

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD MAY 24, 2012

Agenda

PUBLIC HEARING – ATA MARTIAL ARTS – SPECIAL EXCEPTION USE TO ALLOW AN INDOOR RECREATIONAL FACILITY IN AN EXISTING COMMERCIAL CENTER – 6860 W. STADIUM DRIVE IN THE “VC” VILLAGE COMMERCIAL DISTRICT - (PARCEL NO. 3905-35-102-009)

PUBLIC HEARING - NEW WONDERS DISCOVERY CENTER, L.L.C. – SPECIAL EXCEPTION USE TO ALLOW A CHILD CARE CENTER IN AN EXISTING COMMERCIAL CENTER LOCATED AT 7000 W. STADIUM DRIVE IN THE “VC” VILLAGE COMMERCIAL DISTRICT – (PARCEL NO. 3905-35-102-011)

PUBLIC HEARING – ZONING ORDINANCE AMENDMENTS TO IMPLEMENT THE GENESEE PRAIRIE SUB-AREA PLAN FROM THE TOWNSHIP MASTER PLAN INCLUDING THE ADDITION OF SECTION 26 “R-C” RESIDENTIAL CONSERVATION DISTRICT AND SECTION 39 “BRP” BUSINESS RESEARCH PARK DISTRICT AS WELL AS REVISIONS OF SECTIONS 12, 32, 40, 51, 60, 64, 66, 68 AND 75

MASTER PLAN AMENDMENTS – DISCUSSION OF PROPOSED AMENDMENTS TO OSHTEMO TOWNSHIP MASTER PLAN AND RECOMMENDATION TO TOWNSHIP BOARD TO DISTRIBUTE DRAFT AMENDMENTS TO REQUIRED ENTITIES

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, May 24, 2012, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

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

MEMBERS ABSENT: None

Also present were Greg Milliken, Planning Director; Attorney James Porter, and approximately eight other interested persons.

Call to Order and Pledge of Allegiance

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

Agenda

There being no changes to the Agenda, Mr. Skalski made a motion to approve the Agenda, as submitted. Mr. Loy seconded the motion. The Chairperson called for a vote on the motion, and the motion passed unanimously.

Public Comment on Non-Agenda Items

There was no public comment, so the Planning Commission moved to the next matter.

Minutes

There being no changes to the minutes of May 10, 2012, Mr. Anderson made a motion to approve the minutes, as submitted. The motion was seconded by Mr. Skalski. The Chairperson called for a vote on the motion, and the motion passed unanimously.

PUBLIC HEARING – ATA MARTIAL ARTS – SPECIAL EXCEPTION USE TO ALLOW AN INDOOR RECREATIONAL FACILITY IN AN EXISTING COMMERCIAL CENTER – 6860 W. STADIUM DRIVE IN THE “VC” VILLAGE COMMERCIAL DISTRICT - (PARCEL NO. 3905-35-102-009)

The Chairperson indicated the next item on the Agenda was consideration of a special exception use by ATA Martial Arts to allow an indoor recreational facility at an existing commercial center located at 6860 West Stadium Drive in the “VC” Village Commercial District, Parcel No. 3905-35-102-009. The Chairperson asked to hear from the Planning Department. Mr. Greg Milliken submitted his report to the Planning Commission dated May 24, 2012, and the same is incorporated herein by reference.

Mr. Milliken explained that the applicant was seeking to locate his martial arts school in the Village Place Commercial Center. He said, because the proposed use would only involve interior renovations, the standards of the Overlay District did not apply, and no

site plan review would be required. He said the studio offered a range of classes to students of all ages. He noted the classes would be approximately 45 minutes long and typically have 10 to 15 students at one time, with four to five parents present. The proposed hours were Monday through Thursday 4:30 p.m. to 8:00 p.m., Tuesday and Thursday mornings 9:00 a.m. to 10:00 a.m., and Saturday mornings 9:00 a.m. to 12:30 p.m. Mr. Milliken noted that no public retail sales would take place, although the applicant would sell training gear to students.

Mr. Milliken then proceeded to take the Commission through the Standards of Review for approval as more fully set forth in his report and incorporated herein by reference.

The Chairperson asked if there were any questions of the Planning Director.

Mr. Boulding, Sr. said he was confused by the words “locating,” “moving,” and “relocating,” and asked how they were to be applied to the report. Mr. Milliken said it was a matter semantics. He said the applicant was in an existing building in the Township and would be relocating from that facility and moving into the new facility at the Village Place Commercial Center.

The Chairperson noted that she was aware that the applicant was operating elsewhere in the Township and would be moving to the new site.

Mr. Benson asked about the number of people occupying the facility at any one time. Mr. Milliken suggested that would be a question for the applicant to address.

The Chairperson asked if there were any further questions of the Planning Director, and hearing none, asked to hear from the applicant.

Mr. Michael Whately introduced himself to the Planning Commission. He said, up until a short time ago, he was operating on Technology Avenue. He said, at any one time, he would have 10 to 15 students with four or five parents waiting during the class. He said there would be an occasional overlap, but he expected no more than 20 people in the building at any one time.

The Chairperson asked if there were classes by age. Mr. Whately said there were, and they were broken into two major groups. One group has 3 year olds to 6 year olds, named Tiny Tigers, and the second group has 7 year olds and up for his other classes.

Mr. Bushouse asked if there were any tournaments. Mr. Whately said there would be tournaments but not at his location since tournaments require a minimum of 25,000 square feet of space to hold a tournament.

Mr. Boulding, Sr. asked if it would be similar to the taekwondo on 9th Street and Stadium. Mr. Whately said that was a different style of taekwondo and that his was an American style, emphasizing life skills.

The Chairperson asked if there were further questions. Hearing none, she called for public comment. There being no public comment, the Chairperson called for Planning Commission deliberations.

Mr. Benson said he was concerned about the number of people in the building and whether they would need a second toilet. Mr. Milliken and Attorney Porter noted that would be up to the Building Department to make the final determination on that issue.

Mr. Bushouse noted that he thought it was a good use for the area and was very much in favor of the proposal.

Mr. Anderson asked why a special exception use was needed. Mr. Milliken said because the use was listed that way in the Zoning Ordinance. He stated that all indoor recreational uses required a special exception use permit. Mr. Milliken said that the Planning Commission could decide otherwise if the Commissioners wanted to deal with a text amendment in the future. Mr. Anderson then stated that he supported the special exception use.

Mr. Skalski said he was comfortable with the proposed special use. He said he thought it was similar to other uses in the area and should be approved as a special exception use. Mr. Boulding, Sr. and Mr. Loy concurred with Mr. Skalski's statement.

The Chairperson said she would entertain a motion. Mr. Skalski made a motion to grant the special exception use permit subject to the applicant receiving a sign permit before any new signs were installed and that it met all Building Code requirements, including rest room requirements. Mr. Loy seconded the motion. The Chairperson called for a vote on the motion, and the motion passed unanimously.

PUBLIC HEARING - NEW WONDERS DISCOVERY CENTER, L.L.C. - SPECIAL EXCEPTION USE TO ALLOW A CHILD CARE CENTER IN AN EXISTING COMMERCIAL CENTER LOCATED AT 7000 W. STADIUM DRIVE IN THE "VC" VILLAGE COMMERCIAL DISTRICT - (PARCEL NO. 3905-35-102-011)

The Chairperson said the next item up for consideration was a special exception use for New Wonders Discovery Center. She said the New Wonders Discovery Center wanted to locate a child care center in an existing commercial center located at 7000 West Stadium Drive in the "VC" Village Commercial District, Parcel No. 3905-35-102-011. The Chairperson asked to hear from the Township Planning Director, Greg Milliken. Mr. Milliken submitted his report to the Planning Commission dated May 24, 2012, and the same is incorporated herein by reference.

Mr. Milliken explained to the Commission that a child care center was a special exception use in the "VC" District. He explained that the applicant wants to use Suites G and H of the Village Place Commercial Center at the corner of 8th Street and Stadium Drive for a daycare center. He said, because the State would license the site, no site plan review would be required, and all the Planning Commission would be addressing would be the special exception use itself.

Mr. Milliken explained that the applicant was proposing to develop a child care center for up to 45 children, which would employ four full-time people and four part-time staff, when it reached capacity. He said the operation will run from 6:30 a.m. to 6:00 p.m. He said the applicant was also proposing to have a play area outside, but it would have no permanent structures or large storage shelters. Therefore, all existing landscaping would remain. He provided a photograph of the 54-inch aluminum fence which was proposed to surround the play area.

Mr. Milliken then took the Planning Commission through a review of the Standards for Approval for a special exception use, to-wit: Section 60.100, as more fully set forth in his report. Mr. Milliken also noted the numerous attachments for the New Wonders Discovery Center, including information from the State of Michigan with regard to the licensing process.

Mr. Milliken noted that the applicant would have to make sure that everything complied with Code to meet State requirements including the outdoor play area. Mr. Milliken referred again to the photograph of the fence and felt that it better complied with the architectural standards in the Village Commercial area, and while it was higher than the maximum height normally allowed, that was a standard which the Planning Commission could deviate from, if it chose to.

The Chairperson asked if there were any questions of the Planning Director.

Mr. Bushouse asked if they had checked the Building Code requirements for the fence. Mr. Milliken said that matter would have to be reviewed by the Building Department to make sure that it met Code.

Mr. Benson asked about the fence and its proximity to the sidewalk. Mr. Milliken indicated that sidewalks were pre-existing and that the fences would not abut the sidewalk, but that issue could be better addressed by the applicant.

Mr. Skalski noted that he liked the proposed fencing versus a chain-link fence.

Mr. Boulding, Sr. said he had looked at the site yesterday and thought it would accommodate an easy flow of traffic in and out of the proposed site.

Hearing no further questions, the Chairperson asked to hear from the applicant.

Connie Hendershot introduced herself on behalf of New Wonders Discovery Center. She said they were proposing a child care center which would be licensed for infants to school age. She said they would be providing a preschool curriculum, as well as before and after care for school-aged children.

Mr. Skalski asked if this was a new business. Ms. Hendershot indicated it was. She said both she and her daughter had teaching backgrounds in early child care development.

The Chairperson asked why they were going with a shorter fence than what was proposed by their licensing consultant (six feet). Ms. Hendershot indicated that they had received permission from their licensing consultant to reduce the fence from six feet to 54 inches. She said she wanted to do that because of the proximity to the road. She also noted that the slats would be three and five-eighths inches apart, which she believed met current Building Code requirements.

Mr. Loy asked if there would be buses in and out. Ms. Hendershot said there would not be any buses currently, but if their licensing allowed, there might be some buses in the future.

The Chairperson asked why they had limited their children to the age of six. Ms. Hendershot said it was based upon space. She said the square footage which they had allowed for infants and up to school age children, but nothing beyond that. The Chairperson asked if the days of operation would be Mondays through Fridays. Ms. Hendershot said yes. The Chairperson asked if the operation would be year round. Ms. Hendershot indicated that it would.

Mr. Boulding, Sr. asked if all of the children would be dropped off by their parents or guardians. Ms. Hendershot indicated they would.

The Chairperson said she was concerned about the height of the fence because she had been a product of a thwarted child abduction from a school playground at one point in time. Ms. Hendershot said that they could increase the fence to six feet, but she did not think it was necessary given the fact there would be two teachers with the children outside at all times. The Chairperson asked what their student/teacher ratio would be. Ms. Hendershot said infant to toddler, 4:1; 2-1/2 to 3 years and older, 1:12. However, she noted there would always be two teachers with the students outside, regardless of the number.

The Chairperson asked if there were any further questions for the applicant. Hearing none, she asked to hear from the public.

Mr. Dennis Ware said he had one concern and that was the issue of noise. He said they were one of the closest homes to the site and that he did not see anything to buffer

the noise, and he was a bit concerned about the noise, given that the child care center would operate from 6:30 a.m. to 6:00 p.m. five days a week. The Chairperson asked the applicant how she would address the noise issue. Ms. Hendershot said that taking children outside was necessary, as they needed fresh air and exercise. She did note, however, that there would never be more than 15 to 18 preschoolers out at any given time, and they would not be out for more than 30 minutes to an hour per period. She also noted that many of their activities outside consisted of projects, which required the children to focus and participate in group learning. She said there was minimal free time for the children to just play at their leisure, and it was during those leisure times that most of the noise would be generated, but it would be minimal.

Mr. Anderson asked about the play equipment. Ms. Hendershot said there would not be any permanent play equipment. Most of what they would be using would be brought outside in play boxes and then returned indoors. The Chairperson asked the applicant if she felt the area was adequate. Ms. Hendershot indicated she believed it was.

Mr. Skalski said he thought the noise from the highway would certainly drown out any type of noise which you might hear from the children, and he did not think that noise was a significant issue.

Mr. Loy said he lived across from a very large daycare and never had a problem with noise and that the children were always supervised as was proposed by the applicant. Mr. Loy also noted that the daycare across from his house only had a four-foot fence, and he did not see a problem with it as long as there was the proposed adult supervision.

The applicant noted that one of the sidewalks proposed was being requested by the Fire Inspector as an additional exit point, particularly for the preschool children.

The Chairperson asked if there was any further public comment, and hearing none, asked for Planning Commission deliberations.

Mr. Loy began by saying that he thought the 54-inch fence would be adequate. He also noted that he did not believe that noise would be a serious issue given the proposed location of the daycare. He concluded by saying he thought it would be a good addition to the community.

Mr. Boulding, Sr. said he thought if the other daycare could operate with a 48-inch fence, a 54-inch fence would be adequate in this location. He also thought that the organizational plan was well thought out. In addition, he said he did not believe that excessive noise would be an issue.

The Chairperson said, because the outdoor activities would be so well monitored, she felt better about the proposed height of the fence.

Mr. Skalski said that the plan for the operation was well structured, and he thought it would keep the noise to a minimum.

Mr. Benson said he was not entirely pleased with the idea of a fence. He said he thought it looked more like an enclosure. He also raised a question regarding the number of restrooms at the facility, but noted that the Building Department would address that issue.

Mr. Anderson said he had two active grandchildren, and he thought a higher fence might be better, but he could live with what was proposed by the applicant.

Mr. Bushouse noted to Mr. Ware that he had checked, and his house was more than 750 feet away from the proposed facility. He thought, with five lanes of traffic, Mr. Ware would not even hear the children. Mr. Bushouse said he thought it would be a good addition to the community and wished the applicants good luck.

The Chairperson said she believed the Planning Commission was in agreement with the possible exception of the fence. Mr. Anderson said he thought if the licensing people could live with the fence, he could live with it. Mr. Skalski said that, if the staff was comfortable with it, again he could accept the 54-inch fence. The Chairperson also noted that she could accept the fence if the State Department had approved it, and therefore, she said she would entertain a motion.

Mr. Skalski made a motion to approve the special exception use with the conditions as set forth in Mr. Milliken's report which were as follows:

1. A sign permit is required before any new signs are installed on site.
2. The Planning Commission accepts the modification for the height of the fence.
3. The recommended improvements of the fire Inspector are completed prior to operation.

The motion was seconded by Mr. Boulding, Sr. The Chairperson called for a vote on the motion, and the motion passed unanimously.

PUBLIC HEARING – ZONING ORDINANCE AMENDMENTS TO IMPLEMENT THE GENESEE PRAIRIE SUB-AREA PLAN FROM THE TOWNSHIP MASTER PLAN INCLUDING THE ADDITION OF SECTION 26 “R-C” RESIDENTIAL CONSERVATION DISTRICT AND SECTION 39 “BRP” BUSINESS RESEARCH PARK DISTRICT AS WELL AS REVISIONS OF SECTIONS 12, 32, 40, 51, 60, 64, 66, 68 AND 75

The Chairperson indicated that the next item on the agenda was the public hearing for Zoning Ordinance amendments. She explained that the Commission was asked to review the Zoning Ordinance amendments to implement the Genesee Prairie Sub-Area Plan based on the Township Master Plan, including the additional Section 26, “R-C” Residential, Conservation District, and Section 39, “BRP” Business Research Park, as well as revisions to Sections 12, 32, 40, 51, 60, 64, 66, 68 and 75. The Chairperson asked to hear from the Planning Director. Mr. Milliken submitted his report to the Planning Commission dated May 24, 2012, and the same is incorporated herein by reference.

Mr. Milliken took the Commission through a review of the two new zoning sections, being the “R-C” Residential, Conservation District, as well as the “BRP” Business Research Park. He also noted the two sections being significantly amended were the “C-R” Local Business District, Restricted and the “I-R” Industrial District, Restricted. He then noted the miscellaneous sections of the Zoning Ordinance which had to be revised due to the numerous references of the zoning districts throughout the Zoning Ordinance. Mr. Milliken presented the Commissioners with an underlined, bold version, as well as the proposed Ordinance itself compiled by legal staff. The Chairperson asked if there were any questions of Mr. Milliken.

Mr. Benson inquired about the provision under Section 26.301(a) requiring 70% of the development to be set aside. Mr. Milliken said he understood that was a significant amount, but it served the goal of protecting the Genesee Prairie area which could experience significant clustering of the development. Mr. Milliken noted, at the present time, all they are doing is establishing the zoning district but there was not any actual rezoning of the land currently taking place.

Mr. Skalski said he understood that 70% of open space was significant, but he did note that comparing his own house and lot, 85% of his lot is currently open space, so he thought it was reasonable.

Mr. Boulding, Sr. thanked the Planning Director for his explanation and clarification on the issues.

Mr. Milliken said what he was looking for from the Planning Commission was to complete the public hearing, and assuming there were no changes, to make a recommendation to adopt the Ordinance to the Township Board.

The Chairperson opened the meeting to the public. Hearing no public comment, she closed the public portion of the meeting and asked the Planning Commission how it wished to proceed.

Mr. Loy made a motion to recommend the adoption of the proposed text to the Township Board. The motion was seconded by Mr. Benson. The Chairperson called for a vote on the motion, and the motion passed unanimously.

MASTER PLAN AMENDMENTS – DISCUSSION OF PROPOSED AMENDMENTS TO OSHTEMO TOWNSHIP MASTER PLAN AND RECOMMENDATION TO TOWNSHIP BOARD TO DISTRIBUTE DRAFT AMENDMENTS TO REQUIRED ENTITIES

The Chairperson indicated that the next item on the agenda was consideration of the Master Plan amendments and a recommendation to the Township Board to distribute the draft amendments to the required entities. The Chairperson asked to hear from Mr. Milliken. Mr. Milliken submitted his report to the Planning Commission dated May 24, 2012, and the same is incorporated herein by reference.

Mr. Milliken reviewed each of the various proposals, to-wit: the 9th Street Sub-Area Plan, Century Highfield Sub-Area Plan, the Community Profile amendments based on the 2012 Master Plan, changes in the Master Land Use Map, as well as the inclusion of the Airport Plan and some minor text amendments. Mr. Milliken clarified for the Planning Commission that he was asking for approval to submit the Notice of Intent to the various municipalities and ultimately, a recommendation to the Township Board to distribute the draft amendment.

Mr. Bushouse asked about the airport on M Avenue. Mr. Milliken and Attorney Porter indicated that it probably was not a public airport, and therefore, did not qualify for inclusion in the Master Plan.

The Chairperson then opened the proposed Master Plan amendments for public comment. Hearing no comments, she asked for a motion to distribute the Notice of Intent and make a Recommendation for Distribution to the Township Board. Mr. Loy made a motion requesting that the Notice of Intent be sent to the respective municipal entities and that a Recommendation for Distribution be submitted to the Township Board. The motion was seconded by Mr. Skalski. The Chairperson called for a vote on the motion, and the motion passed unanimously.

Old Business

The Chairperson asked if there was any old business. Hearing none, she asked that the Commissioners move on to Any Other Business.

Any Other Business

The Chairperson asked that at the next meeting the Planning Director address and review the safety issues for the Planning Commission members, especially important for the newest members. It is necessary the Commissioners be informed so they can be proactive, rather than reactive, should an emergency arise.

Planning Commissioner Comments

Mr. Anderson announced that he just received the all clear from his doctors, which resulted in a spontaneous round of applause from the various Planning Commission members.

Mr. Benson asked about the development along 8th Street and Stadium Drive and asked why they did not have any street trees. Mr. Milliken said that development had been approved just before the new Village Form Based Code had been put into effect. Attorney Porter concurred.

Mr. Loy reminded Commissioners that the Drake House would be hosting Pioneer Days on July 21, 2012, commencing at 9:00 a.m. and running until 3:00 p.m.

Mr. Bushouse asked about Western Michigan University and whether the Commission should go ahead and rezone that property to demonstrate to the University that the Township was willing to work with the University in developing the new "BRP." Mr. Milliken said he would take the matter under consideration.

Adjournment

There being no further matters to come before the Planning Commission, and having exhausted the agenda, the meeting was adjourned by the Chairperson at approximately 8:50 p.m.

Minutes Prepared:
May 31, 2012

Minutes Approved:
June 14, 2012