

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

MINUTES OF A MEETING HELD JUNE 24, 2010

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**Agenda**

**VISSER - SPECIAL EXCEPTION USE APPROVAL – EXTENSION – PHASE 2 OF WESTPORT VILLAGE – WEST H AVENUE - (PARCEL NO. 3905-12-205-050)**

**STEPHENSON – SPECIAL EXCEPTION USE, SITE PLAN AND STEP ONE SITE CONDOMINIUM REVIEW – 10-UNIT EXPANSION TO PINE ACRES – SOUTH 4<sup>TH</sup> STREET - (PARCEL NO. 3905-21-380-020)**

**TEXT AMENDMENT – PUBLIC HEARING – SECTIONS 76.160 AND 76.170**

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A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, June 24, 2010, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

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

MEMBERS ABSENT: None

Also present were Jodi Stefforia, Planning Director; Chris West, Associate Planner; James Porter, Township Attorney, and five other interested persons.

**Call to Order and Pledge of Allegiance**

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

**Agenda**

The Chairman asked if there were any changes to the Agenda as presented. Hearing none, he called for a motion to approve the Agenda. Ms. Gelling made a motion to approve the

Agenda, as submitted, and Mr. Skalski seconded the motion. The Chairman called for a vote on the motion. The motion passed unanimously.

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

The Chairman asked if there was any public comment. Hearing none, he closed the public comment portion of the meeting.

### **Minutes**

The Chairman asked if there were any revisions to the minutes of May 27, 2010. There being none, Ms. Gelling made a motion to approve the minutes, as submitted, and the motion was seconded by Mr. Anderson. The Chairman called for a vote on the motion, and the motion passed unanimously.

### **VISSER - SPECIAL EXCEPTION USE APPROVAL – EXTENSION – PHASE 2 OF WESTPORT VILLAGE – WEST H AVENUE - (PARCEL NO. 3905-12-205-050)**

The Chairman said the next item on the Agenda was consideration of a request for a two-year extension to the special exception use previously granted for Phase 2 of West Port Village condominium project on West H Avenue, Parcel No. 3905-12-205-050. The Chairman called for a report from the Planning Department. Ms. Stefforia submitted her report to the Planning Commission dated June 24, 2010, and the same is incorporated herein by reference.

The Chairman asked if there were any questions of the Planning Department. Hearing none, he asked if the applicant wished to speak. Mr. Steve Visser introduced himself to the Planning Commission. He said he thought the Planning Commission knew what the current status was for the housing market and said he hoped they would grant the requested extension.

The Chairman asked if there were any questions of the applicant. Mr. Anderson asked Mr. Visser how close they were to completion of the first phase. Mr. Visser said they were approximately half full and had 36 lots remaining.

The Chairman asked if there were any other questions. Hearing none, he called for Planning Commission deliberations. The Chairman asked if the Planning Department whether the extension would be through September 1, 2012, or August 31, 2012. Ms. Stefforia said it could be either date. The Chairman said he would propose that they extend the special exception use approval to September 1, 2012, and asked if there was further discussion. Hearing none, he called for a motion. Mr. Skalski made a motion to extend the special exception use approval for Phase 2 of West Port Village condominium project on West H Avenue until September 1, 2012. Mr. Gould seconded the motion. The Chairman called for further discussion. Hearing none, he called for a vote on the motion. The motion passed unanimously.

**STEPHENSON – SPECIAL EXCEPTION USE, SITE PLAN AND STEP ONE SITE CONDOMINIUM REVIEW – 10-UNIT EXPANSION TO PINE ACRES – SOUTH 4<sup>TH</sup> STREET - (PARCEL NO. 3905-21-380-020)**

The Chairman stated that the next item for consideration was the special exception use and site plan approval, as well as Step One review of a 10-unit expansion for Pine Acres Open Space Site Condominium development. He said the property was located on South 4<sup>th</sup> Street, Parcel No. 3905-21-380-020. The Chairman asked to hear from Staff. Mr. West submitted his report to the Planning Commission dated May 27, 2010, and the same is incorporated herein by reference.

The Chairman asked if there were any questions of Mr. West. Hearing none, he asked to hear from the applicant. Mr. Roger Stephenson introduced himself to the Commission. He said he was there representing Mott Builders II, LLC. He explained that the primary difference between this extension and the previous phase was the size of the lots. He said he thought these larger lots would be more conducive for selling in the present market.

The Chairman asked if there were any questions of the applicant. Mr. Skalski asked what the walking path would consist of. He also raised a concern that the path might not be ADA compliant. Mr. Stephenson said that there was not any other place to put the path, and because there were no paths in Phase I, there is really nothing to connect it to, and thought their proposal would be appropriate.

Ms. Stefforia asked if they were asking the Planning Commission to waive the requirement for the path or the sidewalk. Mr. Stephenson indicated that was correct.

The Chairman asked if there was any public comment. Mr. West said they had received a letter from the owner of the property to the south, asking for road access. However, upon review, they found that the property to the south was subject to restrictions regarding its buildability, and the parcel did have access via another parcel owned by the person who had made the inquiry and through a 66-foot easement.

The Chairman said he thought everything was very straightforward, possibly with the exception of the path. Mr. Skalski said he would like a path or walkway and agreed it would not be appropriate around the perimeter of the property given the topography. The Chairman said he thought any concerns about ADA would not be up to the Planning Commission. Mr. Stephenson said they propose making the path out of wood chips. Attorney Porter noted that he was not sure whether the path was subject to ADA compliance. He stated he was not even sure whether the Building Department would look at the path at the time of construction, since it was not associated with any particular building or structure.

Ms. Everett asked if the applicant was requesting a path in lieu of a sidewalk. Ms. Stefforia said initially they were asking for no sidewalk or walkway, but if some type of

pedestrian walkway is required, they are asking for this walkway in lieu of a sidewalk. Mr. Stephenson acknowledged that he would rather construct a path than a sidewalk.

The Chairman said he thought some type of path would enhance the overall community and its walkability. He said he thought this would be superior to no type of pedestrian walkway at all.

Ms. Gelling asked about the possible run-off or erosion from the pathway. The Chairman said he thought, if the pathway was installed, it would have to be maintained so it does not constitute a nuisance. Ms. Gelling said she thought it would be a nice way for people living in the community to enjoy the land. Mr. Anderson said he would be in favor of the walking path using wood chips versus no path at all. Mr. Skalski said he thought the walking path needed to be changed so that it would come back to the roadway on the north and south sides of the street. Mr. Stephenson said that he could provide a provision in the Master Deed that a walking path would be maintained by the Association. Attorney Porter said he thought this would be appropriate.

Ms. Gelling made a motion to approve the special exception use as proposed. Mr. Anderson seconded the motion. The Chairman called for a vote on the motion, the motion passed unanimously.

The Chairman then asked for an appropriate motion on the site plan. Mr. Skalski made a motion to approve the site plan and recommend Step One site condominium approval to the Township Board subject to the following conditions:

1. A deviation is granted allowing the 6-foot-wide walking trail covered with wood chips as depicted on the site plan but also connecting on the north and south sides of the road in order to satisfy the Township's non-motorized facility requirement. Construction and maintenance of the same shall be provided for in the site condominium's Master Deed to be reviewed by the Township Attorney.
2. Lighting must comply with the provisions of Section 78.700.
3. Future changes to the Master Deed and/or Bylaws are subject to conformance to the approval granted by the Planning Commission.
4. Site plan approval shall be subject to the Township Engineer finding stormwater management adequate.
5. All utilities shall be underground.

The motion was seconded by Ms. Gelling. The Chairman called for further discussion. Hearing none, he called for a vote on the motion. The motion passed unanimously.

**TEXT AMENDMENT – PUBLIC HEARING – SECTIONS 76.160 AND 76.170**

The Chairman announced the next item on the agenda was a public hearing on proposed amendments to Section 76.160 and 76.170 of the Zoning Ordinance to address signs permitted for non-residential uses in the “R-3” Residence District. The Chairman asked for a report from the Planning Department. Ms. Stefforia submitted her report to the Planning Commission dated June 24, 2010, and the same is incorporated herein by reference.

Ms. Stefforia explained that the text changes would allow all of the non-residential uses in the “R-3” District similar signs. She said they had already allowed larger signs for offices and financial services. Therefore, the modifications proposed in Sections 76.160 and 76.170 would treat all the uses in a similar fashion.

The Chairman asked if there were any questions. Mr. Benson asked if there had been problems with the other uses. Ms. Stefforia said that there were not problems for the other uses such as offices and credit union, since they were already allowed the larger signs. Mr. Benson said he was concerned that the Zoning Ordinance was being made more restricted. Ms. Stefforia indicated that it was just the opposite; it was being made less restrictive to accommodate the other uses in the “R-3” zone.

The Chairman called for public comment. Hearing none, he asked for Commission deliberations. The Chairman said he thought that the text changes were appropriate and quite straightforward. Several members of the Planning Commission concurred. With that, he said he would entertain a motion. Mr. Skalski made a motion to recommend the text revisions to Sections 76.160 and 76.170 of the Zoning Ordinance to the Township Board as indicated in the Planning Department’s report. The motion was seconded by Mr. Gould. The Chairman called for a vote on the motion, and the motion passed unanimously.

**Work Item: Draft 2 – Master Land Use Plan Goals & Objectives Chapter**

The Chairman asked to hear from the Planning Department. Ms. Stefforia said they reformatted the first draft, reducing the number of goals and objectives from approximately 20 to 13 or 14 by treating some as objectives or strategies. The Chairman called for discussion on the same.

Ms. Gelling raised a concern regarding some of the “buzz” words contained in the report. Mr. West said once this was compiled along with the other chapters, which contained definitions, he thought the Goals and Objectives Chapter would be clearer. The Chairman said he thought that was consistent with how ordinances were drafted and said perhaps when it was distilled into one document, it would be more readable. Ms. Gelling said she thought that would help.

Ms. Gelling suggested adding recreation to the goals provisions contained in Goal 12. Ms. Stefforia said that was an excellent idea and would make that change.

Mr. Benson raised a concern about using the phrase, “student housing,” within the document for fear that it could be considered discriminatory. Attorney Porter said he did not think it was a problem given the number State Court of Appeals and Supreme Court cases which had used similar language and not found it to be discriminatory.

It was the general consensus of the Planning Commissioners that they liked the reformatted version and that they would move ahead accordingly.

### **Any Other Business**

Ms. Stefforia noted that the Future Land Use Chapter review would take place on July 22, 2010, and that the meeting of July 8 would likely not be necessary. It was the consensus of the Planning Commission to dispense with the meeting of July 8, 2010.

### **Planning Commissioner Comments**

Mr. Anderson said he liked the proposed text changes which were submitted since it was beneficial to schools.

Mr. Benson asked that Ms. Stefforia comment on the DDA workshops regarding the streetscape. Ms. Stefforia noted that the first one was better attended than the second, but noted that the second workshop had a key participant available who was supportive of the overall proposal. She said because of that the workshops were a success.

Mr. Gould raised a concern regarding the selling of BBQ out in front of TGI Fridays and thought it might create a traffic hazard and referred that item to Township Counsel.

Ms. Gelling said she thought the Fire Department did a wonderful job handling the explosion which took place on 9<sup>th</sup> Street and thanked them for their efforts.

### **Adjournment**

There being no further business, the meeting was adjourned at approximately 8:10 p.m.

Minutes Prepared:  
June 29, 2010

Minutes Approved:  
\_\_\_\_\_, 2010