

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

MINUTES OF A REGULAR MEETING HELD AUGUST 24, 2006

**AGENDA**

**UNCLE BOB'S - SPECIAL EXCEPTION USE AND SITE PLAN AMENDMENT - 1515 SOUTH 11<sup>TH</sup> STREET (PARCEL NOS. 3905-24-452-010 AND 3905-24-452-020)**

**OSHTEMO RIDGE 2 - PRELIMINARY PLAN REVIEW - 16 ACRES NORTH OF OSHTEMO WOODS - (PARCEL NO. 3905-24-355-021)**

**QUAIL MEADOWS PHASE 6 - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - (PARCEL NOS. 3905-23-455-049 AND 3905-26-208-012)**

**M-43 PLANNED UNIT DEVELOPMENT - CONCEPTUAL REVIEW - 3 PROPERTIES SOUTH SIDE OF WEST MAIN STREET WEST OF 10<sup>TH</sup> STREET/LODGE LANE (PARCEL NOS. 3905-14-405-050, 3905-14-430-060 AND 3905-14-430-071)**

A regular meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, August 24, 2006, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairman  
Lee Larson  
James Grace  
Deborah L. Everett  
Mike Smith  
~~Fred Gould~~  
Kathleen Garland-Rike

MEMBERS ABSENT: ~~None~~  
Fred Gould

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Township Planner; James W. Porter, Township Attorney; and approximately 50 to 60 other interested persons.

## **Call to Order**

The Chairman called the meeting to order at approximately 7:00 p.m.

## **Agenda**

The Chairman said the first item for consideration was the approval of the Agenda. The Chairman asked if there were any changes to the Agenda and, hearing none, called for the approval of the Agenda. Mr. Larson made a motion to approve the Agenda. The motion was seconded by Mr. Grace. The Chairman called for a vote on the motion, and the motion passed unanimously.

The Chairman reminded all those in attendance that there was a public comment policy as set forth on the back of the Agenda. He asked that everyone to please adhere to that policy.

## **Minutes**

The Chairman said the next item for consideration was the approval of the minutes of August 10, 2006. Mr. Grace made a motion to approve the minutes as submitted. The motion was seconded by Mr. Larson. The Chairman called for a vote on the motion, and the motion passed unanimously.

## **UNCLE BOB'S - SPECIAL EXCEPTION USE AND SITE PLAN AMENDMENT - 1515 SOUTH 11<sup>TH</sup> STREET (PARCEL NOS. 3905-24-452-010 AND 3905-24-452-020)**

The Chairman said the next item for consideration was the special exception use and site plan amendment for Uncle Bob's. Ms. Bugge informed the Planning Commission that they had received some documents from the applicant but that they were not ready to proceed at this time and asked that the Commission adjourn this matter to September 28, 2006. Ms. Garland-Rike made a motion to adjourn Item #4 to September 28, 2006. Mr. Smith seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

## **OSHTEMO RIDGE 2 - PRELIMINARY PLAN REVIEW - 16 ACRES NORTH OF OSHTEMO WOODS - (PARCEL NO. 3905-24-355-021)**

The Chairman said the fifth item on the Agenda was a site plan review of a preliminary plan for a proposed single-family residential development consisting of 42

homes on 16 acres north of the Oshtemo Woods neighborhood. He said the subject parcel was Parcel No. 3905-24-355-021. The Chairman asked to hear from the Planning Department. Ms. Bugge submitted her report to the Planning Commission dated August 24, 2006, and the same is incorporated herein by reference.

Ms. Bugge explained to the Planning Commission that the applicant was seeking site plan review for Oshtemo Ridge Phase 2. She said this matter would be reviewed pursuant to Section V of the recently adopted Subdivision/Site Condominium Ordinance.

Ms. Bugge explained that the applicant wanted to develop Phase 2 of a single-family residential site condominium which would include 42 units on approximately 16 acres. She reminded the Commission that Phase 1 consisted of 49 units on approximately 19 acres and was approved February 23, 2006. She said originally Phase 1 was called Oshtemo Woods Phase 2, but since that time has been renamed to Oshtemo Ridge Phase 1 to avoid confusion with an existing plat. Ms. Bugge then proceeded to direct the Commission's attention to an overhead showing the proposed layout for the site condominium project, including site and street design. She noted that the project would be served with municipal sewer and water and that use of the storm water area currently serving the Oshtemo Woods Plat was proposed.

Ms. Bugge told the Planning Commission that the project met the minimum dimensional requirements for a single-family site served with public utilities. Ms. Bugge then proceeded to take the Commission through a comprehensive review of Section V, entitled Condominium Projects, as set forth in the Subdivision/Site Condominium Ordinance.

At the conclusion of Ms. Bugge's report, the Chairman asked the Commission members if they had any questions. Hearing no questions, the Chairman asked to hear from the applicant. The applicant indicated he did not have much to add unless there were questions. The Chairman said he thought the Planning Commission would have questions and asked Mr. Brian Wood from Allen Edwards Homes to approach the lectern. The Chairman then asked Mr. Wood what they would be doing with regard to the steep grades on sites 52 and 53. Mr. Wood said that with the regrading, for roadway purposes, they would likely build those lots up, level them to make them buildable, and provide reasonable access thereto.

Ms. Garland-Rike asked what they would be doing to preserve the existing natural features. Mr. Wood said it was their intention to not cut trees unless it was necessary and then no more than needed to install the roads and the houses. Ms. Garland-Rike asked if they would be significantly changing the grade of the property. Mr. Wood said they would work with the topography as much as possible.

Mr. Larson asked if they were planning to use the existing stormwater retention facility located in Oshtemo Woods Plat. Mr. Wood said that was their intention and that their engineer had indicated there was existing volume in that basin. Mr. Larson raised a

concern over the easements for stormwater disposal across a couple of the sites and asked if there would be adequate room remaining for home construction. Mr. Wood said the easement was 20 feet wide and thought that would leave sufficient area for construction of a residential home.

The Chairman called for public comment and, hearing none, closed the public portion of the meeting and called for deliberation of the Planning Commission. The Chairman began by noting that Ms. Bugge had thoroughly walked them through a review of the proposed site. Mr. Grace asked what the Township would do to make sure that sites 52 and 53 had been properly prepared for home construction. The Chairman agreed and asked how they would be assured that the final grades would be adequate for home construction. Mr. Wood explained that when they came in for a building permit the Building Department would require that they have a topographical site plan for the property. Mr. Larson asked if that would include appropriate compaction tests, since these sites would likely have to be filled. Mr. Wood assured Mr. Larson they would provide the appropriate compaction tests to make sure the property was suitable for building.

Ms. Stefforia explained to the Commission that since the site condominium was now going through the same three-step process as subdivisions that there would be additional opportunities to look at the site as it went through the planning stages. She said with the additional checks and balances she thought they would be able to be assured that the sites were properly developed for residential development.

There being no further discussion, the Chairman called for a motion. Mr. Larson made a motion to make a recommendation to the Township Board for approval of the preliminary site plan for Oshtemo Ridge Phase 2 single family site condominium development as submitted with the following stipulations:

1. Any approval is subject to review and approval by the Township and other appropriate agencies of fully engineered construction plans.
2. All necessary documents will be submitted for Township review.
3. Placement of individual buildings shall conform to all setback requirements; setback relief is discouraged.
4. Sidewalks meeting Township requirements shall be constructed on the both sides of the road and shall extend to Coddington Lane. Construction plans shall be submitted for review.
5. All signs are subject to review and approval through the sign-permitting process, including construction signs.

Mr. Grace seconded the motion. The Chairman called for further discussion. Hearing none, he called for a vote on the motion, and the motion passed unanimously.

**QUAIL MEADOWS PHASE 6 - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW  
- PARCEL NOS. 3905-23-455-049 AND 3905-26-208-012)**

The Chairman said the next item, Item #6, was consideration of the special exception use and site plan review for a proposed layout of Phase 6 of the Quail Meadows PUD containing 146 condominium units and amenities on 35 acres. He said the subject parcels were 3905-23-455-049 and 3905-26-208-012. The Chairman called for a report from the Planning Department. Ms. Stefforia submitted her report to the Planning Commission dated August 24, 2006, and the same is incorporated herein by reference.

Ms. Stefforia explained that the applicant was proposing to develop Phase 6 of the Quail Meadows Planned Unit Development. She said the property was located on the east side of 9<sup>th</sup> Street, extending south off Quail Run Drive. She said the land was partially zoned "R-2" (30 acres) and the balance was zoned "R-3" Residential (5.5 acres). She said the applicant was proposing to expand the PUD to allow an additional 146 dwelling units and a clubhouse. She said that the open space far exceeded the 5% requirement as part of the PUD development.

Ms. Stefforia then took the Planning Commission through a review of the more recent phases of the Quail Meadows PUD development. She noted some recent changes since the time of the conceptual plan review, including a reduction in the number of dwellings from 154 to 146 and relocation of the pool and the clubhouse to the opposite side of the street, further away from the existing residences. Ms. Stefforia said if the project was approved it would be developed in three phases beginning in the Spring of 2007, and likely be completed in 2012. Ms. Stefforia then went through the review criteria for PUD's under Section 60.450, and then proceeded to the site plan review provisions of Section 82.800 and Section 60.470 D. She concluded with a review of the special exception use criteria set forth in Section 60.100, as more fully set forth in her report.

At the conclusion of Ms. Stefforia's report, the Chairman asked if there were any questions. Mr. Grace asked when 9<sup>th</sup> Street is expanded that deceleration lanes be provided for the proposed entrances at Quail Run and on 9<sup>th</sup> Street. Ms. Stefforia indicated she would pass that request along to the Road Commission. The Chairman asked if there were any other questions from the Planning Commission, and hearing none, he asked to hear from the developer.

Mr. Jack Gesmundo introduced himself as a representative of AVB Builders and their designer, Mr. Craig Johnson. Mr. Gesmundo emphasized the change in the site plan since the last time it was reviewed by the Planning Commission, including a change

in the location for the pool and clubhouse, as well as a reduction in the overall number of condominium units to be developed. Mr. Gesmundo said they would be happy to provide sidewalks to 9<sup>th</sup> Street, as well as a meandering sidewalk along Quail Run Drive.

Mr. Gesmundo emphasized one of the major changes in the site plan included the enlargement of setbacks from existing residentially developed property. He said in most cases, the setback had been increased to a minimum of 30 feet, but due to angling of the buildings, the setbacks actually averaged closer to 50 to 60 feet away from the property lines. He thought this created a more neighbor-friendly development.

Mr. Craig Johnson introduced himself to the Planning Commission. He then proceeded to explain the proposed stormwater retention system for the development. He said that all of the basins would be dry. He also added that all but two of the basins would be self-contained, meaning that only two would have overflows to other water retention facilities within the site.

The Chairman asked if there were any questions of the applicant. Mr. Grace asked if the site would be stabilized after excavation and prior to the construction of buildings. Mr. Johnson indicated that it would. The Chairman asked that Mr. Johnson confirm that a sidewalk would be extended to 9<sup>th</sup> Street. Mr. Johnson verified that could and would be done.

Mr. Larson asked if they could install the landscaping prior to beginning building construction. Mr. Gesmundo said they usually did that at the time that buildings were constructed, but it would also depend upon the time of the year. He said that they tend to plant landscaping in the spring and the fall, or after the irrigation systems were installed. He said, however, they would try to relocate existing vegetation at the initial excavation stages in order to mitigate the impact on surrounding neighbors. Mr. Larson said he thought part of the purpose of the screen was to screen construction activity and he encouraged the developer to do that. Mr. Gesmundo said that they would focus on the southwest and east boundaries of the property in that regard, since the other areas were either adjacent to commercially developed property or were otherwise vacant. The Chairman asked if the applicant did not typically develop from the road anyway in order to minimize the impact on surrounding properties. Mr. Gesmundo said that was correct. Mr. Larson asked for clarification on the sidewalk to be developed along Quail Run Drive.

Mr. Gesmundo pointed out that the sidewalk would be developed along that portion of Quail Run Drive which would abut Phase 6 of the development. Mr. Larson then asked about sidewalks within the development. Mr. Gesmundo said they were proposing to have sidewalks similar to Stonehenge and Oakland Hills on one side of the street. Mr. Larson asked why only one side of the street. Mr. Gesmundo said it was to preserve greenspace, for aesthetic purposes, and to prevent adding additional impervious surface area. Mr. Larson said it was his philosophy that developing sidewalks on both sides of the street created a more user-friendly neighborhood and walkable community.

Ms. Bugge asked for clarification on sidewalks as it related to the parking bays. She specifically asked whether individuals using sidewalks would then have to walk behind the parked cars where the parking bays and sidewalks were on the same side of the street. Mr. Gesmundo indicated that Ms. Bugge was correct. Ms. Garland-Rike asked why they could not put sidewalks on the opposite side of the street from the parking bays. Mr. Johnson said they would look at that in the construction drawings and consider making those changes.

The Chairman asked if there was any public comment, and hearing none, closed the public portion of the meeting and called for Planning Commission deliberation. The Chairman began by noting that the applicant had made some thoughtful changes as a result of meeting with the neighbors and the previous meeting with the Planning Commission. He said he liked the sidewalk going to 9<sup>th</sup> Street. He asked Mr. Larson if he still had significant concerns about the proposed sidewalk construction. Mr. Larson said that he did and that he thought the purpose of the Ordinance was to encourage pedestrian circulation and that he did not think a sidewalk on one side of the street was sufficient.

Ms. Stefforia suggested that Ms. Everett give the Planning Commission an update on the recent discussions of the Township Board regarding sidewalk development. Ms. Everett explained that the Board was in the process of establishing an *ad hoc* committee to review the sidewalk policies of the Township. She said that many members of the Board thought it was time to revisit the issue and determine whether or not individual property owners should be supporting bike paths and whether or not sidewalks should be required on both sides of the road. She concluded by noting the Planning Commission would have to select a member of the Planning Commission to sit on the *ad hoc* committee.

The Chairman said he understood the need to remain consistent among developments, but that it was his opinion that development of sidewalks on one side was sufficient. He asked if the Township was considering developing pedestrian walkways within the travel portion of the highway. Ms. Everett indicated absolutely not, but that allowing it on one side or amending the current policy was under consideration.

Mr. Smith said he understood Mr. Larson's point, but thought that in many cases having additional greenspace was superior to having additional impervious material. Ms. Garland-Rike said perhaps meandering pathways could be developed through the project which did not necessary require an impervious surface. Mr. Grace said he thought perhaps additional greenspace would be an improvement in certain areas but that he believed the main drive through a development should have sidewalks on both sides.

The Chairman asked if there were any further comments. Mr. Larson again emphasized the need for screening to be placed in the east and southwest boundaries of the property prior to construction commencing.

There being no further discussion, the Chairman said he thought the first matter for consideration would be approval of the special exception use for a Planned Unit Development. Mr. Smith made a motion to approve the special exception use as submitted with the following conditions:

1. The easements and deed restrictions related to the open space be provided for review by Staff and the Township Attorney prior to the recording of the documents.
2. The Master Deed and Bylaws must be provided to Staff and the Township Attorney prior to the recording of the documents.

Mr. Grace seconded the motion. The Chairman called for discussion and, hearing none, called for a vote on the motion, and the motion passed unanimously.

The Chairman said the next item to consider was the site plan review and approval. Ms. Garland-Rike made a motion to approve the site plan as submitted with the following conditions:

1. No use in the PUD shall have direct access to 9<sup>th</sup> Street or Quail Run Drive.
2. All private streets are subject to Township Engineer review and finding that they are adequately designed.
3. All (clubhouse) parking shall be in conformance with Section 68.
4. Non-motorized facilities shall be provided in compliance with the site plan approval, together with sidewalks to 9<sup>th</sup> Street and along Quail Run Drive. In addition, sidewalks shall be provided on both sides of the main street running from 9<sup>th</sup> Street to Quail Run Drive. In addition, sidewalks shall be **installed on all other streets within the development and** located on the opposite side of the street from the parking bays when possible. These changes to the sidewalk improvements shall be subject to Staff review and approval.
5. Any sign shall comply with Section 76 and is subject to approval through the sign permitting process.
6. All outdoor lighting shall comply with the provisions of Section 78.720. Exterior lighting at the clubhouse shall be residential in nature.

7. All areas of the PUD awaiting development shall be stabilized at all times. This shall be accomplished with grasses or other ground cover. Exception is granted for areas with an active building permit which shall still satisfy the County's and Township's Erosion Control and Sedimentation Control Ordinance.
8. An Earth Change Permit must be obtained from the Kalamazoo County Drain Commissioner.
9. Landscaping shall be installed pursuant to the approved landscaping plans with perimeter areas landscaped as the phase commences if season allows or as buildings are completed.
10. Existing trees proposed to be retained along the perimeter shall be protected during construction to ensure their future viability.
11. Site plan approval shall be subject to the applicant satisfying the requirements of the Fire Department, pursuant to the adopted codes.
12. Site plan approval is subject to the Township Engineer finding the site and private road engineering details adequate.

Mr. Grace seconded the motion. The Chairman called for discussion on the motion and, hearing none, called for a vote on the motion. The motion passed unanimously.

**M-43 PLANNED UNIT DEVELOPMENT - CONCEPTUAL REVIEW - 3 PROPERTIES  
SOUTH SIDE OF WEST MAIN STREET WEST OF 10<sup>TH</sup> STREET/LODGE LANE  
(PARCEL NOS. 3905-14-405-050, 3905-14-430-060 AND 3905-14-430-071)**

The Chairman said the next item for consideration was the conceptual plan review for a proposed mixed-use PUD, containing residential and nonresidential land uses. He said the property consists of three parcels located in the south side of West Main Street, west of 10<sup>th</sup> Street/Lodge Lane. He said the Parcel Nos. were 3905-14-405-050, 3905-14-430-060 and 3905-14-430-071. The Chairman asked for a report from the Planning Department. Ms. Stefforia submitted her report to the Planning Commission dated August 24, 2006, and the same is incorporated herein by reference.

Ms. Stefforia explained that the applicant was proposing to establish a mixed-use PUD by combining three separate parcels, all with frontage along West Main. She said there was a conflict between the Township's maps and those presented by the applicant and, therefore, a survey might be necessary before the project proceeds forward. Ms. Stefforia explained the property was zoned "R-2" and the northern portion of the property was also in the 9<sup>th</sup> Street Focus Overlay Zone. She said the subject site consisted of

approximately 26 acres which the applicant was proposing to develop into 25 two-family/duplex site condominium units. She said the duplexes were proposed to be established as site condominiums, but that was not a requirement of the PUD provisions and, therefore, a traditional condominium development could be used should the applicant so desire. Ms. Stefforia pointed out that the proposed lot sizes were in compliance, with the exception of building sites 21 and 22, using the 10% reduction in area and seven sites (8-12, 21-22) which used the 10% reduction in width, provided for under ordinance. Staff expressed concern that the corner building site would be too small to be buildable in compliance with setback requirements.

Ms. Stefforia explained that the applicant was seeking less than five acres for nonresidential use, but that no specific use for that nonresidential property had been proposed, likely due to the timing limitations provided for under the PUD provisions. Ms. Stefforia took exception to the applicant's narrative that indicated the PUD supported the Master Land Use Plan 9<sup>th</sup> Street Overlay Zone for commercial purposes. She said Staff contended that the Master Land Use Plan did not call for commercial uses along West Main and, in fact, noted that per a note on the site plan the nonresidential uses would have to meet the limitations set forth in the 9<sup>th</sup> Street Focus Overlay Zone, specifically office buildings of limited size. Ms. Stefforia said the applicant should address that issue and note with the Planning Commission. Ms. Stefforia also expressed concern regarding the relationship between the eastern nonresidential portion of the PUD and the rest of the project. She said it seemed to be completely separated from the rest of the development and did not appear to be part of the PUD itself, contrary to the purpose of the PUD provisions.

Ms. Stefforia then proceeded to take the Commission through a review of sections of the Ordinance, specifically, Section 60.430 and the design standard set forth in Section 60.440, as more fully set forth in her report.

The Chairman asked if there were any questions from the Planning Commission of Ms. Stefforia. Hearing none, the Chairman indicated the Commission would hear from the applicant. Mr. Butch Vliek introduced himself to the Planning Commission. He said he was there on behalf of Seelye-Wright and that there were representatives from Bertolissi's but that Jack Hamilton was out of the country. Mr. Vliek explained that as a result of meeting with the neighbors the developer was planning on making changes to building sites 20, 21 and 22 to expand them further to the east and increase the buffer in relationship to the residential development to the south. Mr. Vliek said they would do everything they could to preserve existing trees and prevent soil erosion. He said the only changes they had proposed since submitting the plan were the changes with regard to buildings sites 20, 21 and 22, and a nature trail that would allow people to walk around the open space surrounding building sites 13 through 22. He said he understood the concern of the neighbors regarding the use of Outlot E and said that they wished to remain neutral. He said if the Township required the development of Outlot E, they would develop it, but if it was not required, they would not develop it, or simply make access available for emergency vehicles.

The Chairman asked if there were any questions of Mr. Vliek. Ms. Everett asked if Mr. Vliek could address the issue of access to the northeast parcel. Mr. Vliek said he thought that some type of non-motorized path would be appropriate.

Ms. Garland-Rike asked how the applicant was going to blend the nonresidential portions of the project, particularly that area in the northeast, with the rest of the site condominium development. Mr. Vliek said he did not quite understand the question. Ms. Garland-Rike said that the development itself did not look much like a planned unit development, that it looked more like two separate nonresidential commercial areas on West Main with a site condominium. Mr. Vliek said they would work as much as they could to blend the development together. He said he could not really speak to the nonresidential development because that would be primarily up to Mr. Hamilton and the Bertolissis.

The Chairman said he understood they were at the conceptual stage but it certainly would have been nice to have worked out at least some general concept of their intent prior to presenting this for conceptual review. Mr. Vliek said he did not think that was feasible because of the delay between the construction of the site condominiums and reaching a 60% completion requirement provided for under the Ordinance. The Chairman asked if it was the developer's intent to stay within the requirements of the 9<sup>th</sup> Street Overlay Zone. Mr. Vliek said it was their intent to go beyond offices to general commercial along West Main but that he was not the person to address that issue. Mr. Grace asked if there would be a single developer for the residential portion of the development. Mr. Vliek said there would only be a single developer and that they did not intend to sell lots to other developers.

Mr. Grace asked whether there would be any improvements in the open space around the property. Dan Roberts, Engineer for Seelye-Wright Homes, said that there would be no structures or improvements made within the open-space area. Ms. Garland-Rike again asked for confirmation they were not planning any type of structures whatsoever within the open space. Mr. Roberts concurred.

Mr. Larson asked what their intent was with regard to preservation of trees. Mr. Roberts said the way they planned to preserve the trees was to develop upon a plateau which would allow them to minimize excavation, thereby reducing the number of trees which would be lost during the excavation process.

The Chairman asked about the retention area. Mr. Roberts said it was their intent to use the natural low area for their retention/infiltration pond. He said they did not intend to line the pond and, therefore, did not believe there would be any standing water. He said they had not reached a conclusion as to whether or not the nonresidential portion of the project would drain to the infiltration facility, but that all the residential development would drain to the proposed facilities shown on the conceptual site plan.

Mr. Smith asked the applicant if they had thought about a service road. Mr. Vliek said he did not understand how they could do that at this time because there were five other parcels separating the two areas proposed for nonresidential development. Mr. Garland-Rike said the Planning Commission was suggesting that be considered and be planned with regard to their individual lots.

Ms. Everett asked if they had discussed using the existing curb cut with DeKorne's. Mr. Roberts said that was a good idea and, while they had not considered that, it was something they could take a look at. Ms. Everett asked what type of commercial establishments would be developed in the nonresidential portion of the PUD for which people would need a pedestrian walkway. Mr. Grace pointed out that even if they were not accessing the nonresidential portion of the PUD that the bus stop was in close proximity and they might be accessing that. Mr. Bertolissi said that he could not speak for Mr. Hamilton but that as it related to their property, there was a 30 foot depression which he did not think would accommodate a walkway to reach the property to the northeast. He also reiterated his desire to put it to a more intense use than what is currently allowed within the Overlay Zone.

The Chairman asked Mr. Bertolissi if it was his intent to not develop offices, which were permitted within the Overlay Zone, but that he wanted to offer general commercial uses within those specific areas. Mr. Bertolissi indicated that was correct. There being no further questions for the applicant, the Chairman opened the discussion up to the public.

Mr. Dan Thompson introduced himself to the Planning Commission. He said he would be speaking on behalf of many of the residents in the area and asked for some consideration with the time limitations. Mr. Thompson then submitted a petition with a 175 signatures opposing the use of Outlot E at the time of development of the proposed PUD. Mr. Thompson then focused on three issues: (1) the history of the development in the area; (2) the problems relating to Outlot E; and (3) who was requiring the use of Outlot E.

With regard to the history, Mr. Thompson said the Minkler's had granted the use of Outlot E back in 1965 at which time M-43 was only two-lanes, there was no light at 10<sup>th</sup> Street, and Lodge Lane was a pleasant residential street. He said in the interim there had been a great increase in growth in the area which is likely to affect their neighborhood. He said they did not want to see an influx of traffic through Outlot E into their subdivision which might very well include commercial traffic.

Mr. Thompson also thought that development of Outlot E would be a traffic magnet and people would be cutting through their neighborhood to get to the signal at 10<sup>th</sup> Street, which would further add traffic to Lodge Lane. He said the community had no sidewalks and that Lodge Lane was already extremely busy and they did not want to see any increase of traffic.

Mr. Thompson concluded with asking who was requiring the use of Outlot E. He said that Ron Reid said the Road Commission was neutral on this issue and that it was up to the Township. He said the developer did not want to see the Outlot developed and, therefore, it must be the Township or Planning Department which wanted to see Outlot E developed. He said if the Township wanted to see it for emergency vehicle purposes then it should be developed solely for the purposes of allowing emergency vehicles, but not for general connectivity. Mr. Thompson thanked the Planning Commission for a chance to comment at the time of conceptual review. Mr. Thompson then asked that Outlot E be used only for emergency access with an appropriate curb so that cars could not use it. He also asked that they be given a screen similar to that which had been provided between the Quail Run development and the abutting residential property owners.

Jason Nuzzo said that he supported the neighbors even though he did not live in the area. He reiterated his concerns about growth within the Township and asked that the Township review and consider its Master Land Use Plan so as to protect the existing way of life in the Township and maintain Oshtemo as a beautiful community where everyone would like to live.

Ms. Sue Mellinger introduced herself to the Planning Commission. She said her driveway access was from Outlot E. She said she lived across from the other property owners that use Outlot E, the Koshars. She asked that the Planning Commission put themselves in her shoes. She said they opposed any use of Outlot E, even for emergency vehicles and did not believe it was necessary.

Mr. Russ Koshar introduced himself to the Planning Commission. He said they also live next to Outlot E and accessed their lot from Outlot E. He said they had moved in two months ago and had two children and thought opening up Outlot E would be dangerous. He said he did not believe it was required to be opened under the Ordinance. He said he was also concerned about the small amount of buffer which was provided between his home and the development to the north.

Mr. Vince Talanda said that he owned land in Country Club Village. He said Country Club Village only had one entrance and he did not see why the PUD needed a second entrance for emergency access.

Mr. Mark Orbe asked the Planning Commission to consider the fact the neighborhood was a family friendly neighborhood. He said that many young families were moving in because it was a beautiful area and he thought the opening of Outlot E would create traffic concerns and affect safety of the children in the area.

Jarratt Martin introduced himself to the Planning Commission. He said he did not think that use of the outlot would be good and he did not believe the road was wide enough to be used anyway.

Mr. Richard Mahoney said he was concerned about the use of Outlot E. He said he had lived in the area since 1980 and did not recall any car-pedestrian accident and thought the development was much safer with only one access. He said he thought it was a good idea to have a service road along West Main or to eliminate curb cuts and applauded the Planning Commission's consideration of such a development.

Mr. Ray Reed said he lived in the southeast end of Country Club Village and would likely not be affected directly but was concerned about the extra traffic coming into the neighborhood. He said people currently come into the neighborhood and get lost because there is only one entrance point and he thought the opening of Outlot E would make it worse.

Ms. Barb Hughey introduced herself to the Planning Commission. She said she was encouraged by Torrie Winger of the Nature Center to talk about development in the area. She said the development would likely greatly disturb the animals causing them to go elsewhere and suggested putting up deer crossing signs along West Main Street.

The Chairman closed the public portion of the meeting at approximately 9:40 p.m. and called for Planning Commission deliberations. The Chairman said he understood there was a lot of interest in the outlot and asked the Planning Department if they believed that the Road Commission was neutral on the issue. Ms. Stefforia said the Kalamazoo County Road Commission Engineer, Phil Czuk, had explained to her that it was the policy of the Road Commission to require opening Outlot E unless a variance was granted. She said that the Road Commission would consider not opening Outlot E if both the Planning Commission and the Board supported it and that was their written policy. She suggested perhaps the opinion expressed by Mr. Reid was his personal opinion because it was not consistent with the Road Commission's written policy. The Chairman said there had been many discussions in the past in relation to other developments where Country Club Village was used as an example of safety concerns due to a single entrance to such a large subdivision. The Chairman said he was not sure what the Planning Commission could do and thought they needed to have input and a decision from the Road Commission on the issue.

The Chairman said he was also concerned about the nonspecific commercial uses being proposed by the applicant. He said he thought the Overlay Zone should be followed and that the property should not be developed as general commercial. He said he was very concerned particularly about the northeast portion of the PUD since it did not appear to be integrated into the overall PUD development.

Ms. Everett said she agreed and she was concerned the nonresidential portion of the PUD did not seem to be compatible with residential use. Ms. Stefforia said that meant compatibility in layout and appearance. Ms. Everett said she understood that and thought the northeast portion did not appear to be laid out as part of the overall development.

Attorney Porter pointed out that the outlot probably could not be used for emergency vehicles access only. He said the easement prepared by the previous landowner only allowed it to be used as part of the development of a public road to West Main. The Chairman asked if the Commission thought they should comment on the use or non-use of Outlot E. Mr. Smith said perhaps it should not be opened. Mr. Larson strongly encouraged the Planning Commission not to make determination on that issue. He said he certainly would not be ready to make that decision at the time of conceptual review of the plan and thought additional research needed to be done on that issue. Ms. Stefforia strongly suggested that a traffic study be done before making any such decision. Ms. Everett said perhaps conditions exist which would not require Outlot E to be developed. Mr. Larson said that might be true but they needed to look at this very carefully in order to be consistent and apply their policy fairly and in a nonarbitrary fashion. He said they needed to look at the issue of connectivity and if they did not want to require the use of Outlot E, they needed to be able to articulate reasons for not using that outlot and to do it in a manner consistent with how other developments have been handled in the Township.

A discussion ensued between some of the members in the audience and the Planning Commission members. The Chairman asked that there be no dialogue between the audience and the Commission since it was time for Planning Commission deliberations.

Mr. Grace said he lived in the plat and he did not see a reason for use of the outlot, but he also thought there was a valid safety concern regarding use of the outlot. He said they had allowed cul-de-sacs to develop elsewhere and did not see why the PUD could not develop on a cul-de-sac in this case.

The Chairman asked the Commission to address the issue of the residential/nonresidential uses of the development as well as the open space. The Chairman again asked for confirmation of the developer there would be no use made of the open space. The developer concurred. The Chairman said since the purpose of the conceptual review was guidance from the Planning Commission members, he complimented them on their proposal to relocate the building site lines for Lots 21 and 22. Mr. Grace suggested moving all of the lots further to the north. Mr. Vliek said they could explore that option.

Ms. Bugge pointed out that it was nice of them to offer a setback but if it was a platted development the lot line would be immediately adjacent to the neighbors to the south. The Chairman said he understood that but there was no harm in asking, if the developer were willing to consider their request. Mr. Grace thanked the developer for working with the neighborhood.

Ms. Everett suggested the applicant dialogue with owners of property in the area regarding a service road. Mr. Vliek said that they did not own those properties and he did not see any need or feasibility for constructing an access drive. The Chairman

pointed out that they needed to consider an access drive along the rear portions of their property and develop it in such a way so as to accommodate that service drive in the future, so as the other properties developed around them, they could do the same.

Mr. Vliek said as a developer he thought that the nonresidential portion of it should be developed as neighborhood commercial. The Chairman said he appreciated Mr. Vliek's input but he thought it was most important that the Planning Commission follow the Master Land Use Plan specifically with regard to the recommended nonresidential uses within the 9<sup>th</sup> Street Overlay Zone. Ms. Garland-Rike asked that the applicant look at the properties north of West Main and see how they are developing in order to get an idea of what they would like to see developed in the area. She said she thought they wanted the buildings and the other types of development to blend in with the residential neighborhood and did not believe that general commercial development would meet that goal.

The Chairman said he understood that the developer ought to be allowed a certain amount of latitude in not specifically outlining exactly what type of commercial development would be placed on the property but thought that they could have done more to reach a consensus that it be developed in a manner consistent with the land use plan. Mr. Smith asked what would happen if the eastern parcel was taken out of the PUD. The comment was made that the 20% allowed for nonresidential development would likely be found elsewhere in the overall development.

The Chairman asked the Planning Commission members if they had any other comments for the developer's consideration and, hearing none, thanked the developer for appearing and listening to the Planning Commission's comments regarding the conceptual plan review. The Chairman also thanked the public in attendance for their input on this matter.

### **Other Business**

Ms. Everett pointed out that the Planning Commission needed to either have a volunteer or select a member to serve on the *ad hoc* committee reviewing the sidewalk policies of the Township. Ms. Garland-Rike graciously volunteered to serve in that position.

### **Planning Commissioner Comments**

The Chairman said he wanted to compliment the Staff on the exceptionally detailed reports which were submitted at the meeting.

Ms. Everett informed the Planning Commission that the Township Board had approved the hiring of a new planner.

The Chairman noted that the Board had also approved the contract for moving ahead with the Village Focus Form Based Code with McKenna & Associates.

**Adjournment**

There being no further comment, the meeting was adjourned at approximately 10:12 p.m.

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

By:

Minutes prepared:  
August 31, 2006

Minutes approved:  
\_\_\_\_\_, 2006