

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD FEBRUARY 28, 2019

Agenda

**SITE PLANNING REVIEW: ADVIA CREDIT UNION
BYCE AND ASSOCIATES, REPRESENTING ADVIA CREDIT UNION, REQUESTED
SITE PLAN APPROVAL FOR THE PROPOSED OFFICE HEADQUARTERS AT 6400
WEST MAIN STREET. PARCEL NOS. 3905-14-255-010 AND 3905-14-255-050.**

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, February 28, 2019, commencing at approximately 6:00 p.m. at the Oshtemo Charter Township Hall.

ALL MEMBERS WERE
PRESENT:

Bruce VanderWeele, Chair
Ollie Chambers
Ron Commissaris
Keisha Dickason
Dusty Farmer, Secretary
Micki Maxwell
Mary Smith, Vice Chair

Also present were Julie Johnston, Planning Department Director, James Porter, Township Attorney, and Martha Coash, Meeting Transcriptionist. Nine other persons were in attendance.

Call to Order and Pledge of Allegiance

Chairperson VanderWeele called the meeting to order at approximately 6:00 p.m. and invited those present to join in reciting the "Pledge of Allegiance."

Agenda

The Chair asked for a motion to approve the agenda.

Mr. Commissaris made a motion to accept the agenda as presented. Ms. Farmer supported the motion. The motion was approved unanimously.

Public Comment on Non-Agenda Items

The Chair asked if any member of the audience cared to address the Board on a non-agenda item.

Ms. Jennifer Wickey said she lives in the Frie-Gibbs plat and asked that the Zoning Ordinance be changed to allow bee-keeping by individuals to provide honey for personal use. Their house is on four and a half acres, in the middle of an old apple orchard they are trying to revive and bees/hives would be beneficial to that effort.

Ms. Johnston explained bee-keeping is permitted under the Right to Farm protections but the Ordinance is silent to personal bee-keeping so it is not permitted. She said the Township Zoning Administrator spoke with Ms. Wickey and indicated the best way forward would be to address the Planning Commission to see if they would be willing to change the Ordinance.

Ms. Smith asked about private subdivision rules related to the keeping of animals or bees. Attorney Porter said both rules would apply, but if the two are in conflict, the subdivision would take precedence if it was stricter than the Township, and would be enforced by the subdivision Association.

Chairperson VanderWeele determined no one else cared to comment regarding non-agenda items and moved to the next agenda item.

Approval of the Minutes of February 14, 2019

The Chair asked if there were any additions, deletions or corrections to the Minutes of February 14, 2019. Hearing none, he asked for a motion.

Mr. Chambers made a motion to approve the Minutes of February 14, 2019 as presented. Ms. Dickason supported the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next agenda item.

SITE PLAN REVIEW: ADVIA CREDIT UNION: BYCE AND ASSOCIATES, REPRESENTING ADVIA CREDIT UNION, REQUESTED SITE PLAN APPROVAL FOR THE PROPOSED OFFICE HEADQUARTERS AT 6400 WEST MAIN STREET. PARCEL NOS. 3905-14-255-010 AND 3905-14-255-050.

Chairperson VanderWeele asked Ms. Johnston to review the proposed site plan.

Ms. Johnston said on October 10, 2017, Advia Credit Union received approval from the Township Board to conditionally rezone two parcels totaling 37 acres located on West Main Street, mid-block between 9th and 10th Streets, now addressed as 6400 West Main Street.

Advia would now like to develop their site and have requested site plan approval from the Planning Commission. This is a use permitted by right through conditional rezoning but because part of this property is still within the West Main Overlay, site plan approval is handled through the Planning Commission. As part of this review, the Planning Commission will need to determine if the conditions established as part of the rezoning have been met.

She said the rezoning included the following conditions proposed by Advia and approved by the Township Board, which must be met as part of the site development:

1. All requirements of the West Main Overlay District will be met except for Section 50.403.C. which limits building size and Section 50.403.F. which dictates rural architectural character.
2. Cross-access, either through a public road or private service drive, to the properties located to the east and west of the site will be provided as generally outlined in the West Main Street Sub-Area Plan. In addition, this cross-access drive will connect to a signalized intersection at West Main Street, as approved by MDOT and the Township.
3. The 150,000-square foot administrative building will be designed to fit into the natural topography of the site, reducing the impacts of height on neighboring properties and the West Main corridor. This building will have mixed office use and 1st floor retail use. Additional retail buildings, if any, will be within the West Main Overlay District and will comply with West Main Overlay District requirements. Additional buildings outside the current area zoned for commercial in the West Main Overlay District shall be office buildings.
4. The parcel will contain no residential development.
5. Buildings and structures on the parcel will have a minimum setback of 170 feet where the parcel abuts property with an R-1 or R-2 zoning classification.
6. A 100-foot buffer adjacent to R-1 and R-2 zoning will include undulating earth berms with varying heights constructed with slopes not to exceed a one to three gradient. Berms will be protected with sod, seed or a natural ground cover. Evergreen trees will be planted near the berm at a rate of two trees every 100 linear feet to mitigate noise and light from the subject property.
7. The parcel will have no entrances and exits onto Westlins Avenue or Bunkerhill Drive.

8. If the sale to Advia Credit Union does not take place, the land shall revert to its former zoning classification.
9. Nonmotorized connections will be provided within the property, to adjacent developments, and to the nonmotorized path found next to West Main Street

She indicated the submitted site plan outlines the development of a 151,190 square foot office building with a footprint of approximately 41,770 square feet or 2.5 percent of the site acreage. The building is intended to be three stories in height with a basement. The total impervious surface of the site is 289,461 square feet. Approximately 29 acres, or 78 percent, of the 37-acre site will remain as either green space or be undeveloped at this time. Of this undeveloped acreage, approximately 4.6 acres is located within the required 100-foot buffer adjacent to the residentially zoned properties to the north and east.

In general, Ms. Johnston said, the site plan meets the Zoning Ordinance requirements for parking and drive aisles within the parking area, handicap accessible spaces, drive through teller windows, and a nonmotorized connection to the 10-foot multi-use path along West Main Street. Of note, the applicant is utilizing *Section 68.300.A*, which allows parking lots over 100 spaces to reduce the size of 25 percent of the spaces. Of the 378 planned parking spaces, 93 will be sized at 10 feet by 18 feet as opposed to the standard 10-foot by 20-foot space.

She explained a nonmotorized connection is shown on the site plan to the west. It is a dashed line from the front parking lot through the drive through lane drive aisle to the west property line. This connection is shown a little differently on the landscape plan. Staff would recommend removing the connection from the site plan to be consistent with the eastern nonmotorized connection, which is shown on the landscape plan not the site plan. In addition, the nonmotorized path should extend to the property line.

Ms. Johnston said the staff report dated February 22nd outlined a number of outstanding concerns related to the Advia Credit Union corporate headquarters site plan. The project engineer has provided an updated plan that addresses a number of these issues. In addition, the Township held a meeting on February 26th with Meijer and Bronson, adjacent property owners to the Advia site, and was able to secure verbal confirmation that they would allow cross-access from their properties. This verbal agreement was then strengthened with written letters of confirmation. There are still a few issues to resolve with the site plan, as well as some conditions staff would recommend the Planning Commission consider if amenable to approving the plan. These are outlined below.

Outstanding Concerns Noted in the February 22nd Staff Report

- **Cross access between the neighboring properties was outlined as a condition of the rezoning. The applicant provides a service drive to the western**

boundary and a proposed drive to the eastern boundary, but to date, no agreements have been signed.

Letters have been provided by both Meijer and Bronson property owners indicating their willingness to provide cross-access and enter into cross-access agreements. While cross-access agreements are still outstanding, the applicant has worked in good faith to secure the neighboring property owners' consent. A condition is still needed on the plan, but staff is confident the complete service drive will be developed and cross-access agreements signed.

- **Staff is recommending the dashed line that outlines the western nonmotorized path on the site plan be removed and the nonmotorized network be displayed on the landscape plan. In addition, the path should extend to the western property line.**

This request has been completed.

- **Confirmation from MDOT should be provided that the signal has been approved and who will be responsible for installing the infrastructure.**

MDOT was an attendee of the February 26th meeting. They indicated a warrant for the placement of the intersection light has been approved as long as east bound Meijer traffic is diverted from their existing east curb cut to the Advia site. This requires Meijer's east curb cut to be altered to a limited movement curb cut (likely right-in, right-out only). Staff understood Advia would show this on their site plan and include it as part of Phase II of the project. It currently is not shown on the plan.

- **The evergreen trees required by *Section 75.130* must be installed within the 100-foot buffer area.**

This requirement has been met. It should be noted that the landscape materials are planned to be placed on the proposed buffer. Staff is concerned about long term viability of the plants and wants to ensure the applicant understands as a requirement of the Ordinance, the trees will have to be replaced if they do not survive.

- **The Planning Commission will need to determine if the undulating berm required by the conditional rezoning is met through the topography of the site or must be installed as part of the 100-foot buffer.**

The applicant has now placed a berm within the 100-foot buffer adjacent to the residentially zoned properties. The grading detail of the berm is found on Sheet C300: Grading Plan. A note is shown on the plan indicating the berm is four feet high and six feet wide at the top. The four-foot height undulates with the existing topography of the site. Some of the berm detail is obscured by retention tables on the plan. Staff would request the applicant move these tables so the full detail of the

berm can be shown. Staff is satisfied the berm meets the requirements of the conditional rezoning.

In addition, now that a berm is being provided, tree protection fencing should be shown on the plan for those trees being preserved and utilized for tree credits. Tree protection fencing is needed to ensure these trees survive. That is especially critical in the northwest corner of the site where grading is occurring for the storm water basin. Staff suggest tree protection fencing be shown on the soil erosion sheet of the plan set.

- **The lighting specifications for the building and architectural pole lighting needs to be provided to the Township. In addition, a note should be placed on the photometric plan that all lighting will be full cut-off and downward directed. Finally, information needs to be included on the photometric plan related to reduced lighting during non-business hours.**

The applicant has placed notes on the lighting plan that indicate the following:

- All exterior light fixtures shall be reduced to 30% power from midnight to within one hour of the end of business operations, whichever is later, until 6 am or business openings, whichever is earlier (owner programmable time) vial timer function through the lighting control panel.
- All light fixtures shall be full cut-off and orientated downward.

Staff believes the first note should have read “*shall be reduced to 30% power within one hour of the end of business operation or midnight, whichever is later...*” The Planning Commission will need to determine if the percentage and timing for reduced lighting is appropriate. The Lighting Ordinance states the following:

Section 78.720.1: For uses requiring site plan review, lighting shall be significantly reduced during non-operational building hours, allowing only lighting necessary for security purposes. The lighting plan submitted for review shall note where this distinction occurs.

The lighting specifications (cut-sheet details) for the building and architectural pole lighting is still needed.

- **Finally, a condition should be included with any considered approval that any final concerns from the Township Engineer will be resolved prior to issuance of a building permit.**

Ms. Johnston listed 15 conditions that should be considered if the Planning Commission were to approve the site plan:

1. Cross-access agreements must be signed between Advia and the neighboring properties to the east and west prior to the issuance of a certificate of occupancy.
2. The service drive connection to the west (Phase II) must be constructed and the eastern Meijer curb cut restricted prior to the issuance of a certificate of occupancy.
3. The east service drive (Phase III) must be development within 12-months of site plan approval for the Bronson property.
4. The installation of the intersection light (Phase II) will be installed prior to the issuance of a certificate of occupancy.
5. The site plan indicates the intersection light poles to be installed “by others.” The installation of the intersection light is a condition of the rezoning and therefore must be included with this development. The language “by others” should be removed from the plan prior to issuance of a building permit.
6. The lighting specifications for the building and architectural pole lighting must be provided to the Township prior to the issuance of a building permit.
7. The restricted curb cut for the east Meijer drive should be shown on the site plan and included as part of Phase II prior to the issuance of a building permit.
8. A proposed public sanitary sewer easement shall be provided on the site plan along the eastern property line prior to the issuance of a building permit.
9. The site plan indicates a 35-foot landscape buffer along the east property line adjacent to the Bronson property. This is incorrect. A 10-foot landscape buffer is required here. This buffer is shown correctly on the landscape plan, but needs to be revised on the site plan, which should be provided to the Township prior to the issuance of a building permit.
10. The retention pond tables on the grading plan obscure the berm graphic in the northeast corner of the property. Provide an updated grading plan prior to the issuance of a building permit with these tables moved so the full berm can be visualized.
11. The soil erosion plan shall be amended prior to the issuance of a building permit to show tree protection fencing around those trees intended to be preserved for tree credits.
12. Any final concerns from the Township Engineer will be resolved prior to the issuance of a building permit.

13. No curb cuts will be permitted to West Main Street for any future out lots of this parcel. Access will only be granted from the service drive.
14. Exterior wall colors should be provided on the elevation drawings prior to the issuance of a building permit.
15. All exterior light fixtures shall be reduced to 30 percent power at one hour after the end of business operations or 10:00 pm, whichever is later, until 7:00 am or business opening, whichever is earlier via an owner programmable timer through the lighting control panel.

Chairperson VanderWeele thanked Ms. Johnston for her review and asked whether Commissioners had questions for her.

Ms. Farmer suggested #15 be amended to read “All exterior light fixtures shall be reduced to 30 percent power at one hour after the end of business operations and no later than 10:00 pm, until 7:00 am or business opening, whichever is earlier via an owner programmable timer through the lighting control panel.”

In response to a question from Chairperson VanderWeele, Ms. Johnston explained how the project was differentiated into three phases of development to allow Advia to move forward with the building construction while working out the cross access.

Ms. Farmer wondered who would be responsible for actually providing the new signal light.

Ms. Johnston said that question should be addressed to the applicant.

Ms. Maxwell asked when the signal light would be installed.

Ms. Johnston indicated if the site plan is approved it would go in before the building is occupied.

Hearing no further questions, Chairperson VanderWeele asked whether the applicant wished to speak.

Mr. Michael Flynn, Byce Architects and Engineers, said he had reviewed the 15 conditions and affirmed they would all be met and that the site plan would be so amended and resubmitted to the Township. He indicated they have worked closely with MDOT regarding the signal light but it is not yet clear who provides the foundations for the light. They will comply with whatever MDOT requires.

The Chair determined there were no questions for Mr. Flynn, thanked him for his comments and opened the meeting for Public Comment.

Mr. John Beatty, 1250 Bunker Hill Drive, wondered where the current Advia

headquarters are located and how many employees they have.

Ms. Neena Marion, 6346 Brogan Hill, wondered what will happen to the “Meijer Trail” that runs behind where the building will be constructed.

Hearing no further comments from audience members, Chairperson VanderWeele moved to Board Deliberations.

Ms. Farmer asked for clarification about the “Meijer Trail.”

Ms. Johnston did not think it was within the building property lines, that it runs north-south behind Meijer.

Attorney Porter noted there is a path to access sewer lines there but that it is not open to the public.

Ms. Marion commented there are not a lot of parks in the area that provide a rural atmosphere. The trail is considered a jewel to people who walk and snowshoe there. It is a value she hopes will not be lost.

Attorney Porter said the sewer access would be retained.

Mr. Chad Farrer, representing Advia, said the current Advia headquarters is located in Parchment and approximately 200 people are employed at various buildings in Parchment.

Mr. VanderWeele noted the Board received correspondence from two citizens.

The first from a resident of 6379 Brogan Hill, asked that all parking be moved to the front of the building and felt the amount of parking to be provided was excessive. It was questioned whether there would be planned additions in the future and that if so, they should be highlighted now. The last points made noted the number of banks and credit unions in the area and that a new Advia building should result in special tax assessments for residential properties as they will be reduced in value as soon as the project begins.

A resident at 6359 Brogan Hill indicated support for the previous comments, was concerned that the promised natural barrier be implemented and said residents wanted to be good neighbors and that is a two-way street.

Ms. Maxwell said she felt the berms included in the plan take care of the natural barrier concern.

Ms. Johnston explained that by Ordinance, only two parking bays are allowed in front of the building. As many parking spaces as allowed in front are included in the plan; the rest are in the rear or side yard.

After discussion it was agreed to change the language for condition #15 as suggested earlier by Ms. Farmer.

Ms. Johnston explained if the site plan is approved with the conditions recommended by Staff, that when the amended plan is submitted, Staff will review it for compliance unless the Commission wishes to see it.

Commissioners agreed review should be done by Staff.

Mr. Chambers asked for clarification on the new traffic pattern for the east drive at Meijer when the signal light is installed.

Ms. Johnston indicated the drive would be channelized to restrict turns in and out of the east drive to right turns only. Those turning left would use the service drive through the Advia property to the signal light. She noted many accidents occur at the Meijer east drive; Township emergency vehicles are called out there often.

Hearing no further comments, Chairperson VanderWeele asked for a motion.

Ms. Maxwell made a motion to approve the site plan presented from Advia, contingent on meeting the 15 conditions as outlined in the February 28, 2019 memo from Ms. Johnston presented at this meeting, and as amended by the Planning Commission. Ms. Smith supported the motion. The motion was approved unanimously.

OLD BUSINESS

Ms. Johnston reported although it was planned to hold a public hearing on the Agritourism Ordinance at the March 14 meeting, it will instead be included on the March 28 agenda.

She also informed the Commission that Mr. Dan Cunningham from Circuit Electric would not be available as hoped for consultation on the Lighting Ordinance draft at the March 28 meeting. She will bring the latest draft to that meeting for further consideration and invite him to an April meeting instead.

ANY OTHER BUSINESS

There was no other business to consider.

PLANNING COMMISSIONER COMMENTS

Attorney Porter indicated the Township Board may ask the Planning Commission to consider locations for marijuana facilities to be included in a new Ordinance.

Ms. Johnston will bring language for the Commission to consider regarding allowing personal bee-keeping including a provision that it not infringe on neighboring properties.

ADJOURNMENT

Hearing no further comments, Chairperson VanderWeele adjourned the meeting at approximately 7:03 p.m.

Minutes prepared:
March 2, 2019

Minutes approved:
March 14, 2019