

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD APRIL 8, 2010

Agenda

**CONCEPTUAL REVIEW – DOG PARK (RUPPELL) – 7095 WEST KL AVENUE
(PARCEL 3905-22-430-032).**

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, April 8, 2010, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairman
Kitty Gelling
Carl Benson
Fred Gould
Richard Skalski
Deborah Everett

MEMBERS ABSENT: Bob Anderson

Also present were Jodi Stefforia, Planning Director; Chris West, Associate Planner and 15 interested persons.

Call to Order and Pledge of Allegiance

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

Agenda

The Chairman asked if there were any changes to the Agenda. Ms. Stefforia indicated an additional item, a conceptual rezoning, that she would like to discuss under Any Other Business. The Chair indicated he had an announcement to make and would do that under Any Other Business. Ms. Gelling made a motion to accept the Agenda with the two additional items. Mr. Skalski seconded the motion. Upon vote, the motion carried unanimously.

Public Comment on Non-Agenda Items

There was no public comment offered.

Minutes

The Chairman said the next item was the review and approval of the February 25, 2010 minutes. There were no comments. Mr. Benson made a motion to approve the minutes as submitted. Ms. Gelling seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

CONCEPTUAL REVIEW – DOG PARK (RUPPELL) 7095 WEST KL AVENUE (PARCEL 3905-22-430-032)

The Chairman said the next item on the Agenda was a conceptual review of a proposed dog park. The Chairman noted that the Planning Commission was not in a position to take any formal action with the proposed project tonight. The Planning Commission's role was to be a sounding-board to the applicant. Regarding public comment he advised the audience that repetitive comment was not necessary. He then asked the Planning Department for their report.

Associate Planner Chris West introduced the request and reviewed his report dated April 8, 2010 which is incorporated herein by reference. After reviewing the details of the site, history of the area and past decisions of the Planning Commission with respect to kennels and similar land uses, he noted the special exception use criteria found within the staff report. He advised the Planning Commission that the criteria should be considered during the conceptual review, however, he cautioned the Planning Commission from making any formal findings as to whether or not the proposed dog park satisfied the criteria in that this was only a conceptual review and formal public notice has not been provided yet. He concluded his remarks by reminding the Planning Commission and audience that tonight's review was not a formal proceeding and that no guarantee of approval being granted in the future is made.

The Chairman began by asking the Planning Department staff if they had considered that the proposal was not a direct fit with any of the uses listed in the I-1, Industrial District. Ms. Stefforia responded that, at a staff level, it was determined that the precedent of considering similar uses as a kennel had been already been established when Camp Fido was approved as a kennel in the Rural Residential District and then subsequent to the original approval, a planned expansion of Camp Fido with a dog park was also reviewed under the same criteria. Chairman Schley asked if the Township Attorney had sanctioned such finding and Ms. Stefforia indicated that he had not, however, he had not opposed it either.

Mr. Benson inquired as to whether or not indoor recreation as a special use in the I-1 Industrial District was meant to allow the proposed indoor arena shown on the site plan. Mr. West responded that the staff felt that the arena did fall under the indoor recreation use and the dog park under the kennel use both of which are special exception uses in the I-1, Industrial zoning district.

The Chairman then invited the applicant to make her presentation. Ms. Patricia Ruppell introduced herself to the Planning Commission. She began by indicating that more and more homeowners are finding themselves in small spaces with nowhere to exercise and run their dogs. She added that exercise and socialization opportunities lead to healthier dogs. She indicated her interest in establishing a dog park came from visiting the Shaggy Pines dog park in Ada Township.

Ms. Ruppell added that she wanted to create the premiere dog park in Michigan. The design layout also allows for conservation of greenspace as the physical site changes to create the dog park will be minimized so that the land can be re-used someday. She indicated that only 6% of the dog parks in the United States are privately owned; the privately owned ones do not experience the problems you might find at publicly operated dog parks.

Regarding the dog park, she indicated the hours would most likely be from sunrise to sunset. The office will be open 8 a.m. – 8 p.m. daily except holidays; there would be one on-site employee. Dog owners wishing to use the park pay an annual fee and agree to abide by the rules. Owners with repeat problems such as dog barking or not cleaning up after their dogs will have their membership revoked. She added that barking should not be a problem at the park because active dogs are quiet.

Ms. Ruppell then introduced her site designer, Todd Olin. Mr. Olin indicated that he will be preparing the site plan and presented an updated and more detailed conceptual plan to show the spatial relationship of features in the proposed dog park. He began by saying that he had walked the entire site noting residences in the area. The plan was laid-out to minimize impact on nearby residences especially as to what the industrial district would allow on this site. The amount of parking proposed was based upon other similar uses. He noted that physical entry into the park will be double-gated to prevent dogs from escaping. He stated that run areas are not well-used features in a dog park therefore their impact on neighboring properties are minimal and therefore, the run areas are the feature closest to the residences while the more active features are located away from the residences. He noted there will be a dock-jumping water feature and agility training areas as well as areas for just running around.

Ms. Ruppell added that she is trying to attract dog owners as well as serious trainers who have competing dogs that will use the park for training purposes.

At this point, the Planning Commission began questioning the applicant and her designer. The Chairman reminded the Planning Commission that their job was just to give guidance to the applicant. The Chair began by asking the applicant how critical the phase 2 indoor arena and related retail activity was to her project? Ms. Ruppell responded that the indoor arena was critical to the park being a year-round facility but that having retail sales of dog products was not. The Chair questioned the rental of the indoor facility. Ms. Ruppell indicated that rental would be for small, unrecognized training shows and that all events in the building would be canine related not just rental to the general public.

Ms. Gelling expressed her concern about staffing of one employee and how the grounds could be managed with such a small staff. Ms. Ruppell indicated that a landscaping service will be hired to perform maintenance of the grounds.

Mr. Benson expressed concern that a five-foot tall fence around the perimeter of the park is not high enough. Mr. Olin responded that the revised plan called for a six-foot tall fence and that the first one-half foot would be buried to prevent dogs from digging under it. He added that owners are held accountable and must have voice-control of their dog at all times per membership rules.

Mr. Benson then questioned if the proposed parking will be adequate for the size of the proposed indoor arena. Ms. Ruppell indicated that the revised plan provides more parking.

There being no more questions of the applicant, the Chairman opened the meeting for public comment.

Ms. Keiser introduced herself to the Planning Commission and indicated that she lived in the abutting historical house to the north. She expressed her support for the project especially considering the industrial zoning of the land. She asked ~~the~~ asked that the barn not be sold as part of the dog park property.

Ms. Ellen Leithold then spoke. She read a letter from the SPCA of Southwest Michigan expressing that organization's support of the proposed dog park.

Ms. Joanna Adams indicated she was an active dog owner and has attended hundreds of dog events over the years where there are hundreds of dogs on less acreage ~~that~~ than this park will include without any trouble occurring. Dog owners that pay to enter a park like this one are responsible owners and clean up after their pets.

There being no further public comment, the Chairman closed the public comment portion of the meeting and began the Planning Commission's deliberation.

The Chairman began by reading the first special exception use criterion, indicating his first question when reviewing the concept and use was, "does it fit in the industrial district?"

Ms. Everett indicated that she felt it does fit because although it is not a specifically listed, it is similar to other uses that are listed as was also determined by the Planning Department.

The Chairman stated that in a strict, technical sense, it does not fit. However, we do allow kennels which have outdoor dog runs so it's really a degree of difference issue and the degree of difference in this case is minimal. He feels there are similar uses allowed in the I-1, Industrial District. He said that ultimately, he believes the proposed use fits in the district.

Mr. Skalski concurred indicating that he also doesn't feel the use is disallowed in the district.

Mr. Benson indicated his concerns rest with security of the site given the minimal staffing proposed. He wonders who enforces the rules with the staff level so low. He indicated, however, he could become comfortable with the proposed use as long as the Township ordinance enforcement officer is not overly burdened by the use. .

Ms. Gelling indicated she finds the use to be appropriate in the district.

The Chair spoke next reading the second special exception use criterion and indicated to the applicant the proposed park policies should be finalized before the applicant returns for formal approval as the Planning Commission will be very interested in reviewing them before special exception use approval can be considered. Additionally, he suggested improved graphics and site plan submission materials. He felt that the strict letter of the ordinance should be adhered to with any approval and variances granted only under extreme circumstances.

Ms. Everett indicated that it appears that the applicant is being mindful of the adjacent residences and she will want to take a closer look at the proposed screening when the applicant returns.

The Chairman then read the third criterion and noted that the dog waste will be cleaned up by the owner and properly disposed of per the applicant but he wanted to read the proposed policy on it and the Planning Commission may want to supplement the policy if appropriate.

Mr. Skalski said waste management was an important consideration.

Mr. Gould recalled that the Planning Commission had been surprised in 2005 when Camp Fido wanted to add a dog park and nearby homeowners came to the meeting and complained about barking at the existing dog day care. But in the present case he finds the use to be less intense and believes the industrial district supports the concept. Input from neighbors should be taken into account during special exception use review.

The Chair then turned to the indoor arena building. He felt it was a discussion item. He questioned if it was primarily an arena or a rental space for dog events.

Ms. Ruppell indicated drawing visitors to the arena is not the primary intent. Rentals will not be the primary use of the building. Owner and dog indoor training in the winter is the planned principal use of the building.

The Chair then noted his concern over the line of sight of the proposed 8th Street driveway given the adjacent bridge over the railroad tracks.

Ms. Gelling questioned the fire pit. Mr. Olin indicated one is planned near the pond with benches and grills, too.

Ms. Everett noted that there are grills in the public parks, too.

The Chair indicated that he is okay with the fire pit and grills.

Mr. Gould urged the applicant to minimize disturbing natural features of the site and recommended use of native plants if plantings are added.

The Chair questioned if lighting is proposed beyond the parking lot. Mr. Olin responded that possibly soft lighting would be used around the interior walking path in compliance with ordinance lighting limitations.

Ms. Everett questioned how hours are enforced. Ms. Ruppell answered that the key-card system disallows access during hours the park is closed.

Ms. Ruppell thanked the Planning Commission for their review and comments.

Any Other Business

Ms. Stefforia asked the Planning Commission how they felt about a proposed rezoning that changed the zoning of a property within the building leaving the southern portion industrial and changing the northern portion to rural residential. The potential property is 7190 West KL Avenue. She noted that abutting to the north is rural residential zoning and that the master plan called for rural residential zoning in the area. It is desired by the owner to keep the southern portion of the site industrial to allow for a quilting studio and gallery and rezone the northern portion so that the artist could also reside on the property. The Commissioners expressed concern over what type of precedent could be set and the ability to separate potentially incompatible uses if the project didn't move forward. The Chair expressed that he would be more supportive of a separate structure for the residence than rezoning a portion of the building. The Chair suggested that the best approach may be to recommend that the owner seek conditional rezoning which would then give assurance to the township as to what will occur on the site and if the project didn't move forward, the zoning could be changed back.

The Chair then announced that he has a buyer for his home and he may not be a homeowner in the Township after April 30. Ms. Stefforia indicated that she will check with Attorney Porter about the Chair's ability to finish his term.

The Chair then discussed the previous conceptual review and reminded the Planning Commissioners that it was important not to form opinions on proposed projects or express how they feel about them until public comment has been received.

Planning Commissioner Comments

There were no Planning Commissioner comments.

Adjournment

The Chairman asked if there were any further comments, and hearing none, he called for adjournment. Ms. Gelling moved to adjourn the meeting, and Mr. Skalski seconded the motion. The meeting was adjourned at approximately 8:45 p.m.

Minutes Prepared:

April 9, 2010

Minutes Approved:

_____ 2010