

OSHTEMO CHARTER TOWNSHIP

PLANNING COMMISSION

MINUTES OF A REGULAR MEETING HELD SEPTEMBER 12, 2013

Agenda

PUBLIC HEARING: SPECIAL EXCEPTION USE AND SITE PLAN REVIEW (CONTINUATION) OF THE APPLICATION FROM L. L. HARRIS AND ASSOCIATES, LLC ON BEHALF OF PLAZACORP, INC. FOR REDEVELOPMENT OF A PORTION OF AN EXISTING COMMERCIAL CENTER (WEST CENTURY CENTER) TO INCLUDE A DRIVE-THRU WINDOW LOCATED AT 5015 WEST MAIN STREET IN THE C LOCAL BUSINESS DISTRICT (PARCEL #3905-13-430-041).

PUBLIC HEARING: REZONING OF A 37 ACRE TRACT ENCOMPASSING APPROXIMATELY 40 PARCELS AT THE NORTHWEST CORNER OF DRAKE ROAD AND STADIUM DRIVE BY GESMUNDO, LLC FROM R-2 AND R-3 RESIDENTIAL TO C-LOCAL BUSINESS.

PUBLIC HEARING: PROPOSED AMENDMENTS TO THE ZONING ORDINANCE IN SECTION 76 – SIGNS AND BILLBOARDS AND SECTION 34 – VILLAGE FORM BASED CODE DISTRICT REGARDING TEMPORARY SIGNS AND OTHER SIGN RELATED ISSUES

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, September 12, 2013, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

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

MEMBERS ABSENT: Richard Skalski

Also present were Greg Milliken, Planning Director; James Porter, Attorney; Martha Coash, Meeting Transcriptionist; and five interested persons.

Call to Order and Pledge of Allegiance

The meeting was called to order by Chairperson Gelling at approximately 7:00 p.m., and the “Pledge of Allegiance” was recited.

Agenda

The Chairperson noted that she had been notified that West Century Center, item number six on the printed Agenda, had withdrawn their application so that item would be removed from the agenda. She asked if there were any other additions, deletions or corrections to the Agenda. Hearing no changes, she called for a motion to accept the Agenda, as revised. Mr. Schley made a motion to accept the agenda as revised. Mr. Loy seconded the motion. The motion passed unanimously.

Public Comment on Non-Agenda Items

Chairperson Gelling called for public comment on non-agenda items. Hearing none, she proceeded to the next agenda item.

Approval of the Minutes of August 22, 2013

The Chairperson asked if there were any additions, deletions or corrections to the minutes of August 22, 2013. No changes were noted. Mr. Boulding, Sr. made a motion to approve the minutes as presented. Mr. Schley seconded the motion. The motion was approved unanimously.

PUBLIC HEARING; SPECIAL EXCEPTION USE AND SITE PLAN REVIEW (CONTINUATION) OF THE APPLICATION FROM L. L. HARRIS AND ASSOCIATES, LLC ON BEHALF OF PLAZACORP, INC. FOR REDEVELOPMENT OF A PORTION OF AN EXISTING COMMERCIAL CENTER (WEST CENTURY CENTER) TO INCLUDE A DRIVE-THRU WINDOW LOCATED AT 5015 WEST MAIN STREET (PARCEL #3905-13-430-041).

As Chairperson Gelling previously noted, this Agenda item was withdrawn by the applicant and there was no further discussion.

Public Hearing: Rezoning of a 37 Acre Tract Encompassing Approximately 40 Parcels at the Northwest Corner of Drake Road and Stadium Drive by Gesmundo, LLC from R-2 and R-3 Residential to C-Local Business.

Chairperson Gelling said that since the first agenda item was deleted, the next item on the agenda was a public hearing to review the application from Gesmundo, LLC for rezoning of approximately 40 parcels in the Century Highfield area at the northwest corner of Drake Road and Stadium Drive. The request is to rezone property from R-2 and R-3 Residential to C-Local Business. She asked Mr. Milliken to please expand upon the application.

Mr. Milliken said the applicant was requesting rezoning of approximately 40 parcels covering over 37 acres at the northwest corner of Drake Road and Stadium Drive. The proposed area is currently zoned R-2 and R-3. Century Avenue and Highfield Drive, two public roads maintained by the County Road Commission, currently bisect the designated area and are lined by a number of small, residential parcels. These unplatted parcels are developed with a mixture of single-family and duplex structures.

Mr. Milliken continued, saying the applicant was requesting rezoning to the C-Local Business district. There is no site plan associated with the request, and no specific development proposal has been submitted.

Mr. Milliken referred to the Century Highfield Sub Area Plan chapter from the Master Plan. When the Sub Area Plan was completed, the applicant was involved in the process and provided thoughts on the future of the property. Primary goals from the plan were that the area should serve as a significant gateway to the Township, that infrastructure improvements provide for safe transportation and quality utilities, and that natural features not be detrimentally impacted.

Mr. Milliken said that rather than designate the property "Commercial," "Residential," or another traditional category, the future land use map designated the property "Gateway Commercial North," which is consistent with the WMU Foundation property to the south. The designation envisions a mix of commercial and medium/high density residential uses. However, it clearly states that the form and character of the property as visualized in the Plan are more important than a specific use.

Mr. Milliken explained that in terms of surrounding uses, the subject property is surrounded by major roadways and non-residential development.

Mr. Milliken noted that the Zoning Ordinance does not offer much guidance as to the criteria by which to guide a rezoning decision. Simply, the Ordinance indicates that an amendment must be done in accordance with the law. The State Law provides noticing requirements and states that the amendment be consistent with the Master Plan. The rezoning to the C-Commercial district is consistent with the designation of the property in the Century Highfield Sub Area Plan.

Chairperson Gelling thanked Mr. Milliken for his review and asked Commission members if they had any questions for Mr. Milliken.

Mr. Schley wondered if a PUD could be considered later in the development of this property. He felt it would best fit into the category of a CR zone with a PUD as a special exception. He also asked about staff discussion of C versus CR designation.

Mr. Milliken said a lot of design standards are included in a CR zone, but that it does not accommodate a broad spectrum of uses. When a larger parcel such as this one is concerned, the C designation provides the possibility for higher intensity commercial uses that are not available in a CR zone. Part of the reason this area was

designated “Gateway Commercial North” versus “Gateway Commercial” like the property to the south of it is because it was bigger, recognizing that a broader range of uses may be accommodated on this site. Mr. Milliken said it would be easier as a PUD, and he will be working on amending the current language so it could be used.

Hearing no further questions, Chairperson Gelling asked the applicant to please approach the podium and speak to the Commissioners.

Mr. Joe Gesmundo, owner of Gesmundo, LLC, 4200 W. Centre Ave., spoke to the Board, providing first an extensive history of the property being considered for rezoning. He indicated the property is surrounded by existing commercial and industrial uses. His company has already received inquiries about prospective projects that could create hundreds of jobs and substantial new tax revenue for the Township. Mr. Gesmundo told the Commissioners about plans for aesthetic improvements to this gateway to the community in conjunction with MDOT’s scheduled replacement of the US-131 / Stadium Drive interchange and improvements to the Stadium Drive / Drake Road intersection. These plans will require the demolition of the homes immediately along Drake Road and substantial grading of the property along the Drake Road and Stadium Road frontages. MDOT is compensating him for this property, and his accountants informed him it would be best for tax purposes to use that revenue to purchase the additional properties within the sub-area that he did not yet own. Now that he owned all of the land in the area, he figured he would proceed with the rezoning and get that in place consistent with the sub-area plan. A decorative retaining wall will be constructed near the corner of Stadium and Drake intersection which will include substantial landscaping. He indicated that if the property is rezoned as requested, the site will be developed in a manner consistent with his company’s existing projects, and aligned with the Township’s Master Plan. He hopes to transform this land into a strong asset for Oshtemo and greater Kalamazoo.

Chairperson Gelling thanked Mr. Gesmundo for his comments, saying she appreciated the enlightening history of the property. She asked Commissioners if they had any questions for Mr. Gesmundo.

Mr. Loy asked if Century Avenue would be realigned through the center of the project.

Mr. Gesmundo said that it would be; his company is working on a site plan along with MDOT and engineers of affected municipalities and the location of the intersection would be decided in conjunction with that process.

There were no further questions from the Commissioners. Chairperson Gelling asked if there were questions from the public. Hearing none, she moved the meeting to Board deliberations and asked Commissioners for their comments.

Mr. Schley said although he had some reservation for a designation of C for this property, there is no perfect fit as the ordinance is currently written and so C is the most

appropriate fit. If the rezoning is approved the Township will give up the requirements of a PUD; it would still be an option but not a requirement as per the Master Plan. He said the applicant is known for quality in project outcome and is cognizant of the Master Plan, but noted that zoning runs with the land and not with the owner. He said the Commission could suggest as their expectation going forward that a memory of that cohesive description in the Master Plan for the future and the character for success be part of any consideration for what is done in this area. Mr. Schley said he was willing to support the change to C zoning.

Mr. Milliken said he had a conversation with the applicant about how to proceed with follow-up steps if the rezoning is approved. Their initial thought was that a PUD would be appropriate. He anticipates that by the end of the winter the Township will have a PUD tool in place that can be used for the site or a majority of the site, depending upon the timing of a PUD approval and development requests.

Mr. Schley noted most PUDs cater to residential areas, but the spirit of cohesiveness is the purpose of the PUD. He said the Planning Commission can temper outcomes in areas of judgment when they review site plans in light of the Master Plan.

Attorney Porter reassured Commissioners that the property owner has talked with counsel about these issues.

Mr. Loy said he felt this would be a great addition to an area that has needed help for many years. This is the right time to proceed in conjunction with the MDOT project. He said he is all for it.

Mr. Boulding, Sr. said he thinks rezoning to C is the best fit for the area in light of what is surrounding the property; the plan sounds like a good one and combined with the redevelopment of the intersection will enhance the community.

Chairperson Gelling said she is totally, wholly and completely for granting the applicant's request. She said this is a wonderful location with great potential and trusts that it will be done the right way and in keeping with The Master Plan. She was very much for it and feels it will be beneficial for the Township.

Mr. Antosz said he is also supportive of the rezoning to Commercial and the improvement of the gateway to the community. He felt this could be helpful to the WMU trade centers. The project has great potential and this is the time to move forward because of the MDOT project.

Ms. Farmer said she is always glad to see it when the Master Plan becomes a reality.

Hearing no further board comments, Chairperson Gelling asked Mr. Gesmundo if he had any other comments before moving forward.

Mr. Gesmundo said he is very excited about the potential for this property and the prospect of plan development, and takes great pride in his projects. He plans to have a commercial plan with architectural review so it will all be tied together.

Chairperson Gelling again thanked Mr. Gesmundo for his comments.

The Chairperson made a motion to recommend approval of the application as presented to the Township Board from Gesmundo, LLC, to rezone the 37 acre tract encompassing approximately 40 Parcels in the Century Highfield Area at the Northwest Corner of Drake Road and Stadium Drive from R-2 and R-3 Residential to C-Local Business. Mr. Loy supported the motion. The motion passed unanimously.

Public Hearing: Proposed Amendments to the Zoning Ordinance In Section 76 – Signs and Billboards and Section 34 – Village Form Based Code District Regarding Temporary Signs and Other Sign Related Issues

Chairperson Gelling indicated the next item on the agenda was a public hearing for the consideration of proposed amendments to the zoning ordinance in Section 76 – Signs and Billboards and Section 34 – Village Form Based Code District regarding Temporary Signs and other sign related issues. She asked that Mr. Milliken please proceed with relevant discussion regarding this agenda item.

Mr. Milliken said the Commission has talked about this for a while. He noted the only difference between this version and the text Commissioners had at the last meeting is the elimination of the “Architectural Sign” definition and reference in the definition of “Wall Sign.” He said he would be glad to answer questions.

Chairperson Gelling asked if there were any questions and noted this has been worked on for a long time; they have been over and over it and are ready to act.

The Chairperson made a motion to recommend the proposed amendments to Zoning Ordinance Section 76 and Section 34 to the Township Board. Mr. Boulding, Sr. supported the motion. The motion passed unanimously.

Mr. Milliken congratulated the Commissioners on their good work.

Chairperson Gelling said she was happy with the results, the definitions should be helpful to businesses and the public in general, and provide a lot of clarification for all concerned.

Any Other Business

Chairperson Gelling told the Board that Rick Suwarsky, Township Ordinance Enforcement Officer, was successful in having the POD removed from the Red Roof Inn

and he found the owner and staff to be most cooperative. He has also been working on the donation bin at the E Z Mart on Stadium Drive and it has successfully been removed as well.

Mr. Boulding, Sr. noted the new car wash is ready to open for business.

Planning Commissioner Comments

Mr. Loy said there was recently a request to hold a wedding at the Drake House, which is something they would like to offer in the future. He also noted the barn is being torn down.

Chairperson Gelling said it is great that people are finding this resource and noted they are receiving publicity via “Connect” Public Media Network.

The Chairperson made mention that Omni Community Credit Union is presenting a free lunch catered by Texas Corral on Friday, October 11 from 10 – 2:00 pm. with pumpkins to be given away. She also reminded the Board of the joint meeting scheduled for Tuesday, September 17 at 6:00 and noted they had received information packets for review in advance of the meeting.

Mr. Milliken said the subject of the joint meeting will be the West Main and 9th Street sub area plan. The goal will be to kick off that project and introduce possible strategies and provide direction for Staff to work on. He also noted that West Century Center is moving forward with building façade improvements that do not require site plan review. The tenant they were working with is still going ahead but has decided they do not need the drive-thru.

Chairperson Gelling noted the tenant, Erberts and Gerberts, does not have a drive-thru at their Portage location on Westnedge Ave and recalled they did not really think a drive-thru produced that much additional business. She said she thinks it is wonderful that they are coming into Oshtemo Township.

Mr. Milliken said he and Karen High are working hard on the Parks and Recreation Plan. Staff has also been working hard on a sidewalk on N. Drake Road. Next year improvements will be made to Drake Road north from West Main to Ravine Road. They are close to approval of a Non-Motorized Transportation Grant through KATS in the amount of \$240,000. That will implement the majority of the non-motorized plan for that section of Drake Road.

Mr. Milliken said that looking forward, Staff will begin tackling several smaller Zoning Ordinance amendments over the next few months, including:

- Language for PODS
- Yard / garage sale violation language

- The formula in the Ordinance for averaging setbacks when adjacent structures are located within the required setback area
- Tying the zoning of property to the Zoning Map rather than legal descriptions

Attorney Porter commented that moving away from physical descriptions in property zoning is an improvement that needs to be made.

Chairperson Gelling noted there will be another public hearing on the agenda for the meeting of September 26 for a special exception request to allow an indoor recreation facility on Sky King Boulevard.

Adjournment

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Gelling adjourned the Planning Commission meeting at approximately 8:53 p.m.

Minutes prepared:
September 15, 2013

Minutes approved:
September 26, 2013