

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD MAY 27, 2010

Agenda

**TEXAS CORRAL – SPECIAL EXCEPTION USE AND SITE PLAN REVIEW –
OUTDOOR FUNDRAISING EVENT FOR BURN CAMP AT PRETTY LAKE
VACATION CAMP AND APPROVAL OF TRAILER IN PARKING LOT - 5519 WEST
MAIN STREET – IN C LOCAL BUSINESS DISTRICT - (PARCEL NO. 3905-13-401-070**

**MEADOW RUN DOG PARK – SPECIAL EXCEPTION USE AND SITE PLAN REVIEW
– 7095 WEST KL AVENUE – IN I-1 INDUSTRIAL DISTRICT – (PARCEL NOS. 3905-
22-430-023 AND 3905-22-430-032)**

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, May 27, 2010, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairman
Bob Anderson
Kitty Gelling
Carl Benson
Fred Gould
Richard Skalski

MEMBER ABSENT: Deborah Everett

Also present were Jodi Stefforia, Planning Director; Chris West, Associate Planner; James Porter, Township Attorney, and 17 other interested persons.

Call to Order and Pledge of Allegiance

The meeting was called to order at approximately 7:00 p.m. The “Pledge of Allegiance” was recited by the Commissioners.

Agenda

The Chairman asked if there were any revisions to the Agenda. Hearing none, he called for a motion to approve the Agenda. Ms. Gelling made a motion to approve the Agenda, as submitted, and Mr. Skalski seconded the motion. The Chairman called for a vote on the motion. The motion passed unanimously.

Public Comment on Non-Agenda Items

None.

Minutes

The Chairman asked if there were any changes to the minutes of May 13, 2010. Ms. Stefforia indicated that Ms. Everett had given her a note indicating that there needed to be a few changes to the minutes, such as on page 2 “Centerpoint” was one word with no e, and on page 5, she requested sentences be added clarifying why she and Bob Anderson abstained from voting on the matter. At the end of the discussion, Ms. Gelling made a motion to approve the minutes, as corrected. Mr. Anderson seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

TEXAS CORRAL – SPECIAL EXCEPTION USE AND SITE PLAN REVIEW – OUTDOOR FUNDRAISING EVENT FOR BURN CAMP AT PRETTY LAKE VACATION CAMP AND APPROVAL OF TRAILER IN PARKING LOT - 5519 WEST MAIN STREET – IN C LOCAL BUSINESS DISTRICT - (PARCEL NO. 3905-13-401-070

The Chairman said the next item on the Agenda for consideration was a special exception use and site plan review for an outdoor fund-raising event for the Burn Camp at Pretty Lake Vacation Camp to be held at Texas Corral on July 11, 2010. He said the subject property was located at 5519 West Main Street in the C Local Business District, Parcel No. 3905-13-401-070. The Chairman called for a report from the Planning Department. Mr. West submitted his report to the Planning Commission dated May 27, 2010, and the same is incorporated herein by reference.

Mr. West proceeded to take the Commission through a review of the applicant’s proposal for a fundraising event to include Texas Corral staff members camping in a trailer on-site between July 5 and July 11, and an on-site event on July 11, 2010, from 2 p.m. and 5 p.m. He took the Commission through Section 20.401, as well as Section 60.100 of the Township’s Zoning Ordinance, as more fully set forth in his report.

The Chairman asked if there were any questions of Mr. West. Mr. Anderson asked, if the event was on July 11, why there would be camping earlier in the week? Mr. West suggested that the Planning Commission ask the applicant. The Chairman said he had some questions about alcohol, but thought they would have to be addressed by the applicant as well. He asked if the fact that the Fire Department was participating was one of the reasons that there was not a provision for further review by the Fire Department? Mr. West said that was correct. Mr. Benson asked about the restrooms being available 24 hours a day during the seven days for those persons who were camping. Mr. West suggested that was a question to be directed to the applicant.

The Chairman asked to hear from the applicant. Mr. Randy Bryant on behalf of Texas Corral introduced himself. He said he was a manager at Texas Corral and that he was in charge of the event. He explained that he was working with the Oshtemo Fire Department and other fire departments, as well as the Director of the Burn Camp to promote the charitable event. Mr. Bryant said he would try his best to answer many of the questions raised. He indicated that there would only be two or three individuals camping in the trailer at any one time. He said there would be no loitering and that the restrooms in the camper would not be used, but there would be access 24 hours a day to the restaurant bathroom facilities. A Texas Corral Manager will be on-site at all times during the week.

Mr. Bryant said the camping aspect of the event was to “camp out for the kids” and to provide a location for people to drive up and donate in front of the restaurant. He made it very clear that he had been working with the Fire Department to deal with issues of site plan and layout for safety purposes.

Mr. Bryant said that there would be alcohol served, but it would be served in accordance with the Michigan Liquor Control Commission guidelines. He said that they would obtain a single day patio permit which would require approval by the Sheriff’s Department. He also noted that the event would be within a fenced in area and limited in size and duration. Texas Corral already has a patio alcohol permit for its outdoor restaurant seating area.

Mr. Bryant stated that they would have approximately 40 volunteers and that all of the adjoining businesses around Texas Corral had agreed to assist them and participate in the overall event.

The Chairman asked about the alcohol permit and whether it would be all day or limited to the July 11 event time period of 2 p.m. to 5 p.m. Mr. Bryant said that the license was for all day, but they would only be serving alcohol from 2 p.m. to 5 p.m. and that they would ensure that it was shut down properly at 5 p.m. by using a last-call system, similar to that used in a restaurant. He said anyone who was not finished with his or her food or beverage at that time would have to move into the restaurant, or the existing patio area in front of the restaurant, or leave the premises.

Mr. Skalski asked about adequacy of parking. Mr. Bryant said that they had worked out an arrangement with the abutting landowners to use their parking for overflow and thought there would be more than adequate parking given the back lots lying south of the existing commercial businesses.

The Chairman asked if there would be any loud speakers used at the site which might disturb surrounding residences. Mr. Bryant said that B93 would have a live remote, but they would only have the speakers provided on their remote unit.

The Chairman called for public comment. There being no public comment, the Chairman called for Planning Commission deliberations. The Chairman noted that there was some new

information provided, but he did not think it changed the opportunity to provide a fundraiser for a great cause. He said the upcoming event was fairly well defined and similar to what the Planning Commission had approved previously.

Ms. Gelling said she was very much in support of the fundraising event and complimented the applicant on a very detailed plan. Several other members of the Planning Commission complimented the applicant on the proposal and voiced support for the event.

Ms. Gelling made a motion to approve the special exception use for a temporary outdoor event based on the representations of the applicant in its application and representations made to the Planning Commission. Mr. Benson seconded the motion. The Chairman called for a vote on the motion. The motion passed unanimously.

**MEADOW RUN DOG PARK – SPECIAL EXCEPTION USE AND SITE PLAN REVIEW
– 7095 WEST KL AVENUE – IN I-1 INDUSTRIAL DISTRICT – (PARCEL NOS. 3905-
22-430-023 AND 3905-22-430-032)**

The Chairman indicated that the next item on the agenda was a special exception use and site plan review for Meadow Run Dog Park. He said the request was being presented by Patty Ruppel for property located at 7095 West KL Avenue in the I-1 Industrial District, Parcel Nos. 3905-22-430-023 and 3905-22-430-032. The Chairman asked to hear from the Planning Department. Mr. West submitted his report to the Planning Commission, along with a supplemental report, both dated May 27, 2010, and the same are incorporated herein by reference.

Mr. West explained that the applicant was seeking to develop a dog park on two properties consisting of approximately 26 acres located in the I-1, Industrial District. Mr. West explained that the dog park would be developed in two phases, but that the Planning Commission would only be considering approval of the first phase. Any references to future development in the second phase were not being submitted to the Planning Commission at this time.

Mr. West took the Commission through a review of the applicant's proposal, focusing upon the rules and policies submitted by the applicant, based upon best practice provisions outlined by the American Kennel Club. Mr. West then went through the special exception use criteria in Section 60.100 as they applied to the applicant's proposal. In addition, he took the Commission through Section 82.800 of the Township's Zoning Ordinance dealing with site plan review, as more fully set forth in his report.

The Chairman asked if there were any questions of the Township's Planner. The Chairman began by asking if the Planner knew what the applicant proposed for the use of the garage. Mr. West said he thought it was for storage and refuse. The Chairman noted the floor drain in the garage and indicated that was something the Planning Commission would need to consider.

The Chairman reminded the other members that the action would be to first consider the special exception use, and subject to its approval, consider the proposed site plan.

The Chairman asked to hear from the applicant. Ms. Patty Ruppel introduced herself on behalf of the Meadow Run Dog Park. Ms. Ruppel explained that she started working on this project approximately two years ago and had used many other resources, including the American Kennel Club and the Internet, for documents and plans. In addition, she said she had visited numerous other dog parks to assist her in the overall plan of development. She said that, while there were two other dog parks being proposed in Kalamazoo County, she thought the Meadow Run Dog Park differed in the quality of the implementation. Ms. Ruppel said that they wanted to create a safe and secure facility for the dogs which would operate with the staff on site 80% of the time. She said she thought the other 20% of the time would be low usage. She explained, with a dog park this size, there are usually no more than 25 dogs in the park at any given time, and she asked that the Commission hear from her engineer. She added that a database of dogs and their owners would be kept to assure the safety of members and neighbors. The applicant may revoke membership from owners with problem dogs.

Mr. Todd Olin, with Land & Resource Engineering and Survey, introduced himself to the Planning Commission. He said he wanted to touch base in a couple of areas. He explained the desire to leave part of the trees in the northeastern portion of the property. He noted that the trees were clearly well established and hoped they would receive appropriate credit for leaving those trees on site.

Mr. Olin also talked about the screening around the existing structure on 8th Street and the desire to wait on the screening south of that property until the future development took place on that portion of the property. He said with regard to the KL Avenue area, they had made some recent changes as presented to the Commission in the updated report from Township Planner, Chris West.

Mr. Olin said there were a couple other issues which he thought needed to be addressed. He said the first issue was the 4-foot shoulder bike lane. He said he did not believe the 4-foot shoulder was feasible at this time because of the configuration of the property. He said he thought the bike lane would be jogging in and out of the property because the site's frontage was not continuous and would actually cause confusion. He also noted that the hill was very steep, particularly west on KL Avenue, and he thought that would actually cause more damage to the site because it would require significant re-grading and removal of existing trees.

The second issue which Mr. Olin said he was concerned about was the need for a 30-foot easement for a sewer line along the rear of the property. He said he did not want to have to remove the trees to the south at some point in the future for the sewer and then have to replace them because they were part of the required site plan. He asked that issue be addressed at a later date when the sewer line will be constructed.

Mr. Olin did note that they were working with the Road Commission on access. He also concluded by saying that the floor drain in the garage would be eliminated from the plans.

The Chairman said he thought the issue of a 4-foot bike lane on KL Avenue was significant and inquired as to why the applicant could re-grade for a parking lot, but was not willing to do the grading for the bike lane. Mr. Jim Roberts, on behalf of the applicant, responded by saying that doing so on KL Avenue would destroy a number of mature maple trees. He also thought that if there was a 4-foot bike lane on KL Avenue, it should be on the other side of the road where they did not have the topography problems on the south side of the road. Mr. Roberts also asked why the SPCA was not required to widen the shoulder of the road, nor was the property owner that developed on 8th Street, just north of the railroad tracks. Mr. West clarified that it was not construction of a bike path; it was simply the widening of the road for a bike lane which was being proposed. The Chairman noted that, while these bike lanes are not currently connected to other segments of non-motorized paths, he thought their development over time was important.

Mr. Olin said perhaps putting the bike lane in a special assessment district in the future was a possibility.

Mr. Skalski raised some questions with the developer regarding some of the proposed plantings, as well as the number of plantings. The developer thanked Mr. Skalski for clarification on the numbers and his input on some of the proposed plantings.

Mr. Skalski said he was concerned about the bike lane on KL Avenue and 8th Street because of the road frontage gaps in the proposed development. He said this would require bikers to weave in and out of traffic due to the irregular shape of the applicant's land. Therefore, he thought that, at most, it should be at the corners of KL Avenue and 8th Street. The developer's engineer said he thought widening the shoulder for bikes at the corners might be possible.

Ms. Ruppel asked what the bike lanes would consist of. Mr. West explained, if they were constructed, it would simply be a widening of the shoulder of the road to four feet.

The Chairman asked if there were other questions. Hearing none, he asked the applicant to describe in more detail the use of the building to be constructed on site. Ms. Ruppel said that the lower level would have restrooms which could be accessed at any time. In addition, there would be a grooming station within the lower level. She said the upstairs level would be both a general office, as well as a reception area. In addition, she said they might want to sell a few canine items in that area.

Mr. Benson inquired about the hours and asked what would happen in response to a change of seasons. Ms. Ruppel said that they would be generally open from dusk to dawn, so the times would change as the seasons changed.

The Chairman said he understood the applicant's desire to preserve the tree line in the northeast corner. However, he said the matter would have to be evaluated to determine whether credits would be received based on existing vegetation, not by a deviation.

Ms. Stefforia noted that the provision for credits is provided in the Ordinance, but the applicant must identify and itemize the trees there for Staff's evaluation. The applicant's engineer said that they had done a tree count at the northeast corner and would work with the Planning Department to determine the amount of credit to be received. He said they had not done a tree count on the west or south lines of the property. The Chairman said if the calculations can be provided, they can determine the amount of credits to be given in the northeast corner for the trees on site.

Ms. Stefforia noted that the easement being requested by the engineer is not something for the Planning Commission to consider. She said that the engineer's job is to make sure that future utilities are provided for, and she recommended that the Commission not consider the applicant's request to disallow that at this time. The Chairman reiterated Ms. Stefforia's position saying if the Township waits until an easement is needed, often there is construction and other complications which ensue in the interim. He strongly encouraged the Planning Commission to remain steadfast that the approval of the site plan is subject to the engineer's review and approval.

The Chairman asked if there were other questions. Hearing none, he called for public input.

Mr. Dale Shugars introduced himself to the Planning Commission. He said he was very much in support of the project, and that they look forward to the development of the Dog Park.

Mr. Gordon Daam said he owned two residential properties on KL Avenue, and he came initially because he was curious as to what was being proposed. Mr. Daam said he agreed with the Township Planner's assessment as to the development. He thought the Dog Park would be superior to many other uses which could be allowed in the I-1 zone, and he voiced his support for the project.

Ms. Kelly Miller introduced herself to the Commission. She said she thought a park of this type was necessary in the area, and she would be pleased to see the proposal move forward.

Ms. Sara Chisnell-Voight introduced herself to the Planning Commission. She said she worked with the United Kennel Club, the second oldest dog club in America. She was 100% behind the project and thought it would be a big benefit to the community.

Ms. Jenny Patton introduced herself to the Planning Commission. She said it seemed like a good idea, but she was a little bit afraid of dogs and wondered who was going to control the park at night if people can access the park when there are no on-site managers. She also

wondered how large the greenspace plantings would be and whether it would take years and years for them to grow and be effective screening.

The Chairman asked if any letters were received. Mr. West said they had received numerous letters in support. He said they had received one letter which expressed some concerns of the property owners at 7095 West KL Avenue. He said they had young children, and while they were not necessarily opposed to the Dog Park, they were concerned about dogs getting loose, as well as the screening being in compliance with the Township requirements.

The Chairman then called for Planning Commission deliberations. The Chairman began by explaining to the audience what the Planning Commission members understood with regard to access. He said there would be electronic entry cards, but that those cards generally would not work before dawn or after dusk. He also said that the planting requirements dictate the size of the plantings that have to be installed so that they would be a reasonably effective screening in a very short time period.

The Chairman then asked the Planning Commission to first address the special exception use and then address the site plan. He suggested that, if there were not extensive conditions to be placed on the special use, that they attach them to the site plan. After a brief discussion, the Commission determined to consider the special exception use initially with any conditions or restrictions to be placed on the site plan itself.

Then the Chairman asked if there was a general consensus that this type of facility was an appropriate fit for the I-1 District. Ms. Gelling said she believed it was appropriate. Mr. Skalski said he also agreed. The remaining Commissioners agreed with Ms. Gelling and Mr. Skalski. The Chairman said he would entertain a motion. Ms. Gelling made a motion to approve the special exception use permit for the subject property at 7095 West KL Avenue for a dog park with hours of operation as proposed by the applicant. Mr. Gould seconded the motion. The Chairman called for discussion on the motion. There was a brief discussion regarding an amendment to the motion, which amendment was agreed to and incorporated as set forth above. The Chairman called for a vote on the motion, the motion passed unanimously.

The Chairman said he had a couple of items which he wanted to discuss. He said, first of all, he thought the trees in the northeast corner would not have to be granted any type of deviation; he thought they would have to meet the Ordinance. He said, to the extent they had existing trees which could be counted toward their screening, that should be left up to the Planning Department. Mr. West agreed.

Mr. Gould asked if they accepted the trees which were in place on the south line and then the trees died, would they have to be replaced? The Chairman said that they would, and Attorney Porter concurred to the extent that they are required to meet the minimum standards.

Mr. West then highlighted for the Commission the requested change in landscaping, pursuant to the memo the Commission received that night looking for a deviation near the

historical property. Mr. Benson said if none of the surrounding owners objected, he did not have a problem with reducing the density in that area, since all indications showed that it might be a bit too much for the space available. Mr. Skalski agreed. The Chairman said he did not have a problem substituting evergreens, provided the matter was reviewed by Staff. Mr. West clarified that the request for addition of evergreens for shrubs was for that area along line F, which currently showed lilac bushes.

The Chairman asked if there were any questions regarding screening lines J, F or E. It was the general consensus of the Commission to let the applicant work with Staff to approve any deviations in landscaping.

The Chairman asked how the Commission wanted to treat the bike lane. Mr. West suggested having a special assessment district at a later point in time. Ms. Stefforia pointed out that normally was not done just to widen the shoulders. Ms. Stefforia was not sure why it was not done for the SPCA. However, she noted that Mr. Skalski's argument about a lack of continuity made sense. Mr. Skalski said he would not be so concerned about lack of continuity in the construction of sidewalks, but with a bike lane or a bike path, it certainly was different.

The applicant's engineer asked if he could clarify an issue. He expressed concern about having the Township Engineer require an easement if they had to replace the trees. Attorney Porter clarified for the applicant that, if the Township installed sewer at some point in the future, and it caused a loss in required screening, that it would be the Township's responsibility to replace that screening in accordance with site plan requirements. He said if the Township did anything to bring the property into noncompliance, it would restore the property.

The Chairman asked if there was any further discussion. Hearing none, he called for a vote on the motion. Mr. Anderson then made a motion to accept the site plan, as submitted, and pursuant to the Staff recommendations listed below, including any representations made by the applicant. A brief discussion ensued in which the Planning Commission reached a consensus of not to incorporate any type of bike lane at this time and to withdraw the matter from the recommendations of the Township Planners. The motion was seconded by Mr. Skalski.

1. Site plan approval is subject to the documentation and Staff approval of a cross access agreement.
2. All on-site lighting shall be significantly reduced during non-operational hours allowing only lighting necessary for security features.
3. Lighting must comply with the provisions of Section 78.700, and a lighting plan with fixture details and schedule shall be provided to Staff for review and approval.
4. Signs, flags and flag poles must comply with Section 76, and the applicant will obtain all necessary permits before signs may be installed.

5. A deviation is granted allowing the applicant to landscape a continuous line between the southern property lines of 7095 and 7181 in place of landscaping greenspaces G, H and I and allow existing trees to be counted for the five required canopy trees.
6. A deviation is granted to allow the proposed landscaping surrounding 1010 South 8th Street to satisfy the landscaping requirements within those greenspaces and to forego landscaping the greenspace north of Phase 2 until that area of the subject property is developed.
7. A deviation is granted to allow the applicant to plant evergreen trees and shrubs instead of canopy and understory trees within the three greenspaces adjacent to 7095 West KL Avenue.
8. A deviation is granted to allow the proposed landscaping surrounding the adjacent residence at 7181 West KL Avenue, within the Historical Overlay Zone, to satisfy the landscaping requirements of those greenspaces.
9. A revised landscaping plan in compliance with this approval shall be submitted to Staff for review and approval.
10. Site plan approval shall be subject to Township Fire Department approval.
11. Site plan approval shall be subject to review and approval by the Township Engineer.
12. Site plan approval shall be subject to the applicant obtaining an Earth Change Permit from the Kalamazoo County Drain Commissioner's Office.
13. All utilities shall be underground.
14. Approval is subject to the submission and approval of the Environmental Permits Checklist and Hazardous Substance Reporting Form.

Upon vote, the motion passed unanimously.

Any Other Business

Jodi Stefforia reminded everyone of the DDA workshop.

Planning Commissioner Comments

None.

Adjournment

There being no further business to come before the Planning Commission, the meeting was adjourned at approximately 9:25 p.m.

Minutes Prepared:
June 2, 2010

Minutes Approved:
_____, 2010