

**OSHEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD JUNE 9, 2022

Agenda

UPDATE: MAPLE HILL SOUTH MIXED-USE OVERLAY DISTRICT

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, June 9, 2022, commencing at approximately 6:00 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

ALL MEMBERS

WERE PRESENT:

Bruce VanderWeele, Chair
Micki Maxwell, Vice Chair
Kizzy Bradford
Deb Everett
Alistair Smith
Anna Versalle (arrived late)
Chetan Vyas

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, and Martha Coash, Recording Secretary. Seven guests were also in attendance.

Call to Order and Pledge of Allegiance

Chairperson VanderWeele called the meeting to order at approximately 6:00 p.m. Those in attendance joined in reciting the Pledge of Allegiance.

Approval of Agenda

The Chair asked if there were any changes to the agenda. Hearing none, he let the agenda stand as published.

PUBLIC COMMENT ON NON-AGENDA ITEMS

The Chair determined no one from the public wished to comment.

Approval of the Minutes of the Meeting of May 26, 2022

Chairperson VanderWeele asked if there were additions, deletions, or corrections to the Minutes of the Meeting of May 26, 2022. Hearing none, he asked for a motion.

Ms. Maxwell **made a motion** to approve the Minutes of the Meeting of May 26, 2022, as presented. Ms. Everett **seconded the motion**. The **motion was approved unanimously**.

Chairperson VanderWeele moved to the next agenda item.

UPDATE: MAPLE HILL SOUTH MIXED-USE OVERLAY DISTRICT

Ms. Lubbert said, as requested at the May 26 Planning Commission meeting, she would provide background and a general analysis of the previously drafted Maple Hill South Mixed-Use Overlay District and provided a copy of same. She indicated she had not had time to do an in-depth review of the October 31st 2019 draft but walked through the document citing many concerns she had identified, including: poor document construction, subjective and unclear language, the allowance of piecemeal and uncoordinated design, unsupported density increases, proposed criteria with no implementation tools, not taking into account traffic generation/impact, and failure to reference the correlating master plan. She stated that in her professional opinion the document as written does not follow best planning practices and would not provide the desired outcomes.

She recommended the Planning Commission change their approach to implementing the Maple Hill Drive South Sub-Area Plan. She felt that rather than an overlay specific for this area, a form of conditional rezoning would be more appropriate. She recommended creating a mixed-use zoning district which would require a development plan as part of its approval. Although she didn't have time to draft a full proposal, she noted the development plan should illustrate all contiguous holdings of the owner, proposed land uses and densities, open space areas, architectural guidelines, a full circulation plan for the project area, phasing if any, a traffic generation analysis with particular attention to impacts upon surrounding roadways, a description of existing infrastructure, projected improvements needed to serve the project, and a plan for providing needed infrastructure. The plan could then be evaluated against the adopted master plan. She noted that this approach would provide for a smoother and faster review for development within the area and ensure that the entire project is feasible and coordinated. She added that this new zoning district could also be used for other sub area plans that the township has in place. She cited two ordinance examples from other communities she found that could be referenced.

Ms. Lubbert requested direction from the Commission noting that she understands this is a lot of information to take in and offered to let the Planning Commission digest what she has presented and revisit this issue in their first meeting in July.

Chairperson VanderWeele asked if Commissioners had comments. There was concern about the timing and the time needed to digest her evaluation.

Ms. Everett asked about the relevance of the PUD.

Attorney Porter said the provisions within the district were not sufficient to satisfy the Planning Director.

Ms. Lubbert said she had spoken to the developer about use of the PUD but they did not want to pursue that avenue.

Ms. Maxwell felt a lot of time and effort had been spent to get to this point; Chairperson VanderWeele felt what has been done to date provides good background information.

Ms. Everett wondered what would happen in the future if someone wished to redevelop other properties as this plan is very specific, applying only to the golf course.

Ms. Lubbert indicated that any redevelopment would follow the ordinances and zoning that are currently in place. If found appropriate, a more comprehensive document or sub area plan could be created.

Chairperson VanderWeele asked if anyone from the audience wished to speak.

Mr. Joe Gesmundo, AVB, noted the process to develop the plan was begun in 2017 with former Planning Director Greg Milliken and that it was his idea to do a sub area plan and overlay district. When Julie Johnston was Planning Director, she moved the process along with the consultant firm WadeTrim, who drafted the language and who is still used by the Township today.

He pointed out 10 pages out of 15 had already been collectively reviewed when Ms. Johnston left the Township. AVB instantly reached out to Ms. Lubbert when she was hired to keep the process going. Now it is three years later. It seems unfair and inappropriate to take so much time. If another planner is hired, will we go down another road? He described the process that was used in Portage when AVB developed Woodbridge Hills, a much larger project. It was begun in October of 1976 with nine parcels acquired. They worked with the Planning Department and Commission to plan, rezone, design the development and golf course and construction began within 12 months.

He said AVB has a great track record of development and indicated one of the reasons Woodbridge was so successful was because of the flexibility of the ordinance. To be successful with a planned development, flexibility is needed to adapt to market changes. It is especially needed in a small market like ours. A conceptual plan can be developed but it can't be completely planned out at the start and be successful. He didn't feel an ordinance could be drafted to be used in multiple places. He felt great work was done utilizing lots of time and capital on the plan before them and that the last five pages could be worked through so we can move on.

Mr. Rich MacDonald, Hinman Company, which is a half owner for the

development of the Prairies, said he also volunteers on the board of the Oshtemo Downtown Development authority. He said he was not sure what to think about the concerns expressed by Ms. Lubbert. Flexibility can be subjective and it is the intent of the Master Plan to be flexible which is necessary. Zoning Board Authority specific processes and rules make maneuverability when needed almost impossible. The overlay zone is optional. The underlying zoning still applies. He said the Master Plan sub area plan is clear about the idea of an overlay zone.

He distributed a handout of nine sets of Planning Commission minutes from 2019 meetings as well as corresponding excerpts detailing the systematic review of each point of the overlay zoning ordinance language by commissioners and the previous Planning Director. He can understand the discomfort of this Commission and the Planning Director that the process to review the ordinance language was not this Commission's work product. The one constant is to rely on the Planning Commission body to work through policies and procedures and to move forward. Eight months of constant systematic review by the Commission with the assistance of outside experts helped to inform the document. A lot of work has been done – starting over does not seem like the right thing to do. He said he appreciated the opportunity to share the history of the overlay document process and understands the needed comfort level. Flexibility is appropriate because Planning Commissioners have the ability to evaluate and are capable of doing what is best and in the spirit of the community.

Mr. Curt Aardema, AVB said, as both Mr. Gesmundo and Mr. MacDonald mentioned, the information in the draft document was not arrived at loosely as it goes back to 2017. He sat in this room as Commissioners went through it page by page, and even line by line. It was developed by Wade Trim and Planning Department staff. All was vetted in detail with members of the public present. Public input was received. If all that is thrown out now, it will be a challenge. The golf course is a great property with great potential. It provides an opportunity to improve the road system. He said he looked forward to moving ahead and asked Commissioners to remember the extensive process and many hours of work to date.

Ms. Paula Rumsey, 139 Mandalay Drive, said she knows a lot of work was done on the Master Plan to get the Township organized for future development. With all the changes that have occurred in the last five years, we cannot look at what was true five years ago today. There were no traffic problems during covid, but they are evident again now. If nothing else, what was done on the overlay document provides a good foundation for going forward; she did not think the time spent would be thrown away. Vision has to be brought in. What the past three years have shown us is that we need to re-evaluate. She said the hotel corner is an example of a brick and mortar project. Brick and mortar projects now need to be re-evaluated and what is being projected for the future needs to be looked at. AVB has been ahead of the game in that area. The past work should be a launching pad for what will be needed going forward. She thinks the plan does need work and that we have good people to get things done.

Ms. Mary Shuster, Redstone Condos, commended Ms. Lubbert on the

thoroughness and thoughtfulness of her evaluation of the ordinance proposal. She said the public had not really been consulted, not asked what they want during the process. They want the area to be something special, not the same things as on Westnedge Ave: car accidents and police calls. It is not about how long it takes, which will already be a problem partially due to the shortage of workers. It is about responsible growth. She asked if we will be proud of our development later on and asked Commissioners to think about that.

Mr. Greg Dobson, AVB, said he has been a business partner with AVB and worked with Mr. MacDonald for 23 years. He joined the firm because of their amazing developments. He manages planned developments, particularly with Portage with their flexible overlay, which is similar to what is being considered for Oshtemo. He noted this project's inception in April of 2017. It has been reported 400 citizens were involved to see the options. In August of that year the desire for flexibility on site came from the Planning Commission to the Planning Director. Flexibility is extremely important as things move and change. This approach worked very successfully with Portage. He also noted he has worked extensively with MDOT – he lives here and knows the driving challenges. MDOT's top priority is improving West Main Street. They work with AVB because they are problem solvers and the give and take between AVB and MDOT is valuable. The proposed zoning would be helpful as the access road does not work for residential property. It is important to finish this work so AVB can develop a West Main plan with MDOT, which is part of a much larger plan. The state is in a position to invest and move forward. Of AVB's five core values, one is "Be proud of What You Do." Working together can create a great development here. He asked Commissioners to consider how to move this forward and to do great things at this location.

Hearing no further comments, the Chair said he is torn as he does not want to give up on what has been done or to not move forward as expeditiously as possible.

Mr. Smith said there is one chance to get this right. The Planning Commission represents the residents of Oshtemo Township and has to do what is best for them.

The Chair moved to the next agenda item.

OTHER UPDATES AND BUSINESS

Ms. Lubbert said she received an e-mail regarding the minutes of April 28, 2022 from Gregg Kebler, asking that the spelling of his name and the street he was referencing, W N Ave, in his comments be corrected and that the text of his comments be appended to the minutes.

Attorney Porter said the minutes could not be corrected as they had already been approved by the Planning Commission before the request was received, but that a note could be made at the next meeting as Ms. Lubbert has done.

Attorney Porter also told the Commission the Judge ruled in favor of the Township in the case challenging sewer connection fees by the Oshtemo Resident Association. The Court ruled that the Township's sewer connection fees were proper - not a tax nor a violation of equal protection. The result is that 75-80 residents will have to connect to the sewer in the future.

He also reported that the requested Right of Referendum failed. Oshtemo argued that the petitions were insufficient. The judge agreed with the Township.

Mr. Vyas asked how to move forward on the overlay district. He said he understands the need for flexibility and as what they approve will have an impact in the future, they need to move positively and with caution.

Chairperson VanderWeele asked if Ms. Lubbert could provide in writing her earlier oral comments on the document prior to the first meeting in July.

Ms. Lubbert said she could do that. She said flexibility in the overlay document is important but control guidance is also important. The level of the quality of work varies, things change and grow and it is ok to go in a different direction. Even when working with consultants, it is the responsibility of the Planning Director to evaluate the consultant's work and it is normal for people to have different perspectives.

Ms. Everett noted only Mr. VanderWeele and Ms. Maxwell were on the Planning Commission when the document was drafted and reviewed.

The Chair asked Ms. Lubbert to provide her written comments prior to the first meeting in July. At that meeting Commissioners will review the comments and decide how to proceed.

ADJOURNMENT

With no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 7:08 p.m.

Minutes prepared:
June 10, 2022

Minutes approved:
June 23, 2022