

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION MEETING**

**MINUTES OF A WORK SESSION AND PLANNING COMMISSION MEETING HELD  
June 28, 2018**

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**PLANNING COMMISSION WORK SESSION**

**Agenda**

**DISCUSSION OF ZONING ORDINANCE RE-ORGANIZATION**

- a. Re-Organized Code – Update from Staff**
  - b. Agritourism**
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A work session of the Oshtemo Charter Township Planning Commission was held on Thursday, June 28, 2018, commencing at approximately 6:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Cheri Bell, Chairperson  
Fred Antosz  
Dusty Farmer, Secretary  
Micki Maxwell  
Bruce VanderWeele, Vice Chairperson  
MEMBERS ABSENT: Ollie Chambers  
Mary Smith

Also present were Julie Johnston, Planning Director and James Porter, Attorney.

**a. Re-Organized Code – Update from Staff**

Ms. Johnston indicated that staff is working on finalizing the re-organized zoning ordinance. She is completing a review to ensure all cross references are accurate and that all of the charts and tables have been included in the code.

Ms. Maxwell asked about how the new code would be presented to the Commission. Would it be a hard copy? Further discussion was had between the Board members about how they would like to receive the re-organized ordinance.

It was determined that Ms. Johnston would provide the re-organized code in a notebook for each of the Commissioners. The notebooks could be used throughout the process to amend the ordinance.

## **b. Agritourism**

Ms. Johnston reminded the Board of the amendments to the Agritourism ordinance requested to date. She then described the development of a Category 3 option in the Agritourism ordinance, which would allow events not directly related to agriculture but were more about the rural character of area.

The Planning Commission continued their discussion on Agritourism 2, making some minor edits to the draft language for continued discussion at the July work session.

The Planning Commission work session ended at approximately 6:50 p.m.

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## **REGULAR PLANNING COMMISSION MEETING**

### **Agenda**

#### **PUBLIC HEARING:**

**SPECIAL EXCEPTION USE/SITE PLAN – RESIDENTIAL CONDOMINIUM DEVELOPMENT CONSIDERATION OF AN APPLICATION FROM GREG WATTS OF PRIME HOMES FOR THE DEVELOPMENT OF A RESIDENTIAL CONDOMINIUM ON APPROXIMATELY 4.28 ACRES OF A 10.25-ACRE VACANT PARCEL LOCATED AT 8TH STREET AND GLENORA LANE IN THE R-3: RESIDENCE DISTRICT. PARCEL NO. 3905-24-220-110.**

***THIS ITEM WAS TABLED FROM THE JUNE 14, 2018 MEETING AT THE REQUEST OF THE APPLICANT.***

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A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, June 28, 2018, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT:	Cheri Bell, Chairperson Fred Antosz Ollie Chambers Micki Maxwell Dusty Farmer, Secretary Bruce VanderWeele, Vice Chairperson
MEMBER ABSENT:	Mary Smith

Also present were Julie Johnston, Planning Director, James Porter, Attorney, Martha Coash, Meeting Transcriptionist, and two interested persons.

## **Call to Order**

The meeting was called to order by Chairperson Bell at approximately 7:00 p.m.

## **Pledge of Allegiance**

Chairperson Bell invited those in attendance to recite the Pledge of Allegiance.

## **Approval of the Agenda**

The Chair asked if there were any additions or deletions to the agenda.

Hearing none, she asked for a motion.

Mr. Antosz made a motion to approve the agenda as presented. Mr. VanderWeele supported the motion. The motion was approved unanimously.

## **Public Comment on Non-Agenda Items**

There were no public comments on non-agenda items.

## **Approval of the Minutes from the Meeting of June 14, 2018**

Chairperson Bell asked if there were additions, deletions or corrections to the Minutes of June 14, 2018.

Hearing no further comments, Chairperson Bell asked for a motion.

Ms. Maxwell made a motion to approve the minutes of June 14, 2018 as presented. Mr. Chambers supported the motion. The motion was approved unanimously.

## **PUBLIC HEARING: SPECIAL EXCEPTION USE/SITE PLAN – RESIDENTIAL CONDOMINIUM DEVELOPMENT CONSIDERATION OF AN APPLICATION FROM GREG WATTS OF PRIME HOMES FOR THE DEVELOPMENT OF A RESIDENTIAL CONDOMINIUM ON APPROXIMATELY 4.28 ACRES OF A 10.25-ACRE VACANT PARCEL LOCATED AT 8TH STREET AND GLENDOORA LANE IN THE R-3: RESIDENCE DISTRICT. PARCEL NO. 3905-24-220-110.**

Chairperson Bell asked Ms. Johnston to review the special exception use/site plan application for the Board.

Ms. Johnston explained the applicant was seeking to develop an attached condominium project on approximately 4.28 acres of a parcel totaling 10.25 acres. Per the requirements of Section 23.401 of the R-3: Residence District, this request is a special exception use. In addition to the criteria for approval under Section 60.000:

Special Exception Uses, there are some specific zoning regulations which must be met. These requirements are outlined later in this memo.

She reminded the Board that new ordinance language was developed to regulate attached condominium projects. However, this project was submitted before the new language was officially adopted by the Township. Therefore, this site plan is governed under the old ordinance, which is Section 23.401 of the R-3: Residence District and Section 82.000: Site Plan Review. The special exception use is governed by Section 60.000 and the criteria for review outlined under that ordinance.

She said the Emberly Acres condominium project was originally approved by the Planning Commission as a special exception use on February 12, 1998. The previous project totaled six acres, which were zoned R-3, and included 23 units in eight building clusters. At some point after the approval, the infrastructure for the development was built, including a storm water detention basin, water, and sanitary sewer lines. In addition, two of the three unit buildings were constructed for a total of six units. The original site plan is provided as part of this memo.

At some point past this date, construction on the project ceased and we believe the builder walked away from the project. In 2006, the original six acres was divided into two separate parcels, one totaling 1.56 acres and containing the original six units and is owned and maintained by the Emberly Acres Homeowners Association and one totaling 4.28 acres, which was sold to a new owner.

She said Prime Homes approached the Township in the fall of 2017 indicating they purchased the property and wanted to possibly complete the development under the 1998 approved site plan. Per Section 82.900: Conformity to an Approved Site Plan, as long as construction started within a year of approval, the site plan is valid. However, to continue with construction the new project would have had to conform to the original site plan. Due to storm water issues in this area, there was no way to make this happen. In addition, the developer wanted to make some changes to the site design, particularly the placement and design of the new residential units.

Staff indicated that a new site plan would be required and special exception use approval sought through the Planning Commission. There have been a number of concerns with the development of this project. The asphalt drive for the development was never included in a dedicated easement or included as part of the limited common elements of the existing condominium. In addition, when the 4.28 section of the site was parceled off, the drive was included on this parcel and not the parcel where the existing condominium homes were located. That meant the existing units had to access the drive on a separate parcel to reach 8<sup>th</sup> Street. Also, the private utilities that service the 4.28 acres are located across the Emberly Acres condo property, which meant the new condo needed permission to connect to the existing system.

Because these are two separate parcels, cross access agreements are needed to ensure continued access for both parties to the road and the utilities. Prime Homes

and the Emberly Acres Homeowners Association were able to come to an agreement and the legal documents were provided to the Township for our records.

Ms. Johnston reviewed Zoning Ordinance criteria for Board consideration:

**A. Is the proposed use compatible with the other uses expressly permitted within the R-3: Residence District zoning classification?**

As a residential district that supports up to four dwelling units per acre, the proposed Emberly Acres II project is compatible with other residential and office uses allowed within the R-3 District. Maintaining the density of four dwelling units per acre regardless of the style of the residential development (attached or detached) assists with compatibility of this development with other use types in the District.

**B. Will the proposed use be detrimental or injurious to the use or development of adjacent properties or to the general public?**

The adjacent properties to the north are the existing Emberly Acres condominium and the LaSalle Subdivision. Both are residential uses allowing four dwelling units per acre. The purpose statement of the R-3 District states the following:

*This district classification is designed as a transitional zoning classification to permit residential development together with other facilities that do not generate large volumes of traffic, traffic congestion and parking problems, and are designed so as to be compatible with surrounding residential uses.*

The continuation of the condominium residential use provides a transition to Stadium Drive, allowing a residential buffer to the single-family homes. In addition, the design of the project has only one three unit building where the full face of the building is adjacent to the single-family subdivision, minimizing the impacts to the adjacent neighbors.

**C. Will the proposed use promote the public health, safety, and welfare of the community?**

The proposed use should not be a hindrance to public health, safety, and welfare. In addition, the continuation of the condominium project will allow the new development to better manage storm water issues found in this area.

**D. Will the proposed use encourage the use of the land in accordance with its character and adaptability?**

Since a condominium development was previously approved for the full 6 acres zoned R-3 in this area, permitting the new site plan under the same use will allow the land to be built in accordance with its intended character.

Ms. Johnston said the proposal for the site plan will extend the existing Glendora Lane to the west, ending in a one-way cul-de-sac. The 17 new units will be designed in five new building clusters. Three of the buildings will be three-unit structures and two buildings will contain four units. Each unit will have its own garage and driveway for guest parking. Individual herbie curbies will be utilized so no dumpster enclosures are required. Required setbacks between the buildings and at the property lines were met.

She noted Section 23.401 of the R-3 District allows three and four family dwelling units with the following restrictions:

1. The buildings may not be more than two stories in height.
2. Dwelling unit density shall be limited to a maximum density of four units per acre.
3. Public sanitary sewer facilities shall be provided as part of the site development.

Ms. Johnston reported all three requirements have been met for this development. The total number of units requested is 17 at a density of 4 dwelling units per acre. Public water and sewer are both available to this parcel and the building elevation drawings are not more than two stories in height.

She explained the only outstanding zoning concern is related to the landscaping planned onsite. One of the shrubs, Buckthorn, is an invasive species and an alternate plant material needs to be provided.

There were a variety of storm water and infrastructure issues to be resolved with the development of this site plan. The Public Works Director had an opportunity to review the most recent plan set for this development and still had a number of engineering concerns, which could be handled administratively prior to the issuance of any building permit. Ms. Johnston said approval for the site plan should be conditioned on compliance with issues noted in the Public Works Director's June 21, 2018 memo.

She noted the Fire Marshal has signed off on the plan as presented.

Ms. Johnston recommended the Planning Commission approve the Special Exception Use for the residential condominium project called Emberly Acres II, saying the request satisfied the criteria outlined in Section 60.000: Special Exception Uses. In addition, staff is satisfied the site plan can be approved with the following conditions:

1. A revised Sheet 4 indicating a new species of shrub to replace the Buckthorn plant that is currently planned.

2. Resolution of the concerns/conditions outlined in the June 21, 2018 memorandum from the Township's Public Works Director prior to the issuance of any building permits.

Chairperson Bell asked if Commissioners had questions.

Ms. Johnston confirmed the total parcel is over 11 acres, just that the zoning is split on the site between R-2 and R-3.

There was discussion regarding the possibility of access/connectivity if the remaining parcel is developed in the future. Ms. Johnston indicated the R-2 portion of the site could connect to the public road to the north of the site. The private condominium would just connect to 8<sup>th</sup> Street.

In answer to a question from Chairperson Bell regarding required green space, Ms. Johnston said the requirement of 10 feet for residential to residential has been met.

Ms. Farmer wondered about different owners for the same parcel of land, noting that the HOA for the new condo would own their acreage and the remaining would be owned by Mr. Watts.

Ms. Johnston explained the HOA will own the ground for their condos and that when it was time to turn the development over to the HOA, the developer would have to complete a lot split between the HOA property and the remainder of his property to the west.

Attorney Porter indicated this is common practice; the condo owner has a controlling percentage of ownership. It is common to keep it until the tipping point is reached. He also noted the new ordinance changes are not yet in effect the second reading prior to approval occurred at the last meeting. The applicable ordinance is the one in effect when an application is submitted.

Ms. Johnston noted handling of storm water was a concern. Township staff worked with the applicant to agree upon a new storm water management plan that will be more effective. She added the total number of units from the old plan to the new plan remains at 23.

Hearing no further questions, the Chair asked if the applicant wished to speak.

Mr. Greg Watts, 415 Treasure Island Drive, Mattawan, indicated he would answer any questions Commissioners might have.

Chairperson Bell asked if he was willing to work to address the concerns outlined in the memo from the Public Works Director.

Mr. Watts indicated in the affirmative.

The Chair asked if there were any public comments.

Ms. Mary Jo Easter, 7042 Glendora Lane, homeowner in the original Emberly Acres development, had several questions and concerns. She asked for clarification regarding, 1) what type of safety fencing or measures would be required for the two proposed retention ponds, 2) expressed concern about water problems with existing pond number one due to construction that was too shallow, and 3) wondered what the plan is for private/public sanitary sewers.

Attorney Porter said regarding the sewer and use, the developer met with the attorney for the Emberly Acres Homeowner's Association, he thinks they worked through all the issues and came to agreement. The Township Engineer wants a portion of the sewer to be public. The condition of the sewer is being reviewed to that end; the lines to individual homes will remain private.

Ms. Johnston indicated there is no fencing required for the ponds to be added. It is not required for them to be decorative. They are not intended to hold water.

Attorney Porter explained the slope and grade are gradual enough to walk in and out. Some non-residential areas require fences in some circumstances for this type of pond. He assured Ms. Easter the Engineer will look at the situation carefully and they will be inspected during construction.

Ms. Johnston felt some of Ms. Easter's questions might better be answered by Marc Elliott, Township Engineer.

Ms. Farmer said that when Ms. Easter or any other residents had concerns it was not necessary to wait for a public meeting to express them and encouraged her to speak with Township staff.

There was no further public comment; Chairperson Bell moved to Board Deliberations.

Ms. Farmer felt the plans and circumstances had been reviewed and explained very well. She has grown to appreciate the Township Engineer's oversight during the last couple of years, particularly his care ensuring that storm water is managed.

Mr. VanderWeele noted water increasingly pushes project design aspects.

Hearing no further comments, Chairperson Bell asked for a motion.

Mr. VanderWeele made a motion to approve the special exception use request and the site plan as presented, based on the recommendation of Staff, and including the two staff conditions for the site plan as stated. Ms. Farmer supported the motion. The motion was approved unanimously.

## **Old Business**

There was no old business.

## **Any Other Business**

No items.

## **PLANNING COMMISSIONER COMMENTS**

Ms. Maxwell thanked Attorney Porter for his helpful memo to Commissioners regarding land rezoning.

Chairperson Bell noted Ms. Johnston is working on a training presentation for Commissioners.

## **ADJOURNMENT**

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Bell adjourned the meeting at approximately 7:47 p.m.

Minutes prepared:  
June 29, 2018

Minutes approved:  
July 26, 2018