

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A PUBLIC HEARING AND MEETING HELD AUGUST 27, 2015

Agenda

**PUBLIC HEARING: SPECIAL EXCEPTION USE (KALAMAZOO COLLEGE)
PLANNING COMMISSION TO CONSIDER SPECIAL EXCEPTION USE REQUEST
AND SITE PLAN REVIEW OF THE APPLICATION FROM LORD AECK SARGENT
ON BEHALF OF KALAMAZOO COLLEGE TO MAKE VARIOUS IMPROVEMENTS
TO THE PARKING LOT AND ACCESS DRIVE, TRAIL WAY IMPROVEMENTS, AND
DEVELOPMENT OF A NEW APPROXIMATELY 1,500 SQUARE FOOT MULTI-USE
SPACE / OUTDOOR CLASSROOM AT AN EXISTING PARK FACILITY (LILLIAN
ANDERSON ARBORETUM) LOCATED AT 7687-7975 WEST MAIN STREET IN THE
RR-RURAL RESIDENTIAL DISTRICT. (PARCEL #3905-15-330-012).**

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, August 27, 2015, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

ALL MEMBERS

WERE PRESENT:

Terry Schley, Chairperson
Fred Antosz
Wiley Boulding, Sr.
Dusty Farmer
Pam Jackson
Millard Loy
Mary Smith

Also present were Greg Milliken, Planning Director, Ben Clark, Zoning Administrator, James Porter, Attorney, and Martha Coash, Meeting Transcriptionist. 13 other persons were 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. Ms. Farmer 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 JULY 23, 2015

The Chairperson asked if there were any additions, deletions or corrections to the minutes of the Meeting of July 23, 2015. Hearing none, he asked for a motion to approve the minutes as presented.

Mr. Boulding, Sr. made a motion to approve the minutes of the July 23, 2015 meeting. Mr. Antosz seconded the motion. The motion was approved unanimously.

PUBLIC HEARING: SPECIAL EXCEPTION USE (KALAMAZOO COLLEGE) PLANNING COMMISSION TO CONSIDER SPECIAL EXCEPTION USE REQUEST AND SITE PLAN REVIEW OF THE APPLICATION FROM LORD AECK SARGENT ON BEHALF OF KALAMAZOO COLLEGE TO MAKE VARIOUS IMPROVEMENTS TO THE PARKING LOT AND ACCESS DRIVE, TRAIL WAY IMPROVEMENTS, AND DEVELOPMENT OF A NEW APPROXIMATELY 1,500 SQUARE FOOT MULTI-USE SPACE / OUTDOOR CLASSROOM AT AN EXISTING PARK FACILITY (LILLIAN ANDERSON ARBORETUM) LOCATED AT 7687-7975 WEST MAIN STREET IN THE RR-RURAL RESIDENTIAL DISTRICT. (PARCEL #3905-15-330-012).

Chairperson Schley moved to the next item on the agenda, a public hearing for a special exception use amendment and site plan review of the application from Lord Aeck Sargent on behalf of Kalamazoo College, for various improvements to the Lillian Anderson Arboretum and asked Mr. Milliken to review the request.

Mr. Milliken explained the Lillian Anderson Arboretum is a 140 acre nature preserve owned and maintained by Kalamazoo College on the south side of West Main Street. The site is located between the Township Hall and the Hampton Cove subdivision between 6th and 7th Streets. The Arboretum currently includes several unpaved trails, a small gravel parking area, and a paved driveway from West Main Street. The College seeks to make modest improvements to the facility in an effort to increase accessibility and use of the site, particularly by the College and its students.

He indicated the Arboretum is located in the RR Rural Residential zoning district. A park is a special exception use in the RR district. Amendments to a special exception use require approval of the Planning Commission. Therefore, the proposed amendments and the related site plan were presented to the Planning Commission for review and approval.

Mr. Milliken listed the several elements included in the proposed plan for improvements:

- **Expanded Loop Driveway** – The driveway will be expanded to add a second lane and create a loop entry consisting of two one-way lanes. This will allow for easier and safer access by emergency vehicles as well as by small buses and vans used to transport students and classes from the College to the facility. The driveway will be paved and satisfies minimum dimensional requirements. Due to the fact that a portion of the work occurs in the M-43 right of way, an MDOT permit will be required for this work.
- **Paved Parking** – The existing gravel parking area will be paved with pervious and conventional asphalt and striped to provide 13 parking spaces. The parking area will be the same size as the existing area.
- **Pavilion / Outdoor Classroom / Multi-Purpose Room** – A new structure including indoor, outdoor, and covered space is proposed totaling approximately 2,000 square feet in combined area. It includes a 396 square foot indoor multi-purpose room, 200+ square feet of storage and support space, 921 square feet of covered seating area, and 500 square feet of patio area.
- **Barrier-Free Pathway** – There is an existing stretch of two-track road that will be replaced with a 12 foot wide limestone trail satisfying barrier free accessibility requirements. This path will connect the parking lot to the proposed new pavilion and outdoor classroom area. It will also connect to a barrier free, limestone trail extension that loops back from the pavilion to the parking lot. The 12 foot path will also serve as an access drive for emergency and service vehicles to the Pavilion structure.
- **Composting Toilets** – The applicant is proposing to provide two composting toilets near the Pavilion area to satisfy the restroom needs for the improvements.

Mr. Milliken explained the Arboretum is a heavily wooded area with a substantial amount of existing landscape materials along the West Main Street frontage and throughout the site. Few trees will be removed as a result of the proposed improvements. Therefore, the existing landscape materials maintained on the site satisfy the requirements for screening. Due to the fact that the parking lot is not expanding, parking lot landscaping is not required.

He said it is challenging to estimate the minimum number of parking spaces required by the Zoning Ordinance for the use. There is no specific parking requirement for a park or natural area. There is a requirement of one space per three persons allowed at maximum occupancy by building code for meeting and assembly rooms.

Mr. Milliken explained the multipurpose room has a maximum occupancy of 30 people requiring 10 parking spaces. There is no occupancy requirement for the outdoor seating area, so that formula cannot be applied to that portion of the building.

He said the proposed parking lot is the same size as the existing parking area. It will likely result in greater parking efficiency due to the striping and paving. The applicant has indicated that the present parking area is never full and rarely over half occupied. They have also indicated that groups such as classes using the pavilion space at the Arboretum will be encouraged to use a College van or bus to travel to the site in order to minimize parking need. Considering this information about the size of the existing space, the use history of the existing parking area, the anticipated plan for transportation and usage of the space, and the fact that there is more than enough room for expansion of the parking lot should it prove necessary in the future, Staff is comfortable with the amount of parking provided.

Mr. Milliken noted there is no site lighting or trash enclosure proposed as part of the proposed improvements.

He indicated the applicant has reviewed the plans with the Fire Marshal, who has indicated general approval with the proposed improvements; the Township Engineer has provided comments, and the revised plans as well as the correspondence provided by the applicant address the majority of those comments.

Mr. Milliken provided the following comments regarding criteria for Standards of Approval from Section 60.100 for special exception use:

The site is already used as a park / natural area, and the proposed improvements are consistent with the current use.

The proposed use will not be detrimental or injurious to the use or development of adjacent properties or to the general public.

Regarding Section 82.800 criteria for approval of site plans, he said:

The proposed driveway into the site is being improved through creation of a loop entry system allowing for better access by emergency vehicles and larger vans and buses from the College.

By maintaining a substantial amount of landscaping on site, particularly along the right of way, the impact on adjacent properties will be minimized. The use of the property will be consistent with the current use.

Preservation of natural features is a central focus of the Arboretum and the proposed improvements. From the proposed pervious pavement to the composting toilets, the improvements are designed to be as sustainable and low impact as possible.

In conclusion, Mr. Milliken thanked the College for their investment in the Township and the Arboretum and recommended approval with the following conditions:

1. A permit is obtained from MDOT for any work conducted within the M-43 right of way.
2. Any and all necessary approvals are obtained from the County Health Department for the well, septic tanks, and composting toilets.
3. A sign permit is required for any new or modified 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 Commissioners if they had questions for Mr. Milliken who confirmed there was a conscious decision by the College that this not be a bicycle facility that the Fire Marshal determined the turning radius for trucks and barrier free access for vans is adequate, and that the buffering regulations are satisfied by existing landscape materials.

The Chairperson asked if the applicant would like to speak.

Ms. Binny Girdler, Arboretum Director, 1912 Greenlawn Avenue, indicated the impetus for the proposed improvements, including the barrier free trail, was to enhance access to nature for both college students and staff and the public.

She confirmed there may be some additional programming made possible by the improvements, including the addition of a covered pavilion, electricity service, and toilet facilities. The programming changes will be minor in nature and may include such things as acoustic guitar performance and poetry readings. There will be no overnight use.

Ms. Girdler also confirmed an Assistant Manager lives in the original Anderson homestead, supervises student workers and maintenance of the trails, and provides a presence there. She also indicated the buses that visit the Arboretum are regular sized school buses that will be able to back in east of the main area.

Mr. Jim Nicolow, 2234 Sheffield Drive, of Lord Aeck Sargent Architects, explained there is a bus loop with a parking pullout included in the plan and an apron with room for a car to pass. The only other motorized traffic present will be small utility vehicles and golf carts; there will be no simultaneous two-way traffic.

There were no further comments or questions from Commissioners; Chairperson Schley asked for public comment. Hearing none, Chairperson Schley moved to Board Deliberations.

Commissioners agreed this was a well-drawn proposal and a wonderful opportunity for the Township, K College students, and the public to have; Chairperson Schley cautioned the applicant to keep in mind improvements were not to provide an entertainment venue.

In answer to a question from Mr. Loy, Ms. Girdler said bikes are not allowed at the Arboretum in order to minimize traffic to preserve wildlife, but that they might be open to discussion to allow cross-country skiers easier access from Township property.

Mr. Loy made a motion to approve the special exception use and site plan as proposed subject to the five conditions recommended by staff as described above. Ms. Jackson seconded the motion. The motion was approved unanimously.

PROPOSED SIGN ORDINANCE DISCUSSION

Chairperson Schley moved to the next item on the agenda, a discussion of proposed sign ordinance amendments.

Mr. Milliken said potential amendments to the Sign Chapter of the Zoning ordinance were recently discussed. He provided them with draft language for three different areas (1) financial institution signage, (2) LED sign percentage, and (3) window sign area) for their response and guidance to Staff.

(1) He said financial institutions are currently treated separately from other commercial uses. Staff understanding is that this separation was created when financial institutions were inserted as a transitional use in the R-3 district. Therefore, the unique, more restrictive standards for this particular use protect the surrounding R-3 district from higher intensity signage. However, it also serves to limit signage opportunities for financial institutions in a more traditional commercial district (i.e. the C district) vis-à-vis a typical commercial use.

He explained these users and businesses are wondering why a bank or credit union on Drake Road or West Main Street in the C district is not entitled to the same signage opportunities as a tanning salon, shoe store or restaurant. Considering the likelihood of variance requests in the near future, Staff proactively proposed this Zoning Ordinance amendment.

Mr. Milliken said the concept previously presented to the Planning Commission and accepted with general approval was to treat financial institutions like other commercial uses in the C district and like other non-residential uses in the R-3 district. The proposed amendment achieves that by simply removing the distinction for “financial institutions”. By removing the language for “financial institutions,” signage for such uses would be treated the same as “commercial establishments” or as “non-residential uses in the R-3 district,” whichever is appropriate. There are other more complicated ways to achieve the same intent, but this appears to be the cleanest and simplest.

He pointed out implications to be aware of: it would result in larger signage for banks and credit unions within commercial districts and also a maximum of two wall signs rather than four. He was comfortable that this would not lead to an unreasonable proliferation of signage in the Township.

After brief discussion, Commissioners agreed the suggested change to eliminate the language for “financial institutions” would provide consistency.

(2) Mr. Milliken said Section 76.410 provides the requirements for illumination of signage, specifically under review is the percentage of a sign area that can be dedicated to changeable copy or electronic display boards. Commissioners received a presentation from SignArt regarding this topic at an earlier meeting.

He said currently the standard is set at 25% of the permitted sign area. The majority of signs in the commercial and office districts have a maximum sign area of either 60 square feet or 80 square feet. The corresponding maximum amount of electronic display board area is 15 square feet or 20 square feet.

He said according to the presentation from SignArt, there are ratios that are ideal for the newer technology in video display boards. Such boards are becoming more and more like high definition televisions and thus try to achieve the same dimensional ratios as HDTV screens. In addition, it was explained these boards come in whole foot squares, and therefore the dimensions cannot include fractions of a foot. It was indicated that a three foot by seven foot display board is an ideal dimension. However, this is a 21 square foot sign and exceeds the 25% requirement.

He concluded by saying based on the information presented and observation of signs in the community and region, we would all likely agree the better technology results in a better sign in a variety of different ways. However, by providing the flexibility in the Ordinance to allow for these upgrades, it is also likely there will be an increased number of these signs. So while they may be nicer, the Commission should consider whether they are ready to see an increase in the number of these signs in the community.

Commissioners discussed the importance of staying current and effective to allow commercial property owners to be competitive; the desire to avoid “sign blight”

and to keep the village feel with wooden signs, the difficulty of holding back new technology, the advantage of less energy consumption with LED vs. conventionally lit signage, driver distraction vs. increased visibility for businesses, and the importance of following the Master Plan.

Regarding possible blight, Mr. Milliken pointed out it is not likely businesses will go out and buy a new sign just to take advantage of the new technology if they already have an LED sign. If there is another reason to renovate, one might upgrade to the new technology at that time. He does not foresee a proliferation of brand new signs by those with changeable copy signs until new places are built and there is new language available.

Chairperson Schley said basically this amendment would not change the physical size of signs, but rather a quality allowed in the sign and the increased percentage.

Mr. Steve VanderSloot, SignArt, addressed the Board and told them blight becomes an issue when lower end users purchase signs with less quality and they do not have brightness and dimming control features, which results in much brighter, harsher light. Allowing the use of the new technology with the 5-10% increase with the use of brightness and dimming controls actually results in less driver distraction. He suggested that during the sign permit process a proactive affidavit be included to be signed by businesses wishing to upgrade to these signs to confirm they will include dimming controls and that they are aware of restrictions.

Chairperson Schley told Mr. Milliken he was hearing the Board was willing to consider an amendment to Section 76.410 of the Ordinance to increase the LED sign percentage allowed in order to take advantage of the new technology as described.

(3) Mr. Milliken said Section 76.310 provides definitions for various sign related terms, one of which is "window sign". Due to past decisions and interpretations by the ZBA and Staff and due to the wording of the existing definition, the definition has established a loophole of sorts allowing commercial establishments the ability to in effect have an additional wall sign by mounting it on or behind glass. Examples include Walgreen's, Arby's, and soon to be installed at the new Maple Hill Auto.

He said the basic premise of the proposed language is that window signs on the outside of the building should be applied to the glass (window). It should not be a separate architectural element that happens to be located in front of glass.

After a brief discussion of the difficulty of enforcement in the past, including policing delivery vans and trucks parked in front of businesses that in effect provide additional "signage," as well as an expected increase in difficulty if the proposed change were made, Commissioners felt a change should not be pursued at this time.

Mr. Milliken said it is likely there will be public notice of consideration of the first two amendments for one of the October Planning Commission meetings. Coordination with enforcement staff on signage issues will continue.

OLD BUSINESS/OTHER BUSINESS

In answer to a question from Ms. Farmer, Mr. Milliken indicated there has been no further contact with Meijer regarding their grocery pick up proposal.

Mr. Milliken said the regularly scheduled September 10 meeting would likely be cancelled; there is one agenda item so far for the September 24 meeting.

Ms. Farmer encouraged the Board to look at the CIP, particularly the water/sewer and non-motorized projects sections.

There was no further business so the Chairperson moved to the next item.

PLANNING COMMISSIONER COMMENTS

Commissioners acknowledged Mr. Milliken's resignation from his position as Planning Director, congratulated him on his new position at Bronson Hospital, and thanked him for his excellent work, guidance, calm demeanor under pressure and assistance, and wished him well in the future.

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. Loy seconded the motion. The motion carried unanimously.

Chairperson Schley adjourned the Planning Commission meeting at approximately 8:10 p.m.

Minutes prepared:
August 29, 2015

Minutes approved:
September 24th, 2015