

**NOTICE  
OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**Thursday,  
May 14, 2015**

**7:00 p.m.**

**AGENDA**

1. Call to Order
2. Pledge of Allegiance
3. Approve Agenda
4. Public Comment on Non-Agenda Items
5. Approve Minutes of the April 23, 2015 Regular Meeting
6. **PUBLIC HEARING: Step 1 Site Condominium Review (Van Kal Site Condominium)**  
Planning Commission to review application of Tim Woodhams, on behalf of Mar-Bo Investments, Inc., for tentative approval of a preliminary site condominium plan (step 1) for a 40-unit residential site condominium development named Van Kal Site Condominium. The subject property is located at 3839 South Van Kal Avenue in the RR Rural Residential District. (Parcel number is #3905-31-155-030).
7. **PUBLIC HEARING: Special Exception Use (Jakes Fireworks Inc.)**  
Planning Commission to conduct special exception use and site plan review of the application of Jakes Fireworks Inc. for temporary outdoor sales from June 20 to July 5, 2015 in Harding's Market parking lot located at 6430 West Stadium Drive within the VC Village Commercial District (parcel #3905-26-465-022).
8. **PUBLIC HEARING: Special Exception Use (Ka-Boomer's Enterprises Inc.)**  
Planning Commission to consider special exception use request of the application from Ka-Boomers Enterprises Inc. for establishment of a temporary outdoor sales use lasting longer than one day located in the parking lot of an existing commercial center (Menard's) at 6800 West Main Street in the C Local Business District. (Parcel #3905-14-155-029).
9. **PUBLIC HEARING: Special Exception Use (Oshtemo Charter Township)**  
Planning Commission to consider special exception use request of the application from Oshtemo Charter Township for establishment of a private, shared, commercial access drive to be located near the southeast corner of 9<sup>th</sup> Street and Stadium Drive with access from Atlantic Avenue and properties with frontage on 9<sup>th</sup> Street. The subject property is located within the VC Village Commercial. (Parcel #3905-35-205-132).
10. Old Business
11. Any Other Business
12. Planning Commissioner Comments
13. 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 to respond at a later date.

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.

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; it is not required unless the speaker wishes to have their comment recorded in the minutes.

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 or Citizen Comment on 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 is in contravention of any of the principles and procedures set forth herein.

(adopted 5/9/2000)  
(revised 5/14/2013)

**Policy for Public Comment**  
**6:00 p.m. "Public Comment"/Portion of Township Board Meetings**

At the commencement of the meeting, the Supervisor shall poll the members of the public who are present to determine how many persons wish to make comments. The Supervisor shall allocate maximum comment time among persons so identified based upon the total number of persons indicating their wish to make public comments, but no longer than ten (10) minutes per person. Special permission to extend the maximum comment time may be granted in advance by the Supervisor based upon the topic of discussion.

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 to respond at a later date.

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; it is not required unless the speaker wishes to have their comment recorded in the minutes.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor shall terminate any public comment which is in contravention of any of the principles and procedures set forth herein.

(adopted 2/27/2001)  
(revised 5/14/2013)

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A MEETING HELD APRIL 23, 2015**

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**Agenda**

**PUBLIC HEARING: SPECIAL EXCEPTION USE REQUEST OF THE APPLICATION FROM BOSCH ARCHITECTURE ON BEHALF OF CONSUMERS CREDIT UNION FOR ESTABLISHMENT OF A 5,299 SQUARE FOOT FINANCIAL INSTITUTION WITH DRIVE-THROUGH LANES LOCATED AT THE CORNER @ DRAKE COMMERCIAL CENTER AT THE NORTHWEST CORNER OF CENTURY DRIVE AND DRAKE ROAD IN THE C COMMERCIAL DISTRICT. (PARCEL #3905-25-240-009).**

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A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, April 23, 2015, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Fred Antosz  
Wiley Boulding, Sr.  
Dusty Farmer  
Pam Jackson  
Mary Smith

MEMBERS ABSENT: Millard Loy  
Terry Schley

Also present were Greg Milliken, Planning Director; James Porter, Attorney; and Martha Coash, Meeting Transcriptionist. Approximately six other persons were in attendance. Due to the absence of Chairperson Schley, Vice Chair Jackson assumed the duties of the Chairperson.

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

The meeting was called to order by Vice Chair Jackson at approximately 7:00 p.m. and the "Pledge of Allegiance" was recited.

**AGENDA**

The Vice Chair asked for a motion to approve the agenda.

Mr. Boulding, Sr. made a motion to accept the agenda as presented. Ms. Farmer seconded the motion. The motion passed unanimously.

## **PUBLIC COMMENT ON NON-AGENDA ITEMS**

Vice Chair Jackson asked if anyone in attendance wished to comment on non-agenda items.

There were no public comments on non-agenda items. Vice Chair Jackson moved to the next item on the agenda.

## **APPROVAL OF THE MINUTES OF APRIL 9, 2015**

The Vice Chair asked if there were any additions, deletions or corrections to the minutes of the Meeting of April 9, 2015.

Vice Chair Jackson asked for clarification of comments from Ms. Farmer regarding the Statement of Purpose at the beginning of each zoning district chapter in the Ordinance. Ms. Farmer said she believed the Statement of Purpose was supposed to be an explanation of the chapter that followed. There was some question whether the Statement of Purpose in this case is actually a reflection of the following Ordinance. There was a question regarding whether the Statement of Purpose could be used in making a decision on the Ordinance and it was decided that it could not, so she commented that it alone was not enforceable, so she commented that the Commission should be certain that the standards of a district match the stated purpose.

Attorney Porter confirmed that the Statement of Purpose can be taken into consideration but that it cannot override the Ordinance itself. He agreed with Ms. Farmer that if you have a Statement of Purpose and then the actual Ordinance doesn't fulfill that, it should be addressed.

There were no further comments, and hearing no additions, deletions or corrections, Vice Chair Jackson asked for a motion to approve the minutes as presented.

Mr. Antosz made a motion to approve the minutes of the April 9, 2015 meeting Ms. Farmer seconded the motion. The motion was approved unanimously.

Vice Chair Jackson moved to the next item on the agenda.

**PUBLIC HEARING: SPECIAL EXCEPTION USE REQUEST OF THE APPLICATION FROM BOSCH ARCHITECTURE ON BEHALF OF CONSUMERS CREDIT UNION FOR ESTABLISHMENT OF A 5,299 SQUARE FOOT FINANCIAL INSTITUTION WITH DRIVE-THROUGH LANES LOCATED AT THE CORNER @ DRAKE COMMERCIAL CENTER AT THE NORTHWEST CORNER OF CENTURY DRIVE AND DRAKE ROAD IN THE C COMMERCIAL DISTRICT. (PARCEL #3905-25-240-009).**

Vice Chair Jackson said the next item on the agenda was a public hearing regarding the special exception use request for establishment of a Consumers Credit Union located at the Corner @ Drake Commercial Center. She asked Mr. Milliken to provide background for the Board's consideration.

Mr. Milliken explained the subject property is located in the Corner @ Drake commercial development. The specific building site within the development is located immediately north of Century Avenue with frontage on Drake Road. The lease area is 1.05 acres in size with approximately 150 feet of frontage on Drake Road.

He said the proposal is to construct a two-story, 5,922 square foot office for the credit union housing both retail and administrative offices for the business. Drive-thru lanes and 32 parking spaces are also included.

He said the property is located in the C Commercial zoning district. Financial institutions are a permitted use in the C district, but with the drive-through lanes, this makes it a special exception use.

Mr. Milliken noted the setback along Drake Road is 120 feet from the centerline of the road. The setback of the proposed building well exceeds this setback. The setback for structures along private access drives is 15 feet from the easement boundary. This is the setback on the south and west sides of the property. Again, the building exceeds this requirement.

He explained access to the property is via the private access drive that runs along the west boundary of the property. In addition, the site will provide a connection to the parking lot of future development to the north providing for greater connectivity and flow within the overall development.

Mr. Milliken told the Board four drive-thru lanes are provided on the northwest side of the proposed building. Section 68.300.G provides requirements for drive-through lanes and stacking spaces. There is no specific requirement for the number of stacking spaces; rather, the stacking is required to be on-site and designed so as not to impede circulation. Stacking has been provided for at least eight vehicles, and the applicant has indicated that experience at other facilities suggests that is more than adequate.

Although not yet constructed, Mr. Milliken said a non-motorized facility has been committed along the Drake Road frontage of the site. The applicant has provided a sidewalk connection to this Drake Road facility as well as a pedestrian connection to the future development site to the north.

He said to provide internal pedestrian connectivity, Staff has suggested that development to the north not only be interconnected but also a connection be provided for pedestrians to the existing sidewalk along the east side of the Costco building.

Pedestrians can then utilize this walk and strategically located crossings to safely access buildings north of Century Drive.

Mr. Milliken continued, saying landscaping has been shown on the overall site plan demonstrating the landscaping proposed as part of this development. Both perimeter landscaping and parking lot landscaping is required. Perimeter landscaping is required along the east, south, and west property lines. Existing landscaping has been provided in these areas as part of the overall development. Additional landscaping has been added as necessary to satisfy the requirements of the Ordinance.

He told the Board a lighting plan is provided on sheet. A total of eight new LED pole mounted lights are proposed around the perimeter of the parking lot to provide site lighting along with eight building mounted lights.

He also told the Board stormwater drainage has largely already been addressed during preparation of the overall development. As part of the establishment of the overall development, drainage needs were projected and necessary infrastructure installed.

Mr. Milliken said all Standards for Approval are met by the proposal.

In conclusion, Mr. Milliken said this is the first outbuilding development at the Corner @ Drake development, and it is anticipated that several others will come forward in the months ahead. The proposed development is consistent with plans proposed during review of the overall development as well as with the requirements of the Zoning Ordinance. The two-story building and new architectural style (relative to a traditional franchise branch) will help frame the entry to the development. He indicated he recommends approval subject to conditions in his Staff report.

Vice Chair Jackson thanked Mr. Milliken for his comments and asked if Commissioners had questions for him.

Ms. Farmer asked Mr. Milliken to explain how the special exception use fulfills the requirements for sidewalks.

Mr. Milliken explained there is already commitment for a sidewalk along Drake Road, but that grant funds are being sought for the total length of the facility. He noted the plan calls for a pedestrian connection to the north. One of the conditions is to provide a connection to the west along the access drive to an existing sidewalk along the east side of the Costco building. Someone from the Consumers Credit Union building could walk to Costco.

Ms. Farmer asked what would happen if grants are not secured for that facility.

Mr. Milliken said the sidewalks are a commitment of the original development approval and therefore are required, but that all those involved are working together to secure the grant money.

Ms. Farmer asked if funds were being held in escrow for sidewalk construction.

Mr. Milliken said there are no escrow funds for this purpose.

Ms. Smith wondered if there was a steep hill at the non-motorized connection point; she was concerned about wheelchair access for nearby residents.

Mr. Milliken said the steep incline was further to the north, that it is still quite flat at the access point.

Hearing no further questions from Commissioners, Vice Chair Jackson asked the applicant to speak.

Mr. Steve Bosch, of Bosch Architecture, 8065 Vineyard Parkway, representing Consumers Credit Union, noted Mr. Milliken had presented the salient points, but said it is an exciting project for Consumers Credit Union to be at the Costco site, the expansion is key pin for their future development, and that this location will be a two story, full service retail, regional branch.

Mr. Boulding, Sr. asked whether the assumption for future development to the north would mean parking will be funneled south to the access drive.

Mr. Bosch said hypothetically the access drive to the north will be funneled out to the service drive.

Mr. Milliken noted anything built to the north would go through the site plan review and approval process.

There were no further questions for Mr. Bosch. Vice Chair Jackson asked whether there was public comment.

Mr. Joe Gesmundo, developer of the Corner @ Drake, indicated his excitement regarding this first project, one of seven letters of intent they are working on. They believe they will have more leases following close after this first project and that there are really exciting things to come. His intent was to include exceptional architecture in this development; the two-story Consumers Credit Union is unusual and he thinks CCU and Bosch Architecture have met that objective for this first project.

Regarding sidewalks, Mr. Gesmundo said the plan is to make the connection so that people who park behind the buildings can walk to the front of the retail stores and to Costco. He addressed connecting south from the southwest corner of the CCU site, noting that traffic coming in from traffic light at Drake Road doesn't stop, and most of the

traffic is turning left. Having pedestrian traffic crossing free-flowing traffic is probably unwise. He believes having a sidewalk on Drake, south across Century Ave., with buttons for a safe crossing, and then west on the south side of Century, is a safer route. The recommendation in the staff memo speaks to this issue and may need to be looked at.

Hearing no other public comments, Vice Chair Jackson moved to Board Deliberation.

Attorney Porter noted two motions for consideration would be appropriate.

Mr. Milliken said he understood Mr. Gesmundo's concerns about the safety of a connection to the south across Century Drive and had no problem eliminating that recommendation from the staff conditions for approval.

Ms. Farmer made a motion to approve the special exception use as presented. Mr. Antosz seconded the motion. The motion was approved unanimously.

Ms. Farmer made a motion to approve the site plan contingent on recommendations #1, 2, 4 and 5 from the Staff memo and a change to #3 to include the installation of a pedestrian connection to the west across the service drive to Costco, but to eliminate a connection to the south across Century Drive. Mr. Boulding, Sr. seconded the motion. The motion was approved unanimously.

Vice Chair Jackson moved to the next item on the agenda.

### **CONTINUED DISCUSSION OF SANITARY SEWER STRATEGIC PLAN AND PLANNING AND ZONING IMPLICATIONS.**

The Vice Chair asked Mr. Milliken to speak on this agenda item.

Mr. Milliken explained this will be an important discussion to have, but that he had nothing formal to present at this time. Much time has been and will be spent by Staff members on educating themselves about sanitary sewers, septic tanks, and the Township policies on the issue. The project is comprehensive. This is an important issue, but without valuable information to inform discussion, he doesn't want the Board to waste its time.

Ms. Farmer said she accepted that. As liaison to the Township Board, she was happy the Planning Commission chose to move ahead to a conclusion on this discussion, and understands the urgency to have the discussion finished.

Mr. Milliken said he wants to provide the Commissioners with valuable information for discussion, but the process will likely involve what could be a year-long process to analyze the Ordinance. It is not realistic to think it can be done by summer,

which was discussed originally. The Board will have to develop a strategy/game plan for the vision. A lot is planning based and insight from the group will be valuable.

Vice Chair Jackson told Mr. Milliken if there were ways Commissioners could help with background information development they would do so.

Mr. Milliken said he would welcome assistance, but at this point is not sure what it would be, but suggested for now they review the 4-5 pages in the Master Plan that address these issues.

Mr. Boulding, Sr. noted the two major factors driving the need for action are population density and the topographical structure which limits development to the west. Future development, tied to both zoning and planning, has to be considered.

Ms. Farmer said the fact that Kalamazoo County gets 100% of its water from the ground shapes her opinion.

Mr. Milliken apologized for not being able to provide a basis for discussion at this time.

### **OLD BUSINESS/OTHER BUSINESS**

Vice Chair Jackson asked if there was old business or other business to come before the Commission.

Mr. Milliken introduced Ben Clark, newly hired Zoning Administrator, to the Board. He explained that Karen High will now be shifting her time to Parks Administrator, and that her experience and expertise could still be called upon as needed for zoning issues. Commissioners welcomed Mr. Clark.

### **PLANNING COMMISSIONER COMMENTS**

Ms. Farmer invited Commissioners to attend the April 24 Prairie Ridge School fundraising event for Loaves & Fishes.

Mr. Milliken told the Board a new K-8 charter school to be located west of Copper Beech Apartments has been proposed. Because it is a school it is exempt from zoning and most local control. He said everything the Township has asked of them has generally been agreed to.

### **ADJOURNMENT**

Having exhausted the agenda, and with there being no further business to discuss, Vice Chair Jackson asked for a motion to adjourn.

Mr. Boulding, Sr. made a motion to adjourn. Ms. Farmer seconded the motion.  
The motion carried unanimously.

Vice Chair Jackson adjourned the Planning Commission meeting at approximately 7:46 p.m.

Minutes prepared:  
April 24, 2015

Minutes approved:  
\_\_\_\_\_, 2015

May 8, 2015



**Mtg Date:** May 14, 2015

**To:** Planning Commission

**From:** Gregory Milliken, AICP

**Applicant:** Ka-Boomer's Enterprises, Inc.

**Owner:** Menard's Inc.

**Property:** Parcel #3905-14-155-029 (6800 W. Main Street)

**Zoning:** C-Local Commercial

**Request:** Special Exception Use to establish a Temporary Sales Event for more than one day for a tent in the parking lot to sell fireworks

**Section(s):** Section 30.000 – C Local Commercial District

**Project Name:** Ka-Boomer's / Menard's

## OVERVIEW

The applicant is seeking to locate a temporary fireworks sales tent in the parking lot of the Menard's Center on West Main Street. Such a use is a special exception use in the C zoning district because it will last more than one day. Section 30.221 of the Ordinance contains specific standards for temporary outdoor events. The applicants are seeking to operate from 6/25/15 to 7/4/15 – a period of 10 days. The tent will be installed two to three days prior and removed one to two days after the period indicated.

## PROPOSED USE

The applicant is proposing a 1,600 square foot (20'x80') tent for the sale and display of fireworks. They will be selling a full line of consumer fireworks ranging from sparklers to aerials at retail from the tent. It is proposed to be located in the south-central portion of the parking lot adjacent to the access drive serving the outlet centers and Menard's. The location complies with all required building setbacks. The applicant has indicated that it will be 200 feet from the front of Menard's store.

The proposed tent is located in the middle of a row of parking spaces. In addition, a storage trailer for supplies and inventory is proposed to be located within the same bank of parking spaces north of the tent. These parking spaces will not be available for use during the sales period.

State regulations do not allow vehicles within 10 feet of the fireworks area. The bank of parking spaces within which the tent will be located is 40 feet wide. Therefore, space is available to provide the required 10-foot buffer area on each side of the 20-foot wide tent without extending into the adjacent driveways. This is important as these drives must maintain the minimum width requirements of the Zoning Ordinance to ensure circulation for customers and access for emergency vehicles. If that cannot be accomplished, additional parking spaces will need to be closed. Although this will reduce the total number of parking spaces, this is not anticipated to be problematic for the center, particularly for the short duration of the tent's presence at the site.

Last year, the hours of operation were from 10 am to 10 pm daily, and the applicant provided 24 hour security on site. It should be confirmed that this will be repeated this year. Menard's hours are 6:30 am to 10 pm Monday through Saturday and 8 am to 8 pm on Sunday.

The Fire Department reviewed the plans and found them to be acceptable. Copies of their license, insurance, lease, certificate of flame retardancy, and a layout of the tent interior have been provided.

This is the second year Ka-Boomer's has located in the Township. There were no issues or complaints filed based on last year's location.

#### **STANDARDS FOR APPROVAL**

Section 60.100 of the Zoning Ordinance provides the review criteria for consideration when reviewing a special exception use.

**A. Is the proposed use compatible with the other uses expressly permitted within the C Local Commercial District?**

The proposed use is compatible with other uses permitted in the C district and within the Menard's commercial center. The tent will be located well off the adjacent roadways thereby limiting impacts on adjacent uses. It is also a short-term use lasting less than two weeks.

**B. Will the proposed use be detrimental or injurious to the use or development of adjacent properties or to the general public?**

It is not believed that the proposed use will be detrimental or injurious to the use or development of adjacent properties or the general public. Due to the number of opportunities to park and circulate within the existing parking lot, the proposed use should not significantly impact the circulation or parking within the development. It is also centrally located within the property thereby limiting impacts on adjacent properties.

As the use involves the storage and sale of fireworks, the nature of the goods do increase the potential risk. The Fire Department has indicated that the proposed use complies with all Fire Codes and Regulations. In addition, the Fire Department has indicated that they will inspect the site before it opens.

**C. Will the proposed use promote the public health, safety, and welfare of the community?**

The proposed use complies with the regulations and standards for fireworks sales and storage as provided for by the State of Michigan and will provide 24-hour security to ensure safety and security. The Fire Department has reviewed the proposed application, and they have identified no concerns. The site will be inspected prior to initiating sales.

**D. Will the proposed use encourage the use of the land in accordance with its character and adaptability?**

The intersection of 9<sup>th</sup> Street and West Main Street is a prime commercial intersection, and a temporary outdoor sales use, particularly of a seasonal nature, is consistent with such uses. The use will last about two weeks, and therefore it is not expected to impact the adaptability of the land.

In addition to the standards for a special exception use, the sales tent must also satisfy the standards for temporary outdoor events, as provided for in Section 33.213, with the exception of 33.213(a). Because the event lasts more than one day, it is considered a special exception use. We have received a plan from the applicant illustrating the location of the proposed tent. The use will utilize the circulation and parking of the existing Menard's facility, a parking lot with the capacity to accommodate this facility. Restrooms are provided in the Menard's building, and the use is well insulated within the subject property. The Fire Marshall has reviewed the plans. A lease has been provided acknowledging approval of the property owner. The applicant has indicated they will comply with the Township Sign Ordinance.

**RECOMMENDATION**

The proposed use is consistent with existing uses in the C district as well as within the surrounding commercial center. We recommend approval of the proposed use with the following conditions:

1. Comply with any comments or issues raised by the Fire Department during the course of this review and/or any subsequent inspection.
2. Any signage shall require a sign permit in conformance with the standards of the Township Zoning Ordinance

This is the second year this applicant has sought approval for the same use at the same site (and the third year in a row a facility has located at this site), and there have been no issues reported during the previous periods. The Commission should consider whether administrative review is acceptable for future requests provided future requests are consistent with the proposed.

Respectfully Submitted,



Gregory E. Milliken, AICP  
Planning Director



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

**PLANNING & ZONING APPLICATION - \$300.00 Fee**

**APPLICANT:**

Name Don Burjer  
Please print  
 Company Ka-Boomer's Enterprises, Inc.  
 Address PO Box 86  
Wahoo, NE 68066  
 E-mail Kaboomersfireworks@yahoo.com  
 Telephone 402-443-4593 Fax 402-443-4614

Oshtemo Charter Township  
 7275 W MAIN ST  
 KALAMAZOO, MI 49009  
 Phone : 269-375-4260  
 OSHEMOTOWNSHIP.ORG

Received From: KABOOMERS  
 Date: 03/31/2015 Time: 1:49:19 PM  
 Receipt: 114457  
 Cashier: LINDAI

Interest in Property leasing

ITEM REFERENCE	AMOUNT
1085 SPECIAL EXCEPTION USE	
SPECIAL EXCEPTION USE	\$325.00
TOTAL	\$325.00
CHECK 3775	\$325.00
Total Tendered:	\$325.00
Change:	\$0.00

**OWNER\*:**

Name Richard Ludvik  
Please print  
 Address PO Box 86  
Wahoo, NE 68066  
 E-mail Kaboomersfireworks@yahoo.com  
 Telephone 402-443-4593 Fax 402-443-4614

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

- |   |  |
|---|--|
| <input type="checkbox"/> Site Plan Review                 | <input type="checkbox"/> Subdivision Plat Review |
| <input type="checkbox"/> Administrative Site Plan Review  | <input type="checkbox"/> Rezoning                |
| <input checked="" type="checkbox"/> Special Exception Use | <input type="checkbox"/> Interpretation          |
| <input type="checkbox"/> Zoning Variance                  | <input type="checkbox"/> Text Amendment          |
| <input type="checkbox"/> Site Condominium                 | <input type="checkbox"/> Sign Deviation          |
| <input type="checkbox"/> Accessory Building Review        | <input type="checkbox"/> Other: _____            |

**BRIEFLY DESCRIBE YOUR REQUEST** (Use Attachments if Necessary): Ka-Boomer's Ent., Inc.  
is requesting a Special Exception Use Permit on the Menard's parking lot  
located at 6800 West Main Street to retail low impact and consumer fireworks  
from the date beginning June 25<sup>th</sup> and ending July 4<sup>th</sup> from a 20' x 80' tent.

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

Menard, Inc. 6800 W. Main Street Kalamazoo, MI 49009

**PARCEL NUMBER:** 3905-

**ADDRESS OF PROPERTY:** 6800 West Main Street Kalamazoo, MI 49009

**PRESENT USE OF THE PROPERTY:** Retail - Menard's Retail Store

**PRESENT ZONING** Commercial **SIZE OF PROPERTY** = 7 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)
<u>Vicki Rafferty - Polk</u>	<u>9044 E. Shore</u>
<u>Tom Lane</u>	<u>Portage, MI 49602</u>

**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 Oshemo 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)

3/12/15  
**Date**

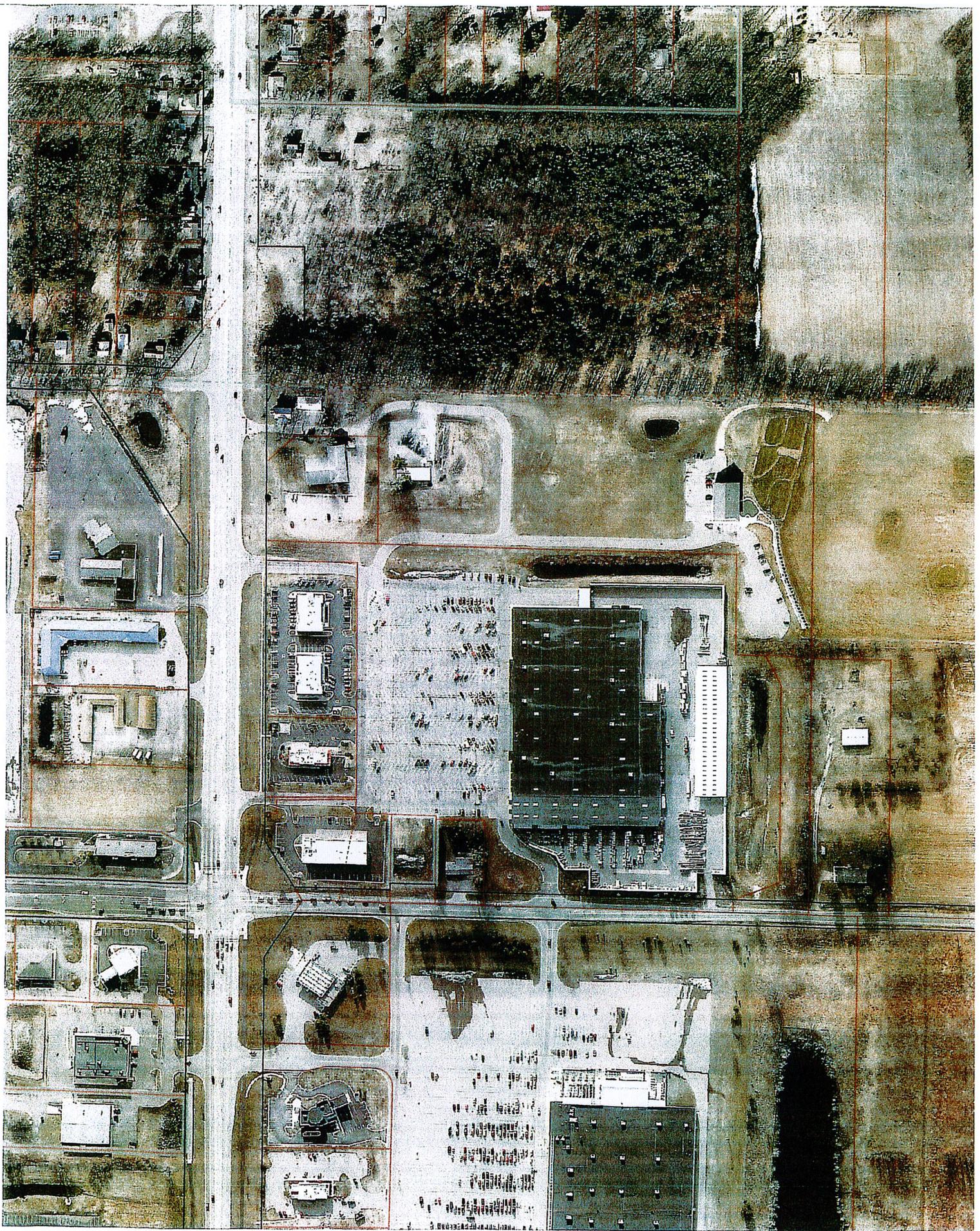
  
**Applicant's Signature**

3-12-15  
**Date**

- Copies to:
- Applicant - 1
- Clerk - 1
- Dep. Clerk 1
- Assessor - 1
- Planning Secretary - 3
- Bldg. Secretary - Original

\*\*\*\*  
**PLEASE ATTACH ALL REQUIRED DOCUMENTS**



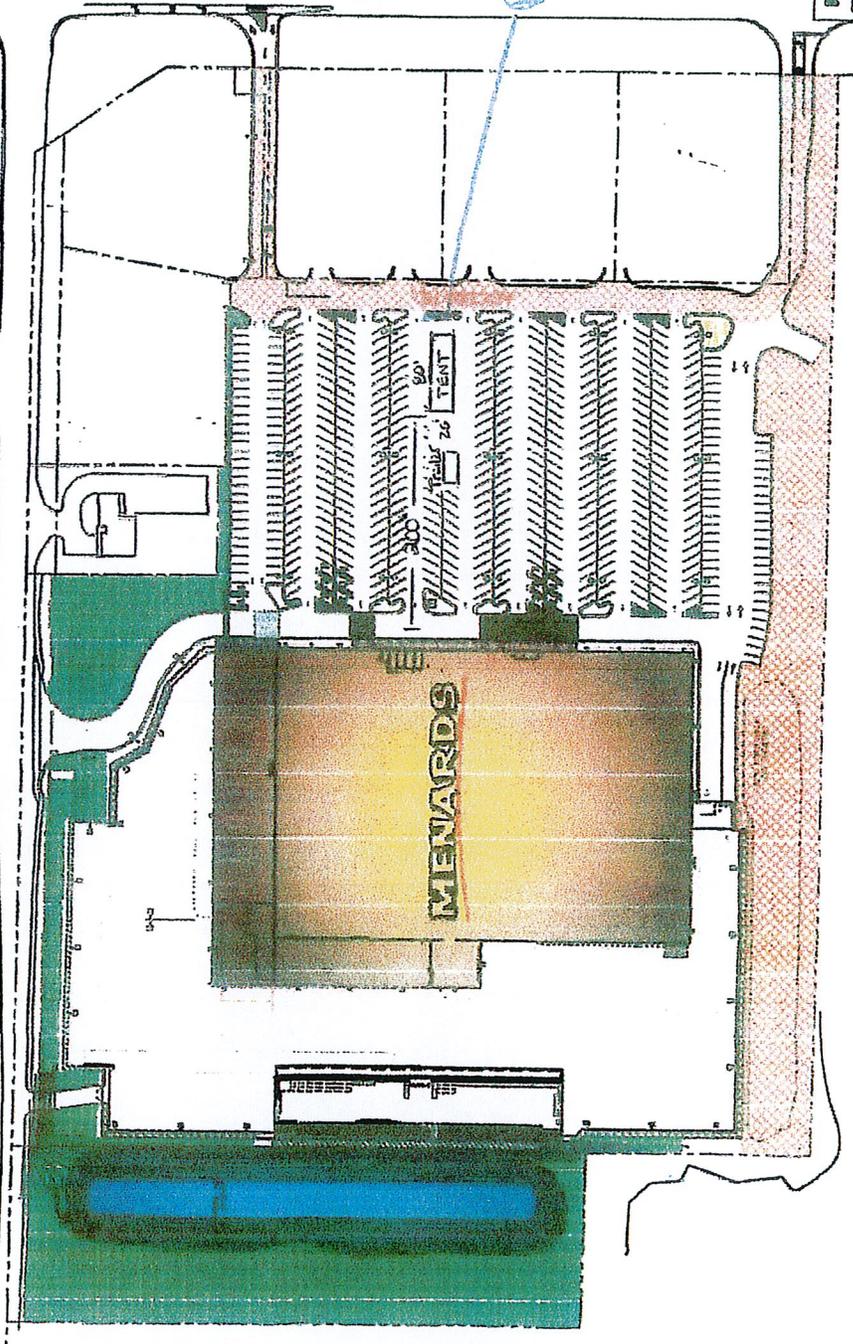


Site Plan:

- \* Flame Resistant  
Weighted 20' x 80' tent
- \* Storage trailer provided  
for supplies/inventory.
- \* Dates of Sales:  
June 25<sup>th</sup> - July 4<sup>th</sup>.

- MENARDS LANDSCAPE AREA
- CAM AREA

Proposed Location

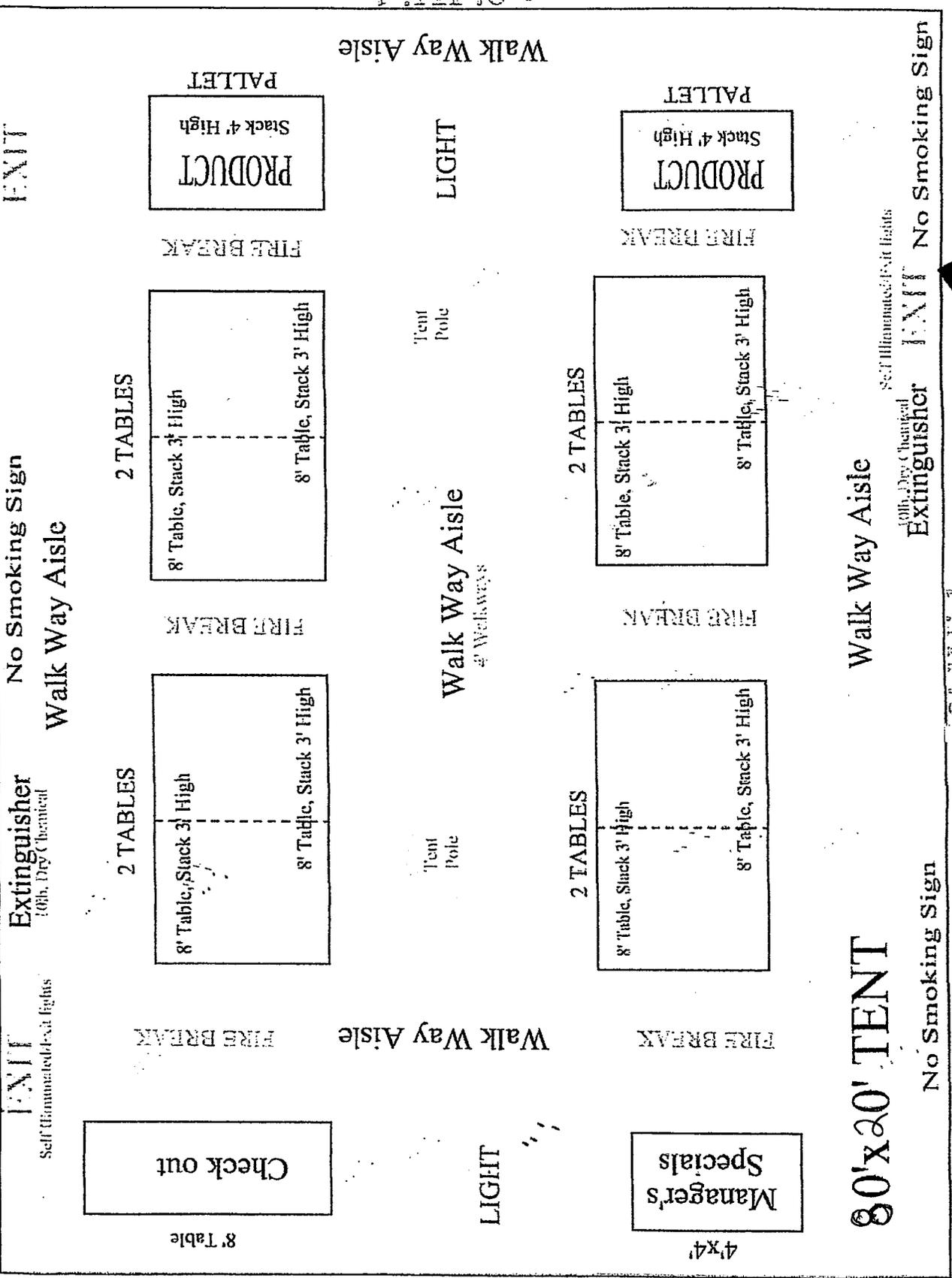


MENARDS INC.		MENARDS	
PRODUCTION DEPARTMENT		KALAMAZOO, MI	
BY CLERK, GEORGE		SITE PLAN	
DATE	TIME	DATE	TIME

Kalamazoo : 6800 W. Main Street  
Kalamazoo, MI 49009

\* 10' Barrier around Tent / No Parking \*

80' Wide



20' Wide

20' Wide

80' Wide

## Greg Milliken

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**From:** Karen High  
**Sent:** Thursday, May 07, 2015 11:34 AM  
**To:** Greg Milliken  
**Subject:** FW: Fireworks tents.

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**From:** Jim Wiley  
**Sent:** Thursday, May 07, 2015 11:28 AM  
**To:** Karen High  
**Subject:** Fireworks tents.

Karen ,

I have no issues with the site plans from Jakes and Ka-Bommers Fireworks sales tents.

Thank you,

Jim Wiley  
Assistant Fire Chief  
Oshtemo Township Fire Department  
7275 W.Main  
Kalamazoo, MI 49009  
P. 269.375.0487 Ext. 242

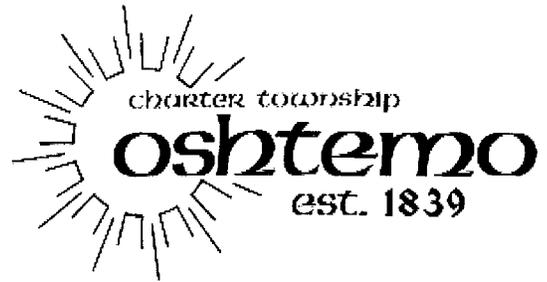


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May 8, 2015



**Mtg Date:** May 14, 2014

**To:** Planning Commission

**From:** Gregory Milliken, AICP

**Applicant:** Jake's Fireworks, Inc.

**Owner:** Harding's Market Corp.

**Property:** Parcel #3905-26-465-022 (6430 W. Stadium Drive)

**Zoning:** VC-Village Commercial

**Request:** Special Exception Use to establish a Temporary Sales Event for more than one day for a tent in the parking lot to sell fireworks

**Section(s):** Section 33.000 – VC Village Commercial District

**Project Name:** Jake's Fireworks / Harding's

## OVERVIEW

The applicant is seeking to locate a temporary fireworks sales tent in the parking lot of the Harding's grocery store at the corner of 9<sup>th</sup> Street and Stadium Drive. Such a use is a special exception use in the VC zoning district because it will last more than one day. Section 33.213 of the Ordinance contains specific standards for temporary outdoor events. The applicants are seeking to operate from 6/20/15 to 7/5/15 – a period just over two weeks. The applicant has indicated that the tent would be set up approximately two days before, around 6/18/15, and torn down approximately four days after, around 7/9/15.

## PROPOSED USE

The applicant is proposing a 1,600 square foot (40' x 40') tent for the sale and display of fireworks. They will be selling a full line of consumer fireworks ranging from sparklers to aerials at retail from the tent. It is proposed to be located in the southern portion of the parking lot between the retail structure that contains Subway and the driveway to Stadium Drive at the Parkview Drive intersection. The tent will be located in approximately the same location as it was located last year, and is the same size as last year. As with previous years, the tent will need to be set back 10 feet from the edge of the parking lot pavement to satisfy separation requirements.

Centrally located within this parking lot aisle, the tent and the required buffer to surrounding vehicles shall occupy 10-15 of the current parking spaces existing at the site. Although this will reduce the total number of parking spaces, this is not anticipated to be problematic for the center, particularly for only a two to three week period.

The facility would be open from 9am to 9pm during its period of operation. However, the applicant has indicated that on the days approaching the 4<sup>th</sup> of July, it is likely that store would be open a little later based on customer interest, likely 8am to 10pm. During the night when the store is closed, representatives of the company would remain on site to monitor the inventory and ensure nothing happens to the firework devices.

A sign permit application has been submitted. The applicant has indicated their sign would meet the requirements of the Zoning Ordinance.

If approved, this will be the fourth year for Jake's Fireworks to operate at this location. Last year's approval included the following conditions:

- The tent shall only be up from June 18 to July 9.
- The hours are limited to 9am to 9pm from June 20-28 and 9am to 11pm from June 29 to July 5.
- All signs shall satisfy Township Code.
- Someone shall be onsite 24 hours day.
- Compliance with all comments of the Fire Department.
- Compliance deposit of \$450 submitted for compliance with the tent schedule.

Last year, there was substantial discussion regarding the set up and tear down dates following issues of non-compliance in 2013. A \$450 compliance deposit was required in 2014. There were no issues with the set up and tear down schedule last year, and the schedule request is the same as last year. The applicant has submitted a \$400 compliance deposit for your consideration this year.

In previous years, the tent has been located at the same spot as proposed, and there have been no formal complaints filed regarding impacts of the proposed development on parking or circulation.

The Fire Department has reviewed the plans and did not have any comments regarding the proposed facility at this time. The Fire Marshall will inspect the facility prior to initiating operation.

## **STANDARDS FOR APPROVAL**

Section 60.100 of the Zoning Ordinance provides the review criteria for consideration when reviewing a special exception use.

### **A. Is the proposed use compatible with the other uses expressly permitted within the VC Village Commercial District?**

The proposed use is compatible with other uses permitted in the VC district and within the vicinity of the proposed site. This is a high traffic area with a variety of higher intensity commercial uses. It is also located within the Village Area Form Based Code Overlay District, and such a use would not fit with the intent of the overlay on a more permanent basis. However, as

a short-term use lasting two weeks, the tent and temporary outdoor sales should fit in with the existing surrounding uses with little to no impacts on surrounding uses.

**B. Will the proposed use be detrimental or injurious to the use or development of adjacent properties or to the general public?**

It is not believed that the proposed use will be detrimental or injurious to the use or development of adjacent properties or the general public.

The site does experience cut through traffic and safety issues due to the signal at Stadium Drive and Parkview Avenue. As proposed, the tent should be located to avoid such traffic and the safety problems they present. The tent is located in approximately the same location as it has been located in the past, and no problems were identified.

As the use involves the storage and sale of fireworks, the nature of the goods do increase the potential risk. The Fire Department has reviewed the proposed plans and indicated that it met the requirements of the State of Michigan. They had no additional comments or concerns.

**C. Will the proposed use promote the public health, safety, and welfare of the community?**

The proposed use complies with the regulations and standards for fireworks sales and storage as provided for by the State of Michigan and will provide 24-hour security to ensure safety and security. The Fire Department has reviewed the proposed application, and they have identified no concerns. They will inspect the site prior to initiating operation.

**D. Will the proposed use encourage the use of the land in accordance with its character and adaptability?**

The intersection of 9<sup>th</sup> Street and Stadium Drive is a prime commercial intersection, and a temporary outdoor sales use, particularly of a seasonal nature, is consistent with such uses. The use will last two weeks, and therefore it is not expected to impact the adaptability of the land.

In addition to the standards for a special exception use, the sales tent must also satisfy the standards for temporary outdoor events, as provided for in Section 33.213, with the exception of 33.213(a). Because the event lasts more than one day, it is considered a special exception use. We have received a plan from the applicant illustrating the location of the proposed tent. The use will utilize the circulation and parking of the existing commercial center. The aisle within which it is proposed to be located appears to contain excess spaces for the center primarily used as overflow parking for the adjacent restaurant or shopping center. If such parking is necessary for the two weeks that the tent is up, the excess parking to the north should satisfy. Restrooms are provided in the Harding's building (as well as other adjacent buildings). The Fire Marshall has reviewed the plans and did not have any comments. A lease has been provided acknowledging approval of the property owner.

**RECOMMENDATION**

The proposed use is consistent with existing uses in the VC district as well as within the surrounding commercial center. Generally speaking, these temporary uses have not been an issue in the community

and have been broadly supported. Although there have been concerns with this particular operation in the past, there were no issues with compliance or timing last year. Should the Commission be inclined to approve the request, we recommend the following conditions:

1. The tent shall only be up from June 18 to July 9.
2. The hours are limited to 9am to 9pm from June 20-28 and 8am to 11pm from June 29 to July 5.
3. All signs shall satisfy the requirements of the Township Zoning Ordinance.
4. Someone shall be onsite 24 hours day.
5. All comments or issues raised by the Fire Department during the course of this review and/or any subsequent inspection shall be complied with.
6. A compliance deposit shall be paid to the Township as a condition of approval prior to setting up the tent. The deposit will be refunded to the applicant in full provided that all conditions are met. If any of the approved conditions are not met, a fine equal to \$75 for each day that any infractions take place shall be retained by the Township.

This is the fourth year this applicant has sought approval for the same use at the same site, and there have been no issues reported during the previous periods. The Commission should consider whether administrative review is acceptable for future requests provided future requests are consistent with the proposed.

Respectfully Submitted,



Gregory E. Milliken, AICP  
Planning Director

Attachments: Application  
Application Materials



PLANNING & ZONING APPLICATION

APPLICANT:

Name Katie Snyder

Company Please print Jakes FIREWORKS

Address 1500 E 27th TERRACE  
PITTSBURG, KS 66762

E-mail katie.snyder@jakesfireworks.com

Telephone 620-231-2244 Fax 620-231-2416

Interest in Property Retail Sale of Consumer

OWNER\*: Grade FIREWORKS

Name Hardings Market

Address Please print 211 Bannister  
Plainwell, MI 49080

E-mail \_\_\_\_\_

Telephone 269-375-0980 Fax \_\_\_\_\_

Oshtemo Charter Township  
7275 W MAIN ST  
KALAMAZOO, MI 49009  
Phone : 269-375-4260  
OSHEMOTOWNSHIP.ORG

Received From: JAKES  
Date: 03/31/2015  
Receipt: 114458  
Cashier: LINDAI

Time: 1:50:57 PM

ITEM REFERENCE	AMOUNT
1085 SPECIAL EXCEPTION USE	
SPECIAL EXCEPTION USE	\$325.00
TOTAL	\$325.00
CHECK 43766	\$325.00
Total Tendered:	\$325.00
Change:	\$0.00

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

<input checked="" type="checkbox"/> Site Plan Review	<input type="checkbox"/> Subdivision Plat Review
<input type="checkbox"/> Administrative Site Plan Review	<input type="checkbox"/> Rezoning
<input checked="" type="checkbox"/> Special Exception Use	<input type="checkbox"/> Interpretation
<input type="checkbox"/> Zoning Variance	<input type="checkbox"/> Text Amendment
<input type="checkbox"/> Site Condominium	<input type="checkbox"/> Sign Deviation
<input type="checkbox"/> Accessory Building Review	<input type="checkbox"/> Other: _____

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

See attached letter

\_\_\_\_\_

\_\_\_\_\_

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

Hardings Market Parking Lot

PARCEL NUMBER: 3905- 216465-022

ADDRESS OF PROPERTY: 6430 W STADIUM DR

PRESENT USE OF THE PROPERTY: PARKING LOT

PRESENT ZONING VC SIZE OF PROPERTY 2.8 ACRES

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

Name(s)	Address(es)
<u>Hardings Market Corp.</u>	<u>211 Bannister</u>
	<u>Plainwell, MI 49090</u>

**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)

Kate Suple

Applicant's Signature

Date

2/26/15

Date

- Copies to:
- Applicant - 1
- Clerk - 1
- Dep. Clerk 1
- Assessor - 1
- Planning Secretary - 3
- Bldg. Secretary - Original

\*\*\*\*

PLEASE ATTACH ALL REQUIRED DOCUMENTS

Lease Agreement

THIS AGREEMENT, made and entered into this January 22, 2015, by and between Harding's Market West, hereinafter referred to as LESSOR, and Jake's Fireworks, Inc, hereinafter referred to as LESSEE.

LESSOR, in consideration of the covenants and agreements hereafter made by LESEE, hereby leases exclusively unto LESSEE on the following described real estate:

6430 West Stadium Dr  
Kalamazoo, MI 49009

for the purpose of selling and distributing fireworks for the period of June 20, 2015, through July 5, 2015; provided, however, LESSEE shall be allowed to erect and remove his equipment on and from the premises within a reasonable period prior to and following the lease period.

LESSEE AGREES:

1. To pay LESSOR, as rent on the above-described premises, the sum of \$1250.00, to be paid after sales are finalized and settled. LESSEE agrees to pay electrician to put additional plugs on sign.
2. To operate his business on the leased premises in a lawful manner and in full compliance with applicable laws and regulations.
3. To remove all trash, debris, and rubbish that shall have been caused to be place thereon by LESSEE's operations.
4. To accept liability for any damages that occur on the property from the initial set up until the site is returned to its original condition, including the patching of asphalt due to tent tie downs.

In the event the leased premises are annexed to a city where the sale of fireworks is not permitted or it is in any other way deemed unlawful to sell fireworks on the leased premises this lease will be terminated and rental money returned to the LESSEE.

This lease may be renewed each year by signature of lease agreement on or about **May 15<sup>th</sup>** of each consecutive year, provided that the ground is vacant.

LESSEE is hereby granted right of first refusal at this location for the same purpose and period for the year following expiration of this lease.

The agreement and covenants shall extend to the heirs and assigns of each of the parties.

**Jake's Fireworks will provide a certificate of insurance on or before June 10, 2015.**

IN WITNESS WHEREOF, the parties have executed this lease the day and year first above written.

Harding's Market

Jake's Fireworks, Inc

# SITE PLAN

## 6430 W Stadium Drive, Kalamazoo MI

Minimum Separation Distances as shown in plan below:

*Buildings:* No buildings are located within 20 ft of the tent

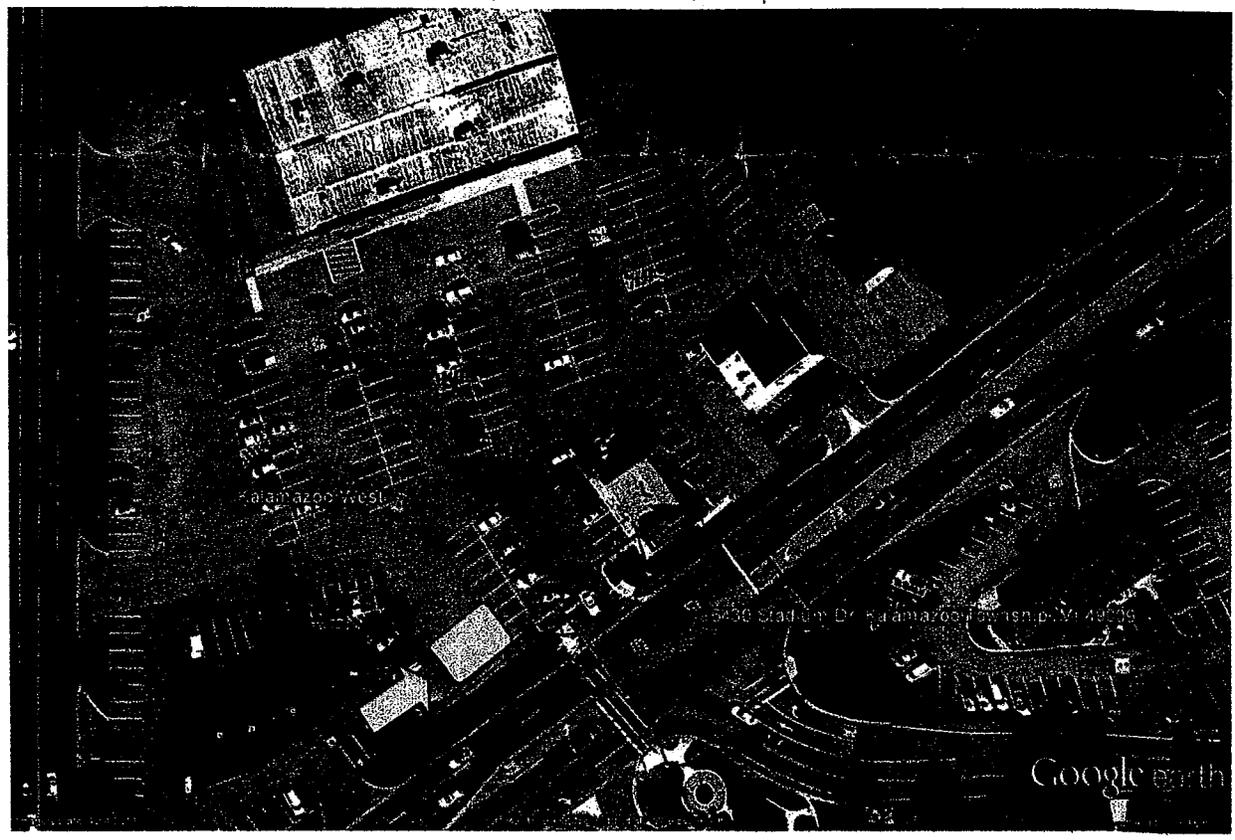
*Combustibles:* No combustibles are located within 20 feet of the tent

*Tents:* No tents will be located within 20 feet of tent

*Vehicle Parking:* No Vehicle will be allowed within 10 feet of tent. If parking spots are shown in diagram below within 10 feet of tent these spots will be barricaded and marked as to not allow parking.

*Stands:* No stands are located within 20 feet of tent.

*Storage of Consumer Fireworks:* No storage of consumer fireworks will occur at this location.



**7.4.2 Site Plan.** The site plan for tents shall show the location of the tent on the site and indicate the minimum separation distances required by 7.4.7.

**7.4.7.2 Temporary Facilities.** Temporary CFRS facilities shall be located as specified in Table 7.4.7.2.

\*nearest gas station over 50' away

\*no flammable gas bulk dispenser within 300ft



# CERTIFICATE OF LIABILITY INSURANCE

1831  
DATE (MM/DD/YYYY)  
2/17/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Britton Gallagher One Cleveland Center, Floor 30 1375 East 9th Street Cleveland OH 44114	<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): 216-658-7100	FAX (A/C, No): 216-658-7101
	<b>E-MAIL ADDRESS:</b>	
<b>INSURED</b> Jake's Fireworks Inc. 1500 E 27th Terr. Pittsburg KS 66762	<b>INSURER(S) AFFORDING COVERAGE</b>	
	INSURER A: Maxum Indemnity Company	NAIC # 26743
	INSURER B: Everest Indemnity Insurance Co.	10851
	INSURER C: JAMES RIVER INS CO	12203
	INSURER D:	
	INSURER E:	

### COVERAGES

CERTIFICATE NUMBER: 638696320

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSTR	TYPE OF INSURANCE	ADDL SUBR INSR   WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
B	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC		S18GL00320-151	2/15/2015	2/15/2016	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$		EXC6018367	2/15/2015	2/15/2016	EACH OCCURRENCE \$5,000,000 AGGREGATE \$5,000,000 \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A				<input type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
C	Excess Liability		00052017-3	2/15/2015	2/15/2016	Each Occurrence \$4,000,000 Aggregate \$4,000,000 Total Excess Limits \$9,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Sales Location: 6430W Stadium Dr, Oshtemo Charter Twp, MI  
Landowner: Harding's Market West, 211 Bannister, Plainwell, MI 49080  
The Certificate Holder and the above are Additional Insured with respects to General Liability policy as required by written contract.

### CERTIFICATE HOLDER

### CANCELLATION

Jakes Fireworks, Inc 1500 East 27th Terrace Pittsburg KS 66762	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
--	---

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# Jake's Fireworks, Inc.

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Corporate Offices - 1500 E. 27<sup>th</sup> Terrace  
Pittsburg, KS 66762  
Phone: 620-231-2264, 800-766-1277 Fax: 620-231-2416  
www.jakesfireworks.com

Attn: Planning & Zoning Committee

Jakes Fireworks, Inc has leased a portion of the parking lot at Harding's Market at 6430 W Stadium Dr, our fireworks selling season will be June 20<sup>th</sup> thru July5, with the set up and tear down appr 5 days before and 5 days after. We want to place a flame retardant 40 x 40 tent on this lot. We are a 30 year old company, in numerous states, and believe in following city and state requirements. This will be our second year to do business in this township. I have also enclosed a copy of an Insurance Certificate, each location will be Add'l Named Insured's, showing our 10 million liability limit, which the State of Michigan is requiring. This location has also been registered with the State Fire Marshall's office, and I have also included a copy of this paid registration. We are sending our experienced managers from here to Michigan, with this area getting one of our most experienced, Chris Rosema. Our plan is to once again use local operators and have them register with your city office so that you can have their information.

Please do not hesitate to contact our office with any questions or concerns you may have, 620-231-2264 ext 1126.

Sincerely,

Katie Snyder  
Jakes Fireworks  
Retail Operations

**HOME OF - THE EXCALIBUR • GOLIATH • ONE BAD MOTHER • LOYAL TO NONE • THE BIGGEN**

INDIANA  
DISTRIBUTION CENTER  
800 Wagner Ave.  
Elkhart, IN 64516  
ph: 574-296-7100  
fx: 574-296-7102

KENTUCKY  
DISTRIBUTION CENTER  
451 Johnson St.  
Russellville, KY 42276  
ph: 270-726-8000  
fx: 270-726-8076

OKLAHOMA  
DISTRIBUTION CENTER  
17824 S. Sooner Rd.  
Norman, OK 73071  
ph: 405-321-4886  
fx: 405-321-4886

SOUTH CAROLINA  
DISTRIBUTION CENTER  
130 Red River Rd.  
PO Box 157  
Wagener, SC 29164  
ph: 803-564-2264  
fx: 803-564-2416

TEXAS  
DISTRIBUTION CENTER  
7010 S 19 Highway  
Athens, TX 75751  
ph: 903-264-2264  
fx: 903-264-2416

NEBRASKA  
DISTRIBUTION CENTER  
4355 Industrial Circle No. 17  
Hastings, NE 68902  
ph: 620-231-2264  
fx: 620-231-2416

WASHINGTON  
DISTRIBUTION CENTER  
739 Nevil Road  
Winlock, WA 98596  
ph 360-785-0859  
fx 360-785-3748

## Greg Milliken

---

**From:** Karen High  
**Sent:** Thursday, May 07, 2015 11:34 AM  
**To:** Greg Milliken  
**Subject:** FW: Fireworks tents.

---

**From:** Jim Wiley  
**Sent:** Thursday, May 07, 2015 11:28 AM  
**To:** Karen High  
**Subject:** Fireworks tents.

Karen ,

I have no issues with the site plans from Jakes and Ka-Bommers Fireworks sales tents.

Thank you,

Jim Wiley  
Assistant Fire Chief  
Oshtemo Township Fire Department  
7275 W.Main  
Kalamazoo, MI 49009  
P. 269.375.0487 Ext. 242



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May 8, 2015



**Mtg Date:** May 14, 2015

**To:** Planning Commission

**From:** Gregory Milliken, AICP  
Karen High

**Applicant:** Tim Woodhams (Civica Engineering)

**Owner:** MAR-BO Investments Inc.

**Property:** Parcel #3905-31-155-030 (3839 South Van Kal Avenue)

**Zoning:** RR – Rural Residential District

**Request:** Tentative Approval of Preliminary Plat (Step One of Site Condominium Review)

**Section(s):** Section 290.005 of General Ordinances (Site Condominiums)

**Project Name:** Van Kal Site Condominium, continued

### **UPDATE**

As you may recall, this request was tabled at the April Planning Commission due to issues with the public hearing notice. The notice has been published again and distributed properly for this hearing. There are no changes proposed to the request and no new or additional information provided, as of right now. A meeting is scheduled with the applicant and Township staff next week, which could result in new information or changes. We will send you any updates via email if necessary prior to next week's meeting. In the interim, we have provided a copy of last month's staff report below.

### **INTRODUCTION**

The proposed development is a 40 lot residential site condominium located on the east side of Van Kal Avenue. It is located on 40 acres of land between Stadium Drive and M Avenue in the southwest corner of the Township.

### **SITE CONDOMINIUM REVIEW**

A few months ago, the Planning Commission conducted a step one review of a subdivision plat. The subdivision ordinance lays out a rather strict process for approval of a subdivision plan as it is spelled out in State law. The procedures for site condominium are not spelled out in the state law, and the Township Ordinance has been drafted such that the process for site condominiums is quite similar to subdivisions.

Like with platted subdivisions, the site condominium process involves three steps before the Township. This is the first step. The purpose is to evaluate the proposal for compliance with zoning requirements and consistency with the overall requirements of the Ordinance. This allows the applicant to gain a broad understanding of where the project stands and any changes that may need to be made before undertaking the time and expense of the detailed engineering required in step two. Step one approval requires a public hearing at the Planning Commission and then Township Board approval.

Step two then provides the detailed engineering that accompanies the road plans, grading, stormwater drainage and detention, and utilities. It also includes more specific approvals from a variety of other agencies. Step two only requires Township Board approval. Following this approval, construction of the infrastructure can begin.

Step three also only requires Township Board approval. It is the final step and occurs once all the infrastructure is completed. Step three allows for review and approval of legal documents, agency approvals, and as-built plans. It is the Township's chance to confirm everything was done according to the approved plan and is in compliance with the appropriate standard.

## **PROPOSED DEVELOPMENT**

The proposed 40 unit site condominium occupies 40 acres in the southwest corner of the Township in the RR district. The proposed lots vary between 25,214 square feet (0.58 acres) and 81,970 square feet (1.88 acres). There is no minimum lot size in the RR district; the density is limited to one unit per acre. The minimum lot width is 100 feet measured at the building setback line. With the exception of the two largest lots located on corners that have frontage just greater than 100 feet, proposed frontage of lots is no less than 110 feet.

Building envelopes have been drawn in each of the proposed units showing the required setback distances. Based on setback requirements alone, there is room for development on each parcel.

The development will be served by private well and septic systems as public water and sewer are not available in this area.

A new public road is proposed to serve the proposed development. Built to Road Commission standards, the road provides access to the development from Van Kal and incorporates a large loop to serve all proposed units. To satisfy connectivity requirements, the road has been extended to the north property line to serve future development. (A temporary cul-de-sac or other approved turnaround should be located at the terminus of the road extension.)

An additional extension has been provided to the east. Development to the east would require assembly of several parcels, or at least the rear portions of several parcels, and would encounter topographic issues as it heads south to the largest undeveloped parcel. Therefore, construction of the road extension has been deferred to a later date with construction commitment to be provided for in the condominium documents.

Sidewalks are being provided throughout the development, although the plan should be amended to show sidewalks extending north along the proposed street extension. Street lights are also shown in the development, and the applicant has agreed to participate in the Township's street light district.

## **EXISTING / SURROUNDING CONDITIONS**

The existing property is vacant, and the majority of the site is heavily wooded with a mix of oak and evergreen trees. The western portion of the site is not as heavily wooded and appears to have been previously used as a pasture or other clearing.

As the site moves east, the existing topography also becomes more intense rising over 80 feet from the entry to the eastern boundary. Several proposed units along the eastern boundary and in the southeast corner have existing slopes exceeding 10% that make development challenging. Extensive grading will be necessary to accommodate a building site, flat areas for the required drain fields, and any necessary drainage controls. Extensive grading will also be necessary for the road and sidewalks as the proposed layout appears to disregard the topography of the site. With all of this grading will come removal of trees.

A conceptual plan for stormwater has been provided illustrating that drainage from the proposed road will be directed through stormwater pipes to one of two drainage basins on the site. General flow of stormwater from several units has been noted. For several units, it appears some form of drainage structure or grading will occur in the rear to direct drainage as depicted on the plans.

Most of the properties surrounding the subject property are larger, rural residential properties characterized by a substantial amount of open land. It is not anticipated that the residential development would generate substantial enough drainage to cause significant adverse impacts on these surrounding properties. However, this cannot be determined for certain until specific building and grading plans are determined for the home to be built on the unit.

## **AGENCY REVIEWS**

The applicant has submitted the conceptual site condominium plan to a variety of different offices and agencies for preliminary review.

- The Oshtemo Township Fire Department has reviewed the plans and indicated they have no concerns.
- The Township Engineer has been engaged in the staff review process from the outset. He did not submit a formal review memo as there was not a substantial amount of information provided for his review. (It will come at the next step.) His input as to the feasibility of development and challenges posed by the topography and layout was critical to our understanding and the development of this memo.
- The Road Commission of Kalamazoo County has provided a preliminary review of the road layout. A more formal review will occur during development of the step 2 plan and the final engineering plans. The preliminary review indicates a few adjustments to be made but nothing that appears too substantial.
- The Kalamazoo County Department of Health and Community Services has conducted a pre-preliminary review including a site visit and soil borings. They provided the applicant with the results of their inspection and their requirements for the on-site utility design.

## STANDARDS OF APPROVAL

Section 290.005.D.3 contains standards for the preliminary plan to achieve in order to be approved. These are reviewed here.

- a. **Streets** – The proposed street layout consists of public roads and has been illustrated to conform to County Road Commission standards. Street extensions are shown to the north and east to provide for future development connections. The extension to the north will need a cul-de-sac or other turnaround capacity, while the extension to the east will be constructed at a later date if necessary. Connections, dimensions, and street lighting all appear to conform to ordinance standards.
- b. **Lots** – There is no minimum size requirement for building sites in the RR district. Rather development must maintain a density of no greater than one lot per acre. The proposed development satisfies this requirement as 40 units are proposed on the 40 acres of development. The development creates no land locked parcels.

Building envelopes have been shown on the site plan illustrating setback requirements, and a potential site layout has been illustrated for one of the units on sheet 2. While the sites are large enough to accommodate a home within the setbacks, the sites will be further limited by the topography and natural features that exist as well as the need to provide level land area for two drain fields. Accommodating development on these sites will require extensive grading and tree removal to ensure suitable space is available for home construction.

- c. **Pathway** – The applicant is providing sidewalks in the development.
- d. **General Provisions** – There are no reserve strips in the development. There is no land subject to flooding in the development area.

There are, however, natural features including steep slopes and substantial tree areas making up the majority of the proposed development. Without additional engineering details, particularly considering the detailed grading and stormwater plans for the property and each individual unit, the exact impact cannot be determined. However, it is fairly clear that in order to establish suitable building sites with the layout proposed and accommodate the drainfields for each property, substantial grading and tree removal will be required on many of the properties.

## CONCLUSION

Although a conceptual plan, there is a lot here for the Planning Commission to consider. This is the opportunity to provide feedback and voice concerns so that adjustments can be made prior to substantial investment being made in the final design process.

To make this easier, the issue can be narrowed down to two sets of questions.

First, does the plan satisfy the strict, quantitative requirements of the Ordinance? The density and frontage requirements are satisfied. Public roads are properly dimensioned. The required amenities – street lights, sidewalks, greenspace – have been provided.

The second set of questions however are more subjective and more difficult to quantify. Site condominiums are required to also satisfy the criteria for site plan approval (Section 82.800 of the Zoning Ordinance.) Many of these address impacts on adjacent properties and the surrounding community. For example, Section 82.800(c) states “that as many features of the landscape shall be retained as possible...” Section 82.800(h) includes a statement encouraging lands be used in accordance with their character and adaptability.

With the information available, will the proposed development have an adverse impact on adjacent properties due to runoff or destruction of natural features? Would an alternative layout, such as open space preservation design, that was more respectful to the natural features and topography have a lesser impact on adjacent properties and perhaps on the character of the community?

Any action on the proposal should be conditioned on the following:

- a. The development shall receive the necessary approvals from the Kalamazoo County Department of Health for provision of private water and sanitary septic service on each building site.
- b. Tree removal shall be minimized to the extent possible during building site development.
- c. The condominium documents and/or other legal agreements shall be put in place to the satisfaction of the Township Attorney assuring the construction of the road extension to the east at the time of development of adjacent properties.
- d. Sidewalks shall be extended north along ‘A’ Street to the north boundary line of the subject property and a turnaround area provided, at least on a temporary basis until the road is extended.



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

**PLEASE PRINT**

PROJECT NAME & ADDRESS VAN KAN SITE CONDOMINIUM  
3839 VAN KAN

**PLANNING & ZONING APPLICATION**

Applicant Name: Scott Carlson / Tim Woodham

Oshtemo Charter Township  
7275 W MAIN ST  
KALAMAZOO, MI 49009  
Phone : 269-375-4260  
OSHEMOTOWNSHIP.ORG

Company \_\_\_\_\_

Address 6146 WEST MAIN ST  
KALAMAZOO MI 49009

E-mail twoodham@civicengineering.com

Telephone 269 760 6688 Fax \_\_\_\_\_

Interest in Property Development

Received From: SKYKING LLC  
Date: 03/05/2015 Time: 1:32:58 PM  
Receipt: 114370  
Cashier: LINDAI

**OWNER\*:**

Name MAR-BO INVESTMENTS INC.

Address 7250 W. MAIN ST.  
KALAMAZOO, MI 49009

Email EARNE @ EARNIBEST.COM

Phone & Fax 269 375-0300 N/A

ITEM REFERENCE	AMOUNT
1042 PLANNING ESCROW	
PLANNING ESCROW	\$1,000.00
1084 SITE CONDO	
SITE CONDO	\$200.00
<hr/>	
TOTAL	\$1,200.00
CHECK 5329	\$1,200.00
Total Tendered:	\$1,200.00
Change:	\$0.00

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

- Planning Escrow-1042
- Site Plan Review-1088
- Administrative Site Plan Review-1086
- Special Exception Use-1085
- Zoning Variance-1092
- Site Condominium-1084
- Accessory Building Review-1083
- Land Division-1090
- Subdivision Plat Review-1089
- Rezoning-1091
- Interpretation-1082
- Text Amendment-1081
- Sign Deviation-1080
- Other: \_\_\_\_\_

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

SITE CONDOMINIUM STEP 1 APPROVAL

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

SEE ATTACHED

**PARCEL NUMBER:** 3905- 31-155-030

**ADDRESS OF PROPERTY:** 3839 South Van Klee

**PRESENT USE OF THE PROPERTY:** VACANT

**PRESENT ZONING** RR **SIZE OF PROPERTY** 40 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)

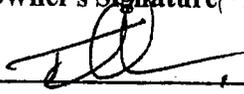
\_\_\_\_\_  
\_\_\_\_\_

**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**

  
\_\_\_\_\_  
**Applicant's Signature**

3/5/15  
\_\_\_\_\_  
**Date**

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

\*\*\*\*

**PLEASE ATTACH ALL REQUIRED DOCUMENTS**



3801 East Kilgore Road • Kalamazoo, Michigan 49001  
Telephone: (269) 381-3171 • Fax: (269) 381-1760  
<http://www.kalamazooountyroads.com>

February 17, 2015

Timothy A Woodhams  
CIVICA ENGINEERING  
1503 East Centre Ave Suite C  
Portage, MI 49002

**RE: Oshtemo Section 31 Site Condo, Preliminary Roadway Layout**

Dear Mr. Woodhams:

Thank you for submitting the preliminary layout for the proposed condominium of Oshtemo Section 31 Site Condominium to the Kalamazoo County Road Commission (KCRC). I have reviewed the preliminary layout dated January 23, 2015 according to the KCRC Procedures, Guidelines and Specifications for Developing New Public Roads (KCRC Policy) and I offer the following comments:

1. The condo must be dimensioned to a properly labeled section corner or  $\frac{1}{4}$  post show on the plans.
2. A clear-vision area sketch will need to be submitted or shown on the plans for the intersection at Van Kal Avenue. The diagram will need to show 600' each direction from the centerline of the proposed roadway approach to Van Kal Avenue.
3. The right-turn lane is not dimensioned but will need to comply with the enclosed "Figure IX" from KCRC Policy for all-season roads. The dimension "Distance Determined by the KCRC" (deceleration distance) shall be 125'.
4. Show the dimensions for the private easement for public utilities, or state that no such easement shall exist.

Should you have any questions or need additional information, feel free to contact me at 269-381-3170 ext. 224 or [gwilson@krcr-roads.com](mailto:gwilson@krcr-roads.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Wilson'.

Geoff S. Wilson, P.E.  
Project Engineer

Cc: Tom Hohm, Kalamazoo County Road Commission  
Jeff VanBelle, Kalamazoo County Drain Commission  
Lucas D. Pols, Kalamazoo County Department of Public Health  
Marc Elliott, Oshtemo Township  
Enclosures(1)



Kalamazoo County

# Health & Community Services

February 18, 2015

Scott Carlson  
146 West Main  
Kalamazoo, MI 49009

Re: Prospective Subdivision in Oshtemo Township

Dear Mr. Carlson:

Our office performed a pre-preliminary review for the proposed subdivision at 3839 South Van Kal, Oshtemo Township, Section 31. The proposal includes 40 acres of land divided into 40 lots. The minimum lot size is approximately 27,000 square feet, maximum lot size is approximately 81,500 square feet, and an average lot size of approximately 33,000 square feet.

### Insite Sewage Treatment Systems:

~~The front portion of the property is a semi-wooded area with slight slope. The rear portion of the property is more densely wooded with moderate to severe slope. The topography provided indicates slopes ranging from 2-20% for this property. The Kalamazoo soil survey indicates the following soils for this parcel: Coloma Loamy Sand (CoB) 10-6% slopes, Coloma Loamy Sand (CoC) 6-12% slopes, and Coloma Loamy Sand (CoD) 12-16% slopes. The CoB soil series is considered well suited for building site development and sanitary facilities. The CoC soil series is fairly suited for building site development and sanitary facilities with some limitations due to slope. The CoD soil series is poorly suited to building site development and sanitary facilities with the major limitation being slopes. Enclosed is a map indicating the soil series for this parcel.~~

~~lots with sizes less than 30,000 square feet and/or lots with greater than 12% slope would require a specific plan that includes the locations of all lot developments (home, driveway, utilities, water well, and sewage treatment system area). Lots with slopes exceeding a 12% slope in the area of the sewage treatment system location would require a grading plan.~~

A site visit was performed on February 11, 2015. A hand auger was used in four areas of the proposed development. A map is enclosed indicating the soil boring locations. The soil boring information is as follows (signs of high water table were not found at any of the soil borings):

- SB-1: 0-10" Sandy Loam Topsoil, 10-36" Sandy Loam, 36-42" Loamy Sand, 42-84" Sandy Loam, 84-96" Loamy Sand
- SB-2: 0-8" Sandy Loam Topsoil, 8-28" Loamy Sand, 28-34" Sandy Clay Loam, 34-42" Clay Loam, 42-52" Sandy Loam, 52" end of boring due to rock
- SB-3: 0-6" Sandy Loam Topsoil, 6-24" Sandy Loam, 24-96" Loamy Sand
- SB-4: 0-6" Loamy Sand Topsoil, 6-96" Loamy Sand

Due to the presence of clay in SB-2 this area could require a cut and fill sewage treatment system.

The information that was available for surrounding parcels indicated sand and sandy loam soils. Aerial photography from 2007 for this property indicates a home, several sheds and a barn. The barn was also indicated in 2009 aerial photography. A small shed was the only structure that was noted to be on the property currently. Future site plans would need to indicate any existing structures including water well(s) or sewage treatment system(s). Any existing wells would need to be properly abandoned prior to preliminary approval of a subdivision. An existing sewage treatment system may also need to be abandoned. This office does not have any information on these items for this property. Due to the previous use of this property, fill soil may be found at the proposed lots toward the front of the property. Cut and fill sewage treatment systems would be required if fill soil is found.

#### ***Onsite Water Supply Systems:***

The geologic setting for the subject property is the inner margin of the Kalamazoo Moraine. Because of this setting and the topographic elevation change across the site, the sediment strata could be very complex with sand and gravel and discontinuous clay layers. Bedrock is estimated to be 250 - 300 feet below ground level (bgl). Groundwater flow direction is likely to be west-northwest. There are no identified contamination sites within a half mile, however nitrates are a concern in this area. A site walkover did not show any obvious immediate sources of contamination.

The feasibility for on-site water supply wells was evaluated using Environmental Health Division records for neighboring wells where both well records and water quality data were available. Only recent nitrate concentrations were considered in this review (2001 or later). Static water levels noted on well records ranged between 1 foot to 30 feet bgl. No consistent clay barrier was identified on well records. Subdivision rules state that current concentrations of nitrates cannot exceed half of the drinking water standard, or 5 ppm (parts per million). The highest nitrate concentration found was 3.16, and that was in a sample collected from a well with 66 feet of screen submergence (3499 S Van Kal). Although subdivision rules state that a minimum of 50 feet of screen submergence is recommended, that minimum requirement may not be sufficient for protection from nitrates. No arsenic data were available. Aesthetic water quality issues, such as iron and hardness, will likely be present in on-site water wells also.

Well records from Pondview Estate (plat to the north of subject property) were considered, but they do not meet the minimum 50 feet of screen submergence and all but one well had samples with nitrate concentration between 1 and 3 ppm. It is noted that there is another subdivision on the west side of Van Kal, located in Van Buren County. Additional information on nitrates and well depths from this area may be useful when determining depths for nitrate protection, but these records are not available in our office. An inquiry could be made by the engineer to Van Buren County Health Department prior to additional investigation.

It is recommended that test wells be advanced at the subject property to gain a better understanding of water quality at depth. This office advises that the test wells have a screen submergence of at least 75 feet and even as much as 100 feet of screen submergence if possible. A well record at 4601 South Van Kal indicates that clay may be found at depth and continue to approximately 200 feet. This well was screened beneath the clay and is a flowing well. This would not be ideal for water supply wells within a subdivision. It is also advised that two test

wells be advanced, one near each elevation extreme. Both test wells would then be tested for partial chemistry (including nitrates) and arsenic. Deed restrictions may also be necessary warning of aesthetic issues in water quality for iron and hardness if sample results indicate that recommended quality standards are exceeded.

subdivision information can be found on our website at: <http://kalcounty.com/eh/Subdivision.htm>. The consultants guide for subdivisions/site condos can be found at the following link as well as the consultants checklist: <http://www.kalcounty.com/eh/consultant-guide.htm>. If you have any further questions, please call our office at 373-5337.

Sincerely:



Marcus Pols, R.E.H.S.  
Environmental Health Supervisor  
Health & Community Services Department Website: [www.kalcounty.com](http://www.kalcounty.com)  
Email: [ldpols@kalcounty.com](mailto:ldpols@kalcounty.com)  
Phone: 269-373-5172 FAX: 269-373-5333

CC: Oshtemo Township  
Dale Ladouceur, Michigan Department of Environmental Quality  
Geoff Wilson, Kalamazoo County Road Commission  
Patricia Crowley, Kalamazoo County Drain Commissioner

March 24, 2015

Mr. Greg Milliken, Planning Director  
Oshtemo Charter Township  
7275 West Main Street  
Kalamazoo, MI 49009

RE: Van Kal Site Condominium  
Texas Township, Kalamazoo County

Dear Mr. Milliken:

Please accept this letter as our development group's commitment and future petition to add the street lights within the Van Kal Site Condominium, Lots 1-40 to the Township's Street Lighting Assessment District.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Carlson", with a long, sweeping horizontal line extending to the right.

Scott Carlson, Member  
Development Group LLC

**STATE / COUNTY ENVIRONMENTAL PERMITS CHECKLIST  
FOR OSSTEMO TOWNSHIP**

This checklist has been designed to assist businesses in identifying and complying with state and county environmental permits and requirements. Please note that this checklist pertains only to state and county environmental permits. Additional permits and approvals may be required from Oshtemo Township or other government agencies. **This form must be completed and returned to the Township when a site plan is submitted.**

This checklist is not a permit application form; businesses are responsible for obtaining information and permit application forms from the appropriate government offices. Compliance and proper registration with applicable state and county requirements is required for site plan approval in Oshtemo Township. The Township will forward a copy of this form to the Michigan Department of Environmental Quality Permit Coordinator.

-----  
Name of Business: NEW PLAT / SITE CONDOMINIUM

Location of Business: 3839 SOUTH VAN KAL

Name of Business Owner: CARLSON

Mailing Address: 6146 WEST MAIN

City: KALAMAZOO State: MI Zip: 49002

Telephone: (269) 353-4700

Business Manager / Operator: SCOTT CARLSON

Type of Business (type of activities to be carried out at the proposed business— include all processes and operations):

NEW SITE CONDOMINIUM

I affirm that the information submitted in this form is accurate.

Owner's Signature:  Date: 3/25/15

Please circle Y (yes) or N (no) for each of the questions below. If Y (yes), contact the agency listed for further information and assistance.

1. Y  N Will the proposed project discharge any type of wastewater to a storm sewer, drain, wetland, pond, lagoon, or other surface water body?  
*Contact: Michigan Department of Environmental Quality, Surface Water Quality Division, (269) 567-3500*
2. Y  N Will the proposed project discharge any liquids, sludge, wastewater and/or wastewater residuals into or onto the ground?  
*Contact: Michigan Department of Environmental Quality, Waste Management Division, (269) 567-3500*
3. Y  N Will the proposed project use or store any hazardous substances, oil or salt? Depending upon the type of substance, secondary containment and a Pollution Incident Prevention Plan (PIPP), or a material storage permit may be required.  
*Contact: Michigan Department of Environmental Quality, Waste Management Division, (269) 567-3500*
4. Y  N Will the proposed project use underground storage tanks? Existing and proposed tanks must be registered with the State of Michigan, and installed and operated in accordance with regulations of the Michigan State Police Fire Marshal Division.  
*Contact: Michigan Department of Environmental Quality, Storage Tank Division, (517) 335-2690*
5. Y  N Will the proposed project burn, landfill, transfer, or process any type of solid, non-hazardous wastes?  
*Contact: Michigan Department of Environmental Quality, Waste Management Division, (269) 567-3500*
6. Y  N Will the proposed project involve the transport, on site treatment, storage or disposal of hazardous waste generated in quantities of 1000 kilograms (250 gallons or 2200 lbs.) or more per month? If yes, one or more permits may be required.  
*Contact: Michigan Department of Environmental Quality, Waste Management Division, (269) 567-3500*
7. Y  N Will the proposed project generate between 100 kilograms/month (25 gallons or 220 lbs.) and 1,000 kilograms/month (250 gallons or 2,200 lbs.) of hazardous waste? If yes, the facility may be a small quantity generator, subject to federal and state regulations. An EPA identification number should be obtained from the Michigan Department of Environmental Quality (special forms are available) and a manifest (shipping paper) should be used to transport waste off-site.  
*Contact: Michigan Department of Environmental Quality, Waste Management Division, (269) 567-3500*
8. Y  N Will the proposed project install, construct, reconstruct, relocate, or operate any process equipment (including air pollution control equipment) which has the potential to emit air contaminants?  
*Contact: Michigan Department of Environmental Quality, Waste Management Division, (269) 567-3500*
9. Y  N Does the proposed project involve any work (dredging, filling, construction) in a river, stream, creek, ditch, wetland, or floodplain or within 500 feet of an inland lake, river, stream or ditch?  
*Contact: Michigan Department of Environmental Quality, Land and Water Management, (269) 567-3500*
10.  Y N Will the proposed project change the natural cover or topography of the land, including cut and fill activities which may contribute to soil erosion and/or sedimentation? Will the earth change disturb an area of one acre or more, or occur within 500 feet of a lake or stream? If yes, a soil erosion and sedimentation control permit may be required.  
*Contact: Kalamazoo County Drain Commission, Kalamazoo (269) 384-8117.*

11.  N Will an on-site wastewater treatment system or septic system be installed?  
Will septate be stored on-site prior to off-site disposal?  
*Contact: Sanitary Sewage—Kalamazoo County Human Services Department, Environmental Health Program (269) 373-5210*  
*Contact: Industrial/Commercial Wastewater in any quantity, or for sanitary sewage more than 10,000 gallons/day— Michigan Department of Environmental Quality, Waste Management Division, (269) 567-3500*
12. Y  If the proposed project will be connected to sanitary sewer, will any hazardous and/or industrial chemicals, wastewater or waste in any quantity be discharged to the City of Kalamazoo Wastewater Treatment Plant? If yes, pretreatment may be required.  
*Contact: City of Kalamazoo, Water Reclamation Plant (269) 337-8157.*
13.  N Will the proposed project construct a new water well and/or abandon an existing water well? If yes to either one, contact the appropriate agency.  
*Contact: Well Construction, Kalamazoo County Human Services Department (269) 373-5210.*  
*Contact: Well Abandonment, Kalamazoo County Human Services Department (269) 373-5210.*
14. Y  Is this proposed project (or any other facility/property under your ownership) currently involved in any compliance discussions with the Michigan Department of Environmental Quality or the Michigan Attorney General's Office.  
*Contact: Michigan Department of Environmental Quality, Remediation & Redevelopment, Lansing District Office (517) 373-9837*
15. Y  Is this proposed project (or any other facility/property under your ownership) included on the MI Act 307 Priority List, "Michigan Sites of Environmental Contamination" or subject to corrective action under the Leaking Underground Storage Tank (LUST) Program?  
*Contact Michigan Department of Environmental Quality, Environmental Response Division, 269-567-3500*

\*For assistance with permits and approvals from the Michigan Dept. of Environmental Quality, including permit coordination among DEQ Division, contact the Permit Consolidation Unit, Lansing District Office (517)373-9244.

Note: This form is a checklist of permits and/or requirements which may be needed for project development. Oshtemo Township provides this to proposed developers as an informational service. Oshtemo Township is not a regulatory agency in any of these areas. Approval of the site plan by the Township does not transfer liability from the developer to the Township in any way.







May 8, 2015



**Mtg Date:** May 14, 2015

**To:** Planning Commission

**From:** Gregory Milliken, AICP

**Applicant:** Oshtemo Charter Township

**Owner:** Oshtemo Charter Township

**Property:** Parcel #3905-35-205-132 (Vacant property south of Community Center between Atlantic Avenue and Parkview Avenue)

**Zoning:** VC – Village Commercial District  
VAFBC – Village Area Form Based Code Overlay District

**Request:** Construction of Commercial Access Drive

**Section(s):** Section 60.000 – Special Exception Uses  
Section 60.800 – Private Streets  
Section 34.000 – Village Area Form Based Code Overlay District  
Section 33.000 – Village Commercial Zoning District

**Project Name:** 9<sup>th</sup> Street Commercial Access Drive

Oshtemo Township, in coordination with the Downtown Development Authority (DDA), seeks to develop a commercial access drive on 3.44 acres of vacant property the Township owns to the rear (south) of the Community Center located at the intersection of Stadium Drive and Parkview Avenue. The groups have been working in partnership on the design and concept of the access drive for several months and has recently brought on OCBA as a design partner to refine the plans and bring the concept to construction.

Although publicly owned and initiated, the proposed development is still subject to public review and approval. If this road were part of a private development, it would undoubtedly be subject to special exception approval. Therefore, similar approval is being sought here.

#### **SUBJECT PROPERTY**

The subject property is 3.44 acres of vacant land connecting the Community Center on Parkview and Stadium Drive with Atlantic Avenue. This property was expanded last year when the Township acquired the rear (southern) acreage of the three parcels immediately adjacent (east) to the Community Center. This land was underutilized by the previous property owners due to their previous configuration, which

also made the lots more challenging to sell. The property acquisition gave the Township greater flexibility in addressing access issues and achieving economic development goals in this area.

The property is flat and wooded. To the west are a mix of commercial and residential properties that front on 9<sup>th</sup> Street and are located in the VC district. To the north and east are residential uses and vacant land, much of which is for sale, also located in the VC district. To the south is the former AT&T right of way along Atlantic Avenue that was given to the Township several years ago.

## **PROPOSED DEVELOPMENT**

The Township and DDA are proposing development of a commercial access driveway with an access point on Atlantic Avenue. The intent is to provide an alternative access route for traffic serving businesses and properties along 9<sup>th</sup> Street in this area. Due to congestion and the number of access points, ingress and egress to these businesses can be challenging. This is particularly so for trucks making deliveries. The access drive mitigates the safety and congestion issues that exist here by directing traffic further south to Atlantic Avenue.

The drive is a private road and will be maintained as such. However, it is planned to be constructed to Road Commission standards in terms of road specifications. It is 24 feet in width with two 12 foot lanes. The access drive centers upon a traffic circle that has been designed with radii that can accommodate trucks and emergency vehicles. The traffic circle was specifically integrated into the design as a traffic-calming feature to reduce the temptation to use the proposed drive as a cut-through in the area. It also allows for multiple points of access as properties connect to the access drive.

A sidewalk system is proposed in conjunction with the commercial access drive. The sidewalk extends the existing sidewalk on the north side of Atlantic east to the proposed commercial access drive. The sidewalk then travels north along the easterly side of the proposed drive for its entire length.

Bioswales and rain gardens have been proposed to accommodate stormwater drainage from the proposed drive. A portion of one of the drainage structures extends west into an adjacent private property. An easement or some other form of agreement with that property owner will be necessary. Over time, adjustments to the size of these structures is anticipated as they could be used for shared storage of stormwater from redevelopment of properties along 9<sup>th</sup> Street.

## **BACKGROUND**

This discussion and development of this concept started at the DDA about two years ago as members of the DDA worked to address issues of congestion, safety, and access along 9<sup>th</sup> Street. The DDA initiated conversation with the Township Board regarding potential use of the Township owned property south of the Community Center. This prompted the Township to explore the acquisition of the adjacent property and then subsequently refine the design to address concerns identified by the Board.

In order to connect to the drive, properties will have to sign an agreement with the Township. The agreement addresses issues such as annual and long-term maintenance of the drive, cross-access connections to adjacent properties, and driveway closures. The intent of the agreement is to allow all properties along this portion of 9<sup>th</sup> Street access to the drive either by direct connection to the drive or

via shared-access connection to an existing connection point on an adjacent property. As properties redevelop and connect, closure of access points on 9<sup>th</sup> Street is desired.

As shown on the plan, two property owners have shown interest in connection at this point. This interest has been consistent and sustained throughout the discussions and both have been engaged in the design process. Besides these two, there is one other property owner that owns several other properties along the corridor. This owner has indicated interest but is waiting to sign on and connect. The remaining properties are predominately residential and will likely connect upon redevelopment at some point in the future.

## **APPROVAL PROCESS**

The subject property is located in the VC Village Commercial District as well as the Village Form Based Code Overlay District. As described in Section 33, most non-residential development in the VC district requires Planning Commission approval. Section 34.910.B indicates that any proposed improvement in the Village Area Form Based Code Overlay District requires site plan review approved by the Planning Commission.

Section 34.700 provides street standards for development of roads in the Village Form Based Code Overlay District. Design standards for a local road in the overlay district requires 11 foot travel lanes, 8 foot parking lanes, and the balance of the property for sidewalks and streetscape. Section 34.740.C.4 allows the Planning Commission the opportunity to grant exceptions to those requirements due to site conditions or requirements of the approval agency. In this case, such an exception may be necessary. Due to the fact that there will not be development immediately adjacent to the access drive and the drive has been designed to accommodate truck traffic, on-street parking is no appropriate. Therefore, an exception for the proposed design considering the existing conditions would appear reasonable.

## **CONCLUSION**

The DDA has recognized an issue with access, congestion, and safety in regards to the ingress and egress of properties on 9<sup>th</sup> Street south of Stadium Drive. They have proposed a solution in conjunction with the Township Board. The proposed commercial access drive utilizes Township property south of the Community Center and has been designed to address several identified goals and concerns raised throughout the design process. Two properties have indicated intent to connect to date.

As this is not a traditional site plan review, there is not the same criteria for approval as with other reviews the Commission may be more familiar. Nonetheless, as you consider the proposal and the request for approval, you can still rely upon the standards for site plans and special exception uses as a general framework for your decision making. Will the development impact adjacent properties? Will the development be compatible with surrounding development? Will there be a negative impact on natural features?

If the Planning Commission is inclined to approve the proposed development, Staff recommends the following conditions be included:

1. An easement or similar agreement be reached with the adjacent property owner to accommodate the drainage structure the crosses the property line.

2. The applicant shall comply with all requirements and feedback of th Township Engineer.
3. The applicant shall comply with all requirements and feedback of the Township Fire Marshal.



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

**PLEASE PRINT**

PROJECT NAME & ADDRESS DDA Shared Access Drive

**PLANNING & ZONING APPLICATION**

Applicant Name: Oshkemo Charter Township

Company \_\_\_\_\_

Address 7275 West Main Street  
Kalamazoo, MI  
49009

E-mail oshkemo@oshkemo.org

Telephone (269) 375-4260 Fax (269) 375-7180

Interest in Property Owner

**THIS  
SPACE  
FOR  
TOWNSHIP  
USE  
ONLY**

Fee Amount \$ 300.00

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

**OWNER\*:**

Name Same as above

Address \_\_\_\_\_

Email \_\_\_\_\_

Phone & Fax \_\_\_\_\_

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

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

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

A multi-spur rear access drive to be located near  
the south-west corner of the intersection of 9th Street  
& Stadium Drive

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

See attached document

**PARCEL NUMBER:** 3905- 35-205-132

**ADDRESS OF PROPERTY:** Located behind Township Community Center

**PRESENT USE OF THE PROPERTY:** Partially wooded vacant parcel

**PRESENT ZONING** Village Commercial **SIZE OF PROPERTY** 3.44 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)**

\_\_\_\_\_  
\_\_\_\_\_

**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**

  
**Applicant's Signature**

\_\_\_\_\_  
**Date**

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

\*\*\*\*  
**PLEASE ATTACH ALL REQUIRED DOCUMENTS**

**STATE / COUNTY ENVIRONMENTAL PERMITS CHECKLIST  
FOR OSHTEMO TOWNSHIP**

This checklist has been designed to assist businesses in identifying and complying with state and county environmental permits and requirements. Please note that this checklist pertains only to state and county environmental permits. Additional permits and approvals may be required from Oshtemo Township or other government agencies. **This form must be completed and returned to the Township when a site plan is submitted.**

This checklist is not a permit application form; businesses are responsible for obtaining information and permit application forms from the appropriate government offices. Compliance and proper registration with applicable state and county requirements is required for site plan approval in Oshtemo Township. The Township will forward a copy of this form to the Michigan Department of Environmental Quality Permit Coordinator.

-----  
**Name of Business:** Oshtemo Charter Township

**Location of Business:** 7275 West Main Street

**Name of Business Owner:** \_\_\_\_\_

**Mailing Address:** 7275 West Main Street

**City:** Kalamazoo      **State:** MI      **Zip:** 49009

**Telephone:** (269) 375-4260

**Business Manager / Operator:** \_\_\_\_\_

**Type of Business** (type of activities to be carried out at the proposed business-- include all processes and operations):  
Local Municipality  
\_\_\_\_\_  
\_\_\_\_\_

**I affirm that the information submitted in this form is accurate.**

**Owner's Signature:**  \_\_\_\_\_ **Date:** \_\_\_\_\_  
-1-

Please circle Y (yes) or N (no) for each of the questions below. If Y (yes), contact the agency listed for further information and assistance.

1.  Y  N Will the proposed project discharge any type of wastewater to a storm sewer, drain, wetland, pond, lagoon, or other surface water body?  
*Contact: Michigan Department of Environmental Quality, Surface Water Quality Division, (269) 567-3500*
2.  Y  N Will the proposed project discharge any liquids, sludge, wastewater and/or wastewater residuals into or onto the ground?  
*Contact: Michigan Department of Environmental Quality, Waste Management Division, (269) 567-3500*
3. Y  N Will the proposed project use or store any hazardous substances, oil or salt? Depending upon the type of substance, secondary containment and a Pollution Incident Prevention Plan (PIPP), or a material storage permit may be required.  
*Contact: Michigan Department of Environmental Quality, Waste Management Division, (269) 567-3500*
4. Y  N Will the proposed project use underground storage tanks? Existing and proposed tanks must be registered with the State of Michigan, and installed and operated in accordance with regulations of the Michigan State Police Fire Marshal Division.  
*Contact: Michigan Department of Environmental Quality, Storage Tank Division, (517) 335-2690*
5. Y  N Will the proposed project burn, landfill, transfer, or process any type of solid, non-hazardous wastes?  
*Contact: Michigan Department of Environmental Quality, Waste Management Division, (269) 567-3500*
6. Y  N Will the proposed project involve the transport, on site treatment, storage or disposal of hazardous waste generated in quantities of 1000 kilograms (250 gallons or 2200 lbs.) or more per month? If yes, one or more permits may be required.  
*Contact: Michigan Department of Environmental Quality, Waste Management Division, (269) 567-3500*
7. Y  N Will the proposed project generate between 100 kilograms/month (25 gallons or 220 lbs.) and 1,000 kilograms/month (250 gallons or 2,200 lbs.) of hazardous waste? If yes, the facility may be a small quantity generator, subject to federal and state regulations. An EPA identification number should be obtained from the Michigan Department of Environmental Quality (special forms are available) and a manifest (shipping paper) should be used to transport waste off-site.  
*Contact: Michigan Department of Environmental Quality, Waste Management Division, (269) 567-3500*
8. Y  N Will the proposed project install, construct, reconstruct, relocate, or operate any process equipment (including air pollution control equipment) which has the potential to emit air contaminants?  
*Contact: Michigan Department of Environmental Quality, Waste Management Division, (269) 567-3500*
9. Y  N Does the proposed project involve any work (dredging, filling, construction) in a river, stream, creek, ditch, wetland, or floodplain or within 500 feet of an inland lake, river, stream or ditch?  
*Contact: Michigan Department of Environmental Quality, Land and Water Management, (269) 567-3500*
10. Y  N Will the proposed project change the natural cover or topography of the land, including cut and fill activities which may contribute to soil erosion and/or sedimentation? Will the earth change disturb an area of one acre or more, or occur within 500 feet of a lake or stream? If yes, a soil erosion and sedimentation control permit may be required.  
*Contact: Kalamazoo County Drain Commission, Kalamazoo (269) 384-8117.*

11. Y  N Will an on-site wastewater treatment system or septic system be installed?  
 Will septate be stored on-site prior to off-site disposal?  
*Contact: Sanitary Sewage—Kalamazoo County Human Services Department, Environmental Health Program (269) 373-5210*  
*Contact: Industrial/Commercial Wastewater in any quantity, or for sanitary sewage more than 10,000 gallons/day— Michigan Department of Environmental Quality, Waste Management Division, (269) 567-3500*
12. Y  N If the proposed project will be connected to sanitary sewer, will any hazardous and/or industrial chemicals, wastewater or waste in any quantity be discharged to the City of Kalamazoo Wastewater Treatment Plant? If yes, pretreatment may be required.  
*Contact: City of Kalamazoo, Water Reclamation Plant (269) 337-8157.*
13. Y  N Will the proposed project construct a new water well and/or abandon an existing water well? If yes to either one, contact the appropriate agency.  
*Contact: Well Construction, Kalamazoo County Human Services Department (269) 373-5210.*  
*Contact: Well Abandonment, Kalamazoo County Human Services Department (269) 373-5210.*
14. Y  N Is this proposed project (or any other facility/property under your ownership) currently involved in any compliance discussions with the Michigan Department of Environmental Quality or the Michigan Attorney General's Office.  
*Contact: Michigan Department of Environmental Quality, Remediation & Redevelopment, Lansing District Office (517) 373-9837*
15. Y  N Is this proposed project (or any other facility/property under your ownership) included on the MI Act 307 Priority List, "Michigan Sites of Environmental Contamination" or subject to corrective action under the Leaking Underground Storage Tank (LUST) Program?  
*Contact Michigan Department of Environmental Quality, Environmental Response Division, 269-567-3500*

\*For assistance with permits and approvals from the Michigan Dept. of Environmental Quality, including permit coordination among DEQ Division, contact the Permit Consolidation Unit, Lansing District Office (517)373-9244.

Note: This form is a checklist of permits and/or requirements which may be needed for project development. Oshtemo Township provides this to proposed developers as an informational service. Oshtemo Township is not a regulatory agency in any of these areas. Approval of the site plan by the Township does not transfer liability from the developer to the Township in any way.

5. Y N Will new underground storage tanks be located less than 2,000 feet from drinking water wells serving two or more establishments, or less than 300 feet from a single family drinking well? If yes, contact Michigan Department of Environmental Quality, Storage Tank Division, (517) 373-8168 for specific requirements and restrictions.

6. Y N Will the interior of the proposed project have any general purpose floor drains? If yes, into what system will the floor drains be connected? (Provide detail on site plan)

- a. Sanitary sewer system
- b. On-site holding tank(s)
- c. A system authorized by a state approved groundwater discharge permit, with required monitoring (Contact: Michigan Department of Environmental Quality, Waste Management Division, (616) 567-3500.

Note: General purpose floor drains shall not be connected to a storm drainage system, dry well or septic system.

7. Y N Please list the hazardous substances which are expected to be used, stored, or generated on-site. Quantities should reflect the maximum volumes on site at any time. Attach additional pages, if necessary to list all hazardous substances.

	<u>Common/ Trade Name</u>	<u>Chemical Components</u>	<u>Form</u>	<u>Max Quantity</u>	<u>Storage</u>
A.					
B.					
C.					
D.					
E.					
F.					

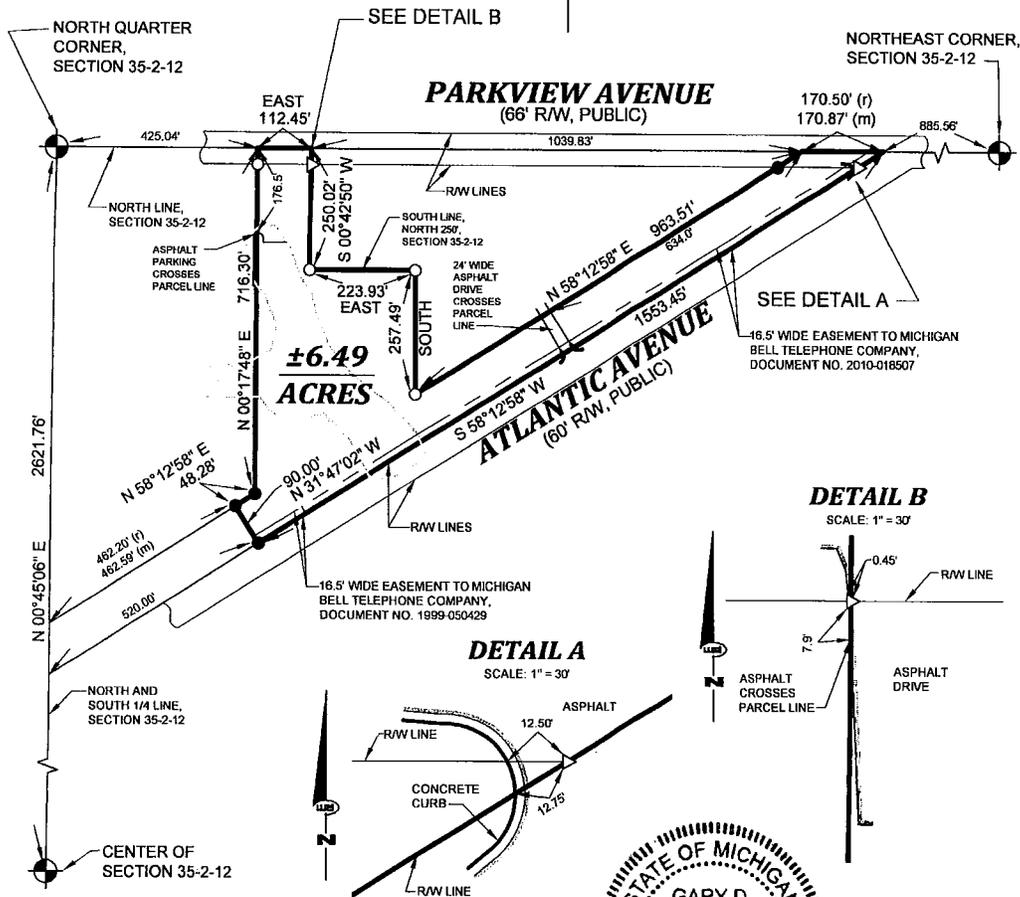
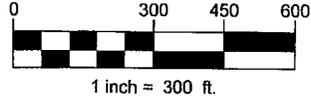
Key:

FORM		STORAGE	
Liq	Liquid	AST	Aboveground Storage Tank
P. Liq	Pressurized Liquid	UST	Underground Storage Tank
S	Solid	D	Drum
G	Gas	CY	Cylinder
PG	Pressurized Gas	MC	Metal Container
		WC	Wooden Container
		PT	Portable Tank

# SURVEY IN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 12 WEST, OSHTEMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN

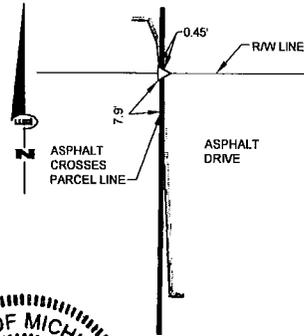
### LEGEND

- = FOUND IRON
- = SET 1/2" REBAR W/ ID CAP #38116
- ▽ = SET MAG NAIL W/ SURVEY TAG
- (m) = MEASURED
- (r) = RECORDED



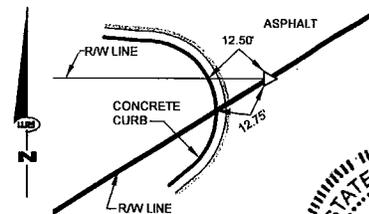
**DETAIL B**

SCALE: 1" = 30'



**DETAIL A**

SCALE: 1" = 30'



OSHTEMO TOWNSHIP, KALAMAZOO COUNTY

SECTION 35, T 2 S, R 12 W

A-140600

**W** **WIGHTMAN & ASSOCIATES, INC.**  
 ENGINEERING ♦ SURVEYING ♦ ARCHITECTURE  
 264 Western Avenue, Allegan, MI 49010, Phone: (269) 673-8465  
 2303 Pipestone Road, Denton Harbor, MI 49022, Phone: (269) 927-0100  
 9835 Portage Road, Portage, MI 49002, Phone: (269) 327-3532  
 www.wightman-assoc.com

CLIENT: O'BOYLE, COWELL, BLALOCK & ASSOC., INC.  
 JOB No: 140600  
 DATE: 8/27/2014  
 SCALE: AS NOTED  
 DRAWN BY: ACK  
 CHECKED BY:

*Gary D. Hahn*  
 GARY D. HAHN  
 PS - 38116

THAT PART OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 12 WEST, OSHTENO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT ON THE NORTH LINE OF SAID SECTION 35 THAT IS 425.04 FEET EAST OF THE NORTH QUARTER CORNER OF SAID SECTION 35; THENCE EAST ON SAID NORTH SECTION LINE 112.45 FEET; THENCE SOUTH 00° 42' 50" WEST 250.02 FEET TO THE SOUTH LINE OF THE NORTH 250.00 FEET OF SAID SECTION 35; THENCE EAST ON SAID SOUTH LINE 223.93 FEET; THENCE SOUTH PERPENDICULAR TO SAID NORTH SECTION LINE 257.49 FEET TO THE FORMER NORTHERLY RIGHT OF WAY LINE OF THE FORMER AMERITECH PROPERTY; THENCE NORTH 58° 12' 58" EAST ON SAID LINE 963.51 FEET TO SAID NORTH SECTION LINE; THENCE EAST ON SAID NORTH SECTION LINE 170.87 FEET (RECORDED AS 170.50 FEET) TO THE NORTHERLY RIGHT OF WAY LINE OF ATLANTIC AVENUE; THENCE SOUTH 58° 12' 58" WEST ON SAID NORTHERLY RIGHT OF WAY LINE 1553.45 FEET TO A POINT THAT IS 520.00 FEET NORTH 58° 12' 58" EAST OF THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 35; THENCE NORTH 31° 47' 02" WEST PERPENDICULAR TO SAID RIGHT OF WAY LINE 90.00 FEET TO A POINT THAT IS 462.59 FEET (RECORDED AS 462.20 FEET) NORTH 58° 12' 58" EAST OF SAID NORTH AND SOUTH QUARTER LINE; THENCE NORTH 58° 12' 58" EAST 48.28 FEET; THENCE NORTH 00° 17' 48" EAST 716.30 FEET TO THE POINT OF BEGINNING. CONTAINING 6.49 ACRES MORE OR LESS.

SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD, OR OTHERWISE.

SUBJECT TO THE RIGHTS OF THE PUBLIC AND OF ANY GOVERNMENTAL UNIT IN ANY PART THEREOF TAKEN, USED, OR DEEDED FOR STREET, ROAD, OR HIGHWAY PURPOSES.

SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED IN A FULL AND ACCURATE TITLE SEARCH.

THIS SURVEY WAS PERFORMED WITH AN ERROR OF CLOSURE NO GREATER THAN 1 IN 5000.

THIS SURVEY COMPLIES WITH THE REQUIREMENTS OF SECTION 3, P.A. 132 OF 1970, AS AMENDED.

ASSUMED THE EAST AND WEST QUARTER LINE OF SAID SECTION 35 TO BEAR EAST PER QUIT CLAIM DEED RECORDED IN DOCUMENT NUMBER 1999-050429, KALAMAZOO COUNTY RECORDS.

WITNESS TIES:

NORTHEAST CORNER, SECTION 35-2-12

FOUND BRASS CAP MONUMENT IN MONUMENT BOX

L.C.R.C. LIBER 2, PAGE 720		
TOP BOLT ON FIRE HYDRANT	NORTH	25.24'
MAG NAIL IN 12" CRAB APPLE	N 53° W	62.97'
MAG NAIL IN POWER POLE	N 02° E	47.85'
MAG NAIL IN WOOD FENCE POST	S 47° E	51.54'
CENTER OF TELEPHONE MANHOLE	S 54° E	58.60'

NORTH QUARTER CORNER, SECTION 35-2-12

FOUND HARRISON MONUMENT IN MONUMENT BOX

L.C.R.C. LIBER 1, PAGE 1292		
PK NAIL IN NORTH SIDE 24" MAPLE	N 64° W	49.32'
NAIL AND TAG IN TELEPHONE POLE	S 58° W	50.35'
PK NAIL IN SE SIDE POWER POLE	S 32° W	93.13'
NAIL IN SW CORNER LIGHT POLE BASE	S 80° E	50.34'

CENTER OF SECTION 35-2-12

FOUND MONUMENT IN MONUMENT BOX

L.C.R.C. LIBER 1, PAGE 1293		
PK NAIL IN WEST SIDE POWER POLE	N 30° W	106.67'
PK NAIL IN WEST SIDE POWER POLE	N 40° E	116.02'
PK NAIL IN SOUTH SIDE MULBERRY	S 60° W	95.55'
PK NAIL IN SW SIDE 24" PINE	N 58° W	64.15'



OSHTENO TOWNSHIP KALAMAZOO COUNTY SECTION 35, T 2 S, R 12 W A-140600

**W** **WIGHTMAN & ASSOCIATES, INC.**  
 ENGINEERING ♦ SURVEYING ♦ ARCHITECTURE

264 Western Avenue Allegan, MI 49010 Phone (269) 673-8465	2303 Pipestone Road Benton Harbor, MI 49022 Phone: (269) 927-0100	9835 Portage Road Portage, MI 49002 Phone: (269) 327-3532
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www.wightman-assoc.com

CLIENT: O'BOYLE, COWELL, BLALOCK & ASSOC., INC.

JOB No: 140600

DATE: 8/27/2014

SCALE:

DRAWN BY: ACK

CHECKED BY:

*[Signature]*  
GARY D. HAHN

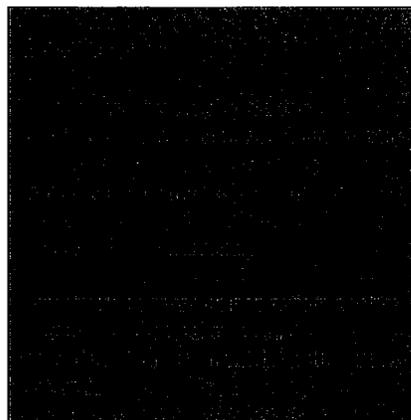
PS - 38116



**Location:** Kalamazoo County  
**Project:** Oshtemo Access Area A  
**Job No.:** Impervious surface  
**Date:** 3/11/2015  
**By:**

**Contributing Area [ac] =** 0.15  
**Runoff "C" Value =** 0.9  
**Allowable Release Rate [cfs/ac] =** 0.15  
**Rainfall Frequency =** 25-year  
**Site Release Rate [cfs] =** 0.0225  
**Factor of Safety =** 1.25  
**Required Storage Volume [cft] =** 1465  
**Time to Empty [hr] =** 18.1

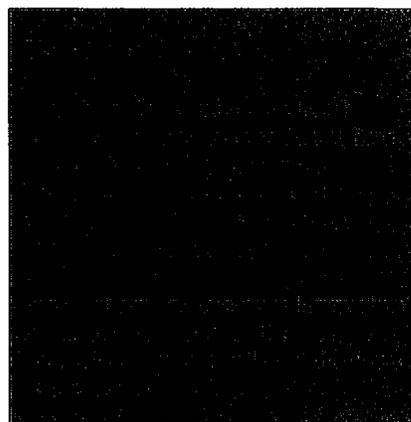
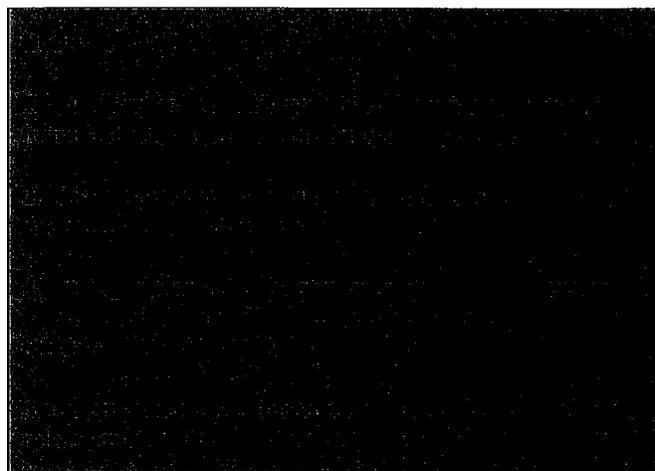
Time [hr]	Rainfall Intensity [in/hr]	Runoff Volume [cft]	Discharge Volume [cft]	Storage Volume [cft]	Storage Volume [ac-ft]	Time to Empty [hr]
0.167	5.580	456	14	553	0.01	6.8
0.250	4.800	588	20	710	0.02	8.8
0.333	4.160	680	27	816	0.02	10.1
0.500	3.300	809	41	960	0.02	11.9
0.667	2.749	898	54	1055	0.02	13.0
0.750	2.543	935	61	1092	0.03	13.5
0.833	2.369	967	68	1125	0.03	13.9
1.000	2.090	1024	81	1179	0.03	14.6
2.000	1.290	1264	162	1378	0.03	17.0
3.000	0.950	1397	243	1442	0.03	17.8
4.000	0.763	1496	324	1465	0.03	18.1
5.000	0.642	1574	405	1461	0.03	18.0
6.000	0.557	1637	486	1438	0.03	17.8
7.000	0.494	1695	567	1409	0.03	17.4
8.000	0.445	1745	648	1371	0.03	16.9
9.000	0.406	1789	729	1325	0.03	16.4
10.000	0.373	1828	810	1273	0.03	15.7
12.000	0.323	1896	972	1156	0.03	14.3
18.000	0.232	2048	1458	738	0.02	9.1
24.000	0.185	2181	1944	296	0.01	3.7



**Location:** Kalamazoo County  
**Project:** Oshtemo Access Area A  
**Job No.:** Vegetative surface  
**Date:** 3/11/2015  
**By:**

**Contributing Area [ac] =** 0.27  
**Runoff "C" Value =** 0.15  
**Allowable Release Rate [cfs/ac] =** 0.15  
**Rainfall Frequency =** 25-year  
**Site Release Rate [cfs] =** 0.0405  
**Factor of Safety =** 1.25  
**Required Storage Volume [cft] =** 215  
**Time to Empty [hr] =** 1.5

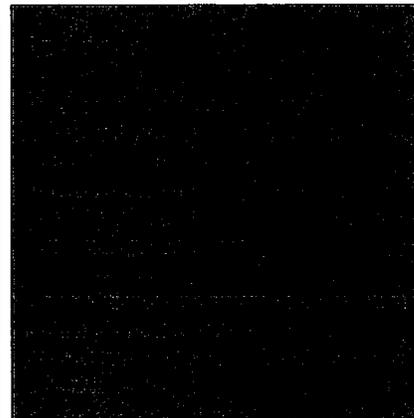
Time [hr]	Rainfall Intensity [in/hr]	Runoff Volume [cft]	Discharge Volume [cft]	Storage Volume [cft]	Storage Volume [ac-ft]	Time to Empty [hr]
0.167	5.580	137	24	141	0.00	1.0
0.250	4.800	176	36	175	0.00	1.2
0.333	4.160	204	49	194	0.00	1.3
0.500	3.300	243	73	212	0.00	1.5
0.667	2.749	269	97	215	0.00	1.5
0.750	2.543	280	109	214	0.00	1.5
0.833	2.369	290	122	211	0.00	1.4
1.000	2.090	307	146	202	0.00	1.4
2.000	1.290	379	292	110	0.00	0.8
3.000	0.950	419	437	0	0.00	0.0
4.000	0.763	449	583	0	0.00	0.0
5.000	0.642	472	729	0	0.00	0.0
6.000	0.557	491	875	0	0.00	0.0
7.000	0.494	508	1021	0	0.00	0.0
8.000	0.445	523	1166	0	0.00	0.0
9.000	0.406	537	1312	0	0.00	0.0
10.000	0.373	548	1458	0	0.00	0.0
12.000	0.323	569	1750	0	0.00	0.0
18.000	0.232	615	2624	0	0.00	0.0
24.000	0.185	654	3499	0	0.00	0.0



**Location:** Kalamazoo County  
**Project:** Oshtemo Access Area B  
**Job No.:** Impervious surface  
**Date:** 3/11/2015  
**By:**

**Contributing Area [ac] =** 0.36  
**Runoff "C" Value =** 0.9  
**Allowable Release Rate [cfs/ac] =** 0.15  
**Rainfall Frequency =** 25-year  
**Site Release Rate [cfs] =** 0.054  
**Factor of Safety =** 1.25  
**Required Storage Volume [cft] =** [REDACTED]  
**Time to Empty [hr] =** [REDACTED]

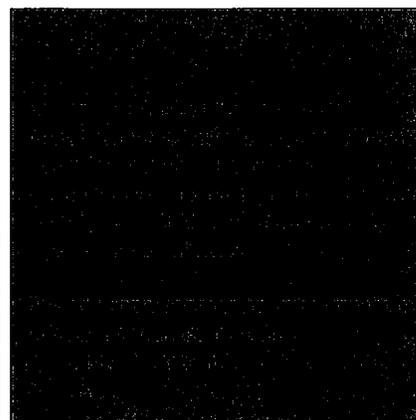
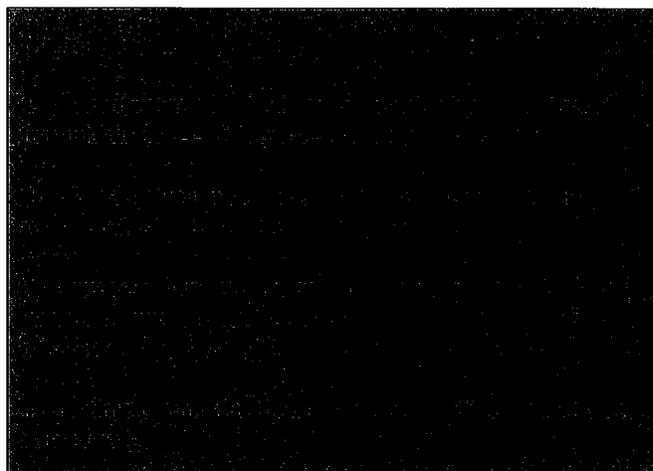
Time [hr]	Rainfall Intensity [in/hr]	Runoff Volume [cft]	Discharge Volume [cft]	Storage Volume [cft]	Storage Volume [ac-ft]	Time to Empty [hr]
0.167	5.580	1094	32	1327	0.03	6.8
0.250	4.800	1411	49	1703	0.04	8.8
0.333	4.160	1631	65	1958	0.04	10.1
0.500	3.300	1941	97	2304	0.05	11.9
0.667	2.749	2155	130	2532	0.06	13.0
0.750	2.543	2243	146	2622	0.06	13.5
0.833	2.369	2322	162	2700	0.06	13.9
1.000	2.090	2458	194	2830	0.06	14.6
2.000	1.290	3034	389	3307	0.08	17.0
3.000	0.950	3352	583	3461	0.08	17.8
4.000	0.763	3591	778	3517	0.08	18.1
5.000	0.642	3777	972	3506	0.08	18.0
6.000	0.557	3928	1166	3452	0.08	17.8
7.000	0.494	4067	1361	3383	0.08	17.4
8.000	0.445	4187	1555	3290	0.08	16.9
9.000	0.406	4293	1750	3179	0.07	16.4
10.000	0.373	4388	1944	3055	0.07	15.7
12.000	0.323	4552	2333	2773	0.06	14.3
18.000	0.232	4916	3499	1771	0.04	9.1
24.000	0.185	5234	4666	710	0.02	3.7



**Location:** Kalamazoo County  
**Project:** Oshkemo Access Area B  
**Job No.:** Vegetative surface  
**Date:** 3/11/2015  
**By:**

**Contributing Area [ac] = 0.44**  
**Runoff "C" Value = 0.15**  
**Allowable Release Rate [cfs/ac] = 0.15**  
**Rainfall Frequency = 25-year**  
**Site Release Rate [cfs] = 0.066**  
**Factor of Safety = 1.25**  
**Required Storage Volume [cft] = 351**  
**Time to Empty [hr] = 1.5**

Time [hr]	Rainfall Intensity [in/hr]	Runoff Volume [cft]	Discharge Volume [cft]	Storage Volume [cft]	Storage Volume [ac-ft]	Time to Empty [hr]
0.167	5.580	223	40	229	0.01	1.0
0.250	4.800	287	59	285	0.01	1.2
0.333	4.160	332	79	316	0.01	1.3
0.500	3.300	395	119	346	0.01	1.5
0.667	2.749	439	158	351	0.01	1.5
0.750	2.543	457	178	348	0.01	1.5
0.833	2.369	473	198	344	0.01	1.4
1.000	2.090	501	238	329	0.01	1.4
2.000	1.290	618	475	179	0.00	0.8
3.000	0.950	683	713	0	0.00	0.0
4.000	0.763	732	950	0	0.00	0.0
5.000	0.642	769	1188	0	0.00	0.0
6.000	0.557	800	1426	0	0.00	0.0
7.000	0.494	828	1663	0	0.00	0.0
8.000	0.445	853	1901	0	0.00	0.0
9.000	0.406	874	2138	0	0.00	0.0
10.000	0.373	894	2376	0	0.00	0.0
12.000	0.323	927	2851	0	0.00	0.0
18.000	0.232	1001	4277	0	0.00	0.0
24.000	0.185	1066	5702	0	0.00	0.0



STORAGE VOLUMES 3-11-19

BASIN 'A'

$$960.5 \text{ CONTOUR} = 1078 \text{ SF} (1.0') = 1078 \text{ CFT}$$

$$960.5 - 961.5 \text{ CONTOUR} = 2367 \text{ SF} - 1078 = 1289 (0.5') = \underline{644.5 \text{ CFT}}$$

$$\text{TOTAL} = 1722.5 \text{ CFT}$$

BASIN 'B'

$$960 \text{ CONTOUR} = 1360 \text{ SF} (1.5') = 2040$$

$$960 - 961.9 \text{ CONTOUR} = 3870 \text{ SF} - 1360 = 2510 (0.75') = \underline{1882.5}$$

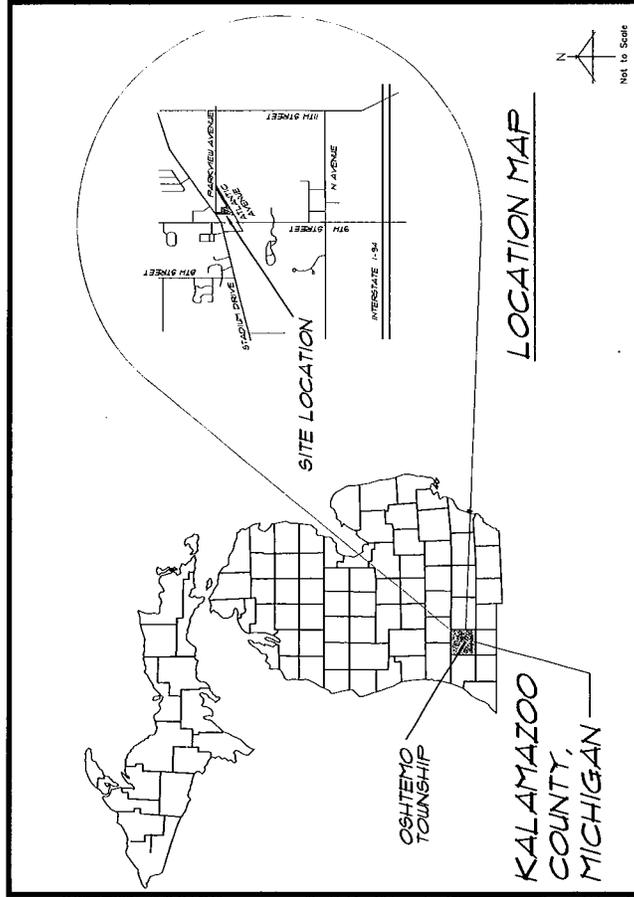
$$\text{TOTAL} = 3922.5 \text{ CFT}$$



# OSHTEMO TOWNSHIP COMMERCIAL AREA ACCESS PHASE 1

OSHTEMO TOWNSHIP, MICHIGAN

## LOCATION MAP



SHEET NO.	TITLE
C00	COVER SHEET
C10	SITE SURVEY
C20	SITE PLAN
C30	SITE DEMOLITION PLAN
C40	SITE LAYOUT AND LANDSCAPE PLAN
C50	SITE GRADING AND SECC PLAN
C60	DETAILS

NOTES:  
 1) Call Miss Dig, 1-800-482-7171 three working days, excluding Saturday, Sunday and holidays, before starting your project.

NOT FOR CONSTRUCTION

Issued For	Date
CLIENT REVIEW	FEBRUARY 5, 2015
33% REVIEW	MARCH 11, 2015

Project  
 Oshtemo  
 Commercial Area  
 Access  
 Phase 1  
 Oshtemo Township, MI  
 Sheet Title  
 Cover Sheet

Sheet No.  
 44401  
 C0.0

O'BOYLE COWELL BLALOCK  
 & ASSOCIATES, INC.  
 521 SOUTH RIVERVIEW DRIVE  
 KALAMAZOO, MICHIGAN 49004  
 269-381-3357 TELE  
 269-381-2944 FAX











NOT FOR CONSTRUCTION

Scale: 1" = 1'-0"  
DATE: 08/09/10  
DESIGNED BY: J. B. BROWN  
DRAWN BY: J. B. BROWN

PROJECT:  
**Osterno  
Commercial Area  
Access Phase 1  
Osterno Township, MI**

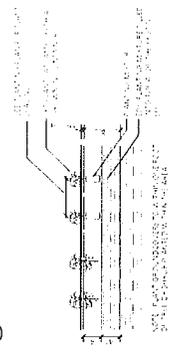
SHEET NO:  
**Site Details**

JOB NO:  
**41401**

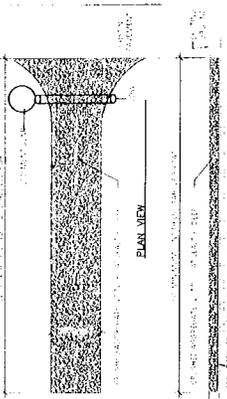
SHEET NO:  
**C6.0**



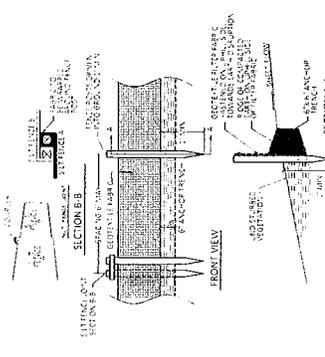
12 Metal Edging Detail



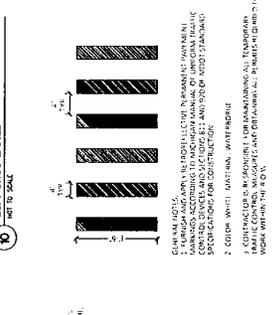
13 Upright Groundcover Planting



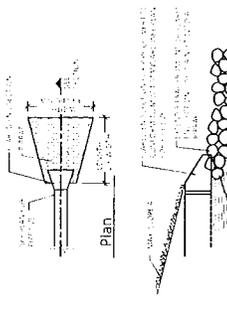
9 Stabilized Construction Access



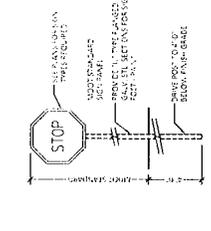
10 Silt Fence Detail



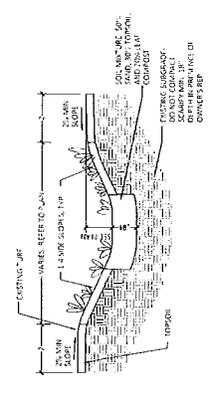
11 Crosswalk Strip Detail



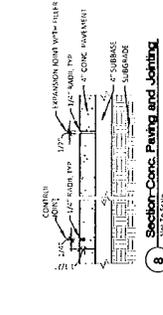
5 Pipe Culvert With Flared End Section Detail



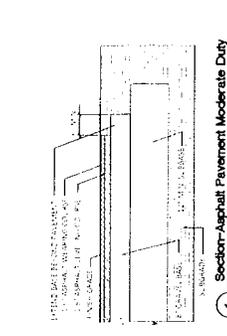
6 Regulatory Sign Detail



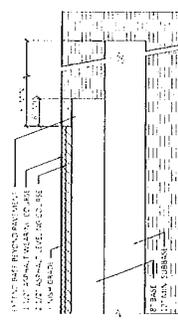
7 Rain Garden Detail



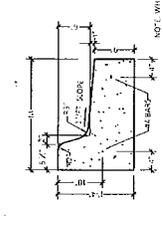
8 Section-Conc. Paving and Jointing



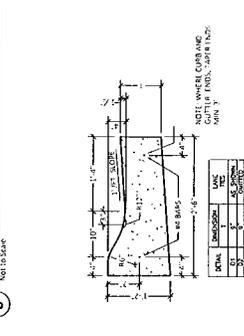
1 Section-Asphalt Pavement Moderate Duty



2 Section-Asphalt Pavement Heavy Duty



3 MDOT Type C Split-off Curb and Gutter



4 MDOT Type D Rolled Curb and Gutter

ITEM	DESCRIPTION	QTY	UNIT
1	1/2" ASPHALT	1.00	SQ. YD.
2	1/2" ASPHALT	1.00	SQ. YD.
3	1/2" ASPHALT	1.00	SQ. YD.