



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334  
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www.oshtemo.org

**NOTICE  
OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**Work Session  
Thursday, July 26, 2018  
6:00 p.m.  
AGENDA**

1. Call to Order
2. Public Comment on Non-Agenda Items
3. Zoning Ordinance Re-Organization
  - a. Re-Organized Code – Distribution of Notebooks
  - b. Agritourism
4. Any Other Business
5. Adjournment

July 19, 2018



**Mtg Date:** July 26, 2018  
**To:** Planning Commission  
**From:** Julie Johnston, AICP  
**Subject:** Zoning Ordinance Re-Organization and Agritourism

Zoning Ordinance Re-Organization

Staff is currently working to complete the final edits to the Zoning Ordinance re-organization. At the June work session, a request was made to provide the Ordinance in a notebook format. Staff will have these prepared for the Board to be distributed at the July 26<sup>th</sup> work session.

Agritourism

At the June work session, the Commission was continuing its review of the Category 2 Agritourism language. We completed the review through the General Standards to subsection g. Parking. This is where we will pick up at the July study session.

Staff also presented new language for a Category 3 Agritourism option at the June work session for the Planning Commission to consider. This category would allow "special events" or commercial activities to occur on a parcel without the requirement of an agricultural product component to the event. For example, a barn wedding, barn market, etc. Very strict regulations would be needed to ensure that the commercial activity does not impede neighboring properties enjoyment of their own rural setting. This will be the next section of the Agritourism ordinance to consider.

Please be sure to bring your Agritourism draft ordinance from the June work session to the July work session. I will have extra hard copies at the meeting just in case.

Thank you.



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**NOTICE  
OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**Regular Meeting  
7:00 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: June 28, 2018
6. **PUBLIC HEARING:** Special Exception Use – Dimensional Departure from the Sign Ordinance  
A dimensional departure has been requested by Allied Signs, Inc., on behalf of Oshtemo Hotels, LLC, from Section 76.170 of the Township Zoning Ordinance, to place the top of a wall sign higher than the permitted 30 feet, per Section 60.405 of the Planned Unit Development ordinance. The subject property is located at 5724 West Main Street, Kalamazoo, MI 49009, within the C: Local Business District. Parcel No. 3905-13-130-030.
7. **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.
8. **SITE PLAN REVIEW:** Langeland Funeral Home  
Consideration of an application from the Long Island Partnership to develop a new crematorium at 3926 South 9<sup>th</sup> Street in the VC: Village Commercial District. Parcel No. 3905-35-330-018.
9. Old Business
10. Any Other Business
11. Planning Commissioner Comments
12. 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 to respond at a later date.
- 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.

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; it is not required unless the speaker wishes to have their comment recorded in the minutes.

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 or Citizen Comment on 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 is in contravention of any of the principles and procedures set forth herein.

(adopted 5/9/2000)  
(revised 5/14/2013)

**Policy for Public Comment**  
**6:00 p.m. "Public Comment"/Portion of Township Board Meetings**

At the commencement of the meeting, the Supervisor shall poll the members of the public who are present to determine how many persons wish to make comments. The Supervisor shall allocate maximum comment time among persons so identified based upon the total number of persons indicating their wish to make public comments, but no longer than ten (10) minutes per person. Special permission to extend the maximum comment time may be granted in advance by the Supervisor based upon the topic of discussion.

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 to respond at a later date.

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; it is not required unless the speaker wishes to have their comment recorded in the minutes.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor shall terminate any public comment which is in contravention of any of the principles and procedures set forth herein.

(adopted 2/27/2001)  
(revised 5/14/2013)

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION MEETING**

**MINUTES OF A WORK SESSION AND PLANNING COMMISSION MEETING HELD  
June 28, 2018**

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**PLANNING COMMISSION WORK SESSION**

**Agenda**

**DISCUSSION OF ZONING ORDINANCE RE-ORGANIZATION**

- a. Re-Organized Code – Update from Staff**
  - b. Agritourism**
- 

A work session of the Oshtemo Charter Township Planning Commission was held on Thursday, June 28, 2018, commencing at approximately 6:00 p.m. at the Oshtemo Charter Township Hall.

**MEMBERS PRESENT:** Cheri Bell, Chairperson  
Fred Antosz  
Dusty Farmer, Secretary  
Micki Maxwell  
Bruce VanderWeele

**MEMBERS ABSENT:** Ollie Chambers  
Mary Smith

Also present were Julie Johnston, Planning Director and James Porter, Attorney.

**a. Re-Organized Code – Update from Staff**

Ms. Johnston indicated that staff is working on finalizing the re-organized zoning ordinance. She is completing a review to ensure all cross references are accurate and that all of the charts and tables have been included in the code.

Ms. Maxwell asked about how the new code would be presented to the Commission. Would it be a hard copy? Further discussion was had between the Board members about how they would like to receive the re-organized ordinance.

It was determined that Ms. Johnston would provide the re-organized code in a notebook for each of the Commissioners. The notebooks could be used throughout the process to amend the ordinance.

## **b. Agritourism**

Ms. Johnston reminded the Board of the amendments to the Agritourism ordinance requested to date. She then described the development of a Category 3 option in the Agritourism ordinance, which would allow events not directly related to agriculture but were more about the rural character of area.

The Planning Commission continued their discussion on Agritourism 2, making some minor edits to the draft language for continued discussion at the July work session.

The Planning Commission work session ended at approximately 6:50 p.m.

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## **REGULAR PLANNING COMMISSION MEETING**

### **Agenda**

#### **PUBLIC HEARING:**

**SPECIAL EXCEPTION USE/SITE PLAN – RESIDENTIAL CONDOMINIUM DEVELOPMENT CONSIDERATION OF AN APPLICATION FROM GREG WATTS OF PRIME HOMES FOR THE DEVELOPMENT OF A RESIDENTIAL CONDOMINIUM ON APPROXIMATELY 4.28 ACRES OF A 10.25-ACRE VACANT PARCEL LOCATED AT 8TH STREET AND GLENDORA LANE IN THE R-3: RESIDENCE DISTRICT. PARCEL NO. 3905-24-220-110.**

***THIS ITEM WAS TABLED FROM THE JUNE 14, 2018 MEETING AT THE REQUEST OF THE APPLICANT.***

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A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, June 28, 2018, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

**MEMBERS PRESENT:** Cheri Bell, Chairperson  
Fred Antosz  
Ollie Chambers  
Micki Maxwell  
Dusty Farmer, Secretary  
Bruce VanderWeele, Vice Chairperson

**MEMBER ABSENT:** Mary Smith

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

### **Call to Order**

The meeting was called to order by Chairperson Bell at approximately 7:00 p.m.

### **Pledge of Allegiance**

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

### **Approval of the Agenda**

The Chair asked if there were any additions or deletions to the agenda.

Hearing none, she asked for a motion.

Mr. Antosz made a motion to approve the agenda as presented. Mr. VanderWeele supported 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 from the Meeting of June 14, 2018**

Chairperson Bell asked if there were additions, deletions or corrections to the Minutes of June 14, 2018.

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

Ms. Maxwell made a motion to approve the minutes of June 14, 2018 as presented. Mr. Chambers supported the motion. The motion was approved unanimously.

### **PUBLIC HEARING: SPECIAL EXCEPTION USE/SITE PLAN – RESIDENTIAL CONDOMINIUM DEVELOPMENT CONSIDERATION OF AN APPLICATION FROM GREG WATTS OF PRIME HOMES FOR THE DEVELOPMENT OF A RESIDENTIAL CONDOMINIUM ON APPROXIMATELY 4.28 ACRES OF A 10.25-ACRE VACANT PARCEL LOCATED AT 8TH STREET AND GLENDORA LANE IN THE R-3: RESIDENCE DISTRICT. PARCEL NO. 3905-24-220-110.**

Chairperson Bell asked Ms. Johnston to review the special exception use/site plan application for the Board.

Ms. Johnston explained the applicant was seeking to develop an attached condominium project on approximately 4.28 acres of a parcel totaling 10.25 acres. Per the requirements of Section 23.401 of the R-3: Residence District, this request is a special exception use. In addition to the criteria for approval under Section 60.000:

Special Exception Uses, there are some specific zoning regulations which must be met. These requirements are outlined later in this memo.

She reminded the Board that new ordinance language was developed to regulate attached condominium projects. However, this project was submitted before the new language was officially adopted by the Township. Therefore, this site plan is governed under the old ordinance, which is Section 23.401 of the R-3: Residence District and Section 82.000: Site Plan Review. The special exception use is governed by Section 60.000 and the criteria for review outlined under that ordinance.

She said the Emberly Acres condominium project was originally approved by the Planning Commission as a special exception use on February 12, 1998. The previous project totaled six acres, which were zoned R-3, and included 23 units in eight building clusters. At some point after the approval, the infrastructure for the development was built, including a storm water detention basin, water, and sanitary sewer lines. In addition, two of the three unit buildings were constructed for a total of six units. The original site plan is provided as part of this memo.

At some point past this date, construction on the project ceased and we believe the builder walked away from the project. In 2006, the original six acres was divided into two separate parcels, one totaling 1.56 acres and containing the original six units and is owned and maintained by the Emberly Acres Homeowners Association and one totaling 4.28 acres, which was sold to a new owner.

She said Prime Homes approached the Township in the fall of 2017 indicating they purchased the property and wanted to possibly complete the development under the 1998 approved site plan. Per Section 82.900: Conformity to an Approved Site Plan, as long as construction started within a year of approval, the site plan is valid. However, to continue with construction the new project would have had to conform to the original site plan. Due to storm water issues in this area, there was no way to make this happen. In addition, the developer wanted to make some changes to the site design, particularly the placement and design of the new residential units.

Staff indicated that a new site plan would be required and special exception use approval sought through the Planning Commission. There have been a number of concerns with the development of this project. The asphalt drive for the development was never included in a dedicated easement or included as part of the limited common elements of the existing condominium. In addition, when the 4.28 section of the site was parceled off, the drive was included on this parcel and not the parcel where the existing condominium homes were located. That meant the existing units had to access the drive on a separate parcel to reach 8<sup>th</sup> Street. Also, the private utilities that service the 4.28 acres are located across the Emberly Acres condo property, which meant the new condo needed permission to connect to the existing system.

Because these are two separate parcels, cross access agreements are needed to ensure continued access for both parties to the road and the utilities. Prime Homes



and the Emberly Acres Homeowners Association were able to come to an agreement and the legal documents were provided to the Township for our records.

Ms. Johnston reviewed Zoning Ordinance criteria for Board consideration:

**A. Is the proposed use compatible with the other uses expressly permitted within the R-3: Residence District zoning classification?**

As a residential district that supports up to four dwelling units per acre, the proposed Emberly Acres II project is compatible with other residential and office uses allowed within the R-3 District. Maintaining the density of four dwelling units per acre regardless of the style of the residential development (attached or detached) assists with compatibility of this development with other use types in the District.

**B. Will the proposed use be detrimental or injurious to the use or development of adjacent properties or to the general public?**

The adjacent properties to the north are the existing Emberly Acres condominium and the LaSalle Subdivision. Both are residential uses allowing four dwelling units per acre. The purpose statement of the R-3 District states the following:

*This district classification is designed as a transitional zoning classification to permit residential development together with other facilities that do not generate large volumes of traffic, traffic congestion and parking problems, and are designed so as to be compatible with surrounding residential uses.*

The continuation of the condominium residential use provides a transition to Stadium Drive, allowing a residential buffer to the single-family homes. In addition, the design of the project has only one three unit building where the full face of the building is adjacent to the single-family subdivision, minimizing the impacts to the adjacent neighbors.

**C. Will the proposed use promote the public health, safety, and welfare of the community?**

The proposed use should not be a hindrance to public health, safety, and welfare. In addition, the continuation of the condominium project will allow the new development to better manage storm water issues found in this area.

**D. Will the proposed use encourage the use of the land in accordance with its character and adaptability?**

Since a condominium development was previously approved for the full 6 acres zoned R-3 in this area, permitting the new site plan under the same use will allow the land to be built in accordance with its intended character.

Ms. Johnston said the proposal for the site plan will extend the existing Glendora Lane to the west, ending in a one-way cul-de-sac. The 17 new units will be designed in five new building clusters. Three of the buildings will be three-unit structures and two buildings will contain four units. Each unit will have its own garage and driveway for guest parking. Individual herbie curbies will be utilized so no dumpster enclosures are required. Required setbacks between the buildings and at the property lines were met.

She noted Section 23.401 of the R-3 District allows three and four family dwelling units with the following restrictions:

1. The buildings may not be more than two stories in height.
2. Dwelling unit density shall be limited to a maximum density of four units per acre.
3. Public sanitary sewer facilities shall be provided as part of the site development.

Ms. Johnston reported all three requirements have been met for this development. The total number of units requested is 17 at a density of 4 dwelling units per acre. Public water and sewer are both available to this parcel and the building elevation drawings are not more than two stories in height.

She explained the only outstanding zoning concern is related to the landscaping planned onsite. One of the shrubs, Buckthorn, is an invasive species and an alternate plant material needs to be provided.

There were a variety of storm water and infrastructure issues to be resolved with the development of this site plan. The Public Works Director had an opportunity to review the most recent plan set for this development and still had a number of engineering concerns, which could be handled administratively prior to the issuance of any building permit. Ms. Johnston said approval for the site plan should be conditioned on compliance with issues noted in the Public Works Director's June 21, 2018 memo.

She noted the Fire Marshal has signed off on the plan as presented.

Ms. Johnston recommended the Planning Commission approve the Special Exception Use for the residential condominium project called Emberly Acres II, saying the request satisfied the criteria outlined in Section 60.000: Special Exception Uses. In addition, staff is satisfied the site plan can be approved with the following conditions:

1. A revised Sheet 4 indicating a new species of shrub to replace the Buckthorn plant that is currently planned.

2. Resolution of the concerns/conditions outlined in the June 21, 2018 memorandum from the Township's Public Works Director prior to the issuance of any building permits.

Chairperson Bell asked if Commissioners had questions.

Ms. Johnston confirmed the total parcel is over 11 acres, just that the zoning is split on the site between R-2 and R-3.

There was discussion regarding the possibility of access/connectivity if the remaining parcel is developed in the future. Ms. Johnston indicated the R-2 portion of the site could connect to the public road to the north of the site. The private condominium would just connect to 8<sup>th</sup> Street.

In answer to a question from Chairperson Bell regarding required green space, Ms. Johnston said the requirement of 10 feet for residential to residential has been met.

Ms. Farmer wondered about different owners for the same parcel of land, noting that the HOA for the new condo would own their acreage and the remaining would be owned by Mr. Watts.

Ms. Johnston explained the HOA will own the ground for their condos and that when it was time to turn the development over to the HOA, the developer would have to complete a lot split between the HOA property and the remainder of his property to the west.

Attorney Porter indicated this is common practice; the condo owner has a controlling percentage of ownership. It is common to keep it until the tipping point it reached. He also noted the new ordinance changes are not yet in effect the second reading prior to approval occurred at the last meeting. The applicable ordinance is the one in effect when an application is submitted.

Ms. Johnston noted handling of storm water was a concern. Township staff worked with the applicant to agree upon a new storm water management plan that will more effective. She added the total number of units from the old plan to the new plan remains at 23.

Hearing no further questions, the Chair asked if the applicant wished to speak.

Mr. Greg Watts, 415 Treasure Island Drive, Mattawan, indicated he would answer any questions Commissioners might have.

Chairperson Bell asked if he was willing to work to address the concerns outlined in the memo from the Public Works Director.

Mr. Watts indicated in the affirmative.

The Chair asked if there were any public comments.

Ms. Mary Jo Easter, 7042 Glendora Lane, homeowner in the original Emberly Acres development, had several questions and concerns. She asked for clarification regarding, 1) what type of safety fencing or measures would be required for the two proposed retention ponds, 2) expressed concern about water problems with existing pond number one due to construction that was too shallow, and 3) wondered what the plan is for private/public sanitary sewers.

Attorney Porter said regarding the sewer and use, the developer met with the attorney for the Emberly Acres Homeowner's Association, he thinks they worked through all the issues and came to agreement. The Township Engineer wants a portion of the sewer to be public. The condition of the sewer is being reviewed to that end; the lines to individual homes will remain private.

Ms. Johnston indicated there is no fencing required for the ponds to be added. It is not required for them to be decorative. They are not intended to hold water.

Attorney Porter explained the slope and grade are gradual enough to walk in and out. Some non-residential areas require fences in some circumstances for this type of pond. He assured Ms. Easter the Engineer will look at the situation carefully and they will be inspected during construction.

Ms. Johnston felt some of Ms. Easter's questions might better be answered by Marc Elliott, Township Engineer.

Ms. Farmer said that when Ms. Easter or any other residents had concerns it was not necessary to wait for a public meeting to express them and encouraged her to speak with Township staff.

There was no further public comment; Chairperson Bell moved to Board Deliberations.

Ms. Farmer felt the plans and circumstances had been reviewed and explained very well. She has grown to appreciate the Township Engineer's oversight during the last couple of years, particularly his care ensuring that storm water is managed.

Mr. VanderWeele noted water increasingly pushes project design aspects.

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

Mr. VanderWeele made a motion to approve the special exception use request and the site plan as presented, based on the recommendation of Staff, and including the two staff conditions for the site plan as stated. Ms. Farmer supported the motion. The motion was approved unanimously.

**Old Business**

There was no old business.

**Any Other Business**

No items.

**PLANNING COMMISSIONER COMMENTS**

Ms. Maxwell thanked Attorney Porter for his helpful memo to Commissioners regarding land rezoning.

Chairperson Bell noted Ms. Johnston is working on a training presentation for Commissioners.

**ADJOURNMENT**

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Bell adjourned the meeting at approximately 7:47 p.m.

Minutes prepared:  
June 29, 2018

Minutes approved:  
\_\_\_\_\_, 2018

July 18, 2018

**Meeting Date:** July 26, 2017



**To:** Planning Commission

**Applicant:** Patrick Stieber, Allied Signs, Inc.

**Owner:** Oshtemo Hotels, LLC

**Property:** 5724 West Main Street, Parcel #3905-13-130-030

**Zoning:** C: Local Business District and Planned Unit Development

**Request:** Deviation from the dimensional wall sign requirements

**Section(s):** Section 60.405: Deviation from Dimensional Requirements (PUD)  
Section 76.170: Commercial and Office Land Uses (Signs)

**Project Name:** Westgate Planned Unit Development and Holiday Inn Express

## **BACKGROUND**

The applicant, Oshtemo Hotels, LLC, submitted a request to the Zoning Board of Appeals for a variance to allow a wall sign at a height taller than the permitted maximum. The building in question is the Holiday Inn Express currently under construction within the Westgate Planned Unit Development (PUD) located at the northeast corner of US131 and West Main Street. The Westgate PUD is zoned C: Local Business District with a PUD overlay. Per the requirements of Section 76.170 of the Signs and Billboard Ordinance, wall signs for hotels are restricted to a maximum height of 30 feet.

The applicant was seeking a variance from Section 76.170 to allow the placement of two wall signs located near the top of the Holiday Inn Express building, which has a maximum height of 45 feet 4 inches. Both the west and south facing signs would have a maximum wall sign height of approximately 39 feet 11 inches, 9 feet 11 inches above the maximum allowed placement for a sign.

The applicant indicated the variance was needed due to the distances the building is setback from both US131 and West Main Street. They intend to only construct two signs when four are allowed and plan to locate them facing US131 and West Main Street. The request was to ensure maximum visibility for the two planned signs.

During discussions with the Zoning Board of Appeals, staff pointed out that the hotels are located within a planned unit development, which has a mechanism for dimensional departures from the code. Section 60.405 of the PUD ordinance allows the Planning Commission to grant dimensional departures from the ordinance if the departure meets the purpose and intent of the PUD ordinance. After much discussion regarding the variance and the PUD ordinance, the Zoning Board of Appeals made a motion to refer the request to the Planning Commission, indicating the PUD ordinance was a more appropriate tool as the Westgate development could be reviewed more holistically.

## OVERVIEW

In order for the Planning Commission to grant such non-variance relief, the body must find that the proposed departure from the ordinance “meets the purpose of a planned unit development set forth in section 60.410 and 60.420.” These two sections, and indeed the entirety of *section 60.400: Planned Unit Development*, discuss how PUDs might benefit from dimensional departures from the ordinance in order to create a more cohesive, unified, and socially beneficial development through the construction of clustered structures, the creation of large swaths of open space, and other treatments that might not otherwise be possible while observing strict compliance with the Zoning Ordinance. Developers are often attracted to PUDs because of this inherent flexibility, but the departures should be beneficial to the development’s patrons and the community in general.

For context, the Planning Commission previously approved the following departures from the Zoning Ordinance, under the standards of section 60.405, at the Westgate development:

- a. Relief from 0.1 foot candle light limit between sites and at the western property boundary. Photometric plans to be reviewed and approved as part of the site plan review process.
- b. Relief from necessary landscape buffer widths:
  - Allow no buffers between some uses as shown on the concept plan.
  - If the planned western frontage road is intended to be dedicated as either public or private, the eastern landscape buffer must be at least 20-feet in width from edge of pavement. If the planned western frontage road remains an access drive and is not dedicated, the required 10-foot landscape buffer along the western side of the drive shall be exempted.

For this particular request, the applicant contends the following:

1. Allowing the signs to be closer to the roof of the building will increase visibility for motorists passing on West Main Street and US131.
2. The wall signs will be the main signs for the hotels; ground mounted signs will be incorporated into the entire Westgate development, with no stand-alone ground mounted signage for the hotels.
3. The location of the signs near the top of the building is typical to the Holiday Inn brand and standard in the hotel industry.
4. The Holiday Inn brand normally develops signs on three sides of the building, the applicant is only asking for two wall signs to limit the light pollution to the residential neighbors to the east.
5. As the first project in the Westgate PUD, other developments may obscure the sign, particularly the one facing West Main Street, if it was placed at the 30-foot height. The taller elevation helps to alleviate this concern.

## **CONSIDERATIONS**

### Ordinance Concern

The thought-provoking component of this request is the disparity in the Zoning Ordinance between heights of buildings and placement of signs. Building height in Oshtemo Township is based solely on the ability to meet setbacks. The Ordinance states the minimum setback distance between any nonresidential building and any rear or interior property line shall be 20 feet or the height of the building at its highest point, whichever is greater. If a development had the ability to accommodate 100-foot setbacks from all sides, the building could technically be 100 feet tall.

The Sign Ordinance, on the other hand, limits height to 30-feet, not allowing signs to develop at a proportional height to the stature of the building. This can be clearly seen with this application. The property in question was of a large enough size to allow setbacks that would accommodate the approximate 46-foot-tall structure. Placing the signs at the 30-foot height would locate them more at the third-floor level of the structure than the top floor, where it is more expected and generally the industry standard.

### Past Practice

The Planning Commission has granted departures from the sign ordinance for another commercial PUD. The Corner@Drake property received a departure for Trader Joe's to allow three wall signs when only two were permitted and for the height of the ground sign on Drake Road to allow accommodations for many of the internal PUD uses. In both cases, it was determined that the dimensional departures made for a more coordinated, cohesive, and user-friendly commercial development meeting the spirit and intent of the PUD ordinance. In addition, the departure did not compromise public health, safety, and welfare.

### Site Constraints

An argument could be made that the 145-foot utility corridor located between the PUD and the right-of-way of US131 represents a unique condition in this area. Without this dedicated utility corridor, the Westgate PUD and the hotel would have more direct frontage on US131. The distance of the hotels from US131 pavement is approximately 375 feet and 1,700 from the pavement of West Main Street. With these distances, locating the sign at a height of 39 feet 11 inches as opposed to 30 feet would not likely be a noticeable difference.

## **CONCLUSIONS**

The intent of the PUD ordinance is to allow flexibility within the development that promotes more creativity and imaginative design. While the requested dimensional departure is not specifically to allow a more creative approach to building design, it does involve the overall aesthetics of the development. The second Holiday Inn building, currently under construction and not included in the applicant's original application, reaches a maximum height of 67 feet. Locating the wall sign at 30 feet, or the approximate mid-point to the building, would not only be out of character to the standard sign placement, it would also look awkward on the structure. Allowing the signs to be raised to a point closer to the roof line is more in keeping with generally accepted placement of a wall sign. In addition, due to the scale of the



development, 86-acres, and its setbacks from the major thoroughfares, it is not likely that the increased height would be considered out of character.

While the current application is only for the Holiday Inn Express, it is very likely that this same request will be made for both hotels, if not other later developments within the PUD. The Planning Commission may want to consider reviewing this request not just for the current application, but for the entirety of the PUD. The difficulty with that review is the unknown extent of future development, for example how tall future structures will be.

With that said, the Planning Commission could consider a dimensional departure from the sign ordinance that is proportional to the height of the building. Below are some examples of sign ordinances from other communities that may help to resolve this issue for buildings taller than 30 feet:

- Signs shall be placed between the windows of the highest floor of the building and the eave line.
- Wall signs shall not extend above the wall to which they are attached.
- The top of a sign, including its superstructure, if any, shall be no higher than the three (3) feet below the roof of the building to which such sign may be attached or 45 feet above ground level, whichever height is less.
- The top of any sign shall be a minimum of half (0.5) a foot below the roofline/parapet wall of the building. No wall sign shall extend above the roofline/parapet wall of a building.

## **RECOMMENDATION**

Staff recommends the Planning Commission allow a dimensional departure for the height of wall signs within the Westgate PUD. The departure will not impede public health, safety, and welfare, and will be in keeping with the flexibility allowed within the PUD ordinance. Staff's recommendation is as follows:

The top of any wall sign, including its superstructure, within the Westgate PUD shall be no higher than five feet below the roofline/parapet wall of the building to which the sign is attached for those buildings with heights taller than 35 feet.

Respectfully Submitted,

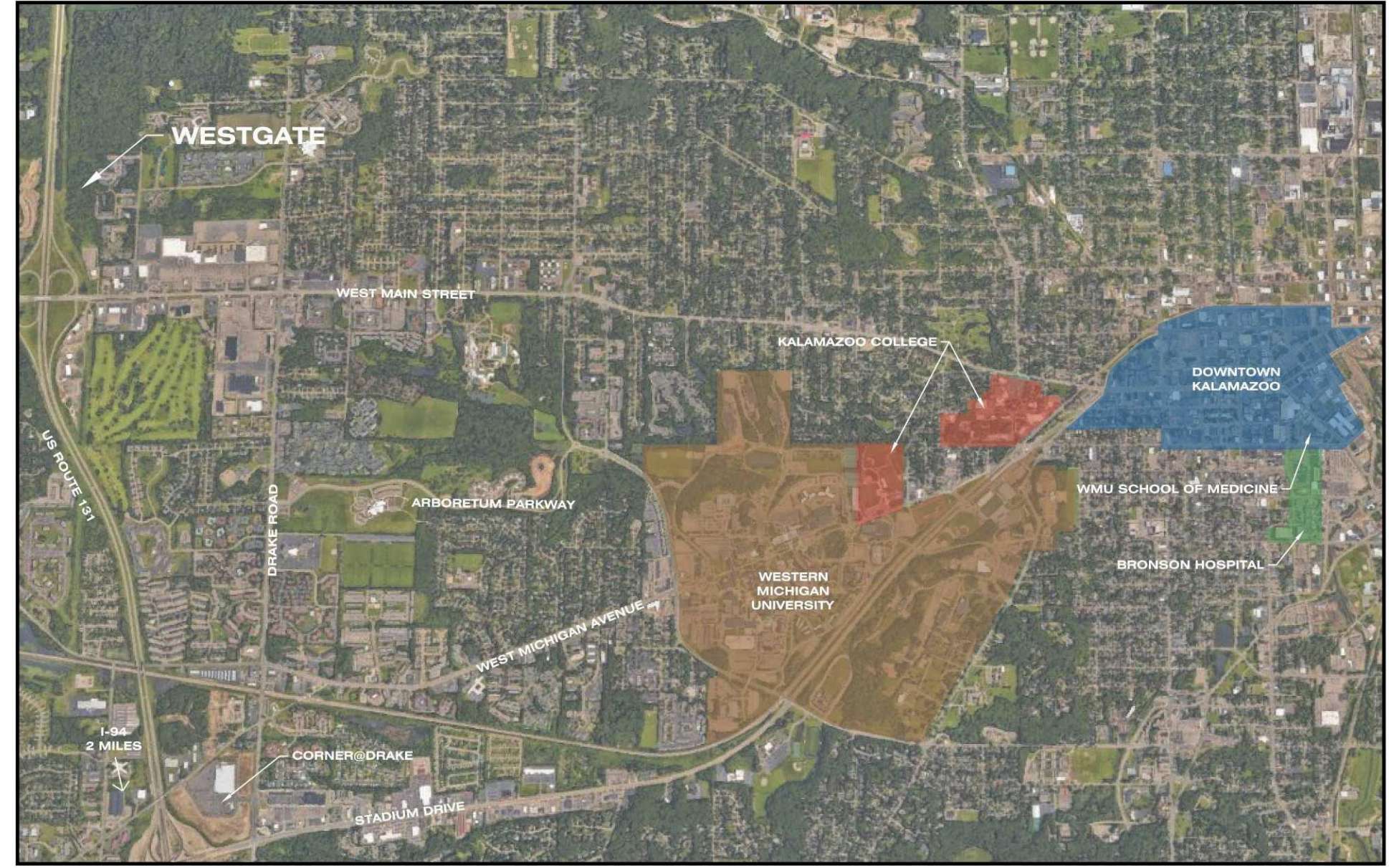
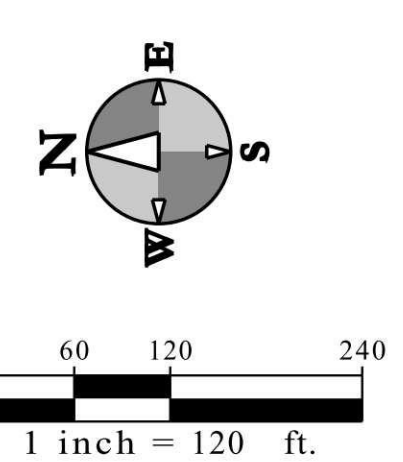


Julie Johnston, APIC  
Planning Director

Attachments: PUD Concept Plan  
Application  
Building Elevations  
ZBA Minutes Excerpt



US - 131



VICINITY MAP  
NOT TO SCALE



**3,295 TOTAL PARKING SPACES**  
**823 SPACES (25%) ARE PROPOSED TO BE SMALLER THAN 10' X 20'**  
**OPEN SPACE REQUIRED 5% OF SITE = 4.3 ACRES**  
**OPEN SPACE PROVIDED ON CURRENT PLAN = 12.0 ACRES**  
**ENTIRE SITE TO BE SERVICED BY PUBLIC WATER AND PUBLIC SANITARY**

# RETAIL, HOSPITALITY, AND RESTAURANT DEVELOPMENT 86.55 ACRES - PUD CONCEPT PLAN

## WESTGATE



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

PLEASE PRINT

**PROJECT NAME & ADDRESS** Holiday Inn Express & Suites, 5724 West Main Street

**PLANNING & ZONING APPLICATION**

Applicant Name : Patrick Stieber  
Company Allied Signs, Inc.  
Address 33650 Giftos  
Clinton Twp. MI 48035  
E-mail Kim@alliedsignsinc.com  
Telephone 586-791-7900 Fax 586-791-7788  
Interest in Property Sign Contractor

THIS  
SPACE  
FOR  
TOWNSHIP  
USE  
ONLY

**OWNER\*:**

Name Oshtemo Hotels, LLC  
Address 2369 Franklin Road  
Bloomfield Hills, MI 48302  
Email \_\_\_\_\_  
Phone & Fax 248-601-2500 248-651-0717

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 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 checked="" type="checkbox"/> Sign Deviation-1080 |
| <input type="checkbox"/> Accessory Building Review-1083       | <input type="checkbox"/> Other: _____                   |

**BRIEFLY DESCRIBE YOUR REQUEST** (Use Attachments if Necessary): \_\_\_\_\_

Install (2) wall signs at a height higher than 30' from grade to the top of the sign. Due to the setback of the building, the signs need to be installed towards the top of the building for maximum visibility. One side faces US131 and one side faces West Main Street.

**LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):**

See attached.

**PARCEL NUMBER:** 3905- 13-130-030

**ADDRESS OF PROPERTY:** 5724 West Main

**PRESENT USE OF THE PROPERTY:** Hotel

**PRESENT ZONING** C - Local Business **SIZE OF PROPERTY** 2.08 acres

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

Name(s)

Address(es)

_____	_____
_____	_____

**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.*

*[Handwritten Signature]*  
\_\_\_\_\_  
**Owner's Signature (\* If different from Applicant)**

5/11/18  
**Date**

*[Handwritten Signature]*  
\_\_\_\_\_  
**Applicant's Signature**

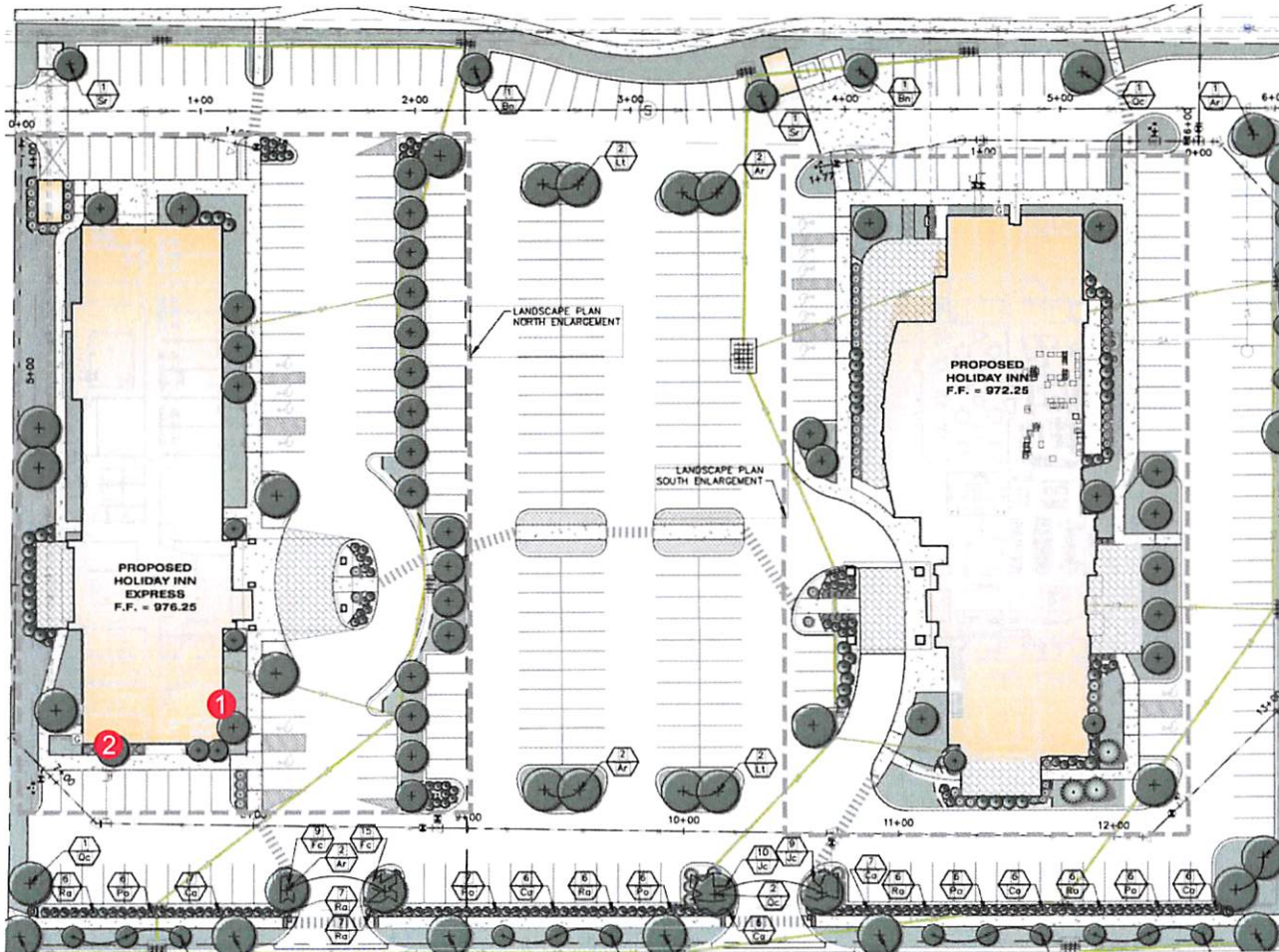
5/11/18  
**Date**

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

\*\*\*\*

**PLEASE ATTACH ALL REQUIRED DOCUMENTS**

SEC 13-2-12 COMM ON N & S 1/4 LI 857.54 FT S 01DEG-05'-56" W OF N 1/4 POST TH S 88DEG-57'-53" W  
824.53 FT TO POB TH S 89DEG-58'-34" W 425.59 FT TH N 00DEG-06'-12" W 213.65 FT TH S 89DEG-27'-  
36" E 429.9 FT TH S 01DEG-04'-11" W 209.46 FT TO BEG\*\* \*\*12-97 1997 SPLIT FROM 13-180-023 & 13-  
130-019 SPLIT/COMBINED ON 11/14/2017 FROM 05-13-130-021 INTO 05-13-130-022, 05-13-130-030,  
05-13-130-040;



INN CODE: AZOES

HOLIDAY INN EXPRESS & SUITES  
 2800 S 11TH ST  
 KALAMAZOO, MI 49009

NEW CONSTRUCTION /  
 NO EXISTING SIGNS

PROPOSED SIGNS:

- 1 XLS-SM-5D  
 5'-1" LOGO W/ 1'-11 1/2" CHANNEL LETTERS
- 2 XLS-SM-5D  
 5'-1" LOGO W/ 1'-11 1/2" CHANNEL LETTERS

APPROVAL BOX - PLEASE INITIAL

CUSTOMER APPROVAL

Date

**NOTE:** Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer:  
**HOLIDAY INN EXPRESS & SUITES**

Date:  
**01/23/18**

Prepared By:  
**KH**

Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.

Location:  
**KALAMAZOO, MI**

File Name:  
**160689 - R5 - KALAMAZOO MI**

Eng:  
 -

**persona**  
 SIGNS | LIGHTING | IMAGE

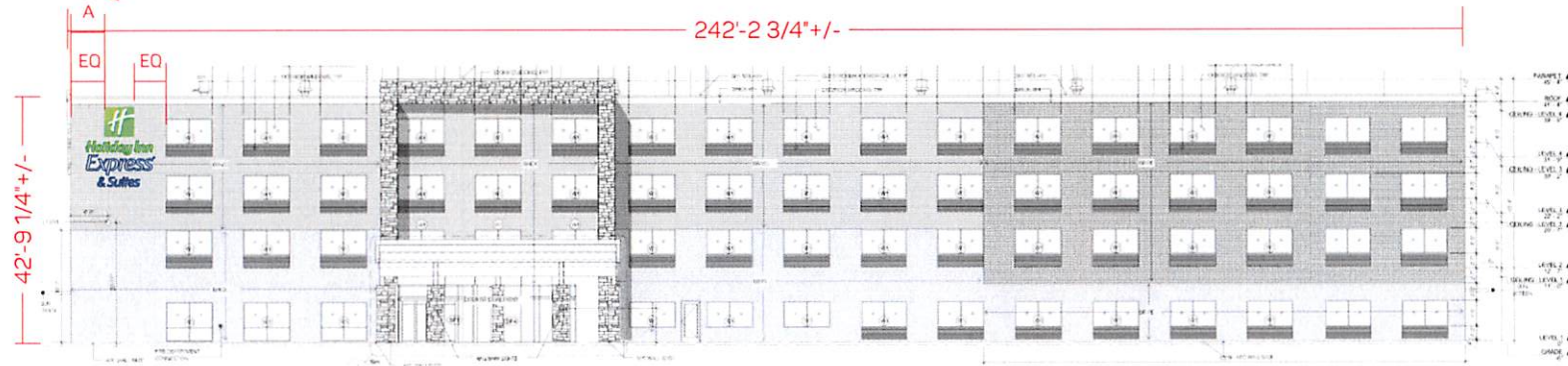
DISTRIBUTED BY SIGN UP COMPANY  
 700 21st Street Southwest  
 PO Box 210  
 Watertown, SD 57201-0210  
 1.800.843.9888 • www.personasigns.com

1

**SOUTH FRONT ELEVATION**

SCALE: 1/32" = 1'-0"

NOTE: SAME DISTANCE AS WEST SIDE ELEVATION



GRAPHIC DETAIL  
SCALE: 3/16" = 1'-0"


PROPOSED:  
XLS -SM-5W  
5'-1" LOGO W/ 1'-11 1/2" CHANNEL LETTERS  
BOXED AREA: 164.81 SQ FT

APPROVAL BOX - PLEASE INITIAL

CUSTOMER APPROVAL		Date
-------------------	--	------

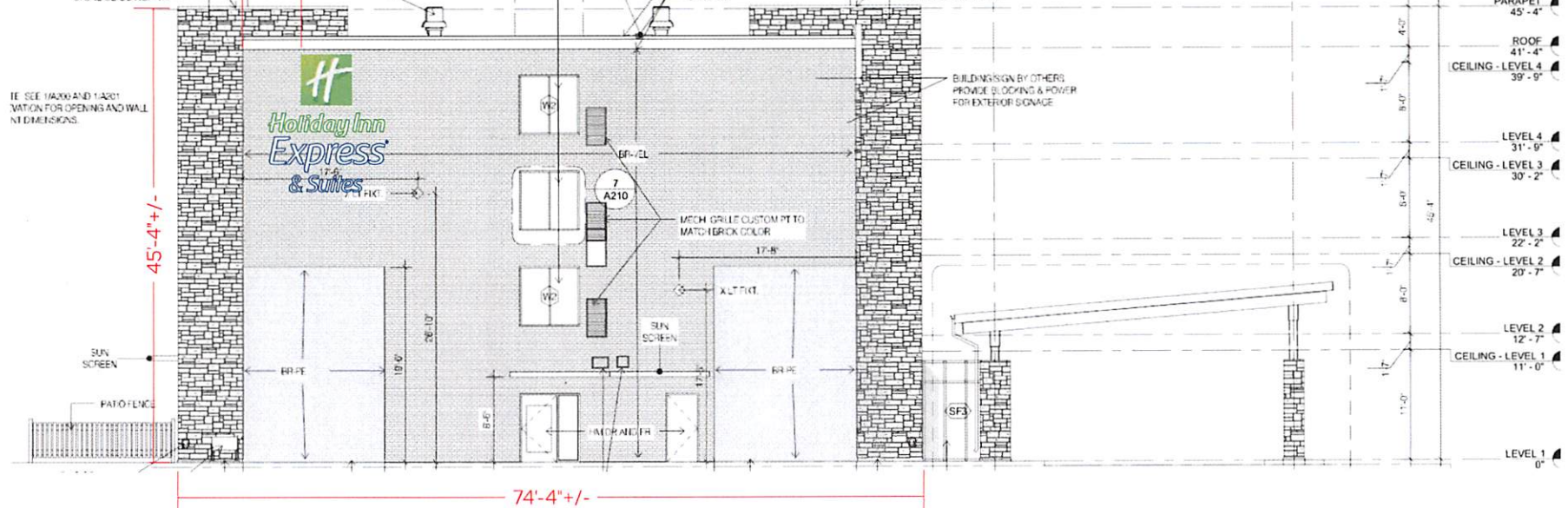
NOTE: DO NOT SHEETROCK THE WALLS WHERE SIGNS ARE LOCATED

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer: <b>HOLIDAY INN EXPRESS &amp; SUITES</b>	Date: <b>2/21/18</b>	Prepared By: <b>KH/AT/AT</b>	<small>Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.</small>	 <b>persona</b> SIGNS   LIGHTING   IMAGE	DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1.800.843.9888 - www.personasigns.com
Location: <b>KALAMAZOO, MI</b>	File Name: <b>160689 - R5 - KALAMAZOO MI</b>	Eng: -			

WEST SIDE ELEVATION

SCALE: 1/16" = 1'-0"



SEE 1A200 AND 1A201  
NOTATION FOR OPENINGS AND WALL  
DIMENSIONS.

BUILDING SIGN BY OTHERS  
PROVIDE BLOCKING & POWER  
FOR EXTERIOR SIGNAGE



Holiday Inn  
Express®  
& Suites

PROPOSED:  
XLS -SM-SW  
5'-1" LOGO W/ 1'-11 1/2" CHANNEL LETTERS  
BOXED AREA: 164.81 SQ FT

APPROVAL BOX - PLEASE INITIAL		
CUSTOMER APPROVAL		Date

NOTE: DO NOT SHEETROCK THE WALLS WHERE SIGNS ARE LOCATED

GRAPHIC DETAIL  
SCALE: 3/16" = 1'-0"

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer:  
**HOLIDAY INN EXPRESS & SUITES**

Location:  
**KALAMAZOO, MI**

Date:  
**2/21/18**

File Name:  
**160689 - R5 - KALAMAZOO MI**

Prepared By:  
**KH/AT/KH/AT**

Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.

Eng:  
-



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700 21st Street Southwest  
PO Box 210  
Watertown, SD 57201-0210  
1.800.843.9888 • www.personasigns.com



**DRAFT Zoning Board of Appeals  
Minutes 06-26-2018**

Ms. Johnston indicated the applicant has not indicated the size ground sign they wish to install, but they will have to conform with the maximum allowed by Ordinance, which is 60 square feet.

Hearing no further comments, the Chair closed the public hearing and moved to Board Discussion.

There was discussion about whether there might be a viable alternative for sign location that could be accomplished within the Ordinance and without granting a variance request that would be acceptable to all involved. It was felt more information was needed prior to a vote to be able to evaluate the situation effectively.

Hearing no further discussion, Chairperson Sterenberg asked for a motion.

Mr. Sikora made a motion to table the variance request from the minimum 10-foot sign setback from the West Main right-of-way down to zero feet by the Vernon Group to the next Zoning Board Authority meeting on July 24, 2018, in order to explore other possible options prior to making a decision on the request. Mr. VanderWeele supported the motion. The motion was approved unanimously.

**PUBLIC HEARING: SIGN VARIANCE REQUEST**  
**A VARIANCE HAS BEEN REQUESTED BY ALLIED SIGNS, INC., ON BEHALF OF OSHTEMO HOTELS, LLC, FROM SECTION 76.170 OF THE TOWNSHIP ZONING ORDINANCE, TO PLACE THE TOP OF A WALL SIGN APPROXIMATELY 43 FEET ABOVE GRADE WHEN ONLY 30 FEET IS ALLOWED. THE SUBJECT PROPERTY IS LOCATED AT 5724 WEST MAIN STREET, KALAMAZOO, MI 49009, WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-13-130-030.**

Chairperson Sterenberg asked Ms. Johnston for her review of this application.

Ms. Johnston said the building in question was the Holiday Inn Express and Suites currently under construction within the Westgate Planned Unit Development (PUD) located at the northeast corner of US131 and West Main Street and consists of approximately two acres. The Westgate PUD is zoned C: Local Business District with a PUD overlay. Per the requirements of Section 76.170 of the Signs and Billboard Ordinance, wall signs for hotels are restricted to a maximum height of 30 feet.

The applicant was seeking a variance from Section 76.170 to allow the placement of two wall signs located near the top of the Holiday Inn Express and Suites building, which has a maximum height of 45 feet 4 inches. Both the west and south facing signs would have a maximum wall sign height of approximately 39 feet 11 inches, 9 feet 11 inches above the maximum allowed placement for a sign.

The applicant indicated the variance is needed due to the setback of the building. They state on their application that due to the setback of the building, the sign needs to

be installed towards the top of the building for maximum visibility. The application goes on to state the requested change is for the sides of the building that face US-131 and West Main Street.

She said Staff believes the applicant was not referring to the actual zoning ordinance required setback for the building, which is from their property line. Instead, they believe the applicant was referring to the distance of the buildings from US-131 and West Main Street, which is approximately 375 feet from the pavement of US-131 and 1,700 from the pavement of West Main Street.

The Zoning Enabling Act of Michigan outlines when considering a variance request the Zoning Board of Appeals must ensure the “spirit of the ordinance is observed, public safety secured, and substantial justice done.” Michigan courts added that variances should only be granted in the case of a practical difficulty for a nonuse (dimensional) variance. In addition, applicants must demonstrate their plight is due to the unique circumstances particular to the property and the problem is not self-created.

Ms. Johnston said the request by the applicant is a nonuse variance and that the ZBA should review the following standards in considering the variance request:

Standards of Approval of a Nonuse Variance (practical difficulty):

*Standard: Conformance Unnecessarily Burdensome  
Are reasonable options for compliance available?  
Does reasonable use of the property exist with denial of the variance?*

**Comment:** The requested variance to alter the height of the proposed wall sign does not impact the reasonable use of the property. The development of the hotel may still proceed without the approval of the sign variance. In addition, conformance to the maximum required height for the wall sign can still be met. Based on the application provided there are no building issues that would stop the sign from being placed at the 30-foot maximum height requirement.

*Standard: Substantial Justice  
Applied to both applicant as well as to other property owners in district.  
Review past decisions of the ZBA for consistency (precedence).*

**Comment:** The requirements of Section 76.170 of the Sign Ordinance apply to all commercial and office developments within the Township.

Staff was able to find two past instances where hotels located near US131 requested similar variances from the Zoning Board of Appeals. Both applications were for hotels located on 11<sup>th</sup> Street. Following is a brief summary of these cases:

- Best Western; 2575 South 11<sup>th</sup> Street; March 17, 2009:  
Best Western requested a variance to both increase the height and size of their east and west facing wall signs. The applicant indicated the request was to help increase visibility from US131 even though the hotel did not directly abut the highway. The ZBA granted the variance for increase height and size for the sign facing US 131 but not the west facing sign.
- Value Place Hotel; 1647 South 11<sup>th</sup> Street; October 24, 2006:  
Value Place Hotel requested a variance to increase the height and size of their wall signs to allow for better visibility from US131. The ZBA indicated that they did not see any basis for a variance to either the height or size of the signs and denied the request.

One application was approved while the earlier application was denied. Similar to the current application, the request from the hotel without direct frontage on US131 was the application that received approval.

*Standard: Unique Physical Circumstances*  
*Are there unique physical limitations or conditions which prevent compliance?*

*Comment:* While not an existing physical hardship found on the property in question, an argument could be made that the utility corridor represents a unique condition in this area. A 145-foot utility easement sits between the Westgate PUD property boundary and the right-of-way for US131. Without this dedicated utility corridor, the Westgate PUD and the hotel would have more direct frontage on US131. This added distance is the setback staff believes the applicant is referring to in their request. However, because it is a utility corridor, visual encumbrances like tall trees do not obstruct views to the hotel.

The request for the additional sign height for the south facing wall sign does not have a unique physical circumstance related to the request. The location of West Main Street and its distance from the hotel was known when Oshtemo Hotels, LLC purchased the property for development.

*Standard: Self-Created Hardship*  
*Are the conditions or circumstances which resulted in the variance request created by actions of the applicant?*

*Comment:* Technically, the height of the sign could be placed in compliance with Ordinance standards. But, the applicant has no ability to alter the utility corridor adjacent to their development.

*Standard: Will the spirit of the Ordinance be observed, the public health, safety, and welfare secured, and substantial justice done if the variance is granted?*

**Comment:** Raising the sign height should have little to no effect on public health, safety, and welfare.

The difficulty with this request is the disparity in the Ordinance between heights of buildings and placement of signs. Building height in Oshtemo Township is based solely on the ability to meet setbacks. The Ordinance states the minimum setback distance between any nonresidential building and any rear or interior property line shall be 20 feet or the height of the building at its heights point, whichever is greater. If a development had the ability to accommodate 100-foot setbacks from all sides, the building could technically be 100 feet tall.

The Sign Ordinance, on the other hand, limits height to 30-feet. This disparity does not allow signs to develop at a proportional height to the stature of the building. This can be clearly seen with this application. The property in question was of a large enough size to allow setbacks that would accommodate the approximate 46-foot-tall structure. Placing the signs at the 30-foot height would locate them more at the third-floor level of the structure than the top floor, where it is more expected and generally the industry standard.

Based on this assessment, Ms. Johnston said Staff would recommend the ZBA request the Planning Commission consider reviewing the Sign Ordinance for possible text changes. Having a height requirement that is proportional to the building height might be a consideration, eliminating the need for future variances to this section of the code. If an ordinance change was contemplated, any variance considered by the ZBA for this application might allow this request to become compliant in the future.

Ms. Johnston summarized by saying Staff was presenting the following relevant information for the Zoning Board of Appeals to consider:

1. If you find that substantial justice can be achieved due to the height variance provided to the Best Western Hotel in 2009 than a variance could also be warranted for this request.
2. If you find that the unique condition of a utility corridor found adjacent to the project site supports a practical hardship, which is not experienced by other commercially zoned properties in the area, then the variance for the west facing sign is supported.
3. If you find that the requested variance does not meet one or more of the criteria for approval noted above and that compliance with the Ordinance is not unnecessarily burdensome, then the application should not be supported.

She said given the above findings, the variance request before the Zoning Board of Appeals would require careful deliberation. Staff presented the Board with three possible courses of action:

1. Deny the variance, based on the fact that the practical hardship in this case does not make compliance with the ordinance unnecessarily burdensome.
2. Approve the variance for the west facing sign, acknowledging that there is a unique circumstance with the location of the utility easement, but deny the request for the south facing sign.
3. Approve the variance for both wall signs, indicating substantial justice based on the 2009 Best Western Hotel precedence and the unique condition of the utility easement.

Ms. Johnston indicated a fourth possible course of action:

4. Because the project is located in a PUD, that Ordinance allows the Planning Commission to grant dimensional departures from the code if they make sense in the overall design of the PUD. Past sign requests that were outside current ordinance standards but were located within a PUD, similar to the applicants request, have been presented to the Planning Commission for consideration. The ZBA could consider referring this application to the Planning Commission.

Ms. Johnston said regardless of the final deliberation, staff would suggest the Zoning Board of Appeals request the Planning Commission consider Sign Ordinance amendments related to maximum sign heights in relation to the height of the structure.

Chairperson Sterenberg asked whether Board Members had any questions.

In answer to questions, Ms. Johnston said the sign would be measured from grade up to the top of the sign. The applicant cites hardship due to the setback distance from the right-of-way for visibility from US-131. In addition, a utility corridor between the highway and the hotel also impacts visibility. Visibility hardship from West Main is more difficult to argue. A variance would improve visibility from both US-131 and West Main.

The Chair noted the property curves to the east because of the US-131 ramp and that the area is full of electrical structures. Hearing no further questions from Board Members, he asked whether the applicant wished to speak.

Mr. Patrick Stieber, Allied Signs, 33650 Giftos, Clinton Township, MI, said the variance is asking for relief which he did not feel was excessive and would allow greater visibility which is impeded by the utility easement. The signs meet all other requirements. He pointed out you don't ever see hotels with low signs; he felt that was overlooked about when the Ordinance was written. It is imperative to raise the signs so they can be seen.

Mr. VanderWeele asked whether there would be directional signs closer to West Main Street.

Mr. Curt Ardema, AVB, 4200 W. Centre Street, explained the entire parcel encompasses 86 acres to accommodate with signage. Multi-tenant signs are being explored. Multiple retailers and restaurants will have advertising signs on the buildings themselves. The intent is to utilize some directional signage for the hotel, but the main signs will be the wall signs that are intended to draw in regional traffic.

Mr. Phil Sarkissian, representing the AmeriLodge Group, 8988 Royce Drive, Sterling Heights, referenced many hotels operated by this group and that they are very responsible corporate citizens who look forward to working in the community. He noted they are spending millions of dollars in this project which will be a state of the art "Formula Blue" hotel and will stimulate the area, adding new jobs in increasing tax revenue. He indicated they have the support of Westgate AVB and reiterated the need for visibility particularly with the US-131 easement. He said this is the first but not the last project in which sign visibility will be a problem, referred to the precedent of the Best Western Hotel in 2009 and asked the Board to be forward thinking.

In answer to questions from Mr. Sikora, Mr. Sarkissian said although their hotels normally have signs on three sides of the building, they are asking for only two where they will be most effective; the signs will not be mounted any higher than the top of the roof line, and signs are built to corporate standards with no deviations allowed.

Ms. Samantha Bell, 529 Newman Rd., Lake Orion MI and a lobbyist, said the sign and location of the sign are according to corporate standards and that to recreate the sign dimensions for installation lower on the building would make them different from any of their other hotels and would result in delays.

Mr. Stieber agreed that the signs and location as described in the variance request are the corporate standard required by Holiday Inn. To move them lower on the building would necessitate redesign for a smaller sign and for wiring which would be burdensome. He said they have never had to ask for a sign height variance from a Board before, that the sign fits within the design of the building.

At this point Chairperson Sterenberg moved to public comment.

Mr. Ardema emphasized AVB's support for this request and said the setback from US-131 is a key corridor for the hotel. The height of the building is fully approved, the sign fits aesthetically, yet the sign Ordinance language does not consider the fit with the height of the building. The intention is a first class mix of tenants; many more signs will need to be accommodated. It has been determined the most traffic comes from the south, northbound on the highway, and it is critical to place signs for maximum visibility.

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

There was discussion supporting the higher sign variance request, but a general acknowledgment of the fact that a variance could be avoided if addressed through the PUD ordinance by the Planning Commission; it might be more appropriate for them to consider this request within the PUD rather than a variance through ZBA.

Ms. Johnston pointed out that another hotel is under construction and they will probably want the same consideration. The Planning Commission might be able to look at the situation holistically through the PUD.

Mr. Sterenberg indicated he was inclined to approve the variance request because two conditions, 1) the unique circumstances of the power line easement and 2) in the spirit of the Ordinance have been met.

Mr. VanderWeele expressed concern about more variance requests in the future.

Mr. Sterenberg said by the time they are received, hopefully the Planning Commission will have reviewed the Sign Ordinance.

Ms. Smith agreed the Ordinance should be revisited by the Planning Commission to avoid similar problems in the future.

Mr. Sikora thought at least half of the five criteria should be met for the ZBA to approve the request.

Mr. Sterenberg felt there was enough substantial justice to approve the variance.

Hearing no further comments, the Chair asked for a motion.

Mr. VanderWeele made a motion to refer the applicant's request to the Planning Commission for review through PUD provisions. Mr. Sikora supported the motion. A Roll Call Vote was taken. The motion was approved 3 – 2.  
Yes: Mr. Sikora, Ms. Smith, Mr. VanderWeele. No: Mr. Anderson, Mr. Sterenberg

Ms. Johnston agreed she will inform the Planning Commission of the ZBA's request for them to consider reviewing the Sign Ordinance for text changes, possibly to provide a height requirement that is proportional to building height.

**SITE PLAN REVIEW: HURLEY & STEWART OFFICE ADDITION**  
**HURLEY & STEWART, LLC REQUESTED SITE PLAN APPROVAL FOR A 2,227**  
**SQUARE FOOT ADDITION TO THEIR EXISTING OFFICE BUILDING AT 2800**  
**SOUTH 11<sup>TH</sup> STREET, PARCEL NO. 3905-25-153-140.**

Chairperson Sterenberg asked Ms. Johnston for her review of the application.

July 19, 2018



**Mtg Date:** July 26, 2018

**To:** Planning Commission

**From:** Julie Johnston, AICP  
Planning Director

**Applicant:** Crick Haltom  
Lawton Ridge Winery

**Owner:** Crick Haltom

**Property:** 8456 Stadium Drive, parcel number 3905-33-402-161

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

**Request:** Special Exception Use for an Outdoor Event

**Section(s):** Section 41.409: Temporary Outdoor Event in I-1 District  
Section 60.000: Special Exception Uses

**Project Name:** Lawton Ridge Winery

## PROJECT SUMMARY

The applicant requests 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 on the north side of Stadium Drive, west of 6<sup>th</sup> Street and is zoned I-1: Industrial District.

The request is 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.

## TEMPORARY OUTDOOR EVENTS

Section 41.409 of the I-1: Industrial District requires the following:

- a. *Use is incidental to principal use of the property.*
- b. *A site plan shall be submitted for 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.*
- c. *The Fire Chief, or his designee, has approved the placement of vehicles, trailers, and all other equipment associated with the event.*
- d. *All signs directed off-site must receive a temporary sign permit and comply with all applicable sign ordinances.*
- e. *Property owner must approve and acknowledge the use of the property for the event.*

The applicant utilized the approved site plan for Lawton Ridge Winery to indicate their requested placement of the food truck 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. Please see the attached aerial, which outlines the permissible location for the food truck.

If the applicant receives Planning Commission approval, the food truck will 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.

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.

#### **SPECIAL EXCEPTION USE CONSIDERATIONS**

Section 60.100 of the Zoning Ordinance provides additional review criteria for consideration when reviewing a Special Exception Use request. These criteria are as follows:

**A. Is the proposed use compatible with the other uses expressly permitted within the I-1: Industrial District zoning classification?**

The I-1 District allows a multitude of manufacturing, warehousing, automotive, office, and recreational uses. 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 increase the use intensity significantly above what the Winery would already bring to the site.

**B. Will the proposed use be detrimental or injurious to the use or development of adjacent properties or to the general public?**

Once the food truck location has been removed from the Stadium Drive right-of-way, its placement should not be detrimental to the general public or adjacent properties. 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 its presence, from 4:00 pm to 7:00 pm, should limit its impact.

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 parking lot 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 over 600 feet from the Winery parking lot and located within a heavily wooded area.

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

**C. Will the proposed use promote the public health, safety, and welfare of the community?**

Food trucks are required to be permitted by Kalamazoo County Environmental Health. The Planning Commission may want to consider conditioning the approval with a requirement that a copy of this license either be provided to the Township or kept on file with the applicant. In addition, a copy of the property owner's liability insurance should be provided to the Township to ensure coverage is sufficient for this type of additional use.

Once the food truck location is secured outside of the Stadium Drive right-of-way and within the property setback requirements, public health, safety, and welfare should not be a concern.

**D. Will the proposed use encourage the use of the land in accordance with its character and adaptability?**

Given the relatively low intensity of the proposed food truck use when compared to other activities permissible in the I-1 zoning district, staff is confident that this venture is in accordance with the subject property's character and adaptability.

**RECOMMENDATION**

Planning Department staff recommends 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.

Respectfully Submitted,



Julie Johnston, AICP  
Planning Director

Attachments: Application  
Site Layout  
Aerial Map with Setbacks



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

**PLEASE PRINT**

PROJECT NAME & ADDRESS Lawton Ridge Winery

**PLANNING & ZONING APPLICATION**

Applicant Name: Crick Halton  
Company Lawton Ridge Winery  
Address 8456 Stadium Dr  
E-mail \_\_\_\_\_  
Telephone 372-9463 Fax \_\_\_\_\_  
Interest in Property CO OWNER

THIS SPACE FOR TOWNSHIP USE ONLY

Fee Amount \_\_\_\_\_  
Escrow Amount \_\_\_\_\_

**OWNER\*:**

Name Crick Halton  
Address 8456 Stadium Dr  
Kalamazoo, MI 49009  
Email chalton@lawtonridgewinery.com  
Phone & Fax 269-372-9463

**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 continue to have food trucks at the winery on Wednesdays during the warmer months of the year.

**LEGAL DESCRIPTION OF PROPERTY** (Use Attachments if Necessary):

PARCEL NUMBER: 3905- 05-33-402-161  
ADDRESS OF PROPERTY: 8456 Stadium Dr  
PRESENT USE OF THE PROPERTY: winery & tasting room  
PRESENT ZONING 301 industrial SIZE OF PROPERTY 1.6 acres

**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>Dean Bender</u>	<u>3707 Croyden, Kalamazoo</u> <u>49006</u>

**SIGNATURES**

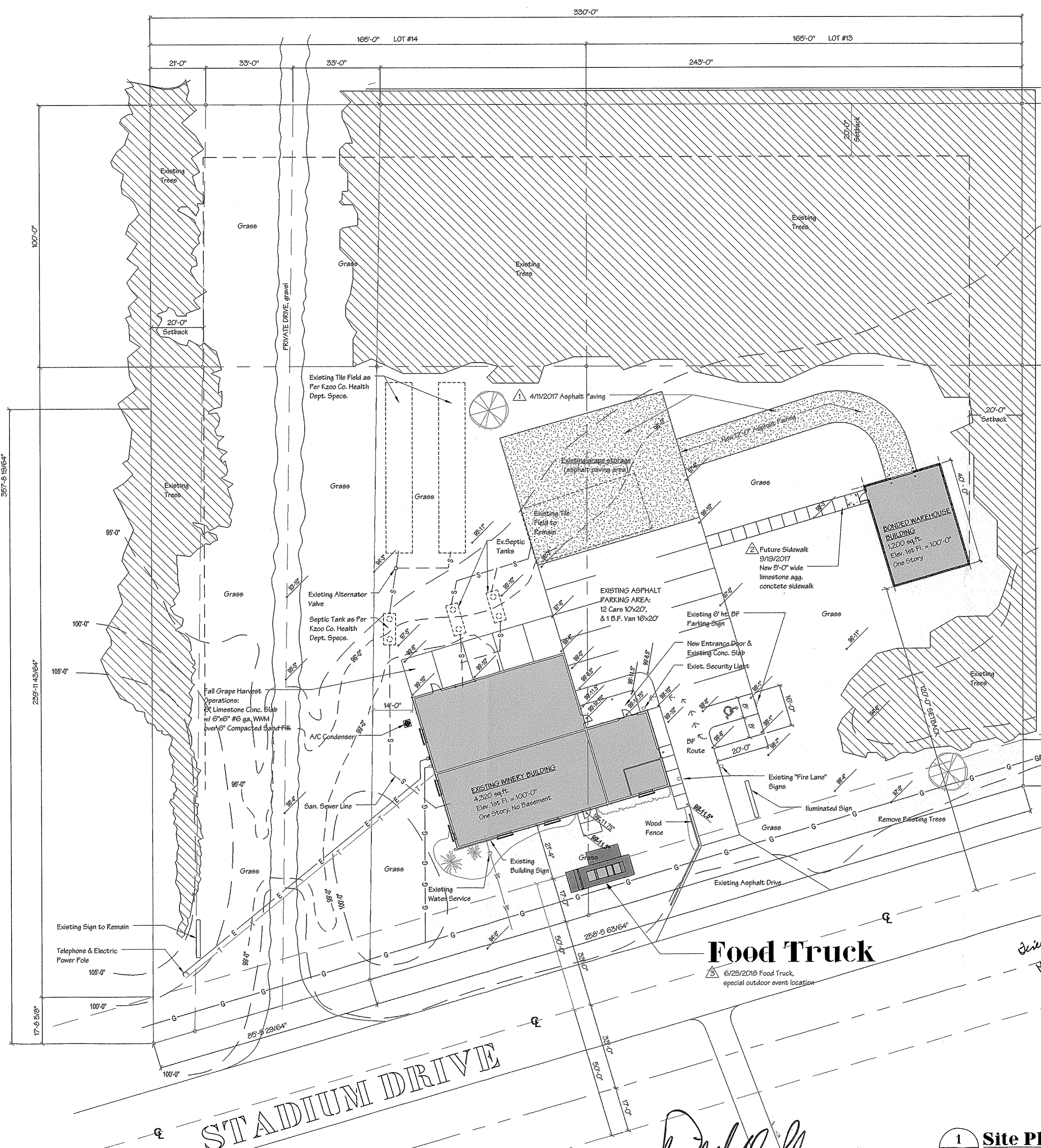
*I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting 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>Crick Halton</u>	<u>6-25-18</u>
<b>Owner's Signature</b> (* If different from Applicant)	<b>Date</b>

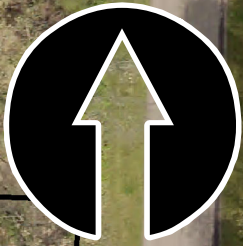
_____ <b>Applicant's Signature</b>	_____ <b>Date</b>
---------------------------------------	----------------------

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

\*\*\*\*  
**PLEASE ATTACH ALL REQUIRED DOCUMENTS**






*[Handwritten Signature]*

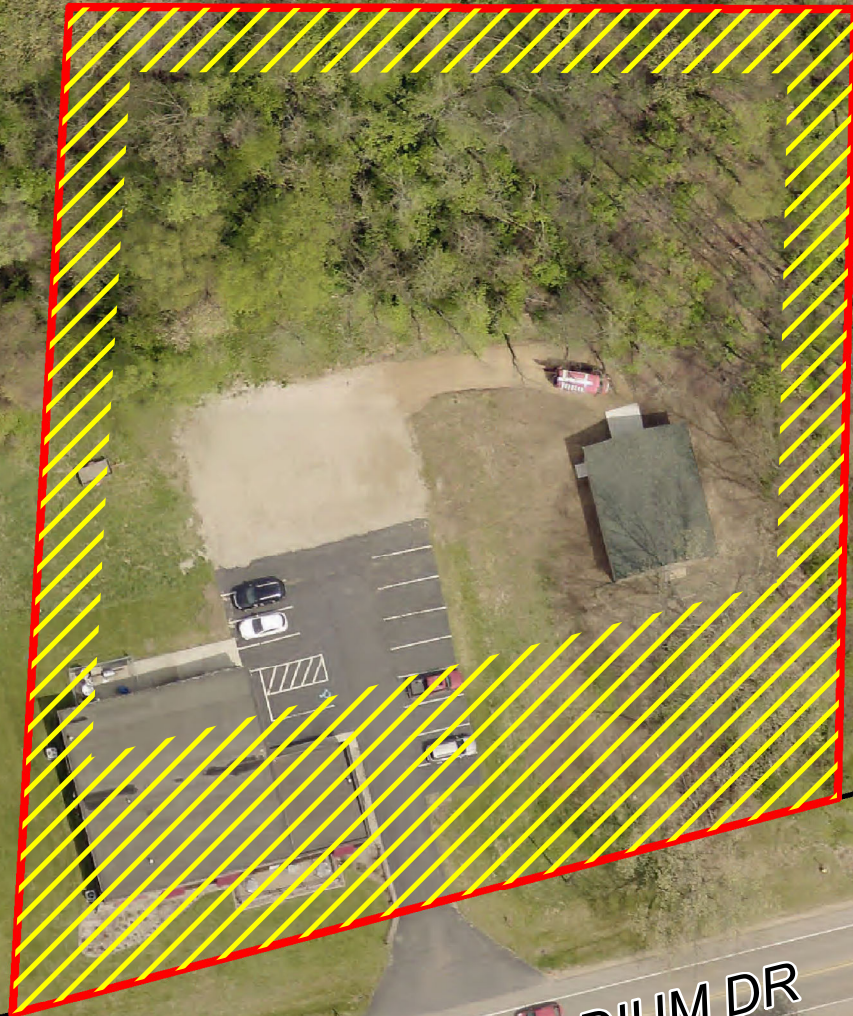


HATHAWAY RD

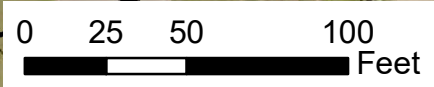
# LAWTON RIDGE WINERY

*Structural Setback Envelope*

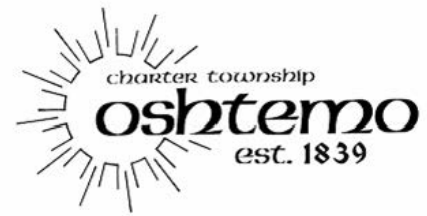
-  Other Property Line
-  Subject Property
-  Setback Area



STADIUM DR



July 19<sup>th</sup>, 2018



**Meeting Date:** July 26<sup>th</sup>, 2018

**To:** Oshtemo Township Planning Commission

**From:** Ben Clark, Zoning Administrator

**Applicant:** Long Island Partnership

**Property:** 3926 South 9<sup>th</sup> Street, parcel number 05-35-330-018

**Zoning:** VC: Village Commercial District

**Request:** Site plan approval for a new crematory

**Section(s):** 33.000—VC: Village Commercial District; 82.000—Site Plan Review

**Project Name:** Langeland Westside Crematory

#### **PROJECT SUMMARY**

Located immediately to the south of Flesher Field on South 9<sup>th</sup> Street, the Langeland Funeral Home at 3926 South 9<sup>th</sup> Street has been in operation since 2004. Since that time, the facility has undergone modest expansion, but now the proprietors are ready to make a more substantial addition to the grounds. Currently, only memorial services are held at the South 9<sup>th</sup> Street facility, and any cremations have to be done in Calhoun County, which means that Langeland's staff have to transport the decedent there, and any family members who wish to view the process must also make the trip. In order to provide a more comprehensive service and minimize disruption and inconvenience for the bereaved, the applicant would like to add a crematory to the subject property.

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*. Not only was this transition in accordance with the Township's future land use plan, but the Planning Commission at the time also determined that both funeral homes *and* crematories were appropriate for the VC district, albeit as Special Exception Uses (SEU). At that time the applicant also sought SEU approval for the two constituent facilities, receiving such for the funeral home retroactively, and for the crematory proactively. Following up on the use approvals granted by the Planning Commission and also having successfully rezoned the property to VC, the applicant is now seeking site plan approval for the crematory.

The new 4,995 square foot facility is to be placed approximately 170 feet west of the existing funeral home, and approximately 250 feet to the east of the subject property's west boundary. The crematory will also be setback approximately 130 feet from the north property line, which is shared with Flesher Field. While some land will need to be cleared in order to accommodate the new crematory and small parking lot, much of the heavily wooded area to the west, which contains numerous mature trees, is to remain untouched. This wooded area will provide robust visual screening for the adjacent apartment complex. Aesthetically, the new facility will largely match the existing funeral home in materials and colors used.



## **GENERAL ZONING COMPLIANCE**

In general, staff have no major concerns regarding this project's zoning compliance. The placement of the new crematory is in full accordance with the Oshtemo Township Zoning Ordinance and the use itself has already been deemed appropriate by the Planning Commission for the VC district. One plan deficiency that staff is still working with the applicant to correct is the absence of necessary photometric information for the two new light poles proposed near the east side of the crematory.

## **SITE ACCESS AND CIRCULATION**

No new means of vehicle access are being proposed for the subject property at this time and no major modifications to the parking or vehicle circulation routes will be necessary. The one change of note associated with this project is that a small, six-space parking lot will be constructed near the west side of the crematory. Working with the applicant, staff have determined that the number of spaces proposed is in full accordance with section 68.000: Off Street Parking of the Zoning Ordinance.

Along with vehicular accommodations the applicant is also proposing three pedestrian connections from adjacent parking areas to the new crematory, and a clearly demarcated pedestrian path is to be installed between the existing funeral home and the new facility.

## **LANDSCAPING**

All perimeter landscape planting and buffer size requirements are met with existing plantings, but some additional interior landscape area will have to be provided. Although the plan is generally viable in this regard, some details do need to be finalized before Township staff are satisfied that all ordinance requirements are fulfilled.

## **ENGINEERING**

The Township Engineer has reviewed the project site plan and has determined that the existing stormwater management facilities on site are adequate to accept additional runoff generated by the crematory and new parking lot. Should any deficiencies manifest in the future, however, the applicant will be compelled to correct such. The Engineer does ask that more detail be provided regarding the design of the pedestrian ramps that connect to the barrier free parking spaces adjacent to the new crematory. Staff will be following up with the applicant to obtain such notation.

## **FIRE DEPARTMENT**

The Township Fire Marshal has also reviewed the project site plan. Emergency vehicle circulation accommodations and water service to the subject property have been deemed adequate.

## RECOMMENDATION

With only a few details that still need to be addressed before the project site plan can be considered truly complete, staff are comfortable in recommending approval for the new crematory, but request that 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.

Respectfully Submitted,



Ben Clark  
Zoning Administrator

### Attachments:

Application  
Site plan excerpt  
Map  
Minutes of the 11/9/2018 Planning Commission meeting



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

**PLEASE PRINT**

PROJECT NAME & ADDRESS LANGELAND WESTSIDE CREMATORY  
3926 SOUTH 9TH STREET

**PLANNING & ZONING APPLICATION**

Applicant Name : LONG ISLAND PARTNERSHIP

Company " " "

Address 622 SOUTH BURDICK ST.  
KALAMAZOO, MI 49007

E-mail hodlangeland@langelands.com

Telephone 269-343-1508 Fax -

Interest in Property OWNER

**OWNER\*:**

Name (SAME AS ABOVE)

Address \_\_\_\_\_

Email \_\_\_\_\_

Phone & Fax \_\_\_\_\_

Oshtemo Charter Township  
7275 W MAIN ST  
KALAMAZOO, MI 49009  
Phone : 269-375-4260  
OSHEMOTOWNSHIP.ORG

Received From: LONG ISLAND  
Date: 06/05/2018 Time: 3:09:53 PM  
Receipt: 141432  
Cashier: LPOTOK

ITEM REFERENCE	AMOUNT
1088 SITE PLAN REVIEW SPR	\$600.00
1042 PLANNING ESCROW PLANNING ESCROW	\$1,500.00
TOTAL	\$2,100.00
CHECK 1182	\$1,500.00
CHECK 1183	\$600.00
Total Tendered:	\$2,100.00
Change:	\$0.00

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

- Planning Escrow-1042 \$1500
- Site Plan Review-1088 \$600
- Administrative Site Plan Review-1086
- Special Exception Use-1085
- Zoning Variance-1092
- Site Condominium-1084
- Accessory Building Review-1083
- La \_\_\_\_\_
- Su \_\_\_\_\_
- Rezoning-1091
- Interpretation-1082
- Text Amendment-1081
- Sign Deviation-1080
- Other: \_\_\_\_\_

**BRIEFLY DESCRIBE YOUR REQUEST** (Use Attachments if Necessary): \_\_\_\_\_

PROPOSED 5000 SQ.FT. BUILDING,  
ALONG WITH NEW PARKING LOT AREA.

**LEGAL DESCRIPTION OF PROPERTY** (Use Attachments if Necessary):

(SEE ATTACHED)

PARCEL NUMBER: 3905- 35-330-01B

ADDRESS OF PROPERTY: 3926 S. 9TH STREET

PRESENT USE OF THE PROPERTY: FUNERAL HOME

PRESENT ZONING R4 SIZE OF PROPERTY 6.95 AC.

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

Name(s)

Address(es)

N/A

**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.*

Norman D. Langford

**Owner's Signature** (\* If different from Applicant)

6-5-18

**Date**

\_\_\_\_\_  
**Applicant's Signature**

\_\_\_\_\_  
**Date**

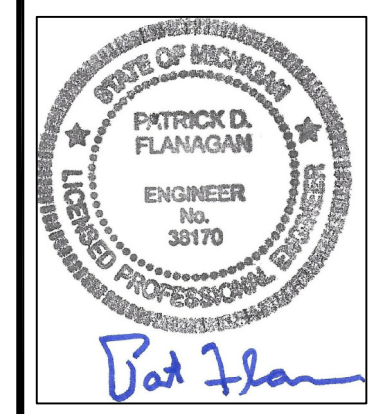
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- Planning -1
- Applicant -1
- Clerk -1
- Deputy Clerk -1
- Attorney-1
- Assessor -1
- Planning Secretary - Original

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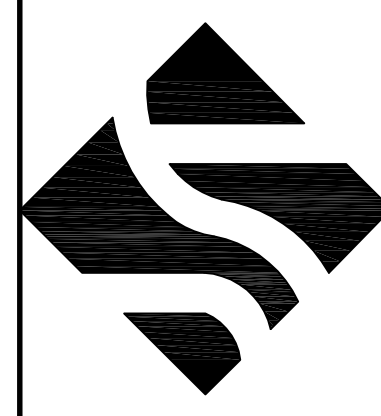
**PLEASE ATTACH ALL REQUIRED DOCUMENTS**

ISSUE DATE:	ISSUE FOR PERMIT
	04-12-2018
CONSTRUCTION ISSUE	XXX

REVISION:	7/13/2018
	PER TWP COMMENTS



**JST ARCHITECTS**  
 ARCHITECTURE | PLANNING | MAUSOLEUM | CEMETERY | INTERIORS  
 WWW.JSTARCHITECTS.COM  
 J. STUART TODD, INC.  
 2919 WELBORN STREET, SUITE 100, DALLAS, TEXAS 75219 | 214.522.4033  
 © J. STUART TODD, INC.



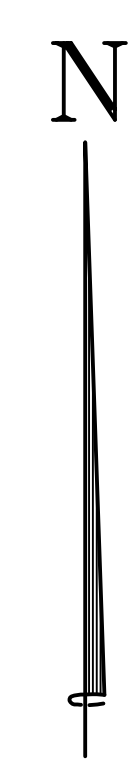
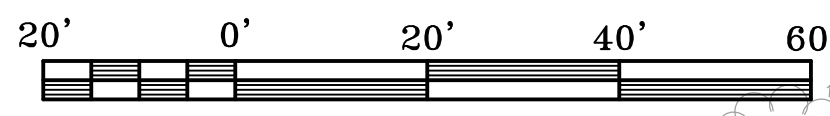
**LANGELAND - WESTSIDE CREMATORY**  
**CONSTRUCTION DOCUMENTS**  
 3926 9TH ST., OSHTEMO TOWNSHIP, MI

SHEET NO.

C2

JOB NUMBER: 17255

**BUILDING COVERAGE:**  
 SITE AREA = 6.85 ACRES  
 EXISTING BUILDING = 0.33 ACRE  
 EXISTING SHED = 0.003 ACRE  
 PROPOSED BUILDING = 0.115 ACRE  
 % BUILDING COVERAGE = 6.5%



762.34' PROPERTY LINE

**SEE BUILDING PLANS & ELEVATIONS BY JST ARCHITECTS**

NOTE: PROPOSED BUILDING, WALK, AND CURBING IS PARALLEL AND SQUARE WITH EXISTING BUILDING TO THE EAST.

**PROPOSED BUILDING (ADDRESS PENDING)**  
 AREA = 4995 SQ.FT.  
 CONSTRUCTION TYPE: ?  
 HEIGHT = ±25' (TO ROOF PEAK)

**EXISTING BUILDING #3926 SOUTH 9TH STREET**  
 FLOOR ELEV = 969.0  
 AREA = ±14,325 SQ.FT.  
 BLDG HEIGHT = ±25'

NOTE: NUMBER OF EXISTING PARKING SPACES ON SITE = 158

**PARKING INFORMATION:**  
 -WITH THE PROPOSED SITE IMPROVEMENTS, 28 STANDARD PARKING SPACES HAVE BEEN ELIMINATED, 39 STANDARD PARKING SPACES HAVE BEEN ADDED, AND 4 BARRIER FREE SPACES HAVE BEEN ADDED. (STANDARD PARKING SPACES: NET + 11) (BARRIER FREE SPACES: NET + 4)

# PARKING SPACES REQUIRED = 157 (MAX = 173)

STANDARD PARKING SPACES MEASURE 10' x 20'.  
 BARRIER FREE SPACES MEASURE 8' x 20'.  
 BARRIER FREE AISLES MEASURE 8' WIDE OR 5' WIDE.

158 EXISTING SPACES + 15 NEW SPACES = 173 PARKING SPACES AFTER PROJECT COMPLETION

NOTE: TOTAL BLDG AREA = 19,320 SF (4995 SF + 14,325 SF)

THIS SHEET PREPARED BY:  
**Ingersoll, Watson & McMachen, Inc.**  
 CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS

1209 East Milham Road - Kalamazoo, Michigan 49002 - Area 269 344-6165 - Fax 269 344-0555

INGERSOLL JOB#33605

UNPLATTED / PRIVATE DRIVE OWNED BY OTHERS  
 ZONED R4 (RESIDENCE DISTRICT)

NOTE: IN GENERAL, EXISTING ON-SITE IMPROVEMENTS HAVE BEEN SHOWN WITH A DASHED LINETYPE. PROPOSED IMPROVEMENTS HAVE BEEN SHOWN WITH A SOLID LINETYPE.

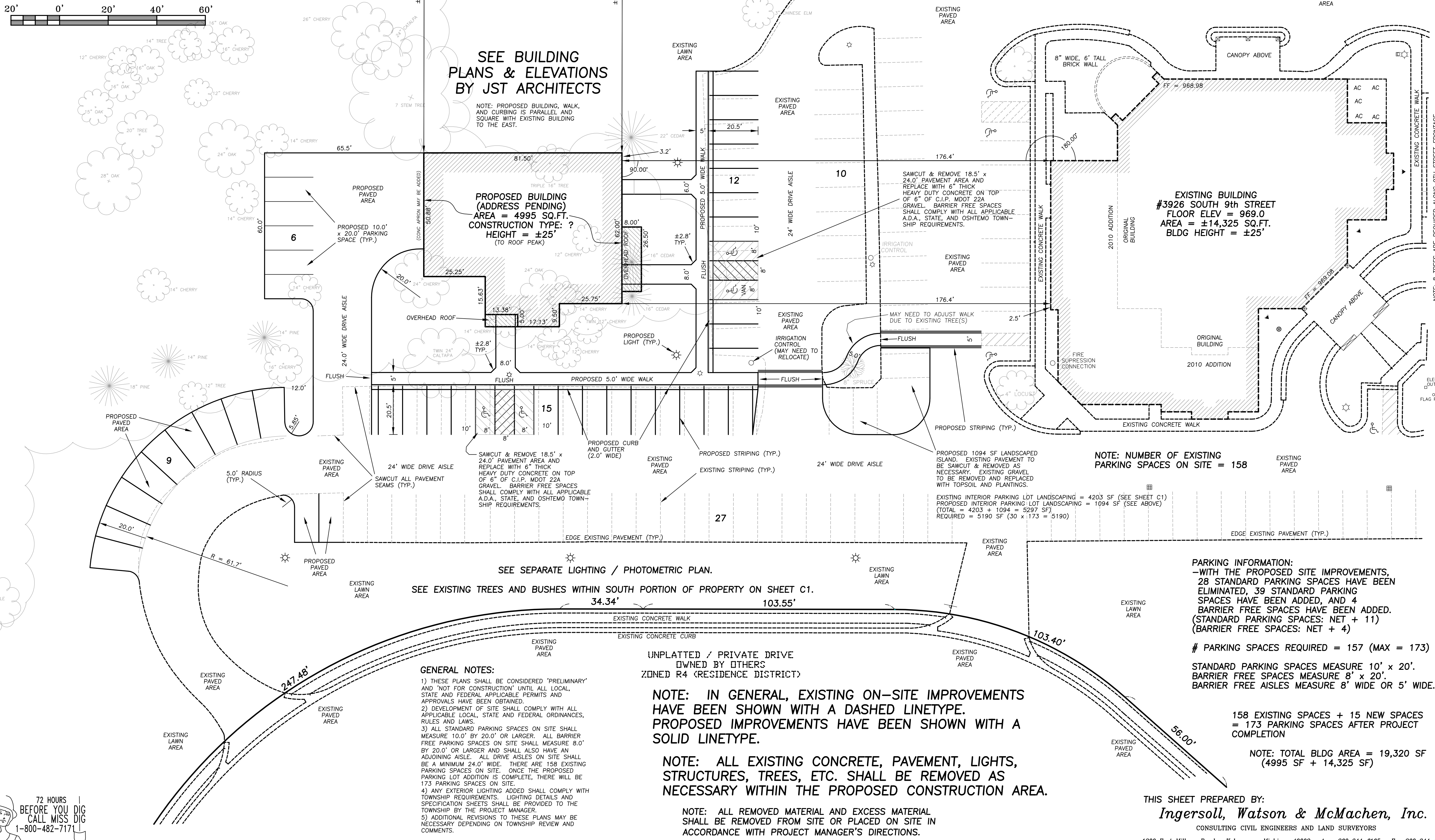
NOTE: ALL EXISTING CONCRETE, PAVEMENT, LIGHTS, STRUCTURES, TREES, ETC. SHALL BE REMOVED AS NECESSARY WITHIN THE PROPOSED CONSTRUCTION AREA.

NOTE: ALL REMOVED MATERIAL AND EXCESS MATERIAL SHALL BE REMOVED FROM SITE OR PLACED ON SITE IN ACCORDANCE WITH PROJECT MANAGER'S DIRECTIONS.

**GENERAL NOTES:**

- 1) THESE PLANS SHALL BE CONSIDERED "PRELIMINARY" AND "NOT FOR CONSTRUCTION" UNTIL ALL LOCAL, STATE AND FEDERAL APPLICABLE PERMITS AND APPROVALS HAVE BEEN OBTAINED.
- 2) DEVELOPMENT OF SITE SHALL COMPLY WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL ORDINANCES, RULES AND LAWS.
- 3) ALL STANDARD PARKING SPACES ON SITE SHALL MEASURE 10.0' BY 20.0' OR LARGER. ALL BARRIER FREE PARKING SPACES ON SITE SHALL MEASURE 8.0' BY 20.0' OR LARGER AND SHALL ALSO HAVE AN ADJOINING AISLE. ALL DRIVE AISLES ON SITE SHALL BE A MINIMUM 24.0' WIDE. THERE ARE 158 EXISTING PARKING SPACES ON SITE. ONCE THE PROPOSED PARKING LOT ADDITION IS COMPLETE, THERE WILL BE 173 PARKING SPACES ON SITE.
- 4) ANY EXTERIOR LIGHTING ADDED SHALL COMPLY WITH TOWNSHIP REQUIREMENTS. LIGHTING DETAILS AND SPECIFICATION SHEETS SHALL BE PROVIDED TO THE TOWNSHIP BY THE PROJECT MANAGER.
- 5) ADDITIONAL REVISIONS TO THESE PLANS MAY BE NECESSARY DEPENDING ON TOWNSHIP REVIEW AND COMMENTS.

SEE SEPARATE LIGHTING / PHOTOMETRIC PLAN.  
 SEE EXISTING TREES AND BUSHES WITHIN SOUTH PORTION OF PROPERTY ON SHEET C1.










# Langeland Funeral Home

*Aerial Map*



0 150 300 600 Feet

-  Subject property
-  Other Property Line
-  Roadway

1 inch = 125 feet

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A MEETING HELD NOVEMBER 9, 2017**

---

**Agenda**

**PUBLIC HEARING: REZONING AND SPECIAL EXCEPTION USE – LANGELAND  
FUNERAL HOME**

**CONSIDERATION OF AN APPLICATION FROM LONG ISLAND PARTNERSHIP, LP, ON BEHALF OF GREG LANGELAND, FOR THE REZONING OF A PARCEL OF LAND LOCATED AT 3926 SOUTH 9<sup>TH</sup> STREET FROM THE R-4: RESIDENCE DISTRICT TO THE VC: VILLAGE COMMERCIAL DISTRICT. IN ADDITION, CONSIDERATION OF AN APPLICATION FOR A SPECIAL EXCEPTION USE AT THE SAME ADDRESS TO ESTABLISH A FUNERAL HOME AND CREMATORY, PURSUANT TO SECTION 33.309 AND 60.100 OF THE TOWNSHIP ZONING ORDINANCE. PARCEL NO. 3905-35-330-018.**

**OLD BUSINESS**

- a. Addressing Requirements for Structures Ordinance – Revised

**ANY OTHER BUSINESS**

- a. Condominium Development Standards Ordinance
- 

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, November 9, 2017, commencing at approximately 7:10 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT:	Cheri Bell, Chairperson Fred Antosz, Vice Chairperson Dusty Farmer, Secretary Kathleen Garland-Rike Mary Smith Bruce VanderWeele
MEMBER ABSENT:	Ollie Chambers

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

**Call to Order and Pledge of Allegiance**

Chairperson Bell called the meeting to order at approximately 7:10 p.m.; the "Pledge of Allegiance" was recited.



## **Agenda**

Chairperson Bell asked if there were any additions, deletions or corrections to the Agenda. Hearing none, she asked for a motion to approve the agenda.

Mr. VanderWeele made a motion to approve the agenda as presented. Ms. Garland-Rike supported the motion. The motion passed unanimously.

## **Public Comment on Non-Agenda Items**

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

## **Approval of the Minutes of the Regular Meetings of October 12, 2017 and October 26, 2017**

Chairperson Bell asked if there were any additions, deletions or corrections to the Minutes of the Regular Meetings of October 12, 2017 or October 26, 2017.

Two corrections were suggested to the Minutes of October 26, 2017: on page two, paragraph three, line five, “her” should be changed to “she” and on page five, paragraph seven, line one, “November” should be replaced with “December.” The Chairperson asked for a motion to approve the minutes.

Mr. VanderWeele made a motion to approve the Minutes of the Regular Meeting of October 12, 2017 as presented, and the Minutes of October 26, 2017 as corrected. Ms. Farmer supported the motion. The motion was approved unanimously.

## **PUBLIC HEARING: REZONING AND SPECIAL EXCEPTION USE – LANGELAND FUNERAL HOME CONSIDERATION OF AN APPLICATION FROM LONG ISLAND PARTNERSHIP, LP, ON BEHALF OF GREG LANGELAND, FOR THE REZONING OF A PARCEL OF LAND LOCATED AT 3926 SOUTH 9<sup>TH</sup> STREET FROM THE R-4: RESIDENCE DISTRICT TO THE VC: VILLAGE COMMERCIAL DISTRICT. IN ADDITION, CONSIDERATION OF AN APPLICATION FOR A SPECIAL EXCEPTION USE AT THE SAME ADDRESS TO ESTABLISH A FUNERAL HOME AND CREMATORY, PURSUANT TO SECTION 33.309 AND 60.100 OF THE TOWNSHIP ZONING ORDINANCE. PARCEL NO. 3905-35-330-018.**

Chairperson Bell moved to the next item on the agenda, a request for rezoning and special exception use, and asked Ms. Johnston for her presentation.

Ms. Johnston told the Board that Long Island Partnership, LP, the owner of Langeland Funeral Home, located at 3926 South 9<sup>th</sup> Street in Oshtemo Township, was requesting the subject property be rezoned from *R-4: Residence District* to the *C: Local*

*Business District* to allow for the development of a crematorium at their existing location. Rezoning is necessary in order to allow a crematorium.

While the current use of the property, *Funeral Home*, is permitted by right in the current zoning classification, per sub-section 24.404 of the Zoning Ordinance, the proprietors now wish to add a small crematory facility to their operations, which is not allowed in the R-4 zoning district. The C District permits crematories and funeral homes as special exception uses under sub-sections 30.410 and 30.402, respectively. This request was made after consultation with staff to determine the best zoning classification based on their needs and the current Future Land Use Plan designation of *Village Commercial*.

However, she said, after reviewing the *VC: Village Commercial District*, staff was suggesting an alternate approach that they believed both supports the property owners desire to expand while maintaining consistency with the Township's Master Plan. While the VC District does not specifically mention Funeral Homes or Crematoriums as permitted uses, Section 33.3000: Special Exception Uses states the following:

*33.309: Other uses which are determined by the Planning Commission to be similar to those uses permitted in Section 33.200 and Section 33.250.*

Ms. Johnston said these are the Permitted Uses and Administrative Review sections, respectively, of the Village Commercial District. In Section 33.250: Administrative Review, Staff believes a number of uses are similar to the requested use. If the Planning Commission agrees, the rezoning to the VC: Village Commercial District is the preferred choice. The funeral home and crematorium would also require special exception use approval as part of the consideration of this application. Rezoning to the VC District would be moot if the Planning Commission does not determine the requested use is analogous to the uses indicated in Section 33.250.

Section 33.250: Ms. Johnston indicated Administrative Review outlines uses such as retail, personal service establishments, professional services, offices and houses of worship, and said funeral homes and their associated services are similar in many ways to these business types. They provide a professional service that often incorporates elements of limited retail and religious observances. In addition, the Village Commercial District in both the Master Plan and the Zoning Ordinance was designed to elicit the development of a traditional "village" center. Funeral homes and their associated uses are a staple of small town, village life. Their inclusion within this district seems a natural extension of the overall intent of the Master Plan.

She explained the subject property, almost seven acres in size, is located on the west side of South 9<sup>th</sup> Street, about 2,000 feet south of the 9<sup>th</sup> Street and Stadium Drive intersection, and immediately south of Flesher Field, a Township-owned public park. This portion of the South 9<sup>th</sup> Street corridor is host to myriad uses, including light industrial, office, outdoor recreation, and even residential. Of particular note, the subject property is adjacent to the Tall Oaks Apartment Homes development, which lies to the west; the two land uses are buffered by a large wooded area.

Ms. Johnston noted the Zoning Enabling Act, which allows Townships to zone property, does not provide any required standards that a Planning Commission must consider when reviewing a rezoning request. However, there are some generally recognized factors that should be deliberated before a rezoning decision is made. She said Staff felt the proposed rezoning was compatible with the factors to be considered, including: *Master Plan Designation, Consistency of the Zoning Classification in the General Area, Consistency and Compatibility with General Land Use Patterns in the Area, Utilities and Infrastructure, Reasonable Use under Current Zoning Classification, and Effects on Surrounding Property.*

Ms. Johnston explained the request to review the special exception use for the funeral home and crematorium is occurring at the same time as the rezoning due to requirements of subsection 33.309 of the Village Commercial District. As she mentioned previously, this subsection indicates the Planning Commission can approve any use they believe to be similar to the other uses permitted in the district. A rezoning to the VC District is only useful to the applicant if the Planning Commission agrees that the requested uses fit in the district.

She said Section 60.100 of the Zoning Ordinance provides additional review criteria for consideration when deliberating a Special Exception Use request. Many of these criteria are similar to the recognized factors for deliberating a rezoning application. She listed them and indicated Staff believes they are met by the Special Exception Use request.

Ms. Johnston recommended the Planning Commission forward a recommendation of approval to the Township Board for the rezoning of the subject property from R-4: Residence District to VC: Village Commercial District. In addition, she recommended approval of the special exception use for a funeral home and a crematorium, based on the following reasons:

1. The requested rezoning conforms to the Future Land Use Map of the Master Plan.
2. The requested rezoning is consistent with the general land use and zoning patterns for the area.
3. The requested uses meet the criteria for a special exception use as outlined by Section 33.309 of the Village Commercial District and Section 60.100 of the Special Exception Use ordinance.
4. Located on South 9<sup>th</sup> Street, the subject property has limited residential utility compared to the R-4 zoned property to the west and is an appropriate place in which to expand a non-residential use.

Ms. Johnston pointed out if the Planning Commission approves the special exception use, it will be contingent on approval of the rezoning by the Township Board.

Chairperson Bell thanked Ms. Johnston for her report and asked if there were questions from Board Members.

In response to a question from Ms. Garland-Rike as to whether the large wooded area is owned by the funeral home, Ms. Johnston said it is part of the property and that an 85-foot setback will be required to be maintained.

Mr. VanderWeele wondered if the crematory would be a separate building from the funeral home. Ms. Johnston said it would, and that a site plan request would come to the Planning Commission later in the process, if the application is approved.

Ms. Johnston deferred questions regarding possible smoke from the crematory to the applicant.

In answer to a question from Chairperson Bell regarding whether a crematory should be included as a permitted use in the VC: District, Ms. Farmer said she preferred the idea of the Planning Commission deciding whether this is similar to already permitted uses rather than considering a rezoning to the C: Local Business District. Chairperson Bell agreed.

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

Mr. Matthew VanDyk, Counsel for the Langelands from Miller-Johnson, 100 West Michigan, indicated he agreed with Ms. Johnston's analysis, introduced Mr. Greg Langeland and Mr. Ernie Kassoff and asked whether Commissioners had questions.

In answer to a question from Chairperson Bell, he indicated this would be the first crematorium in the Kalamazoo area.

He deferred to Mr. Ernie Kassoff, a crematorium expert to answer specific questions about crematories.

Mr. Kassoff indicated no smoke is created and that the only time there would possibly be visible smoke is if a power outage occurred during a cremation; the result would be smoke that would not include particulate matter. The chance of this occurring is very minimal with state of the art equipment that is regularly tested by the Michigan Department of Environmental Quality (MDEQ). The Department of Licensing and Regulatory Affairs (LARA) requires an application for a new crematory. Included with the application is proof of a "Permit to Install" from the Michigan Department of Environmental Quality that meets all DEQ emission standards.

He also indicated the oxygen opacity test levels required by the MDEQ are 20% for eight minutes, but the sensing equipment in the crematorium which will be installed is set to 5%. The level is never allowed to reach 20%. The equipment is reset and inspected every 800 cremations. The State can inspect at any time.

In answer to a question from Ms. Garland-Rike, Attorney VanDyk indicated there was little chance the crematory or stack would be visible outside of the Langeland parking lot.

There was some discussion of the growing use of cremation vs. traditional burial, and the trend for funeral homes to provide lower cost, reduced size burial plot cemeteries for cremains. He indicated the closest crematory to Kalamazoo currently is in Battle Creek.

There were no further questions from the Board and no public comments.

Chairperson Bell moved to Board Deliberations; there was consensus for support of the recommendation from Staff; the Chair asked for a motion.

Ms. Farmer made a motion to forward a recommendation of approval to the Township Board on the rezoning request from R4 to VC per staff's analysis that the request conforms with the Townships Master Plan. In addition, to approve the special exception use for a funeral home and crematory as recommended by Staff, contingent upon approval of the rezoning by the Township Board. Ms. Smith supported the motion. The motion was approved unanimously.

## **OLD BUSINESS**

### **a. Addressing Requirements for Structures Ordinance - Revised**

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

Ms. Johnston said the Planning Commission approved the new Addressing Requirements ordinance for a public hearing on August 24, 2017. The original plan was to set the public hearing for October of this year. However, with increased workloads for the Legal Department, additional time was needed. This new Ordinance is now scheduled for a December public hearing.

She explained while preparing the document for the public hearing, Planning staff and the Fire Marshal made some additional amendments to improve the ordinance, as follows:

1. Amended minimum character heights in table 77.1 (increased all but the last row per Fire Marshal's request).
2. Increased minimum character width based on additional research for proper font aspect ratio.
3. Added language to account for a corner property vs. a non-corner property; full address for the former, numbers only for the latter.

4. Added provisions to ensure that structures with a first-floor elevation below road grade still had to mount characters at a visible height from the road.
5. Added language to ensure that any sign that happens to accommodate an address as well as commercial text still has to meet minimum sign setbacks already specified elsewhere in the ordinance.
6. General rearranging for the sake of improved organization.

Ms. Johnston said if the Planning Commission was comfortable with the requested changes to the Addressing Ordinance, staff will continue to include it as part of the planned public hearing in December.

Responding to a concern from Mr. VanderWeele regarding needed clarity regarding where sign placement would be required when a building is substantially below grade, Ms. Johnson thanked him for his input and said an edit would be included to require mounting on a subject structure's wall or on a free-standing sign rather than on a roof.

### **ANY OTHER BUSINESS**

#### **a. Condominium Development Standards Ordinance**

Given the length of the Work Session prior to the regular meeting Chairperson Bell suggested, and there was Board consensus, that this item be moved to the first meeting in January.

### **PLANNING COMMISSIONER COMMENTS**

Chairperson Bell reminded Commissioners of the open house for the Grange on November 11.

Hearing no further comments, she asked for a motion to adjourn.

### **ADJOURNMENT**

Mr. VanderWeele made a motion to adjourn the meeting. Ms. Farmer supported the motion. The motion passed unanimously.

The Planning Commission meeting was adjourned at approximately 8:00 p.m.

Minutes prepared:  
November 11, 2017

Minutes approved:  
December 14, 2017