

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD FEBRUARY 11, 2016

Agenda

**PUBLIC HEARING: SPECIAL EXCEPTION USE – KL AVENUE LAND PRESERVE
CONSIDERATION OF THE APPLICATION OF MITCH LETTOW, ON BEHALF OF THE SOUTHWEST MICHIGAN LAND CONSERVANCY, FOR A SPECIAL EXCEPTION USE AND SITE PLAN REVIEW FOR A NATURE PRESERVE WITH A PARKING LOT, PUBLIC ACCESS, AND TRAILS IN THE RR: RURAL RESIDENTIAL DISTRICT. PARCEL NO. 05-21-305-109**

**COMMERCIAL PLANNED UNIT DEVELOPMENT – CORNER @ DRAKE
CONSIDERATION OF THE APPLICATION FROM GESMUNDO, LLC TO REVIEW A CONCEPT PLAN THAT WOULD ESTABLISH A COMMERCIAL PLANNED UNIT DEVELOPMENT FOR 21.7 ACRES WITHIN THE CORNER @ DRAKE COMMERCIAL CENTER.**

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, February 11, 2016, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Millard Loy, Chair
Fred Antosz
Kimberly Avery
Wiley Boulding Sr.
Dusty Farmer
Pam Jackson
Mary Smith

MEMBERS ABSENT: None

Also present were Julie Johnston, Planning Director, James Porter, Attorney, and Martha Coash, Meeting Transcriptionist. Approximately eight other persons were in attendance.

Call to Order and Pledge of Allegiance

The meeting was called to order by Chairperson Loy at approximately 7:00 p.m., and the "Pledge of Allegiance" was recited.

Agenda

Chairperson Loy asked if there were any additions, deletions or corrections to the Agenda. Hearing no changes, he called for a motion to approve the Agenda as presented.

Mr. Antosz made a motion to approve the agenda as presented. Ms. Jackson supported the motion. The motion passed unanimously.

Public Comment on Non-Agenda Items

Chairperson Loy called for public comment on non-agenda items. Mr. Terry Schley, former Planning Commission Member, greeted the Board and gave the following remarks:

"I am Terry Schley the President and an owner of Schley Architects, Inc., 4200 S. 9th Street, one of your local Oshtemo Township businesses. My home address is, and for some time has been, 7497 Watermark Drive, Allendale, Michigan 49401. As a private party I own the 9th Street land which then as a taxpayer gives me some right to visit with you tonight.

For some time now I've observed you as a Planning Commission. Not this exact group, but mostly this group; you've added new members in 2016 and some are gone likely in a "healthy cycle of change". Much of what I know of you as a group prevails."

I've come to share you are, as I see it, an exemplary body of thought and Oshtemo can be proud of how you have acted in deliberation, fairness and consideration; both in making policy or ordinance and in individual actions on projects. I have been in front of a variety of PC's from most sophisticated to some unorganized and less developed. What I have observed is that you always do your preparatory work and you each bring your own analysis to the dais. Somehow your process has included respect but varied opinions, and resolution not necessarily in full consensus, but always in professional harmony as a group. You've shown that differences in citizen committee review can exist and the mission to public good can happen with quality. For what it is worth, you have had my respect as I have observed you work."

I've also been pleased to see the PC's ability to take, at times, a step back and to see things in light of the larger issues of planning. I believe big picture views should sometimes temper the minor specifics too easy to get lost in, in essence missing the forest while in the trees – something you haven't been prone to do and I hope you continue to appreciate this in your approach. Importantly you've also shown an ability to remember the tremendous ground work of the community that has preceded the ordinance you consider. I know with newer staff and change, historic continuity may at times be challenged, but I hope you will keep doing the great things I have seen from your body, asking about those histories and working to understand the basis of the community's past planning investment, before you spend effort on a decision."

I must also share I admire you all, for I must tell you I wish I could be up on the dais with you. However, and as noted, my home is in Allendale and I just don't see how, regardless of rules allowing it, that I could be with you. Imagine if you would with me that which I have thought about many times. A tough decision is at hand with a large Oshtemo citizen audience

or a challenging application, and a decision where important land use character is involved. That, Planning Commissioners, is all of your decisions. For me, I found and find it difficult that I could represent to Oshtemo that I care enough about that, but not enough to live and make my home in Oshtemo. For me leaders must be example, and the hypocrisy in such a role is outside my values, even if for just a local Planning Commission role. Again, my home is in Allendale.”

In closing I note you are all volunteers, either stepped up or when asked to serve on this Commission, you all said “yes”. Please keep up your good work, and my sincere thanks as a taxpayer to you all for what you do.”

Chairperson Loy thanked Mr. Schley for his remarks and moved to the next item on the agenda.

Approval of the Minutes of January 28, 2016

The Chairperson asked if there were any additions, deletions or corrections to the minutes of January 28, 2016. Hearing none, he asked for motion to approve the minutes.

Mr. Antosz made a motion to approve the minutes of January 28, 2016 as presented. Mr. Boulding, Sr. supported the motion. The motion was approved unanimously.

PUBLIC HEARING: SPECIAL EXCEPTION USE – KL AVENUE LAND PRESERVE CONSIDERATION OF THE APPLICATION OF MITCH LETTOW, ON BEHALF OF THE SOUTHWEST MICHIGAN LAND CONSERVANCY, FOR A SPECIAL EXCEPTION USE AND SITE PLAN REVIEW FOR A NATURE PRESERVE WITH A PARKING LOT, PUBLIC ACCESS, AND TRAILS IN THE RR: RURAL RESIDENTIAL DISTRICT. PARCEL NO. 05-21-305-109

Chairperson Loy moved to the next item on the agenda and asked Ms. Johnston to review the application for a special exception use and site plan review for a nature preserve from the Southwest Michigan Land Conservancy.

Ms. Johnston explained the applicant is seeking site plan approval and Special Exception Use permission for an outdoor recreational area, to be located on an unaddressed parcel near the southeast corner of 4th Street and KL Avenue. Already functioning informally as the KL Nature Preserve, complete with a network of rough trails, the Southwest Michigan Land Conservancy must obtain Special Exception Use permission, per section 20.401 of the Zoning Ordinance, before they may construct an improved parking area to serve patrons.

She said the site plan submitted by the applicant includes a 20 space gravel parking area, incorporating a 24 foot wide circulation aisle for two-way traffic as well as a turn-around area for fire equipment. Vehicles will access the parking lot from KL Avenue, approximately 925 feet east of 4th Street, which is the current location of the historical access point to the property. The applicant has indicated that the Kalamazoo

County Road Commission has given informal approval for the construction of an improved driveway at this point, with the actual permit to be applied for and issued once work commences. The Township's Zoning Ordinance states that all parking areas for non-residential developments must be paved, but the Southwest Michigan Land Conservancy was granted relief from this requirement by the Oshtemo Zoning Board of Appeals at its November 17th, 2015 meeting. Both the Township Fire Marshal and Engineer have reviewed this project. Any concerns identified in their memos have been addressed by the applicant.

Ms. Johnston said the dimensions proposed for the parking area—24 foot wide aisles and accommodations for 20 parking spaces at 10 feet by 20 feet each—are in compliance with section 68.000 of the Zoning Ordinance: Off-street Parking. While the applicant does not propose to make any significant changes to the property's landscaping, there is significant preexisting vegetation throughout the preserve, and Staff feels that the intent of the landscape requirements of the ordinance are being met. In addition, additional review criteria as described in Section 60.100 of the Zoning Ordinance are met by this application.

Ms. Johnston concluded by saying the proposed use and improvements are consistent with the intent of the Rural Residential zoning district as well as Oshtemo's general desire to preserve the rural character of the Township's western portions. In meeting the requirements of all relevant sections of the Zoning Ordinance, Staff recommended that the Planning Commission approve the Special Exception Use request and site plan. No necessary conditions for approval have been identified.

Chairperson Loy asked if there were questions from Commissioners for Ms. Johnston. Hearing none, he asked if the applicant wished to speak.

Mr. Geoffrey Cripe, Director of Land Protection for the Conservancy, provided background on the Conservancy, and noted in 2012 an event was held to invite neighbors and interested persons to share their vision for the park. The ability to walk or hike was most often mentioned and the plans were met with favor. They feel the intent to preserve the natural habitat meets with the goals of the Township's Master Plan and Zoning Ordinance.

Mr. Mitch Lettow, Southwest Michigan Land Conservancy Stewardship Specialist, 723 W. South Street, Kalamazoo, explained the intent of the parking lot is to provide a safe place to get off the road provided a loose timeline for the project with the goal of an April 16 opening for the preserve and installation of an Ordinance compliant sign in late May. They intend to hold a public contest to name the recreational area.

In answer to Board Member questions, Mr. Lettow said the Conservancy will maintain the trails with the assistance of volunteers; although they do not routinely have large groups, they would be welcome; no trash or restroom facilities will be provided since this will be a passive recreation area.

Mr. Antosz pointed out the Ordinance requires amenities; Ms. Johnston said the Ordinance addresses active recreation areas and since this is a passive area not addressed by the Ordinance, that staff does not feel a need to require them. She agreed that perhaps the Ordinance could be looked at to address active vs. passive.

There were no further questions; Chairperson Loy asked if there were any public comments.

Mr. Bob McCarthy, 8794 KL Avenue, asked if the current gate would remain, whether the open hours would still be 24/7, and whether the limited hunting currently allowed on the site would still be allowed.

Chairperson Loy asked Mr. Lettow to address Mr. McCarthy's questions.

Mr. Lettow said the current gate will be removed. Instead there will be a swinging gate at the turnaround to prevent entering past that point and a sign stating the sunrise to sunset open hours. The limited hunting allowed was a specific agreement with the donor; there will be fall hunting allowed on the property. A sign will be present when active hunting is occurring on the preserve, which consists of 69.5 acres.

Attorney Porter said the posted sign at the gate stating the hours should also state that the Sheriff's Dept. will be called if the hours are violated.

There were no further public comments; Chairperson Loy closed the public hearing.

The Chairperson moved to Board Deliberations. The consensus of the Board was that the passive nature of the preserve is appropriate, no problems were seen with the application, and that this will be a nice addition to the Township.

Ms. Farmer made a motion to approve the application for special exception use and site plan for the nature preserve with a parking lot, public access, and trails as presented. Mr. Antosz supported the motion. The motion passed unanimously.

**COMMERCIAL PLANNED UNIT DEVELOPMENT – CORNER @ DRAKE
CONSIDERATION OF THE APPLICATION FROM GESMUNDO, LLC TO REVIEW A
CONCEPT PLAN THAT WOULD ESTABLISH A COMMERCIAL PLANNED UNIT
DEVELOPMENT FOR 21.7 ACRES WITHIN THE CORNER @ DRAKE COMMERCIAL
CENTER.**

Chairperson Loy moved to the next item on the agenda and asked Ms. Johnston to walk through the application for a Commercial Planned Unit Development (PUD) at the Corner@Drake project surrounding the Costco property.

Ms. Johnston indicated the applicant was requesting the approval of a Commercial Planned Unit Development (PUD), which would include the approximate

21.7 acres within the Corner@Drake project that surround the Costco property. The property is zoned C – Local Business District which allows for the development of commercial PUDs. The development area is located at the northwest corner of Stadium Drive and Drake Road and is also bounded by US-131 and West Michigan Avenue.

She said the process to approve a PUD includes two steps:

- Concept Plan Review – Approval of the layout of the PUD
- Special Exception Use/Site Plan – Detailed site plans that conform to the approved Concept Plan

Currently, she said, three lots within the area planned for the PUD have received site plan approval from the Planning Commission. Based on the concept plan provided, an additional seven building sites are planned. The three developments that have been approved include:

- Field and Stream located in the northwest corner of the site,
- Kellogg Community Federal Credit Union located in the northeast corner of the site, and
- Consumers Credit Union located at the northwest corner of Drake Road and Century Avenue.

Ms. Johnston said the conceptual plan is not required to be publicly noticed for a hearing. However, public hearings are required for the site plans included within the PUD per Section 60.4450.B.3. If the PUD is approved by the Planning Commission and to ensure consistency with this requirement, Planning Staff will request a public hearing be held at the March 10th meeting to incorporate those sites that have already received site plan approval within the PUD.

She said the development area The Century Highfield Sub-Area occupies the better part of what has been referred to as the Century Highfield Sub-Area by the Township in previous planning exercises and indicated the following highlights some of the important elements from those exercises:

- In 1996, the Township conducted a planning review of this area and determined commercial use to be most appropriate, identifying a conference center, hotel, and lifestyle center as target uses.
- In 2011, an update of the Master Plan prompted the Township to conduct this exercise again. Although conditions in the region had altered significantly, the conditions at the site had not changed. The vision remained that the property would be used for commercial uses.
- In October 2013, the Township Board approved the rezoning of the property from R-2 and R-3 residential to C: Commercial, consistent with the Master Plan and Sub-Area Plan.

- In 2014/2015, MDOT replaced the Stadium / 131 interchange, and in conjunction with that project completed significant improvements to the Drake Road / Stadium Drive intersection. The project increased the capacity of the intersection and roads to accommodate the high volume of existing traffic and potential traffic that will likely be generated when this project is complete. In addition, drainage and non-motorized improvements were also included.
- Costco was completed and opened for business in October of 2014.
- Field and Stream, Consumers Credit Union, and Kellogg Community Federal Credit Union were all approved in 2015 and are either under construction or working to begin construction.

She continued, saying from the start of the planning process for this development, it was intended that the individual building sites would function as one larger commercial retail center. The placement of internal access, building sites, landscaping, drainage infrastructure, signage, etc. was designed to be integrated and work as a whole. At the time Costco was developed, only two parcels existed on site – the Costco development and the property that surrounded Costco to the east, south and west. Reviews of the site plans that were previously submitted to the Township were conducted based on this “ring” property as one parcel.

In 2015, the applicant submitted a land division application to the Township for the large parcel that surrounds Costco. The request was to create five new parcels within the development, which was approved by the Township and recorded with Kalamazoo County. Unfortunately, the placement of parcel lines within the development created some conflicts with the Township Zoning Ordinance, specifically setbacks, landscape buffers, signage and lighting requirements at property lines.

She said while the parcels are still under one ownership and the development still functions as a commercial center, the introduction of new parcel lines required Planning staff to re-evaluate the ability to approve new site plans without variances from the code. In addition, existing approvals were now noncompliant. As a way to rectify these concerns, Planning staff recommended the establishment of a commercial PUD. Utilizing this tool allows the Township to continue to review these properties as one development as always intended by the applicant. The approval of the concept plan solidifies the development’s design and provides continuity as new site plans are submitted.

Ms. Johnston said the concept plan has not changed significantly since its original inception in 2013 when Costco was approved. A total of nine building sites (one combined by a pedestrian plaza) are proposed. Century Avenue provides the primary access to the development, which was constructed, along with the adjacent sidewalk, when Costco was completed. Additional vehicular access is provided at the northern portion of the site from Drake Road and along the western boundary to Michigan

Avenue. All drives within the development are private and will be maintained through a shared access easement agreement.

Utilities to the site are provided through public water and sanitary sewer. As site plans are developed, these connections are reviewed and approved by the Township Engineer. Per Section 78.520: Stormwater Management Standards, all stormwater must either be managed by a public system or handled through on-site facilities. The entire Corner@Drake development uses a combination of both public and on-site facilities. While not included in the PUD, Costco manages stormwater on-site. The properties within the PUD utilize the Michigan Department of Transportation's (MDOT) system near US-131 on the west side of the project and the City of Kalamazoo's system on the east side of development. Stormwater management will continue to be reviewed as individual site plans are submitted to the Township.

She said the parking calculations for the concept plan have been developed based on the standard practice of utilizing a net value for building square footage. A total of 952 spaces are planned and the applicant is requesting size reduction for 25 percent of the spaces. Per Section 68.300: Requirements for Parking Spaces and Parking Lots, the Planning Commission may alter parking lot space dimensions for up to 25 percent of the spaces if the lot has more than 100 spaces. The applicant is requesting that 238 spaces be dimensioned at 9' x 18' as opposed to the 10' x 20' generally required.

Ms. Johnston discussed lighting requirements, saying the areas internal to the site should not be required to dim down lighting to 1 foot candle since pedestrians walking in those areas will need more lighting for safety and security; she indicated there is flexibility within the Ordinance to provide for that.

Also, she explained the commercial PUD ordinance requires that landscaping be in accordance with Section 75: Landscaping. This will generally be reviewed as the individual site plans are submitted to the Planning Commission. However, there are two notable deviations from Section 75 related to buffer zones that support of the PUD will approve. First is the required buffer zone along Drake Road, which includes a pedestrian path. According to Section 75.130: Greenspace Areas, the buffer zone C+ (30 feet) is required in this area because the non-motorized facility cannot be accommodated entirely in the public right-of-way. The concept plan shows the buffer zone along Drake Road averaging 20 feet in width, which is a C buffer zone and is typical along public roadways.

Ms. Johnston pointed out the applicant has agreed to allow the paved, non-motorized path to be placed on his property where the right-of-way for Drake Road is too narrow for construction. The applicant has also agreed to cover the cost of a standard 5-foot sidewalk along Drake Road. The Township, however, is considering contributing to these funds to develop a 10-foot multi-use path, which may require additional property from the applicant. It seems overly burdensome to require the applicant to both provide property for a non-motorized path and then to increase that

buffer from 20 to 30 feet because the path cannot be accommodated in the right-of-way. Planning staff would encourage the Planning Commission to approve the buffer zone along Drake Road as presented.

She said the second buffer zone deviation is for the required 10-foot buffer between commercial uses. Section 75.130 requires buffer zone classification A between two C: Commercial zoned properties. Due to the lot splits approved in 2015, this 10-foot buffer is required on both sides of the new parcel lines within the development. As this project is essentially a commercial “center” and not individual parcels, buffering does not seem necessary. Also, placing a 20-foot landscape buffer between parcels does not allow for the possibility of shared parking and makes connectivity between building sites more difficult.

As she stated previously, a non-motorized path is planned along Drake Road. However, the final design of the path is yet to be determined. As currently planned, the path will be a 5-foot sidewalk that meanders along the right-of-way as opposed to simply being located parallel to the curb. Pedestrian circulation within the development is primarily handled through a five-foot sidewalk along Century Avenue. Access points are planned from this sidewalk to various building sites as well as between building sites. There are a few of access points that have either been approved on past site plans or are requested by Planning staff that are not shown on the concept plan. These include the following:

- There is a pedestrian crossing from the southeast corner of the Consumers Credit Union site to the sidewalk planned on Drake Road that was approved as part of the site plan but is not shown on the concept plan.
- Staff would like to see pedestrian access from the sidewalk on Century Avenue to the southwest corner of the building site at the southwest corner of Century Avenue and Drake Road.
- The multi-tenant shops located between Kellogg Community Federal Credit Union and Consumers Credit Union includes a large parking lot to the rear of the buildings. A pedestrian path is planned along the north side of the second building north of Century Avenue. Some type of demarcation is needed to direct pedestrian traffic to this sidewalk. Staff would recommend striping in the parking lot or signage on the sidewalk or some other indication of the pedestrian path presented by the applicant and approved by the Planning Commission.

Ms. Johnston said Section 60.423: Open Space delineates the requirements of open space within the commercial PUD. The applicant has indicated on the Pedestrian Circulation and Open Space plan that 4.40 acres of the site is dedicated to open space. Based on the requirements of 60.423, five percent of the site is required to be dedicated as open space. This equates to 1.1 acres of required open space. The ordinance indicates the following:

Designated open space shall be set aside as common land and either retained in an essentially undeveloped or unimproved state or improved as a central "public gathering place" to serve the following purposes:

- 1. conservation of land and its resources,*
- 2. ecological protection,*
- 3. provide for parkland and passive recreation (which preserve the natural features),*
- 4. protect historic and/or scenic features,*
- 5. shaping and guiding the planned unit development,*
- 6. enhancement of values and safety,*
- 7. provide opportunities for social interaction, and/or*
- 8. provide active recreational opportunities on a neighborhood scale.*

Based on the plan provided, Ms. Johnston said it appears that all the landscaped areas and plaza areas have been counted towards the open space calculation, which does not technically meet the definition provided above. The parking lot islands and landscaping around the buildings should not be included in this calculation. However, Planning staff believes the following features do meet the ordinance requirements and can be counted towards the five percent open space:

- The large open plaza planned between the two buildings which face Stadium Drive would qualify because it provides opportunities for social interaction within the PUD.
- The pedestrian connections and the landscaped buffer zones that surround these connections can be counted as they enhance the value and safety of the PUD, shape and guide the design of the PUD and provide opportunities for social interaction because they afford access to the pedestrian plaza.
- The open space area at the corner of Drake Road and Stadium Drive, which includes the decorative designed retaining wall and landscaping that enhances safety and values and helped to guide and shape the development of the PUD.

Based on Staff's rough estimate of the square footage of these areas, a total of 1.7 acres can be calculated, which would meet the requirements of the ordinance. In addition to the open space areas on site, the applicant has entered into an agreement with MDOT to maintain their acreage of open land adjacent to the development near US-131. This property will remain undeveloped.

Ms. Johnston said according to Section 60.440: Review Criteria, the Planning Commission should consider the following Standards of Approval items, 60.441 – 60.448 when reviewing a commercial PUD concept plan and provided explanations for each item:

60.441: The overall design and land uses proposed in connection with a planned unit development shall be consistent with the intent of the planned unit development concept and the specific design standards set forth herein.

The uses planned within the PUD are retail, office and restaurant uses. These are all compatible with a commercial PUD or commercial "center." The PUD also meets the guidelines for development outlined in Section 60:430 Design Standards. Overall, the uses and design of the PUD are supported by the Zoning Ordinance.

60.442: The proposed planned unit development shall be consistent with the goals, objectives, and development principles identified in the Township Master Plan including applicable Sub-Area Plan contained in the Master Plan.

The proposed PUD is located within the Century Highfield Sub-Area Plan of the Master Plan. This section of the Township was designed as a sub-area of the Master Plan because of the significant opportunities for future development and redevelopment in the area. At the time of the Master Plan, the Corner@Drake project was in its infancy and therefore the site was still being underutilized as residential. The Sub-Area Plan recognizes the significance of this location as a gateway into the Township and therefore recommended some flexibility in uses within the Gateway Commercial North district. A mix of commercial and residential uses at a density greater than existed when the Master Plan was adopted was envisioned for the Gateway Commercial North designation. In addition, the Century Highfield Sub-Area Plan specifically mentions the use of planned unit developments as a way to allow for development flexibility. The Corner@Drake project fits into the outcomes proposed by the Sub-Area Plan.

60.443: The proposed planned unit development shall be serviced by the necessary public facilities to ensure the public health, safety, and welfare of the residents and users of the development.

The PUD is served by both public water and sanitary sewer. Public facilities will also be utilized to handle a portion of the stormwater runoff from the development.

60.444: The proposed planned unit development shall be designed to minimize the impact on traffic generated by the development on the surrounding land uses and road network.

Circulation and traffic impacts from the development were closely scrutinized when Century Avenue was fully constructed for the development of Costco. The developer coordinated with the owners of the property to the east (former Kmart) to consolidate their existing driveways into one that was aligned and signalized with Century Avenue.

The location of this intersection, the lane alignment on Drake Road, and the requirement for the traffic signal were well studied and evaluated by a variety of different agencies and engineers. The applicant submitted a traffic study when Costco was developed to support the commercial center. The study was reviewed carefully by MDOT and the City of Kalamazoo (who maintains Drake Road in this location). The Township worked with these agencies and the developer to design the circulation of the project so that it functioned effectively with the improvements to Stadium Drive and the US-131 intersection completed by MDOT. All agencies were satisfied that the proposed changes would not negatively impact Drake Road or Stadium Drive, and would in fact improve circulation patterns.

60.445: The proposed planned unit development shall be designed so as to be in character with surrounding conditions as they relate to the bulk and location of structures, pedestrian and vehicular circulation, landscaping, and amenities.

The design of the PUD, character of the building facades, pedestrian circulation, landscaping and amenities proposed on the site have all greatly enhanced the character of the area. The retaining wall design feature has considerably improved this gateway point to the Township. Overall the quality of development within the Corner@Drake PUD is a significant improvement to this area of Oshtemo Township.

60.446: The proposed planned unit development shall be designed and constructed so as to preserve the integrity of the existing on- and off-site sensitive and natural environments, including wetlands, woodlands, hillsides, water bodies, and groundwater resources.

Development within the Corner@Drake PUD has already occurred and all on-site grading has been completed. Designing the PUD with the intent to preserve natural features is no longer possible.

60.447: The designated open space shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, agricultural use, recreation, visual impact, and access.

The designated open space within the PUD is primarily designed for access and the safety and enjoyment of the PUD by pedestrians, as well as the visual impact it provides outside of the development. The function of a commercial center does not lend itself to the other open space opportunities outlined in Section 60.447.

60.448: The proposed planned unit development shall comply with all applicable Federal, State, and local regulations.

The development has already received any required outside organization approvals. These occurred when Costco and the other sites already approved by the Township were submitted.

Ms. Johnston said staff has worked closely with the applicants and their team for several months as this development project has evolved. The placement of a PUD over these properties will result in a more cohesive development and will allow for some flexibility within the Zoning Ordinance. If the Planning Commission approves the PUD Concept Plan, the following deviations from the Zoning Ordinance will occur:

1. Reduced setbacks, specifically for the financial institutions drive-thru lanes.
2. Relief from 0.1 foot candle light limit between sites.
3. Relief from necessary landscape buffer widths—specifically allow no buffers between some parcels, and reduce necessary buffer width along Drake Road to 20 feet.
4. Allow for an off-site sign for the uses that will be included on the multi-tenant sign located on Drake Road.

5. Allow 238 parking spaces to be dimensioned at 9' x 18' as opposed to the 10' x 20' generally required.

Ms. Johnston concluded by saying Planning staff recommended approval of the Corner@Drake PUD Concept Plan with the following conditions:

1. Allow the following deviations from the Zoning Ordinance:
 - Allow for a reduction in side and rear yard setbacks within the PUD.
 - Allow a reduction in the front yard setback from Stadium Drive to a minimum of 35 feet.
 - Relief from 0.1 foot candle light limit between sites.
 - Relief from necessary landscape buffer widths—specifically allow no buffers between parcels and reduce the necessary buffer width along Drake Road to 20 feet.
 - Allow for an off-site sign for the uses that will be included on the multi-tenant sign located on Drake Road.
 - Allow 238 parking spaces to be dimensioned at 9' x 18' as opposed to the 10' x 20' generally required.
2. A public hearing be held to establish the Special Exception Use on the approved site plans.
3. The submission of a revised Open Space Plan showing the areas delineated by staff in the 02-03-2016 memo.

Chairperson Loy thanked Ms. Johnston for her presentation and asked if there were questions for her from the Board.

Ms. Smith asked about the nature of other businesses to come within the proposed PUD.

Ms. Johnston said in addition to Kellogg and Consumers Credit Unions and Field and Stream, Old National Bank, two restaurants and 2 – 5 retail shops are expected.

Ms. Jackson asked for clarification on the Drake Road buffer requirement.

Attorney Porter concurred with Staff's belief that requiring a buffer and an additional 10 feet for a path would be punishing the developer.

In answer to a question from Ms. Farmer about why the MDOT agreement is not included in the PUD, Ms. Johnston explained the applicant has agreed with MDOT to maintain the whole area around the perimeter, including MDOT's property.

Attorney Porter pointed out the applicant cannot acquire the MDOT property for five years, but may be able to acquire it at some point.

Ms. Farmer pointed out the 10 foot path developed in concert with the Township goes toward the current Township Board vision of making the Township walkable; the path would be similar to the path in front of the Township Hall and could link both north and south on Drake Road as more pathway is developed.

Attorney Porter said the goal of the Township is to have a walkable path the entire length of Drake Road from Stadium north to the Kal Haven Trail and south to meet with W.M.U.

There were no further Board questions; Chairperson Loy asked if the applicant wished to speak.

Mr. Kurt Aardema, AVB Builders, 1451 W. Maple Street, said although there was no PUD Ordinance in place at the beginning of the Corner@Drake project it was always the vision, and now they are excited to be able to work within this plan, provide new design elements and to cooperate in providing a 10 foot wide path. He appreciated the thorough staff report

Chairperson Loy said since the Township will be responsible for maintaining the 10 foot wide path he would like to see the developer provide an easy way for a plow truck to get on and off the path efficiently and easily. Mr. Aardema said he would work with the Engineer to make sure that will occur.

The Chairperson said the project is well designed and should work well within the PUD.

Mr. Aardema reported the shared tenant sign is underway and will fit well with the character of the development, utilizing much of the same types of building materials.

The Chairperson determined there were no members of the public who wished to address the Board and moved to Board Deliberations. He commended Ms. Johnston on her excellent presentation.

Ms. Jackson liked the plan and that it was made much better with the PUD.

Ms. Farmer expressed her distress over how much space is devoted to pavement for parking. Trees that were on site were too mature and overgrown to preserve and there were contaminants on the site, but natural space was not preserved and there is a lot of concrete, even though Ordinance requirements were met.

Ms. Jackson made a motion to approve the concept plan, including the listed deviations from the Zoning Ordinance, proposed by AVB Builders to establish a commercial planned unit development (PUD) for 21.7 acres within the Corner@Drake commercial center contingent upon the three recommended staff conditions. Ms. Farmer supported the motion. The motion passed unanimously.

Old Business

There was no old business; Chairperson Loy moved to the next item.

Any Other Business

Sign Regulations in the Village Form-Based Code Overlay District

Ms. Johnston indicated there has been some difficulty in enforcing part of the Village Form-Based Code Architectural Design Standards, specifically: "Section 34.670.B.4: internally lit plastic letters or plastic box signs shall be prohibited."

She provided some background on this situation and asked if Commissioners would be open to allow staff to bring a recommendation regarding how to manage the situation and outlined several possible solutions.

After some discussion, the Board agreed it would be appropriate to address the situation and asked Ms. Johnston to return with a recommendation.

PLANNING COMMISSIONER COMMENTS

Ms. Jackson reminded the Board of the joint meeting to be held Tuesday, February 16.

Ms. Johnston said a letter and certificate of appreciation for Mr. Schley's service on the Planning Commission would be mailed to him.

ADJOURNMENT

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Loy adjourned the Planning Commission meeting.

The Planning Commission meeting was adjourned at approximately 8:35 p.m.

Minutes prepared:
February 15, 2016

Minutes approved:
February 25, 2016