

OSHTEMO CHARTER TOWNSHIP

PLANNING COMMISSION

MINUTES OF A MEETING AND PUBLIC HEARING HELD AUGUST 22, 2013

Agenda

PUBLIC HEARING: SPECIAL EXCEPTION USE AMENDMENT AND SITE PLAN REVIEW OF THE APPLICATION OF OSHTEMO CHARTER TOWNSHIP TO CONSTRUCT PHASE ONE IMPROVEMENTS AT FLESHER FIELD PARK, IN ACCORDANCE WITH THE APPROVED MASTER PLAN. THE SUBJECT PROPERTY IS LOCATED AT 3664 SOUTH 9TH STREET (PARCEL #3905-35-185-010).

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, August 22, 2013, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Kitty Gelling, Chairperson
 Fred Antosz
 Wiley Boulding, Sr.
 Dusty Farmer
 Millard Loy
 Terry Schley
 Richard Skalski

MEMBERS ABSENT: None

Also present were Greg Milliken, Planning Director; Karen High, Zoning Administrator; Martha Coash, Meeting Transcriptionist; and one interested person.

Call to Order and Pledge of Allegiance

The meeting was called to order by Chairperson Gelling at approximately 7:00 p.m., and the "Pledge of Allegiance" was recited.

Agenda

The Chairperson asked if there were any additions, deletions or corrections to the Agenda. Hearing no changes, she called for a motion to accept the Agenda, as submitted. Mr. Skalski made a motion to accept the agenda as presented. Mr. Schley seconded the motion. The motion passed unanimously.

Public Comment on Non-Agenda Items

Chairperson Gelling called for public comment on non-agenda items. Hearing none, she proceeded to the next agenda item.

Approval of the Minutes of August 8, 2013

The Chairperson asked if there were any additions, deletions or corrections to the minutes of August 8, 2013. No changes were noted. Mr. Boulding Sr. made a motion to approve the minutes as presented. Mr. Skalski seconded the motion. The motion was approved unanimously.

PUBLIC HEARING: Special Exception Use Amendment and Site Plan Review of the Application of Oshtemo Charter Township to Construct Phase One Improvements at Flesher Field Park, in Accordance with the Approved Master Plan.

Chairperson Gelling indicated the next item on the agenda was a public hearing to consider special exception use and site plan review of the application from Oshtemo Charter Township to Construct Phase One improvements at Flesher Field Park, in accordance with the approved Master Plan. She deferred to Mr. Milliken to further expand upon details regarding the relevant agenda item.

Mr. Milliken explained Flesher Field is a 24 acre park with 1,164 feet of frontage located on South 9th Street south of Stadium Drive. It is one of two primary recreation facilities in the Township, along with Township Park on West Main Street. The park was originally developed as a youth sports complex in the 1960's. It is currently developed with playground facilities, a pavilion, restroom facilities, open flexible-use fields, whiffle ball fields, and a wooded area with trails.

The park is a special exception use in the RR Rural Residential zoning district. Amendments to a special exception use require approval of the Planning Commission. In addition, the park is located within the Village Form Based Code Overlay District (VFBC). The overlay district applies specific additional restrictions or requirements in order to achieve the goals of the village area.

Mr. Milliken continued by saying a Master Plan for the redevelopment of Flesher Field, developed by O'Boyle, Cowell, Blalock, and Associates (OCBA) in late 2009 and approved by the Township Board in February 2010, calls for improvements to the park to be made in three phases. The Master Plan was developed following a series of public input opportunities and meetings with Township staff and administration. The Township is seeking approval of Phase 1 improvements at this time.

Mr. Milliken noted the following structural improvements included in Phase One:

- Curb cut relocation to the south to align with the postal center drive across the street
- New parking lot shifted north and realignment of the circulation system to eliminate the separation between the fields area and playground areas
- Addition of .17 mile asphalt trail surrounding the playground area, a sidewalk to connect the 9th Street sidewalk to the asphalt trail and other park facilities, and a bike rack.
- New restroom facility and removal of existing restroom facility.
- Improvements to the existing pavilion and surrounding area.

He continued, saying the number of parking spaces will increase from 108 to 123. In the Village Fringe, one row of parking is permitted to the side of the building. However, in this case, there really is no primary building on the site. The parking lot is located 30-36 feet from the road right of way, which is significantly more than the five to ten foot setback for buildings at this location. Therefore, if a building were located at the site, the proposed parking south of the entry drive along 9th Street would likely be to the rear of a building. It is also important to note that the existing landscaping along 9th Street that provides significant screening to the site will be maintained to screen the new parking, consistent with the requirements of the VFBC. Additional landscaping will be added in the area where the existing curb cut is being removed.

Mr. Milliken noted a restroom facility was not the type of facility that was considered when the VFBC was put together. There are some architectural standards in the VFBC that aren't reflected in the plan such as window fenestration, building materials etc. but these standards are modifiable. The Planning Commission will need to consider that and whether the fact that it is a restroom facility warrants those modifications or whether those details should be incorporated into the building due to its location in the VFBC area.

He concluded by saying the Phase 1 improvements are consistent with the Master Plan approved two and a half years ago and consistent with how the property has been used. It is a park and will remain a park. From a site plan standpoint, no significant feedback has been received from either the Fire Marshal or the Engineer. Mr. Milliken said he would be happy to answer any questions and indicated both Karen High, wearing the hat of Park Administrator, and Ken Peregón, of OCBA, were also in attendance and available to answer questions.

Chairperson Gelling asked if there were questions from Commissioners for Mr. Milliken.

Mr. Schley asked if the lighting is in compliance with the VFBC, and Mr. Milliken confirmed it is. There is only one light proposed to be relocated at the site. Mr. Peregon confirmed that benches will be like those at the Township Park.

Chairperson Gelling said she thought green trash containers would look more appropriate than brown trash containers and commented that the lighting didn't seem adequate. She assumed the restrooms would be ADA compliant and how they would be designated.

Mr. Peregon confirmed ADA compliance, that there would be one male restroom and one female restroom with a storage room between them, and both restrooms will include baby changing stations.

The Chairperson asked Mr. Peregon to please approach the podium and address the Board.

Mr. Ken Peregon, President, OCBA, 521 South Riverview Drive, spoke to Planning Commissioners. He told them the application is for Phase One of three probable phases. A 2013 Michigan Natural Resources Trust Fund Grant has been received for the project and they have applied for Phase Two funding; hopefully they will be back in about a year asking for Phase Two approval.

He said most important in this phase is the restructuring of the park. The new parking area will make the play area contiguous with the open field without requiring pedestrians to cross vehicular traffic. The existing restroom facility is not adequate; the plan for the new facility is essentially the same as what is at the Township Park. It will include a metal roof; the Township will fund a roof for the pavilion to match it. The new barrier free path will provide a walking surface and a bike path for small children and the elderly who need a paved surface. As future elements such as a smaller picnic shelter, a water play area, and a new playground are added, they will be linked by the path.

Mr. Peregon continued saying the new drive that would align with the postal center was the safest place for left turning. Some vegetation will be removed along 9th Street and plans are to plant screening where the existing drive is now. They will manage storm water in a green manner with rain gardens. Some existing turf areas will be turned into low or no mow areas.

He added the new restroom will be constructed of a split face block in a color to complement the existing pavilion brick. Utility improvements and water service upgrades are planned. The existing light pole east of the western parking area will be relocated closer to the access drive at Chime. Ambient lighting is adequate, particularly since the park closes at dusk. Also, there are lights on the building. The intent for dumpsters is to

continue to use the Herby Curbys® for now, but a reinforced concrete pad will be constructed for a future full sized dumpster.

Chairperson Gelling thanked Mr. Peregón for his comments and had several questions, comments and requests for him regarding lighting for the restrooms, signage to designate the park as a smoke free facility, identification of the dog water fountain, designation of the pedestrian crossing, and establishment of a speed limit. She also indicated that several park users stated at a public meeting that more shade was needed at the park.

Mr. Peregón said the internal lighting in the restroom facility would be on motion detectors that would activate when someone walks in; they will turn off when there is no motion. The lights on the outside of the building will be photo cells which will come on when it gets dark. There are plans to add a small number of trees, but not on the field itself. Activities held there such as balloon launches and soccer games require an open field. Signs can be provided for the items the Chairperson mentioned; probably a printed crosswalk with wide bars would designate the pedestrian crossing and a rise in the pavement will be included to slow traffic.

The Chairperson felt an added safety feature to encourage people to slow down should be added and would be helpful. She commented that if a start date for Phase One is sometime in September of this year, it seemed this application to the Planning Commission is a little late. Ms. Farmer agreed.

Mr. Peregón replied approval has not yet been received from the Michigan National Resources Trust Fund, which is needed before bidders can be contacted.

Mr. Milliken explained that there had been some internal confusion whether this project required Planning Commission approval, which resulted in the delay. Ultimately, he determined the review was required.

Chairperson Gelling replied that it is better late than never, but that with an expected groundbreaking in September, the timing has caused some confusion and concern.

Ms. Farmer said she appreciates bringing the application to the Board.

Mr. Schley indicated his questions and comments about the plan will focus on whether it is consistent with the Master Plan and the VFBC which overlays the Master Plan. He wondered if the dense plantings along 9th Street minimize the potential for pedestrian access and visibility from 9th Street, which are principal goals of the VFBC. He also wondered if street walls, part of the VFBC, were considered.

Mr. Peregón said he thinks the strong row of vegetation is a double-edged sword. It provides frontage screening for the park and there is a plaque in the park that honors the plantings as a wind break; it was meant as an environmental buffer, but some of the

plantings could be removed if desired. He said the aim was not to disturb existing vegetation. They proposed a mass of low growing shrubs to mask the proposed new parking lot close to 9th Street somewhat. Street walls were considered briefly, but the budget does not permit them.

Mr. Schley said he did not think the toilet building captures any essence of what they are trying to achieve with the VFBC other than the pitched roof. He pointed out the VFBC specifically does not allow split face block for building walls.

Mr. Peregon said they were trying to address the spirit of the VFBC within budget constraints.

In response to questions from Chairperson Gelling regarding the bathroom roof lighting, Mr. Peregon explained the opening in the roof of the toilet building is a solar tube rather than a skylight, which will bring in a lot of bright light and that he has heard no complaints regarding leaking of solar tubes.

In response to a question from Mr. Skalski, Ms. High said there will be a bike rack located along the paved trail.

Mr. Boulding, Sr. noted the 9th Street shrubbery barrier keeps objects from flying out onto 9th Street. He asked Mr. Peregon to explain the purpose of the smaller .17 mile trail and wondered if it would become congested.

Mr. Peregon said that in addition to a walkway and bike path for young children, construction of the path assists with the goal of restructuring the park. They did not want the paved path to interfere with the open area to the south or west into the wooded area, so they used the northern area as a focal point. The path will organize and give access to the various elements including the picnic shelter, pavilion and playground.

Chairperson Gelling asked whether the old and unique Tea Crab Apple trees at the new drive location will be removed.

Mr. Peregon said they are too mature and well established to be able to transplant them successfully.

The Chairperson thanked Mr. Peregon for his comments and asked Ms. High for her comments.

Ms. High addressed several comments and questions. She agreed it would be a good idea to coordinate the bench design with the benches at the Community Center. The Herby Curbys® will be kept for now due to increased maintenance issues for other types of refuse containers, but a dumpster is planned for the future when we are ready to handle the maintenance. The current containers are blue but she will look into the possibility of green ones. Trees are not included near the existing playground because it is the hope that the playground will be replaced in a later phase. Trees are added

elsewhere on site in this phase. A new "Park Rules" sign will be posted in the park and will include the Chairperson's request that a "smoke free facility" plus a speed sign will be added. As far as the schedule for the Hearing is concerned, she said she takes the blame for being caught up in the process. It would have been hard to come to the Planning Commission sooner because the plans have kept changing. She recognized the awkwardness of the situation and apologized, but appreciated the Board's willingness to look at it now.

Chairperson Gelling asked what material will be used for the children's play area surface, whether there is a flag planned at the park, what lighting is planned, where electric outlets are located, and whether there will be an area for posting notices.

Ms. High said they are going beyond ADA standards for the playground surface which will be both ADA and Universal Design Standard compatible for all segments of the population; that will be part of the next phase, so the exact material is not known at this time. Including a flag was discussed, but it was not included for budget reasons and the fact that it would need to be lit. As far as lighting is concerned, the park rules state that the park closes at dusk and so it is intentional to not add a lot of lighting in order to discourage use after closing. She added they are looking into a Grant to pay for an electric car charging station that would accept credit cards. Ms. High referred to the plan to show Commissioners where the electric outlets are located. She noted there will be a nice area for posting notices at Flesher Field after construction is completed.

Mr. Loy supported keeping the Herby Curbys®, noting that barrels are hard to empty, heavy, and that recycle containers are misused.

The Chairperson asked if there will be receptacles for dogs; Ms. High said there would be one. Mr. Loy felt there should be two doggie pickups provided.

The Chairperson said the Board would go into deliberations at this point and asked for comments from Members.

Ms. Farmer said she thinks the plan is fantastic. Her only exception is the issue raised about the toilet building not being in compliance with the VFBC. Everything else is appropriate for a park in the Village area.

Mr. Schley said it is clear the toilet building construction is being driven by budget constraints and made a number of suggestions of features that would give character to the building and bring it into compliance with the VFBC. He said that if the Board were to approve the building as designed they would not be following their own rules when they should be setting a leadership example for future projects. It would be hypocritical to approve it as is and would create dual standards.

Ms. Farmer agreed that although everything else is acceptable she cannot accept the wall material when they are trying to use the VFBC to develop the area. They would be stepping all over the project at the very beginning.

Chairperson Gelling agreed that this bothers her as well and asked Mr. Peregon to comment.

Mr. Peregon said the Grant is for \$300,000 and that if it is necessary to spend more on the toilet building, less could be done elsewhere, but the approved Grant request included funding for parking, the path, and the building. If the Township chooses to reallocate funds, the trade-off would likely need to be some of the parking.

The Chairperson said she does not want the Planning Commission to set itself up for a lot of issues down the road, nor w/could she condone it, by going against the VFBC. Particularly, if codes are violated someone else is going to want to do something similar in the future also not in keeping with Village Based Form Code and will point to Flesher Field as it already having been done, thus having set a precedent.

Ms. Farmer said the Township cannot do something other than what the Township supports.

Mr. Antosz said this project would be a great addition to the Oshtemo Park System and he feels the exceptions are complementary to the core Village area. He would like to see funds juggled to be able to meet the VFBC standards.

Chairperson Gelling felt there were too many parking spaces that take away from the environmental aspects of the park and would like to see some of the parking cut back in order to build a better restroom building if that was what was necessary.

Mr. Skalski supported a re-evaluation of the building and felt, as did the Chair, there could be future parking expansion if needed. He suggested a base bid with an alternate to provide options depending upon how the bids come in.

Mr. Boulding Sr. said the park is a valuable asset. We have rules in place to abide by and if the VFBC requires restrictions, we need to find a way to comply. He agreed a way forward might be to cut back on parking spaces as the Chair suggested.

Mr. Loy said now is the time to lead. He hopes someday we will generate enough traffic at the park to need more parking spaces, but if they do not lead now of the VFBC it will come back to haunt the Planning Commission.

Mr. Peregon pointed out that changes now will impact later phases and Grant applications and might preclude more parking later.

Mr. Milliken suggested a way forward to expedite the process might be to delegate site plan approval to staff with oversight from an appointed sub-committee of the Board. The sub-committee would have the authority to approve a revision to the plan that would comply with the VFBC. Due to the unique nature of the Township as the applicant, that is at least one way this could be addressed rather than tabling it.

Chairperson Gelling said she was comfortable with that plan as she didn't want to table this due to time being of the essence, plus September 12th's agenda was full. She would like to have three members of the Commission on the sub-committee; she, Mr. Antosz and Mr. Schley all concurred they would be interested in serving in that capacity. The Chairperson asked for two motions: one for approval of the special use exception and one for establishing the path forward to come up with an alternate plan.

Mr. Loy made a motion to approve the special exception use application from Oshtemo Charter Township for a special exception use to construct Phase One improvements at Flesher Field Park, in accordance with the approved master plan. Mr. Skalski supported the motion. The motion was approved unanimously.

Mr. Skalski made a motion to delegate site plan approval to Township staff with oversight and contingent upon approval from a sub-committee of the Planning Commission, consisting of Chairperson Gelling, Mr. Antosz and Mr. Schley, taking into consideration the Form Based Code and Master Plan. Mr. Loy supported the motion. The motion was approved unanimously.

Chairperson Gelling said the sub-committee will be ready to review alternatives proposed by OCBA and staff and will make this work. She reminded everyone that time is of the essence and thanked everyone for their diligence.

ANY OTHER BUSINESS

Chairperson Gelling asked Mr. Milliken whether he had heard back from either Tim Horton's or West Century yet. Mr. Milliken indicated he had not heard from either, but his understanding is that Plazacorp is working on amendments to their plans to address the comments from the previous meeting.

Mr. Milliken reported he had received a letter from the City of Portage notifying him that they will be amending their Comprehensive Plan and Chairperson Gelling directed he please respond accordingly.

Chairperson Gelling said Township Enforcement Officer Rick Suwarsky is working on the POD at the Red Roof Inn. He has also been working on removal of the donation bins by Value City which were removed today's date (August 22nd) and requested residual trash be removed. One donation bin is left at EZ Mart at 8469 Stadium Drive and he is following up on that.

Mr. Milliken told the Commissioners the next meeting may be a long one. West Century will be coming back to the next meeting for their tabled review, a public hearing is scheduled for the rezoning of the Century Highfield area, and a public hearing is scheduled on the temporary sign amendments.

PLANNING COMMISSIONER COMMENTS

Chairperson Gelling gave advance notification of a Joint Boards' meeting on September 17 at 6:00 p.m. She also thanked everyone for their support for Oshtemo Fun Day, which was a huge success.

Ms. Farmer agreed the Fun Day was a lot of fun and thanked the Chairperson for all her work on the event.

ADJOURNMENT

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Gelling adjourned the Planning Commission meeting at approximately 8:57 p.m.

Minutes prepared:
August 26, 2013

Minutes approved:
September 12, 2013