

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD OCTOBER 24, 2013

Agenda

PUBLIC HEARING: SITE PLAN APPROVAL AND SPECIAL EXCEPTION USE AMENDMENT FOR MAPLE HILL LEASEHOLDS, LLC TO BUILD ADDITIONS TO AN EXISTING CAR DEALERSHIP IN THE C-LOCAL BUSINESS DISTRICT. THE SUBJECT PROPERTY IS LOCATED AT 5622 WEST MAIN STREET (PARCEL #3905-13-180-035)

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, October 24, 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
 Richard Skalski

MEMBERS ABSENT: None

Also present were Greg Milliken, Planning Director; James Porter, Attorney; Martha Coash, Meeting Transcriptionist; and three 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 asked if there were any additions, deletions or corrections to the Agenda. Hearing no changes, she called for a motion to accept the agenda, as presented. 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 Gelling called for public comment on non-agenda items. Hearing none, she proceeded to the next agenda item.

Approval of the Minutes of October 10, 2013

The Chairperson asked if there were any additions, deletions or corrections to the minutes of October 10, 2013. No changes were noted. Mr. Skalski made a motion to approve the minutes as presented. Mr. Schley seconded the motion. The motion was approved unanimously.

Public Hearing: Site Plan Approval and Special Exception Use Amendment for Maple Hill Leaseholds, LLC to build additions to an existing car dealership in the C-Local Business District. The subject property is located at 5622 West Main Street (parcel #3905-13-180-035).

Chairperson Gelling said the next item on the agenda was a public hearing to review the application and conduct a site plan review for Maple Hill Auto Mall to build additions to an existing car dealership located at 5622 West Main Street.

Mr. Schley removed himself from the dais since the application represented a conflict of interest due to his firm's involvement with this project.

The Chairperson asked Mr. Milliken to please review the application.

Mr. Milliken said Maple Hill Auto Mall is located at 5622 West Main Street at the northwest corner of West Main Street and Maple Hill Drive in the C Local Business district. The car dealership is a special exception use in the C district and consists of two large buildings and concrete/asphalt area for outdoor display. The dealership has franchises for five different manufacturers.

Mr. Milliken explained the applicant is requesting approval to expand the existing dealership as part of a renovation program at their facility as they upgrade their site in compliance with requirements of the various franchises. Because automobile sales facilities are a special exception use, the site plan review for the expansion requires a public hearing and Planning Commission approval. In addition the proposed expansion requires variances. The Zoning Board of Appeals has already reviewed the request and approved setback variances as necessary for the proposed development.

Mr. Milliken said this is not the first time the applicant has appeared before the Zoning Board of Appeals or the Planning Commission. He noted that the history of past decisions and requests provides important background as to the current development as well as the pending request.

Mr. Milliken said there are several improvements being made to the site. At Building 1, which is the southernmost building closest to West Main Street, a large addition – approximately 5,860 square feet – is being made to the northwest corner of the building. This area is currently an asphalt area used for circulation and parking, and the addition will allow for a greater number of enclosed service bays. Vehicles seeking service drive in to the building along this west side from the south and are driven out of the back. With the proposed addition, the interior driveway would continue along the west wall and provide access to an expanded interior service area providing greater and more efficient service options for customers.

Mr. Milliken explained the addition will extend north and west from the existing walls of the building. Building 1 is a nonconforming structure due to the fact that the western side of the building is already located within the required side yard setback area. Therefore, since the addition is flush with the side of the building, it required a side yard setback variance. The addition sits 7 feet 11 inches from the property line.

Mr. Milliken indicated a new car wash facility is also being added to the north side of Building 1 within an existing circulation area. To ensure the required 24-foot circulation drive is maintained, some display area will be lost north of Building 1. The site plan shows the designated 24 foot clear drive aisle to be maintained through the area. An older car wash facility currently exists in Building 2. The new facility will allow for greater efficiency when providing this service for both inventory vehicles as well as for customers and allow for expanded service facilities in Building 2.

Mr. Milliken said the last major addition to Building 1 is in the southeast corner where a showroom addition (784 square feet) and covered outdoor display space is being added. As shown, both of these are located within the required setback area for West Main Street (170 feet from the center of the right of way). However, a provision in Section 64.100 allows for this setback to be adjusted if adjacent structures are located within the front yard setback. Due to the fact that the Marathon station to the west and the Firestone dealer to the east are both well within the required setback, the proposed five foot encroachment here is compliant.

Mr. Milliken noted for Building 2, a 1,239 square foot showroom and office addition is being made in the southeast corner for the Audi dealership. The building currently sits at the 70 foot setback line, and the 22 foot addition would extend into the front yard setback off of Maple Hill Drive. It would occupy space currently used for parking and vehicle display. The structure would be 48 feet from the right of way. The ZBA also granted this variance in August allowing for the proposed development to proceed to site plan review.

Mr. Milliken pointed out that as with previous plans and similar uses, the applicant has designated significant portions of the property as “display areas” for the outdoor display of vehicles for sale. To provide safe circulation and emergency access in and around these areas and the two primary buildings on site, designated drive aisles

satisfying the 24 foot minimum width requirement have been illustrated and established on the plan.

Mr. Milliken cited the Zoning Ordinance provision that requires one (1) parking space per 400 square feet of show room space. Considering the existing and proposed space on the property, 32 parking spaces are required, and 32 designated parking spaces satisfying the requirements of the Ordinance have been set aside on the plan. These are primarily for the use of customers and visitors. He noted the facility will lose parking currently located immediately adjacent to Building 1 along its south face to accommodate expansion and addition of display space.

Mr. Milliken explained the property is accessed by two drives from West Main Street that would not be affected by this project and two drives on Maple Hill Drive. He said the applicant is proposing closure of the northern most drive on Maple Hill Drive. This drive does not function well and its removal provides for additional display area as well as more organized and safer access management.

Mr. Milliken continued by pointing out that Section 78.650 of the Ordinance requires sidewalks for uses undergoing site plan review. The Township's Non-Motorized Plan calls for sidewalks on both sides of Maple Hill Drive. It is identified as a long-term goal of the Non-Motorized Plan, but the Ordinance requirement does not differentiate between short or long term priorities of the plan. The Planning Commission may grant a deviation from this requirement due to constraints created by topography or natural features. Since the applicant has not shown sidewalks on the site plan he suggested that would be something to discuss.

Mr. Milliken pointed out that consistent with previous requests of the applicant and the decisions and statements made by the Planning Commission and/or Zoning Board of Appeals, no change in landscaping or screening was being proposed. Section 75.210 of the Ordinance requires that for each increase in floor area of 1%, a minimum of 5% of the required landscaping shall be installed. He said the proposed development results in 18% expansion of floor area thereby requiring installation of approximately 90% of the required landscaping along West Main Street, Maple Hill Drive, and internal property lines. However, decisions made by these Boards in 1996 and 2000, although not specific variances from the perimeter landscaping and screening requirements, granted relief from the landscaping requirements due to the lack of space available on the site for installation of landscaping.

Mr. Milliken said several variances have been granted to the site to allow a total of 25 light poles to have lamps that were up to 1000 watts and to have light levels on site that reached 20 foot candles at the property lines. There are a total of 32 light poles on site.

Mr. Milliken explained that with this project, the applicant is also requesting to switch all fixtures to LED. The proposal would reduce energy use and cost and minimize light spillover along property lines due to the increased ability to direct light from the LED fixtures. Light levels on the property would be maintained at current

levels – the system has been designed so as not to increase or decrease on-site lighting. In converting the fixtures to LED, all lamps would be reduced to 426 watts. Twenty-four poles have multiple fixtures at 1000 watts that would be reduced to 426 watts. Due to the previous variances granted, this does not require additional approval even though the lamps exceed the 400 watt limit. The previous variances allowing lamps up to a maximum of 1000 watts cover these units.

Mr. Milliken said seven poles have multiple fixtures that are 452 watts and would be reduced to 426 watts. These fixtures are located in the north and northwest sections of the site – areas used primarily for vehicle storage and inventory. Six of these poles have not been covered under any of the previously approved variances. Therefore, a variance will be needed on these six poles to allow lamps that exceed 400 watts. He noted it is unknown how the nonconforming lamps came to be in the first place. This can be a condition of approval if the Commission is so inclined.

Mr. Milliken noted the Township Engineer and Fire Marshall have submitted written comments in which no immediate issues were raised. Any approval should be contingent on compliance with the comments provided and their review.

Chairperson Gelling thanked Mr. Milliken for his review and asked Commission members if they had any questions for Mr. Milliken. As there were no questions from members, the Chairperson asked the applicant to address the Planning Commission.

Mr. Kris Nelson, Project Architect with Schley Architects, 4200 9th Street, Oshtemo Township, thanked the Planning Commission for letting them present the project. They hope to continue with improvements to the dealership and keep it as a landmark for Oshtemo Township as well as better the business and help the community in the process. He asked Mr. Jim VandenBerg, owner and general manager of Maple Hill Auto Group to speak to the group about the reasons to do the project and how it will affect his business.

Mr. Jim VandenBerg, Maple Hill Auto Group, 5622 West Main Street, spoke to the board about the changing face of the auto dealership business, requirements to his physical facilities from the manufacturers he represents, and the consequences to his business of non-compliance. The physical requirements precipitated the project before the Board. He wants to maintain the business in its present location and feels they have been good stewards of the property, but the constraints of the size of the property make the needed changes difficult. They have tried to utilize the space to its maximum effect and have included environmentally sound materials such as LED lighting and recycling of waste water.

Mr. VandenBerg said he would like to address some the issues of concern. He indicated the development in the south part of the property reconfigures the parking and display area yielding an additional two parking spaces. It should be exempt from additional landscaping. The north drive will be closed for security reasons. The fenced

area in back will be smaller than it is currently, but meets the fire department aisle requirements.

Mr. VandenBerg explained no additional landscaping is planned at this time since not only is there is no place to accommodate it, but trees and shrubs do not allow visibility for vehicles. He noted that additional trees and shrubs were added in 2003 to make up for few at the front and to separate their space from surrounding areas.

Mr. VandenBerg exempted signage from the project for review at this time until requirements from manufacturers are clear. Their intent is to return to the board at the appropriate stage with a specific signage request.

Mr. VandenBerg said the new LED lighting will be provided by the same company that DeNooyer worked with to upgrade their lighting. The intent is to keep the light on the display area while reducing the wattage from 1000 to 426. The seven lights in the back fenced in area will be much more directional and use much less wattage as well. Wattage will be reduced by half in most areas while yielding the same foot candles. They also have a multi-level, motion detector option which will allow them to reduce light levels during the night time hours when there is no activity.

Mr. VandenBerg noted the request for deviation from the requirement for a sidewalk along the east side of the property is based on several concerns, creating undue hardship. The existing greenway within the right of way is 10 feet wide with a 36" drop and would require extensive work to make it usable and safe for pedestrians. There is a potential that more display area would be lost to create a sidewalk and that asphalt and existing light poles could collapse. Many utilities not belonging to Maple Hill Auto Group and that require frequent upgrading are buried in that area and would have to be addressed.

He felt the existing sidewalks on the east side of Maple Hill Drive provide good access. He was also concerned that changing future Township priorities for the non-motorized plan and for Maple Hill Drive, with the area to the north rezoned for commercial, could mean the sidewalk would not be needed or would be relocated, and the many dollars that would have to be spent to install a sidewalk would have been wasted.

Mr. VandenBerg thanked the Board for their fair consideration.

Chairperson Gelling thanked Mr. VandenBerg for his comments and asked the Board if they had questions for him.

Mr. Skalski said although he understood Mr. VandenBerg's concerns he would still like to see a sidewalk installed.

Mr. Boulding Sr. also understood the concerns and wondered if building a wall would help with erosion concerns.

Mr. VandenBerg said that if a sidewalk were installed up to grade with a wall, it would put pedestrians three feet above the roadway which could be a safety issue and would also have pedestrians walking next to vehicles which would create a concern for damage to the vehicles. He noted pedestrians do not walk on the sidewalk in front of the dealership – the only places to walk going west is to a gas station and a restaurant. He also noted the corner of West Main Street and Maple Hill Drive has a high incident rate for accidents. There would be nowhere to go if a pedestrian were caught between a wall and a car. There is a sidewalk on the other side of the street which is safe for pedestrians. Most of the foot traffic from the retirement apartments goes to the shopping mall, not down Maple Hill Drive past the dealership.

Chairperson Gelling pointed out section 78.650 of the Ordinance requires a sidewalk.

Mr. VandenBerg acknowledged the requirement but said he was asking for consideration for undue hardship.

The Chairperson said the ordinance does not differentiate between short term and long term and that the Board would discuss this issue.

Mr. VandenBerg pointed out that he has a limited budget to work with for this project.

Chairperson Gelling asked if Mr. VandenBerg would contemplate more landscaping.

Mr. VandenBerg explained they had added 27 trees in the back property and 45 shrubs last time there was an improvement done to the facility, although it was not required. He added that having a lot of trees at a dealership is counterproductive as it can mean costly damage to vehicles from leaves and bird droppings.

Chairperson Gelling commented the lot is very sterile looking and wondered why so many light poles are needed.

Mr. VandenBerg said the lot is an outdoor showroom and there needs to be good light for people to be able to see the vehicles. It is also a theft deterrent.

The Chairperson asked if he would consider adding low type bushes to soften the look somewhat.

Mr. VandenBerg said he would consider that.

Ms. Farmer said she appreciates the reduction in energy and light spillover and that the dealership is running out of room. She wondered what he will do in ten years when the manufacturers come back and ask for more.

Mr. Vandenberg said he hopes that within ten years adjoining land will become available if they continue to grow; he could also add a location.

Mr. Skalski suggested a wall could be put in along the curb rather than at the back side of a sidewalk. He said it is true it cannot be predicted what will happen in the area in the future – there could be something that would generate foot traffic, possibly a connection to tie in with the Kal-Haven trail. He reiterated he would still like to see a sidewalk on both sides of Maple Hill Drive at some point and asked if Mr. Vandenberg would make a commitment to participate in the future.

Mr. Vandenberg said he would be open to that long term when the Township knows what it will do in that area.

Mr. Skalski said he was just looking for a commitment. Under the ordinance a sidewalk is now required.

Chairperson Gelling said that section 78.650 requires a sidewalk.

Hearing no more questions from the Board and no public comment, Chairperson Gelling moved to Board Deliberations and asked Members for their comments.

Mr. Loy said he supports establishing an escrow account for a sidewalk to be installed at some later date. He has issues with sidewalks, especially on both sides of the street. He acknowledged the ordinance requirement, but is in favor of backing off requiring that one be installed until later, noting there isn't much room there. He suggested maybe an escrow account could be established to secure the sidewalk for the future.

Mr. Boulding Sr. said he understood the applicant's concerns and leaned toward agreeing with Mr. Loy, that establishing an escrow account which might best serve both parties is the way to go, especially when he cannot see a great need for a sidewalk at this time.

Mr. Skalski agreed with Mr. Loy and Mr. Boulding, Sr. and suggested a way to make the sidewalk safer. He said a Letter of Commitment could also be an acceptable alternative.

Chairperson Gelling stated she wants a sidewalk as required by Ordinance. She said she keeps seeing a woman in a wheelchair trying to make her way along toward the north. She firmly believes a sidewalk is needed.

Mr. Antosz said he felt a compromise was needed for another type of construction or an escrow account for a sidewalk sometime down the road.

Ms. Farmer asked how an escrow account would work.

Attorney Porter said an account would be opened and after an estimate was provided for the projected cost to install the sidewalk, that amount would be provided to the Township by the applicant and held in the escrow account to be used when the improvement is made.

Mr. Milliken said the Township Engineer would review the estimate of cost for the project and the amount placed in escrow would be based on that estimate.

Ms. Farmer wondered how the funds would be available for escrow if they are not available for the sidewalk now. If the money is there, she supports sidewalk installation now.

Mr. Milliken noted there will be a key role for Maple Hill Drive in the future, possibly including adding another traffic lane. However, he did not believe the pavement would expand beyond its current width. The existing pavement is 44 feet wide, which can easily accommodate three lanes of traffic. The configuration and intersection could change, but he does not anticipate the curb moving in front of the dealership.

Mr. Skalski agreed, saying he could not foresee needing more than three lanes; all that is needed for a lane is a maximum of 12 feet; 11 feet is typical.

Ms. Farmer said she appreciated all the input received by the Board. The Ordinance reflects the long term vision for the Township. She supports that vision and the Master Plan and does not want to cut off the provisions of the Ordinance right at the beginning of implementation.

Mr. Antosz said he also wanted to support the Ordinance.

Chairperson Gelling indicated she wanted the sidewalk for many reasons, mostly to uphold the ordinance and the Master Plan, but also to provide a sidewalk on the west side as well as on the east side of the street. Many pedestrians are in the street and it is worse in the winter.

Mr. Skalski said he could go either way; either require the applicant to install a sidewalk now or provide a commitment for the future.

Mr. Boulding, Sr. said he leans the other way. He felt the applicant made his case for being a good neighbor and the Planning Commission needs to be flexible. He said the bottom line is that majority does not always rule, and one must vote their conscience.

Mr. Loy said he holds with the escrow account. If the sidewalk on the east side of the street is not used currently, he's not sure why one should be put on the west side. He said he understands the sidewalk issue but noted that if the sidewalk is raised to meet level, it would still have to come down at the corner. Pedestrians need protection

and the sidewalk would have to be kept clear in the winter or people would have to go in the street.

Chairperson Gelling asked Attorney Porter for guidance regarding a vote.

Attorney Porter said a motion up or down was needed and that requiring an escrow in a motion is not uncommon.

Mr. Milliken noted escrowing funds has been done before in the Township.

Chairperson Gelling asked for a motion to approve the special exception use amendment as requested.

Mr. Skalski moved to approve the special exception use amendment request from Maple Hill Auto Mall as requested. Mr. Loy supported the motion. The motion was approved unanimously.

Chairperson Gelling asked for a motion regarding the site plan.

Ms. Farmer said the Commission needed to balance the long term goals with the hardship to the applicant regarding the sidewalk requirement. She noted putting funds into an escrow account would not ruin the Township's long term goals or the non-motorized plan.

Attorney Porter noted the Engineer would confirm the amount needed to be placed in an escrow account if that option is included in the motion, and that when appropriate, the Township would use the funds to install the necessary sidewalk.

Mr. Milliken said there could be different possible situations that would trigger the expenditure of the escrow funds.

Mr. Antosz asked if escrow funds are paid upfront or in installments.

Mr. Milliken said typically they are paid in a lump sum.

Ms. Farmer said she could agree with an escrow account to fulfill a long term goal for a particular sidewalk.

Mr. Skalski moved to approve the site plan request from Maple Hill Auto Mall with the following conditions:

1. The applicant will provide the funds determined necessary by the Township Engineer, to be placed in an escrow account to be available to install the required sidewalk along the Maple Hill Drive frontage at a future date.
2. If the lamps in the north and northwestern portion of the site are to remain greater than 400 watts, a variance shall be required prior to installation.

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. Loy supported the motion. The motion passed 5 – 1, with Chairperson Gelling voting no and Mr. Schley abstaining.

Any Other Business

Chairperson Gelling asked if anyone had other business to discuss.

Mr. Milliken told the Board there would be one meeting only in both November and December. There will be two public hearings for special exceptions for outdoor events lasting greater than one day at the November meeting.

In response to a question from Mr. Schley, Mr. Milliken said the completion date for the M-43 project is still expected to be early to mid-November.

Planning Commissioner Comments

The Chairperson asked if Commissioners had comments to share.

Mr. Skalski reported the shredding program held the previous Saturday was a good project. Mr. Milliken agreed that he had heard many positive comments about the program and the Township would likely hold another one in the spring of 2014. Mr. Skalski suggested that the traffic flow could be managed better in the future.

Mr. Schley said he had a client from a large organization that discounts his business because its offices are in Oshtemo Township, which apparently is thought of as a little burg, rather than in the City of Kalamazoo, which made him realize that some people have a narrow view of the Township. He said as the Board goes forward it would be helpful to keep in mind there are many ways of looking at things.

Adjournment

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Gelling adjourned the Planning Commission meeting at approximately 8:59 p.m.

Minutes prepared:
October 27, 2013

Minutes approved:
November 14, 2013