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**NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

**Regular Meeting
Thursday, June 13, 2019
6:00 p.m.
AGENDA**

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: May 23, 2019
6. **PUBLIC HEARING: Camp Whimsy Special Use**
Consideration of an application from Doreen Beltz for a special use and general layout plan to allow a children's barn camp and a limited number of special events as a temporary outdoor event pursuant to Sections 5.40 and 49.220 of the Township Zoning Ordinance. The subject property address is 2582 South 6th Street in the RR Rural Residential District. Parcel No. 3905-28-430-041.
7. **SITE PLAN REVIEW: O'Reilly Auto Parts**
Consideration of an application from Marketplace Development, LLC for site plan approval to build a new O'Reilly Auto Parts store at 6297 West Main Street. Parcel No. 3905-14-405-054.
8. **SITE PLAN REVIEW: Bronson Medical Office**
Consideration of an application from Bronson Healthcare Group for site plan approval to build a new medical office building at 6210 West Main Street. Parcel No. 3905-14-288-011.
9. Old Business
10. Any Other Business
11. Planning Commissioner Comments
12. Adjournment

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

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

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

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

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

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

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

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

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

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

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

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

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD MAY 23, 2019

Agenda

**PUBLIC HEARING: CONSUMERS CREDIT UNION TEMPORARY FACILITY
CONSIDERATION OF AN APPLICATION FROM BOSCH ARCHITECTURE FOR
SPECIAL USE AND GENERAL LAYOUT PLAN APPROVAL FOR A TEMPORARY
BANKING DRIVE THROUGH FACILITY FOR CONSUMERS CREDIT UNION AT 5030
WEST MAIN STREET. THE TEMPORARY FACILITY WOULD BE IN OPERATION
DURING THE REDEVELOPMENT OF THEIR EXISTING SITE AT 5018 WEST MAIN
STREET. PARCEL NO. 3905-13-280-051.**

**PUBLIC HEARING: COSTCO GAS STATION
CONSIDERATION OF AN APPLICATION FROM COSTCO WHOLESALE FOR
SPECIAL USE AND SITE PLAN APPROVAL TO EXPAND THE EXISTING GAS
STATION LOCATED AT 5100 CENTURY AVENUE TO INCREASE THE CANOPY
AND ADD ONE NEW GAS PUMP DISPENSER AT EACH OF THE FOUR LANES.
PARCEL NO. 3905-25-240-001.**

**PUBLIC HEARING: SENIOR LIVING FACILITY
CONSIDERATION OF AN APPLICATION FROM BYCE & ASSOCIATES FOR
SPECIAL USE AND SITE PLAN APPROVAL FOR A NEW ASSISTED LIVING
FACILITY WITHIN THE SKY KING I PLANNED UNIT DEVELOPMENT LOCATED AT
THE NORTHEAST CORNER OF LEXY LANE AND NORTH 9TH STREET. PARCEL
NO. 3905-14-385-070.**

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, May 23, 2019, commencing at approximately 6:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Bruce VanderWeele, Chair
Ollie Chambers
Ron Commissaris
Dusty Farmer, Secretary
Micki Maxwell
Mary Smith, Vice Chair

MEMBER ABSENT: Keisha Dickason

Also present were Julie Johnston, Planning Department Director, James Porter, Township Attorney, and Martha Coash, Meeting Transcriptionist. Approximately 13 other persons were in attendance.

Call to Order and Pledge of Allegiance

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

Agenda

The Chair determined no changes to the agenda were needed and let it stand as published.

Public Comment on Non-Agenda Items

Chairperson VanderWeele asked if any member of the audience cared to address the Board on a non-agenda item. Hearing none, he moved to the next item.

Approval of the Minutes of May 9, 2019

The Chair asked if there were any additions, deletions or corrections to the Minutes of May 9, 2019. Hearing none, he asked for a motion.

Mr. Commissaris made a motion to approve the minutes of May 9, 2019 as presented. Ms. Maxwell supported the motion. The motion was approved unanimously.

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

PUBLIC HEARING: CONSUMERS CREDIT UNION TEMPORARY FACILITY CONSIDERATION OF AN APPLICATION FROM BOSCH ARCHITECTURE FOR SPECIAL USE AND GENERAL LAYOUT PLAN APPROVAL FOR A TEMPORARY BANKING DRIVE THROUGH FACILITY FOR CONSUMERS CREDIT UNION AT 5030 WEST MAIN STREET. THE TEMPORARY FACILITY WOULD BE IN OPERATION DURING THE REDEVELOPMENT OF THEIR EXISTING SITE AT 5018 WEST MAIN STREET WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-13-280-051.

Ms. Johnston said the applicant was requesting a special use and general site layout approval to allow a temporary banking facility for a period of approximately 18 months. Consumers Credit Union (CCU) plans to demolish their structure at 5018 West Main Street and rebuild a new facility, approved by the Planning Commission on March 14, 2019. During the demolition and rebuild, CCU would like permission to establish a temporary facility within the parking lot of 5030 West Main Street (Value City Furniture).

She explained there are no direct Zoning Ordinances that correlate with this request. However, there are a few analogous ordinances and standard practices that could be considered. The Township generally allows temporary construction trailers on developing sites, as long as they are not used as a residence. The Township also

allows mobile homes/trailers as a temporary residence on residentially zoned property for owners who are building a new home. These temporary residences are allowed for one year, with a six-month extension if approved by the Zoning Board of Appeals. Finally, this request could fall under temporary outdoor events lasting more than one day, which is a special use. Staff has determined that this application is best served under Section 18.40.N: temporary outdoor event as a special use.

She explained the applicant's request is for a maximum of 18 months for the temporary facility. They will be utilizing a trailer and three drive through lanes which will house interactive teller machines (ITM's). The ITM's will be linked to the corporate office in Texas Township where CCU staff will interact by video with customers at the drive through. The trailer will have the required restroom facilities.

The application meets the requirements for a temporary outdoor event. However, while the submission is for a temporary facility, this is a unique application due to the length of time requested. The Planning Commission will again need to consider the parameters of a "temporary" outdoor event. As outlined when the Planning Commission reviewed the application from the Thirsty Hound on April 11th, past practice has been to limit these events to approximately 30 days. When considering the timeframe for the temporary outdoor event, this application is more analogous to a temporary second dwelling on a parcel during construction, where an 18-month period is allowed.

Ms. Johnston noted all of the specific use requirements for temporary outdoor events outlined in Section 49.220 have been met by the applicant.

She said if the Planning Commission approved the special use and general layout plan, Staff would recommend two conditions:

1. The temporary facility will be allowed for 12-months with a possible renewal by the Planning Commission for an additional 6-months.
2. At the conclusion of the special use approval, the parking lot will be repaired and re-stripped meeting Zoning Ordinance standards.

Chairperson VanderWeele asked if Commissioners had questions for Ms. Johnston.

Responding to a question from Ms. Farmer, who indicated a similar temporary situation with Starbucks, both she and Attorney Porter agreed it was very similar except that the Starbuck's temporary use was located on their own property.

Ms. Smith wondered if Wahmhoff holiday tree sales and the Rotary carnival would be displaced.

Ms. Johnston said the Rotary event had already been moved to a nearby location and that Wahmhoffs would have to find a new location if permitted; they would have to come before the Planning Commission for review and approval.

The Chair asked if the request meets the drive through requirements, and noted the requested location is basically the same as the new credit union and did not think it would be different for residents on the east side of Drake Road.

Ms. Johnston said the drive through requirements, (3 stacking spaces) are met by the request.

Mr. Commissaris was concerned about the lack of a photometric plan and felt requiring one would be appropriate.

Ms. Smith's concern was that the location of air conditioner units on the east side would be troubling for neighbors.

Ms. Johnston noted the right of way between the requested location and neighbors to the east is pretty substantial. Hearing no further comments from Commissioners, the Chair asked whether the applicant wished to speak.

Ms. Cindy McDonald, CCU facilities manager, 6303 Plainfield, Kalamazoo, said she would be happy to answer questions.

Ms. Farmer asked why this temporary facility would be necessary with two other close-by CCU facilities.

Ms. McDonald said the company's focus is on customer experience and they want to provide service at the location customers are accustomed to using.

Responding to a question from Ms. Maxwell, Ms. McDonald said lighting would be very basic and meets requirements. Lighting will be for drive through lanes and surround the interactive tellers. The trailer will be open normal business hours, Monday - Saturday. Security lighting and cameras will be utilized. No signage is planned.

Ms. Johnston noted any lighting ordinance in place would need to be followed.

Hearing no further questions, the Chair moved to public hearing. He determined there were no public comments, closed the hearing and moved to deliberations.

Mr. Commissaris said since temporary residences are allowed for owners building a new home, allowing 18 months in the commercial area would be compatible with what has been done in the past.

Ms. Farmer preferred to consider the application as a one-time application as a temporary event rather than mixing the idea of a new home with business construction.

Ms. Johnston said Ms. Farmer's interpretation is the way she reviewed the application.

Ms. Maxwell wanted to be sure approval of the application would not set a precedent. She did not feel allowing such temporary outdoor events in a residential area would be appropriate.

Ms. Johnston said special use applications allow consideration independently. Compatibility and harmony can be utilized to address the concern of precedence.

Attorney Porter explained the specificity involved will not set precedent. A structure built in 1972 is being torn down and replaced which should not cause concern. The distinction between residential and commercial can be made.

Ms. Farmer noted there are a lot of buildings in the Township soon to reach the age of 40 years and expects to have similar requests over the next decade. She supported the application with conditions set forth by Staff.

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

Ms. Farmer made a motion to approve the application as requested with the addition of the two conditions as recommended by Staff.

Mr. Commissaris requested the addition of a photometric plan requirement.

Ms. Farmer declined to amend the motion to include a photometric plan.

Ms. Maxwell supported the motion as offered. The motion was defeated 1 – 5, with Ms. Farmer dissenting.

Ms. Maxwell made a motion to approve the application as requested with the inclusion of the two conditions as recommended by Staff and with the addition of a photometric plan requirement. Mr. Commissaris supported the motion. The motion was approved 5 - 1, with Ms. Farmer dissenting.

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

**PUBLIC HEARING: COSTCO GAS STATION
CONSIDERATION OF AN APPLICATION FROM COSTCO WHOLESALE FOR
SPECIAL USE AND SITE PLAN APPROVAL TO EXPAND THE EXISTING GAS
STATION LOCATED AT 5100 CENTURY AVENUE TO INCREASE THE CANOPY
AND ADD ONE NEW GAS PUMP DISPENSER AT EACH OF THE FOUR LANES.
PARCEL NO. 3905-25-240-001.**

Ms. Johnston said, in operation since the end of 2014, the existing 4,090 square foot fueling station southeast of the Costco store currently accommodates eight fuel dispensing pump stations serving eight through lanes. In order to provide faster service to their customers and reduce the amount of vehicle congestion and idle time on the site, Costco is requesting site plan and special use approval to add one more row of fuel pumps. In order to provide suitable shelter to patrons using the new pumps, the applicant is also planning to expand the existing canopy 28 feet to the south. It's apparent that the original site layout anticipated this eventual need for such expansion, and the proposed changes will require no significant modifications to the existing vehicle queuing and circulation layout.

She indicated per Article 65: Special Uses of the Zoning Ordinance, initial approval for the gas station required Planning Commission approval, and this subsequent expansion warrants the same.

In addition, she said the project meets all special use criteria and considerations and that staff have no outstanding concerns with the project site plan. If the Planning Commission granted special use and site plan amendment approval, staff recommended such without condition.

The Chair asked whether there were questions for Ms. Johnston.

Mr. Commissaris said he had a concern with the pumps being so close to underground tanks.

Ms. Johnston said the state sets applicable safety standards; there is nothing included regarding location of the pumps/tanks in the Zoning Ordinance.

Attorney Porter added the building officials will look at that and noted no concern from the Fire Marshal was expressed.

Chairperson VanderWeele asked the applicant to speak.

Mr. Shaun Anderson, of the engineering firm representing all Costco sites in North America, said no specific distance between pumps and tanks is required. The filling truck captures 90% of all fugitive vapors, is highly effective, and the location is not considered a hazardous situation. This meets the APA nationwide standard and is more than enough separation.

He noted a typo in the narrative regarding signage and lighting, which listed two signs on the east and west façade, and said it is actually the intention to include four signs, one on each side of the façade, to city code.

Ms. Johnston explained the special use and site plan are related to use itself. Signs are under separate permit and if they meet code, they can have them.

Chairperson VanderWeele moved to public hearing and determining that no one wished to address the Board, he moved to Board Deliberation.

Ms. Smith said she had seen the same type of installation at a Costco gas station in Ann Arbor and that three pump stations work as well as two. Cars were not backed up as they are here.

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

Ms. Farmer made a motion to approve the application for special use and site plan amendment for the Costco Gas Station Expansion as requested with no conditions. Mr. Commissaris supported the motion. The motion was approved unanimously.

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

**PUBLIC HEARING: SENIOR LIVING FACILITY
CONSIDERATION OF AN APPLICATION FROM BYCE & ASSOCIATES FOR
SPECIAL USE AND SITE PLAN APPROVAL FOR A NEW ASSISTED LIVING
FACILITY WITHIN THE SKY KING I PLANNED UNIT DEVELOPMENT LOCATED AT
THE NORTHEAST CORNER OF LEXY LANE AND NORTH 9TH STREET. PARCEL
NO. 3905-14-385-070.**

Ms. Johnston explained Byce and Associated, on behalf of Build Senior Living (Brighton Land Holdings, LLC) is requesting an amendment to the Sky King I Planned Unit Development (PUD) to construct a senior assisted living facility. The new structure is proposed on an approximate 5.3-acre property at the northeast corner of Lexy Lane and North 9th Street. The property is zoned R-2: Residence District, but on May 27, 2004, the Township Planning Commission approved the Sky King I PUD, which outlines this property as a nonresidential use.

The proposed development will include both assisted living and memory care facilities. A total of 65 units with 74 beds are planned. The majority of the units are studios with one bed, or a one-bedroom unit. Nine of the anticipated units will contain two beds.

Ms. Johnston explained while the PUD Special Use was approved by the Planning Commission in 2004, the regulations at that time indicated any new addition to the PUD must also follow the Special Use process. Therefore, this application has been

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

- A. Master Plan/Zoning Ordinance: The Future Land Use Plan calls for Low Density Residential uses in this area of the Township. This District is intended for single-family residential development that is connected and coordinated into neighborhoods. New developments adjacent to existing neighborhoods should be designed with adequate buffers to assist with compatibility. Examples of such buffers outlined in the Future Land Use Plan include green space, natural or artificial screening, or a more moderate intensity development/land use which would serve as a transition, such as an office or senior housing.

The assisted living facility is a low intensity use that would serve as a transition from 9th Street to the existing single-family neighborhood. In addition, the landscape plan goes beyond the requirements of the Landscape Ordinance, providing more plant materials along the south and east property lines, which are adjacent to existing single-family uses.

- B. Site Plan Review: A site plan has been provided that generally meets all of the requirements of the Site Plan Review Ordinance. Any deficiencies will be discussed further.
- C. Impacts: The design of the building as a one-story structure helps to minimize its impact on neighboring properties. In addition, the architectural style of the building is more residential in nature, providing for some visual compatibility with its neighbors. As a predominately residential use, its incorporation as a transition from 9th Street to the single-family neighborhood seems wholly appropriate and complies with the Township Master Plan.

An assisted living facility is considered a low intensity and low volume residential/service business. According to the Institute of Transportation Engineers Common Trip Generation Rates table, an assisted living facility generates 0.22 trips per unit at peak hours. For a 65-unit building, this would equate to approximately 14 vehicle trips during peak hours, which would likely be shift change for staff. A specialty food or retail store, which would be permitted on this parcel as part of the PUD, could generate anywhere from 34 trips to 62 trips during peak hours.

The design of the site, with the primary vehicular access of Lexy Lane and the main building entrance facing 9th Street reduces any adverse impacts related to traffic and noise from the neighborhood. The location of the access point off Lexy Lane has been designed to align with the property line of the lots across the street, ensuring vehicle lights do not trespass on residential living spaces. Landscaping, including canopy trees, understory trees, and shrubs are planned along the property lines, helping to screen the parking lots from the residential

homes. In addition, the parking spaces all face the building, assisting with the reduction of vehicular light trespass.

There are no existing natural features that required design accommodation. From aerial photography, it appears any natural features on this site have been cleared for many years. The 1999 aerial shows the parcel in relatively the same condition as it is today.

- D. Public Facilities: The site is served by public water and sewer. Storm water will be managed within the existing storm water detention area, which serves the entire PUD. The Director of Public Works has some concerns related to the storm water management plan, which will be more clearly described in the Site Plan section.
- E. Specific Use Requirements: PUD's are considered a Special Use per the Township Zoning Ordinance. Section 41.90 outlines the criteria for approving a PUD. The Sky King I PUD was approved by the Township in May of 2004, establishing the Special Use.

Ms. Johnston said the following are the remaining outstanding items/concerns to be resolved with the site plan packet:

1. Loading/unloading of deliveries has not been delineated on the site plan. The Planning Commission may wish to explore this topic with the applicant to reduce impacts on single-family neighbors.
2. ADA standards to reduce conflicts at accessible ramp landings may be difficult to achieve with the current design of the sidewalks at the east side of the building and at the main entrance.
3. Detailed cut sheets of one of the building mounted lights have not been provided.
4. The flood lights planned for the ground sign may cause light spill over.
5. Soils found during construction may require design modifications to the storm water management planned for the site.
6. Additional concerns as outlined in the memo from the Director of Public Works dated May 14th.

Ms. Johnston said if the Planning Commission was amenable to approving the site plan as part of the PUD special use, staff recommended attaching the follow conditions:

1. Detailed information be provided on the site plan that indicates accessible landings meet ADA standards. A revised site plan be provided prior to the issuance of a building permit.

2. Detail cut sheets of the building mounted lighting be provided prior to the issuance of a building permit.
3. Ground mounted lighting – Either
 - a. Provide a new light fixture detail that affords better shielding of the flood light, which will be reviewed and approved by staff,
or
 - b. After construction of the ground mounted sign and lighting, staff will inspect the light fixtures to ensure no light trespasses beyond the dimensions of the sign.
4. Any design modifications to the storm water management system needed due to soils must be submitted to the Township Director of Public Works for review and approval.
5. A revised site plan set incorporating the items detail in the Director of Public Works memo dated May 14, 2019. This revised set to be submitted prior to the issuance of a building permit.

Ms. Johnston noted additional conditions may be needed related to loading/unloading, depending on responses from the applicant.

Chairperson VanderWeele asked if Commissioners had questions for Ms. Johnston.

Ms. Farmer asked why ADA was included since it is not in the purview of the Planning Commission.

Ms. Johnston said she wanted to point it out in her memo to provide an opportunity for the applicant to fix it before it comes to the Southwest Michigan Building Authority's (SWMB) attention.

Ms. Smith asked if the basin/swale is adequate to remove additional water.

Ms. Johnston said within the Sky King I PUD, Hannapels and this property have the right to place water in the storm water pond. The Township Engineer is concerned the new project will add more water. The pond may need to be enlarged or dredged. Dredging may run into clay which would require another solution. He feels the site is buildable, but wants the opportunity to review and weigh in if there is a problem.

Mr. Commissaris questioned whether the location of the dumpster will allow enough room for pick up and was concerned about it being in the neighbors' view.

Ms. Johnston said the site is difficult due to the three front yards, which limit dumpster location. This is perhaps something to discuss with the applicant. If they feel

there is room for a truck the Planning Commission wouldn't need to provide any conditions.

Chairperson VanderWeele said as this is a transitional use he would like to look out for the neighbors. With no further comments he asked the applicant to speak.

Mr. Sam Martin, one of the owners of Build Senior Living, said they take everything into consideration, especially neighbors. They are very aware of the dumpster, lights, deliveries etc. and spend hours with their architects to work toward a satisfactory arrangement.

When they hold open houses, they talk with and carefully listen to the neighbors and their concerns. They try to be as proactive as possible to make suggested changes and to enhance the transition. They want a building that is beautiful from all angles.

He noted peak traffic hours would see 14 or maybe fewer vehicles and explained shipment deliveries occur once a week in the early morning.

Ms. Farmer asked if they will address conditions listed in Ms. Johnston's report.

Mr. Martin introduced Ms. Danielle Rhodes, civil engineer with Byce & Associates, who said they would make sure everything is in full compliance and that they have no problem with the recommended Township staff conditions. She noted there would be review by SWMB and State Licensing.

Ms. Rhodes said the lights cut sheets condition would be met, that the sign in the plan is preliminary and they will work with the Township and a local sign company; making sure lighting meets ordinance before installation (option A) is preferred.

Regarding the storm water pond, Ms. Rhodes said she met with Prein & Newhof to consider that issue. There is an agreement for Sky King Meadows to maintain the pond, which has never drained dry, but was the original design intent. Either sedimentation or clay could decrease infiltration rates. Soil borings were performed which did not show clay, so sedimentation is likely the problem. Snow treated with sand and drains along 9th Street are likely contributors.

Ms. Farmer asked if the drainage would be mitigated through design modification.

Ms. Rhodes said there is 130,000 cubic feet of capacity remaining and that the Senior Living facility is expected to utilize 45,000 cubic feet, but agreed improvements are necessary.

Ms. Farmer asked whether they would provide a revised site plan incorporating the items detailed in the May 14, 2019 Director of Public Works memo prior to the issuance of a building permit.

Ms. Rhodes said yes, that was their intent.

Chairperson VanderWeele asked about the location of the dumpster.

Ms. Rhodes said they will amend the plan to address the dumpster location but that it is desirable for it to still have proximity to the kitchen.

Mr. Martin said they need to think of access for employees, but will conceal the dumpster.

Ms. Farmer asked whether the Commission could require evergreen screening.

Ms. Johnston said they are required only to screen appropriately per Ordinance, but according to Ordinance the dumpster may be placed anywhere on the property.

Ms. Rhodes said they will provide ample plantings that will allow minimal view when mature. They will try to orient the dumpster in a more preferred manner.

Chairperson VanderWeele wanted review of the dumpster on an amended plan subject to staff input. Hearing no further comments, he moved to Public Hearing.

Mr. Robert Volkmer, 208 Bell Street, said his home is directly across from the dumpster location and he is fine with it as long as it is covered. He was concerned about the banging and crashing that would occur with pick up at 5:00 a.m. and wondered if the pick-up time could be scheduled for later in the day. He felt the building will be a big improvement to the area and looks forward to its construction as the field is used currently to discard trash. He indicated his direct neighbor concurs.

Mr. Martin said they will work with the community on that suggestion and will request a later trash pick-up time when they speak to local trash haulers.

With no further public comment, the Chair moved to board deliberations.

Ms. Farmer agreed staff should review the dumpster placement prior to issuing a building permit. She also preferred option 3.A regarding provision of a new light fixture detail to afford better shielding of the flood light to be reviewed and approved by staff prior to construction.

Mr. Commissaris encouraged internal lighting on the side of the sign facing 9th Street.

The Chair asked for a motion.

Ms. Farmer made a motion to approve the application for special use and site plan approval for Building Senior Living to include the five conditions as suggested by

Staff, with the third condition to be option (A). A sixth condition that screening and placement of the dumpster be subject to staff input, and a seventh condition that the applicant work with a local trash company to provide a later trash removal time were added. Mr. Commissaris supported the motion. The motion was approved unanimously.

OLD BUSINESS

Ms. Johnston had three information items:

- 1) The Agritourism Ordinance will be ready for a second reading at the next Township Board meeting and is expected to be officially adopted in June.
- 2) Esper Electric will evaluate the draft lighting ordinance to see if they have any concerns. She hopes to return it to the Planning Commission for consideration at their second meeting in June.
- 3) She provided a map, as requested by Ms. Maxwell, of the apartment complexes in the Township where densities were calculated as part of the Maple Hill Overlay Zone discussion on May 9th.

ANY OTHER BUSINESS

To date, Ms. Johnston has received no application requests for the July meeting. If none are received by the deadline, the Board can decide whether to meet to work on Ordinances or to take a break.

PLANNING COMMISSIONER COMMENTS

Chairperson VanderWeele thanked Ms. Johnston for sending notice to residents of the Sky King community to give them the opportunity for input.

Ms. Farmer commented a photometric plan has not been required in the past for a temporary event and seems onerous. She hoped we were not moving toward that as a requirement in the future and noted it could be cost prohibitive to an applicant.

Ms. Maxwell felt 18 months is a long time for a temporary event and the length of time was her reasoning for supporting the photometric plan.

Mr. Commissaris said he mentioned a photometric plan because the project being considered is a commercial venture in a commercial area, but understood Ms. Farmer's concern.

Ms. Smith suggested maybe an ordinance for construction trailers and temporary facilities like Consumers might need to be created.

Ms. Johnston agreed the time period allowed for temporary events should probably be considered. Three days vs. 18 months is quite a span. The current temporary event ordinance is designed for several days; we are receiving applications now for a much longer time frame.

Chairperson VanderWeele felt the amount of light being put out for a temporary event should be considered.

ADJOURNMENT

Hearing no further comments, Chairperson VanderWeele adjourned the meeting at approximately 7:30 p.m.

Minutes prepared:
May 24, 2019

Minutes approved:
_____, 2019

May 31, 2019



Mtg Date: June 13, 2019

To: Planning Commission

From: Julie Johnston, AICP
Planning Director

Applicant: Dori Beltz

Owner: Chris and Dori Beltz

Property: 2582 South 6th Street, parcel number 3905-28-430-041

Zoning: RR: Rural Residential

Request: Special Exception Use for an Outdoor Event

Section(s): Section 5.40: Temporary Outdoor Event in Rural Residential District
Section 49.220: Special Use Requirements
Section 65.30: Special Use Review Criteria

Project Name: Camp Whimsy

PROJECT SUMMARY

The applicant requests Special Use and general site layout approval for “Camp Whimsy” an outdoor event to include a barn camp and some special occasions. The barn camp will allow preschool and elementary school age children to access the property for a day camp that would focus on nature exploration and appreciation. The camp would be held four days a week (Monday through Thursday) from 9:00 am to noon. The applicant will be utilizing their small hobby farm for the camp. The existing barn facility will be the focal point for the camp and the special events, with outdoor activities happening throughout the 27-acre parcel. The specific request is for the following:

- 4-day preschool camp limited to eight children from 9:00 am to 11:00 am.
- 4-day elementary camp limited to 10 children from 9:00 am to 12:00 noon.
- Camp will occur Monday through Thursday on the following dates:
 - June 17 – 20, 24 – 27
 - July 8 – 11, 15 – 18, 22 – 25, 28 – 1
 - August 5 - 8
- Two special events for campers – one in the spring and one in the fall.
- Five 2-hour opportunities for private barnyard parties/events, limited to 30 people.

The applicant received approval from the Planning Commission in 2018 for the barn camp event. The request at that time was for three days a week with two camp times; from 9:00 am to noon and then from

1:00 pm to 4:00 pm. Per the applicant's current submittal documents, this schedule was not ideal and therefore the request has changed to one camp per day in 2019. At the conclusion of the public hearing last year it was decided that the barn camp should come back to the Planning Commission as this request was unique and may need closer scrutiny to ensure compatibility with neighboring uses.

The request has also changed in 2019 to include two special events for campers and five opportunities for private parties in the barn. Once the new Agritourism Ordinance is official (approved by the Township Board on May 28th, becomes official on June 6th), Camp Whimsy would fall under the Category 3 Special Use. The scope of this current application meets the parameters of the new Ordinance.

Staff recommended Ms. Beltz submit under the Outdoor Event ordinance this year as the Agritourism Ordinance was still in the review and approval process when she needed to make her application. Next year, Camp Whimsy can apply for their Special Use approval under the Agritourism Ordinance, and if approved, the Special Use will remain with the land as long as the Camp and events continue in the same manner each year.

TEMPORARY OUTDOOR EVENTS

Section 49.220: Temporary Outdoor Events (lasting more than one day) outlines the following:

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

The applicant has provided a general layout plan which shows the locations of the buildings on site, the driveway for drop-off, and parking area near the house. Per the applicant's written statement, restroom facilities will be provided within the barn. As long as no additional trailers or equipment are being brought to the subject property for the special events, the Fire Marshal has no concerns with the site. All ordinance requirements have been met.

SPECIAL USE CONSIDERATIONS

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

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

The Future Land Use Plan calls for Rural Residential uses in this area of the Township, which states the following:

“...However, it is an important part of the Township’s history and rural character, and pre-existing farms are encouraged to continue. In addition, supporting the rural character through the allowance of agri-businesses and agri-tainment uses should be considered.”

This is evidenced by the recent approval of the Agribusiness/Agritourism Ordinance. The request for an educational barn camp and special barn events fits perfectly within the intent of the Master Plan and this new Ordinance.

In addition, the Rural Residential Zoning District allows two other uses which have some correlation to the requested use, which are:

- Section 5.30.A: Nonprofit educational, noncommercial recreational and noncommercial business center (permitted use with conditions)
- Section 5.40.A: Golf courses, parks, motorized vehicular roadways, and outdoor recreational areas (special use)

A non-profit barn camp could be viewed as both an educational and recreational use, which contributes to its compatibility with other uses in the District.

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

An engineered site plan is not required for a temporary outdoor event and therefore this criterion is not applicable. However, a general layout plan has been provided which is in compliance with the requirements of the Zoning Ordinance.

C. Impacts:

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

The subject site is over 27 acres in size, allowing for substantial setbacks from adjacent properties to the north, south, and west. The barn and adjacent farm uses are located approximately 380 feet from the northern property line and 650 feet from the southern property line. The railroad track serves as a border to the west.

According to the information provided by the applicant, she received no complaints or concerns from her neighbors in 2018. The Township also had no complaints related to the barn camp in 2018. The scope of Camp Whimsy and the size of the subject parcel, allowing for substantial setbacks from neighbors, reduces the impacts to 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.**

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

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

The barn is located approximately 120 feet from the 6th Street right-of-way. In addition, across 6th Street to the east, parcelization has occurred and a number of smaller one-acre residential parcels exist, which equates to more driveway curb cuts. While not detrimental to the use of these adjacent properties, the increase in area traffic during camp drop-off and pick-up may impact these property owners. However, the temporary nature and number of children planned at the camp should minimize this compatibility issue.

However, traffic and parking are more of a concern for the requested special events. The applicant's narrative indicates they are working to develop an 18-space parking lot on their property. This will be extremely important if the Planning Commission is considering allowing the special events. The camp is designed for children to be dropped off, so parking for that use is not an issue. Parents will utilize the circle drive for drop-off and pick-up. During a special event, patrons to the site will need a place to park, and parking along 6th Street must be actively prohibited.

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

Not applicable, as no changes to the site are planned that would negatively impact existing natural features.

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

The temporary use will be served by a bathroom facility within the barn. All other public facilities are of a residential nature, which should adequately serve the requested temporary use.

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

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

PLANNING COMMISSION POSSIBLE ACTIONS

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

- A. Approve the special use as requested.
- B. Approve the special use but with conditions.
- C. Deny the request.

If the Planning Commission is considering approving the special use and general layout plan, staff would recommend the following conditions:

- 1. Camp will occur Monday through Thursday from 9:00 am to 12:00 noon on the following dates:
 - o June 17 – 20, 24 – 27
 - o July 8 – 11, 15 – 18, 22 – 25, 28 – 1
 - o August 5 - 8
- 2. The seven special events shall be limited to 30 persons, must have at least seven days between events, and must not begin before 8:00 am or extend past 10:00 pm.
- 3. A parking lot meeting the Agritourism, Category 3 standards must be developed before any of the special events can commence. A new general layout plan must be provided to the Township indicating the placement of the parking lot prior to the first special event.
- 4. If additional equipment or trailers are brought to the site for the special events, they must meet the setback requirements of the Rural Residential District and be inspected by the Fire Marshal prior to the commencement of the event, if needed.
- 5. Signage will be placed on the property directing traffic to appropriate child drop-off and parking locations, moving traffic onto the site and away from 6th Street.

Respectfully Submitted,



Julie Johnston, AICP
Planning Director

Attachments: Application and Narrative
Site Layout
Aerial Map



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

PLEASE PRINT

PROJECT NAME & ADDRESS

Camp Whimsy 2582 S. 6th
Kalamazoo

PLANNING & ZONING APPLICATION

Applicant Name :

Deri Beltz

Company

Beltz Barnyard, LLC

Address

2582 S. 6th St.
Kalamazoo, MI
49009

E-mail

dmbeltz@gmail.com

Telephone

(269) 501-5421 Fax

Interest in Property

—

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

Fee Amount _____
Escrow Amount _____

OWNER*:

Name

(Same)

Address

Email

Phone & Fax

(*If different from the Applicant)

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: _____

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary):

Similar to 2018;

10 weeks (June, July, Aug.) of day camp,
(10 kids max.) M-Th 9am-noon.

*I've attached email I sent with details from

(with notes

8/20/2018. ☺

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

see attached

PARCEL NUMBER: 3905-

28-430-041

ADDRESS OF PROPERTY:

2582 S. 6th St.

PRESENT USE OF THE PROPERTY:

REG.

PRESENT ZONING

REG.

SIZE OF PROPERTY

27.7 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)

n/a

SIGNATURES

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

Owner's Signature(* If different from Applicant)

Date

Applicant's Signature

Date

[Handwritten Signature]

4/10/2019

PLEASE ATTACH ALL REQUIRED DOCUMENTS

2

- | |
|--------------------------------|
| Copies to: |
| Planning Dir.-1 |
| Applicant -1 |
| Clerk -1 |
| Deputy Clerk, (only if Escrow) |
| Attorney-1 |
| Assessor -1 |
| Planning Secretary - Original |



*email
to Julie Johnston*

August 20, 2018

Oshtemo Planning Team

re: special event permit/proposed agritourism

Hello all!

I'd like to give you a summary of "Camp Whimsy" which took place on our property (2582 S. 6th St.) this past summer, along with a glimpse into our vision for 2019.

Summer of 2018:

- Established "Beltz Barnyard, LLC" (which includes Camp Whimsy) for liability/tax purposes. (Scott Wagenaar, attorney)
- Completed barn bathroom and improvements; auto loop for drop-off, expanded pasture and added safety fencing/gate along drop-off area.
- Established barnyard vet (Dr. Helen Sill) and had all animals vaccinated/prepared for camp exposure.
- Hosted the following:
 - (3) 3-day preschool camps (12 kids; 9-11am)
 - (4) 3-day elementary camps (14 kids; 9am-12pm)
 - (1) "grand opening" party (60 people; 5-8pm)
 - (1) barnyard birthday party (30 people; 3-5pm)
- Received (0) complaints or negativity from neighbors/attendees.

What we learned:

- Hosting camp in the morning AND afternoon is exhausting! We switched to “mornings only” after the first 2 weeks of camp. :)
- 3-day (M-W) camps are limiting; 4-day (M-Th) would be better.
- Average camp size was 12 kids, but smaller groups of kids would be even better. Kids would receive more individualized attention and the experience for kids and leaders would be maximized.
- It’s the “little things” that brought the biggest response from the kids: husking corn; nature hikes; observing tadpoles; collecting chicken eggs; feeding the animals; bird-watching; etc.
- Based on feedback, there is a huge desire for this type of experience! Parents and grandparents have shared their deep appreciation for what is offered at Camp Whimsy (specifically, the creative nature/animal experience, art, “chores” and faith elements).
- Mostly due to “word of mouth”, all of the camps were full/had waiting lists and I receive inquiries about next summer weekly.
- Camp Whimsy will be best viewed as a “ministry” as camp fees do not begin to cover the expense of maintaining our property/farm. We are fine with this and will view it as such.
- Not only was I able to help kids grow in their faith and love of nature, but I had some amazing opportunities to listen to, and support, young parents as well.
- My entire family (and all of our animals) have benefitted immensely from involvement in Camp Whimsy!
- I’ve attached photos so that you can get a sense of the summer.

(photos were
attached to
email 8/20/2018

Summer of 2019:

Complete →

- Plans are being made to construct a "little barn" on the hill (matching our "big barn") to better house our smaller animals/chickens and provide additional storage.
- Seeking a quote on adding a parking area (18 spaces) and additional driveway on the northeast corner of our property; this way, we'd have our convenient "drop-off" loop as well as safe, onsite parking for temporary visits or events.
- Would like to add simple road signage indicating the above.
- Seeking discussion to offer the following opportunities in 2019:

waiting on quote ↑

- (b) ~~(4) 4-day elementary camps (limit 10; 9am-12pm)~~
- ~~(4) preschool storybook hours (limit 8 w/parent; 10-11am)~~
- (1) spring event & (1) fall event (campers)
- (5) 2-hour slots for private barnyard parties/events (limit 30)
- ~~(3) "open barn" experiences for exposure (public w/ notice)~~

All this to say, THANK YOU for permitting the use of our property in this way! I feel extremely positive about these "beginnings" and look forward to working with the township to allow more creativity on our property and offer more valuable learning and growing opportunities for the kids and families in our community.

Whether it be under the potential Agritourism category, or via another special use permit, I'm looking forward to what God has in store for 2019 and beyond.

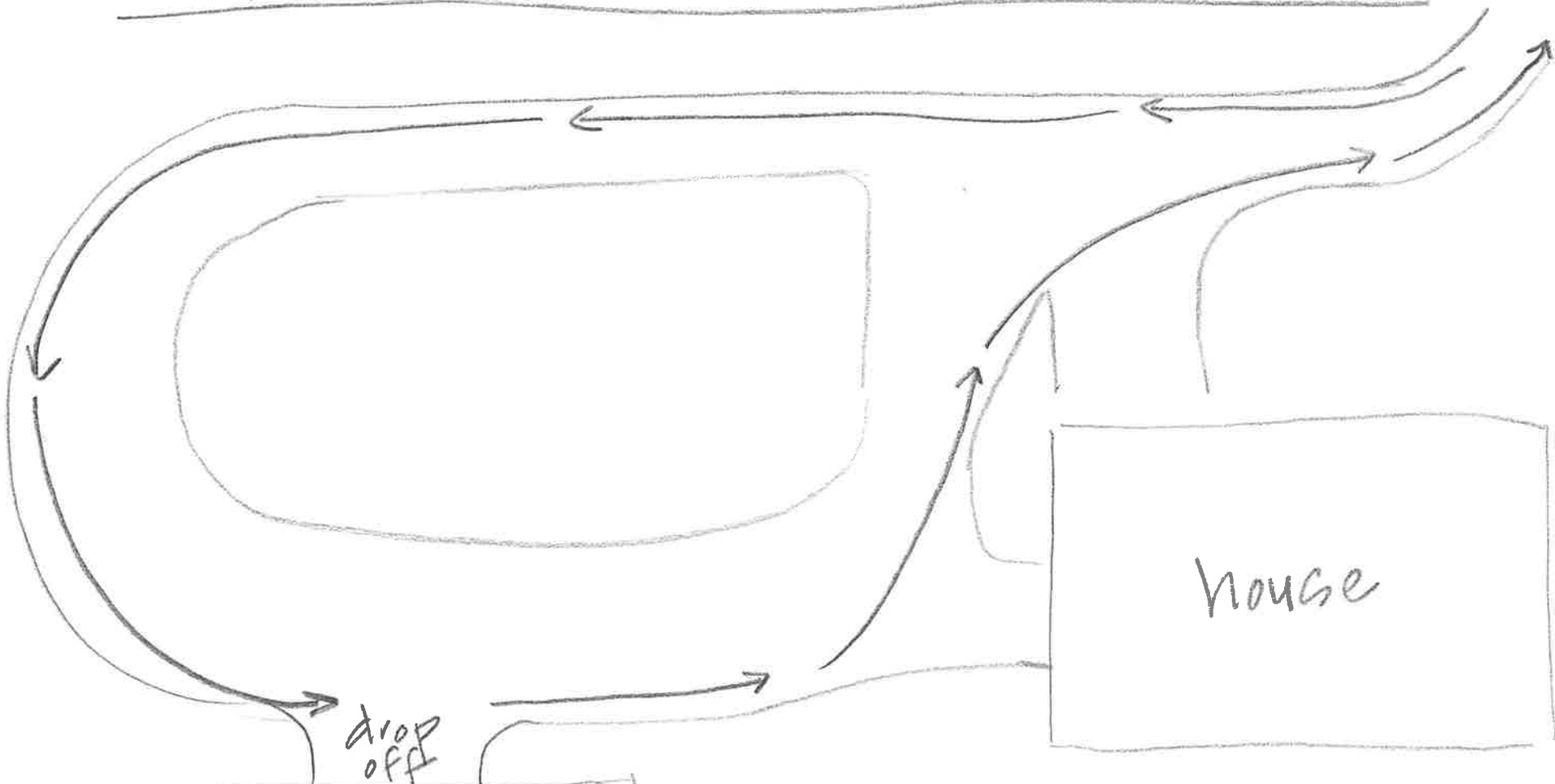
Blessings,
Dori Beltz

Still hopeful this happens!

☺
Dori

SEC 28-2-12 COMM AT E1/4 POST TH S ALG E SEC LI 258' TO POB TH CONT S ALG E
SEC LI 1065.9' TO S LI NE1/4 SE1/4 TH S88DEG48'15"W ALG S LI 1312.76' TO W LI NE1/4
SE1/4 TH N00DEG05'30"W ALG SD W LI 472.25' TO SLY ROW OF MCRR TH
N51DEG09'48"E ALG SLY ROW 973.41' TH N88DEG54'28"E 555.10' TO BEG ****12/06 SPLIT
28-430-030 & 28-430-040 INTO 28-430-031 & 28-430-041****

S. 6th St.






Camp
Whimsy
D. Beltz
2582 S. 6th St.

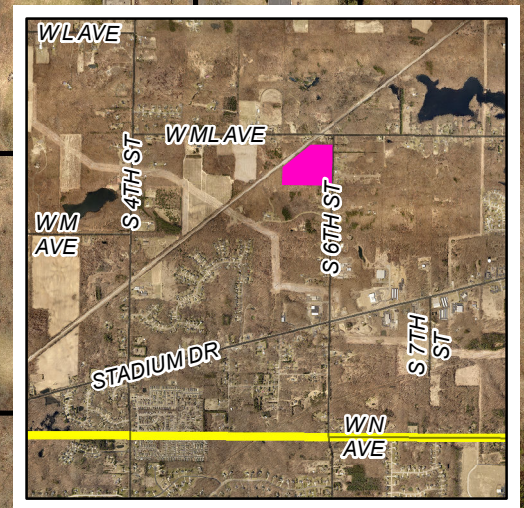
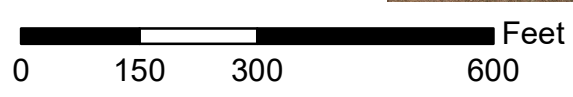
Camp Whimsy Location



W ML AVE

S 6TH ST

-  Subject Property
-  Other Propety Line
-  Township Boundary





June 4, 2019

Mtg Date: June 13, 2019

To: Planning Commission

From: Julie Johnston, AICP
Planning Director

Applicant: Wise Smith
Marketplace Development, LLC

Owner: Jack Hamilton

Property: 6297 West Main Street, Parcel #3905-14-405-054

Zoning: West Main Overlay Zone

Request: Site Plan Approval

Article(s): Article 35: West Main Overlay
Article 64: Site Plan Review

Project Name: O'Reilly Auto Parts

PROJECT SUMMARY

The applicant is requesting Planning Commission approval for the development of a new retail store for O'Reilly Auto Parts located on vacant property addressed as 6297 West Main Street. A retail store is a use permitted by right within the West Main Overlay zone, which would generally trigger Zoning Board of Appeals approval. However, *Section 35.70: Review Criteria* indicates that all development within the Overlay Zone shall be reviewed by the Planning Commission.

The West Main Overlay Zone is an optional overlay that allows those properties fronting West Main Street the opportunity to develop as commercial instead of residential as dictated by the underlying R-2 zoning. Utilizing this optional zone requires the applicant to conform to a higher level of regulatory standards than would be required of a property zoned in the C: Local Business District. This is to recognize and support the Overlay's intent of distinguishing West Main Street as a significant corridor in the Township.

SITE PLAN PACKET

West Main Overlay Zone

The West Main Overlay has some specific development requirements for new construction. Native landscaping is required along public roadways; building setbacks and landscape buffers should be designed as naturalized green spaces, incorporating sustainable storm water management features; and the design of storm water management systems shall respond to the natural drainage patterns of the area and should incorporate Low Impact Development standards.

The O'Reilly Auto Parts site plan works to conform to these requirements within the limited size and configuration of the site. The property in question is 1.7 acres and contains some significant topography, which will require substantial grading. The highest elevation at the west property line is 968 and the lowest on the east property line is 945, a drop of 23 feet. Much of the site will need to be leveled to allow for the development of a building. The applicant has included the higher elevation areas in their required dedicated open space.

In addition, due to the extensive grading required, many of the existing trees will need to be removed. The applicant has worked to preserve trees primarily along the west property line and West Main Street. They have also provided a robust landscape plan that meets the native planting requirements of the West Main Overlay.

Storm water management is going to be handled mostly by an underground detention area below the eastern parking lot and drive aisle. The necessary grading provides some design challenges for Low Impact Development. The competing requirements of open space and tree preservation against incorporating sustainable storm water management features led to utilizing underground storage. The applicant does provide a rain garden within the West Main Street landscape area, which does meet the requirements of Low Impact Development.

The West Main Overlay requires that at least five percent of the site be set aside as open space. As stated, the dedicated open space is planned along the west property boundary and also within the West Main landscaped area. A total of 13,761.91 square feet of open space will be dedicated as part of this development, which is 18.5 percent of the parcel.

Section 35.50.D.6 states the following:

The design of buildings and exterior improvements on each individual site shall be complementary and compatible with the rural character of the 9th Street Sub-Area or West Main Street Sub-Area to create a unified development image that is consistent with this area of the Township.

Staff provided the applicant with pictures of Latitude 42 and Bronson FastCare, which are the two buildings along West Main Street that have developed under this Overlay. This was to give the applicant an understanding of the Township's expectations with regards to building design and exterior materials. In response, the applicant provided elevations that show primarily fiber cement lap siding and cement fiber wall panels. In addition, some building elevation changes are offered to break up the facade, with slightly taller column heights and a peak parapet along the front façade that helps screen a flat roof. The Planning Commission will need to review the elevation drawings against the Ordinance, as well as the existing construction completed under the Ordinance, for consistency.

Access to the site will be from an existing curb cut on West Main Street that is located on a 22-acre undeveloped piece of property to the east of the subject parcel. This complies with the intent of the West Main Overlay, which encourages cross access and limited curb cuts on West Main Street. In fact, the subject parcel, the 22-acre undeveloped parcel, and the Farm Bureau insurance company east of the subject site, all gain access to West Main Street from this curb cut. Utilizing this curb cut will require a cross-access agreement between the two property owners. Our understanding is the applicant is working

to secure this agreement. In addition, the applicant has agreed to provide an access easement to the neighbor to the west when that property develops. A letter to that effect is included with this staff report.

The site plan meets all other specific design requirements, such as structural setbacks, building size, landscaping, etc., of the West Main Overlay District.

Zoning Requirements

In general, all other zoning requirements have been met. There is one issue related to parking that must still be resolved. Based on staff's calculations of net usable square footage of the building (retail space and stockroom/storage) per Section 52.100, only 19 spaces are required, as follows:

3,334 sq ft of retail X 70% net = 2,333.8 / 150 sq ft per space = 15.5 spaces
6,867 sq ft of stockroom X 70% net = 4,806.9 / 1,500 sq ft per space = 3.2 spaces
Totals 18.7 or 19 spaces

Per Section 52.50.H, the applicant can develop 110 percent of this number, which brings the site to 21 spaces. The applicant has provided 44 spaces, 23 more than allowed.

Staff outlined in our March memo to the applicant that we needed more information related to uses and square footage of the building to make a determination on the required number of parking spaces. They indicated that 3,334 square feet would be retail space and 6,867 square feet would be for stockroom/storage. In our May memo to the applicant, staff detailed the required parking spaces based on these uses and a 70 percent net calculation. However, the most recent site plan still indicates 44 spaces.

The Off-Street Parking Ordinance does not provide any departure from this standard. Only parking lots with more than 50 spaces can request an additional parking allowance from the Planning Commission. Therefore, the site plan must conform to the 21-maximum number of spaces. The reduction in parking could provide some additional opportunities for Low Impact Development design of the storm water management system.

Finally, the Lighting Ordinance indicates that lighting shall be significantly reduced during non-operational hours of the business, allowing only lighting necessary for security purposes. The lighting plan should note when lighting will be reduced. The applicant has indicated the following:

Exterior site lights will turn on when it is dark enough outside and it is within store hours or there is a motion in the store. They will turn off 30 minutes after last motion once the store is closed.

This note does not indicate if security lighting will be employed or when it will occur. Past notes the Planning Commission have approved generally state the following:

All exterior light fixtures shall be reduced to 30 percent power at the close of business but no later than 10:00 pm until 7:00 am or the start of business via an owner programmable timer.

The Planning Commission will need to work with the applicant to determine how this requirement of the Lighting Ordinance will be met.

Public Works / Public Safety

The concerns of the Public Works and Fire Department have been resolved based on the current site configuration. With the reduction in parking required on site, the Public Works department will need to review any changes to the storm water management system.

Improvements Outside Property Lines

As stated, the site will gain access to West Main Street from an existing curb cut. The applicant intends to improve this access point, requiring work to be completed on another's property. This work will consist of tree removal, grading, and new asphalt to the vehicle entrance on their site. In addition, the improved curb cut will also require approval from the Michigan Department of Transportation (MDOT).

The applicant will also need permission to work outside of their property lines to the south of their access point to assist with grading on the site. The Erosion and Sedimentation Control Plan indicates the limits of disturbance, which goes beyond the boundaries of their property along the full eastern property line.

To date, the Township has not received any agreements from the neighboring property owner allowing work to be completed on their parcel. This will be needed before work can begin.

OUTSTANDING CONCERNS

The following provides a more succinct list of the outstanding items/concerns to be resolved with the site plan packet:

1. The Planning Commission will need to determine if the proposed exterior building design meets the intent of the West Main Overlay zone.
2. A minimum of 23 parking spaces will need to be removed from the site. The removal of these spaces could alter the storm water management design, requiring additional review by the Township Engineer.
3. A note needs to be placed on the lighting plan which indicates when reduced lighting will be employed.
4. Agreements for the off-site improvements are still needed as of the date of this staff report. The Planning Commission will need to consider if a condition that an agreement is provided will suffice for site plan approval.
5. A cross-access agreement for the use of the existing curb cut on West Main Street.
6. Permission from MDOT to work within the road right-of-way.

PLANNING COMMISSION POSSIBLE ACTIONS

If the Planning Commission is amenable to approving the site plan, staff recommends attaching the following conditions:

1. A revised site plan be provided to the Township showing the correct number of parking spaces. If the storm water management plan is altered due to the change in parking, the Township Engineer or his designee will review and approve the redesigned system. This condition will be completed before the issuance of a building permit.
2. A revised lighting plan with a note indicating when lighting will be significantly reduced during non-operational hours of the business, allowing only lighting necessary for security purposes (the Planning Commission to determine those hours.) This condition will be completed prior to the issuance of a building permit.
3. An agreement from the adjacent property owner to the east that allows off-site improvements to their property. This condition will be completed before any site or building improvements are made on the property.
4. A cross-access agreement with the adjacent property owner to the east that allows use of the existing curb cut. This condition will be completed before any site or building improvements are made on the property.
5. A permit from MDOT allowing for improvements within the West Main Street right-of-way. This condition will be completed before any site or building improvements are made on the property.
6. An executed document for the dedication of the open space must be provided to the Township before a certificate of occupancy is issued on the building.

Additional conditions may be needed related to the exterior appearance of the building if the Planning Commission feels it does not comply with the intent of the West Main Overlay Zone.

The Planning Commission may also consider postponing approval of the site plan until some or all of the concerns noted above have been resolved.

Respectfully Submitted,



Julie Johnston, AICP
Planning Director

Attachments: Application
Aerial Map
Access Map
Site Plan
Elevation Drawings
Dedicated Open Space Agreement
Cross Access Letter



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

PLEASE PRINT

PROJECT NAME & ADDRESS O'Reilly's - 6297 W Main Street

PLANNING & ZONING APPLICATION

Applicant Name : Wise Smith
Company Marketplace Development, LLC
700 Colonial Rd, Ste 101
Address MEMPHIS, TN. 38117

E-mail wise@mpcon.biz
Telephone 9014850004 Fax 9013285791
Interest in Property Owner

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

OWNER*:

Name JACK HAMILTON
Address 18762 E. BRANDYWINE LAKE DR.
GOBLES, MI 49055
Email UNCLECOOKEE@YAHOO.COM
Phone & Fax 269-628-5360

Fee Amount _____
Escrow Amount _____

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

- | | |
|---|---|
| <input type="checkbox"/> Planning Escrow-1042 | <input type="checkbox"/> Land Division-1090 |
| <input 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 type="checkbox"/> Other: _____ |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): Site plan review for a

proposed O'Reilly Auto Parts at 6297 W Main
Street.

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

See next sheet

PARCEL NUMBER: 3905- 14-405-054

ADDRESS OF PROPERTY: 6297 W Main Street

PRESENT USE OF THE PROPERTY: Undeveloped

PRESENT ZONING R2 with W Main Overlay **SIZE OF PROPERTY** 1.70 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.

X _____
[Signature]

Owner's Signature (* If different from Applicant)

Date

3-14-2019

Applicant's Signature

1/22/2019

Date

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

PLEASE ATTACH ALL REQUIRED DOCUMENTS

SCHEDULE "A" LEGAL DESCRIPTION
FROM: CHICAGO TITLE OF MICHIGAN, INC.

TITLE NO.: 391054196CML - REVISION 1 (COMMITMENT DATE:
JUNE 22, 2018)

LAND SITUATED IN THE STATE OF MICHIGAN, COUNTY OF KALAMAZOO,
TOWNSHIP OF OSHTEMO.

THE EAST 20 RODS OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF
SECTION 14, TOWN 2 SOUTH, RANGE 12 WEST, EXCEPTING THEREFROM THAT
PART OF THE EAST 20 RODS OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4
OF SECTION 14, TOWN 2 SOUTH, RANGE 12 WEST THAT LIES NORTHERLY OF A
LINE 75.00 FEET SOUTHERLY OF, WHEN MEASURED AT RIGHT ANGLES AND
PARALLEL TO THE SURVEY LINE OF M-43 RELOCATED.

THE SURVEY LINE OF M-43 RELOCATED IS DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE NORTH AND SOUTH 1/4 LINE THAT IS SOUTH
5.46 FEET FROM THE CENTER CORNER OF SECTION 14, TOWN 2 SOUTH,
RANGE 12 WEST; THENCE NORTH 89° 29' 34" EAST 2,645.81 FEET TO THE
EASTERN 1/4 CORNER OF SAID SECTION 14 AND POINT OF ENDING.

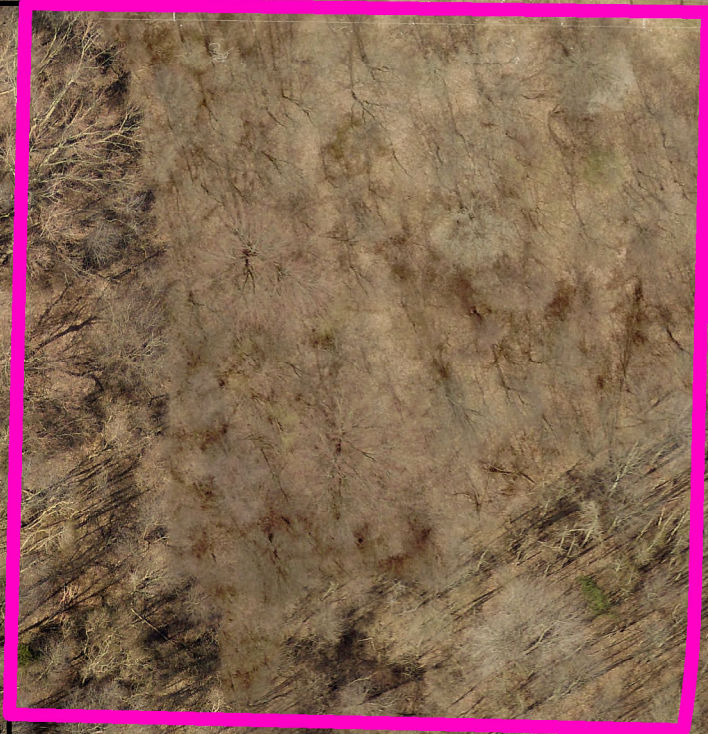
ALSO EXCEPT: PART OF THE SOUTHEAST 1/4 OF SECTION 14, TOWN 2 SOUTH,
RANGE 12 WEST, DESCRIBED AS: COMMENCING AT THE EAST 1/4 POST OF
SAID SECTION 14; THENCE SOUTH 89° 43' 02" WEST ON THE EAST AND WEST
1/4 LINE OF SAID SECTION 14, A DISTANCE OF 1,322.26 FEET TO THE WEST
LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 14;
THENCE SOUTH 00° 16' 53" WEST ON SAID WEST LINE 75.00 FEET TO THE
POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE CONTINUING
SOUTH 00° 16' 53" WEST ON SAID WEST LINE 1,247.82 FEET TO THE SOUTH LINE
OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 14;
THENCE SOUTH 89° 43' 13" WEST ON SAID SOUTH LINE 331.38 FEET TO THE
WEST LINE OF THE EAST 1/2 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE
SOUTHEAST 1/4 OF SAID SECTION 14; THENCE NORTH 00° 18' 55" EAST ON SAID
WEST LINE 969.81 FEET; THENCE SOUTH 89° 41' 05" EAST PERPENDICULAR TO
SAID WEST LINE 261.53 FEET; THENCE NORTHEASTERLY 48.90 FEET ON A
367.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 04°
05' 53" EAST 48.86 FEET; THENCE NORTH 00° 16' 53" EAST 232.01 FEET TO THE
SOUTH RIGHT-OF-WAY LINE OF HIGHWAY M-43; THENCE NORTH 89° 43' 02"
EAST ON SAID SOUTH RIGHT-OF-WAY LINE 66.00 FEET TO THE POINT OF
BEGINNING.


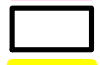

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS AS DESCRIBED IN
DOCUMENT NO. 2001-012714

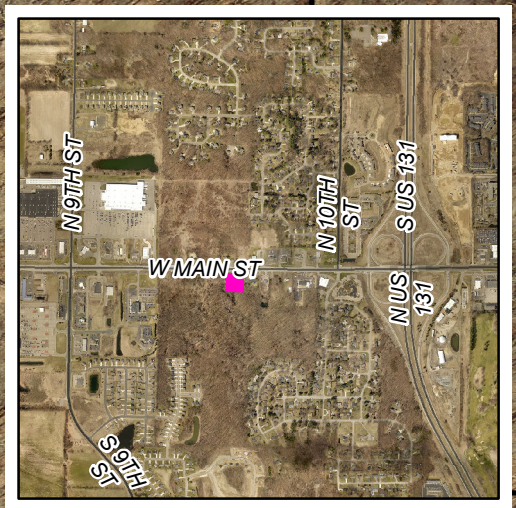
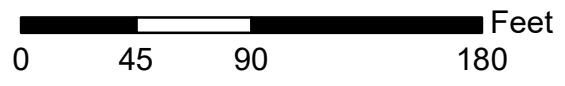
O'Reilly Auto Parts Location



W MAIN ST



-  Subject Property
-  Other Property Line
-  Township Boundary






Shared West Main Curb Cut

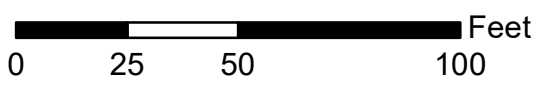
W MAIN ST



O'Reilly Site

Farm Bureau Insurance

-  Township Boundary
-  Subject Property
-  Other Propety Line



PREPARED BY AND RETURN RECORDED DOCUMENT

TO:

DECLARATION

THIS DECLARATION (the "Declaration" or "Agreement") is made as of this _____ day of _____, 2019, by 6297 West Main, LLC (the "Declarant").

RECITALS

- A. Declarant is the record owner of that certain parcel of real estate located along West Main Street in Kalamazoo County, Michigan, more particularly described on Exhibit A attached hereto and incorporated herein by this reference (the "Property").
- B. Declarant desires to grant certain easements burdening the Property and to establish certain open spaces on the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the above premises and of the covenants herein contained, the Declarant hereby declares that the Property and all present and future owners of the Property shall be and hereby are subject to the terms hereinafter set forth in this Declaration, so that the Property shall be used in full compliance with and subject to this Declaration:

AGREEMENTS

1. Dedicated Open Spaces. Declarant hereby grants and declares that the Dedicated Open Spaces #1, #2, #3, and #4 more particularly depicted and described on Exhibit B attached hereto (individually an "Open Space" and collectively, the "Open Spaces") are open spaces pursuant to the terms hereof. Other than maintaining, repairing, replacing, pruning, cutting, and otherwise taking care of the Open Spaces, the Open Spaces shall be non-buildable areas in which Declarant shall not be allowed to construct any improvements in perpetuity unless otherwise approved by the local municipality.
2. No Rights in Public; No Implied Easements. Nothing contained herein shall be construed as creating any rights in the general public or as dedicating for public use any portion of the Property.

IN WITNESS WHEREOF, the Declarant has executed this Agreement as of the

date first written above.

Declarant:

6297 West Main, LLC

By: _____

Its: _____

STATE OF _____

COUNTY OF _____

Before me, a Notary Public of the State and County aforesaid, personally appeared _____, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence) and who, upon oath, acknowledged himself to be the _____ of 6297 West Main, LLC, and that he as such _____ executed the foregoing instrument for the purposes therein contained by signing his name as _____ of such company.

WITNESS my hand and Notarial seal, at office this _____ day of _____, 2019.

Notary Public

My Commission Expires: _____

Exhibit A

(Property)

LAND SITUATED IN THE STATE OF MICHIGAN, COUNTY OF KALAMAZOO, TOWNSHIP OF OSHTEMO.

THE EAST 20 RODS OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 14, TOWN 2 SOUTH, RANGE 12 WEST, EXCEPTING THEREFROM THAT PART OF THE EAST 20 RODS OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 14, TOWN 2 SOUTH, RANGE 12 WEST THAT LIES NORTHERLY OF A LINE 75.00 FEET SOUTHERLY OF, WHEN MEASURED AT RIGHT ANGLES AND PARALLEL TO THE SURVEY LINE OF M-43 RELOCATED.

THE SURVEY LINE OF M-43 RELOCATED IS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH AND SOUTH 1/4 LINE THAT IS SOUTH 5.46 FEET FROM THE CENTER CORNER OF SECTION 14, TOWN 2 SOUTH, RANGE 12 WEST; THENCE NORTH 89° 29' 34" EAST 2,645.81 FEET TO THE EASTERN 1/4 CORNER OF SAID SECTION 14 AND POINT OF ENDING.

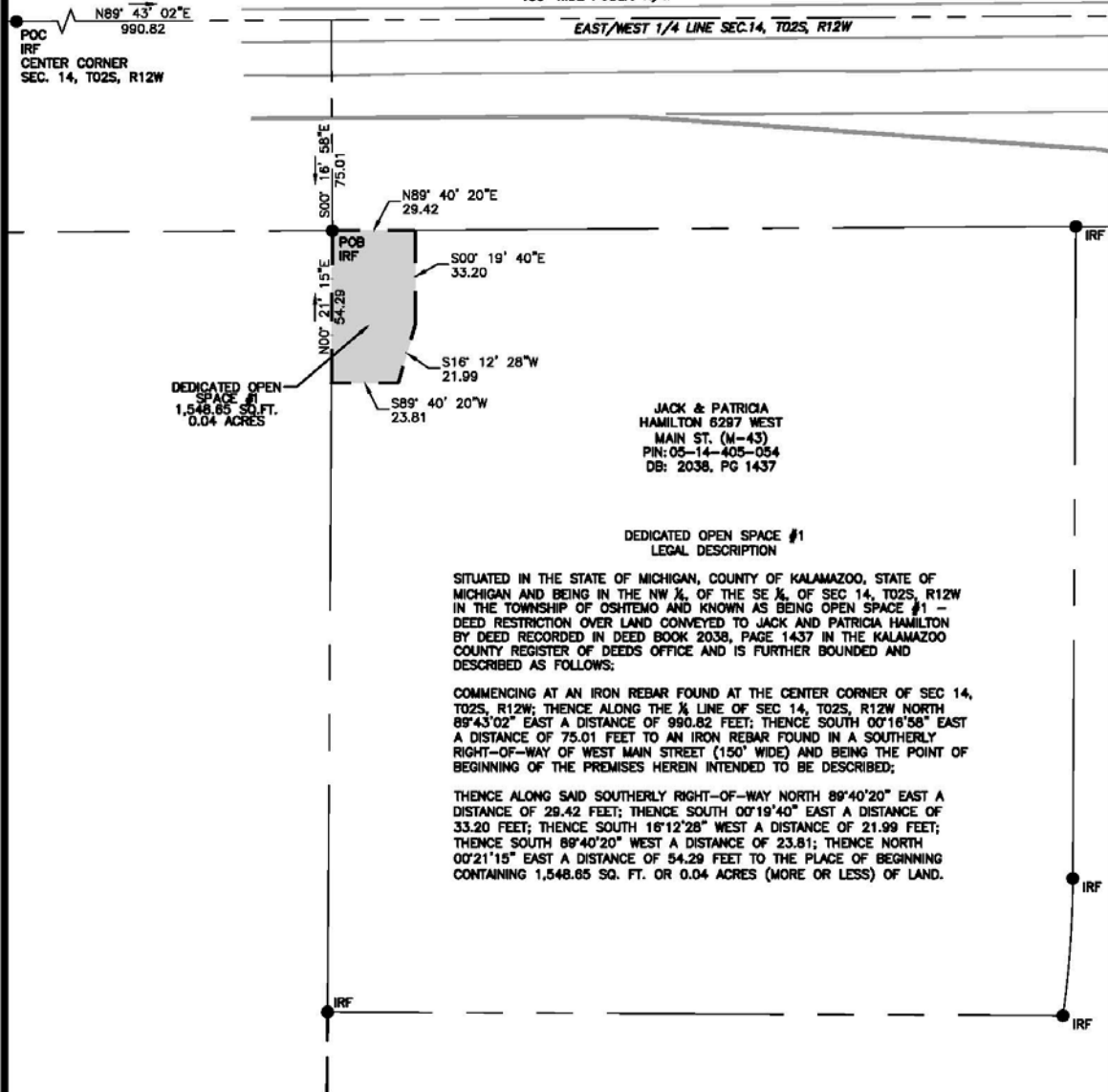
ALSO EXCEPT: PART OF THE SOUTHEAST 1/4 OF SECTION 14, TOWN 2 SOUTH, RANGE 12 WEST, DESCRIBED AS: COMMENCING AT THE EAST 1/4 POST OF SAID SECTION 14; THENCE SOUTH 89° 43' 02" WEST ON THE EAST AND WEST 1/4 LINE OF SAID SECTION 14, A DISTANCE OF 1,322.26 FEET TO THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 14; THENCE SOUTH 00° 16' 53" WEST ON SAID WEST LINE 75.00 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE CONTINUING SOUTH 00° 16' 53" WEST ON SAID WEST LINE 1,247.82 FEET TO THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 14; THENCE SOUTH 89° 43' 13" WEST ON SAID SOUTH LINE 331.38 FEET TO THE WEST LINE OF THE EAST 1/2 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 14; THENCE NORTH 00° 18' 55" EAST ON SAID WEST LINE 969.81 FEET; THENCE SOUTH 89° 41' 05" EAST PERPENDICULAR TO SAID WEST LINE 261.53 FEET; THENCE NORTHEASTERLY 48.90 FEET ON A 367.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 04° 05' 53" EAST 48.86 FEET; THENCE NORTH 00° 16' 53" EAST 232.01 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF HIGHWAY M-43; THENCE NORTH 89° 43' 02" EAST ON SAID SOUTH RIGHT-OF-WAY LINE 66.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS AS DESCRIBED IN DOCUMENT NO. 2001-012714

Exhibit B

(Dedicated Open Spaces)
(see attached drawings)

WEST MAIN ST. (M-43)
150' WIDE PUBLIC R/W

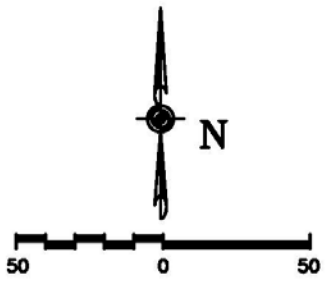


DEDICATED OPEN SPACE #1
LEGAL DESCRIPTION

SITUATED IN THE STATE OF MICHIGAN, COUNTY OF KALAMAZOO, STATE OF MICHIGAN AND BEING IN THE NW 1/4 OF THE SE 1/4 OF SEC 14, T22S, R12W IN THE TOWNSHIP OF OSHTEMO AND KNOWN AS BEING OPEN SPACE #1 - DEED RESTRICTION OVER LAND CONVEYED TO JACK AND PATRICIA HAMILTON BY DEED RECORDED IN DEED BOOK 2038, PAGE 1437 IN THE KALAMAZOO COUNTY REGISTER OF DEEDS OFFICE AND IS FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON REBAR FOUND AT THE CENTER CORNER OF SEC 14, T22S, R12W; THENCE ALONG THE 1/4 LINE OF SEC 14, T22S, R12W NORTH 89°43'02" EAST A DISTANCE OF 990.82 FEET; THENCE SOUTH 00°16'58" EAST A DISTANCE OF 75.01 FEET TO AN IRON REBAR FOUND IN A SOUTHERLY RIGHT-OF-WAY OF WEST MAIN STREET (150' WIDE) AND BEING THE POINT OF BEGINNING OF THE PREMISES HEREIN INTENDED TO BE DESCRIBED;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY NORTH 89°40'20" EAST A DISTANCE OF 29.42 FEET; THENCE SOUTH 00°19'40" EAST A DISTANCE OF 33.20 FEET; THENCE SOUTH 16°12'28" WEST A DISTANCE OF 21.99 FEET; THENCE SOUTH 89°40'20" WEST A DISTANCE OF 23.81; THENCE NORTH 00°21'15" EAST A DISTANCE OF 54.29 FEET TO THE PLACE OF BEGINNING CONTAINING 1,548.65 SQ. FT. OR 0.04 ACRES (MORE OR LESS) OF LAND.



DEDICATED OPEN SPACE #1		
OSHTEMO TOWNSHIP, MICHIGAN		
STATE OF MICHIGAN, COUNTY OF KALAMAZOO, TOWNSHIP OF OSHTEMO		
 CARLSON CONSULTING ENGINEERS, INC. 7088 LEDGESTONE COMMONS BARTLETT, TENNESSEE 38133 PH. (901) 384-0404 • FX. (901) 384-0710		
SCALE: 1" = 50'	DRAWING FILE: KALAMAZOO	JOB No. WISE
DATE: 5/15/2019	DRAWN BY: ETB/JSL	SHEET 1 OF 4

WEST MAIN ST. (M-43)

150' WIDE PUBLIC R/W

POC
IRF
CENTER CORNER
SEC. 14, T02S, R12W

EAST/WEST 1/4 LINE SEC.14, T02S, R12W

S00°16'58"E
75.01

N89°40'20"E
44.42

POB
N89°40'20"E
65.68

N00°19'40"W
41.78

DEDICATED OPEN SPACE #2
3,322.13 SQ. FT.
0.08 ACRES

S00°19'40"E
58.36

N75°20'34"W
68.00

JACK & PATRICIA
HAMILTON 6297 WEST
MAIN ST. (M-43)
PIN: 05-14-405-054
DB: 2038, PG 1437

**DEDICATED OPEN SPACE #2
LEGAL DESCRIPTION**

SITUATED IN THE STATE OF MICHIGAN, COUNTY OF KALAMAZOO, STATE OF MICHIGAN AND BEING IN THE NW 1/4 OF THE SE 1/4 OF SEC 14, T02S, R12W IN THE TOWNSHIP OF OSHTEMO AND KNOWN AS BEING OPEN SPACE #2 - DEED RESTRICTION OVER LAND CONVEYED TO JACK AND PATRICIA HAMILTON BY DEED RECORDED IN DEED BOOK 2038, PAGE 1437 IN THE KALAMAZOO COUNTY REGISTER OF DEEDS OFFICE AND IS FURTHER BOUNDED AND DESCRIBED AS FOLLOWS;

COMMENCING AT AN IRON REBAR FOUND AT THE CENTER CORNER OF SEC 14, T02S, R12W; THENCE ALONG THE 1/4 LINE OF SEC 14, T02S, R12W NORTH 89°43'02" EAST A DISTANCE OF 990.82 FEET; THENCE SOUTH 00°16'58" EAST A DISTANCE OF 75.01 FEET TO AN IRON REBAR FOUND IN A SOUTHERLY RIGHT-OF-WAY OF WEST MAIN STREET (150' WIDE); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY NORTH 89°40'20" EAST A DISTANCE OF 44.42 FEET TO THE POINT OF BEGINNING OF THE PREMISES HEREIN INTENDED TO BE DESCRIBED;

THENCE CONTINUING NORTH 89°40'20" EAST A DISTANCE OF 65.69 FEET; THENCE SOUTH 00°19'40" EAST A DISTANCE OF 58.36 FEET; THENCE NORTH 75°20'34" WEST A DISTANCE OF 68.00 FEET; THENCE NORTH 00°19'40" WEST A DISTANCE OF 41.78 FEET TO THE PLACE OF BEGINNING CONTAINING 3,322.13 SQ. FT. OR 0.08 ACRES (MORE OR LESS) OF LAND.

**DEDICATED OPEN SPACE #2
OSHTEMO TOWNSHIP, MICHIGAN**

STATE OF MICHIGAN, COUNTY OF KALAMAZOO, TOWNSHIP OF OSHTEMO

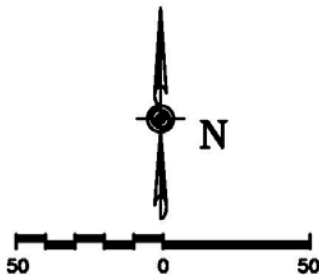
**CARLSON
CONSULTING
ENGINEERS, INC.**

7088 LEDGESTONE COMMONS
BARTLETT, TENNESSEE 38133
PH. (901) 384-0404 • FX. (901) 384-0710

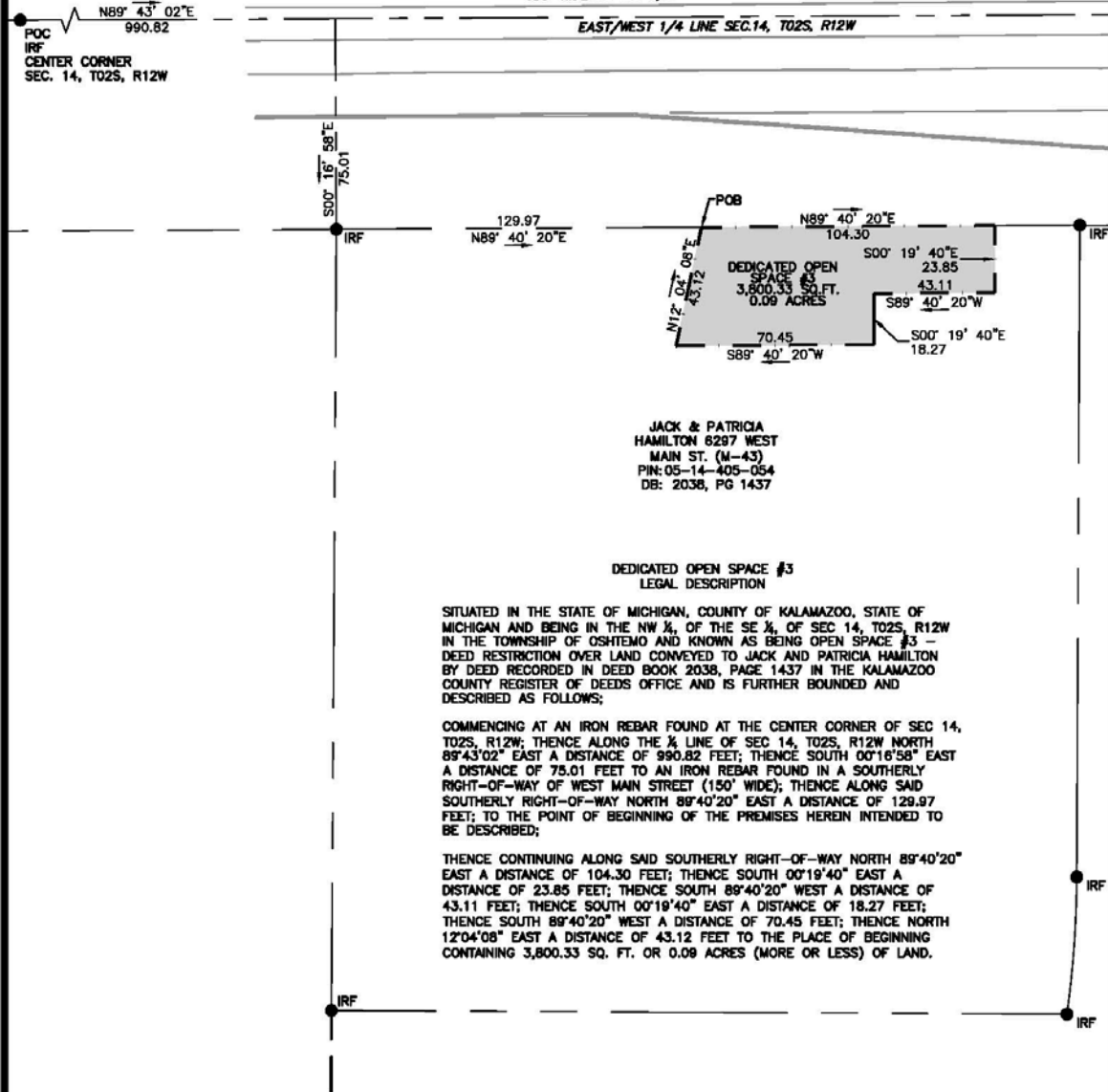
SCALE: 1" = 50'
DATE: 5/15/2019

DRAWING FILE: KALAMAZOO
DRAWN BY: ETB/JSL

JOB No. WISE
SHEET 2 OF 4



WEST MAIN ST. (M-43)
150' WIDE PUBLIC R/W



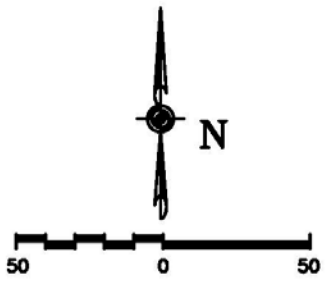
JACK & PATRICIA
HAMILTON 6297 WEST
MAIN ST. (M-43)
PIN: 05-14-405-054
DB: 2038, PG 1437


DEDICATED OPEN SPACE #3
LEGAL DESCRIPTION

SITUATED IN THE STATE OF MICHIGAN, COUNTY OF KALAMAZOO, STATE OF MICHIGAN AND BEING IN THE NW ¼, OF THE SE ¼, OF SEC 14, T22S, R12W IN THE TOWNSHIP OF OSHTEMO AND KNOWN AS BEING OPEN SPACE #3 - DEED RESTRICTION OVER LAND CONVEYED TO JACK AND PATRICIA HAMILTON BY DEED RECORDED IN DEED BOOK 2038, PAGE 1437 IN THE KALAMAZOO COUNTY REGISTER OF DEEDS OFFICE AND IS FURTHER BOUNDED AND DESCRIBED AS FOLLOWS;

COMMENCING AT AN IRON REBAR FOUND AT THE CENTER CORNER OF SEC 14, T22S, R12W; THENCE ALONG THE ¼ LINE OF SEC 14, T22S, R12W NORTH 89°43'02" EAST A DISTANCE OF 990.82 FEET; THENCE SOUTH 00°16'58" EAST A DISTANCE OF 75.01 FEET TO AN IRON REBAR FOUND IN A SOUTHERLY RIGHT-OF-WAY OF WEST MAIN STREET (150' WIDE); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY NORTH 89°40'20" EAST A DISTANCE OF 129.97 FEET; TO THE POINT OF BEGINNING OF THE PREMISES HEREIN INTENDED TO BE DESCRIBED;

THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY NORTH 89°40'20" EAST A DISTANCE OF 104.30 FEET; THENCE SOUTH 00°19'40" EAST A DISTANCE OF 23.85 FEET; THENCE SOUTH 89°40'20" WEST A DISTANCE OF 43.11 FEET; THENCE SOUTH 00°19'40" EAST A DISTANCE OF 18.27 FEET; THENCE SOUTH 89°40'20" WEST A DISTANCE OF 70.45 FEET; THENCE NORTH 12°04'08" EAST A DISTANCE OF 43.12 FEET TO THE PLACE OF BEGINNING CONTAINING 3,800.33 SQ. FT. OR 0.09 ACRES (MORE OR LESS) OF LAND.



DEDICATED OPEN SPACE #3		
OSHTEMO TOWNSHIP, MICHIGAN		
STATE OF MICHIGAN, COUNTY OF KALAMAZOO, TOWNSHIP OF OSHTEMO		
 CARLSON CONSULTING ENGINEERS, INC. 7088 LEDGESTONE COMMONS BARTLETT, TENNESSEE 38133 PH. (901) 384-0404 • FX. (901) 384-0710		
SCALE: 1" = 50'	DRAWING FILE: KALAMAZOO	JOB No. WISE
DATE: 5/15/2019	DRAWN BY: ETB/JSL	SHEET 3 OF 4

WEST MAIN ST. (M-43)
150' WIDE PUBLIC R/W

POC
IRF
CENTER CORNER
SEC. 14, T02S, R12W

EAST/WEST 1/4 LINE SEC.14, T02S, R12W

S00° 16' 58"E
75.01

DEDICATED OPEN SPACE #4
LEGAL DESCRIPTION

SITUATED IN THE STATE OF MICHIGAN, COUNTY OF KALAMAZOO, STATE OF MICHIGAN AND BEING IN THE NW ¼, OF THE SE ¼, OF SEC 14, T02S, R12W IN THE TOWNSHIP OF OSHTEMO AND KNOWN AS BEING OPEN SPACE #4 - DEED RESTRICTION OVER LAND CONVEYED TO JACK AND PATRICIA HAMILTON BY DEED RECORDED IN DEED BOOK 2038, PAGE 1437 IN THE KALAMAZOO COUNTY REGISTER OF DEEDS OFFICE AND IS FURTHER BOUNDED AND DESCRIBED AS FOLLOWS;

COMMENCING AT AN IRON REBAR FOUND AT THE CENTER CORNER OF SEC 14, T02S, R12W; THENCE ALONG THE ¼ LINE OF SEC 14, T02S, R12W NORTH 89°43'02" EAST A DISTANCE OF 990.82 FEET; THENCE SOUTH 00°18'58" EAST A DISTANCE OF 75.01 FEET TO AN IRON REBAR FOUND IN A SOUTHERLY RIGHT-OF-WAY OF WEST MAIN STREET (150' WIDE); THENCE SOUTH 00°21'15" WEST A DISTANCE OF 144.30 FEET TO THE POINT OF BEGINNING OF THE PREMISES HEREIN INTENDED TO BE DESCRIBED;

THENCE NORTH 89°40'20" EAST A DISTANCE OF 19.72 FEET; THENCE SOUTH 00°19'40" EAST A DISTANCE OF 4.73 FEET; THENCE SOUTH 31°51'53" EAST A DISTANCE OF 22.84 FEET; THENCE SOUTH 08°25'02" EAST A DISTANCE OF 97.85 FEET; THENCE SOUTH 73°05'03" EAST A DISTANCE OF 45.18 FEET; THENCE NORTH 89°43'00" WEST A DISTANCE OF 86.77 FEET TO AN IRON REBAR FOUND; THENCE NORTH 00°21'15" EAST A DISTANCE 133.78 FEET TO THE PLACE OF BEGINNING CONTAINING 5090.80 SQ. FT. OR 0.12 ACERS (MORE OR LESS) OF LAND.

POB
N89° 40' 20"E
19.72
S00° 19' 40"E
4.73
S31° 51' 53"E
22.84

DEDICATED
OPEN
SPACE #4
5,090.80
SQ. FT.
0.12 ACRES

JACK & PATRICIA
HAMILTON 8297 WEST
MAIN ST. (M-43)
PIN: 05-14-405-054
DB: 2038, PG 1437

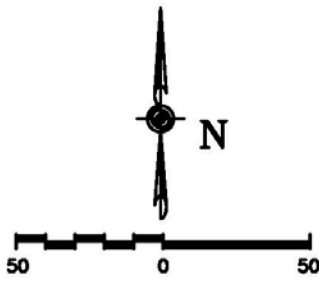
N00° 21' 15"E
144.30

S00° 21' 15"W

S06° 28' 02"E
97.85

S73° 05' 03"E
45.18

86.77
N89° 43' 00"W



DEDICATED OPEN SPACE #4
OSHTEMO TOWNSHIP, MICHIGAN

STATE OF MICHIGAN, COUNTY OF KALAMAZOO, TOWNSHIP OF OSHTEMO

CARLSON
CONSULTING
ENGINEERS, INC.

7088 LEDGESTONE COMMONS
BARTLETT, TENNESSEE 38133
PH. (901) 384-0404 • FX. (901) 384-0710

SCALE: 1" = 50'
DATE: 5/15/2019

DRAWING FILE: KALAMAZOO
DRAWN BY: ETB/JSL

JOB No. WISE
SHEET 4 OF 4

Marketplace Development LLC

Real Estate Development & Management

700 COLONIAL RD., SUITE 101 | MEMPHIS, TN 38117 | fax: 901-328-5791

May 30, 2019

RE: O'REILLY AUTO PARTS
6297 West Main St.
Oshtemo Township, Mi

To Whom It May Concern,

At the request of Oshtemo Township Planning, this letter will serve as our commitment to execute a cross access easement with the property adjacent and to the West of our property at such time that property is developed. We have reviewed the Reciprocal Easement Agreement form furnished to us by planning and find it to be acceptable to us.

Sincerely,



J. Wise Smith
Manager

June 5, 2019



Mtg Date: June 13, 2019

To: Planning Commission

From: Julie Johnston, AICP
Planning Director

Applicant: Greg Milliken
Bronson Healthcare Group

Owner: Bronson Healthcare Group

Property: 6210 West Main Street, Parcel #3905-14-288-011

Zoning: West Main Overlay Zone

Request: Site Plan Approval

Article(s): Article 35: West Main Overlay
Article 64: Site Plan Review

Project Name: Bronson Primary Care Partners

PROJECT SUMMARY

The applicant is requesting Planning Commission approval for the development of a new 12,706 square foot medical office for Bronson primary care. This new building will be addressed as 6210 West Main Street and will be located on the same four-acre parcel as the existing Bronson FastCare facility. A medical office is a use permitted by right within the West Main Overlay zone, which would generally trigger Zoning Board of Appeals approval. However, *Section 35.70: Review Criteria* indicates that all development within the Overlay Zone shall be reviewed by the Planning Commission.

The West Main Overlay Zone is an optional overlay that allows those properties fronting West Main Street the opportunity to develop as nonresidential uses. FastCare was approved under the West Main Overlay, which requires the remainder of the parcel to develop under these same regulatory requirements. Utilizing this optional zone requires the applicant to conform to a higher level of regulatory standards than would be required of a property zoned in the C: Local Business District. This is to recognize and support the Overlay's intent of distinguishing West Main Street as a significant corridor in the Township.

SITE PLAN PACKET

West Main Overlay Zone

The West Main Overlay has some specific development requirements for new construction. Native landscaping is required along public roadways; building setbacks and landscape buffers should be

designed as naturalized green spaces, incorporating sustainable storm water management features; and the design of storm water management systems shall respond to the natural drainage patterns of the area and should incorporate Low Impact Development standards.

The parcel in question is generally flat and has been mostly cleared. A few existing trees can be found around the perimeter of the site. Storm water is managed utilizing the natural grade of the site, locating the new detention pond at the northeast corner of the parcel. The required five percent open space is also located in this corner of the parcel to the east of the detention pond. Placing the open space in this location provides additional protections to the single-family homes that border the site to the north and east.

Access to the site will be from an existing curb cut on West Main Street that serves this parcel and the adjacent Citizens Credit Union to the east. In addition, this access point will connect to an east/west access drive that will begin at this curb cut moving west through the Bronson, Advia, and Meijer, terminating at 9th Street. This complies with the intent of the West Main Overlay, which encourages cross access and limited curb cuts on West Main Street. Bronson has agreed to enter into a cross-access agreement with Advia once both parcels are developed.

The landscaping for the site meets all of the requirements of the West Main Overlay, providing the required native plantings. Evergreen trees have been placed along the north and east property lines to help screen the building and parking areas from neighboring residential uses. In addition, existing trees are preserved in these locations. Undulating landscaped beds, which include flowering shrubs, are located closer to the parking lots. Landscaping found around the building and within the parking areas exceeds the requirements outlined in the West Main Overlay and Landscaping Ordinance.

Building design is regulated by Section 35.50.D.6, which states the following:

The design of buildings and exterior improvements on each individual site shall be complementary and compatible with the rural character of the 9th Street Sub-Area or West Main Street Sub-Area to create a unified development image that is consistent with this area of the Township.

The building will be made primarily of block and brick, with a large glass entry feature. The overall design is similar to the existing FastCare facility, but on a larger scale. Staff believes the design, exterior wall materials, and exterior wall colors meets the intent of Section 35.50.D.6, and fits into the overall development aesthetic of new construction within the West Main Overlay.

Pedestrian amenities are found throughout the site, connecting the medical office with the FastCare building, and connecting this parcel to the pedestrian trail planned on the Advia property.

The site plan meets all other specific design requirements, such as structural setbacks, building size, site circulation, etc., of the West Main Overlay District.

Zoning Requirements

In general, all other zoning requirements have been met. The only remaining zoning issues are related to the photometric plan and parking.

The building mounted light proposed with the site plan does not meet ordinance requirements. It emits light from all sides of the fixture, violating Section 54.20.D, which states all building mounted lighting is to be downward directed.

Per the requirements of the Off-Street Parking Ordinance, this site should have a maximum of 66 parking spaces. The site plan outlines 78 spaces for this medical office. Per Section 52.50.I, sites with more than 50 parking spaces may request additional spaces beyond the maximum allowance based upon documented evidence of actual use and demand provided by the applicant. The ordinance goes on to say the Planning Commission should also consider impacts on the property and surrounding properties including any natural features before permitting additional spaces. The applicant has provided a letter requesting the additional 12 spaces shown on the site plan.

Public Works / Public Safety

The concerns of the Public Works and Fire Department have been resolved based on the current site configuration.

OUTSTANDING CONCERNS

The following provides a more succinct list of the outstanding items/concerns to be resolved:

1. The Planning Commission will need to determine if the additional 12 spaces are needed based on the applicant's request.
2. The requested building lighting will need to be changed to a fixture that is compliant with the Lighting Ordinance.
3. Documentation to dedicate the required open space in perpetuity is still needed.
4. A cross-access agreement between Bronson and Advia will be needed once the sites are developed.

PLANNING COMMISSION POSSIBLE ACTIONS

If the Planning Commission is amenable to approving the site plan, staff recommends attaching the following conditions:

1. An updated lighting plan be submitted prior to the issuance of a building permit which provides a new building mounted light fixture that meets Lighting Ordinance requirements.
2. A draft of the document that will dedicate the required open space be provided to the Township for review prior to the issuance of a building permit. The open space document must be recorded with the County prior to the issuance of a certificate of occupancy.
3. A cross-access agreement with the adjacent property owner to the west prior to the issuance of a certificate of occupancy.

The Planning Commission will also need to render a decision on the requested 12 additional parking spaces, which exceed the maximum allowed by the Off-Street Parking Ordinance.

The Planning Commission may also consider postponing approval of the site plan until some or all of the concerns noted above have been resolved.

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
Aerial Map
Site Plan
Elevation Drawings
Parking Request Letter
Cross Access Letter

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

See plans.

PARCEL NUMBER: 3905- 14-288-011

ADDRESS OF PROPERTY: TBD - West Main

PRESENT USE OF THE PROPERTY: Vacant

PRESENT ZONING R3 with West Main Overlay zone **SIZE OF PROPERTY** 4.0 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)

5/2/19

Date



Applicant's Signature

5/2/19




Date

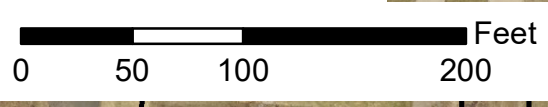
- Copies to:
- Planning -1
- Applicant -1
- Clerk -1
- Deputy Clerk -1
- Attorney-1
- Assessor -1
- Planning Secretary - Original

PLEASE ATTACH ALL REQUIRED DOCUMENTS

Bronson Location



-  Subject Property
-  Other Property Line
-  Township Boundary



May 22, 2019

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

RE: Parking at Proposed Bronson Primary Care Partners Facility

Dear Ms. Johnson,

In follow up to some of the comments received following the submittal of the site plan for our proposed Bronson Primary Care Partners (BPCP) project just north of the existing FastCare site at 6220 West Main Street, we wanted to provide some additional information regarding parking at this proposed site. As we have noted, the proposed building is a prototype based on a building recently built at the Helmer Road exit of I-94, west of Battle Creek. That facility, and its data has guided our proposed number of 78 spaces.

The demand for 78 parking spaces is derived from the following:

- Approximately 25 staff in the building at all times
- Four to seven additional transient staff (i.e. managers, facilities, dieticians, etc.) in and out of the building throughout the day
- 20 exam rooms with one patient in the room and one in the waiting room for a total of 40 spaces needed
- This drives a total of 72 spaces
- Six extra have been provided for accessible spaces and capacity for issues like two cars per patient

We hope that this description helps explain how we arrived at our parking count and our current need. If there is a concern or issue, please let us know. Thanks!

Respectfully Submitted,



Gregory Milliken, AIPC

February 27, 2019

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

RE: Proposed Cross Access between Bronson FastCare Site and Advia
Credit Union Headquarters

Dear Ms. Johnston:

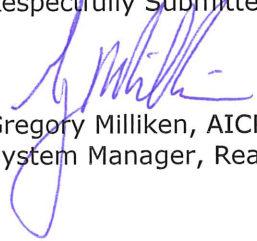
It is our understanding that Advia Credit Union intends to develop the parcel immediately west of our property on West Main Street on which we have built a FastCare facility. As part of their approval process, Advia has been required to build a cross-access drive connecting our property on the east to the Meijer property on the west.

We are very excited about the potential development project and look forward to welcoming our new neighbors to the West Main Street corridor. We are particularly excited that this cross-access drive with signalized access to West Main Street will be included with the project. Bronson has enjoyed rapid and profound success at this location and is looking forward to presenting plans for continued development and expansion of the use of this property yet this year. The importance and impact of this drive and signal as the corridor continues to develop cannot be understated.

Per our conversation yesterday, you indicated an agreement would be required between Advia and Bronson to allow cross access in accordance with Township requirements. We would be happy to execute such an agreement. We will install any necessary shared driveway facilities to support this cross access on our property as part of the proposed future development described above.

Please let me know if you have any questions. I look forward to meeting with you again soon.

Respectfully Submitted,



Gregory Milliken, AICP
System Manager, Real Estate and Properties