

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A MEETING HELD OCTOBER 23, 2014**

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**Agenda**

**PUBLIC HEARING: PLANNING COMMISSION TO REVIEW PROPOSED AMENDMENTS TO SECTIONS 32, 50, AND 60 OF THE TOWNSHIP ZONING ORDINANCE RELATED TO THE 9<sup>TH</sup> STREET AND WEST MAIN STREET SUB-AREA PLANS AS WELL AS THE REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT (PUD) AND THE CR – LOCAL BUSINESS DISTRICT RESTRICTED.**

**PUBLIC HEARING: PLANNING COMMISSION TO CONSIDER SPECIAL EXCEPTION USE REQUEST OF THE APPLICATION FROM COSTCO WHOLESALE FOR ESTABLISHMENT OF A TEMPORARY OUTDOOR SALES USE LASTING LONGER THAN ONE DAY LOCATED IN THE PARKING LOT OF AN EXISTING COMMERCIAL CENTER (COSTCO WHOLESALE) AT 5100 CENTURY DRIVE IN THE C LOCAL BUSINESS DISTRICT (PARCEL # 3905-25-240-101).**

**PUBLIC HEARING: PLANNING COMMISSION TO CONSIDER SPECIAL EXCEPTION USE REQUEST OF THE APPLICATION FROM BOSCH ARCHITECTURE ON BEHALF OF VRSK, LLC FOR ESTABLISHMENT OF A 4,259 SQUARE FOOT OFFICE BUILDING (11<sup>TH</sup> STREET COMMONS) LOCATED AT 2632 SOUTH 11<sup>TH</sup> STREET IN THE R-3 RESIDENCE DISTRICT (PARCEL # 3905-25-335-013).**

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A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, October 23, 2014, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

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

MEMBERS ABSENT: None

Also present were Greg Milliken, Planning Director; James Porter, Attorney; and Martha Coash, Meeting Transcriptionist. There were approximately 13 other people in attendance.

## **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

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

## **AGENDA**

The Chairperson asked for a motion to approve the agenda.

Mr. Skalski made a motion to accept the agenda as presented. Mr. Loy seconded the motion. The motion passed unanimously.

## **PUBLIC COMMENT ON NON-AGENDA ITEMS**

Chairperson Schley asked if anyone in attendance wished to comment on non-agenda items.

There were no public comments on non-agenda items. Chairperson Schley moved to the next item on the agenda.

## **APPROVAL OF THE MINUTES OF OCTOBER 9, 2014**

The Chairperson asked if there were any additions, deletions or corrections to the minutes of the Meeting of October 9, 2014.

Mr. Boulding, Sr. asked that the minutes be corrected on page two where he was listed as Mr. Wiley rather than Mr. Boulding, Sr.

Chairperson Schley asked for a motion to approve the minutes with the correction from Mr. Boulding, Sr.

Mr. Loy made a motion to approve the minutes of the October 9, 2014 meeting with the correction as noted. Mr. Skalski seconded the motion. The motion was approved unanimously.

At this time, Ms. Farmer excused herself from the meeting due to an illness.

Chairperson Schley moved to the next item on the agenda.

**PUBLIC HEARING: PLANNING COMMISSION TO REVIEW PROPOSED AMENDMENTS TO SECTIONS 32, 50, AND 60 OF THE TOWNSHIP ZONING ORDINANCE RELATED TO THE 9<sup>TH</sup> STREET AND WEST MAIN STREET SUB-AREA PLANS AS WELL AS THE REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT (PUD) AND THE CR – LOCAL BUSINESS DISTRICT RESTRICTED.**

Chairperson Schley said the next item on the agenda was the public hearing to review proposed amendments to sections 32, 50 and 60 of the Township Zoning Ordinance related to the 9<sup>th</sup> Street and West Main Street Sub-Area plans as well as the requirements for PUD and the CR – Local Business District Restricted. He reminded the audience of Public Hearing rules for audience participation and asked Mr. John Jackson of McKenna Associates to provide an overview of the proposed ordinance amendments.

Mr. Jackson explained McKenna Associates, Oshtemo Township Staff and the Planning Commission had been working on this project for about a year, and he indicated that the approach decided upon was an overlay zone to allow for the greatest flexibility for commercial and residential development within the two Sub-Area plans for the West Main Street area and the 9<sup>th</sup> Street corridor. He highlighted some specifics in the amendments including the intent for permitted uses, land uses, setbacks and building requirements. Mr. Jackson offered to answer any questions from Commissioners.

Chairperson Schley said the draft document is the result of a year of work, that Commissioners considered it word by word, and clarified with Mr. Milliken that property owners could also develop property under the underlying R-2 zoning. Another option is to use the standards of the Overlay which have allowed more than what is in the R-2, as long as other stipulations are met. The third option is to use the existing PUD. He said he was not quite clear that the broad statements in the document allow for development within the underlying R2 zoning even though that is how it has been presented.

Mr. Jackson agreed there is need for clarification there. The thought was the property could be developed under the underlying R-2 zoning according to R-2 standards. However, an option is that it could be developed under the Overlay. This provides greater flexibility in terms of the use of the property, but in response to that flexibility, the standards that come along with the Overlay District would be required. In order to clarify the options, a statement should be added at the beginning to say the Overlay is not mandatory.

Chairperson Schley said the point is that many of the Overlay Standards intended to shape the character in the target Sub-Areas become effective if the choice of the Overlay is used, otherwise the intent is the properties can be developed under a strict R-2 without triggering the other Standards. He confirmed with Mr. Milliken that he would add language to that effect at the beginning of the document.

Hearing no further questions from Commissioners, Chairperson Schley asked if there were any public comments.

Ms. Cheryl Spirito, 7041 Steeplechase Court, expressed concerns about possible businesses near residential areas, and gave the examples of group daycare and mixed unit development. She also noted concerns about traffic, particularly the lack of a light at 7<sup>th</sup> Street by the fire station given the speeds travelled on West Main Street, and how property taxes might be impacted if more police are required.

Ms. Barbara Hughey, 587 Lodge Lane, said she had been concerned about traffic on West Main Street for many years, and that she would like a turn lane indicator at Lodge Lane to allow careful, safe access into the plat. She was also worried about home values with new development.

Hearing no further public comments, Chairperson Schley closed the Public Comments section of the meeting and moved to Board Deliberation.

The Chairperson said that regarding concerns stated at the hearing and previously regarding residential development and high densities, it is helpful to remember the PUD process existed previously and always allowed consolidation of acreage to the threshold amount to provide for higher density development. He did not feel the Planning Commission is opening greater opportunities in that regard than what previously existed. He added that traffic speeds remain concerning to all, but the speed limits are not controlled by the Planning Commission. As projects of sophistication occur with potential traffic volume increases, the Commission has the ability to ask for a traffic study and expect good counsel.

Mr. Loy commented the Zoning Ordinance amendments have been reviewed repeatedly, the Commission has done its due diligence, and he thinks it is the right thing to do. He has appreciated the faithful citizens who have attended meetings and thinks the amendments will provide good additional options for the Township.

Mr. Skalski agreed with Mr. Loy, state he is very comfortable with the amendments, and looks forward to implementation.

Ms. Jackson said the Master Plan was used and taken seriously and the resulting document is a positive reflection on their charge. She said citizen concerns are respected and will always be taken into consideration when brought before the Commission.

Mr. Boulding, Sr. said this is a good plan with flexible guidelines for future development and provides an enhancement for the community. He felt due diligence was done.

Attorney Porter said, in response to a question from Chairperson Schley, that it was within the Commission's discretion to include direction to Staff to include a statement making clear the options at the beginning of the document as discussed, as part of a motion to approve the amendments.

Chairperson Schley brought up an issue regarding Section 60.421, Commercial Planned Unit Development provisions, requiring the minimum size of a planned unit development to be 10 acres of contiguous land. He pointed out there are some properties within the I-R Industrial district that were originally split at less than 10 acres. Section 40.400 in the IR district allows development within the I-R District for parcels of at least 10 acres, but under 40.402, that requirement is waived if the property was split prior to December 27, 1988 and filed with the Kalamazoo County Register of Deeds. They were listed at 7.5 acres at that time. In that spirit, he suggested the Commission consider the same language in the Commercial PUD. He suggested leaving it at 10 acres, but that the 7.5 acre standard would apply to any parcel of land whose boundaries were established previous to December 27, 1988.

Commissioners agreed with the Chairperson's suggestion.

Attorney Porter said a motion to approve the amendments should then include this change as well as the one from previous discussion.

Mr. Milliken noted drive-thrus in commercial portions of the overlay district were allowed as a special exception use but not for restaurants. He asked for clarification whether less traditional food-service uses, such as coffee shops or ice cream parlors, are considered restaurants or if they fit within another category for ease of administration and interpretation by others.

Chairperson Schley said he had reviewed relevant documentation. The fundamental studies indicated they are looking for lower volume businesses in that area. He said he does not see that a drive-thru food business, whatever it is, is much different than other fast food restaurants. They are all vehicular generators and the resulting intensity of use does not represent the character they are trying to achieve.

Ms. Jackson said wording should be clear that any type of restaurant drive-thru establishment is prohibited because of the desire for low impact traffic and the character of the road; she felt there should be none allowed in this area.

Mr. Skalski agreed no food businesses in this area should be allowed a drive-thru.

Mr. Antosz said the Master Plan does not envision drive-thrus for that area. He noted he had tried to find a clear definition of a restaurant but was unable to do so and agreed they should not try to differentiate between restaurants.

Mr. Boulding, Sr. felt this is a grey area.

Mr. Milliken thanked the Commission for their discussion and said the consensus was clear. He noted he receives inquiries from people for similar uses and it was good to have clear direction.

Chairperson Schley said their comments should be on the record to assist administrative staff. He noted they have tried historically to keep high intensity businesses east of U.S. 131 on W. Main Street and have been pretty consistent throughout the years. He said he thinks the Commission has held to the plan pretty well under the pressure of commercial developers. The amendments allow quite a bit more flexibility for commercial development than was allowed before.

Mr. Loy made a motion to recommend to the Township Board approval of the proposed amendments to Sections 32, 50, and 60 of the Township Zoning Ordinance related to the 9<sup>th</sup> Street and West Main Street Sub-Area Plans as well as the requirements for PUD and the CR – Local Business District. Included should be clarification at the beginning of the document that the Overlay is an option and that the 10 acre standard would not apply to any parcel of land whose boundaries were established previous to December 27, 1988, consistent with Section 60.421. Mr. Skalski supported the motion. The motion carried unanimously.

**PUBLIC HEARING: PLANNING COMMISSION TO CONSIDER SPECIAL EXCEPTION USE REQUEST OF THE APPLICATION FROM COSTCO WHOLESALE FOR ESTABLISHMENT OF A TEMPORARY OUTDOOR SALES USE LASTING LONGER THAN ONE DAY LOCATED IN THE PARKING LOT OF AN EXISTING COMMERCIAL CENTER (COSTCO WHOLESALE) AT 5100 CENTURY DRIVE IN THE C LOCAL BUSINESS DISTRICT (PARCEL # 3905-25-240-101.**

Chairperson Schley said the next item on the agenda was the public hearing to consider the special exception use request from Costco for a temporary outdoor sale. He asked Mr. Milliken to review the application.

Mr. Milliken said the applicant is seeking to sell Christmas Trees in the parking lot of the new Costco Wholesale store at the corner of Drake Road and Stadium Drive. Such a use is a special exception use in the C zoning district because it will last more than one day. Section 30.221 of the Ordinance contains specific standards for temporary outdoor events. It is anticipated that the sales activity will commence shortly after the store's opening in mid-November and last through the holiday.

He said unlike many traditional Christmas Tree lots where trees are kept outdoors in a large corral in the parking lot, the applicant would store the trees in a 53-foot trailer parked along the west side of the building near the loading docks. Sample trees would be on display in the vestibule of the store and customers would select a tree based on the display. Then, these customers will take the receipt to the trailer to claim their purchased tree. Therefore, the outdoor evidence / component of the proposed use would be the 53-foot trailer parked adjacent to the building and any adjacent space used by staff for wrapping, loading, and related activities.

Mr. Milliken said the proposed sales area would occupy approximately nine parking spaces. Hours of operation for the tree sales would be the same as for the Costco store.

He noted the Fire Marshal has reviewed the request and the proposed sales operation. The Fire Marshal has indicated that the Fire Code has specific regulations regarding the storage and display of live Christmas Trees in buildings. According to the Fire Code, live Christmas Trees are permitted to be displayed in retail use buildings provided they comply with Sections 10.14.1-10.14.9 of the National Fire Code.

Mr. Milliken said the application met the Standards for Approval, but the Fire Marshal has identified some concern with the display of live Christmas Trees in an enclosed space. Compliance with the applicable Code sections is required.

In summary, he said the proposed use is consistent with existing uses in the C district as well as within the surrounding commercial center and recommended approval of the proposed use with the conditions stated in the Staff Report.

Chairperson Schley asked whether there were questions for Mr. Milliken.

Mr. Antosz asked whether the Fire Marshal would inspect on a regular basis.

Mr. Milliken said the Fire Marshal would treat this similar to fireworks stands. Inspections would be done prior to and during the sales period for compliance.

In answer to questions about the length of time of the proposed sale, the storage trailer and possible precedents that might be set, Attorney Porter said the request, if approved, would be no more precedential than fireworks tents.

Mr. Milliken concurred. He also said some of the firework tents that are eligible for administrative approval in the Township have displays longer than two weeks.

Chairperson Schley asked if the applicant would like to speak.

Lisa Barnhardt, General Manager of Costco, told the Commission the tree sales would run for three weeks, from November 29 – December 20. They would be selling Frasier Firs to members that retail for about \$100 elsewhere for \$28.99. There will be a display model inside the vestibule. The outside trailer will be staffed at all times. None of the parking spots covered by the trailer are barrier free spaces.

There were no public comments.

The Chairperson said he was a little concerned regarding precedent and noted other retailers have made sure outside sales are contained and screened, but acknowledged Christmas trees are traditionally handled somewhat differently in many communities. He felt this was not much different than the summer sales held at Meijer.

He found it acceptable to approve this on a one-time basis, but would not want to make it automatic with administrative oversight at this time.

Mr. Skalski moved to approve the request for one time only as presented, for the period of three weeks from November 29 – December 20, subject to the following conditions:

1. Trees on display inside the vestibule area must be done so in compliance with Sections 10.14.1 through 10.14.9 of the National Fire Code.
2. Compliance with any additional issues raised by the Fire Department during the course of this review and/or any subsequent inspection.
3. Any signage shall require a sign permit in conformance with the standards of the Township Zoning Ordinance.

Mr. Loy supported the motion. The motion carried unanimously.

**PUBLIC HEARING: PLANNING COMMISSION TO CONSIDER SPECIAL EXCEPTION USE REQUEST OF THE APPLICATION FROM BOSCH ARCHITECTURE ON BEHALF OF VRSK, LLC FOR ESTABLISHMENT OF A 4,259 SQUARE FOOT OFFICE BUILDING (11<sup>TH</sup> STREET COMMONS) LOCATED AT 2632 SOUTH 11<sup>TH</sup> STREET IN THE R-3 RESIDENCE DISTRICT (PARCEL # 3905-25-335-013.**

Chairperson Schley said the next item on the agenda was a public hearing regarding an application for establishment of a 4,259 square foot office building at 2632 South 11<sup>th</sup> Street. He asked Mr. Milliken to review the application.

Mr. Milliken said the subject property is located at 2632 South 11<sup>th</sup> Street, which is on the west side of 11<sup>th</sup> Street south of Stadium Drive and north of Crystal Lane. It is a 1.93-acre property with 346 feet of frontage on South 11<sup>th</sup> Street. The parcel was developed in 2007 with a 6,339 square foot office building and associated parking facility. The building houses offices of independent financial planners and managers that share certain facilities within the building.

The property is located in the R-3 zoning district. It is a residential district that allows limited commercial uses with certain restrictions. A new office building is a special exception use and must satisfy certain conditions.

He said the property to the north is a medical office complex in the C zoning district. The property to the south is a single-family home in the R-3 district. Properties to the east include a hotel, office complex, and rental homes in the R-3 and C districts.

Mr. Milliken explained the applicants desire to build a 4,259 square foot office building on the site. It would be sited west of the existing building and connected via a glass, enclosed breezeway or vestibule. The building would house similar offices and



uses as the existing building on site and would be operated and managed in a similar fashion. It is designed and planned consistent with the existing building on the property.

He said one of the conditions of having an office building in the R-3 district is that it be less than 10,000 square feet in area. The intent of this is to avoid single structures with a substantial mass that are significantly larger than typical residential units and are therefore out of character with what one might expect in the R-3 district. It could be argued that because the two buildings are connected by the breezeway that they are one building, and because the total square footage exceeds 10,000 square feet (10,598) it does not comply with the criteria for the special exception use. However, Staff believes they function as and give the external impression as being two structures and therefore has interpreted the plan as such. The proposed building is a single-story structure with a maximum height of 23 feet.

Mr. Milliken said the closest the proposed building is to any property line is along the south property line. The minimum setback along this boundary is based on the height of the building on that side – 23 feet – and the building will be located over 28 feet from the property line. This is consistent with the alignment of the existing structure on site.

He explained the property will utilize the existing access point for the property and will extend the existing circulation and parking area to the west. For the site, a total of 50 parking spaces are required. The proposed plans show a total of 56 spaces including four barrier free spaces. All spaces and drive aisles satisfy the dimensional requirements of the Zoning Ordinance. In accordance with the requirements of Section 23.404, no parking is provided in the setback areas.

A new retention pond is proposed in the very western corner of the property and will be fed by pipes and leaching basins. The Township Engineer has reviewed the proposed drainage plan and concurred with the design and calculations.

Mr. Milliken noted a landscape plan has been provided demonstrating the landscaping proposed as part of this development. Both perimeter landscaping and parking lot landscaping is required. Both the north and south property lines have a substantial amount of existing landscaping that satisfy a portion of the intent of the perimeter landscaping. To the south of the proposed improvements, ten new trees are being planted to supplement existing trees located south of the building and along the perimeter. (Ordinance requirements call for 15 trees.) The plan calls for the addition of eight shrubs to the existing landscaping and undergrowth. Twelve are required.

He said approximately 12 trees are required along the north property line adjacent to the new development. The plan indicates that the existing tree line will accomplish these requirements. As with the south property line, it is unclear whether the existing plantings are on the subject property. If they are, then he would concur that the material existing on site satisfies the intent and requirements of the Ordinance. If

not, then additional landscaping will be needed. He noted several pine trees added in 2007 have died and should be replaced.

He said lighting does not spill over onto adjacent properties or rights of way.

Mr. Milliken said there are a couple of specific elements worthy of mention related to the Fire Department's review. One issue raised by the Fire Marshal that has been addressed in a revision to the site plan was that the new building was too far from a fire hydrant. As a result, a new hydrant has been added west of the building with a water line extension along the south end of the property.

Another issue was providing means for the Department to maneuver and turn its vehicles. Currently there is an asphalt drive extension along the west side of the current building that allows for fire trucks to complete a three-point turn. The proposed plan calls for a similar arrangement with an extended asphalt driveway between the two buildings to serve only as a fire lane in case of emergencies. Signage will need to be added to ensure it remains clear for emergency access.

He noted the Township Engineer has also reviewed the plans and has provided his comments. There are no substantial comments on the proposed plans. No variances are required or requested for this development.

Standards for Approval were reviewed and Mr. Milliken said the proposed development is consistent with the character and nature of development existing already on the property. It is consistent with development trends along 11<sup>th</sup> Street and adjacent properties.

He said the possible exception would be the existing residential use to the south of the subject property. The proposed improvements would be immediately north of the rear yard of the subject property. The property will be screened and lighting maintained on site to minimize impacts. The plan has been designed to meet the specific requirements for an office building in the R-3 district. Nonetheless, the Commission should review the plan to ensure adequate protection is provided.

Mr. Milliken said if the Board is inclined to approve the request, he recommended including conditions provided in the Staff Report.

Chairperson Schley asked Mr. Milliken about set-back requirements for special exception use in the R-3 District.

Mr. Milliken replied the setback for an office building in the R3 district is 20 feet or the height of the building. In this case, the height is 23 feet, so the 28 foot setback meets that standard. This appears to be the same standard applied when the existing building was first approved in 2007.

Chairperson Schley asked whether Staff agrees that Section 64.780 of the Ordinance applies.

Mr. Milliken said Staff would not apply that section to this application.

Attorney Porter felt the entire Section 64.700 regarding higher residential zone classification seems to be turned on its head by Section 64.780. He said this could be considered improper legislation as items cannot be hidden within the Section that are inconsistent with the headings. He is troubled by this section as it seems to alter the overall pattern of the Ordinance. Nonetheless, he said he thinks it reads as the Chair says it reads, agreed it is right to focus on this issue, and strongly suggested the Board consider looking at the Ordinance wording in this section. He stated that it should be applied as stated and that a variance may be needed in this case.

Chairperson Schley asked whether there is confidence that screening requirements can be met in the wet triangular area of the property. He noted in past projects retention style basins were required that could sustain themselves in wet areas and was concerned whether the large natural plantings required for screening in this area would be viable.

Mr. Milliken said Staff would work with the designer to ensure correct types of plantings would be used for screening and drainage.

Mr. Boulding, Sr. noted there seemed to be some concern about the effect on the property to the south in the original 2007 application and asked for illumination on those concerns.

Mr. Milliken said there were concerns regarding having a commercial building next to a residence and that they were deliberated at that time. The six to seven years' experience since then is relevant to this discussion regarding a similar type use building. He noted the owners of the property to the south were present and could speak further on issue.

Hearing no further questions from the Board, Chairperson Schley asked the applicant to speak.

Mr. Steve Bosch, Bosch Architecture, spoke representing the owner. He said Bosch Architecture had done the original design work in 2007 and are now trying to complement what is there with an expansion of the same type of low impact use. He indicated the business has been a good neighbor and noted the proposed additional building, inclusive of the link, would comprise 4,259 square feet and would max out the parcel. He offered to answer any questions from Commissioners.

Ms. Jackson asked why more parking than is required is included in the proposal.

Mr. Bosch said they had included a little extra to supplement the existing building needs.

Mr. Loy asked if the dying bushes would be replaced if the application is approved.

Mr. Bosch said the owner would meet the Ordinance requirements including what was previously required.

There were no further questions from the Board and Chairperson Schley asked if members of the public wished to speak.

Ms. Jan Thompson, owner of 2780 S. 11<sup>th</sup> Street just south of the building said they had attended the hearing in 2007. She noted it is appreciated the business is open only during weekdays but had a number of concerns. The proposed building would be in their back yard and she was concerned about lighting. In 2007 she said they asked for a buffer and were assured 10-12 pine trees would screen them but the trees planted were small and did not grow. There are only two left alive – the rest were discarded. The owners said they would blend the landscaping between properties, but the Thompson's mow a 20 foot area that is neglected. They are also concerned about the retention pond which looks to be located right along the lot line. She also noted the owners had approached them with an offer to purchase their property but that they do not wish to leave. She hoped the Planning Commission would consider their rights and offer them assurances and protection.

Mr. Randy Verlin, the applicant, 121 Naples Court, said several pines on the south side did die for lack of sun, and he felt that if replanted they would die again. He noted the business has been in place for seven years and that to his knowledge there have been no complaints from neighbors about the building.

Hearing from no other members of the public, Chairperson Schley moved to Board Deliberations.

There was discussion about whether the project should be considered as one building or two buildings with a connector.

Also of concern was the code issue regarding 64.780 that was discussed earlier. It was agreed that the intent of the code requires a 50 foot setback or a 35 foot landscaped greenspace due to the adjacent residence, and that the applicant would either need to comply with 64.780 or request a variance from the ZBA.

Mr. Milliken suggested and Attorney Porter agreed the Board could approve the request with that condition to avoid having the applicant return to the Planning Commission later with the same request.

Mr. Bosch spoke, saying that two buildings are allowed on the property and that if the link between them, a glass vestibule that would be used as an inclement walkway was absent, the structures would clearly be considered as two buildings. He reiterated that the two buildings, as proposed, will max out the site.

Chairperson Schley said he would be dissenting and voting no because of the Ordinance saying no building larger than 10,000 feet could be built in the area. He agreed the setback issue was appropriate to take to the ZBA, that it undermines the code since there should potentially be a greater setback than what is being proposed. He was not sure how it was approved originally in 2007.

Attorney Porter noted Ordinance 518 in 2006 or 2007 was amended to add section 64.780 on 4/12/2011.

The Chairperson felt the overall tone in Section 64.700 talks about commercial property and others in higher intensity use than residences, and that in 64.750 B the requirement for commercial property against R-3 is an 85 foot set-back.

Attorney Porter said that provision was added in 2008.

Chairperson Schley also was concerned about landscape issues, specifically whether a wet land can properly be planted to act as a screen.

Mr. Loy, Mr. Skalski and Ms. Jackson all felt the assurances by the building's owner that had been made to the property owners to the south and were their obligation, had not been met. They also wanted to be sure the retention pond plantings would be done in the right way if the application was approved. The proposal's design of two buildings with a connector for protection from the weather for employees and visitors was seen as an advantage.

Hearing no further discussion, Chairperson Schley asked for a motion.

Mr. Loy moved to approve the application with the following conditions:

1. The site plan be modified to comply with Section 64.780 or a variance be granted by the ZBA.
2. Confirmation that the required landscaping from the previous approval remains, and if not, will be replaced.
3. Acceptance of the landscape plan, including the incorporation of existing landscape materials in exchange for required bufferyard plantings and/or addition of supplemental planting materials to satisfy Ordinance requirements and screening needs.
4. Site plan approval is subject to the approval of the Fire Department, pursuant to adopted codes.
5. Site plan approval is subject to the review and acceptance of the Township Engineer as adequate.

Mr. Skalski supported the motion. The motion carried 4 – 2, with Mr. Antosz and Mr. Schley dissenting.

### **OLD BUSINESS/ANY OTHER BUSINESS**

Chairperson Schley asked if there was old business or any other business to come before the Commission.

Mr. Antosz inquired whether owners in the Township are required to maintain approved landscaping.

Attorney Porter said it is a big problem for Staff to keep up with this and that sometimes requirements stipulate too many plantings for them to all survive.

It was acknowledged Township personnel respond when there are complaints but that needed active follow-up and enforcement is difficult given competing priorities for staff.

There was discussion of the Township providing a list of approved plantings and a tour of targeted sites to assess the results of past requirements.

Mr. Milliken said he would welcome a list of sites to visit from Commissioners and would organize a tour or assign tour “homework.”

Chairperson Schley agreed this would be good to do to get a perspective of what’s adequate and see what is actually occurring to see if what is being required is too much or not enough.

### **PLANNING COMMISSIONER COMMENTS**

Mr. Skalski said the Township relies on outside people to bring problems to their attention and does its best to respond, noting staff is short at all local agencies.

Mr. Boulding, Sr. said he understood the issue of dying pine trees, it is difficult to hold to a standard when nature cannot be totally controlled. He suggested the Michigan State School of Forestry might be a helpful resource.

### **ADJOURNMENT**

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Schley asked for a motion to adjourn.

Mr. Skalski made a motion to adjourn. Mr. Loy seconded the motion. The motion carried unanimously.

Chairperson Schley adjourned the Planning Commission meeting at approximately 9:00 p.m.

Minutes prepared:  
October 25, 2014

Minutes approved:  
December 11, 2014