

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A SPECIAL MEETING HELD JUNE 28, 2006

Agenda

WEST PORT VILLAGE PUD - PHASE I - SITE PLAN AMENDMENT TO A SPECIAL EXCEPTION USE - PARCELS 3905-12-200-001 THROUGH 3905-12-200-074, 3905-12-200-250, AND 3905-12-200-300)

A special meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, June 28, 2006, commencing at approximately 5:30 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairman
Fred Gould
Lee Larson
Mike Smith
James Grace

MEMBERS ABSENT: Kathleen Garland-Rike
Deborah L. Everett

Also present were Mary Lynn Bugge, Township Planner, James W. Porter, Township Attorney, and approximately 10 other interested persons.

Call to Order

The meeting was called to order at 5:30 p.m. by the Chairman, Terry Schley.

Agenda

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

WEST PORT VILLAGE PUD - PHASE I - SITE PLAN AMENDMENT TO A SPECIAL EXCEPTION USE - PARCELS 3905-12-200-001 THROUGH 3905-12-200-074, 3905-12-200-250, AND 3905-12-200-300

The Chairman indicated the next item on the Agenda was site plan amendment to a special exception use (West Port Village PUD - Phase I). He said the Planning Commission was being asked to conduct a site plan review for proposed amendments to reduce the number of units to 70, reconfigure unit lines and dimensions and provide amenities for the PUD development. He said the property parcel numbers were 3905-12-200-001 through -074, 12-200-250 and 12-200-300. The Chairman asked for a report from the Planning Department. Ms. Bugge submitted a report to the Planning Commission dated June 28, 2006, and the same is incorporated herein by reference.

Ms. Bugge reminded the Commission that the applicant had received a special exception use and site plan approval for Phase I of West Port Village as a PUD development. She said the proposal was for a 74-unit development – 73 residential and 1 nonresidential unit – approved November 18, 2004. She reminded the Commission that on May 9, 2005, the Planning Commission had changed the development to a site condominium development, rather than a conventional condominium development.

Ms. Bugge told the Planning Commission that the applicant was now requesting to amend the site plan for Phase I, to (1) reduce the total number of condominium units to 70, eliminating units 2, 31, 48 and 60; (2) reduce the number of zero lot line homes to 6 dwellings from 34; (3) allow a deviation for Lot 16 until a portion of property could be added to the building site as part of Phase II of the development; (4) to allow the installation of a tennis court, putting green, and gazebo as recreational amenities for this development; (5) reduce overall green space by 1%; (6) separate sewer leads would be provided for each free-standing dwelling along with manholes as indicated on the site plan, subject to review and approval by the Township Engineer.

Ms. Bugge then proceeded to take the Planning Commission through a review of Section 60.450 PUD review criteria, Section 60.470D, and Section 82.800 site plan review, as more fully set forth in her report.

The Chairman asked if there were any questions of Ms. Bugge. Mr. Grace asked if the tennis court had been approved as part of the previous site plan review. Ms. Bugge indicated that was not the case and that was part of the purpose for the Planning Commission's current review.

There being no further questions of the Planning Department, the Chairman asked to hear from the developer. Mr. Steve Visser introduced himself to the Planning Commission. He said that he would agree to have additional space added to building

site #16 at the time Phase II developed, but inquired if the adjustment could be made now. After a brief discussion, Ms. Bugge asked if Mr. Visser could include the addition to building site 16 as part of Phase I, as it would change the phase lines. Attorney Porter indicated that if the documents were appropriately amended, they could add a portion of land, originally planned for Phase II, to Phase I and immediately enlarge Site 16, thereby negating a request for any deviation.

Mr. Visser continued his presentation by noting that they had put in additional amenities at the request of some of the purchasers of homes in Phase I of the development. He suggested they would be more than willing to add trees to screen the tennis court from the roadway and the properties to the north. Mr. Visser said the market was telling them as developers that double units were not in demand, that most people wanted single units, and as a result they were willing to give up four sites in order to address the demand in the market place.

The Chairman opened the floor to questions of Mr. Visser and began by asking whether there would be any lighting of the tennis court. Mr. Visser said they had not proposed any lighting and did not want to add lights to the new tennis court. The Chairman noted for the Commission they would be accepting the tennis court "as is" without any additional lighting. Mr. Visser inquired as to whether they could add lighting at a later date. The Chairman said that could be done provided the developer sought an appropriate amendment to the site plan in accordance with the Township Ordinance. The Chairman made a point to draw to Mr. Visser's attention to the fact that the amendment to the site plan should be obtained prior to the installation of any lights, not after the installation of lights. Mr. Visser said it was duly noted.

The Chairman asked if the developer would be willing to screen the tennis court. Mr. Visser indicated he was more than willing to install additional landscaping and explained to the Planning Commission that they had not completed their landscaping in that area and, therefore, adding additional screening to address the addition of the tennis court would not be a problem.

The Chairman asked the Planning Department if the applicant's agreement to expand building site #16 as part of Phase I would dispense with the need for a variance on the lot dimensions. Ms. Bugge indicated that was correct.

The Chairman asked to hear from the public and asked that they adhere to the public comment policy adopted by the Planning Commission.

Ms. Theresa Wright introduced herself to the Planning Commission. She said she was concerned about storm water management for the proposed development. She provided an overview of the storm water run off problems, which she and her husband had experienced on their property since the development began. She also provided photographs showing the on-site water problems. She explained they had

talked with both the State and local officials, as well as the Township Engineer, trying to resolve the problem but that the storm water run-off problem was still continuing. She asked that the Commission help them address the issue.

The Chairman asked the applicant to respond to the concerns raised by Ms. Wright. Mr. Visser said that he had reviewed the water run-off problems with their engineers and the Township Engineer. He said part of the problem came as a result of clearing road culverts which had likely been plugged for an extensive period of time. He said he thought that was what was causing the biggest problem. Mr. Jeff Wright said he thought the primary problem was water coming from the development's driveway.

The Chairman asked if there was any other public comment and, hearing none, closed the public part of the Commission meeting.

The Chairman said he thought they should first address the amendments to the PUD. The Chairman asked if the Planning Commissions members had any problems with the proposed amenities being proposed. Mr. Grace asked if that was with the understanding there would be no lighting of the tennis court and with additional screening. The Chairman indicated that was his understanding. With that, there was a ~~concensus~~ consensus that those amenities be approved subject to the conditions as expressed by Mr. Grace.

The Chairman asked specifically what the Planning Commission members thought should be installed in the way of screening of the tennis courts from the surrounding properties. Mr. Larson said he thought it was very important that it be screened from the road so as to not be visible. Mr. Grace said he would also like to add that there be no lighting for the tennis court or the putting green.

The Chairman asked, setting aside the issue of water run off, whether the Commission had a problem in approving the proposed site plan. Mr. Larson said he thought it would be important for someone at the Township to talk with the Road Commission about the water run off from the road right-of-way in the area. Ms. Bugge said the Township was looking into this matter with the appropriate parties. Mr. Larson said perhaps the Road Commission needed to do something about clearing the ditches in the area to avoid the problem.

The Chairman asked if the matter had been discussed with counsel. Attorney Porter said he had discussed this matter with the Township Engineer, and he said he thought there was a fundamental disagreement as to what the major contributing factor was for water run-off. The Chairman said he understood that, but said he was still quite concerned about the issues raised by the applicant. Attorney Porter said he would raise the concerns expressed by the Planning Commission with the Township Engineer to see if this matter could be resolved. The Chairman said he appreciated that because it was an issue which needed to be addressed. Ms. Bugge said the Township had not

changed its standard, that being, that the applicant would not increase water run-off from its property and, therefore, it was still a condition of the initial site plan approval. The Chairman said he understood that, but thought there was still an on-going problem and again wanted it addressed if possible. Attorney Porter suggested that the Commission limit itself to a request that Staff and counsel revisit the issue without necessarily putting limitations on the developer, since it was not clear exactly what was causing the water run-off problem. Mr. Grace said he agreed that the issue should be addressed but thought that could be done by Staff without requiring direct action by the Planning Commission.

Mr. Larson raised a concern about the development drive and whether it had a culvert underneath. Mr. Visser said it did not. Mr. Larson asked that the issue be reviewed with the Township Engineer to determine whether the failure to have a culvert underneath the drive to the development had increased water run-off onto the Wrights' property. Attorney Porter said he would raise that issue with the Township Engineer.

The Chairman expressed concerns about allowing an expansion or changes to the development without fully addressing this problem. Mr. Gould said he was also very concerned for the property owners, but thought the Vissers should not be unduly put upon to solve a problem which they had not necessarily created. He said he thought part of the problem was follow-up on behalf the Township. Attorney Porter agreed with the Planning Commission members but again cautioned the Planning Commission against exceeding the scope of its authority in reviewing this process. After further discussion, the Chairman noted that it was the consensus of the Planning Commission to move the matter ahead, but asked that Staff and counsel follow up with the Township Engineer to make sure that the concerns of the Wrights were appropriately addressed.

Mr. Larson then made a motion to approve the amendments to the site plan and PUD for Phase I of West Port Village Planned Unit Development, subject to the following conditions:

1. There be no lights on the tennis court, gazebo, or putting green.
2. The amended Master Deed, By-Laws and Exhibit B shall be provided for review by Staff and the Township Attorney prior to recording the documents. Documents shall be recorded prior to the issuance of Building Permits on the revised sites.
3. Approval is subject to the Township Engineer finding construction plans satisfactory.
4. Reduction in the number of building sites to 70 units and their reconfiguration as indicated on the site plan dated June 6, 2006, is approved.

5. Revision to increase building site #16 to include the existing green space to the east of the subject parcel and adjust the phase lines while maintaining the access path.
6. All site lighting shall comply with Section 78.700 of the Zoning Ordinance. Details of any new outside lighting shall be submitted for Staff review and approval.
7. Evergreen trees to shield the tennis court from H Avenue shall be provided.
8. Phase I and 2 approvals, subject to all conditions of approval, granted by the Planning Commission on November 18, 2004, and amended on June 9, 2005, shall remain in effect.
9. Per Section 60.460C of the Zoning Ordinance, the property shall be developed in strict compliance with the approvals granted. Additionally, any proposed change shall be submitted to the Township for consideration per Section 60.460D.
10. Revisions to sewer leads and placement of manholes as indicated on the site plan are subject to approval by the Township Engineer. Manholes shall be constructed prior to the issuance of a Building Permit for the related site or a performance guarantee shall be provided. Inspection of manholes by the Township is required.

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

Other Business

None

Adjournment

Mr. Larson made a motion to adjourn. The motion was seconded by Mr. Grace. The Chairman called for further discussion and, hearing none, called for a vote on the motion, and the motion passed unanimously. The meeting was adjourned at 6:33 p.m.

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

By:

Minutes prepared:
July 6, 2006

Minutes approved:

_____, 2006