

OSHTEMO CHARTER TOWNSHIP

PLANNING COMMISSION

MINUTES OF A MEETING HELD MAY 23, 2013

Agenda

UPDATE REGARDING PUBLIC HEARINGS FOR WALTER'S AUTO SERVICE AND JAKE'S FIREWORKS AND THE SPECIAL MEETING SCHEDULED FOR MAY 31, 2013

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, May 23, 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
Terry Schley
Richard Skalski

MEMBERS ABSENT: Millard Loy

Also present were Greg Milliken, Planning Director, Martha Coash, Meeting Transcriptionist, and one interested person.

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. Schley made a motion to accept the agenda as presented. Mr. Skalski seconded the motion. The motion passed unanimously.

Public Comment on Non-Agenda Items

Chairperson Gelling called for public comment on non-agenda items. Hearing none, the Chairperson proceeded to the next agenda item.

APPROVAL OF THE MINUTES OF MAY 9, 2013

The Chairperson asked if there were any additions, deletions or corrections to the minutes of May 9, 2013. No changes were noted. Mr. Boulding, Sr. made a motion to approve the minutes as presented. Mr. Schley seconded the motion. The motion was approved unanimously.

UPDATE REGARDING PUBLIC HEARINGS FOR WALTER'S AUTO SERVICE AND JAKE'S FIREWORKS AND THE SPECIAL MEETING SCHEDULED FOR MAY 31, 2013

Chairperson Gelling indicated the next item on the agenda was an update regarding public hearings for Walter's Auto Service and Jake's Fireworks scheduled for the special meeting on May 31, 2013 and asked Mr. Milliken to please review and expand upon this item for the Commissioners' benefit.

Mr. Milliken noted the public hearings that had been originally scheduled for May 23, 2013 had to be postponed because the notices were not published by the Kalamazoo Gazette on the date requested and as a result could not be published in time to meet the Michigan Planning Enabling Act requirement for 15 days notice prior to the scheduled public hearing. Therefore, any public hearing or substantive discussion on these issues held at this meeting would violate the Act and put any decision the Commission might make in jeopardy. He added that the Gazette also failed to publish the notice on the second date it was requested. However, the eventual posting did meet the State deadline of 15 days prior.

He said that upon request of both applicants, a special meeting was called for the public hearings due to the fact that the next regularly scheduled meeting of the Commission is not until June 13. June 1 was a key deadline for purposes of purchase of the property for one of the applicants.

He added that the only date that existed prior to June 1 that could meet the required 15 day notice was Friday, May 31. Staff selected noon as the optimal time for the Friday meeting to allow any public wanting to attend to come on a lunch break and to avoid any Friday night conflicts.

Mr. Milliken told Commissioners that information packets for the May 31 meeting will be provided prior to that meeting. Since elevation drawings are not yet available they will likely be e-mailed next week. He suggested comments be reserved for the

public hearing and added that temporary signs will not be on the agenda for that meeting as no additional information is anticipated to be available by then.

He added he will not be available to attend the meeting, but Karen High, Zoning Administrator, will be attending in his place.

Chairperson Gelling thanked Mr. Milliken for making arrangements ahead of time since he will be unable to be at the meeting.

There was some discussion regarding whether it makes sense to be required to publish in the local newspaper with the reduced distribution of the printed copy to three days a week. Although it is available for purchase in grocery stores and to read online, the public does not get the paper regularly via subscription.

Mr. Milliken said there is discussion in Lansing at the Legislature as to whether it still makes sense to require publishing public hearing dates in a printed format rather than publishing on the Internet.

In response to a question from Chairperson Gelling about the Gazette's reaction to missing the requested publishing date a second time, Mr. Milliken said they apologized and said that since this is not the first time they have erred in the last couple of months, Attorney Porter is writing to the Gazette's upper management expressing the Township's disappointment.

Chairperson Gelling noted such errors cost the Township money, inconvenience and time.

The Chairperson encouraged the Commissioners to read the packet when received, and be ready for the meeting on the 31st.

ANY OTHER BUSINESS

Mr. Milliken discussed the status of other site plan reviews and development requests that may be coming before the Planning Commission or Zoning Board of Appeals in the near future.

PLANNING COMMISSIONER COMMENTS

Mr. Boulding, Sr. referred to an article he read in the Kalamazoo Gazette regarding a situation where someone in another township violated a zoning ordinance and approached the Township after construction asking for relief. He wondered about this practice.

Mr. Milliken indicated this is not good practice and is not allowed, but does happen. When it does, a variance is still required. When people exceed Ordinance requirements, they are taking a risk that it could be denied and some or all of the new construction may have to be removed. Unless the situation is unique, probability of variance approval is not great.

Mr. Schley gave examples of similar situations that have occurred in Oshtemo Township.

Mr. Boulding, Sr. said the goal is to achieve uniformity and wondered if it is common practice for the Commission to deny such variance requests.

Chairperson Gelling said it depends upon the situation. She expressed her appreciation for 100% turnout from the Planning Commissioners at the Joint Boards Meeting and added the meeting was excellent, productive, and achieved good output.

Ms. Farmer said she saw another book bin pop up at the corner of Sunset and Stadium and wanted to be sure Mr. Milliken was aware of it. She also pointed out the Planning Commission was the only group to have 100% attendance at the Joint Boards Meeting and said she really appreciated the DDA (Downtown Development Authority) presentation which is helpful to her in her capacity on the Planning Commission and the Township Board. It is helpful to be aware of the other entities they need to work with in order to move forward with Township business.

The Chairperson agreed and said she was very proud that everyone was able to attend the meeting, that such joint meetings are great for communication. She wished Mr. Milliken well in his travels and noted all Commissioners who are able to attend the Special Meeting on the 31st please be there having reviewed the packet.

ADJOURNMENT

Having exhausted the Planning Commission agenda and with there being no further business to discuss, Chairperson Gelling adjourned the meeting at approximately 7:22 p.m.

Minutes prepared:
May 26, 2013

Minutes approved:
June 13, 2013