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**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/gavel-to-gavel/oshtemo-township>)*

**TUESDAY, MARCH 21, 2023  
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: January 24<sup>th</sup>, 2023
6. **Site Plan: Taplin**  
Glas Associates is requesting site plan approval for a proposed 40,375 square-foot maintenance and storage facility, located at 5070 West Michigan Avenue.
7. **Text Interpretation: Section 41.60.B**  
Visser Property Management, LLC is requesting an interpretation of Section 41.60.B of the zoning ordinance to determine if Assembly and Convention Halls are an appropriate neighborhood commercial use within a Residential PUD.
8. Other Updates and Business
9. 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 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](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

##### **Supervisor**

Libby Heiny-Cogswell      216-5220      [libbyhc@oshtemo.org](mailto:libbyhc@oshtemo.org)

##### **Clerk**

Dusty Farmer      216-5224      [dfarmer@oshtemo.org](mailto:dfarmer@oshtemo.org)

##### **Treasurer**

Clare Buszka      216-5260      [cbuszka@oshtemo.org](mailto:cbuszka@oshtemo.org)

##### **Trustees**

Cheri Bell      372-2275      [cbell@oshtemo.org](mailto:cbell@oshtemo.org)

Kristin Cole      375-4260      [kcole@oshtemo.org](mailto:kcole@oshtemo.org)

Zak Ford      271-5513      [zford@oshtemo.org](mailto:zford@oshtemo.org)

Kizzy Bradford      375-4260      [kbradford@oshtemo.org](mailto:kbradford@oshtemo.org)

#### Township Department Information

##### **Assessor:**

Kristine Biddle      216-5225      [assessor@oshtemo.org](mailto:assessor@oshtemo.org)

##### **Fire Chief:**

Greg McComb      375-0487      [gmccomb@oshtemo.org](mailto:gmccomb@oshtemo.org)

##### **Ordinance Enforcement:**

Rick Suwarsky      216-5227      [rsuwarsky@oshtemo.org](mailto:rsuwarsky@oshtemo.org)

##### **Parks Director:**

Karen High      216-5233      [khhigh@oshtemo.org](mailto:khhigh@oshtemo.org)

Rental Info      216-5224      [oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org)

##### **Planning Director:**

Iris Lubbert      216-5223      [ilubbert@oshtemo.org](mailto:ilubbert@oshtemo.org)

##### **Public Works Director:**

Anna Horner      216-5228      [ahorner@oshtemo.org](mailto:ahorner@oshtemo.org)

**OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS**

**DRAFT MINUTES OF A REGULAR MEETING HELD JANUARY 24, 2023 AT  
OSHTEMO TOWNSHIP HALL, 7275 WEST MAIN STREET**

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**Agenda**

**ELECTION OF 2023 OFFICERS – CHAIR, VICE CHAIR, AND RECORDING SECRETARY**

**ANNUAL BOARD VARIANCE REVIEW TRAINING**

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A meeting of the Oshtemo Charter Township Zoning Board was held Tuesday, January 24, 2023, beginning at approximately 3:00 p.m.

MEMBERS PRESENT : Anita Smith, Chair  
Rick Everett  
Dusty Farmer  
Fred Gould  
Harry Jachym (arrived at 3:15 p.m.)  
Louis Williams, Vice Chair  
MEMBER ABSENT: Alistair Smith

Also present were Iris Lubbert, Planning Director, Jim Porter, Township Attorney, and Martha Coash, Recording Secretary. There were no guests present.

**Call to Order**

Chairperson Smith called the meeting to order and those present joined in reciting the Pledge of Allegiance.

**Approval of Agenda**

There were no changes to the agenda which was approved unanimously.

The Chair moved to the next agenda item.

**Public Comment on Non-Agenda Items**

As no members of the public were present; the Chair moved to the next agenda item.

**Approval of the Minutes of December 13, 2022**

Chairperson Smith asked if there were changes to the Minutes of December 13, 2022.

It was noted the date listed for minutes preparation was incorrect.

Ms. Farmer made a motion to approve the Minutes of December 13, 2022 with the date correction as noted. Mr. Gould seconded the motion. The motion was approved unanimously.

The Chair moved to the next agenda item.

### **ELECTION OF 2023 OFFICERS – CHAIR, VICE CHAIR AND RECORDING SECRETARY**

Chairperson Smith asked for nominations for the position of Chairperson for 2023.

Chairperson Smith nominated Mr. Williams for the position of Chairperson.

Mr. Gould nominated Ms. Smith for the position of Chairperson.

A roll call vote was held with the following results:

Mr. Gould, Mr. Everett and Ms. Smith voted for Ms. Smith.

Ms. Farmer and Mr. Williams voted for Mr. Williams.

**Ms. Smith was re-elected Chairperson for 2023 by a vote of 3-2.**

Chairperson Smith asked for nominations for the position of Vice Chair for 2023.

Ms. Farmer nominated Mr. Williams for the position of Vice Chairperson.

A roll call vote was held with the following results:

**Mr. Williams was re-elected Vice Chairperson for 2023 by a vote of 5-0.**

**Ms. Martha Coash was re-elected as Recording Secretary for 2023 by a vote of 5-0.**

**Note:** Mr. Jachym arrived at this point in the meeting.

### **ANNUAL BOARD VARIANCE REVIEW TRAINING**

As requested by the Zoning Board of Appeals Chair, Ms. Lubbert and Attorney Porter provided the annual training session/refresher course for ZBA members on the review criteria for variances as is done at the beginning of every year. Information on ordinance interpretation was also shared.

### **Other Updates and Business**

Approved dates for the 2023 ZBA meetings were confirmed and Ms. Lubbert indicated there may be one variance request ready for consideration at the February meeting.

### **Adjournment**

Chairperson Smith noted the Zoning Board of Appeals had exhausted its agenda. There being no other business, she adjourned the meeting at approximately 3:33 p.m.

Minutes prepared:  
January 25, 2023

Minutes approved:  
\_\_\_\_\_, 2023





## MCKENNA

March 14, 2023

Charter Township of Oshtemo  
7275 West Main Street  
Kalamazoo, MI 49009

**Subject:** Taplin Properties, LLC – Site Plan Review #2  
**Location:** 5070 West Michigan Avenue (Parcel #05-24-485-041)  
**Zoning:** I-2, Industrial District  
**Applicant(s):** Adam Harvey, Glas Associates – 6339 Stadium Drive, Kalamazoo MI 49009  
**Owner(s):** Taplin Properties, LLC, 5140 W. Michigan Avenue, Kalamazoo MI 49003

On behalf of the Charter Township of Oshtemo Planning Department, McKenna has reviewed the above-referenced site plan application for a proposed 40,375 square-foot maintenance and storage facility, located at 5070 West Michigan Avenue. As background, the applicant had received previous approval to construct a 32,875 square-foot building by the Zoning Board of Appeals on December 13, 2022, subject to conditions, as stipulated within the Zoning Board of Appeals meeting minutes and Oshtemo Township Planning Department Staff Report, dated December 13, 2022. The applicant has submitted the associated plan in lieu of the December 2022 approved plan; the following review is based on this amended site plan.

We offer the following comments and findings for your consideration. This review is based on the revised site plan dated February 22, 2023.

### SITE DESCRIPTION

The site is approximately 12.36-acres and has frontage along West Michigan Avenue, west of South Drake Road. The property is located in the I-2 Industrial District, which permits warehousing as a permitted use (Section 27.20.E.).

The applicant indicates the structure will be an equipment maintenance and warehouse facility. Further, the application indicates that the *“company is a provider of environmental contracting services; industrial cleaning, municipal sewer cleaning and televising, environmental remediation, asbestos abatement and hazardous waste transportation.”*



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The application further notes that the existing three (3) buildings on site will be demolished upon completion of the new warehouse facility.

## REVIEW COMMENTS

The following review comments are based on the submitted site plan of February 22, 2023. Items that require additional follow-up are underlined and are included as recommended conditions of approval.

### Site Plan Review (\$64.60)

- a. General Requirements. The applicant has submitted a revised set of site plans for review by the Township, dated February 22, 2023 and has been stamped by a licensed engineer.
- b. Access and Circulation. The submitted site plan shows access to the subject property via West Michigan Avenue, located along the southern portion of the property. No apparent changes are proposed to the site's existing access along West Michigan Avenue.

Section 52.50 – Off Street Parking and Site Circulation Requirements – stipulates that drive aisles shall be 24 feet wide for two-way traffic and 20 feet wide for one-way traffic. Sheet 03 of the site plan notes minimum drive aisle widths of 24 feet. Further dimensions on the site plan indicate the desire to have internal two-way traffic capabilities.

It should be noted that the owner of the subject site also owns two adjacent parcels to the southwest: 5100 & 5140 West Michigan Avenue. It should be noted that if the ownership between 5070 W Michigan Avenue and 5100/5140 W Michigan Avenue changes, the applicant will be required to execute a cross-access agreement between the subject site and the adjacent parcels, to be approved by the Township Attorney and recorded by the County Registrar of Deeds

- c. Loading and unloading. Section 52.60 stipulates that *space for all necessary loading and unloading operations for any commercial, industrial, or other use must be provided in addition to the required off-street parking space*. Building renderings indicate dedicated loading/unloading along the eastern and western portions of the proposed structure as indicated by a crosshatch symbol. We find that the proposed loading/unloading area acceptable.

PROPOSED BUILDING AREA BY USE	
SHOP (D.2*):	15,000 SFT
STORAGE (D.2*):	18,125 SFT
OFFICE (B.1*):	2,250 SFT
WASH BAYS (D.2*):	5,000 SFT
TOTAL:	40,375 SFT

*\*REFERS TO RELEVANT USE DESIGNATION UNDER SECTION 52.100 OF OSHTEMO TWP. ZONING ORD.*

- d. Parking. Section 52.100 of the Zoning Ordinance stipulates 1 parking space per 1,500 square feet of net floor area plus the required parking devoted to other uses OR one per employee, whichever is greater for manufacturing. The site plan indicates a total of 70 employees, as indicated in the graphic to the right.

REQUIRED PARKING BY USE	
B.1:	2,250/150 = 15
D.2:	70 EMPLOYEES x 1 = 70
TOTAL:	85

MAXIMUM ALLOWABLE SPACES: 85\*1.1 = 94

TOTAL PROVIDED PARKING STALLS: 90  
STANDARD - 86  
ADA (STANDARD) - 2  
ADA (VAN ACCESSIBLE) - 2

VECTOR TRUCK PARKING: 8 STALLS

One (1) space is required for every 150 square feet of net floor area for general office use. The revised site plan, dated



February 22, 2023, indicates an office space of 2,250 square feet.

The following table provides parking space analysis for this type of use, based on ordinance requirements.

Parking	Required	Proposed
Office: 1 space per 150 sq.ft.	$(2,250 \text{ sq.ft.} / 150) = 15$	15
Manufacturing: 1 space per 1,500 sq.ft. net floor area or one per employee, whichever is greater	1 space per employee	70 employees listed on plan
Total	<b>15 + Number of employees (70) = 85</b>	90 (as listed on site plan)

Net floor area is defined as the following: “the area of all floors in a building computed by measuring the dimensions of the outside walls of a building excluding elevator shaft, stairwells, hallways, floor space used for basic utilities and sanitary facilities such as heating and cooling equipment and lavatories.”

The parking calculation labels equate to 98 spaces: eight (8) of which are shown as truck spaces, for a reduced total of 90 spaces, including four (4) barrier free spaces that are proposed to have a base of concrete/cement. We note that the truck spaces may be used as outdoor storage for a vehicle fleet and do not contribute to meeting the parking requirement.

To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of storm water runoff, Section 52.50.H requires that no parking lot shall have parking spaces totaling more than 110% of the minimum parking space requirements except as may be approved by the reviewing body. Per the calculations above, a maximum of 93 spots would be allowed onsite. The proposed parking meets ordinance requirements.

- e. Sidewalks. Sidewalk: Section 57.90 of the Zoning Ordinance requires that an interior sidewalk network be provided at the time of a site plan review unless the reviewing body grants a deviation from this provision. During the December 13, 2022 Zoning Board of Appeals meeting, the applicant was granted a deviation from installation of the interior sidewalk. We note that the submitted site plan does not provide for interior sidewalks. The applicant is requesting that the previously granted deviation be extended to this revision of the site plan as it still remains a security issue.

As previously outlined and discussed at the December 13, 2022 Zoning Board of Appeal meeting, the applicant has expressed that there have been several instances in recent years of vandalism and theft occurring on-site. Moreover, there have been over four notable instances of vehicles being stolen from the site, and countless cases of supplies being stolen by individuals traveling on foot. The site will be able to be accessed through access-controlled devices and limited to individuals that have proper credentials. **With the site operating as a true industrial use (not truly intended for foot traffic), and due to the several security concerns, the applicant’s request for a deviation from installing a sidewalk connection from the road to the building is reasonable and staff recommends the Zoning Board of Appeals re-approve the deviation request.**



The Township's Non-Motorized Plan identifies a non-motorized facility adjacent to the subject site on the north side of W Michigan Avenue. A six (6) foot wide concrete sidewalk in said location is currently proposed on the site plan and will be required to be installed prior to releasing a certificate of occupancy. It should be noted that the applicant is currently working on a final design plan of the sidewalk and is required to follow all Oshtemo Township specifications. If any portion of the sidewalk is required to be located outside of the public right-of-way in order to avoid safety concerns and utility conflicts, a sidewalk easement will be required to be recorded at the Kalamazoo County Register of Deeds Office.

- f. **Buildings & Structures.** Front, side, and rear building elevations with all windows, lights, doors, and exterior materials, including color is required to be submitted. The applicant has provided building renderings which include details pertaining to exterior finishes.

Per Section 50.60 – Setback Provisions – Industrial Districts have a minimum setback distance for all buildings of 70 feet from all street right-of-way lines. The minimum setback from any rear or interior side property line shall be 20 feet or the height of the abutting side of the building at its highest point as measured from the grade of the property line. The building is proposed to be setback from the front property line to a distance that is greater than 70 feet. Further, the side and rear yard setbacks are proposed to be greater than 20 feet. For reference, Section 50.60 of the Township Zoning Ordinance requires buildings to be set back at least 20 feet, or the height of the building, whichever is greater. We note that the building height is proposed to be 25.2 feet – the building is proposed to be setback from the side property line at a distance greater than 100 feet. We find that the setback provisions pertaining to the proposed new construction are met.

- g. **Rubbish disposal facilities.** The submitted site plan notes a dumpster enclosure to be located to the northwest of the proposed building, constructed in the rear portion of the site. The applicant proposes to construct the dumpster enclosure out of 72" PVC fence system, which aligns with the height requirements of Section 53.90 of the Zoning Ordinance.
- h. **Landscaping.** Per Section 53.30.B *"landscape plans are required for all developments requiring site plan approval."* The February 22, 2023 revised site plan has been stamped by a landscape architect. The following provisions apply to landscaping:

1. *Greenbelts: greenbelts shall be 20 feet wide along public rights-of-way, measured from the right-of-way line.* No greenbelt has been delineated on the site plan. The required greenbelt shall be shown on the site plan.
2. *Greenbelts shall be landscaped with a minimum equivalent of one (1) canopy tree and two (2) understory trees for every 100 linear feet, or fraction thereof, of frontage abutting a street right-of-way.* Based on an estimated frontage of 385 feet, the applicant would be required to install four (4) canopy trees and eight (8) understory trees. We note that the revised landscaping plan, dated February 22, 2023 indicates an estimated three (3) canopy trees near the property line along West Michigan. An additional eight (8) understory trees would be required along the right-of-way, located within the greenbelt.



However, we note that in accordance with Section 53.110, the property owner can be granted Tree Preservation Credits based on the diameter of trees that will be preserved on site. Based on the updated landscaping plan, we acknowledge a total of 49 credits can be granted to the property owner. Therefore, the additional eight (8) understory trees previously referenced would not be required for installation in the greenbelt.

3. *The remainder of the greenbelt shall be landscaped with grass, ground cover, shrubs, and other organic landscape materials. The landscaping plan does not note what type of ground cover is either proposed or in existence: the landscaping plan shall be amended to include this detail.*
- i. *Parking lot landscaping. Section 53.50.B.2 stipulates the following: "parking lots with 11 spaces or more shall provide landscaping at 25 square feet per parking lot space. Total square footage shall be dispersed into separate landscape features, such as islands or peninsulas, within parking lots so as to break up the broad expanse of pavement, guide the circulation of vehicular and pedestrian traffic, and to provide shade and visual relief from pavement." Based on the number of parking spaces (98), a total of 2,450 square feet of parking lot landscaping is required. The applicant proposes an estimated 5,600 square feet of parking lot landscaping, which meets the requirement of Section 53.50.B.2 of the Township Ordinance.*

Further, there shall be one (1) canopy tree and two (2) low growing shrubs for every 200 square feet of required parking lot landscaping. The applicant proposes to install 11 canopy trees within the landscape island, and three canopy trees at the southeast corner of the building. We find that this provision is met.

- j. *Interior Site Landscaping. Section 53.70 of the Zoning Ordinance regulates interior site landscaping. The following provisions will need to be satisfied as it pertains to interior site landscaping.*

1. *In addition to the parking lot and greenbelt landscaping, a minimum of 10 percent of the developed area of the parcel, lot or building site must be landscaped. The developed area of the parcel, lot or building site shall mean the physical extension and/or construction of any man-made change or alteration to an improved or unimproved property. We note that the revised landscaping plan indicates a developed area of 541,975 square feet. Based on this calculation, a total of 54,197 square feet of interior site landscaping is required. The revised site plan notes landscape islands along near the proposed new building, however it does clearly provide a landscaped calculation of total square footage. As stipulated in this requirement, the parking lot and greenbelt landscaping is not to be counted as part of the 10% required. Therefore, the applicant will need to provide landscaping calculations to ensure that this provision is being satisfied.*

Alternatively, the applicant could remove portions of the proposed gravel expansion along the southern site, which would reduce the overall developed area of the parcel. Removing portions of the gravel expansion would bring the site more in line with ordinance provisions.

2. *Interior site landscaping shall be located adjacent to buildings and in at least one side or rear yard distributed throughout the developed area of the parcel, lot or building site. The applicant proposes site landscaping adjacent to the building, along the western and northern portions.*





This provision will be satisfied subject to the landscape installation as noted on the landscaping plan.

3. *In addition to the other tree requirements outlined herein, one (1) canopy tree will be required for every 1,500 square feet and one (1) understory tree will be required for every 2,500 square feet of the interior site landscaping.* The following table further details the required tree count:

Required	Total Square Footage	Required Tree Count	Proposed Tree Count
1 canopy per 1,500 sq. ft.	53,975 / 1,500	36	6 + 9 (existing near roadway) = 15 <b>Lacking 21 Trees</b>
1 understory per 2,500 sq. ft.	53,975 / 2,500	22	3 <b>Lacking 19 Trees</b>

As previously referenced in the greenbelt portion of the landscaping review, the applicant has been granted 49 tree preservation credits due to the retention of existing mature growth trees on site. Eight (8) of the 49 credits were utilized for greenbelt screening requirements, leaving the applicant a remainder of 41 tree preservation credits. We note that an additional 40 trees as described above would be required across the subject property, however due to the tree preservation credits, the applicant would not be required to install these remaining trees. Therefore, we find the interior site landscaping component regarding trees has met the ordinance requirements.

4. *Interior site landscaping shall be provided to enhance the appearance of the site and screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air conditioning units, and loading areas.* The proposed retention pond is located along the northwestern portion of the subject site, however, no screening is shown to be installed around this feature. We find that this provision is only partially met due to the installation of site landscaping around the building, however, is not satisfied as it relates to the retention pond screening.
- k. Lighting. A site lighting plan has been submitted for review, which notes the following:
- 1) Site lighting shall have a kelvin rating between 3,000 – 5,000. The supplied photometric plan shows wall mounted lighting and ground pole design, which will have a color intensity of 4,000K, which is in line with ordinance provisions.
  - 2) *For pole mounted lighting that is greater than 15 feet in height, but does not exceed 25 feet in height, light lumens shall not exceed 20,000.* The lighting plan notes the highest lumens at 18,997, which is below the maximum permitted.
  - 3) *Building mounted lighting shall not exceed 14-feet in height (Section 54.60.C.) and shall not exceed 8,000 lumens.* The applicant indicates building mounted lighting at a height of 14 feet with a lumen total of 6,376. This provision is met.



- 4) *Per Section 54.60 of the Township Zoning Ordinance, lighting may not exceed 0.5 foot-candles at the property line.* Based on the submitted plan, this provision is satisfied.

We find that the submitted lighting plan meets the requirements of Article 54 – Lighting – of the Township Zoning Ordinance.

- l. Outdoor storage. Outdoor storage is allowed “in the side and rear yards except within the area required for setback from side and rear lot lines. Such storage may not exceed 100 percent of the square foot area of the principal building upon the premises” (section 27.50). The applicant indicates outdoor storage will take place in a side or rear yard. The submitted site plan leads reviewing staff to believe that outdoor storage will take place in the front yard, due to the installation of new gravel, labeled as “proposed gravel truck parking area” as shown on Sheet 03. It is anticipated that outdoor storage will still take place in the front yard, even though a note is added to the site plan indicating “storage prohibited in front yard”.

It is recommended that the additional gravel proposed for the front yard area be removed to reduce the temptation to store equipment in an unauthorized location. Removal of this additional gravel will also reduce the required interior site landscaping by reducing the amount of site alterations.

- m. Storm water management. Section 56.20.C – storm water management standards – requires storm water management to be retained on-site. The Township Engineer finds the site plan generally acceptable for construction.

### **Additional Comments**

1. There is a 20 Ft wide water easement proposed to extend from W Michigan Avenue to the south side of the proposed principal building. This easement will need to be dedicated to Oshtemo Township. Such an extension will require coordination with the Public Services Department at the City of Kalamazoo.
2. The site plan notes a charging station in the parking lot –further details on this component are requested. Is the charging station to be used for employees or company equipment? Further clarification is requested.

## **OTHER AGENCY REVIEWS**

### **Oshtemo Township Fire Department**

The Oshtemo Township Fire Department has no additional comments at this time pertaining to the revised site plan, dated February 27, 2023.

### **Oshtemo Township Engineer**

The Township Engineer, Ryan Russell, P.E. of Prein & Newhof, and Anna Horner, Oshtemo Township Director of Public Works, have no additional comments regarding this site plan submission and find the plan to be generally acceptable for construction.



## RECOMMENDATIONS

Based on the revised site plans, dated February 22, 2023, we find that the proposed Taplin Site Plan Application can be recommended for approval, subject to the conditions outlined below:

1. A Soil Erosion and Sedimentation Control (SESC) permit from the Kalamazoo County Drain Commissioner's Office will be required prior to building permit issuance.
2. A permit by the Road Commission of Kalamazoo County authorizing work within the public right-of-way will be required prior to building permit issuance.
3. All watermain connections shall be coordinated with the City of Kalamazoo Department of Public Services. A copy of the City of Kalamazoo water permit shall be provided prior to building permit issuance. Acceptance of watermain construction and testing must be provided prior to issuing a certificate of occupancy.
4. Finalization for the design of the non-motorized facility or any other engineering details shall be subject to the administrative review and approval of the Township Engineer prior to building permit issuance.
5. Prior to any occupancy of the proposed principal building, the existing three structures shall be demolished.
6. Copies of the necessary recorded easements shall be provided to the Township prior to issuing a certificate of occupancy.
7. All non-motorized facilities on the approved site plan shall be installed prior to issuing a final certificate of occupancy.
8. No outdoor storage shall be allowed within the front yard nor the front, side, or rear yard setbacks: the additional gravel area noted in the front yard on the site plan shall be removed.
9. If ownership between 5070 W Michigan Avenue and 5100/5140 W Michigan Avenue changes, a cross-access agreement will be executed and recorded, with approval by the Township Attorney.
10. Additional gravel shown in the front yard be removed to reduce the amount of site alterations project to take place – this will also reduce the amount of on-site landscaping that is required by Ordinance.
11. **SIDEWALK DEVIATION:** The Zoning Board of Appeals approves the request to deviate from Section 57.90 to not install a sidewalk connection from the proposed principal building to the proposed non-motorized facility abutting the public right-of-way appropriate for this industrial site.
12. An updated Landscaping Plan that meets ordinance requirements shall be submitted and approved prior to building permit issuance. The Landscaping Plan shall include:
  - i. Clearly delineate the 20-foot required greenbelt on the landscaping plan.
  - ii. Provide details pertaining to the type of ground cover to be on site.
  - iii. Provide interior landscaping that total 53,975 square feet – not counting the required green belt and parking lot landscaping. Provide calculations of said interior landscaping to ensure compliance with this provision.
  - iv. Install screening around the proposed retention pond, such as shrubs or coniferous trees to provide year-round screening.





Should you have any questions regarding this review, please feel free to contact us.

Respectfully submitted,

**McKENNA**

Kyle Mucha, AICP  
Senior Planner

Paul Lippens, AICP, NCI  
Vice President

CC: Iris Lubbert, AICP – Oshtemo Township Planning Director

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

**PLEASE PRINT**

PROJECT NAME & ADDRESS

TAPLIN - 5070 W. Michigan Ave., Kalamazoo, MI 49006

**PLANNING & ZONING APPLICATION**

Applicant Name: Adam Harvey

Company: Glas Associates

Address: 6339 Stadium Dr.

Kalamazoo, MI 49009

E-mail: adam@glasassociates.com

Telephone: (269)353-7737 Fax: \_\_\_\_\_

Interest in Property: Design / Build Contractor

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ONLY

**OWNER\*:**

Name: Taplin Properties, LLC

Address: 5140 W. Michigan Ave

Kalamazoo, MI 49003

E-mail: stevebtaplin@taplinholdings.com

Phone & Fax: (269)375-9595

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

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

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

- ☐ Pre-Application Review
- ☒ Site Plan Review – I088
- ☐ Administrative Site Plan Review – I086
- ☐ Special Exception Use – I085
- ☐ Zoning Variance – I092
- ☐ Site Condominium – I084

- ☐ Accessory Building Review – I083
- ☐ Rezoning – I091
- ☐ Subdivision Plat Review – I089
- ☐ Interpretation – I082
- ☐ Other: \_\_\_\_\_

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

Build a new 40,375 SF Maintenance and Storage Facility on Existing Site. Demolish and remove three existing buildings on site.

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

See attached

**PARCEL NUMBER:** 3905- 24-485-041

**ADDRESS OF PROPERTY:** 5070 W. Michigan Ave., Kalamazoo, MI 49006

**PRESENT USE OF THE PROPERTY:** Maintenance and Storage Facility

**PRESENT ZONING:** I-2 **SIZE OF PROPERTY:** 12.36 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)**

Old National Bank

5003 Century Avenue, Kalamazoo, MI 4900

***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.*

*see attached*

**Owner's Signature (\*If different from Applicant)**

**Date**

*Adam Hamm*

*1-31-23*

**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**

January 25, 2023

## LETTER OF AUTHORIZATION

I, Steve Taplin, the owner of the property located at 5070 W. Michigan Ave., Kalamazoo, Michigan 49006 hereby authorize builder/contractor Glas Associates (Builders License No. 2102156731, exp. 05/31/23) to act as a designated agent on my behalf for any permit applications and approvals required for my proposed commercial construction project including, but not limited to Soil Erosion, Zoning and Building.

Sincerely,

**Steve  
Taplin**

Digitally signed by Steve Taplin  
DN: cn=Steve Taplin, o=Taplin  
Holdings, LLC, ou,  
email=stevebtaplin@taplinholdin  
gs.com, c=US  
Date: 2023.01.25 14:06:01 -05'00'

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*(Steve Taplin)*

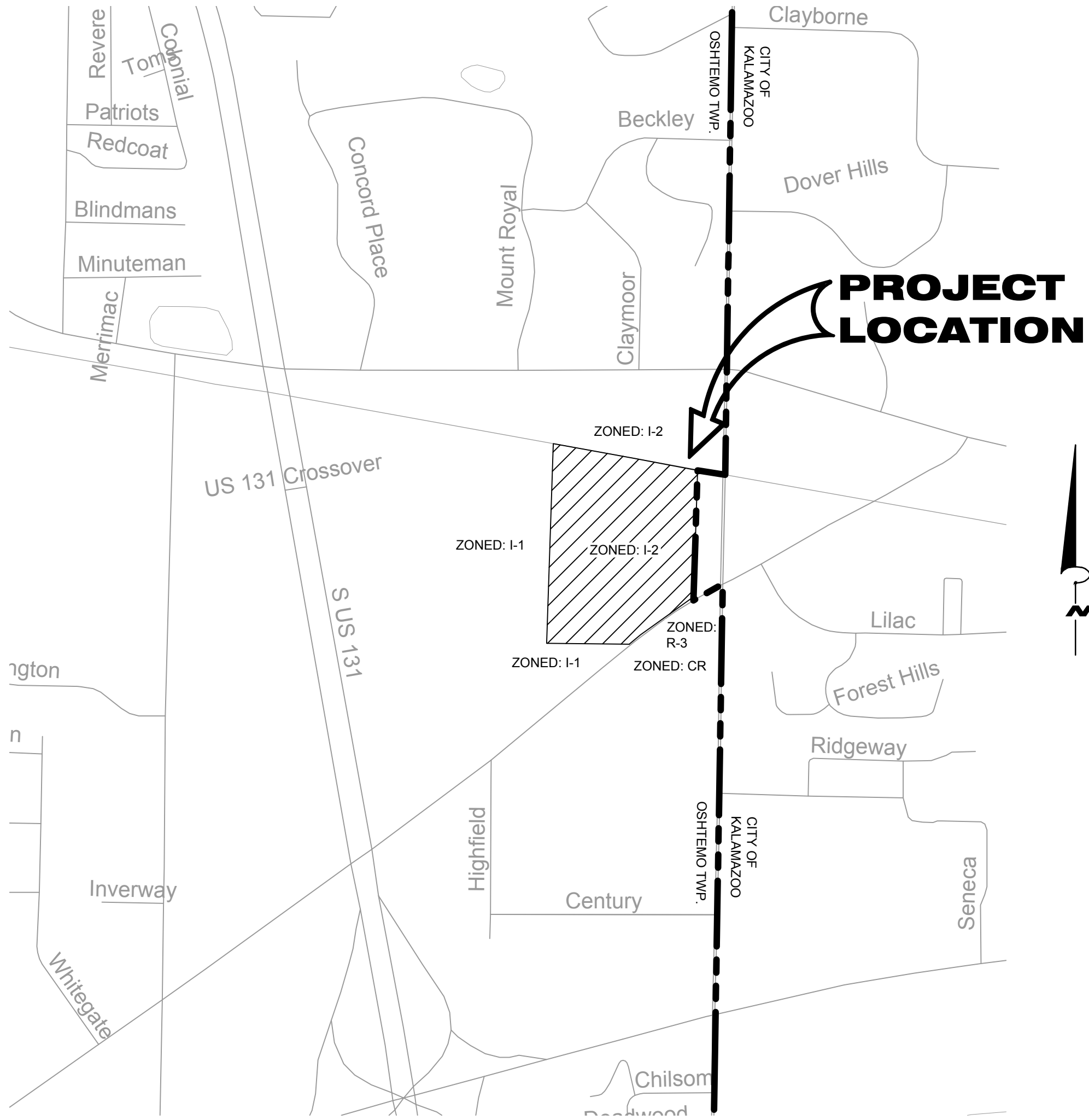
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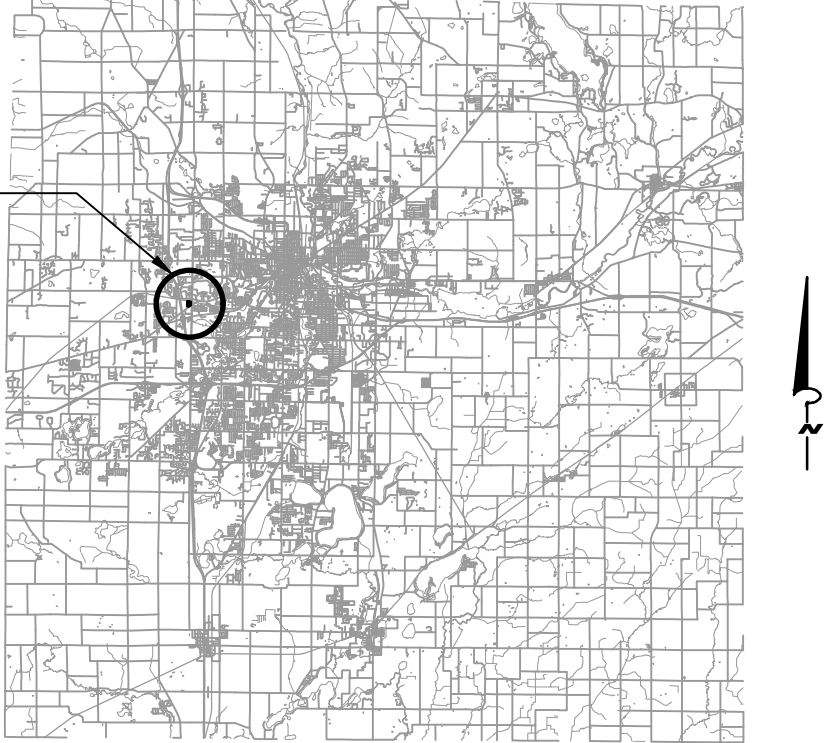
NOTES

1. THE "2020 STANDARD SPECIFICATIONS FOR CONSTRUCTION" AND "STANDARD PLANS" BY THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) ARE HEREBY INCORPORATED INTO THESE CONTRACT DOCUMENTS. COPIES OF THESE STANDARDS ARE AVAILABLE FOR INSPECTION AT THE OFFICE OF THE ENGINEER.
2. THE "STANDARD SPECIFICATIONS FOR WATER MAIN AND SERVICE INSTALLATION REV. 6/14/2021" BY THE CITY OF KALAMAZOO ARE HEREBY INCORPORATED INTO THESE CONTRACT DOCUMENTS. COPIES OF THESE STANDARDS ARE AVAILABLE FOR INSPECTION AT THE OFFICE OF THE ENGINEER.
3. THE PLACING OF TRAFFIC CONTROL SIGNS AND PAVEMENT MARKINGS SHALL BE DONE IN ACCORDANCE WITH THE 2011 MICHIGAN MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MMUTCD), AS AMENDED.
4. ALL WORK SHALL CONFORM TO ALL LOCAL, STATE AND FEDERAL LAWS, RULES AND REGULATIONS IN FORCE AT THE TIME OF CONSTRUCTION.
5. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING ALL CONSTRUCTION WITH OTHER CONTRACTORS INVOLVED WITH CONSTRUCTION OF THE PROPOSED DEVELOPMENT AND FOR REPORTING ANY ERRORS OR DISCREPANCIES BETWEEN THESE PLANS AND/OR PLANS PREPARED BY OTHERS. IF ANY ERRORS, DISCREPANCIES, OR OMISSIONS BECOME APPARENT, THESE SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO CONSTRUCTION OF ANYTHING AFFECTED SO THAT CLARIFICATION OR REDESIGN MAY OCCUR.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR POSTING ALL BONDS AND INSURANCE CERTIFICATES AND SUBMITTING TRAFFIC CONTROL PLANS FOR REVIEW AND APPROVAL WHICH MAY BE REQUIRED BY THE TOWNSHIP AND RCKC FOR THE CONSTRUCTION OF THIS PROJECT WITHIN THE ROAD RIGHT-OF-WAY. THE CONTRACTOR SHALL APPLY FOR THESE PERMITS UNLESS OTHERWISE NOTED.
7. IN CONFORMANCE WITH PUBLIC ACT 174 OF 2013, ALL CONTRACTORS SHALL CALL MISS DIG @ 811 OR 800-482-7171 FOR PROTECTION OF UNDERGROUND UTILITIES A MINIMUM OF THREE FULL WORKING DAYS (EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS) PRIOR TO BEGINNING EACH EXCAVATION IN ANY AREA. MEMBERS WILL THIS BE ROUTINELY NOTIFIED. THIS DOES NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY OF NOTIFYING UTILITY OWNERS WHO MAY NOT BE A PART OF THE "MISS DIG" ALERT SYSTEM.
8. THE CONTRACTOR SHALL LOCATE ALL ACTIVE UNDERGROUND UTILITIES PRIOR TO STARTING WORK AND SHALL CONDUCT HIS OPERATIONS IN A MANNER AS TO ENSURE THAT THOSE UTILITIES NOT REQUIRING RELOCATION WILL NOT BE DISTURBED.
9. FILL SHALL BE PLACED AND ADEQUATELY KEYED INTO STRIPPED AND SCARIFIED SOILS PER THE MDOT 2020 STANDARD SPECIFICATIONS FOR CONSTRUCTION. ALL FILL MATERIAL SHOULD BE AT APPROXIMATELY THE OPTIMUM MOISTURE CONTENT DURING COMPACTION. FURTHERMORE, FILL MATERIAL SHOULD NOT BE FROZEN NOR BE PLACED ON A FROZEN BASE. IT IS RECOMMENDED THAT ALL EARTHWORK AND SITE PREPARATION ACTIVITIES BE CONDUCTED UNDER ADEQUATE SUPERVISION AND PROPERLY CONTROLLED IN THE FIELD BY A GEOTECHNICAL ENGINEERING TESTING FIRM.
10. COMPACTION OF ANY FILL BY FLOODING IS NOT ACCEPTABLE. THIS METHOD WILL GENERALLY NOT ACHIEVE THE DESIRED COMPACTION, AND THE LARGE QUANTITIES OF WATER WILL TEND TO SOFTEN THE FOUNDATION SOILS.
11. THE CONTRACTOR SHALL CONDUCT THE WORK IN SUCH A MANNER SO NO EXCAVATIONS ARE LEFT OPEN OVERNIGHT. IF THIS IS NOT POSSIBLE, THE CONTRACTOR SHALL INSTALL A TEMPORARY FENCE TO PROTECT THE EXCAVATION AT THEIR OWN EXPENSE.
12. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING EXISTING DRAINAGE PATTERNS, AND SHALL RESOLVE ANY DRAINAGE PROBLEMS ON ADJACENT PROPERTIES WHICH MAY RESULT FROM THE CONTRACTOR'S ACTIVITIES.
13. ADEQUATE DUST CONTROL MEASURES SHALL BE MAINTAINED BY THE CONTRACTOR AS DIRECTED BY THE ENGINEER IN THE FIELD, TO BE INCLUDED IN THE VARIOUS ITEMS OF WORK.
14. MULCH BLANKET HIGH VELOCITY SHALL BE PLACED ON THE BOTTOM OF ALL DITCHES WHEN THE LONGITUDINAL GRADE IS GREATER THAN OR EQUAL TO 2.00% UNLESS OTHERWISE NOTED, OR AS DIRECTED BY THE ENGINEER IN THE FIELD.
15. SPOT ELEVATIONS WITHIN VICINITY OF PROPOSED CONCRETE CURB AND GUTTER REFER TO EDGE OF METAL ELEVATIONS. PITCH PAVEMENT/CONCRETE GUTTERS UNIFORMLY BETWEEN PROPOSED SPOT ELEVATIONS.
16. ALL SCALES FOR DRAWINGS AND DETAILS ARE BASED ON 24"x36" PRINTED PLANS. DIMENSIONS TAKE PRECEDENCE OVER SCALE. CONTRACTOR TO VERIFY ALL DIMENSIONS IN FIELD.
17. ALL RADII FOR CURB AND GUTTER ARE DIMENSIONED TO THE BACK OF THE CURB.
18. EXPANSION JOINTS FOR CONCRETE CURB AND GUTTER SHALL BE PLACED AT: CURB CORNERS, BEGINNING AND ENDING OF RADII, ALL CATCH BASINS AND MANHOLES, INTERSECTION OF CURB/SIDEWALK, CURB/RETAINING WALL, CURB/BUILDING, AND EXISTING/NEW CONSTRUCTION, AT LENGTHS OF NOT MORE THAN 120' APART, AND AS SPECIFIED ELSEWHERE.
19. CONTRACTION JOINTS ARE TO BE PLACED AT UNIFORM INTERVALS IN CONCRETE PAVEMENT. MAXIMUM SPACING SHALL BE IN ACCORDANCE WITH THE BELOW TABLE. THE LENGTH TO WIDTH RATIO OF JOINTED SLAB SECTIONS SHALL NOT EXCEED 1.5.

- | CONCRETE THICKNESS (IN) | MAXIMUM SPACING (FT) |
|-------------------------|----------------------|
| 3.5                     | 8.5                  |
| 4, 4.5                  | 10                   |
| 5, 5.5                  | 12.5                 |
| 6 +                     | 15                   |
20. STORM SEWER PIPING SHALL BE CLASS C76-IV SEWER, ASTM 3034 OR 3033 PVC, OR ADS - N12 OR HANCOR HI-Q HDPE OR EQUAL UNLESS INDICATED OTHERWISE. SEE PLAN FOR SIZES AND LOCATIONS OF PIPING.
21. PROJECT SANITARY SEWER SHALL CONFORM TO THE REQUIREMENTS OF THE LATEST REVISION OF ASTM SPECIFICATION D3034 "TYPE PSM POLY (VINYL CHLORIDE) (PVC) SEWER PIPE AND FITTINGS AND HAVE A MINIMUM WALL THICKNESS OF SDR 35.
22. MAINTAIN 10 FOOT MINIMUM HORIZONTAL SEPARATION BETWEEN THE SANITARY OR STORM SEWER AND WATER MAIN UTILITIES. PROVIDE 18" MINIMUM VERTICAL SEPARATION WHERE THE WATER MAIN CROSSES A SANITARY OR STORM SEWER.
23. ANY SANITARY SEWER, SANITARY SEWER SERVICE LEADS, WATER MAIN, WATER SERVICES, OR STORM SEWER THAT IS DAMAGED BY THE CONTRACTOR DURING THEIR OPERATIONS SHALL BE REPAIRED TO THE OWNER'S SATISFACTION AND AT THE CONTRACTOR'S EXPENSE.
24. ALL PERMANENT SIGNAGE SHALL COMPLY WITH THE MICHIGAN'S BARRIER FREE DESIGN REQUIREMENTS AND THE AMERICANS WITH DISABILITIES ACT.
25. ALL ELECTRICAL WORK SHALL BE PERFORMED BY A STATE OF MICHIGAN LICENSED ELECTRICIAN ACCORDING TO THE NATIONAL ELECTRICAL CODE AS MODIFIED BY THE STATE OF MICHIGAN. FURNISH AND INSTALL ALL MATERIALS AND LABOR TO PROVIDE A COMPLETE WORKING SYSTEM.
26. ALL PLUMBING WORK SHALL BE PERFORMED BY A STATE OF MICHIGAN LICENSED PLUMBER AND ACCORDING TO THE NATIONAL PLUMBING CODE AS MODIFIED BY THE STATE OF MICHIGAN AND LOCAL HEALTH DEPARTMENT. FURNISH AND INSTALL ALL MATERIALS AND LABOR TO PROVIDE A COMPLETE WORKING SYSTEM.
27. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS INCLUDING PERMIT COSTS, TAP FEES, METER DEPOSITS, BONDS, INSPECTIONS AND ALL FEES REQUIRED FOR PROPOSED WORK TO OBTAIN OCCUPANCY. THE CONTRACTOR SHALL MAKE ALL PERMANENT UTILITY APPLICATIONS AND SHALL BE RESPONSIBLE FOR ALL APPLICABLE FEES AND UTILITY SERVICE INSTALLATION FEES. THIS INCLUDES BUT IS NOT LIMITED TO PRIMARY AND SECONDARY ELECTRICAL SERVICES, PERTAINING TO SUCH, ON BEHALF OF THE OWNER.
28. SOILS EXPOSED IN THE BASE OF ALL SATISFACTORY FOUNDATION EXCAVATIONS SHOULD BE PROTECTED AGAINST ANY DETRIMENTAL CHANGES IN CONDITION SUCH AS FROM DISTURBANCE, RAIN, AND FREEZING. SURFACE RUN-OFF WATER SHOULD BE DRAINED AWAY FROM THE EXCAVATION AND NOT ALLOWED TO POND. IF POSSIBLE, ALL FOOTING CONCRETE SHOULD BE POURED THE SAME DAY THE EXCAVATION IS MADE. IF THIS IS NOT PRACTICAL, THE FOOTING EXCAVATIONS SHOULD BE ADEQUATELY PROTECTED.
29. EXTERIOR CONCRETE SHALL BE 3500 PSI, LIMESTONE AGGREGATE AND 4 - 6% AIR ENTRAINMENT WITH A LIGHT BROOM FINISH.
30. CONCRETE TESTING - CONTRACTOR SHALL EMPLOY AN INDEPENDENT TESTING ENGINEER TO VERIFY THE SLUMP, AIR ENTRAINMENT AND PROVIDE (3) CYLINDER SAMPLES FOR EACH DAYS POUR, OR 50 C.Y. OF CONCRETE, WHICHEVER OCCURS MORE OFTEN.



PORTION OF OSHTEMO TWP, MI  
PROJECT LOCATION MAP  
SCALE: NONE



KALAMAZOO COUNTY, MI  
VICINITY MAP  
SCALE: NONE

PROJECT DESCRIPTION

THE PROJECT CONSISTS OF REMOVAL OF THREE EXISTING STRUCTURES TOTALING 15,429 SQUARE FEET AND CONSTRUCTION OF A NEW 32,500 SQUARE FOOT MAINTENANCE, STORAGE, AND OFFICE FACILITY. THE NEW BUILDING WILL BE FIRE SUPPRESSED. SUPPORTING SITE IMPROVEMENTS INCLUDE A RE-DESIGNED PARKING LOT, NEW STORM WATER MANAGEMENT FACILITIES, SITE AND PARKING LOT LANDSCAPING, AND A NEW PUBLIC WATER MAIN EXTENSION PROVIDING A HYDRANT NEAR THE NEW STRUCTURE.

SITE INFORMATION

ZONING:	I-2	
SITE AREA:	541,975 SFT (12.44 AC)	
BUILDING HEIGHT:	21'-4" TO PEAK	
<u>LAND COVERAGE</u>	<u>EXISTING</u>	<u>PROPOSED</u>
BUILDING	15,429 SF (2.85%)	40,375 SF (7.45%)
PAVEMENT	118,035 SF (21.78%)	230,380 SF (42.51%)
PERVIOUS	408,511 SF (75.37%)	270,001 SF (49.82%)
TOTAL	541,975 SF (100.0%)	541,975 SF (100.00%)

UTILITIES

CABLE:	CHARTER COMMUNICATIONS 4178 COMMERCIAL AVENUE PORTAGE, MI 49002 JASON TILLER (269) 459-8724 EXT 61224
ELECTRIC:	CONSUMERS ENERGY 2500 E. CORK STREET KALAMAZOO, MI 49001 MIKE SOKOLOV (269) 337-2246
GAS:	CONSUMERS ENERGY 2500 E. CORK STREET KALAMAZOO, MI 49001 KYLE OAK (269) 337-2366
TELEPHONE:	AT&T 2919 MILLCORK STREET KALAMAZOO, MI 49001 TODD BERGHUIS (269) 384-4475
FIBER OPTIC:	Q3 TECHNOLOGIES 1005 FOSTER AVENUE KALAMAZOO, MI 49048 TROY QUAKENBUSH (269) 377-1308  CTS TELECOM 13800 EAST MICHIGAN AVENUE GALESBURG, MI 49053 ROY SCHOONHOVEN (269) 209-4828  CITY OF KALAMAZOO 415 STOCKBRIDGE AVENUE KALAMAZOO, MI 49001 (269) 337-8601
WATER:	CITY OF KALAMAZOO 415 STOCKBRIDGE AVENUE KALAMAZOO, MI 49001 STEVE SKALSKI, PE (269) 337-88454
SEWER:	CITY OF KALAMAZOO 415 STOCKBRIDGE AVENUE KALAMAZOO, MI 49001 RYAN STOUGHTON (269) 337-8601
"MISS DIG":	811

INDEX OF PLANS

01	COVER SHEET
02	EXISTING CONDITIONS AND SITE DEMOLITION
03	SITE LAYOUT
04	SITE GRADING, UTILITIES, AND SESC PLAN
05	DETAIL SHEET
06	LANDSCAPE PLAN
07	LANDSCAPE DETAILS, SCHEDULE AND CALCULATIONS
08	LIGHTING PLAN
09	WATER MAIN PLAN AND PROFILE
10	VEHICLE TRACKING

W+

WIGHTMAN

433 E. RANSOM ST.

KALAMAZOO, MI. 49007

269.327.3532



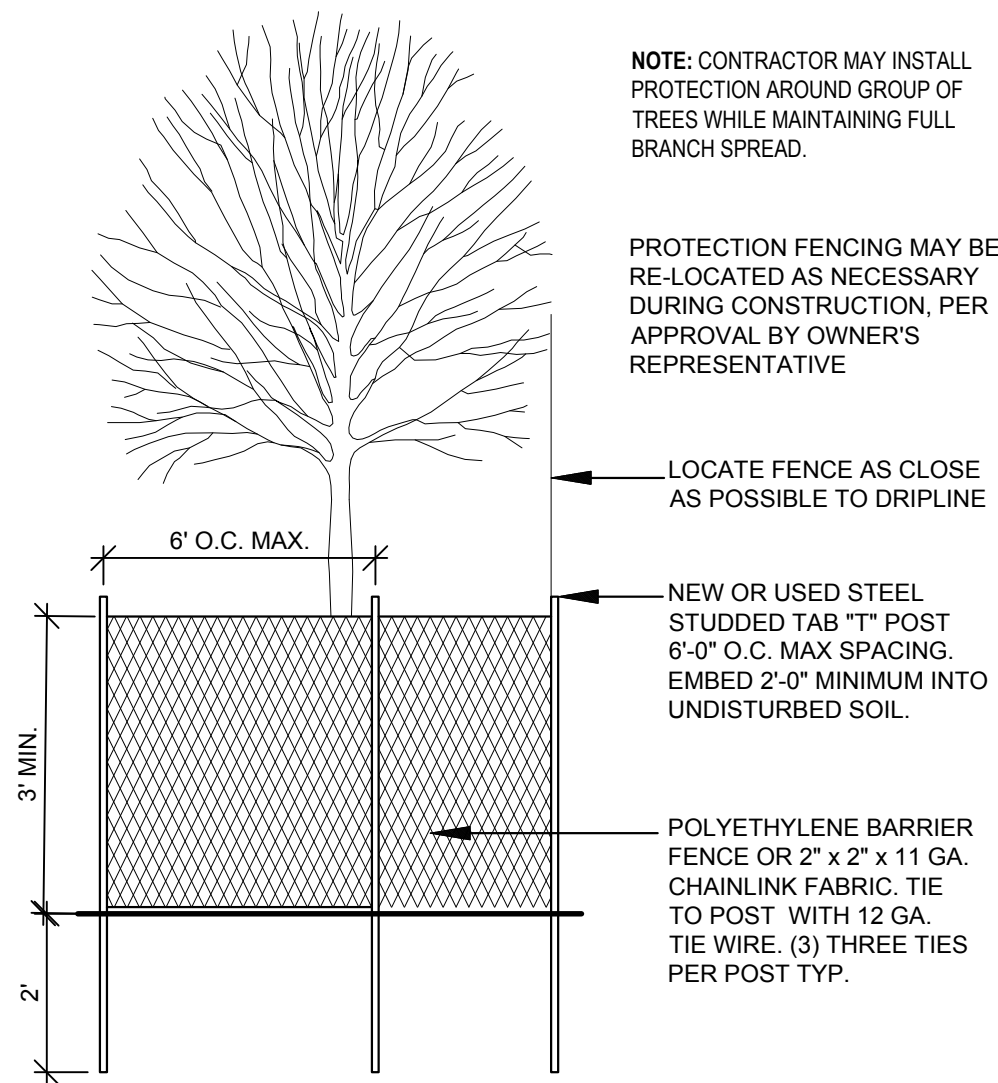
PROJECT NAME:  
**TAPLIN FACILITY**  
5070 W MICHIGAN AVE.  
KALAMAZOO, MI 49006

**GLAS ASSOCIATES**  
339 STADIUM DR.  
KALAMAZOO, MI 49009

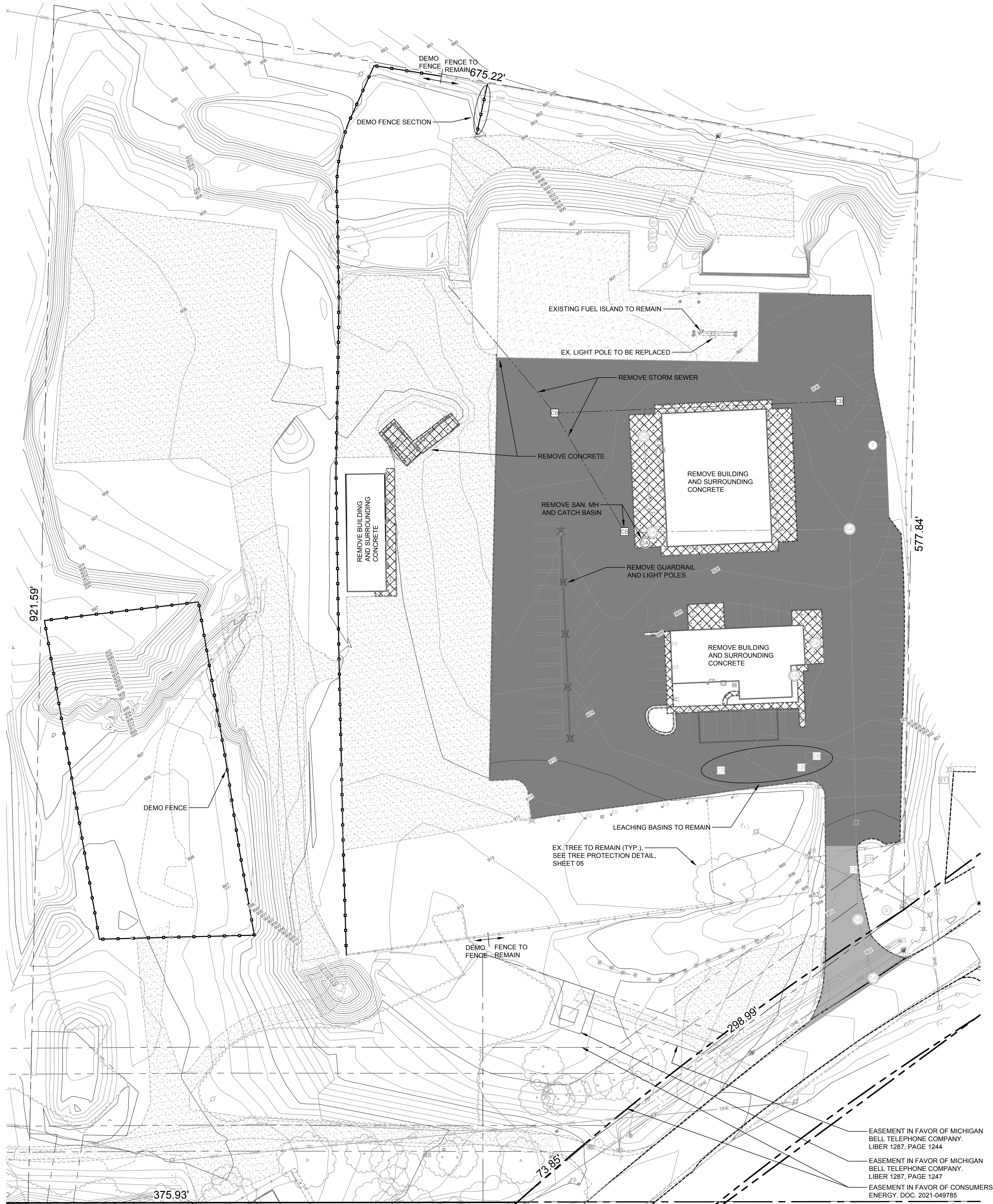
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REVISED PER TOWNSHIP COMMENTS	
05 1/31/2023	PDS
NEW SITE LAYOUT ISSUED FOR SITE PLAN APPROVAL	
04 01/18/2023	PDS
ISSUED FOR WATER PERMIT	
03 11/21/2022	PDS
REVISED PER SITE PLAN REVIEW	
02 10/25/2022	PDS
ISSUED FOR SITE PLAN APPROVAL	
01 09/27/2022	PDS
ISSUED FOR TOWNSHIP REVIEW	
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DATE: JANUARY, 2022	
SCALE:	

COVER SHEET



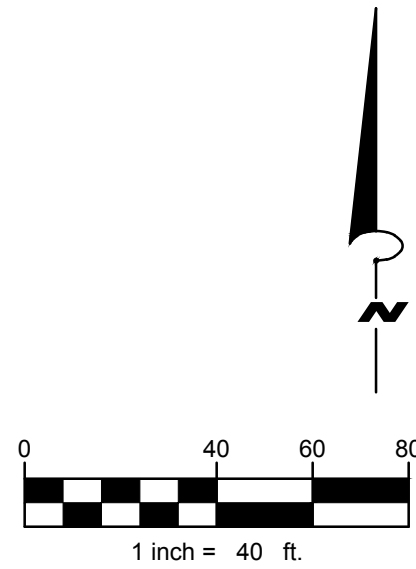



**TREE PROTECTION FENCE**  
SCALE: NONE



**HATCH LEGEND**

- EXISTING GRAVEL
- EXISTING ASPHALT PAVEMENT TO REMAIN
- EXISTING ASPHALT PAVEMENT TO BE REMOVED
- EXISTING CONCRETE PAVEMENT TO REMAIN
- EXISTING CONCRETE PAVEMENT TO BE REMOVED





**WIGHTMAN**

433 E. RANSOM ST.  
KALAMAZOO, MI. 49007  
269.327.3532

[www.gowightman.com](http://www.gowightman.com)

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DATE: JANUARY, 2022

SCALE: 1" = 40'

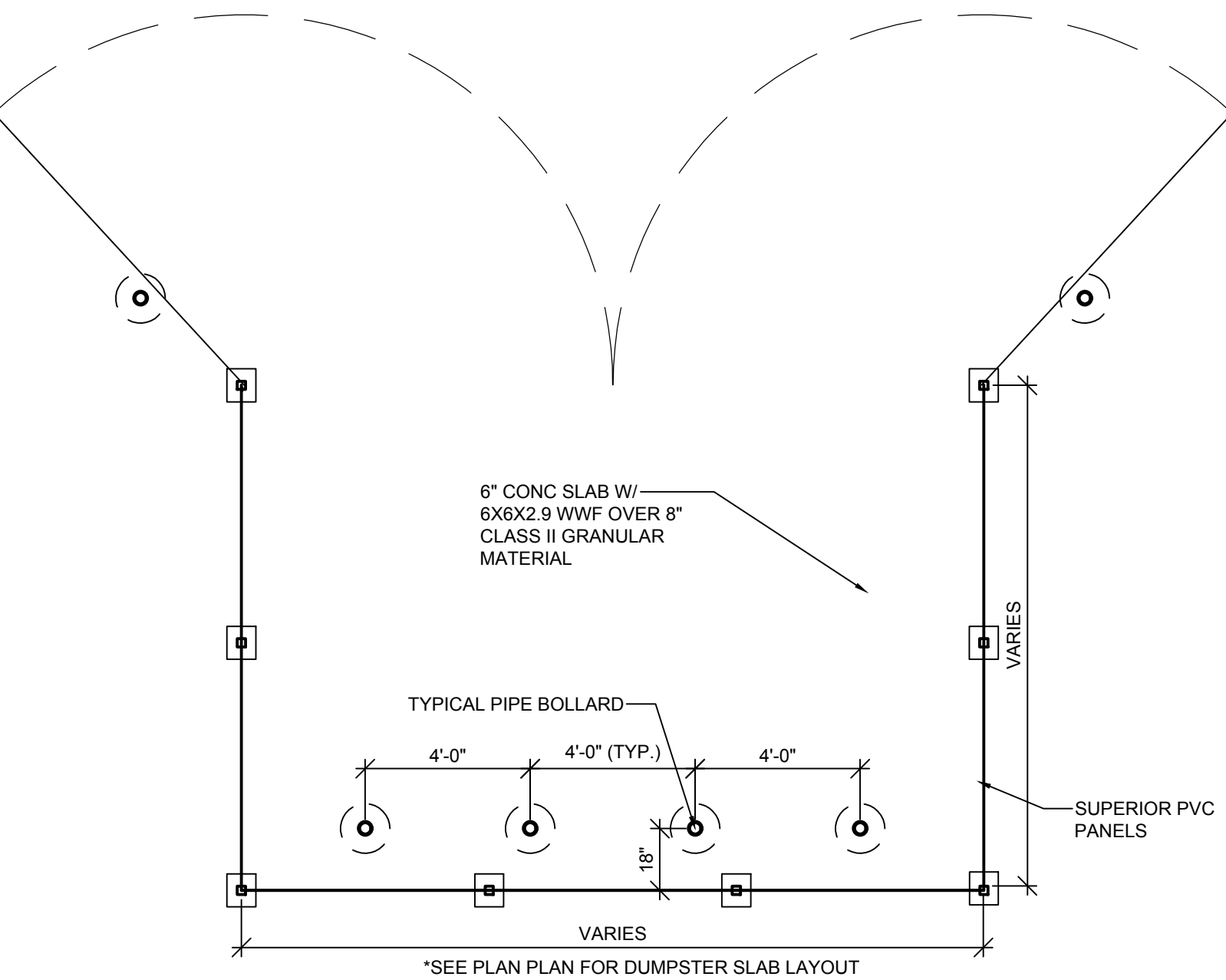
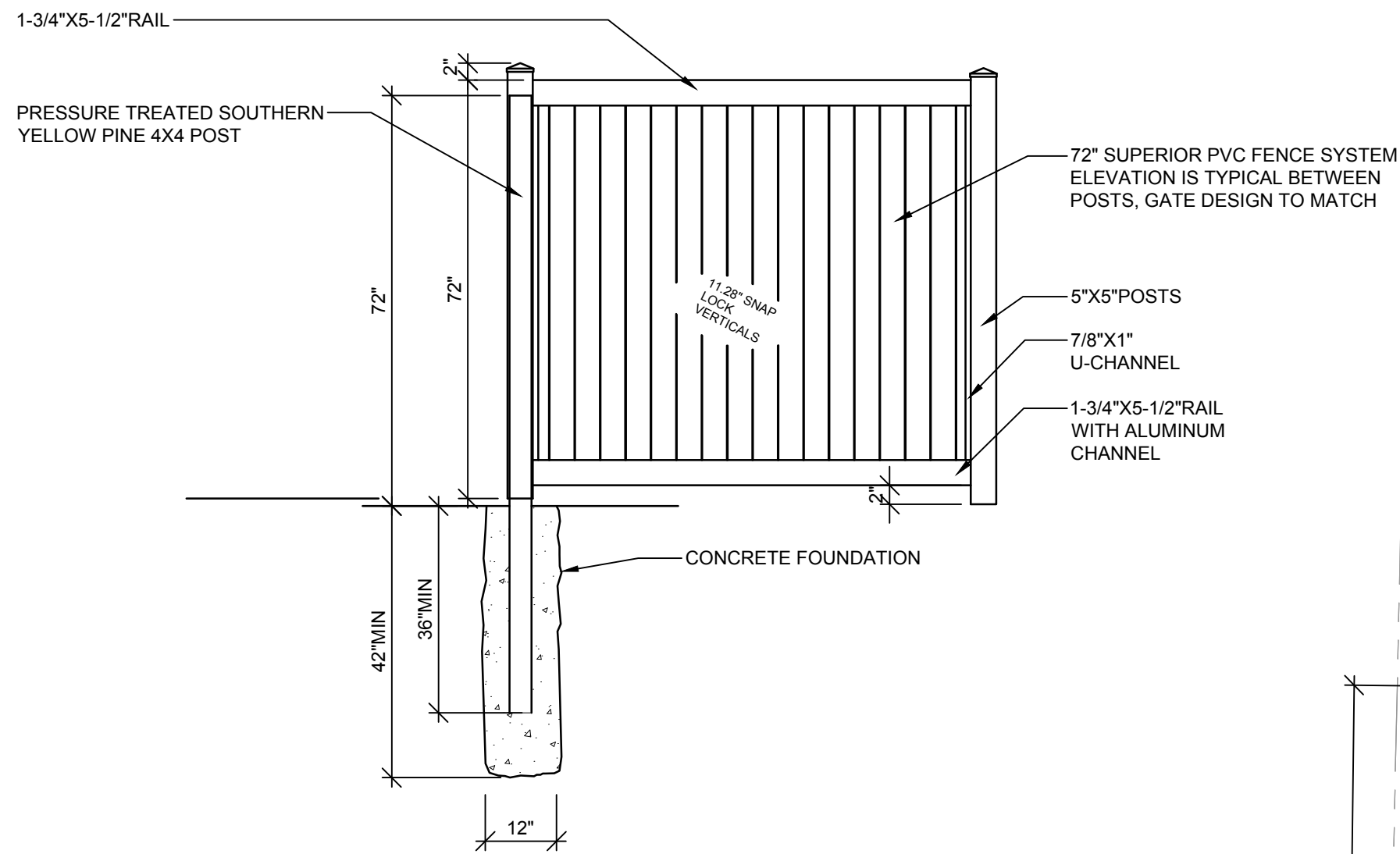
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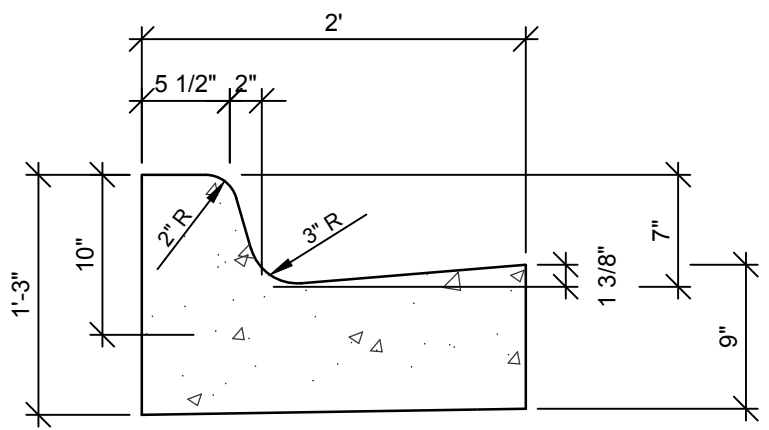
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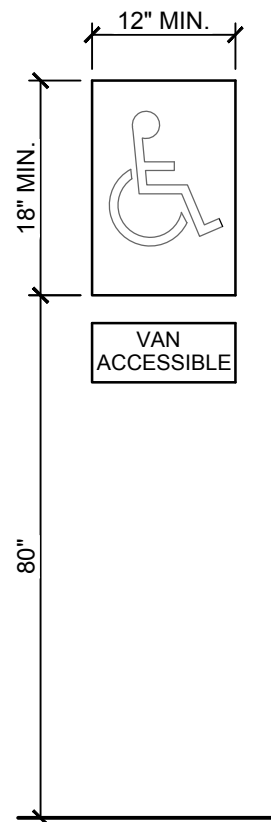




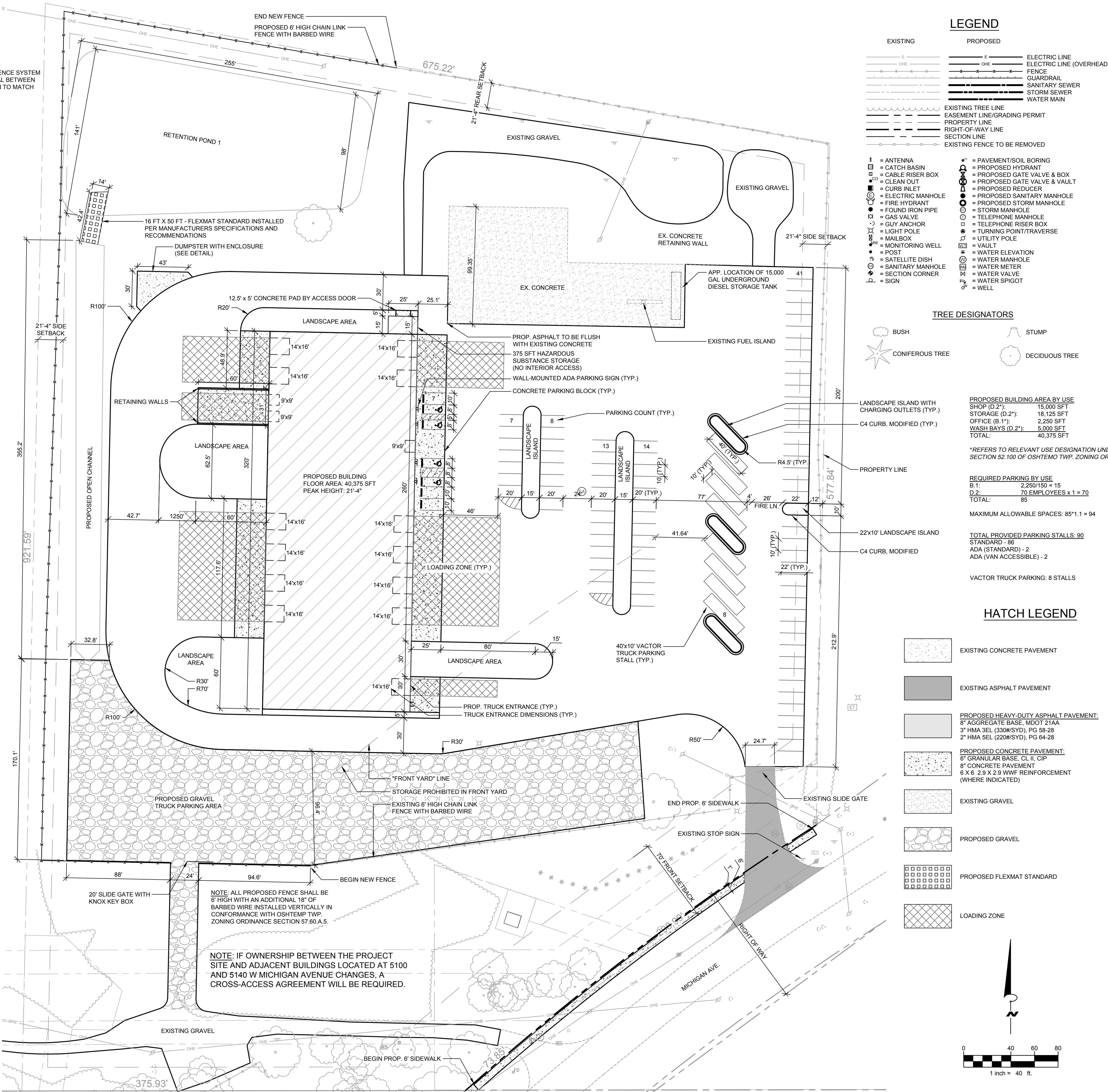
DUMPSTER ELEVATION DETAIL  
SCALE: N.T.S.



CURB & GUTTER - DETAIL C4 MODIFIED



WALL-MOUNTED BARRIER-FREE SIGN DETAIL



LEGEND

EXISTING	PROPOSED	
		ELECTRIC LINE
		ELECTRIC LINE (OVERHEAD)
		FENCE
		GUARDRAIL
		SANITARY SEWER
		STORM SEWER
		WATER MAIN
		EXISTING TREE LINE
		EASEMENT LINE/GRADING PERMIT
		PROPERTY LINE
		RIGHT-OF-WAY LINE
		SECTION LINE
		EXISTING FENCE TO BE REMOVED
		= ANTENNA
		= CATCH BASIN
		= CABLE RISER BOX
		= CLEAN OUT
		= CURB INLET
		= ELECTRIC MANHOLE
		= FIRE HYDRANT
		= FOUND IRON PIPE
		= GAS VALVE
		= GUY ANCHOR
		= LIGHT POLE
		= MAILBOX
		= MONITORING WELL
		= POST
		= SATELLITE DISH
		= SANITARY MANHOLE
		= SECTION CORNER
		= SIGN
		= PAVEMENT/SOIL BORING
		= PROPOSED HYDRANT
		= PROPOSED GATE VALVE & BOX
		= PROPOSED GATE VALVE & VAULT
		= PROPOSED REDUCER
		= PROPOSED SANITARY MANHOLE
		= PROPOSED STORM MANHOLE
		= STORM MANHOLE
		= TELEPHONE MANHOLE
		= TELEPHONE RISER BOX
		= TURNING POINT/TRaverse
		= UTILITY POLE
		= VAULT
		= WATER ELEVATION
		= WATER MANHOLE
		= WATER METER
		= WATER VALVE
		= WATER SPIGOT
		= WELL

TREE DESIGNATORS

	BUSH		STUMP
	CONIFEROUS TREE		DECIDUOUS TREE

PROPOSED BUILDING AREA BY USE	
SHOP (D.2')	15,000 SFT
STORAGE (D.2')	18,125 SFT
OFFICE (B.1')	2,250 SFT
WASH BAYS (D.2')	5,000 SFT
TOTAL:	40,375 SFT

\*REFERS TO RELEVANT USE DESIGNATION UNDER SECTION 52.100 OF OSHTEMP TWP. ZONING ORD.

REQUIRED PARKING BY USE	
B.1:	2,250/150 = 15
D.2:	70 EMPLOYEES x 1 = 70
TOTAL:	85

MAXIMUM ALLOWABLE SPACES: 85'1.1 = 94

TOTAL PROVIDED PARKING STALLS: 90	
STANDARD - 86	
ADA (STANDARD) - 2	
ADA (VAN ACCESSIBLE) - 2	

VECTOR TRUCK PARKING: 8 STALLS

HATCH LEGEND

	EXISTING CONCRETE PAVEMENT
	EXISTING ASPHALT PAVEMENT
	PROPOSED HEAVY-DUTY ASPHALT PAVEMENT: 8" AGGREGATE BASE, MDOT 21AA 3" HMA 3EL (330#/SYD), PG 58-28 2" HMA 5EL (220#/SYD), PG 64-28
	PROPOSED CONCRETE PAVEMENT: 6" GRANULAR BASE, CL II, CIP 8" CONCRETE PAVEMENT 6 X 6 2.9 X 2.9 WWF REINFORCEMENT (WHERE INDICATED)
	EXISTING GRAVEL
	PROPOSED GRAVEL
	PROPOSED FLEXMAT STANDARD
	LOADING ZONE

06/22/2023	PDS
REVISED PER TOWNSHIP COMMENTS	
05/13/2023	PDS
NEW SITE LAYOUT ISSUED FOR SITE PLAN APPROVAL	
03/11/2022	PDS
REVISED PER SITE PLAN REVIEW	
02/10/2022	PDS
ISSUED FOR SITE PLAN APPROVAL	
01/09/2022	PDS
ISSUED FOR TOWNSHIP REVIEW	

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SCALE: 1" = 40'



SOIL EROSION & SEDIMENTATION CONTROL NOTES

- 1 ALL CONSTRUCTION METHODS SHALL BE DONE IN COMPLIANCE WITH THE MICHIGAN SOIL EROSION AND SEDIMENTATION CONTROL ACT. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING A "SOIL EROSION PERMIT" FROM THE COUNTY AND A "PERMIT BY RULE" NOTICE OF COVERAGE FROM THE MDEQ PRIOR TO START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLYING WITH ALL REQUIREMENTS OF THE COUNTY "SOIL EROSION PERMIT" AND FOR ALL CERTIFIED STORM WATER INSPECTION SERVICE REQUIRED BY THE "PERMIT BY RULE." EROSION CONTROL MEASURES SHOWN ON THE PLANS ARE THE MINIMUM REQUIREMENTS AND SHALL NOT RELIEVE THE CONTRACTOR'S RESPONSIBILITY FOR PROVIDING ALL REQUIRED EROSION CONTROL MEASURES.
- 2 AVOID UNNECESSARY DISTURBING OR REMOVING OF EXISTING VEGETATED TOPSOIL OR EARTH COVER. THESE COVER AREAS ACT AS SEDIMENT FILTERS.
- 3 ALL TEMPORARY SOIL EROSION PROTECTION SHALL REMAIN IN PLACE UNTIL REMOVAL IS REQUIRED FOR FINAL CLEAN UP AND APPROVAL.
- 4 GEOTEXTILE SILT FENCE SHALL BE INSTALLED AS REQUIRED WHEN CROSSING CREEKS OR WHEN ADJACENT TO WETLANDS OR SURFACE WATER BODIES TO PREVENT SILTATION AND ELSEWHERE AS DIRECTED BY THE ENGINEER. SEEDING AND/OR SODDING SHALL BE INSTALLED ON CREEK BANKS IMMEDIATELY AFTER CONSTRUCTION TO PREVENT EROSION.
- 5 MAINTENANCE, CLEANING, AND REMOVAL OF THE VARIOUS SEDIMENT CONTROL MEASURES SHALL BE INCLUDED IN THE VARIOUS EROSION CONTROL ITEMS.

NUMBER IN CIRCLE REFERS TO NUMBERED DETAILS ON MDOT STANDARD PLAN R-96 SERIES. SOIL EROSION & SEDIMENTATION CONTROL MEASURES. "P" DENOTES PERMANENT MEASURE AND "T" DENOTES TEMPORARY MEASURE. SOIL EROSION CONTROL PLANS DENOTE MINIMUM EROSION MEASURES REQUIRED AS DESCRIBED BELOW.

3P DENOTES PERMANENT SEEDING. ALL DISTURBED AREAS NOT PAVED OR GRAVELED SHALL BE RESTORED. PLACE TOPSOIL SURFACE, SALV. 3 INCH, MDOT SEEDING MIXTURE THM APPLIED AT A RATE OF 220 LBS/ACRE, FERTILIZER, CHEMICAL NUTRIENT, CL-A APPLIED AT A RATE OF 228 LBS/ACRE, MULCH AT A RATE OF 2 TON/ACRE AND MULCH ANCHORING. (APPLIES TO ENTIRE PROJECT)

7P DENOTES RIPRAP. PLAIN. INSTALL RIPRAP. PLAIN AS DIRECTED BY THE ENGINEER IN THE FIELD. THE RIPRAP, PLAIN PAY ITEM SHALL INCLUDE A GEOTEXTILE UNDERLAYMENT.

8P DENOTES AGGREGATE COVER/PERMANENT PAVEMENT RESTORATION

26T DENOTES TEMPORARY SILT FENCE. SILT FENCE SHALL BE INSTALLED AT CREEK CROSSINGS, ADJACENT TO ALL WETLANDS AND SURFACE WATERS, AND OTHER LOCATIONS AS DIRECTED BY THE ENGINEER. EACH SILT FENCE SHALL BE INSTALLED GENERALLY ALONG THE SAME CONTOUR ELEVATION.

29T DENOTES INLET PROTECTION FABRIC DROP. SHALL BE INSTALLED AT EXISTING AND PROPOSED STORM SEWER INLETS TO PROVIDE SETTLING AND FILTERING OF SILT LADEN WATER PRIOR TO ENTRY INTO THE DRAINAGE SYSTEM.

33 MB DENOTES MULCH BLANKETS. MULCH BLANKET SHALL BE PROVIDED AT LOCATIONS SHOWN ON THE PLANS, AT SLOPES GREATER THAN 1:3, AREAS WITH CONCENTRATED FLOWS, AND AS DIRECTED BY THE ENGINEER IN THE FIELD, TO PREVENT RUNOFF AND EROSION.

WATERSHED CALCULATIONS					
STRUCTURE	TRIBUTARY (SF)	TRIBUTARY (AC)	C-VALUE	INTENSITY (IN/HR)	DESIGN Q (CFS)
500	8,500	0.20	0.70	4.98	0.68
501	12,700	0.29	0.70	4.98	1.02
502	10,500	0.24	0.70	4.98	0.84
503	6,700	0.15	0.70	4.98	0.54
504	32,900	0.78	0.70	4.98	2.63
505	17,000	0.39	0.70	4.98	1.36
506 ROOF DRAINS					4.30

PIPE SIZES						
PIPE	SLOPE	DESIGN Q (CFS)	DIAMETER (IN)	MAX Q (CFS)	D MIN (IN)	OK?
0-1	0.33%	0.68	11	1.62	7.94	YES
1-3	0.33%	1.02	12	2.05	9.23	YES
2-3	0.50%	0.84	12	2.52	7.95	YES
3-4	0.31%	3.07	18	5.85	14.14	YES
4-5	0.50%	5.71	18	7.43	16.30	YES
5-6	0.48%	7.07	18	7.28	17.80	YES
6-ES1	4.21%	11.37	18	21.56	14.16	YES

EAST ROOF DRAIN COLLECTION PIPING DESIGN

ROOF LENGTH 62.5 FT  
C-VALUE 0.9  
INTENSITY 4.98 IN/HR  
n 0.013

COLUMN LINE	TRIBUTARY WIDTH	TRIBUTARY AREA (SF)	TRIBUTARY (AC)	Q (CFS)	CUMULATIVE Q
A	15	938	0.0215	0.10	0.10
B	30	1,875	0.0430	0.19	0.29
C	30	1,875	0.0430	0.19	0.48
D	30	1,875	0.0430	0.19	0.68
E	30	1,875	0.0430	0.19	0.87
F	30	1,875	0.0430	0.19	1.06
G	30	1,875	0.0430	0.19	1.25
H	30	1,875	0.0430	0.19	1.45
I	30	1,875	0.0430	0.19	1.64
J	27.5	1,719	0.0395	0.18	1.82
K	25	1,563	0.0359	0.16	1.98
L	12.5	781	0.0179	0.08	2.06

ROOF DRAIN COLLECTION PIPING DESIGN

PIPE	SLOPE	DESIGN Q (CFS)	DIAMETER (IN)	MAX Q (CFS)	D MIN (IN)	OK?
EAST A-F	1.00%	1.06	8	1.21	7.62	YES
EAST G-L	0.50%	2.06	12	2.52	11.12	YES

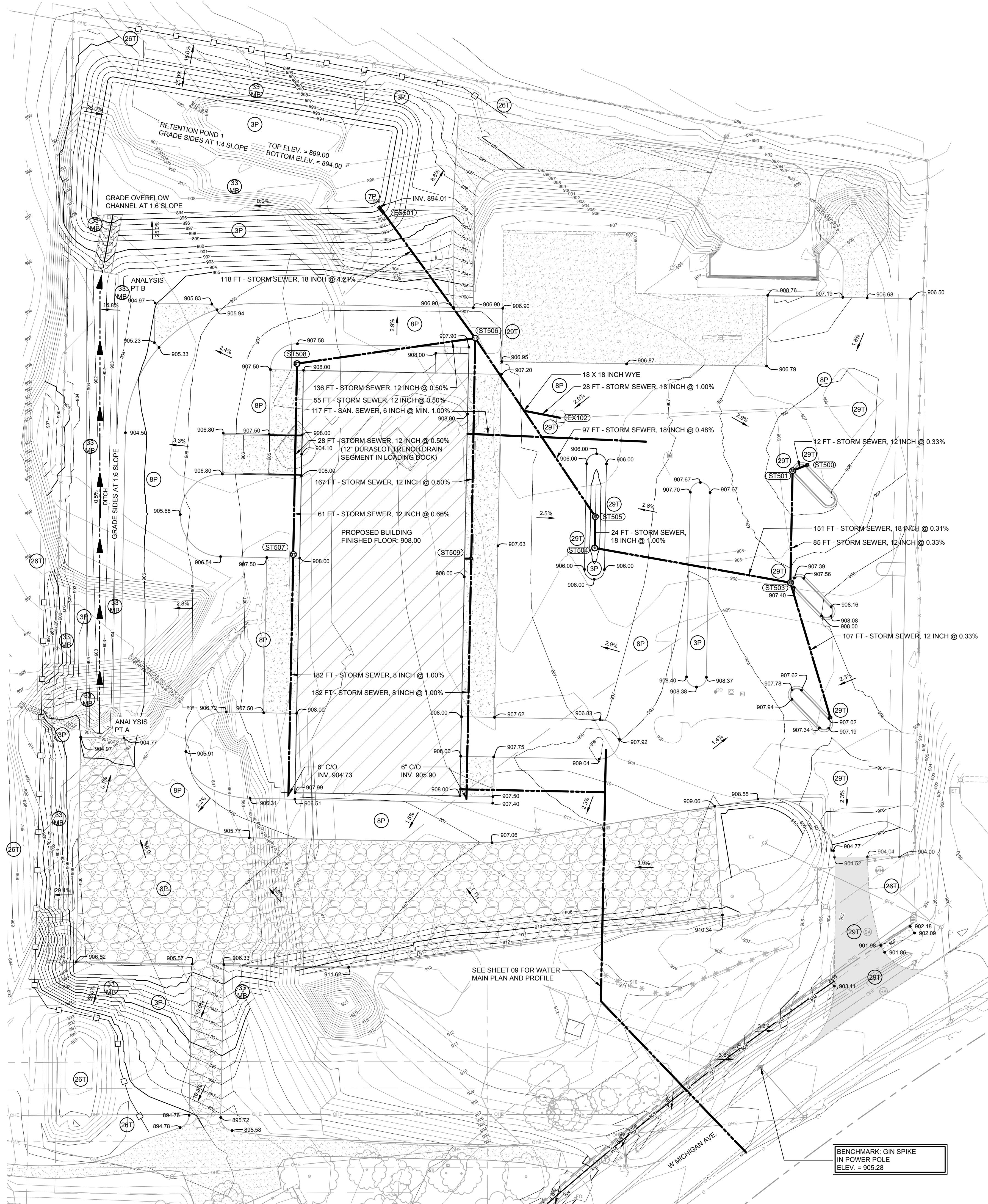
WEST ROOF DRAIN COLLECTION PIPING DESIGN

ROOF LENGTH 62.5 FT  
C-VALUE 0.9  
INTENSITY 4.98 IN/HR  
n 0.013

COLUMN LINE	TRIBUTARY WIDTH	TRIBUTARY AREA (SF)	TRIBUTARY (AC)	Q (CFS)	CUMULATIVE Q
A	15	938	0.0215	0.10	0.10
B	30	1,875	0.0430	0.19	0.29
C	30	1,875	0.0430	0.19	0.48
D	30	1,875	0.0430	0.19	0.68
E	30	1,875	0.0430	0.19	0.87
F	30	1,875	0.0430	0.19	1.06
G	30	1,875	0.0430	0.19	1.25
H	30	1,875	0.0430	0.19	1.45
I	30	1,875	0.0430	0.19	1.64
DOCK	30	1,800	0.0413	0.19	1.83
J	27.5	1,719	0.0395	0.18	2.00
K	25	1,563	0.0359	0.16	2.16
L	12.5	781	0.0179	0.08	2.24

PIPE	SLOPE	DESIGN Q (CFS)	DIAMETER (IN)	MAX Q (CFS)	D MIN (IN)	OK?
WEST A-F	1.00%	1.06	8	1.21	7.62	YES
WEST H-I	0.50%	1.64	12	2.52	10.21	YES
DOCK-L	0.50%	2.24	12	2.52	11.49	YES

CHANNEL SIZING CALCULATIONS											
MARK	A ACRES	I %	C <sub>u</sub>	Q CFS	n	DEPTH FT	S SLOPE	W <sub>12</sub> FT	W <sub>24</sub> FT	W <sub>36</sub> FT	W <sub>48</sub> FT
PIA	1.68	4.98	0.62	8.18	0.035	0.50	0.50%	4	6	3.49	10.07
PIB	1.37	4.98	0.58	8.91	0.035	0.50	0.50%	4	6	5.17	11.86
SPILLWAY			0.91	0.95	0.45	18.67%		4	6	2.99	9.44



STORM STRUCTURES

EX102 EX 48 INCH DIA STRUCTURE STANDARD 0.0 FT SUMP	RIM 905.98 INV. 899.60 - 18" W
ST500 DR STRUCTURE, 24 INCH DIA EJ 7490/M3 0.0 FT SUMP	RIM 905.46 INV. 901.46 - 12" W
ST501 DR STRUCTURE, 48 INCH DIA EJ 7490/M3 2.0 FT SUMP	RIM 905.16 INV. 901.75 - 12" S INV. 901.42 - 12" E
ST502 DR STRUCTURE, 24 INCH DIA EJ 7490/M3 2.0 FT SUMP	RIM 906.88 INV. 903.00 - 12" N
ST503 DR STRUCTURE, 48 INCH DIA EJ 7490/M3 2.0 FT SUMP	RIM 907.28 INV. 901.47 - 12" N INV. 902.65 - 12" S INV. 901.47 - 18" W
ST504 DR STRUCTURE, 48 INCH DIA EJ 1020/M1 0.0 FT SUMP	RIM 904.00 INV. 901.00 - 18" E INV. 901.00 - 18" N
ST505 DR STRUCTURE, 48 INCH DIA EJ 1020/M1 2.0 FT SUMP	RIM 904.00 INV. 900.76 - 18" S INV. 899.79 - 18" NW
ST506 DR STRUCTURE, 48 INCH DIA EJ 1020/M1 2.0 FT SUMP	RIM 907.62 INV. 900.00 - 18" SE INV. 903.06 - 12" S INV. 901.40 - 12" W INV. 899.00 - 18" NW
ST507 DR STRUCTURE, 48 INCH DIA EJ 1120B 0.0 FT SUMP	RIM 907.90 INV. 902.91 - 8" S INV. 902.91 - 12" N

SANITARY SERVICE REMOVAL NOTE:  
CUT EXISTING SEWER SERVICE LINES  
TO BE ABANDONED WITHIN 5 FEET OF  
SEWER LINE OR STRUCTURE AND CAP  
WITH GASKETED OR SOLVENT WELDED  
FITTING.

100-Year Storm Design					
Storm Duration	Hours	100-Year Storm (IN)	Intensity (IN/HR)	Pond Inflow (CFS)	Required Storage (CF)
Equation:	T			$Q_{max} = \frac{C_u}{C_p} \left( \frac{C_d}{C_e} \right) \left( \frac{C_f}{C_g} \right) \left( \frac{C_h}{C_i} \right) \left( \frac{C_j}{C_k} \right) \left( \frac{C_l}{C_m} \right) \left( \frac{C_n}{C_o} \right) \left( \frac{C_p}{C_q} \right) \left( \frac{C_r}{C_s} \right) \left( \frac{C_t}{C_u} \right) \left( \frac{C_v}{C_w} \right) \left( \frac{C_x}{C_y} \right) \left( \frac{C_z}{C_{aa}} \right) \left( \frac{C_{ab}}{C_{ac}} \right) \left( \frac{C_{ad}}{C_{ae}} \right) \left( \frac{C_{af}}{C_{ag}} \right) \left( \frac{C_{ah}}{C_{ai}} \right) \left( \frac{C_{aj}}{C_{ak}} \right) \left( \frac{C_{al}}{C_{am}} \right) \left( \frac{C_{an}}{C_{ao}} \right) \left( \frac{C_{ap}}{C_{aq}} \right) \left( \frac{C_{ar}}{C_{as}} \right) \left( \frac{C_{at}}{C_{au}} \right) \left( \frac{C_{av}}{C_{aw}} \right) \left( \frac{C_{ax}}{C_{ay}} \right) \left( \frac{C_{az}}{C_{ba}} \right) \left( \frac{C_{ba}}{C_{bb}} \right) \left( \frac{C_{bb}}{C_{bc}} \right) \left( \frac{C_{bc}}{C_{bd}} \right) \left( \frac{C_{bd}}{C_{be}} \right) \left( \frac{C_{be}}{C_{bf}} \right) \left( \frac{C_{bf}}{C_{bg}} \right) \left( \frac{C_{bg}}{C_{bh}} \right) \left( \frac{C_{bh}}{C_{bi}} \right) \left( \frac{C_{bi}}{C_{bj}} \right) \left( \frac{C_{bj}}{C_{bk}} \right) \left( \frac{C_{bk}}{C_{bl}} \right) \left( \frac{C_{bl}}{C_{bm}} \right) \left( \frac{C_{bm}}{C_{bn}} \right) \left( \frac{C_{bn}}{C_{bo}} \right) \left( \frac{C_{bo}}{C_{bp}} \right) \left( \frac{C_{bp}}{C_{bq}} \right) \left( \frac{C_{bq}}{C_{br}} \right) \left( \frac{C_{br}}{C_{bs}} \right) \left( \frac{C_{bs}}{C_{bt}} \right) \left( \frac{C_{bt}}{C_{bu}} \right) \left( \frac{C_{bu}}{C_{bv}} \right) \left( \frac{C_{bv}}{C_{bw}} \right) \left( \frac{C_{bw}}{C_{bx}} \right) \left( \frac{C_{bx}}{C_{by}} \right) \left( \frac{C_{by}}{C_{bz}} \right) \left( \frac{C_{bz}}{C_{ca}} \right) \left( \frac{C_{ca}}{C_{cb}} \right) \left( \frac{C_{cb}}{C_{cc}} \right) \left( \frac{C_{cc}}{C_{cd}} \right) \left( \frac{C_{cd}}{C_{ce}} \right) \left( \frac{C_{ce}}{C_{cf}} \right) \left( \frac{C_{cf}}{C_{cg}} \right) \left( \frac{C_{cg}}{C_{ch}} \right) \left( \frac{C_{ch}}{C_{ci}} \right) \left( \frac{C_{ci}}{C_{cj}} \right) \left( \frac{C_{cj}}{C_{ck}} \right) \left( \frac{C_{ck}}{C_{cl}} \right) \left( \frac{C_{cl}}{C_{cm}} \right) \left( \frac{C_{cm}}{C_{cn}} \right) \left( \frac{C_{cn}}{C_{co}} \right) \left( \frac{C_{co}}{C_{cp}} \right) \left( \frac{C_{cp}}{C_{cq}} \right) \left( \frac{C_{cq}}{C_{cr}} \right) \left( \frac{C_{cr}}{C_{cs}} \right) \left( \frac{C_{cs}}{C_{ct}} \right) \left( \frac{C_{ct}}{C_{cu}} \right) \left( \frac{C_{cu}}{C_{cv}} \right) \left( \frac{C_{cv}}{C_{cw}} \right) \left( \frac{C_{cw}}{C_{cx}} \right) \left( \frac{C_{cx}}{C_{cy}} \right) \left( \frac{C_{cy}}{C_{cz}} \right) \left( \frac{C_{cz}}{C_{da}} \right) \left( \frac{C_{da}}{C_{db}} \right) \left( \frac{C_{db}}{C_{dc}} \right) \left( \frac{C_{dc}}{C_{dd}} \right) \left( \frac{C_{dd}}{C_{de}} \right) \left( \frac{C_{de}}{C_{df}} \right) \left( \frac{C_{df}}{C_{dg}} \right) \left( \frac{C_{dg}}{C_{dh}} \right) \left( \frac{C_{dh}}{C_{di}} \right) \left( \frac{C_{di}}{C_{dj}} \right) \left( \frac{C_{dj}}{C_{dk}} \right) \left( \frac{C_{dk}}{C_{dl}} \right) \left( \frac{C_{dl}}{C_{dm}} \right) \left( \frac{C_{dm}}{C_{dn}} \right) \left( \frac{C_{dn}}{C_{do}} \right) \left( \frac{C_{do}}{C_{dp}} \right) \left( \frac{C_{dp}}{C_{dq}} \right) \left( \frac{C_{dq}}{C_{dr}} \right) \left( \frac{C_{dr}}{C_{ds}} \right) \left( \frac{C_{ds}}{C_{dt}} \right) \left( \frac{C_{dt}}{C_{du}} \right) \left( \frac{C_{du}}{C_{dv}} \right) \left( \frac{C_{dv}}{C_{dw}} \right) \left( \frac{C_{dw}}{C_{dx}} \right) \left( \frac{C_{dx}}{C_{dy}} \right) \left( \frac{C_{dy}}{C_{dz}} \right) \left( \frac{C_{dz}}{C_{ea}} \right) \left( \frac{C_{ea}}{C_{eb}} \right) \left( \frac{C_{eb}}{C_{ec}} \right) \left( \frac{C_{ec}}{C_{ed}} \right) \left( \frac{C_{ed}}{C_{ee}} \right) \left( \frac{C_{ee}}{C_{ef}} \right) \left( \frac{C_{ef}}{C_{eg}} \right) \left( \frac{C_{eg}}{C_{eh}} \right) \left( \frac{C_{eh}}{C_{ei}} \right) \left( \frac{C_{ei}}{C_{ej}} \right) \left( \frac{C_{ej}}{C_{ek}} \right) \left( \frac{C_{ek}}{C_{el}} \right) \left( \frac{C_{el}}{C_{em}} \right) \left( \frac{C_{em}}{C_{en}} \right) \left( \frac{C_{en}}{C_{eo}} \right) \left( \frac{C_{eo}}{C_{ep}} \right) \left( \frac{C_{ep}}{C_{eq}} \right) \left( \frac{C_{eq}}{C_{er}} \right) \left( \frac{C_{er}}{C_{es}} \right) \left( \frac{C_{es}}{C_{et}} \right) \left( \frac{C_{et}}{C_{eu}} \right) \left( \frac{C_{eu}}{C_{ev}} \right) \left( \frac{C_{ev}}{C_{ew}} \right) \left( \frac{C_{ew}}{C_{ex}} \right) \left( \frac{C_{ex}}{C_{ey}} \right) \left( \frac{C_{ey}}{C_{ez}} \right) \left( \frac{C_{ez}}{C_{fa}} \right) \left( \frac{C_{fa}}{C_{fb}} \right) \left( \frac{C_{fb}}{C_{fc}} \right) \left( \frac{C_{fc}}{C_{fd}} \right) \left( \frac{C_{fd}}{C_{fe}} \right) \left( \frac{C_{fe}}{C_{ff}} \right) \left( \frac{C_{ff}}{C_{fg}} \right) \left( \frac{C_{fg}}{C_{fh}} \right) \left( \frac{C_{fh}}{C_{fi}} \right) \left( \frac{C_{fi}}{C_{fj}} \right) \left( \frac{C_{fj}}{C_{fk}} \right) \left( \frac{C_{fk}}{C_{fl}} \right) \left( \frac{C_{fl}}{C_{fm}} \right) \left( \frac{C_{fm}}{C_{fn}} \right) \left( \frac{C_{fn}}{C_{fo}} \right) \left( \frac{C_{fo}}{C_{fp}} \right) \left( \frac{C_{fp}}{C_{fq}} \right) \left( \frac{C_{fq}}{C_{fr}} \right) \left( \frac{C_{fr}}{C_{fs}} \right) \left( \frac{C_{fs}}{C_{ft}} \right) \left( \frac{C_{ft}}{C_{fu}} \right) \left( \frac{C_{fu}}{C_{fv}} \right) \left( \frac{C_{fv}}{C_{fw}} \right) \left( \frac{C_{fw}}{C_{fx}} \right) \left( \frac{C_{fx}}{C_{fy}} \right) \left( \frac{C_{fy}}{C_{fz}} \right) \left( \frac{C_{fz}}{C_{ga}} \right) \left( \frac{C_{ga}}{C_{gb}} \right) \left( \frac{C_{gb}}{C_{gc}} \right) \left( \frac{C_{gc}}{C_{gd}} \right) \left( \frac{C_{gd}}{C_{ge}} \right) \left( \frac{C_{ge}}{C_{gf}} \right) \left( \frac{C_{gf}}{C_{gg}} \right) \left( \frac{C_{gg}}{C_{gh}} \right) \left( \frac{C_{gh}}{C_{gi}} \right) \left( \frac{C_{gi}}{C_{gj}} \right) \left( \frac{C_{gj}}{C_{gk}} \right) \left( \frac{C_{gk}}{C_{gl}} \right) \left( \frac{C_{gl}}{C_{gm}} \right) \left( \frac{C_{gm}}{C_{gn}} \right) \left( \frac{C_{gn}}{C_{go}} \right) \left( \frac{C_{go}}{C_{gp}} \right) \left( \frac{C_{gp}}{C_{gq}} \right) \left( \frac{C_{gq}}{C_{gr}} \right) \left( \frac{C_{gr}}{C_{gs}} \right) \left( \frac{C_{gs}}{C_{gt}} \right) \left( \frac{C_{gt}}{C_{gu}} \right) \left( \frac{C_{gu}}{C_{gv}} \right) \left( \frac{C_{gv}}{C_{gw}} \right) \left( \frac{C_{gw}}{C_{gx}} \right) \left( \frac{C_{gx}}{C_{gy}} \right) \left( \frac{C_{gy}}{C_{gz}} \right) \left( \frac{C_{gz}}{C_{ha}} \right) \left( \frac{C_{ha}}{C_{hb}} \right) \left( \frac{C_{hb}}{C_{hc}} \right) \left( \frac{C_{hc}}{C_{hd}} \right) \left( \frac{C_{hd}}{C_{he}} \right) \left( \frac{C_{he}}{C_{hf}} \right) \left( \frac{C_{hf}}{C_{hg}} \right) \left( \frac{C_{hg}}{C_{hi}} \right) \left( \frac{C_{hi}}{C_{hj}} \right) \left( \frac{C_{hj}}{C_{hk}} \right) \left( \frac{C_{hk}}{C_{hl}} \right) \left( \frac{C_{hl}}{C_{hm}} \right) \left( \frac{C_{hm}}{C_{hn}} \right) \left( \frac{C_{hn}}{C_{ho}} \right) \left( \frac{C_{ho}}{C_{hp}} \right) \left( \frac{C_{hp}}{C_{hq}} \right) \left( \frac{C_{hq}}{C_{hr}} \right) \left( \frac{C_{hr}}{C_{hs}} \right) \left( \frac{C_{hs}}{C_{ht}} \right) \left( \frac{C_{ht}}{C_{hu}} \right) \left( \frac{C_{hu}}{C_{hv}} \right) \left( \frac{C_{hv}}{C_{hw}} \right) \left( \frac{C_{hw}}{C_{hx}} \right) \left( \frac{C_{hx}}{C_{hy}} \right) \left( \frac{C_{hy}}{C_{hz}} \right) \left( \frac{C_{hz}}{C_{ia}} \right) \left( \frac{C_{ia}}{C_{ib}} \right) \left( \frac{C_{ib}}{C_{ic}} \right) \left( \frac{C_{ic}}{C_{id}} \right) \left( \frac{C_{id}}{C_{ie}} \right) \left( \frac{C_{ie}}{C_{if}} \right) \left( \frac{C_{if}}{C_{ig}} \right) \left( \frac{C_{ig}}{C_{ih}} \right) \left( \frac{C_{ih}}{C_{ii}} \right) \left( \frac{C_{ii}}{C_{ij}} \right) \left( \frac{C_{ij}}{C_{ik}} \right) \left( \frac{C_{ik}}{C_{il}} \right) \left( \frac{C_{il}}{C_{im}} \right) \left( \frac{C_{im}}{C_{in}} \right) \left( \frac{C_{in}}{C_{io}} \right) \left( \frac{C_{io}}{C_{ip}} \right) \left( \frac{C_{ip}}{C_{iq}} \right) \left( \frac{C_{iq}}{C_{ir}} \right) \left( \frac{C_{ir}}{C_{is}} \right) \left( \frac{C_{is}}{C_{it}} \right) \left( \frac{C_{it}}{C_{iu}} \right) \left( \frac{C_{iu}}{C_{iv}} \right) \left( \frac{C_{iv}}{C_{iw}} \right) \left( \frac{C_{iw}}{C_{ix}} \right) \left( \frac{C_{ix}}{C_{iy}} \right) \left( \frac{C_{iy}}{C_{iz}} \right) \left( \frac{C_{iz}}{C_{ja}} \right) \left( \frac{C_{ja}}{C_{jb}} \right) \left( \frac{C_{jb}}{C_{jc}} \right) \left( \frac{C_{jc}}{C_{jd}} \right) \left( \frac{C_{jd}}{C_{je}} \right) \left( \frac{C_{je}}{C_{jf}} \right) \left( \frac{C_{jf}}{C_{jg}} \right) \left( \frac{C_{jg}}{C_{jh}} \right) \left( \frac{C_{jh}}{C_{ji}} \right) \left( \frac{C_{ji}}{C_{jj}} \right) \left( \frac{C_{jj}}{C_{jk}} \right) \left( \frac{C_{jk}}{C_{jl}} \right) \left( \frac{C_{jl}}{C_{jm}} \right) \left( \frac{C_{jm}}{C_{jn}} \right) \left( \frac{C_{jn}}{C_{jo}} \right) \left( \frac{C_{jo}}{C_{jp}} \right) \left( \frac{C_{jp}}{C_{jq}} \right) \left( \frac{C_{jq}}{C_{jr}} \right) \left( \frac{C_{jr}}{C_{js}} \right) \left( \frac{C_{js}}{C_{jt}} \right) \left( \frac{C_{jt}}{C_{ju}} \right) \left( \frac{C_{ju}}{C_{jv}} \right) \left( \frac{C_{jv}}{C_{jw}} \right) \left( \frac{C_{jw}}{C_{jx}} \right) \left( \frac{C_{jx}}{C_{jy}} \right) \left( \frac{C_{jy}}{C_{jz}} \right) \left( \frac{C_{jz}}{C_{ka}} \right) \left( \frac{C_{ka}}{C_{kb}} \right) \left( \frac{C_{kb}}{C_{kc}} \right) \left( \frac{C_{kc}}{C_{kd}} \right) \left( \frac{C_{kd}}{C_{ke}} \right) \left( \frac{C_{ke}}{C_{kf}} \right) \left( \frac{C_{kf}}{C_{kg}} \right) \left( \frac{C_{kg}}{C_{kh}} \right) \left( \frac{C_{kh}}{C_{ki}} \right) \left( \frac{C_{ki}}{C_{kj}} \right) \left( \frac{C_{kj}}{C_{kl}} \right) \left( \frac{C_{kl}}{C_{km}} \right) \left( \frac{C_{km}}{C_{kn}} \right) \left( \frac{C_{kn}}{C_{ko}} \right) \left( \frac{C_{ko}}{C_{kp}} \right) \left( \frac{C_{kp}}{C_{kq}} \right) \left( \frac{C_{kq}}{C_{kr}} \right) \left( \frac{C_{kr}}{C_{ks}} \right) \left( \frac{C_{ks}}{C_{kt}} \right) \left( \frac{C_{kt}}{C_{ku}} \right) \left( \frac{C_{ku}}{C_{kv}} \right) \left( \frac{C_{kv}}{C_{kw}} \right) \left( \frac{C_{kw}}{C_{kx}} \right) \left( \frac{C_{kx}}{C_{ky}} \right) \left( \frac{C_{ky}}{C_{kz}} \right) \left( \frac{C_{kz}}{C_{la}} \right) \left( \frac{C_{la}}{C_{lb}} \right) \left( \frac{C_{lb}}{C_{lc}} \right) \left( \frac{C_{lc}}{C_{ld}} \right) \left( \frac{C_{ld}}{C_{le}} \right) \left( \frac{C_{le}}{C_{lf}} \right) \left( \frac{C_{lf}}{C_{lg}} \right) \left( \frac{C_{lg}}{C_{lh}} \right) \left( \frac{C_{lh}}{C_{li}} \right) \left( \frac{C_{li}}{C_{lj}} \right) \left( \frac{C_{lj}}{C_{lk}} \right) \left( \frac{C_{lk}}{C_{lm}} \right) \left( \frac{C_{lm}}{C_{ln}} \right) \left( \frac{C_{ln}}{C_{lo}} \right) \left( \frac{C_{lo}}{C_{lp}} \right) \left( \frac{C_{lp}}{C_{lq}} 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PROJECT NAME:

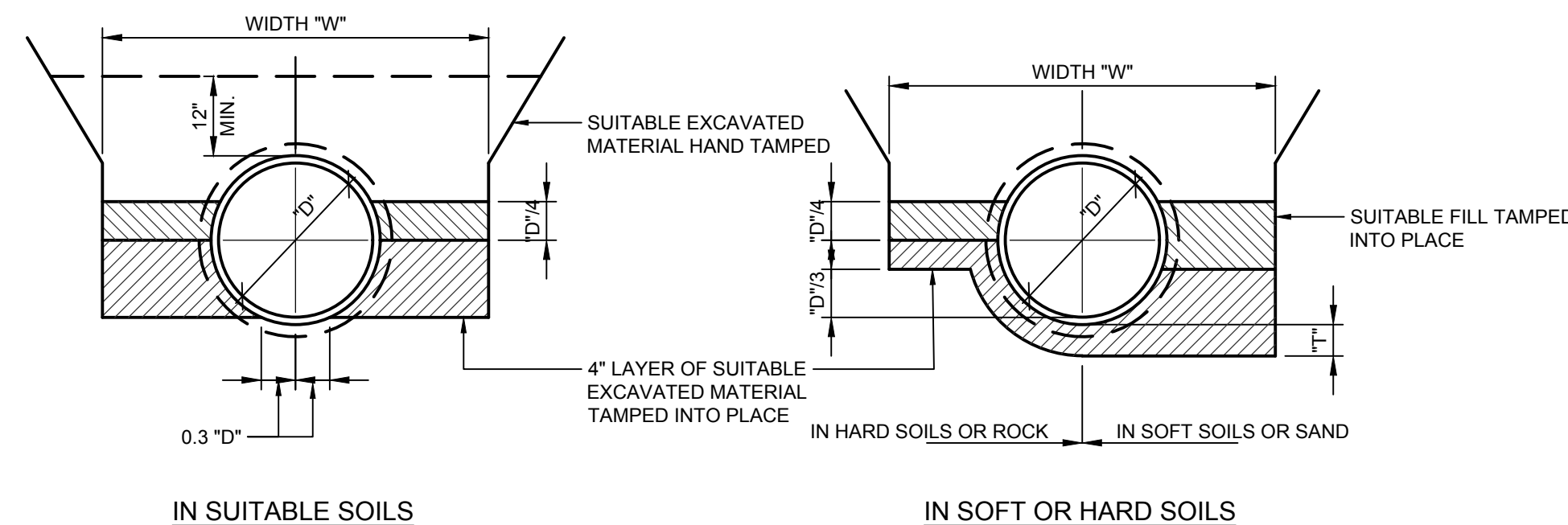
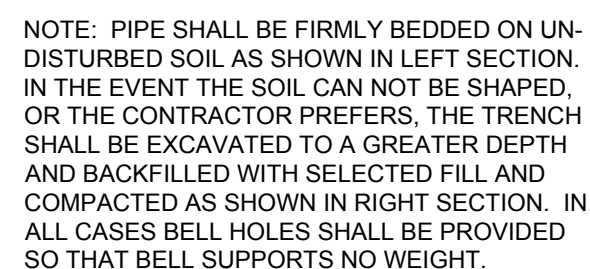
GLAS ASSOCIATES

339 STADIUM DR.  
KALAMAZOO, MI 49009



### INLET PROTECTION DETAIL

SCALE: NONE



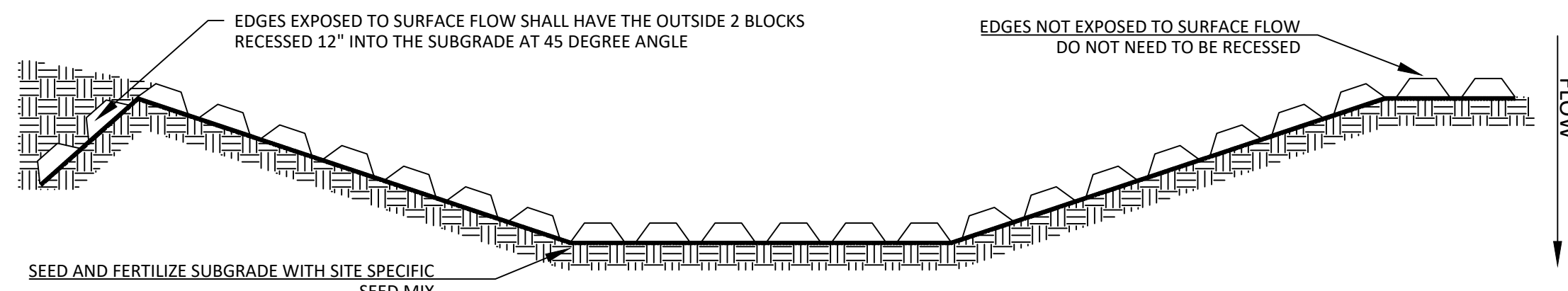
## TYPICAL TRENCH, PIPE LAYING AND BEDDING DETAILS



## SILT FENCE NOTES

1. THE HEIGHT OF SILT FENCE SHALL NOT EXCEED 36 INCHES ABOVE GROUND.
2. THE FILTER FABRIC SHALL BE PURCHASED IN A CONTINUOUS ROLL CUT TO THE LENGTH OF THE TRENCH. JOINTS SHALL BE MADE AT THE TRENCH JOINTS ARE NECESSARY. FILTER CLOTH SHALL BE SPLICED TOGETHER ONLY AT A SUPPORT POST, WITH A MINIMUM OF A 6 INCH OVERLAP, AND SECURELY SEALED.
3. THE SILT FENCE SHALL BE SPACED A MAXIMUM OF 6 FEET APART AT THE BARRIER LOCATION AND DRIVEN SECURELY INTO THE GROUND (MINIMUM OF 18 INCHES).
4. A TRENCH SHALL BE EXCAVATED APPROXIMATELY 4-INCHES WIDE AND 4 INCHES DEEP ALONG THE LINE OF POSTS AND UPSLOPE FROM THE BARRIER.
5. WHEN STANDARD STRENGTH FILTER FABRIC IS USED, A WIRE MESH SUPPORT FENCE SHALL BE FASTENED SECURELY TO THE UPSLOPE SIDE OF THE TRENCH. WIRE MESH SUPPORT FENCE SHALL BE AT LEAST 1-INCH LONG, THE WIRES OR HOG RINGS, THE WIRE SHALL EXTEND INTO THE TRENCH A MINIMUM OF 2-INCHES.
6. THE STANDARD STRENGTH FILTER FABRIC SHALL BE STAPLED OR WIRED TO THE FENCE, AND 6-INCHES OF THE FABRIC SHALL BE EXTENDED INTO THE TRENCH.
7. FILTER FABRIC SHALL NOT BE STAPLED TO EXISTING TREES.
8. WHEN EXTRA STRENGTH FILTER FABRIC IS USED, THE WIRE MESH SUPPORT FENCE MAY BE ELIMINATED. IN SUCH A CASE, THE FILTER FABRIC IS STAPLED OR WIRED DIRECTLY TO THE POSTS.
9. THE TRENCH SHALL BE BACKFILLED AND SOIL COMPACTED OVER THE FILTER FABRIC.
10. THE FENCES SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR USEFUL PURPOSE, BUT NOT BEFORE THE UPSLOPE AREA HAS BEEN PERMANENTLY STABILIZED.
11. SILT FENCES AND FILTER BARRIERS SHALL BE REMOVED IMMEDIATELY AFTER EACH HEAVY RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL. ANY REQUIRED REPAIRS SHALL BE MADE IMMEDIATELY.
12. SEDIMENT DEPOSITS SHALL BE REMOVED AFTER EACH STORM EVENT. THE SEDIMENT MUST BE REMOVED WHEN DEPOSITS REACH APPROXIMATELY ONE-HALF THE HEIGHT OF THE BARRIER.
13. SEDIMENT DEPOSITS REMAINING IN PLACE AFTER THE SEDIMENT IS NO LONGER REQUIRED SHALL BE DRESSED TO CONFORM WITH THE EXISTING GRADE, PREPARED AND SEEDED

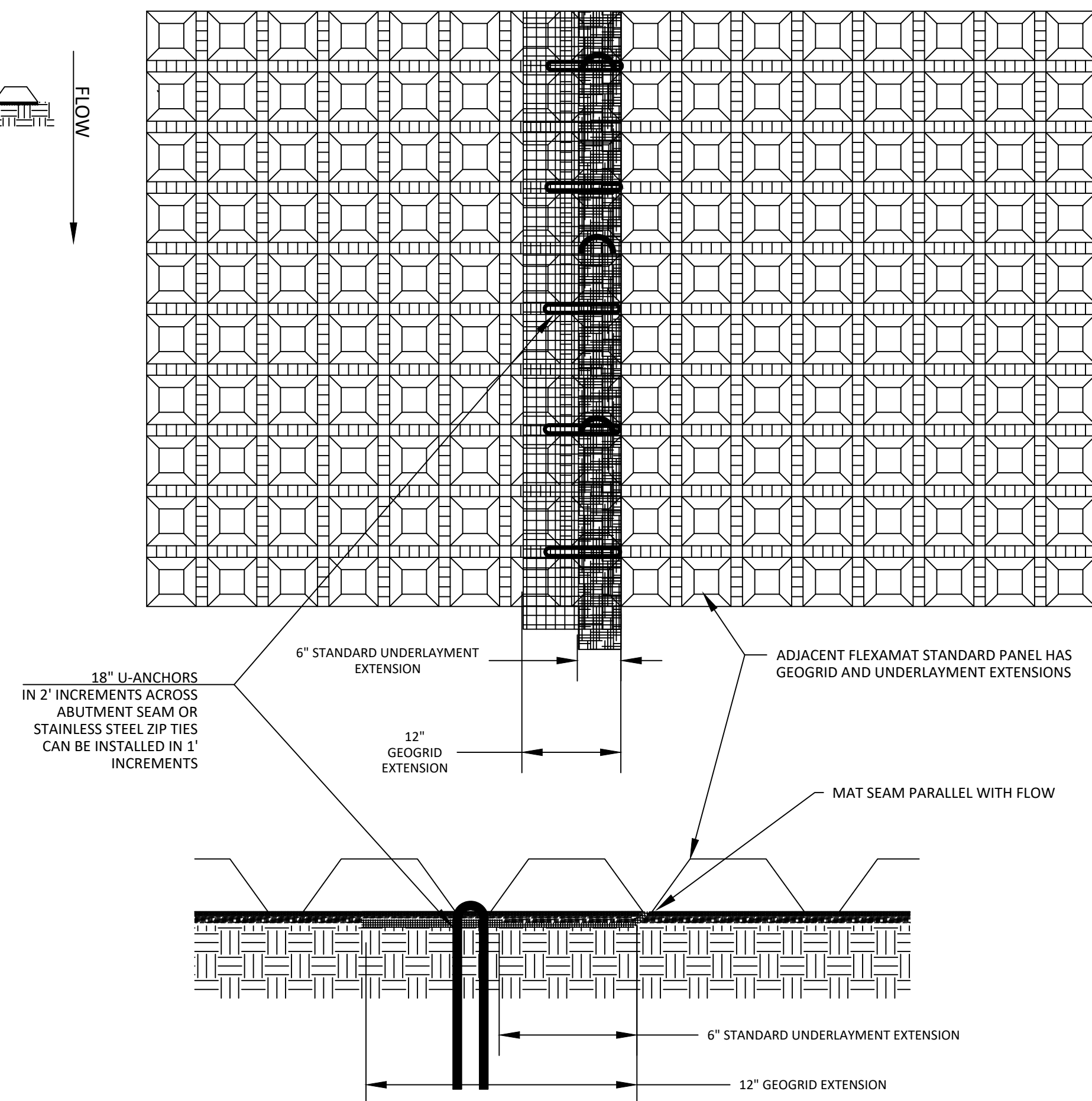
## METHOD FOR TREATING EDGES EXPOSED TO SURFACE SHEET FLOW



## LEADING EDGE ANCHOR TRENCH AND OVERLAP SEAMS PERPENDICULAR TO FLOW



## ABUTMENT METHOD FOR WIDER THAN 16'



06/22/2023 PD  
REVISED PER TOWNSHIP  
COMMENTS

05 1/31/2023 PD  
NEW SITE LAYOUT ISSUED  
FOR SITE PLAN APPROVAL

04 01/18/2023 PD  
ISSUED FOR WATER  
PERMIT

03 11/21/2022 PD9  
REVISED PER SITE PLAN  
REVIEW

02 10/25/2022 PD  
ISSUED FOR SITE PLAN  
APPROVAL

01 09/27/2022 PD  
ISSUED FOR TOWNSHIP  
REVIEW

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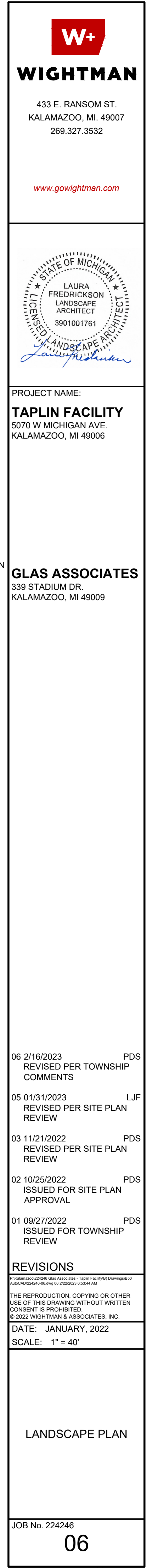
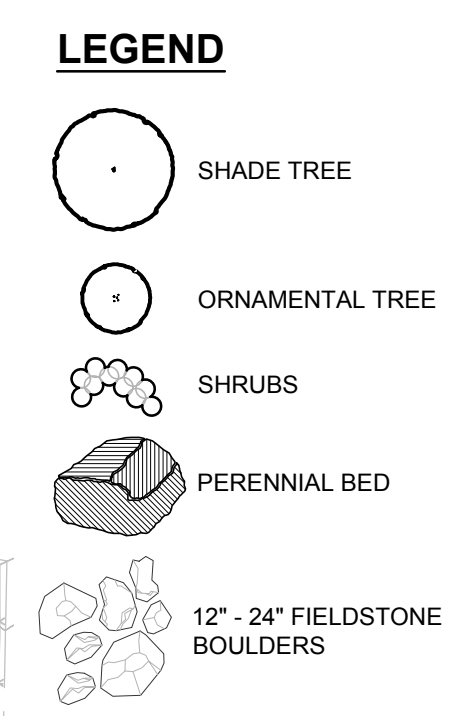
DATE: JANUARY, 2022  
SCALE:

# DETAIL SHEET

JOB No. 224246

05







NOTES

1. LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY DAMAGE DONE TO UTILITIES. CONTRACTOR MUST CALL 811 FOR UTILITY LOCATIONS THREE DAYS PRIOR TO DIGGING.
2. LANDSCAPE BEDS TO RECEIVE 4" SHREDDED HARDWOOD BARK. APPLY PRE-EMERGENT HERBICIDE TO ALL LANDSCAPE BEDS.
3. PLANTING MIX TO BE A 12" MINIMUM DEPTH IN ALL PLANTING BEDS.
4. PLANT TREES SO THAT TOP OF ROOTBALL IS EVEN WITH THE FINISHED GRADE. FOR BACKFILL AREAS, PLANT BALL UP TO 3" HIGH TO ALLOW FOR SETTLING. ALL TREE WRAP/TWINE ETC TO BE REMOVED FROM TREE IN ONE YEAR AS PART OF MAINTENANCE.
5. ALL AREAS OF THE SITE NOT DESIGNATED AS PAVED OR LANDSCAPE BED TO BE PLANTED IN TURFGRASS. REWORK ANY AREAS OF EXISTING TURFGRASS TO A FULL STAND. SEED MIXTURE SHALL BE 40% CREEPING RED FESCUE, 30% PERENNIAL RYEGRASS AND 30% 99/85 KENTUCKY BLUEGRASS OR APPROVED EQUAL. ALL LAWN AREAS TO RECEIVE 3" OF TOPSOIL.
6. ALL LANDSCAPE BEDS ADJACENT TO LAWN AREAS SHALL HAVE A SPADED EDGE.
7. LANDSCAPE ARCHITECT TO REVIEW ALL TREES EITHER IN THE NURSERIES OR VIA PHOTOGRAPHS OF EACH PLANT. CONTRACTOR TO COORDINATE.
8. CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT IF AREAS OF POOR DRAINAGE OR OTHER UNUSUAL SUBSURFACE CONDITIONS ARE ENCOUNTERED DURING EXCAVATION FOR PLANTING PITS.

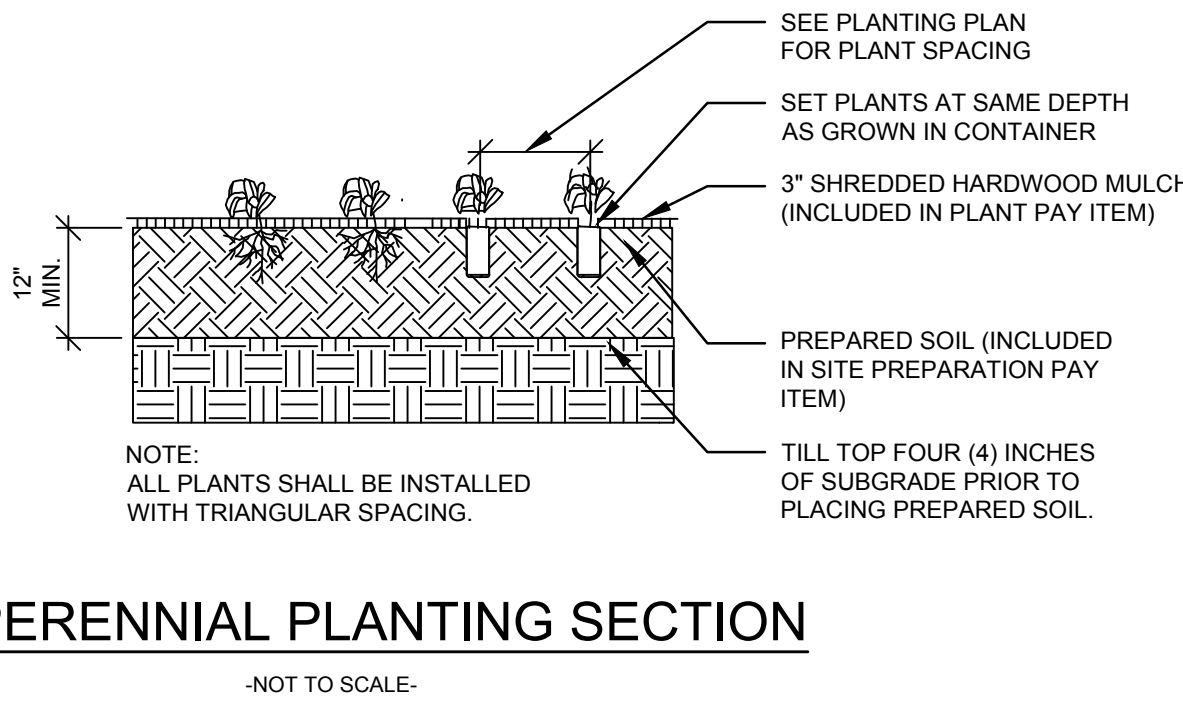
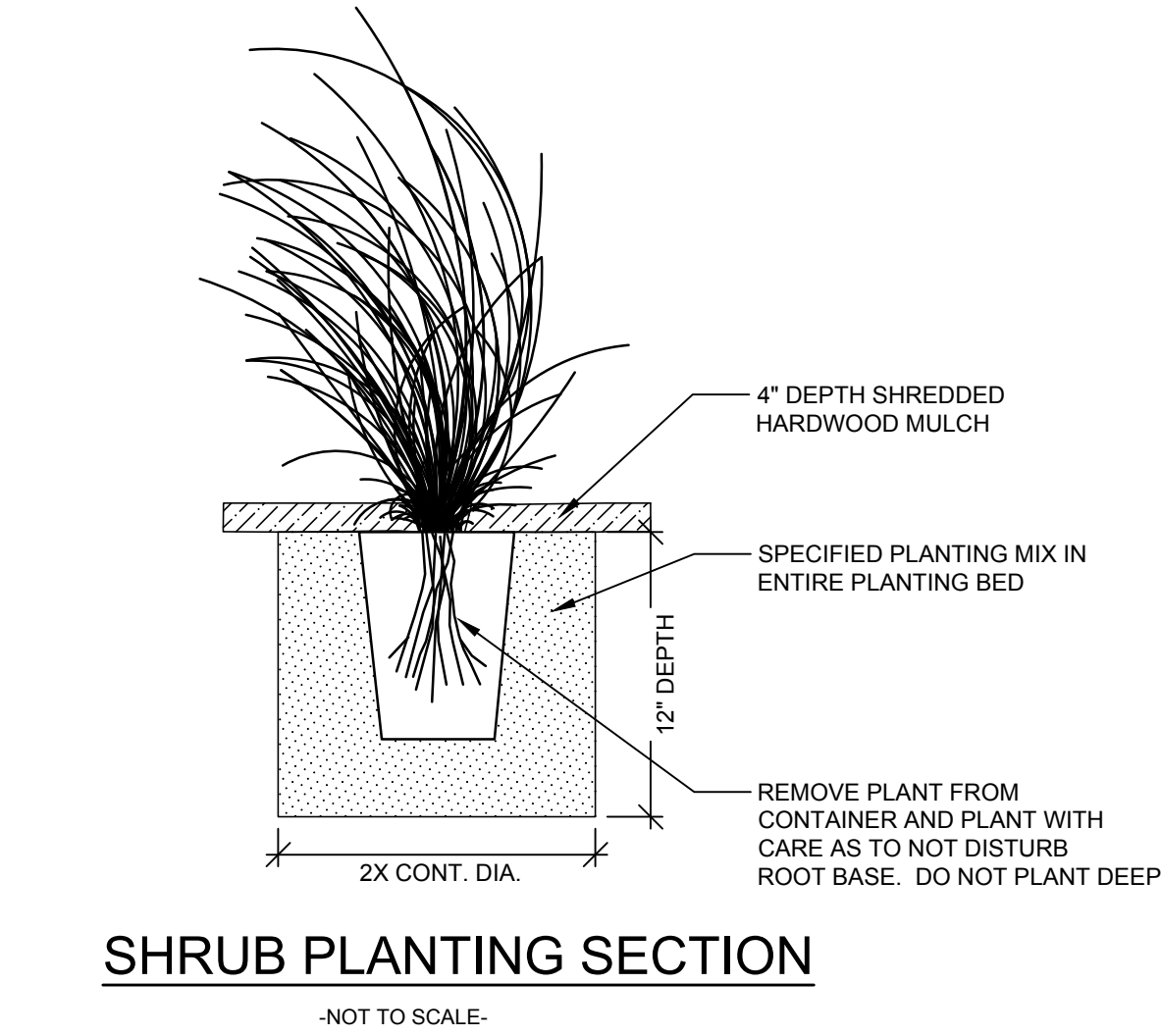
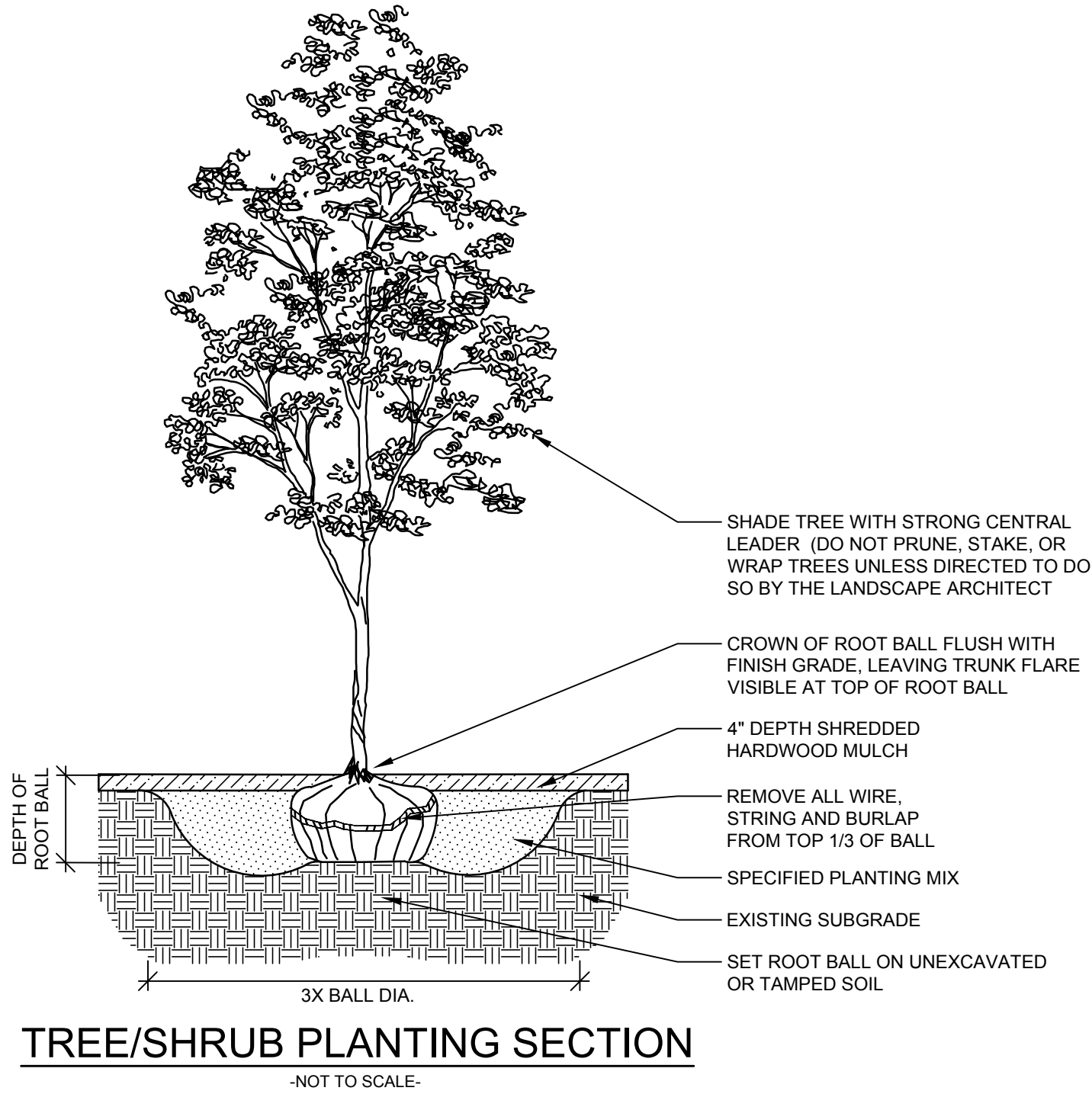
TREE PRESERVATION CREDITS

DIAMETER OF TREE	NUMBER OF TREES CREDITED	NUMBER OF EXISTING TREES	SUBTOTAL OF TREES CREDITED
Greater than 24"	4	1	4
12" – 24"	3	8	24
8" – 11.9"	2	4	8
2" – 7.9"	1	16	16
		TOTAL NUMBER OF TREES CREDITED:	52

PLANT LIST

NOTE: QUANTITIES ON THE PLANT LIST ARE PROVIDED FOR INFORMATION ONLY. PLANT QUANTITIES UNDER THE CONTRACT ARE INDICATED ON THE PLANS. IN THE EVENT OF ANY DISCREPANCIES, THE CONTRACT SHALL BE BASED ON THE QUANTITIES SHOWN ON THE PLANS.

CODE	BOTANICAL NAME	COMMON NAME	QTY	CAL	HT	ROOT	REMARKS
SHADE TREES							
CCA	CARPINUS CAROLINIANA	AMERICAN HORNBEEAM	4	2"		B&B	SINGLE STRAIGHT TRUNK, SPECIMEN QUALITY
QB	QUERCUS BICOLOR	SWAMP WHITE OAK	3	2"		B&B	SINGLE STRAIGHT TRUNK, SPECIMEN QUALITY
QRU	QUERCUS RUBRA	NORTHERN RED OAK	3	2"		B&B	SINGLE STRAIGHT TRUNK, SPECIMEN QUALITY
TAR	TILIA AMERICANA 'REDMOND'	REDMOND AMERICAN LINDEN	4	2"		B&B	SINGLE STRAIGHT TRUNK, SPECIMEN QUALITY
ZSM	ZELKOVA SERRATA 'MUSASHINO'	MUSASHINO COLUMNAR ZELKOVA	6	2"		B&B	SINGLE STRAIGHT TRUNK, SPECIMEN QUALITY
ORNAMENTAL TREES							
BN	BETULA NIGRA	RIVER BIRCH	2		8/10'	B&B	MULTI-STEM, 4-5 STEMS MINIMUM
CC	CERCIS CANADENSIS	EASTERN REDBUD	2		8/10'	B&B	MULTI-STEM, 4-5 STEMS MINIMUM
CF	CORNUS FLORIDA	FLOWERING DOGWOOD	3		8/10'	B&B	MULTI-STEM, 4-5 STEMS MINIMUM OR SINGLE STRAIGHT TRUNK
SHRUBS							
CSA	CORNUS SERICEA 'ALLEMANS'	ALLEMAN'S RED TWIG DOGWOOD	13		24"	3 gal	5'-0" ON CENTER
POSM	PHYSOCARPUS OPULIFOLIUS 'SMPOTW'	TINY WINE NINEBARK	22		24"	3 gal	3'-0" ON CENTER
GRASSES							
SNSB	SORGHASTRUM NUTANS 'SIOUX BLUE'	SIOUX BLUE INDIAN GRASS	46			1 gal	2'-0" ON CENTER
SSTB	SCHIZACHYRIUM SCOPARIUM 'THE BLUES'	THE BLUES LITTLE BLUESTEM	20			1 gal	2'-0" ON CENTER
MSA	MISCANTHUS SINENSIS 'ADAGIO'	ADAGIO MAIDEN EULALIA GRASS	9			1 gal	4'-0" ON CENTER
PERENNIALS							
AT	ASCLEPIAS TUBEROSA	BUTTERFLY MILKWEED	58			1 gal	2'-0" ON CENTER
EPK	ECHINACEA PURPUREA 'KIM'S KNEE HIGH'	KIM'S KNEE HIGH PURPLE CONEFLOWER	80			1 gal	1'-6" ON CENTER
IV	IRIS VERSICOLOR	BLUE FLAG IRIS	55			1 gal	2'-0" ON CENTER
MDPD	MONARDA DIDYMA 'PETITE DELIGHT'	PETITE DELIGHT BEE BALM	58			1 gal	2'-0" ON CENTER
PBS	PERSICARIA BISTORTA 'SUPERBA'	BISTORT	117			1 gal	2'-0" ON CENTER
RFG	RUDBECKIA FULGIDA 'GOLDSTURM'	BLACK EYED SUSAN	94			1 gal	1'-6" ON CENTER
PAT	PEROVSKIA ATRIPLICIFOLIA	RUSSIAN SAGE	60			1 gal	3'-0" ON CENTER



**WIGHTMAN**

433 E. RANSOM ST.  
KALAMAZOO, MI. 49007  
269.327.3532

[www.gowightman.com](http://www.gowightman.com)



PROJECT NAME:  
**TAPLIN FACILITY**  
5070 W MICHIGAN AVE.  
KALAMAZOO, MI 49006

**GLAS ASSOCIATES**  
339 STADIUM DR.  
KALAMAZOO, MI 49009

06/26/2023  
REVISED PER TOWNSHIP COMMENTS  
PDS

05/01/2023  
REVISED PER SITE PLAN REVIEW  
LJF

03/11/2022  
REVISED PER SITE PLAN REVIEW  
PDS

02/10/2022  
ISSUED FOR SITE PLAN APPROVAL  
PDS

01/09/2022  
ISSUED FOR TOWNSHIP REVIEW  
PDS

REVISIONS  
Approved for Construction by: [Signature] Date: 02/10/2022  
Approved for Construction by: [Signature] Date: 02/10/2022  
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LANDSCAPE DETAILS,  
SCHEDULE AND  
CALCULATIONS

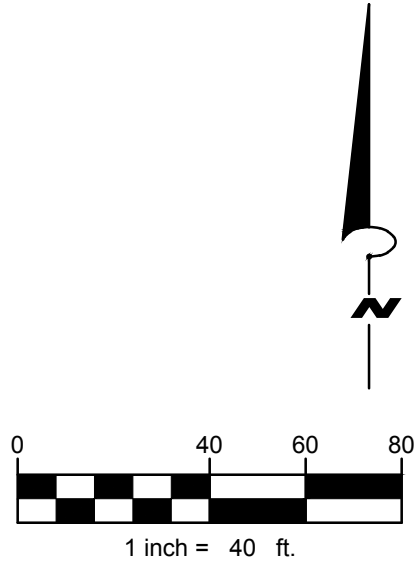
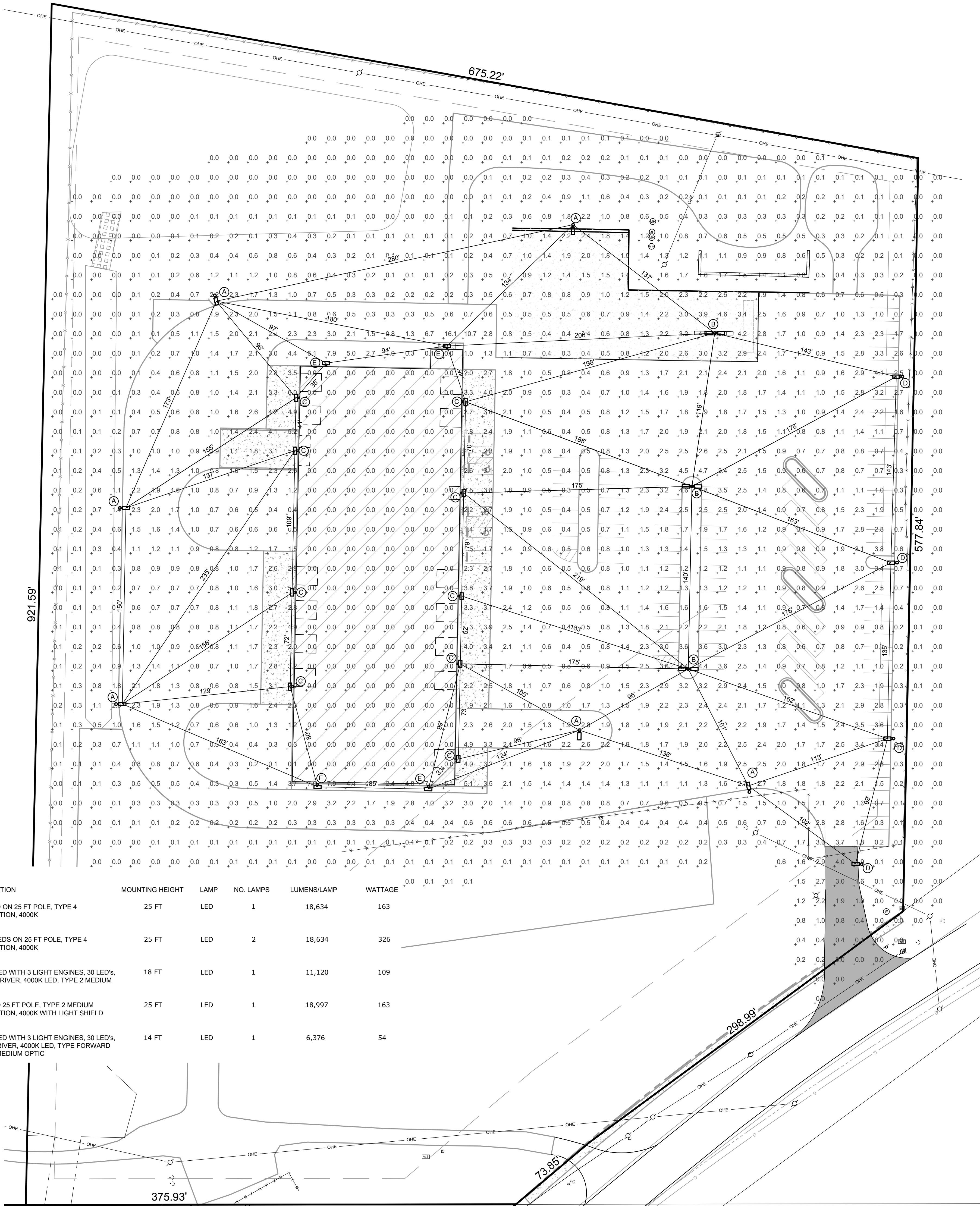
JOB No. 224246  
**07**



EXTERIOR LIGHTING SCHEDULE

SUBJECT TO CHANGE

SYMBOL	LABEL	QUANTITY	MANUFACTURER	CATALOG NO.	DESCRIPTION	MOUNTING HEIGHT	LAMP	NO. LAMPS	LUMENS/LAMP	WATTAGE
	A	6	LITHONIA LIGHTING	DSX1 LED P6 40K T4M MVOLT SPA DDBLXD W/SSS 25 4C DM19AS DDBXD	DSX1 LED ON 25 FT POLE, TYPE 4 DISTRIBUTION, 4000K	25 FT	LED	1	18,634	163
	B	3	LITHONIA LIGHTING	(2) DSX1 LED P6 40K T4M MVOLT SPA DDBLXD W/ (1) SSS 25 4C DM28AS DDBXD	2 DSX1 LEDS ON 25 FT POLE, TYPE 4 DISTRIBUTION, 4000K	25 FT	LED	2	18,634	326
	C	9	LITHONIA LIGHTING	DSXW2 LED 30C 1000 40K TFTM MVOLT DDBLXD	DSXW2 LED WITH 3 LIGHT ENGINES, 30 LED's, 1000mA DRIVER, 4000K LED, TYPE 2 MEDIUM OPTIC	18 FT	LED	1	11,120	109
	D	4	LITHONIA LIGHTING	DSX1 LED P6 40K BLC MVOLT SPA DDBLXD W/SSS 25 4C DM19AS DDBXD	DSX1 LED 25 FT POLE, TYPE 2 MEDIUM DISTRIBUTION, 4000K WITH LIGHT SHIELD	25 FT	LED	1	18,997	163
	E	4	LITHONIA LIGHTING	DSXW2 LED 30C 530 40K TFTM MVOLT DDBLXD	DSXW2 LED WITH 3 LIGHT ENGINES, 30 LED's, 530mA DRIVER, 4000K LED, TYPE FORWARD THROW MEDIUM OPTIC	14 FT	LED	1	6,376	54







1670 LINCOLN RD.  
ALLEGAN, MI. 49010  
269.673.8465

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PROJECT NAME:

**TAPLIN FACILITY**  
5070 W MICHIGAN AVE.  
KALAMAZOO, MI 49006

GLAS ASSOCIATES

339 STADIUM DR.  
KALAMAZOO, MI 49009

## PROJECT NOTES

1. THE "2020 STANDARD SPECIFICATIONS FOR CONSTRUCTION" AND "STANDARD PLANS" BY THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) ARE HEREBY INCORPORATED INTO THESE CONTRACT DOCUMENTS. COPIES OF THESE STANDARDS ARE AVAILABLE FOR INSPECTION AT THE OFFICE OF THE ENGINEER.
2. THE "STANDARD SPECIFICATIONS FOR WATER MAIN AND SERVICE INSTALLATION REVISION 6/14/2021" BY THE CITY OF KALAMAZOO ARE HEREBY INCORPORATED INTO THESE CONTRACT DOCUMENTS. COPIES OF THESE STANDARDS ARE AVAILABLE FOR INSPECTION AT THE OFFICE OF THE ENGINEER.
3. ALL WORK SHALL CONFORM TO ALL LOCAL, STATE AND FEDERAL LAWS, RULES AND REGULATIONS IN FORCE AT THE TIME OF CONSTRUCTION.
4. THE CONTRACTOR IS RESPONSIBLE FOR REPORTING ANY ERRORS OR DISCREPANCIES BETWEEN THESE PLANS AND/OR PLANS PREPARED BY OTHERS. IF ANY ERRORS, DISCREPANCIES, OR OMISSIONS BECOME APPARENT, THESE SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO CONSTRUCTION OF ANYTHING AFFECTED SO THAT CLARIFICATIONS OR REDESIGN MAY OCCUR.
5. IN CONFORMANCE WITH PUBLIC ACT 174 OF 2013, ALL CONTRACTORS SHALL CALL MISS DIG @ 811 OR 800-482-7171 FOR PROTECTION OF UNDERGROUND UTILITIES A MINIMUM OF THREE FULL WORKING DAYS (EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS) PRIOR TO BEGINNING EACH EXCAVATION IN ANY AREA. MEMBERS WILL THIS BE NOTIFIED. THIS DOES NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY OF NOTIFYING OWNERS WHO MAY NOT BE A PART OF THE "MISS DIG" ALERT SYSTEM.
6. THE CONTRACTOR SHALL LOCATE ALL ACTIVE UNDERGROUND UTILITIES PRIOR TO STARTING WORK AND SHALL CONDUCT HIS OPERATIONS IN A MANNER TO ENSURE THAT THOSE UTILITIES REQUIRING RELOCATION WILL NOT BE DISTURBED.
7. COMPACTION OF NAY FILL BY FLOODING IS NOT ACCEPTABLE. THIS METHOD WILL GENERALLY NOT ACHIEVE THE DESIRED COMPACTION, AND THE LARGE QUANTITIES OF WATER WILL TEND TO SOFTEN THE FOUNDATION SOILS.
8. MAINTAIN 10 FOOT MINIMUM HORIZONTAL SEPARATION BETWEEN THE SANITARY OR STORM SEWER AND WATER MAIN UTILITIES. PROVIDE 18" MINIMUM VERTICAL SEPARATION WHERE THE WATER CROSSES A SANITARY OR STORM SEWER.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS INCLUDING PERMIT COSTS, TAP FEES, METER DEPOSITS, BONDS, INSPECTIONS AND ALL FEES REQUIRED FOR PROPOSED WORK TO OBTAIN OCCUPANCY. THE CONTRACTOR SHALL MAKE ALL PERMANENT UTILITY APPLICATIONS AND SHALL BE RESPONSIBLE FOR ALL APPLICABLE FEES AND SERVICE INSTALLATION FEES. THIS INCLUDES BUT IS NOT LIMITED TO PRIMARY AND SECONDARY ELECTRICAL SERVICES, PERTAINING TO SUCH, ON BEHALF OF THE OWNER.
10. ANY SANITARY SEWER, STORM SEWER SERVICE LEADS, WATER MAIN, WATER SERVICE LEADS, OR OTHER UTILITY DAMAGE CAUSED BY THE CONTRACTOR DURING THEIR OPERATIONS SHALL BE REPAIRED TO THE OWNER'S SATISFACTION AND AT THE CONTRACTOR'S EXPENSE.

06/22/2023 PD  
REVISED PER TOWNSHIP  
COMMENTS

04 01/18/2023 PD  
ISSUED FOR WATER  
PERMIT

03 11/21/2022 PD9  
REVISED PER SITE PLAN  
REVIEW

02 10/25/2022 PD  
ISSUED FOR SITE PLAN  
APPROVAL

01 09/27/2022 PD  
ISSUED FOR TOWNSHIP  
REVIEW

## REVISIONS

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DATE: JANUARY, 2022

SCALE: 1" = 20'H; 5"V

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WATER MAIN P

## AND PROFIL

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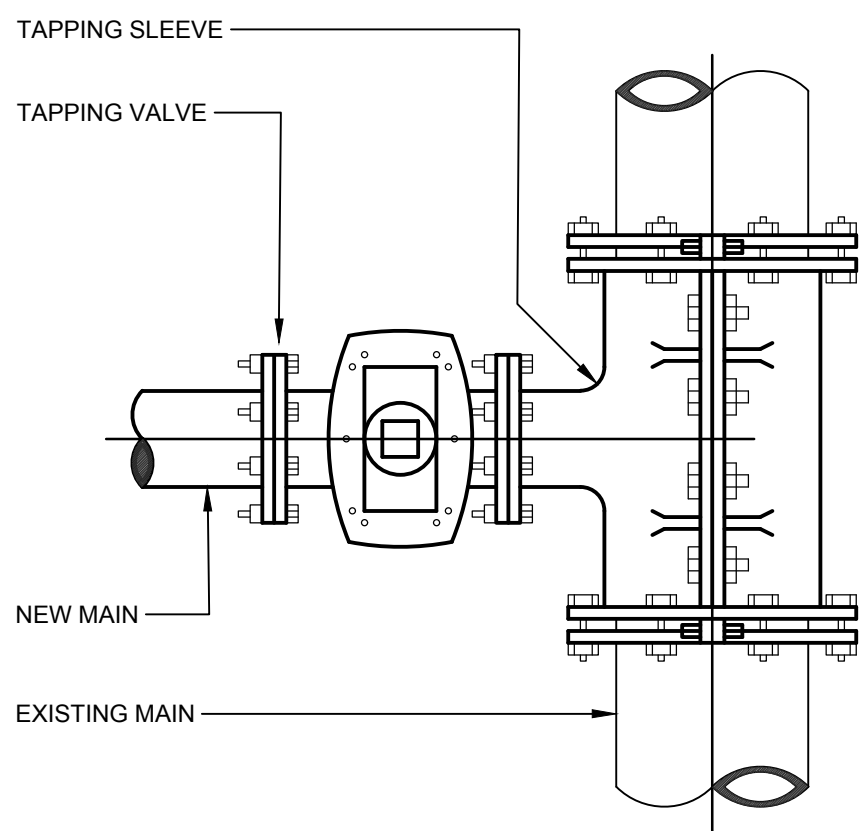
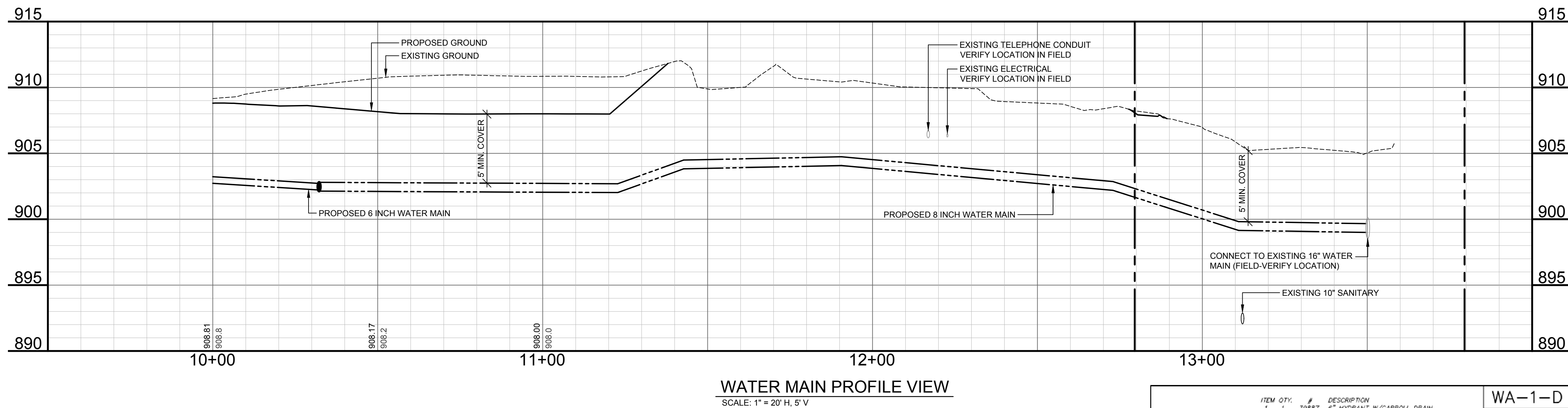
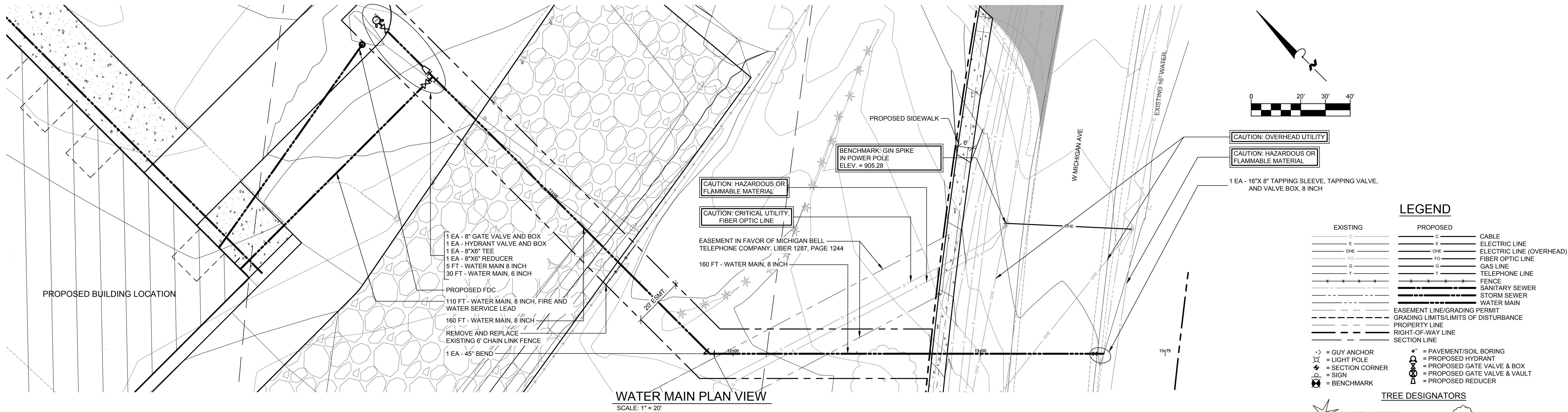
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JOB No. 224246

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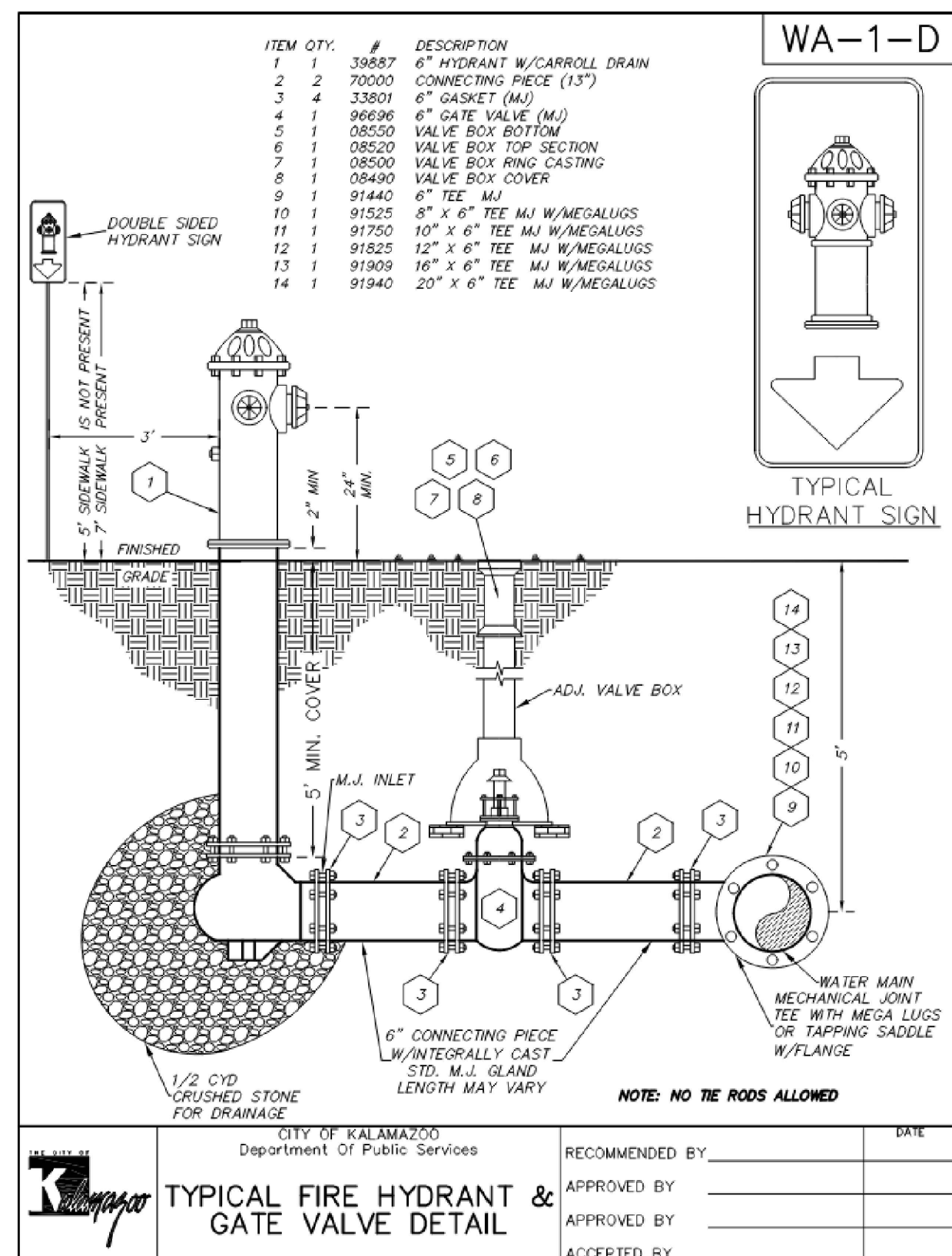
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## WET TAP METHOD

(UNDER PRESSURE)  
CONNECTING NEW MAIN TO EXISTING MAIN

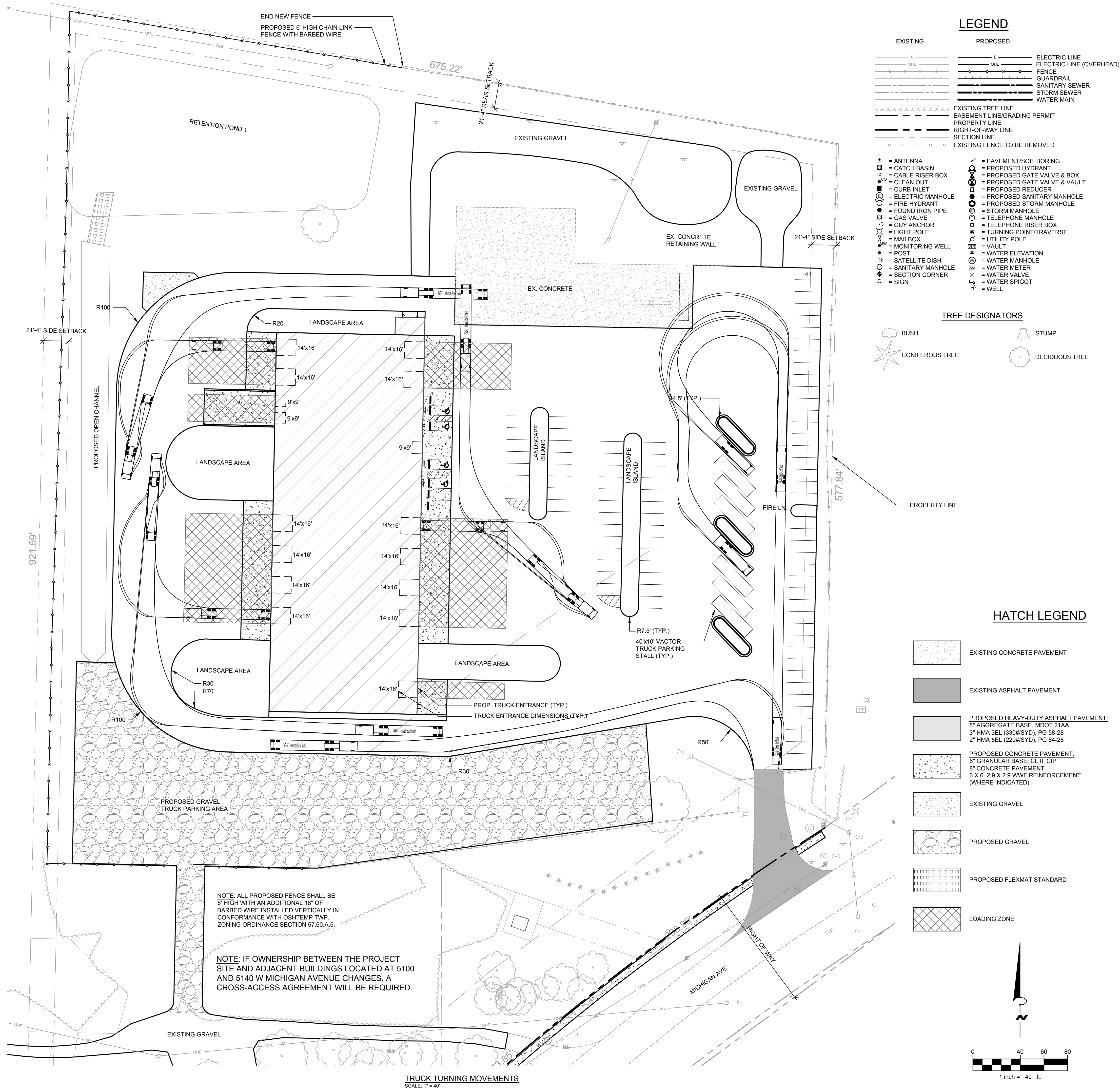


RESTRAINED JOINTS FOR POLYWRAPPED PIPE								
PIPE SIZE	DISTANCE FROM FITTING (FT)							
	90°	45°	22 1/2°	11 1/4°	TEE	REDUCER (ONE SIZE)	REDUCER (TWO SIZES)	DEAD END
4"	62	26	13	7	60	-	-	60
6"	88	37	18	9	84	44	-	84
8"	117	49	24	12	111	47	80	111
10"	142	59	29	14	133	45	82	133
12"	170	71	34	17	158	47	84	158
16"	224	93	45	23	203	87	121	203
20"	278	116	56	28	247	87	155	247
24"	332	138	66	33	291	87	159	291
30"	411	171	82	41	351	123	191	351

NOTE:  
IF DISTANCE BETWEEN FITTINGS IS LESS THAN OR EQUAL TO THE RESTRAINT LENGTH  
SHOWN IN TABLE, RESTRAIN ALL JOINTS BETWEEN THOSE FITTINGS

SEE PLANS FOR RESTRAINT LENGTHS IN SITUATIONS THAT ARE NOT COVERED BY THE ABOVE TABLES





LEGEND

- | EXISTING | PROPOSED |                               |
|----------|----------|-------------------------------|
|          |          | ELECTRIC LINE                 |
|          |          | ELECTRIC LINE (OVERHEAD)      |
|          |          | FENCE                         |
|          |          | GUARDRAIL                     |
|          |          | SANITARY SEWER                |
|          |          | STORM SEWER                   |
|          |          | WATER MAIN                    |
|          |          | EXISTING TREE LINE            |
|          |          | EASEMENT LINE/GRADING PERMIT  |
|          |          | PROPERTY LINE                 |
|          |          | RIGHT-OF-WAY LINE             |
|          |          | SECTION LINE                  |
|          |          | EXISTING FENCE TO BE REMOVED  |
|          |          | = ANTENNA                     |
|          |          | = CATCH BASIN                 |
|          |          | = CABLE RISER BOX             |
|          |          | = CLEAN OUT                   |
|          |          | = CURB INLET                  |
|          |          | = ELECTRIC MANHOLE            |
|          |          | = FIRE HYDRANT                |
|          |          | = FOUND IRON PIPE             |
|          |          | = GAS VALVE                   |
|          |          | = GUY ANCHOR                  |
|          |          | = LIGHT POLE                  |
|          |          | = MAILBOX                     |
|          |          | = MONITORING WELL             |
|          |          | = POST                        |
|          |          | = SATELLITE DISH              |
|          |          | = SANITARY MANHOLE            |
|          |          | = SECTION CORNER              |
|          |          | = SIGN                        |
|          |          | = PAVEMENT/SOIL BORING        |
|          |          | = PROPOSED HYDRANT            |
|          |          | = PROPOSED GATE VALVE & BOX   |
|          |          | = PROPOSED GATE VALVE & VAULT |
|          |          | = PROPOSED REDUCER            |
|          |          | = PROPOSED SANITARY MANHOLE   |
|          |          | = PROPOSED STORM MANHOLE      |
|          |          | = STORM MANHOLE               |
|          |          | = TELEPHONE MANHOLE           |
|          |          | = TELEPHONE RISER BOX         |
|          |          | = TURNING POINT/TRaverse      |
|          |          | = UTILITY POLE                |
|          |          | = VAULT                       |
|          |          | = WATER ELEVATION             |
|          |          | = WATER MANHOLE               |
|          |          | = WATER METER                 |
|          |          | = WATER VALVE                 |
|          |          | = WATER SPIGOT                |
|          |          | = WELL                        |

TREE DESIGNATORS

- |  |                 |  |                |
|--|-----------------|--|----------------|
|  | BUSH            |  | STUMP          |
|  | CONIFEROUS TREE |  | DECIDUOUS TREE |

HATCH LEGEND

- |  |   |
|--|---|
|  | EXISTING CONCRETE PAVEMENT  |
|  | EXISTING ASPHALT PAVEMENT   |
|  | PROPOSED HEAVY-DUTY ASPHALT PAVEMENT:<br>8" AGGREGATE BASE, MDOT 21AA<br>3" HMA 3EL (330#/SYD), PG 58-28<br>2" HMA 5EL (220#/SYD), PG 64-28   |
|  | PROPOSED CONCRETE PAVEMENT:<br>6" GRANULAR BASE, CL II, CIP<br>8" CONCRETE PAVEMENT<br>6 X 6 2.9 X 2.9 WWF REINFORCEMENT<br>(WHERE INDICATED) |
|  | EXISTING GRAVEL   |
|  | PROPOSED GRAVEL   |
|  | PROPOSED FLEXMAT STANDARD   |
|  | LOADING ZONE  |

NOTE: ALL PROPOSED FENCE SHALL BE 6' HIGH WITH AN ADDITIONAL 18" OF BARBED WIRE INSTALLED VERTICALLY IN CONFORMANCE WITH OSHTEMP TWP. ZONING ORDINANCE SECTION 57.60.A.5.

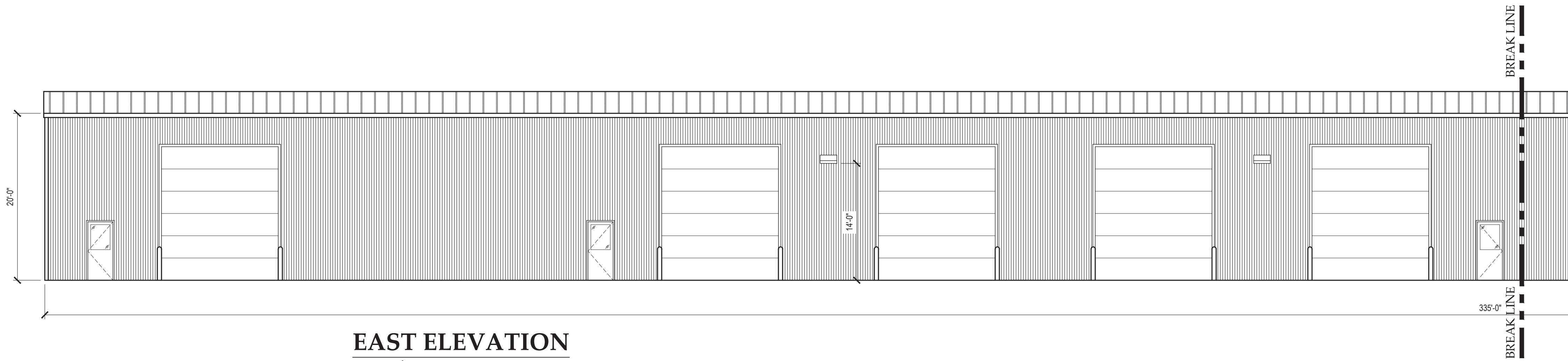
NOTE: IF OWNERSHIP BETWEEN THE PROJECT SITE AND ADJACENT BUILDINGS LOCATED AT 5100 AND 5140 W MICHIGAN AVENUE CHANGES, A CROSS-ACCESS AGREEMENT WILL BE REQUIRED.

TRUCK TURNING MOVEMENTS  
SCALE: 1" = 40'

06/22/2023	PDS
REVISED PER TOWNSHIP COMMENTS	
03/11/2022	PDS
REVISED PER SITE PLAN REVIEW	
02/10/25/2022	PDS
ISSUED FOR SITE PLAN APPROVAL	
01/09/27/2022	PDS
ISSUED FOR TOWNSHIP REVIEW	

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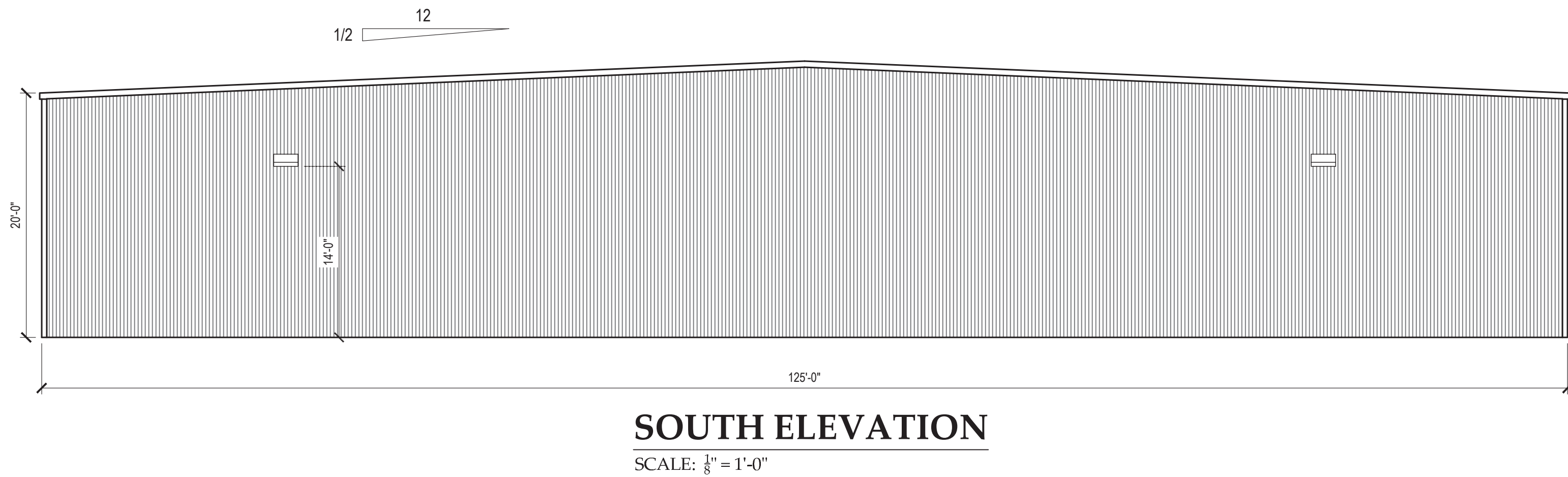
**EAST ELEVATION**  
SCALE:  $\frac{1}{8}" = 1'-0"$



**EAST ELEVATION**  
SCALE:  $\frac{1}{8}" = 1'-0"$

**EXTERIOR FINISHES:**

- ROOF:  
METAL STANDING SEAM ROOF - GALVALUME
- GUTTERS/DOWN SPOUTS:  
METAL BOX GUTTERS AND DOWNSPOUTS - ANTIQUE BRONZE
- FASCIA:  
METAL FASCIA - ANTIQUE BRONZE
- SIDING:  
METAL VERTICAL PBR PANEL - ASH GRAY
- WINDOW FRAMES:  
ALUMINUM TUBELITE - DARK BRONZE
- CORNER TRIM:  
METAL CORNERS - ASH GRAY
- RAILINGS:  
HEIGHT: 36" / 42"  
MATERIAL: STEEL
- SERVICE DOOR(S):  
HOLLOW METAL FRAME AND DOORS - ANTIQUE BRONZE
- GARAGE DOOR(S):  
STEEL OVERHEAD SECTIONAL DOORS - ANTIQUE BRONZE



**SOUTH ELEVATION**  
SCALE:  $\frac{1}{8}" = 1'-0"$

TAPLIN MAINTENANCE BUILDING

5070 WEST MICHIGAN AVENUE  
KALAMAZOO, MICHIGAN 49006

**GlasAssociates**

CUSTOM HOME DESIGNERS/BUILDERS  
COMMERCIAL CONTRACTING  
6339 STADIUM DR., KALAMAZOO, MI 49009  
PH: (269)353-7737 FAX: (269)353-7316 GLASASSOCIATES.COM

ELEVATIONS

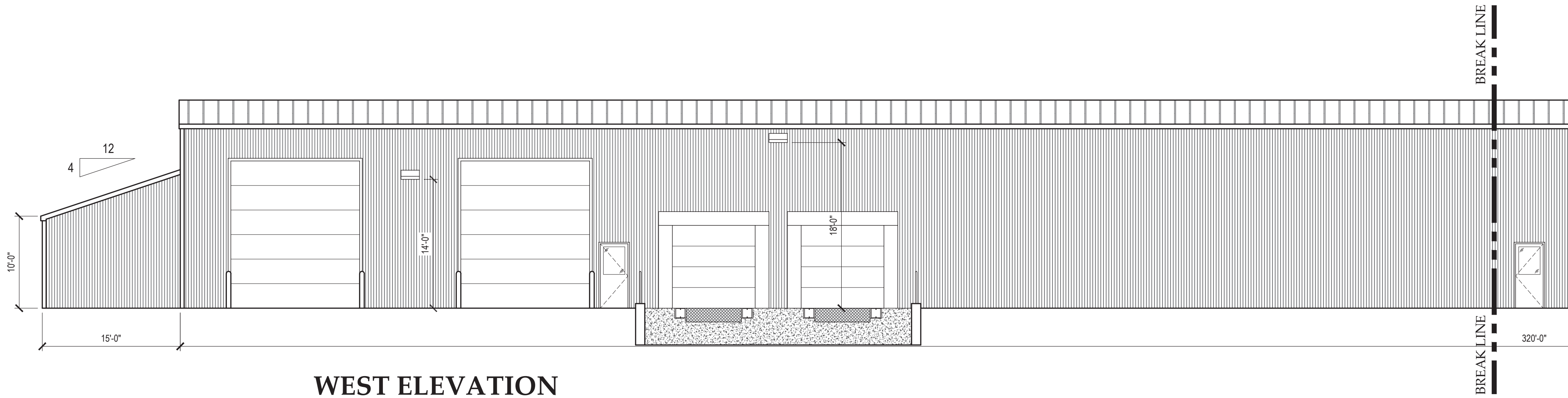
JANUARY 16, 2023

SCALE:  $\frac{1}{8}" = 1'-0"$

**A-1**

29

TAPLIN MAINT. BLDG



**WEST ELEVATION**

SCALE:  $\frac{1}{8}" = 1'-0"$

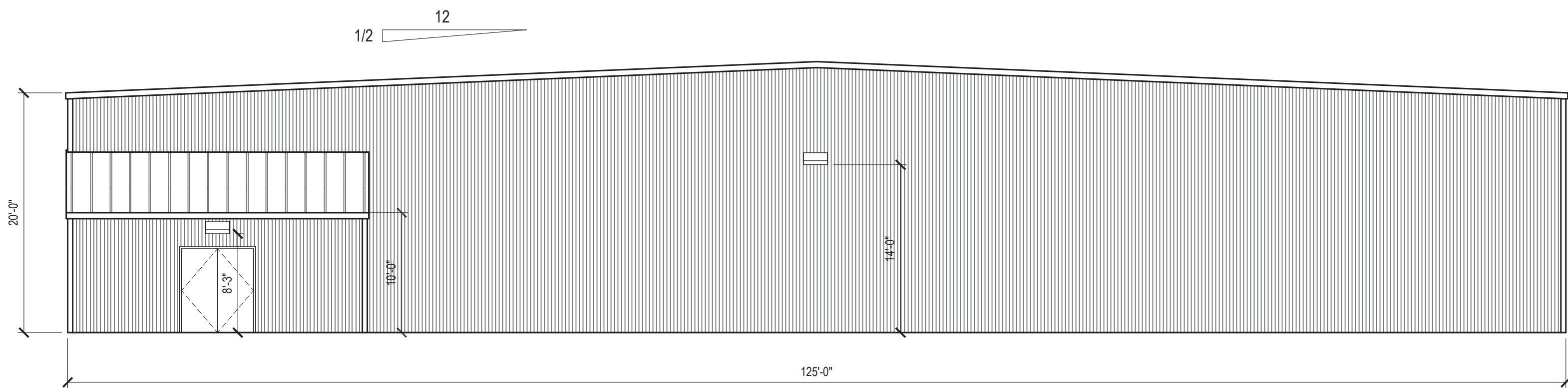


**WEST ELEVATION**

SCALE:  $\frac{1}{8}" = 1'-0"$

**EXTERIOR FINISHES:**

- ROOF:  
METAL STANDING SEAM ROOF - GALVALUME
- GUTTERS/DOWN SPOUTS:  
METAL BOX GUTTERS AND DOWNSPOUTS - ANTIQUE BRONZE
- FASCIA:  
METAL FASCIA - ANTIQUE BRONZE
- SIDING:  
METAL VERTICAL PBR PANEL - ASH GRAY
- WINDOW FRAMES:  
ALUMINUM TUBELITE - DARK BRONZE
- CORNER TRIM:  
METAL CORNERS - ASH GRAY
- RAILINGS:  
HEIGHT: 36" / 42"  
MATERIAL: STEEL
- SERVICE DOOR(S):  
HOLLOW METAL FRAMES AND DOORS - ANTIQUE BRONZE
- GARAGE DOOR(S):  
STEEL OVERHEAD SECTIONAL DOORS - ANTIQUE BRONZE



**NORTH ELEVATION**

SCALE:  $\frac{1}{8}" = 1'-0"$

TAPLIN MAINTENANCE BUILDING

5070 WEST MICHIGAN AVENUE  
KALAMAZOO, MICHIGAN 49006

**GlasAssociates**

CUSTOM HOME DESIGNERS/BUILDERS  
COMMERCIAL CONTRACTING  
6339 STADIUM DR., KALAMAZOO, MI 49009  
PH: (269)353-7737 FAX: (269)353-7316 GLASASSOCIATES.COM

ELEVATIONS

JANUARY 16, 2023

SCALE:  $\frac{1}{8}" = 1'-0"$

**A-2**

30

TAPLIN MAINT. BLDG

SCALE:  $\frac{1}{8}'' = 1'-0''$



GlasAssociates

FACILITY PLAN

JANUARY 16, 2023

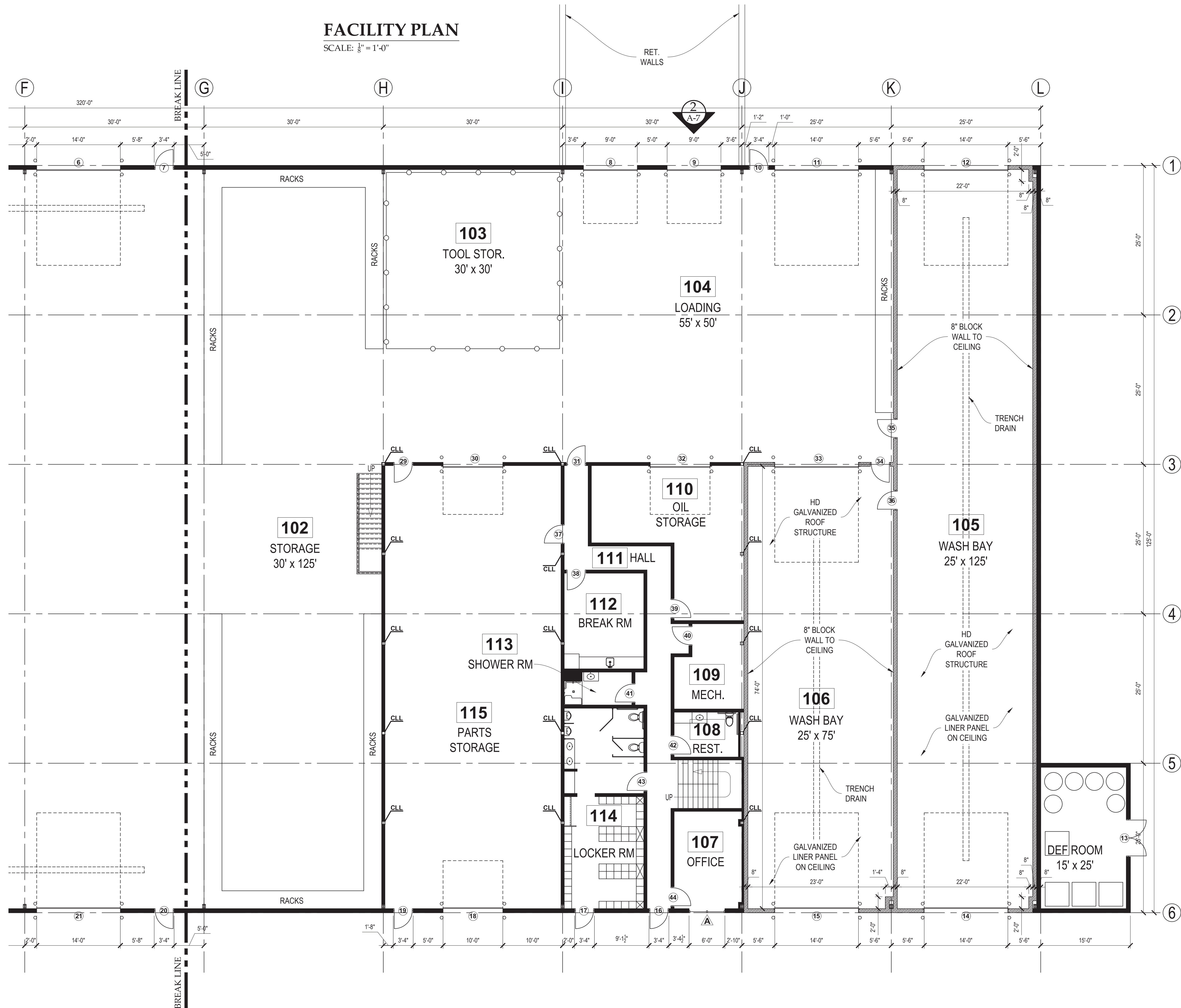
SCALE:  $\frac{1}{8}'' = 1'-0''$

A-3

1

TAPLIN MAINT. BLDG

FACILITY PLAN  
SCALE: 1/8" = 1'-0"



TAPLIN MAINTENANCE BUILDING

5070 WEST MICHIGAN AVENUE  
KALAMAZOO, MICHIGAN 49006

GlasAssociates

CUSTOM HOME DESIGNERS/BUILDERS  
COMMERCIAL CONTRACTING  
6339 STADIUM DR., KALAMAZOO, MI 49009  
PH: (269)353-7737 FAX: (269)353-7316 GLASASSOCIATES.COM

FACILITY PLAN

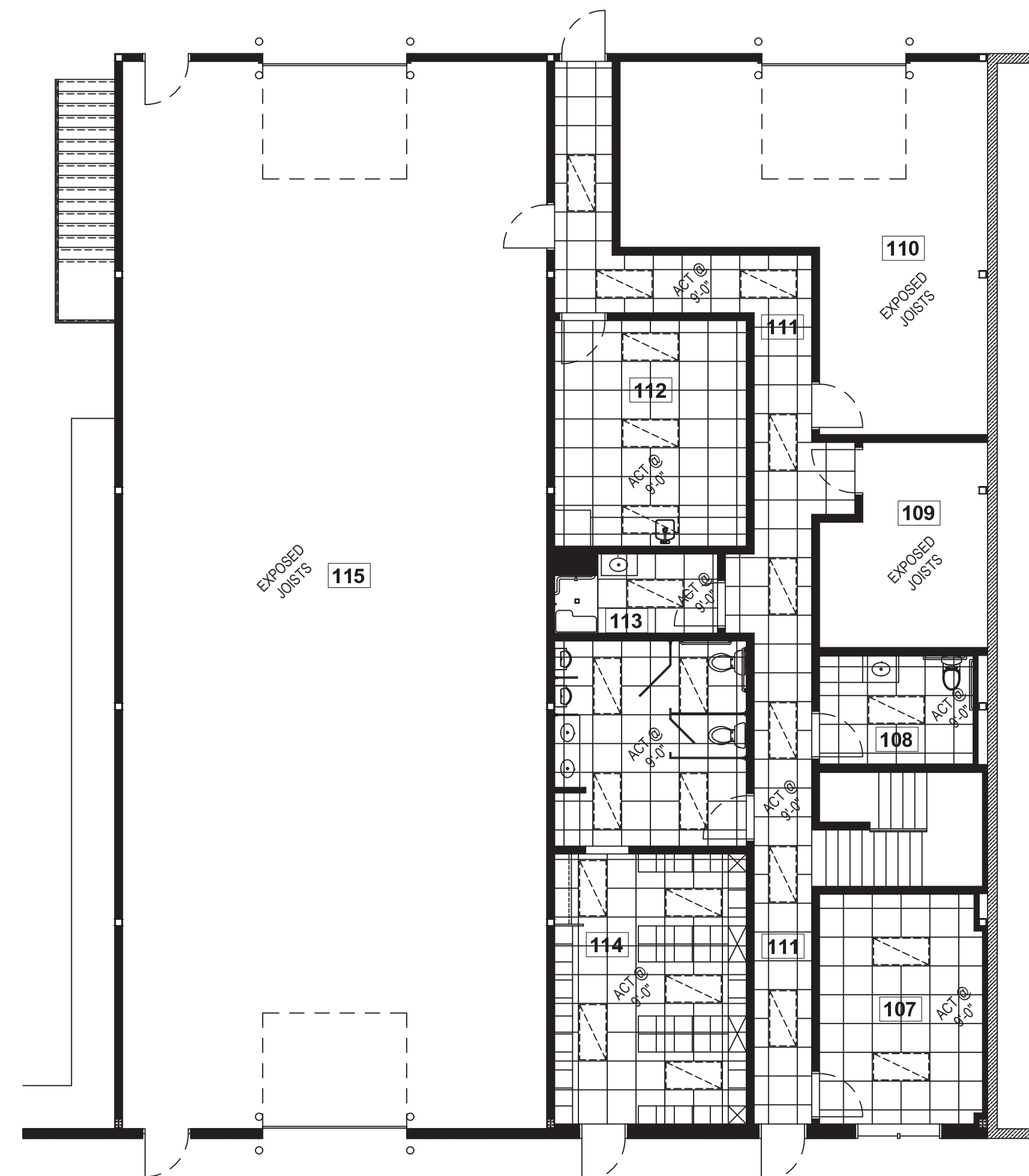
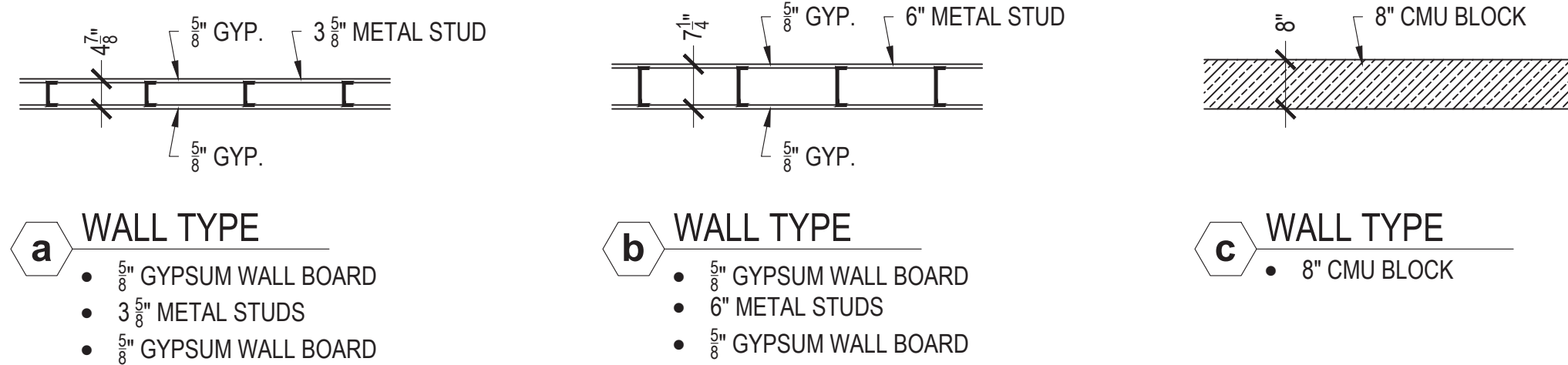
JANUARY 16, 2023

SCALE: 1/8" = 1'-0"

A-4

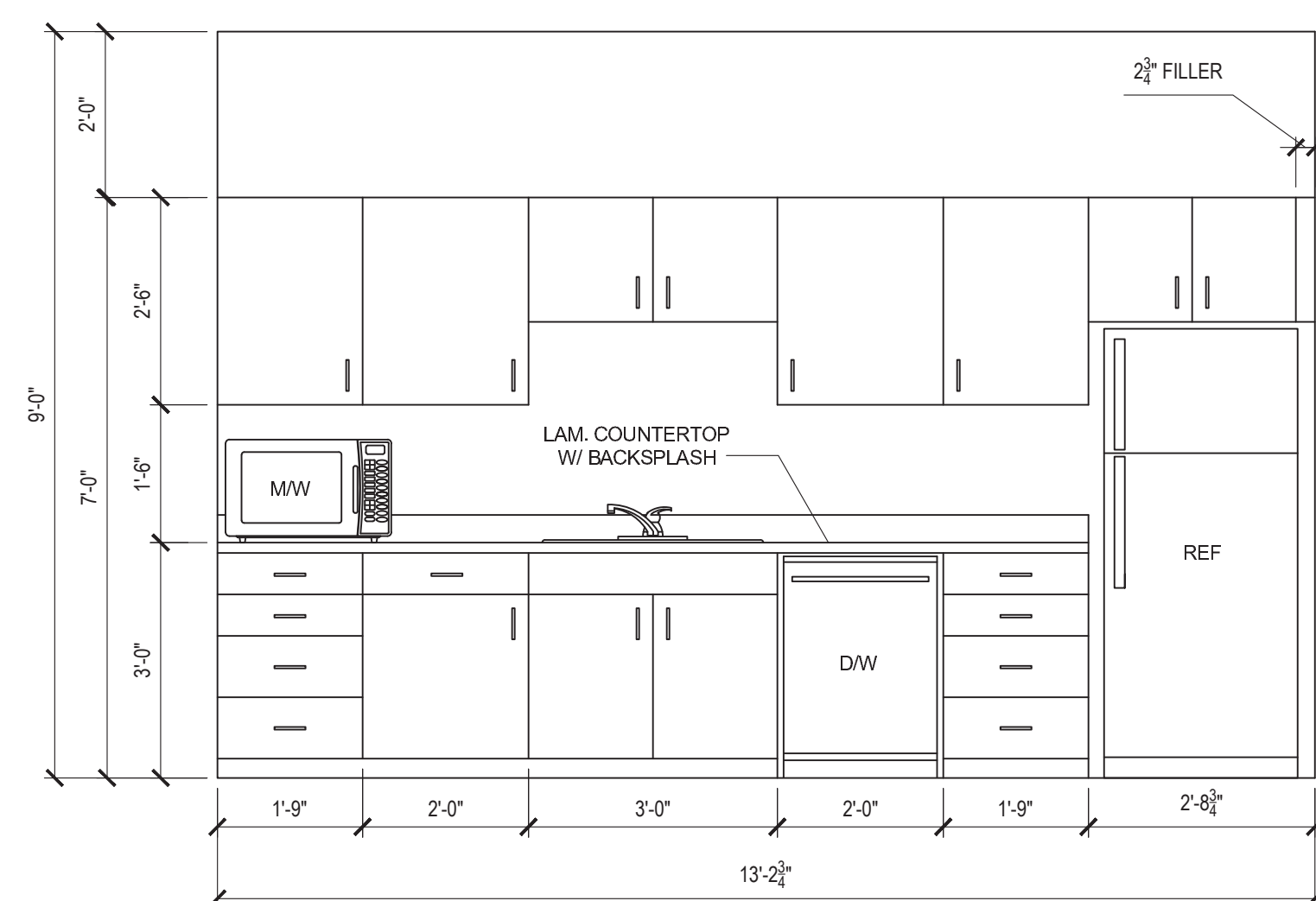
TAPLIN MAINT. BLDG



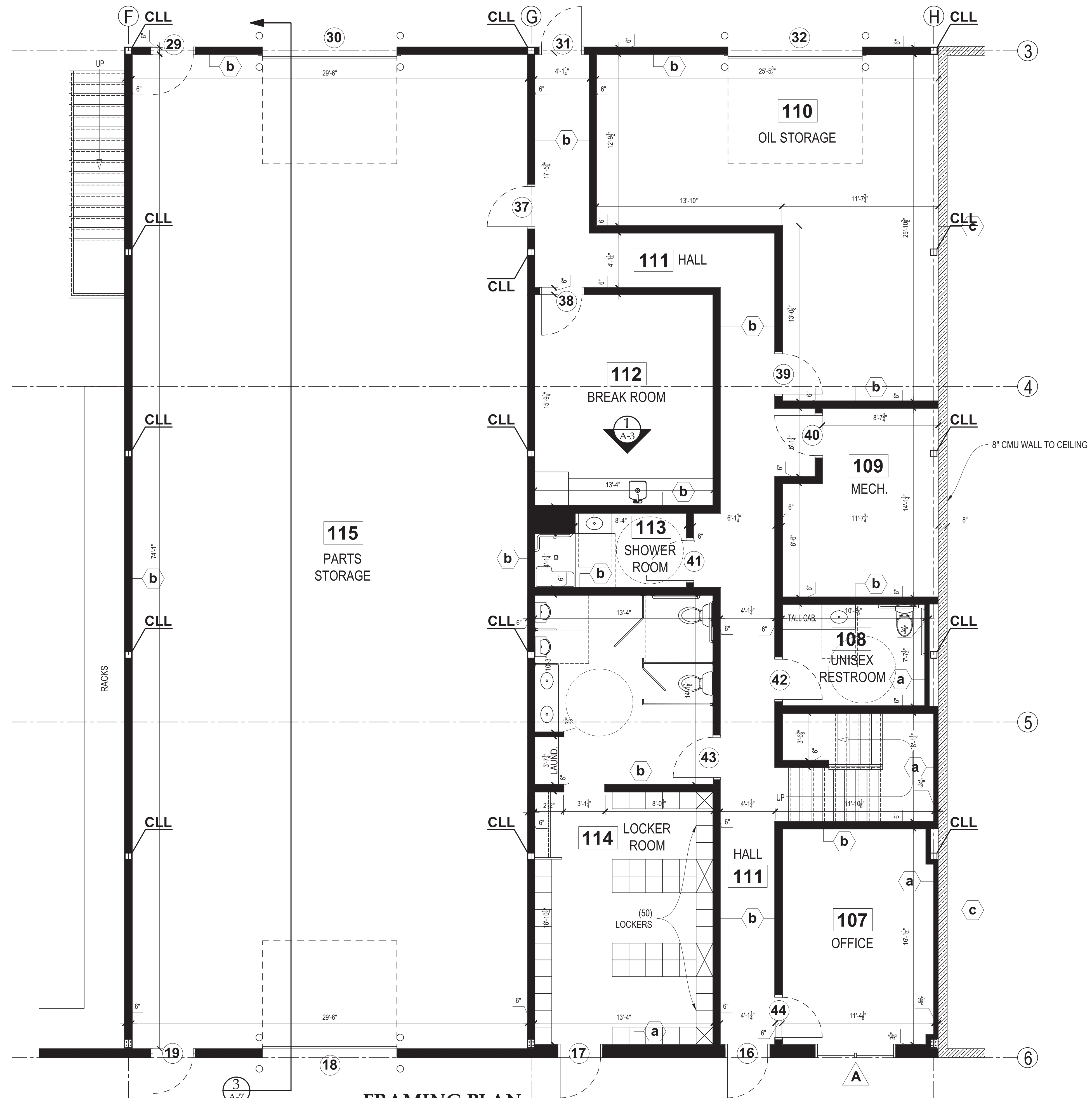


**REFLECTED CEILING PLAN**

SCALE:  $\frac{1}{8}" = 1'-0"$



**1 CAB. ELEVATION**  
A-3 SCALE:  $\frac{1}{2}" = 1'-0"$



**FRAMING PLAN**

SCALE:  $\frac{1}{4}" = 1'-0"$

## TAPLIN MAINTENANCE BUILDING

5070 WEST MICHIGAN AVENUE  
KALAMAZOO, MICHIGAN 49006

**GlasAssociates**

CUSTOM HOME DESIGNERS/BUILDERS  
COMMERCIAL CONTRACTING  
6339 STADIUM DR., KALAMAZOO, MI 49009  
PH: (269)353-7737 FAX: (269)353-7316 GLASASSOCIATES.COM

FRAMING PLAN / RCP

JANUARY 16, 2023

SCALE:  $\frac{1}{4}" = 1'-0"$

**A-5**

TAPLIN MAINT. BLDG

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March 15, 2023



**Mtg Date:** March 21, 2023

**To:** Oshtemo Township Zoning Board of Appeals

**From:** Colten Hutson, Zoning Administrator

**Applicant:** Jeff Scheffers, Visser Property Management LLC

**Owner:** Visser Property Management LLC

**Property:** 5401 W H Avenue, Parcel Number 05-12-200-201

**Zoning:** R-2: Residence District

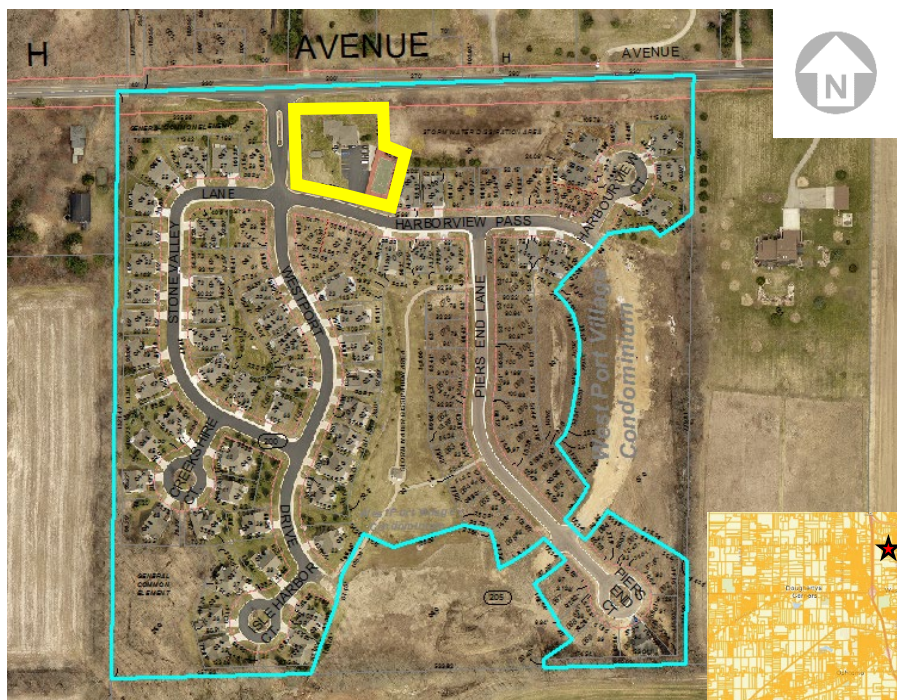
**Request:** Zoning Ordinance Interpretation of Section 41.60.B to determine if Assembly and Convention Halls are an appropriate neighborhood commercial use within a Residential PUD.

**Section(s):** Section 41: Planned Unit Development (PUD)  
Section 65: Special Uses

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#### REQUEST OVERVIEW AND BACKGROUND:

Jeff Scheffers, on behalf of Visser Property Management LLC, is requesting an interpretation of Section 41.60.B of the zoning ordinance to determine if Assembly and Convention Halls are an appropriate neighborhood commercial use within a Residential PUD. If determined an acceptable use, it would allow him to establish an Assembly and Convention Hall within the existing building located at 5401 W H Avenue of the West Port Village PUD. The property in question was previously approved to



serve as the nonresidential component of the Residential PUD for West Port Village. The subject property is located on the south side of W H Avenue, between N Drake Road and US-131.

On November 18, 2004, the Oshtemo Township Planning Commission granted site plan and special exception use approval for 133 residential units and one nonresidential unit. The nonresidential unit was approved to serve as office space for Visser Construction as well as community area for the residents of West Port Village. Per ordinance, up to 20% of a Residential PUD is allowed to be made up of nonresidential development. Since the applicant has the desire to change the community area component within the nonresidential building to an Assembly and Convention Hall use, such a change would require staff, and ultimately the Planning Commission, to evaluate the proposed use against the Township's zoning ordinance and master planning documents.

In reviewing the zoning ordinance for Residential PUDs, Section 41.60.B: Allowable Uses states the following:

*Planned unit developments are restricted to one or more of the following uses regardless of the zoning classification in which the development is located, provided such land uses are consistent with the goals and objectives of the Township Master Plan including the Sub-Area Plans:*

- A. *One-family, two-family, three- or four-family, and multiple-family dwellings, including uses and buildings accessory thereto.*
- B. *Low intensity nonresidential uses such as educational, cultural, recreational, neighborhood office or neighborhood commercial nature, including uses and buildings accessory thereto. Non-residential uses shall be compatible in design, layout, scale and appearance with the residential character of the area and shall be an integral part of a residential development logically oriented to and coordinated with the planned unit development to serve the day-to-day needs of residents in the development.*

Upon staff reviewing the language outlined in the zoning ordinance, staff informed the applicant that the proposed use of an Assembly and Convention Hall did not meet the specific requirements of Section 41.60.B, which details the types of uses allowed within a Residential PUD. An Assembly and Convention Hall does not clearly meet the definition of a low intensity nonresidential use nor does it clearly serve the day-to-day needs of the residents within the PUD.

However, given that the zoning ordinance does not clearly define what a neighborhood commercial use is, and there is some subjectivity within this section of the ordinance, staff deemed it appropriate for the applicant to request a text interpretation from the Zoning Board of Appeals to officially determine if Assembly and Convention Halls are an allowable use within a Residential PUD. Per the documents submitted by the applicant, they believe that the Assembly and Convention Halls use satisfies the requirements of the zoning ordinance and is neighborhood commercial in nature.

#### **INTERPRETATION CONSIDERATIONS:**

The Ordinance currently permits Assembly and Convention Halls within the following three zoning designations: the C: Local Business District, the C-R Local Commercial District, and the 9<sup>th</sup> Street and West Main Overlay. The C: Local Business District under Section 18.40, the C-R Local Commercial District under Section 21.40, and the 9<sup>th</sup> Street and West Main Overlay Zone under Section 35.40 allow Assembly and Convention Halls as a special exception use. The statement of purpose for each of the three zoning designations and correlating subareas are provided below:



- C: Local Business District: This district is designed to permit retail sales and commercial service uses (Section 18.10).
- C-R: This district is designed to allow for a coordinated and planned approach to commercial development in areas with unique physical or dramatic topographical characteristics and/or accessibility limitations. These regulations are specifically intended to provide standards of use and design that recognize and complement Township entrance and other focal point locations. (Section 21.10)
- 9<sup>th</sup> Street and West Main Overlay: This optional Overlay Zone is designed to allow for commercial and residential development along the West Main Street corridor within the West Main Street Sub-Area and the 9th Street corridor within the 9th Street Sub-Area. This Overlay Zone is in keeping with the goals, objectives and standards of the 9th Street Sub-Area Plan and the West Main Street Sub-Area Plan. (Section 35.10)
  - 9th Street Commercial Sub-Area: Uses in this land use designation may consist of office buildings and low intensity commercial, similar to the use and intensity of the commercial development existing as part of the Sky King Meadows PUD (Hannapel Home Center). Auto-oriented and big box type retail are 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 limited commercial development while keeping with the goals of this Sub-Area Plan. (Page 190 of the 2011 Master Plan)
  - West Main Commercial Sub-Area: 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. (page 174 of the 2011 Master Plan)

Assembly and Convention Halls are currently allowed within the 9<sup>th</sup> Street and West Main Overlay that is designated by the Master Plan to permit low intensity commercial development.

Assembly and Conventions Halls are a special exception use when permitted in the zoning ordinance. Uses categorized as a special exception use are typically a more intensive use compared to the uses permitted by right within the respective zoning district or overlay. An example of this would be to look at the R-3: Residence District. Uses permitted by right within the R-3: Residence district include one family dwellings, two family dwellings, and houses of worship. Uses allowed through a special exception use permit within the R-3: Residence District include three and four family dwellings, banks and credit unions, schools, and office buildings. A use is selected as a special exception use because of the unique characteristic of the use which, in the particular zone, involved under certain physical circumstances, and without proper controls and limitations, could cause it to be incompatible and detrimental with the other uses permitted in such zoning district. For this reason, many special uses have specific review requirements and all of them are required to be evaluated by the Planning Commission for compatibility. Assembly and Convention Halls have specific special use review requirements, outlined in Section 49.40 of the zoning ordinance.

The Residential PUD requires that the overall design and all proposed uses be evaluated against Special Use Criteria. The protections of the special use requirements that are present for Assembly and Convention Halls within the other districts which permit this use would be applied in the Residential PUD as well, if permitted. It should be noted that maximum capacities are outlined in Section 49.40 for Assembly and Convention halls within each of the correlating districts it is currently permitted in. If approved, there would be no specifically noted maximum capacity for an Assembly and Convention Halls within a Residential PUD. The Planning Commission would need to determine compatibility on a case by case basis.

Conformance with the Master Plan. The PUD ordinance outlines that uses should be consistent with the goals and objectives of the Township Master Plan. The Master Plan provides three different types of commercial designations within its future land use map; General Commercial, Local Commercial, and Neighborhood Commercial. Descriptions of the three designations are provided below.

- General Commercial: The intent of the General Commercial areas is to serve both the residents of the community as well as the regional market and transient customers. Uses like big box retail, shopping centers, and auto-oriented uses would be permitted in this district. (page 69 of the 2017 Master Plan)
- Local Commercial: The purpose of the Local Commercial designation is to provide low volume commercial businesses that mix well with a variety of land uses including residential, industrial, and general commercial. These uses are not high-volume / high-traffic uses with a significant number of cars coming and going, drive-through service, and/or automobile service. (These elements or characteristics can detract from the residential character or pedestrian orientation of the surrounding area and are therefore not present in the Local Commercial designation). Examples of uses that could be found in a Local Commercial designation include professional offices, unique shops such as antique shops and specialty food shops, and generally low volume enterprises that do not operate 24 hours a day. (page 68 of the 2017 Master Plan)
- Neighborhood Commercial: In support of the Rural Character Preservation Strategy, neighborhood commercial areas will be in strategic locations within the western portion of the Township. Low intensity commercial and retail establishments are permitted that would accommodate a planned mixture of farm service business and other locally oriented service establishments. The intent is to provide services, like a small convenience store, that will support and be compatible with nearby residential development. (page 68 of the 2017 Master Plan)

Based on the description within the Residential PUD ordinance, and the given the location of West Port Village PUD within the Township, it could be argued that the closest Future Land Use designation to the intent of the uses permitted in the Residential PUD is the Local Commercial designation. Depending on the scale of the Assembly and Convention Hall, it could be argued that this use could meet or not meet the intent of the Local Commercial Designation.

A Residential PUD allows for low intensity, neighborhood commercial uses. The PUD ordinance indicates that low intensity nonresidential uses may be permitted within a Residential PUD. Per Section 41.60.B.2 a Residential PUD allows:

*“Low intensity nonresidential uses such as educational, cultural, recreational, neighborhood office or neighborhood commercial nature, including uses and buildings accessory thereto. Non-residential uses shall be compatible in design, layout, scale and appearance with the residential character of the area and shall be an integral part of a residential development logically oriented to and coordinated with the planned unit development to serve the day-to-day needs of residents in the development.”*

The PUD ordinance nor the Definition section of the Township’s zoning ordinance define what constitutes “neighborhood commercial”.

Residential PUDs require that any nonresidential use permitted shall “serve the day to day needs of the residents in the development”. The zoning ordinance defines an Assembly and Convention Hall as “A room or building for the purpose of hosting a party, banquet, wedding, or any other social or business event. Assembly and Convention Halls can also be called meeting rooms, function halls, reception halls, or banquet halls”. Although a gathering space to host graduation parties, networking events, bridal showers, and other events is a complimentary service to offer to members of the community, the PUD ordinance specifically states that the nonresidential uses shall *“serve the day-to-day needs of residents in the development”*. It could be argued that an Assembly and Convention Hall that is open to the general public does not *serve the day-to-day needs of residents in the development* as it would become a destination for others outside of the PUD community to gather in. However, it should be noted that the PUD ordinance does not specify that nonresidential uses within a PUD shall be restricted only to residents of such development.

The openness of the zoning ordinance in regards to non-resident activity pertaining to the nonresidential building/use component of a PUD indicates that non-resident activity is appropriate as long as such a use also serves the residents of said PUD and is not detrimental to the residential character. As an example: The Sky King Meadows PUD on the east side of N 9<sup>th</sup> Street consists of a number of single-family homes as well as one nursing home and a home goods store. Both the nursing home and home goods store were approved as appropriate PUD nonresidential uses. The current home good store’s retail service is available to both the general public as well as the residents of the Sky King Meadows PUD. The same goes for the nursing home that was recently constructed in 2020.

#### Previous Interpretations of Allowable Uses within Residential PUDs.

In researching past Zoning Board of Appeals decisions regarding text interpretations for uses allowed within Residential PUDs, Planning Department staff was able to identify one similar case.

1. Oshtemo Assisted Living, 210 N 9<sup>th</sup> Street, 01/22/2019: The applicant sought a text interpretation from the Zoning Board of Appeals to determine if an assisted living facility would be considered an allowable use within the Sky King Meadows Residential PUD. When this project was initially presented to staff, there was some concern that the use did not fit the intent of Section 41.60.B, which states the following:

*Low intensity nonresidential uses such as educational, cultural, recreational, neighborhood office or neighborhood commercial nature, including uses and buildings accessory thereto. Non-residential uses shall be compatible in design, layout, scale and appearance with the residential character of the area and shall be an integral part of a*

*residential development logically oriented to and coordinated with the planned unit development to serve the day-to-day needs of residents in the development.*

As this parcel was designated as the nonresidential portion of the PUD, staff was concerned that an assisted living facility did not meet the intent of this section of the zoning ordinance. The applicant requested an interpretation from the Zoning Board of Appeals, who found the following:

*Since assisted living facilities are a low intensity commercial use within the C: Local Business District, they therefore are an acceptable low intensity nonresidential use within the PUD Ordinance. The motion was approved 4 – 1, with Mr. Sikora voting against.*

With the above interpretation of the PUD ordinance, the applicant was free to submit a planning and zoning application for Planning Commission review and approval. Minutes from said meeting are attached.

Details of the specific request. An Assembly and Convention Hall, like the one envisioned by the applicant, consisting of only 2,000 square feet is relatively small compared to other event spaces that are typically associated with hosting private parties, bridal showers, networking events, etc. Vehicles traveling to and from a small-scale Assembly and Convention Hall use would be no different or even less intrusive than the permitted uses of a specialty food store or office use within the local commercial district designation. In that particular case, a smaller Assembly and Convention Hall could arguably be an appropriate neighborhood commercial use as described within the Residential PUD ordinance. The residential character of the exterior of the nonresidential building would be maintained and be consistent with the surrounding residential area. An Assembly and Convention Hall use would be commercial in nature. As a special use, the Planning Commission would be able to evaluate whether any proposed Assembly and Convention Hall would be appropriate as a Residential PUD use. In addition, occupant load requirements through the Southwest Michigan Building Authority would need to be met, parking and other site elements updated as needed to meet the ordinance requirements of this use, and fire and building code would also need to be satisfied.

#### Reasoning of Applicant.

A summary of the applicant's rationale for this interpretation request is provided below. The full letter of intent submitted by the applicant is attached to this staff report.

- “However, such a distinction between residents and non-residents is not found within Section 41.60 of Oshtemo Charter Township Zoning Ordinance, which states that the allowable uses under a planned unit development include: “[l]ow intensity nonresidential uses such as educational, educational, cultural, recreational, neighborhood office or neighborhood commercial nature, including uses and buildings accessory thereto.””
- “The use of Unit 1 for meetings, showers, and small gatherings is comfortably within the scope of the Ordinance as they are (1) low intensity nonresidential uses of (2) a neighborhood commercial nature.”
- “Upon information and belief, the Zoning Board of Appeals recently interpreted an Assisted Living Facility as an acceptable low intensity nonresidential use within the PUD Ordinance.

Similarly, these small gatherings would not constitute a “high” intensity use like a large assembly or public event.”

- “Upon our review of the Ordinances, “neighborhood commercial” is left undefined.”
- “While non-residential use should be coordinated with the planned unit development to serve the day-to-day needs of residents in the development,” there is no limitation within the Ordinances to indicate that renting Unit 1 to non-residents is outside of the scope of neighborhood commercial nature. In fact, without the help of the revenue that is derived from such rentals to non-residents, Unit 1 would not be able to stay viable for the use of the residents in the development.”
- “Thus, when interpreting an ordinance to determine the extent of a restriction on the use of property, the language must be interpreted in favor of the property owner where doubt exists regarding intent. *Talcott v Midland*, 150 Mich App 143, 387 NW2d 845 (1985) .”

#### **FINDINGS SUMMARY:**

The following is a summary of the interpretation arguments which could influence the Board’s deliberations. It should be noted that this interpretation should not be considered solely for 5401 W H Avenue within the West Port Village Planned Unit Development. The interpretation should focus on whether an Assembly and Convention Hall is an appropriate use in all Residential PUDs within the Township, regardless if existing or not.

- Assembly and Convention Halls are currently allowed within the 9<sup>th</sup> Street and West Main Overlay that is designated by the Master Plan to permit low intensity commercial development.
- The special exception use protections in place in the zoning ordinance for other zoning districts which permit Assembly and Convention Halls would still be applicable. Compatibility with the surrounding area and uses would be evaluated by the Planning Commission.
- A smaller Assembly and Convention Hall could arguably meet the intent of the Master Plan’s “Local Commercial” designation which would be in keeping with the intent of the neighborhood commercial character required by a Residential PUD. However, if permitted, all Assembly and Convention Halls, regardless of size, could be an allowable use.
- An Assembly and Convention Hall use does not clearly meet the “day-to-day needs” of the Residential PUD residents, as required by Section 41.60.B.
- Section 41.60.B of the zoning ordinance does not restrict nonresidential uses to PUD residents only.

#### **POSSIBLE ACTIONS:**

Based on the considerations outlined above, the Zoning Board of Appeals may wish to deliberate the following possible actions:

1. Conclude that an Assembly and Convention Hall is neighborhood commercial in nature and therefore is an acceptable use within a Residential PUD.
2. Conclude that an Assembly and Convention Hall is not an acceptable use because it is overall considered an intensive nonresidential use and the use does not serve the day-to-day needs of residents within the Residential PUD.

Attachments: Application, Letter of Intent, Future Land Use Map, Section 41: Planned Unit Development, Section 49.40: Assembly and Convention Halls, 01/22/2019 ZBA Meeting Minutes and staff report, 11/18/2004 PC Meeting Minutes and staff report



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

**PLEASE PRINT**

PROJECT NAME & ADDRESS

5401 W H Ave

**PLANNING & ZONING APPLICATION**

Applicant Name: Jeff Scheffers

Company: Visser Property Management

Address: 5401 W H Ave, Kalamazoo, MI  
49009

E-mail: erica@visserliving.com

Telephone: 269.552.9090 Fax: \_\_\_\_\_

Interest in Property: \_\_\_\_\_

**OWNER\*:**

Name: Visser Property Management

Address: 5401 W H Ave, Kalamazoo, MI  
49009

E-mail: erica@visserliving.com

Phone & Fax: 269.552.9090

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 checked="" type="checkbox"/> Interpretation – I082 |
| <input type="checkbox"/> Zoning Variance – I092                 | <input type="checkbox"/> Other: _____                     |
| <input type="checkbox"/> Site Condominium – I084                |   |

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

See separate attachment



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

WEST PORT VILLAGE CONDOMINIUM UNIT 1 \*\*\*\* 12/2012  
COMBINED 12-200-001 & 12-200-002 INTO 12-200-201 AS PER  
FIRST AMENDMENT TO MASTER DEED \*\*\*\*

**PARCEL NUMBER:** 3905- 12- 200-201

**ADDRESS OF PROPERTY:** 5401 W H Ave, Kalamazoo, MI 49009

**PRESENT USE OF THE PROPERTY:** Office Space, Community gathering space

**PRESENT ZONING:** PUD **SIZE OF PROPERTY:** 1.02 acres

**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING  
A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

**Name(s)**

Visser Construction

**Address(es)**

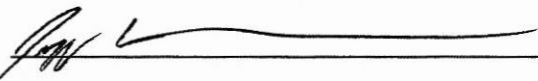
5401 W H Ave

***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.*

**Owner's Signature (\*If different from Applicant)**

**Date**



1-31-2023

**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**

# Willis Law

## ATTORNEYS & COUNSELORS

491 WEST SOUTH STREET  
KALAMAZOO, MICHIGAN 49007

OFFICE 269 / 492-1040 • 616 / 301-7177 • TOLL FREE 800 / 610-6938 • FAX 269 / 492-1042 • WWW.WILLIS.LAW

SAMUEL R. GILBERTSON, J.D.  
Admitted to Practice Law in Michigan and Indiana

DIAL 269/492-1040  
E-MAIL [sgilbertson@willis.law](mailto:sgilbertson@willis.law)

February 27, 2023

Via Email

Zoning Board of Appeals  
Attn: Iris Lubbert  
Oshtemo Charter Township  
7275 W. Main Street  
Kalamazoo, MI 49009  
[ilubbert@oshtemo.org](mailto:ilubbert@oshtemo.org)

**Re: West Port Village Condominium**

Dear Ms. Lubbert:

Our firm represents Visser Construction, which operates at 5401 W H Ave., Kalamazoo, MI 49009 ("Unit 1"). As you are aware, our client is contesting the Township's determination on the "use" of Unit 1, which has been designated as nonresidential. This letter serves to supplement the application for interpretation of the zoning ordinance, which was previously submitted by our client in January and is incorporated herein by reference.

As you are aware, the Planning Commission meeting minutes dated November 18, 2004 demonstrate that our client was granted a special use permit to construct a residential condominium development that included one nonresidential unit, which is Unit 1. **See Exhibit 1 – 2004 Meeting Minutes, pg. 14.** The Township's motion specified the following relevant terms:

- (1) Office space for Visser Construction may occupy up to 50% of the building.
- (2) The residential character of the building proposed for nonresidential use shall be retained.

After public comment and no Commission deliberations, the "motion passed unanimously." **Exhibit 1, pg. 14.** Accordingly, the *entire building* was approved for nonresidential use, so long as it maintained a residential character and only 50% of the building was used for our client's office. The motion was not amended prior to its adoption.

Thereafter, this interpretation was further confirmed at the Township's public hearing held November 15, 2015, for which the meeting minutes refer to Unit 1 as "one office/common building." **See Exhibit 2 - 2015 Meeting Minutes, pg. 6.** Later in the minutes, Unit 1 is referred to as "one nonresidential unit (sales and recreational activity)." **Exhibit 2, pg. 6.** There are no further restrictions provided as to the types of "sales and recreational activity" that could be

conducted in the non-residential unit. Accordingly, Unit 1 (in its entirety) was to be used as office/common space or other nonresidential purposes, including sales and recreational activity.

Based on the above, our client has used 50% of Unit 1 as its office and the remainder of the building for recreation, parties, meetings, banquets, and small gatherings. It is our understanding that the alleged zoning issue has only arisen due to the renting of Unit 1 to non-residents for such meetings or gatherings, and that such meetings and gatherings were acceptable when used by the residents of West Port Village Association. However, such a distinction between residents and non-residents is not found within Section 41.60 of Oshtemo Charter Township Zoning Ordinance, which states that the allowable uses under a planned unit development include: “[l]ow intensity nonresidential uses such as educational, cultural, recreational, neighborhood office or neighborhood commercial nature, including uses and buildings accessory thereto.” The use of Unit 1 for meetings, showers, and small gatherings is comfortably within the scope of the Ordinance as they are (1) low intensity nonresidential uses of (2) a neighborhood commercial nature.

### **1. Low Intensity Nonresidential Use**

Pursuant to the Ordinances, an assembly or convention is defined as a “room or building for the purpose of hosting a party, banquet, wedding, or any other social or business event. Assembly and Convention Halls can also be called meeting rooms, function halls, reception halls, or banquet halls.” The parties, meetings, receptions, and banquets for which Unit 1 has been rented to non-residents would fall within the intended meaning of a low intensity nonresidential uses. Unlike large assemblies or mass gatherings, these events are small-scale, private gatherings given the limited space available within 50% of Unit 1. Upon information and belief, the Zoning Board of Appeals recently interpreted an Assisted Living Facility as an acceptable low intensity nonresidential use within the PUD Ordinance. Similarly, these small gatherings would not constitute a “high” intensity use like a large assembly or public event.

### **2. Neighborhood Commercial Nature**

Upon our review of the Ordinances, “neighborhood commercial” is left undefined. Renting the sole non-residential unit for recreational neighborhood purposes, such as meetings, private receptions, and small gatherings, is comfortably within the scope of any reasonable interpretation of “neighborhood commercial nature.” While non-residential use should be “coordinated with the planned unit development to serve the day-to-day needs of residents in the development,” there is no limitation within the Ordinances to indicate that renting Unit 1 to non-residents is outside of the scope of neighborhood commercial nature. In fact, without the help of the revenue that is derived from such rentals to non-residents, Unit 1 would not be able to stay viable for the use of the residents in the development.

To the extent there is any ambiguity whether such use is of a “neighborhood commercial nature,” please be advised that Michigan courts have consistently confirmed that the rules governing statutory interpretation apply with equal force to a municipal ordinance. *Gora v City of*



# Willis Law

## ATTORNEYS & COUNSELORS

*Ferndale*, 456 Mich 704, 711, 576 NW2d 141 (1998). When the legislature enacts laws, it is presumed to know the rules of statutory construction and therefore its use or omission of language is generally presumed to be intentional. *Carson City Hosp v Dep't of Community Health*, 253 Mich App 444, 447-448; 656 NW2d 366 (2002). Thus, when interpreting an ordinance to determine the extent of a restriction on the use of property, the language must be interpreted **in favor of the property owner where doubt exists regarding intent**. *Talcott v Midland*, 150 Mich App 143, 387 NW2d 845 (1985) (emphasis added).

Accordingly, the question of whether the renting of Unit 1 to non-residents for private meetings and small gatherings is of a “neighborhood commercial nature” must be construed in our client’s favor. Similarly, the special use permit should be interpreted in our client’s favor because there are no restrictions referenced in the Township’s motion as to the type of “nonresidential use” that would be permitted for the remaining 50% of Unit 1. **See Exhibits 1 and 2**. To the contrary, the meeting minutes show the Township’s intent to allow Unit 1 to be used entirely for nonresidential purposes, such as “sales and recreational activity.” The omission of any language in the Ordinance or special use permit distinguishing between rentals to residents versus non-residents must be presumed to be intentional; thus, no such distinction should be made by the Zoning Board.

In conclusion, it is our position that our client’s use of Unit 1 falls within the meaning of the existing Ordinance as a low intensity nonresidential use and adheres to the intent of the special use permit; thus, it should be permitted to continue such use without any need for amendment to the PUD.

Thank you in advance for your consideration. If you have any questions regarding the above, you may reach me at (269) 492-1040 or [sgilbertson@willis.law](mailto:sgilbertson@willis.law).

Best regards,  
**WILLIS LAW**

  
Samuel R. Gilbertson, J.D.  
*Managing Partner*

SRG/adk

Enclosures: 2004 and 2015 Meeting Minutes

C: Colten Hutson, Zoning Administrator (w/ enclosures)



**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**November 18, 2004**

**Agenda**

**WEST PORT VILLAGE (VISSER) - PLANNED UNIT DEVELOPMENT  
SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - WEST H AVENUE  
- (PARCEL NOS. 3905-12-205-011 AND 3905-12-205-030)**

**ARBY'S - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - 6660  
WEST MAIN STREET - (PARCEL NO. 3905-14-185-021)**

**EDDY - CONCEPTUAL PLAN REVIEW - INDOOR RECREATION FACILITY  
- 6745 STADIUM DRIVE - (PARCEL NOS. 3905-35-132-020, 3905-35-132-  
021 AND 3905-35-132-031)**

A meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, November 18, 2004, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

**MEMBERS PRESENT:** Neil G. Sikora, Chairperson  
Deborah L. Everett  
Lee Larson  
Terry Schley  
James Turcott  
Kathleen Garland-Rike  
Mike Ahrens

**MEMBERS ABSENT:** None

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Township Planner; James W. Porter, Township Attorney; and approximately 55 other interested persons.

**CALL TO ORDER**

The meeting was called to order at 7:00 p.m.

## **AGENDA**

The Chairperson indicated that the first item of business was approval of the Agenda. Mr. Turcott made a motion to approve the Agenda as submitted. Ms. Garland-Rike seconded the motion, and the Chairperson called for a vote on the motion. The motion passed unanimously.

## **MINUTES**

The Chairperson said that the next item for consideration was approval of the minutes of October 28, 2004 and November 4, 2004. Ms. Garland-Rike asked if in the last sentence, second paragraph on page 8 of the November 4, 2004 minutes, the word "perimeters" should be "parameters". Mr. Larson said it should be parameters. Ms. Everett made a motion to approve the November 4, 2004 minutes as amended, and the October 28, 2004 minutes as submitted. Mr. Larson seconded the motion. The Chairperson called a vote on the motion, and the motion passed unanimously.

## **WEST PORT VILLAGE (VISSER) - PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - WEST H AVENUE - (PARCEL NOS. 3905-12-205-011 AND 3905-12-205-030)**

The Chairperson said the next item for consideration was a planned unit development special exception use and site plan review for West Port Village, being Parcel Nos. 3905-12-205-011 and 3905-12-205-030, located on West H Avenue. The Chairperson called for a report from the Planning Department. Ms. Bugge submitted her report to the Planning Commission dated November 18, 2004, and the same is incorporated herein by reference.

Ms. Bugge explained that the applicant was proposing to establish a planned unit development on the south side of H Avenue between U.S. 131 and Drake Road. She said the property was zoned "R-2" Residence District and contained 38.5 acres. She said a condominium development is being proposed, utilizing the PUD criteria to allow 133 residential units and one nonresidential unit in two phases. She noted that only Phase 1 of the PUD is currently up for review, and that when Phase 2 is submitted in the future, it would be subject to review. She said the information regarding Phase 2 is being provided for informational purposes only.

Ms. Bugge told the Commission that West Port was going to be a condominium development where the buyers will own the interior of the

dwelling units only. The exterior of all buildings and property will be owned in common and maintained by the condominium association.

She said Phase 1 would contain 39 single-family buildings and 17 two-family buildings, for a total of 73 residential units and one nonresidential dwelling on 23.4 acres. She noted that the nonresidential building would serve as a community area and management office, and once 60% of the residential units were constructed, the business office for Visser Construction.

Ms. Bugge reminded the Planning Commission of its conceptual review on August 12, 2004, and noted the changes eliminating three-family dwellings from the proposed plan. Ms. Bugge pointed out that Phase 1 was also changed to increase dwelling units from 64 to 73 units, and Phase 2 reduced from 72 to 60 dwelling units. She also said that the plans were changed to eliminate building footprints by replacing them with open boxes, which indicated the general location of future structures.

Ms. Bugge explained to the Commission and those in attendance that the PUD is a special exception use with review criteria considered when a formal site plan is conducted. She said the applicant was seeking special exception use and site plan approval for Phase 1 of West Port Village PUD condominium development. Ms. Bugge then took the Commission through the review criteria of Section 60.450 of the Ordinance. Once she completed the review criteria for the PUD, Ms. Bugge took the Commission through a detailed analysis of the site plan review criteria set forth in Section 82.800, together with proposed recommendations for site plan approval. Next, Ms. Bugge reviewed the special exception use criteria of Section 60.100 to address the review of the PUD. Lastly, Ms. Bugge indicated that it would be necessary for the Planning Commission to make a recommendation to approve or deny the condominium project to the Township Board.

The Chairperson asked Ms. Bugge why the last action of the Planning Commission would be a recommendation. Ms. Bugge explained that all plats and condominium projects have to be approved by the Township Board, and therefore, the Planning Commission is the recommending board regarding that issue. The Chairperson asked if the Planning Commission would approve the special exception use, PUD and site plan review. Ms. Stefforia said that was correct and that the Planning Commission approves all of the requests, with the exception of the condominium element which would go to the Township Board. Attorney Porter noted that approval of a condominium project was similar to the approval of a plat, and therefore, by statute, required Township Board approval.

The Chairman asked if there were any more questions of Ms. Bugge, and hearing none, asked to hear from the applicant. Mr. Dan Lewis introduced himself to the Commission as the engineer for the developer. Mr. Lewis said he thought that the Planning Department had covered the proposed project quite thoroughly, but wanted to make a few additional comments. He explained that the developer had looked at the internal walkway issue previously raised by the Planning Commission. He said in doing so, they looked at the traffic manual and compared the 12-foot width of a street lane to carry traffic at 55 mph and a 10-foot or 11-foot driving lane on a private road, and the developer thought that their paved 28-foot road would be adequate for carrying both cars and pedestrians. He said there was no through-traffic in this proposed development; most of the traffic would be traveling at a low speed, and with a 30-foot road and a one-foot curb and gutter, a 28-foot paved road would be adequate to handle all of the internal traffic and pedestrian needs of the development.

Mr. Steve Visser introduced himself and his brother, Dan, to the Commission. He explained that they were willing to look at the bike path along H Avenue, but thought it would be more appropriate to look at it during Phase 2 of the proposed development. He said, with the recent bike tunnel being installed under U.S. 131, he thought it would be best to see what the bike needs along H Avenue actually were, once the use of the tunnel was established.

Steve Visser explained that they had their landscape architect, John Post, take a look at the proposal. He said they were comfortable with Type C landscaping along H Avenue. However, he thought they might need some adjustment regarding low shrubs due to the propensity of them to get lost in the natural overgrowth in the area. He also said that they would like to add evergreens to the Type C landscaping to create a permanent, year-round screening.

The Chairperson asked if there were any questions of the applicant. Ms. Garland Rike asked what the home, which is being converted into an office and community area, would look like. She said the description was somewhat vague and wanted to know whether or not it was going to be compatible. Steve Visser said they had received a limited Building Permit and had completely changed the roof line and re-roofed the facility with new overhangs. He said that the exterior of the home would be brick and siding which would match the condominium development. He said they would do everything they could to make it compatible and fit in with the residential character of the condominium units. He also noted that they were bringing the



home up to commercial standards because, as an office building, it had to meet commercial codes.

Mr. Turcott asked if there would be continued use of the office once the proposed condominium development was completed. Steve Visser said that he thought they would be there for quite some time; he said they planned on using the office, not only for the development of the proposed condominiums, but for other construction work that they do in the Kalamazoo County area, and they intended to stay there for the indefinite future.

Ms. Stefforia asked how the Vissers' clientele would access the office and the model at the condominium project. Steve Visser said it would be by appointment only, because it was going to be a gated community so they would have to call in order to obtain access to the site.

Ms. Bugge asked if there would be a keypad on the island for the condominium owners. Steve Visser said that is what they currently had planned. Ms. Bugge asked if the gates were going to be stand-up gates or sliding gates. Steve Visser said it would depend upon the slope of the ground. Ms. Bugge indicated that sliding gates were much more aesthetically pleasing.

Mr. Schley explained to the Commission that it had just come to his attention that his office had been asked to do some architectural work on the office building/community center. He inquired of the Attorney as to whether or not he would have to recuse himself due to a conflict of interest. After clarification as to the work done by Mr. Schley's firm, Attorney Porter indicated that he should abstain from voting on the matter, since he did have a financial interest in the work done on the office building. It was the consensus of the Commission to allow Mr. Schley to abstain from voting on this matter.

Ms. Garland-Rike asked about signs for the proposed development. Steve Visser said he wanted to put in an entrance sign and also an office sign along H Avenue. He said they would comply with the Township guidelines in all respects. He indicated they would be submitting plans in the near future.

The Chairperson asked if they could have a temporary sign. Ms. Bugge said that they could have a temporary sign during construction and a permanent sign identifying the development.

The Chairperson asked why the woodlot had been divided into the two phases. Mr. Lewis said he thought that is what the Township was requesting. Ms. Bugge said she thought it made more sense if it was all included in Phase

1 of the development. Mr. Lewis said that could be done if that is what the Township wanted to see happen.

Mr. Turcott asked if there was going to be one or two condominium associations. Steve Visser said there would only be one condominium association.

The Chairperson asked what the walking trail would consist of. Steve Visser said the walking trail would likely be of wood bark or other natural materials.

Mr. Larson asked how the retention areas would be planted. Steve Visser said he was not quite sure, but he thought there would be some general seeding done, along with natural growth. Mr. Larson asked if there would be any standing water in the retention areas. Steve Visser said the retention area along H Avenue would have water in it for a period of time before it ultimately leached out. Mr. Larson then asked if there would be some wetland plants placed there for landscaping purposes. Steve Visser said he thought they would put in some natural grasses and wetland plants in the H Avenue retention area.

Mr. Larson asked why the developer had not put any sidewalks or a pedestrian circular pathway throughout the proposed development. Mr. Lewis said the minimum private road requirements are 24 feet and they believed a 30-foot road, with curb and gutter, would allow adequate circulation for both pedestrians and traffic. Mr. Larson asked if the side areas of the road would be specifically designated for walking. Steve Visser said that they would not, and that people in West Port preferred not to have sidewalks and thought they were a waste of money. He also said that designating a specific portion of the road right-of-way for pedestrians might cause confusion regarding parking.

Ms. Garland-Rike asked if the Township's Sidewalk Ordinance distinguished between public or private roads. Ms. Bugge said that it did not, but the Commission had the authority to deviate based upon topography or if a street was a cul-de-sac. Ms. Stefforia also noted that the Commission had authority to deviate from the Ordinance under the planned unit development standards.

Ms. Garland-Rike asked why they had not designated a walking area within the paved road surface. Ms. Stefforia said she believed the developer thought it would cause confusion.

Dan Visser said he would like to come to some sort of agreement with the Commission on this issue. However, since it was a semi-retirement

community and not a neighborhood with children, he did not believe sidewalks made sense in the proposed development. He also noted that there was no thoroughfare or flow-through traffic in this development, and that it was really just one large cul-de-sac. Therefore, he thought it warranted a deviation from the sidewalk requirement.

Mr. Schley said that he would not be voting on this matter, but he did want the applicant to understand that, in senior-oriented housing, walkways were more necessary than in most developments. He said that most national standards would strongly advocate for sidewalks in this type of development.

Steve Visser asked when the Ordinance became effective. Ms. Stefforia indicated March 24, 2004. Steve Visser said, because the development was one large cul-de-sac, they should be allowed a deviation from the sidewalk requirement. Mr. Larson said he thought an aging population made it a necessity that there be a pedestrian walkway in the proposed development, and he thought that should be included as part of the proposal. Mr. Ahrens asked if the pedestrian component could not be accomplished within the road right-of-way. Mr. Larson said the Commission had asked that pedestrian traffic be addressed specifically at the last meeting, and he did not think it was appropriate for people to be asked to walk in the street. ~~Mr. Ahrens agreed, noting that, with a 133 units, there would be quite a bit of traffic in the proposed development.~~

The Chairperson said he had mixed feelings, since this was a private, limited access area, but he was very concerned about using the paved road surface for pedestrian traffic. He also said that they had required sidewalks for other new developments in the Township, and he was concerned about deviating from their previous actions.

Ms. Everett asked Steve Visser how the people would be getting their mail. Steve Visser said he was not sure. Ms. Everett said that she thought it tied into the pedestrian traffic issue. She said she thought if people were going to get their mail at the Community Center, it would be even more important to develop a pedestrian walkway. Steve Visser said they would likely have mailboxes in front of their homes.

The Chairperson asked if there was any other questions for the applicant. Hearing none, the Chairperson opened the public comment portion of the meeting.

Barbara Johnson told the Commission that, what was happening on this area of H Avenue helped her make sense of what was happening where she lived on H Avenue, and the fact that development was being shoved down her throat.

Ron Walters said he knew the Vissers and that they did quality work. However, he said he would like to block this type of development if he could. He said the density was much too great, but he understood that the area was zoned "R-2", and the Vissers had the right to develop their property. ~~However, he objected to any nonresidential uses on H Avenue and objected to Vissers having a permanent office within the proposed development.~~

Theresa Wright told the Commission that she lived across the street on ten acres which she purchased in 1985. She said, at the time they purchased the land, they were under restrictions prohibiting development and hoped the property always remained rural. She said she thought the developer should know that they raise animals which cause noise and odors, and she was very concerned about density.

Laura Meeuwse told the Commission that she lived across the street, and she was concerned about the traffic and the car lights. She said she was also concerned about the steepness of the berm, as well as the ability of the retention basin to retain all of their water on site. She said she was particularly concerned about the west side drainage and asked that the drainage be closely reviewed by the Township. She said she was also very concerned about the change in the character of the land, but realized that the Vissers had the right to develop their property in accordance with the Township's Zoning Ordinance.

Emmanuel Thompson said he had purchased 12— acres because of the country setting. He questioned what the Township was doing to safeguard the interests of all of the people. He inquired as to whether the water and sewer projects being proposed in his area were to further the interest of Vissers' project.

Rick Patterson questioned the Planning Department's report that the project was consistent with the area. He said that the proposed project was totally inconsistent with the area, and while it might be legal, it certainly was not compatible with the surrounding development. He said he thought that the proposed sewer would cost him \$70,000 for his two properties and questioned whether his expense was being incurred to further the interest of these

developers. Mr. Patterson also said, if the Vissers could put up a sign, he might put up a sign that said "I have cows, and they poop."

Marty Schultz told the Commission that he took exception to the Staff's report that the proposed project was consistent with the residential development in the area. He said he thought this proposed development was totally inconsistent with adjoining properties. He also said, when they had met with the Sewer and Water Committee, they were told that the proposed water and sewer in the area was not part of a broader plan, and after hearing the Vissers' proposal, he was not sure that was entirely true.

Kevin Travis told the Commission that he would like to see them preserve the rural character of the Township, and he thought it was the desire of the Planning Commission to drive people out of Oshtemo Township with confiscatory taxes or by seizing their property. The Chairperson asked if Mr. Travis had any facts to support his negative allegations against the Planning Commission. Mr. Travis made reference to the current sewer and water taxes and the interest rate being charged by the Township if the property owners could not pay in full, which he called a predatory lending scheme which would likely result in the Township seizing people's property. He said he thought the Township residents should drive the Township Board and the Planning Commission out of the Township, rather than the other way around. The Chairperson noted for the record that every allegation that Mr. Travis made against the Planning Commission had nothing to do with the Commission, since they had no control over sewer or water development, nor the assessments associated therewith, or contracting for the installation of said services. The Chairperson said he thought Mr. Travis' negative comments were inappropriate and directed at the wrong board.

Tim Mallett told the Commission that initially he wanted to come, sit down and listen, but he did have a few questions of the Commission. He asked how a person could be allowed to excavate their property without ever receiving a permit from the Township. Ms. Stefforia explained that this property owner, just as any other property owner, had the right to do site work on their property, including earth moving, if they chose to do so, without obtaining any permits from the Township.

Mr. Mallett said he thought the Planning Commission should be responsible to the people who own property in the Township and pay taxes, and not just the developers.

Sharon Bausman told the Commission that she lives right next door to the proposed development, and when she found out about it, she was "just sick". She said they could not stop it, but she did not necessarily want to see a bike path, which would cause more loss of her front yard. She also asked that the Planning Commission do what it could to limit the impact on surrounding property owners as much as possible. ~~She also voiced an objection to allowing a business office as part of the development.~~

Barbara Johnson stated, since the applicant was asking the Commission to approve the PUD, that this matter was not a "done deal". She asked if the Commission could say, no, to the proposed project. Mr. Schley said that they could not necessarily say, no, to the project, if the developers met the criteria. However, the Chairperson said it was not simply a "done deal"; they still had to review the proposed project to make sure that it complied with Township Ordinances.

Emmanuel Thompson said he was concerned that they were being assessed in order to put in improvements for other people's development.

Mr. Ahrens stated that he was concerned about the comments that somehow the Township is attempting to take people's property away. He explained that there had been numerous meetings dealing with development along H Avenue. He said that the public hearing process was an opportunity to take public comment, but the people had to understand that this was a legitimate use and that the developer had a right to develop their property, just as the other property owners did.

The Chairperson again expressed to those in attendance that it was not the Planning Commission that taxed anyone within the Township; it was not the Planning Commission that was doing anything to the residents. The Commissioners were simply following the Ordinance and reviewing the proposed plans in accordance therewith.

An audience member asked how they could keep property in their area from being developed. Mr. Larson said that there is only one sure way to control property development, and that was to own the property. Attorney Porter indicated to those in attendance that it was in their best interests to obtain a copy of the Zoning Ordinance and the Zoning Map and understand what was and was not allowed in their area, depending upon the zoning classification. He said that was one way for people to better understand the process and participate in the development of the Township, by having a better understanding of the zoning process.



The Chairperson asked if there was any more public comment, and hearing none, he closed the public portion and called for Commission deliberations.

Ms. Garland-Rike said she thought there needed to be a decision made on the sidewalk issue. She said that she thought that there needed to be some type of walkway throughout the project, and that while she did not want to design it, she thought there was a need for pedestrians to get around within the proposed development.

Mr. Turcott asked how long the subject property had been zoned "R-2". Ms. Stefforia said it had been zoned "R-2" for at least ten years, perhaps 20 years. She explained that the eastern one-third of the Township had been designated higher density residential for decades.

Mr. Turcott asked for clarification from the developer regarding use of the office after all the condominium units were sold. Steve Visser said they planned to use that office even after the condominium project was fully developed.

Ms. Everett said she thought they should restrict the office sign to the interior of the property and not allow it along H Avenue. Ms. Everett asked if they could make such a restriction. Ms. Stefforia said she believed that they could as part of the conditions attached to the PUD, and Attorney Porter agreed with Ms. Stefforia. Steve Visser said it would be fine with them if their office sign was located on the interior of the property.

Ms. Everett asked the applicants if they could narrow the road and install sidewalks. Steve Visser said they would prefer to keep the roads wider, but designate an area within the road as a walkway.

Ms. Everett asked whether or not the developers could put a walking path throughout the project. She said she was concerned about maintaining consistency among the various developments within the Township. Steve Visser said he did not want people walking behind the residential homes. Ms. Bugge pointed out that they could do that, since all of the real estate was going to be owned in common by the condominium association.

Steve Visser said he thought that the Commission should look at each proposed development separately, and if there were reasons for not requiring sidewalks, that they not be imposed. Ms. Stefforia said that they could allow deviation consistent with the provisions in their Sidewalk Ordinance, or as part

of the latitude granted to the Planning Commission in developing a planned unit development.

Mr. Turcott asked if they could deny the request for an office within the PUD. Ms. Stefforia said that they would need a good reason to do so since PUD's are allowed up to 20% nonresidential development, and the developer in this case was asking for a very small office use within the PUD.

Mr. Turcott asked about the location of the trees within the boundary lines. Ms. Bugge said she was most concerned about whether or not the trees on the east property line were located within the development, but that was mostly part of Phase 2 and really was not an issue currently before the Planning Commission. Mr. Ahrens suggested that the Commission require screening along the east and west sides of the property. Attorney Porter noted that they would have the latitude to require screening along the west property line since it was part of Phase 1, but that the majority of the east property line was in Phase 2, and he felt that such a requirement would exceed the Commission's authority. Mr. Ahrens said they could require screening along the east side of Phase 1 if they chose. Attorney Porter agreed.

Mr. Larson suggested perhaps having screening along H Avenue, the northeast corner and the northwest corner of the property. Ms. Bugge pointed out that would be more consistent with the fact that there was no development along the east or west boundary lines, south of H Avenue.

Ms. Garland-Rike inquired about the need for the bike path. Ms. Stefforia reminded the Commissioners that the last time the Commission discussed this issue, they had agreed to wait until Phase 2 of the development to see what the impact of the tunnel was on bike traffic in the area. After a general discussion concerning the bike path, it was the consensus of the Commission to put off development of the bike path until Phase 2 of the project was developed.

The Chairperson asked if the first step in the process would be the approval of the special exception use. Ms. Stefforia agreed that it would be.

Mr. Larson said he would want to condition the approval of the special exception use upon the development of a pedestrian walkway throughout the project, separate from the roadway. He said this could include sidewalks within easements or pedestrian walkways elsewhere, but there needed to be some pedestrian circulation plan for the proposed development.

Mr. Ahrens asked if they needed to see a landscape plan before approving the development. Ms. Bugge said the Commission could approve the project and make it subject to the submittal of a landscape plan to be approved administratively.

Ms. Everett said that the Commission needed to resolve the issue of the pedestrian pathway before moving forward. Ms. Garland-Rike said she believed that there needed to be some type of walkway within the residential development. Mr. Larson agreed and said that the walkway needed to provide pedestrian access without walking in the streets. Mr. Larson said again that could either be done through sidewalks within the road easement or a pathway throughout the open space. Mr. Ahrens said that he could agree with that. The Chairperson said that he agreed with Mr. Larson. Mr. Ahrens asked if they would have to table the matter. Mr. Larson said that he did not believe they had to table the matter, but simply make it a condition of their approval.

Mr. Larson also said that the Commission needed to incorporate into its approval screening on H Avenue, as well as the northern portion of the east and west property lines, in order to protect the residential homes in the area. A brief discussion ensued with regard to the type of screening to be developed along the east and west property lines. Ms. Bugge suggested that Type C be imposed along H Avenue and Type B screening be required for the first 200 feet of the east and west property lines. The Chairperson suggested that the Type B landscaping continue to be developed along the west property line as Building Permits were obtained. Ms. Bugge again reminded the Commission that if this were a plat, that it would not require any screening and that much of the area to the east and the west was open land. Dan Visser said, if the screening was required, they would have it installed, but would like to see most of it installed as the condominium units were being developed so that there would be somebody on site to maintain the landscaping. Otherwise, it would likely die.

Mr. Larson then suggested that the first 200 feet along the northern portions of the east and west property lines be landscaped with Type B landscaping and that H Avenue be landscaped with Type C landscaping, but that the Type B landscaping be continued along the west boundary line as the condominium units were developed and Building Permits were requested. Ms. Stefforia said that the applicant should receive credit for existing trees; the Commission concurred. Ms. Everett said that the applicant also wanted to put evergreens along H Avenue, but that the Type C landscaping did not allow it. Ms. Bugge said that the Commission could allow a mix of evergreens in with the Type C landscaping, if it so chose.

The Chairperson asked if there was further discussion, and hearing none, said he would entertain a motion. Mr. Larson made a motion to approve the special exception use permit based upon the comments of the Planning Commission members and the comments of the Planning Department Staff report, with the following conditions:

(1) Nonresidential use may not occur until 60% of the residential units are constructed. Office space for Visser Construction may occupy up to 50% of the proposed building.

(2) The residential character of the building proposed for nonresidential use shall be retained.

(3) The developer shall install Type C green space along H Avenue with a mix of canopy, understory and evergreen trees.

(4) The developer shall install Type B green space along the northern 200 feet of the east and west property lines, and that the developer continue with the Type B landscaping along the west property line as Building Permits are requested and condominiums are built within Phase 1 of the development.

(5) The sign for the permitted nonresidential use be limited to the interior of the property.

Mr. Turcott seconded the motion, and the Chairperson called for Commission comments, and hearing none, called for public comments.

Barbara Johnson asked why this was a special use. Ms. Stefforia explained it was a special use because the PUD had an office use component involved in a residential area. Ted Corakis told the Commission that he thought they should explain how a PUD is approved and that 20% of a PUD can be nonresidential, which requires a special exception use permit. Ms. Stefforia pointed out that, while a PUD could allow up to 20% nonresidential, that once the PUD was approved, it was site specific and would be limited, not only to the amount of office space approved, but would specifically be restricted to the office for Visser Construction. She said that if they ever wanted to change the proposed user, it would require an amendment to the PUD.

Ms. Meeuwse asked if there was a change in the PUD whether they would get notice. Ms. Stefforia assured them that they would get notice in accordance with state law.

Another audience member inquired as to what constituted Type B landscaping. Ms. Bugge explained what constituted Type B landscaping.

The Chairperson asked if there was further public comment, and hearing none, he called for Commission deliberations. Hearing none, he called for a vote on the motion. The motion passed unanimously, with Mr. Schley abstaining.

The Chairperson said that the next item for consideration was review of the site plan. Mr. Larson made a motion to approve the site plan with the following conditions:

- (1) Easements and deed restrictions relating to the open space must be provided for review by Staff and the Township Attorney prior to the recording of the documents.
- (2) The Master Deed and Bylaws must be provided for review by Staff and the Township Attorney prior to recording of the documents.
- (3) No use in the PUD shall have direct access to H Avenue.
- (4) Driveways to the existing dwelling shall be closed once Harborview Pass is constructed.
- (5) Improvements to H Avenue are subject to approval by the Kalamazoo County Road Commission.
- (6) All private streets are subject to Township Engineer review and a finding that they are adequate.
- (7) Access to the remainder parcel shall be provided for in the Master Deed.
- (8) All parking shall be in conformance with Section 68 of the Township Zoning Ordinance.
- (9) Nonmotorized facilities shall be provided in compliance with site plan approval. Specifically, pedestrian access through the use of sidewalks within the road right-of-way easement or a pathway throughout the open space is to be provided.
- (10) Placement of all buildings shall be in conformance with Section 64 of the Township Zoning Ordinance.



- (11) Any signs shall comply with Section 76 of the Township Zoning Ordinance, and shall be subject to approval through the sign-permitting process.
- (12) All outdoor lighting shall comply with the provisions of Section 78.720 of the Township Zoning Ordinance and are subject to Staff review.
- (13) All areas of the PUD awaiting development shall be stabilized at all times. This shall be accomplished with grasses or other ground cover. Exception is granted for areas with an active Building Permit which shall still satisfy the County's and Township's Erosion Control and Sedimentation Control Ordinances.
- (14) A Type C green space in accordance with Section 75 of the Zoning Ordinance shall be provided along H Avenue.
- (15) A detailed landscaping plan shall be submitted for Staff review and approval.
- (16) All landscaping shall be installed or a Performance Guarantee provided in accordance with the Township Zoning Ordinance prior to the issuance of any Certificate of Occupancy.
- (17) Existing trees proposed to be retained as open space along the west and south perimeter and the wood lot shall be protected during construction to ensure their future viability.
- (18) Site plan approval shall be subject to the applicant satisfying the requirements of the Township Fire Department, pursuant to the adopted codes.
- (19) Site plan approval is subject to the Township Engineer finding site engineering and private roads adequate.
- (20) The Environmental Permits Checklist and Hazardous Substance Reporting Form have been provided to the Township.
- (21) All of the woods in the southwest corner of the property shall be included in Phase 1 of the development.
- (22) A non-motorized bike path along H Avenue will be considered during review of Phase 2 of the condominium project.

The motion was seconded by Mr. Ahrens. The Chairperson asked if there was any public comment, and hearing none, asked for further Commissioner comment. Hearing none, he called for a vote on the motion. The motion passed unanimously, with Mr. Schley abstaining.

The Chairperson said the next item for consideration was to make a recommendation to the Township Board regarding the condominium development. Mr. Larson made a motion to recommend approval of the proposed condominium development. The motion was seconded by Mr. Ahrens. The Chairperson asked if there was any public comment.

Ms. Meeuwse asked when this might proceed to the Township Board. Ms. Stefforia and Ms. Bugge said it was likely to be brought up before the Township Board sometime in December. The Chairperson asked if there was further Commissioner discussion, and hearing none, called for a vote on the motion. The motion passed unanimously with Mr. Schley abstaining.

#### **ARBY'S - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - 6660 WEST MAIN STREET - (PARCEL NO. 3905-14-185-021)**

The Chairperson said the next item for consideration was the special exception use and site plan review for a proposed 3,512 square foot restaurant with a drive-through window at 6660 West Main Street, being Parcel No. 3905-14-18-021. The Chairperson asked for a report from the Planning Department. Ms. Bugge submitted her report to the Planning Department dated November 18, 2004, and the same is incorporated herein by reference.

Ms. Bugge explained to the Commission that the applicant was seeking to establish a 3,512 square foot restaurant with indoor dining and drive-through service on one of the outlots in front of the Meijer store on West Main Street. She said the lot was approximately 1.6 acres in size, located in the "C" Local Business District, with all abutting land zoned commercial. Ms. Bugge said there was no direct access for the outlot to M-43, and that the property would be accessed via easements across Meijer's property.

Ms. Bugge then presented an overhead of the Arby's site plan. She explained how the drive-through service would be accessed and indicated the parking being provided. In addition, Ms. Bugge explained the topography of the site and the deviations that were granted by the Zoning Board of Appeals at its meeting of November 16, 2004. She indicated a deviation from the

landscaping requirement along West Main Street was requested from the Planning Commission.

Ms. Bugge took the Commission through a review of Section 60.100 involving special exception use with recommended conditions. She then proceeded to take the Commission through Section 82.800 of the Zoning Ordinance, the site plan review provisions. She made various recommendations for conditions to be imposed upon approval of the site plan.

The Chairperson asked if there were any questions of Ms. Bugge.

Mr. Larson asked why there was a reference on the site plan to a future sidewalk. Ms. Bugge said that the sidewalk should be put in at the time of construction, otherwise, a performance guarantee would have to be provided by the applicant.

Ms. Garland-Rike asked what the frontage was on West Main. Ms. Bugge said it was approximately 203 feet.

Mr. Craig Hondorp introduced himself and Mr. Quinn to the Commission. He said he would like to highlight a couple of issues. He said that the flag would only be 30 feet in height. He told the Commission that the necessary easements were being worked on with Meijer and should be completed shortly. He said they were also working with the Fire Chief and would likely widen their entrance to 20 feet and move the dividing island further to the south in order to accommodate the entrance width being requested by the Township Fire Department.

Mr. Hondorp said they were requesting a deviation with regard to the landscaping due to the 11-foot difference between the street level and the ground level of the restaurant. Mr. Hondorp said if they were required to plant all of the trees, he thought it would block their restaurant from view from M-43 when the trees begin to mature. He told the Commission they were seeking a deviation to allow two fewer canopy trees and four fewer understory trees to the site. He said they were willing to add additional landscaping on the southeast and southwest corners of the property if the deviation was granted.

Mr. Paul Quinn said they were not opposed to installing trees per se, but wanted to see some deviation from the requirement in order to maintain proper visibility. He said he thought it was justified given the unique location of the site in relationship to the nearest road right-of-way. He said they were also not opposed to installing a sidewalk, but suggested that perhaps the Township

take the money necessary to construct a sidewalk and put it into escrow. He said he thought it would be much better if the sidewalk was developed as a total project, given the changes in topography between the various outlots and the differences in the lot lines abutting M-43. Ms. Bugge indicated that might be possible. Attorney Porter said it is possible that they could work out an agreement with the Township to escrow those funds until such time as the sidewalk was constructed if the Commission would agree to such a proposal.

A brief discussion ensued between the various Commission members regarding the advisability of putting money in escrow for future sidewalks or developing the sidewalk as part of the project. Ms. Bugge asked if it would require Township Board approval to escrow the money. Attorney Porter indicated that it would. It was the consensus of the Commission that the applicant should simply proceed with the development of the sidewalk at the time construction is commenced. Following additional discussion, the Commission agreed an escrow agreement could be appropriate if the Township Board concurred, and cost estimates including design, construction and inspection were submitted for review.

Mr. Schley made a motion to approve the special exception use upon the condition that direct access to West Main Street from the site be prohibited. The motion was seconded by Ms. Everett. The Chairperson called for public input, and hearing none, called for Commission deliberation. Hearing none, he called for a vote on the motion. The motion passed unanimously.

Mr. Schley told the Commission that he believed that complying with the landscaping requirements would not be an undue burden on the applicant. He said they could cluster the trees in such a fashion as to maintain visibility.

Mr. Schley made a motion to approve the site plan with the following conditions:

- (1) Approval shall be subject to prohibiting direct access to West Main Street from the site.
- (2) Approval shall be subject to providing the Township with evidence of an access easement with Meijer for review prior to recording the document.
- (3) All parking spaces and drive aisles shall be in conformance with Section 68 of the Township Zoning Ordinance.

- (4) Approval shall be subject to applicant submitting sidewalk construction plans in accordance with MDOT specifications for Township review and construction of the sidewalk prior to the issuance of a Certificate of Occupancy or signing an escrow agreement subject to Township Board approval.
- (5) A permit for construction in the right-of-way must be obtained from MDOT before construction of the sidewalk begins.
- (6) Approval shall be subject to all building setbacks complying with Section 64 of the Township Zoning Ordinance.
- (7) Approval shall be subject to all lighting complying with Section 78.700 of the Township Zoning Ordinance.
- (8) Approval shall be subject to the submission of all sign details for review and approval through the sign-permit process. All signs shall comply with Section 76 of the Zoning Ordinance.
- (9) Approval shall be subject to the flag pole being in compliance with Section 76 of the Township Zoning Ordinance.
- (10) Approval shall be subject to Staff review and approval of a revised landscaping plan. Landscaping shall comply with Section 75 of the Township Zoning Ordinance.
- (11) All landscaping shall be installed or a performance guarantee provided in accordance with the Township Zoning Ordinance prior to the issuance of a Certificate of Occupancy.
- (12) Site plan approval shall be subject to the applicant satisfying Fire Department requirements pursuant to the adopted codes.
- (13) Site plan approval shall be subject to the Township Engineer finding site engineering and stormwater management adequate and submission of an easement document for use of the Meijer's stormwater system for Township review.
- (14) Site plan approval shall be subject to an easement for the extension of public utilities over the subject property being executed.



(15) Site plan approval shall be subject to compliance with the Land Division Ordinance.

(16) Site plan approval is subject to the applicant obtaining an Earth Change Permit from the Kalamazoo County Drain Commissioner.

Mr. Ahrens seconded the motion. The Chairperson called for public comment, and hearing none, called for Commission deliberations. Hearing none, he called for a vote on the motion, and the motion passed unanimously.

**EDDY - CONCEPTUAL PLAN REVIEW - INDOOR RECREATION FACILITY  
- 6745 STADIUM DRIVE - (PARCEL NOS. 3905-35-132-020, 3905-35-132-021 AND 3905-35-132-031)**

The Chairperson indicated that the next item on the Agenda was a conceptual plan review of a proposed indoor recreation facility for children at 6745 Stadium Drive, being Parcel Nos. 3905-35-132-020, 3905-35-132-021 and 3905-35-132-031. The Chairperson called for a report from the Planning Department. Ms. Stefforia submitted her report to the Commission dated November 4, 2004, and the same is incorporated herein by reference.

Ms. Stefforia said the applicant was proposing to construct an indoor recreation facility for children, including a childcare center. She said the proposal incorporated three parcels on Stadium Drive, having a combined size of approximately nine acres, with approximately 350 feet of frontage. She said they are proposing the construction of a 57,600 square foot indoor recreational facility.

Ms. Stefforia proceeded to take the Commission through a sketch review and an analysis of Section 33.400, Size Development Standards, being Sections 33.401 through 33.411 as it relates to the proposed development. Ms. Stefforia specifically asked the Planning Commission to comment on the proposed use and whether it would be acceptable as submitted or could be modified, despite its departure from the Ordinance limitations. Ms. Stefforia pointed out in her report the various areas in which the proposal did not comply with the Ordinance requirements.

The Chairperson asked if there were any questions of Ms. Stefforia. Hearing none, he asked to hear from the applicant. Mr. Mark Eddy of Maverick Realty and Development, introduced himself to the Planning Commission. He said his client wished to build a child gymnasium and day care center of approximately 57,000 square feet in size. He said he thought this would serve

the residents of the community well, and he presented an architectural sketch for consideration by the Planning Commission.

Mr. Tim Woodhams, engineer for the development, said that he had proposed the site plan based in strict compliance with the Township Zoning Ordinance, with the exception of the size of the proposed indoor facility. He said they could adjust setbacks or soften the impact, depending upon the desires of the Planning Commission.

Al and Cindy Scharns introduced themselves to the Planning Commission. Ms. Scharns explained that they currently ran a 32,000 square foot facility in Battle Creek and had a smaller site in Texas Charter Township. She said that the development of this site was necessary in order to continue to serve their customer base in the area. She said they had more than 30 years of experience in running a day care and gymnastics programs. She explained that her husband was an Olympic judge in gymnastics and assisted in the training of youth in gymnastics.

Ms. Garland-Rike asked from where they drew their students. Ms. Scharns said from approximately a 170-mile radius.

Mr. Turcott asked about the number of children that would be at the site at any one time. Ms. Scharns said approximately 150, not including the day care. Mr. Turcott asked how children would be in the day care center. Ms. Scharns said approximately 110 children at any one time.

Ms. Stefforia asked if the Battle Creek facility looked like the facility they were proposing for the Village Commercial District in Oshtemo Charter Township. Ms. Scharns said that it did not; that the proposed building was much nicer. Mr. Scharns said that the building in Battle Creek was prefabricated steel construction, and that the one being proposed was far superior to what they currently had in Battle Creek.

Ms. Everett said she was not sure that the proposal would fit in with the Village Commercial District. Mr. Larson said he did not think there was any way that this building would look appropriate in the Village Commercial District.

Mr. Eddy said they had used earth tones and precast concrete as opposed to vinyl siding to make the proposed building more conducive to the Village Commercial development. Mr. Larson asked what the height of the proposed walls were. Mr. Eddy said approximately 28 feet.

Ms. Bugge asked why the structure had to be so wide. Mr. Scharns said that there were many long runways necessary for vaulting, and other large areas were needed for floor exercises so they needed the building to be as wide as currently proposed.

Ms. Everett asked how much of the proposed facility would be dedicated to the day care. Mr. Eddy said approximately 10,000 square feet.

Ms. Everett asked how many employees the applicants would have. Ms. Scharns said approximately 30 employees. Ms. Everett asked what the hours would be. Ms. Scharns said it would be start at 6:30 a.m. for day care and close at 9:00 p.m. when the gymnastic students left the building. Ms. Everett asked whether they would be operating on Saturdays or Sundays. Ms. Scharns said that they would, with the competition and events being held on Sunday.

Ms. Everett asked how much parking they expected to need for events. Mr. Scharns said approximately 250 vehicles.

Mr. Eddy again asked the Commission for their guidance on the proposed project. Mr. Larson said he would have trouble justifying the proposed use in the Village Commercial District. He said it is simply a "giant building." He said, if the facade was broken up, it might help, but he still had a hard time picturing this large of a structure in the Village Commercial District. He said it was simply too big, too tall and out of scale with the Village Commercial development.

Mr. Turcott said he thought the proposal would dwarf any residents residences in the area. Mr. Larson agreed, saying that the proposed structure was huge.

Mr. James Dally said that they could redesign the building to break up the facade and to create the image of a pitched roof on the facility in order to make it more compatible with the area. He also said if the Commission were inclined, they could set it back further from the road.

Mr. Larson raised a question about setbacks for fire requirements Mr. Woodhams said he had not talked to the Fire Marshall, but thought that 20 feet would be sufficient. Mr. Larson questioned whether that would be sufficient, given the size of the structure.

Mr. Schley said that the size of the building was certainly an issue. He said he thought it would be a tough battle. However, he thought if it was placed further from the street and the pitch of the roof was re-designed, along with the facade (to make it multi-dimensional), that it might fit into the area and meet the spirit and intent of the Ordinance. He said he thought the Commission might be able to overcome the scale of the building if they addressed the location, the roof and the overall design of the structure.

Mr. Larson questioned whether or not the applicant could meet the stated purpose of the Ordinance. The Chairperson said he shared the same concern because he did not see any way to support a building of this size as being compatible with the stated purpose of the Ordinance.

There was a fairly lengthy discussion between the Commission members and the applicant regarding possible changes and reconfiguration of the design. There was also a discussion about breaking the building down into multiple sections.

Attorney Porter asked the applicant and the Commission to keep in mind that, if they propose to build such a large structure, they would have to obtain a variance. He said he did not see how the applicant could meet the required standards for the grant of a variance to go from a 15,000 square foot building to a 57,000 square foot building. Ms. Stefforia said perhaps the applicant could request a variance from the 20-acre requirement for a PUD and deal with it in that fashion. Attorney Porter said that might be a possibility, but given the lateness of the hour, he hesitated to comment on whether or not that would be feasible.

The applicants thanked the Commissioners for their comments.

The Chairperson asked if there was any comments from the public.

Mr. Ted Corakis was in attendance, and he told the Planning Commission that he thought that this large building would not fit in the Village Commercial District at all. He said, if they allowed one large building like this into the Village Commercial area, he thought it would undermine the entire zoning plan.

The Chairperson asked if there were any further comments. Hearing none, he thanked the applicants for submitting their request, and wished them the best.

Review Antwerp Township's Proposed Master Land Use Plan Amendment

Ms. Stefforia told the Planning Commission that Antwerp Township had submitted a proposed Master Land Use Plan Amendment. She told the Commission that it would not impact Oshtemo Township in any way, and she suggested sending the standard letter that Oshtemo did not wish to comment on the proposed Master Land Use Plan Amendment. Mr. Larson made a motion to authorize the Planning Department to send a "no comments" letter to Antwerp Township. Mr. Ahrens seconded the motion. The Chairperson called for discussion, and hearing none, he called for a vote on the motion. The motion passed unanimously.

### **Other Business**

Ms. Stefforia said, since she did not have any items for the December 2nd meeting, she suggested cancelling the meeting. Mr. Larson made a motion to cancel the Planning Commission meeting of December 2, 2004. The motion was seconded by Mr. Turcott. The Chairperson called for discussion, and hearing none, called for a vote on the motion. The motion passed unanimously.

### **Planning Commissioner Comments**

Ms. Bugge read a thank you note from Ms. Willie Wicks, on behalf of the SPCA, for their consideration of the kennel at their meeting of November 4, 2004.

Mr. Schley apologized to the Commission for not remembering that his office had done some incidental work on behalf of the Vissers, and that he wished he would have had more latitude in commenting on the issue of the sidewalks. He said he thought that the Commission should be less timid in its requiring of sidewalks, since the Commission had taken the position that it was necessary for the overall development of the Township.

Next, there was a general discussion regarding the notice requirements and procedures for the Planning Commission and what could be done to better inform the public about the actions taken both at the Planning Commission level, as well as the Township Board level.

### **Adjournment**

The Chairperson asked if there were further comments, and hearing none, he adjourned the meeting at approximately 11:38 p.m.

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

By:

Kathleen Garland-Rike, Secretary

Minutes prepared:

November 22, 2004

Minutes approved:

, 2004





**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A PUBLIC HEARING AND MEETING HELD NOVEMBER 12, 2015**

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**Agenda**

**PUBLIC HEARING: SPECIAL EXCEPTION USE – (GROUP DAYCARE HOME)  
PLANNING COMMISSION TO CONDUCT SPECIAL EXCEPTION USE AND SITE  
PLAN REVIEW OF THE APPLICATION OF TINA BIRCH FOR THE DEVELOPMENT  
OF A GROUP DAYCARE HOME TO PROVIDE CHILD CARE FOR UP TO 12  
CHILDREN NO MORE THAN 16 HOURS A DAY. PROPERTY IS LOCATED AT 5848  
CASTLETON LANE WITHIN THE R-1: RESIDENCE DISTRICT (PARCEL #3905-25-  
120-210).**

**PUBLIC HEARING: SPECIAL EXCEPTION USE AND TENTATIVE PRELIMINARY  
PLAN (OPEN SPACE DEVELOPMENT – SKY KING MEADOWS, PHASE III)  
PLANNING COMMISSION TO CONDUCT SPECIAL EXCEPTION USE AND  
CONCEPTUAL PLAN REVIEW FOR AN OPEN SPACE DEVELOPMENT AND  
TENTATIVE PRELIMINARY PLAN REVIEW FOR A SITE CONDOMINIUM OF THE  
APPLICATION OF GARY HAHN, ON BEHALF OF SEECO 2, LLC, FOR SKY KING  
MEADOWS, PHASE III. PROPERTY IS LOCATED ON APPROXIMATELY 29.98  
ACRES OF VACANT LAND IN TOWNSHIP SECTION 23 WITHIN THE R-2:  
RESIDENCE DISTRICT (PARCEL #3905-23-210-010).**

**PUBLIC HEARING: SPECIAL EXCEPTION USE AND TENTATIVE PRELIMINARY  
PLAN (PLANNED UNIT DEVELOPMENT – WEST PORT VILLAGE, PHASE II)  
PLANNING COMMISSION TO CONDUCT SPECIAL EXCEPTION USE AND  
CONCEPTUAL PLAN REVIEW FOR A PLANNED UNIT DEVELOPMENT AND  
TENTATIVE PRELIMINARY PLAN REVIEW FOR A SITE CONDOMINIUM OF THE  
APPLICATION OF VISSER DEVELOPERS OF KALAMAZOO, FOR WEST PORT  
VILLAGE, PHASE II. PROPERTY IS LOCATED SOUTH OF H AVENUE AND WEST  
OF DRAKE ROAD IN TOWNSHIP SECTION 12 WITHIN THE R-2: RESIDENCE  
DISTRICT (PARCELS #3905-12-200-010, -009, -020, -067, -066, -050).**

**PUBLIC HEARING: SPECIAL EXCEPTION USE (COMMERCIAL CENTER –  
CORNERS @ DRAKE)  
PLANNING COMMISSION TO CONDUCT SPECIAL EXCEPTION USE AND SITE  
PLAN REVIEW OF THE APPLICATION OF AVB CONSTRUCTION FOR THE  
DEVELOPMENT OF A KELLOGG COMMUNITY FEDERAL CREDIT UNION AND THE  
CORNER SHOPPES WHICH WILL HOST RETAIL STORES. PROPERTY IS LOCATED  
WEST OF DRAKE ROAD AND NORTH OF STADIUM DRIVE WITHIN THE C: LOCAL  
BUSINESS DISTRICT.**

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Ms. Johnston told Commissioners information was received from the applicant earlier in the week indicating they wished to make changes to the application. Since there was not enough time to provide notice of the changes to the public and the neighbors for a public hearing, she recommended the Board table this item.

Chairperson Schley said this was the first Commissioners had heard of possible changes and agreed there needs to be formal and legal publication of notice for a public hearing so Commissioners, Staff and public have a chance to review the application ahead of a hearing. He apologized to attendees who came to the meeting for this item but said it needed to be considered with full information.

Mr. Boulding, Sr. made a motion to table the Sky King Meadows Meadows, Phase III Open Space Conceptual Plan and Tentative Preliminary Plan request until the regularly scheduled Planning Commission meeting on December 10, 2015. Mr. Loy seconded the motion. The motion was approved unanimously.

In response to questions from attendees, Ms. Johnston said the final submittal is expected from the applicant next week and as soon as possible afterward another notice will be published in the newspaper and mailed to neighbors who may then come into the Township Offices to look at the revised documents.

Attorney Porter noted a large number of people had come to the offices to look at the original documents and it was felt they should have the chance to see the plans in advance of a public meeting to consider in order to be fair to everyone. He said in the event the documents are not received in time to be placed on the December 10 meeting agenda, the item would be re-noticed for a subsequent meeting.

**PUBLIC HEARING: SPECIAL EXCEPTION USE AND TENTATIVE PRELIMINARY PLAN (PLANNED UNIT DEVELOPMENT – WEST PORT VILLAGE, PHASE II)**  
**PLANNING COMMISSION TO CONDUCT SPECIAL EXCEPTION USE AND CONCEPTUAL PLAN REVIEW FOR A PLANNED UNIT DEVELOPMENT AND TENTATIVE PRELIMINARY PLAN REVIEW FOR A SITE CONDOMINIUM OF THE APPLICATION OF VISSER DEVELOPERS OF KALAMAZOO, FOR WEST PORT VILLAGE, PHASE II. PROPERTY IS LOCATED SOUTH OF H AVENUE AND WEST OF DRAKE ROAD IN TOWNSHIP SECTION 12 WITHIN THE R-2: RESIDENCE DISTRICT (PARCEL #3905-12-200-010, -009, -020, -067, -066, -050).**

Chairperson Schley moved to the next item on the agenda, a public hearing to conduct a special exception use and conceptual plan review for West Port Village, Phase II, and asked Ms. Johnston to review the request.

Ms. Johnston explained West Port Village is a 129-unit site condominium on the south side of H Avenue between Drake Road and US-131 in the R-2 Residential District. The project was developed under the Planned Unit Development (PUD) ordinance, Section 60.400, which requires conceptual plan approval. In addition, the Site

Condominium ordinance, under Part 290.005 of the General Ordinances, requires preliminary plan review, which is Step 1 of the Site Condominium approval process.

She said the applicant seeks Planning Commission approval to modify the PUD conceptual plan to allow for three phases and to approve the Phase II preliminary plan under Step 1 of the Site Condominium ordinance. The conceptual plan continues to show 129 units and one office/common building but now to be developed in three phases. Phase II, which contains 27 building sites, has been designed consistent with the original conceptual plan, as amended, since its approval in 2005.

Ms. Johnston said from the historical planning files, it appears that the first time the West Port Village PUD Conceptual Plan was presented to the Planning Commission was in June and August of 2003. Phase I of the development was approved on November 18, 2004 as a condominium development with 73 dwelling units and one nonresidential unit (sales and recreational amenities). On June 9, 2005, amendments were approved to convert the development to a site condominium, approve Phase II, establish a phasing plan, and approve other minor deviations. Then, in June of 2006, the project was further amended to reduce the number of units in Phase I to 70, reduce the zero lot line units from 34 to 6, allow additional recreational amenities, and approve other deviations and changes. This reduced the number of residential building sites from 134 to 129. In 2014, some additional changes were made to Phase I, including converting six units that were intended to be three duplexes to five stand-alone houses and shift two units from Phase II to Phase I. An extension to the approval of Phase II was granted in 2010 but has since expired.

She told the Board the applicant is requesting the PUD conceptual plan be granted three phases of development as opposed to the original two approved in 2006. The development of the 70 units and one common building in Phase I is almost complete. The original plan indicated the remaining residential units would be built under Phase II. The applicant wishes to develop the remaining sites under two phases, Phase II with 27 units and Phase III with 32 units. In addition, the applicant needs tentative approval of the revised Phase II preliminary plan.

Ms. Johnston noted the pedestrian sidewalk within West Port Village does not comply with current Township standards for sidewalks, particularly related to placement and size. In 2006, the Planning Commission approved a four foot sidewalk to be located on one side of the private drive. Current practice on public streets within the Township is to develop sidewalks on both sides of the road at a minimum width of five feet. However, since the four foot width was originally approved for the development and installation of a four foot sidewalk has occurred, it is understandable that the developer would want to continue this throughout the project.

She indicated there is an additional concern with the sidewalks in West Port Village recently discovered by Mr. Suwarsky, the Township's Zoning Enforcement Officer. The developer has been pouring sidewalk crossings at driveways in a way that is noncompliant with the Oshtemo Township Standard Specification for Sidewalks. The sidewalk is required to be distinct from the driveway and designed to meet Americans

with Disabilities Act standards for slope. The current design within the development is that sidewalks stop at the edge of the driveway and then continue at the other side of the driveway. Enforcement action was taken and it was requested that the developer either reconstruct the sidewalks to meet the Townships standards or seek a variance from the Township Board. To date, neither action has occurred. This needs to be resolved before Phase II.

When approval was given in 2006 for a sidewalk on only one side of the private street, she said the Planning Commission also included a condition that sidewalks must be completed in Phase I as each site is built, but before a Certificate of Occupancy is issued. The condition also stated that all sidewalks were to be completed in Phase I before the commencement of Phase II. Currently, there are a handful of sites built in Phase I where no sidewalks were developed.

She explained the Phase II preliminary plan was reviewed against the requirements of Part 290.005.C. *Preliminary Review*. Staff completed an initial review and provided comments to the applicant for plan revisions. The majority of the comments were not substantive to the design of the development but to the accuracy and readability of the plan. The project engineer provided revised plans that meet the requirements of tentative preliminary plan review.

Ms. Johnston said Staff recommend the Planning Commission approve the developer's request to construct the project under three phases as opposed to the two phases permitted under the original approval and that the Commission forward a recommendation of approval to the Township Board for the Phase II tentative preliminary plan, with the following conditions:

- 1) The applicant will retrofit sidewalks within Phase I to meet the requirements of the Oshtemo Township Standard Specifications for Sidewalks at driveway crossings or will seek a variance from the Township Board for this requirement before construction may begin in Phase II.
- 2) All sidewalks must be built within Phase I before the commencement of Phase II.
- 3) Sidewalks shall be allowed to be four feet in width as developed in Phase I but shall meet the Oshtemo Township Standard Specifications for Sidewalks at driveway crossings or the applicant will seek a variance from the Township Board for this requirement.
- 4) All previous approvals, amendments, and conditions granted by the Planning Commission remain in effect unless specifically modified by the Planning Commission.

Chairperson Schley asked whether all sidewalks exist in Phase I.

Ms. Johnston said six homes have no sidewalks; there are no sidewalks in front of lots without homes.

The Chair asked whether the applicant would like to speak to the Board.

Mr. Dan Lewis, 7123 Stadium Drive, spoke on behalf of Visser Developers, saying it is the full intention of Visser Developers to delineate sidewalks through the driveways and asked whether the stipulation for building sidewalks excludes having to build sidewalks on vacant lots.

Ms. Johnston said she was comfortable with not building sidewalks on vacant lots but she wants sidewalks built for homes that do not already have them. It is acceptable to allow sidewalks to be built as buildings develop.

Chairperson Schley noted it is a conundrum to allow the existing sidewalks that are different from current Township standards.

Mr. Lewis said it is the applicant's intention to apply for a variance for the existing sidewalks. They will move ahead with delineation for any new sidewalks, including those to be provided at the six current houses. They understand and are committed to meeting that stipulation before they can move to Phase II.

Mr. Steve Visser, 6279 Shugarbush Trail, also stated a variance will be sought for driveway crossings and that all new sidewalks will be delineated. He asked for confirmation that the new development will need sidewalks on one side of the road only and sidewalks will not be required at the cul-de-sac.

Ms. Johnston agreed approval for the cul-de-sac without sidewalk was given in 2005/2006. All other Planning Commission conditions stand and will stay in place for the rest of the development.

Mr. Rick Suworsky, Ordinance Enforcement Officer, spoke about a flaw at some sites where the slope exceeds the 2% allowed by ADA standards. He indicated Visser Developers does a good job remediating as needed.

Chairperson Schley asked for public comment.

Ms. Julie Hartzell, 2484 Idle Harbor Court, asked for clarification regarding who is noticed for public hearings, saying some association members in the Phase I condominium area did not receive notification of this hearing.

Attorney Porter said notice is sent according to state law and noted mailings were sent to about 100 residents.

Chairperson Schley said as a Commission they do not deal with private associations and would not typically address those if outside of state law mandate.

Ms. Hartzell commented she would like to see the Phase I sidewalk completed in order to avoid having to walk in the mud.

The Chairperson commented that installing sidewalks before homes are constructed results in them being damaged during later home construction which results in added cost.

Hearing no further public comments, Chairperson Schley moved to Board deliberations.

Commissioners expressed their desire to fulfill the Township priority to provide walkable communities, but acknowledged the impracticality for developers to build sidewalks before properties are developed.

There was some discussion regarding sidewalk grades, how to address violations, and the process of saw cutting.

Mr. Suwarsky explained that he and the Township Engineer felt the deviation beyond the 2% grade in this project was not enough to warrant tearing out and re-doing sidewalks. Sections that don't meet ADA standards would need to be done, but the site condo is of a unique nature. He noted all drives are poured using reinforcing wire from garage to curb and that the problem with saw cutting is that the concrete would have to be cut full depth causing separation of the reinforcing material. The driveways are not out of specification and they would recommend against cutting the reinforcing wires and re-doing them for what would basically be a cosmetic purpose.

Attorney Porter felt re-doing the work would be an exercise in futility when for all intents and purposes, ADA requirements have been met.

Mr. Suwarsky noted Township standards specify and include federal standards.

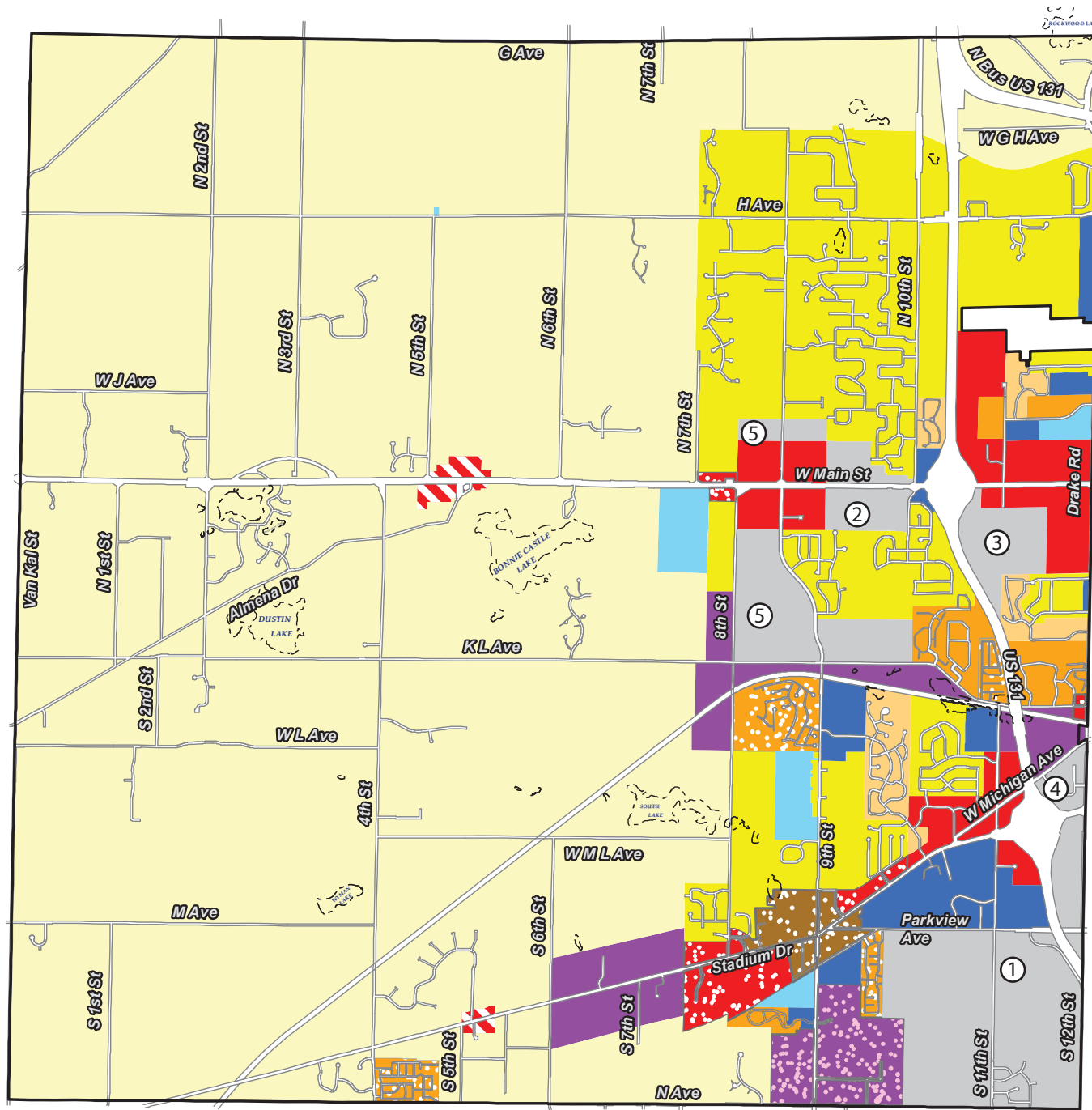
Mr. Loy made a motion to approve the request to construct the project under three phases as permitted under the original approval as per Board discussion, with the stipulation that sidewalks will be constructed for the six existing homes currently without sidewalks, that sidewalks will be built as properties are developed in the remainder of Phase I, and to forward a recommendation of approval to the Township Board for the Phase II tentative preliminary plan, with the four conditions as stipulated by Staff. Ms. Farmer seconded the motion. The motion was approved unanimously.

**PUBLIC HEARING: SPECIAL EXCEPTION USE (COMMERCIAL CENTER –  
CORNERS @ DRAKE)  
PLANNING COMMISSION TO CONDUCT SPECIAL EXCEPTION USE AND SITE  
PLAN REVIEW OF THE APPLICATION FROM AMERICAN VILLAGE BUILDERS  
CONSTRUCTION FOR THE DEVELOPMENT OF A KELLOGG COMMUNITY  
FEDERAL CREDIT UNION AND THE CORNER SHOPPES WHICH WILL HOST**



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**Map 18**  
**Oshtemo Township Future Land Use Map**  
**2017 Update**



Water Body

Classifications:

- Rural Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Manufactured Residential
- Village Core
- Transitional Office
- Neighborhood Commercial
- Local Commercial
- General Commercial
- Research Office
- General Industrial
- Public/Government

Sub-Areas:

- ① Genesee Prairie
- ② West Main Street
- ③ Maple Hill Drive South
- ④ Century Highfield
- ⑤ 9th Street



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# ZONING ORDINANCE

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## ARTICLE 41

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### 41 – PLANNED UNIT DEVELOPMENT

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#### Contents:

- 41.10 PURPOSE
- 41.20 SCOPE
- 41.30 DEVELOPMENT OWNERSHIP
- 41.40 APPLICATION OF ZONING ORDINANCE REQUIREMENTS
- 41.50 DEVIATION FROM DIMENSIONAL REQUIREMENTS
- 41.60 RESIDENTIAL PLANNED UNIT DEVELOPMENT PROVISIONS
- 41.70 COMMERCIAL PLANNED UNIT DEVELOPMENT PROVISIONS
- 41.80 DESIGN STANDARDS
- 41.90 REVIEW CRITERIA
- 41.100 APPROVAL PROCESS AND DOCUMENTATION REQUIREMENT
- 41.110 POST-APPROVAL PROCEDURES AND REQUIREMENTS

#### 41.10 PURPOSE

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The purpose of this Article is to permit greater flexibility and more creative and imaginative design through the use of planned unit development legislation, as authorized by Section 16(c) of the Michigan Zoning Enabling Act (Public Act 12 of 2008, as amended) for the purpose of:

- A. Promoting a more economical and efficient use of the land;
- B. Promoting land use that is consistent with the goals and objectives of the Township Master Plan;
- C. Implementing the Sub-Area Plans contained in the Township Master Plan;
- D. Promote a mix of integrated and compatible land uses to encourage walkability;
- E. Providing for a harmonious variety of housing choices with the integration of community facilities, recreational opportunities and allow for commercial facilities and;
- F. Facilitating the provision of safe and efficient streets and site access in conformance with access management objectives;
- G. Promoting the conservation of natural features and encouraging an efficient, aesthetic and desirable use of open space consistent with the Township's character;
- H. Ensuring compatibility of design and use between neighboring properties; and
- I. To achieve higher quality development through cooperative efforts.

These regulations are intended to result in land use development consistent with Zoning Ordinance standards yet allowing for modifications from the general standards. These regulations are not intended as a device for ignoring the Township's zoning standards nor the planning concepts upon which the Zoning Ordinance has been based.

## 41.20 SCOPE

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A Planned Unit Development shall be recognized as a Special Use and controlled by the guidelines thereof. Residential Planned Unit Developments regulated by Section 41.60 shall be permitted as a Special Use in the "R-2", "R-3", "R-4", and "R-C" zoning classifications. Commercial Planned Unit Developments regulated by Section 41.70 shall be permitted as a Special Use in all non-residential zoning classifications.

## 41.30 DEVELOPMENT OWNERSHIP

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The proposed planned unit development shall be under common ownership or control while being constructed, such that there is a single entity having proprietary responsibility for the full completion of the project. Sufficient documentation of ownership or control, that indicates the proposed development will be completed in its entirety, shall be submitted with the application for approval.

## 41.40 APPLICATION OF ZONING ORDINANCE REQUIREMENTS

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All Zoning Ordinance requirements for the underlying zoning classification shall apply, unless specifically waived or modified by the Planning Commission.

## 41.50 DEVIATION FROM DIMENSIONAL REQUIREMENTS

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To encourage flexibility and creativity consistent with the objectives of the planned unit development concept, the Planning Commission may grant specific deviations from the dimensional requirements set forth in the Zoning Ordinance. Any dimensional deviation shall be approved through a finding by the Planning Commission that the deviation meets the purpose of a planned unit development set forth in Sections 41.60 and 41.70. Such a dimensional deviation is not subject to variance approval by the Zoning Board of Appeals.

## 41.60 RESIDENTIAL PLANNED UNIT DEVELOPMENT PROVISIONS

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### A. Minimum development size

The minimum size of a planned unit development shall be 20 acres of contiguous land.

### B. Allowable uses

Planned unit developments are restricted to one or more of the following uses regardless of the zoning classification in which the development is located, provided such land uses are consistent with the goals and objectives of the Township Master Plan including the Sub-Area Plans:

1. One-family, two-family, three- or four-family, and multiple-family dwellings, including uses and buildings accessory thereto.
2. Low intensity nonresidential uses such as educational, cultural, recreational, neighborhood office or neighborhood commercial nature, including uses and buildings accessory thereto. Non-residential uses shall be compatible in design, layout, scale and appearance with the residential character of the area and shall be an integral part of a residential development logically oriented to and coordinated with the planned unit development to serve the day-to-day needs of residents in the development.

### C. Residential density requirements

The overall density of residential uses within a planned unit development shall be determined by dividing the planned unit development residential area by the minimum residential parcel, lot, or building site area per dwelling unit required by the zoning classification in which the development is located exclusive of those areas encompassing existing and future public street right-of-way(s), private street easement(s), or protected natural features.

For purposes of this section, the minimum residential parcel, lot, or building site area per dwelling unit for the "R-3" zoning classification shall be deemed equal to the density limitations for three- or four-family dwelling units set forth in Section 49.270. The minimum residential parcel, lot, or building site area per dwelling unit for the "R-4" zoning classification shall be deemed equal to the density limitations set forth in Section 48.100.

In the event the development lies in more than one zoning classification, the number of dwelling units shall be computed for each zoning classification separately.

The total density of all phases developed prior to completion of the project shall not exceed eight units per acre.

**D. Nonresidential development requirements**

Nonresidential uses permitted by Section 41.60.B.2, including access roads and parking associated with such nonresidential uses, shall not exceed 20 percent of the planned unit development.

Nonresidential uses or a building devoted primarily to a nonresidential use shall not be built or established prior to the completion of construction of 60 percent of the dwelling units within the planned unit development.

**E. Open space**

Within every residential planned unit development there shall be designated an amount of open space of not less than ten percent of the planned development and subject to the following standards:

1. Fifty percent of any significant/sensitive environmental resources (e.g., steep slopes, woodlands, etc.) may be included within the designated open space.
2. Designated open space shall be set aside as common land and retained in an essentially undeveloped or unimproved state to serve the following purposes:
  - a. Conservation of land and its resources
  - b. Ecological protection
  - c. Provide for parkland and passive recreation (which preserve the natural features)
  - d. Protect historic and/or scenic features
  - e. Shaping and guiding the planned unit development
  - f. Enhancement of values and safety.
3. Designated open space shall be easily accessible to residents of the planned unit development, including visual and pedestrian linkages and proximity to such open spaces.
4. Structures or buildings which are accessory to the designated open space may be erected in accord with the approved Site Plan. These accessory structures or buildings shall not exceed, in the aggregate, one percent of the designated open space area.
5. Designated open space shall be under common ownership or control, such that there is a single entity having proprietary responsibility. Sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions shall be provided.
6. Designated open space shall be set aside through an irrevocable conveyance approved by the Planning Commission, such as:
  - a. Recorded deed restrictions
  - b. Covenants that run perpetually with the land
  - c. A conservation easement
  - d. Land trusts.
  - e. Such conveyance shall assure that the open space is protected from development, except as approved by the Planning Commission. Such conveyance shall also:
    - i. indicate the proposed allowable use(s) of the designated open space;



- ii. require that the designated open space be maintained by parties who have an ownership interest in the open space;
  - iii. provide standards for scheduled maintenance of the open space;
  - iv. provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained or is determined by the Township to be a public nuisance, with the assessment of costs upon the open space ownership.
7. Open space area(s) shall be taxed/assessed to each owner of a parcel/lot/building site within the planned unit development; each dwelling unit within a planned unit development shall be taxed/assessed for its pro rata share of the value of the open space area(s).

## **41.70 COMMERCIAL PLANNED UNIT DEVELOPMENT PROVISIONS**

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### **A. Minimum development size**

The minimum size of a planned unit development shall be ten acres of contiguous land, except on lots, parcels, or building sites no less than 7.5 acres in size, the boundaries of which have been established by an instrument recorded previous to December 27, 1988, in the Office of the Register of Deeds for Kalamazoo County, Michigan, or established previous to that day by operation of law.

### **B. Allowable uses**

Planned unit developments may contain any combination of the following uses regardless of the zoning classification in which the development is located, provided such land uses are consistent with the goals and objectives of the Township Master Plan including the Sub-Area Plans.

- 1. One-family, two-family, three- or four-family, and multiple-family dwellings, including uses and buildings accessory thereto.
- 2. Nonresidential uses of an educational, cultural, recreational, office or commercial character, including uses and buildings accessory thereto, which uses, in design, layout and appearance, are logically oriented to and coordinated with the planned unit development.

### **C. Open space**

Within every commercial planned unit development there shall be designated an amount of useable common open space of not less than five percent of the planned development and subject to the following standards:

- 1. Any significant/sensitive environmental resources (e.g., steep slopes, wetlands, woodlands, etc.) may not be included within the designated open space.
- 2. Storm water management facilities may not be included in the designated open space. The Planning Commission may allow all or portions of storm water management facilities to be included in designated open space provided they incorporate best management practices and low impact design techniques that contribute to the overall quality of the development.
- 3. Designated open space shall be set aside as common land and either retained in an essentially undeveloped or unimproved state or improved as a central "public gathering place" to serve the following purposes:
  - a. Conservation of land and its resources
  - b. Ecological protection
  - c. Provide for parkland and passive recreation (which preserve the natural features)
  - d. Protect historic and/or scenic features
  - e. Shaping and guiding the planned unit development
  - f. Enhancement of values and safety
  - g. Provide opportunities for social interaction
  - h. Provide active recreational opportunities on a neighborhood scale.

4. Designated open space shall be easily accessible to residents of the planned unit development, including visual and pedestrian linkages and proximity to such open spaces.
5. Structures or buildings which are accessory to the designated open space may be erected in accord with the approved Site Plan. These accessory structures or buildings shall not exceed, in the aggregate, five percent of the designated open space area.
6. Designated open space shall be under common ownership or control, such that there is a single entity having proprietary responsibility. Sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions shall be provided.
7. Designated open space shall be set aside through an irrevocable conveyance approved by the Planning Commission, such as:
  - a. Recorded deed restrictions
  - b. Covenants that run perpetually with the land
  - c. A conservation easement
  - d. Land trusts.
  - e. Such conveyance shall assure that the open space is protected from development, except as approved by the Planning Commission. Such conveyance shall also:
    - i. indicate the proposed allowable use(s) of the designated open space;
    - ii. require that the designated open space be maintained by parties who have an ownership interest in the open space;
    - iii. provide standards for scheduled maintenance of the open space;
    - iv. provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained or is determined by the Township to be a public nuisance, with the assessment of costs upon the open space ownership.
8. Open space area(s) shall be taxed/assessed to each owner of a parcel/lot/building site within the planned unit development; each dwelling unit within a planned unit development shall be taxed/assessed for its pro rata share of the value of the open space area(s).

**D. Residential density requirements**

The overall density of residential uses located within a commercial planned unit development shall be determined by dividing the planned unit development residential area by the minimum residential parcel, lot, or building site area per dwelling unit required by the "R-4" zoning classification set forth in Section [48.100](#).

In the event the development lies in more than one zoning classification, the number of dwelling units shall be computed for each zoning classification separately.

The total density of all phases developed prior to completion of the project shall not exceed eight units per acre.

## **41.80 DESIGN STANDARDS**

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**A. Access**

Direct access for a planned unit development onto a public road shall be designed in compliance with the Access Management Guidelines.

**B. Interior street system**

The planned unit development shall be serviced by an interior street system. No use within the planned unit development shall front or gain direct access from an off-site road network.

If the interior street system is private, it shall be built in conformance to the standards and requirements of Section [49.200](#) of the Township Zoning Ordinance.

The access management policies, as set forth in the Access Management Plan, shall be applicable to the interior street system.

C. Utilities

Public water, sanitary sewer, and storm drainage facilities shall be provided as part of the development. All utilities, including telephone, electric, and cable television, shall be placed underground.

D. Storm water management

The design of storm water management systems and drainage facilities shall be designed in coordination with the groundwater protection strategies of the Township. The use of best storm water management practices is encouraged. The Planning Commission may allow all or portions of the storm water management system and drainage facilities to be included in designated open spaces provided they incorporate best management practices and low impact design techniques and contribute to the overall quality of the development.

E. Street lighting

Street lighting shall be designed in compliance with the lighting objectives and standards set forth in Section 54.10.

F. Landscaping

Landscaping shall be provided in accordance with Article 53.

G. Natural Features

The development shall be designed to promote the preservation of natural features.

## 41.90 REVIEW CRITERIA

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In considering an application for approval of a planned unit development, the Planning Commission shall make its determination on the basis of the Special Use criteria set forth in Section 65.30, the Site Plan Review Criteria set forth in Section 64.80, as well as the following standards and criteria:

- A. The overall design and uses proposed in connection with a planned unit development shall be consistent with the intent of the planned unit development concept and the specific design standards set forth herein.
- B. The proposed planned unit development shall be consistent with the goals, objectives, and development principles identified in the Township Master Plan including applicable Sub-Area Plan contained in the Master Plan.
- C. The proposed planned unit development shall be serviced by the necessary public facilities to ensure the public health, safety, and welfare of the residents and users of the development.
- D. The proposed planned unit development shall be designed to minimize the impact on traffic generated by the development on the surrounding land uses and road network.
- E. The proposed planned unit development shall be designed so as to be in character with surrounding conditions as they relate to the bulk and location of structures, pedestrian and vehicular circulation, landscaping, and amenities.
- F. The proposed planned unit development shall be designed and constructed so as to preserve the integrity of the existing on- and off-site sensitive and natural environments, including wetlands, woodlands, hillsides, water bodies, and groundwater resources.
- G. The designated open space shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, agricultural use, recreation, visual impact, and access.
- H. The proposed planned unit development shall comply with all applicable Federal, State, and local regulations.

## 41.100 APPROVAL PROCESS AND DOCUMENTATION REQUIREMENT

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- A. Application requirements: The application for approval of a planned unit development shall be made according to the procedures for Special Uses set forth in Section 65.40 and the application guidelines for planned unit developments set forth in this section.

- B. Approval process: The following approval process shall apply to a Planned Unit Development application:
1. Optional pre-application review(s): Informal pre-application review(s) is encouraged and may be scheduled with the Planning Department and/or Planning Commission at which the project concept may be reviewed by the applicant, Township staff, and Township consultants.
  2. Special Use / Conceptual plan review: The Planning Commission shall hold a public hearing on a planned unit development application in accordance with the Special Use provisions set forth in this Zoning Ordinance. The mandatory Conceptual Plan shall be presented as part of the Special Use review by the Planning Commission. The review is intended to provide an indication of the issues and concerns that must be resolved prior to the submittal of individual project or overall planned unit development Site Plan(s). Conceptual Plan approval shall not constitute an approval of a detailed Site Plan but shall be deemed an expression of approval of the overall layout of the planned unit development and should be used as a guide to the preparation of the Site Plan. A request for modification to the approved Conceptual Plan shall be submitted to the Planning Commission for review in the same manner as the original Conceptual Plan was submitted and reviewed.
  3. Site Plan review: Following Conceptual Plan review, individual project or overall planned unit development Site Plan(s) shall undergo a final review by the Planning Commission. The detailed Site Plan shall conform to the approved Conceptual Plan and incorporate any revisions or recommendations made by the Planning Commission at the Conceptual Plan review. If a detailed Site Plan is not submitted for review within six months of Conceptual Plan approval, the Planning Commission may require a resubmission of the Conceptual Plan for further review and possible revision. Site Plan review shall be subject to all appropriate sections of the Zoning Ordinance.
- C. Optional pre-application review(s) requirements: The applicant shall present the following information on the proposed planned unit development for a pre-application review with the Township Planning Department and applicable Township consultants:
1. Sketch plan of the proposed layout;
  2. An accurate legal description of the development site;
  3. The names and addresses of all current owners of the development site;
  4. The total acreage;
  5. The number of acres to be developed by use;
  6. The total number of acres of open space;
  7. The number of acres to be preserved as open space;
  8. The number and type of residential units;
  9. The details of the nonresidential land use;
  10. The details of the pedestrian and vehicular circulation system; and,
  11. The location and dimensions of known natural features.
- D. Conceptual plan review requirements: Engineering details of Conceptual Plans are not required to be developed beyond a level of detail required to determine the feasibility of the proposed layout. The Conceptual Plan, drawn to a reasonable scale, shall provide the following information:
1. Boundaries of the planned unit development;
  2. A general location map showing the existing zoning designations and uses of the planned unit development and all land within one-quarter mile.
  3. The topography of the site and its relationship to adjoining land;
  4. The location of existing streets adjacent to the planned unit development with an indication of how they will connect with the proposed circulation system for the development. In addition, an indication if the streets are planned to be public or private.
  5. The pedestrian and vehicular circulation system and related parking facilities proposed within the planned unit development.

6. Delineation of proposed residential areas indicating area size and dwelling unit density. Delineation of proposed nonresidential areas indicating area size, number of buildings, building envelopes, building location and orientation.
  7. The interior open space system and park/recreation areas.
  8. Location of proposed landscape buffer areas, including greenbelts, berms and/or screening.
  9. General arrangement of the overall storm water management system.
  10. Location of the public sanitary sewer and water systems intended to serve the overall development.
  11. The name, address and telephone number of:
    - a. All persons with an ownership interest in the land on which the planned unit development will be located together with a description of the nature of each entity's interest.
    - b. All engineers, attorneys, architects or registered land surveyors associated with the planned unit development.
    - c. The developer or proprietor of the planned unit development.
    - d. Any person(s) authorized to represent the owner in the review process.
  12. An accurate legal description of the planned unit development, including appropriate tax identification numbers.
  13. The total acreage of the planned unit development.
  14. The number and type of units to be developed.
  15. A general statement as to how common open space and park/recreation areas are to be owned and maintained.
  16. If the development is to be constructed in phases, a general indication of how the sequence of phases is to proceed.
  17. A narrative describing how the planned unit development is supported by the Township's Master Plan, the capacity and availability of necessary public facilities to the development, and the impact the development will have on adjoining properties.
- E. Site Plan review requirements: The following information shall be included on, or attached to, all Site Plans:
1. An update of the approved Conceptual Plan pursuant to the informational requirements set forth in Section 64.60;
  2. Easements, deed restrictions, and other documents pertaining to the open space system and park/recreation areas;
  3. If condominium ownership is proposed, all documentation required by the condominium regulations of the Township;
  4. Engineering plans presented in sufficient detail to indicate compliance with the engineering standards adopted by the Township, including the cross sections of proposed streets, drive aisles, paved areas, and on-site drainage, including retention and/or detention areas.

#### **41.110 POST-APPROVAL PROCEDURES AND REQUIREMENTS**

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- A. Effect of approval. After a Site Plan has been approved and construction of any part thereof commenced, no other type of development will be permitted on the site without further approval thereof by the Planning Commission after proceedings conducted as in the original application. This limitation shall apply to successive owners.
- B. Conformity to approved plan. Property which is the subject of approval for a planned unit development must be developed in strict compliance with the approved Special Use and Site Plan and any amendments thereto which have received Planning Commission approval. If construction and development do not conform with same, the approval thereof shall be forthwith revoked by the Township by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site other than for the purpose of correcting the violation.

- C. Amendment to approved plan. A proposed amendment or modification to a previously approved Site Plan shall be submitted to the Planning Commission for review in the same manner as the original application was submitted and reviewed.
- D. Project phasing. When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and residents of the surrounding area.

Each phase of the project shall be commenced within one year of the schedule set forth on the approved plan. If construction of any phase is not commenced within the approved time period, approval of the Site Plan shall become null and void.

- E. Performance guarantee. The Planning Commission may require that a performance guarantee, in accordance with Section 64.110, be deposited with the Township to ensure completion of the site in accordance with the approved plans.
- F. Recording of action. No building permit shall be issued for the development and no construction activity commenced within the planned unit development until an affidavit containing the full legal description of the planned unit development, specifying the date of final Planning Commission approval, and declaring that all improvements will be carried out in accordance with the approved planned unit development unless an amendment approved by the Township is recorded with the Register of Deeds for Kalamazoo County.

In addition, all required public dedications for streets, utility easements or other public facilities, and deed restrictions shall be duly filed with the Township and have been recorded with the Register of Deeds for the County.

- G. Revocation. In any case where construction has not commenced within one year of final Planning Commission approval, all approvals shall be null and void. The applicant may apply for an extension, not to exceed one year, under the terms set forth in Section 65.60.B. A maximum of two extensions may be allowed.



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## ZONING ORDINANCE

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### ARTICLE 49

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#### 49 – REQUIREMENTS FOR SPECIAL USES

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(Amended by ord. no. 611; adopted May 28<sup>th</sup>, 2019; effective June 6<sup>th</sup>, 2019. Amended by ord. no. 628; adopted September 22<sup>nd</sup>, 2020; effective October 1<sup>st</sup>, 2020. Amended by ord. no. 629; adopted October 27<sup>th</sup>, 2020; effective November 5<sup>th</sup>, 2020).

##### 49.40 ASSEMBLY AND CONVENTION HALLS

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A. Assembly and Convention Halls shall have the following maximum capacities as established by the Township building code if located in one of the following zoning districts:

- i. 9th Street and West Main Overlay Zone: 200 people
- ii. C, Local Business District: 750 people

B. Assembly and Convention Halls shall allow for both indoor and outdoor event spaces. Permitted maximum capacity of the site, per item A above, shall be considered the sum of the capacities of all indoor and outdoor event spaces. Outdoor event spaces must be approved by the Planning Commission at the time of Special Use and Site Plan approval. The following additional details shall be provided with the submitted site plan for all requests for outdoor event spaces:

- a. A letter of intent, including information on how the outdoor event space will be used, the hours of operation, description on what attempts were made to visually shield the proposed outdoor event space from the road and neighboring properties, and a breakdown of the site's maximum occupancy capacity for the indoor and outdoor event spaces.
- b. The outdoor event space clearly delineated on the site plan.
- c. Placement of vehicles, trailers, and all other equipment for outdoor events is shown on the plan and placed away from adjoining residentially used properties and complies with all applicable setbacks.
- d. Restrooms provided (in building or portable facilities).
- e. Traffic lanes and additional on-site parking to service outdoor event space to be provided at the rate of 1 space for each 3 persons allowed within the maximum occupancy.
- f. Fire lanes and emergency vehicle turning areas.
- g. All activity takes place on subject property.

C. The Planning Commission may impose additional conditions when found reasonable and appropriate to avoid or mitigate adverse impacts on surrounding properties.

(Adopted September 22<sup>nd</sup>, 2020; effective October 1<sup>st</sup>, 2020).

Effective on: 10/1/2020

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**OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS**

**MINUTES OF A MEETING HELD JANUARY 22, 2019**

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**Agenda**

**2019 ZBA OFFICER APPOINTMENTS – CHAIR AND VICE CHAIR**

**ZONING ORDINANCE INTERPRETATION: PLANNED UNIT DEVELOPMENT  
SPECIAL EXCEPTION USE**

**BUILD SENIOR LIVING AND BYCE & ASSOCIATES, ON BEHALF OF HAMPTON MANOR, REQUESTED A ZONING ORDINANCE INTERPRETATION OF SECTION 60.400: PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTION USE ORDINANCE, SPECIFICALLY SECTION 60.412: ALLOWABLE LAND USES, TO DETERMINE IF ASSISTED LIVING FACILITIES WOULD BE A PERMITTED COMMERCIAL USE.**

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A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held Tuesday, January 22, 2019 at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

All MEMBERS WERE PRESENT:

James Sterenberg, Chair
Fred Antosz
Nancy Culp
Fred Gould
Micki Maxwell
Neil Sikora, Vice Chair
Anita Smith

Also present were Julie Johnston, Planning Director, James Porter, Township Attorney, and Martha Coash, Meeting Transcriptionist. Five other persons were in attendance.

**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."

He welcomed three new members, Fred Antosz, Fred Gould and Micki Maxwell, Planning Commission Liaison, and all members introduced themselves.

**Public Comment on Non-Agenda Items**

There were no comments on non-agenda items.

## **2019 ZBA OFFICER APPOINTMENTS – CHAIR AND VICE CHAIR**

Chairperson Sterenberg asked for nominations for the position of Chair for 2019.

Mr. Sikora nominated Mr. Sterenberg to continue as Chair for 2019. It was determined he was willing to accept the nomination. There were no further nominations.

Mr. Sikora made a motion to elect Mr. Sterenberg as Chair for 2019. Mr. Antosz supported the motion. The motion was approved unanimously.

Chairperson Sterenberg asked for nominations for the position of Vice Chair for 2019.

Ms. Culp nominated Mr. Sikora to continue as Vice Chair for 2019. It was determined he was willing to accept the nomination. There were no further nominations.

Ms. Culp made a motion to elect Mr. Sikora as Vice Chair for 2019. Mr. Sterenberg supported the motion. The motion was approved unanimously.

## **APPROVAL OF THE MINUTES OF NOVEMBER 27, 2018**

Chairperson Sterenberg asked if there were any additions, deletions or corrections to the minutes of November 22, 2018.

Hearing none, the Chair asked for a motion.

Mr. Sikora made a motion to approve the Minutes of November 27, 2018 as presented. Ms. Maxwell supported the motion. The motion was approved unanimously.

Chairperson Sterenberg moved to the next agenda item.

## **ZONING ORDINANCE INTERPRETATION: PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTION USE**

**BUILD SENIOR LIVING AND BYCE & ASSOCIATES, ON BEHALF OF HAMPTON  
MANOR, REQUESTED A ZONING ORDINANCE INTERPRETATION OF SECTION  
60.400: PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTION USE ORDINANCE,  
SPECIFICALLY SECTION 60.412: ALLOWABLE LAND USES, TO DETERMINE IF  
ASSISTED LIVING FACILITIES WOULD BE A PERMITTED COMMERCIAL USE.**

The Chair asked Ms. Johnston to review the request for zoning ordinance interpretation related to assisted living facilities in PUDs.

Ms. Johnston said Building Senior Living and Byce & Associates, on behalf of Hampton Manor, would like to develop an assisted living facility within the Sky King Meadows Planned Unit Development (PUD). The property is located at the northeast corner of North 9<sup>th</sup> Street and Lexy Lane, approximately one-half mile south of the 9<sup>th</sup>



Street/West Main Street intersection. The specific parcel in question was planned as part of the commercial component of the PUD. She noted this is the first zoning ordinance interpretation request since she has been employed by the Township.

She said reviewing the Planned Unit Development Special Exception Use Ordinance, Section 60.412 indicates the following:

*Planned unit developments are restricted to one or more of the following uses regardless of the zoning classification in which the development is located, provided such land uses are consistent with the goals and objectives of the Township Master Plan including the Sub-Area Plans:*

- A. *One-family, two-family, three- or four-family, and multiple-family dwellings, including uses and buildings accessory thereto.*
- B. *Low intensity nonresidential uses such as educational, cultural, recreational, neighborhood office or neighborhood commercial nature, including uses and buildings accessory thereto. Non-residential uses shall be compatible in design, layout, scale and appearance with the residential character of the area, and shall be an integral part of a residential development logically oriented to and coordinated with the planned unit development to serve the day-to-day needs of residents in the development.*

Ms. Johnston explained after staff review of this language, the applicant was informed the proposed use did not meet the specific requirements of Section 60.412.B, which details the types of commercial uses permitted within the PUD. While similar to the envisioned uses, staff did not feel an assisted living facility could be defined as educational, cultural, recreational, neighborhood office, or neighborhood commercial.

The applicant is still very interested in the available parcel, so staff outlined some possible steps to achieve their goal of an assisted living facility at this location. One option was to request a zoning ordinance interpretation to evaluate staff's assertion that assisted living facilities are not a permitted use within the PUD. Per the documents provided by the applicant, they believe their use meets the ordinance requirements and is neighborhood commercial in nature.

She said after careful review of the zoning districts within the Township, assisted living facilities can be clearly found in the R-4: Residence District and the C: Local Business District. The R-4 District under Section 24.203 permits nursing, handicapped, convalescent, and senior citizen homes by right. The C: Local Business District under Section 30.405 allows nursing, convalescent, handicapped and senior citizen homes as a special exception use. An argument could also be made for these types of facilities within the VC: Village Commercial District. Section 33.310 allows a mix of residential and nonresidential uses within the same building as a special exception use and Section 33.255 allows professional services within the District.

She explained the PUD ordinance indicates that low intensity nonresidential uses should be permitted within the commercial component of a PUD. It specifies that such



uses should include educational, cultural, recreational, neighborhood office, or neighborhood commercial that meet the day-to-day needs of the residents in the development. Unfortunately, neither the PUD ordinance nor the Definition section of the Zoning Ordinance define what constitutes “neighborhood” commercial or office uses. The Planner’s Dictionary, a publication from the American Planning Association, defines neighborhood retail establishments as “*establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption...*” The requested use of an assisted living facility would not fit this definition or the PUD ordinance requirement of meeting the day-to-day needs of the residents.

In addition, she said, the Zoning Ordinance does not distinguish between neighborhood, local, and general commercial uses. Without clear direction within the Zoning Ordinance for these often-utilized zoning categories, it becomes difficult to differentiate which commercial uses may be considered “neighborhood commercial.” However, as the Township has identified senior living centers as a commercial use in the C: Local Business District, allowing them within the commercial component of a PUD does not seem incongruous.

The PUD ordinance also indicates uses should be consistent with the goals and objectives of the Township Master Plan, which does provide a distinction between neighborhood, local, and general commercial districts. The neighborhood commercial district was specifically established to provide day-to-day convenience needs for residents who live in the rural areas of the Township. Therefore, staff does not feel it correlates to the intent of the PUD ordinance. However, the local commercial district within the Master Plan could be examined as a comparison. It states the following:

*The purpose of the Local Commercial designation is to provide low volume commercial businesses that mix well with a variety of land uses including residential, industrial, and general commercial. These uses are not high-volume / high-traffic uses with a significant number of cars coming and going, drive-through service, and/or automobile service. (These elements or characteristics can detract from the residential character or pedestrian orientation of the surrounding area and are therefore not present in the Local Commercial designation). Examples of uses that could be found in a Local Commercial designation include professional offices, unique shops such as antique shops and specialty food shops, and generally low volume enterprises that do not operate 24 hours a day.*

Certainly, she said, an assisted living facility would be a low volume commercial business. According to the Institute of Transportation Engineers Common Trip Generation Rates table, an assisted living facility generates 0.22 trips per unit at peak hours. For a 60-unit building, this would equate to approximately 13 vehicle trips. A specialty food or retail store could generate anywhere from 30 trips to 64 trips during peak hours.

The difficulty with the component of the PUD ordinance related to nonresidential uses is the somewhat inconsistent language between “low intensity nonresidential uses” and meeting the “day-to-day needs” of the development residents. From a commercial

perspective, the uses that would meet the day-to-day needs of area residents are often the uses that generate the most traffic and typically have ancillary functions like truck deliveries, extended hours, etc., which may have compatibility issues with the neighboring residential development. The Master Plan Local Commercial District considers this by indicating uses should not be high-volume/high-traffic. The language of “day-to-day needs” limits nonresidential uses likely to be considered permissible.

She said it is important to note that the PUD ordinance changed in 2014 to include “*to serve the day-to-day needs of residents in the development.*” Prior to that change, uses like the Hannapel kitchen and bath design studio, which is located within the Sky King Meadows PUD at 370 North 9<sup>th</sup> Street, were permitted uses. Staff does not believe Hannapel would be allowed under the current PUD ordinance language. A kitchen and bath design studio is a professional service a homeowner may access infrequently during the course of their homeownership.

While possibly not serving the day-to-day needs of the neighboring residents, an argument could be made that both Hannapel and the proposed assisted living facility do serve area residents. If homeowners within the Sky King Meadow PUD have home improvement needs, the design studio is within walking distance, meeting a need of the resident. If a homeowner of Sky King Meadows either has a family member in need of assisted living services, or they themselves now need this service, they can visit family or move to this proposed facility without requiring them to leave their neighborhood.

Ms. Johnston outlined a summary of the interpretation arguments which could influence the Board’s deliberations:

- A senior living facility does not meet the commercial day-to-day needs of the PUD residents, as required by Section 60.412.B.
- Senior living facilities have been deemed a commercial use within the C: Local Business District and therefore are similar to other possible uses allowed within the commercial component of the PUD Ordinance (Section 60.412.B).
- While not meeting the day-to-day needs of the residents of the PUD, a senior living facility does meet a need in both the local neighborhood and general Oshtemo community.
- The PUD Ordinance indicates any use must meet the intent of the Township’s Master Plan. A senior living facility does meet the intent of the Local Commercial District outlined in the Future Land Use Plan.
- A senior living facility is a low intensity nonresidential use generating limited traffic during peak hours.

Based on the considerations outlined above, she suggested the Zoning Board of Appeals may wish to deliberate the following possible actions:



1. Conclude that since assisted living facilities are a low intensity commercial use within the C: Local Business District, they therefore are an acceptable low intensity nonresidential use with the PUD Ordinance.
2. Determine that an assisted living facility is consistent with the goals and objectives of the Local Commercial District of the Township Master Plan, and therefore is an allowed use within the PUD Ordinance.
3. Conclude that an assisted living facility is not an acceptable use because it does not meet the day-to-day needs of the residents of the PUD.

Regardless of the final interpretation made by the ZBA, she felt it would be appropriate to forward a recommendation to the Planning Commission to review Section 60.412. The language utilized in the ordinance – “day-to-day needs” – severely limits the types of nonresidential uses which may be considered compatible within a residential PUD. In addition, it is incongruent with the desire to have low intensity commercial uses within the PUD. The existing Hannapel business is a good example of this type of use.

Chairperson Sterenberg thanked Ms. Johnston for her review and asked if there were questions from board members.

Mr. Antosz asked if the inclusion of a salon, kitchen and other amenities that will be open to the public as well as residents fit in with commercial requirements.

Ms. Johnston said she did not consider that as part of her review and could consider it but that the request is an interpretation of the ordinance, not of this particular use. Focus should be on whether the request fits into the ordinance as written.

Ms. Maxwell asked for an explanation of the difference between the first and second possible actions listed by Ms. Johnston.

Ms. Johnston said both options would allow assisted living facilities as a permitted commercial use in the PUD. Option one justification is that because assisted living is allowed in C: Local Business, they should be allowed in the PUD. The second option maintains that regardless of the district, the request fits with the Master Plan.

Mr. Sikora asked what defines “day to day needs.”

Ms. Johnston felt it was reasonable to think of it as access once a week, consistent and frequent.

The Chair asked whether public notice was required in this case. Ms. Johnston said it was not.

Ms. Johnston said the Sky King PUD has both residential homes and the Hannapel design center. Today, staff would not agree that Hannapel would meet requirements; it was built prior to the ordinance change including “day to day needs.” She felt the Planning Commission needs to look at the ordinance to reconcile how low volume traffic and “day to day needs” work together.

The Chair asked how binding the zoning board’s interpretation would be.

Attorney Porter said it sets precedent but could be challenged; he hoped clearer ordinance language will be developed to clarify the ordinance before the issue comes up again.

Ms. Johnston said terminology is not defined and the Planning Commission needs to look at it. Although Hannapel is a perfect low-volume business with little impact on residents, other businesses that would be much more impactful are also permitted under the current ordinance.

Ms. Smith asked for clarification of how an apartment complex is different from an assisted living building under the ordinance.

Ms. Johnston said in Oshtemo Township assisted living facilities are considered a commercial use.

Mr. Sikora added that although an apartment complex might be money making, it is defined by Oshtemo ordinance as family residential. Assisted living is allowed in Oshtemo ordinance as commercial.

Hearing no further questions, Chairperson Sterenberg asked if the applicant wished to address the Board.

Mr. Sam Martin, 5275 Conestoga Drive, Flushing MI, of Build Senior Living, and one of the owners of the business, thanked the Board for their consideration. He described the attractive complex that would be developed and showed examples of their other assisted living developments, saying the view for neighbors would be pleasant and the impact on them low. He described the need and quality of services which would include residential, independent assistance, and end of life care all in the same apartment. He indicated the facility would provide up to 50 jobs.

Attorney Porter complimented Mr. Martin on his presentation but reminded Board Members their purpose is to determine whether assisted living facilities would be a permitted commercial use in the PUD under Ordinance language.

Mr. Antosz confirmed if the ZBA determines the request meets ordinance language that the developers would request a special exception use and site plan approval, and that neighbors would be notified at that time.



There were no comments from the public; the meeting moved to Board Discussion.

Attorney Porter explained a motion needed to be based on the facts and reminded them of the three options for consideration as described by Ms. Johnston.

In response to a question from Mr. Sikora, Ms. Johnston said the underlying zoning was R-2.

Ms. Maxwell said this is a commercial use and fits the criteria for which we are looking.

Mr. Sikora said he would like to see it work there, and maybe the ordinance missed addressing this situation at the time, but it is not in the Ordinance and he was not comfortable with trying to interpret something that was set previously. He referred specifically to the language "day to day needs."

Ms. Smith said people in the neighborhood could use it, either by moving there or by visiting. It fits under potential "day to day use."

Chairperson Sterenberg said he was leaning to option #1. It fits under the commercial district and the Master Plan umbrella, although maybe there was a glitch when the PUD was created. If it is interpreted to meet option #1 and it goes to the Planning Commission and they tweak the Ordinance, then the Zoning Board of Appeals action becomes mute at that point.

Attorney Porter said interpretation authority rests with the Zoning Board of Appeals. He expected action taken by the Board would force future Planning Commission action, likely to amend the Ordinance.

Ms. Johnston said the Planning Commission could rewrite the ordinance to specifically outline uses. She noted when the ordinance was changed in 2014, the Planning Commission probably thought they should allow commercial operations that support the residential development and that's how "day to day use" ended up being included.

The Chairperson explained that was why he was leaning toward the first option with a recommendation to the Planning Commission.

Mr. Sikora indicated he was hesitant to use Hannapel's as justification.

Ms. Johnston said she reviewed minutes from when the ordinance was being discussed in 2014; the Planning Commission felt Hannapel's was a great use.

Chairperson Sterenberg asked if anyone wished to make a motion.

January 14, 2019



**To:** Zoning Board of Appeals

**From:** Julie Johnston, AICP  
Planning Director

**Mtg Date:** January 22, 2019

**Applicant:** Building Senior Living and Byce & Associates

**Owner:** Seeco II, LLC

**Property:** Northeast corner of 9<sup>th</sup> Street and Lexy Lane – Sky King Meadows PUD  
Parcel No. 3905-14-385-070

**Zoning:** Planned Unit Development Special Exception Use, Section 60.400

**Request:** Zoning Ordinance interpretation related to assisted living facilities in PUDs

#### **APPLICATION OVERVIEW**

Building Senior Living and Byce & Associates, on behalf of Hampton Manor, would like to develop an assisted living facility within the Sky King Meadows Planned Unit Development (PUD). The property is located at the northeast corner of North 9<sup>th</sup> Street and Lexy Lane, approximately one-half mile south of the 9<sup>th</sup> Street/West Main Street intersection. The specific parcel in question was planned as part of the commercial component of the PUD.

In reviewing the Planned Unit Development Special Exception Use Ordinance, Section 60.412 indicates the following:

*Planned unit developments are restricted to one or more of the following uses regardless of the zoning classification in which the development is located, provided such land uses are consistent with the goals and objectives of the Township Master Plan including the Sub-Area Plans:*

- A. One-family, two-family, three- or four-family, and multiple-family dwellings, including uses and buildings accessory thereto.*
- B. Low intensity nonresidential uses such as educational, cultural, recreational, neighborhood office or neighborhood commercial nature, including uses and buildings accessory thereto. Non-residential uses shall be compatible in design, layout, scale and appearance with the residential character of the area, and shall be an integral part of a residential development logically oriented to and coordinated with the planned unit development to serve the day-to-day needs of residents in the development.*



After staff review of this language, the applicant was informed that the proposed use did not meet the specific requirements of Section 60.412.B, which details the types of commercial uses permitted within the PUD. While similar to the envisioned uses, staff did not feel an assisted living facility could be defined as educational, cultural, recreational, neighborhood office, or neighborhood commercial.

The applicant is still very interested in the available parcel, so staff outlined some possible steps to achieve their goal of an assisted living facility at this location. One option was to request a zoning ordinance interpretation to evaluate staff's assertion that assisted living facilities are not a permitted use within the PUD. Per the documents provided by the applicant, they believe their use meets the ordinance requirements and is neighborhood commercial in nature.

### **INTERPRETATION CONSIDERATIONS**

After careful review of the zoning districts within the Township, assisted living facilities can be clearly found in the R-4: Residence District and the C: Local Business District. The R-4 District under Section 24.203 permits nursing, handicapped, convalescent, and senior citizen homes by right. The C: Local Business District under Section 30.405 allows nursing, convalescent, handicapped and senior citizen homes as a special exception use. An argument could also be made for these types of facilities within the VC: Village Commercial District. Section 33.310 allows a mix of residential and nonresidential uses within the same building as a special exception use and Section 33.255 allows professional services within the District.

The PUD ordinance indicates that low intensity nonresidential uses should be permitted within the commercial component of a PUD. It goes on to specify that such uses should include educational, cultural, recreational, neighborhood office, or neighborhood commercial that meet the day-to-day needs of the residents in the development. Unfortunately, neither the PUD ordinance or the Definition section of the Zoning Ordinance define what constitutes "neighborhood" commercial or office uses. The Planner's Dictionary, a publication from the American Planning Association, defines neighborhood retail establishments as "*establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption...*" The requested use of an assisted living facility would not fit this definition or the PUD ordinance requirement of meeting the day-to-day needs of the residents.

In addition, the Zoning Ordinance does not distinguish between neighborhood, local, and general commercial uses. Without clear direction within the Zoning Ordinance for these often-utilized zoning categories, it becomes difficult to differentiate which commercial uses may be considered "neighborhood commercial." However, as the Township has identified senior living centers as a commercial use in the C: Local Business District, allowing them within the commercial component of a PUD does not seem incongruous.

The PUD ordinance also indicates that uses should be consistent with the goals and objectives of the Township Master Plan, which does provide a distinction between neighborhood, local, and general commercial districts. The neighborhood commercial district was specifically established to provide day-to-day convenience needs for residents who live in the rural areas of the Township. Therefore, staff does not feel it correlates to the intent of the PUD ordinance. However, the local commercial district within the Master Plan could be examined as a comparison. The Local Commercial District states the following:

*The purpose of the Local Commercial designation is to provide low volume commercial businesses that mix well with a variety of land uses including residential, industrial, and general commercial. These uses are not high-volume / high-traffic uses with a significant number of cars coming and going, drive-through service, and/or automobile service. (These elements or characteristics can detract from the residential character or pedestrian orientation of the surrounding area and are therefore not present in the Local Commercial designation). Examples of uses that could be found in a Local Commercial designation include professional offices, unique shops such as antique shops and specialty food shops, and generally low volume enterprises that do not operate 24 hours a day.*

Certainly, an assisted living facility would be a low volume commercial business. According to the Institute of Transportation Engineers Common Trip Generation Rates table, an assisted living facility generates 0.22 trips per unit at peak hours. For a 60-unit building, this would equate to approximately 13 vehicle trips. A specialty food or retail store could generate anywhere from 34 trips to 62 trips during peak hours.

The difficulty with the component of the PUD ordinance related to nonresidential uses is the somewhat inconsistent language between “low intensity nonresidential uses” and meeting the “day-to-day needs” of the development residents. From a commercial perspective, the uses that would meet the day-to-day needs of area residents are often the uses that generate the most traffic and typically have ancillary functions like truck deliveries, extended hours, etc., which may have compatibility issues with the neighboring residential development. The Master Plan Local Commercial District considers this by indicating uses should not be high-volume/high-traffic. The language of “day-to-day needs” limits the nonresidential uses which would likely be considered permissible.

It is important to note that the PUD ordinance changed in 2014 to include “to serve the day-to-day needs of residents in the development.” Prior to that change, uses like the Hannapel kitchen and bath design studio, which is located within the Sky King Meadows PUD at 370 North 9<sup>th</sup> Street, were permitted uses. Staff does not believe Hannapel would be allowed under the current PUD ordinance language. A kitchen and bath design studio is a professional service a homeowner may access infrequently during the course of their homeownership.

While possibly not serving the day-to-day needs of the neighboring residents, an argument could be made that both Hannapel and the proposed assisted living facility do serve area residents. If homeowners within the Sky King Meadow PUD have home improvement needs, the design studio is within walking distance, meeting a need of the resident. If a homeowner of Sky King Meadows either has a family member in need of assisted living services, or they themselves now need this service, they can visit family or move to this proposed facility without requiring them to leave their neighborhood.

## **FINDINGS SUMMARY**

The following is a summary of the interpretation arguments which could influence the Board’s deliberations:

- A senior living facility does not meet the commercial day-to-day needs of the PUD residents, as required by Section 60.412.B.



- Senior living facilities have been deemed a commercial use within the C: Local Business District and therefore are similar to other possible uses allowed within the commercial component of the PUD Ordinance (Section 60.412.B).
- While not meeting the day-to-day needs of the residents of the PUD, a senior living facility does meet a need in both the local neighborhood and general Oshtemo community.
- The PUD Ordinance indicates any use must meet the intent of the Township's Master Plan. A senior living facility does meet the intent of the Local Commercial District outlined in the Future Land Use Plan.
- A senior living facility is a low intensity nonresidential use generating limited traffic during peak hours.

### **POSSIBLE ACTIONS**

Based on the considerations outlined above, the Zoning Board of Appeals may wish to deliberate the following possible actions:

1. Conclude that since assisted living facilities are a low intensity commercial use within the C: Local Business District, they therefore are an acceptable low intensity nonresidential use with the PUD Ordinance.
2. Determine that an assisted living facility is consistent with the goals and objectives of the Local Commercial District of the Township Master Plan, and therefore is an allowed use within the PUD Ordinance.
3. Conclude that an assisted living facility is not an acceptable use because it does not meet the day-to-day needs of the residents of the PUD.

Regardless of the final interpretation made by the ZBA, staff would recommend forwarding a recommendation to the Planning Commission to review Section 60.412. The language utilized in the ordinance – “day-to-day needs” – severely limits the types of nonresidential uses which may be considered compatible within a residential PUD. In addition, it is incongruent with the desire to have low intensity commercial uses within the PUD. The existing Hannapel business is a good example of this type of use.

Respectfully Submitted,



Julie Johnston, AICP  
Planning Director

Attachment: Application  
Applicant statement  
Aerial

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

MINUTES OF A MEETING HELD NOVEMBER 18, 2004

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Agenda

**WEST PORT VILLAGE (VISSER) - PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - WEST H AVENUE - (PARCEL NOS. 3905-12-205-011 AND 3905-12-205-030)**

**ARBY'S - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - 6660 WEST MAIN STREET - (PARCEL NO. 3905-14-185-021)**

**EDDY - CONCEPTUAL PLAN REVIEW - INDOOR RECREATION FACILITY - 6745 STADIUM DRIVE - (PARCEL NOS. 3905-35-132-020, 3905-35-132-021 AND 3905-35-132-031)**

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A meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, November 18, 2004, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT:     Neil G. Sikora, Chairperson  
                                 Deborah L. Everett  
                                 Lee Larson  
                                 Terry Schley  
                                 James Turcott  
                                 Kathleen Garland-Rike  
                                 Mike Ahrens

MEMBERS ABSENT:     None

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Township Planner; James W. Porter, Township Attorney; and approximately 55 other interested persons.

**CALL TO ORDER**

The meeting was called to order at 7:00 p.m.

## **AGENDA**

The Chairperson indicated that the first item of business was approval of the Agenda. Mr. Turcott made a motion to approve the Agenda as submitted. Ms. Garland-Rike seconded the motion, and the Chairperson called for a vote on the motion. The motion passed unanimously.

## **MINUTES**

The Chairperson said that the next item for consideration was approval of the minutes of October 28, 2004 and November 4, 2004. Ms. Garland-Rike asked if in the last sentence, second paragraph on page 8 of the November 4, 2004 minutes, the word "perimeters" should be "parameters". Mr. Larson said it should be parameters. Ms. Everett made a motion to approve the November 4, 2004 minutes as amended, and the October 28, 2004 minutes as submitted. Mr. Larson seconded the motion. The Chairperson called a vote on the motion, and the motion passed unanimously.

## **WEST PORT VILLAGE (VISSER) - PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - WEST H AVENUE - (PARCEL NOS. 3905-12-205-011 AND 3905-12-205-030)**

The Chairperson said the next item for consideration was a planned unit development special exception use and site plan review for West Port Village, being Parcel Nos. 3905-12-205-011 and 3905-12-205-030, located on West H Avenue. The Chairperson called for a report from the Planning Department. Ms. Bugge submitted her report to the Planning Commission dated November 18, 2004, and the same is incorporated herein by reference.

Ms. Bugge explained that the applicant was proposing to establish a planned unit development on the south side of H Avenue between U.S. 131 and Drake Road. She said the property was zoned "R-2" Residence District and contained 38.5 acres. She said a condominium development is being proposed, utilizing the PUD criteria to allow 133 residential units and one nonresidential unit in two phases. She noted that only Phase 1 of the PUD is currently up for review, and that when Phase 2 is submitted in the future, it would be subject to review. She said the information regarding Phase 2 is being provided for informational purposes only.

Ms. Bugge told the Commission that West Port was going to be a condominium development where the buyers will own the interior of the dwelling units only. The exterior of all buildings and property will be owned in common and maintained by the condominium association.



She said Phase 1 would contain 39 single-family buildings and 17 two-family buildings, for a total of 73 residential units and one nonresidential dwelling on 23.4 acres. She noted that the nonresidential building would serve as a community area and management office, and once 60% of the residential units were constructed, the business office for Visser Construction.

Ms. Bugge reminded the Planning Commission of its conceptual review on August 12, 2004, and noted the changes eliminating three-family dwellings from the proposed plan. Ms. Bugge pointed out that Phase 1 was also changed to increase dwelling units from 64 to 73 units, and Phase 2 reduced from 72 to 60 dwelling units. She also said that the plans were changed to eliminate building footprints by replacing them with open boxes, which indicated the general location of future structures.

Ms. Bugge explained to the Commission and those in attendance that the PUD is a special exception use with review criteria considered when a formal site plan is conducted. She said the applicant was seeking special exception use and site plan approval for Phase 1 of West Port Village PUD condominium development. Ms. Bugge then took the Commission through the review criteria of Section 60.450 of the Ordinance. Once she completed the review criteria for the PUD, Ms. Bugge took the Commission through a detailed analysis of the site plan review criteria set forth in Section 82.800, together with proposed recommendations for site plan approval. Next, Ms. Bugge reviewed the special exception use criteria of Section 60.100 to address the review of the PUD. Lastly, Ms. Bugge indicated that it would be necessary for the Planning Commission to make a recommendation to approve or deny the condominium project to the Township Board.

The Chairperson asked Ms. Bugge why the last action of the Planning Commission would be a recommendation. Ms. Bugge explained that all plats and condominium projects have to be approved by the Township Board, and therefore, the Planning Commission is the recommending board regarding that issue. The Chairperson asked if the Planning Commission would approve the special exception use, PUD and site plan review. Ms. Stefforia said that was correct and that the Planning Commission approves all of the requests, with the exception of the condominium element which would go to the Township Board. Attorney Porter noted that approval of a condominium project was similar to the approval of a plat, and therefore, by statute, required Township Board approval.

The Chairman asked if there were any more questions of Ms. Bugge, and hearing none, asked to hear from the applicant. Mr. Dan Lewis introduced himself to the Commission as the engineer for the developer. Mr. Lewis said he thought that the Planning Department had covered the proposed project quite thoroughly, but wanted to make a few additional comments. He explained that the developer had looked at the internal walkway issue previously raised by the Planning Commission. He said in doing so, they looked at the traffic manual and compared the 12-foot width of a street lane to carry traffic at 55 mph and a 10-foot or 11-foot driving lane on a private road, and the developer thought that their paved 28-foot



road would be adequate for carrying both cars and pedestrians. He said there was no through-traffic in this proposed development; most of the traffic would be traveling at a low speed, and with a 30-foot road and a one-foot curb and gutter, a 28-foot paved road would be adequate to handle all of the internal traffic and pedestrian needs of the development.

Mr. Steve Visser introduced himself and his brother, Dan, to the Commission. He explained that they were willing to look at the bike path along H Avenue, but thought it would be more appropriate to look at it during Phase 2 of the proposed development. He said, with the recent bike tunnel being installed under U.S. 131, he thought it would be best to see what the bike needs along H Avenue actually were, once the use of the tunnel was established.

Steve Visser explained that they had their landscape architect, John Post, take a look at the proposal. He said they were comfortable with Type C landscaping along H Avenue. However, he thought they might need some adjustment regarding low shrubs due to the propensity of them to get lost in the natural overgrowth in the area. He also said that they would like to add evergreens to the Type C landscaping to create a permanent, year-round screening.

The Chairperson asked if there were any questions of the applicant. Ms. Garland-Rike asked what the home, which is being converted into an office and community area, would look like. She said the description was somewhat vague and wanted to know whether or not it was going to be compatible. Steve Visser said they had received a limited Building Permit and had completely changed the roof line and re-roofed the facility with new overhangs. He said that the exterior of the home would be brick and siding which would match the condominium development. He said they would do everything they could to make it compatible and fit in with the residential character of the condominium units. He also noted that they were bringing the home up to commercial standards because, as an office building, it had to meet commercial codes.

Mr. Turcott asked if there would be continued use of the office once the proposed condominium development was completed. Steve Visser said that he thought they would be there for quite some time; he said they planned on using the office, not only for the development of the proposed condominiums, but for other construction work that they do in the Kalamazoo County area, and they intended to stay there for the indefinite future.

Ms. Stefforia asked how the Vissers' clientele would access the office and the model at the condominium project. Steve Visser said it would be by appointment only, because it was going to be a gated community so they would have to call in order to obtain access to the site.

Ms. Bugge asked if there would be a keypad on the island for the condominium owners. Steve Visser said that is what they currently had planned. Ms. Bugge asked if the gates were going to be stand-up gates or sliding gates. Steve Visser said it would depend

upon the slope of the ground. Ms. Bugge indicated that sliding gates were much more aesthetically pleasing.

Mr. Schley explained to the Commission that it had just come to his attention that his office had been asked to do some architectural work on the office building/community center. He inquired of the Attorney as to whether or not he would have to recuse himself due to a conflict of interest. After clarification as to the work done by Mr. Schley's firm, Attorney Porter indicated that he should abstain from voting on the matter, since he did have a financial interest in the work done on the office building. It was the consensus of the Commission to allow Mr. Schley to abstain from voting on this matter.

Ms. Garland-Rike asked about signs for the proposed development. Steve Visser said he wanted to put in an entrance sign and also an office sign along H Avenue. He said they would comply with the Township guidelines in all respects. He indicated they would be submitting plans in the near future.

The Chairperson asked if they could have a temporary sign. Ms. Bugge said that they could have a temporary sign during construction and a permanent sign identifying the development.

The Chairperson asked why the woodlot had been divided into the two phases. Mr. Lewis said he thought that is what the Township was requesting. Ms Bugge said she thought it made more sense if it was all included in Phase 1 of the development. Mr. Lewis said that could be done if that is what the Township wanted to see happen.

Mr. Turcott asked if there was going to be one or two condominium associations. Steve Visser said there would only be one condominium association.

The Chairperson asked what the walking trail would consist of. Steve Visser said the walking trail would likely be of wood bark or other natural materials.

Mr. Larson asked how the retention areas would be planted. Steve Visser said he was not quite sure, but he thought there would be some general seeding done, along with natural growth. Mr. Larson asked if there would be any standing water in the retention areas. Steve Visser said the retention area along H Avenue would have water in it for a period of time before it ultimately leached out. Mr. Larson then asked if there would be some wetland plants placed there for landscaping purposes. Steve Visser said he thought they would put in some natural grasses and wetland plants in the H Avenue retention area.

Mr. Larson asked why the developer had not put any sidewalks or a pedestrian circular pathway throughout the proposed development. Mr. Lewis said the minimum private road requirements are 24 feet and they believed a 30-foot road, with curb and gutter, would allow adequate circulation for both pedestrians and traffic. Mr. Larson asked if the side areas of

the road would be specifically designated for walking. Steve Visser said that they would not, and that people in West Port preferred not to have sidewalks and thought they were a waste of money. He also said that designating a specific portion of the road right-of-way for pedestrians might cause confusion regarding parking.

Ms. Garland-Rike asked if the Township's Sidewalk Ordinance distinguished between public or private roads. Ms. Bugge said that it did not, but the Commission had the authority to deviate based upon topography or if a street was a cul-de-sac. Ms. Stefforia also noted that the Commission had authority to deviate from the Ordinance under the planned unit development standards.

Ms. Garland-Rike asked why they had not designated a walking area within the paved road surface. Ms. Stefforia said she believed the developer thought it would cause confusion.

Dan Visser said he would like to come to some sort of agreement with the Commission on this issue. However, since it was a semi-retirement community and not a neighborhood with children, he did not believe sidewalks made sense in the proposed development. He also noted that there was no thoroughfare or flow-through traffic in this development, and that it was really just one large cul-de-sac. Therefore, he thought it warranted a deviation from the sidewalk requirement.

Mr. Schley said that he would not be voting on this matter, but he did want the applicant to understand that, in senior-oriented housing, walkways were more necessary than in most developments. He said that most national standards would strongly advocate for sidewalks in this type of development.

Steve Visser asked when the Ordinance became effective. Ms. Stefforia indicated March 24, 2004. Steve Visser said, because the development was one large cul-de-sac, they should be allowed a deviation from the sidewalk requirement. Mr. Larson said he thought an aging population made it a necessity that there be a pedestrian walkway in the proposed development, and he thought that should be included as part of the proposal. Mr. Ahrens asked if the pedestrian component could not be accomplished within the road right-of-way. Mr. Larson said the Commission had asked that pedestrian traffic be addressed specifically at the last meeting, and he did not think it was appropriate for people to be asked to walk in the street. Mr. Ahrens agreed, noting that, with a 133 units, there would be quite a bit of traffic in the proposed development.

The Chairperson said he had mixed feelings, since this was a private, limited access area, but he was very concerned about using the paved road surface for pedestrian traffic. He also said that they had required sidewalks for other new developments in the Township, and he was concerned about deviating from their previous actions.

Ms. Everett asked Steve Visser how the people would be getting their mail. Steve Visser said he was not sure. Ms. Everett said that she thought it tied into the pedestrian traffic issue. She said she thought if people were going to get their mail at the Community Center, it would be even more important to develop a pedestrian walkway. Steve Visser said they would likely have mailboxes in front of their homes.

The Chairperson asked if there was any other questions for the applicant. Hearing none, the Chairperson opened the public comment portion of the meeting.

Barbara Johnson told the Commission that, what was happening on this area of H Avenue helped her make sense of what was happening where she lived on H Avenue, and the fact that development was being shoved down her throat.

Ron Walters said he knew the Vissers and that they did quality work. However, he said he would like to block this type of development if he could. He said the density was much too great, but he understood that the area was zoned "R-2", and the Vissers had the right to develop their property. However, he objected to any nonresidential uses on H Avenue and objected to Vissers having a permanent office within the proposed development.

Theresa Wright told the Commission that she lived across the street on ten acres which she purchased in 1985. She said, at the time they purchased the land, they were under restrictions prohibiting development and hoped the property always remained rural. She said she thought the developer should know that they raise animals which cause noise and odors, and she was very concerned about density.

Laura Meeuwse told the Commission that she lived across the street, and she was concerned about the traffic and the car lights. She said she was also concerned about the steepness of the berm, as well as the ability of the retention basin to retain all of their water on site. She said she was particularly concerned about the west side drainage and asked that the drainage be closely reviewed by the Township. She said she was also very concerned about the change in the character of the land, but realized that the Vissers had the right to develop their property in accordance with the Township's Zoning Ordinance.

Emmanuel Thompson said he had purchased 12½ acres because of the country setting. He questioned what the Township was doing to safeguard the interests of all of the people. He inquired as to whether the water and sewer projects being proposed in his area were to further the interest of Vissers' project.

Rick Patterson questioned the Planning Department's report that the project was consistent with the area. He said that the proposed project was totally inconsistent with the area, and while it might be legal, it certainly was not compatible with the surrounding development. He said he thought that the proposed sewer would cost him \$70,000 for his two properties and questioned whether his expense was being incurred to further the interest of



these developers. Mr. Patterson also said, if the Vissers could put up a sign, he might put up a sign that said "I have cows, and they poop."

Marty Schultz told the Commission that he took exception to the Staff's report that the proposed project was consistent with the residential development in the area. He said he thought this proposed development was totally inconsistent with adjoining properties. He also said, when they had met with the Sewer and Water Committee, they were told that the proposed water and sewer in the area was not part of a broader plan, and after hearing the Vissers' proposal, he was not sure that was entirely true.

Kevin Travis told the Commission that he would like to see them preserve the rural character of the Township, and he thought it was the desire of the Planning Commission to drive people out of Oshtemo Township with confiscatory taxes or by seizing their property. The Chairperson asked if Mr. Travis had any facts to support his negative allegations against the Planning Commission. Mr. Travis made reference to the current sewer and water taxes and the interest rate being charged by the Township if the property owners could not pay in full, which he called a predatory lending scheme which would likely result in the Township seizing people's property. He said he thought the Township residents should drive the Township Board and the Planning Commission out of the Township, rather than the other way around. The Chairperson noted for the record that every allegation that Mr. Travis made against the Planning Commission had nothing to do with the Commission, since they had no control over sewer or water development, nor the assessments associated therewith, or contracting for the installation of said services. The Chairperson said he thought Mr. Travis' negative comments were inappropriate and directed at the wrong board.

Tim Mallett told the Commission that initially he wanted to come, sit down and listen, but he did have a few questions of the Commission. He asked how a person could be allowed to excavate their property without ever receiving a permit from the Township. Ms. Stefforia explained that this property owner, just as any other property owner, had the right to do site work on their property, including earth moving, if they chose to do so, without obtaining any permits from the Township.

Mr. Mallett said he thought the Planning Commission should be responsible to the people who own property in the Township and pay taxes, and not just the developers.

Sharon Bausman told the Commission that she lives right next door to the proposed development, and when she found out about it, she was "just sick". She said they could not stop it, but she did not necessarily want to see a bike path, which would cause more loss of her front yard. She also asked that the Planning Commission do what it could to limit the impact on surrounding property owners as much as possible. She also voiced an objection to allowing a business office as part of the development.

Barbara Johnson stated, since the applicant was asking the Commission to approve the PUD, that this matter was not a "done deal". She asked if the Commission could say, no, to the proposed project. Mr. Schley said that they could not necessarily say, no, to the project, if the developers met the criteria. However, the Chairperson said it was not simply a "done deal"; they still had to review the proposed project to make sure that it complied with Township Ordinances.

Emmanuel Thompson said he was concerned that they were being assessed in order to put in improvements for other people's development.

Mr. Ahrens stated that he was concerned about the comments that somehow the Township is attempting to take people's property away. He explained that there had been numerous meetings dealing with development along H Avenue. He said that the public hearing process was an opportunity to take public comment, but the people had to understand that this was a legitimate use and that the developer had a right to develop their property, just as the other property owners did.

The Chairperson again expressed to those in attendance that it was not the Planning Commission that taxed anyone within the Township; it was not the Planning Commission that was doing anything to the residents. The Commissioners were simply following the Ordinance and reviewing the proposed plans in accordance therewith.

An audience member asked how they could keep property in their area from being developed. Mr. Larson said that there is only one sure way to control property development, and that was to own the property. Attorney Porter indicated to those in attendance that it was in their best interests to obtain a copy of the Zoning Ordinance and the Zoning Map and understand what was and was not allowed in their area, depending upon the zoning classification. He said that was one way for people to better understand the process and participate in the development of the Township, by having a better understanding of the zoning process.

The Chairperson asked if there was any more public comment, and hearing none, he closed the public portion and called for Commission deliberations.

Ms. Garland-Rike said she thought there needed to be a decision made on the sidewalk issue. She said that she thought that there needed to be some type of walkway throughout the project, and that while she did not want to design it, she thought there was a need for pedestrians to get around within the proposed development.

Mr. Turcott asked how long the subject property had been zoned "R-2". Ms. Stefforia said it had been zoned "R-2" for at least ten years, perhaps 20 years. She explained that the eastern one-third of the Township had been designated higher density residential for decades.

Mr. Turcott asked for clarification from the developer regarding use of the office after all the condominium units were sold. Steve Visser said they planned to use that office even after the condominium project was fully developed.

Ms. Everett said she thought they should restrict the office sign to the interior of the property and not allow it along H Avenue. Ms. Everett asked if they could make such a restriction. Ms. Stefforia said she believed that they could as part of the conditions attached to the PUD, and Attorney Porter agreed with Ms. Stefforia. Steve Visser said it would be fine with them if their office sign was located on the interior of the property.

Ms. Everett asked the applicants if they could narrow the road and install sidewalks. Steve Visser said they would prefer to keep the roads wider, but designate an area within the road as a walkway.

Ms. Everett asked whether or not the developers could put a walking path throughout the project. She said she was concerned about maintaining consistency among the various developments within the Township. Steve Visser said he did not want people walking behind the residential homes. Ms. Bugge pointed out that they could do that, since all of the real estate was going to be owned in common by the condominium association.

Steve Visser said he thought that the Commission should look at each proposed development separately, and if there were reasons for not requiring sidewalks, that they not be imposed. Ms. Stefforia said that they could allow deviation consistent with the provisions in their Sidewalk Ordinance, or as part of the latitude granted to the Planning Commission in developing a planned unit development.

Mr. Turcott asked if they could deny the request for an office within the PUD. Ms. Stefforia said that they would need a good reason to do so since PUD's are allowed up to 20% nonresidential development, and the developer in this case was asking for a very small office use within the PUD.

Mr. Turcott asked about the location of the trees within the boundary lines. Ms. Bugge said she was most concerned about whether or not the trees on the east property line were located within the development, but that was mostly part of Phase 2 and really was not an issue currently before the Planning Commission. Mr. Ahrens suggested that the Commission require screening along the east and west sides of the property. Attorney Porter noted that they would have the latitude to require screening along the west property line since it was part of Phase 1, but that the majority of the east property line was in Phase 2, and he felt that such a requirement would exceed the Commission's authority. Mr. Ahrens said they could require screening along the east side of Phase 1 if they chose. Attorney Porter agreed.

Mr. Larson suggested perhaps having screening along H Avenue, the northeast corner and the northwest corner of the property. Ms. Bugge pointed out that would be more consistent with the fact that there was no development along the east or west boundary lines, south of H Avenue.

Ms. Garland-Rike inquired about the need for the bike path. Ms. Stefforia reminded the Commissioners that the last time the Commission discussed this issue, they had agreed to wait until Phase 2 of the development to see what the impact of the tunnel was on bike traffic in the area. After a general discussion concerning the bike path, it was the consensus of the Commission to put off development of the bike path until Phase 2 of the project was developed.

The Chairperson asked if the first step in the process would be the approval of the special exception use. Ms. Stefforia agreed that it would be.

Mr. Larson said he would want to condition the approval of the special exception use upon the development of a pedestrian walkway throughout the project, separate from the roadway. He said this could include sidewalks within easements or pedestrian walkways elsewhere, but there needed to be some pedestrian circulation plan for the proposed development.

Mr. Ahrens asked if they needed to see a landscape plan before approving the development. Ms. Bugge said the Commission could approve the project and make it subject to the submittal of a landscape plan to be approved administratively.

Ms. Everett said that the Commission needed to resolve the issue of the pedestrian pathway before moving forward. Ms. Garland-Rike said she believed that there needed to be some type of walkway within the residential development. Mr. Larson agreed and said that the walkway needed to provide pedestrian access without walking in the streets. Mr. Larson said again that could either be done through sidewalks within the road easement or a pathway throughout the open space. Mr. Ahrens said that he could agree with that. The Chairperson said that he agreed with Mr. Larson. Mr. Ahrens asked if they would have to table the matter. Mr. Larson said that he did not believe they had to table the matter, but simply make it a condition of their approval.

Mr. Larson also said that the Commission needed to incorporate into its approval screening on H Avenue, as well as the northern portion of the east and west property lines, in order to protect the residential homes in the area. A brief discussion ensued with regard to the type of screening to be developed along the east and west property lines. Ms. Bugge suggested that Type C be imposed along H Avenue and Type B screening be required for the first 200 feet of the east and west property lines. The Chairperson suggested that the Type B landscaping continue to be developed along the west property line as Building Permits were obtained. Ms. Bugge again reminded the Commission that if this were a plat, that it would not



require any screening and that much of the area to the east and the west was open land. Dan Visser said, if the screening was required, they would have it installed, but would like to see most of it installed as the condominium units were being developed so that there would be somebody on site to maintain the landscaping. Otherwise, it would likely die.

Mr. Larson then suggested that the first 200 feet along the northern portions of the east and west property lines be landscaped with Type B landscaping and that H Avenue be landscaped with Type C landscaping, but that the Type B landscaping be continued along the west boundary line as the condominium units were developed and Building Permits were requested. Ms. Stefforia said that the applicant should receive credit for existing trees; the Commission concurred. Ms. Everett said that the applicant also wanted to put evergreens along H Avenue, but that the Type C landscaping did not allow it. Ms. Bugge said that the Commission could allow a mix of evergreens in with the Type C landscaping, if it so chose.

The Chairperson asked if there was further discussion, and hearing none, said he would entertain a motion. Mr. Larson made a motion to approve the special exception use permit based upon the comments of the Planning Commission members and the comments of the Planning Department Staff report, with the following conditions:

- (1) Nonresidential use may not occur until 60% of the residential units are constructed. Office space for Visser Construction may occupy up to 50% of the proposed building.
- (2) The residential character of the building proposed for nonresidential use shall be retained.
- (3) The developer shall install Type C green space along H Avenue with a mix of canopy, understory and evergreen trees.
- (4) The developer shall install Type B green space along the northern 200 feet of the east and west property lines, and that the developer continue with the Type B landscaping along the west property line as Building Permits are requested and condominiums are built within Phase 1 of the development.
- (5) The sign for the permitted nonresidential use be limited to the interior of the property.

Mr. Turcott seconded the motion, and the Chairperson called for Commission comments, and hearing none, called for public comments.

Barbara Johnson asked why this was a special use. Ms. Stefforia explained it was a special use because the PUD had an office use component involved in a residential area. Ted Corakis told the Commission that he thought they should explain how a PUD is approved

and that 20% of a PUD can be nonresidential, which requires a special exception use permit. Ms. Stefforia pointed out that, while a PUD could allow up to 20% nonresidential, that once the PUD was approved, it was site specific and would be limited, not only to the amount of office space approved, but would specifically be restricted to the office for Visser Construction. She said that if they ever wanted to change the proposed user, it would require an amendment to the PUD.

Ms. Meeuwse asked if there was a change in the PUD whether they would get notice. Ms. Stefforia assured them that they would get notice in accordance with state law.

Another audience member inquired as to what constituted Type B landscaping. Ms. Bugge explained what constituted Type B landscaping.

The Chairperson asked if there was further public comment, and hearing none, he called for Commission deliberations. Hearing none, he called for a vote on the motion. The motion passed unanimously, with Mr. Schley abstaining.

The Chairperson said that the next item for consideration was review of the site plan. Mr. Larson made a motion to approve the site plan with the following conditions:

- (1) Easements and deed restrictions relating to the open space must be provided for review by Staff and the Township Attorney prior to the recording of the documents.
- (2) The Master Deed and Bylaws must be provided for review by Staff and the Township Attorney prior to recording of the documents.
- (3) No use in the PUD shall have direct access to H Avenue.
- (4) Driveways to the existing dwelling shall be closed once Harborview Pass is constructed.
- (5) Improvements to H Avenue are subject to approval by the Kalamazoo County Road Commission.
- (6) All private streets are subject to Township Engineer review and a finding that they are adequate.
- (7) Access to the remainder parcel shall be provided for in the Master Deed.
- (8) All parking shall be in conformance with Section 68 of the Township Zoning Ordinance.

- (9) Nonmotorized facilities shall be provided in compliance with site plan approval. Specifically, pedestrian access through the use of sidewalks within the road right-of-way easement or a pathway throughout the open space is to be provided.
- (10) Placement of all buildings shall be in conformance with Section 64 of the Township Zoning Ordinance.
- (11) Any signs shall comply with Section 76 of the Township Zoning Ordinance, and shall be subject to approval through the sign-permitting process.
- (12) All outdoor lighting shall comply with the provisions of Section 78.720 of the Township Zoning Ordinance and are subject to Staff review.
- (13) All areas of the PUD awaiting development shall be stabilized at all times. This shall be accomplished with grasses or other ground cover. Exception is granted for areas with an active Building Permit which shall still satisfy the County's and Township's Erosion Control and Sedimentation Control Ordinances.
- (14) A Type C green space in accordance with Section 75 of the Zoning Ordinance shall be provided along H Avenue.
- (15) A detailed landscaping plan shall be submitted for Staff review and approval.
- (16) All landscaping shall be installed or a Performance Guarantee provided in accordance with the Township Zoning Ordinance prior to the issuance of any Certificate of Occupancy.
- (17) Existing trees proposed to be retained as open space along the west and south perimeter and the wood lot shall be protected during construction to ensure their future viability.
- (18) Site plan approval shall be subject to the applicant satisfying the requirements of the Township Fire Department, pursuant to the adopted codes.
- (19) Site plan approval is subject to the Township Engineer finding site engineering and private roads adequate.
- (20) The Environmental Permits Checklist and Hazardous Substance Reporting Form have been provided to the Township.

- (21) All of the woods in the southwest corner of the property shall be included in Phase 1 of the development.
- (22) A non-motorized bike path along H Avenue will be considered during review of Phase 2 of the condominium project.

The motion was seconded by Mr. Ahrens. The Chairperson asked if there was any public comment, and hearing none, asked for further Commissioner comment. Hearing none, he called for a vote on the motion. The motion passed unanimously, with Mr. Schley abstaining.

The Chairperson said the next item for consideration was to make a recommendation to the Township Board regarding the condominium development. Mr. Larson made a motion to recommend approval of the proposed condominium development. The motion was seconded by Mr. Ahrens. The Chairperson asked if there was any public comment.

Ms. Meeuwse asked when this might proceed to the Township Board. Ms. Stefforia and Ms. Bugge said it was likely to be brought up before the Township Board sometime in December. The Chairperson asked if there was further Commissioner discussion, and hearing none, called for a vote on the motion. The motion passed unanimously with Mr. Schley abstaining.

#### **ARBY'S - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - 6660 WEST MAIN STREET - (PARCEL NO. 3905-14-185-021)**

The Chairperson said the next item for consideration was the special exception use and site plan review for a proposed 3,512 square foot restaurant with a drive-through window at 6660 West Main Street, being Parcel No. 3905-14-18-021. The Chairperson asked for a report from the Planning Department. Ms. Bugge submitted her report to the Planning Department dated November 18, 2004, and the same is incorporated herein by reference.

Ms. Bugge explained to the Commission that the applicant was seeking to establish a 3,512 square foot restaurant with indoor dining and drive-through service on one of the outlots in front of the Meijer store on West Main Street. She said the lot was approximately 1.6 acres in size, located in the "C" Local Business District, with all abutting land zoned commercial. Ms. Bugge said there was no direct access for the outlot to M-43, and that the property would be accessed via easements across Meijer's property.

Ms. Bugge then presented an overhead of the Arby's site plan. She explained how the drive-through service would be accessed and indicated the parking being provided. In addition, Ms. Bugge explained the topography of the site and the deviations that were granted by the Zoning Board of Appeals at its meeting of November 16, 2004. She indicated a deviation from the landscaping requirement along West Main Street was requested from the Planning Commission.





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**To:** Planning Commission

**Meeting Date:** November 18, 2004

**From:** Planning Department

**Agenda Item:** 4

**Applicant:** Steve Visser of Visser Construction LLC

**Property:** 5401 West H Avenue - 39.4 acres  
Permanent Parcel Numbers 3905-12-205-011 and 3903-12-205-030

**Zoning:** R-2 Residence District Classification

**Request:** Special Exception Use and site plan review of a Planned Unit Development (PUD)  
West Port Village

**Section(s):** 60.400 - Planned Unit Development  
60.450 -Review Criteria  
60.460E - Phasing  
60.470D & 82.800 - Site Plan Review  
60.100 - Special Exception Uses

***Staff Report:***

**Background Information:**

The applicant is proposing the establishment of a Planned Unit Development (PUD) on the south side of H Avenue, between Highway 131 and Drake Road. The property is zoned R-2 Residence District and contains 38.5 acres. A condominium development is proposed utilizing the PUD criteria to allow 133 residential units and one nonresidential unit in two phases. Though only Phase 1 of the PUD is proposed for review at this time, a site plan indicating both phases is provided for informational purposes.

West Port Village is proposed as a condominium development where buyers will own only the interior of the dwelling unit; the exterior of all buildings and the property will be owned in common and maintained by the condominium association.

Phase 1 will contain 39 single-family buildings and 17 two-family buildings for a total of 73 residential units and one nonresidential building on 23.4 acres. The nonresidential building will serve as a community area and management office for the condominium and, once 60% of the residential units are

constructed, a business office for Visser Construction LLC. Each use will utilize approximately half of the building.

The Planning Commission conducted its last conceptual review of the proposed project on August 12, 2004, minutes are attached. Changes from that review consist of the elimination of three-family dwellings and the provision of only one and two-family residences. Additionally, Phase 1 dwelling units are increased to 73 from 64, while Phase 2 is reduced to 60 units, down from the conceptual plan number of 72. Previously, building footprints were indicated on the plan; these have been changed to boxes to allow some modification to the buildings. However, the exterior of buildings and all the property will be owned by the condominium association. Buyers will own only the interior of the dwelling unit.

The maximum number of dwelling units was determined by dividing total acreage by the minimum lot area permitted for a single-family residence served by public water and sewer in the R-2 District – 10,560 square feet. Maximum number of residential units allowed for both phases is 158; the number of units proposed is 133 of which 73 units will be constructed in Phase 1. The applicant is utilizing the flexibility permitted under Section 60.430F to allow the residential units on one parcel; this does not increase the number of units permitted.

The project will utilize private streets and is working with the Fire Department regarding a gated entry drive from H Avenue.

Dedicated open space in Phase 1 is proposed to consist of a portion of the southwest wood lot that contains oak trees, perimeter tree lines on the west and south sides, and drainage areas. A minimum of 5% of each phase must be open space, almost 23% is proposed in Phase 1.

A PUD is a special exception use with the review criteria considered when formal site plan review is conducted. The applicant is presently seeking special exception use and site plan approval for Phase 1 of West Port Village PUD condominium development containing 73 residential units and one nonresidential unit. All property and building exteriors will be owned and maintained by the condominium association.

## Review

### Section 60.450 PUD Review Criteria

In considering an application for approval of a planned unit development, the Planning Commission shall make its determination on the basis of the Special Exception Uses criteria set forth in Section 60.100, the Site Plan Review Criteria set forth in Section 82.000, as well as the following standards and criteria:

- A. The overall design and land uses proposed in connection with a planned unit development shall be consistent with the intent of the planned unit development concept and the specific design standards set forth herein.*

Comments: The plan layout and proposed mix of uses satisfy PUD requirements.

- B. The proposed planned unit development shall be serviced by the necessary public facilities to ensure the public health, safety, and welfare of the residents and users of the development.*

Comments: Water and sewer will be provided. All utilities will be underground.

- C. The proposed planned unit development shall be designed to minimize the impact of traffic generated by the development on the surrounding land uses and road network.*

Comments: No use within the PUD will be permitted direct access to H Avenue. Additionally, a left turn lane and a deceleration lane will be provided on H Avenue facilitating traffic movement into and past the site.

Driveways to the existing residential building will be removed and access to the building will be from Harborview Pass once the street is constructed.

- D. The proposed planned unit development shall be designed so as to be in character with surrounding conditions as they relate to the bulk and location of structures, pedestrian and vehicular circulation, landscaping, and amenities.*

Comments:

The single and two-family residential buildings are in keeping with the residential character of adjacent land.

The nonresidential office use is proposed for the existing former residence once 60% of the residences are constructed. Its residential character should be maintained. Access to the building will be from within the development.

The Planning Commission should discuss the installation of a bike path along H Avenue as indicated on the Master Land Use Plan Nonmotorized Facilities map. Applicant previously expressed his concern regarding this requirement based on topography along H Avenue.

The applicant should address pedestrian circulation within the development.

- E. The proposed planned unit development shall be designed and constructed so as to preserve the integrity of the existing on-and off-site sensitive and natural environments, including wetlands, woodlands, hillsides, water bodies, and groundwater resources.*

Comments: A portion of the existing wood lot in the southwest corner of the property will be retained in Phase I.

Trees along the south and west property lines are to remain undisturbed.

Stormwater will be managed on site.

- F. The designated open space shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, agricultural use, recreation, visual impact, and access.*

Comments: A portion of an oak wood lot is designated as open space and a bike path is proposed within the area.

Existing on site perimeter tree lines will act as buffers for the development.

- G. The proposed planned unit development shall comply with all applicable Federal, state, and local regulations.*

Comments: None.

#### Section 60.470D and 82.800 Site Plan Review

The following information shall be included on, or attached to, all site plans:

- 1. An update of the approved conceptual plan pursuant to the informational requirements set forth in Section 82.*

Comments: Items are provided.

- 2. Easements, deed restrictions, and other documents pertaining to the open space system and park/recreation areas.*

Comments: The applicant will prepare these items subsequent to Planning Commission approval of the PUD.

**Easements and deed restrictions relating to the open space must be provided for review by Staff and the Township Attorney prior to the recording of the documents.**

- 3. If condominium ownership is proposed, all documentation required by the condominium regulations of the Township.*

Comments: The applicant will prepare these items subsequent to Planning Commission approval of the PUD.



**The Master Deed and By-Laws must be provided for review by Staff and the Township Attorney prior to recording of the documents.**

4. *Engineering plans presented in sufficient detail to indicate compliance with the engineering standards adopted by the Township, including the cross sections of proposed streets, drive aisles, paved areas, and on-site drainage, including retention and/or detention areas.*

Comments: The plans are being reviewed by the Township Engineer and Kalamazoo County Road Commission has reviewed improvements to H Avenue.

Section 82.800 Site Plan Review Criteria

- (a) Access. The development will be served with private streets. A gated entrance will be provided subject to Fire Department approval. No use in the PUD will be permitted direct access to H Avenue. Access to the remainder parcel must be provided in the Master Deed.

The number of parking spaces needed for the nonresidential use will be determined once an area breakdown by use is provided.

**Site plan approval shall be subject to the following:**

**No use in the PUD shall have direct access to H Avenue.**

**Driveways to the existing dwelling shall be closed once Harborview Pass is constructed.**

**Improvements to H Avenue are subject to approval by the Kalamazoo County Road Commission.**

**All private streets are subject to Township Engineer review and a finding that they are adequate.**

**Access to the remainder parcel shall be provided for in the Master Deed.**

**All parking shall be in conformance with Section 68.**

Pedestrian Circulation. Consider the comments contained above regarding a bike path along H Avenue. If required, timing of the H Avenue bike path should be discussed – would it be more appropriate to construct it with Phase 1 or Phase 2?

Applicant will address internal pedestrian circulation.

**Nonmotorized facilities shall be provided in compliance with site plan approval.**

- (b) Building locations. The single and two-family homes will be built and placed within the building envelope in compliance with the Township's setback requirements.

The building proposed for nonresidential use was constructed prior to the establishment of a 70-foot setback from the H Avenue right-of-way and is considered legally nonconforming for setback purposes.

**Placement of all building shall be in conformance with Section 64.**

Signs. Sign details have not been provided. **Planning Commission should consider if any limitations on the type of sign and lighting for the nonresidential building would be appropriate in this residentially zoned area.** For example, office buildings are generally permitted a 60 square foot, 8-foot tall sign. Consider if this is appropriate for the proposed nonresidential use.

**Any sign shall comply with Section 76 and site plan approval and shall be subject to approval through the sign permitting process.**

Lighting. Lighting within the development will be typical street lighting as found in other residential development. Staff suggests any lighting for the nonresidential component should conform to the residential criteria.

**All outdoor lighting shall comply with the provisions of Section 78.720.**

- (c) Natural features retention & erosion control. Natural features to be retained on the site consist of the existing wood lot and onsite tree lines along the property edge.

To prevent erosion problems and to help improve the appearance along H Avenue while the residences are getting underway, the Planning Commission should require that the area be stabilized with vegetation until such time as development occurs.

**All areas of the PUD awaiting development shall be stabilized at all times. This shall be accomplished with grasses or other ground cover. Exception is granted for areas with an active Building Permit which shall still satisfy the County's and Township's erosion control and sedimentation control ordinance.**

An Earth Change Permit has been obtained from the Kalamazoo County Drain Commissioner.

- (d) Screening. Normally, residential development is not required to be screened from abutting properties; however this is a special exception use and contains a future nonresidential component. Therefore, landscaping can be considered under Section 75. **Planning Commission should consider if a Type-C greenspace would be appropriate along H Avenue to provide**

**greenspace in this area and a buffer for the proposed residential units that back up to H Avenue.**

**Site plan approval is subject to the following:**

**A Type-C greenspace in accordance with Section 75 shall be provided along H Avenue. A detailed landscaping plan shall be submitted for Staff review and approval. All landscaping shall be installed or a performance guarantee provided in accordance with the Ordinance prior to the issuance of any Certificate of Occupancy.**

**Existing trees proposed to be retained as open space along the west and south perimeter and the wood lot shall be protected during construction to ensure their future viability.**

(e) Variances/deviations.

(f) Emergency vehicle accessibility.

**Site plan approval shall be subject to the applicant satisfying the requirements of the Fire Department, pursuant to the adopted codes.**

(g) Runoff. All storm water runoff generated with development of this property will be retained within the PUD. The Township Engineer is reviewing the plans for Township concerns.

**Site plan approval is subject to the Township Engineer finding site engineering and private roads adequate.**

**The Environmental Permits Checklist and Hazardous Substance Reporting Form have been provided to the Township.**

#### Section 60.100 Special Exception Use Criteria

1. *Is the proposed use compatible with the other uses expressly permitted within the "R-2," Residence District?*

Single and two-family uses are compatible with other uses allowed. The future nonresidential use will occupy approximately 50% of the remodeled former residence with the remainder being used as a community area for the residential development. With appropriate limitations on use of the nonresidential area, it also can be compatible with other uses allowed in the R-2, Residence District.

**Nonresidential use may not occur until 60% of the residential units are constructed.**

**The residential character of the building proposed for nonresidential use shall be retained.**

**A Type-C greenspace shall be provided along H Avenue.**

2. *Will the proposed use be detrimental or injurious to the use or development of adjacent properties or to the general public?*

The residential use is consistent with planned uses in the area.

Public utilities will be provided.

Only one access point to H Avenue is provided and improvements to H Avenue are being constructed to facilitate travel in the area.

3. *Will the proposed use promote the public health, safety, morals, and welfare of the community?*

Consider previously discussed limitations on access, preservation of an existing wood lot and tree lines and the provision of public utilities and stormwater facilities.

4. *Will the proposed use encourage the use of the land in accordance with its character and adaptability?*

Consider the location and the extent of the residential and nonresidential uses proposed.

Section 60.460E Phasing

The applicant has requested review of only Phase 1 at this time. Approval for the PUD will expire after one year unless construction has commenced. Phase 1 and subsequent phases must be able to “stand alone” with regard to access, open space, utilities, etc.

Att.: application

August 12, 2004 Planning Commission Minutes (excerpts)

site plan - full size

site plan - 11x17

zoning map

aerial