



PLANNING COMMISSION MEETING, MARCH 28, 2023

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CALL TO ORDER/ROLL CALL

Chair Corfman called the meeting to order at 6:00 p.m. and Secretary Loeks called the roll. The following Commissioners were present: Chair Corfman, Vice Chair Davis, Secretary Loeks, Commissioners Roberts, Eavey, and Matson. Also present was Zoning Administrator Lovely, Superintendent Wilson, Recording Secretary Kerr, and 12 interested persons. Commissioner Buckham was absent.

10 **PUBLIC COMMENTS**

11 A resident on Presque Isle Drive stated that while he appreciates AVB and the upscale neighborhoods
12 they develop, he has concerns about construction vehicles using the Texas Heights neighborhood to reach
13 phase 3 & 4 off the Presque Isle Drive stub road. There are a lot of children in that area. If phases 3 & 4
14 are built concurrently with phase 2, the grading is going to displace wildlife, create erosion, along with a lot
15 of noise. It could take years to fully develop phases 3 & 4 and the area will be an eyesore in everyone's
16 backyard. There is no concrete timeline for development which he finds unsettling.

17 A resident of Petosky Street stated he had no qualms about the development but is apprehensive
18 about the retention basin that is near his backyard. He has already experienced water problems due to a
19 low area and he does not want more water breaching his property. He would like to be given some
20 assurance that his property is not the "low point," and excess water will drain in a different direction.

21 A resident on Petoskey Street also expressed concern about construction traffic and questioned if there
22 will be large heavy vehicles traversing their neighborhood. He explained the layout of Texas Heights and
23 that there is no clear access to Q Avenue. He was also uneasy about the retention basin, explaining the
24 water problem he had with his previous home in Portage, as some of the homes were lower than the
25 maximum height of the retention basin. Many of the retention basins were built during dry periods and
26 engineering for the new basin needs to take into consideration higher water tables.

27 A resident on Trout Bay Street explained the retention basin problems experienced in Texas Heights
28 during the 100-year rain. These basins are also private. They held many meetings including some with the
29 Drain Commissioner on the feasibility of the drains being taken over by the County. Once the excavating
30 is complete, the basin and grading need to be examined to ensure they were done correctly. The residents
31 on those streets affected by the grading for phases 3 & 4 will suffer a loss in property value and should be
32 provided with an equal amount of time to sell their homes to realize their worth.

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34 **ADOPTION OF MEETING AGENDA**

35 Chair Corfman reviewed the agenda. Motion by Davis, seconded by Matson, motion carried, to adopt
36 the agenda as presented.

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38 **APPROVAL OF MEETING MINUTES**

39 Motion by Loeks, seconded by Eavey, motion carried, to approve the minutes of the March 14, 2023,
40 Workshop Meeting Minutes as presented.

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42 **NEW BUSINESS**

43 PC#23-03 Stinson ADU - Sketch Plan Review

44 Request: Review and approval of an Accessory Dwelling Unit (ADU) for Mr. Stinson's family member.

45 The Commission reviewed an application submitted by Aaron Stinson for a standalone accessory
46 dwelling unit (ADU) located at 5181 Texas Drive, in the R-2 Residential District, Single Family zoning
47 district. The home is the principal residence of the property owner and the ADU is intended for a family
48 member and will not be used for rental purposes. The parcel is 11.29 acres and is approximately 800 feet
49 southwest of the roundabout at the intersection of South 12th Street, Texas Drive, and Milham Avenue.
50 The existing home and accessory building (barn) are setback approximate 36-feet and 88-feet respectively
51 from the preserved right-of-way line. The applicant intends to construct a 364 square foot standalone ADU

52 approximately 215-feet northwest of the existing home, with a front yard setback of 196-feet from the
53 preserved right-of-way line and 50-feet from the side (west) property line. The ADU will share the same
54 driveway as the principal residence, will be served by a 1-inch water service and electrical from the principal
55 building. The Kalamazoo County Environmental Health Department would not allow the new structure to
56 connect to the existing septic as it was not large enough to accommodate the ADU and a separate system
57 was required. The ADU is not mobile and will be constructed on a pier foundation.

58 Mr. Stinson was present, explaining the ADU is being built for his grandmother. In response to a
59 question about heating, he explained that an electric heat pump will be utilized, and the piers shown on
60 the drawing will mostly be underground.

61 Commissioners expressed the need for a decent pathway to the ADU for emergency vehicles as the
62 plans indicate just a walking path.

63 Motion by Loeks, seconded by Matson, motion carried, to approve PC#23-03 the Stinson ADU
64 application with two conditions:

- 65 1. Per the requirements of subsection B. iv. of Section 36-4.1.4.B, a deed restriction shall be recorded
66 with the Kalamazoo County Register of Deeds indicating the primary home or accessory dwelling
67 unit will be the principal resident of the property owner.
- 68 2. Kitchen and bathroom facilities in accordance with Section 36-4.1.4.C.v. of the Zoning Ordinance
69 are confirmed during the building permitting process.

71 PC#22-04 Turning Stone Site Condominium Phases 2,3, & 4 – Step 1 Preliminary Plan Review

72 Request: Review and approval of Step 1 Preliminary Site Condominium Plans.

73 Jack Gesmundo of American Village Builders (AVB) submitted a Step 1 Preliminary Site Condominium
74 Plan for Turning Stone Phases 2, 3, & 4, situated at the southeast corner of West Q Avenue and South 6th
75 Street, in the R-2 Residential District, Single Family zoning district. Due to the uncertainty of the current
76 market conditions, they are proposing to complete the design and most of the engineering for all the
77 remaining 71 homesites. It is their intent, at a minimum, to build phase 2 that includes 12 homesites. When
78 they are ready to start construction on phase 2, they will take current market conditions into consideration
79 to determine if they will also be building phase 3 concurrently. At the time of construction of phase 3 they
80 will be mass grading phases 3 & 4 at the same time, for site balancing and also connecting the municipal
81 water, sewer, trail system and roadway connection to Texas Heights. If they only construct phase 2, they
82 understand that the Township will only issue up to 49 building permits until there is a secondary access
83 point provided. They proposed to start construction of phase 2 (and phase 3) upon receipt of all approvals
84 which will be in early 2024 and would anticipate construction of phase 4 in 2027.

85 Mr. Davis asked for clarification of the Staff Recommendation #2 concerning the 8-foot-wide paved
86 pathway connection to the existing Manitou Avenue stub road right-of-way. Mr. Lovely explained that the
87 plan has no vehicular interconnections to the east but is proposing an 8-foot-wide pathway to the existing
88 stub street. The stub street has no sidewalks or pathway, and it is up to the Planning Commission if they
89 want that connection.

90 Ms. Roberts clarified that there will be an accumulated total of 49 building permits issued between
91 phases 1 & 2. She also explained that a neighbor on 6th Street expressed concern that there is not a
92 streetlight at the intersection of Turning Stone and 6th Street. There is one on Bainbridge and 6th Street,
93 but it is obstructed by trees. It is a very dark intersection and questioned the feasibility of adding a streetlight
94 to that location during the Phase 2 development.

95 Jack Gesmundo of AVD and Todd Hurley of Hurley & Stewart Engineering were present. Mr.
96 Gesmundo explained that they are not asking for any variances from the ordinance, and everything
97 promised in phase 1 was accomplished. AVB is very environmentally sensitive and will try to preserve as
98 much of the existing trees and vegetation as possible. He addressed concerns regarding design standards
99 for storm water systems. They oversize the system to maintain trees, so they are more of a natural element.
100 The system needs to be maintained and cleaned out 5 years after construction starts to remove
101 sedimentation, which they do. They are initiative-taking and ensure that there is an active homeowners'
102 association. He doubted that Texas Heights will be used for construction traffic as Turning Stone provides

103 a more natural flow to 6th Street /Q Avenue. To minimize construction traffic, they will provide signage in
104 the area directing construction traffic through Turning Stone. Addressing the comment about downward
105 home values, their developments have never had a negative impact on property values and the average
106 price point in Turning Stone is \$700,000. The trailway to Manitou Avenue was a requirement of the
107 Township with the concept of trail connectivity from Barrington Shores/Turning Stone/Texas Heights to the
108 Corners.

109 Mr. Hurley explained that the trees along the east property line were recently surveyed, and the plan
110 is to save all those trees. They take time with the shape of the retention basin so that it looks natural. He
111 indicated on a map the elevations for the storm water system, explaining how the water will flow to the
112 drain.

113 Discussion:

114 Mr. Davis appreciated the comments and understands the concerns about construction traffic as he is
115 experiencing that same situation in his neighborhood. Mr. Corfman explained that he knows the reasoning
116 for stub streets and the connectivity they will provide which is vital for public safety vehicles; however,
117 many are not being used and are turning into storage areas. He questioned the stub street to the west in
118 phase 4. Mr. Gesmundo explained how stub streets are used for extension of utilities and they made
119 sense when developments were laid out in a grid pattern. He suggested that the Manitou Avenue stub
120 street could be abandoned, and the asphalt cut down to an 8-foot-wide path.

121 Motion by Davis, seconded by Matson, motion carried, to approve PC#23-04 Turning Stone Phases 2,
122 3 & 4 Step 1 Preliminary Site Condominium conditioned upon:

- 123 1. Approval includes 8-foot-wide paved pathway connecting to the existing Manitou Avenue stub road
124 right-of-way.
- 125 2. Only 29 building permits shall be issued until the permanent or temporary access drive is established
126 connecting to the stub road intersection Presque Isle Drive consistent with ordinance requirements
127 and the requirements of the fire department for fire apparatus roads.

128 Mr. Lovely stressed these are preliminary plans and Step 2 plans are construction plans and will require
129 a much more detailed review of engineering aspects of the development.

131 **OLD BUSINESS**

132 Review Miscellaneous Ordinance Amendments

133 Request: Accessory Buildings, Front Yard Sport Courts, Land Divisions, and Site Plan Review Table.

134 Mr. Lovely provided a summary of notes from the February 14, 2023, Riparian Ordinance Listening
135 Session explaining that he is currently working on generating survey questions which will be mailed
136 sometime in May or June of 2023. The intent was for Planning Commissioners to review comments either
137 written or verbal. He is waiting to hear back from the consultant.

138 Mr. Eavey stated there appeared to be a lot of concern about the ability to build or rebuild on existing
139 lots.

140 Ms. Roberts mentioned that lake preservation was mentioned a couple of times and felt it is the
141 Township's role to include some kind of lake preservation/protection with a buffer zone around the
142 shoreline planted with natural plants and vegetation. Part of the lake's problems are due to runoff from
143 chemicals and nutrients because residents tend to want grass up to the water's edge. There needs to be
144 a solution that is not cost prohibitive and more natural. There is a lot of shoreline that is not developed that
145 can still be protected.

146 Mr. Lovely encouraged Commissioners to recognize the differences between the various bodies of
147 water; they are all vastly different.

149 Amendment to 36-2.2 (Add Definition)

150 Sport Court. Definition modified to not include a fence and removed (s) from sport-s.

152 Amendment to Section 36-4.1.2

153 2. Front Yard Accessory Buildings

154 *Add Sport Courts*

- A. Added *and/or sport court* meaning that one or the other or both are permitted.
 - i. No change.
 - ii. Added must be setback “*at least*” twice the required front yard setback for the district where it is located.
 - iii. The sport court may not exceed 50% of the front yard building envelope.
 - iv. *The sport court must adhere to the minimum required front yard setback for the district where it is located.*
 - v. *An accessory building and sport court may be permitted on the same lot subject to adherence to the maximum impervious cover requirement for the district where it is located.*
 - vi. *Sport court associated equipment shall not exceed maximum recognized dimensional standards for profession sports league. Field goal end posts are not permitted.*
 - vii. *Fences surrounding a sport court may be permitted subject to the fencing requirement for the district where the sport court is located.*

C. *Special Exception Use*

Add “*sport court.*”

- viii. The accessory building is “*setback*” at least twice the “*required*” front yard setback,
- ix. *The sport court must adhered to the minimum required front yard setback for the district where it is located.*
- x. The accessory building “*and/or sport court*” shall not have a material adverse impact on surrounding properties.

Will be included in the next public hearing for a major code amendment or substantial number of miscellaneous updates.

Changes for 36-5.1 Limitations on all Land and Structures

Amendment to Section 36-5-1. (Add 36-5.1.5,6 & 7)

Discussion:

#5. Lot frontage along a public or approved private road may be reduced to a minimum of 86-feet if the lot complies with all other district standards and contains sufficient land area and surrounding infrastructure to develop the land as a subdivision or commercial development in the future. This judgement is to be made at the Zoning Administrators’ discretion.

Commissioners had no objection to creating flag shaped lots if it was not used to subvert the system for commercial development and subdivisions. Mr. Lovely stressed that the lot must comply with all other district standards. This needs to be done on a limited basis and not a lot of 86-foot-wide lots being created. If the intent is to allow flag shaped lots through land divisions, then the reference to subdivision or commercial development in the future could be removed.

#6 Lot frontage along a public road or approved private road containing greater than 86-feet of frontage but marginally less than the minimum required frontage in accordance with the district standards may be reduced by a maximum of 1.5-percent in the R1A, R-2, R-3, R-4, and R-5 Districts. The frontage may be reduced by a maximum of 2-percent in the A and R-1 districts. Such lot frontage reductions shall not be applied to multiple family development in the R-4 district.

Mr. Lovely stated he left in the reference to the 86-feet to clarify that flag lots with the 86-foot of frontage are not eligible for a reduction; 86-feet is the bare minimum. Commissioners were comfortable with the minor reductions and that there is no allowance to go below 86-feet. Mr. Matson questioned if not allowing a reduction to the 86-foot is arbitrary and, in some cases, there should be an exemption.

#7 The depth to width ratio of each parcel created by a permitted land division or combination for a flag shaped lot shall be calculated as a weighted average of each portion of the lot, or the long strip of land providing access to the flag portion of the lot shall be excluded so long as the access portion of the land is a minimum of 86-feet wide and does not exceed 1,000-feet in length. Flag shaped lots shall have a front setback perpendicular to the path of travel of the access portion of the property and the flag portion of the

205 lot must meet all minimum dimensional standards. The long strip of land shall not be included in the
206 minimum required lot area unless the minimum required district frontage is provided.

207 Clarification might be required as Commissioners must read each paragraph 2 – 3 times to understand
208 the concept of what is being proposed. A consensus was reached to move ahead with all three paragraphs
209 with the caveat that there may be changes to the language for clarification. Will be included in the next
210 public hearing for a major code amendment or substantial number of miscellaneous updates.

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212 Changes for Section 36-6.1: Site Plan Review

213 Amendment to Table 36-6.1.1 (36-6.1.1B.ii)

214 Cumulative expansion over what was approved of 500 SF or less or 10% of the gross floor area,
215 whichever is "~~lesser~~ greater" to the building subject to review.

216 No action taken.

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218 **COMMISSIONER COMMENTS**

219 Ms. Roberts stated there was an item that came up in the office concerning an amendment to an
220 approved site plan. She wanted to stress that with respect to Mr. Lovely, he is doing an excellent job and
221 is very thorough. This concerns a recent administrative review and Ms. Roberts personally believes it
222 should have been returned to the Planning Commission for approval. The review was for the new structure
223 on the Fletcher's site. The site changed because the actual location of the existing power poles and
224 overhead lines necessitated that the building to be shifted 26-feet to the south, which had an effect on
225 parking and the traffic pattern around the north end of the building. There is a total net gain of 2 parking
226 spaces; however, there was a loss of parking between Fletchers and the Lofts on Q. There are now 16
227 parking spaces adjacent to the trailway plus the parking adjacent to the building, both of which will back
228 out into a two-way traffic lane. This drive will become heavily traveled as it will provide access to Texas
229 Drive. Additionally, the handicapped parking spot was removed from the retail building and moved to the
230 barrier free end, which is a clever idea but now the retail portion no longer has a handicapped space.
231 Before the Building Department issues a permit, they make sure the fire department has signed off on the
232 plan and that did not occur with this change. The Fire Department did not have the opportunity to review if
233 there were any changes to the turning radius and did not sign off on the amendment. The footings have
234 now been poured without Fire Department approval. She clarified that this is not about ability but about
235 clarification of what involves a meaningful change.

236 Mr. Lovely explained when reviewing the 26-foot shift, he saw this as an improvement to the original
237 approval conditions and felt that it did not necessitate Planning Commission review. The turning radii might
238 have tightened slightly but was adequate and within the parameters from his experience and shifts the
239 hydrant and building closer to the hammer head to the south. There was a net gain of 4 parking spaces
240 and the Building Department requires another handicapped space. He pointed out the notes in the plan
241 that refer to future access routes. He stated that it would likely be helpful to review the site plan review
242 table in detail and that he will be sure to run future amendments by the Fire Department, no matter how
243 minor.

244 Everyone agreed that they did not want to tie the zoning administrator's hands and provide him with
245 the latitude to solve these types of issues.

246 Mr. Corfman suggested putting this topic on the agenda for the workshop meeting to analyze the Site
247 Plan Review table.

248 Mr. Eavey viewed the YouTube video of a walk though of the new township hall.

249 Mr. Corfman reported that the Zoning Board of Appeals (ZBA) reviewed a variance request for a front
250 yard setback from the preserved 50-foot right of way for an addition to an existing building. The applicant
251 was denied because the building could be used without the addition. A brief discussion ensued on
252 preserved rights-of-way.

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254 **PUBLIC COMMENT**

255 There was no public comment.

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258 **ADJOURNMENT**

259 Motion by Matson, seconded by Loeks, motion carried to adjourn the meeting. The meeting was
260 adjourned at 8:45 p.m.

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262 Submitted: April 6, 2023 Approved: April 11, 2023

263
264 Recording Secretary Kerr
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