

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD JUNE 22, 2006

Agenda

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

UNCLE BOB'S - SPECIAL EXCEPTION USE AND SITE PLAN AMENDMENT) - 1515 SOUTH 11TH STREET - (PARCEL NOS. 3905-24-452-010 AND 3905-24-452-020)

ENGEL COMMONS - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - PRIVATE STREET AND SITE CONDOMINIUM) - NORTH SIDE OF WEST MAIN STREET, WEST OF 10TH STREET - (PARCEL NOS. 3905-14-288-011)

QUAIL MEADOWS PUD - SPECIAL EXCEPTION USE AND CONCEPTUAL PLAN REVIEW - (PARCEL NOS. 3905-23-455-049 AND 3905-26-208-012)

TALL OAKS PUD - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - WEST SIDE OF SOUTH 9TH STREET ADJACENT TO FLESHER FIELD PARK - (PARCEL NOS. 3905-35-330-015 AND 3905-35-330-020)

A meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, June 22, 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
James Grace
Deborah L. Everett

MEMBER ABSENT: Kathleen Garland-Rike

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Township Planner, James W. Porter, Township Attorney, and approximately 35 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 Mr. Smith. The Chairman called for a vote on the motion, and the motion passed unanimously.

Minutes

The Chairman said the next item on the Agenda was the consideration of the minutes of June 8, 2006. Mr. Larson made a motion to approve the minutes as submitted. The motion was seconded by Mr. Grace. The Chairman called for a vote on the motion, and the motion passed unanimously.

The Chairman informed those in attendance that the Planning Commission had a four minutes policy regarding public comment and asked all those who wished to speak to come to the microphone, give their name and address, and adhere to the requested time limitation.

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

The Chairman noted that the next item on the Agenda was the site plan review for a proposed 47-home site condominium residential development on the West side of Drake Road, north of Grand Prairie, Parcel No. 3905-12-280-061. The Chairman asked to hear from the Planning Department. Ms. Mary Lynn Bugge submitted a report dated June 22, 2006, and the same is incorporated herein by reference.

Ms. Bugge reminded the Planning Commission that the matter was tabled at the May 25, 2006, meeting to allow modifications to the proposed site plan. She said there had been a reduction in the number of sites by one and that all sites currently complied with required dimensional requirements.

Ms. Bugge noted for the Planning Commission's consideration that after further discussion with Township Attorney, it had been determined that the sidewalks extending to Drake Road would not constitute an off-site improvement and, therefore, the Planning Commission could consider requiring sidewalks along the entire length of Drake Point, the road, to the intersection at Drake Road.

Ms. Bugge proceeded to take the Planning Commission through the review criteria set forth in Section 82.800, as more fully set forth in her report. At the conclusion of her report, the Chairman asked the Commission members if there were any questions. Hearing none, he asked to hear from the applicant.

Mr. Dan Roberts of Wightman Ward introduced himself on behalf of See-Wright LLC. Mr. Roberts explained they had made the changes proposed by the Planning Commission at the previous meeting and thanked the Planning Department for their presentation. Mr. Roberts asked if there were any questions.

Mr. Larson asked if the developer had asked the property owner on the south side of Drake Point whether he would be willing to use the new road as their access point to their property. Mr. Roberts said they had not talked to that property owner because the site plan was not yet approved.

The Chairman asked the applicant if the developer was receptive to extending the sidewalk to Drake Road. Mr. Roberts said that his client really did not want to pursue that, but he would wait for final Commission action.

The Chairman asked if there was any public comment, and hearing none, called for Planning Commission deliberations. The Chairman said he thought most of the issues had been addressed with the exception of sidewalks. Mr. Grace said he would like to see the sidewalks extended to Drake Road, but wondered if the Planning Commission had to wait until they could be incorporated into the site plan. The Chairman indicated that the Commission could approve it subject to the inclusion of sidewalks in the construction plans. Mr. Grace said he wanted to see the sidewalks extended since he thought that many of these people would avail themselves of Metro Transit and in order to do so, they would need access to Drake Road. The Chairman said he also thought it was appropriate to have the sidewalks installed. Mr. Larson concurred. The Chairman asked if there was any further discussion and, hearing none, said he would entertain a motion.

Mr. Larson made a motion to recommend approval of the Drake Point a single-family residential site condominium with the following conditions:

1. Any recommendation for approval shall be subject to review and approval by the Township and other appropriate agencies of fully engineered construction plans and to approval by the Township Board.
2. All roads shall be subject to the approval of the Kalamazoo County Road Commission.
3. Driveway permits must be obtained from the Kalamazoo County Road Commission.

4. Sidewalks meeting Township requirements shall be constructed on both sides of Drake Point for its entire length, beginning at its intersection with Drake Road.
5. All sidewalks shall be installed within three years or prior to the issuance of a Certificate of Occupancy for an adjacent site, whichever comes first, or a performance guarantee in conformance with Section 82.950 will be required.
6. Sidewalk construction plans in conformance with Township standards shall be submitted for review.
7. A driveway cut for the Young property shall be provided.
8. The developer is encouraged to provide a driveway cut for the Forbes property if they are willing to relocate their driveway.
9. Approval shall be subject to all sites meeting the Township dimensional requirements for single-family sites served by public sewer and water.
10. Placement of individual buildings shall conform to all setback requirements; setback relief is discouraged.
11. Signs shall be reviewed through the sign permitting process and a permit shall be obtained prior to the installation of any sign.
12. Approval shall be subject to the Township Attorney reviewing the Master Deed and Bylaws and any necessary easements and agreements and finding them acceptable prior to the documents being recorded.
13. Approval shall be subject to the provision of street lights in compliance with Section 78.700.
14. Site plan approval shall be subject to the applicant complying with the requirements of the Fire Department.
15. Site plan approval shall be subject to Township Engineer review of construction plans and a finding that stormwater management is adequate.
16. Approval shall be subject to the Township Engineer and other reviewing agencies finding utility engineering satisfactory.
17. An Earth Change Permit from the office of the Drain Commission is required.

The motion was seconded by Mr. Smith. The Chairman called for further

discussion. Hearing none, the Chairman called for a vote on the motion, and the motion passed unanimously.

UNCLE BOB'S - SPECIAL EXCEPTION USE AND SITE PLAN AMENDMENT) - 1515 SOUTH 11TH STREET - (PARCEL NOS. 3905-24-452-010 AND 3905-24-452-020)

The Chairman noted that the next item up for consideration was the special exception use and site plan review for Uncle Bob's storage. The Chairman said the subject property was located at 1515 South 11th Street, Parcel Nos. 3905-24-452-010 and 3905-24-452-020.

Ms. Bugge said that the property owner had called and asked that this matter be adjourned. Mr. Smith then made a motion to postpone consideration of Item #5 until July 27, 2006. The motion was seconded by Mr. Grace. The Chairman called for a vote on the motion, and the motion passed unanimously.

ENGEL COMMONS - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - PRIVATE STREET AND SITE CONDOMINIUM) - NORTH SIDE OF WEST MAIN STREET, WEST OF 10TH STREET - (PARCEL NO. 3905-14-288-011)

The Chairman indicated the next item for consideration was a special exception use and site plan review for a nonresidential site condominium with a private street. He said the subject property was on the north side of West Main, west of 10th Street, Parcel No. 3905-14-288-011.

The Chairman asked to hear from the Planning Commission. Ms. Stefforia submitted a report dated June 22, 2006, and the same is incorporated herein by reference.

Ms. Stefforia said that the applicant was proposing to develop a nonresidential site condominium within the "R-3" Residential District. She said the "R-3" District would allow office buildings and finance institutions, among other limited uses, to develop at this location. She noted that the applicant was requesting a private street and, therefore, preliminary review of the proposed street layout had been required and considered at the Planning Commission's meeting last month. She said after receiving favorable review the applicant was now requesting special exception use approval of the private street and site plan review for the proposed 5-unit condominium development.

Ms. Stefforia then proceeded to take the Board through a review of Section 60.840, regarding private streets, and Section 60.100, regarding special exception use criteria for private streets, as well as Section 82.300 for site condominium review, as more fully set forth in her report.

The Chairman asked the Commission members if they had any questions of Ms. Stefforia and hearing none, he asked to hear from the applicant. The applicant was not

present and, therefore, the Chairman called for public comment. There being no public comment, the Chairman called for Planning Commission deliberations.

The Chairman said he thought this request was quite straightforward given that this was the second time they had reviewed the proposed site. He said that if the Board so desired, he thought the appropriate method was to review the special exception use for a private road and then give due consideration to the proposed site condominium review under Section 82.300. After a brief discussion, Ms. Everett made a motion to approve the special exception use permit for a private road for a nonresidential site condominium project, subject to the following conditions:

1. Access to the Citizens Credit Union parcel via the private street and per the existing easement agreement shall be provided in perpetuity.
2. The placement of a stop sign at the private street's intersection with M-43 is required.
3. Approval is subject to review and approval of the street and stormwater management system designed by the Township Engineer.
4. Master Deed of the nonresidential site condominium shall provide for extension of public utilities within the private street easement and shall provide for maintenance of the private street per the specifications of Section 60.870 of the Zoning Ordinance.

The motion was seconded by Mr. Grace. The Chairman called for a vote on the motion, and the motion passed unanimously.

The Chairman next asked that the Commission consider the proposed site condominium development. Mr. Smith made a motion to recommend approval of the site condominium, subject to the following conditions:

1. Development of each unit is subject to Township review and approval pursuant to adopted Ordinances.
2. Approval shall be subject to the owner providing the Township with the proposed condominium Bylaws and Master Deed for review and approval before they are recorded.
3. Sidewalks, if built prior to individual site development, must be built to Township standards.

Mr. Larson seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

QUAIL MEADOWS PUD - SPECIAL EXCEPTION USE AND CONCEPTUAL PLAN REVIEW - (PARCEL NOS. 3905-23-455-049 AND 3905-26-208-012)

The Chairman indicated the next item up for consideration was the special exception use review of a proposed 30-acre expansion to an existing PUD and conceptual plan review of Phase VI, consisting of 159 dwelling condominium units in 2-, 3-, and 4-family buildings located on Parcel Nos. 3905-23-455-049 and 395-26-208-012.

The Chairman asked to hear from the Planning Department. Ms. Stefforia submitted a report dated June 25, 2006 [June 22, 2006], and the same is incorporated herein by reference. Ms. Stefforia explained that the applicant was seeking to expand an existing PUD by adding approximately 30 acres and developing Phase VI, which would consist of condominiums similar to those developed in Phase V. She explained that the resulting density, due to the increase, would result in an overall PUD density of 3.2 dwelling units per acre, which she said was in compliance with Township Ordinances.

Ms. Stefforia then proceeded to take the Commission through a review of Section 60.100, dealing with special exception uses, and Section 60.470(A)(2), Conceptual Plan Review for Phase VI of the site condominium development.

The Chairman asked for questions from the Planning Commission and began by asking Ms. Stefforia if all of the streets within the development would be private. Ms. Stefforia said that they would. The Chairman then asked to hear from the applicant.

Mr. Jack Gesmundo introduced himself and his development team from AVB Builders. He said they had been builders in the area for 35 years. He then took the Planning Commission through a history of Quail Meadows and how AVB became owner/operator of the development after it had gone into receivership. Mr. Gesmundo then reviewed the proposed addition to the development stressing the developer's desire to preserve much of the natural vegetation in the area. He also indicated that AVB had met with the neighbors and would do everything they could to address the concerns of the neighbors, including looking at the setbacks and the type of screening to be installed.

The Chairman asked what the applicant was doing to address setbacks and greenspace. Mr. Gesmundo said primarily they would attempt to preserve the natural vegetation which already existed. In addition, he said they have the setbacks at roughly 30 feet which is considerably more than required under the Township Ordinance. In addition, he said they would try to maximize the green space because their residents wanted privacy as much as the neighbors.

Mr. Larson asked about the boundaries along 9th Street and how dense the trees were in that area. Mr. Gesmundo said the area was more dense to the east and somewhat less dense to the west. He said, however, they would attempt to leave as much of the land as natural as possible and only that area which was mowed would be irrigated, and the rest would have ground cover.

The Chairman asked what the applicant was doing with regard to pedestrian circulation. Mr. Gesmundo said they would install sidewalks, but was hoping to install sidewalks on only one side of the street.

Mr. Larson asked what they would be doing with regard to the storm water basins and whether or not they would be wet. Mr. Craig Johnson said they were not certain whether any of the retention basins would be wet and that it would depend upon needed capacity. He said if they did want to put in a couple of wet ponds, they would have to be lined in order to hold water.

Mr. Gould asked how far back the development would be from the rear line of the residential homes on 9th Street. He said he was very concerned about the impact upon the neighbors. Mr. Gesmundo said they would take that into account, noting he was concerned about the development, particularly in that area, as it would impact their development as well.

The Chairman asked what the phasing would be. Mr. Gesmundo said it would likely be done in three phases, Phase I would likely be developed over the next two years; the following phase, the following two years; and the third phase, the two years following that. Mr. Larson said it sounded like they were looking at a six-year plan. Mr. Gesmundo said that was correct. Ms. Bugge asked what would be the size of the condominium units. Mr. Gesmundo said the two-bedroom units would be approximately 1,200 square feet and there would be some end units which could be extended up to 1,600 square feet.

The Chairman then called for public comment. Mr. Larry Belt said he was concerned about changing the zoning from "R-2" to "PUD." He said there were several condominium developments in the area and he did not believe there was a need for any further condominium development. He said there was a large elementary school proposed across the street and did not think the condominium development was family oriented and that the property would be better suited for single-family residential. Ms. Stefforia clarified that this proposal was not a rezoning to PUD; it was simply a special use allowed within the Residential District. The Chairman asked if there was further public comment, and hearing none, called for Planning Commission deliberations.

Mr. Larson asked if, in fact, there were two questions to be answered. First, whether the PUD should be expanded and, second, what the Planning Commission's position on conceptual plan review was for Phase VI. Ms. Stefforia indicated that was correct.

The Chairman said he understood the historical aspects of the development and thought it was important that people understand the trouble the development was in when AVB took over the project. He said he understood concerns about single-family development, but noted that the applicant was below the allowed density, even for

single-family. Ms. Stefforia indicated that was correct, since four dwellings per acre would be allowed within a single-family district, and the overall PUD density proposed was only 3.2. The Chairman said there was also a much better street system being installed, since it was more natural and softened the overall development.

After further discussion, Mr. Grace made a motion to approve the special exception use permit for the reasons set forth in the Staff report. 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.

The Chairman said the next item up for review was the Conceptual Plan Review provided for under Section 60.470(A)(2). Mr. Grace said he had visited the site and he was concerned about the setbacks from the homes on 9th Street. He said it was hard to view what the setback would be because of the trees. Several members of the Planning Commission agreed with Mr. Grace and said that they would like to see more details on what existing trees would be maintained on site and some assurance that the properties on 9th Street would be protected.

The Chairman said he wanted to see pedestrian access constructed in a manner consistent with the comments by the Planning Commission members. Mr. Grace said he also wanted to see the storm water area be more decorative. The Chairman said, per Mr. Larson's comments, he would also like to see native plantings. Ms. Stefforia said when it came back they would also need to address the requisite phasing in their plan. After making the comments, the Planning Commission thanked the applicants for appearing.

TALL OAKS PUD - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - WEST SIDE OF SOUTH 9TH STREET ADJACENT TO FLESHER FIELD PARK - (PARCEL NOS. 3905-35-330-015 AND 3905-35-330-020)

The Chairman said Item #8 was consideration of a special exception use and site plan review for a proposed mixed-use PUD. He said the subject property was located on the west side of 9th Street, south of Stadium Drive, Parcel Nos. 3905-35-330-015 and 3905-35-330-020. The Chairman asked to hear from the Planning Department. Ms. Stefforia submitted her reported dated June 22, 2006, and the same is incorporated herein by reference. Ms. Stefforia explained that the Planning Commission had conducted conceptual plan review in April, 2005, and that the applicant was now seeking a special exception use and site plan review for the proposed Planned Unit Development.

Ms. Stefforia said the PUD was to consist of 198 multiple-family units and a limited commercial area as a special exception use along 9th Street. She said the subject property was zoned "R-4" which allowed for multi-family development, which would make up about 93% of this development, and less than 2.5 acres or approximately 7% of the development would be commercial. Ms. Stefforia then presented an overhead outlining the changes in the development plan since the last time it was viewed by the

Planning Commission. Ms. Stefforia said the developer had made significant changes in both the location of the subject buildings and the use of the property, particularly as it would affect the properties to the southwest. She said developer had made significant strides in protecting the perimeter along the southwest and that since the last time they had met, the developer was proposing to erect a fence along the southern boundary of the property to better define the limitations of the development.

Ms. Stefforia indicated that the applicant was seeking four deviations: one for density, one for access and sidewalks, one for frontage and one for parking. She said that the density deviation was being requested, in part, to allow moving some of the apartment buildings away from the property to the south and closer to the public park property. Ms. Stefforia then took the Commission through the other deviations requested, as more fully set forth in her report.

Ms. Stefforia concluded her report with a discussion of the open space and then, the provisions of Sections 60.410, 60.450 and the special exception use criteria set forth in Section 60.100, also more fully set forth in her report.

The Chairman then asked to hear from the applicant. Mr. David Rice on behalf of Ed Rose introduced himself to the Planning Commission. He said he was also accompanied by Jim Hall, Jerry Speedy, Tom Wheatley and Bob VandenBerg, all on behalf of Edward Rose Builders. Mr. Rice thanked the staff for their thorough and professional report. He said he thought it was important to review the past proposal for this area with the Planning Commission. Mr. Rice reminded the Commission that in 1995 the property had been rezoned to "R-4" Multi-family and had been approved for 288 tax subsidized apartments. He said in 2001, a PUD was sought for a 210-unit apartment, but it did not proceed. He noted the April 2005 conceptual review of the plan. He said their proposal certainly created lesser impact on the surrounding community than the prior proposals and that they had done a significant amount to reshape the development to lessen its impact on the properties located within Twelve Oaks development.

Mr. Rice then asked Mr. Hall to go through the site plan with the Planning Commission. Mr. Hall reviewed the site plan, both as it was previously considered and as revised, noting the significant changes in moving the buildings away from the property located along the boundary with Twelve Oaks and construction of a fence to weave throughout the landscape.

Mr. Hall said that they were seeking a deviation on density to only allow six more units than would otherwise be permitted. He said this was requested because they had moved several of the buildings further to the north to create a better buffer for the single-family residential property to the south. He said he did not think the deviation was significant, nor would it have a negative impact, given that the property abuts a public park.

Mr. Hall said they were asking for a deviation from the access since two access points were inconsistent with the Township's own access management plan, and he thought a second access point was unnecessary. Mr. Hall did ask for a deviation to allow one sidewalk out to 9th Street, since he did not think it would be necessary for people to access 9th Street via two different sidewalks.

Mr. Hall said he wanted the frontage variance so that they would not have to create a site condominium and/or gerrymander their overall development lines. Mr. Hall noted with regard to the parking deviation, that they simply wanted to reduce the amount of asphalt and, if at all possible, increase the amount of green space. He did say they would agree to reserve additional parking areas and if they were determined necessary by the Township, they could be installed at a later date. He also asked for deviation with regard to the lighting, but only as it related to the entrance.

The Chairman opened the discussion to questions by the Planning Commission members. Mr. Larson asked how the leaching basins would be designed. Mr. Hall said the ponds would be designed so that a couple of them would be wet with the rest of them being leaching basins. He said all the basins would be interconnected and that the leaching basins would be seeded with natural and native grasses.

Mr. Larson asked if there would be a buffer along the southern parking areas to minimize headlights pointed to the south. Mr. Hall said they could add additional shrubs and plantings but, given the tremendous amount of undergrowth that was being left in place, he did not think it would be necessary.

Mr. Larson asked if the open space would have available trails. Mr. Hall explained that he would like trails to develop naturally, rather than be put in place by the developer. He explained that if the developer put the trails in, they would have to be ADA compliant, which would become extremely difficult to comply with, given the grade in the area. He said he thought if it was left open and people simply availed themselves of the use of the open space that natural trails would develop over time. He said they were also exploring AT&T allowing them to connect their area to the AT&T right-of-way in order to allow their residents additional open space for passive recreation.

Mr. Grace asked where the 48 additional parking spaces would be in reserve. Mr. Hall pointed to the locations on the proposed site plan.

Mr. Larson asked how far the two-lane drive would extend into the property. Mr. Hall said approximately 700 feet.

The Chairman asked if the applicant would be willing to shield the light, in the southeast corner, which currently exceeded the parameters of the Ordinance. Mr. Hall said they would be happy to do that. The Chairman asked if the dumpster for Building #7 would also be addressed. Mr. Hall said it would absolutely be taken care of.

Ms. Everett asked how they would protect the open space for users of the facility in the future. Mr. Hall said they would do it through the form of a deed restriction in whatever form was acceptable to the Township.

The Chairman asked to hear from the public. Ms. Kelly Hicks introduced herself to the audience. She said she owned property adjacent to the proposed project and thought that the large development was going to be injurious to the adjacent property owners. She said she had done research on Edward Rose properties and found that there were an inordinate number of EMS calls to their properties. In addition, she said that 18% of the registered sex offenders located in the Township lived in Edward Rose's developments. She recognized that these people were presenting a very professionally designed development, but asked what would it look like in 20 or 25 years, and suggested the Planning Commission consider what the Concord Apartments look like today. She said she thought this development would negatively affect the children in the area. In addition, she said it was destructive to the forest and that it was sickening that the applicant was taking down 100 year old trees. She suggested the Township was becoming a large truck stop and did not think it was appropriate for anyone to say this was not detrimental to the area.

Mr. Tom Kilbourne introduced himself. He said he lived in the Twelve Oaks development. He said they had created hiking trails in the area. He said he was quite concerned that the applicant was asking for a deviation in the density of the development. He suggested that if they were going to add six units that they take six units out of the apartment which was closest to Twelve Oaks. He also asked that the applicant be required to allow the existing trails in the area to remain as they were.

Attorney Porter asked Mr. Kilbourne if he was asking that the Township require the developer to allow the Twelve Oaks people to continue to have access to the proposed Tall Oaks property. Mr. Kilbourne said yes. Attorney Porter noted there was no legal means by which the applicant could be required to allow continuing access to its property for the benefit of the Twelve Oaks residents. It was simply illegal.

Mr. Neil Sikora introduced himself to the Planning Commission. He said he would like to compliment the developer in this case. He said he thought the developer had worked well with the neighbors and done a tremendous job in redesigning their development. He said they had gone above and beyond the requirements of the Township Ordinance and thought the developer should be listed on the top of the list of good developers. He said he was very happy with the way the proposed development had turned out.

Mr. Tom Eller introduced himself to the Planning Commission. He said he agreed with much of what Mr. Sikora had said, but for the larger picture, he told the Township Planning Commission that they needed to be more responsive as elected officials to what was happening in the Township. He said he thought that the way the Township was headed it was going to be one large truck stop and that the Commission members,

as elected officials, had to be answerable to the citizens. The Chairman pointed out to Mr. Eller that the Planning Commission members were appointed by the Township Board, not elected.

The Chairman asked if there was any further comment. Hearing none, he closed the public portion of the meeting and called for Planning Commission deliberations.

The Chairman said he thought the discussion should be broken down into, first, consideration of the special exception use and, second, site plan review for the apartment portion of the PUD. The Chairman said he understood the comments from the public, but he wanted the public to understand that they were charged to review all proposals in light of the existing ordinances promulgated by the Township and to follow those ordinances. He said in general he thought the applicant's proposal had been changed significantly to benefit the neighbors to the south which he thought waived heavily in favor of granting the proposed special exception use.

Mr. Grace said he was not on the Commission previously, however, he thought based on the Township Planner's analysis, the density would only affect the northern portion of the property. Ms. Stefforia said that was true. Mr. Grace said that based on one of the applicant's previous comments if the people were not happy with the overall density provided by the development, the people did need to get involved to address that issue. He said, however, they were very lucky there was a developer willing to work with them, since it appeared that the applicant met all the requirements of the Ordinance and certainly was not required to make many of the changes that were otherwise made in response to the neighbors' concerns. Mr. Grace also told Mr. Eller the Township Board would be looking at long-term land use planning and making the necessary revisions they thought were needed to the land use plan.

The Chairman asked to hear from other members of the Planning Commission. Mr. Smith said he was initially opposed to increasing the density, but thought given the proximity of the increased density to the public park, he did not think it was an unreasonable request. He also said he thought it was done to benefit the home owners in the area. He said he would like to see sidewalks developed on both sides of the roadway leading to 9th Street. With regard to the frontage and the parking, he said he was okay with the requested deviations.

The Chairman asked if there were any other Planning Commission comments on the requested deviations. The Chairman said that with regard to density, he had no trouble in granting it since it would only affect the property to the north. Mr. Grace said he would concur with that comment. Ms. Everett said that she did not think it was inappropriate to grant such a deviation since the size of the overall project density was below that which would be allowed for multi-family dwellings within the "R-4" area. Mr. Larson concurred.

Mr. Larson then said he would like to see sidewalks on both sides of the access

street because he wanted to increase pedestrian access to 9th Street. He also said he would not mind seeing a link to the park to the north; many of the members of the Planning Commission concurred. Mr. Larson said he thought that deviation from the frontage was acceptable as was the parking.

After a brief discussion, the Chairman asked if it was the concensus of the Planning Commission to grant the four deviations as requested. The members of the Planning Commission concurred.

Ms. Bugge raised the question regarding Langeland's having direct access to the eastern portion of the access drive. She said she thought when Langeland's was approved the Commission had provided, that when the road went through, Langeland's was to close their most easterly access point and open a new access point further to the west. Mr. Langeland said they were to be allowed two access drives. Ms. Bugge said she understood that, but the two access points were to be located further to the west.

The Chairman asked how the Planning Commission members felt about the use of the open space. He said he thought requiring pedestrian access was a dual-edge sword. He said the more access that was required the greater the negative impact was likely to be on the property to the south. He said he felt what the developer was proposing was reasonable in light of the adjacent residential property owner's request. Mr. Larson said he thought part of the purpose in requiring the open space was to make it available. Ms. Everett said she was somewhat torn as well. She said that her reasoning for not requiring trailways in the southern part of the property was due to the fact there was open space for recreation immediately north of the proposed development. She said in her mind the park made this project different from other projects of a similar nature. Mr. Larson said, given that, he could be comfortable with not having delineated pedestrian walkways within the open space. However, he said he did want to see the fence go ahead as proposed by the applicant in order to delineate between the development and the single-family residential homes to the south.

The Chairman asked what the pleasure of the Commission was. Mr. Grace made a motion to approve the special exception use, pursuant to the applicant's representations, the Staff report and recommendation, and comments of the Commission members, with the requested deviations, except for the sidewalk deviation; provided that the open space be maintained in perpetuity and evidence be provided for in a deed restriction approved by the Township Attorney; that the nonresidential portion of the PUD be restricted from any direct access onto 9th Street; be allowed only ground-mounted signs; and prohibited from any drive-through restaurants. The motion was seconded by Mr. Gould. The Chairman called for further discussion, and hearing none, called for a vote on the motion. The motion passed unanimously.

The Chairman said the next item up for consideration was approval of the site plan. Mr. Grace made a motion to approve the site plan with the following conditions:

1. A stop sign should be provided at the private street's intersection with 9th Street.
2. An access easement must be established that allows the abutting property to the north and the nonresidential property of the PUD to utilize the private boulevard.
3. No property in the PUD may have direct access to 9th Street.
4. A stop sign must be provided at the intersection of the boulevard with 9th Street.
5. No phasing of the project has been proposed by the applicant.
6. All supplemental landscaping found to be necessary to achieve the spirit of the landscaping ordinance shall be installed as work in that area of the site is completed.
7. Internal parking lot landscaping shall be installed as each parking area is completed and before a Certificate of Occupancy may be issued for the abutting building. The planted median must be established when the private street is extended.
8. A sign permit must be obtained before any identification sign is placed upon the property.
9. Dumpster enclosure details must be provided for Staff review and approval before a Building Permit may be issued.
10. All exterior lighting shall comply with Section 78.700 with the exception of the lighting along the private street which has received a deviation.
11. Site plan approval is subject to approval of the Fire Department pursuant to adopted codes.
12. Site plan approval is subject to a finding by the Township Engineer that it meets the Township requirements.
13. Than an additional dumpster be added for Building #7. Further that Staff address the necessity of relocating access point for Langeland Funeral Home.

Mr. Gould seconded the motion. The Chairman called for further deliberation and hearing none, called for a vote on the motion. The motion passed unanimously. Ms. Everett

asked to make a comment for the record. She said she acknowledged and understood the concerns of the residents, however, she wanted to compliment the developer for working with the neighbors to try to address the their concerns.

Other Business

None

Planning Commissioner Comments

Mr. Grace asked if all the Planning Commission members had received his recent e-mail. The members indicated that they had. The Chairman said that even in spite of all the controversy recently, he was proud of what he was doing as a member of the Planning Commission and thought as long as they continued to follow their ordinance they would be doing the right thing. Mr. Larson reported on his having attended the Citizen Planner Conference, as well as the conference dealing with the new Michigan Zoning Enabling Act.

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 10:30 p.m.

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

By:

Minutes prepared:
June 27, 2006

Minutes approved:

_____, 2006