

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A REGULAR MEETING HELD JUNE 28, 2007

AGENDA

O'PARK - STEP ONE SITE CONDOMINIUM REVIEW - 4088 O'PARK STREET - (PARCEL NO. 3905-33-402-321)

GLASHOWER - SITE PLAN REVIEW - 6147/6145 FAIRGROVE STREET - (PARCEL NO. 3905-26-287-163)

SPRINT/NEXTEL - SPECIAL EXCEPTION USE AND SITE PLAN AMENDMENT - 624 NORTH FOURTH STREET - (PARCEL NO. 3905-16-305-050)

MASTER SIEGEL'S MARTIAL ARTS ACADEMY - SPECIAL EXCEPTION USE REVIEW - INDOOR RECREATION - 6465 STADIUM DRIVE - (PARCEL NO. 3905-35-205-085)

A regular meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, June 28, 2007, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairman
Lee Larson
Deborah L. Everett
Fred Gould
Bob Anderson
Carl Benson
Kitty Gelling

MEMBERS ABSENT: None

Also present were Mary Lynn Bugge, Senior Planner; Brian VanDenBrand, Township Associate Planner; James Porter, Township Attorney, and eight other interested persons.

CALL TO ORDER

The Chairman called the meeting to order at approximately 7:00 p.m.

AGENDA

The Chairman asked if there were any additions to the Agenda. Ms. Bugge asked that three items be added to the Agenda, namely a discussion of a possible Fence Ordinance, a review of Almena Township's request for rezoning and the special exception use for Calvary Bible Church on Drake Road.

Mr. Anderson made a motion to approve the Agenda as amended. Mr. Larson seconded the motion. The Chairman called for a vote on the motion, and the motion carried unanimously.

MINUTES

The Chairman said the first item on the Agenda was a review of the Minutes of June 14, 2007. He said he noticed a spelling error on the last page, in the first full paragraph, being "wether" instead of "whether." Mr. Benson made a motion to approve the Minutes as corrected. The motion was seconded by Ms. Everett. The Chairman called for a vote on the motion, and the motion passed unanimously.

O'PARK - STEP ONE SITE CONDOMINIUM REVIEW - 4088 O'PARK STREET - (PARCEL NO. 3905-33-402-321)

The Chairman said the next item on the Agenda was the consideration of Step One condominium review of a proposed four-unit residential site condominium on property located at 4088 O'Park Street, Parcel No. 3905-33-402-321. The Chairman asked to hear from the Planning Department. Mr. Brian VanDenBrand submitted his report to the Planning Commission dated June 28, 2007, and the same is incorporated herein by reference.

Mr. VanDenBrand explained that the applicant was seeking Step One approval for a four-unit site condominium at the southwest corner of O'Park and Stadium Drive. He explained that the sites comply with Township dimensional criteria. He also said that public sewer and water would be available for Unit 4, and the remaining units would be served by well and septic unless sewer and water are extended down O'Park. Applicant prefers well and septic. Mr. VanDenBrand then proceeded to take the Commission through a review of Section V of the Subdivision/Site Condominium Ordinance. Mr. VanDenBrand concluded with four recommended conditions if the Planning Commission was inclined to recommend Step One approval to the Township Board.

The Chairman asked if there were any questions of Mr. VanDenBrand. Hearing none, he asked to hear from the applicant. Mr. Jeff Voss introduced himself on behalf of Cooley Builders. He said that the only unusual aspect of this site condominium project was the fact that each building site would maintain its own stormwater. He said, given the very porous soils, the drainage basins would be more than adequate to address any water run-off. The Chairman noted that this situation would not be any different than any other residential development. Mr. Larson indicated that was correct.

The Chairman asked if there were any questions of the applicant. Mr. Larson asked how they were going to treat the trees on the property. Mr. Voss said they would attempt to save as many trees as possible. Mr. Larson asked what that statement meant. Mr. Voss said that he could not be any more specific since they had not yet designed the homes nor the location where they would be placed on site. However, he said they would use every effort to minimize taking down trees, if at all possible.

Ms. Gelling asked if the existing house located on the future Unit-3 would be torn down. Mr. Voss said it would not be torn down, but kept, and that the site condominium was developed in such a way as to allow that residence to meet all zoning setback requirements.

The Chairman asked if there was any input from the public. Mr. Jerome Hentkowski introduced himself to the Planning Commission. He said he had a couple of questions that we wanted to raise. His first question was whether the proposed units were traditional condominiums, and second, whether the residence on Unit-3 would be a rental unit. The Chairman stated that these units were not traditional condominiums, but would be single-family homes built on building sites within a site condominium. He said a site condominium is simply a different method to divide land, similar to subdividing. Ms. Bugge noted for the record that any single-family home can be rented, and there would be no prohibition against it if the applicant chose to rent that home.

The Chairman asked if there was any further discussion, and hearing none, called for Planning Commission deliberations. The Chairman asked how the Planning Commission wished to proceed.

Mr. Larson said he thought that there were really only two issues which needed to be addressed, and those were the bike path and the sidewalks. The Chairman asked for Commissioners' comments. Ms. Gelling said she did not think that a sidewalk was necessary since there were no existing sidewalks along O'Park, and they were not likely to be installed in the near future. Ms. Bugge said, if sidewalks were proposed at some point in the future, these properties could possibly be assessed along with adjacent properties, and the sidewalks could be installed at that time. There was a consensus of the Planning Commission that sidewalks were not necessary at this time.

The Chairman asked what the feeling of the Commission was with regard to the bike path. Ms. Gelling said she would like to see the bike path installed or the money escrowed for future development of the bike path. Mr. Larson agreed with Ms. Gelling. The Chairman said he also would like to see the bike path installed or monies escrowed for its future development. Ms. Everett said that the Commission had not waived this requirement for other developments, and she thought, even though this was a smaller development, that they should remain consistent and require the installation or the escrowing of the appropriate monies for the installation of the bike path. It was the consensus of the Planning Commission to require the installation of the bike path or escrow the monies as part of the Step One approval.

The Chairman said he would entertain a motion. Mr. Benson made a motion to recommend Step One approval to the Township Board for the O'Park residential site condominium subject to the following conditions:

- (1) The plan shall include the date of preparation, date of revisions, and be stamped by a registered professional engineer.
- (2) Approval is subject to approval of the Kalamazoo County Road Commission for individual driveways to Units 1, 2 and 4.
- (3) Direct access to Stadium Drive from any unit shall be prohibited.
- (4) Approval is subject to review and approval by the Township of the Master Deed and Bylaws of the condominium.
- (5) The appropriate bike path be installed, or appropriate monies be escrowed with the Township.
- (6) The applicant try to preserve as many trees as possible.
- (7) The sidewalk requirement for O'Park Street be waived.

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

GLASHOWER - SITE PLAN REVIEW - 6147/6145 FAIRGROVE STREET - (PARCEL NO. 3905-26-287-163)

The Chairman indicated that the next item on the Agenda was site plan review of a proposed conversion of a duplex into a two-unit condominium. He said the subject property was located at 6147/6145 Fairgrove Street, Parcel No. 3905-26-287-163. The

Chairman asked to hear from the Planning Department. Mr. VanDenBrand submitted his report to the Planning Commission dated June 28, 2007, and the same is incorporated herein by reference. He stated only the interior of each unit would be under separate ownership. Each deck could be a limited common element with the balance of the property a general common element.

The Chairman asked if there were any questions of Mr. VanDenBrand. Hearing none, he asked to hear from the applicant, Joan Glashower. Ms. Glashower said she thought that Mr. VanDenBrand had covered her application adequately, but said she would answer any questions. There being no questions of Ms. Glashower, the Chairman said he would open the discussion to the public. Hearing no comments from the public, he closed the public portion of the meeting, and called for Planning Commission deliberations.

After a brief discussion, Mr. Benson made a motion to approve the site plan as submitted, subject to the following two conditions:

- (1) The proposed Master Deed and Bylaws for the proposed condominium development shall be reviewed and approved by the Township prior to being recorded.
- (2) Approval is subject to compliance with the provisions of the Land Division Act and the Condominium Act as applicable.

Ms. Gelling seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

MASTER SIEGEL'S MARTIAL ARTS ACADEMY - SPECIAL EXCEPTION USE REVIEW - INDOOR RECREATION - 6465 STADIUM DRIVE - (PARCEL NO. 3905-35-205-085)

The Chairman, out of consideration of those persons in attendance, asked the Planning Commission to address Item #7 next, which he said was a special exception use review of a proposed indoor recreation activity within the building at 6465 Stadium Drive, Parcel No. 3905-35-205-085. The Chairman called for a report from the Planning Department, and Ms. Bugge submitted her report dated June 28, 2007, and the same is incorporated herein by reference.

Ms. Bugge explained that the applicant wished to occupy approximately 3,680 square feet of the existing building for a martial arts academy. She said this area was being made available by a reduction in the furniture warehouse area owned by the applicant's father. She explained that the parking was adequate, given the existing and proposed uses, but if the uses change in the future, they would have to re-evaluate the

parking requirements for the facility. Ms. Bugge proceeded to take the Commission through a review of Section 60.100 concerning the special exception use as more fully set forth in her report.

The Chairman asked if there were any questions of Ms. Bugge. Hearing none, he asked to hear from the applicant. Mr. Todd Siegel introduced himself to the Planning Commission. He said he thought that the Planning Department had covered the proposal quite thoroughly and asked if there were any questions. The Chairman asked if they would be occupying part of the current showroom space. Mr. Siegel indicated that they would. He asked if there would be any other type of recreational activities other than the martial arts activities. Mr. Siegel said that there would be no different activities, but there would be activities available to those of all ages. The Chairman asked if there would be any business-related sales. Mr. Siegel said he would be selling class-related items to his students, but not to the general public. The Chairman asked if there would be any tournaments at the site. Mr. Siegel indicated that there would not.

Mr. Anderson asked what the approximate size of the classes would be. Mr Siegel said approximately 10-15 people per class.

Ms. Gelling asked, given the fact that special uses were to serve the local residents, where Mr. Siegel would be drawing his clients from. Mr. Siegel said they would be drawing them from all over. The Chairman asked Mr. Siegel if it was probably true that the majority of his students would be from the local area. Mr. Siegel indicated that was correct.

Mr. Gould asked if there would be seating for spectators and those accompanying the students. Mr. Siegel said there would. Mr. Gould asked if there would be locker rooms, and Mr. Siegel indicated that they would have locker rooms available. Mr. Gould asked if they would be selling drinks or snacks to the students. Mr. Siegel said that they had no plans to do that at this time.

The Chairman called for public comment. Hearing none, he called for Planning Commission deliberations. Ms. Everett noted that this use currently did not exist in the Oshtemo area. The Chairman asked if there was a motion. Ms. Everett made a motion to approve the special exception use, consistent with the applicant's representations, provided if there was a change in the use of any space in the building, that the applicant would have to come back for reconsideration. Ms. Gelling seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

SPRINT/NEXTEL - SPECIAL EXCEPTION USE AND SITE PLAN AMENDMENT - 624 NORTH FOURTH STREET - (PARCEL NO. 3905-16-305-050)

The Chairman indicated the next item for consideration was Item #6, which was a special exception use and site plan amendment from Sprint/Nextel. Ms. Bugge indicated that she had received an emergency phone call, saying that the applicant would not be able to attend the meeting and requested postponement. Therefore, Mr. Larson made a motion to table the application to July 12 or 26, 2007. The motion was seconded by Ms. Gelling. The Chairman called for a vote on the motion, and the motion passed unanimously.

Public Comment on Non-agenda items

The Chairman opened public comment on non-agenda item. Hearing none, he closed that portion of the meeting.

Other Business

The Chairman asked to hear from the Planning Department. Ms. Bugge informed the Commission about the proposed rezoning in Almena Township. She said it was in an area just west of the Township boundary line. She stated that the applicant was proposing a commercial use in that area, which was not consistent with the Land Use Plan in Almena Township, nor consistent with the Land Use Plan on the western portion of Oshtemo Charter Township. The Planning Commission asked that a letter be sent on their behalf opposing the proposed rezoning.

Ms. Bugge next presented the Commission with a series of photographs of a fence recently installed adjacent to the Bela Sera Plat. The fence was approximately 12-13 feet tall and would meet the definition of what is commonly called a spite fence. She said the Township Board had asked that work on a Fence Ordinance be commenced by the Planning Commission in order to come up with a proposed recommendation. After a brief discussion, the Chairman stated that it was the consensus of the Commission that the Planning Department should draft language for the Commission's consideration at its July 12 meeting.

Ms. Bugge brought to the Commission's attention the proposed addition for Calvary Bible Church on Drake Road, being a gym approximately 21,000 square feet in size. She said this was for information only.

Planning Commission Comments

The Chairman said he was not sure about his ability to attend either of the proposed meetings scheduled in July; he would advise Staff if he was unable to attend.

Ms. Gelling complimented the Planning Department on the presentation of their reports.

Mr. Benson asked if there was any interest in the Planning Commission members looking at a tree policy or tree ordinance. Ms. Everett said that she would be interested in considering the matter, realizing that there were some difficulties in protecting trees. Ms. Bugge said implementing a tree preservation plan was problematic. She stated that some plans are so intricate that a forester is needed on staff. Mr. Larson said he would be interested, and Ms. Everett again agreed, but she was not certain how to achieve the goal of tree preservation. The Chairman said if there was a proposed ordinance, he would like to see something in the way of a reward system rather than simply a punitive ordinance because he thought it would gain greater acceptance and be more workable if it were based upon some type of reward system. Mr. Gould said he also would prefer some type of reward system, and though he was not sure immediately how to achieve that result, he would be interested in taking a look at the issue.

The Chairman asked if there were any other issues, and hearing none, called for adjournment.

ADJOURNMENT

The meeting was adjourned at approximately 8:20 p.m.

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

By: _____

Minutes prepared:
July 2, 2007

Minutes approved:
_____, 2007