

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

MINUTES OF A MEETING HELD MARCH 22, 2012

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**Agenda**

**PUBIC HEARING - WIGHTMAN & ASSOCIATES, INC. – TENTATIVE APPROVAL OF PRELIMINARY SITE CONDOMINIUM PLAN AND SPECIAL EXCEPTION USE PERMIT OF OPEN SPACE COMMUNITY–EAST OF SKY KING MEADOWS OFF OF 9<sup>TH</sup> STREET IN THE “R-2” RESIDENCE DISTRICT - (PARCEL NO. 3905-14-455-010)**

**GENESEE PRAIRIE SUB-AREA IMPLEMENTATION – FIRST DRAFT OF PROPOSED AMENDMENT LANGUAGE FOR ZONING DISTRICTS**

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A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, March 22, 2012, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT:     Kitty Gelling, Chairperson  
                                  Carl Benson  
                                  Dave Bushouse  
                                  Millard Loy  
                                  Bob Anderson  
                                  Wiley Boulding, Sr.

MEMBER ABSENT:       Richard Skalski

Also present were Greg Milliken, Interim Planning Consultant; Attorney James Porter, and approximately 11 other interested persons.

**Call to Order and Pledge of Allegiance**

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

## Agenda

There being no changes to the Agenda, Mr. Boulding, Sr. made a motion to approve the Agenda, as submitted. Mr. Anderson seconded the motion. The Chairperson called for a vote on the motion, and the motion passed unanimously.

## Public Comment on Non-Agenda Items

After there being no public comment, the Chairperson asked that the Planning Commission move to the next matter.

## Minutes

The Chairperson asked if there were any changes to the minutes of March 8, 2012. There being no changes, Mr. Benson made a motion to approve the minutes, as submitted. The motion was seconded by Mr. Boulding, Sr. The Chairperson called for a vote on the motion, and the motion passed unanimously.

## **PUBLIC HEARING - WIGHTMAN & ASSOCIATES, INC. – TENTATIVE APPROVAL OF PRELIMINARY SITE CONDOMINIUM PLAN AND SPECIAL EXCEPTION USE PERMIT OF OPEN SPACE COMMUNITY–EAST OF SKY KING MEADOWS OFF OF 9<sup>TH</sup> STREET IN THE “R-2” RESIDENCE DISTRICT - (PARCEL NO. 3905-14-455-010)**

The Chairperson indicated the next item on the Agenda was a public hearing for tentative approval of a preliminary site condominium plan and special exception use permit of an open space community submitted by Wightman & Associates on behalf of Seeco 2, LLC for the development of property located east of Sky King Meadows, off of 9<sup>th</sup> Street, in the “R-2” Residence District, Parcel No. 3905-14-455-010. The Chairperson called for a report from the Planning Department. Mr. Greg Milliken, Interim Planning Consultant, submitted his report to the Planning Commission dated March 13, 2012, and the same is incorporated herein by reference.

Mr. Milliken then proceeded to take the Planning Commission through a review of the proposed development of Sky King Meadows 2, indicating that this was the first step required for approval of the open space community. He explained that the applicant was seeking to develop 20 acres of vacant land immediately east of Sky King Meadows condominium development and north of Buckham Highlands. He said the property was located east of 9<sup>th</sup> Street in an “R-2” zone and explained that in an open space community developed under the Site Condominium procedures, as well as the planned unit development provisions of the Zoning Ordinance, requiring 40% of the property remain open space. Mr. Milliken explained that the tentative review for preliminary site condominium plan was the first of three steps for approving the site condominium

development. He said that the Planning Commission would be making a recommendation to the Township Board, pursuant to the Subdivision Site Condominium Ordinance. He said the plans were reviewed pursuant to the standards in the Ordinance, and were found to be consistent with the requirements of the Ordinance under the Site Condominium Ordinance and the special use provisions of the Zoning Ordinance.

Mr. Milliken explained that there were three changes since the time of the preliminary plan review which included an additional 10-foot easement for public utilities, a more detailed stormwater retention area in the southeast corner of the development and a change regarding the turnaround as required by the Kalamazoo County Road Commission. Mr. Milliken said he would hope that the developer would work with the Road Commission so as to not use the "bulb" turnaround and rather use a standard turnaround with a center island because it would be more aesthetically pleasing and possibly have a calming effect on traffic in the future. Mr. Milliken noted that the applicant was requesting a couple of deviations, one from the number of units within an individual cluster being reduced from four to two and a reduction in side yard setback from ten feet to five feet. Mr. Milliken noted that, after submittal, the applicant also requested a reduction of the side yard setback for those units abutting the open space area from five feet to zero feet sideline setback. Mr. Milliken then referenced the Standards for Approval under Section 60.570 as more fully set forth in his report.

The Chairperson asked to hear from the applicant. Mr. Gary Hahn introduced himself on behalf of Seeco 2, LLC. He apologized for Mr. Seelye not being available and explained that he had commitments elsewhere. Mr. Hahn asked if he could clarify a couple of issues raised by the Township Planner.

Mr. Hahn explained that they had met with some of the residents who were requesting that they move Lot 41, and he said the request was still being considered, but it was not likely to happen because of the topography in the area. He said, while they would not likely move Lot 41 of the development, that Mr. Seelye was willing to deed restrict the rear five feet of that lot so that all existing trees would remain, and in addition, he would be willing to plant additional evergreens to increase the buffer in that area.

Mr. Hahn said he agreed with the Township Planner that the cul-de-sacs as proposed should be reworked. He said that the bulb-type cul-de-sac results in an odd configuration of the lots in the future and thought that a more standard cul-de-sac with a landscaped center would be more aesthetically pleasing, not only in the short term, but in the long term when the cul-de-sac was no longer necessary. He thought perhaps the island could remain in the future, and as the Township Planner had indicated, have a calming effect on traffic.

Mr. Hahn told the Planning Commission that the water mains in the area would be looped in a manner consistent with the City requirements which, in turn, would provide better water quality for everyone in the area. Mr. Hahn also clarified that the drainage

basin which was being installed would be taken over by the Drain Commissioner pursuant to an established drainage district for the site condominium.

Mr. Hahn said the Kalamazoo County Road Commission had approved their design and that the Fire Department had approved the overall design.

Mr. Hahn pointed out that, in addition to the two deviations previously requested, they were requesting a zero-yard side setback for all those lots which were adjacent to the open space. He said he was of the opinion that the setback was not necessary because the open space would serve as the setback buffer to any adjacent properties. He said if the zero-yard side yard setback were allowed, it would give them more flexibility to build larger homes on the lots. Mr. Hahn said he would answer any questions which he could.

The Chairperson asked the Planning Commission members if they had any questions of Mr. Hahn.

Mr. Boulding, Sr. said he was concerned that they seemed initially to be going from a 10-foot side yard setback to a 5-foot side yard setback, and now to a zero side yard setback, and asked why so many changes were being proposed. Mr. Hahn said that they had initially requested a 5-foot side yard setback, but because it was part of a planned unit development with open space, he was asking for a reduction for only those lots which abutted open space area.

Mr. Loy asked if Mr. Hahn understood that the setback was from the roof line, not from the foundation. Mr. Hahn said that he understood.

The Chairperson asked about the types of houses which were being built and if the examples given were actually samples or whether they were theoretical designs. Mr. Hahn said he assumed that since the developer had provided the proposed elevations and designs that he thought they were likely to be some of the homes which would actually be developed on the property.

Mr. Bushouse asked Mr. Hahn if they had to do anything to boost their fire rating to go to a 5-foot side yard setback. Mr. Hahn said they built a development like this in Portage, and they were not required to do any upgrading to the fire rating of the buildings for development.

The Chairperson asked if there any questions from the public.

Ms. Alida Geppert said that she was disappointed because the proposal as presented at the hearing had smaller lots than before, and she did not believe the setbacks were as good as what had been proposed before. She noted her concern about having zero side yard setbacks for some of the homes in the development.

Mr. Dominick Tomasi said he lived in Buckham Highlands, and he did not see any advantages to opening the road to Buckham Highlands. Mr. Hahn explained that they were required to do so by the Road Commission and the Township. Mr. Hahn explained that all developers must stub their land to the next adjoining property, and that is why the roads were stubbed from Buckham Highlands to the subject property, to allow for future development and connectivity.

Mr. Tomasi then asked what types of homes would be built and who the builders would be. Mr. Hahn explained that all of the homes would have to meet the Building Code and that the developer was looking to have a number of different builders build in the area, but that Seeco 2, LLC also did residential development and would be building homes in the area.

Mr. Tomasi asked if the drainage area would be considered part of the open space. Mr. Milliken indicated that it would not.

Mr. Dan Thompson asked the Commission about the setbacks and where the sidewalks would be located. Mr. Milliken said that the sidewalks would be located within the 30-foot front yard setback area. Mr. Thompson said he thought the proposal looked like the development of homes in Detroit, and he did not think it was consistent with the rural nature and character of the Township. He said he did not think that the people who would live in these homes would enjoy the green space, and it did not fit in with the Land Use Plan developed by the Township.

Ms. Ellen Burgotti asked why the sewer and water seems to extend into their development and whether it would improve water pressure. Mr. Hahn said that the Township Engineer had suggested making the connection which Ms. Burgotti was referring to and that he did not understand why the Buckham Highlands development had not extended the stubs all the way to the boundaries of the development. He said he was going to check and make sure whether the stubs had been brought to the boundary lines, and if they had, they would not have to intrude into the Buckham Highlands development. Mr. Hahn did say that the water connection would help the water flow and water quality, but not necessarily assist with the water pressure.

The Chairperson, hearing no other public comment, called for Planning Commissioner deliberation.

Mr. Bushouse said that overall he was pleased with the project. He said, from his prospective, it was a good thing that they were opening roads into Buckham Highlands because without interconnectivity the people in the area would find it difficult to access their homes during the proposed 9<sup>th</sup> Street widening project.

Mr. Anderson said he was concerned about reducing the side yard setbacks to zero, even for those homes that were adjacent to the open space. He said he did not see

how they could develop their property or plan anything around their home if they immediately abutted the open space area. He said he did not believe it was a good idea.

Mr. Benson said he did not have any problems with the proposal as he indicated the first time he reviewed it.

Mr. Boulding, Sr. said he was concerned about the possible changes in the configuration to the cul-de-sacs.

Mr. Milliken said that that the applicant had satisfied everything they were required to do for this stage of the review process, and he simply raised that issue so that the future Commissions would not be confused by a possible change in the configuration of the cul-de-sacs or turnarounds.

Mr. Loy said that he was concerned about going to a zero lot line even for those lots abutting the open space. He said there is simply no way to build a foundation on a zero lot line development without disturbing the open space. He said he did not think allowing that was a good idea.

Mr. Hahn said they might have to grade around the home, but that going forward, it would be left in its natural state.

The Chairperson said that she looked forward to seeing a little more information regarding the cul-de-sacs the next time they reviewed the drawings. The Chairperson asked if there was any further discussion, and hearing none, said she would entertain a motion for a recommendation to the Township Board. Mr. Loy made a motion to recommend tentative preliminary plan approval and the approval of the special exception use for Sky King Meadows 2 with the following conditions and/or recommendations:

1. If approved, the Final Preliminary Plan, consistent with the approved Tentative Preliminary Plan, shall be submitted for approval within one year.
2. The appropriate legal documents and conveyances necessary for the permanent protection of the open space are provided to the Township with the final site plan approval.
3. The requested modifications to the minimum number of units in a cluster (reduced from four to two) and to the side yard setback (reduced from ten feet to five feet) satisfy the intent of the open space community requirements.
4. The stormwater system will require a review by the Township Engineer for final site plan approval and shall comply with all applicable County requirements.

5. Specific details as to the proposed street lighting will need to be provided at final site plan and reviewed by the Township Engineer to ensure compliance with Township street lighting policy and ordinance standards.
6. The Final Preliminary Plan shall be reviewed and approved by the Township Engineer and Fire Department.

The Chairperson asked if there was a second to the motion. Mr. Boulding, Sr. seconded the motion. The Chairperson called for a vote on the motion, and the motion passed unanimously.

Someone in the audience asked if there would be further public hearings on this matter. Attorney Porter said there would be no further public hearings, but there would be further consideration by the Township Board.

### **GENESEE PRAIRIE SUB-AREA IMPLEMENTATION – FIRST DRAFT OF PROPOSED AMENDMENT LANGUAGE FOR ZONING DISTRICTS**

The Chairperson said the next item for consideration was a general discussion on the Genesee Prairie Sub-Area Implementation Plan. Mr. Milliken introduced his first draft of the Zoning Ordinance language for the Genesee Prairie Sub-Area Implementation to the Commission dated March 14, 2012, and the same is incorporated herein by reference. Mr. Milliken suggested that the Planning Commission not take any action on the draft, but simply discuss the matter and not reach any final conclusions.

Mr. Milliken explained that the first Zoning Ordinance text for consideration was the “BRP” Business and Research Park. Mr. Milliken explained that, while Western Michigan University was exempt from such broad plan review, it is necessary to keep the development plan language in place as it would apply to individual site development within the Business and Research Park area.

Mr. Benson suggested excluding printing under special exception uses. He said certain printing processes still require E.P.A. approval, and therefore, because of chemical concerns, printing might not be appropriate in this area. Mr. Milliken thanked Mr. Benson for that input and said he would look into the matter.

There was a brief discussion regarding the size of the development and possible users of the development. Mr. Milliken said he did not think the development was going to be very large at all; there might be six to eight sites making up the entire development.

Mr. Boulding, Sr. said he appreciated the concern raised over water quality because he thought this area might feed the lakes in the area. Mr. Milliken said that was very true,

and they were going to great lengths to improve water quality in the area as part of the overall road improvements and as part of the site development review procedures.

Mr. Anderson asked if the Foundation property would be developed as part of the Business and Research Park area. Mr. Milliken indicated that the Foundation was a separate entity from the University. Attorney Porter said he thought the Foundation property would likely be developed separately from the University property.

Mr. Milliken said the next Zoning Ordinance text amendment would involve the “C-R” Local Business District, Restricted. He reviewed the proposed District and changes proposed for the existing texts and how they would be applied to the area at issue.

Mr. Benson asked about the language under Section 32.408, Paragraph B.2. which seemed to indicate that certain dimensional deviations were not subject to ZBA approval. Mr. Milliken indicated that was correct, in that, the grant of authority for deviations was given to the Planning Commission under the Ordinance.

Mr. Bushouse asked if billboards would be allowed in this District and whether they could limit billboards. Mr. Milliken indicated that he and Attorney Porter were looking at that very issue. Attorney Porter said he thought one of the most important issues to look at would be the illumines coming from the new electronic billboards in the area.

Mr. Milliken took the Commission through a brief review of the “I-R” Industrial District, Restricted as proposed. After a brief discussion of the same and the proposed changes, the Planning Commission moved on.

Mr. Milliken said that probably the most controversial zoning district was the “R-C” Residential, Conservation District. He said he was not entirely comfortable bringing forward a new residential district, but he thought if they had not created a district to accommodate the pre-existing uses in this area, that they would have had a fairly significant impact on the existing land uses in the area.

After a brief discussion regarding the “R-C” Residential, Conservation District, the Planning Commission thanked Mr. Milliken for his work.

There was a general consensus that the Commission would set this matter for their next meeting for discussion at greater length.

### **Old Business**

The Chairperson asked if there was any old business to discuss. The Chairperson mentioned that she had gone to Mt. Pleasant and that she had retrieved some information regarding how bed and breakfasts were treated in the City of Mt. Pleasant and shared that information with the Planning Commission. She distributed the information to the Planning



Commissioners and asked that they please review the materials, and it could be further discussed at the April 12<sup>th</sup> meeting.

### **Any Other Business**

The Chairperson said that they had received a letter from Mr. Michael McGrath regarding the possibility of a shooting range in the "I-1" Industrial District. Mr. McGrath presented his letter of March 12, 2012, to the Planning Commission and said he was seeking their input. He explained that he was trying to operate a shooting range with some limited type of sales including possible gun sales. He said the A.T.F. would not approve any type of gun sales in a residential zone, and after discussing the matter with the Zoning Administrator, was told that there was not any other zone in which shooting ranges were allowed. He said he had possible access to industrial property on Stadium Drive and was looking for the Commission's feedback and openness as to looking at other possible areas for a gun range.

Mr. Loy asked if he was looking to have skeet or trap. Mr. McGrath said he was looking to have no more than a 150-yard range with 10 to 12 stations, and possibly an indoor range with some limited sale of pistols, rifles and ammunition. Mr. Loy asked what size guns they might have. Mr. McGrath said pistols, rifles, shotguns, but nothing fully automatic; the maximum rifle would probably be a 30/30. Mr. Loy expressed some concerns given the fact that he lives six miles from the Southwest Michigan Gun Club where he can clearly hear the noise.

Attorney Porter asked if he might interject. Attorney Porter noted that he had been a member of the N.R.A. for 30 years, and he could not understand why Mr. McGrath was attempting to site an outdoor range in such a populated Township. Mr. McGrath said there was a large market because the closest gun range was approximately 30 minutes away.

Attorney Porter again asked if he might interject another question, and the Chairperson indicated that he could. Attorney Porter asked if Mr. McGrath had considered an indoor range. Mr. McGrath said that he had, and he was looking for input from the Planning Commission whether that could be considered in a zone other than Rural Residential.

Mr. Boulding, Sr. said he did not want to rain on Mr. McGrath's parade, but he said an outdoor range would result in too many people being affected because of the noise. Mr. McGrath said he was open to just considering an indoor range and wondered if something could be done to accommodate an indoor range.

The Chairperson said she thought he should consider an indoor range rather than an outdoor range and recommended he visit the indoor ranges in Grand Rapids and talk with their personnel to get input and their advice.

Mr. Benson said he did not think there was any way to accommodate an outdoor shooting range in the Township, given the large increase in population,

Mr. Bushouse said if he did have an indoor range, he wanted to make sure that he did not have problems with lead removal like they had at the State Police Academy.

Mr. Milliken and Attorney Porter said that there was possibility something that could be done to address this issue, perhaps in the "I-R" District with revisions to allow some type of limited sales, and accommodate an indoor range. Attorney Porter told the applicant he should not rule out the possibility of a rifle range underground in addition to an indoor shooting range.

Mr. McGrath thanked the Commissioners for their input and said he would continue to pursue the matter with the Township Planner.

### **Planning Commissioner Comments**

The Chairperson noted that the next meeting on April 12 was going to be rescheduled for 5:30 p.m.

Mr. Loy said he thought he would have difficulty making the meeting. However, he said he would try. The Chairperson thanked him for making the attempt, and if it did not work, they might have to reconsider having the first meeting of the month at a different time.

The Chairperson reminded the Planning Commission of the Open House at Gryphon Place. She also reminded the Board of the Drake Road Sidewalk Study which was going to be taking place at Skyridge Church, Wednesday, March 28, at 7 p.m.

### **Adjournment**

There being no additional matters, and the Planning Commission having exhausted its agenda, the meeting was adjourned at 9:10 p.m.

Minutes Prepared:  
March 27, 2012

Minutes Approved:  
April 12, 2012