

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A REGULAR MEETING HELD OCTOBER 26, 2006

AGENDA

**MANSFIELD - STEP 1 - SITE CONDOMINIUM REVIEW - 2750 NORTH 2ND STREET
(PARCEL NO. 3905-08-155-014)**

**VILLAGE PLACE - SITE PLAN AMENDMENT - NORTHEAST CORNER OF 8TH STREET
AND STADIUM DRIVE (PARCEL NO. 3905-35-105-010)**

**SKY KING MEADOWS 2 PLANNED UNIT DEVELOPMENT - CONCEPTUAL REVIEW -
6479 WEST MAIN STREET (PARCEL NOS. 3905-14-405-010 AND 3905-14-455-010)**

A regular meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, October 26, 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
Fred Gould (arrived 7:25)
Kathleen Garland-Rike

MEMBER ABSENT: Mike Smith

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Township Planner; Brian VanDenBrand, Associate Planner; James W. Porter, Township Attorney; and approximately 25 other interested persons.

CALL TO ORDER

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

AGENDA

The Chairman asked if there were any changes to the Agenda. Ms. Stefforia said she would like to add a request to set a public hearing for a proposed text amendment and to also address the West Haven Bike Trail requirement. Mr. Larson made a motion to approve the Agenda as amended. Mr. Grace seconded the motion. 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 a chance to review the Minutes. Mr. Larson said there was an error on page 8, second paragraph, "type of" appeared twice in the sentence and should be removed. Mr. Larson made a motion to approve the Minutes as amended. The motion was seconded by Mr. Grace. The Chairman called for a vote on the motion, and the motion passed unanimously.

MANSFIELD - STEP 1 - SITE CONDOMINIUM REVIEW - 2750 NORTH 2ND STREET (PARCEL NO. G3905-08-155-014)

The Chairman said the next item up for consideration was a Step 1 review of a proposed site condominium containing two home sites. He said the subject property was located at 2750 North 2nd Street, Parcel No. 3905-08-155-014.

The Chairman reminded those in attendance of the policy for public comment contained on the back page of the Agenda and asked that the audience adhere to the same.

The Chairman called for a report from the Planning Department. Mr. Brian VanDenBrand submitted his report to the Planning Commission dated October 26, 2006, and the same is incorporated herein by reference. Mr. VanDenBrand explained that the applicant was proposing to create a residential site condominium consisting of two units on approximately 10 acres of land located on the east side of 2nd Street. He said the proposed development met the dimensional criteria for the Ordinance. Mr. VanDenBrand then took the Commission through a review of Section 5 of the Township Subdivision/Site Condominium Ordinance.

The Chairman asked if there were any questions of Mr. VanDenBrand. Ms. Garland-Rike asked why the Planning Department was recommending waiving the pathway requirement. Mr. VanDenBrand said that there was not a clear indication of how 2nd Street would develop, and the type of nonmotorized facility on 2nd Street is not determined at this time. Ms. Stefforia said the Township Board was also looking into providing a bike lane at such time that roads like 2nd Street were developed. She said this would consist of a four-foot paved shoulder at such time as the road were improved.

The Chairman asked to hear from the applicants. The applicants said they had nothing to add. The Chairman then asked to hear from the public.

Mr. Hugh Anderson introduced himself to the Planning Commission. He asked what would be permitted under the newly proposed zoning and why the applicant could not split the property to construct two homes. Mr. VanDenBrand said that there was no change in zoning and that they were only adding one additional single-family home. He said they could not split the property without platting or site condominiumizing the property because they did not have the requisite frontage on 2nd Street.

The Chairman noted for Mr. Anderson's benefit that the term "site condominium" was another method of dividing property but had nothing to do with the development of condominium buildings upon the site. After that clarification, the Chairman called for Planning Commission deliberations.

Mr. Grace said he thought recommendation for approval of the condominium development was in order. Mr. Grace then made a motion to recommend approval of the condominium development, subject to the following conditions:

1. The plan shall include the date of preparation and indicate a 10-foot private easement for public utilities adjacent to the road right-of-way.
2. Approval is subject to review and approval by the Township of the Master Deed and Bylaws of the Condominium.

The motion was seconded by Ms. Garland-Rike. The Chairman called for further discussion, and hearing none, called for a vote on the motion. The motion passed unanimously.

VILLAGE PLACE - SITE PLAN AMENDMENT - NORTHEAST CORNER OF 8TH STREET AND STADIUM DRIVE (PARCEL NO. 3905-35-105-010)

The Chairman noted that the next item on the Agenda was review of a revised site plan for the Village Place Development at the northeast corner of 8th Street and Stadium Drive, Parcel No. 3905-34-105-010. The Chairman called for a report from the Planning Department. Ms. Stefforia submitted her report to the Planning Commission dated October 26, 2006, and the same is incorporated herein by reference. Ms. Stefforia reminded the Planning Commission that they had reviewed a site plan for the subject property on October 13, 2005, and at that time had granted the applicant flexibility to construct the southwest retail structure 70 feet, rather than the maximum 20 feet, from the public right-of-way. She said the applicant now wished to divide that building and relocate it in accordance with the newly-submitted site plan. Ms. Stefforia then proceeded to take the Commission through a review of the Village Commercial development standards set forth in Section 33.400, as well as site plan review, pursuant to Section 82.800, as more fully set forth in her report.

The Chairman asked Ms. Stefforia if they were reviewing the proposed future building 2-B, as well as 2-A. Ms. Stefforia indicated they were not. She said they were only reviewing the site plan as it related to the development of Building 2-A. The Chairman asked if there were any questions, and hearing none, asked to hear from the applicant.

Brenda Ryan introduced herself on behalf of the owner, Brad Roche. Ms. Ryan said they had reduced the size of the subject building, placed it closer to the road, and thought the re-design would give it more of a Village feel. She noted they had put in acorn style street lights along the walkways, again, to give the project a Village feel. She said they had put three 20-foot poles with spherical lighting, but they would be located behind the buildings.

Ms. Ryan then showed the Planning Commission a building elevation design for the proposed structure. She said, in response to the Planning Department's comments, if the building was not allowed to have windows to the ground, it would not appear like a retail building, which was the purpose for which it was being designed. She also noted that, without the horizontal bands, she thought it would lose its residential feel. She then asked the Planning Commission members if they had any questions.

Mr. Gould asked whether the signs for all the tenants would be similar in height, design, and type. Ms. Ryan said they would work with their tenants, who would have to meet certain architectural standards of consistency, both in size and design.

Ms. Garland-Rike asked for clarification on the installation of the loading zone. Ms. Ryan pointed out on the overhead the proposed location of the loading zone near the proposed building.

Mr. Gould asked why the developer had to have the large parking lot lights and wondered if the developer would be willing to change those lights. Ms. Ryan said they had already purchased the lights to be consistent with some of the lighting on the buildings. She said the most visible lighting was going to be the acorn style, pedestrian friendly, lights. However, she said that the parking lot needed a different type of lighting and would not be visible from the road since it would be behind the building. Ms. Ryan then provided a cut sheet showing the type of light the applicant was proposing for the parking lot.

Ms. Stefforia, in reference to Ms. Ryan's proposed wall signs, said they would not be permitted under the Zoning Ordinance without a variance because wall signs were not allowed to project out beyond the wall under the Township's Ordinance.

Mr. Grace asked if they had considered Staff's recommendations regarding the horizontal bands on the building. Ms. Ryan said that she had looked at various different concept designs dealing with the horizontal stripes, as well as proposed changes to the windows. Ms. Ryan then showed several different site elevation proposals to the Planning Commission. The Chairman told Ms. Ryan that he thought that the banding and the awnings created a fairly contemporary representation. Ms. Ryan said that was true, but she did not feel it was a result of the window design. She said she believed that the limestone bands

actually helped reduce the scale of the building and make it more compatible with the Village concept. The Chairman said that the comments regarding the architectural components might be true, but that the multicolored variations on the building did not blend in well in what he thought of as the Village concept.

Mr. Larson said he agreed with the Chairman regarding the color of the building. However, he said he liked the site plan over the previous design. Mr. Larson suggested using a single band around the structure rather than multi-limestone bands.

The Chairman said, from an architectural standpoint, he really felt that the window design needed to be reconfigured and brought up off the ground with some base support. He asked the applicant if he could work with that. Mr. Roche said he would be more inclined to leave out the bands, but that he really wanted the windows to the ground because of the retail nature of the buildings. The Chairman thanked the developer for his input and asked for public comment. Hearing none, he called for Planning Commission deliberations.

Mr. Larson said he much preferred the site layout, but the building appearance seemed a bit too contemporary. He said, among all of the alternatives that he saw, he thought the one with the solid material underneath the windows was the most appropriate. Ms. Garland-Rike said she would second Mr. Larson's comments and thought that would be much more in keeping with what they intended for the Village.

The Chairman said he thought the contrasting colors did not create the homogeneous development that you would want for the Village style and, while he recognized the need to remain somewhat flexible, he thought that the retail window effect had a negative effect on what the Planning Commission was trying to achieve in the area.

Mr. Roche asked how much support the Chairman would like to see under the windows. The Chairman said he would like to see up to two feet, but would consider 8" to 10" certainly beneficial. Mr. Larson asked if they could consider panels under the windows as were installed in many older buildings. Mr. Roche said that they would. However, since they were dividing the previously-approved building in half, he asked if the Commission would consider different looks for each of the buildings, which he thought would give it more of a Village look. The Chairman said he was not interested in seeing that type of design. He said what he thought what they were trying to do was create more homogeneous buildings, not less homogeneous buildings, and he said they wanted continuity between the types of structures built. He said doing what Mr. Roche proposed would be contrary to that overall design plan.

Mr. Gould said he appreciated the change to the site plan and thought what the applicant was proposing and what the Planning Commission wanted to see were not necessarily that far apart. He explained that the Township was working to make the Village Area a showpiece, and he thought the applicant's development could be one of the cornerstones of that development if they worked together to achieve that goal.

Mr. Grace said, looking at the building itself, he thought it was much too contemporary to fit in with the Village vision and thought it needed to be scaled down.

The Chairman asked if there was a consensus among the Planning Commission members that there was no problem with the proposed site plan. The Planning members concurred. He then asked if the only area of real concern was the architectural design. The Planning Commission members agreed. The Chairman then asked that the Planning Commission focus on what architectural changes they would like to see. The Chairman asked if it was the consensus of the Commission that the window configuration be changed to provide a base under all of the windows. It was the consensus of the Planning Commission that that be done. The Chairman asked if the developer would work with the Planning Commission in that regard. Mr. Roche said they prefer not to, but he did hear their concerns and said he would address those concerns.

The Chairman pointed out that the Township was currently working on form based zoning standards for the Village Area. He explained to the developer that, once those were fully in place, the standards would be much stricter than the standards under which they are currently operating under. Mr. Roche said he understood.

Mr. Grace said perhaps the Planning Commission could allow Staff to work with the developer on the architectural design, based on the comments of the Planning Commission. Mr. Stefforia said she would be comfortable with that.

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

1. The loading area, as described by the applicant, be included within the amended site plan.
2. The applicant provide pedestrian scale lighting as discussed.
3. A lighting plan and details of all exterior light fixtures shall be provided for Staff review and approval prior to issuance of a building permit.
4. A sign permit in compliance with Section 76.000 and Section 33.410 of the Zoning Ordinance shall be applied for and granted by the Township prior to the placement of any signs on the property.
5. Landscaping shall be installed as reflected on a revised landscaping plan, subject to Staff approval, before a Certificate of Occupancy is granted or a Performance Guarantee, consistent with Section 82.950, provided to the Township.
6. That part of the development in the southwest area of the development, between Building 2-A and the abutting public streets, should be left natural, or if

disturbed, restored and seeded within 30 days of completion of work in that area.

7. Site plan approval is subject to Township Engineer review and acceptance of site engineering as adequate.
8. Site plan approval is subject to Fire Department approval.
9. Under Section 69.000, Groundwater Protection Standards, an Environmental Permits Checklist must be submitted before a building permit may be issued.
10. A Hazardous Substance Reporting Form must be completed and submitted for each tenant.
11. The developer must consult with Staff regarding the building elevations and incorporate a solid base under all windows, rather than full windows extending to the ground.

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

SKY KING MEADOWS 2 PLANNED UNIT DEVELOPMENT - CONCEPTUAL REVIEW - 6479 WEST MAIN STREET (PARCELS NOS. 3905-14-405-010 AND 3905-14-455-010)

The Chairman said the next item on the Agenda was a conceptual review of a proposed 30-acre PUD with a single-family residential and nonresidential element. He said the property is located east of Sky King Meadows, including the property also located at 6479 West Main Street, Parcel Nos. 3905-14-405-010 and 3905-14-455-010. The Chairman asked to hear from the Planning Department. Ms. Bugge submitted her report to the Planning Commission dated October 26, 2006, and the same is incorporated herein by reference.

Ms. Bugge took the Commission through a review of the proposed PUD, including planned unit development provisions, pursuant to Section 60.430 and design standards as set forth in Section 60.440, as is more particularly set forth in her report. The Chairman asked if there were any questions of Ms. Bugge.

Mr. Grace asked Ms. Bugge whether the applicant would have sufficient property in the nonresidential portion of the development to build on. Ms. Bugge said there would be adequate room to build something, but there would be limitations. Mr. Grace asked whether this even qualified as PUD. The Chairman said perhaps they were getting ahead of themselves and thought they should hear from the applicant. Ms. Stefforia pointed out that just because the applicant had applied for a PUD did not require the Commission to approve the PUD.

Ms. Bugge pointed out that the two properties which had been combined for PUD development could also be developed separately, but not with the same considerations as a planned unit development.

The Chairman asked if the Planning Department had an opinion as to why the applicant was presenting this matter as a planning unit development. Ms. Bugge said perhaps the applicant thought that there were additional commercial opportunities available, or perhaps it was just the developer's misunderstanding of the applicable Ordinance provisions.

The Chairman then asked to hear from the applicant. Mr. Butch Vliek introduced himself to the Planning Commission and presented a written response to Ms. Bugge's report, and the same is incorporated herein by reference.

After Mr. Vliek's presentation, the Chairman asked the Planning Commission how they wished to proceed. He suggested they ask the applicant questions, take public comment, and then return to Commission deliberations. The Planning Commission members concurred.

Mr. Grace asked Mr. Vliek how they were going to accommodate a bike path from the site condominium development to the proposed nonresidential portion of the PUD. Mr. Vliek said they were going to propose an easement across Lot 24. Ms. Bugge questioned the appropriateness of such a bike path across a private site.

Ms. Garland-Rike asked Mr. Vliek how they intended to work out the open space provision, since it did not appear that their open space met any of the purposes of open space within a PUD, such as providing for passive recreation or preservation of natural features. Mr. Vliek said his understanding was they were allowed to include the retention area as part of their open space. Ms. Bugge said that was true, but she said that would not mean that it was "qualified open space" to satisfy the five percent PUD requirement. Ms. Garland-Rike reiterated her concerns about the proposed open space.

The Chairman said he thought there might be a misunderstanding regarding the development of this PUD. He noted that with a previous PUD application with which Mr. Vliek was involved, there had been a misunderstanding regarding the Overlay Zone. He asked Mr. Vliek if it was their intent to make the PUD subject to the 9th Street Overlay Zone limitations. Mr. Vliek said no and that it was their intent to propose a wider commercial use of the property.

Ms. Garland-Rike asked Mr. Vliek how the proposed plan met any of the criteria provided for in Section 60.430 of the Ordinance, **specifically integration of the residential and nonresidential areas**. Mr. Vliek said he thought they would develop the property in a manner similar to the Cherry Tree proposal. He said their biggest problem was that with the 60% residential build-out requirement they could not anticipate what the commercial portion of the project would look like at this time. He said there was no way to anticipate the market in advance, so he thought they were doing the best they could under the current circumstances.

The Chairman asked if there were any further questions, and hearing none, called for public comment.

Ms. Alida Geppert introduced herself to the Planning Commission. She said she lived in Buckham Highlands. She said she thought mixing commercial and residential was like mixing apples and oranges. She also said she felt there was a need for an access to West Main and that allowing all of the increasing development to have an access through the existing residential developments was not appropriate.

Ms. Patricia Carr introduced herself to the Planning Commission. She said she lived in the Sky King development and had paid more for her lot because of the trees on the adjacent property. She said she felt providing only a 10-foot-wide open space strip was insufficient and thought it should be increased to 20 feet. She also thought that the Planning Commission should look at some type of wildlife review to consider how to deal with the displacement of wildlife in the area.

Mr. David Ash introduced himself. He said he was a broker in the area and thought all of the property owners in the area wanted to see planned unit developments. He said he thought this would allow them a financially-viable alternative for the development of their property. He also noted that people did not want to live on West Main any more and thought this was the only way to reasonably develop the property.

The Chairman asked if there were any further public comments, and hearing none, called for Planning Commission deliberations. The Chairman asked the Planning Commission how they viewed this matter.

Mr. Larson said he did not think the proposal was even close to the concept or intent of the planned unit development provisions of the Ordinance. He also added that the open space was totally unsatisfactory and that he did not think the retention area, in this case, would meet the definition of qualified open space under the Ordinance. He said that it was critical that there be a connection between the residential and nonresidential portions of the PUD and that connection had to be something more than a pedestrian easement in order to meet the spirit and intent of the Ordinance.

Mr. Grace said he totally agreed with the comments made by Mr. Larson. Ms. Garland-Rike said the 10-foot perimeter open space around the site was not sufficient to constitute adequate open space, nor did the retention area serve the purposes for which the open space in the development was intended.

The Chairman expressed to the applicant that one of the purposes of the PUD provisions was to accommodate economical and efficient use of the land. He said, while it appeared that they did that, he did not think they met any of the other provisions of the PUD development. He said that he believed they totally missed the point of the purpose for a planned unit development, and the proposal appeared to circumvent the 9th Street Overlay Zone and to open up a layer of commercial activity along West Main.

The Chairman said he strongly encouraged a much larger strategy needed to be developed between the property owners on West Main in order to have a genuine planned unit development. He said he saw nothing in the proposed development that would make this a true planned unit development. He said a rectangular development, such as that proposed, did not provide for a harmonious variety in housing choices and the integration of the commercial and community facilities within the PUD. He said the PUD also did not facilitate the provision of safe and efficient street and site access in conformance with proper access management. He also thought the proposal did not promote the conservation of natural features, or encourage sufficient aesthetic and desirable use of open space consistent with the Township's character, nor did he think the development ensured the compatibility of design and use between the neighboring properties. He said it appeared to him that the proposal was done for one reason, and that was to gain commercial frontage along West Main. He said he did not believe that this was the appropriate way to achieve the developer's goal and thought any form of submittal of any similar plans would meet with strong opposition and would not receive his support.

Ms. Everett said she agreed with the previous comments and thought that simply attaching a portion of property abutting West Main to a residential development certainly did not make it a planned unit development.

Mr. Larson said that the developer's comments in his presentation that the nonresidential portion of the PUD as a "stand-alone development" was totally in contravention of the entire concept of a planned unit development. He said he could not support the proposal in any form.

Ms. Everett said she had raised similar concerns about the PUD proposed further to the east. Ms. Garland-Rike suggested that before the developer returns he should look at all of the parts of the Ordinance and attempt to meet the spirit and intent of those provisions before presenting any further plans to the Planning Commission.

The Chairman suggested the applicant talk to other property owners in the area, develop a much larger development plan, and create a vision that would be more in compliance with the Township's intent for the development of the property.

Mr. Vliek said he understood the Commission's concern. However, they had talked to some of the other property owners in the area and that currently they were not able to put a unified proposal together. He said, while he understood the Commission's concern about not wanting the property developed like Westnedge, he thought that some structured development in the area would be preferable to the current, disorganized array of uses currently occupying the properties on the south side of M-43.

The conceptual review of the proposed PUD concluded.

Other Business

The Chairman indicated that the next item on the Agenda was Other Business. The Chairman said the first item was the correction of the Minutes of August 24 and September 14, 2006, regarding attendance. Ms. Stefforia informed the Commission that the Minutes of August 24th showed Mr. Gould present at the meeting when, in fact, he was absent and that the Minutes of September 14 showed the Chairman absent when, in fact, he was present. Mr. Larson made a motion to correct the Minutes as requested. The motion was seconded by Mr. Grace. The Chairman called for a vote on the motion, and the motion passed unanimously.

The Chairman indicated the next item on the Agenda was consideration of a public hearing for a text amendment. Ms. Bugge recommended the Planning Commission consider a text change to the Village Commercial text at their meeting of November 16. She said it would require a public hearing on a proposed text change to the Village Commercial District, removing the listed permitted uses and placing them in the list of special uses until such time as the Village Commercial form based zoning provisions could be adopted. She said this way they could maintain a greater degree of control until such time as the Ordinance amendments were completed. Mr. Larson made a motion to hold a public hearing on the proposed Village Commercial text amendment on November 16, 2006. The motion was seconded by Ms. Everett. The Chairman called for a vote on the motion, and the motion passed unanimously.

The Chairman said the next item for consideration was a request to review West Haven's bike path requirement. Ms. Stefforia said the engineers for West Haven had asked for relief from the bike path requirement. She said without it the applicant was indicating they would have to destroy the tree line along the east boundary line of the property. The Planning Commission discussed many different alternatives, including the expansion of the right-of-way, relocation of the bike path west of the tree line, etc. After a fairly lengthy discussion, it was the consensus of the Planning Commission that Ms. Stefforia inform the developer that the Planning Commission wanted to see some type of nonmotorized facility in this area due to its close proximity to the Kal-Haven Trail, but that they were sympathetic to trying to avoid the loss of the existing tree line, and asked that the Planning Department work with the developer to accommodate the Planning Commission's desire that there be a public connection to the Kal-Haven Trail in this area.

Planning Commission Comments

Mr. Larson said he was very disappointed in the proposed PUD submitted to the Planning Commission.

Ms. Everett introduced Bob Anderson, who was in the audience, as a new Planning Commission member. She told them that Mr. Grace would be leaving the Planning Commission in November because of his election to the Township Board as a Trustee. She also said there would be a new member joining them January 1st by the name of Mr. Carl Benson. The Chairman welcomed Mr. Anderson. He said that the Planning Commission would miss those leaving the Commission but looked forward to working with Mr. Anderson and Mr. Benson in the future.

The Chairman said he wanted to encourage the Commission to be less tentative about making comments regarding the architectural development of buildings, particularly in the Village Focus Area. He said it was very important that the Commission remain strong and unified to implement the proposed architectural standards, particularly as they were incorporated into the form based zoning.

The Chairman also raised a concern about a small commercial property on West Main on which an office was allowed to develop. He said he thought the Planning Commission had given a great deal of grace to accommodate that development and he thought their accommodation was being abused. He said it appeared to him from the Sunday section that there were three businesses operating out of the site and that the upstairs had been developed in contravention of what was approved at the time of site plan approval. Ms. Stefforia said that the owner had been brought in for a meeting with the Planning Department, the Building Department, and Counsel and that they were working to correct any existing violations. She said if the violations could not be corrected, a Certificate of Occupancy would not be issued, and possible litigation would ensue.

Mr. Gould told the Commission that he had serious problems with the PUD which was presented at the meeting and the failure of the proposal to comply with the spirit and intent of the open space requirements.

Ms. Garland-Rike said she wished there was a greater degree of control that they could exercise over development in the Township, but understood the limitations that they were working under.

Mr. Grace informed the Planning Commission of the meeting with ISAAC regarding inclusionary housing.

Adjournment

There being no further discussion, the meeting was adjourned at 9:55 p.m.

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

By:

Minutes prepared:
October 31, 2006

Minutes approved:
_____, 2006