

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD FEBRUARY 9, 2012

Agenda

OSHTEMO VETERINARY HOSPITAL – SPECIAL EXCEPTION USE AND SITE PLAN APPROVAL – CONSTRUCT A NEW VETERINARY HOSPITAL IN FRONT OF EXISTING OSHTEMO VETERINARY HOSPITAL – 6303 PARKVIEW AVENUE IN “VC” VILLAGE COMMERCIAL DISTRICT AND VILLAGE FORM BASED CODE OVERLAY DISTRICT – (PARCEL NO. 3905-35-210-025)

UPDATES TO COMMUNITY PROFILE CHAPTER OF MASTER PLAN BASED ON CENSUS 2010 RESULTS

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, February 9, 2012, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Kitty Gelling, Chairperson
 Carl Benson
 Dave Bushouse
 Millard Loy
 Wiley Boulding, Sr.

MEMBERS ABSENT: Bob Anderson
 Richard Skalski

Also present were Greg Milliken, Interim Planning Consultant; Attorney James Porter, and approximately six other interested persons.

Call to Order and Pledge of Allegiance

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

Agenda

The Chairperson asked if there were any changes to the Agenda. Hearing none, she called for a motion to approve the Agenda, as submitted. Mr. Loy made a motion to accept the Agenda as submitted. Mr. Benson seconded the motion. The Chairperson called for a vote on the motion, and the motion passed unanimously.

Public Comment on Non-Agenda Items

The Chairperson called for public comment on non-agenda items. There being none, she asked that the Planning Commission move to the next matter.

Minutes

The Chairperson asked if there were any revisions to the minutes of January 26, 2012. Mr. Boulding, Sr. said that the second reference to “Mr. Boulding, Sr.” on page 5, first paragraph, should be “Mr. Buttlemann.” With that correction, the Chairperson called for a motion. Mr. Benson made a motion to approve the minutes, as amended. The motion was seconded by Mr. Boulding, Sr. The Chairperson called for a vote on the motion, and the motion passed unanimously.

OSHTEMO VETERINARY HOSPITAL – SPECIAL EXCEPTION USE AND SITE PLAN APPROVAL – CONSTRUCT A NEW VETERINARY HOSPITAL IN FRONT OF EXISTING OSHTEMO VETERINARY HOSPITAL – 6303 PARKVIEW AVENUE IN “VC” VILLAGE COMMERCIAL DISTRICT AND VILLAGE FORM BASED CODE OVERLAY DISTRICT – (PARCEL NO. 3905-35-210-025)

The Chairperson said the next item for consideration was a special exception use and site plan approval for the Oshtemo Veterinary Hospital. She said the Planning Commission was being asked to conduct a special exception use and site plan review for the application submitted by Bosch Architecture to construct a new veterinary hospital in front of the existing Oshtemo Veterinary Hospital at 6303 Parkview Avenue, in the “VC” Village Commercial District, as well as the Village Form Based Code Overlay District, Parcel No. 3905-35-210-025. The Chairperson called for a report from the Planning Department. Mr. Greg Milliken, Interim Planning Consultant, submitted his report to the Planning Commission dated February 9, 2012, and the same is incorporated herein by reference.

Mr. Milliken proceeded to take the Planning Commission through his report, outlining the applicant’s request for a 3,638 square foot veterinary hospital at the site of their existing facility on Parkview Avenue. Mr. Milliken took the Commissioners through a review of the Village Form Based Code Overlay District conditions, outlining what had to

be done with regard to the Development Standards, Building Type Standards, as well as Architectural Standards and Street Standards. He concluded his Village Form Based Code Overlay District analysis by reviewing other plan review items as set forth on page 5 of his report, including the parking, landscaping, dumpster, engineer and Fire Department review and approval. He then took the Commission through a review of the special exception use criteria contained in Section 60.100 of the Zoning Ordinance.

Once Mr. Milliken had reviewed the special use proposed with the Planning Commission, he then proceeded to take the Commissioners through a review of the site plan and provided his recommended conditions to the site plan as set forth on pages 6 and 7 of his report.

As the conclusion of Mr. Milliken's report, the Chairperson asked if there were any questions. Hearing none, she asked to hear from the applicant.

Mr. Nick Loeks introduced himself on behalf of Bosch Architecture. Mr. Loeks complimented Mr. Milliken on his representation. He said he thought Mr. Milliken had covered all the issues quite thoroughly and indicated he was prepared to answer any Planning Commission questions.

The Chairperson began by asking about the storm water issues raised in Mr. Milliken's report. Mr. Loeks said he agreed with the Township's engineer that there was a need to modify the southern part of the property. He said, in order to reduce the cutting of trees, they would be placing a swale along the temporary drive to the south, approximately 10-12 feet wide and 2-3 feet deep to take the storm water runoff from the building site.

The Chairperson asked about retail sales on site. Mr. Loeks said retail sales would be very minor, consisting of dog food, pet supplies and specific dietary requirements. The Chairperson also asked if there would be regular boarding of animals on site. Mr. Loeks deferred to Dr. Heckaman who provided that there would not; only hospitalized animals would be kept on site such as those having had surgery or in need of IV's.

Mr. Benson asked a question with regard to ADA requirements. Mr. Loeks said the only place which was not fully ADA accessible was the mezzanine, which was permitted, and the rest of the structure would fully comply with ADA requirements.

Mr. Loeks said, with regard to the façade transparency issue and the need to meet the Form Based Code, they could put two or three additional windows in the doctor's office in order to meet the required 231 square feet of window area. After a brief discussion of the Planning Commission members and the Township Interim Planning Consultant, it was agreed that adding the additional windows to the office would suffice to meet the facade transparency requirements.

Mr. Loeks then raised a question regarding building height. He said if the mezzanine did not count as a separate floor, he was wondering if they could keep the floor height at 11 feet 1½ inches versus the 12 feet being requested.

Mr. Benson said, returning to the issue of transparency, that he was not sure how the additional windows would add to the facade transparency. He said he did not have a problem with what was proposed or with the variance, but he was not sure how the additional windows would help with the façade. Mr. Loeks said, if you looked at it from a 3D standpoint, i.e., traveling from west to east, one would see that it is part of the façade. Attorney Porter said he thought it depended upon the angle at which one looked at the building, and he believed it could be considered part of the façade. Mr. Benson said, coming from the west, it would not be visible. Mr. Loeks had to concede that point. However, there was a consensus among the Planning Commission members that the office building was part of the facade.

Mr. Loy asked about putting a drain in and filling in the ditch area. Mr. Loeks said they had looked at that as a possibility, but it still would not help them meet the tree planting requirements.

The Chairperson asked if they could discuss the escrow agreement. Dr. Heckaman, on behalf of the Oshtemo Veterinary Hospital, asked if they could, rather than escrow funds, reach an agreement with the Township that, if a sidewalk was built, they would participate in the construction of the sidewalk or a special assessment district. He emphasized that he already had a lot of money tied up and this is how he would rather handle it. Attorney Porter said that would meet the requirements of the Township's Ordinance.

The Chairperson asked about the hours of the Veterinary Hospital. Dr. Heckaman said the hours would be Mondays through Fridays, 7:30 a.m. – 6:00 p.m. and on Saturday, 8:00 a.m. – 1 p.m.

Mr. Benson inquired about the location of handicapped parking which was located and noted on the site plan.

The Chairperson asked about clients accessing the facility with an animal which was very sick and possibly infecting those animals waiting; Mr. Loeks noted that one examining room had direct access to an outside door for animals which could possibly be contagious.

The Chairperson then asked about the animal cage sizes. Mr. Loeks noted that the cages were 3 feet by 5 feet, and he thought they could handle even the largest size dogs.

There being no further questions from the Planning Commissioners, the Chairperson opened the matter up for public comment.

James Fleckenstein introduced himself to the Planning Commission. He said he lived across the street from the Oshtemo Veterinary Hospital. He asked how far the building would be brought forward and how the drive would be altered. Mr. Loeks said the building would be brought forward to within 10 feet of the property line, and the driveway would be moved west 10 feet. Mr. Fleckenstein thanked the Commission for letting the applicant answer his questions.

Ms. Barb Johnson introduced herself to the Planning Commission. She said she lived just down the street from the Oshtemo Veterinary Hospital, and she was concerned about the effect this would have on the overall community. She asked whether her taxes would go up or down. She also inquired as to how long the dust and noise would exist in the neighborhood.

Mr. Milliken noted that this was already a pre-existing use in the District, and he did not believe the new Veterinary Hospital would substantially alter the neighborhood. He said he could not answer the question about how long it might take to construct the new Veterinary Hospital, and thought that would be a question to be answered by the applicant.

The Chairperson also noted that this was not a new business and asked the applicant how long the Veterinary Hospital had been located at 6303 Parkview Avenue. Dr. Baker introduced himself to the Planning Commission. He said he had originally built the Veterinary Hospital in 1972 when the location was zoned commercial. Mr. Loeks added that the construction time from start to finish would be approximately six months.

There being no further questions from the public, the Chairperson called for Commission deliberations.

Mr. Bushouse pointed out that, in the 1960's, this property was zoned commercial, and when the "VC" Village Commercial District was established, it incorporated much of the pre-existing commercial properties. He said he thought this was a great proposal for the start of the true Village Commercial development.

The Chairperson asked if there was any concern about the fact that the development only occupies 32.3% of the street frontage, rather than 40%. Mr. Benson said, looking at the road frontage, he did not believe that there was enough room to allow any more building frontage, and thought the way it was designed fit within the vision of what the Planning Commission was looking for. Mr. Boulding, Sr. concurred, as did Mr. Loy and Mr. Bushouse.

The Chairperson then asked if there was any problem with the requested side yard setback. Mr. Benson said his previous comment would apply in this situation as well. Given the limited frontage, he thought what the owners were doing with the proposed development was appropriate. Mr. Loy said that the building was laid out well on the property and thought that a slight variance for the interior side yard would be appropriate. Mr. Loeks pointed out that, before the Village Commercial District was developed with an

Overlay Zone, the Township allowed zero lot lines, and he did not think this was much of an adjustment to the overall development. The Chairperson indicated that Mr. Loeks was correct. Mr. Boulding, Sr. said he thought the proposed setback was fine.

The Commissioners again got into a discussion regarding floor height, and Mr. Milliken, after having a chance to confer with the Township Attorney, indicated that he thought the floor height was adequate. He said that if the mezzanine was not considered a floor, then the applicant met the floor height requirements. This was found to be acceptable by the Commissioners.

The Chairperson asked if there were any other comments, and hearing none, she suggested that the Planning Commission divide the matter into two motions, one motion to consider the special exception use, and the other to consider the site plan. The Chairperson suggested that the Commission review the Interim Planning Consultant's report and suggested that the motion include the Standards for Approval as provided in the Consultant's report.

Mr. Loy made a motion to approve the special exception use based on the following determinations, and read from Mr. Milliken's Report dated February 9, 2012, in response to the review criteria as follows:

1. *Is the proposed use compatible with the other uses expressly permitted within the "VC" Village Commercial District?*

The proposed use already exists at the site and has existed there for many years. This represents a redevelopment of the existing use, an upgrade of the present facility, and will be compatible with the other uses permitted within the "VC" Village Commercial District.

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

The proposed use itself should not be detrimental or injurious to the use or development of adjacent properties or the general public. As stated previously, this property has been used as currently proposed for many years, and the impact will not change with the proposed redevelopment.

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

Because the use of the property is not changing, we anticipate very little impact on the public health or safety as a result of the proposed use. Due to the proposed redevelopment in

conformance with the recently adopted Form Based Code, the project will improve the aesthetics of the area and perhaps encourage other similar projects within the District.

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

The land has a significant amount of screening and open space to the rear of the site. By pushing the building forward and moving the parking and animal runs to the rear, this allows for greater use of the natural area and open space as screening for these elements of the project. Further, the design of the project is in character with the surrounding uses and District.

The motion was seconded by Mr. Boulding, Sr. The Chairperson asked for further discussion, and hearing none, called for a vote on the motion. The motion passed unanimously.

The Chairperson said she would entertain a motion on the site plan.

Mr. Benson then made a motion to approve the site plan, subject to the following conditions:

1. An easement for the temporary drive south to Atlantic Avenue shall be secured from Oshtemo Township, the owner of the property to the south. (If such easement is already in hand, a copy shall be provided for the record.)
2. The temporary access route shall satisfy all of the requirements of the Township Fire Department.
3. The Planning Commission accepts the proposed modification from the building standards proposed by the applicant to add three additional windows to the doctor's office in order to meet the façade transparency requirements in compliance with Section 34.500 of the Building Type Standards.
4. The Planning Commission approves the reduction in the east side yard setback subject to any additional Building Code requirements for the structure as may be necessary.
5. Appropriate legal agreements or documentation regarding the deferral of the sidewalk construction shall be developed in consultation with the Township Attorney.
6. The storm water management plan shall be amended as necessary to reflect the concerns of the Township Engineer.

7. A sign permit is required before any new signs may be erected on the site.
8. The dumpster must be enclosed in compliance with the Ordinance before the Certificate of Occupancy is issued.
9. Site plan approval is subject to the approval of the Fire Department, pursuant to adopted codes.
10. Site plan approval is subject to the review and acceptance of the Township Engineer as adequate.

The motion was seconded by Mr. Loy. The Chairperson asked if Item #11 could be added to the motion to require landscaping in compliance with Section 34.740 E. 5 to read as follows:

11. Landscaping and trees shall be installed in compliance with Section 34.750 E. 5.

Mr. Benson concurred with that amendment. The Chairperson called for a vote on the amended motion, and the motion passed unanimously.

UPDATES TO COMMUNITY PROFILE CHAPTER OF MASTER PLAN BASED ON CENSUS 2010 RESULTS

The Chairperson indicated that the next item of business was an update from Interim Planning Consultant Mr. Milliken, regarding the Master Plan Census update. Mr. Milliken took the Commission through a review of Chapter X entitled, "Community Profile," updating the various tables and information regarding population changes which had been changed as a result of the 2010 Census. The Chairperson said she thought this was very informative. Mr. Milliken distributed additional updated charts and information which was to be incorporated into the Master Plan.

Mr. Boulding, Sr. asked the basic purpose for such information. Mr. Milliken said the information was used to plan growth and development in the community, which was directly impacted by zoning for appropriate uses based upon population trends.

Old Business

The Chairperson thanked the Planning Department for working on the statistic changes to Chapter X "Community Profile."

Mr. Benson said he had been considering the request for where a Bed and Breakfast would be appropriately located within the Township. He said he had been wrestling with how to classify this type of use. He said he did not think it qualified as a home occupation. He noted that no residential classes accommodated hotels or motels. He suggested, as the Planning Commission moved forward, that they take into account whether this would involve new or existing structures and whether they would then be allowed to revert to the previous use if they were not successful; he felt often times that Bed and Breakfasts were a labor of love. The Planning Commissioners thanked him for his input. Mr. Milliken said he would continue to work on this matter for future sessions.

Any Other Business

Mr. Benson suggested that the Township get a new **stand for the podium** microphone. ~~for the podium.~~ He said it has been embarrassing that the Township did not have better equipment. A lively discussion ensued with regard to the poor quality of the microphones and the need to improve the speaker system within the Township Hall. Various members suggested calling the Township Supervisor's office to see what could be done to improve the situation. Mr. Benson said he had been complaining about the sound system through two Township Supervisors. Mr. Dave Bushouse suggested that Ed Hellwege, Assistant to the Township Supervisor, be contacted as he had a reputation for getting things done. Mr. Benson said he would do that.

Mr. Loy then asked about the 9th Street Focus Overlay Zone and how that was proceeding. Mr. Milliken said they would be working on that matter as one of the next agenda items. He said currently they are working on the Grand Prairie Sub-Area, and then once all the Sub-Areas were compiled, they would do an update to the Master Land Use Plan at that time.

Mr. Boulding, Sr. asked if there was any further information from I.T.C. Attorney Porter indicated that they had not heard anything from I.T.C. or from the Citizens Group since their last meeting.

Planning Commissioner Comments

The Chairperson said that she wanted to thank Mr. Milliken for the work he was doing. She also highlighted the fact that they were trying to arrange educational sessions for new Planning Commission members.

Mr. Benson said that he recently read an article that Cosco, even though it was a big box store, was one of the most well-liked stores based on Consumer Reports and customer surveys. He said he thought it shed a different light on these types of operations.

The Chairperson asked if any of the Planning Commissioners could not be in attendance for any meetings that they please call or e-mail her prior to the meeting, providing notification of their absence.

Mr. Boulding, Sr. said he felt a little unprepared as a Commissioner due to not having had any preparatory courses on being a Planning Commissioner. The Chairperson assured him he was doing a good job and said they all had started on the Planning Commission new and had been exactly in the same position as he was at some point in time. Mr. Bushouse thanked Mr. Boulding, Sr. for joining the Planning Commission and said he appreciated his fresh views and new ideas on the issues being presented to the Planning Commission.

Adjournment

There being no further matters to come before the Planning Commission and having exhausted the agenda, the meeting was adjourned at approximately 8:40 p.m.

Minutes Prepared:
February 14, 2012

Minutes Approved:
February 23, 2012