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269-216-5220 Fax 375-7180 TDD 375-7198
www.oshtemo.org

**NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

**Regular Meeting
Thursday, May 23, 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 9, 2019
6. **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.
7. **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.
8. **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.
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 AND WORK SESSION HELD MAY 9, 2019

Agenda

PUBLIC HEARING: SENIOR LIVING FACILITY–REQUEST TABLE TO MAY 23, 2019

OLD BUSINESS:

- a. MAPLE HILL OVERLAY ZONE

ANY OTHER BUSINESS:

- a. UPDATE ON LIGHTING ORDINANCE
-

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, May 9, 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: Keshia Dickason

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

Public Comment on Non-Agenda Items

The Chair asked if anyone in 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 April 25, 2019

Chairperson VanderWeele asked if there were any additions, deletions or corrections to the minutes of April 25, 2019. Hearing none, he asked for a motion.

Mr. Chambers made a motion to approve the minutes of April 25, 2019 as presented. Mr. Commissaris supported the motion. The motion was approved unanimously.

PUBLIC HEARING: SENIOR LIVING FACILITY/REQUEST TABLE TO MAY 23, 2019

The Chairperson moved to the next item and asked Ms. Johnston for her report.

Ms. Johnston indicated this project was tabled to the May 9 meeting to allow the applicant time to complete the required engineered site plan, specifically to address storm water runoff issues. Since the applicant was still in the process of resolving these issues, she recommended tabling the application to the May 23rd meeting.

The Chair asked for a motion.

Ms. Farmer made a motion to table the Senior Living Facility public hearing to the May 23, 2019 meeting as requested. Mr. Chambers supported the motion. The motion was approved unanimously.

Mr. Michael Hussar, Berkshire-Hathaway Buyers Agent for the applicant, asked for clarification of the process that would be followed on May 23.

Ms. Johnston explained the application was tabled to May 23 for consideration and public comment; there is no guarantee of approval by the Commission at that time.

At this point in the meeting, Chairperson VanderWeele moved to a work session format for the remaining items.

WORK SESSION:

Maple Hill Overlay Zone

Ms. Johnston provided the second draft of the new Maple Hill South Overlay Zone that included minor updates from the April 25 review meeting.

Ms. Johnston and Commissioners first reviewed edits and discussion from the April 25 meeting, and then reviewed/discussed each item of the draft Ordinance as they continued to move through the document. There were resulting changes, edits, and requests for Ms. Johnston to conduct further review of some specific items. They will continue to work through their evaluation of the draft ordinance at future meetings.

Update on Lighting Ordinance

Ms. Johnston indicated she had not had time to work on the Lighting Ordinance and will return with an update at a future meeting.

PLANNING COMMISSIONER COMMENTS

There were no comments from Commissioners.

ADJOURNMENT

Hearing no further comments, Chairperson VanderWeele adjourned the meeting at approximately 8:00 p.m.

Minutes prepared:
May 11, 2019

Minutes approved:
_____, 2019

May 14, 2019



To: Planning Commission

From: Julie Johnston, AICP
Planning Director

Applicant: John Lovely
Bosch Architecture

Owner: Consumers Credit Union

Property: 5030 West Main Street, parcel number 05-13-280-051
(parking lot north of Consumers Credit Union)

Zoning: C: Local Business District

Request: Special Use and Layout Plan Approval

Articles(s): 18 – C: Local Business District
49 – Requirements for Special Use
65 – Special Uses

Project Name: Consumers Credit Union Temporary Facility

PROJECT SUMMARY

The applicant requests 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, which was 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).

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 for security of general contractor staff. 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.

TEMPORARY OUTDOOR EVENTS

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

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

The applicant'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 are 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 primary use of the parcel in question is Value City Furniture, which is part of the larger Maple Hill Mall commercial center. A lease has been secured from DFG Maple Hill, LLC, owners of the subject site. While the temporary facility will not be located on the CCU parcel, the use of the parking lot as an impermanent banking center is incidental to this larger commercial center.

The general layout plan indicates the required travel lanes and parking. The trailer and ITM's meet the setback requirements from Drake Road. Fire lanes have been designated meeting Fire Department standards. The Fire Marshal has reviewed the site plan and has no concerns. As stated on the site plan, when the temporary facility is no longer needed, all equipment will be removed and the parking lot will be restored to existing conditions or better.

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 previously 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.

The Township Zoning Ordinance does not provide a definition for "temporary" or "temporary use." Guidance from Section 49.220 just indicates the use is allowed to last for more than one day, but does not give a maximum time period. For this application, the Planning Commission will need to consider the meaning of "temporary" and if past practice should be weighed.

The Planning Commission can also consider the allowances of Section 57.20: Temporary Second Dwelling on a Parcel, which allows temporary trailers for 12-months while construction a new home. An additional six months can be approved by the Zoning Board of Appeals.

SPECIAL USE CONSIDERATIONS

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

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

The Future Land Use Plan calls for General Commercial uses in this area of the Township. The General Commercial District is intended to serve both area residents as well as the regional market and transient customers. Uses like big box retail, shopping centers, and auto-oriented uses are permitted. Certainly, a temporary financial facility with drive through teller windows would fit into this district. In addition, a financial institution is a long-standing established use at the corner of Drake Road and West Main Street.

- 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 site is currently an underutilized parking lot. A temporary financial facility should have no compatibility issues with neighboring properties, considering the commercial nature of the center and the long running presence of CCU at this corner.

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

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

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

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

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

Not applicable, as this is an existing site.

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

The temporary use will be served by a bathroom facility within the proposed trailer, which will be pumped weekly. Non-potable water will be provided from a tank within the trailer for the bathroom. Drinkable water will be handled through a dispenser/cooler. Power and communication lines will be provided from the CCU site utilizing temporary poles and service lines.

- 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. 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.

Respectfully Submitted,



Julie Johnston, AICP
Planning Director

Attachments: Application
Aerial Map
Site Layout



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

PLEASE PRINT

PROJECT NAME & ADDRESS 5022, 5030 W Main Street

PLANNING & ZONING APPLICATION

Applicant Name : John Lovely

Company Bosch Architecture

Address 8065 Vineyard Parkway
Kalamazoo, MI 49009

E-mail jlovely@boscharch.com

Telephone 269-321-5151 Fax N/A

Interest in Property Engineer/Architect

OWNER*: (Owner of 5018 W Main Street as owner on App. Actual owner has signed Attached Authorization)

Name Consumer's Credit Union

Address 7200 Elm Valley Drive
Kalamazoo, MI 49009

Email cindi.macdonald@consumerscu.org

Phone & Fax 269-488-1922 Fax N/A

THIS SPACE FOR TOWNSHIP USE ONLY

Fee Amount _____

Escrow Amount _____

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

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

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

Requesting a special Exception Use to use said Parcel's Existing parking lot as a temporary location for Consumer's Credit Union during construction of their new Building to the South. (Site Plan approved @ 2/26/19 PC meeting).

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

See Site Plan

PARCEL NUMBER: 3905- 13-280-051

ADDRESS OF PROPERTY: 6022, 6030 W. Main Street

PRESENT USE OF THE PROPERTY: Business Retail and Parking

PRESENT ZONING C-Local Business District **SIZE OF PROPERTY** 13.1 Acres +/-

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

Name(s)	Address(es)
<u>Consumer's Credit Union</u>	<u>7200 Elm Valley Drive Kalamazoo, MI 49009</u>
<u>DFG-Maple Hill, LLC</u>	<u>10100 Waterville Street White house, OH 43571</u>

SIGNATURES

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

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

3/19/19
Date

[Signature]
Applicant's Signature

3/19/2019
Date

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

PLEASE ATTACH ALL REQUIRED DOCUMENTS



DFG Maple Hill, LLC
10100 Waterville St.
Whitehouse OH 43571

March 21, 2019

Julie Johnston, Planning Director
Oshtemo Township
7275 West Main Street
Kalamazoo, Michigan 49009

Re: Temporary Site – Consumers Credit Union, 5018 West Main

Dear Ms. Johnston,

Please accept this letter from ShopOne Centers REIT, Inc., owners of Maple Hill Pavilion at the corner of Drake Road and West Main Street, Kalamazoo, Michigan for submission and Planning Department review of the temporary site plan shown to be located at the eastern end of the Mall fronting Drake Road.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kevin Campbell', written over a light blue horizontal line.

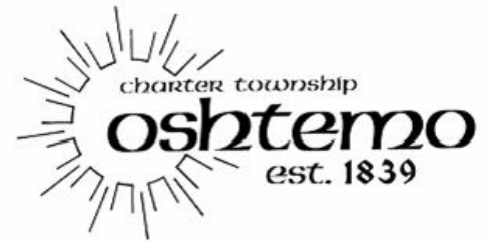
Kevin Campbell
Property Manager

ShopOne Centers REIT, Inc.
10100 Waterville Street
Whitehouse, OH 43571

OFFICE 567.209.2315 | **CELL** 419.376.2068 | **EMAIL** kevin.campbell@ShopOne.com



May 15th, 2019



Meeting Date: May 23rd, 2019

To: Planning Commission

From: Ben Clark, Zoning Administrator

Applicant: Charles Mosely, Barghausen Consulting Engineers, Inc.

Owner: Costco Wholesale

Property: 5050 Century Avenue, parcel number 05-25-240-001

Zoning: C: Local Business District

Request: Special use and site plan amendment approval

Articles(s): 18 – C: Local Business District
49 – Requirements for Special Use
64 – Site Plan Review
65 – Special Uses

Project Name: Costco Gas Station Expansion

PROJECT SUMMARY

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. This facility has consistently seen high customer volume, and patrons often must wait in line in the queuing area south of the station for a pump to become available so that they can purchase fuel. 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 amendment permission to add one more row of fuel pumps south of the existing array of eight, bringing the total to twelve. 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.

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. Attached to this staff report is a project narrative provided by the applicant, wherein they share their client's experiences with similar gas station expansions at other Costco locations, and present their rationale for how adding pumps will improve site functionality.

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 District in which the use is located.**

Located within the Century Highfield Sub-Area, the northwest quadrant of the intersection of Drake Road and Stadium Drive was envisioned to act as a commercial gateway area for the Township. Now the location of Costco and the Corner@Drake commercial planned unit development, this general goal has been realized, and expansion of the gas station would be in accordance with the Master Plan initiative.

From a zoning standpoint, the subject property is classified as **C: Local Business District**, within which fueling stations are permissible with special use approval from the Planning Commission.

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

A site plan has been provided that meets all of the requirements of the Site Plan Review Ordinance. Any additional commentary or concerns will be discussed in the Site Plan Packet section found in this report.

- 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.**

Given that this use is already established on the site and is generally in accordance with both the Master Plan and the Zoning Ordinance, staff has no concerns that the expansion of this use will negatively affect neighboring uses.

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

Staff anticipates that the proposed expansion of the gas station will have no such negative impacts on adjacent properties. The placement of the new pumps and addition to the canopy will be done in full compliance with any relevant requirements of the Zoning Ordinance, appropriate stacking space for vehicles will be provided, and no additional screening or landscaping is required. Indeed, the existing site is already largely configured for this expansion.

- 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.**

Based upon the applicant's provided project narrative, the proposed changes should have a positive impact regarding on-site traffic, as it's intended that adding pumps will mean less wait time for patrons. Ideally this will mean better traffic flow and less vehicle idle time—an environmental benefit.

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

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

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

This property is already adequately served by public utilities and the proposed expansion should add little to no burden to the system.

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

Article 49 of the Zoning Ordinance dictates no specific considerations for gas stations. Staff recommend that the Planning Commission evaluate this proposal based upon the general standards of section 65.30 discussed in this section of the report.

SITE PLAN PACKET

Site Plan

The project site plan shows how the existing fueling area canopy—currently 32 feet long north to south—will be extended by 28 feet in order to cover the four new proposed pumps. In order to ensure that adequate vehicle stacking space will remain for customers waiting for an open pump, existing pavement land markings will be further extended south into the open paved area. The planned modifications will preserve the stacking and circulation arrangements already present on the site, with accommodations simply being shifted south.

Landscape Plan

The subject property is already in compliance with the Township's landscaping requirements and the proposed project requires no additional treatments.

Photometric Plan

Some canopy lighting is proposed as a part of this project. The planned light fixtures and the associated photometric plan are in full compliance with the Township's lighting standards.

Elevation Drawings

Color elevation illustrations have been provided with this plan, indicating an aesthetically identical continuation to the existing fuel pump canopy.

Engineering Concerns

The Township Engineer has no concerns with the project site plan. All engineering requirements have been satisfied.

Fire Marshal Concerns

The Township Fire Marshal has reviewed the project site plan and has no concerns.

PLANNING COMMISSION POSSIBLE ACTIONS

Staff have no outstanding concerns with the project site plan. If the Planning Commission is inclined to grant special use and site plan amendment approval, staff recommend such without condition.

Respectfully Submitted,



Ben Clark,
Zoning Administrator

Attachments: Application
Project narrative
Site Plan
Canopy elevation illustrations



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

PLEASE PRINT

PROJECT NAME & ADDRESS Costco #1191 Fuel Facility Expansion
5100 Century Avenue, Kalamazoo, MI 49006

PLANNING & ZONING APPLICATION

Applicant Name: Kim Katz c/o Charles Moseley

Company Costco Wholesale c/o Barghausen
Consulting Engineers, Inc.

Address 18215 72nd Ave. S.
Kent, WA 98032

E-mail cmoseley@barghausen.com

Telephone (425) 251-6222 Fax _____

Interest in Property _____

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

OWNER*:

Name Costco Wholesale c/o Kim Katz

Address 999 Lake Drive
Issaquah, WA 98027

Email kkatz@costco.com

Phone & Fax (425) 427-7540 _____

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 checked="" type="checkbox"/> Special Exception Use-1085 | <input type="checkbox"/> Interpretation-1082 |
| <input type="checkbox"/> Zoning Variance-1092 | <input type="checkbox"/> Text Amendment-1081 |
| <input type="checkbox"/> Site Condominium-1084 | <input type="checkbox"/> Sign Deviation-1080 |
| <input type="checkbox"/> Accessory Building Review-1083 | <input type="checkbox"/> Other: _____ |

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

See attached narrtive.

Fueling Facility Expansion Project Narrative

**Costco Wholesale
5050 Century Avenue
Kalamazoo, Michigan 49006
APN No. 05-25-240-001**

**Costco No. 1191 / Our Job No. 16817
February 2019**

Project Location:

The project site for the fuel facility expansion will include the vehicle queuing area for the existing fuel facility. The existing fuel facility is located on the south side of the property fronting Century Avenue. The Costco Wholesale (Costco) property is zoned Commercial (C) in which the fuel facility is a special exception use. The existing fuel facility was previously approved under a Special Exception Use and Site Plan Review on December 12, 2013; the proposed fuel facility expansion will continue to comply with the conditions of approval attached to the Planning Commission approval dated December 12, 2013.

Project Description:

Overview

Costco is seeking a Special Exception Use and Site Plan Review to allow for the expansion of the existing Costco fuel facility. The project includes the installation of four (4) new multi-product dispensers (MPDs), expansion of the overhead canopy, and associated site improvements. The intent of the expansion is to provide a more efficient fuel purchasing experience for Costco members by increasing service points and reducing queues thereby improving fuel transactions.

Grading

Site grading is required for the installation of the product piping and stormwater improvements.

Parking and Circulation

The project will not impact parking and the site will continue to provide 724 stalls for the Costco development. Township parking standards require a minimum of three (3) spaces per bay; plus one (1) space for every 300 square feet of net floor area for service station uses and one (1) parking space for every 150 square feet of net floor area for retail sales. The existing warehouse measures 149,505 square feet in size and the fuel facility measures 4,090 square feet and net floor area is 70 percent of the gross floor area, therefore, a minimum of 711 parking stalls is required for the Costco development. Off-street parking for the Costco site will continue to comply with Township parking standards after the fuel facility expansion.

The fuel facility will continue to provide single-direction circulation with a full-length bypass lane between each dispenser island and a 112-foot queuing lane to enhance the on-site circulation around the fuel facility.

Transportation

The primary purpose of the fuel station expansion is to improve current operations and queueing that the existing facility experiences. The market area of the Kalamazoo Costco is already defined through existing membership and operations. Since the membership of Costco does not change with the expansion of an existing fuel facility, demand for gas at the Kalamazoo Costco will not change.

A minimal increase in trips is expected with the expansion; other Costco locations where gas stations have been expanded show this small increase in trips is greatly outweighed by the benefits of providing more pumps to expedite the processing of vehicles during peak times. Similar to opening more cashiers/check-out lanes at a supermarket, the additional "servers" available do not determine how many people wait in line but serve to process those waiting in line more efficiently and quickly. Reduced queues and wait times have been consistently observed at expanded Costco fuel stations constructed with a higher number of fueling positions. The average time it takes for a vehicle to fuel does not significantly change by the addition of more fueling positions but because there are more fueling positions available to process vehicles, all expansions were found to have overall more efficient processing of vehicles, shorter wait times, shorter queues, and less idling after the expansion.

Architectural Design

The expansion is designed to match the existing facility and includes a metal canopy fascia with CMU wrapped canopy columns.

Lighting and Signage

The under-canopy lighting will be equipped with flat lens LED lighting fixtures for the expansion of the canopy. Sign lighting will also be LED. All lighting will be confined to the subject property and no glare or direct light will be cast on adjacent properties or right-of-ways. LED lighting is more efficient and results in less light spillage than the existing Metal Halide lighting. The existing canopy signs are approximately 26 square feet in size and will be replaced with new 20-square-foot "Costco Wholesale" signs located on the western and eastern façade of the canopy.

Landscaping

The project does not impact landscaping and the Costco development will continue to provide 44,600 square feet of landscaping. Township landscape standards require a minimum of thirty (30) square feet of landscape coverage for every parking stall. Based on the landscape to parking ratio, the Township will require 21,720 square feet of landscaping. The Costco development will continue to exceed Township landscape standards after the fuel facility expansion.

Construction

Construction of the fuel facility expansion will be completed in a single phase and commence after approval of the applicable permits. Depending on construction sequencing, the existing fuel facility may remain open during construction.

Purpose of Request:

Site Plan Review

Pursuant to Charter Township of Oshtemo Zoning Ordinance Section 82.800, a Site Plan Review shall be approved if the following findings are met:

- A. *There is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to ensure the safety and convenience of pedestrian and vehicular traffic. Access for all sites located on an "arterial" or "collector" (as those terms are defined in the Access Management Plan) shall comply with the provisions of Section 67.000, the Access Management Guidelines, and be designed in consideration of the provisions of the Access Management Plan.*

Response: The project proposes no alteration or additions to the existing access points for the Costco development and will continue to meet the provisions of Section 67.000 of the Access Management Guidelines. Additionally, the fueling facility will operate under one-way circulation

conditions and provide a queuing area depth of approximately 112 feet to reduce inference with the existing access to the site.

- B. *That the buildings, structures, and entryways thereto proposed to be located upon the premises are so situated and designed as to minimize adverse effects therefrom upon owners and occupants of adjacent properties and the neighborhood.*

Response: The project will not change the current use of the site. The expansion will be consistent with the Township standards outlined in the table under *Criteria F* below. The fueling facility will continue to operate under one-way circulation conditions and provide a queuing area depth of approximately 112 feet to reduce inference with the existing access to the site. The structure will continue to remain in the current location and the design will be consistent with existing design of the Costco development.

- C. *That pedestrian access is considered on the site and within the site for ease of access to the development and that Township Standard Specifications for Sidewalks are met.*

Response: The project will not impact the existing pedestrian access within the site and the development will remain compliant with the Township Standard Specifications for Sidewalks.

- D. *That as many features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters. Judicious effort shall be demonstrated to preserve the integrity of the land, existing topography, natural features (i.e., slopes, woodlands, etc.) and natural drainage patterns to the greatest extent feasible.*

Response: The project will not impact the surrounding landscape areas for the Costco development. The landscape buffers along the east and south property lines of the fuel facility will continue to meet Township standards and will act as a buffer to the development and the adjoining properties.

- E. *That any adverse effects of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping.*

Response: The project will not impact the appropriate landscaping. The site will maintain the 32-foot landscape buffer to the east and the 29-foot landscape buffer to the south of the fuel facility after the expansion.

- F. *That all provisions of the Township Zoning Ordinance and General Ordinances, as required, are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals*

Response: The project does not change the current use of the site. The project site is zoned Commercial) with the same designation in the Master Plan. The fuel facility is a permitted use subject to a Special Exception within the Commercial zone and is consistent with the requirements of the Commercial Master Plan designation. The fuel facility will comply with all applicable development standards as detailed in the response table provided below.

<u>Development Standard</u>	<u>Requirement</u>	<u>Response</u>
Front Building Setback	70 feet	The project will not encroach into the setback area.
Side Building Setback	20 feet	The project will not encroach into the setback area.

<u>Development Standard</u>	<u>Requirement</u>	<u>Response</u>
Building Setback from a Private Street:	15 feet	The project will not encroach into the setback area.
Rear Building Setback	20 feet	The project will not encroach into the setback area.
Pump Island Setback	20 feet	The project will not encroach into the setback area.
Canopy Setback	20 feet	The project will not encroach into the setback area.
Off-Street Parking	<p>1 stall for every 150 square feet of net floor area. Net floor area is calculated as 70% of the gross floor area. (149,505*0.7/150=698 stalls)</p> <p>3 spaces per bay; plus 1 space per 300 square feet of net floor area. Net floor area is calculated as 70% of the gross floor area. (4,090*0.7/300=10 stalls)</p>	The project will not impact the parking for the Costco development. The site will continue to provide 724 stalls and provide stacking space for 5 vehicles within the queuing area.
Landscaping	Minimum of 30 square feet of landscape coverage for each parking stall. (724*30= 21,720 square feet of landscaping required)	The project will not impact the landscape area for the Costco development. The project site will maintain 44,600 square feet of landscaping for the Costco Site.
Signs	<p>Maximum of four signs per building with a maximum sign area of 1 square foot for each foot in length or height (whichever is greater) of the wall to which it is affixed.</p> <p>Maximum height is 25 feet.</p>	The project will include one (1) 20 square foot "Costco Wholesale" sign on each façade of the canopy.
Exterior Lighting	Site and area lighting shall be designed such that light levels do not exceed 0.1 foot-candles at any point along the perimeter of the property.	Under-canopy lighting and parking lot lighting will be installed with flat lens LED lighting fixtures and lighting will be directed downward to prevent offsite glare.

G. That the height and location of all portions of buildings and structures are accessible to available emergency vehicles and equipment.

Response: The fuel facility will not impact the location of the facility or the emergency equipment. The expansion will remain within 200 feet of the existing fire hydrant in the landscape planter to the northwest of the facility. The facility will continue to provide adequate turning radii for emergency vehicles to safely access the structure.

H. *That the plan will not result in any additional run off of surface waters onto adjoining property.*

Response: The stormwater improvements associated with the proposed expansion will be designed in accordance with the Oshtemo Township Zoning Ordinance. Stormwater runoff from the expanded fuel facility will be conveyed to existing storm facilities. Surface runoff from the under-canopy fueling area will be collected and treated with the existing oil/water separator prior to discharge to the storm system. Surface runoff from the rest of the project site, including the fueling canopy, will be collected and discharged to the on-site storm drainage system. Stormwater flow control (quantity control) is not required for the expansion, as there is no net increase in impervious surface.

I. *That the plan as approved is consistent with the intent and purpose of zoning to promote public health, safety, morals and general welfare; to encourage the use of lands in accordance with their character and adaptability; to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties; to conserve property values and natural resources; and to give reasonable consideration to the character of a particular area, its peculiar suitability for uses and the general and appropriate trend and character of land, building and population development.*

Response: After the expansion, the fuel facility's location, type, design, and operating characteristics will continue to meet all related design and performance standards. The project will not change the existing use of the Costco site as a fuel facility and will comply with all local, state, and federal permitting requirements required to protect the public interest, health, safety, convenience, and welfare. The project is compatible with the established commercial character of the surrounding neighborhood and existing land uses in the vicinity. The expansion will result in shorter queue wait times, and provide a more efficient fuel purchasing experience for Costco members. The project does not propose a substantial increase in trips ends and will not significantly impact the surrounding road network. The amount of impervious surface will remain the same after the expansion resulting in no increase in stormwater runoff. The fuel facility will maintain the same operational standards after the expansion.

J. *That the plan as approved is consistent with the Ground-water Protection Standards in Section 69 of the Ordinance.*

Response: The fuel facility will remain consistent with the Ground-Water Protection Standards in Section 69 of the Township Ordinance as detailed in the response table provided below.

<u>Requirement</u>	<u>Response</u>
Land use and the design of related improvements should seek to protect the natural environment, including wetlands, water bodies, water courses, flood plains, groundwater and soils.	The project will not change the current use of the site and will not impact any wetlands, water bodies, water courses, flood plains, groundwater, and/or soils.

<u>Requirement</u>	<u>Response</u>
The design of storm water management and drainage facilities should seek to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and not increase flooding or the possibility of polluting surface or groundwater, on-site or off-site.	The design of the storm water management and drainage facilities will continue to perform adequately for the Costco development. The expansion will not result in an increase of impervious surfaces and will not increase storm water flow rates for the site.
General purpose floor drains shall be connected to an approved public sewer system, an on-site closed holding tank (not a septic system), or as authorized and regulated through a State of Michigan groundwater discharge permit.	Flood drains are not proposed or required for the project.
Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the surface of the ground, groundwater, lakes, streams, rivers or wetlands.	The fuel facility under-canopy area is hydraulically isolated from the surrounding pavement. Any spills will be captured by the under-canopy swale that leads to the existing oil water separator. There is an existing gate valve downstream of the oil/water separator that can be closed in the event of large spills.
State and Federal agency requirements for storage, spill prevention, record-keeping; emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals. If regulations for more than one government agency apply to a proposed land use, the most stringent regulations shall be followed.	The project will be consistent with all local, state, and federal requirements will obtain a permit where it is deemed fit.
Secondary containment for aboveground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.	Additional fuel storage tanks are not proposed with the expansion project.
Outdoor storage of hazardous substances shall be prohibited except in product tight containers which are protected from weather, leakage, accidental damage and vandalism, and where same complies with the standards of this Section with regard to secondary containment.	Additional fuel storage tanks are not proposed with the expansion project.
The design and construction of areas and facilities for loading/unloading of hazardous substances shall be designed to prevent spills and discharges to the surface of the ground, groundwater, lakes, streams, rivers or wetlands.	The design of the loading/unloading area is designed to prevent spills and discharges to the surface of the ground, groundwater, lakes, streams, rivers, and/or wetlands. Surface runoff from the under-canopy fueling area will be collected and treated with the existing oil/water separator prior to discharge to the storm system.

<u>Requirement</u>	<u>Response</u>
Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.	This requirement is not applicable to the project.
Out-of-service water wells shall be sealed and abandoned in accordance with applicable requirements of the Michigan Department of Public Health.	This requirement is not applicable to the project.
Underground storage tank installation, operation, maintenance, closure, and removal shall be in accordance with the requirements of the State Fire Marshal Division and the Michigan Department of Natural Resources.	The project does not propose any additional underground storage tanks. However, the installation of the fuel dispensers will modify the fuel system; the changes will meet all local, state, and federal requirements.

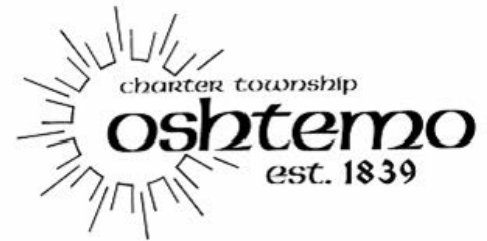
Special Exception Use and Site Plan Review - December 12, 2013:

On December 12, 2013, the Planning Commission attached ten (10) conditions to the approval of the Special Exception Use and Site Plan Review application. The proposed expansion of the fuel facility does not modify the requirements of those conditions and remains in compliance with the overall approval.

Conclusion:

The responses above and application materials demonstrate that the expansion of the fuel facility meets the approval criteria for a Special Exception Use and Site Plan Review. The Township's approval of this application is respectfully requested.

May 14, 2019



Meeting Date: May 23, 2019

To: Planning Commission

From: Julie Johnston, AICP
Planning Director

Applicant: Danielle Rhodes, Byce & Associates on behalf of
Build Senior Living

Owner: Seeco II, LLC

Property: Northeast corner of Lexy Lane and North 9th Street, parcel number 05-14-385-070

Zoning: R-2: Residence District and Planned Unit Development

Request: Special Use and Site Plan Approval

Articles(s): 41 – Planned Unit Development
64 – Site Plan Review
65 – Special Uses

Project Name: Oshtemo Assisted Living

PROJECT SUMMARY

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.

When this project was initially presented to staff, there was some concern that the use did not fit the intent of Section 41.60.B, which outlines the allowable nonresidential uses in a PUD, as follows:

Low intensity nonresidential uses such as educational, cultural, recreational, neighborhood office or neighborhood commercial nature, including uses and buildings accessory thereto. Non-residential uses shall be compatible in design, layout, scale and appearance with the residential character of the area and shall be an integral part of a residential development logically oriented to and coordinated with the planned unit development to serve the day-to-day needs of residents in the development.

As this parcel was designated as the nonresidential portion of the PUD, staff was concerned that an assisted living facility did not meet the intent of this section of the Ordinance. The applicant requested an interpretation from the Zoning Board of Appeals, who found the following:

Since assisted living facilities are a low intensity commercial use within the C: Local Business District, they therefore are an acceptable low intensity nonresidential use within the PUD Ordinance. The motion was approved 4 – 1, with Mr. Sikora voting against.

With this interpretation of the Ordinance, the applicant was free to make an application to the Planning Commission. 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.

SPECIAL USE CONSIDERATIONS

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

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: The Site Plan Review Criteria of Section 64.80.

A site plan has been provided that generally meets all of the requirements of the Site Plan Review Ordinance. Any deficiencies will be outlined in the Site Plan Packet section below.

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 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.

- 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.**

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.

- 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.**

As previously stated, an assisted living facility is a low intensity residential/service use which should cause no undue traffic or noise to the existing single-family neighborhood. Most traffic entering the site will be employees and family visiting relatives. It is not likely that residents of the facility will generate vehicular trips.

A retail commercial use at this location would have much greater impact on the neighbors. One item for the Planning Commission to consider is loading/unloading, which has not been specifically designated on the site plan. Deliveries of food, supplies, etc. are likely to occur on site. An understanding of where this will take place should be explored by the Planning Commission to ensure compatibility with the immediately adjacent residential uses.

- 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.**

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.

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 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 Packet section of this report.

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

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.

SITE PLAN PACKET

Site Plan

The structure will be one-story with two proposed interior courtyards. The main entrance faces 9th Street and vehicular travel lanes surround the development, allowing emergency service access to the entire property. The 10-foot nonmotorized path planned along 9th Street and sidewalks within both the Lexy Lane and Belle Street rights-of-way will be developed. Finally, the vehicular connection to the Hannapel Design Studio to the north, which was required as part of the PUD approval, has been designed.

Parking regulations have been met for this specific use. The applicant has proposed four additional spaces than required by ordinance, but this does not exceed 110 percent of the minimum parking space requirement allowed per Section 52.50.H.

The one concern related to the site plan involves the accessible pathways/landing areas and whether they meet ADA standards. A "landing" is the area between where the accessible ramp ends and where the entry door swings open. This area is important for wheelchair access to entranceways. The Director of Public Works notes the following:

The east-side accessible pathway from Belle Street is depicted as having a double flare within the interior perpendicular sidewalk. This location is adjacent to the east-side building entrance. This construction detail is unlikely to provide sufficient space for an ADA landing to change directions at the sidewalk intersection. It is also cautioned that the required ADA landing area at the top of the main entrance ramp is also at risk of being noncompliant. This will depend on whether there is a conflict with the landing, in conjunction with required ADA doorway clearance at the entrance. More specifically, minimum ADA requirements may affect the suitability of certain doorway types.

Landscape Plan

All requirements of the Landscape Ordinance have been met.

Photometric Plan

The photometric plan includes notes that lighting will be reduced to 30 percent power between 10:00 pm and 7:00 am, that all fixtures will be downward directed, and that the 4:1 ratio for lighting over the site has been met. There are two concerns related to the photometric plan and associated documents:

1. Detail cut sheets are required for the proposed light fixtures. The Site Plan Review regulations require these cut sheets so staff can ensure fixtures meet ordinance standards. Staff did not receive a cut sheet for the Lithonia wall light proposed for the exterior of the building.
2. The photometric plan shows two ground mounted flood lights intended to illuminate the ground sign which is planned at the corner of 9th Street and Lexy Lane. Ground mounted lighting for signs is regulated by the following ordinances:

Section 54.20.F states: Landscape light fixtures, including ground lighting for signs, flag poles and statues, shall not exceed 175 watts per lamp and shall be equipped with shields or shutters to help eliminate glare.

Section 55.150.D states: Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure whenever practical or mounted so that no light rays are emitted by the installed fixture at angles above the sign's highest horizontal plane or in any event beyond the advertising display area.

Staff is concerned with the flood light fixture proposed to illuminate the sign. Based on the cut sheet, it is really only shielded at the top of the light. There is a possibility that light could spill beyond the sign. This will only be able to be verified once installed, which could be problematic to the applicant if changes are needed. The applicant may want to consider a flood light that has shielding at the top and sides to help ensure more directed exposure on the sign.

Elevation Drawings

All requirements have been met.

Engineering Concerns

The Director of Public Works had an opportunity to review the most recent plan set. He has indicated that the site plan is sound and is ultimately approvable, but with conditions. Specifically, the basin soils and overall storm water system design will need to be evaluated in accordance with the soils found during construction. That is, design modification may be deemed necessary in the course of construction. Any proposed modifications are to be submitted to the Township for review. These conditions are substantially noted within the submitted plans, but including them in any possible approval seems warranted. In addition, there are a handful of clarifications and incidental items which require revisions. The memo outlining these items is attached.

Fire Marshal Concerns

All of the Fire Marshal's concerns have been resolved.

OUTSTANDING CONCERNS

The following provides a more succinct list of 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 has 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.

PLANNING COMMISSION POSSIBLE ACTIONS

If the Planning Commission is amenable to approving the site plan as part of the PUD special use, staff recommends attaching the follow conditions:

1. Detail information be provided on the site plan that indicate 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.

Additional conditions may be needed related to loading/unloading, depending on responses from the applicant.

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 style.

Julie Johnston, AICP
Planning Director

Attachments: Application
Aerial
Site Plan
Director of Public Works Memo – 05/14/2019
Lighting cut sheets
ZBA minutes – 01/22/2019



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

PLEASE PRINT

PROJECT NAME & ADDRESS OSHTEMO ASSISTED LIVING - HOME FOR THE
400 N. 9TH STREET, KALAMAZOO MI. AGED
PLANNING & ZONING APPLICATION

Applicant Name : BYCE & ASSOCIATES, INC.
Company C/O DANIELLE RHODES
Address 487 PORTAGE RD.
KALAMAZOO, MI. 49001
E-mail danielle.rhodes@byce.com
Telephone 269-381-6170 Fax 269-381-6176
Interest in Property CIVIL ENGINEER

THIS SPACE FOR TOWNSHIP USE ONLY

OWNER*: (PENDING PURCHASER)

Name BUILD SENIOR LIVING
Address BRIGHTON LAND HOLDINGS, LLC.
1320 RICKETT ROAD, BRIGHTON
Email imran@brightonassistedliving.com MI. 48116
Phone & Fax 810-213-9871

Fee Amount \$600.00
Escrow Amount \$1,500.00

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): _____

SITE PLAN REVIEW, FEEDBACK TO FACILITATE
PLANNING COMMISSION SITE PLAN APPROVAL
APRIL 11TH.

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

SKY KING MEADOWS PUD
REFER TO ATTACHED SURVEY.

PARCEL NUMBER: 3905- 14.385.070

ADDRESS OF PROPERTY: 400 N. 9TH STREET (INTERSECTION OF 9TH STREET & LEXY LANE)

PRESENT USE OF THE PROPERTY: VACANT LAND

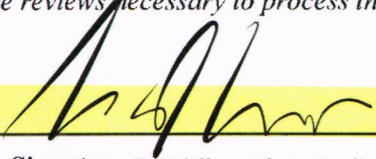
PRESENT ZONING PUD, R-2 SIZE OF PROPERTY 5.3 ACRES ±
UNDERLYING

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

Name(s)	Address(es)
<u>SEECO II LLC</u> <u>(CURRENT TITLE HOLDER)</u>	<u>3820 STADIUM DRIVE</u> <u>KALAMAZOO, MI. 49008</u> <u>EMAIL: mseelye1@gmail.com</u> <u>PHONE: 269.207.6564</u>

SIGNATURES

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

	February 26, 2019
_____ Owner's Signature (* If different from Applicant)	_____ Date
<u>Daniel M. Rhodes</u>	<u>02-28-2019</u>
_____ Applicant's Signature	_____ Date

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

PLEASE ATTACH ALL REQUIRED DOCUMENTS



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

Memorandum

Date: May 14, 2019

To: Julie Johnston, Director of Planning

From: Marc Elliott, Director of Public Works

Subject: Build Senior Living, 400 N 9th St, Site Plan Review

I have reviewed the plan set received May 1, 2019 for the above referenced project. While I have several comments which follow, please know that the proposal is sound and is ultimately approvable with conditions (as contained in the plans). Specifically, the basin soils and overall storm water system design will be evaluated in accordance with the soils found during construction. That is, design modification may be deemed necessary in the course of construction. Any proposed modifications are to be submitted to the Township for review. These conditions are substantially noted within the submitted plans. What follows are further clarifications, plus a few incidental items which warrant revisions.

1. As correctly noted on the plans, Oshtemo requires ductile iron ADA warning plats at locations were public sidewalks and public non-motorized facilities approach public roads. Please know that the design engineer/developer is welcome to use other materials within the site (outside the public right-of-way) where ADA warnings are desired.
2. Please annotate Detail 1 of Sheet C520 to indicate that a 2-ft clear space is to be provided adjacent to each side of the 10-ft path.
3. The assessible east-side accessible pathway from Belle St is depicted as having a double flare within the interior perpendicular sidewalk. This location is adjacent to the east-side building entrance. This construction detail is unlikely to provide sufficient space for an ADA landing to change directions at the sidewalk intersection. I also caution that the required ADA landing area at the top of the main entrance ramp is also at risk of being noncompliant. This will depend on whether there is a conflict with the landing, in conjunction with required ADA doorway clearance at the entrance. More specifically, minimum ADA requirements may affect the suitability of certain doorway types.
4. The associated line work for the silt fencing is inconsistent with the legend. Please clarify so that the extent and location of site fencing can be better understood.
5. The two plan notations and associated line work makes it difficult to determine the extent of the 8-inch perforated HDPE storm pipe (Detail 14, Sheet C520). Please clarify.
6. Kalamazoo County Road Commission driveway standards generally require crossing tubes for drainage. The proposed entrance design and pavement grades allow a greater quantity of internal roadway, parking and entrance drive stormwater runoff to carried onto the public road than I am comfortable with. Placing a crossing tube under the driveway entrance, in conjunction with enhanced depression areas on either side of the entrance drive will enhance stormwater infiltration. This modification should be done in conjunction with modest pavement grade

changes to better direct pavement runoff into these depression/infiltration areas, in lieu of cascading down the driveway and onto the public roadway pavement.

7. The interior storm system discharges into a swale area above the shared basin. The basin walls are susceptible to erosion from concentrated flows which are likely to develop as these flows traverse down gradient. A drop structure or engineered erosion control treatment is required to be extended to the bottom of the basin.
8. I note that the reconstructed basin bottom is intended to be seeded into a soil/topsoil mix. I would suggest that vegetative material is unlikely to be successfully established. Therefore, a sand/gravel mix of native soils would be an acceptable alternative for the basin bottom.
9. Dewatering of the shared pond shall be done in conjunction with a design professional's observations and oversight. This is to assure the receiving pond area is adequately dissipating these discharges. More importantly, the capacity of this natural low is not be excessively reduced such that a closely following rainstorm would place the surrounding structures at risk.
10. Please add a notation that basin sediment removals, and excavation of the new basin contours shall be completed under the supervision of a soils professional. This is so that exposed and underlying soils can be properly evaluated. Construction observation by a soils professional is also required during the excavation and placement of the pond infiltration structure (Detail 12 of Sheet C520).



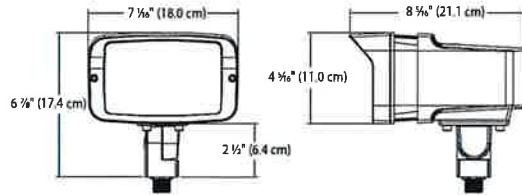
OFL Size 1 LED Flood Luminaire



Catalog Number
Notes
Type

Specifications

EPA:	0.6 ft ² (0.6 m ²)
Depth:	8.3" (21.1 cm)
Width:	7" (18 cm)
Height:	6.9" (17.4 cm)
Weight:	5 lbs (2.27 kg)



Introduction

The OFL Size 1 Floodlight delivers up to 4,400 lumens, with a robust design and several mounting options making it perfect for light commercial applications. It's the ideal long-life replacement for 70-150W metal halide floods, with typical energy savings up to 84% and expected service life of over 50,000 hours.

Ordering Information

EXAMPLE: OFL1 LED P1 40K MVOLT THK DDBXD

OFL1 LED

Series	Performance Package	Color Temperature	Voltage	Mounting	Finish (required)
OFL1 LED	P1	40K 4000K	MVOLT ¹	THK Knuckle with 1/2" NPS threaded pipe	DDBXD Dark bronze
	P2	50K 5000K		YK Yoke	

Accessories

Ordered and shipped separately.

OFL1WG	Wire Guard Accessory
OFL1VG	Vandal Guard Accessory
DSXF1/2 TS	Slipfitter attachment ²

NOTES

- MVOLT driver operates on any line voltage from 120-277V (50/60Hz).
- It will only work on the knuckle mount.

FEATURES & SPECIFICATIONS

INTENDED USE

The traditional and robust design of the OFL1 LED floodlight with energy efficient LEDs, is suitable for replacing up to 150W Metal Halide. It is ideal for landscape, signage, and accent lighting in heavy commercial and residential applications.

CONSTRUCTION

Die-cast aluminum housing has integral heat sink fins to optimize thermal management through conductive and convective cooling. The LED driver is mounted in direct contact with the casting to promote low operating temperature and long life. Housing is completely sealed against moisture and environmental contaminants (IP65). Low EPA (0.6 ft²) for optimized wind loading.

FINISH

Exterior parts are protected by a zinc-infused Super Durable TGIC thermoset powder coat finish that provides superior resistance to corrosion and weathering.

ELECTRICAL

Light engine(s) consist of chip-on-board (COB) LEDs directly coupled to the housing to maximize heat dissipation and promote long life (50,000 hrs).

INSTALLATION

Integral adjustable knuckle with 1/2-14NPS threaded pipe, yoke, or slipfitter attachment, facilitates quick and easy installation to a variety of mounting accessories.

LISTINGS

UL certified to U.S. and Canadian standards. Luminaire is IP65 rated. Rated for -40°C minimum ambient. DesignLights Consortium* (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlights.org/DPL to confirm which versions are qualified.

WARRANTY

5-year limited warranty. Complete warranty terms located at: www.acuitybrands.com/CustomersResources/terms_and_conditions.aspx.

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.



Performance Data

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

Performance Package	System Watts	Dist. Type	Field Angle		Beam Angle		40K		50K	
			H	V	H	V	Lumens	LPW	Lumens	LPW
P1	21W	WFL	106	106	71	72	2,295	109	2,333	111
P2	45W	WFL	106	106	71	72	4,451	99	4,466	99

Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).

Ambient	Lumen Multiplier
0°C	1.06
10°C	1.03
20°C	1.01
25°C	1.00
30°C	0.99
40°C	0.97

Projected LED Lumen Maintenance

Data references the extrapolated performance projections for the **OFL Flood Size 1** platform based on 9000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-11).

To calculate LLF, use the lumen maintenance factor that corresponds to the desired number of operating hours below. For other lumen maintenance values, contact factory.

Operating Hours	0	25,000	50,000
Lumen Maintenance Factor	1	0.88	0.78

Electrical Load

Power Package	System Watts	Current (A)				
		120V	208V	240V	277V	347V
P1	21W	0.21	0.12	0.11	0.1	-
P2	45W	0.41	0.24	0.2	0.19	-

Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit Lithonia Lighting's [OFL Series Flood Size 1 homepage](#).

Mounting, Options and Accessories



THK-Knuckle with 1/2" NPS threaded pipe



YK-Yoke mount



Slipfitter attachment
DSXF1/2 TS
H= 2-1/2" (6.3 cm)
ID= 2-3/8" (6.0 cm)
OD= 3-1/2" (8.8 cm)



Wire Guard
OFL1WG



Vandal Guard
(Polycarbonate lens)
OFL1VG



**OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

MINUTES OF A MEETING HELD JANUARY 22, 2019

Agenda

2019 ZBA OFFICER APPOINTMENTS – CHAIR AND VICE CHAIR

**ZONING ORDINANCE INTERPRETATION: PLANNED UNIT DEVELOPMENT
SPECIAL EXCEPTION USE**

BUILD SENIOR LIVING AND BYCE & ASSOCIATES, ON BEHALF OF HAMPTON MANOR, REQUESTED A ZONING ORDINANCE INTERPRETATION OF SECTION 60.400: PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTION USE ORDINANCE, SPECIFICALLY SECTION 60.412: ALLOWABLE LAND USES, TO DETERMINE IF ASSISTED LIVING FACILITIES WOULD BE A PERMITTED COMMERCIAL USE.

A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held Tuesday, January 22, 2019 at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

All MEMBERS WERE PRESENT: James Sterenberg, Chair
 Fred Antosz
 Nancy Culp
 Fred Gould
 Micki Maxwell
 Neil Sikora, Vice Chair
 Anita Smith

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

Call to Order and Pledge of Allegiance

Chairperson Sterenberg called the meeting to order and invited those present to join in reciting the “Pledge of Allegiance.”

He welcomed three new members, Fred Antosz, Fred Gould and Micki Maxwell, Planning Commission Liaison, and all members introduced themselves.

Public Comment on Non-Agenda Items

There were no comments on non-agenda items.

2019 ZBA OFFICER APPOINTMENTS – CHAIR AND VICE CHAIR

Chairperson Sterenberg asked for nominations for the position of Chair for 2019.

Mr. Sikora nominated Mr. Sterenberg to continue as Chair for 2019. It was determined he was willing to accept the nomination. There were no further nominations.

Mr. Sikora made a motion to elect Mr. Sterenberg as Chair for 2019. Mr. Antosz supported the motion. The motion was approved unanimously.

Chairperson Sterenberg asked for nominations for the position of Vice Chair for 2019.

Ms. Culp nominated Mr. Sikora to continue as Vice Chair for 2019. It was determined he was willing to accept the nomination. There were no further nominations.

Ms. Culp made a motion to elect Mr. Sikora as Vice Chair for 2019. Mr. Sterenberg supported the motion. The motion was approved unanimously.

APPROVAL OF THE MINUTES OF NOVEMBER 27, 2018

Chairperson Sterenberg asked if there were any additions, deletions or corrections to the minutes of November 22, 2018.

Hearing none, the Chair asked for a motion.

Mr. Sikora made a motion to approve the Minutes of November 27, 2018 as presented. Ms. Maxwell supported the motion. The motion was approved unanimously.

Chairperson Sterenberg moved to the next agenda item.

ZONING ORDINANCE INTERPRETATION: PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTION USE BUILD SENIOR LIVING AND BYCE & ASSOCIATES, ON BEHALF OF HAMPTON MANOR, REQUESTED A ZONING ORDINANCE INTERPRETATION OF SECTION 60.400: PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTION USE ORDINANCE, SPECIFICALLY SECTION 60.412: ALLOWABLE LAND USES, TO DETERMINE IF ASSISTED LIVING FACILITIES WOULD BE A PERMITTED COMMERCIAL USE.

The Chair asked Ms. Johnston to review the request for zoning ordinance interpretation related to assisted living facilities in PUDs.

Ms. Johnston said Building Senior Living and Byce & Associates, on behalf of Hampton Manor, would like to develop an assisted living facility within the Sky King Meadows Planned Unit Development (PUD). The property is located at the northeast corner of North 9th Street and Lexy Lane, approximately one-half mile south of the 9th

Street/West Main Street intersection. The specific parcel in question was planned as part of the commercial component of the PUD. She noted this is the first zoning ordinance interpretation request since she has been employed by the Township.

She said reviewing the Planned Unit Development Special Exception Use Ordinance, Section 60.412 indicates the following:

Planned unit developments are restricted to one or more of the following uses regardless of the zoning classification in which the development is located, provided such land uses are consistent with the goals and objectives of the Township Master Plan including the Sub-Area Plans:

- A. *One-family, two-family, three- or four-family, and multiple-family dwellings, including uses and buildings accessory thereto.*
- B. *Low intensity nonresidential uses such as educational, cultural, recreational, neighborhood office or neighborhood commercial nature, including uses and buildings accessory thereto. Non-residential uses shall be compatible in design, layout, scale and appearance with the residential character of the area, and shall be an integral part of a residential development logically oriented to and coordinated with the planned unit development to serve the day-to-day needs of residents in the development.*

Ms. Johnston explained after staff review of this language, the applicant was informed the proposed use did not meet the specific requirements of Section 60.412.B, which details the types of commercial uses permitted within the PUD. While similar to the envisioned uses, staff did not feel an assisted living facility could be defined as educational, cultural, recreational, neighborhood office, or neighborhood commercial.

The applicant is still very interested in the available parcel, so staff outlined some possible steps to achieve their goal of an assisted living facility at this location. One option was to request a zoning ordinance interpretation to evaluate staff's assertion that assisted living facilities are not a permitted use within the PUD. Per the documents provided by the applicant, they believe their use meets the ordinance requirements and is neighborhood commercial in nature.

She said after careful review of the zoning districts within the Township, assisted living facilities can be clearly found in the R-4: Residence District and the C: Local Business District. The R-4 District under Section 24.203 permits nursing, handicapped, convalescent, and senior citizen homes by right. The C: Local Business District under Section 30.405 allows nursing, convalescent, handicapped and senior citizen homes as a special exception use. An argument could also be made for these types of facilities within the VC: Village Commercial District. Section 33.310 allows a mix of residential and nonresidential uses within the same building as a special exception use and Section 33.255 allows professional services within the District.

She explained the PUD ordinance indicates that low intensity nonresidential uses should be permitted within the commercial component of a PUD. It specifies that such

uses should include educational, cultural, recreational, neighborhood office, or neighborhood commercial that meet the day-to-day needs of the residents in the development. Unfortunately, neither the PUD ordinance nor the Definition section of the Zoning Ordinance define what constitutes “neighborhood” commercial or office uses. The Planner’s Dictionary, a publication from the American Planning Association, defines neighborhood retail establishments as “*establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption...*” The requested use of an assisted living facility would not fit this definition or the PUD ordinance requirement of meeting the day-to-day needs of the residents.

In addition, she said, the Zoning Ordinance does not distinguish between neighborhood, local, and general commercial uses. Without clear direction within the Zoning Ordinance for these often-utilized zoning categories, it becomes difficult to differentiate which commercial uses may be considered “neighborhood commercial.” However, as the Township has identified senior living centers as a commercial use in the C: Local Business District, allowing them within the commercial component of a PUD does not seem incongruous.

The PUD ordinance also indicates uses should be consistent with the goals and objectives of the Township Master Plan, which does provide a distinction between neighborhood, local, and general commercial districts. The neighborhood commercial district was specifically established to provide day-to-day convenience needs for residents who live in the rural areas of the Township. Therefore, staff does not feel it correlates to the intent of the PUD ordinance. However, the local commercial district within the Master Plan could be examined as a comparison. It states the following:

The purpose of the Local Commercial designation is to provide low volume commercial businesses that mix well with a variety of land uses including residential, industrial, and general commercial. These uses are not high-volume / high-traffic uses with a significant number of cars coming and going, drive-through service, and/or automobile service. (These elements or characteristics can detract from the residential character or pedestrian orientation of the surrounding area and are therefore not present in the Local Commercial designation). Examples of uses that could be found in a Local Commercial designation include professional offices, unique shops such as antique shops and specialty food shops, and generally low volume enterprises that do not operate 24 hours a day.

Certainly, she said, an assisted living facility would be a low volume commercial 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 60-unit building, this would equate to approximately 13 vehicle trips. A specialty food or retail store could generate anywhere from 30 trips to 64 trips during peak hours.

The difficulty with the component of the PUD ordinance related to nonresidential uses is the somewhat inconsistent language between “low intensity nonresidential uses” and meeting the “day-to-day needs” of the development residents. From a commercial

perspective, the uses that would meet the day-to-day needs of area residents are often the uses that generate the most traffic and typically have ancillary functions like truck deliveries, extended hours, etc., which may have compatibility issues with the neighboring residential development. The Master Plan Local Commercial District considers this by indicating uses should not be high-volume/high-traffic. The language of “day-to-day needs” limits nonresidential uses likely to be considered permissible.

She said it is important to note that the PUD ordinance changed in 2014 to include “*to serve the day-to-day needs of residents in the development.*” Prior to that change, uses like the Hannapel kitchen and bath design studio, which is located within the Sky King Meadows PUD at 370 North 9th Street, were permitted uses. Staff does not believe Hannapel would be allowed under the current PUD ordinance language. A kitchen and bath design studio is a professional service a homeowner may access infrequently during the course of their homeownership.

While possibly not serving the day-to-day needs of the neighboring residents, an argument could be made that both Hannapel and the proposed assisted living facility do serve area residents. If homeowners within the Sky King Meadow PUD have home improvement needs, the design studio is within walking distance, meeting a need of the resident. If a homeowner of Sky King Meadows either has a family member in need of assisted living services, or they themselves now need this service, they can visit family or move to this proposed facility without requiring them to leave their neighborhood.

Ms. Johnston outlined a summary of the interpretation arguments which could influence the Board’s deliberations:

- A senior living facility does not meet the commercial day-to-day needs of the PUD residents, as required by Section 60.412.B.
- Senior living facilities have been deemed a commercial use within the C: Local Business District and therefore are similar to other possible uses allowed within the commercial component of the PUD Ordinance (Section 60.412.B).
- While not meeting the day-to-day needs of the residents of the PUD, a senior living facility does meet a need in both the local neighborhood and general Oshtemo community.
- The PUD Ordinance indicates any use must meet the intent of the Township’s Master Plan. A senior living facility does meet the intent of the Local Commercial District outlined in the Future Land Use Plan.
- A senior living facility is a low intensity nonresidential use generating limited traffic during peak hours.

Based on the considerations outlined above, she suggested the Zoning Board of Appeals may wish to deliberate the following possible actions:

1. Conclude that since assisted living facilities are a low intensity commercial use within the C: Local Business District, they therefore are an acceptable low intensity nonresidential use with the PUD Ordinance.
2. Determine that an assisted living facility is consistent with the goals and objectives of the Local Commercial District of the Township Master Plan, and therefore is an allowed use within the PUD Ordinance.
3. Conclude that an assisted living facility is not an acceptable use because it does not meet the day-to-day needs of the residents of the PUD.

Regardless of the final interpretation made by the ZBA, she felt it would be appropriate to forward a recommendation to the Planning Commission to review Section 60.412. The language utilized in the ordinance – “day-to-day needs” – severely limits the types of nonresidential uses which may be considered compatible within a residential PUD. In addition, it is incongruent with the desire to have low intensity commercial uses within the PUD. The existing Hannapel business is a good example of this type of use.

Chairperson Sterenberg thanked Ms. Johnston for her review and asked if there were questions from board members.

Mr. Antosz asked if the inclusion of a salon, kitchen and other amenities that will be open to the public as well as residents fit in with commercial requirements.

Ms. Johnston said she did not consider that as part of her review and could consider it but that the request is an interpretation of the ordinance, not of this particular use. Focus should be on whether the request fits into the ordinance as written.

Ms. Maxwell asked for an explanation of the difference between the first and second possible actions listed by Ms. Johnston.

Ms. Johnston said both options would allow assisted living facilities as a permitted commercial use in the PUD. Option one justification is that because assisted living is allowed in C: Local Business, they should be allowed in the PUD. The second option maintains that regardless of the district, the request fits with the Master Plan.

Mr. Sikora asked what defines “day to day needs.”

Ms. Johnston felt it was reasonable to think of it as access once a week, consistent and frequent.

The Chair asked whether public notice was required in this case. Ms. Johnston said it was not.

Ms. Johnston said the Sky King PUD has both residential homes and the Hannapel design center. Today, staff would not agree that Hannapel would meet requirements; it was built prior to the ordinance change including “day to day needs.” She felt the Planning Commission needs to look at the ordinance to reconcile how low volume traffic and “day to day needs” work together.

The Chair asked how binding the zoning board’s interpretation would be.

Attorney Porter said it sets precedent but could be challenged; he hoped clearer ordinance language will be developed to clarify the ordinance before the issue comes up again.

Ms. Johnston said terminology is not defined and the Planning Commission needs to look at it. Although Hannapel is a perfect low-volume business with little impact on residents, other businesses that would be much more impactful are also permitted under the current ordinance.

Ms. Smith asked for clarification of how an apartment complex is different from an assisted living building under the ordinance.

Ms. Johnston said in Oshtemo Township assisted living facilities are considered a commercial use.

Mr. Sikora added that although an apartment complex might be money making, it is defined by Oshtemo ordinance as family residential. Assisted living is allowed in Oshtemo ordinance as commercial.

Hearing no further questions, Chairperson Sterenberg asked if the applicant wished to address the Board.

Mr. Sam Martin, 5275 Conestoga Drive, Flushing MI, of Build Senior Living, and one of the owners of the business, thanked the Board for their consideration. He described the attractive complex that would be developed and showed examples of their other assisted living developments, saying the view for neighbors would be pleasant and the impact on them low. He described the need and quality of services which would include residential, independent assistance, and end of life care all in the same apartment. He indicated the facility would provide up to 50 jobs.

Attorney Porter complimented Mr. Martin on his presentation but reminded Board Members their purpose is to determine whether assisted living facilities would be a permitted commercial use in the PUD under Ordinance language.

Mr. Antosz confirmed if the ZBA determines the request meets ordinance language that the developers would request a special exception use and site plan approval, and that neighbors would be notified at that time.

There were no comments from the public; the meeting moved to Board Discussion.

Attorney Porter explained a motion needed to be based on the facts and reminded them of the three options for consideration as described by Ms. Johnston.

In response to a question from Mr. Sikora, Ms. Johnston said the underlying zoning was R-2.

Ms. Maxwell said this is a commercial use and fits the criteria for which we are looking.

Mr. Sikora said he would like to see it work there, and maybe the ordinance missed addressing this situation at the time, but it is not in the Ordinance and he was not comfortable with trying to interpret something that was set previously. He referred specifically to the language “day to day needs.”

Ms. Smith said people in the neighborhood could use it, either by moving there or by visiting. It fits under potential “day to day use.”

Chairperson Sterenberg said he was leaning to option #1. It fits under the commercial district and the Master Plan umbrella, although maybe there was a glitch when the PUD was created. If it is interpreted to meet option #1 and it goes to the Planning Commission and they tweak the Ordinance, then the Zoning Board of Appeals action becomes mute at that point.

Attorney Porter said interpretation authority rests with the Zoning Board of Appeals. He expected action taken by the Board would force future Planning Commission action, likely to amend the Ordinance.

Ms. Johnston said the Planning Commission could rewrite the ordinance to specifically outline uses. She noted when the ordinance was changed in 2014, the Planning Commission probably thought they should allow commercial operations that support the residential development and that’s how “day to day use” ended up being included.

The Chairperson explained that was why he was leaning toward the first option with a recommendation to the Planning Commission.

Mr. Sikora indicated he was hesitant to use Hannapel’s as justification.

Ms. Johnston said she reviewed minutes from when the ordinance was being discussed in 2014; the Planning Commission felt Hannapel’s was a great use.

Chairperson Sterenberg asked if anyone wished to make a motion.

Ms. Maxwell made a motion to conclude that since assisted living facilities are a low intensity commercial use within the C: Local Business District, they therefore are an acceptable low intensity nonresidential use within the PUD Ordinance. In addition, a recommendation should be forwarded to the Planning Commission requesting review of Section 60.412 of the Zoning Ordinance. Chairperson Sterenberg supported the motion. The motion was approved 4 – 1, with Mr. Sikora voting against.

Any Other Business

Ms. Johnston told the Board the Michigan Association of Planning will be offering seminars/training for Planning Commissioners and ZBA Members in March and suggested those interested should contact her for sign up.

She also indicated there will be a meeting in February to consider a variance request regarding setbacks and landscaping.

ZBA Member Comments

Mr. Sikora recalled a setback variance request to add a ramp and wheelchair access to a front door, but did not know if the Planning Commission took action.

Ms. Johnston said she would look into it.

Adjournment

Chairperson Sterenberg noted the Zoning Board of Appeals had exhausted its Agenda. There being no other business, he adjourned the meeting at approximately 4:00 p.m.

Minutes prepared:
January 23, 2019

Minutes approved:
February 26, 2019