

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD AUGUST 22, 2019

Agenda

**SITE PLAN REVIEW: METRO TOYOTA - REVISED SITE PLAN
CONSIDERATION OF A REVISED SITE PLAN APPLICATION FROM METRO TOYOTA TO ALLOW THE EXISTING CURB CUT ALONG QUAIL RUN DRIVE TO STAY IN ITS ORIGINAL LOCATION. THE SITE PLAN APPROVED ON MARCH 14TH ALIGNED THIS ENTRANCE WITH THE CURB CUT ACROSS QUAIL RUN DRIVE TO THE EAST. PARCEL NO. 3905-25-305-031.**

Old Business

- a. Maple Hill South Overlay Zone - Continued Review

ANY OTHER BUSINESS

- a. Draft Flag and Flagpole Ordinance
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A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, August 22, 2019, commencing at approximately 6:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Bruce VanderWeele, Chair
Ron Commissaris
Dusty Farmer, Secretary
Keshia Dickason
Micki Maxwell
Mary Smith, Vice Chair
MEMBER ABSENT: Ollie Chambers

Also present were Julie Johnston, Planning Director and Martha Coash, Meeting Transcriptionist. Two 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

Ms. Johnston asked that "Michigan Association of Planning Conference" be added under Any Other Business. The Chair determined that was acceptable, no other changes were needed and allowed the agenda to stand as published with that addition.

Public Comment on Non-Agenda Items

No one provided comment on non-agenda items.

Approval of the Minutes of August 8, 2019

Chairperson VanderWeele asked if there were any additions, deletions or corrections to the Minutes of August 8, 2019. Hearing none, he asked for a motion.

Mr. Commissaris made a motion to approve the Minutes of August 8, 2019 as presented. Ms. Maxwell supported the motion. The motion was approved unanimously.

SITE PLAN REVIEW: METRO TOYOTA - REVISED SITE PLAN CONSIDERATION OF A REVISED SITE PLAN APPLICATION FROM METRO TOYOTA TO ALLOW THE EXISTING CURB CUT ALONG QUAIL RUN DRIVE TO STAY IN ITS ORIGINAL LOCATION. THE SITE PLAN APPROVED ON MARCH 14TH ALIGNED THIS ENTRANCE WITH THE CURB CUT ACROSS QUAIL RUN DRIVE TO THE EAST. PARCEL NO. 3905-25-305-031.

Chairperson VanderWeele asked Ms. Johnston for her presentation of the revised site plan application from Metro Toyota.

Ms. Johnston explained that on March 14, 2019, the Oshtemo Township Planning Commission approved the site plan for a new/used car sales lot special use located at 5924 Stadium Drive proposed by Metro Toyota. The approved site plan included the existing curb cut located on Stadium Drive, which was not intended to change, and a modified curb cut on Quail Run Drive. The current curb cut on Quail Run Drive was to be closed and a new curb cut developed that aligned with the existing car dealership entrance on the east side of the Quail Run Drive.

After Planning Commission approval, the project engineer applied to the Road Commission of Kalamazoo County (RCKC) for a right-of-way permit to modify the curb cut on Quail Run Drive. During the application review, the RCKC indicated a desire to close the Stadium Drive curb cut. The applicant and Township staff provided information to the RCKC regarding the desire for that curb cut to remain open based on resident and public safety concerns.

This curb cut was discussed during the site plan review meeting on March 14th. Residents from the Quail Run Condominiums were in attendance requesting the Stadium Drive curb cut to remain open. Section 51.50.F of the Access Management Guidelines states the following:

*Where parcels, lots, or building sites have frontage or access on more than one roadway, access shall be provided from the lesser traveled street. Where spacing requirements can be met, high traffic volumes will be generated, **or the subject side***

street is inappropriate for nonresidential traffic, access onto the main roadway will be considered.

Based on this ordinance language and the concerns from area residents, the Planning Commission approved the site plan with the Stadium Drive curb cut to remain in its existing configuration.

Subsequently the RCKC indicated to the applicant that any right-of-way permit, which would be needed for the reconfiguration of the Quail Run Drive curb cut, would allow them to require the closing of the Stadium Drive curb cut. The applicant worked with the RCKC for several months but could not come to a resolution on the Stadium Drive curb cut remaining open.

She said to keep the Stadium Drive curb cut open, the applicants' only recourse is to do no work within either the Stadium Drive or Quail Run Drive rights-of-way. To accomplish this, they are requesting the Planning Commission consider a revised site plan that leaves the two curb cuts in their existing locations.

Section 51.50.E. states the following about driveway placement:

In order to minimize left turn conflicts at non-signalized locations, driveways shall be offset a minimum of one hundred fifty feet, measured centerline to centerline, or aligned with those across the street.

Unfortunately, the centerline of these two driveways is only about 70 feet apart, not meeting the standards of the Access Management Guidelines. However, this is an existing configuration which has been in existence since at least 1987 when Rykse's Restaurant was approved on this parcel. In addition, the location of the current curb cut may provide better visibility of traffic moving southbound on Quail Run Drive as the road bends to the north just past this entrance point.

Section 51.50.G. provides the following regulations for existing sites:

*In the case of expansion, alteration or redesign of an existing development where existing driveways do not comply with the guidelines set forth herein, the closing, relocation, or redesign of the driveway **may be required.***

Ms. Johnston said this language provides opportunities for the Township to make driveway improvements if a site is being redeveloped, but the ordinance does not mandate these changes. The Planning Commission may consider mitigating circumstances when making their determination regarding any required site changes. The concerns of neighboring property owners and their desire for the Stadium Drive curb cut to remain open are a mitigating circumstance.

She said if the Planning Commission wished to approve the revised site plan, staff recommended the following condition:

An agreement be signed by both the applicant and the Township that outlines the following:

1. When the Stadium Drive sidewalk project is constructed in 2021, the Township will also construct that portion of the Quail Run Drive sidewalk that is required on the subject parcel addressed as 5924 Stadium Drive, parcel #3905-25-305-031.
2. The applicant agrees to pay all costs associated with the sidewalk construction on Quail Run Drive, as well as the reconstruction of the Quail Run Drive curb cut entrance from asphalt to concrete to meet Township sidewalk standards.
3. The applicant also agrees to pay for the cost of reconstructing the Stadium Drive curb cut entrance from asphalt to concrete to meet Township sidewalk standards.

The Oshtemo Downtown Development Authority is covering the expenses associated with the Stadium Drive sidewalks, which is why the costs for this sidewalk are not included in the recommended condition.

The Chair asked if there were questions from Commissioners.

Ms. Maxwell asked why Quail Run residents wished to retain the Stadium Drive curb cut.

Ms. Johnston explained Quail Run is 90% residential; Access Management guidelines say that since the area is predominantly residential and residents do not want traffic funneled through their area, the curb cut on Stadium Drive can be left in place. In this case if the Stadium Drive curb cut is eliminated, the only access will be through Quail Run.

Chairperson VanderWeele asked if the applicant wished to speak.

Mr. Jeff DeNooyer, owner, commented the Township's Fire Marshal also wished the Stadium curb cut to remain to allow access for fire trucks. He explained all parties wished to make the changes described in the original site plan, but the RCKC would not agree to the plan.

Ms. Johnston noted all residents of Quail Run who were part of the previous review and their condo association were notified of the site plan revision request.

Ms. Maxwell wondered why the RCKC wanted to eliminate the Stadium Drive curb cut.

Mr. DeNooyer said he was told any time there is an opportunity to close a drive on a major thoroughfare they will close it. They believe it will result in fewer accidents.

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

Ms. Farmer noted she would abstain on advice of the Township's Attorney since she is a co-owner of an adjoining property.

Ms. Maxwell made a motion to approve the revised site plan from Metro Toyota to allow the existing curb cut along Quail Run Drive to stay in its original location based on the reasons listed and including the conditions as recommended by Staff. Mr. Commissaris supported the motion. The motion was approved 5-0, with Ms. Farmer abstaining.

ANY OTHER BUSINESS

a. Maple Hill South Overlay Zone - Continued Review

Ms. Johnston provided the fifth draft of the new Maple Hill South Overlay Zone Ordinance for further review, noting the main changes from the July meeting were within the Development Requirements table.

The group continued their systematic review centered on residential maximum density and density bonus requirements and road design.

Ms. Johnston will revise the document to reflect discussion and return it to the Board for further consideration.

OLD BUSINESS

a. Draft Flag and Flagpole Ordinance

Ms. Johnston explained the current Township Zoning Ordinance manages flags and flagpoles within the Sign Ordinance, which is not how most flags are utilized in Oshtemo. Often, property owners wish to fly the American or State of Michigan flag, not an advertisement flag. Therefore, Sign Ordinance is an awkward location to manage flags. In addition, the ordinance language which regulates signs provides very little regulatory control over the placement of flagpoles. At this time, the only requirement for placement would be ensuring the flagpole is outside of the road right-of-way.

To better regulate flags and flagpoles, she suggested adding a section to Article 57: Miscellaneous Protections Ordinance. In developing Section 57.140: Flags and Flagpoles, staff reviewed other community ordinances, as well as websites of flag manufacturers for typical sizes for residential and commercial uses. She provided a

draft ordinance that was reviewed by the Township Attorney, Zoning Administrator, and Ordinance Enforcement Officer.

In addition to adding Section 57.140: Flags and Flagpoles, she indicated the sections of the Sign Ordinance that would need to be removed or amended.

The group reviewed the document, suggesting some changes. Ms. Johnston will revise the document to reflect discussion and return it to Commissioners for further consideration.

b. Michigan Association of Planners Conference

Ms. Johnston said this year's conference will be held in Kalamazoo and asked if Commissioners were interested in attending to let her know by August 27th as the 29th is the last day for early registration.

PLANNING COMMISSIONER COMMENTS

Chairperson VanderWeele asked Staff to suggest a method to provide Planning Commission meeting reminders.

ADJOURNMENT

Hearing no further comments, Chairperson VanderWeele adjourned the meeting at approximately 8:10 p.m.

Minutes prepared:
August 23, 2019

Minutes approved:
September 12, 2019