charter township
oshtemo
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NOTICE
OSHTEMO CHARTER TOWNSHIP
Zoning Board of Appeals

Tuesday,
June 23, 2015
3:00 p.m.

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Public Comment on Non-Agenda Items
4. Approve Minutes – May 26, 2015 Regular Meeting
5. **Site Plan Review (Progressive Community, LLC)**
   Applicant requests site plan review to establish an office for home based medical care in a 2,124 residential structure including development of an 11-space parking lot on a 0.62 acre parcel located at 424 South Drake Road in the R-3 Residence District (Parcel No. 3905-24-230-040).
6. Any Other Business / ZBA Member Comments
7. 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)

VARIANCE INFORMATION SHEET

For variance requests, the Zoning Board of Appeals is required by law to consider the following, and only the following, criteria when deciding on an application for a nonuse variance:

1. Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, building or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

2. Whether a grant of the variance applied for would do substantial justice to the applicant as well as to the property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

3. Whether the problem is unique to the property owner's land or whether it is a problem shared by all others in the district.

4. Whether relief can be granted in such a fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

5. Whether the problem was self-created.

Please be aware that use variances cannot be granted by the Board for any reason. Also please note that economic hardship is not the type of hardship referred to under #1 above.

OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

MINUTES OF A MEETING HELD MAY 26, 2015

Agenda

PUBLIC HEARING. APPLICANT (GESMUNDO, LLC) REQUESTS A VARIANCE TO ALLOW PARKING SPACES TO BE LOCATED WITHIN THE REQUIRED 20 FOOT GREEN SPACE ALONG THE WEST BOUNDARY LINE OF A PROPOSED DEVELOPMENT IN THE C-LOCAL DISTRICT AS REQUIRED BY SECTION 75.130.D OF THE TOWNSHIP ZONING ORDINANCE. SUBJECT PROPERTY IS LOCATED NEAR THE SOUTHWEST CORNER OF CENTURY AVENUE AND WEST MICHIGAN AVENUE (PARCEL NO. 3905-25-240-009).

PUBLIC HEARING. APPLICANT (GESMUNDO, LLC) REQUESTS A VARIANCE TO ALLOW THE INSTALLATION OF 875-WATT LIGHT FIXTURES, 475-WATTS GREATER THAN THE 400-WATT MINIMUM AS REQUIRED BY SECTION 78.720 OF THE OF THE TOWNSHIP ZONING ORDINANCE. SUBJECT PROPERTY IS LOCATED NEAR THE SOUTHWEST CORNER OF CENTURY AVENUE AND WEST MICHIGAN AVENUE (PARCEL NO. 3905-25-240-009).

PUBLIC HEARING. APPLICANT (GESMUNDO, LLC) REQUESTS SITE PLAN REVIEW OF A PROPOSED 50,000 SQUARE FOOT RETAIL BUILDING ON A 5.43 ACRE LEASE AREA NEAR THE SOUTHWEST CORNER OF CENTURY AVENUE AND WEST MICHIGAN AVENUE (PARCEL NO. 3905-25-240-009).

PUBLIC HEARING. APPLICANT (GESMUNDO, LLC) REQUESTS A SIGN DEVIATION TO ALLOW THE INSTALLATION OF A 280 SQUARE FOOT WALL SIGN ON THE SOUTH FAÇADE OF A NEW RETAIL STORE IN THE C LOCAL BUSINESS DISTRICT, 45 SQUARE FEET LARGER THAN ALLOWED BY SECTION 76.170 OF THE ZONING ORDINANCE. SUBJECT PROPERTY IS LOCATED NEAR THE SOUTHWEST CORNER OF CENTURY AVENUE AND WEST MICHIGAN AVENUE (PARCEL NO. 3905-25-240-009).

PUBLIC HEARING. APPLICANT (GESMUNDO, LLC) REQUESTS A SIGN DEVIATION TO ALLOW THE INSTALLATION OF A MULTI-TENANT POLE SIGN WITH AN AREA OF 172.50 SQUARE FEET AND A HEIGHT OF 32 FEET, 88.5 SQUARE FEET GREATER AND 12 FEET TALLER THAN THE MAXIMUM PERMITTED BY SECTION 76.170 OF THE ZONING ORDINANCE. THE SUBJECT PROPERTY IS LOCATED NEAR THE NORTHWEST CORNER OF DRAKE ROAD AND STADIUM DRIVE IN THE C-LOCAL BUSINESS DISTRICT (PARCEL NO. 3905-25-240-009).

PUBLIC HEARING. APPLICANT (SIGNART, INC. FOR MAPLE HILL LEASEHOLD, LLC) REQUESTS A SIGN DEVIATION TO ALLOW THE INSTALLATION OF SIX WALL SIGNS, TWO MORE THAN THE MAXIMUM PERMITTED BY SECTION 76.170 OF THE ZONING ORDINANCE. SUBJECT PROPERTY IS IN THE C-LOCAL BUSINESS DISTRICT AT 5622 WEST MAIN STREET (PARCEL NO. 3905-13-180-035).

A meeting of the Oshtemo Charter Township Zoning Board was held on Tuesday, May 26, 2015, at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Cheri Bell, Chairperson
Bob Anderson, Second Alternate
Millard Loy
Neil Sikora, First Alternate
L. Michael Smith
James Sterenberg

ABSENT: None

Also present were Greg Milliken, Planning Director; James Porter, Attorney; Ben Clark, Zoning Administrator; Martha Coash, Meeting Transcriptionist; and seven interested persons.

Call to Order and Pledge of Allegiance

Chairperson Bell called the meeting to order and the "Pledge of Allegiance" was recited. Due to Mr. Larson's resignation from the Township Board, a vacant on the ZBA was created, and Mr. Sikora was called upon to act as a sitting member for the meeting.

Public Comment on Non-Agenda Items

There were no comments on non-agenda items.

Approval of the Minutes of February 24, 2015

The Chairperson asked if there were any additions, deletions or corrections to the minutes of February 24, 2015. No changes were noted.

Mr. Sikora made a motion to approve the minutes of February 24, 2015 as presented. Mr. Smith seconded the motion. The motion was approved unanimously.

Chairperson Bell moved to the next item on the agenda and asked Mr. Milliken for his review.

Mr. Milliken confirmed with Attorney Porter that in order to unify discussion it would be appropriate to review items 5 – 7 together as long as separate motions were made and separate actions were taken on each item by the Board. Mr. Porter agreed.

PUBLIC HEARING. APPLICANT (GESMUNDO, LLC) REQUESTS A VARIANCE TO ALLOW PARKING SPACES TO BE LOCATED WITHIN THE REQUIRED 20 FOOT GREEN SPACE ALONG THE WEST BOUNDARY LINE OF A PROPOSED DEVELOPMENT IN THE C-LOCAL DISTRICT AS REQUIRED BY SECTION 75.130.D OF THE TOWNSHIP ZONING ORDINANCE. SUBJECT PROPERTY IS LOCATED NEAR THE SOUTHWEST CORNER OF CENTURY AVENUE AND WEST MICHIGAN AVENUE (PARCEL NO. 3905-25-240-009).

PUBLIC HEARING. APPLICANT (GESMUNDO, LLC) REQUESTS A VARIANCE TO ALLOW THE INSTALLATION OF 875-WATT LIGHT FIXTURES, 475-WATTS GREATER THAN THE 400-WATT MINIMUM AS REQUIRED BY SECTION 78.720 OF THE OF THE TOWNSHIP ZONING ORDINANCE. SUBJECT PROPERTY IS LOCATED NEAR THE SOUTHWEST CORNER OF CENTURY AVENUE AND WEST MICHIGAN AVENUE (PARCEL NO. 3905-25-240-009).

PUBLIC HEARING. APPLICANT (GESMUNDO, LLC) REQUESTS SITE PLAN REVIEW OF A PROPOSED 50,000 SQUARE FOOT RETAIL BUILDING ON A 5.43 ACRE LEASE AREA NEAR THE SOUTHWEST CORNER OF CENTURY AVENUE AND WEST MICHIGAN AVENUE (PARCEL NO. 3905-25-240-009).

Mr. Milliken said items five and six request variances to allow parking spaces to be located within the required 20 foot green space near the southwest corner of Century Avenue and West Michigan Avenue and to allow the installation of 875-watt light fixtures within the commercial development. Item seven is a request for site plan review.

Mr. Milliken told the Board the subject property is located in the Corner @ Drake commercial development. The specific building site within the development is the westernmost site located at the southwest corner of Century Avenue and West Michigan Avenue. The lease area is 5.43 acres and includes 367 feet of frontage on West Michigan Avenue.

He explained the proposal is to construct a new 50,000 square foot retail store for Field & Stream, an outdoor recreation retailer, and retail is a permitted use in the C district. The site plan includes 246 parking spaces. The proposed site plan requires two variance requests.

He said the setback on West Michigan Avenue is 70 feet from the road right of way, and the building is located 70 feet from the right of way at its closest point. The setback from Century Avenue, a private drive, is 15 feet from the easement boundary. The east façade of the building is located 31 feet from the Century Avenue easement.

Similar to Costco next door, he said, the building site is fairly unique and requires that the structure be a four-sided structure, which is challenging for a large building and use that requires loading facilities. Like Costco, the northern, West Michigan Avenue frontage will house the loading and unloading facilities. A screening wall is located there extending west from the edge of the building to screen the loading dock as well as the dumpster and compactor. As will be described later, enhanced screening, including a berm, is proposed along West Michigan to screen these facilities from the adjacent right of way.

Mr. Milliken noted access to the property is via Century Avenue, a private access drive that connects West Michigan Avenue to Drake Road. The parking lot to the south will also continue and tie into adjacent development creating shared parking and access opportunities. Access to Century Avenue is provided in two locations: one at the north end of the lease area immediately north of the building and one at the very south end of the lease area.

He explained retail uses are required to provide one parking space per 150 feet of net floor area. The minimum number of spaces required is 234. The applicants have provided 246 spaces. All spaces and drive aisles satisfy the minimum dimensional requirements of the Ordinance.

Mr. Milliken felt the applicants proposed an interesting concept to the rear / north side of the building. For this type of use, it is common place for customers to visit in larger vehicles including RV's and trucks with trailers. These can create challenges for maneuvering in parking lots as well as in terms of parking lot occupancy. To address this, they have designated specific spaces to the rear of the building for the parking of these oversized vehicles.

He said the non-motorized plan for the Township calls for a sidewalk on the north and south side of West Michigan Avenue. This plan was updated following the approval of the site plan for Costco. A sidewalk facility already exists along Century Avenue.

He noted for the north side greenbelt requirement, a 20 foot wide greenbelt is required with a minimum of six canopy trees, nine understory trees, and 12 shrubs.

For the east side greenbelt along Century Drive, a 15 foot wide greenbelt is required with a minimum of seven canopy trees and 13 understory trees. A number of trees are already located here having been planted with the installation of the roadway. The applicant is proposing installation of seven canopy trees and four understory trees to supplement the existing trees already installed.

For the west side greenbelt along 131, a 20 foot wide greenbelt is required. Again, a berm is proposed. Section 75.130.C of the Zoning Ordinance allows for a 25% reduction in plant material when a berm is included in the proposed landscaping. A three foot berm is proposed here to minimize the view of vehicles and the parking lot while maintaining visibility of the store. For the greenbelt, 15 canopy trees, 22

understory trees, and 29 shrubs are typically required, but with the 25% reduction, those numbers become 12, 17, and 22 respectively. The plan proposes installation of 13 canopy trees, 24 understory trees, and 70 shrubs.

Mr. Milliken explained that along this west side, the applicant is in talks with MDOT to secure the ability to install and maintain the landscaping in the MDOT right of way between the subject property and the adjacent freeway ramp. This will further extend the greenway and add additional greenspace and landscape material under similar control.

He said this is noteworthy as one of the variance requests involves the location of parking within the required greenspace area. The Zoning Ordinance does not permit parking within greenspace areas (Section 75.130.D). However, the parking along the west side of the site encroaches within this 20 foot area to various degrees. Thus, much of the proposed landscaping here is within MDOT right of way as agreed to between MDOT and the applicant.

Mr. Milliken said the parking lot, requires a total of 7,380 square feet of landscape area along with 37 canopy trees and 74 shrubs. The site plan includes over 8,000 square feet of landscape areas, 37 canopy trees, and 75 shrubs. Five of the canopy trees are shown at the south end of the site. These are in an area that will be an island as the development continues south. Staff is comfortable counting them towards this plan with the understanding that they will not be able to be counted towards the landscape requirement for a future development. Section 75.180.A requires 75% of the canopy trees and 30% of the other landscape elements be native plants. Staff review of revised plans submitted, satisfies these requirements.

For consistency, he said, the applicant is proposing use of the same outdoor lighting fixtures in the parking lot utilized by Costco. The proposed fixtures are cut-off box lights 35 feet in height at 875 watts per bulb. The Ordinance has a limit of 400 watts per bulb. Therefore a variance is required for this as well. Costco received a variance for the use of these fixtures.

Mr. Milliken said the photometric plan shows the footcandle distribution of light on the site. The Ordinance requires that light be maintained on site and no more the 0.1 footcandles spill on to adjacent properties or rights of way. The applicant is working to adjust the plan to eliminate this spillover.

He told the Board no substantial issues were raised by the Fire Marshall or the Township Engineer regarding the proposed plan.

Mr. Milliken reviewed the greenspace variance. He said the site plan calls for parking along the west side of the site within the required 20 foot side greenspace area (Section 75.130.D of the Zoning Ordinance). This area is required along the US-131 right of way area. In the northern portion of the site, the encroachment is significant, hitting a maximum of 18 feet. As the site continues south, the amount of encroachment

is reduced with only three to five feet of the parking lot encroaching into the greenspace area.

He noted the landscape plan calls for satisfaction of the required landscaping material as well as installation of a berm for additional screening. This is possible due to an agreement with MDOT allowing for planting within the right of way area. In addition, the applicant is pursuing additional rights to plant and maintain landscaping even further down the right of way to ensure continuity of material and appearance.

He felt with the addition of the space already allowed from MDOT along with space under negotiation with MDOT within the right of way, it is likely that the applicant will have control of greenspace along the west side of the property significantly greater than the 20 foot requirement. Thus, the intent of ensuring perimeter landscaping around sites is secured. Similar logic was used when a variance was granted last year to allow parking in the greenspace along the West Michigan Avenue frontage of Costco. West Michigan Avenue has an oversized right of way, and the applicant secured permission from the Road Commission to allow the ability to plant and maintain material in the right of way.

Mr. Milliken said, as stated previously, the applicant is proposing to use the same lights and fixtures in the parking lot as was used and approved for Costco in order to maintain a consistent appearance in the center. The Costco fixtures are 875 watts, which exceeds the 400 watt limit for outdoor lighting provided in Section 78.720 in the Zoning Ordinance. To date, Staff has not received complaints about the lighting at the Costco facility.

He indicated all Standards of Approval are met and concluded by saying this is the second outbuilding development at the Corner @ Drake development, and would provide another anchor draw to the center. The proposed development is consistent with plans proposed during review of the overall development as well as with the requirements of the Zoning Ordinance.

Mr. Milliken explained the two required variances are in concert with similar requests made and granted for the Costco site within the same development and should be considered first before considering the site plan.

Chairperson Bell thanked Mr. Milliken for his review and asked if anyone had questions.

In response to a question from the Chairperson, Mr. Milliken indicated that if parking spaces were not permitted in the greenspace area, it is likely all of the parking spaces on the west side would be eliminated. He explained that if the variance was not granted, the entire site plan would need to be reconsidered to try to find where parking spaces could be added back into the plan. Given the space restrictions, the spots would need to be smaller and the result would be that there would be more than 11 spots lost which would result in not achieving the minimum number of parking spots required.

Mr. Sterenberg asked about the agreement with MDOT to use their space to extend the buffer.

Mr. Milliken said MDOT agreed to plantings and a berm on their right of way and that Township staff is comfortable with that since the intent is to provide perimeter landscaping. A lay person would not know where the lines are drawn. He indicated the Township will obtain a copy of the applicant's agreement with MDOT. He also noted the tenant would prefer to have control of maintenance of that area.

Mr. Milliken confirmed the light pole heights are the same as those installed by Costco.

There were no further questions from the Board. Chairperson Bell asked if the applicant wished to speak.

Mr. Joe Gesmundo, AVB Developer, 4200 W. Centre Street, reviewed his vision for the property for the Board. He noted the special location with easy access from most of the county including the two main retail corridors of West Main Street and Westnedge Avenue, is attractive to large national retailers despite a smaller population in the area than they usually require. Costco's success over the last year, which is 20% greater than anticipated, has made the property attractive to businesses we do not currently have in the area, the types of retailers it was hoped would become part of the Corner @ Drake from the beginning.

He explained that Field & Stream's standard requirements for parking were modified to accommodate the space available and to meet Township ordinance. They are excited to have the RV parking for customers. He also noted the plan provides a significant buffer, screening the building, lights and headlights from Michigan Avenue.

He said it was a challenge to keep to .01 lumens of light at the edge of the property, that it was being worked on, but that lights from the highway ramps might be an added factor and he hoped the Board might give Staff some flexibility in that standard if needed. He will make an effort to get information on the lighting MDOT plans to use on the ramps.

Mr. Gesmundo also said they are talking with MDOT about keeping the hillside area natural, looking like a prairie by planting some shrubbery and wildflowers and noted that MDOT has been more than cooperative and as a result well over the 20 foot minimum requirement will be achieved.

Chairperson Bell determined there was no one else who wished to speak and moved to Board Deliberations.

Mr. Smith and Mr. Sterenberg both felt the greenspace request meets the spirit of the law by getting the space required back from MDOT.

The Chairperson wanted to have the agreement with MDOT in writing and on file in the Township.

Attorney Porter suggested that should be part of a motion.

Mr. Smith felt approval of the variance was acceptable based on the staff report and the conditions listed there.

Mr. Smith moved approval of the greenspace variance request, based on Board discussion and with the condition that the written agreement with MDOT be placed on file with the Township. Mr. Sterenberg supported the motion. The motion was approved unanimously.

Mr. Loy spoke about the lighting variance request. He felt they should come very close to the .01 requirement; that has been firm for many years and reiterated the desire to find out the ramp light wattage from MDOT. He felt it would be acceptable if the poles were the same height and provided the same wattage as the Costco lights.

Mr. Gesmundo noted the Costco lights are not LED since although the bulbs last longer, the drivers have a relatively short life. A 10 year warranty is in the works for LED drivers and if that occurs, they will go with LED which would result in less wattage.

Mr. Smith asked if the motion could make approval of the lighting wattage conditional with Staff approval.

Attorney Porter said that could be done.

Chairperson Bell addressed the substantial justice standard of approval, noting the applicant is working to meet the requirement, and that variances were granted to others in the past. She was comfortable with staff approval on this point.

Mr. Milliken pointed out the variance request was for wattage, not footcandles and if that is an issue he would not be comfortable making a decision on footcandles without noticing the public.

Mr. Sterenberg agreed the current variance request is for wattage only and that if footcandles become an issue that would need to come back to the Board as a separate issue.

Mr. Smith moved approval of the outdoor lighting variance to allow 875 watt light fixtures, contingent upon Staff approval. Mr. Sterenberg supported the motion. The motion was approved unanimously.

Chairperson Bell asked Mr. Milliken to address conditions in the Staff memo regarding sidewalks in the site plan.

Mr. Milliken said when the conditions were written it appeared there was a gap in the sidewalk to the east from the front of the store to the existing sidewalk on Century Drive, which was why #1 was included as a condition; he has learned that gap does not exist, so condition #1 is not necessary.

He addressed condition #5 in the Staff memo, saying it is important to try to implement the non-motorized plan. As amended the plan calls for sidewalks on the north and south sides of Michigan Avenue. The site plan should adhere to the non-motorized plan. There are challenges with that, but it is required to do so. A commitment is the best way as this is in the Road Commission's jurisdiction. The width of the bridge is an issue. The non-motorized plan was not in effect when Costco was built, so a sidewalk will not likely be installed in the immediate future, but having a commitment in place is appropriate, whether by escrow or an agreement for a special assessment.

Mr. Gesmundo said he would not oppose commitment to a sidewalk along the West Michigan Avenue frontage and suggested it might be done in connection with the tax capture for the Drake Road trail system

Attorney Porter said an option would be a commitment to develop a sidewalk at the time Drake Road is upgraded, which would necessitate Costco coming in as well.

Mr. Sterenberg moved approval of the Site Plan as presented, including the following conditions:

1. Site plan approval is contingent upon approval of the variance requests for outdoor lighting and parking in the greenspace area. If the variances are not granted, the site plan shall be modified accordingly to be in conformance with the Ordinance.

2. No overnight camping or storage of recreational vehicles and trailers shall be permitted in the extended spaces on the north side of the site.

3. Provision of a commitment for a sidewalk along the West Michigan Avenue frontage either through an escrow, agreement not to oppose a special assessment, or commitment to provide at the time the Drake Road sidewalk is installed.

4. Securing and maintaining an easement from MDOT for the required landscape material along the west side of the property.

5. Replacement of any dead or dying landscape material previously installed in the overall development.

6. There be no light spillover in excess of 0.1 footcandles onto adjacent properties or rights of way caused by lighting from the proposed development.

7. Site plan approval is subject to the approval of the Fire Department, pursuant to adopted codes.

8. Site plan approval is subject to the review and acceptance of the Township Engineer.

Mr. Loy supported the motion. The motion was approved unanimously.

Chairperson Bell moved to the next item on the agenda.

PUBLIC HEARING. APPLICANT (GESMUNDO, LLC) REQUESTS A SIGN DEVIATION TO ALLOW THE INSTALLATION OF A 280 SQUARE FOOT WALL SIGN ON THE SOUTH FAÇADE OF A NEW RETAIL STORE IN THE C LOCAL BUSINESS DISTRICT, 45 SQUARE FEET LARGER THAN ALLOWED BY SECTION 76.170 OF THE ZONING ORDINANCE. SUBJECT PROPERTY IS LOCATED NEAR THE SOUTHWEST CORNER OF CENTURY AVENUE AND WEST MICHIGAN AVENUE (PARCEL NO. 3905-25-240-009).

Chairperson Bell said the next item was a request for sign deviation to allow the installation of a 280 square foot wall sign on the south façade of a new retail store near the southwest corner of Century Avenue and West Michigan Avenue. She asked Mr. Milliken to review the application.

Mr. Milliken said the applicant is requesting a sign deviation in order to install a wall sign on the south façade of the newly approved Field & Stream store that exceeds the maximum square footage permitted by Ordinance. The ordinance allows wall signage to be a maximum area of one square feet for each foot in length of the wall to which it is affixed. The wall is 235 feet wide and the sign is 280 square feet. Therefore, a deviation is required.

He said the building is really a four-sided building with frontage on three roads and a main entry to the south at the parking lot. To the north, east, and west where the building faces adjacent roadways, the building will have a 130 square foot wall sign. This sign area is compliant with the width of the facades in these areas.

He explained a larger sign is proposed on the south side of the building. This is the primary entry and has a substantial entry feature associated with the architecture. The sign is mounted on the entry feature over the entry doors and does not seem oversized or out of place considering the surrounding building elements. The 280 square foot sign has five foot letters at their largest and is internally illuminated. The sign requires a sign deviation due to the fact that the width of the south façade is 235 feet.

Mr. Milliken said it should be noted the south side of the building will not be visible from West Michigan Avenue, Drake Road, or likely Stadium Drive. It will be

visible from US-131. With the increased distance to the highway and higher speed of traffic along the road, the applicant is seeking the deviation for the increased sign size.

He addressed Standards of Approval, saying the granting of the requested deviation would not be materially detrimental to the adjacent property owners or tenants. As stated, the sign will not be visible to properties or drivers on West Michigan Avenue or Drake Road and likely will not be visible from Stadium Drive except from the freeway overpass. While larger than permitted, the proposed sign fits with the architecture and proportions of the proposed building.

He continued, saying the site is unique. Field & Stream is not the only large box retailer in the Township, but there are not a ton either. An analysis of 10 other similar size retail facilities in the Township found that only one had a wall size with an area that exceeded the length of the wall upon which it was affixed. All others were compliant with the 1:1 requirement. Two other similar deviation requests had been denied. That being said, "Field & Stream" is a longer name than "Target" or "MC Sports".

He said particularly unique however is the frontage of the building. Most of the other similar uses are located on West Main Street or Drake Road. The primary goal of the sign is to attract traffic from the parking lot or from the adjacent road that is a couple hundred feet away with traffic travelling 35 mph or less. For the proposed sign, the primary goal for attracting off-site traffic will be to grab vehicles from the freeway before the interchange, which will be about a half mile away with traffic travelling twice as fast.

He emphasized this is very unique. It is not anticipated this situation will present itself again within this development. No other outlot in the Corner @ Drake development has this type of frontage on the freeway. As the West Main Street / US-131 interchange redevelops / develops in the future, there may be a similar situation arise there, but that would really be the only opportunity for this scenario to emerge again without substantial changes to the zoning and existing development pattern.

Mr. Milliken concluded by saying the Board and the Township has traditionally held a firm line on wall sign deviation requests. This, however, is a very unique case considering the location and orientation of the sign. The Board should consider this and determine if it is in fact unique and whether that sets an adverse precedent for future wall sign deviation requests.

Chairperson Bell thanked Mr. Milliken for his comments and asked if Board Members had any questions.

Mr. Sterenberg asked if the sign is a standard size for the franchise.

Mr. Milliken said the sign proposed is a reduced version of the standard Field & Stream sign but suggested that question be directed to the applicant.

There were no further questions for Mr. Milliken. Chairperson Bell asked if the applicant would like to speak.

Mr. Gesmundo indicated the standard size sign for Field & Stream stores is 475 square feet. In order for their store to be successful in an area with our size market, they need to pull in customers from the interstate and the sign must be large in order to do that. They are willing to reduce the sign to 280 square feet, but it is critical to them that it be no smaller or they will not build here. He indicated it would be an LED, internally lit sign.

The Chairperson asked if others wished to speak.

Mr. Steve VanderSloot of Sign Art, 5757 E. Cork Street, said he has worked with Dick's Sporting Goods, which is affiliated with Field & Stream, and asked the Board to keep in mind that national businesses have national sign programs that are very standardized models built to specifics on a large scale. Any change from that standardization is a sticking point. He mentioned the Board granted a variance to Lowe's for a larger sign since the store was set back so far from the road and that an extreme set back does warrant a larger size. He pointed out the Eagle image on the sign is more of a decorative element reminiscent of what it means to be an outdoorsman. The eagle is not illuminated; everything about the Field and Stream's site is very much organic.

There were no further comments and Chairperson Bell moved the meeting to Board Deliberations.

Mr. Loy said the sign is not an issue with visibility only from US-131.

Mr. Sterenberg said he was in favor of granting the deviation because of the uniqueness of the site. Because the sign's audience is travelers on US-131 it almost fits into the billboard category.

Mr. Smith noted 45 additional square feet is not a huge percent over 235, especially with a muted feel as described.

Mr. Sikora felt the request for deviation meets Township standards.

Mr. Anderson said he was in favor of granting the deviation.

Mr. Smith moved approval of the sign deviation as requested based on Board discussion. Mr. Anderson supported the motion. The motion was approved unanimously.

Chairperson Bell moved to the next item on the agenda.

PUBLIC HEARING. APPLICANT (GESMUNDO, LLC) REQUESTS A SIGN DEVIATION TO ALLOW THE INSTALLATION OF A MULTI-TENANT POLE SIGN WITH AN AREA OF 172.50 SQUARE FEET AND A HEIGHT OF 32 FEET, 88.5

SQUARE FEET GREATER AND 12 FEET TALLER THAN THE MAXIMUM PERMITTED BY SECTION 76.170 OF THE ZONING ORDINANCE. THE SUBJECT PROPERTY IS LOCATED NEAR THE NORTHWEST CORNER OF DRAKE ROAD AND STADIUM DRIVE IN THE C-LOCAL BUSINESS DISTRICT (PARCEL NO. 3905-25-240-009).

Chairperson Bell said the next item was a request for a sign deviation to allow the installation of a multi-tenant pole sign near the northwest corner of Drake Road and Stadium Drive. She asked Mr. Milliken to review the application.

Mr. Milliken said currently there is no overall site signage for the Corner @ Drake development. The applicant is requesting sign deviations for a multi-tenant commercial sign for the entry of the Corner @ Drake commercial development. The shopping center is located at the northwest corner of Stadium Drive and Drake Road with frontage on West Michigan Avenue and US-131. The proposed sign is located at the intersection of Drake Road and Century Avenue just north of Stadium Drive. The property is in the C – Local Business district.

He noted the applicant did receive a deviation to install a commercial ground sign on the stone wall feature at the immediate corner of Stadium and Drake in September 2014. The deviation allows for installation of a 124 square foot sign as opposed to the 80 square foot maximum. That sign has not been installed, and although the applicant would like to preserve the option to do so, no immediate plans have been discussed.

He explained the proposal here is to install a primary, multi-tenant identification sign at the main entry to the development off of Drake Road. The maximum height of a multi-tenant commercial sign is 20 feet. The proposed sign is 32 feet tall. The maximum area permitted for the proposed sign is 84 square feet. The proposed sign is 172.50 square feet.

Mr. Milliken said staff felt it would be beneficial to understand the overall approach to signage at the development and see how the proposed sign fit in with that overall program.

He said at the other end of Century Avenue, the applicant is proposing installation of a small entry sign at the intersection of Century Avenue and West Michigan Avenue. This sign will only identify the center and will not have any tenant identification. No plans have been submitted for this sign, but this sign is permitted to be up to 40 square feet at a height of 10 feet.

Additionally, along Drake Road, one credit union has already had its site plan approved: Consumers Credit Union immediately north of Century Avenue. The applicant is in discussion with two more financial institutions for leasing of sites along Drake Road – one south of Century Avenue and one at the northernmost edge of the property. These financial institutions would not be identified on the multi-tenant signs and would thus be entitled to their own signage.

Mr. Milliken noted at some point in the future, the applicant may propose a second multi-tenant sign on Drake Road for a strip commercial center likely to be developed on land north of where Consumers Credit Union will be developed.

He told the Board both West Main Mall and West Century Center have received variances for size and height of their existing multi-tenant signs. Research indicates that the ordinance requirements have not changed. The Maple Hill Mall is another multi-tenant center with a large sign that does not conform to the current ordinance. He indicated some history on all of these signs is important and may help to guide the decision-making process. He reviewed the variance history with the Board.

He said in addition to the Corner @ Drake, these are the largest multi-tenant commercial centers in the Township. In some of the cases above, deviations were granted in order to bring the site closer to conformance. In this instance, there are no existing signs at the site. Nonetheless, the proposed sign area is significantly smaller than any of the other examples. The height of the proposed sign is created primarily due to the enhanced design and style of the sign and its structure rather than as a result of the sign area itself.

Mr. Milliken indicated the proposal for deviation meets the Standards of Approval.

He suggested the ZBA should consider the unique nature of the site, its size, and its location on a major arterial. The ZBA should also consider previous deviations granted to similar multi-tenant signs at West Century Center, West Main Mall, and Maple Hill Pavilion. The ZBA should also consider the enhanced design of the sign and the fact that the sign area is substantially less than existing signs at the previously mentioned centers.

Hearing no questions for Mr. Milliken, Chairperson Bell asked if the applicant wished to speak.

Mr. Gesmundo said the sign, like the rest of the project, epitomizes the quality of the development and the desired tenants he wishes to attract. Municipalities have developed sign ordinances because people have gone crazy with signs and they became a visual nuisance. He thinks this is at the opposite end of that scale. He pointed out that if the property were divided into as many parcels as would be allowed under Ordinance, over 1200 sq. ft. of signage would be permitted. The proposed sign condenses a lot of road frontage signage into a very few attractive signs. They would be tasteful and illuminated from within.

There were no questions for the applicant; the Chairperson moved to Board Deliberations.

Chairperson Bell cited the past sign deviations given as examples and felt the circumstances here are unique enough to set it apart from a 200 foot parcel with road frontage.

Attorney Porter suggested looking at the site in light of other development of the same nature.

Mr. Loy said he hated to see signs larger than what already exist.

Chairperson Bell asked about a sign at the south corner.

Mr. Milliken said he was not encouraging more signs and would discourage them from coming forward – he noted only one sign is being presented at this time.

Mr. Sterenberg asked if a larger sign is granted now whether smaller signs would be requested in the future.

Mr. Milliken said the game plan is for three financial institutions, each with one ground sign on Drake Road and a strip commercial center proposed for Drake Road that may or may not have a smaller version of the proposed sign. He noted the Ordinance has provisions for that.

Mr. Sterenberg commented the whole project and the sign are unique. He would rather see one large sign than 200 smaller ones.

In answer to a question from Mr. Sterenberg, Attorney Porter indicated a motion could say the deviation is granted in the spirit of the Master Plan.

Mr. Anderson moved approval of the sign deviation request as presented based on the reasons set forth in discussion, that it is treated similar to other multi-tenants in the Township and in the spirit of the Master Plan. Mr. Loy supported the motion. The motion was approved unanimously.

Chairperson Bell moved to the next item on the agenda.

PUBLIC HEARING. APPLICANT (SIGNART, INC. FOR MAPLE HILL LEASEHOLD, LLC) REQUESTS A SIGN DEVIATION TO ALLOW THE INSTALLATION OF SIX WALL SIGNS, TWO MORE THAN THE MAXIMUM PERMITTED BY SECTION 76.170 OF THE ZONING ORDINANCE. SUBJECT PROPERTY IS IN THE C-LOCAL BUSINESS DISTRICT AT 5622 WEST MAIN STREET (PARCEL NO. 3905-13-180-035).

Chairperson Bell said the final item was a request for sign deviation to allow the installation of six wall signs, two more than the maximum permitted at 5622 West Main Street. She asked Mr. Milliken to review the proposal.

Mr. Milliken said the applicant is requesting a sign deviation on behalf of Maple Hill Auto. As part of their site improvements and expansion, the property owner desires to update the signage in concert with the updates to the architecture of the building. These updates are also required by the auto companies as conditions of maintaining

the franchises. In doing so, the applicant desires to install six wall signs on the southern building that houses the Hyundai, Subaru, and Volvo dealerships and maintenance facilities. The Ordinance allows a maximum of four wall signs per building.

He indicated the subject property is located at 5622 West Main Street on the north side of West Main Street just west of Maple Hill Drive. Maple Hill Auto serves as the local dealership for five automobile brands. It is currently undergoing substantial improvements as the dealership upgrades the appearance and layout of the facility to satisfy requirements of the various brands and franchises.

Mr. Milliken explained this is the original building that existed on the site, and at some point in its history an addition was made onto the east side of the building. Because the addition was separated from the original building by a fire wall, it was interpreted by staff at the time that they were two separate buildings. Therefore, while there were four existing wall signs already in place on the original building, the interpretation allowed for two additional signs to be located on the east façade of the addition. Thus a total of six signs existed on the southern building prior to the current redevelopment project.

He said the proposed improvements eliminate the eastern addition and remove any internal separation between sections of the building. As a result of these changes, the allowance for additional wall signs is removed, and the limit is set at four. The applicant has requested the deviation in order to maintain the level of signage present at the site prior to redevelopment as well as to meet the manufacturer's requirements.

Mr. Milliken told the Board the applicant is proposing to install a series of new signs as part of the redevelopment project. Six of these signs count as wall signs. Four of those signs are located on the south (West Main Street) façade: "Volvo", "Hyundai", "Subaru", and Subaru logo. The other two, "Subaru" and "Pre-Owned" are on the east side. Other signage on the south façade is considered incidental and are not counted toward the number of wall signs. The sign area is compliant with Ordinance requirements. The maximum square footage is limited to the length of the wall upon which it is affixed. On both the south and east walls, the area meets this 1:1 requirement.

Mr. Milliken suggested the ZBA should review the following points regarding Standards of Approval in considering the request for deviation.

The granting of the requested deviation would not be materially detrimental to the adjacent property owners or tenants. If approved, the facility will have the same number of wall signs as previously existed. The area of the signage is compliant with Ordinance requirements. It is located in an intense commercial area, and the wall signs have been well designed to match the new architecture

The unique issue with the subject property is the fact that due to the previous configuration of the building it was permitted to have six wall signs. Now with the

proposed improvements and the change to the building configuration, the building is only permitted to have four signs.

The Board should consider the fact that the reason this request is coming forward is because the property owner is undergoing a substantial improvement project, something we generally want to encourage. The Board should also consider that the number of wall signs is not changing from what existed at the site previously.

Chairperson Bell asked if there were questions for Mr. Milliken.

Mr. Milliken confirmed these are new, updated signs, necessary to meet requirements of the auto manufacturers.

In answer to a question from Mr. Sterenberg regarding why four signs are allowed per building, Mr. Milliken said he believes that with four sides to a building it was established to allow one sign per side. There is no requirement about how to allocate the signs – all four could be on one side of the building, but the area of the signs on one side of the building cannot exceed the width of that side of the building.

Hearing no further questions, Chairperson Bell asked if the applicant wished to speak.

Mr. Steve VanderSloot said he was the Sign Art contractor for previous signs at Maple Hill. The request is a result of major re-vamping demands from the various car lines Mr. VandenBerg represents. It took a long time to get the sign deviation request to the Board since for every line carried a different sign vendor was used. If the request for deviation is not approved, there will be consequences for the dealership. He noted the signs meet area requirements based on a 1:1 standard. All signs are internally illuminated and will not take on a different characteristic than currently.

Mr. Jim VandenBerg, Maple Hill Auto Group, 5622 West Main Street, said he operates under five different manufacturers. Three of the five need improvement or he faces penalties in reduced payments or bonuses. He explained he has had to ask each individual manufacturer to keep requirements the same and asked for the Board's help and consideration.

In answer to a question from Mr. Sikora, Mr. VanderSloot said each sign is shifted over somewhat from its previous position, pretty much in the same order to the space they serve. He noted "Used" Cars was changed to "Previously Owned."

There were no further comments from the applicant or the public; Chairperson Bell moved to Board Deliberations.

It was the consensus of the Board that just because a firewall was removed internally it shouldn't affect outside signage. This request for deviation is needed only because of a technical difficulty and it meets the Standards of Approval.

Mr. Smith moved approval, based on Board discussion. Mr. Sikora supported the motion. The motion was approved unanimously.

Any Other Business / ZBA Member Comments

Chairperson Bell noted Maple Hill's situation did not involve separate buildings.

Attorney Porter explained that in the code a structure is designated as a separate structure if there is a firewall.

Mr. Milliken said at this point he has no agenda items for a June meeting but will keep Board Members informed.

Attorney Porter noted the Township Board will address replacing Mr. Larson on the ZBA at its June 9 meeting. He added that when there is a 5th person back on the Board, the alternates will not vote.

Mr. Loy reminded the Board of a drop-in session for preliminary study of a five-year plan at the Drake House and invited them to attend to provide their input.

Adjournment

Chairperson Bell noted the Zoning Board of Appeals had exhausted its Agenda, and with there being no other business, adjourned the meeting at 5:08 p.m.

Minutes prepared:
May 28, 2015

Minutes approved:
_____, 2015

June 17, 2015

Mtg Date: June 23, 2015

To: Zoning Board of Appeals

From: Gregory Milliken, AICP

Applicant: Kimberly Nolan / Progressive Community, LLC

Owner: Kimberly Nolan

Property: Parcel #3905-24-230-040 (424 South Drake Road)

Zoning: R-3 – Residence District

Request: Site Plan Review for Expansion of Office and Paving of New Parking Facility

Section(s): Section 23.000 – R-3 – Residence District
Section 82.000 – Site Plan Review

Project Name: Progressive Community

OVERVIEW

The subject property is located at 424 South Drake Road, which is located on the west side of Drake Road between Skyridge Avenue and Driftwood Avenue. The property is a 0.62 acre parcel with 136 feet of frontage on Drake Road. It does not have access to Drake Road directly but has a shared easement with the West Kalamazoo Church of Christ, which is located to the west and has a shared drive north of the property.

The property is in the R-3 Residence zoning district. The property includes an existing 2,124 square foot building that was previously used as a single family home. The applicant purchased the property and desires to convert it to office and recreation space for her business. Progressive Alternatives provides residential and home based care to individuals with catastrophic injuries. Such a use is a permitted use in the R-3 district.

PROPOSED DEVELOPMENT

The applicant administers home based care services to patients in need of full-time or nearly full-time care. The converted residence would be utilized as an office for her and her staff as well as a meeting place to hold a variety of activities for residential patients such as games, entertainment, and educational events.

Very little would be done on the exterior of the residence in conjunction with the conversion. It is likely there would be some interior modifications completed as part of the conversion. However, the previous occupant of the property also used it as an office.

The most substantial change will be the addition of a 11-space parking lot to the west of the existing building. Space for the parking facility would be created by adjusting the lot lines of the subject parcel and the odd-shaped parcel that wraps around to the west, which is also owned by the applicant.

PARKING, CIRCULATION, AND ACCESS

The subject property, the West Kalamazoo Christian Church, and the Skyridge Church of the Brethren all share access to Drake Road via the shared drive that separates their properties. An access easement – 66 feet wide by 167 feet in length – provides for access rights to these three properties. The proposed access point for the subject property is located within this easement.

Currently, there is no defined access point or specified parking for the subject property. A gravel, dirt area exists where vehicles have traditionally turned off and parked along the south side of the access drive adjacent to the subject property. However, such a configuration is not permitted. The Ordinance does not allow vehicles to back into private access ways directly from parking spaces, and some of the parking was located in the easement area, which is not on the subject property.

The proposed parking lot includes 11 parking spaces. All spaces and circulation drives satisfy the requirements of the zoning ordinance. The floor plan indicates there is about 1,420 square feet of net floor area on the first floor, about half of which is office and half is recreation / meeting space. Apparently the home also has a basement with useable area, which the applicant estimates at about 800 square feet, although no floor plan was provided.

For an office use, one space is required for each 150 square feet of net floor area. Ten spaces would be required for the first floor area. If the lower floor is included at the applicant's estimate, a total of 15 spaces are required. The applicant has indicated that four to six staff work at the facility, and observations show between three and five vehicles parked at the site at various times. During times of activities, she estimates between eight and ten patients will visit the site. Many of those are transported by Metro Van or walk from the adjacent residence. So parking is not required for the majority of these patients.

While an exact number is not known, it is likely additional parking is required to be provided by the Ordinance. If the Board determines that the use does not need that additional parking, at least not at this time, it can allow the parking to be deferred per Section 68.420 of the Ordinance. This means that the plan can be amended to show how the parking could be provided if needed in the future, but it would not yet be installed.

LANDSCAPING

The applicant has not submitted a landscape plan in conjunction with her proposed improvements. Section 75.210 of the Ordinance indicates that perimeter and parking area landscape requirements

apply to all expansions, renovations or alterations that increase the gross floor area. The proposed improvements do not result in any increase to the gross floor area to the site. Therefore, Staff is not requiring any perimeter landscape treatment at this time. The exception being that the area currently utilized for parking on the north side of the building along the access drive should be seeded upon completion of the new parking area. The applicant has indicated some additional plantings will be provided, which will help as well.

Parking lot landscaping should be added however due to the addition of the new parking and the removal of the trees and open area west of the existing building. A 200 square foot landscape area with one canopy tree and two shrubs is required within the parking area.

ENGINEERING

The plan lacks sufficient information for detailed review by the Township Engineer. Therefore, only cursory comments have been provided and are included here and not in a separate report. Any action by the Board should be conditioned upon review and approval of specific details related to the plan by the Township Engineer.

Despite its location on Drake Road, the site is not served by public sanitary sewer service. Instead, it is served by a septic system. Septic fields appear to be located immediately north of the existing building. Although the proposed use is not anticipated to result in substantial load or intensity change for the septic system, confirmation of the condition and capacity of the current system to accommodate the proposed use by the Health Department is recommended.

The proposed plan demonstrates stormwater from the new parking area will flow north, south, and west into retention areas located immediately adjacent to the parking area. Calculations have not been provided documenting whether the areas illustrated have capacity to accommodate the amount of stormwater that would be created during a 100-year storm event. (Note, the calculations shown on the right side of the plan are inaccurate as they are for a previous plan that the applicant has modified for this purpose.) This information will need to be submitted, reviewed, and approved by the Township Engineer before the project can proceed.

EASEMENTS

As many of you know, the Township has been working hard to establish a non-motorized facility along South Drake Road between West Main Street and Stadium Drive. One of the obstacles is that for a stretch of Drake Road – including in front of the subject property – the right of way is only 66 feet wide. Therefore, any non-motorized facility at this location will need to be located within an easement on private property.

At this time, the non-motorized facility is not yet designed and the exact location is not yet determined. So the location and width of the easement need is not known. But it is clear that there will be need for an easement on the subject property.

Future sanitary service is another item that will require an easement at some point in the future. Again, no design or layout has been prepared, but in order to provide sanitary service to the subject property and the other properties to the south, a sewer line will need to be run along the west edge of the parcels.

STANDARDS FOR APPROVAL

Section 82.800 of the Zoning Ordinance provides the criteria for approval of a site plan.

A. Proper relationship between existing and proposed circulation and access as well as compliance with Access Management Guidelines

The proposed development will provide the site with a proper curb cut onto the shared access drive and allow for ingress and egress in compliance with the requirements of the R-3 district, which prohibits vehicles pulling directly onto a shared drive.

B. Impacts on adjacent properties and neighborhood are minimized

The proposed use is consistent with the uses in the surrounding area and any impacts on adjacent properties and neighborhood should be minimized. The organization of the parking and access will be a benefit to the other two entities that utilize the shared access point and will improve the aesthetics of that area.

C. Existing landscape features are preserved to provide buffer, preserve the appearance of the neighborhood, or control erosion or stormwater impacts

The parcel to the west that will be combined with the subject property is mostly wooded. Many of these trees will be removed for the development of the parking lot and retention area. Where possible, the applicant has indicated a desire to preserve the trees to provide a buffer. In addition, the applicant has indicated a desire to plant some new trees to further enhance the site.

D. Any adverse effects of the proposed development upon adjoining properties are minimized by screening, fencing, or landscaping

There are minimal adverse effects anticipated.

E. All provisions of the Zoning Ordinance are complied with unless otherwise granted a variance

In a few instances as noted above, additional information is required in order to confirm compliance with the Zoning Ordinance provisions.

F. The height and location of all portions of proposed development are accessible to emergency vehicles and equipment

The Fire Marshal has indicated no concerns with the proposed development. His comments are attached to this report.

G. The plan will not result in any additional run off onto adjoining property

Additional details will need to be submitted regarding the drainage and stormwater management plan in order for the Township Engineer to properly review the plans. Appropriate calculations will need to be provided in order to confirm this.

H. The plan is consistent with the intent and purpose of zoning to promote public health, safety, morals, and general welfare...

The proposed development is consistent with the public health, safety, morals, and welfare, as well as with the intent and purpose of the zoning district.

I. The plan is consistent with the groundwater protection standards in Section 69 of the Ordinance

The plan is consistent with the standards in Section 69 of the Ordinance.

RECOMMENDATION

The applicant proposes to convert an existing building that was previously converted from a residence to an office to her own office for administering residential and home based care patients. In addition, it will house space for activities, entertainment, and education for the patients. The most significant element of the proposal is a new parking lot and access point.

This is an appropriate use and reasonable improvement for the subject property, particularly considering its location and surroundings. Generally speaking, the plan and intent are sound. However, several details are missing or additional information required in order to proceed.

The applicant desires to have site plan approval at this time so that paving work on her property can be scheduled at the same time as paving work occurring on the adjacent Church property resulting in cost savings and mutual conveniences. Staff appreciates the desire for this to occur, but also respects the fact that there are a lot of open questions left for the Board to address.

The Board can table the request until the next meeting (July 23) allowing the applicant another month to address the gaps in the plan and provide the missing details. Or, the Board can approve the plan with the conditions noted below leaving it to Staff and the applicant to address these issues. Staff is comfortable handling the review of the plan as most of the issues are administrative at this point, but understands there are a number of such issues outstanding.

If the Board proceeds with action on the plan, Staff would recommend the following conditions be included with such action:

1. Correspondence indicating approval of the proposed plan and access point from the other two parties subject to the access easement.

2. Approval of a lot line adjustment between the subject property and the adjacent property to the west under similar ownership consistent with the proposed plan.

3. A revised plan be provided showing four additional parking spaces for a total of 15 OR four deferred parking spaces that could be provided in the future if needed for a total of 11 now and 15 at some point in the future.

4. The revised plan shall reflect any new proposed plantings as well as a new parking lot island (200 square feet) added in the parking lot island with one canopy tree and two shrubs.

5. Correspondence or other indication from the Kalamazoo County Health Department indicating adequacy of the current septic system to accommodate the proposed use.

6. Review and approval of stormwater plans and calculations by the Township Engineer demonstrating adequate design and capacity to accommodate the 100 year storm on site.

7. Dedication of a non-motorized easement along South Drake Road for public purposes. The exactly size and location to be determined and established by mutual agreement.

8. A sign permit is required before any new signs are installed on site, and all signage shall conform to the requirements of the sign chapter of the Zoning Ordinance.

9. Site plan approval is subject to the approval of the Fire Department, pursuant to adopted codes.

10. Site plan approval is subject to the review and acceptance of the Township Engineer as adequate.

Respectfully Submitted,

Gregory E. Milliken, AICP
Planning Director

Attachments: Application
Aerial
Attachments from Applicant
Review letter from Fire Marshal

charter township
oshtemo

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

PLEASE PRINT

PROJECT NAME & ADDRESS _____

PLANNING & ZONING APPLICATION

Applicant Name : Kimberly Nolan
Company Progressive Community, LLC
Address 424 S. Drake
Kalamazoo, MI 49009
E-mail Kim.nolan@progressivealt.com
Telephone 269-207-0091 Fax 269-353-9011
Interest in Property _____

OWNER*:

Name Kimberly Nolan
Address P.O. Box 20054
Kalamazoo, MI 49019
Email Kim.nolan@progressivealt.com
Phone & Fax 269-207-0091 269-353-9011

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

Received From: PROGRESSIVE ALTERNATIVES
Date: 06/08/2015 Time: 12:36:55 PM
Receipt: 114700
Cashier: LINDAI

ITEM REFERENCE	AMOUNT
1088 SITE PLAN REVIEW	
SPR	$500.00
1042 PLANNING ESCROW	
PLANNING ESCROW	$1,000.00
TOTAL	$1,500.00
CHECK 22440	$1,500.00
Total Tendered:	$1,500.00
Change:	$0.00

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

- [X] Planning Escrow-1042
- [X] 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): _____

pave current parking area phase 1
add additional parking area phase 2
once finances allow for project to be completed.

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

PARCEL NUMBER: 3905- 24-230-040

ADDRESS OF PROPERTY: 424 S. Drake

PRESENT USE OF THE PROPERTY: Activity space for Progressive Alternatives clients office/meeting space. Use only private not public

PRESENT ZONING R-3 **SIZE OF PROPERTY** _____

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

Name(s)	Address(es)
Comerica Bank	

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** 5/29/2015

Applicant's Signature — **Date**

Copies to:
Planning
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: Progressive Alternatives

Location of Business: 424 S. Drake Rd

Name of Business Owner: Kim Nolan

Mailing Address: PO Box 20054

City: Kalamazoo **State:** MI **Zip:** 49019

Telephone: 269-207-0091

Business Manager / Operator: Kim Nolan

Type of Business (type of activities to be carried out at the proposed business– include all processes and operations):
Activities for Brain Injury & Spinal Cord Injury; offices for some of our staff that do business operations. No public Business on site.

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

Owner's Signature: Kim Nolan Date: 6/3/15

5. Y (N) Will new underground storage tanks be located less than 2,000 feet form 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.

	Common/ Trade Name	Chemical Components	Form	Max Quantity	Storage
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

OSHTEMO TOWNSHIP

HAZARDOUS SUBSTANCE REPORTING FORM

Note: This form must be completed and submitted as part of the site plan review process.

Name of Business: Progressive Alternatives

Location of Business: 424 S. Drake Rd

Name of Business Owner: Kim Nolan

Mailing Address: P.O. Box 20054

City: Kalamazoo **State:** MI **Zip:** 49019

Telephone: 269-207-0091

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

Owner's Signature: Kim Nolan **Date:** _____

MANAGEMENT OF HAZARDOUS SUBSTANCES

Hazardous substance (definition): Reference Sec. 11.308, Oshtemo Township Zoning Ordinance

1. Y (N) Will the proposed project store, use, or generate hazardous substances in quantities greater than 100 kilograms per month (about 25 gallons per month) now, or in the future? If yes, please complete the rest of this form and submit with your site plan. If no, stop here and submit with your site plan.

2. Y (N) Will hazardous substances be reused and / or recycled on-site?

3. Y (N) Will any hazardous substances be stored, used, or handled on the site? If yes, identify the location, size, and type of spill containment facilities which will be used and provide details on the site plan.

4. Y (N) Will hazardous waste an/or liquid industrial waste be transported off-site for treatment, disposal, and / or recycling? If yes, please list the name, address and telephone number of your licensed transporter(s).

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.

424 S Drake Site Plan
Kimberly Nolan

Background Information
The applicant is seeking a site plan review and approval of the conversion of the building at 424 south Drake Road to utilize as space for activities for individuals that are patients in a company called Progressive Alternatives that provides residential and home based care to individuals with catastrophic injuries including brain injuries and spinal cord injuries as well as some residential patients under Community Mental Health. These are individuals that live in other sites and need space to meet together for activities. The activities are not open to the public and are only patients of Progressive Alternatives which is also owned by the property owner. The activity and meeting space is permitted use in the R-3, Residence District. All parcels surrounding the subject property are also zoned R-3. Skyridge Church is directly north, West Kalamazoo Church of Christ is directly west and an occupied residence also owned by the applicant is directly south of the subject property.

The subject property currently has 2,124 square foot residence located on it. The total usable space on main floor is 1,707 deducting hallways, bathrooms, utilities. The total usable space for the entire building including the basement area totals 2,589 square feet. In recent years said residence has been used as an office. The applicant is using the building located at 424 South Drake Road.

424 South Drake Road is approximately 0.62 acres and has approximately 136 feet of frontage on Drake Road. The applicant plans to combine approximately 0.19 acrea of parcel number 3905-24-230-069, the L-shaped parcel immediately west of 424 South Drake Road, to 424 South Drake Road.

The primary users of the property will be established patients of Progressive Alternatives that live in residential settings in their program that are interested in participating in group activities including arts and crafts, music, games, Yoga and other therapeutic recreational activities. It will also be utilized for meetings and office space for some internal staff of the organization.

The site plan reflects the provision for 11 total parking spaces. Two of the spaces will be designated for Handicap Parking.

Site Plan Review
Section 82.800 of the Zoning Ordinance Criteria for Review.

A. Access- The site will utilize the existing driveway for West Kalamazoo Church of Christ located directly north of the subject property. An access easement exists allowing 424 South Drake to utilize this driveway. No direct access to Drake Road is proposed.
   Approval is subject to prior Township review and the approval and recording of the access easement for this property.

Parking- The applicant is seeking approval for 11parking spaces. The applicant estimates that about 8-10 patients may attend activities and 4-6 staff work in the other office and meeting areas. Many clients are transported by Metro Van so do not need parking as they are dropped off and picked up. Other patients are transported there by their staff for short periods of time throughout the week. The property is not currently used during the weekend and rarely in the evening.

Additional parking is also available at the property 468 and 540 Drake as both are owned by the applicant as well.

B. The existing building satisfies all setback requirements.
The applicant does not expect much refuse to be created from the proposed use other than saving some of the millings from the phase 1 project on property to be used for the additional parking area that is in phase two of the project.

The applicant does not propose the installation of any on site lighting for the subject property.

The applicant does propose the installation of a sign in the front of the building meeting code requirements.

C&D Type C greenspaces are required on all interior and rear property lines. A tyoe C= greenspace is required along the Drake Road frontage.

The applicant proposes additional trees within the east greenspace. A deviation may be appropriate to allow shrubs proposed along the east side of the existing building to count towards the required landscaping.

The storm retention area that is currently not planned for any planting could have additional plantings within it.

Variance will be needed if site plan is approved to allow grandfathered parcel to be buildable when enlarged.

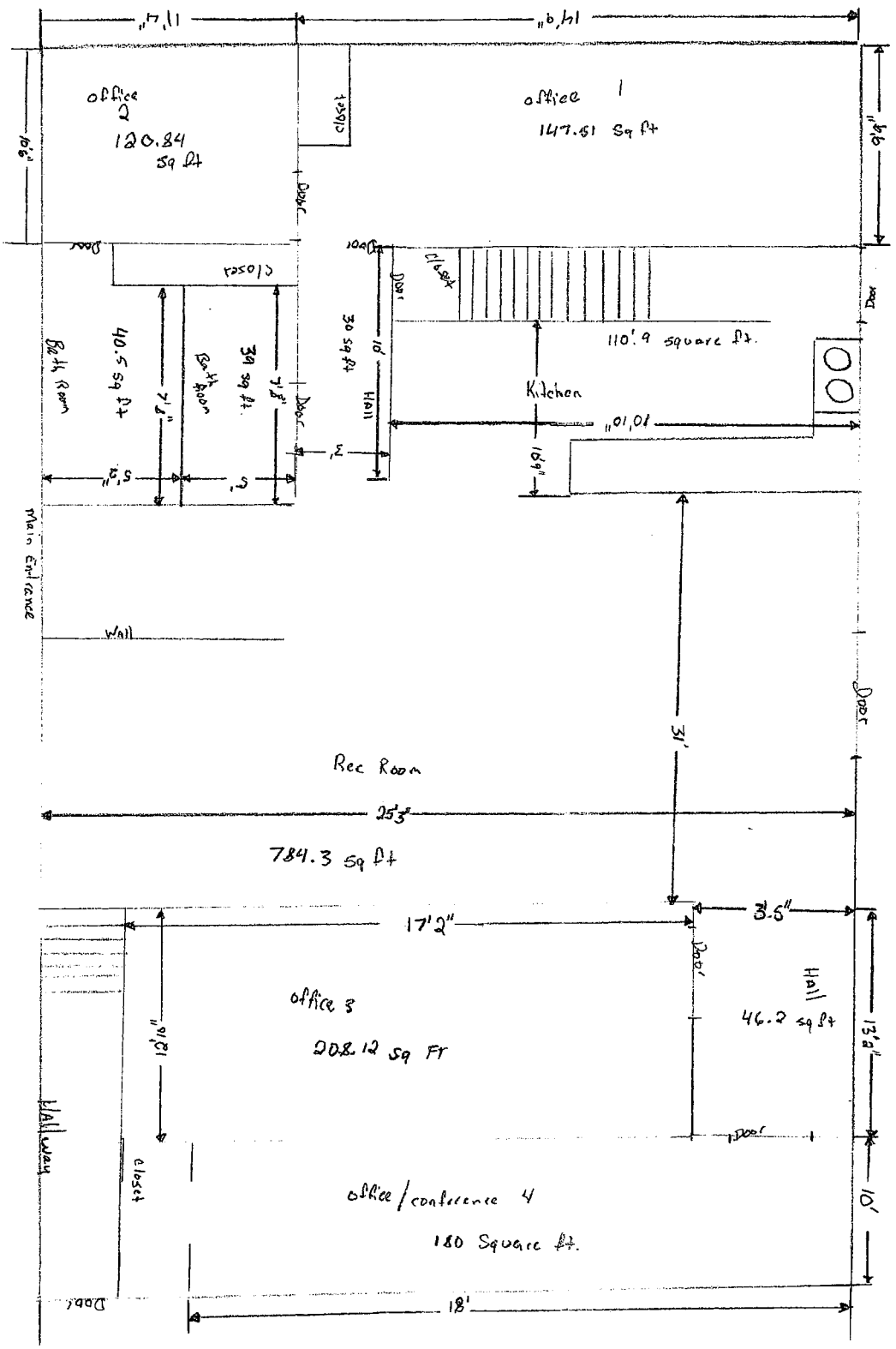
The Fire Department has reviewed the prior site plan and their comments were provided at that time.

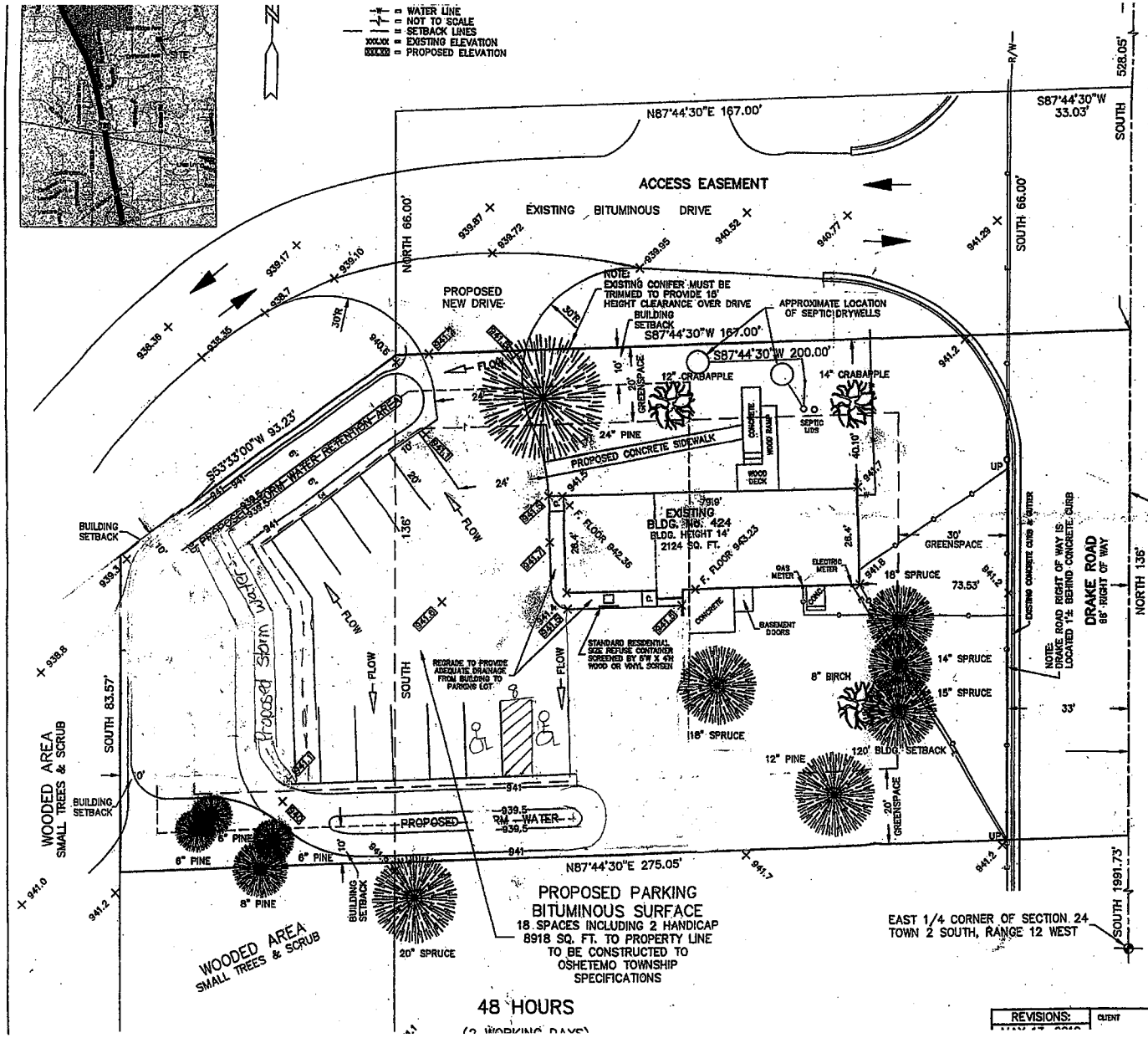
The proposed facility will be served by public water and has an existing septic system. The applicant has been in contact with the Kalamazoo County Health Department regarding the existing septic tank.

The Environmental Permits Checklist and Hazardous Substance Reporting form has been received with the prior site plan and is on file at the township.

1,707.37 total Square ft.
First Floor

424 S. Drake Rd Kim Nolan





DRIVEWAY IMMEDIATELY NORTH OF THE SITE BY AN EXISTING 66'X167' IN EASEMENT.

TOTAL AREA OF SITE IS 35440 SQ. FT. INCLUDING 4488 SQ. FT. OF DRAKE RO

TOTAL AREA OF PROPOSED BITUMINOUS SURFACE PARKING AND DRIVEW

THE BACK OF CURB ON DRAKE ROAD IS 1.0'± FROM THE EXISTING RIGHT-O LEAVING NO ROOM IN THE EXISTING RIGHT-OF-WAY FOR SIDEWALK. THE AGREES TO PARTICIPATE IN ANY FUTURE SPECIAL ASSESSMENT FOR SIDE

A PORTION OF PARCE No. 3905-24-230-069 WILL BE SPLIT AND ADDED TO PA 3905-24-230-040. SEE SHEET 2.

NO ON-SITE LIGHTING OR SIGNAGE IS TO BE INSTALLED AT THIS TIME.

Stormwater Retention Basin Required Volume Calculation

Site soils are classified as Urban Land - Kalamazoo Complex, (UkC). The permeability of this soil type is reported by Soil Survey of Kalamazoo Coun ranging between 0.6 and 2 inches per hour. All volume calculations shown here minimum permeability, (0.6 inches per hour)

The peak flow for the proposed site is calculated using the Rational Method

Q=CIA;
Q = the Peak Flow
C = The Runoff Coeffecient for the developed site, 0.5
I = The Rainfall Intensity due to a 100 year frequency, 24 hour duration storm ev per hour
A = The area of the Site, 0.71 acres

Q = 0.5 x 0.256 in/hr x 0.71 acres = 0.09 cubic feet per second, or 327 cubic feet

Percolation rate of proposed Retention Basin:

Q = KIA
K = Soil Permeability, 0.6 inches per hour
I = Hydraulic Gradient, 1, for a shallow basin
A = Area of the bottom of the Basin in square feet

Q = 0.6 in/hr x 1 ft/12 in x 1 x 2760 sq ft. = 138 cubic feet per hr.

Required Retention Basin Storage Volume:

The volume of water required to be stored in the Retention Basin equals the Peak the design storm, minus the percolation capacity of the Basin, multiplied by the d design storm.

Peak Flow = 327 cubic feet per hour
Percolation = 138 cubic feet per hour

(327 - 138) x 24 Hours = 4,536 cubic feet of Storage Volume Required.

The Proposed Retention Basin provides storage capacity for 5,073 cubic feet.

The proposed Stormwater Retention Area is intended to be part of a vegetated bu with Section 78.520 D and E of Oshtemo Township Stormwater Management St

DESCRIPTION OF PROPOSED SITE:

A PARCEL OF LAND IN THE NORTHEAST 1/4 OF SECTION 24, TOWN 2 SOUT WEST, OSHTEMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, DESCRI

BEGINNING AT A POINT ON THE EAST LINE OF SECTION 24, TOWN 2 SOUT WEST, DISTANT SOUTH 528.05 FEET FROM THE NORTHEAST CORNER OF S 24; THENCE S87°44'30"W, PARALLEL WITH THE NORTH LINE OF SAID SECT DISTANCE OF 200.00 FEET; THENCE S53°33'00"W, 93.23 FEET; THENCE SOU WITH SAID EAST SECTION LINE, 83.57 FEET; THENCE N87°44'30"W, PARAL NORTH SECTION LINE 275.05 FEET TO SAID EAST SECTION LINE; THENCE SAID EAST SECTION LINE, 136.00 FEET TO THE POINT OF BEGINNING.

SUBJECT TO THE RIGHTS OF THE PUBLIC AND OF ANY GOVERNMENTAL PART THEREOF TAKEN, USED OR DEEDED FOR STREET, ROAD OR HIGHW

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

SHEET

REVISIONS: CLIENT

OSHTEMO FIRE DEPARTMENT SITE PLAN CONCERNS LIST

Applicant: Kimberly Nolan
Project: Proposed new parking
Location: 474 South Drake Road.
Date: June 9, 2015
Site Plan Date: April 14, 2010

Identified Concerns:

A 15 foot vertical clearance is required throughout the site and shall include all vegetation. This is mentioned at this time for consideration of plant growth in 10 – 15 years.

The access road shall be 24 foot minimum in width and maintained year round and shall support the live load of fire apparatus. This is mentioned at this time for future consideration after the certificate of occupancy has been issued and it becomes the responsibility of the property owner during all weather conditions.

Fire lane signs shall be posted and shall read "FIRE LANE – NO STOPPING, STANDING OR LOADING" and shall be installed prior to any occupancy. Signs shall be of white background with red lettering. Signs shall be installed mounted on a post with sign facing the flow of traffic with the height of 6'- 8" to the bottom of the sign. Signs shall be placed no more than 60' on center. Please contact this office for placement locations, which shall also be shown on the site plan.

Approved access routes shall be required prior to and during construction at this site. Access routes shall be (24) feet in width and shall support the live load of the department apparatus. Access routes shall extend to within one hundred fifty, (150) feet of all portions of the building or any of the exterior of the building.

An address clearly visible both during and after completion of this project is required.

Any egress points from the building shall terminated at a paved surface and be connected by continuous means.

Fire alarms systems shall meet NFPA 72 requirements.

Fire Sprinkler systems shall meet NFPA 13 requirements.

If by any code adopted by Oshtemo Township or by the Owners choice, there is going to be a fire sprinkler system installed, a remote fire department connection away from the building shall be required and shall have locking Knox StorzGuard kits with locking cap installed. These are available on line at @ www.knoxbox.com.

This building will be required to have a fire department Knox key box installed. This is mentioned at this time so if a recessed style is desired it may be incorporated into the building plans. You may order a Series 3200 Key Box online @ www.knoxbox.com, as it may take 4-6 weeks for delivery of this lock box.

Prior to final occupancy, Fire extinguishers meeting the minimum rating of 2A10BC shall be installed at not more than 75 feet of travel distance from any point in the building.

This list shall not be considered as all inclusive as other requirements may be necessary when more information becomes available.

Should you have any questions regarding this matter, please feel free to contact me.

Jim Wiley
Assistant Fire Chief / Fire Marshal
Oshtemo Township Fire Department
P. 269.375.0487
F. 269.544.2085
jwiley@oshtemo.org

230
133.56'
88'
88'
66'
134.07'
136'
66'
264'
66'
ST.
AVE