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**NOTICE  
OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS**

**SPECIAL MEETING**

**Tuesday, December 17, 2019  
3:00 p.m.**

**AGENDA**

1. Call to Order
2. Pledge of Allegiance
3. Public Comment on Non-Agenda Items
4. Approval of Minutes: November 12, 2019
5. **Site Plan: Ascension Borges**  
Bremner Real Estate is requesting a site plan approval for a 20,794 square foot office building within the Business, Technology, and Research (BTR) Park.
6. **2020 Meeting Dates**
7. **Discussion: Variance Request Review Form**
8. **Discussion: Review of Permitted Uses vs. Permitted Uses with Conditions vs. Specific Uses**
9. Any Other Business
10. ZBA Member Comments
11. 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](mailto: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](http://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](mailto:oshtemo@oshtemo.org) and it will be directed to the appropriate person.

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

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

**OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS**

**DRAFT MINUTES OF A MEETING HELD NOVEMBER 12, 2019**

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**Agenda**

**ACCESSORY USE REVIEW: DAVID AND BREE BENNETT**  
**A REQUEST FOR PLAN REVIEW AND APPROVAL TO LOCATE A NEW  
ACCESSORY BUILDING WITHIN THE FRONT YARD OF 7067 HAWTHORNE  
VALLEY AVENUE. PARCEL NO. 05-10-290-070.**

**ANY OTHER BUSINESS**

**a. DRAFT ZONING BOARD OF APPEALS BY-LAWS**

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A meeting of the Oshtemo Charter Township Zoning Board was held Tuesday, November 12, 2019 at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

ALL MEMBERS WERE PRESENT:      James Sterenberg, Chair  
   Fred Antosz  
   Cheri Bell  
   Fred Gould  
   Micki Maxwell  
   Neil Sikora, Vice Chair  
   Anita Smith

Also present were Iris Lubbert, Planning Director, Julie Johnston, Former Planning Director, James Porter, Township Attorney and Martha Coash, Meeting Transcriptionist. Three other persons were present.

**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."

**Public Comment on Non-Agenda Items**

There were no comments on non-agenda items.

**APPROVAL OF THE MINUTES OF OCTOBER 22, 2019**

Chairperson Sterenberg asked if there were any additions, deletions or corrections to the minutes of October 22, 2019.

Hearing none, he asked for a motion.

Ms. Maxwell made a motion to approve the Minutes of October 22, 2019 as presented. Mr. Sikora seconded the motion. The motion was approved unanimously.

Chairperson Sterenberg moved to the next agenda item and asked Ms. Johnston for the Staff review.

**ACCESSORY USE REVIEW: DAVID AND BREE BENNETT**  
**A REQUEST FOR PLAN REVIEW AND APPROVAL TO LOCATE A NEW**  
**ACCESSORY BUILDING WITHIN THE FRONT YARD OF 7067 HAWTHORNE**  
**VALLEY AVENUE. PARCEL NO. 05-10-290-070.**

Ms. Johnston told the Board the applicants, David and Bree Bennett, submitted a request to the Planning Department to construct a new accessory building within the front yard of their lot. Typically, Planning Department staff review and approve accessory buildings per Zoning Ordinance requirements. However, Section 57.100 indicates that the Planning Director may refer any accessory building request to the Zoning Board of Appeals for review.

Section 57.100.B goes on to say that accessory buildings placed in the front yard require additional scrutiny through a plan review process. These types of structures within the front yard of large parcels, often within the Rural Residential District, are characteristically approved. However, when the request is within a platted subdivision or site condominium development, placement in the front yard is denied by Planning staff. Lot size and the residential character of a subdivision do not often lend themselves to accessory buildings in the front yard.

With this application, Ms. Johnston felt additional scrutiny from the Zoning Board of Appeals was needed as the size of the lot is atypical within the R-2 District. The application from the Bennetts indicates they are requesting a variance. Per Section 57.100, no variance is needed, just approval for placement of the accessory building within the front yard from either the Planning Director or the Zoning Board of Appeals, if referred.

She said Section 57.100 indicates that to ensure harmonious relationships and to minimize conflicts between adjacent uses, the Planning Director or designee, which is the Zoning Board of Appeals in this case, shall consider the proposed characteristics and uses of the building in relation to the following:

- **Size of property,**
- **Size of dwelling,**
- **Proposed placement on property,**
- **Existing land uses in area**
- **Future land uses as reflected in the Master Land Use Plan.**

She said the property in question is addressed as 7067 Hawthorne Valley Avenue within the Country Trail Homesites Subdivision, No. 2. The property is 1.75 acres and is one of three lots that gain access from the Hawthorne Valley cul-de-sac. From an aerial of the site, it appears there are two small accessory structures on the property, totaling approximately 370 square feet. According to the Township's assessing database, the existing home is 2,118 square feet.

The applicant's documents indicate the requested accessory building will be 24' x 40' in size and located approximately 30 feet from the existing single-family home on site. It will also be approximately 30 feet from the northeast property line, 62 feet from the southwest property line, and 90 feet from the right-of-way. These planned setbacks meet the requirements of Section 50.60 of the Setback Ordinance.

She noted while it will still be visible from the road, the location of the lot at the end of a cul-de-sac, which is only accessed by three households, helps to mitigate compatibility concerns. From the elevation drawings provided by the applicant, the accessory building will be residential in character, with a pitched roof, roof overhangs, and a porch. Per the applicant's narrative, the colors of the accessory building are intended to match the existing home, to the best extent possible. The siding will be vinyl like the home and the roof will be steel painted to look like architectural shingles.

Ms. Johnston explained the subject property and a significant area surrounding the site is zoned R-2: Residence District. Adjacent land uses are single-family residential. The home to the north of the subject site combined two lots and has a total of 4.46 acres and the lot to the west includes 1.86 acres. These are larger lots within the Country Trail Homesites neighborhood, with the average lot ranging from 1.0 to 1.3 acres. The Future Land Use Plan indicates this area to be planned for low-density residential. The Country Trail Homesites neighborhood and the subject lot are consistent land uses to both the Township Zoning Ordinance and Master Plan.

Ms. Johnston indicated the Board could take the following possible actions:

- Motion to approve the accessory building within the front yard. If the ZBA favors this course of action, staff recommends adding the following conditions of approval, which will be outlined below.
  1. The accessory building will be built with the vinyl siding proposed and color scheme of the main home, to the best extent possible.
  2. Corrugated steel shall not be utilized for the steel roof.
  3. Only those trees needed for clearing of the building site will be removed.
  4. The setbacks of the 90 feet from the street, 60 from southwest and 30 from northeast

- Motion to approve with an alternate approach determined at the ZBA meeting after dialogue with the applicant to the placement of the accessory building.
- Motion to deny the placement of the accessory building within the front yard.

Chairperson Sterenberg thanked Ms. Johnston for her report and asked whether Board Members had any questions for her.

Ms. Bell confirmed the roof would be in line with and maintain the residential character of the house.

Chairperson Sterenberg noted the action taken would not be to approve a variance, but rather would either approve or disapprove the request. He wondered if there had been anything similar considered previously.

Attorney Porter explained there used to be a request process for unplatted larger properties, particularly in the western portion of the Township, but so many requests were received it was decided to allow the Planning Director to evaluate and approve them. He indicated the Board should focus their determination and cite the basis of their decision based on the five criteria provided by Ms. Johnston.

Ms. Johnston reported written comment was received from a neighbor asking the Board to deny the request as it was felt it was not permitted per deed restriction. She noted the Township does not enforce private deed restrictions and that such restrictions have a 30 year window unless they are re-recorded. She did not know if such a deed restriction was still valid. She also noted the applicants had submitted a petition signed by 19 neighbors who had no issue with approval of this request.

Attorney Porter said the neighbors have weighed in; the value of the deed restriction is unknown. Though helpful information, the Board's responsibility for determination of this request should be based only on the criteria listed by Ms. Johnston. He also noted full public notice was provided for this application, including notice to all neighbors within 300 feet of the property and in the Kalamazoo Gazette.

Hearing no further comments, Chairperson Sterenberg asked whether the applicants wished to speak.

David and Bree Bennett, 7067 Hawthorn Valley Drive, addressed the Board and said they had been working with Township Staff for over a year, considering several options for placement of the proposed accessory building. The front yard site chosen avoids having the building close to the house, having to build a drive and requires the fewest number of trees to be removed. It is also flat ground which will allow them to construct the size building needed.

They carefully considered how to make the building look just like the house, including an architectural shingle roof metal, and upgrading the garage door on the

house to match the proposed door on the accessory building. They do not want to build an eyesore for the neighbors and spent a lot of time developing the plan. The building will be very well camouflaged. Neighbors who signed the petition are very supportive. In looking around they found two front yard accessory buildings, one in the neighborhood and one in the area.

In answer to a question from Ms. Smith, they said there are no neighborhood bylaws; it is not a condominium so there is no association. There is also no restrictive covenant they are aware of; none was mentioned or evident in documents when they purchased their property

Ms. Maxwell asked about the trees that would be removed and what area would need to be leveled for construction.

Mr. Bennett said the six trees are cherry, one sassafras and one maple. The building was positioned to save as many trees as possible. The area to be leveled will be the size of the building footprint with a base of eight inches.

In answer to Mr. Sikora's question about building use, Mr. Bennett said it would house a utility trailer, boat, stacked wood, etc.

Chairperson Sterenberg determined there were no members of the public who wished to address the Board and moved to Board Discussion.

Mr. Sikora said he felt the proposal met all five criteria to be considered and had no issue with approval.

Ms. Maxwell felt the setbacks were clear cut, but did not feel a barn type building would fit in with the character of a sub-division. She was concerned it would not be concealed by underbrush and felt that the six trees to be removed were quite a few.

Attorney Porter reiterated the five criteria needed to be the basis for the Board's decision. The determination must be made as to whether they find the building harmonious with the surrounding area with no negative impact.

Mr. Sikora noted the cul-de-sac has three very large parcels and felt the building would fit based on the character of the immediate area.

Ms. Bell noted the building would not be used for business activity.

Chairperson Sterenberg said he was aware of two instances on N. 10<sup>th</sup> St. where accessory buildings are located in the front yard in nonplatted areas that he felt look fine. He felt the requested building location is compatible according to criteria.

Ms. Smith felt it would be more compatible if it were near the existing garage.

Ms. Maxwell said the requested location is the most visible to the street and thought it would be better located towards the back of the lot.

Ms. Bell thought a rear location near the heavily wooded area would require the removal of more than six trees and was in agreement with Mr. Sikora. She thought housing equipment in a building rather than leaving it outside would improve the property's visual aspect and that the size of the building would be proportional. Similar land use exists in the area. The size of the lots on the cul-de-sac would provide necessary screening. She said she would approve the request based on the five criteria.

In answer to a question from Ms. Smith, Attorney Porter said that by basing their decision on the five criteria, approval of the request would not set a precedent.

Chairperson Sterenberg asked for a motion.

Mr. Sikora made a motion to approve the request as presented based on the Board's discussion and determination that its characteristics and uses meet the five criteria:

- 1) Size of property: the property is of a large size on a cul-de-sac
- 2) Size of dwelling: the dwelling is also large
- 3) Proposed placement on property/surrounding area: the proposed location is the best placement available without changes to the character of the grounds and the surrounding area and other options do not seem reasonable
- 4) Existing land uses in the area: the request matches existing land uses of the area in the sense of the lots and wooded areas
- 5) Future land uses as reflected in the Master Land Use Plan: the request matches the future land use plan as outlined in the plan.

In addition, he moved that the four conditions recommended by Staff be included in the motion. Ms. Bell seconded the motion. The motion was approved 4 – 1, with Ms. Maxwell dissenting.

Chairperson Sterenberg asked Ms. Johnston for her review of the next item.

### **Any Other Business**

#### **b. Draft ZBA By-Laws**

Ms. Johnston said some changes to the draft by-laws were suggested at the meeting of October 22<sup>nd</sup>, noted they had been made and she was bringing them back for final review. If approved, a recommendation could be sent to the Township Board.

The group reviewed and approved the updates and requested one further change to the beginning of the first sentence of Article 5 D: Declaration of Conflict of



Interest, Any member “shall declare a conflict of interest at the beginning of the meeting and” shall abstain...conflict.

Ms. Maxwell made a motion to recommend the draft By-Laws as presented, including the agreed upon revision, to the Township Board for approval. Mr. Sikora seconded the motion. The motion was approved unanimously.

### **ZBA Member Comments**

Ms. Johnston informed the Board the regularly scheduled meeting of November 19 would be cancelled due to no agenda items.

Since there will be no meeting before the end of the year, a phone poll will be taken of board members regarding the schedule of meeting dates for 2020, generally the fourth Tuesday except for December, which is usually held on the third Tuesday. The schedule will be approved by the Township Board at a December meeting. It will be brought to the January ZBA meeting for official sign off. If changes are needed, the ZBA may amend the calendar at that time.

Ms. Johnston said this would be her last ZBA meeting and introduced Ms. Iris Lubbert, the new Planning Director for the Township, who was welcomed by the Board.

Chairperson Sterenberg thanked Ms. Johnston for her leadership and assistance during her time as Planning Director and wished her well.

### **Adjournment**

Chairperson Sterenberg noted the Zoning Board of Appeals had exhausted its Agenda. There being no other business, he adjourned the meeting at approximately 3:55 p.m.

Minutes prepared:  
November 13, 2019

Minutes approved:  
\_\_\_\_\_, 2019



December 10<sup>th</sup>, 2019

**Mtg Date:** December 17<sup>th</sup>, 2019

**To:** Zoning Board of Appeals

**From:** Ben Clark, Zoning Administrator

**Applicant:** William Mooney, Bremner Real Estate

**Owner:** Western Michigan University

**Property:** Unaddressed parcel number 05-25-430-010 in the BTR 2.0 Business Park

**Zoning:** BRP: Business and Research Park

**Request:** Site plan approval for a new medical office building

**Article(s):** Article 20: BRP District  
Article 64: Site Plan Review

**Project Name:** Ascension Borgess Medical Office Building

## **BACKGROUND**

In early 2015, Western Michigan University (WMU), partnering with Oshtemo Township, began working in earnest to develop a 53-acre vacant parcel of land at the southwest corner of Stadium Drive and Drake Road into a business park. Conceptualized to accommodate uses such as medical research facilities, offices, engineering, and product development, this new park, named *BTR 2.0*, can be considered a thematic successor to the nearby Business, Technology, and Research (BTR) Park in the City of Kalamazoo. Designed to be harmonious with the site's overall topography and other natural qualities, as well as honoring its past use as an orchard and farm, WMU purposefully designed the park to yield a considerable amount of usable land, but also preserve a large portion of the parcel as unimproved, largely un-impacted open space area. The parcel contains significant rolling topography and lies within a hydrologically sensitive part of the Asylum Lake watershed.

Now that the park and its infrastructure have been developed, Ascension Borgess, working with Bremner Real Estate, has begun taking steps to build medical offices at its northern end in what will become the first unit in an incrementally established site condominium. Although the BTR 2.0 parcel remains one property at the time of review, the applicant will be acquiring approximately eight acres of land from WMU for their proposed 38,800 square foot office building, with the actual

condominium unit to be legally established prior to construction. The site plan has been presented to the Township and reviewed by staff in anticipation of this future land division.

As part of the BRP district requirements, the developer, in this case WMU, must create architectural and design standards that are reviewed and approved by the Planning Commission prior to any development of a site in this district. These standards are intended to promote higher quality developments and in no way contravene, compromise, or undermine local ordinance. WMU maintains a design review committee that is authorized to evaluate each project prior to a site plan submittal to the Township and that body has approved this project against their standards, which are again independent of local ordinance. See attached letter of approval. It should be noted that these standards will be presented to the Planning Commission for Township approval this Thursday, December 12<sup>th</sup>. As this report will be released prior to the potential approval of the design standards, it is recommended that a stipulation of approval be added to ensure that the required architectural and design standards are approved prior to the division of land.

## **TECHNICAL REVIEW**

- **GENERAL ZONING COMPLIANCE**

As illustrated on the project site plan, the building is to be located near the northwest corner of the property, adjacent to the large common open space area for the business park that abuts US 131. Set aside to remain in an unimproved state, this common area is substantially wooded with varying topography, providing a pleasant vista to patrons visiting the premises for business or treatment. Open space continues onto the site proper and will be contiguous with preserved areas in the common portion of the development. Open space preserved on the eight-acre site will total 1.7 acres, or 21%. This exceeds the minimum requirement of 20%.

Medical offices, such as the project being presented by the applicant, are permitted by right in the BRP zoning district, necessitating site plan approval from the Zoning Board of Appeals. Performing the customary zoning compliance review, Township staff can verify that the project overall is in good standing with the Zoning Ordinance, although some relatively minor issues do need to be corrected. These items have been included in the proposed conditions of approval.

1. Section 20.50.E of the Zoning Ordinance, which regulates development standards within the BRP zoning district, dictates that sustainable products/methodologies including, but not limited to, green roof systems, LEED compliance, or renewable energy systems are to be included as a part of this project. At the time this report was drafted, no such treatment has been presented by the applicant to the Township. Numerous types of green technology can be applied to the structure/property without materially impacting the site plan, and staff are comfortable proceeding with the review although this information is lacking.
2. The building address location, as displayed on the latest available illustrations, needs to be elevated so that it is no less than ten feet above the street grade at Robert Jones Way. The

applicant has been working with Township staff to correct this to achieve ordinance compliance as well as ensure adequate emergency services visibility.

- **SITE ACCESS AND PARKING**

On the project site plan, two driveways are shown for the development, both connecting to the cul-de-sac at the end of Robert Jones Way, which is categorized as a local street. This arrangement is compliant with the Oshtemo Township Zoning Ordinance, which only regulates curb cuts on arterial and collector streets, but the applicant's design engineer has yet to receive approval from the Road Commission of Kalamazoo County (RCKC). The design engineer has been in contact with the RCKC throughout the site plan review process, however, and is navigating their formal processes. If the RCKC determines that only one curb cut is warranted, then the applicant will need to submit an accordingly revised site plan to the Township for review. If this is necessary, actual site changes should be minimal, and it is anticipated that such a revision can be handled administratively. In such a case, all Township zoning, engineering, and fire access requirements will still need to be met, and staff will ensure such.

The site will be well served regarding pedestrian accommodations. The park's connection to the adjacent Drake Road shared use path is near the project site, and a public sidewalk will be installed along the north side of Robert Jones Way. Within the project site, there will be a well-delineated, barrier-free pedestrian connection between the building and the public sidewalk.

In the parking area, with a calculated building net square footage of 29,161 square feet, the Zoning Ordinance dictates that at least 195 spaces be provided, which is the number being proposed by the applicant. When more than 100 spaces are required, Article 52 of the Zoning Ordinance, which regulates off-street parking in the Township, allows the reviewing body to approve a size reduction for up to 25% of the parking stalls. For this project, that means that up to 49 spaces can be smaller than the standard ten foot by 20-foot stall. The applicant is fully utilizing this provision and is proposing 49 nine by 20-foot spaces along the western end of the parking lot and near the west driveway.

- **ENGINEERING REVIEW**

The Township's engineering consultant, Prein & Newhof, has reviewed the proposed project, and attests that the applicant has resolved any engineering concerns identified on preliminary versions of the site plan.

- **FIRE MARSHAL REVIEW**

The Township's Fire Marshal has examined the proposed site layout and is satisfied with the design. Additional discussion regarding address location on the building may be necessary.

## ZONING BOARD OF APPEALS ACTION

Based on the findings discussed in this staff report, Township Planning Department staff recommend approval of the proposed site plan to the Zoning Board of Appeals, and ask that the following conditions be attached:

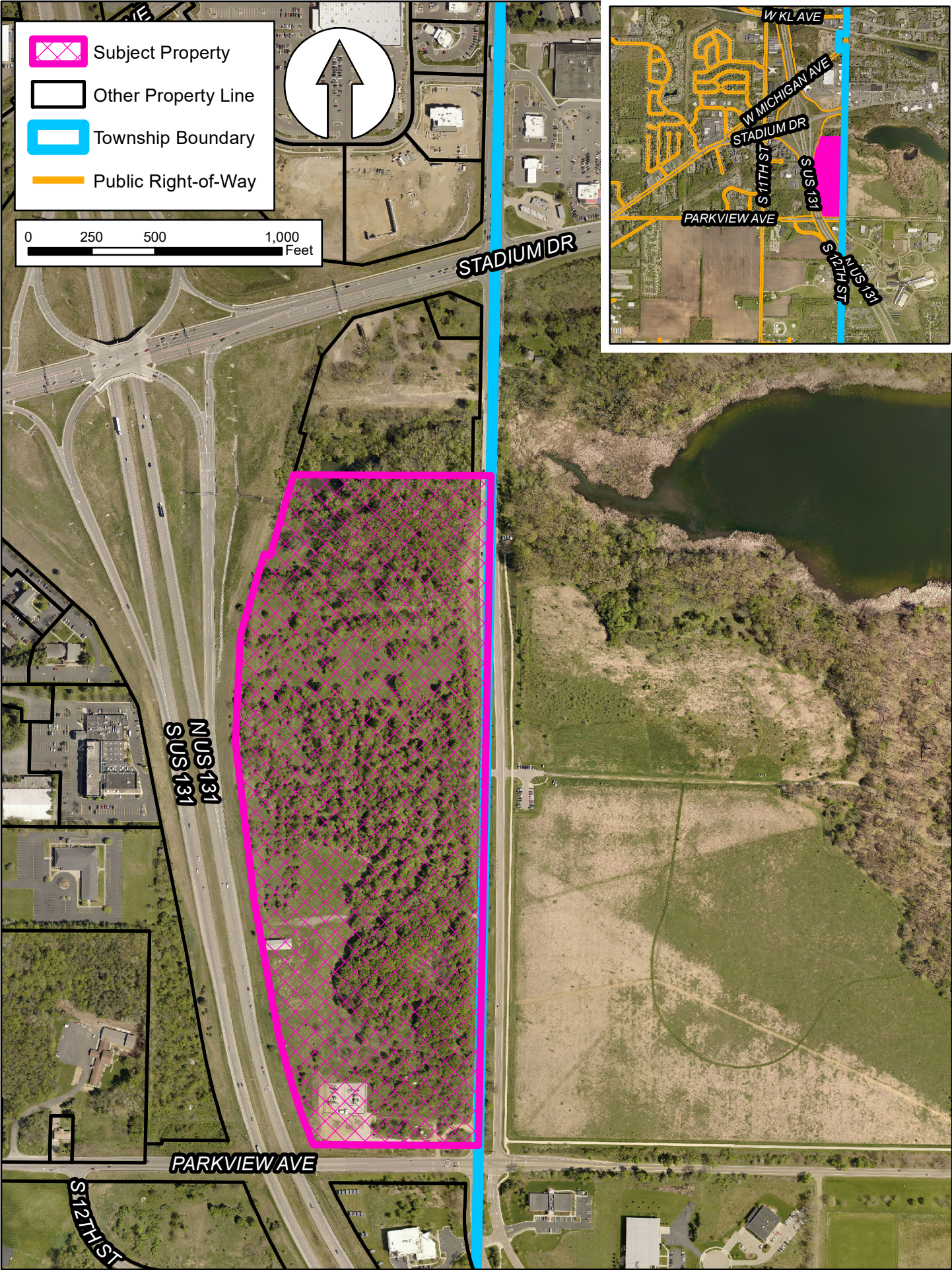
1. The Zoning Board of Appeals explicitly approves up to 49 parking spaces with a reduced size of nine by 20 feet.
2. The BTR 2.0 condominium and the project site shall be formally established in accordance with the site plan prior to issuance of a building permit.
3. Planning Commission approval of the architectural and design standards required by Section 20.50.b shall be approved prior to the division of land indicated on the site plan.
4. The required open space illustrated on the project site plan shall be formally established via recorded deed restriction or some other acceptable permanent conveyance prior to issuance of a building permit.
5. Any outstanding zoning and fire concerns shall be administratively resolved.
6. Prior to the issuance of a building permit the project shall receive curb cut approval from the RCKC. Any site plan changes necessary to secure such shall be approved administratively by the Township.
7. A revised site plan showing any changes necessary based on correction of the items above shall be submitted to and administratively approved by the Township prior to the issuance of a building permit.





Respectfully Submitted,

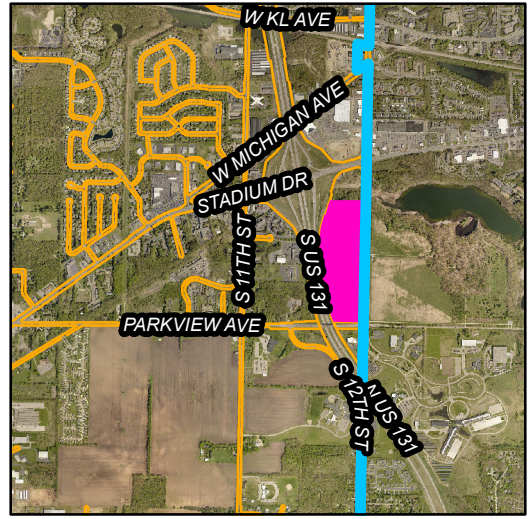
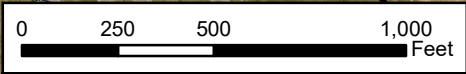


Ben Clark, Zoning Administrator

Attachments: Aerial Map  
Site Plan Excerpts  
Application  
Western Michigan Approval Letter  
Prein & Newhof Memo



-  Subject Property
-  Other Property Line
-  Township Boundary
-  Public Right-of-Way



NUS 131  
SUS 131

PARKVIEW AVE

S 12TH ST

STADIUM DR

W KL AVE

W MICHIGAN AVE

STADIUM DR

S 11TH ST

PARKVIEW AVE

SUS 131

S 12TH ST

NUS 131

PROJECT SITE SUMMARY

ADDRESS:  
XXXX ROBERT JONES WAY, KALAMAZOO, MICHIGAN 49006

PLAT:  
PROPOSED UNIT 1 OF THE WMU BTR PARK 2 CONDOMINIUM

ZONING:  
BRP = BUSINESS AND RESEARCH PARK DISTRICT)

ACREAGE:  
8.05 ACRES

PROPOSED BUILDING:  
2-STORY MEDICAL OFFICE (20,794 SFT)  
(5.9% OF LAND COVERED BY BUILDINGS)

BUILDING SETBACKS:  
FRONT: 70 FEET  
REAR: 47 FEET (BASED ON BUILDING HEIGHT)  
SIDE: 20 FEET

OPEN SPACE PRESERVATION:  
PROPOSED: 226,443 SFT (5.20 ACRES; 65%)  
FUTURE: 162,817 SFT (4.20 ACRES; 52%)

**ARCHITECT**  
HKS ARCHITECTS, PC  
235 E. MAIN STREET, SUITE 102C  
NORTHVILLE, MI 48167

**CIVIL ENGINEER**  
FISHBECK THOMPSON CARR & HUBER  
1515 ARBORETUM DRIVE  
GRAND RAPIDS, MI 49548

**STRUCTURAL ENGINEER**  
HKS INC.  
350 N SAINT PAUL ST, SUITE 100  
DALLAS, TX 75201-4240

**MEP ENGINEER**  
STRATEGIC ENERGY SOLUTIONS  
4000 W ELEVEN MILE ROAD  
BERKLEY, MI 48072

**LANDSCAPE ARCHITECTS**  
OCBA LANDSCAPE ARCHITECTS  
350 E. MICHIGAN AVENUE STE. 415  
KALAMAZOO, MI 49007

SYMBOL LEGEND

- DEDICATED OPEN SPACE
- STANDARD ASPHALT PAVEMENT
- HEAVY DUTY ASPHALT PAVEMENT
- CONCRETE PAVEMENT
- CONCRETE PAVEMENT WITH SNOW MELT
- 4" THICK CONCRETE SIDEWALK
- EXPANSION JOINT
- STANDARD CURB AND GUTTER
- STANDARD INVERTED CURB AND GUTTER
- PARKING SPACE COUNT
- SITE LIGHT POLE
- 9'-0" PARKING STALLS

NOTES

1. DIMENSIONS ARE TO BACK OF CURB, OUTSIDE FACE OF BUILDING, AND EDGE OF PAVEMENT UNLESS NOTED OTHERWISE.
2. KEEP THE APPROVED AND/OR MOST CURRENT SET OF PROJECT DRAWINGS ON SITE AT ALL TIMES. CONTRACTOR TO CONFIRM THEY ARE IN POSSESSION OF THE MOST CURRENT DRAWING FILES.

PARKING QUANTITIES

MEDICAL, DENTAL OFFICES & CLINICS: 1 SPACE/150 NET SF

NET SQUARE FOOTAGE CALCULATION:  
TWO STORY BUILDING  
EXCLUDES ELEVATORS, STAIRS, CORRIDORS, IT/DATA ROOM,  
UTILITY SHAFTS AND LAVATORIES.  
TOTAL CALCULATED NET SQUARE FOOTAGE: 20,161 SF

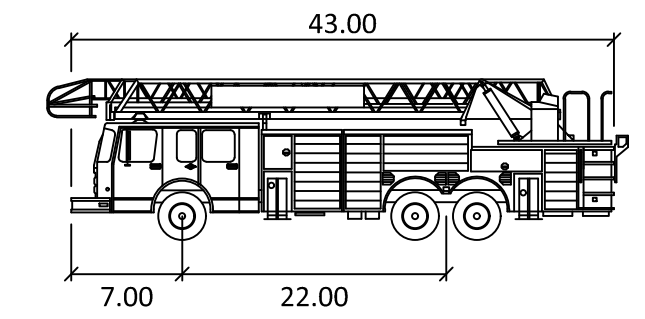
REQUIRED PARKING:  
29,161 SFT/150 = 195 SPACES

PROVIDED PARKING:  
142 STANDARD SPACES (10'-0")  
47 REDUCED SIZE SPACES (9'-0") (24% OF TOTAL SPACES)  
6 BARRIER FREE SPACES (INCLUDES VAN ACCESSIBLE)  
195 TOTAL SPACES

PARKING SPACE SIZE: STANDARD: 10'X20' (200 SF)  
REDUCED SIZE: 9'X20' (180 SF)

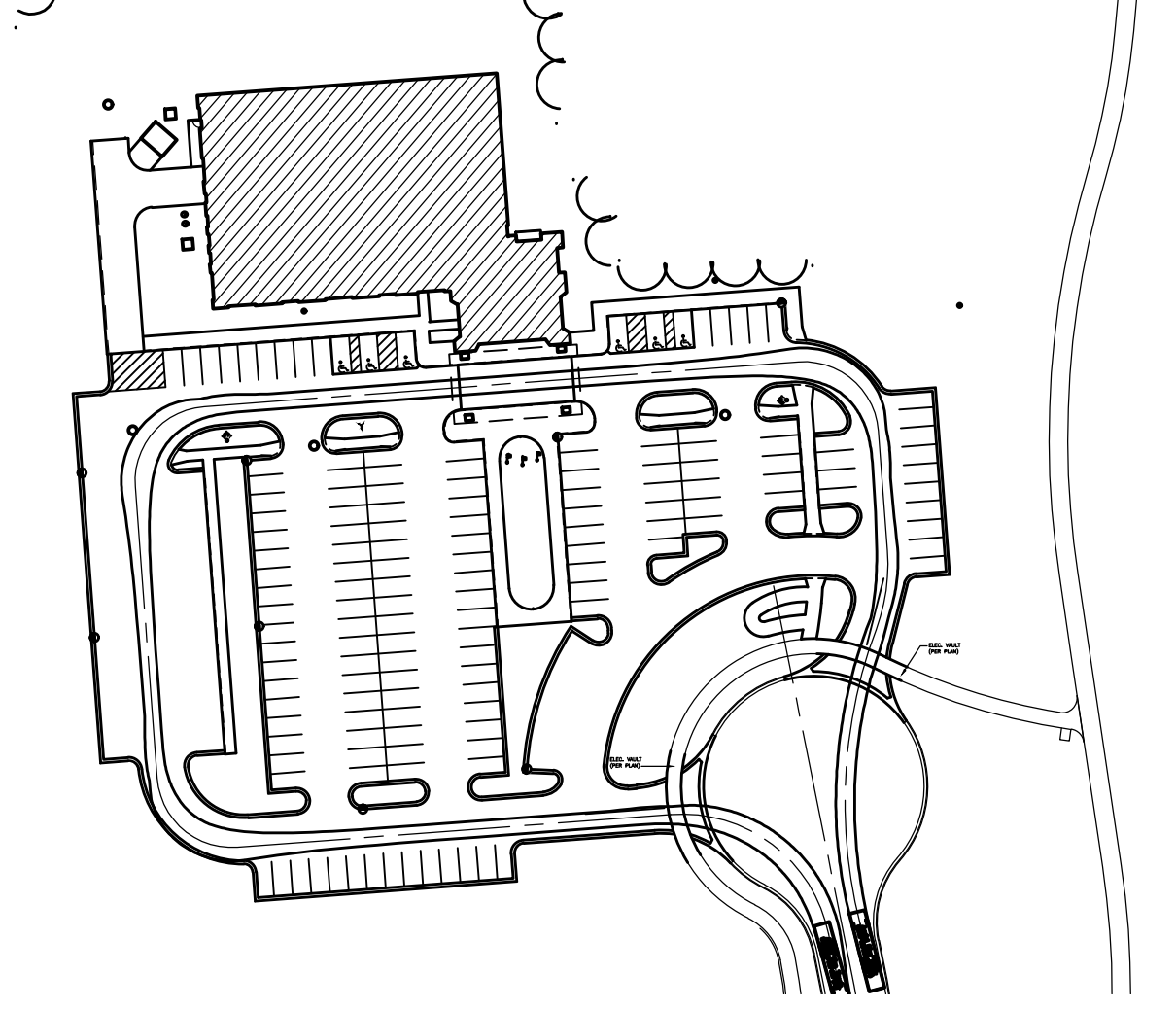
OPEN SPACE

OPEN SPACE REQUIREMENT: 20% OF 8 AC, PARCEL (1.6 AC)  
OPEN SPACE PROVIDED: 1.7 AC

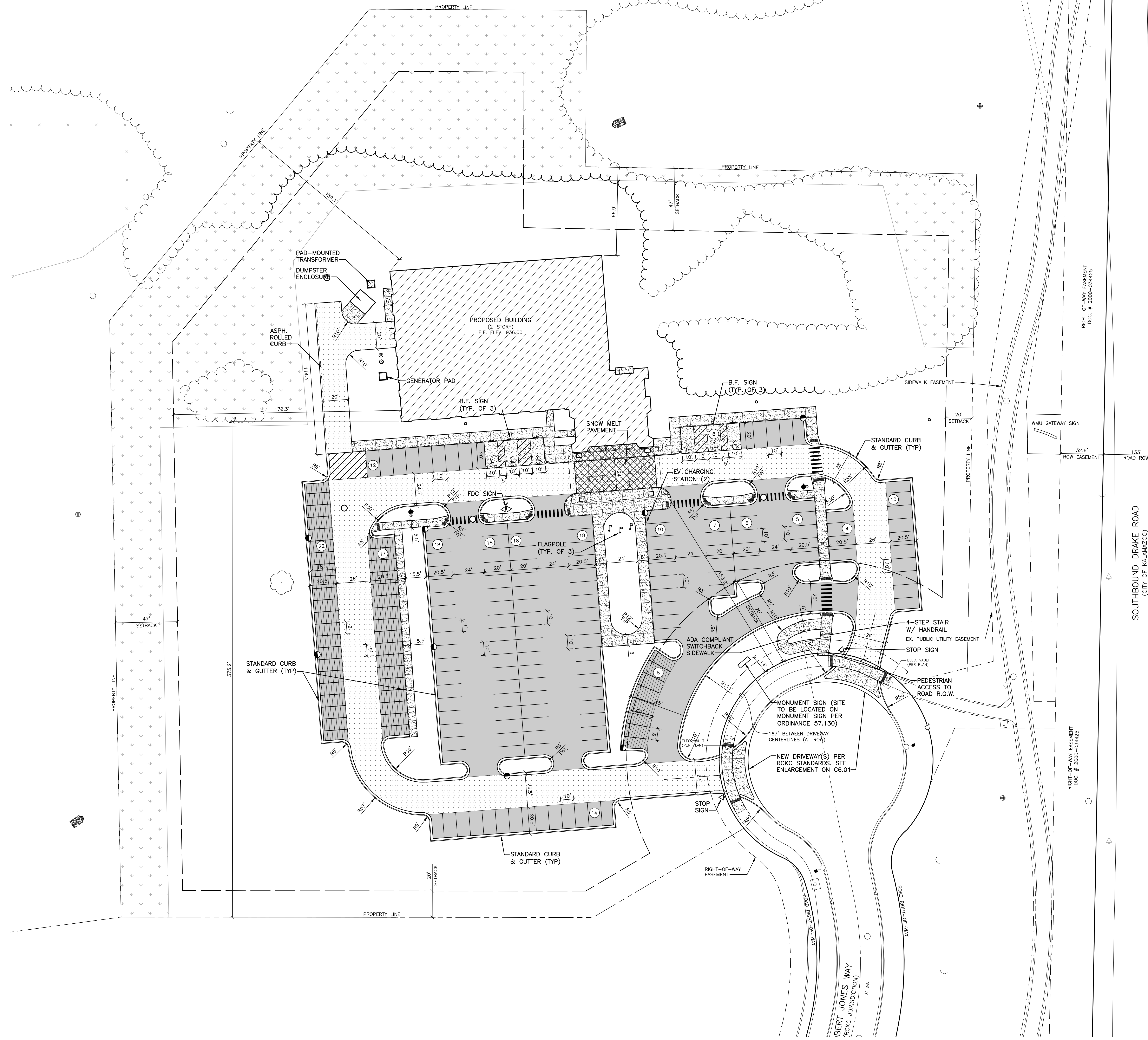


**Aerial Fire Truck**

	feet
Width	8.50
Track	8.50
Lock to Lock Time	6.0
Steering Angle	33.3



EMERGENCY VEHICLE ACCESS



LAYOUT PLAN  
SCALE: 1" = 30'  
0 15 30 60

EMERGENCY VEHICLE ACCESS  
SCALE: 1" = 100'  
0 50 100 200

ASCENSION BORGESS  
MEDICAL OFFICE BUILDING  
OSHTEMO TOWNSHIP, MI

INTERIM REVIEW ONLY  
These documents are incomplete, and are released for interim review only and are not intended for regulatory approval, permit, or construction purposes.  
Architect: JOHN AVDOULOS  
Arch. Reg. No.: 1301030334  
Date:

KEY PLAN

REVISION

SITE PLAN APPROVAL 9 DECEMBER, 2019  
SITE PLAN APPROVAL 27 NOVEMBER, 2019  
SITE PLAN APPROVAL 31 OCTOBER, 2019  
SCHEMATIC DESIGN 31 OCTOBER, 2019

HKS PROJECT NUMBER  
**23210.000**  
DATE  
**31 OCTOBER 2019**  
ISSUE  
**SCHEMATIC DESIGN  
SITE PLAN APPROVAL**  
SHEET TITLE  
**Layout Plan**

SHEET NO.

**C2.01**

**ARCHITECT**  
HKS ARCHITECTS, PC  
235 E. MAIN STREET, SUITE 102C  
NORTHVILLE, MI 48167

**CIVIL ENGINEER**  
FISHBECK THOMPSON CARR & HUBER  
1515 ARBORVIEW DRIVE  
GRAND RAPIDS, MI 49506

**STRUCTURAL ENGINEER**  
HKS INC.  
350 N SAINT PAUL ST, SUITE 100  
DALLAS, TX 75201-4240

**MEP ENGINEER**  
STATISGIC ENERGY SOLUTIONS  
4000 W ELEVEN MILE ROAD  
BERKLEY, MI 48072

**LANDSCAPE ARCHITECTS**  
OCBA LANDSCAPE ARCHITECTS  
350 EAST MOHIGAN AVENUE SUITE 415  
KALAMAZOO, MI 49004

## ASCENSION BORGESS MEDICAL OFFICE BUILDING

OSHTEMO TOWNSHIP, MI

**INTERIM REVIEW ONLY**  
These documents are incomplete, and are released for interim review only and are not intended for regulatory approval, permit, or construction purposes.  
Architect: JOHN AVDOULOS  
Arch. Reg. No.: 1301030324  
Date:

KEY PLAN

REVISION

SITE PLAN APPROVAL 9 DECEMBER 2019  
SITE PLAN APPROVAL 27 NOVEMBER 2019  
BTR DESIGN REVIEW 18 NOVEMBER 2019  
SITE PLAN APPROVAL 31 OCTOBER 2019  
SCHEMATIC DESIGN 31 OCTOBER 2019

HKS PROJECT NUMBER  
**23210.000**  
DATE  
**31 OCTOBER 2019**  
ISSUE  
**SCHEMATIC DESIGN SITE PLAN APPROVAL**  
SHEET TITLE

**LANDSCAPE PLAN**

SHEET NO.  
**L1.01**

**NOTES**

- CALL "MISS DIG" AND VERIFY ALL UNDERGROUND UTILITIES PRIOR TO BEGINNING WORK. 72 HOURS BEFORE YOU DIG CALL "MISS DIG" AT 1-800-482-7171. ANY UTILITIES DISTURBED BY CONSTRUCTION SHALL BE REPAIRED AT CONTRACTOR'S EXPENSE.
- ANY DISCREPANCIES BETWEEN THESE PLANS AND ACTUAL FIELD CONDITIONS SHOULD BE REPORTED TO THE CONSTRUCTION MANAGER IMMEDIATELY FOR RESOLUTION.
- UNLESS NOTED OTHERWISE, IN AREAS OF NEW TURF OR NATIVE SEEDING, ALL AREAS DISTURBED BY CONSTRUCTION, FINE GRADE PLACED TOPSOIL & ESTABLISH TURF / GRASSES AS CALLED FOR ON PLAN.
- ALL TREE AND SHRUB BEDS TO HAVE 3" SHREDDED HARDWOOD MULCH. ALL PERENNIALS, ORNAMENTAL GRASSES AND GROUNDCOVERS SHALL BE GROWN IN THEIR CONTAINER FOR A PERIOD OF ONE YEAR PRIOR TO INSTALLATION.
- UNLESS OTHERWISE NOTED, ALL PERENNIALS, ORNAMENTAL GRASSES AND GROUNDCOVERS SHALL BE GROWN IN THEIR CONTAINER FOR A PERIOD OF ONE YEAR PRIOR TO INSTALLATION.
- NAME: ALL STOCK SHALL BE FIRST CLASS QUALITY WITH WELL DEVELOPED BRANCH SYSTEMS AND VIGOROUS AND HEALTHY ROOT SYSTEMS. SINGLE STEM TREES SHALL HAVE STRAIGHT TRUNKS AND HEAVILY BRANCHED AND SYMMETRICAL CROWNS. EVERGREEN TREES SHALL BE FULL AND HEAVILY BRANCHED TO GRADE.
- TREE LOCATIONS ARE TO BE STAKED BY THE LANDSCAPE CONTRACTOR AND ARE SUBJECT TO APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- THE OWNER'S REPRESENTATIVE RESERVES THE RIGHT TO REQUEST ANY PLANT MATERIAL THAT DOES NOT CONFORM TO SPECIFICATIONS.
- REFER TO SHEETS Cxxx FOR EROSION CONTROL MEASURES AND DETAILS.
- MAINTAIN 5' MINIMUM CLEARANCE FROM HYDRANTS AND FIRE DEPARTMENT CONNECTIONS WITH ALL PLANT MATERIAL.
- THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR SCHEDULING OF THE UNDERGROUND IRRIGATION SYSTEM FOR THE ENTIRE MAINTENANCE PERIOD. COORDINATE IRRIGATION SCHEDULING WITH OWNER.
- REPAIR AND RESTORE ANY DAMAGE THAT RESULTS FROM THE CONTRACTOR'S ACTIVITIES TO AREAS OUTSIDE OF THE WORK LIMITS. RESTORE TO ORIGINAL CONDITION.
- ALL NURSERY STOCK SHALL BE TRUE TO TYPE AND NAME. ALL STOCK SHALL BE FIRST CLASS QUALITY WITH WELL DEVELOPED BRANCH SYSTEMS AND VIGOROUS AND HEALTHY ROOT SYSTEMS. SINGLE STEM TREES SHALL HAVE STRAIGHT TRUNKS AND HEAVILY BRANCHED AND SYMMETRICAL CROWNS. EVERGREEN TREES SHALL BE FULL AND HEAVILY BRANCHED TO GRADE.
- TREE LOCATIONS ARE TO BE STAKED BY THE LANDSCAPE CONTRACTOR AND ARE SUBJECT TO APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- THE OWNER'S REPRESENTATIVE RESERVES THE RIGHT TO REQUEST ANY PLANT MATERIAL THAT DOES NOT CONFORM TO SPECIFICATIONS.
- REFER TO SHEETS Cxxx FOR EROSION CONTROL MEASURES AND DETAILS.
- MAINTAIN 5' MINIMUM CLEARANCE FROM HYDRANTS AND FIRE DEPARTMENT CONNECTIONS WITH ALL PLANT MATERIAL.

**SYMBOL LEGEND**

	DECIDUOUS CANOPY TREE SEE DETAIL 1 / L2.01		FLOWERING PERENNIALS SEE DETAIL 3 / L2.01
	DECIDUOUS INTERMEDIATE TREE SEE DETAIL 1 / L2.01		IRRIGATED TURF
	EVERGREEN TREE SEE DETAIL 5 / L2.01		PRAIRIE SEEDING WITHIN GRADING LIMITS
	SHRUB SEE DETAIL 2 / L2.01		PRAIRIE DEVELOPMENT OUTSIDE GRADING LIMITS CONVERT EXISTING TURF TO PRAIRIE AND REMOVE IDENTIFIED INVASIVE SPECIES.
	ORNAMENTAL GRASS		GRADING LIMITS
	1/8" x 4" ALUMINUM LANDSCAPE EDGING SEE SPECIFICATIONS SEE DETAIL 4 / L2.01		BENCH
	PLANT TAG - REFERS TO THE TYPE AND NUMBER OF PLANTS		BIKE RACK

**ZONING ORDINANCE REQUIREMENTS**

**PARKING LOT LANDSCAPING**

TOTAL PARKING STALLS = 195  
REQUIRED INTERIOR LANDSCAPING AREA = 195 x 30 = 5830 SFT  
PROPOSED INTERIOR LANDSCAPE AREA = 11,090 SFT  
REQUIRED CANOPY TREES = 5830 / 200 = 29 TREES  
PROPOSED CANOPY TREES = 29  
REQUIRED SHRUBS = 5830 / 200 = 29(2) = 58 SHRUBS  
PROPOSED SHRUBS = 67

**GREENSPACE AREAS**

SUBJECT PARCEL ZONING = BRP  
ADJACENT PARCEL ZONING = BRP

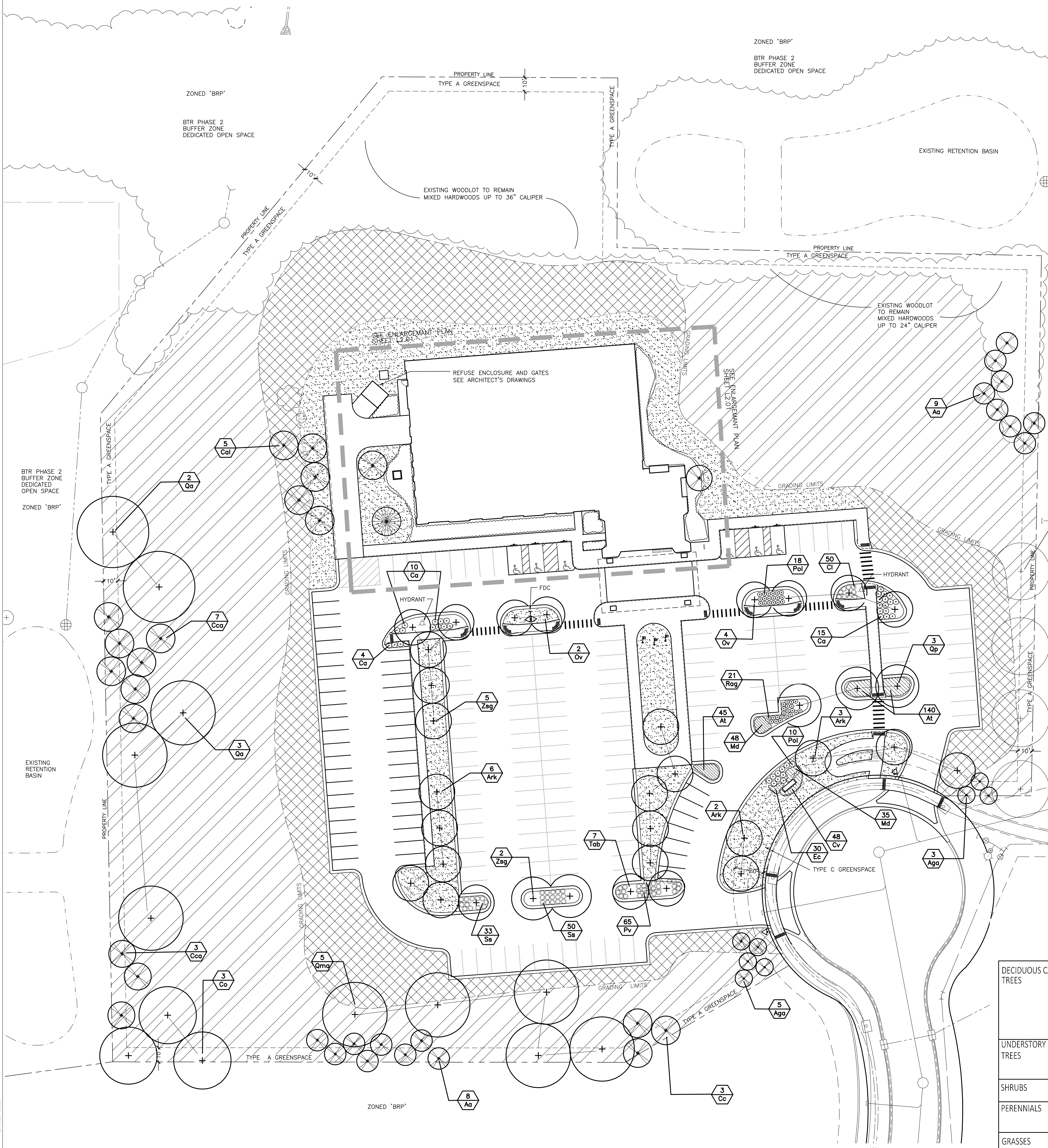
ROAD R.O.W.	TYPE 'A' GREENSPACE	SOUTH PROPERTY LINE	TYPE 'A' GREENSPACE
252 L.F.T. / 100 = 2.52	483 L.F.T. / 100 = 4.83	483 L.F.T. / 100 = 4.83	483 L.F.T. / 100 = 4.83
REQ. CANOPY TREES = 2.52(2) = 5 TREES	REQ. CANOPY TREES = 4.83 = 5 TREES	REQ. CANOPY TREES = 4.83 = 5 TREES	REQ. CANOPY TREES = 4.83 = 5 TREES
REQ. UNDERSTORY TREES = 2.52(3) = 8 TREES	REQ. UNDERSTORY TREES = 4.83(2) = 10 TREES	REQ. UNDERSTORY TREES = 4.83(2) = 10 TREES	REQ. UNDERSTORY TREES = 4.83(2) = 10 TREES
REQ. SHRUBS = 2.52(4) = 10 SHRUBS	PROPOSED CANOPY TREES = 5	PROPOSED CANOPY TREES = 5	PROPOSED UNDERSTORY TREES = 10
PROPOSED CANOPY TREES = 5	PROPOSED UNDERSTORY TREES = 8	PROPOSED UNDERSTORY TREES = 8	PROPOSED UNDERSTORY TREES = 8
PROPOSED SHRUBS = 10			

WEST PROPERTY LINE	NORTH PROPERTY LINE
451 L.F.T. / 100 = 4.51	858 L.F.T. / 100 = 8.58
REQ. CANOPY TREES = 4.51 = 5 TREES	REQ. CANOPY TREES = 8.58 = 9 TREES
REQ. UNDERSTORY TREES = 4.51(2) = 10 TREES	REQ. UNDERSTORY TREES = 8.58(2) = 17 TREES
PROPOSED CANOPY TREES = 5	EXISTING WOODLOT TO REMAIN
PROPOSED UNDERSTORY TREES = 10	

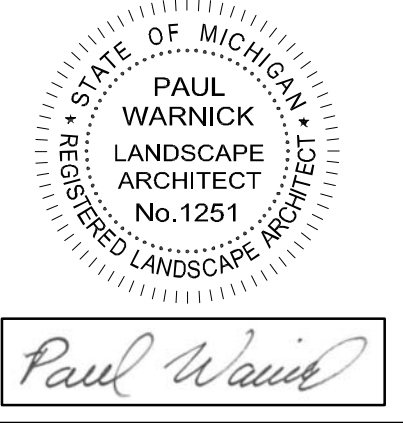
EAST PROPERTY LINE
372 L.F.T. / 100 = 3.72
REQ. CANOPY TREES = 3.72 = 4 TREES
REQ. UNDERSTORY TREES = 3.72(2) = 8 TREES
EXISTING CANOPY TREES = 4
PROPOSED UNDERSTORY TREES = 9

**PLANT LIST: SHEET L1.01**

SYM.	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	SPACING	NATIVE STATUS
Ark	Acer rubrum 'Karpick'	Karpick Red Maple	3 1/2" Cal.	B&B	25' O.C.	NATIVE CULTVAR
Co	Celtis occidentalis	Hackberry	3 1/2" Cal.	B&B	40' O.C.	NATIVE
Ov	Ostrya virginiana	American Hophornbeam	3 1/2" Cal.	AS SHOWN	NATIVE	NATIVE
Tab	Tilia americana 'Boulevard'	Boulevard American Linden	3 1/2" Cal.	B&B	25' O.C.	NATIVE CULTVAR
Qa	Quercus alba	White Oak	3 1/2" Cal.	B&B	45' O.C.	NATIVE
Bur	Quercus macrocarpa	Bur Oak	3 1/2" Cal.	B&B	45' O.C.	NATIVE
Qp	Quercus palustris	Pin Oak	3 1/2" Cal.	B&B	AS SHOWN	NATIVE
Zsg	Zelkova serrata 'Green Vase'	Green Vase Zelkova	3 1/2" Cal.	B&B	25' O.C.	NON-NATIVE
Aa	Amelanchier arborea	Common Serviceberry	8-10' Ht.	B&B	15' O.C. Clump form	NATIVE
Agg	Amelanchier grandiflora 'Autumn Brilliance'	Autumn Brilliance Serviceberry	8-10' Ht.	B&B	15' O.C. Clump form	NATIVE HYBRID
Co	Cornus alternifolia	Pagoda Dogwood	8-10' Ht.	B&B	20' O.C. 2" cal. min.	NATIVE
Cc	Carpinus caroliniana 'JPS-KW6'	Native Flame American Hornbeam	8-10' Ht.	B&B	20' O.C. 2" cal. min.	NATIVE CULTVAR
Cca	Cercis canadensis	Eastern Redbud	8-10' Ht.	B&B	20' O.C. 2" cal. min.	NATIVE
Ca	Ceanothus americana	New Jersey Tea	18" Ht.	Cont.	4' O.C.	NATIVE
Pol	Physocarpus opulifolius 'Little Devil'	Little Devil Ninebark	18" Ht.	Cont.	4' O.C.	NATIVE CULTVAR
Rag	Rhus aromatica 'Gra Low'	Gra Low Sumac	18" Spread	Cont.	3' O.C.	NATIVE CULTVAR
At	Asclepias tuberosa	Butterfly Milkweed	1 Gal.	Cont.	18" O.C.	NATIVE
Cv	Coreopsis verticillata 'Zagreb'	Zagreb Coreopsis	1 Gal.	Cont.	18" O.C.	NON-NATIVE
Ec	Echinacea 'Cleopatra'	Cleopatra Coneflower	1 Gal.	Cont.	18" O.C.	NATIVE CULTVAR
Md	Monarda didyma 'Grand Marshal'	Grand Marshal Bee Balm	1 Gal.	Cont.	18" O.C.	NATIVE CULTVAR
Cl	Chasmanthium latifolium	Northern Sea Oats	2 Gal.	Cont.	18" O.C. staggered	NATIVE
Pv	Panicum virgatum	Switch Grass	2 Gal.	Cont.	30" O.C. staggered	NATIVE
Ss	Schizachyrium scoparium	Little Bluestem	2 Gal.	Cont.	24" O.C. staggered	NATIVE



**LANDSCAPE PLAN**  
SCALE: 1" = 30'  
NORTH



Paul Warnick







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

**PLEASE PRINT**

**PROJECT NAME & ADDRESS** Ascension Borgess Medical Office Building

**PLANNING & ZONING APPLICATION**

Applicant Name : William Mooney  
Company Bremner Real Estate or its Assignee  
Address 8900 Keystone Crossing  
Suite 580  
Indianapolis, IN 46240  
E-mail Billm@bremnerrealestate.com  
Telephone 317-912-4519 Fax \_\_\_\_\_  
Interest in Property Developer

THIS  
SPACE  
FOR  
TOWNSHIP  
USE  
ONLY

Fee Amount \_\_\_\_\_  
Escrow Amount \_\_\_\_\_

**OWNER\*:**

Name Mark Yagerlener  
Ascension Borgess or its Assignee  
Address 18000 West Nine Mile Road, Suite 1200  
Southfield, MI 48075  
Email Mark.Yagerlener@Medxcelfm.com  
Phone & Fax 248-798-8919

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

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

**BRIEFLY DESCRIBE YOUR REQUEST** (Use Attachments if Necessary): \_\_\_\_\_

**Site Plan review for proposed Ascension Borgess Medical Office Building to be located in new parcel of the WMU Business Technology Research Park 2. See attached drawings and design information.**

**LEGAL DESCRIPTION OF PROPERTY** *(Use Attachments if Necessary):*

See attached Drawings (C1.01 and C2.01) for proposed legal description of property.

**PARCEL NUMBER:** 3905- \_\_\_\_\_ **ADDRESS OF PROPERTY:** \_\_\_\_\_  
*Note: proposed parcel number and address of property will be requested once the Site Condominium is established by Western Michigan University.*

**PRESENT USE OF THE PROPERTY:** Vacant Land

**PRESENT ZONING** BRP **SIZE OF PROPERTY** 8 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)
Ascension Borgess Hospital	c/o Mark Yagerlener, Real Estate Director Ascension Real Estate, 18000 West Nine Mile Road Suite 1200, Southfield, MI 48075

**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.*

<u>Mark Yagerlener</u>	<u>Oct 29 2019</u>
<b>Owner's Signature</b> (* If different from Applicant)	<b>Date</b>
<u>WJ Hooney</u>	<u>Oct 29 2019</u>
<b>Applicant's Signature</b>	<b>Date</b>

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

\*\*\*\*

**PLEASE ATTACH ALL REQUIRED DOCUMENTS**



December 4, 2019

Ben Clark  
Iris Lubbert  
Oshtemo Township  
7275 West Main Street  
Kalamazoo, MI 49009

RE: WMU's BTR 2.0 Design Review Committees' site plan approval for the proposed Borgess Ascension medical office/research facility in the BTR 2.0 business park

Dear Ben and Iris,

WMU's design review committee has approved the proposed site plan for the Borgess Ascension medical office/research facility in the BTR 2.0 business park with the understanding that we receive samples of the exterior skins at a later date. We consent for the project to continue through Oshtemo's site plan review process.

If you have any questions or require additional information, please contact me at 269.387.4281 or at [colleen.scarff@wmich.edu](mailto:colleen.scarff@wmich.edu).

Sincerely,

A handwritten signature in black ink that reads 'Colleen D. Scarff'. The signature is written in a cursive style with a large, looped 'C' at the beginning.

Colleen D. Scarff  
Executive Director of University Budgets

Office of University Budgets  
1903 W. Michigan Avenue  
Kalamazoo, MI 49009-5221

## Memorandum

---

Date:	December 11, 2019
To:	Planning Commission
Company:	Charter Township of Oshtemo
From:	Thomas C. Wheat, P.E., Township Engineer, Alex Robershotte, E.I.T.
Project #:	2190714
Re:	Ascension Borgess Medical Office Building – Site Plan Review

---

We have reviewed the revised site plan for the Ascension Borgess Medical Office Building dated December 9, 2019 and feel that it has addressed all of our previous comments. There are no further comments at this time.

cc: Ryan Musch, FTC&H (via email)  
Marc Elliott, Director of Public Works, Charter Township of Oshtemo (via email)



7275 W. MAIN STREET, KALAMAZOO, MI 49009  
269-216-5220 Fax 375-7180 TDD 375-7198  
[www.oshtemo.org](http://www.oshtemo.org)

## Zoning Board of Appeals

Fourth Tuesday of every month @ 3PM

### 2020 Meeting Dates

01/28
02/25
03/24
04/28
05/26
06/23
07/28
08/25
09/22
10/27
11/24
12/22
01/26/21



December 10, 2019

**Mtg Date:** December 17, 2019

**To:** Zoning Board of Appeals

**From:** Iris Lubbert, AICP  
Planning Director

**Subject:** Discussion: Variance Request Review Form

Introduction: The Zoning Board of Appeals (ZBA) is a quasi-judicial body, appointed by the Township Board to act as an appeals board for questions related to the Zoning Ordinance. The ZBA is empowered to grant non-use or dimensional variances from the Zoning Ordinances, to review administrative interpretations of the Zoning Ordinance that are challenged by the public, to hear appeals on administrative decisions made by staff, and to review site plans for Permitted Uses and Permitted Uses with Conditions within Zoning Districts.

The Zoning Enabling Act of Michigan outlines that when considering a variance request, the ZBA must ensure that the “spirit of the ordinance is observed, public safety secured, and substantial justice done.” The Michigan courts have added that variances should only be granted in the case of a practical difficulty for a nonuse (dimensional) variance. In addition, applicants must demonstrate that their plight is due to the unique circumstances particular to that property and that the problem is not self-created.

To help with consistency between variance cases, to assist the Board in ensuring that all requirements of a variance approval are met, and to improve the Township’s documentation of a ZBA’s variance decision, Staff have drafted the attached Zoning Board of Appeals – Variance Request Review Form.

Requested Discussion: Township Staff are requesting that the Zoning Board of Appeals review the attached Variance Request Review Form and provide feedback to staff on its usability. If this form, or a variation of the form, is accepted by the Zoning Board of Appeals this document will be provided to the ZBA with each following variance request for the Board’s reference and usage.

Please don’t hesitate to contact the Planning Department if you have any questions. Thank you for your consideration.



## **ZONING BOARD OF APPEALS - VARIANCE REQUEST REVIEW FORM**

**The Board is required by law to consider the following, and only the following, criteria when deciding on an application for a nonuse variance. When making a motion on a variance, each of the following criteria must be clearly addressed** in order to document how the Board's decision was made. Please fill in the lines below and verbally state how these criteria are, or are not, met.

Case: \_\_\_\_\_

Date: \_\_\_\_\_

Criteria 1: Conformance Unnecessarily Burdensome

*Are reasonable options for compliance available? Please note that economic hardship cannot be considered.*

Yes: \_\_\_\_\_

**No:** \_\_\_\_\_

Criteria 2: Substantial Justice

*Is the decision consistent with past decisions of the ZBA (precedence)?*

**Yes:** \_\_\_\_\_

No: \_\_\_\_\_

Criteria 3: Unique Physical Circumstances

*Are there unique physical limitations or conditions which prevent compliance?*

**Yes:** \_\_\_\_\_

No: \_\_\_\_\_

Criteria 4: Self-Created Hardship

*Are the conditions or circumstances which resulted in the variance request created by actions of the applicant?*

Yes: \_\_\_\_\_

**No:** \_\_\_\_\_

Criteria 5: Public Safety and Welfare

*If granted, will the spirit of the ordinance be observed, and public safety and welfare secured?*

**Yes:** \_\_\_\_\_

No: \_\_\_\_\_

Based on the review of the criteria listed above the Zoning Board of Appeals rules to Approve / Deny the variance request.





December 10, 2019

**Mtg Date:** December 17, 2019

**To:** Zoning Board of Appeals

**From:** Iris Lubbert, AICP  
Planning Director

**Subject:** Discussion: Review of Permitted Uses vs. Permitted Uses with Conditions vs. Special Uses

Introduction: Oshtemo Township's Zoning Code outlines three different types of uses within each Zoning District: Permitted Uses, Permitted Uses with Conditions, and Special Uses. When a site plan for new construction or a significant alteration is submitted within a zoning district it will fall into one of these three categories, each triggering a different level of review. Apart from single-family homes, duplexes, and accessory buildings, all site plans are required to be reviewed by the Planning Commission or the Zoning Board of Appeals. The Township's Site Plan review process is outlined in Article 64 of the Zoning Code. In this section you will find a chart, under 64.20 Applicability, which outlines which site plans fall under which reviewing body's authority. For your reference I have attached this section of the Code. In summary, the Planning Commission reviews all Special Uses, the Zoning Board of Appeals reviews Permitted Uses and Permitted Uses with Conditions, and staff administratively reviews smaller alterations and temporary uses.

Site plans that fall under the review of the Zoning Board of Appeals or the Planning Commission go through a six week or more public review process. A brief summary of the three types of uses requiring this level of review is outlined below:

- **Permitted Uses:** In every zoning district within the Township there are listed Permitted Uses. These are the uses allowed in a zoning district without contention and often are used to define the character and intensity of that district. For example, in the Township's R-1: Residence Zoning District the listed permitted uses are: private one family dwellings, essential services (excluding buildings and regulatory stations), accessory buildings and uses customary to the foregoing, and family daycare homes. Based on the listed uses it is clear that the intent of this district is for low-density single-family development. Submitted site plans that fall under the Permitted Use category can only legally be reviewed on the criteria outlined in the Zoning Ordinance. Often these uses are referred to as "uses by right". When a site plan for a Permitted Use is under review and meets the requirements of the Ordinance, it is required by law to be approved. In these cases, the

reviewing body is not permitted to request any additional conditions aside from what the Zoning Code requires.

- **Permitted Use with Conditions:** These type of uses follow the same principles of Permitted Uses with the difference being that there are additional conditions that the submitted site plan needs to meet in order to be approved. For example, a request for a Home Occupation in the R-1 Zoning District needs to meet the general development standards of the zoning code in addition to the specific requirements for this specific use outlined in the code, such as: “the occupation shall not utilize more than 25% of the interior gross floor area of the premises...” (Section 48.60 (A)(6)). Similar to Permitted Uses, when a site plan for a Permitted Use with Conditions is under review and meets the requirements of the Ordinance, it is required by law to be approved. In these cases, the reviewing body is not permitted to request any additional conditions aside from what the Zoning Code requires.
- **Special Uses:** Special Uses are permitted uses identified in a zoning district that may have potentially unique characteristics that could be incompatible with other uses permitted in such zoning district. Unlike the previous two use types, the reviewing body of a site plan that falls into this category is permitted some discretion in their review. This discretion is meant to allow for flexible zoning control and still afford protection of property values and orderly and compatible development. For example, if a site plan is submitted for a Group Day Care Home in the R-1 district the reviewing body is permitted to determine if this type of use is appropriate at that specific location. If they find the use not compatible or if other concerns arise, even if the request meets the zoning requirements, they have the authority to deny the request or request modifications.

It is the Township’s practice to take all three of these use types through the Township’s six week or more public review process. This process involves staff coordination with the applicant, one or more staff reviews of the submittal to ensure zoning compliance, the creation of a staff report that outlines the compliance or non-compliance of a project, and a presentation and public hearing at the reviewing body.

For site plans that fall into the Permitted Use and Permitted Use with Conditions, the Zoning Board of Appeals can only approve or deny an application based on whether the request meets the code or not. As noted above, the reviewing body cannot request alterations or deny a request if the requirements of the code are met. Currently, staff determines the compliance of the case through review and outlines that compliance in their staff report for the Zoning Board to consider.

Requested Discussion: In many jurisdictions, as there are no considerations beyond what is outlined in the code, reviews of Permitted Uses and Permitted Uses with Conditions are administrative. Staff requests that the Zoning Board of Appeals discuss and consider the possibility of transferring Permitted Use and Permitted Use with Condition site plan reviews to

Township Staff for administrative review and approval. This change would drastically decrease the amount of administrative time needed in these types of reviews and streamline the process for Permitted Use and Permitted Use with Condition site plans.

With this request staff understands that certain types of Permitted Uses with Conditions can be controversial and that the Township may still wish to have certain requests be reviewed by a reviewing body as well as allow public comment. However, under the current set up, even if the public is against a specific proposal, the reviewing body cannot react to the public's concern as they are required by law to approve a request of this nature if the plan meets zoning standards. Staff would like to propose that the Zoning Board of Appeals and the Planning Commission move these controversial types of uses from Permitted Uses with Conditions to Special Uses. Not only would this allow the continuance of public comment, but it would also allow the Township the ability to respond to public concern and place conditions on these types of requests.

Process: Staff's first step is presenting this idea to the Zoning Board of Appeals. If staff gets the Zoning Board of Appeal's blessing, the next step will be presenting the idea to the Planning Commission. If a consensus is reached, staff will start working on making code updates. This process would be phased and ultimately involve Township Board review and approval. Staff would first move to make the review of Permitted Uses administrative and then work with the reviewing bodies to determine which Permitted Uses with Conditions in each Zoning district should be converted into Special Uses.

Thank you for your consideration.

# ARTICLE 64

## 64 – SITE PLAN REVIEW

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### 64.20 APPLICABILITY

- A. Prior to the establishment of a use, addition to an existing use, or the erection of any building, a Site Plan shall be submitted to and approved by the Township in accordance with the procedures of this Article, and the development requirements of this and other applicable ordinances.
- B. The Township shall not approve the issuance of a building permit until a Site Plan, where required, has been approved and is in effect. Obtaining Site Plan approval does not guarantee issuance of a building permit.
- C. No grading, removal of trees or other vegetation, landfilling, installation of utilities, or other construction improvements shall commence for any development which requires Site Plan approval until a Site Plan is approved and is in effect, except as permitted by this ordinance or by Section 56.30.
- D. Site Plan review shall be required for the activities or uses listed in the table below. The Planning Commission, Zoning Board of Appeals, or Planning Department through Administrative Approval shall have the authority to review and to approve, approve with conditions, or deny Site Plan applications as provided in this Article, in accordance with the table below. If all Site Plan application requirements are met, the Site Plan shall be approved, approved with conditions, or denied within 60 days of receipt of the completed application.
- E. The Planning Director shall have the discretion to forward any Site Plan submitted for administrative approval to the Zoning Board of Appeals for final determination.
- F. If administrative approval is denied, the applicant may appeal the decision to the Zoning Board of Appeals.
- G. Single-family and two-family dwellings are exempt from these requirements.

Activity/Use	Administrative Review	Zoning Board of Appeals	Planning Commission	Township Board
<b>NEW CONSTRUCTION</b>				
Open Space Developments			Approve	
Planned Unit Developments (PUD)			Approve	
Multi-Family Developments/Buildings		Approve in R-4 District	Approve in R-3 District	
Mobile Home Community			Recommend	Approve
Any Nonresidential Building, <u>Structure</u> or Use (unless Special Use)		Approve		
Special Uses			Approve	
<b>EXPANSION/MODIFICATION TO EXISTING BUILDINGS</b>				
Alteration or expansion involving less than one-fourth of the floor area of an existing structure or is no greater than 2,000 sq. ft. whichever is less	Approve			
Alteration or expansion involving more than one-fourth of the floor area of an existing structure or is greater than 2,000 sq. ft.		Approve		
Expansion/Intensification of a Special Use			Approve	
<b>CHANGE IN USE</b>				

Activity/Use	Administrative Review	Zoning Board of Appeals	Planning Commission	Township Board
Reuse of an existing building where no building expansion is proposed, if the Planning Director determines the new use is similar or less intense in terms of parking, traffic generation, drainage, utility needs, noise, aesthetics and other external effects	Approve			
Change of land or building to a more intensive use, as determined by the Planning Director, that may involve substantial change in parking, traffic flow, hours of operation, public services, effluent discharge, or substantial alteration of the physical character of the site		Approve		
Change to a Special Use			Approve	
Temporary uses, buildings and structures	Approve			
Change of use/occupancy of an individual suite within a Commercial Center	Approve			
<b>ACCESSORY STRUCTURES AND SITE IMPROVEMENTS</b>				
Accessory structures/buildings that are one-fourth the size of the principal building or less and does not affect other Zoning requirements	Approve			
Accessory structures/buildings that are more than one-fourth the size of the principal building and/or affect other Zoning requirements		Approve		
Outdoor storage, sales and display for more than one day			Approve	
Modification or expansion of existing off-street parking, stacking spaces or loading and unloading areas	Approve			
Construction, relocation or erection of signs, screening walls, fences, waste receptacles, sidewalks, lights, and poles	Approve			
Modifications to comply with accessibility requirements	Approve			