

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A VIRTUAL MEETING HELD AUGUST 26, 2021**

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**Agenda**

**PUBLIC HEARING: SITE PLAN AND SPECIAL USE, HAMPTON PLAZA BOTINAC, LLC, WAS SEEKING SPECIAL USE AND SITE PLAN APPROVAL FROM THE PLANNING COMMISSION TO CONSTRUCT A 7,488 SQUARE FOOT MULTI-TENANT COMMERCIAL BUILDING WITH A DRIVE-THRU AT 6297 W. MAIN STREET.**

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A virtual meeting of the Oshtemo Charter Township Planning Commission was held Thursday, August 26, 2021, commencing at approximately 6:00 p.m.

**MEMBERS PRESENT:**

	<u>LOCATION</u>
Bruce VanderWeele, Chair	Oshtemo
Micki Maxwell, Vice Chair	Oshtemo
Kizzy Bradford	Kalamazoo
Deb Everett	Kalamazoo
Alistair Smith	Oshtemo
Anna VerSalle	Oshtemo

**MEMBER ABSENT:**

Chetan Vyas

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, and Martha Coash, Recording Secretary. Three guests were present.

**Call to Order and Pledge of Allegiance**

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

**Approval of Agenda**

Hearing no changes, the Chair let the agenda stand as published.

**Approval of the Minutes of the Meeting of August 12, 2021**

The Chair asked if there were additions, deletions, or corrections to the Minutes of the Meeting of August 12, 2021. Ms. Maxwell suggested a correction, to change “contestant” to “consultant” on page five. Hearing nothing further, he asked for a motion.

Mr. Smith **made a motion** to approve the Minutes of August 12, 2021, as presented with the correction noted. Ms. Maxwell **seconded the motion**. The **motion was approved** unanimously by roll call vote.

**PUBLIC HEARING: SITE PLAN AND SPECIAL USE, HAMPTON PLAZA BOTINAC, LLC, WAS SEEKING SPECIAL USE AND SITE PLAN APPROVAL FROM THE PLANNING COMMISSION TO CONSTRUCT A 7,488 SQUARE FOOT MULTI-TENANT COMMERCIAL BUILDING WITH A DRIVE-THRU AT 6297 W. MAIN STREET.**

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

Ms. Lubbert explained Botinac, LLC, was seeking Special Use and Site Plan approval from the Planning Commission to construct Hampton Plaza, a 7,488 square foot multi-tenant commercial building with a drive-thru at 6297 W Main Street, parcel number 05-14-405-054, within the R2: Residence District; 9<sup>th</sup> Street and West Main Overlay Zone.

She said 6297 W Main Street is a 1.7 acre parcel located on the south side of W Main Street, just west of the N 10<sup>th</sup> Street intersection. The proposed 7,488 square foot commercial building will have five tenant spaces, one with a drive-thru. The overlay is an optional overlay zone, meaning property owners have the option to either continue to use their property in the manner permitted in the underlying district or elect to become subject to the standards and procedures of the Overlay District in order to take advantage of the opportunities allowed by the overlay. The applicant elected to utilize the 9<sup>th</sup> Street and West Main Overlay Zone to propose this commercial development.

She noted the 9th Street and West Main Overlay Zone implements both the 9<sup>th</sup> Street and West Main Street Sub Area Plans adopted by the Township in 2011. The proposed project site falls within the West Main Commercial designation of the plan and through the overlay is permitted to develop as a commercial site. New construction of a Special Use requires the review and approval of the Planning Commission (Section 64.20). In addition to the general site plan review criteria and additional conditions outlined in the 9th Street and West Main Overlay Zone (Section 35), when reviewing a request for a Special Use the proposal needs to also be evaluated against the general Special Use review criteria outlined in Section 65.30 and the specific requirements for the use in question outlined under Section 49. In this case, Section 49 does not apply as the code does not contain any specific requirements for this use.

The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance (65.30), including the district in which the use is located. Oshtemo's adopted West Main Sub-Area Plan shows the property in question within the West Main Commercial area. The intent for the West Main Commercial area is to reflect "a commercial and non-residential vision along West Main Street that would

complement the rural nature of the Township as a whole. Uses in this land use designation may consist of office buildings and low intensity commercial, similar to what has already developed along the West Main Street frontage between 9th and 10th Streets. (Oshtemo 2011 Master Plan, page 174). The proposed multi-tenant commercial building meets the intent of this designation.

She indicated from a zoning standpoint, the subject property is governed by the 9<sup>th</sup> Street and West Main Commercial Overlay, within which retail businesses are permitted uses and drive-through services for businesses are permitted as a special use. The proposed use is consistent with the zoning ordinance. However, it should be noted the zoning ordinance does not permit drive-thrus for restaurants within the 9<sup>th</sup> Street and West Main Commercial Overlay.

The proposal generally meets site plan requirements. She noted the proposed development will utilize the existing curb cut on the neighboring parcel to the east to access this site. The owner of the neighboring parcel, who also owns the property for this development, was proposing a private street at this location with the intent that it one day be extended and made public to allow for the development of the land further south. This proposed street does follow the vision of this sub area which is to limit access points onto W Main Street and promote an internal network to support the development in this area. Details for how this private street will connect with W Main will need to be coordinated with MDOT. The private street has been designed so that it could transition to a public road in the future.

She also pointed out the Ordinance requires internal parking/access aisles within a site plan be 24 feet wide for two-way traffic and 20 feet wide for one-way traffic. Overall the proposed site plan meets these requirements. However, the south most parking aisle is one-way and is shown with a width of 24 feet. The applicant requested a deviation from the Planning Commission to allow this parking aisle to be an additional 4 feet wide in order to safely accommodate emergency vehicle circulation onsite. The Fire Marshall reviewed and supported this request.

The proposed drive-thru is on the east side of the building. Drive-thrus for non-food service establishments require a minimum of three 10 foot by 20 foot stacking spaces. Three stacking spaces, dimensions need to be added to the plan, were proposed and will be separated by a four-foot-wide raised landscape island from the general parking aisle. Both the Township's Engineering and Fire department are comfortable with the proposed design.

Trees along the west property line will be preserved. All trees along West Main are proposed to be removed. A report from OCBA Landscape Architects determined there is no existing native vegetation of high quality and health that need to be protected and remain on the site within the West Main buffer area during and following construction. The Township's Park Director has visited the site and agrees with OCBA's analysis.

The landscaping plan includes a 6 foot tall fence and provides canopy, evergreen, and understory trees to meet the requirement for screening between land uses. However, the 30 foot wide buffer required between different land uses is not provided where the parking lot is adjacent to the southern property line. In this area the buffer width varies from 18.5 feet to 20.3 feet. The applicant requested a deviation from the Planning Commission from the 30 foot landscaping buffer on the south side of the site with the reasoning that the property to the south is undeveloped and that per the sub area plan a road is to be installed adjacent to this parcel. In this situation, staff believed the request to be reasonable.

The proposed plan is governed by the 9<sup>th</sup> Street and West Main Commercial Overlay and is consistent with the zoning ordinance, Section 65.30. The applicant has acknowledged the end unit in the proposed development with the drive-thru cannot be a restaurant and has designed the drive-thru accordingly. A condition of approval to document this requirement was added.

The 9<sup>th</sup> Street and West Main Overlay has specific development requirements for new construction, including but not limited to: native landscaping; a natural features preservation plan; open space; building setbacks and landscape buffers designed as naturalized green spaces; incorporation of sustainable stormwater management features; and that the design of storm water management systems shall respond to the natural drainage patterns of the area and should incorporate Low Impact Development standards. Overall, the requirements of this section have been met.

A Natural Features Preservation Plan was provided. The only natural features proposed to be preserved on site are in the dedicated open space on the west side of the site. She noted this property is not located within the Township's Natural Features Protection District. A report from OCBA Landscape Architects was provided which determined that there is no existing native vegetation that is of high quality and health to be protected and remain on the site within the West Main buffer area during and following construction. The Township's Park Director visited the site and agreed with OCBA's analysis.

The West Main Overlay also requires that at least 5% of the site be set aside as perpetual open space. The proposed site plan indicates that 46% of the parcel will be open space. The applicant has identified 5%, 3,907 square feet, to be set aside as perpetual open space per the ordinance requirements. The ordinance notes that the designated open space shall be set aside through an irrevocable conveyance through one of the following methods:

- a. recorded deed restrictions
- b. covenants that run perpetually with the land
- c. a conservation easement
- d. land trusts.

One of these irrevocable conveyance instruments will need to be provided.

Ms. Lubbert recommended the Planning Commission approve the proposed Special Use and Site Plan for the construction the 7,488 square foot multi-tenant commercial building and drive-thru at 6297 W Main Street, with the conditions outlined below, noting the conditions could be resolved with the applicant administratively.

1. The drive-thru shall not serve a restaurant/food establishment.
2. An approved driveway permit from MDOT shall be provided prior to building permit issuance.
3. Grant the parking aisle width deviation request to allow the one-way parking aisle on the south side of the building to be 24 feet wide instead of the 20 feet required by the ordinance.
4. Dimensions for the three 10' by 20' stacking spaces shall be added to the site plan prior to building permit issuance.
5. Grant the landscaping buffer deviation request to allow the landscaping buffer on the south side of the building to be smaller than the 30 feet required by code as shown on the site plan.
6. An updated photometric plan is provided and approved prior to building permit issuance.
7. Applications for signage are submitted and approved. It should be noted that the signage shown in the submitted plan set and architectural drawings may change as they are not part of this approval.
8. The designated 5% open space on the site plan shall be set aside through an irrevocable conveyance per Section 35 of the ordinance prior to building permit issuance.

Chairperson VanderWeele thanked Ms. Lubbert for her presentation and asked whether there were questions from Commissioners.

Commissioners had questions about the location shown for optional outdoor dining as it was right in the area of the proposed drive-thru.

Mr. Justin Longstreth, project architect, indicated the applicant is comfortable with the staff's recommended conditions of approval. He explained if a restaurant were to fill the end unit, the drive-thru would be eliminated and replaced with outdoor seating. Both options were shown on the plan as they do not yet know who the tenant will be for that space and wanted to show flexibility. He noted there have been discussions with multiple tenants, but nothing has been firmed up yet. Once the building is completed, they will look to fill all the spaces.

Hearing no further comments or questions, Chairperson VanderWeele opened a public hearing.

Ms. Angela Shannon, who owns the building housing Farm Bureau Insurance, adjacent to the proposed project property, was concerned about higher traffic and congestion, including on the shared easement. A drive-thru coffee shop would be

particularly problematic as the proposed drive-thru faces and is just next to her building, which is a low traffic office area. She said there is already a high level of traffic, sirens, and the proposed development would only make it worse. She indicated she would have to grant the applicant access to the easement.

Attorney Porter said he had reviewed the easement documents as well as those for her property and does not feel the applicant needs her consent. At any rate that would be a private issue and Commissioners should consider the site plan as presented.

Mr. Smith asked who owns the piece of property that contains the access drive.

Attorney Porter indicated it is owned by the applicant. When the easement was granted, the right was reserved to transfer it to any third party.

Ms. Lubbert said MDOT will be looking at the safety of the access point.

Ms. Everett noted the current driveway is on the applicant's property; the insurance property has an easement to allow them to use the driveway.

Attorney Porter concurred that is correct.

Hearing no further comments, Chairperson VanderWeele closed the hearing and moved to Board Deliberations.

Ms. Maxwell noted Angela is her insurance agent and confirmed with Attorney Porter that she could be fair and impartial and thus could vote on this issue.

Chairperson VanderWeele asked for a motion.

Ms. VerSalle **made a motion** to approve the special use and site plan as presented, for construction of a 7,488 square foot multi-tenant commercial building with a drive-thru at 6297 W. Main Street, contingent on the eight conditions recommended by staff:

1. The drive-thru shall not serve a restaurant/food establishment.
2. An approved driveway permit from MDOT shall be provided prior to building permit issuance.
3. Grant the parking aisle width deviation request to allow the one-way parking aisle on the south side of the building to be 24 feet wide instead of the 20 feet required by the ordinance.
4. Dimensions for the three 10' by 20' stacking spaces shall be added to the site plan prior to building permit issuance.
5. Grant the landscaping buffer deviation request to allow the landscaping buffer on the south side of the building to be smaller than the 30 feet required by code as shown on the site plan.
6. An updated photometric plan is provided and approved prior to building permit issuance.

7. Applications for signage are submitted and approved. It should be noted that the signage shown in the submitted plan set and architectural drawings may change as they are not part of this approval.
8. The designated 5% open space on the site plan shall be set aside through an irrevocable conveyance per Section 35 of the ordinance prior to building permit issuance.

Ms. Everett **seconded the motion**. The **motion was approved** unanimously by roll call vote.

### **PUBLIC COMMENT ON NON-AGENDA ITEMS**

As there were no public comments, Chairperson VanderWeele moved to the next agenda item.

### **OTHER UPDATES AND BUSINESS**

There were no updates or further business.

### **ADJOURNMENT**

With no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 6:35 p.m.

Minutes prepared:  
August 27, 2021

Minutes approved:  
September 9, 2021