



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
269-216-5220 Fax 375-7180 TDD 375-7198
www.oshtemo.org

**NOTICE
OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS - REGULAR MEETING**

**MEETING WILL BE HELD IN PERSON
AT OSHTEMO TOWNSHIP HALL
7275 W MAIN STREET**
Masks Are Now Optional in Oshtemo Township Buildings

(Meeting will be available for viewing through <https://www.publicmedianet.org/qavel-to-qavel/oshtemo-township>)

**TUESDAY, MARCH 26, 2024
3:00 P.M.**

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: February 20, 2024
6. **Public Hearing: Variance Request – Westcare Associates, LLC:**
Westcare Associates, LCC is requesting relief from the frontage requirements outlined in Section 50.10 of the Zoning Ordinance to allow for a reduced frontage of 120 feet at 6565 W Main Street where the Zoning Ordinance requires 200 feet for commercially-zoned parcels.
7. Other Updates and Business
8. Adjournment

**Policy for Public Comment
Township Board Regular Meetings, Planning Commission & ZBA Meetings**

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

- a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email (oshtemo@oshtemo.org), walk-in visits, or by appointment.
- b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)
(revised 5/14/2013)
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday, 8 a.m.-1 p.m. and 2-5 p.m., and on Friday, 8 a.m.–1 p.m. Additionally, questions and concerns are accepted at all hours through the website contact form found at www.oshtemo.org, email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to oshtemo@oshtemo.org and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
Cheri Bell	216-5220	cbell@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Clare Buszka	216-5260	cbuszka@oshtemo.org
<u>Trustees</u>		
Neil Sikora	760-6769	nsikora@oshtemo.org
Kristin Cole	375-4260	kcole@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Michael Chapman	375-4260	mchapman@oshtemo.org

Township Department Information			
<u>Assessor:</u>			
Kristine Biddle	216-5225	assessor@oshtemo.org	
<u>Fire Chief:</u>			
Greg McComb	375-0487	gmccomb@oshtemo.org	
<u>Ordinance Enforcement:</u>			
Rick Suwarsky	216-5227	rsuwarsky@oshtemo.org	
<u>Parks Director:</u>			
Vanessa Street	216-5233	vstreet@oshtemo.org	
Rental Info	216-5224	oshtemo@oshtemo.org	
<u>Planning Director:</u>			
Vacant		planning@oshtemo.org	
<u>Public Works Director:</u>			
Anna Horner	216-5228	ahorner@oshtemo.org	

**OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
DRAFT MINUTES OF A REGULAR MEETING HELD FEBRUARY 20, 2024 AT
OSHTEMO TOWNSHIP HALL, 7275 WEST MAIN STREET**

Agenda

ELECTION OF 2024 OFFICERS

PUBLIC HEARING – SITE PLAN REVIEW AND VARIANCE: 1560 S. 8th STREET, LLC
Scott Williams, on behalf of 1560 S 8th Street, LLC, is requesting relief from the setback provisions of Section 50.70 of the Zoning Ordinance in order to construct a 6,684 square foot building with a connecting breezeway to an existing building on-site.

A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held Tuesday, February 20, 2024, beginning at 3:00 p.m.

MEMBERS PRESENT: Louis Williams, Vice Chair
Rick Everett
Fred Gould
Harry Jachym

Also present were Colten Hutson, Zoning Administrator; Leeanna Harris, Zoning Administrator; Jim Porter, Township Attorney; Ann Homrich, Recording Secretary and seven guests.

Call to Order

Vice Chair Williams called the meeting to order. Those present joined in reciting the Pledge of Allegiance.

Approval of Agenda

Mr. Hutson indicated there were no changes to the agenda.

Mr. Jachym **made a motion** to approve the agenda as presented. Vice Chair Williams called for a vote. **The motion was approved** unanimously.

The Vice Chair moved to the next agenda item.

Public Comment on Non-Agenda Items

There were no comments on non-agenda items.

Approval of the Minutes of December 12, 2023

Vice Chair Williams asked for approval of the minutes of December 12, 2023. Mr. Everett **made a motion** to approve the minutes as presented. Mr. Jachym **seconded the motion**. The Vice Chair called for a vote. The **motion was approved** unanimously.

Election of 2024 Officers

The Vice Chair moved to the next agenda item, election of officers: Chair, Vice Chair, and Recording Secretary. Attorney Porter noted for the record that a Recording Secretary is simply an honorary position, and there has always been an individual preparing the recordings, however statute requires that a member of the Board has to be appointed as the Recording Secretary.

Mr. Jachym **nominated** Mr. Williams as Chair. Mr. Everett **seconded the motion**. Vice Chair called for a vote. **Motion was approved** unanimously.

Mr. Gould **nominated** Mr. Jachym as Vice Chair, due to his many years of service. Chairperson called for a vote. **Motion was approved** unanimously.

Mr. Jachym **nominated** Mr. Gould as Recording Secretary. Mr. Williams **seconded the motion**. Chairperson called for a vote. **Motion was approved** unanimously.

Chairperson Williams moved to the next agenda item.

Public Hearing – Site Plan Review and Variance: 1560 S. 8th Street, LLC

The Chair opened the meeting for public hearing, site plan review and variance request for 1560 S. 8th Street.

Ms. Harris presented the site plan review and variance request for 1560 S. 8th Street (parcel 05-22-485-030). The applicant, 1560 S. 8th Street, LLC, is requesting site plan review and relief from Section 50.70.B of the Zoning Ordinance in order to construct a 6,684 square foot building with a connecting breezeway to an existing building on site. If approved, the variance would permit construction of a building 65 feet south of the property line where the ordinance requires a 100-foot setback. If the variance is not approved, Ms. Harris stated the site plan could not be approved and would need to be redesigned to adhere to the required 100-foot setback.

The property currently zoned I-1 Industrial is located in the SE quadrant of the Township. The property currently possesses a 7,803 square foot building. A church previously occupied the building, however in 2003 the property was successfully rezoned from R-3 to I-1 to allow for future industrial land uses. The current owners have an office at said property but wishes to expand the business adding a 6,684 square foot to serve for manufacturing printing and embroidery of pre-manufactured items and supplies. To facilitate the expansion, the intent is to place the proposed building NE of the existing building along the parcel's south boundary line. Generally, the required setback for I-1 Industrial zoning is 20 feet of the height of the abutting side of the building at its highest point. However, the presence of a residential land use to the subject property's immediate south, the supplemental setback provisions outlined in Section 50.70.B of the Zoning Ordinance states that an industrial property requires a setback of 100 feet when abutting a residential property. For this reason, the applicant has requested relief from this side yard setback requirement, to be 65 feet. There are two sets of criteria to be considered. The first is the site plan review criteria outlined in Section 64. The second is the supplemental setback provisions pertaining to industrial land uses neighboring residential properties outlined in Section 50.70.B.

1560 S. 8th Street currently possesses 300 feet of frontage and is approximately 8 acres in size. Adjacent to the north is I-1 Industrial zoned property, adjacent to the south is RR rural residentially zoned property, and across S. 8th are R-5 zoned and R-3 zoned properties. The proposed warehousing and office use are considered permitted uses within the I-1 Industrial district. The subject property currently has an existing drive into the site on S. 8th Street and all drives will be used similar to previous use. The circulation aisle is proposed to be 24 feet in width, which meets the minimum requirements for two-way travel. There are 32 planned parking spaces, nine are newly proposed and two designated to be ADA accessible and concrete. All spaces are designated to be 10 feet by 20 feet. After calculations based on the square footage and floor plan for the proposed uses on-site, a total of 34 spaces will be required on site. Two spaces can be added, reviewed, and approved administratively prior to issuance of a building permit. Lastly, all easements have been illustrated, and are present along the eastern property line for Consumers Energy and for Michigan Bell Telephone.

Request for Deviations:

The applicant has also applied for two deviations: one for the shared use path and one for the internal sidewalk network. These requirements are outlined in Section 57.90 of the Township Zoning Ordinance as well as the nonmotorized transportation plan. There is connection to and establishment of a six-foot wide shared use path along the west side of S. 8th Street. The applicant has indicated the reason for requesting such, is that the proposed sidewalk would be running through an existing water runoff area and under existing utilities where there is steep terrain along this area and would require significant site rework.

Per Section 57.90, unique circumstances may exist for the installation of non-motorized facilities in compliance with Article 50 may not be appropriate at the time of development. Accordingly, in lieu of constructing the required facility, they may request to enter into an escrow agreement with the Township as outlined in the Ordinance. The reviewing body is authorized to approve an escrow agreement in lieu of the required non-motorized facility when strict application would result in extraordinary difficulty including but not limited to severe variations of topography, unsuitable soils where difficulty in providing safe separation between pedestrian and vehicular traffic due to site location layout or existing building arrangements. In addition to considering these, the Oshtemo Public Works department provided a letter (in the packet) supporting the two deviations for the shared use path and for the internal sidewalk network. With the support of the Public Works department, Staff recommend that the Zoning Board of Appeals grant the requested deviations to permit the applicant to enter into an escrow agreement with the Township outlined in the non-motorized facilities/sidewalk ordinance in lieu of constructing the non-motorized facilities and not be required to construct the connecting internal sidewalk network.

Site Plan Review:

The proposed 6,684 square foot building is proposed to be approximately 26 feet east of the existing building connected by a breezeway and a proposed height of 18 feet. All frontage and area requirements for non-platted parcels carrying an I-1 Industrial District designation have been met. Building setbacks from the northeast and west property lines have been met as the proposed building is set back an excess of 100 feet from those property lines. However, the proposed building location does not meet the minimum side yard setback 100-foot requirement from the south property line. Per Section 50.70.B of the Ordinance, an enhanced setback is required when an industrially zoned property abuts a property with a residentially zoned designation. Due to this provision, the applicant has requested a variance requesting that the

proposed side yard building setback from the south property line be reduced from the required 100 feet in the Ordinance, down to 65 feet.

1. A landscaping plan was provided but a number of details are still missing. An updated landscaping plan meeting all applicable requirements of Article 53, of the Zoning Ordinance shall be submitted to the Township and can be reviewed and approved administratively. A lighting and photometric plan has also been submitted, however, some details are missing or need to be slightly adjusted. An updated lighting plan meeting all applicable requirements of Article 54 shall be submitted to the Township. Staff are confident that a revised lighting plan can be reviewed and approved administratively and recommend that the ZBA include as a condition of approval.
2. Prein & Newhof and the Oshtemo Public Works department have reviewed the proposal and noted there are some engineering concerns that have not been addressed. However, they do feel that the remaining engineering concerns are minor enough to where they can be reviewed and approved administratively and recommend that the ZBA include as a condition of approval.
3. Lastly, the Oshtemo Fire Marshal has reviewed the site plan and for the most part is satisfied with the site plan, however he does have concerns about the breezeway connecting the existing building to the proposed building. The Fire Marshal provided three different courses of action that the applicant could take to address the concerns. Staff are confident that these are something that could be reviewed and approved administratively and recommend the ZBA include as a condition of approval.

Standards of Approval:

Moving on to the previously referenced variance portion of the presentation, the applicants have provided rationale for this request, and is attached to the packet. The Michigan courts have provided the principles for dimensional variance which collectively amount to demonstrating approximate practical difficulty. Staff have analyzed the requests against these principles and offer the information in the Staff Report to the Zoning Board of Appeals.

Standard: Unique Physical Circumstances: Are there unique physical limitations or conditions which prevent compliance?

Comment: The applicant conveyed that the unique circumstances are the size and location of the existing parking lot, the existing location of the septic tank and drain field, the setback of the existing building and location of the entrances of the existing building. However, the location of the existing building is discretionary and could be placed elsewhere, even with the previously mentioned site elements. The property is 300 feet in width and has an average depth of 1,200 feet and is approximately 360,000 square feet in size not including the unaddressed uncombined parcel to the rear.

Standard: Conformance Unnecessarily Burdensome: Are reasonable options for compliance available? Does reasonable use of the property exist with denial of the variance?

Comment: The applicants indicated the location of the proposed building was chosen largely for the location of the existing 7,803 square foot building, existing building

entrances and existing septic and drain field, existing parking lots, existing driveways, and to encourage traffic flow and promote an attractive curb appeal. However, as a matter of building an additional structure is discretionary and reasonable use on the property does still exist whether in its present state or in a different configuration even with the enhanced setbacks abutting the residential zoning on the south property line. The proposed building could be placed elsewhere especially given the property to the immediate west, giving more options for reasonable compliance.

Standard: Minimum necessary for substantial justice.

Comment: This is applied both to the applicant and other property owners in the district. We have reviewed past decisions of the ZBA for consistency and a check for precedence. In researching past decisions regarding the request for relief from enhanced setback requirements, Planning department Staff were able to identify three different cases with the most recent one being on November 14, 2023. Information showing these decisions were in the packet.

Standard: Self-Created Hardship: Are the conditions or circumstances which resulted in the variance request, created by the actions of the applicant?

Comment: In 2023, the current property owners elected to rezone this property from R-3, to I-1 Industrial. With a current configuration of the site, it could be argued that the need for the variance is self-created since the previous setbacks of the south were 50 feet with the R-3 zoning classification abutting Rural Residential zoning classification, but due to the rezoning, now it's subject to an increased setback requirement. The applicants did indicate this would not be a self-created hardship since they were not the original developer of the property however, it is the owner's desire to expand and construct a new 6,684 square foot building.

Standard: Public Safety and Welfare: Will the variance request negatively impact the health, safety, and welfare of others?

Comment: Regarding setbacks, they serve as a crucial part for any type of structure to provide security and privacy between adjacent uses especially between property owners of industrial uses and residential uses. Setbacks are considered the breathing room between properties where building restrictions apply. The applicants did indicate careful planning was utilized in order to preserve the greenbelt along the south property line in between the existing building and residential property to the south. It should also be noted there is currently a legally nonconforming 7,803 square foot building located approximately 47 feet from the southern property line. In addition, the applicants conveyed the property owner to the immediate south has no issues with the placement of the proposed building, however it is still important to note that ownership of property is not static, and the current property owner could be okay with the proposed layout but that does not mean that such would continue with future landowners.

Possible Actions:

The motion from the Zoning Board of Appeals should include the findings of fact relevant to the requested variance. Based on Staff analysis, the following findings of fact are presented:

- Support of variance approval considers substantial justice being met. The Zoning Board of Appeals has approved setback variances for two similar cases in the past:
 - *These case reports were presented in the packet.*
 - Support of variance denial includes the necessity of the variance from the enhanced 100-foot setback, being a self-created hardship with the following stated:
 - There are no unique physical circumstances that prevent strict compliance with the Zoning Ordinance.
 - Conformance to the Ordinance is not unnecessarily burdensome.
 - Allowing the variance may have a negative impact to the health, safety, and welfare of the public by allowing the building to be built within the required enhanced setback.
1. The ZBA approves the site plan and variance request due to substantial justice being met with the following conditions as well as other conditions assigned by the Board:
 - The ZBA grant deviations from the requirements in 57.90 for internal sidewalk network and shared use path.
 - An updated landscaping plan meeting the requirements in Section 53 of the Zoning Ordinance be submitted to the Township for review and approval prior to issuance of a building permit.
 - A revised lighting plan meeting the requirements outlined in Section 54 of the Zoning Ordinance be submitted to the Township for review and approval before issuance of a building permit.
 - The finalization of grading details and any other engineering details shall be subject to the administrative review and approval of the Township engineer prior to issuance of a building permit.
 - There are some annotations on sheet 1 of the site plan indicating the setbacks to the south property line are 20 feet, and these just need to be eliminated from the site plan prior to building permit issuance.
 - Verification of floor plan area calculations in relation to the parking need to be reviewed and approved administratively prior to building permit issuance.
 - A soil erosion and sedimentation control permit from the Kalamazoo County Drain Commissioner's Office will be required prior to building permit issuance.
 2. Alternatively, the ZBA can deny the site plan and variance request due to:
 - Proposal being a self-created hardship.
 - The lack of unique physical limitations on site.
 - Conformance to the Ordinance is not unnecessarily burdensome, as reasonable use of the property will still remain if denied.
 - Allowing the variance may have a negative impact to the healthy, safety, and welfare of the public.

Ms. Harris offered to answer any questions the Board may have and communicated the applicants were present, if the Board has any questions for them directly.

The Chair asked if any of the applicant's representatives would like to add anything. Mr. Matt Gibson approached the podium and stated he represents the property, and that Mr. Stoops is present as the residential owner to the south of the property. Mr. Gibson stated he spoke extensively with Mr. Stoops, and took him through the building, shared the plans of the work they're doing as well as the proposed plans for the property, to be transparent to Mr. Stoops and his wife of plans for this neighboring property. Mr. Gibson asked the Board if he could address any questions or concerns or articulate more detail regarding the property. Mr. Gibson stated

the reason they want to build where proposed is to keep further away from Mr. Stoops' house. The traffic flow was a big part of it as well, to minimize the impact to the topography.

Mr. Jachym asked for clarification of the stated main reason for wanting to construct the new building as proposed to the north of the existing building, if this would cause them to remove the existing parking lot and rebuild a new one, which Mr. Gibson confirmed. Mr. Gibson stated they would also need to build another retention pond due to the current frontage of the existing building and the terrain in that area. Mr. Gibson reiterated they want to make the least amount of impact. Mr. Jachym asked for clarification due to this statement, if it would be difficult to take the proposed building and shift it to the north a little? Mr. Gibson confirmed this would create an odd aesthetic and were also considering the topography and retention pond that exists between the current building and parking lot.

Mr. Gould asked about the amount of traffic flow owners might expect to this site, if anticipating significant traffic on a daily basis, as Mr. Gibson expressed their concern for Mr. Stoops' property and making as little disruption as possible. Mr. Gibson affirmed they will have UPS shipments about 10 a.m. every morning to ship product to customers; they are an 8 a.m. – 4 p.m. business Monday through Friday, unless someone makes an appointment for an alternate day/time. Mr. Gibson added they are by no means a retail operation and a business-to-business operation only.

Chairperson Williams asked if anyone else present would like to comment at this public hearing. Mr. Matthew Stoops stepped to the podium and stated his residence as 1724 S. 8th Street, the property to the south of this proposed development. Mr. Stoops asked for the map visual, to better illustrate and commented that Mr. Gibson had approached his family about the project and that the owners would need to apply for a variance. Mr. Stoops provided a history of said property where in past years, he and his family worked to have this property rezoned as it was a buffer zone abutting his mother's property. Mr. Stoops stated his property is another 300 to 450 feet further west and appreciates Mr. Gibson's efforts to have the proposed building placed to the north. Otherwise, the structure would be much closer to his private property. Mr. Stoops noted that the setback of the current structure was set many years ago and does not see why the 100-foot setback requirement would need to be imposed now or in the future with the difference being only 35 feet and agrees with Mr. Gibson's statements of the proposed aesthetics for the front facing of the new structure. Mr. Stoops also stated that requiring owners to have the building moved to the north to achieve the 100-foot setback would compromise the parking lot traffic for supply deliveries and shipments. Mr. Stoops commented that the sidewalk should be under closer scrutiny as the drop off from the road in this area is somewhere between 10 – 15 feet. Mr. Stoops further stated he approves of this site plan and variance wholeheartedly as presented and hopes that it is granted.

The Chair thanked Mr. Stoops for his comments and asked if there were anyone else who wanted to share comments. Hearing none, Chairperson Williams closed the floor for public comment and moved to Board deliberations.

Mr. Jachym commented from all site plans and variances he has reviewed, he had to review this one several times. Mr. Jachym further stated he could easily pick any one of these criteria to deny or approve. From listening to Mr. Stoops concerning moving the new building to the back, beyond the septic field, would put the proposed building close to his house. Mr. Jachym asked Mr. Stoops if he knew how far back his home is from the road; Mr. Stoops provided an estimate of 968 feet. Mr. Jachym indicated there is a huge green buffer of thick woods, so is leaning to approve on this basis. The statement made earlier in the presentation,

since the property is not static and may sell someday, if the site plan and variance are approved, the potential future buyer of this residential property would need to take into consideration as an existing adjacent property. With similar past approved decisions by the ZBA, this situation comes close. Mr. Jachym stated one of his biggest concerns he has is that the proposed building location is to the north side, though from the explanation having to otherwise replace the parking lot as well as the retention pond. In considering, Mr. Jachym expressed he would tend to approve this.

Chairperson Williams thanked the Vice Chair for his comments.

Attorney Porter stated, based on the comments Mr. Jachym made, just to be sure we have a clear record, the Board has five criteria to consider and for clarification asked if Mr. Jachym could verbalize those criteria in the way of making a motion. Further stating the Planning Department has expressed their opinion as to those, but the Board is the finder of fact, so asking if Mr. Jachym can articulate for the record how he would view some of the findings of fact. In other words, is Mr. Jachym saying that since the drainage basin is preexisting, the pavement is preexisting, to clarify if Mr. Jachym is looking at this as not being a self-created hardship due to the preexisting building? Mr. Jachym confirmed this is what he was articulating as well as the retention pond issue being a difficult change, so does not see this as self-created. Mr. Jachym communicated for substantial justice, there were two previous similar cases approved and sees the retention pond as the unique physical circumstance. Attorney Porter indicated this is helpful for clarity of the record and iterated each Board member does not have to find all five of the criteria, but a minimum of two or three. Only for purpose of a clear record, Attorney Porter asked if Mr. Jachym is stating he doesn't see the site plan and variance as a safety and health risk for the public, which Mr. Jachym affirmed.

Mr. Everett shared his comments regarding substantial justice, looking at past approved examples provided. D&R Sports was granted since it neighbored other commercial properties. In this case, the industrial planned use abuts to an established residential area. In the case of the dental variance, the owner didn't have enough property to afford him the proper setbacks, and the adjacent properties were also commercial in nature and activity, whereas S. 8th Street is residential activity. Mr. Everett further noted that Friendship Animal Hospital was recently denied due to 8th Street residential borders surrounding this area. Mr. Everett requested and received permission to ask Planning Staff a question. Mr. Everett asked Planning Staff regarding sidewalks for this development, and understands owners do not want to install connecting sidewalk to 8th presently, but are enough escrow funds collected for things that need addressing like soils, topography, etc.? Mr. Hutson affirmed escrow funds would include grading, etc., for future construction of connecting sidewalk to 8th Street. Mr. Everett stated in the case of setback conformance being unnecessarily burdensome, if the building were moved 33 feet north to meet the required 100-foot setback, understanding the issue of replacing a parking lot and retention pond issue, however, no costs for performing changes to come into compliance with the Ordinance were provided, and would like to know what the costs might be for considering suitable soils, for example.

Mr. Gould commented he would have a hard time denying this action based on our denial of the potential animal hospital that came before the ZBA. The impact the animal hospital would have had on the residential neighborhood was going to be detrimental to many, but in this situation with this land, this owner, and this residential neighbor adjacent to this property, it is not an issue since there is more than ample space between the residence and the business with the proposed site plan. Mr. Gould stated he would be in favor of approval.

Chairperson Williams called for any other comments from the Board or for a motion. Mr. Jachym **made a motion** to grant the variance as requested on the basis there are unique physical circumstances with the parking lot and retention basin that would make it unnecessarily burdensome for the owners to relocate the building. There is substantial justice in that there are at least two very similar past approved cases and is not a self-created hardship in that they bought the property and now want to do something with it. With regards to safety, health, and welfare, the fact that the neighboring home is several hundred feet away from the proposed building site, and there is a large greenbelt in between, Mr. Jachym stated there is no detriment to health, safety, and welfare.

The Chairperson called for a second. Mr. Gould **seconded the motion**. The Chair called for a vote. Mr. Jachym – yes, Mr. Gould – yes, Mr. Williams - yes, Mr. Everett - no, and 0 abstentions. The **motion was approved**.

Attorney Porter noted the site plan before the Board has been reviewed by Staff and given certain conditions as well as a deviation request for the internal sidewalk network and shared use path. If the Board chooses, they could approve the site plan and then the deviation as set forth in subsection A of the Staff Report and retain positions 1 through 7.

The Chair called for a motion concerning the site sidewalk deviation request. Mr. Jachym **made a motion** to approve the deviation from having the sidewalk along 8th Street due to the physical constraints of the area, and necessary funds be put in escrow for future sidewalk to be built. Mr. Everett **seconded the motion**. The **motion was approved** unanimously.

For approval of the site plan, Mr. Williams **made a motion** to approve the site plan as proposed with the recommended conditions 1 through 7 in the Staff Report. Mr. Jachym **seconded the motion**. The **motion was approved** unanimously.

Chairperson Williams moved to the next agenda item.

Other Updates and Business

Chairperson Williams called for any other updates and business.

Adjournment

The Chair stated there being no other business, he adjourned the meeting at approximately 3:54 p.m.

Minutes prepared:
February 28, 2024

Minutes approved: _____, 2024

[This page left intentionally blank]



March 19, 2024

Mtg Date: March 26, 2024

To: Oshtemo Township Zoning Board of Appeals

From: Leeanna Harris, Zoning Administrator

Applicant: Marty Hodges

Owner: Westcare Associates

Property: 6565 West Main Street, Parcel Number 3905-14-330-020

Zoning: C: Local Business District

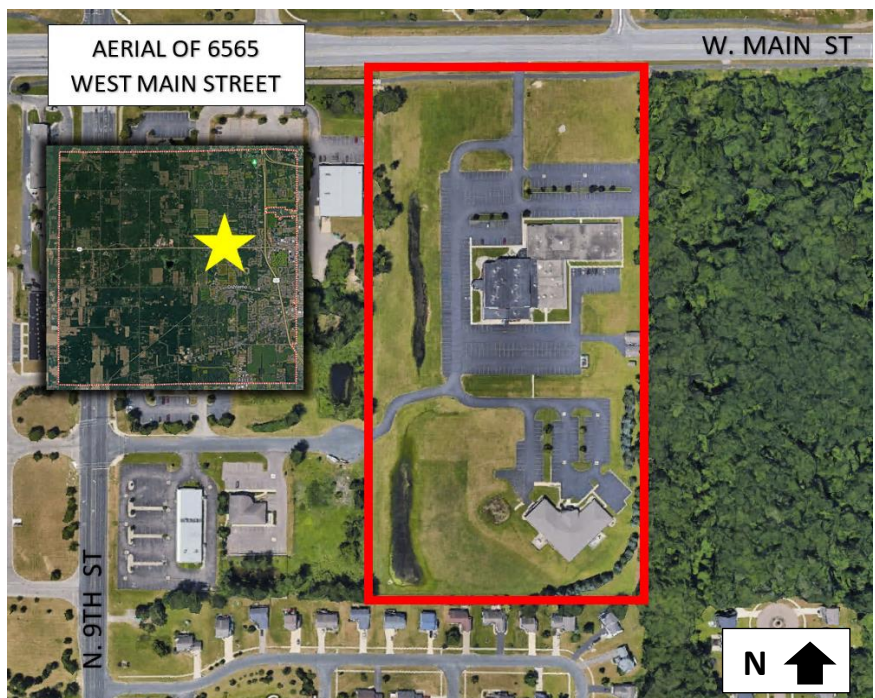
Request: A variance from frontage requirements outlined in Section 50.10 of the Zoning Ordinance to allow for a reduced frontage of 120 feet where the Zoning Ordinance requires 200 feet for Commercially-zoned parcels.

Section(s): Section 50.10 – Schedule of Area, Frontage and/or Width Requirements
Section 18 – C: Local Business District

OVERVIEW:

Marty Hodges, on behalf of Westcare Associates, is requesting a variance from frontage requirements outlined in Section 50.10 of the Zoning Ordinance to allow for a reduced frontage of 120 feet where the Zoning Ordinance requires 200 feet for Commercially-zoned parcels. The applicant’s intent is to operate the southernmost portion of the site with the present nonconforming frontage from Seeco Drive, until the extension of Seeco Drive can be installed thus bringing the site into full compliance. The northernmost portion of the site will not require a variance such as this as it already possesses sufficient frontage required by Ordinance. This project is largely in cooperation with Oshtemo Township to ensure that the proposed road extension does not constitute a taking of property, especially given the required setbacks.

6565 West Main Street, outlined in red in the aerial map excerpt to the right is located in the northeast quadrant of the Township, just southeast of the West Main Street and North 9th Street



intersection. There are presently two access points with frontage to the site: 120 feet of frontage abutting Seeco Drive and approximately 661 feet of frontage abutting West Main Street. The entire property is approximately 18.5 acres in size and is presently zoned C: Local Business District. The site currently has two buildings on the property, totaling approximately 69,500 square feet with corresponding parking, site circulation, stormwater, etc.

STANDARDS OF REVIEW – STAFF ANALYSIS

The Michigan courts have applied the following principles for a dimensional variance, which collectively amount to demonstrating a practical difficulty, as follows:

- Special or unique physical conditions and circumstances exist which are peculiar to the property involved and which are not generally applicable to other properties in the same district.
- Strict compliance with the standard would unreasonably prevent the landowner from using the property for a permitted use; or would render conformity to the ordinance unnecessarily burdensome.
- The variance is the minimum necessary to provide substantial justice to the landowner and neighbors.
- The problem is not self-created.
- Public safety and welfare.

Staff has analyzed the request against these principles and offers the following information to the Zoning Board of Appeals.

Standards of Approval of a Nonuse Variance (practical difficulty)

Standard: Unique Physical Circumstances

Are there unique physical limitations or conditions which prevent compliance?

Comment: 6565 West Main Street is currently developed with approximately 69,500 square feet of buildings located on site. The Ordinance outlines that a parcel within the C: Local Business District is required to have a minimum frontage of 200 feet and a minimum area size of 50,000 square feet. The property's size, which exceeds the minimum required by the code at approximately 804,800 square feet, as well as the frontage from West Main Street, are both currently in compliance with Ordinance requirements. However, if the property owner grants the Township an easement for road improvements, then the southern parcel will be in compliance. If the property is divided, the property's frontage from Seeco Drive for the south parcel would only be 120 feet, which does not conform to current Ordinance requirements. Since the Township is taking initiative and is proposing an easement for a public road to intersect the property, it could be argued that such is a unique physical circumstance.

Conformance Unnecessarily Burdensome

Are reasonable options for compliance available?

Does reasonable use of the property exist with denial of the variance?

Comment: It could be argued that compliance would be unnecessarily burdensome since, by not allowing the variance, the property owner would be prevented from operating their southernmost building until Seeco Drive is constructed eastward, which is when the southern parcel would regain sufficient frontage and become conforming again. With an approximate depth of 1,217 feet, staff felt that this could constitute an unnecessarily burdensome taking of property with the necessary design dimensions required to construct the road eastward. A visual illustrating the approximate location of the roadway extension in relation to the subject property is shown below with red

dashes. Additionally, access is presently occurring from this location (from Seeco Drive) to the site.



Minimum Necessary for Substantial Justice

*Applied to both applicant as well as to other property owners in district.
Review past decisions of the ZBA for consistency (precedence).*

Comment: In researching past Zoning Board of Appeals decisions regarding the request for relief from the road frontage requirements, Planning Department staff were unable to identify any similar cases. This is mainly attributed to the uniqueness of the request. This is an instance where the municipality is taking the initiative and is proposing an easement for road improvements to intersect the 18.5-acre property in efforts to extend a public roadway east. The few cases that staff identified were instances where the developer initiated the request to install a public road, but only in the interest of creating a residential subdivision project. The Township is requesting that an easement for road improvements be placed in a location where it would burden the southern parcel with respects to the reduced frontage. Although the precedence may not prove substantial justice, approving the variance would provide justice to the property owner by allowing them to continue the use of their property while the Seeco Drive extension is being constructed and not allow the construction of the road to constitute a taking of their property.

Self-Created Hardship

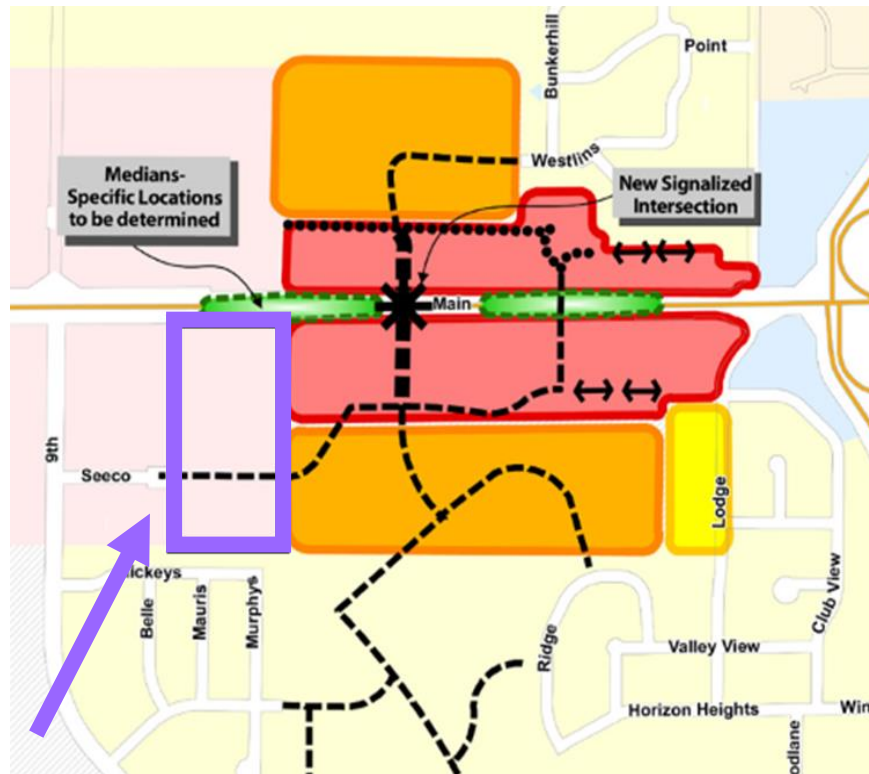
Are the conditions or circumstances which resulted in the variance request created by actions of the applicant?

Comment: It could be argued that the conditions or circumstances which resulted in the variance request were not created by the actions of the applicant. Rather, it could be argued that the need for the variance was created from the cooperative nature of the applicant with the Township in order to receive an easement for road improvements in efforts to construct the Seeco Drive extension. Once the road is constructed, the property's frontage will be in full compliance with the Township's Zoning Ordinance.

Public Safety and Welfare

Will the variance request negatively impact the health, safety, and welfare of others?

Comment: An excerpt of the Township's 2011 Master Plan, specifically the West Main Sub-Area Plan, is shown below, with the subject property outlined in purple with a purple arrow indicating location. The full plan can be found attached to this report. This area of the West Main Sub-Area Plan is crucial to the planning of the extension of Seeco Drive with a proposed collector road intersection through the subject property. In fact, if the variance was approved, the proposed road would not only significantly improve the health, safety, and welfare of adjacent properties, but enhance the entire community as well by providing new road networks and access. Additionally, any traffic created by the extension of Seeco Drive would be well-controlled with the traffic signal at the intersection of North 9th Street and Seeco Drive.



POSSIBLE ACTIONS

The Zoning Board of Appeals may take the following possible actions:

- Motion to approve as requested (conditions may be attached)
- Motion to deny

The motion should include the findings of fact relevant to the requested variance. Based on the staff analysis, the following findings of fact are presented:

- Support of variance approval
 - There are unique physical circumstances that prevent strict compliance with the Zoning Ordinance as the Township is requesting an easement to extend Seeco Drive bisecting the applicant's property.
 - Conformance to the ordinance is unnecessarily burdensome as the amount of property that would be required to construct the Seeco Drive extension would render the southern portion of the site essentially unusable by the property owner and could constitute a taking.
 - The proposed road would not only significantly improve the health, safety, and welfare of adjacent properties, but enhance the entire community as well by providing new road networks and access.
 - The conditions or circumstances which resulted in the variance request were not created by the actions of the applicant, but rather the cooperative actions of the applicant and the Township that created the need for the variance.
- Support of variance denial
 - Substantial justice is not met due to there being no similar cases found.

Possible motions for the Zoning Board of Appeals to consider include:

1. Variance Approval

The Zoning Board of Appeals approves the variance request due to the unique physical circumstance, conformance to the ordinance is unnecessarily burdensome, there would be no negative impact to the health, safety, or welfare of the public, and the conditions or circumstances which resulted in the variance request were not self-created.

Staff also recommend the Zoning Board of Appeals attach the following conditions:

- New building permits, if any, shall not be released until the Seeco Drive project design is approved and accepted by the Road Commission of Kalamazoo County and the necessary easement is granted to the Township.
- New building permits, if any, shall not be released until the land division application is submitted and approved.

2. Variance Denial

The Zoning Board of Appeals denies the variance request due to substantial justice not being met since no similar cases were identified.

Attachments: Application
Applicant's Letter of Intent
West Main Street Sub-Area Plan

[This page left intentionally blank]



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 269-375-4260 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS

6565 W Main St - Frontage Variance

PLANNING & ZONING APPLICATION

Applicant Name: Westcare assoc.

Company: _____

Address: 6565 west main

E-mail: Hodges m @ westside medical center . com

Telephone: 269 365 6249 Fax: _____

Interest in Property: OWNER

OWNER*:

Name: westcare assoc.

Address: 6565 West main

E-mail: Hodges m @ westside medical center . com

Phone & Fax: 269 365 6249

THIS SPACE FOR TOWNSHIP USE ONLY

Fee Amount _____

Escrow Amount _____

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

- | | |
|---|---|
| <input type="checkbox"/> Pre-Application Review | <input type="checkbox"/> Accessory Building Review – I083 |
| <input type="checkbox"/> Site Plan Review – I088 | <input type="checkbox"/> Rezoning – I091 |
| <input type="checkbox"/> Administrative Site Plan Review – I086 | <input type="checkbox"/> Subdivision Plat Review – I089 |
| <input type="checkbox"/> Special Exception Use – I085 | <input type="checkbox"/> Interpretation – I082 |
| <input checked="" type="checkbox"/> Zoning Variance – I092 | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Site Condominium – I084 | |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): We wish

to operate the southern most build
with 120 of frontage temporarily while
we build a road for oshtemo township

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

SEC 14-2-12 E 1/2 NE 1/4 SW 1/4 Exc so much of A BV Desc
Deed to Mich state Hwy by deed*

PARCEL NUMBER: 3905-14-330-020

ADDRESS OF PROPERTY: 6565 W Main St

PRESENT USE OF THE PROPERTY: Office Use

PRESENT ZONING: C, Commercial **SIZE OF PROPERTY:** 18.6 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)

Westcare Assoc

6565 West Main

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.



2-5-24

Owner's Signature (*If different from Applicant)

Date

Applicant's Signature

Date

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

PLEASE ATTACH ALL REQUIRED DOCUMENTS

APPLICANTS: KEEP THIS PAGE FOR YOUR RECORDS

OSHTEMO CHARTER TOWNSHIP

DISCLAIMER REGARDING SEWER AND WATER INFRASTRUCTURE

Oshtemo Charter Township makes no covenant or warranty with regard to the accuracy of any of its utility records (sewer or water) or the records of its agents or any statements or representations made by its employees or agents with regard to utility infrastructure within the Township, nor shall any reliance be placed upon the same for purposes of construction, reconstruction, connection, extension or addition to the Township's utility infrastructure.

The Township will not be responsible for any additional cost, direct or indirect, or incidental or consequential damages resulting from any inaccuracy of its records or the statements or representations of its employees or agents.

All developers and contractors, wishing to avail themselves of the public utilities within Oshtemo Charter Township, should make their own independent inspections to determine the location and suitability of all public utilities for development purposes and not rely upon any of the public records, statements or representations of the Township's employees or agents.

OSHTEMO CHARTER TOWNSHIP



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: it should be no cost and is temporary until the road is complete

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: because township needs time to plan road

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: supervisor has ask to build the road I am trying to help

Criteria 5: Public Safety and Welfare

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

Yes: No physical change

No: _____

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

West Main Street Sub-Area Plan





CHAPTER 10

West Main Street Sub-Area Plan

This West Main Street Sub-Area Plan provides the opportunity to address questions regarding future development along a critical corridor within Oshtemo. Since the last Master Plan was prepared in the late 1990's, significant commercial development has occurred at the intersection of West Main and 9th Street as well as east of US-131 along West Main Street. This plan focuses on the portion of West Main Street between 9th Street and US-131; this area was part of a larger focus area in the previous Master Plan which called for office uses along the frontage of West Main Street. However, since the previous plan, there has been little development of this nature. Rather, in that time period, the Township has denied several applications and development requests for other types of commercial uses because they were not in keeping with the Master Plan, along with other reasons. The result is a difference between what is allowed, what is desired, and what has been requested. This difference and the development of nearby areas have prompted the closer look at this section of West Main Street.

What is a Sub-Area Plan?

A sub-area plan is an individual component of the overall Township Master Land Use Plan. A sub-area is an area with unique circumstances that requires a deeper evaluation and further public input before establishing a plan for future development. This Sub-Area Plan includes a vision, goals, principles of development, and a future land use map just like the overall Master Plan, although in more detail than the Township-wide Plan.

Existing Conditions

Regional Location

The West Main Street Sub-Area is located in the eastern portion of the Township. The sub-area is located along West Main Street (M-43) between US-131 and 9th Street and includes the immediately adjacent lands to the north and south. While the sub-area is focused primarily on the parcels fronting on West Main Street, the plan recognizes that some of the issues relevant to the discussion of this area – such as transportation – extend beyond these frontage parcels.

The West Main Street Sub-Area, particularly on the south side, is an island of undeveloped land bounded by areas of intense commercial development and residential neighborhoods.

- To the west, the intersection of 9th Street and West Main Street has experienced significant commercial development, primarily in the form of big box commercial retail with adjacent outlots developed as service and retail uses.
- To the east is the interchange of US-131 and West Main Street. To the east of the interchange is existing commercial development including restaurants, strip malls, and big box retail development.
- To the north, southeast, and southwest are established single family residential neighborhoods with the most recent development occurring to the southwest.

The commercial development at 9th Street and West Main Street and the residential neighborhoods adjacent to this corridor represent the growth that has occurred and will continue to occur in Oshtemo Township. As this growth continues, pressure and demand for development of the vacant parcels within the sub-area will increase as well.

Existing Land Uses

Although much of the West Main Street corridor is highly developed, the sub-area remains largely undeveloped. On the north side of the highway, just to the east of the Meijer store and its associated outlots, is a large vacant parcel surrounding a few smaller homes and/or offices. Further to the east, developed parcels include several stand-alone office and financial institutions. The land that remains undeveloped is fairly flat with wooded areas mixed with open grasslands.

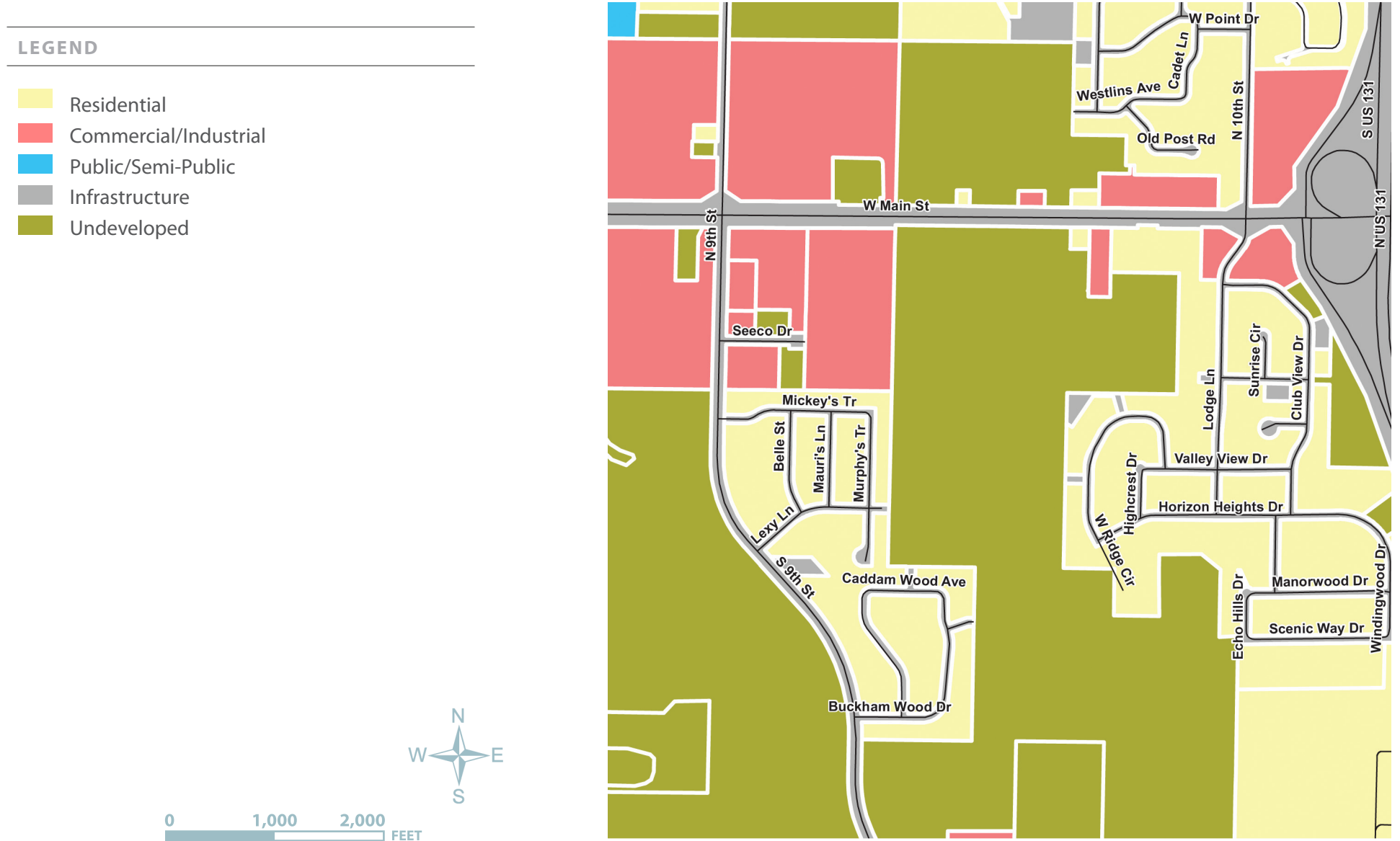
On the south side of the road, the corridor is more undeveloped and natural in character and appearance. Immediately to the west of Lodge Lane are several individual uses including commercial uses and single family residences. The rest of the land consists of large, vacant parcels. These parcels are mostly wooded and marked by areas of steep topography that may impact development potential.

Zoning

Most of this area is located in the R-2 Residence district with the south frontage of West Main Street also located within the 9th Street Overlay Zone. Participants raised several concerns during the focus group sessions about the existing zoning requirements, including difficulty working with the current PUD standards and procedures. As the Township implements the vision, goals, and development principles of this Plan and develops new zoning standards, the Planning Commission must review these concerns to ensure the zoning policies of the Township will achieve the vision of the community.

FIGURE 10.1

West Main Street Sub-Area – Existing Land Use



Public Services / Infrastructure

TRANSPORTATION

The West Main Street Sub-Area is located along West Main Street (M-43). West Main Street is a five-lane road (center turn lane) with a speed limit of 50 miles per hour. It has an average daily traffic count of 28,500 vehicles; it is currently the second busiest corridor in the County. Estimates by MDOT indicate only one percent of daily vehicles are commercial traffic. The roadway was improved in 2007; at that time bike paths were established along the north and south sides of the roadway. Immediately to the east is US-131, a limited access interstate freeway. To the west is 9th Street, a County Primary Road; a signal exists at the intersection with West Main Street. A signalized intersection also exists at the intersection of West Main Street and 10th Street/Lodge Lane just west of the US-131 interchange. MDOT maintains West Main Street and US-131 while the Kalamazoo County Road Commission maintains 9th Street, 10th Street, and Lodge Lane. Public transit extends west along West Main Street to 9th Street.

One of the primary assets of the West Main Street Sub-Area is its core transportation system and the access it provides to the surrounding community, adjacent activity centers, and nearby highways. Due to the undeveloped nature of the area, there are currently few internal streets or inter-connections. The vacant parcels represent opportunities to provide east-west links across this area and create the missing local street network similar to what exists between 9th and 10th Streets north of West Main Street, i.e. the Westport Neighborhood. The surrounding neighborhoods provide outlots and stub streets that create opportunities for interconnectivity through the creation of a local street network. As development occurs, outlots and stub streets will be utilized as appropriate to create this connected local street network. The network that results will allow for efficient movement of local vehicles, but would be designed to minimize opportunities for shortcuts and safety issues. This will be achieved through proper design, proper routing, and/or the introduction of traffic calming mechanisms.

Participants in the focus group sessions identified traffic along West Main Street several times as an influence on the potential development that can and should occur along the corridor. The high traffic counts and intensity of the highway create an environment that is not conducive to residential development. However, the number of vehicles is attractive to commercial development.

Currently, the West Main Street corridor operates at a service level of B (on a scale of A-F), which is good. The addition of several driveways will quickly decrease this

service level and increase the risk for accidents and injuries, if not properly located and designed. Proper design may include the installation of a central signalized intersection, minimal new curb cuts, and/or the creation of a boulevard with associated median to prevent left-turns. Compliance with the Township's access management plan will be important as development occurs along the corridor.

UTILITIES

Currently, only public water service is available along the entire West Main Street Sub-Area. Development in this area would be able to tap into the water supply and access public water.

On the south side of West Main Street, public sanitary sewer service is available for extension at both the east and west sides of the sub-area but does not extend across the area. This is due to both the lack of development that has occurred as well as the topography. The topography will make it more challenging to design and engineer the future sewer service, but as development occurs, it is accessible. Sewer is available across the study area on the north side.

STORMWATER MANAGEMENT

While the management and treatment of stormwater is important for any newly developing area, it is of particular concern in this area due to the existing soil conditions. In this area there are known conditions of a heavy clay layer that hinders ground water infiltration.

The plan encourages the use of natural, low-impact mitigation techniques, such as swales and rain gardens, designed to provide adequate capacity to make up for potential and existing soil conditions, in order to provide for effective, on-site management of stormwater. Shared systems are encouraged, particularly in areas with existing topographic conditions that encourage stormwater flow to continue its natural pattern or where other aspects of the development are already being coordinated. See the Physical Character and Environment chapter of this Master Plan for a more detailed discussion of stormwater management techniques.

PUBLIC INPUT

Township-Wide Public Input

Township-wide public input was gathered for the Master Plan in general. Because this comprehensive effort was well-received and involved the entire Township the results still carry weight for individual parts of the community. A review of these results provides some guidance for this particular area as well.

In the fall of 2008, Oshtemo Township conducted a visioning workshop consisting of several different exercises. This was followed in the spring of 2009 with an opinion survey of randomly selected residents throughout the Township. The opinion survey had a response rate of 34 percent, well above expectations and typical response rates for similar surveys. The Master Plan provides an overall description of the process and results; a detailed summary of the full results is provided in the Appendix. Below are some specific items that are relevant to the West Main Street Sub-Area:

- On the Township survey, when asked to select terms that describe the portion of the Township between Drake Road and 8th Street, the top four terms selected by respondents were “commercial”, “congested”, “high density,” and “open spaces threatened.”
- The survey asked respondents where future commercial development should occur and indicated that they could select two choices from a list of six (including “other”). “West Main Street, East of 9th Street” and “West Main Street / Drake Road” were the top two choices with about 44% of responses each.
- The majority of visioning session participants indicated that future development on vacant parcels along the corridor should be commercial.

Design Workshop

To focus on the vision for the West Main Street Sub-Area, a design workshop was held in November 2010. The workshop included four focus group stakeholder meetings. The sessions were held with the following groups of stakeholders:

- Government
- Vacant and non-residential land owners
- Transportation and public utilities Neighbors and residents

Attendees identified the positive attributes of the area, the challenges that exist there, and the principles the Township should apply to future development. The results of these discussions are provided in the appendix.

In the next exercise, land owners, neighbors, and residents allocated future land uses on a map of the sub-area in accordance with their vision for the future. Working in small groups, the participants discussed the best layout for future uses and illustrated their ideas on the map. This allowed them to understand the challenges faced by the Township and the Planning Commission and also gave them direct input in the planning process.

All of the information gathered was used by the design team to formulate a preliminary draft plan for the Sub-Area. The preliminary plan included principles for development and a draft land use map.

Vision, Goals, and Principles

The Master Plan contains Goals and Objectives to describe the vision for the Township as a whole and how to achieve them; see the Goals and Objectives Chapter of the Master Plan. These overall goals and objectives also apply to the West Main Street Sub-Area and will help shape the development that occurs along this corridor. However, due to the unique circumstances in this Sub-Area, a specific vision and set of goals developed for the Sub-Area will further guide development in this area.

Vision for the Sub-Area The West Main Street Sub-Area will develop in a manner that maintains the rural character of the Township and integrity and function of the transportation system while allowing for low-impact commercial and office uses.

Without standards or controls, this area would likely develop at a high intensity due to the high traffic levels, surrounding development, and success of the adjacent commercial development. Uncontrolled development would likely be detrimental to the Township, especially to those residents who live near this area. Therefore, clearly stating this vision and the corresponding goals is critical for establishing standards for development in this area consistent with the plan.

Goals for the Sub-Area

Goals for this Sub-Area describe how the vision for future development will be accomplished in greater detail. Principles have also been established that will guide future land use and development of the West Main Street Sub-Area. The development principles have been sorted and placed under the appropriate goal.

Future market conditions may change, development trends may evolve, and new ideas may emerge that were not anticipated; this plan is flexible enough to accommodate such changes. Regardless of the different uses developed in this area, the consistency will be in these principles of development and they will guide development and ensure that this Sub- Area is consistent with the vision presented by the community.

GOAL ONE

Character: Future development in the West Main Street Sub-Area will reflect the rural character of the Township and be respectful of surrounding development.

- Uses along the corridor will maintain the existing landscape and utilize the topography to provide screening and enhanced setbacks, as appropriate.
- Uses along the frontage of the corridor are envisioned to include low-intensity uses such as offices and low-intensity commercial development.
- Form and character standards will be established so that appearance becomes as important as the specific uses established in this area.

High intensity retail development exists just to the west of the designated sub-area.



GOAL TWO

Access: Future development in the West Main Street Sub-Area will limit access to West Main Street and provide interconnections with adjacent development to establish a safe and efficient local transportation network.

- Ensure all future development complies with the Township's Access Management Plan.
- Require interconnections between developments where reasonable and efficient.
- Design the local transportation network in a manner that discourages the direct connection between commercial development and adjacent neighborhoods and prevents commercial traffic from driving through the neighborhoods.
- Install a central, signalized intersection along West Main Street and/or construct a boulevard with medians designed to limit left-turns.
- Coordinate with MDOT and Kalamazoo County Road Commission to ensure future road improvements are consistent with this and other plans of the Township, including the Non-Motorized Facilities Plan.

GOAL THREE

Community: Future development in the West Main Street Sub-Area will occur in a manner that enhances the existing quality of life of all those who live, work, and play in Oshtemo.

- Protect the integrity and quality of life of existing and future neighborhoods including the dedication of public greenspace within new development.
- Promote use of Planned Unit Development to ensure development is coordinated and consistent across large parcels, particularly in regards to access, parking, and design.
- Work with the Kalamazoo County Road Commission on a Complete Streets design philosophy that integrates pedestrians and bicyclist into the road network.
- Provide trails and connections within the Sub-Area and with existing networks and activity centers outside the Sub-Area.
- Provide appropriate buffers that allow different land uses adjacent to each other to coexist.

FUTURE LAND USE

The following map illustrates the desired future land use for the West Main Street Sub-Area. It is a supplement to the Township-wide Future Land Use Map.

Also illustrated in the Sub-Area Map are a variety of opportunities and constraints that exist in the area. These are issues that can be capitalized on as the area grows and must be addressed in order to preserve and improve the quality of life and to remain consistent with the plan's principles of development.

Note that this sub-area map is preliminary and the exact location of features on it will not necessarily dictate where development and infrastructure improvements will be implemented. This map is a guideline to be consulted with when future development occurs.

FIGURE 10.2

West Main Street Sub-Area Plan

Oshtemo Charter Township, Kalamazoo County, Michigan

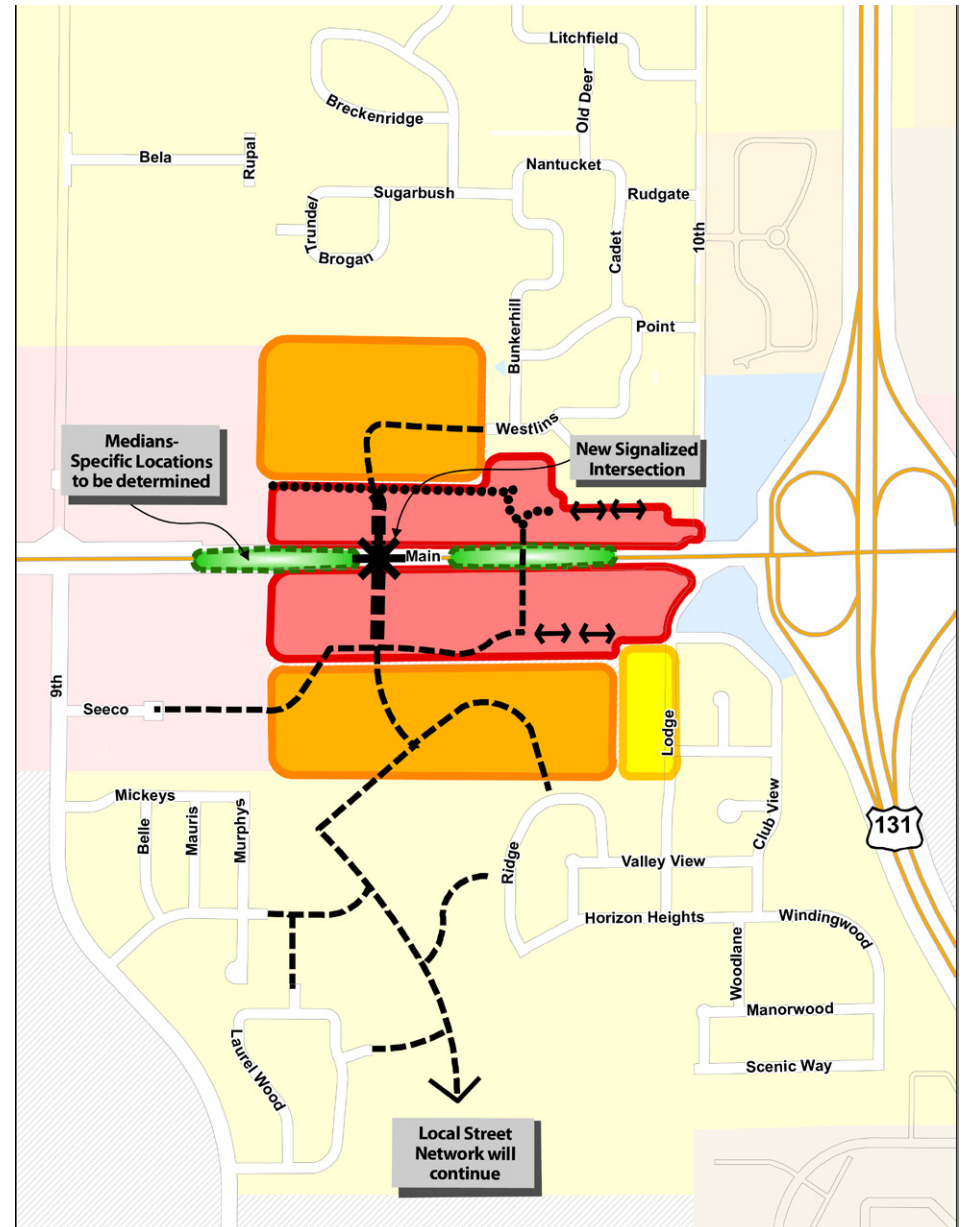
LEGEND

- Low Density Residential
- Transitional Residential
- West main Commercial
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Transitional Mixed Use
- General Commercial
- Sub Area

- * New Intersection
- Proposed Service Road
- Proposed Local Road
- Proposed Local Collector
- Interconnected Parking Lots



Base map Source: MiGCI v6b & v7b
 Data Source: Oshtemo Township, 2008;
 McKenna Associates, 2010



Transportation Network Improvements

The West Main Street Sub Area Plan indicates several proposed new streets, the extension of existing streets, and development of shared driveways and service drives. As this is a plan, they are drawn as generalities for now. Future studies and development patterns will dictate where and how the local street network will be developed as well as where shared parking and access drives and service drives will be located.

West Main Street

West Main Street is the second busiest corridor in Kalamazoo County; as such, improvements will be needed to accommodate the planned growth within the West Main Street Sub-Area while providing a safe and efficient way to access new development.

One improvement to the roadway may include the installation of medians placed at specific locations along this stretch of West Main Street or the installation of a boulevard between 9th and 10th Streets. Medians or a boulevard would serve to limit points of conflict by not allowing motorists to make left turns when entering or exiting a property.

Another improvement may include the installation of a central signalized intersection between 9th and 10th Streets. A new signalized intersection would allow motorists to make a protected left turn. A signalized intersection, and medians to a lesser extent, would allow for greater pedestrian and non-motorized connections between the north and south side of West Main Street. A signalized intersection would not necessarily be the only access point that new development would have on West Main Street; however, other access points should be limited to right-turn movements as much as reasonably possible.

Local Transportation Networks

The West Main Street Sub-Area Plan Map indicates several local transportation elements envisioned for the sub-area. Local streets, thin dashed lines, are envisioned to have new residential and commercial development fronting on them within the appropriate land use designations. Local streets will also provide connectivity between existing and new neighborhoods as well as between existing and new commercial developments. Local streets must be designed in such a manner so as to deter cut-through traffic.

Local streets will connect to the local collectors, thick dashed lines, intersecting with West Main Street at appropriate locations. Local collectors will also serve as the primary entrances off of West Main Street for new commercial development along West Main Street.

Service drives and shared access and parking between developments are also envisioned within the local transportation network. Service drives will be developed behind new commercial developments in order to reduce the number of West Main Street driveways. This network will be similar to the existing arrangement between Meijer and its outlots and will provide rear access to new commercial development. Shared access and parking will also be encouraged to reduce West Main Street curb cuts by connecting new and existing parking lots.

Sub Area Plan Designations

West Main Commercial

The frontage of the corridor has been designated as West Main Commercial. This designation reflects a commercial and non-residential vision along West Main Street that would complement the rural nature of the Township as a whole.

Uses in this land use designation may consist of office buildings and low intensity commercial, similar to what has already developed along the West Main Street frontage between 9th and 10th Streets. Big box type retail is not envisioned in this land use designation. The Planned Unit Development tool will be promoted in this land use designation as a means to effectively and efficiently accommodate commercial development while keeping with the goals of this Master Plan.

Along the north side of the corridor, the future development pattern will likely mimic the pattern of development that has already started to the east and west ends of the Sub-Area. This pattern includes primarily smaller developments of an office or service nature with parking located to the rear. The exception to this pattern is that unlike the lots developed to the east where each unit has a separate drive onto West Main Street, a shared access system would be required. A shared access system on this side of West Main Street would logically entail the extension of the service drive between Meijer and its outlots. This shared access system would also have a properly designed shared access point along West Main Street.

Along the south side of the corridor, although no development pattern has yet established itself, the pattern of development will be similar to that proposed for the north side as areas of West Main Commercial have been designated along the frontage. To control access and create interconnections, the plan proposes a shared access system with connections to the west; connections to the east should be designed in order to prevent commercial traffic flowing into neighborhoods. Although the exact location of the shared access drive may shift when future development is proposed, it should largely mirror what is demonstrated here. The shared access driveway for parcels on the south side of West Main Street would align with the shared access drive for parcels on the north side with the potential for a signalized intersection.

The primary differences on the south side, compared to the north, are that the majority of the parcels are deep with steep topography along some of the frontage and are also heavily wooded. These characteristics lend themselves to the creation of an enhanced setback in this area with a requirement that the development maintain the existing landscape within the setback, as appropriate. This will serve to screen the new development that occurs and maintain the natural look of the corridor, both of which will further complement the rural character of the Township. The deeper West Main Commercial land use along this side of West Main Street is not intended to allow for a second tier of commercial development but to give developers more flexibility to design sites that respect the existing natural features. As there is not a specific open space land use designation in the Sub-Area, it is appropriate to note that the deeper parcels will allow for the creation and preservation of open space within a development.

ZONING / IMPLEMENTATION

The West Main Commercial designation may be implemented in the following ways:

- Creation of a West Main Commercial zoning district with form based code design standards
- Amendment of Local Business zoning district standards to incorporate intent of this plan, at least as it would apply here
- Compliance with Township Access Management Plan
- Inclusion of transportation and infrastructure improvements in Township CIP

Transitional Residential

Transitional Residential areas will serve as buffers between the traffic and non-residential uses along West Main Street and the adjacent neighborhoods and residential uses. Because of the infrastructure and surrounding development, this is an appropriate location for residential development as an extension of existing neighborhoods to the east and west. However, as development occurs along the corridor, the surrounding neighborhoods should be appropriately protected as necessary from any proposed development.

The Transitional Residential designation anticipates a mix of residential uses consistent with the goals and principles of the Sub-Area Plan:

- Development laid out to protect significant natural features
- Single family and two family residences
- Senior and/or empty-nester residential uses
- An interconnected local street network that discourages cut-through traffic
- Dedication of portions of developments to open space

Through the use of the Planned Unit Development tool, development standards can be applied flexibly to accommodate access issues, road interconnections, and to preserve natural features and open space. PUD developments may also incorporate commercial development, especially within the West Main Commercial land use designation. The inclusion of commercial uses in a PUD will take into account issues of access and traffic circulation between the residential and commercial uses. All development within the Transitional Residential land use designation must be designed carefully to limit through traffic and minimize negative impacts on surrounding neighborhoods.

ZONING / IMPLEMENTATION

The Transitional Residential designation may be implemented in the following ways:

- Creation of a new residential zoning district
- Establishment of overlay standards consistent with the intent of this area
- Review of PUD standards and ordinance to ensure it satisfies intent of Sub-Area Plan
- Compliance with Township Access Management Plan

