

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A REGULAR MEETING HELD SEPTEMBER 28, 2006

AGENDA

BONNES - PARCEL DEVIATION - 2648 PLAINVIEW STREET - (PARCEL NO. 3905-25-324-070)

SEVENTEEN SIXTEEN PROPERTIES - REZONING PUBLIC HEARING - 800 SOUTH 8TH STREET - (PARCEL NO. 3905-22-276-012)

VALUE PLACE PRIVATE STREET AND SITE CONDOMINIUM - SPECIAL EXCEPTION USE AND PRELIMINARY PLAN REVIEW - EAST SIDE SOUTH 11TH STREET AT 1647 SOUTH 11TH STREET (PARCEL NO. 3905-25-205-010)

UNCLE BOB'S - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - 1515 SOUTH 11TH STREET - (PARCEL NOS. 3905-24-452-010 AND 3905-24-452-020)

A regular meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, September 28, 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 (after 7:30)
Kathleen Garland-Rike

MEMBERS ABSENT: None

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Senior Planner; Brian VanDenBrand, Associate Planner; James W. Porter, Township Attorney; and approximately 12 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 and asked if there were any changes, and if not, said he would entertain a motion to approve the Agenda. Mr. Grace made a motion to approve the Agenda as submitted. The motion was seconded by Mr. Smith. The Chairman called for a vote on the motion, and the motion passed unanimously.

MINUTES

The Chairman said the next item up for consideration were the Minutes of September 14, 2006. Mr. Smith made a motion to approve the Minutes as submitted. The motion was seconded by Mr. Grace. The Chairman called for a vote on the motion, and the motion passed unanimously.

BONNES - PARCEL DEVIATION - 2648 PLAINVIEW STREET - (PARCEL NO. 3905-25-324-070)

The Chairman said the next item for consideration was a request for a deviation pursuant to Section 66.203, to allow a parcel that does not meet the dimensional requirements of Section 66.201 to be considered buildable. He said the subject property was located at 2648 Plainview Street, Parcel No. 3905-25-324-070. The Chairman called for a report from the Planning Department. Ms. Bugge submitted her report to the Planning Department dated September 28, 2006, and the same is incorporated herein by reference.

Ms. Bugge explained that the Bonnes family had purchased a portion of the AT&T right-of-way in 1971. She said the subject property was approximately 220 feet wide by 150 feet deep with 66 feet of frontage on Plainview Street. She said the frontage and parcel area did not meet "R-2" minimal dimensional requirements and, therefore, under Section 66.203, the Planning Commission could consider granting the deviation for the parcel rather than requiring it to be platted. Ms. Bugge proceeded to take the Commission through the criteria for granting such deviation as more fully set forth in her report.

Ms. Bugge indicated the County Road Commission was requesting an easement over a portion of the property to construct a cul-de-sac and for snow storage at the end of Plainview Street. She suggested this request be considered as part of the Commission's deliberations.

The Chairman asked Ms. Bugge if approval of the deviation would require recording any documents with the Register of Deeds. Ms. Bugge said that it would require recording the appropriate easement for the Road Commission to install the a turn-around, and an easement for snow removal, if the Planning Commission determined the Road Commission's request appropriate.

Ms. Garland-Rike asked if the turn-around would provide the subject property with sufficient road frontage to meet parcel requirements within the "R-2" zone. Ms. Bugge said that it would not, but it would improve it.

The Chairman asked to hear from the applicant. Mr. Matt Weaver introduced himself on behalf of the Bonnes family. He pointed out a necessary correction to the overhead as it related to the easterly boundary line of the property. He said he thought the proposal would not only benefit the Bonnes but would benefit the neighborhood in general because it would allow the construction of a cul-de-sac at the end of Plainview Street. He also pointed out that the property being sold would have a deed restriction requiring all vegetation to remain on site except for the area cleared for the construction of a new home.

The Chairman asked if there were any public comments. Mr. Henry Bonnes introduced himself to the Planning Commission. He said he did not see any reason why the Planning Commission would not approve the proposal. He said they were willing to work with the Road Commission to accommodate a cul-de-sac for the road and thought it would be an improvement for all concerned.

The Chairman called for Planning Commission deliberations. After a short discussion, Mr. Grace made a motion to approve the deviation as requested subject to the following conditions:

1. Approval of the request shall be subject to a determination by the Environmental Health Department that the property is suitable for a septic system.
2. Approval of the request shall be subject to obtaining a driveway permit or determination from the Road Commission.
3. Request of the Road Commission to utilize a portion of the subject property to construct a turn-around on the dead-end street shall be met and a document reflecting the easement shall be recorded with the Register of Deeds.

The motion was seconded by Ms. Everett. The Chairman called for a vote on the motion, and the motion passed unanimously.

SEVENTEEN SIXTEEN PROPERTIES - REZONING PUBLIC HEARING - 800 SOUTH 8TH STREET - (PARCEL NO. 3905-22-276-012)

The Chairman said the next item on the Agenda was a public hearing on a proposed rezoning of approximately 26 acres from "I-1" Industrial to "RR" Rural Residential. He said the subject property was a portion of the rear acreage of 800 South 8th Street, Parcel No. 3905-22-276-012. The Chairman called for a report from the Planning Department. Ms. Stefforia submitted her report to the Planning Department dated September 28, 2006, and the same is incorporated herein by reference.

Ms. Stefforia said the applicant was requesting to rezone approximately 20 acres from the "I-1" Industrial District to "RR" Rural Residential District. She said when it was first reviewed, the Planning Commission had determined that the Master Land Use Plan did not need to be amended because it showed the subject property as being planned for rural

residential development. Ms. Stefforia then went through her review of the surrounding land uses and then proceeded to take the Planning Commission through a review of the considerations for a rezoning request as more fully set forth in her report.

The Chairman asked if there were any questions. Mr. Grace asked why Ms. Stefforia had said it was unlikely that this would not stimulate further rezoning requests. Ms. Stefforia said that it was unlikely that anyone owning "I-1" property in the area would be further inclined to down-zone their property. She said she thought that most of the industrial property in the area was currently being used for that purpose, and she did not anticipate any of those owners wishing to change their zoning to the Rural Residential classification.

Mr. Smith asked if a portion of the property coming out to 8th Street was going to be rezoned. Ms. Stefforia said that the applicant was not requesting a rezoning of that property.

Hearing no further questions, the Chairman asked to hear from the applicant. Mr. Clyde Crawford, on behalf of Seventeen Sixteen Properties, introduced himself to the Planning Commission. He said Seventeen Sixteen Properties had owned the property for a number of years. He said that the portion of the property fronting on 8th Street was currently being used for "I-1" uses and would not be rezoned. He said, however, the property further from 8th Street was more suitable for residential development and asked the Commission for its consideration to rezone.

The Chairman asked if there was any public comment, and hearing none, called for Planning Commission deliberations. Mr. Grace began by raising a question whether the reduction in the "I-1" zoning would have a negative impact upon available industrial property for the future. He asked whether or not that, in turn, would have a negative impact on jobs. He also asked whether a change to the "RR" District would allow the property later to be rezoned "R-2," resulting in a higher density which was proposed to be kept east of 9th Street. The Chairman said the property was currently planned for Rural Residential, not "R-2" and that the request was for "RR" and not "R-2." Ms. Stefforia also said there was no sewer service planned there for at least 15 years. In addition, Ms. Stefforia noted that to change the property from "RR" to "R-2" would require a change in the Master Land Use Plan. Mr. Grace asked if there was a request to change it to "R-2" in the future whether the Planning Commission could deny it. Mr. Larson said he thought they could since such a request would not be consistent with the Master Land Use Plan.

The Chairman said he thought the request was logical, given what was currently happening on 8th Street, and the classification of the property west of the industrial property which was Rural Residential. Mr. Larson said he agreed and thought they should try to discourage any further industrial development in the area, and he thought the proposed rezoning would do just that.

Mr. Smith made a motion to recommend the proposed rezoning to the Township Board. The motion was seconded by Ms. Garland-Rike. The Chairman called for a vote on the motion, and the motion passed unanimously.

VALUE PLACE PRIVATE STREET AND SITE CONDOMINIUM - SPECIAL EXCEPTION USE AND PRELIMINARY PLAN REVIEW - EAST SIDE SOUTH 11TH STREET AT 1647 SOUTH 11TH STREET (PARCEL NO. 3905-25-205-010)

The Chairman said the next item on the Agenda was the consideration of a special exception use of a proposed private street and preliminary plans for a two-unit, nonresidential site condominium on the east side of 11th Street. He said the address was 1647 South 11th Street, Parcel No. 3905-25-205-010. The Chairman asked for a report from the Planning Department. Ms. Bugge submitted here report dated September 28, 2006, and the same is incorporated herein by reference.

Ms. Stefforia told the Planning Commission they had seen this matter before at the preliminary review stage. She said the applicant was seeking a special exception use for a private street and site plan review of a nonresidential site condominium. Ms. Stefforia then proceeded to take the Commission through a review of Section 60.840 regarding private street standards, as well as the special exception use criteria set forth in Section 60.100. Ms. Stefforia concluded with a review of Section 82.300 regarding site condominium standards as more fully set forth in her report.

The Chairman asked if there were any questions of Ms. Stefforia. Mr. Grace asked about the traffic concerns which were expressed by the Zoning Board of Appeals at the time the variance was granted for the expansion. Ms. Stefforia said that traffic on 11th Street was well under design capacity for the road, and she did not believe there would be any serious traffic problems.

The Chairman then asked to hear from the applicant. Mr. Todd Batts introduced himself to the Planning Commission on behalf of Value Place LLC. Mr. Batts explained that the Road Commission had not expressed a concern regarding the private road and that the Road Commission was requiring a left turn lane, as well as a short taper for those turning in to the facility coming from the south. He said, with the reconfiguration of the public road to accommodate the private road, he thought it would actually result in a much safer arrangement for all concerned. He also noted that any future access for the condominium unit abutting 11th Street would have to be through the private road being developed. He also said the private road was being placed in the safest location on 11th Street, as the Road Commission had recommended.

Mr. Gould asked if he understood correctly that there would be a deceleration lane. Mr. Batts said it would not be a complete deceleration lane, but it would be an approximately 50-foot taper for those vehicles turning in from the south.

The Chairman asked if there was any public comment, and hearing none, called for Planning Commission deliberations. After discussion, Ms. Garland-Rike made a motion to approve the special exception use permit with the following conditions:

1. The private street easement shall provide for cross-access with the abutting parcel to the south.

2. A stop sign and street name sign shall be placed at the private street's intersection with 11th Street.
3. A sidewalk shall be constructed on the north side of the private street and shall have a slope no greater than the slope of the private street.
4. Approval is subject to review and approval of the street, sidewalk and stormwater management system design by the Township Engineer.
5. The Master Deed of the nonresidential site condominium shall provide for extension of public utilities within the private street easement and shall also provide for maintenance of the private street in accordance with the specifications of Section 60.870 of the Zoning Ordinance.

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

The Commission next discussed the proposed site condominium. Mr. Grace made a motion to approve the site condominium subject to the following conditions:

1. The development of each unit is subject to Township review and approval pursuant to adopted Ordinances.
2. No unit shall have direct access to 11th Street; access shall be via the private street.
3. The Master Deed and Bylaws shall be provided for Township review and approval before recording.

The motion was seconded by Mr. Gould. The Chairman called for discussion. Mr. Larson said his only reservation was whether a sidewalk should be placed on 11th Street. Ms. Stefforia said the Nonmotorized Facility Plan did not call for a sidewalk or path to be developed. She said if that was a concern in the future, perhaps the Planning Commission could consider that issue when the other condominium unit developed. Hearing no further discussion, the Chairman called for a vote on the motion, and the motion passed unanimously.

UNCLE BOB'S - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - 1515 SOUTH 11TH STREET - (PARCEL NOS. 3905-24-452-010 AND 3905-24-452-020)

The Chairman said the last item up for consideration was the special exception use and site plan review for a proposed addition of a climate controlled storage building at Uncle Bob's. He said the property was located at 1515 South 11th Street, Parcel Nos. 3905-24-452-010 and 24-452-020. The Chairman called for a report from the Planning Department. Ms. Bugge submitted her report dated September 28, 2006, and the same is incorporated herein by reference.

Ms. Bugge explained the facility is located in a "C" Local Business District and consists of two parcels. She said this property was developed in the late 70's, however, in 2000, the Zoning Ordinance was changed to eliminate storage warehouse facilities as a special use in both the "C" and "C-1" Local Business Districts. Therefore, the property was legal nonconforming and considered grandfathered. However, in 2005, the Zoning Board of Appeals granted a variance to allow the expansion of the nonconforming use subject to the elimination of outdoor storage on the south side of the property and the prohibition of any expansion of outdoor storage on the north. Ms. Bugge then proceeded to take the Commission through the proposed expansion to-wit: a 285 x 60 foot structure allowing for climate controlled units therein. Ms. Bugge took the Commission through a review of Section 60.100 of the special exception use criteria and Section 82.800 site plan review for the subject property. She indicated the planting of evergreen trees along a portion of 11th Street was proposed instead of the requested Type C landscaping.

The Chairman asked if there were any questions. Mr. Grace asked if the issue Mr. Turcott had raised at the Zoning Board of Appeals had been addressed; i.e., the excessive or abandoned vehicles on site. Ms. Bugge said that had been mentioned to the owners, and the owners were working on that issue.

Ms. Garland-Rike asked about the landscaping and said she hoped they would not have a monocultural type of landscaping. Ms. Bugge said the Commission could propose more than one type of evergreen trees for purposes of landscaping.

Mr. Gould asked if a traffic study had been done and what the hours of operation would be. Ms. Bugge suggested those questions be raised with the applicant. Mr. Gould asked what size the landscape trees would be. Ms. Stefforia indicated the trees would be approximately 5 or 6 feet tall, but if the Commission wanted, as part of granting a special exception use, the Commission could require taller trees be installed. The Chairman asked for further questions, and hearing none, asked to hear from the applicant.

Mr. Dan Schwanz introduced himself on behalf of Uncle Bob's. He said a traffic count had not been done. However, he said that self-storage units were not like a retail shop, in that, they did not have high-traffic volumes. He said the only time that traffic would pick up was toward the end of the month when leases were running out and people might be vacating their units. He said he did not expect the proposed facility would add any significant increase to the traffic.

Mr. Schwanz said he also wanted to let the Planning Commission know that, since some concerns were raised at the Zoning Board of Appeals' level regarding noise, he had inquired further. Mr. Schwanz said there did not appear to be any significant problem with noise because their manager had been told to address any noise problems immediately. He noted that their leases allow them to terminate anyone creating any kind of disturbance on premises.

The Chairman asked if there were any questions of the applicant. Mr. Larson asked about the severity of the cuts that would be made on the south side of the property to allow the installation of the proposed structure. Mr. Dave Hendershot, Engineer for Uncle Bob's,

said they would be cutting into the hill in the southeast and southwest corners. He said they would have a 2-to-1 slope, but would stabilize it with grasses. Mr. Larson asked what type of ~~type of~~ plantings would be installed. Mr. Hendershot said they would use an MDOT mixture. Mr. Larson expressed a concern about the depth of the root system and whether or not that would adequately hold. Mr. Hendershot said it had worked in the past for them, but if the Planning Commission wanted deeper root plants, they would consider installation of the same.

The Chairman asked if the subject property was gated. Mr. Schwanz said that it was. The Chairman noted that he rarely saw any traffic at the site. The Chairman asked if the gate was ever left open. Mr. Schwanz said it was only left open if the attendant was on site to oversee those individuals coming into the facility. The Chairman asked if the subject property was open 24 hours. Mr. Schwanz said that it was and that such hours were standard practice for similar facilities. Entrance was gained by use of a code and keypad.

Ms. Garland-Rike asked if bands were allowed to practice at the site under the leases. Mr. Schwanz said that was not something which was specifically mentioned in the lease, but it certainly was not the intended use of the facility. If there were any problems with that type of noise, it would be addressed immediately. Ms. Garland-Rike asked what type of fencing would be provided. Mr. Schwanz said it would be chainlink fence with barbed wire on top. Ms. Everett asked if barbed wire was necessary. Mr. Schwanz said probably not.

There being no public comment on this item, the Chairman asked for Planning Commission deliberations. The Chairman asked how the Planning Commission felt about the special exception use. Mr. Smith said he thought it was a logical extension of the existing development. Ms. Everett thought that it was much better to reduce the outdoor storage and replace it with indoor storage. Mr. Smith made a motion to approve the special exception use as submitted. Mr. Gould seconded the motion. The Chairman called for further discussion, and hearing none, called for a vote on the motion. The motion passed unanimously.

The Chairman said the next item for consideration was the site plan. Ms. Garland-Rike asked that the issue of the height of the trees and the grasses be considered at the time of site plan approval. Ms. Garland-Rike asked if they should require native planting. Ms. Bugge said it would be nice, but it was more critical to secure the property from erosion and that the native grasses often did not propagate themselves quickly enough to do that. The Chairman suggested leaving that up to Staff to consider.

Ms. Garland-Rike then made a motion to approve the site plan as submitted, subject to the following conditions:

1. The building shall comply with the setback requirements provided in Section 64.300.
2. The building shall comply with the separation requirement of 30 feet, as stated in Section 41.405.

3. Outdoor storage on the south side shall be eliminated, and outdoor storage on the north shall not expand.
4. All lighting shall comply with Section 78.700.
5. Specific fixture details shall be submitted for Staff review and approval, prior to the issuance of a building permit.
6. Landscaping shall be installed consistent with the Planning Commission's approval before a Certificate of Occupancy will be granted, or a Performance Guarantee must be provided, consistent with the provisions of Section 82.950.
7. A landscaping plan shall be submitted for Staff review and approval prior to the issuance of a building permit.
8. Site plan approval shall be subject to Fire Department review and the applicant satisfying Department requirements, pursuant to adopted codes.
9. Site engineering and stormwater management are subject to review and approval by the Township Engineer.
10. Site plan approval shall be subject to Staff's review and approval of the landscaping plan, which should consist of eight 10-foot tall diverse evergreen trees planted in an alternating pattern, along with adequate landscape grasses.

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

Other Business

The Chairman said that the Planning Commission had been requested to have Ms. Stefforia and one volunteer from the Planning Commission work with a local organization. Mr. Grace graciously volunteered to serve in that capacity.

The Chairman also noted they had received a letter from the Road Commission regarding the Road Commission's position with regard to continuation of streets within platted subdivisions. He noted the Road Commission would consider a permanent cul-de-sac if the same was approved by both the Planning Commission and the Township Board.

Planning Commission Comments

Ms. Garland-Rike told the other Planning Commission members that she had attended a seminar conducted by the Michigan Association of Planners and had received extensive information regarding environmental protection. She said she would be sharing that information with the other Planning Commission members in the near future in the form of a memorandum.

There was general discussion regarding review of the Zoning Ordinance to determine whether or not it was carrying out the purpose and intent of the Master Land Use Plan, which was currently under review by the Township Board. Planning Commission members were encouraged to attend Board meetings and provide their input.

Adjournment

There being no further discussion, the meeting was adjourned at 8:37 p.m.

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

By: Kathleen Garland-Rike

Minutes prepared:
October 9, 2006

Minutes approved:
_____, 2006