

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A MEETING HELD MARCH 10, 2016**

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**Agenda**

**PUBLIC HEARING: SPECIAL EXCEPTION USE – CORNER@DRAKE B, LLC  
CONSIDERATION OF THE APPLICATION OF CORNER@DRAKE B, LLC  
FOR A SPECIAL EXCEPTION USE AND SITE PLAN REVIEW TO  
CONSTRUCT THE CORNER SHOPPES WITH DRIVE-THROUGH LANES,  
PURSUANT TO SECTION 30.407, AND TO INCLUDE THE CORNER  
SHOPPES AS PART OF A PLANNED UNIT DEVELOPMENT, PURSUANT TO  
SECTION 60.420. THE SUBJECT PROPERTY IS VACANT LAND LOCATED  
ON DRAKE ROAD, NORTH OF CENTURY AVENUE, KALAMAZOO, MI,  
WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-25-240-009**

**PUBLIC HEARING: SPECIAL EXCEPTION USE – CORNER@DRAKE  
PLANNED UNIT DEVELOPMENT**

**CONSIDERATION OF THE APPLICATION OF GESMUNDO, LLC TO  
INCLUDE THE FOLLOWING THREE PROPERTIES IN THE  
CORNER@DRAKE COMMERCIAL PLANNED UNIT DEVELOPMENT:**

- **CONSUMERS CREDIT UNION, 1900 SOUTH DRAKE ROAD,  
PARCEL NO. 3905-25-240-008**
- **KELLOGG COMMUNITY FEDERAL CREDIT UNION, 1700  
SOUTH DRAKE ROAD, PARCEL NO. 3905-25-240-008**
- **FIELD & STREAM, 5215 CENTURY AVENUE, PARCEL NO.  
3905-25-240-010.**

**PUBLIC HEARING: SPECIAL EXCEPTION USE – FIELD & STREAM  
CONSIDERATION OF THE APPLICATION FROM FIELD & STREAM FOR A  
SPECIAL EXCEPTION USE, PURSUANT TO SECTION 30.415 OF THE  
ZONING ORDINANCE, FOR A GRAND OPENING CELEBRATION ON APRIL  
1<sup>ST</sup>, 2<sup>ND</sup>, AND 3<sup>RD</sup>, 2016. THE SUBJECT PROPERTY IS LOCATED AT 5215  
CENTURY AVENUE, KALAMAZOO, MI WITHIN THE C: LOCAL BUSINESS  
DISTRICT. PARCEL NO. 3905-25-240-010**

**PUBLIC HEARING: SPECIAL EXCEPTION USE – ADAM GARLAND  
CONSTRUCTION**

**CONSIDERATION OF THE APPLICATION FROM ADAM GARLAND  
CONSTRUCTION ON BEHALF OF MOLLY GARLAND FOR A SPECIAL  
EXCEPTION USE AND SITE PLAN REVIEW FOR AN ADDITION TO AN  
EXISTING RESIDENTIAL STRUCTURE FOR COMMERCIAL USE IN THE  
VILLAGE COMMERCIAL DISTRICT AND VILLAGE FORM-BASED CODE  
OVERLAY DISTRICT, PURSUANT TO SECTION 33.301 OF THE ZONING**

**ORDINANCE. THE SUBJECT PROPERTY IS LOCATED AT 6825 STADIUM DRIVE, KALAMAZOO, MI, PARCEL NO. 3905-35-115-066.**

**PUBLIC HEARING: ZONING REQUEST – WEST MAIN PROPERTIES, LLC  
CONSIDERATION OF THE REZONING REQUEST FROM WARNER NORCROSS & JUDD, LLP, ON BEHALF OF WEST MAIN PROPERTIES, LLC OF APPROXIMATELY 30 ACRES CONSISTING OF THE NORTHERN PORTIONS OF PARCEL NOS. 3905-16-180-047 AND 3905-16-255-014 FROM RR: RURAL RESIDENTIAL TO C: LOCAL BUSINESS DISTRICT LOCATED AT 8500 WEST MAIN STREET.**

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A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, March 10, 2016, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

ALL MEMBERS WERE PRESENT:      Millard Loy, Chair  
Fred Antosz  
Kimberly Avery  
Wiley Boulding Sr.  
Dusty Farmer  
Pam Jackson  
Mary Smith

Also present were Julie Johnston, Planning Director, James Porter, Attorney, and Martha Coash, Meeting Transcriptionist. 10 other persons were in attendance.

**Call to Order and Pledge of Allegiance**

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

**Agenda**

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

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

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

**Public Comment on Non-Agenda Items**

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

## **Approval of the Minutes of February 25, 2016**

The Chairperson asked if there were any additions, deletions or corrections to the minutes of February 25, 2016.

Ms. Farmer noted under “Planning Commissioner Comments” the amount the Township Board committed to the Drake Farmstead should read \$150,000 rather than the \$50,000 stated.

Chairperson Loy asked for a motion to approve the minutes as corrected.

Mr. Antosz made a motion to approve the minutes of February 25, 2016 as corrected. Ms. Avery supported the motion. The motion was approved unanimously.

### **PUBLIC HEARING: SPECIAL EXCEPTION USE – CORNER@DRAKE B, LLC CONSIDERATION OF THE APPLICATION OF CORNER@DRAKE B, LLC FOR A SPECIAL EXCEPTION USE AND SITE PLAN REVIEW TO CONSTRUCT THE CORNER SHOPPES WITH DRIVE-THROUGH LANES, PURSUANT TO SECTION 30.407, AND TO INCLUDE THE CORNER SHOPPES AS PART OF A PLANNED UNIT DEVELOPMENT, PURSUANT TO SECTION 60.420. THE SUBJECT PROPERTY IS VACANT LAND LOCATED ON DRAKE ROAD, NORTH OF CENTURY AVENUE, KALAMAZOO, MI, WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-25-240-009**

Chairperson Loy moved to the next item on the agenda and asked Ms. Johnston to review the application for a Special Exception Use and site plan review and to include to construct the Corner Shoppes with drive-through lanes and to include the Corner Shoppes as part of a PUD.

Ms. Johnston noted the applicant was seeking site plan approval and Special Exception Use permission for two new multi-tenant retail buildings with drive-through accommodations, to be located on parcel number 05-25-240-002 along Drake Road within the Corner @ Drake commercial PUD in Oshtemo Township.

She said the project site is located to the south of the recently approved Kellogg Community Federal Credit Union and to the north of Consumers Credit Union. Consisting of two 10,000 square foot buildings to be oriented along Drake Road, the Corner Shoppes @ Drake will also incorporate three drive-through lanes—one at the north end of the development, one at the south end, and one between the two structures. The Corner Shoppes will have motorized connections to CCU to the south, the private service road to the west, and a driveway to the north that is shared with KCFCU. No direct vehicle access to Drake Road is proposed. She noted entrance would be from the south to the east side, one-way north to the back drive, moving back south one-way so the drive through windows will work effectively. Pedestrian connections to CCU as well as Drake Road have also been indicated on the site plan.

Ms. Johnston said the Corner Shoppes will also include a large patio in the space between the buildings for uses such as outdoor seating. A portion of this area is intended to accommodate a dedicated pedestrian path, linking the parking area behind the two buildings to the front entrances along Drake Road.

She explained the proposed project is in compliance with all relevant sections of Oshtemo Township's Zoning Ordinance, including building setbacks, site lighting photometrics, parking area layout and dimensions, and landscaping. The site plan has also been developed in accordance with the overall concept plan for the Corner @ Drake commercial PUD, which was approved by the Planning Commission at its February 11<sup>th</sup>, 2016 meeting.

Ms. Johnston said Staff was comfortable recommending approval of the site plan and Special Exception Use requests for the Corner Shoppes @ Drake, but suggested the following conditions, to be administratively evaluated prior to the issuance of a building permit.

1. A revised site plan is to be submitted to the Township, indicating all necessary ADA pedestrian ramps to meet ADA standards
2. The south circulation aisle adjacent to the building is to be converted to a one-way flow or the drive-through and circulation lane will be separated by a physical barrier if the two-way flow is to be maintained.
3. Any outstanding engineering concerns, as identified by the Township Engineer, be satisfactorily corrected on a revised site plan.

Chairperson Loy asked if there were questions for Ms. Johnston from Board Members.

Ms. Johnston clarified for Commissioners the traffic pattern combining one and two-way traffic.

There were no further questions for Ms. Johnston. Chairperson Loy asked the applicant to speak.

Mr. Curt Aardema, 4200 W. Centre Ave., Portage, Corner @ Drake B LLC, said the architectural theme for the project fits the profile of the overall Class A Corner @ Drake development. He addressed Staff concerns saying they thought they could make the site plan work with the recommended change regarding one-way traffic, and they would implement the recommendation regarding ADA ramps. He also explained the patio would service the adjacent retail spaces and that the south building would likely have a fenced in area to separate the patio from public space. Finally, he assured the Board the stormwater plan is mostly completed is designed for 100 year events and complies with the Master Plan. Remaining details are being worked through.

Ms. Smith expressed concerns regarding the traffic flow and navigation regarding the drive through between the two buildings.

Mr. Aardema said they had worked with consultants and Township staff on the traffic pattern and felt it would be workable.

Chairperson Loy asked for public comment. There was none; he moved to Board Deliberations.

Ms. Jackson said she recognized Ms. Smith's concerns regarding traffic flow and navigation, but liked the plan.

Ms. Smith reiterated her concern and felt it would be easier to navigate if all access was designated one-way.

Ms. Jackson and Mr. Loy felt clear signage would make navigation reasonable.

Ms. Avery felt designating direction of traffic on the pavement would be helpful.

Chairperson Loy asked if there was a motion for approval.

Ms. Jackson made a motion to approve the application for Special Exception Use and site plan approval as presented including the three staff recommendations. Mr. Boulding, Sr. supported the motion. The motion passed unanimously.

## **PUBLIC HEARING: SPECIAL EXCEPTION USE – CORNER@DRAKE PUD**

### **CONSIDERATION OF THE APPLICATION OF GESMUNDO, LLC TO INCLUDE THE FOLLOWING THREE PROPERTIES IN THE CORNER@DRAKE COMMERCIAL PLANNED UNIT DEVELOPMENT:**

**-CONSUMERS CREDIT UNION, 1900 SOUTH DRAKE ROAD, PARCEL NO. 3905-25-240-008**

**-KELLOGG COMMUNITY FEDERAL CREDIT UNION, 1700 SOUTH DRAKE ROAD, PARCEL NO. 3905-25-240-008**

**-FIELD & STREAM, 5215 CENTURY AVENUE, PARCEL NO. 3905-25-240-010**

Chairperson Loy moved to the next item on the agenda and asked Ms. Johnston to walk through the application for the special exception use requested by Corner @ Drake Planned Unit Development for the three listed properties.

Ms. Johnston said at its February 11th, 2016 meeting, the Planning Commission granted approval to the concept plan presented for the Corner @ Drake commercial planned unit development, located at the northwest corner of Drake Road and Stadium Drive in Oshtemo. Per section 60.420 of the Zoning Ordinance, all subsequent projects located within the PUD must obtain Special Exception Use status from the Planning

Commission. The three projects included in this request, CCU, KCFCU, and Field & Stream, were granted site plan approval by the Planning Commission before the PUD was in place, and must now be retroactively reviewed for compliance with the approved concept plan before they may be formally made a part of the larger development.

She said given that the approved concept plan for the Corner @ Drake commercial PUD was created after CCU, KCFCU, and Field & Stream had already gone through site plan review, the developer, AVB, was able to ensure that all three pre-existing projects were accurately depicted on the document. This being said, she indicated Staff recommended the Planning Commission approve their inclusion into the PUD, as they are in full compliance with the accepted concept plan and all other ordinance requirements.

After determining there no questions from Commissioners, no comments from the public and no Board deliberations comments, Chairperson Loy asked for a motion.

Ms. Jackson made a motion to approve the Special Exception Use to include Consumers Credit Union, Kellogg Community Federal Credit union and Field & Stream into the recently established Corner @ Drake commercial PUD as recommended. Mr. Boulding, Sr. supported the motion. The motion carried unanimously.

**PUBLIC HEARING: SPECIAL EXCEPTION USE – FIELD & STREAM  
CONSIDERATION OF THE APPLICATION OF FIELD & STREAM FOR A SPECIAL  
EXCEPTION USE, PURSUANT TO SECTION 30.415 OF THE ZONING ORDINANCE,  
FOR A GRAND OPENING CELEBRATION ON APRIL 1<sup>ST</sup>, 2<sup>ND</sup>, AND 3<sup>RD</sup>, 2016. THE  
SUBJECT PROPERTY IS LOCATED AT 5215 CENTURY AVENUE, KALAMAZOO,  
MI WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-25-240-010.**

Chairperson Loy moved to the next item on the agenda, a Special Exception Use request from Field and Stream for a grand opening celebration.

Ms. Johnston explained outdoor events longer than one day require Special Exception Use approval. Field & Stream, located at 5215 Century Avenue in the Corner@Drake Planned Unit Development, will be officially opening on April 1, 2016. The requested Special Exception Use is to allow for a three day outdoor event to celebrate the opening of the store. The event will include a total of four tents, two near the front of the building to provide coverage for patrons if queue lines are needed when the store opens, and two in the parking lot for special events and/or celebrity appearances.

She explained the application meets all Standards for Approval requirements; however, the placement of the larger tents at the northwest corner of the parking lot interrupts the drive-aisle directly in front of the building, so Staff would recommend the applicant introduce some additional traffic guidance measures in order to ensure adequate circulation.

Staff recommended the Planning Commission approve the Special Exception Use request with the following conditions of approval:

1. A temporary drive aisle should be created between the northern drive aisle and the next available drive aisle to the south to avoid vehicular traffic getting trapped at the location of the tents in the northwest corner of the parking lot. Four parking spaces close to the tents between the two drive aisles should be temporarily posted as “No Parking” to allow cars the ability to move to the next drive aisle. Four parking spaces would allow for a 20 foot drive aisle, allowing two-way traffic movements.
2. At least one fire extinguisher rated a minimum of 2A 10 BC must be in each tent.

Ms. Johnston noted there is a preview event planned for March 29 and though not included in the request, suggested approval be extended to that day.

Chairperson Loy determined there were no members of the public wishing to address the Board on this matter and moved to Board Deliberations.

After brief discussion, it was agreed the temporary drive aisle should include six parking spaces to ensure egress for fire department vehicles in case of an emergency.

Mr. Boulding, Sr. made a motion to approve the Special Exception Use for the Field & Stream grand opening celebration on March 29 and April 1 – 3, to include the two staff conditions, with the increase to the “No Parking” temporary drive aisle from four to six parking spaces. Ms. Avery supported the motion. The motion carried unanimously.

Ms. Johnston noted the next item on the agenda, an application from Adam Garland Construction for a Special Exception Use, required some changes based on the Zoning Ordinance regulations. Since neither a revised site plan nor elevation drawings were received prior to the meeting, this agenda item needed to be postponed until such time that the applicant provides the revised documents.

Ms. Farmer made a motion to postpone the hearing on the Special Exception Use from Adam Garland Construction until its meeting scheduled for April 14. Ms. Smith supported the motion. The motion carried unanimously.

**PUBLIC HEARING: ZONING REQUEST – WEST MAIN PROPERTIES, LLC  
CONSIDERATION OF THE REZONING REQUEST FROM WARNER NORCROSS &  
JUDD, LLP, ON BEHALF OF WEST MAIN PROPERTIES, LLC OF  
APPROXIMATELY 30 ACRES CONSISTING OF THE NORTHERN PORTIONS OF  
PARCEL NOS. 3905-16-180-047 AND 3905-16-255-014 FROM RR: RURAL  
RESIDENTIAL TO C: LOCAL BUSINESS DISTRICT LOCATED AT 8500 WEST  
MAIN STREET.**

Chairperson Loy asked Ms. Johnston to review the application for the Board.

Ms. Johnston said the applicant, West Main Properties, LLC, requested rezoning of the RR: Rural Residential portion of their property to C: Local Business District to allow for Leaders Marine expansion located at 8500 West Main Street. The parcels are currently zoned C: Local Business from West Main Street north 660 feet and then RR: Rural Residential for the remainder of the property, which is approximately 500 feet for parcel 05-16-180-047 and 1,875 feet for parcel 05-16-255-014.

She said the two subject parcels total approximately 30 acres. Parcel 05-16-180-047 is roughly 17 acres and is squarer in shape, while parcel 05-16-255-014 is almost 13 acres and is a long narrow parcel. The property has four existing buildings: the main retail showroom that also includes offices, storage, a place for deliveries and service; a building for pre-owned sales; and two storage buildings. There is also outside storage of boats and trailers on the site. The request for the rezoning is to allow the storage buildings to be relocated and for the expansion of the outside boat/trailer storage area. Making these adjustments to the site would allow room for new construction, which may include a warehouse and an expansion of the existing showroom. The requested use of the site, retail sales and indoor and outdoor storage, is not allowed in that portion of the property zoned RR: Rural Residential.

Ms. Johnston explained the Future Land Use Plan indicates a neighborhood commercial node should be located in close proximity to and designated to primarily serve nearby residential neighborhoods and also be compatible with adjacent land uses in building site scale.

She spoke about general land use patterns, saying land uses in the area are predominantly low density residential and that commercial uses are found in the immediate vicinity of the property. Some large scale uses, Handley Tree Service and D & R Sports, are located just east of the property. She noted recent rezonings include D & R Sports, who received an additional 440 feet of C: Local Business zoning for a total of 1,100 feet from the right-of-way in 2005, and Halli's Auto, who received additional C: Local Business zoning for the entire parcel.

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

1. Recommend approval to the Township Board.
2. Recommend a portion of the site be rezoned.
3. Deny the request.

Ms. Johnston said based on the considerations noted above, Staff's recommendation was that the Planning Commission consider rezoning a section of the subject site to allow for some flexibility to the existing use. A portion of the property



could be rezoned to commercial that would allow for the expansion of the existing business but would provide protection for the adjacent property owners and be supported by the rezoning approved for the D & R property.

She said their original recommendation was to allow the C: Local Business District to extend to the north an additional 440 feet for a total of 1,100 feet and to the west a total of 876 feet from the eastern property line. This proposal would provide a border of RR: Rural Residential property to north and west, providing a buffer to the adjacent residential uses from the encroachment of commercial development.

However, she said, the applicant had suggested an alternative approach: to approve the rezoning of 8500 West Main Street from RR:Rural Residential to C: Local Business to the rear property line of parcel no. 05-16-180-047 and measured along this same line (approximately 514 feet to the north from the existing C zoning) for parcel no. 05-16-255-014.)

Ms. Johnston said this approach would allow commercial zoning to go to the north property line of the smaller of the two parcels in length to allow a squaring off. This would be a little more than what was approved for D & R and provides a better buffer for the property to the west. With enhanced setbacks for RR, the benefit of an 85 foot setback will be achieved, close to the Staff recommendation. She felt this approach improved on the original Staff plan and recommended moving forward with this revision.

Chairperson Loy asked if Board Members had questions for Ms. Johnston.

In answer to a question from Mr. Antosz, Mr. Johnston said the D & R property goes back 1100 linear feet from West Main to the north property line. The revised approach for this rezoning would include 1250 linear feet from West Main to the north property line.

There were no further questions. Chairperson Loy asked if there were any comments from the applicant.

Mr. Tom Emmon, 111 Lyon Street, Grand Rapids, spoke on behalf of the applicant, saying after reviewing the Staff recommendation they submitted the alternative recommendation and are comfortable with it. They will eventually submit an application for the site plan. He noted the awkwardly shaped parcel, the large power lines on the property, the heavily wooded area that abuts Handley's, and that there is substantial elevation change on the property.

Chairperson Loy thanked Mr. Emmon and asked if there was anyone from the public who wished to comment.

Mr. Ron Whitmire, 110 North 5<sup>th</sup> Street, said the property being considered for rezoning is directly east of his property and heavily wooded. He was concerned about the possible negative effect on wildlife, future property value, and diminished quality of life if boats and storage facilities are visible from his picture window.

Mr. Jim Fry, 1260 N. 5<sup>th</sup> Street, said he owns the t-shaped parcel the rezoned property would back up to and would prefer that the zoning for D & R be duplicated to gain additional buffering. He said there are not many instances of zoning businesses from the street along the West Main corridor.

Mr. David Handley, 8342 West Main Street, and owner of Handley's Tree Service, said he had no objection to the rezoning and noted no one would want to build by the big power lines on the affected property; he felt this was the best use for it.

Mr. Whitmire asked if the revised recommendation would provide more of a buffer for his property than the original plan.

Attorney Porter confirmed the revised plan would provide a 330 foot buffer from his property line.

Hearing no further public comment, Chairperson Loy moved to Board Deliberations.

Ms. Farmer and Mr. Loy felt this was a good example of Planning Department Staff working with an applicant to come to agreement while complying with the Land Use Plan to achieve a better result than what was originally recommended.

In answer to a question from Ms. Smith about tree cutting within the 330 foot buffer zone, Attorney Porter indicated this would be an Ordinance compliance issue.

Mr. Antosz said he appreciated having been supplied with the D & R minutes that set precedent for this request; he was satisfied with the 85 feet and enhanced buffer.

Mr. Antosz made a motion to approve the rezoning according to the revised plan. Ms. Jackson supported the motion. The motion carried unanimously.

### **Old Business**

Ms. Johnston noted there would be recommendations for three Ordinance changes at the March 24 meeting.

Mr. Boulding, Sr. and Ms. Jackson both reminded the Board they would be absent from the meeting of the 24<sup>th</sup>.

### **Any Other Business**

There was no other business..

## **PLANNING COMMISSIONER COMMENTS**

Mr. Loy reminded Board Members of the April 17 open house at the Drake House, commended the Township Board for its \$150,000 contribution to the endowment, noted an additional \$100,000 has been pledged or received, and the capital campaign is underway for another \$250,000. He commended Ms. Karen High for her work on the fundraising effort. Online contributions can be made and matching programs are available at Hardings with a donation card.

Ms. Farmer told Commissioners the annual Rotary pancake breakfast to support Prairie Ridge School, polio eradication and the Township's parks will be held at Ted & Marie's on March 20.

## **ADJOURNMENT**

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Loy adjourned the Planning Commission meeting.

The Planning Commission meeting was adjourned at approximately 8:15 p.m.

Minutes prepared:  
March 12, 2016

Minutes approved:  
March 24, 2016