

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A WORK SESSION HELD MAY 22, 2014

Agenda

**DISCUSSION: WEST MAIN STREET & 9TH STREET SUB AREA PLAN
IMPLEMENTATION PROJECT**

A work session of the Oshtemo Charter Township Planning Commission was held on Thursday, May 22, 2014, commencing at approximately 6:00 p.m. at the Oshtemo Charter Township Hall.

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

MEMBERS ABSENT: Richard Skalski

Also present were Greg Milliken, Planning Director; and James Porter, Attorney. There were approximately 6 other persons in attendance.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The work session was called to order by Chairperson Schley at approximately 6:00 p.m. and the "Pledge of Allegiance" was recited.

AGENDA

The Chairperson asked for a motion to approve the agenda.

Mr. Antosz made a motion to accept the agenda as presented. Mr. Boulding Sr. 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. Hearing none, he proceeded to the next agenda item.

DISCUSSION: WEST MAIN STREET & 9TH STREET SUB AREA PLAN IMPLEMENTATION PROJECT

Chairperson Schley discussed the process for discussion and review of the proposed amendments to Section 50.100. He indicated the Commission would start at the beginning and go section by section with the intent of addressing issues or questions that come up as they go.

Commission members confirmed that they had received the revised set of proposed amendments and revised them. They confirmed they were comfortable addressing the two sub areas under one set of zoning amendments although they were conceptually different sub areas in the Master Plan.

The members discussed the distinction between the PUD and the Overlay district and how the Overlay can function independent of the PUD. This in fact provides three opportunities for development within the proposed area.

After discussion, the Commission was comfortable with the purpose statement provided in Section 50.100 and the connection it provided to the sub area plans.

The Chairperson indicated that pages 2 and 3 identify uses proposed for the overlay district. The Commission preferred that these sections be reorganized to more closely mimic a traditional zoning district with special exception uses immediately following associated permitted uses.

In the 9th Street Residential sub-classification, questions were raised regarding “alternative housing”. The Commission sought more detail on why 300 feet was used in the standard as well as the use of the term “may” as opposed to “shall”.

In the 9th Street Commercial sub-classification, the Commission discussed vet clinics and whether or not outdoor runs should be required. Most have them and they are somewhat necessary but they do invite certain nuisance issues. An alternative of moving this use to the special exception category was introduced.

The Commission also discussed restaurants. The Commission agreed that restaurants should be permitted in the sub-classification. There was not agreement as to whether drive-through restaurants should be permitted. It was noted that drive-through facilities are special exception uses in all other districts where they occur, and was also noted that there are several districts, such as the Village Commercial, where they are not permitted. Issues of traffic and congestion were identified as key concerns.

A question of banks and pharmacies with drive-throughs was raised. In all other districts, these are special exception uses, and for consistency they should be treated similarly here. The Commission asked for clarification on this and agreed further discussion of restaurants is necessary. This discussion should be in context of the purpose of the overlay. Staff suggested looking at examples of how other communities treat differentiation between higher intensity drive-through uses (like a McDonald's or Taco Bell) versus a lower intensity drive-through use (like a Sweetwater's or Biggy Coffee).

Noting the time, the Chairperson indicated he would stop discussion there and take comment from the public in attendance on issues that had been discussed during this work session.

Mr. Jeff Bertolissi indicated that more time was needed for the public to provide input and discuss questions and comments. There was further discussion of the process and timing.

Ms. Sheri Mohmand stated she disagreed with the purpose statement in that this is not a rural area or a rural corridor. It connects to West Main Street and the Village area. She indicated it is similar to Drake Road. She discussed the commercial uses proposed for 9th Street and stated that the Master Plan simply says there should be no big box and nothing automobile oriented. What is proposed is way more restrictive. She suggested retail be added and a size restriction such as 60,000 square feet be used to limit big box stores. She added that the character of the corridor is different on the north and south ends, which could be taken into consideration when developing standards. She also stated she would like to hear from more of the members.

Mr. Khadir Mohmand stated that he is not in favor of the overlay concept and the additional standards included.

The Chairperson thanked the members for the comments. He indicated that another work session would be held prior to the next meeting. He said this would not be a quick process, but it would be thorough and complete.

OTHER BUSINESS

Chairperson Schley asked if anyone had other business to discuss. Hearing none, the Chairperson indicated there would be a short break prior to the start of the regular meeting.

ADJOURNMENT

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Schley adjourned the Planning Commission work session at approximately 7:03 p.m.

Minutes prepared:
May 28, 2014

Minutes approved:
June 12, 2014

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A REGULAR MEETING HELD MAY 22, 2014

Agenda

PUBLIC HEARING: SPECIAL EXCEPTION USE REQUEST FROM JAKE'S FIREWORKS FOR ESTABLISHMENT OF A TEMPORARY OUTDOOR SALES USE LASTING LONGER THAN ONE DAY LOCATED IN THE PARKING LOT OF AN EXISTING COMMERCIAL CENTER (HARDING'S) AT 6430 WEST STADIUM DRIVE IN THE VC VILLAGE COMMERCIAL DISTRICT (PARCEL #3905-26-465-022).

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, May 8, 2014, commencing at approximately 7:12 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairperson
Fred Antosz
Wiley Boulding Sr.
Dusty Farmer
Pam Jackson
Millard Loy
Richard Skalski

MEMBERS ABSENT: None

Also present were Greg Milliken, Planning Director; and James Porter, Attorney. There were approximately 10 other persons in attendance.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The meeting was called to order by Chairperson Schley at approximately 7:12 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. Mr. Skalski 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. Sheri Mohmand distributed a letter she prepared regarding the proposed 9th Street and West Main Street overlay district (see attached). She indicated that she believes there should not be an overlay district. Ms. Mohmand presented numerous suggestions for additional commercial uses that should be included in the list of permitted uses in the 9th Street Commercial sub-classification that are identified in her letter including retail, child care centers, and grocery stores. She stated that the restrictions on building size are too strict. Limiting the size to 10,000 square feet is too much. The Master Plan simply says no big box, which would be a restriction more like 60,000 square feet. She also stated that the green space requirements scare off potential developers.

Mr. Kadir Mohmand also distributed a letter regarding the proposed 9th Street and West Main Street overlay district (see attached). He indicated that he believes the process is a waste of time and money. He stated the Township is following the good old boy network and is controlled by organized crime. He believes tactics are being used to prevent development of his property and properties owned by Muslims. Twice rezoning requests have been denied on his property while other property owners have not had to go through similar hassles. He indicated that the Century Highfield property was in a sub area but is not in an overlay district and wondered why it received special treatment. He believes decisions were made behind the scenes, and the Master Plan process is a sham.

APPROVAL OF THE MINUTES OF MAY 8, 2014

The Chairperson asked if there were any additions, deletions or corrections to the minutes of May 8, 2014. Hearing none, he asked for motion to approve the minutes.

Mr. Antosz made a motion to approve the minutes. Mr. Boulding Sr. seconded the motion. The motion was approved unanimously.

PUBLIC HEARING: SPECIAL EXCEPTION USE REQUEST FROM JAKE'S FIREWORKS FOR ESTABLISHMENT OF A TEMPORARY OUTDOOR SALES USE LASTING LONGER THAN ONE DAY LOCATED IN THE PARKING LOT OF AN EXISTING COMMERCIAL CENTER (HARDING'S) AT 6430 WEST STADIUM DRIVE IN THE VC VILLAGE COMMERCIAL DISTRICT (PARCEL #3905-26-465-022).

Chairperson Schley indicated the next item on the agenda was the public hearing to consider a special exception use request from Jake's Fireworks. He asked Mr. Milliken to present his report.

Mr. Milliken indicated that the applicant desired 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. He indicated this is a special exception use because the temporary sales last more than one day. They are seeking to operate from June 20 to July 5 with set up occurring on June 18 and tear down by July 9.

Mr. Milliken indicated the applicant seeks to utilize a 40 foot by 40 foot, 1,600 square foot tent to be located in the southern portion of the parking lot in the same location it was last year. It would occupy between 10 and 15 parking spaces, which should not be detrimental to the parking at the shopping center.

Mr. Milliken stated that the fireworks sales would be open from 9am to 9pm with extended hours in the days leading up to the Fourth of July. 24 hour security would be present at the site.

Mr. Milliken noted for the Commission that for the past two years, compliance issues regarding tear down of the tent had been an issue. The company had committed to removal of the tent by a certain date but not met that commitment.

Mr. Milliken indicated that the Fire Marshal had reviewed the plans and had no concerns. He will inspect the property prior to operation. Mr. Milliken also stated that there were no concerns raised by the Fire Marshal or Sheriff the previous two years.

Mr. Milliken reviewed the criteria for approval with the Commission. He commented that this was a short-term use lasting only two weeks, and it was located in a busy commercial area. The location would not impact circulation or safety and would be inspected by the Fire Marshal prior to operation. It complies with the Fire Code and Ordinance requirements for outdoor temporary sales uses.

Chairperson Schley invited the applicant to address the Commission and present the request.

Chris Perdell introduced himself as a representative of Jake's Fireworks. He stated this is their third year in Oshtemo Township and at this location. He indicated as to the issue of the tent, it would be set up no earlier than June 18th and removed no later than July 9th. This is a contract they have with a tent company. The company does 80 tents with them, and they try to stay on top of all that work.

The Chairperson asked why they needed four days after the end of sales for removal of the tent.

Mr. Perdell said they would be selling until the 5th. They would probably take until the 7th to pack everything up, tear down, and clean. He then reserved two days for the tent company to remove the tent.

Ms. Farmer confirmed that as long as the product was on site, there would be security present.

Mr. Perdell confirmed that was the case.

Chairperson Schley said the majority of the product will be gone by July 6, and the applicant is requesting three extra days for removal of the tent.

Mr. Perdell agreed with that statement.

Themis Corakis of Ted & Marie's stated he owns the restaurant adjacent to the proposed location of the fireworks tent. He said the tent does not create any safety or circulation issues in the parking lot. Any issues there were created by the Road Commission.

Mr. Corakis said he has rented tents before, and he knows it can be a challenge to coordinate schedules with the tent company. There can also be other factors such as weather that impact schedules for set up and removal. This use brings people to the community and to the surrounding businesses. He has no problem with it.

Seeing no other public or comments, the Chairperson closed the public hearing.

Chairperson Schley stated he believes all the standards for a special exception have been satisfied but perhaps there are some conditions to consider. He thinks the time frame to the 9th is reasonable, but he indicated the issue is compliance particularly considering past history. If they conform, no problem. If not, a compliance deposit can be used as a hook. The intent of the Ordinance is not to allow these uses on a quasi-permanent basis.

Ms. Farmer agreed that a compliance deposit is a good idea. Ms. Jackson agreed as well.

Mr. Boulding Sr. asked if there was a compliance deposit in place, could the tent be up for an extended period of time.

Mr. Porter stated that the applicant could still be cited for being in violation, and then the deposit could be used to pay any fines levied.

Chairperson Schley indicated that if there were problems, the next time the use could be denied as well. The Commission is working to be reasonable but also ensuring that the temporary use remains temporary and consistent with the Ordinance.

Mr. Skalski asked if this was setting policy and if this should be done for all similar uses.

Mr. Porter stated that the difference is that we have not had a compliance problem with other locations as we have with this one.

Chairperson Schley noted there is reference to a compliance deposit in one of the conditions in the staff report but a specific amount is not stated. Mr. Milliken explained that was done on purpose as Staff wanted to leave that decision to the Commission. The text of the report suggested \$450, which was based on the amount of the fine that would have been levied last year when the tent was six days late being removed.

Mr. Loy made a motion to approve the special exception use request with the following six 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 in the amount of \$450 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.

Mr. Skalski seconded the motion. The motion passed unanimously.

OLD BUSINESS

Chairperson Schley asked if there was old business to come before the Commission. There was none and the Chair moved to the next item on the agenda.

ANY OTHER BUSINESS

Chairperson Schley shared an invitation that had been presented to him for a training session that will be held July 9 at Kalamazoo Township. It is called Training Wheels and is being presented by KATS and MDOT. It is about non-motorized facilities

and planning and provides an opportunity to learn hands-on about various types of facilities and how / why they should be implemented.

Mr. Milliken indicated that on a similar note, KATS was developing a Complete Streets policy that would guide future funding prioritization and require consideration of the complete road system including non-motorized, pedestrian, and transit facilities. Mr. Skalski stated he was going to attend the May 28th KATS policy committee meeting where comment would be received on this policy.

Chairperson Schley stated it was going to be tough to make progress in just an hour at the work session. He inquired about moving the work session to 5:00 and making it two hours. The Commission agreed and did not think that was an issue.

PLANNING COMMISSIONER COMMENTS

The Chairperson asked if Commissioners had comments to share.

Ms. Jackson stated that she is limited on some of the history and context that is sometimes raised and asked if it would be ok to ask Mr. Milliken about it. Mr. Milliken indicated that was ok and appropriate. He would be happy to help anyone with that.

The Chairperson suggested in addition to the sub area plans, the Commissioners should be sure they have the Supporting Documents portion of the Master Plan and that they review that. There is good information and data there as well.

Mr. Loy stated that Saturday July 19 will be the 10th Anniversary of the purchase of the Drake House. There will be a free party. He also indicated there will be a fundraising campaign kicking off soon with two large events in the area.

Mr. Skalski said he does not like being accused of backroom bargaining and negotiating. That bothers him.

Mr. Boulding Sr. said this is a difficult situation. He is here to serve the community. The Chairperson reminded all the Commission members it is important they share their thoughts during the work session.

Mr. Antosz asked if the letters that were presented at the beginning of the meeting could be distributed.

Ms. Farmer stated she is going to think about ways to move forward with the process and the input that is being presented.

The Chairperson stated that the Sub Area Plans have been discussed and adopted via a thorough process. He is disappointed that despite going to great extent

to make this transparent and allow broad participation, the effort is not being reciprocated.

ADJOURNMENT

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

Mr. Skalski made a motion to adjourn. Mr. Loy seconded the motion. The motion carried unanimously.

Chairperson Schley adjourned the Planning Commission meeting at approximately 8:20 p.m.

Minutes prepared:
May 28, 2014

Minutes approved:
June 12, 2014