

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

MINUTES OF A MEETING HELD JANUARY 24, 2008

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**Agenda**

**CLEAN GETAWAY - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - 5055 WEST KL AVENUE (a/k/a 1300 SOUTH DRAKE ROAD) - (PARCEL NO. 3905-24-480-016)**

**ANYTIME FITNESS - SPECIAL EXCEPTION USE REVIEW - 6980 STADIUM DRIVE - (PARCEL NO. 3905-35-102-002)**

**HISTORIC PROPERTY OVERLAY ZONING DISTRICT - DRAFT #1**

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A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, January 24, 2008, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairman  
Lee Larson  
Fred Gould  
Bob Anderson  
Carl Benson  
Kitty Gelling

MEMBER ABSENT: Deborah Everett

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Senior Planner; Brian VanDenBrand, Associate Planner; James Porter, Township Attorney, and approximately eight other interested persons.

**Call to Order**

The meeting was called to order at about 7:00 p.m. The Planning Commission recited "The Pledge of Allegiance."

## **Agenda**

Ms. Gelling made a motion to approve the Agenda as submitted. The motion was seconded by Mr. Larson. The Chairman called for a vote on the motion, and the motion passed unanimously.

## **Minutes**

The Chairman indicated that the next item on the Agenda was approval of the minutes of January 10, 2008. Mr. Anderson made a motion to approve the Minutes as submitted. The motion was seconded by Ms. Gelling. The Chairman called for a vote on the motion, and the motion passed unanimously.

The Chairman reminded those persons in attendance that public comment was limited to four minutes and asked those in attendance to please comply.

## **CLEAN GETAWAY - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - 5055 WEST KL AVENUE (a/k/a 1300 SOUTH DRAKE ROAD) - (PARCEL NO. 3905-24-480-016)**

The Chairman stated that the next item on the Agenda was consideration of the special exception use and site plan review of a proposed new mixed-used commercial building, including a drive-up service window, at 5055 West KL Avenue (a/k/a 1300 South Drake Road), Parcel No. 3905-24-480-016. The Chairman asked to hear from the Planning Department. Ms. Stefforia submitted her report to the Planning Commission dated January 24, 2008, and the same is incorporated herein by reference.

Ms. Stefforia explained that the applicant was requesting to move ahead with the next phase of redevelopment of the subject property by establishing a new two-story building with a laundromat and dry cleaning business, along with a tanning salon on the upper floor. She said, when the new building was completed, the existing building would be demolished and parking established in that area. Ms. Stefforia then proceeded to take the Planning Commission through the provisions of Section 60.100 dealing with the special exception use criteria and Section 82.800 dealing with site plan review, as more fully set forth in her report.

The Chairman asked if there were any questions.

Mr. Benson asked if parking on the site would meet the Ordinance criteria. Ms. Stefforia indicated that the Zoning Ordinance did not specifically list laundromats or their

parking requirements. Therefore, they were going to use what the applicant currently had, i.e., 41 parking spaces since they had proved to be adequate for the use in the past.

Mr. Larson asked about stormwater and the Engineer's requirements. Ms. Stefforia said currently all of the stormwater goes to the public system in the street operated by the City of Kalamazoo. Because of that fact, the Township Engineer is asking for pretreatment of the stormwater, and he indicated that the applicant would have to work with the City on this issue.

The Chairman asked if there were any other questions, and hearing none, asked to hear from the applicant's representative. Mr. Andrew Rossell, on behalf of Hurley and Stewart, L.L.C., introduced himself to the Planning Commission. He said that he had inadvertently referred to DF 2000 as a perchloroethylene, which was incorrect. He said the emissions with this product would be reduced by 99.7%. He said that the request for stormwater pretreatment would be addressed and resolved with the Township's Engineer and representatives of the City of Kalamazoo.

The Chairman asked what the applicant would be doing with regard to relocating the vacuums on site. Mr. Rossell said two of the vacuums would be located in the carport, and two others would be along the west edge of the property where others are currently located.

The Chairman asked about the dumpster. The applicant said that the architect was working on it and would include it with the building plans. He said it would be located in the southwest corner of the property.

The Chairman said he understood the Engineer's response regarding the DF 2000, but asked if the Commission could get something from the regulating authority to confirm compliance with State environmental laws. Mr. Rossell said that Carl Johnson with the DEQ reviewed the air and liquid emissions from the site, and that they would get a letter from DEQ addressing this issue.

The Chairman asked if there was public comment. Hearing none, he called for Planning Commission deliberations. The Chairman noted that this was a two-step process. The first step would be a review the special exception use, and the second to review the site plan. After a brief discussion, Mr. Larson made a motion to approve the special exception use, as submitted. Mr. Anderson seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

The Chairman said the second issue to address was the site plan review. He asked that the Commission take note of the conditions and recommendations set forth by the Planning Department. He said he thought reducing the setback area from 10 feet off of Drake Road, rather than 20 feet, was acceptable in his mind, given the limitations in the area. Mr. Larson said he thought his concerns could be addressed through the

additional landscaping being requested by the Staff. Mr. Larson then made a motion to approve the site, as submitted, with the following conditions:

- (1) A driveway permit from the City of Kalamazoo shall be obtained for the relocation of the driveway.
- (2) Construction of the bike path along Drake Road shall be deferred, and the applicant provide the Township with an escrow for the cost of the bike path.
- (3) Parking shall be approved, as proposed, with the stipulation that, if the Township determines a parking problem exists, the applicant must establish additional parking with prior review and approval of the Township.
- (4) A revised landscaping plan, pursuant to Planning Commission approval, shall be provided for Staff review and approval before a Building Permit may be issued.
- (5) Landscaping shall be installed consistent with the approved landscaping plan prior to issuance of a Certificate of Occupancy, or a performance guarantee must be provided pursuant to Section 82.950.
- (6) Relocation of the vacuums in the area of the future drive aisle must be submitted for Township review and approval before being relocated on the site.
- (7) Details of new exterior building and pole-mounted lighting have been provided for Staff review and approval.
- (8) A Sign Permit shall be required before any new signs may be erected on the site.
- (9) Dumpster enclosure details shall be provided for Staff review and approval before a Building Permit may be issued.
- (10) The owner shall execute a Quit Claim Deed where the property will be re-described as one parcel, which will “clean-up” the legal description for the property.
- (11) Site plan approval is subject to the approval of the Fire Department, pursuant to adopted codes.
- (12) Site plan approval is subject to the review and acceptance of the Township Engineer as adequate.

- (13) Written confirmation from the MDEQ must be provided by the applicant that its use of and arrangements for handling any chemicals on site has been approved for the new facility.

Mr. Gould seconded the motion. The Chairman called for further discussion, and hearing none, called for a vote on the motion. The motion passed unanimously.

**ANYTIME FITNESS - SPECIAL EXCEPTION USE REVIEW - 6980 STADIUM DRIVE - (PARCEL NO. 3905-35-102-002)**

The Chairman indicated that the next item on the Agenda was the special exception use review for a proposed health and fitness club within the building located at 6980 Stadium Drive, Parcel No. 3905-35-102-002. The Chairman asked to hear from the Planning Department. Ms. Bugge submitted her report dated January 24, 2008, and the same is incorporated herein by reference.

Ms. Bugge explained that the applicant was requesting approval for a 24-hour, indoor recreational facility entitled Anytime Fitness. She said the facility was proposing to occupy approximately 3,700 square feet of the existing 6,400 square foot building. Ms. Bugge stated that indoor recreation was a special use in the Village Commercial District, and the subject property is located on Stadium Drive, east of 8<sup>th</sup> Street in the Village Place development. Ms. Bugge took the Commission through a review of Section 60.100 of the Ordinance as more fully set forth in her report.

The Chairman asked if there were any questions of Ms. Bugge. Hearing none, he asked to hear from the applicant. Mr. Brian Waite introduced himself as co-owner of Anytime Fitness. Mr. Waite said they had a very strong security system with alarms and cameras to make the facility safe for their members. He asked if there were any questions.

Hearing none, the Chairman asked if there was public comment. Hearing no public comment, the Chairman asked for discussion by the Planning Commission. The Chairman asked if there were any concerns. Hearing none, he said he would entertain a motion. Mr. Anderson made a motion to approve the special exception use permit as requested. The motion was seconded by Ms. Gelling. The Chairman called for a vote on the motion, and the motion passed unanimously.

**HISTORIC PROPERTY OVERLAY ZONING DISTRICT - DRAFT #1**

The Chairman indicated that the next item on the Agenda was consideration of a first draft of a proposed new Overlay Zoning District for historic properties. The Chairman asked for a report from the Planning Department. Mr. VanDenBrand submitted his report to the Planning Commission dated January 24, 2008, and the same is incorporated herein by reference.

Mr. VanDenBrand explained to the Planning Commission that the Parks Committee had requested a new Overlay Zoning District for historic properties in the Township. He said this Overlay District would not only affect historic properties owned by the Township but could affect other properties. He said, however, the proposed Overlay District was envisioned as being entirely voluntary.

Mr. VanDenBrand then took the Commission through an overview of how the Historic Property Overlay Zone would be defined under new Section 54 of the Ordinance and how it would be implemented under Section 64.700 of the Ordinance, particularly Section 64.750. In addition, he said that the greenspace provisions of Table 75 of the Zoning Ordinance would be amended to protect the Overlay District.

After Mr. VanDenBrand's report, the Chairman began by asking if Mr. VanDenBrand's conclusion was that the Village Commercial District would have sufficient controls within the Form-Based Code to provide protection to the historic buildings without implementing this Overlay Zone within the "VC" Village Commercial District. Mr. VanDenBrand said he thought that was correct.

Mr. Larson asked if something in recorded form would be needed for the party wishing to participate in the Overlay Zoning District. Mr. VanDenBrand said it would be part of a specific Overlay just like the 9<sup>th</sup> Street Overlay District and made part of the Zoning Ordinance.

Mr. Anderson questioned how the proposed Overlay District would impact the adjacent property owners, and whether they would be notified. Mr. VanDenBrand said that they would not be specifically notified because their property would not be rezoned. He noted that an analysis of each of the five suggested historical properties and their neighbors had been conducted, and most of the parcels that abutted the suggested historical zones were quite large. After conducting this analysis, the Planning Department felt that the suggested supplemental setbacks were fair, and while they would have some impact on abutting properties, those increased setbacks would not unduly impact development of those properties.

Mr. Larson asked if all the properties on the 1999 Study's list of historic resources had been put into the map of the historical district. Mr. VanDenBrand said yes, excluding a few that had been demolished. He stated that the five suggested Historical Overlay properties were drawn from that list, and were viewed as a good starting point because they were the most threatened by the intense land uses permitted in the surrounding zoning districts.

Attorney Porter noted his support for the idea of a Historic Overlay. However, he did note his concerns with regard to how the Historic District would be determined and whether it should be refined to only include a certain area surrounding a historic building or historically-significant landmark, rather than the entire parcel itself. Mr. Larson said he

thought the Overlay District could be tailored to address distances from historically-significant features, rather than based upon arbitrary property lines. The Chairman said he thought that was a possibility. Attorney Porter said he thought it would be easier to defend if the Township established criteria to set up the District, rather than just arbitrarily using the boundaries of the property upon which the historic structure was located.

Mr. Gould asked whether it could be based somehow on a percentage of the property being in the Historic District.

Someone asked whether the adjacent property could be placed within the Historic zone. Ms. Stefforia raised an objection to including property other than upon which the historic structure or feature stands because of the difficulty of rezoning property as "historic" which did not have a historic structure itself. Attorney Porter said that would create additional difficulties and suggested perhaps any distance perimeters for the Historic District itself be kept within the limitations of the property directly affected. Mr. VanDenBrand said that would not necessarily affect the setback provisions from the Historic District. The Planning Commission members indicated that they understood, but it still would not require a rezoning or reclassification to an Overlay Zone for property other than the property which was directly affected.

The Chairman asked if the Commissioners could reach a consensus of whether they agreed with the proposed setback distances as set forth in Section 64.750. It was the consensus of the Commission to accept a 20-foot setback from abutting property which is developed for single and two-family structures. In addition, it was the consensus of the Commission to accept a 50-foot setback where the subject site was within a "AG", "RR", "R-1" or "R-2" District and the property was developed for other than single or two-family residential.

A discussion of Section 64.750(e) was held regarding a 100-foot setback for property in "R-3" through "I-3" zones which abutted property in the Historic District. It was the consensus of the Commission to accept the 100-foot setback which would prohibit building structures within that setback, but not limit other uses of the property.

It was further agreed upon that the Historical Overlay Zone should extend 100 feet beyond any historic feature or to the property line, whichever was less. In the event that the Overlay Zone did not abut a property line, the required supplemental setback would be applied from the edge of the Overlay Zone. Mr. VanDenBrand pointed out that a provision of that nature would still allow for some buffering of the historic property even if the Overlay did not extend all the way to the property line. In the event that other provisions of the existing Ordinance required a greater setback than would be required using the new provisions of the Historic Overlay Zone, the greater requirements should apply.

The Chairman asked if the Commission could discuss the proposed greenspace limitations. The Chairman began by saying that he did not believe a G greenspace requirement was needed in each and every case as proposed in Draft #1. After a lively and spirited debate, it was the consensus of the Planning Commission to reduce the "AG" through "R-3" Districts to a F greenspace, as well as that in the "R-4" and "R-5" Districts. The rest of the zoning classifications were to remain a G greenspace.

The Planning Department will prepare Draft #2 for an upcoming meeting and contact the owners of the five historic properties to bring them up to speed on the matter.

### **Discussion Items**

The existing Planning Commission By-Laws and Public Comment Policy were presented to the Planning Commission for review. After a fairly extensive discussion and numerous amendments, Mr. Larson made a motion to adopt the By-Laws as amended (see attached). The motion was seconded by Mr. Anderson. The Chairman called for a vote on the motion. The motion passed unanimously.

### **2007 Annual Report**

The 2007 Planning Commission Annual Report was submitted to the Commissioners for their review.

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

None.

### **Any Other Business**

The Commission determined to switch its March work session and regular session in order to allow the Chairman to be present for discussion on the Form-Based Code.

### **Planning Commissioner Comments**

The Chairman said he thought that the Planning Commission was doing an excellent job. However, he asked that everybody continue to speak up and use the microphones accordingly.

Mr. Benson said he thought the members of the Planning Commission should be given the By-Laws when first joining the Planning Commission, and the Planning Commission concurred.

Ms. Gelling suggested that the terms of the Planning Commission members be provided to them.

## **Adjournment**

There being no other Commissioner comments, Mr. Larson made a motion to adjourn the meeting at approximately 9:35 p.m. The Chairman concurred, and the meeting was so adjourned.

Minutes Prepared:  
January 29, 2008

Minutes Approved:  
February 14, 2008