

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

MINUTES OF MEETING HELD JUNE 26, 1997

Agenda

BALKEMA - REZONING OF APPROX. 100 ACRES - NORTH SIDE KL AVENUE

ROCKWOOD LAKE HIGHLAND ESTATES SITE CONDOMINIUM - SITE PLAN REVIEW - RAVINE ROAD

CARMART - SPECIAL EXCEPTION USE/SITE PLAN REVIEW - 6477B STADIUM DRIVE

MEIJER, INC. - SPECIAL EXCEPTION USE/SITE PLAN APPROVAL - OUTDOOR DISPLAY AND SALE OF MERCHANDISE AND OTHER OUTDOOR ACTIVITIES - 6660 WEST MAIN

A meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, June 26, 1997, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall, pursuant to notice.

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

Member Absent: Wilfred Dennie

Also present were Rebecca Harvey and ~~Mike West~~, of the Planning and Zoning Department; Patricia R. Mason, Township Attorney, and sixteen (16) other interested persons.

CALL TO ORDER

The Acting Chairperson called the meeting to order at 7:04 p.m.

AGENDA

Mr. Loy moved to approve the agenda as submitted. Ms. Meeuwse seconded the motion. The motion carried unanimously.

MINUTES

The Planning Commission considered the minutes of the meeting of June 12, 1997.

The corrections suggested by Ms. Harvey were noted. Ms. Meeuwse pointed out a typographical error on page 4 in the second-to-last paragraph. She also suggested a change to page 7 in the second-to-last paragraph to refer to "medical practices." Ms. Meeuwse moved to approve the minutes as amended, and Mr. Corakis seconded the motion. The motion carried unanimously.

BALKEMA - REZONING OF APPROX. 100 ACRES - NORTH SIDE KL AVENUE

The Planning Commission next considered an item which had been tabled from the meeting of April 24, 1997, concerning the rezoning of approximately 100 acres located in the West ½ of Land Section 24 on the north side of KL Avenue from the "R-4" to the "R-2," "R-3," and/or "R-5" Residence District Zoning classification. The Acting Chairperson referenced a letter received, dated June 26, 1997, from a representative of the applicant, requesting withdrawal of the rezoning request.

Mr. Corakis moved to accept the withdrawal of the rezoning request, and Mr. Block seconded the motion. The motion carried unanimously.

ROCKWOOD LAKE HIGHLAND ESTATES SITE CONDOMINIUM - SITE PLAN REVIEW - RAVINE ROAD

The next item was the application of Jim LoBretto for site plan review of a proposed residential site condominium development consisting of approximately 20 acres and proposed to include nine condominium units/building sites. The subject site is located along the west side of Ravine Road and extends west along the southern shoreline of Twin Lakes. It is within the "AG-Rural" District Zoning classification.

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

The applicant was present.

Ms. Harvey explained that the Planning Commission was to conduct a site plan review of this site condominium project pursuant to the criteria of Section 82.2800. She noted that there was a proposed extension of a public road into the project. The road would result in a dead-end street in excess of 660'. In the past, the Planning Commission, in determining whether to deviate from the general guidelines that dead-end streets should be less than 660', has looked at the number of units involved, whether future phases of the project would eliminate the dead end, etc. Ms. Harvey also noted that the proposed cul-de-sac of the project is located "off site." Therefore, an appropriate access easement to implement the proposal would be necessary. She also noted that the ~~access for~~ intersection of Forest River Way with Ravine Road was offset approximately 130' from the existing residential drive located opposite

the site. Although the Access Management Guidelines of the Township were not strictly applicable due to the road classification of Ravine Road, it was typical for the Planning Commission to look at these guidelines to determine acceptability of the offset. The Access Management Guidelines would require a 150' offset. Ms. Harvey felt the Planning Commission should consider the use of the drives in question, site distance and other factors to determine whether the 130' offset was appropriate. She noted that the Kalamazoo County Road Commission would need to review and approve the street arrangement of the project. The Planning Commission should also condition any approval on Health Department review and approval of the project. A letter received from the County Health Department was attached to the report. The applicant had proposed that a portion of the leaching basin for the project extend "off site." This would require cross-drainage easements.

In response to questioning by Ms. Meeuwse, Ms. Harvey stated that the blueprint of the project, rather than a hand drawing, accurately reflected the proposal. Ms. Harvey stated that the property currently is one parcel under common ownership.

The Acting Chairperson called for applicant comment. Mr. LoBretto stated that the cul-de-sac and the leaching basin both extended onto the property of Bill Gates. This extension was with Mr. Gates' permission and at his request. The legally necessary easements would be recorded, and master deed and bylaws of the site condominium project would reference these elements. There was no plan to extend the dead-end road in the future. However, the cul-de-sac would be utilized to access the Gates property. The applicant stated that the project had its preliminary approval from Kalamazoo County Road Commission.

Mr. Block inquired as to whether there would be certain design standards for the houses in the project. Mr. LoBretto responded that ranch homes would be required to be a minimum of 1,800 sq. ft. and two-story homes a minimum of 2,400 sq. ft.

Mr. Loy questioned the applicant with regard to the Health Department letter, and the applicant stated that the project engineer had responded to the letter; the necessary information had been submitted to the County.

In response to questioning by Ms. Meeuwse, Ms. Harvey stated that the Township Engineer would be reviewing the leaching basin to determine its sufficiency. Ms. Harvey noted that the Zoning Ordinance requires drainage on site and noted that the Planning Commission approval could subject approval to receipt of a variance for the off-site portion of the leaching basin from the ZBA.

Ms. Cogswell questioned the applicant with regard to the natural features at the site. The applicant responded that trees would be removed only as necessary for the improvements to the site. Further, topography would remain natural except as necessary for road grading. Ms. Cogswell questioned whether a pedestrian circulation system would be included in the project. The applicant stated that he felt the road proposed would provide adequate pedestrian circulation. Further, there would be an easement allowing pedestrian access for the "back lots" to the lake.

In response to questioning by Mr. Corakis, the applicant stated that the leaching basin would receive water runoff from the road and lots. Water runoff to the lake would not be increased.

In response to questioning by Mr. Block, the applicant responded that street lights would be included in the project.

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

The Acting Chairperson directed the Planning Commission's attention to the criteria of Section 82.800. Planning Commission members agreed that there should be no direct access to Ravine Road for lots #1 and #9. As to the length of the cul-de-sac, it was estimated to be approximately 1,000' long. The cul-de-sac road would be utilized for nine units, with single-family dwellings thereon, and as an access to the Gates property. The Gates property would be provided access through this location rather than through another access point on Ravine Road. Mr. Loy felt it was appropriate to allow the extension of the cul-de-sac to the Gates property rather than shortening the road to meet the 660' length. Planning Commission members agreed.

As to the offset issue, it was noted that all drives were "residential" in nature. Further, the offset was close to that recommended by the Guidelines. Ms. Harvey pointed out that it was important to note that the Kalamazoo County Road Commission ~~had~~ ~~should~~ reviewed the site distance issue and ~~found~~ ~~find~~ that this location provides good sight.

The Planning Commission discussed the buildability of lots #1 and #9 given that they were corner lots and had two front setbacks. Planning Commission members concluded that the lots were of sufficient size in order to meet these setbacks and would be buildable.

As to the leaching basin, the applicant suggested the possibility of acquiring ownership of the entire leaching basin property. The Township Attorney stated that, if the applicant acquired ownership of the entire leaching basin area, a variance would not be needed if that area were included in the proposed site plan. Ms. Harvey felt that a modification of the site plan at a later date would be subject to administrative review and would not need to return to the full Planning Commission.

The Planning Commission discussed the buildability of lots #2, #8 and #9 given the slope or relief of the lots. Discussing lot #2, the applicant stated he believed a home could be built near the lake. Most of the "steepness" in the lot was near the road. The area near the lake was on a plateau. Also, establishing a home further from the lake was possible if the home was a walkout. As to lot #8, the applicant felt that a home could easily be established across the front area of the lot at a setback of approximately 50'. As to lot #9, the applicant felt that a home could be established on the north and west side of the site.

Mr. Corakis and Ms. Cogswell commented that they would like to see sidewalks/ pedestrian travel routes in the development.

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

(1) That there would be no direct access for building sites #1 and #9 onto Ravine Road. Access is to be provided via the public road extension (Forest River Way). Prohibition on direct access to Ravine Road should be included in the master deed and/or bylaws of the condominium project.

(2) That it was recognized the proposed street layout would result in a dead-end street in excess of 660' in length. However, it was found that this was acceptable in that it provided access to the Gates property, which would otherwise require a second access point on Ravine Road. Additionally, the terminus of the public road extension is located west of the west property line of the project site. Appropriate easements to implement the proposal must be written, executed, recorded and on file with the Township and appropriately accommodated in the master deed and/or bylaws of the condominium project.

(3) That it was recognized that the proposed intersection of Forest River Way and Ravine Road is offset approximately 130' from the existing residential drive located opposite the site. It was found that this offset is sufficient given the residential nature of the drive on the opposite side of the road, and given that the proposed drive would be serving only nine units and the Gates property. Further, it ~~was~~ is significant that the Kalamazoo County Road Commission ~~had~~ concluded that this location provides good sight visibility.

(4) That it was required that the proposed street arrangement be subject to Kalamazoo County Road Commission review and approval.

(5) That the proposed building sites comply with the dimensional requirements of Section 66.201.

(6) That it was found that building sites #1 and #9 are buildable given the 40' setbacks from the rights-of-way of Ravine Road and Forest River Way.

(7) That public street lighting must be designed to comply with Section 78.700 and be in character with adopted lighting objectives/standards.

(8) That it was found that sites #2, #8 and #9 are buildable given the relief (slope) of the sites based upon the comments of the developer, which indicated their buildability without variance.

(9) That it was found there would be minimal natural feature impact given that trees and topography would be altered only as necessary to establish the public road. ~~Further, the proposed leaching basin occupied a natural low area and would not require any design work.~~

(10) That the proposed leaching basin extends south of the project's southern boundary. A cross-drainage easement to implement the proposal must be written, executed, recorded and on file with the Township and appropriately dealt with in the master deed and/or bylaws. Further, the location of the off-site portion of the basin was subject to receipt of variance from the Township's Zoning Board of Appeals.

(11) That approval is subject to the review and approval of the Township Engineer.

(12) That the project would be served by public water.

(13) That approval is subject to the review and approval of the Kalamazoo County Health Department.

(14) That the proposed master deed and bylaws must be submitted to the Township for review and approval prior to their execution and recording. The master deed and bylaws must include a provision that any change to the master deed or bylaws comply with the Planning Commission's approval.

The motion was seconded by Mr. Loy.

Mr. Corakis commented that he wanted the Planning Commission to consider the possibility that the Gates property would be divided in making its conclusion with regard to the length of the proposed dead-end road. Mr. Loy stated he recognized the possibility of the division of the Gates property and was satisfied. Again Ms. Cogswell commented on her desire that the project include pedestrian travel routes.

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

CARMART - SPECIAL EXCEPTION USE/SITE PLAN REVIEW - 6477B STADIUM DRIVE

The next item was consideration of the application of Mehdi Purazrang on behalf of CarMart for special exception use permit/site plan review to establish and operate a business which includes office space as well as the outdoor display and sale of motor vehicles. The subject property is located on the southeast corner of Stadium Drive and South 9th Street and is within the "C" Local Business District Zoning classification.

Ms. Harvey stated that she had provided the minutes from the Board's consideration and approval in 1995. The applicant proposed no change to the site plan or the special exception use proposal. The applicant was before the Commission in that its previously received approval had expired. At the time of the approval on December 7, 1995, the main issue was the parking lot layout and compliance with the parking requirements of the Township. Ms. Harvey felt it was appropriate that the Commission continue the previous

conditions requiring submission of a revised plan for the review and approval by Township staff.

Mr. Corakis pointed out that his business is located within 300' but that he had no financial interest in the proposal and felt that he should not be disqualified from discussion or decision on the item.

In response to questions from Mr. Loy, Ms. Harvey stated that the site ~~of the home~~ must comply with the ADA and Michigan Barrier-Free Guidelines. This compliance would be incorporated in the revised plan as to parking. Mr. Loy discussed the problem of parking cars in front of the home.

Paul Vlachos, attorney for the applicant, and the applicant were present. Mr. Vlachos stated that there was no objection to Mr. Corakis' participation. Mr. Vlachos stated that the applicant would comply with the conditions that the Planning Commission previously imposed on the approval. There were no changes to the proposal, and Mr. Vlachos felt that the Planning Commission should approve same.

Ms. Cogswell inquired whether there had been any change to the Village Focus Area Development Plan since the approval. Ms. Harvey stated that the Village Focus Area Development Plan was in its final draft form at the time of the approval of this application previously and in the adoption process. The plan was taken into account in the last approval.

Again there was discussion of the tenant parking in front of the residence, and the Planning Commission members expressed concern that this parking was inconsistent with the objectives of the Village Focus Area Development Plan.

The Acting Chairperson called for public comment. Milford Jones asked where the proposed office space would be located. He was also concerned that the use was not a traditional car lot. It was pointed out that there would be two cars, which would hopefully already be sold by the time they were located on the site. Mr. Purazrang was more of a car broker than a car dealer. Mr. Vlachos stated that the dilapidated garage at the site would be renovated into an office.

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

It was requested that the applicant revise the site plan to detail the existing sidewalks at the site. There was also discussion of the need for the applicant to submit a landscape plan consistent with the objectives of the Village Focus Area Development Plan.

Mr. Corakis moved to approve the special exception use permit with the following reasoning and conditions:

(1) That, given the level of outdoor activity, the use would be compatible with those permitted in the Commercial District. It was noted that the use would not be a "traditional

used-car sales lot"; there would be no "For Sale" signs in the cars to be sold. Additionally, there would be a limited number of cars at the site, one or two, for up to two to three days. These cars would be "committed" to a particular customer and would not be on display to the general public. It was required that a revised site plan detailing existing sidewalks and including a landscape plan consistent with the objectives of the Village Focus Area Development be submitted. It was found that the use would be consistent with the proposed Village Focus Area Development Plan.

(2) That the outdoor activity would not negatively impact adjacent land uses. It was noted that there were a number of uses in the area which involved outdoor activities. Further, the limited nature and location of the outdoor activity on the instant site would lead to no negative impact.

(3) That the proposed use would promote public health, safety and welfare, assuming that the site was approved by the Township Fire Department and Engineer. Additionally, this finding was conditioned upon the approval by Township staff of the revised parking area. Parking of merchandise should not be located within the setback. Reference was made to Section 31.403, and it was noted that this proposal complies with its provisions.

Mr. Loy seconded the motion. There were no comments on the motion, and the motion carried unanimously.

Mr. Corakis moved to approve the site plan with the following conditions, limitations and notations:

(1) That a revised, to-scale site plan, which included the revised parking arrangement, existing sidewalks and landscape plan consistent with the Village Focus Area Development Plan, be provided to the Township. The revised plan should, with regard to parking, comply with Ordinance standards, including number of spaces and location of parking. The revised parking arrangement should designate the location of those spaces to be used for merchandise parking, which spaces should be located outside the setback, as well as barrier-free parking in compliance with ADA and Michigan Barrier-Free Guidelines.

(2) That the revised plan was to indicate the proposed dumpster arrangement.

(3) That the revised plan, with regard to the parking, dumpster and landscaping, was subject to review and approval by the Township staff.

(4) That no additional lighting or signage was proposed or approved.

(5) That the applicant was encouraged to relocate the parking for the existing residence from the front of the residence to the back.

(6) That approval was subject to the review and approval of the Township Fire Department and Township Engineer.

Ms. Meeuwse seconded the motion. There were no comments on the motion, and the motion carried unanimously.

MELJER, INC. - SPECIAL EXCEPTION USE/SITE PLAN APPROVAL - OUTDOOR DISPLAY AND SALE OF MERCHANDISE AND OTHER OUTDOOR ACTIVITIES - 6660 WEST MAIN

The next item was consideration of the application of Meijer, Inc., for special exception use permit/site plan approval to allow for the outdoor display and sale of merchandise and other outdoor activities in front of the existing Meijer store at 6660 West Main Street. The subject site is located within the NW ¼ of Land Section 14 and is within the "C" Local Business District Zoning classification.

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

The applicant was present and provided a tentative schedule of week-long activities proposed for the site. Ms. Harvey noted that the applicant would need to provide information as to the location of the proposed activities. She stated that the property/site had previously been approved for certain outdoor activities, including the garden center and a certain number of sidewalk sales per year.

Ron Dunlap, store manager, and Allison Lance, of the management team, were present. Mr. Dunlap stated that each store in the area had been asked by the company to create an event to draw people to the store. Meijer was sponsoring a week-long summer celebration with outdoor activities. Some activities would take place within the store. There was discussion of the proposed activities, and Mr. Dunlap stated that there would be no signs or balloons; activities would take place from 11:00 a.m. to 8:00 p.m.

On Monday, July 14, the safety awareness activities would largely take place under the canopy of the store. Fire trucks, police cars and other vehicles would be parked in a roped-off area on the northeast portion of the parking lot. On Tuesday, home decorating events would take place in the canopy area. Landscaping events would be conducted in the garden center. There was discussion of the activities to be conducted on Wednesday with crafts and other items taking place in the canopy area. The art sale would not include a truck in the parking lot. Art would be sold inside and under the canopy area. On Thursday, the "Taste of Meijer" activities would take place in the canopy area. The Friday Kids' Carnival would take place under the canopy and in the roped area. There would be no rides. There was discussion of the

"Thornapple Valley" activities, and it was indicated that this would include grilling or preparation of food and food samples. These activities would be within the canopied area. The Saturday activities would also take place under the canopy with the possibility of a backboard in the roped area. The Sunday activities would be predominantly in the roped area.

Mr. Corakis questioned the applicant as to whether approval was sought only for this year. The applicant stated that they hoped to have an annual event and therefore would like approval allowing for an annual event without return to the Planning Commission. There was discussion of the fact that the Planning Commission could approve a week-long event with activities to take place in a certain designated roped area and under the canopy. The scheduled events could be changed from year to year with approval of Township staff.

Ms. Meeuwse wondered whether this activity would encourage other commercial uses to expand their outdoor activities in the area. Mr. Loy stated he felt that this proposed event was a "positive thing" and was not concerned that it would encourage other businesses to conduct similar uses.

There was no public comment on the item, and the public hearing was closed.

The Planning Commission discussed the criteria of Section 60.100. It was noted that the applicant had previously been approved for three sidewalk sales of up to three days in length. The applicant now proposed that one of these three sidewalk sales be converted into a week-long annual event, which would include sidewalk sales but also other outdoor activities. The applicant stated that the sidewalk sale component would begin operation at 8:00 a.m. to 10:00 p.m. Other events would begin at 11:00 a.m. and be conducted to 8:00 p.m.

Mr. Loy moved to approve the special exception use permit as requested with the following conditions, limitations and notations:

(1) It was found that the proposal satisfied the criteria of Section 60.100 in that the expansion of one of the three annual sidewalk sales into a week-long event, which would include other community outdoor activities, would be compatible with other commercial uses; have no negative impact; promote health, safety and welfare; and would encourage use of the land in accord with its character and adaptability.

(2) That the outdoor activity would take place under the canopy and in a roped area on the northeast portion of the parking lot. The applicant was required to submit a drawing showing the proposed location and dimensions of the roped area.

(3) Approval was subject to the review and approval of the Township Fire Department. Further, the approval was subject to the conditions of the previous approval provided to the three annual sidewalk sales as applicable; all attention-getting devices, such as balloons, signs, advertising, lighting and music were prohibited.

Mr. Corakis seconded the motion. There was no public comment on the motion, and The motion carried unanimously.

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

- (1) That no lighting was proposed or approved.
- (2) That no signage was proposed or approved.
- (3) That there would be adequate space on either side in the canopied area to allow for the storage of shopping carts.
- (4) That no fire lane be impeded or obstructed.
- (5) That there be clear access to all emergency doors.
- (6) That approval was subject to the review and approval of the Township Fire Department and Township Engineer.
- (7) That a drawing of the site designating the location of the "roped area" and its dimensions be provided to the Township.

Mr. Loy seconded the motion.

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

OTHER BUSINESS

It was noted that the Township Board had received a report on the progress of the historic building survey.

Mr. Ed Sharp commented that the Country Club Village residents wished to offer assistance to the Township with regard to the proposed 9th Street Overlay Zone as to the boundaries of the proposed overlay zone. Mr. Sharp stated that the residents had prepared a

drawing of suggested boundaries and also had more petitions. Mr. Sharp submitted these items to the Planning Commission.

ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 10:15 p.m.

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

BY: *Lara Meeuwse*
Lara Meeuwse, Secretary

Minutes prepared:
June 27, 1997

Minutes approved:
July 10, 1997

AGENDA: _____

DATE: June 26, 1997

MINUTES: Planning Commission

SENT: _____

ZBA

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

PEOPLE

John Balkema
2314 Miller road
Kalamazoo, MI 49001

Gerald Adams
Langworthy LeBlanc, Inc/
15 Ionia SW, Suite 450
Grand Rapids, MI 49503

PC

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

7-7-96

Mr. James LoBretto
Rockwood Lake Limited Partnership
5699 Ravine Road
Kalamazoo, MI 49009-9001

Mehdi Purazrang
P.O. Box 619
Oshtemo, MI 49077

Mr. Paul T. Vlachos
Vlachos & Vlachos, P.C.
5659 Stadium Drive
Kalamazoo, MI 49009-1932

TB

- ✓ Fred
- ✓ Dave B.
- Marvin
- ✓ Norm

Ron Dunlop
Meijer, Inc.
6660 West Main
Kalamazoo, MI 49009

Home Builders Association
5700 West Michigan
Kalamazoo, MI 49009

OFFICE

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

Oshtemo Business Association
P.O. Box 1
Oshtemo, MI 49077

McGraw-Hill/F. W. Dodge
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Kalamazoo, MI 49001

Total

✓ Mike West



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

NOTICE

OSHTEMO TOWNSHIP PLANNING COMMISSION MEETING

June 26, 1997
7:00 p.m.

AGENDA

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

- June 12, 1997

4. Rezoning - Balkema (#97-5)

: Tabled from April 24, 1997 Planning Commission Meeting

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. 4 above.

5. Site Plan Review - Rockwood Lake Highland Estates Site Condominium (#97-9)

Jim LoBretto requests Site Plan Review of a proposed residential site condominium development consisting of approximately 20 acres and proposed to include nine (9) condominium units (building sites).

Subject property is provided approximately 1200 ft. frontage along the west side of Ravine Road and extends west along the southern shoreline of Twin Lakes. The proposed site is within the "AG"-Rural District. (Out of 3905-01-230-010)

6. Special Exception Use/Site Plan Review - CarMart (#97-10)

Consideration of the application of Mehdi Purazrang on behalf of CarMart for special exception use permit/site plan review to establish and operate a business which includes office space as well as the outdoor display and sale of motor vehicles. The subject property is located at the southeast corner of Stadium Drive and South 9th Street (6477B Stadium Drive) and is within the "C" Local Business District zoning classification.

7. Special Exception Use/Site Plan Review - Meijer (#97-11)

Consideration of the application of Meijer, Inc., for special exception use permit/site plan approval to allow for the outdoor display and sale of merchandise and other outdoor activities in front of the existing Meijer store at 6660 West Main Street. The subject property is located within the NW1/4 of Land Section 14 and is within the "C" Local Business District zoning classification.

8. Other Business

9. Adjourn

**** SCHEDULE OUTLINE**

July 10, 1997 Planning Commission Meeting

- : Rezoning - Corakis (Stadium Drive)
- : Text Amendment - Neighborhood Commercial Public Hearing

AGENDA: Planning Commission
MINUTES: _____

DATE: June 26, 1997
SENT: June 19, 1997

ZBA

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

John Van Stratt
Miller-Davis Company
P.O. Box 2888
Kalamazoo, MI 49003

PEOPLE

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Grand Rapids, MI 49503

PC

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

Cripps Fontaine Excavating
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Kalamazoo, MI 49004

Mr. James LoBretto
Rockwood Lake Limited Partnership
5699 Ravine Road
Kalamazoo, MI 49009-9001
20 Labels

Mehdi Purazrang - Also
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Oshtemo, MI 49077
46 Labels

Mr. Paul T. Vlachos
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- Fred
- Dave B.
- Marvin
- Norm

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

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Dave Person
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Home Builders Association
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Kalamazoo, MI 49009

Oshtemo Business Association
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Oshtemo, MI 49077

Edward M. O'Donoghue, MCR
Ameritech Real Estate
425 West Randolph, 9th Floor
Chicago, IL 60606

Total

M. Ke West



Langworthy LeBlanc, Inc.
Community Planning Consultants

15 Ionia SW, Suite 450
Grand Rapids, Michigan 49503
616-336-7750

*6-26-97
Be Mr.*

FAX TRANSMITTAL

To: Ms. Becky Harvey, Zoning Administrator
Oshtemo Charter Township
From: Jerry Adams, Senior Planner
Langworthy LeBlanc, Inc.
Re: Balkema Rezoning (#95-5)
Date: June 26, 1997

Dear Ms. Harvey:

On behalf of the applicant, we ask that the matter of the Balkema rezoning request (item #95-5) be withdrawn from further consideration.

The Balkema's, and their associate Mr. Robert Keller, continue to assess their options regarding future use of the property pursuant to consistency with the Township Master Plan.

Please give our thanks to the Planning Commission. We hope to revisit at some point in the future with a project that all parties will find both acceptable and desirable.

As always, please do not hesitate to call if there are questions or other informational needs.

Jerry Adams

cc: J. and R. Balkema
R. Keller



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

To: Planning Commission

Meeting Date: 6-26-97

From: Planning & Zoning Department

Agenda Item: #5 (#97- 9)

Applicant: Jim LoBretto
Rockwood Lake Limited Partnership

Property In Question: Approximately 20 acres located on the west side of Ravine Road and extending west along the southern shoreline of Twin Lakes - Section 1.

Reference Vicinity Map

Zoning District: "AG"-Rural District

Request: Site Plan Review - Rockwood Lake Highland Estates Site Condominium
(Building Sites #1 - #9)

Ordinance Section(s): Section 82.200/300 - Site Plan Review
Section 82.800 - Criteria For Review

Planning & Zoning Department Report:

Background Information

- The following Ordinance provisions establish the review process applicable to site condominium projects:

- : Section 82.200 - Establishes Site Plan Review Requirement
- : Section 82.300 - Establishes Planning Commission Site Plan Review Authority

: Section 82.800 - Sets forth Site Plan Review Criteria

- The Planning Commission has conducted site plan review for 11 site condominium development proposals:

5-23-91	Venture Park	Kreico
10-6-94	Seeco	Seelye
10-27-94	Amber	Hamilton
3-23-95	Gordon/Maple Hill	Gordon Foods
8-24-95	624/628	Lavender
5-23-96	Farrell - H Avenue	Farrell
10-17-96	Seeco Expansion	Seelye
10-24-96	Stratford Hills	Wickford Corp.
1-9-97	Klerk "H" Avenue	Klerk
2-13-97	Oak Park #1	Buford
3-13-97	Quail Meadows	United Homes

Department Review

Section 82.800 - Site Plan Review

- a) - The street arrangement has been proposed as a public road.

- The following design elements should be noted:

- 1 - Direct access for the proposed Building Sites #1 and #9 onto Ravine Road shall be prohibited. Access shall be provided by the proposed public road extension (Forest River Way).
- 2 -The proposed street layout will result in a dead-end street in excess of 660 ft in length. Future phases capable of bringing the street arrangement into compliance with design guidelines is not proposed.
- 3 -The terminus (cul-de-sac) of the proposed public road extension is located off the subject 20 acres, west of the west property line of the project site. Appropriate access easements to implement the proposal shall be written, executed, recorded, and on file with the Township.
- 4 -The proposed intersection of Forest River Way with Ravine Road is offset approximately 130 ft from an existing residential drive located opposite the site; alignment or a 150 ft offset is recommended.

5 -The proposed street arrangement shall be subject to Kalamazoo County Road Commission review/approval.

b) - The proposed building sites comply with the dimensional requirements set forth in Section 66.201.

- Building sites #1 and #9 will be subject to a 40 ft setback from the rights-of-way of Ravine Road and Forest River Way. The sizes of Building Sites #1 and #9 should be confirmed for buildability in compliance with setback standards.

- Public street lighting should be designed to comply with the intent of Section 78.700, Zoning Ordinance, and be in character with adopted lighting objectives/standards.

c)&

d) - Relief (slope) on Building Sites #2, #8, and #9 should be reviewed for buildability, natural feature impact, and standards for on-site septic systems.

g) - The proposed 'Leaching Basin' extends south of the project's southern boundary. A cross-drainage easement to implement the proposal shall be written, executed, recorded, and on file with the Township.

- Approval shall be subject to Township Engineer review/approval.

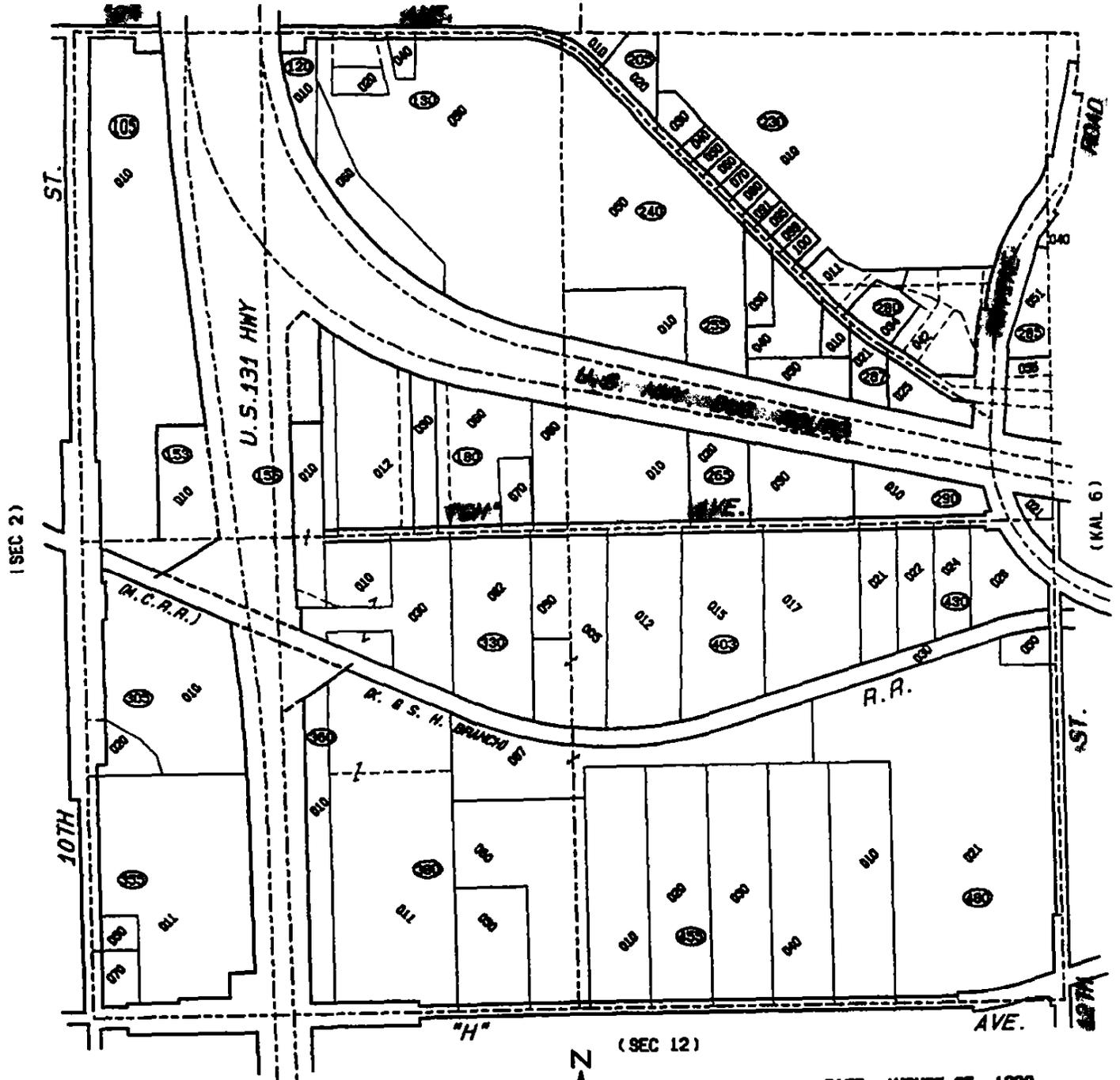
h) - The project will be served by public water supply. Public sewer is not available to the subject site; private systems are proposed.

Approval shall be subject to Kalamazoo County Health Department review/approval. (Reference 6-11-97 Health Department Review)

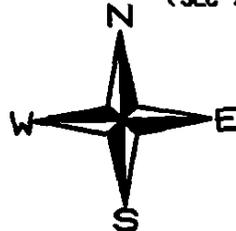
- A proposed Master Deed and By-Laws shall be submitted for Township review/approval prior to execution and recording.

SECTION 1

(ALAMO 36)



DATE: AUGUST 25, 1993
REVISED DATE: MARCH 1, 1996
PRINTED DATE: MARCH 21, 1996



6-26-97
AC Mtg -



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9333
616-375-4260 FAX 375-7180 TDD 375-7190

SITE PLAN REVIEW APPLICATION

Date: _____ Present Zoning: Agriz Rural Fee: 150.00 ~~500.00~~

Land Owner: Including the names & addresses of any officers of a corporation or partners of a partnership). Documentation is required.

ROCKWOOD LAKE LIMITED PARTNERSHIP
5699 RAVINE ROAD
KALAMAZOO, MI 49009-9001

Person Making Request: JIM LOBRETTO

Address: SAME Phone: 344-6720

Interest in Property: LAND CONTRACT

Size of Property Involved: 20.2 Ac

Legal Description of Property Involved: _____
See attached

General Description of the Proposed Development: Site Condominium
Consisting of 9 parcels and public road.

List Supporting Documents attached to the application, if any: LAND CONTRACT

M

**CHARTER TOWNSHIP
OF OSHTEMO**
7275 W. MAIN STREET
KALAMAZOO, MI 49009
616-375-4260

That approval of this site plan constitutes Township of Oshtemo, that all improvements be made in strict compliance with the approved conditions imposed, and shall be regulated under Site Plan Review.

5/09/97 JF
052995 SITE PLAN APP/LOBRET 150.00
TOTAL PAID 150.00

THANK YOU

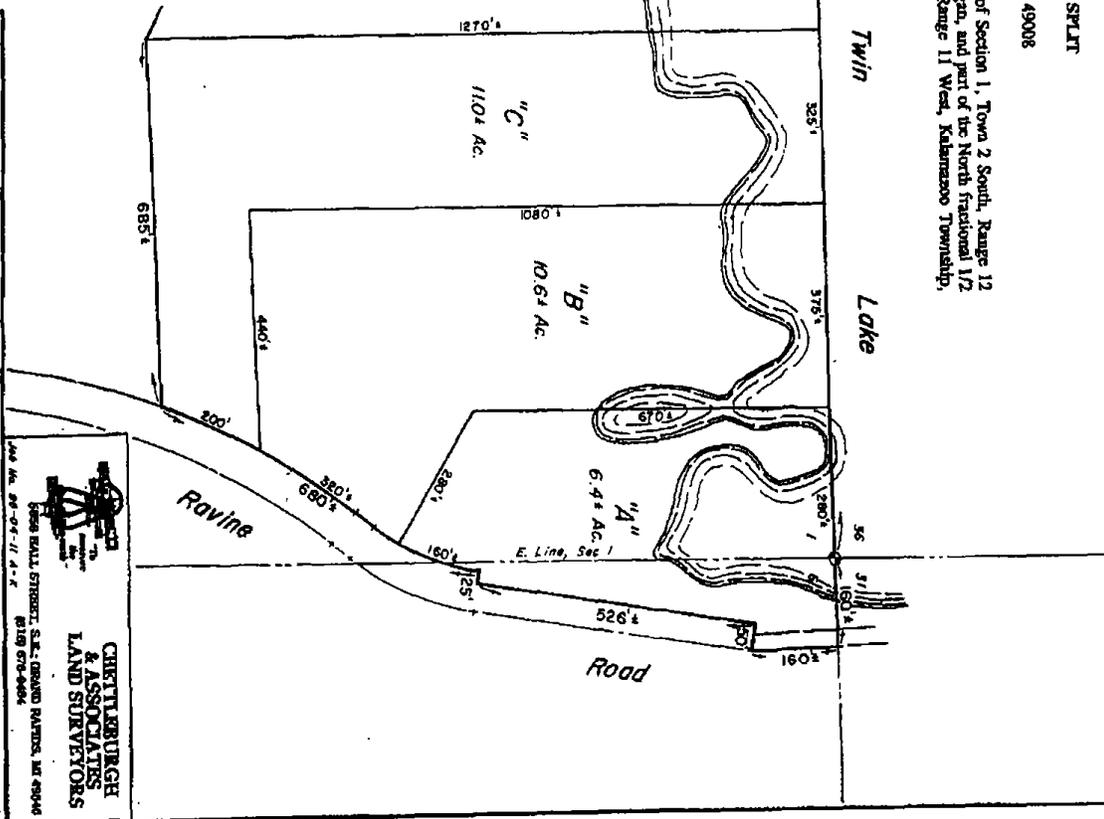
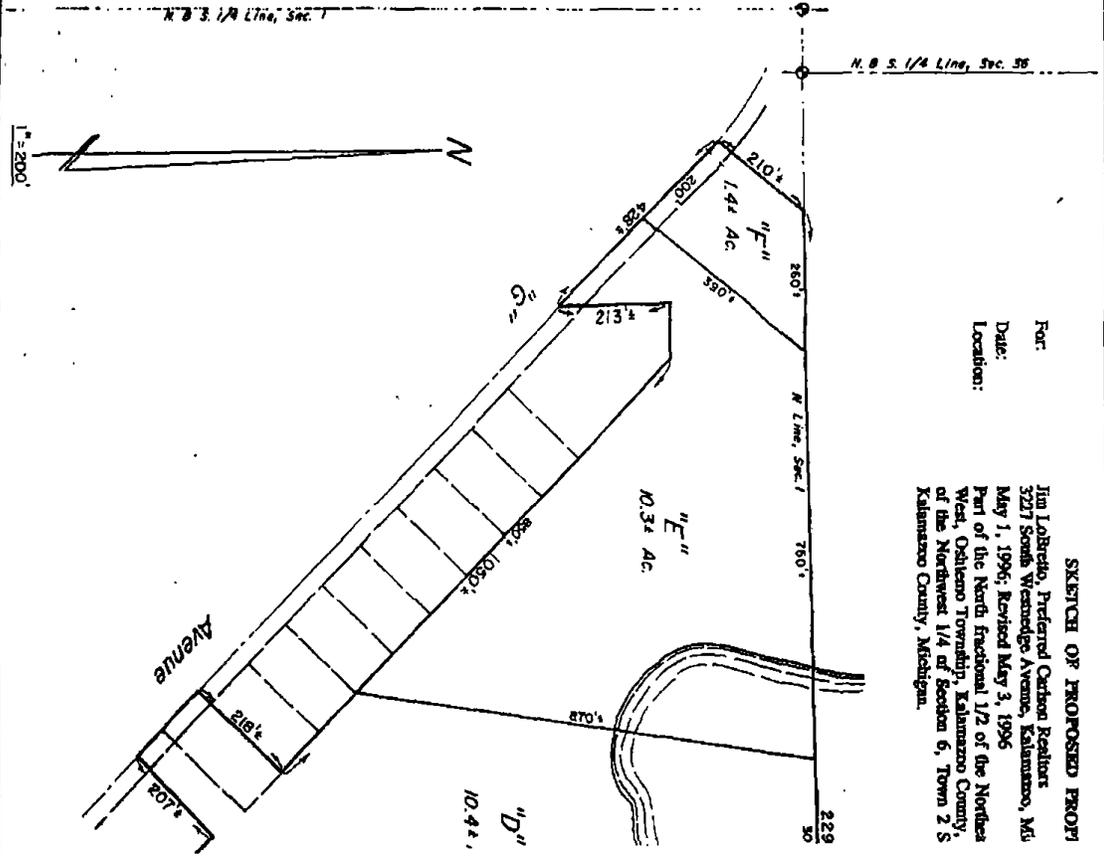
[Signature]
Owner/Agent

SKETCH OF PROPOSED PROPP

For: Jim LaBrette, Preferred Carbon Redburn
3227 South Westledge Avenue, Kalamazoo, MI
Date: May 1, 1996; Revised May 3, 1996
Location: Part of the North fractional 1/2 of the North
West, Oshkosh Township, Kalamazoo County,
of the Northwest 1/4 of Section 6, Town 2 S
Kalamazoo County, Michigan.

STILT

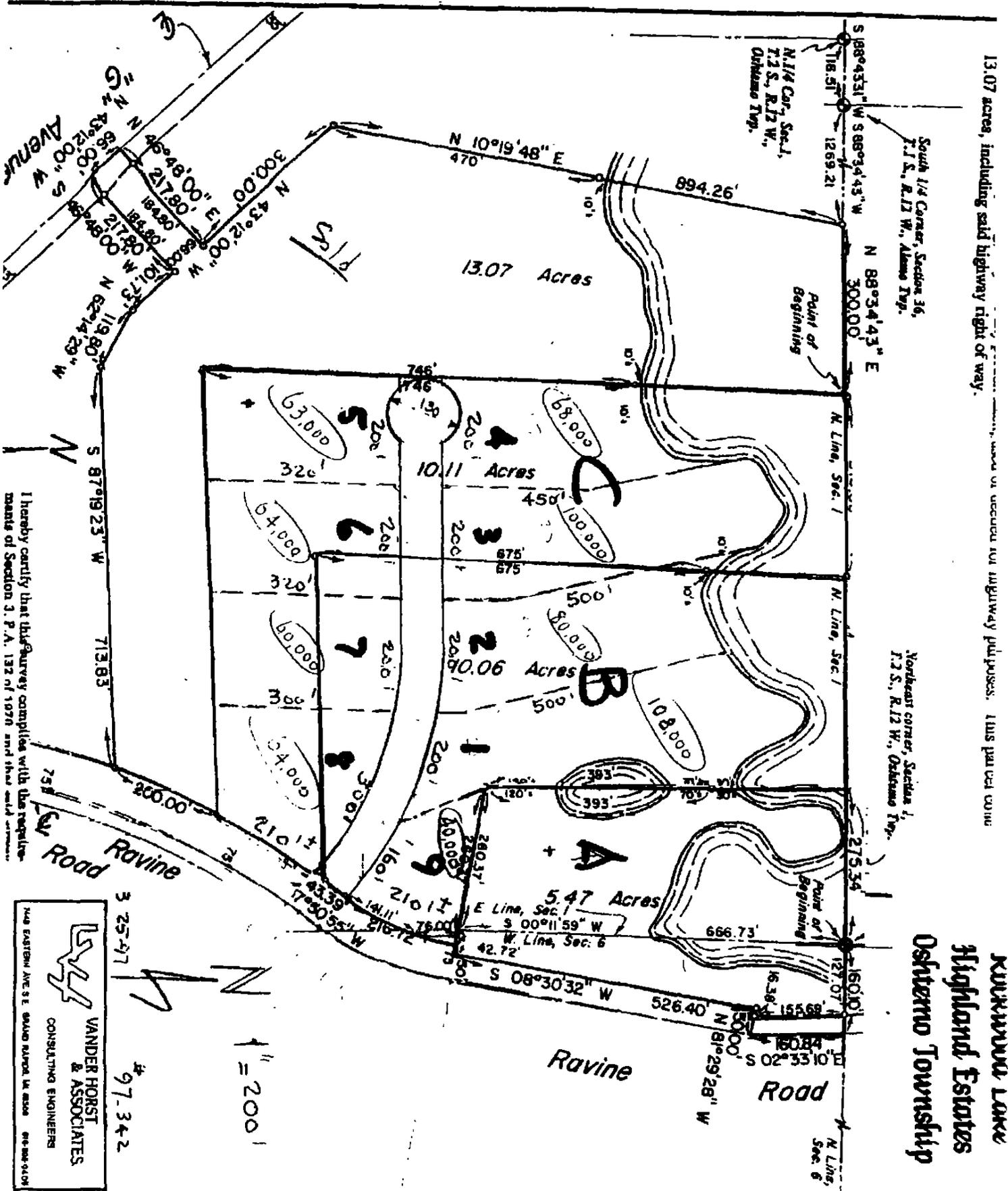
49008
of Section 1, Town 2 South, Range 12
E. and part of the North fractional 1/2
Range 11 West, Kalamazoo Township.



CHETTERBURGH & ASSOCIATES
LAND SURVEYORS

5055 BALL STREET, S.E., GRAND RAPIDS, MI 49506
616 676-9484

13.07 acres, including said highway right of way.



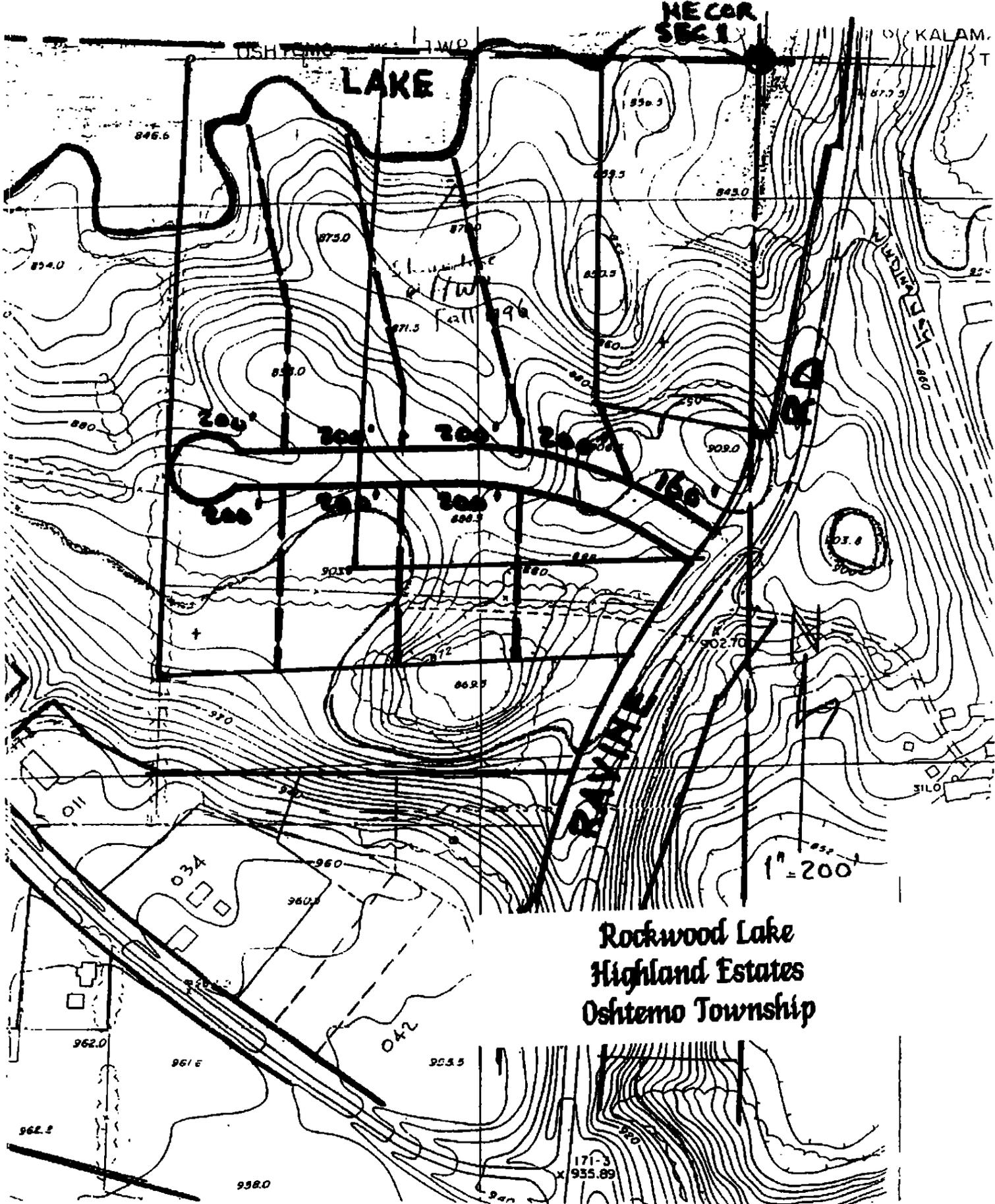
KURRUVU LAKE
 Highland Estates
 Oshtemo Township

I hereby certify that this survey complies with the requirements of Section 3, P.A. 132 of 1976 and that the same is correct.

VANDER HORST & ASSOCIATES
 CONSULTING ENGINEERS

325-477
 #97-342

1400 EASTERN AVE. STE. 3000
 MADISON, WISCONSIN 53706
 608-262-9400



**Rockwood Lake
Highland Estates
Oshtemo Township**

Cul - De - Sac TURNAROUND

MINIMUM DESIGN REQUIREMENTS

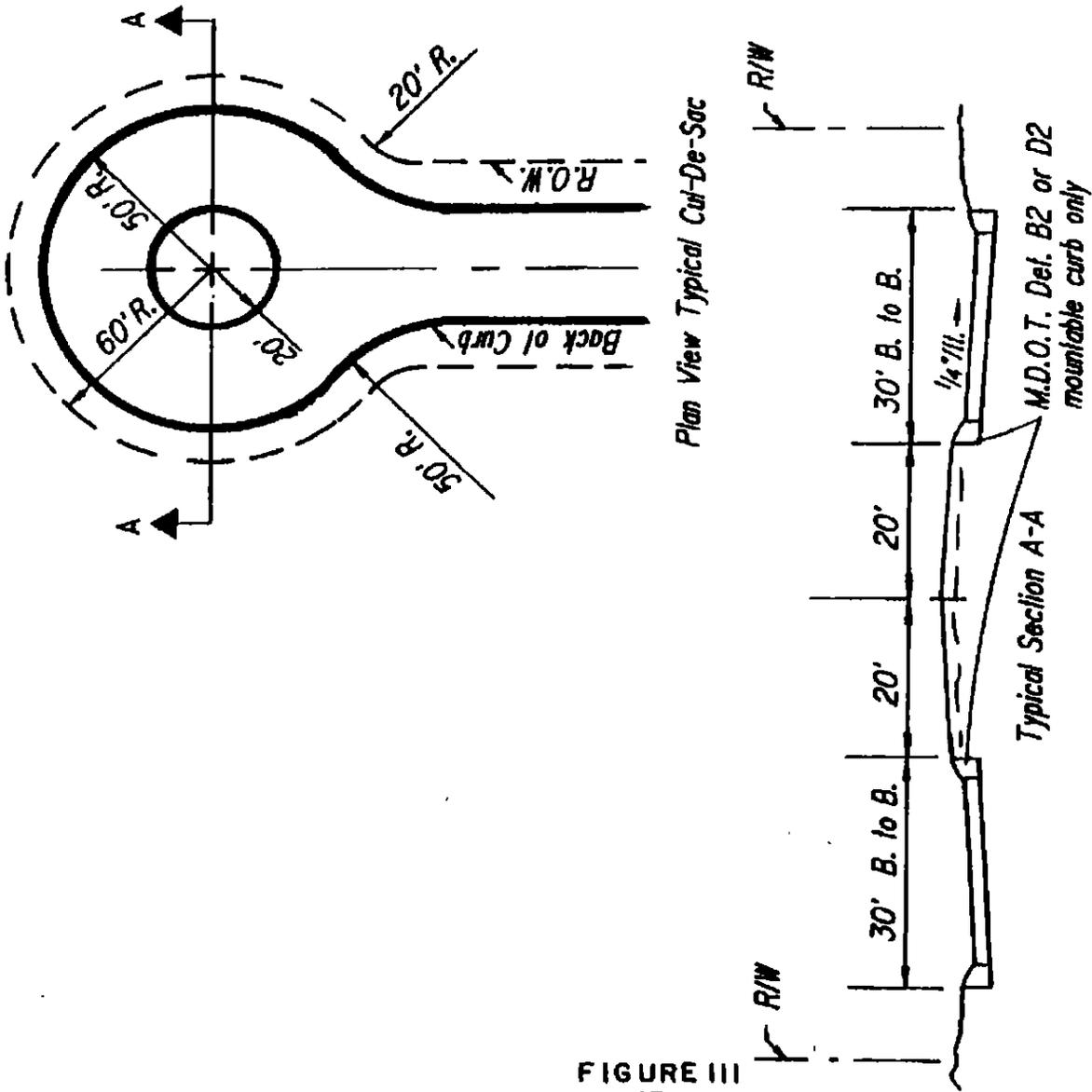


FIGURE III
15



HUMAN SERVICES DEPARTMENT

Nazareth Complex
3299 Gull Road
P.O. Box 42
Nazareth, MI 49074-0042
(616) 373-5200

Dr. A. Roger VanderSchie, Director

June 11, 1997

Vander Horst and Associates Consulting Engineers
7448 Eastern Avenue, S.E.
Grand Rapids, Michigan 49508
Attention: Leo Vander Horst

Re: Rockwood Lake Highland Estates Site Condo
Oshtemo Township, Kalamazoo County

Dear Mr. Vander Horst:

In accordance with Section 71A of act 113, P.A. 1983 as amended, the Rockwood Lake Estates Site Condo subdivision has been reviewed by this office. The results of our review indicate that we must withhold any action on this site condominium for the following reason:

1. It is necessary to identify the sewage disposal system locations with a minimum of 5000 to 6000 square feet on the road side of all the proposed lots.

Therefore, this office will withhold any further action on this plat until the above mentioned information has been submitted for review to this office.

Sincerely,

Deborah Werner, R.S.
Supervisor, Environmental Health & Laboratory Services Bureau

cc: Oshtemo Township
Ben McGeachy, M.D. E.Q.

RECEIVED JUN 19 1997

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, June 26, 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 application of Mehdi Purazrang on behalf of CarMart for special exception use permit/site plan review to establish and operate a business which includes office space as well as the outdoor display and sale of motor vehicles. The subject property is located at the southeast corner of Stadium Drive and South 9th Street (6477B Stadium Drive) and is within the "C" Local Business District zoning classification.
2. 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 June 26, 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



CHARTER TOWNSHIP
OF OSHTEMO
7275 W. MAIN STREET
KALAMAZOO, MI 49009
616-375-4260

6/13/97 NC

053448 SITE PLAN/PURAZRANG 500.00
TOTAL PAID 500.00

7275 W. MAIN STREET, KALAMAZOO, MI 49009-9337
616-375-4260 FAX 375-7180 TDD 375-7191

SITE PLAN REVIEW APPLICATION

Date: 6/13/97 Present Zoning: Commercial Fee: \$500.00

Land Owner: Including the names & addresses of any officers of a corporation or partners of a partnership). Documentation is required.

Mehdi Purazrang

7132 West ML Avenue

Kalamazoo, Michigan 49009

Person Making Request: Mehdi Purazrang

Address: 7132 West ML Avenue Phone: 375-1775

Interest in Property: 6477 B Stadium Drive, Kalamazoo, MI 49009

Size of Property Involved: 52989 square feet

Legal Description of Property Involved: attached

General Description of the Proposed Development: office for Carmart - relocating from 222 N. Grand, Schoolcraft, MI

List Supporting Documents attached to the application, if any: _____

We rely on all documents submitted in support of previously granted site plan.

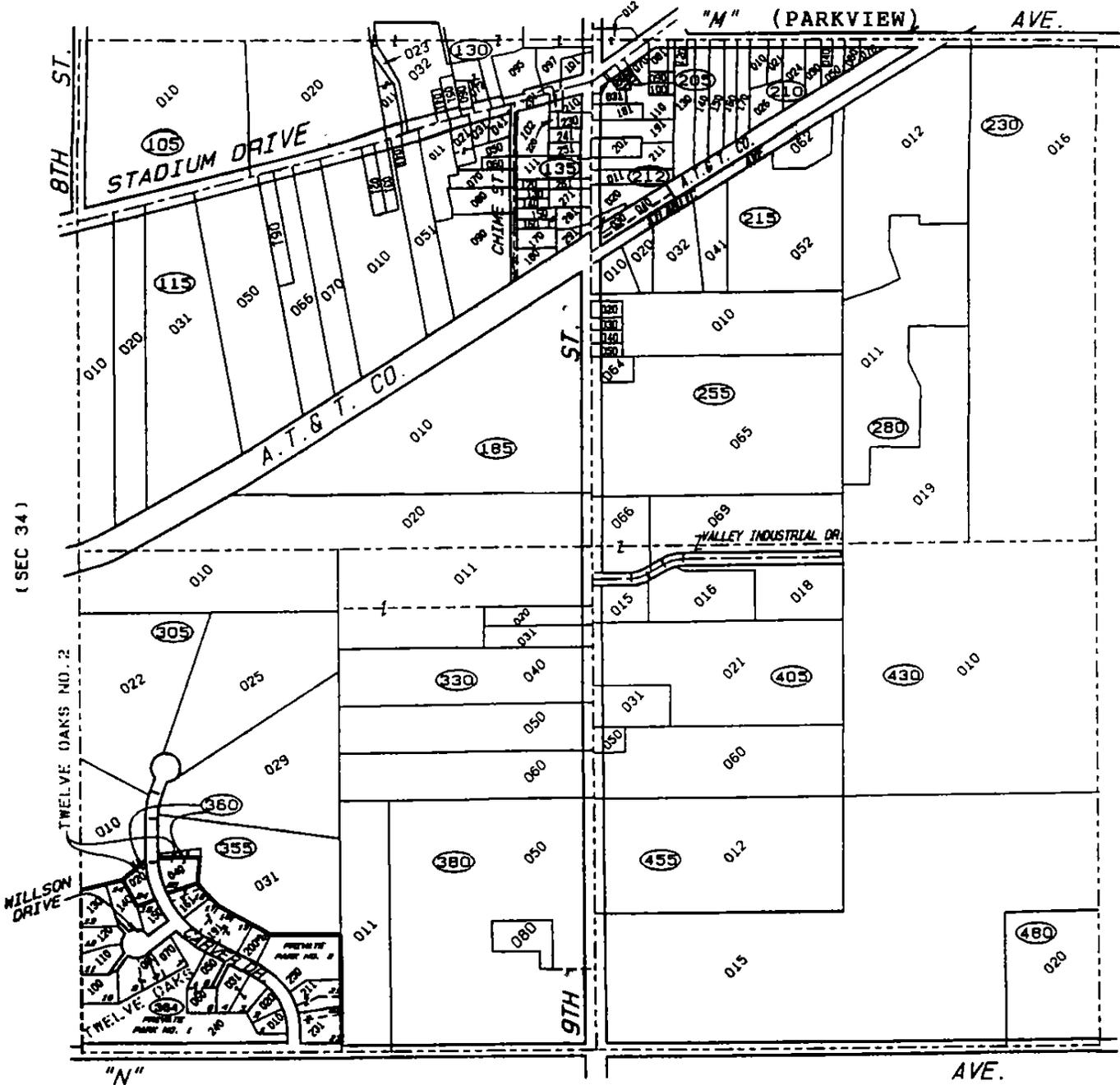
I, the undersigned, acknowledge that approval of this site plan constitutes an agreement with the Charter Township of Oshtemo, that all improvements and obligations must be developed in strict compliance with the approved site plan and any amendments or conditions imposed, and shall be completed within the time specified under Site Plan Review.

Mehdi Purazrang
Owner/Agent

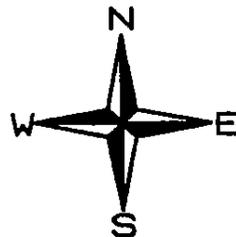
Mehdi Purazrang

SECTION 35

(SEC 26)



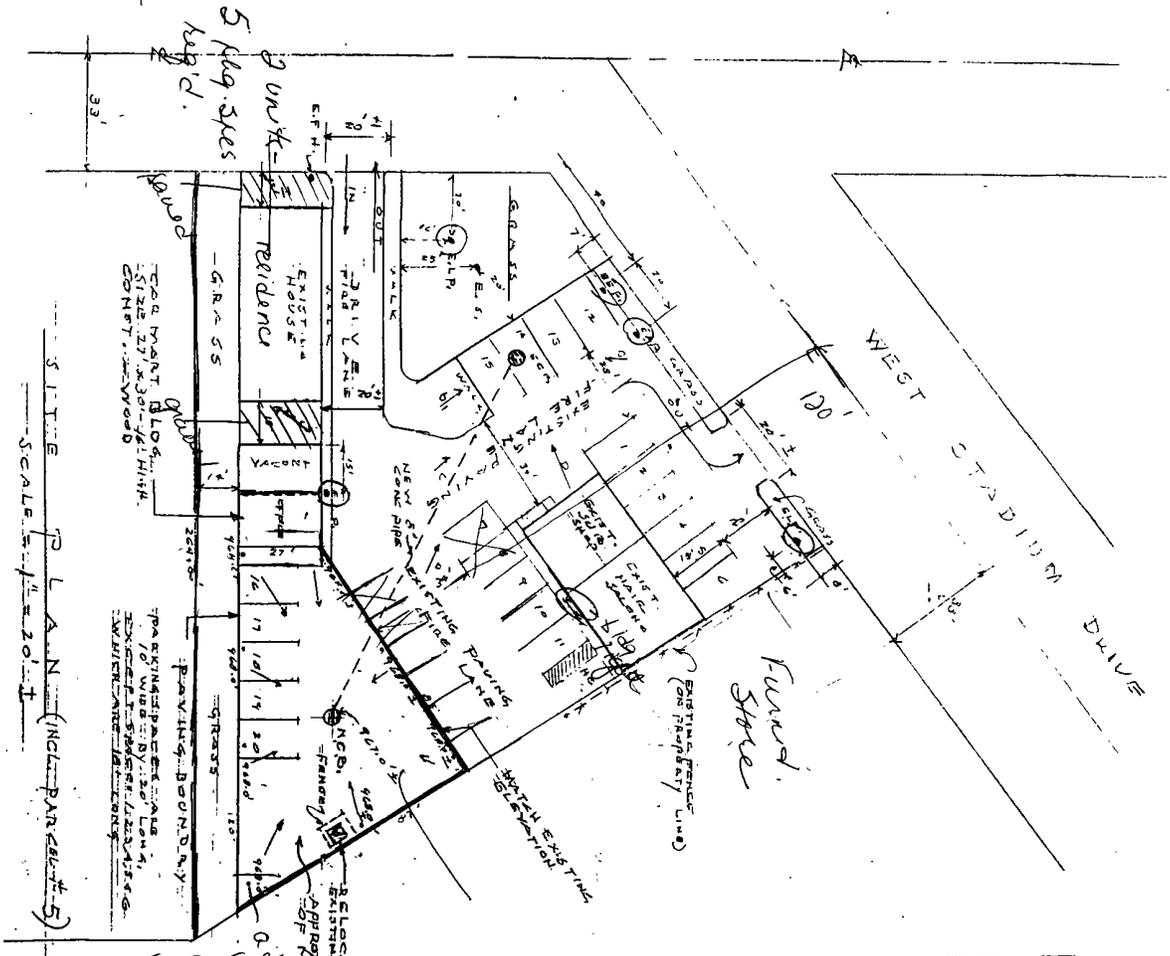
(TEXAS 2)



DATE: AUGUST 25, 1993
 REVISED DATE: FEBRUARY 29, 1996
 PRINTED DATE: MARCH 22, 1996



SCALE 1" = 800'



SITE PLAN (INCLUDE 5)
SCALE 1" = 20' - 1

RESIDENCE
EXISTING HOUSE
GARAGE

PAVING BOUNDARY
PAVING BOUNDARY
PAVING BOUNDARY



- E.L.P. = EXISTING LIGHT POLE
- E.E.P. = EXISTING ELEVATED PELL
- E.B.H. = EXISTING FIRE HYDRANT
- D.B. = EXISTING DRIVE DRIVE
- E.S. = EXISTING SIGN
- E.C.D. = EXISTING STORM CATCH-BASIN
- E.N.C. = EXISTING NEW STORM CATCH-BASIN

Handwritten signature



REVISIONS	DATE	BY	DESCRIPTION
1	07-24-95	WFS	REVISED
2	07-24-95	WFS	REVISED
3	07-24-95	WFS	REVISED
4	07-24-95	WFS	REVISED
5	07-24-95	WFS	REVISED

REVISIONS
REVISED 07-24-95 WFS
REVISED 07-24-95 WFS
REVISED 07-24-95 WFS
REVISED 07-24-95 WFS
REVISED 07-24-95 WFS



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

ZB Meeting Date: 12-7-95

Agenda Item: #5 (#95-22)

Applicant: Mehdi Purazrang
Carmart

Property in Question: Southeast corner of Stadium Drive
and South 9th Street (3311 S. 9th
Street & 6475-6477 Stadium Drive)

Reference Vicinity Map

Zoning District: "C" Local Business District

Request: Special Exception Use/Site Plan Review -
Office Space/Outdoor Display & Sales of Vehicles

Ordinance Section(s): Section 30.409 - Outdoor Sales
Section 60.000 - Special Exception
Use
Section 82.800 - Site Plan Review

Planning/Zoning Department Report:

Background Information

- On 10-17-94, the Zoning Board of Appeals considered the subject request. The request was referred to the Zoning Board upon conclusion that the proposed use involved the outdoor parking of inventory and was therefore a special exception use within the "C" District.

Reference 10-17-94 ZBA Minutes

- On 11-17-94, the Zoning Board considered the subject request. The request was tabled to the 1-21-95 Zoning Board meeting 'to allow the applicant sufficient time to revise the site plan'.

Reference 11-17-94 ZB Minutes

- On 1-21-95, the Zoning Board tabled the item to the 2-23-95 Zoning Board meeting to allow the applicant additional time to submit a revised plan.

Reference 1-21-95 ZB Minutes

- On 2-23-95, the Zoning Board denied the application 'on the basis of insufficient information', noting that the applicant had not been in contact with the Township and had not submitted a revised site plan.

Reference 2-23-95 ZB Minutes

- Applicant has reapplied and requests approval for development of the subject site as proposed previously in the 10-17-94 application.

Reference 10-17-94 ZBA Minutes and 10-1-95 Application Letter

- Section 30.409 establishes the outdoor display and sales of merchandise as a Special Exception Use in the "C" District.

A Special Exception Use Permit and Site Plan Approval are required.

The proposal will be subject to compliance with the criteria set forth in Section 60.100, the limitations set forth in Section 31.403, and the Site Plan Review Criteria established by Section 82.800.

Department Review

Section 60.100 - Special Exception Uses

1. Will the proposed outdoor activity (parking of 2-3 used vehicles for sale) be compatible with those uses 'permitted' within the commercial zone?

: Consider the identified objectives of the proposed Village Focus Area Development Plan.
2. Will the proposed outdoor activity on the site negatively impact adjacent land uses?

- : Consider proposed outdoor display/sales area scale and layout and the nature of the merchandise.
 - : Consider the outdoor activity (display/sales) on surrounding properties (FlowerMart, Used Furniture Store, area Christmas tree sales lots - Dairy King, Oshtemo Car Care).
3. Will the proposal promote the public health, safety, and general welfare of the community?
- : Proposed display/sales area setbacks do not comply with Ordinance standards. Variance approval shall be required.
 - : Existing site access, circulation, and parking patterns will not be altered by the proposed outdoor sales/display areas.
 - : The drainage design on the proposed parking lot (pavement) expansion is not in concert with adopted groundwater protection objectives.
- Reference 11-16-95 Stormwater Drainage Information Letter from Applicant
- : Approval shall be subject to Township Fire Department and Engineer review/approval.
4. Will the proposal encourage use of the land in accordance with the character of the area?
- : Consider the identified objectives of the proposed Village Focus Area Development Plan.
 - : Consider the nature and layout of the outdoor activity (display/sales) on surrounding properties.

Section 31.403 - Outdoor Activity

- b) - The site is currently serviced by 4 existing light poles. No changes or additions to the lighting layout is proposed.
- c) - Five (5) parking spaces are provided to service the proposed office space. The provision of 4 spaces for customer parking will leave 1 parking space available for inventory parking.
- d) - The proposed outdoor display/sales area is located within the required 20 ft sideline setback as measured from the south property line.

Variance approval from the sideline setback standard shall be required.

Section 82.800 - Site Plan Review

- a) - The existing access arrangement, circulation pattern, and parking layout will not be altered with the proposed outdoor display/sales area and related pavement expansion.

The following site design improvements should be considered:

- : parking provided for existing single-family dwelling (3311 S. 9th Street) - 2 parking spaces required
- : improved driveway design (width, radius, approach)
- : relocate parking spaces #1-#6 to eliminate vehicle maneuverability in driveway

- b) - The proposed outdoor display/sales area is located within the required 20 ft sideline setback as measured from the east property line.

- Four (4) light poles currently serve the subject site(s). Improvements to the site's lighting arrangement shall be subject to compliance with Section 78.700.
- The proposed dumpster arrangement is satisfactory.
- Additional signage has not been proposed.

c)

- &d)- The subject site is surrounded by commercial zoning/land use.

- In consideration of the surrounding zoning/land use, and of the nature and layout of the outdoor display/sales area, screening is not required.

- e) - A variance from the 20 ft sideline setback requirement is required for the proposed outdoor display/sales layout.

- f) - Approval shall be subject to Township Fire Department review/approval.

- g) - Approval shall be subject to Township Engineer review/approval.

EXCERPTS

CARMART - SITE PLAN REVIEW - 720 SQ. FT. OFFICE FACILITY - SE CORNER STADIUM AND SOUTH 9TH ST.

The next item of business was the application of Mehdi Purazrang of CarMart for site plan review of a proposed 720-sq.-ft. office facility. The subject property is located at the southeast corner of Stadium Drive and South 9th Street (3311 S. 9th Street/6471-6475-6477 Stadium Drive) and is within the "C" Local Business District zoning classification.

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

As to parking and circulation, Mr. Sych indicated that access to the site was provided from both Stadium Drive and South 9th Street. Since the drive on 9th Street is very close to the intersection, it might be appropriate to restrict the turning movements of exiting vehicles to right turns only.

As to parking, 20 total spaces were required for this site and the other uses on the property, i.e., the sub shop, the salon, the house and the CarMart office. Twenty were proposed on the plan. It was felt that all parking should be located on the pavement and that the edge of pavement and driveway approaches should be shown on the plan to determine appropriate traffic access points and maneuvering areas. Further, all parking spaces should be restriped.

In response to a question from the Chairperson, it was stated that the proposed use was a used-car office. The applicant first indicated that cars were not located on this site. This was not a car lot, but only office space. The applicant explained that he gets special orders from buyers. He then goes to auctions, etc., and finds the car requested.

Later, the applicant indicated that he might wish to park 2-3 cars at the site. He said that there were no employees, he alone ran the business.

The applicant indicated that there were no car repairs on the site. The applicant described that, once the car was found, after receipt of special order, the car would be brought to the site and the customer would come to the site for completion of paperwork and to pick up the car. If the customer did not want the car, he (Mr. Purazrang) would take the car back and sell it at auction.

Part of the building, i.e., garage, would be used for parking of cars at the site.

After further discussion, it was clear that the site would not be merely office space but that there would be parking of "inventory" inside the garage and outside. Therefore, the attorney concluded that the use would be a special use which would require special use approval and site plan approval from the Zoning Board.

Mr. Dylhoff moved to refer the item to the Zoning Board, and Mr. Saunders seconded the motion. The motion carried unanimously.

EXCERPTS

CARMART - SPECIAL EXCEPTION USE/SITE PLAN REVIEW - SOUTHEAST
CORNER STADIUM AND SOUTH 9TH

The next item of business was the application of Mehdi Purazrang for special exception use approval and site plan review of CarMart, an auto-related sales office. The subject property is located at the southeast corner of Stadium Drive and South 9th Street and is located within the "C" Commercial District Zoning classification.

Mr. Sych indicated that the application had originally been presented to the Zoning Board of Appeals as a site plan review item. At the meeting, however, it was determined that the use would be more than an indoor office, i.e., would include outdoor display and sales activity. Therefore, the Zoning Board of Appeals determined that the special exception use permit would be required. The ZBA had referred the matter to the Zoning Board.

Since that time, the applicant had indicated that, because storage of cars was such a small part of his business, he might be able to establish the use without cars on the lot. Mr. Sych had advised the applicant that, if he sought only the indoor office use, then the matter would have to be returned to the Zoning Board of Appeals. He had requested that the applicant provide a letter to the Board regarding the use of the property.

The Chairperson suggested hearing from the applicant with regard to the proposed use.

The applicant indicated that his business involved the wholesale sale of cars. There was no repair on site. There would be only 300 square feet of office space within the existing "garage" at the site. He stated that he typically is contacted by a customer, who will specify a type of car they are seeking. He will then seek out and buy the car from an auction in Detroit or elsewhere. Thereafter, the car will be transferred to the customer. He noted that the car is typically at his site for one to two days.

In response to questioning by Board members, the applicant clarified that he owns the sub shop on the same property. As to the use of the remaining square footage in the existing garage, the applicant indicated that he would not be using same. The applicant noted that there would be one or two cars at the site at any one time. In 1993, for example, he sold a total of 15 cars in one year. He is a licensed car dealer in the state of Michigan.

In reviewing the plan, the Chairperson became concerned that the plan was not drawn to scale. Other Board members were also concerned in that the site at present is somewhat congested and therefore the exact measurements are particularly important.

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

Mr. Dennie noted that it appeared that the applicant was proposing to use an existing structure, i.e., a two-car garage; he had indicated that he would use only 300 square feet thereof for the office space. Further, Mr. Dennie summarized that the applicant would be using the office for the wholesale sale of cars. Moreover, the applicant desired to have five parking spaces on the site in a paved area.

In response to questioning by Mr. Corakis with regard to the dimensions of the existing building, the applicant could not say with specificity. Mr. Corakis was also concerned that the existing building was not to scale in that it seemed to exceed the square footage devoted to the five parking spaces. This was different than his recollection of the site.

It was the consensus of the Board that the site plan would need to be revised. The Board members did not feel that they could properly consider the application without a plan that met minimum Township standards with regard to specificity and which was drawn to scale. It was suggested that the applicant's site plan review drafter contact John Sych and consult with him on the necessary changes.

Mr. Dennie moved to table the item to January 26, 1995, to allow the applicant sufficient time to revise the site plan. Mr. Corakis seconded the motion, and the motion carried unanimously.

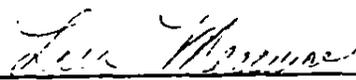
OPEN SPACE ZONING - FINAL DRAFT

It was noted that the public hearing on the Open Space Zoning would be on December 15, 1994. The 7th draft of the Open Space Zoning text was reviewed. There were minor changes made thereto.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:00 p.m.

OSHTEMO CHARTER TOWNSHIP ZONING BOARD

BY: 
Lara Meeuwse, Secretary

Minutes prepared:
November 21, 1994

Minutes approved:


ZONING BOARD - JANUARY 26, 1995

EXCERPTS

CARMART - SPECIAL EXCEPTION USE/SITE PLAN REVIEW (#94-17)

The Board next considered the application of Mehdi Purazrang on behalf of CarMart for special exception use permit/site plan review to establish and operate a business which includes office space as well as the outdoor display and sale of motor vehicles. The subject property is located at the southeast corner of Stadium Drive and South 9th Street and is within the "C" Local Business District Zoning classification.

The Chairperson stated that the item is not ready for consideration in that no revised site plan had been submitted by the applicant. The applicant had requested that the Board table the item to the meeting of February 23, 1995.

Mr. Heisig stated that, in his opinion, if there was time available at that meeting date, then the Board should table the item. Mr. Loy asked whether the applicant would be ready for the next meeting, and Ms. Harvey indicated the applicant had stated that he would be ready. She noted that the applicant had claimed that he had trouble getting information from his architect.

Mr. Corakis moved to table the matter to the meeting of February 23, 1995. Mr. Heisig seconded the motion, and the motion carried unanimously.

HESLINGA LAWN AND POWER EQUIPMENT - SPECIAL EXCEPTION USE/SITE PLAN REVIEW (#95-1)

The Board next considered the application of Heslinga Lawn and Power Equipment, Inc., for special exception use permit/site plan review for property located at 7561 Stadium Drive. The property is approximately 4.5 acres and is situated in Land Section 34 within the "I-1" Industrial Zoning District classification. The applicant proposes to use the property as a sales lot for lawn tractors, lawn mowers and commercial mowing equipment, as well as small diesel tractors and related equipment for agricultural and commercial use.

The report of the Planning and Zoning Department is incorporated herein by reference. Ms. Harvey noted the four criteria the Board is to review in determining whether to grant a special exception use permit. She noted that the use proposed was similar to those allowed in the Commercial District. This particular use is a special use in the "I-1" District. She noted that the proposed display area would be on the porch. The applicant does not

ZONING BOARD - FEBRUARY 23, 1995

EXCERPTS

CARMART - SPECIAL EXCEPTION USE/SITE PLAN REVIEW (#94-17)

The Board then discussed the application of Mehdi Purazrang on behalf of CarMart for special exception use/site plan review to establish and operate a business which includes office space, as well as the outdoor display and sale of motor vehicles. The subject property is located at the southeast corner of Stadium Drive and South 9th Street and is within the "C" Local Business District zoning classification.

The Chairperson pointed out that the item had originally been considered at the meeting of November 17, 1994. It had been tabled to January 26, 1995, to allow the applicant an opportunity to revise his site plan. No further information was received and, on January 26, 1995, the item was again tabled. The applicant has not been in contact with the Planning and Zoning Department and had not submitted a revised site plan. The Chairperson noted that the information requested of the applicant was a site plan in conformance with the requirements of the Zoning Ordinance.

Mr. Loy moved to deny the application on the basis of insufficient information, i.e., the applicant did not present the information required under the Ordinance. Mr. Corakis seconded the motion, and the motion carried unanimously. It was pointed out that the applicant may reapply when all required information is submitted.

KEYSTONE SYSTEMS - SPECIAL EXCEPTION USE/SITE PLAN REVIEW (#95-3)

The next item was consideration of the application of Bruce Kuipers, representing Keystone Systems, for special exception use permit/site plan review so as to establish a 7,760 sq. ft. office facility. The subject property is located on the west side of South 8th Street approximately 2,300' south of KL Avenue and is within the "R-3" Residence District zoning classification.

Bruce Kuipers of Delta Design was present on behalf of the applicant. He noted that Paul and Sharon Hartwigsen (the owners of Keystone Systems) were also present. He stated that what was being proposed was a building of approximately 7,760 sq. ft. which would house offices. The offices would be used in association with the computer business. He felt that the business was "low profile" and that a "low-profile" building had been designed. He presented an illustration of the building's appearance. He stated that the building would be 14' high at its lowest point and 16' high at its highest. A 3' earth berm would be established around the building. Additionally, the building had been located well back from the road with the parking lot 200' from the right-of-way and the building 300' from the right-of-way.

Carmart Auto Sales



222 N Grand St. / P.O. Box 442 • Schoolcraft, MI 49087 Phone (616) 375-1775 , (616) 372 5800

OCT 01, 1995

TO : Oshtemo Township

FROM : Mehdi Purazrang

SUBJECT : Relocating Carmart Office To 6477 Stadium Drive, Kalamazoo

Nature of our business is locating domestic , forign and speciality vehicles for individuals at a low cost.

The office will be used primarily to meet with customers to discuss the type of vehicle they want, and to show them the current whole sale market reports.

When customer gives us the approval we will be purchasing his or her vehicle at a dealer auction and deliver the car to them the very same day.

The office will also be used to do all paper work related to tranfering and registering of cars, and secretary of state inspections .

Sincerely,

A handwritten signature in cursive script that reads "Mehdi Purazrang". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Mehdi Purazrang.

Ingersoll, Watson & McMachen, Inc.

CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS

November 16, 1995

Mr. Mehdi Purazrang
6477½ Stadium Drive
Kalamazoo, MI 49009

RE: Proposed Carmart, Sec. 35, Oshtemo Township

Dear Mr. Purazrang,

Per your request, Ingersoll, Watson & McMachen, Inc. offers the following information regarding stormwater drainage and disposal as it relates to your March 20, 1995 Site Plan for the proposed Carmart.

Please note the following:

- 1) Run-off from stormwater can be collected and disposed of by a number of different methods. Some of these methods are: Surface drains and underground pipes; surface/overland drainage; subsurface disposal with drywells/leaching basins or leaching beds; infiltration trenches; grassed swales for transporting stormwater; and Stormwater Basins.
- 2) Your Site Plan shows drywells within the paved parking areas interconnected with a proposed 8 inch concrete pipe. Our comments will be limited to addressing this type of system.
- 3) Enclosed for your information is a typical drywell detail that we use on Construction Plans. Drywells should have a minimum four foot interior diameter and should be at least eight feet tall. They should have clean 1.5 inch drywell stone around the outside and it is very important that filter fabric separate the drywell stone and the surrounding soil material, particularly around the sides and above the stones. It is also very critical that drywells only be used in sand/gravel soils so that they function. A drywell placed in clay soils will not function. The drywell volume should be sized appropriately so that water does not continuously puddle above the drywell on the parking lot. You should also be informed that drywells can be a source of soil contamination in the event of a contaminant leak in your parking lot.

- 4) Note that a drywell is usually not a permanent stormwater disposal solution. Their ability to allow water to seep into the ground will continue to decrease. It is of prime importance that excess soils and sediments be prevented from entering the drywell.
- 5) Please note that the parking lot paving should slope towards the drywell surface drain. We recommend that pavement slopes be no less than 1.5% (or a fall of 2 inches in 10 feet horizontal).
- 6) It is good practice to interconnect individual drywells with storm sewer pipe so that a non-functioning drywell can overflow into a nearby functioning drywell. We recommend interconnecting drywells with 12 inch diameter High Density Polyethylene Pipe (dual wall, by Hancor or ADS) installed with a minimum slope of 0.80% (1 inch fall in 10 feet). The Plan shows 8 inch concrete pipe, which is acceptable but not our first recommendation. Note that the storm sewer pipe should have at least 30 inches of cover (from top pipe to pavement).

Also please note that, before beginning any construction project, you should know to the best of your abilities where all underground on-site utilities are. This will minimize surprises during construction.

Thank you for allowing us the opportunity to assist you on this project. Please notify me if you have any questions.

Sincerely,

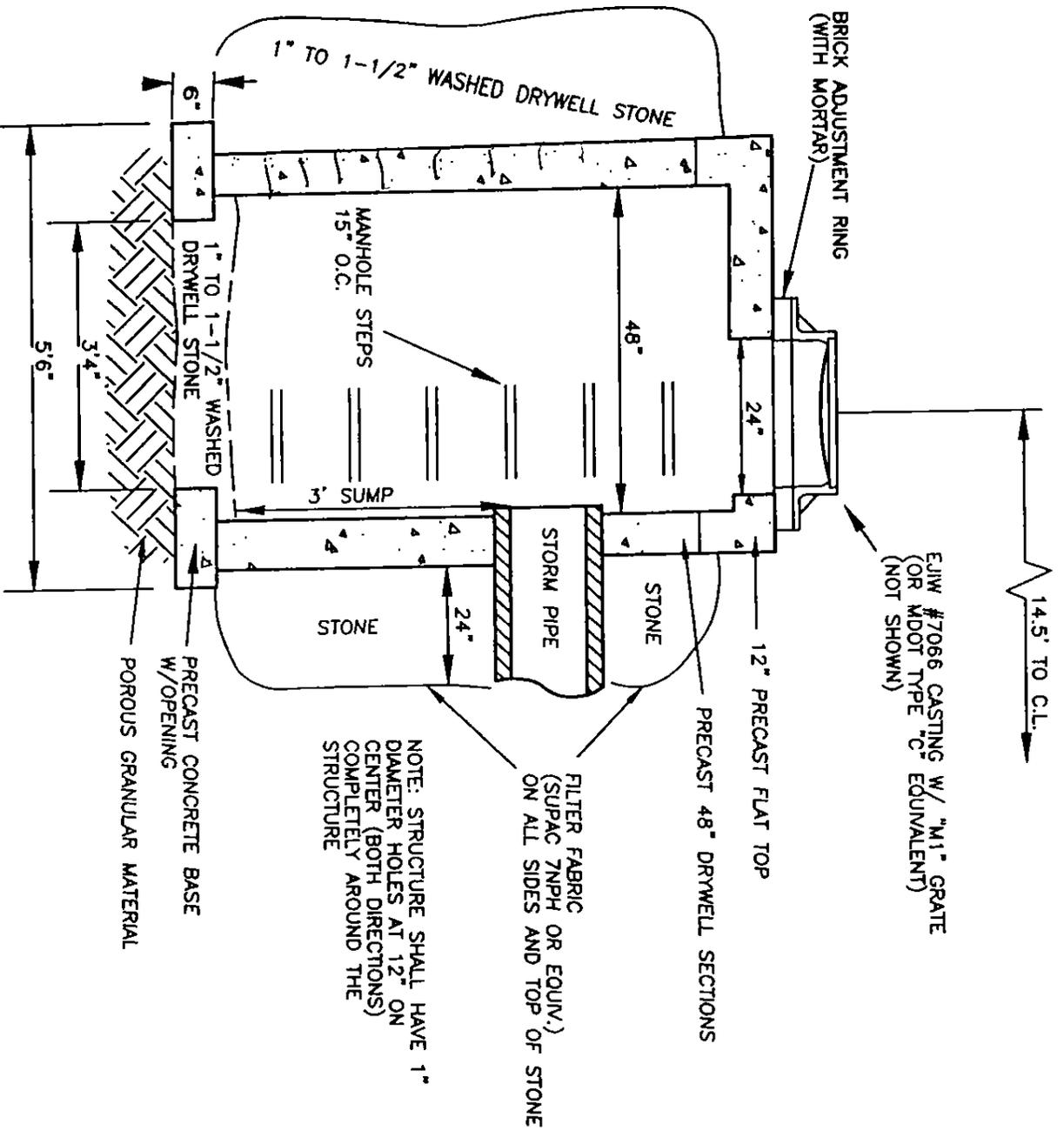
Ingersoll, Watson & McMachen Inc.



Patrick D. Flanagan, P.E.

enc.

cs



48" FLAT TOP DRYWELL/LEACHING BASIN

NO SCALE

OSHTEMO CHARTER TOWNSHIP ZONING BOARD
MINUTES OF MEETING HELD DECEMBER 7, 1995

Agenda

RICHARD SCHRAMM REZONING - 8447 STADIUM DRIVE

CENTURY/HIGHFIELD FOCUS DEVELOPMENT PLAN - COMMITTEE
RECOMMENDATION

CARMART - SPECIAL EXCEPTION USE/SITE PLAN REVIEW - STADIUM DRIVE &
S. 9TH ST.

A meeting was conducted by the Oshtemo Charter Township Zoning Board on Thursday, December 7, 1995, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall, pursuant to notice.

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

Members Absent: None

Also present were Rebecca Harvey, Planning and Zoning Department, Patricia Mason, Township Attorney, and sixteen (16) other interested persons.

CALL TO ORDER

The Chairperson called the meeting to order at 7:01 p.m.

AGENDA

The Chairperson noted that there had been a request to move item #6 to item #4 on the agenda. There was no objection, and Mr. Block moved to approve the agenda as amended. Mr. Heisig seconded the motion. The motion carried unanimously.

CARMART - SPECIAL EXCEPTION USE/SITE PLAN REVIEW - STADIUM DRIVE & S. 9TH ST.

The next item was consideration of the application of Mehdi Purazrang on behalf of CarMart for special exception use permit/site plan review to establish and operate a business which includes office space as well as the outdoor display and sale of motor vehicles. The subject property is located at the southeast corner of Stadium Drive and South 9th Street and is within the "C" Local Business District Zoning classification.

Attorney Paul Vlachos was present for the applicant. The applicant, Mehdi Purazrang, was also present.

Mr. Corakis pointed out that his business is located within 300' of the subject site. However, as he had no financial interest in the outcome, he felt that he could fairly evaluate the application.

Mr. Vlachos spoke on behalf of the applicant, stating that the applicant was seeking to improve the site through renovation of an existing building which was now a garage, pavement for further parking and establishment of a catch basin. There was discussion of the plans for this catch basin, and Mr. Vlachos indicated he was seeking approval subject to the approval of the Township Engineer.

It was pointed out that the subject site is currently zoned Commercial and that there are a number of businesses which operate on the site. Mr. Vlachos stated that, with regard to the proposed business, it was not anticipated that cars would be "on display" like a used-car lot. His client was largely a car broker who purchased cars at auctions for a specific customer. The cars might be located on the subject site prior to pick-up or delivery to the customer.

The Chairperson questioned Mr. Vlachos with regard to the drainage arrangement. He further questioned the use of the existing house located along 9th Street. The applicant indicated that there were two tenants of the site, i.e., two units. With regard to parking for the existing residence, the applicant indicated that there was parking in front of the home and in back of the home in the area designated on the plan as "grass." The applicant indicated that this area is not currently grass.

It was the proposal of the applicant to pave the area east of the garage, a triangular area, and install five parking spaces. The other parking spaces on the site plan were existing.

There were questions with regard to the dimensions of the proposed office area and the existing building. Since there was confusion and it was cleared that the plan was not to scale with regard to the size of the building, Mr. Vlachos suggested conditioning any approval upon verification of the building dimensions.

Mr. Block questioned the attorney for the applicant with regard to the operation. It was pointed out that the cars which would be located on the site were already committed to a customer and might be on the site for 2-3 days on average. Only one or two cars would be at the site at any one time, according to the applicant.

There was discussion of the parking requirements for the site as a whole. Ms. Harvey noted that she had used a scale to determine the size of the sub shop and the area designated as hair salon, and it appeared that 17 spaces were needed for these areas. There was discussion as to whether or not the drawing was to scale and, therefore, whether, in fact, the 17 spaces were needed for those buildings. With regard to the multi-family residence, it was indicated that ~~four~~ five spaces were necessary. It was possible that a total of 26 spaces would be needed for the site, i.e., four more than proposed with the current site plan. The applicant suggested that any approval be subject to submission of a site plan to scale which would allow for a calculation of the parking spaces needed. The parking arrangement could then be reviewed by the Township staff and approved.

As to the setback requirements for the site, Ms. Harvey noted that all buildings are existing and therefore not subject to current standards. She stated that she had assumed that only the existing building which was being renovated, which would not need to meet current setback standards. However, if, as part of the current building, the applicant was enclosing a carport, this carport would need to meet the building setback requirement of 20' from the sideline. Further, the 20' setback would apply to the parking spaces utilized for parking inventory. Patron parking would not be subject to the 20' setback.

The Board discussed whether the proposed outdoor activity would be compatible with those uses permitted within the Commercial zone. The Chairperson felt that the use was compatible, given the degree of outdoor activity was minimal. He noted the small number of vehicles involved and the fact that same would not be on display for sale to the general public but that the cars on the site would be intended for or committed to specific customers. Further, the 1-2 vehicles would be on the site for a short duration, i.e., 2-3 days. Mr. Heisig felt it was crucial that the cars were "awaiting customer pickup or delivery to customers." Therefore, this would not be a traditional used-car lot. He, too, felt that the use was compatible. The applicant indicated that there would be no "For Sale" signs on the cars, and Mr. Loy felt that, given these factors, the use would be compatible.

The Chairperson pointed out that the Village Focus Area Plan suggests use of the area by a variety of small businesses. Sharing of parking was also central to the plan. He felt that this site would fit in with the Village Focus Area Plan. Mr. Corakis felt that the use met the plan objective, which was to encourage mixed uses of the area.

The Board considered whether the proposed outdoor activity on the site would negatively impact adjacent land uses. It was felt that renovating the building and the paving of the parking lot would be an improvement. Moreover, there were a number of uses in the area which involved outdoor activities. It was also felt that it was significant that the merchandise awaiting delivery or pickup would not be located directly along Stadium Drive. Further, there was no competition or conflict with the other businesses on the site. Therefore, it was felt that there would be no negative impact.

As to whether the proposed use would promote the public health, safety and welfare, there was inquiry as to the lighting proposed for the site. The applicant indicated that he did not plan to add any lighting. He stated his hours of operation would be 10:00 a.m. to 4:00 p.m. Monday through Friday. The Chairperson felt that, given the nature of the proposed hours, there would be no need for additional lighting. Mr. Corakis agreed, commenting that the existing lighting was more than enough for the site. As to traffic circulation on the site, no additional entrances or exits were being added and, since the additional parking was to the back of the site, the circulation pattern would not be inhibited. It was noted, however, that the required parking lot revisions would need to be reviewed for continued compliance. There was a concern as to drainage but that, since the approval would be subject to the review of the Township Engineer, this concern would be satisfied.

The Board next considered whether the proposal would encourage the use of the property in accord with its character. Again it was felt that, given the limited amount of outdoor activity, the use would be compatible with the character of the site and the adjacent area.

The Board next discussed Section 31.403, again noting that the site is served by existing lighting and no changes or additions were proposed. As to parking, there was clarification needed to determine the number of spaces necessary to the site as a whole. The Chairperson felt that the Board could require a scale drawing be provided to the Township staff with a revised parking arrangement and that same could be reviewed and approved by Township staff. Board members agreed that the merchandise parking should be located outside the setback. Mr. Heisig felt it was important to designate which spaces would be used for the merchandise parking.

The Board went on to review the criteria of Section 82.800. The Chairperson encouraged the applicant to consider relocation of the parking, currently located in front of the multi-family dwelling, to the rear. It was again noted that the spaces used for merchandise parking should be designated on the plan and should not be within the setback. As to the dumpster arrangement, Board members agreed that the area in front should be

reinforced. However, since the parking area might have to be revised, the dumpster location and arrangement should comply with Ordinance requirements; the Board could leave it to Township staff to review and approve the dumpster arrangement in conjunction with the revised parking arrangement. It was recognized no additional signage was proposed. Board members agreed that no additional screening of the area was necessary.

Mr. Loy moved to approve the Special Exception Use Permit with the following reasoning:

(1) That, given the level of outdoor activity, the use would be compatible with those uses permitted in the Commercial zone. It was noted that this would not be a "traditional used-car sales lot"; there would be no "For Sale" signs in the cars to be sold. Additionally, there would be a limited number of cars, one to two, at the site for up to 2-3 days. These cars would be "committed" to a particular customer and would not be on display to the general public. It was, therefore, felt that the use would be consistent with the proposed Village Focus Area Development Plan.

(2) That the outdoor activity would not negatively impact adjacent land uses. It was noted that there were a number of uses in the area which involved outdoor activities. Further, the limited nature and location of the outdoor activity on the instant site would lead to no negative impact.

(3) That the proposed use would promote public health, safety and welfare, assuming that the site was approved by the Township Fire Department and Engineer. Additionally, this finding was conditioned upon the approval of Township staff of the revised parking area. The parking of the merchandise should not be located within the setback. Reference was made to Section 31.403, and it was noted that the proposal complied with its provisions.

Ms. Meeuwse seconded the motion, and the motion carried unanimously.

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

(1) That a revised, to-scale, site plan, which included the revised parking arrangement, be provided to the Township. The revised plan should, with regard to parking, comply with Ordinance standards, including number of spaces and location of parking. The revised parking arrangement should designate the location of those spaces to be used for merchandise parking, which spaces should be located outside the setback.

(2) That the revised plan was to indicate the proposed dumpster arrangement.

(3) That the revised plan, with regard to parking and the dumpster, were subject to review and approval by the Township staff.

- (4) That no additional lighting or signage was proposed or approved.
- (5) That the applicant was encouraged to relocate the parking for the existing residence from the front of the residence to the back.
- (6) That the approval was subject to the review and approval of the Fire Department and Township Engineer.

Mr. Corakis seconded the motion. Upon a vote on the motion, the motion carried unanimously.

OTHER BUSINESS

There was discussion of the fact that the Bianco rezoning would come before the Township Board on December 12, 1995, and the Chairperson indicated that he would be present at the Township Board meeting.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:28 p.m.

OSHTEMO CHARTER TOWNSHIP ZONING BOARD

BY: Lara Meeuwse
Lara Meeuwse, Secretary

Minutes prepared:
December 8, 1995

Minutes approved:
1-11-96

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, June 26, 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 application of Meijer, Inc., for special exception use permit/site plan approval to allow for the outdoor display and sale of merchandise and other outdoor activities in front of the existing Meijer store at 6660 West Main Street. The subject property is located within the NW¼ of Land Section 14 and is within the "C" Local Business District Zoning classification.
2. 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 June 26, 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: 6-26-97

From: Planning/Zoning Department

Agenda Item: #7

Applicant: Ron Dunlop
Meijer, Inc.

Property In Question: Meijer Store
6660 West Main

Reference Vicinity Map

Zoning District: "C" Local Business District

Request: Special Exception Use/Site Plan Review - Outdoor Display and Sale of Merchandise and Other Outdoor Activities

Ordinance Section(s): Section 60.000 - Special Exception Uses

Planning/Zoning Department Report:

Background Information

- On 2-24-94, the Planning Commission (Zoning Board) approved Special Exception Use/Site Plan for outdoor display and sale of merchandise on the sidewalk portion of the front of the Meijer Store.

The Special Exception Use Permit/Site Plan was approved with several conditions among which included the allowance of three events per year (three consecutive days in duration each time) between May 15 and September 15 with hours of operation not to exceed 8:00 am to sundown.

Reference 2-24-94 Zoning Board Minutes

- In this application, Meijer requests Special Exception Use/Site Plan Review for a seven day "Summer Celebration" promotion which will involve outdoor display and sale of merchandise along with other outdoor activities in the front portion of the Meijer Store located at 6660 West Main.

Reference Application and Tentative Schedule of Events

- Section 30.409 establishes the outdoor display and sales of merchandise as a Special Exception Use in the 'C' Local Business District.
- A Special Exception Use Permit and Site Plan Approval are required and will be subject to compliance with criteria set forth in Section 60.100, the limitations set forth in Section 31.403, and the Site Plan Review criteria established by Section 82.800.
- The Planning Commission has considered application from similar facilities for the outdoor display and sales of merchandise:

Meijer	2-24-94
Meijer	7-2-92
Meijer Square	6-13-91
Jewel/Osco	5-23-91

Department Review

Section 60.100 - Special Exception Uses

1. Will the proposal be compatible with other uses permitted in the 'C' District?
 2. Will the proposal negatively impact the adjacent properties?
 3. Will the proposal promote the public health, safety, and welfare of the community?
 - : compliance with Ordinance standards
 - : compliance with Fire Department concerns
 - : impact to security or required police protection
 4. Will the proposal encourage use of land in that area in accordance with its character and adaptability?
- Consider the following in review of the Special Exception Use Criteria:
 - : Meijer previously received Special Exception Use/Site Plan Approval for the outdoor display and sales of merchandise. (Reference ZB Minutes of 2-24-94)

- : Meijer previously received approval for the lawn and garden center located on the west side of the building. (Reference ZB Minutes of 7-2-92)
- : Consider the location and extent of the additional area involved with this proposal for outdoor display and sales, along with other outdoor activities.
- : Consider the nature of the merchandise proposed for outdoor display and sales, along with the nature of the other proposed outdoor activities.
- : Consider the Planning Commission's (Zoning Board's) discussion and conditions of approval related to the approval of the lawn and garden center and the seasonal outdoor display/sales activity at the Meijer Store:
 - storage vs. display
 - screening
 - lighting
 - signage

Section 31.403 (g)

1. The traffic pattern (circulation/parking) and loading activities related to and/or in the vicinity of the proposed area of outdoor activity should be reviewed for impacts on the vehicular and pedestrian traffic of the Meijer parking lot.

Section 82.800

1. Reference Section 31.403 (g) review comments.
2. Additional lighting has not been proposed and altered lighting plans have not been submitted.
3. Any additional signage for the event will be subject to Section 76.125/76.135 and shall be reviewed and approved through the permit process.
4. In consideration of the minimization of adverse effects from the proposal, review previous Zoning Board discussions regarding the nature of the proposed outdoor merchandise for sale and other proposed outdoor activities, and the conditions of approval of the existing lawn and garden center on the subject site.
5. Approval shall be subject to the Township Fire Department review/approval.

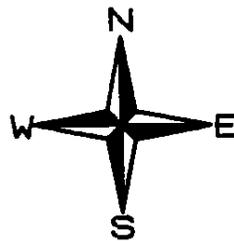
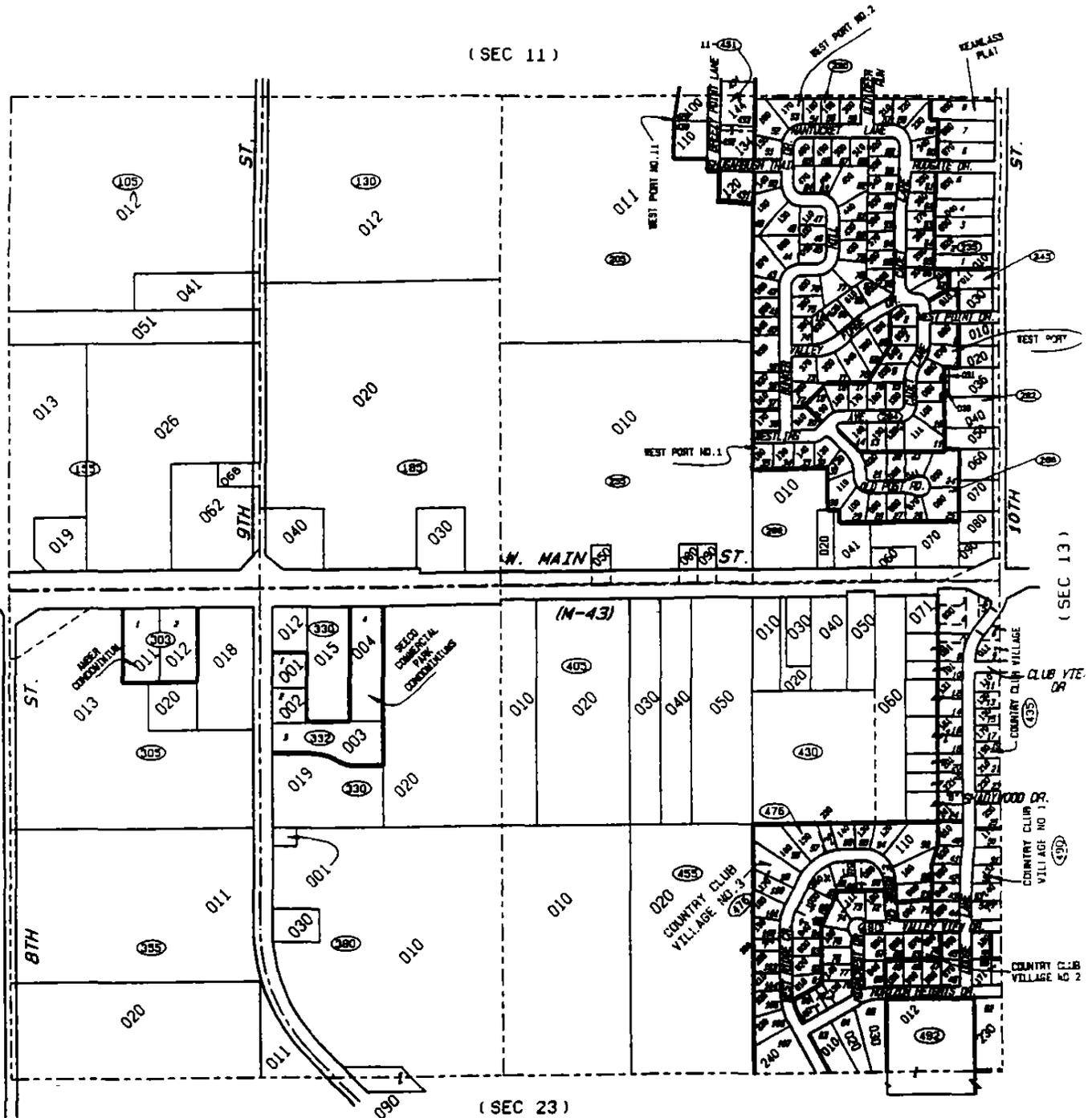
SECTION 14

(SEC 11)

(SEC 15)

(SEC 13)

(SEC 23)



DATE: AUGUST 25, 1993

REVISED DATE: MARCH 5, 1996

PRINTED DATE: MARCH 21, 1996

OSHTEMO CHARTER TOWNSHIP ZONING BOARD
MINUTES OF REGULAR MEETING HELD FEBRUARY 24, 1994

Agenda

THE LOOKING GLASS DAYCARE/PRESCHOOL - SPECIAL EXCEPTION USE/ SITE
PLAN REVIEW (#94-3)

PAUL BROWN - 8412 WEST MAIN - REZONING (#94-1)

MEIJER, INC. - SPECIAL EXCEPTION USE/SITE PLAN REVIEW (#94-2)

A regular meeting was conducted by the Oshtemo Charter Township Zoning Board on Thursday, February 24, 1994, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall, pursuant to notice.

Members Present: Wilfred Dennie, Acting Chairperson
Ted Corakis
William Miller
Lara Meeuwse
Millard Loy
Ken Heisig

Member Absent: Donna Klobucher

Also present were Rebecca Harvey, Planning and Zoning Department, Patricia Mason, Township Attorney, and ten (10) other interested persons.

CALL TO ORDER

The Chairperson called the meeting to order at 7:09 p.m.

APPROVAL OF AGENDA

The Chairperson suggested moving item #6 to item #4 on the agenda in that it was his understanding that the applicant would request that the item be tabled. Mr. Corakis moved to so amend the agenda, and Mr. Loy seconded the motion. The motion carried unanimously.

MINUTES

The Board considered the minutes of the meeting of February 10, 1994. Mr. Miller had a question with regard to page 2, paragraph 5. It was agreed that the language would be

MELJER, INC. - SPECIAL EXCEPTION USE/SITE PLAN REVIEW (#94-2)

The Board next considered the application of Mike Kinstle on behalf of Meijer, Inc., for special exception use/site plan review so as to allow the outdoor display and sale of merchandise at 6660 West Main. The subject property is within the NW¼ of Land Section 14 and is within the "C" Local Business District Zoning classification.

The applicant was present, along with Ron Dunlop.

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

Mr. Kinstle stated that Meijer was requesting special exception use permit for the outdoor display and sale of merchandise. The merchandise would be displayed and sold on the sidewalk under the canopy in front of the building. The outdoor display and sale of merchandise would be periodic.

Mr. Dunlop stated that two to three times per year special promotion sales of clearance merchandise would be held. He identified that these sales might take place in May, around July 4 and around Labor Day. The sales would be similar to a sidewalk sale. No food or grocery products would be sold. The merchandise would be located under the canopy between the entrances.

In response to a question by Mr. Corakis, the applicant indicated that the merchandise would not be located in the fire lane.

The Acting Chairperson suggested that the Board would subject the approval to the review and approval of the Fire Department.

Mr. Dunlop stated that the area would be kept clear so that customers could walk to the entrances.

In response to a question by the Acting Chairperson, Mr. Kinstle stated that the shopping carts would be relocated to the east and west ends of the building, also under the canopy. No lights were being requested, and no signage was requested.

Mr. Heisig was concerned about the impact the special use would have on traffic. He was concerned about display of balloons, etc., which would divert the eyes of drivers along West Main. Mr. Kinstle stated that there would be no attention-getting devices. Most people would see the merchandise as they passed by to the entrance of the store.

The Acting Chairperson called for public comment. Mary Parker, a 9th Street resident, had a question with regard to placement of the merchandise. The applicant showed her the plan indicating the area in which it was suggested that the merchandise would be

placed. Ms. Parker stated that she was concerned that the special use would not be safe because it might create more congestion and confusion which would negatively impact the area.

In response to a question, the applicant indicated that it proposed seasonal outdoor display and sale, i.e., three times per year, for three continuous days each time. These three times would be somewhere from May through September.

Pete Mishuck stated that he was in favor of the use in that the Meijer Square had had a clearance at which he had bought a truckful of shrubbery. He felt that such sales serve the public interest.

The public hearing was closed, and Board discussion began.

There was a review of the special use criteria of Section 60.100. The Board considered whether the proposal to display general merchandise would be compatible with other uses permitted in the Commercial District. Mr. Loy believed it was. The Acting Chairperson noted that permission had been granted to Meijer Square and Jewel/Osco. However, it was noted by Mr. Corakis that these approvals had involved only garden supplies.

Ms. Harvey pointed out that the nature of the merchandise, its location, the amount of time it would be displayed, etc., were all criteria reviewed in previous applications. Ms. Harvey noted that the Board could specify the nature of merchandise, its location and frequency of outdoor display, if the Board felt that each of these items had a bearing on the appropriateness of the use under Section 60.100.

In response to a question from Mr. Corakis, Ms. Harvey stated that the outdoor display in the Township was typically garden and equipment (i.e., cars, boats, etc.).

The Board next considered whether the proposal would negatively impact adjacent properties. Mr. Loy stated that in his opinion the setback and screening of the existing use would negate any impact. Mr. Miller felt that added traffic would negatively impact adjacent properties.

The Acting Chairperson stated that the limitations on location would negate any impact on adjacent properties. Mr. Loy stated that he felt it was appropriate to limit the hours of operation so that police protection resources would not be drained.

The Board next considered whether the proposal would promote the public health, safety and welfare. Mr. Loy stated that he felt there would be no "increase" in impact on traffic, etc., in that most of the customers for these outdoor sidewalk sales would already be at the site.

There was discussion between the Acting Chairperson and Mr. Dunlop with regard to whether there was sufficient space at the end of the building for storage of the shopping carts.

Ms. Meeuswe expressed her concern about potential parking in the fire lane and congestion of the area.

Mr. Heisig expressed his concern again about diverting the attention of drivers on M-43.

The Board next discussed whether the proposal would encourage use of the land in the area in accord with its character and adaptability.

Mr. Miller noted that the Board in its original approval had made a number of provisions to minimize the impact of the garden center display and sale. He stated that, in his opinion, the sale of general merchandise would present an outdoor "hodge-podge." He did not feel that it was in character with the area.

Mr. Corakis was concerned that the area was open and visible. The Acting Chairperson noted that fencing would be unattractive and have a cluttering effect.

After further discussion, Mr. Loy moved to grant the special exception use permit with the following conditions, limitations and notations:

- (1) That general merchandise would be allowed, excluding grocery and lawn and garden items; there would be no food sales.
- (2) That the outdoor display and sale would be permitted three times per year (three consecutive days in duration each time) between May 15 and September 15.
- (3) That the hours of operation would not exceed 8:00 a.m. to sundown.
- (4) That the outdoor display was permitted under the canopy as proposed.
- (5) That all attention-getting devices, such as balloons, signs, advertising, lighting and music, were prohibited.
- (6) That criteria of Section 60.100 had been satisfied.

The motion was seconded by Mr. Corakis.

There was public comment, and the applicant indicated that the limitations are workable except as to the hours of operation; the applicant would prefer a specific time to

"shut down" each day. Mr. Loy and Mr. Corakis agreed to amend the motion to indicate hours of operation not to exceed 8:00 a.m. to 10:00 p.m.

The public comment was closed and, upon a vote on the motion, the motion carried unanimously.

With regard to the site plan review, the Acting Chairperson expressed a concern about the shopping carts and whether there was adequate room for their storage. After further discussion, it was agreed that there was adequate room for the storage.

Mr. Heisig moved to approve the site plan as proposed, with the following conditions, limitations and notations:

- (1) That no lighting was proposed or approved.
- (2) That no signage was proposed or approved.
- (3) That there be adequate space on either side on either end for the storage of the shopping carts.
- (4) That the fire lane not be impeded or obstructed.
- (5) That there be clear access to all emergency doors.
- (6) That approval was subject to the review and approval of the Township Fire Department.

Mr. Corakis seconded the motion. There was no public comment. The motion carried unanimously.

**THE LOOKING GLASS DAYCARE/PRESCHOOL - SPECIAL EXCEPTION USE/
SITE PLAN REVIEW (#94-3)**

The Board returned to the item. The Acting Chairperson noted for the applicant that the Township has to have deadlines in order for the Board to function; the Township has to have an adequate amount of time to process and review the information submitted. The Acting Chairperson noted the problem with Presidents Day but asked why the site plan had not been turned in at 8:00 a.m. on Tuesday morning. The applicant responded that she taught preschool and could not get it in that early.

After extensive discussion, it was determined that the Board could not deal with the application without the Planning and Zoning Department and other reviews. Ms. Meeuswe moved to table the item to a special meeting on Thursday, March 3, 1994, at 5:30 p.m. Mr. Corakis seconded the motion, and the motion carried unanimously.

#119
OSHTEMO TOWNSHIP
KALAMAZOO COUNTY, MICHIGAN

APPLICATION FOR SPECIAL EXCEPTION USE HEARING

Date JUNE 5, 1997

MEIJER, INC.
Applicant's Name

SECTION 14
Land Section or Plat

The above named applicant hereby petitions the Oshtemo Township Zoning Board for a special exception use of the following described property as hereinafter set forth and in support of such use submits the following facts:

I. Legal description of property (Lot and Plat name or meet 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 landmarks).

6660 W. MAIN STREET
SEE ATTACHED

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

SEE ATTACHED

CHARTER TOWNSHIP
OF OSHTEMO
7275 W. MAIN STREET
KALAMAZOO, MI 49009
616-375-4260

6/11/97 NC

053418 PC/MEIJERS SP EXCEP 300.00
TOTAL PAID 300.00

THANK YOU

IV. Nature of applicant's interest in the property (deedholder, 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 plat or deed restrictions encumber the property. (If none, so state; otherwise list such restrictions or attach copy of the same.)

NONE

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

Summer Celebration - July 14-20 - Daily Festivities in the front of THE STORE. (See attached)

VIII. It is hereby requested that the foregoing described property be approved for operation of a used car lot per Paragraph 16, Section 10B of the Charter Township of Oshtemo Zoning Ordinance.

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

Paul Meyer, Inc.
Signature of Applicant

666 W. Main
Address

3729101 ext 414
Phone

Summer Celebration

July 14-20 11-8pm
Tentative Schedule

- Monday, July 14** **Safety Awareness Day**
K-9 Unit
Police Department
Fire Department
Public Safety (truck, Sparky, McGruff)
D.A.R.E. ?
Safe Kids Campaign
- Tuesday, July 15** **Fashions for You and Your Home**
Landscaping
Fashion Show
Home Decorating
- Wednesday, July 16** **Crafts**
Examples: Embroidery, doily hats, tulip paints and sequins for T-shirts, quilt blocks, stamps, stenciling, candles, memory book, popsicle sticks, beads, cards, floral arrangement, string art, yarn, wood signs, stone paint, plaster of paris
Photo Contest
Farmers Market?
Truckload Art Sale from Quality Market
- Thursday, July 17** **Taste of Meijer**
Healthy Cooking (Bronson)
Kitchen Creations (Chef's Choice)
Sidewalk Sales
- Friday, July 18** **Kids Carnival**
Clown
Cotton Candy, Popcorn, Peanuts
Face Painting
Easels
Coloring Contest "Why I love Meijer"
Juggler
Games (scavenger hunt, beanbag toss, goldfish bowl toss, tricycle race, sponge throwing contest, remote control car racing)
Sandbox
Live Remote
Sidewalk Sales
Thornapple Valley

Tentative Schedule continued

Saturday, July 19

Local Sports Hero Day
Live Remote
Western Football Player
High School heroes
Sidewalk Sales
Thornapple Valley

Sunday, July 20

Back in Time
Antique Cars
Antique Motorcycles
Dance
Sidewalk Sales
Lemonade Stand

OSHTEMO TOWNSHIP ZONING BOARD
MINUTES OF MEETING HELD JULY 2, 1992

Agenda

SITE PLAN REVIEW/SPECIAL EXCEPTION USE- MEIJER, INC.

A meeting was conducted by the Oshtemo Charter Township Zoning Board on Thursday, July 2, commencing at 7:05 p.m. at the Oshtemo Charter Township Hall, pursuant to notice.

Members present: George Vuicich, acting Chairperson
 Marcia Morris
 Donna Klobucher
 Fred Johnson
 William Miller
 Michael Blied

Members absent: Ted Gruizenga

Also present was Rebecca Harvey of the Planning and Zoning Department; Richard D. Reed, Township Attorney; David Krueger from KATS, as well as approximately 60 interested citizens and representatives from Meijer, Inc.

CALL TO ORDER

George Vuicich, Acting Chairperson, called the meeting to order at 7:05 p.m. Mr. Vuicich explained that Donna Klobucher, Chairperson, had asked him to complete the site plan review hearings inasmuch as she did not attend the June 30 meeting, which was recessed to July 2nd.

SITE PLAN REVIEW/SPECIAL EXCEPTION USE- MEIJER, INC.

Mr. Vuicich read aloud a letter which the Board had received from a Mr. Gene Westdale.

Mr. Vuicich explained that the Board recessed on June 30, 1992 at 2:40 a.m. with two unresolved issues: (1) the applicant's special exception use permit for the outdoor garden display and sale of lawn and garden merchandise; and (2) approval of appropriate sound and site barriers for the easterly boundary line of the subject property.

Acting Chairperson Vuicich then called upon Mr. John Stephenson, Vice President of Real Estate for Meijer, Inc., asking if Meijer had a proposal with regard to these issues. Mr. Stephenson addressed the Board saying that Meijer had a proposal

for addressing both issues and presented a drawing of the site layout plan containing these proposals.

Mr. Stephenson first addressed the subject property's east boundary line. He explained that the applicant proposed to construct a concrete screen wall from the north property line of the commercially-zoned parcel and extending the distance of the building dock area. He stated that this concrete screen wall would be 17 or 18 feet in height. He stated the applicant proposes to construct a screening berm 13.5 feet high extending from this wall southerly to the approximate southern boundary of the parking area and then continuing but tapering down in height and terminating north of the right-of-way line of M-43 so as to create an adequate clear vision area for highway safety. The plantings originally proposed by the applicant for the east line would be concentrated along the berm.

Michael Blied asked of what material the wall was to be constructed. Mr. Stephenson stated that it was proposed to be constructed of pre-cast concrete members of some sort, the exact configuration of which was yet to be decided.

Acting Chairperson Vuicich said that he was informed by the Township Attorney that the applicant would be presenting this proposal and that he had taken it upon himself to contact Ted Gruizenga, who is one of the Zoning Board members who seemed particularly concerned about sound and sight screening for the subject's easterly boundary. Mr. Vuicich reported that Mr. Gruizenga stated that the applicant's new proposal was acceptable as far as he was concerned.

Marcia Morris questioned the westerly boundary line screening along 9th Street. She asked if it was adequate. George Vuicich stated that he thought the Board approved this boundary screening at the meeting of June 30. A brief general discussion and review of the site plan westerly boundary followed.

Acting Chairperson Vuicich asked the pleasure of the Board with regard to the proposed easterly boundary screening. There seemed to be consensus of the Board that the new Meijer proposal was acceptable and provided an adequate sight and sound barrier.

Acting Chairperson Vuicich asked Mr. Stephenson to present the applicant's solution to the issue of what was perceived to be outdoor storage in the lawn and garden center. With the assistance of a visual aid, Mr. Stephenson presented a new configuration for the west elevation of the garden center. He stated that Meijer proposed to construct a masonry wall, 11 feet 4 inches high, along the north boundary of the garden center and extending southerly on the westerly boundary to the area of the greenhouse. The applicant then proposed to continue the masonry wall at a height of 6 feet along the greenhouse extending southerly beyond the greenhouse,

whereupon the applicant proposed aluminum picket fencing the remaining distance of the westerly boundary of the proposed garden center. 8½ x 11 garden center west elevation drawings were distributed to the Board members and a large visual aid was placed on the easel for the Board and audience.

Mr. Stephenson stated that in addition the greenhouse material, which is white in color, would be covered with the black shade cloth so as to eliminate light glare. He stated that the proposed masonry walls would be constructed of the same material as the store building itself. He further stated that the garden center would operate from March to October and that garden center activity would quit at 11:00 p.m. at which time the floodlights would be extinguished.

Acting Chairman Vuicich asked Mr. Stephenson if this meant that there would be no floodlights during the off season. Mr. Stephenson responded yes.

Mr. Vuicich stated that he was informed by the Township Attorney that this proposal would be made to the Zoning Board and he had taken the liberty of so advising Mr. Gruizenga. He reported that Mr. Gruizenga stated he found this proposal acceptable in his judgment.

A general discussion followed, during which the Board members reviewed the site plan drawing and the elevation drawings.

William Miller suggested that the applicant consider relocating its associate parking to the area of the garden center. Mr. Stephenson responded that the associate parking areas were moved from time to time, in part as an aid to Meijer's security program.

Members Klobucher and Morris expressed concern about allowing outdoor storage to be conducted behind a screen, in the "C" Zone, stating that in their view this was not in accord with previous precedent of the Board with regard to prohibiting outdoor storage in a "C" Zone while permitting display for retail sales. They were concerned about setting a conflicting precedent. The Township Attorney re-read aloud the provisions of Section 30.409 of the Township Ordinance, pointing out that the requirement for fully enclosed storage in the "C" Zone is something which the Board has read into the Ordinance by interpretation. Section 30.409 allows new and used car sale lots, recreational vehicle lots, mobile home sales lots, farm machinery sales lots, boat sales lots and other businesses involving outdoor sales or activities connected with retail sales. The Township Attorney explained that storage is an industrial activity which is not permitted in the "C" zone classification. The temporary outdoor display of product for sale incident to retail sales is a commercial activity allowed in the "C" zone. There can sometimes be a gray area when it is difficult

to determine whether the activity is storage or display storage incident to retail sales. The Board members felt comfortable in determining which portion of the instant application would qualify as storage. However, there was extensive discussion as to whether the storage would be "outdoor" or sufficiently enclosed so as not to qualify as outdoor storage.

Board members concluded that given the imprecision in the term "outdoor" the enclosure proposed by the applicant was sufficient to satisfy Board concerns and same would not be deemed "outdoor" storage.

A general discussion followed, during which it was concluded that the Board would work on the language of Section 30.409 as part of their continued review and refinement of the Zoning Ordinance. It was intended that the Board would quickly consider amending the Section to meet Township concerns regarding outdoor storage in a "C" Zone and define with more precision the term "outdoor"; consider Section 7.0 and 30.409.

Fred Johnson asked the applicant and the Board whether anyone had considered Christmas tree sales at the garden center. Mr. Stephenson responded that the applicant may or may not want to sell Christmas trees. If Meijer sold Christmas trees, it would be for a period of six weeks preceding Christmas. Mr. Johnson stated that he favored including this in the special exception use approval so that the issue would be decided without need for further involvement of the Zoning Board.

A lengthy discussion followed which concluded in a consensus of the Board that the special exception use should be approved as proposed in the new site layout plan presented by the applicant and that the lawn and garden center retail activities would include Christmas tree sales

Donna Klobucher suggested that she had questions in her mind regarding the location of the storm water retention area. Marcia Morris stated that she agreed with Donna Klobucher. She stated that she was not in agreement with the location of the storm water retention ponds in the R-2 zone classification.

A general discussion followed. During the discussion, Donna Klobucher stated that while she could agree to the presence of the retention ponds in the R-2 zone classification, she had difficulty with the size of the fenced area. She thought the fence was unsightly and should be reduced to fence in and enclose as small an area as possible so as to appear more residential in character. The applicant stated that the fence would be required for safety but that it could be tightened to encompass only the operational area. The applicant was not interested in spending more money than needed.

A general discussion followed, at the conclusion of which the Acting Chairman announced that he believed the Board had reached a consensus on all points noting that as to the location of the retention ponds, with member Michael Blied voting in opposition.

Acting Chairperson Vuicich suggested the Board discuss an issue raised at the June 30th meeting concerning security. He stated that he understood that the Meijer's present location was part of a special assessment district wherein there is currently levied annually 2.5 mils for additional police protection. He stated that it was his understanding that the new location would similarly be proposed as a police protection special assessment district in order to beef up Sheriff's Department patrols for additional security. The Acting Chairperson and the Attorney explained the limits on the Board's authority to condition approval or deny approval based on the security issue.

Mr. Stephenson briefly addressed the Board, outlining Meijer's security procedures which are part of the store's operating manual.

Acting Chairperson Vuicich brought up the issue of the turning lane taper. He noted that the minutes of the meeting of June 30 suggested that the easterly drive deceleration lane would be located entirely within the right-of-way in front of the subject property, whereas this was not physically possible. Therefore, the minutes of the June 30 meeting are inaccurate on this point.

The Board was concerned about whether the residential property, given a "taper" would be along its front, would be able to effectively argue for access to M-43 in the area of the taper. Mr. Krueger, from KATS, remarked that the property could not be denied reasonable access, but generally, access onto deceleration lanes or tapers was undesirable.

Mr. Vuicich asked Mr. Krueger about the design of the easterly-most deceleration lane. Mr. Krueger stated that it was appropriate as shown on the site plan.

The Board concentrated on the design of the easterly drive proposed in the new site layout plan wherein there is a 150-foot taper and a 100-foot storage capacity. This lane, of necessity, extends beyond the easterly boundary of the property; however, given its relocation and redesign impact on and adjacent properties was reduced. Following further discussion, it was the consensus of the Board members that the easterly deceleration lane on M-43 as shown on the current site plan layout was appropriate, even though it extended beyond the easterly boundary of the subject site and was partially located in front of R-2 zoned land.

Acting Chairperson Vuicich suggested that Meijer consider a continuous right turn lane between the proposed drives, and asked

Mr. Krueger his judgment concerning such a continuous right turn lane.

Mr. Krueger addressed the Board, stating that M-43 is a major highway. He suggested that it would be wise to do everything in one's power to provide a continuous right turn lane. He stated that he favored a continuous right turn lane. He said he did not believe that it could be required under the Township's Access Management Plan because same would constitute improvements within the road, but it would be desirable. Mr. Krueger felt that due to safety concerns, the lane should be required. A lane the full length of the property was the safest design. Mr. Krueger cited traffic statistics regarding accident rates as related to deceleration of traffic.

Mr. Vuicich asked the applicant their response to a suggestion lane that the deceleration lane be a continuous lane in front of their development. Mr. Stephenson responded that the deceleration lane design which they proposed had been reviewed by the Highway Department and that future construction would be in accordance with Highway Department requirements. He further stated that the Highway Department, as he understood it, did not favor a continuous lane. Mr. Stephenson cited his reasons for opposing a continuous right turn lane. There was an expression of an opinion held by some highway officials that a continuous lane created safety hazards. Mr. Krueger responded as to his reasons for favoring a continuous right turn lane. Mr. Krueger stated he would defer to MDOT.

A lengthy discussion followed. During the discussion Mr. Miller stated that he had no strong preference for a continuous lane or deceleration lanes as proposed by the applicant.

Donna Klobucher suggested that the applicant confer further with the Michigan Department of Transportation (as advocated by Mr. Krueger) and that the Zoning Board defer to the final judgment of the Michigan Department of Transportation with regard to the issue of a continuous right turn lane. Mr. Stephenson, on behalf of the applicant, agreed.

Following further brief discussion, it was determined to be the consensus of the Board that it encouraged a continuous deceleration lane but that the final decision as to whether it should be constructed would be left to the Michigan Department of Transportation and a detailed evaluation of the comparative safety problems.

Marcia Morris expressed concern with regard to the area designated on the site plan as the Michigan Department of Transportation storm water storage easement in process of abandonment. She stated that she felt this area could be the site

of a fast food restaurant such as McDonald's, and she was opposed to any such development.

Following further discussion, Acting Chairman Vuicich declared that the Board had reached a consensus on this issue, which was that the deceleration lanes would be approved as shown, but with the contingency that after further discussion with the Michigan Department of Transportation, a continuous deceleration lane could be required if the Michigan Department of Transportation felt it was safer.

Marcia Morris stated that the site plan as presented to the Board shows dotted lines for possible future construction. She stated that she wanted assurance that any future construction would require future site plan approval pursuant to Section 82.000. Marcia Morris indicated that the site plan shows the proposed location of a future traffic signal and a requested traffic signal. She asked that inasmuch as the Board has no jurisdiction concerning traffic signal location, that reference to signals be removed from the site plan. Ms. Harvey commented that any future construction would be subjected to the site plan approval process of Section 82.000.

Donna Klobucher asked for clarification as to whether the outdoor garden center would be lighted by sharp cut-off lights or by floodlights. She noted that there was reference in the proposal submitted by Meijer, to sharp cut-off floodlights.

A lengthy discussion followed concerning the difference between sharp cut-off lights and the so-called sharp cut-off floodlights Meijer proposed for the garden center.

Mr. Crippen, a citizen in the audience, addressed the Board and indicated that he had helped the Board write new language for the Ordinance concerning lighting. He assisted the Board with the distinctions between sharp cut-off lights and the so-called sharp cut-off floodlights proposed by Meijer.

Rebecca Harvey, in response to a question of the Board, stated that the Township's own expert had found that the Meijer sharp cut-off floodlights do not violate the Township Zoning Ordinance because of the direction or angling of the lighting fixtures.

Member William Miller stated that the Ordinance requires that light be contained on the property and not produce a glare on adjoining properties and that sharp cut-off lights are only one example of a fixture which meets this Ordinance requirement. He stated that the floodlights proposed by Meijer could also meet the Ordinance requirements, if directed correctly.

Member Klobucher stated that she liked the idea of flexibility in lighting design and would be opposed to a rigid provision which

would always require sharp cut-off as a means of accomplishing the Ordinance goals. Ms. Klobucher stated, however, that she was of the opinion that the Meijer lights proposed for the garden center would still be very bright given the rural nature of the surrounding uses. She was of the opinion that the sharp cut-off lights proposed for the parking area would be very bright. She asked if it was possible for Meijer to turn off some of the lights, particularly during the early morning hours of their 24-hour operation.

Mr. Stephenson stated that the lighting as presented is necessary for both vehicular and pedestrian safety and could not recommend that any of the lighting be reduced or eliminated in the parking areas. However, he agreed that the lighting for the garden center would be turned off at 11:00 p.m. when same was closed.

Acting Chairperson Vuicich asked if there were further items to be discussed by the Board members. There appearing to be none, he stated that the Board would now receive public comment, but before taking public comment he declared a five-minute recess.

The meeting reconvened at 9:55 p.m. Mr. Vuicich announced that each citizen in the audience would be allowed two opportunities to address the Board. The first would be limited to three minutes; the second or follow-up comments would be limited to two minutes.

Mr. Stan Rakowski addressed the Board. He asked the Board to reconsider lighting in the garden center. He stated that the floodlighting in the garden center was too bright. He asked that Meijer be required to construct lighting under their canopy in the garden center.

Mr. John Houts addressed the Board. Mr. Houts asked the Board to follow its Ordinance and not grant Meijer concessions from the strict Ordinance requirements.

Mr. Jack Schaefer addressed the Board, stating that allowing the berm on the easterly boundary of the subject property would be inadequate protection for the R-2 neighborhood. He stated that a 100-foot storage capacity in the easterly deceleration lane is insufficient and he also objected to the fact that the deceleration lane is proposed to be located in the right-of-way of M-43 in front of R-2 zoned property.

Mr. Kocsondy addressed the Board, stating that he believes that if the garden center is not to be operated from October to March, then it should be closed down and not be used. He stated that he found it inconceivable that a residential area would be used to locate a water retention pond for commercial water run-off. He stated he disagreed with the Township Attorney's advice.

Mr. William Jamieson Jameson addressed the Board, stating that he challenges the legal counsel's opinion with regard to the use of the R-2 land for ponding. He stated that such a retention pond does not look like a residential use of land. He stated that the Zoning Board should take a position contrary to the attorney's opinion and force the Township Attorney to defend the Board's position.

Mr. John Hoyt addressed the Board. He stated that crime is moving westerly. He felt the crime issue was inadequately addressed in the Meijer proposal. He stated that the lighting of the site will cause problems. He stated that traffic is also a problem. He stated that traffic coming from the west will not be able to turn into the Meijer's location. He stated that left turns into Meijer's would cause problems.

Mr. Parker addressed the Board, stating that in his judgment a berm on the west side of the Meijer property should be required. He stated his house is immediately west of the subject site and he would like the Board to require a sight and sound buffer. He would like this buffer to be appropriate screening to protect his property. He said that the screening which the Board has agreed upon is, in his judgment, inadequate. He stated he wanted to address the security problem; he believed that crime and vandalism shoots up wherever a large store is built. He further stated that in his judgment Meijer "blew smoke" when they said they had no plans for selling the vacant frontage to another developer such as a fast food restaurant.

Mr. Demarest addressed the Board, stating that in his judgment Meijer should be required to install groundwater monitoring wells to be sure that their retention pond was not polluting the environment. He stated that in his judgment a great volume of traffic visiting Meijer would come from the north and from the west, and that the roads were inadequate to handle it. He stated that the Board should reserve the right to require Meijer to build larger berms and sound retention devices if, in fact, in the future sound emanating from Meijer's becomes a problem.

Judy Vanderweeg addressed the Board, stating that she has concern for traffic on 9th Street. She stated that on last Tuesday four cement trucks drove down 9th Street at 55 to 60 m.p.h., creating a very dangerous situation for children. She stated more traffic would cause more problems. She recommended a reduced speed limit.

Mr. Rick Knapp addressed the Board and asked the Board to consider further the stormwater retention pond. He said if the water pollutes the land, it is going to be a problem which someone will have to handle. He stated that a high sight and sound barrier is required on the easterly boundary to protect the R-2 zone from the noise of refrigerated trucks. He asked how long a period

Meijer would have to obtain reimbursement for the sewer and water it was constructing at its expense. He stated that the site plan had been altered so many times as a result of the public hearings that Meijer should be sent back to come up with a more definite plan. He stated that the deceleration lanes were not large enough and that a continuous lane should be required.

Mr. Virkhaus addressed the Board, stating that citizens had heard a great deal on the Meijer's issue. He said that water, storage and traffic lights should be looked into further. He stated that the procedure which the Board had followed was to take items and examine them in detail piecemeal, whereas what they should do is examine the overall project at once. The Board should, he said, "look at the total package". He stated they had not done this and therefore the plan deserved further consideration.

The Acting Chairperson asked if there was anyone else who had not spoken who wished to do so. There were none. The Acting Chairperson asked if there were any of those who had spoken who wished to speak a second time.

Mr. John Hoyt addressed the Board, stating that he had once constructed a 50,000 square foot industrial site in the middle of a residential area in another municipality. He stated only one person complained. He stated that he attended the public hearing. He stated that in his judgment that public hearing was correctly handled, in that the outcome of the hearing was determined by citizen comment. He said, "What a difference here." Here, the Board is not paying adequate attention to citizen comment. He stated, "You are elected and you should respond to us."

Mr. Zoltan Koscondy again addressed the Board, stating that the Board is looking at each part in minute detail, whereas the whole is greater than its parts. He stated that approval here is a bad decision. He stated that the proposed project is too large for the site in his judgment.

Mr. Parker again addressed the Board. He stated that during the discussion of the sound and sight barrier on the easterly property line, the cost was mentioned by the applicant. He stated that this upset him, because economics should never be considered in a site plan approval hearing.

Mr. John Houts again addressed the Board. He stated that in his judgment the Zoning Board was no more ready to make a decision than to fly. He stated that last fall the Zoning Board of Appeals had denied him a special exception use and the Board should be consistent and deny Meijer's special exception use plan approval.

Mr. Bruce Demarest again addressed the Board, asking the Board to please reject Meijer's site plan proposal, "But, if you do

approve the plan, make it tight." Don't learn from mistakes as they come up five years from now.

Mr. Rick Knapp again addressed the Board, stating that inasmuch as Meijer withdrew its first filed site plan, the 100 days should not begin to run until the second plan was filed. He stated that the Board should take more time. He stated that the Board should order Meijer to sit down with the neighbors and work out their differences before making a final decision on the site plan.

The Acting Chairperson asked if there was any further comment, and there appeared to be none. The Acting Chairperson then asked the pleasure of the Board.

Marcia Morris stated that from the comments she had heard, she had new concerns about the sight and sound screening on the westerly boundary of the property. She had understood that there would be a berm 4 foot 6 inches to 5 feet high with evergreen plantings, and she wanted this confirmed. Mr. Stephenson stated that the westerly boundary of the subject site was proposed for gently rolling landscaping and that there was no berm proposed.

Marcia Morris stated that this was unacceptable. The residence located immediately west of the property should be protected by a sound and sight barrier.

The Board reviewed Ordinance Section 11.540(1), Section 68.204 and Section 82.800(d). A lengthy discussion followed.

The Township Attorney explained that the Ordinance provision here applicable is Section 82.800(d), which provides that adverse effects of a proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping. The Township Attorney suggested that the Board first determine the adverse effects and then address the issue of appropriate screening to minimize the adverse effects.

Marcia Morris stated that the adverse effects would be litter, noise and light.

Following general discussion, it was determined that a screen barrier between the two 9th Street drives should be provided to protect the existing residence. Further, that this screening should be a combination of the screening required under Sections 11.540(1) and (3). This determination was made by the Board members with William Miller dissenting. Landscaping along the remainder of the west line would be as originally proposed.

George Vuicich reviewed the comments offered by the citizens concerning the concrete wall, the sewer and water payback issue, the requirement for a new site plan and further adjournment of the

public hearing, the requirement of monitoring wells and the stormwater issue.

Marcia Morris suggested that the Board should also acknowledge the concerns of the citizens regarding crime and whether Meijer has an active plan regarding crime prevention.

Donna Klobucher expressed concern with regard to lighting and the use of floodlights in the garden center.

Marcia Morris said she still held concerns regarding the lowering of the berm on the easterly property boundary as it approached M-43.

A general discussion followed. At the conclusion of the discussion, Acting Chairman George Vuicich asked the pleasure of the Board with regard to the applicant for special exception use for the outdoor lawn and garden center, including Christmas tree sales.

The Board members reviewed the provisions of Section 60.100. The Acting Chairman reminded the Board that they were to address the issue of whether the proposed use would be compatible with other uses expressly permitted within the district; whether it would in any manner be detrimental or injurious to the use or development of adjacent properties, to the occupants thereof or to the general neighborhood; whether it would promote the public health, safety, morals and general welfare of the community; and whether it would encourage the use of land in accordance with their character and adaptability.

It was determined that these issues had been addressed exhaustively, whereupon William Miller moved that the applicant's request for a special exception use for the operation of an outdoor display and sale of lawn and garden merchandise, including Christmas trees, be approved. The Acting Chairperson asked for a second. None responded immediately. The Acting Chairperson indicated he had heard no second to the motion and asked the pleasure of the Board, whereupon Marcia Morris seconded the motion.

The Acting Chairperson asked if there was further discussion of the proposed motion. The Chairperson called for a vote. The motion passed unanimously.

The Acting Chairperson asked the Board to consider the site plan. In this regard, Acting Chairperson Vuicich suggested that the Board review the agreed-upon site plan conditions and limitations. The Minutes of June 30, 1992 and the staff reports were consulted. The Chairperson noted that the following conditions received a consensus, either at the June 30 public session or at this July 2 public session, with some modifications resulting from further discussion at this meeting.

Mr. Vuicich stated that the Board had reached a consensus on following.

1. SITE ACCESS

Deviation from Access Management Guidelines and/or Conditions as to Access:

- A. That deviation from the Access Management Guidelines, specifically Section 67.400, was appropriate pursuant to Section 67.700 of the Zoning Ordinance so as to allow four (4) access drives rather than two (2). Deviation was warranted based on the traffic volume data provided in the traffic impact study. Additionally, deviation was found to comply with Township Access Management objectives pursuant to the recommendation of KATS. As a further reason supporting deviation, and as a condition of the deviation, the applicant was committed to provide an access to the excluded residential parcel from its easternmost drive. It was agreed by the applicant that the "internal connection" was a condition for approval of the of the four (4) access drives for the project.
- B. That deviation from Section 67.500 of the Ordinance, pursuant to Section 67.700 of the Ordinance, be permitted so as to allow the easternmost drive along West Main to deviate from the driveway spacing requirements of the Access Management Guidelines, based upon the fact that the spacing requirements in this case relate to a residential drive and should the excluded parcel be utilized for commercial use, it would require Township approval and trigger the application of spacing requirements to any newly established drive. Therefore, it was felt that the deviation was warranted and would comply with the Township's Access Management Guidelines. Further, as a reason for the deviation, it was recognized that access to the excluded parcel from the subject site was a condition of approval.
- C. That the proposed West Main drives be provided as proposed, with a request for further review by the Engineers and by the Michigan Department of transportation regarding a continuous right turn lane along West Main; however, if as a result of further review by the Engineers and by the Michigan Department of Transportation, it is concluded by the Michigan Department of Transportation that a continuous lane is not the safest arrangement, then the access points shall be constructed as shown on the site plan layout drawing presented at the July 2, 1992 public hearing; that is, that the deceleration lane shall have a minimum length of 200 feet with a minimum taper of 150 feet, except that

the easterly-most drive off West Main shall be located so as to have a deceleration lane of 100 feet and a taper of 150 feet extending easterly from the proposed drive and beyond the easterly boundary of the subject property and in front of the property zoned R-2, as shown on the July 2, 1992 site plan layout.

Further, that a 48-foot wide roadway (deceleration lane) be established from West Main north to the southernmost 9th Street drive.

- D. That the southernmost drive along 9th Street should be located so as to align with the development's southernmost east-west circulation road and so as to increase the distance of the drive from the 9th Street/West Main intersection as shown on the July 2, 1992 site plan layout.

It was noted that future signalization at the 9th Street/West Main intersection, as recommended by KATS and Township staff, was considered by the Board in its decisions with regard to access.

2. PARKING AREA

Conditions:

- A. That the parking area shall be laid out as shown on the July 2, 1992 site plan, specifically providing that raised-end islands be established near major access/circulation points and used to delineate the on-site circulation roadway. Further, that two equally spaced raised-end islands be located along the southerly service drive to aid in further delineating the on-site circulation roadway.
- B. That all parking spaces be 10' by 20' with the exception of barrier-free parking spaces, which shall be 12' by 20'; that all barrier-free parking spaces be designated with signage and pavement logos.
- C. That directional signs and/or pavement markings be provided as a means of ensuring smooth on-site traffic circulation.
- D. That the dumpster servicing the retail facility and the dumpster located near the gas station/convenience store each be enclosed on three (3) sides as required by the Ordinance.

3. LIGHTING

Conditions:

- A. That lighting fixtures at the site be those indicated by the applicant on the July 2, 1992, site plan provided by the applicant rather than those indicated on the written specifications originally provided by the applicant.
- B. That the illumination level (footcandle layout) information provided by the applicant shall set the maximum level of illumination which is to be allowed. ~~at the site.~~
- C. That all lighting be sharp cut-off style except for the lighting provided for the garden center, where halogen sharp cut-off floodlights will be allowed to be directed under the canopy so as not to shine directly on white facades or white material, which is to prevent a glare on adjoining premises.
- D. That all lighting fixtures of the sharp cut-off variety shall be mounted at a 90° angle to the post or building to which they are affixed and directed at the ground.
- E. That the garden center floodlights be turned off at 11:00 p.m.

4. SCREENING

Screening:

- A. That screening of the easterly boundary be constructed as shown on the July 2, 1992 site plan landscaping plan, consisting of a 17 to 18 foot prefabricated concrete wall to screen the loading area and a berm approximately 13.5 feet high extending southerly, where it is to taper to zero as shown on the site plan. The plantings originally proposed by the applicant for the east line shall be concentrated along the berm. Existing vegetation along the east line to be retained.
- B. That screening be constructed in accord with the provisions of Section 11.540(1) and (3) of the Zoning Ordinance and developed between the two access drives off 9th Street so as to screen the residence dwelling located immediately to the west.

C. That a berm be established along the northerly line of the commercially-zoned portion of this site as proposed by the applicant in the July 2, 1992, site plan.

D. ~~That greenspace at the front of the site (near M-43) be maintained.~~ That green space at the front of the site (near M-43) be retained.

5. SEWER AND WATER

Conditions:

A. That the development be required to have public water and public sewer service.

6. SURFACE WATER

Condition:

A. That the retention pond located in the portion of the property zoned R-2 be allowed as shown by the applicant on the July 2, 1992 site plan, subject to these further conditions in accord with the recommendation of the Kalamazoo County Health Department:

(1) that the applicant develop a plan for debris removal from the sumps;

(2) that the applicant install a shut-off valve near the discharge point to the settlement pond;

(3) that the applicant provide an impervious lining for the primary sedimentation basin;

(4) that the applicant develop a plan for the removal of sediment from the primary sedimentation basin.

B. Further as to the retention ponds located on the R-2 property:

(1) it was required that the site of the retention ponds remain a part of the development and;

(2) that no further development take place on the R-2 lands on which the sediment ponds are located without prior site plan approval. It was noted that the Board approve the location of the retention ponds on the R-2 zoned property for the reason that same would provide a buffer or greenbelt between the commercial and residential uses as a transition. It was noted that the entire

R-2 parcel of 30 acres was included in the site approved herein.

- C. It was noted the surface waters from property on the south side of West Main naturally flow onto the site in question and that the retention basin system, as proposed, was designed to accommodate this surface water as well as that from the instant site. Further, the applicant had agreed to accept this additional surface water in its retention basin.

7. SIGNAGE

As a condition, it was required that all signage comply with Section 76.000 of the Ordinance and be approved through the permit process.

8. ENGINEER AND FIRE DEPARTMENT APPROVAL

It was noted that approval was subject to review and approval of the Township Fire Department and Township Engineer.

9. DOCUMENTS AND REPORTS INCORPORATED BY REFERENCE

As a condition of approval, it was noted that all documents, reports and written materials submitted by the applicant and by outside consultants, as well as Township staff reports, be incorporated as part of the Minutes of this meeting and, so far as practicable, provide interpretation and explanation of the site plan approval conditions.

The Acting Chairperson asked if there were any further items to be addressed. There being none, he asked the pleasure of the Board, whereupon Donna Klobucher moved that the site plan be approved subject to each of the above-set forth conditions and limitations. Mr. Miller seconded the motion. The motion carried four to two, with Marcia Morris and Michael Blied voting in opposition thereto.

ADJOURNMENT

The meeting was adjourned at 12:15 a.m.

OSHTEMO TOWNSHIP ZONING BOARD

By: William Miller
William Miller, Secretary

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

June 17, 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

VIA FACSIMILE

Re: Charter Township of Oshtemo
CarMart - Special Exception Use Permit/Site Plan Review

Dear Elaine:

Enclosed please find a Notice of Public Hearing regarding the above matter. Please publish this Notice in the Gazette on Saturday, June 21, 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

151 S Rose Street
800 Comerica Building
Kalamazoo, Michigan
49007-4731

Telephone 616-381-3600

Fax 616-381-8550

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

June 10, 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

VIA FACSIMILE

Re: Charter Township of Oshtemo
Meijer, Inc. -
Special Exception Use Permit/Site Plan Approval

Dear Elaine:

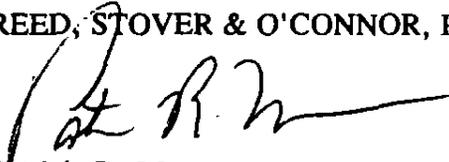
Enclosed please find a Notice of Public Hearing regarding the above matter. Please publish this Notice in the Hometown Gazette West and North on Monday, June 16, 1997.

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

151 S. Rose Street
800 Comerica Building
Kalamazoo, Michigan
49007-4731

Telephone 616-381-3600

Fax 616-381-8550

6-26-97

AC Mtg -



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9333
616-375-4260 FAX 375-7180 TDD 375-7191

SITE PLAN REVIEW APPLICATION

150. —

Date: _____ Present Zoning: Agriz Rural Fee: 500⁰⁰

Land Owner: Including the names & addresses of any officers of a corporation or partners of a partnership). Documentation is required.

ROCKWOOD LAKE LIMITED PARTNERSHIP
5699 RAVINE ROAD
KALAMAZOO, MI 49009-9001

Person Making Request: JIM LOBRETTO

Address: SAME Phone: 344-6720

Interest in Property: LAND CONTRACT

Size of Property Involved: 20.2 Ac

Legal Description of Property Involved: _____
See attached

General Description of the Proposed Development: Site condominium
Consisting of 9 parcels and public road.

List Supporting Documents attached to the application, if any: LAND CONTRACT
M

CHARTER TOWNSHIP OF OSHTEMO
7275 W. MAIN STREET
KALAMAZOO, MI 49009
616-375-4260

that approval of this site plan constitutes Township of Oshtemo, that all improvements be made in strict compliance with the approved plan and conditions imposed, and shall be subject to approval as required under Site Plan Review.

5/09/97 JF
052995 SITE PLAN APP/LOBRET 150.00
TOTAL PAID 150.00

[Signature]
Owner/Agent

THANK YOU

Jan Lobrette

3905-01-230-010	Buttema	
01-205-010	Picklo	
020	Buttema (<u>Dug</u>)	No 0
01-230-030	Presley	
040	Koerts	
050	Conrad	
060	Storm, C.	
070	Storm, A.	
080	Ehema, R.	
091	"	No 0
095	" , H	No 0
099	"	No 0
100	Martinson	
01-240-050	Wyman	
01-255-030	Koning	
040	Horn	
01-280-011	Doerlag	
034	Palma	
042	Norman	
01-285-040	Byrne/DeHaan, R.	
052	DeHaan, D.	
01-287-010	Shugars	

Mr. James LoBretto
Rockwood Lake Limited Partner
5699 Ravine Road
Kalamazoo, MI 49009-9001

01-230-010
BULTEMA JOHN H ET AL
692 MAPLEWAY
MUSKEGON MI 49441

01-205-010
PICKLO LAWRENCE & KATHERINE
5500 WEST G AVENUE
KALAMAZOO MI 49009

01-230-030
PRESLEY PENOLA S
5418 WEST G AVENUE
KALAMAZOO MI 49009

01-230-040
KOERTS JOHN P JR
5400 WEST G AVENUE
KALAMAZOO MI 49009

01-230-050
CONRAD HELEN A
5388 WEST G AVENUE
KALAMAZOO MI 49009

01-230-060
STORM CARL L & ALEATHE A
5376 WEST G AVENUE
KALAMAZOO MI 49009

01-230-070
STORM ALEATHE A
5376 WEST G AVENUE
KALAMAZOO MI 49009

01-230-080
EKEMA RAYMOND & WILMA
5340 WEST G AVENUE
KALAMAZOO MI 49009

01-230-095
EKEMA HENRY & ALICE
EKEMA RAYMOND & WILMA
5633 WEST G AVENUE
KALAMAZOO MI 49009

01-230-100
MARTINSON RICHARD D & BONNALYN
9546 FIREFLY
GALSBURG MI 49053

01-240-050
WYMAN MILDRED M
5330 WEST GH AVENUE
KALAMAZOO MI 49009

01-255-030
KONING DONALD E & JOHANNA D
5303 WEST G AVENUE
KALAMAZOO MI 49009

01-255-040
HORN GEORGE E & PHYLLIS A
5281 WEST G AVENUE
KALAMAZOO MI 49009

01-280-011
DOORLAG HENRY J & BETTY A
5270 WEST G AVENUE
KALAMAZOO MI 49009

01-280-034
PALMA DOROTHY
5240 WEST G AVENUE
KALAMAZOO MI 49009

01-280-042
NORMAN MERTON A & PHYLLIS D
5100 WEST G AVENUE
KALAMAZOO MI 49009

01-285-040
BYRNE ELIZABETH M
DEHAAN ROBERT
4670 RAVINE ROAD
KALAMAZOO MI 49006

01-285-052
DEHAAN DUANE D & NANCY L
4631 WINDING WAY
KALAMAZOO MI 49006

01-287-010
SHUGARS WAYNE & MARGIE
1758 GREENBRIAR
PORTAGE MI 49024

01-287-010
OCCUPANT
5267 WEST G AVENUE
KALAMAZOO, MI 49009



CHARTER TOWNSHIP
OF OSHTEMO
7275 W. MAIN STREET
KALAMAZOO, MI 49009
616-375-4260

6/13/97 NC

053448 SITE PLAN/PURAZRANG 500.00
TOTAL PAID 500.00

7275 W. MAIN STREET, KALAMAZOO, MI 49009-933-
616-375-4260 FAX 375-7180 TDD 375-7191

SITE PLAN REVIEW APPLICATION

Date: 6/13/97 Present Zoning: Commercial Fee: \$500.00

Land Owner: Including the names & addresses of any officers of a corporation or partners of a partnership). Documentation is required.

Mehdi Purazrang
7132 West ML Avenue
Kalamazoo, Michigan 49009

Person Making Request: Mehdi Purazrang

Address: 7132 West ML Avenue Phone: 375-1775

Interest in Property: 6477 B Stadium Drive, Kalamazoo, MI 49009

Size of Property Involved: 52989 square feet

Legal Description of Property Involved: attached

General Description of the Proposed Development: office for Carmart - relocating from 222 N. Grand, Schoolcraft, MI

List Supporting Documents attached to the application, if any: _____

We rely on all documents submitted in support of previously granted site plan.

I, the undersigned, acknowledge that approval of this site plan constitutes an agreement with the Charter Township of Oshtemo, that all improvements and obligations must be developed in strict compliance with the approved site plan and any amendments or conditions imposed, and shall be completed within the time specified under Site Plan Review.

Mehdi Purazrang
Owner/Agent
Mehdi Purazrang

Car Mart

3905 - 35 - 205 -	031	Purazrang	0
	051	"	0
	110	"	No 0
	012	Cares	
35 - 205 -	061	Siegel	0
	070	"	0
	081	Enterprises Inc.	
	090	Top.	
	100	"	
	120	"	
	130	"	
	140	Schmitz	
	150	Gromek	0
	160	"	0
	181	Vander Weele	
	191	Lutke	
	201	Lanning	
	211	Vondran	
35 - 212 -	011	Purazrang (Dup.)	0
	020	Prospectus	
35 - 130 -	097	LaPine	
	101	Lawson	
35 - 135 -	102	Scheffers	
	111	Keck	
	201	Jones	
	210	Migala	

1905-35-135-220

Jones (Aug)

No. 0

230

Turnblay

241

Weaver

251

Ballett

26-465-022

Family D

26-380-051

Mick Bell

35-205-031
PURAZRANG MEHDI
7132 WEST ML AVENUE
KALAMAZOO MI 49009

35-205-140
OCCUPANT *Returned*
6383 PARKVIEW AVENUE
KALAMAZOO, MI 49009

35-205-031
OCCUPANT
3311 SOUTH 9TH STRETT
KALAMAZOO, MI 49009-9501

35-205-150
GROMEK BETTIE
P O BOX 184
OSHTENO MI 49077

35-205-051
PURAZRANG MEHDI
7132 WEST ML AVENUE
KALAMAZOO MI 49009

35-205-150
OCCUPANT *Returned*
6371 PARKVIEW AVENUE
KALAMAZOO, MI 49009

35-205-051
OCCUPANT
6475 /6477 STADIUM DRIVE
KALAMAZOO, MI 49009

35-205-160
GROMEK BETTIE
P O BOX 184
OSHTENO MI 49077

35-205-012
CARES LOUIS
3000 BRETON S E
KENTWOOD MI 49512

35-205-160
OCCUPANT *Returned*
6351 PARKVIEW AVENUE
KALAMAZOO, MI 49009

35-205-012
OCCUPANT
6460 STADIUM DRIVE
KALAMAZOO, MI 49009

35-205-181
HARWOOD ARLENE TRUSTEE
VANDERWEELE BRUCE A
3335 SOUTH 9TH STREET
KALAMAZOO MI 49009

35-205-061
SIEGEL JACK L & GLORIA J
7354 WEST ML AVENUE
KALAMAZOO MI 49009

35-205-191
LUTKE MICHAEL & JANET
2651 SOUTH 4TH STREET
KALAMAZOO MI 49009

35-205-061
OCCUPANT
6471 STADIUM DRIVE
KALAMAZOO, MI 49009

35-205-191
OCCUPANT *Returned*
3357 SOUTH 9TH STREET
KALAMAZOO, MI 49009

35-205-070
SIEGEL JACK L JR & DAVID G
7354 WEST ML AVENUE
KALAMAZOO MI 49009

35-205-201
LANING ANDREW R
P O BOX 24
OSHTENO MI 49077

35-205-070
OCCUPANT
6465 STADIUM DRIVE
KALAMAZOO, MI 49009

35-205-201
OCCUPANT *Returned*
3393 SOUTH 9TH STREET
KALAMAZOO, MI 49009

35-205-081
ENTERPRISES INC
522 1/2 SOUTH BURDICK
KALAMAZOO MI 49001

35-205-211
VONDRAN PRUDENCE
5404 PAW PAW LAKE DRIVE
COLOMA MI 49038

35-205-081
OCCUPANT *Returned*
6421 STADIUM DRIVE
KALAMAZOO, MI 49009

35-205-211
OCCUPANT
3419 SOUTH 9TH STREET
KALAMAZOO, MI 49009

35-205-140
SCHMITZ DORAS J & SHIRLEY A
PO BOX 132
OSHTENO MI 49077

35-212-011
PURAZRANG MEHDI
PO BOX 619
OSHTENO MI 49077

35-212-011
OCCUPANT
3445 SOUTH 9TH STREET
KALAMAZOO, MI 49009

35-135-210
NIGALA RICHARD L & ABBY P
1403 SOUTHERN AVENUE
KALAMAZOO MI 49001

35-212-020
PROSPECTUS
8065 WEST PQ AVENUE
KALAMAZOO MI 49009

35-135-210
OCCUPANT *Returned*
6523 STADIUM DRIVE
KALAMAZOO, MI 49009

35-212-020
OCCUPANT
3477 SOUTH 9TH STREET
KALAMAZOO, MI 49009

35-135-220
JONES ANITA H
3210 SOUTH PARK
KALAMAZOO MI 49001

35-130-097
LAPINE MICHAEL
P O BOX
OSHTENO MI 49077

35-135-230
TREMBLAY INTERNATION PROP LLC
38476 23RD STREET
MATTAWAN MI 49071

35-130-097
OCCUPANT *Returned*
6532 STADIUM DRIVE
KALAMAZOO, MI 49009

35-135-230
OCCUPANT
3344 SOUTH 9TH STREET
KALAMAZOO, MI 49009

35-130-101
LAWSON EARL K & DOLORES A
P O BOX 267
LAWTON MI 49065

35-135-241
WEAVER DONALD J & HEATHER A
PO BOX 652
OSHTENO MI 49077

35-130-101
OCCUPANT *Returned*
6520 STADIUM DRIVE
KALAMAZOO, MI 49009

35-135-241
OCCUPANT
3356 SOUTH 9TH STREET
KALAMAZOO, MI 49009

35-135-102
SCHEFFERS ARTHUR & JUNE
5847 WEST N AVENUE
KALAMAZOO MI 49009

35-135-251
BALLETT LOUSINA
P O BOX 112
OSHTENO MI 49077

35-135-102
OCCUPANT *Returned*
6547 STADIUM DRIVE
KALAMAZOO, MI 49009

35-135-251
OCCUPANT *Returned*
3384 SOUTH 9TH STREET
KALAMAZOO, MI 49009

35-135-111
KECK EUGENE F
P O BOX 35
OSHTENO MI 49077

26-465-022
FAMILY D
211 BANNISTER
PLAINWELL MI 49080

35-135-111
OCCUPANT *Returned*
3420 SOUTH 9TH STREET
KALAMAZOO, MI 49009

26-465-022
OCCUPANT
6430 STADIUM DRIVE
KALAMAZOO, MI 49009

35-135-201
JONES ANITA H
3210 SOUTH PARK
KALAMAZOO MI 49001

26-380-051
MICHIGAN BELL TELE CO
3500 NORTHWESTERN HWY
SOUTHFIELD MI 48075

35-135-201
OCCUPANT *Returned*
6535 STADIUM DRIVE
KALAMAZOO, MI 49009

26-380-051
OCCUPANT
3230 SOUTH 9TH STREET
KALAMAZOO, MI 49009

#119
OSHTEMO TOWNSHIP
KALAMAZOO COUNTY, MICHIGAN

APPLICATION FOR SPECIAL EXCEPTION USE HEARING

Date JUNE 5, 1997

MEIJER, INC
Applicant's Name

SECTION 14
Land Section or Plat

The above named applicant hereby petitions the Oshtemo Township Zoning Board for a special exception use of the following described property as hereinafter set forth and in support of such use submits the following facts:

- I. Legal description of property (Lot and Plat name or meet 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 landmarks).

6660 W. MAIN STREET
SEE ATTACHED

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

SEE ATTACHED

**CHARTER TOWNSHIP
OF OSHTEMO
7275 W. MAIN STREET
KALAMAZOO, MI 49009
616-375-4260**

6/11/97 NC
053418 PC/MEIJERS SP EXCEP 300.00
TOTAL PAID 300.00

THANK YOU

IV. Nature of applicant's interest in the property (deedholder, 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 plat or deed restrictions encumber the property. (If none, so state; otherwise list such restrictions or attach copy of the same.)

NONE

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

Summer Celebration - July 14-20 - Daily Festivities in the front of THE STORE. (See attached)

VIII. It is hereby requested that the foregoing described property be approved for operation of a used car lot per Paragraph 16, Section 10B of the Charter Township of Oshtemo Zoning Ordinance.

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

Paul Meijer, Inc.
Signature of Applicant

6660 W. Main
Address

3724107 ext 414
Phone

Meijer

3905-14-185-020

Meijer

14-185-030

Close

040

Meijer Gas Sta.

14-155-026

9th St. Group

062

Stewart

066

Elleman/Warren

14-105-012

Pattison, D

041

Wilber

051

Pattison, M

14-130-012

Close

14-205-012

Visser

14-255-010

Longjohn

14-305-016

Crystal Car

021

Storage Inv.

14-330-012

Clark

015

Hanson

020

Skyler

14-332-004

VandenBerg

14-405-010

Rohlf

020

Dalzell

0

Ron Dunlop
Meijer, Inc.
6660 West Main
Kalamazoo, MI 49009

14-185-020
MEIJER INC
2929 WALKER AVENUE NW
GRAND RAPIDS MI 49504

14-255-010
LONGJOHN WILLIAM J TRUSTEE
1917 EAST VIEW DRIVE
SUN CITY CENTER FL 33573

14-185-020
OCCUPANT
6660 WEST MAIN
KALAMAZOO, MI 49009

14-305-016
CRYSTAL CARWASH INC
6775 WEST MAIN
KALAMAZOO MI 49009

14-185-030
CLOSE ETHEL M
6572 WEST MAIN
KALAMAZOO MI 49009

14-305-021
STORAGE INVESTMENTS LLC
13000 ROCKLAND ROAD
LAKE BLUFF IL 60044

14-185-040
MEIJERS REALTY CO
2929 WALKER NW
GRAND RAPIDS MI 49544

14-305-021
OCCUPANT
6779 WEST MAIN
KALAMAZOO, MI 49009

14-185-040
OCCUPANT *Returned*
6700 WEST MAIN
KALAMAZOO, MI 49009

14-330-012
CLARK REFINING & MARKETING INC
8182 MARYLAND AVENUE
ST LOUIS MO 63105

14-155-026
NINTH STREET GROUP INC
543 WEST MICHIGAN
KALAMAZOO MI 49007

14-330-015
HANSON PROPERTIES
805 SPRUCE
DOWAGIAC, MI 49047

14-155-062
STEWART WINIFRED I.
815 WEST INKSTER
KALAMAZOO MI 49008

14-330-015
OCCUPANT
6649 WEST MAIN
KALAMAZOO, MI 49009

14-155-066
ELSMAN SUSAN K/WARREN SUSAN I
226 GLADYS
PORTAGE MI 49002

14-330-020
SKYLER ENTERPRISES CO
WESTCARE ASSOCIATES CO
6565 WEST MAIN
KALAMAZOO MI 49009

14-155-066
OCCUPANT
987 NORTH 9TH STREET
KALAMAZOO, MI 49009

14-332-004
VANDENBERG JACK D
8646 SHAVER ROAD
PORTAGE MI 49002

14-105-012
PATTISON DALE P & THOMAS E
2270 NORTH 9TH STREET
KALAMAZOO MI 49009

14-332-004
OCCUPANT
6619 WEST MAIN
KALAMAZOO, MI 49009

14-105-041
WILBER GERTRUDE
PATTISON THOMAS
1283 NORTH 9TH STREET
KALAMAZOO MI 49009

14-405-010
ROHLFS RICHARD/CAMPBELL ALLEN
9825 WEST KL AVENUE
KALAMAZOO MI 49009

14-105-051
PATTISON MARY L
1207 NORTH 9TH STREET
KALAMAZOO MI 49009

14-405-010
OCCUPANT
6479 WEST MAIN
KALAMAZOO, MI 49009

14-205-012
VISSER STEVEN
2119 WILD CHERRY LANE
KALAMAZOO MI 49009

14-405-020
DALZELL EARL W & PATRICIA A
117 WEST CEDAR
KALAMAZOO MI 49007