

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD DECEMBER 11, 2014

Agenda

PUBLIC HEARING: PLANNING COMMISSION TO REVIEW APPLICATION OF BRONCO DEVELOPMENT, LLC, FOR TENTATIVE APPROVAL OF A PRELIMINARY PLAT FOR A 25-UNIT RESIDENTIAL SUBDIVISION (TUSCANY EAST) LOCATED ON WEST L AVENUE JUST EAST OF THE EXISTING TUSCANY SUBDIVISION WITHIN THE RR RURAL RESIDENTIAL DISTRICT (PARCEL # 3905-30-205-026).

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, December 11, 2014, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairperson
Fred Antosz
Wiley Boulding, Sr.
Millard Loy
Richard Skalski

MEMBERS ABSENT: Dusty Farmer
Pam Jackson

Also present were Greg Milliken, Planning Director; James Porter, Attorney; and Martha Coash, Meeting Transcriptionist. There were approximately eight other people in attendance.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

AGENDA

The Chairperson asked for a motion to approve the agenda.

Mr. Loy made a motion to accept the agenda as presented. Mr. Skalski seconded the motion. The motion passed unanimously.

Chairperson Schley noted there would be brief items under “Other Business” and a special presentation under “Commissioner Comments.”

PUBLIC COMMENT ON NON-AGENDA ITEMS

Chairperson Schley asked if anyone in attendance wished to comment on non-agenda items.

There were no public comments on non-agenda items. Chairperson Schley moved to the next item on the agenda.

APPROVAL OF THE MINUTES OF OCTOBER 23, 2014

The Chairperson asked if there were any additions, deletions or corrections to the minutes of the Meeting of October 23, 2014. Hearing none, he asked for a motion to approve the minutes.

Mr. Skalski made a motion to approve the minutes of the October 23, 2014 meeting. Mr. Loy seconded the motion. The motion was approved unanimously.

Chairperson Schley moved to the next item on the agenda.

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Chairperson Schley said the next item on the agenda was the public hearing to review the application from Bronco Development, LLC, for a preliminary plat for a 25-unit residential subdivision. He asked Mr. Milliken to provide the staff report on the request.

Mr. Milliken said the request before the Board was for Tentative Approval of the Tuscany East Preliminary Plat (Step One of Subdivision Review)

He explained the proposed development is a 25 lot residential subdivision located on the south side of L Avenue. It is located on approximately 30 acres of land between Van Kal Street and 2nd Street immediately east of the existing Tuscany Subdivision. The applicant owns the property and proposes to develop the subdivision as an extension of the adjacent subdivision, which they have also taken over for development. The existing road network will be extended and continue back to 2nd Street.

Mr. Milliken noted this is the first subdivision plat that has been reviewed in the Township in many years (and first residential development to be submitted in nearly two years) and provided a quick review of the process.

Subdivision plat review is a strictly regimented process with the procedures dictated by State statute. The Township Ordinance (Section 290.004 of the General Ordinances) does a good job of mirroring those requirements. There are strict timelines on Township reviews, requirements for the applicant to obtain other agency approvals, and timelines for the applicant to complete subsequent steps following approval.

In total, the process involves three steps before the Township. Tentative approval of the Preliminary Plat is the first step. It is a fairly conceptual review. The purpose is to evaluate the proposal for compliance with zoning requirements and general consistency with the overall requirements of the Ordinance. This allows the applicant to gain a broad understanding of where the project stands and any changes that may need to be made before undertaking the time and expense of the detailed engineering required in step two. Step one approval requires a public hearing at the Planning Commission and then Township Board approval.

Step two then provides the detailed engineering that accompanies the road plans, grading, stormwater drainage and detention, and utilities. It also includes more specific approvals from a variety of other agencies. Step two only requires Township Board approval. Following this approval, construction of the infrastructure can begin.

Step three is the final step and occurs once infrastructure is completed. Step three allows for review and approval of legal documents, agency approvals, and as-built plans. It is the Township's chance to confirm everything was done according to the approved plan and in compliance with the appropriate standard.

Mr. Milliken said the proposed 25 lot subdivision will occupy 26 acres of the 30 acre parcel. Four acres are being divided along the L Avenue frontage for an existing home and barn. The proposed lots vary between 24,243 square feet (0.56 acres) and 1.34 acres. There is no minimum lot size in the RR district; the density is limited to one unit per acre. The minimum lot width is 100 feet measured at the building setback line. The proposed lots satisfy both of these requirements.

He said building envelopes have been drawn on each of the proposed lots showing the required setback distances. The western lots have been arranged to align with the existing lots in the Tuscany subdivision. Ample room has been provided on each lot for construction.

He noted the development will be served by private well and septic systems as public water and sewer are not available in this area.

Mr. Milliken explained the existing public road network that currently ends in the Tuscany subdivision at the terminus of Mirabella Avenue is proposed to continue into

the south end of the proposed subdivision and connect to a new, parallel public road named Sienna Street providing access to the new lots. Consistent with Township requirements, Sienna Street has been extended to the north property line to allow for future connections, and a stub street has been provided to the east as well. These roads are shown as public roads and will be built to County Road standards. Per Ordinance requirements, sidewalks and street lights will also be included.

Mr. Milliken reported the applicant has submitted the preliminary plat to a variety of different offices and agencies for preliminary review. The Oshtemo Township Fire Department has reviewed the plans and indicated they have no concerns. The Kalamazoo County Road Commission has also conducted a review of the development and its road network, but a response from them has not yet been received and would need to be a condition of approval.

The Township Engineer has submitted a review memo, which is included in the packet. He raises some concerns regarding the feasibility or logistics of the development of the site due to the required grading, clearing, and filling in order to achieve the desired layout with the existing topography and proposed layout. The southern portion of the site is characterized by large, rolling hills and dense woodlands. The details of development within these constraints will be addressed during step 2 of the approval process. However, the concerns are raised at this time to ensure the development is feasible and that the applicant is aware of the constraints.

He concluded by saying the topography and natural features provide some challenges for development of this property. Besides just the protection of the natural features, the grading and final layout will need to ensure storm water is maintained on site and does not flow onto adjacent properties. Those issues will be addressed during the Step 2 review. The preliminary plat appears to satisfy the requirements of the Subdivision Ordinance and presents a reasonable plan for continuation of the existing development to the west.

Mr. Milliken told the Planning Commission he recommended approval of the preliminary plat to the Township Board with the condition that the applicant shall submit correspondence from the Kalamazoo County Road Commission with the agency's recommendation regarding the proposed layout.

Mr. Schley thanked Mr. Milliken for the report and asked whether there were questions for staff from Commissioners.

Mr. Antosz asked for a definition of a "block."

Mr. Milliken said he would have to look up the definition provided in the Ordinance.

Mr. Antosz wondered if the 1000 feet cited in the Ordinance referred to both sides of the street and what 1000 feet constitutes in terms of a block.

Attorney Porter said only one side of the street was measured for a single distance.

Chairperson Schley explained that in the past the Planning Commission has considered a single street that dead-ends, and that applying the 1000 feet dimension was an issue of safety in order to provide safe turnaround for fire and other emergency vehicles in case the main entrance was plugged.

Mr. Milliken noted connectivity is also a concern. He said this case is challenging because not a lot can be done in the traditional grid-style development. He said he didn't have the historic context regarding how a block has been interpreted in the past.

Mr. Skalski said the south end of the street is certainly a dead-end providing no opportunity for a safe, complete turnaround; there should be consideration to provide for that maneuver.

Mr. Milliken indicated that the plans do call for a cul-de-sac easement for a turnaround; that would be the type of thing that would be considered in more detail in step two in an engineering plan.

Hearing no further questions for Mr. Milliken from the Board, Chairperson Schley asked if the applicant wished to speak.

Mr. Tom Stephenson, Stephenson Land Surveying, 27873 White Street, Cassopolis, MI, said he would be the face of this project from start to finish and would see the project through to the state level. He explained the block length is attached to the existing Tuscany development to utilize those lots. Their block length was longer because of the retention area. A temporary easement of 60 feet at the cul-de-sac to be approved by the Road Commission is included in the plan. He noted he has met with the Road Commission on some minor issues and performed backhoe cuts for soils and is working with the health department on test wells.

There were no questions for Mr. Stephenson. Chairperson Schley asked if there were any public comments.

Mr. Steven Budzynski, 9324 West "O" Avenue, asked if the project would include a gas line coming down West "L" Avenue.

Mr. Eric Lampart, 10199 West L Avenue, said he was curious to know how close houses would be built to his property and if lots would be run all the way down the line.

Ms. Darcy Assink, 1750 Toscana Street, wondered if buildings in the new subdivision would have similar restrictions and size requirements to the existing subdivision.

Chairperson Schley asked Mr. Milliken about property setbacks.

Mr. Milliken said that the minimum rear yard setback requirement is 15 feet and the front yard setback is a minimum of 30 feet. Most of the lots are about 200 feet deep.

Chairperson Schley said there were no guarantees as to what one might see regarding where buildings might be on the lot other than the setback requirements, but that generally homes are built closer to the front setback.

Mr. Stephenson said he did not have an answer for the gas line question. He said he expects the building restrictions to be the same as those for the original Tuscany subdivision.

Chairperson Schley noted this is conceptual level review and that engineering related questions would be addressed in step two, if the plan goes forward. He said Mr. Milliken pointed out that, as presented, the subdivision design meets the ordinance description. The Chairperson said he was on the Planning Commission when the original Tuscany development was approved and that from a concerns standard for safety and access the plan for Tuscany East will substantively enhance what was approved for the original Tuscany development. It allows access for emergency vehicles from the other direction and is not a problem with the standard. It has also been laid out for stub streets to provide continuity.

Mr. Milliken said he had the chance to review the ordinance and that the dead-end roads are limited to 660 feet - to go beyond that, approvals are required. Block length is limited to 1000 feet, so there is clear distinction between a dead-end and a block. In this case, looking at this one two-sided road, you look at both sides of the road, which is where he gains comfort with the layout. If all of the "U-shaped" loop were coming in, it might require a closer look at an east to west connection road, but he is comfortable with compliance in this case.

The Chairperson noted Assistant Fire Chief Wiley did not have any concerns, but that Engineer Marc Elliott cited concerns regarding the water spill from neighbor to neighbor and will look at grading issues if the project is approved.

Chairperson Schley determined there were no further concerns from Commissioners and asked if there was a motion to recommend approval.

Mr. Loy made a motion to recommend tentative approval to the Township Board of the Tuscany East Preliminary Plat (step one of Subdivision review) with the condition that the applicant submit correspondence from the Kalamazoo County Road Commission detailing the agency's recommendation regarding the proposed layout. Mr. Skalski supported the motion. The motion carried unanimously.

OLD BUSINESS/ANY OTHER BUSINESS

Chairperson Schley asked if there was old business or any other business to come before the Commission.

Mr. Milliken distributed to the Board a proposed schedule of meetings, generally the second and fourth Thursdays at 7:00 p.m., and he indicated it would be published unless they had suggested changes. He noted the first meeting in January will include election of officers for 2015.

He informed the Board the zoning ordinance amendments were adopted at the last Township Board meeting and that the Planning Commission received kudos from the Board for its work on that issue.

Mr. Milliken also said a resolution on complete streets was adopted by the Township Board, which is a big step toward implementing the Township's non-motorized plans and goals.

PLANNING COMMISSIONER COMMENTS

Chairperson Schley presented a certificate of appreciation to retiring Board Member Richard Skalski, signed by Commissioners, and thanked him for his good work, noting the Board would miss him and his particular expertise.

Mr. Skalski thanked Planning Commissioners for their insight and support, noting the team effort involved, said he had enjoyed his time on the Board and intended to remain connected to the area.

Mr. Boulding, Sr. thanked Mr. Skalski for befriending him when he joined the Board, and expressed his gratitude for his guidance.

Chairperson Schley expressed his appreciation for Mr. Skalski's service and wished everyone blessings throughout the holiday season.

ADJOURNMENT

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Schley asked for a motion to adjourn.

Mr. Boulding, Sr. made a motion to adjourn. Mr. Loy seconded the motion. The motion carried unanimously.

Chairperson Schley adjourned the Planning Commission meeting at approximately 7:34 p.m.

Minutes prepared:
December 12, 2014

Minutes approved:
February 26, 2015