

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD MAY12, 2011

Agenda

MASTER PLAN PUBLIC HEARING

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, May 12, 2011, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Bob Anderson, Chairman
 Kitty Gelling
 Carl Benson
 Dave Bushouse
 Fred Gould
 Millard Loy
 Richard Skalski

MEMBERS ABSENT: None

Also present were Jodi Stefforia, Planning Director; Greg Milliken, Attorney Porter and about 30-35 other interested persons.

Call to Order and Pledge of Allegiance

The meeting was called to order at about 7:00 p.m. and the “Pledge of Allegiance” was cited.

Agenda

Ms. Gelling made a motion to accept the Agenda as submitted. Mr. Skalski seconded the motion. Upon vote, the motion carried unanimously.

Public Comment on Non-Agenda Items

None.

Minutes

The Chairman asked what the pleasure of the Commission was concerning the April 28, 2011 minutes. There being no changes, Ms. Gelling made a motion to approve the minutes, as submitted. Mr. Loy seconded the motion. The Chairperson called for a vote on the motion, and the motion passed unanimously.

MASTER PLAN PUBLIC HEARING

The Chairperson indicated the next item on the Agenda was the Master Plan Public Hearing. He asked that Staff introduce the guest speaker. Ms. Stefforia explained to those in attendance that the Planning Department had done many of the background chapters of the Master Plan, but then had worked cooperatively with McKenna & Associates to work on the visioning process and various chapters, including the Future Land Use Chapter and the Sub-Area Plans as set forth in the Master Plan. She then introduced Mr. Milliken from McKenna & Associates.

Greg Milliken thanked Ms. Stefforia for her introduction. He thanked the Planning Commission, the Staff, the Township Board and the public for all of their input and cooperation in developing the Master Plan. Mr. Milliken then proceeded to take the members of the audience and the Planning Commission through an overview of how the Master Plan was developed.

Mr. Milliken began asking the question, "How did we get here?" He explained that there were community visioning sessions commencing in the fall of 2008, a review of existing conditions and analysis by Staff, and then they worked on future land uses and sub-area plans. He explained how the community profile was developed and then explained the existing land use, showing what was developed and undeveloped. He said, while there had been a significant increase in commercial development, much of the land was still considered undeveloped within the Township.

Mr. Milliken reviewed the housing trends with those in attendance and explained how the Planning Commission looked at the physical character and environment of the overall Township, with an emphasis on trying to maintain the rural character and open space. He then focused on the Commission's analysis of the transportation and community services. Taking that all into account, he explained how the Township took extensive public input and then developed the Master Plan. He said the key was the Planning Commission members' distillation of the information they received from the public, culminating in 14 goals, 31 objectives and 56 strategies which were incorporated into the Master Plan.

Mr. Milliken then explained what changes were made since the last Land Use Plan, showing how those changes were mapped out within the community and presenting the future Master Plan to those in attendance. He explained that the future land use matrix and the Sub-Area Plans, which he described as the Genesee Prairie

Sub-Area, the West Main Street Sub-Area, Maple Hill Drive South, Century Highfield and 9th Street. Mr. Milliken said the first two Sub-Areas were completed, and the other three should be completed within the next 9 to 12 months. He then proceeded to give some additional detail on each of these proposed Sub-Areas. Ultimately, Mr. Milliken said the implementation would require amendments to the Zoning Ordinance which would then connect the Master Plan to the Zoning Ordinance and existing Township maps.

Mr. Milliken again thanked the Planning Commission and the audience for their attention.

Public Comments

Sheri Mohmand introduced herself to the Planning Commission, saying she lived on Old Log Trail. She stated that she and her husband owned property on 9th Street and felt that the present 9th Street Focus Area should not be eliminated. She said she thought the current West Main Focus Area should include their property which is south of Walmart on 9th Street. She said the same criteria which applied to the West Main Focus Area also applied to their property, and their property should be attached to the West Main Focus Area.

Ms. Mohmand said that she thought because there are wealthy individuals who own property on West Main, they were getting preferential treatment as opposed to the property owners on S. 9th Street. She said three of the four property owners on S. 9th Street were Muslims, and she thought they were being discriminated against. She then gave a copy of her letter to the Planning Commission and asked that it be attached to the Planning Commission minutes.

Mr. Hoffman introduced himself and said he lived on Aberdeen Drive. He said he liked the Master Plan and thought it was very detailed, similar to the City Plan which he had participated in preparing when he was on the City Planning Commission. He told the Planning Commission he thought they did a very nice job. However, he did express concern about the development of the Colony Orchard Farm. He said he hoped when the Board looked at that development, they did what they could to protect the Asylum Lake area, its waterhead and wellhead areas. He proposed a buffer on the east side of the project to protect the ecosystem in Asylum Lake.

Mr. Rick DeKam introduced himself to the Planning Commission. He said he was with Midwest Realty in Portage, representing the Longjohn family. He explained the Longjohn family had 40 acres on West Main and that they wanted to develop the property for its highest and best use. He said he also brought in a planner to provide a different perspective on the use of the property. He explained that they were at the visioning session but not sure that what people were asking for was actually taken into account. He said that the Planning Commission should slow down and delay taking action on the Plan. He added that there were two national retailers looking at this

property which he thought would be a windfall for the community creating jobs and taxes, and he urged the Commission not to approve the Master Plan in its current form.

Mr. Steve Hayward introduced himself to the Commission. He said he was the planner for Lansing Township and also worked as a consultant. He said he had presented a letter to the Commission with alternatives. He said ~~thought~~ that his client's voice was not being heard, and he wanted the Planning Commission to slow down to consider some other alternatives. He said he thought if the Master Plan was approved in the form it was proposed, there would be no rezonings on M-43 and that it would severely impede development. He stated that the area on West Main was identified in the survey as the primary area for commercial development, and he did not believe what the Township was proposing, in the way of strip commercial, would really help benefit the community. He also expressed concern that it would hinder the development in such a way as to not preserve the natural resources of the community and suggested a more holistic view for the area.

Mr. Longjohn introduced himself. He said that he lived in Portage, but his family had purchased property on M-43 more than 43 years ago. He explained that he had paid taxes on the property all these years and that he had been a good Township resident. He explained that his dad helped to secure the property upon which the Township Hall currently sits. He also said that the family had cooperated in allowing the installation of sewer and water lines on the property, and expressed a desire to allow his family to be able to develop the property.

Mr. Ken Bertolissi introduced himself. He said he owned property on West Main Street. He said his family had purchased property on West Main 72 years ago. He stated that he was not sure what the proposed ingress and egress roads were attempting to show in the West Main Sub-Area, and he was against any access road traveling along the rear portion of his property. He said he thought he would lose parking if an access road were installed. He also said he was confused by the roads going north and south and who would pay for them. He raised a question as to whether the Planning Commission wanted to eliminate driveways on West Main.

Ms. Patricia Kline introduced herself to the Planning Commission. She said she was very interested in the Old Colony Orchard and wanted to protect Asylum Lake. She said this was a natural, beautiful, open area and hoped that whatever happened at the Old Colony Orchard, it was developed in such a way as to not negatively impact Asylum Lake.

Mr. Terry Schley introduced himself to the Planning Commission. He said he was an architect in Oshtemo Township and owned commercial and residential properties in the Township. He said, as an architect, he generally applauded the Master Plan. However, he said he had concerns about the Genesee Prairie Sub-Area design. He said he did not think that it would develop in the way it was laid out and thought that the

Commission needed to give the matter further consideration and possibly revise the same.

Mr. Pat Lennon introduced himself. He said he was an attorney with Honigman Miller representing Steve Parker. He said his client owned property on M-43 near the Marathon gas station, and he said, while he thought the Plan was a quality plan, he and his client did not agree with the Plan 100%. He suggested allowing further commercial development in the area of the commercial node on West Main so that his client's property could be more fully developed. He suggested expanding commercial all along M-43 because it was a five-lane highway. He said the road was there; the infrastructure was there; and he said he thought the Township needed to honor the commitments made to those who owned land in the area for so long. He said he thought the Plan unnecessarily limited commercial on West Main and encouraged the Planning Commission not to rush to make a final decision.

Mr. Kadir Mohmand introduced himself to the Planning Commission. He said he owned property on 9th Street between West Main Street and KL Avenue. He said he thought removing the current 9th Street Focus Area which is provided in the current Land Use Plan was wrong. He felt that discrimination was taking place and asked that the Planning Commission prove that there was justice for all in Oshtemo Township. He also suggested that the Township follow the Constitution.

Ms. Helen Brodasky introduced herself to the Planning Commission. She said it was quite difficult to hear all the references and requests for additional commercialization on M-43. She stated, when the Township originally developed commercial property, she was told it would keep the development east of U.S. 131. She said she did not want to see all of M-43 or the Township surrounded by commercialization.

Mr. Al Laaksonen said he also had some concerns about the drawings showing planned access drives on the property near Ethan Allan. He said he had concerns similar to those expressed by Mr. Bertolissi and asked that the Commission ensure that whatever developed did not have a negative effect on the smaller property owners in the area.

Ms. Pam Larson introduced herself to the Planning Commission. She told the Planning Commission she thought the Master Plan was very thorough and that she was very glad for the opportunity to participate in the visioning sessions. She thanked the Commission for taking into account native plants and dealing with invasive species on page 74 of the Plan. She did question the reference to undeveloped land as it is was a bad thing and questioned whether it should be referred to as woodland which is a positive thing.

Matthew O'Connor introduced himself to the Commission. He said he also worked with Midwest Realty, and on behalf of the Longjohn family, he encouraged the Commission to take more time. He said he thought they should have additional sessions

to take additional public comment. He questioned whether the people had full participation in the land-planning process.

Mr. Dale Shugars introduced himself on behalf of the Kalamazoo and Grand Rapids Home Builders Association. He explained how dire the situation was in the housing field and even pointed out the limited number of housing starts in the first quarter of 2011 versus the first quarter in the previous four years. He said he was not sure that there was growth in the area and thought there were continuing decreases in home values. He said, because of the slow-down, many builders have lost their jobs, and he cautioned the Township about creating additional regulations that would burden the smaller builders because to do so would put some quality builders out of business.

The Chairman asked if there were further comments. Hearing none, he closed the public portion of the meeting at 8:10 p.m. and called for Commission deliberations.

The Chairman thanked the public for their comments and asked Ms. Stefforia if she had any comments. Ms. Stefforia said she would like to answer a couple of questions which were raised. She said the question raised about the road in the West Main Sub-Area was easily answered. She noted that those individuals who thought that there was a rear service drive being proposed misunderstood the drawings. She said all the drawings showed were connections between individual parking lots, not active service drives. She said, with regard to the streets identified within the Sub-Areas, that the roads would be built by developers, not Township, because of the Township's limited resources.

With regard to public notice, Ms. Stefforia said she did not understand the concerns expressed that the public was unaware of the Master Plan. She said this Master Plan has been worked on for over two years, and every newsletter had references to the Master Plan. She also noted that the Township had a web page, which was updated on a regular basis, allowing anyone to see the progress taking place. She said there were numerous planning sessions and public input sessions, with ample public notice. She also said there were e-mail blasts regularly delivered to anybody who wanted to have notice of what was taking place with regard to the Master Plan. In addition, she said there were two publications of the present public hearing, one of which was published over a month and a half ago, and anyone could have sought and obtained the Master Plan and then provided input well in advance of the actual public hearing.

The Chairman asked if there were any comments from Mr. Milliken. Hearing nothing, he called for Planning Commission deliberations.

The Chairman said most of the technical aspects (typos and pictures) had been worked out, and he thanked the Commission members for their input.

Ms. Stefforia also thanked Mr. Benson, Mr. Gould and Ms. Gelling for their comments, and she said perhaps some of the issues which Mr. Gould raised should be

addressed. Ms. Stefforia mentioned that Mr. Gould had raised a question which she thought was substantive regarding Item 8 on page 124 of the Plan. She indicated that Mr. Gould was suggesting changing the word “Require” to “Encourage” in the first strategy under Objective A, and changing the word “Disallow” in the second strategy to “Discourage.” She said that these references were made regarding connectivity.

Mr. Gould said that he understood the need for connectivity, but he said it had to be used judiciously otherwise it would ruin the rural character of the community. He said he was not saying that the Township should not have connectivity, but to be very careful in how it is used. He said he has particularly understood some of the concerns raised by those persons living in Country Club Village.

The Chairman said his goal was to see if he could get a motion to move this matter forward.

Mr. Gould then raised a question regarding form-based code on page 121 of the Plan document. Mr. Milliken said that form-based code reference was only in the Village Area. He said it could be applied to other appropriate areas, but was not sure exactly where that would be at the present time.

Ms. Stefforia said Mr. Gould had also made a reference about the need for sewer in reference to page 60 of the Plan. Mr. Gould said he was concerned that if you had the types of development, i.e., the open space communities, whether there would be adequate location for septic systems. Ms. Stefforia said she thought that was an appropriate concern. Mr. Gould said he was not saying that there needed to be a change in the Master Plan, but developments of this kind should be encouraged to have sewer in order to serve the open space community. Ms. Stefforia suggested that these types of developments only be located in those areas where public sewer was available.

Mr. Gould then asked if anyone had had a chance to digest the document received from Mr. DeKam and Mr. Hayward. The Chairman said he had and that he did not necessarily agree with the assertions set forth in the letter. He said if he lived in that neighborhood, he would not want to see another big box store next to his home, and therefore, he had to respectfully disagree with what the expert was recommending. He said he thought the expert was trying to say the Plan was inconsistent with the rest of what is happening in America, but what he felt he was attempting to do was push the Planning Commission into opening up the entire area to commercial development. He also noted he was not pleased with having received the letter only three hours before the public hearing. The Chairman said frankly he would not give the letter much credit.

The Chairman asked if there were other comments by Planning Commission members, and if not, he said he would entertain a motion. Ms. Gelling made a motion to adopt the Resolution of the Oshtemo Charter Township Planning Commission Approving and Recommending for Final Approval the Oshtemo Charter Township Master Plan –

2011. The motion was seconded by Mr. Skalski. Upon roll call vote, the motion passed unanimously.

Other Business

Ms. Stefforia asked the Planning Commission members what their desires were with regard to the three remaining Sub-Areas. Mr. Gould proposed doing them in the order in which they were introduced to the Planning Commission. Mr. Benson said he thought they should be handled in the order in which they arose. Mr. Bushouse said, given the recent activities by Western Michigan University, that Century-Highfield should be the primary one to be dealt with at this time. Ms. Gelling said she agreed that it should be Century-Highfield. Ms. Stefforia said she only had funding to commence the first study, at this point in time and, with the consensus of the Planning Commission, would commence work on the Century-Highfield Sub-Area work.

Ms. Stefforia said that they would start with a workshop regarding Century-Highfield in June.

Ms. Stefforia stated that the Master Plan would move on to the Township Board and be considered for adoption at its meeting of June 28, 2011.

Planning Commissioner Comments

Mr. Bushouse said he thought that the Master Plan which they approved was a good step forward

Ms. Gelling said she thought that the Commission had done a wonderful job, and they could not please all of the people all of the time. She said the comments that the people were not informed were totally untrue, and that the Commission and the Township had gone above and beyond what was required by statute to provide public notice and public input. She also said the claims that there was discrimination in the preparation of the Plan are totally unfounded.

Mr. Bushouse informed the Planning Commission members that he was invited to the Chamber to discuss the new Master Plan next Monday, May 16, 2011.

Mr. Benson said he took exception to the document which they received from Mr. DeKam with Midwest Realty just shortly before the meeting. He said that the Planning Commission had been working on the Plan for two and a half years and to come in at the last minute to try to delay the process when they had notice of planning sessions, an opportunity to be heard numerous times before, was inconsiderate.

The Chairman said he thought the attempts by some to stall the Plan were unfounded, and anyone who wanted to have input into the Master Plan up to this point had numerous opportunities.

Mr. Loy said he thought the Plan was a good document.

Mr. Skalski said he supported what Ms. Gelling had said with regard to notice and opportunity to be heard by the people.

Mr. Gould then concluded by asking about the medical marihuana information. Attorney Porter suggested that they read all available information which was provided to them and prepare for the public hearing on May 26, 2011.

Adjournment

There being no further comments, the meeting was adjourned at approximately 9:00 p.m.

Minutes Prepared:
May 16, 2011

Minutes Approved:
May 26, 2011