

OSHTEMO CHARTER TOWNSHIP

PLANNING COMMISSION

MINUTES OF A MEETING AND PUBLIC HEARING HELD AUGUST 8, 2013

Agenda

PUBLIC HEARING: SPECIAL EXCEPTION USE (WEST CENTURY PLAZA)

PLANNING COMMISSION TO CONDUCT SPECIAL EXCEPTION USE AND SITE PLAN REVIEW OF THE APPLICATION FROM L. L. HARRIS AND ASSOCIATES, LLC. ON BEHALF OF PLAZA CORP, INC. FOR REDEVELOPMENT OF A PORTION OF AN EXISTING COMMERCIAL CENTER (WEST CENTURY CENTER) TO INCLUDE A DRIVE-THRU WINDOW LOCATED AT 5015 WEST MAIN STREET IN THE C LOCAL BUSINESS DISTRICT (PARCEL #3905-13-430-041).

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, August 8, 2013, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

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

MEMBERS ABSENT: Millard Loy

Also present were Greg Milliken, Planning Director, Attorney James Porter, Meeting Transcriptionist, Martha Coash, and two interested persons.

Call to Order and Pledge of Allegiance

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

Agenda

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

Public Comment on Non-Agenda Items

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

APPROVAL OF THE MINUTES OF JULY 25, 2013

The Chairperson asked if there were any additions, deletions or corrections to the minutes of July 25, 2013. No changes were noted. Mr. Boulding Sr. made a motion to approve the minutes as presented. Mr. Skalski seconded the motion. The motion was approved unanimously.

Public Hearing: Special Exception Use (West Century Center)

SPECIAL EXCEPTION USE AND SITE PLAN REVIEW OF THE APPLICATION FROM L. L. HARRIS AND ASSOCIATES, LLC. ON BEHALF OF PLAZA CORP, INC. FOR REDEVELOPMENT OF A PORTION OF AN EXISTING COMMERCIAL CENTER (WEST CENTURY CENTER) TO INCLUDE A DRIVE-THRU WINDOW LOCATED AT 5015 WEST MAIN STREET IN THE C LOCAL BUSINESS DISTRICT (PARCEL #3905-13-430-041).

Chairperson Gelling indicated the next item on the agenda was a public hearing to conduct special exception use and site plan review of the application from L. L. Harris and associates, LLC. on behalf of Plaza Corp, Inc. for redevelopment of a portion of an existing commercial center (West Century Center) to include a drive-thru window located at 5015 West Main Street in the C Local Business District. She noted the special exception use is due to the drive-thru aspect of the project. She asked Mr. Milliken to please review the application and expand upon the agenda item being presented.

Mr. Milliken explained L.L. Harris & Associates have submitted a special exception use and site plan review request on behalf of Plaza Corp, for the redevelopment of a portion of the existing shopping center to include a drive-through window. The shopping center is located at the southwest corner of Drake Road and West Main Street and is located in the C-Local Business Zoning District.

The owners have proposed substantial aesthetic improvements as part of this larger update to the 25 year old center. The request is to install a drive-thru window at the southeast end-cap of the shopping center. The tenant space where this would be located is currently operated by Verizon. If approved, it is anticipated that Verizon would be relocated within the center, likely to the space vacated by Blockbuster at the north end cap. The new tenant would be an Erbert & Gerbert sandwich shop, which would request a drive-thru at the eastern most part of the property at Drake Road. Mr. Milliken said the discussion would be focused on the proposed drive-thru

Mr. Milliken referred to the site plan, which showed the proposed traffic flow associated with the drive-thru window at the current Verizon store location and explained the design and how it is expected to function. It would include a stop bar and no parking striping to prevent vehicles from stacking within the drive to the south that extends through the drive-thru area. The access drive on the east side of the southeast end cap has been converted to one-way (southbound only) and the existing connection to the driveway to the south has been re-configured to function as an exit only drive. These changes serve to limit the potential conflicts that are created by the proposed configuration of the drive-thru. Cross traffic could be a problem, but on the plus side, based on comments from the applicant, the proposed use does not have a substantial drive-thru volume. It is still not a perfect design for a drive-thru.

Mr. Milliken explained the site currently has two entry drives and one exit-only. In order to provide for a more organized entry to the center from Drake Road, the applicant is proposing consolidation of the two current driveways into one which would also allow for the creation of a few more parking spaces, some of which are lost as a result of this process. The one access point would have one ingress lane and two egress lanes. As proposed, each lane is 11 feet wide. Section 67.300 of the Zoning Ordinance requires the ingress lane be 15 feet in width and the egress lanes be 11.5 feet in width. In addition, a median island (4-10 foot wide) is desired for pedestrian refuge. Staff has some concern with the proposed lane widths in regard to the Access Management Plan.

He added the layout is certainly unique. Although Staff understands there are some patrons that benefit from the connection of the drive to the south that provides access to Drake Road, the connection to that drive from West Century Center serves little purpose other than to connect shoppers from one center to another. If this island were not there, this connection would be more functional as an exit to Drake Road. This may not be significant based on the small amount of traffic that uses this south driveway, but these conflicts would go away if that connection point were closed. Of course, it should be noted that the access drive through the center of the drive-thru area will not be closed as it would still be needed to provide access to the rear of the building for service, loading, and emergency purposes.

Mr. Milliken said currently there is parking provided in the area where the proposed drive-thru circulation is located that would be removed as part of the improvement. Those spaces would be removed in order to make room for the new drive-thru window and its circulation.

He explained that a parking study of the required spaces needed for the shopping center and whether they are used predominately during the day or night has been provided by the applicant. Staff has reviewed the study and finds it acceptable. The Ordinance allows for shopping centers and uses within a shopping center to share spaces when it can be demonstrated that peak use of those facilities will occur at different times of the day. Staff actually thinks the study is conservative and evaluated the required parking on more square footage than is actually present. Staff believes the center is compliant with the parking requirements of the Ordinance and is comfortable with the parking situation, even with those lost spaces.

A drive-thru is certainly compliant with that district; there is currently a drive-thru on the same property. It is the circulation that results and the potential for conflicts that is something the Board will need to discuss as it weighs the proposal.

He concluded by saying he would be happy to answer any questions the Board might have.

Chairperson Gelling confirmed with Mr. Milliken that cars would be coming east from the west at the same point where people would be crossing, that there is two-way traffic and that it would be a point of conflict. She also noted people who would be utilizing the parking spaces would be backing in and out creating more of a conflict. Mr. Milliken agreed.

Mr. Schley asked whether the reason the plan calls for getting out to the south is for convenience and linkage, and whether that is a requirement.

Mr. Milliken said that there is no such requirement for an exit to the south drive. He said he thinks it would be a little safer if that were closed. He said he thought the applicant could speak to the type and amount of traffic that flows through there.

Mr. Schley noted there is plenty of other access and that the modified drive does not line up with what is going on across the street. He asked about the menu sign and set-back footage requirement.

Mr. Milliken said the requirement is 10 feet. One of the conditions is that it would have to satisfy the technical set-back.

Mr. Schley said the application reflects the proposed exit is contingent on it being on the neighbor's property, which may or may not be possible. He asked if there is a letter from the other owner allowing that or whether the board is being asked to approve something that is speculative.

Mr. Milliken said Staff's understanding is the owner wants to propose that, but if the other owner says no, the access point would be closed.

Chairperson Gelling asked if the service drive to the south used to come around the south and then to the east behind the building and whether the applicant is changing that orientation.

Mr. Milliken said it may function that way just from the normal flow of traffic, but does not believe it is officially designated that way.

Mr. Skalski asked if there is a requirement that the access drive to the south be open, since it is the only way to make internal connection to Hardings, Kohl's and other stores. Otherwise one would have to leave the site to get there.

Mr. Milliken said there is no Ordinance requirement that connection be provided.

Chairperson Gelling determined the remaining questions from the Board would be better asked of the applicant and asked him to please come forward.

Mr. Larry Harris, of L. L. Harris & Associates, 3503 Greenleaf Blvd., said he is working with Mr. Mark Chilcott of West Century Center, who is making a concerted effort in trying to bring the structure and architecture up to very marketable standards. Circulation, end caps and drive-thrus are parts of most new shopping strips. He introduced Mr. Chilcott who spoke to the Board.

Mr. Mark Chilcott, of Plaza Corp, 211 East Water Street, began his comments by telling the Board that West Century Center is the owner of the property; Plaza Corp is the developer of the shopping center and the authorized agent to appear before the board. He shared some elevation drawings with the Board and indicated he would be pleased to answer questions.

Mr. Chilcott said the Township is fortunate to have the West Main/Drake Road corridor. He said it has been an interesting decade between the early 2000's boom, the following recession, and now re-emergence from the recession. A lot of new trends are developing regarding shopping centers. There is an evolution toward more emerging food and service businesses. The value of shopping centers is in the end caps, and there is an increased need for drive-thrus and the resulting increase to the bottom line is what they are trying to service now. It is necessary to reinvest in the West Century Center; 25 years ago it was innovative, but now is tired and needs re-imaging. They will be investing hundreds of thousands of dollars into the façade, re-imaging and re-tenanting the shopping center to return it back to health and a full contribution to the community.

Chairperson Gelling asked Mr. Chilcott whether the Erbert and Herbert currently on Westnedge Avenue has a drive-thru.

Mr. Chilcott said they do not; there was no end cap available at the time they came into the community, but they feel it is an important element in this project. Mr. Chilcott turned the microphone back over to Mr. Harris at that point.

Mr. Harris indicated there were three goals to accomplish with the plan: 1) Changes to the parking area and outside exterior are to redistribute some barrier free parking spaces so some will be at the east end and also at the west/north edge and revamp some landscape spaces; 2) A different entry is proposed for the drive-thru. The current entry has always been somewhat confusing to people. They want to consolidate it and in answer to the question about lining it up with what is across the street, the answer is yes, but not quite. It is close but not exactly across from the drive because that would have forced drivers to slow down on the street to make a decision where to turn in at the shopping center; and 3) The addition of the end cap. Currently service vehicles make a bend where cars are lined up waiting in a holding pattern. They come across parking stalls. Almost all the service happens early in the morning, sometimes at night. The proposal is to add a curb where parking spaces front. A dividing island is roll-over so trucks can make the turn to get behind the building. Cars are channeled in, stop at the menu bar and order, then progress across to pick up the order and exit. People will be moving slowly when they leave; they feel the connection is somewhat of a liability, but that it would work and is helpful to the neighbor. Most cars now go into the development behind to the west, so they chose to provide one way out for the neighbor. If he does not want that it could be closed, but they hope to work out a landscaping design with him.

Mr. Harris asked whether the Board had questions for him.

Chairperson Gelling asked how important a drive-thru is to Ebert & Gerberts.

Mr. Harris explained they feel it would be a major contribution to their business. They will probably have more come inside than are serviced outside and figure at peak times they would serve about 20 per hour, way below typical fast food operators.

Mr. Skalski confirmed with Mr. Harris that the order menu would be at the immediate south end and would force a stop. He asked for an estimate of the number of people who cut through to go over to Kohls and Hardings.

Mr. Harris indicated the estimate is 58 over an hour and a half time period.

Mr. Schley asked if Mr. Harris would agree the exit to the south out of the rotary would typically be considered unsafe access since it's not a hard "T" and would force an angled connection rather than a perpendicular intersection.

Mr. Harris said he thinks the way it is configured in the plan is actually safer than it is now. Part of that is its close association to Drake Road; he agreed the connection now is a strange one. There will probably be a little less conflict if it is pulled further away from the corner. He said the order board would have to be within 10 feet of the right of way, about where the stop bar would be. He feels they will be able to move the order board easily; moving the menu board is a bigger problem because they are also looking for that to slow down/stop traffic.

Mr. Schley said he believed it would make more sense to move the two handicapped parking spots at the discharge to the west so drivers do not have to back up into the exit aisle as previously noted by Chairperson Gelling with the east/west traffic. He also suggested making the current last spot more like an island.

Mr. Harris said he thought both suggestions could be implemented.

In answer to a question from Mr. Schley, Mr. Harris said he has not yet talked with the neighbor about the exit aisle, but plans are contingent on that.

Mr. Schley confirmed that Mr. Harris is comfortable with the 28-32 foot radius turn for service vehicles to access the rear of the building and deliveries will continue at the back. Mr. Harris said it is tight, but vehicles are making the same swing currently; he expects deliveries to continue in back.

There were no further questions from the Board; the Chairperson indicated the Board would discuss the issue and asked for comments.

Ms. Farmer said it seems possible to go out onto Drake Road to re-enter, though she often uses the exit to the south. She wonders if the plan will stand the test of time. The end cap seems like an area where there would be the possibility of conflict. She agreed it was a good idea to have only one drive into the parking lot, but the way it is configured does not seem like it would be conducive to fluid traffic.

Mr. Antosz was concerned about traffic flow in the future. He likes the ability to access Kohls and Hardings without having to make a turn onto Drake Road. Even with the current situation it is sometimes difficult to see traffic from Drake Rd – he likes the idea of pushing the connection back and closing one exit.

Chairperson Gelling commented the configured drawing made her think of bumper cars at an amusement park. Cross traffic is coming in; she sees the potential for trucks coming through to make their deliveries, cars possibly stacked out, cars coming from the West Main area direction going on south and turning and coming over, and cars coming in and crossing over and she has real concerns at this point. She thought it would be too bad to close the exit to the south, but from a safety standpoint she thinks it makes more sense. She felt a lot of parking spaces have been taken away and that the handicapped parking spots couldn't be in a worse place. She's thinking of these people trying to get in and out and crossing traffic trying to get to a parking place.

Mr. Skalski felt closing the drive was a major selling point. He noted every time someone goes out onto Drake Road there is exposure. He would hate to eliminate the left turn. He said there are some inherent problems, but felt signage could go a long ways to help.

Mr. Boulding Sr. saw the exit on the south side of the property as the area of most concern and thought it should be kept to provide additional exit relief for vehicles. It would also provide immediate exit for smaller delivery vehicles and aid with traffic flow. He believed that would enhance the business.

Mr. Schley talked about the Meijers pharmacy entrance/exit approval a few years ago that has the pick-up area going out across the pedestrian path and has been a problem for drivers not being able to see pedestrians. He said this reminds him somewhat of that scenario. His initial reaction to this plan was that there were pros and cons, but that it could work. He realizes now that the drive has access to the south going through the middle of it which complicates safety issues. He is not a fan of angular intersections. He feels the current scenario is also unsafe. From the Access Management Standards point of view they are trying to mitigate drive entrances. He agreed it would be safer for someone to get out to the south than to pull out on Drake Road. Neither scenario is great. He thinks the drive could work consistent with discussion, but will need proof the sign can be gotten out of the ten foot area. If the plan did not work out, he would expect the owner to step up and make it safe. The fire department recommendations should be looked at. He does not want to see loading/unloading done in the front areas. He concluded by saying the only way he would approve the special exception is if the barrier free parking spots were turned into an island. He does not want to see anyone, particularly a disabled individual, have to struggle to back a vehicle into a congested area.

Chairperson Gelling said if the Board did go with the special exception she wanted to be sure Mr. Harris and Mr. Chilcott realize that, according to the Ordinance, a sidewalk shall be put in.

Attorney Porter quoted from the Ordinance, Section 78.650 regarding the request that a sidewalk would be required to be put in by the owner.

The Chairperson said she just wanted them to be aware of this Ordinance requirement. If the board goes forward, the sidewalk requirement would be included in a board motion.

Mr. Chilcott said he believed they had talked with Mr. Milliken about this. The plan shows a proposed sidewalk easement along the right-of-way of Drake Road. The plan note says they would be working with the Township on how it would be funded. They have made provisions for it, but expect a working relationship to figure out how to actually put it in.

Attorney Porter indicated an easement is not the same thing. The Ordinance says "Sidewalk." He pointed out that landscaping is shown in the proposed easement.

Mr. Milliken said the misunderstanding was his fault in misinterpreting the Ordinance. He said the Chair and the Attorney are correct; a sidewalk is a requirement.

Attorney Porter said a sidewalk running the full length of the east side of the property is required to be built by the owner where the easement is. An easement does not satisfy the Ordinance; a sidewalk satisfies the Ordinance.

Mr. Chilcott indicated this was new information.

Chairperson Gelling repeated that any motion would include sidewalk installation as a condition for approval as deemed by the Ordinance.

In answer to a request for clarification from Mr. Chilcott, Attorney Porter indicated that any shopping center that is making a change in use or seeking a special exception use or site plan review would be required to construct a sidewalk.

There was some discussion about a prior project with Taco Bell and why they were not required to install a sidewalk. Attorney Porter said he did not go back to look at the record and was not sure why a sidewalk was not required then; the difference may have been they were replacing an existing facility and there wasn't a change in traffic.

Attorney Porter confirmed the Ordinance says the sidewalk shall be constructed at the applicant's cost.

Mr. Chilcott asked if they should be planning the sidewalk together with the Township.

Attorney Porter said the Township does not have any immediate plans to construct a sidewalk there. Plans for a north/south sidewalk are being considered now and the hope is that eventually sidewalks will be built.

Mr. Chilcott explained this would be a new costly financial obligation that they had not planned on. The challenge of placing a sidewalk there is exacerbated because of the narrowness of the area and existing utilities that run through there. Extraordinary costs will be associated. The timing is also challenging. If this is a requirement, he said he'd need to table the request because he doesn't have a solution currently.

Chairperson Gelling said she was more than happy to table the request to let Mr. Chilcott regroup, but that he needed to know the requirement up front because, again, that would be part of any motion to move forward.

Attorney Porter noted that the utility problems were not part of anything the Planning Commission was addressing.

After some discussion and with Chairperson Gelling providing future Planning Commission meeting dates, it was agreed the public hearing would be tabled until the Planning Commission's meeting of September 12, 2013.

Mr. Chilcott told the Board he appreciated their discussion and good thoughts. He added the owners of Plaza Corp understand the challenges they are taking on to make it safe and make it work and they understand that if it's not safe and doesn't work that they may ultimately have to close the access to the south. They are as committed as the board is to see it work.

The Chairperson guaranteed that the thought process from the Planning Commission will continue on and the momentum will not be lost.

Chairperson Gelling made a motion to table the public hearing to the Thursday, September 12, 2013 Planning Commission agenda at the applicant's request. Ms. Farmer supported the motion. The motion carried unanimously.

The Chair said she appreciated that the discussion had been very open and dynamic, that Mr. Chilcott is getting a lot of thoughts and the Board will be anxious to hear what can be worked out. She thanked Mr. Chilcott and Mr. Harris for their efforts and attendance.

Attorney Porter said there are options, things the Township can do to help ameliorate the impact, and expects the Township will work with them to do that.

Mr. Chilcott will work with staff and the Planning Commission to figure it out.

Chairperson Gelling affirmed the desire for working together and that she appreciated all that was brought forward. She believes they can make something work. She again thanked them and said they would see them on September 12.

The Chairperson moved to the next item on the agenda.

ANY OTHER BUSINESS

Chairperson Gelling asked if there was any other business.

As promised at the last meeting, Mr. Milliken distributed copies of the Access Management Plan to the Board.

Mr. Milliken said he was looking for feedback regarding drive-thrus in the Village area at 9th Street and Stadium Drive. The Village Form Based Code excludes restaurants from requesting special exceptions for drive-thrus. He was looking for feedback for folks who might want to develop an amendment request.

Mr. Schley did not see how that kind of business could fit into the current zoning without an amendment.

Mr. Boulding Sr. stated they are here to make things work well for the community we live in within the framework we have to work with. That should be our goal. We want to grow and need to find the means to grow.

Mr. Skalski said they have to try to support business within the requirements already set forth.

Chairperson Gelling said they have worked very hard in developing the Village area with much thought and deliberate planning, and restaurants with drive-thrus are not appropriate or apropos. The Village has a special ambiance, and she felt allowing this type of business would be hurtful and counterproductive.

Mr. Antosz said such a business did not go along with the Village concept.

Ms. Farmer agreed with the Chair. The future vision for the Village is pedestrian-friendly; it doesn't seem that a drive-thru would make sense there

Mr. Milliken thanked the board for their comments and said he would pass them on. He said the agenda on August 22 will include the special exception request for Flesher Field. In addition to the West Century Center, the September 12 agenda will also include temporary signs, and the property owner at Century High Field on the northwest corner of Drake and Stadium wants to rezone those 39 acres to commercial, so there will be a conversation about the sub area plan.

There was no other business and the Chairperson proceeded to the next item on the agenda.

PLANNING COMMISSIONER COMMENTS

Chairperson Gelling mentioned that Oshtemo Fun Day, sponsored by Oshtemo Rotary, will be held this year on Saturday, August 17 from 8 a.m. to 4 p.m. and invited everyone to come. It will be the biggest and best yet and she said anyone's support would be appreciated.

ADJOURNMENT

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Gelling adjourned the Planning Commission meeting at approximately 8:26 p.m.

Minutes prepared:
August 10, 2013
Minutes approved:
_____, 2013

