

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A MEETING HELD MARCH 14, 2019**

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**Agenda**

**SPECIAL USE REVIEW: CONSUMERS CREDIT UNION**  
BOSCH ARCHITECTURE, REPRESENTING CONSUMERS CREDIT UNION,  
REQUESTED SPECIAL USE AND SITE PLAN APPROVAL FOR THE  
REDEVELOPMENT OF THEIR EXISTING BUILDING LOCATED AT 5018 WEST  
MAIN STREET, TO INCLUDE DRIVE THROUGH TELLER WINDOWS.  
PARCEL NO. 3905-13-280-062.

**SITE PLAN REVIEW: METRO TOYOTA**  
HURLEY & STEWART, REPRESENTING METRO LEASING, LLC, REQUESTED  
SITE PLAN APPROVAL FOR THE PROPOSED AUTOMOBILE SALES LOT AT 5924  
STADIUM DRIVE. PARCEL NO. 3905-25-305-031.

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A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, March 14, 2019, commencing at approximately 6:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Bruce VanderWeele, Chair  
Ron Commissaris  
Keisha Dickason  
Dusty Farmer, Secretary (Remotely via teleconference)  
Micki Maxwell  
Mary Smith, Vice Chair

MEMBER ABSENT: Ollie Chambers

Also present were Julie Johnston, Planning Department Director, James Porter, Township Attorney, and Martha Coash, Meeting Transcriptionist. Nine 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 there were no changes to the agenda and let it stand.

## **Public Comment on Non-Agenda Items**

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

## **Approval of the Minutes of February 28, 2019**

The Chair asked if there were any additions, deletions or corrections to the Minutes of February 28, 2019. Hearing none, he asked for a motion.

Mr. Commissaris made a motion to approve the Minutes of February 28, 2019 as presented. Ms. Maxwell supported the motion. The motion was approved unanimously.

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

## **SPECIAL USE REVIEW: CONSUMERS CREDIT UNION BOSCH ARCHITECTURE, REPRESENTING CONSUMERS CREDIT UNION, REQUESTED SPECIAL USE AND SITE PLAN APPROVAL FOR THE REDEVELOPMENT OF THEIR EXISTING BUILDING LOCATED AT 5018 WEST MAIN STREET, TO INCLUDE DRIVE THROUGH TELLER WINDOWS. PARCEL NO. 3905-13-280-062.**

Chairperson VanderWeele asked Ms. Johnston to review the proposed site plan.

Ms. Johnston said Consumer Credit Union (CCU), located at 5018 West Main Street, would like to demolish their existing building in order to redevelop the site. Due to the complete redevelopment of the site, Special Use approval for the drive through teller windows and site plan approval for the overall site is required.

The applicant requested variances from the setback and landscape buffer requirements to assist with site redevelopment. As this is a small corner parcel, the Zoning Board of Appeals felt these variances were needed. The following variances were granted:

- A 103-foot setback from the centerline of Drake Road, resulting in a needed 17-foot variance.
- A 149-foot setback from the centerline of West Main Street, resulting in a needed 21-foot variance.
- A landscape buffer variance for the east property line that tapers from the required 20-foot buffer down to a 1-foot buffer, resulting in a maximum 19-foot landscape buffer variance.
- A five-foot landscape buffer for the south property line, requiring a 15-foot variance.
- A six-foot landscape buffer for the west property line, requiring a four-foot variance.

The proposed site design provides a smaller building footprint with the taller windows in the rear yard, allowing for better site circulation. In addition, landscape buffers have been added to the development and parking is now in the front and east side yard. A pedestrian connection is planned from the existing sidewalk along West Main Street to the site. This connection will need to be thoroughly detailed on the site plan, with appropriate striping through the parking lot.

Ms. Johnston explained the lot is legal non-conforming. The provided site plan actually brings the property more into compliance with the Zoning Ordinance than in its current configuration. While variances were needed, the placement of the reduced sized building and redevelopment of the landscape buffers will more closely meet current ordinance requirements than the existing conditions.

Per Ordinance requirements, concrete is planned for the accessible spaces near the front of the building. While the site plan provides a color distinction between those areas intended to be asphalt or concrete, there is no key on the site plan. While staff assumes the darker shaded areas are concrete, a key would confirm this hypothesis.

Ms. Johnston reported the Special Use considerations outlined in the Zoning Ordinance have been met. As this is an existing financial institution located within a commercial corridor of the Township, there are no compatibility concerns. In addition, the site plan helps to bring the site more into compliance with current codes, assisting with compatibility with adjacent uses.

Ms. Johnston noted there were a few concerns still outstanding with the site plan. The applicant provided an elevation drawing meeting the requirements of the ordinance, so that concern has been handled. In addition, information related to the fire lane was provided allowing that condition to be removed from the list of concerns. The remaining items include:

1. A key to indicate the difference between proposed surfaces on the site plan. This is to ensure that the accessible spaces are developed as concrete per Ordinance requirements.
2. Complete striping through the entirety of the parking lot for the pedestrian connection from the sidewalk on West Main Street to the entrance of the building.
3. The photometric plan:
  - a. Needs to reach 0.1 foot-candles at all property lines.
  - b. Ground mounted or building mounted lighting needs to be resolved.
  - c. Details of any building or ground mounted lighting needs to be provided.
  - d. A note needs to be placed on the plan that all lighting will be full cut-off and downward directed.
  - e. A note needs to be placed on the plan related to reduced lighting during nonbusiness hours.

Ms. Johnston said if the Planning Commission was amenable to approving the site plan, Staff recommended attaching the follow conditions as outlined in the staff report to address the remaining concerns:

1. A revised site plan be provided before the issuance of a building permit with the following:
  - a. A key to indicate the difference between proposed surfaces.
  - b. Complete striping through the entirety of the parking lot for the pedestrian connection from the sidewalk on West Main Street to the entrance of the building.
2. A revised photometric plan be provided before the issuance of a building permit that meets all of the requirements of the Township Lighting Ordinance.
5. As the public utility connections (water and wastewater) are reconstructed, spotting maps and/or locational information will be collected and captured on as-built (red-lined) record plans to be submitted to the Township prior to a certificate of occupancy.

Chairperson VanderWeele asked if there were any questions for Ms. Johnston.

Mr. Commissaris confirmed the Fire Chief is satisfied with the turning radius.

With no further questions; the Chair asked if the applicant wished to speak.

Mr. Steve Bosch, Bosch Architects, 8065 Vineyard Parkway, noted CCU was moving more toward Ordinance compliance as much as possible, with the newer, fresher building proposed and noted it would be energy efficient. He indicated CCU wants to be a good partner.

Ms. Maxwell asked about the building height.

Mr. Bosch said the height meets Ordinance requirements and is consistent with other CCU buildings in the area. He noted the inside is only about 11 feet tall and that the large parapet conceals roof top units.

Hearing no further comments, Chairperson VanderWeele asked whether any members of the public wished to speak. As no one came forward, he moved to Board Deliberations.

Ms. Smith determined the proposed building would not be the same as the CCU building at West Main and 9<sup>th</sup> Streets.

As there was no further discussion, the Chair asked for a motion.

Ms. Smith made a motion to approve the special use contingent on including the three conditions, #s 1, 2 and 5 as described and recommended by the staff report. Ms. Dickason supported the motion. The motion was approved unanimously.

**SITE PLAN REVIEW: METRO TOYOTA  
HURLEY & STEWART, REPRESENTING METRO LEASING, LLC, REQUESTED  
SITE PLAN APPROVAL FOR THE PROPOSED AUTOMOBILE SALES LOT AT 5924  
STADIUM DRIVE. PARCEL NO. 3905-25-305-031.**

Chairperson VanderWeele moved to the next agenda item and asked Ms. Johnston to review the site plan request from Metro Toyota.

Ms. Johnston said Metro Leasing, LLC, has purchased the Rykse's restaurant property, addressed as 5924 Stadium Drive, to expand their automotive sales lot. Car sales lots are a Special Use under *Section 18.40* of the C: Local Business District ordinance, which requires Planning Commission approval. On December 13, 2018, the Planning Commission granted Special Use approval for this development with the condition that a site plan be provided.

She said the applicant received variances from the Zoning Board of Appeals from *Sections 18.40.A and D*, as follows:

*The sales office at 5850 Stadium Drive to function as the sales office for 5924 Stadium Drive and to allow the following outdoor sales display setbacks, which are the minimum necessary to ensure substantial justice to both the applicant and neighboring residential uses:*

- *20 feet from the right-of-way of Stadium Drive.*
- *20 feet from the right-of-way of Quail Run Drive.*
- *35 feet from the rear (north) property line.*
- *10 feet from the side (west) property line.*

*This motion also includes the condition that the required landscaping materials outlined in Section 75.130 of the Landscape Ordinance (now Section 53.50) be installed within these required setbacks.*

She noted these requirements, as well as the Special Use conditions are required on the site plan.

Ms. Johnston said the site plan shows the demolition of the existing building on site and the parcel being redeveloped to accommodate a car sales lot. Per the approved variances, the existing sales office located at 5850 Stadium Drive will function as the sales office for this parcel. In addition, the other Special Use conditions have been met: security lighting has been provided, four parking spaces have been designated and will be signed appropriately for customer parking, the outdoor display of cars will be on an asphalt dust-free surface, access is provided through existing curb

cuts, and the outdoor display will not impact neighboring commercial uses as it is fully contained within the parcel boundaries.

She explained pedestrian access is provided through a five-foot sidewalk along Quail Run Drive, with a connection point internal to the site. The site plan does not include a sidewalk along Stadium Drive; however, the Township is working with the Downtown Development Authority (DDA) to construct a sidewalk in this area in 2020/2021. The site plan also provides pedestrian/customer respite areas in two locations; two benches adjacent to the internal sidewalk near the eastern property line and a seating area within the 35-foot landscape buffer along the north property line.

In previous correspondence to the applicant, Ms. Johnston said Staff suggested the location of the proposed seating area, while not in violation of the Landscape Ordinance, may cause some concerns for the residential neighbors. The applicant indicated elevation of the proposed seating area is below the neighboring residential property and will be screened by a new solid privacy fence. They indicate the seating area will have minimal use during the day. They wish to keep the seating area in its planned location. She said the Planning Commission will need to determine if the proposed location of the seating area is appropriate.

The site plan outlines the existing curb cut on Stadium Drive to remain and a realignment of the curb cut on Quail Run Drive. This realignment will correspond with the current curb cut on the east side of Quail Run Drive to the existing Metro Toyota property. As this is a redevelopment of the site, all Zoning Ordinance requirements are considered as part of staff's review. Staff evaluated *Section 51.50.G* of the Access Management Guidelines related to the Stadium Drive curb cut. *Section 51.50.G* states the following:

*In the case of expansion, alteration or redesign of an existing development where existing driveways do not comply with the guidelines set forth herein, the closing, relocation, or redesign of the driveway may be required.*

She explained this Ordinance provides the Planning Commission with the authority to close an existing curb cut during site redevelopment if the existing driveway does not comply with the requirements of Article 51: Access Management Guidelines. The Access Management ordinance also indicates the following under *Section 51.50.F*:

*Where parcels, lots, or building sites have frontage or access on more than one roadway, access shall be provided from the lesser traveled street. Where spacing requirements can be met, high traffic volumes will be generated, or the subject side street is inappropriate for nonresidential traffic, access onto the main roadway will be considered.*

The property in question is a corner lot with existing access to both Stadium Drive and Quail Run Drive. The difficulty with this particular property is the nature of Quail Run Drive. The existing curb cut on this road would suggest that nonresidential traffic is acceptable in this location, which would lead the Planning Commission to close

the curb cut on Stadium Drive and adhere to *Section 51.50.G*. However, closing the curb cut on Stadium Drive will increase nonresidential traffic on what is essentially a residential road as outlined in *Section 51.50.F*, suggesting the curb cut on Stadium Drive should remain. She indicated the Planning Commission will need to consider both *Sections 51.50.F* and *G*. to determine which should prevail related to this access point.

Ms. Johnston said all requirements of the Landscape Ordinance have been met except for one; at least 30% of the landscape plantings (other than canopy trees) must be species that are native to Michigan. The landscape plan comes close to meeting this requirement, but a few species will need to be changed.

Ms. Johnston said the following provides a list of the remaining outstanding items/concerns to be resolved with the site plan:

1. Whether the Stadium Drive curb cut should be closed per *Section 51.50.G* or remain open per *Section 51.50.F*.
2. The placement of the seating area within the landscape buffer.
3. The establishment of an escrow account for the Stadium Drive entrance to be changed to concrete per the Township standards for sidewalks (if this curb cut remains).
4. An updated landscape plan that meets the 30 percent native planting requirement.
5. Consideration of the note on the photometric plan related to the time when lighting would be reduced to security lighting on the site. The note indicates 11:00 pm to 7:00 am.
6. Concerns related to the final contours proposed in the grading plan and its impact on storm water management.

Ms. Johnston recommended the following four conditions be included in a motion if the Planning Commission is amenable to approving the site plan:

1. A revised landscape plan be provided by March 29, 2019 meeting the percentage of native plantings required by *Section 53.90* of the Landscape Ordinance.
2. An updated photometric plan that changes the security lighting note to read "...the remaining lighting will be off from 10:00 pm to 7:00 am."
3. A revised grading plan that satisfies the Township Engineer's concerns related to final contours and storm water management.

4. If the Planning Commission determines the Stadium Drive curb cut should remain, staff recommends the following condition:

An escrow account be established by June 30, 2019 for the cost of reconstructing the Stadium Drive entrance to concrete to meet the Township requirements for sidewalks. Cost of construction to be determined by the applicant and reviewed and approved by the Township Engineer.

Ms. Johnston said if the Planning Commission determines the Stadium Drive curb cut should be removed, the following condition should be attached to any approval:

A revised site plan be provided by March 29, 2019 with the Stadium Drive curb cut removed and the right-of-way restored to MDOT standards.

If the Planning Commission determines the proposed seating area should be relocated/removed, a condition to that effect will need to be added to any considered approvals.

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

In answer to questions, she said the Township has an access management plan that mirrors the requirements of the Access Management ordinance. She confirmed the 6-foot fence would be installed to replace the existing fence along the north property line.

Hearing no other questions, the Chair asked whether the applicant wished to speak.

Mr. Todd Hurley, Hurley & Stewart LLC, 2800 S. 11<sup>th</sup> Street, addressed several concerns:

- a. It is important to leave the curb cut access on Stadium Drive for several reasons; to allow dispersal of traffic from what was typical during Rykse's operation to the current proposed use, to support any potential future use in case a building is added, and to provide ease of access for emergency vehicles.
- b. The Quail Run Drive curb cut will be moved slightly to line up with the existing curb cut across the street to the east.
- c. The outdoor seating area was developed by taking advantage of the elevation change. A knee wall will be included so seating is even further down, providing a private setting with no lighting and little noise, designed as a picnic area for employees as well as a place to talk with customers.
- d. The applicant is in agreement with all other conditions suggested by Staff.



In response to a question from Ms. Maxwell, Mr. Hurley indicated they believe most customers will access the lot utilizing the Stadium Drive curb cut.

Answering a question from Ms. Farmer, Attorney Porter indicated he did not think where people access the dealership could be controlled. He said since Ms. Farmer has ownership interest in adjoining property, he recommended she refrain from questioning and abstain from voting.

Ms. Farmer agreed to comply with his recommendation and indicated she would abstain from the vote.

Ms. Johnston pointed out if the curb cut remains it will be the natural access point for drivers to use.

In response to a question from Ms. Maxwell about the purpose of a concrete pad at the southwest corner, Mr. Hurley said it is a concrete display pad, sloping toward Stadium Drive to hold and display five vehicles. It will include low shrubs and lighting.

Hearing no further questions from Commissioners, Chairperson VanderWeele opened a public hearing and asked whether anyone cared to address the Board.

Mr. Matthew Van Dyke, Miller Johnson, 100 West Michigan Avenue, Kalamazoo, explained the shifting of the Quail Run curb cut to line up directly across from the drive was requested by worried neighbors, who felt too much traffic there would worsen problems. He said that traffic concerns were raised more than anything else at the Zoning Board of Appeals hearing. He indicated the change in use should lessen traffic concerns compared to what was there before. If the curb cut on Stadium Drive is closed it would jeopardize the whole project. He noted there will be a lot of nice landscaping provided to help screen the use for the adjacent neighbors.

Mr. Jeff DeNooyer, 1426 Edgemoor and owner of Metro Toyota, noted the curb cut in question has been there for 32 years and provides a natural place to turn in; closing it would cause more confusion for drivers. He explained he is interested in potential expansion; he is considering adding a Land Rover franchise, which could be accommodated there, but would be difficult to add without the curb cut.

He explained the space in back under discussion is an amenity consisting of a picnic table for staff picnics and to provide a place to speak with customers. He does not anticipate any noise at all there and no lights will be added; it will be an enjoyable park setting. He noted Rykes, the previous business on the site, had many trucks coming and going in the morning and their customer traffic was heavy at breakfast and lunch times. Traffic will be much diminished and spread out over the day with the change to Metro Toyota.

In answer to a question from Ms. Maxwell, Ms. Johnston explained an additional sales office is not required due to the variances received for this lot as long as the

building on the adjacent lot is available for use. In the future, if the property is sold a sales office would need to be provided. At that point the new owner would have to come back to the Township with a site plan.

Mr. Paul McIntire, Quail Run Drive, said the property is not adjacent since the road runs through it. He indicated neighbors would like the Stadium Drive curb cut to stay, that more than a thousand vehicles drive down Quail Run every day and they do not want to encourage more. He said neighbors were ok with an 8-foot fence. He expressed concerns related to the danger to pedestrian traffic, which would be lessened if a sales office were on site. He liked the proposed landscaping and extras provided by the applicant that are not required. He indicated it would be nice to have a left-hand turn lane at the end of Quail Run Drive and asked the Board to consider safety issues.

Ms. Pam Davan, Quail Run Drive, said her main concern is lighting. She lives directly behind the Rykse's building and would like the lights to be off by 10:00 p.m. She is a walker and feels people have a personal responsibility to pay attention to traffic. She wondered if there might be a crosswalk light.

There were no other public comments. Chairperson VanderWeele closed the public hearing and moved to Board Deliberations.

He asked whether there was consensus on the items in question:

The group agreed they felt 1) the curb cut should be left open and an escrow account be established by the applicant to pay for the work needed for the sidewalk on Stadium Drive, 2) the seating and landscaping is fine, 3) they would like an 8-foot fence that matches what is existing at the Metro Toyota site, and 4) lights should be reduced at 10:00 p.m. and allowed to be increased at 7:00 a.m.

Ms. Johnston noted a crosswalk as mentioned is under the purview of the Road Commission and that they are not likely to provide one. She suggested pedestrians use the sidewalk that will soon be improved on Stadium Drive.

Ms. Maxwell thought the applicant could put something on their property, for instance a "Cross here" sign.

Mr. Hurley noted the alignment of the curb cuts will help with conflicting movement, making it feel more like an intersection.

Attorney Porter said a mid-block crossing cannot be done and reiterated this is under the jurisdiction of the Road Commission.

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

Ms. Maxwell made a motion to approve the site plan contingent on including the four conditions as recommended by Staff.

1. A revised landscape plan be provided by March 29, 2019 meeting the percentage of native plantings required by *Section 53.90* of the Landscape Ordinance.
2. An updated photometric plan that changes the security lighting note to read "...the remaining lighting will be off from 10:00 pm to 7:00 am."
3. A revised grading plan that satisfies the Township Engineer's concerns related to final contours and storm water management.
4. An escrow account be established by June 30, 2019 for the cost of reconstructing the Stadium Drive entrance to concrete to meet the Township requirements for sidewalks. Cost of construction to be determined by the applicant and reviewed and approved by the Township Engineer.

Mr. Commissaris supported the motion. The motion was approved 5 – 0, with Ms. Farmer abstaining.

### **OLD BUSINESS**

There was no old business to consider.

### **ANY OTHER BUSINESS**

Ms. Johnston said the March 28 meeting agenda would include Agritourism and discussion of the Maple Hill overlay zone. The lighting ordinance will also be on the agenda with the expectation that the lighting consultant will attend a meeting in April. She also noted the April 11 agenda will be a long one; she expects seven items will be included on the agenda, most for temporary outdoor events.

### **PLANNING COMMISSIONER COMMENTS**

There were no comments from Commissioners.

### **ADJOURNMENT**

Hearing no further comments, Chairperson VanderWeele adjourned the meeting at approximately 7:03 p.m.

Minutes prepared:  
March 16, 2019

Minutes approved:  
March 28, 2019