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**NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

REGULAR MEETING – VIRTUAL

Participate through this Zoom link:

<https://us02web.zoom.us/j/81217000870>

Or by calling: 1-929-205-6099

Meeting ID: 812 1700 0870

(Refer to the www.oshtemo.org Home Page or the third page of this packet for additional Virtual Meeting Information)

Thursday, August 13, 2020

6:00 p.m.

AGENDA

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes: July 30th, 2020
6. **Public Hearing: Special Use, Orangetheory Fitness Temporary outdoor event (lasting more than one day)**
Orangetheory Fitness is seeking Special Use approval to host outdoor workouts in their parking lot from 5:30AM to 11AM and two to three evenings per week from 5PM to 8PM at 1750 South Drake Road Suite C. Outdoor workouts are proposed because State of Michigan has shut down indoor fitness facilities because of COVID-19. Use is proposed to continue until fitness facilities can reopen or until weather does not allow.
7. Old Business
8. Public Comment
9. Other Updates and Business
10. 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 or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email (oshtemo@oshtemo.org), walk-in visits, or by appointment.

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. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

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, but it is not required.

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 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 does not follow these guidelines.

(adopted 5/9/2000)
(revised 5/14/2013)
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. Additionally, questions and concerns are accepted at all hours through the website contact form found at www.oshtemo.org, email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to oshtemo@oshtemo.org and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
Libby Heiny-Cogswell	216-5220	libbyhc@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Grant Taylor	216-5221	gtaylor@oshtemo.org
<u>Trustees</u>		
Cheri L. Bell	372-2275	cbell@oshtemo.org
Deb Everett	375-4260	deverett@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Ken Hudok	548-7002	khudok@oshtemo.org

Township Department Information		
<u>Assessor:</u>		
Kristine Biddle	216-5225	assessor@oshtemo.org
<u>Fire Chief:</u>		
Mark Barnes	375-0487	mbarnes@oshtemo.org
<u>Ordinance Enf:</u>		
Rick Suwarsky	216-5227	rsuwarsky@oshtemo.org
<u>Parks Director:</u>		
Karen High	216-5233	khigh@oshtemo.org
Rental Info	216-5224	oshtemo@oshtemo.org
<u>Planning Director:</u>		
Iris Lubbert	216-5223	ilubbert@oshtemo.org
<u>Public Works:</u>		
Marc Elliott	216-5236	melliott@oshtemo.org

Zoom Instructions for Participants

Before a videoconference:

1. You will need a computer, tablet, or smartphone with a speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. If you are going to make a public comment, please use a microphone or headphones with a microphone to cut down on feedback, if possible.
3. Details, phone numbers, and links to videoconference or conference call are provided below. The details include a link to “**Join via computer**” as well as phone numbers for a conference call option. It will also include the 11-digit Meeting ID.

To join the videoconference:

1. At the start time of the meeting, click on this link to [join via computer](#). You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to join.zoom.us on any browser and entering this **Meeting ID: 812 1700 0870**

If you are having trouble hearing the meeting or do not have the ability to join using a computer, tablet or smartphone then you can join via conference call by following instructions below.

To join the conference by phone:

1. On your phone, dial the toll-free teleconferencing number: **1-929-205-6099**
2. When prompted using your touchtone (DTMF) keypad, enter the Meeting ID number: **812 1700 0870#**

Participant controls in the lower-left corner of the Zoom screen:



Using the icons at the bottom of the Zoom screen, you can (some features will be locked to participants during the meeting):

- Participants – opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand. **This will be used to indicate that you want to make a public comment.**
- Chat – opens pop-up screen that allows participants to post comments during the meeting.

If you are attending the meeting by phone, to use the “Raise Hand” feature **press *9 on your touchtone keypad.**

Public comments will be handled by the “Raise Hand” method as instructed above within Participant Controls.

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**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

DRAFT MINUTES OF A VIRTUAL MEETING HELD JULY 30, 2020

Agenda

PUBLIC HEARING: SPECIAL USE: JIFFY LUBE MULTICARE – MEIJER OUTLOT TRADITIONAL BRAND DEVELOPMENT PARTNERS, LLC, WITH CONSENT FROM MEIJER CORPORATION, WAS SEEKING SPECIAL USE AND SITE PLAN APPROVAL TO CONSTRUCT A 3,020 SQUARE FOOT JIFFY LUBE VEHICLE SERVICE FACILITY NORTH OF THE EXISTING MEIJER GAS STATION WITHIN THE MEIJER PARKING LOT AT 6660 W. MAIN STREET, WITHIN THE C: LOCAL BUSINESS DISTRICT.

A virtual meeting of the Oshtemo Charter Township Planning Commission was held Thursday, July 30, 2020, commencing at approximately 6:00 p.m.

ALL MEMBERS

WERE PRESENT: Bruce VanderWeele, Chair
Dusty Farmer
Micki Maxwell, Vice Chair
Mary Smith
Anna Versalle
Chetan Vyas

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, and Martha Coash, Meeting Transcriptionist.

Guests present were Christopher Eberhart, Traditional Brand Development Partners, LLC and Andrew Berenberg, Engineer.

Call to Order and Pledge of Allegiance

Chairperson VanderWeele called the meeting to order at approximately 6:00 p.m. He invited those in attendance to join in reciting the Pledge of Allegiance.

Following the Pledge, the group observed a moment of silence in remembrance of Mr. Ron Commissaris, Planning Commission member, who passed away recently. The Chair recognized his service to the Commission noting his thoughtful consideration and comments as a Commissioner and said he will be missed.

Approval of Agenda

Hearing no suggestions for change, Chairperson VanderWeele let the agenda stand as presented.

Approval of the Minutes of the Meeting of July 16, 2020

The Chair asked if there were additions, deletions or corrections to the Minutes of the Meeting of July 16, 2020. Hearing none, he asked for a motion.

Mr. Vyas made a motion to approve the Minutes of the Meeting of July 16, 2020 as presented. Ms. Versalle seconded the motion. The motion was approved unanimously by roll call vote.

Chairperson VanderWeele moved to the next agenda item and asked Ms. Lubbert for her presentation.

PUBLIC HEARING: SPECIAL USE: JIFFY LUBE MULTICARE – MEIJER OUTLOT TRADITIONAL BRAND DEVELOPMENT PARTNERS, LLC, WITH CONSENT FROM MEIJER CORPORATION, WAS SEEKING SPECIAL USE AND SITE PLAN APPROVAL TO CONSTRUCT A 3,020 SQUARE FOOT JIFFY LUBE VEHICLE SERVICE FACILITY NORTH OF THE EXISTING MEIJER GAS STATION WITHIN THE MEIJER PARKING LOT AT 6660 W. MAIN STREET, WITHIN THE C: LOCAL BUSINESS DISTRICT.

Ms. Lubbert explained Traditional Brand Development Partners, with the consent from Meijer Corporation, was seeking Special Use and Site Plan approval from the Planning Commission to construct a Jiffy Lube MultiCare vehicle facility within 6660 W. Main Street, just north of the existing Meijer Gas Station at the W. Main and 9th Street intersection.

She said 6660 W. Main Street is currently owned by Meijer Corporation. The proposal entails splitting 1.4 acres from the site to construct a roughly 3,000 square foot facility. The proposed use falls under the vehicle service facility definition as a special use within the Commercial zoning district in which this property is located. As a special use and new construction, the proposal requires review and approval from the Planning Commission.

She said when considering this request, two sections of the Township's code needed to be considered: Site plan review, and the Requested Special Use. She said she would walk through the requirements of each section, focusing on highlights. A full analysis is available starting on page 11 of the staff report that was part of the Planning Commission packet.

Overall, she indicated the submitted site plan met the requirements of the code. However a number of details still need to be finalized. The proposal is for, roughly, a 3,000 square foot vehicle service facility which is permitted as a special use within the Commercial zoning district. The lot that is being proposed has adequate road frontage, in this case is along N. 9th Street, and meets the size requirements for commercial lots. If approved, its parent lot also remains in compliance. The proposed building and modifications to the site will mostly occur within the existing paved area of this site, with

a small encroachment into the existing grass buffer between the parking lot and the road. The required setbacks for the building within the district are met.

She said, In terms of access, no new curb cuts were being proposed along N. 9th Street. The site will be accessed using the existing shared access drives that are currently utilized by Meijer and the other existing commercial uses within this development. With the proposal of a new parcel and increased usage, the Township will require an update to the pavement markings in these access drives to help with traffic control and safety. Our township engineer has requested that the outside right turn lane be turned into a right or through lane.

Our Fire Marshal needs to do a final confirmation that the required 30/50 turning radius for our fire trucks has been met, but access and vehicular movement throughout the site looks good.

The site is adequately parked. Per our code, 19 parking spaces are permitted for this site. 19 spaces are being proposed – two of which are ADA spaces.

Ms. Lubbert said one bigger item that will be a wonderful improvement for not only this site but the entire development relates to sidewalk. Per Section 57.90 sidewalks indicated on the Township's Non-motorized Plan shall be installed by the developer when properties adjacent to planned nonmotorized facilities receive site plan approval from the municipality. The Township's adopted Non-Motorized Plan shows a 6-foot-wide path along this section of N. 9th Street. With staff oversight, the applicant is currently coordinating with Meijer to come up with a plan to install sidewalk not only in front of this property but to provide a complete sidewalk connection along N. 9th Street from W. Main Street to Meijer's building entrance to the north. Meijer has already installed a sidewalk section along their gas station property. Staff is currently working with the applicant and Meijer to complete plans for the sidewalk connection so that it meets ADA standards.

She reported the proposed facility does not introduce any significant impact to the storm water runoff in this area, as the proposed facility will be built almost entirely over already existing pavement. However, the existing storm water basin that services this site has failed and needs to be addressed. Staff is currently working with Meijer and the applicant to address this issue. At this time the agreement is that a legal agreement between the different parties will be submitted and approved by the Township that outlines how this problem will be addressed.

Both a Landscaping and Photometric Plan have been submitted, however there are some insufficiencies in both of these documents and updated plans that meet code standards will need to be provided and reviewed prior to building permit issuance.

Again overall the proposed site plan meets standards but there are a few details that still need to be buttoned up.

She noted exterior materials proposed for the building include EIFS with a Colonial style stone design, sand pebble fine finish painted EIFS, Centria Meal Vertical Rib Panel, with various medium bronze finishes. Overall, it is a very attractive new facility. Some minor inconsistencies with what is shown on the site plan and landscaping plan will need to be updated.

When reviewing a special use request there are a number of criteria that need to be met. Overall the proposal meets these standards. It is consistent with the current zoning and what the future land use map shows this area as being, general commercial.

In terms of Impact, she said there are already two vehicle service facilities established in the area (AutoZone Auto Part + Bell Tire,) and with this use being in accordance with both the Master Plan and the Zoning Ordinance, staff has no concerns that the proposed use will negatively affect neighboring uses.

She noted it could be argued the proposal will positively impact the area if approved. The site in question is currently a portion of Meijer's parking lot which rarely sees use. To build this site Meijer will give up 114 stalls. Currently the Meijer site has 1,456 stalls – 119% of the minimum parking space requirement per code. If the proposed site plan is approved Meijer would have 1,342 stalls remaining – 107% of the minimum parking space requirement. Our code, in order to minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of storm water runoff, only allows parking lots to have parking spaces totaling no more than 110% of the minimum parking space requirements, unless otherwise approved by the reviewing body. This proposal would bring Meijer into compliance with the current parking code and improve on the aesthetics of the area by utilizing an underutilized section of the development.

However, she said, it should be noted that due to the nature of the proposed use, oils and fluids from the serviced automobiles will need to be drained and stored onsite. The proposal is not to dispose of the oil and other fluids on the land, but rather that these substances be stored in a steel tank until a truck picks up the waste and removes it - estimated to be done monthly. Oils and fluids from automobiles are considered hazardous. An Environmental Permits Checklist and the Hazardous Substance Reporting Form is required from the applicant.

She said as noted in the site plan, the proposed project area is already mostly paved, and no natural features will be disturbed as a part of these modifications.

Ms. Lubbert explained this property is already adequately served by public utilities and the proposed expansion would add little to no burden to the system. However, the retention pond that currently services Meijer and to which this development would connect, has failed and needs to be fixed. Township staff members are currently working with the applicant and Meijer to come up with a solution to address the situation.

She said the last requirement of this section is to refer to Article 49 of the code, which points to specific special use requirements. In this case there are none so this item does not apply.

Ms. Lubbert said the proposal meets the requirements for site plan review and special use. As described, there are a number of details that need to be finalized before construction of the project can begin. All these items are minor or staff is confident they can be handled administratively.

Ms. Lubbert recommended the Planning Commission approve the proposed Special Use and Site Plan for the Jiffy Lube Multicare with the conditions outlined below. The applicant is aware of and has agreed to address these items.

1. A land division application shall be submitted and approved *prior to a building permit being issued.*
2. The existing retention pond has failed and needs to be fixed. An agreement with a plan on how to address this issue shall be submitted, reviewed and approved by the Township Engineer, and entered into *prior to a building permit being issued.*
3. Environmental Permits Checklist and the Hazardous Substance Reporting Form shall be submitted to Planning Department and approved *prior to a building permit being issued.*
4. Copies of the necessary recorded easements (for the public sidewalk and traffic circulation) shall be provided to Planning Department *prior to occupancy being issued.*
5. An updated Planning and Zoning Application shall be provided *prior to a building permit being issued.*
6. An updated Site Plan shall be submitted to the Planning Department *prior to a building permit being issued* with the following information.
 - a. The pavement markings for the two existing driveways to N 9th Street will be modified to help with traffic control and safety - the outside right turn lane turned into a right or through lane.
 - b. Final plans for the 6-foot-wide concrete sidewalk to run along this section of N 9th Street.
 - c. An update to the location/zoning map marking the specific location of the site plan being reviewed.
 - d. Show the proposed setbacks of the building on the plans.
 - e. Show the location of where the above ground and underground storage tanks will be on site.
 - f. The applicant shall address the following items with the Township Fire Marshal:
 - i. One key box shall be required for this facility.
 - ii. A 30/50 turning radius throughout the site will be provided/confirmed.
 - iii. Emergency Responder Radio Coverage in New and Existing Buildings shall be provided in all buildings in accordance with

Section 510 of the International Fire Code and Michigan Building Code 2015 section 916. Update plans to include.

7. Updated Architectural Plans shall be provided to the Planning Department *prior to a building permit being issued*.
8. An updated Photometric Plan shall be provided to and approved by Planning Department *prior building permit issuance*. Current insufficiencies include:
 - a. No cut sheets provided for the proposed lighting fixtures
 - b. The symbology is not constant with the provided schedule.
 - c. A photometric plan showing foot-candle readings every ten feet within the subject site and ten feet beyond the property lines is needed, including lighting ratios.
9. An updated Landscaping Plan shall be provided to and approved by the Planning Department *prior building permit issuance*. Current concerns include:
 - a. A total of 10 canopy trees, 20 understory trees, and 4 shrubs are required. The number proposed far exceeds this and will be very costly to plant and maintain over time on this limited site (25 canopy trees, 29 understory trees, 82 shrubs, and hundreds of one gallon pots of groundcover). Please be aware that all landscaping shown on the approved plan must be installed before a certificate of occupancy is granted. It must be maintained in order to stay in compliance. It may be preferable to submit a landscape plan that meets the minimum requirements then add more landscaping later if desired.
 - b. Our ordinance has the following provision regarding monocultures: "The use of a single species is prohibited to increase the rate of plant survival. Except for plantings used for evergreen screening, no one species of tree or shrub may make up more than 50% of the total amount within each Plant Material Type." Based on the number of trees required (not proposed) no more than 5 of the canopy trees can be maples and no more than 10 of the understory trees can be paw paws. Other canopy tree species to consider are oak, basswood, or hackberry. Other understory tree species to consider are serviceberry, American hornbeam, or redbud.
 - c. Minimum sizes at planting must be revised as follows: canopy trees – 2" caliper, understory trees – 8' height.

Chairperson VanderWeele thanked Ms. Lubbert for her report and asked if Commissioners had questions for her.

Ms. Smith said the existing berm along 9th Street hides the parking lot from view and asked if it would remain.

Ms. Lubbert said the berm would remain. Access is being considered to the south of the berm.

Commissioners expressed concern regarding increased traffic impact on ingress and egress from 9th Street in an already congested area and possibly moving the entrance further to the east.

Ms. Lubbert suggested the applicant might better address that concern.

Ms. Maxwell pointed out there are more items than usual still needing to be addressed. She wondered why the project was brought to the Commission at this time.

Ms. Lubbert said in this case the applicant wishes to move forward, the items are relatively minor and are tied to the building permit. They are not significant enough to delay the project.

Ms. Maxwell said it seemed like a lot. She pointed out an error in the written documents referring to an extension of the gas station; Ms. Lubbert acknowledged that was a mistake.

Chairperson VanderWeele agreed the remaining issues were mostly minor except for the Meijer retention basin problem which is significant and has been going on for years.

Ms. Lubbert said basically plans are in place. Plan documents were in place years ago; correction can be done, it is just a matter of timing and method. Meijer is in conversation with another potential party who wishes to develop to the north. They would like to address the retention issue when all entities are included and they can decide how and when to address the problem. She noted when there is heavy rain the church lot floods.

Attorney Porter said work with Meijer and the potential property owner to the north is in process. Most of the area Jiffy Lube will occupy is impervious surface, so should not add to the problem. It will be addressed with Meijer.

Ms. Farmer noted a development further to the east on impervious surface was required to maintain proper drainage.

Attorney Porter said that area feeds into the city system. This area does not feed into the drain area within the city and does not impact the agreement the Township has with the City of Kalamazoo.

Ms. Farmer was concerned about an increase in traffic with another development beyond Jiffy Lube and felt traffic ingress and egress is already dangerous.

Chairperson VanderWeele commented when the credit union headquarters opens and the traffic light is installed there it should take a lot of the traffic out of there and relieve the pressure.

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

Mr. Andrew Berenberg, Engineer, 2300 Berkshire Lane, Plymouth MN spoke for the plan and the applicant, thanking staff for their assistance and the Commission for offering a virtual meeting option. He noted they are aware of the retention basin issue and will be filling in some areas to increase impervious surface. The new facility will benefit the community by taking something underutilized and make it work for the public. The nine items listed by Staff as conditions for approval are manageable. They are struggling with the crosswalk to make it ADA. They can make it work, but it will be a challenge and may cause some road reconstruction to meet ADA code. It will be a nice development and the beautiful building will be a positive addition to the Township.

Chairperson VanderWeele asked if Commissioners had questions for Mr. Berenberg.

Ms. Smith asked whether moving the entrance opposite the gas station would be a problem.

Mr. Berenberg said it would not be a deal breaker; they just need to be sure emergency vehicles will be able to get through there. He said he actually liked the idea, but noted if it is flipped, it will narrow a lane. If it is moved it would not be as steep as the plan requires now.

Ms. Smith said if it is flipped, it may not show the best side of the building to 9th Street. She did not think Jiffy Lube would cause more right turning traffic.

Mr. Berenberg said they do not expect more than 1-2 cars at a time to exit Jiffy Lube. The business is not a big traffic generator. 19 parking stalls are probably more than will be needed.

Mr. VanderWeele wondered if the lane could be shifted to the east end.

Mr. Berenberg said no, that was private property. Meijer wants access shared for cross-traffic.

There were no further questions. The Chair opened a public hearing, determined no members of the public were present, and moved to Board Deliberations.

Ms. Smith said her only concern had been removal of the berm; she was happy with the proposal.

Ms. Maxwell asked that, if approved, the plan will not come before the Commission again after all conditions are met.

Ms. Lubbert agreed that was correct. All conditions will need to be met before a building permit is issued.

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

Ms. Versalle made a motion to approve the Site Plan and Special Use Request as presented, with these nine conditions recommended by Staff:

1. A land division application shall be submitted and approved *prior to a building permit being issued*.
2. The existing retention pond has failed and needs to be fixed. An agreement with a plan on how to address this issue shall be submitted, reviewed and approved by the Township Engineer, and entered into *prior to a building permit being issued*.
3. Environmental Permits Checklist and the Hazardous Substance Reporting Form shall be submitted to Planning Department and approved *prior to a building permit being issued*.
4. Copies of the necessary recorded easements (for the public sidewalk and traffic circulation) shall be provided to Planning Department *prior to occupancy being issued*.
5. An updated Planning and Zoning Application shall be provided *prior to a building permit being issued*.
6. An updated Site Plan shall be submitted to the Planning Department *prior to a building permit being issued* with the following information.
 - a. The pavement markings for the two existing driveways to N 9th Street will be modified to help with traffic control and safety - the outside right turn lane turned into a right or through lane.
 - b. Final plans for the 6-foot-wide concrete sidewalk to run along this section of N 9th Street.
 - c. An update to the location/zoning map marking the specific location of the site plan being reviewed.
 - d. Show the proposed setbacks of the building on the plans.
 - e. Show the location of where the above ground and underground storage tanks will be on site.
 - f. The applicant shall address the following items with the Township Fire Marshal:
 - i. One key box shall be required for this facility.
 - ii. A 30/50 turning radius throughout the site will be provided/confirmed.
 - iii. Emergency Responder Radio Coverage in New and Existing Buildings shall be provided in all buildings in accordance with Section 510 of the International Fire Code and Michigan Building Code 2015 section 916. Update plans to include.
7. Updated Architectural Plans shall be provided to the Planning Department *prior to a building permit being issued*.
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 - b. Our ordinance has the following provision regarding monocultures: “The use of a single species is prohibited to increase the rate of plant survival. Except for plantings used for evergreen screening, no one species of tree or shrub may make up more than 50% of the total amount within each Plant Material Type.” Based on the number of trees required (not proposed) no more than 5 of the canopy trees can be maples and no more than 10 of the understory trees can be paw paws. Other canopy tree species to consider are oak, basswood, or hackberry. Other understory tree species to consider are serviceberry, American hornbeam, or redbud.
 - c. Minimum sizes at planting must be revised as follows: canopy trees – 2” caliper, understory trees – 8’ height.

Ms. Smith seconded the motion. The motion was approved unanimously by roll call vote.

Chairperson VanderWeele moved to the next item on the agenda.

OLD BUSINESS

- a. Discussion: Assembly and Convention Halls

Ms. Lubbert reminded the Commission that Township Planning Department staff was approached by a prospective property owner who is interested in establishing a wedding/event venue within the commercial portion of the 9th Street and West Main Zoning Overlay. Examining the Township’s Zoning Ordinance, staff found that no such use is identified as allowable in any zoning district in Oshtemo, despite a handful of such businesses having been located here in the past. In some cases, such as with the Delta Marriott Hotel on S 11th Street, the convention center is considered an accessory element to the primary use of the property. In the case that prompted this proposal, the event space would be the property’s primary use.

She said a general tenet of local zoning is that no reasonable use of land can be

prohibited outright in any community and must be allowed somewhere. In the interest of adhering to accepted legal convention and good planning practice, staff proposed a text amendment to the Zoning Ordinance to allow Assembly and Convention Halls as a Special Use in the C, Local Business District, the 9th Street and West Main Overlay Zone. All three zoning districts are appropriate locations for this use based on their character and intent. In order to mitigate any unforeseen consequences or impacts of this use to nearby properties, staff recommended making Assembly and Convention Halls a Special Use so the Township can impose any necessary restrictions on a case-by-case basis. As the Township gains experience with Assembly and Convention Halls as a primary use, additional criteria can be developed, other zoning districts considered, and the use potentially even transitioned from a Special Use to a Permitted Use with Conditions, which would allow for administrative review and approval.

The Planning Commission initially reviewed the proposed amendment at their regular February 27th meeting. After discussion, the Commission agreed to move forward with the proposed changes to Sections 18.40 and 35.40 and set a Public Hearing for their meeting on March 26th. Due to COVID-19's impact on the Township's ability to hold open meetings, the public hearing needed to be rescheduled to April 30th. At the public hearing the Planning Commission grew concerned when they found that the ordinance does not define Assembly and Convention Halls. There was concern that if no additional guidance was provided, larger Convention Centers (like the Kalamazoo County Expo Center) could accidentally be lumped into the same category. The Planning Commission moved to table the item and asked staff to explore possible definitions that would elevate their concerns and avoid potential future misunderstandings. Staff presented a drafted definition to the Commission at their May 14th meeting as well as discussed the possibility of implementing a maximum capacity or occupancy to be tied to the proposed special use – potentially a different value depending on the zoning district in which the use is allowed. It was agreed that staff would return to the Commission with a revised definition for Assembly and Convention Halls and drafted Special Use requirements.

Based on the feedback provided by the Commission at the May 14th meeting, Ms. Lubbert presented the following amended definition to consider and discuss.

Assembly and Convention Hall Definition

A room or building for the purpose of hosting a party, banquet, wedding, or any other social or business event. Assembly and Convention Halls can also be called meeting rooms, function halls, reception halls, or banquet halls.

In addition to a general definition, staff drafted the following requirements to be considered for Assembly and Conventions Halls to be placed under Section 49 Requirements for Special Uses.

Assembly and Convention Halls Requirements for Special Uses

- A. Assembly and Convention Halls shall have the following maximum capacities as established by the Township building code if located in one

of the following zoning districts:

- i. 9th Street and West Main Overlay Zone: 200 people
 - ii. C, local business district: 750 people
- B. Assembly and Convention Halls shall allow for both indoor and outdoor event spaces. Permitted maximum capacity of the site, per item A above, shall be considered the sum of the capacities of all indoor and outdoor event spaces. Outdoor event spaces must be approved by the Planning Commission at the time of Special Use and Site Plan approval. The following additional details shall be provided with the submitted site plan for all requests for outdoor event spaces:
- a. A letter of intent, including information on how the outdoor space will be used, the hours of operation, description on what attempts were made to visually shield the proposed outdoor space from the road and neighboring properties, and a breakdown of the site's maximum occupancy capacity for the indoor and outdoor event spaces.
 - b. The outdoor event space clearly delineated on the site.
 - c. Placement of vehicles, trailers, and all other equipment for outdoor events is shown on the plan and placed away from adjoining residentially used properties and complies with all applicable setbacks.
 - d. Restrooms provided (in building or portable facilities).
 - e. Traffic lanes and additional on-site parking to service outdoor event space to be provided at the rate of 1 space for each 3 persons allowed within the maximum occupancy.
 - f. Fire lanes and emergency vehicle turning areas.
 - g. All activity takes place on subject property.
- C. The Planning Commission may impose additional conditions when found reasonable and appropriate to avoid or mitigate adverse impacts on surrounding properties.

Note parking for this use is already addressed in 52.100 Minimum Required parking spaces:

52.100 Minimum required parking spaces

Land Use	Minimum number of spaces per unit of measure
Meeting rooms, Assembly & Convention Halls (without fixed seating)	1 space for each 3 persons allowed within the maximum occupancy load as established by the Township building code

Commissioner said they had reviewed the document and felt Ms. Lubbart did a good job incorporating their suggestions and were pleased with the proposed definition and amendment.

Ms. Lubbart said she will set a public hearing on the amendment, likely at the second regularly scheduled meeting in August.

PUBLIC COMMENT

Chairperson VanderWeele moved to the next agenda item, determined there were no members of the public present, and moved to the next agenda item.

OTHER UPDATES AND BUSINESS

Ms. Lubbert told Commissioners that, by order of the Governor, virtual meetings will continue, at least through mid-September. She will inform them of any changes.

Ms. Farmer reminded everyone that absentee ballots are available and that the Township has temporary hours for election purposes only through Election Day. She said a lot of registrations have been received in the last two weeks and asked them to spread the word to get absentee ballots in and that voters may not split tickets.

Ms. Lubbert said she is exploring the possibility of sharing meeting videos by posting them online and asked them to let her know of any concerns they may have.

Ms. Maxwell asked if the consultant situation had been taken to the Township Board yet.

Ms. Lubbert said funds have been included in the budget, but no proposal or details have been developed yet. She hopes to move forward on that soon.

ADJOURNMENT

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 6:53 p.m.

Minutes prepared:
August 1, 2020

Minutes approved:
_____, 2020

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August 06, 2020



Mtg Date: August 13, 2020

To: Oshtemo Township Planning Commission

From: Colten Hutson, Zoning Administrator
Karen High, Parks Director

Applicant: Anne Antor and Heather Reece, AHRLELMG, LLC
Owner: Corner @ Drake, LLC

Property: 1750 S. Drake Road, Suite C, Parcel Number 05-25-240-004

Zoning: C: Local Business District

Request: Special Use for a Temporary outdoor event (lasting more than one day)

Section(s): Section 49.240: Temporary Outdoor Event conditions
Section 65.30: Special Use Review Criteria

Project Name: Orangetheory Fitness

PROPOSAL:

Orangetheory Fitness seeks special use approval to utilize its existing parking lot to host temporary outdoor events. The outdoor events would consist of workout sessions from 5:30am-11am daily along with two to three evening sessions per week from 5pm-8pm. Outdoor workout sessions are requested because indoor fitness sessions are prohibited by the State of Michigan due to COVID-19. The use is proposed to continue until the State allows indoor fitness facilities to reopen or until the weather becomes inclement.

OVERVIEW:

Orangetheory Fitness is in a multi-tenant commercial center on the west side of Drake Road, east of US-131. The approximate location of their tenant space is indicated with a star on the aerial

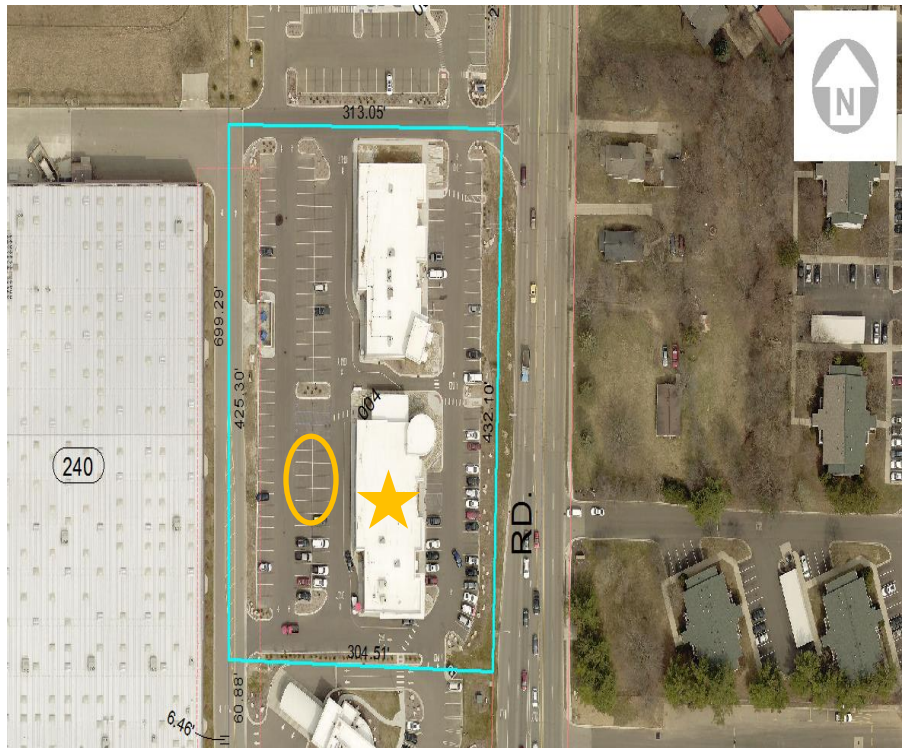


photo. The site is zoned C, Local Business District. The request is to allow outdoor workout sessions for adults to take place in the adjacent parking lot located west of the main building. The approximate location is circled on the aerial photo. Fifteen parking spaces will be blocked off with traffic cones and/or 4' tall sections of temporary metal fencing to create an outdoor exercise area. The barrier devices will be left in place until outdoor sessions are discontinued. Class capacity is limited to twelve people per session. Participants will be separated so that each person has a 10' x 20' parking space for their workout. Three parking spaces will be used to check in participants as they arrive.

ANALYSIS:

The property is zoned C, Local Business District. Uses permitted in the C zoning district are outlined in Article 18 of the Township's Zoning Code. Commercial centers are a permitted use. However, temporary outdoor events (lasting more than one day) are identified as Special Uses within this section. When reviewing a Special Use there are two sets of criteria that need to be considered: the general Special Use review criteria outlined in Section 65.30 and the specific requirements for the use in question outlined under Section 49.240. Below is an analysis of the proposal against these two Sections.

Section 65.30: Special Use Review Criteria

A. Master Plan/Zoning Ordinance: The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the District in which the use is located.

Oshtemo's adopted Future Land Use map illustrates the property in question is within a commercial area. From a zoning standpoint, the subject property is classified as C, Local Business District, within which temporary outdoor events are permissible with Special Use approval from the Planning Commission.

B. Site Plan Review: The Site Plan Review Criteria of Section 64.80

An engineered site plan is not required for a temporary outdoor event and therefore this criterion is not applicable. However, a general layout plan showing the location of the exercise area has been provided. The layout plan shows fifteen spaces that will be blocked off for the outdoor exercise area and two handicap parking spaces nearby that are not blocked off. However, 2018 aerial photos reveal there are four handicap spaces in this location, two of which are proposed to be blocked off. Planning staff recommends that all four handicap spaces remain accessible and that the outdoor exercise area be reconfigured to allow for this.

C. Impacts:

1. The proposed use would be compatible, harmonious and appropriate with the existing or planned character and uses of adjacent properties; meaning the proposed use can coexist with neighboring uses in a stable fashion over time such that no neighboring use is unduly negatively impacted.

Other uses in the surrounding C, Local Business District zoning district include Nonla Burger, Menchie's Frozen Yogurt, SVS Vision, Firehouse Subs, Chow Hound, Mod Pizza, Costco, etc. Due to there being many commercial users already established in the area, and this use being in accordance with both the Master Plan and the Zoning Ordinance, staff has no concerns that the proposed use will negatively impact neighboring uses.

2. Potentially adverse effects arising from the proposed use on adjacent properties would be minimized through the provision of adequate parking, the placement of buildings,

structures and entrances, as well as the location of screening, fencing, landscaping, buffers or setbacks.

Orangetheory Fitness and Firehouse Subs are currently the only tenants in the building. According to the applicant, one tenant space in the building is vacant/not leased and the other is awaiting interior construction. Therefore, ample parking is available. Use of a portion of the parking lot for an outdoor exercise area should have no adverse effects on parking for adjacent properties. In addition, the proposed exercise area does not impact driving aisles, fire lanes, or emergency vehicle turning areas.

3. The proposed use would not be detrimental, hazardous, or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, smoke, odors, glare, or visual clutter.

Though outdoor exercise classes will generate more noise than indoor classes, the sound levels are not expected to be excessive for a commercial area. Parking lot barrier devices are located behind the building so won't be visible from Drake Road. The back side of Costco Wholesale is immediately west of the outdoor exercise area, with no windows or public access facing east. No outdoor equipment storage or trailer parking is proposed. No other impacts are anticipated.

D. Environment: The natural features of the subject property shall only be cleared or altered to the extent necessary to accommodate site design elements, particularly where the natural features assist in preserving the general character of the area.

Not applicable, as this is an existing site with paved surfaces.

E. Public Facilities: Adequate public and/or private infrastructure and services already exist or would be provided, and will safeguard the health, safety, and general welfare of the public.

The temporary use will be served by public bathroom facilities within the Orangetheory Fitness suite. All other available public infrastructure such as water and sewer were provided during the development of the site.

F. Specific Use Requirements: The Special Use development requirements of Article 49.

All of the specific use requirements outlined in Section 49.240 Temporary Outdoor Events (Lasting More Than One Day) have been met. These requirements are listed below for reference.

Section 49.240 Temporary Outdoor Events (lasting more than one day)

- A. May last more than one day.
- B. Use is incidental to the principal use of the property.
- C. A Site Plan shall be submitted for administrative review indicating the following:
 1. Traffic lanes and on-site parking.
 2. Fire lanes and emergency vehicle turning areas.
 3. Restrooms provided (in [building](#) or portable facilities).
 4. Placement of vehicles, trailers, and all other equipment is away from adjoining residentially used properties and complies with all applicable [setbacks](#).
 5. All activity takes place on subject property.
- D. The Fire Chief, or his designee, has approved the placement of vehicles, trailers, and all other equipment associated with the event.

- E. All signs directed off-site must receive a temporary sign permit and comply with all applicable sign ordinances.
- F. Property owner must approve and acknowledge the use of the property for the event.

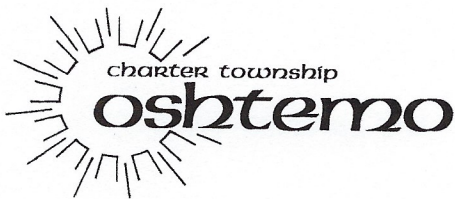
RECOMMENDATION:

Planning Department staff are satisfied that the project meets all Special Use requirements and recommends that the Planning Commission grant Special Use approval for outdoor workout sessions, subject to the following condition:

- 1) Revised layout plan of the exercise area be submitted that does not block any handicap parking spaces.

Thank you.

Attachments: Application
Site Layout
AVB Letter of Support



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

PLEASE PRINT

PROJECT NAME & ADDRESS Orangetheory Fitness Outdoor Workouts

PLANNING & ZONING APPLICATION

Applicant Name : Anne Antor + Heather Reece

Company AHRLELMG LLC - dba Orangetheory fitness

Address 1750 S. Drake Rd
suite C
Kalamazoo, Mi 49006

E-mail aantor@orangetheoryfitness.com

Telephone 269 207 0678 Fax _____

Interest in Property Tenant

THIS SPACE FOR TOWNSHIP USE ONLY

OWNER*:

Name Corner Shoppes @ Drake

Address 4200 W Centre Ave
Portage, Mi 49024

Email caardema@avbinc.com

Phone & Fax 269 492 2692

Fee Amount _____

Escrow Amount _____

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

- Planning Escrow-1042
- Site Plan Review-1088
- Administrative Site Plan Review-1086
- Special Exception Use-1085
- Zoning Variance-1092
- Site Condominium-1084
- Accessory Building Review-1083
- Land Division-1090
- Subdivision Plat Review-1089
- Rezoning-1091
- Interpretation-1082
- Text Amendment-1081
- Sign Deviation-1080
- Other: Article 49

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary):

Temporary outdoor events (Lasting More than 1 Day)
Request to utilize adjacent parking to host outdoor workouts
due to state/region shutdown of fitness facilities during
COVID-19 pandemic.

We would utilize the area from approximately
5:30 AM - 11:AM Daily + 2-3 evenings per week from
5-8pm. This would be utilized until the governor allows us to
reopen or until weather doesn't allow.

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

See attached

PARCEL NUMBER: 3905- 05-25-240-004

ADDRESS OF PROPERTY: 1750 S. Drake Road suite C

PRESENT USE OF THE PROPERTY: Parking & Fitness Facility (When open)

PRESENT ZONING _____ **SIZE OF PROPERTY** _____

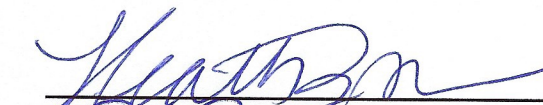
**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS
HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

Name(s)


Address(es)

SIGNATURES

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


Owner's Signature (* If different from Applicant)

7/27/2020
Date


Applicant's Signature

7/27/20
Date

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

PLEASE ATTACH ALL REQUIRED DOCUMENTS

Subject: Parcel Number/Legal Description

Date: Monday, July 27, 2020 at 3:19:32 PM Eastern Daylight Time

From: Curt Aardema <caardema@avbinc.com>

To: Anne Antor <anne.antor@orangetheoryfitness.com>, Heather Reece <hreece@orangetheoryfitness.com>

This sender is trusted.

Parcel Number: 05-25-240-004

Legal Description:

SEC 25-2-12 COMM ON E LI 159.18 FT S 01DEG-08'-26" W OF NE COR TH S 89DEG-52'-50" W 50.01 FT TO WLY ROW LI DRAKE RD TH S 01DEG-08'-26" W THEREON 213.16 FT TO POB TH CONT S 01DEG-08'-26" W 432.10 FT TH TH N 89DEG-51'-34" W 304.51 FT TH N 425.30 FT TH N 89DEG-52'-50" E 313.05 FT TO BEG** SPLIT/COMBINED ON 01/07/2017 FROM 05-25-240-002; INTO 05-25-240-003 & 05-25-240-004

curt aardema

avb

BUILD SOMETHING BETTER.

p 269.329.3656 | c 269.492.2692

4200 w. centre ave | portage, mi 49024 | avbinc.com

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MIXED USE & BANK

PARKING
TOTAL PARKING SPACES REQUIRED PER ORDINANCE 68.400:
KFC/JU BANK:

1 SPACE / 150 SFT = 4,476 SFT X 68% / 150 SFT = 26 SPACES

MIXED USE #1:

6,500 SFT RETAIL:
1 SPACE / 150 SFT = 6,500 SFT X 68% / 150 SFT = 30 SPACES

3,500 SFT RESTAURANT:
1 SPACE / 70 SFT = 3,500 SFT X 68% / 70 SFT = 44 SPACES

MIXED USE #2:

6,500 SFT RETAIL:
1 SPACE / 150 SFT = 6,500 SFT X 68% / 150 SFT = 30 SPACES

3,500 SFT RESTAURANT:
1 SPACE / 70 SFT = 3,500 SFT X 68% / 70 SFT = 44 SPACES

TOTAL PARKING ALLOWED PER ORDINANCE 68.400 = 192 SPACES

TOTAL PARKING ALLOWED PER ORDINANCE 68.300K = 192 SPACES X 110% = 211 SPACES

TOTAL PARKING PROVIDED = 211 SPACES

BARRIER FREE SPACES REQUIRED = 7 SPACES

BARRIER FREE SPACES = 8 SPACES PROVIDED

ALL BARRIER FREE SPACES DESIGNED PER ADA REQUIREMENTS

TYPICAL PARKING SPACE DIMENSION = 10'X20' & 9'X15'

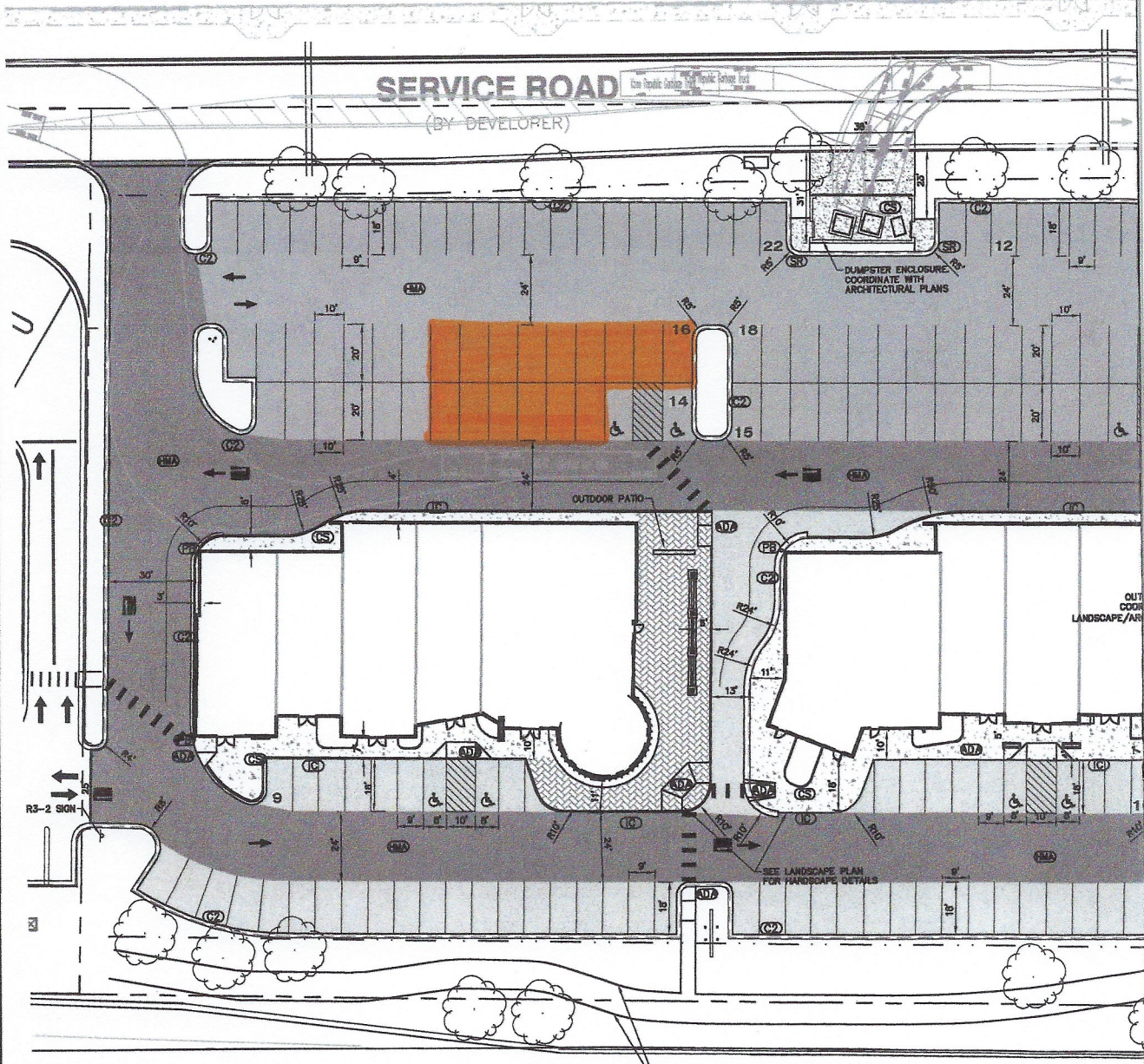
INTERIOR LANDSCAPING

LANDSCAPING AREA REQUIRED = 6,970 SFT

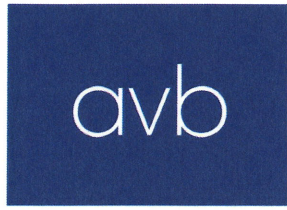
LANDSCAPING ISLAND AREA PROVIDED = 7,571 SFT

- CONCRETE
- HARDSCAPE
- HMA PAVEMENT
- C2 CURB AND GUTTER
- CONCRETE SURFACE
- INTEGRAL CURB WALK
- PARKING STRIPING
- WALL
- ADA RAMP
- PIPE BOLLARD SEE DETAIL
- SIDEWALK RAMP
- CONCRETE GENERATOR PAD

4. MATCH EXISTING CURB & GUTTER SECTIONS WHEN CONNECTING TO THEM.
5. EXCEPT WHERE OTHERWISE INDICATED ON THESE PLANS, ALL MATERIALS AND WORKMANSHIP SHALL BE WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION AND FIELD AND STREAM CRITERIA.
6. IF ANY ERRORS, DISCREPANCIES, OR OMISSIONS BECOME APPARENT, THESE SHALL BE BROUGHT TO THE ENGINEER PRIOR TO CONSTRUCTION OF ANYTHING AFFECTED SO THAT CLARIFICATION OR REDESIGN.
7. ALL WORK SHALL CONFORM TO ALL LOCAL, STATE AND FEDERAL LAWS, RULES AND REGULATIONS IN FORCE AT TIME OF CONSTRUCTION.
8. ALL EXTERIOR CONCRETE SHALL BE 4000PSI, AIR ENTRAINED, LIMESTONE AGGREGATE, BROOM FINISHED.
9. ANY BITUMINOUS OR CONCRETE PAVEMENT, SANITARY SEWER, SANITARY SEWER SERVICE LEADS, OR STD WHICH IS DAMAGED BY THE CONTRACTOR DURING HIS OPERATIONS, SHALL BE REPAIRED TO THE OWNER AND AT THE CONTRACTOR'S EXPENSE.



FIELD WORK PERFORMED BY:
LANDTECH PROFESSIONAL SURVEYING



BUILD SOMETHING BETTER.

6 August 2020

Iris Lubbert, Planning Director
Oshtemo Charter Township
7275 West Main Street
Kalamazoo, Michigan 49009

RE: Orangetheory Fitness – Outdoor Class Special Exception Use

Dear Iris,

Thank you for considering the special request of Orangetheory Fitness to conduct outdoor workout classes within the Corner @ Drake development. As you are aware, the government mandated closures related to COVID-19 have created a very challenging situation in which to operate a business. In the case of Orangetheory Fitness, they are not permitted to operate in any fashion within their facility. As such, the only opportunity that they have to open their business and serve their customers is in an outdoor setting. While Orangetheory Fitness and Corner @ Drake were not designed with outdoor workout classes in mind, we believe that they have developed a practical layout in which to conduct the classes. As such, they have our full support to request the Special Exception Use for outdoor workout classes. We have also been meeting with the other businesses in the development to make them aware of the planned outdoor classes, and all have expressed support in an effort to help their neighbor survive this situation.

Orangetheory Fitness has been drawing crowds to Corner @ Drake and Osthemo Township since their opening several years ago, and we hope that the temporary use of the parking lot for outdoor classes will help them continue to serve the community for many years into the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Curt Aardema', with a long horizontal line extending to the right.

Curt Aardema
avb
Corner Shoppes, LLC