

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A MEETING HELD APRIL 11, 2019**

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**Agenda**

**PUBLIC HEARING: OSHTEMO ROTARY CLUB CARNIVAL - WITHDRAWN**  
CONSIDERATION OF SPECIAL USE APPROVAL FOR A TEMPORARY OUTDOOR  
EVENT LASTING MORE THAN ONE DAY TO HOLD A CARNIVAL AT 5030 WEST  
MAIN STREET. PARCEL NO. 3905-13-280-051.

**PUBLIC HEARING: SENIOR LIVING FACILITY – TABLE TO DATE CERTAIN**  
CONSIDERATION OF AN APPLICATION FROM BYCE & ASSOCIATES FOR  
SPECIAL USE AND SITE PLAN APPROVAL FOR A NEW ASSISTED LIVING  
FACILITY WITHIN THE SKY KING 1 PLANNED UNIT DEVELOPMENT LOCATED AT  
THE NORTHEAST CORNER OF LEXY LANE AND NORTH 9<sup>TH</sup>  
STREET. PARCEL NO. 3905-14-385-070.

**PUBLIC HEARING: JAKE’S FIREWORKS TENT SALES**  
CONSIDERATION OF SPECIAL USE APPROVAL FOR A TEMPORARY OUTDOOR  
EVENT LASTING MORE THAN ONE DAY TO HOLD A FIREWORKS TENT SALE AT  
6430 STADIUM DRIVE. PARCEL NO. 3905-26-465-022.

**PUBLIC HEARING: LAWTON RIDGE WINERY FOOD TRUCK**  
CONSIDERATION OF SPECIAL USE APPROVAL FOR A TEMPORARY OUTDOOR  
EVENT LASTING MORE THAN ONE DAY TO ACCOMMODATE ONE FOOD TRUCK  
AT 8456 STADIUM DRIVE EVERY WEDNESDAY EVENING FROM 3:30 P.M. TO  
8:30 P.M. BEGINNING APRIL 17 AND ENDING OCTOBER 30, 2019. PARCEL NO.  
3905-33-402-161.

**PUBLIC HEARING: THIRSTY HOUND FOOD TRUCK**  
CONSIDERATION OF SPECIAL USE APPROVAL FOR A TEMPORARY OUTDOOR  
EVENT LASTING MORE THAN ONE DAY TO ACCOMMODATE ONE FOOD TRUCK  
AT 1030 SOUTH 8<sup>TH</sup> STREET EVERY TUESDAY, WEDNESDAY AND THURSDAY  
EVENING FROM 5:00 P.M. TO 8:00 P.M. BEGINNING APRIL 16 AND ENDING  
OCTOBER 17, 2019. PARCEL NO. 3905-22-430-040.

**PUBLIC HEARING: MAPLE HILL LEASEHOLDS, LLC CAR SALES LOT**  
CONSIDERATION OF SPECIAL USE APPROVAL FOR A NEW/USED CAR SALES  
LOT AT 6883 WEST MAIN STREET. PARCEL NO. 3905-22-430-040.

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A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, April 11, 2019, commencing at approximately 6:00 p.m. at the Oshtemo Charter Township Hall.

**ALL MEMBERS**

**WERE PRESENT:** Bruce VanderWeele, Chair  
Ollie Chambers  
Ron Commissaris  
Keisha Dickason  
Dusty Farmer, Secretary  
Micki Maxwell  
Mary Smith, Vice Chair

Also present were Julie Johnston, Planning Department Director, James Porter, Township Attorney, and Martha Coash, Meeting Transcriptionist. Approximately 10 other persons were in attendance.

**Call to Order and Pledge of Allegiance**

Chairperson VanderWeele called the meeting to order at approximately 6:00 p.m. and invited those present to join in reciting the “Pledge of Allegiance.”

**Agenda**

The Chair determined no changes to the agenda were needed and let it stand.

**Public Comment on Non-Agenda Items**

Chairperson VanderWeele asked if any member of the audience cared to address the Board on a non-agenda item. Hearing none, he moved to the next item.

**Approval of the Minutes of March 28, 2019**

The Chair asked if there were any additions, deletions or corrections to the Minutes of March 28, 2019. Hearing none, he asked for a motion.

Ms. Maxwell made a motion to approve the Minutes of March 28, 2019 as presented. Ms. Farmer supported the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next agenda item.

**PUBLIC HEARING: OSHTEMO ROTARY CLUB CARNIVAL - WITHDRAWN  
CONSIDERATION OF SPECIAL USE APPROVAL FOR A TEMPORARY OUTDOOR  
EVENT LASTING MORE THAN ONE DAY TO HOLD A CARNIVAL AT 5030 WEST  
MAIN STREET. PARCEL NO. 3905-13-280-051.**

Chairperson VanderWeele indicated that this application was withdrawn as an administrative approval was allowed based on last year's approval of the event. He moved to the next item on the agenda.

**PUBLIC HEARING: SENIOR LIVING FACILITY – TABLE TO DATE CERTAIN CONSIDERATION OF AN APPLICATION FROM BYCE & ASSOCIATES FOR SPECIAL USE AND SITE PLAN APPROVAL FOR A NEW ASSISTED LIVING FACILITY WITHIN THE SKY KING 1 PLANNED UNIT DEVELOPMENT LOCATED AT THE NORTHEAST CORNER OF LEXY LANE AND NORTH 9TH STREET. PARCEL NO. 3905-14-385-070.**

Chairperson VanderWeele indicated that this request was being tabled to allow the engineer to complete their work on the site plan. Because this application was publicly noticed for the April 11<sup>th</sup> meeting, it remained on the agenda to ensure any public in attendance could be informed of the new public hearing date.

Prior to tabling the agenda item, Chairperson VanderWeele asked if any in the audience was interested in speaking on this item and noted a member of the public wished to speak.

Mr. Brendan Hannapel asked whether a builder had been selected for the project.

Ms. Johnston said she would look into the matter and suggested he contact her during open hours at the Township Hall.

Ms. Farmer made a motion to table the request from Byce & Associates until the May 9<sup>th</sup> meeting of the Planning Commission. Mr. Commissaris supported the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next item on the agenda and asked Ms. Johnston for her presentation.

**PUBLIC HEARING: JAKE'S FIREWORKS TENT SALES CONSIDERATION OF SPECIAL USE APPROVAL FOR A TEMPORARY OUTDOOR EVENT LASTING MORE THAN ONE DAY TO HOLD A FIREWORKS TENT SALE AT 6430 STADIUM DRIVE. PARCEL NO. 3905-26-465-022.**

Ms. Johnston explained the applicant was seeking special use permission to locate a temporary fireworks sales tent in the parking lot of the Harding's grocery store at the corner of 9<sup>th</sup> Street and Stadium Drive, which is zoned VC: Village Commercial District. Temporary outdoor sales for longer than one day are a special use in the VC zoning district. Jake's has been at the Harding's location for seven years, with the 2019 application being the eighth request.

She said the applicant was proposing a tent be located in the southern portion of the parking lot between the retail structure that contains Subway and the driveway to Stadium Drive at the Parkview Drive intersection, in approximately the same location as last year and is the same size. As in previous years, the tent will need to be set back 10 feet from the edge of the parking lot pavement to satisfy separation requirements.

The tent and the required buffer area from surrounding vehicles shall occupy current parking spaces existing at the site. Although this will reduce the total number of parking spaces, it is not anticipated to be problematic, particularly for the temporary period requested. In previous years, the tent has been located at the same location, with no complaints filed regarding negative impacts on parking lot circulation or capacity.

Jake's is requesting the tent be allowed on-site from June 20<sup>th</sup> to July 7<sup>th</sup>, with hours of operation will be from 9am to 9pm from June 24<sup>th</sup> through July 1<sup>st</sup>, expanding to 8am to 11pm July 2<sup>nd</sup> through the 5<sup>th</sup>. During the night when the store is closed, representatives of the company will remain on-site to monitor inventory and provide security.

Ms. Johnston indicated the conditions for special use have all been met, but noted the Township has had difficulties with Jake's in the past during events that occurred between 2012 and 2016, but none in 2017 or 2018 after new management was in place.

Following the enforcement actions related to the 2016 event, she explained it was determined the applicant would be required to bring any future requests for special use approval of an outdoor sale back to the Planning Commission instead of being allowed to go through the administrative review process. This public process was conducted in 2017 and 2018. Also, the Planning Commission declared any additional infractions would result in the rejection of future applications, and that an \$800 security escrow was required each year.

If there are no issues with the 2019 event, and the applicant returns for 2020, the Planning Commission may leave these conditions in place, or relax some or all of them as two years have gone by with no concerns. For other recurring outdoor fireworks sales, provided there are no changes to a previously-reviewed site plan, approval is often delegated to Township staff and only a \$400 security deposit is required.

Ms. Johnston said if the Commission wished to approve this request, Staff recommended the following conditions:

1. The tent at the Harding's site shall be permitted from June 20<sup>th</sup> through July 7<sup>th</sup> and sale of fireworks shall not occur on site until June 24<sup>th</sup>.
2. The hours of operation are limited to 9am to 9pm from June 24<sup>th</sup> through July 1<sup>st</sup> and 8am to 11pm from July 2<sup>nd</sup> to July 5<sup>th</sup>.

3. All signs shall satisfy the requirements of the Township Zoning Ordinance.
4. At least one person from Jake's Fireworks staff shall be onsite 24-hours a day while product is present.
5. Compliance with all comments or issues raised by the Fire Department during the course of their review and/or any subsequent inspections.
6. A compliance deposit in the amount of \$800 shall be paid to the Township prior to setting up the tent. The deposit will be refunded to the applicant in full provided that all conditions are met.
7. If there are no enforcement issues during the 2019 tent sale, future Jake's Fireworks events at this location shall be allowed administrative review and approval, provided no changes are made to the site layout. Staff would retain the right to refer the applicant back to the Planning Commission, if needed.

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

In response to a question from Ms. Smith, Ms. Johnston said the compliance deposit would be held in escrow and refunded to Jake's if there are no issues.

Hearing no further questions, Chairperson VanderWeele determined the applicant was not present for comment and moved to a public hearing.

Mr. Themis Corakis, Ted and Maries, 6416 Stadium Drive, noted Jake's tent has been located in the same parking lot as the restaurant and that they have never had an issue with them. He said some of the complaints were a result of customer actions rather than those of Jake's employees. He is pleased to have them there; the stand brings in customers for everyone in the area.

Hearing no further public comments, the Chair moved to Board Deliberations.

Ms. Farmer said since the new management of Jake's has been in place things have improved and she is in support of the application, thought the deposit should return to \$400 and that if there are no issues this year, consideration and approval of future applications should be by administrative review.

Ms. Smith made a motion to approve the request with the inclusion of the seven conditions as recommended by staff, with the change to number six to require a deposit of \$400 rather than \$800. Ms. Maxwell supported the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next item and asked Ms. Johnston to review the staff report.

**PUBLIC HEARING: LAWTON RIDGE WINERY FOOD TRUCK  
CONSIDERATION OF SPECIAL USE APPROVAL FOR A TEMPORARY OUTDOOR  
EVENT LASTING MORE THAN ONE DAY TO ACCOMMODATE ONE FOOD TRUCK  
AT 8456 STADIUM DRIVE EVERY WEDNESDAY EVENING FROM 3:30 P.M. TO  
8:30 P.M. BEGINNING APRIL 17 AND ENDING OCTOBER 30, 2019. PARCEL NO.  
3905-33-402-161.**

Ms. Johnston indicated Lawton Ridge Winery, 8546 Stadium Drive, located on the north side of Stadium Drive, west of 6<sup>th</sup> Street and zoned I-1: Industrial District was requesting a special use and general site layout approval to allow a variety of food trucks on their property. The request is to allow one mobile food truck every Wednesday from 3:30 to 8:30 p.m., from April 17<sup>th</sup> through October 30<sup>th</sup>.

This is the second year for this request on the Lawton Ridge Winery property. On July 26, 2018, the Planning Commission approved a special use for food trucks Wednesday evenings from the date of approval through October 31<sup>st</sup>. This approval did not include future administrative reviews and therefore, an application before the Planning Commission was required for the 2019 events.

A layout was provided to Commissioners that indicates the food trucks will be located just to the east of the parking lot, within the lawn area of the site. The proposed location meets all setback requirements and the existing onsite storage structure provides a buffer to the properties to the east. The Lawton Ridge Winery retail building offers the required restroom facilities and onsite fire lanes have been preserved.

Ms. Johnston explained the site plan provided in 2018 showed the trucks parked in front of the building, which was a concern regarding the right of way. The new site plan provided this year is in compliance with all Zoning Ordinance requirements.

She noted the timeframe from 3:30 pm to 8:30 pm includes time for set-up and take-down of the food truck facility.

Ms. Johnston said the application meets special use considerations, but recommended the following five conditions if the request were approved:

1. The food truck will only be permitted onsite every Wednesday evening from 3:30 pm to 8:30 pm with food sales from 4:00 pm to 8:00 pm.
2. The food truck will be permitted from April 17 through October 30, 2019.
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.

In addition, she said the Planning Commission may wish to consider allowing the temporary outdoor event to be administratively approved in the future, provided no changes are requested that vary from this potential approval. Staff would retain the right to refer the applicant back to the Planning Commission, should that need arise.

Chairperson VanderWeele determined there were no questions from Commissioners, and asked the applicant if he wished to speak.

Mr. Crick Halton, 7630 W. ML Avenue, had no comment but asked if Commissioners had questions for him.

As there were no questions from the Board, the Chair opened the public hearing. Finding no one in attendance wished to speak on this item, moved to Board deliberations. Commissioners had no objections to the application; Chairperson VanderWeele asked for a motion.

Mr. Commissaris made a motion to approve the request with the inclusion of the five conditions as recommended by Staff, and to allow the temporary outdoor event to be administratively approved in the future, provided no changes are requested that vary from this approval. Ms. Maxwell supported the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next item on the agenda and asked Ms. Johnston for her review of the application.

**PUBLIC HEARING: THIRSTY HOUND FOOD TRUCK  
CONSIDERATION OF SPECIAL USE APPROVAL FOR A TEMPORARY OUTDOOR  
EVENT LASTING MORE THAN ONE DAY TO ACCOMMODATE ONE FOOD TRUCK  
AT 1030 SOUTH 8<sup>TH</sup> STREET EVERY TUESDAY, WEDNESDAY AND THURSDAY  
EVENING FROM 5:00 P.M. TO 8:00 P.M. BEGINNING APRIL 16 AND ENDING  
OCTOBER 17, 2019. PARCEL NO. 3905-22-430-040.**

Ms. Johnston reported the applicant was requesting a special use and general site layout approval to allow a variety of food trucks on their property three evenings a week from April 16<sup>th</sup> through October 17<sup>th</sup>. This is the second year for this request on the Thirsty Hound property, although the application has increased in intensity. In June of 2018, the Planning Commission approved a special use for food trucks on Tuesday and Thursday nights from June 15 through September 30, 2018. The request in 2018 was intended to be a “stop-gap” measure while the applicant secured their food license from Kalamazoo County Environmental Health. Staff understands the food license was denied due to the dog friendly nature of the dining area.

She noted The Thirsty Hound is part of the larger Meadow Run Knoll complex and Meadow Run Dog Park. The full request is to allow mobile food trucks every Tuesday, Wednesday, and Thursday from 5:00 pm to 8:00 pm from April 16 to October 17, 2019.

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.

She said one item which was missed during the 2018 review is the rear yard setback requirement. Section 49.220 indicates that all vehicles, trailers, and other equipment for the outdoor event must meet all required setbacks. A revised site plan was provided by the applicant and hard copies were given to the Planning Commission that shows this 20-foot distance.

The applicant requested the time period of the event to last from 5:00 pm to 8:00 pm. A 5:00 pm start time does not allow for set-up. If the Planning Commission is considering an approval for this outdoor event, a start time of 4:30 pm may be more appropriate.

Finally, she said, the application has increased from the two evenings approved in 2018 to three evenings in 2019. This leads staff to request the Planning Commission consider the parameters of a “temporary” outdoor event. Generally, past practice has been to limit these events to approximately 30 days. Fireworks tents and Christmas tree sales generally meet this 30-day requirement. These tent sales often run from 10:00 am to approximately 10:00 pm during this 30-day period.

The Thirsty Hound’s application is for 27 weeks, three nights a week. This is a total of 81 days, which is much longer than past practice. However, the actual length of time for the requested food truck event is much shorter. If you consider the trucks will only be on site for approximately 3.5 hours a day, a total of 283.5 hours or roughly 12 days is calculated. The retail tent sales generally run 12 hours a day for 30 days, which equals 360 hours or approximately 15 days.

Unfortunately, the Township Zoning Ordinance does not provide a definition for “temporary” or “temporary use.” For this application, she said, the Planning Commission will need to consider the meaning of “temporary” and if past practice should be weighed.

She asked whether the nature of the event in relation to the type of use makes a difference in this application. The Thirsty Hound was intended to be developed as a tavern that serves food. Due to Health Department concerns, the full intent of the restaurant did not come to fruition. The applicant is hoping food trucks will serve this



goal. While understandable, staff is concerned the duration of the request could set a precedent for other temporary events, for example, a retail store requesting outdoor sales three days a week. As a special use, the Planning Commission is permitted to consider the specifics of each application. The difficult question with this application is whether the specifics of this use are of a defined enough nature that it does not set a precedent for other temporary outdoor events.

Ms. Johnston said the application meets special use consideration criteria.

If the Planning Commission decided to allow the special use in some capacity, Staff recommended the following conditions:

1. A revised site layout plan indicating the required 20-foot rear yard setback for the food truck. (already met by revised layout plan)
2. The food truck will only be permitted three days per week from 4:30 p.m. to 8:00 p.m. with food sales from 5:00 p.m. to 7:30 p.m.
3. The food truck will be permitted from April 16 through October 17, 2019.
4. 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.
5. The property owner's liability insurance shall be provided to the Township.
6. Inspections by the Fire Marshall periodically throughout the approved timeframe of the event, if needed.

In addition, she said the Planning Commission may wish to consider allowing the temporary outdoor event to be administratively approved in the future, provided no changes are requested that vary from this potential approval. Staff would retain the right to refer the applicant back to the Planning Commission, should that need arise.

In response to a question from Ms. Dickason, Ms. Johnston explained the applicant hopes a food truck will bring patrons in. A purchase could be brought into the building for consumption.

Chairperson VanderWeele asked for an explanation of how granting this request could be precedent setting.

Ms. Johnston said if you look at the request from the perspective of the number of hours of operation it is not precedent setting; but if you look at it from the perspective of the number of days requested (81) it would set a precedent. Other outdoor temporary events generally last about 30 days, but the number of open hours is greater.

Attorney Porter said Commissioners should note for the record whether they are considering the number of hours or the number of days when making a decision.

Ms. Johnston said she was struggling a little with whether the Board may feel it is acceptable to treat outdoor catering in a different way than if a retail store might want an ongoing event to offer merchandise in their parking lot. She noted there is no other restaurant in the area for which a food truck would provide competition. There is currently no food truck ordinance.

Ms. Farmer pointed out the Township would be providing fire and police protection services without receiving tax income from food trucks.

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

Ms. Patty Ruppel, 3020 Brandywine, said the food truck was extremely popular last year and that members at the park hoped to see the opportunity expanded. She explained dog training classes take place at Tip Top Tails within the building on Tuesday, Wednesday and Thursday and the hours requested aligns with them. She said most food truck business begins at 5:30. Since minimal set up time is required she would prefer approved hours of operation to be 5:00 p.m. to 8:30 p.m.

The Chair asked if any member of the public wished to speak.

Mr. Themis Corakis, 7000 W. N Avenue asked how many trucks would be on the premises at one time and whether any would be left parked there overnight.

Ms. Johnston indicated one food truck would be on site each evening and would leave the site by 8:30 each night, if that was the time approved by the Planning Commission.

Hearing no further public comment, Chairperson VanderWeele moved to Board Deliberations.

Ms. Maxwell said she was comfortable that the minimal hours, three times per week, qualify this request as temporary.

Mr. Commissaris noted that in the fall it would be dark by 8:30 and confirmed with Ms. Ruppel that there is lighting on site.

Ms. Farmer said she was comfortable with approving the request based on the number of hours involved and suggested trying it for a year and then reviewing again if requested in 2020. She wondered if the food truck is incidental to the business if food is not being sold inside the building. She does not want to set a precedent but is interested in seeing how it plays out after trying it for a season.

Hearing no further comments, Chairperson VanderWeele asked for a motion.

Ms. Maxwell made a motion to approve the request with the inclusion of the six conditions as recommended by Staff, with a change in hours in condition #2 to 5:00 p.m. to 8:30 p.m., and to allow the temporary outdoor event to be administratively approved in the future, provided no changes are requested that vary from this approval. Ms. Dickason supported the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next agenda item and asked Mr. Johnston for her report.

**PUBLIC HEARING: MAPLE HILL LEASEHOLDS, LLC CAR SALES LOT  
CONSIDERATION OF SPECIAL USE APPROVAL FOR A NEW/USED CAR SALES  
LOT AT 6883 WEST MAIN STREET. PARCEL NO. 3905-22-430-040.**

Ms. Johnston explained the applicant was requesting special use and general site layout approval to allow the establishment of a new/used car sales lot. Located at the southeast corner of the intersection of West Main Street and North 8<sup>th</sup> Street, the four-acre subject property is zoned C: Local Business District, within which new and used vehicle sales establishments are classified as a special use.

Part of the node of commercially-zoned properties centered around North 9<sup>th</sup> Street and West Main Street, the subject parcel was initially developed to accommodate a car sales lot in 1989, and was used as such for around 20 years before the owner began leasing the building out to general retail tenants. Having gone dormant for more than one year as outlined in Section 63.30 of the Nonconforming Uses and Structure Ordinance, the original special use approval for a vehicle sales lot at this property lapsed, and its reactivation requires approval from the Planning Commission.

She noted no significant changes were being requested by the applicant at this time. If the special use is approved, current site conditions would be grandfathered until such time that changes are requested.

The site layout plan and existing conditions of the property meet all of the requirements of Section 49.130. A building exists on site to function as the sales office, lighting is provided for security, the site is paved with asphalt for a dust free surface, all setbacks for the display of vehicles has been met, and finally, customer parking is provided near the building.

As far as special use considerations are concerned, she said that given the site is fully developed, an engineered site plan is not required at this time. There is concern for neighbors on 8<sup>th</sup> Street regarding the implications of noise, landscaping and lighting.

Ms. Johnston listed the following outstanding items/issues for the Planning Commission's consideration:

1. Discussion of any PA systems with the applicant and its possible impacts on neighboring residential uses.
2. Ensuring a reduction in onsite lighting after the close of business operations. Based on past practice, staff would recommend consideration of reduced lighting from 10:00 pm to 7:00 am.
3. Preservation of the existing vegetation between the parking lot and North 8<sup>th</sup> Street.
4. Final site layout approval that meets all Zoning Ordinance requirements.

She recommended attaching the following conditions if the Planning Commission approved the special use for a new/used car sales lot:

1. Planning and Fire Department staff will finalize vehicle arrangement details to ensure adequate and appropriate circulation for patrons and emergency vehicles within the site.
2. The existing landscape buffer between the parking lot and the North 8<sup>th</sup> Street right-of-way must remain intact, with no removal of existing vegetation unless replaced in-kind.
3. Site lighting will be reduced to security lighting only between the hours of 10:00 pm and 7:00 am.

Chairperson VanderWeele asked if there were questions from Commissioners.

Ms. Farmer was concerned about disruption for neighbors from possible early and late shipment arrivals.

Ms. Johnston indicated conditions could be attached to an approval for compatibility with neighbors.

Ms. Maxwell wondered if both sales and service would be part of the business. Ms. Johnston indicated she thought both would occur.

Ms. Farmer asked about access and possible additional curb cut(s).

Ms. Johnston said there is only one access; a curb cut is not wanted on 8<sup>th</sup> St.

Chairperson VanderWeele asked whether there is cross-access with the property to the east.

Ms. Johnston said bottle-necked traffic is sometimes a problem within cross-access areas in front of businesses. Since there are no changes requested at this time,

cross-access was not addressed. When changes to the site are requested, she would rather see cross-access at the rear.

Ms. Maxwell asked if the plan indicates a new addition to the building.

Ms. Johnston said that was not part of this request, but would be a likely request in the future if the application is approved.

Mr. Commissaris confirmed the current lighting is grandfathered until site changes are made, at which time they can be brought into compliance.

Chairperson VanderWeele asked whether the applicant wished to speak.

Mr. Jim VandenBerg, Maple Hill Auto Group, 5622 West Main Street, explained he is in a buy/sell agreement with the Seelye Group, contingent on approval of the special use permit. If received, he will move forward with the project.

He said he plans a number of changes, including upgrading the current building, replacing lighting with LEDs with no spillage, demolition of part of the current building, adding a large showroom. He would keep the current vegetation along 8<sup>th</sup> Street.

The business would include sales of new and used vehicles and parts sales and service. The only overnight shipments would be one to possibly two deliveries of parts between midnight and 3 a.m., which would come in from West Main, and be on site for no more than 15 minutes. The building will act as a screen, and he does not expect noise from deliveries to be disruptive to neighbors. Auto deliveries would be during daylight hours only.

He noted MDOT property there is not favorable to the location and is not kept up to their standards.

He expects to ask for a variance from the 170 foot set back for the display of cars in order to improve visibility from West Main Street and to bring it into line with others' property setbacks there, which range from 105 – 150 feet.

Mr. VandenBerg noted Maple Hill Auto Group has been a long time good neighbor and have had no issues with residents regarding sound or lighting. They play music every day from a PA system through speakers attached to the buildings to provide white noise. They do not page outdoors.

In answer to a question from Ms. Farmer, he said before they could start selling vehicles, he would need to build to standards dictated by the manufacturer(s).

Chairperson VanderWeele asked for public comment; hearing none he moved to Board deliberations.

Ms. Farmer wished to add a condition for approval that would prohibit car deliveries between 10:00 p.m. and 7:00 a.m.

Ms. Smith felt the application was reasonable and noted any change in the traffic pattern would be addressed at the point that site changes were requested.

Hearing no further comments, the Chair asked for a motion.

Ms. Farmer made a motion to approve the special use contingent on including the three conditions as recommended by Staff, and the additional requirement that no cars be delivered between 10:00 p.m. and 7:00 a.m. Ms. Dickason supported the motion.

Ms. Johnston asked whether the requirement to allow PA system speakers only if attached to the building might be appropriate to add to the motion.

Ms. Farmer amended the motion to add the requirement that any outdoor PA speakers must only operate during business hours. Ms. Dickason supported the amendment. The motion, as amended, was approved unanimously.

### **OLD BUSINESS**

There was no old business to consider.

### **ANY OTHER BUSINESS**

Ms. Johnston told the Board she had reached out to Mr. Dan Cunningham several times regarding attending the April 25<sup>th</sup> meeting to assist with lighting ordinance questions, but has not been able to reach him. She will continue to try to contact him. She noted she will not be at that meeting; Mr. Clark will be attending in her place.

She reminded Commissioners of the joint board meeting scheduled for April 16.

### **PLANNING COMMISSIONER COMMENTS**

There were no comments from Commissioners.

### **ADJOURNMENT**

Hearing no further comments, Chairperson VanderWeele adjourned the meeting at approximately 7:35 p.m.

Minutes prepared:  
April 13, 2019  
Minutes approved:  
April 25, 2019