

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

**NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

REGULAR MEETING – VIRTUAL

Participate through this Zoom link:

<https://us02web.zoom.us/j/87110530078?pwd=SndDWWJ4eGhPSUxySGVZU3pFci9ldz09>

Or by calling: 1-929-205-6099

Meeting ID: 871 1053 0078

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

THURSDAY, NOVEMBER 12, 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: September 24th, 2020
6. **Public Hearing: Rezoning Request**
Storage Rentals of America is requesting to rezone 1515 S 11th Street and Parcel Number 05-24-452-010 from the C, Local Business District to the I-1, Industrial District of the Oshtemo Charter Township Zoning Ordinance.
7. **Public Hearing: Future Land Use Map Amendment and Rezoning Request**
Centerpoint Church is requesting to conditionally rezone 2345 North 10th Street from the R-2, Residence District to the R-3, Residence District of the Oshtemo Charter Township Zoning Ordinance. For this rezoning to be approved the Township's adopted Future Land Use Map's designation for this property needs to be amended from 'Low Density Residential' to 'Medium Density Residential'.
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. You maybe 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: 824 0567 1950**

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: **824 0567 1950#**

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.

This page has been intentionally left blank for printing purposes.

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

DRAFT MINUTES OF A VIRTUAL MEETING HELD SEPTEMBER 24, 2020

Agenda

PUBLIC HEARING: PANARA DRIVE-THRU
MANNA DEVELOPMENT, ON BEHALF OF MEYER C. WEINER CO., IS REQUESTING SPECIAL USE AND SITE PLAN APPROVAL TO REDUCE THE BUILDING SIDE OF AND INSTALL A 681 SQUARE FOOT DRIVE-THRU WINDOW, LANE, AND STORAGE TO AN EXISTING PANERA BREAD LOCATED AT 5119 WEST MAIN STREET, KALMAZOO, MI 49009.

PUBLIC HEARING: CHILD AND ADULT FOSTER CARE FACILITIES
CONSIDERATION OF AMENDMENTS TO THE TOWNSHIP ZONING ORDINANCE, FOR RECOMMENDATION TO THE TOWNSHIP BOARD, TO ALLOW CHILD AND ADULT FOSTER CARE FACILITIES WITHIN OSHTEMO TOWNSHIP.

A virtual meeting of the Oshtemo Charter Township Planning Commission was held Thursday, September 24, 2020, commencing at approximately 6:02 p.m.

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

Also present were Iris Lubbert, Planning Director and James Porter, Township Attorney.

Call to Order and Pledge of Allegiance

Chairperson VanderWeele called the meeting to order at approximately 6:02 p.m. He invited those in attendance to join in reciting the Pledge of Allegiance.

Approval of Agenda

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

Approval of the Minutes of the Meeting of August 27, 2020

The Chair asked if there were any additions, deletions, or corrections to the Minutes of the Meeting of August 27, 2020. Hearing none, he asked for a motion.

Ms. Farmer made a motion to approve the Minutes of the Meeting of August 27, 2020 as presented. Ms. Maxwell seconded the motion. The motion was approved unanimously by roll call vote.

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

**PUBLIC HEARING: PANARA DRIVE-THRU
MANNA DEVELOPMENT, ON BEHALF OF MEYER C. WEINER CO., IS
REQUESTING SPECIAL USE AND SITE PLAN APPROVAL TO REDUCE THE
BUILDING SIDE OF AND INSTALL A 681 SQUARE FOOT DRIVE-THRU WINDOW,
LANE, AND STORAGE TO AN EXISTING PANERA BREAD LOCATED AT 5119
WEST MAIN STREET, KALMAZOO, MI 49009.**

Ms. Lubbart said that Manna Development, with the support of the property owner, is requesting Special Use and Site Plan approval to make modifications to a Panera Bread, located at 5119 W Main Street, in order to add a drive-thru to the site. She indicated that 5119 W Main Street is located on the south side of W Main Street, west of the Drake Road intersection, and that this Panera Bread is part of a larger commercial development which includes, but is not limited to, the three-tenant commercial building on the same lot and the Kohl's store directly to the south.

Ms. Lubbart explained that as 5119 W Main Street is located within the C, Local Business District, where drive-through services for businesses are identified as Special Uses, review and approval of this request by the Planning Commission is required.

Ms. Lubbart provided a quick overview of how the proposed changes would affect the existing Panera building. She explained that a large area on the back of the building will be removed to make room for the proposed 680 sqft of additions – a drive thru window, lane, and storage. Overall she noted, even with the additions, the proposal would decrease the square footage of the building by about 1,200 sqft.

Ms. Lubbart then proceeded to provide an analysis of the proposed site plan. She noted that when reviewing a site's layout, the criteria in Section 64 of the Zoning Ordinance, which addresses site design, needs to be met. She stated that overall the zoning requirements for this site have been met: the commercial lot in question meets the Code's area and frontage requirements, the existing and proposed uses are allowed within this district, and the proposed building alterations meet the required setbacks. Looking at access, Ms. Lubbart noted that the general access throughout the site will remain two way, with the proposed drive thru feature being one-way. She added to help with safety and traffic flow, the east most parking space along the north side of the building will be striped off.

Overall the proposal will remove four parking spaces, leaving 63 parking spaces in total that service this lot. Ms Lubbart clarified that these 63 spaces support both the Panera Bread and the three-tenant commercial building to the west. She noted that generally a site with two commercial buildings of this size would require around 175 parking spaces onsite. However, as this site is part of a larger commercial development, per Section 52.70 of the Township code, adjacent developments under the same ownership are permitted to share parking facilities. She explained that just south of the project site is the Kohl's store, as well as a handful of other retail businesses, which are part of the commercial development. In aggregate this collection of business, including those located on the subject property, have in excess of 724 spaces available for use. She stated that per the Zoning Ordinance, only around 700 are required, leaving a surplus of nearly 25 spaces. Given the parking area immediately to the south of the project site is typically underused, Ms. Lubbart stated that Township staff is confident that with this change sufficient parking would still be available for this site as well as for the other surrounding businesses. However, she added that if the current owner of the lot in question ever intends to sell either property, a cross access and parking easement agreement should be signed and recorded with the County Register of Deeds.

Ms. Lubbart noted that an internal sidewalk connection from the Panera Building to the existing sidewalk along W Main is part of this proposal. She added that this detail is still currently under coordination between the applicant and the Township's Public Works Department. Final details for the internal sidewalk connection will be needed prior to issuance of a building permit.

Ms. Lubbart said that existing stormwater control for the site won't be affected by the proposal and due to the scale of the changes the landscaping ordinance is not triggered. Both Prein & Newhof, the Township's civil engineering agent, and the township Fire Department have reviewed the project site plan and their onsite concerns have been addressed. However, she noted that new wall lighting is being proposed to illuminate the drive-thru and that a photometric plan will need to be reviewed and approved prior to building permit issuance.

Ms. Lubbart shared images of the proposed elevations of the Panera building noting that the proposed alterations will match the existing materials and patterns of the building.

Ms. Lubbart added that as the proposal is for a new Special Use, Section 65.30 of the Township Code needs to be considered. She noted that the staff report delves into the details for this portion of the review and that in summary Township Staff foresees that the proposed drive-thru will have no negative impacts on adjacent properties. She added that the proposed drive-thru is very much in accordance with the intended character of the area and that several drive-in service windows or drive-through services are already established in the area. She stated that the requirements and considerations outlined in Section 65.30 have been met.

With the requirements of the code met, Ms. Lubbert recommended that the Planning Commission approve the proposed Special Use and Site Plan for the demolition of a portion of the existing Panera Bread building at 5119 W Main Street for the construction of a drive-thru window, lane, and storage, with the following three conditions:

1. Prior to building permit issuance, the proposed internal sidewalk connection shall be reviewed and approved by the Township's Public Works Department.
2. Prior to building permit issuance, a site lighting plan for the newly proposed wall mounted lights, including a photometric plan, shall be reviewed and approved by the Township's Planning Department.
3. If the current owner ever sells either property on this site, a cross access and parking easement agreement shall be signed and recorded with the County Register of Deeds.

Chairperson VanderWeele asked whether Commissioners had questions for Ms. Lubbert.

Ms. Farmer asked for clarification on whether the proposal would decrease the overall footprint of the building. Ms. Lubbert confirmed the building size would decrease.

Ms. Smith inquired about the one accessible parking space on the south side of the building that this proposal would remove. Ms. Lubbert noted that this space services the tenant within the south portion of the building that is being proposed to be demolished. With this tenant space no longer there and the new square footage of the building, the site would still be in compliance with the removal of this one accessible parking space.

Ms. Smith asked about the location of the three existing accessible parking spaces on the north side of the building. She was concerned that they were not closer to Panera's entrance.

Jeffery Parker, representing Panera Bread and Mana Development, offered to help address Ms. Smith's concern. He noted that the three existing accessible parking spaces were located on the north side of the building because of the grades onsite. The grades on the north side meet ADA requirements.

Hearing no other questions from the Commissioners, Chairperson VanderWeele asked if the applicant would like to make a statement, had any comments, or would like to provide additional information.

Jeffery Parker noted that Mana Development has properties all over the United States and that drive-thrus have become a necessity for them, especially in the age of the Coronavirus. He added that he is very happy that they started the process of adding drive-thrus to their locations about five years ago. He stated that it is important that a drive-thru be added at this location so it can remain viable. He thanked Ms. Lubbert for her presentation.

Shannon Orr, a representative of the property owner, noted she is fully in support of this request. She noted that they had been working on terminating the lease with Sprint, located in the south side of the building, for over a year in order to help make the drive-thru a possibility.

Chairperson VanderWeele moved to the public hearing. After determining there were no members of the public present, the Chair moved to Board deliberations.

Ms. Farmer noted that she thought it was interesting that Manna Development has been gradually adding drive-thrus to their establishments for the past five years. She noted that she had thought this was the first site plan the Commission was seeing from a business altering their site in order to adjust to the effects of the Coronavirus.

Both Chairperson VanderWeele and Ms. Maxwell noted that they were in favor of the proposed drive-thru.

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

Mr. Vyas made a motion to approve the proposed Special Use and Site Plan for the demolition of a portion of the existing Panera Bread building at 5119 W Main Street for the construction of a drive-thru window, lane, and storage, with the following three conditions:

1. Prior to building permit issuance, the proposed internal sidewalk connection shall be reviewed and approved by the Township's Public Works Department.
2. Prior to building permit issuance, a site lighting plan for the newly proposed wall mounted lights, including a photometric plan, shall be reviewed and approved by the Township's Planning Department.
3. If the current owner ever sells either property on this site, a cross access and parking easement agreement shall be signed and recorded with the County Register of Deeds.

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

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

PUBLIC HEARING: CHILD AND ADULT FOSTER CARE FACILITIES
CONSIDERATION OF AMENDMENTS TO THE TOWNSHIP ZONING ORDINANCE,
FOR RECOMMENDATION TO THE TOWNSHIP BOARD, TO ALLOW CHILD AND
ADULT FOSTER CARE FACILITIES WITHIN OSHTEMO TOWNSHIP.

Ms. Lubbart started her presentation by noting that Township staff was recently approached about the possibility to establish a group home to house eight to ten refugee children under the age of 18 within Oshtemo. She noted that when staff

examined the Township's Zoning Ordinance, it was found that no such use is identified as allowable in any zoning district within Oshtemo. A general tenant of local zoning is that no reasonable use of land can be outright prohibited in any community and must be allowed somewhere. In the interest of adhering to accepted legal convention, good planning practice, and the preservation of Township residents' property rights, she said staff worked with legal counsel to draft language for an amendment to the Zoning Ordinance to address this gap in the code. Ms. Lubbart stated that State law MCL 722.111, which outlines the requirements for Foster Care organizations in Michigan, was used as a guide to draft the code amendment. The proposed amendment was presented to the Planning Commission at their regular August 27th meeting, where after discussion, the Planning Commission unanimously motioned to forward the proposed language to a Public Hearing.

Ms. Lubbart explained that the proposal would amend the Ordinance in four ways. The first change would be the addition of definitions to define the various types of child and adult foster care facilities. She noted that the proposed definitions fell into two categories: small or large facilities. The second change is adding the two small uses, Adult Foster Care Facilities and Foster Family Homes, as permitted uses in all Oshtemo's residential districts. These two uses allow for the care of up to four foster children or adults. She noted that these two uses are already permitted by State law in residential zones.

Ms. Lubbart noted that the third change is adding the remaining types of defined facilities, to be categorized as Larger Child and Adult foster Care Facilities, as Special Uses within the R-3, R-4, and 9th Street & West Main Overlay zones. She added that the intent of these three districts is to allow for higher density residential development, making them appropriate districts for the Larger Child and Adult foster Care Facilities. She noted that by placing the Larger Child and Adult Foster Care Facilities under the Special Use category it allows additional criteria to be considered and permits the Planning Commission to review such cases on a case-by-case basis.

The last proposed amendment is adding additional requirements for the Larger Child and Adult Foster Care Facilities that would be considered in their review. Ms. Lubbart reiterated that the proposed criteria mirrored language from the State law MCL 722.111. Highlights she touched on included requiring Larger Child and Adult Foster Care Facilities to be a certain distance from a number of similar or incompatible uses, having any outdoor play or social areas fenced off for safety purposes, and ensuring that these uses blend into the surrounding residential character of the area.

Overall, Ms. Lubbart stated that the goal of these proposed amendments alleviates confusion for staff and developers when reviewing these types of establishments as well as providing some control to the Township while also ensuring that the code legally meets State housing requirements. She recommended that the Planning Commission approve the proposed amendments and forward them to the Township Board for consideration and adoption.

Chairperson VanderWeele asked whether Commissioners had questions for Ms. Lubbert.

It was clarified that these establishments would provide 24-hour care to their residents, unlike a day care facility.

Ms. Maxwell asked about the terminology choice of 'Larger Child and Adult Foster Care Facilities' noting that it was confusing. After discussion it was agreed to change the wording of this category to 'Larger Facilities for Child and Adult Foster Care'.

Ms. Farmer asked why these uses would be permitted in the Agricultural Districts. Ms. Lubbert explained that the two proposed foster care facilities are ones already allowed by the State in any district that allows residential uses. She gave the example of a family with a house in the Agricultural District taking in a couple foster children. Mr. Porter added that he asked Ms. Lubbert to include these uses so that the Township Code clearly aligns with State code.

Chairperson VanderWeele moved to public hearing. After determining there were no members of the public present, the Chair moved to Board Deliberations.

With no further questions or discussions, Chairperson VanderWeele asked for a motion.

Ms. Smith made a motion to move the proposed code amendment to the Township Board for consideration and adoption with the stipulation that the term 'Larger Child and Adult Foster Care Facilities' be changed to 'Larger Facilities for Child and Adult Foster Care'. Ms. Farmer seconded the motion. The motion was approved unanimously by roll call vote.

PUBLIC COMMENT

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

OTHER UPDATES AND BUSINESS

Ms. Lubbert shared that a new Planning Commission member was appointed by the Township Board earlier that week. Her first official meeting will be in early October.

She also reported Governor Whitmer has extended the requirement for governmental meetings to be held virtually through October 2020.

Ms. Farmer asked if the Commission has met the new Zoning Administrator. Ms. Lubbert stated that she did not think so. She shared that Colten Hutson is the new Zoning Administrator and he will be helping with cases soon.

ADJOURNMENT

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 6:44 p.m.

Minutes prepared:
October 1, 2020

Minutes approved:
_____, 2020

DRAFT



November 04, 2020

Mtg Date: November 12, 2020

To: Oshtemo Township Planning Commission

From: Colten Hutson, Zoning Administrator

Applicant: Kevin Oliver, Oliver Architecture

Owner: Storage Rentals of America

Property: 1515 S 11th Street, Parcel Number 05-24-452-020
Unaddressed S 11th Street, Parcel Number 05-24-452-010

Zoning: C: Local Business District

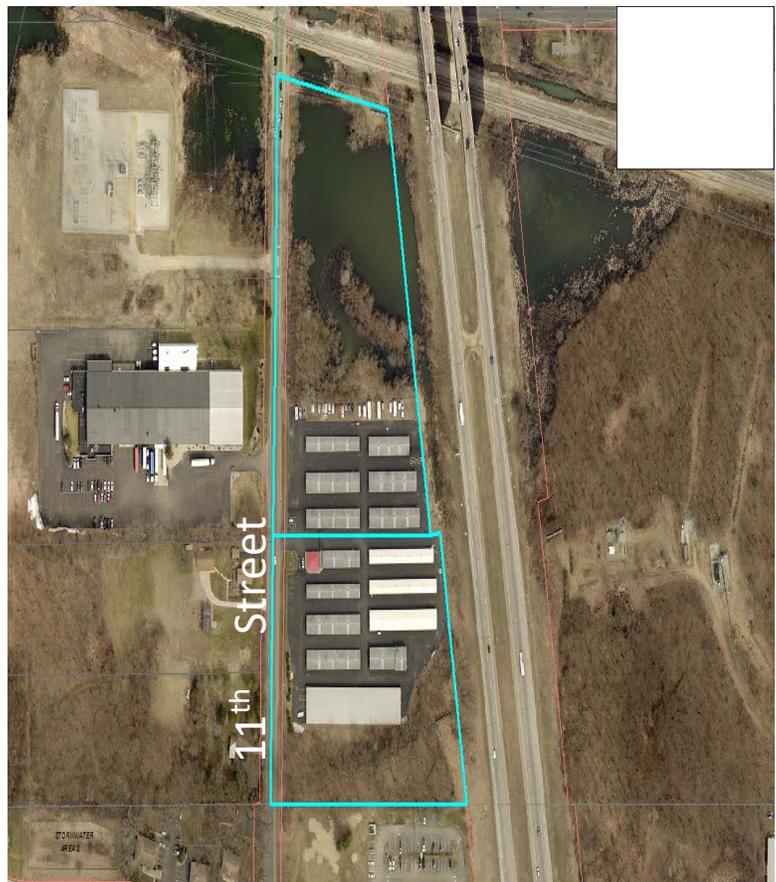
Request: Rezone to I-1: Industrial District

Section(s): Section 18: C: Local Business District
Section 27: I-1: Industrial District

PROPOSAL:

Storage Rentals of America is requesting to rezone 1515 S 11th Street and Parcel Number 05-24-452-010 from C: Local Business District to I-1: Industrial District. The two parcels under consideration are outlined in light blue on the map to the right. Between the two parcels, the site has a combined area of approximately 12.53 acres. Storage Rentals of America currently utilizes both sites for their self-storage facility. As part of this review, a land combination application will be required. A land combination application has been submitted and approved; however still needs to be recorded.

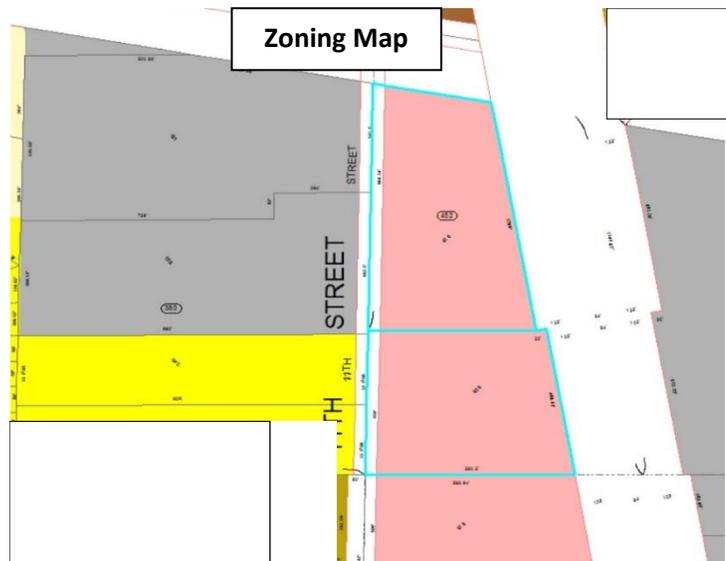
The self-storage facility was first constructed in 1975. In July of 2000, the zoning ordinance was amended so that mini warehouses and storage buildings are no longer a special use under C: Local Business District and are now only permitted with Planning Commission approval as a Special Use in the I-1:



Industrial District. As such, the self-storage facility at this location is a legal- nonconforming use. The requested rezoning of 1515 S 11th Street and Parcel Number 05-24-452-010 would make the existing self-storage facility a legal conforming use. It should be noted that the applicant has indicated an interest in expanding the self-storage facility in the future by adding possibly one or two more storage buildings; however, since the request is for a rezoning, such material shall be considered at time the applicant submits a site plan for modifying the special exception use.

OVERVIEW:

Currently zoned C: Local Business District, Storage Rentals of America is located on the east side of S 11th Street, between KL Avenue and W Michigan Avenue. The self-storage facility abuts US 131 to its east and railway to its north. Adjacent to the west are zoning districts for R-1: Residence District and I-1: Industrial District. Adjacent to the south is zoned C: Local Business District. Designated wetlands are situated within the northern section of the property. There are 15 one-story self-storage buildings on site along with one single story office building. The two subject properties are outlined in light blue in the Zoning Map on the right.

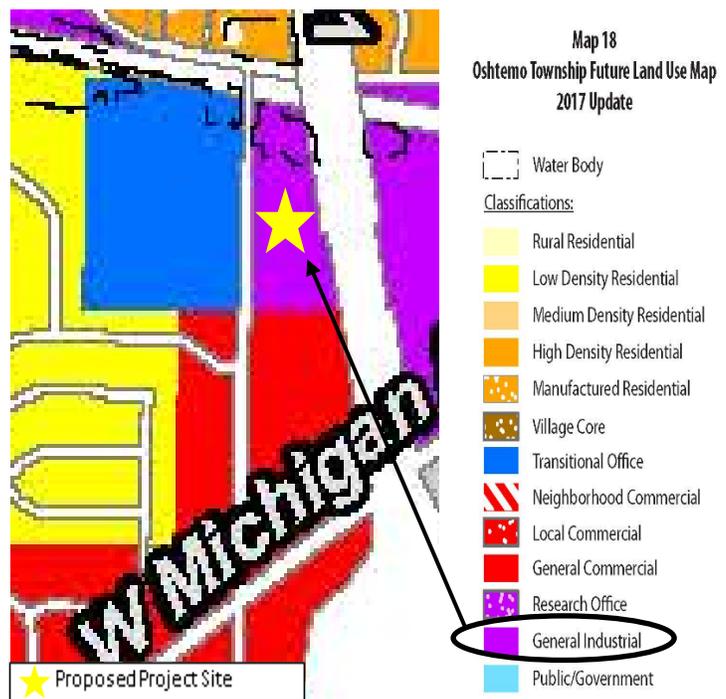


CONSIDERATIONS:

The Zoning Enabling Act, which allows Townships to zone property, does not provide any required standards that a Planning Commission must consider when reviewing a rezoning request. However, there are some generally recognized factors that should be deliberated before a rezoning decision is made. These considerations are as follows:

1. Master Plan Designation

The Township’s Future Land Use Plan categorizes this area—east of S 11th Street, west of US 131, south of W KL Avenue, and north of W Michigan Avenue as *General Industrial*, a category intended for manufacturing and other industrial development to create job opportunities and increase wages. The designation includes both light and general industrial uses, warehouse and distribution facilities, heavy commercial, and *storage*



facilities. Mini warehouses and storage buildings are permissible with Special Use approval from the Planning Commission under the I-1: Industrial District. From a zoning perspective, the present land use would be consistent with the site's current activity Future Land Use Map, and the Township's Zoning Ordinance. Should approval for the rezoning be granted, it would follow the Township's vision in terms of land use for this area.

2. Consistency of the Zoning Classification in the General Area

Rezoning 1515 S 11th Street and Parcel Number 05-24-452-010 to I-1: Industrial District would be consistent with current zoning in nearby parcels. The site is currently adjacent to two other industrial uses. These uses include West Side Beer Distributing and a Consumer's Energy Company substation.

3. Consistency and Compatibility with General Land Use Patterns in the Area

A pattern already exists west of S 11th Street on the south side of W KL Avenue, where numerous industrial facilities have been established, increasing in consistency and intensity westbound while approaching S 9th Street. With there being properties to the south zoned as C: Local Business District, the existing commercial uses will act as a buffer to the properties south and west of the site. Due to there being industrial users already established in the area, and this use being in accordance with the Future Land Use map, the rezoning will allow the property to match the established character of the area.

4. Utilities and Infrastructure

Public water and sewer are available at 1515 S 11th Street and Parcel Number 05-24-452-010. Any future development on the subject site that requires such public infrastructure needs will be mandated to pay the appropriate water and sewer fees and physically connect to these systems prior to a certificate of occupancy. Regarding the transportation network, the intersection to the north at W KL Avenue and South 11th Street is well controlled by a traffic signal. The intersection to the south where S 11th Street crosses W Michigan Avenue is also controlled by a traffic signal. This section of 11th street already supports several commercial and industrial uses; staff is of the opinion that if this rezoning is approved, and any other potential industrial use follows, it will not negatively affect the area. Furthermore, the Township's Non-Motorized Transportation Plan does identify a 6 Ft wide Shared Use Path adjacent to the subject site. It should be noted that such facility shall be installed in accordance with Township Sidewalk/Shared Use Path Construction Standards if any expansion is proposed in the future. 3 Ft wide bike lanes have already been established in both northbound and southbound directions in this portion of S 11th Street.

5. Reasonable Use under Current Zoning Classification

Both 1515 S 11th Street and Parcel Number 05-24-452-010 were once regulated as a special exception use under the C: Local Business District zoning classification. However, mini warehouses and storage facilities such as this do not bring any retail value or other common business characteristics or activity you would typically find in a commercial establishment. The Township identified that mini warehouses and storage facilities were no longer suitable in the C: Local Business District zoning classification as self-storage facilities have been categorized as an industrial use for the past 20+ years. Through the rezoning, the applicant is making efforts to eliminate the legal non-conforming use and make the site comply with the Township's Zoning Ordinance and Future Land Use Plan. The rezoning achieves the Township's goals and also fits the applicant's vision for the site.

6. Effects on Surrounding Property

Rezoning these two properties to the I-1: Industrial District will not have a negative effect on the surrounding properties. The applicant has indicated that the site's use will not be modified in a significant way in the foreseeable future and rezoning the property will allow for further compatibility in terms of development for surrounding properties. The gradual shift from commercial to industrial from the northern portion of S 11th Street to the south side of W KL Avenue (directly west of S 11th Street) is becoming prevalent. With there being an existing pattern of industrial character and uses in the area, the rezoning would complement adjacent zoning districts.

RECOMMENDATION:

Planning Department staff recommend that the Planning Commission forward a recommendation of approval to the Township Board for the rezoning of the subject properties from the C: Local Business District to the I-1: Residence District with the following stipulation:

1. The Approval for Land Combination and related documents shall be recorded with the Kalamazoo Register of Deeds by 12/31/2020. A copy of the recorded documents will be provided to the Planning Department.

Attachments: Application, Property Survey, Signed Land Combination Approval, Section 27 of the Ordinance (I-1: INDUSTRIAL DISTRICT)



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

PLEASE PRINT

PROJECT NAME & ADDRESS SROA Self-Storage Kalamazoo, 1515 South 11th St, Kalamazoo, MI 49009

PLANNING & ZONING APPLICATION

Applicant Name : Kevin Oliver
Company Oliver Architecture
Address 7100 Euclid Ave, Suite #200
Cleveland, OH, 44103
E-mail kevin@oliverarchitect.com
Telephone (216) 245-2661 Fax _____
Interest in Property Architect

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

OWNER*:

Name Storage Rentals of America
Address 342 Datura St. #338
West Palm Beach, FL, 33401
Email sean@sroa.com
Phone & Fax (561)763-1147

Fee Amount _____
Escrow Amount _____

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 checked="" type="checkbox"/> Rezoning-1091 |
| <input type="checkbox"/> Special Exception Use-1085 | <input type="checkbox"/> Interpretation-1082 |
| <input 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): We request to rezone the
site from C-Local Business District to I-1-Industrial in order to make the current non-conforming
self-storage use of the site conform.

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

Please Find Title Legal Description in the top right corner of the attached survey document

PARCEL NUMBER: 3905- 24452010

ADDRESS OF PROPERTY: 1515 S 11th St., Kalamazoo, MI 49009

PRESENT USE OF THE PROPERTY: 15 1-story self storage buildings, and 1 1-story office building

PRESENT ZONING C-Local Business District **SIZE OF PROPERTY** +/- 11.53 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)

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)

9/29/2020

Date

Applicant's Signature

09/29/2020

Date

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

PLEASE ATTACH ALL REQUIRED DOCUMENTS

ZONING INFORMATION

STATUS	PROPERTY IS CURRENTLY ZONED: C, LOCAL BUSINESS DISTRICT		
	REQUIRED	ITEM	REQUIRED
PERMITTED USE	STORAGE BUILDINGS AND MINI-WAREHOUSES	PARKING REGULAR	N/A
MIN. LOT AREA	50,000 SF	PARKING HANDICAP	N/A
MIN. FRONTAGE	200 FT	PARKING TOTAL	6
MAX. BLDG COVERAGE	N/A		
WIDTH OF LOT	120 FT		
MIN. DISTANCE BETWEEN BUILDINGS	30 FT		
FLOOR SPACE AREA	N/A		
MIN. SETBACKS FRONT	70 FT		
MIN. SETBACKS SIDE	SEE NOTES		
MIN. SETBACKS REAR	SEE NOTES		
MAX BUILDING HEIGHT	N/A		

FLOOD ZONE

A FIELD SURVEY WAS NOT CONDUCTED TO DETERMINE THE FLOOD ZONE AREAS. ANY FLOOD ZONE LINES DISTINGUISHING BETWEEN FLOOD AREAS ARE GRAPHICALLY PLOTTED FROM FEMA FLOOD INSURANCE RATE MAPS (FIRM). A FLOOD ELEVATION CERTIFICATE MAY BE NEEDED TO DETERMINE OR VERIFY THE LOCATION OF THE FLOOD AREAS. THE SUBJECT PROPERTY'S COMMUNITY DOES PARTICIPATE IN THE PROGRAM. IT IS DETERMINED THAT THE SUBJECT PROPERTY RESIDES IN THE FOLLOWING FLOOD ZONE "X" AS DETERMINED BY OR SHOWN BY FIRM COMMUNITY PANEL NO. 2607700175D DATED 02/17/2010 AND IS NOT IN A FLOOD ZONE AREA. THE FLOOD INSURANCE RATE PROGRAM WAS CONTACTED ON 4/2/2019 BY TELEPHONE OR EMAIL (www.fema.gov)

MISCELLANEOUS NOTES

- N1** BEARINGS BASED ON GRID NORTH FOR MICHIGAN COORDINATE SYSTEM, SOUTH ZONE, NAD83.
LATITUDE = N42°16'31.62", LONGITUDE = W85°39'28.07"
CONVERGENCE ANGLE = N 0°52'43" E
DISTANCES SHOWN ON PLAT ARE GRID.
COMBINED SCALE FACTOR (GRID TO GROUND) = 1.00007322257244
- N2** THE TABLE BELOW DESCRIBES THE TYPE AND NUMBER OF PARKING STALLS ENTIRELY WITHIN PROPERTY BOUNDARY. STALLS THAT ARE PARTIALLY WITHIN BOUNDARY ARE LISTED UNDER THE HEADING "PARTIAL". PARTIAL STALLS ARE NOT COUNTED IN THE TOTAL

PARKING				
REGULAR	HANDICAP	TRAILER	PARTIAL	TOTAL
8	1	0	0	9

- N3** THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
- N4** THERE WERE NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES, IF SUCH INFORMATION IS MADE AVAILABLE TO THE SURVEYOR BY THE CONTROLLING JURISDICTION. THERE WAS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
- N5** THE NEAREST STREET INTERSECTION, THAT OF S 11TH ST AND W K-L AVE, LIES APPROXIMATELY 190' AWAY FROM THE NW CORNER OF THE SUBJECT PROPERTY.
- N6** THE SUBJECT PROPERTY HAS DIRECT PHYSICAL ACCESS TO S 11TH ST, A PUBLICLY DEDICATED RIGHT-OF-WAY.
- N7** AT THE TIME OF THE ALTA SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A CEMETERY, ISOLATED GRAVE SITE OR BURIAL GROUNDS.
- N8** THE SUBJECT PROPERTY FORMS A MATHEMATICALLY ENCLOSED FIGURE AND IS CONTIGUOUS AND CONTAINS NO GAPS, CORES AND/OR OVERLAPS.
- N9** THERE IS EVIDENCE OF WETLAND AREAS, SHOWN ON THE U.S. FISH & WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY WEBSITE ONLY. NO MARKERS FROM A FIELD DELINEATION OF WETLANDS CONDUCTED BY A QUALIFIED SPECIALIST WERE OBSERVED DURING THE COURSE OF THE ALTA SURVEY.
- N10** THE SUBJECT PROPERTY ABUTS SOUTH 11TH STREET WITH NO GAPS OR GORES.
- N11** AT THE TIME OF THE ALTA SURVEY, THERE WAS NO ABOVE-GROUND EVIDENCE OF WATER UTILITIES, AND THERE WAS ABOVE-GROUND EVIDENCE OF NATURAL GAS, TELEPHONE AND STORM WATER DRAINAGE UTILITIES.

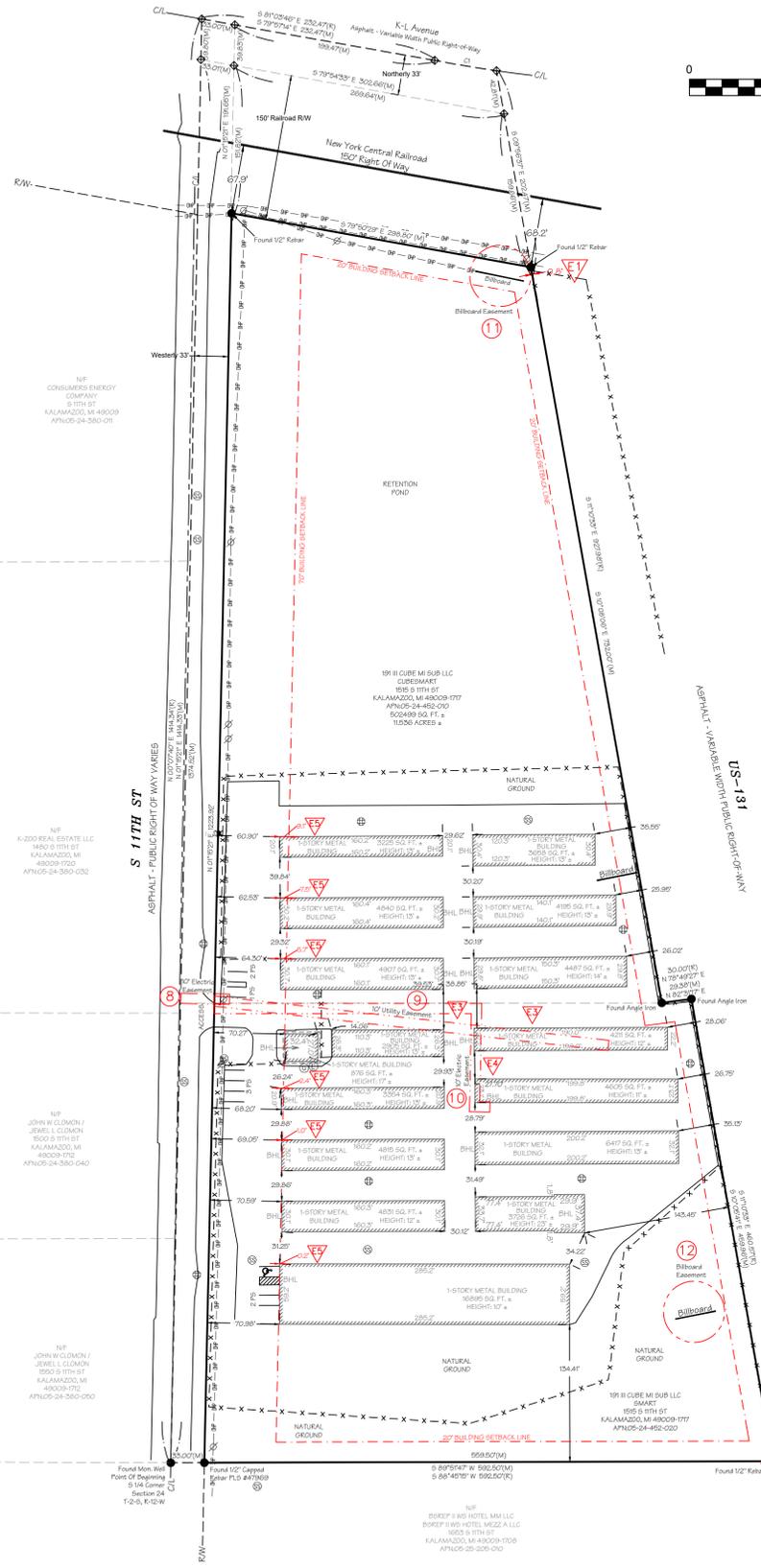
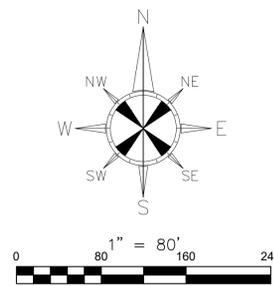
SURVEY PREPARED BY:
BLEW & ASSOCIATES, P.A.
3825 N. SHILOH DRIVE
FAYETTEVILLE, AR 72703
479-443-4506
EMAIL: SURVEY@BLEWINC.COM
SURVEYOR REF. NO.: 19-1152
DRAWN BY: TG

UTILITY NOTE

THE SURVEY SHOWS THE LOCATION OF UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY AS DETERMINED BY OBSERVED EVIDENCE COLLECTED PURSUANT TO ALTA SECTION 5 E IV

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1(M)	1427.23(M)	61.65(M)	61.65(M)	N 80°54'13" W
C1(K)	N/A	N/A	61.65(K)	S 81°40'48" E



SURVEY RELATED ITEMS CORRESPONDING TO SCHEDULE B TITLE COMMITMENT

- 7.** COMBINED WITH EXCEPTION 11. MORTGAGE RECORDED IN 2018-014306 IS INTENTIONALLY DELETED.
- 8.** EASEMENT IN FAVOR OF CONSUMERS POWER COMPANY AND THE COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN INSTRUMENT RECORDED IN LIBER 990, PAGE 867. (AFFECTS, PLOTTED AS SHOWN)
- 9.** EASEMENT IN FAVOR OF CONSUMERS POWER COMPANY AND THE COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN INSTRUMENT RECORDED IN LIBER 919, PAGE 404. (AFFECTS, PLOTTED AS SHOWN)
- 10.** EASEMENT IN FAVOR OF CONSUMERS POWER COMPANY AND THE COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN INSTRUMENT RECORDED IN LIBER 990, PAGE 944. (AFFECTS, PLOTTED AS SHOWN)
- 11.** TERMS AND CONDITIONS CONTAINED IN GRANT OF SIGNAGE EASEMENT AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 1312, PAGE 646, ASSIGNMENT AND ASSUMPTION OF EASEMENT AGREEMENT RECORDED IN INSTRUMENT NO. 2017-017999, AS AFFECTED BY ASSIGNMENT AND ASSUMPTION OF LEASE AGREEMENT RECORDED IN INSTRUMENT NO. 2017-018000, ASSIGNMENT OF EASEMENT AGREEMENT RECORDED IN INSTRUMENT NO. 2017-023807, AS AFFECTED BY SECOND ASSIGNMENT AND ASSUMPTION OF LEASE AGREEMENT RECORDED IN INSTRUMENT NO. 2017-023808; SECOND ASSIGNMENT OF EASEMENT AGREEMENT RECORDED IN INSTRUMENT NO. 2018-009616, AS AFFECTED BY THIRD ASSIGNMENT AND ASSUMPTION OF LEASE AGREEMENT RECORDED IN 2018-009617. (AFFECTS, PLOTTED AS SHOWN)
- 12.** TERMS AND CONDITIONS CONTAINED IN GRANT OF SIGNAGE EASEMENT AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 1312, PAGE 648 AND AS AFFECTED BY THE INSTRUMENT NO. 2000-011737, DEED FOR TRANSFER OF SIGNAGE EASEMENT RECORDED IN INSTRUMENT NO. 2016-034423. (AFFECTS, PLOTTED AS SHOWN)
- 13.** TERMS AND CONDITIONS CONTAINED IN MEMORANDUM OF AGREEMENT REGARDING SEWER ASSESSMENT REFUND AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 1312, PAGE 380. (AFFECTS, BLANKET IN NATURE)
- 14.** TERMS AND CONDITIONS CONTAINED IN CONDEMNATION AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 787, PAGE 189. (AFFECTS, CONTAINS NO PLOTTABLE ITEMS)

LEGEND

- (M) FIELD MEASUREMENT
- (K) RECORDED MEASUREMENT
- BHL BUILDING HEIGHT LOCATION
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- CL CENTERLINE OF ROAD
- R/W RIGHT-OF-WAY
- FOUND MONUMENT
- SET 1/2" REBAR
- ⊕ COMPUTED POINT
- ⊙ SANITARY SEWER
- ⊙ GAS METER
- ⊙ WATER VALVE
- ⊙ ELECTRICAL METER
- ⊙ ELECTRICAL BOX
- ⊙ GRATED INLET
- ⊙ FIRE HYDRANT
- ⊙ LIGHT
- ⊙ HANDICAP PARKING
- BOUNDARY LINE
- FORTY LINE
- CENTERLINE OF ROAD
- RIGHT-OF-WAY
- FENCE
- EASEMENT
- OVERHEAD POWER LINE



STATEMENT OF ENCROACHMENTS

- E1** FENCE APPEARS TO CROSS BOUNDARY LINE BY AS MUCH AS 0.8'.
- E2** FENCE APPEARS TO CROSS BOUNDARY LINE BY AS MUCH AS 0.2'.
- E3** BUILDINGS POSSIBLY ENCROACH IN TO 10' UTILITY EASEMENT.
- E4** BUILDINGS POSSIBLY ENCROACH IN TO 10' UTILITY EASEMENT.
- E5** BUILDINGS APPEAR TO ENCROACH ON TO BUILDING SETBACK BY AS MUCH AS 9.1'.

TITLE LEGAL DESCRIPTION

THE LAND IS DESCRIBED AS FOLLOWS: OSHEMO TOWNSHIP, KALAMAZOO COUNTY
A PARCEL OF LAND IN THE WEST 1/2 OF THE EAST 1/2 OF SECTION 24, TOWN 2 SOUTH, RANGE 12 WEST, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTH 1/4 POST OF SECTION 24, TOWN 2 SOUTH, RANGE 12 WEST, OSHEMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN; THENCE NORTH 0 DEGREES 07 MINUTES 40 SECONDS EAST ALONG THE QUARTER LINE OF SAID SECTION 24, A DISTANCE OF 1414.34 FEET TO THE CENTER-LINE OF K-L AVENUE; THENCE SOUTH 81 DEGREES 03 MINUTES 46 SECONDS EAST ALONG SAID CENTERLINE A DISTANCE OF 232.47 FEET TO A POINT OF CURVATURE; THENCE EASTERLY ALONG SAID CENTER-LINE ALONG A CURVE TO THE LEFT HAVING A CHORD BEARING SOUTH 81 DEGREES 40 MINUTES 45 SECONDS EAST AND CHORD DISTANCE OF 61.65 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 131 LIMITED ACCESS HIGHWAY; THENCE SOUTH 11 DEGREES 10 MINUTES 33 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 927.98 FEET; THENCE NORTH 78 DEGREES 49 MINUTES 27 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 30.00 FEET; THENCE SOUTH 11 DEGREES 10 MINUTES 33 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 460.57 FEET TO THE SOUTH LINE OF SAID SECTION 24; THENCE SOUTH 88 DEGREES 45 MINUTES 15 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 24, A DISTANCE OF 592.50 FEET TO THE PLACE OF BEGINNING; RESERVING THEREFROM THE WESTERLY 33.00 FEET THEREOF AND THE NORTHERLY 33.00 FEET THEREOF FOR THE PURPOSES OF THE KALAMAZOO COUNTY ROAD COMMISSION AND THE RIGHT-OF-WAY OF THE NEW YORK CENTRAL RAILROAD, BEING 150.00 FEET IN WIDTH.

THE ABOVE DESCRIBED PARCEL IS THE SAME LAND DESCRIBED IN FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO.: 9966-4280113, DATED MAY 1, 2019 8:00 AM.

ALTA/NSPS LAND TITLE SURVEY
FOR
CUBE SMART STORAGE
PARTNER PROJECT NUMBER 19-240776 SITE NUMBER 71
ALTA SURVEY BASED AND RELIED ON FIRST AMERICAN TITLE INSURANCE COMPANY, TITLE COMMITMENT, NUMBER 9966-4280113, CONTAINING AN EFFECTIVE DATE AND TIME OF MAY 1, 2019 AT 8:00 AM.

CERTIFICATION

TO: TEACHERS INSURANCE AND ANNUITY ASSOCIATION OF AMERICA, ITS SUCCESSORS AND/OR ASSIGNS; SROA 1515 S. 11TH MI, LLC, A DELAWARE LIMITED LIABILITY COMPANY; 191 III CUBE MI SUB LLC, A DELAWARE LIMITED LIABILITY COMPANY; FIRST AMERICAN TITLE INSURANCE COMPANY; LAND SERVICES USA, INC;

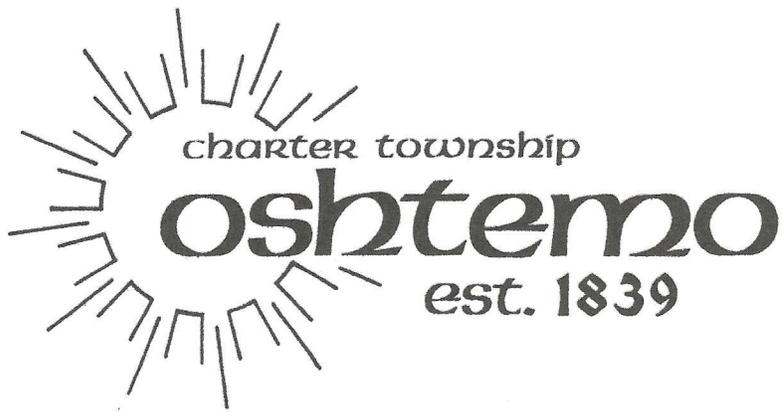
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6A, 6B, 7A, 7B1, 7C, 8, 9, 11(OBSERVED EVIDENCE), 13, 14, 16, 17, 18, 19 & 20 OF TABLE A THEREOF.

DATE OF PLAT OR MAP: 4-17-2019
PROPERTY ADDRESS: 1515 SOUTH 11TH ST, KALAMAZOO, MI 49009

SURVEYOR: RONALD R. HARRIS
REGISTRATION NUMBER: 41917
STATE OF REGISTRATION: MICHIGAN
FIELD DATE OF SURVEY: 4/2/2019
LATEST REVISION DATE: 5/24/2019

PARTNER
Engineering and Science, Inc.
CAXTON BUILDING
812 HURON RD. SUITE 235
CLEVELAND, OHIO 44115
T 440-987-1001
jdavenport@partneresi.com
http://www.partneresi.com/
PAGE 1 OF 1

This page has been intentionally left blank for printing purposes.



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

October 23, 2020

SROA 1515 S 11th MI LLC
324 Datura St #338
West Palm Beach, FL 33401

RE: Parcel #'s: 3905-24-452-010 & 3905-24-452-020

Dear Taxpayer,

Please find enclosed the Land Combination Approval for the property located in Oshtemo Township. **You will need to record documents with the Kalamazoo Register of Deeds by 12/31/2020 for this Land Division to become effective for 2021.** If the deed is recorded by 12/31/2020 it will be adjusted for the 2021 tax year and will receive a new parcel number. If you have any question, please feel free to call me at (269) 216-5225.

Sincerely,


Kristine Biddle, MAAO
Oshtemo Township Assessor

c: Iris Lubbert, Planning Director

APPROVAL FOR LAND COMBINATION

Your application has met all requirements for the Land Combination and is approved by Oshtemo Township.

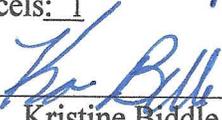
Application Number: 21-14

Approval Date October 23, 2020

Parent Parcel Identification Number: 3905-24-452-010 & 3905-24-452-020

Number of New Parcels: 1

Approved by: _____


Kristine Biddle, Assessor

October 23, 2020

Date

Approval from the Health Department for on-site water and septic systems is no longer required (by statute) for parcels larger than one acre. This will be required prior to a building permit being issued.



ZONING ORDINANCE

ARTICLE 27

27 – I-1: INDUSTRIAL DISTRICT, MANUFACTURING/SERVICING

Contents:

- 27.10 STATEMENT OF PURPOSE
- 27.20 PERMITTED USES
- 27.30 PERMITTED USES WITH CONDITIONS
- 27.40 SPECIAL USES
- 27.50 DEVELOPMENT STANDARDS

27.10 STATEMENT OF PURPOSE

This district is composed of certain lands located along State highways, County primary roads, and railroad rights-of-way. The district is designed to provide land for industries of a manufacturing and servicing nature in which all work is carried on within a fully enclosed building and which produces little external effect of an objectionable nature to the surrounding properties.

27.20 PERMITTED USES

- A. Any permitted use in the "I-R" Industrial District.
- B. Contractor's services related to the building trades such as electrical, mechanical, plumbing, general building, excavating, and landscaping.
- C. Auto body and paint shops.
- D. Ice and cold storage plant.
- E. Warehouses; fully enclosed.
- F. Automobile repair, service and/or automobile glass repair facilities.
- G. Crematories.
- H. Wholesale and retail lumber yards.
 - I. Laundromats and dry-cleaning establishments providing cleaning services to other laundromat and dry-cleaning establishments.
 - J. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.
- K. Essential services.
- L. Accessory buildings and uses customarily incidental to the foregoing.
- M. Communication towers.

27.30 PERMITTED USES WITH CONDITIONS

- A. Manufacturing, compounding, assembling or treatment of merchandise.

- B. Temporary outdoor events (not lasting more than one day).
- C. Communication towers.

27.40 SPECIAL USES

- A. Farm machinery and other equipment sales lots, subject to the conditions and limitations set forth in Section 49.150.
- B. Office buildings for executive and professional occupations traditionally related to building trades, including, but not limited to, architects, engineers and surveyors subject to the regulations contained in Section 49.120.C–N, where applicable as determined by the Planning Commission in the Special Use review/approval process.
- C. Skating rinks, bowling alleys, indoor recreational facilities and health clubs.
- D. Storage buildings and mini warehouses.
- E. Freestanding office buildings on legal nonconforming substandard parcels subject to the regulations contained in Section 49.120, where applicable, as determined by the Planning Commission in the Special Use and Site Plan review process. For purposes of this section, the term substandard shall apply to a parcel that does not meet the minimum area requirements of Section 50.10.
- F. Kennels for the breeding, raising and/or boarding of dogs or cats.
- G. Veterinary small animal hospitals and dog pounds, including crematories attached thereto.
- H. Temporary outdoor events (lasting more than one day).
 - I. Adult regulated uses.
 - J. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- K. Private streets.
- L. Wind energy conversion systems.

27.50 DEVELOPMENT STANDARDS

Outdoor storage in connection with the above permitted uses shall be allowed in the side and rear yard areas except within the area required for setback from side and rear lot lines. Such storage may not exceed 100 percent of the square foot area of the principal building upon the premises. No outdoor storage of damaged or inoperable vehicles or equipment is allowed.

November 5th, 2020

Meeting Date: November 12th, 2020

To: Oshtemo Planning Commission

From: Iris Lubbert, Planning Director

Applicant: Larry Harper

Owner: Centerpoint Church

Property: 2345 N 10th Street, Parcel Number 05-11-280-045

Zoning: R-2: Residence District

Request: Future Land Use Map Amendment and a Conditional Rezoning to R-3: Residence District

Section(s): Article 7— R-2: Residence District
Article 8—R-3: Residence District
Article 66 — Conditional Rezoning



OVERVIEW

Centerpoint Church is requesting to conditionally rezone their 21.2 acre property located at 2345 North 10th Street, outlined in red on the map to the right, from R-2, Residence District to the R-3, Residence District. For this rezoning to be approved the Township’s adopted Future Land Use Map’s designation for this property would need to be amended from ‘Low Density Residential’ to ‘Medium Density Residential’.

On April 30th, 2020 Centerpoint Church was granted Special Use approval from the Planning Commission to establish a private preschool at 2345 N 10th Street. Centerpoint Church is requesting this conditional rezoning in order to have a Child Care Center onsite so to widen their services to care for children under the age of 30 months. If this rezoning is approved, the applicant will need to apply for Special Use approval for the Child Care Center - a Special Use within the R-3, Residence District.

SUBJECT PROPERTY

Currently located in the R-2, Residence District, the existing lot has approximately 1,400 feet of frontage on N 10th Street. Neighboring this property directly to the West and South-West are a number of Residential Subdivisions, including: West Port, Countrywood Estates, and Meadowbrook Hills. To the North, East, and South East are a number of larger un-platted residential lots as well as other churches that have frontage to this section of N 10th Street, including: The Rock Kalamazoo Church, Immanuel Fellowship Church, Kingdom Hall of Jehovah’s Witnesses, and People’s Church.



FUTURE LAND USE MAP AMENDMENT

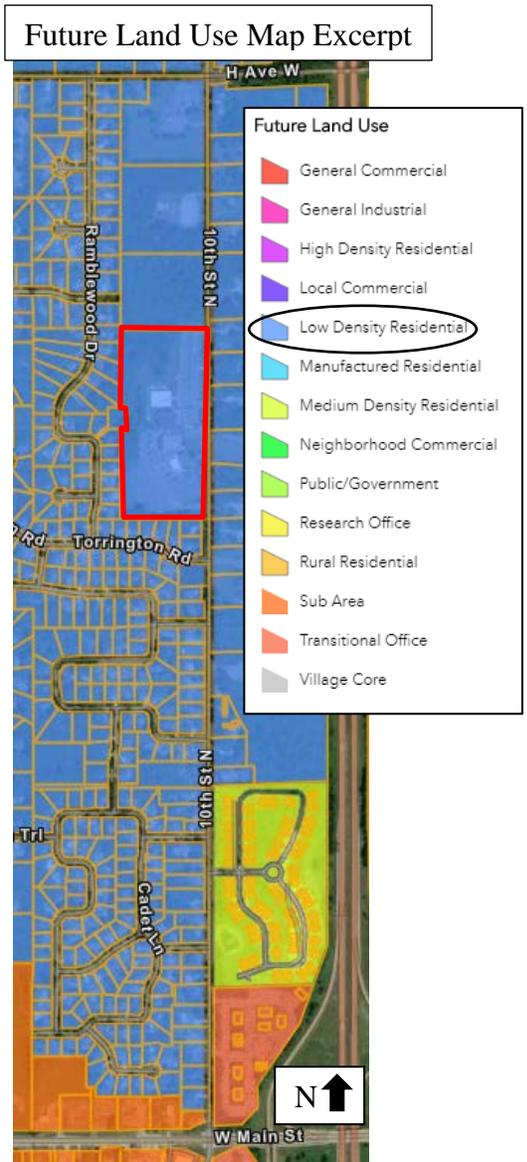
The Future Land Use Plan and Map were adopted as a part of the 2017 Oshtemo Charter Township Master Plan Update. The Master Plan is a vision for the future of transportation, land use, the economy, environment, and cultural stewardship of our Township. This Plan is revisited at least every five years by the Planning Commission and is the result of countless hours and efforts of residents, business owners, Township Officials and staff, and consultants over the years. The Master Plan, the Future Land Use Plan and Map can be found at <https://oshtemo.org/master-plan/>.

The Future Land Use Plan defines the vision for land development in Oshtemo Township based on sound planning principles and community input. It builds on the historic development patterns of the community, factoring in the objective to preserve unique environmental features and to protect the rural character of the community. At the same time, the Future Land Use Plan provides direction for anticipated development within the Township in appropriate places for growth.

2345 N 10th Street, outlined in red in the Future Land Use Map excerpt on the right, is part of the ‘Low Density Residential’ land use category. This designation represents the majority of the neighborhoods in the Township as well as those areas planned for future neighborhood development. The Future Land Use Plan emphasizes this land use category as being primarily single-family residential in nature and notes the desire that existing neighborhoods and residential developments be preserved and protected from incompatible land uses. Oshtemo’s R-1 and R-2 Residence District zones are appropriate zoning districts for this designation.

The R-3, Residence District is defined as a transitional zoning classification; which allows for three to four family dwellings, office buildings, small animal clinics, banks, etc. A complete listing of allowable uses within the R-3, Residence District can be found in Article 8 of the Townships Zoning Code. Based on the allowed higher intensity of uses, this zoning district is considered to be part of the Future Land Use designation of ‘Medium Density Residential’. The West Point Condominium project, highlighted in yellow in the Future Land Use Map excerpt above, is zoned R-3 and is an example of the type of uses permitted within the ‘Medium Density Residential’ district.

Rezoning 2345 N 10th Street to R-3, Residence District goes against the Township’s adopted Future Land Use Map and Plan. As such, in order for this rezoning to be approved this lot’s designation in the Future Land Use Map would need to be amended to ‘Medium Density Residential’ – in summary the adopted vision for the future development of this area will need to be changed to allow for a higher density zone. By changing this designation any future development considered ‘Medium Density Residential’ by the Future Land Use Plan would be permitted on this site.



Creating a pocket of ‘Medium Density Residential’ in the middle of a ‘Low Density Residential’ area is not appropriate and goes against the Township’s and citizens’ adopted vision for the area. The ‘Medium Density Residential’ areas are intended to be used as a transition or, in other words, a buffer between low density residential uses, i.e single family homes, and commercial zones.

CONDITIONAL REZONING CONSIDERATIONS

The applicant is requesting a conditional rezoning. This means that Centerpoint Church has offered conditions as part of the request for the rezoning. These conditions are outlined below:

1. Request the conditional rezoning of Centerpoint Church at 2345 North 10th Street from the R-2, Residence District to the R-3, Residence District.
2. The facility is currently operating as a Church and a Preschool. The Church in total is 97,000 sqft and the Preschool occupies 9,000 sqft of that space.
3. If the property is rezoned, only the addition of a Child Care Center would be permitted. The Child Care Center would serve children under 30 months of age.
4. The total number of children between the Preschool and Child Care Center will never exceed 110.
5. If approved, the Child Care Center would become part of the Preschool’s building footprint; the footprint and infrastructure of the Church will not be expanded or impacted by this use.

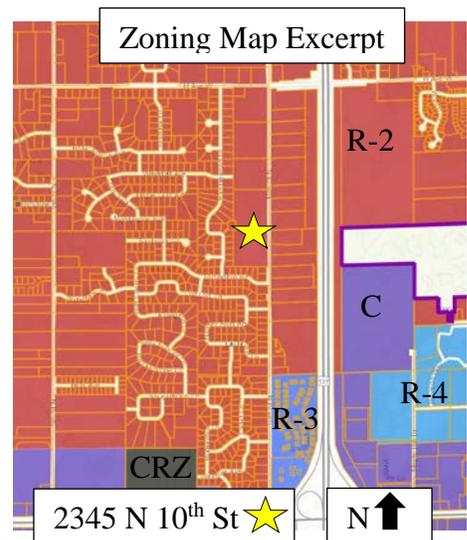
Article 66 of the Township Code outlines the process for a conditional rezoning to be considered, which is consistent with Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request. The Zoning Enabling Act, which allows Townships to zone property, does not provide any required standards that a Planning Commission must consider when reviewing a rezoning request. However, there are some generally recognized factors that should be deliberated before a rezoning decision is made. These considerations along with staff’s analysis, incorporating the applicant’s proposed conditions, are outlined below:

1. Master Plan Designation

As described in the above ‘Future Land Use Map Amendment’ section of this report, this rezoning request goes against the adopted Future Land Use Plan for ‘Low Density Residential’ for this area. Consideration not met.

2. Consistency of the Zoning Classification in the General Area

2345 N 10th Street is located in the middle of a large span of R-2, Residence District zoning; see Zoning Map Excerpt to the right. Rezoning 2345 N 10th Street to the R-3, Residence District is considered ‘spot zoning’. Spot zoning is defined as the process of singling out a small section of land for a use classification completely different from that of the surrounding area for the benefit of the owner of such property that is generally at odds with a municipalities’ Master Plan and current zoning restrictions. The request to rezone this property to R-3, Residence District is not consistent with the Zoning Classification in the General Area. Consideration not met.



3. Consistency and Compatibility with General Land Use Patterns in the Area

When a property is rezoned, that property is permitted to have any of the uses outlined in that zoning district as long as it follows appropriate review procedures. By requesting a rezoning that would allow for only one of the outlined particular uses within the R-3, Residence District the applicant seeks to alleviate the concern of what potential higher intensity use would ultimately come forward on the site in question. This approach is uncommon but makes sense accompanied by a site plan in areas of the Township that have a specific adopted vision for development that may not be appropriately captured in the current Zoning Code yet. However, in this case there is a distinctive pattern and established vision for the area under consideration to be ‘Low Density Residential’. This request goes against the adopted vision of the area. The uses permitted in each zoning district of the code were placed there for a reason by Oshtemo’s Planning Commission and citizens in order to control the character and intent of certain areas. If approved, this request would set a precedent that discredits the intent of the Township’s Future Land Use Map and planning efforts. Consideration not met.

4. Utilities and Infrastructure

One of the applicants offered conditions is that the Child Care Center that would result from the rezoning would utilize the existing infrastructure and space within 2345 N 10th Street – there would be no new building or addition. This would decrease the impact of the use to the surrounding area. Although no operating times were offered for this use, Staff assumes it would operate the same hours as the approved Preschool. The Preschool was approved to operate Monday through Friday offering full day programs for all Preschool age children with a half-day option. Its earliest available drop off time is 8 a.m. with the latest available pick up time of 6 p.m. If this is the case, the traffic generated by the preschool and in effect the Child Care Center would not conflict with, nor be as impactful as, the traffic generated by the Church. It appears that the site has the infrastructure in place to support this use. If the rezoning is approved, this plan can be further analyzed with the required Special Use approval review. Consideration met.

However, it should be noted that a rezoning to a higher density district is equated with higher intensities in both utility and infrastructure use. Staff cautions that if this conditional rezoning is approved and a precedent is set, then other similar conditional rezoning requests might follow that will put a strain on the infrastructure of the area; which in this case was intended and designed to support only ‘Low Density Residential’ uses.

5. Reasonable Use under Current Zoning Classification

Under the R-2, Residence District zoning the property is currently successfully operating as a place of worship. The owners also recently gained approval to operate a Preschool for up to 110 children from this location. There is reasonable use under the current zoning classification of R-2. 2345 N 10th Street does not need to be rezoned to R-3, Residence District in order for it to be reasonably used. Consideration not met.

6. Effects on Surrounding Property

Although this specific conditional rezoning tied to a Child Care Center may not have direct negative impacts on surrounding properties, as noted in previous sections of this report, approving this change in the Future Land Use Map and approving this conditional rezoning will set a precedent permitting ‘spot zoning’ that goes against the intent of the Future Land Use Plan. In essence, it would open the door to other rezoning requests of this nature; not only for other Churches that may want to follow suite and expand their services but also to any property within the Township that wishes to utilize

this 'out' from standard zoning practice. Approving this request would in the long term negatively impact Oshtemo as the Planning efforts and vision of the community would be undermined.
Consideration not met.

RECOMMENDATION

Legal Counsel and the Planning Department recommend that the Planning Commission deny both the request to amend the Future Land Use Map and the conditional rezoning of 2345 N 10th Street from the R-2, Residence District to the R-3, Residence District.

Attachments: Application, Letter of Intent with conditions of rezoning, Approval letter for the private preschool at 2345 N 10th Street, Article 8 – R-3: RESIDENCE DISTRICT, Received Public Comments as of 11/5

This page has been intentionally left blank for printing purposes.



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

PLEASE PRINT

PROJECT NAME & ADDRESS Starting Point Preschool

PLANNING & ZONING APPLICATION

Applicant Name : Larry Harper

Company Center Point Church

Address 2345 North 10th St
Kalamazoo MI 49009

E-mail l.harper@centerpointkzoo.org

Telephone 269-270-6332 Fax _____

Interest in Property Director of operations

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

OWNER*:

Name Center point Church

Address Same as above

Email _____

Phone & Fax _____

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: _____

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

See Attached

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

PARCEL NUMBER: 3905- _____

ADDRESS OF PROPERTY: 2345 Martin 10th Street

PRESENT USE OF THE PROPERTY: Church / Preschool

PRESENT ZONING R-2 SIZE OF PROPERTY 97,000 sq

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

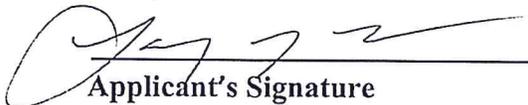
Name(s)	Address(es)
_____	_____
_____	_____

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)

9-14-20
Date


Applicant's Signature

9/14/20
Date

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

PLEASE ATTACH ALL REQUIRED DOCUMENTS



one church two locations

2345 North 10th Street
Kalamazoo, MI 49009
(269) 375-4815
www.cpkzoo.org

326 W. Cork Street
Kalamazoo, MI 49001
(269) 344-4120
www.cpkzoo.org

Starting Point PreSchool is requesting a Conditional R-3 rezoning. We are currently zoned R-2 with a special use approval.
The special use approval is attached.



one church two locations

2345 North 10th Street
Kalamazoo, MI 49009
(269) 375-4815
www.cpkzoo.org

326 W. Cork Street
Kalamazoo, MI 49001
(269) 344-4120
www.cpkzoo.org

Conditions offered for rezoning

1. We are requested the Conditional rezoning of Centerpoint church at 2345 North 10th Street.
2. The Facility is currently operating as a Church and a Preschool.
3. The church in total is 97,000 sf and the Preschool occupies 9,000 sf of the existing space.
4. The request for Conditional rezoning is to incorporate Child Care (Children under 30 months of age)
5. The total number of children between Preschool and Child care will never exceed 110 children. (110 children is the max allowed under our current Special use zoning granted by Oshtemo township)

If the special zoning request is granted the total number of children in the program will never exceed 110 children. We are not requesting to expand the footprint or in any way impact infrastructure of the church or the township. Our request if approved would enable us to serve children under the age of 30 months.

Startingpoint Preschool currently serves 43 families and 57 children and almost half are on scholarship. To be on scholarship you have to be low income or family of first responders. We have families paying as little as a couple dollars per day.

A site plan was submitted with our check and the original Application. If additional site plans are needed please let me know and I will deliver them to the Township offices.



7275 West Main Street
Kalamazoo, MI 49009
269.375.4260 phone
269.375.7180 fax
www.oshtemo.org

5/1/2020

Larry Harper
Center Point Church
2345 N 10th Street
Kalamazoo, MI, 49009

On 4/30/2020, the Oshtemo Township Planning Commission unanimously granted special use approval to establish a private preschool for up to 110 children, 30 months to age five, at the existing church facilities located at 2345 N. 10th Street. Per that action, the following are requirements and conditions of approval:

1. Prior to the Certificate of Occupancy, documentation shall be provided to township staff verifying that the proposed preschool's curriculum, construction, staffing etc. have meet Michigan's Licensing and Regulatory Affairs (LARA) preschool standards.
2. The Preschool will run Monday through Friday with the earliest available drop off time of 8 a.m. and latest available pick up time of 6 p.m.

Please feel free to contact me at ilubbert@oshtemo.org or 269-375-4260 if you have any questions or concerns. Thank you for choosing to invest in Oshtemo!

Kind regards,

Iris Lubbert, AICP
Planning Director

This page has been intentionally left blank for printing purposes.

OSHTEMO ZONING ORDINANCE

ARTICLE 8

8 – R-3: RESIDENCE DISTRICT

Contents:

- 8.10 STATEMENT OF PURPOSE
- 8.20 PERMITTED USES
- 8.30 PERMITTED USES WITH CONDITIONS
- 8.40 SPECIAL USES

8.10 STATEMENT OF PURPOSE

This district classification is designed as a transitional zoning classification to permit residential development together with other facilities that do not generate large volumes of traffic, traffic congestion and parking problems, and are designed so as to be compatible with surrounding residential uses.

8.20 PERMITTED USES

- A. Any permitted use in the "R-2" Residence District.
- B. Accessory buildings and uses customarily incidental to the foregoing.
- C. Family day care home.

8.30 PERMITTED USES WITH CONDITIONS

- A. Conversion of a residence for offices.
- B. Temporary outdoor events (not lasting more than one day).
- C. Home occupations.

8.40 SPECIAL USES

- A. Three or four-family dwellings.
- B. Buildings and regulator stations for essential services.
- C. Golf courses, parks, and outdoor recreational areas.
- D. Office buildings.
- E. Veterinary, small animal clinics.
- F. Banks, credit unions, and savings and loan offices.
- G. Public and private schools.
- H. Child care centers.
- I. Group day care home.
- J. Beauty parlors or barber shops.
- K. Temporary outdoor events (lasting more than one day).
- L. Communication towers.
- M. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- N. Wind energy conversion systems.

This page has been intentionally left blank for printing purposes.

To the Oshtemo Township Planning Commission:

My name is Glynis Fenn. My husband, Bill, & I bought our home at 2300 Ramblewood Drive in September of 1994. We fell in love with the Countrywood Estates plat of Westport; it was just what we wanted in a home. It was lovely, quiet, people took great care of their homes, & as one neighbor put it, "We keep an eye out for each other, but no one gets in your business." After 26 years of living here, I feel that Oshtemo Township is more my home than where I was born and raised.

We also loved the fact that there was a large field behind our home. It was a nice green space between Centerpoint Church (then called Third Reformed Church), and us.

Later in the 90s, Centerpoint grew, and added on to its original structure. It wanted to expand the parking lot that was behind our home, bringing it all the way up to our property line. We, and several of our neighbors, attended the Planning Commission meeting to address that issue. None of us wanted asphalt coming up to our back yards. A compromise was made, and Centerpoint expanded their parking lot halfway to our respective property lines. I have never, in my 26 years of living here, seen that parking lot being close to full.

The youth group at Centerpoint liked to shoot off fireworks in the parking lot in the summers, which was fine with us, until a few of them landed on our roof, melting some shingles. Centerpoint's solution to that situation? Offering us a \$25 gift card to Applebee's.

It has now come to my attention that Centerpoint wants to get a conditional rezoning of their property from R-2 Residence District (Low Density Residential) to R-3 Residence District (Medium Density Residential). This is to allow them to have a child care center. While I was very relieved to find that the footprint of their

property would not be altered, and there would be no additional building, I have other concerns:

1. If Centerpoint is granted a zoning change to Medium Density Residential, this could start a domino effect for other churches on North 10th Street, like The Rock, Kingdom Hall of Jehovah's Witnesses, and Immanuel Fellowship Church. It would set a precedent for others to also request a Medium Density rezoning of their property. This would mean much heavier traffic, and more noise, as well as additional construction along that corridor, if the other churches were to follow suit.
2. Centerpoint has indicated that the number of children in their child care center would never exceed 110. Even if COVID-19 wasn't a factor in this day and age, that number seems excessive. While it's admirable of Centerpoint to want to offer child care, 110 children seems excessive, not to mention the vectors in place with regard to possible exposure and transmission of COVID-19 at this time.

Again, Centerpoint's wish to have a child care center is admirable, however, they need to consider someplace off-site that is already zoned correctly for this type of operation.

I thank you for your time in reading this, and for your consideration.

Sincerely,
Glynis Fenn, a happy 26-year resident of Oshtemo Township
2300 Ramblewood Drive