

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A WORK SESSION HELD JUNE 12, 2014**

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**Agenda**

**DISCUSSION: WEST MAIN STREET & 9<sup>TH</sup> STREET SUB AREA PLAN  
IMPLEMENTATION PROJECT**

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A work session of the Oshtemo Charter Township Planning Commission was held on Thursday, June 12, 2014, commencing at approximately 5:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairperson  
Fred Antosz  
Wiley Boulding Sr.  
Richard Skalski

MEMBERS ABSENT: Dusty Farmer  
Pam Jackson  
Millard Loy

Also present were Greg Milliken, Planning Director; and James Porter, Attorney. There were approximately 4 other persons in attendance.

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

The work session was called to order by Chairperson Schley at approximately 5:00 p.m. and the "Pledge of Allegiance" was recited.

**AGENDA**

The Chairperson asked for a motion to approve the agenda.

Mr. Antosz made a motion to accept the agenda as presented. Mr. Boulding Sr. seconded the motion. The motion passed unanimously.

## **PUBLIC COMMENT ON NON-AGENDA ITEMS**

Chairperson Schley asked if anyone in attendance wished to comment on non-agenda items.

Mr. Kadir Mohmand stated that he does not stand for the Pledge of Allegiance because he does not feel there is justice in the room. He feels there is injustice toward Muslims and that tax payer money has been given to certain developers in the community. He feels there is a conflict of interest on the Planning Commission and does not like the process being followed.

Chairperson Schley stated that he is a design professional in the community and indicated that he maintains clear separation between his professional design work and his work on the Commission. Any implications that his firm or his decisions are biased are not accurate.

## **DISCUSSION: WEST MAIN STREET & 9<sup>TH</sup> STREET SUB AREA PLAN IMPLEMENTATION PROJECT**

Chairperson Schley indicated that the discussion last meeting had left off at Section 50.202, which covers commercial uses in the 9<sup>th</sup> Street commercial area. They had stopped at the discussion of drive through uses.

Commission members discussed drive-through uses. It was mentioned that such uses are excluded in the CR and VC districts. If included for banks and pharmacies, then should be added as a special exception. Members indicated that most restaurants that have a drive-through are fast food oriented and not consistent with the character envisioned in the sub-area plan. Members indicated that the vision for the sub-area did not include this level of intensity, but that through the PUD or through conditional rezoning, there may be alternative means of introducing a drive-through restaurant concept that was consistent.

Mr. Loy joined the meeting at approximately 5:45 pm.

Chairperson Schley presented members with other potential commercial uses that could be included based on uses from other districts in the Ordinance. Retail was determined to be an acceptable permitted use. However, shopping center and commercial center, defined uses in the Ordinance, were determined to be too intense. Laundromats / dry cleaners, consistent with language in the West Main commercial sub-district, was also agreed to be acceptable.

Ms. Farmer joined the meeting at approximately 5:55 pm.

Chairperson Schley opened the meeting to questions and comments from the public on Section 50.202 only.

Ms. Sheri Mohmand stated that she had some issues with the uses in the 9<sup>th</sup> Street Commercial sub-district. She feels it is still too restrictive. She thinks there should be drive through windows permitted with restaurants. Her property is next to Walmart and is therefore unique being next to big box. Allowance for larger, medium box retail is therefore more appropriate. She indicated that auto-oriented and big box are not defined in the ordinance, so it is not clear what it means. Retail is very important. Child care should be permitted and treated differently from other areas due to proximity to neighborhood across street. Drive through uses can be done in a correct way and should be permitted on her property due to the unique way it is situated. Office uses should include medical offices. Senior centers should be a permitted use.

Mr. Kadir Mohmand stated that generally next to Walmart are high intensity users. He feels the list is too limiting and wants commercial zoning.

Ms. Judy Weddington confirmed the list of items to be added to the list of permitted uses in the 9<sup>th</sup> Street Commercial sub-district. Chairperson Schley confirmed her list.

Mr. Dick Weddington asked about the difference between a drive-through and a pick up window.

Mr. Milliken ensured that Commission members and the public understood the difference between permitted and special exception uses and that special exception uses were still permitted within the sub-district following approval at a public hearing.

Chairperson Schley indicated that Section 50.203 regarding the residential uses in the West Main sub-district was essentially the same as the residential 9<sup>th</sup> Street sub-district. Members had no concerns.

Chairperson Schley moved on to Section 50.204 regarding commercial uses in the West Main sub-district. The first use was drive through restaurants. Commission members agreed that a drive through restaurant was not an appropriate permitted use. It was also agreed to delete pet shop as this is already covered under retail.

Commission members reviewed the list of other commercial uses to consider for addition in the sub-district. Members discussed whether or not to add Indoor Theater to the sub-district. Some were leery due to the size, traffic, and intensity of the use, while others thought it was a use that could change over time and that the other requirements would regulate the intensity of the use. It was determined to add Indoor Theater as a special exception use.

Another use that was discussed and eventually added as a special exception use was gas station / car wash. Concerns were raised about access management and possible conflicts with the character or vision of the sub-area. However, it was confirmed that there is the ability to regulate this through the other standards of the sub-area and

design such a facility to mitigate such impacts. Therefore, the Commission determined to add it to special exception uses at this time.

Chairperson Schley asked for public comment on Section 50.204 only at this point.

Ms. Judy Weddington asked if the Chair skipped Planned Shopping Center on purpose when reviewing the list of potential commercial uses for additional to the commercial uses. Chairperson Schley said he had not, and he would add that for discussion next time.

Ms. Judy Weddington asked the same thing about Crematories. Chairperson Schley stated he did skip that one because Crematories are identified as a special exception use.

The Chairperson thanked the members for the comments. He indicated that another work session would be held prior to the next meeting. He said this would not be a quick process, but it would be thorough and complete.

## **ADJOURNMENT**

Having exhausted the agenda for the work session, Chairperson Schley adjourned the Planning Commission work session at approximately 7:00 p.m. and stated that the Planning Commission meeting would begin in five minutes.

Minutes prepared:  
June 17, 2014

Minutes approved:  
June 26, 2014

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A MEETING HELD JUNE 12, 2014**

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**Agenda**

**PUBLIC HEARING: REQUEST TO AMEND A SPECIAL EXCEPTION USE FOR A PLANNED UNIT DEVELOPMENT (WEST PORT VILLAGE) TO CHANGE SIX ZERO LOT LINE UNITS TO FIVE STAND—ALONE UNITS AND TO SHIFT TWO UNITS FROM PHASE II TO PHASE I IN THE R-2 RESIDENTIAL DISTRICT, 5401 WEST H AVENUE (PARCEL #S 3905-12-200-010, -090, -020, -021, -067, -066, -050).**

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A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, June 12, 2014, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairperson  
Fred Antosz  
Wiley Boulding Sr.  
Dusty Farmer  
Millard Loy  
Richard Skalski

MEMBERS ABSENT: Pam Jackson

Also present were Greg Milliken, Planning Director; James Porter, Attorney; and Martha Coash, Meeting Transcriptionist. There were approximately five other persons in attendance.

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

The meeting was called to order by Chairperson Schley at approximately 7:00 p.m. and the "Pledge of Allegiance" was recited.

**AGENDA**

The Chairperson asked for a motion to approve the agenda.

Mr. Loy made a motion to accept the agenda as presented. Mr. Skalski seconded the motion. The motion passed unanimously.

## **PUBLIC COMMENT ON NON-AGENDA ITEMS**

Chairperson Schley asked if anyone in attendance wished to comment on non-agenda items.

Ms. Sheri Mohmand, 6147 Old Log Trail, and property owner on the south side of and adjacent to Wal-Mart, in the 9<sup>th</sup> Street Sub-Area Plan, said the restrictions for her property of no more than 10,000 square feet for a main floor, limit commercial development and that the Costco development and the 60 acres of wooded property behind T.G. I. Fridays were not held to the “green belt corridor” restrictions imposed on her property. Those property owners were not held to the same restrictions. She said she is still not happy after the Work Session. She just wants the same treatment the Commission gives other property owners, but feels she is singled out for more restrictive treatment intentionally. She said if the Commission was worried about the rural character of the area they wouldn’t have allowed the bulldozing of the land for a Costco or rezoned land to commercial behind T. G. I. Fridays next to the senior citizen residence.

Mr. Kadir Mohmand, 6147 Old Log Trail, and property owner in the 9<sup>th</sup> Street Sub-Area, spoke next in the name of the God Mustafa, God Most Gracious. He said he feels organized crime is happening to provide benefits to a few people, and that the Township Zoning Board has an undisclosed conflict of interest. He said he believed today’s meeting was a delaying tactic to try to show the Commission is doing something and that they are covering up crimes.

There were no further public comments on non-agenda items and Chairperson Schley moved to the next item on the agenda.

## **APPROVAL OF THE MINUTES OF MAY 22, 2014**

The Chairperson asked if there were any additions, deletions or corrections to the minutes of the Work Session of May 22, 2014. Hearing none, he asked for motion to approve the minutes of the Work Session.

Mr. Loy made a motion to approve the minutes of the May 22, 2014 Work Session. Mr. Antosz seconded the motion. The motion was approved unanimously.

The Chairperson asked if there were any additions, deletions or corrections to the minutes of the Regular Meeting of May 22, 2014.

Mr. Boulding Sr. suggested the third sentence in the second paragraph on page two be changed to read “numerous suggestions” rather than “several suggestions.”

Mr. Skalski made a motion to approve the minutes of the May 22, 2014 Regular Session with the correction as suggested. Mr. Antosz seconded the motion. The motion was approved unanimously.

Chairperson Schley moved to the next item on the agenda.

**Public Hearing: A Request to Amend a Special Exception Use for a Planned Unit Development (West Port Village) to Change Six Zero Lot Line Units to Five Stand-Alone Units and to Shift Two Units from Phase II to Phase I in the R-2 Residential District, 5401 West H Avenue (Parcel #S 3905-12-200-010, -090, -020, -021, -067, -066, -050).**

Chairperson Schley indicated the next item on the agenda was the public hearing to review of a request to amend a special exception use for the West Port Village planned unit development. He asked Mr. Milliken to present his report.

Mr. Milliken explained West Port Village is a site condominium developed as a PUD on the south side of H Avenue between Drake Road and US-131. Developed in two phases, Phase I is under development and contains approximately 70 units. Several of these have been developed and units continue to be constructed within this phase.

The applicant seeks Planning Commission approval for a few modifications to the approved plan and layout for the development. Specifically, there are several units that were designed as zero lot line units that function, practically speaking, as duplexes. The applicant has indicated that the market has shifted such that these are not viable. Therefore, he would like to eliminate these units and convert them to single occupancy, stand-alone units. In addition, there are two units previously proposed to be developed in Phase II they would like to see added to Phase I.

He said Phase I of the West Port Village PUD was originally approved on November 18, 2004 as a condominium development with 73 dwelling units and one nonresidential unit (sales and recreational amenities). On June 9, 2005, amendments were approved to convert the development to a site condominium, approve Phase II, establish a phasing plan, and approve other minor deviations. Then, in June, 2006, the project was further amended to reduce the number of units in Phase I to 70, reduce the zero lot line units from 34 to 6, allow additional recreational amenities, and approve other deviations and changes.

Mr. Milliken explained all PUD developments must be reviewed and approved by the Planning Commission as do all amendments. Therefore, this was presented to the Commission for approval.

He described the current plan and said the following modifications were being requested:

- Splitting current zero lot line units 20 & 21 into two detached, stand-alone units with the same unit numbers
- Splitting current zero lot line units 9 & 10 into two detached, stand-alone units with the same unit numbers
- Splitting current zero lot line units 66 & 67 into one detached, stand-alone unit with unit number 66

Mr. Milliken noted all of the new units exceed the minimum site area and width for sites in the approved PUD established when the development was originally approved. The minimum area is 3,532 square feet and none of the new units are smaller than 4,016 square feet. The minimum width is 41.56 feet and none of the new units are narrower than 50 feet.

He explained the other amendment that is requested at this time is to shift units 75 & 76 from Phase II to Phase I. They were previously identified as units 134 and portions of unit 133 oriented toward Piers End Lane as opposed to Harborview Pass. The proposed change reorients these units and eliminates the gap that exists as Phase I develops. The change would allow for a continuous row of units to be constructed along Harborview Pass as Phase I is completed as opposed to having a vacant area between the intersection of Harborview and Piers End and unit 15.

There were no questions for Mr. Milliken from Commissioners; Chairperson Schley asked the applicant to present his request.

Mr. Steve Visser, of Visser Builders, 6279 Sugarbush Trail, spoke to the Board. He said the Westport development has seen a welcome increase in activity in the last 12 months. People prefer single dweller homes to duplexes, which is the reason he is asking for the change to stand-alone units. He also said the original line for Phase I was drawn for what he thought could be handled, but would now like to include lots 75 and 76 in Phase I. Master deeds and bylaws will be updated if the request is approved, and returned to the Township.

In answer to a question from Mr. Loy, Mr. Visser said his company has developed over 500 homes in the Township.

When Chairperson Schley opened the meeting for public comments there were none, so he closed the public hearing and asked for a motion to approve the amendment to the special exception as requested, with the inclusion of the three conditions of approval as recommended in the staff report.

Mr. Loy made a motion to approve the request for amendment to the special exception use and planned unit development conditional upon the following:

- 1) The amended Master Deed, By-Laws, and Exhibit B shall be provided for review by Staff and the Township Attorney prior to recording the documents.



- 2) The amended legal documents shall reflect the change in the boundary between Phase I and Phase II.
- 3) All previous approvals, amendments, and conditions granted by the Planning Commission remain in effect unless specifically modified by the Planning Commission.

Mr. Skalski seconded the motion. The motion passed unanimously.

### **OLD BUSINESS**

Chairperson Schley asked if there was old business to come before the Commission. There was none and the Chair moved to the next item on the agenda.

### **ANY OTHER BUSINESS**

Chairperson Schley asked if anyone had other business to discuss.

Mr. Milliken noted the regular meeting on June 26 will include a request for modification to Maple Hill Auto's previous plan and confirmed there will be a quorum for that meeting. Mr. Porter confirmed it will not be a conflict of interest for Mr. Schley.

Mr. Milliken continued, saying the meeting of July 10 will include a special exception request from McDonalds at West Main and 9<sup>th</sup> Streets for amendments to the site plan regarding adding a second drive thru lane, amendments for which they recently received variances.

Chairperson Schley said he knows the Work Sessions are laborious, but felt the Board is making progress and felt it would be most productive to continue without a break. It was agreed the next Work Session will be scheduled for 5:00 p.m. on June 26. The Chairperson said he appreciated the patience of the Board and citizens and that slow, steady progress is being made.

Mr. Milliken noted he will distribute graphically oriented materials to show square footages and types of businesses that fit into proposed requirements prior to meeting.

### **PLANNING COMMISSIONER COMMENTS**

The Chairperson asked if Commissioners had comments to share.

Mr. Loy said the Oshtemo Historical Society will host a 10<sup>th</sup> anniversary of ownership of the Drake House at an open house there on July 19. He noted that they

now own both the house and 26 donated acres, that were appraised at more than \$500,000.

Mr. Boulding Sr. noted he is uncomfortable with the innuendo and unsubstantiated comments recently from some members of the audience and described them as character assassination. He said he does not know how much can be given to satisfy people, feels despondent about this situation, will continue to work with the group for the good of all, but does not see a good end. He wondered if there are other Muslim land owners who have not come before the board, and said he thinks those who have are just ax grinding.

Mr. Skalski agreed with Mr. Boulding Sr's comments about character assassination and felt others would take the speakers to court for incorrect accusations, that they need to understand Commissioners are doing the best for everyone in the Township fairly and honestly, and that it is sad things have gotten to this point.

Ms. Farmer said Commissioners should not take any comments personally even though it feels like they are being attacked. She assumes people honestly feel the way they say they feel. Even when comments are repetitive and redundant they need to keep listening. She said all they can do is to continue following the Master Plan and Township Ordinances and to know how other residents feel about the work they do. She noted she would be absent from the next meeting and apologized for missing what she feels is a critical session.

Chairperson Schley said Commissioners are doing their best to do good work for the Township. He appreciates that as it has been necessary for them to get "in the weeds" to do their work that they have not lost sight of the "big picture" issues and that the goal is for their work to reflect what is best for the Township, the Master Plan, and overall community wishes.

Mr. Loy added Attorney Porter is present at Commission meetings to keep them on the straight road and that previous Boards have followed attorney advice. Attorney Porter tells them when they are wrong, and they adhere to his advice. He said he is proud to be on the Commission; they can't worry about what is said about them.

Attorney Porter commented the Commission does well at following the Master Plan and need to continue to do just that.

Chairperson Schley noted it is not easy for the Township to come back from a mistake.

## **ADJOURNMENT**

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Schley asked for a motion to adjourn.

Mr. Antosz made a motion to adjourn. Mr. Skalski seconded the motion. The motion carried unanimously.

Chairperson Schley adjourned the Planning Commission meeting at approximately 7:41 p.m.

Minutes prepared:  
June 15, 2014

Minutes approved:  
June 26, 2014