

**NOTICE - OSHEMO CHARTER TOWNSHIP
PLANNING COMMISSION
Regular Meeting,
Thursday, April 11, 2019 at 6:00 p.m.
AGENDA**

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: March 28, 2019
6. **PUBLIC HEARING: Oshtemo Rotary Club Carnival - WITHDRAWN**
Consideration of special use approval for a temporary outdoor event lasting more than one day to hold a carnival at 5030 West Main Street. Parcel No. 3905-13-280-051.
7. **PUBLIC HEARING: Senior Living Facility – TABLE TO DATE CERTAIN**
Consideration of an application from Byce & Associates for special use and site plan approval for a new assisted living facility within the Sky King I Planned Unit Development located at the northeast corner of Lexy Lane and North 9th Street. Parcel No. 3905-14-385-070.
8. **PUBLIC HEARING: Jake’s Fireworks Tent Sales**
Consideration of special use approval for a temporary outdoor event lasting more than one day to hold a fireworks tent sale at 6430 Stadium Drive. Parcel No. 3905-26-465-022.
9. **PUBLIC HEARING: Lawton Ridge Winery Food Truck**
Consideration of special use approval for a temporary outdoor event lasting more than one day to accommodate one food truck at 8456 Stadium Drive every Wednesday evening from 3:30 pm to 8:30 pm beginning April 17 and ending October 30, 2019. Parcel No. 3905-33-402-161.
10. **PUBLIC HEARING: Thirsty Hound Food Truck**
Consideration of special use approval for a temporary outdoor event lasting more than one day to accommodate one food truck at 1020 South 8th Street every Tuesday, Wednesday, and Thursday evening from 5:00 pm to 8:00 pm beginning April 16 and ending October 17, 2019. Parcel No. 3905-22-430-040.
11. **PUBLIC HEARING: Maple Hill Leaseholds, LLC Car Sales Lot**
Consideration of special use approval for a new/used car sales lot at 6883 West Main Street. Parcel No. 3905-22-430-040.
12. Old Business
13. Any Other Business
14. Planning Commissioner Comments
15. Adjournment

**Policy for Public Comment
Township Board Regular Meetings, Planning Commission & ZBA Meetings**

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email (oshtemo@oshtemo.org), walk-in visits, or by appointment.

b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)
(revised 5/14/2013)
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. Additionally, questions and concerns are accepted at all hours through the website contact form found at www.oshtemo.org, email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to oshtemo@oshtemo.org and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
Libby Heiny-Cogswell	216-5220	libbyhc@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Grant Taylor	216-5221	gtaylor@oshtemo.org
<u>Trustees</u>		
Cheri L. Bell	372-2275	cbell@oshtemo.org
Deb Everett	375-4260	deverett@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Ken Hudok	548-7002	khudok@oshtemo.org

Township Department Information		
<u>Assessor:</u>		
Kristine Biddle	216-5225	assessor@oshtemo.org
<u>Fire Chief:</u>		
Mark Barnes	375-0487	mbarnes@oshtemo.org
<u>Ordinance Enf:</u>		
Rick Suwarsky	216-5227	rsuwarsky@oshtemo.org
<u>Parks Director:</u>		
Karen High	216-5233	khigh@oshtemo.org
Rental Info	216-5224	oshtemo@oshtemo.org
<u>Planning Director:</u>		
Julie Johnston	216-5223	jjohnston@oshtemo.org
<u>Public Works:</u>		
Marc Elliott	216-5236	melliott@oshtemo.org

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD MARCH 28, 2019

Agenda

**PUBLIC HEARING: AGRITOURISM ORDINANCE
CONSIDERATION OF A NEW ORDINANCE TO REGULATE AGRITOURISM AS
CONDITIONAL AND SPECIAL USES WITHIN THE TOWNSHIP**

OLD BUSINESS

a. **LIGHTING ORDINANCE – DRAFT REVIEW**

ANY OTHER BUSINESS

a. **MAPLE HILL SOUTH OVERLAY ZONE – DRAFT REVIEW**

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, March 28, 2019, commencing at approximately 6:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Bruce VanderWeele, Chair
 Ollie Chambers
 Keisha Dickason
 Dusty Farmer, Secretary
 Mary Smith, Vice Chair

ABSENT: Ron Commissaris
 Micki Maxwell

Also present were Julie Johnston, Planning Director, James Porter, Township Attorney, Martha Coash, Meeting Transcriptionist, and five other interested persons.

Call to Order and Pledge of Allegiance

Chairperson VanderWeele called the meeting to order at approximately 6:00 p.m. and invited those present to join in reciting the “Pledge of Allegiance.”

Agenda

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

Public Comment on Non-Agenda Items

Chairperson VanderWeele determined no one in the audience wished to address the Board on non-agenda items.

Approval of the Minutes of March 14, 2019

Chairperson VanderWeele asked if there were any additions, deletions or corrections to the Minutes of March 14, 2019. Hearing none, he asked for a motion.

Ms. Farmer made a motion to approve the minutes of March 14, 2019 as presented. Ms. Dickason supported the motion. The motion was approved unanimously.

PUBLIC HEARING: AGRITOURISM ORDINANCE CONSIDERATION OF A NEW ORDINANCE TO REGULATE AGRITOURISM AS CONDITIONAL AND SPECIAL USES WITHIN THE TOWNSHIP

Chairperson VanderWeele moved to the next agenda item and asked Ms. Johnston for her review.

Ms. Johnston presented the most up-to-date draft of the Agribusiness/Agritourism Ordinance for Planning Commission review and public hearing consideration. She suggested any final changes be made before forwarding the Ordinance to the Township Board with a recommendation of approval.

She explained the Ordinance is designed to provide those who either produce an agricultural product or live in the rural area and meet certain criteria, the opportunity to generate some additional revenue on their property. The objective is to offer additional options for these property owners without impeding the enjoyment of the rural character of the area. It is not the intent to allow commercial operations within the rural area of the Township and therefore, some uses, like special events, have been limited.

It is also intended that this Ordinance will assist in implementing the Township's Master Plan. During the public meetings of the 2017 Master Plan update, residents in the rural areas indicated a desire to preserve property, but needed a source of revenue to assist with this preservation. In addition, those that produced an agricultural product wanted other opportunities that would help to support their farming operations.

She walked through the definitions and requirements for the three categories allowed in the Agribusiness/Agritourism Ordinance for the AG and RR districts.

Chairperson VanderWeele asked for clarification on the required square footages for building floor areas delineated in Section 48.

Ms. Johnston explained the total building area housing regular agribusiness operations, such as stock storage, is a maximum of 2000 square feet. Of the 2000 square feet, the maximum allowed for use for agribusiness sales is 600 square feet.

There were no further questions from Commissioners; the Chair opened the meeting for public comment.

Mr. Larry Mallory, ML Avenue, owner of VerHage's Farm Market, expressed his disagreement with requirements and expense required to install a septic system for a restroom at his business by the Health Department, said the Market has been in business for 60 years and should be grandfathered. He was opposed to the proposed Ordinance.

Attorney Porter noted this was a time for comment on the Ordinance only.

Mr. Mallory said he thinks the Ordinance is wrong and will fight it.

There being no other persons wishing to address the Board, Chairperson VanderWeele closed the public hearing and moved to Board Deliberations.

Ms. Farmer acknowledged the work by Staff over the last year to develop the Ordinance as well as public comment received during the process, said she feels it will open up use for property owners in a positive way that residents in RR did not have before, and said she was in support.

Chairperson VanderWeele suggested page 8, K. regarding restrooms and facilities should include language to meet ADA requirements.

It was agreed Ms. Johnston should add ADA compliant language related to restroom facilities throughout the document as appropriate.

Hearing no further comments from Commissioners, Chairperson VanderWeele asked for a motion.

Ms. Farmer made a motion to recommend the Agritourism Ordinance as presented, with the addition of ADA language as noted, to the Township Board for approval. Mr. Chambers supported the motion. The motion was approved unanimously.

Ms. Johnston noted the Township Board will hold their first meeting, a work session, on this topic on April 9th, followed by two readings of the ordinance, which will provide opportunity for further public comment.

OLD BUSINESS

a. LIGHTING ORDINANCE – DRAFT REVIEW

Chairperson VanderWeele moved to the next agenda item and asked Ms. Johnston for her presentation.

Ms. Johnston provided the most up-to-date draft of the Lighting Ordinance for review. All the approved language based on the February 14 discussion by the Commissioners was included. She noted there was still language needing additional clarification. Mr. Dan Cunningham, Operations Manager at Circuit Electric, Inc., was unavailable to attend the meeting but provided input; he may be able to attend in April. She provided articles related to lighting ratios and averages, to help with discussion.

There was discussion regarding what time lighting should be required to be reduced in the evening, particularly at restaurants for outdoor dining. It was agreed requirements should be consistent, and after discussion, that reduction of lighting for outdoor dining areas was reasonable at 11:00 p.m.

Ms. Johnston pointed out there is currently no outdoor dining ordinance; something may need to be drafted. She said ADA access can be an issue for wheelchair patrons if tables and chairs are located on sidewalks.

The Board tabled this item until Mr. Cunningham is able to attend a meeting to provide assistance to Commissioners regarding lighting ratios and other questions.

Chairperson VanderWeele moved to the next item on the agenda and asked Ms. Johnston for her presentation.

ANY OTHER BUSINESS

a. MAPLE HILL SOUTH OVERLAY ZONE – DRAFT REVIEW

Ms. Johnston provided a first draft of the Maple Hill South Overlay Zone in response to the Maple Hill South Sub-Area Plan, which was developed as part of the 2017 Master Plan update. The Overlay Zone is an optional ordinance, providing flexibility to property owners to either develop utilizing the requirements of the Overlay Zone or by applying the existing underlying zoning, which is R-2: Residence District. The Overlay Zone is intended to mirror the goals of the Sub-Area Plan, providing regulations for these goals.

She expects review over several months to consider the draft page by page, and asked for general thoughts on the Ordinance, as well as the review process from Commissioners.

Chairperson VanderWeele thought the draft was a good start and agreed it should be reviewed page by page beginning with the next work session of the Board. The Lighting Ordinance will be considered first with the assistance of Mr. Cunningham.

Ms. Johnston suggested at some point a public input meeting should be held, particularly inviting those who participated in the Maple Hill work sessions.

There was a brief discussion of building height restrictions, setbacks, resulting traffic increases, and the desire to prevent urban sprawl and provide green space buffers adjacent to the single-family homes to protect neighbors, as was promised. The goal is to move forward in a good, productive way.

PLANNING COMMISSIONER COMMENTS

There were no comments from Commissioners.

ADJOURNMENT

Hearing no further comments, Chairperson VanderWeele adjourned the meeting at approximately 7:00 p.m.

Minutes prepared:
March 29, 2019

Minutes approved:



March 27, 2019

Mtg Date: April 11, 2019
To: Planning Commission
From: Julie Johnston, AICP
Subject: Oshtemo Rotary Club Public Hearing

The Oshtemo Rotary Club made an application to the Planning Commission for their annual Family Fun Festival. This will be the third year for the carnival and under the 2018 approval, they would have been able to receive administrative approval this year had they made no changes to the carnival event.

The reason for the application in 2019 was due to a requested location change for the festival site. In 2018, the carnival was held behind (north) of Maple Hill Mall, approximately 600 feet west of Drake Road. In 2019, the Oshtemo Rotary wanted to move the carnival to the parking lot just south of Gordon Food Service (827 North Drake Road), immediately adjacent to Drake Road. The change to the carnival location necessitated Planning Commission review.

Unfortunately, the Rotary was not able to secure permission from the property owner to place the carnival at this new location. Therefore, they have reverted their request to the original location from the 2018 approval. With this change, the 2018 approval prevails and a public hearing before the Planning Commission is no longer required. The Zoning Administrator will review the application and provide administrative approval as previously allowed by the Planning Commission.

Thank you.



April 4, 2019

Mtg Date: April 11, 2019
To: Planning Commission
From: Julie Johnston, AICP
Subject: Build Senior Living – Special Use within the Sky King I PUD

Staff is requesting the Planning Commission TABLE the application from Byce & Associates on behalf of Build Senior Living for the senior living facility proposed at the northeast corner of 9th Street and Lexy Lane. The storm water management plan for the site has not yet been fully resolved. In the past, staff may have recommended allowing this to be a condition of site plan approval. However, in this case, staff is recommending tabling instead because the resolution to the storm water management may require third party agreements. In addition, there are some minor zoning concerns which could also be resolved.

Byce and Associates have indicated that they will have a resolution to these final issues with the site plan before the April 25th meeting and therefore request the application be tabled until then. Because this application was publicly noticed for the April 11th meeting, it needs to remain on the agenda. This is to ensure that any public in attendance can be informed of the new public hearing date. The Planning Commission can decide at the meeting whether to table the application to the April 25th or May 9th regular meeting.

Thank you.

April 3, 2019



Mtg Date: April 11, 2019

To: Planning Commission

From: Ben Clark, Zoning Administrator

Applicant: Tom Dunn, Jake's Fireworks

Owner: Family D, LLC

Property: 6430 Stadium Drive, parcel number 3905-26-465-022

Zoning: VC: Village Commercial

Request: Special Use for an Outdoor Event

Section(s): Section 19.50.L: Temporary Outdoor Event in the VC district
Section 49.220: Temporary Outdoor Event conditions
Section 65.30: Special Use Review Criteria

Project Name: Jake's Fireworks

PROJECT SUMMARY

The applicant is seeking special use permission to locate a temporary fireworks sales tent in the parking lot of the Harding's grocery store at the corner of 9th Street and Stadium Drive, which is zoned VC: Village Commercial District. Temporary outdoor sales for longer than one day are a special use in the VC zoning district. The Harding's location is an existing site for this vendor. They have been at this location for seven years, with the 2019 application being the eighth request.

The applicant is proposing a 1,600-square foot (40' x 40') tent for the sale and display of fireworks at the event site. The tent will be located in the southern portion of the parking lot between the retail structure that contains Subway and the driveway to Stadium Drive at the Parkview Drive intersection. The tent will be located in approximately the same location as last year and is the same size. As with previous years, the tent will need to be set back 10 feet from the edge of the parking lot pavement to satisfy separation requirements.

The tent and the required buffer area to surrounding vehicles shall occupy approximately 15 of the current parking spaces existing at the site. Although this will reduce the total number of parking spaces, it is not anticipated to be problematic, particularly for a period lasting less than three weeks. In previous years,

the tent has been located at the same location, and there have been no complaints filed regarding negative impacts on parking lot circulation or capacity.

Jake's will be selling a full line of consumer fireworks ranging from sparklers to aerials at retail prices from the tent. Per a copy of the lease provided by the applicant, the tent is allowed on-site by the owner from June 20th to July 7th, and hours of actual operation will be from 9am to 9pm from June 24th through July 1st, expanding to 8am to 11pm July 2nd through the 5th. During the night when the store is closed, representatives of the company will remain on-site to monitor the inventory and provide security.

The Fire Department has reviewed the plans and did not have any comments regarding the proposed facility at this time. The Fire Marshall will inspect the facility prior to initiating operation.

TEMPORARY OUTDOOR EVENTS

The conditions of the special use are outlined in Section 49.220, which requires the following:

- A. *May last more than one day.*
- B. *Use is incidental to the principal use of the property.*
- C. *A Site Plan shall be submitted for administrative review indicating the following:*
 1. *Traffic lanes and on-site parking.*
 2. *Fire lanes and emergency vehicle turning areas.*
 3. *Restrooms provided (in building or portable facilities).*
 4. *Placement of vehicles, trailers, and all other equipment is away from adjoining residentially used properties and complies with all applicable setbacks.*
 5. *All activity takes place on subject property.*
- D. *The Fire Chief, or his designee, has approved the placement of vehicles, trailers, and all other equipment associated with the event.*
- E. *All signs directed off-site must receive a temporary sign permit and comply with all applicable sign ordinances.*
- F. *Property owner must approve and acknowledge the use of the property for the event.*

The Township received no complaints related to Jake's outdoor sales in 2017 or 2018, although there were various issues for events occurring between 2012 and 2016. Following is a summary of those issues:

- 2012: Planning Commission approved on June 28, 2012.
Tent set-up was completed prior to Planning Commission approval.
Tear-down was not completed on time.
- 2013: Planning Commission approved on May 31, 2013.
Tent tear down was not completed on time.

- 2014: Planning Commission approved on May 22, 2014. Township required a \$450 escrow because of history of tent tear-down issues. No issues reported in 2014.
- 2015: Planning Commission approved on May 14, 2015. Administrative approval was granted for future applications. Tent tear down was not completed on time. A fee of \$75 for late tear down was withdrawn from the escrow account.
- 2016: Township staff granted administrative approval on March 22, 2016. Two racing stock cars on trailers were parked near the fireworks tent. On June 28th, the Township Ordinance Enforcement Officer informed on-site management that the cars were not approved as part of the site plan for the Special Exception Use permit and would have to be moved. A move-by date of June 29th was provided. The Fire Marshal also had an issue with the placement of a gas can and generator near the tent.

On July 4th, a member of the Planning Commission observed that the stock cars had been returned to the site over the holiday weekend when Township staff were not on duty to enforce the site plan.

Allegations were also made by persons not affiliated with the Township that fireworks staff were setting off fireworks in the evening in the Harding's parking lot and smoking near the fireworks tent.

A portion of the escrow fee was retained by the Township equal to a first offense civil fraction.

Following the enforcement actions related to the 2016 event, it was determined that the applicant would be required to bring any future requests for special use approval of an outdoor sale back to the Planning Commission, instead of being allowed to go through the administrative review process. This public process was conducted in 2017 and 2018. Also, the Planning Commission declared that any additional infractions would result in the rejection of future applications, and that an \$800 security escrow was required each year.

If there are no issues with the 2019 event, and the applicant returns for 2020, the Planning Commission may choose to leave these conditions in place, or relax some or all of them as two years have gone by with no concerns. For other recurring outdoor fireworks sales, provided there are no changes to a previously-reviewed site plan, approval is often delegated to Township staff and only a \$400 security deposit is required.

SPECIAL USE CONSIDERATIONS

Section 65.30 provides review criteria for consideration when deliberating a Special Use request, as follows:

- A. Master Plan/Zoning Ordinance: The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the District in which the use is located.**

The Future Land Use Plan for this part of the Township carries the Village Core designation, which is meant to facilitate the development of a traditional, walkable village center setting. Desired uses in the Village Core include a mix of stores, restaurants, live/work units, and other establishments conducive to a small-town environment. Similarly, the current zoning in place at the subject property is VC: Village Commercial, which was implemented to fulfill the Village Core future land use. The temporary outdoor sales event proposed by the applicant is a good fit for this area, as its festive nature and location near the street will likely draw passers-by.

B. Site Plan Review: The Site Plan Review Criteria of Section 64.80.

An engineered site plan is not required for a temporary outdoor event and therefore this criterion is not applicable.

C. Impacts:

- 1. The proposed use would be compatible, harmonious and appropriate with the existing or planned character and uses of adjacent properties; meaning the proposed use can coexist with neighboring uses in a stable fashion over time such that no neighboring use is unduly negatively impacted.**

A temporary retail use on this property does fit in well with other surrounding establishments, and to staffs' knowledge its layout has caused no issues in the past.

- 2. Potentially adverse effects arising from the proposed use on adjacent properties would be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the location of screening, fencing, landscaping, buffers or setbacks.**

There should be no effects on adjacent properties that would prompt additional site considerations.

- 3. The proposed use would not be detrimental, hazardous, or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, smoke, odors, glare, or visual clutter.**

Assuming no unlawful site activity this year, the proposed event should have no impact on adjacent uses or the public welfare as this is a transient, temporary use.

D. Environment: The natural features of the subject property shall only be cleared or altered to the extent necessary to accommodate site design elements, particularly where the natural features assist in preserving the general character of the area.

Not applicable, as this is an existing site.

E. Public Facilities: Adequate public and/or private infrastructure and services already exist or would be provided, and will safeguard the health, safety, and general welfare of the public.

The temporary use will be served by bathroom facilities within the nearby Harding's store. All other public infrastructure was provided during the development of the site.

F. Specific Use Requirements: The Special Use development requirements of Article 49.

All of the specific use requirements outlined in Section 49.220 have been met.

OUTSTANDING CONCERNS

The following provides a more succinct list of the outstanding items/issues for the Planning Commission's consideration:

1. Barring any violations with this year's event, can future requests from the applicant be administratively approved provided the same site layout plan is used?
2. Two years have gone by with no enforcement violations. If violations do occur this year, will future requests from this applicant be accepted for review?
3. Should the Township continue to collect \$800 in security escrow money for future events, or should the applicant be allowed to revert to the standard \$400 deposit?

PLANNING COMMISSION POSSIBLE ACTIONS

Staff has outlined three possible actions for the Planning Commission to consider:

- A. Approve the special use as presented.
- B. Approve the special use with any desired modifications and/or conditions.
- C. Deny the request.

As a tent sale was approved for the site in 2018, the Planning Commission may wish to consider allowing the special use in some capacity. If approval is contemplated, staff would recommend the following conditions:

1. The tent at the Harding's site shall be permitted from June 20th through July 7th and sale of fireworks shall not occur on site until June 24th.
2. The hours of operation are limited to 9am to 9pm from June 24th through July 1st and 8am to 11pm from July 2nd to July 5th.
3. All signs shall satisfy the requirements of the Township Zoning Ordinance.
4. At least one person from Jake's Fireworks staff shall be onsite 24-hours a day while product is present.

5. Compliance with all comments or issues raised by the Fire Department during the course of their review and/or any subsequent inspections.
6. A compliance deposit in the amount of \$800 shall be paid to the Township prior to setting up the tent. The deposit will be refunded to the applicant in full provided that all conditions are met.
7. If there are no enforcement issues during the 2019 tent sale, future Jake's Fireworks events at this location shall be allowed administrative review and approval, provided no changes are made to the site layout. Staff would retain the right to refer the applicant back to the Planning Commission, should that need arise.

Respectfully Submitted,



Ben Clark, Zoning Administrator

Attachments: Application
Aerial Map
Site Layout
May 24, 2018 Planning Commission Minutes - excerpt



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 269-216-5223 Fax: 269-375-7180

PLANNING & ZONING APPLICATION

APPLICANT:

Name Tom Dunn

Company Please print JAKE'S FIREWORKS

Address 1500 E. 27th TERRACE

Pittsburg KS 66762

E-mail TOM.DUNN@JAKESFIREWORKS.COM

Telephone 620-231-2264 EXT 1126 Fax 620-231-2416

Interest in Property _____

OWNER*: RETAIL SALE OF CONSUMER GRADE FIREWORKS

Name HARDINGS MARKET

Address Please print 211 BANISTER

PLAINWELL, MI 49080

E-mail _____

Telephone 269-375-0980 Fax _____

**THIS
SPACE
FOR
TOWNSHIP
USE
ONLY**

Fee Amount _____

Escrow Amount _____

NATURE OF THE REQUEST: (Please check the appropriate item(s))

<input checked="" type="checkbox"/> Site Plan Review	<input type="checkbox"/> Subdivision Plat Review
<input type="checkbox"/> Administrative Site Plan Review	<input type="checkbox"/> Rezoning
<input checked="" type="checkbox"/> Special Exception Use	<input type="checkbox"/> Interpretation
<input type="checkbox"/> Zoning Variance	<input type="checkbox"/> Text Amendment
<input type="checkbox"/> Site Condominium	<input type="checkbox"/> Sign Deviation
<input type="checkbox"/> Accessory Building Review	<input type="checkbox"/> Other: _____

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): _____

THE RETAIL SALE OF CONSUMER GRADE FIREWORKS FROM UNDER

A FLAME RETARDANT TENT FOR THE 4th OF JULY HOLIDAY

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

HARDINGS MARKET PARKING LOT

PARCEL NUMBER: 3905- 26465 - 022

ADDRESS OF PROPERTY: 6430 W. STADIUM DR

PRESENT USE OF THE PROPERTY: PARKING LOT

PRESENT ZONING VC SIZE OF PROPERTY 2.8 ACRES

NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:

Table with 2 columns: Name(s), Address(es). Row 1: HARDINGS MARKET CORP, 211 BANISTER PLAINWELL, MI 49080

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.

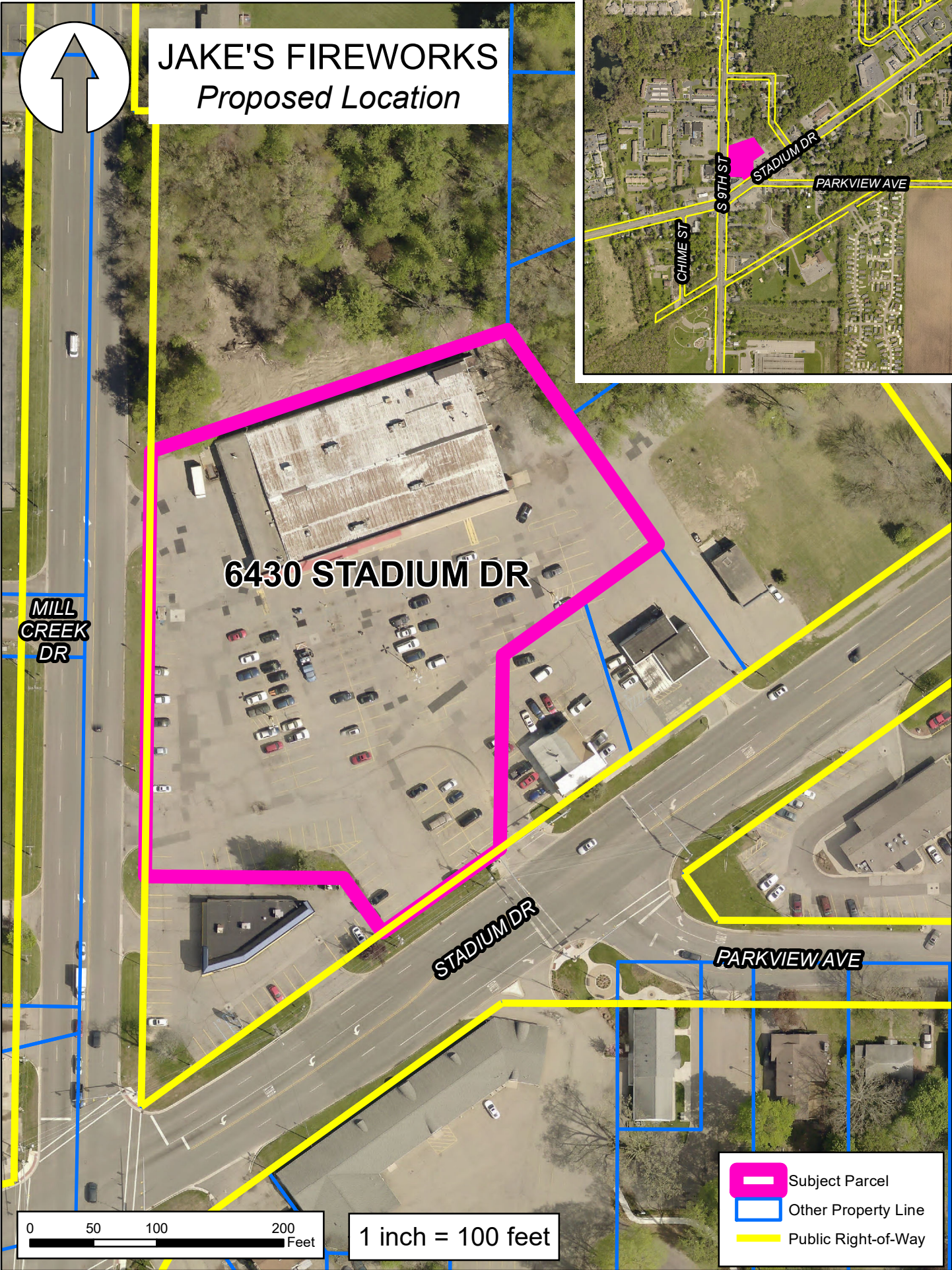
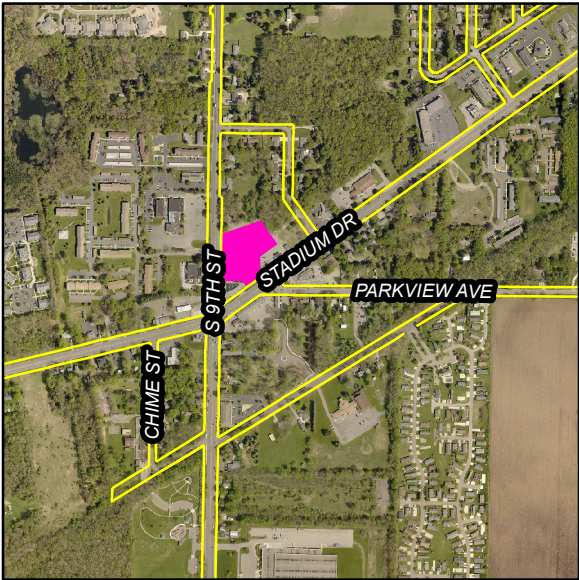
SEE ATTACHED LEASE
Owner's Signature (* If different from Applicant) Date
Applicant's Signature Date

- Copies to: Applicant -1, Clerk -1, Dep. Clerk 1, Assessor -1, Planning Secretary - 3, Bldg. Secretary - Original

**** PLEASE ATTACH ALL REQUIRED DOCUMENTS



JAKE'S FIREWORKS
Proposed Location

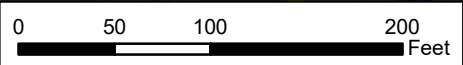


6430 STADIUM DR




MILL CREEK DR

STADIUM DR

PARKVIEW AVE



1 inch = 100 feet

-  Subject Parcel
-  Other Property Line
-  Public Right-of-Way

SITE PLAN

6430 W Stadium Drive, Kalamazoo MI

Minimum Separation Distances as shown in plan below:

Buildings: No buildings are located within 20 ft of the tent

Combustibles: No combustibles are located within 20 feet of the tent

Tents: No tents will be located within 20 feet of tent

Vehicle Parking: No Vehicle will be allowed within 10 feet of tent. If parking spots are shown in diagram below within 10 feet of tent these spots will be barricaded and marked as to not allow parking.

Stands: No stands are located within 20 feet of tent.

Storage of Consumer Fireworks: No storage of consumer fireworks will occur at this location.



7.4.2 Site Plan. The site plan for tents shall show the location of the tent on the site and indicate the minimum separation distances required by 7.4.7.

7.4.7.2 Temporary Facilities. Temporary CFRS facilities shall be located as specified in Table 7.4.7.2.

*nearest gas station over 50' away

*no flammable gas bulk dispenser within 300ft

Planning Commission Minutes - May 24, 2018 - Excerpt

Pledge of Allegiance

Chairperson Bell invited those in attendance to recite the Pledge of Allegiance.

Approval of the Agenda

Chairperson Bell asked if there were any additions or deletions to the agenda.

Ms. Johnston explained the applicant who requested a public hearing regarding development of a private road in the Westgate Planned Unit Development requested the hearing be tabled to June 14, 2018.

Mr. VanderWeele made a motion to table the Westgate PUD request until June 14, 2018 and to approve the agenda as presented with the deletion of that item. Ms. Farmer seconded the motion. The motion was approved unanimously.

Public Comment on Non-Agenda Items

There were no public comments on non-agenda items.

Approval of the Minutes of May 10, 2018

Chairperson Bell asked if there were additions, deletions or corrections to the Minutes of May 10, 2018.

It was noted that on page 6, Ms. Barb Melson's last name should be corrected to Malsom.

Hearing no further comments, Chairperson Bell asked for a motion.

Mr. VanderWeele made a motion to approve the minutes of May 10, 2018 with the correction as noted. Ms. Maxwell seconded the motion. The motion was approved unanimously.

**PUBLIC HEARING: JAKE'S FIREWORKS
CONSIDERATION OF THE APPLICATION FROM JAKE'S FIREWORKS, INC. FOR A
SPECIAL EXCEPTION USE AND SITE PLAN REVIEW FOR TEMPORARY TENT
SALES OF CONSUMERS' FIREWORKS IN HARDING'S MARKET PARKING LOT
FROM JUNE 20 THROUGH JULY 5, 2018, PURSUANT TO SECTION 33.302 OF THE
TOWNSHIP'S ZONING ORDINANCE. THE SUBJECT PROPERTY IS LOCATED AT
6430 STADIUM DRIVE, KALAMAZOO, MI, WITHIN THE "VC" VILLAGE
COMMERCIAL DISTRICT. PARCEL NO. 3905-26-465-022.**

Chairperson Bell moved to the next item on the agenda and asked Ms. Johnston for her presentation.

Ms. Johnston said the applicant was seeking permission to locate a temporary fireworks sales tent in the parking lot of the Harding's grocery store at the corner of 9th Street and Stadium Drive, 6430 Stadium Drive. The Harding's location is an existing site for this vendor. They have been at this location for six years, with the 2018 application the seventh request.

The tent will be located in the southern portion of the parking lot between the retail structure that contains Subway and the driveway to Stadium Drive at the Parkview Drive intersection, approximately the same location as last year and is the same size as last year. As in the past, the tent will need to be set back 10 feet from the edge of the parking lot pavement to satisfy separation requirements.

She said Jake's will be selling a full line of consumer fireworks ranging from sparklers to aerials at retail prices from the tent. Per the applicant, the tent will be on-site from June 20th to July 10th, and hours of actual operation will be from 9am to 9pm on June 25th through July 1st, expanding to 8am to 11pm July 2nd through the 4th. During the night when the store is closed, representatives of the company will remain on site to monitor the inventory and ensure nothing happens to the firework devices.

The Fire Department reviewed the plans and did not have any comments regarding the proposed facility at this time. The Fire Marshall will inspect the facility prior to initiating operation.

Ms. Johnston explained the first approval for Jake's Fireworks within the Township was on June 28, 2012. At that meeting, it was noted that the applicant raised their tent prior to receiving Planning Commission approval. There was discussion with the applicant regarding proper application procedures. Ultimately, the Planning Commission granted approval with a 5 to 2 vote. Since that time, compliance and enforcement issues have been a consistent concern with this vendor.

She provided a history of infractions and noted that in 2017, due to ordinance enforcement activity related to past events, Township staff referred Jake's back to the Planning Commission for review. Among the conditions added to the approval was a proclamation by the Commission that any violations of the granted special exception use would result in the rejection of any future applications from Jake's. No such issues arose from last year's event, and the tent was erected and removed within the pre-arranged timeframe. The compliance deposit submitted by Jake's to the Township—doubled to \$800 for this particular instance—was returned to the applicant in full.

Ms. Johnston said given that the 2017 event occurred with no complaints and instigated no enforcement actions, Township staff recommended this special exception use request be approved, with the following recommended conditions:

1. The tent at the Harding's site shall be permitted from June 20th through July 10th and sale of fireworks shall not occur on site until June 25th.

2. The hours of operation are limited to 9am to 9pm from June 25th through July 1st and 8am to 11pm from July 2nd to July 4th.
3. All signs shall satisfy the requirements of the Township Zoning Ordinance.
4. At least one person from Jake's Fireworks staff shall be onsite 24-hours a day while product is present.
5. Compliance with all comments or issues raised by the Fire Department during the course of their review and/or any subsequent inspections.
6. A compliance deposit in the amount of \$400 shall be paid to the Township prior to setting up the tent. The deposit will be refunded to the applicant in full provided that all conditions are met.

In addition, as there were no enforcement issues with last year's outdoor sales event, if the Planning Commission is so inclined, staff requested future Jake's Fireworks events at this location be allowed administrative review and approval, provided no changes are made to the site layout. Staff would retain the right to refer the applicant back to the Planning Commission, should that need arise.

As there were no questions for Ms. Johnston from Commissioners, Chairperson Bell asked whether the applicant wished to speak.

Mr. Greg Claussen, who lives in Kansas, will be in Michigan for the summer and overseeing Jake's sales. He said they are happy to meet all the requirements and apologized for past issues that he believes have been corrected. He noted he was in charge of last year's operation when there were no problems.

Chairperson Bell asked if there were any comments from the public.

Mr. Themis Corakis, Ted and Marie's Restaurant, 6416 Drive, said he was glad to see the fireworks sales again, that there were no issues last year, that everything was cleaned up when they left and that they were good neighbors.

Hearing no further public comment, the Chair moved to Board Deliberations.

There was concern on the part of some Members due to the past problems experienced with Jake's. Discussed was the possibility of doubling the refundable fee to \$800 again this year as insurance, the cost to the Township in the past of having had to send both Fire and Enforcement personnel to the site, the feeling that one more infraction of any kind should bar Jake's from future application and the consensus that, if approved they would like to see how it goes this year before allowing administrative review and approval for future applications.

Hearing no further comments, Chairperson Bell asked for a motion.

Ms. Farmer made a motion to recommend approval of the special exception use request with the six conditions recommended by Staff and that if there is an application in 2019, it should be brought before the Planning Commission for consideration. In addition, if there are any enforcement concerns or ordinance violations in 2018, Jake's will not be permitted to submit any future applications. Mr. Chambers seconded the motion. The motion was approved unanimously.

Ms. Johnston confirmed that if there is any infraction by Jake's, no future application will be allowed.

Old Business

There was no old business.

Any Other Business

a. Continued Discussion of Zoning Ordinance Re-Organization

It was noted this discussion was held at the earlier work session.

PLANNING COMMISSIONER COMMENTS

Mentioned were the Maple Hill Mall Rotary Family Fun event currently underway and the support provided by the Rotary Club for Oshtemo Township parks.

Also mentioned was the opportunity to attend the Planning Commission Toolkit Training on June 7 from 6-8 p.m.

ADJOURNMENT

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Bell asked for a motion to adjourn.

Ms. Farmer made a motion to adjourn. Mr. Chambers seconded the motion. The motion was approved unanimously.

Chairperson Bell adjourned the meeting at approximately 7:35 p.m.

Minutes prepared:
May 26, 2018

Minutes approved:
June 14, 2018

April 3, 2019



Mtg Date: April 11, 2019

To: Planning Commission

From: Julie Johnston, AICP
Planning Director

Applicant: Crick Haltom
Lawton Ridge Winery

Owner: Crick Haltom

Property: 8546 Stadium Drive, parcel number 3905-33-402-161

Zoning: I-1: Industrial District, Manufacturing/Serviceing

Request: Special Use for an Outdoor Event

Section(s): Section 27.40: Temporary Outdoor Event in I-1 District
Section 49.220: Temporary Outdoor Event conditions
Section 65.30: Special Use Review Criteria

Project Name: Lawton Ridge Winery

PROJECT SUMMARY

The applicant requests a special use and general site layout approval to allow a variety of food trucks on their property one night a week from April 17th through October 30th. This is the second year for this request on the Lawton Ridge Winery property. On July 26, 2018, the Planning Commission approved a special use for food trucks Wednesday evenings from the date of approval through October 31st. This approval did not include future administrative reviews and therefore, an application before the Planning Commission was required for the 2019 events.

Lawton Ridge Winery is located on the north side of Stadium Drive, west of 6th Street and is zoned I-1: Industrial District. The full request is to allow mobile food trucks every Wednesday from 3:30 pm to 8:30 pm from April 17 to October 30, 2019.

TEMPORARY OUTDOOR EVENTS

The conditions of the special use are outlined in Section 49.220, which requires the following:

- A. *May last more than one day.*
- B. *Use is incidental to the principal use of the property.*
- C. *A Site Plan shall be submitted for administrative review indicating the following:*
 - 1. *Traffic lanes and on-site parking.*
 - 2. *Fire lanes and emergency vehicle turning areas.*
 - 3. *Restrooms provided (in building or portable facilities).*
 - 4. *Placement of vehicles, trailers, and all other equipment is away from adjoining residentially used properties and complies with all applicable setbacks.*
 - 5. *All activity takes place on subject property.*
- D. *The Fire Chief, or his designee, has approved the placement of vehicles, trailers, and all other equipment associated with the event.*
- E. *All signs directed off-site must receive a temporary sign permit and comply with all applicable sign ordinances.*
- F. *Property owner must approve and acknowledge the use of the property for the event.*

The applicant provided a layout plan that indicates the food trucks will be located just to the east of the parking lot, within the lawn area of the site. The regulations related to temporary outdoor events does not require that vehicles, trailers, or other equipment associated with the event be placed on a hard surface. The proposed location meets all setback requirements and the existing onsite storage structure provides a buffer to the properties to the east. The Lawton Ridge Winery retail building offers the required restroom facilities and onsite fire lanes have been preserved.

We assume the requested timeframe from 3:30 pm to 8:30 pm includes time for set-up and take-down of the food truck facility. This should be confirmed with the applicant before any consideration of approval.

SPECIAL USE CONSIDERATIONS

Section 65.30 provides review criteria for consideration when deliberating a Special Use request, as follows:

- A. **Master Plan/Zoning Ordinance: The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the District in which the use is located.**

The Future Land Use Plan calls for General Industrial uses in this area of the Township. The General Industrial District includes both light and general industrial uses, warehouse and distribution facilities, heavy commercial, and storage facilities. The District is in various locations around the Township where such development has already occurred, such as along KL Avenue, Stadium Drive, and 8th Street. The Future Land Use Plan outlines that future development should be consistent with existing development in the area.

In comparison to other uses allowed in this District, Lawton Ridge Winery has a relatively low intensity and impact. The addition of a temporary food truck would not likely increase this intensity significantly above what the Winery already draws to the site as a retail use.

B. Site Plan Review: The Site Plan Review Criteria of Section 64.80.

An engineered site plan is not required for a temporary outdoor event and therefore this criterion is not applicable. The site layout is in compliance with the requirements of the Zoning Ordinance.

C. Impacts:

- 1. The proposed use would be compatible, harmonious and appropriate with the existing or planned character and uses of adjacent properties; meaning the proposed use can coexist with neighboring uses in a stable fashion over time such that no neighboring use is unduly negatively impacted.**

Lawton Ridge Winery is at the western edge of the properties zoned industrial in this area. The property to the immediate north of the site is zoned I-R: Industrial Restricted but houses a single-family home. The properties to the east are also zoned I-R and are currently undeveloped. To the west are single-family homes within the RR: Rural Residential District. And finally, to the south are commercially zoned properties, one of which is vacant and one holds a single-family house with a home occupation. This mix of residential and nonresidential zoning and uses makes for an interesting mix of development in this area.

Placing the temporary food truck within the lawn area on the east side of the site should have minimal impact on these properties. The parcel immediately adjacent to the east is currently vacant and the single-family home to the north is located in a heavily wooded area over 600 feet from the Winery parking lot.

The increased traffic beyond what is already experienced by the site for the winery should be easily handled by Stadium Drive. In addition, the short duration of the event time, from 4:00 pm to 8:00 pm, should limit its impact.

Finally, no other restaurant uses are found within this area. The closest food service establishment would be on Stadium Drive near 8th Street, within the Oshtemo Village. Placing a food truck in this location would not be detrimental to any existing restaurant.

- 2. Potentially adverse effects arising from the proposed use on adjacent properties would be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the location of screening, fencing, landscaping, buffers or setbacks.**

There should be no effects on adjacent properties that require additional site considerations.

- 3. The proposed use would not be detrimental, hazardous, or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, smoke, odors, glare, or visual clutter.**

Should have no impact on adjacent uses or the public welfare as this is a transient, temporary use.

- D. Environment: The natural features of the subject property shall only be cleared or altered to the extent necessary to accommodate site design elements, particularly where the natural features assist in preserving the general character of the area.**

Not applicable, as this is an existing site.

- E. Public Facilities: Adequate public and/or private infrastructure and services already exist or would be provided, and will safeguard the health, safety, and general welfare of the public.**

The temporary use will be served by public bathroom facilities within Lawton Ridge Winery. All other available public infrastructure was provided during the development of the site.

- F. Specific Use Requirements: The Special Use development requirements of Article 49.**

All of the specific use requirements outlined in Section 49.220 have been met.

PLANNING COMMISSION POSSIBLE ACTIONS

Staff has outlined three possible actions for the Planning Commission to consider:

- A. Approve the special use as requested.
- B. Approve the special use for the food truck, but alter the requested time period.
- C. Deny the request.

As a food truck was approved for the site in 2018, the Planning Commission may wish to consider allowing the special use in some capacity. If approval is contemplated, staff would recommend the following conditions:

1. The food truck will only be permitted onsite every Wednesday evening from 3:30 pm to 8:30 pm with food sales from 4:00 pm to 8:00 pm.
2. The food truck will be permitted from April 17 through October 30, 2019.
3. The Kalamazoo County Environmental Health license for the food truck shall be provided to the applicant and kept on file for proof of proper operating permits.
4. The property owner's liability insurance shall be provided to the Township.

5. Inspections by the Fire Marshall periodically throughout the approved timeframe of the event, if needed.

The Planning Commission may also wish to consider allowing the temporary outdoor event to be administratively approved in the future, provided no changes are requested that vary from this potential approval. Staff would retain the right to refer the applicant back to the Planning Commission, should that need arise.

Respectfully Submitted,



Julie Johnston, AICP
Planning Director

Attachments: Application
Aerial Map
Site Layout
July 26, 2018 Planning Commission Minutes - excerpt



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 269-216-5223 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS 8456 Stadium Dr.

PLANNING & ZONING APPLICATION

Applicant Name : CRICK HALTOM

Company LAWTON RIDGE WINERY

Address 8456 Stadium Dr

E-mail CHALTON@LAWTONRIDGEWINERY.COM

Telephone 269 372 9463 Fax _____

Interest in Property CO-OWNER

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

OWNER*:

Name CRICK HALTOM / DEAN BENDER

Address _____

Email CHALTON@LAWTONRIDGEWINERY.COM

Phone & Fax 269 372 9463

Fee Amount 400.

Escrow Amount 100.

NATURE OF THE REQUEST: (Please check the appropriate item(s))

- | | |
|--|---|
| <input type="checkbox"/> Planning Escrow-1042 | <input type="checkbox"/> Land Division-1090 |
| <input type="checkbox"/> Site Plan Review-1088 | <input type="checkbox"/> Subdivision Plat Review-1089 |
| <input type="checkbox"/> Administrative Site Plan Review-1086 | <input type="checkbox"/> Rezoning-1091 |
| <input checked="" type="checkbox"/> Special Exception Use-1085 | <input type="checkbox"/> Interpretation-1082 |
| <input type="checkbox"/> Zoning Variance-1092 | <input type="checkbox"/> Text Amendment-1081 |
| <input type="checkbox"/> Site Condominium-1084 | <input type="checkbox"/> Sign Deviation-1080 |
| <input type="checkbox"/> Accessory Building Review-1083 | <input type="checkbox"/> Other: _____ |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): _____

To have catering trucks at the winery

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

PARCEL NUMBER: 3905- 33-402-161

ADDRESS OF PROPERTY: 8456 Stadium Dr. 49009

PRESENT USE OF THE PROPERTY: Winery

PRESENT ZONING _____ **SIZE OF PROPERTY** _____

**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS
HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

Name(s)	Address(es)
Crick Halton	7630 W ML Ave Kalamazoo
_____	_____

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.

_____ Owner's Signature (* If different from Applicant)	_____ Date
Crick Halton _____ Applicant's Signature	_____ Date

- Copies to:
 Planning -1
 Applicant -1
 Clerk -1
 Deputy Clerk -1
 Attorney-1
 Assessor -1
 Planning Secretary - Original

PLEASE ATTACH ALL REQUIRED DOCUMENTS

0 25 50 100 Feet



1 inch = 50 feet

HATHAWAY RD

8456 STADIUM DR

STADIUM DR



-  Subject Property
-  Other Property Line

SITE INFORMATION:

PROPERTY OWNER:
Lawton Ridge Winery
8456 Stadium Drive
Kalamazoo, MI 49009

PROPERTY USE:
Wine Making Operations
with Tasting Room
1 Shift, 2 Employees

ZONE & BUILDING CLASSIFICATION:
Building Type V-4, Factory/Workshop
Zone: I-1
Use: I-1

ADJACENT PROPERTY:
North Property
Zone: I-R
Use: Non-Conforming Residential
South Property
Zone: C
Use: Vacant
East Property
Zone: I-R
Use: Vacant
West Property
Zone: R-R
Use: Residential

EXISTING BUILDING INFORMATION:
Existing Structure
Area: 4,320 Sq.Ft.
Height: 12'-5"
Construction:
Walls: 8" Concrete Block Exterior
Wood Stud Interior Walls
Floor: Concrete
Roof: Wood Frame
Exterior: Redwood Siding

NEW BUILDING:
Wine Storage Building
No additional Employees

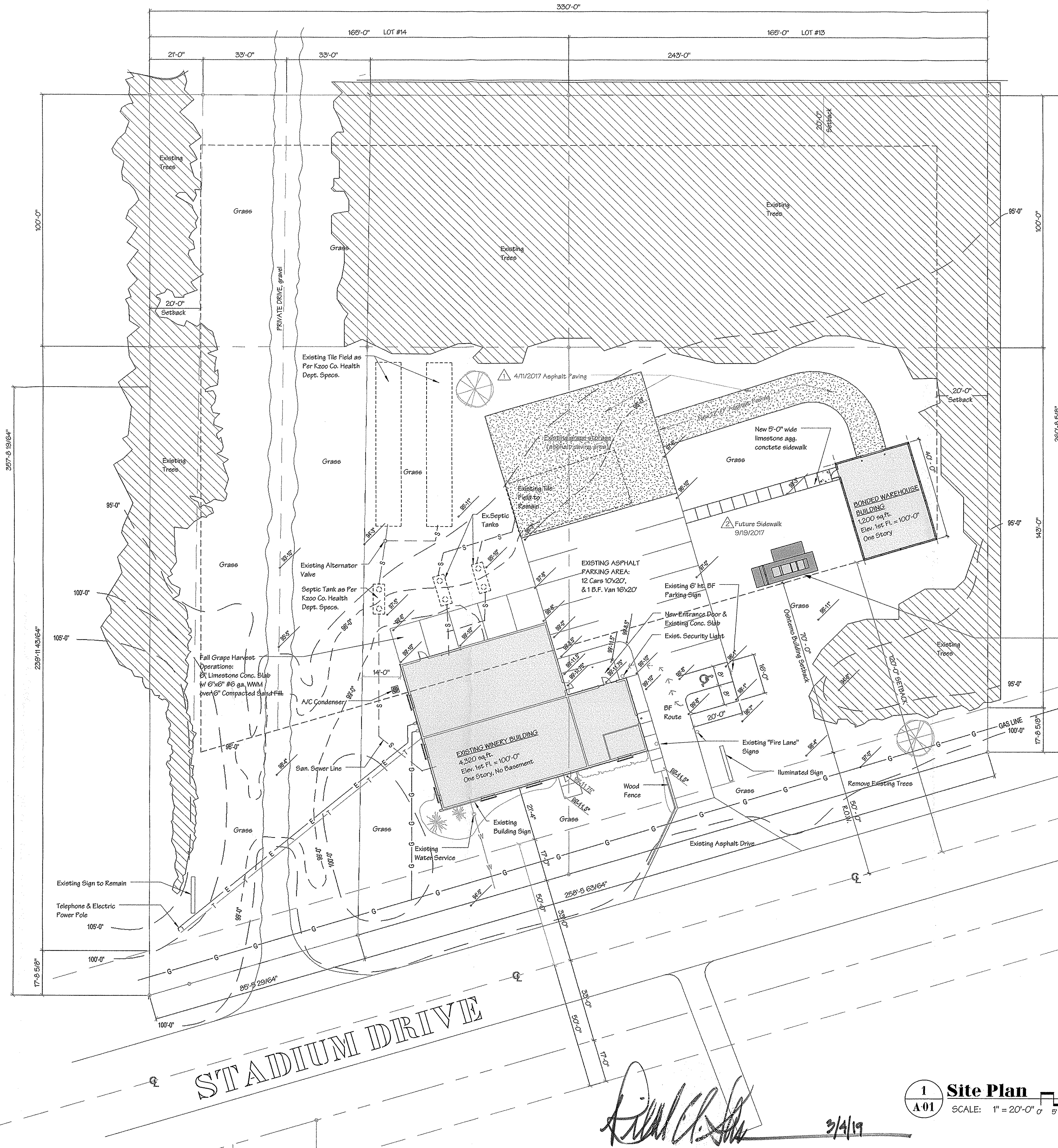
NEW BUILDING:
Building Type V-4, Wine Storage
Zone: I-1
Use: I-1 related Wine Storage

NEW BONDED WAREHOUSE:
New Bonded Warehouse
Area: 30'x40' = 1,200 sq.ft.
Height: 12'-5"
Construction:
Walls: Post Frame Construction
with Metal Siding, painted
Floor: Concrete
Roof: Wood Trusses, and
asphalt shake shingles

PARCEL DESCRIPTION:
Lot Size: 2.05 Acres
Also includes either side of the described centerline commencing east side of the New & Existing Building Construction

PERCENT OF LAND COVERED BY BUILDING:
Building Area Calculation : 102,065 sq.ft./5,520sq.ft. = 5.40%

PROPERTY AREA:
Parcel situated in the Township of Oshtemo, County of Kalamazoo, and State of Michigan: Lots 13 and 14, block 3, Frie and Gibbs Plat, according to the plat thereof as recorded in Liber 8 of Plats, on Page 29, Kalamazoo County records. EXCEPT: The North 1143 feet of said Lots intersection of the West line of Lot 14, Block 3, of the recorded plat of Frie and Gibbs, and the North right-of-way line 45 feet for the place of Beginning; thence N.14-57m, 677.0 feet thence along a curve to the right 326.45 feet, central angle of 34-10m-26s and a radius of 600.0' to the East line of Lot 14; thence North along said East line 479.0 feet to the Northeast corner of said lot and the Point of Ending. ALSO EXCEPT: That part of Lot 14 lying west of the above described right-of-way.



**Call Miss Dig !
811 or 800-482-7171**

The Contractor shall locate all utilities prior to the start of construction.

One toll free call to 800-482-7171 or 811 reaches the MISS DIG System which serves as a message handling notification service for underground facility owners.

MISS DIG takes information about your planned excavations and distributes that information to its utility membership. It is then the responsibility of each utility facility owner to mark the approximate location of their underground utility facilities at the excavation site.

MISS DIG will send your work request to member utility facility owners who will mark the approximate location of their underground utility lines at no charge.

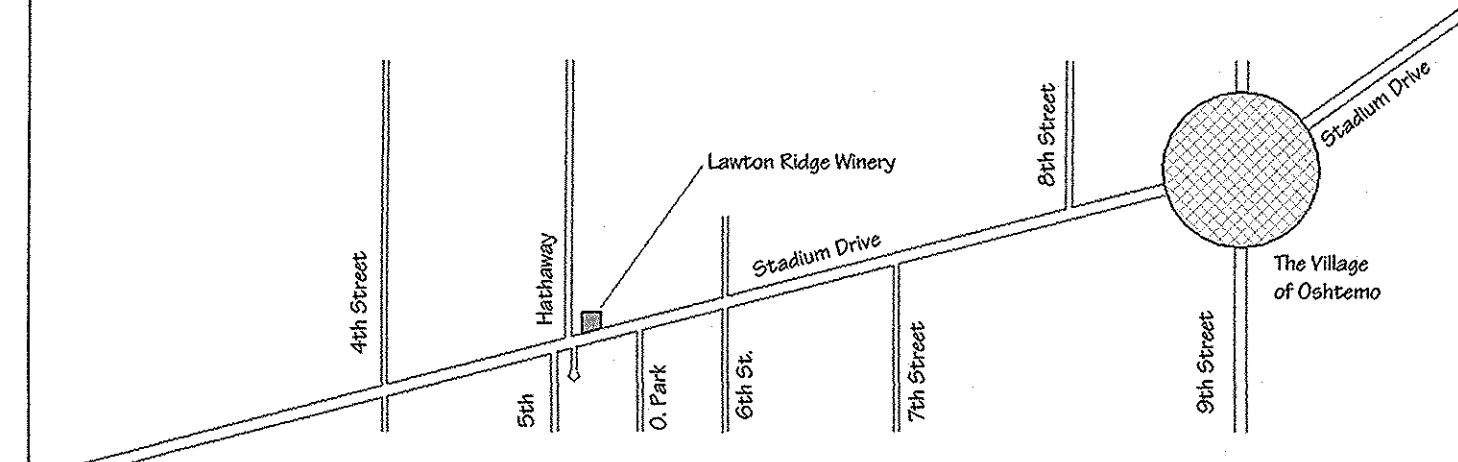
The Contractor shall allow for 3 full working days before digging. Call the MISS DIG System at 811 or 800-482-7171.

- SITE PLAN NOTES:**
- NEW STORAGE BUILDING GRAVEL DRIVE:**
Remove topsoil and install new 6" stabilized gravel drive 12'-0" wide connecting the existing gravel grape storage area to the new wine storage building as shown on this Site Plan.
 - EXISTING ASPHALT PAVING:**
The existing asphalt paving area shall remain as shown on this Site Plan.
 - EXISTING BUILDING CODE INFORMATION:**
 - The Building Occupancy is F-1, S-1.
 - The Building Construction Type is III-B.
 - Winery Area = 3,600 sq.ft.
 - Wine Tasting Area = 720 sq.ft.
 - Total Area = 4,320 sq.ft. gross area.
 - Exterior Building Height = 12'-5"
 - Ceiling Height = 9'-7 1/2" (bottom trusses)
 - NEW BONDED WAREHOUSE CODE INFORMATION:**
 - The Building Occupancy is wine storage, S-2.
 - The Building Construction Type is V-B.
 - Total Area = 1,200 sq.ft. gross area.
 - Exterior Building Height = 12'-5"
 - Ceiling Height = 10'-0" (bottom trusses)
 - Now electric underground power supply from street.
 - Building equipped with unit heater, new underground gas service from street.

Drawing Index:

- A-01 Site Plan with Topo
- A-02 First Floor Plan, Wall Section, and Notes
- A-03 Cross Section & Exterior Elevations

Food Truck
03/04/2019 Food Truck
"Special Outdoor Event Location"



AREA MAP
Do Not Scale

Richard Schramm
3/4/19

1 Site Plan
A-01 SCALE: 1" = 20'-0"

Architectural Workshop, Inc.
Richard Schramm, Architect
7540 Stadium Drive
Kalamazoo, MI 49009
Phone: 269.375.2472
FAX: 269.372.7272
www.ArchWorkshop.com

Site Plan & Food Truck Outdoor Activity
Do not copy or duplicate without written permission. The Architect's embossed seal is required on this document.
Lawton Ridge Winery, Bonded Warehouse
8456 Stadium Drive, Kalamazoo, Michigan 49009

Date: 03/04/2019
Revised:
Drawn by: R.A.S.
Project: 0862.150

Sheet Number
A-01

Planning Commission Minutes - July 26, 2018 - Excerpt

PUBLIC HEARING: SPECIAL EXCEPTION USE – TEMPORARY OUTDOOR EVENT CONSIDERATION OF AN APPLICATION FROM THE LAWTON RIDGE WINERY TO ALLOW A FOOD TRUCK AT 8456 STADIUM DRIVE IN THE I-1 INDUSTRIAL DISTRICT. PARCEL NO. 3905-33-402-161.

Chairperson Bell asked Ms. Johnston to review the application from Lawton Ridge Winery.

Ms. Johnston said the applicant requested a special exception use and general site layout approval to allow a variety of food trucks on their property during the summer months of the year. Lawton Ridge Winery is located at 8456 Stadium Drive and is zoned I-1: Industrial District.

The request was to allow mobile food trucks during the warmer months of the year. No specific dates or times of the event were provided in the application. However, this request is due to an enforcement action pending on the property. The Winery has already been holding their food truck events, which Staff believe are being held every Wednesday, generally from 4:00 pm to 7:00 pm, for some time.

Ms. Johnston indicate their requested placement of the food truck is within the front yard of the site, specifically within the Stadium Drive right-of-way. Unfortunately, the requested location does not meet the setback requirements for Stadium Drive. Per Section 64.100: Designated Highways of the Setback Ordinance, Stadium Drive requires a 120-foot setback from the centerline of the road. This would move the location of the requested food truck within the parking lot of the site. If the application were approved by the Planning Commission, the food truck would need to be located within the parking lot in a manner that will not impede the access of emergency vehicles. The drive aisle into the parking lot will need to remain clear for continued access.

She noted public restroom facilities are provided inside the building. No additional equipment or trailers are being brought to the subject property. All other ordinance requirements have been met.

Ms. Johnston said the 60.100 zoning ordinance special exception use considerations will be met once the food truck location has been removed from the Stadium Drive right-of-way.

Ms. Johnston recommended the Planning Commission grant the temporary outdoor event at 8456 Stadium Drive for a food truck, subject to the following conditions:

1. The food truck will only be permitted onsite Wednesdays from 3:30 pm to 7:30 pm with food sales from 4:00 pm to 7:00 pm.
2. The food truck will be permitted from the date of this approval through September 30, 2018, for a total of nine more events.

3. The food truck will be located onsite in accordance with all applicable setback requirements for the property.
4. The location of the food truck will place outside of the any parking lot drive aisle to ensure emergency vehicle access to the site.
5. The Kalamazoo County Environmental Health license for the food truck shall be provided to the applicant and kept on file for proof of proper operating permits.
6. Fire inspection permits, if applicable, for hood systems and fire extinguishers, shall also be provided to the applicant and kept on file for proof of fire safety.
7. The property owner's liability insurance shall be provided to the Township.
8. Inspections by the Fire Marshall periodically throughout the approved timeframe of the event, if needed.

Chairperson Bell asked about the 120 foot setback from the centerline of Stadium Drive.

Ms. Johnston noted the right-of-way for Stadium Drive varies due to acquisition from MDOT and the Road Commission and widening of the road over time. The use of a setback from the centerline as opposed to the right-of-way line, she believes, is an attempt to ensure buildings have a consistent visual setback appearance. If the setback was from the right-of-way, which varies, then building setbacks would also vary. The only way to allow the truck within the front yard, would be through the variance process, which she indicated would be difficult to grant.

Attorney Porter noted setbacks aside, the food truck cannot be located within the right-of-way.

In answer to a query from Ms. Farmer, Ms. Johnston said overflow parking that may occur on Stadium Drive, a public road, cannot be regulated by the Township. She said the Township could encourage a location for overflow parking be designated on site during the temporary event. There is plenty of room on this site and that is not likely to be an issue.

Hearing no further questions, Chairperson Bell asked whether the applicant wished to speak.

Mr. Crick Haltom, 7630 W. ML Ave, indicated after six years of hosting food truck events they learned this year that a permit was needed. He indicated he felt it was more like a catering situation than a temporary event. He would like to extend the hours from 3:30 p.m. until 8:30 p.m. and to provide the food trucks through October.

Ms. Johnston felt hours and schedule requests were acceptable. The Planning Commission would need to alter the conditions if they moved for approval.

Attorney Porter confirmed that what Mr. Haltom wants to provide, as described, is indeed defined as a temporary event by Township regulation. He also said under no circumstances could the event be held within the right-of-way unless approval was granted by the Road Commission of Kalamazoo County.

Chairperson Bell asked if there was anyone from the public wishing to speak.

Mr. Richard Schramm, 2001 4th Street, spoke referencing an abstract from the Highway Department regarding Stadium Drive property and use of the front yard by property owners, arguing for permitted use at the front of the property. He cited a fence that had to be rebuilt by the Highway Department because a house was too close to the road. He felt property owners should be able to use the setback area because the right-of-way takes up most of the front yards. He also made comments about use of side yards and wondered how sidewalk sales were different.

Attorney Porter stated sidewalk sales are also a temporary event, which must be approved by the Township, and that the Township is not the Road Commission and a fence is not a food truck.

Hearing no further comments from audience members, Chairperson Bell moved to Board deliberation.

Attorney Porter indicated the time and date changes requested would be fine.

Ms. Farmer said the food trucks at the winery are a great event, but the food trucks are outside the approvals previously granted to the winery and the temporary event approval must be obtained. She agreed with the Staff recommendation and had no issue with the time and date revisions .

Attorney Porter said if the applicant wants to use the right-of-way it would have to be approved by the Road Commission. The Planning Commission must stick to Township code. The applicant would have to apply for a variance to use a setback.

Ms. Smith addressed the applicant's view that the food trucks are more a catering opportunity than a temporary event, saying patrons buy food at the truck; if it were a catering event they would purchase food inside the building. She added all food truck events need to be treated in the same way.

Hearing no further comments, Chairperson Bell asked for a motion.

Ms. Farmer made a motion to approve the special exception use for a temporary outdoor event from the Lawton Ridge Winery as requested, with Staff conditions as presented, and to allow the applicant's request for hours to run from 3:30 p.m. to 8:30

p.m. and events to take place through the end of October 2018. Mr. VanderWeele supported the motion. The motion was approved unanimously.

**SITE PLAN REVIEW: LANGELAND FUNERAL HOME
CONSIDERATION OF AN APPLICATION FROM THE LONG ISLAND PARTNERSHIP
TO DEVELOP A NEW CREMATORIUM AT 3926 SOUTH 9TH STREET IN THE VC:
VILLAGE COMMERCIAL DISTRICT. PARCEL NO. 3905-35-330-018.**

The Chair asked Ms. Johnston for her report on the application from Long Island Partnership regarding the development of a new crematorium.

Ms. Johnston said in November of 2017, Langeland Funeral Home began the rezoning process in order to change from R-4: Residence District, in which funeral homes are permitted but not crematories, to VC: Village Commercial. The Planning Commission determined that the rezoning followed the Township's future land use plan and that both funeral homes and crematories were appropriate within the VC district, albeit as Special Exception Uses (SEU). Following on the use approvals granted by the Planning Commission, the rezoning was successfully approved by the Township Board. The applicant is now seeking site plan approval for the crematory.

She indicated the application is for a new 4,995 square foot facility and some additional parking on the existing funeral home site. Ms. Johnston said with only a few details still need to be addressed before the project site plan can be considered truly complete, but Staff was comfortable in recommending approval for the new crematory. She requested the Planning Commission attach the following conditions, to be administratively reviewed and approved:

1. Prior to the issuance of a building permit, the Township Engineer shall be provided with sufficient information by which to ensure that any pedestrian ramps will be constructed in full accordance with the Americans with Disabilities Act.
2. Prior to the issuance of a building permit, the applicant shall provide an updated photometric plan for the property, clearly indicating that light levels, lamp wattages, and design are in full compliance with the relevant sections of the Zoning Ordinance.
3. Prior to the issuance of a certificate of occupancy, the Township shall be provided with a fully compliant landscape plan. In particular, any outstanding deficiencies related to internal parking lot landscaping shall be corrected.

There were no questions from Commissioners. Chairperson Bell asked if the applicant wished to speak.

Mr. Pat Flanagan, 1209 E. Milham, on behalf of Langeland's and Long Island, said this will be a very nice, well-kept facility.

March 28, 2019



Mtg Date: April 11, 2019

To: Planning Commission

From: Julie Johnston, AICP
Planning Director

Applicant: Patty Ruppel
Thirsty Hound, LLC

Owner: Chris Ruppel

Property: 1030 South 8th Street, parcel number 3905-22-430-040

Zoning: I-1: Industrial District, Manufacturing/Serviceing

Request: Special Use for an Outdoor Event

Section(s): Section 27.40: Temporary Outdoor Event in I-1 District
Section 49.220: Temporary Outdoor Event conditions
Section 65.30: Special Use Review Criteria

Project Name: The Thirsty Hound

PROJECT SUMMARY

The applicant requests a special use and general site layout approval to allow a variety of food trucks on their property three evenings a week from April 16th through October 17th. This is the second year for this request on the Thirsty Hound property, although the application has increased in intensity. In June of 2018, the Planning Commission approved a special use for food trucks on Tuesday and Thursday night from June 15 through September 30, 2018. The request in 2018 was intended to be a “stop-gap” measure while the applicant secured their food license from Kalamazoo County Environmental Health. Staff understands that the food license was denied due to the dog friendly nature of the dining area.

The Thirsty Hound is part of the larger Meadow Run Knoll complex and Meadow Run Dog Park. In April of 2017, the Planning Commission approved the Meadow Run Knoll development to include Camp Fido (dog daycare), Tip Top Tails Training, and The Thirsty Hound, a dog-oriented restaurant. Meadow Run Knoll is located to the south of Meadow Run Dog Park, which is also owned by the applicant and received approval from the Planning Commission in 2010.

The full request is to allow mobile food trucks every Tuesday, Wednesday, and Thursday from 5:00 pm to 8:00 pm from April 16 to October 17, 2019.

TEMPORARY OUTDOOR EVENTS

The conditions of the special use are outlined in Section 49.220, which requires the following:

- A. *May last more than one day.*
- B. *Use is incidental to the principal use of the property.*
- C. *A Site Plan shall be submitted for administrative review indicating the following:*
 - 1. *Traffic lanes and on-site parking.*
 - 2. *Fire lanes and emergency vehicle turning areas.*
 - 3. *Restrooms provided (in building or portable facilities).*
 - 4. *Placement of vehicles, trailers, and all other equipment is away from adjoining residentially used properties and complies with all applicable setbacks.*
 - 5. *All activity takes place on subject property.*
- D. *The Fire Chief, or his designee, has approved the placement of vehicles, trailers, and all other equipment associated with the event.*
- E. *All signs directed off-site must receive a temporary sign permit and comply with all applicable sign ordinances.*
- F. *Property owner must approve and acknowledge the use of the property for the event.*

The applicant utilized the approved site plan from Meadow Run Knoll to indicate the placement of the food truck at the far western edge of the parking lot. Public restroom facilities are provided inside the building. No additional equipment or trailers are being brought to the subject property. The proposed food truck location will not impede emergency vehicles as a turn-around is still provided at the eastern end of the parking lot.

One item which was missed during the 2018 review is the rear yard setback requirement. Section 49.220 indicates that all vehicles, trailers, and other equipment for the outdoor event must meet all required setbacks. The rear yard setback for this zoning district is 20 feet. The parking lot is located approximately 15 feet from the rear property line. The food trucks will need to set up at least five feet from edge of the parking lot to meet rear yard setback standards. A revised site plan will be needed that shows this 20-foot distance.

The applicant has requested the time period of the event to last from 5:00 pm to 8:00 pm. Staff noticed on The Thirsty Hound Facebook page that they are advertising the food trucks from 5:00 to 7:30 pm. A 5:00 pm start time does not allow for set-up. If the Planning Commission is considering an approval for this outdoor event, a start time of 4:30 pm may be more appropriate.

Finally, the application has increased from the two evenings approved in 2018 to three evenings in 2019. This leads staff to request the Planning Commission consider the parameters of a “temporary” outdoor event. Generally, past practice has been to limit these events to approximately 30 days. Fireworks tents and Christmas tree sales generally meet this 30-day requirement. These tent sales often run from 10:00 am to approximately 10:00 pm during this 30-day period.

The Thirsty Hound’s application is for 27 weeks, three nights a week. This is a total of 81 days, which is much longer than past practice. However, the length of time for the request food truck event is much shorter. If you consider the trucks will only be on site for approximately 3.5 hours a day, a total of 283.5 hours or roughly 12 days is calculated. The retail tent sales generally run 12 hours a day for 30 days, which equals 360 hours or approximately 15 days.

Unfortunately, the Township Zoning Ordinance does not provide a definition for “temporary” or “temporary use.” Guidance from Section 49.220 just indicates the use is allowed to last for more than one day, but does not give a maximum time period. Staff went to the Planners Dictionary from the American Planning Association for guidance and found the following examples, which also do not provide much direction:

- A use intended for a limited duration to be located in a zoning district not permitting such use (Norfolk, NE).
- A use established for a fixed period of time with the intent such use will terminate automatically upon expiration of the fixed time period approval (Leesburg, VA).
- Use for a maximum of 180-day period authorized by the appropriate reviewing body (Taos, NM).
- Any use placed on a parcel of land for a short duration (Suffolk, VA).

For this application, the Planning Commission will need to consider the meaning of “temporary” and if past practice should be weighed.

In addition, does the nature of the event in relation to the type of use make a difference in this application. The Thirsty Hound was intended to developed as a tavern that serves food. Due to Health Department concerns, the full intent of the restaurant did not come to fruition. The applicant is hoping that food trucks will now serve this goal. While understandable, staff is concerned that the duration of the request could set a precedent for other temporary events. For example, a retail store requesting outdoor sales three days a week. As a special use, the Planning Commission is permitted to consider the specifics of each application. The difficult question with this application is whether the specifics of this use are of a defined enough nature that it does not set a precedent for other temporary outdoor events.

SPECIAL USE CONSIDERATIONS

Section 65.30 provides review criteria for consideration when deliberating a Special Use request, as follows:

- A. Master Plan/Zoning Ordinance: The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the District in which the use is located.**

The Future Land Use Plan calls for General Industrial uses in this area of the Township. The General Industrial District includes both light and general industrial uses, warehouse and distribution facilities, heavy commercial, and storage facilities. The District is in various locations around the Township where such development has already occurred, such as along KL Avenue, Stadium Drive, and 8th Street. The Future Land Use Plan outlines that future development should be consistent with existing development in the area.

In comparison to other uses allowed in this District, Meadow Run Knoll has a relatively low intensity and impact. The addition of a temporary food truck would not likely increase this intensity significantly above what The Thirsty Hound would have brought to the site had it functioned as a complete tavern/restaurant.

B. Site Plan Review: The Site Plan Review Criteria of Section 64.80.

An engineered site plan is not required for a temporary outdoor event and therefore this criterion is not applicable. With the change to the rear yard setback, the site layout is in compliance with the requirements of the Zoning Ordinance.

C. Impacts:

- 1. The proposed use would be compatible, harmonious and appropriate with the existing or planned character and uses of adjacent properties; meaning the proposed use can coexist with neighboring uses in a stable fashion over time such that no neighboring use is unduly negatively impacted.**

As the food truck is essentially intended to replace The Thirsty Hound's restaurant, its placement should not increase traffic beyond what would have already been brought to the site for the approved restaurant. In addition, the short duration of its presence, from the recommended start time of 4:30 pm to 8:00 pm, should limit its impact.

Meadow Run Knoll is surrounded almost on all sides by Meadow Run Dog Park, which is also owned and operated by the applicant. The property to the immediate north of the site is a private storage building and across 8th Street is Belden Brick and Supply, which is a contractor's yard providing brick and stone. These light industrial properties should be minimally impacted by the placement of a temporary food truck.

Finally, no other restaurant uses are found within this area. The closest food service establishments would be on West Main Street near 9th Street. Placing a food truck in this location would not be detrimental to any existing restaurant.

- 2. Potentially adverse effects arising from the proposed use on adjacent properties would be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the location of screening, fencing, landscaping, buffers or setbacks.**

There should be no effects on adjacent properties that require additional site considerations.

- 3. The proposed use would not be detrimental, hazardous, or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, smoke, odors, glare, or visual clutter.**

Should have no impact on adjacent uses or the public welfare as this is a transient, temporary use.

- D. Environment: The natural features of the subject property shall only be cleared or altered to the extent necessary to accommodate site design elements, particularly where the natural features assist in preserving the general character of the area.**

Not applicable, as this is an existing site.

- E. Public Facilities: Adequate public and/or private infrastructure and services already exist or would be provided, and will safeguard the health, safety, and general welfare of the public.**

The temporary use will be served by public bathroom facilities within The Thirsty Hound. All other public infrastructure was provided during the development of the site.

- F. Specific Use Requirements: The Special Use development requirements of Article 49.**

All of the specific use requirements outlined in Section 49.220 have been met except for the required rear yard setback, as previously described.

PLANNING COMMISSION POSSIBLE ACTIONS

Staff has outlined three possible actions for the Planning Commission to consider:

- A. Approve the special use as requested.
- B. Approve the special use for the food truck, but alter the allowed number of days requested.
- C. Deny the request.

As a food truck was approved for the site in 2018, the Planning Commission may wish to consider allowing the special use in some capacity. If approval is contemplated, staff would recommend the following conditions:

- 1. A revised site layout plan indicating the required 20-foot rear yard setback for the food truck.
- 2. The food truck will only be permitted onsite (INSERT APPROVED DAYS OF THE WEEK) from 4:30 pm to 8:00 pm with food sales from 5:00 pm to 7:30 pm.
- 3. The food truck will be permitted from April 16 through October 17, 2019.

4. The Kalamazoo County Environmental Health license for the food truck shall be provided to the applicant and kept on file for proof of proper operating permits.
5. The property owner's liability insurance shall be provided to the Township.
6. Inspections by the Fire Marshall periodically throughout the approved timeframe of the event, if needed.

The Planning Commission may also wish to consider allowing the temporary outdoor event to be administratively approved in the future, provided no changes are requested that vary from this potential approval. Staff would retain the right to refer the applicant back to the Planning Commission, should that need arise.

Respectfully Submitted,



Julie Johnston, AICP
Planning Director

Attachments: Application
Aerial Map
Site Layout
June 14, 2018 Planning Commission Minutes - excerpt



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 269-216-5223 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS _____

PLANNING & ZONING APPLICATION

Applicant Name : PATTY RUPPEL
Company THE THIRSTY HOUND LLC
Address 1030 S. 8TH STREET
KALAMAZOO MI 49009
E-mail PLRUPPEL@GMAIL.COM
Telephone 269-806-5975 Fax _____
Interest in Property CO-OWNER OF BUSINESS

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

Fee Amount _____
Escrow Amount _____

OWNER*:

Name CHRIS RUPPEL
Address 3020 BRANDYWINE
KALAMAZOO, MI 49009
Email CCRUPPEL@MERIONCAPITAL.COM
Phone & Fax 269-341-1194

NATURE OF THE REQUEST: (Please check the appropriate item(s))

- | | |
|--|---|
| <input type="checkbox"/> Planning Escrow-1042 | <input type="checkbox"/> Land Division-1090 |
| <input type="checkbox"/> Site Plan Review-1088 | <input type="checkbox"/> Subdivision Plat Review-1089 |
| <input type="checkbox"/> Administrative Site Plan Review-1086 | <input type="checkbox"/> Rezoning-1091 |
| <input checked="" type="checkbox"/> Special Exception Use-1085 | <input type="checkbox"/> Interpretation-1082 |
| <input type="checkbox"/> Zoning Variance-1092 | <input type="checkbox"/> Text Amendment-1081 |
| <input type="checkbox"/> Site Condominium-1084 | <input type="checkbox"/> Sign Deviation-1080 |
| <input type="checkbox"/> Accessory Building Review-1083 | <input type="checkbox"/> Other: _____ |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): _____

REQUEST TO USE A VARIETY OF LOCAL FOOD TRUCKS ON
PROPERTY. TRUCKS WOULD BE PARKED ON PROPERTY, ONE PER
EVENING, 5-8 pm ON TUE-WED-THU, MID-APRIL - MID OCTOBER 2019

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

PARCEL NUMBER: 3905- 05-22-430-046

ADDRESS OF PROPERTY: 1030 S. 8TH ST., KALAMAZOO, MI 49009

PRESENT USE OF THE PROPERTY: THE THIRSTY HOUND, CAMP FIDO, TIE TOP TAILS

PRESENT ZONING INDUSTRIAL **SIZE OF PROPERTY** 1.73A

NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:

Name(s)	Address(es)
<u>KERRY MULHOLLAND</u>	<u>8661 STADIUM DR KALAMAZOO</u>
_____	_____

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.

Chris C. Russell
Owner's Signature (* If different from Applicant)

3 MAR 2019
Date

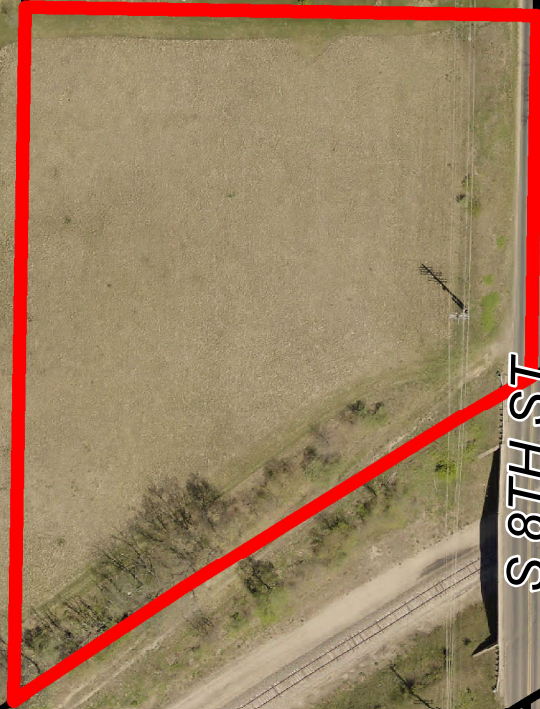
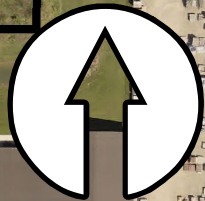
Dan & Lynn
Applicant's Signature

02 MAR 2019
Date

- Copies to:
- Planning -1
- Applicant -1
- Clerk -1
- Deputy Clerk -1
- Attorney-1
- Assessor -1
- Planning Secretary - Original



PLEASE ATTACH ALL REQUIRED DOCUMENTS

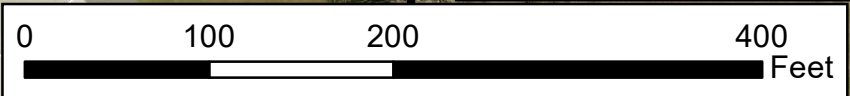
THE THIRSTY HOUND
Aerial Map



S 8TH ST



-  Other Property Line
-  Subject Property



Planning Commission Minutes - excerpt from June 14, 2018

have limited the number of children on site at one time to seven. Ms. Farmer supported the motion. The motion was approved unanimously.

11. PUBLIC HEARING: SPECIAL EXCEPTION USE/SITE LAYOUT REVIEW – TEMPORARY OUTDOOR EVENT CONSIDERATION OF AN APPLICATION FROM THE THIRSTY HOUND, LLC TO ALLOW A FOOD TRUCK IN THE PARKING LOT OF MEADOW RUN KNOLL AT 900 SOUTH 8TH STREET IN THE I-1: INDUSTRIAL DISTRICT. PARCEL NO. 3905-22- 430-040.

Chairperson Bell moved to the next item on the agenda and asked Ms. Johnston to review this item for the Board.

Ms. Johnston said the applicant was requesting a special exception use and general site layout approval to allow a variety of food trucks on their property while they secure their food license for The Thirsty Hound with Kalamazoo County Environmental Health. The Thirsty Hound is part of the larger Meadow Run Knoll complex and Meadow Run Dog Park. In April of 2017, the Planning Commission approved the Meadow Run Knoll development to include Camp Fido (dog daycare), Tip Top Tails Training, and The Thirsty Hound, a dog-oriented restaurant. Meadow Run Knoll is located to the south of Meadow Run Dog Park, which is also owned by the applicant and received approval from the Planning Commission in 2010.

She noted The Thirsty Hound has been pursuing their liquor license from the State of Michigan and their restaurant license from the Kalamazoo County Environmental Health since April of 2017. At this time, the liquor license has been secured but the restaurant license is still pending. According to the applicant, this is due to the unique nature of the restaurant, allowing dogs within the dining area.

However, she said, the use of the liquor license is predicated on the sale of food. Oshtemo Township only allows on site liquor licenses in establishments where the sale of liquor is shown to be incidental and subordinate to other permitted business uses, such as food sales, motel operations, or recreation activities. In an effort to meet these requirements while the restaurant license is pending, the applicant would like to utilize mobile food trucks.

The request is to allow mobile food trucks every Tuesday and Thursday from 4:00 pm to 7:00 pm through the summer months (ending September 30, 2018). She noted the application meets the requirements for temporary events under Section 41.409 of the I-1 Industrial District. In addition, the special exception use criteria are also met.

Ms. Johnston explained the applicant utilized the approved site plan from Meadow Run Knoll to indicate the placement of the food truck at the far western edge of the parking lot. Public restroom facilities are provided inside the building. No additional equipment or trailers are being brought to the subject property. The proposed food

truck location will not impede emergency vehicles as a turn-around is still provided at the eastern end of the parking lot. All ordinance requirements have been met.

Ms. Johnston said Planning Department Staff was satisfied that the project meets all Special Exception Use requirements and recommends that the Planning Commission grant approval for the food truck temporary outdoor event, subject to the following conditions:

1. The food truck will only be permitted onsite Tuesdays and Thursdays from 3:30 pm to 7:30 pm with food sales from 4:00 pm to 7:00 pm.
2. The food truck will be permitted from June 15 through September 30, 2018 or until the Kalamazoo County Environmental Health restaurant license is secured, whichever is first.
3. The Kalamazoo County Environmental Health license for the food truck shall be provided to the applicant and kept on file for proof of proper operating permits.
4. The property owner's liability insurance shall be provided to the Township.
5. Inspections by the Fire Marshall periodically throughout the approved timeframe of the event, if needed.

Chairperson Bell asked whether there were questions from Commissioners.

Responding to a question from Ms. Maxwell, Ms. Johnston indicated there would be only one food truck at a time on the premises.

With no further questions, the Chair asked if the applicant cared to speak.

Ms. Patty Ruppel, 3020 Brandywine, explained that the food trucks are needed until they receive their food license; approval is complicated due to the presence of dogs in the restaurant area. A food truck will take up two parking spots. They hope the food truck presence will help build up clientele for the Thirsty Hound.

Ms. Ruppel noted they would like to amend condition #2, to eliminate the requirement that the food trucks would end if the Health Department license is secured. She would like to continue to use the food trucks through the September 30 date to supplement limited fare at the Thirsty Hound with something more upscale from the food trucks. She also encouraged Commissioners to embrace the food truck concept and incorporate their use into Oshtemo development.

Ms. Farmer explained if there needs to be an end date to the request to be considered a temporary event.

The Chair determined there was no one who wished to make a public comment and moved to Board Deliberations.

Discussion centered on the definition of a temporary event and that if there is no end date, it would be considered as de facto permanent. If the request is approved, the applicant will need to return with a new request for next summer.

Ms. Johnston noted condition #2 was included because she thought the food truck was needed in order to receive the liquor license. In past requests for food trucks, Commissioners were concerned about negative effects on nearby restaurants, which is not the issue here. The longest temporary events in the Township last about 30-35 days; this request is about equal to that with what is essentially 30 one-day events.

Attorney Porter said there is no improper precedent if permission is given only through September 30.

Ms. Farmer felt the food truck issue needs to be evaluated.

Chairperson Bell agreed food trucks are popular, was concerned about noise, but noted that would not be an issue for neighbors at this location. She asked for a motion.

Ms. Farmer made a motion to grant approval for the food truck temporary event to include conditions #1, 3, 4 and 5 and amending #2 to read “The food truck will be permitted from June 15 through September 30, 2018” and eliminating “or until the Kalamazoo County Environmental Health restaurant license is secured, whichever is first.” Mr. VanderWeele supported the motion. The motion was approved unanimously.

12. PUBLIC HEARING: SPECIAL EXCEPTION USE/SITE PLAN REVIEW – DRIVE THROUGH LANE CONSIDERATION OF AN APPLICATION FROM PROGRESSIVE AE, ON BEHALF OF ARCHLAND II, LP, FOR DEVELOPMENT OF AN ADDITIONAL DRIVE THROUGH LANE FOR THE MCDONALD’S AT 6820 WEST MAIN STREET IN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-14-155-050.

Chairperson Bell moved to the next item on the agenda and asked Ms. Johnston to review this item for the Board.

Ms. Johnston said the applicant, representing the owners of the McDonald’s restaurant, located at 6820 West Main Street in Oshtemo Township, was requesting approval from the Planning Commission to convert the existing single ordering lane drive-through arrangement to a parallel ordering system, as can be found at numerous other establishments in the area. Historically, this particular restaurant has experienced significant amounts of vehicle stacking as patrons line up for the drive-through—especially during peak hours—and the proprietors would like to increase capacity, with the intent of alleviating site congestion. Any expansion of a drive-through in this zoning



April 2, 2019

Mtg Date: April 11, 2019

To: Planning Commission

From: Ben Clark, Zoning Administrator

Applicant: Jim Vandenberg, Maple Hill Leaseholds, LLC

Owner: Jim Vandenberg, Maple Hill Leaseholds, LLC

Property: 6883 West Main Street, parcel number 05-14-305-015

Zoning: C: Local Business District

Request: Special Use for the re-establishment of a vehicle sales lot

Section(s): Section 18.40.H: New and/or used car sales lots in the C zoning district
Section 49.130: Conditions for new and/or used car sales lots
Section 65.30: Special use review criteria

Project Name: Maple Hill West

PROJECT SUMMARY

The applicant requests a special use and general site layout approval to allow the establishment of a new/used car sales lot. Located at the southeast corner of the intersection of West Main Street and North 8th Street, the four-acre subject property is zoned C: Local Business District, within which new and used vehicle sales establishments are classified as a special use.

Part of the node of commercially-zoned properties centered around North 9th Street and West Main Street, the subject parcel was initially developed to accommodate a car sales lot in 1989, and was used as such for around 20 years before the owner began leasing the building out to general retail tenants. Having gone dormant for more than one year as outlined in Section 63.30 of the Nonconforming Uses and Structure Ordinance, the original special use approval for a vehicle sales lot at this property lapsed, and its reactivation requires approval from the Planning Commission.

NEW AND/OR USED CAR SALES LOTS

The conditions of the special use are outlined in Section 49.130, which requires the following:

- A. *No such outdoor sales or activities in connection therewith shall be conducted upon premises which do not contain a sales office in a building.*

- B. *Adequate security outdoor lighting shall be provided upon the premises to illuminate any outdoor goods, merchandise or activities located thereon.*
- C. *An area shall be provided for customer parking for not less than four vehicles and for such additional vehicles as may be determined to be reasonable and necessary to accommodate the particular business activity which parking spaces shall be constructed of asphalt or other hard-surface, dust-free material.*
- D. *All operations and business activities, including the parking or display of sales items and equipment and outdoor sales and display area enclosures, shall comply with the setback requirements for buildings and structures contained in the Ordinance.*
- E. *Outdoor display or parking of sales items and equipment shall be maintained on a dust free surface.*
- F. *A defined access to the off-street parking areas shall be provided not exceeding 30 feet in width. Such access drive shall be constructed similarly to the parking areas and similarly maintained.*
- G. *The size and location of such outdoor sales businesses shall not be such as to unreasonably interrupt or impede pedestrian or vehicular travel by customers or patrons of adjoining commercial businesses.*
- H. *Sales and display areas for garden centers must be developed to provide a decorative enclosure such as wrought iron fence and columns or an obscuring wall. Wall materials shall be consistent with the primary building material(s).*

The site layout plan and existing conditions of the property meet all of the requirements of Section 49.130. A building exists on site to function as the sales office, lighting is provided for security, the site is paved with asphalt for a dust free surface, all setbacks for the display of vehicles has been met, and finally, customer parking is provided near the building.

SPECIAL USE CONSIDERATIONS

Section 65.30 provides review criteria for consideration when deliberating a Special Use request, as follows:

- A. **Master Plan/Zoning Ordinance: The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the District in which the use is located.**

The Township's Future Land Plan indicates that this property is to remain available for general commercial establishments, and this particular land use—new and/or used car sales lot—is allowed *only* in the C: Local Business District. Staff view this request as being in general accordance with both the Zoning Ordinance and the Master Plan.

B. Site Plan Review: The Site Plan Review Criteria of Section 64.80.

Given that the site is already fully developed, an engineered site plan is not required at this time. As previously stated, the site layout plan provided with the special use application does meet the requirements of Section 49.130, which outlines the special use standards.

However, there are some general Zoning requirements that need adjustments and additional information to ensure the site layout meets all Ordinance regulations. In particular, vehicle circulation on site needs to meet the 24-foot drive aisle requirements of the Parking Ordinance. In addition, the required reduction in site lighting when operations have ceased for the day. These minor changes will need to be resolved before the use can be activated, but staff is confident that any remaining details can be resolved administratively.

C. Impacts:

- 1. The proposed use would be compatible, harmonious and appropriate with the existing or planned character and uses of adjacent properties; meaning the proposed use can coexist with neighboring uses in a stable fashion over time such that no neighboring use is unduly negatively impacted.**

The properties to the north, east, and south are all zoned and future land use planned for commercial uses. Compatibility issues are not anticipated with these parcels and uses.

Properties to the west, on the opposite side of North 8th Street, are residentially zoned and used, although they are partially screened from the subject parcel by a mature vegetated buffer strip. Nevertheless, the Planning Commission may wish to discuss the potential for any audible or visual impacts on the residential properties with the applicant, including noise from any PA systems that may be used. Staff would like to note however that having a car sales lot on this property, where vehicles will generally stay in place until sold, will likely mean a less busy environment than a parking lot for a large retail or restaurant use.

When the original car sales lot was approved for this property in 1989, the Township did express an interest in establishing a cross-access service drive, parallel to West Main Street, connecting North 8th Street to North 9th Street. This possible connection was to run along the northern edge of the subject property, connecting to the neighboring parcel to the east. The Township no longer has a desire to establish a common service road in this area or to facilitate a curb cut from the subject property onto North 8th Street. Township staff have not been able to locate any evidence of easements being granted or rights-of-way being dedicated in the affected area, and it's understood that this idea was never formally implemented.

If such a route were ever to be established, it would be more appropriate to locate it further south, as encouraging cross-traffic to circulate that close to the West Main curb cuts would most likely cause vehicle backups in all directions. Please consider the traffic issues in the area near the intersection of West Main Street and South Maple Hill Drive for an example of this phenomenon.

- 2. Potentially adverse effects arising from the proposed use on adjacent properties would be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the location of screening, fencing, landscaping, buffers or setbacks.**

Staff anticipate that the layout of the site itself will have no adverse impacts on adjacent properties. Parking accommodations are adequate, and the primary structure's location has caused no known problems in the past. The paved portion of the site is already striped for parking, and it is apparent that the applicant intends to use much of the current layout. Finally, there is a fairly robust landscape area between the existing parking lot and the North 8th Street right-of-way, providing those residentially zoned properties a buffer between their homes and the new use.

- 3. The proposed use would not be detrimental, hazardous, or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, smoke, odors, glare, or visual clutter.**

Aside from any potential noise and light impacts on the aforementioned residential properties to the west, which will likely be mitigated by the existing landscape area, staff do not anticipate that the proposed car sales lot will be detrimental to nearby uses or public health, safety, and welfare. Although numerous vehicles will be kept on-site, actual vehicle traffic associated with this use will likely be less than that generated by a busy retail or restaurant occupant—both uses permitted by right in this zoning district.

- D. Environment: The natural features of the subject property shall only be cleared or altered to the extent necessary to accommodate site design elements, particularly where the natural features assist in preserving the general character of the area.**

Not applicable, as this is an existing site.

- E. Public Facilities: Adequate public and/or private infrastructure and services already exist or would be provided, and will safeguard the health, safety, and general welfare of the public.**

Infrastructure already present is adequate to support the requested use. No changes are proposed at this time.

- F. Specific Use Requirements: The Special Use development requirements of Article 49.**

All of the specific use requirements outlined in Section 49.130 have been met.

OUTSTANDING CONCERNS

The following provides a more succinct list of the outstanding items/issues for the Planning Commission's consideration:

1. Discussion of any PA systems with the applicant and its possible impacts on neighboring residential uses.
2. Ensuring a reduction in onsite lighting after the close of business operations. Based on past practice, staff would recommend consideration of reduced lighting from 10:00 pm to 7:00 am.
3. Preservation of the existing vegetation between the parking lot and North 8th Street.
4. Final site layout approval that meets all Zoning Ordinance requirements.

PLANNING COMMISSION POSSIBLE ACTIONS

Staff has outlined two possible actions for the Planning Commission to consider:

- A. Approve the special use request, with the conditions that resolve any outstanding issues.
- B. Deny the request, citing incompatibility concerns with the adjacent residentially zoned and used properties.

If the Planning Commission is considering approval of the special use for a new/used car sales lot, staff would recommend attaching the following conditions:

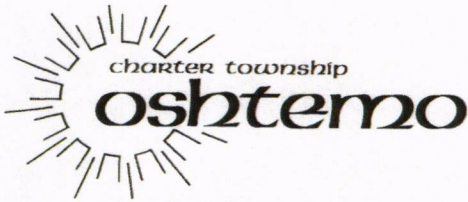
1. Planning and Fire Department staff will finalize vehicle arrangement details to ensure adequate and appropriate circulation for patrons and emergency vehicles within the site.
2. The existing landscape buffer between the parking lot and the North 8th Street right-of-way must remain intact, with no removal of existing vegetation unless replaced in-kind.
3. Site lighting will be reduced to security lighting only between the hours of 10:00 pm and 7:00 am.

Respectfully Submitted,



Ben Clark, Zoning Administrator

Attachments: Application
Aerial Map
Site Layout



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 269-216-5223 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS MAPLE HILL WEST 6883 W. MAIN ST
KALAMAZOO MI 49009

PLANNING & ZONING APPLICATION

Applicant Name : JAMES (Jim) K VANDENBERG
Company MAPLE HILL LEASEHOLDS LLC
Address 5622 WEST MAIN ST
KALAMAZOO MI 49009
E-mail JVANDENBERG@MAPLEHILLAUTO.COM
Telephone 269-342-6600 Fax 269-327-0835
Interest in Property OWNER POTENTIAL BASED ON
ZONING

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

OWNER*:

Name SAME
Address _____
Email _____
Phone & Fax _____

Fee Amount _____
Escrow Amount _____

NATURE OF THE REQUEST: (Please check the appropriate item(s))

- | | |
|--|---|
| <input type="checkbox"/> Planning Escrow-1042 | <input type="checkbox"/> Land Division-1090 |
| <input type="checkbox"/> Site Plan Review-1088 | <input type="checkbox"/> Subdivision Plat Review-1089 |
| <input type="checkbox"/> Administrative Site Plan Review-1086 | <input type="checkbox"/> Rezoning-1091 |
| <input checked="" type="checkbox"/> Special Exception Use-1085 | <input type="checkbox"/> Interpretation-1082 |
| <input type="checkbox"/> Zoning Variance-1092 | <input type="checkbox"/> Text Amendment-1081 |
| <input type="checkbox"/> Site Condominium-1084 | <input type="checkbox"/> Sign Deviation-1080 |
| <input type="checkbox"/> Accessory Building Review-1083 | <input type="checkbox"/> Other: _____ |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): _____

TO RECEIVE SPECIAL EXCEPTION USE, THE SITE WOULD BE
USED AS A NEW/USED CAR DEALERSHIP. INCLUDING
SALES, PARTS, SERVICE, DETAILING OF VEHICLES

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

PARCEL NUMBER: 3905- 14305015

ADDRESS OF PROPERTY: 6883 WEST MAIN ST KALAMAZOO

PRESENT USE OF THE PROPERTY: VACANT.

PRESENT ZONING C **SIZE OF PROPERTY** 4.07 ACRE

**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS
HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

Name(s)	Address(es)
<u>MAPLE HILL LEASEHOLDS LLC</u>	<u>5622 W. MAIN ST KALAMAZOO MI 49009</u>
_____	_____

SIGNATURES



I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.

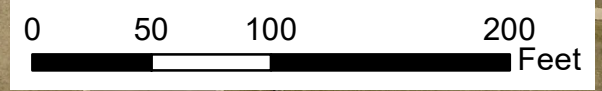
<u></u>	<u>2-14-19</u>
Owner's Signature (* If different from Applicant)	Date
<u></u>	<u>2-14-19</u>
Applicant's Signature	Date

- Copies to:
- Planning -1
- Applicant -1
- Clerk -1
- Deputy Clerk -1
- Attorney-1
- Assessor -1
- Planning Secretary - Original

PLEASE ATTACH ALL REQUIRED DOCUMENTS



 Subject Property
 Other Property Line



1 inch = 80 feet



West Main St

173.84'

472.27'

24'

24'

-gate

GATE

Car Display Parking

CUSTOMER
PARK 1009

Covered Concrete Area

Existing
Building

New
Addition

DISPLAY

Car Display Parking

