

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A REGULAR MEETING HELD SEPTEMBER 27, 2007

AGENDA

TEXT AMENDMENTS- PUBLIC HEARING - RE FENCES - SECTIONS 11.303.1 AND 78.200

GROOTEN - REZONING - PUBLIC HEARING - 2559 S. VAN KAL AVENUE AND SURROUNDING VACANT PROPERTY - (PARCEL NOS. 3905-30-305-010, 3905-30-305-020 AND 3905-30-180-010)

HAMACHER - SITE PLAN AMENDMENT FOR A SPECIAL EXCEPTION USE - 8089 STADIUM DRIVE - (PARCEL NO. 3905-33-402-082)

STEWART - SPECIAL EXCEPTION USE AND SITE PLAN AMENDMENT - 2800 SOUTH 11TH STREET - (PARCEL NO. 3905-25-335-040)

A regular meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, September 27, 2007, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairman
Lee Larson
Fred Gould (8:40 p.m.)
Bob Anderson
Carl Benson
Kitty Gelling

MEMBER ABSENT: Deborah Everett

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Senior Planner; Brian VanDenBrand, Associate Planner; James Porter, Township Attorney, and approximately eight other interested persons.

CALL TO ORDER

The Chairman called the meeting to order at approximately 7:00 p.m. The Planning Commission recited "The Pledge of Allegiance."

AGENDA

The Chairman asked if there were any changes to the Agenda. Ms. Stefforia asked that the Commission consider a request for a rezoning under Item #9. Ms. Bugge asked that the Commission discuss a possible text amendment also under Item #9, "Any Other Business." Mr. Benson asked that there be a discussion regarding ex parte communications. Ms. Stefforia asked if that matter could be scheduled for the next work session. The Planning Commission concurred.

The Chairman asked if there were any other additions to the Agenda. Hearing none, he called for a motion. Ms. Gelling made a motion to approve the Agenda as amended. The motion was seconded by Mr. Anderson. The Chairman called for a vote on the motion, and the motion passed unanimously.

MINUTES

The Chairman asked if the Planning Commission members had had an opportunity to review the minutes of September 13, 2007. Mr. Larson made a motion to approve the Minutes as submitted. The motion was seconded by Ms. Gelling. The Chairman called for a vote on the motion, and the motion passed unanimously.

The Chairman asked the public in attendance to adhere to the comment rules established by the Planning Commission.

TEXT AMENDMENTS- PUBLIC HEARING - RE FENCES - SECTIONS 11.303.1 AND 78.200

The Chairman said the first public hearing was on the proposed text amendment to Section 78 regarding fences and the addition of Section 11.303.1 being the definition of a fence. The Chairman asked to hear from the Planning Department. Ms. Bugge submitted a report dated September 27, 2007, to the Planning Commission, and the same is incorporated herein by reference.

Ms. Bugge explained that the text amendments had not changed since they were submitted to the Commission at its last meeting. The Chairman said that the action of the Planning Commission would be to make a recommendation to the Township Board. Ms. Bugge indicated that was correct. The Chairman asked if there were any questions of Ms. Bugge. Hearing none, he opened the public portion of the hearing.

Mr. Chad Hughson introduced himself to the Planning Commission. He said he was in favor of having a Fence Ordinance to avoid spite fences. However, he thought that the proposed text was too restrictive and that the six-foot fence provision was too low. He said people have gotten taller over the years and that six feet was not sufficient to provide privacy, especially on rolling terrain. He also noted that the limitations of the Ordinance would not prohibit certain domestic animals from jumping the fence in the front yard or deer jumping the fences in rear yards because of the height limitations. Mr.

Hughson suggested perhaps an eight or ten-foot fence be allowed, depending upon the size of the lot. He also encouraged the Planning Commission to consider changing the allowable height of fences based on the particular zoning classification or size of the property.

Mr. Hughson closed by asking if living fences would be included in the fence classification. Ms. Bugge indicated that they would not.

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

The Chairman asked for Planning Commissioner comments. The Chairman began by noting that he felt there was a need for a Fence Ordinance to ensure people were "good neighbors." He said perhaps the text language could be improved over time, but felt that this was a fair start and was based on a consensus of the Planning Commission's discussion. Ms. Gelling said she thought that the proposed language was in order and should move forward. Mr. Larson told the public that there had been a lengthy discussion, particularly with regard to height, and he thought that they had reached a reasonable compromise which they could submit to the Township Board.

The Chairman told the audience that the point made regarding height was well taken, but that it had been thoroughly discussed, and even the issue of ground elevation was reviewed quite thoroughly. He thought that this was a good beginning.

Ms. Stefforia asked for clarification as to what the "front building setback area" stated under Section 78.230, referred to. She asked if it was to pertain to the established setback or the required setback area. Ms. Bugge indicated that the intent was the required setback area. It was the consensus of the Commission to amend the first sentence of Section 78.230A, to state: "... all fences shall be limited to a maximum height of four (4) feet within the required front building setback area except as stated in Section 78.220B."

The Chairman asked if there was any further discussion. Hearing none, he made a motion to recommend approval of the proposed text, as amended, to the Township Board. Mr. Benson seconded the motion. The Chairman asked if there was any further discussion on the motion, and hearing none, he called for a vote. The motion passed unanimously.

GROOTEN - REZONING - PUBLIC HEARING - 2559 S. VAN KAL AVENUE AND SURROUNDING VACANT PROPERTY - (PARCEL NOS. 3905-30-305-010, 3905-30-305-020 AND 3905-30-180-010)

The Chairman said that the next item for consideration was the proposed rezoning for Viola Geresy. The Planning Commission was being asked to conduct a public

hearing on proposed rezoning of approximately 115 acres from "AG" Agricultural District to "RR" Rural Residential District. He said that the subject property was located at 2559 S. Van Kal Avenue and the proposed rezoning includes surrounding vacant parcels, being Parcel Nos. 3905-30-305-010, 3905-30-305-020 and 3905-30-180-010. The Chairman asked to hear from the Planning Department. Mr. VanDenBrand submitted his report dated September 27, 2007, to the Planning Commission, and the same is incorporated herein by reference.

Mr. VanDenBrand explained that all of Viola Geresy's property was being considered. He said originally the applicant had requested that the western 10 acres of 3905-30-305-020 be rezoned, but, at the Planning Commission's request, the Notice of Zoning Public Hearing had been expanded to include all of Parcel No. 3905-30-305-020, plus all of Parcel Nos. 3905-30-305-010 and 3905-30-180-010, for a total of 115 acres. Mr. VanDenBrand then proceeded to take the Commission through a review of the considerations for rezoning requests as are more fully set forth in his report.

The Chairman asked if there were any questions of Mr. VanDenBrand. The Chairman began by asking if the ten acres originally requested had been part of Parcel No. 3905-30-305-020. Mr. VanDenBrand said yes, the west ten acres of that property was what was originally proposed. The Chairman asked to hear from the applicant.

Ms. Evonne Grooten, granddaughter with power of attorney for Ms. Geresy, introduced herself to the Commission. She said that they needed to reduce the property holdings of her grandmother for purposes of qualifying for assisted living in a retirement community. She said in order to do that and split off a small portion of the farm, it was recommended that they rezone to "RR" Rural Residential since the required parcel dimensions were smaller in that zoning classification. The Chairman asked if there were any questions.

Ms. Stefforia asked if all three parcels were in common ownership. Ms. Grooten indicated that they were. The Chairman asked Ms. Grooten if she had an opinion as to whether all of the property should be rezoned or only a portion of it. Ms. Grooten said that she had spoken to the Assessor and was told that the taxes would not go up simply by changing the zoning classification and so she did not have an objection to all of the property being rezoned to "RR" Rural Residential.

The Chairman asked if there was any public comment. Mr. Frank Severance introduced himself to the Planning Commission. He said they had purchased their property wanting to maintain a rural atmosphere. He said he would like to see the zoning stay in place because he was concerned about urban growth in the area.

The Chairman asked if there was any further public comment, and hearing none, called for Planning Commission discussion. The Chairman began by indicating that "RR" is what was planned for in the Master Land Use Plan, and it is still fairly protective of the

rural nature of the Township. Mr. VanDenBrand said that, even with “RR” zoning, they could only have one home per acre if they did not have public water available when creating a plat or site condominium. The Chairman said that the Planning Commission was obligated to follow its Master Land Use Plan.

Ms. Stefforia said that, at the time when much of the property in the Township was rezoned from “AG” Agricultural to “RR” Rural Residential, they did so in order to protect against intensive livestock operations. She said those parcels which were in excess of 40 acres and currently being farmed were left in the “AG” classification. However, she said that the Planning Commission should be aware that, at that time, the property owners were told that if they wanted to rezone to “RR,” then their requests would be honored.

Mr. Larson said he thought perhaps there was merit in not having all of the property rezoned. Mr. Larson said that, in spite of the history on the change in the Master Land Use Plan provided by Ms. Stefforia, he still would like to see as much “AG” land preserved as possible. He thought they should rezone only the west ten acres of Parcel No. 3905-30-305-020. Ms. Bugge pointed out that, if the property was being farmed, it could continue to be farmed indefinitely in the same manner that it had been in spite of any rezoning. Mr. Larson said he understood, but he still would like to preserve the zoning classification if at all possible.

Mr. Anderson stated he thought they should look at the entire parcel because the applicants would likely be back to the Planning Commission in the very near future to ask for further rezoning, which would likely be granted, given that the “RR” zoning classification is consistent with what the Master Land Use Plan calls for. Mr. VanDenBrand pointed out that, if Ms. Geresy needed additional funds for her care, it was very likely that the applicant would be back to the Township to ask for additional rezonings so more property could be divided and sold.

Ms. Gelling pointed out that the entire area surrounding this property was currently zoned “RR” Rural Residential, and she said because of that, she thought it was appropriate to rezone the entire acreage at this time.

The Chairman said he understood some of the concerns for the applicant, but the real issue was land use. He said he had advocated considering all of the property, but thought perhaps keeping some of the property zoned “AG” rather than being rezoned “RR” would buy some additional time for that property to remain agricultural. While he acknowledged that it would eventually be rezoned to “RR” Rural Residential, he thought there was merit in considering keep some of the property “AG” for some period of time.

Mr. Anderson said, given the Rural Residential District surrounding the subject property, he thought there would be some risk in leaving the subject property zoned agricultural because it would be open to more intensive farming operations.

Mr. Benson said that he thought that the entire area should be rezoned to "RR" Rural Residential in order to bring it into compliance with the Master Land Use Plan.

The Chairman said that there seemed to be divergent views on the issue and suggested that maybe a motion would add clarification. Mr. Anderson then made a motion to recommend the rezoning of all three parcels of the subject property from "AG" Agricultural District to "RR" Rural Residential District. Mr. Benson seconded the motion. The Chairman called for discussion, and hearing none, called for a vote. The motion passed 4-to-1 with the Chairman voting in the negative.

HAMACHER - SITE PLAN AMENDMENT FOR A SPECIAL EXCEPTION USE - 8089 STADIUM DRIVE - (PARCEL NO. 3905-33-402-082)

The Chairman stated that the next item up for consideration was a site plan amendment for a special exception use. He said the applicant was requesting a deviation and site plan amendment to reduce required greenspace and expand the parking lot area of a previously-approved office building in the "R-3" Residence District. He said that the property was located at 8089 Stadium Drive, Parcel No. 3905-33-402-082. The Chairman asked to hear from the Planning Department. Ms. Bugge submitted her report dated September 27, 2007, to the Planning Department, and the same is incorporated herein by reference.

Ms. Bugge pointed out that the applicant had received a special exception use permit and site plan approval on August 11, 2005. She said the initial approved site plan indicated that the driveway and only a small portion of the rear parking lot would be constructed. She said a deviation was granted to reduce the width of the green space on the west side of the driveway to 13 feet to permit expansion of the driveway width to 24 feet. She said, when the applicant wished to reduce the size of the property and finish the lower portion of the building, he returned to the Planning Commission on July 27, 2006, with a revised site plan expanding the rear parking lot but allowing for a 25-foot wide greenspace on the west side of the property.

Ms. Bugge said that the property, as constructed, did not follow the approved site plan, and instead of a 25-foot wide greenspace on the west side of the property, it was now barely 13 feet wide. She said that this was less than the 20-foot width required for a Type C greenspace. She also noted that one parking space now intruded into the required side setback. She said the applicant was now requesting a deviation to allow a reduction in width of the greenspace to 13 feet for the entire length of the western greenspace. Ms. Bugge then took the Board through a review of special exception use criteria, as well as conditions and limitations for office buildings in the "R-3" District. She next provided an overview of the site plan review of the subject property.

The Chairman asked if there were any questions. The Chairman began by asking what the side yard setback was in this area. Ms. Bugge indicated that it was supposed

to be 20 feet or the height of the abutting side of the building. The Chairman asked to hear from the applicant.

Mr. Steve Hamacher introduced himself to the Planning Commission. He said he did not have any intent to deviate from the site plan, and thought adding parking would be a positive addition to the site. He said he did not really understand greenspace. He noted that when the engineer was on site in the spring, he did not notice that they were not in compliance with the site plan, and now that the final topcoat of paving had been put in, he thought it would be a waste to have it removed. He also noted that there was a large hill immediately west of the area in question, and he did not see any benefit in removing the asphalt and putting in addition greenspace since it would not have any negative impact on the neighboring property. He noted that he owned the property to the west and could add property to the subject property, if necessary, but he thought it was a bit of a waste.

The Chairman asked if the applicant had considered expanding his property. The applicant said he had considered it. Ms. Bugge noted, however, that he would then have a problem with frontage on Stadium Drive. Ms. Stefforia said the next parcel had only 87 feet of width, and adding to the subject property was probably not practical.

The Chairman asked the applicant to recall the benefits of the Planning Commission's decisions given to Mr. Hamacher. He said that the Commission had given considerable concessions at the time the subject building was approved, and he was quite apprehensive in making any further reductions in the side yard setbacks or in the landscaping. The Chairman had trouble understanding how Mr. Hamacher could not understand what was being requested, since it was quite clear in the minutes as well as the site plans which were submitted.

Mr. Hamacher said perhaps he got the wrong engineer. He thought hiring somebody in the Township would assure him that all of the local requirements were met. He said it was unfortunate, but if he had known there was a problem, he would not have had it installed in the first place.

Mr. Benson asked about the topography of the subject property. Mr. Hamacher said that the property sloped toward the parking lot, both from the east and from the north. He said that they have actually cut into the hill to put in the parking lot.

Ms. Gelling said, while she was not on the Commission when this matter was considered, perhaps if there had been any questions, the applicant or his engineer should have taken the time to come to the Township and ask for clarification. Mr. Hamacher admitted that his engineer did not do the best job and perhaps he did not know what the Township rules were, and he acknowledged that it was not anybody's fault but their own. However, he did not see what the harm was in leaving the asphalt in place in that he did not knowingly put in the pavement.

Ms. Bugge said that he certainly should have been aware that there would be a problem in installing the additional asphalt since it would run totally in contravention of the landscape plan which he had submitted. Mr. Hamacher did not understand what that proved. Ms. Bugge said that it proved that he certainly knew that there was a need for the required greenspace.

The Chairman asked if there was any public comment. Hearing none, he called for Planning Commission deliberations. The Chairman began by saying that he was a little concerned that Mr. Hamacher seemed to know about setbacks and other requirements and that the Planning Commission had been pushed to some degree at the time that the site plan was originally granted to give deviations. Therefore, he had great difficulty in letting it go beyond what was originally approved. He said his concern was, when the Township Zoning Ordinance is not complied with, it has a negative effect upon the entire community. Ms. Gelling said she was not inclined to grant the requested deviation. She said that granting a deviation based upon a mistake of the developer's engineer or other agent was not a sufficient basis to grant a deviation.

Mr. Larson said that he agreed with Ms. Gelling. He said that they certainly had an approved site plan and that they were not authorized to deviate from that site plan without coming back to the Planning Commission and getting approval. He said he did not think it was appropriate to grant a deviation for mistakes done by the developer.

Mr. Anderson said he agreed with the previous statements. Mr. Benson said he did not disagree with anything which the Planning Commission members had said.

Ms. Gelling again noted that, while it is easy to plead ignorance, the applicant or any of the applicant's contractors could have come to the Township and ask for clarification.

Mr. Hamacher asked what was the purpose of the greenspace. The Chairman said the purpose of the greenspace was to increase landscaping within the community, make the community better, make the adjoining land uses more compatible by providing for separation and greenspace. Mr. Hamacher asked how this site could be made better by taking out a 16-foot wide stretch of asphalt which was 60 feet long. Mr. Larson said it would be better because it would allow for the planting of the greenspace which was required when he originally received approval. Mr. Larson pointed out that was what Mr. Hamacher had previously agreed to, and he thought it was imperative that he honor his side of the agreement.

Mr. Gould said that he understood the situation which Mr. Hamacher was in, but he was not comfortable in granting a deviation based upon the facts and circumstances present in this matter. The applicant said he did not have a problem with digging up the asphalt, but he did not see any benefit. The Chairman said he thought that the benefit would be the betterment of the community, but more importantly, that the negative aspect of not making Mr. Hamacher comply would be setting an adverse precedent

which could impact future development within the Township. Ms. Bugge noted that the removal of the 16 feet of asphalt in an area which was completely flat would facilitate putting in the landscaping.

The Chairman then asked for a motion. Mr. Larson made a motion to deny the requested deviation and requested that the project be brought into compliance with the approved site plan. Ms. Gelling seconded the motion. The Chairman asked for further discussion. Hearing none, he called for a vote on the motion. The motion passed unanimously.

STEWART - SPECIAL EXCEPTION USE AND SITE PLAN AMENDMENT - 2800 SOUTH 11TH STREET - (PARCEL NO. 3905-25-335-040)

The Chairman said that next item was a special exception use and site plan amendment for a converted office building located in the "R-3" Residence District. He said the property was located at 2800 South 11th Street, Parcel No. 3905-25-335-040. The Chairman asked to hear from the Planning Department. Ms. Bugge submitted her report dated September 27, 2007, and the same is incorporated herein by reference.

Ms. Bugge explained that the applicant had purchased the property and was now seeking to add a 1,024 square foot addition to the converted office building. Ms. Bugge explained that the conversion of a residence to an office building had been approved as a permitted use by the Zoning Board of Appeals in April of 2002. She explained that the properties to the north, east and south were zoned "R-3" and that there was a residence located both north and south of the subject building. She said that the applicant was requesting a small deviation to the north greenspace due to the pre-existing driveway width. Ms. Bugge explained that the building expansion triggered the special exception use review. Ms. Bugge then proceeded to take the Commission through a review of a special exception use under Section 60 of the Zoning Ordinance, as well as a review of site plan review under Section 82.800, as more fully set forth in her report.

The Chairman asked if there were any questions of Ms. Bugge. Hearing none, he said he would like to hear from the applicant. Mr. Tim Stewart introduced himself on behalf of Hurley & Stewart Properties, LLC. He explained that they were an engineering, survey and landscape architecture firm which had been operating in the area for six years, and they decided to move their offices to the west side in order to avoid the drive downtown. He said he would like to discuss the landscaping issues with the Planning Commission. He stated, while the existing landscaping was very thoroughly done, there was perhaps a need to supplement the landscaping in certain areas, but perhaps not as laid out in their initial plan. He stated that they would like to make some changes based upon their inspection of the property and the fact that the plantings in certain areas were quite dense. He said he thought that their proposed use would be much more compatible with the neighbors, given the fact that they did not have any after-hour

visitors to the site. Mr. Stewart passed out some photographs for the Planning Commission's review.

Ms. Bugge noted that the north side only lacked a few shrubs, and perhaps they were there, but it was a bit overgrown. Mr. Stewart acknowledged that the area did need some maintenance. Ms. Bugge also noted that the applicant was seeking to substitute evergreens for some of the canopy trees required under the Landscaping Ordinance. The Chairman said perhaps they could address the landscaping issue at the time that they reviewed the site plan.

The Chairman asked for public comment. Mr. Ernest Thompson said that he lived immediately north of the office building being considered. He said he thought that the front landscaping was well maintained, but that landscaping along his property was in need of some maintenance. He said some items were either dying or overgrown, and he hoped that the applicant would address those issues. He stated that he was also concerned about the possible effects of lighting from the proposed office as it would impact his residence.

The Chairman asked if there was any further public comments, and hearing none, called for Planning Commission deliberations. The Chairman said that there were two items to consider, the issuance of a special exception use and approval of the site plan. The Chairman said he thought there were a few conditions which the Planning Department was asking the Commission to address while considering the special exception use set forth on pages 2 and 3 of Ms. Bugge's report.

Mr. Larson asked if there was any lighting proposed. Ms. Bugge said that there would be one existing residential freestanding light and two lights on the addition, but they would need to be sharp cut-off lighting. The Chairman asked if they would reduce lighting after hours. Mr. Stewart raised a question regarding that issue. The Chairman suggested that they discuss it during site plan review.

Mr. Larson made a motion to approve the special exception use with the following conditions:

- (1) Outdoor storage shall be prohibited.
- (2) Only vehicles which are compatible with a residential use shall be parked at the site.
- (3) Site lighting is subject to Section 78.700 and the details of any outside lighting fixtures shall be submitted to the Township for review and approval.

Mr. Gould seconded the motion. The Chairman called for a vote on the motion. The motion passed 6-0.

The Chairman asked for discussion on the proposed site plan. The Chairman noted that there were a couple of requested deviations, the first being a 5-foot deviation on the north greenspace due to the existing drive. He asked if the Planning Commission members had any problem in granting that proposed deviation. It was the consensus that the 5-foot deviation would be appropriate, given it was pre-existing. The Chairman also asked if there was any problem substituting evergreens for some canopy trees and having supplemental plantings on the north side. It was the consensus of the Planning Commission to agree to the substitution of trees and supplemental plantings. The Chairman asked if there was a consensus as to allowing the applicant to bank three (3) parking spaces. Again, it was the consensus of the Planning Commission to allow the banking of three parking spaces.

Mr. Larson asked if there was a problem with the private easement proposed for the sidewalk. Attorney Porter said that he thought they had addressed that issue previously with Wal-Mart and did not think it was an ongoing problem, but he could not recall exactly what the agreement was concerning the Wal-Mart property. Mr. Larson said that he wanted to make sure that the screening to the north was properly maintained or restored, as necessary, to protect the property owners to the north. Mr. Benson said he thought the screening to the north could be improved and supplemented. Mr. Benson said, while he did not have a problem trading canopy trees for evergreens, he wanted to make sure that the northern border was better maintained in a better condition than currently existed.

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

- (1) All parking shall conform to Section 68.000 and Section 23.404. Three parking spaces are deferred and subject to construction when the Township deems necessary.
- (2) The applicant shall provide the Township with a private easement for the placement of a sidewalk on the subject property.
- (3) The applicant shall enter into an Escrow Agreement for Future Installation of Non-motorized Facilities with the Township.
- (4) Setbacks shall comply with Section 64.000 and 23.404.
- (5) All lighting shall comply with Section 78.700. Outside building mounted and freestanding fixture locations and details shall be submitted to the Township for review and approval, and light levels will be reduced during non-working hours.

- (6) Approval shall be subject to the submission of sign details for review and approval through the sign-permitting process. All signs shall comply with Section 76.000.
- (7) Installation of Type C greenspace around the perimeter of the property shall be required or supplemented to be brought into compliance, as necessary.
- (8) Deviations to allow the existing north greenspace to satisfy the greenspace width requirement and to allow the substitution of evergreen trees for canopy trees are granted.
- (9) Landscaping in accordance with Section 75 shall be provided with credit for existing material meeting the criteria of Section 75.200 as determined by the Township. A landscaping plan in accordance with Section 75 shall be submitted for Township review and approval.
- (10) Landscaping shall be installed before a Certificate of Occupancy will be granted or a Performance guarantee, consistent with the provisions of Section 82.950, must be provided.
- (11) Site plan approval shall be subject to the applicant satisfying Fire Department requirements pursuant to the adopted codes.
- (12) Site engineering and stormwater management are subject to the Township Engineer finding they are adequate.
- (13) Use of the existing septic system is subject to Health Department approval.

Mr. Benson seconded the motion. The Chairman asked if they might review the lighting requirements. He said that he thought if they were adding lighting, it would be appropriate to put such a lighting restriction on the property. However, based upon the proposed lighting and the applicant's representation that the provision to reduce lights after hours was unintentionally placed on the plan, he wondered if it was necessary. Mr. Larson said it was what was on the plan, and he thought it was reasonable, but if they were not adding a lot of lighting, perhaps it could be modified. Ms. Bugge noted that no parking lot light fixtures were existing or proposed. She asked if that condition could be amended to read as follows:

"All lighting shall comply with Section 78.700. Outside building mounted and freestanding fixture locations and details shall be submitted to the Township for review and approval, and if there is any additional lighting beyond what was proposed, that those light levels be reduced during non-business hours."

Mr. Larson agreed to amend his motion. Mr. Benson agreed to the amended motion to reflect the proposed change. The Chairman called for a vote on the motion, and the motion passed unanimously.

Public Comment on Non-Agenda Items

The Chairman asked if there any public comment on non-agenda items. Hearing none, he asked that the Commission move on to the next item.

Any Other Business

The Chairman asked if there was any other business. Ms. Stefforia said that they had received a rezoning request on Drake Road. She said that, given the increase in traffic and the size of the road in the area, she asked that the Commission consider noticing for hearing more land than was included in the rezoning application, in order to make it more compatible with the changes in the area. Mr. Larson made a motion to set a public hearing on the requested rezoning in accordance with the recommendation of the Planning Department for October 25, 2007. The motion was seconded by Mr. Gould. The Chairman called for a vote on the motion, and the motion passed unanimously.

The Chairman asked if there were any other business items. Ms. Bugge said that they had received a request for a text amendment to add kennels either as a permitted or special exception use within the "I-1" Industrial District. Ms. Stefforia said that the language would be identical to that currently allowed in the "RR" District. The Planning Department said perhaps this would be a better place for dog kennels, given the setbacks provided for within the "I-1" District and the separation from residential uses. Mr. Larson made a motion to set the public hearing for the proposed text amendment on October 25, 2007. The motion was seconded by Mr. Gould. The Chairman called for a vote on the motion, and the motion passed unanimously.

Planning Commissioner Comments

The Chairman wished Mr. Gould a happy birthday. Mr. Gould thanked the Planning Commission for their thoughtfulness.

The Chairman asked that it be noted that the discussion regarding ex parte communications be added to their next meeting, as well as the consideration of the Nextel matter.

ADJOURNMENT

There being no other Commissioner comments, the Chairman called for an adjournment of the meeting at approximately 9:15 p.m.

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

By: _____

Minutes prepared:
October 1, 2007

Minutes approved:
_____, 2007