

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A REGULAR MEETING HELD NOVEMBER 16, 2006

AGENDA

**CAMP FIDO - SPECIAL EXCEPTION USE AMENDMENT - 8661 STADIUM DRIVE
(PARCEL NO. 3905-33-335-025)**

BOSCH ARCHITECTURE - 2632 SOUTH 11TH STREET (PARCEL NOS. 3905-25-335-015 AND 3905-25-335-011)

**OLD SAVANNAH - STEP 1 SITE CONDOMINIUM REVIEW - WEST H AVENUE
(PARCEL NO. 3905-03-480-060)**

**VILLAGE COMMERCIAL TEXT AMENDMENT PUBLIC HEARING - SECTION 33 -
OSHTEMO TOWNSHIP ZONING ORDINANCE**

**VARIOUS TEXT AMENDMENTS - RESUMED PUBLIC HEARING OF SEPTEMBER
14, 2006**

A regular meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, November 16, 2006, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

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

MEMBERS ABSENT: None

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Senior Planner; Brian VanDenBrand, Associate Planner; James W. Porter, Township Attorney; and approximately 12 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. Stefforia said that she would like to add a discussion on the Minutes of last meeting and the possible cancellation of the meeting of December 7. The Chairman noted that Item #5 listed on the Agenda was being postponed at the applicant's request. The Chairman asked for approval of the Agenda, as amended. Mr. Larson made a motion to approve the Agenda, as amended. The motion was seconded by Mr. Grace. The Chairman called for a vote on the motion, and the motion passed unanimously.

CAMP FIDO - SPECIAL EXCEPTION USE AMENDMENT - 8661 STADIUM DRIVE - (PARCEL NO. 3905-33-335-025)

The Chairman said the next item on the Agenda was consideration of a proposed special exception use amendment to allow for an addition to the existing building, Camp Fido, a dog daycare facility. He said the subject property was located at 8661 Stadium Drive, Parcel No. 3905-33-335-025. The Chairman asked to hear from the Planning Department. Brian VanDenBrand greeted the Planning Commission members "Whoof!" He then submitted his report dated November 16, 2006, to the Planning Commission, and the same is incorporated herein by reference.

Mr. VanDenBrand told the Planning Commission members that a Special Exception Use site plan had been approved in 2003 for the existing dog care facility. He said in 2005 the applicant requested a private dog park which was tabled due to concerns by the neighbors. He stated, however, there have been no complaints by the neighbors in the last year.

Mr. VanDenBrand said the applicant was requesting a permit to double the kennel size from 1,500 square feet to 3,000 square feet. He said the applicant had taken steps to reduce the noise level by increasing staffing, decreasing visual stimulation for the dogs, and employing the use of special collars to discourage barking when necessary. Therefore, the noise appeared to have been brought under control. He said the primary intent of the proposed expansion would be to take the noise control to the next level by allowing for a much larger indoor play area and allowing staff to move excited dogs away from areas where dogs enter and leave the facility. Mr. VanDenBrand then took the Planning Commission through a review of Section 60.100, as more fully set forth in his report.

The Chairman asked if there were any questions of Mr. VanDenBrand. Hearing none, he asked to hear from the applicant. Ms. Kerry Mulholland introduced herself to

the Planning Commission. Ms. Mulholland began by handing out a sketch of what the facility would look like after the addition was constructed. She pointed out that they currently only have one main room for housing the pets, but that the expansion would give them two separate areas within their current facility and two separate areas within the addition to house the dogs. She said that it is their intent to move the dogs that might be a little noisy to the interior of the building to avoid noise emanating from their facility when people are dropping off and picking up dogs. She said it was also their intent, in making the expansion, to try to better control noise and provide better service to their clientele. She said it is was not their intent to expand the number of customers using the facility.

The Chairman asked if there were any questions of Ms. Mulholland. Mr. Larson asked about the type of construction. Ms. Mulholland said it would be the same material as the existing building – pole barn construction with sheet metal siding. Mr. Larson asked if it would be insulated for sound, and Ms. Mulholland said that it would. He asked if there would be a ceiling in the building. Ms. Mulholland said there would be an insulated ceiling.

Mr. Gould asked about the separation within the larger rooms. Ms. Mulholland said the red lines indicated separation by chainlink fence. Mr. Gould asked about the distance from the neighbor to the east. Ms. Mulholland said it was approximately 60 feet to the east property line, but that they were simply closing in the dog area which already exists on the east side of the property. Mr. Gould asked the applicant if she had contact with the closest neighbor to the east. Ms. Mulholland said that she did not have direct contact, but she did send the neighbor a letter, which set forth their plans, as well as the upcoming meeting with the Planning Commission.

The Chairman asked if the fenced yards would be changing in size. Ms. Mulholland said they would be adding a new small yard south of the building, which would be enclosed by a 6-foot stockade fence. The Chairman asked if they were expanding outside. Ms. Mulholland said they would be adding the 600 square foot area she just described.

Mr. Gould asked if the collars they had for dogs were shock collars. Ms. Mulholland said they did not use any type of shock collar. It was simply a collar that had a loop on it which went over the dogs' noses discouraging them from barking.

Ms. Mulholland said she wanted to clarify that, while she was adding the small 600 square foot outdoor yard, they were actually decreasing the outdoor area because the area currently east of the building would be enclosed in a new structure. Therefore, they were actually reducing the overall outdoor yard area for the dogs.

The Chairman asked if there were any public comment. Mr. Mike Fisher introduced himself to the Planning Commission. He indicated he was the closest neighbor to the subject facility and asked if the new building proposed on the east side of the building would be incorporating the yard area that currently existed. Ms. Mulholland indicated that it would. Mr. Fisher then asked if the proposed outdoor yard area would be moved further east on the property. Ms. Mulholland indicated that it would not. Mr. Fisher then asked if they would need permission to expand in the future. The Chairman indicated that it was a special use that would require Planning Commission approval for expansion.

The Chairman asked if there were any further public comments and, hearing none, closed the public portion of the meeting.

The Chairman asked to hear the thoughts of the Planning Commission. Ms. Garland-Rike said she thought the applicant had done a good job of addressing the concerns previously raised by the Planning Commission. She said she also thought that what she was proposing to do would further reduce the noise coming from the facility. The Chairman said he agreed, and said he thought what they were proposing would be an improvement for the applicant and the neighbors. Ms. Everett and Mr. Smith also agreed. Mr. Grace concurred, saying it would be a benefit to all concerned.

Mr. Larson asked what the applicant was proposing regarding sound control within the building. He explained to the applicant that the Planning Commission had dealt with a similar structure and that applicant had provided plans showing how the noise would be abated inside in order to avoid any possibility of it being heard outside the building. The Chairman said perhaps they could monitor the situation to address Mr. Larson's concern. Mr. Larson said he would agree that it should be monitored, but also suggested that the applicant be asked to look at different types of wall finishes that would help abate the noise before it became a problem. Mr. Smith asked if the Township had a barking dog ordinance. Attorney Porter noted that they did have a Noise Ordinance, which prohibited the continuous, ongoing barking of dogs.

Ms. Everett said she thought the applicant probably wanted to maintain the metal siding in the inside for sanitary purposes. Ms. Mulholland indicated that was correct. The Chairman said, with the previous applicant, they had seen a dense wall design which, he said, would help with regard to sound control. Mr. Larson said he thought it was important to raise the issue in order to deal with possible noise abatement in the future.

The Chairman asked if there was a motion. Ms. Everett made a motion to approve the special exception use, acknowledging the fact that they would continue to monitor the situation with regard to noise control, and that the applicant would have to address any noise complaints if they arose. Mr. Larson said he would second the motion

if Ms. Everett would agree to add to her motion the condition that the applicant would look at sound control measures inside before commencing construction. Ms. Everett agreed to the amendment to the motion. The Chairman called for further discussion and, hearing none, called for a vote on the motion. The motion passed unanimously.

BOSCH ARCHITECTURE - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - 2632 SOUTH 11TH STREET (PARCEL NOS. 3905-25-335-015 AND 3905-25-335-011)

The Chairman said the next item up for consideration was a special exception use and site plan review of a proposed 5,900 square foot office building to be located at 2632 South 11th Street, Parcel Nos. 3905-25-335-015 and 3905-25-335-011. The Chairman called for a report from the Planning Department. Ms. Bugge submitted her report to the Planning Commission dated November 16, 2006, and the same is incorporated herein by reference.

Ms. Bugge explained to the Commission that the proposed use was a special exception use in the "R-3" zone, subject to the conditions and limitations set forth in Section 23.404. She noted there was an additional parking lot and building indicated on the site plan, but they were not part of the present review and would be subject to Township approval in the future if construction was so desired. Ms. Bugge then took the Planning Commission through a review of Section 60 regarding special exception uses and the conditions and limitations of Section 23.404. Ms. Bugge concluded with site plan review pursuant to Section 82 of the Zoning Ordinance, as more fully set forth in her report.

The Chairman asked if there were any questions of Ms. Bugge. Mr. Larson asked how tall the light poles were. Ms. Bugge indicated they were 20 feet high, with a shoebox, sharp cut-off fixture. Ms. Stefforia asked if the Township had heard from the Road Commission whether the setoff between the proposed drive and the road to the east would be approved. Ms. Bugge stated they had not yet heard from the Road Commission.

Mr. Larson said the drive did not appear to be aligned with the roadway across the street. Ms. Bugge said this matter had been discussed with the applicant and, due to the limited traffic generated by the proposed use, did not think it would be a problem. The applicant, represented by Mr. Steve Bosch, told the Planning Commission they, after consideration, thought the drive was "somewhat" aligned and that the Ordinance did not require a specific centerline-to-centerline alignment.

Mr. Bosch said he could address the lighting issue, indicating that the lights would be reduced from 10:00 p.m. until 6:00 a.m. He also said there would be a berm or planting along the parking lot boundary to provide screening as recommended by the

Planning Department. He concluded by indicating that the applicant would resubmit a revised photometric plan for the Planning Department's review.

The Chairman opened the discussion to questions of the applicant. The Chairman began by asking about whether there was adequate parking, given there were only 28 spaces allotted. Mr. Bosch said he was very comfortable with the amount of parking provided, given the limited amount of traffic which would be coming to the site.

The Chairman asked about the alignment issue. Mr. Bosch said again that they had looked at that issue but, given the nature of the uses on Holiday Lane, and the use and shape of the subject parcel, he felt their driveway configuration was acceptable. He also said he thought the Road Commission would not have a problem with the proposed alignment.

Mr. Larson asked how they had determined that it was acceptable, in that the drive certainly did not appear aligned to him, and he thought "aligned" meant aligned at the centerline. Mr. Bosch said it was not a 100% aligned, but he thought it was very close, given the width of the Holiday Lane roadway in relationship to the narrow width of the drive. Ms. Bugge stated because of the low traffic generated, she thought the approximate alignment would be sufficient.

Mr. Gould asked if the applicant had laid out a design showing the drive directly across from the roadway. Mr. Bosch said they had, but it reduced the square footage of usable property significantly, and given the restrictions (not allowing parking in the side or front yards), he felt that the present proposal was the only way to configure the parcel.

The Chairman asked the applicant if they had considered a two-level lighting system. Mr. Bosch, after discussing it with his clients, indicated they would be open to that suggestion, requiring a 50% reduction in the lighting from 5:00 p.m. to 10:00 p.m. and then further reduction in parking lot lighting from 10:00 p.m. to 6:00 a.m.

Mr. Gould suggested perhaps installing motion sensor lights to allow some type of security lighting on the south side of the building, but to do it in a way that was least intrusive to the neighbors.

Mr. Larson said he still had a concern and wanted to know about the density of existing vegetation along the southern boundary, which provided screening to the home to the south. Mr. Grace said that he, too, was concerned. However, he thought some limited lighting was needed simply for security reasons. Ms. Bugge stressed that there was a low level of lighting proposed at the site and parking lot fixtures utilized just 175 watt bulbs.

Hearing no further questions, the Chairman called for public comment. Hearing no public comment, the Chairman called for Planning Commission deliberations. Ms. Bugge pointed out that the neighbors to the south had stopped by to look at the proposed site and said they did not object to an office building. However, they indicated they did have some problems with the office building to the south of their home due to the amount of traffic using a drop box after hours, but they had not expressed any concerns over lighting at that site.

The Chairman noted there were two things for Planning Commission consideration: special exception use approval and site plan review. Ms. Garland-Rike raised a concern over approving the special use, given that the "R-3" zone required the buildings to be compatible in size to the residential buildings in the area. She thought this building was quite a bit larger than the residences in the area, which caused her concern.

Ms. Bugge pointed out that the provision that Ms. Garland-Rike was referring to was not pertinent to the particular discussions, and she directed the Commission to Section 23.400. Ms. Bugge said the limitation on size of the building referenced by Ms. Garland-Rike was related to conversion of existing homes to office buildings. Ms. Garland-Rike said that, while that may be true, she was still concerned about how they were treating the transitional character of this zoning classification, and how it would impact the remaining residents in the area.

Mr. Grace said he did not have a problem with the proposal, at least with regard to the properties to the north. However, he was somewhat concerned about the properties to the south. He said he thought having the parking on the north side of the property was helpful so as to minimize the impact on the remaining homes in the area. Mr. Larson stated he did have some concerns regarding the size, as well as the alignment of the drive. He said that he thought the location of the drive was most critical, and if the property could not be laid out in compliance with the Ordinance, perhaps it should not be considered.

Ms. Bugge said it may be possible to lay out the building and align the drive. Mr. Larson said then it should have been submitted that way. Ms. Bugge indicated she did not tell the applicant to do that because of her interpretation of the Access Management Guidelines, and she apologized to the Planning Commission. The Chairman said he did not think there was any need to apologize; the application was submitted and it would be considered accordingly.

The Chairman said, with regard to the size of the proposed structure, he recognized that the "R-3" was a transitional zone. He also stated that the size of the building needed to be considered in light of the residential structures being built today. He said many of the homes in the area were built in early 60's and were low-rise smaller

homes. He stated the proposed structure, in his opinion, was not out of line with many of the modern homes being currently built in the area.

Ms. Everett asked how many people would be visiting the facility each day. Mr. Bosch said approximately 15 to 20. Ms. Garland-Rike asked what the clientele hours would be. Mr. Bosch said approximately 8:00 a.m. to 5:00 p.m., with some appointments as late as 7:00 p.m.

The Chairman asked if the location of the drive was an impediment. Mr. Larson said he thought that it was. Ms. Everett had a question regarding Holiday Lane in relationship to the width of the drive. Some estimates were made, at which point, Mr. Larson again reiterated that he thought the drive should be aligned along the centerline. The Chairman noted that the alignment along the centerline helps mostly in making left turns, but that it does not typically affect right turns. Ms. Everett asked the applicant if he could possibly curb the drive and align it along the centerline with Holiday Lanes. Mr. Bosch said perhaps that could be done.

Ms. Everett noted that, given the transitional area, she was comfortable with the proposed structure. Ms. Garland-Rike said she saw it somewhat differently, and perhaps two smaller buildings would be more suitable to the area. Mr. Grace said since there was already an office to south, he was comfortable with the proposal. He also noted that there was a bowling alley and hotel already in the immediate vicinity, therefore, this use was not incompatible with the uses in the area. In addition, Mr. Larson said he recognized that the subject property was in a transitional zone, and he thought that this did provide a suitable transition from commercial to residential use. However, he was concerned about being sensitive to the existing residential structures in the area. The Chairman said he thought that, given the transitional zone, that if certain requirements were met, it was reasonable for the applicants to be granted a special use permit. He further thought the size of the facility could be accommodated on the property.

Attorney Porter noted that, if they met the conditions for granting the special exception use, it had to be granted, and was not discretionary at that point. Ms. Garland-Rike said that would be true, but only if the building could properly fit on the property, and she again raised the issue of alignment of the drive. The Chairman then asked if the alignment was a critical issue from the Commission's consideration. It was the consensus of the Planning Commission that it was a critical issue. Ms. Stefforia said that the Planning Commission could approve the special use subject to re-alignment of the drive and that the applicant would have to seek a deviation if they could not comply. Mr. Larson said he would not be inclined to move on it without seeing a new site plan and a reconfiguration of the property. Mr. Grace said that he thought they could approve it subject to specified conditions. Mr. Larson said he did not think it was appropriate to approve the special exception use until they saw a revised site plan. Attorney Porter noted that the Commission, if they chose, could segment the approval of the use from

approval of the actual site plan. The Chairman asked if there was further discussion on the special exception use and, hearing none, called for a motion. Mr. Smith made a motion to approve the special exception use. The motion was seconded by Mr. Larson. The Chairman called for a vote on the motion, and the motion passed unanimously.

The Chairman said the next issue to consider was the site plan. The Chairman said he thought they should first address the issue of the realignment of the drive and asked if the Planning Commission was adamant that this be done. It was the consensus of the Planning Commission that the site plan be revised to show realignment of the drive. Mr. Bosch asked if the revision could be done and then approved at the Staff level. Mr. Larson said he wanted to see the site plan come back to the Planning Commission.

Mr. Gould asked, if the Road Commission approved the drive, would the Planning Commission still have to approve it? Ms. Stefforia said that drive alignment was required in the Township Ordinance. Therefore, even with the Road Commission's approval, the drive would not meet Township Ordinance requirements.

Mr. Bosch then said, if possible, they would realign the drive centerline-to-centerline with Holiday Lane. The Chairman asked again if that would be appropriate for Staff to review and approve. Ms. Bugge said she thought it would depend upon how much the site plan changed. Mr. Larson again reiterated his position that the site plan should return to the Planning Commission for its review. The Chairman asked if the Planning Commission could approve it subject to the condition that it be returned to them for review. Attorney Porter said it was up to the Planning Commission to determine whether they wanted to review a revised site plan before making a final determination, or whether they wanted the revised site plan approved at Staff level. Mr. Larson again stated that he wanted it returned. Ms. Garland-Rike concurred with Mr. Larson and asked that a revised site plan be returned to the Planning Commission. Mr. Bosch said that Staff was certainly capable of reviewing a revised site plan. The Chairman noted that was up to the Planning Commission to make that determination.

The Chairman asked the Planning Commission what their opinion was with regard to lighting. Mr. Larson said he would like to see a revised photometric plan and have it shown on the site plan. The Chairman asked if that could be stipulated as a matter of site plan approval. Mr. Larson said he had a reservation with these issues always being delegated to the Planning Department and thought it was the duty of the Planning Commission to look at these issues more closely. Mr. Grace said he agreed with Mr. Larson that, unless the stipulations could be very specific, it would most likely have to come back to the Planning Commission. Mr. Bosch said there was dense vegetation along the south property line. Mr. Larson said that might be true, but that information on the site plan needed to be something more than a squiggly line to indicate that the property owner to the south was going to be adequately protected. There was a fairly

lengthy discussion regarding lighting and what would be adequate to serve the proposed applicant, but not unduly impact the surrounding property owners.

The Commission again discussed the issue of whether the matter should be returned to the Planning Commission or whether change to the site plan should be reviewed by Staff. After further discussion of landscaping, screening for the parking lot, and addressing the dumpster issue, the Chairman asked what the pleasure of the Planning Commission was. After a brief discussion, the Chairman made a motion to table the matter until December 7, 2006. The motion was seconded by Ms. Garland-Rike. The Chairman called for a vote on the motion, and the motion passed 7-0.

OLD SAVANNAH - STEP 1 SITE CONDOMINIUM REVIEW - WEST H AVENUE - (PARCEL NO. 3905-03-480-060)

The Chairman noted that Item #5 would not be considered at the request of the applicant and would have to be rescheduled at a later date.

VILLAGE COMMERCIAL TEXT AMENDMENT - PUBLIC HEARING - SECTION 33 - OSHEMO TOWNSHIP ZONING ORDINANCE

The Chairman said the next item up for consideration was the Planning Commission's public hearing on the proposed amendment to Section 33 of the Zoning Ordinance regarding permitted uses in the Village Commercial area. The Chairman asked if there was any public comment and, hearing none, he called for Planning Commission deliberations.

Mr. Larson said he had reviewed the proposed text and thought it was appropriate. He made a motion to recommend the text change to the Township Board as submitted. The motion was seconded by Mr. Gould. The Chairman called for further public comment and, hearing none, called for a vote on the motion. The motion passed unanimously, 7-0.

VARIOUS TEXT AMENDMENTS - RESUMED PUBLIC HEARING OF SEPTEMBER 14, 2006

The Chairman said the next item was various text amendments that were considered at the September 14, 2006, public hearing. The Chairman asked if there was any public comment on the issue. Hearing none, he called for Planning Commission deliberations. Ms. Stefforia took the Commission through the minor revisions that were made as a result of the September 14, 2006, public hearing, as set forth in her Memorandum dated September 6, 2006, which is incorporated herein by reference.

The Chairman asked if there were any proposed additional changes and, hearing none, asked for additional Commissioner comments. Mr. Larson said that perhaps there should be a reference in Section 78.700 to dark skies, so as to prohibit skylights from impacting surrounding properties in addition to any outdoor lighting. After a brief discussion, it was agreed that the reference to interior lighting under Section 78.740 be modified to prohibit offending lighting from interior lighting, as well as interior light displays. Mr. Larson then made a motion to approve the text amendment, as amended. 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.

Other Business

None.

Planning Commissioner Comments

There being no other business to come before the Commission, the Chairman began Planning Commissioner comments by thanking Mr. Grace for his time on the Commission and stating that he would look forward to his comments as a Township Trustee. He also said he also looked forward to working with the new Planning Commission members who would be coming on the Commission in December.

Mr. Grace thanked the Planning Commission members for their past consideration and said he would be most interested in seeing what they recommended in the future.

Ms. Garland-Rike commended the Chairman on how he conducted the meetings and appreciated his direction in that regard.

Ms. Everett suggested that perhaps the Commission should discuss again what they wanted to see on site plans in order to avoid approving site plans subject to so many contingencies. She said she certainly had confidence in Staff but felt that the policy of what should and should not be approved at Staff level needed to be reconsidered.

Mr. Larson said he did not like to see site plans approved with multiple conditions because often Staff was left to make decisions without specific directions and that it was unfair to Staff to make those judgment calls without more direction. He thought the best way to deal with the issue was at the Planning Commission level.

Adjournment

The Chairman asked if there were any other Planning Commissioner comments and, hearing none, the Chairman adjourned the meeting at 9:58 p.m.

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

By: Kathleen Garland-Rike

Minutes prepared:
December 5, 2006

Minutes approved:
_____, 2006