

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A VIRTUAL MEETING HELD JUNE 24, 2021

Agenda

PUBLIC HEARING: SPECIAL USE, 6480 TECHNOLOGY AVENUE

Corrion 9th LLC was requesting Special Use and Site Plan approval to create two additional tenant spaces within a multi-tenant building located at 6480 Technology Ave. One of the proposed tenant spaces is for a martial arts studio.

PUBLIC HEARING: SPECIAL USE, SPEEDWAY

Speedway LLC was requesting Special Use and Site Plan approval to demolish the existing gas station, dry cleaners, and car wash at 1250 and 1300 S Drake Rd to construct a new 4,608 sq ft convenience store with a 10 dispenser auto fueling canopy.

PUBLIC HEARING: Code Amendment, Nonmotorized

Consideration of amendments to the Township Zoning Ordinance Section 57.90 Sidewalks, for recommendation to the Township Board.

Emberly Acres II Expansion – Sidewalk SAD Request

A virtual meeting of the Oshtemo Charter Township Planning Commission was held Thursday, June 24, 2021, commencing at approximately 6:01 p.m.

ALL MEMBERS WERE PRESENT:		LOCATION
	Bruce VanderWeele, Chair	Oshtemo
	Micki Maxwell, Vice Chair	Oshtemo
	Kizzy Bradford	Kalamazoo
	Deb Everett	Oshtemo
	Alistair Smith	Oshtemo
	Anna VerSalle	Oshtemo
	Chetan Vyas	Oshtemo

Also present were Iris Lubbert, Planning Director, Colten Hutson, Zoning Administrator, James Porter, Township Attorney, and Martha Coash, Recording Secretary.

Guests present included Jim Rodbard, Attorney for Brian Corrion, Mandy Gauss, Engineer for Speedway LLC, Jennifer High, Speedway representative, and Paul Schramm, Prime Homes LLC.

Call to Order and Pledge of Allegiance

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

Approval of Agenda

Hearing no changes, the Chair let the agenda stand as published. He asked for a motion to approve the Minutes of the Meetings of April 29, 2021, and May 27, 2021.

Approval of the Minutes of the Meeting of April 29, 2021, and May 27, 2021

Ms. VerSalle made a **motion** to approve the Minutes of the Meetings of **April 29, 2021, and May 27, 2021**. Mr. Vyas **seconded the motion**. The **motion passed unanimously** by roll call vote.

Chairperson VanderWeele moved to the next agenda item and asked Mr. Hutson for his presentation

PUBLIC HEARING: SPECIAL USE, 6480 TECHNOLOGY AVENUE

Corrion 9th LLC was requesting Special Use and Site Plan approval to create two additional tenant spaces within a multi-tenant building located at 6480 Technology Avenue. One of the proposed tenant spaces for a martial arts studio.

Mr. Hutson indicated Corrion 9th LLC was requesting Special Use and Site Plan approval to change the composition of the existing building located at 6480 Technology Avenue. Currently serving as a multi-tenant building consisting of two suites, the applicant is seeking to split one of the suites into two. The two new tenant spaces are proposed to serve as an indoor recreational use, in suite B, along with a general office and light manufacturing use, in suite C. If approved, such modifications would provide a total of three tenant spaces at the subject property.

6480 Technology Avenue falls within the I-R: Industrial District, Restricted zoning classification. The proposed indoor recreational use, a martial arts studio, is a permitted Special Use within the I-R: Industrial District, Restricted. Any proposed Special Uses require review and approval from the Planning Commission. The general office and light manufacturing use of this proposal is a permitted use by right within the I-R: Industrial District, Restricted. The office and light manufacturing use that already exists in suite A is a permitted use within said zoning district as well.

When reviewing this Special Use request, there are two sets of criteria that need to be considered: the general Special Use review criteria outlined in Section 65.30, and the general Site Plan review criteria outlined in Section 64. He provided an analysis of the proposal against these two sections as outlined below. Overall, most of the requirements of Section 65.30 and Section 64 have been met.

Section 64: Site Plan Review

General Zoning Compliance:

Zoning: 6480 Technology Avenue is zoned I-R: Industrial District, Restricted and is located within the Oshtemo Business Park. The property abuts an undeveloped parcel to its north, two industrial land uses to its south and west, along with the business park's stormwater retention pond to its east. All the above are zoned I-R: Industrial District, Restricted. The proposed general office and light manufacturing use is a permitted use by right within the I-R: Industrial District, Restricted. The proposed indoor recreational component of this proposal is a permitted Special Use within the mentioned zoning district. Additionally, 13.7% of the site is proposed to be reserved as open space while the proposed percentage of land covered by buildings is 31%.

Access and Circulation

Access: The site under consideration already has two established access drives adjacent to Technology Avenue. The site is designed to accommodate two-way travel on the west and east sides while allowing only one-way travel on the north and south circulation aisles. Aisles on the proposed site plan vary anywhere between 16 Ft and 49 Ft wide. The eastern circulation aisle is proposed to be reduced from 59 Ft in width to 49 Ft in width to accommodate parking needs. All other circulation aisles will remain their existing widths. The Fire Marshal has reviewed the site plan and found it adequate for emergency vehicle circulation.

Parking: The site currently has 69 parking spaces in total, four of which are ADA accessible. All existing parking stalls are 10 Ft x 20 Ft. Between the existing and proposed uses on-site, the proposed floor plan indicates that there will be a net floor area of 7,767 SF of general office space, 4,197 SF of indoor recreational space, 11,785 SF of manufacturing space, and 1,443 SF of warehouse space. Business and general office space requires one parking space per each 150 SF of net floor area. This would mean that 52 parking spaces are required to accommodate the overall office use at this site. Health and fitness center space requires one parking space per each 200 SF of net floor area and one additional parking space per each employee on the largest shift. The applicant has informed staff their largest shift entails two employees. Considering the number of employees and net floor area, a total of 23 parking spaces for the health and fitness center component would be required. Manufacturing facilities require one and a half parking spaces per each 1,000 SF of net floor area plus the required parking devoted to other uses or one per employee whichever is greater. This means the site would require 19 parking spaces to accommodate the overall manufacturing use at this site. Warehousing facilities require one parking space per each 1,500 SF of net floor area plus the required parking devoted to other uses or one per employee whichever is greater. The parking calculation would require one parking space for the overall warehousing use at this site. After calculating the parking needed for the various uses proposed to occupy the site, a total of 96 parking spaces would be required.

Since the site currently only having 69 parking spaces in total, the parking lot would need to be expanded by an additional 27 parking spaces to accommodate the proposed uses. The applicant proposed to add pavement on the north and east sides of the building to accommodate the necessary 96 parking spaces on-site. However, the proposed modifications to the existing parking lot would mean the removal of a 10 ft landscape buffer along the north and east property lines. Such a loss would put the site out of compliance with the landscaping ordinance. To help mitigate this issue, the applicant was seeking a parking deviation per Section 52.140: Deviation of the zoning ordinance to not install the eight parallel parking spaces proposed along the northern property line to maintain the landscape buffer on the north side. If granted by the Planning Commission, the parking spaces provided on-site would be reduced from 96 to 88.

The applicant utilized Section 52.70: Mixed Uses in the Same Building or Joint Use of Facilities of the zoning ordinance to justify the deviation request. This section of the Ordinance allows the Planning Commission to approve sites with a multi-tenant building to have less than the required amount of parking needed during peak hours for each respective business if such hours differentiate between each use on site. In essence, this would allow the site to be slightly under parked by strategically selecting tenants who have different hours of operations from each other to ensure the site will still have sufficient parking spaces for customers visiting the site. Both office/light manufacturing uses will have standard operation hours on Monday through Friday. For the proposed martial arts studio, the applicant indicated most classes will take place at 5pm or after. This alternative would allow the landscaping along the north side to remain intact. The applicant's logic behind the requested parking deviation is sound and meets the intent of Section 52.70.

Although the requested deviation would address the concerns with the landscaping on the north side of the property, the landscaping on the east side of the property would have to be addressed through a landscaping deviation per Section 53.150(C): Provisions for Existing Sites of the zoning ordinance.

Easements: No changes to the current easements on-site are proposed. This portion of the review is not applicable.

Shared Use Path: Per Section 57.90: Sidewalks of the zoning ordinance, sidewalks indicated on the Township's Non-motorized Plan shall be installed by the developer when properties adjacent to planned non-motorized facilities receive site plan approval from the municipality. The Township's Non-motorized Plan does identify a 6 Ft wide sidewalk adjacent to the subject site on the east side of S 9th Street. The Township already has a signed SAD agreement form for the deferment of the sidewalk's installation from when the property was originally developed in 2016 (Document Number: 2017-003764). With an agreement already having been executed, no further action on this item was needed.

Sidewalk: Section 57.90: Sidewalks also requires that an interior sidewalk network be provided at the time of a site plan review unless the reviewing body grants a deviation from this provision. Since this is an existing site, an interior sidewalk network already exists on the south side and west side of the building to service the existing entryways of the two tenant spaces on site. A sidewalk connection that extends along the full length of the building's north side would be required to provide a connection to the proposed tenant entrance near the northeast corner of the building. The installation of sidewalk on the building's north side would enhance the site's overall accessibility. However, the applicant was requesting that the Planning Commission grant a deviation from this requirement as the site was approved and is already built with parking spaces directly abutting the northern elevation of the building. Installing a sidewalk in this location presents a physical challenge as it would mean the parking spaces along the north side of the building would need to be reconfigured. Ultimately the reconfiguration of the parking to accommodate a sidewalk connection would impact the overall width of the northern most circulation aisle or require it to shift north. Reducing the size of the aisle would affect the on-site circulation for delivery trucks and fire apparatus, creating a safety hazard in terms of access. There is not much if any room to allow for the drive aisle to shift north without impacting utilities or encroaching on the required 10 ft wide northern landscaping buffer. In essence, the current layout of the site makes adding a sidewalk along the north side of the building unfeasible. He indicated the Planning Commission would need to discuss this deviation request along with the parking and landscaping deviation to determine if the proposal is suitable for this site.

Building Design

Building Information: The 34,830 SF, one-story building was constructed in 2016 and is approximately 20 Ft tall. The applicant will make some relatively minor changes to the façade by adding windows on the north and east elevations along with new doorway entries on the north elevation to accommodate the new tenant spaces. The elevation sheet submitted with the site plan shows that such exterior modifications will match the existing façade and architectural features of the building. Other than what is mentioned above, no changes to the building's exterior are proposed.

Lot Dimensions: The site under consideration is about 2.57 Acres (112,280 SF) and has approximately 375 Ft of road frontage on Technology Avenue along with 260 Ft of road frontage adjacent to S 9th Street. The parcel exceeds both the property area (13,200 SF minimum) and frontage (120 Ft minimum) requirements of the I-R: Industrial District, Restricted. The site's dimensions satisfy zoning ordinance requirements.

Setbacks: Properties located within Industrial Districts are required to have a minimum front yard setback of 70 Ft. If properties are located along a designated highway within the Township, they are subject to additional setback requirements if greater than what is outlined for the underlying zoning district. The minimum

setback requirement for properties adjacent to S 9th Street, a designated highway, is also 70 Ft. With this being a corner property, it is subject to two front yard setbacks. The building is set back 100 Ft from the S 9th Street public right-of-way line and 70 Ft from the Technology Avenue public right-of-way line. Properties zoned as Industrial are also subject to have a minimum side and rear yard setback of 20 Ft. The building is set back approximately 50 Ft from the northern property line and 70 Ft from the eastern property line. The minimum setbacks for the front yard, side yard, and rear yard have all been met. **The site plan will need to be revised to show the minimum front, side, and rear yard setbacks. An updated site plan was required as a condition of approval.**

Fencing: No changes to the current on-site fencing were proposed. This portion of the review was not applicable.

Lighting: No changes to current on-site lighting were proposed. This portion of the review was not applicable.

Signs: No additional signage for the site was proposed. If the applicant wishes to add signage in the future, such signage will be required to be reviewed and approved by staff at time of their sign permit application submission.

Landscaping

When the site plan was approved in 2016, it was subject to landscaping requirements that have since been updated. In 2016, the landscaping ordinance required a 10 Ft landscape buffer between uses, which the site provided. The current landscaping ordinance requires additional interior landscaping instead of the buffer. The applicant is using the new landscaping ordinance, which allows pavement right up to the property lines, to utilize the north and east landscaping buffers for the installation of the additional 27 parking spaces needed to accommodate their proposal. Their removing the landscaping buffers brings them out of compliance with the landscaping ordinance they were originally approved under and out of compliance with our current ordinance as their site's configuration is unable to provide the interior landscaping needed.

If a parking deviation is granted by the Commission for the eight parking spaces along the north side, the landscape buffer on the north side of the property would be able to be preserved. However, the parking deviation does not address the eastern landscape buffer in which approximately nine understory tree plantings will have to be completely removed to accommodate the proposed parking along the eastern property line. Although the eastern landscape buffer would be removed in its entirety, the business park's stormwater retention basin abuts the subject site to the immediate east. The overall character of the project area will be unchanged as the community's stormwater basin will forever be vegetated. It could be argued that the intent of the previous landscaping ordinance's landscape buffer, to separate uses and break up pavement, would still be met if the deviation is granted. This unique situation would allow the basin's western

border to serve as a substitute for the “planned landscaping” for aesthetic purposes at the site. The Planning Commission has the authority to grant such a deviation under 53.150 (C) Provisions for Existing Sites. This section of the ordinance states that “If site constraints prevent the application of these (landscaping) requirements, the reviewing body may grant an alternate approach or reduction in the landscape requirements through the site plan review process”. The applicant is aware of the landscaping concerns and offered to re-establish such understory trees elsewhere adjacent to the premises, noting the frontage of the business park’s stormwater retention basin on Technology Avenue as an opportune location. With staff’s involvement, these alternate tree planting locations would need to be approved by the owner of the stormwater retention basin and be privately arranged between said property owner and the owner of the subject multi-tenant facility. Another alternative would be to relocate the trees just inside the community stormwater basin’s western property line. If the Planning Commission were to grant the parking deviation, staff believed granting a landscaping deviation for the eastern landscape buffer would be an appropriate option, given the site’s unique characteristics.

Engineering

Prein & Newhof and the Oshtemo Public Works Department have reviewed the project site plan and are satisfied with the proposal.

Fire Department

The Fire Marshal has reviewed the site plan and is happy with the proposal. The Fire Marshal did note that the circulation aisle width on the north side does not meet the 20 Ft width requirement outlined in the zoning ordinance for one- way circulation aisles. Since this is an existing site, the applicant is not required to increase such width to meet current ordinance requirements.

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.

The Township’s Future Land Use Plan categorizes this area on S 9th Street, just north of the southern border, as *Research Office*. This part of the Township currently serves as an important employment center that provides high quality job opportunities to residents and neighboring areas. Uses allowed within this designation include a mix of technology, research, office, recreation, and industry. This property is presently zoned I-R: Industrial District, Restricted. General office and manufacturing are permitted uses by right within the I-R, Industrial District, Restricted, while indoor recreational facilities are permissible with Special Use approval from the Planning Commission within said district. The proposed uses meet the intent of the Township’s Master Plan documents for this area and comply with the Township’s Zoning Ordinance.

B. Site Plan Review: The Site Plan Review Criteria of Section 64

A site plan was provided; the evaluation is under Section 64: Site Plan Review.

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.**

The proposed martial arts studio, a special exception use within the I-R: Industrial District, Restricted, would be leasing space within the already established multi-tenant facility on-site. All properties adjacent to the subject site share the same zoning designation of I-R: Industrial District, Restricted. The I-R: Industrial District, Restricted, allows for a mixture of different use types. Such uses include craft food and beverage facilities, banks and other financial institutions, general office, light manufacturing, indoor recreational facilities and health clubs, etc. An indoor recreational facility for soccer activities has been established within the same business park. A martial arts studio would be harmonious with the other existing uses surrounding the site. With the proposed martial arts studio being compatible with the allowable use within this zoning district, with minimal to no site changes proposed, and 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.

- 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.**

Staff does not foresee a significant impact of the proposed use on neighboring properties. The overall site layout is not changing as the applicant is not proposing any additions to the existing building. The minimum building setbacks have been met. Existing entrances on the site will not change and will continue to be used in a similar fashion. (See sections on Parking and Landscaping under Section 64: Site Plan Review of this report.)

- 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.**

Staff anticipated the proposed project will not generate such negative impacts on adjacent properties as uses allowed within the I-R: Industrial District, Restricted zoning district can be established on this site. An office and light manufacturing business specializing in pharmaceuticals has occupied the building on-site since the date of its construction in 2016. The proposed martial arts studio and the office/light manufacturing use will be utilizing two

different spaces within the existing building on-site for their daily business operations. All major site work will occur within the building's interior.

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.

The proposed project will occupy the existing building on-site. Other than the modification to the on-site parking, most modifications will be to the building's interior. As previously mentioned under the Site Plan Review portion of this report, the applicant was proposing to add pavement to accommodate sufficient parking for the site due to the creation of two tenant spaces. The modifications to the existing parking lot would necessitate removing the landscape buffer to the east to create such parking stalls. Although the eastern landscape buffer would be removed in its entirety, the business park's stormwater retention basin abuts the subject site to the immediate east. Having said that, the character of the project area will remain intact as the community's stormwater retention basin will be vegetated in perpetuity. In normal circumstances where the surrounding properties are all developed, the vegetative character of the site would typically be diminished through such losses. However, this is a unique situation in that the natural vegetative growth on the stormwater retention basin's western border will act as a substitute of the "planned landscaping" for the visual appearance at the site. With the natural vegetation from the stormwater basin and the proposed relocation of tree plantings onto the adjacent stormwater basin, either along its frontage on Technology Avenue or just inside the western property line, staff feels that such combination would satisfy the intent of the previous landscaping ordinance that the site was originally approved under. Provided that this proposal would meet its spirit, and given the unique circumstance, approval should not set a negative precedence.

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 building located at 6480 Technology Avenue is already adequately serviced by public water and public sanitary sewer. The Township's Non-motorized Transportation Plan identifies a 6 Ft wide Shared Use Path adjacent to the subject site on the east side of S 9th Street. The applicant signed a sidewalk SAD agreement form for the deferment of the installation of said non-motorized facility from when the property was developed in 2016 (Document Number: 2017-003764). This means when the Township deems it appropriate to install the path and implement a Special Assessment District to fund the installation of the path, the owners and future owners of this site cannot oppose it.

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

No specific use requirements exist for indoor recreational facilities and health clubs. Therefore, this section does not apply.

RECOMMENDATION:

Mr. Hutson explained the Planning Commission would need to review these three deviation requests:

- 1) **PARKING DEVIATION:** The Planning Commission will need to grant or deny the applicant's deviation request from Section 52.140. If approved, the eight parking spaces being proposed on the north side of the property can be eliminated.
- 2) **LANDSCAPING DEVIATION:** The Planning Commission will need to grant or deny the applicant's deviation request from Section 53.150. If approved, the previously approved 10 Ft eastern landscape buffer can be removed and utilized for parking.
- 3) **SIDEWALK DEVIATION:** The Planning Commission will need to grant or deny the applicant's deviation request from Section 57.90. If approved, the sidewalk connection on the north side of the building will not be required to be installed.

He indicated if all three deviations were approved by the Planning Commission, Staff recommended approval of the proposed Special Use and Site Plan for the multi-tenant building located at 6480 Technology Avenue with the following conditions.

- 4) Alternative landscaping shall be provided elsewhere on or adjacent to the premises to replace the understory trees lost with the approval of the landscaping deviation. A landscaping plan shall be submitted and approved by Township staff prior to issuing a certificate of occupancy.
 - a. If the alternative landscaping is to be placed onto the neighboring basin, an agreement between the applicant and the owner of the stormwater retention basin for the tree plantings shall be executed with Township staff's oversight prior to issuing a certificate of occupancy or any temporary certificate of occupancy.
- 5) A revised site plan shall be submitted and approved by Township staff showing the correct minimum setbacks for all front, side, or rear yards prior to issuing a certificate of occupancy.
- 6) The applicant shall submit a sign permit application to be reviewed and approved by Township staff if the applicant wishes to add any type of signage to the site.

Chairperson VanderWeele asked if Commissioners had questions for Mr. Hutson. Hearing none, he asked if the applicant wished to speak.

Mr. Jim Rodbard, Counsel for Mr. Corrion, Owner, thanked staff for their hard work and creativity when addressing this request. He felt the staff recommendation regarding how to handle the sidewalk deviation was appropriate. The plan will ameliorate concerns for access. He appreciated the time allowed to complete the requested ministerial correction to the site plan until the time of occupancy.

The Chair asked if there were questions from Commissioners.

Mr. Vyas had safety concerns regarding the lack of a sidewalk on the north side relative to children who would be attending classes at the martial arts studio.

Mr. Rodbard indicated other building users would be gone by the time children would be dropped off for classes in the evening. A drive by survey of the 59 current spaces showed no more than 19-28 cars occupying the current 59 spaces at one time. He did not feel there was much risk to children.

Hearing no further questions, Chairperson VanderWeele moved to Public Hearing. Since no one wished to speak, the hearing was closed, and the Chair moved to Board Deliberations.

Ms. Everett wondered if all 96 parking spaces were needed, citing a desire not to pave and install unnecessary spaces.

Mr. Hutson said he understood the concern, but Section 52.100 requires 96 spaces given the three different entities involved.

Mr. Lubbert said if the building use changes in the future parking requirements would be recalculated.

Mr. Vyas wondered if anything could be done to change the site plan parking to the east side to be able to include a sidewalk there.

Ms. Lubbert indicated the space available for parking there is not sufficient as right next door there is a 10 foot landscape buffer. Everything to the east is stormwater retention basin. There is no additional room on the site for parking relocation. The applicant's proposal is the only way to add parking according to ordinance.

Attorney Porter said conformance is tough when redeveloping an existing site.

Ms. Lubbert said ordinance does allow the Planning Commission to make adjustment when addressing shared parking, which can be seen throughout the Township. If a deviation is allowed parking would be sufficient on the north side.

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

Ms. Maxwell made a **motion** to approve the Site Plan and Special Use as requested for the multi-tenant building located at 6480 Technology Avenue, and to grant the three deviations requested for parking, landscaping and sidewalk with the following staff conditions:

- 1) Alternative landscaping shall be provided elsewhere on or adjacent to the premises to replace the understory trees lost with the approval of the landscaping

deviation. A landscaping plan shall be submitted and approved by Township staff prior to issuing a certificate of occupancy.

- a. If the alternative landscaping is to be placed onto the neighboring basin, an agreement between the applicant and the owner of the stormwater retention basin for the tree plantings shall be executed with Township staff's oversight prior to issuing a certificate of occupancy or any temporary certificate of occupancy.
- 2) A revised site plan shall be submitted and approved by Township staff showing the correct minimum setbacks for all front, side, or rear yards prior to issuing a certificate of occupancy.
- 3) The applicant shall submit a sign permit application to be reviewed and approved by Township staff if the applicant wishes to add any type of signage to the site.

Ms. VerSalle **seconded the motion**. The **motion passed 6 – 1 by roll call vote, with Mr. Vyas voting No**.

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

PUBLIC HEARING: SPECIAL USE, SPEEDWAY

Speedway LLC was requesting Special Use and Site Plan approval to demolish the existing gas station, dry cleaning, and car wash located at 1250 and 1300 S Drake Road to construct a new 4,608 sq ft convenience store with a 10 dispenser auto fueling canopy.

Ms. Lubbert said Speedway LLC was requesting Special Use and Site Plan approval to demolish the existing gas station, dry cleaning, and car wash located at 1250 and 1300 S Drake Road to construct a new 4,608 sq ft convenience store with a ten dispenser auto fueling canopy. The proposal entailed combining the two properties to create a 3.2 acre parcel; a land combination application was received.

Currently zoned C: Local Business District, 1250 and 1300 S Drake Road are located at the edge of Oshtemo's eastern boundary, directly south west of the S Drake Road and W KL Avenue intersection. The two properties abut an Amtrak rail line to the south and a National Mini Storage to the west. The properties adjacent to the north are zoned R-4: Residence District.

She indicated when reviewing this Special Use request, there are two sets of criteria that need to be considered: the general Special Use review criteria outlined in Section 65.30 and the general Site Plan review criteria outlined in Section 64. She provided an analysis (below) of the proposal against these two Sections and said overall, the requirements of Section 64 and Section 65.30 have been met.

Section 64: Site Plan Review

General Zoning Compliance:

Zoning: 1250 and 1300 S Drake Road are zoned C: Local Business District. Convenience stores are a permitted use by right within the C: Local Business District. Filling stations are permitted as a Special Use within the district. The proposed percentage of land on-site covered by buildings is 3% and 48% reserved for open space. All general zoning requirements have been met.

Access and Circulation

Access: The two parcels currently have two access points each. Once the parcels are combined, two of the existing curb cuts will be closed; the two furthest from the intersection will remain to service the proposed use. To improve safety the applicant worked with the Road Commission of Kalamazoo County (RCKC) to shift the south eastern curb cut further south to line up with the access point on the other side of S Drake Road. Most circulation aisles within the proposed site plan are approximately 30 Ft wide and have safe turning radii. Fire engines and other vehicles have ample space and circulation if emergency response is needed. Oshtemo's Fire Marshal reviewed the proposed layout and has no concerns in terms of access and circulation. All driveways will need to be reviewed and approved by the RCKC. An approved driveway permit will need to be submitted prior to building permit issuance.

Parking: The proposed structure on this site will serve primarily as a convenience store. As a convenience store requires more parking than an automotive service station, the convenience store designation was used to calculate the necessary parking on site. Per Section 52.100 of the zoning ordinance a use of this nature requires one parking space for every 150 SF of net floor area. A 4,608 SF building is proposed, requiring 31 parking spaces. To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of storm water runoff, per ordinance no parking lot shall have parking spaces totaling more than 110% of the minimum parking space requirements. A maximum of 34 spaces are permitted on this site. The proposed site plan provides a total of 34 parking spaces, two of which are ADA. All parking requirements have been met.

Shared Use Path: The Township's Non-Motorized Transportation Plan does identify a 10 Ft wide Shared Use Path along the frontage of this property on S Drake Road. The applicant has shown this path on their plan and will be coordinating its design and installation with the Township's Public Works Department.

Internal Sidewalk Network: Per Section 57.90 Sidewalks of the ordinance an internal sidewalk network is required. The proposed site plan has sidewalk on all sides of the building abutting parking and includes a sidewalk connection from the building to South Drake Road. Although this connection is acceptable it would

be preferred that the sidewalk be located on the North side of the site. Staff anticipates most foot traffic will be coming from the multi-family housing developments to the north. These individuals and others coming from the north or east, will not walk to the south side of the site to access the proposed internal sidewalk network; it is anticipated pedestrians will cut through the site. Staff recommended the applicant and Planning Commission consider placing the internal sidewalk connection on the north side of the site. Public Works staff indicated if an internal northern sidewalk were constructed the currently proposed eastern internal sidewalk would not be required to be installed. It should also be noted a bike rack is proposed near the building entrance.

Building Design

Building Information: The proposed 4,608 SF one story building will be just under 24 Ft tall. The exterior material for the proposed building is a heritage blend quik brik with estate grey asphalt shingles. The proposed dumpster enclosure is placed at the back of the site and will be made of the same material as the building with a brown wooden gate.

Section 65.30: Special Use Review Criteria

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.

Ms. Lubbert explained the Township's Future Land Use Plan categorizes this area as *Local Commercial*. The intent of the *Local Commercial* designation is to provide low volume commercial businesses that mix well with a variety of land uses including residential, industrial, and general commercial.

This property is currently zoned C: Local Business District. Retail uses (including convenience stores) are permitted uses within the C: Local Business District and Filling Stations are permissible with Special Use approval from the Planning Commission.

From a zoning perspective, she said the proposed land use is consistent with the Future Land Use Map designation and the Township's Zoning Ordinance, 65.30 requirements have been met.

Impacts: 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.

She explained established commercial uses already exist on-site: a gas station, dry cleaners and car wash. The proposal is to demolish these existing buildings/uses and construct a new convenience store and gas station. The

proposed use of a convenience store with a ten dispenser auto fueling canopy is comparable to the existing uses. Staff has no concerns that the proposal will negatively affect neighboring uses. It should be noted that with the residential development to the north the proposed convenience store is arguably more compatible and appropriate at this location than the existing uses onsite.

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.

Staff did not foresee a significant impact of the proposed use on neighboring properties. The proposal provides adequate parking, the placement of the building exceeds the minimum setbacks, and the number of curb cuts is being reduced and modified for safety.

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.

A gas station has occupied the site since the date of its construction in 1997. The laundromat and car wash, per the assessor's website, have been at this location for 35 years. In combining the two parcels to accommodate the proposal, two of the four existing curb cuts will be closed, which will be an improvement in traffic safety. The proposed use of a convenience store and filling station is comparable to the existing uses on site and is appropriate for this zoning designation. Staff anticipates that the proposed project will not generate negative impacts on adjacent properties.

Recommendation:

Ms. Lubbert recommended the Planning Commission approve the proposed Special Use and Site Plan for Speedway at 1250 and 1300 S Drake Road with the following conditions.

1. Approved driveway permits from the Road Commission of Kalamazoo County will need to be submitted prior to building permit issuance.
2. 1250 S Drake Road and 1300 S Drake Road shall be formally combined.
3. The internal sidewalk connection be moved to the north side of the site.
4. An updated signage plan shall be submitted and approved administratively OR a variance acquired prior to building permit issuance.
5. The stormwater system is within the City of Kalamazoo wellhead protection zone and the proposed stormwater is being discharged to the City of Kalamazoo system. An approved and signed storm water maintenance agreement with the City of Kalamazoo will need to be provided prior to building permit issuance

6. No SESC plan was provided. A SESC Permit will be required from the Kalamazoo County Drain Commission.

Chairperson VanderWeele asked if there were questions for Ms. Lubbert.

Ms. Everett asked about the landscaping requirement.

Ms. Lubbert noted that a landscaping plan had been submitted and said Ms. High, Parks Director, was satisfied it meets all requirements.

Attorney Porter said Ms. High was quite complimentary of the design.

The Chair commented this plan will be a big improvement to the corner. Hearing nothing further, he asked if the applicant wished to speak.

Ms. Mandy Gauss, Architect for the owner, said she felt Ms. Lubbert covered everything, but noted the left side of the drive shifts, and is wider for better access. She agreed with the assessment that the north side access would better serve residents and indicated it will be located there.

Chairperson VanderWeele asked if there were questions for the applicant. Hearing none, he moved to Public Hearing. There were no members of the public who wished to speak, so he moved to Board Deliberations.

Several members indicated they were happy with the plan, especially with the change to move the access sidewalk to the north.

The Chair asked for a motion.

Mr. Vyas made a **motion** to approve the Special Use and Site Plan as requested to demolish the existing gas station, dry cleaners and car wash, to construct a new 4,608 square foot convenience store and filling station at 1250 and 1300 S. Drake Road, with the following staff conditions:

1. Approved driveway permits from the Road Commission of Kalamazoo County will need to be submitted prior to building permit issuance.
2. 1250 S Drake Road and 1300 S Drake Road shall be formally combined.
3. The internal sidewalk connection be moved to the north side of the site.
4. An updated signage plan shall be submitted and approved administratively OR a variance acquired prior to building permit issuance.
5. The stormwater system is within the City of Kalamazoo wellhead protection zone and the proposed stormwater is being discharged to the City of Kalamazoo system. An approved and signed storm water maintenance agreement with the City of Kalamazoo will need to be provided prior to building permit issuance
6. A SESC Permit will be required from the Kalamazoo County Drain Commission.

Ms. Maxwell **seconded the motion**. The **motion passed unanimously** by roll call vote.

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

**PUBLIC HEARING: Code Amendment, Nonmotorized
Consideration of amendment to the Township Zoning Ordinance Section 57.90
Sidewalks, for recommendation to the Township Board.**

Ms. Lubbert said as Oshtemo Township continues to grow and, simultaneously, the Township is hearing community requests for a quality of life that is connected by sidewalks and paths. Over the years the Township has adopted several policies and ordinances to establish a physical and cultural environment that supports and encourages safe, comfortable, and convenient ways for a diverse population of pedestrians and bicyclists to travel throughout the Township and into the surrounding communities. The most recent of which was through the *Go!Green Oshtemo – 5 Year Parks and Recreation Master Plan*. Part of the plan included an action strategy to continue to require provisions for nonmotorized transportation facilities with site plan reviews. The Zoning Ordinance language that continues to implement this action strategy is Section 57.90, language provided below.

“For those uses requiring Site Plan review under this ordinance, an internal sidewalk network (including connection to and establishment of a sidewalk in the right-of-way of any arterial, collector, or local road indicated on the Non-motorized Facilities Map abutting the site) shall be required within public street rights-of-way and/or private street easements unless the reviewing body grants a deviation from this provision. Deviation may be considered if the street is a cul-de-sac, or if there are constraints as the result of severe topography or natural features.” (57.90 Sidewalks)

In essence, she said, Section 57.90 does three things: 1) when a site plan is submitted to the Township, only the nonmotorized facilities shown on the adopted Nonmotorized Facilities Map need to be installed as part of the site plan review and approval process, 2) An internal sidewalk network is required within the site itself (including a connection from the proposed development to the adjacent nonmotorized path), and 3) the reviewing body can grant a deviation if warranted.

What exactly that deviation can be was not specified in the code. As such, the Township’s reviewing bodies have over the years waived the requirement to install sidewalk with different approaches. Most recently by requiring the applicant to sign a sidewalk SAD agreement. It has also become common practice that if the property in question cannot directly connect to an existing nonmotorized facility a deviation is granted so to avoid “sidewalks to nowhere”.

She indicated the Township Board discussed this section of the code and the

Township's current sidewalk policies at their March 9th, 2021 meeting and agreed sidewalks should be installed more aggressively in urbanized areas of the Township, the "sidewalks to nowhere" argument is no longer a valid reason for a deviation in those urbanized areas, and this section of the code needs to be revisited and refined.

Staff presented the Township Board's request to the Planning Commission at their regular March 25th meeting for initial reaction and input before drafting an ordinance change. Using the feedback collected, staff presented potential variations of the amendment to the Commission at their regular April 8th meeting. Ordinance Section 64, Site Plan Review and Section 294, Non-Motorized Facilities/Sidewalks as well as the KATS MPO Urbanized area map and Oshtemo's adopted nonmotorized plan were referenced in both the discussion and drafting of the amendment. Staff finalized a draft per the discussion on April 8th. At their May 27th meeting, after reviewing the proposed changes and making additional tweaks, the Planning Commission unanimously motioned to forward the proposed amendment to a public hearing.

She noted that when the KATS MPO Urbanized area map was compared to Oshtemo's adopted nonmotorized plan, it was found almost all Oshtemo's identified desired nonmotorized facilities were within the urbanized boundary. (ACUB area) As such, Planning Commission and staff felt it was unnecessary to distinguish between urban and non-urban areas within the proposed amendment.

The proposed amendment to Section 57.90 of the Ordinance addresses the Township Board's concerns regarding the installation of nonmotorized facilities in connection to site plan reviews, provides clear direction, and makes this section consistent with other existing sections of the ordinance.

The group then reviewed the May 27th draft and after discussion, made one change: the word "contribution" in the first line of 57.90 Sidewalks and Non-motorized Facilities was changed to "connection" for clarification of purpose.

Chairperson VanderWeele opened a Public Hearing.

Mr. Paul Schramm encouraged the Commission to consider special assessment district agreements in lieu of the amendment being considered.

Hearing no further comments, Chairperson VanderWeele moved to Board Deliberations. Hearing nothing further from Commissioners, he asked for a motion.

Mr. Smith **made a motion** to send the proposed amendment to the Township Board to consider the proposed changes to the Nonmotorized and Sidewalk Ordinance as presented, with the one wording change from "contribution" to "connection" as agreed upon. Mr. Vyas **seconded the motion**. The **motion was approved** unanimously by roll call vote.

Emberly Acres II Expansion – Sidewalk SAD Request

Ms. Lubbert told the Commission Prime Homes LLC, both applicant and owner, has approached township staff requesting a sidewalk SAD agreement for their recently approved Emberly Acres II Condominium Expansion project. However, only the reviewing body has the authority to grant such a request. This item was placed on the Planning Commission agenda for consideration.

Per Section 57.90 of the Zoning Ordinance, non-motorized facilities 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 unless the reviewing body grants a deviation. The Township's adopted Non-motorized Plan shows a 6-foot-wide path along Emberly Acres II section of S 8th Street. The segment of the shared use path along the frontage of Emberly Acres II, Parcel ID: 05-34-230-070, was included as part of the site plan set reviewed and approved by the Planning Commission at their regular April 29th meeting.

Attorney Porter indicated this would be permissible under current ordinance.

Chairperson VanderWeele noted a SAD agreement was not requested at the time the site plan was approved; the site plan request showed a sidewalk would be built.

Mr. Paul Schramm, Prime Homes LLC, indicated it has been determined building a sidewalk would be better to provide a holistic approach, connecting the shared use path to Emberly Acres at a future time. There are challenging grades and screening issues that exist in the right-of-way to provide ADA compliance, and connection would result in removal of screening. He said he would not object to a future assessment. A sidewalk put in now might need to be removed to make it safe in the future. Even though it would likely be a higher cost to build a sidewalk in the future, he would like to delay building for the sake of continuity in the future.

Mr. Vyas, Ms. Maxwell and the Chair all agreed the cost would be less to build now and were puzzled at the request.

Chairperson VanderWeele asked for a motion.

Mr. Smith **made a motion** to disapprove the request for a sidewalk SAD agreement for the recently approved Emberly Acres II Condominium Expansion project, as there was no compelling reason to approve it. Ms. Maxwell **seconded the motion**. The **motion was approved** unanimously by roll call vote to disapprove the request.

PUBLIC COMMENT ON NON-AGENDA ITEMS

As there were no public comments, Chairperson VanderWeele moved to the next agenda item.

OTHER UPDATES AND BUSINESS

Ms. Lubbert reported no changes from virtual vs. in-person public meetings as of now; the Township Board is currently considering how to move forward.

ADJOURNMENT

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 7:36 p.m.

Minutes prepared:
June 25, 2021

Minutes approved:
July 29, 2021