

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A WORK SESSION HELD JULY 10, 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, July 10, 2014, commencing at approximately 5:00 p.m. at the Oshtemo Charter Township Hall.

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

MEMBERS ABSENT: Richard Skalski

Also present were Greg Milliken, Planning Director; and James Porter, Attorney. There were approximately 5 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.

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

Chairperson Schley asked if anyone in attendance wished to comment on non-agenda items. There was no comment provided on non-agenda items.

**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 50.204, which covers commercial uses in the West Main Street Commercial Sub-Area.

Commission members discussed the distinction between Planned Shopping Center and Commercial Center and how they are currently defined in the Ordinance. They also discussed whether either are appropriate or necessary in the West Main Overlay District.

The Commission members reviewed information provided regarding square footage of typical commercial uses as well as existing commercial developments in the Township. Ms. Farmer asked if there was a definition of big box, and it was determined that this is not clearly defined in the Ordinance or in general.

The Commission decided not to have Shopping Center or Commercial Center in the overlay district with the understanding that a multi-tenant strip development is likely to be developed in the overlay area and would be acceptable under the ordinance.

There were several questions about square footage, and it was determined this would be discussed later in the ordinance.

Chairperson Schley indicated that before moving on to Section 50.301 regarding special exception uses for the residential districts he would open discussion to public comments on Section 50.204 only.

Judy Weddington asked about the difference between Planned Shopping Centers and Commercial Centers. Mr. Milliken described the difference in the definitions in the Ordinance.

Sheri Mohmand indicated she believes this is a waste of time. She wanted to know when retail uses were added to the draft for the West Main Street Commercial Sub-Area. Mr. Milliken indicated retail uses had always been in the list but there was a typographical error, and that was corrected making it appear as if there was a change between February and May.

Kadir Mohmand stated he was concerned about the changes that had been made and that this was a waste of time. He believed the process was being led by organized crime.

Ken Bertolissi said that he was concerned about micromanagement of the zoning. The existing overlay in this area has been micromanaged for 20 years, and there has been no development. He does not want to see that again.

Chairperson Schley said the proposed text may be complicated but it is flexible and that is to the benefit of the property owners. Mr. Antosz agreed. The Commissioners agreed and discussed the process and rationale for it.

The Commission moved on to discussion of special exception uses in the residential sub-areas. They discussed State Licensed Residential Uses, the fact that items b and g are the same, and the need to update the section number in item c. In addition, Ms. Farmer wondered why regulator stations are a special exception use.

The Commission discussed Section 50.302, which covers special exception uses for commercial sub-areas. There was discussion of whether brewpubs and microbreweries should be special exception uses or permitted uses. Since they are special exception uses in all other districts, it is appropriate they review them.

There was discussion of essential services and the fact that essential services is a permitted use but regulator stations is a special exception use. Mr. Milliken noted this was consistent with the treatment in the C Commercial district. Commission members asked staff to clean that up so it was not confusing.

The Commission discussed hotels and motels and whether or not it was an appropriate use in the overlay. The discussion came back to an issue of square footage. It may not be practical depending on the maximum square footage limit that is eventually established. But if a hotel is able to satisfy all requirements, the consensus of Commission members was that the use would not be out of character with others in the Sub-Area. They determined to keep it on list for now but may revisit following square footage discussion.

It was determined to delete m as it was similar to g.

The Commission discussed drive-through uses and their appropriateness in the overlay districts. Mr. Antosz thought drive-throughs were appropriate as a special exception use but not for restaurants. Members indicated that there were different degrees of restaurants and perhaps there could be drive-throughs permitted for some. Mr. Milliken indicated it is a slippery slope to treat in this manner and not create legal challenges or precedents. Chairperson Schley stated the Overlay areas were not set out to be commercial districts, and we need to remain consistent with the vision that is presented. The Commission reviewed the intent. The Commissioners shared their thoughts and the consensus was there should not be drive-throughs with restaurants. Chairperson Schley stated it would be reviewed again.

Chairperson Schley opened the floor again to any persons who desired to speak on sections that had been discussed that evening. Ken Bertolissi stated that he attended the focus groups meetings and was speaking for his father as well. He stated no specifics were given in terms of uses, design amenities, or other elements of the plan. He stated really only one set of neighbors participated. He said that a drive-through will not change the character of a road with 30,000 ADT.

Minutes prepared:  
July 12, 2014

Minutes approved:  
July 24, 2014

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A MEETING HELD JULY 10, 2014**

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**Agenda**

**PUBLIC HEARING: SPECIAL EXCEPTION USE AND SITE PLAN REVIEW OF THE APPLICATION OF MCDONALDS USA, LLC TO AMEND A SPECIAL EXCEPTION USE AND SITE PLAN FOR AN EXISTING RESTAURANT WITH DRIVE-THROUGH SERVICE TO ADD A SECOND DRIVE-THROUGH LANE, ADD AN ACCESSORY STRUCTURE, MAKE AESTHETIC IMPROVEMENTS, AND INCLUDE ADDITIONAL SITE IMPROVEMENTS. THE SUBJECT PROPERTY IS LOCATED AT 6820 WEST MAIN STREET (PARCEL # 3905-14-155-050).**

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A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, July 10, 2014, commencing at approximately 7:05 p.m. at the Oshtemo Charter Township Hall.

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

MEMBERS ABSENT: Richard Skalski

Also present were Greg Milliken, Planning Director; James Porter, Attorney; and Martha Coash, Meeting Transcriptionist. There was one other person in attendance.

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

The meeting was called to order by Chairperson Schley at approximately 7:05 p.m. and the "Pledge of Allegiance" was recited.

**AGENDA**

The Chairperson asked for a motion to approve the agenda.

Mr. Boulding, Sr. made a motion to accept the agenda as presented. Mr. Loy 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.

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

### **APPROVAL OF THE MINUTES OF JUNE 26, 2014**

The Chairperson asked if there were any additions, deletions or corrections to the minutes of the Meeting of June 26, 2014. Hearing none, he asked for a motion to approve the minutes.

Mr. Loy made a motion to approve the minutes of the June 26, 2014 meeting. Mr. Antosz seconded the motion. The motion was approved unanimously.

Chairperson Schley moved to the next item on the agenda.

### **PUBLIC HEARING: SPECIAL EXCEPTION USE AND SITE PLAN REVIEW OF THE APPLICATION OF MCDONALDS USA, LLC TO AMEND A SPECIAL EXCEPTION USE AND SITE PLAN FOR AN EXISTING RESTAURANT WITH DRIVE-THROUGH SERVICE TO ADD A SECOND DRIVE-THROUGH LANE, ADD AN ACCESSORY STRUCTURE, MAKE AESTHETIC IMPROVEMENTS, AND INCLUDE ADDITIONAL SITE IMPROVEMENTS. THE SUBJECT PROPERTY IS LOCATED AT 6820 WEST MAIN STREET (PARCEL #3905-14-155-050).**

Chairperson Schley said the next item on the agenda was the public hearing for review of the special exception use and site plan review for McDonalds USA, LLC. He asked Mr. Milliken to present the staff report.

Mr. Milliken said the McDonalds at 6820 West Main Street at the northwest corner of 9<sup>th</sup> Street and West Main Street in the C-Local Business District wishes to make a series of updates and renovations to the facility to improve the aesthetics, traffic flow, and efficiency of operations. Proposed improvements include façade improvements, interior renovations, construction of a storage shed, and installation of a dual drive-through.

He said the facility was granted a special exception use in 2001 due to the presence of the drive through facility. As a special exception use, any amendment to

that use requires approval of the Planning Commission at a public hearing. The proposed improvements also required three variances. The ZBA heard those requests at their May meeting and granted the necessary variances for the proposed plan.

Mr. Milliken explained one of the improvements is the addition of a second drive-through ordering lane, an improvement that can be seen at other McDonald's throughout the region, including the other Oshtemo location on West Main Street in front of Target. This addition will extend the circulation area and paved surface further to the south and closer to West Main Street. There is no setback for parking / circulation drives, but there is a required greenspace area along arterials. The minimum width of the required greenspace area is 20 feet. The proposed expansion of the circulation system would extend into that greenspace area reducing the width of the greenspace area to 10.5 feet at its narrowest. Three trees would also be removed as a result of the expansion and would be replaced by three new trees. This required a variance, and it was granted by the ZBA at their last meeting.

He said the applicant is also proposing to make improvements to the dumpster storage corral located in the southwest corner of the property. These include the addition of new doors and creation of an enclosed, covered storage shed at the back (south) end of the existing dumpster corral. The work will involve increasing the height of the screening wall by approximately three feet using matching block to a peak height of about 9.5 feet and installation of a flat metal roof. This 216 square foot covered, enclosed area qualifies as an accessory structure and therefore must satisfy the setback requirements of the C district at this location.

Mr. Milliken noted there are no specific setback requirements for dumpster pads or screening devices in the Ordinance. The dumpster storage area was permitted to be built in its current location on the original site plan. However, by enclosing a portion of it and creating an accessory structure, it would be subject to the setback requirements for an accessory structure. The setback for all structures along West Main Street is 170 feet from the centerline of the road (Section 64.100). The right of way is 200 feet for this portion of M-43, so practically speaking, the setback from the property line at the subject property is 70 feet. The dumpster storage area is currently located 22 feet from the front property line, 48 feet less than required. The side yard setback for accessory structures is 20 feet. The proposed covered, enclosed storage shed is located 15 feet from the west property line, five feet less than required. The ZBA granted variances for both of these encroachments at their May meeting.

Mr. Milliken said additional site improvements include accessibility improvements such as new curb ramps and sidewalks. A new concrete patio and outdoor patio seating area is proposed on the north side of the building. The exterior façade is proposed to be updated as well to reflect the modern brand of the corporation. The project will maintain the same parking and access. Any landscaping materials relocated or damaged during construction will be relocated or restored.

Mr. Milliken indicated both the Fire Department and Township Engineer have reviewed the proposed plans and have no concerns with the proposed improvements.

Next, Mr. Milliken reviewed the standards for approval. He noted it is not anticipated that the alteration of the existing use or amendment of the previous plans will be detrimental or injurious to the adjacent properties or the general public. An accessory structure will be located in the required front and side yards, but variances were granted for this location. The ZBA noted that West Main Street has an oversized setback, and the structure is located on a hill above the road. They also noted that the site plan was designed so that the front of the structure faces the internal service road and the rear of the site faces West Main Street although this is really the required "front yard."

In addition, he said circulation and access are a critical component of the proposed improvements. Currently, the stacking at the single drive through lane gets so deep that on-site circulation is impacted and several parking spaces on the west side of the building are left unusable. The proposed addition of a second drive through lane will improve efficiency and provide increased capacity for stacked vehicles thus reducing the impact on circulation, access, and parking on the site.

Mr. Milliken concluded by saying If the Planning Commission is inclined to approve the amendments to the special exception use and site plan review, staff recommends it be done with the following conditions:

1. Site plan approval is contingent upon the terms and conditions of the approval of the Zoning Board of Appeals decision of May 27, 2014.
2. All landscape material shall remain as located, shall be relocated, and/or shall be replaced as applicable.
3. A sign permit is required for any signage that may be erected on the site.
4. Site plan approval is subject to approval of the Fire Department, pursuant to adopted codes.
5. Site plan approval is subject to review and approval of the Township Engineer, as appropriate.

Chairperson Schley asked if there were questions from Commissioners.

In response to a question from Mr. Loy, there was some discussion of the signage height and lighting. It was determined, in consultation with Mr. Iggy Pipitone, Area Construction Manager for McDonalds USA, that the site plan is in compliance with Township requirements for sign height and building heights.

Mr. Pipitone explained the mansard roofline will be removed to modernize and improve the look of the building and that the two drive through lanes are designed to increase efficiency during peak hours. McDonalds estimates that their capacity will increase from 90 cars served in an hour to 140-160. As a result, there will be a continuous, smooth flow; stacking of vehicles will be significantly reduced.



Ms. Jackson was concerned about pedestrian safety along the adjacent pathway due to the reduced depth of the greenspace barrier, 11 feet, between the drive through and the walkway.

Mr. Milliken said that point had been raised by the Zoning Board of Appeals and that the driving will be slow through the lanes, which are curved, and the drive will be curbed. Therefore, he is comfortable with the plan safety-wise.

Mr. Boulding, Sr. asked for and Mr. Pipitone provided clarification regarding the configuration of the menu and order boards and confirmed there will continue to be only one window for transactions.

There were no further questions or comments. Chairperson Schley pointed out that there was no one in attendance for public comment and moved to commissioner comments.

Chairperson Schley noted most of the decision making for the project had already been done by the Zoning Board Authority and that action precluded most opportunity for comment by the Planning Commission.

Mr. Antosz said he was pleased to see a green zone maintained.

The Chairperson asked if there was a motion to approve the application.

Mr. Loy made a motion to approve the request from McDonalds USA, LLC, with the following conditions:

1. Site plan approval is contingent upon the terms and conditions of the approval of the Zoning Board of Appeals decision of May 27, 2014.
2. All landscape material shall remain as located, shall be relocated, and/or shall be replaced as applicable.
3. A sign permit is required for any signage that may be erected on the site.
4. Site plan approval is subject to approval of the Fire Department, pursuant to adopted codes.
5. Site plan approval is subject to review and approval of the Township Engineer, as appropriate.

Mr. Boulding, Sr. 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**

Ms. Jackson asked about any issues with fireworks tent removal this year and Mr. Milliken said there were none.

Mr. Milliken said he would have a revised draft for the next work session scheduled for 7:00 p.m. on July 24, showing changes to date on the Overlay District document. He noted he would not be in attendance at that meeting.

## **PLANNING COMMISSIONER COMMENTS**

Mr. Loy reported on renovation progress at the Drake House and invited everyone to attend a free Oshtemo Historical Society open house at the Drake House from 10 a.m. to p.m. on Saturday, July 19.

Mr. Boulding, Sr. told Commissioners he had written a letter to Township Supervisor Heiny-Cogswell expressing his distress over the tone of recent meetings, and that the Planning Commission has endured accusations and demeaning public comments from some attendees, as well as comments outside of public meetings. He noted the difficulty of working for the good of the community in such a hostile environment and indicated the Supervisor appreciated his concern and would direct some attention to the issue.

Mr. Milliken noted Mr. Skalski will be moving out of the Township after December and will leave the board, probably at the end of that month.

Chairperson Schley noted his concern about setting precedent with the approval of encroachment into the required green space by the Zoning Board of Appeals given their approval of the McDonalds request, and felt Township business would be better served if the Zoning Board and Planning Commission have a better awareness and understanding of each other.

## **ADJOURNMENT**

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

Mr. Loy made a motion to adjourn. Mr. Boulding, Sr. seconded the motion. The motion carried unanimously.

Chairperson Schley adjourned the Planning Commission meeting at approximately 7:42 p.m.

Minutes prepared:  
July 12, 2014

Minutes approved:  
July 24, 2014