

7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
269-216-5220 Fax 375-7180 TDD 375-7198
www.oshtemo.org

**NOTICE
OSHTEMO CHARTER TOWNSHIP
Zoning Board of Appeals**

**Tuesday,
September 27, 2016
3:00 p.m.**

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Public Comment on Non-Agenda Items
4. Approval of Minutes: August 9, 2016
5. **SITE PLAN REVIEW: National Flavors, 7700 Stadium Drive**
Daniel Hinkle, representing National Flavors, is requesting site plan review for a new manufacturing facility on a vacant parcel at the northwest corner of Stadium Drive and Stadium Parkway. Parcel No. 3905-34-155-050.
6. **PUBLIC HEARING: Variance Request (Meritage Hospitality Group, 5455 West Main Street)**
Applicant is requesting a variance from Subsection 78.720 of the Zoning Ordinance to allow the proposed site lighting to exceed the required 0.1 footcandles at the property line. The subject property is zoned C: Local Business District. Parcel No. 3905-13-401-020.
7. Any Other Business / ZBA Member Comments
8. Adjournment

Policy for Public Comment
Township Board Regular Meetings, Planning Commission & ZBA Meetings

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

- a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official to respond at a later date.
- b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be board discussion prior to call for a motion.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name; it is not required unless the speaker wishes to have their comment recorded in the minutes.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment or Citizen Comment on Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which is in contravention of any of the principles and procedures set forth herein.

(adopted 5/9/2000)
(revised 5/14/2013)

Policy for Public Comment
6:00 p.m. "Public Comment"/Portion of Township Board Meetings

At the commencement of the meeting, the Supervisor shall poll the members of the public who are present to determine how many persons wish to make comments. The Supervisor shall allocate maximum comment time among persons so identified based upon the total number of persons indicating their wish to make public comments, but no longer than ten (10) minutes per person. Special permission to extend the maximum comment time may be granted in advance by the Supervisor based upon the topic of discussion.

While this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official to respond at a later date.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name; it is not required unless the speaker wishes to have their comment recorded in the minutes.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor shall terminate any public comment which is in contravention of any of the principles and procedures set forth herein.

(adopted 2/27/2001)
(revised 5/14/2013)

**OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

MINUTES OF A MEETING HELD AUGUST 23, 2016

Agenda

PUBLIC HEARING: VARIANCE REQUEST (TOBIN SCHAAP, 1640 SOUTH 4TH STREET)

APPLICANT IS REQUESTING A VARIANCE FROM SUBSECTION 64.100 OF SECTION 64.00 SETBACK AND SIDE LINE SPACING OF THE ZONING ORDINANCE TO REDUCE THE FRONT BUILDING SETBACK FROM 70 FEET TO 30 FEET FROM THE 4TH STREET RIGHT-OF-WAY IN ORDER TO CONSTRUCT AN ACCESSORY BUILDING. THE SUBJECT PROPERTY IS ZONED R-3: RESIDENCE DISTRICT. (PARCEL #3905-29-230-040.)

PUBLIC HEARING: VARIANCE REQUEST (HURLEY & STEWART, LLC, 2800 SOUTH 11TH STREET)

APPLICANT IS REQUESTING A VARIANCE FROM SUBSECTION 64.100 OF SECTION 64.00 SETBACK AND SIDE LINE SPACING OF THE ZONING ORDINANCE TO REDUCE THE FRONT BUILDING SETBACK FROM 70 FEET TO 40 FEET FROM THE 11TH STREET RIGHT-OF-WAY IN ORDER TO CONSTRUCT AN ADDITION TO AN EXISTING BUILDING. THE SUBJECT PROPERTY IS ZONED R-3: RESIDENCE DISTRICT. (PARCEL #3905-25-335-040.)

A meeting of the Oshtemo Charter Township Zoning Board was held on Tuesday, August 23, 2016, at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

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

MEMBERS ABSENT: None

Also present were Julie Johnston, Planning Director, James Porter, Attorney, Martha Coash, Meeting Transcriptionist, and seven interested persons.

Call to Order and Pledge of Allegiance

Chairperson Bell called the meeting to order and invited those present to join in reciting the "Pledge of Allegiance."

Public Comment on Non-Agenda Items

There were no public comments on non-agenda items.

Approval of the Minutes of August 9, 2016

The Chairperson asked if there were any additions, deletions or corrections to the minutes of August 9, 2016. Hearing none, she asked for a motion of approval.

Mr. Loy made a motion to approve minutes of August 9, 2016 as presented. Ms. Culp supported the motion. The motion was approved unanimously.

PUBLIC HEARING: VARIANCE REQUEST (TOBIN SCHAAP, 1640 SOUTH 4TH STREET)

APPLICANT IS REQUESTING A VARIANCE FROM SUBSECTION 64.100 OF SECTION 64.00 SETBACK AND SIDE LINE SPACING OF THE ZONING ORDINANCE TO REDUCE THE FRONT BUILDING SETBACK FROM 70 FEET TO 30 FEET FROM THE 4TH STREET RIGHT-OF-WAY IN ORDER TO CONSTRUCT AN ACCESSORY BUILDING. THE SUBJECT PROPERTY IS ZONED R-3: RESIDENCE DISTRICT. (PARCEL #3905-29-230-040.)

Chairperson Bell said the next item was a request for a variance from Tobin Schaap for 1640 South 4th Street and asked Ms. Johnston to review the application.

Ms. Johnston said Tobin Schaap, 1640 South 4th Street was requesting a variance to reduce the building setback from 70 feet to 30 feet in order to construct an approximately 800 square foot residential accessory building on his property, located at 1640 South 4th Street, near the intersection of L Avenue. South 4th Street, classified as a *Designated Highway* by section 64.100 of the Oshtemo Township Zoning Ordinance, has an enhanced setback from the right-of-way of 70 feet, where many other residential properties in the Township only require 30 feet. The undulating topography and drainage patterns of the property, the applicant argues, makes compliance with the stated 70 foot minimum front setback from 4th Street impractical. While the part of the parcel that the house is built on, which is approximately 27 feet from the 4th Street right-of-way, is fairly flat, as is the majority of the remainder of the property along that frontage, there is a marked drop off to the west, terminating at the lowest spot of the property.

Ms. Johnston walked through the standards of approval the Board needed to consider when reviewing a variance request.

*Standard: Conformance Unnecessarily Burdensome
Are reasonable options for compliance available?
Does reasonable use of the property exist with denial of the variance?*

Ms. Johnston commented while the applicant could hypothetically locate the accessory building in compliance with the 70 front setback from the 4th Street right-of-way, doing such could be viewed as unnecessarily burdensome, as it would require a significant amount of regrading and drainage interventions to ensure that runoff doesn't intrude into the structure. Additional soil engineering may also be required so that the depression's stormwater retention qualities are maintained, preventing any increase in runoff onto the adjacent property to the south. Other portions of the property outside of the minimum setback areas also suffer from steep slopes and are largely wooded, meaning that the location for the accessory structure that the applicant has identified is the most suitable on the property.

She said Staff feels it is reasonable for the applicant to wish to erect an accessory structure for personal use, and that requiring compliance with the 70 foot setback would practically preclude that from happening.

*Standard: Substantial Justice
Applied to both applicant as well as to other property owners in district.
Review past decisions of the ZBA for consistency (precedence).*

Ms. Johnston noted Staff was able to find past instances of when the Zoning Board of Appeals was inclined to grant relief for residential properties from the stated setback requirements due to physical circumstances and provided three examples.

*Standard: Unique Physical Circumstances
Are there unique physical limitations or conditions which prevent compliance?*

She said not only does building on sloped and wooded land present a challenge when it comes to preparing a suitable building site, but the necessary earth changes would mean that the land's native drainage patterns could be negatively impacted as well.

*Standard: Self-Created Hardship
Are the conditions or circumstances which resulted in the variance request created by actions of the applicant?*

Ms. Johnston said while ultimately the decision to construct an accessory building is at the applicant's discretion, the topographic and other environmental

challenges posed by the land are not self-made, and would pose a difficulty to any project proposed for the property.

Standard: Will the spirit of the Ordinance be observed, the public health, safety, and welfare secured, and substantial justice done if the variance is granted?

Ms. Johnston said although South 4th Street's Designated Highway status means that an enhanced 70 foot front setback is in place, the 30 foot dimension being sought by the applicant is what is observed for the majority of residential properties in the Township, suggesting that the request is not unreasonable and is in keeping with what is commonly accepted in other parts of Oshtemo. Given that the accessory structure is proposed to be placed further back than the primary residence from 4th Street, staff feels that consideration of the public health, safety, and welfare will be observed, as the building's construction will not introduce any new visibility issues for motorists, nor will it significantly alter the character of the property.

Examining the three provided examples of when the Zoning Board of Appeals granted relief from building setbacks, one of which was along a Designated Highway, she said Staff feels substantial justice would be done if this variance request were granted. The ZBA has acknowledged that varying topography is grounds for the granting of a variance, and Township Staff have confirmed in the field that the terrain does appear very challenging to build on.

Ms. Johnston said Staff recommended approval of the variance request from *Section 64.100: Setbacks from Designated Highways* for the following reasons:

- Considering the subject property's topography and somewhat delicate drainage characteristics, especially when factoring in how stormwater is conveyed onto the adjacent property to the south, compliance with the relatively deep 70 foot setback from the 4th Street right-of-way does appear to be unnecessarily burdensome.
- The challenging topography and largely wooded nature of the subject property was not self-made by the applicant.
- The Oshtemo Township Zoning Board of Appeals have granted similar relief in the past. Approving this application for a variance would ensure that substantial justice is consistently being done.

Chairperson Bell thanked Ms. Johnston for her review and asked if Board Members had questions.

In answer to a question, Ms. Johnston clarified the location of some features of the property on maps provided of the property in question.

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

Mr. Tobin Schaap, 1640 South 4th Street, noted he wanted a place to park his vehicle during the winter and that restrictions of the property including topography and power line placement leaves the back of the property as the only place feasible to build if the variance were not granted. That would be an undesirable location to park his vehicle. He noted he had taken the house from being an eyesore to a decent structure.

Chairperson Bell asked about other locations if regrading were done.

Mr. Schaap pointed out various problems: the entrance would be difficult as the curb cut is on 4th Street and the septic tank is in the way.

Attorney Porter said requiring the building to be placed elsewhere on the property would be unnecessarily burdensome since the regrading necessary to do so would likely cause flooding for both the applicant and his neighbor.

Hearing no further questions, Chairperson Bell asked for public comment. There were none, so she moved to Board Deliberations.

Board Members were in consensus that they were in support of granting the variance.

There was some discussion about why some streets were designated as highways, likely done years ago to accommodate possible future road widening.

Ms. Johnston confirmed there would be ample width for road widening with the variance and noted streets designated as highways and the resulting 70 foot setbacks is one of the items that will be reviewed and possibly changed during the Zoning Ordinance reorganization.

Hearing no further comments, Chairperson Bell asked for a motion.

Mr. Loy made a motion to approve the variance request as presented, based on the recommendation and reasons provided by Staff. Mr. Sikora supported the motion. The motion was approved unanimously.

PUBLIC HEARING: VARIANCE REQUEST (HURLEY & STEWART, LLC, 2800 SOUTH 11TH STREET)

APPLICANT IS REQUESTING A VARIANCE FROM SUBSECTION 64.100 OF SECTION 64.00 SETBACK AND SIDE LINE SPACING OF THE ZONING ORDINANCE TO REDUCE THE FRONT BUILDING SETBACK FROM 70 FEET TO 40 FEET FROM THE 11TH STREET RIGHT-OF-WAY IN ORDER TO CONSTRUCT AN ADDITION TO AN EXISTING BUILDING. THE SUBJECT PROPERTY IS ZONED R-3: RESIDENCE DISTRICT. (PARCEL #3905-25-335-040.)

Chairperson Bell moved to the next item on the agenda, a request from Hurley & Stewart, 2800 South 11th Street, to reduce the front building setback from 70 feet to 40 feet in order to construct an addition to an existing building and asked Ms. Johnston to review the application.

Ms. Johnston noted this request is very similar to the previous application. The applicant wishes to construct an approximately 1,000 square foot addition to their building located at 2800 South 11th Street. South 11th Street is classified as a *Designated Highway* by section 64.100 of the Oshtemo Township Zoning Ordinance, which details an enhanced setback from the right-of-way of 70 feet. She said the request to place the addition within the front yard is due to the following:

- The narrowness of the lot (150 linear feet) and the location of the existing building would only allow a 16 foot building addition along the southern side yard due to side yard setbacks. Also, it would require the removal of existing vegetation that provides a significant screening barrier for the neighboring residential property to the south.
- The location of the entrance curb cut and existing parking lot preclude adding to the building to the north.
- Expanding to the west would require the demolition of an existing garage which is used to store survey and other equipment needed by the applicant. In addition, further west is an important detention basin designed to handle the storm water runoff for the site. Additional property is available on the lot further west where this basin could be moved. However, this would require the removal of considerable large growth trees from the property.

She said due to these site constraints, the only available property is located in the front yard. The applicant purchased the lot in 2007 and received approval that same year to construct an addition in the front yard. Their future plans at that time were to continue expanding in the front yard when the growth of their business warranted the construction. In 2014, they submitted a site plan for an expansion of their parking lot and discussed the continued expansion of their building with the Planning Department. The parking lot expansion site plan shows a future expansion of the building. While this addition was shown on the plan, it was not included as part of the 2014 review and therefore staff can find no mention of the addition in the file.

Ms. Johnston noted In July, Hurley & Stewart contacted the Planning Department about moving forward with their addition. It was explained that in 2008, enhanced setbacks were incorporated into the Zoning Ordinance for 11th Street. This was concerning to the applicant because when they purchased the property the setbacks from 11th were 40 feet. After discussions with the applicant on their options, they chose to submit an application for a variance. Staff toured the lot and found the property constraints mentioned above.

As with the previous request, she said this request by the applicant is for a nonuse variance and that the ZBA should review the following standards in considering the variance request:

Standard: Conformance Unnecessarily Burdensome
Are reasonable options for compliance available?
Does reasonable use of the property exist with denial of the variance?

Ms. Johnston said the applicant could, hypothetically, locate the addition along the west side of the existing building, and therefore remain in compliance with the 70 front setback from 11th Street. Doing such could be viewed as unnecessarily burdensome, as it would require a significant amount of fill, tree removal and the demolition and reconstruction of the existing garage. Additional grading would also be required to recreate the storm water detention area lost to the building addition. No other reasonable options for compliance are available because of the side yard setbacks to the south and the parking lot to the north of the existing structure. Based on current site constraints, the only reasonable option is the front yard.

Standard: Substantial Justice
Applied to both applicant as well as to other property owners in district.
Review past decisions of the ZBA for consistency (precedence).

Staff was able to find one past instance when the Zoning Board of Appeals granted relief from the enhanced front yard setback requirement for non-residential properties due to physical circumstances. There are also a number of variances to the front yard setback in areas where the enhanced setback either is not required or was not required at the time the variance was granted. A list of these was provided to Board Members.

Standard: Unique Physical Circumstances
Are there unique physical limitations or conditions which prevent compliance?

Ms. Johnston noted there are two physical circumstances to consider with this variance request. While both of them are man-made, they are existing conditions that directly impact the applicant's ability to complete the building addition in compliance with the Ordinance. The first is the presence and location of a storm water detention basin,

which has a grade change of close to 10 feet. The second is the existing structure and its location on the site. The combination of these factors limits the ability to add on to the building without reconfiguring the entire site.

In addition, she said, the presence of a large tree stand in the rear of the lot should be considered and preserved to the best extent possible. Placing the addition in the front yard will allow these trees to remain undisturbed.

Standard: Self-Created Hardship
Are the conditions or circumstances which resulted in the variance request created by actions of the applicant?

Ms. Johnston explained that while ultimately the decision to construct an addition to the building is at the applicant's discretion, the constraints that impede this decision were not entirely created by the applicant. The location of the original single-family home, which was converted into an office in 2007, was predetermined on the site. The additions planned by the applicant were considered when the front yard setback for 11th Street was 40 feet and therefore, the site was engineered to drain to the storm water detention basin located along the western portion of the building. Moving this pond would require re-engineering the site to ensure proper storm water management.

Standard: Will the spirit of the Ordinance be observed, the public health, safety, and welfare secured, and substantial justice done if the variance is granted?

Ms. Johnston said two buildings to the north of the site have setbacks similar to the applicant's request. The first is 2636 South 11th Street, an office building developed in 2007 prior to the requirement of the enhanced setbacks. Their front yard setback is 40 feet. The second is 2490 South 11th Street, which received a variance in 2000 to allow the remodeled building to encroach into the front yard setbacks. Their current setback is 45 feet from 11th Street.

Staff assumes the requirement for enhanced setbacks in this area is to accommodate the expansion of 11th Street by the Road Commission of Kalamazoo County, if increased lanes are determined necessary for the benefit of public safety. The reduction in front yard setback will not impede this expansion or jeopardize public health, safety or welfare as frontage will still be available. In addition, variances have been granted in the past to properties with existing conditions on the site that warranted relief, supporting that the standards for relief are being applied equitably.

Staff recommended approval of the variance request from *Section 64.100: Setbacks from Designated Highways* and to allow a 40-foot front yard setback for the following reasons:

- Granting relief from section 64.100 in this case will not damage the public health, safety, welfare of the community, nor will it be out of character with the

surrounding area as two other buildings within close proximity have similar setbacks.

- The existing conditions on the site make compliance with the enhanced setbacks unnecessarily burdensome.
- The Oshtemo Township Zoning Board of Appeals have granted similar relief in the past. Approving this application for a variance would ensure that standards are consistently being applied and substantial justice done.

Chairperson Bell asked if adequate parking was already in place for a building expansion.

Ms. Johnston said the site plan will be submitted if the variance is granted; parking was added in 2013 and may be adequate for the expansion.

The Chairperson asked if the applicant wished to speak.

Mr. Tim Stewart, 2800 S. 11th Street, told Board Members the business has been at the current location since 2007 and noted there are currently 26 parking spaces striped and there is more area that could be striped if more spaces are required. The addition will be to expand the engineering office space and will consist of cubicles and hallways to the existing building. They have 16 employees currently, are bursting at the seams and wish to add employees.

Chairperson Bell determined no one from the public wished to speak and moved to Board Deliberations.

Ms. Johnston reported Mr. Martin Svihra, 1648 S. 4th Street, stopped in to ask about storm water runoff. He was neither for nor against the application. Staff will contact him when there is a site plan to show him how the storm water will be managed.

Board Members had no objections to granting the variance; Chairperson Bell asked for a motion on the request.

Mr. Sikora made a motion to approve the variance request as presented, based on the reasons provided in the Staff report and on Board discussion. Mr. Smith supported the motion. The motion was approved unanimously.

Any Other Business / ZBA Member Comments

Chairperson Bell noted it would be helpful to have the amount of setback approved in future requests.

Ms. Johnston told Board Members the Planning Commission is still short one Commissioner and asked if anyone knew of someone interested in serving to have them contact her.

Adjournment

The Chairperson noted the Zoning Board of Appeals had exhausted its Agenda, and with there being no other business, adjourned the meeting at approximately 3:42 p.m.

Minutes prepared:
August 24, 2016

Minutes approved:
_____, 2016

September 19, 2016



Mtg Date: September 27, 2016

To: Zoning Board of Appeals

From: Julie Johnston, AICP
Planning Director

Applicant: Daniel Hinkle

Owner: National Flavors, LLC

Property: 7700 Stadium Drive, parcel number 3905-34-155-050

Zoning: I-1: Industrial

Request: Site Plan Review

Section(s): Section 41.200: Permitted uses
Section 82.000: Site Plan Review

Project Name: National Flavors

OVERVIEW

The applicant, representing National Flavors, LLC, intends to develop the subject property as a manufacturing facility, which is a use permitted by right in the I-1 zoning district. The parcel in question is approximately 10 acres and has frontage on both Stadium Drive and Stadium Park Way. The building is planned to be 36,000 square feet of office and manufacturing uses. Access to the development will be from Stadium Park Way for both car and truck traffic.

GENERAL ZONING COMPLIANCE

The proposed development generally complies with all Zoning Ordinance requirements for a use permitted by right within the *I-1: Industrial District*. Building setbacks exceed the required distance from the property lines. The photometric plan and light poles comply with the requirements of *Section 78.720: Outdoor Lighting Standards*. The dumpster enclosure is six feet in height and is opaque, meeting all trash enclosure standards. Finally, the requirements for a complete site plan have been met.

Parking for the site meets the requirements of *Section 68: Off-Street Parking* based on the office and manufacturing uses planned in the building. Loading and unloading for the site has been placed in the front yard along Stadium Park Way. The Zoning Board of Appeals granted a variance to National Flavors on August 9, 2016 to allow loading and unloading in the front yard, granting relief from *Section 68.301: Loading and unloading*.

SITE ACCESS & CIRCULATION

The applicant intends to close the current curb cut located on Stadium Drive and open two new curb cuts on Stadium Park Way. The first cut, closest to Stadium Drive, will be for employees and guests to the site. The second curb cut, farther north on the site, will be for the truck traffic accessing the loading/unloading zone.

All circulation aisles within the parking lot meets the 24 foot wide requirements of *Section 68.300: Aisle Widths*. However, along the north side of the building there is a 20-foot drive with a T-turn around adjacent to the buildings west side. While not technically required to be 24-feet in width, the Township Fire Marshal has requested the change from 20 to 24 feet.

ENGINEERING REVIEW

The Township Engineer states that the project is generally buildable, but still needs to better understand the storm water volume calculations provided by the applicant. This will need to be resolved prior to the issuance of a building permit.

LANDSCAPE ORDINANCE REVIEW

Overall, the landscape plan meets the requirements of *Section 75: Landscaping*. However, *Section 75.180: Material requirements and maintenance* states that at least 75 percent of the canopy trees on the site must be native to Lower Michigan. While the total number of required canopy trees have been provided, the percentage required to be native has not been met. A revised landscaping plan will be needed.

FIRE MARSHAL REVIEW

The final review by the Fire Marshal has not been completed. However, the applicant placed hydrants in the locations requested by the Fire Marshal during the initial review of this project so we do not anticipate any changes. However, the site plan should be conditioned on a final review by the Fire Department.

RECOMMENDATION

Staff recommends approval of the site plan for National Flavors at the northwest corner of Stadium Drive and Stadium Park Way with the following conditions:

1. Final storm water volume calculations are to be provided to the Township Engineer for review, as well as any final engineering concerns addressed.
2. A revised landscape plan provided prior to the issuance of a building permit that meets the requirements for 75 percent native canopy trees.
3. The northern most drive aisle will be changed from 20-feet to 24-feet to better accommodate fire safety equipment.
4. A final review of the site plan by the Fire Marshal and a revised plan if requested changes are made to the location of fire hydrants.

Respectfully Submitted,



Julie Johnston, AICP
Planning Director

Attachments: Application
Aerial map
Site Plan



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

PLEASE PRINT

PROJECT NAME & ADDRESS National Flavors, LLC
7700 Stadium Drive, Kalamazoo, MI 49009

PLANNING & ZONING APPLICATION

Applicant Name : Daniel Hinkle
 Company National Flavors, LLC
 Address 1206 E. Crosstown Parkway
Kalamazoo, MI 49001
 E-mail dhinkle@nationalflavors.com
 Telephone 800-525-2431 Fax 269-344-1037
 Interest in Property _____

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

Received From: TOWER PINKSTER
 Date: 08/24/2016 Time: 8:49:52 AM
 Receipt 125099
 Cashier LINDAI

OWNER*:

Name Same as above
 Address _____
 Email _____
 Phone & Fax _____

ITEM REFERENCE	AMOUNT
1042 PLANNING ESCROW	
PLANNING ESCROW	\$1,000.00
1088 SITE PLAN REVIEW	
SPR	\$600.00

TOTAL	\$1,600.00
CHECK 8:404	\$1,600.00
Total Tendered:	\$1,600.00
Change:	\$0.00

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

- | | |
|---|---|
| <input checked="" type="checkbox"/> Planning Escrow-1042 \$ 1,000 | <input type="checkbox"/> Subdivision Plat Review-1089 |
| <input checked="" type="checkbox"/> Site Plan Review-1088 \$ 600 | <input type="checkbox"/> Rezoning-1091 |
| <input type="checkbox"/> Administrative Site Plan Review-1086 | <input type="checkbox"/> Interpretation-1082 |
| <input type="checkbox"/> Special Exception Use-1085 | <input type="checkbox"/> Text Amendment-1081 |
| <input type="checkbox"/> Zoning Variance-1092 | <input type="checkbox"/> Sign Deviation-1080 |
| <input type="checkbox"/> Site Condominium-1084 | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Accessory Building Review-1083 | |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): _____

Submittal for Site Plan Review

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

See attached Exhibit "A"

PARCEL NUMBER: 3905- 34-155-050

ADDRESS OF PROPERTY: 7700 Stadium Drive, Kalamazoo, MI 49009

PRESENT USE OF THE PROPERTY: Vacant

PRESENT ZONING I-1 **SIZE OF PROPERTY** 10 Acres

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

Name(s)	Address(es)
HCP Properties, LLC (Dan Hinkle, single member)	1206 E. Crosstown Parkway, Kalamazoo, MI 49001

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.

Owner's Signature(* If different from Applicant)

Daniel Hinkle

Applicant's Signature

Date

8/22/14

Date

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

PLEASE ATTACH ALL REQUIRED DOCUMENTS

EXHIBIT "A"

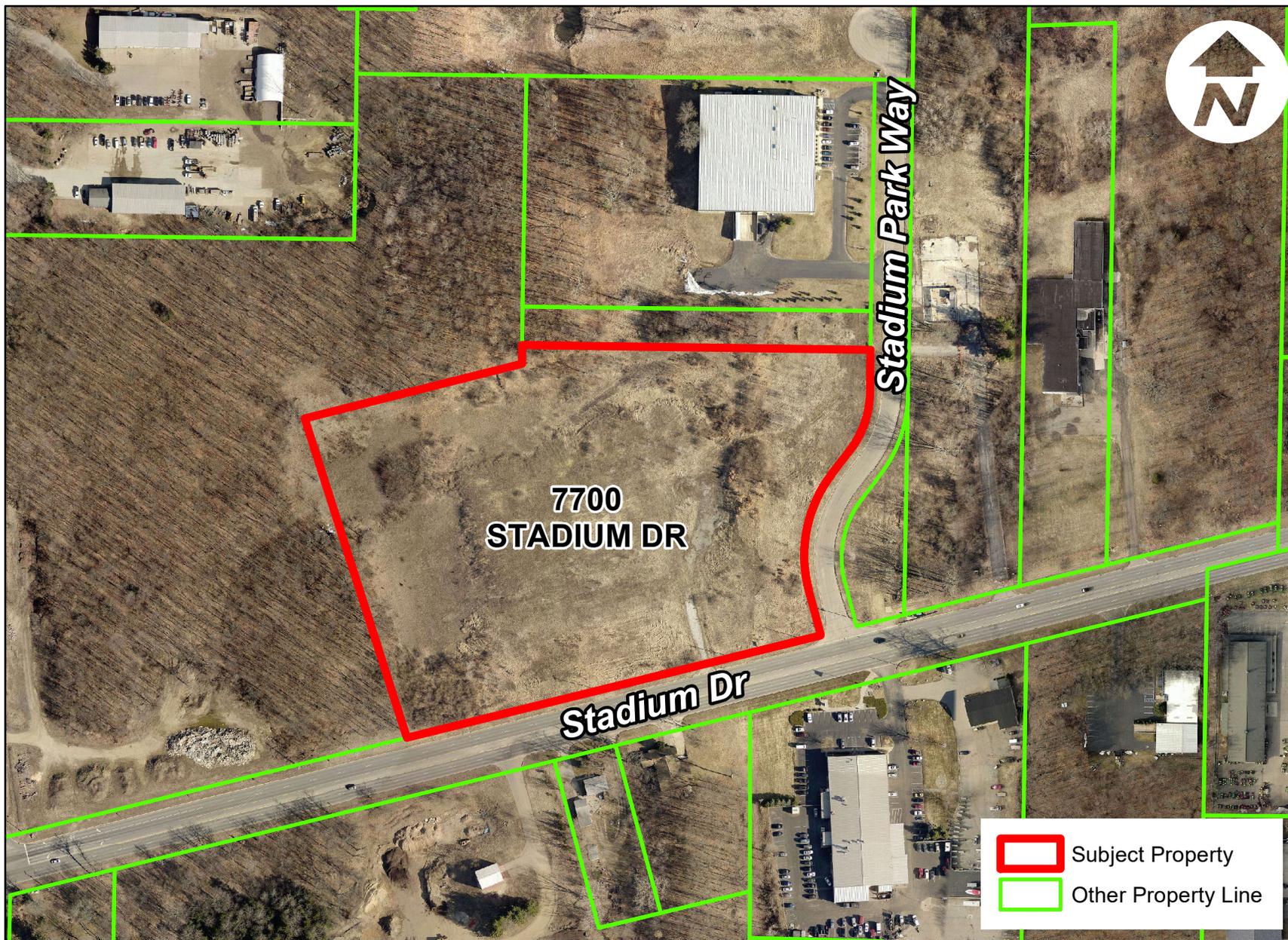
Land situated in the Township of Oshtemo, County of Kalamazoo, State of MI described as follows:

Commencing at the Northwest corner of Section 34, Town 2 South, Range 12 West; thence North 89°14'37" East, 1313.54 feet to the Northwest corner of the East 1/2 of the Northwest 1/4 of said Section; thence South 00°34'58" East along the West line of said East 1/2 of said Section, 1329.03 feet for the place of beginning of the land hereinafter described; thence North 89°14'37" East, 200.00 feet; thence South 00°34'58" East, 73.90 feet; thence Southwesterly 106.89 feet along a curve to the right with a radius of 167.00 feet and a chord bearing South 17°45'10" West, 105.07 feet; thence South 36°05'19" West, 55.00 feet; thence Southwesterly 210.48 feet along a curve to the left with a radius of 238.00 feet and a chord bearing South 10°12'32" West, 203.40 feet; thence South 15°40'15" East, 79.75 feet to the Northerly right of way of Stadium Drive (formerly known as West Michigan Avenue, also formerly US 12 Highway); thence South 74°30'07" West along said Northerly right of way, 737.25 feet; thence North 19°16'38" West, 581.05 feet; thence North 74°30'07" East parallel with the Northerly right of way of Stadium Drive, 390.80 feet; thence North 00°34'58" West, 31.51 feet; thence North 89°14'37" East, 404.25 feet to the place of beginning.

Commonly known as: 7700 Stadium Drive

Tax ID No.: 3905-34-155-050

Proposed National Flavors Site



0 125 250 500
Feet

-  Subject Property
-  Other Property Line

NATIONAL FLAVORS

NEW OFFICE & PRODUCTION FACILITY Kalamazoo, Michigan TOWNSHIP SITE PLAN REVIEW

DATE

SEPTEMBER 15, 2016

PROJECT TITLE

NATIONAL
FLAVORS

NEW OFFICE &
PRODUCTION
FACILITY

Kalamazoo,
Michigan

DESIGN TEAM

ARCHITECT/ENGINEER

TowerPinkster
ARCHITECTS | ENGINEERS

242 EAST KALAMAZOO
SUITE 200
KALAMAZOO, MICHIGAN 49007
PHONE: 269.343.6133
FAX: 269.343.6633

STRUCTURAL ENGINEER

TEXON DESIGNS, PLLC
CONSULTING STRUCTURAL ENGINEERS

2640 CASCADE RD SE
GRAND RAPIDS, MI 49506
PHONE: 616.377.5798

CIVIL CONSULTANT

HS
hurley & stewart

2800 S. 11TH ST.
KALAMAZOO, MI 49009
PHONE: 269.552.4960
FAX: 269.552.4961

CONSTRUCTION MANAGER

1 csm
GROUP
Building owners' trust.

444 W MICHIGAN AVE | SUITE 100
KALAMAZOO, MI 49007
PHONE: 269.746.5600

SITE ADDRESS

NATIONAL FLAVORS
7700 STADIUM DRIVE
KALAMAZOO, MI 49009

REFERENCED CODES

BUILDING: 2012 MICHIGAN BUILDING CODE
PLUMBING: 2012 MICHIGAN PLUMBING CODE
MECHANICAL: 2012 MICHIGAN MECHANICAL CODE
FUEL GAS: (IFGC) 2012 INTERNATIONAL FUEL GAS CODE
ELECTRICAL: 2014 NATIONAL ELECTRICAL CODE WITH MICHIGAN AMENDMENTS
BARRIER-FREE: 2012 MICHIGAN BUILDING CODE AND 2009 ICC & C A117.1
USE GROUP: F-1
CONSTRUCTION TYPE: IIB
AUTOMATIC SPRINKLERS: FULLY SPRINKLERED

PROJECT AREA

TOTAL FINISHED PROJECT: 35,000 SQ.FT.

DRAWING INDEX

GENERAL

G 001 COVER SHEET

TOPO SURVEY

TS 001 TOPOGRAPHIC SURVEY

CIVIL DEMOLITION

CD 101 SITE DEMOLITION PLAN

CIVIL

C 100 SITE PLAN
C 101 GRADING PLAN
C 102 UTILITY PLAN
C 103 UTILITY DETAILS

ARCHITECTURAL

A 101 FIRST FLOOR PLAN
A 301 EXTERIOR ELEVATIONS
A 302 EXTERIOR ELEVATIONS

ELECTRICAL

E 900 SITE LIGHTING CALCS

ISSUED FOR

DATE

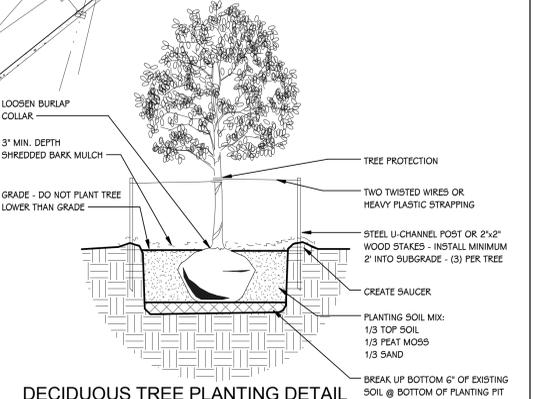
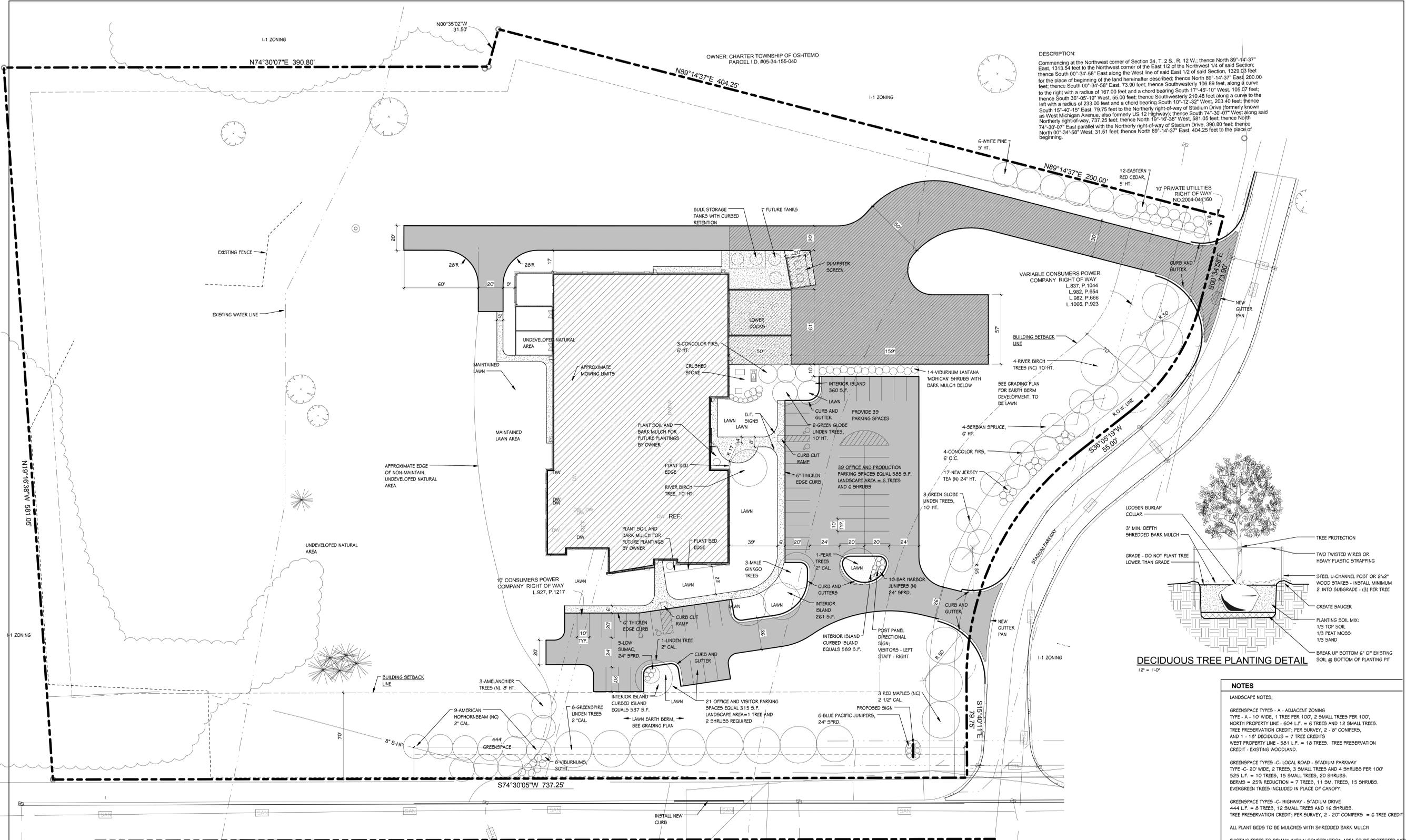
SHEET TITLE

COVER SHEET

SHEET NUMBER

G 001

16-184.00



NOTES

LANDSCAPE NOTES:

GREENSPACE TYPES - A - ADJACENT ZONING
TYPE - A - 10' WIDE, 1 TREE PER 100'; 2 SMALL TREES PER 100', NORTH PROPERTY LINE - 604 L.F. = 6 TREES AND 12 SMALL TREES. TREE PRESERVATION CREDIT, PER SURVEY, 2 - 8' CONIFERS, AND 1 - 18" DECIDUOUS = 7 TREE CREDITS
WEST PROPERTY LINE - 581 L.F. = 18 TREES. TREE PRESERVATION CREDIT - EXISTING WOODLAND.

GREENSPACE TYPES - C - LOCAL ROAD - STADIUM PARKWAY
TYPE - C - 20' WIDE, 2 TREES, 3 SMALL TREES AND 4 SHRUBS PER 100' 525 L.F. = 10 TREES, 15 SMALL TREES, 20 SHRUBS.
BERMS = 25% REDUCTION = 7 TREES, 11 SM. TREES, 15 SHRUBS.
EVERGREEN TREES INCLUDED IN PLACE OF CANOPY.

GREENSPACE TYPES - C - HIGHWAY - STADIUM DRIVE
444 L.F. = 8 TREES, 12 SMALL TREES AND 16 SHRUBS.
TREE PRESERVATION CREDIT, PER SURVEY, 2 - 20' CONIFERS = 6 TREE CREDIT

ALL PLANT BEDS TO BE MULCHED WITH SHREDDED BARK MULCH

EXISTING TREES TO REMAIN WITHIN CONSTRUCTION AREA TO BE PROTECTED WITH TEMPORARY FENCING.

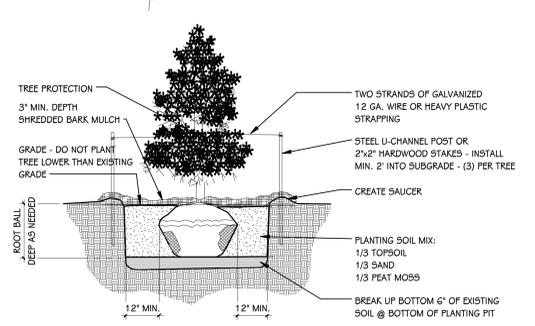
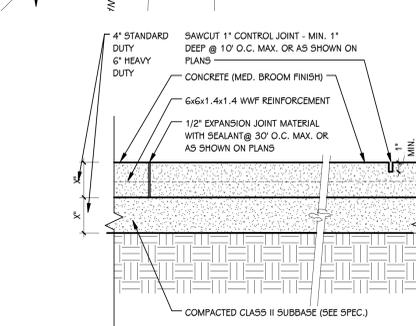
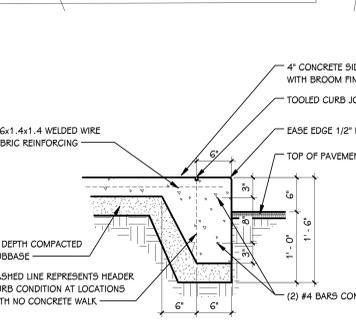
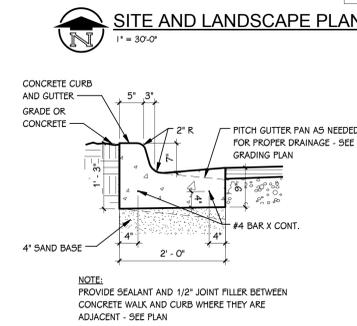
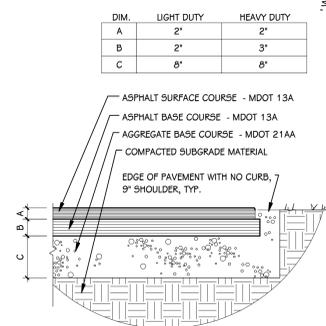
GENERAL NOTES:

CURRENT ZONING - I-1
PROPOSED DEVELOPMENT - MANUFACTURING FACILITY
SOILS - LOOSE SAND WITH TRACES OF SILT AND GRAVEL
OPEN SPACE - 70% OF SITE, BLDG. AND PARKING 30%

PARKING CALCULATION TABLE:
OFFICE - 16,500 S.F. = MAX. 110 SPACES - 30 PROVIDED
PRODUCTION - 18500 S.F. = MAX. 80 SPACES - 30 PROVIDED

LEGEND

- NEW STANDARD DUTY CONCRETE PAVEMENT
- NEW HEAVY DUTY CONCRETE PAVEMENT
- NEW STANDARD DUTY ASPHALT PAVEMENT
- NEW HEAVY DUTY ASPHALT PAVEMENT
- PROPOSED PLANT MATERIAL AS NOTED.
- (N) NATIVE PLANT MATERIAL
- (NC) NATIVE CANOPY TREES



SOIL EROSION AND SEDIMENTATION CONTROL MEASURES

KEY	DETAIL	CHARACTERISTICS
1	Stripping & Stockpiling Topsoil	Topsoil may be stockpiled above borrow areas to act as a diversion. Stockpile should be temporarily seeded.
6	Seeding with Mulch and/or Matting	Facilitates establishment of vegetative cover. Effective for drainage areas with low velocity. Seeds should be applied in small quantities by experienced personnel. Should include prepared topsoil bed.
15	Planting	Protects areas which cannot otherwise be protected, but increases runoff volume and velocity. Regular watering will help slow velocity.
16	Curb and Gutter	Keeps high velocity runoff on paved areas from leaving paved surface. Collects and conducts runoff to enclosed drainage system or proposed drainage way.
35	Storm Sewer	System removes collected runoff from site, particularly from paved areas. Can direct large concentrations of runoff. Conducts runoff to municipal sewer system or stabilized out fall location. Use silt fence to collect sediment.
49	Check Dams	Reduces flow velocity. Catches sediment. Can be constructed of logs, straw, hay, rock, lumber, masonry or sand bags.
54	Geotextile Silt Fence	Use geotextile and posts or poles. May be constructed or pre-manufactured. Easy to construct and locate as necessary.



GRADING NOTES

- MATCH EXISTING GRADES AROUND PERIMETER WITH SLOPES AS SHOWN. MATCH AT 1 ON 4 IF NOT LABELED.
- THE CONTRACTOR SHALL INSTALL PEDESTRIAN FENCE AROUND ALL EXCAVATIONS TO BE LEFT OPEN OVERNIGHT AS REQUIRED.
- ALL SPOT ELEVATIONS ARE TOP OF PAVEMENT GRADES AT EDGE OF METAL (EOM) UNLESS OTHERWISE NOTED.
- ALL SOIL EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO MASS GRADING.
- ALL EXCAVATION SHALL BE IN ACCORDANCE WITH THE TECHNICAL SPECIFICATIONS AND GEOTECHNICAL REPORT.
- ALL EXISTING ELEVATIONS ARE TO BE VERIFIED AND ACCEPTED AS SHOWN PRIOR TO COMMENCEMENT OF WORK.
- REMOVE AND REPLACE WITH CONTROLLED FILL ANY AREAS THAT HAVE BEEN SOFTENED BY RAINS, FREEZING, CONSTRUCTION EQUIPMENT, ETC.
- ALL REQUIRED FILL FOR THIS PROJECT SHALL BE SELECTED EXCAVATED MATERIAL FROM THE SITE APPROVED BY THE ENGINEER OR CLASS II GRANULAR MATERIAL FROM BORROW AND SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
- ALL GRANULAR FILL UNDER THE INFLUENCE OF THE ROADWAY AND PROCESSED ROAD GRAVEL SHALL BE COMPACTED TO 95% MODIFIED PROCTOR DENSITY.
- ALL COMPACTION SHALL BE ACCOMPLISHED BY PLACING THE FILL IN 12" LOOSE LIFTS AND MECHANICALLY COMPACTING EACH LIFT TO AT LEAST THE SPECIFIED MINIMUM DRY DENSITY. FIELD DENSITY TESTS SHOULD BE PERFORMED ON EACH LIFT AS NECESSARY TO ENSURE THAT ADEQUATE MOISTURE CONDITIONS AND COMPACTION ARE BEING ACHIEVED.
- SITE CONTRACTOR SHALL REMOVE AND STOCKPILE ALL TOPSOIL AND BLACK ORGANIC SOILS ON-SITE TO BE USED IN THE REGRADING OF LANDSCAPE AREAS. THIS MATERIAL IS NOT TO BE USED FOR FILL OR PAVEMENT SUBBASE. REMOVAL OF ANY EXCESS SOIL OFF-SITE SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
- CONTRACTOR RESPONSIBLE FOR VERIFYING EARTHWORK CALCULATIONS PRIOR TO COMMENCING WORK. NO EXTRA EARTHWORK WILL BE PAID FOR ONCE EARTHWORK HAS BEGUN. ANY DISCREPANCIES WITH THE EARTHWORK CALCULATIONS SHALL BE REVIEWED WITH THE OWNER AND ENGINEER PRIOR TO CONSTRUCTION.
- IF ANY ERRORS, DISCREPANCIES, OR OMISSIONS BECOME APPARENT, THESE SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO CONSTRUCTION OF ANYTHING AFFECTED SO THAT CLARIFICATION OR REDESIGN MAY OCCUR.

SESC NOTES

- ALL WORK WILL COMPLY WITH THE PROVISIONS OF THE SOIL EROSION AND SEDIMENTATION CONTROL ACT (PA 347 OF 1972 AS AMENDED) ADMINISTERED BY THE COUNTY DRAIN COMMISSIONER.
- AVOID UNNECESSARY DISTURBING OR REMOVING EXISTING VEGETATED TOPSOIL OR EARTH COVER. THESE AREAS ACT AS SEDIMENT FILTERS.
- CONTRACTOR SHALL AT ALL TIMES COMPLY WITH THE SOIL EROSION CONTROL PERMIT FROM THE KALAMAZOO COUNTY DRAIN COMMISSIONER.
- ALL TEMPORARY SOIL EROSION PROTECTION SHALL REMAIN IN PLACE UNTIL REMOVAL IS REQUIRED FOR FINAL CLEANUP AND APPROVAL.
- CONTRACTOR TO PROVIDE STRAW BALE DAMS OR SILT FENCES ACROSS ALL DITCHES, SWALES, AND ROUGH CUT ROADS WHICH EXIST FROM THE SITE TO ELIMINATE SEDIMENT RUNOFF. PROVIDE STRAW BALE DAMS, SILT FENCES OR INSTALL FILTER FABRIC UNDER INLETS AT ALL STORM SEWER STRUCTURES DURING CONSTRUCTION.
- NO SITE WORK SHALL BEGIN UNTIL THE SILT FENCE AND ACCESS ROAD ARE INSTALLED.
- ALL SOIL PILES SHALL BE SURROUNDED BY SILT FENCE IF ALLOWED TO REMAIN IN PLACE FOR MORE THAN 7 DAYS. TOPSOIL PILES SHALL BE SEEDED IF ALLOWED TO REMAIN IN PLACE FOR MORE THAN 20 DAYS. SPOIL PILES SHALL NOT BE PLACED WITHIN 50' FROM ANY TEMPORARY OR PERMANENT WATERCOURSE.
- THE CONTRACTOR SHALL COMPLY WITH THE WEEKLY RECOMMENDATIONS OF THE CERTIFIED STORM WATER OPERATOR.
- ALL INLETS IN PAVED AREAS SHALL HAVE SILT SAVER SEDIMENTATION REDUCERS DURING CONSTRUCTION.
- FINAL LANDSCAPING SHALL CONSIST OF MIN. 3" TOPSOIL, 200#/ACRE CLASS A SEEDING, 2T/ACRE MULCH AND 240#/ ACRE CHEMICAL FERTILIZER NUTRIENT.
- COORDINATE TOPSOIL STOCKPILE WITH OWNER.
- PLACE TRACK MATS AT THE ENTRANCE OF VINE STONE TERRACE TO REDUCE MATERIAL TRACKED OFF SITE.
- COORDINATE THE CLEARING LIMITS WITH THE OWNER PRIOR TO COMMENCING WORK.
- IT IS THE INTENT FOR THE EARTHWORK TO BALANCE AND THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING THAT THE EARTHWORK SHOWN BALANCES PRIOR TO BEGINNING WORK.
- PLACE "DO NOT ENTER CONSTRUCTION ZONE" SIGNS AT ALL ENTRY POINTS TO PROJECT.

SESC NOTES

- CONTRACTOR MUST COMPLY WITH ALL REQUIREMENTS OF THE SOIL EROSION CONTROL PERMIT AS ISSUED BY THE KALAMAZOO COUNTY DRAIN COMMISSIONER.
- PROVIDE SILT SACKS IN EACH CATCH BASIN UNTIL SITE IS STABILIZED.
- ALL SOIL EROSION MEASURES SHALL BE IN PLACE PRIOR TO COMMENCING WORK.
- PLACE SILT FENCES ALONG THE TOE OF TOPSOIL STOCKPILES AND OTHER FILL AREAS. SEED TOPSOIL STOCKPILE AND MAINTAIN SILT FENCES UNTIL SITE IS STABILIZED.
- MAINTAIN A VEGETATIVE BUFFER WHEREVER POSSIBLE.
- SEE LANDSCAPING PLAN FOR FINAL SLOPE TREATMENTS.
- PLACE TOPSOIL AND SEED ACCORDING TO THE LANDSCAPE PLANS AS SOON AS AREAS ARE BROUGHT TO GRADE.
- CLEAN ADJACENT ROADWAYS WHEN NECESSARY.
- WATER SITE WHEN NECESSARY TO PREVENT AIR BORNE SEDIMENT TRANSFER.
- PLACE MULCH BLANKET AN ALL SLOPES 1 ON 3 OR STEEPER.
- COORDINATE THE LOCATION OF THE TOPSOIL STOCKPILE WITH OWNER. SEED STOCKPILE.

BENCHMARKS

BM # 1 ELEVATION = 958.84
 SPIKE IN POWER POLE
 BM # 2 ELEVATION = 956.16
 SPIKE IN POWER POLE
 BM # 3 ELEVATION = 952.77
 SPIKE IN POWER POLE

EXISTING STRUCTURE TABLE

EX SAN MH #1
 RIM = 950.46
 INV. 10" N = 940.52
 INV. 10" S = 940.38

EX SAN MH #2
 RIM = 952.83
 INV. 6" N = 941.32
 INV. 6" N = 941.17

EX SAN MH #3
 RIM = 956.62
 INV. 10" N = 942.30
 INV. 10" S = 942.25

EX STM CB #4
 RIM = 949.92
 INV. 12" W = 942.62
 BOTTOM = 939.88

EX STM CB #5
 RIM = 950.01
 INV. 12" E = 942.68
 BOTTOM = 940.06

EX STM CB #6
 RIM = 954.56
 INV. 12" W = 950.82
 TOP OF WATER = 950.78

EX STM CB #7
 RIM = 954.67
 INV. 12" E = 950.53
 INV. 12" N = 950.55
 TOP OF WATER = 950.51

EX STM CB #8
 RIM = 955.48
 INV. 12" N = 950.63
 INV. 12" S = 950.59
 TOP OF WATER = 950.51

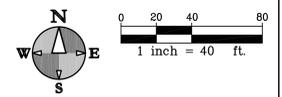
EX STM CB #9
 RIM = 957.51
 INV. 12" N = 950.61
 INV. 12" S = 950.54
 INV. 12" E = 952.96
 TOP OF WATER = 950.49

EX STM CB #10
 RIM = 952.26
 INV. 12" W = 953.16
 TOP OF WATER = 953.06

EX STM CB #11
 RIM = 950.05
 INV. 12" S = 945.94



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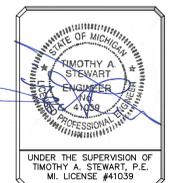
PROJECT TITLE
 NATIONAL FLAVORS

NEW OFFICE & PRODUCTION FACILITY

Kalamazoo, Michigan

ISSUED FOR DATE

SHEET TITLE
 GRADING PLAN



SHEET NUMBER
C 101
 16-184.00

UTILITY NOTES

1. PLACE SANITARY CLEANOUT EVERY 100' AND/OR AT BENDS ON ALL 6" SANITARY SEWER LEADS.
2. ALL STRUCTURE CASTINGS TO BE EAST JORDAN IRON WORKS OR APPROVED EQUAL. SEE STRUCTURE TABLE FOR SPECIFIC CASTING AT EACH STRUCTURE.
3. STORM SEWERS SHALL BE CONCRETE C76-III, SOLID WALL ADS N-12 RIGID PIPE MEETING AASHTO M-294, TYPE S, OR APPROVED EQUAL INSTALLED PER THE REQUIREMENTS OF MDOT AND THE COUNTY OF KALAMAZOO. MANDREL TESTING SHALL BE PERFORMED PRIOR TO PAVING. USE CONCRETE PIPE WHERE INDICATED.
4. ALL WATER MAIN INSTALLED IN GROUNDWATER SHALL BE WRAPPED WITH POLYETHYLENE.
5. THE CONTRACTOR SHALL INSTALL PEDESTRIAN FENCE AROUND ALL EXCAVATIONS TO BE LEFT OPEN OVERNIGHT AS REQUIRED.
6. CONTRACTOR SHALL REFER TO THE GEOTECHNICAL REPORT FOR GROUNDWATER AND SOLS INFORMATION. ANY UTILITIES REQUIRING DEWATERING SHALL BE INSTALLED TO THE CITY OF PORTAGE STANDARDS AND INCLUDED IN THE INSTALLATION COSTS. CONTRACTOR IS RESPONSIBLE FOR ALL DEWATERING NECESSARY TO CONSTRUCT UTILITIES IN THE DRY.
7. IF ANY ERRORS, DISCREPANCIES, OR OMISSIONS BECOME APPARENT, THESE SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO CONSTRUCTION OF ANYTHING AFFECTED SO THAT CLARIFICATION OR REDESIGN MAY OCCUR.

NOTES

1. DEWATERING MAY BE REQUIRED TO INSTALL OR REMOVE SOME UTILITIES. REFER TO SPECIFICATIONS FOR SPECIFIC REQUIREMENTS. REFER TO GEOTECHNICAL REPORT FOR MORE INFORMATION.
2. COORDINATE ALL UTILITY LOCATIONS AND ELEVATIONS WITH MECHANICAL DRAWINGS AND BUILDING CONTRACTOR PRIOR TO INSTALLATION.
3. REMOVE SEDIMENT FROM ALL STRUCTURES ONCE PAVING IS COMPLETE AND REMOVE SILT SACKS.
4. VERIFY NUMBER OF FITTINGS PRIOR TO ORDERING. TOTALS DO NOT INCLUDE VERTICAL DEFLECTIONS THAT MAY BE NEEDED.
5. PROVIDE 18" WATER MAIN SEPARATION WHEN CROSSING OTHER UTILITIES. DEFLECT UNDER OTHER UTILITIES W/O USING FITTINGS WHENEVER POSSIBLE. SEE WATER MAIN PROFILE SHEET.
6. SITE CONTRACTOR RESPONSIBLE FOR INSTALLATION OF ALL UTILITIES TO 5' FROM BUILDING WALL.
7. WATER MAIN AND SANITARY SEWER MATERIALS AND INSTALLATION SHALL COMPLY WITH OSHTEMO TOWNSHIP REQUIREMENTS.
8. VERIFY LOCATION AND ELEVATION OF EXISTING SANITARY LEAD PRIOR TO ORDERING STRUCTURES AND CONSTRUCTION.
9. SEE SITE ELECTRICAL PLAN FOR LOCATION OF ALL ELECTRICAL SLEEVES AND CONDUIT.
10. WATER METER FOR PROPOSED BUILDING SHALL BE LOCATED INSIDE THE MECHANICAL ROOM.

BENCHMARKS

BM # 1 ELEVATION = 956.84
 SPIKE IN POWER POLE
 BM # 2 ELEVATION = 956.16
 SPIKE IN POWER POLE
 BM # 3 ELEVATION = 952.77
 SPIKE IN POWER POLE

EXISTING STRUCTURE TABLE

EX SAN MH #1 RIM = 950.46 INV. 10" N = 940.52 INV. 10" S = 940.38	EX STM CB #7 RIM = 954.67 INV. 12" E = 950.53 INV. 12" N = 950.55 TOP OF WATER = 950.51
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DATE
SEPTEMBER 15, 2016

PROJECT TITLE
NATIONAL FLAVORS

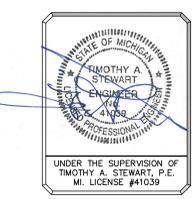
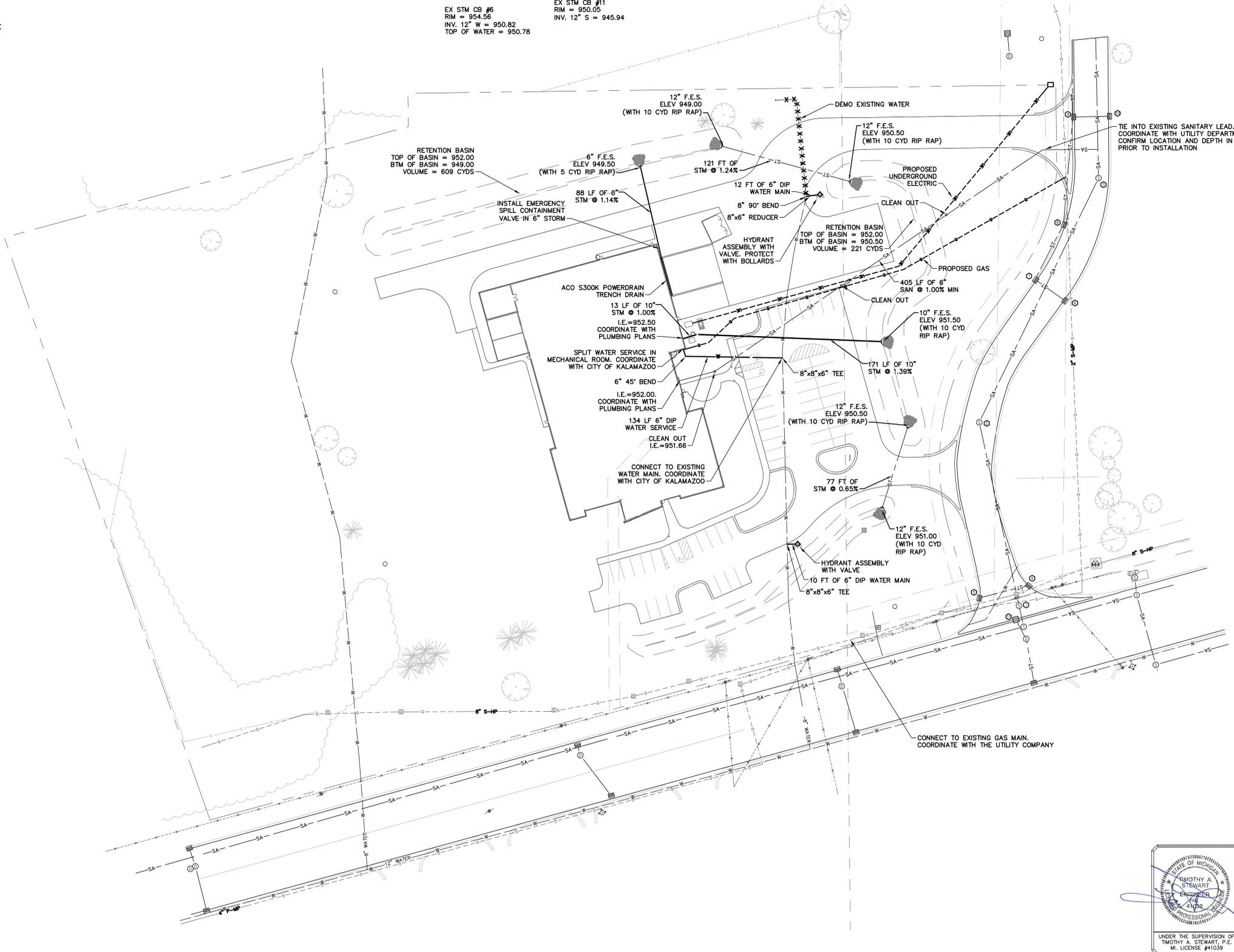
NEW OFFICE & PRODUCTION FACILITY

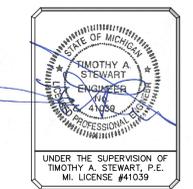
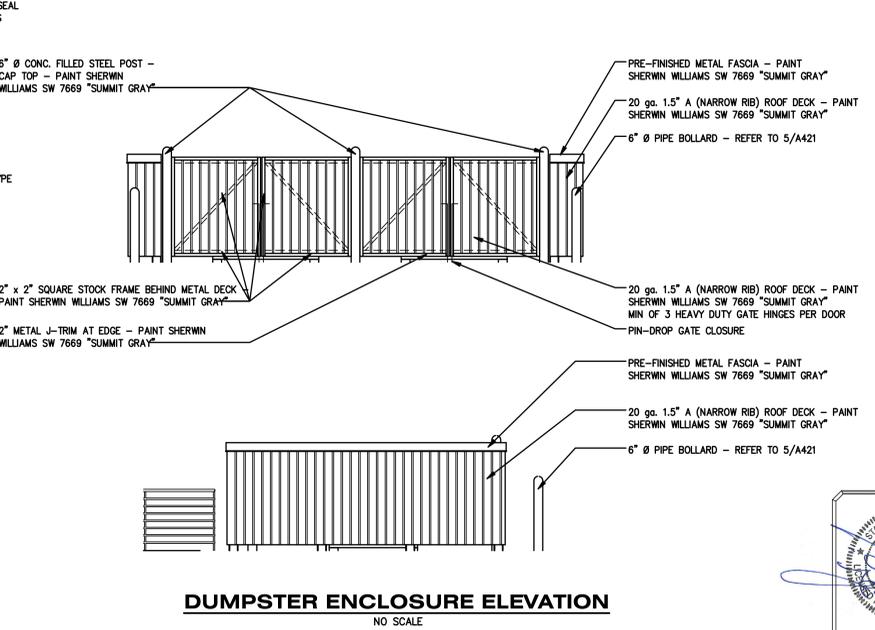
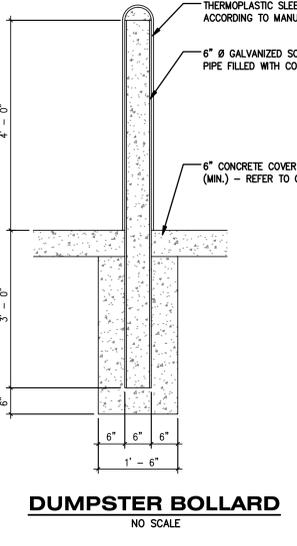
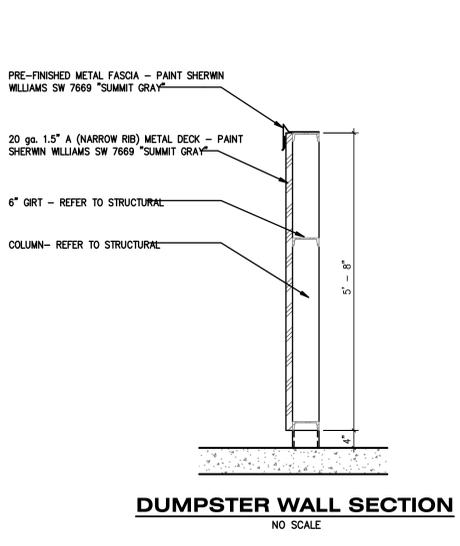
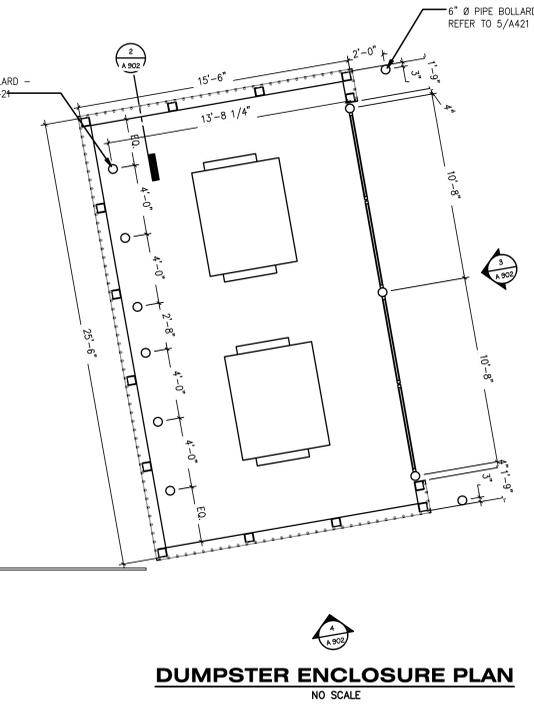
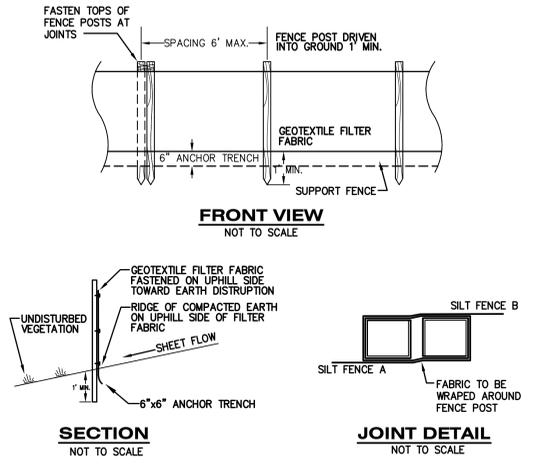
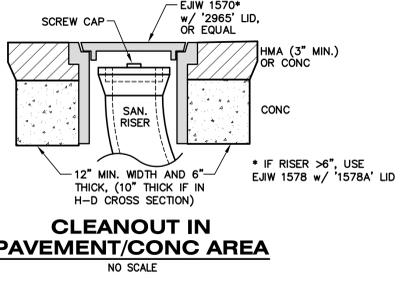
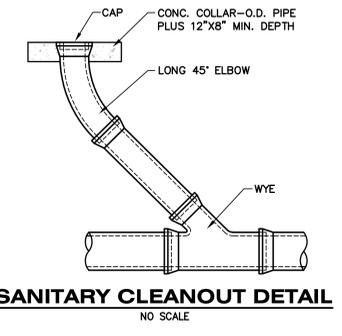
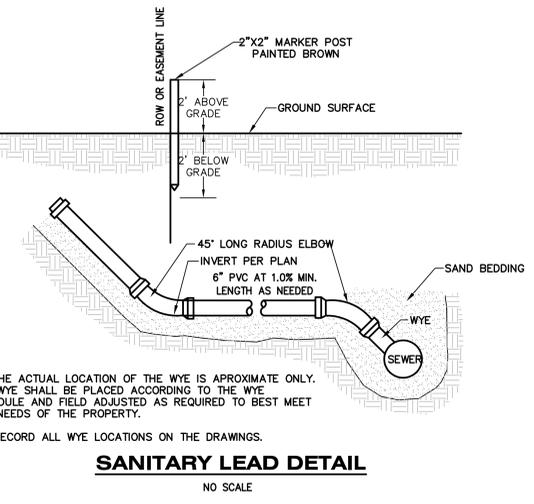
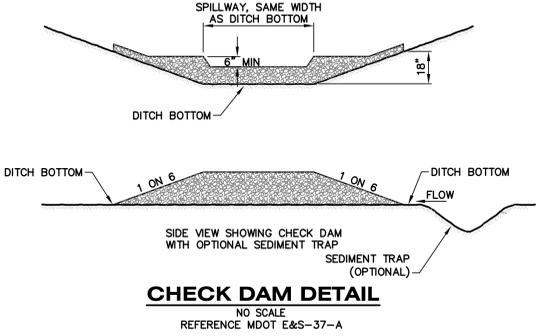
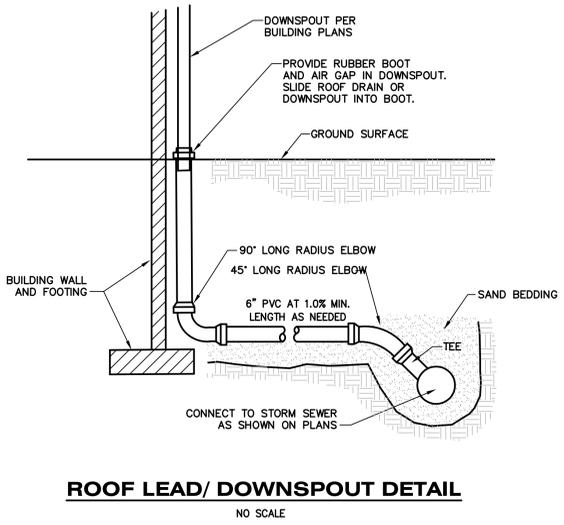
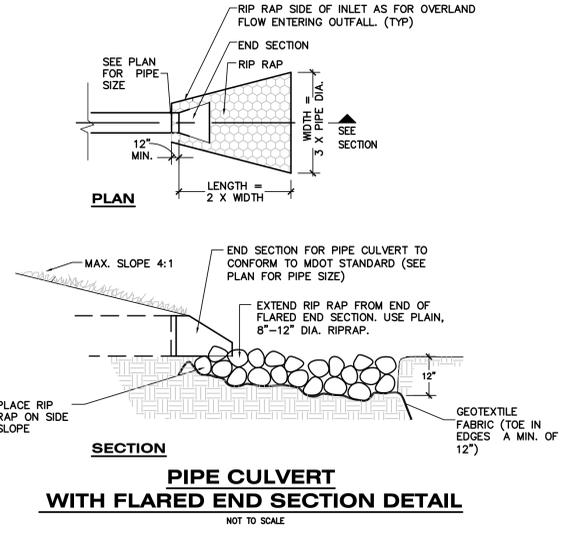
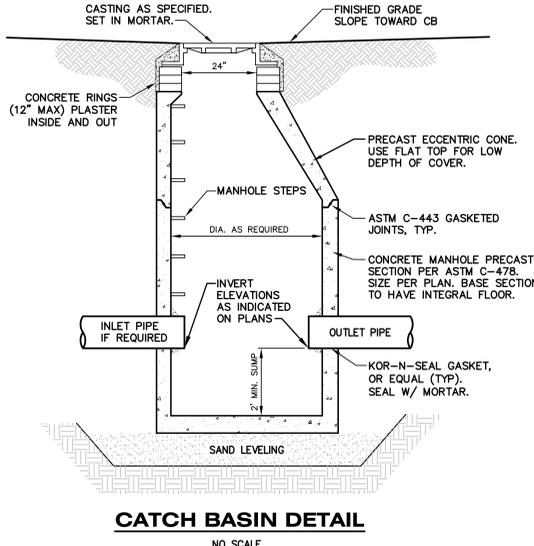
Kalamazoo, Michigan

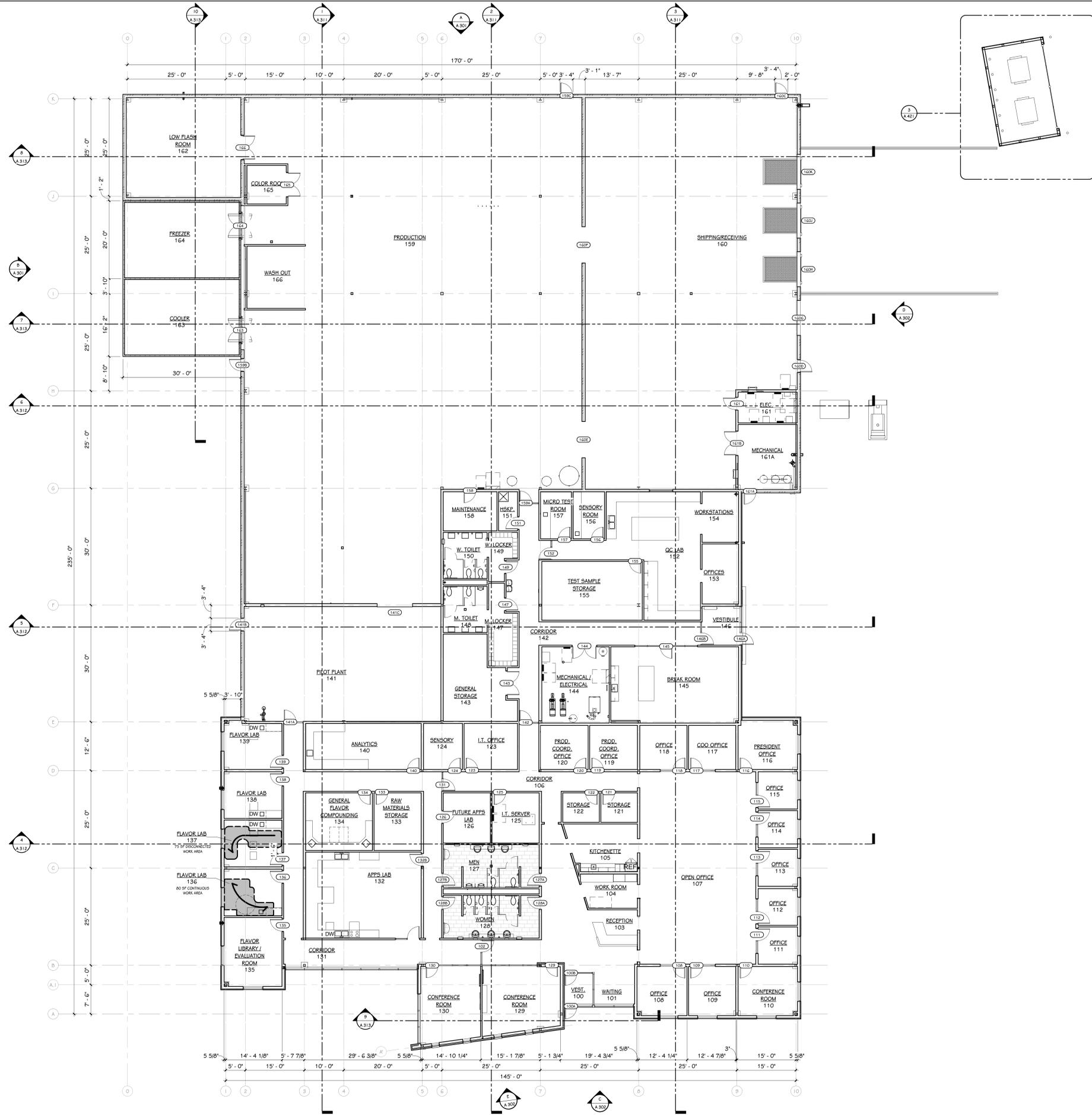
ISSUED FOR _____ DATE _____

SHEET TITLE
UTILITY PLAN

SHEET NUMBER
C 102
 16-184.00

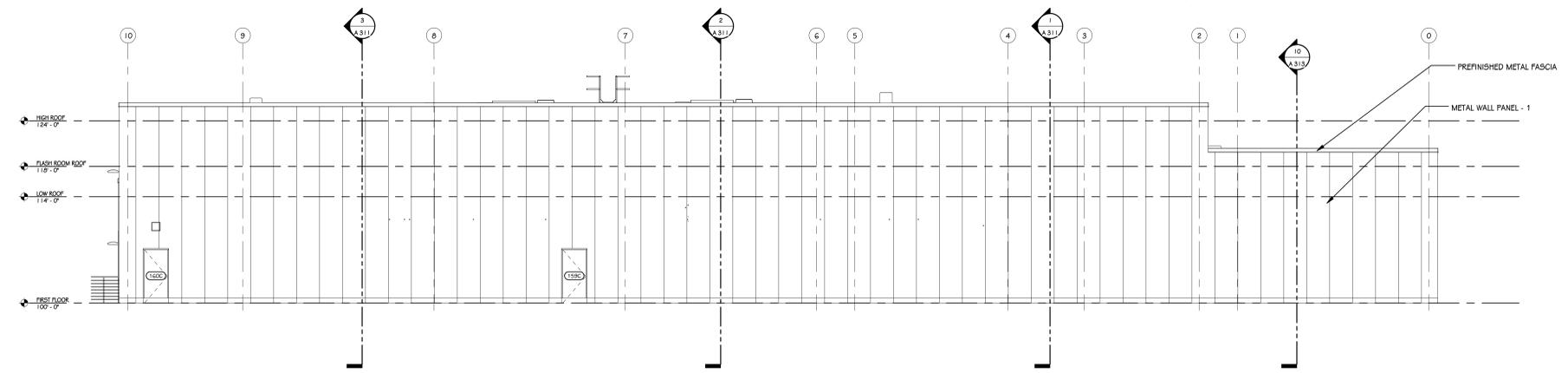




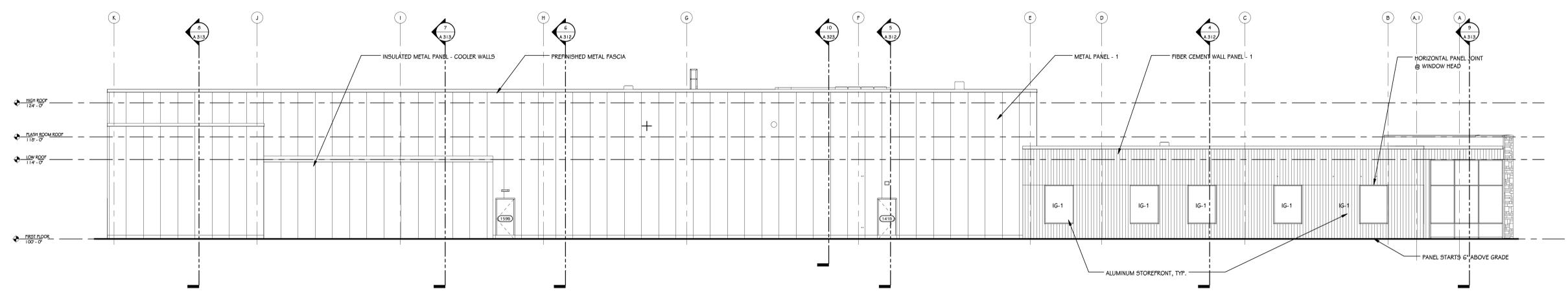


FIRST FLOOR PLAN
3/32" = 1'-0"

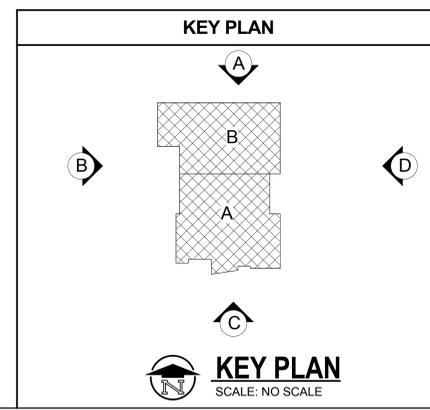
EXTERIOR ELEVATION KEY	
	STONE VENER - 1 BASIS OF DESIGN: BUECHEL STONE COLOR: CHARCOAL TAILORED LEDGESTONE
	METAL WALL PANEL - 1 - VERTICAL ORIENTATION 4" THICKNESS, 26 GA. NON DIRECTIONAL EMBOSSED INTERIOR AND EXTERIOR FACE SHEETS (G-90 GALVANIZED STEEL). BASIS OF DESIGN: CENTRIA VERSAWALL (36" WIDE MODULE) OR METL-SPAN CF FLUTED PANEL (42" WIDE MODULE) COLOR: PEVTER.
	FIBER CEMENT WALL PANEL - 1 - 18" WIDE PANELS. BASIS OF DESIGN: NICHHA VINTAGEWOOD - VERTICAL COLOR: CEDAR
IG-1 = INSULATED GLAZING, COLOR:	



A EXTERIOR ELEVATION - NORTH
1/8" = 1'-0"

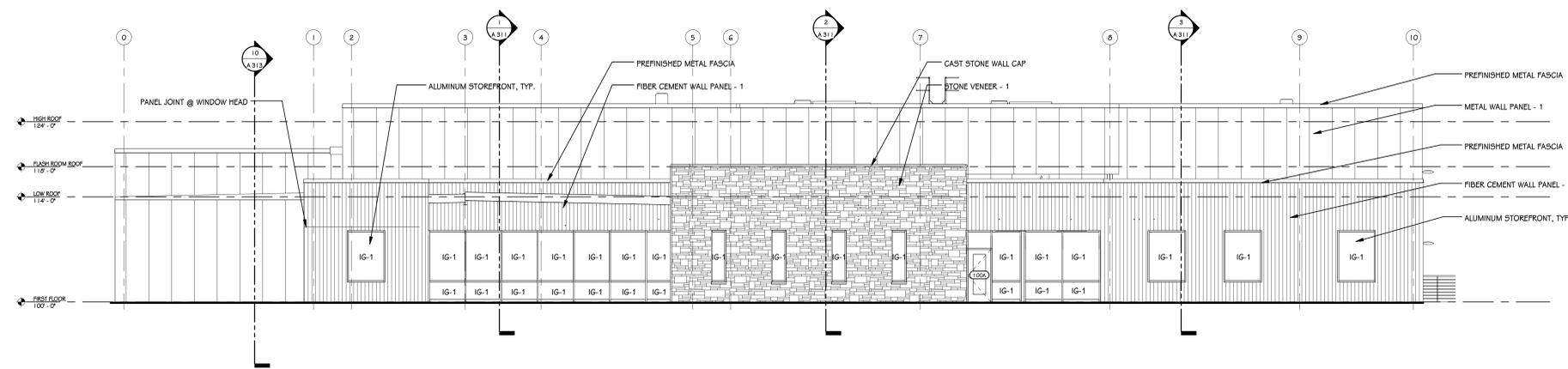


B EXTERIOR ELEVATION - WEST
1/8" = 1'-0"

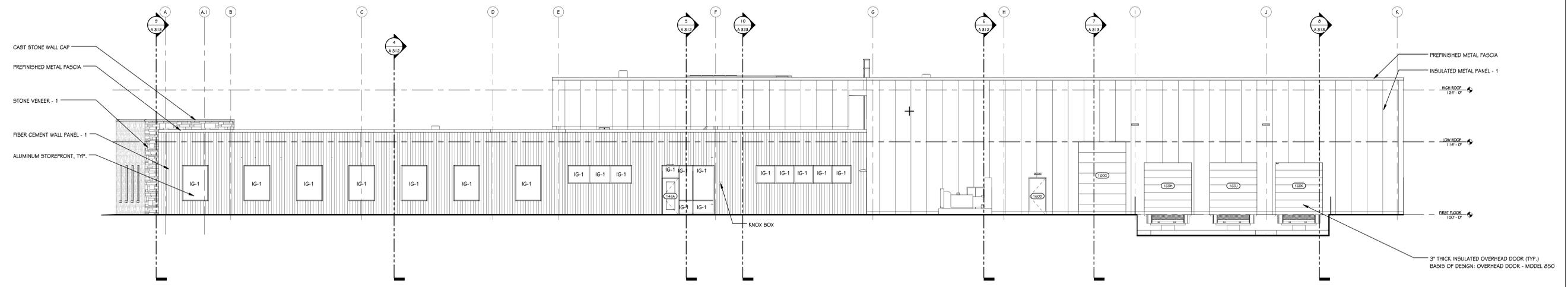


EXTERIOR ELEVATION KEY

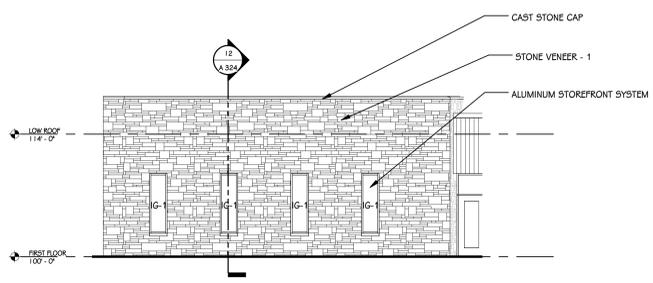
-  STONE VENEER - 1
BASIS OF DESIGN: BUECHEL STONE
COLOR: CHARCOAL TAILORED LEDGESTONE
 -  METAL WALL PANEL - 1 - VERTICAL ORIENTATION 4" THICKNESS, 26 GA. NON DIRECTIONAL EMBOSSED INTERIOR AND EXTERIOR FACE SHEETS (G-90 GALVANIZED STEEL).
BASIS OF DESIGN: CENTRIA VERSAWALL (36" WIDE MODULE) OR METL-SPAN CF FLUTED PANEL (42" WIDE MODULE)
COLOR: PEVTER.
 -  FIBER CEMENT WALL PANEL - 1 - 18" WIDE PANELS.
BASIS OF DESIGN: NICHHA VINTAGEWOOD - VERTICAL
COLOR: CEDAR
- IG-1 = INSULATED GLAZING, COLOR:



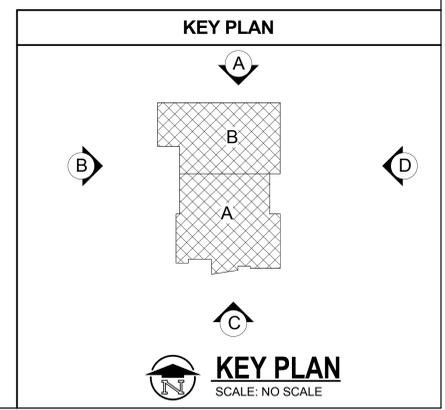
C EXTERIOR ELEVATION - SOUTH
1/8" = 1'-0"

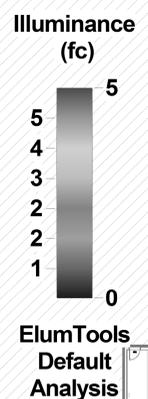
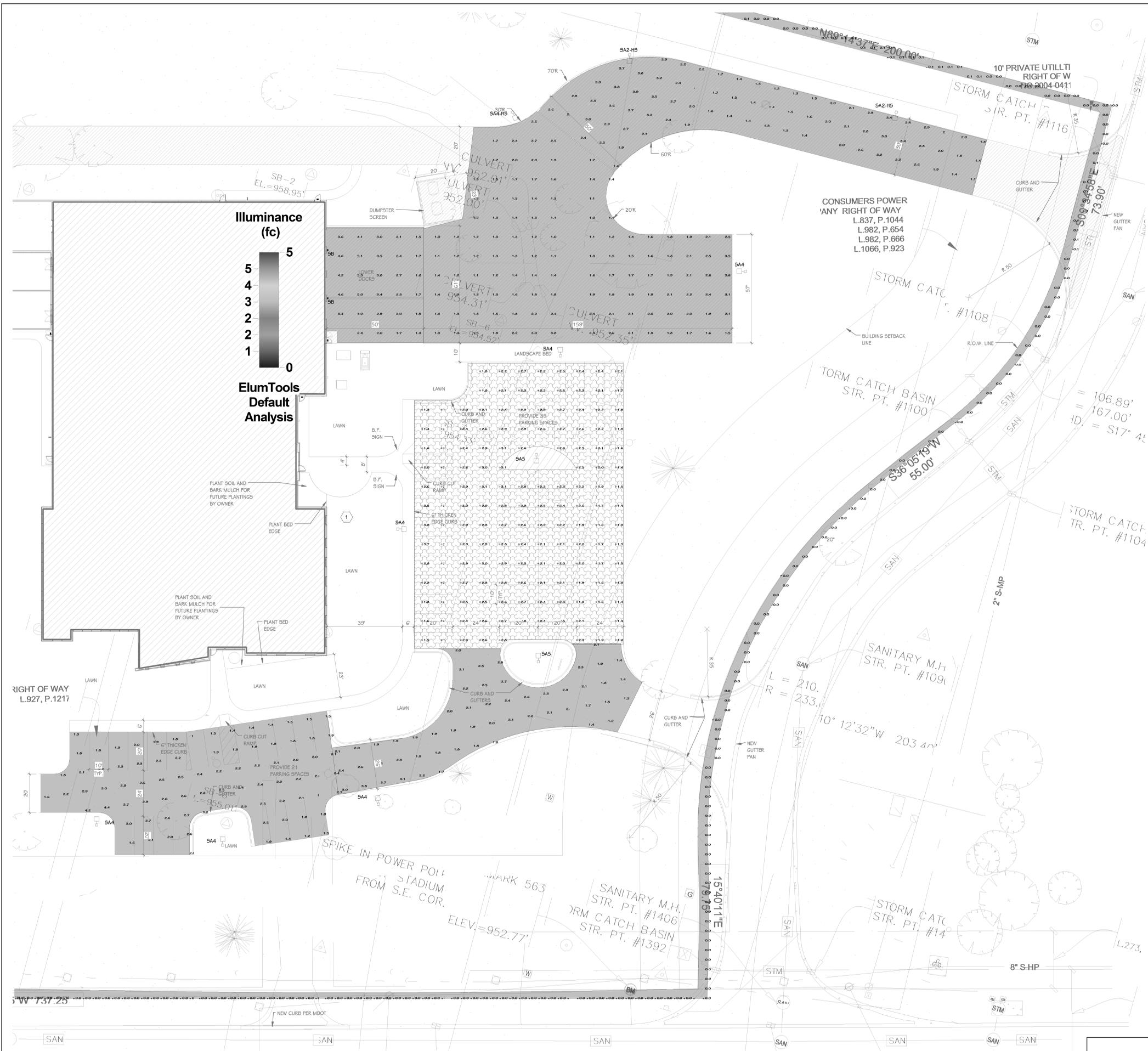


D EXTERIOR ELEVATION - EAST
1/8" = 1'-0"



E EXTERIOR ELEVATION - ANGLE
1/8" = 1'-0"





ELUMTOOLS GENERAL USE ILLUMINANCE RESULTS - SITE

CALCULATION POINTS NAME	AVERAGE	MINIMUM	MAXIMUM	MAXIMUM / MINIMUM
SITE - FRONT STAFF PARKING LOT	2.2 fc	1.2 fc	4.4 fc	3.8
SITE - SIDE STAFF PARKING LOT	2.3 fc	1.3 fc	3.8 fc	3.0
SITE - STAFF ENTRANCE	2.1 fc	1.2 fc	3.8 fc	3.1
SITE - TRUCK ENTRANCE	2.3 fc	1.1 fc	3.9 fc	3.5
SITE - TRUCK DROP OFF	1.7 fc	1.0 fc	3.9 fc	3.9
SITE - PERIMETER REGION	0.0 fc	0.0 fc	0.1 fc	33.4
SITE - LOWER DOCKS	3.0 fc	1.3 fc	5.3 fc	4.0

SITE LIGHT FIXTURE SCHEDULE

TYPE	DESCRIPTION	MOUNTING	WATTS	MANUFACTURER
SA2-HS	TYPE 2 SITE LIGHT SHIELDED	25' POLE	209 VA	LITHONIA: #DSX1-LED-GOC-700-40K-T2M-MVOLT-HS
SA4	TYPE 4 SITE LIGHT 700	25' POLE	131 VA	LITHONIA: #DSX1-LED-GOC-700-40K-T4M-MVOLT
SA4-HS	TYPE 4 SITE LIGHT SHIELDED 40C	25' POLE	137 VA	LITHONIA: #DSX1-LED-40C-1000-40K-T4M-MVOLT-HS
SA5	TYPE 5 SITE LIGHT	25' POLE	209 VA	LITHONIA: #DSX1-LED-GOC-1000-40K-T5M-MVOLT
SB	EXT. WALL LIGHT	WALL MOUNT	74 VA	LITHONIA: #DSXW2-LED-20C-1000-40K-TFM-MVOLT

ELECTRICAL SITE PLAN CALCULATION
1" = 20'-0"

September 19, 2016



Mtg Date: September 27, 2016

To: Zoning Board of Appeals

From: Julie Johnston, Planning Director
Ben Clark, Zoning Administrator

Applicant: Aaron Besmer

Owner: Meritage Hospitality Group

Property: 5455 West Main Street, parcel number 05-13-401-020

Zoning: C: Local Business District

Request: Variance to allow site lighting levels to exceed 0.1 foot-candles at the property line.

Section(s): Section 78.720: Outdoor Lighting Standards; Section 80.400: Variance

OVERVIEW

The subject property owner, Meritage Hospitality Group, is in the process of replacing the existing restaurant, built in 1976, with a new establishment under the same branding. As a part of this project, new site and building lighting will be installed, but the light levels generated by the desired new fixtures will exceed the 0.1 foot-candles allowed at the site boundaries, per section 78.720: *Outdoor Lighting Standards* of the Zoning Ordinance. Although this project was granted site plan approval by the Planning Commission at its July 14, 2016 meeting with a compliant photometric plan, the applicant seeks to increase light levels beyond what has already been approved. The applicant has understood that a variance would be required in order to be allowed the desired light levels since the site plan review stage, and has continued to communicate with Township staff in anticipation of this request.

SUMMARY

Located on a relatively small, commercially zoned, property, the Wendy's property is part of the Elks Plat commercial subdivision and is only 120 feet wide, east to west. In order to achieve a suitable amount of site lighting, helping to ensure adequate illumination for motorists as well as

minimizing security issues, the applicant argues that exceeding the 0.1 foot-candle limit at the property line is necessary. The applicant also feels that allowing such would not be out of character with the area, with the Wendy's property being flanked on either side by other fast food establishments and entirely surrounded by commercial zoning.

As can be seen on the attached photometric plan, the proposed indicated light levels exceed 0.1 foot-candles along the north (maximum of 0.4 foot-candles), east (maximum of 1.1 foot-candles), and west (maximum of 1.1 foot-candles) property lines. Light levels at the south property line are in compliance with the Zoning Ordinance. Although light levels at the parcel boundaries are in excess with what the Township typically allows, all other aspects of the lighting plan are compliant, including wattage outputs, pole heights, and cut-off light fixtures.

APPROVAL CRITERIA

The Zoning Enabling Act of Michigan outlines that when considering a variance request, the Zoning Board of Appeals must ensure that the "spirit of the ordinance is observed, public safety secured, and substantial justice done." The Michigan courts have added that variances should only be granted in the case of a practical difficulty for a nonuse (dimensional) variance. In addition, applicants must demonstrate that their plight is due to the unique circumstances peculiar to that property and that the problem is not self-created.

The request by the applicant is a nonuse variance. The ZBA should review the following standards in considering the variance request:

Standards of Approval of a Nonuse Variance (practical difficulty):

Standard: Conformance Unnecessarily Burdensome
Are reasonable options for compliance available?
Does reasonable use of the property exist with denial of the variance?

Comment: While conformance with the Zoning Ordinance is achievable with less intense site lighting, it could be argued that reasonable use of the property, especially given that it is the site of a fast food restaurant, would be diminished. Other types of businesses may be less reliant on robust site lighting, but establishments such as this, which accommodate lots of vehicle traffic due to the presence of a drive-through window and are typically open well into the night, require lighting that provides good visibility for motorists while also enhancing site security for patrons and employees alike.

Standard: Substantial Justice
Applied to both applicant as well as to other property owners in district.
Review past decisions of the ZBA for consistency (precedence).

Comment: Staff was able to review a number of approved lighting variance requests for commercial properties. One common denominator that was discussed during the Board's deliberation was the location of the property within a larger commercial center or commercially zoned and built area, which is similar to the requested variance by Wendy's. The following is a list of approved lighting variances researched by staff:

- Long John Silvers – 5431 West Main – January 22, 1996 – Immediately west of Wendy's
- Maple Hill Chrysler – 5612 West Main – June 16, 1997
- DeNooyer Chevrolet – 5800 Stadium Drive – January 17, 2000
- Maple Hill Auto Group – 5622 West Main – July 10, 2000
- West Main Mall – 5161 West Main – December 17, 2001
- Walgreens – 5020 West Main – December 16, 2002
- Metro LLC (Metro Toyota) – 5850/5900 Stadium Drive – October 25, 2005
- Target – 5350 West Main – August 22, 2006

While all properties within Township must comply with the Lighting Ordinance, it is clear that commercial properties within certain areas of the Township have been provided some relief. This is particularly true if the commercial property is surrounded by other commercial developments.

Standard: Unique Physical Circumstances
Are there unique physical limitations or conditions which prevent compliance?

Comment: The Wendy's property is only 120 feet wide, which is the narrowest lot within the Elk's Plat. In addition, it is narrower than many of the other commercially zoned properties in the Township. This unique physical characteristic is making compliance with the 0.1 footcandle requirement exceedingly difficult to meet.

Standard: Self-Created Hardship
Are the conditions or circumstances which resulted in the variance request created by actions of the applicant?

Comment: While the type of lighting requested is certainly self-created, the narrowness of the lot is an existing condition outside of the applicant's ability to change.

Standard: Will the spirit of the Ordinance be observed, the public health, safety, and welfare secured, and substantial justice done if the variance is granted?

Comment: The intent of the 0.1 footcandle lighting ordinance is to help limit lighting pollution and promote dark skies. While extremely important in the more rural areas of the Township, the Wendy's restaurant is located within an area of dense commercial development. It is likely the area already exceeds the required standards for lighting. The increase requested by Wendy's will not impede public health and may improve the safety of the site and in turn, the welfare of their customers.

RECOMMENDATION

Staff recommends approval of the variance request from *Section 78.720: Outdoor Lighting Standards* for 5455 West Main Street to allow 0.4 footcandles along the north property line, and 1.1 footcandles along the east and west property lines for the following reasons:

- Granting relief from section 78.720 will not damage the public health, safety, welfare of the community, nor will it be out of character with the surrounding area as six other properties within close proximity have received a similar variance.
- The narrowness of the lot is a unique physical condition that is not self-created and makes compliance with the Ordinance burdensome.
- The Oshtemo Township Zoning Board of Appeals has granted similar relief in the past. Approving this application for a variance would ensure that standards are consistently being applied and substantial justice done.

Respectfully Submitted,



Julie Johnston, AICP
Planning Director

Attachments: Application
Aerial map
Surrounding Land Uses Map
Proposed Photometric Plan



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

PLEASE PRINT

PROJECT NAME & ADDRESS Wendy's - 5455 West Main Street, Kalamazoo.

PLANNING & ZONING APPLICATION

Applicant Name : Aaron Besmer

Company Meritage Hospitality Group

Address 3310 Eagle Park Drive NE, Suite #205
Grand Rapids, MI 49525

E-mail abesmer@mhgi.net

Telephone 616-608-9049 Fax _____

Interest in Property _____

THIS SPACE FOR TOWNSHIP USE ONLY

OWNER*:

Name WM Limited Partnership-1998

Address 3310 Eagle Park Drive NE, Suite #205

Fee Amount _____

Email abesmer@mhgi.net

Escrow Amount _____

Phone & Fax 616-776-2600 616-776-2776

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

- | | |
|---|---|
| <input type="checkbox"/> Planning Escrow-1042 | <input type="checkbox"/> Land Division-1090 |
| <input type="checkbox"/> Site Plan Review-1088 | <input type="checkbox"/> Subdivision Plat Review-1089 |
| <input type="checkbox"/> Administrative Site Plan Review-1086 | <input type="checkbox"/> Rezoning-1091 |
| <input type="checkbox"/> Special Exception Use-1085 | <input type="checkbox"/> Interpretation-1082 |
| <input checked="" type="checkbox"/> Zoning Variance-1092 | <input type="checkbox"/> Text Amendment-1081 |
| <input type="checkbox"/> Site Condominium-1084 | <input type="checkbox"/> Sign Deviation-1080 |
| <input type="checkbox"/> Accessory Building Review-1083 | <input type="checkbox"/> Other: _____ |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): _____

Respectfully request to exceed the Oshtemo development standard for site lighting at the property line. In order to adequately light the Wendy's site, light spillage will occur beyond the property line. The site is not adjacent to any residential properties and all light fixtures will be full cut-off.

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

Lot 2, Elks Plat No. 1, part of the South 1/2 of Section 13, Town 2 South, Range 12 West
Oshtemo Township, Kalamazoo County, Michigan, as recorded in Liber 31 of Plats, page 48.

PARCEL NUMBER: 3905- 13-401-020

ADDRESS OF PROPERTY: 5455 West Main Street, Kalamazoo, MI 49009

PRESENT USE OF THE PROPERTY: Wendy's

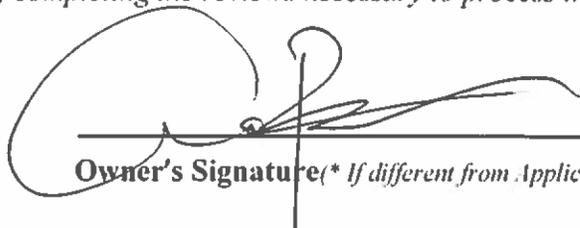
PRESENT ZONING C, Local Business **SIZE OF PROPERTY** .83 Acres

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

Name(s)	Address(es)
<u>WM Limited Partnership-1998</u>	<u>3310 Eagle Park Drive NE</u>
<u> </u>	<u> </u>

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.



Owner's Signature (* If different from Applicant)

8/25/16

Date

Applicant's Signature

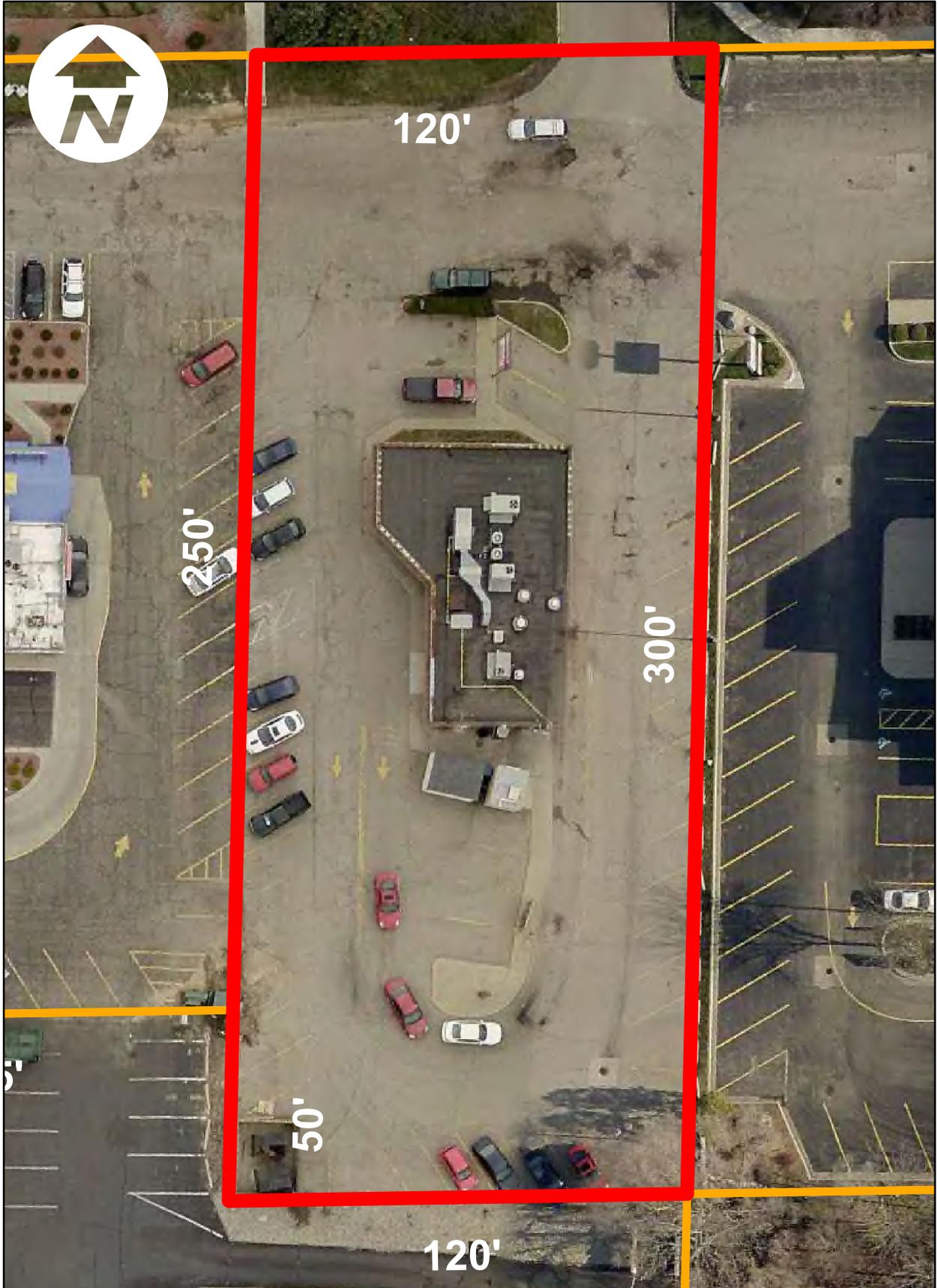
Date

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

PLEASE ATTACH ALL REQUIRED DOCUMENTS

Wendy's, 5455 West Main

Parcel Dimensions

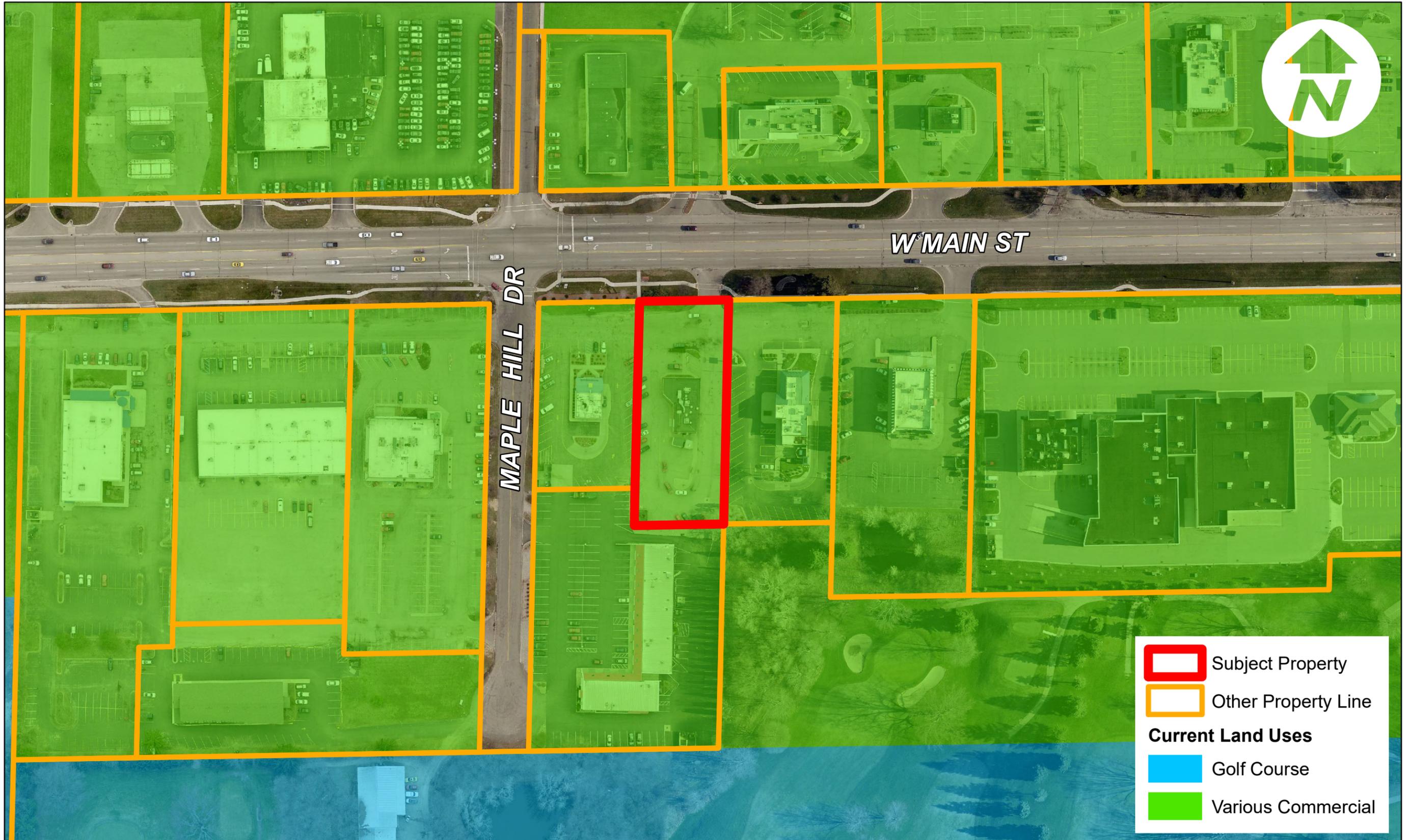


Subject Property

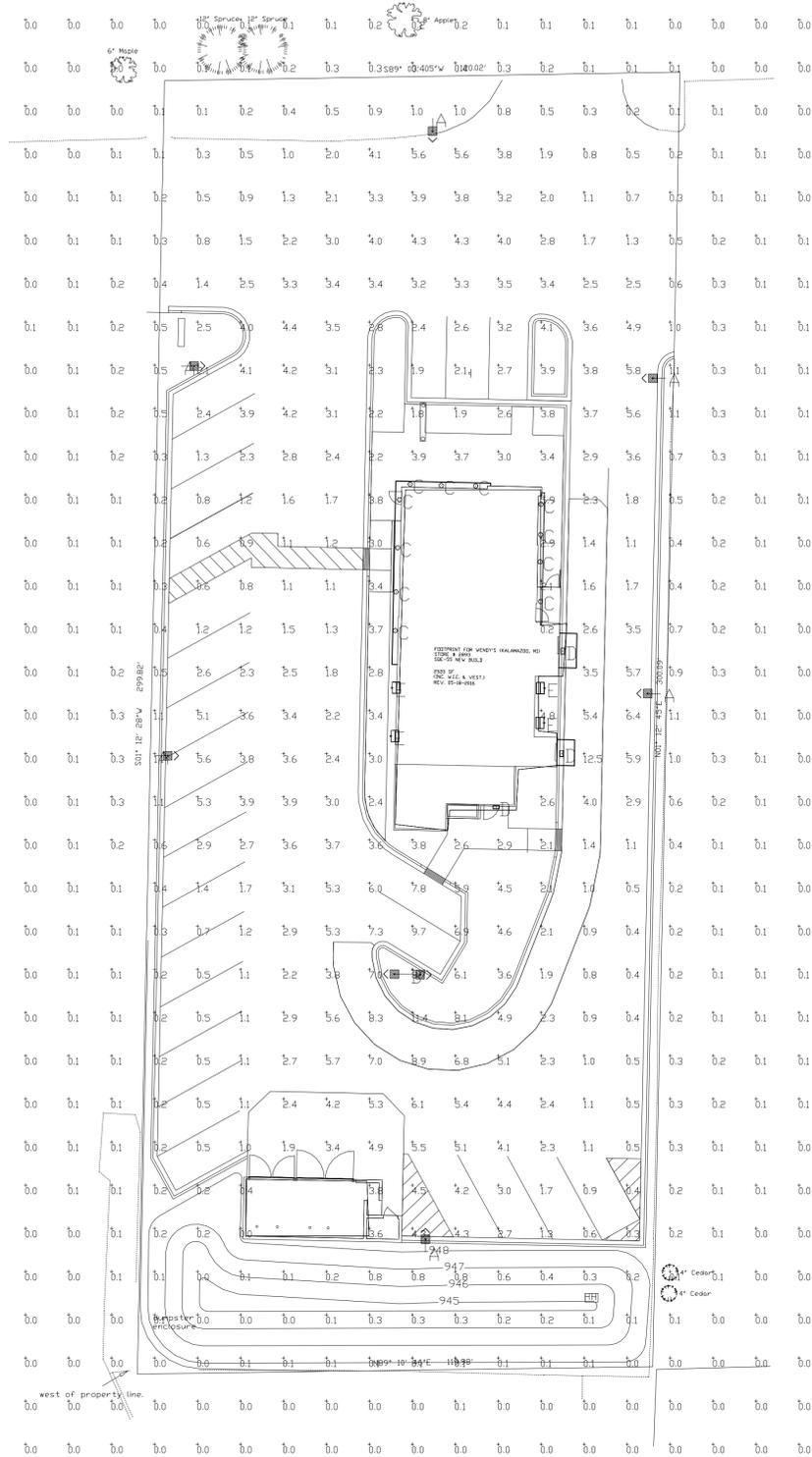


Other Property Line

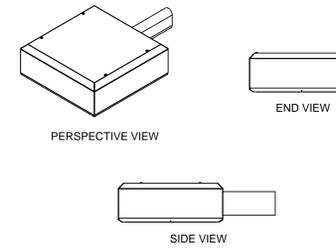
Wendy's, 5455 West Main
Current Surrounding Land Uses



0 125 250 500 Feet



XGBM LED Area Light



Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
ALL CALC POINTS AT GRADE	Illuminance	Fc	1.34	12.5	0.0	N.A.	N.A.
PARKING/DRIVE SUMMARY	Illuminance	Fc	3.00	12.5	0.2	15.00	62.50

Luminaire Schedule								
Symbol	Qty	Label	Arrangement	Description	LLF	Lumens/Lamp	Arr. Lum. Lumens	Arr. Watts
	6	A	SINGLE	XGBM-FT-LED-LW-CW-HSS-SINGLE ON 20' POLE + 2' BASE	0.900	N.A.	11519	136.7
	1	B	D180°	XGBM-3-LED-LW-CW-D180 ON 20' POLE + 2' BASE	0.900	N.A.	28164	280.6
	11	C	SINGLE	PDL6K-LED-08-30-WH - 9' MH	0.900	N.A.	817	12.2
	3	D	SINGLE	WPLED26DC (WALLPACK) - ALED26DC (AREA LIGHTER) BY OTHERS	0.900	N.A.	2473	27.5
	4	E	SINGLE	MLS142X-120E-BZ-35K - 8' MH	0.900	3400	718	49

Total Project Watts
Total Watts = 1513.5



Based on the information provided, all dimensions and luminaire locations shown represent recommended positions. The engineer and/or architect must determine the applicability of the layout to existing or future field conditions.

This lighting plan represents illumination levels calculated from laboratory data taken under controlled conditions in accordance with The Illuminating Engineering Society (IES) approved methods. Actual performance of any manufacturer's luminaires may vary due to changes in electrical voltage, tolerance in lamps/LED's and other variable field conditions. Calculations do not include obstructions such as buildings, curbs, landscaping, or any other architectural elements unless noted.