

OSHTEMO CHARTER TOWNSHIP

PLANNING COMMISSION

MINUTES OF A MEETING HELD MAY 9, 2013

Agenda

PUBLIC HEARING – SPECIAL EXCEPTION USE REVIEW OF THE APPLICATION OF SAGE & ASSOCIATES TO ALLOW A NONRESIDENT ON-PREMISES EMPLOYEE TO WORK AT A HOME OCCUPATION LOCATED AT 293 LODGE LANE IN THE R-1 RESIDENCE DISTRICT (PARCEL #3905-14-490-040)

DISCUSSION OF POTENTIAL ZONING ORDINANCE AMENDMENTS REGARDING TEMPORARY SIGNS

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, May 9, 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, Attorney James Porter, Meeting Transcriptionist Martha Coash, and five 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 none, she called for a motion to accept the Agenda, as submitted. Mr. Skalski made a motion to accept the agenda as presented. 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.

Mr. Peter Brakeman, 2611 N. Drake Road, introduced himself to the Board and explained his home is 136 years old, well-built and has historical overlay zone status. He is working on a 20 year plan of extensive restoration. The owner of a 4 acre parcel at Drake Rd and H Avenue, just north of his property, has started to take out trees with plans to develop the land. Mr. Brakeman is concerned about losing essential historic property and hopes the development will be done in a way that will not be detrimental to his property or to the character of the Township. This is the first Planning Commission meeting he has attended and noted he was there to educate himself as to how business is conducted.

Chairperson Gelling thanked him for his comments and his attendance at the meeting.

There being no further comments, the Chairperson proceeded to the next agenda item.

APPROVAL OF THE MINUTES OF April 25, 2013

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

PUBLIC HEARING – SPECIAL EXCEPTION USE REVIEW OF THE APPLICATION OF SAGE & ASSOCIATES TO ALLOW A NONRESIDENT ON-PREMISES EMPLOYEE TO WORK AT A HOME OCCUPATION LOCATED AT 293 LODGE LANE IN THE R-1 RESIDENCE DISTRICT (PARCEL #3905-14-490-040)

Chairperson Gelling indicated the next item on the agenda was a public hearing to address a special exception use review of the application of Sage & Associates to allow a nonresident on-premises employee to work at a home occupation located at 293 Lodge Lane in the R-1 Residence District (parcel #3905-14-490-040).

The Chairperson asked Planning Director, Mr. Milliken to please review this item with the Planning Commissioners in more detail.

Mr. Milliken indicated the applicant, Ellen S. Brown, lives at 293 Lodge Lane in the Country Club Village subdivision, just north of the corner of Lodge Lane and Valley

View. She is a financial advisor and insurance agent. She has moved her office into her home and is requesting a special exception use approval of a home occupation with one nonresidential employee so an administrative assistant may work in her home office.

He noted if the use satisfies the criteria in Section 78.900 – Home Occupation, the use is permitted and no approvals are necessary. Section 78.920 provides flexibility on a few items through the special exception use approval process. In this instance, the home occupation criteria in Section 78.910 do not allow nonresident employees to work at the residence, but it identifies such an employee as a standard that can be exceeded through the special exception use process provided there is no more than one nonresident employee. The applicant is requesting approval for one nonresident employee to assist with her home occupation use.

He said that in her letter dated April 12, 2013, Ms. Brown indicates most of her client visits are off-site. On occasion, 1-3 clients per month may come to her home office. Therefore, there is limited additional traffic generated from the business. The applicant indicates an administrative assistant would work two to three (2-3) times per week, 20-30 hours, between 8 a.m. and 4 p.m.

The home occupation occurs in a designated office space/den within the floor plan of the home and occupies approximately 15% of the home's floor space.

Since the request meets the special exception use criteria, Mr. Milliken recommended approval of Ms. Brown's request.

Chairperson Gelling thanked Mr. Milliken for his explanation and recommendation and asked Commission Members for any comments or questions before asking Ms. Brown to speak.

Mr. Skalski asked if Mr. Milliken knew how many special exception permits have been approved. Mr. Milliken indicated he did not have that information available.

The Chairperson asked if there had been any complaints to date since having moved the office into the home and Mr. Milliken replied there have been none.

Mr. Schley wondered if there is anything in historical notes regarding the ordinance about whether it is allowable to see customers in a principal residence.

Mr. Milliken said he did not do research on the history of the ordinance. His concern was the possibility of an increase in vehicular traffic, which was why he asked about customers/clients. He did not see a specific prohibition.

Hearing no further board comments, Chairperson Gelling asked Ms. Brown to please introduce herself and address the Commission.

Ms. Ellen Brown, 293 Lodge Lane, noted the Planning Commission Members had a copy of the letter she sent to Mr. Milliken and to all her neighbors. She has spoken to several neighbors whose comments were all favorable. In response to a question from Mr. Boulding Sr. who was concerned whether there were different fire laws regarding egress/ingress for a quasi-office than for a residence, she indicated there would not be a separate entrance for the office.

Mr. Milliken indicated a home occupation is subject to residential standards. The broader intent is to keep the appearance consistent with a residential structure; adding a second door would make it stand out.

Chairperson Gelling asked Ms. Brown to please restate what the hours of business would be, how many customers would come to her home in an average week, and where the employee would park.

Ms. Brown said the hours the administrative assistant would work would be between 20-30 hours during the work week with no weekend hours. From January 1 to the current date, she has seen four people at her home. Parking for the employee working in the office would be in the driveway, not on the street.

In response to a question from Mr. Schley, Ms. Brown said it was possible the employee might work four days in some weeks, but would more typically work 2-3 days a week, not to exceed 30 hours.

Mr. Schley asked Ms. Brown if the Planning Commission approved the exception request without approval for customers to be seen at the residence, whether that would be acceptable.

Ms. Brown replied that if the approval contained that contingency it would be acceptable.

Hearing no further questions for Ms. Brown from Board Members, Chairperson Gelling opened the discussion to the public and asked if there were any questions or comments.

Mr. Dan Thompson, 105 Echo Hills Drive in Country Club Village, indicated his support for Ms. Brown's request for a special exception use. He said over the 40 years he has lived in Country Club Village many residents have operated businesses, but no one has ever come to the Planning Commission to ask permission. Ms. Brown is going about this in the right way and he appreciates the way she is proceeding.

The Chairperson thanked Mr. Thompson for his comments and hearing no further comments, closed the public hearing and asked for board deliberations on the question at hand.

Ms. Farmer said she hadn't considered the exception in regards to customers coming to the home, but unless that is troublesome, sees no problem with approving this specific use.

Mr. Antosz, Mr. Skalski, Mr. Boulding Sr., Mr. Loy, and Chairperson Gelling agreed they had no concerns about the request.

Mr. Schley said he sees no problem with the request to allow one employee, but would like specifics such as operating times included in the approval. He is still concerned with allowing customers to come to the residence. His feeling is that the code did not intend customer visitation and that in light of the possibility of building code overlay, which is not the purview of the Planning Commission, there could be questions about ADA, parking requirements etc.

Chairperson Gelling asked Ms. Brown to please return to the podium for some further clarification.

The Chairperson asked the applicant to please provide insight into customer visitation. Ms. Brown confirmed that her primary focus regarding customers was to meet with them at locations other than her residence. She noted there is a one-step landing at the front door of the home and that any visitors as well as the administrative assistant would park in her driveway, not on the street.

Attorney Porter commented he did not disagree with Mr. Schley's concern. There is no absolute prohibition of customers in a home. There is some provision to allow a very limited number of customers and limited activity. He suggested that those standards be listed in the exception's approval.

Mr. Milliken added that although he does not have the history related to the creation of the ordinance, he does not see prohibitive language for limited customers. He noted that if more traffic is created than necessary it would become an enforcement issue.

Hearing no further comments, Chairperson Gelling made a motion to approve the exception as requested with the inclusion of a limit of 20-30 hours per week, parking confined to the driveway for the employee and customers, no Saturday or Sunday hours, and limited customer visitation between 8:00 a.m. and 4:00 p.m. Monday through Friday. The motion was seconded by Mr. Skalski. The motion carried six (6) yes votes to one (1) no vote from Mr. Schley. The Chairperson thanked Ms. Brown for coming before the Planning Commission, and for the professional manner in which she went about it.

Mr. Schley explained his no vote was due to his site standard concerns.

DISCUSSION OF POTENTIAL ZONING ORDINANCE AMENDMENTS REGARDING TEMPORARY SIGNS

Chairperson Gelling asked Mr. Milliken to please review the progress he was making on drafting amendment language regarding temporary signs.

Mr. Milliken explained the goal was to amend the section of the ordinance regarding temporary signs to make following them easier for staff and users. He explained he is developing a table for the various types of temporary signs to consolidate them into one section. He has not yet addressed definitions of the temporary sign types. Also to be addressed is the limit on banners at multi business locations; he thinks the “bonus” provision should be eliminated.

Chairperson Gelling confirmed that Mr. Milliken will continue to work on and develop revisions with the goal of saving time and confusion. He indicated he still hopes to bring something to the Commission at the May 23 meeting, but wants to coordinate amendments internally with Township office personnel first.

The Chairperson told the Planning Director not to feel under undue pressure, that if he is not ready with something at the next May meeting, the aim will be for June.

ANY OTHER BUSINESS

There was some discussion of the progress toward eliminating collection boxes in business parking lots that are in violation of Township ordinances. Mr. Milliken said the enforcement officer is working with property owners and that businesses have eliminated about 50% of the bins to date. He is very pleased with the cooperation and progress on this issue.

PLANNING COMMISSIONER COMMENTS

Chairperson Gelling reminded Members of the upcoming Joint Boards Meeting on Tuesday, May 21 at 6:00 p.m.

Mr. Schley suggested there is a comparison of home occupation standards with the Michigan Business Code in Township files. He felt it would be valuable to review that document.

Attorney Porter agreed it would be good to take a closer look at standards.

Mr. Boulding Sr. asked that copies be distributed to Commissioners and Mr. Schley said he could provide the document to the Township for distribution to Commissioners. Ms. Farmer said she would also like to see the comparison document.

Chairperson Gelling ascertained and confirmed that the Board Members would like to continue to have hard copy packets of meeting materials provided for pick-up at the Township Office, in addition to receiving the materials via e-mail. She felt pleased that the Township was saving costs by no longer mailing the copies, verses having the packets picked-up/emailed.

The Chairperson asked Attorney Porter for an update on the ITC transmission line decision. He indicated the ALJ (Administrative Law Judge) sided with the NICE citizens group and Township. It is anticipated that by May 20 ITC will file exceptions countering arguments of the ALJ.

Chairperson Gelling told Attorney Porter his perseverance was appreciated, as were his efforts.

Attorney Porter said that with the ITC decision and the closing of the Medical Marijuana Clinic, it was a good week.

Mr. Milliken thanked everyone for coming to last week's training session and noted the next Planning Commission meeting will include a special exception use application for Walters Auto service area on Michigan Avenue. Also on the agenda will be Jakes Fireworks/Hardings application. He added he is not sure yet whether there will be a May Zoning Board of Appeals meeting.

Mr. Loy thanked Mr. Milliken for a well-received, great training session; Mr. Skalski concurred.

Mr. Boulding, Sr. commented things can be done in a residential setting that cannot be done in a commercial setting, which creates a grey area. He is concerned about a public safety hazard for personal safety. There may be codes/laws that are violated when trying to be helpful and he agrees we need to be sure we are not in violation of regulations.

Chairperson Gelling said she heard many positive comments about the training Mr. Milliken provided at last week's session as well as the accommodations, staff, and Township in general.

Ms. Farmer thanked Ms. Gelling for enhancing the ambiance of the event by providing refreshments.

ADJOURNMENT

Having exhausted the Planning Commission agenda and with there being no further business to discuss, Chairperson Gelling adjourned the meeting at approximately 8:07 p.m.

Minutes prepared:
May 11, 2013

Minutes approved:
May 23, 2013