

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION
MINUTES OF A MEETING HELD DECEMBER 13, 2012**

Agenda

RECOGNITION OF PLANNING COMMISSIONERS

WEST CENTURY CENTER - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - REGARDING THE ADDITION OF A DRIVE-THROUGH AND ASSOCIATED IMPROVEMENTS TO AN EXISTING COMMERCIAL CENTER LOCATED AT 5015 W. MAIN STREET IN THE C-LOCAL BUSINESS DISTRICT (PARCEL #3905-13-430-041)

WESTGATE 131, LLC – REZONING – REGARDING PROPOSED REZONING OF 60 ACRE PARCEL FROM THE R-3 RESIDENCE AND R-4 RESIDENCE DISTRICTS TO THE C-LOCAL BUSINESS DISTRICT LOCATED AT NORTHWEST END OF MAPLE HILL DRIVE (PARCEL #3905-12-380-010).

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, December 13, 2012, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Kitty Gelling, Chairperson
 Carl Benson
 Bob Anderson
 Millard Loy
 Wiley Boulding, Sr.
 Richard Skalski

MEMBERS ABSENT: None

A representative of the Board of Trustees has yet to be appointed resulting in the empty seat.

Also present were Greg Milliken, Planning Director, Attorney James Porter, and two other interested persons.

Call to Order and Pledge of Allegiance

The meeting was called to order by the Chairperson 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 none, she called for a motion to approve the Agenda, as submitted. Mr. Skalski made a motion to accept the Agenda as submitted. Mr. Benson seconded the motion. The Chairperson called for a vote on the motion, and the motion passed unanimously.

Public Comment on Non-Agenda Items

The Chairperson called for public comment on non-agenda items. There being none, she proceeded to the next item on the agenda.

Minutes

The Chairperson asked if there were any additions, deletions or corrections to the minutes of November 29, 2012. The Chairperson noted that Mr. Milliken and Ms. Ignasiak worked hard to get the minutes suitable for presentation in format and content. Mr. Milliken added that the Chairperson put in a lot of work as well. Mr. Anderson made a motion to approve the minutes, as presented. The motion was seconded by Mr. Loy. The Chairperson called for a vote on the motion, and the motion passed unanimously.

RECOGNITION OF PLANNING COMMISSIONERS

The Chairperson indicated that this will be the last meeting for Mr. Anderson and Mr. Benson. She indicated that she is sad to see the second terms end for these two gentlemen.

The Chairperson presented a certificate of appreciation to Mr. Anderson on behalf of Oshtemo Township and the Planning Commission. Mr. Anderson indicated that he appreciated the gesture and commented on the amount of work that had been accomplished over the past six years.

The Chairperson then presented a certificate of appreciation to Mr. Benson on behalf of Oshtemo Township and the Planning Commission. Mr. Benson thanked the Chairperson and the Commission.

The Chairperson indicated that the certificate does not begin to represent the appreciation owed to the departing Commissioners. She stated that they have been an asset.

WEST CENTURY CENTER - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - REGARDING THE ADDITION OF A DRIVE-THROUGH AND ASSOCIATED IMPROVEMENTS TO AN EXISTING COMMERCIAL CENTER LOCATED AT 5015 W. MAIN STREET IN THE C-LOCAL BUSINESS DISTRICT (PARCEL #3905-13-430-041)

Mr. Milliken indicated that in October, a public hearing was scheduled for a proposed redevelopment of the West Century Center at West Main Street and Drake

Road. The project includes façade improvements and a proposed drive-through. Due to some leasing challenges, the applicant requested tabling the application at that time to this meeting.

Mr. Milliken stated that one week ago, the applicant presented a revised site plan for the drive-through. However, the Fire Marshall had some concerns with the project's impacts on the future ability to provide emergency services. There was not enough time to amend the plan for tonight's meeting.

The Chairperson indicated that she discussed the plan with the Fire Marshall, and he indicated that the revisions posed challenges for servicing the building given the narrow fire lane, building edge and tree line. It would not be adequately accessible to the fire department if an emergency arose.

The Chairperson opened the public hearing. Hearing no comments, she closed the public hearing and called for a motion. Mr. Loy made a motion to table the public hearing to January 24, 2013. The motion was seconded by Mr. Anderson. The motion was approved unanimously.

WESTGATE 131, LLC – REZONING – REGARDING PROPOSED REZONING OF 60 ACRE PARCEL FROM THE R-3 RESIDENCE AND R-4 RESIDENCE DISTRICTS TO THE C-LOCAL BUSINESS DISTRICT LOCATED AT NORTHWEST END OF MAPLE HILL DRIVE (PARCEL #3905-12-380-010).

The Chairperson indicated that the next item on the agenda was a proposed rezoning of 60 acres of land at the end of Maple Hill Drive from R-3 and R-4 Residential to C Commercial.

Mr. Milliken indicated that the property was the same property that was the subject of discussion during the amendments to the Master Plan when the applicant requested a change to the Future Land Use Map and designation of the property to Commercial from Multi-Family. There is no specific development proposed, but they are seeking the rezoning in order to make the site more attractive to development.

Mr. Milliken indicated that the applicant had complied with all deadlines and Staff requests. The notice was published in the newspaper as required. However, it was not mailed to the adjacent property owners within the 15 day requirement due to extenuating circumstances. Therefore, the public hearing could not be held. He had notified the applicant, and the applicant agreed to move the hearing to the January 10th meeting. He suggested that if any public was present, they be given an opportunity to speak. However, he recommended that Planning Commissioners withhold comment until the January 10th official public hearing.

The Chairperson opened this matter up for public comment. With there being no public comment, the Chairperson closed the public hearing. There were no comments or questions from the Commission. The Chairperson indicated that this would be discussed again at a public hearing on January 10th.

OLD BUSINESS

Mr. Milliken indicated that he had included information in the packet regarding human signs because he and Ms. High had a meeting with a business in the Township regarding the Township's restrictions on this method of marketing and opportunities to change the language in the Ordinance. A tax preparation company on West Main Street uses human signs or wavers to attract new business. Last year, they were told to stop because that was not permitted in the Ordinance. They complied but wanted to talk about making changes to the Ordinance. When Staff discussed the process with them last week, they had indicated they may come to tonight's meeting to gauge the interest of the Commission before proceeding. Staff did not want the Commission to be unprepared, so a memo was prepared regarding the issue and sample language.

Mr. Skalski indicated that he talked to the Highway Department about the signage and the high traffic counts at that intersection. He said that having anything distracting in that area is a problem. MDOT did not take a position due to the 1st amendment issues surrounding signage. However, he indicated that the woman he spoke with did say they will ask people to move if they are distracting or blocking corner visibility.

Mr. Porter added that the signs involving political free speech is protected, and any regulation of that would raise concern. However, signs regarding commercial speech is subject to regulation, and the Township is not imposing on rights with this type of regulation.

Mr. Skalski said he does have a concern about distraction and safety.

Mr. Benson said that he thinks that there are things going on there that are forbidden in the Ordinance. He thinks it is a distraction.

Mr. Skalski indicated that he has calls into the Kalamazoo County Road Commission as well.

The Chairperson stated that she has seen some human signs recently at Niskers and Sprint. The Township cannot allow it to occur at one place and not at another, so it should not be permitted and uniformly enforced.

ANY OTHER BUSINESS

There being none, the Chairperson closed out this agenda item and moved to the next item.

PLANNING COMMISSIONER COMMENTS

Mr. Loy thanked Mr. Anderson and Mr. Benson for their service to the Commission. He indicated that the Road Commission had put up a new sign directing

traffic at Parkview and Stadium that helped a little with the traffic problems there. He also reminded Commissioners that the Historical Society was having a fundraiser at Bob Evans on December 22nd from 6am to 9pm by using flyers attached to the bill.

Mr. Boulding, Sr. also thanked Mr. Anderson and Mr. Benson for helping him learn and wished them good luck and good health in the future.

Mr. Skalski reiterated the comments regarding Mr. Anderson and Mr. Benson and stated that he looked forward to hearing their citizen comments.

Mr. Benson stated that Mr. Boulding, Sr. had received a "baptism by fire" and learned quickly. He stated that there has been a lot of progress over the last year and hopes to see that continue. It has been interesting, challenging, and at times, great fun. He wished the Commission the best of luck.

Mr. Anderson said he was sad to be leaving as he had enjoyed the Planning Commission quite a bit. He said that having to come to the meeting's every other week helped him a lot when he had been so very ill, as it was something to look forward to. The Master Plan was a lot of work, and he congratulated the Commission on the progress to complete that. He asked the status of the power line issue.

Mr. Porter indicated that the power line issue was before the Michigan Public Services Commission (MPSC). They are receiving written testimony and arguments, with a brief cross-examination scheduled for January. A decision, by the MPSC will be made by May at the latest. Mr. Porter described a Court of Appeals case regarding electric transmission line infrastructure and wind turbines.

The Chairperson indicated that she has truly enjoyed working with Mr. Anderson and Mr. Benson. She said it had been a great time, and that these two members are going to be missed. She reiterated the fundraising opportunity at Bob Evans on the 22nd of December for the Historical Society and passed out the Historical Society's flyers. She noted what a gem the Drake House was and encouraged the taking advantage of this museum-like treasure in Oshtemo Township. She wished all the members a Merry Christmas and a Happy New Year.

ADJOURNMENT

Having exhausted the agenda, and with there being no other business to discuss, the Planning Commission meeting was adjourned at approximately 7:35 p.m.

Minutes Prepared:
December 17, 2012

Minutes Approved:
January 10, 2013