

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD SEPTEMBER 8, 2016

Agenda

**PUBLIC HEARING: SPECIAL EXCEPTION USE (KORTOKRAX FARM)-
APPLICATION WITHDRAWN**

CONSIDERATION OF AN APPLICATION FROM KORTOKRAX FARM, ON BEHALF OF DPG MAPLE HILL, LLC, FOR A SPECIAL EXCEPTION USE FOR A TEMPORARY SALES EVENT FOR FALL AGRICULTURAL PRODUCE PURSUANT TO SECTION 30.415 OF THE ZONING ORDINANCE. THE SUBJECT PROPERTY IS LOCATED AT 5030 WEST MAIN STREET, KALAMAZOO, MI WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-13-280-051.

PUBLIC HEARING: SPECIAL EXCEPTION USE (CORNER SHOPPES, LLC)

CONSIDERATION OF AN APPLICATION FROM CORNER SHOPPES, LLC, TO ELIMINATE A SPECIAL EXCEPTION USE WHICH WAS APPROVED FOR A DRIVE-THROUGH LANE ON THE NORTH BUILDING OF THE CORNER SHOPPES AND CONVERT THE SAME TO AN OUTDOOR PATIO SPACE PURSUANT TO SECTION 60.207 OF THE ZONING ORDINANCE. THE SUBJECT PROPERTY IS LOCATED WITHIN THE CORNER@DRAKE PLANNED UNIT DEVELOPMENT ALONG DRAKE ROAD. PARCEL NO. 3905-25-240-002.

PUBLIC HEARING: SPECIAL EXCEPTION USE (CORNER@DRAKE E, LLC)

CONSIDERATION OF AN APPLICATION FROM CORNER@DRAKE E, LLC TO INCLUDE A GROCERY STORE AND RETAIL SHOPS AS PART OF THE CORNER@DRAKE PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTION USE AND CONSIDERATION OF SITE PLAN REVIEW, PURSUANT TO SECTION 60.450 OF THE ZONING ORDINANCE. PARCEL NO. 3905-25-275-020.

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, September 8, 2016, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

ALL MEMBERS WERE PRESENT:

Millard Loy, Chair
Fred Antosz, Vice-Chair
Wiley Boulding, Sr.
Dusty Farmer
Pam Jackson
Mary Smith

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

Call to Order and Pledge of Allegiance

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

Agenda

Chairperson Loy asked if there were any additions, deletions or corrections to the Agenda. Hearing none, he called for a motion to accept the Agenda as presented.

Ms. Jackson made a motion to accept the Agenda as presented. Mr. Antosz seconded the motion. The motion passed unanimously.

Public Comment on Non-Agenda Items

Chairperson Loy noted there were no audience members who wished to comment on non-agenda items and proceeded to the next agenda item.

Approval of the Minutes of August 11, 2016

Chairperson Loy asked if there were any additions, deletions or corrections to the minutes of August 11, 2016. Hearing none, he asked for motion to approve the minutes.

Mr. Antosz made a motion to approve the minutes of August 11, 2016 as presented. Ms. Jackson seconded the motion. The motion was approved unanimously.

**PUBLIC HEARING: SPECIAL EXCEPTION USE (KORTOKRAX FARM)-
APPLICATION WITHDRAWN
CONSIDERATION OF AN APPLICATION FROM KORTOKRAX FARM, ON BEHALF
OF DPG MAPLE HILL, LLC, FOR A SPECIAL EXCEPTION USE FOR A
TEMPORARY SALES EVENT FOR FALL AGRICULTURAL PRODUCE PURSUANT
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LOCATED AT 5030 WEST MAIN STREET, KALAMAZOO, MI WITHIN THE C:
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Chairperson Loy noted the applicant requested this application be withdrawn and moved to the next item on the agenda.

**PUBLIC HEARING: SPECIAL EXCEPTION USE (CORNER SHOPPES, LLC)
CONSIDERATION OF AN APPLICATION FROM CORNER SHOPPES, LLC, TO
ELIMINATE A SPECIAL EXCEPTION USE WHICH WAS APPROVED FOR A DRIVE-
THROUGH LANE ON THE NORTH BUILDING OF THE CORNER SHOPPES AND
CONVERT THE SAME TO AN OUTDOOR PATIO SPACE PURSUANT TO SECTION
60.207 OF THE ZONING ORDINANCE. THE SUBJECT PROPERTY IS LOCATED
WITHIN THE CORNER@DRAKE PLANNED UNIT DEVELOPMENT ALONG DRAKE
ROAD. PARCEL NO. 3905-25-240-002.**

Chairperson asked Ms. Johnston to review the application to eliminate a special exception use for drive-through service and convert same to an outdoor patio space from Corner Shoppes, LLC.

Ms. Johnston told the Board on March 10th, 2016 the applicant received special exception use permission and site plan approval for two new multi-suite retail buildings with three drive-throughs, to be located along Drake Road within the Corner @ Drake Commercial Planned Unit Development. Since that time, one of the perspective tenants for the northern-most of the two buildings has expressed interest in eliminating the drive-through along the north wall of the structure, which would be replaced with an outdoor dining patio. Per section 60.207 of the Oshtemo Township Zoning Ordinance, this reduction in the area occupied by an element that constitutes a special use—in this case the omission of a drive-through lane—requires the express approval of the Planning Commission.

She indicated having reviewed the proposed and amended plan, Township planning staff were 100% in support of the desired changes: Traffic circulation around the site will be significantly simplified with the removal of the northern-most drive-through lane, and an additional pedestrian connection to the future Drake Road shared use path is now feasible. The applicant is working with Township Staff on an updated landscape plan, as the location of the patio encroaches into what was a landscaped buffer strip between the previously planned drive-through lane and the adjacent motorized connection to Drake Road. This process is close to being resolved.

Ms. Johnston recommended the Planning Commission grant approval of the special exception use and site plan amendment, and suggested the following conditions:

- An updated landscape plan is to be submitted to the Township, to be administratively reviewed and approved.
- Planning Commission approval also constitutes acceptance of the corresponding Concept Plan for the Corner@Drake PUD, which shall reflect the approved site plan for this project and any associated conditions.

Chairperson Loy asked if Commissioners had questions for Ms. Johnston.

Ms. Farmer wondered why the applicant had to return to the Board for a special exception to eliminate a previously granted exception; she felt it was a waste of the applicant's time.

Ms. Johnston said currently the Ordinance requires any change to come before the Board, but agreed in this case it seems an alteration would be appropriate without requiring the Board to eliminate the previous granted exception. It would make more sense to be left to Staff when the landscape plan is less intense. She said this requirement would be looked at when the code is reviewed for updates.

Ms. Johnston responded to some questions about plan specifics regarding bay doors, cross walks, loading zones and front doors, and explained the site plan was approved earlier in March of this year.

Chairperson Loy noted there were no comments from the applicant and no comments from the public and moved to Board Deliberations.

In response to a question from Ms. Jackson, Mr. Joe Gesmundo, AVB Builders, explained the area around the patio would be curbed and guttered and a division would be created from the driveway by planters. These items are part of the landscape plan.

Hearing no further questions, the Chairperson called for a motion.

Ms. Jackson made a motion to approve the elimination of the drive-through special exception use and convert it to an outdoor patio space as requested, based on the Staff recommendation, and including the two conditions suggested. Mr. Antosz seconded the motion. The motion was approved unanimously.

**PUBLIC HEARING: SPECIAL EXCEPTION USE (CORNER@DRAKE E, LLC)
CONSIDERATION OF AN APPLICATION FROM CORNER@DRAKE E, LLC TO
INCLUDE A GROCERY STORE AND RETAIL SHOPS AS PART OF THE
CORNER@DRAKE PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTION USE
AND CONSIDERATION OF SITE PLAN REVIEW, PURSUANT TO SECTION 60.450
OF THE ZONING ORDINANCE. PARCEL NO. 3905-25-275-020.**

Chairperson Loy moved to the next item on the agenda, an application for special exception use from Corner@Drake, to include a grocery store and retail shops as part of the PUD. He asked Ms. Johnston to review the application.

Ms. Johnston said the latest proposed development for the Corner @ Drake Commercial Planned Unit Development is a natural grocery store and a handful of smaller retail suites. The project is located at the northwest corner of Stadium Drive and Drake Road and the applicant is seeking special exception use permission and site plan approval. In order for this project to be accepted into the PUD, section 60.000: *Special Exception Uses* of the Oshtemo Township Zoning Ordinance dictates that it

must undergo the special exception use review process, which culminates in Planning Commission approval.

Planned to be located directly to the northwest of the intersection of Drake Road and Stadium Drive, she said the 13,000 square foot grocery store and 19,500 square foot associated retail suites will occupy what could arguably be considered the most visually prominent point in the Corner @ Drake Commercial PUD. Situated at the top of the large landscaped stone wall that defines the two major road frontages of the Corner @ Drake development, the proposed placement of these structures will help to further emphasize the corner, and will be readily seen by motorists on Drake Road and especially Stadium Drive. As with other projects that have been and are currently being constructed at the Corner @ Drake, the applicant has envisioned structures that are not only aesthetically attractive in their own right, but also complement the landscaping and overall architectural style of the development in general.

Ms. Johnston explained the two main elements of this site—the grocery store and retail suites—will be separated by a large patio, meant to function as an outdoor common area for patrons to enjoy. This space also serves to satisfy a portion of the open space requirement for the commercial PUD, which must have at least five percent of the area dedicated as open space. Such open space, per the Zoning Ordinance, can take the form of the preservation of scenic vistas, protected areas of ecological sensitivity, or, in this case, a space intended to “provide opportunities for social interaction”.

Ms. Johnston noted on the original approved concept plan for the Corner @ Drake Commercial PUD, as well as on the amended concept plan that’s been submitted along with this project, the applicant indicated that up to 25 percent, or 248, of the planned 997 spaces in the overall development will be smaller than the standard 10 foot by 20 foot required by *Section 68.300.A: Space Size*. This same Section of the Ordinance allows parking lots with more than 100 spaces to allow 25 percent of those spaces to be smaller in size.

She said to date, the applicant is proposing 107 undersized spaces within the Kellogg Community Credit Union and Corner Shoppes sites. They have requested an additional 178 on the natural grocery site. This totals 285 spaces, 37 more than what is allowed by *Section 68.300.A*. She indicated this issue is close to being resolved.

Ms. Johnston said while the proposed site plan for this project is in accordance with that allowance, Township staff believes that there is insufficient *interior landscaping* shown for the site, a requirement that must still be met. Given the irregular shape of some of the interior landscape features, staff is unable to manually measure the amount of landscaped area currently proposed, and has contacted the landscape architecture firm responsible for the plan directly, requesting exact numbers. Three possible outcomes are possible, as follows:

- The site meets the interior landscaping requirements and the landscape plan can be approved administratively when the calculations are provided.

- The landscape plan does not meet the interior landscaping requirement and the Planning Commission conditions the site plan to meet the Ordinance through a revised landscape plan submitted to the Township, which is reviewed administratively.
- The landscape plan does not meet the interior landscaping requirements and the Planning Commission and through *Section 60.405: Deviation from Dimensional Requirements*, allows the applicant to depart from the interior landscaping requirement for this site within the PUD.

Ms. Johnston indicated all additional Zoning Ordinance criteria has been met and that Staff was comfortable in recommending the granting of special exception use permission and site plan approval for the proposed natural grocery store and retail shops, with the following suggested conditions:

1. Any final stormwater management, utilities, or other engineering details shall be subject to the administrative review and approval of the Township's Engineer.
2. The final location and number of required fire hydrants shall be subject to the administrative review and approval of the Township's Fire Marshal.
3. A landscape plan that meets Ordinance requirements be submitted for administrative review.
4. If the outdoor patio area is to one day include seating, a revised site plan and concept plan shall be submitted to the Township for administrative approval.
5. Planning Commission approval also constitutes acceptance of the corresponding Concept Plan for the Corner@Drake PUD, which shall reflect the approved site plan for this project and any associated conditions.

Chairperson Loy asked if Commissioners had questions for Ms. Johnston.

In answer to a question from Ms. Jackson about parking space sizes, Ms. Johnston said the standard size required is 10 x 20' and the smaller spaces requested are 9 x 18'. She noted the Ordinance allows 25% of the spaces to be 9 x 18' in a lot with at least 100 spaces and that they can be spread out within the PUD. The intent is to attempt to reduce the amount of asphalt installed.

The Chairperson asked if the applicant wished to speak.

Mr. Joe Gesmundo, 4200 W. Centre Street, AVB Builders, said his company is excited to work on this part of the development. The original vision included a patio at Stadium and Drake and that they are delighted to execute the vision. It has been challenging to include a grocery store, which uses a lot of parking which has caused the

original building to be reduced from 52,000 to 32,000 square feet. He explained many municipalities have 8 x 19', 9 x 18' and 9 x 20' spaces as a norm and many retail centers all over the country do well with smaller spaces, that 10 x 20' spaces is a maximum. Perimeter islands with 18' spaces allow trucks to pull up to the curb. He said the plan now has the number of 9 x 18' spaces down to six rather than the original number of 37.

There were no questions for Mr. Gesmundo; Chairperson Loy moved to Board Deliberations.

There was some discussion regarding the number of 9 x 18' parking spaces. It was determined the spaces in the plan equaled 25.35% which would allow 3 spaces over what is allowed in the PUD. It was the consensus of the Board that using whole number rounding allows the Planning Commission to approve reduced size parking spaces up to 25.35%.

Chairperson Loy asked for a motion.

Ms. Jackson made a motion to approve granting special exception use permission and site plan approval for the proposed natural grocery store and retail shops as proposed, with the five conditions suggested by Staff, and an allowed deviation from 25% to 25.35% for 9 x 18' parking spaces. Ms. Farmer seconded the motion. The motion was approved unanimously.

OLD BUSINESS

Ms. Johnston reported on the progress being made building the zoning ordinance website. She also reported the Master Plan proposal was approved by the Township Board and that work would begin on that project starting with Rural Residential on September 9.

She also said the DDA would like to review the Village Theme Plan before considering the Form Based Code as requested by the Planning Commission. The consultant for this project suggested that 1-3 PC members sit on a steering committee and that she would be seeking volunteers.

ANY OTHER BUSINESS

Ms. Johnston will be speaking at the Michigan Association of Planning next month as part of a 7-8 member group who will each do a short presentation on something local. If PC members would like to attend, she will arrange registration for them.

PLANNING COMMISSIONER COMMENTS

Commissioners have contacted Township residents regarding the open position on the Planning Commission; Ms. Johnston reported two individuals have applied and will be interviewed by Township staff soon.

Attorney Porter said oral arguments will be heard by the Michigan Supreme Court regarding the Township's challenge to ITC regarding power lines being placed that violate the Township's ordinance. Although the lines are already in place in Oshtemo, the results of the hearing may have state-wide impact.

ADJOURNMENT

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Loy adjourned the Planning Commission meeting at approximately 7:46 p.m.

Minutes prepared:
September 10, 2016

Minutes approved:
September 22, 2016