

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

MINUTES OF A MEETING HELD March 8, 2012

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**AGENDA**

**HANSEN BUILDING AND DESIGN - SPECIAL EXCEPTION USE AND SITE PLAN APPROVAL – 2889 SOUTH 11<sup>TH</sup> STREET – (PARCEL NO. 3905-25-405-120)**

**TREE PRESERVATION – CONTINUED DISCUSSION AND REVIEW OF SAMPLE ORDINANCE LANGUAGE**

**BED AND BREAKFAST INNS – REVIEW FIRST DRAFT PROPOSED AMENDMENT LANGUAGE**

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A meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, March 8, 2012, commencing at 7:00 p.m. at the Oshtemo Charter Township Hall.

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

MEMBERS ABSENT: Bob Anderson  
Richard Skalski

Also present were Karen High, Zoning Administrator; Linda Ignasiak, Planning Department Administrative Assistant, and five other interested persons.

**CALL TO ORDER AND PLEDGE OF ALLEGIENCE**

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

**AGENDA**

The Chairperson called for approval of the agenda. Millard Loy made a motion to approve the agenda as submitted. Carl Benson seconded the motion. The motion carried 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 Commissioners move to the next item.

## **MINUTES**

The Planning Commission considered the minutes of the meeting of February 23, 2012. Mr. Benson made a motion to approve the February 23, 2012 minutes, as submitted. Wiley Boulding, Sr. seconded the motion. Upon vote, the motion passed unanimously.

## **SPECIAL EXCEPTION USE AND SITE PLAN APPROVAL (HANSEN BUILDING AND DESIGN) – 2889 SOUTH 11TH STREET – (PARCEL NO. 3905-25-405-120)**

The Chairperson said the next item on the agenda for consideration is a Special Exception Use and Site Plan Approval from Hansen Building and Design. The Chairperson asked for a report from Zoning Administrator, Karen High. Ms. High submitted a report to the Planning Commission on behalf of Planning Consultant Greg Milliken dated March 8, 2012, and is incorporated herein by reference.

Ms. High said the applicant was proposing an expansion of an existing 8,810 sq. ft. medical office building located at 2889 South 11<sup>th</sup> Street in the R-3 zoning district. The addition is to be 1,135 sq. ft. to the rear (east) side of the building. She explained that even though the addition is small, office buildings are a special exception use in the R-3 district. The site plan and special exception use for the existing building were approved in December 2009. She said all the requirements of that approval have been met and per the condition of approval, the owner had signed consent to establish a future sidewalk special assessment district.

Ms. High said she and Mr. Milliken had visited the site recently and found it to be very well kept. She said the addition will provide additional office space for the doctors at the Rheumatology practice. She said there are currently three (3) doctors and two (2) physician assistants and has the capacity to add one more doctor. Ms. High noted the request before the Planning Commission was for approval to expand the special exception use and amend the site plan.

Ms. High reported a drainage pond exists on site and will be slightly modified to accommodate the proposed addition. The plan has been reviewed by the township engineer who rated the plan as overall sound, but made comments to be considered and addressed as a condition of approval. She said the Fire Department did not have any concerns. Ms. High concluded her report.

The Chairperson asked if there were any questions for Ms. High. With there being no questions, the Chairperson asked to hear from the applicant. The applicant introduced himself as Water Hansen of Hansen Building and Design, 3027 Woodhams in Portage. He

also introduced two associates of the Rheumatology practice, Mr. Wayne Augustinyak, PA-C and Dr. Timothy Swartz, MD.

The Chairperson asked if there were any questions for the applicant. The Chairperson began by asking if any drainage issues had been addressed. Mr. Hansen said that they had.

Mr. Benson asked if there were any plans for interior walls in the addition. Mr. Hansen said he had submitted plans to the Building Department and although he was before the board for a SPA, he did bring along a set of building plans. Mr. Hansen approached the dais to show Mr. Benson the interior portion of the building plans.

Mr. Benson said he thought the addition was approaching the stormwater retention basin. Mr. Hansen explained the modification will address this issue. Ms. High noted there was a topographical grading plan that had been reviewed and approved by the township engineer. Mr. Benson questioned the need to fence in the pond. Mr. Hansen explained the pond has a significantly shallow slope and over the years it has hardly ever retained any water, if at all; therefore a need for a fence was not necessary. He also stated the pond was in accordance with the 100 year flood standard.

The Chairperson asked if there were any further questions for the applicant. Mr. Bushouse said he assumed there was a four to one slope as originally built. Mr. Hansen agreed that there was.

The Chairperson asked for public comment on this agenda item. Hearing none she asked for two motions. The first motion is to amend the Special Exception Use dated 2009. The Chairperson asked that the standards for approval be read aloud. Mr. Loy made a motion to amend the Special Exception Use dated 2009 with the following criteria:

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

The proposed use already exists at the site and has existed there for over two years. This is a transitional area and the office use is compatible with the zoning district and this particular neighborhood.

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

The proposed development represents a minor expansion of the existing use. As a result of the expansion, it will provide additional opportunity to expand the practice by one more doctor. However, according to the applicant, that capacity already exists. No additional patient rooms, waiting areas, or exam areas are being provided that would increase the amount of traffic or patient visits. Therefore, the anticipated impact of the expansion is minimal. Further, the expansion is in the rear of the site (east) away from the road and away from the adjacent residence to the north.

The applicant should address the drainage comments identified in the memo

provided by the Township Engineer to ensure the drainage plan continues to operate as intended.

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

The use of the property is not changing. The proposed addition will allow for the doctors to make better use of the existing building by having office space within the facility thus improving the public health of the community. No impacts are anticipated as a result of the proposed development.

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

The proposed addition will be minor and well screened from the road and adjacent development. The design of the addition will be integrated into the existing building design and aesthetics. The Township Engineer has indicated that the addition will have no impact on the overall drainage program. Therefore, the addition will continue the use of the land in accordance with its character and adaptability.

Mr. Boulding, Sr. seconded the motion. The motion carried unanimously.

The Chairperson asked for a second motion to amend the Site Plan Amendment dated December, 2009. She also asked that the recommendations be read aloud as stated in the staff report. Mr. Boulding, Sr. made a motion to approve the Site Plan Amendment with the following recommendations:

1. Soil borings, or an acceptable alternative, be provided of the drainage basin demonstrating it shall function as intended.
2. Any sedimentation that has accumulated in the basin shall be removed.
3. Site plan approval is subject to the approval of the Fire Department, pursuant to adopted codes.
4. Site plan approval is subject to the review and acceptance of the Township Engineer as adequate.

Mr. Benson seconded the motion. The motion carried unanimously.

The Chairperson thanked the applicant for their assistance and efforts, saying it was very much appreciated. Mr. Benson added they had a nice looking building.

**TREE PRESERVATION – CONTINUED DISCUSSION AND REVIEW OF SAMPLE ORDINANCE LANGUAGE**

The Chairperson announced the next item on the agenda was a continued discussion on Tree Preservation and asked for a report from Zoning Administrator Karen High. Ms. High said she felt the tree preservation discussion went well at the February 21<sup>st</sup> Joint Township Board meeting and there was consensus among all the boards to move

forward.

The committee discussed regulations for incorporating the process after having reviewed several example ordinances from other communities. She noted the township currently has tree planting requirements for nonresidential development, but not for residential development. Ms. High stated our current landscape ordinance requires new commercial developments to have two canopy trees planted per every 100' of roadway. She added that currently there are no such requirements for residential developments. She began reviewing four sample ordinances which do require tree planting.

The City of Portage requires one shade tree per street frontage, installed in the right-of-way for each residential lot. The trees shall also have a minimum of 1 ½ inch caliper. Existing trees may fulfill the requirement.

Alganssee Township has some good general standards in their landscaping ordinance. They also require a minimum of three (3) new trees for each lot in a subdivision. Only one of the trees must be in the front yard, unless on a corner lot, which requires three (3) trees in the front yard. Ms. High thought with their additional spacing requirements that this example would be a good fit for our ordinance to follow.

Stockbridge Township requires a minimum of two (2) trees in a subdivision lot at a maximum distance of 60' apart. Cascade Township requires at least four (4) trees per lot and at least two (2) trees shall be along the street.

Ms. High noted that most ordinances allow existing trees to be considered. She also explained a permit process would not be necessary, but we would add an additional step in a subdivision plan.

The Chairperson asked for any questions from the commissioners. Mr. Benson felt we should spell out particular types of trees to be allowed, noting the longevity of some trees as one reason.

The Chairperson said she favored the example from Cascade Township where having four (4) trees per lot were required, as she would like as many trees as possible. She also asked how we would address the clearing of trees due to a natural disaster. Mr. Bushouse said it would be between the owner and their insurance company.

Mr. Boulding, Sr. asked for clarification of a canopy tree. Ms. High explained it was the taller trees, such as oak and ash trees, and gave a brief description of the other classifications of trees.

Mr. Bushouse thought it might be better to include tree preservation as a part of the building permit process. Mr. Loy agreed and the Chairperson thought it was a good idea also.

The Chairperson thought we should have a caliper measurement in mind, such as in

the examples that were discussed. Ms. High said it was partly covered in our existing landscape ordinance, and she would follow up at a later time.

The Chairperson asked if there were any other questions for Ms. High. The Chairperson thought they had accomplished a lot. Ms. High mentioned that Oshtemo Township Trustee Lee Larson had asked to be part of the tree clearing research. She was planning a meeting with him soon.

The Chairperson asked that Ms. High please bring tree preservation back to the Planning Commission after more research has been done, for further review. Mr. Benson asked that Ms. High consider including a caliper height requirement as shown in Cascade Township's example.

### **BED AND BREAKFAST INNS – REVIEW FIRST DRAFT PROPOSED AMENDMENT LANGUAGE**

The Chairperson announced the next item on the agenda was Bed and Breakfast Inns. The Planning Commission was to review the first draft of the proposed amendment language. Ms. High, Zoning Administrator, on Mr. Milliken's behalf, submitted his report to the Planning Commission and is incorporated herein by reference. She began by thanking Mr. Benson for his efforts in his research of Bed and Breakfast Inns.

Ms. High said based on the discussion at their last meeting, the direction was to add Bed and Breakfast Inns as a Special Exception Use in the RR, R2, R3 and VC districts. She asked if there were any questions/comments since then about those districts. Mr. Loy said he would encourage Bed and Breakfast Inns to be allowed in the AG district. Ms. High agreed and commented on the old farm houses in Oshtemo that are in the AG district. The Chairperson agreed and compared them with Shipshewana's Bed and Breakfast Inns, where some even had small petting zoos. She added how being more open with these requirements and less restrictive will give more of an opportunity.

Mr. Benson said he spoke with the City of Kalamazoo's zoning administrator and learned their Bed and Breakfast Inns were allowed only in Commercial and Multi-family districts. Mr. Benson stated Oshtemo has less high density residential areas compared to the City of Kalamazoo, and therefore, we have to look at ours from a different prospective.

Mr. Boulding, Sr. asked for clarification on the uses in RR, R1, R2, R3 and VC districts. Ms. High quickly defined the uses allowed in those districts to his satisfaction, adding her thoughts that the VC district would be a nice place to have a Bed and Breakfast Inn. The commissioners agreed.

Ms. High read aloud and asked the commission to consider the draft definition Mr. Milliken proposed for the Ordinance as:

Bed & Breakfast Inn – A private residence that offers sleeping accommodations to lodgers on a temporary basis in the innkeeper’s residence in which the innkeeper resides while renting the rooms to lodgers and serves breakfast at no extra cost to its lodgers.

The commissioners agreed to change the word “breakfast” in the description to the word “meals”, because people arrive at different times of the day and we should let the owner decide what to serve when. The Chairperson agreed that coordinating the wording in the definition with the wording in (h) under “conditions & limitations” was good for continuity.

Ms. High began to read through the following list of conditions & limitations from Mr. Milliken’s report, noting the consensus among the Commissioners.

- a. Unplatted Parcel. The dwelling unit, in which the bed and breakfast inn shall be housed, shall be located on an unplatted parcel.
  - The consensus among the Commissioners was: there may be large lot plats that could hold a bed and breakfast nicely.
- b. Minimum Area and Frontage. The parcel on which the establishment is located shall meet the minimum area and frontage requirements of the applicable zoning district in which it is located.
  - The consensus among the Commissioners was: exceptions could be made as to the 200’ frontage requirement.
- c. Residency. The dwelling unit in which the bed and breakfast inn is located shall be the principal residence of the real property owner and operator, and the real property owner and operator shall live on the premises when the bed and breakfast operation is active.
  - The consensus among the Commissioners was: accept as submitted.
- d. Rooms. The number of rooms available for guests shall be limited to seven. Each guest room shall be equipped with a separate functioning smoke detector alarm, and a fire extinguisher in proper working order shall be installed and maintained on every floor.
  - The consensus among the Commissioners was: Fire Department concern

The Chairperson did not want to be too restrictive in limiting the number of rooms, making it more open than closed.

The Chairperson asked about any restroom requirements. Ms. High said Mr. Milliken spoke with Jerry Reitenour, Building Official and was told with occupancy of ten (10) persons or less, one (1) bathroom was required. Mr. Boulding, Sr. said he thought a public facility needed more than one bathroom. The commissioners reminded him that a bed and breakfast was not a public facility.

- e. Occupancy. Occupancy shall be of a transient nature for periods not to exceed one week in duration in any one month by any particular guest. A guest registry shall be maintained indicating dates of arrival and departure and shall be available for inspection upon request. Again, the Chairperson didn't want to be too restrictive by limiting the person's stay to one week.
  - The consensus among the Commissioners was: two (2) weeks in any one month, and a guest list should be maintained.
- f. Character. Residences used for bed and breakfast inns shall be suitable in character for the use proposed and shall not be cause for a change in character of the neighborhood.
  - The consensus among the Commissioners was: accept as submitted.
- g. Impact. The bed and breakfast inn shall produce no excessive noise, traffic, glare or other nuisance that would be detrimental to the character of the neighborhood.
  - The consensus among the Commissioners was: accept as submitted.
- h. Meals. Meals or other services provided on the premises shall only be available to residents, employees, and overnight guests of the establishment.
  - The consensus among the Commissioners was: accept as submitted.
- i. Licenses. Proof of application for state and county licenses shall be submitted. Required licenses shall be obtained prior to commencement of the use.
  - The consensus among the Commissioners was: accept as submitted.
- j. Sign. An unlighted sign not exceeding six square feet in area may be provided. Such sign may be provided as a ground sign or a wall sign.
  - The consensus among the Commissioners was: sign should be lighted.
- k. Parking. Parking shall be provided in accordance with the requirements in Section 68.
  - a) One off-street parking space shall be provided for each lodging room and one off-street space shall be provided for the owner.
    - The consensus among the Commissioners was: two (2) spaces for the owner.
  - b) No parking shall be permitted in the front yard.
    - The consensus among the Commissioners was: accept as submitted.
  - c) Parking spaces shall be screened from the road and adjacent properties in accordance with the requirements of Section 75.140.
    - The consensus among the Commissioners was: enclosed structure.
- l. Refuse Storage. Exterior refuse storage facilities beyond what might normally be expected for a detached single family dwelling shall be screened from view in accordance with the standards in Section 75.160. Landscape screening may be



substituted for the fence or wall required in said section provided it will provide similar, opaque, all-season screening.

- The consensus among the Commissioners was: accept as submitted.

Mr. Benson added he thought there should be a maximum number of residents at one time and he thought 10-14 was a good range.

### **OLD BUSINESS**

None

### **ANY OTHER BUSINESS**

Ms. High announced the Kalamazoo Conservation District's 2012 Native Tree & Shrub Seedling Sale and distributed information regarding this upcoming sale to the Planning Commissioners. Orders are due by March 30<sup>th</sup>. Orders can be placed online or at the pickup station at the Township Hall on Thursday, April 19<sup>th</sup> from 9:00 a.m. - 6:00 p.m. and Friday, April 20<sup>th</sup> from 9:00 a.m. – 4:00 p.m.. Ms. High said she has been a volunteer for the Conservation District for some time. The Chairperson commended her for volunteering.

### **PLANNING COMMISSIONER COMMENTS**

Mr. Boulding, Sr. told the Planning Commission about the seminar he recently attended in Lansing. He said it was well presented and he learned a lot, he purchased reference materials, and met others, like himself, who are new to boards. He was appreciative of the opportunity afforded him by the Township.

Mr. Bushouse stated how he has enjoyed his time on the Planning Commission. He said the Township is moving ahead and over time he has realized, and adjusted to, restrictions placed. He learned, as he traveled, they were also being applied all over the state.

The Chairperson announced the Oshtemo Rotary Benefit Breakfast on Sunday, March 11<sup>th</sup> from 8:00 a.m. – 1:00 p.m. at Ted & Marie's Colonial Inn Restaurant in Oshtemo. Proceeds go toward Oshtemo Rotary's worthwhile projects.

### **ADJOURNMENT**

There being no further business to come before the Commission, and having exhausted the agenda, the Chairperson adjourned the meeting at 8:17 p.m.

Minutes prepared:  
March 12, 2012

Minutes approved:  
March 22, 2012