indicated that additional greenspace would be added to shield the rear service drive area from view of Mickey's Trail.

The Chairman stated that he felt there was just too much pavement behind the building and it looks like a typical retail development turning its back on the adjacent neighborhood.

Mr. Dobson noted that the building's architecture is continued on the back side, too. He felt the additional screening proposed behind the building along the property line would block the view to the neighborhood.

The Chairman stated he is not satisfied that the proposal satisfies the intent of the PUD provisions of the Ordinance.

Public Comment on Non-Agenda Items

The Chairman again asked if there were any public comments under Item #10 of the Agenda. There were no public comments.

Planning Commissioner Comments

Ms. Gelling asked about the candy-making home occupation on North 7th Street. She reported that a significant number of trees had been cut down on the property.

Mr. Anderson stated he was proud of the work accomplished on the Historic Overlay Zone and that it was moving forward to help preserve historic sites in the Township. He also stated with respect to the greenspace width deviation of the previous agenda item, the Planning Commission should follow the ordinance as close as possible.

Any Other Business

Ms. Stefforia introduced a rezoning request received from Grace Borgfjord of Halli's Autocare to rezone the rear 1.9 acres of the property at 8688 West Main Street from RR, Rural Residential to C, Local Business District. The front acreage is already zoned C, Local Business District. Mr. Larson made a motion to set the public hearing for

May 8, 2008. The motion was supported by Ms. Gelling. Upon a vote, the motion passed.

Adjournment

There being no other further matters to come before the Commission, the meeting was adjourned at approximately 9:00 p.m.

Minutes Prepared:
April 17, 2008

Minutes Approved:
April 24, 2008