



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 – VIRTUAL**

Participate through this Zoom link:  
<https://us02web.zoom.us/j/82405671950>

Or by calling: 1-929-205-6099  
Meeting ID: 824 0567 1950

*(Refer to the [www.oshtemo.org](http://www.oshtemo.org) Home Page or the third page of this packet for additional Virtual Meeting Information)*

**THURSDAY, SEPTEMBER 24, 2020  
6:00 p.m.**

**AGENDA**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes: August 27<sup>th</sup>, 2020
6. **Public Hearing: Panera Drive-Thru**  
Manna Development, on behalf of Meyer C. Weiner Co., is requesting Special Use and Site Plan approval to reduce the building size of and install a 681 square foot drive-thru window, lane, and storage to an existing Panera Bread located at 5119 West Main Street, Kalamazoo, MI 49009.
7. **Public Hearing: Child and Adult Foster Care Facilities**  
Consideration of amendments to the Township Zoning Ordinance, for recommendation to the Township Board, to allow Child and Adult Foster Care Facilities within Oshtemo Township.
8. Public Comment
9. Other Updates and Business
10. Adjournment

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

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

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

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

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

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

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

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

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

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

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

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

## Zoom Instructions for Participants

### Before a videoconference:

1. You will need a computer, tablet, or smartphone with a speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. If you are going to make a public comment, please use a microphone or headphones with a microphone to cut down on feedback, if possible.
3. Details, phone numbers, and links to videoconference or conference call are provided below. The details include a link to “**Join via computer**” as well as phone numbers for a conference call option. It will also include the 11-digit Meeting ID.

### To join the videoconference:

1. At the start time of the meeting, click on this link to [join via computer](#). You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to [join.zoom.us](#) on any browser and entering this **Meeting ID: 824 0567 1950**

If you are having trouble hearing the meeting or do not have the ability to join using a computer, tablet or smartphone then you can join via conference call by following instructions below.

### To join the conference by phone:

1. On your phone, dial the toll-free teleconferencing number: **1-929-205-6099**
2. When prompted using your touchtone (DTMF) keypad, enter the Meeting ID number: **824 0567 1950#**

### Participant controls in the lower-left corner of the Zoom screen:



Using the icons at the bottom of the Zoom screen, you can (some features will be locked to participants during the meeting):

- Participants – opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand. **This will be used to indicate that you want to make a public comment.**
- Chat – opens pop-up screen that allows participants to post comments during the meeting.

If you are attending the meeting by phone, to use the “Raise Hand” feature **press \*9 on your touchtone keypad.**

**Public comments will be handled by the “Raise Hand” method as instructed above within Participant Controls.**

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**OSHEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**DRAFT MINUTES OF A VIRTUAL MEETING HELD AUGUST 27, 2020**

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**Agenda**

**PUBLIC HEARING: ASSEMBLY AND CONVENTION HALLS  
CONSIDERATION OF AMENDMENTS TO THE TOWNSHIP ZONING ORDINANCE,  
FOR RECOMMENDATION TO THE TOWNSHIP BOARD, TO ALLOW ASSEMBLY  
AND CONVENTION HALLS AS A SPECIAL USE WITHIN THE C: LOCAL BUSINESS  
DISTRICT, THE 9<sup>TH</sup> STREET AND WEST MAIN OVERLAY ZONE, AND THE C-R:  
LOCAL COMMERCIAL DISTRICT RESTRICTED.**

**NEW BUSINESS**

**Discussion: Child and Adult Foster Care Facilities**

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A virtual meeting of the Oshtemo Charter Township Planning Commission was held Thursday, August 27, 2020, commencing at approximately 6:02 p.m.

PRESENT: Bruce VanderWeele, Chair  
Dusty Farmer  
Micki Maxwell, Vice Chair  
Anna Versalle  
Chetan Vyas  
ABSENT: Mary Smith

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, Josh Owens, Assistant to the Supervisor and Martha Coash, Meeting Transcriptionist.

**Call to Order and Pledge of Allegiance**

Chairperson VanderWeele called the meeting to order at approximately 6:02 p.m. He invited those in attendance to join in reciting the Pledge of Allegiance.

**Approval of Agenda**

Hearing no suggestions for change, Chairperson VanderWeele let the agenda stand as presented.

**Approval of the Minutes of the Meeting of August 13, 2020**

The Chair asked if there were additions, deletions, or corrections to the Minutes of the Meeting of August 13, 2020. Hearing none, he asked for a motion.

Ms. Farmer made a motion to approve the Minutes of the Meeting of August 13, 2020 as presented. Ms. Maxwell seconded the motion. The motion was approved unanimously by roll call vote.

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

**PUBLIC HEARING: ASSEMBLY AND CONVENTION HALLS  
CONSIDERATION OF AMENDMENTS TO THE TOWNSHIP ZONING ORDINANCE,  
FOR RECOMMENDATION TO THE TOWNSHIP BOARD, TO ALLOW ASSEMBLY  
AND CONVENTION HALLS AS A SPECIAL USE WITHIN THE C: LOCAL BUSINESS  
DISTRICT, THE 9<sup>TH</sup> STREET AND WEST MAIN OVERLAY ZONE, AND THE C-R:  
LOCAL COMMERCIAL DISTRICT RESTRICTED.**

Ms. Lubbert said Township Planning Department staff was approached by a perspective property owner interested in establishing a wedding/event venue within the commercial portion of the 9th Street and West Main Zoning Overlay. Examining the Township's Zoning Ordinance, staff found that no such use is identified as allowable in any zoning district in Oshtemo, despite a handful of such businesses having been located here in the past. In some cases, such as with the Delta Marriott Hotel on S 11th Street, the convention center there is considered an accessory element to the primary use of the property. In the case that prompted this proposal, the event space would be the property's primary use. A general tenet of local zoning is that no reasonable use of land can be outright prohibited in any community and must be allowed somewhere. In the interest of adhering to accepted legal convention and good planning practice, Staff worked with the Planning Commission to draft an amendment that would allow Assembly and Convention Halls as a primary use within the Township.

She referred to written materials explaining the Planning Commission initially discussed the proposed amendment at their regular February 27<sup>th</sup> meeting. After deliberation, the Commission agreed to move forward with the proposed changes to Sections 18.40 and 35.40 and set a Public Hearing for their meeting on March 26<sup>th</sup>. Due to COVID-19's impact on the Township's ability to hold open meetings, the public hearing needed to be rescheduled to April 30<sup>th</sup>. At the public hearing the Planning Commission grew concerned when they found that the ordinance does not define Assembly and Convention Halls. The Commission was worried that if no additional guidance was provided larger Convention Centers (like the Kalamazoo County Expo Center) could accidentally be lumped into the same category. The Planning Commission moved to table the item and asked staff to explore possible definitions that would alleviate their concerns and avoid potential future misunderstandings. Staff presented a drafted definition to the Commission at their May 14<sup>th</sup> meeting as well as discussed the possibility of implementing a maximum capacity or occupancy to be tied to the proposed Special Use – potentially a different value depending on the zoning district in which the use is allowed. It was agreed staff would return to the Commission with a revised definition for Assembly and Convention Halls and drafted Special Use requirements. Staff presented a revised definition to the Planning Commission at their July 30<sup>th</sup> regular

meeting along with potential Special Use requirements for Assembly and Convention Halls. After review, the Commission agreed to move the amendments forward to a Public Hearing.

She noted the Township Attorney reviewed the proposed language and supported the proposed amendments. A notice for the Public Hearing was published on Tuesday, on August 11, 2020.

Ms. Lubbert reviewed amendments to the Zoning Ordinance proposed to allow Assembly and Convention Halls as a primary use within the C, Local Business District, the C-R: Local Commercial District Restricted, and the 9<sup>th</sup> Street and West Main Overlay Zone, including proposed definitions. She indicated all three districts are appropriate locations for this use based on their character and intent. In order to mitigate any unforeseen consequences or impacts of this use to nearby properties, she recommended Assembly and Convention Halls be classified as a Special Use with conditions. These conditions include maximum capacities or occupancies (depending on the zoning district in which the use is allowed) and specifications that provide flexibility for outdoor event spaces. As the Township gains experience with Assembly and Convention Halls as a primary use, she said additional criteria can be developed, and other zoning districts considered.

She recommended that, if approved by the Planning Commission, the proposed amendments be forwarded to the Township Board for consideration.

Chairperson VanderWeele asked whether Commissioners had questions for Ms. Lubbert. Hearing none, he moved to public hearing. After determining there were no members of the public present, the Chair moved to Board Deliberations.

There was discussion regarding whether the proposed wording that addressed portable bathroom facilities for outdoor events needed to be modified. After consultation with Attorney Porter it was decided a modification was not needed and the Chair asked for a motion.

Ms. Versalle made a motion to forward the proposed amendments to allow Assembly and Convention Halls as a Special Use within the C: Local Business District, the 9<sup>th</sup> Street and West Main Overlay Zone, and the C-R Local Commercial District Restricted as presented to the Township Board with a recommendation of approval. Ms. Farmer seconded the motion. The motion was approved unanimously by roll call vote.

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

## **NEW BUSINESS**

### a. Discussion: Child and Adult Foster Care Facilities

Ms. Lubbert reported Township Planning Department staff members were

approached recently about the possibility for a group home to house 8-10 refugee children under the age of 18. Examining the Township's Zoning Ordinance, staff found that no such use is identified as allowable in any zoning district in Oshtemo. A general tenet of local zoning is that no reasonable use of land can be outright prohibited in any community and must be allowed somewhere. In the interest of adhering to accepted legal convention, good planning practice, and the preservation of Township residents' property rights, she asked the Planning Commission to consider a text amendment to the Zoning Ordinance to allow this and similar uses in appropriate zoning districts and presented a preliminary draft of the proposed ordinance amendment. The proposed language is based on MCL 722.111, which outlines the requirements for Foster Care organizations in Michigan.

Attorney Porter indicated the suggested amendment language mirrors and is in harmony with Michigan State regulations.

Ms. Lubbert indicated the amendments provide definitions differentiating between various scales of foster facilities and the appropriate zoning districts in which they will be allowed. She noted higher density facilities are appropriate in more dense residential districts. She asked the Planning Commission to review the proposed amendments and provide feedback.

Attorney Porter explained although these facilities have not been specifically addressed in the zoning ordinance, and are allowed by state regulations regardless of ordinance, we want to follow due diligence and provide language that is defined by and agrees with State law.

Following discussion and questions answered regarding specifics of the different types of facilities that are permitted, Chairperson VanderWeele polled the group to assess whether there was support for moving forward with the amendment as presented. As the group indicated they were in support of moving forward, the Chair asked for a motion.

Ms. Versalle made a motion to move forward to a public hearing on the amendment to allow child and adult foster care facilities in Oshtemo Township as proposed. Ms. Maxwell seconded the motion. The motion was approved unanimously by roll call vote.

### **OLD BUSINESS**

There was no old business to consider.

### **PUBLIC COMMENT**

Chairperson VanderWeele determined there were no members of the public present, and moved to the next agenda item.



## **OTHER UPDATES AND BUSINESS**

Ms. Lubbert noted this meeting was the first officially live steamed Planning Commission meeting which will allow greater awareness and transparency. She thanked members for their support of this move.

She also reported Governor Whitmer has extended the requirement for governmental meetings to be held virtually through September 2020.

## **ADJOURNMENT**

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 6:44 p.m.

Minutes prepared:  
August 28, 2020

Minutes approved:  
\_\_\_\_\_, 2020

DRAFT

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September 18, 2020



**Mtg Date:** September 24, 2020

**To:** Oshtemo Township Planning Commission

**From:** Iris Lubbert, Planning Director

**Applicant:** Manna Development  
**Owner:** Meyer C Weiner Co

**Property:** 5119 W Main Street, Parcel numbers 05-13-430-050

**Zoning:** C: Local Business District

**Request:** Site Plan and Special Use approval to construct a drive-thru

**Section(s):** 18: C Local Business District  
65: Special Uses

**Project Name:** Panera Bread Drive-thru

**PROPOSAL:**

Manna Development, with consent from Meyer C Weiner Co, is seeking Special Use and Site Plan approval from the Planning Commission to demolish a portion of the existing Panera Bread building at 5119 W Main Street to construct a drive-thru window, lane, and storage.

**OVERVIEW:**

5119 W Main Street, Panera Bread, is located on the south side of West Main Street, just west of the Drake Road intersection. 5119 W Main Street was originally constructed in 2011. This commercial building is part of a larger commercial development under one owner. The development includes the Kohl's store just to the south of the project site, as well as a handful of other retail businesses. The applicant is requesting Special Use and Site Plan approval in order to install a drive-thru to service 5119 W Main Street. The project area under consideration is outlined in yellow on the map excerpt to the right and the Panera Bread building starred.



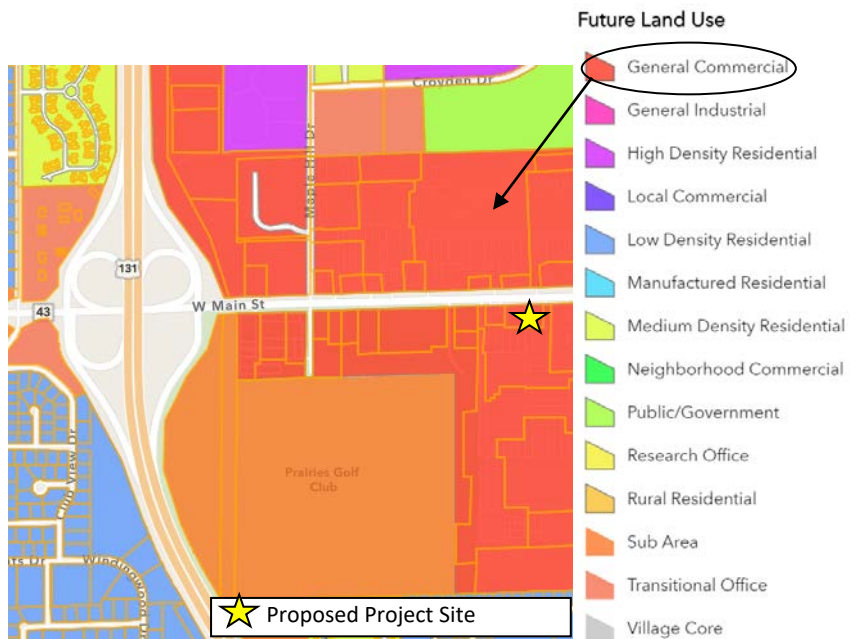
**ANALYSIS:**

The entirety of the property in question is zoned C, Local Business District. Uses permitted in the C zoning district are outlined in Article 18 of the Township’s Zoning Code. Restaurants are a Permitted Use within this district. Drive-in service windows or drive-through services for businesses are identified as Special Uses within this section. New construction of a Special Use requires the review and approval of the Planning Commission (Section 64.20). When reviewing a Special Use there are two sets of criteria that need to be considered: the general Special Use review criteria outlined in Section 65.30 and the specific requirements for the use in question outlined under Section 49.70. In this case, Section 49.70 does not apply as the code does not contain any specific requirements for this use. Below is an analysis of the proposal against Section 65.30.

**Section 65.30: Special Use Review Criteria**

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

Oshtemo’s adopted Future Land Use map shows the property in question within a General Commercial area, see map excerpt to the right. The intent for the General Commercial area is to “serve both the residents of the community as well as the regional market and transient customers. Uses like big box retail, shopping centers, and auto-oriented uses would be permitted in this district” (Oshtemo Township Master Plan Update, page 69). This area is intended for high density development. The proposed drive-thru servicing a restaurant meets this intent.



From a zoning standpoint, the subject property is classified as C: Local Business District, within which drive-in service windows or drive-through services for businesses are permissible with Special Use approval from the Planning Commission. The proposed use is consistent with the Townships adopted Zoning Ordinance.

**B. Site Plan Review: The Site Plan Review Criteria of Section 64**

A site plan has been provided. See evaluation under Section 64: Site Plan Review.

**C. Impacts:**

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

Other uses in the surrounding C zoning district include but are not limited to: Jimmy John's Five Guys, Kelvin & Co. Urban BBQ, Shell, Kohl's, Hardings, Ashley Homestore, Verizon, Hunan Gardens, The UPS Store Niskers Grill, Benefit Twice, and Blaze Pizza. A number of drive-in service windows or drive-through services for businesses are already established in the area; the neighboring Jimmy John's drive-through being the closest example. With this use already existing in the area and with it being consistent with the intent of both the Master Plan and the Zoning Ordinance, the proposed use will not negatively affect neighboring uses.

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

Staff does not foresee a significant impact of the proposed use on neighboring properties. The proposed site plan provides adequate parking, does not propose any new access connection points, the addition will remain in the building's existing footprint, and the drive-thru lane will be separated from the adjacent general circulation.

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

Given the nature of the West Main Street corridor staff anticipates that the proposed addition of a drive-thru to 5119 W Main Street will have no such negative impacts on adjacent properties. The subject use is very much in accordance with its character and adaptability.

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

The proposed project area is already paved, and no natural features will be disturbed as a part of these modifications.

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

This property is already adequately served by public utilities and the proposed site change would add little to no burden to the system.

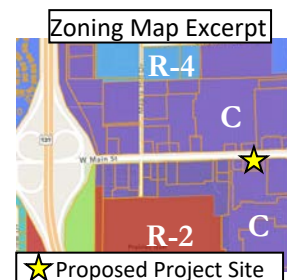
**F. Specific Use Requirements: The Special Use development requirements of Article 49.**

Article 49 of the Zoning Ordinance dictates no specific considerations for drive-in service windows or drive-through services for businesses.

Section 64: Site Plan Review

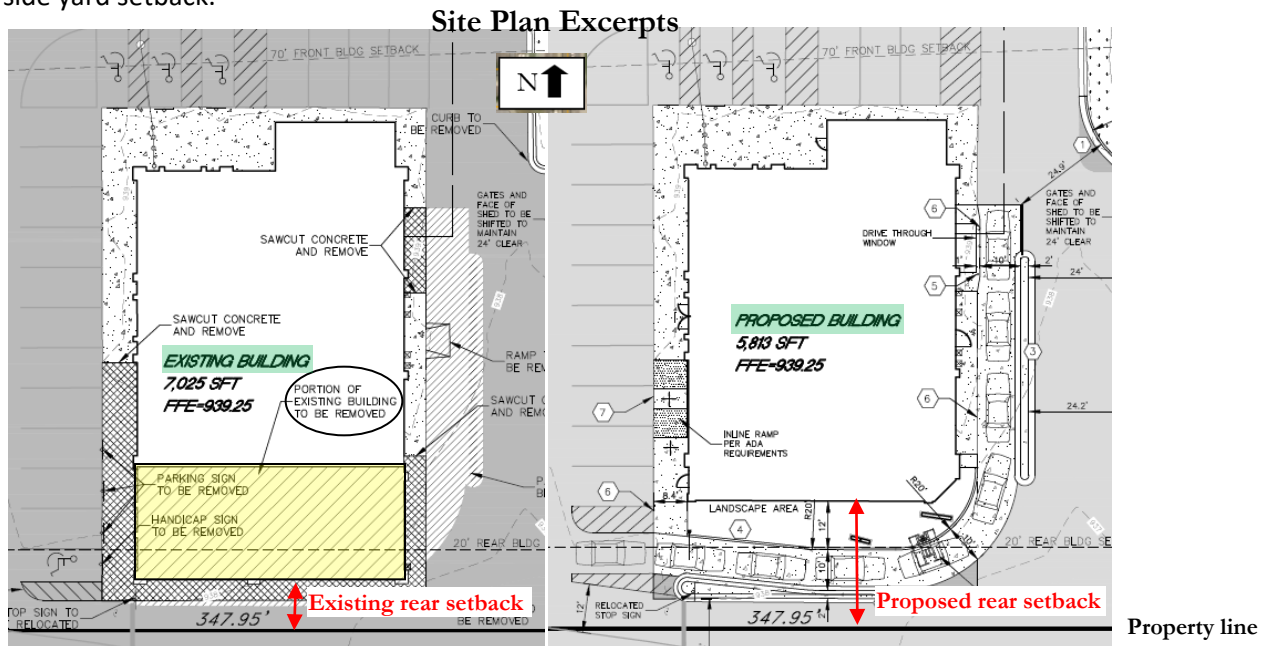
**General Zoning Compliance:**

*Zoning:* 5119 W Main Street is zoned C, Local Business District. All properties surrounding this site are also within the C District. The proposed drive-thru is permitted as a Special Use within this district.



**Lot Dimensions:** Lots within the C, Zoning District that have access to water and sewer require a minimum area of 13,200 square feet and frontage of 120 feet (Section 50.10 (A)). The existing lot has approximately 350 feet of frontage along W Main Street and an area of 72,309 square feet. The proposed property exceeds the lot dimensions standards.

**Setbacks:** The proposed amendment to the existing site will decrease the existing building's footprint, increasing its setback from the rear lot line. It should be noted that approximately four feet will be added to the east side of the building; this increase is well within the required side yard setback.



### Access and Circulation

**Access:** vehicle circulation around the building will remain two-way, aside from the proposed drive-through aisle that wraps around the south and east side of the structure. The one-way drive-through feature is designed to accommodate at least five stacked vehicles—the Zoning Ordinance requires room for five—and the lane will be separated from the adjacent general circulation aisle by a two-foot wide concrete curb. The proposed plan will stripe off the east most parking space along the north side of the building to help prevent parked cars from being hit by circulating traffic.

**Parking:** Currently, 67 parking spaces are available onsite (shared between the Panera Bread Building and the neighboring three tenant commercial building). The proposed drive-thru would remove 4 parking spaces from the site, leaving a total of 63 spaces. Per Article 52: *Off Street Parking of Motor Vehicles* of the Zoning Ordinance, a stand-alone property such as this, given both commercial buildings, would typically require around 175 spaces on-site. However, being part of a larger commercial development under one owner, section 52.70: *Mixed uses in the same building or joint use of facilities* of the Zoning Ordinance does allow adjacent developments to share parking facilities. Just to the south of the project site is the Kohls store, as well as a handful of other retail businesses. In aggregate this collection of business, including

those located on the subject property, have in excess of 724 spaces available for use. Per the Zoning Ordinance, only around 700 are required, leaving a surplus of nearly 25 spaces. Given the situation of the existing parking lots as well as the fact that the parking area immediately to the south of the project site is typically underused, staff is confident that sufficient parking is available for patrons of the proposed restaurant as well as other surrounding businesses. If the current owner does ever intend to sell either property, however, a cross access and parking easement agreement should be signed and recorded with the County Register of Deeds.

*Sidewalk:* Per Ordinance Section 57.90 an internal sidewalk network (including connection to and establishment of a sidewalk in the right-of-way of any arterial, collector, or local road indicated on the Non-motorized Facilities Map abutting the site) shall be required at the time of Site Plan review. In this case, a sidewalk already exists along W Main Street. The proposed site plan shows the addition of an interior five-foot-wide sidewalk connection from the sidewalk along W Main to the building. The proposed connection design will need to be reviewed and approved by the Township's Public Works Department.

#### **Building Design**

The exterior building design for the proposed alteration will match the existing materials and patterns of the building. See attached elevations.

#### **Landscaping and Photometric Plan**

The proposed amendments to the site do not trigger landscaping review. It is proposed that the drive – thru will be illuminated by building mounted full cut off wall packs, shown to the right. The required site lighting plan, including a photometric plan, for the newly proposed lights has not yet been submitted.



#### **Engineering**

Prein & Newhof, the Township's civil engineering agent, has reviewed the project site plan. All onsite concerns have been addressed. However, the proposed addition to the interior sidewalk network still requires review.

#### **Fire Department**

The Township Fire Marshal has reviewed the project site plan. Overall, all onsite concerns have been addressed.

#### **RECOMMENDATION:**

Staff recommends that the Planning Commission approve the proposed Special Use and Site Plan for the to demolition of a portion of the existing Panera Bread building at 5119 W Main Street for the construction of a drive-thru window, lane, and storage, with the conditions outlined below.

1. Prior to building permit issuance, the proposed internal sidewalk connection shall be reviewed and approved by the Township's Public Works Department.

2. Prior to building permit issuance, a site lighting plan for the newly proposed wall mounted lights, including a photometric plan, shall be reviewed and approved by the Township's Planning Department.
3. If the current owner ever sells either property on this site, a cross access and parking easement agreement shall be signed and recorded with the County Register of Deeds.

Attachments: Application, Site Plan, Elevations, Letter of Support





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

**PLEASE PRINT**

**PROJECT NAME & ADDRESS** Panera - 5119 W. Main Street, Kalamazoo, MI 49009

**PLANNING & ZONING APPLICATION**

Applicant Name : Richard Alleway  
Company Manna Development  
Address 2339 11th Street  
Encinitas, CA 92024  
E-mail ralleway@mannadevelopment.com  
Telephone 1-760-944-1070 Fax \_\_\_\_\_  
Interest in Property Business Owner (Leasee)

THIS  
SPACE  
FOR  
TOWNSHIP  
USE  
ONLY

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

**OWNER\*:**

Name Meyer C Weiner Co  
Address 700 Mall Drive  
Portage, MI 49024  
Email sorr@mcweiner.com  
Phone & Fax 1-269-323-2441

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

- |   |   |
|---|---|
| <input type="checkbox"/> Planning Escrow-1042                 | <input type="checkbox"/> Land Division-1090                   |
| <input checked="" 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 checked="" type="checkbox"/> Other: <u>Special Use</u> |

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

Construction of a 681 sf addition on an existing Panera Bread. Addition to add a drive-thru window  
& lane and storage.

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

Refer to attached Civil Drawings

**PARCEL NUMBER:** 3905- 05-13-430-050

**ADDRESS OF PROPERTY:** 5119 W. Main Street, Kalamazoo, MI 49009

**PRESENT USE OF THE PROPERTY:** Retail

**PRESENT ZONING** C - Local Business District **SIZE OF PROPERTY** 1.66 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.*

Shannon S Orr

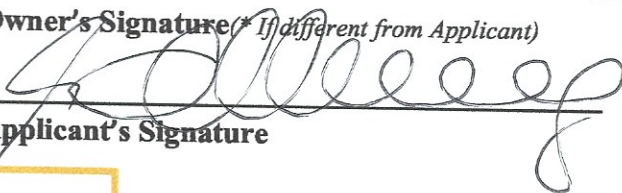
08/10/2020

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

**Date**

**Applicant's Signature**

**Date**



8-10-2020

\*\*\*\*

**PLEASE ATTACH ALL REQUIRED DOCUMENTS**

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

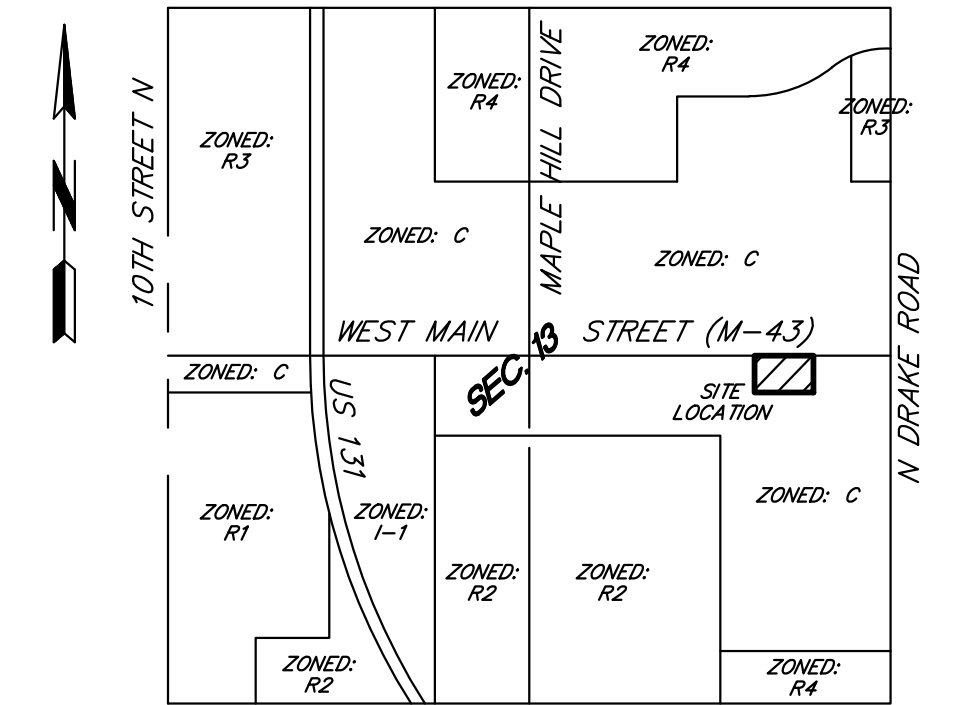
BENCHMARK NO. 1 ELEV. = 939.03'  
 NW BOLT ON LIGHT POLE BASE  
 LOCATED 34' SOUTH OF SE CORNER  
 OF THE BUILDING AT 5119 W. MAIN  
 STREET

BENCHMARK NO. 2 ELEV. = 943.57'  
 NW FLANGE-BOLT ON HYDRANT LOCATED  
 115' NORTH OF NE CORNER OF THE  
 BUILDING AT 5131 W. MAIN STREET

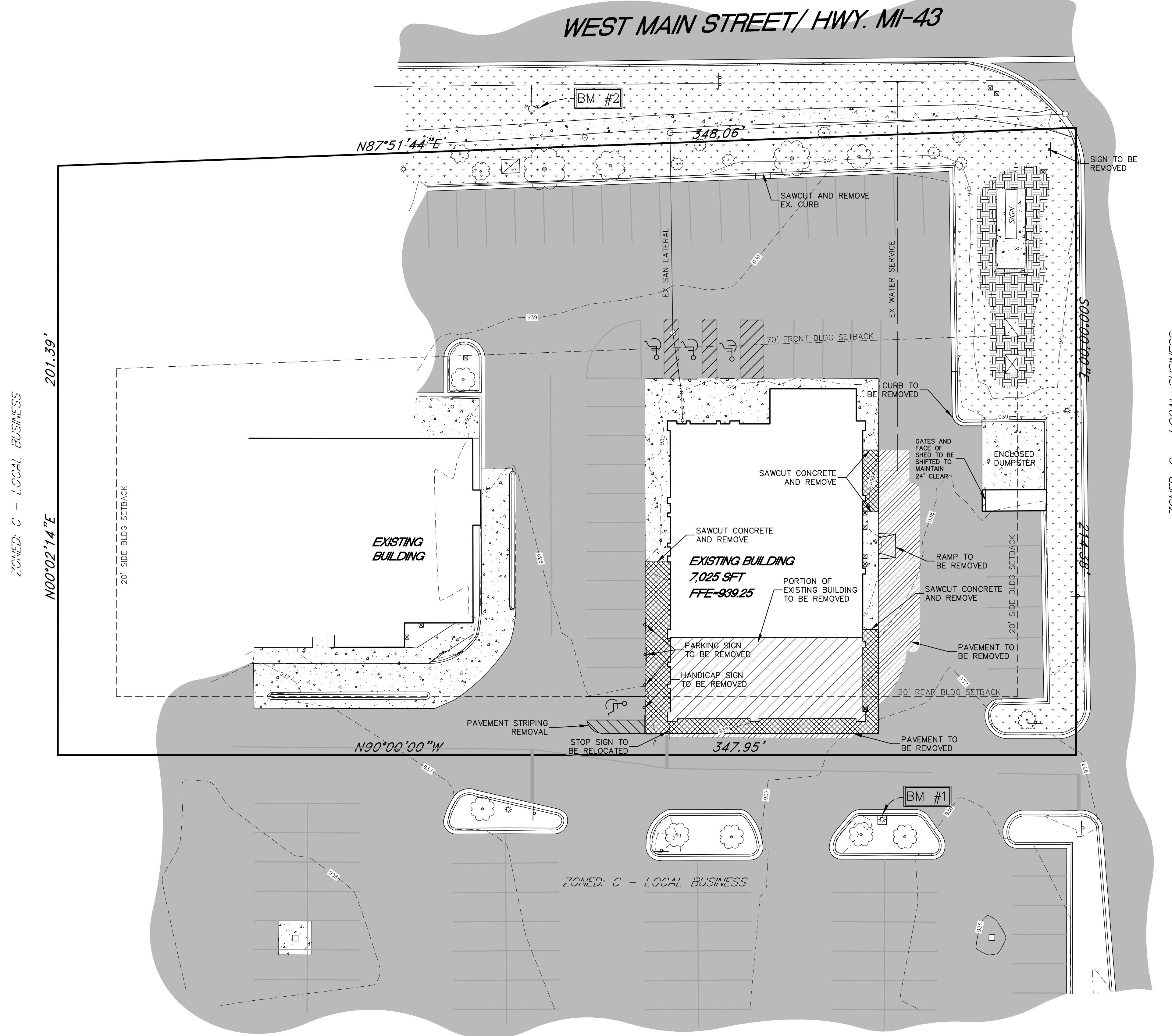


Know what's below.  
 Call before you dig.

# PANERA BAKERY



LOCATION AND ZONING MAP  
 NOT TO SCALE



ADDRESS  
 5119 W. MAIN STREET, KALAMAZOO, MI 49009

NOTES  
 - SAWCUT PAVEMENT ALONG REMOVAL LIMITS AND MAINTAIN CLEAN EDGE.  
 - SEE ARCHITECTURAL PLANS FOR EXACT AREAS OF EXISTING BUILDING DEMOLITION.  
 - PAVEMENT STRIPING REMOVAL TO BE BY SANDBLASTING OR GRINDING.

### LEGEND

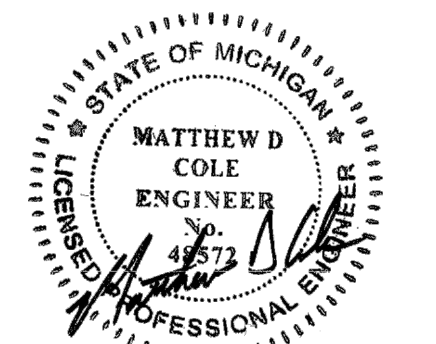
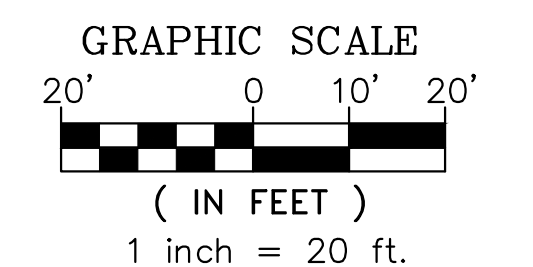
- EXISTING BITUMINOUS
- EXISTING BIT PAVEMENT REMOVAL
- EXISTING CONCRETE
- EXISTING CONCRETE REMOVAL
- EXISTING CONTOURS

- ### LEGEND
- o - IRON STAKE - SET
  - - IRON FOUND
  - - WOOD STAKE
  - R - RECORDED DIMENSION
  - D - DEED DIMENSION
  - P - PLATED DIMENSION
  - M - MEASURED DIMENSION
  - CL - CENTER LINE
  - CC - CORNER ON CONCRETE
  - EB - EDGE OF BITUMINOUS
  - EC - EDGE OF CONCRETE
  - EG - EDGE OF GRAVEL
  - G - GROUND ELEVATION
  - GTR - FLOW LINE OF GUTTER
  - OHE - OVERHEAD ELECTRIC/UTILITY LINE
  - - - EX. CONTOUR LINE
  - \* - LIGHT POLE
  - - - FENCE LINE
  - X-X - FENCE LINE
  - CONC - CONCRETE
  - BT - BITUMINOUS PAVEMENT
  - ENCR - PROPERTY LINE ENCROACHMENT
  - UTIL - UTILITY
  - ELEC - ELECTRIC
  - RET - RETAINING WALL
  - P/L - PROPERTY LINE
  - P/MT - PAVEMENT
  - W.S. - WATER SERVICE LATERAL
  - BM - BENCHMARK
  - W.V. - WATER VALVE
  - HYD - FIRE HYDRANT
  - CB - CATCH BASIN
  - MH - MANHOLE

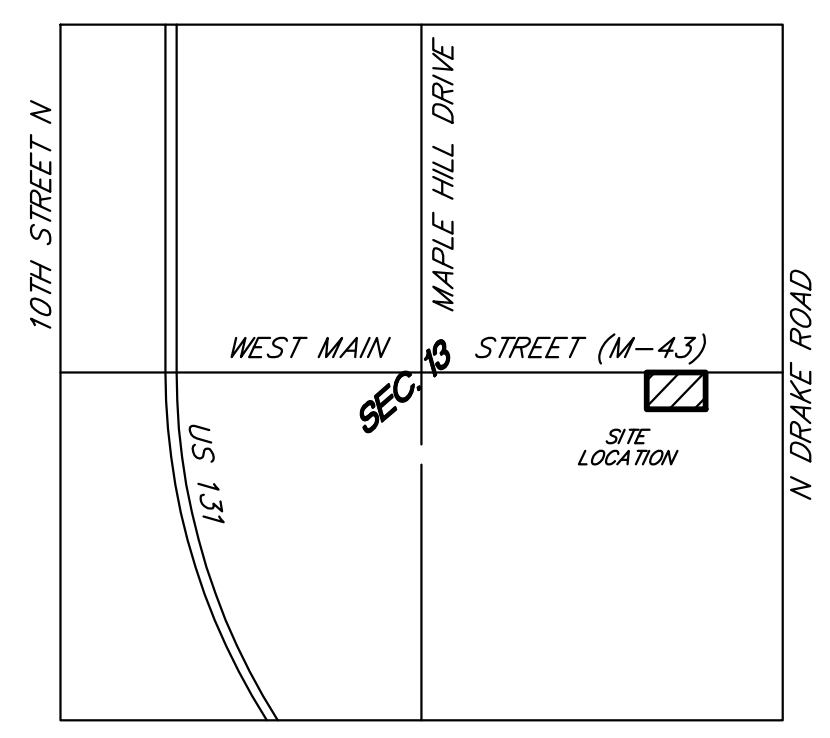
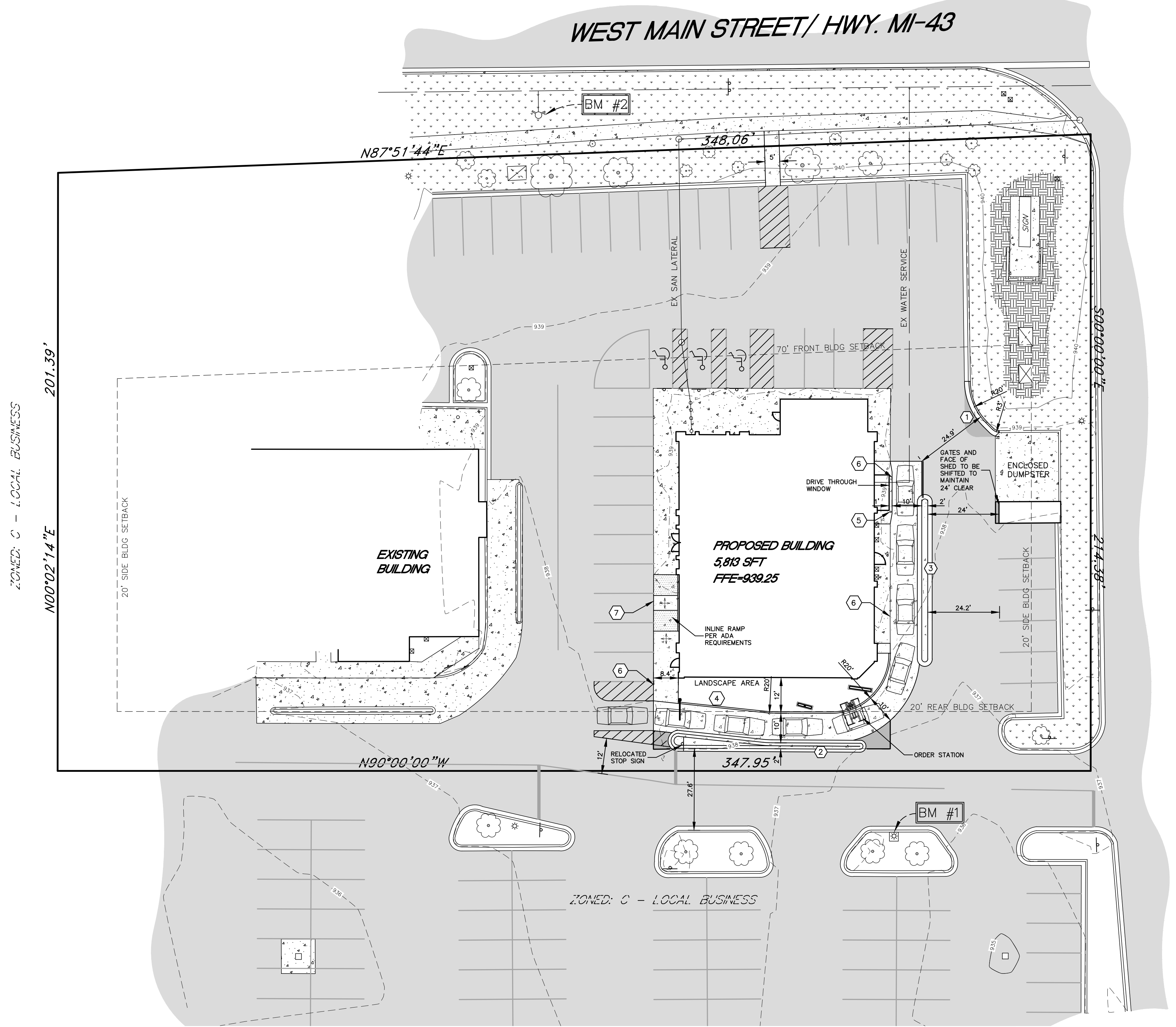
### LEGAL DESCRIPTION:

Part of the Southeast 1/4 of Section 13, Town 2 North, Range 12 West, described as follows: Commencing on the East and West 1/4 line 521.36 feet South 87°51'44" West of the East 1/4 Post; thence South parallel to the East line 75.05 feet to south right of way line of West Main Street and the Point of Beginning; thence South 214.38 feet; thence West 347.95 feet; thence North 00°02'14" East 201.39 feet to said right of way; thence North 87°51'44" East 348.06 feet to the Point of Beginning.

PPN: 05-13-430-050



REVISIONS:	APPROVED BY: CM
	DATE: AUGUST 10, 2020
	REVISIONS:
	AUGUST 25, 2020 - REV. PER TOWNSHIP REVIEW
EXISTING CONDITIONS AND REMOVALS PANERA BAKERY Part of Section 13, T2N, R12W Oostemo Township, Kalamazoo County, Michigan	
CLIENT: JEFFERY PARKER ARCHITECTS 855 - 28TH STREET SE GRAND RAPIDS, MI 49508 (616) 241-0098	
PROJECT NO. 200809	
C-101	



**SITE DATA:**

SITE: 1.66 ACRES  
 ZONED: C - LOCAL BUSINESS DISTRICT  
 USE: RESTAURANT WITH DRIVE THROUGH

	REQUIRED	PROVIDED
FRONT BUILDING SETBACK:	70'	85.2' TO NORTH
SIDE BUILDING SETBACK:	20' OR BLDG HEIGHT	67.8' TO EAST
REAR BUILDING SETBACK:	20' OR BLDG HEIGHT	31.2' TO SOUTH
BUILDING COVERAGE:	9.7% EXISTING	8.0% PROPOSED

**PARKING DATA:**

MIN. REQUIRED PARKING: 61 SPACES  
 (GREATER OF 1 SPACE PER 70 SFT NET FLOOR AREA + 1 PER MAX EMPLOYEE OR 1 PER 3 PEOPLE OF MAX BUILDING OCCUPANCY + 1 PER MAX EMPLOYEE)  
 = 2,402/70 + 10 = 44.3 OR 164/3 + 10 = 71.3

MAX. ALLOWABLE SPACES: 110% OF MIN. = 78 SPACES  
 PROPOSED PARKING: 35 SPACES ONSITE (INCLUDES 3 BARRIER FREE SPACES) AND 42 SPACES AVAILABLE VIA SHARED PARKING IF REQ.

PREVIOUSLY THERE WERE 39 PARKING SPACES AND BUILDING WAS 7,025 SFT. NOW THE BUILDING IS 5,813 SFT WITH 35 PARKING SPACES. NOTE THAT THE PARKING CALCULATION USES NET FLOOR AREA, WHICH IS FLOOR AREA ACCESSED BY PATRONS AND EXCLUDING BATHROOMS, HALLS, ETC.

STACKING REQUIREMENT:	5 SPACES
STACKING PROPOSED:	9 SPACES
PARKING SPACE:	10' x 20'
DRIVE AISLE WIDTH:	24' TWO WAY
	10' x 20'
	24' TWO WAY

NO ADDITIONAL LIGHT POLES ARE PROPOSED ON-SITE.

**NOTES**

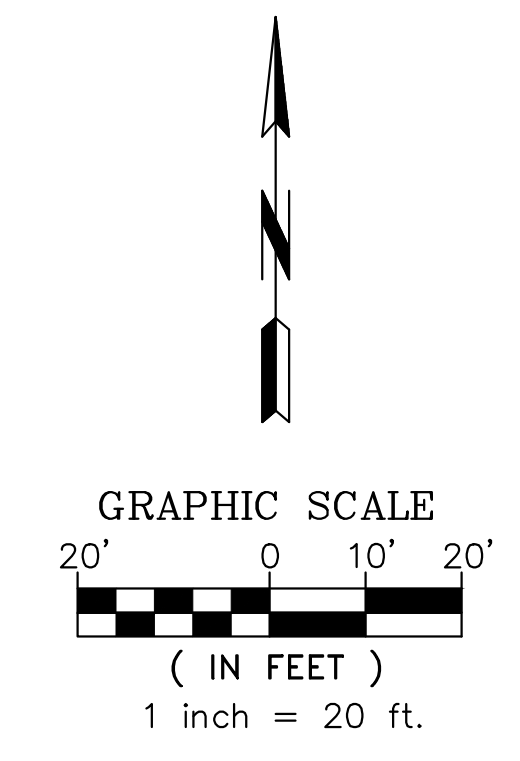
A) ALL DIMENSIONS SHOWN TO THE CONCRETE CURB AND GUTTER ARE TO THE FACE OF THE CURB UNLESS NOTED OTHERWISE.  
 B) THE CONCRETE GUTTER PAN IS TO TIP IN THE SAME DIRECTION AS THE ADJACENT PAVEMENT. THE GUTTER PAN IN THE BARRIER FREE SPACES SHALL BE PLACED FLAT.  
 C) THE LAST 3 FEET OF ALL OF THE CURB SHALL BE DUBBED DOWN UNLESS NOTED OTHERWISE.  
 D) REFER TO ARCHITECTURAL PLANS FOR DETAILS OF CONCRETE DOOR STOPS, DETAIL OF BUILDING, EXACT BUILDING DIMENSIONS, AND EXACT LOCATION OF DRIVE THROUGH MENU BOARDS, ORDER STATIONS, AND HEIGHT CLEARANCE BAR.

**SITE PLAN KEY NOTES**

- MDOT C-4 CURB AND GUTTER
- 4" ROLLED CURB AND GUTTER
- 2" MOUNTABLE CURB AND GUTTER
- 6 INCH BLADE CURB
- BUMP POST
- RAISED CONCRETE SIDEWALK
- FLUSH SLAB EDGE AND BARRIER FREE RAMP

**LEGEND**

- 780- EXISTING MAJOR CONTOUR
- 779- EXISTING MINOR CONTOUR
- PROPOSED BIT. PAVEMENT
- PROPOSED CONC.



REVISIONS:

NO.	DATE	DESCRIPTION
1	AUGUST 10, 2020	APPROVED BY MDC
2	AUGUST 25, 2020	REV. PER TOWNSHIP REVIEW

DRAWN BY: CW  
 APPROVED BY: MDC  
 DATE: AUGUST 10, 2020

**Roostin & Associates**  
 SURVEYING AND ENGINEERING  
 6056 PLUMBED AVE. SE  
 GRAND RAPIDS, MI 49525  
 TEL: (616) 961-7920  
 FAX: (616) 961-1222

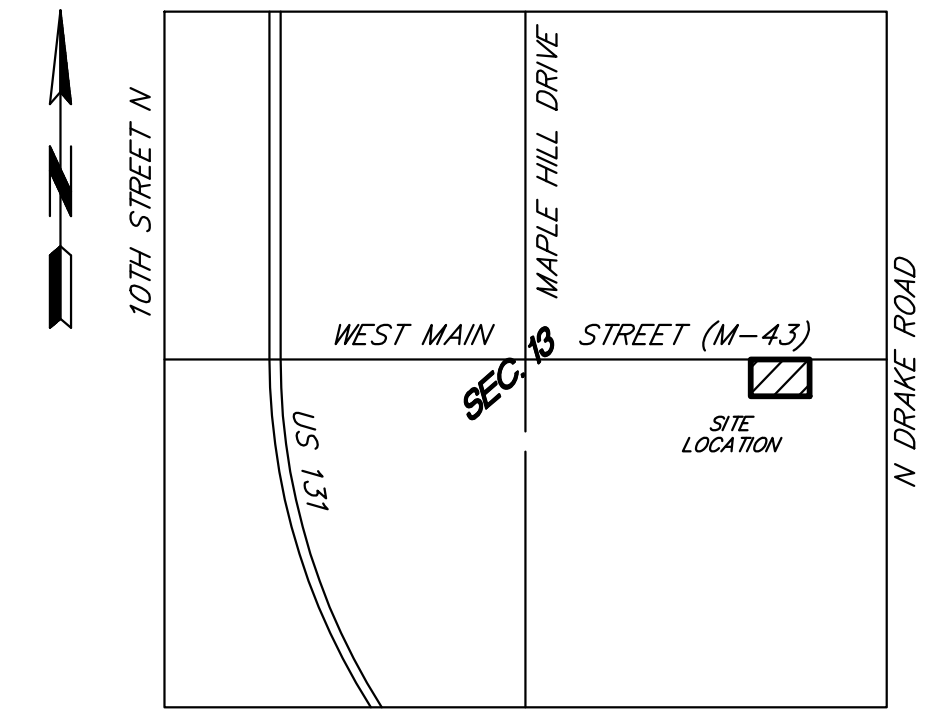
**SITE LAYOUT PLAN**  
**PANERA BAKERY**  
 Part of Section 13, T2N, R12W  
 Oshtemo Township, Kalamazoo County, Michigan

CLIENT:  
**JEFFERY PARKER ARCHITECTS**  
 855 - 28TH STREET SE  
 GRAND RAPIDS, MI 49508  
 (616) 241-0098

PROJECT NO.  
 200809

C-102

WEST MAIN STREET/ HWY. MI-43



LOCATION MAP  
NOT TO SCALE

LEGAL DESCRIPTION:

Part of the Southeast 1/4 of Section 13, Town 2 North, Range 12 West, described as follows: Commencing on the East and West 1/4 line 521.36 feet South 87°51'44" West of the East 1/4 Post; thence South parallel to the East line 75.05 feet to south right of way line of West Main Street and the Point of Beginning; thence South 214.38 feet; thence West 347.95 feet; thence North 00°02'14" East 201.39 feet to said right of way; thence North 87°51'44" East 348.06 feet to the Point of Beginning.

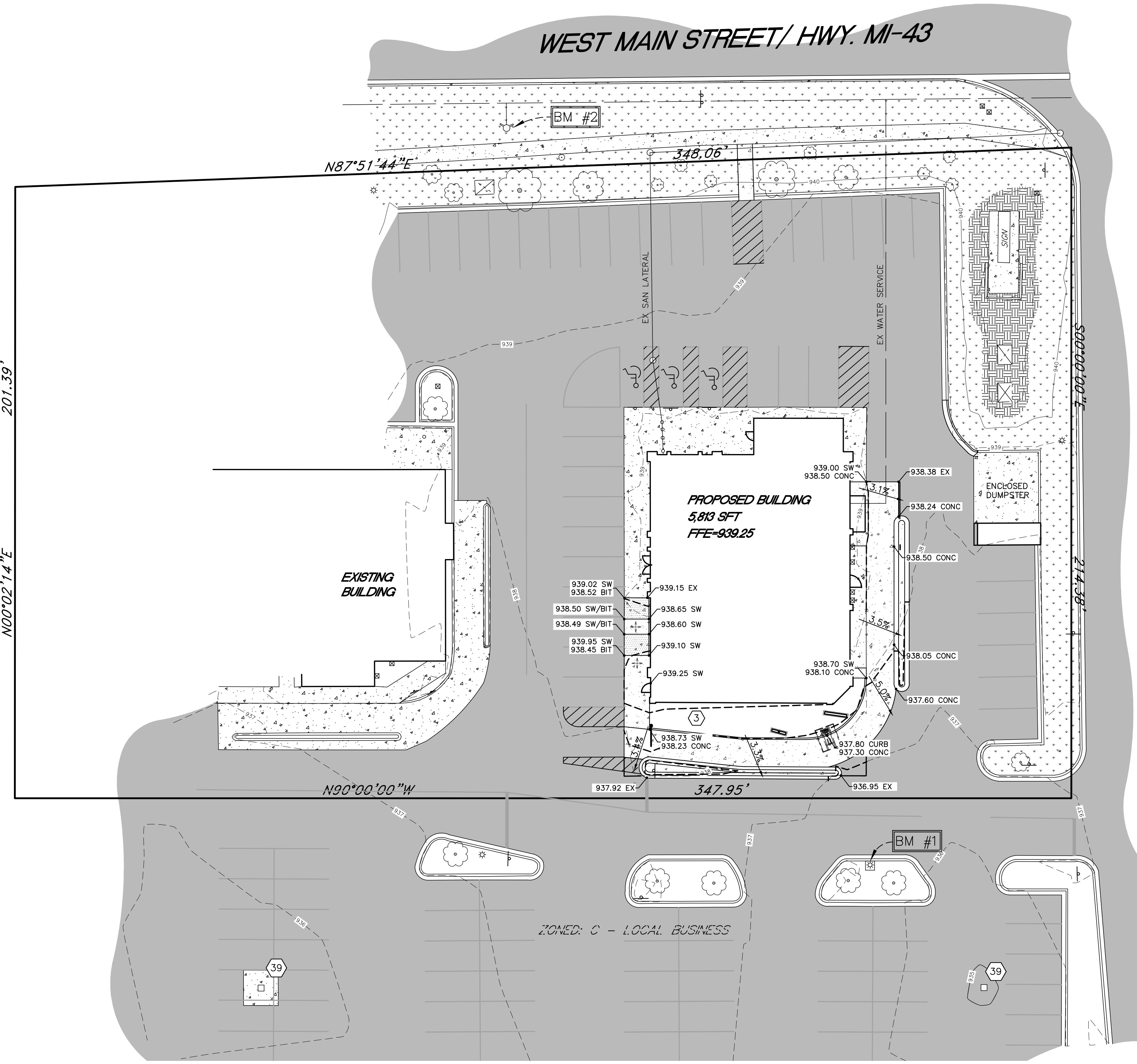
PPN: 05-13-430-050

NOTE:

- REFER TO MDOT SOIL EROSION & SEDIMENTATION CONTROL MANUAL.
- CONTRACTOR SHALL PLACE NA-GREEN S-150 (OR APPROVED EQUAL) EROSION CONTROL BLANKET ON ALL SLOPES 1 ON 3 OR STEEPER.
- SITE SOILS ARE LISTED AS URBAN LAND PER USDA NRCS MAPS.
- TOTAL DISTURBED AREA IS 0.2 ACRES.
- PER THE NATIONAL WETLANDS INVENTORY, A WETLAND IS LOCATED 550 FEET TO THE SOUTHWEST.
- CONTRACTOR SHALL SWEEP THE STREET OF ANY DIRT TRACKED ONTO IT BY THE CONSTRUCTION OPERATION AS NEEDED AND AS DIRECTED BY A MUNICIPAL SESC AGENT.

ZONED: C - LOCAL BUSINESS  
201.39'  
N00°02'14"E

ZONED: C - LOCAL BUSINESS  
214.38'

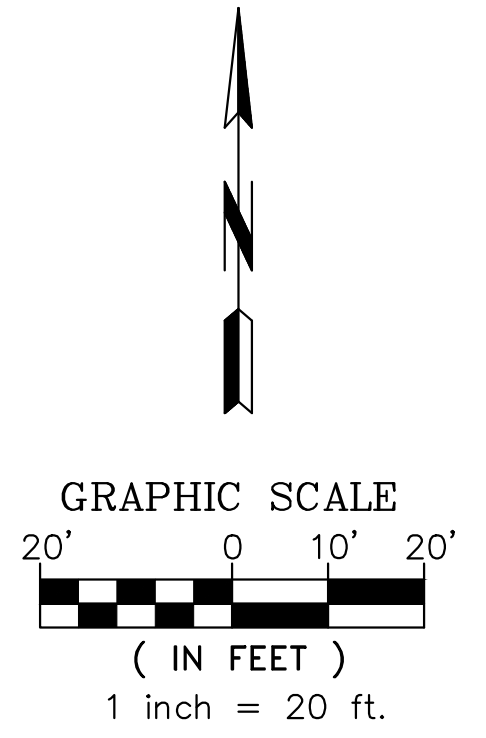


SOIL EROSION CONTROL KEY

- 5 PERMANENT/TEMPORARY SEEDING
- 39 INLET PROTECTION WITH FILTER FABRIC

LEGEND

- 780 EXISTING MAJOR CONTOUR
- 779 EXISTING MINOR CONTOUR
- 780 PROPOSED MAJOR CONTOUR
- 779 PROPOSED MINOR CONTOUR
- PROPOSED BIT. PAVEMENT
- PROPOSED CONC.
- DRAINAGE ARROW
- 744.00 PROPOSED SPOT ELEVATION



- LEGEND
- o - IRON STAKE - SET
  - - IRON FOUND
  - - WOOD STAKE
  - P - RECORDED DIMENSION
  - D - DEED DIMENSION
  - D - PLATED DIMENSION
  - M - MEASURED DIMENSION
  - CL - CENTER LINE
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  - EO - EDGE OF CONCRETE
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  - B.M. - BENCHMARK
  - W.V. - WATER VALVE
  - HYD. - FIRE HYDRANT
  - CB - CATCH BASIN
  - MH - MANHOLE

STORM WATER MANAGEMENT SYSTEM MAINTENANCE  
THE STORM SEWER MUST BE INSPECTED AND MAINTAINED ON A REGULAR BASIS FOR OPTIMAL PERFORMANCE. SEE CHART BELOW FOR SUGGESTED INTERVALS.

TASKS	COMPONENTS			SCHEDULE
	CATCH BASIN INLETS	CATCH BASIN SUMPS	STORM SEWER SYSTEM	
INSPECT FOR ACCUMULATION	●	●	●	ANNUALLY
REMOVE SEDIMENT ACCUMULATION	●	●	●	EVERY 5-10 YEARS AS NEEDED
INSPECT FOR DEBRIS (DEAD VEGETATION AND TRASH)	●	●	●	EARLY SPRING, FALL AND AFTER MAJOR STORMS
CLEAN DEBRIS	●	●	●	AS NEEDED

CONSTRUCTION SEQUENCE

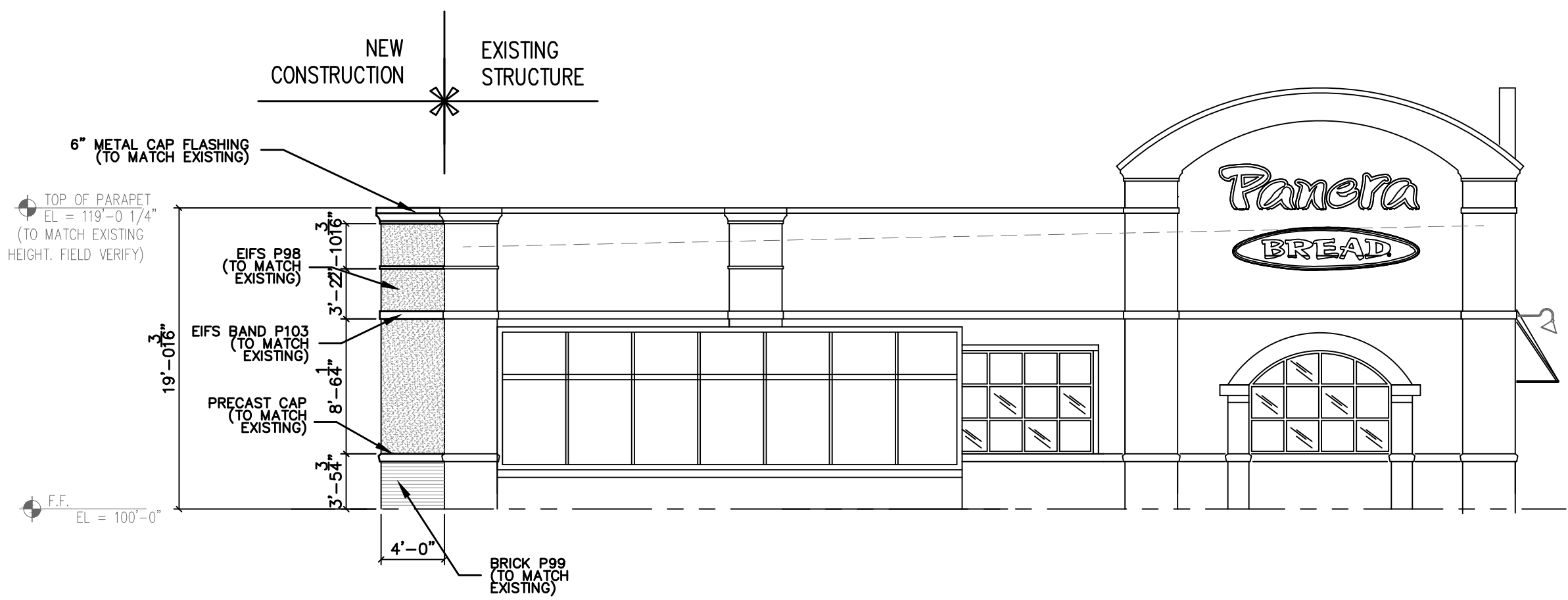
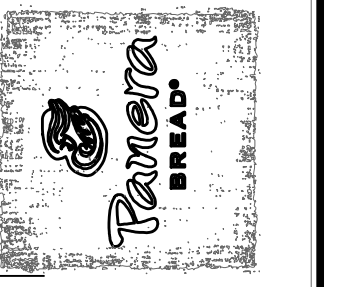
	2020			2021					REMARKS				
	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY		JUNE	JULY	AUG	SEPT
INSTALL INLET PROTECTION													REQUIRED
CONSTRUCT BUILDING													
INSTALL CURBING AND PAVEMENT													
FINISH GRADE, PLACE PLANTINGS, TOPSOIL AND SEED, AND MULCH BLANKETS													
CLEAN PAVEMENTS AND STORM SEWER													
REMOVE TEMPORARY EROSION CONTROL													

UTILITY, GRADING, AND SESC PLAN  
PANERA BAKERY  
Part of Section 13, T2N, R12W  
Ostremo Township, Kalamazoo County, Michigan

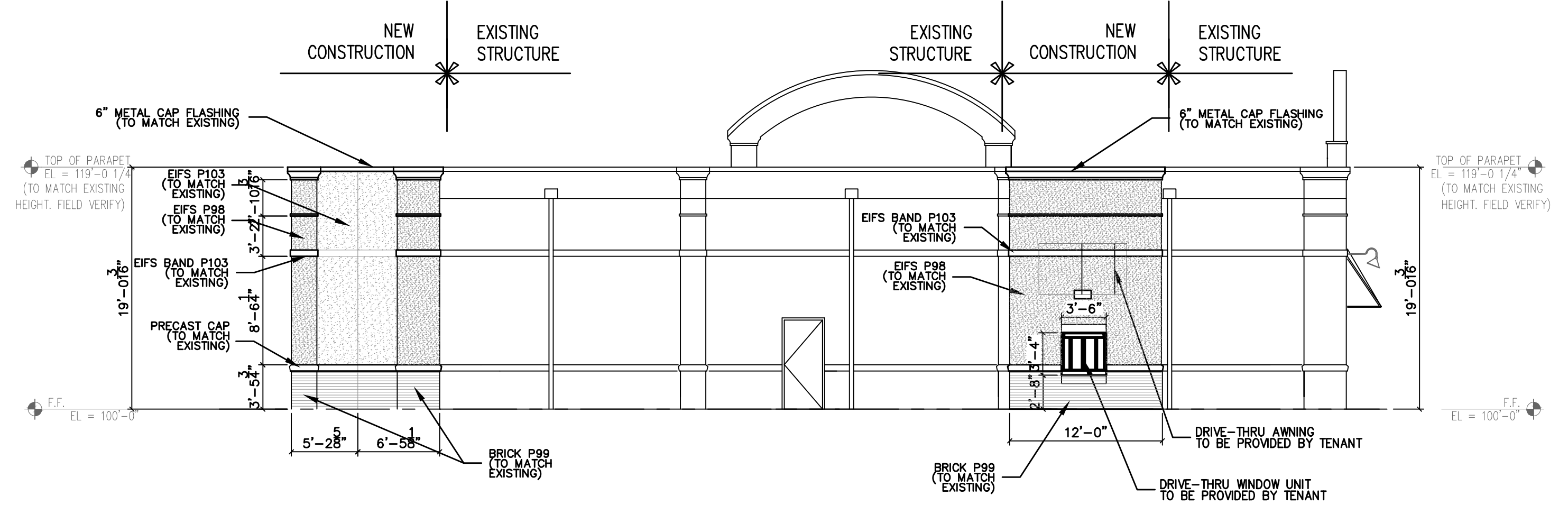
CLIENT:  
JEFFERY PARKER ARCHITECTS  
855-28TH STREET SE  
GRAND RAPIDS, MI 49508  
(616) 241-0098

PROJECT NO.  
200809

C-103



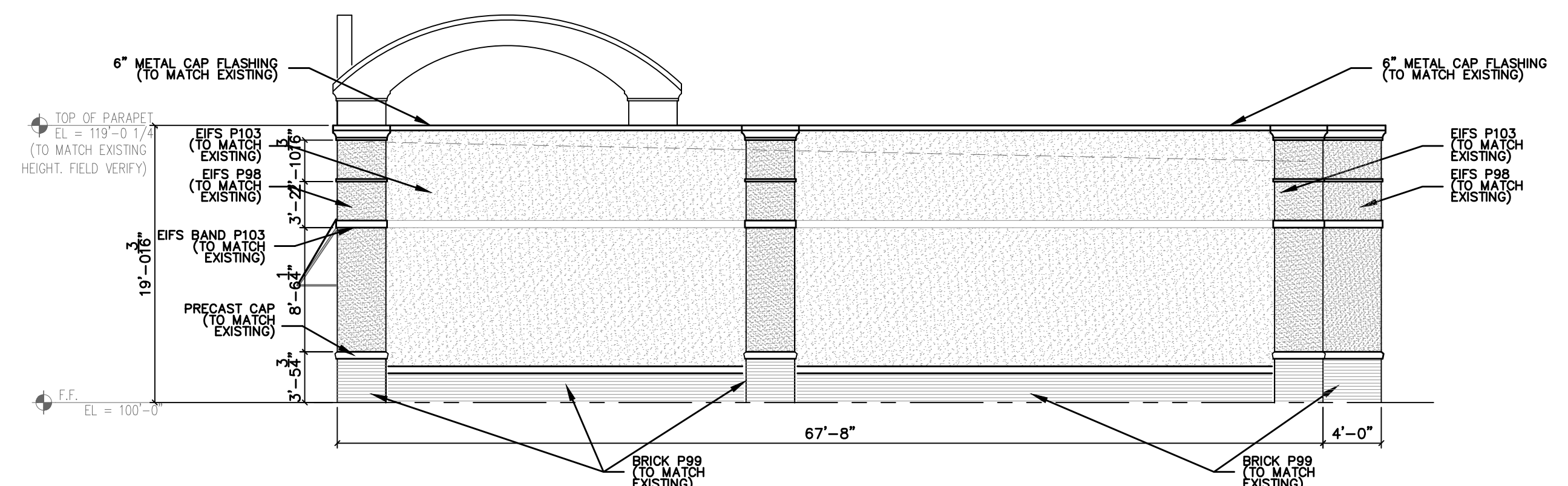
18 NORTH ELEVATION  
SCALE: 1/8"=1'-0"



11 EAST ELEVATION  
SCALE: 1/8"=1'-0"



11 WEST ELEVATION  
SCALE: 1/8"=1'-0"



20 SOUTH ELEVATION  
SCALE: 1/8"=1'-0"



# MEYER C. WEINER

COMPANY  
DEVELOPERS AND BUILDERS SINCE 1948

700 MALL DRIVE | PORTAGE, MI 49024  
p: 269.323.2441 | f: 269.323.3262 | mcweiner.com

## *WESTMAIN PAD, LLC*

September 10, 2020

*Via Email at ilubbert@oshtemo.org*

Iris Lubbert  
Planning Direction  
Oshtemo Township  
7275 West Main Street  
Kalamazoo, MI 49009

Re: Manna Development (Panera Bread)  
Zoning Hearing on Thursday, September 24, 2020

Dear Ms. Lubbert and Planning Commission Members,

Please be advised that Westmain Pad, LLC and the Meyer C. Weiner Company fully support the application of Manna Development for building reduction and the addition of a drive-thru window at 5119 W. Main Street, Kalamazoo, MI 49009. We have worked well over a year on termination of the Sprint/T-Mobile lease to facilitate this change allowing Panera Bread to extend their lease at this location.

We hope the Planning Commission approves as submitted. Please feel free to call me with any questions.

Sincerely,

Timothy A. Timmons  
Westmain Pad, LLC  
Meyer C. Weiner Company

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September 18, 2020

**Mtg Date:** September 24, 2020  
**To:** Planning Commission  
**From:** Iris Lubbert, AICP, Planning Director  
**Subject:** Public Hearing: Child and Adult Foster Care Facilities

---

Background:

Township Planning Department staff have recently been approached about the possibility for a group home to house 8-10 refugee children under the age of 18. Examining the Township's Zoning Ordinance, staff found that no such use is identified as allowable in any zoning district in Oshtemo. A general tenant of local zoning is that no reasonable use of land can be outright prohibited in any community and must be allowed somewhere. In the interest of adhering to accepted legal convention, good planning practice, and the preservation of Township residents' property rights, staff worked with legal counsel to draft language for an amendment to the Zoning Ordinance to address this gap in the code. State law MCL 722.111, which outlines the requirements for Foster Care organizations in Michigan, was used as a guide. The drafted code amendment was presented to the Planning Commission at their regular August 27<sup>th</sup> meeting. After discussion the Planning Commission unanimously motioned to forward the proposed language to a Public Hearing.

A notice for this Public Hearing was posted in the Gazette on Tuesday, September 8, 2020.

Summary of Proposed Amendments:

The proposed text amendments to the Zoning Ordinance allow for various forms of Child and Adult Foster Care Facilities within the Township. The various forms were defined and then assigned to appropriate zoning districts based on intensity, number of individuals that the use would care for. Larger facilities were placed under the Special Use category, allowing for additional criteria to be considered in their review and permitting the Planning Commission to review such cases on a case-by-case basis.

It should be noted that a handful of these uses are already permitted by State Law, even without official language currently existing in the Township's Ordinance. These proposed amendments alleviate confusion for staff and developers when reviewing these types of establishments as well as providing some control to the Township while ensuring the code legally meets State housing requirements.

Attachments: Proposed Amendments

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**The following definitions are proposed to be added to 2.20 Definitions**

Adult Foster Care Facility- a State certified facility housing at least one but not more than four adults that receive benefits from community mental health service programs. Shall not be signed.

Adult Foster Care Small Group Home – a State certified facility hosting at least three but not more than 12 adults that receive benefits from community mental health service programs.

Adult Foster Care Large Group Home – a State certified facility hosting at least thirteen but not more than 20 adults that receive benefits from community mental health service programs.

Child Caring Institution - A State certified care facility which allows more than four, but less than 13 minor foster children on a 24-hour basis.

Foster Family Group Home - A State certified care facility which allows more than four, but fewer than seven minor foster children on a 24-hour basis.

Foster Family Home – A private home of a State certified caregiver that allows one, but not more than four minor foster children on a 24-hour basis. Shall not be signed.

**The addition of the following uses, outlined by zoning district, are being proposed.**

**AG: AGRICULTURAL DISTRICT**

**4.20 Permitted Uses**

Adult Foster Care Facility  
Foster Family Home

**RR: RURAL RESIDENTIAL**

**5.20 Permitted Uses**

Adult Foster Care Facility  
Foster Family Home

**R-1: RESIDENCE DISTRICT**

**6.20 Permitted Uses**

Adult Foster Care Facility  
Foster Family Home

**R-2: RESIDENCE DISTRICT**

**7.20 Permitted Uses**

Adult Foster Care Facility  
Foster Family Home

**R-3: RESIDENCE DISTRICT:**

**8.20 Permitted Uses**

Adult Foster Care Facility  
Foster Family Home

**8.40 Special Uses**

Larger Child and Adult Foster Care Facilities, including: Child Caring Institutions, Foster Family Group Homes, Adult Foster Care Small Group Home, and Adult Foster Care Large Group Home

**R-4: RESIDENCE DISTRICT:**

**9.20 Permitted Uses**

Adult Foster Care Facility  
Foster Family Home

**9.40 Special Uses**

Larger Child and Adult Foster Care Facilities, including: Child Caring Institutions, Foster Family Group Homes, Adult Foster Care Small Group Home, and Adult Foster Care Large Group Home

**R-5: RESIDENCE DISTRICT**

**10.20 Permitted Uses**

Adult Foster Care Facility  
Foster Family Home

**9TH STREET AND WEST MAIN OVERLAY ZONE:**

**35.40 Special Uses**

Larger Child and Adult Foster Care Facilities, including: Child Caring Institutions, Foster Family Group Homes, Adult Foster Care Small Group Home, and Adult Foster Care Large Group Home

**The following review criteria are being proposed to be added to Section 49 – Requirements for Special Uses**

Larger Child and Adult Foster Care Facilities:

1. Shall not be located closer than 1,500 feet to any of the following:
  - a. Another licensed group childcare home or Child Caring Institution;
  - b. An adult foster care small group home or large group home;
  - c. A facility offering substance use disorder services to seven or more people;
  - d. Community correction center, Half-way house, or similar facility
2. Outside play or social areas are appropriately fenced for the safety of the residents.
3. The residential character of the property shall be preserved and maintained. Any building must be compatible in size, height, external design, landscaping, and surrounding open space as other residential buildings in the area.
4. No signs are permitted.
5. One parking space, in accordance with Article 52, shall be provided for each non-resident employee working on site at any one time.