charter township
oshtemo
est. 1839

7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
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NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

Thursday,
August 27, 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 July 23, 2015 Regular Meeting
6. **PUBLIC HEARING: Special Exception Use (Kalamazoo College)**
   Planning Commission to consider special exception use request and site plan review of the application from Lord Aeck Sargent on behalf of Kalamazoo College to make various improvements to the parking lot and access drive, trail way improvements, and development of a new approximately 1,500 square foot multi-use space / outdoor classroom at an existing park facility (Lillian Anderson Arboretum) located at 7687-7975 West Main Street in the RR-Rural Residential District. (Parcel #3905-15-330-012).
7. Discussion of Proposed Zoning Ordinance Amendments Related to Signs
8. Old Business
9. Any Other Business
10. Planning Commissioner Comments
11. 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 JULY 23, 2015

Agenda

PUBLIC HEARING: SPECIAL EXCEPTION USE AMENDMENT AND SITE PLAN REVIEW OF THE APPLICATION FROM LYNDON CRONEN FOR A NEW ACCESSORY BUILDING LOCATED AT 5071 WEST H AVENUE IN THE R-3 RESIDENTIAL DISTRICT. (PARCEL #3905-12-230-033).

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

MEMBERS PRESENT: Terry Schley, Chairperson
Fred Antosz
Wiley Boulding, Sr.
Pam Jackson
Millard Loy
Mary Smith

ABSENT: Dusty Farmer

Also present were Greg Milliken, Planning Director; James Porter, Attorney; and Martha Coash, Meeting Transcriptionist. Three other persons were in attendance.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

AGENDA

The Chairperson asked for a motion to approve the agenda.

Mr. Loy made a motion to accept the agenda as presented. Mr. Antosz seconded the motion. The motion passed unanimously.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Chairperson Schley asked if anyone in attendance wished to comment on non-agenda items.

There were no public comments on non-agenda items. Chairperson Schley moved to the next item on the agenda.

APPROVAL OF THE MINUTES OF JUNE 25, 2015

The Chairperson asked if there were any additions, deletions or corrections to the minutes of the meeting of June 25, 2015. Hearing none, he asked for a motion to approve the minutes as presented.

Mr. Antosz made a motion to approve the minutes of the June 25, 2015 meeting. Mr. Boulding, Sr. seconded the motion. The motion was approved unanimously.

PUBLIC HEARING: SPECIAL EXCEPTION USE AMENDMENT AND SITE PLAN REVIEW OF THE APPLICATION FROM LYNDON CRONEN FOR A NEW ACCESSORY BUILDING LOCATED AT 5071 WEST H AVENUE IN THE R-3 RESIDENTIAL DISTRICT (PARCEL #3905-12-230-033).

Chairperson Schley moved to the next item on the agenda, a public hearing for a special exception use amendment and site plan review of the application from Lyndon Cronen, and asked Mr. Milliken to review the request.

Mr. Milliken said the subject property is located at 5071 West H Avenue, at the southwest corner of H Avenue and Drake Road. It is a 3.57-acre parcel with approximately 450 feet of frontage on H Avenue and 300 feet of frontage on Drake Road. The existing office building was approved in 1985 with a parking addition approved in 1994.

He noted the property is located in the R-3 zoning district. It is a transitional residential district that allows limited commercial uses with certain restrictions. An office building is a special exception use in the R-3 district, and any expansion of such use must also be approved through the special exception process. Therefore, the proposed storage building associated with the business requires special exception approval.

Mr. Milliken explained the properties to the north and west are primarily developed with single family homes and are in located in the R-2 district. To the east across Drake Road is Kalamazoo Township where there are homes and Kalamazoo Central High School. To the south are properties in the R-3 and R-4 districts. This includes a senior center and a historic home. The historic home is also within the historic overlay district.

He reminded the Board a similar request presented by AVB on behalf of the applicant was heard and ultimately denied by the Planning Commission at its February 26th, 2015 meeting. The previous proposal included a larger 4,000 square foot, six bay building.

Mr. Milliken said the applicant is proposing to build a 1,080 square foot accessory building associated with the existing business on the subject property. The building would be 30 feet wide, 36 feet deep, and have side walls of 12 feet in height. It would be a steel sided building with a shingled roof. The proposed structure includes three overhead doors on the west side, facing the primary building on the property. The proposed building is to be located to the east of the existing primary structure, approximately three feet from of the edge of the parking lot. The structure will be connected to electricity but is not intended to be connected to water or sanitary sewer utilities. It will not be an occupied structure, nor will it employ any exterior lighting.

He said the Drake Road and H Avenue frontages are subject to enhanced setbacks by Section 64.100 of the Ordinance. The minimum required setback from H Avenue is 70 feet from the right of way. The minimum required setback from Drake Road is 120 feet from the centerline of the road. To the south, the minimum required setback is 100 feet because of the historic overlay district. The proposed structure satisfies all stated setback requirements.

The Township Fire Marshal and Engineer have reviewed the proposed plans and have indicated they have no problems with the site plan as presented.

Mr. Milliken told the Board the applicant is proposing to maintain a wide buffer of existing landscaping along both street frontages, which includes a variety of materials such as canopy trees and understory growth, thereby providing an adequate amount of screening along both street frontages. There is also a four to five foot natural berm along these boundaries.

He explained along the south property line adjacent to the Historic Overlay Zone, an E greenspace is required to be installed. While there is existing vegetation on this part of the property that will be preserved, and the applicant has indicated that he intends to plant evergreen trees immediately adjacent to the proposed structure, additional plantings may be required if construction of the building removes more screening along the southern exposure than is acceptable.

He noted Section 78.650 requires all uses undergoing site plan review provide a sidewalk consistent with the Township's Non-motorized Plan. No sidewalk is provided on the submitted site plan due to the fact that the applicant is using the original document from 1985 before such improvements were required. It is recommended that the applicant sign a commitment to not protest a special assessment district should such a facility be proposed along the H Avenue and/or Drake Road frontages.

Regarding standards for approval, he said Section 23.404 provides specific requirements for office buildings in the R-3 district. This is not an office building, but it

serves as an expansion of the office building use in that district. Therefore, it should be consistent with the requirements for such use. A review of the proposed project shows that it is consistent with these standards and that the overall use of the property will remain in compliance with the criteria listed in the Zoning Ordinance.

Chairperson Schley thanked Mr. Milliken and asked if it was his position that the proposed building would be used for purposes of a professional organization, which is how an office is defined in the Zoning Ordinance.

Mr. Milliken said that was correct.

The Chairperson asked whether other Commissioners had questions.

Mr. Antosz said the application called the proposed building a storage/accessory building and wondered if that is an office building.

Mr. Milliken said the use permitted under special exception is for an office building. That can include a building that will function to support the existing business. Storage purposes related to the professional office use fit that criterion.

Mr. Antosz asked whether granting this request would open the door to others with similar accessory building requests in R-3.

Mr. Milliken said the door has already been opened and provided several examples of similar structures and uses in the R-3 district in the Township. He felt the requested building will be part of the office and would not violate standards since it would not be out of character.

Attorney Porter pointed out that Section 23.203 refers to accessory buildings for residential uses and felt this should be treated in the same manner.

Mr. Boulding, Sr. asked for clarification regarding whether water and restroom facilities might be included in the building.

Mr. Milliken suggested the applicant might address that question.

Attorney Porter noted a storage building wouldn't typically have water or sewer.

Ms. Jackson asked about the square footage of the original building.

Chairperson Schley said the original building comprises 4600 square feet and that with the additional structure, the total square footage would be under 10,000 square feet.

There were no further questions; Chairperson Schley asked the applicant if he would like to speak.

Mr. Lyndon Cronen, 5180 Grand Arbre Trail, Portage, told Commissioners that with existing fast growing Austrian Pine trees and the addition of more this fall, that three sides of the building should be well screened from the road by 15-16 foot trees within a year. He said the principle uses of the building will be storage and re-boxing of student accident forms and preparation to ship or deliver to schools. Some office furniture may be stored there. Most of the forms activity will take place during the summer months. Currently this work is done in cramped space in the existing building. Since the restroom facilities in the existing building are within 300 feet of the proposed building and most of the work will be done there during the summer months, water/sewer service will not be needed. He noted the business has 20 employees.

In response to a question from Chairperson Schley, Mr. Cronen said his business is a professional organization selling insurance and the new building will have a direct relationship to that business. If there were additional free space in the existing building, the forms work would be done there.

The Chairperson thanked Mr. Cronen for his comments and asked if there were comments from the public.

Mr. Peter Brakeman, 2611 N. Drake Road, said his property was just to the south of the Cronen property. He has lived on the historical property there for seven years and said Mr. Cronen has been an accommodating and gracious neighbor and that he has gone to a lot of trouble to come up with a solution for his proposed plan. Mr. Brakeman said he was happy to see him move forward with it. He noted the buildings are hidden from H Ave. and Drake Road and supports his plans.

There were no further public comments; Chairperson Schley closed the public hearing and moved to board deliberation.

Chairperson Schley noted the Commission had not approved Mr. Cronen's initial application at its February 26, 2015 meeting and that for the record the discussion at that time should be referenced in any future related matter.

The Chairperson moved to board deliberation and began with his comments.

He said one of the discussion items from the February meeting was whether this is an accessory or storage building. Under the zoning ordinance, an office building is fundamentally different from the concept of an office building under the building code, and noted the building code is not what the Commission should consider in their review of land use. Whether it has to have toilets and temperature in a certain range and other similar requirements are part of the building code foundation.

Chairperson Schley's interpretation of the Ordinance regarding an office is that, a building used for professional organizations is an office. If the definition of accessory building is applied to this proposal, he has a problem with the precedent it would set. In

his opinion R-3 doesn't, as written, allow accessory buildings. It does, however, allow office buildings less than 10,000 square feet. As he heard the applicant describe the proposed building's intended use, he is in agreement with Staff's position that this building complies with the definition of an office building in the Township ordinance. In his mind, as long as the building is less than 10,000 square feet and the warehousing isn't for something unrelated to the professional business, but has a direct purpose related to it, the ordinance definition of office is met. Under that criterion he is willing to move forward on this request.

Ms. Smith asked what the ramifications would be if, in the future, Mr. Cronen sells his property and a new owner would, for example, use the property for a contractors' business which would be in violation of the zoning ordinance.

Attorney Porter said that could happen any time on any property, and that a new owner would be required to obtain a permit at that time and it would be caught in that way.

Chairperson Schley said that has occurred in the past; that type of situation cannot be second-guessed and is part of the process of how requests are approved.

Mr. Milliken said he has visited the subject property several times and that it is consistent with the applicant's representation; the core use fits into the office definition.

The Chairperson noted the business is a professional insurance group. If the intent was to house something unrelated to the business and that came to light it would be an issue, but if it were instead a larger office building able to house items related to the business, it would be fine.

Both Ms. Jackson and Mr. Loy felt the application was acceptable.

In answer to a question from Mr. Boulding, Sr. regarding the word "intended" as it related to the exclusion of water/sewer facilities, Mr. Cronen said the bulk of the time people will be working in the proposed building will be during good weather months. 99% of the time there will not be a vehicle in the building, but one might be stored during especially bad weather and that when school starts they would use a truck to dispose of excess forms by backing it up to the new building.

Chairperson Schley noted zoning and land use still need a building permit and confirmed with Mr. Cronen that the building will be within 300 feet of the primary building with facilities. He said they will want electricity and may possibly run natural gas to accommodate a hanging heater to keep the building from freezing. He noted there is no requirement under the Michigan Building Code for water/sewer in a building if it is within 300 feet of the workplace. It the building were attached it would still comply under the 10,000 square feet maximum requirement.

Ms. Smith, Mr. Boulding, Sr. and Mr. Antosz all agreed they felt the application was acceptable.

Ms. Smith made a motion to approve the application as proposed subject to the following conditions:

1. A detailed landscape plan is to be submitted to Staff, prior to the issuing of a certificate of occupancy, confirming that existing and proposed landscape materials along Drake Road, H Avenue, and the area facing the historical district satisfy the greenspace requirements of the Zoning Ordinance.

2. The applicant must sign a commitment—in a form approved by the Township Attorney—to not protest a special assessment district should such a non-motorized facilities be proposed along the H Avenue and/or Drake Road frontages.

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

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

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

OLD BUSINESS/OTHER BUSINESS

Chairperson Schley asked if there was old business or other business to come before the Commission.

Mr. Milliken told Commissioners that Meijer is still reviewing their plans; they have around 20-30 applications currently for similar proposals for pick-up service they proposed here and need more time to address all the comments from Commissioners. They may return or may pass on the Oshtemo store for now.

Attorney Porter said since the proposal was tabled to a date certain, if they return for another meeting, it will need to be re-noticed for public hearing.

Mr. Milliken does not expect a need for a meeting on August 13 but will be in touch with Commissioners. There are two issues likely for the August 27 meeting.

In response to a question from Ms. Jackson, Mr. Milliken said the only issue with the fireworks tents this year was that Jake's was two days late removing their tents due to scheduling issues with the tent company.

Attorney Porter reported the developers who were denied in their proposal for a development on VanKal have filed suit against the Township and he counseled Commissioners to refer any communication regarding the suit to the Township and legal counsel.

There was no further business so the Chairperson moved to the next item.

PLANNING COMMISSIONER COMMENTS

There were no comments from Commissioners.

ADJOURNMENT

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

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

Chairperson Schley adjourned the Planning Commission meeting at approximately 7:50 p.m.

Minutes prepared:
July 26, 2015

Minutes approved:
_____, 2015

August 19, 2015

Mtg Date: August 27, 2015

To: Planning Commission

From: Gregory Milliken, AICP

Applicant: Lord Aeck Sargent (on behalf of Kalamazoo College)

Owner: Kalamazoo College

Property: Parcel #3905-15-330-012 (7687-7975 West Main Street)

Zoning: RR – Rural Residential District

Request: Special Exception Use and Site Plan Review for modifications to the Lillian Anderson Arboretum

Section(s): Section 24.000 – RR-Rural Residential District
Section 60.200 – Special Exception procedures

Project Name: Lillian Anderson Arboretum

OVERVIEW

The Lillian Anderson Arboretum is a 140 acre nature preserve owned and maintained by Kalamazoo College on the south side of West Main Street. The site is located between the Township Hall and the Hampton Cove subdivision between 6th and 7th Streets. The Arboretum currently includes several unpaved trails, a small gravel parking area, and a paved driveway from West Main Street.

The College seeks to make modest improvements to the facility in an effort to increase accessibility and use of the site, particularly by the College and its students.

The Arboretum is located in the RR Rural Residential zoning district. A park is a special exception use in the RR district. Amendments to a special exception use require approval of the Planning Commission. Therefore, the proposed amendments and the related site plan are presented to the Planning Commission for review and approval.

PROPOSED IMPROVEMENTS

There are several elements included in the proposed plan for improvements to the Arboretum. They are described here:

- **Expanded Loop Driveway** – The driveway will be expanded to add a second lane and create a loop entry consisting of two one-way lanes. This will allow for easier and safer access by emergency vehicles as well as by small buses and vans used to transport students and classes from the College to the facility. The driveway will be paved and satisfies minimum dimensional requirements. Due to the fact that a portion of the work occurs in the M-43 right of way, an MDOT permit will be required for this work.

- **Paved Parking** – The existing gravel parking area will be paved with pervious and/or conventional asphalt and striped to provide 13 parking spaces. The parking area will be the same size as the existing area.

- **Pavilion / Outdoor Classroom / Multi-Purpose Room** – A new structure including indoor, outdoor, and covered space is proposed totaling approximately 2,000 square feet in combined area. It includes a 396 square foot indoor multi-purpose room, 200+ square feet of storage and support space, 921 square feet of covered seating area, and 500 square feet of patio area.

- **Barrier-Free Pathway** – There is an existing stretch of two-track road that will be replaced with a 12 foot wide limestone trail satisfying barrier free accessibility requirements. This path will connect the parking lot to the proposed new pavilion and outdoor classroom area. It will also connect to a barrier free, limestone trail extension that loops back from the pavilion to the parking lot. The 12 foot path will also serve as an access drive for emergency and service vehicles to the Pavilion structure.

- **Composting Toilets** – The applicant is proposing to provide two composting toilets near the Pavilion area to satisfy the restroom needs for the improvements. The College still needs to coordinate the proposal with the Health Department. They have provided a description of the toilets and their maintenance in the attached correspondence dated August 13, 2015.

LANDSCAPING

The Arboretum is a heavily wooded area with a substantial amount of existing landscape materials along the West Main Street frontage and throughout the site. Few trees will be removed as a result of the proposed improvements. Therefore, the existing landscape materials maintained on the site satisfy the requirements for screening. Due to the fact that the parking lot is not expanding, parking lot landscaping is not required.

PARKING

It is challenging to estimate the minimum number of parking spaces required by the Zoning Ordinance for the use. There is no specific parking requirement for a park or natural area. There is a requirement of one space per three persons allowed at maximum occupancy by building code for meeting and assembly rooms.

The multipurpose room has a maximum occupancy of 30 people requiring 10 parking spaces. There is no occupancy requirement for the outdoor seating area, so we cannot apply this formula to that portion of the building.

The proposed parking lot is the same size as the existing parking area. It will likely result in greater parking efficiency due to the striping and paving. The applicant has indicated that the present parking area is never full and rarely over half occupied. They have also indicated that groups such as classes using the pavilion space at the Arboretum will be encouraged to use a College van or bus to travel to the site in order to minimize parking need.

Considering this information about the size of the existing space, the use history of the existing parking area, the anticipated plan for transportation and usage of the space, and the fact that there is more than enough room for expansion of the parking lot should it prove necessary in the future, Staff is comfortable with the amount of parking provided.

ADDITIONAL INFORMATION

There is no site lighting or trash enclosure proposed as part of the proposed improvements.

The applicant has reviewed the plans with the Fire Marshall, and he has indicated general approval with the proposed improvements.

The Township Engineer has provided comments, and the revised plans included in your packet as well as the correspondence provided by the applicant address the majority of those comments.

Although indicated as missing in Staff's initial comments, the applicant has subsequently submitted the required fees and checklists.

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 RR Rural Residential District?

The site is already used as a park / natural area, and the proposed improvements are consistent with the current use. The facility is compatible with uses in the surrounding area, and even expanded use and intensity of the Arboretum that may come with the improvements to the site are compatible with the vicinity.

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

The proposed use will not be detrimental or injurious to the use or development of adjacent properties or to the general public.

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

The proposed use will promote the public health, safety, and welfare of the community. The improvements are designed to provide greater access and exposure to the Arboretum thus increasing the use and availability of this amenity to the Township. This will bring both health and welfare benefits to the community and its residents.

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

As stated previously, the improvements are consistent with the current use of the property as well as the surrounding uses and area.

As stated previously, because this is a special exception use, the Planning Commission assumes responsibility for site plan review as well. Section 82.800 provides the criteria for approval of site plans.

A. Circulation and Access

The proposed driveway into the site is being improved through creation of a loop entry system allowing for better access by emergency vehicles and larger vans and buses from the College. The improvements will require an MDOT permit due to the modifications being made within the M-43 right of way.

B. Minimize Impacts on Adjacent Properties

By maintaining a substantial amount of landscaping on site, particularly along the right of way, the impact on adjacent properties will be minimized. The use of the property will be consistent with the current use.

C. Preserve Natural Features

Preservation of natural features is a central focus of the Arboretum and the proposed improvements. From the proposed pervious pavement to the composting toilets, the improvements are designed to be as sustainable and low impact as possible.

D. Minimize Adverse Impacts on Adjacent Properties with Screening and Landscaping

Despite the fact that there will likely be increased intensity of use at the site, the improvements and use are unlikely to have impacts on adjacent properties. The size of the property and substantial landscaping on the property mitigate any impact of the use on the surrounding area.

E. Complies with Zoning Ordinance Requirements

The proposed improvements comply with the Zoning Ordinance requirements.

F. Accessible to Emergency Personnel

The Fire Marshall has reviewed the proposed plans for the improvements and had an opportunity to discuss the improvements with the applicant prior to submittal. He has indicated that access to the pavilion and other portions of the site would be via smaller vehicles than a large fire truck and therefore he is satisfied with the access provided by the proposed plan.

G. Will Not Result in any Additional Runoff to Adjacent Property

The Township Engineer is satisfied with the drainage plan for the proposed improvements.

H. Consistent with Purpose and Intent of Zoning

The proposed plan is consistent with the purpose and intent of the zoning district.

I. Consistent with Groundwater Protection Standards

The Township Engineer has reviewed the plans and did not indicate any groundwater protection concerns.

RECOMMENDATION

Kalamazoo College is requesting permission to make improvements to the Lillian Anderson Arboretum including improvements to the access drive and parking area, a new pavilion and restroom facilities, and a barrier free loop trail. These improvements will likely increase the use of the facility as more of the public will be aware of and have access to the site, and the facility will be used by classes and groups that did not previously use the site. Despite this increase in use, the improvements will not impact the character of the site or alter the overall intent of the Arboretum to provide a sustainable, zero-impact facility. As an important asset of the community, Staff thanks the College for their investment in the Township and the Arboretum and recommends approval with the following conditions:

1. A permit is obtained from MDOT for any work conducted within the M-43 right of way.

2. Any and all necessary approvals are obtained from the County Health Department for the well, septic tanks, and composting toilets.

3. A sign permit is required for any new or modified signage that may be erected on the site.

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

5. Site plan approval is subject to review and approval of the Township Engineer, as appropriate.

Respectfully Submitted,

Gregory E. Milliken, AICP
Planning Director

Attachments: Application
Aerial
Site Plan
Correspondence
Review Memos

charter township
oshtemo
est. 1839
7275 W. MAIN STREET, KALAMAZOO, MI 49009
269-216-5220 Fax 269-375-7180 www.oshtemo.org

Memorandum

Date: August 3, 2015

To: Greg Milliken, AICP

From: Marc Elliott, P.E. ME

Subject: Lillian Anderson Arboretum, W Main St, SPR.

I have reviewed the site plan dated July 23, 2015 for the above referenced project. My comments are as follows.

1. The applicant is encouraged to review the proposed east invert elevation (950.50) at the new, interior drive, storm water crossing tube. The adjoining surface contours suggest a grad conflict or the need for an additional drop structure.
2. The fire department is encouraged to consider whether there is adequate access and or vehicle support for a response vehicle to attend to a potential service call at the pavilion.
3. Similarly, the owner is encouraged to consider whether adequate service vehicle access is provided to (a) remove collected septage from the on-site septic disposal system, and (b) to remove the compost waste from the composting toilets.
4. The applicant should describe the intended ultimate disposal (use and/or placement) of the toilet compost material.
5. There is some question as to the type of well pump and whether it would be under pressure. If not, I would expect that the water system would need to be prominently posted as a non-potable. These questions should be reviewed with the health department.
6. A water pit with a drain hole is recommended. This is to provide as means to safely drain all portions of the water system located above the frost line. This will facilitate winterization of the system.
7. We note that the design has no provisions for waste containers. While they should be considered, we also recognize that waste containers may significantly affect maintenance and policing requirements. Prominent signage requesting that all waste is to be packed-out or other management/human design approaches should be considered.
8. We note that the provided plans are without a design professional's seal and signature.

In summary, we believe the proposed project is buildable and will be a wonderful addition to the community once the preceding items are considered.

charter township oshtemo

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

PLEASE PRINT

PROJECT NAME & ADDRESS Lord Aeck Sargent

PLANNING & ZONING APPLICATION

Applicant Name : Jim Nicolow

Company Lord Aeck Sargent

Address 213 South Ashley Street, Suite 200
Ann Arbor, MI 48104

E-mail jnicolow@lordaecksargent.com

Telephone 734-827-3926 Fax

Interest in Property None, architect of project

OWNER*:

Name Kalamazoo College

Address 1200 Academy Street
Kalamazoo MI 49006-3295

Email Paul Manstrom <Paul.Manstrom@kzoo.edu>

Phone & Fax Ph 269.337.7310

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

Received From: KALAMAZOO COLLEGE
Date: 08/05/2015 Time: 2:58:57 PM
Receipt: 115826
Cashier: JMILLER

ITEM REFERENCE	AMOUNT
1042 PLANNING ESCROW	
PLANNING ESCROW	$1,000.00
1088 SITE PLAN REVIEW	
SITE PLAN REVIEW	$500.00
1085 SPECIAL EXCEPTION USE	
SPECIAL EXCEPTION USE	$300.00
TOTAL	$1,800.00
CHECK 0048296	$1,800.00
Total Tendered:	$1,800.00
Change:	$0.00

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

- [X] Planning Escrow-1042 1000
- [X] Site Plan Review-1088 500
- [ ] Administrative Site Plan Review-1086
- [X] Special Exception Use-1085 300
- [ ] 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):

The College would like to make improvements at the Lillian Anderson Arboretum including upgrades to the entrance and parking lot, building an open-air pavilion with support spaces, and installing composting toilets.

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

SEC 15-2-12 SW1/4 LYING SLY & ELY OF HAMPTON COVE CONDO EXC E 20R ALSO EXC COMM AT W 1/4 POST TH S89DEG50'18"E ALG E & W 1/4 LINE 1793.11' TH S00DEG27'42"W 126.17' TO POB TH ELY ALG SLY ROW OF M-43 HWY 502.22' (BEING ON CURVE RAD 57,385.78' CH BEARING S89DEG43'15"E) TH S00DEG27'42"W 435' TH N89DEG50'18"W 502.22' TH N00DEG27'42"E 435' TO BEG ALSO EXC BEG AT SW COR TH N2R TH SELY TO PT ON S SEC LI 2 RODS E OF BEG TH W 2R TO BEG ALSO EXC ROW FOR M-43 HWY ****12/07 DESCRIPTION CORRECTION***

PARCEL NUMBER: 3905- 05-15-330-012

ADDRESS OF PROPERTY: 7687-7975 W. Main Street, Kalamazoo MI 49009

PRESENT USE OF THE PROPERTY: Arboretum

PRESENT ZONING Rural Residential **SIZE OF PROPERTY** 140 acres total

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.

Paul Marsh 7/22/15

Owner's Signature(* If plicant) **Date**

7/22/2015

Applicant's Signature **Date**

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

****

PLEASE ATTACH ALL REQUIRED DOCUMENTS

LORD AECK SARGENT

MEMO

PROJECT NAME	PROJECT NO.
Kalamazoo College – Lilian Anderson Arboretum Pavilion	10572-00
DATE OF MEETING	TIME
August 13, 2015	12:00
DISTRIBUTION	VIA
Gregory Milliken, Oshtemo Township Reviewer Mark Elliott, Oshtemo Township Engineer Reviewer	Email
FILE K:\PROJECTS\10572-00\PRJ\COR\RAP\Oshtemo Township Prelim Review\Response to Oshtemo Review_150813.docx	COPY

ITEMS

Below are responses to the internal review comments provided for the Site Plan Package submitted to Oshtemo Township's Site Plan Approval for the Kalamazoo College Lilian Anderson Arboretum Pavilion project.

1. **Have you discussed your plans with the County Health Department? I am specifically interested in the feedback on the composting toilets and the septic tanks. No permits are needed at this stage, just interested if they have provided any feedback to you at this time.**

   We have not started these discussions with County Health, but will be doing so soon.

2. **Can you provide elevations and a floor plan for the pavilion? If you do not have a floor plan for the pavilion, then perhaps a more detailed description of its use. Specifically wondering what the sink is for, what it is used in conjunction with, how much of the building is storage, etc.**

   Please see sheets A101 and A201 for in-progress drawings as requested. The pavilion will consist of an open air seating area, a multi-purpose support room, and support/storage spaces. The pavilion will primarily support ongoing environment-based Kalamazoo College education programs including biology, philosophy, and art, but will also support increased community access and use of the arboretum.

3. **Similarly, please provide an elevation / detail of the shelter for the composting toilets. What is the management plan for the composted waste?**

   Please see sheets S-101 and S-501 for details on prefabricated composting toilet structure. The hope of the College is to use the maintenance of the composting toilets as a possible education component. The regular maintenance consists of adding and mixing pine shavings into the waste and monitoring the moisture content to ensure good composting conditions. The primary waste stream is liquid "compost tea," which will be pumped out as required, likely every few months for a trailhead unit. The removal of dry compost happens less frequently, typically once per year or less. While the College will likely contract with a company to empty the toilets, they are committed

to finding uses for both the solid waste and the tea either on campus or at a local entity that could use a free source of compost.

4. **We still have not received the application fee, which is needed to proceed.**

   Kalamazoo College mailed the check on 7/24 and has a scan of the cashed check if needed.

5. **We also need the applicant to complete and submit two forms – the Hazardous Substance Reporting Form and the Environmental Permits Checklist. Copies of each of those are attached.**

   The forms have been filled out and included in the Site Plan Package.

6. **How is trash disposal being addressed at the site? I did not see a central dumpster or other trash facility on the plan.**

   The pavilion intends to be a zero waste facility, as the arboretum currently operates. Any users will be asked to pack out what they bring. Any convenience waste containers within the pavilion will be maintained by the College.

7. **It did not appear that any lights were being added in this project. Is that correct?**

   There will be no site lighting provided. Lighting is limited to interior lighting provided in the multi-purpose, storage and support spaces of the pavilion.

8. **What is the status of MDOT permit process, if you have even started on that?**

   Because of alterations at the drive, we will need to apply for a permit from MDOT. Our preliminary discussion with MDOT seem to indicate that the review will be relatively quick based on residential-drive standards (which is the zoning applied to the Arb).

9. **Can you provide additional details on the type of permeable parking pavers you are going to be using and the maintenance that will be required?**

   Asphalt porous paving is currently planned for the parking stalls, with conventional asphalt paving for the drive lanes and natural storm water management features to treat runoff as identified on the site plan. The maintenance required for asphalt porous paving includes periodic inspections to ensure that water is still infiltrating adequately, removal of debris and sediment to prevent clogging of the paving matrix, and annual use of vacuum truck to remove debris. Kalamazoo College does have porous concrete on campus and is familiar with its required maintenance. Due to cost concerns within the project, the College will be including a bid alternate for standard asphalt for the entire lot, which would eliminate permeable paving.

10. **Please provide additional details on the use of the service drive. If part of the purpose is for trucks to access the septic tanks and composting toilets, you may want to consider whether an easier opportunity for turning such a vehicle should be provided.**

    Day to day maintenance and service access to the pavilion will be with a golf cart or gator, including pumping out of compost tea. Based on preliminary discussions with the Fire Department their primary need is for emergency access by an Ambulance, rather than a fire truck, and the proposed service drive/path will support that.

11. **Although not needed at this time, a sign permit will be needed for the new sign prior to installation. Will the sign be illuminated?**

    No, the sign will not be illuminated.

12. **The applicant is encouraged to review the proposed east invert elevation (950.0) at the new, interior drive, storm water crossing tube. The adjoining surface contours suggest a grade conflict or the need for an additional drop structure.**

    A 24" inverted HDPE structure with a 6517 casting, Rim elev. Of 853.50 was added to hold grades and keep the 12" pipe cover.

13. **The fire department is encouraged to consider whether there is adequate access and or vehicle support for a response vehicle to attend to a potential service call at the pavilion.**

    Please refer to Item #10 above.

14. **Similarly, the owner is encouraged to consider whether adequate service vehicle access is provided to (a) remove collected septage from the on-site septic disposal system, and (b) to remove the compost waste from the composting toilets.**

    Golf Carts and Gators will be the primary maintenance vehicles for these functions, and as noted above, the proposed service drive/path can support intermittent vehicle access.

15. **The applicant should describe the intended ultimate disposal (use and/or placement) of the toilet compost material.**

    Please refer to Item #3 above.

16. **There is some question as to the type of well pump and whether it would be under pressure. If not, I would expect that the water system would need to be prominently posted as a non-potable. These questions should be reviewed with the health department.**

    We have started discussions with the Kalamazoo County Environmental Health Department regarding the wells. The wells are intended to be under pressure and provide potable water, however the details of this will need to be worked out with the health department moving forward. Should the wells end up as non-potable, they will be prominently posted as such.

17. **A water pit with a drain hole is recommended. This is to provide as means to safely drain all portions of the water system location above the frost line. This will facilitate winterization of the system.**

    Kalamazoo College will lock the hand pumps in the winter.

18. **We note that the design has no provisions for waste containers. While they should be considered, we also recognize that waste containers may significantly affect maintenance and policing requirements. Prominent signage requesting that all waste is to be packed-out or other management/human design approaches should be considered.**

Kalamazoo College is developing an interpretive sign package and will consider these comments. Also refer to Item #6 above.

19. **We note that the provided plans are without a design professional's seal and signature.**

    The civil drawings have been sealed per the Township's direction.

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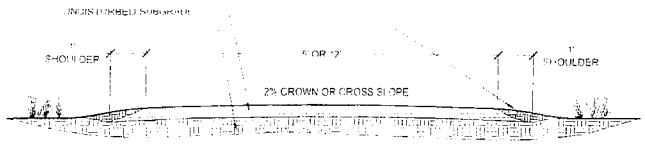
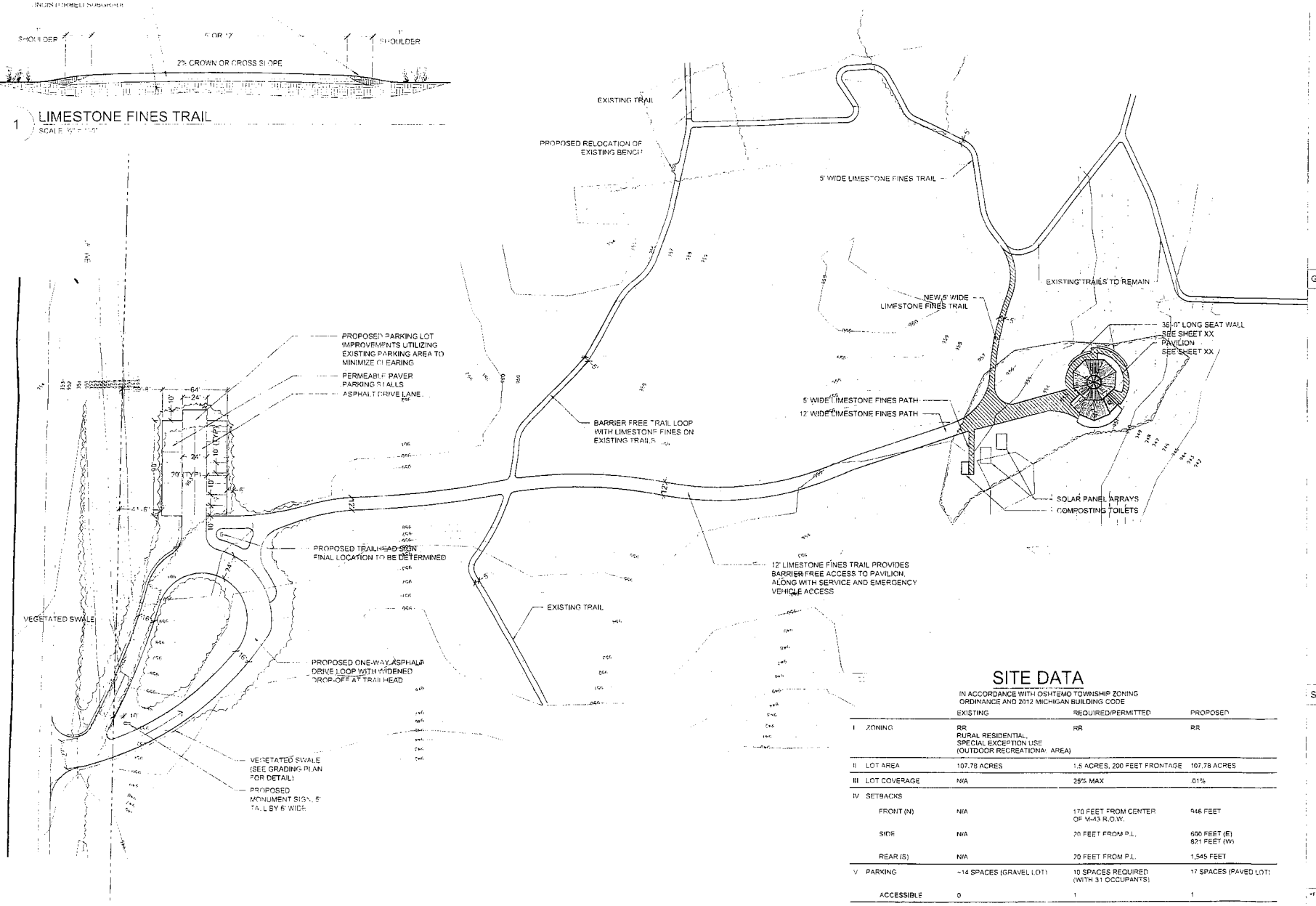


1 LIMESTONE FINES TRAIL
SCALE: 1/2" = 1'-0"



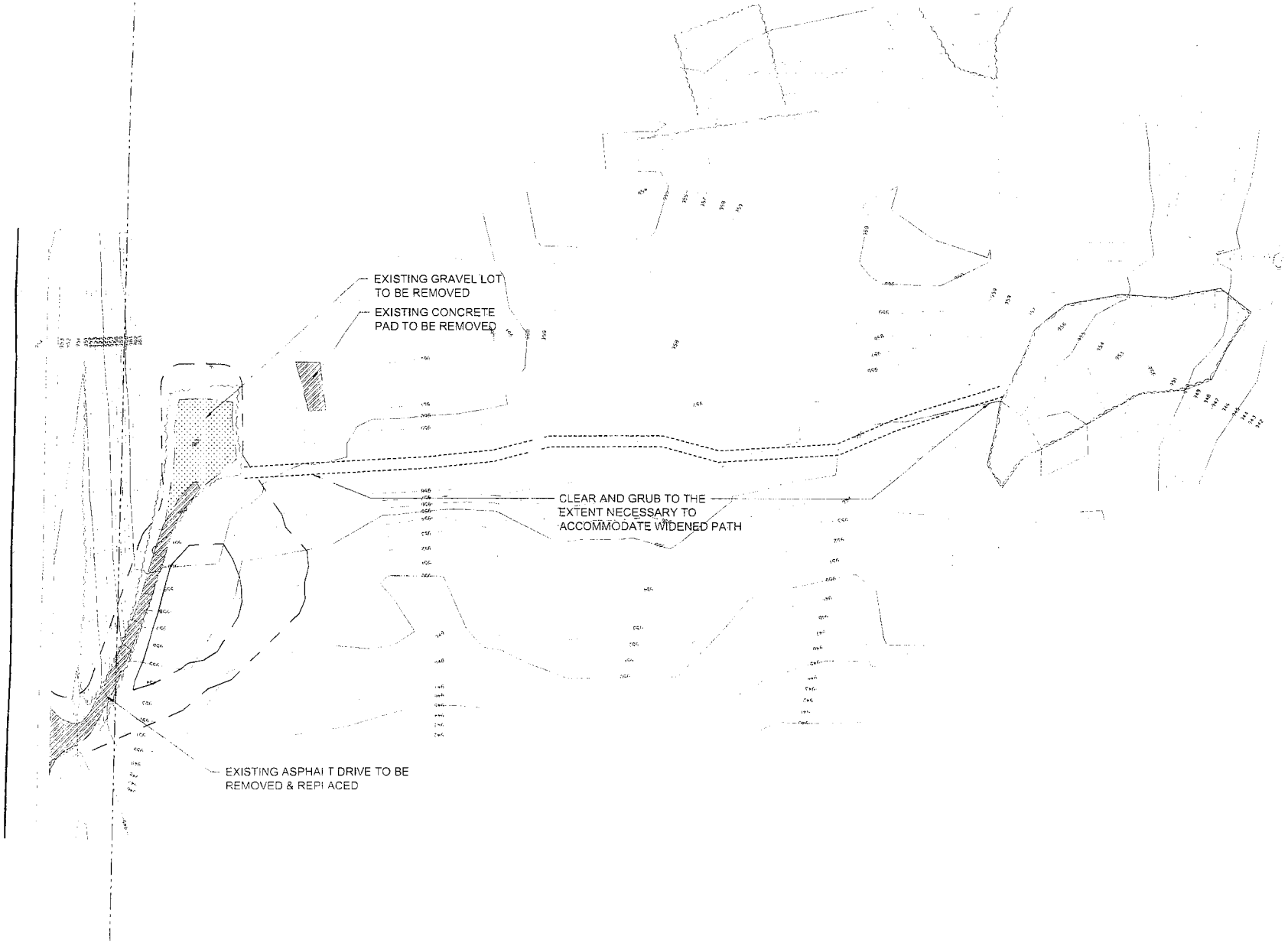
SITE DATA

IN ACCORDANCE WITH OSHTEMO TOWNSHIP ZONING ORDINANCE AND 2012 MICHIGAN BUILDING CODE

		EXISTING	REQUIRED/PERMITTED	PROPOSED
I	ZONING	RR RURAL RESIDENTIAL, SPECIAL EXCEPTION USE (OUTDOOR RECREATIONAL AREA)	RR	RR
II	LOT AREA	107.78 ACRES	1.5 ACRES, 200 FEET FRONTAGE	107.78 ACRES
III	LOT COVERAGE	N/A	25% MAX	.01%
IV	SETBACKS			
	FRONT (N)	N/A	170 FEET FROM CENTER OF M-43 R.O.W.	946 FEET
	SIDE	N/A	20 FEET FROM P.L.	600 FEET (E) 821 FEET (W)
	REAR (S)	N/A	20 FEET FROM P.L.	1,545 FEET
V	PARKING	~14 SPACES (GRAVEL LOT)	10 SPACES REQUIRED (WITH 31 OCCUPANTS)	17 SPACES (PAVED LOT)
	ACCESSIBLE	0	1	1

GENERAL NOTES

SHEET SPECIFIC NOTE



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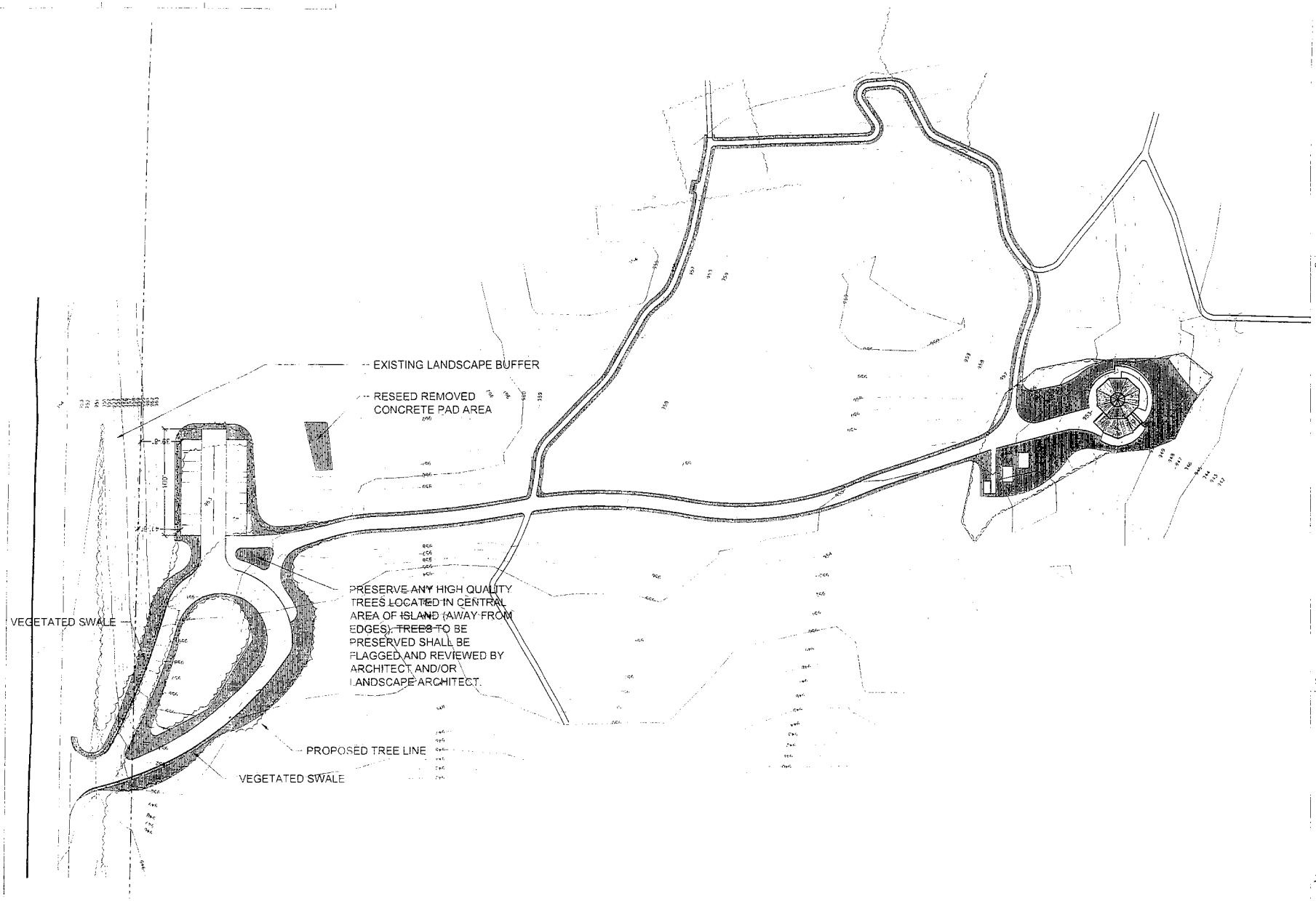
GENERAL NOTES

SHEET SPECIFIC



GENERAL NOTE

SHEET SPECIFI

- ALL AREAS DI BE RESEEDED
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- FOR AREAS AD IN THE CLEARI PAVILION, THE NEW LOW-PRO
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August 20, 2015

Mtg Date: August 27, 2015

To: Planning Commission

From: Gregory Milliken, AICP

Subject: Proposed Sign Ordinance Amendments

A couple of months ago, we discussed some potential amendments to the Sign Chapter of the Zoning Ordinance. We received some initial feedback, and then got busy with a few other things. We thought we would prepare some draft language for you to respond to and provide Staff further guidance. From here, the issue can proceed to public hearing, continue for further refinement and discussion, or be left alone due to consensus that the Ordinance is satisfactory in its current form.

In the attached pages are proposed amendments to the various sections of the Ordinance. Here we will introduce them and provide some initial commentary on each.

FINANCIAL INSTITUTION SIGNAGE

Section 76.170 presents the table of sign regulations for commercial and office land uses. Presently, financial institutions are treated separately from other commercial uses. Our understanding is that this separation was created when financial institutions were inserted as a transitional use in the R-3 district. Therefore, the unique, more restrictive standards on this particular use protects the surrounding R-3 district from higher intensity signage. However, it also serves to limit signage opportunities for financial institutions in a more traditional commercial district (i.e. the C district) vis-à-vis a typical commercial use.

This is the feedback we have received. These users and businesses are wondering why a bank or credit union on Drake Road or West Main Street in the C district is not entitled to the same signage opportunities as a tanning salon, shoe store, or restaurant. Considering the likelihood of variance requests in the near future, Staff proactively proposed this Zoning Ordinance amendment.

The concept previously presented to the Planning Commission and accepted with general approval was to treat financial institutions like other commercial uses in the C district and like other non-residential uses in the R-3 district. The proposed amendment on the attached pages achieves that by simply removing the distinction for "financial institutions". By removing the language for "financial institutions", signage for such uses would be treated the same as "commercial establishments" or as "non-residential uses in the R-3 district", whichever is appropriate. There are other more complicated ways to achieve the same intent, but this appears to be the cleanest and simplest, which generally is the preferred route.

There are a couple of implications to be aware of. First, it will result in larger signage for banks and credit unions within commercial districts. Where they were previously limited to ground signs of 60

square feet and prohibited from having pole signs, such uses would now be permitted to have pole signs up to 60 square feet in size and ground signs up to 80 square feet in size. Wall signage really would not be impacted substantially. Second, from the perspective of the financial institution, if located in the R-3 district, where such a use was previously permitted up to four wall signs, they would now be limited to a maximum of two wall signs. Considering the location of the R-3 zoned parcels and the fact that many of those most likely to be developed as financial institutions already have been, this did not dissuade Staff from the proposed amendment.

LED SIGN PERCENTAGE

Section 76.410 provides the requirements for illumination of signage. Paragraph I addresses the percentage of a sign area that can be dedicated to changeable copy or electronic display boards. You may recall that the Commission received a presentation from SignArt regarding this topic.

Currently the standard is set at 25% of the permitted sign area. The majority of signs in the commercial and office districts have a maximum sign area of either 60 square feet or 80 square feet. The corresponding maximum amount of electronic display board area is 15 square feet or 20 square feet.

According to the presentation received, there are ratios that are ideal for the newer technology in video display boards. Such boards are becoming more and more like high definition televisions and thus try to achieve the same dimensional ratios as HDTV screens. In addition, it was explained that these boards come in whole foot squares, and therefore the dimensions cannot include fractions of a foot. It was indicated that a three foot by seven foot display board is an ideal dimension. However, this is a 21 square foot sign and exceeds the 25% requirement.

The attached document shows in paragraph I where the percentage number is indicated. Note that no amendment is proposed at this time. Unlike the previous item, there was not a preliminary discussion on this item and thus no real consensus arrived at as to whether this should be amended and to what degree.

Based on the information presented and observation of signs in the community and region, we would all likely agree that the better technology results in a better sign in a variety of different ways. However, by providing the flexibility in the Ordinance to allow for these upgrades, it is also likely that there will be an increased number of these signs. So while they may be nicer, the Commission should consider whether they are ready to see an increase in the number of these signs in the community.

WINDOW SIGN AREA

Section 76.130 provides definitions for various sign related terms. One of them is "window sign". Due to past decisions and interpretations by the ZBA and Staff and due to the wording of the existing definition, the definition has established a loophole of sorts allowing commercial establishments the ability to in effect have an additional wall sign by mounting it on or behind glass. Examples include Walgreen's, Arby's, and soon to be installed at the new Maple Hill Auto.

There have been no complaints and this is not a priority concern. But in addressing issues in the sign chapter, Staff felt it was reasonable to bring this up now.

This is challenging to address, and very difficult to draft a proposed definition that addresses various hypothetical scenarios that may or may not be problematic while also keeping it easy to interpret and administer. Therefore, the proposed text attempts to just tackle the issue of signs mounted on the outside of the glass. (The decisions of the ZBA on Walgreen's and Arby's provide a good basis for administration / interpretation for signage on the inside of the glass.)

The basic premise of the proposed language is that window signs on the outside of the building should be applied to the glass (window). It should not be a separate architectural element that happens to be located in front of glass.

FINANCIAL INSTITUTION SIGN AMENDMENT

76.170 - Commercial and office land uses.

In all commercial and office uses the requirements of Schedule B shall govern sign use, area, type, height and numbers in addition to requirements elsewhere in this Ordinance.

SCHEDULE B

Use	Sign Type	Maximum Sign Area	Maximum Height	Sign Purpose	Maximum No. of Signs
Individual commercial establishments, including hotels without restaurants (not located within a multi-tenant commercial center)	a) wall sign	1 s.f. for each foot in length or height (whichever is greater) of the wall to which it is affixed (see footnote [1])	30 feet	business or identification	4 per building (see footnote [3])
	b) pole sign	60 s.f.	20 feet		1 pole or ground mounted sign (see footnotes [2] and [4])
	OR				
	ground sign	80 s.f.	10 feet		
	c) window signs and displays	25% of window area			
Multi-tenant commercial center, including hotels with restaurants	a) pole sign,	60 s.f.[5]	20 feet	commercial center and/or individual tenant identification	1 pole or 1 ground sign (see footnotes [2] and [4])
	OR				
	ground sign	80 s.f.[5]	10 feet		
	b) wall sign,	80 s.f.	30 feet	identification of commercial center	1 per building wall not to exceed 4 per building
	OR				
	canopy/awning	32 s.f.	12 feet		

Commercial tenants within a multi-tenant commercial center (also see below)	a) wall sign	1 s.f. per lineal foot of tenant space width not to exceed a sign length of more than 2/3 the subject tenant space width.	30 feet	business or identification	1 per exterior wall of the tenant premises, maximum of 2 (must be located upon premises of tenant)
	b) nameplate	6 s.f.	underside of building overhang	identification	1 per tenant
	c) window signs and displays	25% of total window area			
	individual pole and ground mounted signs prohibited				
Auto service stations and filling stations	a) pole sign	60 s.f.	20 feet	identification	1 pole or 1 ground sign (see footnote [2])
	OR				
	ground sign	80 s.f.	10 feet		
	b) wall sign	1 s.f. for each foot in length or height (whichever is greater) of the wall to which it is affixed (see footnote [1])	25 feet	business or identification	4 per building (see footnote [3])
	c) window signs and displays	25% of window area			

Automobile sales	a) pole sign	60 s.f.	20 feet	identification	1 pole or ground sign for new car dealership, and/or 1 pole or ground sign for used car sales and/or 1 pole or ground sign for automotive service. Maximum of two (2) signs.
	OR				
	ground sign	80 s.f.	10 feet		
	b) wall sign	1 s.f. for each foot in length or height (whichever is greater) of the wall to which it is affixed (see footnote [1])	25 feet	identification	4 per building (see footnote [3])
	c) window signs and displays	25% of window area			
Buildings within an office complex (as defined below)	a) wall sign	25 s.f.	20 feet	identification for offices within building	1 per tenant
	OR				
	wall sign	50 s.f.	20 feet	identification	1 per building
	b) ground sign	40 s.f.	5 feet		1 per building at site of building
	pole signs prohibited				
Buildings containing one or more offices which are under separate business management and not located within an office complex (as defined below)	a) wall sign,	25 s.f.	20 feet	identification for individual offices within building	1 per tenant
	OR				
	wall sign	50 s.f.	20 feet		1 per building
	b) ground sign	60 s.f.	8 feet	identification	1 per building

	pole signs prohibited				
Office complex (lot, parcel or building sites containing 2 or more office buildings)	ground sign	60 s.f.	8 feet	identification of complex and/or individual buildings therein	1 sign per street entrance not to exceed more than one per 2,600 lineal feet of continuous road frontage along the same public street
Off-premises signs prohibited, including billboard signs		None			None
~~Individual financial institutions (not located within a multi-tenant commercial center)~~	~~a) wall sign~~	~~1 s.f. for each foot in length or height (whichever is greater) of the wall to which it is affixed~~	~~20 feet~~	~~identification~~	~~4 per building, one per wall (see footnote [3])~~
	~~b) ground sign~~	~~60 s.f.~~	~~8 feet~~	~~identification~~	~~1 per building (see footnote [2])~~
	~~c) window signs and displays~~	~~25% of window area~~			
	~~pole signs prohibited~~				
Nonresidential uses in the R-3, Residence District (other than offices ~~or financial services~~)	a) wall sign	50 s.f.	20 feet	identification	1 per wall, maximum of 2 per building
	b) ground sign	60 s.f.	8 feet	identification	1 per building
	pole signs prohibited				

[1] Wall length shall be measured in a straight line from the two farthest points on the subject side of the building regardless of any protrusions between said points which shall not be considered a separate wall(s).

[2] Lots, parcels, and building sites with frontage on more than one street may have one sign on each street frontage with one sign permitted a maximum sign area of 60 square feet and any additional signs limited to 30 square feet each.

[3] More than one wall sign may be placed upon the same wall provided the combined square footage does not exceed the maximum display area permitted for that wall and/or the maximum number allowed for the building.

[4] Individual commercial establishments and multi-tenant commercial centers with 400 feet or more of frontage shall be allowed one additional sign (ground sign or pole sign). Additional sign(s) shall not have a sign area or height greater than what is permitted in Schedule B.

[5] Multi-tenant commercial centers shall be permitted an additional eight square feet of display area for each tenant over the first two. Total sign area shall not exceed 50 percent of the permitted sign area.

LED SIGN PERCENTAGE AMENDMENT

76.410 - Lighting.

Unless otherwise specified by this Section, all signs may be illuminated.

A. No sign regulated by this Section may utilize:

1. An exposed incandescent lamp* with an external reflector and without a screen or comparable diffusion device.
2. Any exposed incandescent lamp* in excess of 160 watts unless a screen or shield is installed so that no light rays are emitted by the installed fixture beyond the advertising display area.
3. Any revolving beacon light.
4. Lights that could be confused with or construed as traffic control devices.
5. Direct or reflected light that could create a traffic hazard to operators of motor vehicles.

(*For the purpose of this Section, quartz lamps shall not be considered an incandescent light source.)

B. Metal halide lighting, fluorescent lighting and quartz lighting may be used for outdoor advertising signs but shall be installed in enclosed luminaries.

C. Glass tubes filled with Neon, Argon or Krypton may be used provided they do not flash intermittently or create a visual effect of movement.

D. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure whenever practical or mounted so that no light rays are emitted by the installed fixture at angles above the sign's highest horizontal plane or in any event beyond the advertising display area.

E. Unless the premises is open for business, the operating of lighting fixtures on or in signs, with the exception of time and temperature displays, is prohibited from 9 p.m. to sunrise when light from said sign can shine into any window of a residence within 500 feet or from midnight to sunrise when the lot, building site or parcel upon which it is located abuts a residential zoning district.

F. No sign may be illuminated by flashing, rotating, oscillating or intermittent lighting.

G. Electronically changeable copy signs, with the exception of Electronic Billboards (see Section 76.200.B), may change message no more than once every six (6) seconds and shall not use transitions that dissolve, fade, flash, and/or scroll.

H. Signs utilizing electronically changeable copy signs may not be so bright as to be objectionable or inappropriate for the surroundings.

I. Up to **25 percent** of the permitted sign area of an allowable sign may be dedicated to changeable copy or to electronically display the current time and/or temperature. This percentage shall be increased to 50 percent for filling stations solely for the purpose of displaying fuel prices within the additional area provided. This limit shall not apply to electronic billboards.

WINDOW SIGN AMENDMENT

Section 76.130 - Definitions

Window Sign - A sign placed inside or upon a window facing the outside which is intended to be seen from the right-of-way or the outdoors. **Signs on the outside of the window shall be applied or affixed directly to the glass surface as opposed to being mounted as a separate structural element independent of the window itself.**