

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD NOVEMBER 14, 2013

Agenda

PUBLIC HEARING: SPECIAL EXCEPTION USE AND SITE PLAN REVIEW OF THE APPLICATION OF LIGHTHOUSE COMMUNITY CHURCH FOR A TEMPORARY OUTDOOR EVENT TO INCLUDE A LIVE NATIVITY LASTING FROM DECEMBER 12 TO DECEMBER 15, 2013 AT THEIR PROPERTY LOCATED AT 4321 SOUTH 11TH STREET AND 4331 South 11th STREET WITHIN THE R-2 RESIDENTIAL DISTRICT (PARCEL #3905-36-405-031, #3905-405-040, AND #3905--405-050)

PUBLIC HEARING: SPECIAL EXCEPTION USE AND SITE PLAN REVIEW OF THE APPLICATION OF MANGIA PIZZA & PASTA COMPANY FOR A TEMPORARY OUTDOOR EVENT TO INCLUDE A FARMER'S MARKET TO BE HELD ON SATURDAY AND SUNDAY MORNINGS FROM MAY TO OCTOBER, 2014 AT THEIR PROPERTY LOCATED AT 3112 SOUTH 9TH STREET IN THE VC VILLAGE COMMERCIAL DISTRICT (PARCEL #3905-26-380-048 AND #3905-26-380-080)

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, November 14, 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
 Millard Loy
 Terry Schley
 Richard Skalski

MEMBERS ABSENT: None

Also present were Greg Milliken, Planning Director; James Porter, Attorney; Martha Coash, Meeting Transcriptionist; and twelve 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 after she thanked everyone in the audience for making the effort to attend the meeting the "Pledge of Allegiance" was recited.

AGENDA

The Chairperson said Mangia Pizza and Pasta Company had asked that item #7 on the agenda, Special Exception Use and Site Plan Review of their application for a temporary outdoor event to include a farmer's market, be considered at a later date. Since it was published as being included on the agenda, it will remain and become item #6; item #6 will become #7. She noted the board would hear public comments on this item and that after comments she would ask for a motion to table this item to the December 12 meeting. She asked if there were any other additions, deletions or corrections to the Agenda. Hearing no other changes, she called for a motion to accept the Agenda, as amended.

Mr. Skalski made a motion to accept the agenda as amended. Mr. Loy 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 OCTOBER 24, 2013

The Chairperson asked if there were any additions, deletions or corrections to the minutes of October 24, 2013. Mr. Schley suggested that on page 10, in the paragraph beginning with "Attorney Porter noted," that the phrase in the last sentence, "...the Township would use the funds as it sees fit" should be changed to read "...the Township would use the funds to install the necessary sidewalk."

Mr. Porter agreed this would be an appropriate change.

Mr. Loy made a motion to approve the Minutes as amended. Mr. Skalski seconded the motion. The motion was approved unanimously.

PLANNING COMMISSION TO CONDUCT SPECIAL EXCEPTION USE AND SITE PLAN REVIEW OF THE APPLICATION OF MANGIA PIZZA & PASTA COMPANY FOR A TEMPORARY OUTDOOR EVENT TO INCLUDE A FARMER'S MARKET TO BE HELD ON SATURDAY AND SUNDAY MORNINGS FROM MAY TO OCTOBER, 2014 AT THEIR PROPERTY LOCATED AT 3112 SOUTH 9TH STREET IN THE VC VILLAGE COMMERCIAL DISTRICT (PARCELS #3905-26-380-048 AND #3905-26-380-080)

Chairperson Gelling said the next item on the agenda was a public hearing to consider the application for a special exception use and site plan review of the

application of Mangia Pizza & Pasta Company for a temporary outdoor event to include a farmer's market to be held on Saturday and Sunday mornings from May to October, 2014 at their property located at 3112 South 9th Street in the VC Village Commercial District. She said the item would be tabled, but asked Mr. Milliken to please provide some history regarding the request.

Mr. Milliken said that because this item was noticed as a public hearing, there would be an opportunity for interested persons to comment. After the hearing was noticed, feedback from adjacent property owners was received and the applicant realized they needed to spend more time on the application to address the comments and asked that their request be tabled. They were unable to attend this evening. He said he would suggest tabling the public hearing to a date certain, specifically December 12

Attorney Porter noted tabling to a date certain would avoid additional publishing costs.

Chairperson Gelling asked if any members of the public would like to comment on this issue.

Attorney Jeffrey Swenarton, of Kreis, Enderle, Hudgins and Borsos P.C., spoke to the Board. He told them he represents Campbell Caron Group, owner of Mill Creek Apartments, located to the south and west of the Mangia Restaurant and said that with him were Mr. John Caron and Matt Weaver, owners of Campbell Caron Group, which also owns Wingate Farms, Saddle Creek and Dover Farms.

Attorney Swenarton noted Campbell Caron Group is an expert in multi-family residences. He said they would return to the next hearing to flesh out their concerns with this request, but noted they have concerns regarding noise, congestion, trespassing, wear and tear on the shared driveway off of 9th Street, which are not NIMBY (Not in My Backyard) issues, but legitimate concerns of very successful business people. He said there is nothing wrong with a farmer's market per se, but it needs to be in the right location. He felt Mr. Milliken's assessment of the request is accurate and that a farmer's market in this location would be detrimental and injurious to neighboring properties. He asked the Commission to envision 38 booths with 1000's of people attending and parking wherever they can, making life so difficult for apartment residents that they would lose many of them. He urged the Planning Commission to deny the application after all evidence is received, and said the applicant will be at the December 12 meeting to answer questions.

Chairperson Gelling thanked Mr. Swenarton for his comments and asked if anyone else cared to address the board.

Mr. Jim Noel, 3538 North 3rd Street, said he is the owner of AM Supplies, 5190 West Michigan, which sells apartment maintenance supplies. He stated he is concerned that if a farmer's market is approved in the requested location that people would move

out of the two affected apartment complexes to which he sells supplies, because there is not enough parking in the Mangia lot to support the traffic that would be generated. People would park in the apartment lots, which would cause people to move out and that would affect his business. He suggested Flesher Field or the Township Park might be better options.

Mr. Richard Van Gorp, 3326 E. Shore Drive, told the Board he owns The Birches banquet facility, right next to Mangia. They sometimes hold receptions on Saturday afternoons, typically with 200-250 attendees, which requires most of his available parking. Because parking required for a farmer's market would directly affect the parking he needs for his customers, he said he is very much against going forward with this request.

Ms. Christine Ellis, resident of Mill Creek Apartments, 6672A Mill Creek Drive, said she is the mother of two children and that their apartment is right next to the Mangia parking lot. She said she personally goes to farmer's markets and is supportive of them. She attends the downtown Kalamazoo market and sees how people walk through neighboring properties and how congested parking is there. She said she knows her parking spot will be taken and is concerned about strangers trespassing, safety and noise. Those setting up booths would need to come early in the morning to set up and would be there late tearing down their booths, so the majority of the weekend would be affected. She said although she is not opposed to farmer's markets, she is opposed to a farmer's market in that location.

Mr. Themis Korakis, 6416 Stadium Drive, said farmer's markets are great, but most are put on by municipalities, and he doesn't think Mangia's is a good location for this purpose. Saturday morning is the busiest time of the week for his business and he is concerned about the parking situation for the lot his business shares with Harding's. He is against the request and said he feels a farmer's market should be put on by a community, suggesting Flesher Field as a more appropriate location.

Hearing no other comments, Chairperson Gelling asked for a motion to table the request from Mangia Pizza and Pasta Company, per the applicant's request, to the December 12 meeting of the Planning Commission.

Mr. Skalski made a motion to table the Mangia Pizza and Pasta Company farmer's market request to the Planning Commission's December 12 meeting. Mr. Loy seconded the motion. The motion was approved unanimously.

Chairperson Gelling said the item will be tabled until December 12 and that the Board looks forward to having everyone back at that time. She thanked the speakers for their comments.

PUBLIC HEARING: SPECIAL EXCEPTION USE AND SITE PLAN REVIEW OF THE APPLICATION OF LIGHTHOUSE COMMUNITY CHURCH FOR A TEMPORARY

OUTDOOR EVENT TO INCLUDE A LIVE NATIVITY LASTING FROM DECEMBER 12 TO DECEMBER 15, 2013 AT THEIR PROPERTY LOCATED AT 4321 SOUTH 11TH STREET AND 4331 SOUTH 11TH STREET WITHIN THE R-2 RESIDENTIAL DISTRICT (PARCEL #3905-36-405-031, #3905-405-040, AND #3905--405-050)

Chairperson Gelling said the next item on the agenda was a public hearing to consider the application for a special exception use and site plan review for Lighthouse Community Church for a temporary outdoor event to include a live nativity lasting from December 12 to December 15, 2013 at their property located at 4321 and 4331 South 11th Street, within the R-2 Residential District. She asked Mr. Milliken to please review and expand upon the application.

Mr. Milliken told the board the applicant desires to host a live nativity event at their facility in celebration of the Christmas season. The Church is located at 4321 South 11th Street on the east side of the road between Parkview Avenue and the Township line. The Church owns three parcels at the location totaling approximately 20 acres that house the Church facility and parsonage. It is located in the R2 district.

He explained a temporary event that lasts more than one day is a special exception use in the R2 district. It not only must satisfy the criteria for a special exception use but also the criteria for a temporary event provided in Section 21.207 (except for duration). The applicant is proposing to host a live Nativity event during a four-day stretch from Thursday, December 12 to Sunday, December 15. Thursday would be designated as a “dress rehearsal” for friends and family, while the Friday-Sunday events would be open to the public. Hours would be 6-9pm on Friday and 5-8pm on Saturday and Sunday.

Mr. Milliken described the event, saying visitors would enter the main lobby area and be separated into groups of 12-15 people. When called, the groups would be guided along a path of six stations. Pages identifying the stages and how they might appear have been provided. Dual paths would be established to allow for greater efficiency in moving people through the process. Entertainment (music, etc.) and refreshments would be provided within the lobby area along with a children’s petting zoo on the south side of the building. He said the applicant has estimated that individuals would likely be on campus no longer than 45 minutes including parking, organizing, taking the tour, and enjoying refreshments.

Mr. Milliken said the proposed event would take place within the front yard of the Church facility. There are 32 parking spaces in front of the Church that would be designated “no parking.” However, 212 parking spaces remain, including an additional 50 spaces that would be striped and plowed, if necessary, on the lawn area north of the existing parking. Using more conservative numbers than the applicant, assuming two people per vehicle and an average stay of one hour, more than enough parking would be provided.

Mr. Milliken noted the Church has coordinated with Kalamazoo Christian School to serve as an overflow lot if necessary. Any volunteers and participants in the event

will be parking at the School and shuttling over to the Church to avoid occupying spaces at the Church to be used by visitors. Parking attendants will assist with parking on site, and the Church has contacted the Sheriff's Department to coordinate potential assistance with traffic management along 11th Street.

He reported the applicant met with him, the Fire Marshall and Fire Chief a few weeks ago to review the proposal and plans. The Fire Department discussed access, building exits, and circulation. Although the front circulation area is barricaded, there will remain areas on site for vehicles to turn around. As noted on the site plan, burn barrels will be located along the pathways and incorporated into some of the tour stops. Provided these are not located near hay or similar materials and have fire extinguishers nearby, the department was satisfied.

Mr. Milliken acknowledged this is the first time the Church is hosting this live Nativity event, but they have indicated an intention to make this an annual community event.

Mr. Milliken said he had provided some discussion in writing of the standards of approval and explained that in addition to the standards for a special exception use, the temporary event must also satisfy the standards for temporary outdoor events, as provided for in Section 21.207. Those include addressing circulation, restrooms, which are available within the building, and the Fire Marshall's review and recommendation. Those things were touched on in the written materials provided to Commissioners.

Mr. Milliken said a recommendation would need to comply with any comments and recommendations of the Fire Department during the course of this review and/or any subsequent inspection. In addition, any signage requires a sign permit in conformance with the standards of the Township Zoning Ordinance.

In conclusion, Mr. Milliken said he would be happy to answer any questions from the Board.

Chairperson Gelling thanked Mr. Milliken for his review and asked Commission members if they had any questions for him. As there were no questions from members, the Chairperson asked the applicant to please address the Planning Commission.

Mr. Dan Lewis, 10851 Chicory Trail, Mattawan and a member of the Lighthouse Community Church Board, told the Board his Church's goal is to provide this event for the community. He noted they partnered with Kalamazoo Christian to be sure to provide adequate parking. There will be parking in the front of the Church on the grass if necessary. All the event volunteers will park at the school to free up closer parking for attendees. He said after meeting with Mr. Milliken, they talked with the Sheriff who will provide two deputies to be in attendance just in case they are needed to help with congestion, although they do have a left turn lane.

Chairperson Gelling asked if there were questions for the applicant; initially hearing none, the Chair proceeded to inquire what would preclude people from walking along the busy section of 11th Street between the Church and School.

Mr. Lewis said there will be two vehicles shuttling between the parking lots, and the drivers will encourage people to wait for the shuttle. There will also be attendants in the Lighthouse lot to keep people from walking back to Kalamazoo Christian. It is likely there will be enough parking spots available at the Lighthouse so that the shuttles are not needed for visitors.

The Chairperson asked how waste from the animals would be handled.

Mr. Lewis said there would be camels, sheep and goats and that volunteers will be dedicated to removing the waste, in addition to the owner of the petting zoo.

Mr. Antosz wanted to know whether there would be barriers at the burn barrels to keep children from touching them.

Mr. Lewis said there will be at least two actors per spot and there will be at least two people at each burn barrel watching for problems.

Ms. Farmer asked about specific arrangements for the two Sheriff's Department Deputies.

Mr. Lewis said they were from the Sheriff's Department Reserves and will be paid.

Ms. Farmer asked if they had received any response from neighbors.

Mr. Lewis said they had spoken directly to five of the six property owners directly adjacent to the property and received no negative reactions; they will probably attend the event.

Mr. Milken added that neighbors had been noticed and the Township did not receive any feedback.

Chairperson Gelling reiterated, just to be clear, that the Church is paying Kalamazoo County for the Sheriff's Reserves.

Mr. Lewis said that was correct. They want to provide a good event, spread over several evenings.

Mr. Schley asked if the standards for temporary outdoor events or the standards for lighting in general would be a problem if compliance with them is included in a motion for approval.

After a brief review of the standards, Mr. Lewis said they would not be a problem if included as part of the approval motion for this event.

Mr. Mark Swank, 8972 Weeping Pine Lane, spoke to the Board and said this is an awesome opportunity for Oshtemo. There will be live radio remote on Friday evening, and there will be interviews and radio spots on WKZO. They have several business sponsors, including Biggby Coffee, Cottage Inn, and Sweetwater's. They hope this will give the community a special holiday magic.

Chairperson Gelling thanked Mr. Lewis and Mr. Swank for their input and moved to Board Deliberations. She asked Commissioners for their comments.

Mr. Schley said he was comfortable supporting approval of the application as a first year trial, but would like the standards included in a motion. If there is overwhelming turnout, the event might need to be altered to meet demand. He said he'd be willing to revisit it after they see how it all turns out.

Mr. Boulding, Sr. asked if music would be incorporated in the event and what the impact might be on neighbors.

Mr. Lewis said all music will be inside the building except for some soft music provided for ambiance at the nativity area.

Chairperson Gelling said she was wholly, totally, and completely in support of the application and thinks it is wonderful. She would like to see a review done after this first event. If all goes well, representatives from Lighthouse Community Church could come back in the second year and receive a blanket approval from then on, but believes it is a good idea to see how the first event transpires. She said she has high hopes it will be a perfect event. She added that she thinks it is a wonderful gift to the community, and applauded them for all of their efforts.

Mr. Antosz said he agreed that the event should be reviewed by staff and anyone involved before blanket approval is given for future events.

Ms. Farmer supported the application and hoped the event would be successful.

Mr. Milliken noted that Mr. Schley's suggestion to include 21.207 in the motion should leave out sub-section A and include B-E.

Chairperson Gelling asked for a motion to approve the application request.

Mr. Schley moved to approve the special exception request and site plan review from Lighthouse Community Church with the caveats that the special exception comply with the comments and recommendations from the Fire Department during this review and/or any subsequent inspection, that any signage shall require a sign permit in conformance with the standards of the Township Zoning Ordinance, and that the event

comply with Section 21.207 B-E and with Sections 78.700 – 78.720, and with the understanding that this is a one year approval. Mr. Loy supported the motion. The motion passed unanimously.

ANY OTHER BUSINESS

Chairperson Gelling asked if anyone had other business to discuss.

Mr. Milliken suggested Board members who have comments or thoughts regarding the request for the farmer's market share them with him so he can incorporate them into his discussion with the applicant prior to the December 12 meeting. He also shared some background information in anticipation of an application from Costco that will also come before the Board on December 12. He said information regarding the application is coming in but will be changing prior to distribution of the meeting packets.

There was some discussion of preparation in advance of consideration of this request at the December 12 meeting in light of the challenges and timing, and with the MDOT involvement.

PLANNING COMMISSIONER COMMENTS

The Chairperson asked if Commissioners had comments to share.

In response to a question from Mr. Antosz, Mr. Milliken and Attorney Porter commented on the Kalamazoo County Road Commission's non-motorized plan policy and its effect on the Township's policy and plans and there was some follow up discussion by Commissioners.

Chairperson Gelling noted she participated in the groundbreaking ceremony for Phase 1 which was conducted on November 13 at Flesher Field Park. Some shrubs have been moved to the Oshtemo Township Park and also planted around the Township Hall. It is expected that work at Flesher Field Park will begin shortly if weather permits, or in the spring.

Mr. Milliken added they are waiting on the final word on Phase 2.

The Chairperson was pleased progress is being made on this project.

Mr. Schley commented that in the context of trying to review the two items that were on the meeting's agenda, he had trouble finding a definition of a temporary outdoor event in the ordinance. He noted a recent discussion of temporary signage might be helpful in providing such a definition for the ordinance.

ADJOURNMENT

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Gelling adjourned the Planning Commission meeting at approximately 8:09 p.m.

Minutes prepared:
November 17, 2013

Minutes approved:
December 12, 2013