

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD MARCH 23, 2017

Agenda

**PUBLIC HEARING: SITE PLAN REVIEW: LATITUDE 42 RESTAURANT/BREW PUB
CONSIDERATION OF THE APPLICATION FROM LATITUDE 42 BREWING
COMPANY FOR SITE PLAN APPROVAL FOR A BREWPUT/RESTAURANT AT 6075
AND 6101 WEST MAIN STREET, KALAMAZOO MI, PURSUANT TO SECTION
82.000: SITE PLAN REVIEW OF THE TOWNSHIP'S ZONING ORDINANCE.
(PARCEL NOS. 3905-14-430-071 and 3905-14-430-062.)**

OLD BUSINESS

a. RURAL PRESERVATION WORKSHOP RESULTS/DISCUSSION

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, March 23, 2017, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Fred Antosz, Vice Chairperson
Cheri Bell
Ollie Chambers
Dusty Farmer, Secretary
Mary Smith
Bruce VanderWeele

MEMBERS ABSENT: Wiley Boulding Sr., Chairperson

Also present were Julie Johnston, Planning Director, James Porter, Township Attorney, Martha Coash, Meeting Transcriptionist, and approximately 13 interested persons.

Call to Order and Pledge of Allegiance

In the absence of Chairperson Boulding, Sr., Vice Chairperson Antosz called the meeting to order at approximately 7:00 p.m., and the "Pledge of Allegiance" was recited.

Agenda

Vice Chairperson Antosz asked if there were any additions, deletions or corrections to the Agenda. Hearing none, he asked for a motion to approve the agenda.

Mr. VanderWeele made a motion to approve the agenda as presented. Mr. Chambers supported the motion. The motion passed unanimously.

Public Comment on Non-Agenda Items

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

Approval of the Minutes of March 9, 2017

Vice Chairperson Antosz asked if there were any additions, deletions or corrections to the Minutes of March 9, 2017. Hearing none, he asked for motion to approve the minutes.

Mr. Chambers made a motion to approve the minutes of March 9, 2017 as presented. Ms. Bell supported the motion. The motion was approved unanimously.

PUBLIC HEARING: SITE PLAN REVIEW: LATITUDE 42 RESTAURANT/BREW PUB CONSIDERATION OF THE APPLICATION FROM LATITUDE 42 BREWING COMPANY FOR SITE PLAN APPROVAL FOR A BREWPUT/RESTAURANT AT 6075 AND 6101 WEST MAIN STREET, KALAMAZOO MI, PURSUANT TO SECTION 82.000: SITE PLAN REVIEW OF THE TOWNSHIP'S ZONING ORDINANCE. (PARCEL NOS. 3905-14-430-071 and 3905-14-430-062.)

Vice Chairperson Antosz introduced the next item and asked Ms. Johnston to present the request for site plan review from Latitude 42 Restaurant/Brew Pub.

Ms. Johnston said the applicant was requesting review of the site plan for approval to develop a brewpub restaurant with outdoor patio at 6101 and 6075 West Main Street. The property is located on the south side of West Main Street, situated on two lots west of Lodge Lane. The property is zoned R-2: Residence District, but is also zoned with the commercial portion of the West Main Overlay Zone. The Overlay Zone allows brewpubs as a Special Exception Use, per Section 50:302.

She noted Special Exception Use approval was granted for the development by the Planning Commission on June 9, 2016. It was determined that the proposed use is consistent with the intent of the West Main Overlay Zone, as well as Oshtemo's general desire to encourage smaller scale commercial uses along West Main, east of 9th Street. The approval was conditioned on the submittal of a site plan that meets the requirements of the West Main Overlay Zone and all other Zoning Ordinance regulations.

The West Main Overlay requires that at least five percent of the site be set aside as open space. The open space was planned along the southern property boundary in an attempt to provide additional buffering to neighboring residentially zoned properties.

In addition, larger landscape setbacks are provided along the eastern portion of the parking lot for this same reason.

Ms. Johnston said the site plan meets all other specific design requirements, such as setbacks, building size, landscaping, etc., of the West Main Overlay District.

She explained the Michigan Department of Transportation (MDOT) has jurisdictional authority over West Main Street (M-43) and requires all new curb cuts to be submitted for their review and approval. Based on safety concerns related to traffic flows on West Main, MDOT has only approved a right-out configuration for the new Latitude 42 curb cut. Traffic will be able to turn left into the development, but will not be permitted to turn left out of the site. This constraint on the property was unexpected.

Due to this decision and the likelihood of continued access restrictions along West Main, she said the Township needs to investigate additional options for traffic circulation in this area. At this point, staff is exploring the possibility of extending Club View Drive to the west along the boundary between the residential and commercial districts within the West Main Overlay Zone, which is approximately 520 feet south of West Main. Placing a public road at this location is outlined in the West Main Sub-Area Plan. It will help to alleviate pressure for more curb cuts on West Main, reduce traffic impacts, increase traffic safety and provide access for continued growth in this area. Until such time that an additional public right-of-way can be developed, the Latitude 42 site will be restricted to east bound outward movements only from their site.

Ms. Johnston indicated that in general, all other zoning requirements were met and said Staff recommended the Planning Commission approve the site plan for the Latitude 42 restaurant/brew pub with the following conditions:

1. Any final storm water management, utilities, or other engineering details shall be subject to the administrative review and approval of the Township Engineer prior to the issuance of a building permit.
2. Curb radii and the placement of the new fire hydrant shall be subject to the administrative review and approval of the Township Fire Marshal prior to the issuance of a building permit.
3. An irrevocable conveyance such as a deed restriction, covenant, conservation easement or land trust be established for the dedicated open space found on the site. Such conveyance will be provided to the Township Attorney for review and approval prior to the issuance of a certificate of occupancy.
4. When access is provided along the south boundary of the subject site, the property owner will work cooperatively with the Township to facilitate a connection.

Vice Chairperson Antosz asked if Board Members had questions for Ms. Johnston.

Ms. Smith expressed her concern about traffic on West Main Street and confirmed MDOT will allow traffic to turn left into the brewpub property but not when leaving the property and wondered how MDOT might help with improving traffic there and also east of 131.

Ms. Johnston said she does not know what MDOT may propose to improve traffic flow on West Main Street.

Ms. Bell wondered whether, since the overlay zone provides the option for commercial development but still offers the opportunity for residential development, “substantial justice” might come into play if a residential house were built on this property and the owner were denied the ability to turn left from their property by MDOT.

Ms. Johnston said MDOT would probably make an exception in such a case and noted she was surprised by their ruling.

In response to questions from Ms. Bell, Ms. Johnston confirmed that the third condition from Staff in the recommendation for approval was based on the Ordinance regarding open space requirements and that if a connection is made in the future and a cross access agreement does not come to fruition, the fourth condition would be invoked. She said open minds will be needed about how the southern portion of the property will be developed because of access via the southern property line.

Hearing no more questions, the Vice Chairperson asked if the applicant wished to speak.

Mr. Joe Stoddard, 8351 West Long Lake Drive, Portage MI said it has been his pleasure to work with Planning Department Staff to reach compliance with Township Ordinance. He acknowledged concern from neighbors and said he had taken their concerns to heart and made accommodations in response, noting the green space, 5% open space and oversized retentions and that quite a bit of land is undeveloped; he is trying to be good steward. He said the decision from MDOT came out of left field and hoped the result would not affect business too much. He plans to reach out to MDOT regarding traffic flow regarding other options. Safety is a concern, especially at busy times. He said he is really excited about the project.

Vice Chairperson Antosz thanked Mr. Stoddard and opened the meeting to public comments.

Mr. Mark Orbe, 527 Lodge Lane, spoke regarding his concern about site access, that turning left into the brewpub property will be an accident waiting to happen. He expressed his discomfort with the inter-connectivity concept to Lodge Lane and indicated a deed restriction from 1992 that prohibits any development on an adjacent large parcel of land in order to preserve a natural reserve buffer. The deeds stipulate that all affected owners have to agree to a change and that he knows at least three will not agree. As a result, he said, the only option for access would be to go far south

through a lot of land. He wants to have the opportunity to participate whenever access may be discussed.

Attorney Porter indicated the deeds Mr. Orbe referred to were private restrictions and that they would not restrict the ability of the Township to utilize the property for access if needed. He urged the Board to stay focused on the site plan being considered.

There being no further public comment, Vice Chairperson Antosz moved to Board Deliberations.

Ms. Smith noted if motorists are unable to turn left out of the brewpub property they may cut through DeKornes (Ethan Allen property), which may cause a traffic problem.

Attorney Porter said the Board should be aware the Township is exploring other access options that are available from a public safety standpoint.

As there were no further comments from Commissioners, Vice Chairperson Antosz asked for a motion.

Ms. Smith made a motion to approve the site plan for Latitude 42 Brewing Company based on the presentation and including the four conditions suggested by Staff. Mr. VanderWeele supported the motion. The motion was approved unanimously.

OLD BUSINESS

RURAL PRESERVATION WORKSHOP RESULTS/DISCUSSION

Vice Chairperson Antosz moved to the next item on the agenda, and asked Ms. Johnston for her presentation.

Ms. Johnston reported the Rural Character Alternatives Workshop, facilitated by Wade Trim, was held on February 23, 2017 to inform and engage community members as part of the planning process to develop a Rural Character Preservation Strategy for the western portion of Oshtemo Township. This Preservation Strategy will be a component of the Township's updated Master Plan. She said more than 60 interested citizens attended the workshop, most of whom provided their names and e-mail addresses for further updates on the project.

Wade Trim led participants through two activities. The first was a Rural Character Compatible Use Survey. Respondents were asked if a variety of types of rural uses were not appropriate in the study area, appropriate in the study area with no limitations, or appropriate in the study area with limitations. They were also asked to indicate potential negative impacts that may result from such uses. The second activity was a

Residential Design Alternative Exercise, which employed four design alternatives, each employed different approaches to development of the site.

Ms. Johnston provided the results of the survey to Board Members and discussed general observations of participants.

Board discussion focused on the desirability to increase participation from residents, and methods to accomplish that, noting that broad based input/support will strengthen the final strategy.

Ms. Johnston noted the Master Plan is mandated to be updated every five years by the state. The Master Plan approved in 2012 is generally very good and she said her intention is to limit the update to hot topics and those that need special attention. She listed topics and targeted meeting dates for reports/action, with October 12 as the projected date for the final presentation of the Master Plan update to the Planning Commission for action to forward it to the Township Board for approval.

She acknowledged there is a lot of work ahead and hoped Board Members would be able to attend the March 30 workshop to discuss the Maple Hill Sub Area Plan.

OTHER BUSINESS

As there was no other business to discuss, Vice Chair Antosz moved to Planning Commissioner Comments.

PLANNING COMMISSIONER COMMENTS

The Chairperson asked if Commissioners had comments to share.

Ms. Bell said the funding campaign for the Drake Farmstead Park is moving along well, said it was a pleasure to work with the committee, and credited Ms. Karen High for her work on this project. She felt when the Park is complete it will be a tremendous asset to the Township.

Mr. Chambers said he enjoyed attending the Rural Preservation Workshop, that people worked well together and it was a good experience. His group was most concerned about preserving open spaces and against high density use, particularly apartment complexes.

Ms. Farmer noted the Rotary Pancake Breakfast will be held Sunday, March 26 at Ted & Maries at 10:00 a.m.

Both Ms. Farmer and Ms. Bell said they were unavailable to attend the March 30 workshop.

ADJOURNMENT

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

Mr. VanderWeele made a motion to adjourn the meeting. Mr. Chambers supported the motion. The motion passed unanimously.

The Planning Commission meeting was adjourned at approximately 8:08 p.m.

Minutes prepared:
March 25, 2017

Minutes approved:
April 13, 2017