

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD SEPTEMBER 14, 2017

Agenda

PUBLIC HEARING: SPECIAL EXCEPTION USE – D & R SPORTS

CONSIDERATION OF AN APPLICATION FROM D & R SPORTS CENTER FOR A SPECIAL EXCEPTION USE AND SITE PLAN REVIEW TO ALLOW FOR THE EXPANSION OF THE OUTDOOR DISPLAY OF BOATS, PER SECTION 30.409 OF THE TOWNSHIP ZONING ORDINANCE FOR THE SUBJECT SITE LOCATED AT 8178 WEST MAIN STREET, WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-16-280-012.

PUBLIC HEARING: CONDITIONAL REZONING – ADVIA CREDIT UNION

CONSIDERATION OF AN APPLICATION, 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.

PLANNED UNIT DEVELOPMENT: SIGNAGE ALLOWANCE – TRADER JOE’S GROCERY STORE

CONSIDERATION OF AN APPLICATION FROM CORNER@DRAKE, LLC FOR AN INCREASE IN SIGN ALLOWANCE FOR THE TRADER JOE’S GROCERY STORE LOCATED AT 5099 CENTURY AVENUE, PER SECTION 60.400 OF THE TOWNSHIP ZONING ORDINANCE. PARCEL NO. 3905-25-275-020.

OLD BUSINESS

a. Off-Street Parking Ordinance

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, September 14, 2017, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

ALL MEMBERS WERE PRESENT: Cheri Bell, Chairperson
Fred Antosz, Vice Chairperson
Ollie Chambers
Dusty Farmer, Secretary
Mary Smith
Bruce VanderWeele

Also present were Julie Johnston, Planning Director, James Porter, Township Attorney, Martha Coash, Meeting Transcriptionist, and approximately 25 interested persons.

Call to Order and Pledge of Allegiance

Chairperson Bell called the meeting to order at approximately 7:00 p.m.; the “Pledge of Allegiance” was recited.

Agenda

Chairperson Bell asked if there were any additions, deletions or corrections to the Agenda. Hearing none, she 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, she moved to the next agenda item.

Approval of the Minutes of the Regular Meeting of August 24, 2017

Chairperson Bell asked if there were any additions, deletions or corrections to the Minutes of the Regular Meeting of August 24, 2017.

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

Ms. Smith made a motion to approve the Minutes of the Regular Meeting of August 24, 2017 as presented. Mr. VanderWeele supported the motion. The motion was approved unanimously.

PUBLIC HEARING: SPECIAL EXCEPTION USE – D & R SPORTS CONSIDERATION OF AN APPLICATION FROM D & R SPORTS CENTER FOR A SPECIAL EXCEPTION USE AND SITE PLAN REVIEW TO ALLOW FOR THE EXPANSION OF THE OUTDOOR DISPLAY OF BOATS, PER SECTION 30.409 OF THE TOWNSHIP ZONING ORDINANCE FOR THE SUBJECT SITE LOCATED AT 8178 WEST MAIN STREET, WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-16-280-012.

Chairperson Bell moved to the next item on the agenda, a request for special exception use and site plan approval to expand a boat outdoor sales lot, 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 8178 West Main Street. The property is zoned C: Local Business District for the first 1,017 feet from West Main Street and then the zoning changes to RR: Rural Residential for the remaining 200 feet. The C: Local Business District allows outdoor sales of boats, vehicles and recreational equipment as a special exception use per Section 30.409. The request was to allow for the expansion of the boat display area from its locations around the existing buildings to the northern undeveloped portions of the property.

She said the subject site has been a long-standing development on West Main Street. All the structures and paved areas on the site plan currently exist and generally conform to the requirements of the current Ordinance. Some minor nonconforming issues include:

- The aisle width between parking spaces in the front yard of the main building measures 21 feet where 24-feet is required.
- The parking spaces measure 9-feet by 20-feet but the Ordinance requires 200 square foot spaces, which generally equates to a 10-foot by 20-foot space.
- The current setback between residentially or agriculturally zoned property and commercial zoning is 85 feet. The building located north of West Main near the east property line currently has a 50-foot setback. The property to the east is zoned AG: Agricultural so an 85-foot setback is currently required.

Ms. Johnston explained these are all existing conditions that have occurred over time and could have been permitted under previous ordinance requirements. Staff generally tries to bring nonconforming issues into compliance with the current Ordinance, if possible, when new applications are made. However, as the applicant is not requesting any changes to the actual built environment, it would be difficult to bring these nonconformities into compliance.

She said the new changes to the plan include the expansion of the boat display area and the placement of a new fire hydrant at the west property line near the storage buildings to the rear of the site. Staff had a few outstanding concerns with the site plan, which could be reviewed and approved administratively if the Planning Commission was in support. The concerns are:

1. The configuration of the boat display area along the west property line just north of the far west building and south of the new fire hydrant does not provide adequate spacing between the displayed boats. The planned placement does not allow for the required 24-foot drive aisle between the rows of boats. The 24-foot drive aisle is intended for circulation, particularly for fire safety access. This display area will need to be reconfigured to allow for a 24-foot drive aisle between rows of parked boats.

2. There are four locations in the north portion of the boat display area where the row of display boats does not allow for the necessary turning radii for fire safety apparatuses. The length of the rows will need to be reduced to allow for proper turning movements.
3. As the size and scale of boats differ, the actual parking spaces shown in supporting documents is conceptual in nature and does not likely reflect what will truly occur on site. While necessary on the site plan to ensure proper aisle widths, turning movements and display locations, the total number of display spaces will vary depending on the size of the boats parked at any given moment. Therefore, maintaining the intended “parking” configuration as shown on the site plan could be difficult over time. She suggested the applicant consider some method of identifying row lengths through the placement of bollards or some other device to help keep assigned drive aisles clear for fire safety needs.

Ms. Johnston noted section 60.100 of the Zoning Ordinance provides additional review criteria for consideration when reviewing a Special Exception Use request. As this is an existing Special Exception Use, she explained Staff evaluation of that criteria to recommend whether the boat display area should be allowed to expand:

A. *Is the proposed use compatible with the other uses expressly permitted within the C: Local Business District zoning classification?*

From Township records, it appears this use has been located at this site since 1985. It has received approvals for expansion of both buildings and outdoor display since that time. In March of 2005, the Planning Commission approved a request to rezone a portion of the property from RR: Rural Residential to C: Local Business. At that time, the front 660 feet of the property was zoned C: Local Business, with the remaining 557 feet zoned Rural Residential. D & R Sports requested 440 feet of this 557 be rezoned to C: Local Business. The Planning Commission approved the rezoning for an additional 337 feet, leaving the back 200 feet of the property to remain as RR: Rural Residential. The 200 feet of Rural Residential zoning was intended as a buffer to the adjacent residentially zoned and used properties, which is greater the Ordinance requirement setback of 85 feet.

With the expansion of the C: Local Business District zoning in 2005, there was a clear intent to allow the applicant the use of this property for his business. Therefore, this expansion is in keeping with a finding that the proposed use is compatible with other types of uses found in the C: Local Business District.

B. *Will the proposed use be detrimental or injurious to the use or development of adjacent properties or to the general public?*

The general land use pattern for this area is low density residential with a node of commercially developed properties to the west of this site. The 200-foot buffer of

RR: Rural Residential zoning provides some protections to the neighboring residential and agricultural properties to the north and east.

However, it will be important for the applicant to ensure that outdoor display of boats and other recreational equipment does not extend beyond the C: Local Business District boundary. Current aerial photography clearly shows encroachment into the Rural Residential area. This is in violation of the Zoning District, the currently approved site plan and the proposed site plan before the Planning Commission for approval.

To reinforce the importance of preserving this buffer, staff recommends the Planning Commission make this a condition of the Special Exception Use approval.

C. *Will the proposed use promote the public health, safety, and welfare of the community?*

Staff has no other concerns related to public health, safety and welfare. The placement of the new fire hydrant on site will provide needed fire protection to the buildings located at the northern end of the property.

D. *Will the proposed use encourage the use of the land in accordance with its character and adaptability?*

As this is an existing use, its character is essentially set. The expansion has allowed for a more orderly configuration of the outdoor sales and service area than currently utilized.

Ms. Johnston concluded saying the proposed expansion was compatible with the current use of the property and consistent with the additional considerations reviewed for a special exception use. She recommended the Planning Commission approve the Special Exception Use and site plan with the following conditions, to be administratively reviewed and approved:

1. The applicant will revise the plan to show 24-foot drive aisles between the display boats shown along the west property boundary.
2. The revised site plan will also include the needed reduction in row length for those areas of the boat display that do not meet proper turning radii for fire safety.
3. The applicant will employ a mechanism on site to ensure boats are displayed in the configuration shown on the site plan, allowing the required 24-foot drive aisles to be maintained as required for fire safety.

4. The outdoor display of boats must be contained within that portion of the property zoned C: Local Business District. No commercial activities can take place in the 200-foot buffer zoned RR: Rural Residential.

Chairperson Bell thanked Ms. Johnston for her comments and asked if Board Members had questions for her.

Responding to questions from Board Members, Ms. Johnston confirmed the Fire Marshal will follow up to be sure condition #3 is met, that existing parking spaces meet retail use parking requirements and that there are no real requirements for the sale of boats and that is not part of the request, and that condition #4 is enforceable by the Township's Ordinance Enforcement Officer.

Hearing no further questions from Board Members, the Chair asked the applicant if he wished to speak.

Mr. Randy VanDam, D & R Sports Center, noted that there will be a fence erected across the zoning boundary line that includes a gate for emergency accessibility. He assured the Board condition #3 will be met, likely with movable markers that can be adjusted to accommodate different sized boats while still maintaining the 24 foot drive aisles.

Chairperson Bell asked if the four Staff conditions were acceptable to him.

Mr. VanDam agreed the conditions were acceptable.

Ms. Johnston said Staff is perfectly satisfied with movable markers for the aisles.

Hearing no further questions, the Chairperson asked for public comment. Hearing none and hearing no further comments from Commissioners, she asked for a motion on the request.

Ms. Farmer made a motion to accept the request for special exception use and to approve the site plan, based on the recommendation, including the four conditions, as presented by Staff. Ms. Smith supported the motion. The motion was approved unanimously.

**PUBLIC HEARING: CONDITIONAL REZONING – ADVIA CREDIT UNION
CONSIDERATION OF AN APPLICATION, 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 Bell moved to the next item on the agenda and asked Ms. Johnston for the Staff report.

Ms. Johnston noted this application was originally presented to the Planning Commission on July 13, 2017, when a public hearing was held. She said the parcel is zoned R-2: Residence District with optional West Main Overlay. (commercial and residential) At the conclusion of the meeting, Advia offered nine conditions.

The Planning Commission recommended forwarding a motion of approval to the Township Board. Five Commissioners voted in favor of the motion, one Commissioner voted against the motion and one Commissioner was absent from the meeting.

The application was advanced to the Township Board with the nine conditions offered by the applicant. The Township Board held a first reading of the conditional rezoning request on August 8, 2017. During discussion of the application three main concerns were raised:

1. The buffer provided to the residential properties to the north and east was not sufficient to provide protections to the adjoining neighborhoods. The concept plan showed a larger area of greenspace which was not conditioned to remain undeveloped in the future.
2. The request to change the entire property to the C: Local Business District would allow commercial uses to be developed farther north on the property, again impacting the adjacent residential neighborhoods.
3. The possible height of nonresidential buildings adjacent to residential uses.

The Township Board decided to refer the application back to the Planning Commission to give Advia an opportunity to address these concerns through new or revised conditions and to give the Planning Commission a chance to review any new or revised conditions.

Ms. Johnston said Advia subsequently offered the following revised set of conditions:

1. All requirements of the West Main Overlay District will be met except for Section 50.403.C., which limits building size and Section 50.403.F., which dictates rural architectural character.
2. 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.
3. 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. This building will have mixed office use and on the 1st floor retail use. Additional retail buildings, if any, will be within the West Main Overlay District and will comply with West Main Overlay District requirements. Additional buildings outside the current West Main Overlay District shall be office buildings.
4. The parcel will contain no residential development.
5. Buildings and structures on the parcel will have a minimum setback of 125 feet where the parcel abuts property with an R-1 or R-2 zoning classification.
6. A 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.
7. The parcel will have no entrances and exits onto Westlins Avenue or Bunkerhill Drive.
8. If the sale to Advia Credit Union does not take place, the land shall revert to its former zoning classification.
9. Nonmotorized connections will be provided within the property, to adjacent developments, and to the nonmotorized path found next to West Main Street.

She said the revised conditions include an additional 25 feet of setback adjacent to the residential neighborhoods to the north and east, from the original condition of 100 feet to the current condition of 125 feet. The Zoning Ordinance would require a setback of 85 feet for any nonresidential use adjacent to a residential district. That setback would increase depending on the height of the structure. It should be noted that this is a setback condition, related to buildings and structures. The condition related to the buffer area of 100 feet did not change.

In addition, new language was added that retail buildings would only be allowed within that portion of the West Main Overlay area which allows commercial development. All other buildings outside of the Overlay would be office developments.

Ms. Johnston explained the Planning Commission had three possible options when considering this request:

- A. Recommend the 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.
- C. Make a recommendation to deny the request.

Ms. Johnston said the two main differences between the revised conditions and the original conditions were the doubling of the setback to 170 feet and the restriction to development of office buildings only for the rear portion of the property. She noted 11-12% of the property would remain undeveloped.

She said if the Planning Commission was considering approval, Staff would recommend clarification by the applicant of the one tweak regarding language about office buildings at the rear of the property.

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

Ms. Smith asked, since we don't have Ordinance regarding height based on setback, how tall an office building at the rear of the property might be potentially.

Ms. Johnston said it could conceivably be about 9 stories, or 100 feet tall.

In response to a question from Ms. Bell regarding connectivity, Ms. Johnston said residential to residential connections are always required for public safety. In subdivisions and site condominium developments connections must be made by Ordinance.

Mr. VanderWeele asked about the three parcels bordering West Main.

Ms. Johnston said of the three smaller parcels along West Main, the one farthest west is included in the overall Advia site, the other two are not.

Attorney Porter provided comments. He said the language the Planning Director presented is obviously different than the special use. Conditions in conditional rezoning projects have to be offered voluntarily by the land owners; they can be offered, but

cannot be imposed by the Township. If they do not wish to present any additional conditions, they are not required to do so.

He also noted that of the three options open to the Board on this request, the third is to deny the request and he noted if that option were chosen it would be to recommend denial to the Township Board. He said the Township Board struggled with looking at the presentation drawings vs. the letter of the law from what was being proposed. Getting clarity on exactly what the applicant was requesting is crucial because any presentation drawings are not necessarily controlling they are conceptual in nature.

Chairperson Bell, hearing no further questions, asked if the applicant wished to speak.

Ms. Cheryl DeBoer, President and CEO of Advia Credit Union, residing at 1870 S. 8th Street, spoke of Advia's history, originally chartered in 1838 in Parchment as a credit union for the paper mill. Advia is a new name. In 2014 the name was chosen by their team. Advia means advocate, advisor, advantages. Advia is a not for profit. The money earned goes back to their membership and into the communities they serve. The building proposed would be the headquarters and the location in Oshtemo Township would offer good access to 131, unlike their present location. A branch will remain in Parchment. She noted Advia's dramatic growth since 2004 from eight offices, 114 employees and \$274,000,000 in assets. Today there are 18 offices in Michigan with 407 employees, 10 offices in Wisconsin with 121 employees, one in Illinois with six employees and currently 1.65 billion dollars in assets. 60 new jobs are proposed for next year, a 10% increase. To her knowledge, this would be the only credit union or bank to be headquartered in Oshtemo Township.

She said they listened to the comments of citizens and Township Staff and noted the 170 foot setback and setbacks from West Main total 32% of the 37 acre parcel. The cost to Advia to leave that much land undeveloped is \$896,000 of the 2.8 million dollar purchase, which demonstrates their commitment and willingness to work with Oshtemo.

Ms. DeBoer also said they plan to utilize the natural topography and want a building that Oshtemo is proud of and that she is proud of as a resident and that fits in with the Township. There will be only one owner. If others purchased the property, potentially 50-60 homes and 5-7 businesses could be built instead, generating a lot more traffic. They want to work with MDOT and be a great proponent to see the addition of a traffic light and West Main traffic slowed down.

The goal is for this first building to last them for 15-20 years. They are willing to agree that only office buildings will be built at the back of the property as suggested. They still plan to have a coffee shop and community room on the first floor. Bringing in students and others to promote financial literacy is important to them. She pointed out there are other buildings of the size they are proposing in the Township, but they are tall, big warehouse type buildings on one floor.

She concluded by saying Advia is not receiving a tax abatement to purchase the property. The Planning Commission previously saw their vision and she hoped they would continue to support the project.

Chairperson Bell thanked Ms. DeBoer for her comments and asked if Board Members had questions for her.

Mr. Antosz asked Ms. DeBoer if he was correct in understanding that only office buildings for Advia's use would be built on the rear of the property in the future.

Ms. DeBoer said that was correct. They wanted a parcel of this size to utilize for themselves.

Ms. Farmer confirmed with Ms. Johnston and Attorney Porter that to guarantee that for the future, it needed to be listed in the conditions.

Ms. DeBoer clarified for the Chair that of the 11.86 acre site, 32% of the total acreage would be reserved.

Hearing no further questions from the Board, Chairperson Bell asked for public comment.

Ms. Sharon Lawson, 1429 Cadet Lane, noted residents were concerned that the plan is to plant evergreens after clear cutting all existing trees.

Ms. Jill Jenson, 6434 Bluffton was also concerned about cutting 40 acres of trees and commented that 2 trees per 100 feet was not much of a buffer from lights, parking lots and road noise. She was also concerned about displaced animals including deer and coyote and wondered what could be done to find the animals new homes. She said neighbors see little positive impact with the addition of another credit union and said she is unhappy enough that she is considering moving from Oshtemo.

Mr. David Caldon, Attorney, 333 Bridge Street, Grand Rapids, representing the sellers of the property, introduced them and said his clients and their families have resided in and have been a part of the community for a long time, and in fact gifted the Township with the property the Township Hall occupies. He said his clients have sought to make use of this property for some time. Whenever vacant land is developed it is change and change is hard, but the land in question will be developed and the owners are pleased with Advia. They feel this project will be a win for all. He said the use fits in well and that a large neighborhood buffer will be provided. Advia traffic will be during the day. The owners probably could have sold the property for more to a different user, but were pleased with Advia and its' plan for what they feel is a very good use for the property. Since the approval of the plan previously by the Planning Commission, the plan has been amended to include more conditions than the original proposal and the owners hope the Planning Commission will approve it.

Hearing no further comments, Chairperson Bell closed the Public Hearing and moved to Board Deliberation.

Mr. Antosz said he was on the Planning Commission when the overlay zone was developed carefully over a year's time and he is pleased with the outcome. He said he had reservations about conditionally rezoning to commercial when this application first came before the Board but now realizes the plan was just conceptual. He said his discussion notes reflected that about 50% of the property would be left as open space. Now he's not so sure he supports the plan. He felt a change to condition #3 would need to be made for his support.

Chairperson Bell noted the Planning Commission cannot change the conditions offered to them.

Attorney Porter concurred.

Mr. Antosz agreed Advia would have to voluntarily make that condition.

Ms. Bell noted when the original plan was presented to the Board the open space in the plan was conceptual only. Regarding whether the Commission should move forward on the project now because they voted for it the first time, she said now that the Commission has more details and information about what will happen with the green space and development, allowing them to see a little better what preservation of green space is actually going to happen there, reconsideration is appropriate. She thought the original conceptual plan was certainly a win-win, that the amount of green space presented on the original plan was distracting and that they were indeed going to see a great preservation of the property. She also said there was more information to consider now about the intent for the property. She asked Ms. Johnston what is permissible in the 170 foot setback.

Ms. Johnston said the 100 foot buffer will remain untouched. Any trees or bushes there will remain as they are today. Additional trees, as required by conditions, will be added, likely along the 100 foot boundary. That would be determined later in a site plan. Trees will not be clear cut and new trees planted in the first 100 feet. Outside the 100 feet in the additional 70 foot setback, trees could be removed. That is a setback for structures in order to move buildings further from the neighborhood property line. Extra trees and berming are likely across the 100 foot boundary. No buildings will be placed against the 100 foot line; likely parking only would be placed there.

Ms. Smith asked if there are any substantial, large trees on the property anyway.

Ms. Johnston said most trees were cut down 5-7 years ago and what is there is scrub.

Ms. Smith felt Advia presented a nice plan and that worse things could be built on the property, say a higher density apartment building with a 24/7 presence. She was concerned that if Advia ever left, that the conditional zoning would need to stay with the

new owner. She wondered if that happened whether a tall building could be built at the back of the property.

Ms. Johnston said it was technically correct but not likely because a building of that size would need square footage for the amount of parking and other requirements. Without a site plan it is difficult to say how large a building could go there. She said the Planning Commission should provide some height requirements to the Ordinance, then a new development would have to meet those height requirements. The conditions would stay with the land, which would require a new owner to come before the Planning Commission to ask for the conditions to be removed or changed somehow.

Ms. Farmer said she appreciated Advia's willingness to provide conditions that listened to concerns. It was the assumption of the Board that Advia would have a large green space, but that was never in the proposal. She said there may be a majority of the Board that would say the smaller green space offered as part of the plan would still be a good trade-off. She thinks Advia would be a fantastic neighbor for the neighborhood, she knows there are many in the neighborhood who don't feel that way, but she thinks a lot of property developers could be lot worse than Advia in a lot of ways as far as compatibility and the willingness to have that separation. She maintained that if we are willing to say that the building can be above the 35,000 square feet allowed in the overlay zone, which is a tool they created, that rather than doing an unofficial rezoning they should go back and fix that tool.

Chairperson Bell felt she had a couple different numbers on the saved space on the property and asked if the 170 foot setback will result in the 32% green space.

Ms. Johnston said Ms. DeBoer included the required setback from the south boundary of West Main in her calculation. They would be allowed to do parking and then there would be a buffer green space along West Main. The numbers she presented, approximately eight acres, is just the 170 foot setback to the north and east part of the property adjacent to the residential district. Of that approximate eight acres. Around 5 acres would be the buffer that would remain undeveloped. Required green space adjacent to commercial (Meijer) is 10 feet.

Hearing no further comments from Commissioners, the Chairperson closed Board Deliberations and asked if there were any further comments from the applicant in light of the Board discussion.

Ms. DeBoer said Advia does not plan to clear cut anything on the property and noted the 32% did include the front of the property because they also have to connect the road from Meijer all the way across the property. They want to use the natural topography where they can. She said they want to make the property beautiful, a green, beautiful campus that everyone can be proud of for the Township and the staff, where people can walk on the property.

Chairperson Bell asked if there were any further comments from the public.

Ms. Ann Socup, 6338 Sugarbush Trail, pointed out the green space at the back of the property was already clear cut and devastated five years ago. She noted she is a botanist and conservator and hoped they will plant mature oak and maybe Beech trees to fill in the area that abuts the neighborhood to create more of a substantial buffer. She suggested neighbors would plant trees and said water drainage needs to be remembered.

Ms. Jill Jenson felt a parking lot close to the back of the property in the last 70 feet and lighted at night for protection, would be a problem for the neighborhood. She reiterated that two trees per 100 feet is not a buffer, and that it should be the responsibility of Advia to plant the trees.

There were no further comments; Chairperson Bell closed public comment and moved to Board Deliberation.

Ms. Smith asked Ms. Johnston to clarify the language she added to Condition #3.

Ms. Johnston indicated that she believed that condition was to say that development within the first 300 feet of the property, which is zoned C: Local Business under the West Main Overlay Zone would be allowed to be commercial or retail in nature and any buildings outside of that 300 feet would only be allowed to be office. The minor change to the condition was just to clarify this intent.

Attorney Porter said rather than trying to impose that as a condition, clarification from Ms. DeBoer would be welcome.

Ms. DeBoer said yes, that the revised wording Ms. Johnston reviewed is Advia's intent.

Mr. VanderWeele made a motion to recommend the conditional rezoning request with the nine revised conditions to the Township Board. Mr. Chambers supported the motion. The motion was approved 4 – 2, with Mr. Antosz and Ms. Farmer voting no.

Ms. Johnston noted the Township Board will meet in public session on Tuesday, September 19 at 7:00 to hear this issue.

PLANNED UNIT DEVELOPMENT: SIGNAGE ALLOWANCE – TRADER JOE'S GROCERY STORE
CONSIDERATION OF AN APPLICATION FROM CORNER@DRAKE E, LLC FOR AN INCREASE IN SIGN ALLOWANCE FOR THE TRADER JOE'S GROCERY STORE LOCATED AT 5099 CENTURY AVENUE, PER SECTION 60.400 OF THE TOWNSHIP ZONING ORDINANCE. PARCEL NO. 3905-25-275-020.

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

Ms. Johnston said, currently under construction, the new Trader Joe's grocery store, which received site plan approval from the Planning Commission on September 8th, 2016, is located in the Corner @ Drake non-residential planned unit development (PUD) at Drake Road and Stadium Drive. With the subject building having frontage on two roadways—Stadium Drive to the south and Century Avenue to the north—as well as prominent visibility to US 131 to the west, the future proprietors wish to display what they deem is adequate signage, that is on all three exterior walls. Approving this request would allow a third sign on the west face of the building facing US 131. The structure's fourth wall to the east will be connected to a set of individual suites, making the surface unsuitable on which to locate a sign.

She said preventing the display of three wall signs is section 76.170: *Commercial and office land uses* of the Oshtemo Township Zoning Ordinance, which controls signage in commercially-zoned areas. Per this section, multi-tenant commercial structures, such as the grocery store and its connected suites, allow only two wall signs per constituent tenant space. In contrast to this, if the grocery store was not part of the same structure as the suites to the east, and was instead a standalone building, it would be allowed four wall signs. In order for the grocery store to make use of its three exposed walls, the applicant requests that the Planning Commission grant a *Deviation from dimensional requirements*, as is allowed per section 60.405 of the PUD Ordinance.

Ms. Johnston said given that some flexibility has been granted regarding signage at the Corner @ Drake PUD in the past, Township Staff feel that approving this request would be in keeping with the Planning Commission's general approach to implementing section 60.405 of the Zoning Ordinance: substantial justice will be observed; the public health, safety, and general welfare will not be compromised; and it can be argued that allowing this additional wall sign will make for a more cohesive, user-friendly commercial development. Given these findings, Staff recommended the Planning Commission approve the request for one additional wall sign for this structure.

Chairperson Bell thanked Ms. Johnston for her presentation and asked if there were questions from Commissioners.

Noting that visibility is a key issue, there was discussion about whether or not requirements should be changed to allow three signs in this type of PUD situation that involves multi-tenant buildings.

The Chairperson asked if the applicant wished to speak.

Mr. Curt Aardema, AVB Builders thanked the Commission for their consideration on a unique PUD project. He noted AVB is excited to continue with this high quality product, that Trader Joe's adds more sense of place and being part of a connected building is better than free-standing.

Mr. Rob Perrin, Burkett Signs, 15886 Climax, explained they were working with Trader Joe's to put up a third sign. Three signs on three sides to promote the business on three different roads is the goal.

As Chairperson Bell determined no one from the public wished to comment on this request, and that Board Deliberation yielded no comments, she asked for a motion.

Ms. Farmer made a motion to approve the request for an increase in sign allowance for Trader Joe's as recommended by Staff. Mr. Antosz supported the motion. The motion was approved unanimously.

OLD BUSINESS

b. Off-Street Parking Ordinance

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

Ms. Johnston explained that based on the discussion had at the August 24th Planning Commission meeting, Staff made some edits to the requested amendments to the Off-Street Parking ordinance and listed them for Commissioners:

1. Permeable Paving – New language was added to clarify that permeable materials only includes those that are similar to pavement.
2. Accessible Aisles – There was some concern that the language previously provided was not clear with regard to the accessible routes from parking spaces located within lots that are not immediately adjacent to a building. In particular, it was not clear if the amended ordinance would require these routes to also be developed as concrete. After reviewing the International Code Council requirements for accessible routes, staff determined that it was not the intent to require these to be concrete. The revised ordinance language was designed to clarify that the required concrete would be for the parking spaces, the loading aisle between the spaces and the ramp to get to the sidewalk.
3. Drive-Through Windows – New language was added to clarify that the requirements for stacking is per window, regardless of how many windows are located on a subject site.

With these changes, she recommended including the Off-Street Parking Ordinance as part of the public hearing on Ordinance amendments planned for the October 12th Planning Commission meeting. Commissioners concurred.

ANY OTHER BUSINESS

There was no other business to consider.

PLANNING COMMISSIONER COMMENTS

Commissioners had no comments to share.

ADJOURNMENT

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

The Planning Commission meeting was adjourned at approximately 8:30 p.m.

Minutes prepared:
September 18, 2017

Minutes approved:
October 12, 2017