

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD SEPTEMBER 24, 2015

Agenda

PUBLIC HEARING: REZONING REQUEST (PORTIONS OF PARCELS NUMBERED 05-10-405-010 AND 05-10-455-011) - APPLICATION FROM MAR BO INVESTMENTS, INC. FOR REZONING AN APPROXIMATELY SIX-ACRE PORTION FROM TWO UNADDRESSED 40-ACRE PARCELS LOCATED ALONG 7TH STREET, APPROXIMATELY 2,500 FEET NORTH OF WEST MAIN STREET. – FROM “AG” AGRICULTURAL DISTRICT TO “RR” RURAL RESIDENTIAL DISTRICT.

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, September 24, 2015, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairperson
Fred Antosz
Wiley Boulding, Sr.
Millard Loy
Mary Smith
Dusty Farmer

ABSENT: Pam Jackson

Also present were Julie Johnston, Planning Director; Ben Clark, Zoning Administrator; and James Porter, Attorney. Two 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 asked for a motion to approve the agenda.

Mr. Loy made a motion to accept the agenda as presented, and Mr. Antosz seconded the motion. The motion passed unanimously.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Chairperson Schley called for public comment on non-agenda items.

Mr. Bushouse introduced himself to the Planning Commission. He said he was concerned about a recent application which was submitted regarding commercial development on West Main Street. He said he would not be at the meeting on October 8, 2015, and said he was concerned about further commercial development on West Main. He said, in the past, the Township had kept commercial development east of U.S. 131 and then allowed it at West Main and 9th Street, and possibly further west near 4th Street. However, he said in between he thought the Township had planned to limit commercial development, and he wanted to see it stay that way.

Chairperson Schley moved to the next item on the agenda.

APPROVAL OF THE MINUTES OF AUGUST 27, 2015

The Chairperson asked if there were any additions, deletions or corrections to the minutes of the meeting of August 27, 2015. Hearing none, he asked for a motion to approve the minutes as presented.

Mr. Boulding, Sr. made a motion to approve the minutes of the August 27, 2015 meeting. Mr. Loy seconded the motion. The motion was approved unanimously.

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Chairperson Schley said that the next item up for consideration was a request from Mar Bo Investments, Inc. to rezone approximately six-acres from two unaddressed 40-acre parcels located along 7th Street, approximately 2,500 feet north of West Main Street. He said the request was to rezone from “AG” Agricultural District to “RR” Rural Residential District, and he called for a report from the Planning Department.

Ms. Johnston submitted a report to the Planning Commission dated September 16, 2015, and the same is incorporated herein by reference. Ms. Johnston explained that the applicant owned 80 acres and wanted to create a new six acre parcel by

dividing portions of the two large parcels, but in order to meet the minimum size requirement, had to change the zoning from “AG” Agricultural, which has a minimum parcel size of 40 acres, to “RR” Rural Residential. She explained that the subject property was being rezoned to accommodate the proposed six acre parcel, which would meet the minimum size requirements for the Rural Residential zone of 1.5 acres.

Ms. Johnston explained that the request was in complete compliance with Oshtemo’s Master Plan and the Future Land Use Plan Map and recommended the rezoning.

The Chairperson asked if there were any questions of the Planning Director. Ms. Farmer asked if they could only have one house. Ms. Johnston said they could have one house per every 1.5 acres. However, Attorney Porter noted that, with the minimum road frontage of 200 feet, this property would only be allowed one home and could not be further divided unless platted. Ms. Johnston concurred.

Mr. Boulding, Sr. asked about the shape of the area to be rezoned, given that it extended into North 7th Street. Attorney Porter explained that a portion of the property went to the middle of the road, while the northern portion of the property only went to the quarter line of Section 10 in Oshtemo Township. Mr. Boulding, Sr. asked if there would be a road traveling further north. Attorney Porter indicated that he did not believe so because there was a house in close proximity, and it did not appear to accommodate a future extension of that road to the north.

The Chairperson asked if the applicant wished to speak. The applicant declined. The Chairperson then asked for public comment.

Mr. Bushouse said he lived on North 7th Street and said he supported the applicant’s proposal. He complimented Dr. Gorham and the quality work that she and her family have done in the community.

The Chairperson said he thought the proposal was quite simple and straightforward. He asked if there were any further questions of the Planning Commission. Hearing none, he asked for Planning Commission comments.

Mr. Loy said he thought the request was appropriate. Mr. Antosz said he thought the request fit with the Township’s Land Use Plan. Ms. Farmer said she thought it was a good proposal. With that, the Chairperson said he would entertain a motion.

Mr. Loy made a motion to recommend the rezoning of the land, as requested, to the Township Board. The motion was seconded by Mr. Antosz. The Chairperson called for a vote on the motion. The motion passed unanimously.

OLD BUSINESS

The Planning Director submitted a list of possible Zoning Ordinance amendments for the Planning Commission's consideration. She said she had gleaned some of these ideas from the list left by Greg Milliken, as well as the joint meetings she had with the Township Boards and staff. It was the consensus of the Planning Commission to review the same before the next meeting and be prepared to discuss prioritization of the items on the proposed list.

OTHER BUSINESS

The Chairperson asked if there was any other business. Mr. Clark asked Attorney Porter to bring the Commission up to speed with regard to the current litigation brought by Van Kal Partnership, LLC. Attorney Porter noted that the litigation by Van Kal Partnership was proceeding and that defense counsel had asked to meet with the Planning Commission, and that meeting had been scheduled for the Planning Commission's meeting of October 8, 2015, in closed session.

PLANNING COMMISSIONER COMMENTS/ADJOURNMENT

The Chairperson asked if there were any Planning Commissioner comments. Mr. Boulding, Sr. asked about whether the Planning Commission could meet in closed session on October 8, 2015. Attorney Porter explained to Mr. Boulding, Sr. and the other members of the Planning Commission that the Open Meeting Act specifically authorizes going into closed session to discuss pending litigation.

The Chairperson asked if there were any further comments. Hearing none, he called for adjournment of the meeting at 8:35 p.m.

Minutes prepared:
September 29, 2015

Minutes approved:
October 8, 2015