

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD DECEMBER 17, 2009

Agenda

HANSEN BUILDING AND DESIGN CORPORATION - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - PROPOSED MEDICAL OFFICE BUILDING – 2800 BLOCK OF SOUTH 11TH STREET – BEING SPLIT FROM PARCEL NO. 3905-25-455-011

MASTER LAND USE PLAN - EXISTING LAND USE CHAPTER - DRAFT TWO

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, December 17, 2009, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairman
Deborah Everett
Bob Anderson
Kitty Gelling
Carl Benson
Richard Skalski

MEMBERS ABSENT: Fred Gould

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Senior Planner; **Chris West, Associate Planner;** James Porter, Township Attorney, and approximately four other interested persons.

Call to Order and Pledge of Allegiance

The meeting was called to order at approximately 7:00 p.m. The “Pledge of Allegiance” was recited by the Commissioners.

Agenda

The Chairman asked if there were any changes to the Agenda. Ms. Bugge asked that a brief review of the SPCA site plan be added to “Other Business.” Ms. Gelling made a motion to approve the Agenda as amended. Mr. Skalski seconded the motion. The Chairman called for a vote on the motion, and the motion carried unanimously.

Public Comment on Non-Agenda Items

The Chairman asked if there was any public comment on non-agenda items. Hearing none, he proceeded with the approved agenda.

Minutes

The Chairman asked if there were any changes or corrections to the minutes of November 19, 2009. Hearing none, he called for a motion. Mr. Benson moved to approve the minutes, as submitted. Ms. Gelling seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

HANSEN BUILDING AND DESIGN CORPORATION - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - PROPOSED MEDICAL OFFICE BUILDING – 2800 BLOCK OF SOUTH 11TH STREET – BEING SPLIT FROM PARCEL NO. 3905-25-455-011

The Chairman began by asking for a report from Staff. Mr. West submitted his report dated December 17, 2009, and the same is incorporated herein by reference. Mr. West indicated that the applicant was requesting to build a medical office in an “R-3” Residence District, which would constitute a special exception use. Mr. West then proceeded to take the Commission through a review of Section 60 Special Exception Use provisions, as well as Section 23.404 conditions and limitations and Section 82 Site Plan Review provisions of the Ordinance, as more fully set forth in his report.

The Chairman asked if there were any questions of Mr. West. Mr. Skalski asked if the area on the northwest corner of the property was heavily wooded. He said that some additional buffering during the winter months might be needed. The Chairman asked for Commissioner questions first and said he would then follow up with Commissioner comments during deliberations.

Mr. Benson asked if the site plan was designed in such a fashion as to allow adequate access for fire trucks, and whether the Fire Department had approved the proposed plan. Mr. West said he believed the site plan did provide adequate access and that the Fire Department had approved the site plan.

Mr. Skalski asked if the County Road Commission had approved the proposed drive. Mr. West said the Road Commission had approved the drive as proposed.

The Chairman asked what the speed limit was in the area. Mr. West indicated that the speed limit was 45 m.p.h.

The Chairman asked to hear from the applicant’s representative. Mr. Walt Hansen introduced himself to the Planning Commission. He said he thought the Planning Department had done a fine job in reviewing his proposed use as well as the

site plan. He said the medical office would provide a great buffer to the residential development in the area. He also noted that they would try to be as unobtrusive as possible in developing the land. He explained that there would be little noise coming from the facility since it would only operate from 8 a.m. to 5:30 p.m. Monday through Friday. Mr. Hansen noted that the property to the north was currently a rental property held by Jaqua Realtors, awaiting future development.

Mr. Hansen noted that the proposed drive would be a joint drive which meets the Township's Access Management Plan. He also said that he believed the proposal exceeded the setback requirements. He noted that they would try to retain as many of the mature trees as possible within the required greenspace area, and he thought the proposed facility would be a fine addition to the Township.

Mr. Skalski asked if they had considered adding additional screening on the northwest corner of the property to buffer the existing residential home in the area. Mr. Hansen said that the applicant would agree to add evergreens and work with the Staff in developing appropriate buffering from the adjoining residential property.

Mr. Benson asked whether the parking lot would be visible to the property to the north. Mr. Hansen indicated that he thought that it would. Mr. Benson then noted he would also like to see some additional screening in that area.

The Chairman asked the applicant's representative whether he was aware that if any of the trees fronting on the public street were eliminated because of developmental pressures they might have to be replaced to maintain screening in compliance with Township Ordinances. Mr. Hansen said he and his client understood that. Mr. Hansen said he would try to save as many trees as possible. He said, by wrapping the drainage area around the trees within the proposed drainage area, many of the larger trees could be protected.

Ms. Gelling asked for confirmation of the type of doctors' office, as well as the proposed business hours. Mr. Hansen said it would be a rheumatology office, and they would maintain hours of 8 a.m. to 5:30 p.m. Monday through Friday.

Dr. Schwartz spoke on behalf of the Rheumatology, P.C. He explained to the Commission that the location was ideal for their patients' needs and access across southwest Michigan. Dr. Schwartz said that there would be a low traffic impact on the area.

Mr. Anderson asked if the applicant would have a sign. Mr. Hansen said they would have a sign, and it would be entirely compliant with Township Ordinances.

The Chairman called for public comment. There being none, the Chairman asked for Planning Commission deliberations to commence.

The Chairman initiated the deliberations by noting that there were two parts to the present proposal, the first being consideration of the special exception use, and second being the review of the proposed site plan. The Chairman asked if the Planning Commission was comfortable with the findings and recommendations presented in the Planning Department's report. Ms. Gelling said she was very comfortable and thought that the proposal was well laid out and should be approved. Ms. Gelling then made a motion to approve the special exception use for the reasons set forth in the Planning Department's report. Mr. Skalski seconded the motion. The Chairman called for further discussion and hearing none, called for a vote on the motion. The motion was approved unanimously.

The Chairman said the next item was approval of the site plan. The Chairman said he thought the Commissioners were leaning toward approval with some additional screening to the north and wondered if that should be specifically stated or left up to Staff.

Ms. Everett also asked what should be done with regard to the sidewalks. Ms. Bugge said the Commission could either have the funds escrowed or have the developer agree to put the property in a special assessment district at such time as the sidewalks were approved.

Ms. Stefforia asked if the installation of the sidewalk would impact any credit they had received for the required landscaping along the public right-of-way. Ms. Bugge indicated that the site was quite wooded, but if the developer did remove any of the trees during construction of a sidewalk which, in turn, would put them below the necessary requirements, the developer would have to add additional landscaping. Ms. Stefforia said that would include any trees which might die in the future. The Chairman asked the applicant if he understood that, and Dr. Schwartz indicated that he did.

The Chairman said that the applicant was agreeing to maintain the existing trees along the roadway and asked what the Commission wanted to do with regard to screening the property to the north. Ms. Gelling said she thought they should leave it to Staff to work out the details with the developer.

The Chairman said the only remaining item was dealing with the sidewalk issue and whether they should require monies to be escrowed or require the developer to agree to place the property in a special assessment district in the future. Ms. Gelling said she favored escrowing the monies because it was more consistent and would allow the Township to make a determination as to when the sidewalk should be installed. Mr. Anderson said he also favored escrowing the monies because if the Township always waited until special assessment districts were established, sidewalks might never be constructed. Ms. Everett said she agreed and favored escrowing the monies. Mr. Hansen asked what that amount would be. Ms. Bugge said it would be \$5.00 per square foot unless they chose to install the sidewalk at the time the site was developed.

The Chairman asked if there were any other issues. There being none, the Chairman called for a motion. Ms. Gelling made a motion to approve the site plan as submitted with the following conditions:

1. Approval is subject to obtaining a driveway permit from the Kalamazoo County Road Commission.
2. The driveway is off-site and will be used for access to any development to the south of the subject property. Approval is subject to the recording of an easement for the driveway.
3. A deviation from the Access Management Guidelines for placement of the driveway as proposed on the site plan is granted.
4. Sidewalks in compliance with Township standards shall be constructed prior to the issuance of a Certificate of Occupancy or a performance guarantee or escrow agreement shall be provided to the Township.
5. All parking shall conform to Section 68.000 and Section 23.404.
6. Setbacks shall comply with Sections 64.000 and 23.404.
7. All lighting shall comply with Section 78.700. Lighting shall be reduced during non-business hours.
8. Details of wall mounted fixtures, if any, shall be submitted for Township review and approval.
9. 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.
10. Use of existing trees in all greenspaces shall be permitted, provided that they meet the criteria of Section 75.200 as determined by the Township Staff and they are preserved and protected during construction. If existing trees do not satisfy the Landscaping Ordinance requirements, additional plantings shall be required.
11. Additional screening shall be added to the north as determined in cooperation with the Township Planning Department.
12. Landscaping shall be installed before a Certificate of Occupancy will be granted or a performance guarantee, consistent with the provisions of Section 82.950, shall be provided.

13. Site plan approval shall be subject to the applicant satisfying Fire Department requirements pursuant to the adopted codes.
14. Site plan approval shall be subject to the applicant satisfying the comments of the Township Engineer.
15. All utilities shall be underground.
16. An Earth Change Permit must be obtained from the Drain Commission.

The motion was seconded by Mr. Skalski. The Chairman called for further discussion, and hearing no discussion, called for a vote on the motion. The motion passed unanimously.

MASTER LAND USE PLAN - EXISTING LAND USE CHAPTER - DRAFT TWO

The Chairman said the next item on the Agenda was a review of Draft Two of the Existing Land Use Chapter of the Master Land Use Plan. Mr. West reviewed the proposed changes to the Existing Land Use Chapter of the Master Plan. He noted the various significant changes throughout the provisions of the Chapter and asked for comments from the Planning Commission. It was a consensus of the Planning Commissioners that the proposed changes were well done and complimented Mr. West on the quality of his work.

Adoption of 2010 Meeting Dates

Ms. Gelling made a motion to approve the 2010 meeting dates as submitted. Mr. Anderson seconded the motion. Upon vote, the motion passed unanimously.

Adoption of 2009 Annual Report

Ms. Gelling made a motion to approve the 2009 Annual Report as submitted. Mr. Anderson seconded the motion, and the motion carried unanimously.

Any Other Business

SPCA

Ms. Bugge said she wanted to make the Planning Commission aware the SPCA was making some minor changes to its site plan which included not constructing a certain amount of paved parking areas, but that more parking would be required to be put in at a later date, if necessary. She also noted that the applicant would not be installing slats in the chainlink fence because of the maintenance difficulties, but the

applicant would be planting evergreens instead. The Chairman said he was concerned about losing parking, and wanted to make clear to the applicant that if additional parking was needed in the future, it would be installed. Ms. Bugge said that she understood and would make that clear to the applicant. It was the consensus of the Planning Commission to not require a more formal presentation on the minor changes proposed to the site plan.

Planning Commissioner Comments

The Planning Commission members wished each other happy holidays and best wishes for the New Year.

Adjournment

There being no further comments, the meeting was adjourned at approximately 8:30 p.m.

Minutes Prepared:
January 5, 2010

Minutes Approved:
_____, 2010