

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD APRIL 27, 2006

Agenda

BOUNCELAND, LLC - SPECIAL EXCEPTION USE - 6255 TECHNOLOGY AVENUE - (PARCEL NO. 3905-35-450-009).

CASTLE ROCK BUILDERS - SPECIAL EXCEPTION USE - 6312 WEST MAIN STREET - (PARCEL NO. 3905-14-255-080).

COLLEGE PARK PLAT (550 TREASURE ISLAND DEVELOPMENT, LLC) - SITE PLAN REVIEW - 1157 NORTH 5TH STREET (PARCEL NO. 3905-16-155-011).

A meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, April 27, 2006, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairman
Fred Gould
Deborah L. Everett
Mike Smith
Kathleen Garland-Rike

MEMBER ABSENT: Lee Larson

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Township Planner, James W. Porter, Township Attorney, and approximately 12 other interested persons.

CALL TO ORDER

The meeting was called to order at 7:00 p.m. by the Chairman, Terry Schley.

AGENDA

The Chairman said the first item was the consideration of the Agenda. Mike Smith made a motion to approve the Agenda as submitted. The motion was seconded by Ms. Garland-Rike. The Chairman called for a vote on the motion, and the motion passed unanimously.

BOUNCELAND, LLC - SPECIAL EXCEPTION USE - 6255 TECHNOLOGY AVENUE - (PARCEL NO. 3905-35-450-009).

The Chairman stated that the first action item was the consideration of a request by Bounceland, LLC for a special exception use for a proposed recreational facility at 6255 Technology Avenue, Parcel No. 3905-35-450-009. The Chairman asked for a report from the Planning Department. Ms. Stefforia submitted a report dated April 27, 2006, and the same is incorporated herein by reference.

Ms. Stefforia reported to the Planning Commission that the subject property was the same property for which the Soccer Zone and Branch Gymnastics had been approved for an indoor soccer facility and a children's gymnastic facility. She explained that LAGEOC Limited, LLC, now wanted to allow Bounceland to locate within the same building. She explained that Bounceland was geared for children and consisted of bounce houses, inflatable slides and inflatable obstacle courses. Ms. Stefforia then took the Planning Commission through a review of the parking requirements, pointing out that the total spaces for all three of the tenants would total 115 spaces. She said that there were 114 parking spaces available, but there was a reserve area for 46 additional sites, if they were needed. Additionally, the peak times for the tenants differed, therefore, adequate parking is available. Staff will monitor the site to ensure that parking is adequate.

Ms. Stefforia then took the Planning Commission through a review of the Special Exception Use provisions under Section 60.100.

The Chairman asked if there were any questions from Ms. Stefforia, and hearing none, he asked to hear from the applicant. The applicant indicated he had no comment. The Chairman called for public comment, and hearing none, called for Commission deliberations.

The Chairman said he thought the proposal was quite straightforward and asked the Commission members for their input. After a brief discussion, Ms. Garland-Rike made a motion to approve the special exception use permit as submitted. The motion was seconded by Mr. Gould. The Chairman called for a vote on the motion, and the motion passed unanimously.

CASTLE ROCK BUILDERS - SPECIAL EXCEPTION USE - 6312 WEST MAIN STREET - (PARCEL NO. 3905-14-255-080).

The Chairman said the next item up for consideration was a special exception use and site plan review for a proposed office building to be constructed at 6312 West Main Street, Parcel No. 3905-14-255-080. The Chairman called for a report from the Planning Department. Ms. Stefforia submitted a report to the Planning Commission dated April 27, 2006, and the same is incorporated herein by reference.

Ms. Stefforia reminded the Commission that they had looked at the site last month. She said the property was zoned "R-3" which allowed offices as a special use. She said at last month's meeting, the Commission acknowledged, given the size of the property and the supplemental setbacks, that it was likely that some variances from building and parking requirements would have to be granted. However, based on the comments at the last meeting, the applicant modified the site layout, pushed the building back, and placed the parking in front to address the concerns previously raised by the Planning Commission.

Ms. Stefforia said the building was still going to be 1,904 square feet with nine parking spaces. She also noted that the Kalamazoo County Environmental Health Division approved the new septic and well locations. However, she noted the Township Engineer had not yet had a chance to review a detailed site plan and would review it when available from the applicant.

Ms. Stefforia reviewed the office building provisions in the "R-3" zone under Section 23.404, noting that a variance for side and rear yard setbacks for the building would be necessary, as well as a variance to allow parking in the front setback area.

Ms. Stefforia then took the Commission through the special exception use criteria in Section 60.100, as well as the site plan review under Section 82.800, as more fully set forth in her report.

The Chairman asked Ms. Stefforia if the applicant's structure would meet the 25-foot height limitation. Ms. Stefforia indicated that it would have to meet those limitations. The Chairman then asked if Ms. Stefforia had more information about the proposed storm water system for the site. Ms. Stefforia suggested that the Commission address that issue with the applicant. The Chairman asked if there was a basement proposed for the facility, and Ms. Stefforia indicated she did not know.

The Chairman asked that it be noted in the record that the particular parcel was extremely small and that any accommodations made for this parcel were likely a result of its small size and the fact it was a pre-existing parcel. Therefore, any deviations or variances granted for this parcel should not be considered as having set a precedent for other properties within the "R-3" zone.

The Chairman asked to hear from the applicant. Mr. Buford introduced himself to the Planning Commission. Mr. Buford said he was planning a partial basement for the proposed office structure. The Chairman asked if it would be strictly storage, no occupants. Mr. Buford indicated that was correct.

Ms. Garland-Rike asked what the hours of operation for the office would be. Mr. Buford said generally Monday through Friday, 9 to 5 or 9 to 6.

Ms. Everett asked if Mr. Buford needed all nine parking spaces. Mr. Buford said that he thought it was likely that he would need the parking as proposed. The Chairman

raised a concern about the parking as it might impact the entrance in the center of the building. Ms. Everett suggested, if Mr. Buford did not need nine parking spaces, that she would be inclined to grant him some relief in order to preserve the green space. Mr. Buford pointed out there was an additional 40 feet of green space within the State right of way.

The Chairman then asked if the applicant was amenable to reducing the parking, to which Mr. Buford indicated he was not. The Chairman asked that the Planning Commission move on.

The Chairman asked for more detail on the storm water facilities. Mr. Buford said it would be a shallow swale approximately 100 by 18 feet. He said it was going to be designed to perk and would not retain any water on a permanent basis. He said his engineer said the proposed storm water drainage system would be more than ample to handle the needs of the site.

The Chairman asked if there would be a dumpster or a herbie curbie on site. Mr. Buford said there would be a herbie curbie.

The Chairman called for public comment, and hearing none, called for Planning Commission deliberations.

Ms. Garland-Rike said that she understood that this was a pre-existing nonconforming parcel but wanted to make sure that the applicant, and the Planning Department as it reviewed the landscaping, was sensitive to the fact that this was in the 9th Street Focus Area. She said, while the applicant was likely to obtain the variances requested, she asked that as much be done as possible to maintain the residential look of the area.

The Chairman again asked that the record acknowledge the fact that the Planning Commission was dealing with a legal nonconforming parcel which was quite small in size, and he wanted to make sure the record was clear that the granting of any kind of deviations or variances for this particular parcel should not be used to set a precedence for other parcels which were considered in the future.

The Chairman asked the Planning Commission if it needed further discussion in order to act on the matter. Hearing no further discussion, the Chairman suggested there be two motions, the first for the special use and the second to approve the site plan with any appropriate conditions.

Mike Smith then made a motion to approve the special exception use permit as requested. The motion was seconded by Ms. Garland-Rike. The Chairman called for a vote on the motion, and the motion passed unanimously.

Ms. Garland-Rike then made a motion to approve the site plan with the following conditions:

- (1) A driveway permit from MDOT is required.
- (2) A 5-foot wide sidewalk, in compliance with Ordinance requirements, shall be established along West Main Street before a Certificate of Occupancy may be granted.
- (3) Details of all exterior light fixtures (i.e., cut-sheets) must be provided before a Building Permit may be issued.
- (4) All exterior lighting shall comply with the provisions of Section 78.700 and Section 23.404(h).
- (5) All signs shall comply with Section 76.000 and be reviewed/approved through the permit process.
- (6) Deviation to allow a 2-foot reduction in the greenspace width along the side property lines and a 10-foot reduction along West Main Street is granted.
- (7) A revised landscaping plan must be submitted for review and approval before a building permit may be issued.
- (8) All required landscaping must be installed before a Certificate of Occupancy may be granted or a performance guarantee, pursuant to Section 82.950, must be provided.
- (9) Site plan approval is subject to review and approval of the Fire Department.
- (10) Site plan approval is subject to review and acceptance by the Township Engineer as adequate.
- (11) The Environmental Permits Checklist and Hazardous Substance Report Form must be completed and submitted to the Township before a building permit may be issued.
- (12) No dumpster is to be placed on the site.
- (13) Reference to Ms. Garland-Rike's and the Chairman's comments be noted.

The applicant is to use his best efforts to landscape the property, keeping in mind the property is an office building in a residential zone located in the 9TH Street Focus Area and, therefore, should attempt to visually minimize the commercial nature of the business.

The Chairman asked is there was a second to the motion. Mike Smith seconded the motion. The Chairman asked if any further discussion on the parking was needed, and hearing nothing, called for a vote on the motion. The motion passed unanimously.

COLLEGE PARK PLAT (550 TREASURE ISLAND DEVELOPMENT, LLC) - SITE PLAN REVIEW - 1157 NORTH 5TH STREET (PARCEL NO. 3905-16-155-011).

The Chairman said the next item on the Agenda was the site plan review of a proposed preliminary plat for a 39-lot residential subdivision. He said the property was located at 1157 North 5th Street, Parcel No. 3905-16-155-011. The Chairman asked to hear from the Planning Department. Ms. Bugge submitted her report to the Planning Commission dated April 27, 2006, and the same is incorporated herein by reference.

Ms. Bugge told the Planning Commission and those in attendance that the Planning Commission was reviewing this application as part of the Step I approval process. She said, if the Planning Commission determined the site plan met applicable ordinances, it would submit the same to the Township Board with its recommendation for further consideration.

Ms. Bugge explained to the Planning Commission that the property consisted of approximately 28 acres located on the west side of North 5th Street. She said the applicant was proposing a 39-single family subdivision. She said that it would be served by public water and individual septic systems. She noted that under the Rural Residential District, a density of 1.5 dwelling units per acre and a minimum lot width of 100 feet at the building setback was allowed. She explained that the applicant could have a maximum of 42 homes and was only proposing 39 lots and, therefore, complied with the Ordinance density requirements.

Ms. Bugge told the Commission that neither the Township nor MDOT wanted to see direct access to West Main. Additionally, there were topography issues both within and adjacent to the subject site, therefore, the applicant was proposing a street access for the subdivision onto 5th Street. She then explained that the applicant was proposing several cul-de-sacs, three of which would remain permanent, and the fourth was designed for future extension. She said excerpts pertaining to cul-de-sac criteria from the Road Commission were attached to her report. She noted that under these regulations permanent cul-de-sacs would be allowed if it was demonstrated that a street connection is not feasible due to site conditions such as severe grade transitions or sensitive natural features or other existing development, which would not allow for a continuous road system or when endorsed by the Township Planning Commission and Township Board.

Ms. Bugge noted that Road "A" exceeded the permitted street length by 350 feet and the permitted cul-de-sac length by 750 feet as measured from 5th Street. However, she said that street length will conform when Road "C" is extended to the north. Ms. Bugge also asked that the Planning Commission take particular note of certain steep slopes for various lots and asked that the Commission address those lots at the time it considers its recommendation to the Township Board. Ms. Bugge then took the Commission through a review of Section 290.200 as set forth more fully in her report.

The Chairman asked if there were any questions of Ms. Bugge. Ms. Garland-Rike asked Ms. Bugge if she had inquired of the Township's Engineer as to whether there were hardships that would justify the number of cul-de-sacs requested by the applicant. Ms. Bugge said that was generally a question which was addressed by the Road Commission since the proposed roads would, in fact, be public roads.

The Chairman asked if the Road Commission would be looking at the location for Road "A" as it intersected North 5th Street for safety issues. Ms. Bugge assured the Planning Commission that the Road Commission looks at those issues very closely and that it would be addressed. Ms. Bugge pointed out, if there are necessary adjustments to 5th Street, that the Road Commission would address that with the applicant.

The Chairman asked if the letter from the Road Commission was somewhat "boiler plate," particularly with regard to the cul-de-sacs. Ms. Bugge said it was similar to another letter they recently received for another development. Ms. Stefforia said that while that was true, the Road Commission could still ultimately reject the proposed plan because of the number of cul-de-sacs contained within the plat.

The Chairman asked to hear from the applicant. Mr. Pat Flanagan, an engineer with Ingersoll-Watson, introduced himself on behalf of developers of College Park subdivision. He said the developer consisted of two members, Jim Fulton and Mike McCormick

Mr. Flanagan told the Planning Commission the developers had purchased the property from a family friend long before the Kalamazoo Promise was put in place. He said their goal was to develop a nice neighborhood with affordable homes. He explained that the property was nicely wooded with rolling terrain. He said, in certain areas, the topography was quite steep and had strongly influenced the proposed plat design as submitted. Mr. Flanagan then took the Planning Commission through a review of the topography of the area showing what he described as barriers to the south and to the west which would prevent through roads and which he believed supported the need to have multiple cul-de-sacs within the proposed development. Mr. Flanagan explained they preferred not to have a sidewalk on the south side of their entrance road because there would be no abutting property owners within the plat. Therefore, there would be no one to maintain the sidewalk in that area.

Mr. Flanagan said the two proposed parcels to the northeast would be separate parcels of 1.5 acres in size. Mr. Flanagan said there was no other location to place the entry road onto 5th Street and maintain adequate sight distances.

Mr. Flanagan pointed out, if they had included the two proposed parcels in the northeast as part of the plat, they could have had 47 lots within the proposed development. He said, given that, he thought their request for 39 lots on the remaining 28 acres was most reasonable. Mr. Flanagan provided the Commission with a layout showing the topography of the land, and the barriers which he felt prohibited through

streets and required the installation of the three permanent cul-de-sacs. He provided the Commission with various alternative layouts but said they strongly preferred the proposed layout because it fit the terrain and would allow the best utilization of the property with the minimum amount of excavation.

The Chairman asked if there were any questions of Mr. Flanagan. Hearing none, he called for public comment. The Chairman asked that individual public comment be kept to four minutes, if possible, and that those persons addressing the Commission identify themselves for the record.

Ms. Monica Whitmire introduced herself to the Planning Commission. She then presented them with a list of concerns in written form, which included damage to 5th Street by construction vehicles, groundwater contamination from septic systems, increased traffic and the need of a stop light at M-43, increased use of emergency services and possible increase in taxes, among other items.

Ms. Carol Wood introduced herself to the Planning Commission. She said she lived on the corner of North 5th Street and the proposed entry road. She said she was concerned about the wildlife. She also said she did not want to see a road going in next to her house, and she wondered if the improvement would increase her taxes. Lastly, she said she did not like the proposed development.

The Chairman asked if there were any further public comment. Hearing none, he called for Planning Commission deliberations.

The Chairman began by pointing out to those in attendance that some of the concerns they raised were not within the purview of the Township Planning Commission. He said that issues such as groundwater issues and on-site septic were within the authority of the Kalamazoo County Health Department.

Ms. Everett said she would ask the Assessor to call Ms. Wood to address any questions she had with regard to the impact this development could have on her taxes. Ms. Everett also pointed out that, while they couldn't place a traffic light on M-43 because it was a State highway, they could make that request to the Michigan Department of Transportation or request that the Department do a study. Ms. Stefforia noted that, while Oshtemo Charter Township could request a study, 5th Street was not likely to get a traffic light, given the fact that 8th Street, which has much higher traffic counts, was not approved for a traffic light by the State of Michigan.

Ms. Everett asked if they could consider requiring construction vehicles to access the site off from M-43 as requested by Ms. Whitmire. Attorney Porter said, given that it was a State highway, he did not believe the Township should require it. He said he

thought it was worthy of consideration but thought it should be run past MDOT before any such restriction was placed on the developer.

The Chairman said he thought there were a number of issues which needed to be discussed by the Planning Commission, such as the length of the proposed roads, the multiplicity of cul-de-sacs, as well as the request not to install a sidewalk along the south side of the entrance portion of Road "A."

Mr. Smith began by saying that he did not mind cul-de-sacs, and he thought the proposal presented by the applicant's engineer was reasonable. Ms. Everett said she was fine with the proposal, given the fact that it helped preserve the topography of the subject site. Mr. Smith said he also thought it made sense to not have a sidewalk on the southern portion of the entrance as requested. Ms. Everett said she agreed because there would not be any property owners along the southern portion of the entrance to assist in the maintenance of that sidewalk. The Chairman thanked Ms. Everett for her reasoning on that issue.

Ms. Garland-Rike said she preferred the design layout proposed by the Kalamazoo County Road Commission. She said she would like to reduce or eliminate the cul-de-sacs proposed by the applicant. She said that she thought that could be done and still preserve the topography of the subject premises. The Chairman asked if it was the Planning Commission's responsibility to simply approve the plat concept or to accept the plat as submitted. Ms. Bugge stated it was the Commission's job to review the plat as presented and Attorney Porter concurred.

The Chairman said that he did not think it would be productive to do a comparison between what the Road Commission had presented and what the applicant had presented. He said it was the Planning Commission's job to review what the applicant had presented and make their recommendation on that basis. The Planning Commission members concurred.

Mr. Gould said he liked the lots as proposed. He thought that the size was large enough to fit into the community and yet provide affordable housing. Mr. Gould said he liked the cul-de-sacs and liked the applicant's layout much better than the proposed Road Commission layout. He said he was concerned about safety on 5th Street and said he hoped that the Road Commission took a very close look at that issue as the road connecting to 5th Street was developed.

The Chairman said he thought that sending the applicant back to develop a more rigid subdivision plan was not reasonable. He said he had no problem with the proposed cul-de-sacs because they were based upon the limitations of the property itself and were designed to accommodate those limitations. He stated it would be an attractive neighborhood and it meets Township criteria.

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 the approval of a preliminary plat to the Township Board, with the following conditions:

(1) Deed restrictions stating Lot 39 is prohibited from directly accessing North 5th Street and Lots 5, 6, 14, and 15 are prohibited from accessing West Main Street are required.

(2) All streets are public and shall be approved by and dedicated to the Kalamazoo County Road Commission.

(3) Street names shall be submitted to and approved by the Kalamazoo County Planning Department.

(4) Street layout, including the proposed cul-de-sacs is appropriate due to constraints including topography within and adjacent to the site and adjacency to West Main Street.

(5) Approval is subject to the Township Board granting a variance to allow Road "A" to exceed the permitted length for a road and cul-de-sac.

(6) All lots are subject to Kalamazoo County Human Services Department finding them adequate for individual septic systems.

(7) A sidewalk should be provided as indicated on the Site Plan. A deviation is granted to eliminate the sidewalk on the south side of Road "A" from 5th Street to Road "B" because there are no lots adjacent to that side of the road.

Mr. Gould seconded the motion. The Chairman called for a vote on the motion, and the motion passed 4 to 1 with Ms. Garland-Rike voting No. Ms. Garland-Rike asked that the record note that she voted "no" because of her opposition to the proposed cul-de-sacs, not to the intended use.

OTHER BUSINESS

The Chairman asked that the members take note of the MSU Extension Office Conference regarding the proposed changes to the Zoning Law.

PLANNING COMMISSIONER COMMENTS

The Chairman called for Planning Commission comments. Mr. Gould asked if the property owner on the corner of 10th and West Main was going to have to suffer any further inconvenience because of the installation of utilities. Ms. Stefforia indicated that, once the final sewers were installed, there should not be any additional impact to that area. Mr. Gould expressed his concern for the persons living there, given the number and the extent of the excavations which had taken place in that area recently.

The Chairman said he appreciated the healthy dialogue between the Planning Commission members regarding the use of cul-de-sacs. The Chairman suggested perhaps a report from the Planning Department on the pluses and minuses on the use of cul-de-sacs would be helpful for the Planning Commission deliberations. Ms. Stefforia said she would be working on that for the Planning Commission's next work session.

ADJOURNMENT

There being no further comment, the meeting was adjourned at approximately 8:45 p.m.

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

By:

Kathleen Garland-Rike

Minutes prepared:
May 1, 2006

Minutes approved:
_____, 2006