

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD JULY 13, 2017

Agenda

PUBLIC HEARING: SPECIAL EXCEPTION USE – LEADERS RPM

CONSIDERATION OF AN APPLICATION FROM DELTA DESIGN SYSTEMS ON BEHALF OF WESTMAIN PROPERTIES, LLC AND LEADERS RPM FOR A SPECIAL EXCEPTION USE AND SITE PLAN REVIEW TO CONSTRUCT A NEW SERVICE BUILDING TO PROVIDE BOAT SALES AND SERVICE. THE SUBJECT PROPERTY IS LOCATED AT 8500 WEST MAIN STREET WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-16-180-047.

PUBLIC HEARING: CONDITIONAL REZONING – ADVIA CREDIT UNION

CONSIDERATION OF AN APPLICATION FROM ADVIA CREDIT UNION, ON BEHALF OF MARILYN LONGJOHN, PATRICIA DYKSTRA AND DAVID ASH, FOR A CONDITIONAL REZONING OF APPROXIMATELY 40 ACRES OF LAND LOCATED ON THE NORTH SIDE OF WEST MAIN STREET MID-BLOCK BETWEEN 9TH AND 10TH STREETS, FROM THE R-2: RESIDENCE DISTRICT TO THE C: LOCAL BUSINESS DISTRICT WITH CONDITIONS TO ALLOW FOR THE DEVELOPMENT OF AN ADMINISTRATIVE OFFICE BUILDING. PARCEL NOS. 3905-14-255-010 AND 3905-14-255-050.

SITE PLAN REVIEW: WEST MAIN FAMILY DENTISTRY

CONSIDERATION OF AN APPLICATION FOR SITE PLAN REVIEW FOR A NEW DENTIST OFFICE LOCATED ON A VACANT PARCEL ON THE SOUTH SIDE OF WEST MAIN STREET, APPROXIMATELY 1250 FEET EAST OF 9TH STREET. PARCEL NO. 3905-15-405-010.

SITE PLAN REVIEW: MITN MEMORY CARE FACILITY

CONSIDERATION OF AN APPLICATION FOR SITE PLAN REVIEW FOR A NEW RESIDENTIAL MEMORY CARE FACILITY LOCATED AT 6203 STADIUM DRIVE. PARCEL NO. 3905-26-480-020.

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, July 13, 2017, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT:

Wiley Boulding Sr., Chairperson
Fred Antosz, Vice Chairperson
Cheri Bell
Ollie Chambers
Dusty Farmer, Secretary

Bruce VanderWeele

ABSENT: Mary Smith

Also present were Julie Johnston, Planning Director, James Porter, Township Attorney, Martha Coash, Meeting Transcriptionist, and approximately 40 interested persons.

Call to Order and Pledge of Allegiance

Chairperson Boulding, Sr., called the meeting to order at approximately 7:00 p.m., and the “Pledge of Allegiance” was recited.

Agenda

Chairperson Boulding, Sr. asked if there were any additions, deletions or corrections to the Agenda. Hearing none, he asked for a motion to approve the agenda.

Mr. VanderWeele made a motion to approve the agenda as presented. Mr. Chambers supported the motion. The motion passed unanimously.

Public Comment on Non-Agenda Items

The Chairperson called for public comment on non-agenda items. Hearing none, Chairperson Boulding, Sr. moved to the next agenda item.

Approval of the Minutes of June 8, 2017 and of the Work Session of June 23, 2017

Chairperson Boulding, Sr. asked if there were any additions, deletions or corrections to the Minutes of June 8, 2017.

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

Mr. VanderWeele made a motion to approve the Minutes of the Regular Meeting of June 8, 2017 as presented. Ms. Bell supported the motion. The motion was approved unanimously.

Chairperson Boulding, Sr. asked if there were any additions, deletions or corrections to the Minutes of the Work Session held June 22, 2017.

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

Mr. Chambers made a motion to approve the Minutes of the Work Session of June 8, 2017 as presented. Ms. Bell supported the motion. The motion was approved unanimously.

**PUBLIC HEARING: SPECIAL EXCEPTION USE – LEADERS RPM
CONSIDERATION OF AN APPLICATION FROM DELTA DESIGN SYSTEMS ON
BEHALF OF WESTMAIN PROPERTIES, LLC AND LEADERS RPM FOR A SPECIAL
EXCEPTION USE AND SITE PLAN REVIEW TO CONSTRUCT A NEW SERVICE
BUILDING TO PROVIDE BOAT SALES AND SERVICE. THE SUBJECT PROPERTY
IS LOCATED AT 8500 WEST MAIN STREET WITHIN THE C: LOCAL BUSINESS
DISTRICT. PARCEL NO. 3905-16-180-047.**

Chairperson Boulding, Sr. moved to the next item on the agenda and asked Ms. Johnston for her presentation.

Ms. Johnston said 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 sales of boats and trailers on the site. In 2016, the applicant received approval from the Planning Commission for a new show room, restaurant and drop-off service area, which required relocation of two storage buildings. The development of that plan has been placed on hold, except for the relocation of the two storage buildings, which has already occurred.

The requested site plan was for the development of a 26,100-square foot service building located to the east of the existing pre-owned sales showroom building. The requested building will have 28 bays for boat service and repair. A new parking area is planned with additional pavement for circulation around the proposed service building.

A planned new septic system will require approval from Kalamazoo County. New hydrants are also planned on site to assist with fire protection of the new building, 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 indicated the use meets the additional criteria of Section 60.100 of the Zoning Ordinance regarding a Special Exception Use request.

She indicated 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:

1. The applicant will revise the plan based on any final comments from the Township Engineer.
2. A permit for the new septic system will be acquired from Kalamazoo County Environmental Health.
3. The applicant will work with Township staff to ensure proper plant species development on the landscaping plan.
4. Final placement of fire hydrants will be review and approved by the Township Fire Marshal.

Chairperson Boulding, Sr. thanked Ms. Johnston for her comments and asked if there were questions from the Board.

Mr. Antosz confirmed the back portion of the property is zoned RR and asked whether the site plan approved last year has been put on hold due to a time limit.

Ms. Johnston said the new showroom and restaurant approval expired earlier this month and that if the applicant wishes to move forward with that in the future it will need to come before the Planning Commission again for review.

The Chairperson asked whether the applicant wished to speak.

Mr. Scott Musser, Delta Design Systems, Inc. indicated the applicant was agreeable to all listed Staff conditions and asked if there were questions from the Board.

There were no further questions from the Board, nor were there any comments from the public; Chairperson Boulding, Sr. moved to Board Deliberation. Hearing no comments from Board Members, the Chair asked for a motion.

Ms. Bell made a motion to approve the Special Use Exception as presented contingent on the four conditions recommended by Staff. Mr. Chambers supported the motion. The motion was approved unanimously.

**PUBLIC HEARING: CONDITIONAL REZONING – ADVIA CREDIT UNION
CONSIDERATION OF AN APPLICATION FROM ADVIA CREDIT UNION, ON
BEHALF OF MARILYN LONGJOHN, PATRICIA DYKSTRA AND DAVID ASH, FOR A
CONDITIONAL REZONING OF APPROXIMATELY 40 ACRES OF LAND LOCATED
ON THE NORTH SIDE OF WEST MAIN STREET MID-BLOCK BETWEEN 9TH AND
10TH STREETS, FROM THE R-2: RESIDENCE DISTRICT TO THE C: LOCAL
BUSINESS DISTRICT WITH CONDITIONS TO ALLOW FOR THE DEVELOPMENT OF
AN ADMINISTRATIVE OFFICE BUILDING. PARCEL NUMBERS 3905-14-255-010
AND 3905-14-255-050.**

Chairperson Boulding, Sr. moved to the next item on the agenda and asked Ms. Johnston for the Staff report.

Ms. Johnston explained the applicant is requesting the Planning Commission consider a conditional rezoning of two parcels from their existing R-2: Residence District zoning with optional West Main Overlay to the C: Local Business District as allowed by *Section 53.00: Conditional Rezoning* of the Zoning Ordinance. The subject parcels total 37 acres with just over 1,000 feet of frontage on the north side of West Main Street just east of the existing Meijer development. The majority of the subject property is vacant, but a single-family home does exist on a small parcel addressed as 6404 West Main Street. The property is currently owned by the Longjohn Trust, and the applicant has an option to purchase pending various approvals. The owner has given consent to this application.

She said the applicant wishes to develop one large structure to accommodate their administrative offices. In addition, they would like this building to house a credit union branch with some other possible small-scale retail that would be supported by an office use. Finally, they would like to have the ability to develop some additional small commercial out-lots, similar to what is found fronting Meijer on West Main.

Ms. Johnston noted the current R-2 District does not permit the uses desired by the applicant. The applicant then investigated the possibility of utilizing the optional West Main Overlay Zone to develop their proposed uses, which would be permitted by right within this district. But, when reviewing the regulations of the West Main Overlay, staff noted *Section 50.403: Building Requirements*, which limits the overall size of multi-story buildings, as follows:

- C. The footprint of a single-story building shall not exceed 25,000 square feet of floor area; a multi-story building shall not exceed 35,000 square feet of gross floor area. This shall not include basement or other below ground development.*

She explained this limitation in size would require Advia to develop a number of separate buildings to accommodate their office needs. This was not the type of development Advia wished to design. Their desire is to have all of their administrative functions in one office building. An additional hurdle was the depth of the commercial

zoning within the West Main Overlay on the north side of West Main Street, which is only 350 linear feet deep from the right-of-way line. This is approximately 200 linear feet less than the property immediately to the east of the subject site and 170 linear feet less than the properties on the south side of West Main. The scale of the intended office building would not fit into the limited area zoned commercial on this parcel within the West Main Overlay.

After discussion with Planning Staff regarding the limitation of the West Main Overlay, Ms. Johnston said the applicant was informed about the possibility of a conditional rezoning which is a mechanism that allows anticipated concerns or unique circumstances to be addressed or managed by attaching conditions to a rezoning request. The conditional rezoning process follows the same steps and procedure as a traditional rezoning with the exception that the applicant may offer conditions that place additional restrictions or limitations on their property. Per *Section 53.300: Application Review*, the Planning Commission, after a public hearing, may recommend changes to the conditions offered, provided that any conditions are acceptable to and thereafter offered by the applicant.

Ms. Johnston told the Board the applicant provided a concept plan and a list of conditions for the Planning Commission's consideration.

- Condition #1: All requirements of the West Main Overlay will be met except for Section 50.403.C, which limits building size and Section 50.403.F, which dictates rural architectural character.
- Condition #2: The 150,000-square foot administrative building will be designed to fit into the natural topography of the site, reducing the impacts of height on neighboring properties and the West Main corridor. Additional retail buildings will comply with the West Main Overlay district requirements.
- Condition #3: The parcel will contain no residential development.
- Condition #4: In addition to setback requirements in the Township ordinance, buildings and structures on the parcel will have a minimum setback of 100 feet where the parcel abuts property with an R-1 or R-2 zoning classification.
- Condition #5: The 100-foot buffer adjacent to R-1 and R-2 zoning will include berming and evergreen trees to mitigate noise and light from the subject property.
- Condition #6: The parcel will have no entrances and exits onto Westlins Avenue or Bunkerhill Drive.

Condition #7: If the sale to Advia Credit Union does not take place, the land shall revert to its former zoning classification.

Ms. Johnston indicated Staff recommends two new conditions and a revision to Condition #5, as follows:

Condition #5 Revised - The 100-foot buffer adjacent to R-1 and R-2 zoning will include undulating earth berms with varying heights constructed with slopes not to exceed a one to three gradient. Berms will be protected with sod, seed or a natural ground cover. Evergreen trees will be planted near the berm at a rate of two trees every 100 linear feet to mitigate noise and light from the subject property.

New Condition - Cross access, either through a public road or private service drive, to the properties located to the east and west of the site will be provided as generally outlined in the West Main Street Sub-Area Plan. In addition, this cross-access drive will connect to a signalized intersection at West Main Street, as approved by MDOT and the Township.

New Condition - Nonmotorized connections will be provided within the property, to adjacent developments, and to the nonmotorized path found next to West Main Street.

She indicated generally recognized factors to consider when reviewing a rezoning or conditional rezoning request:

1. Master Plan Designation
2. Consistency of the Zoning Classification in the General Area
3. Consistency and Compatibility with General Land Use Patterns in the Area
4. Utilities and Infrastructure
5. Reasonable Use under Current Zoning Classification

Ms. Johnson listed the following three options for the Planning Commission's consideration regarding this request:

- A. Recommend a conditional rezoning to the C: Local Business District to the Township Board with the conditions presented by the applicant.
- B. Request the applicant consider revised conditions per *Section 53.300: Application Review* and if acceptable to the applicant, recommend approval of the conditional rezoning to the C: Local Business District to the Township Board with the revised conditions presented by staff.
- C. Deny the request.

Ms. Johnston said Staff recommended the Planning Commission consider a conditional rezoning to the C: Local Business District with the revised conditions. The

uses planned for the site meet the intent of the West Main Street Sub-Area Plan and Overlay Zone and the restrictions placed on the property by the applicant will assist with compatibility of the project with adjacent residential development and along the West Main corridor.

Chairperson Boulding, Sr. thanked Ms. Johnston for her report and asked whether Commissioners had questions for her.

In answer to a question from Ms. Bell about the difference in depth of the zoning with the Bronson property, Ms. Johnston said she was not here when the conditional overlay was approved that approved Commercial zoning at different depths on the property, but conjectured that it was designed to allow enough property to the north to allow for residential development.

Attorney Porter explained there is a certain degree of latitude; an overlay zone does not have to follow property lines.

Ms. Farmer wondered how many buildings could be built on the property if the conditional zoning was not approved.

Ms. Johnston said the entire area could be residential development without coming to the Board. If a PUD were utilized the request would need to come before the Board with a certain percentage assigned as residential and a certain percent as commercial. If zoned residential, at least four lots per acre could be developed on 20 acres. Roads would have to connect to the neighborhoods.

Ms. Farmer noted the design presented is just conceptual and wondered if the application is approved to move to the Township Board how much the plan could change.

Ms. Johnston said the conditions approved must be complied with, which include no residential development, meeting the intent of the Sub-Area Plan for commercial uses, no roads connecting to the residential neighborhood, connections to Bronson and Meijer, etc. She indicated the connection could be a public road or common access drive. That determination would be made during site plan review and work with MDOT for a mid-block signal.

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

Ms. Cheryl DeBoer, President of Advia, 1870 S. 8th Street, said she is very excited about this expansion and move to Oshtemo Township. Advia is out of space in its current 24,000 square foot building in Parchment. This expansion will bring jobs to Oshtemo Township; Advia will be a great community participant.

She said they plan to include a coffee/sandwich shop on the first floor as well as a community room that would accommodate 100 people and would be open to the public for reservation at no fee during open hours, which will end at 7:00 p.m. Walking paths will be included for use by employees and neighborhood residents. She understands the buffer concerns of neighbors and said they are open to a different path for cross access, but is concerned about security, safety and liability depending how it is routed.

Chairperson Boulding, Sr. asked if there were questions from Commissioners.

There were several questions regarding cross-access.

Ms. Johnston said she wanted to be sure there are “teeth” in a conditional rezoning approval to be sure cross access occurs. The path it takes can be worked out in the site plan review process.

Attorney Porter explained that based on President DeBoer’s statement she consents to condition #2, it is just a matter of location, she just does not want the access to run straight across the property.

Ms. DeBoer agreed that Attorney Porter’s description of her position was correct.

Ms. Farmer expressed concern about homeless people who have encampments on the property and how they would be treated.

Attorney Porter explained law enforcement always tries to assist and direct people to public benefits/agencies for access to public services.

Hearing no further questions, Chairperson Boulding, Sr. opened the meeting for public comment.

Mr. Charles Lawson, Westport, expressed his concern about the proposed size of the building saying it would be six times the size of Advia’s current office building and close to the size of three football fields, three stories high.

Ms. Marge Kobalinski, Westport, said they have tried for years to get a left turn lane at 10th Street and wondered what assurance there was from MDOT for a light. She was also concerned about the proposed size of the building and felt it would be out place and not compliant with rules for rural architecture. She wondered if Advia would consider two stories rather than three. She also expressed concern about possible storm water runoff flooding the area, and worried about security with a community room that may be open in the evenings at some point. She wondered if the open hours would be in place forever or whether they could be changed.

Mr. Louis Williams commented his property is right at the edge of the property in question and that the addition of some pine trees will not help preserve the view from

his windows. He noted a bank in the neighborhood has been robbed three times in nine years and that a large financial institution cannot be handled in the neighborhood. He cited increased traffic and a resulting increase in accidents in an already congested area due to increased employees and customers. He asked the Commission to deny the request.

Ms. Cheryl Webber, Treadle Lane, said there are many small children, elderly residents in the secluded, quiet neighborhood with relatively high taxes already and she does not want such a large facility built so close the neighborhood and negatively impacting property values. She asked that the application be denied.

Ms. Emily Vinic, 1115 Bunker Hill Drive, said this development will literally be in her back yard. She moved there recently, restoring a house that was in foreclosure, and appreciates the privacy and nature. She wondered how long before evergreens planted will block her view of the building. She spent much time and effort on her property and will be crushed to have the whole reason she moved there ruined. She was also concerned about storm water runoff as the water retention pond next to her property already overflows occasionally.

Mr. Steven Langeland, 6104 Old Log Trail, talked about Ms. Gertrude Wilbur, past Oshtemo Township Clerk for many years, whose vision for the future of the Township was that, although she knew there would be development, hoped that West Main would not become another Westnedge Avenue. He said she would never approve this project. He asked what other similar size building is adjacent to a residential neighborhood and said this development would not be consistent with the Township Plan. West Main traffic is congested, the development will affect everyone and is not fair. Advia has a history in Parchment and should build there.

Mr. Bill Schrader, Old Post Road, said he did not see that a three-story building at this location makes sense, 100-foot buffer is inadequate, the parking lot will be lit all night and the quality of life for neighbors will be impacted.

Ms. Ann Soukup, 6338 Sugar Bush Trail, noted her husband submitted a letter regarding this issue the Township and said she moved to the Township to enjoy the quality of life on her acre of land with trees and gardens and asked what "rural" means. A three-story building in the neighborhood is inappropriate. Screening will be inadequate. Excessive urban sprawl is not wanted. At least in Portage green space is designated with parks. She was concerned about eliminating trees and decreased property values. Although the tax revenue may be substantial, the development will cause eco-system disruption. That must be weighed against the quality of life. She said this project is totally unacceptable and asked that Commissioners not let it happen.

Ms. Elona Klem, 3108 Bramble, said she is a fairly new resident of the Township and was concerned about the number of employees in the building that will increase crowding of West Main Street and noted there are not enough places for them to eat lunch nearby. She noted the concentration of financial institutions in the area and felt

the expansion of Advia would be a greater asset to Parchment. She indicated she was a retired bank vice president and never worked for a bank with a community room which she felt was a security risk and that its inclusion in the project was a diversion.

An unidentified resident noted 27 years of living in a nice, quiet and peaceful neighborhood, called the proposed building a monstrosity that would cause increased auto accidents on West Main Street and asked that the Board use its common sense and let the neighborhood continue to remain peaceful.

Ms. Kirsten Marshner said she worked for Advia, and as a resident of Oshtemo Township thinks the 40 acres next to Meijer will be developed, that it is not economic reality to believe otherwise, and thinks Advia will be an excellent neighbor.

Mr. Dave Ash, 6404 West Main Street, said banks are good neighbors since they are not open at night and that the property will be developed eventually. He said the concept of a changing traffic light between 9th and 10th Street has been needed for a long time and that MDOT needs to act where 40,000 cars travel each day. The lanes have been expanded several times and there is too much traffic. He felt the cross access does not need to be straight east – west and supported the concept of a walkway for neighbors.

Chairperson Boulding, Sr. opened the meeting for comments by Mr. Michael Flynn from Byce and Associates, architects for the project, who said he would like to address several points that were brought up by speakers. Advia wants to put the building close to West Main with the access road to line up between the outlots and parking in back. There will be somewhere around 20 acres that would remain open space. There will be no connectivity to residential streets. Walking paths will be provided for residents. Re-forestation will be done. A storm water management retention pond and lots of onsite percolation are planned. A footprint of 50,000 square feet out of 1.6 million square feet of land on the parcel is quite minimal.

Ms. Bell asked Mr. Byce if the concept drawing footprint is to scale, representing the size the building will look like next to Meijer.

Mr. Byce said it is to scale in relation to other buildings and the site, including retail banking and drive-through. The first floor will include mixed-use and other retail functions. The second and third floors will house offices.

Chairperson Boulding, Sr. thanked everyone for their comments, closed the public comments section and moved to Board Deliberations.

Mr. Antosz said although he had two concerns: the height of the building and the cross access, he felt the style of the building and landscaping were important and he would support the application contingent upon the Staff conditions.

Ms. Farmer asked the Planning Director to respond to areas of concern expressed by residents: 1) MDOT/left-turn traffic light at West Main and 10th Street, 2) how drainage concerns are handled by the Township and 3) 100-foot buffer.

Ms. Johnston said there is no guarantee from MDOT that a traffic light will be installed, but they plan to do a traffic count when Latitude 42 is up and running in the fall and if the counts warrant it according to their criteria, they will install a left turn light.

She said Township Ordinance requires storm water be retained onsite as part of the West Main Overlay Zone – standards must be followed for natural drainage engineering. Based on the concept plan there will be around 20 acres available to manage the storm water. She noted the requirements were different from when Meijer was built.

Attorney Porter added the ordinance has changed over time with better engineering practices and that storm water is handled more appropriately than when Meijer was built. It is better, not perfect.

Ms. Johnston said any addition on this property would be set back at least 100 feet from the north and east residential areas. The Township setback requirement is a certain amount plus the height of the building. Today a developer could build a three-story high building on the commercially zoned portion of the property as long as requirements were met.

Ms. Farmer commented this could be done already within the commercially zoned area of the property. Approval for this project is needed because of the size of the structure. They could build what they have planned if they split up the structures.

Ms. Johnston said that is true of any commercial and industrial district. A developer can build as tall as they wish as long as they can meet the required setback regulations. There are no height restrictions.

Ms. Farmer asked her to address the neighborhood connection issue.

Ms. Johnston said the recommendation for approval specifically includes the prohibition of connection to the neighborhood – no vehicular connections will be made to the neighborhood if this project is approved.

Attorney Porter explained Township Staff met with MDOT who were supportive of a mid-point traffic light, indicating any significant development would warrant one.

Ms. Farmer thanked the Chair for allowing explanations in order to clear up confusion. She explained that the strict meeting rules are necessary because when an issue is emotional if there are not rules of order it is difficult for the Board to ascertain the facts before coming to a good decision. She said she likes the plan because she knows what else might be built on the property that residents would dislike more than

this one. She said in the end, the only way to preserve a piece of property is to purchase it. She noted all Planning Commissioners are also Oshtemo Township residents and they are always trying to find a balance with regard to develop and the overall good of the Township.

She said she appreciates the conditions offered but cannot support the conditional re-zoning, noting the Township worked for over a year on requirements for the Overlay and determined no building over 35,000 square feet could be built. She asked that when the opportunity for input arises regarding rules and requirements, that residents attend the public meetings to help complete the Township's vision together.

Mr. VanderWeele indicated he was positively disposed to the proposal, citing the large protection buffer for the neighborhoods.

Mr. Chambers said he was initially concerned about the square footage but likes the design including the buffer area and open land that will remain and was supportive of the application.

Ms. Bell asked Ms. Farmer why 35,000 square feet was chosen as the maximum.

Ms. Farmer said when making the decision regarding the Overlay, they looked at examples of buildings with the intent of preventing a big box store. If this plan had been before them they likely would have made an exception.

Chairperson Boulding, Sr. asked for a motion.

Mr. Antosz made a motion to forward the Advia conditional rezoning application to the Township Board with a recommendation of approval with the revised conditions presented and approved by Advia. Mr. VanderWeele supported the motion. The motion was approved 5 – 1 (with Ms. Farmer dissenting.)

**SITE PLAN REVIEW: WEST MAIN FAMILY DENTISTRY
CONSIDERATION OF AN APPLICATION FOR SITE PLAN REVIEW FOR A NEW
DENTIST OFFICE LOCATED ON A VACANT PARCEL ON THE SOUTH SIDE OF
WEST MAIN STREET, APPROXIMATELY 1250 FEET EAST OF 9TH STREET.
PARCEL NO. 3905-15-405-010**

Ms. Johnston informed the Board that the applicant asked earlier in the evening that this application be withdrawn, so the application would not be considered.

SITE PLAN REVIEW: MITN MEMORY CARE FACILITY
CONSIDERATION OF AN APPLICATION FOR SITE PLAN REVIEW FOR A NEW
RESIDENTIAL MEMORY CARE FACILITY LOCATED AT 6203 STADIUM DRIVE.
PARCEL NO. 3905-26-480-020.

Chairperson Boulding, Sr. moved to the next item on the agenda and asked Ms. Johnston for her report.

Ms. Johnston said the applicant was requesting site plan approval for a new, long-term, 58-unit memory care facility, to be built on the property addressed as 6203 Stadium Drive. Once the location of a nursing home, since demolished, the subject property is zoned as R-4: Residence District, which allows nursing, convalescent, and senior citizens' homes by right. While memory care facilities aren't explicitly mentioned as allowable uses in this zoning district, Staff feels that, from a land-use stand point, such a use is equivalent with the above-referenced services. Although Staff has interpreted this use to be permitted by right, section 34.000: Village Form-Based Code Overlay Zone dictates that such site plan approval requests come before the Planning Commission, as opposed to the Zoning Board of Appeals.

She explained as well as being located within an R-4 district, the subject property also falls within the boundaries of the Village Form Based Code Overly Zone. As such, certain architectural and other aesthetic development standards must be adhered to, including, but not limited to, building placement in relationship to the street frontage, architectural style of the structure, and certain landscaping/screening requirements. The applicant has worked diligently with Township Staff in order to ensure that the overlay is being satisfied by the submission, but they would like to avail themselves of some of the *modifiable development standards*, as allowed per section 34.920: *Modifications* of the Zoning Ordinance. The requested modifications do not constitute variances.

Ms. Johnston said site access will primarily be via a driveway onto Stadium Drive, which will lead to a parking and drop off area, which will likely be used by residents and their families. Moving west and then south around the structure, a 24-foot-wide drive lane will be constructed. This feature will not only help provide adequate emergency vehicle circulation throughout the site, but will also allow a way for motorists to access the rear parking area.

Along with the principal Stadium Drive curb cut, she said there will also be two driveway connections to a paved driveway on the Danford Creek apartment property to the east near the north and south ends of the memory care facility's rear parking lot. At some time in the past, Danford Creek granted an access easement to the subject property, allowing ingress and egress along the former's west property line, and the current applicant intends to incorporate that allowance into the site's design. Having this secondary approach will also benefit the fire department, should they ever need to enter the site from the east.

Ms. Johnston said the applicant was asking for Planning Commission consent to depart from certain site development standards, as required per section 34.6000:

Architectural Standards of the Zoning Ordinance. As explained in section 34.920: *Modifications* of the ordinance, such allowances can be granted, should the reviewing body find the requests do not contravene the intent of the form-based code overlay. Following is a summary of each requested modification:

1. **Standard:** *Courtyard apartment-type buildings shall be located no further than 70 feet from, or nearer than 15 feet to, the public right-of-way.*

Requested modification: Due to the odd shape of the subject parcel, and also given the fact that the Fire Marshal requires an access lane around the entirety of the structure, the applicant was only able to located approximately half of the structure's frontage within the prescribed build-to zone. In order to achieve full compliance, the building's footprint would have to incorporate odd angles, potentially compromising its traditional aesthetic, and the Fire Marshal would have to forego the needed perimeter access route. Staff views the current building placement as a reasonable compromise between ordinance compliance and practicality.

2. **Standard:** *Per section 34.640.B.c of the Zoning Ordinance, no windows shall be placed within 36 inches of any building corner (it is staff's understanding that this was codified in order to discourage certain types of modern architectural styles).*

Requested modification: The majority of the structure complies with this requirement, except for two areas that were designed to resemble traditional conservatories, which customarily have very sparse window frame work, and conversely an abundance of glass, in order to let in more natural light. As such, the windows in these two areas are placed much closer than 36 inches to the associated building corners, but the resulting affect is aesthetically pleasing and traditional nonetheless. Staff supports this approach, as the intent of the overlay is soundly upheld by this design decision.

Ms. Johnston concluded by saying although some site plan deficiencies need correcting, Staff was confident the project is largely approvable, and any lingering items can be evaluated and approved administratively. If the Planning Commission is inclined to grant approval to the Memory Care project, Staff recommended the following conditions:

1. A revised photometric plan, clearly indicating that light levels do not exceed 0.1 foot-candles along the entirety of the property perimeter shall be submitted to the Township for evaluation and approval, prior to the issuance of a certificate of occupancy.
2. Information regarding the dumpster enclosure, retaining wall height, masonry pillar spacing for the decorative wall, and plantings in the detention areas shall be provided to and evaluated by Township staff, prior to the issuance of a building permit.

3. A revised site plan shall be submitted to the Township, prior to the issuance of a building permit, illustrating a more naturally-shaped stormwater basin south of the proposed structure.
4. A revised site plan shall be submitted to the Township, prior to the issuance of a building permit, illustrating that fire apparatus are able to circulate throughout the site, as necessary. This revision shall be subject to Fire Marshal approval.
5. Prior to the issuance of a certificate of occupancy, the applicant will provide the Township with a signed and notarized form, agreeing to participate in any future necessary non-motorized special assessment districts. When the anticipated pedestrian accommodation is installed along the Stadium Drive frontage of the subject property, the owners will then construct an ADA-compliant connection between the public facility and the entrance to the structure.
6. The two requested modifications, as detailed in this staff report, shall be expressly approved by the Planning Commission, in accordance with section 34.920 of the Oshtemo Township Zoning Ordinance.

Mr. Boulding, Sr. thanked Ms. Johnston for the report and asked how the sidewalk to the front of the property would be used.

Ms. Johnston said the DDA expects to receive a MDOT grant to install sidewalks from 11th Street to 8th Street and the sidewalk from this project would connect to that.

There were no further questions from the Board.

The Chairperson asked whether the applicant wished to speak.

Mr. Jeffrey Ballard, 1643 Commerce Drive, Grange IN, representing the developer MITN LLC, said the developer owns two other Memory Care facilities, in Fort Wayne and Mishawaka, IN. The facilities are designed to be placed in neighborhoods and are not medical facilities, rather they do therapy to make residents feel part of the community and for comfort. The courtyard is used as part of that therapy. The developer is passionate about providing therapeutic care for this underserved population and determined there is a need for such care in the Kalamazoo area.

He noted providing the required fire department access of 24 feet around the perimeter was a challenge, that the site was honed to the current proposal and that Township Planning Department Staff provided invaluable assistance. He said a new site plan was just completed to try to meet all recommendations and conditions.

Chairperson Boulding, Sr. determined there were no questions from the Board and moved to Public Comments.

Ms. Cindy Ortega, Attorney with Miller Johnson, 100 W. Michigan Avenue, and a representative of Danford Creek Apartments, proposed an added condition that would require the Apartment Complex and the Memory Care Facility, to enter into a maintenance agreement for the access drive off Stadium Drive. She noted there was a 1973 easement granting both properties an easement on Danford Creek property but that there was no maintenance agreement in place for the easement.

Attorney Porter agreed with Attorney Ortega that a maintenance agreement to be agreed upon and in place ahead of construction should be conditioned as part of the approval of the application.

The Chairperson asked for a motion.

Mr. Chambers made a motion to approve the request for site approval contingent on the six conditions recommended by Staff as well as timely implementation of an agreed upon and completed maintenance agreement for the shared easement. Ms. Farmer supported the motion. The motion was approved unanimously.

OLD BUSINESS

There was no old business to consider.

ANY OTHER BUSINESS

Ms. Johnston suggested the regular meeting scheduled for July 27th be devoted to a work session to discuss the Future Land Use Plan, which would be prior to the open house scheduled for August 1.

The Board agreed and scheduled the July 27 work session start time for 6:00 p.m.

PLANNING COMMISSIONER COMMENTS

Ms. Bell noted the recent death of Mr. Millard Loy, acknowledging his many years of devoted service to the Township, including membership on various Boards, and that he will be greatly missed.

Chairperson Boulding, Sr. said Mr. Loy was a good man and had done a lot for the Township.

There being no further business to consider, the Chairperson asked for a motion to adjourn.

ADJOURNMENT

Ms. Farmer made a motion to adjourn the meeting. Ms. Bell supported the motion. The motion passed unanimously.

The Planning Commission meeting was adjourned at approximately 9:15 p.m.

Minutes prepared:
July 15, 2017

Minutes approved:
August 10, 2017