

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD APRIL 12, 2012

Agenda

GENESEE PRAIRIE SUB-AREA IMPLEMENTATION – REVIEW COMMENTS ON FIRST DRAFT PROPOSED AMENDMENT LANGUAGE FOR ZONING DISTRICTS INFLUENCED BY SUB-AREA PLAN

BED & BREAKFAST INNS – REVIEW REVISED ZONING ORDINANCE AMENDMENTS TO INCLUDE BED & BREAKFAST INNS IN ZONING ORDINANCE

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, April 12, 2012, commencing at approximately 5:30 p.m. at the Oshtemo Charter Township Hall.

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

MEMBER ABSENT: Wiley Boulding, Sr.

Also present were Greg Milliken, Interim Planning Consultant; Attorney James Porter, and approximately four other interested persons.

Call to Order and Pledge of Allegiance

The meeting was called to order by the Chairperson at approximately 5:30 p.m., and the “Pledge of Allegiance” was recited.

Agenda

The Chairperson asked if there were any changes, amendments or deletions to the Agenda. Hearing none, she called for a motion. Mr. Skalski made a motion to approve the Agenda, as submitted. Mr. Loy seconded the motion. The Chairperson called for a vote on the motion, and the motion passed unanimously.

Public Comment on Non-Agenda Items

The Chairperson asked if there were any comments on non-agenda items. Hearing none, she asked that the Planning Commission move on.

Minutes

The Chairperson said the next item for consideration was approval of the minutes of March 22, 2012. She asked the members if they had a chance to review the minutes, and if there were any corrections needed. Hearing none, she said she would entertain a motion. Mr. Anderson made a motion to approve the minutes, as submitted. The motion was seconded by Mr. Skalski. The Chairperson called for a vote on the motion, and the motion passed unanimously.

GENESEE PRAIRIE SUB-AREA IMPLEMENTATION – REVIEW COMMENTS ON FIRST DRAFT PROPOSED AMENDMENT LANGUAGE FOR ZONING DISTRICTS INFLUENCED BY SUB-AREA PLAN

The Chairperson indicated the next item up for review was the first draft of the proposed language for zoning districts influenced by the Genesee Prairie Sub-Area Plan. She called for a report from Interim Planning Consultant, Greg Milliken.

Mr. Milliken briefly reviewed the draft and sub-area plan with the Planning Commission members dated March 14, 2012, and the same is incorporated herein by reference. He noted that there were four different districts contained within the Plan with two new zoning districts and two amended zoning districts. He said that Western Michigan University had commented on the proposed zoning through their Associate Vice President, Bob Miller. He highlighted the e-mail which he received from Mr. Miller dated April 12, 2012, thanking the Township for its efforts, and that Western looked forward to working with the Township on its future development in the area.

Mr. Milliken also explained to the Planning Commission that a local credit union had been following the zoning text changes because it owns property in the area. He noted that the credit union was pleased to see some of the additional permitted uses being

allowed in the "I-R" Industrial District, Restricted, particularly banks, credit unions and similar financial institutions.

Mr. Milliken asked the Planning Commission members for their input on the proposed text. The Chairperson began by noting that she, too, had been contacted by a local credit union and that they were pleased with the expansion of the permitted uses being proposed in the "I-R" Industrial District, Restricted, for the Genesee Prairie area.

The Chairperson also noted the nice compliment paid to Greg Milliken by Western Michigan University and asked that Mr. Miller's e-mail of April 12, 2012, be attached to the minutes.

Mr. Anderson asked what Western Michigan University was planning and how likely development was in the near future. Mr. Milliken explained that the Old Colony Farm Orchard was slated for redevelopment. He said that the zoning text for the new proposed Business and Research Park ("BRP") had been designed to allow for the expansion of the BTR Park into Oshtemo Township. He said he did not believe that the University had any immediate plans for development, but thought within the next five years, Western would proceed with development plans for that area.

Mr. Milliken explained that Step 1 was to change the land use plan. He said Step 2 was the proposed zoning ordinance amendment which the Commission was currently considering to allow the Business Research Park development. He said Step 3 would be the design layout which would be presented by Western Michigan University. The Chairperson said she very much appreciated the excellent working relationship which the Township had with Western Michigan. She especially thanked Bob Miller of Western for his involvement in establishing such a cordial working relationship with the Township.

Mr. Milliken explained to the Planning Commission members that Western Michigan University had a great deal of autonomy, but the University was doing its utmost to work with the Township. He thought whatever the University put forward would be very similar to what it had done in the BTR Park. He said those guidelines were state-of-the-art and were very much focused on protecting the environment and providing for quality development.

The Chairperson said she believed that Western Michigan University had set an extremely high standard with its BTR Park, and she would expect no less from the University when it expanded its development into the Township.

Mr. Skalski said he agreed with the Chairperson's assessment regarding Western Michigan University. He said when the BTR Park was developed, the University was extremely concerned with environmental issues and did its utmost to protect the environment while developing the BTR Park.

Mr. Benson said his only comment was he had not intended to create a total blanket ban on printing within the BRP District. He just wanted to make sure that volatile organics were not used in that area. Mr. Milliken thanked him for his comment.

After further discussion, it was the consensus of the Planning Commission to submit the draft as submitted.

Mr. Milliken asked if the Planning Commission felt it was ready for public hearing. Again, it was the consensus of the Planning Commission to accept the proposed text amendments and set them for public hearing. The Commission agreed to schedule the public hearing for May 24, 2012, commencing at 7 p.m.

BED & BREAKFAST INNS – REVIEW REVISED ZONING ORDINANCE AMENDMENTS TO INCLUDE BED & BREAKFAST INNS IN ZONING ORDINANCE

The Chairperson said the next item on the Agenda was consideration of the proposed text for bed and breakfast inns. She asked to hear from Planner Greg Milliken.

Mr. Milliken directed the Commission's attention to the proposed text amendment concerning bed and breakfast inns. He noted he had not been in attendance the last time the Commissioners discussed the proposed text or the proposed changes. He said that there were some significant changes since he first introduced the proposed text. He said the first change was taking out the restrictions regarding unplatted parcels or having a minimum area and frontage requirement. He said in addition to that, several residential districts including "R-1," "R-2," and "VC" Village Commercial were added to the proposal. He said he was concerned about the deletion of the unplatted parcel restriction and the requirement for a minimum area and frontage. He said he was particularly concerned because of the addition of the "R-1" and "R-2" Districts. He said those Districts had established neighborhoods and were often areas which were not conducive to the establishment of bed and breakfast inns.

Attorney Porter said he supported Mr. Milliken's concerns regarding the changes to the text, particularly the addition of the "R-1" and the "R-2" Residence Districts to the proposal. He said "R-1" and "R-2" zones are mainly designed for single-family residential use and consisted primarily of plats and site condominiums. He said that many plats and virtually all of the site condominium developments had restrictions which would prohibit the type of development permitted in the proposed text. He indicated that he thought allowing bed and breakfast inns in plats and site condos would likely result in legal battles with the homeowner associations or site condominium associations. He strongly recommended that the Commission not permit bed and breakfast inns in these districts.

The Chairperson asked the Planning Commission members where they thought this type of development should take place.

Mr. Loy said he agreed with Attorney Porter, and he thought bed and breakfast inns should be located in the "RR" or "AG" Districts, but not in the platted areas. Mr. Skalski said he agreed. He said that his plat association would object to development of any kind of bed and breakfast inn in his neighborhood. Mr. Benson and Mr. Anderson said they would have to agree, as did Mr. Bushouse.

Mr. Milliken said if bed and breakfast inns were allowed in the "AG and "RR" Rural Residential, he was a little more comfortable with the unplatted parcel language and minimum area and frontage language being removed from the text.

Mr. Milliken then asked what the Planning Commission's feelings were with regard to the number of rooms permitted. He said he thought the proposed bed and breakfast inns with 14 rooms were quite large, and bed and breakfast inns with that many rooms would put them more on a scale of a small hotel.

The Chairperson said she thought one to four rooms would be sufficient and that 14 rooms was a bit large. Mr. Loy said he thought four to six rooms should be enough, especially given that much of the "RR" District does not have sewer available. He thought anything larger than that would be problematic. Mr. Skalski said he would have to agree. Mr. Benson said if you restricted the bed and breakfast to one to four bedrooms, then only older homes could be used because it would be too expensive to build a newer facility for a bed and breakfast inn. He thought perhaps six rooms would be necessary in order to allow some type of new construction.

Mr. Anderson said he thought six rooms should be the highest number of bedrooms permitted. Mr. Bushouse said he would support six to eight bedrooms and that he had inspected many bed and breakfasts which had that number of bedrooms. Mr. Loy said he could live with six bedrooms. Mr. Skalski said one to six bedrooms would be acceptable. After further discussion, it was a consensus that the Commission would accept the number of bedrooms being limited to one to six bedrooms.

Mr. Benson asked if the Commission should consider restricting the bed and breakfast inns to just older homes. He said he thought that was the original intent of the Commission when it first began discussing this, and asked what the other Planning Commission members thought. The Chairperson noted that the Mt. Pleasant text only permitted homes which had been built prior to 1991 or that were at least ten years old.

Mr. Skalski said he did not want to eliminate all new structures because they might develop in those areas which currently do not have any residences to be developed into a bed and breakfast inn. He gave them an example of a new home near the Kal Haven Trail where none currently exist. Mr. Bushouse said he had to agree with Mr. Skalski, and said he would invite the tax base if someone wanted to build a large bed and breakfast inn in the "RR" Residential District. Mr. Anderson agreed with Mr. Bushouse, and he said he did not think they needed to be too restrictive. The Chairperson said she agreed. With that, the Commissioners moved on.

The Chairperson suggested that the Commission add to the language limiting room occupancy not to exceed 14 consecutive days and not more than 30 days in one year. Mr. Milliken said he had worked in a place where the City Manager commuted and stayed three days a week in a bed and breakfast in a small city where he worked. The Chairperson said the risk at that point was turning a bed and breakfast inn into a boarding house. Mr. Loy commented that his brother travels a lot and often returns to the same bed and breakfast, and while his stays are not excessively long, he can return to the same area up to 70 times a year, and he hated to see the limitations be too restrictive.

Mr. Bushouse asked why the Commission wanted to impose such restrictions. He said if a bed and breakfast inn will operate and obtain repeat customers, what would be the harm. The Chairperson indicated the concern was that the bed and breakfast inn not turn into a boarding house. Mr. Skalski asked if a time restriction was a reasonable regulation. Attorney Porter said that any regulation as long as it was not discriminatory and had a rational basis would be supported by the courts. He said these time limitations were often put in place in order to avoid a bed and breakfast inn from turning into a boarding house or an apartment complex. He said that there was a rational basis for such a determination because, while a bed and breakfast inn had an ebb and flow to its occupancy, apartment units and boarding houses had an almost continuous concentration of occupants which was a more intensive use and that is what the time limitations were meant to address. Mr. Loy said he could live with a 14-day restriction provided that it not limit the number of days they could stay in any certain place during the year. The Chairperson asked if that restriction could be limited to no more than 14 days in a month.

After a fairly extensive discussion, it was the consensus of the Planning Commission members that they could accept a 14 continuous day limitation for occupancy within a one month period.

The Chairperson asked what additional issues needed to be addressed. Mr. Milliken said he was concerned about the change to the sign provisions. He asked whether allowing a lighted sign would negatively affect the rural character of the Township given these bed and breakfast inns were going to be located in the "AG" and the "RR" Rural Residential zone. Mr. Loy said he did not see a problem with the signs being allowed to be lighted. Mr. Bushouse said there should not be any animation, but thought that they should be allowed to illuminate the sign. Mr. Skalski agreed noting that in the winter time, it is often dark by 5 p.m. Mr. Milliken suggested that they allow sign illumination provided it meets the provisions of the Township's Sign Ordinance. The Chairperson said she would agree to that if they added a condition that the sign location be approved at the time of site plan review. It was the consensus of the Commission to accept those changes to the proposed Ordinance text.

Mr. Milliken asked if the Commission wanted to continue with the annual review and inspection. It was the consensus of the Planning Commission to maintain an annual

inspection. He suggested that it be noted that a fee might be imposed for purposes of doing the annual inspection.

The Chairperson suggested adding subsection j from the Mt. Pleasant Ordinance, which placed restrictions regarding noise and odor coming from the site. Mr. Benson asked if that would run afoul of any other Ordinances which the Township had. Attorney Porter said that, since it would be a restriction attached directly to the special use, he did not think it would be in direct conflict with the Township's Nuisance Ordinance.

Mr. Milliken asked if the Commission wanted to have this text set for public hearing. The Chairperson asked the Commissioners, and the request was made to have the proposed language rewritten and come back to the Commission before holding a public hearing on the text amendment.

Old Business

The Chairperson indicated Item a under "Old Business" was a review of the Planning Commission's motion to approve Sky King Meadows 2 at its last meeting. She noted that Engineer Gary Hahn had submitted a letter inquiring whether the Commission had granted the deviation for zero side yard setbacks on lot lines which were adjacent to the open space areas. The Chairperson said she thought the best thing to do was to poll the Commissioners and determine what their intent was.

Mr. Loy said he was the one who made the motion at the last hearing, and he specifically intended not to allow zero side yard setbacks on those lots abutting the open space. He said he did not think a person could build or develop lots in such a fashion, nor did he think one could maintain a home if they did not have some type of setback under their control. Mr. Skalski said he had to agree; all buildings needed some type of setback. Mr. Benson said they had reduced the side yard setbacks between the houses from ten feet to five feet, but he was not willing to reduce the side yard setbacks to zero, even for those abutting the open space. The Chairperson said she agreed with the motion as it was presented at that time and was not inclined to change the Planning Commission's decision. Mr. Anderson and Mr. Bushouse agreed. The Chairperson asked if there were any comments from those persons in attendance.

Ms. Alida Geppert introduced herself to the Planning Commission. She expressed extreme reservation for zero setbacks for any of the houses abutting the open space. She also raised concern regarding the homes which were going to be constructed on what she described as "extremely small lots." She also said there should be additional conditions or restrictions placed on the development of the open space, which she said did not represent a quality development.

Mr. Hahn arrived at the meeting, and at that point in time, the Chairperson took the liberty of explaining to him that the Commission had thoroughly discussed his proposal to

reduce the building setbacks to zero for those lots abutting the open space, but that the Commission had denied his request. Mr. Hahn thanked the Commission for its consideration.

Mr. Milliken also noted a letter received from Mr. Salbenblatt, President of the Buckham Highland Condo Association, opposing the proposed development.

Any Other Business

The Chairperson asked the members of the Planning Commission if there was any other business.

There was a brief discussion with the Township Planner, Mr. Milliken, regarding meeting dates. Mr. Milliken thought he would be able to work out a change in schedule with Kalamazoo Township to allow the Oshtemo Planning Commission to return to its 7 p.m. meetings.

Planning Commissioner Comments

The Chairperson said she wanted to thank all those Planning Commission members who showed up for the Drake Road Sidewalk Study. The Chairperson also wanted to let the Planning Commission members and the public know that Oshtemo Rotary was working to raise its \$20,000 commitment to the new Township Park improvements, and that there would be a fundraiser at Texas Corral on April 25, 2012, 5:00 p.m. to 8:00 p.m. She said that Rotary personnel would be the wait staff and that they would receive tips and a take from the proceeds from the evening, with all funds going toward the Township Park improvements.

Adjournment

There being no further matters to come before the Planning Commission, the meeting was adjourned at approximately 7:00 p.m.

Minutes Prepared:
April 19, 2012

Minutes Approved:
April 26, 2012