charter township
oshtemo
est. 1839

7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
269-375-4260 FAX 375-7180 TDD 375-7198
www.oshtemo.org

NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

Thursday,
October 8, 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 September 24, 2015 Regular Meeting
6. **PUBLIC HEARING: Special Exception Use (Wahmhoff Farms, LLC)**
   Planning Commission to conduct special exception use and site plan review of the application of Wahmhoff Farms, LLC for temporary outdoor sales from November 27, 2015 until December 23, 2015 at Maple Hill Pavilion, 5030 West Main Street within the C: Local Business District (parcel #3905-13-280-051).
7. **PUBLIC HEARING: Rezoning (7110 West Main Street)**
   Planning Commission to conduct public hearing to review the application from Mark Ashbrook for rezoning of two acre parcel located at 7110 West Main Street. Request is to rezone property from R-2: Residence to C: Local Business (Parcel #3905-15-285-010).
8. **PUBLIC HEARING:** Planning Commission to Review Proposed Amendments to Chapter 76 of the Township Zoning Ordinance regarding Signs, particularly for financial institutions and the percentage of a sign allowed for changeable copy or electronic display.
9. Old Business
   Discussion with Township Council: Van Kal Partnership, LLC vs. Charter Township of Oshtemo
   Case No: 2015-0281-AW
10. Any Other Business
11. Planning Commissioner Comments
12. Adjournment

t:\planning shared folder\pc agenda 10-08-15.docx

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 SEPTEMBER 24, 2015

Agenda

PUBLIC HEARING: REZONING REQUEST (PORTIONS OF PARCELS NUMBERED 05-10-405-010 AND 05-10-455-011) - APPLICATION FROM MAR BO INVESTMENTS, INC. FOR REZONING AN APPROXIMATELY SIX-ACRE PORTION FROM TWO UNADDRESSED 40-ACRE PARCELS LOCATED ALONG 7TH STREET, APPROXIMATELY 2,500 FEET NORTH OF WEST MAIN STREET. – FROM "AG" AGRICULTURAL DISTRICT TO "RR" RURAL RESIDENTIAL DISTRICT.

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, September 24, 2015, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

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

Also present were Julie Johnston, Planning Director; Ben Clark, Zoning Administrator; and James Porter, Attorney. Two 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, and Mr. Antosz seconded the motion. The motion passed unanimously.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Chairperson Schley called for public comment on non-agenda items.

Mr. Bushouse introduced himself to the Planning Commission. He said he was concerned about a recent application which was submitted regarding commercial development on West Main Street. He said he would not be at the meeting on October 8, 2015, and said he was concerned about further commercial development on West Main. He said, in the past, the Township had kept commercial development east of U.S. 131 and then allowed it at West Main and 9th Street, and possibly further west near 4th Street. However, he said in between he thought the Township had planned to limit commercial development, and he wanted to see it stay that way.

Chairperson Schley moved to the next item on the agenda.

APPROVAL OF THE MINUTES OF AUGUST 27, 2015

The Chairperson asked if there were any additions, deletions or corrections to the minutes of the meeting of August 27, 2015. Hearing none, he asked for a motion to approve the minutes as presented.

Mr. Boulding, Sr. made a motion to approve the minutes of the August 27, 2015 meeting. Mr. Loy seconded the motion. The motion was approved unanimously.

PUBLIC HEARING: REZONING REQUEST (PORTIONS OF PARCELS NUMBERED 05-10-405-010 AND 05-10-455-011) - APPLICATION FROM MAR BO INVESTMENTS, INC. FOR REZONING AN APPROXIMATELY SIX-ACRE PORTION FROM TWO UNADDRESSED 40-ACRE PARCELS LOCATED ALONG 7TH STREET, APPROXIMATELY 2,500 FEET NORTH OF WEST MAIN STREET. – FROM "AG" AGRICULTURAL DISTRICT TO "RR" RURAL RESIDENTIAL DISTRICT.

Chairperson Schley said that the next item up for consideration was a request from Mar Bo Investments, Inc. to rezone approximately six-acres from two unaddressed 40-acre parcels located along 7th Street, approximately 2,500 feet north of West Main Street. He said the request was to rezone from "AG" Agricultural District to "RR" Rural Residential District, and he called for a report from the Planning Department.

Ms. Johnston submitted a report to the Planning Commission dated September 16, 2015, and the same is incorporated herein by reference. Ms. Johnston explained that the applicant owned 80 acres and wanted to create a new six acre parcel by

dividing portions of the two large parcels, but in order to meet the minimum size requirement, had to change the zoning from "AG" Agricultural, which has a minimum parcel size of 40 acres, to "RR" Rural Residential. She explained that the subject property was being rezoned to accommodate the proposed six acre parcel, which would meet the minimum size requirements for the Rural Residential zone of 1.5 acres.

Ms. Johnston explained that the request was in complete compliance with Oshtemo's Master Plan and the Future Land Use Plan Map and recommended the rezoning.

The Chairperson asked if there were any questions of the Planning Director. Ms. Farmer asked if they could only have one house. Ms. Johnston said they could have one house per every 1.5 acres. However, Attorney Porter noted that, with the minimum road frontage of 200 feet, this property would only be allowed one home and could not be further divided unless platted. Ms. Johnston concurred.

Mr. Boulding, Sr. asked about the shape of the area to be rezoned, given that it extended into North 7th Street. Attorney Porter explained that a portion of the property went to the middle of the road, while the northern portion of the property only went to the quarter line of Section 10 in Oshtemo Township. Mr. Boulding, Sr. asked if there would be a road traveling further north. Attorney Porter indicated that he did not believe so because there was a house in close proximity, and it did not appear to accommodate a future extension of that road to the north.

The Chairperson asked if the applicant wished to speak. The applicant declined. The Chairperson then asked for public comment.

Mr. Bushouse said he lived on North 7th Street and said he supported the applicant's proposal. He complimented Dr. Gorham and the quality work that she and her family have done in the community.

The Chairperson said he thought the proposal was quite simple and straightforward. He asked if there were any further questions of the Planning Commission. Hearing none, he asked for Planning Commission comments.

Mr. Loy said he thought the request was appropriate. Mr. Antosz said he thought the request fit with the Township's Land Use Plan. Ms. Farmer said she thought it was a good proposal. With that, the Chairperson said he would entertain a motion.

Mr. Loy made a motion to recommend the rezoning of the land, as requested, to the Township Board. The motion was seconded by Mr. Antosz. The Chairperson called for a vote on the motion. The motion passed unanimously.

OLD BUSINESS

The Planning Director submitted a list of possible Zoning Ordinance amendments for the Planning Commission's consideration. She said she had gleaned some of these ideas from the list left by Greg Milliken, as well as the joint meetings she had with the Township Boards and staff. It was the consensus of the Planning Commission to review the same before the next meeting and be prepared to discuss prioritization of the items on the proposed list.

OTHER BUSINESS

The Chairperson asked if there was any other business. Mr. Clark asked Attorney Porter to bring the Commission up to speed with regard to the current litigation brought by Van Kal Partnership, LLC. Attorney Porter noted that the litigation by Van Kal Partnership was proceeding and that defense counsel had asked to meet with the Planning Commission, and that meeting had been scheduled for the Planning Commission's meeting of October 8, 2015, in closed session.

PLANNING COMMISSIONER COMMENTS/ADJOURNMENT

The Chairperson asked if there were any Planning Commissioner comments. Mr. Boulding, Sr. asked about whether the Planning Commission could meet in closed session on October 8, 2015. Attorney Porter explained to Mr. Boulding, Sr. and the other members of the Planning Commission that the Open Meeting Act specifically authorizes going into closed session to discuss pending litigation.

The Chairperson asked if there were any further comments. Hearing none, he called for adjournment of the meeting at 8:35 p.m.

Minutes prepared:
September 29, 2015

Minutes approved:

_____

September 25th, 2015

Mtg Date: October 8th, 2015

To: Planning Commission

From: Ben Clark, Zoning Administrator

Applicant: Daniel Wahmhoff

Owner: Wahmhoff Farms, LLC

Property: 5030 West Main Street, Parcel Number 05-13-280-051

Zoning: C: Local Business

Request: Special Exception Use to establish a Temporary Outdoor Event for more than one day for a Christmas tree sales lot

Section(s): Section 30.000—C: Local Business

Project Name: Wahmhoff Farms Christmas Tree Retail Sales Lot

OVERVIEW

The applicant is seeking permission to locate a temporary Christmas tree sales lot in a portion of the parking area on the subject property, located immediately to the north of Consumer's Credit Union on the northwest corner of Drake Road and West Main Street. Since the proposed event is to last more than one day, it is considered to be a Special Exception Use, and therefore requires the approval of the Planning Commission per section 30.415 of the Zoning Ordinance. Per the applicant's proposal, sales would commence on Friday, November 27th, 2015 and continue daily until Wednesday, December 23rd, 2015. The applicant has stated that they would likely begin to deliver inventory to the site two days before the sale period is to begin, with site cleanup planned for the last day of the event.

PROPOSED USE

Taking place within an approximately 20,000 square foot section of the parking lot on the subject property, the applicant is proposing to locate the tree display and storage areas as well as the office trailer within the eastern section of the lot, extending approximately 100 feet from the east edge of the parking lot. The remaining 40 foot section of the western portion of the lot will be reserved for customer parking, a dumpster, and portable public toilet facilities. Although only around nine to ten parking spaces within the section of the parking lot occupied by this event will be maintained, there are ample spaces available at adjacent lots, separated from the main event area by internal driveways.

Staff has reviewed the proposed placement of the office trailer, dumpster, and toilet—all required minimum setbacks are being met. Since the lot in which this event is proposed can only be accessed by motor vehicles from its western side, no significant traffic circulation impacts are anticipated.

The sales lot will operate seven days a week, with anticipated hours of 11:00 am to 8:00 pm on Mondays through Fridays, and 10:00 am to 8:00 pm on Saturdays and Sundays.

The Township's Fire Marshal has also reviewed the proposed layout for this event. He recommends that the applicant keep two fire extinguishers on site, one of which should be located outdoors, near the trees. No other concerns were raised.

STANDARDS FOR APPROVAL

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

A. Is the proposed use compatible with the other uses expressly permitted within the C: Local Business district?

The proposed use is compatible with the uses permitted in the C district. Established to allow retail sales and other commercial uses, the applicant's planned event is harmonious with the intent of this zoning classification.

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

Staff does not foresee any significant negative impacts on adjacent properties. While there may be some elevated parking needs in the area generated by this event, the subject property is part of a large commercial development, which benefits from ample shared parking accommodations.

Since the proposed location of the sales event is within a lot that only has access on one side, there will be minimal impact to internal vehicular circulation within the development.

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

The layout and use of the proposed event satisfies both the Township's Planning Department as well as the Fire Marshal. While there may be a slightly elevated fire risk due to the presence of the trees that will be for sale, they will be freshly cut, and would therefore likely be difficult to ignite.

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

Occupying a typically underutilized parking area within an existing commercial development, Staff does consider this temporary event to be a good use that will not damage the land's character nor will it hinder its adaptability.

The intersection of 9th Street and Stadium Drive is a prime commercial intersection, and a temporary outdoor sales use of a seasonal nature is consistent with other nearby uses. The event will last just under four weeks, and therefore it is not expected to impact the adaptability of the land.

In addition to the standards for a special exception use discussed above, Staff has also ensured that the proposed event satisfies the general requirements for a Temporary Outdoor Event, as detailed in section 30.221 of the Zoning Ordinance.

RECOMMENDATION

The proposed use is consistent with existing uses in the C district as well as within the surrounding commercial center. Should the Commission be inclined to approve the request, Staff recommends the following conditions:

1. The office trailer, dumpster, portable toilet, and Christmas trees are to be allowed on-site from November 25th to December 23rd.

2. The hours of operation are to be limited to 11:00 am to 8:00 pm on Mondays through Fridays, and 10:00 am to 8:00 pm on Saturdays and Sundays.

3. All signs shall satisfy the requirements of the Township Zoning Ordinance.

4. All comments or issues raised by the Fire Department during the course of this review and/or any subsequent inspection shall be complied with.

Although Wahmhoff farms has held temporary Christmas tree sales in Oshtemo in the past, this is the first time that they will be in this particular location. The applicant has indicated that they intend to return to this same spot in coming years, therefore the Planning Commission should consider whether administrative review is acceptable for future proposals provided such requests are consistent with the submission before you.

Respectfully Submitted,

Ben Clark
Zoning Administrator

Attachments: Application
Aerial map
Narrative
Site plan

charter township
oshtemo

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

PLEASE PRINT

PROJECT NAME & ADDRESS Wahmhoff Farms Christmas Tree Retail Sales Lot

PLANNING & ZONING APPLICATION

THIS SPACE FOR TOWNSHIP USE ONLY

Applicant Name : Daniel A Wahmhoff

Company Wahmhoff Farms LLC

Address 11121 M-40 Hwy
Gobles, MI 49055

E-mail dan@mitrees.com

Telephone 269-628-4308 Fax 269-628-7324

Interest in Property leased property

OWNER*:

Name DFG - Maple Hill LLC

Address 10100 Waterville St
Whitehouse, OH 43571

Email Ryan.LaPointe@devreit.com

Phone & Fax 419-877-1010

Fee Amount _____

Escrow Amount _____

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

___Planning Escrow-1042
___Site Plan Review-1088
___Administrative Site Plan Review-1086
X 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): _____

Please see attached cover letter

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

See attached Property Summary Details

PARCEL NUMBER: 3905- 05-13-280-051

ADDRESS OF PROPERTY: 5030 W. Main St. Kalamazoo, MI 49009

PRESENT USE OF THE PROPERTY: Maple Hill Mall Parking - basically unused

PRESENT ZONING C-Local Business **SIZE OF PROPERTY** 140ft X 140ft

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.

Chuck Chrzan — 9/3/15

Owner's Signature *(* If different from Applicant)* — **Date**

David A Wahmhoff — 9/3/15

Applicant's Signature — **Date**

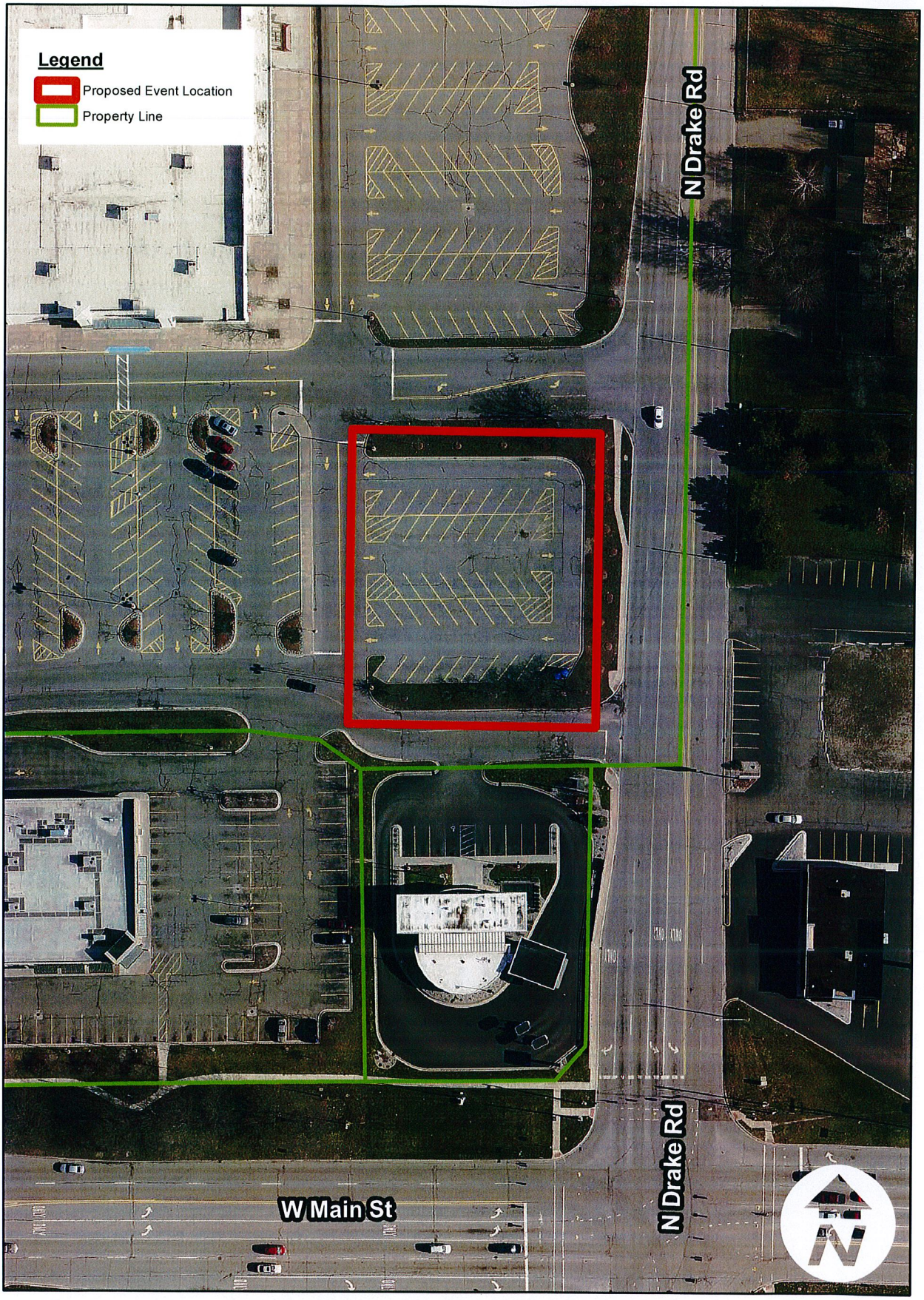
Copies to:
Planning –1
Applicant -1
Clerk –1
Attorney-1
Assessor –1
Planning Secretary - Original

****

PLEASE ATTACH ALL REQUIRED DOCUMENTS

Wahmhoff Farms

Proposed Christmas Tree Sale Location



Wahmhoff Farms Nursery
11121 M-40 Hwy
Gobles, MI 49055

E-mail: dan@mitrees.com

Toll Free: 1-888-MI-TREES
Office: 269-628-4308
Fax: 269-628-7324

Website: www.mitrees.com

September 3, 2015

Oshtemo Charter Township
Planning Commission
7275 West Main Street
Kalamazoo, MI 49009

Dear Planning Commission:

Let me begin by briefly describing our request as required by the Planning and Zoning Application. Our request is to be allowed to display and sell cut Christmas trees in a portion of the parking lot on Maple Hill Mall (Maple Hill Pavilion). The area to be utilized is on Drake Road, directly behind the Consumer's Credit Union and kitty corner SE from the Value City Furniture store (maps provided). This portion of the lot is surrounded by curbs on three sides (north, east and south), and is between two of the Drake Road access drives to the mall. This parking lot area is rarely utilized, precisely because of its location in relation to any of the Maple Hill businesses.

Our desired sales period would be from the day after Thanksgiving, Friday, November 27, 2015 through Wednesday, December 23, 2015. We normally deliver sales materials to our lots a day or two before Thanksgiving, but begin sales after Thanksgiving. We typically sell out and close a day or two earlier than the 23rd, but contract through the 23rd for final cleanup.

As shown on the map, we anticipate keeping the Christmas tree display area, the tree storage area, and available parking all within the allotted space. Existing fire lanes and emergency vehicle turning areas would not be impacted. We do keep a portolet on site for our staff, and it is available to our customers, should the need arise. We also provide our own dumpster to keep the site clean of any debris. The placement of our small office trailer is also within the confines of the lot, so would automatically comply with all applicable setbacks.

We are contracted for this year with the Maple Hill Pavilion property owners, DFG-Maple Hill LLC. Our contact has been through Ryan LaPointe of Devonshire Reit. The on-site property manager is Chuck Chrzan.

Please allow me to share a little about Wahmhoff Farms Nursery to aid you in your decision. We have been a family owned and operated farm for 65 years now, and

are one of the top ten Christmas tree producers in Michigan. We pride ourselves on providing top quality Christmas trees and wreaths, and have won many state and national awards for both trees and wreaths. We have provided trees and wreaths to Michigan's governor several times, and will again this Christmas. We also had the honor of providing Vice President Joe Biden's residence with three beautiful trees in 2011, after winning Reserve Grand Champion at the National Christmas Tree contest. Our tree was a National Finalist again this year.

Our family tree farm has been selling Christmas trees in the Kalamazoo and Portage area for over 50 years now, beginning in the early 1960's with the first Meijer store in Kalamazoo, at Douglas and Patterson. We sold with multiple Meijer stores for many years, then transitioned to other sites in the early 1990's. We sold trees for many years in Oshtemo Charter Township also, beginning in front of the old Meijer's Square store on Maple Hill Mall (where present day Target is located). We were on West Main Mall for many years, on Drake Road by the old Zayres's store (where Lowe's is now), as well as on West Main by the Shell gas station for many years (where Panera Bread is now located).

Our location on Kalamazoo's west side last year was directly across Drake Road from our current requested location, behind the Sleep Doctor store in the Westwood Plaza. This site is a vacant lot, and is anticipated to be built on in the future. We are truly hoping to maintain this new site on Maple Hill Mall for many years to come. We believe we are an asset to each location where we sell trees, providing Kalamazoo area residents with the best quality and service available.

In addition to this Maple Hill Mall location, we anticipate again selling trees this year at the two Root Beer Stand Locations in Kalamazoo (Westnedge and Kilgore, Portage at Cork and Lovers Lane), as well as in the Crossroads Galleria on Westnedge, in front of Hardings and next to Plato's Closet. I will provide a copy of our direct mailing that we send our loyal customers each year, showing last year's locations.

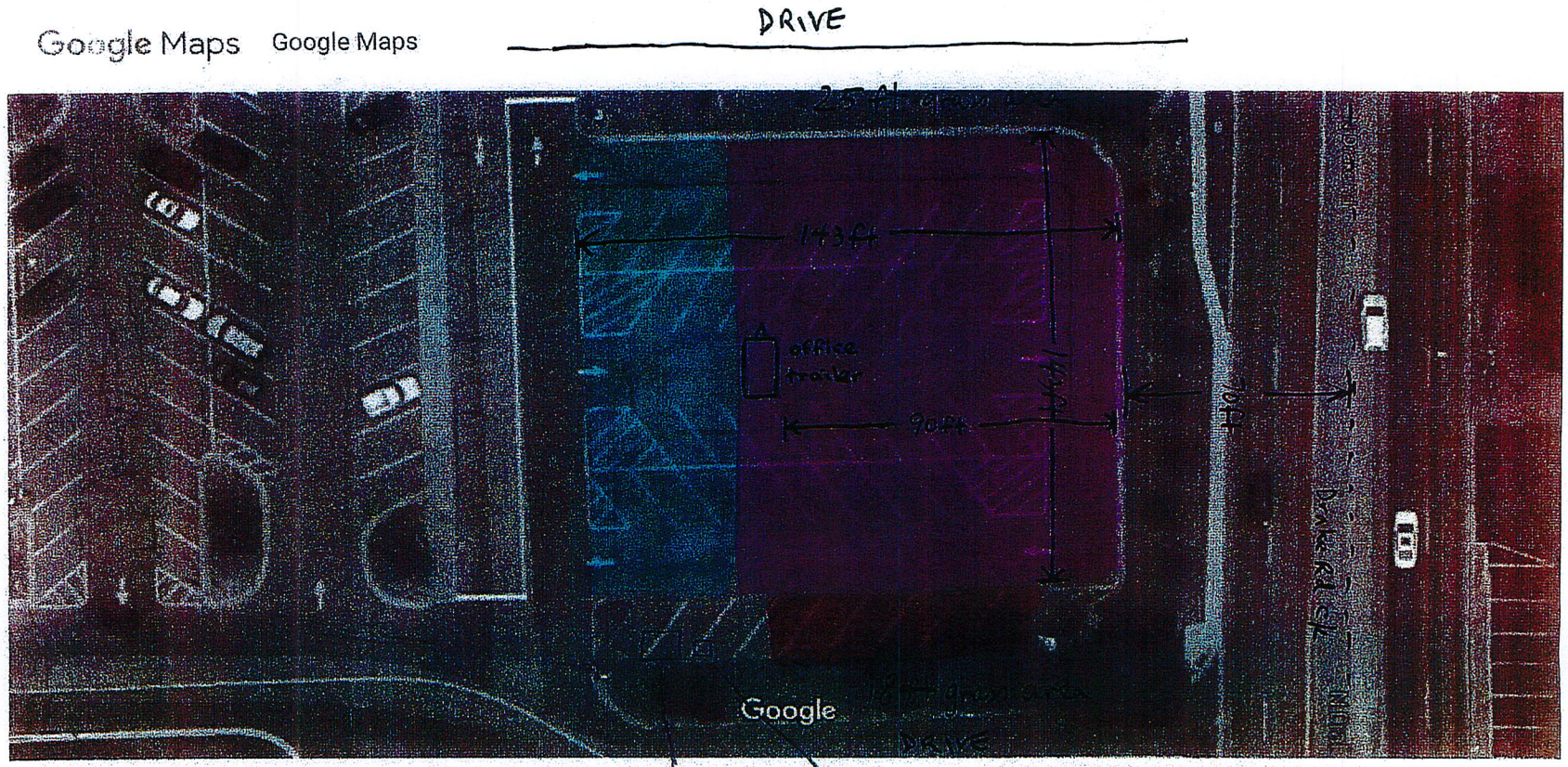
If there is anything else that you require to make your decision, please let us know. Thank you for your time and consideration of our request.

Sincerely,

Dan

Daniel A. Wahmhoff, President
Wahmhoff Farms Nursery

Google Maps Google Maps



September 29th, 2015

Meeting Date: October 8th, 2015

To: Planning Commission

From: Ben Clark, Zoning Administrator

Applicant: Mark Ashbrook

Owner: Jennette Gruizenga Trust

Property: 7110 West Main Street

Zoning: R-2: Residential

Request: Rezoning of a two acre portion of subject property to C: Local Business

Section(s): Section 22.000—R-2: Residence
Section 30.000—C: Local Business

OVERVIEW

The applicant is seeking to rezone an approximately two acre portion of the subject property from R-2: Residence to C: Local Business in order to open a retail store for locally grown farm products. The area of the parcel that is the subject of the rezoning request is situated on West Main Street, towards the lateral center of the subject property, and has approximately 250' of road frontage.

SUBJECT PROPERTY

Currently zoned as R-2: Residence, the subject parcel is located immediately to the west of a C: Local Business district and to the north, east, and south of a handful of R-2 properties with single family homes. The properties immediately to the west of the subject parcel make up The Meadows subdivision. Partially wooded, the subject property rises abruptly from West Main Street, increasing approximately 20' in elevation to its highest point towards the middle of the parcel.

It is the applicant's intention to rezone a portion of the southern end of the subject parcel to C: Local Business and then create a new parcel for the rezoned section, keeping the remainder of the original property as R-2 for the time being. The applicant has also expressed a desire to rehabilitate the derelict house currently on the property, but outside of the area to be rezoned, and use it as shopkeeper's quarters for the hypothetical adjacent store.

ZONING ORDINANCE

The current zoning classification, R-2: Residence, does not accommodate the applicant's desired use for the land—a retail outlet for their locally grown organic meat and other farm products. In order for this use to comply with the Zoning Ordinance, a rezoning to C: Local Business is required. As well as allowing

a retail operation such as what the applicant has in mind, the Planning Commission should also consider the fact that a rezoning to C: Local Business would also allow numerous other permitted commercial uses to be located on this property, including banks, laundromats, hotels, and shopping centers.

MASTER PLAN

Included in this report is an excerpt from Oshtemo's Master Plan as well as a future land use map that pertains to this part of the Township. As illustrated on the map, the majority of the property subject to the rezoning request is located within an area designated as *Transitional Mixed Use*. Per the Master Plan's definition of Transitional Mixed Use as applied to the West Main Street corridor west of 8th Street, this area is to serve as a transitional zone between the more intensive commercial uses to the east and the more rural, residential surroundings to the west. In general, typical uses appropriate for Transitional Mixed Use zones include low intensity establishments such as offices, medium density residential developments, and local businesses. Per the definition provided in the Master Plan, Local Commercial uses include businesses such as specialty shops, which the applicants' store could be classified as.

CONSIDERATIONS

The request before you is for a rezoning of the subject property from R-2 to C. While the applicant's proposed land use should the rezoning ultimately be approved may be harmonious with the Future Land Use section of Oshtemo's Master Plan, the Planning Commission should also consider what other types of uses would be allowed should the applicants change their mind as to what kind of establishment they wish to have, or sell the land off to another party. The number of Permitted and Special Exception Uses allowed within the C: Local Business zoning classification are many, and Staff recommends that the Planning Commission carefully weigh the implications of the rezoning request that has been presented.

Please also keep in mind that the Planning Commission ultimately makes a recommendation to the Township Board who will make the final decision on the request.

Respectfully submitted,

Ben Clark
Zoning Administrator

Attachments: Application
Aerial map
Current zoning map
Future Land Use map
Master Plan excerpt

charter township
oshtemo

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

PLEASE PRINT

PROJECT NAME & ADDRESS Father & Son Farm Market 7110 West Main St. Kalamazoo, MI 4900

PLANNING & ZONING APPLICATION

Applicant Name: Mark L. Ashbrook
Company Father & Son Farms
Address 22079 41st Street Bloomingdale MI 49026
E-mail MarKlynashbrook@Gmail.com
Telephone 269-521-3334 Fax 269-521-3301
Interest in Property Purchaser

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

Received From: ASHBROOK
Date: 09/03/2015 Time: 12:15:35 PM
Receipt: 116789
Cashier: LINDAI

ITEM REFERENCE	AMOUNT
1091 APP - REZONING/ZONING	
APP - REZONING/ZONING	$650.00
TOTAL	$650.00
CHECK 16647	$650.00
Total Tendered:	$650.00
Change:	$0.00

OWNER*:

Name Jennette Gruizenga Trust
Address By John Gruizenga Trustee Fee
402 Solon, Kalamazoo, MI 49006 Escr
Email
Phone & Fax 269-385-4959

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

___Planning Escrow-1042
___Site Plan Review-1088
___Administrative Site Plan Review-1086
___Special Exception Use-1085
___Zoning Variance-1092
___Site Condominium-1084
___Accessory Building Review-1083
___Land Di
___Subdivision Plat Review-1089
X Rezoning-1091
___Interpretation-1082
___Text Amendment-1081
___Sign Deviation-1080
___Other:_____

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary):

partial Rezoning to be used for a retail store to sell locally raised meats and produce.

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

PARCEL NUMBER: 3905- 05-15-285-010

ADDRESS OF PROPERTY: 7110 West main street Kalamazoo MI 49009

PRESENT USE OF THE PROPERTY: Vacant

PRESENT ZONING R-2 **SIZE OF PROPERTY** 1.9 acres

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

Name(s)	Address(es)
Simon M. Ashbrook	41297 CR 380 Bloomingdale, MI 49026
Caleb S. Ashbrook	19030 41st Street Bloomingdale, MI 49026

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.

[signature] - TRUSTEE 8-31-15

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

[signature] 8-26-15

Applicant's Signature **Date**

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

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PLEASE ATTACH ALL REQUIRED DOCUMENTS

Transitional Mixed Use (478 acres)

Development Intensity: Medium

There are several areas in the Township that contain a mix of uses and are located along busy corridors. Most are also located between areas of very high intensity development and areas of lower intensity development. Because of the standards established and the mix of uses, these areas are envisioned as providing smooth transitions between the areas of development on either side. Some of the areas may accomplish this by acting as a type of buffer between the areas. In other instances, this may mean serving as a respite of lower intensity development along a corridor of high intensity uses.

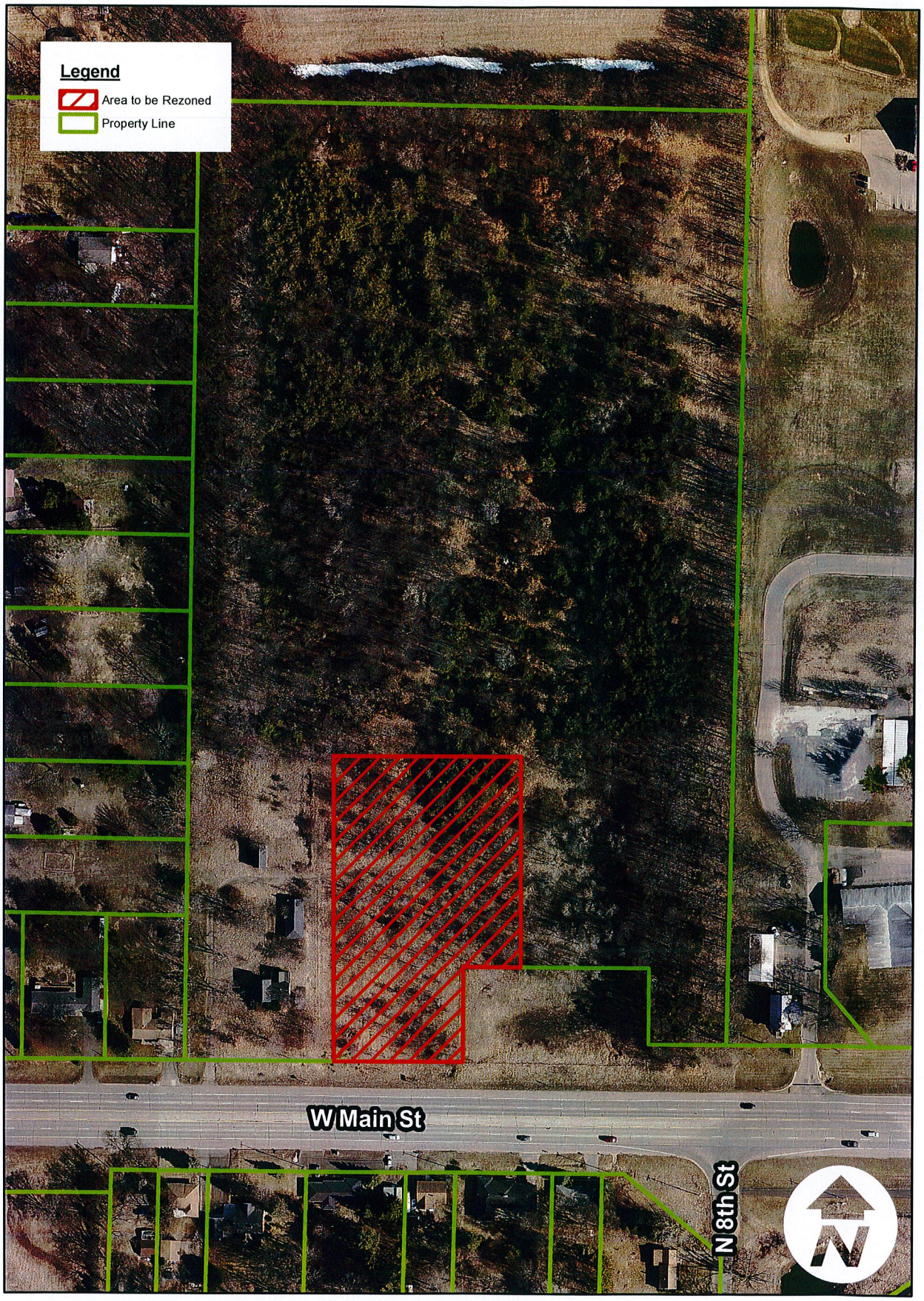
Uses envisioned for the Transitional Mixed Use areas include primarily office, local commercial (see Local Commercial designation for a description of applicable uses), and institutional uses. It may also include medium density residential uses, such as duplexes and senior-oriented complexes.

For all areas carrying this designation, access management will be a high priority, especially along the primary roadways of the Township. In addition, ensuring that development is coordinated and consistent, such as through the Planned Unit Development (PUD) process, will ensure the level of quality, design, and function that is desired for these areas. Eight areas in the Township carry this designation, and there are additional items to highlight specific to each one:

- **Drake Road Corridor** There are three areas designated Transitional Mixed Use along the Drake Road corridor. In these instances, the designation and intended development shall serve to buffer the adjacent lower density neighborhoods from either the adjacent right-of-way or nearby higher intensity development.
- **West Main Street just west of US-131** This is an area that is currently developed with office uses. It serves as a transition between the Main Street corridor and the neighborhoods to the north and south. It also serves as a gateway to the Township as from US-131. Any future development / redevelopment in this area should retain the current character with attention paid to the design, buffers and protection for adjacent neighborhoods (particularly to the south), and access management (considering the proximity to the US-131 ramps).
- **West Main Street just west of 8th Street** This area is located just to the west of the heavily developed commercial corners West Main Street and 9th Street. It currently consists of single family residential uses (both owner-occupied and rental), and vacant land. Transitional Mixed Use development would help ease the transition from the intense development to the east to the rural countryside to the west and the five-lane West Main Street corridor and nearby residences especially along South 8th Street.
- **Southeast of KL Avenue / 9th Street intersection** Portions of this area were included as part of a mixed use PUD. It includes a credit union and a school designed in harmony with the natural surroundings with limited land available for additional development. Future development should be consistent in use and design with the current uses on site and should tie into the existing road network as opposed to adding driveways to 9th Street, and to take advantage of the new signal that has been installed at 9th Street and Quail Run Drive. Any future development should be designed so as to protect the surrounding natural features.
- **11th Street south of KL Avenue** This area currently contains a mix of uses including residential, light industrial, and local commercial. It is adjacent to the railroad and the freeway as well as industrial and high density residential development to the north and commercial to the south. Development in this area will create a smooth transition in land uses along 11th Street and provide a buffer from the high intensity land uses and transportation corridors to the low density neighborhood to the west.
- **Stadium Drive west of 11th Street** This area is outside of the Village Area and therefore does not fall under the plan or guidelines associated with the Village. It already includes a mix of land uses, some of which may be prime for redevelopment. Located between the intense development near the interchange and the density of the Village area, this Transitional Mixed Use area is envisioned as providing a needed respite from the intensity of development along the Stadium Drive corridor. Through access management, increased setbacks, and lower intensity uses, the area will provide a break from the intensity of the corridor and allow for the establishment of true development nodes to the east and west.
- **Parkview Avenue. / 11th Street Area** This area currently contains a mix of residential, commercial, and institutional uses with undeveloped space. However, with higher intensity and higher value development occurring to the north, east, and west, redevelopment of this area is envisioned. This Transitional Mixed Use area is envisioned as a location for office use, low intensity commercial to support

Father & Son Farms Rezoning Request

Aerial Map

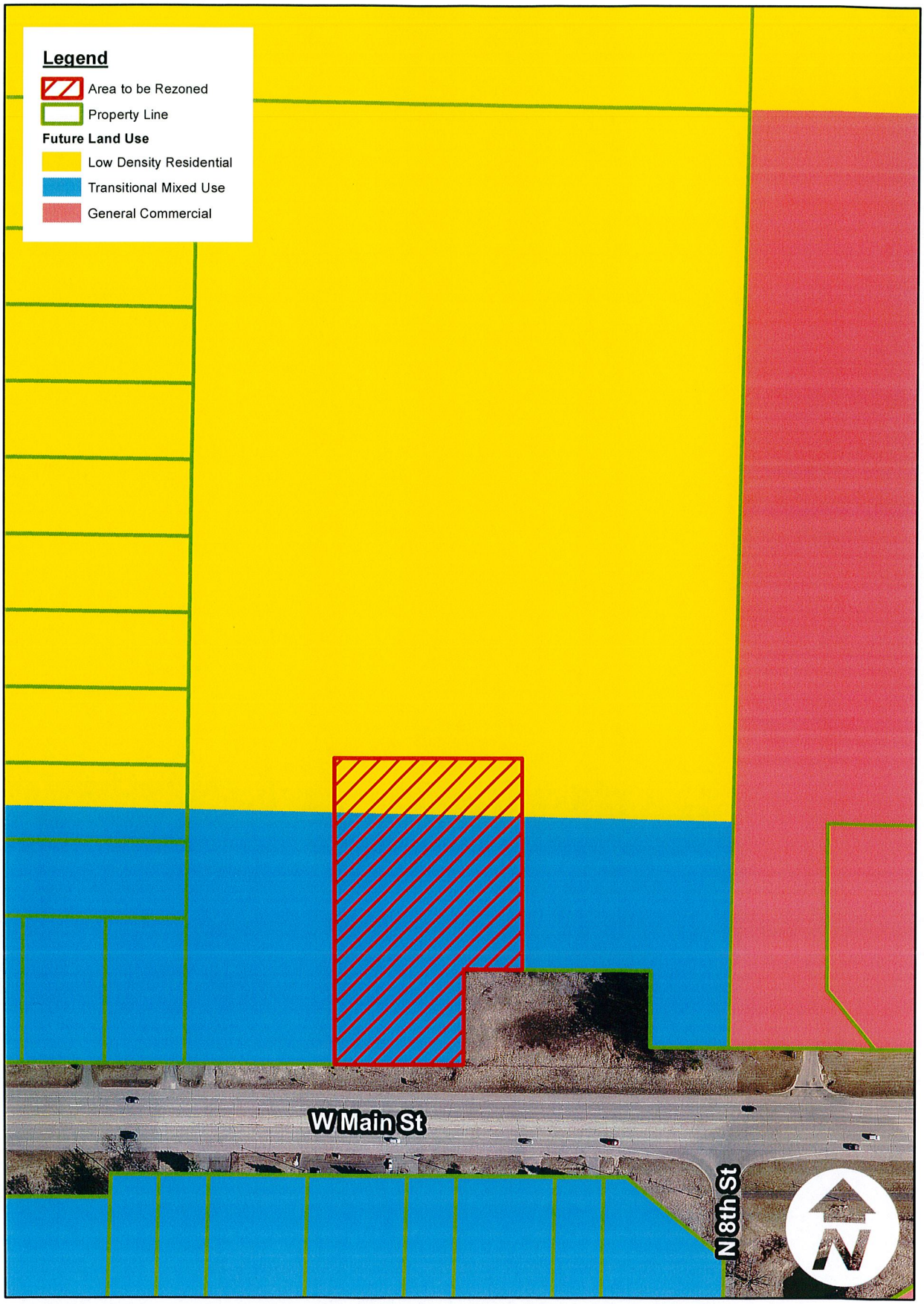


Father & Son Farms Rezoning Request

Current Zoning

Father & Son Farms Rezoning Request

Future Land Use



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~~ **35** 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.

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.