

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A MEETING HELD JULY 14, 2016**

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**Agenda**

**PUBLIC HEARING: SPECIAL EXCEPTION USE – MERITAGE HOSPITALITY GROUP, ON BEHALF OF WM LIMITED PARTNERSHIP.**

**CONSIDERATION OF THE APPLICATION FROM MERITAGE HOSPITALITY GROUP, FOR A SPECIAL EXCEPTION USE AND SITE PLAN REVIEW FOR A RESTAURANT WITH A DRIVE THROUGH SERVICE WINDOW, PURSUANT TO SECTION 30.407 OF THE ZONING ORDINANCE. SUBJECT PROPERTY IS LOCATED AT 5455 WEST MAIN ST., KALAMAZOO, MI WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-13-401-020.**

**PUBLIC HEARING: SPECIAL EXCEPTION USE – DELTA DESIGN SYSTEMS, INC. ON BEHALF OF WEST MAIN PROPERTIES, LLC.**

**CONSIDERATION OF THE APPLICATION OF DELTA DESIGN SYSTEMS, INC. FOR A SPECIAL EXCEPTION USE AND SITE PLAN REVIEW FOR BOAT SALES WITH OUTDOOR DISPLAY AND STORAGE, PURSUANT TO SECTION 30.409 OF THE TOWNSHIP'S ZONING ORDINANCE. SUBJECT PROPERTY IS LOCATED AT 8500 WEST MAIN STREET, KALAMAZOO, MI WITHIN THE C:LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-16-180-047.**

**PUBLIC HEARING: SPECIAL EXCEPTION USE - KALAMAZOO STORAGE, LLC - REQUEST THIS APPLICATION BE TABLED**

**CONSIDERATION OF THE APPLICATION FROM KALAMAZOO STORAGE, LLC FOR A SPECIAL EXCEPTION USE AND SITE PLAN REVIEW FOR A SELF-STORAGE FACILITY, PURSUANT TO SECTION 41.405 OF THE TOWNSHIP'S ZONING ORDINANCE. SUBJECT PROPERTY IS LOCATED AT 7694 STADIUM DRIVE, KALAMAZOO, MI WITHIN THE I1:INDUSTRIAL DISTRICT. PARCEL NO. 3905-34-180-025.**

**OPTIONAL SKETCH PLAN REVIEW: KALAMAZOO STORAGE, LLC.**

**PURSUANT TO SEC. 82.500, KALAMAZOO STORAGE, LLC REQUESTED PLANNING COMMISSION REVIEW OF A SKETCH PLAN FOR THE PURPOSE OF DISCUSSION REGARDING ACCESS TO STADIUM DRIVE.**

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A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, July 14, 2016, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Millard Loy, Chair  
Fred Antosz  
Wiley Boulding Sr.  
Dusty Farmer  
Mary Smith  
MEMBER ABSENT: Pam Jackson

Also present were Julie Johnston, Planning Director, James Porter, Attorney, and Martha Coash, Meeting Transcriptionist. Approximately eight other persons were in attendance.

### **Call to Order and Pledge of Allegiance**

The meeting was called to order by Chairperson Loy at approximately 7:00 p.m. The "Pledge of Allegiance" was recited.

### **Agenda**

Chairperson Loy asked if there were any additions, deletions or corrections to the Agenda.

Hearing none, the Chairperson called for a motion to approve the Agenda as presented.

Mr. Antosz made a motion to approve the agenda as requested. Mr. Boulding, Sr. supported the motion. The motion passed unanimously.

### **Public Comment on Non-Agenda Items**

Chairperson Loy called for public comment on non-agenda items. Hearing none, he moved to the next item on the agenda.

### **Approval of the Minutes of June 23, 2016**

The Chairperson asked if there were any additions, deletions or corrections to the Minutes of June 23, 2016.

Hearing none, Chairperson Loy asked for a motion to approve the minutes as presented.

Ms. Smith made a motion to approve the Minutes of June 23, 2016 as presented. Mr. Boulding, Sr. supported the motion. The motion was approved unanimously.

**PUBLIC HEARING: SPECIAL EXCEPTION USE – MERITAGE HOSPITALITY GROUP, ON BEHALF OF WM LIMITED PARTNERSHIP.**  
**CONSIDERATION OF THE APPLICATION FROM MERITAGE HOSPITALITY GROUP, FOR A SPECIAL EXCEPTION USE AND SITE PLAN REVIEW FOR A RESTAURANT WITH A DRIVE THROUGH SERVICE WINDOW, PURSUANT TO SECTION 30.407 OF THE ZONING ORDINANCE. THE SUBJECT PROPERTY IS LOCATED AT 5455 WEST MAIN STREET, KALAMAZOO, MI WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-13-401-020.**

Chairperson Loy moved to the next item on the agenda and asked Ms. Johnston to review the application for a Special Exception Use and Site Plan Review from Meritage Hospitality Group.

Ms. Johnston said, already the site of a Wendy's restaurant constructed in 1976, the applicant is seeking special exception use permission and site plan approval for a new facility, to be built roughly in the same location on the property as the old structure. Since no record can be found of this property having obtained special exception use permission when initially developed, making the current status of the use legally non-conforming, the applicant needs to obtain the approval of the Planning Commission in order to operate and maintain a drive-through window.

She said the parcel is located on the south side of West Main Street, approximately 150 feet east of Maple Hill Drive, the 0.77 acre property lies within the Elk's Plat and is zoned as C: Local Business district. With around 120 feet of frontage on West Main Street, the property is accessed via a shared driveway that has direct access to West Main as well as Maple Hill Drive to the West. At 2,473 square feet in size, the proposed new Wendy's is approximately 228 square feet smaller than the existing restaurant, which has helped the applicant to improve things such as landscaping and site circulation compared to the current site layout.

Ms. Johnston said the site plan is in full compliance with the requirements of the Zoning Ordinance with regards to building setbacks, site lighting photometrics, and all other applicable standards.

She particularly noted that currently limited to approximately 18 feet in width, the new circulation aisle that runs along the west side of the building will be increased to 26 feet, greatly improving emergency vehicle access throughout the site. The applicant is also proposing to complete the pedestrian connection to the West Main sidewalk, which will allow those on foot to more safely and conveniently access the establishment.

She explained that per section 68.400 of the Zoning Ordinance, this site would typically require 30 parking spaces, based upon the size of the building. However, site improvements, including the construction of a new stormwater retention area along the south property line meant to alleviate the historical flooding that has happened off-site, means that the applicants only have room for 25 spaces. Section 68.600 of the Zoning Ordinance does allow the reviewing body to grant relief from the above-stated parking requirement without the need for a variance, provided there is some practical difficulty

that prevents compliance with the letter of the ordinance. Staff does support the granting of approval for five fewer spaces than required, especially since this is an already existing site, and some of the land that could theoretically be used for parking has instead been utilized for things such as improved stormwater runoff management, wider drive lanes, and enhanced landscaping compared to what's currently present on the site.

Ms. Johnston also noted the site plan includes numerous plantings around the building and also in some of the parking areas; the site as it currently exists has very little in the way of ornamental plantings.

She said, with any and all issues with the site plan having been resolved with the applicant through the preliminary review process, Staff was comfortable recommending Planning Commission approval of the site plan and special exception use, with the following conditions:

- Township Staff anticipates that this portion of West Main Street may one day be subject to more significant redevelopment. To better facilitate good planning and orderly growth at that time, Staff requested that the property owner provide the Township with a written statement expressing their willingness to be party to a cross-access and maintenance agreement, yet to be drafted, that would likely include the other nearby properties to the east of Maple Hill Drive.
- The Planning Commission formally approves the reduction in the number of parking spaces required from 30 down to 25.

Chairperson Loy asked if there were questions from Board Members.

In answer to a question from Ms. Smith regarding whether the plan meets the requirement for enough space for stacking for five cars, Ms. Johnston explained the new Ordinance requiring that has not yet been approved by the Township Board.

Chairperson Loy asked if the applicant wished to speak.

Mr. Alan Okon, Construction Manager for Wendy's, Dublin Ohio, said Wendy's is excited about this project which will replace the 1976 building with a new store that will be the first of its type in the U.S. They are anxious to build and showcase the new concept. The building footprint is a bit smaller to allow for site improvements including curbing, rainwater collection in the back of the property, and new landscaping. He noted the two parking spots behind the building are for employee parking and that they would be happy to provide signage to that effect to avoid the possibility of the public using them. They are pleased to encourage cross-access.

There were no questions from the Board and no one from the public wished to comment on this application.

It was the consensus of the Board that this was a long time coming and that the cutting edge building would be a good addition to the Township.

Ms. Smith made a motion to approve the Special Exception Use and Site Plan with the stipulation that the two Staff conditions are met as recommended. Mr. Antosz supported the motion. The motion carried unanimously.

**PUBLIC HEARING: SPECIAL EXCEPTION USE – DELTA DESIGN SYSTEMS, INC. ON BEHALF OF WEST MAIN PROPERTIES, LLC. CONSIDERATION OF THE APPLICATION FROM DELTA DESIGN SYSTEMS, INC. FOR A SPECIAL EXCEPTION USE AND SITE PLAN REVIEW FOR BOAT SALES WITH OUTDOOR DISPLAY AND STORAGE, PURSUANT TO SECTION 30.409 OF THE TOWNSHIP'S ZONING ORDINANCE. THE SUBJECT PROPERTY IS LOCATED AT 8500 WEST MAIN STREET, KALAMAZOO, MI WITHIN THE C:LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-16-180-047.**

Chairperson Loy moved to the next item on the agenda, a Special Exception Use and Site Plan review request from Delta Design Systems, Inc. for Leaders Marine, and asked Ms. Johnston to review the application for Commissioners.

Ms. Johnston told the Board the applicant was seeking special exception use and site plan approval to expand the existing development at 8500 West Main Street. The property is zoned C: Local Business District, which allows outdoor sales of boats, vehicles and recreational equipment as a special exception use per Section 30.409. The property has four existing buildings: the main retail showroom that also includes offices, storage, a place for deliveries and service; a building for pre-owned sales; and two storage buildings. There is also outside storage of boats and trailers on the site. A new showroom, restaurant and drop-off service area is planned, which required relocation of two storage buildings.

She said the applicant plans to develop a new showroom building to expand from the sale of boats to the sale of motorcycles. In addition, the new showroom will include a restaurant that will cater to patrons who attend sale events at the site. A new service drop off area will be developed between the existing service building and the new showroom. Finally, a new parking area is planned to handle the additional traffic generated from the new showroom and additional pavement is planned for circulation around the outdoor boat storage area.

Ms. Johnston said a new septic system is planned to handle the restaurant use. The applicant will need to acquire the necessary permits from Kalamazoo County for the new system. New hydrants are also planned on site to assist with fire protection of the new buildings, as well as the relocated storage buildings. The applicant has also come into compliance with the Landscaping Ordinance to the best extent feasible considering this is an existing site.

Ms. Johnston said the application meets all other required Zoning Ordinance criteria.

She said the proposed expansion is compatible with the current use of the property and is consistent with the additional considerations reviewed for a special exception use. Staff recommended the Planning Commission approve the Special Exception Use and site plan with the following conditions:

- The boat storage racks found at the northern end of the property must be moved to be located within the building setback line. An enhanced 85-foot setback is required for a structures at this location.
- The boat dock that was planned to allow boat testing in the storm water retention area must be removed. No commercial activities can happen outside of the area of the property zoned for C: Local Business District uses.
- The applicant will revise the plan based on any final comments from the Township Engineer.
- A permit for the new septic system to handle the new on site restaurant will be acquired from Kalamazoo County Environmental Health.
- The applicant will work with Township staff to ensure proper plant species development on the landscaping plan.

Chairperson Loy asked if there were questions for Ms. Johnston.

In answer to a question from Ms. Farmer, Ms. Johnston said the motorcycles would be housed in the new 19,500 square foot showroom. The second story housing the restaurant is 17,000 square feet.

She also confirmed for Ms. Smith the location of the retention pond and that it would not include any docks.

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

Mr. Scott Musser, Delta Design Systems, Inc., 8240 Stadium Drive, noted that Mr. Brent Resh and Mr. Matt Resh, owners of Leaders Marine were also in attendance. He said Leaders had acquired a franchise for Indian Motorcycle which requires a showroom that is a minimum of 7,000 square feet with its own door. He noted the restaurant would be vintage Native American themed.

Ms. Farmer asked if the conditions recommended by Staff were acceptable.

Mr. Musser indicated they were and that they would meet with the Township's Parks Director and Engineer to finalize plans.

Chairperson Loy asked if there were any comments from the public.

Mr. Bob Post, 517 N. 8th Street, asked if the retention pond in the area shown on the documents provided could be used for boat testing.

Ms. Johnston said it could be used for that and, if inside the area designated, would be part of normal operations. She also noted neighbors within 300 feet of the property had been notified of the application, but they would not need further notification if the retention pond is used for boat testing as that is already done on site.

Hearing no further comments, Chairperson Loy moved to Board Deliberations.

It was the consensus of the Board that there were no objections to the Special Exception Use or the site plan.

Mr. Antosz made a motion to approve the Special Exception Use for boat and motorcycle sales with outdoor display, contingent on the five staff recommendations. Ms. Smith supported the motion. The motion carried unanimously.

**PUBLIC HEARING: SPECIAL EXCEPTION USE - KALAMAZOO STORAGE, LLC - REQUEST THIS APPLICATION BE TABLED**  
**CONSIDERATION OF THE APPLICATION FROM KALAMAZOO STORAGE, LLC FOR A SPECIAL EXCEPTION USE AND SITE PLAN REVIEW FOR A SELF-STORAGE FACILITY, PURSUANT TO SECTION 41.405 OF THE TOWNSHIP'S ZONING ORDINANCE. THE SUBJECT PROPERTY IS LOCATED AT 7694 STADIUM DRIVE, KALAMAZOO, MI WITHIN THE I1:INDUSTRIAL DISTRICT. PARCEL NO. 3905-34-180-025.**

Chairperson Loy moved to the next item on the agenda and asked Ms. Johnston to review it for the Board.

Ms. Johnston said the applicant had initially intended to bring the plan for a self-storage facility proposed for the above-listed property before the Planning Commission to request special exception use permission and site plan approval to this meeting. While the applicant has been working with Township Staff to refine the site plan as a part of the typical review process, some issues do need to be resolved before a finished plan will be ready. Staff requested the Planning Commission table the application to allow more time for any outstanding matters to be addressed.

Attorney Porter asked that the item be tabled to a date certain to avoid re-posting.

Ms. Johnston noted the applicant felt tabling this request until the July 28 meeting would allow sufficient time to address the outstanding matters.

Ms. Farmer made a motion to table this item until July 28 at the request of the applicant. Mr. Antosz supported the motion. The motion carried unanimously.

**OPTIONAL SKETCH PLAN REVIEW: KALAMAZOO STORAGE, LLC.**  
**PURSUANT TO SECTION 82.500, KALAMAZOO STORAGE, LLC IS REQUESTING**  
**THE PLANNING COMMISSION REVIEW A SKETCH PLAN FOR THE PURPOSES**  
**OF DISCUSSION REGARDING ACCESS TO STADIUM DRIVE.**

Chairperson Loy moved to the next item on the agenda and asked Ms. Johnston to review the request for the Board.

Ms. Johnston said although the applicant elected to have the Special Exception Use request and site plan review tabled until the Planning Commission's July 28<sup>th</sup> meeting, he would still like to discuss the project with the body, specifically his desire to maintain and use the existing Stadium Drive curb cut. This type of non-binding, conceptual review is allowed per section 82.500 of the Oshtemo Township Zoning Ordinance.

As indicated on the attached excerpt from the working draft of the site plan for this project, the applicant would like to have vehicle access to the site via a new driveway off Stadium Parkway and also by way of a pre-existing curb cut on Stadium Drive. Having driveways on both frontages, the applicant asserts, will improve the economic viability of the project without posing any significant safety issues.

Ms. Johnston said during the site plan review process, Township Staff asked the applicant to close the Stadium Drive curb cut, allowing vehicle access from Stadium Parkway only, which was constructed not only in order to serve otherwise landlocked properties to the north, but also to allow safer access to the two affected privately owned properties on Stadium Drive. This arrangement she said, would still allow the applicant sufficient vehicle access to the property while improving the public health, safety, and welfare of both the residents of Oshtemo Township, and any motorist or passenger that travels this stretch of road. The fewer direct access points onto a busy road such as Stadium Drive, which has a 55 mile per hour speed limit at this point, the safer general traffic conditions will be. She noted if a new application came before the Board today, such a curb cut would not be allowed.

She asked that the Planning Commission consider both perspectives, and offer any *non-binding* feedback to the applicant and Township Staff as to whether or not the body would be inclined to allow the Stadium Drive curb cut to remain open or have it closed as a condition of site plan and special exception use approval.

Chairperson Loy asked the applicant to speak.

Mr. Allen Frazier, Kalamazoo Storage, 2526 Miller Road, Kalamazoo, suggested the reason the Parkway was originally built was to keep from landlocking property.

Attorney Porter said the entire parcel was turned over to the Township. The road was built to serve the Township's property and to serve the property to the east because there was contamination from the company who owned it at that time. The Parkway was to serve that parcel.

Mr. Frazier said he was struggling with the line of sight safety issue raised by Staff, though he understands the desire to limit access as put forth in the Access Management Plan. He felt this specific drive has no visibility issue and so doesn't understand where the safety concern lies. His business requires visibility and that is a huge concern. He needs to keep his options open for future development and does not want to be locked into something that will limit them in the future. The plan is a three phase plan to begin with three storage unit buildings with the possibility, depending upon business, of two more phases of three buildings each for a total of nine. He noted the property has been vacant for 29 years and hasn't supported the tax rolls very well. He felt the taxes would likely be in the \$70-80,000 range when the business is developed.

There was an extended discussion between Commissioners and the applicant of other possibilities for driveway locations, the additional costs associated with ideas other than that proposed by the applicant, why the applicant felt there was such a need for visibility of the buildings from the road, what the applicant's plan is for phases 1-3, the Commissioners concern for safety for those driving trailers, vans, etc. being able to see when entering the property, the suggestion of an additional gate for security.

Mr. John Nichols, 2516 Miller Road, noted there would be a self-serve kiosk at the Stadium Drive entry which complicates revisions to the plan.

Mr. Boulding, Sr. suggested signing the entry from Stadium Drive as "entry only" with exit onto Stadium Parkway.

Mr. Frazier said he could entertain that as a compromise and noted he was not trying to be difficult, but the property is challenging because it is long and narrow, he has run the numbers and knows what can be afforded, and he needs flexibility for the back area in the future for a back-up plan. He would like to find a way to compromise.

Mr. Loy said the Commission has to follow the Access Management Plan and suggested Mr. Frazier come up with a plan and they could go from there.

Ms. Johnston said the application was in the process of Fire Department approval and wondered if there was 30 ft. separation between buildings.

Mr. Frazier said there are monitoring wells on the east side of the property that affect the distance available.

Attorney Porter said he did not think the Fire Department would approve the plan; fire trucks would have insufficient turning radius in order to get in to fight fires.

Chairperson Loy said he would hate to have to fight a fire over the top of a building due to insufficient access for the fire trucks. He said he sees a multitude of things that need to be worked out before they even get to the driveway.

Ms. Farmer agreed the applicant has his work cut out for him. The Board has an obligation to follow the Access Management Plan; they have to think about future development as well as individual businesses. If they veer away from the plan it will get muddled down the road. Then the purpose of the plan to make access safe will never come to fruition.

Chairperson Loy said a yes or no vote was not needed at this meeting; the plan needs to be looked at further and there is more than a little to look at. He said the Board did not want to dampen Mr. Frazier's spirit, but they hope he will work on the plan and consider the Board's thoughts. They will let the Fire Department address the fire truck access issue and will need a concrete plan to go forward. He would like to see him go forward with the property, but the plan needs more work.

Ms. Smith noted they had provided non-binding feedback as requested.

### **Any Other Business**

There was no other business.

### **Old Business**

Mr. Bob Post, 517 N. 8th Street, asked about a public hearing considering changes to the Ordinance regarding frontage/width requirements.

Ms. Johnston said the Planning Commission had approved the amended ordinance, sending the amendment to the Township Board who had held the first reading on this issue; the second reading would be during the Township's August 9 meeting.

### **PLANNING COMMISSIONER COMMENTS**

Chairperson Loy noted the success of the first Music in the Park Sunday concert held in June and attended by about 250 people. The second concert in August will feature a blues band. Oshtemo Fun Days will be held on August 20.

Ms. Johnston told the Board Ms. Avery had resigned from the Planning Commission due to the request of her employer, MDOT, who felt there might be issues in the future that would cause a conflict of interest for her. The Township Supervisor is looking for a replacement.

## **ADJOURNMENT**

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Loy adjourned the Planning Commission meeting at approximately 8:25 p.m.

Minutes prepared:  
July 16, 2016

Minutes approved:  
July 28, 2016