

**OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS**

**MINUTES OF A MEETING HELD AUGUST 26, 2014**

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**Agenda**

**PUBLIC HEARING: APPLICANT (KALAMAZOO HOTELS, LLC) REQUESTS VARIANCES FROM THE OSHTEMO TOWNSHIP ZONING ORDINANCE TO ALLOW THE CONSTRUCTION OF A 130 ROOM, FIVE-STORY HOTEL WITH A REAR YARD SETBACK OF 91 FEET, 29 FEET LESS THAN THE 120 FEET REQUIRED BY SECTION 64.750 OF THE TOWNSHIP ZONING ORDINANCE; A 15-FOOT GREENSPACE WIDTH, 20 FEET LESS THAN THE 35 FEET REQUIRED BY SECTION 75.130; AND A SHARED PARKING FACILITY WITH 12 SPACES LESS THAN REQUIRED BY SECTION 68.000. THE SUBJECT PROPERTY IS LOCATED AT 2747 SOUTH 11<sup>TH</sup> STREET IN THE C-LOCAL BUSINESS DISTRICT (PARCEL #3905-25-405-112).**

**SITE PLAN REVIEW: APPLICANT (GLAS ASSOCIATES FOR RRRS DEVELOPMENT LLC) REQUESTS SITE PLAN REVIEW OF A PROPOSED 15,124 SQUARE FOOT OFFICE BUILDING ON A 1.23 ACRE PROPERTY AT 5100 WEST MICHIGAN AVENUE IN THE I-1 INDUSTRIAL DISTRICT. (PARCEL NO. 3905-25-230-018)**

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A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held on Tuesday, August 26, 2014, at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

**MEMBERS PRESENT:** Bob Anderson, Second Alternate  
Cheri Bell  
Lee Larson  
Millard Loy  
Neil Sikora, First Alternate  
L. Michael Smith

**MEMBER ABSENT:** James Sterenberg

Also present were Greg Milliken, Planning Director; James Porter, Attorney; Martha Coash, Meeting Transcriptionist; and nine interested persons.

Due to Mr. Sterenberg's absence, Mr. Sikora was called upon to act as a sitting member for the meeting.

## **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Chairperson Bell called the meeting to order and the "Pledge of Allegiance" was recited.

## **PUBLIC COMMENT ON NON-AGENDA ITEMS**

Chairperson Bell called for public comment on non-agenda items. Hearing none, she proceeded to the next agenda item.

## **APPROVAL OF THE MINUTES OF JULY 22, 2014**

The Chairperson asked if there were any additions, deletions or corrections to the minutes of July 22, 2014. No changes were noted. Mr. Sikora made a motion to approve the minutes as presented. Mr. Smith seconded the motion. The motion was approved unanimously.

**PUBLIC HEARING: APPLICANT (KALAMAZOO HOTELS, LLC) REQUESTS VARIANCES FROM THE OSHTEMO TOWNSHIP ZONING ORDINANCE TO ALLOW THE CONSTRUCTION OF A 130 ROOM, FIVE-STORY HOTEL WITH A REAR YARD SETBACK OF 91 FEET, 29 FEET LESS THAN THE 120 FEET REQUIRED BY SECTION 64.750 OF THE TOWNSHIP ZONING ORDINANCE; A 15-FOOT GREENSPACE WIDTH, 20 FEET LESS THAN THE 35 FEET REQUIRED BY SECTION 75.130; AND A SHARED PARKING FACILITY WITH 12 SPACES LESS THAN REQUIRED BY SECTION 68.000. THE SUBJECT PROPERTY IS LOCATED AT 2747 SOUTH 11<sup>TH</sup> STREET IN THE C-LOCAL BUSINESS DISTRICT (PARCEL #3905-25-405-112).**

The Chairperson said the next item on the agenda was a public hearing on a request from Kalamazoo Hotels, LLC, requesting three variances and asked Mr. Milliken to review the application.

Mr. Milliken said the applicant is proposing to purchase the property that houses the Holiday Lanes bowling alley next to the existing Holiday Inn hotel. The property is accessed from Holiday Terrace on the east side of 11<sup>th</sup> Street south of Stadium Drive. It is located in the C – Local Business District and contains a total of 4.26 acres. The applicant desires to build a new, five-story, 130-room hotel on the property adjacent to the existing hotel. The new hotel would contain a restaurant and meeting room and would replace the bowling alley on the site.

He noted that a hotel is a permitted use in the C district. A site plan is required for the proposed development. Although the applicant could have submitted a site plan along with the variance request and conducted the review concurrently, they opted not to and simply proceed with the variance review at this time. This allows them to know precisely how to proceed with the site plan details before investing significant resources in the development of the site plan.

Mr. Milliken restated that the subject property is in the C zoning district. He explained properties to the north and northwest are also in the C district while properties to the west and south are in the R-3 medium density residential district. To the west are four developed parcels with single family residences, some of which have been converted to office or commercial use. To the south is the Heritage Christian Reformed Church.

He noted this entire stretch of 11<sup>th</sup> Street south of Holiday Terrace has been designated Transitional Mixed Use on the Future Land Use Plan. This indicates the area is both in transition from a predominately residential character to a more intense character – either commercial or service oriented. It is also an area that serves as a transition from the high intensity development on Stadium Drive to the rural character south of Parkview. This is illustrated in the broad mix of uses located along the corridor including apartments, churches, offices, medical clinics, and homes.

Mr. Milliken then addressed each of the three variance requests separately. The first request is for a reduction in the rear yard setback.

He said that for properties in the C district, the setback along interior property lines is 20 feet. When the C district property is adjacent to residentially zoned property – like the R-3 district – the setback is increased to 85 feet. In both cases, when a building is greater than 25 feet in height, the setback is increased by a foot for each foot the building is taller than 25 feet. The site plan and other initial submittals from the applicant indicate that the proposed building is 60 feet tall. This results in a required setback of 120 feet.

Mr. Milliken noted the proposed building is located 91 feet from the south property line thereby requiring the variance from the enhanced setback requirement. This satisfies the 85 foot requirement but fails to satisfy the setback increase required as a result of the additional building height.

He noted the property likely to be most impacted by the proposed encroachment is the church to the south. The existing bowling alley appears to be setback about 25 feet from the south property line but is likely no taller than 25 feet. The proposed hotel will be setback 66 feet further at 91 feet but will also be taller.

Mr. Milliken said the second variance request is for a reduction in the required bufferyard area. The required greenspace area between the C and the R-3 district is a minimum of 35 feet wide and requires four canopy trees, two understory trees, 18 shrubs, and six evergreen trees per 100 feet. The Ordinance does not permit any parking or circulation within the greenspace area. As shown on the site plan, 33 parking spaces are located along the south property line within the 35 foot area. This would reduce the width of the bufferyard area to 15 feet.

He said that again, the greatest impact here is to the church to the south.

Mr. Milliken said the final variance request addresses parking. The proposed hotel has 130 rooms. The Zoning Ordinance requires one parking space for each room. In addition it requires parking be provided for any additional uses provided in the hotel. There is a restaurant proposed in the hotel with 172 seats. With one parking space required for every three seats, 58 seats are required for the restaurant. Therefore, a total of 188 seats is required for the proposed hotel. The proposed site plan shows a total of 113 parking spaces on the subject property.

He noted the adjacent hotel site has a total of 266 parking spaces. It could not be determined with information available what the parking requirement would be for that development. Assuming it is less than 266, the applicant could enter into a shared parking arrangement with the adjacent property to share parking and thus reduce the amount of pavement needed on the property. The applicant has provided evidence of an existing parking agreement from 1986. With such an agreement, the minimum parking requirements is reduced by 10%.

He said the best information he could find in the file for the existing hotel was from 1986 when they were required to provide 246 parking spaces. Those 246 spaces added to the 188 for the proposed hotel results in 434 required spaces between the two hotels. With a shared parking agreement, the minimum requirement is reduced by 10%. The required number of spaces is then 391. The applicant has indicated that there are 379 spaces total on the two properties. Therefore, the variance was noticed for 12 spaces.

Mr. Milliken said the ZBA should review the standards of approval for each of the three separate variances incorporated within the request individually and separate motions made for each one as the criteria for approval apply uniquely to each request. He indicated he would discuss them separately regarding the standards of approval where appropriate.

Mr. Milliken commented that the way the building is designed, it appears to be impossible to site the building on the property without seeking a variance from one setback or another. This is a new building and could certainly be designed in another manner. It could also be reduced in height, although it would need to be reduced by 29 feet in order to comply with the setback requirements.

With denial of the variance, the property is still of good size, zoned commercial, and could be put to a number of different uses. The increased building height and scale of the development result in the need for the variances.

The question for the ZBA to consider is whether the requirement is unnecessarily burdensome considering the existing development, the changing character of the corridor, and the unlikeness that the adjacent property will ever rezone.

For the parking variance, Mr. Milliken said reasonable options for compliance exist through reduction of the size of the hotel or restaurant thereby reducing the number of spaces required. Conformance requires a shared parking agreement

between the applicant and an adjacent similar use. Without this, conformance will be challenging. He noted excess pavement is not a goal, but adequate spaces will need to be secured.

Mr. Milliken noted there were not a lot of relevant examples from the past to use for comparison. He noted a few somewhat similar examples of setbacks, including the Costco development but noted they were not really comparable.

Mr. Milliken explained the site is uniquely shaped and with the enhanced setback requirements, there are limited options for the site layout. Also, he said, the setback and green space requirements are substantial on the west and south sides due to the fact that the property is adjacent to the R-3 district. However, while rare, these are not unique to this property as there certainly are other properties in the Township that are in the C district that are adjacent to residentially zoned properties.

He also said the subject property contains the storm water detention area for both the subject property and the adjacent hotel development. This large pond occupies approximately the northern quarter of the 4.26 acre property. This limits the ability to expand the site and provide additional parking on the site.

Mr. Milliken said the rear yard setback and greenspace variance requests are a result of the C district being adjacent to the R-3 district, which was not created by the applicant. They are also a result of the size and scale of the proposed development, which is based on the submittal of the applicant.

He noted the parking variance is created by the need for additional spaces resulting from the size of the proposed development.

Mr. Milliken explained requirements are greater than for most C zoned parcels due to the fact that the site is adjacent to a parcel in the R-3 district. These are not new requirements, and there are many other properties that must meet the same requirements. Considering these requirements and the parking variance as well, the Board should consider whether too much is being located on this site.

In summary, Mr. Milliken said the alternative for the Board to consider is whether the fact that the 11<sup>th</sup> Street corridor is in transition and no longer of a purely residential character reduces the need for the enhanced protection requirements along the south property line of the subject property.

Approval of any variance should be conditioned upon approval of the site plan in conformance with your variance decision.

Chairperson Bell asked if Members had questions.

In answer to a question from Mr. Smith who wondered if the shared access agreement would be binding when ownership changes hands, Attorney Porter said that it would be binding.

Mr. Milliken noted no informal inquiries were made nor input received after formal notice was given regarding the application with the exception of the adjacent hotel who submitted a letter for your review and is present at the meeting.

Attorney Porter reminded the board that they need to reach consensus based on the facts regarding each individual variance.

Chairperson Bell thanked Attorney Porter and asked whether the applicant wished to speak.

Mr. Asad Malik, Kalamazoo Hotels, LLC, said he had spoken with Mr. Milliken several times about this location and had no negative responses following discussions with the secretary of the Church. He explained the design for the multi-story, flat roofed hotel reflects new design criteria for Holiday Inn. He also noted the restaurant in the hotel will be primarily for guests, that Holiday Inn mandates that three meals per day be provided, but that it will not be marketed to the larger community, and as a result extra parking over what is proposed will not be necessary. It is their understanding the cross-access agreement will remain in place.

Chairperson Bell asked Mr. Milliken to clarify that the decision on the bufferyard / greenspace would impact the additional needed parking. He confirmed that if the buffer variance was denied, additional parking would be required to make up for the 33 lost spaces.

Mr. Rich VanDever, engineer for Kalamazoo Hotels, LLC, confirmed there were multiple locations where parking spaces could be added that might not require a variance, but that they were trying to cover all eventualities with their proposal.

There being nothing further from the applicant, the Chairperson asked for public comment.

Mr. Bob Soltis, representing the owners of Holiday Inn West, said when Holiday Inn West bought the hotel from Greenleaf Management Company in June of 2014, parking was an issue. He feels parking will be a nightmare if the applicant's project is approved, that two hotels and two restaurants is too much building for the available land.

He also referred to a letter from Mr. Ron Elenbaas, President and CEO of Greenleaf Hospitality Group, that in the seven years they operated the hotel, there were about 15 – 30 times per year that parking "spilled over" into the Holiday Lanes parking area and that if Holiday Lanes had been using all or most of their spaces at the same time there would have been a shortage of parking.

Mr. Soltis stated that he believes the number of parking spaces needed for patrons of the proposed hotel and restaurant is 130 (hotel) plus 58 (restaurant) and that

by ordinance more are required for employees and possibly more (one for each seat) in the restaurant. He estimated what was requested was short by 30 – 40 spaces. He felt the answer is to either reduce the size of the proposed building or to find another use that does not require variances that he feels are self-created.

He also addressed the building height which requires the setback variance and noted the original drawing had elevations as high as 69.6 feet, which would require a setback of 130 feet rather than 120. They feel a qualifier for the Board to take into account is that this is a practical difficulty and hardship of the applicant's own making.

Mr. Soltis said they feel a building can be designed and built without variances and asked that the Board deny the applicant's request.

Mr. Lee Coats, Berkshire Hathaway, said the peak usage noted in the letter from Greenleaf occurs between six p.m. and midnight and that there would not be more pressure for spaces with the new business; the overflow parking area was designed to work with the circumstances. He said north of the existing hotel and south is generally not where people will park when they check in.

Mr. Fred Gould, Heritage Christian Reformed Church, said he had not been aware of this situation until a few days ago, and noted the church has some concerns including higher traffic flow, possible impact on the value of parcels the church owns that they may wish to sell in the future, their wish to continue easy access to the church to hotel guests, the desire for continued privacy, possible spillover to their lots and attendant vandalism and littering issues. He expressed the desire to work with developers to establish a privacy barrier for whatever is built adjacent to the church.

Mr. Peter Walstra, the Hill Hotel Group, manager of the existing hotel, wants to work with the new ownership group. They have 25 years' experience with Holiday Inn West and are familiar with the property. He said for 15 – 20 years the hotel has averaged occupancy rates of about 60%. It is expected that will rise to 75% - 80% and noted the rush hours would be similar for both hotels, from 6 – 9 a.m. and 4-7 p.m. A big concern is incoming traffic and only one 2-lane road access. He said he does see spillover parking as an issue - the site plan has both hotel entrances facing each other so guests will want to park in the same area for both hotels, creating a bottleneck.

Mr. Malik said he does not know what happened in the past or potentially in the future, but hopes to bring a great opportunity to the Township and to be a great neighbor and member of the community. That is what they have done elsewhere. He assured the Board they are flexible and want to work with the Township. He noted there will be multiple open entrances at the hotel providing accessibility and 24 hour coverage for the entrances.

Mr. Soltis noted Holiday Inn West will remain in the location in question for the next two and a half years and that nothing can be built during that time.

Hearing no more public comment, Chairperson Bell moved the meeting to Board Deliberations, noting they would try to discuss each variance one at a time.

In response to a question from Mr. Smith about the true height of the building, it was confirmed that the majority of the building was 60 feet, the center 70 feet.

The Board discussed the rear yard setback variance.

Mr. Loy noted that the highest point of a building is what must be considered for the variance. He was not ready to set the variance at 39 feet since that is not enough due to the proposed building height. He noted the height, setback, and bufferyard also includes parking. The church had to keep a buffered area for shielding, and that if the setback is infringed upon, the buffered area is also affected. He said the Costco situation was very different, that what is across from that site is an industrial area. He does not want to infringe on the church. He also noted Holiday Inn West has not maintained their side and reiterated the Costco situation is very different.

There was some discussion of the transitional zoning. Mr. Millard noted the area is R-3 for all intents and purposes and Attorney Porter stated land use is different from zoning.

There was also discussion of what access the Fire Department might need although the site plan has not yet been developed.

Chairperson Bell noted that although a variance of 39 feet is not really what is needed, that is what was requested, and so is the maximum that could be granted. Mr. Milliken concurred and stated that if approved, the plans would need to be designed to accommodate the variance that is approved.

Mr. Smith said he did not see the point of approving a variance that would end up having to go “back to the drawing board.”

Attorney Porter suggested the Board consider the standards of approval and base each motion based on that criteria.

Mr. Loy took the Board through the criteria and standards of approval:

*Is Conformance Unnecessarily Burdensome? No*

*Are reasonable options for compliance available? Yes*

*Does reasonable use of the property exist with denial of the variance? Yes*

*Substantial Justice – Parking problem*

*Unique physical circumstances – Side setback, rear setback are more substantial*

*Self-created hardship – Yes, can build something else*

*Spirit of ordinance observed – No – too close*

Chairperson Bell said she did not want to have the Board have to re-review this variance and asked Attorney Porter if it could be tabled.

Attorney Porter said it could be tabled so the applicant could amend the variance request, and it would then need to be re-noticed for a public hearing.

The Chairperson asked Mr. Milliken if the building would have to be substantially shorter to be able to comply with a variance of 39 feet. Mr. Milliken indicated it would have to be no taller than 31 feet in height. There would still be an issue however if parking is located in the greenspace area.

Chairperson Bell said she understood that denying the variance would mean the building would need to be much shorter and would look much different from what was requested, or they would be looking at another variance request later.

Mr. Sikora said he agreed with Mr. Loy's analysis that the rear yard setback variance request does not meet Township Standards of Approval.

Mr. Loy made a motion to deny the request for a setback variance since it does not meet the Standards of Approval as determined through Board deliberation. Mr. Smith seconded the motion. The motion to deny the request was approved unanimously.

The Board then reviewed the bufferyard variance.

Mr. Sikora asked if this request is different from the current bowling alley.

Mr. Milliken said the bowling alley pre-dates the standard, which he believes was adopted in 1986.

Mr. Larson said the buffered areas between zoning districts are a critical component and need to be preserved; there is no justification to reduce it.

Mr. Loy considered the standards of approval criteria:

*Is Conformance Unnecessarily Burdensome?* No, not if the building is moved  
*Are reasonable options for compliance available?* Yes can comply if building footprint is changed

*Does reasonable use of the property exist with denial of the variance?* Yes  
*Substantial Justice* – Yes, other properties in the area have to maintain buffers between two different zones

*Unique physical circumstances* – There are unique circumstances between C-1 and R-3 zones

*Self-created hardship* – Yes, they could do other things

*Spirit of ordinance observed (public safety, welfare)*– Ok if variance granted, but can't grant when what they will do with it in the end is unknown; still must address parking

The Chairperson noted that the church is required to observe the rules when built; variances were granted for the Holiday Inn West; that speaks to substantial justice and Mr. Loy noted that was done long after the Holiday Inn West was built.

There was discussion of the intent to preserve non-commercial zones from more commercial zones in transitional areas. Mr. Milliken noted this is a question to consider. He said there were few examples of parking in a buffered area and mentioned Costco, where the right of way width adjacent was significant, and a housing development on Croyden where it had been allowed.

Chairperson Bell asked Mr. Milliken to confirm that the point of the variance is parking, and how it relates to the first variance if granted. He said if the request is kept in place and the building is shifted north, there would be room for parking along the south end outside the bufferyard. However, this would likely create setback issues along the north property lines.

Mr. Loy made a motion to deny the variance request for parking in the bufferyard since it does not meet the Standards of Approval as determined through Board deliberation. Mr. Larson seconded the motion. The motion to deny the request was approved unanimously.

The Board discussed the final variance request regarding parking.

Mr. Milliken recommended the Board table the third request for variance regarding parking. The first two variance requests drive the site plan. Since the building will have to be altered to conform, parking is a moot issue at this time.

Mr. Loy noted that since parking is limited currently, it will be necessary to be diligent with cross access.

Mr. Larson added there a many new techniques for stormwater management that could make the area much more usable.

Mr. Loy made a motion to table the variance request for a reduction in the parking minimum. Mr. Smith seconded the motion. The motion was approved unanimously.

**SITE PLAN REVIEW: APPLICANT (GLAS ASSOCIATES FOR RRRS DEVELOPMENT LLC) REQUESTS SITE PLAN REVIEW OF A PROPOSED 15,124 SQUARE FOOT OFFICE BUILDING ON A 1.23 ACRE PROPERTY AT 5100 WEST MICHIGAN AVENUE IN THE I-1 INDUSTRIAL DISTRICT. (PARCEL NO. 3905-25-230-018)**

Chairperson Bell said the next item on the agenda was a site plan review for a 15,124 square foot office building at 5100 West Michigan Avenue in the I-1 Industrial District and asked Mr. Milliken to speak regarding the request.

Mr. Milliken told the Board the subject property is located at 5100 West Michigan Avenue, on the north side of West Michigan Avenue between Drake Road and US-131.

It is a vacant property 1.60 acres in size with 281 feet of frontage on West Michigan Avenue. The vacant parcel is adjacent to two additional parcels to the east and north under similar ownership. The parcel is located in the I-1 Industrial District, as are the properties to the east and west. The property to the north is located in the I-2 Industrial District.

He said the applicant proposes to build a new 15,124 square foot, two-story building with an additional lower walk-out level on the vacant site to house its headquarters. An office building is a permitted use in the I-1 district, and therefore site plan review is required from the Zoning Board of Appeals. He noted fifty-seven parking spaces are proposed and will be located to the north, south, and east of the proposed building. Leaching basins and an infiltration pond are included to accommodate the stormwater.

Mr. Milliken explained that although the adjacent parcels are under similar ownership, they are identified as three individual parcels. Although there is no indication that the owner intends to combine the parcels, nonetheless, there are several elements of the site plan that require coordination between the parcels such as cross-access parking, connected driveways, shared drainage, and shared access. Therefore, if each will maintain its individual boundaries and identification, easements will need to be developed and recorded to ensure these coordinated elements are preserved regardless of future ownership situations.

He said access to the new building will be provided from West Michigan Avenue. The proposed site plan calls for the removal of the existing access point located on the parcel to the east and connection of the parking lots between the parcels to allow for the new access point onto West Michigan to serve both parcels. This satisfies the access management requirements of the Township and results in a 10% reduction in the minimum parking requirement for the site.

He noted for an office building, one parking space is required for each 150 square feet of net floor area. The 9,405 square feet of net floor area results in 63 required spaces, and with the 10% reduction for the shared parking, the requirement is 57 spaces. The plan provides 57 spaces.

He referenced the Fire Marshall's comments, in which he raised concerns regarding the turning radii at various points on the site and the inability for fire engines to safely access the site. The site plan was subsequently amended and the Board was provided with the revised plan with radii to accommodate these vehicles. He said all of the Fire Marshall's comments had been addressed.

Mr. Milliken said according to Zoning Ordinance requirements, a sidewalk is required along West Michigan Avenue. The applicant has indicated on the site plan an intention to defer the sidewalk through the payment of an escrow to the Township for future installation.

He indicated a landscape plan was provided demonstrating the landscaping proposed as part of this development. Both perimeter landscaping and parking lot landscaping is required.

In addition, he said a lighting plan proposes a total of six LED pole mounted lights around the perimeter of the parking lot to provide site lighting. The light levels are maintained on the property and do not spill over onto adjacent properties or right of ways. The height of the fixture and wattage are also in conformance with Township standards.

He said both the Township Engineer and Fire Marshall reviewed the proposed plans and provided comments, that the applicant provided revised plans subsequent to receiving those comments, and those revised plans are what was included in the Board's packets.

Mr. Milliken indicated the proposal met all Standards of Approval.

He concluded by saying that if the Board is inclined to approve the request, his staff report includes several recommended conditions of approval.

Chairperson Bell asked if there were any questions for Mr. Milliken regarding the application. Hearing none, she asked the applicant to speak.

Mr. Steve Bosch, of Bosch Associates, spoke on behalf of Glas Associates, and said he would be happy to answer any questions from the Board. He said he believed this would be a great development and feels they have complied with all Township ordinances.

Mr. Larson asked about stormwater runoff.

Mr. Bosch said there would be no problem absorbing stormwater runoff with the plan as presented.

Hearing no further questions for the applicant from Board members, Chairperson Bell asked if there were any public comments.

There were no public comments and the Chairperson moved to Board Deliberations.

Mr. Loy said he was glad to see the provision for sidewalks escrow included in the plan and that he saw no problems with the application, that the revised application met all requests.

Hearing no further comments, Chairperson Bell asked for a motion to approve the site plan request.

Mr. Loy made a motion to approve the request, subject to the seven conditions of approval included in this report in the text below.

1. A sign permit is required before any new signs are installed on site, and all signage shall conform to the requirements of the sign chapter of the Zoning Ordinance.
2. If the parcels remain separate as shown on the submitted site plan, then easements for several elements that traverse parcel boundaries are required including but not limited to storm drainage, shared access, and shared parking lots.
3. Receipt of a driveway permit from the Kalamazoo County Road Commission for construction of an access point on West Michigan Avenue.
4. Submittal of an escrow payment for the required sidewalk along West Michigan Avenue.
5. Stormwater drainage plan is amended as needed to comply with the comments of the Township Engineer.
6. Site plan approval is subject to the approval of the Fire Department, pursuant to adopted codes.
7. Site plan approval is subject to the review and acceptance of the Township Engineer as adequate.

Mr. Sikora seconded the motion. The motion was approved unanimously.

### **ANY OTHER BUSINESS / ZBA MEMBER COMMENTS**

Chairperson Bell said she felt the meeting went well.

Attorney Porter noted the Board did a good job evaluating a difficult application by taking each issue one at a time, and that approach created a clear, reviewable record.

Mr. Milliken noted there are three items for next month's agenda to date.

Mr. Loy informed the Board all trees have been planted and the canopy has been erected for the gas station at the Costco site.

## **ADJOURNMENT**

Chairperson Bell noted the Zoning Board of Appeals had exhausted its Agenda, and with there being no other business, she adjourned the meeting at approximately 4:59 p.m.

Minutes prepared:  
August 28, 2014

Minutes approved:  
September 23, 2014