

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD AUGUST 9, 2018

Agenda

PUBLIC HEARING: CORNER@DRAKE SIGN DEVIATION

TSFR PIZZA, LLC, REQUEST FOR A DIMENSIONAL DEPARTURE FROM SECTION 76.170 OF THE TOWNSHIP ZONING ORDINANCE, TO ALLOW A THIRD WALL SIGN WHEN ONLY TWO ARE PERMITTED. THE DEPARTURE IS REQUESTED UNDER SECTION 60.405 OF THE PLANNED UNIT DEVELOPMENT ORDINANCE. THE SUBJECT PROPERTY IS LOCATED WITHIN THE CORNER@DRAKE PLANNED UNIT DEVELOPMENT AT THE NORTHWEST CORNER OF STADIUM DRIVE AND DRAKE ROAD, KALAMAZOO, MI 49009, WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-25-075-029.

PUBLIC HEARING: 6343 STADIUM DRIVE OFFICE CONVERSION

APPLICATION FROM JEFF PAULSON, HURLEY & STEWART ON BEHALF OF JONAS CRUMP FOR CONSIDERATION OF A SPECIAL EXCEPTION USE AND SITE PLAN REVIEW TO CONVERT A SINGLE-FAMILY HOME TO A PROFESSIONAL OFFICE LOCATED AT 6343 STADIUM DRIVE IN THE VC: VILLAGE COMMERCIAL DISTRICT. PARCEL NO. 3905-26-474-010.

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, August 9, 2018, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

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

MEMBERS ABSENT: None

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

Call to Order and Pledge of Allegiance

Chairperson Bell called the meeting to order at approximately 7:00 p.m. and invited those present to join in reciting the "Pledge of Allegiance."

Agenda

Chairperson Bell asked if there were any additions or deletions to the proposed agenda. Hearing none, she asked for a motion.

Mr. Antosz made a motion to accept the agenda as presented. Mr. VanderWeele supported the motion. The motion was approved unanimously.

Public Comment on Non-Agenda Items

The Chair determined no one in the audience cared to comment regarding non-agenda items and moved to the next agenda item.

APPROVAL OF THE MINUTES OF THE WORK SESSION AND REGULAR MEETING OF JULY 26, 2018

The Chair asked if there were any additions, deletions or corrections to the Work Session or Minutes of the Regular Meeting of July 26, 2018. Hearing none, she asked for a motion.

Mr. VanderWeele made a motion to approve the minutes of the Work Session and the Regular Meeting of July 26, 2018 as presented. Mr. Chambers supported the motion. The motion was approved unanimously.

Chairperson Bell moved to the next agenda item.

PUBLIC HEARING: CORNER@DRAKE SIGN DEVIATION TSFR PIZZA, LLC, REQUEST FOR A DIMENSIONAL DEPARTURE FROM SECTION 76.170 OF THE TOWNSHIP ZONING ORDINANCE, TO ALLOW A THIRD WALL SIGN WHEN ONLY TWO ARE PERMITTED. THE DEPARTURE IS REQUESTED UNDER SECTION 60.405 OF THE PLANNED UNIT DEVELOPMENT ORDINANCE. THE SUBJECT PROPERTY IS LOCATED WITHIN THE CORNER@DRAKE PLANNED UNIT DEVELOPMENT AT THE NORTHWEST CORNER OF STADIUM DRIVE AND DRAKE ROAD, KALAMAZOO, MI 49009, WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-25-075-029.

The Chair asked Ms. Johnston to present the Staff report regarding this application.

Ms. Johnston reported the building in question is attached to the existing Trader Joe's store and was developed in the spring of this year as part of the Corner@Drake

Planned Unit Development (PUD). Construction brought the building to a “white box” condition where lease space could then be rented. These individual units are in the process of being leased, which includes the space that will house the applicant, a restaurant called Mod Pizza.

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

Section 60.405 of PUD Ordinance allows the Planning Commission to consider a departure from the dimensional requirements of the Zoning Ordinance. To grant non-variance relief, the Commission must find that the proposed departure from the ordinance benefits the PUD, as well as the development’s patrons and the community.

For context, Ms. Johnston noted the Planning Commission previously approved departures from the Zoning Ordinance, under the standards of section 60.405 at the Corner@Drake development including:

- Allowance of off-site signage in order for the free-standing sign at Drake Road and Century Avenue to advertise PUD properties without frontage on Drake.
- Permission for three wall signs for the Trader Joe’s development.

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

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

Ms. Johnson said that since some flexibility has been granted regarding signage at the Corner@Drake PUD in the past, Township Staff felt approval of this request would be in keeping with the Planning Commission’s general approach to implementing Section 60.405 of the PUD Ordinance. Substantial justice will be observed; the public health, safety, and general welfare will not be compromised; and it can be argued that allowing this additional wall sign will make for a more cohesive, user-friendly commercial development.

She added that while the previous approval for the Trader Joe's sign was specifically limited to that user, Staff would recommend the Planning Commission consider the larger PUD at this time. The "white box" retail buildings located at the southeast corner of the PUD will have multiple users, some of which will have more than two exterior walls for the placement of signs. With the limits on ground mounted signs within the PUD (ground mounted signs are found only along Drake Road), it is very likely other users will be requesting this same allowance, if exterior wall space is available. However, wall signs need to be managed to avoid visual clutter. She noted single use buildings within the PUD are allowed four signs, but multi-tenant buildings are allowed only two signs.

Given these findings, Staff recommended approval of the request for additional wall signage within the Corner@Drake PUD, delineating the following:

Uses located within multi-tenant buildings within the Corner@Drake PUD shall be allowed one wall sign per exterior wall of the tenant premises, for a maximum of three wall signs per tenant.

Chairperson Bell was surprised to find out Costco was not part of the PUD.

Ms. Johnston explained the PUD was formed after Costco was built, that they owned their own property, and did not want to participate in the PUD.

Hearing no further questions, Chairperson Bell asked the applicant to speak.

Mr. Ryan Jones, TSFR Pizza, 9613 Tennyson Drive, Plymouth MI, part of Team Schostak, complimented Planning Staffs' helpfulness and how the process was handled.

In answer to a question from Chairperson Bell, he indicated he was not aware of any plans for a pole sign for Mod Pizza. He expects they also will be providing an "Olga's Kitchen" in the PUD.

There being no further questions for the applicant, the Chair moved to Board Deliberations.

Ms. Smith expressed concern that approving staff's recommendation, allowing three signs per tenant, might lead to visual sign clutter. It might be better to allow only the three signs for Mod Pizza at this time, and use it as a test case, then allow the other "white space" areas of the buildings be leased before extending a three-sign limit to all multi-tenant buildings within the PUD.

There was some discussion of this suggestion. Several Board members felt approving staff's recommendation of three signs per tenant now would not be a problem, but agreed visual blight should be kept in mind and were willing to go either

way. It was noted if an applicant wanted a sign that was larger than permissible, they would have to come before the Planning Commission.

Ms. Smith made a motion to approve the dimensional departure from Section 76.170 of the Township Zoning Ordinance to allow a third wall sign where only two are permitted under Section 60.405 of the PUD ordinance to only TSFR Pizza, LLC at this time. Ms. Farmer supported the motion. The motion was approved unanimously.

**PUBLIC HEARING: 6343 STADIUM DRIVE OFFICE CONVERSION
APPLICATION FROM JEFF PAULSON, HURLEY & STEWART ON BEHALF OF
JONAS CRUMP FOR CONSIDERATION OF A SPECIAL EXCEPTION USE AND
SITE PLAN REVIEW TO CONVERT A SINGLE-FAMILY HOME TO A
PROFESSIONAL OFFICE LOCATED AT 6343 STADIUM DRIVE IN THE VC:
VILLAGE COMMERCIAL DISTRICT. PARCEL NO. 3905-26-474-010.**

Chairperson Bell moved to the next item on the agenda and asked Ms. Johnston to review this item for the Board.

Ms. Johnston reported the applicant was requesting site plan and special exception use approval to convert a 1,440 square foot single-family home to an office use. The structure is situated on a half-acre lot near the intersection of Stadium Drive and Parkview Avenue, immediately to the east of Larue's Restaurant. Along with modifying the ranch-style structure, the applicant also proposed adding a two-space parking garage and a seven-stall parking lot to the rear of the property. Per section 33.300—*Special exception uses in the Village Commercial District* of the Oshtemo Township Zoning Ordinance, such conversions of dwellings to non-residential uses requires special exception use permission from the Planning Commission.

No new site access was proposed with this project, as the applicant intends to use the existing curb cut onto Stadium Drive. On the property, the current driveway leads to an attached garage, which will be converted to an office space. Subsequently, the driveway will be reconfigured to pass around the northeast side of the structure, connecting to a parking area behind the building.

Ms. Johnson explained that per section 68.400—*Minimum Parking Spaces Required* of the Zoning Ordinance, an office of this size requires 11 parking spaces, but the relatively small size of the subject property, coupled with the necessity to add a fire vehicle turn-around to the site, meant two of the originally planned spaces in the southeast corner of the lot had to be eliminated. *Section 68.600—Deviation* of the Zoning Ordinance does allow the Planning Commission to grant *non-variance* relief in such cases where an existing site, in the process of redevelopment, cannot reasonably accommodate all of the necessary spaces. In discussion of options with the applicant, Staff determined the elimination of two spaces will still provide adequate parking for the proposed office, and that the spirit and intent of the ordinance will be met.

Ms. Johnston said the proposed site plan and special exception use requested comply with all other general zoning requirements. In addition, the requirements of the Form-Based Code are met to the extent that this is an existing nonconforming building within the Village. Staff recommends the Planning Commission grant site plan and special exception use approval as requested, including approval to reduce the number of parking spaces from 11 to nine.

In response to a question from Chairperson Bell, Ms. Johnston indicated Staff had worked with the applicant to compromise on the number of parking spaces in order to allow the adequate emergency vehicle turnaround.

The Chair asked the applicant to speak.

Mr. Jeff Paulson of Hurley & Stewart, 2800 S. 11th Street, Kalamazoo, agreed with the Staff report and appreciated working with the Staff within the process. He said the emergency vehicle turnaround issues were due to the small size of the property and noted the new building will be re-sided according to the Form Based Code.

In response to a question from the Chairperson, Mr. Steve Haselbor, 401 E. Michigan, Kalamazoo, the architect on the project, confirmed the owner lives in Kalamazoo and will be using the building as office space for his business. It is possible he may have a tenant in part of the building in the future.

Chairperson Bell determined there was no public comment and moved to Board Deliberation.

In response to a question about whether the sidewalk at the front of the property would match up with the Township sidewalk being planned, Ms. Johnston said staff worked with the project engineer to ensure cross slopes for the sidewalk where it crosses the new driveway would be met. The site plan indicates a grading easement will be provided to the Township for the sidewalk. The exact details of that easement are still to be determined but placement on the site plan indicates the property owner is willing to provide a grading easement when appropriate.

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

Ms. Farmer made a motion to approve the special exception use and site plan to convert a single-family home located at 6343 Stadium Drive in the VC: Village Commercial District to a professional office, including relief to reduce the required 11 parking spaces to nine, in order to allow adequate space for emergency vehicle turnaround. Mr. Antosz supported the motion. The motion was approved unanimously.

OLD BUSINESS

Chairperson Bell moved to the next item on the agenda and asked Ms. Johnston for her presentation.

Zoning Ordinance Reorganization Updates

Ms. Johnston said based on the July 26th work session discussion, staff has made the following changes to the re-organized Zoning Ordinance:

- “Motorized vehicular roadways” was removed from the special land use in the RR: Rural Residential District termed: “Golf courses, parks, motorized vehicular roadways, and outdoor recreational areas.” Motorized vehicular roadways was only delineated as part of the special land use within the RR District, where all other residential districts state the following: “Golf courses, parks, and outdoor recreational areas.” After the work session discussion, it was decided to remove this particular use for consistency with the other residential zoning districts. Further, the Planning Commission decided to consider including this use within the industrial districts at a later date.
- The special land uses that were included in the old Section 60.000: Special Exception Uses but were not specifically delineated within any of the use districts have now been included. For example, “Communication Towers” were listed in Section 60.000 as a Special Exception Use. The regulations for communications towers within this section indicated they were permitted within the industrial districts as long as all of the regulations could be achieved, but were a special exception use everywhere else. Staff included the term “communication towers” as a use permitted with conditions in the I-1, I-2, and I-3 districts but as a special land use in all other districts. The other uses listed in Section 60.000 that needed to be included in the use districts were adult regulated businesses, earth removal facilities, private streets, and wind energy conversion systems.
- All sections titled either “Limitations,” “Design Standards,” or “Site Development Standards” have been changed within the use districts to “Development Standards.”
- The new Section 56.30: Review Criteria of the Special Land Uses was updated to the following language in *italics* or ~~strike through~~ for the Planning Commission’s consideration:

The Planning Commission shall only approve an application for a Special Land Use that meets the following standards.

- 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.

- B. Site plan review. The Site Plan Review Criteria of Section 55.80.
- 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.***
 - 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.
 - 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 ~~and electrical or electromagnetic interference.~~
- D. Environment. ~~The building and site area required for the proposed use will retain as many natural features of the landscape as practicable,~~ ***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.
- 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.
- F. Specific use requirements. The special land use development requirements of Article 43.***

Finally, she said, one of our Commissioners was reviewing the new Ordinance and had a question related to naming convention in the code, which merited consideration by the group. We currently have the following sections in the use districts:

- Permitted Uses
- Permitted Uses with Conditions
- Special Land Uses

For the sake of consistency, she asked whether one of the following should be considered:

- Permitted Uses
- Permitted Land Uses

Permitted Uses with Conditions
Special Uses

Permitted Land Uses with Conditions
Special Land Uses

She noted the term “land” could easily be added or removed if consistency is desired throughout the sections.

The group agreed to move forward to public hearing on re-organization with the proposed changes, and also to utilize the following designations for use districts: “Permitted Uses,” “Permitted Uses with Conditions” and “Special Uses,” eliminating the word “land.”

Ms. Farmer felt it was good for the Board to have the guidance offered by the re-organized Zoning Ordinance language.

Mr. Antosz agreed it would provide a good basis for decision making.

Ms. Johnston confirmed with the group that they would like Wade Trim to include tables and graphics, where useful.

Attorney Porter indicated it would be best to reference new tables and graphics now as part of recodification to make public noticing easier. The Gazette public hearing notice would spell out actual changes, new verbiage, changes in location. It would not be necessary to publish tables/graphics, just to acknowledge they were added.

The group agreed to proceed with adding any new tables and graphics before the public hearing.

Ms. Johnston will provide the most current version of the Ordinance to Wade Trim so they can recommend what and where tables and graphics should be placed. Ordinance review/changes can still proceed while this work is being completed.

Mr. VanderWeele hoped that once the tables/graphics are included, the website user will be able to move back and forth between verbiage and tables/graphics.

Ms. Johnston said that would be allowed as long as the appropriate hyper-links are provided and noted we have that now, but that what we have needs to be refined.

Ms. Farmer asked that Ms. Johnston find out if html readable text can be provided to allow access for people with visual impairment.

ANY OTHER BUSINESS

There was no other business to consider.

PLANNING COMMISSIONER COMMENTS

Ms. Smith was concerned about pedestrian safety at the new Mod Pizza location, stating it appears there may not be enough space at the south side of the building where two double doors are planned as this is also the location for loading/unloading for Trader Joe's.

Ms. Johnston explained accessibility is managed by the SW Michigan Building authority as part of the building permit process, but she will ask them to take a look.

ADJOURNMENT

Hearing no further comments, Chairperson Bell adjourned the meeting at approximately 8:20 p.m.

Minutes prepared:
August 10, 2018

Minutes approved:
August 23, 2018