

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A REGULAR MEETING HELD DECEMBER 7, 2006

AGENDA

BOSCH ARCHITECTURE - 2632 SOUTH 11TH STREET (PARCEL NOS. 3905-25-335-015 AND 3905-25-335-011) FROM TABLE OF NOVEMBER 16, 2006.

ADOPT 2007 MEETING DATES

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

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

MEMBERS ABSENT: None

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

CALL TO ORDER

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

AGENDA

The Chairman asked for approval or amendment to the Agenda. Mr. Smith made a motion to approve the Agenda as submitted. The motion was seconded by Mr. Gould. The Chairman called for a vote on the motion, and the motion passed unanimously.

MINUTES

The Chairman said the first item was the approval of the Minutes of the November 9, 2006. Mr. Larson made a motion to approve the Minutes as submitted. The motion was seconded by Mr. Smith. The Chairman called for discussion and, hearing none, called for a vote on the motion. The motion passed unanimously.

The Chairman said before moving on to the next item, he wanted to welcome the new Planning Commission member, Mr. Bob Anderson. He said he looked forward to working with Bob and welcomed him to the Commission.

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 on the Agenda was consideration of a site plan review for a special exception use that the Planning Commission had approved at its meeting of November 16, 2006. He said the Planning Commission needed to consider the revised site plan of a proposed office building at the applicant's location of 2632 South 11th Street, Parcel Nos. 3905-25-335-015 and 25-335-011. The Chairman asked to hear from the Planning Department. Ms. Bugge submitted her report to the Planning Commission dated December 7, 2006, and the same is incorporated herein by reference.

Ms. Bugge reminded the Commission of the action it had taken at its meeting of November 16. She said, pursuant to the discussion at that meeting, the Planning Commission had approved the special exception use for an office building in the "R-3" zone. However, she said the Planning Commission had raised some concerns regarding the site plan as submitted, and the Commission had tabled their review and asked that the site plan be revised and resubmitted.

Ms. Bugge pointed out to the Planning Commission that the applicant's revised site plan met all conditions and limitations required under Section 23.404 of the Zoning Ordinance. Ms. Bugge then proceeded to take the Commission through a review of Section 82 regarding site plan review for the subject property, as more fully set forth in her report.

The Chairman asked if there were any questions of Ms. Bugge. Mr. Larson asked a question regarding the lighting plan along the south side of the subject property. Ms. Bugge indicated that the site plan did show a footcandle reading a little higher than was permitted by Township Ordinance, but she thought, required plantings would remedy the situation. Ms. Bugge noted that the applicant was not required to have "no light" extend beyond their boundaries, just not more than 0.1 footcandles.

The Chairman asked counsel if the change in the size of the subject office building would require reconsideration of the special exception use. Attorney Porter noted the minor increase in size and said it was his opinion that reconsideration of the

special exception use would not be necessary. With that, the Chairman asked to hear from the applicant.

Mr. Bosch introduced himself on behalf of VRSK, LLC. He said he thought the concerns raised by the Planning Commission at its last meeting had been addressed and he would be willing to answer any questions.

Ms. Garland-Rike asked if the relocation of the drive to the north would result in a reduction in opposing traffic from across the street. Mr. Bosch said, given the fact that the drive would now be opposite the driveway for Hawthorn Suites, rather than Holiday Lane, which was a public road, he thought it would greatly reduce the amount of opposing traffic.

The Chairman said he thought locating the drive across from a private drive versus a public road would reduce the amount of opposing traffic, and traffic conflicts in general.

The Chairman asked to hear from the audience. Ms. Jan Thompson introduced herself and her husband. She said they were not at the last meeting because they were in Florida. She said she knew this was coming, but she did have a couple of concerns regarding the proposed structure. She said she was concerned whether the landscaping to be installed would be of adequate size and placed properly to actually fulfill its function of providing adequate screening. She said she was also concerned about the lights on the south side of the building and wondered if they could be put on a motion sensor, rather than a timer, so as to reduce overnight lighting. She said her concern about the screening was based upon the office which had been put in south of their home; in her opinion, the screening was not properly installed, nor adequately maintained.

The Chairman thanked Ms. Thompson for her comments and said he thought she raised a couple of very good points and asked Mr. Bosch to address those issues. Mr. Bosch said, on behalf of his client, he would have no objection to putting the south soffit lights on a motion sensor, rather than on a timer. He said that the proposed plantings would be evergreen trees, other than pine, as requested by the Planning Department, and that their height at planting would be approximately six feet. He said he wanted to be a good neighbor and would be willing to work with the neighbors and the Planning Commission in developing the site.

The Chairman asked for clarification on the business hours. Mr. Bosch again noted that the latest business appointments would be approximately 6:00 to 7:00 p.m.

Ms. Bugge asked if she could ask a question of Mr. Bosch. The Chairman opened the floor to Ms. Bugge. Ms. Bugge asked if the soffit lighting on the south side of the building could, in fact, be connected to a motion sensor as requested. Mr. Bosch

said there would not be any problem with that – it was just a matter of connecting the lights to a motion sensor, rather than a timer. He also noted that they would put a wall pack over the door on the west side of the building, which would comply with the sharp cutoff requirements of the Township.

The Chairman called for Planning Commission deliberations. He asked for their thoughts and observations. Mr. Smith complimented the designer on a job well done.

The Chairman asked if there were any questions or concerns regarding landscaping. Mr. Smith said he thought two or three more trees would be appropriate. Mr. Larson said he would concur and wanted to see them along the south line. Ms. Garland-Rike said while she wanted to add a few more trees on the south line, she thought they should also be moved further west to better screen the Thompson's property. The Chairman said that normally a Type "C" landscaping is along the property line, and he thought the Commission should clarify for the applicant and the Planning Department if they wanted anything different. Mr. Larson said he could agree with that, but he wanted to see screening that would protect the Thompsons from the view of the building, and the dumpster area. Therefore, he said he would like to see a random planting of the evergreen trees extended to the west line of the north-south portion of the paved fire lane turnaround.

Ms. Garland-Rike raised a concern regarding future development. Ms. Bugge said, if an additional building was built on the property, it would be subject to Township approval, and they would have to add extra landscaping at that time. Mr. Bosch said he agreed with Mr. Larson that additional spruce trees should be added along the south boundary line, extending out to the area of the dumpster and fire lane turnaround area.

Mr. Gould said he would also like to see the applicant put in some taller trees. He said he had many spruces on his property and that they tend to grow slowly. Therefore, he recommended that they start with eight-foot evergreen trees, rather than six-foot trees.

Mr. Gould also raised a concern about the office use south of the Thompson's property. Ms. Bugge pointed out that that was a conversion of an existing home and, therefore, it was a permitted, rather than a special exception use, and the Township's ability to place limitations on that structure were somewhat limited in that respect. However, she said she would follow up on the concerns raised over the landscaping on the property.

The Chairman asked for further discussion and, hearing none, said he would entertain a motion. Ms. Garland-Rike made a motion to approve the site plan as submitted with the following conditions:

1. Approval is subject to obtaining a driveway permit from KCRC.

2. Sidewalks in compliance with Township standards shall be constructed prior to the issuance of a Certificate of Occupancy or a Performance Guarantee shall be provided in accordance with Section 82.950.
3. All parking shall conform to Section 68.000 and Section 23.404.
4. Setbacks shall comply with Sections 64.000 and 23.404.
5. All lighting shall comply with Section 78.700. Shields shall be provided on the east parking lot fixtures. Lighting shall be reduced 50% during nonbusiness hours from 9:00 p.m. to 6:00 a.m.
6. Motion sensors shall be added for purposes of controlling the soffit lights along the southern exterior of the building.
7. A revised wall fixture detail in compliance with Township criteria shall be submitted for review and approval.
8. Approval shall be subject to the submission of sign details for review and approval through the sign permitting process. All signs shall comply with Section 76.000.
9. Type C greenspace shall be provided for the site. Twelve evergreen trees, other than pine, shall be substituted for understory trees on the south side of the property, planted in a random pattern as far west as the dumpster and fire lane turnaround paved area. Existing trees intending to be preserved shall be protected during construction.
10. A detailed landscaping plan in accordance with the Planning Commission determination and Section 75 shall be submitted for Township review and approval.
11. Landscaping shall be installed before a Certificate of Occupancy is granted or a Performance Guarantee, consistent with the provisions of Section 82.950, shall be provided.
12. Site plan approval shall be subject to the applicant satisfying Fire Department requirements pursuant to the adopted codes.
13. Site engineering and stormwater management are subject to review and a finding by the Township Engineer that they are adequate.
14. All utilities shall be underground.

15. Approval is subject to obtaining an Earth Change Permit from the Drain Commissioner.

The Chairman asked if there was a second to the motion. Ms. Everett seconded the motion. The Chairman called for further discussion and, hearing none, called for a vote on the motion. The motion passed unanimously.

ADOPT 2007 MEETING DATES

After a brief discussion regarding proposed meeting dates for 2007, Mr. Larson made a motion to approve the meeting dates as submitted. The motion was seconded by Ms. Everett. The Chairman called for a vote on the motion, and the motion passed unanimously.

Other Business

The Chairman said the next item was other business, and hearing none, moved on to the next Agenda item.

Planning Commissioner Comments

The Chairman said it was the appropriate time for Planning Commissioner comments and asked Mr. Anderson if he would like to begin. Mr. Anderson thanked the Commission for the kind welcome and said he was happy to be a member of the Commission. He also told the Commission members that he was pleased with how concerned they were about all the residents of the Township.

Ms. Garland-Rike said she was concerned about the problems that the Thompsons were having with the office located south of their property. Ms. Bugge pointed out that they had less control over the conversion of that home to an office than they did permitting offices to be constructed within the district, since one was a permitted use and one was a special use. The Chairman said the reason he specifically asked for confirmation as to hours of work for the special use was that he wanted to have a clear record in the future if the nature of the use changed. He said, since it was a special use, the property owner would not be allowed to change it without Planning Commission approval, and he wanted to make very sure that was noted in the record for future reference.

Mr. Larson said he was a bit disappointed that the driveway of the office building which was just approved was not aligned properly, but thought that given the limited traffic, it was not worth arguing over. He did ask the Planning Commission members to give serious thought to their upcoming meeting at which they would work on the Form-Based Zoning. He asked that they look at it with a vision toward the future of what they wanted the community to look like, not necessarily how it looks currently and, perhaps, deal later with the exceptions to the rule in order to blend the vision with reality. The

Chairman said he did not disagree with Mr. Larson's general statements, but the Planning Commission had to keep in mind that they were actually codifying the Form-Based Zoning, so it was more than just a visionary statement.

Ms. Everett told the Planning Commission members that a couple of Board members were concerned about the canceling of the last joint session with the Planning Commission. She suggested that the Planning Commission allow the Township Board to take control of these meetings, including setting the agenda for those meetings. The Chairman said he agreed with that, and asked that each meeting come with a stated agenda in order to make the best use of all the individuals' time.

The Chairman asked if there were any other Planning Commissioner comments and, hearing none, called for a motion to adjourn.

Adjournment

Mr. Larson made a motion to adjourn, which was seconded by Mr. Smith. The Chairman called for a vote on the motion, and the motion passed unanimously. The Chairman adjourned the meeting at 7:59 p.m.

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

By: Kathleen Garland-Rike

Minutes prepared:
December 12, 2006

Minutes approved:
_____, 2006