

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD MAY 14, 2015

Agenda

PUBLIC HEARING: PLANNING COMMISSION TO REVIEW APPLICATION OF TIM WOODHAMS, ON BEHALF OF MAR-BO INVESTMENTS, INC., FOR TENTATIVE APPROVAL OF A PRELIMINARY SITE CONDOMINIUM PLAN (STEP 1) FOR A 40-UNIT RESIDENTIAL SITE CONDOMINIUM DEVELOPMENT NAMED VAN KAL SITE CONDOMINIUM. THE SUBJECT PROPERTY IS LOCATED AT 3839 SOUTH VAN KAL AVENUE IN THE RR RURAL RESIDENTIAL DISTRICT. (PARCEL #3905-31-155-030).

PUBLIC HEARING: PLANNING COMMISSION TO CONDUCT SPECIAL EXCEPTION USE AND SITE PLAN REVIEW OF THE APPLICATION OF JAKES FIREWORKS INC. FOR TEMPORARY OUTDOOR SALES FROM JUNE 20 TO JULY 5, 2015 IN HARDING'S MARKET PARKING LOT LOCATED AT 6430 WEST STADIUM DRIVE WITHIN THE VC VILLAGE COMMERCIAL DISTRICT (PARCEL #3905-26-465-022).

PUBLIC HEARING: PLANNING COMMISSION TO CONSIDER SPECIAL EXCEPTION USE REQUEST OF THE APPLICATION FROM KA-BOOMER'S ENTERPRISES INC. FOR ESTABLISHMENT OF A TEMPORARY OUTDOOR SALES USE LASTING LONGER THAN ONE DAY LOCATED IN THE PARKING LOT OF AN EXISTING COMMERCIAL CENTER (MENARD'S) AT 6800 WEST MAIN STREET IN THE C LOCAL BUSINESS DISTRICT. (PARCEL #3905-14-155-029).

PUBLIC HEARING: PLANNING COMMISSION TO CONSIDER SPECIAL EXCEPTION USE REQUEST OF THE APPLICATION FROM OSHTEMO CHARTER TOWNSHIP FOR ESTABLISHMENT OF A PRIVATE, SHARED, COMMERCIAL ACCESS DRIVE TO BE LOCATED NEAR THE SOUTHEAST CORNER OF 9TH STREET AND STADIUM DRIVE WITH ACCESS FROM ATLANTIC AVENUE AND PROPERTIES WITH FRONTAGE ON 9TH STREET. THE SUBJECT PROPERTY IS LOCATED WITHIN THE VC VILLAGE COMMERCIAL. (PARCEL #3905-35-205-132).

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, May 14, 2015, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairperson
Fred Antosz
Wiley Boulding, Sr.
Dusty Farmer

Pam Jackson
Millard Loy
Mary Smith

MEMBERS ABSENT: None

Also present were Greg Milliken, Planning Director; James Porter, Attorney; and Martha Coash, Meeting Transcriptionist. Approximately ten other persons were in attendance.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The meeting was called to order by Chairperson Schley at approximately 7:00 p.m. and the "Pledge of Allegiance" was recited.

AGENDA

The Chairperson noted that the applicant for item number six, regarding a public hearing for the review of the Van Kal Site Condominium, asked that it be removed from the agenda and tabled until the May 28, 2015 meeting. He explained to the audience that the applicant heard the comments from the public and the Planning Commission and was going to look at the condo project in a little different fashion. In light of expected changes to the plan it would not be valuable to discuss the original plan at this point. He said there would be a new and complete public hearing on this matter at the May 28 meeting, and noted the public comments made to date are on record, but that if those in attendance would like to speak further, they could do so under the "Public Comment on Non-Agenda Items" portion of the agenda. Chairperson Schley asked for a motion to approve the agenda with the removal of item six.

Mr. Loy made a motion to accept the agenda as presented with the removal of item six. Ms. Smith seconded the motion. The motion passed unanimously.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Chairperson Schley asked if anyone in attendance wished to comment on non-agenda items.

Ms. Julie Rogers, 3428 Marlene Avenue, County Commissioner representing the 5th District, told the Board she had heard from many of her constituents who live on Van Kal Avenue about this issue and that there was not one positive comment. She and others are concerned about the two-week turnaround time for the next public hearing, which will be just after the holiday weekend. Since she ran for the County Commission in 2012, the hot topic in the area is the concern over sewers. This area of the Township already has issues without adding another 40 homes, and there is probably no intent for the Township to add sewers in that area any time soon. She noted a high volume of traffic in that area and said she has almost been hit herself several times; additional

homes will add to that problem. She said she would try to be back at the meeting in two weeks with further comments, but would put them in writing. She thanked the Board for listening to her comments.

Mr. Wade Lawrence, 10749 West M Avenue, expressed his displeasure that there was no notification that this item would not be on the agenda. He asked rhetorically if he had called and said he couldn't make it tonight if the meeting would be rescheduled around him. He said there is a perception among residents that there is some favoritism going on with the developer. He added that cancelling at the last minute is discourteous if nothing else. At the last meeting there were due process issues raised and he said he would raise those same issues for the May 28 meeting. 15 days' notice is required for the public, this allows 14 days and not only did he not receive notification that this issue would not be discussed at this meeting, but he would raise the due process issue regarding whether there is sufficient notification for people to attend on May 28. People had to rearrange schedules to attend tonight and if nothing else, this was very discourteous on the part of the Planning Commission.

Attorney Porter explained that it was the developer who requested the public hearing be rescheduled to a date certain, following due process requirements.

Chairperson Schley added the Planning Commission followed proper application process. The applicant has the right to withdraw the application or ask that it be tabled at any time, including on the evening of its review. He noted that has happened in the past at times, due to the wisdom of the applicant, when more time was needed to make modifications to the proposal. In this case, the applicant met with planning staff very recently. They would have hoped that would have occurred sooner, but it wasn't able to occur sooner. The applicant has the right, without any bias of any member of the Planning Commission, to ask that consideration of the proposal be postponed. He wished it had been possible to get notice to everyone sooner, but he wanted everyone to understand that if the applicant had attended the meeting and simply stood up and asked that consideration of the application be postponed, they would have been required to grant that request. The Chairperson resumed the opportunity for public comments.

Mr. Art Diani, 4115 Van Kal, seconded Mr. Lawrence's comments, saying this smells like a backroom deal or that it is politically motivated. People are very, very upset; 50 people were planning to attend the meeting tonight. The last minute cancellation was very destructive to their schedules. Postponing for four weeks, then again for two weeks on short notice does not look good. It suggests some sort of under the table deal. He said he understood a moratorium on building in their area had been discussed because of the sewage problem, but it seems that was thrown out the window. He noted there are some very disappointed and upset taxpayers over this issue.

Ms. Judy Diani, 4115 Van Kal, expressed her frustration. A lot of people were planning to attend this meeting to express serious concerns about the proposed project

regarding the environment, water quality and sewage. She did not hear until late in the afternoon, by chance, that the issue would not be on the agenda and wondered why there was not at least a phone chain or something to alert people. She tried to call as many people as possible to let them know of the change, but said people shouldn't be treated like this. Next time will be the third time residents will be coming to a meeting for this process and she wondered why applicants are more important than more than 50 people who live in the area. They are coming in to propose a plat and she wondered why their idea of a plat is more important than all the people who have lived there for many years. They are concerned about the possibility of clear-cutting trees and bulldozing before the plat is approved. She hoped the Board understands residents' frustration and thanked the Board for listening.

Chairperson Schley thanked the audience for their comments.

Mr. Milliken asked if there might be a contact person Township personnel could contact in order to start a phone chain if there is a further postponement, which could occur. He said they noted the postponement for tonight's meeting on the website and posted it on the door, but did not have phone numbers or e-mails for residents in order to broadly distribute the information.

Ms. Diani said she would be willing to be the contact.

Attorney Porter said the law is pretty well established in Michigan that if you have public notice and then table to a date certain there is no requirement under the law to re-notice or re-publish. If it is necessary to table again, although there is no requirement to re-notice or re-publish, he would not be comfortable with that. He noted publication costs are very expensive.

Hearing no further public comments on non-agenda items, Chairperson Schley moved to the next item on the agenda.

APPROVAL OF THE MINUTES OF APRIL 23, 2015

The Chairperson asked if there were any additions, deletions or corrections to the minutes of the Meeting of April 23, 2015. Hearing none, he asked for a motion to approve the minutes as presented.

Mr. Loy made a motion to approve the minutes of the April 23, 2015 meeting. Ms. Farmer seconded the motion. The motion was approved unanimously.

Chairperson Schley moved to the next item on the agenda.

PUBLIC HEARING: PLANNING COMMISSION TO CONDUCT SPECIAL EXCEPTION USE AND SITE PLAN REVIEW OF THE APPLICATION OF JAKES FIREWORKS INC. FOR TEMPORARY OUTDOOR SALES FROM JUNE 20 TO JULY 5, 2015 IN HARDING'S MARKET PARKING LOT LOCATED AT 6430 WEST STADIUM DRIVE WITHIN THE VC VILLAGE COMMERCIAL DISTRICT (PARCEL #3905-26-465-022).

Chairperson Schley said the next item on the agenda was a special exception use and site plan review of the application of Jakes Fireworks Inc. for temporary outdoor sales in Harding's parking lot. He asked Mr. Milliken to review the request.

Mr. Milliken explained the applicant is seeking to locate a temporary fireworks sales tent in the parking lot of the Harding's grocery store at the corner of 9th Street and Stadium Drive. Such a use is a special exception use in the VC zoning district because it will last more than one day. Section 33.213 of the Ordinance contains specific standards for temporary outdoor events. The applicants are seeking to operate from 6/20/15 to 7/5/15 – a period just over two weeks. The applicant has indicated that the tent would be set up approximately two days before, around 6/18/15, and torn down approximately four days after, around 7/9/15.

He said the applicant is proposing a 1,600 square foot (40' x 40') tent for the sale and display of fireworks. They will be selling a full line of consumer fireworks ranging from sparklers to aerials at retail from the tent. It is proposed to be located in the southern portion of the parking lot between the retail structure that contains Subway and the driveway to Stadium Drive at the Parkview Drive intersection. The tent will be located in approximately the same location as it was located last year, and is the same size as last year. As with previous years, the tent will need to be set back 10 feet from the edge of the parking lot pavement to satisfy separation requirements.

Mr. Milliken noted that centrally located within this parking lot aisle, the tent and the required buffer to surrounding vehicles shall occupy 10-15 of the current parking spaces existing at the site.

He said the facility would be open from 9am to 9pm during its period of operation. However, the applicant has indicated that on the days approaching the 4th of July, it is likely that store would be open a little later based on customer interest, likely 8am to 10pm. During the night when the store is closed, representatives of the company would remain on site to monitor the inventory and ensure nothing happens to the firework devices.

He also noted that if approved, this will be the fourth year for Jake's Fireworks to operate at this location.

He said last year, there was substantial discussion regarding the set-up and tear-down dates following issues of non-compliance in 2013. A \$450 compliance deposit was required in 2014. There were no issues with the set up and tear down schedule

last year, and the schedule request is the same as last year. The applicant has submitted a \$400 compliance deposit for your consideration this year.

He added that in previous years, the tent has been located at the same spot as proposed, and there have been no formal complaints filed regarding impacts of the proposed development on parking or circulation.

Mr. Milliken said the Fire Department has reviewed the plans and did not have any comments regarding the proposed facility at this time. The Fire Marshall will inspect the facility prior to initiating operation.

He said the application meets all Standards for Approval and noted there were no time-frame issues last year.

He concluded by saying this is the fourth year this applicant has sought approval for the same use at the same site, and there have been no issues reported during the previous periods. The Commission should consider whether administrative review is acceptable for future requests provided future requests are consistent with the proposed.

Chairperson Schley asked if Commissioners had questions for Mr. Milliken.

Ms. Smith noted there were two applications for firework sales permits presented at the meeting and there was a disparity in the stated liability insurance amount. She wondered if that is conditioned by the Township's Fire Department or the fireworks company.

Chairperson Schley said that generally speaking what happens under the tent is regulated by the State of Michigan.

The Chairperson also commented he would like to be consistent regarding whether a deposit should be required for these types of applications.

Mr. Milliken said he would be happy to do that, but noted tracking and refunding deposits can be an administrative challenge.

There were no further comments or discussion; Chairperson Schley noted the applicant was not present and determined there were no comments from the public on this issue. He asked for a motion to approve the request from Jakes Fireworks.

Mr. Loy made a motion to approve the application from Jakes Fireworks with the following conditions:

1. The tent shall only be up from June 18 to July 9.

2. The hours are limited to 9am to 9pm from June 20-28 and 8am to 11pm from June 29 to July 5.
3. All signs shall satisfy the requirements of the Township Zoning Ordinance.
4. Someone shall be onsite 24 hours day.
5. All comments or issues raised by the Fire Department during the course of this review and/or any subsequent inspection shall be complied with.
6. A compliance deposit shall be paid to the Township as a condition of approval prior to setting up the tent. The deposit will be refunded to the applicant in full provided that all conditions are met. If any of the approved conditions are not met, a fine equal to \$75 for each day that any infractions take place shall be retained by the Township.
7. Provided future requests submitted by the applicant are similar in terms of location, scale, and extent, and that there have been no issues or complaints received by the Township regarding the use, said future requests may be approved administratively.

Mr. Boulding, Sr. seconded the motion. The motion was approved unanimously.

Ms. Farmer said she would like to see consistency with the retainer deposits and would like to see them paid by each applicant. She noted it is sometimes difficult to get tents moved out in a timely fashion.

PUBLIC HEARING: PLANNING COMMISSION TO CONSIDER SPECIAL EXCEPTION USE REQUEST OF THE APPLICATION FROM KA-BOOMER'S ENTERPRISES INC. FOR ESTABLISHMENT OF A TEMPORARY OUTDOOR SALES USE LASTING LONGER THAN ONE DAY LOCATED IN THE PARKING LOT OF AN EXISTING COMMERCIAL CENTER (MENARD'S) AT 6800 WEST MAIN STREET IN THE C LOCAL BUSINESS DISTRICT. (PARCEL #3905-14-155-029).

Chairperson Schley said the next item on the agenda was a special exception use request of the application of Ka-Boomer's Enterprises for temporary outdoor sales in the Menard's parking lot. He asked Mr. Milliken to review the request.

Mr. Milliken said the applicant is seeking to locate a temporary fireworks sales tent in the parking lot of the Menard's Center on West Main Street. The applicant is seeking to operate from 6/25/15 to 7/4/15 – a period of 10 days. The tent will be installed two to three days prior and removed one to two days after the period indicated.

He said proposed is a 1,600 square foot (20'x80') tent for the sale and display of fireworks. They will be selling a full line of consumer fireworks ranging from sparklers to aerials at retail from the tent. It is proposed to be located in the south-central portion of

the parking lot adjacent to the access drive serving the out lot centers and Menard's. The location complies with all required building setbacks. The applicant has indicated that it will be 200 feet from the front of Menard's store and is located in the middle of a row of parking spaces. In addition, a storage trailer for supplies and inventory is proposed to be located within the same bank of parking spaces north of the tent. These parking spaces will not be available for use during the sales period.

Mr. Milliken explained the bank of parking spaces within which the tent will be located is 40 feet wide, and therefore, space is available to provide the required 10-foot buffer area on each side of the 20-foot wide tent without extending into the adjacent driveways.

He said last year the hours of operation were from 10 am to 10 pm daily, and the applicant provided 24 hour security on site.

He noted the Fire Department reviewed the plans and found them to be acceptable.

He also noted this is the second year Ka-Boomer's has located in the Township. There were no issues or complaints filed based on last year's location.

Mr. Milliken said all Standard for Approval were met by the applicant and the proposed use is consistent with existing uses in the C district as well as within the surrounding commercial center.

He suggested the Commission consider whether administrative review is acceptable for future requests provided they are consistent with the proposed.

Chairperson Schley noted the applicant was not assessed a removal fee and would not be expecting one.

Mr. Milliken said he would contact them and let them know they will be required to pay a \$400 fee if the Commission makes that a condition of approval.

In response to a question from Ms. Farmer, Mr. Milliken said he did not initially assess a fee since there was no problem with the time-frame for tent removal last year and he did not feel it was needed.

The Chairperson noted the applicant was not present and determined there were no members of the public who wished to comment on this item. He moved to Board deliberations.

There was an extended discussion about escrow deposits regarding the desire for consistency, the need to get it into permanent communications if required, difficulty of administering deposits/refunds, whether those in compliance should be required to deposit funds, whether not granting approval in subsequent years if rules are not

followed is sufficient penalty without a deposit, whether the reminder to applicants of responsibility to the people of the Township warrants a standard fee, whether a fee, if imposed, should be limited to fireworks concerns or possibly to transient businesses who do not necessarily have any loyalty to the Township.

After discussion, it was the consensus of the Commission that a \$400 special exception use fee be instituted for fireworks applicants to be held and returned if conditions are met by the vendor.

Chairperson Schley asked for a motion to approve the application from Ka-Boomers Enterprises.

Mr. Loy made a motion to approve the application from Ka-Boomer's Enterprises with the following conditions:

1. Comply with any comments or issues raised by the Fire Department during the course of this review and/or any subsequent inspection.
2. Any signage shall require a sign permit in conformance with the standards of the Township Zoning Ordinance
3. A \$400 compliance deposit shall be paid to the Township as a condition of approval prior to setting up the tent. The deposit will be refunded to the applicant in full provided that all conditions are met. If any of the approved conditions are not met, a fine equal to \$75 for each day that any infractions take place shall be retained by the Township.
4. Provided future requests submitted by the applicant are similar in terms of location, scale, and extent, and that there have been no issues or complaints received by the Township regarding the use, said future requests may be approved administratively.

Ms. Farmer seconded the motion. The motion was approved unanimously.

PUBLIC HEARING: PLANNING COMMISSION TO CONSIDER SPECIAL EXCEPTION USE REQUEST OF THE APPLICATION FROM OSHTEMO CHARTER TOWNSHIP FOR ESTABLISHMENT OF A PRIVATE, SHARED, COMMERCIAL ACCESS DRIVE TO BE LOCATED NEAR THE SOUTHEAST CORNER OF 9TH STREET AND STADIUM DRIVE WITH ACCESS FROM ATLANTIC AVENUE AND PROPERTIES WITH FRONTAGE ON 9TH STREET. THE SUBJECT PROPERTY IS LOCATED WITHIN THE VC VILLAGE COMMERCIAL. (PARCEL #3905-35-205-132).

Chairperson Schley said the next item on the agenda was a request for a special exception use from Oshtemo Township for an access drive near the southeast corner of 9th Street and Stadium Drive. He noted he is the Chair of the DDA, which is a proposed

partner in this project, and he asked Vice Chair Jackson to take over as Chair while he stepped down from the dais.

Vice Chair Jackson asked Mr. Milliken to review the request.

Mr. Milliken explained that Oshtemo Township, in coordination with the Downtown Development Authority (DDA), seeks to develop a commercial access drive on 3.44 acres of vacant property the Township owns to the rear (south) of the Community Center located at the intersection of Stadium Drive and Parkview Avenue. The groups have been working in partnership on the design and concept of the access drive for several months and have recently brought on OCBA as a design partner to refine the plans and bring the concept to construction.

He said the Township and DDA are proposing development of a commercial access driveway with an access point on Atlantic Avenue. The intent is to provide an alternative access route for traffic serving businesses and properties along 9th Street in this area. Due to congestion and the number of access points, ingress and egress to these businesses can be challenging. This is particularly so for trucks making deliveries. The access drive mitigates the safety and congestion issues that exist here by directing traffic further south to Atlantic Avenue.

Mr. Milliken told the Board the drive is a private road and will be maintained as such. However, it is planned to be constructed to Road Commission standards in terms of road specifications. It is 24 feet in width with two 12 foot lanes. The access drive centers upon a traffic circle that has been designed with radii that can accommodate trucks and emergency vehicles. The traffic circle was specifically integrated into the design as a traffic-calming feature to reduce the temptation to use the proposed drive as a cut-through in the area. It also allows for multiple points of access as properties connect to the access drive.

He said a sidewalk system is proposed in conjunction with the commercial access drive. The sidewalk extends the existing sidewalk on the north side of Atlantic east to the proposed commercial access drive. The sidewalk then travels north along the easterly side of the proposed drive for its entire length.

He noted bio swales and rain gardens have been proposed to accommodate stormwater drainage from the proposed drive. A portion of one of the drainage structures extends west into an adjacent private property. An easement or some other form of agreement with that property owner will be necessary. Over time, adjustments to the size of these structures are anticipated as they could be used for shared storage of stormwater from redevelopment of properties along 9th Street.

Mr. Milliken said this discussion and development of this concept started at the DDA about two years ago as members of the DDA worked to address issues of congestion, safety, and access along 9th Street. The DDA initiated conversation with the Township Board regarding potential use of the Township owned property south of

the Community Center. This prompted the Township to explore the acquisition of the adjacent property and then subsequently refine the design to address concerns identified by the Board.

He explained in order to connect to the drive properties will have to sign an agreement with the Township. The agreement addresses issues such as annual and long-term maintenance of the drive, cross-access connections to adjacent properties, and driveway closures. The intent of the agreement is to allow all properties along this portion of 9th Street access to the drive either by direct connection to the drive or via shared-access connection to an existing connection point on an adjacent property.

As shown on the plan, he said, two property owners have shown interest in connection at this point. This interest has been consistent and sustained throughout the discussions and both have been engaged in the design process. Besides these two, there is one other property owner that owns several other properties along the corridor. This owner has indicated interest but is waiting to sign on and connect. The remaining properties are predominately residential and will likely connect upon redevelopment at some point in the future.

He noted the subject property is located in the VC Village Commercial District as well as the Village Form Based Code Overlay District. As described in Section 33, most non-residential development in the VC district requires Planning Commission approval. Section 34.910.B indicates that any proposed improvement in the Village Area Form Based Code Overlay District requires site plan review approved by the Planning Commission.

Mr. Milliken said the DDA has recognized an issue with access, congestion, and safety in regards to the ingress and egress of properties on 9th Street south of Stadium Drive, and they have proposed a solution in conjunction with the Township Board.

He explained that as the Commission considers the proposal and the request for approval, it can still rely upon the standards for site plans and special exception uses as a general framework for your decision making. Will the development impact adjacent properties? Will the development be compatible with surrounding development? Will there be a negative impact on natural features?

Vice Chair Jackson asked if there were questions for Mr. Milliken.

Mr. Loy confirmed AT&T's right of way will connect to the road.

The Vice Chair asked about future use.

Mr. Milliken said the plan allows for potential opportunities, unknown at this time, per the DDA's Village Theme Development Plan and the Form Based Code, which could include mixed use development. There will likely be needs for shared parking, drainage, etc. as redevelopment of the primary roads occurs.

In response to a question from Ms. Smith, Mr. Milliken confirmed there were a number of opportunities for public input in the development process. There were attempts to contact those residents located immediately adjacent on 9th Street. There were a variety of meetings that provided opportunities for engagement and comments. In addition, this public hearing was noticed to all areas within 300 feet.

Vice Chair Jackson asked if there were other businesses who may intend to connect.

Mr. Milliken said two businesses participated from the beginning; a third property owner has verbally expressed interest. The remaining properties are residential or do not extend all the way the east, so would share a drive with adjacent property.

There were no further questions. Vice Chair Jackson asked Mr. Ken Paragon of OCBA to comment.

Mr. Paragon said OCBA has been working with the DDA for a year and a half on access drive issues and how future development might be assisted. A main goal is to get trucks off Stadium Drive and 9th St. It is designed to be flexible in terms of future connections and uses. The project complies with Road Commission standards and is expected to stand up to fairly heavy use. He said they would protect natural resources though some trees would need to come down; perennials will be planted in the center aisle. The drive will line up with the existing church drive for better visibility.

Mr. Loy had some concern about whether the size of the circle radius was too small to allow a semi to turn.

Mr. Paragon said there would be a five foot strip of cobblestones to allow extra space for truck movement. He agreed to revisit and reconfirm the proposed radius and drive configuration will be enough to provide an adequate turning radius for semi-trucks.

Mr. Paragon discussed the depth of swales responding to a question from Mr. Loy.

There were no more questions from the Board for Mr. Paragon.

Vice Chair Jackson asked if any members of the public wished to speak.

Mr. Michael Lutke, owner of the adjacent pool company, said that for over 30 years, he has seen numerous accidents and many near misses at this location and he feels this is a great plan to get his customers and employees safely in and out of his business. He said he has been waiting for this type of development for a long time.

Mr. Boulding, Sr. made a motion to approve the special exception use request from Oshtemo Township for establishment of a private, shared, commercial access drive as presented with the following conditions:

1. An easement or similar agreement be reached with the adjacent property owner to accommodate the drainage structure the crosses the property line.
2. The applicant shall comply with all requirements and feedback of the Township Engineer.
3. The applicant shall comply with all requirements and feedback of the Township Fire Marshal.

Mr. Loy seconded the motion. The motion was approved unanimously.

Chairperson Schley returned to the dais.

OLD BUSINESS

There was no old business. The Chairperson moved to the next item.

OTHER BUSINESS

Chairperson Schley noted he would be out of state when the Commission meets on June 11.

Mr. Milliken said the Van Kal condo and rezoning request is expected to be on the agenda for the May 28 meeting along with a rezoning request, and he indicated he would remind the Board of the joint meeting scheduled for Tuesday, May 19.

PLANNING COMMISSIONER COMMENTS

Mr. Boulding, Sr. mentioned articles he recently read regarding general sewage issues and looming water crises and the need for pro-action.

Attorney Porter noted septic system issues rest with the Health Department. He indicated he would recap where the Commission should focus its attention and what is within its jurisdiction. He understood the overall larger concern, but emphasized the need to focus on what is in the Board's purview.

Ms. Jackson said she feels the Planning Commission is highly ethical and there has never been a question in her mind that all issues are handled above board. There is never favoritism or under the table dealings.

Mr. Loy commented OHS, OCBA, and Ken Paragon are working on a five-year master plan for the Drake Homestead and noted there is a meeting on May 27, including a 4-6 p.m. drop in session. He said there have been three input sessions at the Drake House and encouraged everyone to drop by on the 27th.

Ms. Smith asked about a definition for a “block.”

Attorney Porter said past Boards have interpreted a block as the street itself.

Chairperson Schley said he was troubled by challenges to Board Members’ character by members of the audience. He thinks it is because folks do not understand the process, that applicants have rights as well as residents. He felt there were some rude, callous comments earlier in the meeting. He regretted such comments on the behalf of the broader public who also have rights, but who are affected counter-productively by that kind of approach. He hopes the Planning Commission can stay above these kinds of challenges.

ADJOURNMENT

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Schley asked for a motion to adjourn.

Ms. Jackson made a motion to adjourn. Ms. Farmer seconded the motion. The motion carried unanimously.

Chairperson Schley adjourned the Planning Commission meeting at approximately 8:35p.m.

Minutes prepared:
May 16, 2015

Minutes approved:
May 28, 2015