



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
269-216-5220 Fax 375-7180 TDD 375-7198
www.oshtemo.org

**NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

**Regular Meeting
Thursday, October 11, 2018
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: Work Session of September 27, 2018
6. **PUBLIC HEARING:** Rezoning Request
Consideration of an application from Scott Mursch, on behalf of Francis Mursch, to rezone 5831 Stadium Drive from the R-2: Residence District to the R-3: Residence District. Parcel No. 3905-25-324-140.
7. **PUBLIC HEARING:** Rezoning Request
Consideration of an application from Oshtemo Charter Township to rezone a portion of a parcel of land totaling 1.95 acres located at 1995 North 6th Street from the C: Local Business District to the RR: Rural Residential District. Parcel No. 3905-09-480-010.
8. **PUBLIC HEARING:** Rezoning Request
Consideration of an application from Oshtemo Charter Township to rezone a portion of each parcel of land at 3800 South 12th Street, 3941 South 11th Street, 3985 South 11th Street, and land immediately south of 3985 South 11th Street totaling 40,837 square feet from the C: Local Business District to the RR: Rural Residential District. Parcel No's. 3905-36-280-010, 3905-36-255-080, 3905-36-405-010, and 3905-36-405-020.
9. **PUBLIC HEARING:** Rezoning Request
Consideration of an application from Oshtemo Charter Township to rezone a portion of five parcels of land at 6760 West KL Avenue west to 6930 West KL Avenue totaling 2.99 acres from the C: Local Business District to the R-2: Residence District. Parcel No's. 3905-23-155-050, 3905-23-155-013, 3905-23-155-080, 3905-23-155-090, and 3905-23-055-100.

10. **PUBLIC HEARING:** Special Exception Use

Consideration of an application from Larry and Cat Elwell, on behalf of Jaqua Limited, LLC, for a special exception use to develop a hair salon located at 2727 South 11th Street in the R-3: Residence District, pursuant to Section 23.400 of the Township Zoning Ordinance. Parcel No. 3905-25-405-070.

11. **PUBLIC HEARING:** Corner@Drake Sign Deviation

Consideration of an application from Intercity Neon, representing Olga's Kitchen, for a dimensional departure from Section 76.170 of the Township Zoning Ordinance, to allow a third wall sign when only two are permitted. The departure is requested under Section 60.405 of the Planned Unit Development ordinance. The subject property is located within the Corner@Drake PUD at the northwest corner of Stadium Drive and Drake Road, within the C: Local Business District. Parcel No. 3905-25-075-029.

12. **PUBLIC HEARING:** Corner@Drake Sign Deviation

Consideration of an application from Corner@Drake E, LLC for a dimensional departure from Section 76.170 of the Township Zoning Ordinance, to allow for greater sign area and height for one new freestanding sign within the Corner@Drake PUD. The departure is requested under Section 60.405 of the Planned Unit Development Ordinance. The subject property is located within the Corner@Drake PUD at the northwest corner of Stadium Drive and Drake Road, within the C: Local Business District. Parcel No's. 3905-25-075-029 and 3905-25-240-004.

13. Old Business

a. Work Item Updates

- i. Zoning Ordinance Re-Org
- ii. Ordinance Amendments: Agritourism, Setbacks, Conditional Rezoning, Lighting
- iii. GO! Green Oshtemo Plan
- iv. Village Theme Development Plan

14. Any Other Business

15. Planning Commissioner Comments

16. 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 HELD SEPTEMBER 27, 2018

Agenda

AGRITOURISM ORDINANCE REVIEW

GO! GREEN OSHTEMO MASTER PLAN UPDATE REVIEW

A work session of the Oshtemo Charter Township Planning Commission was held on Thursday, September 27, 2018, commencing at approximately 6:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Cheri Bell, Chairperson
Fred Antosz
Ollie Chambers
Dusty Farmer, Secretary
Micki Maxwell
Mary Smith
ABSENT Bruce VanderWeele

Also present were James Porter, Township Attorney and Martha Coash, Meeting Transcriptionist. There were no other interested persons in attendance.

Call to Order

The meeting was called to order by Chairperson Bell at approximately 6:00 p.m.

Approval of the Agenda

The Chair noted agenda item #6, a review of the Go! Green update needed to be postponed until Ms. Johnston could be present.

Mr. Antosz made a motion to approve the agenda as presented, with the exception of item # 6, which will be postponed to a future date, when Ms. Johnston is able to be present. Mr. Chambers supported the motion. The motion was approved unanimously.

Public Comment on Non-Agenda Items

Chairperson Bell noted there were no members of the public present.

Approval of the Minutes of the Regular Meeting of September 13, 2018

Chairperson Bell asked if there were additions, deletions or corrections to the Minutes of the Regular Meeting of September 13, 2018.

Mr. Chambers made a motion to approve the minutes of the Regular Meeting of September 13, 2018 as presented. Ms. Maxwell supported the motion. The motion was approved unanimously.

Agritourism Ordinance Review

The last review of the Agritourism Ordinance was done at the August 23rd work session, completing review of categories one and two. This work session focused on Agritourism, Category 3.

Commissioners thoroughly reviewed Category 3 and made a number of edits which will be provided to Ms. Johnston.

ANY OTHER BUSINESS

There was no other business.

PLANNING COMMISSIONER COMMENTS

There were no comments from Commissioners.

ADJOURNMENT

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Bell adjourned the meeting at approximately 7:00 p.m.

Minutes prepared:
September 28, 2018

Minutes approved:
_____, 2018

October 3, 2018



Meeting Date: October 11, 2018

To: Planning Commission

From: Julie Johnston, AICP
Planning Director

Applicant: Scott Mursch

Owner: Francis Mursch Trust

Property: 5831 Stadium Drive
Parcel No. 3905-25-324-140

Zoning: R-2: Residence District

Request: R-3: Residence District

Section(s): Section 22 – R-2: Residence District
Section 23 – R-3: Residence District

OVERVIEW

The applicant, Mr. Scott Mursch, representing the Francis Mursch Trust, requests the Planning Commission's consideration of a rezoning for property located at 5831 Stadium Drive. The subject property is currently zoned R-2: Residence District and is located at the southwest corner of Stadium Drive and Plainview Street, within the Plainview Plat. The requested change is to the R-3: Residence District. The intent is to provide more zoning versatility for a property located along Stadium Drive, where office, commercial, and retail uses are located.

CONSIDERATIONS

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. These considerations are as follows:

1. Master Plan Designation

The Future Land Use Map indicates Transitional Office for the property in question. The Transitional Office District specifies the following:

“There are several areas in the Township that could benefit from a district that serves as a buffer between existing commercial uses and/or transportation networks and adjacent residential uses. The use of a Transitional Office District is intended to mitigate the compatibility issues that often arise between higher intensity development and residential uses.

Development envisioned for the Transitional Office District include primarily office and institutional uses. Office uses include financial institutions, professional service firms, medical facilities, and personal service establishments. This category may include buildings occupied by single professional business or a larger multi-tenant office building. Institutional uses include churches, schools, daycare centers, libraries, post offices and other public buildings, and public recreation. The District would also include medium density residential uses, such as duplexes and senior-oriented complexes.”

The properties on the south side of Stadium Drive are all future land use planned for Transitional Office in this area. To the north of Stadium Drive is the General Commercial District, which is intended to serve both residents of Oshtemo, as well as a larger regional market. Uses like big box retail, shopping centers, and auto-oriented uses are permitted.

Currently, the Township does not have a Transitional Office zoning district. However, the R-3 District is the closest approximation to this Future Land Use Category. The R-3 District allows both residential and office uses, including the conversion of single-family residential to office uses.

2. Consistency of the Zoning Classification in the General Area

As stated, the property in question is zoned R-2: Residence District, as is the majority of the Plainview Plat. However, the lot at the southeast corner of Stadium Drive and Plainview Street is zoned the R-3 District. On the south side of Stadium Drive at this location is a mix of R-2, R-3, and R-4 zoning. The properties to the immediate west of the subject site are zoned R-4, which allows multi-family development. On the north side of Stadium Drive is the C: Local Business District.

The request for R-3 zoning for this lot could be seen as a buffer or “transition” from the single-family homes to the south and the significant right-of-way for Stadium Drive. In addition, it is consistent with the zoning trend in this area, which is predominantly R-3 and R-4 zoning along the south side of Stadium Drive.

3. Consistency and Compatibility with General Land Use Patterns in the Area

The predominate land use pattern along the south side of Stadium Drive in this area is a mix of office and multi-family development. The Plainview Plat is the only single-family subdivision found on this side of the Stadium Drive right-of-way. To the immediate east of the subject site (5787 Stadium Drive) is a multi-tenant office building. This lot was rezoned in 2001 to the R-3 District and the office use built in 2003. Moving farther east from the Plainview Plat is another office development and then the Hope Woods senior living complex. To the west of the subject property on the south side of Stadium Drive is the Chestnut Woods apartment complex.

On the north side of Stadium Drive, the land use pattern is more commercial in nature. There are two large automotive dealerships – Metro Toyota and Denooyer Chevrolet – that encompass 16 acres of land just north of the subject site.

The land uses permitted within the R-3 District, residential and office, would be consistent with the land use pattern found along the south side of the Stadium Drive and would be less intense than the pattern immediately across the street.

4. Utilities and Infrastructure

Utilities and infrastructure are often considered in a request for rezoning to ensure that public facilities can service any possible development that would occur on the site. Both public water and sewer are available to this site.

5. Reasonable Use under Current Zoning Classification

The uses permitted under the current zoning classification of R-2 would limit the site to generally single-family or duplex use. The continuation of the lot as a single-family home allows reasonable use of the property within the context of the Plainview Plat. However, as a corner lot adjacent to Stadium Drive, it is reasonable to consider the uses permitted within the R-3 District, which are more consistent with the land use pattern along this right-of-way.

6. Effects on Surrounding Property

The change to the R-3 District could have possible effects on the single-family homes located to the south of the subject site. The transition to an office use or higher density residential use could result in some compatibility concerns that would need to be clearly addressed during site plan review. It should be noted that this transition has already occurred within the neighborhood when 5787 Stadium Drive was rezoned and the office use developed. In addition, the change to the R-3 District at the subject site will function as both the future land use plan and zoning district intend; providing a buffer between existing commercial uses and/or transportation networks and adjacent residential uses.

RECOMMENDATION

Staff recommends the Planning Commission forward a recommendation of approval to the Township Board for the rezoning of 5831 Stadium Drive from the R-2: Residence District to the R-3: Residence District for the following reasons:

1. The proposed rezoning is consistent with the Township's Future Land Use Plan, which indicates Transitional Office for this lot.
2. The request is consistent with the existing zoning and land use pattern in the areas.

3. The requested R-3 zoning will provide a buffer between existing office and commercial uses, as well as the Stadium Drive right-of-way, and the single-family residential uses within the Plainview Plat.

Respectfully submitted,



Julie Johnston, AICP
Planning Director

Attachments: Application
Aerial map
Zoning Map
Future Land Use Map
Planning Commission Minutes – 5878 Stadium Drive Rezoning



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

PLEASE PRINT

PROJECT NAME & ADDRESS _____

PLANNING & ZONING APPLICATION

Applicant Name : Scott Mursch
Company _____
Address 5831 Stadium Drive
Kalamazoo, MI 49009
E-mail scm8183@yahoo.com
Telephone 269-615-2682 Fax _____
Interest in Property Family representative

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

Fee Amount _____
Escrow Amount _____

OWNER*:

Name Francis Mursch Trust
Address Same
Email _____
Phone & Fax _____

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

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

Rezone the property from R-2 to R-3 to allow for greater flexibility of uses for property located on Stadium Drive.

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

Plainview, Lot 14

PARCEL NUMBER: 3905- 25-324-140

ADDRESS OF PROPERTY: 5831 Stadium Drive

PRESENT USE OF THE PROPERTY: Residential

PRESENT ZONING R-2 **SIZE OF PROPERTY** 0.82 acres

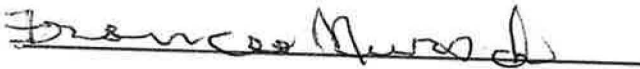
**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS
HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

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.





Owner's Signature(* If different from Applicant)

Date

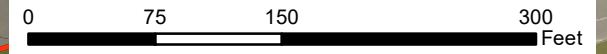
Applicant's Signature




Date

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

PLEASE ATTACH ALL REQUIRED DOCUMENTS

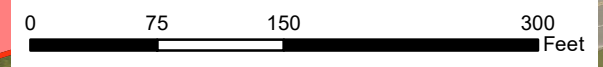
Stadium Drive Rezoning



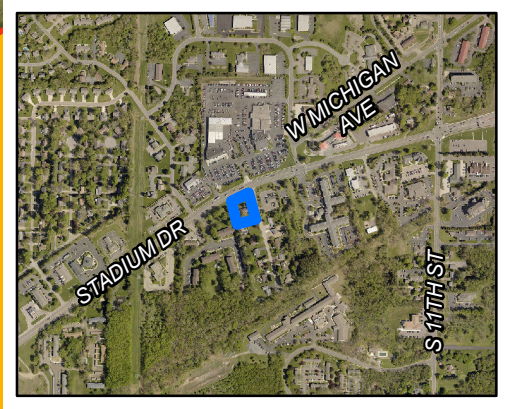
-  Public Right-of-Way
-  Subject Property
-  Other Property Line



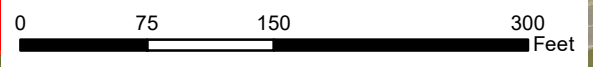
Stadium Drivert Rezoning--Current Zoning



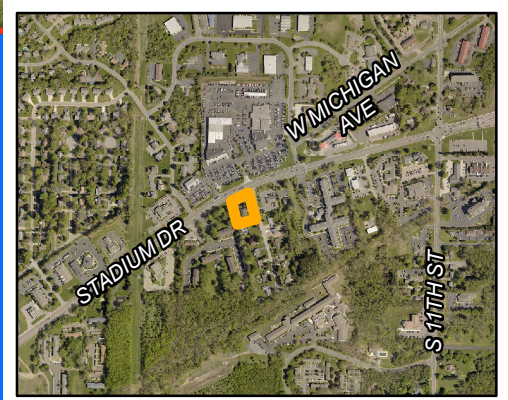
- Public Right-of-Way
- Subject Property
- Other Property Line
- R2 - RESIDENCE DISTRICT
- R3 - RESIDENCE DISTRICT
- R4 - RESIDENCE DISTRICT
- C - LOCAL BUSINESS DISTRICT



Stadium Drivert Rezoning--Future Land Use



- Public Right-of-Way
- Subject Property
- Other Property Line
- Medium Density Residential
- Transitional Office
- General Commercial



fencing would be 5 feet or greater in height.

(5) All lighting would comply with Section 78.700 and be adequately shielded to direct light downward at an angle no greater than 75 degrees above the pavement. The fixture details would be submitted to Township staff for review and approval.

(6) Any signage must comply with Section 76.000 and is subject to review and approval through the permit process. No signage may be hung from the fencing.

(7) That an a residential style waste receptacle be provided on site.

(8) That landscaping as proposed by applicant was approved as modified in the special exception use permit approval.

(9) That maintenance personnel visit the site daily or as often as necessary to remove garbage and unclaimed items left out of the storage units.

(10) That landscaping be installed consistent with the approval prior to Certificate of Occupancy being granted or a Performance Guarantee consistent with the provisions of 82.950 must be provided.

(11) That approval subject to review and approval and conditions imposed by the Township Fire Department.

(12) That storm water would be managed by the parks storm water system. Site engineering and changes to the system on unit #6 are subject to review and approval by the Township Engineer.

(13) An earth change permit from the Kalamazoo County Drain Commissioner's office is required before any earth change activities could commence.

Ms. Everett seconded the motion. The motion carried unanimously.

TAPLIN - REZONING REQUEST - 5787 STADIUM DRIVE - (PARCEL NO. 3905-25-324-010)

The Planning Commission considered the application of Steve Taplin for rezoning of a .90 acre parcel at the southeast corner of Stadium Drive and Plainview Street, at 5787 Stadium Drive. The subject property is located in the "R-2" Residence District zoning classification and is parcel no. 3905-25-324-010. The applicant was requesting rezoning from the "R-2" to the "R-3" Residence District classification.

The Report of the Planning and Zoning Department is incorporated herein by reference.

It was indicated that the applicant desires "R-3" zoning to allow for the establishment of an office building on the property. The Plainview Plat is recognized in the Master Land Use Plan as a protected residential area.

The applicant was present indicating that he was available to answer questions. He felt his plans would not be detrimental to the neighborhood.

It was stressed that a very small area would be left for building and parking on the site due to the applicable set backs. The applicant felt this would not be a problem.

It was noted that in the "R-3" District offices would be a maximum of 10,000 square feet.

The Chairperson asked for public comment and it was noted that a letter had been received from Ron Wiser in opposition to the proposed rezoning. No other public comment was offered and the public hearing was closed.

The Chairperson made reference to the rezoning request criteria. The Planning Commission considered whether the proposed rezoning was supported by the adopted master land use plan. Again it was noted that the plan calls for this area to be "protected residential" and notes that the Township will resist rezoning actions which would allow the encroachment of incompatible uses or discourage the preservation of existing residential neighborhoods.

Mr. Corakis stated that he did not feel that it was likely that the corner lot, being on Stadium Drive and across from commercial zoning on which the DeNooyer Automobile Dealership was located, was likely to be developed with a single family residence. He felt that an office established on the site would be a buffer for the neighborhood as a whole.

Mr. Rakowski expressed concern about a domino effect on the rest of the neighborhood and Ms. Everett agreed. The Chairperson recognized that the Master Land Use Plan had identified certain neighborhoods including this one as protected residential. However, he recognized that transitional zoning might be compatible with, and provide protection for, the neighborhood.

Ms. Stefforia noted that the lot might be split and under current zoning two duplexes established. If rezoned to the "R-3" District, a less than 3,000 square foot office could be established on the site, or the alternative, a three family dwelling.

The applicant stated that in his opinion because the DeNooyer site was across the street, it was not usable for single family development. He felt because an office would be a special exception use the Township would have a better buffer for the rest of the neighborhood.

There was discussion of the fact that the "R-3" District was designed as a transitional zoning classification to permit residential development together with other facilities that did not generate large traffic volumes, traffic congestion or traffic problems. The "R-3" uses were designed to be compatible with surrounding residential uses.

The Chairperson asked for public comment and Francis Mursch stated that she had no objections to the rezoning. She felt that rezoning would be consistent with the area in that there were business along Stadium Drive. She stated that she owned the property located within the plat on the opposite side of Plainview.

The Chairperson stated that as an example the Mansfield area/neighborhood Fairgrove area (also a protected residential neighborhood) was a thriving neighborhood with commercial zoning fronting on Stadium Drive. He felt that this arrangement had not produced a problem for the residential uses.

Mr. Rakowski stated that in his opinion, if the Applicant was requesting commercial zoning, it would be incompatible. However, "R-3" zoning would be more compatible.

Ms. Everett expressed concern that the remainder of the neighborhood be protected.

The Planning Commission considered whether the proposed rezoning would severely impact traffic, public facilities, and the natural characteristics of the surrounding area or significantly change population density. It was the consensus of the Planning Commission that there would not be a severe impact. It was recognized that public sewer was not currently available to the site, but could be extended to the site.

There was a discussion of whether the proposed rezoning would constitute a spot zone. It was felt that this would not be spot zoning in that there was "R-3" zoning to the east and commercial zoning across the street. Therefore, this site would serve as a transition to the R-2 zoning to the south.

The Planning Commission considered whether the proposed rezoning was contrary to the established land use pattern. Planning Commissioners agreed that it was not contrary to the established land use pattern in

that there was a mixture of land use along Stadium Drive.

There was discussion whether the proposed rezoning would have the effect of stimulating other rezoning requests in the vicinity. The Township attorney expressed the opinion that the reasoning in favor of rezoning would apply equally to the lot fronting on Stadium Drive on the west side of Plainview Avenue. However, the Township could reason that no further rezonings to the south would be in keeping with the master plan. The two northern most lots of the plat would provide for transition and a buffer for the neighborhood from the adjacent commercial development.

The Planning Commission agreed that there had been some changes in condition in the surrounding area which would support the proposed rezoning. The property to the east of the subject property was rezoned in 2000 from "R-3" to R-4 for development of the Hope Wood Senior Citizens Housing.

Mr. Rakowski expressed that he would not believe that single family development could occur at this location on Stadium Drive. In his opinion, the development of an office would offer a buffer or transition between the neighborhood and the commercial uses across the street.

Brian Maloney asked whether the area could be expanded to encompass the lot on the west side of Plainview. Since this area was not included in the public notice it, therefore, could not be considered for rezoning, but could be part of the Master Land Use Plan amendment.

After further discussion, Mr. Rakowski moved to recommend amendment of the Master Land Use Plan to designate the area encompassing the two northern most lots of the plat to the transitional classification and to rezone the .9 acre Parcel No. 3905-25-324-010 to the "R-3" Residence District reasoning that the rezoning would allow the parcel to function as a transition/buffer between the neighborhood and the adjacent commercial uses and that "R-3" would allow for development of the lot compatible with residential use to the south. The rezoning would serve the goal of protecting the neighborhood as a whole and allow for reasonable use of the property. The rezoning would decrease the likelihood that there would be pressure to rezone the lot in question to the commercial district. Mr. Corakis seconded the motion. It was agreed that the motion should clearly reflect that no further rezoning to the south would be deemed in keeping with the Master Land Use Plan in that further rezonings would not serve the transition or buffer goal. Therefore, no rezoning to the south would be supported by the Master Land Use Plan. Upon a vote on the motion, the motion carried 5 to 1 with Ms. Heiny-Cogswell voting in opposition.

KNIBBE - REZONING REQUEST - 4628 RAVINE ROAD - (PARCEL NO. 3905-01-285-056)

The Planning Commission considered the application of Doug Knibbe for rezoning of approximately 1.25 acres at 4628 Ravine Road from the "R-4" Residence District to the "C" Local Business District zoning classification. The subject property is Parcel No. 3905-01-285-056. The report of the Planning Zoning Department is incorporated herein by reference.

There is currently a single family home and accessory building on the subject property. The applicant proposed a bakery use, which requires commercial zoning. The property is located on the east side of Ravine Road and abuts Kalamazoo Township. Ms. Stefforia reported that notice of the request had been provided to Kalamazoo Township for service on residents within 300 feet of the property.

Ms. Stefforia indicated that she was not sure that the property could be split as proposed by the applicant due to the placement of the existing buildings on the site. No survey had been provided to the Township. Moreover, staff questioned the ability of the site to be developed in compliance with the requirements of the zoning ordinance if rezoned to the commercial district given the severe topography and the placement of the existing house and accessory building, as well as the applicable setbacks.

October 2, 2018



Meeting Date: October 11, 2018

To: Planning Commission

From: Julie Johnston, AICP
Planning Director

Applicant: Oshtemo Charter Township

Owner: Ms. Virginia Rayman

Property: 1995 North 6th Street, Parcel No. 3905-09-480-010

Zoning: C: Local Business District

Request: RR: Rural Residential

Section(s): Section 20 – RR: Rural Residential District
Section 30 – C: Local Business District

OVERVIEW

This is a Planning Department initiated request to rezone the portion of the subject parcel that is designated as C: Local Business District to the RR: Rural Residential District. The concern with the current zoning of this property is its incompatibility with surrounding land uses and zoning. In addition, the request to rezone the subject property is a step towards implementation of the Township's Future Land Use Map.

The total parcel size is 35.4 acres and that portion which is zoned C: Local Business District comprises approximately 1.95 acres located adjacent to 6th Street. From aerial photography and a site visit, the property contains a single-family home and a number of outbuildings. In addition, most of the acreage is farmed with some undeveloped wooded areas. The accessory building immediately to the north of the home was the location of the commercial operation on the property.

PROPERTY HISTORY

From our investigations, staff found minutes from a May 28, 1981 Zoning Board meeting which indicated that part of the subject parcel was zoned "C" and was used as a car sale and auto repair shop. The minutes reflect that the use was in place prior to the establishment of the first zoning ordinance in the Township, making the uses legal nonconforming. The applicant at that meeting was requesting a change in the properties zoning, moving the "C" district to a different location on the parcel. This request was ultimately approved by the Township Board at a January 1982 meeting. The commercial zoning has been in place since that time. There are no records as to how long the property was actually used as an auto repair shop but it appears from aerial photography that this use ceased to exist at some point between 2009 and 2013. The property is currently being used in an agricultural and residential manner.

CONSIDERATIONS

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. These considerations are as follows:

1. Master Plan Designation

The Future Land Use Map designation for this property and all surrounding properties is Rural Residential. This designation plans for predominately low density single-family residential with some agricultural uses that engender rural character. The Future Land Use Plan does recognize some small long-standing commercial uses within the Rural Residential area, but references farm stands and other commercial uses serving the local and regional markets. For example, Husted's Market on West Main Street.

The overall intent of this District is to promote a rural lifestyle for residential and agricultural uses. Strategic locations for commercial development were carefully planned to provide opportunities for residents to meet convenience needs. The Neighborhood Commercial District, which was designed for the less developed areas of the Township, indicates commercial uses should maintain rural character and provide services, like small convenience stores, that will support and be compatible with nearby residential developments.

The commercial zoning on the subject property was not future planned in this area and is not compatible with the overall intent of the Rural Residential district.

2. Consistency of the Zoning Classification in the General Area

The properties that surround the subject parcel are either the AG: Agricultural District or the RR: Rural Residential District. The C: Local Business District is essentially "spot" zoning at this location. According to an article published by the Michigan State University Extension on June 17, 2016, there are four criteria to remember to avoid spot zoning, as follows:

"One illegal form of rezoning is spot zoning. This practice gets its name from the appearance of small spots of different zoning districts on a zoning map that otherwise has large contiguous areas in the same zoning district around the spots. To be considered a spot zone, the property, in most cases, must meet the following four criteria:

- *The area is small compared to districts surrounding the parcel in question.*
- *The new district allows land uses inconsistent with those allowed in the vicinity.*
- *The spot zone would confer a special benefit on the individual property owner not commonly enjoyed by the owners of similar property.*
- *The existence of the spot zone conflicts with the policies in the text of the master plan and the future land use map.*

Rezoning that have the four characteristics of spot zoning listed above run a high risk of invalidation if challenged in court and not consistent with the master plan. In some cases, master plans anticipate these relationships and provide for them (for example, a small

commercial area may serve a residential neighborhood). In those cases where the master plan supports a relatively small zoning district that is dissimilar to the zoning that surrounds it, this is probably not a spot zone."

The subject site meets all four of these criteria. The commercial zoning is only 1.95 acres, which is very small in comparison to the acres of property surrounding the site which are zoned Agricultural or Rural Residential. The uses permitted within the C: Local Business District are generally incompatible with the AG and RR District uses, which is why the Master Plan outlines the need for a Neighborhood Commercial District. The commercial zoning confers a benefit on this individual property which is not enjoyed by adjacent properties, namely the right to develop more intense retail, commercial, and convenience uses. Finally, the commercial zoning is not supported by the Future Land Use Map, as previously stated.

3. Consistency and Compatibility with General Land Use Patterns in the Area

Properties surrounding the subject site are residential and agricultural in nature and are generally large parcels. A few smaller parcels have been created from the parent parcels along 6th Street to allow for residential development. Most of the parcels have either been put into agricultural production or are largely undeveloped and heavily wooded.

The residential and agricultural elements of the subject parcel are more in keeping with the surrounding land use pattern than the commercial zoning.

4. Utilities and Infrastructure

Utilities and infrastructure are often considered in a request for rezoning to ensure that public facilities can service any possible development that would occur on the site. Public utilities are particularly important when considering a large commercial zoned parcel. As this is a request to down zone a portion of the property, utilities are not a critical factor. However, public sanitary sewer and water are both available on 6th Street.

5. Reasonable Use under Current Zoning Classification

As the commercial use has ceased on the subject property, the change to the RR: Rural Residential District would allow the current residential and agricultural uses to continue. In addition, the rezoning will be beneficial as dual zoning often creates use nonconformities which can be problematic when either selling or financing the property.

6. Effects on Surrounding Property

Rezoning the property to the RR: Rural Residential District will have positive effects on the surrounding properties. The rezoning will allow consistency in use and compatibility of development with adjacent properties. Removing the possibility of a commercial operation will support the rural and residential character of the area.

RECOMMENDATION

Staff recommends the Planning Commission forward a recommendation of approval to the Township Board for the rezoning of the subject property from the C: Local Business District to the RR: Rural Residential District for the following reasons:

1. The proposed rezoning is consistent with the Township's Future Land Use Plan.
2. The requested RR: Rural Residential zoning is compatible with the surrounding land uses and zoning classifications.
3. Rezoning the property will eliminate an area of "spot" zoning in the Township.

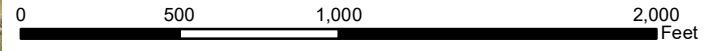
Respectfully submitted,






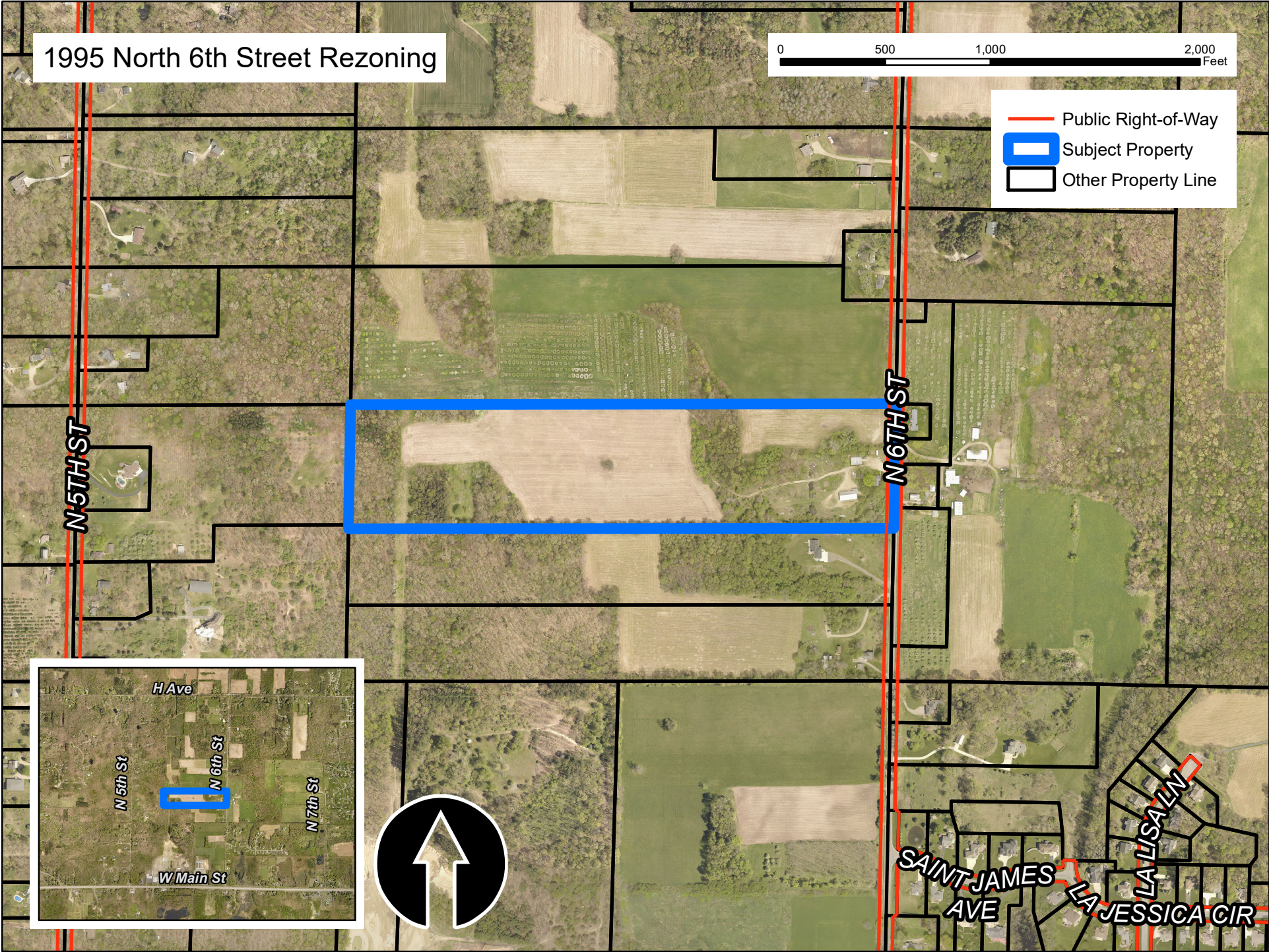
Julie Johnston, AICP
Planning Director

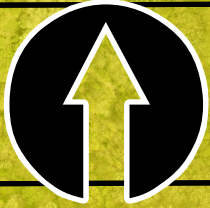
Attachments: Aerial map
Zoning Map
Future Land Use Map

1995 North 6th Street Rezoning








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

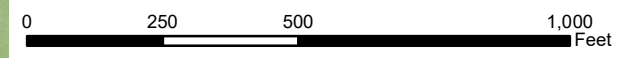




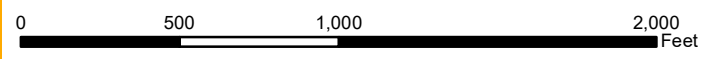
1995 N 6TH ST

N 6TH ST

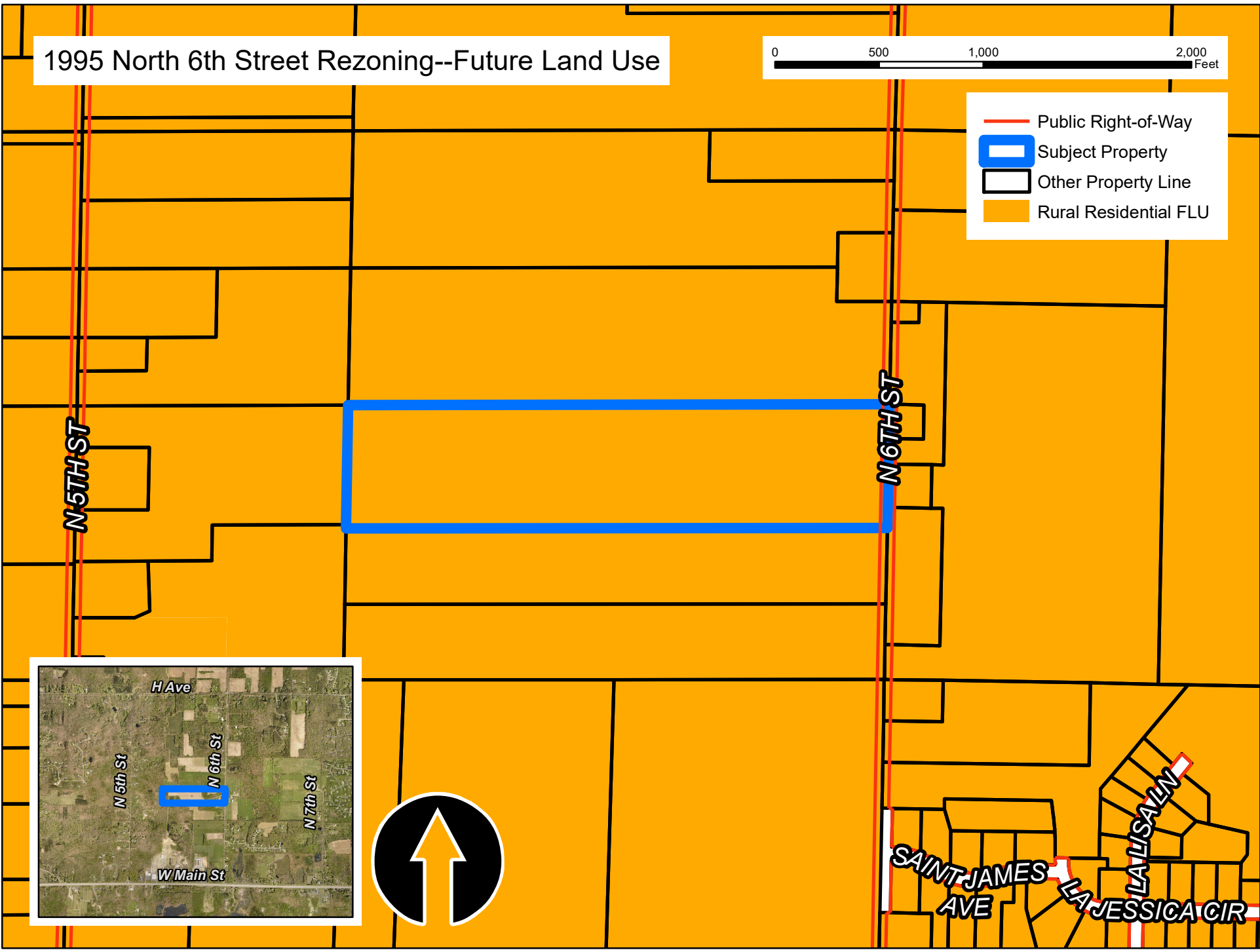
-  Subject Property
-  Other Property Line
-  AG - AGRICULTURAL DISTRICT
-  RR - RURAL RESIDENTIAL DISTRICT
-  C - LOCAL BUSINESS DISTRICT



1995 North 6th Street Rezoning--Future Land Use



- Public Right-of-Way
- Subject Property
- Other Property Line
- Rural Residential FLU



October 2, 2018



Meeting Date: October 11, 2018

To: Planning Commission

From: Julie Johnston, AICP
Planning Director

Applicant: Oshtemo Charter Township

Owner: Kalamazoo Christian School Association
Mr. Ricky Colasanti
Mr. Theodore and Mrs. Kathryn McFarlen

Property: Parcel Numbers 3905-36-280-010 (addressed as 3800 South 12th Street) and 3905-405-020
3941 South 11th Street, Parcel No. 3905-36-255-080
3985 South 11th Street, Parcel No. 3905-36-405-010

Zoning: C: Local Business District

Request: RR: Rural Residential

Section(s): Section 20 – RR: Rural Residential District
Section 30 – C: Local Business District

OVERVIEW

The four parcels included in this request have dual C: Local Business District and RR: Rural Residential District zoning. This is a Planning Department initiated request to rezone the portion of the subject parcels that are designated as C: Local Business District to the RR: Rural Residential District. The concern with the current zoning of these properties is the incompatibility with surrounding land uses and zoning. In addition, the request to rezone the subject property is a step towards implementation of the Township's Genesee Prairie Sub-Area Plan.

The C: Local Business District designation is located approximately 130 feet east of South 11th Street and touches, to some degree, all four parcels. The total size of the commercial designation is approximately 40,837 square feet, approximately 2,700 square feet shy of an acre. The four properties, moving north to south, include the following:

Parcel Number	Total Acreage	RR Zoning Acreage	Commercial Zoning Acreage
3905-36-280-010	77.04	76.77	0.27
3905-36-255-080	0.77	0.74	0.03
3905-36-405-010	1.34	0.88	0.46
3905-36-405-020	17.26	17.08	0.18

The difficulty with the dual zoning on these properties is the creation of nonconforming uses. Residential uses are not permitted within the C: Local Business District. The home located at 3985 South 11th Street is located within the C District and is therefore nonconforming and must comply with all of the nonconforming requirements of the Ordinance. This means the building is not allowed to expand and if it is damaged where reconstruction exceeds one-half of the value of the home, it can only be built in conformance with the code. As residential uses are not permitted, the property owner would have to request a rezoning before the home could be rebuilt.

In addition, the relatively small area of the parcels zoned commercial limits the actual uses which could be developed. The parcel addressed as 3941 South 11th Street only has approximately 1,359 square feet of commercial zoning. When considering the requirements for parking, landscaping, on-site storm water retention, and the placement of a commercial building, it is likely the available commercial zoning could not accommodate all of these needs. What this equates to is a zoning designation that severely restricts the feasibility of commercial development while also hindering the existing residential uses.

PROPERTY HISTORY

Staff was not able to find any mention of this zoning designation in previous minutes of either the Zoning Board, Planning Commission, or Township Board. Based on this, we have to assume the commercial zoning was designated during the establishment of the first zoning ordinance for the Township.

There is a large garage type structure found within the area designated as C: Local Business District. However, staff has been informed that this structure is not utilized by the Kalamazoo Christian School as a bus garage. In fact, the Fire Marshal, who has been with the Township for over 30 years, stated he doesn't recall the garage every being a commercial operation. At this time, staff has no documentation as to why commercial zoning was placed at this location.

CONSIDERATIONS

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. These considerations are as follows:

1. Master Plan Designation

The subject properties and all surrounding properties are included in the Genesee Prairie Sub-Area Plan. The future land use map for the Sub-Area indicates most of the properties along 11th Street should develop as Conservation Residential, which states the following:

“Areas designated Conservation Residential will remain much as they are currently. This includes a mix of agriculture, open space, rural residential and low-density residential neighborhoods. As development occurs, it must be consistent with the principles of the Sub-Area. As large-scale agriculture becomes less viable, small organic or community-supported farms may be established in conjunction with low density residential development to capitalize on the prime soils and provide a local food supply.”

The RR: Rural Residential zoning in this area supports the Conservation Residential future land use designation. The overall intent of the Conservation Residential District is to promote a rural lifestyle for residential and agricultural uses and preserve important open space lands. Commercial development, outside possible small agribusinesses, was not envisioned in this area of the Township.

The other future land use designation in this area is the Institutional District. The Sub-Area Plan indicates the following:

“The Institutional area covers three properties; the Genesee Prairie Cemetery, the National Guard Armory, and Kalamazoo Christian West Elementary (and the remaining property owned by Kalamazoo Christian Schools). All of these uses are quasi-public uses, and are located at 12th Street and Parkview Avenue. Due to the likelihood that these properties will remain under current ownership and use for the foreseeable future, they were given a separate designation.”

Overall, the two future land use categories located within and near the subject rezoning allow generally low-intensity uses that fit well in a residential and more rural environment. The C: Local Business District would allow uses incompatible with the intent of the Genesee Prairie Sub-Area Plan.

2. Consistency of the Zoning Classification in the General Area

The properties that surround the subject parcels are zoned RR: Rural Residential District. Some R-2 Residence District zoning is found approximately 1,000 feet to the south of the commercial zoning designation. The C: Local Business District is essentially “spot” zoning at this location. According to an article published by the Michigan State University Extension on June 17, 2016, there are four criteria to remember to avoid spot zoning, as follows:

“One illegal form of rezoning is spot zoning. This practice gets its name from the appearance of small spots of different zoning districts on a zoning map that otherwise has large contiguous areas in the same zoning district around the spots. To be considered a spot zone, the property, in most cases, must meet the following four criteria:

- *The area is small compared to districts surrounding the parcel in question.*
- *The new district allows land uses inconsistent with those allowed in the vicinity.*
- *The spot zone would confer a special benefit on the individual property owner not commonly enjoyed by the owners of similar property.*
- *The existence of the spot zone conflicts with the policies in the text of the master plan and the future land use map.*

Rezoning that have the four characteristics of spot zoning listed above run a high risk of invalidation if challenged in court and not consistent with the master plan. In some cases, master plans anticipate these relationships and provide for them (for example, a small commercial area may serve a residential neighborhood). In those cases where the master plan supports a relatively small zoning district that is dissimilar to the zoning that surrounds it, this is probably not a spot zone.”

The subject site meets all four of these criteria. The commercial zoning is less than an acre in size, which is very small in comparison to the acres of property surrounding the site which are zoned Rural Residential. The uses permitted within the C: Local Business District are generally incompatible with the RR District uses, which is why the Township Master Plan designated a Neighborhood Commercial District to provide specific areas in the rural parts of the Township for convenience uses. The commercial zoning confers a benefit on these parcels which is not enjoyed by adjacent properties, namely the right to develop more intense retail, commercial, and convenience uses. Finally, the commercial zoning is not supported by the Genesee Prairie Sub-Area Plan, as previously stated.

3. Consistency and Compatibility with General Land Use Patterns in the Area

Two of the four properties included in this request are owned by the Kalamazoo Christian School Association and are large parcels totaling 94.3 acres. While the elementary and middle school are located on the property addressed as 3800 South 12th Street, the land near 11th Street near the commercial zoning for both parcels is currently farmed. The remaining two parcels are smaller and have developed as single-family residential uses.

Properties surrounding the subject site remain predominately agricultural row crops. This area of the Township has prime fertile soils for farmland. The existing farming is the only significant remaining agricultural use in the eastern third of the Township. Additional area land uses include some smaller residential parcels and two large institutional uses – Kalamazoo Christian Elementary and Middle School and the Lighthouse Community Church.

The residential and agricultural elements of the subject parcels are more in keeping with the surrounding land use pattern than the commercial zoning.

4. Utilities and Infrastructure

Utilities and infrastructure are often considered in a request for rezoning to ensure that public facilities can service any possible development that would occur on the site. Public utilities are particularly important when considering a large commercial zoned parcel. As this is a request to down zone a portion of the subject properties, utilities are not a critical factor.

Public water is available on 11th Street, just not immediately adjacent to the subject parcels. The water system ends both to the north and south of the Kalamazoo Christian School Association parcels. Sanitary sewer is located on N Avenue and moves north up 11th Street for approximately 450 feet.

5. Reasonable Use under Current Zoning Classification

With the uncertainty of whether a commercial use was ever active on the subject parcels, the removal of the C: Local Business District should have no impact on the reasonable use of the property. The change to the RR: Rural Residential District would allow the current residential and agricultural uses to continue. In addition, the rezoning will be beneficial as dual zoning often creates use nonconformities which can be problematic when either selling or financing property.

6. Effects on Surrounding Property

Rezoning the property to the RR: Rural Residential District will have positive effects on the surrounding properties. The rezoning will allow consistency in use and compatibility of development with adjacent properties. Removing the possibility of a commercial operation will support the rural and residential character of the area and the Genesee Prairie Sub-Area Plan.

RECOMMENDATION

Staff recommends the Planning Commission forward a recommendation of approval to the Township Board for the rezoning of the subject properties from the C: Local Business District to the RR: Rural Residential District for the following reasons:

1. The proposed rezoning is consistent with the Genesee Prairie Sub-Area Plan.
2. The requested RR: Rural Residential zoning is compatible with the surrounding land uses and zoning classifications.
3. Rezoning the properties will eliminate an area of “spot” zoning in the Township.




Respectfully submitted,

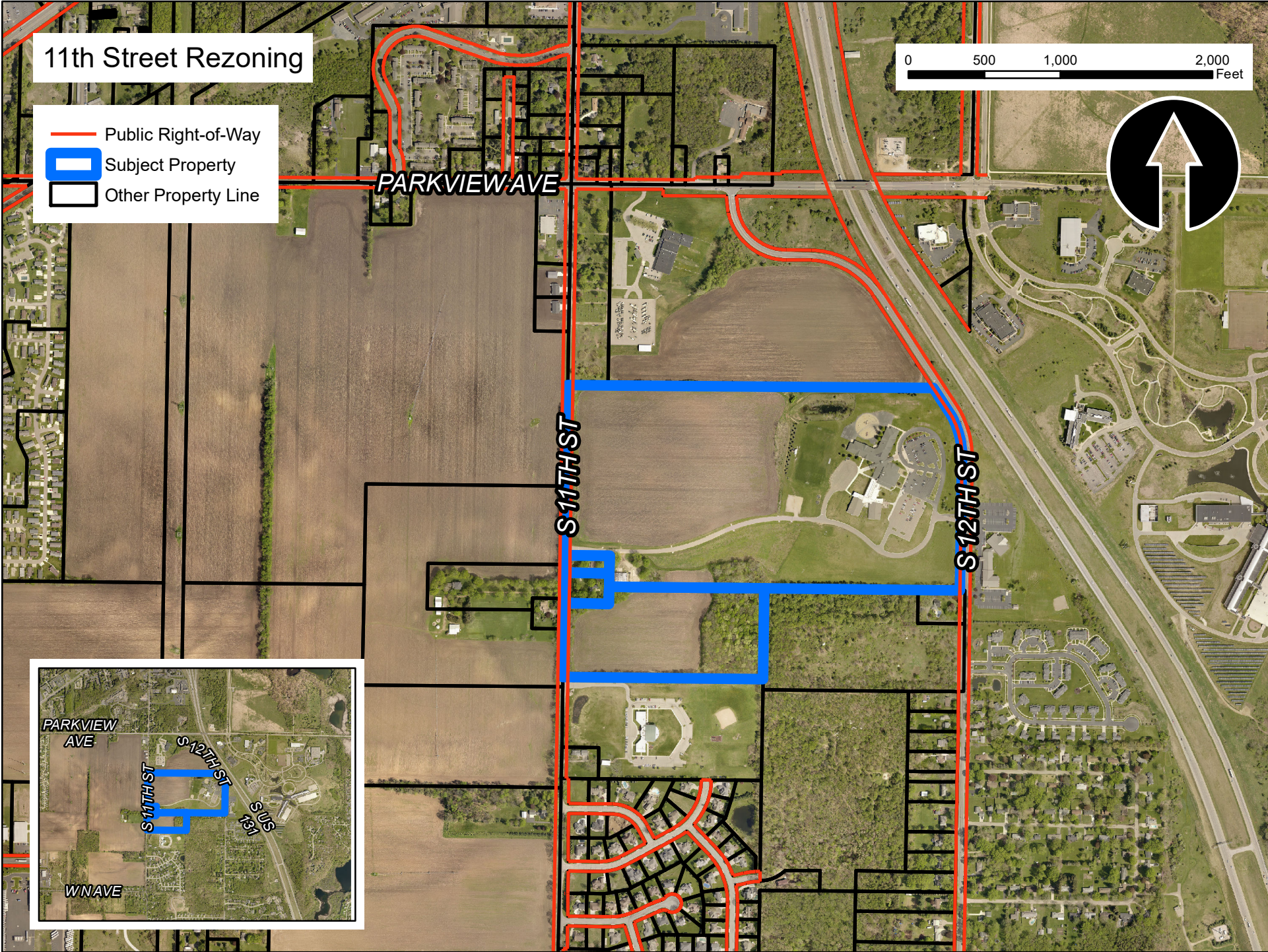
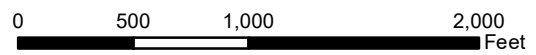


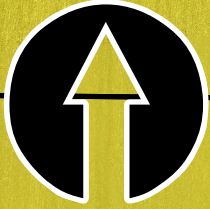
Julie Johnston, AICP
Planning Director

Attachments: Aerial map
Zoning Map
Future Land Use Map

11th Street Rezoning

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










3800 S 12TH ST

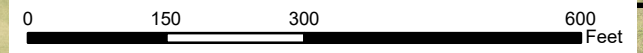
3941 S 11TH ST

3985 S 11TH ST

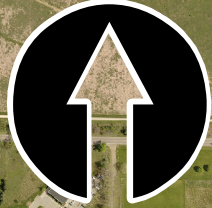
S 11TH ST

S 11TH ST

-  Subject Property
-  Other Property Line
-  RR - RURAL RESIDENTIAL DISTRICT
-  R2 - RESIDENCE DISTRICT
-  C - LOCAL BUSINESS DISTRICT



11th Street Rezoning--Future Land Use



- Public Right-of-Way
- Subject Property
- Other Property Line
- Conservation Residential
- Institutional
- Research Office
- Manufactured Residential
- Transitional Office
- Local Commercial
- Village Core
- Research Office
- Other Sub Area

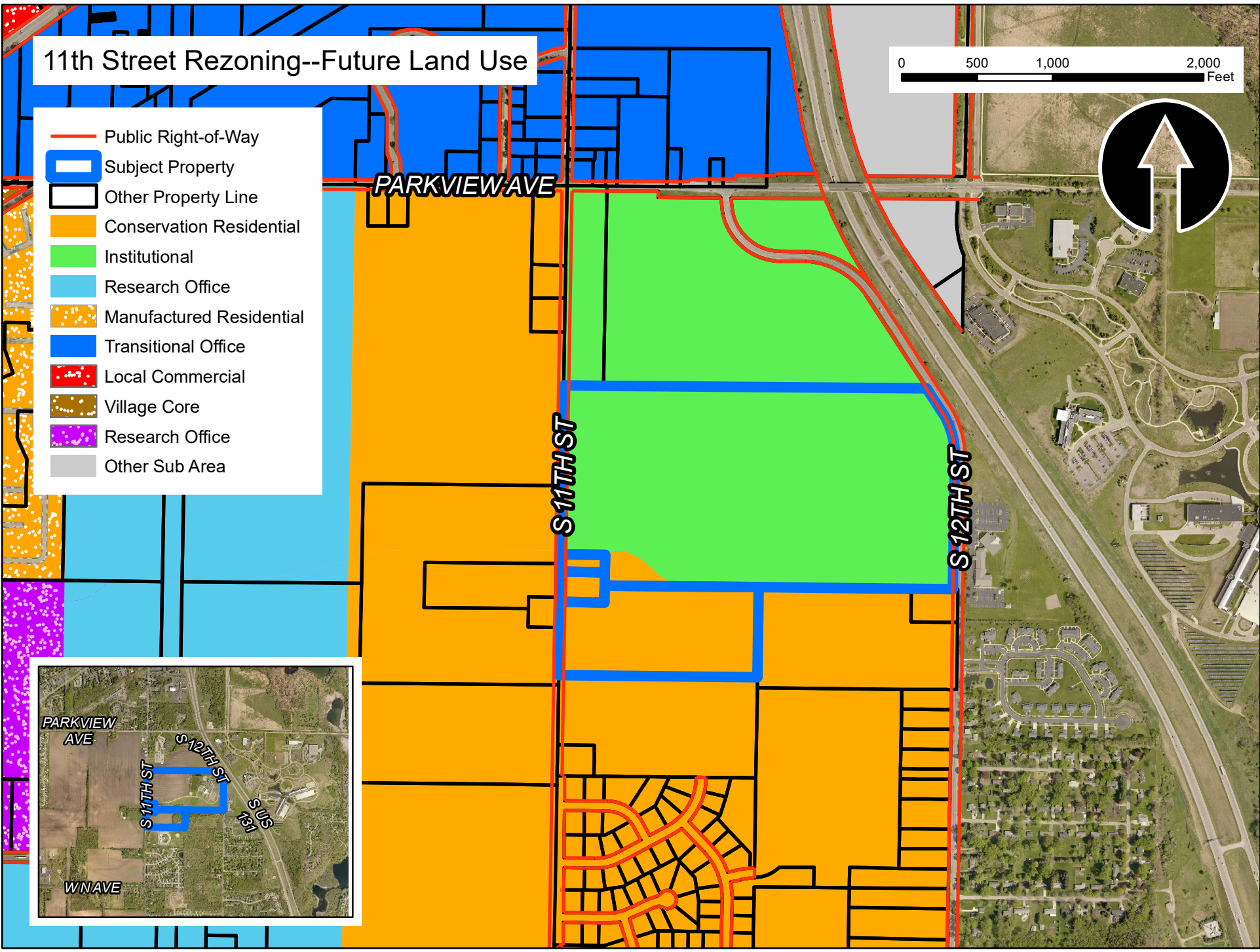






FIGURE 9.2

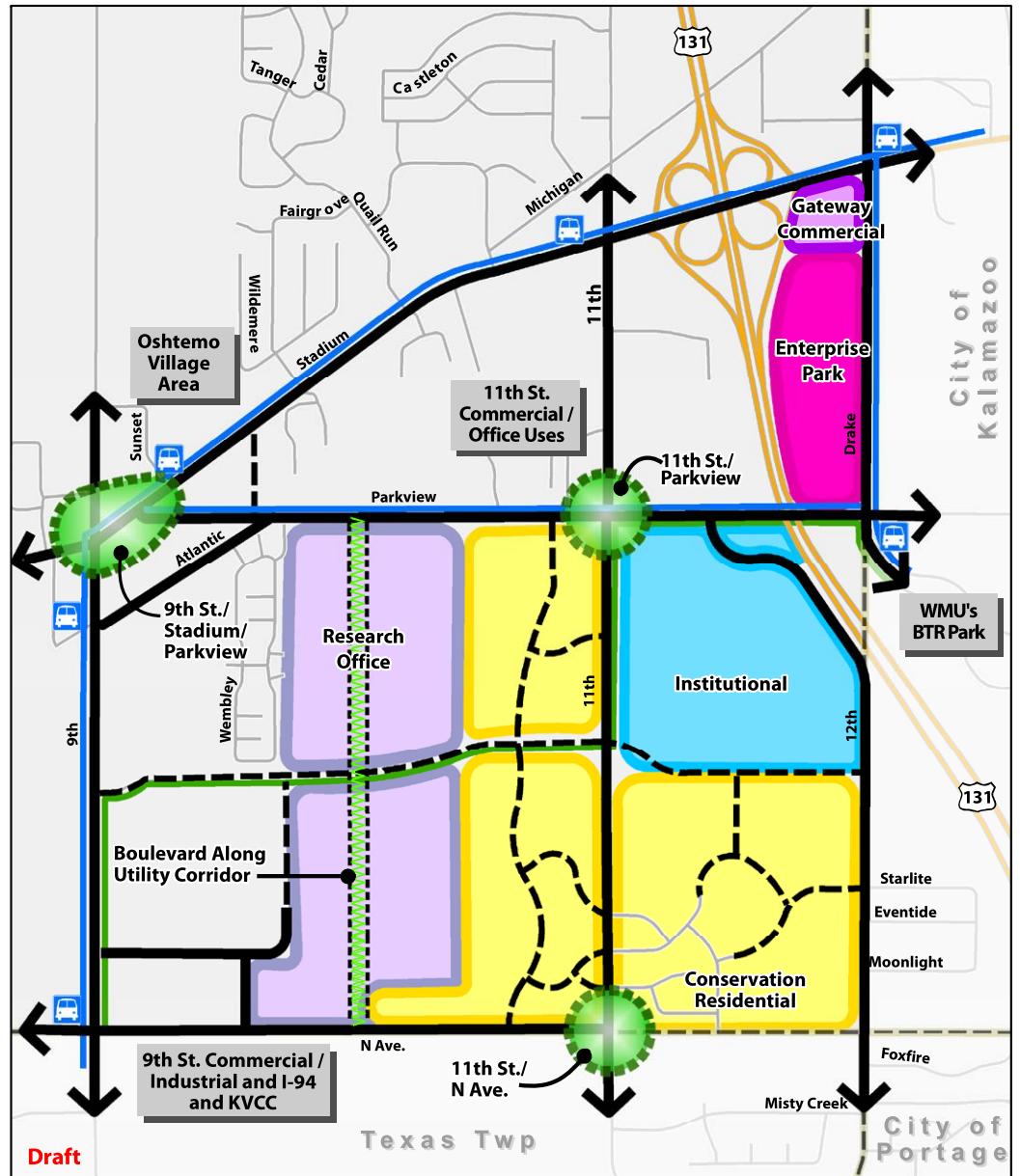
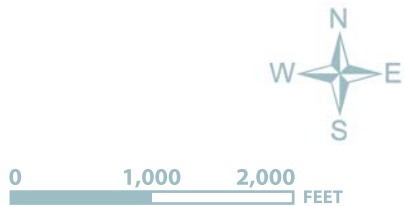
Genesee Prairie Sub Area Plan

Osthtemo Charter Township, Kalamazoo County, Michigan

LEGEND

-  Non-motorized connection from KVCC to BTR Park
-  Public Transit Routes
-  Proposed Roadways
-  Intersection needing attention

Base Map Source: MiGDL v6b & v7b
 Data Source: Osthtemo Township, 2008;
 McKenna Associates, 2008



McKenna ASSOCIATES

October 2, 2018



Meeting Date: October 11, 2018

To: Planning Commission

From: Julie Johnston, AICP
Planning Director

Applicant: Oshtemo Charter Township

Owners: Glen Husted Trust
Mr. Andrew Kuuttilla
Western Michigan University
Mr. Jeffrey and Mrs. Pamela Philip

Property: Parcel Numbers 3905-23-155-090 and 3905-23-055-100
6818 West KL Avenue, Parcel No. 3905-25-155-080
Parcel No. 3905-23-155-013
6930 West KL Avenue, Parcel No. 3905-23-155-050

Zoning: C: Local Business District

Request: R-2: Residence District

Section(s): Section 22 – R-2: Residence District
Section 30 – C: Local Business District

OVERVIEW

The five parcels included in this request have dual C: Local Business District and R-2: Residence District zoning. This Township initiated application is to rezone the portion of the parcels designated as C: Local Business District. The concern with the current zoning of these properties is predominately the “spot” zoning characteristics of the designation, as well as the limited utility of the zoning on these parcels. In addition, the request to rezone the subject property is a step towards implementation of the 9th Street Sub-Area Plan future land use map.

The C: Local Business District designation is located immediately adjacent to KL Avenue and continues north within the parcels for approximately 130 feet, generally splitting most of the parcels in half. The five properties, moving east to west, include the following:

Parcel Number	Total Acreage	R-2 Zoning Acreage	Commercial Zoning Acreage
3905-23-155-090	1.09	0.61	0.48
3905-23-055-100	1.09	0.61	0.48
3905-25-155-080	1.09	0.61	0.48
3905-23-155-013	28.9	28.25	0.65
3905-23-155-050	1.75	0.87	0.88

From aerial photography and a site visit, the properties are predominately single-family residential. The larger Western Michigan University property is used in an agricultural capacity as grazing land for sheep.

The difficulty with the dual zoning on these properties is the creation of nonconforming uses. Residential uses are not permitted within the C: Local Business District. The homes located within the C District are nonconforming and must comply with all of the nonconforming requirements of the Ordinance. This means the buildings are not allowed to expand and if they are damaged where reconstruction exceeds one-half of the value of the home, they can only be built in conformance with the code. As residential uses are not permitted, the property owner would have to request a rezoning before the home could be rebuilt.

In addition, the relatively small area of the parcels zoned commercial limits the actual uses which could be developed. When considering the requirements for parking, landscaping, on-site storm water retention, and the placement of a commercial building, it is likely the available commercial zoning could not accommodate all of these needs. What this equates to is a zoning designation that severely restricts the feasibility of commercial development while also hindering the existing residential uses.

PROPERTY HISTORY

Staff was not able to find any mention of this zoning designation in previous minutes of either the Zoning Board, Planning Commission, or Township Board. Based on this, we have to assume the commercial zoning was designated during the establishment of the first zoning ordinance for the Township. From conversations with staff, the Husted family owned much of the acreage in this area and it was thought the commercial designation could have been provided for some type of farm market operation. However, past records could not be found to substantiate this hypothesis.

CONSIDERATIONS

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. These considerations are as follows:

1. Master Plan Designation

The 9th Street Sub-Area Plan indicates the properties in question should be Transitional Residential, which is defined as follows:

“Areas designated Transitional Residential will allow for residential development primarily through PUD or cluster development processes in order to allow for innovative neighborhoods while protecting existing natural resources and open space areas. Where the development is adjacent to the 9th Street Commercial designation, medium density residential uses such as condominiums, senior housing, and 2-4 family units would be appropriate. As the development area transitions away from the adjacent commercial use towards existing residential neighborhoods (either along 8th Street or to the north), the density and intensity of development shall decrease. Uses here shall include low density, single-family uses as well as parks and institutional uses.”

The R-2 District portion of the subject properties meets the intent of the Sub-Area Plan designation. It allows for PUD and cluster developments, as well as condominiums, duplexes, and single-family homes. The commercial zoning designation is incongruent with the intent of the Sub-Area Plan, which instead delineates an area along 9th Street for commercial development not along KL Avenue.

The properties to the north, east, and to the immediate west of the subject parcels are also located within the 9th Street Sub-Area Plan. The Transitional Residential continues to the north and west. To the east the future land use designation is Commercial. The Sub-Area Plan indicates that uses should consist of office buildings and low intensity commercial uses, similar to the Hannapel Home Center developed as part of the Sky King Meadows PUD. Auto-oriented and big box type retail are not envisioned in this area of the Township.

The properties to the south of KL Avenue and west of 8th Street are outside of the Sub-Area Plan and have a Future Land Use designation of General Industrial. The uses permitted in this District include light and general industrial uses, research-office, warehouse and distribution facilities, heavy commercial uses, and storage facilities. The Future Land Use Plan indicates that future development within areas designated as General Industrial be consistent with existing development.

2. Consistency of the Zoning Classification in the General Area

The properties that surround the subject parcels to the north, east, and west are all zoned the R-2: Residence District. The properties to the south of KL Avenue and west of 8th Street are zoned I-1: Industrial District, consistent the Future Land Use Map designation.

The C: Local Business District is essentially “spot” zoning at this location. According to an article published by the Michigan State University Extension on June 17, 2016, there are four criteria to remember to avoid spot zoning, as follows:

“One illegal form of rezoning is spot zoning. This practice gets its name from the appearance of small spots of different zoning districts on a zoning map that otherwise has large contiguous areas in the same zoning district around the spots. To be considered a spot zone, the property, in most cases, must meet the following four criteria:

- *The area is small compared to districts surrounding the parcel in question.*
- *The new district allows land uses inconsistent with those allowed in the vicinity.*
- *The spot zone would confer a special benefit on the individual property owner not commonly enjoyed by the owners of similar property.*
- *The existence of the spot zone conflicts with the policies in the text of the master plan and the future land use map.*

Rezoning that have the four characteristics of spot zoning listed above run a high risk of invalidation if challenged in court and not consistent with the master plan. In some cases, master plans anticipate these relationships and provide for them (for example, a small commercial area may serve a residential neighborhood). In those cases where the master plan supports a relatively small zoning district that is dissimilar to the zoning that surrounds it, this is probably not a spot zone.”

The subject zoning meets at least three of the four criteria. The commercial zoning is only 2.99 acres of five parcels that total 33.92 acres. The commercial zoning confers a benefit on these individual properties which is not enjoyed by adjacent residential properties, namely the right to develop more intense retail, commercial, and convenience uses. Finally, the commercial zoning is not supported by the Sub-Area Plan future land use map, as previously stated.

The one criterion which may not meet the definition of spot zoning is that the district allows land uses inconsistent with those allowed in the vicinity. With the I-1 District zoning found along the south side of KL Avenue, some commercial and light industrial uses would likely be compatible in this area. However, the Sub-Area Plan has specifically designated commercial uses to occur along 9th Street.

3. Consistency and Compatibility with General Land Use Patterns in the Area

This area of the Township is a true mix of almost all land use types, from agricultural to light industrial. The properties to the north and east are generally residential and agricultural. The properties south of KL Avenue and west of 8th Street are predominately office, commercial, and light industrial. The existing residential uses on the subject properties are more in keeping with the intended and future land use planned character for properties north of KL Avenue, which generally serves as the boundary between the more intense industrial uses to the south.

4. Utilities and Infrastructure

Utilities and infrastructure are often considered in a request for rezoning to ensure that public facilities can service any possible development that would occur on the site. Public utilities are particularly important when considering a large commercial zoned parcel. As this is a request to down zone a portion of these properties, utilities are not a critical factor. However, public sanitary sewer and water are both available on KL Avenue.

5. Reasonable Use under Current Zoning Classification

From our investigations into the subject properties, it does not appear that a commercial use was ever developed. Therefore, the change to the R-2: Residence District would allow the current residential and agricultural uses to continue. In addition, the rezoning will be beneficial as dual zoning often creates use nonconformities which can be problematic when either selling or financing property.

6. Effects on Surrounding Property

Rezoning the property to the R-2: Residence District should have little to no effect on surrounding properties. As the majority of the parcels are already developed as residential uses, the continuation of these uses under the R-2 District would solidify the status quo.

RECOMMENDATION

Staff recommends the Planning Commission forward a recommendation of approval to the Township Board for the rezoning of the subject properties from the C: Local Business District to the R-2: Residence District for the following reasons:

1. The proposed rezoning is consistent with the 9th Street Sub-Area Plan.
2. The requested R-2: Residence zoning is compatible with the surrounding land uses and zoning classifications.
3. Rezoning the properties will eliminate an area of “spot” zoning in the Township.

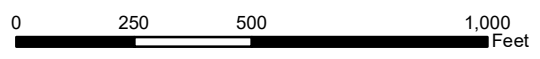
Respectfully submitted,






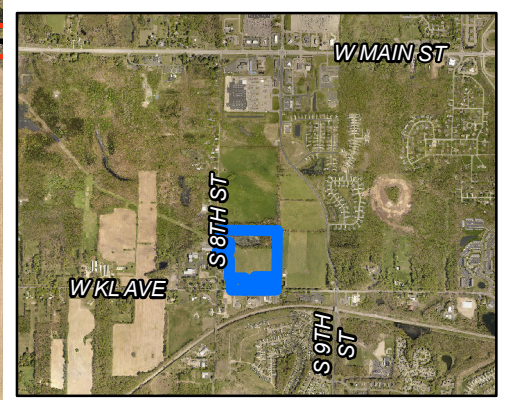
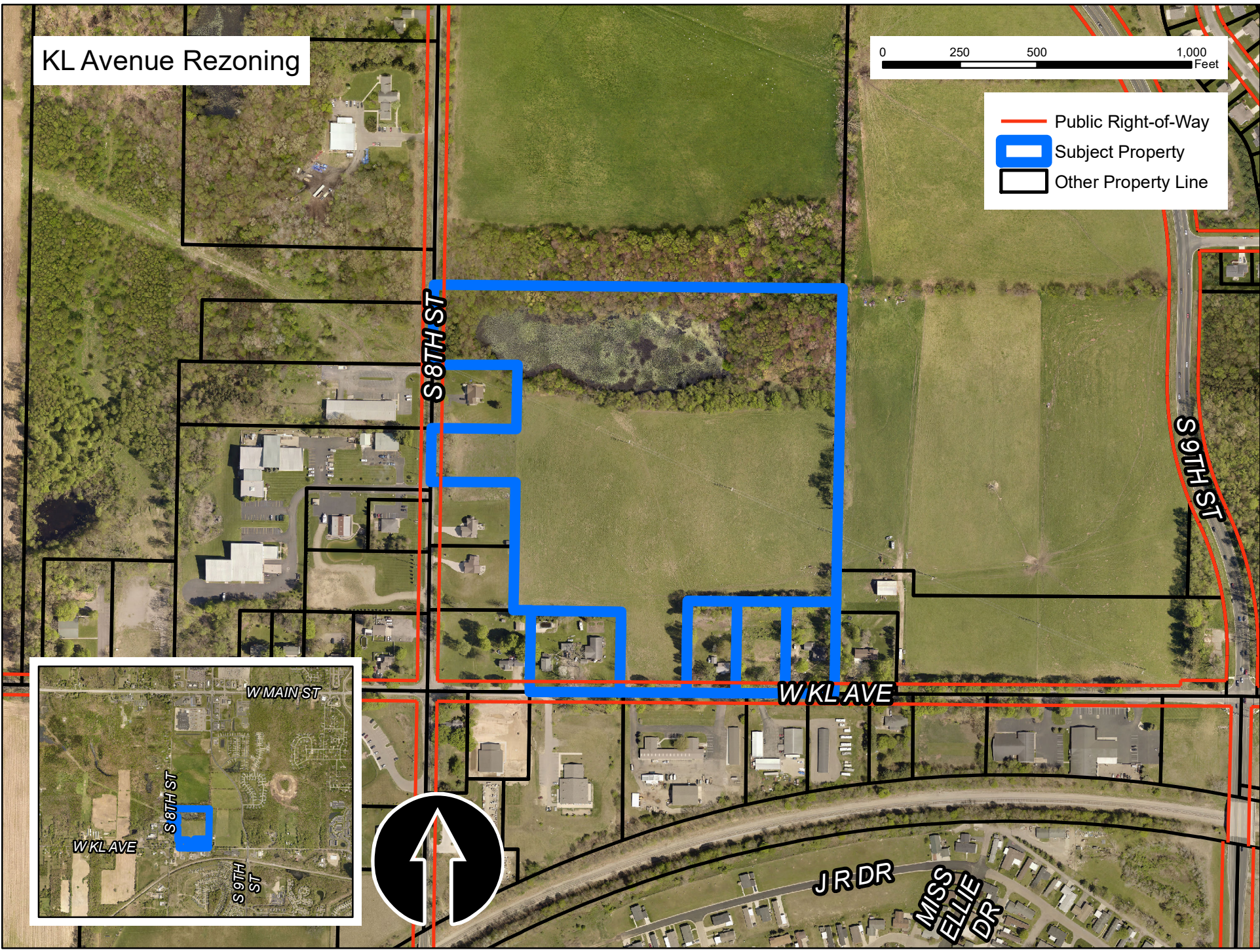
Julie Johnston, AICP
Planning Director

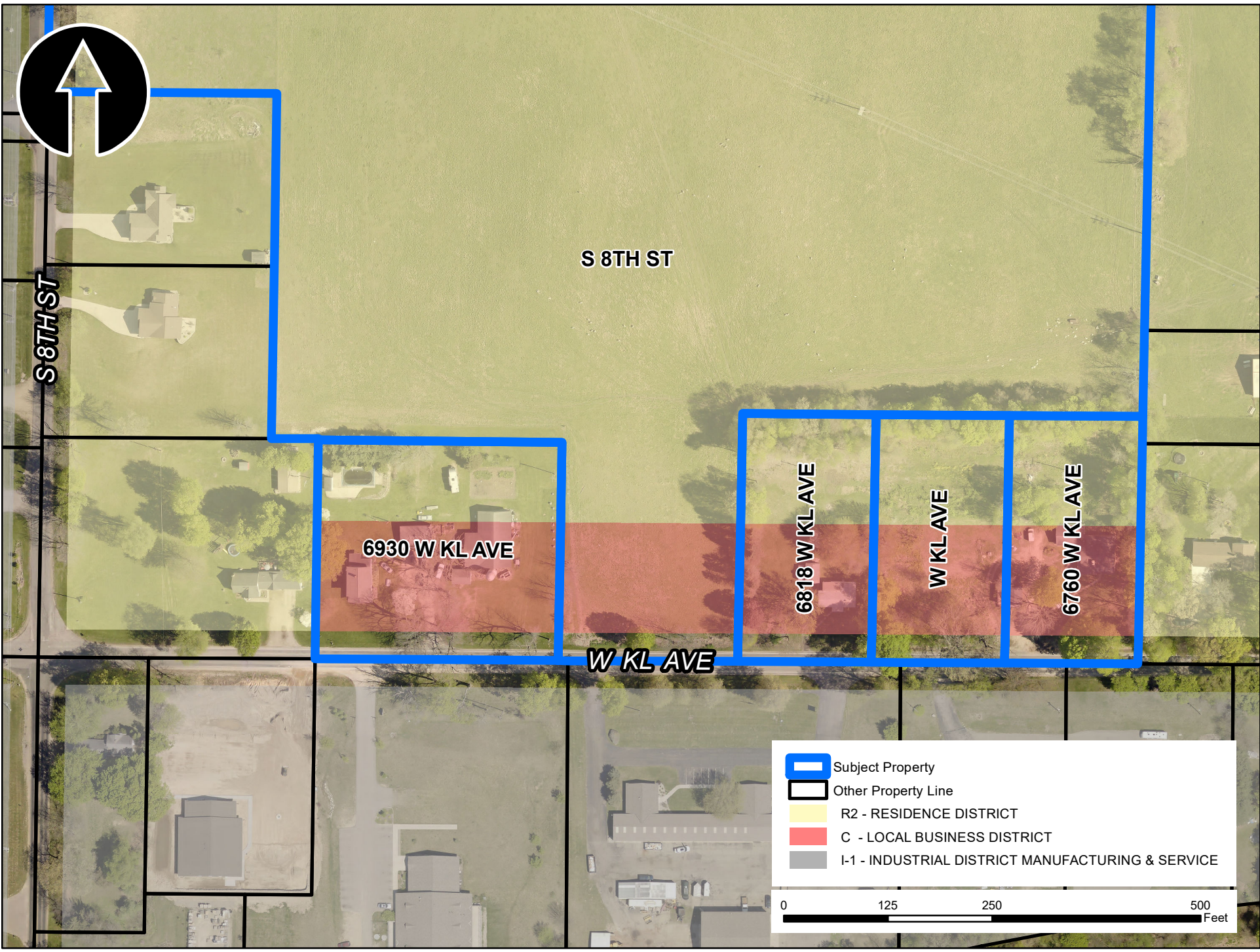
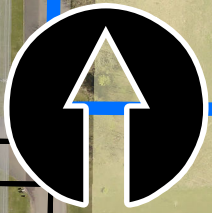
Attachments: Aerial map
Zoning Map
Future Land Use Map
Western Michigan University Letter

KL Avenue Rezoning



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





S 8TH ST

S 8TH ST

6930 W KL AVE






W KL AVE

6818 W KL AVE

W KL AVE

6760 W KL AVE

Legend:

-  Subject Property
-  Other Property Line
-  R2 - RESIDENCE DISTRICT
-  C - LOCAL BUSINESS DISTRICT
-  I-1 - INDUSTRIAL DISTRICT MANUFACTURING & SERVICE

Scale: 0 125 250 500 Feet

KL Avenue Rezoning

0 250 500 1,000 Feet

- Public Right-of-Way
- Subject Property
- Other Property Line
- Rural Residential FLU
- Low Density Residential
- Manufactured Residential
- General Industrial
- 9th Street Commercial
- 9th Street Residential

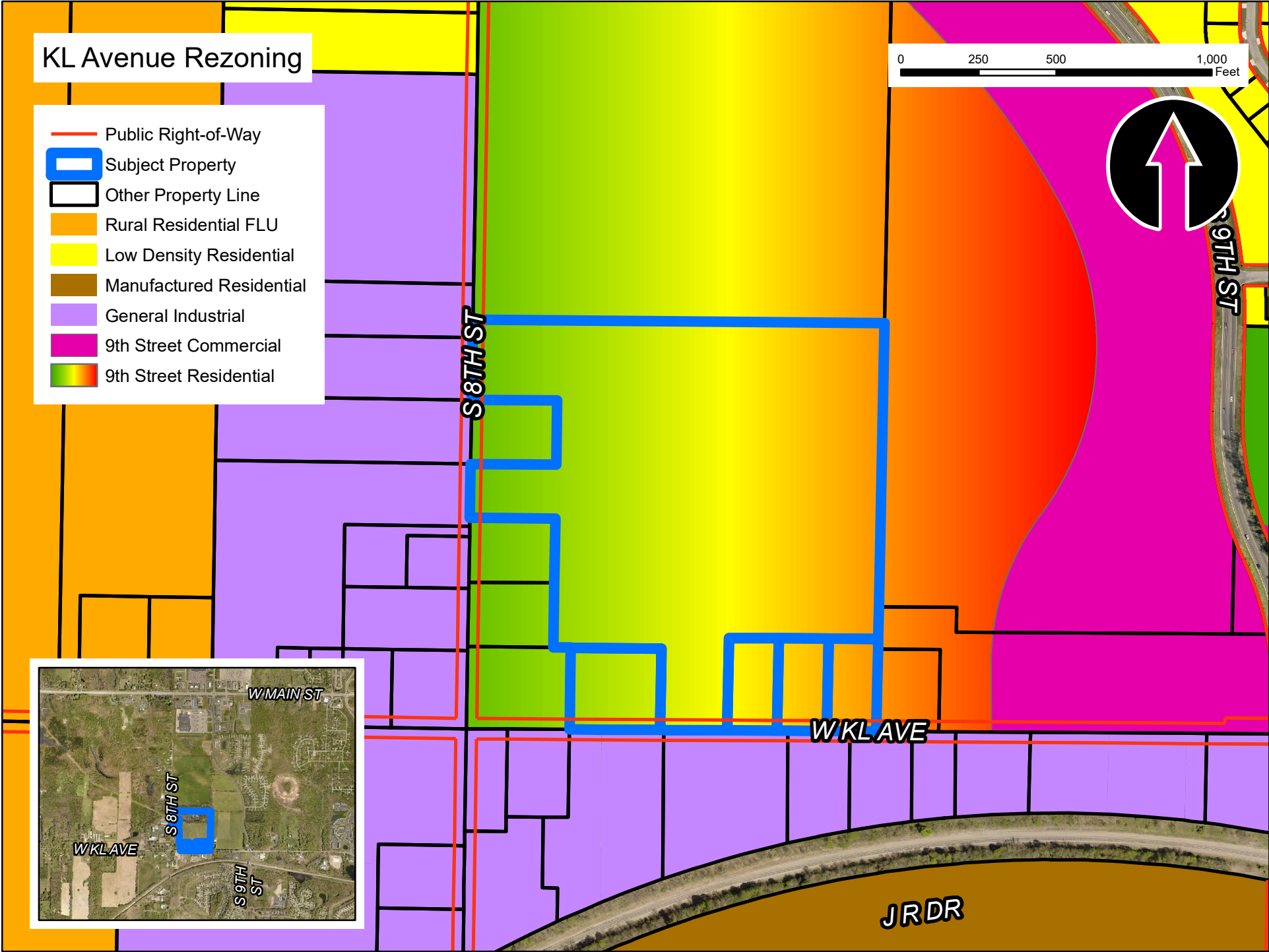


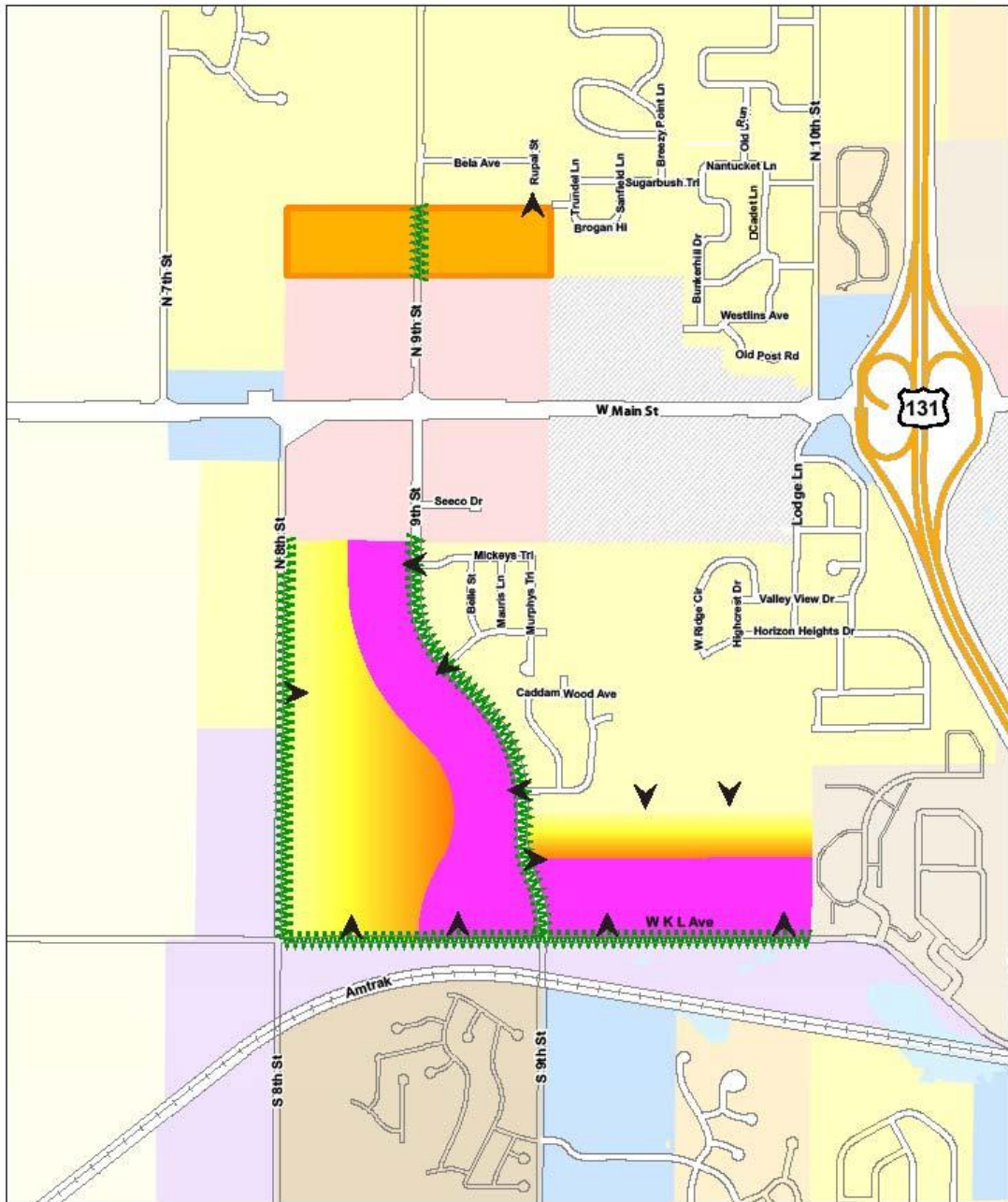
S 8TH ST

S 9TH ST

W KL AVE

JR DR





DRAFT November 01, 2011

9th Street Sub Area Plan

Oshtemo Charter Township, Kalamazoo County, Michigan



- | | | | |
|--|----------------------------|--|----------------------------|
| | Transitional Residential | | Low Density Residential |
| | Medium Density Residential | | Medium Density Residential |
| | 9th Street Commercial | | High Density Residential |
| | Green Corridor | | Transitional Mixed Use |
| | Access Points | | General Commercial |
| | | | Sub Area |

Data Source: Michigan Geographic Framework, Michigan Center for Geographic Information, Version 10s.
Aerial Source: Kalamazoo County, 2010
Data Source: Oshtemo Township, 2008; McKenna Associates, 2011



September 5, 2018

Ms. Julie Johnston, AICP
Planning Director
Oshtemo Township
7275 West Main Street
Kalamazoo, MI 49009

Re: Re-Zoning on West KL Avenue

Dear Julie:

This letter is in response to your letter dated August 23, 2018 in which you informed Western Michigan University that the Township intended to re-zone certain property on the north side of West KL Avenue from its present C: Local Business District, to R-2: Residence District.

As presently understood, the University supports this zoning change should its property someday be conveyed by it for private use. As long as the property is owned by WMU, however, it is not subject to the Township zoning ordinance.

If you have any questions regarding this letter, please contact me.

Sincerely,

Bob Miller
Associate Vice President

October 3, 2018



Meeting Date: October 11, 2018

To: Oshtemo Township Planning Commission

From: Ben Clark, Zoning Administrator

Applicant: Larry and Cat Elwell

Owner: Jaqua Limited, LLC

Property: 2727 South 11th Street, parcel number 05-25-405-070

Zoning: R-3: Residence District

Request: Special exception use approval for a full-service hair salon

Section(s): 23.400—Special exception uses in the R-3 district; 60.000—Special Exception Uses

Project Name: 2727 South 11th Street Hair Salon

OVERVIEW

Constructed in 1971, the structure located on the subject property was first a single-family residence, and was converted to a non-residential use sometime prior to 1987, when Township records first reference a business at this location. Zoned *R-3: Residence District*, beauty parlors and barber shops are permissible in such areas, but they are categorized as special exception uses (SEU), and are therefore subject to review by the Oshtemo Township Planning Commission.

Among other non-residential uses, the subject property has accommodated a hair salon in the recent past, but that occupant vacated the property more than one year ago, and per section *60.200: Special Exception Use Procedure* of the Zoning Ordinance, cannot be reactivated without permission from the Planning Commission. No site modifications to the existing site are being proposed by the applicant, so no site plan review is applicable at this time.

SPECIAL EXCEPTION USE CONSIDERATIONS

Section 60.100 of the Zoning Ordinance provides additional review criteria for consideration when deliberating a Special Exception Use request.

A. Is the proposed use compatible with the other uses expressly permitted within the R-3 zoning district?

Relatively low-impact with regard to intensity of use, hair salons such as what is proposed for this property—and as it has been used in the past—are compatible with other non-residential uses in the R-3 zoning district. Located in what was originally constructed as a single-family home, this will not be a large operation, and therefore will be minimally obtrusive.

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

The Township has not received any complaints related to the subject property or activities therein the past, and staff anticipates that reactivating a once-present use will in no way be to the detriment of nearby properties or the general public. The portion of South 11th Street north of Crystal Lane is very much an area transitioning to non-residential land uses, and a small hair salon is not incompatible.

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

Staff do not anticipate that the proposed use will compromise public health, safety, and welfare in any meaningful way.

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

The proposed use fits the character of the subject property well, and staff feels that it is an appropriate application of the allowances of the R-3 zoning district.

RECOMMENDATION

Given the above findings, staff recommend approval of the Special Exception Use request to establish a hair salon in the existing structure on the subject property, but also request that the Planning Commission append the follow conditions:

1. The parking lot behind the structure shall be restriped, in accordance with applicable Township and State Building Code standards. Parking spaces shall be no less than 10 feet by 20 feet in size, and no two-way interior circulation aisles shall be less than 24 feet wide. Barrier free spaces shall be demarcated in accordance with the Americans with Disabilities Act, as detailed by the Building Code.
2. If either of the adjacent properties to the north and south undergo the Special Exception Use and site plan review processes at some point in the future, then a shared driveway arrangement to access South 11th Street shall be entered into with the subject parcel.

Respectfully Submitted,



Ben Clark
Zoning Administrator

Attachments: Application
Aerial Map



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

PLEASE PRINT

PLANNING & ZONING APPLICATION

Applicant Name: Larry + Cat Elwell

Company: N/A

Address: 6147 N. Buffield Ct.
Kalamazoo M. 49009

E-mail: bucketdad@gmail.com

Telephone: 269-377-4500 Fax: _____

Interest in Property: Leasee

OWNER*:

Name: Jagua Limited, LLC

Address: 414 W. Milham Ave Fee Amount: _____

Portage MI 49024 Escrow Amount: _____

Email: tjackson@jaguarealtors.com

Phone & Fax: 269 226 2996 269 349 8353

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): _____

Full Service Hair Salon

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

See attached

PARCEL NUMBER: 3905- 25-405-070

ADDRESS OF PROPERTY: 2727 11th, Kalamazoo

PRESENT USE OF THE PROPERTY: Vacant, Previous - Hair Salon


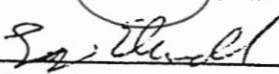
PRESENT ZONING R3 SIZE OF PROPERTY 1800 sq/ft
on .9891 acre

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

Name(s)	Address(es)
_____	_____
_____	_____

SIGNATURES

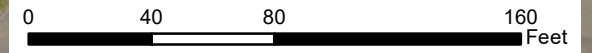
I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting 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.




 member Jaguar Ltd. LLC 8/30/18
Owner's Signature (*If different from Applicant) **Date**

Applicant's Signature 8/29/18
Date

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

PLEASE ATTACH ALL REQUIRED DOCUMENTS

2727 South 11th Street--Special Exception Use



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

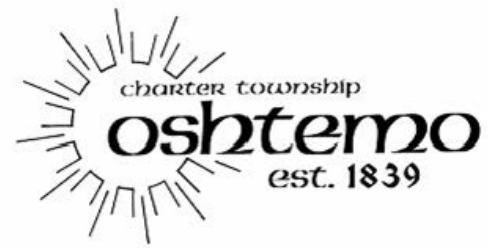


HOLIDAY LN

S 11TH ST



October 3, 2018



Meeting Date: October 11, 2018

To: Planning Commission

From: Julie Johnston, AICP
Planning Director

Applicant: Intercity Neon on behalf of Olga's Kitchen

Owner: Corner @ Drake E, LLC

Property: 5095 Century Avenue, Suite 700
Parcel number 05-25-275-020

Zoning: C: Local Business District; Non-residential Planned Unit Development

Request: Increase number of allowed wall signs

Section(s): 76.000: Signs and Billboards; 60.400: Planned Unit Development

Project Name: Olga's Kitchen

OVERVIEW

Intercity Neon, on behalf of Olga's Kitchen, is requesting Planning Commission consideration of allowing three wall signs where only two are permitted by the Sign Ordinance. The building in question is located within the Corner@Drake Planned Unit Development (PUD), to the east of the outdoor patio area that separates the Trader Joe's building from this structure. Construction brought the building to a "white box" condition, where lease space could then be rented. At this time, these individual units are in the process of being leased, which includes the space that will house the applicant.

The subject building has visibility from three roadways—Stadium Drive, Century Avenue, and Drake Road. The applicant is requesting approval for three wall signs where only two are permitted per Section 76.170: *Commercial and office land uses* of the Oshtemo Township Sign and Billboard Ordinance. This Ordinance controls signage in commercially-zoned areas and indicates multi-tenant commercial structures are only allowed two wall signs per constituent tenant space. In contrast to this, standalone buildings are allowed four wall signs.

Section 60.405 of PUD Ordinance allows the Planning Commission to consider a departure from the dimensional requirements of the Zoning Ordinance. To grant such non-variance relief, the Commission 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 open spaces, 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.

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

- Three wall signs for Mod Pizza located at 5099 Century Avenue, Suite 500.
- Three wall signs for Trader Joe's at 5099 Century Avenue.
- Reduced side structure setbacks for properties within the PUD.
- Relief from the 0.1 foot-candle limit for site lighting between properties within the PUD.
- Width reduction of side yard landscape buffers within the PUD as well as the buffer strip along Drake Road.
- Allowance of off-site signage in order for the free-standing sign at Drake Road and Century Avenue to advertise PUD properties without frontage on Drake.
- Permission to install 238 9' x 18' parking spaces, where 10' x 20' is typically required.

For this particular request, the applicant contends allowing one additional wall sign for the restaurant would yield the following:

1. Increased visibility for motorists passing on all three roadways that have line of sight to the restaurant.
2. Signage visibility for pedestrians accessing the nonmotorized facilities within the PUD.
3. Consistency with past approvals within the Corner@Drake PUD.

RECOMMENDATION

Point one above seems to speak to the desire to more effectively draw new customers in from off-site, while point two directly addresses the convenience of patrons already within the PUD. Providing wayfinding utility to shoppers both exterior to and within the development may meet the criteria for granting a dimensional departure, which speaks to a benefit to both the developments patrons and the community. In addition, point three speaks to consistency within the PUD and substantial justice to multi-tenant users with more than two available exterior walls for signs.

The Planning Commission has provided departures from the ordinance for multi-tenant users within the Corner@Drake PUD that have more than two exposed exterior walls, in particular Trader Joe's and Mod Pizza. Township staff do feel that approving this request would be in keeping with the Planning Commission's

general approach to implementing Section 60.405 of the PUD Ordinance. Substantial justice will be observed; the public health, safety, and general welfare will not be compromised; and it can be argued that allowing this additional wall sign will make for a more cohesive, user-friendly commercial development.

Given these findings, staff recommend that the Planning Commission approve the request for additional wall signage for Olga's Kitchen within the Corner@Drake PUD.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Julie Johnston". The signature is written in a cursive, flowing style.

Julie Johnston, AICP
Planning Director

Attachments: Application
PUD Concept Plan
Application Materials



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

PLEASE PRINT

PROJECT NAME & ADDRESS OLGA'S KITCHEN - 5095 CENTURY AVE

PLANNING & ZONING APPLICATION

Applicant Name : DONNA HOLKE

Company INTERCITY NEON

P.O. Box 3762

Address CENTERLINE, MI 48015

E-mail donna@intercityneon.com

Telephone 586.754.6020 Fax 586.754.7436

Interest in Property SIGN CONTRACTOR

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

OWNER*:

Name OLGA'S KITCHEN/SUK VENTURES

Address 17800 N. LAUREL PRK DR

LIVONIA, MI 48152

Email rloftus@teamschostak.com

Phone & Fax _____

Fee Amount _____

Escrow Amount _____

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

- Planning Escrow-1042
- Site Plan Review-1088
- Administrative Site Plan Review-1086
- Special Exception Use-1085
- Zoning Variance-1092
- Site Condominium-1084
- Accessory Building Review-1083

- Land Division-1090
- Subdivision Plat Review-1089
- Rezoning-1091
- Interpretation-1082
- Text Amendment-1081
- Sign Deviation-1080
- Other: PUD SIGN REQUEST

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

INSTALL SIGNAGE ON 3 ELEVATIONS

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

PARCEL NUMBER: 3905- _____

ADDRESS OF PROPERTY: 5095 CENTURY AVE

PRESENT USE OF THE PROPERTY: _____

PRESENT ZONING _____ **SIZE OF PROPERTY** _____

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

Name(s)	Address(es)
_____	_____
_____	_____

SIGNATURES

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

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

Donna M. Hebe

Applicant's Signature

Date

9.5.18

Date

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

PLEASE ATTACH ALL REQUIRED DOCUMENTS

CORNER @ DRAKE E, LLC

6 September 2018

Julie Johnson, Planning Director
Oshtemo Charter Township
7275 W. Main Street
Kalamazoo, Michigan 49009

RE: Olga's Kitchen Wall Sign Request

Dear Ms. Johnston:

Olga's Kitchen has the property owner's permission to request a departure from the sign ordinance within the Corner @ Drake P.U.D.

If you have any questions, please contact me at 269.329.3656.

Sincerely,

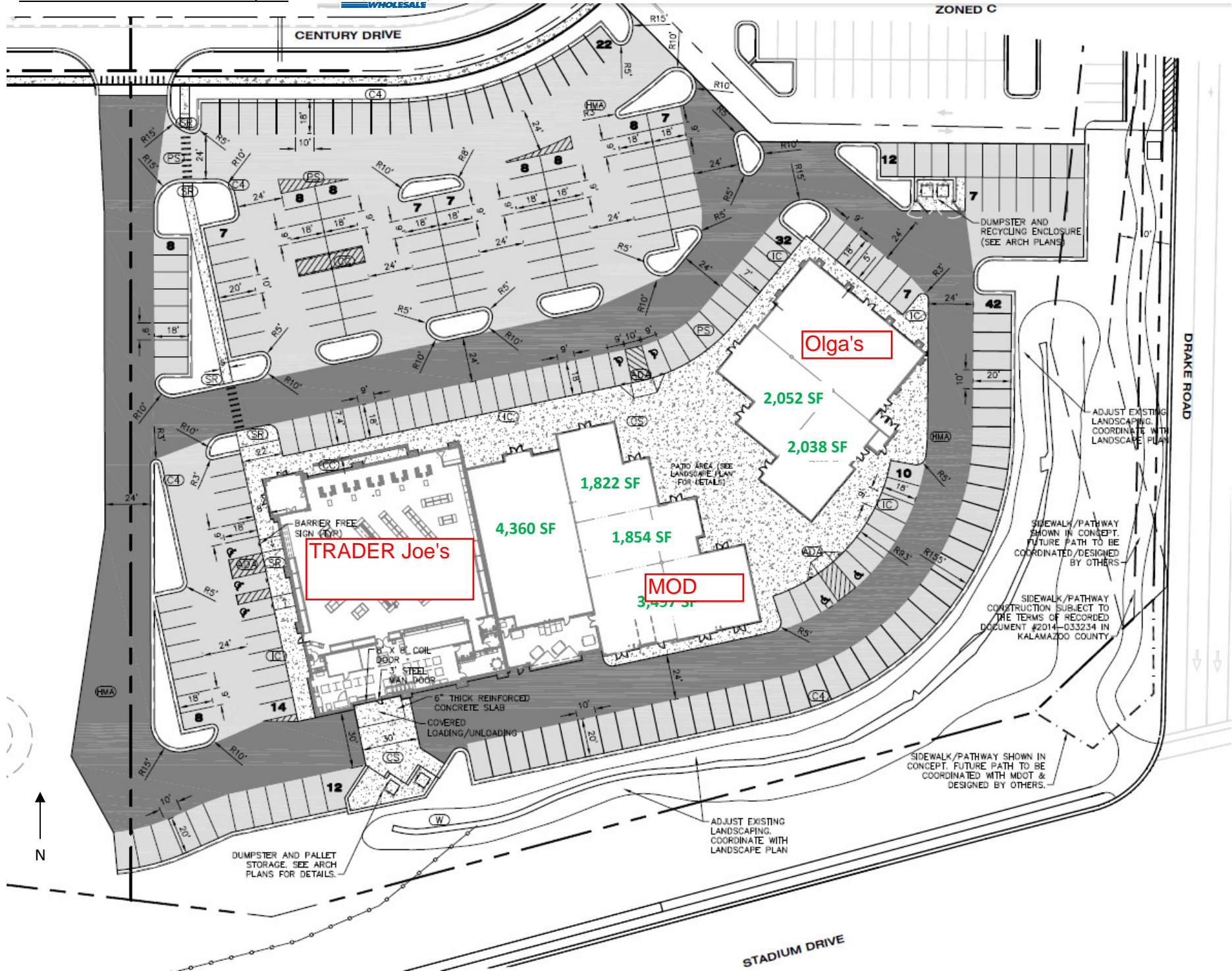
A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a horizontal line extending to the right.

Curt Aardema
Authorized Agent
Corner @ Drake E, LLC



ZONED C

CENTURY DRIVE



TRADER Joe's

Olga's

MOD

4,360 SF

2,052 SF

2,038 SF

1,822 SF

1,854 SF

3,457 SF



DUMPSTER AND PALLET STORAGE. SEE ARCH PLANS FOR DETAILS.

DUMPSTER AND RECYCLING ENCLOSURE (SEE ARCH PLANS)

ADJUST EXISTING LANDSCAPING. COORDINATE WITH LANDSCAPE PLAN

SIDEWALK/PATHWAY SHOWN IN CONCEPT. FUTURE PATH TO BE COORDINATED/DESIGNED BY OTHERS

SIDEWALK/PATHWAY CONSTRUCTION SUBJECT TO THE TERMS OF RECORDED DOCUMENT #2014-033234 IN KALAMAZOO COUNTY

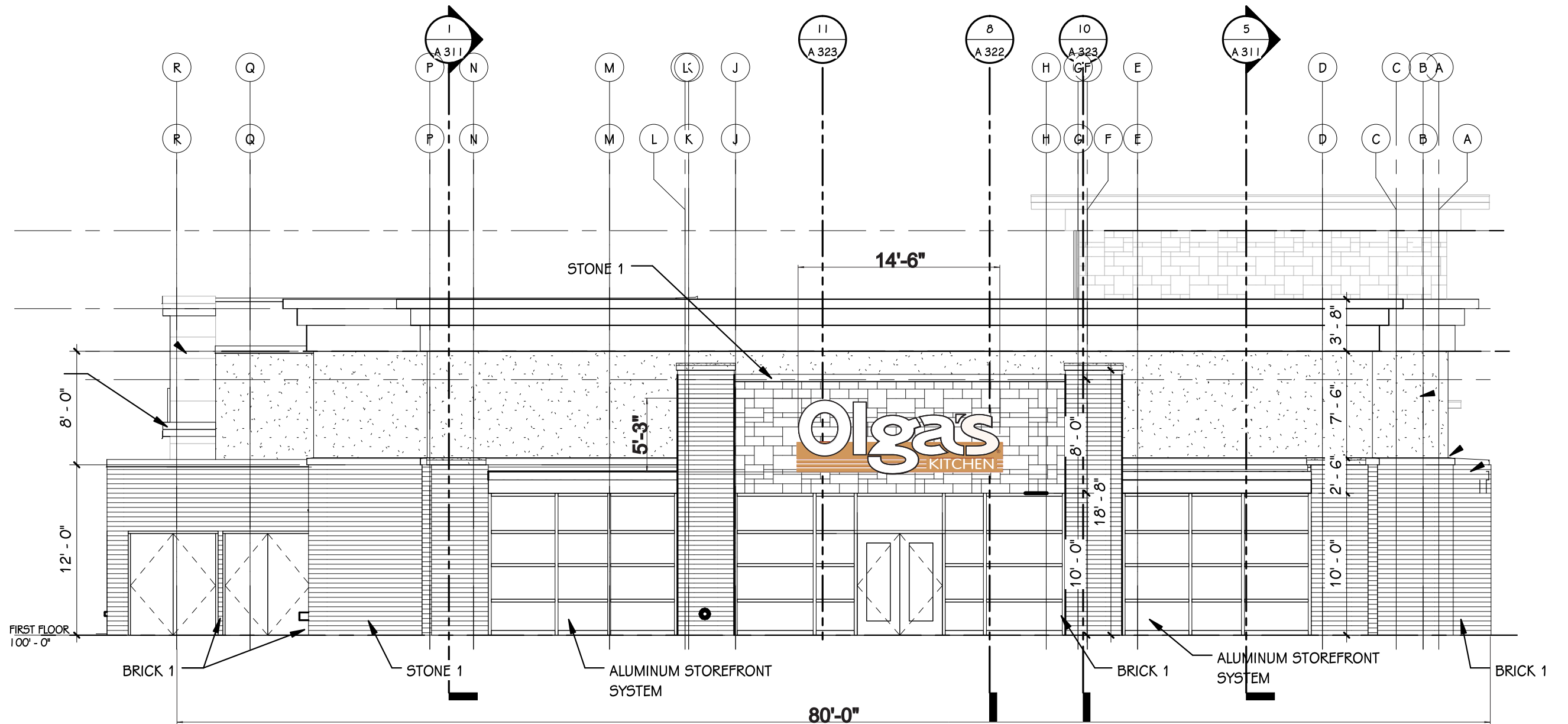
SIDEWALK/PATHWAY SHOWN IN CONCEPT. FUTURE PATH TO BE COORDINATED WITH MDT & DESIGNED BY OTHERS.

ADJUST EXISTING LANDSCAPING. COORDINATE WITH LANDSCAPE PLAN

DRAKE ROAD

STADIUM DRIVE

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



NORTHEAST ELEVATION
 1/8" = 1'-0"

Allowable Signage: 80 square feet
 Proposed Signage: 76.125 square feet

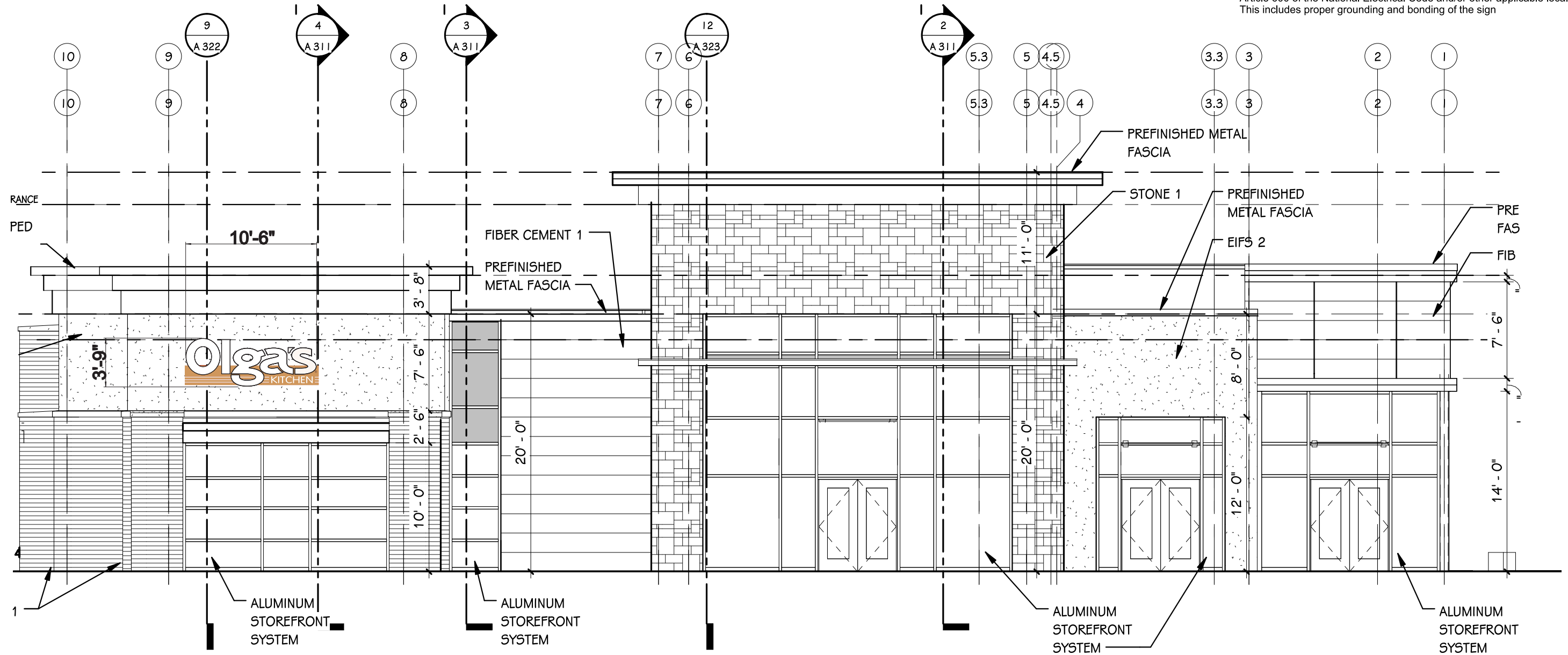
NOTE: IT IS THE CUSTOMERS RESPONSIBILITY TO PROVIDE 120 VOLT PRIMARY ELECTRICAL SERVICE (INCLUDING GROUND WIRING DIRECTLY FROM THE PANEL BOX) WITHIN SIX (6) FEET OF SIGNAGE.

DRAWING APPROVED: _____
 DATE: _____

Per II 7-18

INTERCITY NEON
 P.O. Box 3762
 Centerline, MI 48015
 ph: 586-754-6020
 fax: 586-754-7436
 www.intercityneon.com

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



A NORTHWEST ELEVATION
 A 301 1/8" - 1' 0"

Proposed Signage: 39.375 square feet
 Would require additional approvals from twp.

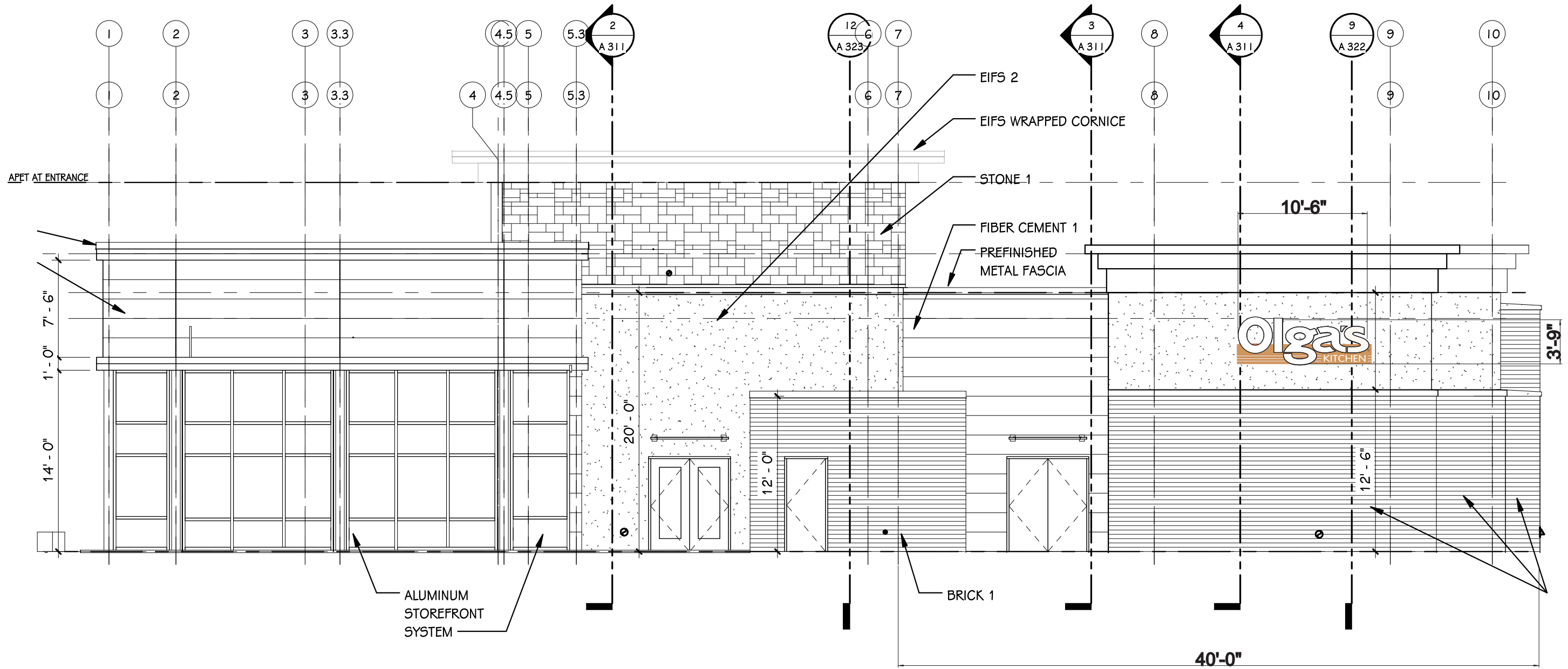
NOTE: IT IS THE CUSTOMERS RESPONSIBILITY TO PROVIDE 120 VOLT PRIMARY ELECTRICAL SERVICE (INCLUDING GROUND WIRING DIRECTLY FROM THE PANEL BOX) WITHIN SIX (6) FEET OF SIGNAGE.

DRAWING APPROVED: _____
 DATE: _____

Per II 7-18

INTERCITY NEON
 P.O. Box 3762
 Centerline, MI 48015
 ph: 586-754-6020
 fax: 586-754-7436
 www.intercityneon.com

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



SOUTHEAST ELEVATION
 1/8" = 1'-0"

Allowable Signage: 40 square feet
 Proposed Signage: 39.375 square feet

DRAWING APPROVED: _____
 DATE: _____

NOTE: IT IS THE CUSTOMERS RESPONSIBILITY TO PROVIDE 120 VOLT PRIMARY ELECTRICAL SERVICE (INCLUDING GROUND WIRING DIRECTLY FROM THE PANEL BOX) WITHIN SIX (6) FEET OF SIGNAGE.

Per II 7-18

INTERCITY NEON
 P.O. Box 3762
 Centerline, MI 48015
 ph: 586-754-6020
 fax: 586-754-7436
 www.intercityneon.com

October 3, 2018



Meeting Date: October 11, 2018

To: Planning Commission

From: Julie Johnston, AICP
Planning Director

Applicant: Corner@Drake E, LLC

Owner: Corner@Drake E, LLC

Property: Corner@Drake Planned Unit Development

Zoning: C: Local Business District; Non-residential Planned Unit Development

Request: Increase height of proposed freestanding ground sign

Section(s): 76.000: Signs and Billboards; 60.400: Planned Unit Development

Project Name: Corner@Drake

OVERVIEW

Corner@Drake E, LLC is requesting consideration from the Planning Commission for the development of a new freestanding ground sign within the Corner@Drake Planned Unit Development (PUD). Specifically, a new monument/pole sign to be placed along Drake Road in front of the Corner Shoppes.

Section 76.000: Signs and Billboards defines ground signs in the following ways:

- Ground Mounted Sign - A sign which extends from the ground or that has a support placing the bottom thereof less than three feet from the ground.
- Pole Sign (or Pylon Sign) - A sign with all parts of the display sign area at a height of eight feet or more, excluding the necessary supports, uprights or braces.

The difference between these two types of signs relates to the height the actual sign display area (face) is above grade (three feet for ground sign and eight feet for pole sign). Generally, a ground mounted sign has a support base that is the same size or slightly wider than the face of the sign, while a pole sign typically has a single linear "pole" support system. In addition, a pole sign is allowed to have a sign area that is 60 square feet in size and a total height of 20 feet. A ground mounted sign is allowed a sign area of 80 square feet with a sign height of 10 feet.

Section 76.170 allows for additional square footage of the sign display area for multi-tenant signs. The Ordinance states the following:

“Footnote 5. Multi-tenant commercial centers shall be permitted an additional eight square feet of display area for each tenant over the first two. Total sign area shall not exceed 50 percent of the permitted sign area.”

The Corner Shoppes have 10 tenant spaces, which would allow additional square footage for the eight spaces above the first two. For pole signs, this would allow a sign area of 90 square feet. For ground mounted signs, the sign area could increase to 120 square feet.

The design of the proposed sign has the following characteristics:

- Total height = 22 feet, 6 inches
- Height of sign display area above grade = 8 feet
- Total sign display area = 110.83 square feet
- Two individual ground mounted support structures

The design of the proposed sign does not easily fit into either of the definitions noted above. The sign face does begin at eight feet above grade, which fits into the definition of a pole sign, but the sign area exceeds the allowable 90 square feet, and the sign height is 2 feet 6 inches taller than the 20 feet permitted. Conversely, the sign does not meet the ground mounted height for the sign face above grade of three feet, is twice as tall as the 10-foot total permitted height, but meets the square footage allowance for sign display area.

Section 60.405 of PUD Ordinance allows the Planning Commission to consider a departure from the dimensional requirements of the Zoning Ordinance. To grant such non-variance relief, the Commission 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 open spaces, 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.

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

- Three wall signs for Mod Pizza located at 5099 Century Avenue, Suite 500.
- Three wall signs for Trader Joe’s at 5099 Century Avenue.
- Reduced side structure setbacks for properties within the PUD.
- Relief from the 0.1 foot-candle limit for site lighting between properties within the PUD.
- Width reduction of side yard landscape buffers within the PUD as well as the buffer strip along Drake Road.

- Allowance of off-site signage in order for the free-standing sign at Drake Road and Century Avenue to advertise PUD properties without frontage on Drake.
- Permission to install 238 9' x 18' parking spaces, where 10' x 20' is typically required.

In addition, the Zoning Board of Appeals approved the following variances within the larger Corner@Drake property:

- Allow multi-tenant commercial center pole sign with a height of 32 feet (maximum height of 20 feet) and a sign area of 172.50 square feet (maximum area of 90 square feet).
- Allow a gateway sign on the stone retaining wall at the corner of Stadium and Drake Road 46 square feet larger than the maximum 80 square feet permitted. This sign was never installed.
- Allow a wall sign 45 square feet larger than permitted for Field & Stream.

For this particular request, the applicant contends allowing the additional ground mounted sign would yield the following:

1. Increased visibility for motorists along Drake Road.
2. Provide better signage for the Corner Shoppes, who currently have only wall signs.
3. Minimize the need for multiple ground mounted signs.
4. Assist with directing traffic off of Drake Road/Century Avenue to the correct buildings within the PUD.

RECOMMENDATION

The original sign program provided to the Township in 2014 for the Corner@Drake project worked to limit the number of freestanding ground signs found within the larger PUD. Technically, many of the parcels within the PUD could have more than one ground mounted sign due to frontages on multiple roads. By constructing multi-tenant signs, particularly the entry multi-tenant sign at Drake and Century Ave which advertises the interior PUD tenants, the total number of freestanding signs were significantly reduced. The current request was included in the original sign program for the development, listed as possible future construction.

It should be noted that the Corner Shoppes are permitted a freestanding ground sign as this development is located on an individual parcel. The dimensional departure requested by the applicant is to allow the sign to be developed per the illustration provided with their application. As noted above, this means a departure for height (2 feet, 6 inches for a pole sign or 12 feet, 6 inches for a monument sign) and possibly sign display area size (20.83 square feet for a pole sign) depending on how the sign is defined (monument or pole sign).

As noted above, the Zoning Board of Appeals previously approved a variance for height and size for the existing entry multi-tenant sign. At the time of the application, the PUD had not yet been established and therefore, the request was submitted to the Zoning Board of Appeals. In addition, the Planning Commission has provided departures from the ordinance, both to allow more wall signage and to allow off-site signage at the entry sign.

Township staff believe that approving this request would be in keeping with the Planning Commission's general approach to implementing Section 60.405 of the PUD Ordinance. Allowing the larger multi-tenant signs generally reduces the total number of signs found within the PUD and permitting the greater height allows this new sign to aesthetically resemble the existing signage found within the PUD. In addition, substantial justice will be observed; the public health, safety, and general welfare will not be compromised; and it can be argued that allowing this additional sign will make for a more cohesive, user-friendly commercial development.

Given these findings, staff recommends the Planning Commission approve the request for the ground mounted sign at the Corner Shoppes as presented in the elevation drawing developed by SignArt dated August 3, 2018, which details a sign that is 22 feet, 6 inches in height and has a sign display area of 110.83 square feet.

Respectfully Submitted,



Julie Johnston, AICP
Planning Director

Attachments: Application
PUD Concept Plan
Application Materials
Zoning Board of Appeals Minutes and Agenda Packet Info



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

PLEASE PRINT

PROJECT NAME & ADDRESS CORNER @ DRAKE

PLANNING & ZONING APPLICATION

Applicant Name : CORNER @ DRAKE

Company CORNER @ DRAKE E, LLC

CORNER SHOPPES, LLC

Address 4200 W. CENTRE AVE.

PORTAGE, MI 49024

E-mail CAAR@DRAKE @ AUBINC.COM

Telephone 269-323-2022 Fax 269-323-2484

Interest in Property OWNER / MANAGER

THIS SPACE FOR TOWNSHIP USE ONLY

OWNER*:

Name SEE ABOVE

Address _____

Email _____

Phone & Fax _____

Fee Amount _____

Escrow Amount _____

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

- Planning Escrow-1042
- Site Plan Review-1088
- Administrative Site Plan Review-1086
- Special Exception Use-1085
- Zoning Variance-1092
- Site Condominium-1084
- Accessory Building Review-1083
- Land Division-1090
- Subdivision Plat Review-1089
- Rezoning-1091
- Interpretation-1082
- Text Amendment-1081
- Sign Deviation-1080
- Other: NEW SIGNS

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

PLEASE SEE ATTACHED LETTER

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

PLEASE SEE ATTACHED DESCRIPTIONS

PARCEL NUMBER: 3905- 25-240-004 AND 3905-25-275-029

ADDRESS OF PROPERTY: 1700/1750 S. DRAKE RD. AND 5095/5097/5099 CENTURY AVENUE.

PRESENT USE OF THE PROPERTY: COMMERCIAL RETAIL DEVELOPMENT


PRESENT ZONING COMM. PUD **SIZE OF PROPERTY** TOTAL DEVELOPMENT IS 40+ 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)
<hr/>	<hr/>
<hr/>	<hr/>

SIGNATURES

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


Owner's Signature (* If different from Applicant)

9/6/18
Date

Applicant's Signature

Date

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

PLEASE ATTACH ALL REQUIRED DOCUMENTS

Legal Descriptions

5095/5907/5095 Century Avenue:

SEC 25-2-12 COMM ON E LI 159.18 FT S 01DEG-08'-26" W OF NE COR TH S 89DEG-52'-50" W 50.01 FT TO WLY ROW LI DRAKE RD TH S 01DEG-08'-26" W THEREON 1187.96 FT TO POB TH CONT S 01DEG-08'-26" W 241.75 FT TO NLY ROW LI STADIUM DR TH S 46DEG-37'-52" W THEREON 96.35 FT TH S 75DEG-01'-07" W ALG SD NLY ROW 418.21 FT TO NLY ROW LI US-131 TH N 83DEG-07'-50" W THEREON 75.01 FT TH N 467.41 FT TH E 135.26 FT TH NELY 115.93 FT ALG CURVE LT (RAD 133 FT & CHD S 65DEG-01'-44" E 112.29 FT) TH S 44DEG-33'-48" E 145.35 FT TH S 88DEG-51'-34" E 214.4 FT TO BEG** SPLIT/COMBINED ON 12/08/2015 FROM 05-25-240-009 INTO 05-25-240-002; 05-25-240-008; 05-25-275-010; 05-25-275-020; 05-25-275-030 SPLIT/COMBINED ON 11/15/2017 FROM 05-25-275-020; INTO 05-25-075-021, 05-25-275-029

1700/1750 S. Drake Road:

SEC 25-2-12 COMM ON E LI 159.18 FT S 01DEG-08'-26" W OF NE COR TH S 89DEG-52'-50" W 50.01 FT TO WLY ROW LI DRAKE RD TH S 01DEG-08'-26" W THEREON 213.16 FT TO POB TH CONT S 01DEG-08'-26" W 432.10 FT TH TH N 89DEG-51'-34" W 304.51 FT TH N 425.30 FT TH N 89DEG-52'-50" E 313.05 FT TO BEG** SPLIT/COMBINED ON 01/07/2017 FROM 05-25-240-002; INTO 05-25-240-003 & 05-25-240-004

Corner @ Drake E, LLC | Corner Shoppes, LLC

6 September 2018

Julie Johnston, Planning Director
Oshtemo Charter Township
7275 W. Main Street
Kalamazoo, Michigan 49009

RE: Corner @ Drake Sign Updates

Dear Ms. Johnston:

We are excited to welcome several new tenants to Corner @ Drake and Oshtemo Township over the next few months. New businesses that will be joining the community this fall include Chow Hound Pet Supplies, MOD Pizza, and Olga's Kitchen. These new businesses are in addition to Trader Joe's, Costco, Field & Stream and many others that have chosen to invest in Oshtemo Township and Corner @ Drake in recent years.

In order to ensure the long-term viability of these businesses, they need to have strong visibility and signage to guide customers into and through the 40-acre Corner @ Drake development. As such, we are proposing the construction of two new signs to help in this effort. These signs are intended to direct traffic into the various buildings within the development. Both new signs will be designed and constructed to match the existing development sign located at the Century Avenue entrance off of Drake Road.

The new sign proposed along Drake Road was originally mentioned as part of our overall sign plan when the project was in its early stages back in 2014. This sign is proposed for construction now due to the opening of several businesses within the new buildings along Drake Road. The primary purpose of this sign is to properly direct traffic into the site from the Century Avenue and Drake Road main entrance. Due to the location of the buildings below Drake Road, it can be difficult to see the individual businesses when entering the development from the signalized intersection.

The proposed second sign along Century Avenue is directional in nature and is intended to point drivers to the easternmost entry drive into the new buildings fronting Stadium Drive. With the high traffic volume at the intersection of Century Avenue and the Costco gas station entrance, our objective is to guide traffic bound for Olga's Kitchen, MOD Pizza, and Chow Hound (all new businesses) into the entry with lighter traffic volumes. While significantly smaller than the other signs in the development, this sign will also feature the same wood and stone details that have become associated with the development as a whole.

Corner @ Drake E, LLC | Corner Shoppes, LLC

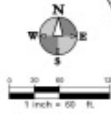
We have worked diligently to minimize the amount of freestanding signs within the Corner @ Drake development, but we feel that the addition of these new shared signs will help to enhance traffic flow and minimize confusion as the new businesses join an already busy shopping center. In addition, the multiple parcels that compose the development allow for the addition of several new signs, but we feel that the proposed multi-tenant signs will accommodate their visibility requirements without the need for individual freestanding signs spread across the multiple road frontages that are a part of the 40-acre Corner @ Drake project.

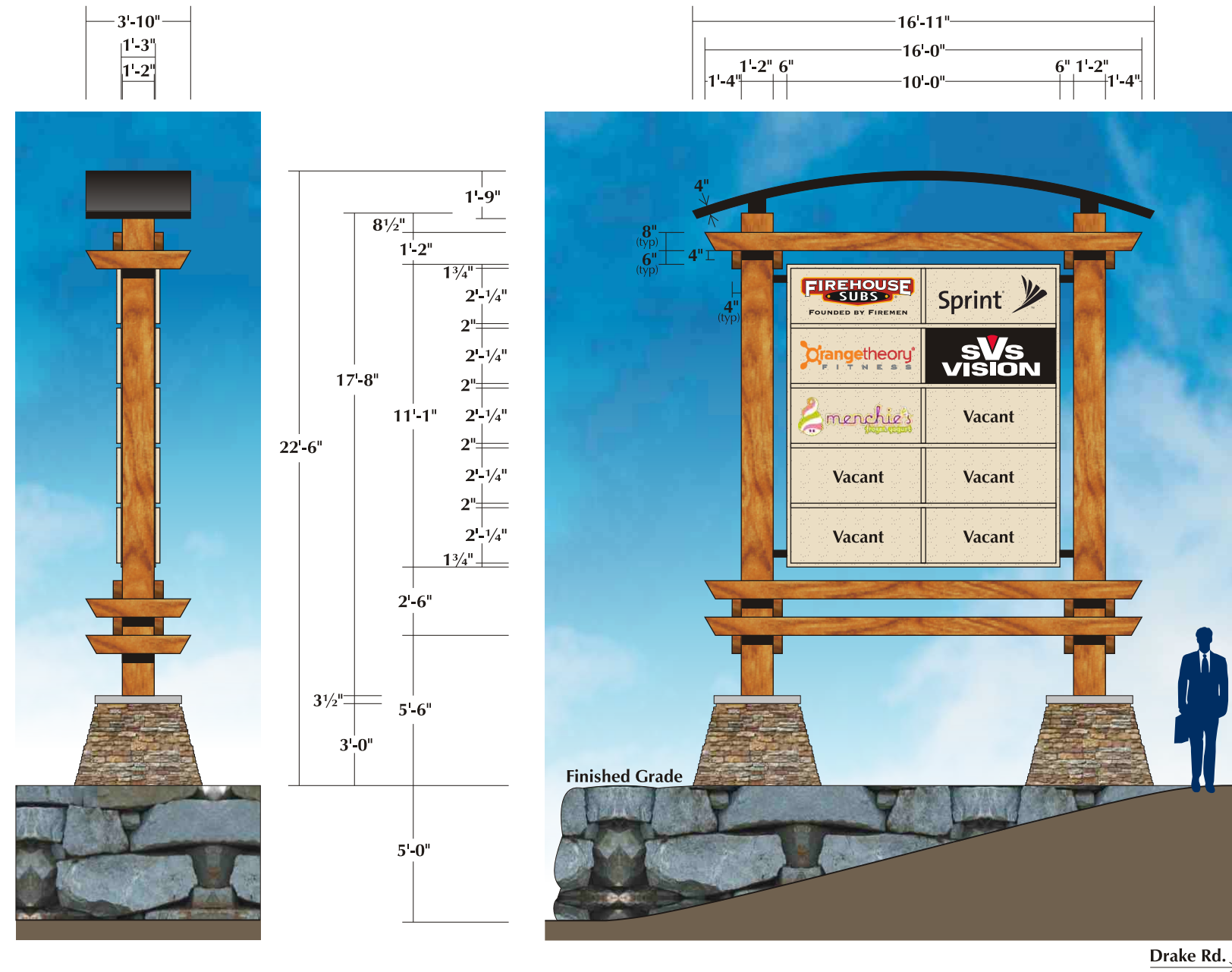
Thank you for your consideration, and please feel free to contact me with any questions.

Sincerely,

Curt Aardema
Corner @ Drake E, LLC and Corner Shoppes, LLC
269-323-2022

Corner @ Drake—Overall Site Plan





Multi-Tenant Double Faced Illuminated Pylon Sign

Cap/Embellishment

4" x 8" Horizontal wood beams with ends cut at 30°. Custom fabricated .100 aluminum. Decorative wrought iron embellishments fastened to exterior of wooden support poles. Paint with GripGard EFX semi-gloss enamel.

Tenant Sign Cabinet

S.A. Double filler with 1 3/4" retainers. Custom fabricated .100 aluminum. 2" Aluminum T-bars. Precision routed .100 aluminum backed with flat translucent white polycarbonate.

Electrical/Illumination

White LEDs powered by low voltage power supplies. Toggle disconnect. 1" Rigid electrical conduit.

Cladding

Decorative natural wood cladding to conceal support poles.

Base

Ledgestone base and limestone cap (by others.) Compacted soil within new retaining wall (by others.)

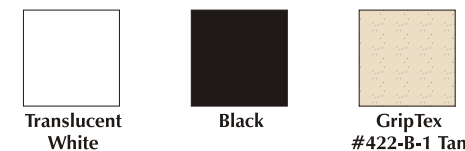
Support/Foundation

See detail page.

Note: Tenant construction specifications to be provided prior to production.

Sign #1 — Multi-Tenant Double Faced Illuminated Pylon Sign

Scale: 3/16" = 1'-0"



This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

Square Footage	
Tenant Cabinet	11'-1" x 10'-0" = 110.83 Sq.Ft.

ZBA Minutes 05-26-2015

Mr. Gesmundo indicated the standard size sign for Field & Stream stores is 475 square feet. In order for their store to be successful in an area with our size market, they need to pull in customers from the interstate and the sign must be large in order to do that. They are willing to reduce the sign to 280 square feet, but it is critical to them that it be no smaller or they will not build here. He indicated it would be an LED, internally lit sign.

The Chairperson asked if others wished to speak.

Mr. Steve VanderSloot of Sign Art, 5757 E. Cork Street, said he has worked with Dick's Sporting Goods, which is affiliated with Field & Stream, and asked the Board to keep in mind that national businesses have national sign programs that are very standardized models built to specifics on a large scale. Any change from that standardization is a sticking point. He mentioned the Board granted a variance to Lowe's for a larger sign since the store was set back so far from the road and that an extreme set back does warrant a larger size. He pointed out the Eagle image on the sign is more of a decorative element reminiscent of what it means to be an outdoorsman. The eagle is not illuminated; everything about the Field and Stream's site is very much organic.

There were no further comments and Chairperson Bell moved the meeting to Board Deliberations.

Mr. Loy said the sign is not an issue with visibility only from US-131.

Mr. Sterenberg said he was in favor of granting the deviation because of the uniqueness of the site. Because the sign's audience is travelers on US-131 it almost fits into the billboard category.

Mr. Smith noted 45 additional square feet is not a huge percent over 235, especially with a muted feel as described.

Mr. Sikora felt the request for deviation meets Township standards.

Mr. Anderson said he was in favor of granting the deviation.

Mr. Smith moved approval of the sign deviation as requested based on Board discussion. Mr. Anderson supported the motion. The motion was approved unanimously.

Chairperson Bell moved to the next item on the agenda.

PUBLIC HEARING. APPLICANT (GESMUNDO, LLC) REQUESTS A SIGN DEVIATION TO ALLOW THE INSTALLATION OF A MULTI-TENANT POLE SIGN WITH AN AREA OF 172.50 SQUARE FEET AND A HEIGHT OF 32 FEET, 88.5

SQUARE FEET GREATER AND 12 FEET TALLER THAN THE MAXIMUM PERMITTED BY SECTION 76.170 OF THE ZONING ORDINANCE. THE SUBJECT PROPERTY IS LOCATED NEAR THE NORTHWEST CORNER OF DRAKE ROAD AND STADIUM DRIVE IN THE C-LOCAL BUSINESS DISTRICT (PARCEL NO. 3905-25-240-009).

Chairperson Bell said the next item was a request for a sign deviation to allow the installation of a multi-tenant pole sign near the northwest corner of Drake Road and Stadium Drive. She asked Mr. Milliken to review the application.

Mr. Milliken said currently there is no overall site signage for the Corner @ Drake development. The applicant is requesting sign deviations for a multi-tenant commercial sign for the entry of the Corner @ Drake commercial development. The shopping center is located at the northwest corner of Stadium Drive and Drake Road with frontage on West Michigan Avenue and US-131. The proposed sign is located at the intersection of Drake Road and Century Avenue just north of Stadium Drive. The property is in the C – Local Business district.

He noted the applicant did receive a deviation to install a commercial ground sign on the stone wall feature at the immediate corner of Stadium and Drake in September 2014. The deviation allows for installation of a 124 square foot sign as opposed to the 80 square foot maximum. That sign has not been installed, and although the applicant would like to preserve the option to do so, no immediate plans have been discussed.

He explained the proposal here is to install a primary, multi-tenant identification sign at the main entry to the development off of Drake Road. The maximum height of a multi-tenant commercial sign is 20 feet. The proposed sign is 32 feet tall. The maximum area permitted for the proposed sign is 84 square feet. The proposed sign is 172.50 square feet.

Mr. Milliken said staff felt it would be beneficial to understand the overall approach to signage at the development and see how the proposed sign fit in with that overall program.

He said at the other end of Century Avenue, the applicant is proposing installation of a small entry sign at the intersection of Century Avenue and West Michigan Avenue. This sign will only identify the center and will not have any tenant identification. No plans have been submitted for this sign, but this sign is permitted to be up to 40 square feet at a height of 10 feet.

Additionally, along Drake Road, one credit union has already had its site plan approved: Consumers Credit Union immediately north of Century Avenue. The applicant is in discussion with two more financial institutions for leasing of sites along Drake Road – one south of Century Avenue and one at the northernmost edge of the property. These financial institutions would not be identified on the multi-tenant signs and would thus be entitled to their own signage.

Mr. Milliken noted at some point in the future, the applicant may propose a second multi-tenant sign on Drake Road for a strip commercial center likely to be developed on land north of where Consumers Credit Union will be developed.

He told the Board both West Main Mall and West Century Center have received variances for size and height of their existing multi-tenant signs. Research indicates that the ordinance requirements have not changed. The Maple Hill Mall is another multi-tenant center with a large sign that does not conform to the current ordinance. He indicated some history on all of these signs is important and may help to guide the decision-making process. He reviewed the variance history with the Board.

He said in addition to the Corner @ Drake, these are the largest multi-tenant commercial centers in the Township. In some of the cases above, deviations were granted in order to bring the site closer to conformance. In this instance, there are no existing signs at the site. Nonetheless, the proposed sign area is significantly smaller than any of the other examples. The height of the proposed sign is created primarily due to the enhanced design and style of the sign and its structure rather than as a result of the sign area itself.

Mr. Milliken indicated the proposal for deviation meets the Standards of Approval.

He suggested the ZBA should consider the unique nature of the site, its size, and its location on a major arterial. The ZBA should also consider previous deviations granted to similar multi-tenant signs at West Century Center, West Main Mall, and Maple Hill Pavilion. The ZBA should also consider the enhanced design of the sign and the fact that the sign area is substantially less than existing signs at the previously mentioned centers.

Hearing no questions for Mr. Milliken, Chairperson Bell asked if the applicant wished to speak.

Mr. Gesmundo said the sign, like the rest of the project, epitomizes the quality of the development and the desired tenants he wishes to attract. Municipalities have developed sign ordinances because people have gone crazy with signs and they became a visual nuisance. He thinks this is at the opposite end of that scale. He pointed out that if the property were divided into as many parcels as would be allowed under Ordinance, over 1200 sq. ft. of signage would be permitted. The proposed sign condenses a lot of road frontage signage into a very few attractive signs. They would be tasteful and illuminated from within.

There were no questions for the applicant; the Chairperson moved to Board Deliberations.

Chairperson Bell cited the past sign deviations given as examples and felt the circumstances here are unique enough to set it apart from a 200 foot parcel with road frontage.

Attorney Porter suggested looking at the site in light of other development of the same nature.

Mr. Loy said he hated to see signs larger than what already exist.

Chairperson Bell asked about a sign at the south corner.

Mr. Milliken said he was not encouraging more signs and would discourage them from coming forward – he noted only one sign is being presented at this time.

Mr. Sterenberg asked if a larger sign is granted now whether smaller signs would be requested in the future.

Mr. Milliken said the game plan is for three financial institutions, each with one ground sign on Drake Road and a strip commercial center proposed for Drake Road that may or may not have a smaller version of the proposed sign. He noted the Ordinance has provisions for that.

Mr. Sterenberg commented the whole project and the sign are unique. He would rather see one large sign than 200 smaller ones.

In answer to a question from Mr. Sterenberg, Attorney Porter indicated a motion could say the deviation is granted in the spirit of the Master Plan.

Mr. Anderson moved approval of the sign deviation request as presented based on the reasons set forth in discussion, that it is treated similar to other multi-tenants in the Township and in the spirit of the Master Plan. Mr. Loy supported the motion. The motion was approved unanimously.

Chairperson Bell moved to the next item on the agenda.

PUBLIC HEARING. APPLICANT (SIGNART, INC. FOR MAPLE HILL LEASEHOLD, LLC) REQUESTS A SIGN DEVIATION TO ALLOW THE INSTALLATION OF SIX WALL SIGNS, TWO MORE THAN THE MAXIMUM PERMITTED BY SECTION 76.170 OF THE ZONING ORDINANCE. SUBJECT PROPERTY IS IN THE C-LOCAL BUSINESS DISTRICT AT 5622 WEST MAIN STREET (PARCEL NO. 3905-13-180-035).

Chairperson Bell said the final item was a request for sign deviation to allow the installation of six wall signs, two more than the maximum permitted at 5622 West Main Street. She asked Mr. Milliken to review the proposal.

Mr. Milliken said the applicant is requesting a sign deviation on behalf of Maple Hill Auto. As part of their site improvements and expansion, the property owner desires to update the signage in concert with the updates to the architecture of the building. These updates are also required by the auto companies as conditions of maintaining