

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

MINUTES OF MEETING HELD MARCH 27, 1997

Agenda

LEADERS MARINE - SPECIAL EXCEPTION USE/SITE PLAN REVIEW - BUILDING ADDITION/ ADDITIONAL OUTDOOR STORAGE - 8518 WEST MAIN

HERWEG - REZONING OF APPROXIMATELY 80 ACRES FROM "R-2" TO "R-3" - NORTH SIDE OF WEST KL AVENUE EAST OF 9TH STREET - LAND SECTION 23

BALKEMA - REZONING OF APPROXIMATELY 100 ACRES - NORTH SIDE KL AVENUE - FROM "R-4" TO "R-5" - LAND SECTION 24

A meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, March 27, 1997, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall, pursuant to notice.

Members Present: Wilfred Dennie, Chairperson
 Ken Heisig
 Ted Corakis
 Millard Loy
 Marvin Block
 Lara Meeuwse

Members Absent: None

Also present were Rebecca Harvey, Patricia R. Mason, Township Attorney, and twelve (12) other interested persons.

CALL TO ORDER

The Chairperson called the meeting to order at 7:02 p.m.

AGENDA

The Chairperson suggested adding under "Other Business" a discussion of the Hamilton rezoning request being referred back by the Township Board. Mr. Loy moved to approve the agenda as amended, and Mr. Corakis seconded the motion. The motion carried unanimously.

MINUTES

The Planning Commission next discussed the minutes of the meeting of March 13, 1997. Ms. Meeuwse pointed out a typographical error on page 6. With regard to page 7, a revision was required to indicate the second of the motion. Mr. Loy moved to approve the minutes as amended, and Mr. Corakis seconded the motion. The motion carried unanimously.

LEADERS MARINE - SPECIAL EXCEPTION USE/SITE PLAN REVIEW - BUILDING ADDITION/ ADDITIONAL OUTDOOR STORAGE - 8518 WEST MAIN

The next item was consideration of the application of Larry Harris on behalf of Leaders Marine for special exception use/site plan review of a proposed building addition and outdoor display area at 8518 West Main. The subject property is approximately 23 acres and is located in the North ½ of Land Section 16 and is within the "C" Local Business District Zoning classification. The item was tabled from the meeting of February 27, 1997.

The report of the Planning and Zoning Department is incorporated herein by reference.

Mr. Heisig noted that the Planning Commission had discussed the item at the meeting of February 27, 1997, and that access was the main issue. The Planning Commission had felt a need for traffic information so as to evaluate the need for a second drive at the site. As to the remainder of the site, there had been some concern over the size of the suggested display area.

Mr. Harris was present, stating that he was the site planner for the project. He noted that some revisions had been made to the proposed site plan based upon the traffic study performed by the applicant and the Planning Commission's comments at its February meeting. Mr. Harris indicated that the traffic report used two sources of information for trip generation, those being the "ITE," which was the national trip generation manual, and information from the owner. Mr. Harris made reference to the traffic study. He stated that, based on the number of employees at the site, the trip generation would range from 249 to 867 trips per day. Based on the square footage of the building, trips would range from 192 to 980. Based on owner data, there were 356 average trips per day. Therefore, they had concluded that there was no way to validate a second drive under the Township's Ordinance, which required 3,000 trips per day to justify a second drive. However, the applicant was proposing a one-way entry and one-way exit directional drive system for the site. Mr. Harris noted that a directional drive would be considered one drive under the Township's Ordinance. He stated that traffic would enter on the western drive and exit on the eastern drive. Traffic movement would be facilitated by signage.

There was a discussion of proposed site circulation, and it was noted that up to three car/trailer parking areas in the area designated as "proposed asphalt-" ~~was proposed.~~

In response to questioning by Ms. Meeuwse, the applicant stated that if Parcel B were developed at its rear portion, the location of the east drive was such that it could be used as a shared drive.

The Chairperson asked about the width of the "proposed asphalt area," and it was indicated that it was 40' in total width. The area was sufficient to allow two vehicles to pass one another. There were no changes in lighting at the proposed site, and the "future building" was not part of the current proposal. The area of the "future building" would be used as boat display in the meantime.

The Chairperson sought public comment. None was offered, and the public hearing was closed.

Mr. Heisig stated he felt that the access arrangement was a creative solution which he felt it was a great improvement to the site. Mr. Loy agreed, stating he felt that this access arrangement would "solve a lot of problems."

The Planning Commission discussed whether the proposed use was compatible with other uses expressly permitted within the "C" Local Business District. The uses permitted in the "C" District were referenced. It was noted that the proposed use is not a change in use but only an increase in the amount of display area and a change to the traffic circulation pattern. The Planning Commission concluded, therefore, that the use was compatible.

The Planning Commission next discussed whether the proposed use was detrimental or injurious to the use or development of adjacent properties or the general neighborhood. It was felt that the revised plan, overall, seemed to satisfy certain concerns expressed at the February meeting. It was also noted that there was no change in the hours of operation and that the traffic study suggested that the proposed one-way entry and one-way exit was an appropriate driveway plan. The applicant expressed appreciation of the Planning Commission's comments in the February meeting, which had caused a second look at the site plan and the resulting redesign.

The Chairperson felt that, since there would be no additional lighting or change in activity in the nature of the activity at the site, he felt that there would be no increase in noise. He felt it was significant that the increased display area was to be secured. Activity at the site would be consistent with activity currently occurring at the site. However, there was a large increase in the area of display; and there was discussion of whether the size and location of the proposed display was in keeping with the district.

Next the Commission considered whether the use would promote the public health, safety and welfare.

The Chairperson commented that the current display in the northwest portion of the property and the proposed display in the northeast side were located in such a way as to limit

visibility from M-43. However, he had some concern with the "temporary boat display area." The Chairperson asked how many boats were displayed in the current display areas at the site, and the applicant responded that there were from 100 to 125. The Chairperson said that, with the proposed additional display, he felt it would be possible that the applicant could double the number of boats that could be accommodated.

There was discussion of the "turnover rate" in boats, and the applicant indicated that there was a turnover of approximately 6-8 times annually. The applicant stated that part of the reason for the larger display area was to allow the applicant to "spread out the boats," not double the number of boats.

There was discussion of a "half-moon"-shaped area inside the looped drive and whether this would be used for display. It was indicated that it would not be. The display would be limited to the "future building area." The Chairperson and Ms. Meeuwse both felt that this temporary display area would be more visible than the others to M-43. The Chairperson felt it was important to keep display out of the "traffic" areas so that safety was improved. He was somewhat concerned that display in the "temporary display area" would cause conflicting movements between traffic and pedestrians. He wished to minimize display in the areas where vehicle and pedestrian traffic was present. Mr. Corakis disagreed, stating he felt that limiting the amount of display would lead to greater congestion in the approved areas.

Ms. Meeuwse questioned the applicant as to how customers would get to display areas, and the applicant indicated that there were no current plans to put a door on the east side of the existing building. Customers would walk to the display areas.

Mr. Loy commented that he did not feel that the amount of display or the location thereof would be "injurious." He felt that the number of boats and the size of the area would not change the overall character of the use. Mr. Heisig agreed, stating that he did not see any particular safety concerns. He saw only a marginal difference in the overall site if the temporary display area were not approved. Mr. Block agreed, stating that, in fact, he felt the temporary area was easier for pedestrians to access and would cause less conflict with traffic maneuvers. Mr. Corakis agreed.

Ms. Meeuwse commented that there was no way to guarantee that the applicant would spread the boats out and the applicant may fill the area with boats. She was somewhat concerned about the extent of display being proposed. However, the Planning Commission concluded that generally the use was not injurious to the use or development of adjacent properties or the general neighborhood.

Again there was discussion of the access arrangement and whether it would be detrimental or injurious to the use or development of adjacent properties and the general neighborhood. It was noted that there had been an elimination of a proposed deviation from the standard as to the number of drives. However, the drive system still did not comply

totally with the Access Management Guidelines. Therefore, the Planning Commission needed to determine whether deviation from those standards was warranted. It was noted that the proposed drive system did not meet spacing standards from adjacent and opposite drives. Further, the drive system was not designed as a one-way drive or a directional drive system in that the width as proposed was that of a "full-movement" driveway.

Mr. Heisig stated he felt that the proposed access arrangement was a vast improvement over what existed at the site and did not feel that deviation was inappropriate. Ms. Harvey and the Township Attorney stressed that the Planning Commission should consider whether the drive as designed and located was as close to meeting Ordinance standards as could be done at the site and still achieve the same circulation pattern. The Chairperson stated that he felt it was important that the proposed arrangement allowed for a circular pattern, which would help eliminate backup of traffic onto West Main. He therefore felt that the extra width of the drives might be appropriate so that traffic could better access the site while pulling a boat. Mr. Loy agreed, stating that he was concerned about semi traffic accessing the site. The Chairperson also felt that the speed of M-43 may necessitate a wider design.

Ms. Harvey expressed concern that allowing a width which was normally that of a full-service drive would allow or encourage customers to travel in both directions on the circular drive. Therefore, safety may be decreased and the finding of the Planning Commission that the circular loop system was an improvement would not be valid. Further, she was concerned that the applicant had not aligned the east driveway with Dougherty's Corners' driveway. The drive was 100' from the access point to the east and was offset from 75' to 115' from the Dougherty drive; 150' was required. There was concern that, if the drive was aligned with Dougherty's, the applicant could no longer meet the turning radius necessary for on-site circulation. There was concern in that the traffic report of the applicant had not been received until that evening, there had been no opportunity for KATS to review and consult with the Township regarding the access arrangement. The Chairperson suggested approving the proposed project and the access thereto conditioned on requiring the applicant to align the east drive with Dougherty's unless it was impossible to meet the necessary turning radius with this redesign.

In response to questioning by Mr. Heisig, Ms. Harvey noted that moving the eastern drive so as to align with Dougherty's drive would bring the access arrangement into closer compliance with the Access Management Guidelines but that the drive would still not meet all spacing standards. However, the drive would be in as in close compliance as was possible at the site. It was finally suggested that approval be conditioned upon the review of the access arrangement by Township staff in consultation with KATS to determine whether the drive could be redesigned so as to meet the Access Management Guidelines' design standards for a directional one-way drive system and so as to align the east drive with the Dougherty's access point. It was to be assumed that the on-site circulation areas should continue to allow for up to three car and trailer parking areas. Given this proposal, the

Planning Commission concluded that the proposed use would promote the public health, safety and welfare.

The Planning Commission also felt that the proposed use would encourage the use of the land in accord with its character and adaptability.

There was discussion of Sections 31.403 and 82.800. As to parking, it was noted that their parking areas would be customer only, and employee parking had been identified on the site.

Ms. Harvey questioned the applicant with regard to the car/trailer parking area and whether it would be striped. The applicant responded that it would and that signage would be in place to direct traffic. The width of the area was designed to accommodate not only the parking but a semi delivery truck.

After further discussion, Ms. Meeuwse moved to approve the special exception use permit to expand the boundaries to include the proposed additional outdoor display areas and the retention basin area, finding that: (1) the proposed use was compatible with other uses expressly permitted within the "C" District; (2) the proposed use would not be detrimental or injurious to the use or development of adjacent properties or the general neighborhood; (3) the proposed use would promote the public health, safety and welfare; and (4) the proposed use would encourage the use of the land in accord with its character and adaptability. The approval was subject to Fire Department and Township Engineer review and approval. Further, approval was subject to a finding that the access arrangement (circular and directional drive system) improved on-site circulation. However, the access arrangement was subject to the review of the Township staff in consultation with KATS to determine whether it was possible to design the entrance/exit to more closely meet Access Management Guidelines as to directional drive design. Further, there would be review of whether the easternmost drive could be aligned with the Dougherty's Corners' access drive and still achieve adequate turning radius. As a further condition of the special exception use permit, the applicant was required to combine all parcels being used for the proposed site by recorded legal instrument.

Mr. Heisig seconded the motion.

There was no public comment offered on the motion, and the motion carried unanimously.

Ms. Meeuwse moved to approve the site plan with the following conditions, limitations and notations:

(1) That, as to access, the proposed access arrangement is subject to the review and approval of Township staff in consultation with KATS as stated in the special exception use motion.

(2) That all parking is required to meet the Zoning Ordinance standards of 10' x 20'.

(3) That all barrier-free parking is to comply with ADA and Michigan Barrier-Free Guidelines and is to be designated by signage and pavement logo.

(4) That the car-with-trailer parking area would not be permitted to be used for boat display/storage.

(5) That the proposed display area is subject to setback standards and must be designed to effectively be constrained to the approved areas.

(6) That the proposed freight unloading area shall be limited to the temporary loading activities and shall not be used for boat display/storage.

(7) That the proposed customer parking area is to be reserved solely for customer parking.

(8) That adequate signage and/or fencing is required to effectively implement the proposed circulation, parking, loading and display operations at the site.

(9) That the proposed dumpster arrangement is satisfactory.

(10) That no additional advertising signage is proposed or approved.

(11) That all lighting is subject to compliance with Section 78.700 and shall be submitted to Township staff for review and approval consistent with Section 78.700g.

(12) That all previously required screening/landscaping requirements are continued.

(13) That approval is subject to the review and approval of the Township Fire Department and Township Engineer.

(14) That specific approval is given to the placement of stormwater systems serving the existing/proposed commercial property on the site within the Agricultural-zoned portion of the site.

Mr. Corakis seconded the motion, and the motion carried unanimously.

HERWEG - REZONING OF APPROXIMATELY 80 ACRES FROM "R-2" TO "R-3" - NORTH SIDE OF WEST KL AVENUE EAST OF 9TH STREET - LAND SECTION 23

The next item was consideration of approximately 80 acres consisting of the South ½ of the North ½ of Land Section 23 situated east of 9th Street; the subject property is located

along the north side of KL Avenue with approximately 2,600' of frontage thereon. The Planning Commission would consider rezoning the subject property from the "R-2" to the "R-3" Residence District Zoning classification and further consider amendment of the 9th Street Focus Area Development Plan contained within the Master Land Use Plan concerning this property.

The report of the Planning and Zoning Department is incorporated herein by reference.

The Chairperson made reference to the section map, and there was a discussion of the zoning in the area. It was noted that south of the railroad right-of-way west of 9th Street is zoned in the "R-5" District and that south of the railroad right-of-way east of 9th Street is a combination of "R-4" and "R-3" zoning. East of 9th Street north of the railroad right-of-way is within the "I-1" District.

The applicant, James Herweg, was present, stating that he was one of the owners of the Kalamazoo Center for Healing Arts. They were interested in relocating their business to parcel #255-021. He stated the existing locations of his business were aesthetically beautiful and that this was an essential part of their business. Normally commercial areas are not very attractive and, therefore, they sought out an area which included the natural features that were desirable. They were aware that this property is part of the 9th Street Focus Area but felt that the Vision Statement included in the Focus Area Plan contemplated office uses such as this one. He felt that rezoning to the "R-3" District would not create any undue traffic concerns, any more than with "R-2" development. He also felt that rezoning this property would not impact existing residential uses. This property faces industrially zoned and developed property and, therefore, would serve as a buffer or transitional area for the residential development which might take place to the north. He felt that any aesthetic concerns could be handled during site plan approval. In his opinion, rezoning to "R-3" would allow for a broadened range of development options and still meet the 9th Street Focus Area Development Plan goals.

In response to questioning by Ms. Meeuwse, the applicant indicated that they would be purchasing the entire 47 acres but were seeking rezoning of only 15 acres. Ms. Meeuwse commented that, when the Township had been "visioning" regarding the 9th Street area, they had looked to certain provisions of the Ordinance to implement the vision, those being Open Space and PUD provisions. She wondered whether the applicant had considered the PUD development. The applicant indicated that he was unaware of this Ordinance provision.

The Chairperson sought public comment, and Gordon Stocking stated that he owned property adjacent to the east which was the location of a horse farm. He said he bought his property 17 years before when it was Agriculturally zoned. He stated that he had no general quarrel with the proposed rezoning but felt that the area was ideal for residential development. He suggested that 80 acres was too large an area to be rezoned to the "R-3"

District and that the Planning Commission should consider rezoning only 30 acres along KL Avenue, preserving the interior land for residential or "R-2" development.

There was no other public comment offered, and the public hearing was closed.

The Chairperson stated that it seemed the primary issue was that the 9th Street Focus Area included an implementation section which called for implementation using the Open Space, PUD, Subdivision Control Ordinance, Site Condominium provisions and the Access Management Plan. "R-3" zoning or Transitional zoning was not identified as an implementation tool. Therefore, the Planning Commission should consider whether the Master Land Use Plan should be amended to include "R-3" as an appropriate mechanism.

The Chairperson further noted that this was the second request for rezoning in the 9th Street Focus Area and that a third request was slated for public hearing as the next item of this meeting. Ms. Meeuwse commented that, as this is a 47-acre parcel, it could be developed as a PUD, and a PUD would allow office use in conjunction with residential use.

The Township Attorney suggested that the Commission evaluate whether the "R-3" District was an appropriate mechanism for implementation of the Focus Area Plan. The Planning Commission should consider what uses were allowed in the "R-3" that were not allowed in the "R-2" and how that would negatively or positively impact development in the 9th Street area. It was noted that the PUD development in the "R-2" District allows for the same uses to be developed as would be allowed in an "R-3" District. However, within "R-3," there was concern with the difficulty of achieving certain design characteristics or elements. There was an attempt in the Focus Area Plan to give incentive for large-scale development and discourage piecemeal development.

The Planning Commission began discussion of the rezoning analysis and first considered whether the rezoning was in keeping with the adopted Master Land Use Plan. Mr. Heisig stated he felt it was necessary to consider whether there were changes which would indicate that amendment is appropriate. Ms. Meeuwse stated she felt that it was necessary to study this issue at a work meeting. Mr. Corakis commented that one of the goals of the Master Land Use Plan with regard to the 9th Street Focus Area was to provide mixed land use, and he felt that the Planning Commission should consider whether the "R-3" Zoning District was a tool for implementation of the Plan. Ms. Harvey suggested that, since the Township had spent a lot of time creating the Plan and because there were three requests pending in this area, the Commission should give consideration to, and discuss in detail, whether the Master Land Use Plan should be changed. The Chairperson suggested tabling this item and the item following, along with the Hamilton rezoning which had been referred back by the Township Board, to a future date.

The applicant was asked about timing and agreed it would not be unreasonable to give the Commission up to 30 days. Mr. Loy agreed that the Master Land Use Plan change issue was important and should be given careful consideration. Mr. Heisig concurred, stating he

felt that the Commission should consider this as soon as possible. The Chairperson suggested tabling the items to the meeting of April 10, 1997, and rescheduling the April 10 work session items to a special meeting on April 17, 1997.

Mr. Block moved to table public hearing regarding this item and regarding the hearing on the application of Balkema for rezoning in Land Section 24 (#97-5) to the meeting of April 10, 1997, and schedule a special meeting for April 17, 1997, for consideration of the April 10 work items. Mr. Corakis seconded the motion.

Jerry Adams, representing the applicant on the Balkema rezoning, concurred with the Planning Commission's plan and asked that the Commission consider adding "R-5" zoning as an implementation tool in the 9th Street Focus Area Plan. The Chairperson asked Mr. Adams for input as to the "pros" of including the "R-5" District.

Upon a vote on the motion, the motion carried unanimously.

OTHER BUSINESS

The Board discussed the rezoning on West Main Street (Hamilton) which had been referred back to the Planning Commission by the Township Board. Ms. Meeuwse moved to schedule the item for consideration at the meeting of April 10, 1997. Mr. Corakis seconded the motion, and the motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 10:25 p.m.

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

BY: Lara Meeuwse
Lara Meeuwse, Secretary

Minutes prepared:
March 28, 1997

Minutes approved:
4-10-97

AGENDA: _____

DATE: March 27, 1997

MINUTES: Planning Commission

SENT: _____

ZBA

- _____ Lara M.
- _____ Dave B.
- Bill S.
- Brian
- Tom B.

PC

- _____ Libby
- Marvin
- Lara
- Ken H.
- Millard
- Ted C.
- Wilfred

4-7-97

TB

- Fred
- Dave B.
- _____ Marvin
- Norm

OFFICE

- Becky
- Bob
- Marci
- Lois
- Ron
- Tony
- Jim
- _____ Attorney's
- _____ Index
- Elaine

Total

PEOPLE

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Kalamazoo, MI 49008

Dale & Ethel Resh
982 North 5th Street
Kalamazoo, MI 49009

James Herweg
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Gobles, MI 49055

John Balkema
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Kalamazoo, MI 49001

Gerald Adams
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Home Builders Association
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Oshtemo Business Association
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McGraw-Hill/F.W. Dodge
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NOTICE

OSHTEMO TOWNSHIP PLANNING COMMISSION MEETING

March 27, 1997
7:00 p.m.

AGENDA

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes

- March 13, 1997

4. Special Exception Use/Site Plan Review - Leader's Marine (#97-1)

: *Tabled from February 27, 1997 Planning Commission Meeting*

Consideration of the application of Larry Harris, on behalf of Leaders Marine, for special exception use/site plan review of a proposed building addition and outdoor display area at 8518 West Main. The subject property is approximately 23 acres and is located in the N1/2 of Land Section 16 and is within the "C" Local Business District Zoning classification.

5. Rezoning - Herweg (#97-4)

Consideration of the rezoning of approximately 80 acres consisting of the South ½ of the North ½ of Land Section 23 situated east of 9th Street; the subject property is located along the north side of KL Avenue with approximately 2,600' of frontage thereon. The Planning Commission will consider rezoning the subject property from the "R-2" to the "R-3" Residence District Zoning classification.

Consideration of the amendment of the 9th Street Focus Area Development Plan, contained within the Master Land Use Plan of Oshtemo Charter Township, concerning the property described in No. 5 above.

6. Rezoning - Balkema (#97-5)

Consideration of the rezoning of approximately 100 acres located in the west ½ of Land Section 24 on the north side of KL Avenue, with approximately 2,200' of frontage thereon. The subject property is adjacent to the north and west of Chateau Manor Mobile Home Park. The Planning Commission will consider rezoning of the subject property from the "R-4" to the "R-2", "R-3" and/or "R-5" Residence District Zoning classification.

Consideration of review/amendment of the 9th Street Focus Area Development Plan contained within the Master Land Use Plan with regard to the property described in No. 6 above.

7. Other Business

8. Adjourn

**** SCHEDULE OUTLINE**

March 25, 1997 Township Board Meeting

- : Rezoning - Hamilton (#96-24) (Set for 1st Reading)
- : Rezoning - Zuiderveen (#97-2) (Set for 1st Reading)
- : Text Amendment - Schramm ("I-R")

April 2, 1997 Special Joint Township Board/Planning Commission Meeting

April 10, 1997 Planning Commission Meeting

- : Text Amendment - Neighborhood Commercial
- : Text Amendment - Telecommunications Ordinance

AGENDA: Planning Commission DATE: March 27, 1997
MINUTES: _____ SENT: March 19, 1997

ZBA

____ Lara M.
____ Dave B.
 Bill S.
 Brian
 Tom B.

PEOPLE

Larry L. Harris
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Kalamazoo, MI 49008

Dale & Ethel Resh
982 North 5th Street
Kalamazoo, MI 49009

PC

 Marvin
 Lara
 Ken H.
 Millard
 Ted C.
 Wilfred

James Herweg
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John Balkema
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TB

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 Dave B.
____ Marvin
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To: Planning Commission

Meeting Date: 3-27-97

From: Planning & Zoning Department

Agenda Item: #4 (#97-1)

Applicant: Larry Harris, Larry Harris & Associates
Representing Leader's Marine

Property In Question: 8518 West Main
Leader's Marine

Reference Vicinity Map

Zoning District: South (Front) 660 Ft - "C" Local Business District
Remaining - "AG"-Rural District

Request: Special Exception Use/Site Plan Review - Parking Lot/Site Access
Modifications and Increased Outdoor Display Area

Ordinance Section(s): Section 30.409/31.403 - Vehicle Sales Lots
Section 60.100/200 - Special Exception Uses
Section 82.800 - Site Plan Review

Planning/Zoning Department Report:

Background Information

- The subject site has received the following development approvals related to Leader's Marine:

: 8-13-86 - Special Exception Use Permit/Site Plan Approval for

Showroom/Offices/Related Outdoor Display

- : 12-18-86 - Special Exception Use Permit/Site Plan Amendment for Expanded Showroom/Office
- : 9-22-88 - Site Plan Amendment for 5600 sq ft Storage Building
- : 8-24-89 - Site Plan Amendment for 4200 sq ft Addition to Storage Building
- : 8-17-92 - Site Plan Amendment for 11,760 sq ft Addition to Storage Building
- : 6-23-94 - Special Exception Use Permit/Site Plan Approval for Expanded Permit Boundary, Expanded Outdoor Display Area, 2800 sq ft and 4800 sq ft Additions to Storage Buildings
- : 1-26-95 - Special Exception Use Permit/Site Plan Approval for Expanded Permit Boundary, Expanded Outdoor Display Area, Parking Lot Expansion

- Applicant requests the following amendments to the Special Exception Use Permit/Site Plan Approval currently applicable to the subject site:

- : Expansion of the Special Exception Use Permit boundary 205 ft to the east (to a depth of 660 ft north from West Main right-of-way)
- : Expansion of Outdoor Display Area (within expanded permit boundary eastward)
- : Addition of second West Main access, expansion of existing parking lot (27 spaces), additional on-site access route, car/trailer parking (3 spaces), and freight (boat?) unloading area.

Reference 3-14-97 Revised Site Plan

Note: The 3-14-97 Revised Site Plan represents modifications made in response to comments made at the 2-27-97 public hearing and subsequent tabling of the item. The traffic study (required to support the proposed deviation from the Access Management Guidelines) also requested at that time will be presented at the 3-27-97 Planning Commission meeting.

Reference 2-27-97 PC Minutes

- Approval of the proposed application shall require the combination of the 2 parcels proposed to accommodate the development into a single parcel by a recorded legal instrument.

Department Review

Section 60.100/200 - Special Exception Uses

The following criteria should be considered in determining the appropriateness of the proposed expanded outdoor display area and access modifications on the subject site:

1. Is the proposed use compatible with the other uses expressly permitted within the "C" District?

- Reference Section 30.100 - 'Statement of Purpose' for the "C" District.
- Identify characteristics of the permitted uses within the "C" District and compare with the characteristics of the proposed outdoor display area expansion. Specifically, size and location of the display area, and associated lighting, access, noise.

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

- What will be the impact from the proposed expansion in terms of its location, intensity, fences, lighting, access, noise, etc. upon the character of development existing or planned for adjacent properties and the area in general?
- Will the operations in connection with the proposed expansion be objectionable to the neighborhood to an extent which is more than would be expected of a 'permitted use' in the "C" District?

Consider the following:

- : on-site circulation/parking layout/loading patterns
- : hours of operation
- : traffic volume/trip generation
- : site lighting/vehicle-related lighting
- : noise
- : outdoor activity
- : generation of debris
- : drainage impacts
- : open space/green areas (area-wide and site specific)
- : available control mechanisms to adequately address concerns

3. Will the proposed use promote the public health, safety, morals and general welfare of the community?

- Additional access to the site is proposed, largely to resolve existing site circulation, parking, and loading operational problems.

A second full-movement drive is not permitted under the Access Management Guidelines nor warranted by trip generation statistics (KATS). Directional drives, relocated in compliance with access spacing standards, would offer site operational improvement options in compliance with Ordinance standards.

- The proposed display areas will be subject to applicable setback standards.
- Municipal sewer and water do not service the subject site.
- The proposal is required to comply with the Groundwater Protection Standards contained within Section 69.000.
- A detailed lighting proposal is required to determine compliance with Section 78.700, Lighting Standards.
- The proposal shall be subject to Township Fire Department and Engineer review/approval.
- The open/green space on the site will be decreased as a result of the proposed site improvements.

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

- Attention to the following design issues is in order in determining the appropriateness of the proposed modifications on the subject site:

- : access arrangement
- : site circulation patterns
- : parking layout
- : loading areas
- : extent of display areas
- : open space/landscape-screening proposal
- : project lighting design/layout

Section 31.403 - Outdoor Activities

- b) -Detailed lighting specifications shall be provided pursuant to Section 78.700 to determine compliance with Ordinance standards.
- d) -The proposed display area shall be subject to applicable setback requirements.

The proposed car/trailer parking area located along West Main, south of the existing customer parking area, is located within the required setback area and may not be used for merchandise display.

Section 82.800 - Site Plan Review

- a) - A second access to the site(s) is proposed.

The proposed access arrangement shall be subject to compliance with the Access Management Guidelines unless deviation from the standards is approved pursuant to Section 67.700. Consider the following:

Section 67.400 1. - Number of Driveways

The subject site is limited to a single driveway unless the provisions of Section 67.400 2., 3., 4. or Section 67.700 - Deviation from Guidelines can be met.

* Trip generation information related to the existing/proposed use received from KATS does not support a second drive for the site.

A directional drive arrangement (two, one-way drives) is considered, from an operational stand-point, as a single access point and would provide for compliance with Ordinance standards. The design of the directional drives would be subject to compliance with the design guidelines set forth in Section 67.300 © and MDOT review/approval.

Section 67.500 - Driveway Spacing

350 ft spacing required; 100 ft spacing from access to the east proposed

Alignment or 150 ft offset for access opposite the site required; 75 ft and 115 ft offsets proposed

A directional drive arrangement can be provided in greater compliance with spacing standards.

- The proposed parking lot layout and site circulation patterns have been revised to resolve safety issues occurring at the site as a result of circulation limitations.

Consider the following:

: The 10 parking spaces located west of the existing shop/offices/showroom and within the fenced area should be used solely for employee parking as previously approved; said area was not approved for boat display/storage.

: Proposed customer parking areas comply with Ordinance standards and should be reserved solely for customer parking.

: Barrier free parking has been adequately provided. Said parking shall be subject to compliance with ADA and MI Barrier Free Guidelines and designated by signage and pavement logo.

: Car w/ trailer parking area can be reduced in width by 10 ft and cannot be used for boat display/storage.

Walkways providing a route from the car w/ trailer parking area to the showroom has been effectively provided.

: Proposed freight unloading area shall be limited to temporary loading activities and shall not be used for boat display/storage.

: Adequate signage and/or fencing should be required to effectively implement the proposed circulation, parking, loading, and display operations on the site.

- b) - The proposed display area shall be subject to building setback standards and should be designed to effectively be constrained to approved areas.

- The existing dumpster arrangement is satisfactory and can be adequately serviced.

- All lighting shall be subject to compliance with Section 78.700 and shall be submitted for review/approval consistent with the standards set forth in Section 78.700 g.

- Additional signage has not been proposed.

c)&

- d) - The subject site abuts "AG"-Rural zoning to the north, east, and the northern portion of the west boundary.

- Screening along the north and east boundaries of the site is required.

The previously approved site plans included the retention of the existing tree line along the (former) east property boundary, the establishment of a tree line along the north 230 ft of the existing special exception use permit west boundary, and the establishment of a 20 ft landscape area along the western perimeter of the front display area.

Amendment of the Special Exception Use Permit and Site Plan should reference the previously required screening/landscape requirements, as well as reviewing the impacts related to the proposed display area expansion and modified screening/landscape proposal.

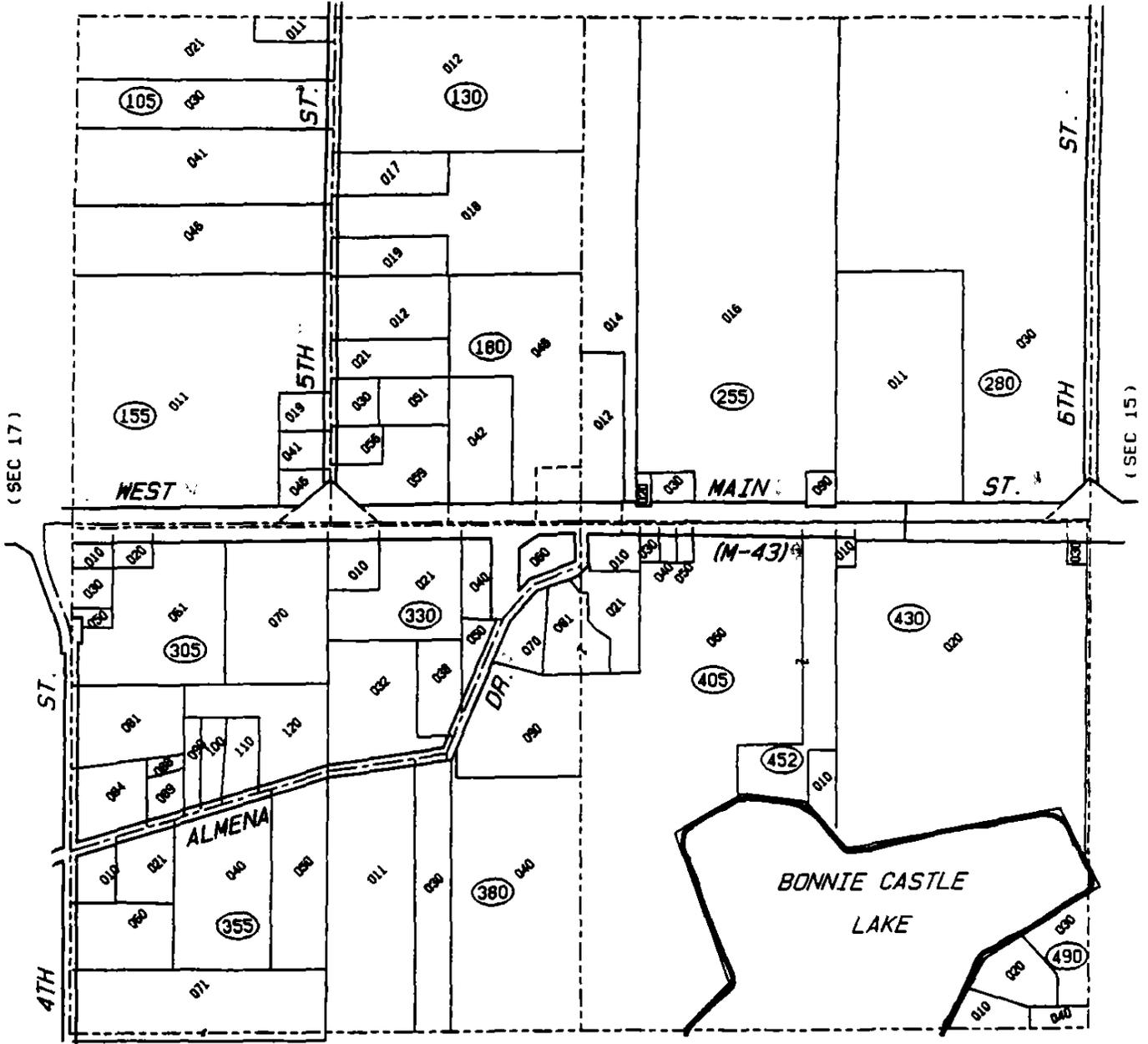
Consider the following:

- : the expanded display area abuts "AG"-Rural zoning on its north and east boundaries
- : proposed surface of the expanded display area (grass)
- : total coverage of the site as it relates to the preservation of the general appearance of the neighborhood, the control of erosion, and the discharge of stormwaters

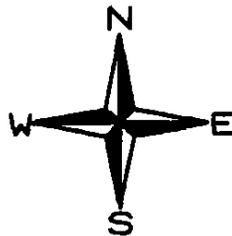
- e) - Variance approval has not been requested.
- f) - Approval shall be subject to Township Fire Department review/approval.
- g) - Approval shall be subject to Township Engineer review/approval.
- Planning Commission approval of the proposed placement of the stormwater system serving the existing/proposed commercial land use on the site within the "AG"-Rural zoned portion of the site is required.

SECTION 16

(SEC 9)



(SEC 21)



DATE: AUGUST 25, 1993

REVISED DATE: MARCH 5, 1996

PRINTED DATE: MARCH 21, 1996



SCALE 1" = 800'

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

MINUTES OF MEETING HELD FEBRUARY 27, 1997

Agenda

LEADERS MARINE - SPECIAL EXCEPTION USE/SITE PLAN REVIEW - BUILDING
ADDITION/ ADDITIONAL OUTDOOR STORAGE - 8518 WEST MAIN

REZONING - 2575 S. 11TH ST. - L.S. 25 (McCARTHY)

A meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, February 27, 1997, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall, pursuant to notice.

Members Present: Ken Heisig, Acting Chairperson
 Lara Meeuwse
 Ted Corakis
 Millard Loy
 Marvin Block

Member Absent: Wilfred Dennie

Also present were Rebecca Harvey, Patricia R. Mason, Township Attorney, and five (5) other interested persons.

CALL TO ORDER

The Acting Chairperson called the meeting to order at 7:05 p.m.

AGENDA

The Acting Chairperson suggested adding, under "Other Business," a discussion of the workshop session conducted the previous Monday evening. Ms. Meeuwse suggested adding a discussion of the upcoming Township Board meeting of March 11, 1997. Mr. Corakis moved to approve the agenda as amended, and Mr. Block seconded the motion. The motion carried unanimously.

MINUTES

The next item was consideration of the minutes of the meeting of February 13, 1997. Ms. Meeuwse suggested minor changes to pages 3, 4 and 5. Mr. Loy moved to approve the minutes as amended, and Ms. Meeuwse seconded the motion. The motion carried unanimously.

**LEADERS MARINE - SPECIAL EXCEPTION USE/SITE PLAN REVIEW -
BUILDING ADDITION/ ADDITIONAL OUTDOOR STORAGE - 8518 WEST MAIN**

The next item was the application of Larry Harris on behalf of Leaders Marine for special exception use/site plan review of a proposed building addition and outdoor display area at 8518 West Main. The subject property is approximately 23 acres and is located in the North ½ of Land Section 16 and is within the "C" Local Business District Zoning classification.

It was noted that the applicant was not yet present, and the Acting Chairperson suggested tabling the item to later in the meeting.

REZONING - 2575 S. 11TH ST. - L.S. 25 (McCARTHY)

The Planning Commission next considered the application of Reid and Ardis McCarthy for rezoning of approximately three acres in the SE¼ of Land Section 25 located at 2575 S. 11th Street. The property has approximately 98.87' of frontage on 11th Street and is situated in the "R-2" Residence District Zoning classification. The Planning Commission will consider rezoning the property to the "R-3" Residence District or the "C" Local Business District Zoning classification.

The Acting Chairperson noted that the applicant had requested rezoning to the "C" District and that the Planning Commission had expanded the item for consideration of the "R-3" District.

The report of the Planning and Zoning Department is incorporated herein by reference.

Ron Zuiderveen was present on behalf of the applicants. He stated that the neighbors, such as The Kitchen Shop, had no objection to commercial zoning. Mr. Zuiderveen stated that he owns property adjacent to this property to the south, and he believes commercial zoning would be "of benefit" to his property in that the setback required for the building and parking area would be increased by the supplemental setback provisions of the Zoning Ordinance because his property is within the "R-3" District.

Further, he felt that commercial zoning would be preferable to "R-3" zoning in that offices would be limited to 10,000 sq. ft. in size in the "R-3" District. He noted that this is a three-acre parcel and could support a larger building. Additionally, there was other commercial property in the area, and this property would merely be an expansion of the commercial zoning.

Ms. Meeuwse had questions as to the commercial zoning in the area, and it was pointed out that property to the north and east of the subject property is zoned "C." Ms. Meeuwse questioned the applicant as to whether there had been any consideration of a future shared-access point, and Mr. Zuiderveen stated he did not believe that anyone had looked into this. It was noted that parcel 041 did not have an access on 11th Street.

(2) That the change would not severely impact traffic, public facilities and the natural characteristics of the area.

(3) That the rezoning would not constitute a spot zone in that there was commercial zoning to the north and east of the property.

(4) That the rezoning would not be contrary to the established land use pattern in the area. It was felt that this property would constitute a natural boundary for the commercial node.

(5) That rezoning may stimulate other rezoning requests; however, this property represents a natural boundary for the commercial zoning in the area, and the property to the south would serve, being located in the "R-3" District, to be a buffer between the commercial and other residential zoning.

(6) That there had been changes supporting the rezoning.

(7) That, although it was recognized that there were other adequate commercial sites, the Master Land Use Plan recognizes identifying poorly located commercial areas and the need to relocate same.

The motion was seconded by Mr. Corakis.

The Acting Chairperson reopened the item for public comment, and Mr. Zuiderveen indicated his support for the motion.

Upon a vote on the motion, the motion carried unanimously.

LEADERS MARINE - SPECIAL EXCEPTION USE/SITE PLAN REVIEW

The Planning Commission returned to consideration of the Leaders Marine item.

The report of the Planning and Zoning Department is incorporated herein by reference.

The Acting Chairperson stated that the applicant was requesting the following amendments to the special exception use permit/site plan approval currently applicable to the subject site: (1) an expansion of the special exception use permit boundary 205' to the east (to a depth of 660' north from West Main right-of-way), (2) expansion of outdoor display area (within expanded permit boundary eastward), (3) addition of a second West Main access, (4) expansion of the existing parking lot (23 spaces), and an additional site access route.

The applicant was present and stated that the amendment would also include a leaching basin or retention basin in the northeast corner of the property.

Mr. Harris stated that he is a landscape architect. He said that this proposed project is desperately needed, including the new access point. There is considerable congestion at the existing access point at the entry, circulation and exit. He noted that, on occasion, the traffic circulation at the site would back up and inhibit traffic on M-43. He felt that the second access point and the circular drive would alleviate congestion and eliminate blockage by allowing vehicle traffic, particularly those towing boats, to circulate the property without a backing movement.

He discussed the proposed leaching basin in the northeast corner of the property, which he noted was in the "agriculturally zoned" portion of the site. He noted that the design allows for the creation of a large leaching basin rim and would considerably increase the amount of water retention which could be handled by the basin.

He stated that the existing Scotch pine trees would be removed and that the area would be restored with grasses and flowering trees. Additionally, a new border of plantings would be established 85' from the east property line.

Mr. Harris stated that eventually the owner of the property would be establishing an additional building which would be, architecturally speaking, significantly different from the existing building.

There was a return to the discussion of the circular-drive format, and the applicant stated that the circular drive would allow for better access for fire and emergency vehicles.

Mr. Corakis inquired of the applicant regarding the design of the driveway and whether it would include merely an entrance and an exit. Mr. Harris stated that the applicant had not considered this question, but he did not feel that the applicant should create two one-way drives. He felt that the drives should both be two way. Mr. Harris stated that there was an existing sign indicating to traffic accessing the site that those seeking boat service should pull to the back of the site.

The Acting Chairperson inquired as to where the vehicles towing boats would park, and the applicant indicated that they would be parking across parking spaces, perpendicular.

There was discussion of loading and unloading activities, and the applicant noted that the second access point and circular drive design would help with semi-truck deliveries to the site.

Ms. Meeuwse inquired as to the distance between the two proposed access points, and the applicant indicated that there would be 370' between the two proposed drives.

The Acting Chairperson wondered whether design changes to the existing drive, such as widening, would alleviate the traffic problems. The applicant felt that this would not alleviate the stacking congestion in that there was a need to allow a through driveway so that cars towing boats and semi trucks could move through the site without backing.

Mr. Loy wondered whether the proposed driveway would meet driveway spacing requirements of the Ordinance.

Ms. Harvey noted that the Planning Commission should consider that the Access Management Guidelines of the Zoning Ordinance allow for only one drive at the site. A second drive is considered if a site has over 300' of frontage. However, the Planning Commission must be satisfied that traffic information provided supports the need for a second drive and that the second drive would comply with spacing requirements. She noted that the new drive would not meet spacing requirements from the drive to the east, which is 50' therefrom.

Ms. Meeuwse wondered whether the applicant would be submitting a traffic study. Ms. Harvey noted that the applicant had submitted information as to why a second access point was sought, and the Planning Commission must determine whether it has enough information from which to consider the Access Management Guidelines and the deviation therefrom. Ms. Meeuwse wondered whether a ring-drive arrangement could be provided at the site without a second access point. Mr. Harris stated that the applicant had "struggled with this."

The Acting Chairperson questioned the applicant with regard to the boundaries of the outdoor display area, and these were explained. Further, the Acting Chairperson questioned whether the open-space calculation included on the site plan included the display area. Ms. Harvey noted that there were no requirements for a certain amount of open space in the "C" District but that this display area could be considered open space in that it was unpaved. She felt the more crucial question was whether the outdoor display area was in keeping with the special exception use criteria considered by the Planning Commission due to its quantity, location, etc.

Mr. Loy questioned the applicant as to whether some of the topography as indicated on the plan would be changed, and Mr. Harris indicated that it would. There was discussion as to whether the gate would accommodate truck traffic, and Mr. Harris stated that it would not if the truck were over 60'. However, Mr. Harris had indicated he had met with the Fire Chief to make sure that the access and circulation would accommodate Fire Department needs. Mr. Loy stated he was concerned about the ability of trucks to access the east gate and felt that there would be a problem with getting trucks through this gate. He felt that this would lead to unloading of trucks in the driveway area. Mr. Harris acknowledged that unloading may occur in the parking area. Mr. Loy inquired as to why the applicant did not widen the gate so that trucks could more easily access same. Mr. Harris stated that it might be possible to do so.

Mr. Corakis inquired as to a gate on the west side of the property, and the applicant indicated that this was a secondary gate used to get to the leaching basin or the back field if needed.

Ms. Meeuwse has questions regarding the location of the drives across the street and the location of the intersection with Almena. Ms. Harvey noted that, under the Guidelines, drives must be opposite or offset by 150'.

There was acknowledgment that any approval of the proposed application would require the combination of three parcels so that development was on a single parcel. Combination needed to be accomplished by a recorded legal instrument.

Bob Janson stated that he lives not far from this area on Almena. He felt that this property constituted a hazard for traffic as it exists and that traffic backs up onto the site and there are conflicts with turns to and from Almena. He was in favor of creating a second drive for the site.

There was no other public comment offered, and the public hearing was closed.

As to parcel combination, Ms. Harvey noted that the parcels need not be combined in their present configuration but merely needed to include the site improvements. As to access, Ms. Harvey noted that the Planning Commission should consider Section 67.700 and determine whether it was appropriate to deviate to allow for a second drive and to deviate from the driveway spacing requirements.

She also felt it was important that there be a special notation as to approval of the "off-zoning" retention basin. She further stated that the special exception use boundary would be extended to the east boundary of what was noted on the plan as Parcel B. An 85' setback would apply to the building and display areas. As to the proposed drive, it would be logical to assume that this would also be used as a point of access for any development to the rear of the existing Parcel B.

The Planning Commission next considered whether the proposed use would be compatible with other uses expressly permitted within the "C" District. Reference was made to the Statement of Purpose of the "C" District. The Acting Chairperson felt that, in that there was already outdoor display in this area, the question was whether the additional display would render the use incompatible with the "C" District. Inquiry was made as to whether there would be additional lighting at the property, and the applicant indicated that there would not be additional lighting.

Ms. Meeuwse wondered whether allowing this significant increase in display area would set a precedent forcing the Planning Commission to approve similar increases for other uses involving outdoor sales and display. Both Ms. Harvey and the Township Attorney stated that with special exception use the applications were considered on a case-by-case basis, and this would not necessarily create a precedent. However, it was important to review the amount of display proposed to determine its compatibility with the "C" District and with the adjacent area.

Ms. Meeuwse queried as to how boats/merchandise would be delivered to the display area, given the topography and other features. Additionally, she was concerned that the display area was unpaved and, therefore, there may be a spill of contaminants. The applicant stated that there was very little fuel in the boats which were displayed. Mr. Loy was not concerned about this issue.

Ms. Meeuwse inquired as to how the Groundwater Protection Standards should be applied, and Ms. Harvey stated that the Planning Commission's analysis on this point would be "discretionary." The Planning Commission should take information regarding the characteristics of the proposed display and determine whether a threat was posed. The applicant stated, in response to questioning, that primarily new but some used boats could be displayed in this area. The boats would not be repaired or worked on in this display area, however. Mr. Loy felt that, in his opinion, the activities proposed would not pose a threat to groundwater.

There were some comments as to the containment of fluids in the boats. Ms. Harvey noted that it must always be assumed that there could be a leak from the boats but that the Planning Commission might consider that the amount of fluid would be minimal on a long-term basis and, therefore, would not pose a hazard.

Returning to the issue of compatibility, Ms. Meeuwse stated she felt that the use may be incompatible with the surrounding area due to the amount of outdoor display proposed. Mr. Loy disagreed, stating he felt that the vegetation/landscaping which would be established would adequately screen the display area from view. Further, he and Mr. Corakis did not feel that the display would pose a threat to groundwater.

The Acting Chairperson felt that there was a general consensus that the use would be compatible with the "C" District, but he noted that Ms. Meeuwse felt that the proposed use may be incompatible with the general area.

There was discussion of whether the proposed use would be detrimental or injurious to the use or development of adjacent properties or the general neighborhood. It was noted that there was no additional lighting proposed, that screening was proposed, and that there would be an 85' setback for the building and outdoor display area. It was felt that these would weigh in favor of compatibility. Ms. Meeuwse inquired as to the hours of operation, and the applicant responded that they would be open 9:00-6:00 p.m., 9:00-8:00 p.m. on Wednesday and 9:00-4:00 p.m. on Saturday. Ms. Meeuwse inquired as to the trip-generation data, and the applicant indicated that there was none available. No lighting would be added, and the applicant indicated that there would not be a P.A. system in the display area.

There was discussion of how the display area would be accessed, and the applicant indicated that customers would walk to this area. There would be no parking or driving in the display area. Merchandise would be moved to this area from the ring road.

There would be signage indicating "No Parking - Fire Lane."

There was a return to the discussion of landscaping, and it was noted that the area along the east boundary would be planted with 5-6' blue spruce. These trees would reach approximately 60-70' when mature. The trees would be approximately 15' within 8-10 years.

Mr. Corakis wondered whether any trip-generation information could be obtained, and Ms. Harvey stated that such information is available from a traffic consultant.

There was discussion of whether the proposed use would promote public health, safety and welfare. It was noted again that safety/traffic was a concern. The Acting Chairperson agreed that the current arrangement is not safe but that the question was whether the proposed arrangement would alleviate or exacerbate safety at the site.

There would be no public sewer or water available to the site; however, since no building would be added, sewer was not a real concern. However, the lack of municipal water may be a concern due to the added display area. Ms. Harvey felt that this issue could be "flagged" for additional attention by the Fire Department in its review.

There was a return to the discussion of the proposed access arrangement, and Ms. Meeuwse stated she felt that two one-way drives would improve the situation at the site. She felt that two two-way drives would exacerbate safety problems. Ms. Harvey stated that two one-way drives would be considered one drive and, therefore, a deviation from the number of drives allowed under the Ordinance would not be needed. Mr. Loy agreed, stating he felt that two one-way drives would be a good solution for the site. Some Planning Commission members felt that two two-way drives would compound traffic conflicts on the site and on the adjacent street. Further, Mr. Loy and others were concerned about the failure to comply with driveway spacing requirements. Mr. Loy stated he felt that, with the expansion, the owner must expect an increase in traffic to the site, and therefore he was concerned about this new arrangement. Planning Commission members felt uncomfortable with the lack of traffic information and analysis concerning the proposed access. There was discussion with the applicant, and Ms. Harvey noted that the Ordinance requires that the applicant demonstrate, through traffic analysis, a need for a second drive and the impact of the development on the abutting street.

There was discussion of tabling the item and what meetings were available. Although the meeting of March 13, 1997, was available, Mr. Harris stated that he was not available for that meeting. It was finally agreed that the applicant could return to the meeting of March 27, 1997, and will have provided a traffic analysis prior to that date.

Mr. Loy moved to table the item to the meeting of March 27, 1997, so as to allow the applicant to submit additional information regarding traffic analysis, justifying the number of drives proposed, and driveway spacing. Ms. Meeuwse seconded the motion, and the motion carried unanimously.

Leader's Marine Drive & Traffic Report

March 27, 1997

On Occasions when the appropriate traffic data related to a project is minimal, I have asked for, and received as a professional courtesy, advise from local professionals. In this instance, I asked for guidance from Mr. Dave Krueger director of the Kalamazoo Area Transportation Study. I requested help from Mr. Krueger because he is unquestionably the most respected and knowledgeable source on local metropolitan traffic issues. Mr. Krueger provided us with a generation analysis and professional advice concerning the drive proposal for Leader's Marine.

I. Generation Analysis

Data for the generation analysis was obtained from the I.T.E. land use code, section 840 and is based upon automobile sales which appeared to be the closest business correlation we could draw from the manual which has operations similar in nature to marine sales. The I.T.E. Trip Generation Manual is regarded as the standard professional reference for trip generation in the industry. Data provided by this report is based on two separate approaches.

1. Use of an activity that exhibits "similar" generation characteristics, specifically auto sales (I.T.E. 840).
2. Use of secondary information from the existing site and operations.

A. Trip Generation Based on Employees

From the manual the average trips were 24.041 per employee and the range of rates from a low of 10.817 trips per employee to 38.55 trips for a high

Leader's Marine employs around 23 individuals and this results in 553 trips on an average weekday with a reported range of 249 to 867 trips per day.

B. Trip Generation Based on Gross Floor Area

Trip generation rates on an average weekday may be computed based upon gross floor area exclusive of storage. From the manual the average rate is 47.523 trips per 1,000 square feet with a range of rates from 15.452 trips per 1,000 square feet to 79.000 trips per 1,000 square feet. Based on this data the results indicate 589 trips on an average week day with a reported range of 192-980 trips per day.

II. Indirect Data Estimates Provided by Leaders Marine

23 employees	92 trips per day
53 transactions @ 50% rate	212 trips per day
Large truck (60' class) delivery	4 trips per day
Package and mail delivery (8)	16 trips per day
Incidental trips @ 10%	32 trips per day

These estimates result in 356 trips on an average weekday.

In summary, these approaches present a range of 200-1,000 trips per day. Based on data from Leader's Marine, current weekday traffic is probably in the 400 vehicles per day range. This data is offered to provide boundary values for marine sales use and neither is represented to present exacting information.

Clearly the addition of a second driveway cannot be supported based upon Oshtemo Townships criteria of 3,000 trips generated during an average day or 300 trips during a peak hour of traffic.

It is important to note that the request for two driveways was not based upon volume considerations, but rather on public safety considerations. The proposed drive plan will.

1. Provide customers a reasonable, safe, and effective ingress and egress movement.
2. The proposal will increase safety and reduce the interruption of movement along M-43.

A significant number of vehicles entering/exiting Leader's Marine are tandem vehicles (autos pulling boat trailers) operated by drivers without extensive vehicle towing experience. Exit/entering maneuvers require greater awareness and extreme caution when merging into the gaps of a traffic stream. Additionally, more space is required for a vehicle and trailer than that of conventional auto movements. Two driveways would provide for reduced internal conflicts and reduced entry/exit conflicts resulting in improved driver/vehicle safety considerations. We have consulted with both Mr. Krueger of K.A.T.S. and Mr. Robert Coy of M.D.O.T. on these issues and they concur with our suggestions to improve traffic conditions as they relate to Leader's Marine. Please refer to the enclosed letter from M.D.O.T..

In conclusion it is my opinion that the following considerations should be weighted while reviewing the proposed drive plan for Leader's Marine:

1. The east drive presently exists. It is not a curb cut it is a drive with concrete curbs and asphalt paving.
2. The proposed one-way entry and exit, will improve the entry movement reducing operator indecision and facilitate smooth traffic flow through the site.
3. While the exit is not proposed to be across from the drive at Dougherty's Corner, this is an advantage since Dougherty's Corner generates so much in and out traffic. In this instance off-setting drives reduce points of traffic conflicts.
4. Traffic impediments which occur on occasion in the existing fire lanes around Leader's will be eliminated.
5. Access to the north using the east drive, should it ever be proposed, will not reduce effective movement of vehicular traffic from Leader's.
6. As noted in the February 27th minutes of the planning commission a one way entry and exit would be considered one drive.

STATE OF MICHIGAN



JOHN ENGLER, GOVERNOR

DEPARTMENT OF TRANSPORTATION

1501 E. KILGORE ROAD, KALAMAZOO, MICHIGAN 49001-6300

PHONE: (616) 337-3900 FAX NO: (616) 337-3916 TDD/TTY - MICHIGAN RELAY CENTER (800) 649-3777

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LH 7-1 (3/98)

March 24, 1997

Mr. Brent Resh
Leaders Marine
8518 W. Main St.
Kalamazoo, MI. 49009

Re: Drive way spacing at Leaders Marine, Oshtemo Twp.

Dear Mr. Resh:

We have reviewed the situation and the information you have provided us concerning the above mentioned location. We have concluded that the spacing of the two drives meets our current standards for commercial driveway spacing. We have no objections to the use of this drive as it provides access that is out of the influence of Almema Drive, thus helping to minimize traffic conflicts.

Please be aware that our administrative rules contained in Public Act 200 state that we cannot prevent the application of any local ordinances which are more restrictive. Therefore any disagreements between Leaders Marine and Oshtemo township must be resolved separately. If you have any questions please contact me at (616) 337-3926. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Robert Coy".

Robert Coy
District Utilities/Permits Tech.





7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
616-375-4260 FAX 375-7180 TDD 375-7198

To: Planning Commission

Meeting Date: 3-27-97

From: Planning & Zoning Department

Agenda Item: #5 (#97-4)

Applicant: James Herweg

Property In Question: Approximately 15 acres of a 47 acre parcel located on the north side of West KL Avenue, approximately 500 ft east of 9th Street - Section 23.

The Planning Commission expanded the area for consideration to include all that property (80 acres) located on the north side of KL Avenue to a depth of 1310 ft, extending east from 9th Street to the east line of Section 23.

Reference Vicinity Map

Existing Zoning: The subject property is located within the "R-2" Residence District.

Request: Rezone subject 15 acre site from "R-2" to "R-3".

The expanded area has also been noticed for consideration of rezoning from "R-2" to "R-3".

Existing Land Use: The requested 15 acres is currently vacant. The remaining land area under consideration is also vacant, with the exception of a single-family dwelling located on the 18 acre parcel adjacent to the requested site.

Surrounding Zoning/Land Use: Adjacent to the north and west of the subject site is vacant "R-2" zoning. Vacant "R-4" zoning exists to the east of the subject land area and is currently under consideration for rezoning to "R-5".

Opposite the subject area, situated on the south side of KL Avenue, is "I-1" zoning. Land use within the immediate industrial area consists of 4 industrial facilities, 2 residential dwellings, and vacant land area.

Master Land Use Plan: The Oshtemo Township Master Land Use Plan locates the area under consideration within the 9th Street Focus Area.

The recently adopted Focus Area Development Plan identifies implementation of the Plan's objectives through the application of the Open Space Community and Planned Unit Development provisions within the Ordinance.

An amendment to the Plan will be required to support the introduction of transitional zoning ("R-3") within the Focus Area.

Utilities: Public sewer and water facilities service the subject site through extensions along KL Avenue.

Transportation Network: The subject segment of KL Avenue is classified as a minor arterial, designed to provide through traffic movement and access to abutting residential land use. Access control through the minimization of curb cuts is recommended. (Pg 91-92, MLUP)

Environmental Factors: The subject property is not located within a designated wetlands or woodlands area.

History: The 9th Street Focus Area planning process began in August, 1993. Following a public input session, 3 months of committee work, receipt of a committee recommendation, and public hearings, the Planning Commission recommended approval of the Focus Area Development Plan and amendment of the Master Plan for its incorporation. The Township Board supported that recommendation and adopted the 9th Street Focus Area Development Plan in June, 1995.

The Open Space Community and Planned Unit Development provisions, both identified as implementation tools of the 9th Street Focus Area Development Plan, were adopted by the Township Board in 1995.

The goals and objectives set forth in the 9th Street Focus Area Development Plan, as well as the recommended implementation tools, should be reviewed for applicability to the general area of the requested rezoning.

Rezoning Request Analysis:

1. Is the proposed zone change supported by the adopted Township Master Land Use Plan?

The subject property is located within the 9th Street Focus Area. The 9th Street Focus Area Development Plan outlines specific goals and objectives for the future of the 9th Street corridor and the adjacent interior land. The Open Space Community and Planned Unit Development provisions are supported as implementation tools of the Plan; transitional zoning ("R-3") has not been identified as a mechanism capable of achieving the Plan's goals and objectives.

An amendment to the Plan to include the "R-3" District as an implementation mechanism within the Focus Area will require a review and determination that the uses and design standards afforded within the "R-3" District are adequate to achieve the specific goals and objectives of the Plan.

Further, a 'change in conditions' should be identified to warrant any amendment of the goals and objectives adopted during the planning process.

2. Would the change severely impact traffic, public facilities and the natural characteristics of the area?

The 9th Street Focus Area Development Plan sets forth goals and objectives regarding traffic, public facilities, and natural features within the Focus Area. The Open Space Community and Planned Unit Development provisions have been identified in the Plan as mechanisms that respond to those adopted goals and objectives through street network and access standards, public utility standards, open space design provisions, specific implementation provisions, and coordinated review processes.

These same elements, or comparable elements designed to further the identified goals and objectives, are not currently mandated in the design standards set forth in the "R-3" District.

3. Would the rezoning constitute a 'spot zone', granting a special privilege to one landowner not available to others?

In 'spot zoning', the 'spotness' is defined as the 'arbitrary and inappropriate nature of the change'.

Though the rezoning under consideration may be argued as a 'transition' between the industrial land use on the south side of KL Avenue and is therefore not a 'spot',

if the "R-3" District is not supported by the Master Land Use Plan (9th Street Focus Area Development Plan), a rezoning would be considered arbitrary and inappropriate by the Plan's objectives for the area.

4. *Is the change contrary to the established land use pattern?*

The Focus Area planning process occurred as a result of the characteristics and related concern for 'unplanned' growth within the area identified as the 9th Street Focus Area. The process recognized that the Focus Area represented a dynamic area and a direction for the imminent changes was desired. In growth areas, the direction established in the planning process is generally recognized as a better guide for land use decisions than the 'existing land use pattern'. (Note: It is understood that the 'existing land use pattern' is considered and plays an important role **during** the planning process.)

5. *If the change is approved, what will be the probable effect on stimulating similar zoning requests in the vicinity?*

The introduction of "R-3" zoning within the 9th Street Focus Area will have a positive effect on stimulating similar rezoning requests in the area. Approving "R-3" zoning in the area without precise findings of Plan support and clear distinctions from other locales within the Focus Area will support future rezoning requests contrary to the goals and objectives of the Development Plan, as well as impact the success of planned development in the interior of the Focus Area.

6. *Has there been a change in conditions in the area supporting the proposed rezoning?*

Development within the established commercial node (9th Street/West Main) and planned development within the "R-2" portions of the Focus Area have been consistent with the Focus Area Development Plan.

Further, a recent rezoning consideration for "R-3" and "C" within the Focus Area was recommended for denial based, in part, upon a finding that the rezoning was inconsistent with the Focus Area Development Plan and that a 'change in conditions' had not occurred supporting an amendment to the Plan. (Reference 12-19-96 PC Minutes)

7. *Are adequate sites properly zoned, available elsewhere to accommodate the proposed use?*

The "R-3" District is largely considered an 'office zone' with limited multiple family options. Offices are also permitted within the "C" zone and multiple family

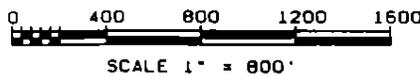
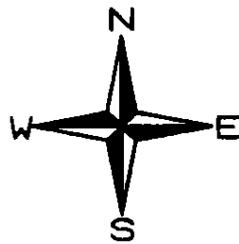
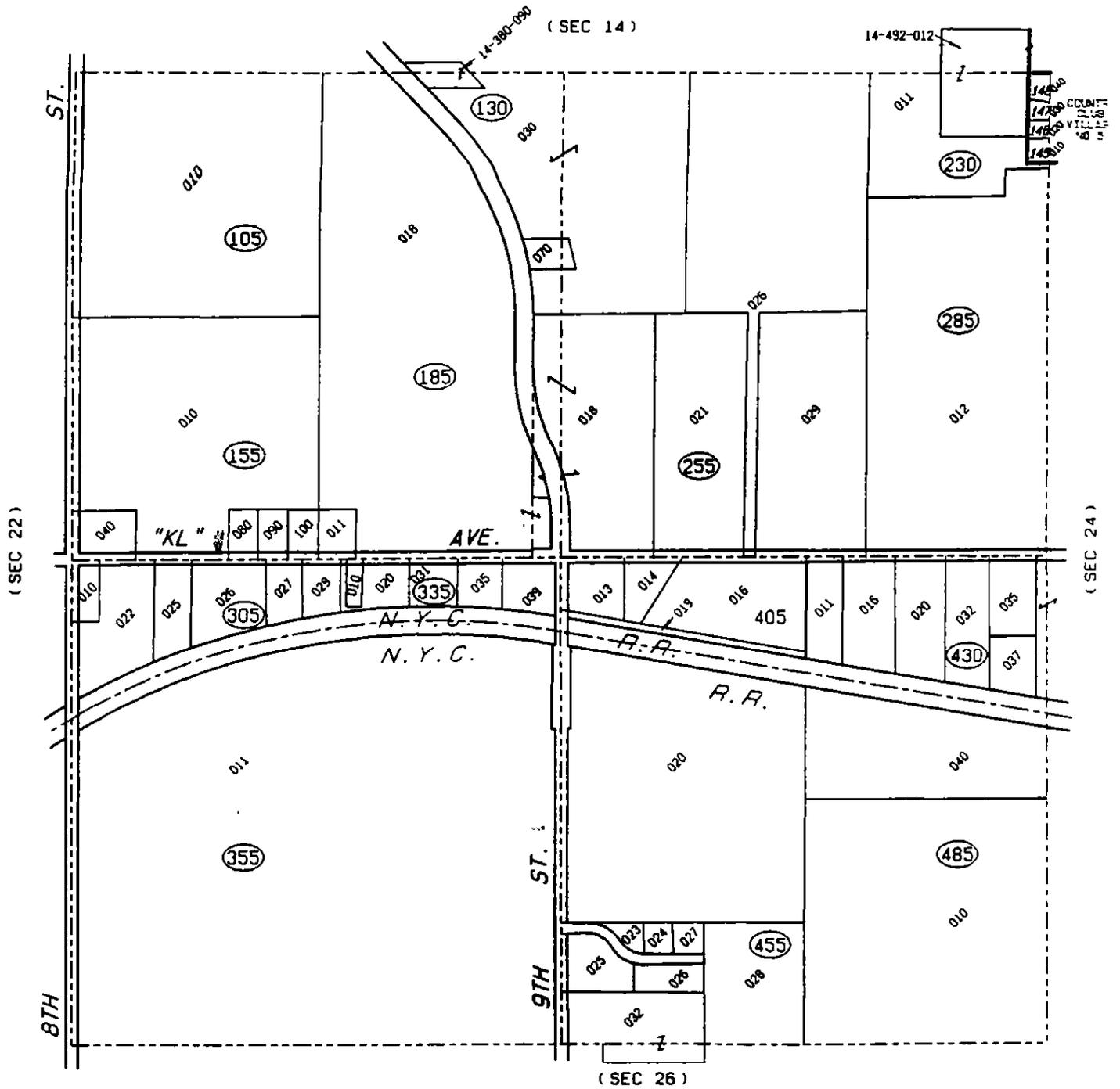
development largely occurs within the "R-4" zone.

Adequate land area is located within the "R-3", "R-4" and "C" Districts in the Township to accommodate the proposed use.

The placement of transitional zoning, however, is also considered in light of an *area's growth objectives and its ability and/or necessity to provide for transitional land use within an area.*

Therefore, the specific goals and objectives contained within the Focus Area Plan should be reviewed to determine the need and appropriateness for providing a 'transition zone' along KL Avenue given the direction established for the larger Focus Area.

SECTION 23



DATE: AUGUST 25, 1993
 REVISED DATE: MARCH 8, 1996
 PRINTED DATE: MARCH 21, 1996

CHARTER TOWNSHIP OF OSHTEMO

KALAMAZOO COUNTY, MICHIGAN

NOTICE OF PUBLIC HEARING

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE CHARTER TOWNSHIP OF OSHTEMO, KALAMAZOO COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Planning Commission of the Charter Township of Oshtemo will conduct a public hearing on Thursday, March 27, 1997, commencing at 7:00 p.m. at the Oshtemo Charter Township Hall, 7275 West Main Street, within the Township, as required under the provisions of the Township Rural Zoning Act and the Zoning Ordinance for the Township.

PLEASE TAKE FURTHER NOTICE that the items to be considered at said public hearing include, in brief, the following:

1. Consideration of the rezoning of approximately 100 acres located in the west ½ of Land Section 24 on the north side of KL Avenue, with approximately 2,200' of frontage thereon. The subject property is adjacent to the north and west of Chateau Manor Mobile Home Park. The Planning Commission will consider rezoning of the subject property from the "R-4" to the "R-2," "R-3" and/or "R-5" Resident District Zoning classification.
2. Consideration of review/amendment of the 9th Street Focus Area Development Plan contained within the Master Land Use Plan with regard to the property described in No. 1 above.
3. Such other and further matters as may properly come before the Planning Commission at the public hearing.

Written documents will be received from any interested persons concerning the foregoing application by the Oshtemo Charter Township Clerk at the Township Hall at any time during regular business hours up to the date of the hearing on March 27, 1997, and may be further received by the Planning Commission at said hearing.

By ordinance and statute, said Planning Commission has the right at or following said public hearing to deny, approve, or approve with conditions the foregoing application.

Anyone interested in reviewing the Zoning Ordinance pertinent to the foregoing may examine a copy of the same at the Oshtemo Charter Township Hall during regular business hours of regular business days hereafter until the time of said hearing and may further examine the same at said hearing.

Oshtemo Charter Township will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/ hearing upon seven (7) days' notice to the Oshtemo Charter Township. Individuals with disabilities requiring auxiliary aids or services should contact the Oshtemo Charter Township by writing or calling the Township.

All interested persons are invited to be present at the aforesaid time and place.

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

By: Wilfred Dennie, Chairperson

Oshtemo Charter Township Hall

7275 West Main Street

Kalamazoo, Michigan 49009

Telephone: (616) 375-4260



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
616-375-4260 FAX 375-7180 TDD 375-7198

To: Planning Commission

Meeting Date: 3-27-97

From: Planning & Zoning Department

Agenda Item: #6 (#97-5)

Applicant: Gerald Adams, Langworthy LeBlanc, Inc.
Representing John Balkema

Property In Question: Approximately 100 acres located on the north side of West KL Avenue, west of US-131 and adjacent to the south and east of Country Club Village #5 - Section 24.

Reference Vicinity Map

Existing Zoning: The subject site is located within the "R-4" Residence District.

Request: Rezone subject 100 acre site from "R-4" to "R-5".

The Planning Commission expanded the districts to be considered to include the "R-2" and/or "R-3" Districts and expanded the area under consideration to include the 1 acre residential parcel surrounded by the subject 100 acres.

Existing Land Use: The subject 100 acres is currently vacant. The 1 acre parcel located in the eastern portion of the 100 acre site (24-330-010) is occupied by a single-family dwelling.

Surrounding Zoning/Land Use: Adjacent to the north (and west) of the subject site is "R-1"/"R-2" zoning occupied by Country Club Village #5, a 40-lot residential subdivision. (Country Club Village #1 - #5 consists of a total of 185 lots) Vacant "R-2" zoning exists to the immediate west of the subject site. (The vacant "R-2" zoning adjacent to the west is under consideration for rezoning to "R-3")

Land area east of the property under consideration is located within the "R-5" District and occupied by Chateau Manor, a 195-lot mobile home park situated on 30 acres. The existing "R-5" zoning is separated from the subject site by a 132 ft wide utility (Consumer Power) easement.

Opposite the subject area, situated on the south side of KL Avenue, is "I-1" zoning. Land use within the immediate industrial area consists of 2 multiple-family dwellings (3-unit, 4-unit), utility and stormwater systems, and vacant land.

Master Land Use Plan: The Oshtemo Township Master Land Use Plan locates the area under consideration within the 9th Street Focus Area.

The recently adopted Focus Area Development Plan identifies implementation of the Plan's objectives through the application of the Open Space Community and Planned Unit Development provisions within the Ordinance.

An amendment to the Plan will be required to support an expansion of the mobile home zoning in the subject area.

Utilities: Public sewer and water facilities service the subject site through extensions along KL Avenue.

Transportation Network: The subject segment of KL Avenue is classified as a minor arterial, designed to provide through traffic movement and access to abutting residential land use. Access control through the minimization of curb cuts is recommended. (Pg 91-92, MLUP)

Environmental Factors: The subject property is not located within a designated wetlands or woodlands area.

History: The 9th Street Focus Area planning process began in August, 1993. Following a public input session, 3 months of committee work, receipt of a committee recommendation, and public hearings, the Planning Commission recommended approval of the Focus Area Development Plan and amendment of the Master Plan for its incorporation. The Township Board supported that recommendation and adopted the 9th Street Focus Area Development Plan in June, 1995.

The Open Space Community and Planned Unit Development provisions, both identified as implementation tools of the 9th Street Focus Area Development Plan, were adopted by the Township Board in 1995.

The goals and objectives set forth in the 9th Street Focus Area Development

Plan, as well as the recommended implementation tools, should be reviewed for applicability to the general area of the requested rezoning.

Rezoning Request Analysis:

1. Is the proposed zone change supported by the adopted Township Master Land Use Plan?

The subject property is located within the 9th Street Focus Area. The 9th Street Focus Area Development Plan outlines specific goals and objectives for the future of the 9th Street corridor and the adjacent interior land extending east to US-131. The Open Space Community and Planned Unit Development provisions are supported as implementation tools of the Plan; mobile home development ("R-5" zoning) has not been identified as a mechanism capable of achieving the Plan's goals and objectives. Consider the following Land Use Goals & Objectives:

Goal 1

: compatible boundary zoning and street system design

- platting densities are ½ of mobile home development densities
- mixed land use (pud) provides lesser densities through controlled multiple family elements
- private street systems with limited design control and reduced building setbacks permitted within mobile home developments

: natural feature protection and open space preservation cannot be required through existing mobile home park development standards

Goal 3

: densities permitted and existing design standards will not require (achieve) natural stormwater systems or woodland preservation

Goal 4

: densities permitted and existing design standards will not require (achieve) open space protection or the establishment of corridor greenbelts

: existing design standards will not provide latitude in building orientation and site design

An amendment to the Plan to include the "R-5" District as an implementation mechanism within the Focus Area will require a review and determination that the uses and design standards afforded within the "R-5" District are adequate to achieve the specific goals and objectives of the Plan.

Further, a 'change in conditions' should be identified to warrant any amendment of the goals and objectives adopted during the planning process.

2. *Would the change severely impact traffic, public facilities and the natural characteristics of the area?*

The 9th Street Focus Area Development Plan sets forth goals and objectives regarding traffic, public facilities, and natural features within the Focus Area. The Open Space Community and Planned Unit Development provisions have been identified in the Plan as mechanisms that respond to those adopted goals and objectives through street network and access standards, public utility standards, open space design provisions, specific implementation provisions, and coordinated review processes.

These same elements, or comparable elements designed to further the identified goals and objectives, are not available through the mobile home development design standards and review process. (Reference "R-5" District and role of State in Mobile Home Park Development)

3. *Would the rezoning constitute a 'spot zone', granting a special privilege to one landowner not available to others?*

In 'spot zoning', the 'spotness' is defined as the 'arbitrary and inappropriate nature of the change'.

Though the rezoning under consideration may be argued as an expansion of existing "R-5" zoning in the area and therefore not a 'spot', the "R-5" District is not supported by the Master Land Use Plan (9th Street Focus Area Development Plan) and would be considered arbitrary or inappropriate in terms of the Plan's objectives for the area.

4. *Is the change contrary to the established land use pattern?*

The Focus Area planning process occurred as a result of the characteristics and related concern for 'unplanned' growth within the area identified as the 9th Street Focus Area. The process recognized that the Focus Area represented a dynamic area and a direction for the imminent changes was desired. In growth areas, the direction established in the planning process is generally recognized as a better

guide for land use decisions than the 'existing land use pattern'. (Note: It is understood that the 'existing land use pattern' is considered and plays an important role **during** the planning process.)

5. If the change is approve, what will be the probable effect on stimulating similar zoning requests in the vicinity?

The introduction of "R-5" zoning within the 9th Street Focus Area will have a positive effect on stimulating similar rezoning requests in the area. Approving "R-5" zoning in the area will support future rezoning requests contrary to the goals and objectives of the Development Plan, as well as impact the success of planned development in the interior of the Focus Area.

6. Has there been a change in conditions in the area supporting the proposed rezoning?

Development within the established commercial node (9th Street/West Main) and planned development within the "R-2" portions of the Focus Area have been consistent with the Focus Area Development Plan.

Further, a recent rezoning consideration within the Focus Area was recommended for denial based, in part, upon a finding that the rezoning was inconsistent with the Focus Area Development Plan and that a 'change in conditions' had not occurred supporting an amendment to the Plan. (Reference 12-19-96 PC Minutes)

Housing and construction trends reflected in the Master Land Use Plan do not support an increase in "R-5" zoning in the Township. Consider the following:

- : In 1980, 7.5% of the Township population occupied mobile home units. (376 units at average occupancy rate of 2.2 persons/unit)
- : In 1990, 8.2% of the Township population occupied mobile home units. (534 units at average occupancy rate of 2.2 persons/unit)
- : Using the year 2000 projected population of 16,705 persons and assuming that 9% of the population will occupy mobile home units, the need for approximately **683 units** is estimated.
- : The Township currently provides **925 mobile home park sites**.
- : Completion of Clayton Estates (309 additional sites), Huntington Run (33 additional sites), and Woodland Estates (116 additional sites) will provide an **additional 458 sites** within the Township.

: In addition to the existing/approved **1383 mobile home sites** identified within the Township, an additional 35 acres is available for mobile home park development which could reasonably be expected to result in the establishment of **200 additional mobile home sites**. (1583 total sites)

7. Are adequate sites properly zoned, available elsewhere to accommodate the proposed use?

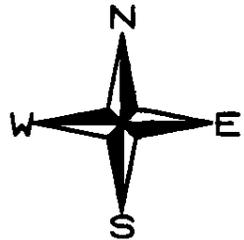
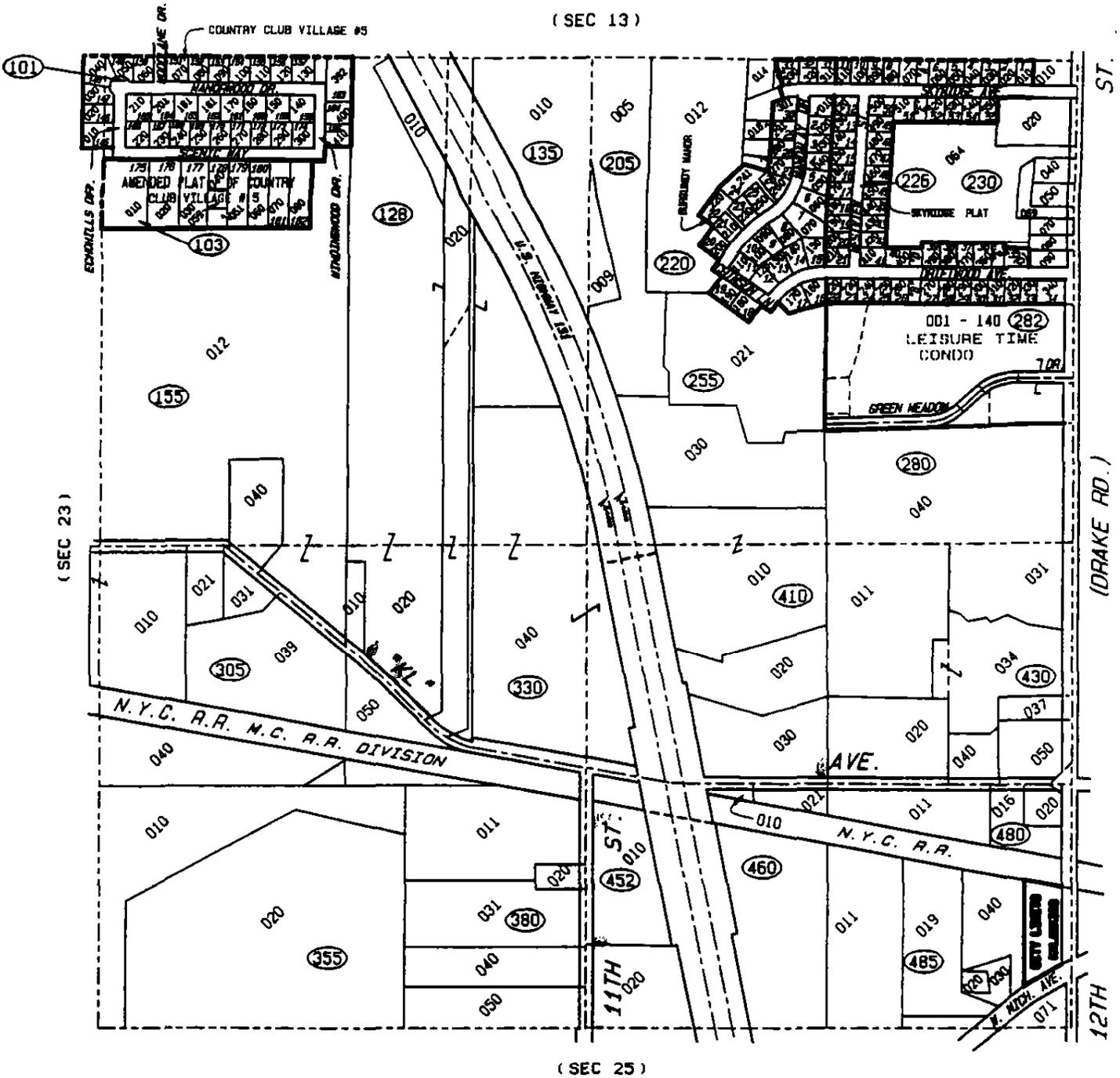
The Township currently has approximately 300 acres located within the "R-5" District, 159 acres of which have been developed. The existing "R-5" zoning is occupied as follows:

Chateau Manor	30 acres	195 lots
Clayton Estates (Phases 1 & 2 Developed)	125 acres (57 acres)	562 lots (253 lots)
Huntington Run (Phases 1 & 2 Developed)	38 acres (27 acres)	198 lots (165 lots)
Stadium Drive West	10 acres	77 lots
Woodland Estates (Existing Development)	55 acres (35 acres)	351 lots (235 lots)
Buell Property	37 acres	Undeveloped

Consider the following:

- : 159 acres (53%) of the "R-5" zoning in the Township has been developed; 141 acres (47%) are still available.
- : The "R-5" zoned acreage in the Township will accommodate approximately 1600 mobile home sites; housing projections suggest a need for approximately 570 mobile home sites by the year 2000 (750 by the year 2020) within the Township.
- : 925 mobile home sites currently exist within the Township.
- : The vacant "R-5" zoned acreage will accommodate an increase of 658 mobile home park sites within the Township.
- : If rezoned, the subject property (100 acres) can reasonably accommodate between 500 - 600 mobile home sites.

SECTION 24



DATE: AUGUST 25, 1993
REVISED DATE: MARCH 8, 1996
PRINTED DATE: MARCH 21, 1996

**REED,
STOVER &
O'CONNOR, P.C.**
Attorneys At Law

January 28, 1997

Robert C. Engels
Gould Fox

Patricia R. Mason
Willy Nordwind, Jr.
Michael D. O'Connor
Cynthia P. Ortega
Michael B. Ortega
James W. Porter
Richard D. Reed
Carolyn W. Schott
Michael A. Shields
Gregg E. Stover

Of Counsel

Richard H. Morris
Edward P. Thompson

**Elaine Schultz
Kalamazoo Gazette
401 S. Burdick
Kalamazoo, MI 49007**

**Re: Charter Township of Oshtemo
Notice of Public Hearing re
Rezoning in Land Section 23 (Herweg request)**

Dear Elaine:

Enclosed is a Notice of Public Hearing. Please publish this as a legal notice in the Gazette on:

February 26, 1997 and
March 20, 1997

Please forward one Affidavit of Publication to our office and one Affidavit of Publication along with your bill to: Elaine J. Branch, Oshtemo Charter Township Hall, 7275 West Main Street, Kalamazoo, MI 49009.

Thank you for your attention to this matter.

Very truly yours,

REED, STOVER & O'CONNOR, P.C.



Patricia R. Mason

PRM/jrd

Encl.

C Oshtemo Charter Township

800 Comerica Building
Kalamazoo, Michigan
49007-4731

Telephone 616-381-3600

Fax 616-381-8550

OSHTEMO CHARTER TOWNSHIP

KALAMAZOO COUNTY, MICHIGAN

AFFIDAVIT OF SERVICE OF NOTICE UPON
UTILITIES AND RAILROAD

STATE OF MICHIGAN)
 : ss
COUNTY OF KALAMAZOO)

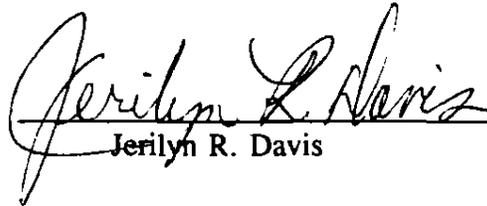
I, JERILYN R. DAVIS, being first duly sworn, depose and say that I served a true and correct copy of the attached Notice of Zoning Public Hearing set for March 27, 1997, (regarding rezoning in Land Section 23 [Herweg]) upon the following named utilities and railroads, as directed by the Clerk of Oshtemo Charter Township, Kalamazoo County, Michigan:

1. Consumers Power Company
 Attention: Right-of-Way Dept.
 2500 East Cork Street
 Kalamazoo, MI 49001

2. Michigan Bell Telephone Company
 District Manager - Planning and Real Estate
 105 E. Bethune, Room 1000
 Detroit, Michigan 48202

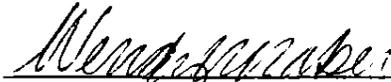
3. Conrail
 75 Mills Street
 Kalamazoo, MI 49001

by placing the same in sealed envelopes, properly addressed to said companies, with postage prepaid thereon, and by mailing the same by first-class mail, from a United States Post Office box in Kalamazoo, Michigan, on January 28, 1997.



Jerilyn R. Davis

Subscribed and sworn to before me this 28th day of January, 1997.



Wendy R. Raber, Notary Public
Kalamazoo County, Michigan
My commission expires: 4/12/99

**REED,
STOVER &
O'CONNOR, P.C.**
Attorneys At Law

January 28, 1997

Robert C. Engels

Gould Fox

Patricia R. Mason

Willy Nordwind, Jr.

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Carolyn W. Schott

Michael A. Shields

Gregg E. Stover

Of Counsel

Richard H. Morris

Edward P. Thompson

**Dan Frizzo
Wilkins & Wheaton
171 Portage
Kalamazoo, MI 49007**

**RE: Oshtemo Charter Township
Zoning Public Hearing March 27, 1997
Rezoning in Land Section 23 (Herweg Request)**

Dear Dan:

Enclosed is a copy of a Notice for Zoning Public Hearing to be held March 27, 1997. Please prepare a zoning map and description for the property on the Notice. A copy of the map is enclosed indicating the parcel to be considered.

Thank you for your assistance in this matter.

Very truly yours,

REED, STOVER & O'CONNOR, P.C.



Patricia R. Mason

PRM/jrd

Encl.

**C Oshtemo Charter Township
Russ Wicklund**

800 Comerica Building
Kalamazoo, Michigan
49007-4731

Telephone 616-381-3600

Fax 616-381-8550

**REED,
STOVER &
O'CONNOR, P.C.**
Attorneys At Law

February 14, 1997

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Gould Fox
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Of Counsel
Richard H. Morris
Edward P. Thompson

**Elaine Schultz
Kalamazoo Gazette
401 S. Burdick
Kalamazoo, MI 49007**

**Re: Charter Township of Oshtemo
Notice of Public Hearing re
Rezoning in Land Section 24 (Balkema request)**

Dear Elaine:

Enclosed is a Notice of Public Hearing. Please publish this as a legal notice in the Gazette on:

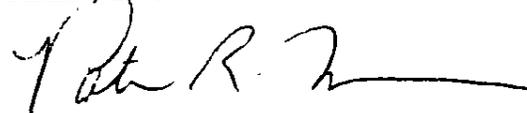
**February 26, 1997 and
March 20, 1997**

Please forward one Affidavit of Publication to our office and one Affidavit of Publication along with your bill to: Elaine J. Branch, Oshtemo Charter Township Hall, 7275 West Main Street, Kalamazoo, MI 49009.

Thank you for your attention to this matter.

Very truly yours,

REED, STOVER & O'CONNOR, P.C.



Patricia R. Mason

PRM/jrd

Encl.

C Oshtemo Charter Township

800 Comerica Building
Kalamazoo, Michigan
49007-4731

Telephone 616-381-3600

Fax 616-381-8550

**REED,
STOVER &
O'CONNOR, P.C.**
Attorneys At Law

February 14, 1997

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Gregg E. Stover

Of Counsel
Richard H. Morris
Edward P. Thompson

**Dan Frizzo
Wilkins & Wheaton
171 Portage
Kalamazoo, MI 49007**

**RE: Oshtemo Charter Township
Zoning Public Hearing March 27, 1997
Rezoning in Land Section 24 (Balkema Request)**

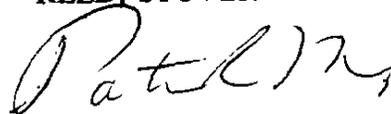
Dear Dan:

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Thank you for your assistance in this matter.

Very truly yours,

REED, STOVER & O'CONNOR, P.C.



Patricia R. Mason

PRM/jrd

Encl.

C Oshtemo Charter Township
Russ Wicklund

OSHTEMO CHARTER TOWNSHIP

KALAMAZOO COUNTY, MICHIGAN

AFFIDAVIT OF SERVICE OF NOTICE UPON
UTILITIES AND RAILROAD

STATE OF MICHIGAN)

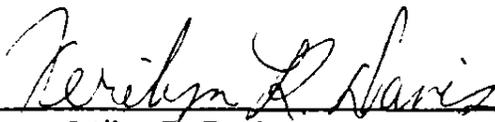
: ss

COUNTY OF KALAMAZOO)

I, JERILYN R. DAVIS, being first duly sworn, depose and say that I served a true and correct copy of the attached Notice of Zoning Public Hearing set for March 27, 1997, (regarding rezoning in Land Section 24 [Balkema]) upon the following named utilities and railroads, as directed by the Clerk of Oshtemo Charter Township, Kalamazoo County, Michigan:

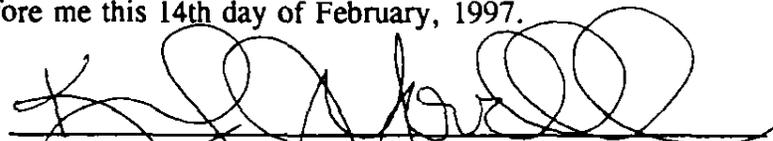
1. Consumers Power Company
Attention: Right-of-Way Dept.
2500 East Cork Street
Kalamazoo, MI 49001
2. Michigan Bell Telephone Company
District Manager - Planning and Real Estate
105 E. Bethune, Room 1000
Detroit, Michigan 48202
3. Conrail
75 Mills Street
Kalamazoo, MI 49001

by placing the same in sealed envelopes, properly addressed to said companies, with postage prepaid thereon, and by mailing the same by first-class mail, from a United States Post Office box in Kalamazoo, Michigan, on February 14, 1997.



Jerilyn R. Davis

Subscribed and sworn to before me this 14th day of February, 1997.



Kimberly J. Youden, Notary Public
Kalamazoo County, Michigan
My commission expires: 03/04/01

CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN

APPLICATION FOR REZONING

Date December 23, 1996

Applicant Name James Herweg (Jim)

Address 25446 CR 653 Gobles, MI 49055 Phone 373-1000 (D); 628-2860 (E)

Section or Plat Section 23

To the Zoning Board:

The above named applicant hereby petitions the Charter Township of Oshtemo Zoning Board to amend the Charter Township of Oshtemo Zoning Ordinance by the rezoning of the following described property as hereinafter set forth and in support of such rezoning submits the following facts:

- I. Legal description of property (Lot and Plat name or meets and bounds description). Attach separate sheets if necessary.

Please see attached

23 254 - 021

- II. Size and general location of property (acreage, dimensions, street, street number if available, nearest landmark).

15.12 Acres at approximately 5200 KL Avenue, part of
a larger parcel of approximately 47 acres.

Dimensions of 15.12 acres: 570' X 1310'

- III. Present improvements on the property (building, other structures, etc.).

None

Fax 373-0271
(over)

IV. Nature of applicant's interest in the property (deed holder, option, land contract purchaser, tenant, other).

Purchaser

V. If applicant's interest is other than deed holder, does the deed holder know of this application and consent thereto?

Yes X No _____

VI. The following private plan or deed restrictions encumber the property. (If none, so state; otherwise list such restrictions or attach a copy of the same).

None

VII. The purpose of the rezoning is to use the property as follows: (Describe operations and construction if any).

Construction of a holistic health care facility for
Kalamazoo Center for the Healing Arts

VIII. It is hereby requested that the foregoing described property be rezoned from R-2 Zone to R-3 Zone.

IX. Enclosed herewith is the application fee of 300⁰⁰ payable to the Charter Township of Oshtemo to help defray a portion of the cost of the consideration of the foregoing application.


Signature of Applicant
Jim Herweg

[Faint, illegible text, possibly a stamp or additional notes]

Jim Herweg

3905-23-255-018	Khaj	
021	Holmes/Meyers/Hamilton	
026	" " "	No 0
029	Stocking	
23-285-012	Pyne	
23-185-018	Buckham	No 0
23-130-030	Buckham	
070	Twp.	
23-230-011	Castleman	
23-335-039	Prayer	
23-405-013	Blackberry	
015	Brule	
016	Twp.	
019	"	
23-430-011	Leet	
016	Kal. Elec.	
020	Leet (Dup.)	
032	Oshemo Hill	
035	J. & B Enterprises	
14-492-012	Talanda	
14-455-010	Rohlf	

3905-14-455-020 Dalzell
14-480-010 Wolf
020 Johnson
030 Nelson
14-476-230 Jackson
240 Halstead
14-480-160 Adams
24-155-012 Balkema
24-103-010 Heron
020 Hite
24-101-010 Bapier
020 Thompson
~~020~~
201 Dietrich
210 Barron
220 Grace
230 Mancini

James Herweg
25446 CR 653
Gobles, MI 49055

23-335-039
DRAAYER KENNETH F & SHERRIE R
6585 WEST KL AVENUE
KALAMAZOO MI 49009

23-255-021
HOLMES IRENE
MEYERS BEVERLY A
HAMILTON PATRICIA A
6922 LOVERS LANE
KALAMAZOO MI 49009

23-430-011
LEET ROBERT W & LAURIE ROSS
6249 WEST KL AVENUE
KALAMAZOO MI 49009

23-255-018
KHAJ ZAFAR V & BARBARA A
2125 OAKLAND DRIVE
KALAMAZOO MI 49008

23-430-016
KALAMAZOO ELECTRIC INC
6249 WEST KL AVENUE
KALAMAZOO MI 49009

23-255-029
STOCKING GORDON & VIRGINIA
3107 AUDUBON
KALAMAZOO MI 49008

23-430-016
OCCUPANT
6185 WEST KL AVENUE
KALAMAZOO, MI 49009

23-255-029
OCCUPANT
6240 WEST KL AVENUE
KALAMAZOO, MI 49009

23-430-020
LEET ROBERT W & LAURIE ROSS
6249 WEST KL AVENUE
KALAMAZOO MI 49009

23-130-030
BUCKHAM GEORGE & THELMA
5661 WEST U AVENUE
SCHOOLCRAFT MI 49087

23-430-020
OCCUPANT
6121 WEST KL AVENUE
KALAMAZOO, MI 49009

23-405-013
SCHMITT RICHARD N & JEAN T
BLACKBERRY SYSTEMS INC
4211 EAST CENTRE STREET
KALAMAZOO MI 49001

23-430-032
OSHTEMO HILL INC
2050 TURNER NW
GRAND RAPIDS MI 49504

23-405-013
OCCUPANT
6477 WEST KL AVENUE
KALAMAZOO, MI 49009

23-430-035
J & B ENTERPRISES
211 FULLER NE
GRAND RAPIDS MI 49503

23-405-015
KUIVENHOVEN PETER & DOROTHY
BRULE J/SCHIPPERS E/BRITTEN L
6415 WEST KL AVENUE
KALAMAZOO MI 49009

23-430-035
OCCUPANT
6101 WEST KL AVENUE
KALAMAZOO, MI 49009-8027

23-285-012
PYNE DONALD M & ELEANOR
PO BOX 454
KALAMAZOO MI 49005

14-492-012
TALANDA DOROTHY
6093 HORIZON HEIGHTS
KALAMAZOO MI 49009

23-230-011
CASTLEMAN STEPHEN H & NANCY M
P O BOX 20045
KALAMAZOO MI 49019

14-455-010
ROHLFS RICHARD/CAMPBELL ALLEN
9825 WEST KL AVENUE
KALAMAZOO MI 49009

23-230-011
OCCUPANT
6201 HORIZON HEIGHTS DRIVE
KALAMAZOO, MI 49009

14-455-020
DALZELL EARL W & YANKEE W
117 WEST CEDAR
KALAMAZOO MI 49007

14-480-010
WOLF DANIEL L & KATHLEEN S
6199 HORIZON HEIGHTS DRIVE
KALAMAZOO MI 49009

24-103-010
HERRON JESSE T & BRENDA
5987 SCENIC WAY DRIVE
KALAMAZOO MI 49009

14-480-020
JOHNSON WILLIAM E & WANDA D
6177 HORIZON HEIGHTS DRIVE
KALAMAZOO MI 49009

24-103-020
HITE JUDSON & ELSIE
5961 SCENIC WAY DRIVE
KALAMAZOO MI 49009

14-480-030
DONES EULA
NELSON LORENZO *Returned*
PO BOX 34
BALDWIN MI 49304

24-101-010
BAXTER JACK L & DANEEN
138 ECHO HILLS DRIVE
KALAMAZOO MI 49009

14-480-030
OCCUPANT
6137 HORIZON HEIGHTS DRIVE
KALAMAZOO MI 49009

24-101-021
THOMPSON DANNY H & SHIRLEY
105 ECHO HILLS DRIVE
KALAMAZOO MI 49009

14-476-230
JACKSON PERRY W & KIM E
83 WEST RIDGE CIRCLE
KALAMAZOO MI 49009

24-101-201
DIETRICH DAVID & DIANE
5961 MANORWOOD DRIVE
KALAMAZOO MI 49009

14-476-240
HALSTEAD DONALD & ANDREA P
37 WEST RIDGE CIRCLE
KALAMAZOO MI 49009

24-101-210
BARRON RICHARD C & NONA L
84 ECHO HILLS DRIVE
KALAMAZOO MI 49009

14-480-160
ADAMS WILLIAM F & KATHERINE
6196 HORIZON HEIGHTS DRIVE
KALAMAZOO MI 49009

24-101-220
GRACE JAMES & MARY
5986 SCENIC WAY DRIVE
KALAMAZOO MI 49009

24-155-012
BALKEHA J & D & R & M L
2314 MILLER ROAD
KALAMAZOO MI 49001

24-101-230
MANCINI RICHARD A & SARAH E
5964 SCENIC WAY DRIVE
KALAMAZOO MI 49009

CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN

APPLICATION FOR REZONING

Date Jan 6, 1997

Applicant Name John Balkema

Address 2314 Miller Road Kalamazoo, Mich 49001 Phone 349-8627

Section or Plat Sect 24, Town 2 South, Range 12 West

To the Zoning Board:

The above named applicant hereby petitions the Charter Township of Oshtemo Zoning Board to amend the Charter Township of Oshtemo Zoning Ordinance by the rezoning of the following described property as hereinafter set forth and in support of such rezoning submits the following facts:

- I. Legal description of property (Lot and Plat name or meets and bounds description). Attach separate sheets if necessary.

SEE ATTACHED

- II. Size and general location of property (acreage, dimensions, street, street number if available, nearest landmark).

SEE ATTACHED

- III. Present improvements on the property (building, other structures, etc.).

SEE ATTACHED

(over)

IV. Nature of applicant's interest in the property (deed holder, option, land contract purchaser, tenant, other).

Deed Holder

V. If applicant's interest is other than deed holder, does the deed holder know of this application and consent thereto?

Yes _____ No _____

VI. The following private plan or deed restrictions encumber the property. (If none, so state; otherwise list such restrictions or attach a copy of the same).

SEE ATTACHED

VII. The purpose of the rezoning is to use the property as follows: (Describe operations and construction if any).

Manufactured Homes

VIII. It is hereby requested that the foregoing described property be rezoned from R-4 Zone to R-5 Zone.

IX. Enclosed herewith is the application fee of \$300.00 payable to the Charter Township of Oshtemo to help defray a portion of the cost of the consideration of the foregoing application.

Bob Keller
Signature of Applicant

CHARTER TOWNSHIP

Balkema

3905-24-155-012	Balkema	
040	"	No 0
330-020	"	No 0
24-330-010	Hest	
040	CP Limited Part.	
050	Consumers	
24-128-010	"	No 0
020	"	No 0
24-305-010	Architectural	
021	Pennings	
031	"	No 0
039	Twp.	
24-103-010	Heron	
020	Hite	
030	Dussias	
040	Williams	
051	Cronen	
059	Williams (Dye)	No 0
060	McTurn	
070	Mohiuddin	
080	Neel	
24-101-140	Pahl	
150	Pfisterer	
280	Russell	

3905-24-101-290 Early
300 Alvi
392 Wyszong
400 Noblett
410 Makela

23-285-012 Pyne

23-230-011 Castleman

24-155-012
BALKEMA J & D & R & M L
2314 MILLER ROAD
KALAMAZOO MI 49001

24-103-070
OCCUPANT
5839 SCENIC WAY DRIVE
KALAMAZOO, MI 49009

24-330-010
GEST GLENN L & MARY
5724 WEST KL AVENUE
KALAMAZOO MI 49009

24-103-080
NEEL JEFFREY S & MYRIAM M
5819 SCENIC WAY DRIVE
KALAMAZOO MI 49009

24-330-040
CP LIMITED PARTNERSHIP
19500 HALL ROAD
CLINTON TOWNSHIP MI 48038

24-101-140
PAHL GERARD & SYLVIA C
5817 MANORWOOD DRIVE
KALAMAZOO MI 49009

24-330-050
CONSUMERS POWER COMPANY
ATT R J TREVILLIAN
2400 WEISS STREET
SAGINAW MI 48602

24-101-150
PFISTERER JOHN R & RUTH C
5841 MANORWOOD DRIVE
KALAMAZOO MI 49009

24-305-010
ARCHITECTURAL BLDG PRODUCTS
P O BOX 19067
KALAMAZOO MI 49019

24-101-280
RUSSELL RICHARD & LYNN
5856 SCENIC WAY DRIVE
KALAMAZOO MI 49009

24-305-021
PENNING'S BRIAN K & SUSAN R
5875 WEST KL AVENUE
KALAMAZOO MI 49009

24-101-290
EARLY MICHAEL & PAMELA
5838 SCENIC WAY DRIVE
KALAMAZOO MI 49009

24-103-010
HERRON JESSE T & BRENDA
5987 SCENIC WAY DRIVE
KALAMAZOO MI 49009

24-101-300
ALVI ESKANDER/REZA SHARMEEN
5814 SCENIC WAY DRIVE
KALAMAZOO MI 49009

24-103-020
HITE JUDSON & ELSIE
5961 SCENIC WAY DRIVE
KALAMAZOO MI 49009

24-101-392
WYSONG STEPHEN
40 WINDINGWOOD DRIVE
KALAMAZOO MI 49009

24-103-030
DUSSIAS PETER J & TOULA
5923 SCENIC WAY DRIVE
KALAMAZOO MI 49009

24-101-400
NOBLETT ROBERT A & RUTH E
96 WINDINGWOOD DRIVE
KALAMAZOO MI 49009

24-103-040
WILLIAMS PATRICIA R
5899 SCENIC WAY DRIVE
KALAMAZOO MI 49009

24-101-410
MAKELA SHERYL A
134 WINDINGWOOD DRIVE
KALAMAZOO MI 49009

24-103-051
CRONEN LYNDON L & CARMENLUZ
5879 SCENIC WAY DRIVE
KALAMAZOO MI 49009

23-285-012
PYNE ELEANOR
PO BOX 454
KALAMAZOO MI 49005

24-103-060
MCGURN ARTHUR & MARIA H
5853 SCENIC WAY DRIVE
KALAMAZOO MI 49009

23-230-011
CASTLEMAN STEPHEN H & NANCY M
P O BOX 20045
KALAMAZOO MI 49019

24-103-070
MOHIUDDIN MOHAMMED & SHAHIDA
7875 SUMMERHILL COURT
KALAMAZOO MI 49009

23-230-011
OCCUPANT
6201 HORIZON HEIGHTS DRIVE
KALAMAZOO, MI 49009

To: Planning Commission
Charter Township of Oshtemo

Re: Consideration of Rezoning Approximately 80 Acres on KL
Avenue from "R-2" to "R-3"

Ladies and Gentlemen:

A rezoning application has been filed for a single, 15 acre parcel (021) on the north side of KL Avenue; it requests a change from "R-2" to "R-3" which would permit the construction of a medical/physical therapy office.

The Planning commission is considering the rezoning from "R-2" to "R-3" for 80 acres along the north side of KL Avenue beginning at the junction with 9th Street and reaching eastward 1/2 mile. This includes the foregoing parcel (021) and 3 other parcels (018, 029, and part of 012) which **have not** requested the rezoning. The property under consideration extends northward 1/4 mile from KL Avenue.

As owners of the included parcel (029), we object to the rezoning of 80 acres from "R-2" to "R-3", primarily because of the northward incursion into the area designated for residential development in the 9th Street Focus Area Development Plan.

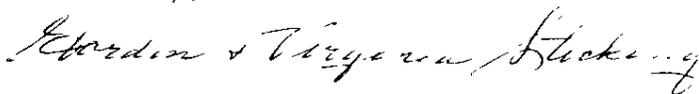
A transitional area along the north side of KL Avenue to permit the construction of medical or business offices may fit the intent of the existing Focus Area Development Plan. However, "R-3" zoning also permits the building of four-family dwellings (apartments), which do not appear to be compatible with the long term development of this property.

We suggest reducing the "R-3" rezoning of the 4 named parcels on KL Avenue from **1300 feet (1/4 mile) north, to 500 feet plus the required front set-back.** This would reduce the total rezoned area from 80 acres to approximately 30 acres, reserving more area for residential development.

We believe this would satisfy the current and future needs for a transitional area along the northside of KL Avenue and more closely comply with the 9th Street Focus Area Development Plan.

We trust that this recommendation will be given your serious consideration.

Sincerely,



Gordon and Virginia Stocking
Owners of parcel 029, in the center of property subject to rezoning