

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION
MINUTES OF A MEETING HELD JANUARY 10, 2013**

Agenda

INTRODUCTION OF NEW PLANNING COMMISSIONERS

ELECTION OF OFFICERS AND ZBA LIAISON

WESTGATE 131, LLC – REZONING – REGARDING PROPOSED REZONING OF 60 ACRE PARCEL FROM THE R-3 RESIDENCE AND R-4 RESIDENCE DISTRICTS TO THE C-LOCAL BUSINESS DISTRICT LOCATED AT NORTHWEST END OF MAPLE HILL DRIVE (PARCEL #3905-12-380-010).

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, January 10, 2013, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

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

MEMBERS ABSENT: Fred Antosz

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

Call to Order and Pledge of Allegiance

The meeting was called to order by the Chairperson 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. The Chairperson indicated that she would like to add an Introduction of the new Planning Commission members to the agenda as item #4. Hearing no other

changes, she called for a motion to approve the Agenda, as amended. Mr. Skalski made a motion to accept the Agenda, as amended. Mr. Loy seconded the motion. The Chairperson called for a vote on the motion, and the motion passed unanimously.

Introduction of New Members

The Chairperson introduced the three new members of the Planning Commission. She indicated that Fred Antosz could not make it to the meeting due to a prior scheduling conflict, but he would personally be introduced at the next meeting. She introduced Terry Schley, who had previously served on the Planning Commission. Finally, she introduced Dusty Farmer, who was elected to the Township Board in November and recently appointed to the Planning Commission. The Chairperson welcomed the new members and indicated she was looking forward to another good year.

Mr. Schley thanked the Chairperson for the introduction but indicated that unfortunately, he just thought about the fact that he had not yet been sworn in. Therefore, he did not believe he could participate in the meeting. The Chairperson stated she had assumed this had been taken care of. Attorney Porter confirmed that if Mr. Schley had not been sworn in by the Clerk, he was not yet an official member and should not participate in any votes. He indicated that Ms. Farmer had been previously sworn in as a member of the Board of Trustees in November.

Election of Officers and ZBA Liaison

The Chairperson indicated that each January, the Commission must elect a Chair, a Vice Chair, and a Liaison to the Zoning Board of Appeals. She called for nominations.

Mr. Boulding, Sr. nominated Ms. Gelling for Chairperson. Mr. Skalski seconded the nomination. There were no further nominations.

Ms. Gelling nominated Mr. Skalski for Vice Chairperson. Mr. Loy seconded the nomination. There were no further nominations.

The Chairperson then reviewed a summary of the duties of a Zoning Board of Appeals member. Mr. Loy nominated himself as the Liaison to the Zoning Board of Appeals. There were no further nominations.

The Chairperson called for a motion to accept Ms. Gelling as Chairperson, Mr. Skalski as Vice Chairperson, and Mr. Loy as Liaison to the Zoning Board of Appeals. Mr. Skalski made a motion to approve the nominations. Mr. Loy seconded the motion. The motion was approved unanimously.

Public Comment on Non-Agenda Items

The Chairperson called for public comment on non-agenda items. There being none, she proceeded to the next item on the agenda.

Minutes

The Chairperson asked if there were any additions, deletions or corrections to the minutes of December 13, 2012. There were no changes noted. Mr. Skalski made a motion to approve the minutes, as presented. The motion was seconded by Mr. Loy. The Chairperson called for a vote on the motion, and the motion passed unanimously.

WESTGATE 131, LLC – REZONING – REGARDING PROPOSED REZONING OF 60 ACRE PARCEL FROM THE R-3 RESIDENCE AND R-4 RESIDENCE DISTRICTS TO THE C-LOCAL BUSINESS DISTRICT LOCATED AT NORTHWEST END OF MAPLE HILL DRIVE (PARCEL #3905-12-380-010).

The Chairperson indicated that the next item on the agenda was a proposed rezoning of 60 acres of land at the end of Maple Hill Drive from R-3 and R-4 Residential to C Commercial. She asked the Planning Director for his report.

Mr. Milliken presented his staff report. He indicated that the subject property is 60 acres in size and is located north and west of the terminus of Maple Hill Drive. It is currently zoned R-3 and R-4 and the applicants are requesting rezoning to C Commercial. He stated that there was no development proposed at this time in conjunction with the rezoning but the applicants were simply getting the site ready for development so that it would be more appealing to potential retailers and businesses.

Mr. Milliken indicated that the property was the same property that was the subject of discussion during the amendments to the Master Plan when the applicant requested a change to the Future Land Use Map and designation of the property to Commercial from Multi-Family. The property is thereby designated as Commercial in the Master Plan, and the proposed rezoning is consistent with that designation.

Mr. Milliken pointed out a few notable characteristics of the subject property. The site is located east of US-131. It is accessible by water and sewer facilities. The property is adjacent to the highway as well as to large, overhead electrical lines. Immediately surrounding the site are uses that include apartments, senior housing, and hospice care. Further to the south is the West Main Street commercial corridor, one of the busiest and most intense commercial areas in the region. The applicant also owns the property to the south that houses T.G.I. Friday's.

Mr. Milliken indicated that the Zoning Ordinance does not provide much guidance on how to review a rezoning request; simply that the request must satisfy State law. He indicated that surrounding entities were noticed as required. He also noted that the proposed zoning was consistent with the Master Plan. Concerns regarding screening of adjacent uses and access were valid, but he indicated that those would be most relevant at the site plan review stage when there was an actual development to review.

Attorney Porter agreed indicating that the focus should be on following the Master Plan and not on any particular site plan or the details within it. From a legal perspective, he stated he was happy there was no site plan.

The Chairperson asked if any Commissioners had any questions of Mr. Milliken. Hearing none, she asked the applicants to present their request.

Patrick Lennon, 350 E. Kalamazoo, stated that he was a partner in the ownership group as well as a land use attorney. He stated that before any development could occur on this property, they would need to return to the Township for approval of that development and the access and screening issues that would need to be addressed as part of that plan.

Mr. Boulding, Sr. asked if there were any ideas on how much traffic would be added to M43.

Mr. Lennon indicated that it depended on what is developed and what uses are included in that development. He said that they are well aware that access and traffic will need to be addressed with any development. However, much of the infrastructure needs will ultimately be determined by the uses that are added.

Curt Aardema came to the podium and indicated that he works for American Village Builders, who is associated with the ownership group. He said they provided the Commission with a graphic showing how additional road construction could actually pull traffic from any new development at this site and from M43. At this time, he said it was all conceptual. However with more connections, more traffic is dispersed away from one point.

The Chairperson asked if there were any questions of the applicant, or comments. Mr. Skalski indicated that Friday's has terrible access due to the proximity to the 131 access ramp and the inability to turn left. He suggested that this access be addressed at the same time.

Mr. Lennon indicated that it is all in the mix. The entry drive will be impacted and will need to be addressed.

The Chairperson opened the public hearing at 7:25 pm. Hearing no public comments, she closed the public hearing at 7:26 pm.

The Chairperson then asked for discussion amongst the Commissioners. Mr. Loy indicated that the proposed rezoning is in accordance with the Future Land Use Map and is a good use of the property adjacent to the highway and overhead power lines. He had no problems with it.

Mr. Boulding, Sr. stated that he had no objection to the rezoning.

Mr. Skalski stated that he agreed with Mr. Loy. It is a good use of the property. The site has good exposure, and it is a good opportunity for the community.

Ms. Farmer stated that the request is in accord with the Master Plan. She has no objections.

The Chairperson said that she agrees with the rezoning. Development at the site will add to the tax base, should bring jobs to the community, and it is in continuity with the Master Plan and Future Land Use Map.

Hearing no further discussion, the Chairperson called for a motion to recommend approval of the rezoning request to the Township Board. Mr. Loy made a motion to recommend to the Township Board that Parcel #3905-12-380-010 be rezoned from the R-3 and R-4 zoning districts to the C zoning district consistent with the Township Master Plan. Mr. Skalski seconded the motion. The motion was approved unanimously.

OLD BUSINESS

The Chairperson informed the Planning Commission members that proposed amendments to the Zoning Ordinance regarding electronic billboards and microbreweries had been approved by the Township Board at Tuesday night's meeting. She noted that the Board was very complimentary of the work and effort put forth by the Commission and Planning Department.

ANY OTHER BUSINESS

The Chairperson asked that Mr. Milliken please request that the 2013 Schedule of Planning Commission Meeting Dates be included in the Township Newsletter. There being no other business, the Chairperson closed out this agenda item and moved to the next item.

PLANNING COMMISSIONER COMMENTS

Mr. Skalski welcomed Mr. Schley back to the Planning Commission.

Ms. Farmer indicated that she was very excited to be here.

Mr. Schley indicated that he is glad to be back on the Planning Commission. He noted for the Chair that he will miss the February 28th meeting. He noted during his review of past minutes that he observed several instances of Commissioners discussing and researching an issue privately prior to the meeting. Such action shall occur in public at the meeting in order to maintain fairness and avoid any issues. Attorney Porter stated this had previously and efficiently been addressed and dealt with.

Mr. Skalski added that he will miss the first meeting in February and both meetings in March.

Mr. Milliken distributed a copy of the meeting schedule for 2013 for all Boards and Commissions. He also distributed an article from the Michigan Association of Planning on Boards and Commissions. He received information on a training session in February and provided this information to the Commission members.

Admitting he should have presented the following under Any Other Business, Mr. Milliken told the Commission about a meeting he had in December with representatives

of the Road Commission and Kalamazoo Christian Schools regarding the proposed access point on 11th Street. When the proposed expansion of the Christian School facility was approved in November, the access point on 11th Street was a point of concern, and approval was conditioned on negotiation with the Road Commission regarding a potential left turn lane. The Road Commission did not feel such a lane was warranted, and the School was not willing to simply pay for it. However, the School did offer to add some additional pavement (four feet) to the width of the road near the entrance to provide relief areas as needed.

ADJOURNMENT

Having exhausted the agenda, and with there being no other business to discuss, the Planning Commission meeting was adjourned at approximately 7:45 p.m.

Minutes Prepared:
January 15, 2013

Minutes Approved:
January 24, 2013