

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD JANUARY 26, 2012

Agenda

XTREME CLEAN CAR WASH – SPECIAL EXCEPTION USE AND SITE PLAN APPROVAL – ROCKFORD CONSTRUCTION APPLICATION TO CONSTRUCT CAR WASH BEHIND GAS STATION AT 6700 WEST MAIN STREET – (PARCEL NO. 3905-14-185-040)

SKY KING MEADOWS OPEN SPACE COMMUNITY – CONCEPTUAL REVIEW – PROPOSED OPEN SPACE COMMUNITY LOCATED EAST OF SKY KING MEADOWS DEVELOPMENT OFF 9TH STREET

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, January 26, 2012, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Kitty Gelling, Chairperson
Bob Anderson
Carl Benson
Dave Bushouse
Richard Skalski
Millard Loy
Wiley Boulding, Sr.

MEMBERS ABSENT: None

Also present were Greg Milliken, Interim Planning Consultant; Attorney James Porter, and approximately nine other interested persons.

Call to Order and Pledge of Allegiance

The meeting was called to order at approximately 7:00 p.m., and the “Pledge of Allegiance” was recited.

Agenda

The Chairperson asked if there were any changes to the Agenda. Hearing none, she called for a motion to approve the Agenda, as submitted. Mr. Anderson made a motion to accept the Agenda as submitted. Mr. Skalski seconded the motion. The Chairperson called for a vote on the motion, and the motion passed unanimously.

Public Comment on Non-Agenda Items

The Chairperson called for public comment on non-agenda items. There being no public comment, she asked that the Planning Commission move to the next matter.

Minutes

The Chairperson indicated that the next item on the Agenda was approval of the minutes of January 12, 2012. The Chairperson asked if there were any corrections to the minutes. Hearing none, she said she would entertain a motion. Mr. Benson made a motion to approve the minutes, as submitted, and the motion was seconded by Mr. Skalski. The Chairperson called for a vote on the motion, and the motion passed unanimously.

XTREME CLEAN CAR WASH – SPECIAL EXCEPTION USE AND SITE PLAN APPROVAL – ROCKFORD CONSTRUCTION APPLICATION TO CONSTRUCT CAR WASH BEHIND GAS STATION AT 6700 WEST MAIN STREET – (PARCEL NO. 3905-14-185-040)

The Chairperson said the next item for consideration was a special exception use and site plan approval for Xtreme Clean Car Wash. The Chairperson explained that they were asked to review the application of Rockford Construction to build an Xtreme Clean Car Wash behind the gas station at 6700 West Main Street, Parcel No. 3905-14-185-040. The Chairperson asked for a report from the Interim Planning Consultant, Greg Milliken.

Mr. Milliken submitted his report to the Planning Commission dated January 22, 2012, which incorporated a report from the Planning Department dated November 10, 2011, and both reports are incorporated herein by reference.

Mr. Milliken explained that the applicant had previously appeared before the Planning Commission in November, 2011, but due to a lack of specificity with regard to the permitted special uses, the matter had to be tabled until the Zoning Ordinance could be amended to include car washes as a specific special use in the “C” Local Business District.

Mr. Milliken explained that there had been no changes to the previously-submitted site plan, and therefore, deferred to the previous review and recommendation from the Township's Planning Department, which he said were still valid. He did highlight the access issue off of the south drive of West Main, noting that the north/south service drive was used significantly less than other drives within the development. He said the Township Fire Department did not express any concern about access management.

Mr. Milliken also noted the fact that the plans did show the installation of the required bike path, but emphasized the fact that Meijer's gas station had paid for a portion of the bike path by placing funds into escrow. Mr. Milliken thought that the Township could work with the developer in using those escrowed funds, along with whatever the developer needed, to contribute to completion of the non-motorized path along 9th Street.

Mr. Milliken concluded by highlighting the fact that a sewer easement would be necessary and that Rockford Construction would have to complete the sewer connection and turn the sewer over to the Township after it had been reviewed by the Township's engineers.

After ascertaining there were no Planning Commission questions for Mr. Milliken, the Chairperson then asked to hear from the applicant.

Mr. Dave Hendershot introduced himself to the Planning Commission. He said he was from Paradigm Design and represented the developer. Mr. Hendershot explained that Xtreme Clean had a working relationship with Meijer throughout the State, and they were currently working on developing and expanding their Xtreme Clean Car Washes throughout the Kalamazoo area. He also introduced Mr. Corbin Buttleman and Mike Mattice from Rockford Construction.

Mr. Hendershot explained how the car wash was operated to the Planning Commission. He explained that they were a touch-free, pull-in design where the vehicle was stationary, and the equipment moved around the vehicle. He said there was no tunnel or towing mechanism to move the vehicles forward. He stated that everything was handled automatically.

Mr. Hendershot said he thought they had resolved all the concerns raised by the prior Planner, and he was confident that the design was safe and efficient both for ingress and egress. He noted that there was more than sufficient room for the stacking of cars, as well as room for vehicles to access the vacuum cleaners which would be provided on site.

Mr. Hendershot said he would meet all the requirements of the Landscaping Ordinance. He also noted that they would comply with all the requirements set forth by the engineer and that they met all the requirements set forth by the Fire Department in its report.

The Chairperson then asked if there were any questions of Mr. Hendershot.

Mr. Anderson asked if the gas station would be moving its vacuums to this new site. Mr. Hendershot said the gas station was a totally independent operation and would likely keep its own vacuums.

The Chairperson asked how an operation like this, which is unmanned, would be monitored. Mr. Hendershot said that was an excellent question. He said that this facility was totally computerized, hooked up to a modem, and could be checked not only through computer access, but could be checked through a Smart Phone. Mr. Hendershot suggested that the owner, Corbin Buttleman, provide additional information on that issue.

Mr. Buttleman introduced himself to the Planning Commission. He said that this site came with complete diagnostic equipment so he could monitor it 24/7. He said that there were cameras on site so they could see what was happening in any situation and diagnose problems via the Internet. He also noted that they did have a manager and employees in the area who could respond very quickly to any type of problems.

Mr. Buttleman noted that all of the equipment which they use for Xtreme Clean is manufactured in Kalamazoo so they also have additional assistance in that regard.

Mr. Anderson asked if they had security cameras. Mr. Buttleman said that they had cameras throughout the facility. He said that his security cameras also allowed him to know what was going on at the site at any time. He stated that they have cameras both interior and exterior so that the entire facility can be viewed at any given moment.

The Chairperson asked if there was a phone number which people could call if they had problems. Mr. Buttleman said that they have an 800 number posted all over the facility and that often people will call, and because of his ability to access the site electronically, he can solve problems and operate the system through the use of a computer or his Smart Phone. He said that, even though there was no one on site every minute, he felt that they could provide an extremely high level of customer service, and that was their overall goal. He said that they were ready to solve problems very, very quickly.

The Chairperson then asked what hours the car wash would be operational. Mr. Buttleman said 24 hours a day.

Mr. Skalski asked how long he had operated a facility like the one they were proposing in Oshtemo Township. Mr. Buttleman said he had operated these systems for over eight years.

Mr. Boulding, Sr. asked what their response time was if a problem arose. Mr. Buttleman said, given the fact they had service people in the area all the time, he anticipated they would not be more than 10 or 15 minutes away from the facility at any given time.

Mr. Boulding, Sr. then requested clarification that they would have staff in the Kalamazoo area, not simply contract personnel. Mr. Buttleman said that was correct. Mr. Boulding, Sr. Buttleman noted that he had worked on the equipment with the manufacturer to improve quality and dependability of the overall system.

The Chairperson asked if the car wash was going to allow credit as well as cash transactions. Mr. Buttleman said a customer could use cash, gift cards and easy pass. He said they were trying to be on the cutting edge of technology to make the process as easy for their customers as possible.

The Chairperson asked if there were any further questions of the applicant, and hearing none, opened the meeting to public comment.

Mr. Blake Crocker introduced himself to the Planning Commission. He asked they take note of his letter sent to legal counsel on January 26, 2012. He said, while he did not want to address all of the particulars of that letter, he did want to express a concern that the Township's Zoning Ordinance did not provide adequate standards for consideration of the special use.

Mr. Crocker made specific reference to page two of the Planner's Report of November 10, 2011, and indicated that it had several omissions, including no traffic pattern review and no vehicle stacking review, all of which had been done for Crystal Car Wash. Mr. Crocker said the Planner's statement that the Fire Department did not have a concern regarding access was not true. Mr. Crocker then expressed a concern that the Crystal Car Wash was treated more stringently, especially with regard to inside and outside turning radiuses necessary to meet Code requirements. He said the standards were not being fairly applied.

At the conclusion of Mr. Crocker's statement, the Chairperson asked if there were any further public comments. Hearing none, she asked to go into Commission deliberations. Attorney Porter asked if he could make a brief response to Mr. Crocker's statements, and the Chairperson agreed.

Attorney Porter pointed out that Mr. Crocker's statement regarding MCL 125.3502(1)(b) was correct; the legislative body of the Township was required to place in its Zoning Ordinance the standards for approving a request for a special land use. However, he said Section 3502 was not the most pertinent provision of the Michigan Zoning and Enabling Act on this point. He pointed out that there was more specific direction regarding the criteria for special land uses provided for in MCL 125.3504(2), which the Attorney then read to the Planning Commission which was as follows:

"125.3504(2). The standards shall be consistent with and promote the intent and purpose of the zoning ordinance and shall insure that the land use or activity authorized shall be

compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The standards shall also insure that the land use or activity is consistent with the public health, safety, and welfare of the local unit of government.”

Attorney Porter then turned to the Oshtemo Charter Township Zoning Ordinance, specifically, Section 60.100, which states that:

“. . . special exception uses are not permitted to be engaged in within the particular zone in which they are listed unless and until the Planning Commission is satisfied that the same, under the conditions, controls, limitations, circumstances and safeguards proposed therefor and imposed by said Planning Commission, would be compatible with the other uses expressly permitted within said district and with the natural environment; would not, in any manner, be detrimental or injurious to the use or development of adjacent properties or to the occupants thereof; would promote the public health, safety, and general welfare of the community; and that the standards required by the Planning Commission for the allowance of such special exception use can and will, in its judgment, be met at all times by the applicant.”

Attorney Porter noted that the Township’s general conditions for approval for a special use were very similar, if not in some cases, identical to the standards provided in State statute. Attorney Porter said he stood by his previous opinion that the general standards provided for in Section 60.100 for approval of special uses were sufficient, and that not all special uses had to have additional specific criteria in order to be approved. He said it was not uncommon for zoning ordinances to have general conditions for approval for a special use, and then in certain cases, additional specific criteria for approval of a special use under various circumstances. He suggested that the Planning Commission proceed with its deliberations.

The Chairperson asked for comments from the Planning Commission members.

Mr. Loy said that he did not see a problem with the proposal meeting the criteria of the Township’s Zoning Ordinance.

Mr. Boulding, Sr. asked a question regarding the north/south drive, and whether it would result in a conflicting traffic pattern with the Omni Credit Union located to the east. Mr. Skalski pointed out that neither of the drives would be in direct conflict with Omni Credit Union’s drive. Mr. Skalski said, looking at the photographs, he understood why the Fire Department was not concerned about access for firefighting purposes because they

would likely not pull into this facility because they would be able to stage their vehicles from the access drive or the parking lot and fight the fire from off-site.

Mr. Mike Mattice asked if he could comment. The Chairperson indicated that he could and directed that he approach the podium and speak into the microphone so he could be better heard by all. Mr. Mattice pointed out that they had gotten a letter from the Fire Department, contrary to the statements of Mr. Crocker, and that Jim Wiley of the Fire Department had reviewed the site and had no site access concerns.

Mr. Benson said his concern was security, but it was completely answered by the applicant.

Mr. Anderson said he thought it was a fine proposal.

Mr. Bushouse said he did not think traffic concerns were the same for this site as for Crystal Car Wash. He noted that this site would have access off of a side street, not 9th Street at 45 m.p.h. or M-43 at 55 m.p.h., and therefore, did not believe that the comparison between Crystal Car Wash and this site was necessarily pertinent.

The Chairperson stated that she was comfortable with what had been provided and presented.

The Chairperson asked if there were any further questions or discussion. Hearing none, she suggested they divide consideration of the special use from the site plan so the matters could be handled in two separate motions.

Attorney Porter asked that anyone making the motion for or against, support their motion with their specific reasoning.

Mr. Boulding, Sr. made a motion to approve the special use, and reading from the Staff Report dated November 10, 2011, in response to the review criteria as follows:

1. *Is the proposed use compatible with the other uses expressly permitted within the C, Local Business District?*

This district allows retail, service, banks and offices among other uses. The drive-through service nature of the car wash is compatible with other commercial uses allowed in this zoning district.

2. *Will the proposed use be detrimental or injurious to the use or development of adjacent properties or to the general public?*

The use or development of adjacent properties should not be negatively impacted by the proposed car wash. The general

public should not be detrimentally affected by the proposed car wash.

3. Will the proposed use promote the public health, safety, and welfare of the community?

This southwest corner of the overall Meijer development is a busy area. Staff expressed concern to the applicant when access was proposed along the east-west service drive. The plan was revised and access is now shown off the north-south service drive which is used significantly less than the other drives in the development. The Fire Department has not expressed concern about the access management.

Do Not Enter signs are proposed at the exit-only access drive to prevent patrons from entering at the wrong drive.

4. Will the proposed use encourage the use of the land in accordance with its character and adaptability?

The car wash use is in character with the site as a complement to the gas stations and the service-focused use of nearby properties.

Mr. Skalski seconded the motion. The Chairperson asked for further discussion, and hearing none, called for a vote on the motion. The motion passed unanimously.

The Chairperson said the next item up for consideration was site plan review. Attorney Porter and Mr. Milliken asked that in making any motion on the site plan, that the person making the motion consider the conditions recommended by Staff on pages 3 and 4 of its report.

Mr. Skalski then made a motion to approve the site plan, as submitted, with the following conditions:

1. Construction of the bike path along 9th Street is required for the gas station parcel's frontage.
2. Landscaping shall be installed consistent with the approved landscaping plan prior to issuance of a Certificate of Occupancy or a performance guarantee must be provided pursuant to Section 82.950.
3. Details of new exterior building and pole-mounted lighting must be provided for Staff review and approval before the building permit may be issued.

4. A sign permit is required before any new signs may be erected on the site.
5. The dumpster must be enclosed in compliance with the Ordinance before the Certificate of Occupancy is issued.
6. Site plan approval is subject to the approval of the Fire Department, pursuant to adopted codes.
7. Site plan approval is subject to the review and acceptance of the Township Engineer as adequate.

The motion was seconded by Mr. Anderson. The Chairperson called for further discussion. Hearing none, she called for a vote on the motion. The motion passed unanimously.

SKY KING MEADOWS OPEN SPACE COMMUNITY – CONCEPTUAL REVIEW – PROPOSED OPEN SPACE COMMUNITY LOCATED EAST OF SKY KING MEADOWS DEVELOPMENT OFF 9TH STREET

The Chairperson said the next item on the Agenda was a conceptual review for Sky King Meadows Open Space Community. She said the proposed open space community would be located east of Sky King Meadows, off 9th Street. The Chairperson asked for a report from the Planning Department. Mr. Greg Milliken submitted his report dated January 26, 2012, and the same is incorporated herein by reference.

Mr. Milliken pointed out that the applicant was seeking to develop 20 acres immediately east of Sky King Meadows as a condominium development. He said the property was located in the “R-2” Zoning District. Mr. Milliken explained that the applicant was proposing to develop an open space community, using the planned-unit development provisions of the Zoning Ordinance. He said in so doing they could create 41 single-family residential units and still leave over 8 acres of the site wooded with walking paths throughout the open space. At the conclusion of his review, Mr. Milliken said that the applicant met all of the standards required by the Township Zoning Ordinance.

The Chairperson asked if there were any questions of Mr. Milliken. Hearing none, she asked to hear from the applicant.

Mr. Gary Hahn, of Wightman & Associates, introduced himself on behalf of the developer, Mike Seelye. Mr. Hahn said he thought Mr. Milliken had nicely reviewed their proposed Sky King Meadows 2 Condominium and said he would welcome any questions or comments which the Planning Commission might have.

The Chairperson asked how the storm water would be handled. Mr. Hahn said it would operate through a system of drainage basins channeled through the street to a

storm water infiltration area. The Chairperson asked if that area would be fenced. Mr. Hahn said that it would not be fenced because it would be built to Drain Commissioner standards with a one-to-five slope. Therefore, fencing would not be required.

Mr. Skalski said it was a gentle enough slope that a person could walk out of the pond. Mr. Hahn said that was correct. He also noted that the storm water retention basin would perk within 72 hours, and therefore, would not retain water for any long period of time. Mr. Skalski asked if there would be any pre-treatment to the storm water run-off. Mr. Hahn said they had not looked at that matter specifically, but it could be considered. Mr. Skalski was primarily concerned about catching oils and contaminants before they filtered into the groundwater. Mr. Hahn said he understood.

Mr. Skalski asked about the size of the homes. Mr. Hahn said they would be one to two-story structures with a square foot of 1,600 to 2,300 square feet.

Mr. Boulding, Sr. asked if there would be any access other than Lexy Lane. Mr. Hahn pointed out that there would be a second connection to Baymore Street to the south of the site. Mr. Boulding, Sr. asked about access to the north or to the east. Mr. Hahn said that there were no access points at this point in time.

Mr. Skalski said he wanted to compliment the engineer in utilizing this type of development. He said he thought it was a great way to build using the existing topography of the land and preserving the trees and open space.

The Chairperson asked what was going to be preserved. Mr. Hahn said that, with some exception for the excavation for storm water, that all of the area shown on the map as open space would be left in its natural state. He noted that Mr. Seelye had specifically tried to maintain open space between this development and the development immediately to the west. Mr. Hahn also indicated that they would try to encourage the builders themselves to maintain as much of the lot site as they could in the future in its natural state. The Chairperson said she certainly appreciated that, given the Township's recent sensitivities to clear-cutting and advised they be forewarned it was important that Oshtemo's rural character be preserved to the best of their abilities.

Mr. Anderson asked about the limited frontage for each of the lots. Mr. Hahn explained that in an open space development, they often reduce the lot sizes, thereby reducing the frontage. He said this not only allowed them to provide the open space area, but allowed them to reduce construction costs with regard to piping, asphalt, etc.

There was a clarification in the discussion with regard to the reduction in front yard versus side yard setback. Mr. Milliken indicated that the applicant was only asking for a deviation of the side yard setback, not the front yard setback or the frontage.

Mr. Skalski said he had a friend who lived in a development like this, and that the people in the development enjoyed it very much because it left a lot of the property open and accessible for walking, hiking, etc.

The Chairperson asked the Commissioners if they had any further questions of the applicant, and hearing none, the Chairperson asked if there was any public comment. Hearing none, she asked to go into Commission deliberations.

Mr. Bushouse said his only initial concern was the side yard setbacks due to the decrease in distances between the homes. He was a bit concerned about maintaining fire safety.

Mr. Anderson said he did not see any problems with the proposed development, and he could support it moving forward.

Mr. Benson asked if the open space could be preserved. He said he did not want to see something happen like what happened at Asylum Lake. Attorney Porter noted that one of the requirements of the Township's Site Condominium Ordinance was that all site condominium plans and development agreements had to be approved by counsel, and he assured them that he would make sure that the preservation of the open space was binding and enforceable in perpetuity.

Mr. Benson complimented the applicant on using the existing topography and the development to maximize the open space on the site. Mr. Skalski said he agreed with Mr. Benson and thought that the design was an excellent use of the existing natural features and preserved the wooded area and focused construction within the areas which were already open.

Mr. Loy said he was in favor of the project and complimented the engineer on a fine job.

The Chairperson said she shared some concern about how close the homes were to each other, but generally, she thought the overall concept was acceptable.

They thanked the developer for a chance to have the preliminary discussion, and looked forward to the Step One consideration.

Old Business

The Chairperson said she had talked to Karen High and that Ms. High and Mr. Milliken were working on updating the census information and the Master Land Use Plan, and thanked them for their efforts.

The Chairperson also noted that Almena Township would be receiving a letter as directed by the Planning Commission at its last meeting, and that she had arranged to have the letter sent out by Mr. Milliken on behalf of the Planning Department.

The Chairperson asked if anyone had given consideration to Mr. Bushouse's question raised at the last meeting about where a bed and breakfast should be located. A lively discussion ensued in which the Chairperson suggested bed-and-breakfasts be located in the "R-3" District or in the Village Commercial area. Mr. Loy also suggested perhaps the Rural Residential or the AG District. Both Mr. Milliken and Attorney Porter noted that any of those zones might be appropriate provided they have sufficient conditions to make them compatible with the specific zoning districts. After further discussion, it was agreed that they would bring the matter back as a discussion item at their February 23, 2012 meeting.

Any Other Business

None.

Planning Commissioner Comments

A brief discussion ensued regarding the previous work items. It was the consensus of the Planning Commission members to arrange Planning Commission classes for those persons wishing to attend. The Chairperson noted she had received a schedule for MAP seminars, and she had forwarded same on to the Township Supervisor, Libby Heiny-Cogswell, for her perusal.

Several members commented that they like the open space development and the idea of preserving tree stands and walking areas for the community.

Adjournment

The Chairperson indicated that the Agenda had been exhausted, and the meeting was adjourned at approximately 8:15 p.m.

Minutes Prepared:
January 30, 2012

Minutes Approved:
February 9, 2012