

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD JUNE 28, 2012

Agenda

PUBLIC HEARING – ANGELA SHANNON INSURANCE AGENCY, INC. – SPECIAL EXCEPTION USE REVIEW TO ALLOW FOR THE ESTABLISHMENT OF AN OFFICE USE AT 6221 W. MAIN STREET IN THE 9TH STREET FOCUS AREA OVERLAY ZONE AND R-2 RESIDENCE DISTRICT (PARCEL NO. 3905-14-430-010)

PUBLIC HEARING – JAKE’S FIREWORKS – SPECIAL EXCEPTION USE REVIEW FOR A TEMPORARY OUTDOOR SALES EVENT LASTING MORE THAN ONE DAY TO BE LOCATED AT 6430 W. STADIUM DRIVE IN THE VC-VILLAGE COMMERCIAL DISTRICT (PARCEL NO. 3905-26-465-022)

PUBLIC HEARING – BED & BREAKFAST INNS – REVIEW PROPOSED ZONING ORDINANCE AMENDMENT TO INCORPORATE LANGUAGE INTO THE ZONING ORDINANCE THAT WOULD ALLOW BED & BREAKFAST INNS IN THE AG (ARTICLE 19) AND RR (ARTICLE 20) ZONING DISTRICTS AS WELL AS PROVIDE A DEFINITION OF BED & BREAKFAST INNS (ARTICLE 11)

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, June 28, 2012, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

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

MEMBERS ABSENT: None

Also present were Greg Milliken, Planning Director; Attorney James Porter, and approximately eight other interested persons.

Call to Order and Pledge of Allegiance

The Chairperson called the meeting to order at approximately 7:00 p.m., and the “Pledge of Allegiance” was recited.

Agenda

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

Public Comment on Non-Agenda Items

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

Approve Minutes

The Chairperson asked if there were any corrections to the Minutes of June 14, 2012. Mr. Benson asked that a portion of his statement on page 4 be stricken so that the seventh paragraph would read as follows: Mr. Benson said he was concerned about water runoff, but he was not unduly concerned given that the drainage system would be altered when the property to the south was developed.

The Chairperson noted that page 5, last paragraph, should read as follows: The Chairperson asked if there were any questions of Mr. Milliken.

The Chairperson also noted that on page 7, 4th paragraph, the word “the” should be added to the sentence immediately before the word “applicant.”

The Chairperson asked for any further corrections. Upon hearing none she called for a motion. Mr. Loy made a motion to approve the Minutes as amended. Mr. Skalski seconded the motion. The Chairperson called for a vote on the motion, and the motion passed unanimously.

PUBLIC HEARING – ANGELA SHANNON INSURANCE AGENCY, INC. – SPECIAL EXCEPTION USE REVIEW TO ALLOW FOR THE ESTABLISHMENT OF AN OFFICE USE AT 6221 W. MAIN STREET IN THE 9TH STREET FOCUS AREA OVERLAY ZONE AND R-2 RESIDENCE DISTRICT (PARCEL NO. 3905-14-430-010)

The Chairperson said the next item up for consideration was a special exception use review of the application of the Angela Shannon Insurance Agency to establish an office at 6221 W. Main Street in the 9th Street Focus Area Overlay Zone and R-2 Residence District, Parcel No. 3905-14-430-010.

The Chairperson asked to hear from the Township Planner. Mr. Milliken submitted his report dated June 28, 2012, regarding the Angela Shannon Insurance Agency. The same is incorporated herein by reference.

Mr. Milliken explained that the property was zoned R-2, but was in the 9th Street Overlay District. He said because it was in the 9th Street Overlay District, it was allowed as a special exception use for office purposes. He said the building had been a real estate office from 2000 to approximately 2007 or 2008. He said because the use did cease, the applicant had to reapply for a new special use permit. He noted, however, that it was very similar to the previous real estate office and the use would be almost identical if not somewhat less intense as before, and that he had received few, if any, complaints in the past ten years regarding the intended use.

Mr. Milliken then proceeded to take the Planning Commission through the review of the Standards for Approval in Section 60.100 of the Zoning Ordinance as more fully set forth in his report.

The Chairperson asked if there were any questions of Mr. Milliken. Hearing none, she asked to hear from the applicant, Angela Shannon.

Ms. Shannon introduced herself to the Planning Commission. She explained that she had had a real estate practice for 15 and ½ years east of the current location. She said that her lease had expired there, and she was looking for an office so that she could remain in the Oshtemo area and continue to sell insurance on the west side of Kalamazoo for the foreseeable future.

The Chairperson asked if there was adequate handicap parking. Ms. Shannon said there was. She noted it was at the rear of the building, and that it was marked with appropriate signage. She did say that they would be restriping the paving since the lines were somewhat faded.

The Chairperson asked if there were any further questions of the applicant. There being none, she called for public comment. Hearing no public comments she called for Board deliberations.

Mr. Loy said he had no issues with the proposal as submitted. Mr. Boulding, Sr., said he didn't find any issues relating to the proposed special use. Mr. Skalski said he was very comfortable with the proposal, and particularly appreciated that the parking was in the rear and would maintain the character of the area as it currently existed. Mr. Benson said he had no problems. Mr. Anderson asked if there would be any additional landscaping. Ms. Shannon said there absolutely would be additional landscaping and beautification of the property.

Mr. Bushouse said he thought there ought to be some way to have this approved administratively since it was a continuation of the previous use which had existed there for more than a decade.

The Chairperson noted that she was very pleased with the application and the manner in which it was submitted. She complimented the applicant on her paperwork. The Chairperson asked what the pleasure of the Planning Commission was. Mr.

Anderson made a motion to approve the special exception use as submitted subject to the following two conditions:

1. The existing shared driveway/access point may be required to be closed and the property connected to an interior street network at some point in the future should an interior street network be established.

2. The subject property be required to connect to public utilities once reasonably available to the property.

Mr. Skalski seconded the motion. The Chairperson called for a vote on the motion and the motion passed unanimously.

PUBLIC HEARING – JAKE’S FIREWORKS – SPECIAL EXCEPTION USE REVIEW FOR A TEMPORARY OUTDOOR SALES EVENT LASTING MORE THAN ONE DAY TO BE LOCATED AT 6430 W. STADIUM DRIVE IN THE VC-VILLAGE COMMERCIAL DISTRICT (PARCEL NO. 3905-26-465-022)

The Chairperson indicated the next item on the agenda was a review of the Special Exception Use permit for Jake’s Fireworks. She explained that the applicant was seeking a permit for a Temporary Outdoor Sales Event at 6430 West Stadium Drive in the VC Village Commercial District, Parcel No. 3905-26-465-022. The Chairman asked to hear from the Planning Department.

Mr. Milliken submitted his report to the Planning Commission dated June 28, 2012, and the same is incorporated herein by reference.

Mr. Milliken explained to the Planning Commission that the applicant was seeking a Special Use permit under Section 33.213 of the Ordinance for an outdoor event lasting more than one day. He said the applicant was proposing to operate an outdoor fireworks sales operation from June 29, 2012 to July 5, 2012; or approximately one week. He said the applicant was proposing to set up a 1,500 square foot (30’x50’) pole tent for the sale and display of fireworks, and provided an aerial overview for the Planning Commission to view. He said his only significant concern was the vehicles coming through the parking lot in this area. Mr. Milliken then proceeded to take the Planning Commission through a review of Section 60.100 of the Zoning Ordinance as set forth more fully in his report.

The Chairperson asked if there were any questions of Mr. Milliken. Mr. Boulding, Sr., asked if there would be any overnight camping at the site. Mr. Milliken said they would not be camping, but that there would be 24-hour security as required by state law. He said that the on-site security should not be sleeping and, therefore, it wouldn’t constitute camping on site.

The Chairperson asked to hear from the applicant. Mr. Chris Bernal introduced himself to the Planning Commission. He said they would have security 24 hours a day,

and that there would be an additional security person on at night. He said that person would be awake the entire night. He also noted that there would be no camping on site.

The Chairperson asked Mr. Bernal if he thought it was a bit presumptuous to have the tent put up prior to June 29th before the Planning Commission had approved the special use. Mr. Bernal said that his company did not okay the tent being put up, that was done by the company out of Jackson. The Chairperson explained to Mr. Bernal that the Planning Commission could order that the tent be taken down. Mr. Bernal said that he had 38 other sites, and had not had a chance to view this site, but apologized to the Planning Commission for the tent going up in advance of Planning Commission approval. The Chairperson noted that he was perhaps spread too thin, not even being able to visit the site in question.

The Chairperson told Mr. Bernal that they had been given three different addresses on their application. One of them on Stadium Drive is not even in the Township. Mr. Bernal said that the Plainwell address was used because that was the corporate headquarters for Harding's; that the 6430 Stadium Drive was correct, and he wasn't sure why their staff had provided the 2828 Stadium Drive address, but that they did have another location further east on Stadium Drive.

The Chairperson asked Mr. Bernal if he was asking for the tent for a week, why the application seemed to indicate that it could be up for as long as 14 days. Mr. Bernal said that was not accurate, and that the tent would be removed on the 5th of July. The Chairperson noted that the application stated the tent could be set up and torn down five days before and five days after, which is not a week.

The Chairperson noted that the application was poorly prepared, and that their premature erection of the tent didn't look very good to the Planning Commission. Mr. Boulding, Sr., noted that he did see a Jake's Fireworks further down Stadium Drive which likely explained the errant address on the application.

The Chairperson noted that there were two size tents listed, 30'x50' or 20'x40' (depending on the location site). She wanted to know what size was being used. He said the tent was 30'x50'. The Chairperson asked Mr. Bernal if he had not been on site how he even knew what size the tent was. Mr. Bernal said all he could tell the Planning Commission was that they had ordered a 30'x50' tent.

Mr. Loy expressed some concern about the traffic and the location of the tent in relationship to the interchange. Mr. Bernal said they would be putting up barriers, and have a 20 foot no parking zone surrounding the entire tent. Mr. Loy said his concern was about people passing through the site, and that there had been two accidents recently almost exactly where the tent was being proposed to be located. Mr. Loy then noted that the tent on the site ran the opposite direction as what was shown on the proposed site plan. Mr. Milliken asked if the tent was running north/south versus east/west. Mr. Loy said that it was.

The Chairperson asked if the barricades were up. Mr. Bernal said the barricades wouldn't go up until the tent was stocked with fireworks. The Chairperson asked how Mr. Bernal would deal with the public intruding or illegally parking at Subway or the dry cleaners. Mr. Bernal said he could not do much to control other people's property, but parking there would be unnecessary since there would be ample parking in Harding's parking lot. The Chairperson asked if Mr. Bernal was asking for an increase in hours. Mr. Bernal said that they would like to be able to stay open until 10:30 p.m. on July 2nd, 3rd, and 4th.

The Chairperson asked if there were any other questions for Mr. Bernal. Hearing none, the Chairperson called for public comment. Themis Corakis introduced himself to the Planning Commission. He said that he owned Ted and Marie's Restaurant. He noted that the tent would not negatively affect them, and that while cars did cut through occasionally, he didn't think it was going to be a serious issue. He said that the applicant's changing the direction of the tent actually helped with traffic and helped avoid impeding parking on their property.

The Chairperson asked if there were any further public comments. Hearing none, the Chairperson called for Board deliberations. Mr. Bushouse said he did not have a comment. Mr. Anderson said that he was a bit concerned about traffic, but did not have any further comment. Mr. Benson had no comment. Mr. Skalski said he visited that area on a fairly regular basis and the parking lot was never really full. He said he thought the traffic problem was really a design problem more than a use problem, and that perhaps addressing that issue in the future would be appropriate. Mr. Boulding, Sr., said he was a bit concerned about night security, and suggested that no one sleep in the car, and that they make sure they had one person awake at all times. Mr. Bernal said they would have someone awake at all times.

Mr. Loy said he could agree with the proposal, but wanted to see set hours. He said he thought the hours were 9:00 a.m. to 9:00 p.m. Mr. Bernal agreed to operate from 9:00 a.m. to 9:00 p.m. except on the 2nd, 3rd, and 4th, and asked that he be able to operate from 9:00 a.m. to 10:30 p.m. The Chairperson asked if he understood what the hours of operation would be, and had him reiterate what those hours were.

The Chairperson said she was quite concerned about circulation problems in this area. She also asked about signage. Mr. Milliken explained that the applicant had made a request for a temporary sign which was approved subject to approval of the special exception use.

The Chairperson said she would entertain a motion. She did note that she had been inclined to ask that staff review this application in the future, but because of the degree of problems with the application and the concerns over traffic, she would not recommend that as a condition of the special use.

With that, Mr. Skalski made a motion to approve the Special Exception Use as requested provided that the applicant comply with any comments or issues raised by

the Fire Department during the course of the review, and that any signage require a temporary sign permit in conformance with the standards of the Township Zoning Ordinance. Mr. Boulding, Sr., seconded the motion.

The Chairperson called for a vote on the motion. The motion passed five to two with the Chairperson and Mr. Benson dissenting. The Chairperson wished the applicant luck.

PUBLIC HEARING – BED & BREAKFAST INNS – REVIEW PROPOSED ZONING ORDINANCE AMENDMENT TO INCORPORATE LANGUAGE INTO THE ZONING ORDINANCE THAT WOULD ALLOW BED & BREAKFAST INNS IN THE AG (ARTICLE 19) AND RR (ARTICLE 20) ZONING DISTRICTS AS WELL AS PROVIDE A DEFINITION OF BED & BREAKFAST INNS (ARTICLE 11)

The Chairperson indicated that the next item up for consideration was a public hearing on the Bed & Breakfast text amendments. The Chairperson asked to hear from the Township Planner. Mr. Milliken submitted his report dated June 28, 2012 to the Planning Commission. The same is incorporated herein by reference.

The Chairperson asked if there were any comments in response to Mr. Milliken's report. The members generally commented that they were happy with the proposed language, and that it properly constituted the wishes of the Planning Commission.

The Chairperson asked for public comment. Hearing none, the Chairperson closed the public hearing portion of the meeting and made a motion to recommend the proposed language for the Bed & Breakfast Inns to the Township Board. The motion was seconded by Mr. Anderson. The Chairperson called for a vote on the motion. The motion passed unanimously.

Follow-up discussion of potential Zoning Ordinance Amendments to signage requirements in the Village Form Based Code Overlay District

The Chairperson said the next item was the discussion of the sign requirements in the Village Form Based Code Overlay District. Mr. Milliken explained that he had not had time to complete all the research that had been requested by Mr. Bushouse as of the last meeting, and asked if it would be acceptable if he continued to study this further, do more research, and bring it back at a later meeting. The Planning Commission agreed, and the Chairperson asked Mr. Milliken to please return this issue to them at a subsequent meeting.

Any Other Business

The Chairperson asked if there was any other business.

The Chairperson noted that they had planned to discuss the tree preservation issue. Mr. Milliken said that was true, but they had come up with additional research, as

well as having met with the Homebuilders Association and a couple of arborists. He said based upon that, they wanted to do a bit more research before they finalized the proposed ordinance and returned it to the Planning Commission for its review.

The Chairperson said she certainly appreciated that, but wanted to make sure they did what was right for the Township, not what was right for any particular special Interest group.

Mr Milliken also asked that the Planning Commission establish a public hearing date for the Master Plan amendments. Mr. Loy made a motion to have a public hearing on the Master Plan amendments on August 23, 2012, commencing at 7:00 p.m. The motion was seconded by Mr. Skalski. The Chairperson called for a vote on the motion. The motion passed unanimously.

Mr. Milliken said he would be sending out information via e-mail to the Planning Commission members regarding some seminars and a planning journal that could be made available to the members of the Commission.

Planning Commissioner Comments

Mr. Benson said that he appreciated meeting on June 28 and not June 29 since June 29 was his 39th anniversary. The Planning Commission gave Mr. Benson a round of applause.

Mr Boulding, Sr., said he was concerned about fireworks and the potential fire hazard, and cautioned everyone to be extremely careful.

Mr. Loy reminded the Planning Commission and the public that July 21st would be the Drake House "Pioneer Days" from 10:00 a.m. to 3:00 p.m., and they would be honoring the early settler families.

The Chairperson thanked Mr. Loy for his dedication and work on the Drake House.

The Chairperson reminded everyone that the Oshtemo fireworks would be Friday, June 29, at the Prairies Golf Course commencing at approximately 10:15 p.m. She thanked S 2 Games for their contribution to the community.

Adjournment

The Chairperson noted that they had exhausted the Agenda, and the meeting was adjourned at 8:10 p.m.

Minutes Prepared: July 9, 2012

Minutes Approved: July 12, 2012