

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD OCTOBER 11, 2018

Agenda

PUBLIC HEARING: REZONING REQUEST

Consideration of an application from Scott Mursch, on behalf of Francis Mursch, to rezone 5831 Stadium Drive from the R-2: Residence District to the R-3: Residence District. Parcel No. 3905-25-324-140.

PUBLIC HEARING: REZONING REQUEST

Consideration of an application from Oshtemo Charter Township to rezone a portion of a parcel of land totaling 1.95 acres located at 1995 North 6th Street from the C: Local Business District to the RR: Rural Residential District. Parcel No. 3905-09-480-010.

PUBLIC HEARING: REZONING REQUEST

Consideration of an application from Oshtemo Charter Township to rezone a portion of each parcel of land at 3800 South 12th street, 3941 South 11th Street, 3985 South 11th Street, and land immediately south of 3985 South 11th Street totaling 40,837 square feet from the C: Local Business District to the RR: Rural Residential District. Parcel Nos. 3905-35-280-010, 3905-36-255-080, 3905-36-405-010, and 3905-3905-36-405-020.

PUBLIC HEARING: REZONING REQUEST

Consideration of an application from Oshtemo Charter Township to rezone a portion of five parcels of land at 6760 West KL Avenue west to 6930 West KL Avenue totaling 2.99 acres from the C: Local Business District to the R-2: Residence District. Parcel Nos. 3905-23-155-050, 3905-23-155-013, 3905-23-155-080, 3905-23-155-090 and 3905-23-055-100.

PUBLIC HEARING: SPECIAL EXCEPTION USE

Consideration of an application from Larry and Cat Elwell, on behalf of Jaqua Limited, LLC, for a special exception use to develop a hair salon located at 2727 South 11th Street in the R-3: Residence District, pursuant to Section 23.400 of the Township Zoning Ordinance. Parcel No. 3905-25-405-070.

PUBLIC HEARING: CORNER@DRAKE SIGN DEVIATION

Consideration of an application from Intercity Neon, representing Olga's Kitchen, for a dimensional departure from Section 76.170 of the Township Zoning Ordinance, to allow a third wall sign when only two are permitted. The departure is requested under Section 60.405 of the Planned Unit Development ordinance. The subject property is located within the Corner@Drake PUD at the northwest corner of Stadium Drive and Drake Road, within the C: Local Business District. Parcel No. 3905-25-075-029.

PUBLIC HEARING: CORNER@DRAKE SIGN DEVIATION

Consideration of an application from Corner@Drake E, LLC for a dimensional departure from Section 76.170 of the Township Zoning Ordinance, to allow for greater sign area and height for one new freestanding sign within the Corner@Drake PUD. The departure is requested under Section 60.405 of the Planned Unit Development Ordinance. The subject property is located within the Corner@Drake PUD at the northwest corner of Stadium Drive and Drake Road, within the C: Local Business District. Parcel Nos. 3905-25-075-029 and 3905-25-240-004.

OLD BUSINESS

Work Item Updates:

- i. Zoning Ordinance Re-Organization**
- ii. Ordinance Amendments: Agritourism, Setbacks, Conditional Zoning, Lighting**
- iii. GO! Green Oshtemo Plan**
- iv. Village Theme Development Plan**

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, October 11, 2018, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

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| MEMBERS PRESENT: | Cheri Bell, Chairperson
Fred Antosz
Ollie Chambers
Dusty Farmer, Secretary
Micki Maxwell
Mary Smith
Bruce VanderWeele, Vice Chairperson |
| MEMBERS ABSENT: | None |

Also present were Julie Johnston, Planning Director, James Porter, Township Attorney, Martha Coash, Meeting Transcriptionist, and thirteen interested persons.

Call to Order and Pledge of Allegiance

Chairperson Bell called the meeting to order at approximately 7:00 p.m. and invited those present to join in reciting the "Pledge of Allegiance."

Agenda

Chairperson Bell asked for additions or deletions to the proposed agenda. She noted the review for items 7, 8 and 9 would be addressed together by Ms. Johnston. Hearing no agenda item changes requiring action, she asked for a motion.

Mr. VanderWeele made a motion to accept the agenda as presented. Ms. Farmer supported the motion. The motion was approved unanimously.

Public Comment on Non-Agenda Items

The Chair determined no one in the audience cared to comment regarding non-agenda items and moved to the next agenda item.

APPROVAL OF THE MINUTES OF THE WORK SESSION OF SEPTEMBER 27, 2018

The Chair asked if there were any additions, deletions or corrections to the Work Session Minutes of September 27, 2018. Hearing none, she asked for a motion.

Mr. Antosz made a motion to approve the minutes of the Work Session of September 27, 2018 as presented. Ms. Farmer supported the motion. The motion was approved unanimously.

Chairperson Bell moved to the next agenda item.

PUBLIC HEARING: REZONING REQUEST

Consideration of an application from Scott Mursch, on behalf of Francis Mursch, to rezone 5831 Stadium Drive from the R-2: Residence District to the R-3: Residence District. Parcel No. 3905-25-324-140.

Ms. Johnston indicated the applicant, Mr. Scott Mursch, representing the Francis Mursch Trust, was requesting the Planning Commission's consideration of a rezoning for property located at 5831 Stadium Drive. The subject property, 0.82 acres, is currently zoned R-2: Residence District and is located at the southwest corner of Stadium Drive and Plainview Street, within the Plainview Plat. The requested change is to the R-3: Residence District.

The properties on the south side of Stadium Drive are all future land use planned for Transitional Office in this area. To the north of Stadium Drive is the General Commercial District, which is intended to serve both residents of Oshtemo, as well as a larger regional market. Uses like big box retail, shopping centers, and auto-oriented uses are permitted.

Currently, she said, the Township does not have a Transitional Office zoning district. However, the R-3 District is the closest approximation to this Future Land Use Category. The R-3 District allows both residential and office uses, including the conversion of single-family residential to office uses.

Ms. Johnston recommended the Planning Commission forward a recommendation of approval to the Township Board to rezone 5831 Stadium Drive from the R-2: Residence District to the R-3: Residence District for the following reasons:

1. The proposed rezoning is consistent with the Township's Future Land Use Plan, which indicates Transitional Office for this lot.
2. The request is consistent with the existing zoning and land use pattern in the areas.
3. The requested R-3 zoning will provide a buffer between existing office and commercial uses, as well as the Stadium Drive right-of-way, and the single-family residential uses within the Plainview Plat.

As there were no questions from Commissioners, Chairperson Bell moved to public hearing.

Mr. Scott Mursch, 5831 Stadium Drive, indicated the property in question belongs to his mother who has relocated to assisted living and needs to sell this property, one of the few not zoned R-3 or higher on Stadium Drive.

Hearing no further comments, the Chair moved to Board Deliberation and noted the request would be in line with the Future Land Use Plan and Master Plan.

In response to a question from Ms. Smith, Ms. Johnston said notices were sent to property owners within 300 feet of this property; no one responded.

Ms. Farmer made a motion to recommend approval to the Township Board for re-zoning of the parcel at 5831 Stadium Drive from R-2 Residential District to R-3 Residential District based on the reasons listed in the Staff recommendation. Mr. Chambers supported the motion. The motion was approved unanimously.

PUBLIC HEARING: REZONING REQUEST

Consideration of an application from Oshtemo Charter Township to rezone a portion of a parcel of land totaling 1.95 acres located at 1995 North 6th Street from the C: Local Business District to the RR: Rural Residential District. Parcel No. 3905-09-480-010.

Ms. Johnston noted this was the first of three Planning Department initiated requests for rezoning. This request was to rezone the portion of subject parcel 3905-09-480-010 located at 1995 North 6th Street and designated as C: Local Business District to the RR: Rural Residential District. The concern with the current zoning of this property is its incompatibility with surrounding land uses and zoning. In addition, the request to rezone the subject property is a step towards implementation of the Township's Future Land Use Map. This area is planned as Rural Residential.

She said the total parcel size is 35.4 acres and that portion which is zoned C: Local Business District comprises approximately 1.95 acres located adjacent to 6th Street. From aerial photography and a site visit, the property contains a single-family

home and a number of outbuildings. In addition, most of the acreage is farmed with some undeveloped wooded areas. The accessory building immediately to the north of the home was the location of the commercial operation on the property.

Staff found minutes from a May 28, 1981 Zoning Board meeting which indicated that part of the subject parcel was zoned "C" and was used as a car sale and auto repair shop. The minutes reflect the use was in place prior to the establishment of the first zoning ordinance in the Township, making the uses legal nonconforming. There are no records as to how long the property was actually used as an auto repair shop but it appears from aerial photography this use ceased to exist at some point between 2009 and 2013. The property is currently being used in an agricultural and residential manner.

Staff recommended the Planning Commission forward a recommendation of approval to the Township Board for the rezoning of the subject property from the C: Local Business District to the RR: Rural Residential District for the following reasons:

4. The proposed rezoning is consistent with the Township's Future Land Use Plan.
5. The requested RR: Rural Residential zoning is compatible with the surrounding land uses and zoning classifications.
6. Rezoning the property will eliminate an area of "spot" zoning in the Township.

In response to questions, Ms. Johnston said there is no longer commercial use of this property and confirmed that surrounding neighbors within 300 feet were notified and no responses were received by the Township.

PUBLIC HEARING: REZONING REQUEST

Consideration of an application from Oshtemo Charter Township to rezone a portion of each parcel of land at 3800 South 12th street, 3941 South 11th Street, 3985 South 11th Street, and land immediately south of 3985 South 11th Street totaling 40,837 square feet from the C: Local Business District to the RR: Rural Residential District. Parcel Nos. 3905-35-280-010, 3905-36-255-080, 3905-36-405-010, and 3905-3905-36-405-020.

Ms. Johnston moved to the second Planning Department initiated rezoning recommendation. The four parcels included in this request have dual C: Local Business District and RR: Rural Residential District zoning. The request would rezone the portion of the subject parcels that are designated as C: Local Business District to the RR: Rural Residential District. The concern with the current zoning of these properties is the incompatibility with surrounding land uses and zoning. In addition, the request to rezone the subject property is a step towards implementation of the Township's Genesee Prairie Sub-Area Plan.

Two of the parcels are owned by Kalamazoo Christian School Association, one by Mr. Ricky Colasanti and one by Mr. Theodore and Mrs. Kathryn McFarlen.

The C: Local Business District designation is located approximately 130 feet east of South 11th Street and touches, to some degree, all four parcels. The total size of the commercial designation is approximately 40,837 square feet, approximately 2,700 square feet shy of an acre.

She explained the difficulty with the dual zoning on these properties is the creation of nonconforming uses. Residential uses are not permitted within the C: Local Business District. The home located at 3985 South 11th Street is located within the C District and is therefore nonconforming and must comply with all of the nonconforming requirements of the Ordinance. This means the building is not allowed to expand and if it is damaged where reconstruction exceeds one-half of the value of the home, it can only be built in conformance with the code. As residential uses are not permitted, the property owner would have to request a rezoning before the home could be rebuilt.

Staff was not able to find any mention of this zoning designation in previous minutes of the Zoning Board, Planning Commission or Township Board. Based on this, she said, we have to assume the commercial zoning was designated during the establishment of the first zoning ordinance for the Township.

Ms. Johnston said Staff recommended the Planning Commission forward a recommendation of approval to the Township Board for the rezoning of the subject properties from the C: Local Business District to the RR: Rural Residential District for the following reasons:

1. The proposed rezoning is consistent with the Genesee Prairie Sub-Area Plan.
2. The requested RR: Rural Residential zoning is compatible with the surrounding land uses and zoning classifications.
3. Rezoning the properties will eliminate an area of “spot” zoning in the Township.

There were no Commissioner questions for Ms. Johnston regarding this request.

PUBLIC HEARING: REZONING REQUEST

Consideration of an application from Oshtemo Charter Township to rezone a portion of five parcels of land at 6760 West KL Avenue west to 6930 West KL Avenue totaling 2.99 acres from the C: Local Business District to the R-2: Residence District. Parcel Nos. 3905-23-155-050, 3905-23-155-013, 3905-23-155-080, 3905-23-155-090 and 3905-23-055-100.

Ms. Johnston explained the five parcels included in this request have dual C: Local Business District and R-2: Residence District zoning. This Township initiated

application is to rezone the portion of the parcels designated as C: Local Business District. The concern with the current zoning of these properties is predominately the “spot” zoning characteristics of the designation, as well as the limited utility of the zoning on these parcels. In addition, the request to rezone the subject property is a step towards implementation of the 9th Street Sub-Area Plan future land use map.

The C: Local Business District designation is located immediately adjacent to KL Avenue and continues north within the parcels for approximately 130 feet, generally splitting most of the parcels in half. From aerial photography and a site visit, the properties are predominately single-family residential. The larger Western Michigan University property is used in an agricultural capacity as grazing land for sheep.

She said the difficulty with the dual zoning on these properties is the creation of nonconforming uses. Residential uses are not permitted within the C: Local Business District. The homes located within the C District are nonconforming and must comply with all of the nonconforming requirements of the Ordinance. In addition, the relatively small area of the parcels zoned commercial limits the actual uses which could be developed. When considering the requirements for parking, landscaping, on-site storm water retention, and the placement of a commercial building, it is likely the available commercial zoning could not accommodate all of these needs. What this equates to is a zoning designation that severely restricts the feasibility of commercial development while also hindering the existing residential uses.

Staff was not able to find any mention of this zoning designation in previous minutes of the Zoning Board, Planning Commission, or Township Board. Based on this, she said we have to assume the commercial zoning was designated during the establishment of the first zoning ordinance for the Township. From conversations with staff, the Husted family owned much of the acreage in this area and it was thought the commercial designation could have been provided for some type of farm market operation. However, past records could not be found to substantiate this hypothesis.

Ms. Johnston recommended the Planning Commission forward an approval recommendation to the Township Board to rezone of the subject properties from the C: Local Business District to the R-2: Residence District for the following reasons:

7. The proposed rezoning is consistent with the 9th Street Sub-Area Plan.
8. The requested R-2: Residence zoning is compatible with the surrounding land uses and zoning classifications.
9. Rezoning the properties will eliminate an area of “spot” zoning in the Township.

Chairperson Bell asked if there were questions from Commissioners who confirmed notification was sent to neighboring owners. Ms. Johnston said the decision

to recommend rezoning was precipitated by a property owner's problems obtaining approvals for a new single-family home due to non-conformity. It was decided that the remnant commercial zoning should be brought into compliance at the same time to follow the Future Land Use Plan, eliminate spot zoning, and remove non-conforming issues for property owners.

It is believed the zoning was put in place in the early 80's when the Township first established the zoning ordinance, which Attorney Porter believed was rolled over from the 1960's original Township Ordinance which was haphazard.

Chairperson Bell moved to public hearing and asked if there were comments on the 6th Street rezoning.

Ms. Laurie Alexander, 1995 North 6th Street, noted her property is surrounded by agricultural zoning and wondered how her property would be affected.

Ms. Johnston explained she would still be allowed to use her property in an agricultural way, with the ability to continue grow crops and own farm animals.

Attorney Porter said if in the future she wished to be rezoned to agricultural she would need to talk with the Planning Department about making a formal request to the Planning Commission.

Chairperson Bell moved to public hearing and asked if there were comments on the 11th Street rezoning.

There were no public comments from the public on this item.

Chairperson Bell moved to public hearing and asked if there were comments on the KL Avenue rezoning.

Ms. Holly Husted, 9222 Almena Drive, said she was the executor of the property formerly owned by her father, Glen Husted and was speaking on behalf of her family who is opposed to the proposed rezoning for three reasons. 1) The area is not neighborhood friendly with existing industrial development; there has not been any residential development there for over 50 years. 2) There is already much industrial development present and opportunities to develop small related businesses exist. 3) The conclusion of an appraisal is that the rezoning would decrease property values.

Mr. Jim Husted, 9570 West L Ave., said his father, Glen Husted believed the property had commercial zoning for the full depth of the property. He thought when the commercial zoning was reduced to its current configuration his father did not know it had occurred and that if the zoning is too narrow/small the problem was actually created by the Township.

Ms. Valerie Janowski, 6818 KL Ave, spoke on behalf of Andrew Kuuttilla, the owner of the 6818 KL Ave. parcel. He has a small home they would like to raze in order to build a new home. In speaking with Planning Department staff, they found the dual zoning problem makes it impossible for them to build. She commended Staff for their professional assistance.

Mr. Jeff Philip, 6930 W KL Ave, said he would like to see the zoning left as is, saying there are at least eight businesses on the south side of KL. He felt the rezoning would reduce property value.

Hearing no further comments from members of the public, Chairperson Bell closed the public hearing and moved to Board Deliberation.

Attorney Porter suggested that the 6th Street and 11th Street rezonings be separated from the KL Avenue request for purposes of a motion.

Board Deliberation: There were no comments on these items. The Chair asked for a motion.

Mr. Chambers made a motion to forward a recommendation of approval for the rezoning of the parcels as requested for property located on 6th Street and 11th Street to the Township Board. Ms. Farmer supported the motion. The motion was approved unanimously.

Board Deliberation of the KL Avenue rezoning:

Responding to questions from Chairperson Bell, Ms. Johnston listed what types of development are permitted on parcels zoned R-2, what is allowed by special exception, and reviewed who owns the parcels that will be affected by rezoning.

She also reviewed for Ms. Smith, the definition of spot zoning and said that Staff was unable to find any record of exactly when the current zoning was done.

Ms. Farmer said it would be inappropriate to rezone the parcel to entirely commercial because of the resulting inconsistency with the Future Land Use Plan.

Attorney Porter noted if the Planning Commission were disposed to consider rezoning to commercial it would need to send public notice and review the Master Plan.

Ms. Johnston added that rezoning to 100% commercial would be in violation of the Sub Area Plan for 9th Street and the Master Plan. The Sub Area Plan is very clear that commercial zoning should happen on 9th St.

Chairperson Bell said other residential zoned properties do not have the benefit of commercial zoning; it is not fair that properties east and west of these four properties do not have that benefit. Because of the dual zoning, people are also being denied

residential benefits. She asked about the property owned by WMU and what might happen with that in the future.

Attorney Porter said WMU will have the ability for development as they wish as long as what they develop is something that furthers the interest of the university. They could put up dorms for example. The property cannot be for the use of a third party.

Ms. Johnston noted WMU has no immediate plans to change the property use and in an answer to a question explained industrial area businesses become more intense as you move east.

Ms. Farmer noted the work done on the Master Plan and Sub Area Plan was six years ago, that public meetings regarding proposed changes were noticed, and changes were guided by public comment. She said the purpose of Township zoning is to guide where the Township goes. She said she could see why some property owners could be upset about the rezoning proposed.

Chairperson Bell said there are options for developing financial opportunities in a number of ways under R-2 zoning, just not what exists across the street.

Ms. Smith noted it may be possible in the future to rezone from R-2 to R-3.

There being no further discussion, Chairperson Bell called for a motion.

Mr. Antosz made a motion to forward a recommendation of approval to the Township Board for the rezoning of the parcels as requested for properties located on KL Avenue. Ms. Maxwell supported the motion. The motion was approved unanimously.

PUBLIC HEARING: SPECIAL EXCEPTION USE

Consideration of an application from Larry and Cat Elwell, on behalf of Jaqua Limited, LLC, for a special exception use to develop a hair salon located at 2727 South 11th Street in the R-3: Residence District, pursuant to Section 23.400 of the Township Zoning Ordinance. Parcel No. 3905-25-405-070.

Chairperson Bell moved to the next agenda item.

Ms. Johnston said the structure located on the subject property was constructed in 1971 and was first a single-family residence; it was converted to a non-residential use sometime prior to 1987, when Township records first reference a business at this location. Zoned R-3: Residence District, beauty parlors and barber shops are permissible in such areas, but they are categorized as special exception uses, and are therefore subject to review by the Oshtemo Township Planning Commission.

Among other non-residential uses, the subject property has accommodated a hair salon in the recent past, but that occupant vacated the property more than one year ago, and per section 60.200: Special Exception Use Procedure, cannot be reactivated without permission from the Planning Commission. No site modifications to the existing site are being proposed by the applicant, so no site plan review is applicable at this time.

Ms. Johnston said Staff feels this special exception use application meets all criteria for consideration under Section 60.100 of the Zoning Ordinance and recommended approval of the Special Exception Use request to establish a hair salon in the existing structure on the subject property, but also requested the Planning Commission append the follow conditions:

1. The parking lot behind the structure shall be restriped, in accordance with applicable Township and State Building Code standards. Parking spaces shall be no less than 10 feet by 20 feet in size, and no two-way interior circulation aisles shall be less than 24 feet wide. Barrier free spaces shall be demarcated in accordance with the Americans with Disabilities Act, as detailed by the Building Code.
2. If either of the adjacent properties to the north and south undergo the Special Exception Use and site plan review processes at some point in the future, then a shared driveway arrangement to access South 11th Street shall be entered into with the subject parcel.

The Chair asked whether Commissioners had questions for Ms. Johnston.

In response to questions from Ms. Maxwell, Ms. Johnston indicated the number of parking spaces would be based on the number of chairs or the square footage where clients are seen. In either case, there is plenty of room to accommodate required spaces as well as emergency turn-around space. The second condition is consistent with the Township's goal of reducing the number of curb cuts.

Hearing no further questions, the Chair asked for public comment on this item.

Mr. Larry Elwell, 6147 N. Suffield Court, told Commissioners he plans to lease from Jaqua Realtors and that he does not directly control the parking lot. He will negotiate the two conditions with them as part of a lease. He does not have plans to change the exterior of the building, but will make interior improvements.

Ms. Farmer commented she would like to see the language in the second condition regarding curb cuts included in any special exception request as properties develop in order to try to get ahead of traffic congestion increases.

In response to a question from Mr. VanderWeele, Attorney Porter explained maintenance agreements for access roads is usually negotiated between private parties.

Ms. Johnston said if maintenance of a shared access drive becomes a problem, the Township can step in and make needed repairs and assess the parties afterward.

In answer to a question about whether the owners were notified of the application, Ms. Johnston indicated that the Township's application has a place for the owner to sign. She also indicated she would inform of the property owner of the conditions, if the request is approved.

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

Mr. VanderWeele made a motion to approve the special exception use as requested, based on the Staff report and including the two conditions recommended. Mr. Chambers supported the motion. The motion was approved unanimously.

PUBLIC HEARING: CORNER@DRAKE SIGN DEVIATION

Consideration of an application from Intercity Neon, representing Olga's Kitchen, for a dimensional departure from Section 76.170 of the Township Zoning Ordinance, to allow a third wall sign when only two are permitted. The departure is requested under Section 60.405 of the Planned Unit Development ordinance. The subject property is located within the Corner@Drake PUD at the northwest corner of Stadium Drive and Drake Road, within the C: Local Business District. Parcel No. 3905-25-075-029.

Chairperson Bell moved to the next item and asked Ms. Johnston for her report.

Ms. Johnston reported Intercity Neon, on behalf of Olga's Kitchen, was requesting Planning Commission consideration of allowing three wall signs where only two are permitted by the Sign Ordinance. The building in question is located within the Corner@Drake Planned Unit Development, to the east of the outdoor patio area that separates the Trader Joe's building from this structure.

She said the subject building has visibility from three roadways—Stadium Drive, Century Avenue, and Drake Road. The applicant is requesting approval for three wall signs where only two are permitted per Section 76.170: Commercial and office land uses of the Oshtemo Township Sign and Billboard Ordinance. This Ordinance controls signage in commercially-zoned areas and indicates multi-tenant commercial structures are only allowed two wall signs per constituent tenant space. In contrast to this, standalone buildings are allowed four wall signs. Section 60.405 of PUD Ordinance allows the Planning Commission to consider a departure from the dimensional requirements of the Zoning Ordinance.

For context, she said, the Planning Commission previously approved departures from the Zoning Ordinance, under the standards of section 60.405, at the Corner @ Drake development including:

- Three wall signs for Mod Pizza located at 5099 Century Avenue, Suite 500.
- Three wall signs for Trader Joe's at 5099 Century Avenue.

Ms. Johnston said the applicant contends allowing one additional wall sign for the restaurant would yield the following:

1. Increased visibility for motorists passing on all three roadways that have line of sight to the restaurant.
2. Signage visibility for pedestrians accessing the nonmotorized facilities within the PUD.
3. Consistency with past approvals within the Corner@Drake PUD.

Ms. Johnston noted the Planning Commission has provided departures from the ordinance for multi-tenant users within the Corner@Drake PUD that have more than two exposed exterior walls, in particular Trader Joe's and Mod Pizza. Township Staff feel approval of this request would be in keeping with the Planning Commission's general approach to implementing Section 60.405 of the PUD Ordinance. Substantial justice will be observed; the public health, safety, and general welfare will not be compromised; and it can be argued that allowing this additional wall sign will make for a more cohesive, user-friendly commercial development.

Given these findings, Ms. Johnston recommended the Planning Commission approve the request for additional wall signage for Olga's Kitchen within the Corner@Drake PUD.

Chairperson Bell confirmed the request was only for an additional wall sign; a larger size was not requested. As there were no further comments or questions from Commissioners, she moved to public comment.

Mr. Shannon Price, 9613 Tennyson Drive, representing Intercity Neon, said he agreed with Ms. Johnston's review of the application and that the extra sign will help attract customers.

In answer to a question from Ms. Smith, Mr. Curt Ardema, AVB, 4200 Centre St., indicated there will not be a public entrance on the northwest corner of the building because of the Trader Joe's parking. The main entrance will be on the northeast elevation. There will be a service entrance at the southeast of the building.

Mr. Ardema said AVB was in full support of the application for this unique site development. Because of the PUD special attention is needed for signage.

Hearing no further comments; Chairperson Bell moved to Board Deliberations.

Ms. Smith expressed the desire to avoid sign clutter, but supported this particular request since the only visibility for this business from Drake Road is the wall for which the third sign is requested. She also stressed the importance of treating everyone fairly or a need to change the Ordinance.

Ms. Maxwell made a motion to approve the special exception use for a third sign for Olga's Kitchen as requested, based on the Staff report. Ms. Farmer supported the motion. The motion was approved unanimously.

PUBLIC HEARING: CORNER@DRAKE SIGN DEVIATION

Consideration of an application from Corner@Drake E, LLC for a dimensional departure from Section 76.170 of the Township Zoning Ordinance, to allow for greater sign area and height for one new freestanding sign within the Corner@Drake PUD. The departure is requested under Section 60.405 of the Planned Unit Development Ordinance. The subject property is located within the Corner@Drake PUD at the northwest corner of Stadium Drive and Drake Road, within the C: Local Business District. Parcel Nos. 3905-25-075-029 and 3905-25-240-004.

Chairperson Bell moved to the next item and asked Ms. Johnston for her review.

Ms. Johnston reported Corner@Drake E, LLC is requesting consideration from the Planning Commission for the development of a new freestanding ground sign within the Corner@Drake Planned Unit Development (PUD). Specifically, a new monument/pole sign to be placed along Drake Road in front of the Corner Shoppes.

Section 76.000: Signs and Billboards defines ground signs in the following ways:

- Ground Mounted Sign - A sign which extends from the ground or that has a support placing the bottom thereof less than three feet from the ground.
- Pole Sign (or Pylon Sign) - A sign with all parts of the display sign area at a height of eight feet or more, excluding the necessary supports, uprights or braces.

She said the design of the proposed sign has the following characteristics:

- Total height = 22 feet, 6 inches
- Height of sign display area above grade = 8 feet
- Total sign display area = 110.83 square feet
- Two individual ground mounted support structures

Ms. Johnson explained the design of the proposed sign does not easily fit into either of the definitions noted above. The sign face does begin at eight feet above grade, which fits into the definition of a pole sign, but the sign area exceeds the allowable 90 square feet, and the sign height is 2 feet 6 inches taller than the 20 feet permitted. Conversely, the sign does not meet the ground mounted height for the sign face above grade of three feet, is twice as tall as the 10-foot total permitted height, but meets the square footage allowance for sign display area.

Section 60.405 of PUD Ordinance allows the Planning Commission to consider a departure from the dimensional requirements of the Zoning Ordinance. She provided examples of previous Planning Commission approved departures from the Zoning Ordinance for signage under the standards of section 60.405, at the Corner @ Drake development.

Ms. Johnston noted the original sign program provided to the Township in 2014 for the Corner@Drake project worked to limit the number of freestanding ground signs found within the larger PUD. Technically, many of the parcels within the PUD could have more than one ground mounted sign due to frontages on multiple roads. By constructing multi-tenant signs, particularly the entry multi-tenant sign at Drake and Century Ave which advertises the interior PUD tenants, the total number of freestanding signs were significantly reduced. The current request was included in the original sign program for the development, listed as possible future construction.

Also to be noted is that the Corner Shoppes are permitted a freestanding ground sign as this development is located on an individual parcel. The dimensional departure requested by the applicant is to allow the sign to be developed per the illustration provided with their application.

She reiterated the Zoning Board of Appeals previously approved a variance for height and size for the existing entry multi-tenant sign. At the time of the application, the PUD had not yet been established and therefore, the request was submitted to the Zoning Board of Appeals. In addition, the Planning Commission has provided departures from the ordinance, both to allow more wall signage and to allow off-site signage at the entry sign.

Township Staff believes approving this request would be in keeping with the Planning Commission's general approach to implementing Section 60.405 of the PUD Ordinance. Allowing the larger multi-tenant signs generally reduces the total number of signs found within the PUD and permitting the greater height allows this new sign to aesthetically resemble the existing signage found within the PUD. In addition, substantial justice will be observed; the public health, safety, and general welfare will not be compromised; and it can be argued that allowing this additional sign will make for a more cohesive, user-friendly commercial development.

Given these findings, Ms. Johnston recommended the Planning Commission approve the request for the ground mounted sign at the Corner Shoppes as presented

in the elevation drawing developed by SignArt dated August 3, 2018, which details a sign that is 22 feet, 6 inches in height and has a sign display area of 110.83 square feet.

Chairperson Bell asked if Commissioners had questions for Ms. Johnston.

Ms. Johnston answered questions, saying the signs would be illuminated internally just like other Corner@Drake signs, and reviewed the dimensions of the proposed sign and how it is a departure from Ordinance.

The Chair asked whether the applicant wished to speak.

Mr. Curt Ardema, AVB, 4200 Centre Street, provided background about signage from the beginning of the 2014 development prior to the development of the PUD and that this sign was always in the plan if it was needed by businesses. Five of five businesses want the sign constructed. It meets the overall theme and tone of the development, consolidates individual business signs onto one sign, and is designed to funnel traffic to the correct places.

Chairperson Bell commented it would be helpful to have documentation in addition to oral reports for requests for sign deviation. She confirmed with Mr. Ardema that ground signs will not be provided for individual users at the Corner Shoppes. She also asked if that covers banks.

Mr. Ardema said the banks land lease of their own parcels for free-standing buildings; they requested their own free-standing signs. They know they will not be allowed to have additional free-standing signs. In addition, this will be the only sign for the Corner Shoppes.

There was also discussion of the increasing difficulties with traffic flow within the PUD, particularly turning left from the Costco gas station and plans AVB has for restriping to provide visible turn lanes and signage to assist departing from the Costco area. When future buildings are constructed west of Trader Joe's, additional methods to handle traffic flow will be considered.

The Chair moved to Board Deliberations.

Several Commissioners voiced their support for approval of the request for an increase in sign height in order to avoid individual signs, too many of which can be confusing to drivers, and to provide drivers on Stadium Drive a quick evaluation of what businesses are in the PUD.

There were no further comments; Chairperson Bell asked for a motion.

Ms. Farmer made a motion to approve the special exception use request for a free-standing ground sign as presented in the drawing developed by SignArt and dated

August 8, 2018, based on the Staff report. Ms. Maxwell supported the motion. The motion was approved unanimously.

OLD BUSINESS

Work Item Updates:

- i. **Zoning Ordinance Re-Organization**
- ii. **Ordinance Amendments: Agritourism, Setbacks, Conditional Zoning, Lighting**
- iii. **GO! Green Oshtemo Plan**
- iv. **Village Theme Development Plan**

Chairperson Bell moved to the next item and asked Ms. Johnston for her review.

Ms. Johnston noted there are only three meetings left in calendar year 2018, the workload on current projects is heavy, and wanted to discuss how to prioritize projects.

After discussion, it was agreed to change the start time to 6:00 p.m. for the meetings of October 25, November 8 and December 13 and priority order was established in order to complete as many of the initiatives as possible by year end.

ANY OTHER BUSINESS

There was no other business to consider.

PLANNING COMMISSIONER COMMENTS

Commissioners had no comments to share.

ADJOURNMENT

Hearing no further comments, Chairperson Bell adjourned the meeting at approximately 9:55 p.m.

Minutes prepared:
October 13, 2018

Minutes approved:
October 25, 2018