

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

MINUTES OF A MEETING HELD AUGUST 23, 2012

---

**Agenda**

**FLAGSTAR BANK ATM – APPLICATION OF BOGGIO ARCHITECTS FOR SPECIAL EXCEPTION USE REVIEW TO ALLOW FOR THE INSTALLATION OF A DRIVE-THRU ATM IN THE PARKING LOT IN FRONT OF EXISTING SHOPPING CENTER NEAR THE SOUTHWEST CORNER OF DRAKE ROAD AND WEST MAIN STREET IN THE “C” LOCAL BUSINES DISTRICT – PARCEL NO. 3905-13-430-038**

**MASTER PLAN AMENDMENT 2012-1 – PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT, REVIEW COMMENTS FROM SURROUNDING COMMUNITIES AND PUBLIC AGENCIES, AND CONSIDER PROPOSED AMENDMENTS TO THE TOWNSHIP MASTER PLAN**

**ORDINANCE AMENDMENTS – PUBLIC HEARING - DISCUSSION OF POTENTIAL ZONING ORDINANCE AMENDMENTS THAT REFER TO THE BUILDING DEPARTMENT, BUILDING OFFICIAL, OR SIMILAR REFERENCES IN ORDER TO TRANSITION TO KALAMAZOO AREA BUILDING AUTHORITY (KABA)**

---

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, August 23, 2012, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Kitty Gelling, Chairperson  
Bob Anderson  
Millard Loy  
Carl Benson  
Dave Bushouse  
Richard Skalski  
Wiley Boulding, Sr.

MEMBERS ABSENT: None

Also present were Greg Milliken, Planning Director; Attorney James Porter, and about seven other interested persons.

## **Call to Order and Pledge of Allegiance**

The Chairperson called the meeting to order 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. Mr. Skalski made a motion to approve the Agenda, as submitted. Mr. Loy seconded the motion. The Chairperson called for a vote on the motion, and the motion passed unanimously.

## **Public Comment on Non-Agenda Items**

The Chairperson asked if there was any public comment on Non-Agenda items. There being no public comment, the Chairperson dispensed with the public comment portion of the Agenda and proceeded to the next Agenda item.

## **Approve Minutes**

The Chairperson stated the next item on the Agenda was approval of the minutes of August 9, 2012. She asked if there were any additions, deletions or corrections to the minutes. Hearing none, she called for a motion. Mr. Boulding, Sr. made a motion to approve the minutes, as submitted. Mr. Skalski seconded the motion. The Chairperson called for a vote on the motion, and the motion passed unanimously.

## **FLAGSTAR BANK ATM – APPLICATION OF BOGGIO ARCHITECTS FOR SPECIAL EXCEPTION USE REVIEW TO ALLOW FOR THE INSTALLATION OF A DRIVE-THRU ATM IN THE PARKING LOT IN FRONT OF EXISTING SHOPPING CENTER NEAR THE SOUTHWEST CORNER OF DRAKE ROAD AND WEST MAIN STREET IN THE "C" LOCAL BUSINESS DISTRICT – PARCEL NO. 3905-13-430-038**

The Chairperson said the next item on the Agenda was consideration of a special exception use for Flagstar Bank for a drive-thru ATM on an existing island in the parking lot east of the Harding's entry and west of the smaller retail center near the southwest corner of Drake Road and West Main Street in the "C" Local Business District, Parcel No. 3905-13-430-038. The Chairperson asked to hear from Township Planning Director, Greg Milliken. Mr. Milliken submitted his report to the Planning Commission dated August 23, 2012, and the same is incorporated herein by reference.

Mr. Milliken explained to the Planning Commission what the applicant was proposing. However, he said his largest concern focused around the provisions of the drive-up use in Section 68.300 G, which requires stacking space for vehicles awaiting service. He said the proposed ATM would provide stacking for one vehicle only, and that the layout did not allow for more than one vehicle to wait for the ATM. He also questioned the safety of the application for the proposed ATM, concluding that it was unsafe and offered limited circulation options. He said the proposal not only was dangerous, but blocked the flow of the driving aisle north of the proposed ATM.

Mr. Milliken then offered an alternative which would span two end-cap islands and provide more space for stacking and ease circulation issues created by conflicts between the vehicles entering and exiting the proposed ATM facility. He also proposed moving the ATM to the north to create less of a conflict with the entrance to the strip mall to the east. He said the result would result in a loss of 18 parking spaces, but would not significantly impact the overall development.

The Chairperson asked if there were any questions of Mr. Milliken.

Mr. Skalski said he supported what Mr. Milliken had suggested, and he thought it was a good solution. Mr. Skalski also raised a concern over the height of the shrubs from a security standpoint. The Chairperson said that was also a concern of hers, but we would wait to hear from the applicant who could address this issue.

The Chairperson asked if there were any further questions. Hearing none, she asked to hear from the applicant.

Mr. Michael Boggio of Boggio Architects introduced himself to the Planning Commission on behalf of Flagstar Bank. Mr. Boggio said he wanted to clarify the traffic count, which he initially said was about 30 cars per day, when, in fact, the average annual account is 10 cars per day. He said they normally only had one car at a time at any of the ATM's for Flagstar Bank, and never had a third car waiting at their ATM's.

Mr. Boggio said going from a 40-foot island to a 100-foot island he thought was excessive. His client did not want to do that, nor did the property owner want to lose that much of their parking lot.

Mr. Boggio said they would be willing to move the ATM to the north to take it out of one of the busiest driveways in the parking lot, but did not want to make further changes. He said he only received Mr. Milliken's proposal yesterday (Wednesday) and had not had a chance to properly review it. The Chairperson asked the applicant if he did not place a priority on safety. Mr. Boggio said he did, but he did not believe they needed to have as large a stacking area as proposed by the Township Director.

The Chairperson asked Mr. Boggio where most of the Flagstar Banks were located. Mr. Boggio said Detroit. The Chairperson noted that this was not Detroit and

that there are often more than three cars stacked at any one time at the ATM's in the area. Mr. Boggio indicated that traffic was traffic and thought that was not true for his client's facilities. The Chairperson asked if he had any statistics to support his position. Mr. Boggio said he did not have any of those statistics with him.

The Chairperson asked the Commissioners if there were any questions of the applicant.

Mr. Loy said he was concerned about planning for the stacking of only two cars and thought that was quite low, and if the amount of cars increased in the future, it would present a significant problem in this area. Mr. Boulding, Sr. said he was concerned about peak times such as 5:00 p.m., and he did not understand why there would not be more than two cars, at least at peak times, during the day. Mr. Skalski questioned how the statistics were arrived at for the other banks and wondered if some of those were walk-up ATM's. Mr. Boggio said the 310 average was based upon all drive-up ATM's. Mr. Skalski said averaging over a 24-hour period did not mean that there were not peak periods where more than two cars might be waiting to access the ATM. Mr. Anderson said he agreed with Mr. Skalski.

Mr. Bushouse said he was concerned about the access driveway and thought they should increase the number of islands and enlarge them, limiting access to that driveway for safety reasons, instead of creating additional points of conflict.

The Chairperson asked if there was any public comment.

Mr. Phil McIntyre said he was concerned about the height of the bushes once they were placed on top of the island itself. He thought the bushes would create a visual hazard to the motoring public.

The Chairperson asked if there was further public comment. Hearing none, she closed the public hearing and called for Commission deliberations.

Mr. Loy said he thought they should discuss the bushes.

Mr. Bushouse said that Flagstar Bank might have limited use of their ATM's, but banks were bought and sold every day, so he thought they needed to plan this site for both existing, as well as possible future users, not simply base the plan on Flagstar Bank's statistics today. Mr. Bushouse said that two-thirds of the ATM's which he is familiar with certainly have more than two cars waiting at numerous times during the day.

Mr. Anderson said he had a problem with the way the proposal was designed and would not be in favor of approving the application.

Mr. Benson said he was concerned about the overall design and its location in relationship to the entrance across the internal drive aisle and its intrusion into the street area. He said he could not agree to the proposal, as submitted, on any basis. He said he thought it was a very ill-conceived plan.

Mr. Skalski said he would be more in favor of seeing one main access point and developing an internal access drive as opposed to the current configuration. He said he certainly did not think it would help to add the ATM at its proposed location and thought it would further hamper traffic safety.

Mr. Loy agreed that the ATM needed to be moved. He also said he thought the bushes should be kept low so as not to provide a visual obstruction of traffic.

The Chairperson asked the applicant how the shrubs would be maintained around the facility. Mr. Boggio said they had a maintenance contractor and landscapers to maintain those facilities.

Mr. Boggio said they were willing to change the landscaping. The Chairperson said she thought the Planning Commission was not comfortable in approving the proposal, as submitted, even if the ATM was moved to the island to the north. Mr. Boggio said he had not had adequate time to consider the Planning Director's proposal and asked if the Commission could table this matter until he had a chance to review it further.

The Chairperson asked for a motion tabling Flagstar Bank's drive-thru ATM request. Mr. Loy then made a motion to table the matter until the September 27 Planning Commission meeting. The motion was seconded by Mr. Skalski. The Chairperson called for a vote on the motion. The motion passed unanimously.

**MASTER PLAN AMENDMENT 2012-1 – PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT, REVIEW COMMENTS FROM SURROUNDING COMMUNITIES AND PUBLIC AGENCIES, AND CONSIDER PROPOSED AMENDMENTS TO THE TOWNSHIP MASTER PLAN**

The Chairperson indicated the next item on the Agenda was a public hearing and consideration of the Master Plan Amendment 2012-1. The Chairperson asked to hear from Planning Director Greg Milliken. Mr. Milliken submitted his August 23, 2012 report to the Planning Commission, and the same is incorporated herein by reference.

Mr. Milliken took the Commission through a review of the proposed changes to the Master Plan, which involved the 9<sup>th</sup> Street Sub-Area Plan, Century Highfield Sub-Area Plan, Community Profile Chapter, Future Land Use Map, the Airport Plan for Newman Field and other text amendments. Mr. Milliken then brought four letters to the attention of the Planning Commission. One letter dated August 3, 2012, was from the

Kalamazoo County Department of Planning and Community Development, which pointed out a few needed text changes. He also referenced a letter from Antwerp Township dated July 12, 2012, a letter from American Village Builders, Inc. dated July 17, 2012, and the August 21, 2012 letter from the City of Portage. Mr. Milliken said that American Village Builders had requested that the north portion of Parcel No. 3905-12-380-010 be changed from multi-family residential to general commercial. Mr. Milliken explained that, after review, he agreed with that recommendation based upon development in the area.

At the conclusion of Mr. Milliken's report, the Chairperson asked if there were any questions of the Planning Director from the Planning Commission.

Mr. Anderson asked what they had to do to change the commercial zoning on the property near M-43 and U.S. 131. Mr. Milliken said they simply had to note that change as a condition of their approval of the Master Plan Amendment 2012-1.

Mr. Loy said he was in favor of changing the zoning on the property near M-43 and U.S. 131. Mr. Skalski said he agreed, and he did not think that there would be sufficient support for residential development in that area.

The Chairperson called for public comment.

Mr. Paul McIntyre introduced himself to the Planning Commission. He said he thought there was an omission within the Plan itself. He said that he thought Red Arrow Highway zoning should be modified to add a mix of uses including local commercial west of 5<sup>th</sup> Street. The Chairperson thanked Mr. McIntyre for his comments.

Mr. Joe Gesmundo introduced himself to the Planning Commission. He thanked the Planning Director for his report regarding the property near M-43 and U.S.131. He said, in the past, they had had little interest in multi-family development except in low-end subsidized housing, and he did not think that was appropriate for one of the gateways of the Township. He said he thought a better architectural development plan would be possible if the property was zoned commercial. The Chairperson thanked Mr. Gesmundo for his comments.

The Chairperson asked if there was any further public comment. Hearing none, she called for Planning Commission deliberations.

Mr. Milliken suggested that if the Commissioners wanted to move forward, they could do so by adopting the resolution prepared by counsel with a couple of amendments, namely making the technical corrections recommended by the County Planning Department and changing the zoning for the property located at M-43 and U.S. 131.

Mr. Bushouse said he was in favor of the change in the land use plan designation of the property owned by Mr. Gesmundo. He said Mr. Gesmundo had always provided a quality development, and he did not expect anything less, and also based on the fact that he did not think multi-family housing was appropriate in the area. Mr. Bushouse said he thought it would be better developed as commercial along the highway. He did note, however, he did not want to see Red Arrow Highway west of 6<sup>th</sup> Street developed as commercial property.

Mr. Anderson said he thought the Master Plan Amendment should move ahead. Mr. Benson concurred with Mr. Anderson. Mr. Skalski said he wanted to see the property along U.S. 131 changed to commercial which was owned by Gesmundo Development. However, he noted that a lot of the development along Red Arrow was old commercial property which was developed when it was an active highway, and he did not see a reason to re-evaluate that property for commercial at the present time. He said perhaps in five years if there was additional commercial pressure, the matter might be addressed at that time.

Mr. McIntyre said he did not want to see the entire corridor changed to commercial; he just wanted to see mixed uses. The Chairperson said she understood the nature of Mr. McIntyre's request.

The Chairperson asked if there was any further discussion. Hearing none, she read the proposed resolution into the record. She then made a motion to adopt the resolution with the condition that the property near U.S. 131 and M-43 be changed in the Land Use Plan to general commercial and that the text corrections suggested by the Department of Planning & Community Development of Kalamazoo County be made. The motion was seconded by Mr. Benson. The Chairperson called for a roll-call vote on the motion, and the following voted as follows:

Aye: Kitty Gelling, Bob Anderson, Dave Bushouse, Carl Benson,  
Millard Loy, Richard Skalski and Wiley Boulding, Sr.

Nay: None

Abstained: None

The motion carried unanimously.

**ORDINANCE AMENDMENTS – PUBLIC HEARING – DISCUSSION OF POTENTIAL ZONING ORDINANCE AMENDMENTS THAT REFER TO THE BUILDING DEPARTMENT, BUILDING OFFICIAL, OR SIMILAR REFERENCES IN ORDER TO TRANSITION TO KALAMAZOO AREA BUILDING AUTHORITY (KABA)**

The Chairperson said the next item was consideration of Zoning Ordinance amendments which refer to the Building Department, Building Official and other similar references in order to transition to the Kalamazoo Area Building Authority (KABA).

The Chairperson called for a report from the Planning Department, and Mr. Milliken referred the matter to Attorney Porter. Attorney Porter reviewed the proposed text changes with the Planning Commission. He noted that the Zoning Ordinance was being amended to accommodate the establishment of KABA in October of this year. He said these amendments were being done to re-define the term “Building Official” and then correcting all other references in the Zoning Ordinance regarding the Building Official. He said this would allow any reference to a Building Official to refer to the duly-appointed or employed Building Official of the Kalamazoo Area Building Authority (“KABA”).

The Chairperson asked if there were any further questions. Hearing none, she called for a motion. Mr. Skalski made a motion to recommend the proposed Zoning Ordinance amendments to the Township Board. Mr. Benson seconded the motion. The Chairperson called for a vote on the motion, and the motion passed unanimously.

**Old Business**

The Chairperson indicated that the next item on the Agenda was consideration of old business. There being no old business, the Chairperson asked that the Commission proceed with the next item on the Agenda.

**Any Other Business**

The Chairperson asked if there was any other business. The Chairperson began by noting for the Planning Commissioners that there would be a joint meeting with the Township Board on September 18, 2012, at 6 p.m. The Chairperson also asked that the Commission consider eliminating the October 25<sup>th</sup> meeting or changing to another date, and changing the November 8<sup>th</sup> meeting to November 29<sup>th</sup> due to scheduling issues.

Mr. Boulding, Sr. asked about staffing for KABA, and Attorney Porter suggested that anyone interested in working with KABA contact Ed Hellwege, Executive Director of the Kalamazoo Area Building Authority.



### **Planning Commissioner Comments**

Mr. Boulding, Sr. said that there were a number of small commercial businesses on Red Arrow Highway, but he was not sure that there was a huge change in the area which required a change in the Master Plan.

The Chairperson said that Oshtemo Rotary Fun Day had been a huge success, and thanked the community for supporting the event. She said the attendance was between 2,500 and 3,000 people, and that it would help the Oshtemo Rotary to fulfill its pledge to assist the Township with its parks' enhancements.

The Chairperson also noted that the 2013 Oshtemo Township Fire Department calendar was finished and would be available for sale.

Mr. Anderson thanked the Chairperson for her involvement in Oshtemo Fun Day and said it was a great success and he had a great deal of fun.

Mr. Bushouse noted that he had sold all but two of the 600 hot dogs which they had cooked for Oshtemo Fun Day because the two unsold hot dogs had fallen on the ground.

### **Adjournment**

The Chairperson noted that the Planning Commission had exhausted its Agenda, and with there being no other business, she adjourned the meeting at approximately 8:34 p.m.

Minutes Prepared:  
August 28, 2012

Minutes Approved:  
September 13, 2012