

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

MINUTES OF A MEETING HELD MAY 25, 2006

Agenda

**AUTUMN VIEW OPEN SPACE COMMUNITY- PHASE 3 EXTENSION REQUEST**

**VERHAGE PUBLIC HEARING TEXT AMENDMENT TO SECTION 76 (FROM MAY 11, 2006 TABLE) ADDRESSING AGRICULTURAL DIRECTIONAL SIGNS**

**DRAKE POINT- SITE PLAN REVIEW - WEST SIDE DRAKE ROAD NORTH OF GRAND PRAIRIE - (PARCEL NO. 3905-12-280-061)**

**WESTHAVEN - SITE PLAN REVIEW - NW CORNER DRAKE ROAD AND H AVENUE - (PARCEL NO. 3905-01-480-020)**

**ENGEL COMMONS - PRIVATE STREET PRELIMINARY REVIEW - (PARCEL NO. 3905-14-288-011 AND 14-280-021)**

A meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, May 25, 2006, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairman  
Fred Gould  
Lee Larson  
Mike Smith  
Kathleen Garland-Rike  
James Grace

MEMBER ABSENT: Deborah L. Everett

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Township Planner, James W. Porter, Township Attorney, and approximately 20 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 consideration of the Agenda. Mr. Larson 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.

## **Minutes**

The Chairman indicated the next item on the Agenda was the approval of the minutes of May 11, 2006. Mr. Grace pointed out that Ms. Garland-Rike was not present at the meeting and yet the minutes on page 4 indicated that Ms. Garland-Rike seconded the motion. After a brief discussion, it was the consensus that Mike Smith had actually seconded the motion. Mr. Smith then made a motion to approve the minutes as corrected. The motion was seconded by Mr. Larson. The Chairman called for a vote on the motion, and the motion passed unanimously.

## **AUTUMN VIEW OPEN SPACE COMMUNITY- PHASE 3 EXTENSION REQUEST**

The Chairman stated the next item on the Agenda was the consideration of a request for an 18-month start date extension for Phase 3 of Autumn View open space community. The Chairman called for a report from the Planning Department. Ms. Stefforia submitted her report to the Planning Commission dated May 15, 2006, which is incorporated herein by reference.

Ms. Stefforia said that the applicant was seeking an 18-month extension. She said the original approval was granted in June, 2000, and at that time, Phase 3 was to be commenced by June, 2006. She said Autumn View is an open space community located on West KL, west of 8<sup>th</sup> Street. She said both Phases 1 and 2 had commenced on time, and that the developer was making good progress. She said she thought it was proper for the Planning Commission to grant the extension, considering the first two phases were already under way, and it could be concluded that the developer was making reasonable progress toward completing the development.

The Chairman asked if there were any questions of Ms. Stefforia, and hearing none, he asked to hear from the developer. Mr. Dave Corning introduced himself to the Planning Commission. He said they were doing quite well, but would not be ready to start Phase 3 probably until the Spring of 2007. Mr. Grace asked the applicant if stripping the soils could be delayed until he was ready to commence Phase 3. Mr. Corning said they would not do anything to the additional property until the Spring of 2007. He said they would wait until they started the project before clearing the land.

The Chairman asked for public comment, and hearing none, he called for a motion from the Planning Commission. Mr. Smith made a motion to approve the extension. The motion was seconded by Mr. Grace. The Chairman called for a vote on

the motion, and the motion passed unanimously.

**VERHAGE PUBLIC HEARING TEXT AMENDMENT TO SECTION 76 (FROM MAY 11, 2006 TABLE) ADDRESSING AGRICULTURAL DIRECTIONAL SIGNS**

The Chairman said the next item was the resumption of a public hearing on a request for an amendment to various provisions of Section 76, addressing agricultural directional signs. The Chairman asked to hear from the Planning Department. Ms. Stefforia submitted her report to the Planning Commission dated May 25, 2006, and the same is incorporated herein by reference.

Ms. Stefforia reminded the Planning Commission that the matter had been tabled at its meetings of April 13 and May 11. She said that the Township Planning Department had been asked to make some changes to the proposed text, and they were returning to the Commission with those recommendations. Ms. Stefforia pointed out in her report that the Master Land Use Plan specifically indicated that the Plan is not intended to discourage or restrict farming. She said the Master Land Use Plan references encouraging continued farming, which she thought could support distinguishing agricultural land uses from other commercial activities, specifically, to allowing off-site directional signs.

Ms. Stefforia went through the proposed text, which had been revised subsequent to the last meeting, as more fully set forth in her report. In so doing, she specifically referenced the need to set the maximum number of agricultural directional signs that the Planning Commission wished to allow under the Ordinance.

Ms. Bugge suggested that Attorney Porter make a comment regarding the road right-of-way. Attorney Porter noted that, in most circumstances, the public road right-of-way is simply that, a right of way, not ownership. Attorney Porter explained that most people's property extends to the center of the road and that the Road Commission and the Township simply have a right-of-way across the individual's property. Given that most people own to the center of the road, he said it would require the property owner's permission to place signs within the road right-of-way.

The Chairman asked to hear from the applicant. Mr. Robert Hencken introduced himself on behalf of Verhage Farms. He said he was generally very happy with the proposed text. However, he had a couple of concerns. He said he would prefer 12 signs instead of 10, and that he was very concerned about the requirement that the signs be located out of the road right-of-way. He said if that were the case, the signs would not do them any good since they would be so far back from the road as to not be visible. He said since the Road Commission did not seem to care about these signs, he did not understand why the Township had a concern about them being located within the road

right-of-way.

The Chairman asked if there was any public comment. Hearing none, he called for Planning Commission deliberation. The Chairman began by asking if there was a consensus as to the definition of “seasonal agricultural directional signs.” It was the consensus of the Planning Commission that the definition was acceptable.

The Chairman asked about the second part of the text amendment, which would regulate the size, height and the maximum number of signs as well. Mr. Grace said he was concerned that some agricultural operations would not need such a large number of signs and wondered if there was a way to limit those farms from having as many directional signs. The Chairman said he was willing to support the larger number at this point in time with the understanding that, if it was abused or became a problem, the matter could come back to the Planning Commission to be amended. Mr. Smith said he appreciated Mr. Grace’s concerns, but he thought that 12 was appropriate and would not create a problem for the community. Mr. Larson said he thought 12 signs were too many. Ms. Garland-Rike said she thought that 12 was too many and wondered how many farms in the community would be posting these signs.

Mr. Larson said he thought two signs on 4<sup>th</sup> Street would be reasonable, reducing the number of overall signs to 10. Mr. Smith said perhaps they could eliminate a couple. The Chairman said that he thought they needed to look at the broader scope of the issue and not necessarily focus on Verhage Farms. He said he thought the difference between 12 signs and 10 signs was insignificant and, therefore, was prepared to accept 12 signs. Mr. Gould said he thought that if the applicant was requesting 12 signs, he was willing to consider it in order to keep the agricultural operations in the community viable. The applicant said they would appreciate 12 off-site signs.

The Chairman said the third matter to deal with was the setback issue. Mr. Larson asked whether the Township had the authority to permit signs within the road right-of-way. Attorney Porter noted that he thought the Township did have that authority. He said the Road Commission had the authority over the road right-of-way for pedestrian and vehicular travel, but that the bulk of the authority over the road right-of-way actually was vested in the Township under the State Constitution. Attorney Porter noted that his main concern would not be whether the signs were located in the road right-of-way, but whether the signs interfered with clear vision for traffic purposes.

Mr. Larson wondered if a 20-foot setback would accomplish what they wanted for clear vision. The Chairman said he did not want to see a set number of feet established but would rather have it worded as the Attorney had indicated, so as not to interfere with clear vision for traffic purposes.

Ms. Bugge pointed out that, under the Ordinance, no signs were allowed within the road right-of-way. Attorney Porter said that would have to be amended or the

exception providing for seasonal agricultural directional signs would have to make an allowance for that restriction. Ms. Stefforia said there would have to be an exception provided for in the Ordinance. Mr. Larson said that he still wanted to make sure there was a prohibition against encroaching on the clear view area for traffic purposes.

After a brief discussion, the Chairman noted that the only area where there was not a clear consensus was on the number of signs. He said he thought if that issue were addressed, that the Planning Commission could move ahead with a motion. The Chairman said he was okay with 12 signs. Mr. Smith agreed, as did Ms. Garland-Rike and Mr. Gould. The Chairman said, given there was at least a majority in agreement on the number of signs, he thought it was appropriate to entertain a motion.

Ms. Garland-Rike made a motion to amend the provisions of Section 76.130, as follows:

**Seasonal Agricultural Directional Sign:**

A sign directing traffic to a functioning farm located within the Township, where said farm is not located on an arterial road as reflected within the Master Land Use Plan, identifying an agricultural commodity or product available for purchase that was grown and/or processed at the farm.

To amend Section 76.160 as follows:

<u>Use</u>	<u>Sign Type</u>	Maximum <u>Display</u> <u>Area</u>	Maximum Sign <u>Height</u>	<u>Purpose</u>	Maximum <u>No. of</u> <u>Signs</u>
Functioning Farm	Seasonal Agricultural Directional Signs <sup>2</sup>	6 s.f.	4 feet	directional	12

<sup>2</sup>In no case shall a functioning farm be permitted to have Seasonal Agricultural Directional signs, in any quantity, for more than 65 days per calendar year. Such signs may only be erected as long as commodities or products identified are available for purchase. A Sign Permit is required.

And to amend Section 76.420(C) to add paragraph 5, which shall read as follows:

C.5. Seasonal Agricultural Directional Signs may be located adjacent to the lot line and within the right-of-way so

long as they do not interfere with the clear vision area for traffic.

The Chairman asked a question regarding Sections 76.420 and 76.430. Ms. Stefforia indicated that those provisions had been incorporated within the definition section or the amendment to Section 76.160. At that point, Mr. Larson seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

**DRAKE POINT- SITE PLAN REVIEW - WEST SIDE DRAKE ROAD NORTH OF GRAND PRAIRIE - (PARCEL NO. 3905-12-280-061)**

The Chairman said Item #6 was the site plan review of a proposed 49-home site residential development on the west side of Drake Road, north of Grand Prairie (Parcel No. 3905-12-280-061). The Chairman asked for a report from the Planning Department. Ms. Bugge submitted her report to the Planning Department dated May 25, 2006, and the same is incorporated herein by reference.

Ms. Bugge explained that Drake Point was a single-family residential site condominium, consisting of 48 units on approximately 21 acres. She said that the development would be accessed via an easement which had been given to the Township when a variance was granted to allow the creation of a landlocked parcel in order to allow for future development. She said the proposed road was 2,620 feet, ending in a temporary cul-de-sac, which would be extended to the west when the abutting land was developed. She said there were also provisions for two future street extensions to the south and one to the north. She said that the proposed development would be served by water and sewer. She said that the storm water retention was proposed to be private, but that the Township Engineer had suggested that an agreement with the Drain Commissioner be considered by the developer.

Ms. Bugge pointed out that all sites met the minimum dimensional requirements, except for sites 25, 26, 27, and 28. She questioned if they met the site width requirement because they are measured from the curve of the temporary cul-de-sac, but once the cul-de-sac was done away with, the lots would only be 70 feet in width and would not be in compliance with the Ordinance. She said this was an issue the Planning Commission needed to address.

Ms. Bugge then proceeded to take the Commission through a review of Section 82.100, as more fully set forth in her report. The Chairman asked if there were any questions. Mr. Gould asked if there would be a fence around the retention pond. Ms. Bugge said that it was not required and, therefore, would be up to the applicant to determine whether or not that was appropriate. Mr. Grace asked if the temporary cul-de-sac would be used to access property to the west. Ms. Bugge indicated that was the intent. Mr. Larson asked if they had reviewed engineer plans for the storm water area.

Ms. Bugge said that construction plans would be submitted for review.

The Chairman asked to hear from the applicant. Mr. Dan Roberts on behalf of See-Wright LLC introduced himself to the Planning Commission. He said that the cul-de-sac issue and the abutting lots was a bit complicated. He said they had looked at that issue several times, and if the lots on the cul-de-sac were not approved, they would have to revise the overall site plan to address that issue. The Chairman asked how they might deal with that issue. The engineer indicated they would either have to look at a reduction in the retention pond area, or perhaps a reduction in some of the lot widths further to the east.

Mr. Larson asked if the retention area could be naturalized. Mr. Roberts said that could be done. He said they had not done any borings in the area, but thought that they could take steps to make it appear to be more of a natural retention area, rather than artificial.

The Chairman asked to hear from the public. Kevin Stufflebeam introduced himself to the Planning Commission. He explained that he owned property to the west of the proposed site. He said it was a large piece of land, and asked whether the Township had considered extending Mall Drive north as part of the overall development. He suggested that they look at the bigger picture and plan something like that for the site.

Mr. Tim Smith introduced himself to the Planning Commission. He said he owned the property to the north of the proposed development. He asked if the applicant would be required to build some type of fence to maintain privacy from the subject site. Attorney Porter noted, as did Ms. Bugge, that no fencing was required between residential developments. Mr. Porter indicated that Mr. Smith had the right to put up a fence to maintain his privacy, but that it was not required of the developer. Mr. Smith asked if there was an ordinance regulating fencing. Ms. Bugge said there was no fence ordinance, however, if it was over six feet high, he should talk to the Building Department.

Mr. Smith asked when the development might commence. Mr. Roberts said probably as soon as possible.

The Chairman closed the public portion of the meeting and asked for comments of the Planning Commissioners. Mr. Smith said he thought the development was too dense and was not the type of development he wanted to see. Ms. Garland-Rike said that the development appeared to be designed to get the most out of the land, but that the lot sizes were in conformance with the Ordinance and, therefore, the project was in compliance. Ms. Bugge said to keep in mind that this was on the eastern edge of the Township. She also asked that the Commission address the issue of the lots on the cul-de-sac. Attorney Porter said he felt they should view the lots the way they would be

once the temporary cul-de-sac was done away with. Mr. Larson said he strongly agreed.

The Chairman asked whether the Planning Commission wanted to see the revisions done before they approved the proposed site plan. Mr. Grace said that, while he did not necessarily like the density, he thought it would have to be approved until there were changes to the Zoning Ordinance. He said, however, he did not want to approve the smaller lots on the cul-de-sac since they would be substandard. Attorney Porter suggested there were too many variables and possible changes being proposed by the applicant's engineer. He suggested that the matter be tabled and that the Commission could look at a revised site plan correcting the lot size issue for the lots furthest to the west.

Mr. Grace made a motion to table the site plan review until it was brought into compliance with the Township ordinances. Mr. Larson seconded the motion, but said he would also like the applicant to be aware they would like to see sidewalks all the way to Drake Road.

Ms. Bugge said she thought that was at the discretion of the developer. Attorney Porter said he could take a further look at it, but was concerned about requiring the developer to make off-site improvements which were not part of the platted subdivision.

Ms. Bugge again reminded the Commission that this was the most eastern portion of the Township, identified in the Master Land Use Plan as being the area to be most densely developed within the Township. Mr. Larson said he had to concur with that and thought this was an appropriate area for this type of dense development, and he believed it was consistent with the Master Land Use Plan.

Ms. Garland-Rike said she concurred with Mr. Larson's request for a sidewalk to Drake Road and hoped the developer would see the wisdom in that request. Mr. Larson said he thought it would be a strong selling point.

The Chairman asked if there was further discussion, and hearing none, called for a vote on the motion. The motion passed unanimously.

**WESTHAVEN - SITE PLAN REVIEW - NW CORNER DRAKE ROAD AND H AVENUE - (PARCEL NO. 3905-01-480-020)**

The Chairman indicated the next item on the Agenda was the site plan review of a proposed 54-home site residential development in the northwest corner of Drake Road and H Avenue, Parcel No. 3905-01-480-020. The Chairman called for a report from the Planning Commission. Ms. Stefforia submitted her report to the Planning Commission dated May 25, 2006, and the same is incorporated herein by reference.

Ms. Stefforia told the Planning Commission the property was approximately 42

acres in size, located at the northwest corner of Drake Road and West H Avenue. She said the applicant wanted to develop the property under the Condominium Act and create a 54-unit site condominium. She noted that the property was zoned "R-2" Residential. Ms. Stefforia said the property would be served with water and sewer and that the building sites exceeded the minimum provided for under the Zoning Ordinance. Ms. Stefforia then proceeded to take the Planning Commission through a review of Section 82.800, with recommendations as more fully set forth in her report.

The Chairman asked if there were any questions. Mr. Larson asked for clarification regarding the reference to sidewalks on page 2. Ms. Stefforia explained that sidewalks would have to be installed for each lot before a Certificate of Occupancy would be issued. In addition, all the sidewalks would have to be completed no later than three years from commencement of construction.

The Chairman asked to hear from the applicant. Mr. Dan Lewis of Prein & Newhof introduced himself to the Planning Commission. Mr. Lewis thanked Ms. Stefforia for her report. He began by noting that the lots that exceeded the depth/width ratio would be brought before the Zoning Board of Appeals for variances. Mr. Lewis said that he agreed with the Type C landscaping proposed for the retention areas and that sidewalks would be installed in whatever manner deemed appropriate by the Commission.

Mr. Gould asked if DeLoof Builders would be the only builders in the proposed subdivision. Mr. DeLoof indicated that was correct. Mr. Larson asked if the access trail would be paved. Mr. DeLoof said it would be brick pavers so it would look very nice.

The Chairman asked for comments from the public. Mr. Rod Walters introduced himself to the Planning Commission. He explained that he owned property across H Avenue and was happy to see the developer was proposing a quality development.

Mr. Martin Schultz said he lived west of the development and he was not sure about the condominium aspect of the development. He asked if there would be a community building or some kind of shared facilities. The Chairman explained that this was a condominium but that it was not proposing any type of common property. Attorney Porter explained the difference between a development of this type; i.e., under the Condominium Act versus the Land Division Act.

Ms. Laura Meeuwse told the Commission that she was thrilled with the plan. She said she had lived in the area for 20 years and thought the proposed development looked wonderful.

Mr. Smith said he thought this was more like the kind of developments he would like to see in the area. The Chairman said he thought that if the "C" landscaping was

acceptable to the developer and the sidewalks were acceptable, it looked like a very good development. Mr. Larson suggested that the developer try to naturalize the storm water retention areas as much as possible. Mr. Lewis said he thought there was enough room to be somewhat flexible with the overall design. He said that the rectangular design of the water retention basins was initially done simply to determine overall capacity, and that the design was not final.

The Chairman asked if there was any further discussion and hearing none said he would entertain a motion. Mr. Grace made a motion to accept the proposed site plan and make a recommendation for approval to the Township Board, with the following conditions:

1. Approval is subject to approval of the street layout by the Kalamazoo County Road Commission.
2. Sidewalks meeting Township requirements shall be installed within three years or prior to the issuance of a Certificate of Occupancy for an adjacent site, whichever comes first.
3. A variance must be obtained from the Zoning Board of Appeals for the building sites that exceed the 4:1 depth-to-width ratio.
4. Street lights must comply with the outdoor lighting provisions of Section 78.700.
5. Approval shall be subject to Township review of the Master Deed and Bylaws and finding them acceptable prior to their recording.
6. Design of the stormwater management system is subject to review and approval of the Township Engineer.
7. The stormwater retention areas shall be landscaped consistent with a Type "C" greenspace so as to screen them from view. Details of proposed screening shall be provided for Township review and approval.
8. Easement(s) addressing the stormwater retention basin and current and future users and maintenance are subject to Township review and approval before

recording and/or amending.

9. All necessary approvals from other agencies, including the City of Kalamazoo, Michigan Department of Environmental Quality and Township Engineer for water and sewer, the Drain Commissioner for the earth change permit and retention areas and the Road Commission for the street layout must be secured before earth moving activities commence.
10. That the developer reshape the drainage areas to be as natural as possible.

The motion was seconded by Mr. Smith. The Chairman called for further discussion, and hearing none, called for a vote on the motion. The motion passed unanimously.

**ENGEL COMMONS - PRIVATE STREET PRELIMINARY REVIEW - (PARCEL NO. 3905-14-288-011 AND 14-280-021) OTHER BUSINESS**

The Chairman indicated the next item up for consideration was the preliminary review of a proposed nonresidential private street. He said the subject property was located on the north side of West Main, west of 10<sup>th</sup> Street, Parcel Nos. 3905-14-288-011 and 14-280-021. The Chairman asked for a report from the Planning Commission. Ms. Stefforia submitted her report dated May 25, 2006, to the Planning Commission, and the same is incorporated herein by reference.

Ms. Stefforia explained to the Planning Commission that the applicant was proposing a nonresidential site condominium to be served by a private street. She said the area was zoned "R-3" Residence District, which allowed limited nonresidential uses, such as office buildings and financial institutions. She said this is the first nonresidential private street reviewed by the Township since the adoption of Section 60.800 last year.

Ms. Stefforia then proceeded to take the Board through a review of the proposed street, pursuant to the provisions of Section 60.830, as more fully set forth in her report. The Chairman asked what the process should be for this type of review. Ms. Stefforia said to take comments and make recommendations to the applicant prior to their return for a special exception use. The Chairman asked if any action was required, and Ms. Stefforia said only if provision for cross-access was required.

Mr. Smith said there was no chance for a road to develop to the east. Ms. Stefforia indicated that was correct, it was all developed residentially without any available access.

The Chairman asked to hear from the applicant. Mr. Dan Lewis of Prein & Newhof introduced himself to the Planning Commission. He said the biggest problem with the proposed development was the size of the lot. He said it would not be economical to develop cross-access, simply because of the size of the property. Mr. Gould asked what was proposed for the site. Mr. Charlie Hill said primarily offices. Ms. Stefforia reminded the Planning Commission they did not necessarily want to know what was going to be planned for this site, they wanted to look at the street independent of the proposed development.

The Chairman asked if they could develop a private street with access to a public street. Ms. Stefforia said she thought they could and that it would be very much like accessing a public right-of-way from a private drive.

The Chairman called for public comment, and hearing none, called for Planning Commission deliberations. Mr. Larson said he thought it would pose an undue hardship on the developer to require cross-access. He thought it was reasonable to determine that it was not feasible to have cross-access on this property. The Chairman asked if that was the consensus of the Planning Commission, to which the Planning Commissioners concurred. The Chairman asked if there were other comments. Hearing none, he asked if it was the consensus of the Planning Commission to propose preliminary review of the private street was considered acceptable. The Planning Commissioners concurred.

### **Other Business**

Ms. Stefforia presented the Planning Commission members with a publication entitled *Welcome to the Planning Commission*, suggesting that during future meetings, one or two chapters be discussed.

### **Planning Commissioner Comments**

Mr. Grace said he appreciated being on the Planning Commission. The Chairman thanked him for his input.

The Chairman requested that the Planning Commissioners engage audience members or representative members while they are at the podium, so as to better facilitate discussion and move matters more expeditiously in the future.

### **Adjournment**

There being no further comment, the meeting was adjourned at approximately 9:04 p.m.

PLANNING COMMISSION

By:

Kathleen Garland-Rike

Minutes prepared:  
May 31, 2006

Minutes approved:

\_\_\_\_\_, 2006