

**OSHEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD JULY 11, 2019

Agenda

**SITE PLAN REVIEW: O'REILLY AUTO PARTS – TABLED JUNE 13, 2019
CONSIDERATION OF AN APPLICATION FROM MARKETPLACE DEVELOPMENT,
LLC FOR SITE PLAN APPROVAL, TO BUILD A NEW O'REILLY AUTO PARTS
STORE AT 6297 WEST MAIN STREET. PARCEL NO. 3905-14-405-054.**

ANY OTHER BUSINESS

- a. Planning Commission By-laws – Draft Amendments
 - b. Landscape Ordinance
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A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, July 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 Director, James Porter, Township Attorney, and Martha Coash, Meeting Transcriptionist. No 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 were needed and let the agenda stand.

Public Comment on Non-Agenda Items

No audience members were present.

Approval of the Minutes of June 27, 2019

Chairperson VanderWeele asked if there were any additions, deletions or corrections to the Minutes of June 27, 2019. Hearing none, he asked for a motion.

Mr. Commissaris made a motion to approve the Minutes of June 27, 2019 as presented. Mr. Chambers supported the motion. The motion was approved unanimously.

Chairperson VanderWeele asked Ms. Johnston for her review of the application for site plan approval for construction of a new O'Reilly Auto Parts store.

SITE PLAN REVIEW: O'REILLY AUTO PARTS – Tabled June 13, 2019 CONSIDERATION OF AN APPLICATION FROM MARKETPLACE DEVELOPMENT, LLC FOR SITE PLAN APPROVAL, TO BUILD A NEW O'REILLY AUTO PARTS STORE AT 6297 WEST MAIN STREET. PARCEL NO. 3905-14-405-054.

Ms. Johnston explained although the applicant was not present, it was requested that the Commission continue with the application request.

She noted at the June 13th Planning Commission meeting Marketplace Development, LLC requested site plan approval for a new O'Reilly Auto Parts store at 6297 West Main Street within the West Main Overlay Zone. The staff report, dated June 4th, detailed the outstanding items related to the site plan packet for this development and recommended conditions associated with those items. In addition, during Planning Commission deliberation, concern was expressed related to the exterior building design. Ultimately, the site plan was tabled to allow the developer an opportunity to address outstanding concerns. Other than a revision to the building architecture, the other issues were not addressed.

She outlined the issues in the June 4th staff report, including new information.

1. Consideration of whether proposed revisions to the exterior building design meets the intent of the West Main Overlay zone.

The developer provided new elevation drawings which show a false roof structure to disguise the flat roof on the front of the building; windows and awnings were added; materials used to match the building are used for the dumpster; and, the red color originally proposed for the signage area was changed from red to "Patchwood," more of an earth tone than the original red proposed.

2. A minimum of 29 parking spaces will need to be removed from the site. The removal of these spaces could alter the storm water management design, requiring additional review by the Township Engineer.

It was the intent of the developer to appeal staff's interpretation of the Zoning Ordinance related to parking and their retail use at a special meeting of the Zoning Board of Appeals on July 9th. Due to a noticing problem the meeting was not held. However, if the applicant builds with the allowed 29 spaces, more spaces could be requested at a later date if they prove necessary.

She expects the applicant to reconsider the ZBA request if they can persuade O'Reilly Auto Parts to agree to the 29 parking spaces.

If the Planning Commission were to approve the request, a new site plan with 29 striped parking spaces would need to be included in a new site plan.

3. A note needs to be placed on the lighting plan indicating when reduced lighting will be employed.

The developer indicated the current lighting plan has two notes as follows, related to reduced lighting on the site. No new photometric plan was provided.

Exterior site lights will turn on when it is dark enough outside and it is within store hours or there is a motion in the store. They will turn off 30 minutes after last motion once the store is closed.

For new construction only, there is a temporary program to keep sign and site lights on until midnight rather than the times indicated above. O'Reilly will disable this program one year after store opening.

The applicant indicated store hours are:

Monday	7:30AM–10PM
Tuesday	7:30AM–10PM
Wednesday	7:30AM–10PM
Thursday	7:30AM–10PM
Friday	7:30AM–10PM
Saturday	7:30AM–10PM
Sunday	8AM–8PM

The Lighting Ordinance indicates that lighting shall be significantly reduced during non-operational hours of the business, allowing only lighting necessary for security purposes, and the lighting plan should note when lighting will be reduced. The notes on the plan indicate that all site lighting will be distinguished after store hours and when no motion is detected. If the applicant included the hours of operation on the lighting plan, the notes above may meet the intent of the Ordinance. However, past precedent has been to have a time certain for when the lighting would be reduced and to what percentage. For example, past site plan approvals have included the following language:

All exterior light fixtures shall be reduced to 30 percent power at the close of business but no later than 10:00 pm until 7:00 am or the start of business via an owner programmable timer.

In addition, the second note related to new construction would allow site lighting until midnight during the first year of operation. Staff recommends removing this note from the plan.

Staff continues to recommend a condition related to the reduced lighting requirement. At minimum, the hours of operation should be included on the photometric plan to indicate when lighting is expected to be reduced.

4. Agreements for the off-site improvements are still needed as of the date of this staff report. The Planning Commission will need to consider if a condition that an agreement is provided will suffice for site plan approval.

Staff has not received an update to this issue. An easement from MDOT and neighboring property owner needs to be submitted to the Planning Department before any site work is allowed to begin.

5. A cross-access agreement for use of the existing curb cut on West Main Street.

Staff has not received an update to this issue.

6. Permission from MDOT to work within the road right-of-way.

Staff has not received an update to this issue.

Ms. Johnston said if the Planning Commission was considering approval of the site plan, staff recommended the following conditions:

1. An agreement from the adjacent property owner to the east be provided that allows off-site improvements to their property. This condition will be completed before any site or building improvements are made on the property.
2. A cross-access agreement with the adjacent property owner to the east be provided that allows use of the existing curb cut. This condition will be completed before any site or building improvements are made on the property.
3. A permit from MDOT needs to be provided allowing the improvements within the West Main Street right-of-way. This condition will be completed before any site or building improvements are made on the property.

4. An executed document for the dedication of the open space be provided to the Township before a certificate of occupancy is issued on the building.
5. A revised site plan be provided to the Township showing the correct number of parking spaces. If the storm water management plan is altered due to the change in parking, the Township Engineer or his designee will review and approve the redesigned system. This condition will be completed before the issuance of a building permit.

Finally, the Planning Commission needed to review the revised exterior building design and the lighting plan. Staff had the following condition in the June 4th staff report:

6. A revised lighting plan with the removal of the note related to new construction and exterior lights on until midnight. In addition, a note indicating when lighting will be significantly reduced during non-operational hours of the business, allowing only lighting necessary for security purposes (*the Planning Commission to determine those hours or require the operational hours of the business to be placed on the lighting plan*). This condition will be completed prior to the issuance of a building permit.

She said additional conditions related to exterior building design should be included, if needed.

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

Ms. Smith confirmed the wording of a motion should refer to the elevation drawings submitted at the July 11 meeting.

Ms. Farmer indicated lighting wording approved should be consistent with previously approved wording for other applicants.

Chairperson VanderWeele noted the applicant was not present for comment and moved to Board Deliberations.

Ms. Maxwell wondered if the application was actually ready for review.

Ms. Farmer noted the only thing changed by the applicant since consideration by the Board on June 13th was the architectural plan; the parking spaces and agreements still need to be addressed.

Attorney Porter indicated the application was as ready as most plans; non site-specific conditions are often acquired after the site plan is approved.

Ms. Johnston noted Staff can take care of assuring the lighting and parking space issues are included on a revised site plan.

Mr. Commissaris asked about impact of parking spaces on drainage and erosion.

Ms. Johnston replied if the pavement is reduced the loading zone area can still be paved but not striped for parking. Fewer spaces will provide more pervious surface, which can only benefit storm water management.

Ms. Farmer said the revised architectural drawing and conditions suggested by Ms. Johnston were acceptable to her.

Ms. Johnston indicated the language used regarding reduced lighting requirements for other businesses included reduction to 30% from a time certain in the evening until a time certain in the morning.

It was the consensus that this wording should be used, and that reduced lighting should begin no later than 11:00 p.m. and that full lighting can begin no earlier than 7:00 a.m.

Chairperson VanderWeele asked for a motion.

Ms. Farmer made a motion to approve the revised site plan submitted July 11, 2019 for O'Reilly Auto Parts, with the conditions submitted by staff and a condition related to lighting and the exterior elevation drawing, as follows:

1. The store to be developed per the elevation drawings provided to the Township on June 27, 2019 and attached for reference.
2. An agreement from the adjacent property owner to the east be provided that allows off-site improvements to their property. This condition will be completed before any site or building improvements are made on the property.
3. A cross-access agreement with the adjacent property owner to the east be provided that allows use of the existing curb cut. This condition will be completed before any site or building improvements are made on the property.
4. A permit from MDOT be provided allowing the improvements within the West Main Street right-of-way. This condition will be completed before any site or building improvements are made on the property.
5. A revised lighting plan shall be provided prior to the issuance of a building permit with the following changes:
 - a. A note indicating all exterior light fixtures shall be reduced to 30 percent power no later than 11:00 pm and shall stay at 30 percent power until 7:00 am or business opening, whichever is earlier via an owner programmable timer through the lighting control panel.

- b. The note related to new construction allowing lighting to stay on until midnight during the first year of operation be removed from the lighting plan.
6. A revised site plan be provided to the Township prior to the issuance of a building permit showing the allowed 29 parking spaces. If the storm water management plan is altered due to any change in impervious surface, the Township Engineer or his designee will review and approve the redesigned system.
7. An executed document for the dedication of the open space be provided to the Township before a certificate of occupancy is issued on the building.

Ms. Dickason supported the motion. The motion was approved unanimously.

OLD BUSINESS

There was no old business to consider.

ANY OTHER BUSINESS

a. Planning Commission By-laws – Draft Amendments

Ms. Johnston explained the Planning Commission By-Laws have not been reviewed or updated since 2009. Recently, staff began developing new by-laws for the Zoning Board of Appeals and thought this was an ideal time to make improvements to the Planning Commission By-Laws. She provided a document with suggested amendments based on current operations of the Planning Commission and more detailed information on meeting requirements.

The group reviewed each item in the document and provided input. Ms. Johnston will make the revisions suggested and return the document to the group for further review.

b. Landscape Ordinance

Ms. Johnston explained in 2016, the Planning Commission worked for several months to develop a new Landscape Ordinance. Time was spent in the field reviewing constructed sites to see how landscaping was being developed and other community ordinances were examined for comparisons. A revised draft Landscape Ordinance was developed, which staff applied to existing sites around Oshtemo and reviewed with the Commission. In the end, a draft Ordinance was created.

She said at the conclusion of the draft ordinance review, staff knew the Planning Commission would be working on revising and reorganizing the entirety of the Zoning Ordinance and therefore, decided to table the new Landscape Ordinance to become a part of that project instead of holding the public hearings for adoption. As time constraints persisted, the revised/reorganized Zoning Ordinance project was reduced to

being primarily a “reorganization” project. Sweeping changes to the Ordinance, which were originally envisioned, were tabled until after the reorganization was complete.

Now that the reorganized Zoning Ordinance has been approved and codified by the Township, she said additional changes that improves the code can be made. Since the Landscape Ordinance received months of Planning Commission scrutiny in 2016, staff thought this might be a good place to begin, which would hopefully be a less complicated review.

She provided the draft Landscape Ordinance, a complete rewrite of the current ordinance. In addition, the landscape plans which apply this new ordinance to existing sites was provided, as well as a staff memo from 2016 explaining some of the major differences between the current and recommended ordinances. The plans were intended to help visualize how this new ordinance would be applied.

Chairperson VanderWeele suggested the group review the materials for consideration at a future meeting.

PLANNING COMMISSIONER COMMENTS

There were no comments from Commissioners.

ADJOURNMENT

Hearing no further comments, Chairperson VanderWeele adjourned the meeting at approximately 8:00 p.m.

Minutes prepared:
July 13, 2019

Minutes approved:
July 25, 2019