

**OSHEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD MAY 26, 2022

Agenda

**SPECIAL USE AND SITE PLAN EXTENSION REQUEST, 7-ELEVEN
(PREVIOUSLY KNOWN AS SPEEDWAY)**

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, May 26, 2022, commencing at approximately 6:02 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

MEMBERS PRESENT: Bruce VanderWeele, Chair
 Micki Maxwell, Vice Chair
 Kizzy Bradford
 Deb Everett
 Alistair Smith
MEMBERS ABSENT: Anna Versalle
 Chetan Vyas

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, Martha Coash, Recording Secretary, and three guests were also in attendance.

Call to Order and Pledge of Allegiance

Chairperson VanderWeele called the meeting to order at approximately 6:02 p.m. Those in attendance joined in reciting the Pledge of Allegiance.

Approval of Agenda

The Chair asked if there were any changes to the agenda. Hearing none, he let the agenda stand as published.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Chairperson VanderWeele asked if anyone from the public wished to comment.

Mr. Joe Gesmundo, AVB/The Prairies developer, asked that the Maple Hill Sub-Area overlay draft plan that was worked on in 2019, be included on the agenda for the next Planning Commission meeting for consideration in order to keep the process moving forward.

Chairperson VanderWeele thanked him for his comments and indicated his request would be considered later in the meeting.

Approval of the Minutes of the Meeting of May 12, 2022

Chairperson VanderWeele asked if there were additions, deletions, or corrections to the Minutes of the meeting of May 12, 2022. Hearing none, he asked for a motion.

Ms. Maxwell **made a motion** to approve the Minutes of the Meeting of May 12, 2022, as presented. Mr. Smith **seconded the motion**. The **motion was approved unanimously**.

Chairperson VanderWeele moved to the next agenda item.

SPECIAL USE AND SITE PLAN EXTENSION REQUEST, 7-ELEVEN (PREVIOUSLY KNOWN AS SPEEDWAY)

Ms. Lubbert explained the Planning Commission was being asked to approve or deny, with a formal motion, the 18-month Site Plan and Special Use extension request submitted by 7-Eleven (previously known as Speedway).

She said on June 24, 2021 the Planning Commission reviewed and approved the Special Use and Site Plan request from Speedway LLC to construct a new 4,608 square foot convenience store with a ten dispenser auto fueling canopy at 1250 and 1300 S Drake Road.

Per Section 64.90 A and 65.60 of the Ordinance, if a property which was subject to a Special Use and/or Site Plan approval has not obtained a building permit, and on-site development has not commenced within one year, Site Plan approval and/or Special Use approval becomes void. Extensions may be granted by the approving body if requested prior to the expiration of the one-year validity period. The one-year validity period ends on June 24, 2022; the applicant was requesting an 18-month extension.

Ms. Lubbert said the Planning Commission has the authority to grant an extension of a Special Use where the applicant satisfies any of the following existing circumstances:

1. The delay in commencement or completion of the project subject to the Special Use approval was beyond the control of the applicant and the applicant has in good faith attempted to meet the foregoing time schedule.
2. The project is in the process of being developed for the Special Use purpose and has reasonably progressed towards completion.
3. The complexity or size of the project requires additional time for either commencement or completion of construction, which commencement and completion appear feasible and probable if permitted. Under this

circumstance, the Planning Commission shall have the authority to grant an initial longer period for commencement and/or completion at the time of approving the original Special Use.

4. Successive extensions of time may be granted by the Planning Commission for such periods of time as said Planning Commission determines to be reasonable and proper under the foregoing criteria.
5. Where a Special Use is terminated by lapse of time, any new application for a Special Use shall be heard and determined anew based upon circumstances then existing.

To date, she said the parcels in question have been combined and the car wash and dry-cleaning buildings have been demolished. Per the applicant's letter: "7-Eleven acquired Speedway in 2021 and with the acquisition multiple Speedway projects that were scheduled for construction in 2022 were placed on hold until all sites and numbers could be evaluated by 7-Eleven and new construction budgets and schedules could be prepared. With the new schedules, the majority of Speedway sites that were supposed to be constructed in 2022 were moved to 2023".

Ms. Lubbert said, based on the work completed to date and the details outlined in the applicant's letter, circumstances permitting the Planning Commission to grant an extension have been met. Staff recommended the Planning Commission grant the requested 18-month extension, which would result in a new deadline of December 24, 2023.

The applicant noted the business would be closed down completely for construction which is anticipated to begin in August of 2023, to allow them to close down after the July 4th holiday weekend. They were asking for the 18 month extension to provide some "wiggle room" in case unanticipated delays occur.

Ms. Maxwell **made a motion** to grant the 18 month extension as requested for special use and site plan extension by 7-eleven (previously known as speedway). Ms. Everett **seconded the motion**. The **motion was approved** unanimously.

The Chair moved to the next agenda item.

OTHER UPDATES AND BUSINESS

5G Survey

Ms. Lubbert told Commissioners the 5G survey has been made available to residents in a variety of ways; so far approximately 300 surveys have been completed. The more information received, the better. She encouraged everyone to complete the survey if they have not already and to spread the word to others. She noted it was cost prohibitive to mail hard copies of the survey to all Township residents.

Maple Hill South Overlay Zone

Ms. Lubbert indicated she had some reservations about some portions of the latest iteration of the AVB/Prairies' document. It was agreed the document would be included on the June 9 Planning Commission meeting agenda for discussion and will be considered further in July.

ADJOURNMENT

With no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 6:20 p.m.

Minutes prepared:
May 27, 2022

Minutes approved:
June 9, 2022