

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD JUNE 14, 2018

Agenda

PUBLIC HEARING:

**REZONING REQUEST CONSIDERATION OF AN APPLICATION FROM ADVANCE
POURED WALLS, ON BEHALF OF ROBERT REDMON, FOR THE REZONING OF
APPROXIMATELY 3.7 ACRES OF A 17.39-ACRE PARCEL LOCATED AT THE
NORTHEAST CORNER OF SOUTH 6TH STREET AND STADIUM DRIVE FROM THE
I-1: INDUSTRIAL DISTRICT, MANUFACTURING/SERVICING TO THE I-3:
INDUSTRIAL DISTRICT, SPECIAL. PARCEL NO. 3905-34-155-018.**

PUBLIC HEARING:

**REZONING REQUEST CONSIDERATION OF AN APPLICATION FROM SIMON
ASHBROOK FOR THE CONDITIONAL REZONING OF APPROXIMATELY 4.3
ACRES OF A 20-ACRE PARCEL LOCATED AT 7110 WEST MAIN STREET TO
ALLOW FOR THE DEVELOPMENT OF A SPECIALTY MARKET. THE REQUEST IS
FROM THE R-2: RESIDENCE DISTRICT TO THE C: LOCAL COMMERCIAL
DISTRICT WITH A VOLUNTARY OFFER OF CONDITIONS.
PARCEL NO. 3905-15-285-010.**

PUBLIC HEARING:

**REZONING REQUEST CONSIDERATION OF AN APPLICATION FROM OSHTEMO
CHARTER TOWNSHIP FOR THE REZONING OF APPROXIMATELY 9.11 ACRES
OF A 11.71-ACRE PARCEL LOCATED AT 25 SOUTH 4TH STREET FROM THE C:
LOCAL BUSINESS DISTRICT TO THE RR: RURAL RESIDENTIAL DISTRICT.
PARCEL NO. 3905-16-355-071.**

PUBLIC HEARING:

**SPECIAL EXCEPTION USE/SITE PLAN – RESIDENTIAL CONDOMINIUM
DEVELOPMENT CONSIDERATION OF AN APPLICATION FROM GREG WATTS OF
PRIME HOMES FOR THE DEVELOPMENT OF A RESIDENTIAL CONDOMINIUM ON
APPROXIMATELY 4.25 ACRES OF A 10.25-ACRE VACANT PARCEL LOCATED AT
8TH STREET AND GLENDORA LANE IN THE R-3: RESIDENCE DISTRICT.
PARCEL NO. 3905-24-220-110.**

***THE RESIDENTIAL CONDOMINIUM AGENDA ITEM WAS TABLED UNTIL JUNE 28,
2018***

PUBLIC HEARING:

**SPECIAL EXCEPTION USE/SITE PLAN REVIEW - WESTGATE PUD PRIVATE
ROAD CONSIDERATION OF AN APPLICATION FROM TWO SQUARED**

DEVELOPMENT, LLC FOR THE CONSTRUCTION OF AN ACCESS DRIVE FROM WEST MAIN STREET, WITHIN THE WESTGATE PLANNED UNIT DEVELOPMENT, LOCATED IN THE NORTHEAST CORNER OF U.S. 131 AND WEST MAIN STREET, IN THE C: LOCAL BUSINESS DISTRICT. PARCEL NOS. 3905-13-80-029 AND 3905-13-130-022.

PUBLIC HEARING:

SPECIAL EXCEPTION USE/SITE LAYOUT REVIEW – GROUP DAYCARE HOME CONSIDERATION OF AN APPLICATION FROM MABLE SCHMIDT TO ALLOW A CHILD GROUP DAYCARE HOME AT 5350 CRIMSON LANE IN THE R-2: RESIDENCE DISTRICT. PARCEL NO. 3905-24-220-110.

PUBLIC HEARING:

SPECIAL EXCEPTION USE/SITE LAYOUT REVIEW – TEMPORARY OUTDOOR EVENT CONSIDERATION OF AN APPLICATION FROM THE THIRSTY HOUND, LLC TO ALLOW A FOOD TRUCK IN THE PARKING LOT OF MEADOW RUN KNOLL AT 900 SOUTH 8TH STREET IN THE I-1: INDUSTRIAL DISTRICT. PARCEL NO. 3905-22- 430-040.

PUBLIC HEARING:

SPECIAL EXCEPTION USE/SITE PLAN REVIEW – DRIVE THROUGH LANE CONSIDERATION OF AN APPLICATION FROM PROGRESSIVE AE, ON BEHALF OF ARCHLAND II, LP, FOR THE DEVELOPMENT OF AN ADDITIONAL DRIVE THROUGH LANE FOR THE MCDONALD’S AT 6820 WEST MAIN STREET IN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-14-155-050.

SITE PLAN REVIEW:

ADAM GARLAND CONSTRUCTION CONSIDERATION OF AN APPLICATION FROM ADAM GARLAND CONSTRUCTION FOR AN ADDITION TO AN EXISTING BUILDING AT 6825 STADIUM DRIVE IN THE VC: VILLAGE COMMERCIAL DISTRICT AND WITH THE VILLAGE FORM BASED CODES OVERLAY ZONE. PARCEL NO. 3905-35-115-066.

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, June 14, 2018, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT:

Cheri Bell, Chairperson
Fred Antosz
Ollie Chambers
Dusty Farmer, Secretary
Micki Maxwell
Mary Smith
Bruce VanderWeele, Vice Chairperson

MEMBERS ABSENT:

None

Also present were Julie Johnston, Planning Director, James Porter, Township Attorney, Martha Coash, Meeting Transcriptionist, and approximately 25 interested persons.

Call to Order and Pledge of Allegiance

As Chairperson Bell was late in arriving, Vice Chairperson VanderWeele called the meeting to order at approximately 7:05 p.m. and invited those present to join in reciting the "Pledge of Allegiance."

Agenda

Vice Chairperson VanderWeele asked if there were any additions or deletions to the proposed agenda. Ms. Johnston noted that the application for the residential condominium, item number 9 on the agenda, for Special Exception Use/Site Plan – should be tabled until the June 28, 2018 meeting.

Chairperson Bell arrived at this point in the meeting and asked for a motion.

Mr. Chambers made a motion to table item number 9 as listed on the agenda as requested until the meeting of June 28, 2018 and to approve the rest of the agenda as presented. Ms. Maxwell supported the motion. The motion was approved unanimously.

Public Comment on Non-Agenda Items

The Chair determined no one in the audience cared to comment regarding non-agenda items and moved to the next agenda item.

APPROVAL OF THE MINUTES OF THE WORK SESSION AND REGULAR MEETING OF MAY 24, 2018

Chairperson Bell asked if there were any additions, deletions or corrections to the Work Session or Minutes of the Regular Meeting of May 24, 2018.

Ms. Farmer requested page seven of the minutes be corrected to reflect that her motion to approve the special exception use request from Jake's Fireworks include the condition that if any infraction occurs in 2018, Jake's will not be allowed to apply again in the future.

Ms. Maxwell made a motion to approve the minutes of the Work Session and the Regular Meeting of May 24, 2018 as presented with the correction requested by Ms. Farmer. Ms. Farmer supported the motion. The motion was approved unanimously.

Chairperson Bell moved to the next agenda item.

6. PUBLIC HEARING: REZONING REQUEST CONSIDERATION OF AN APPLICATION FROM ADVANCE POURED WALLS, ON BEHALF OF ROBERT REDMON, FOR THE REZONING OF APPROXIMATELY 3.7 ACRES OF A 17.39-ACRE PARCEL LOCATED AT THE NORTHEAST CORNER OF SOUTH 6TH STREET AND STADIUM DRIVE FROM THE I-1: INDUSTRIAL DISTRICT, MANUFACTURING/SERVICING TO THE I-3: INDUSTRIAL DISTRICT, SPECIAL. PARCEL NO. 3905-34-155-018.

The Chair asked Ms. Johnston to present the Staff report regarding this application.

She indicated for the past several years, Advanced Poured Walls has been placing large quantities of concrete debris on their property at the northeast corner of Stadium Drive and 6th Street. This concrete is then milled generally once a year. Both the location of the stored materials and the milling process are in violation of the I-1: Industrial District. The Township began enforcement actions to request the removal of the storage and milling operation. Staff has been working with the applicant for a little over a year to try and find a solution to the zoning concerns related to their business.

Township Staff had several meetings with the applicant to review options related to the zoning and compatibility concerns while still allowing the business to operate. Milling operations are only permitted within the I-3: Industrial District. To that end, staff recommended finding a location on the subject property for this District that would both meet the applicants' needs as well as the criteria of the Township's Master Plan.

The property in question is a total of 17.48 acres zoned I-1: Industrial District, Manufacturing/Servicing. Of this total acreage, the applicant wished to rezone a little over four acres in the northeast corner of the parcel to I-3: Industrial District, Special.

Ms. Johnston indicated the Zoning Enabling Act, which allows Townships to zone property, does not provide any required standards that a Planning Commission must consider when reviewing a rezoning request. However, there are some generally recognized factors that should be deliberated before a rezoning decision is made. She walked through the factors and explained how the rezoning request meets these considerations.

Ms. Johnston said Staff suggests the Planning Commission forward a recommendation of approval to the Township Board for the rezoning of approximately 4-acres on the subject property from the I-1: Industrial District, Manufacturing/Servicing to the I-3: Industrial District, Special for the following reasons:

1. The proposed rezoning is consistent with the Township's Future Land Use Plan.
2. The requested location of the I-3 District helps to manage compatibility concerns with adjacent zoned and used industrial and residential properties.

3. The limited acreage requested for the I-3 District rezoning will ensure future impacts are minimized.

Board Member questions for Ms. Johnston centered on screening/fencing and possible noise and milling dust concerns for neighbors.

Ms. Johnston indicated the applicant has not received any noise or dust complaints. Complaints received have been regarding truck traffic. Concrete is milled once a year with leased equipment.

Attorney Porter urged the Planning Commission to focus on whether the proposal is a suitable place for the requested rezoning under the Land Use Plan. The applicant is currently operating and asked about a suitable location to rezone. Site review issues are not relevant at this time.

Ms. Johnston explained other uses are allowed in I-3 and noted this will be the first area of the Township to be zoned I-3 if approved by the Planning Commission.

Hearing no further questions, Chairperson Bell asked if the applicant wished to speak.

Mr. Adam Barker, 3425 S. 6th Street, explained the milling takes place once about every three years. The noise and dust are controlled by the company that comes to do the work. They are required to hold a permit and to abide by set rules and regulations. The actual process takes three to four weeks. Trucks on 6th Street are a concern, but do not have a lot to do with the rezoning. A neighboring business also has trucks that use 6th Street. He noted truck traffic consists of perhaps 1-2 trucks per hour and does not go past 4-5 p.m.

In response to a question from Ms. Maxwell, Mr. Barker said he recycles the milled concrete generated by his business for other uses and has no intention to mill other people's concrete.

Chairperson Bell asked if there were public comment on this item. Hearing none, she moved to Board Deliberations.

The Chair said she thought the rezoning is appropriate given the industrial zoning around this pocket but does not want to see a lot of trees removed.

Ms. Farmer was appreciative of the Staff's willingness to work this out. She said all permitted I-3 uses seem appropriate there.

Attorney Porter said I-3 should be tucked back on property based on the criteria established in the Master Plan. This request meets those criteria.

Ms. Johnston added the Master Plan says I-3 should be on large parcels with significant set-back, away from residential property. The State of Michigan planning and zoning acts indicate a Township should accommodate all types of uses. The Master Plan tries to find the best locations for those types of uses. Each individual jurisdiction has to decide how to accommodate the various uses.

In response to a question from Ms. Smith, Ms. Johnston said this type of business is permitted by right in the I-3 District. Anything not permitted by right would have to come before the Planning Commission for special exception use and would be subject to meeting the standards for approval. If not met, the request could be denied.

Mr. VanderWeele asked if the applicant would have to come back for site plan approval.

Ms. Johnston indicated a site plan will be necessary despite no building construction. Requirements are that it would be screened by a solid fence, provide a 100 ft. set-back, no storage would be allowed within the 100 ft., and all activities would need to be screened by fence from neighbors.

Hearing no further comments, Ms. Bell asked for a motion.

Mr. Chambers made a motion to forward a recommendation of approval to the Township Board to rezone the property in question from I-1 to I-3 for the three reasons provided by Staff. Mr. VanderWeele supported the motion. The motion was approved unanimously.

7. PUBLIC HEARING: REZONING REQUEST CONSIDERATION OF AN APPLICATION FROM SIMON ASHBROOK FOR THE CONDITIONAL REZONING OF APPROXIMATELY 4.3 ACRES OF A 20-ACRE PARCEL LOCATED AT 7110 WEST MAIN STREET TO ALLOW FOR THE DEVELOPMENT OF A SPECIALTY MARKET. THE REQUEST IS FROM THE R-2: RESIDENCE DISTRICT TO THE C: LOCAL COMMERCIAL DISTRICT WITH A VOLUNTARY OFFER OF CONDITIONS. PARCEL NO. 3905-15-285-010.

Chairperson Bell moved to the next item on the agenda and asked Ms. Johnston to review this item for the Board.

Ms. Johnston reported the owner/applicant was requesting rezoning of approximately 4-acres of a 20-acre parcel addressed as 7110 West Main Street to the C: Local Business District with conditions. The rezoning request is to allow for the development of a specialty meat and produce market. The applicant has provided specific conditions related to the rezoning request. The parcel is currently located in the R-2: Residence District and has approximately 720 feet of frontage on West Main Street.

She explained the unique element of the request is that the property owner has submitted conditions associated with the rezoning application. The conditional rezoning process follows the same procedures as a traditional rezoning request with the exception that the applicant may offer conditions that place additional restrictions on their property. Conditional rezoning is provided as a mechanism to allow an applicant the opportunity to address anticipated concerns that may be raised by the rezoning request. Per Section 53.300.A, the Planning Commission may recommend approval, approval with recommended changes, or denial of the conditional rezoning; provided, however that any recommended changes to the offer of conditions are acceptable to the owner.

With the update to the Master Plan complete, the new Future Land Use category for the first 300 feet of the subject property moving north from West Main Street is now Local Commercial. In conversations with the applicant, staff indicated that the likelihood of a rezoning to the C: Local Business District, the only available zoning district for retail uses, was not high. The intensity and possible scale of allowable uses within this district would not meet the intent of the Local Commercial District outlined in the Master Plan. With that said, the applicant suggested a conditional rezoning to limit the size of the development, more in keeping with the Local Commercial District as described in the Master Plan.

She described the applicants' offer of conditions:

1. The conditional rezoning request is from the West Main right-of-way north 300 feet for a total of approximately 4.0 acres, which is the area planned for Local Commercial in the Township's Future Land Use Map.
2. The size of the commercial building will be limited to 5,000 square feet or less in keeping with the intent of the Local Commercial District outlined in the Master Plan.
3. The commercial building will house a specialty market for the sale of meat, dairy, and produce.
4. To assist the Township with access management, we will enter into cross-access agreements with adjacent properties, when they develop, to consolidate curb cuts in this area and limit additional driveway entrances off of West Main Street.
5. When the Local Commercial zoning district, as defined in the Master Plan, is created by the Township, we will work with the Township to remove the conditional rezoning and zone the property as outlined in the Future Land Use Map.

Ms. Johnston said with these conditions in mind, the Planning Commission needed to determine if the requested C: Local Business District for a specialty market is supported by the generally recognized factors that should be deliberated before a rezoning decision is made. She specifically highlighted shared access and parking, the

impact on traffic flow with an additional curb cut on West Main Street, and site development needed for this use to transition effectively and be compatible with adjacent properties.

Based on the considerations noted above, Ms. Johnston said Staff endorsed the Planning Commission forwarding a recommendation of approval to the Township Board for conditional rezoning to the C: Local Business District to include the five conditions offered by the applicant. This recommendation was based on the following:

1. The request is in keeping with the current Future Land Use Plan for the Township, which indicates Local Commercial and specifically details specialty food markets.
2. The rezoning conditions provided by the applicant ensure a development that fits the scale and intensity for local commercial uses recommended in the Future Land Use Plan.
3. The conditional rezoning will serve as a transition between the more residential/rural areas and the general commercial areas of West Main Street.

In response to questions, Ms. Johnston said the property, a little over 20 acres, is not in the West Main Street overlay zone and that the cut out shown on the aerial map is an MDOT retention basin. There is one single family home on the property.

Chairperson Bell asked if the applicant wished to speak.

Mr. Mark Ashbrook spoke on behalf of Mr. Simon Ashbrook, 41297 County Road 380, Bloomingdale, who said the property was purchased about three years ago with the aim of establishing a market. The desire is to develop a small enclosed Red Barn Market in a populous area, operating year-round in order to increase business for their family farm.

Chairperson Bell asked if there were public comment.

Mr. Dave Bushhouse, 992 N. 7th Street, said he had no problem with a market, but is very concerned about traffic safety currently, and felt problems would only increase with an additional business and resulting increased traffic turning on and off West Main Street. He encouraged the Township to look at the traffic situation with the Sheriff's Department.

Mr. Ken Wichtman, 7194 West Main Street, next to the Ashbrook property, said he is glad this is zoned local commercial and believed the rezoning should be approved, that the business proposed will be good for the community. He said he also struggles with traffic control issues and what this development will add to them. He suggested working with MDOT regarding access and safety. He also encouraged continued work with neighbors on screening.

Hearing no further comments, Chairperson Bell moved to Board Deliberations.

Responding to questions from Mr. VanderWeele and Ms. Maxwell, Ms. Johnston said the goal is to limit curb cuts through cross-access. Some conversation was had with the applicant about possibly connecting with neighboring existing commercial uses. Recently area curb cuts have been approved by MDOT with no left turns. The Township can ask for a speed study from MDOT.

Chairperson Bell wondered whether livestock is permitted in R-2.

Attorney Porter said it is not permitted for commercial purposes; it is limited to hobby use.

Several Board Members expressed their support for the application as well as their concern regarding traffic safety and their desire to address the problems.

Chairperson Bell asked for a motion.

Ms. Smith made a motion to forward a recommendation of approval to the Township Board for conditional rezoning to the C: Local Business District with the inclusion of the five conditions offered by the applicant. Ms. Farmer supported the motion. The motion was approved unanimously.

Ms. Farmer reiterated the traffic issue needs to be addressed.

8. PUBLIC HEARING: REZONING REQUEST CONSIDERATION OF AN APPLICATION FROM OSHTEMO CHARTER TOWNSHIP FOR THE REZONING OF APPROXIMATELY 9.11 ACRES OF A 11.71-ACRE PARCEL LOCATED AT 25 SOUTH 4TH STREET FROM THE C: LOCAL BUSINESS DISTRICT TO THE RR: RURAL RESIDENTIAL DISTRICT. PARCEL NO. 3905-16-355-071.

Chairperson Bell moved to the next item on the agenda and asked Ms. Johnston to review this item for the Board.

Ms. Johnston explained this was a Planning Department initiated request to rezone the subject parcel from the C: Local Business District to the RR: Rural Residential District. Staff's ongoing concern with the current zoning of this property is its incompatibility with surrounding land uses and zoning. In addition, the request to rezone the subject property is a step towards implementation of the Township's Future Land Use Map.

She said the property in question is 11.71 acres and 9.11 acres is currently zoned C: Local Business District. From aerial photography, most of the site is wooded and undeveloped. Only about the first 140 feet east from the 4th Street right-of-way line has been developed (approximately one acre) and contains both a commercial

building and single-family home (with detached pole building), which is presently being used as a residential rental. It appears that access to the site, both for the commercial building and single-family home, is unpaved. There is a concrete pad in front of the commercial building, but parking and drive aisles around the building are unpaved.

Staff was unable to locate the exact date this property was rezoned to the C District but do know it occurred prior to the current Zoning Ordinance, which was codified in 1984. Without those records, it is unclear as to why this property was granted commercial zoning, but it was likely to accommodate a gas/service station.

She said Staff understands since that time an auto repair shop has operated sporadically at this location. It is unclear as to its current operation but believe it is either related to automotive repair or detailing. There have been approximately three Township interventions over the last three years, the most recent being February of 2018, when Ordinance Enforcement was called to the site due to litter and vehicles that were either inoperable or without proper licensing.

Ms. Johnston noted the application is consistent with the six generally recognized factors that should be deliberated before a rezoning decision is made. In addition, the change to the RR: Rural Residential District would eliminate a case of “spot” zoning in the Township.

Staff recommended the Planning Commission forward a recommendation of approval to the Township Board for the rezoning of the subject property from the C: Local Business District to the RR: Rural Residential District for the following reasons:

4. The proposed rezoning is consistent with the Township’s Future Land Use Plan.
5. The requested RR: Rural Residential zoning is compatible with the surrounding land uses and zoning classifications.
6. Rezoning the property will eliminate an area of “spot” zoning in the Township.

Ms. Johnston noted the effects of rezoning are that the commercial use becomes “grandfathered” making it a legal non-conforming use. The current use will be allowed to continue and can be improved but cannot be expanded. If it ceases for 12 months, the grandfathered allowance goes away.

Chairperson Bell asked whether there were questions for Ms. Johnston from the Board.

Ms. Smith asked about land owned by a person that the Township wishes to rezone.

Attorney Porter said a local unit has the right to rezone without a request from the property owner. There are no vested rights regarding zoning in Michigan. This is a case of spot zoning which will never fit – the Township is well within its rights.

Ms. Johnston added it is not common practice but that it is allowed. She said she talked with the property owner as well as a representative of the owner. Staff also sent the written report to them.

Hearing no further Board questions, the Chair asked for public comment.

Mr. Dave Nugent, 8759 Almena Drive, said his property backs up to this property and was appreciative of the rezoning which he said will protect his property.

Ms. Chris Hornbeck, 54 N. 4th Street, across from the property to be rezoned was unaware that the entire parcel was zoned commercial and wondered why. Ms. Hornbeck said the property is in bad shape and includes a pool without fencing.

Attorney Porter said someone will be sent to look at the site.

Hearing no further public comment, Chairperson Bell closed the public hearing and moved to Board Deliberations.

Ms. Maxwell stated the property is an eyesore and not in character with the rest of the neighborhood.

There being no further comments from Board Members, the Chair asked for a motion.

Ms. Farmer made a motion to forward a recommendation of approval to the Township Board for the rezoning of the subject property from the C: Local Business District to the RR: Rural Residential District for the three reasons as presented by Staff. Ms. Maxwell supported the motion. The motion was approved unanimously.

9. PUBLIC HEARING: SPECIAL EXCEPTION USE/SITE PLAN REVIEW - WESTGATE PUD PRIVATE ROAD CONSIDERATION OF AN APPLICATION FROM TWO SQUARED DEVELOPMENT, LLC FOR THE CONSTRUCTION OF AN ACCESS DRIVE FROM WEST MAIN STREET, WITHIN THE WESTGATE PLANNED UNIT DEVELOPMENT, LOCATED IN THE NORTHEAST CORNER OF U.S. 131 AND WEST MAIN STREET, IN THE C: LOCAL BUSINESS DISTRICT. PARCEL NOS. 3905-13-80-029 AND 3905-13-130-022.

Chairperson Bell moved to the next item on the agenda and asked Ms. Johnston to review this item for the Board.

Ms. Johnston explained the applicant was requesting the approval of an access drive within the Westgate Planned Unit Development (PUD). Per the requirements of Section 60.450: Approval Process that were a part of the PUD ordinance when

Westgate was approved in 2016, each individual site plan requires special exception use and site plan approval by the Planning Commission.

The requested access drive will begin at West Main Street and move north along the western boundary of the PUD, connecting with the existing east/west drive which connects to Maple Hill Drive. This east/west drive is just south of the Holiday Inn and Holiday Inn Express hotels currently under construction.

In general, Ms. Johnston noted, the proposed access drive complies with the concept plan approved by the Planning Commission in 2016. One item noted by staff is the site plan indicates the sidewalk planned along the east side of the road right-of-way is intended to be built when the individual building sites are constructed. Staff would recommend the sidewalk, in its entirety, be developed as part of the first building site to be constructed in this area. At that point, this section of the PUD will be activated and connectivity to both the existing hotels and to Maple Hill Drive will be important. The site plan meets all other requirements of the Site Plan Review Ordinance.

She indicated the Public Works Department has had an opportunity to review the most recent site plan for the access drive provided by the applicant. There are still a handful of engineering concerns that must be addressed, for example soil borings, hydrologic sub-basins illustrated, a stage volume table for storm water, etc. Many of these items can be handled administratively between the Township's engineer and the applicant.

Outside of conditioning any construction to resolve these issues to the satisfaction of the Township Engineer, there are concerns of note that require specific attention, as follows:

Asphalt Placement – the applicant intends to place the asphalt for the drive to the far west of the 66-foot right-of-way easement. This locates the paved portion of the drive very close to the western property line of the PUD. The applicant will need a grading easement from Consumers Energy who owns the utility corridor west of the project. In addition, the Township has concerns regarding maintenance and snow removal in this area. With the paved portion of the road so close to the property line, future snow removal and possibly maintenance of the road will occur on the adjacent property, not owned by the applicant. Staff sees two possible alternatives to this concern – either enter into some type of cross access agreement or maintenance easement with Consumers Energy or move the paved portion of the road 15 feet from the western boundary of the 66-foot easement.

Storm Water Management Basins – the Township has been working towards requiring all storm water management basins to be free-form, and organic in shape and appearance. The storm water basins shown on the site plan are intended to be temporary in nature. As can be seen on the PUD concept plan, restaurants are planned to the east of the proposed road. When those buildings

develop, storm water will likely be managed with underground facilities. In the interim, the applicant will need to manage runoff from the new access drive. Staff recommends the Planning Commission place a time restriction on these temporary basins for a period not to exceed 10-years. If restaurants or other uses are not constructed in this area within this time period, then the basins will be required to come in to compliance with Ordinance standards related to shape and appearance.

Ms. Johnston said as far as Special Exception Use Considerations were concerned, the largest concern with this access drive is the curb cut onto West Main Street. As the major commercial corridor in the Township, access management and public safety are critical issues. According to the Kalamazoo Area Transportation Study (KATS), the annual average daily traffic counts in this area exceed 35,000 vehicles. In addition, the Michigan Department of Transportation (MDOT) reports 35 crashes between Maple Hill Drive and the Kohl's area in the last three years.

She noted the applicant has provided a traffic study to MDOT for the PUD and this access point on West Main Street. That study is still under review by MDOT. Therefore, any approvals will need to be conditioned on MDOT's final decision regarding the configuration of this curb cut.

Ms. Johnston said Staff recommends the Planning Commission grant Special Exception Use and site plan approval for the proposed access drive within the Westgate PUD, with the following suggested conditions:

1. Construction of the access drive will not begin until all approvals have been received by MDOT.
2. Relocate the paved portion of the access road 15 feet from the western easement boundary or provide the Township with agreements from Consumers Energy to allow maintenance of the road on their property.
3. Provide the Township documentation of a grading easement from Consumers Energy.
4. Limit the temporary storm water management basins to a 10-year period. If the basins are still in use at the end of the 10-year period, they will come into compliance with all Zoning Ordinance requirements.
5. Provide a revised site plan that satisfies the requirements of the Township Engineer, which will also include clear dimensions of the 66-foot easement.
6. Sidewalk connections along the access drive from West Main Street to the east/west connector to Maple Hill Drive will be installed, in its entirety, with the construction of the first site plan in this area of the Westgate PUD.

7. A reciprocal easement agreement or other such device will be recorded to ensure access to and maintenance of all shared facilities planned within the PUD. A copy of this agreement will need to be provided to the Township prior to certificates of occupancy.

Chairperson Bell asked whether there were questions for Ms. Johnston.

There was some discussion about whether the 10-year temporary limit on storm water management basins were the way to go rather than require the organic shape to begin with, but it was noted by Ms. Johnston that since these were temporary Township staff did not have any concerns with their current configuration.

Ms. Johnston explained in response to a question from Ms. Smith, that it was always the intent to have access to West Main Street, but it is up to MDOT as to how it will be done.

There were no further comments from Board Members; the Chair asked if the applicant wished to speak.

Mr. Curt Aardema, AVB, 4200 W. Centre, Portage, said the Board's consideration was appreciated and AVB has enjoyed working with Oshtemo Township for several years.

He noted part of the PUD was approved in 2016 for the hotel sites and that this plan is to provide better access to the site. RS Engineering did a comprehensive traffic study which was provided to MDOT a month ago. He said they have also been working with Consumers Energy for a year and they have given verbal agreement on the road adjacent to their property; there is willingness to work on an agreement on maintenance. AVB feels an agreement will be beneficial to both parties and will prevent another access point on West Main Street for Consumers by providing shared access.

Chairperson Bell asked if AVB had any concerns regarding the seven conditions recommended by Staff.

Mr. Aardema said some of them were out of AVB's control, but they are willing to work with MDOT and Consumers Energy as much as possible.

Ms. Bell thanked Mr. Aardema and asked for public comment.

Ms. Margaret Masuzawa, West Ridge Circle, wondered when the MDOT study will be available and where the Consumers access to West Main will be located.

Mr. Aardema said there will be one access point southwest from the hotels that will connect to Maple Hill Drive. The second will be a drive south to West Main. An additional northerly extension to Maple Hill Drive is just a concept plan at this point. He

hopes the MDOT traffic study will be available soon. When it is, the Township will receive MDOT's response to the study.

Hearing no further comments, Chairperson Bell moved to Board Deliberations.

Ms. Farmer said her biggest concern was the connection to West Main Street, which was covered by Staff in the recommended conditions.

Chairperson Bell asked for a motion.

Mr. VanderWeele made a motion to grant Special Exception Use and site plan approval for the proposed access drive within the Westgate PUD with the seven conditions outlined in the staff report. Mr. Chambers supported the motion. The motion was approved unanimously.

NOTE: At this point in the meeting, the Chair adjourned the meeting for a brief break. The meeting resumed at 9:16 p.m.

10. PUBLIC HEARING: SPECIAL EXCEPTION USE/SITE LAYOUT REVIEW – GROUP DAYCARE HOME CONSIDERATION OF AN APPLICATION FROM MABLE SCHMIDT TO ALLOW A CHILD GROUP DAYCARE HOME AT 5350 CRIMSON LANE IN THE R-2: RESIDENCE DISTRICT. PARCEL NO. 3905-24-220-110.

Chairperson Bell moved to the next item on the agenda and asked Ms. Johnston to review this item for the Board.

Ms. Johnston reported the applicant has maintained a state-licensed family daycare home, which allows up to six non-resident children on-site for less than 24 hours a day, for the past 14 years. Recently a relative approached the applicant, asking if they could accept their child into the daycare service. Per the Township Zoning Ordinance as well as state statute, this addition of one child would elevate the existing daycare from a family facility, which is permitted by right in the subject zoning district, to a group daycare, which requires special exception use permission from the Township as well as additional licensing requirements from the State.

Before the State will accept this facility as a group daycare home, however, Oshtemo Township, the local jurisdiction having authority, must approve of the requested modification of use. While the applicant only seeks to add one child at this time, the Planning Commission should note that the group daycare home designation would allow the applicant to care for 12 children by default, unless expressly restricted by this body.

She indicated the special standards outlined in Section 19.402 of the Oshtemo Township Zoning Ordinance as well as the typical special exception use considerations are met by this group daycare home application. Staff recommended approval of the

request to operate a group daycare home from the subject property, but suggested three conditions be attached:

1. All restrictions listed in section 19.402 of the Zoning Ordinance shall continue to be observed.
2. The applicant be restricted to seven children on-site at any given time.
3. Staff recently noted that the State of Michigan's Statewide License Detail website shows that the applicant's license to operate lapsed on June 4th of this year. Prior to activating the group daycare home use, the applicant shall provide the Township with proof of licensure in good standing with the State.

Chairperson Bell asked if there were questions for Ms. Johnston.

Ms. Farmer commented she didn't feel approval of this application would impact traffic in the neighborhood.

Hearing no further comments, the Chair asked if the applicant wished to speak.

Mr. Gary Schmidt, 5350 Crimson Lane, noted the family license has not expired and that they have applied for a group license. He noted they need approval for more than six children in order to cover emergencies or in the case when there might be an overlap of more than six children due to drop off and pick up times. They have asked the state for approval for 12 children; there is no choice available other than six or 12 from the state.

There were no comments from the public. Chairperson Bell moved to Board Deliberations.

There was discussion about the request for seven children, whether some other number between seven and 12 might be appropriate. It was concluded that it was appropriate to approve 12, consistent with state regulations.

Attorney Porter stated that if Commissioners did not feel there was a need to restrict the number to seven, they do not need to restrict the number of children at one time to less than 12.

Chairperson Bell suggested striking condition number two, restricting the approval to seven children altogether, noting it was the Staff's recommendation because that was the number requested in the application for approval. She asked for a motion.

Mr. Chambers made a motion to approve the request to operate a group daycare home with the inclusion of Staff conditions #1 and #3 and eliminating #2 which would

have limited the number of children on site at one time to seven. Ms. Farmer supported the motion. The motion was approved unanimously.

11. PUBLIC HEARING: SPECIAL EXCEPTION USE/SITE LAYOUT REVIEW – TEMPORARY OUTDOOR EVENT CONSIDERATION OF AN APPLICATION FROM THE THIRSTY HOUND, LLC TO ALLOW A FOOD TRUCK IN THE PARKING LOT OF MEADOW RUN KNOLL AT 900 SOUTH 8TH STREET IN THE I-1: INDUSTRIAL DISTRICT. PARCEL NO. 3905-22- 430-040.

Chairperson Bell moved to the next item on the agenda and asked Ms. Johnston to review this item for the Board.

Ms. Johnston said the applicant was requesting a special exception use and general site layout approval to allow a variety of food trucks on their property while they secure their food license for The Thirsty Hound with Kalamazoo County Environmental Health. The Thirsty Hound is part of the larger Meadow Run Knoll complex and Meadow Run Dog Park. In April of 2017, the Planning Commission approved the Meadow Run Knoll development to include Camp Fido (dog daycare), Tip Top Tails Training, and The Thirsty Hound, a dog-oriented restaurant. Meadow Run Knoll is located to the south of Meadow Run Dog Park, which is also owned by the applicant and received approval from the Planning Commission in 2010.

She noted The Thirsty Hound has been pursuing their liquor license from the State of Michigan and their restaurant license from the Kalamazoo County Environmental Health since April of 2017. At this time, the liquor license has been secured but the restaurant license is still pending. According to the applicant, this is due to the unique nature of the restaurant, allowing dogs within the dining area.

However, she said, the use of the liquor license is predicated on the sale of food. Oshtemo Township only allows on site liquor licenses in establishments where the sale of liquor is shown to be incidental and subordinate to other permitted business uses, such as food sales, motel operations, or recreation activities. In an effort to meet these requirements while the restaurant license is pending, the applicant would like to utilize mobile food trucks.

The request is to allow mobile food trucks every Tuesday and Thursday from 4:00 pm to 7:00 pm through the summer months (ending September 30, 2018). She noted the application meets the requirements for temporary events under Section 41.409 of the I-1 Industrial District. In addition, the special exception use criteria are also met.

Ms. Johnston explained the applicant utilized the approved site plan from Meadow Run Knoll to indicate the placement of the food truck at the far western edge of the parking lot. Public restroom facilities are provided inside the building. No additional equipment or trailers are being brought to the subject property. The proposed food

truck location will not impede emergency vehicles as a turn-around is still provided at the eastern end of the parking lot. All ordinance requirements have been met.

Ms. Johnston said Planning Department Staff was satisfied that the project meets all Special Exception Use requirements and recommends that the Planning Commission grant approval for the food truck temporary outdoor event, subject to the following conditions:

1. The food truck will only be permitted onsite Tuesdays and Thursdays from 3:30 pm to 7:30 pm with food sales from 4:00 pm to 7:00 pm.
2. The food truck will be permitted from June 15 through September 30, 2018 or until the Kalamazoo County Environmental Health restaurant license is secured, whichever is first.
3. The Kalamazoo County Environmental Health license for the food truck shall be provided to the applicant and kept on file for proof of proper operating permits.
4. The property owner's liability insurance shall be provided to the Township.
5. Inspections by the Fire Marshall periodically throughout the approved timeframe of the event, if needed.

Chairperson Bell asked whether there were questions from Commissioners.

Responding to a question from Ms. Maxwell, Ms. Johnston indicated there would be only one food truck at a time on the premises.

With no further questions, the Chair asked if the applicant cared to speak.

Ms. Patty Ruppel, 3020 Brandywine, explained that the food trucks are needed until they receive their food license; approval is complicated due to the presence of dogs in the restaurant area. A food truck will take up two parking spots. They hope the food truck presence will help build up clientele for the Thirsty Hound.

Ms. Ruppel noted they would like to amend condition #2, to eliminate the requirement that the food trucks would end if the Health Department license is secured. She would like to continue to use the food trucks through the September 30 date to supplement limited fare at the Thirsty Hound with something more upscale from the food trucks. She also encouraged Commissioners to embrace the food truck concept and incorporate their use into Oshtemo development.

Ms. Farmer explained if there needs to be an end date to the request to be considered a temporary event.

The Chair determined there was no one who wished to make a public comment and moved to Board Deliberations.

Discussion centered on the definition of a temporary event and that if there is no end date, it would be considered as de facto permanent. If the request is approved, the applicant will need to return with a new request for next summer.

Ms. Johnston noted condition #2 was included because she thought the food truck was needed in order to receive the liquor license. In past requests for food trucks, Commissioners were concerned about negative effects on nearby restaurants, which is not the issue here. The longest temporary events in the Township last about 30-35 days; this request is about equal to that with what is essentially 30 one-day events.

Attorney Porter said there is no improper precedent if permission is given only through September 30.

Ms. Farmer felt the food truck issue needs to be evaluated.

Chairperson Bell agreed food trucks are popular, was concerned about noise, but noted that would not be an issue for neighbors at this location. She asked for a motion.

Ms. Farmer made a motion to grant approval for the food truck temporary event to include conditions #1, 3, 4 and 5 and amending #2 to read “The food truck will be permitted from June 15 through September 30, 2018” and eliminating “or until the Kalamazoo County Environmental Health restaurant license is secured, whichever is first.” Mr. VanderWeele supported the motion. The motion was approved unanimously.

12. PUBLIC HEARING: SPECIAL EXCEPTION USE/SITE PLAN REVIEW – DRIVE THROUGH LANE CONSIDERATION OF AN APPLICATION FROM PROGRESSIVE AE, ON BEHALF OF ARCHLAND II, LP, FOR DEVELOPMENT OF AN ADDITIONAL DRIVE THROUGH LANE FOR THE MCDONALD’S AT 6820 WEST MAIN STREET IN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-14-155-050.

Chairperson Bell moved to the next item on the agenda and asked Ms. Johnston to review this item for the Board.

Ms. Johnston said the applicant, representing the owners of the McDonald’s restaurant, located at 6820 West Main Street in Oshtemo Township, was requesting approval from the Planning Commission to convert the existing single ordering lane drive-through arrangement to a parallel ordering system, as can be found at numerous other establishments in the area. Historically, this particular restaurant has experienced significant amounts of vehicle stacking as patrons line up for the drive-through—especially during peak hours—and the proprietors would like to increase capacity, with the intent of alleviating site congestion. Any expansion of a drive-through in this zoning

district is subject to special exception use review, per section 30.407 of the Oshtemo Township Zoning Ordinance.

In July of 2014, the Planning Commission did grant special exception use permission to make similar site modifications, but the project was not activated within one year of the hearing, which means that the approval has since lapsed, per section 60.200 of the Zoning Ordinance.

She said although no changes are being proposed regarding site access, staff would like to comment that both the ingress and egress drives for the subject property connect to a circulation drive that abuts the Menards parking lot to the north—patrons of the restaurant do not have direct access to West Main Street. Once on site, the property's traffic flow will not be significantly altered, as motorists will enter via the west drive, circulate south around the building, either parking along the way or entering the drive-through queue, eventually exiting via the east drive.

The stacking area, leading to a single ordering point, is where problems have arisen in the past. Located on a busy commuter route, numerous motorists visit this location during typical meal times, and cars in the drive-through often back up towards the entry drive, often blocking parking spaces on site. With the requested changes, staff is hopeful that the added stacking capacity, facilitated by installing a second ordering point, will indeed alleviate site congestion.

During the review process, she said Staff noted the applicant has illustrated a surplus of stacking spaces leading to the order point, but also that the site plan falls short of the minimum number of parking spaces by one stall. To correct this, Staff recommended the applicant remove one stacking spot and add one parking space adjacent to the west side of the restaurant.

Ms. Johnston said in anticipation of the site plan review process for the expanded drive-through area, the applicant in May of 2014 sought, and was granted, a variance by the Township Zoning Board of Appeals to expand the paved portion of the site up to 9.5 feet into the required 20-foot wide landscape buffer that abuts West Main Street. In order to accommodate the added ordering lane, yet still provide adequate room for through-traffic as well as emergency vehicles.

She noted although the 2014 drive-through expansion never commenced, the variance exists in perpetuity, and is being utilized for this latest proposed site plan. Some existing plantings will need to be removed in order to accommodate the added pavement, but trees and shrubs will be replaced elsewhere in the buffer area, in compliance with the landscaping requirements of the Zoning Ordinance. A landscape plan has been submitted to the Township, but some additional notation is needed before it can be completely accepted.

Ms. Johnston said there are no concerns from either the Fire Marshal or the Township Engineer regarding this application and that review criteria for Special Exception Use Requests have been met.

She said Township Staff found the project site plan to be generally acceptable and feel that the planned improvements will benefit patrons of the restaurant. Therefore, Staff recommends approval of the site plan and special exception use request with the following conditions to be administratively resolved:

1. Prior to the issuance of a final certificate of occupancy, the Township shall be presented with an updated landscape plan, indicating the species of the intended plantings, in compliance with any applicable requirements of the Zoning Ordinance.
 2. Prior to the issuance of a final certificate of occupancy, the Township shall be presented with an amended site plan, indicating the omission of one stacking space leading up to the ordering area and the addition of one parking spaces adjacent to the west side of the structure.
 3. Prior to the issuance of a final certificate of occupancy, the Township shall be presented with a complete photometric and light fixture plan, in full accordance with any applicable requirements of the Zoning Ordinance.
- Chairperson Bell asked if there were questions for Ms. Johnston.

In response to a question from Mr. VanderWeele, Ms. Johnston said the 20 ft. drive will utilize the variance to encroach on property toward West Main Street.

The Chair recalled that when this was presented to the Zoning Board of Appeals, that particular concern related to internal circulation was discussed at length and this was the result.

Chairperson Bell asked if the applicant wished to speak.

Mr. John Fick, 1811 Four Mile Road, Grand Rapids, explained the updated landscape plan for the project indicates approved species and one additional parking place is planned. He noted they are working on an updated photometric plan and said they are ready to begin construction.

After the Chair noted there was no public comment, she moved to Board Deliberations.

Since the project was previously approved and the applicant was willing to meet the Staff conditions, consensus was that a motion should be made.

Ms. Farmer made a motion to approve the site plan and special exception request to include the three Staff recommended conditions to be resolved administratively. Mr. Chambers supported the motion. The motion was approved unanimously.

14. SITE PLAN REVIEW: ADAM GARLAND CONSTRUCTION CONSIDERATION OF AN APPLICATION FROM ADAM GARLAND CONSTRUCTION FOR AN ADDITION TO AN EXISTING BUILDING AT 6825 STADIUM DRIVE IN THE VC: VILLAGE COMMERCIAL DISTRICT AND WITH THE VILLAGE FORM BASED CODES OVERLAY ZONE. PARCEL NO. 3905-35-115-066.

Chairperson Bell moved to the next item on the agenda and asked Ms. Johnston for her report.

Ms. Johnston reported Adam Garland Construction is currently housed at 6825 Stadium Drive, which is zoned within the Village Commercial District and is governed by the Village Form Based Code Overlay. Mr. Garland would like to complete improvements on his property, which include:

1. Aesthetic improvements to the existing residential home which has been converted to a showroom for his contractor's business.
2. Asphalt drive from Stadium Drive moving south to terminate behind the home.
3. The development of some onsite parking for staff and the occasional client.
4. The addition of a 40-foot by 60-foot (2,400 square foot) storage building attached to an existing 542 square foot garage structure on site.

Ms. Johnston said the building in question is nonconforming to the requirements of the Form-Based Codes. The Overlay provides some flexibility for nonconforming structures; however, the language clearly indicates that any additions should comply with the Ordinance:

34.930 Nonconforming uses and structures. *This section establishes regulations for nonconforming uses and nonconforming structures. This SECTION is intended to allow nonconforming uses and structures to continue to the extent consistent with the health, safety and public welfare purposes of this Ordinance. However, the ultimate goal is to bring such nonconforming uses and structures into compliance with the Ordinance.*

C. Nonconforming buildings or structures. *Buildings or other structures that are nonconforming as to placement, frontage, height, design, or other zoning regulations contained in these Overlay standards or elsewhere in this Ordinance may be repaired, replaced, or added to, only to the extent permitted by this section:*

1. *Additions. A nonconforming building or other structure may be added to, provided that the portion of the building or other structure comprising such addition **complies with all requirements of this SECTION 34.***

Based on this regulation, Ms. Johnston said Mr. Garland's addition would not be possible because it could not meet the requirements of the Form-Based Code, for example the build-to line of 10-feet from the right-of-way. However, the Form-Based Codes also includes a Section that allows the Planning Commission to modify the standards of the Ordinance. Per Section 34.920.B.3 and 4, build-to lines and the architectural standards of the Form-Based Code may be modified. In addition, Section 34.920.C states the following:

B. Modification due to adjacent development. The Planning Commission may consider modifications to the development standards of this Overlay District so that the proposed development will better fit with adjacent development. When considering the modification, the Planning Commission shall consider the following:

- 1. The anticipated lifespan of the adjacent development,*
- 2. Whether the development with the proposed modification is of equal or better quality than without the modification, and*
- 3. Whether the modification will limit the ability of the Township to achieve the goals of the Overlay District.*

Ms. Johnston explained the site plan shows a total of seven parking spaces. Based on Staff calculations, only five spaces are required, as follows:

Showroom: $1,220 \text{ square feet} \times 0.70 \text{ (net floor area)} / 400 = 2 \text{ spaces}$
Storage/Workroom building: $2,942 \times 0.70 / 1500 = 1 \text{ space}$
Existing cottage building = 1 space

With the reduction of two spaces, staff would like to see parallel spaces 3 and 4 be removed from the site plan. The drive aisle width adjacent to those spaces does not meet current Zoning Ordinance requirements and therefore should be eliminated. Parallel space number 5 could remain as any vehicle utilizing this space could back into the proposed drive and continue forward to Stadium Drive.

She also said the Fire Marshall indicated that the site needs a turn-around for emergency vehicles. Staff provided a number of options for how this could occur. The applicant chose to continue the vehicular drive to the property line, allowing it to attach to the neighboring Williams Distributing paved surface. This is only an acceptable option if Williams Distributing is willing to designate their side of the connection as a "fire lane," keeping the area clear of parked vehicles, equipment, etc. In addition, the Williams Distributing paved area does not extend to their eastern property line so the Adam Garland project would need permission to extend the asphalt and connect the two properties.

For this configuration to move forward, Ms. Johnston said a letter from Williams Distributing will be needed indicating they will keep their area cleared as a fire lane and

that they are willing to allow Adam Garland Construction to pave to their existing parking area. If this is not provided, a new turn-around for emergency vehicles will be required.

Finally, the Township is planning a sidewalk along Stadium Drive in this location, currently planned for 2020. It will be very important as part of the driveway design that the area located within the Stadium Drive right-of-way meet ADA standards for a maximum cross-slope of 2 percent.

She indicated public sanitary sewer is available along Stadium Drive. Currently, this property is not connected to this system. Per the requirements of *General Ordinance 232.008: Timing of Connections*, this site will be required to connect and should anticipate a notification from the Township in the near future. As part of the site plan review process, staff strongly recommended the connection to the public system occur as part of the full project scope. This is an important consideration to minimize future construction costs and to avoid conflicts and/or reconstruction at a later date. The site plan continues to be silent to this request.

In addition, an active "privy" is noted on the site plan. With the change of use from a single-family residential home to a nonresidential use, the use/configuration of this privy may not comply with current health codes. Therefore, staff recommends that documentation from Kalamazoo County Environmental Health be provided to the Township to ensure the use of this facility meets all code requirements. With that said, the Township would prefer connection to the public system, which would allow for the removal of the privy.

Ms. Johnston said based on the modification allowance under Section 34.920.C of the Village Form-Based Code Overlay, staff recommends the Planning Commission allow the expansion of the accessory building on site. In addition, staff is generally satisfied that the project meets the requirements for site plan approval, subject to the following conditions, which should all be managed prior to the issuance of a building permit:

1. A revised site plan with the following changes:
 - a. Reduce the parking from seven spaces to five spaces, eliminating parallel spaces 3 and 4 on the site plan.
 - b. Provide for a maximum cross-slope of 2 percent on the proposed drive within the right-of-way of Stadium Drive for future sidewalk development.
2. Provide documentation from Williams Distributing that they will both allow the connection to be designated as a fire lane and permit asphalt to be added to their site for the connection.
3. If condition No. 2 cannot be met, provide a location for emergency vehicle turn-around onsite, to be illustrated on a revised site plan and subject to staff approval.

4. Provide documentation from Kalamazoo County Environmental Health to ensure all code requirements have been met for the use of the “privy.”

Chairperson Bell asked if there were questions for Ms. Johnston.

Mr. VanderWeele asked about the timing for hookup to the sewer.

Ms. Johnston said it’s a good idea to do it now, but the ordinance dictates when it must occur. She said she was not recommending this be a condition of approval because the General Ordinance manages this requirement.

Ms. Farmer noted once the property owner receives notice, they would have to hook up within two years.

Chairperson Bell asked whether the applicant wished to speak.

Mr. Adam Garland, 6825 Stadium Drive, agreed with moving the parking spots as recommended. He also indicated he would like to install “drivable grass” for fire truck access, which would also help the Williams property to comply.

Ms. Johnston said that would be fine if approved by the Fire Marshal.

Mr. Garland indicated his employees take their trucks home at night and that would allow him to get by with four parking spaces. He also said he will remove the “privy” so it can be eliminated from the site plan.

Ms. Johnston noted that with removal of the “privy” Staff condition #4 can be eliminated.

Mr. Garland also said he would prefer to use metal on the pole barn rather than vinyl since metal will allow seamless construction and better durability but planned to use vinyl on the house.

Ms. Johnston explained Commissioners can modify that requirement according to 34.920, which says the architectural standards can be modified to fit in with neighboring properties. The adjacent Williams property has utilized all metal. The building is in the back, not facing the road.

Ms. Bell moved to Board deliberations at this point and said she supported amending the material for the exterior of the barn to metal.

Ms. Johnston noted the correction would need to be made on the plan.

Ms. Smith made a motion to allow the expansion of the accessory building on site plan, including Staff conditions as follows:

#1 Modified to eliminate parking spots 3 and 4 and reduce the overall required spots from 7 to 4, with one spot deferred.
#2 and 3 as recommended by Staff
#4 Provide documentation that the “privy” has been removed
#5 Addition of a condition to allow metal to be used on the barn and vinyl on the home with the provision of revised elevation drawings
Mr. VanderWeele supported the motion. The motion was approved unanimously.

OLD BUSINESS

There was no old business to consider.

ANY OTHER BUSINESS

Ms. Johnston told Commissioners about a training session on “Hot Topics in Planning and Zoning” and asked that anyone interested in attending contact her to be registered.

She also asked that they contact her to report any training they have had in the last year or that they plan to attend for inclusion in the Township’s newsletter.

PLANNING COMMISSIONER COMMENTS

There were no comments.

ADJOURNMENT

Hearing no further comments, Chairperson Bell adjourned the meeting at approximately 10:55 p.m.

Minutes prepared:
June 16, 2018

Minutes approved:
June 28, 2018