



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334  
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**NOTICE  
OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS - REGULAR MEETING**

**MEETING WILL BE HELD IN PERSON  
AT OSHTEMO TOWNSHIP HALL  
7275 W MAIN STREET**

Masks Are Now Optional in Oshtemo Township Buildings

*(Meeting will be available for viewing through <https://www.publicmedianet.org/qavel-to-qavel/oshtemo-township>)*

**TUESDAY, NOVEMBER 14, 2023  
3:00 P.M.**

**AGENDA**

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: March 21<sup>st</sup>, 2023
6. 2024 Meeting Dates
7. **Public Hearing - Variance: Friendship Animal Hospital**  
Hansen Building and Design Corporation, on behalf of Dr. Laura Billings, is requesting a variance in order to construct a new commercial building 25 feet from both of the side yards while Section 50.70.E. of the Township Ordinance requires 50-foot side yard setbacks.
8. Other Updates and Business
9. Adjournment

**Policy for Public Comment  
Township Board Regular Meetings, Planning Commission & ZBA Meetings**

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

- a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email ([oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org)), walk-in visits, or by appointment.
- b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)  
(revised 5/14/2013)  
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday, 8 a.m.-1 p.m. and 2-5 p.m., and on Friday, 8 a.m.–1 p.m. Additionally, questions and concerns are accepted at all hours through the website contact form found at [www.oshtemo.org](http://www.oshtemo.org), email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to [oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org) and it will be directed to the appropriate person.

<b>Oshtemo Township Board of Trustees</b>		
<b><u>Supervisor</u></b>		
Cheri Bell	216-5220	<a href="mailto:cbell@oshtemo.org">cbell@oshtemo.org</a>
<b><u>Clerk</u></b>		
Dusty Farmer	216-5224	<a href="mailto:dfarmer@oshtemo.org">dfarmer@oshtemo.org</a>
<b><u>Treasurer</u></b>		
Clare Buszka	216-5260	<a href="mailto:cbuszka@oshtemo.org">cbuszka@oshtemo.org</a>
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Michael Chapman	375-4260	<a href="mailto:mchapman@oshtemo.org">mchapman@oshtemo.org</a>

<b>Township Department Information</b>			
<b><u>Assessor:</u></b>			
Kristine Biddle	216-5225	<a href="mailto:assessor@oshtemo.org">assessor@oshtemo.org</a>	
<b><u>Fire Chief:</u></b>			
Greg McComb	375-0487	<a href="mailto:gmccomb@oshtemo.org">gmccomb@oshtemo.org</a>	
<b><u>Ordinance Enforcement:</u></b>			
Rick Suwarsky	216-5227	<a href="mailto:rsuwarsky@oshtemo.org">rsuwarsky@oshtemo.org</a>	
<b><u>Parks Director:</u></b>			
Vanessa Street	216-5233	<a href="mailto:vstreet@oshtemo.org">vstreet@oshtemo.org</a>	
Rental Info	216-5224	<a href="mailto:oshtemo@oshtemo.org">oshtemo@oshtemo.org</a>	
<b><u>Planning Director:</u></b>			
Iris Lubbert	216-5223	<a href="mailto:ilubbert@oshtemo.org">ilubbert@oshtemo.org</a>	
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**OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
DRAFT MINUTES OF A REGULAR MEETING HELD MARCH 21, 2023 AT  
OSHTEMO TOWNSHIP HALL, 7275 WEST MAIN STREET**

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**Agenda**

**SITE PLAN: TAPLIN**

**GLAS ASSOCIATES WAS REQUESTING SITE PLAN APPROVAL FOR A PROPOSED 40,375 SQUARE-FOOT MAINTENANCE AND STORAGE FACILITY LOCATED AT 5070 WEST MICHIGAN AVENUE**

**TEXT INTERPRETATION: SECTION 41.60.B**

**VISSER PROPERTY MANAGEMENT, LLC WAS REQUESTING AN INTERPRETATION OF SECTION 41.60.B OF THE ZONING ORDINANCE TO DETERMINE IF ASSEMBLY AND CONVENTION HALLS ARE AN APPROPRIATE NEIGHBORHOOD COMMERCIAL USE WITHIN A RESIDENTIAL PUD**

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A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held Tuesday, March 21, 2023, beginning at approximately 3:00 p.m.

ALL MEMBERS WERE PRESENT:      Anita Smith, Chair (arrived late)  
   Rick Everett  
   Dusty Farmer  
   Fred Gould  
   Harry Jachym  
   Louis Williams, Vice Chair  
   Alistair Smith

Also present were Iris Lubbert, Planning Director, Jim Porter, Township Attorney, Colten Hutson, Zoning Administrator, Martha Coash, Recording Secretary, Paul Lippens, Vice President of MCKENNA, and four guests.

**Call to Order**

Vice Chairperson Williams called the meeting to order. Those present joined in reciting the Pledge of Allegiance.

**Approval of Agenda**

Ms. Lubbert indicated there were no changes to the agenda.

Ms. Farmer made a motion to approve the agenda as presented. Mr. Williams seconded the motion. The motion was approved unanimously.

The Vice Chair moved to the next agenda item.

**Public Comment on Non-Agenda Items**

There were no comments on non-agenda items.

**Approval of the Minutes of January 24, 2023**

Vice Chairperson Williams asked if there were changes to the Minutes of January 24, 2023. Hearing none, he asked for a motion.

Ms. Farmer made a motion to approve the Minutes of January 24, 2023 as presented. Mr. Jachym seconded the motion. The motion was approved unanimously.

The Vice Chair moved to the next agenda item.

Chairperson Smith arrived at this point in the meeting.

**SITE PLAN: TAPLIN  
GLAS ASSOCIATES WAS REQUESTING SITE PLAN APPROVAL FOR A  
PROPOSED 40,375 SQUARE-FOOT MAINTENANCE AND STORAGE FACILITY  
LOCATED AT 5070 WEST MICHIGAN AVENUE**

Mr. Paul Lippens, of McKenna presented the findings for the site plan application for the proposed 40,375 square foot maintenance and storage facility located at 5070 West Michigan Ave, noting the applicant received previous approval to construct a 32,875 square foot building by the ZBA on December 13, 2022. The review was based on the revised site plan dated February 22, 2023.

The site is approximately 12.36 acres with frontage along W. Michigan Ave., west of S. Drake Road and is located in the I-2 Industrial District, which permits warehousing as a permitted use. (Section 27.20.E.)

The application notes the three existing buildings on site will be demolished upon completion of the new warehouse facility.

Mr. Lippens noted the applicant was requesting that the previously granted deviation from installation of the interior sidewalk be extended for this revision of the site plan as it remains a security issue.

Under Landscaping, he noted the required 20 foot wide greenbelt should be shown on the site plan.

In the case of interior site landscaping, he said the applicant would need to provide landscaping calculations to ensure this provision is satisfied. In addition he

noted the applicant has been granted 49 tree preservation credits due to the retention of existing mature growth trees on site. He also pointed out that this provision is only partially met due to the installation of site landscaping around the building as it relates to the retention pond screening.

He recommended the additional gravel proposed on the front yard area be removed to reduce the temptation to store equipment in an unauthorized location. Removal will also reduce the required interior site landscaping by reducing the amount of site alterations.

Based on the revised site plans dated February 22, 2023, Mr. Lippens indicated the Taplin Site Plan Application could be recommended for approval subject to the conditions outlined below:

1. A Soil Erosion and Sedimentation Control (SESC) permit from the Kalamazoo County Drain Commissioner's Office will be required prior to building permit issuance.
2. A permit by the Road Commission of Kalamazoo County authorizing work within the public right-of-way will be required prior to building permit issuance.
3. All watermain connections shall be coordinated with the City of Kalamazoo Department of Public Services. A copy of the City of Kalamazoo water permit shall be provided prior to building permit issuance. Acceptance of watermain construction and testing must be provided prior to issuing a certificate of occupancy.
4. Finalization for the design of the non-motorized facility or any other engineering details shall be subject to the administrative review and approval of the Township Engineer prior to building permit issuance.
5. Prior to any occupancy of the proposed principal building, the existing three structures shall be demolished.
6. Copies of the necessary recorded easements shall be provided to the Township prior to issuing a certificate of occupancy.
7. All non-motorized facilities on the approved site plan shall be installed prior to issuing a final certificate of occupancy.
8. No outdoor storage shall be allowed within the front yard nor the front, side, or rear yard setbacks: the additional gravel area noted in the front yard on the site plan shall be removed.
9. If ownership between 5070 W Michigan Avenue and 5100/5140 W Michigan Avenue changes, a cross-access agreement will be executed and recorded, with approval by the Township Attorney.
10. Additional gravel shown in the front yard be removed to reduce the amount of site alterations project to take place – this will also reduce the amount of on-site landscaping that is required by Ordinance.
11. **SIDEWALK DEVIATION:** The Zoning Board of Appeals approves the request to deviate from Section 57.90 to not install a sidewalk connection from the proposed principal building to the proposed non-motorized facility abutting the public right-of-way appropriate for this industrial site.

12. An updated Landscaping Plan that meets ordinance requirements shall be submitted and approved prior to building permit issuance. The Landscaping Plan shall include:

- i. Clearly delineate the 20-foot required greenbelt on the landscaping plan.
- ii. Provide details pertaining to the type of ground cover to be on site.
- iii. Provide interior landscaping that total 53,975 square feet – not counting the required green belt and parking lot landscaping. Provide calculations of said interior landscaping to ensure compliance with this provision.
- iv. Install screening around the proposed retention pond, such as shrubs or coniferous trees to provide year-round screening.

Chairperson Smith determined board members had no questions and asked if the applicant wished to speak.

Mr. Adam Harvey of Glas Associates, spoke on Taplin Properties' behalf. He indicated after the approval of the site plan in December it was felt that in order to be sure outside storage for equipment would not be needed in the front yard, more square footage was needed to ensure inside storage.

He explained the gravel shown on the site plan will not be added, but is already in place as part of the front yard. It will be used for temporary fleet parking and he noted keeping it in place will prevent additional stormwater runoff.

He also explained they have a concern about condition #5 in the recommendation, as they will need to keep the three buildings in place until the contents can be moved to the new facility. It would be impossible to open if they have to be torn down before the new facility is complete. They expect the new facility to be completed in a November / December time frame.

Ms. Lubbert suggested a change to condition #5 reading “prior to **final** occupancy” rather than “prior to any occupancy,” would allow the building authority and Township to work with Taplin regarding temporary measures in granting occupancy until completion would allow final occupancy to be granted.

Attorney Porter noted it is standard to grant such a temporary occupancy if a project completion delay is warranted.

Mr. Harvey said they had no issues with any of the other requirements and indicated he understood condition #9 would require a cross-access agreement if ownership between 5070 W. Michigan and 5100/5140 W. Michigan changes.

Chairperson Smith thanked Mr. Harvey for his comments and asked if there was a need for board deliberations. Hearing no comment, she asked for a motion.

Ms. Farmer made a motion to approve the site plan request for a proposed 40,375 square foot maintenance and storage facility at 5070 West Michigan Avenue as proposed subject to the following 12 conditions:

1. A Soil Erosion and Sedimentation Control (SESC) permit from the Kalamazoo County Drain Commissioner's Office will be required prior to building permit issuance.
2. A permit by the Road Commission of Kalamazoo County authorizing work within the public right-of-way will be required prior to building permit issuance.
3. All watermain connections shall be coordinated with the City of Kalamazoo Department of Public Services. A copy of the City of Kalamazoo water permit shall be provided prior to building permit issuance. Acceptance of watermain construction and testing must be provided prior to issuing a certificate of occupancy.
4. Finalization for the design of the non-motorized facility or any other engineering details shall be subject to the administrative review and approval of the Township Engineer prior to building permit issuance.
5. Prior to **final** occupancy of the proposed principal building, the existing three structures shall be demolished.
6. Copies of the necessary recorded easements shall be provided to the Township prior to issuing a certificate of occupancy.
7. All non-motorized facilities on the approved site plan shall be installed prior to issuing a final certificate of occupancy.
8. No outdoor storage shall be allowed within the front yard nor the front, side, or rear yard setbacks: the additional gravel area noted in the front yard on the site plan shall be removed.
9. If ownership between 5070 W Michigan Avenue and 5100/5140 W Michigan Avenue changes, a cross-access agreement will be executed and recorded, with approval by the Township Attorney.
10. Additional gravel shown in the front yard be removed to reduce the amount of site alterations project to take place – this will also reduce the amount of on-site landscaping that is required by Ordinance.
11. **SIDEWALK DEVIATION:** The Zoning Board of Appeals approves the request to deviate from Section 57.90 to not install a sidewalk connection from the

proposed principal building to the proposed non-motorized facility abutting the public right-of-way appropriate for this industrial site.

12. An updated Landscaping Plan that meets ordinance requirements shall be submitted and approved prior to building permit issuance. The Landscaping Plan shall include:

- i. Clearly delineate the 20-foot required greenbelt on the landscaping plan.
- ii. Provide details pertaining to the type of ground cover to be on site.
- iii. Provide interior landscaping that total 53,975 square feet – not counting the required green belt and parking lot landscaping. Provide calculations of said interior landscaping to ensure compliance with this provision.
- iv. Install screening around the proposed retention pond, such as shrubs or coniferous trees to provide year-round screening.

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

Chairperson Smith moved to the next agenda item.

**TEXT INTERPRETATION: SECTION 41.60.B**  
**VISSER PROPERTY MANAGEMENT, LLC WAS REQUESTING AN**  
**INTERPRETATION OF SECTION 41.60.B OF THE ZONING ORDINANCE TO**  
**DETERMINE IF ASSEMBLY AND CONVENTION HALLS ARE AN APPROPRIATE**  
**NEIGHBORHOOD COMMERCIAL USE WITHIN A RESIDENTIAL PUD.**

Attorney Porter indicated that since it had been a long time since the Zoning Board of Appeals has had to consider an interpretation of the zoning ordinance, he distributed a handout listing the “Rules of Construction for Zoning Ordinances”, and walked through it with the group to provide guidance as they considered this issue.

Ms. Farmer asked if they are to look strictly at the ordinance and not the decision of a previous Zoning Board of Appeals.

Attorney Porter confirmed that is correct. The intent should be determined by looking at all the ordinance language and Master Plan documents pertinent to the specific request.

**Request Overview and Background:**

Mr. Hutson explained Jeff Scheffers, on behalf of Visser Property Management LLC, was requesting an interpretation of Section 41.60.B of the zoning ordinance to determine if Assembly and Convention Halls are an appropriate neighborhood commercial use within a Residential PUD. If determined an acceptable use, it would allow him to establish an Assembly and Convention Hall within the existing building located at 5401 W. H Avenue of the West Port Village PUD. The property in question



was previously approved to serve as the nonresidential component of the Residential PUD for West Port Village. The subject property is located on the south side of W H Avenue, between N Drake Road and US-131.

On November 18, 2004, the Oshtemo Township Planning Commission granted site plan and special exception use approval for 133 residential units and one nonresidential unit. The nonresidential unit was approved to serve as office space for Visser Construction as well as community area for the residents of West Port Village. Per ordinance, up to 20% of a Residential PUD is allowed to be made up of nonresidential development. Since the applicant has the desire to change the community area component within the nonresidential building to an Assembly and Convention Hall use, such a change would require staff, and ultimately the Planning Commission, to evaluate the proposed use against the Township's zoning ordinance and master planning documents.

In reviewing the zoning ordinance for Residential PUDs, Section 41.60.B: Allowable Uses states the following:

*Planned unit developments are restricted to one or more of the following uses regardless of the zoning classification in which the development is located, provided such land uses are consistent with the goals and objectives of the Township Master Plan including the Sub-Area Plans:*

- A. *One-family, two-family, three- or four-family, and multiple-family dwellings, including uses and buildings accessory thereto.*
- B. *Low intensity nonresidential uses such as educational, cultural, recreational, neighborhood office or neighborhood commercial nature, including uses and buildings accessory thereto. Non-residential uses shall be compatible in design, layout, scale and appearance with the residential character of the area and shall be an integral part of a residential development logically oriented to and coordinated with the planned unit development to serve the day-to-day needs of residents in the development.*

Upon staff review of the language outlined in the zoning ordinance, the applicant was informed the proposed use of an Assembly and Convention Hall did not meet the specific requirements of Section 41.60.B, which details the types of uses allowed within a Residential PUD. An Assembly and Convention Hall does not clearly meet the definition of a low intensity nonresidential use nor does it clearly serve the day-to-day needs of the residents within the PUD.

However, given that the zoning ordinance does not clearly define what a neighborhood commercial use is, and there is some subjectivity within this section of the ordinance, staff deemed it appropriate for the applicant to request a text interpretation from the Zoning Board of Appeals to officially determine if Assembly and Convention Halls are an allowable use within a Residential PUD. Per the documents submitted by

the applicant, they believe that the Assembly and Convention Halls use satisfies the requirements of the zoning ordinance and is neighborhood commercial in nature.

### **INTERPRETATION CONSIDERATIONS:**

Mr. Hutson explained The Ordinance currently permits Assembly and Convention Halls within the following three zoning designations: the C: Local Business District, the C-R Local Commercial District, and the 9<sup>th</sup> Street and West Main Overlay. The C: Local Business District under Section 18.40, the C-R Local Commercial District under Section 21.40, and the 9<sup>th</sup> Street and West Main Overlay Zone under Section 35.40 allow Assembly and Convention Halls as a special exception use. He provided the statement of purpose for each of the three zoning designations and correlating subareas:

- C: Local Business District: This district is designed to permit retail sales and commercial service uses (Section 18.10).
- C-R: This district is designed to allow for a coordinated and planned approach to commercial development in areas with unique physical or dramatic topographical characteristics and/or accessibility limitations. These regulations are specifically intended to provide standards of use and design that recognize and complement Township entrance and other focal point locations. (Section 21.10)
- 9<sup>th</sup> Street and West Main Overlay: This optional Overlay Zone is designed to allow for commercial and residential development along the West Main Street corridor within the West Main Street Sub-Area and the 9th Street corridor within the 9th Street Sub-Area. This Overlay Zone is in keeping with the goals, objectives and standards of the 9th Street Sub-Area Plan and the West Main Street Sub-Area Plan. (Section 35.10)
  - 9th Street Commercial Sub-Area: Uses in this land use designation may consist of office buildings and low intensity commercial, similar to the use and intensity of the commercial development existing as part of the Sky King Meadows PUD (Hannapel Home Center). Auto-oriented and big box type retail are not envisioned in this land use designation. The Planned Unit Development tool will be promoted in this land use designation as a means to effectively and efficiently accommodate limited commercial development while keeping with the goals of this Sub-Area Plan. (Page 190 of the 2011 Master Plan)
  - West Main Commercial Sub-Area: Uses in this land use designation may consist of office buildings and low intensity commercial, similar to what has already developed along the West Main Street frontage between 9th and 10th Streets. Big box type retail is not envisioned in this land use designation. The Planned Unit Development tool will be promoted in this land use designation as a means to effectively and efficiently accommodate commercial development while keeping with the goals of this Master Plan. (page 174 of the 2011 Master Plan)

Assembly and Convention Halls are currently allowed within the 9<sup>th</sup> Street and West Main Overlay that is designated by the Master Plan to permit low intensity commercial development.

Assembly and Conventions Halls are a special exception use when permitted in the zoning ordinance. Uses categorized as a special exception use are typically a more intensive use compared to the uses permitted by right within the respective zoning district or overlay. An example of this would be to look at the R-3: Residence District. Uses permitted by right within the R-3: Residence district include one family dwellings, two family dwellings, and houses of worship. Uses allowed through a special exception use permit within the R-3: Residence District include three and four family dwellings, banks and credit unions, schools, and office buildings. A use is selected as a special exception use because of the unique characteristic of the use which, in the particular zone, involved under certain physical circumstances, and without proper controls and limitations, could cause it to be incompatible and detrimental with the other uses permitted in such zoning district. For this reason, many special uses have specific review requirements and all of them are required to be evaluated by the Planning Commission for compatibility. Assembly and Convention Halls have specific special use review requirements, outlined in Section 49.40 of the zoning ordinance.

The Residential PUD requires that the overall design and all proposed uses be evaluated against Special Use Criteria. The protections of the special use requirements that are present for Assembly and Convention Halls within the other districts which permit this use would be applied in the Residential PUD as well, if permitted. It should be noted that maximum capacities are outlined in Section 49.40 for Assembly and Convention halls within each of the correlating districts it is currently permitted in. If approved, there would be no specifically noted maximum capacity for an Assembly and Convention Halls within a Residential PUD. The Planning Commission would need to determine compatibility on a case by case basis.

Conformance with the Master Plan. The PUD ordinance outlines that uses should be consistent with the goals and objectives of the Township Master Plan. The Master Plan provides three different types of commercial designations within its future land use map; General Commercial, Local Commercial, and Neighborhood Commercial. Mr. Hutson provided descriptions of the three designations:

- **General Commercial:** The intent of the General Commercial areas is to serve both the residents of the community as well as the regional market and transient customers. Uses like big box retail, shopping centers, and auto-oriented uses would be permitted in this district. (page 69 of the 2017 Master Plan)
- **Local Commercial:** The purpose of the Local Commercial designation is to provide low volume commercial businesses that mix well with a variety of land uses including residential, industrial, and general commercial. These uses are not high-volume / high-traffic uses with a significant number of cars coming and going, drive-through service, and/or automobile service. (These elements or

characteristics can detract from the residential character or pedestrian orientation of the surrounding area and are therefore not present in the Local Commercial designation). Examples of uses that could be found in a Local Commercial designation include professional offices, unique shops such as antique shops and specialty food shops, and generally low volume enterprises that do not operate 24 hours a day. (page 68 of the 2017 Master Plan)

- **Neighborhood Commercial:** In support of the Rural Character Preservation Strategy, neighborhood commercial areas will be in strategic locations within the western portion of the Township. Low intensity commercial and retail establishments are permitted that would accommodate a planned mixture of farm service business and other locally oriented service establishments. The intent is to provide services, like a small convenience store, that will support and be compatible with nearby residential development. (page 68 of the 2017 Master Plan)

**Mr. Hutson said based on the description within the Residential PUD ordinance, and the given the location of West Port Village PUD within the Township, it could be argued that the closest Future Land Use designation to the intent of the uses permitted in the Residential PUD is the Local Commercial designation. Depending upon the scale of the Assembly and Convention Hall it could be argued that this use could meet or not meet the intent of the Local Commercial Designation.**

A Residential PUD allows for low intensity, neighborhood commercial uses. The PUD ordinance indicates that low intensity nonresidential uses may be permitted within a Residential PUD. Per Section 41.60.B.2 a Residential PUD allows:

“Low intensity nonresidential uses such as educational, cultural, recreational, neighborhood office or neighborhood commercial nature, including uses and buildings accessory thereto. Non-residential uses shall be compatible in design, layout, scale and appearance with the residential character of the area and shall be an integral part of a residential development logically oriented to and coordinated with the planned unit development to serve the day-to-day needs of residents in the development.”

The PUD ordinance nor the Definition section of the Township’s zoning ordinance define what constitutes “neighborhood commercial”.

Residential PUDs require that any nonresidential use permitted shall “serve the day to day needs of the residents in the development”. The zoning ordinance defines an Assembly and Convention Hall as “A room or building for the purpose of hosting a party, banquet, wedding, or any other social or business event. Assembly and Convention Halls can also be called meeting rooms, function halls, reception halls, or banquet halls”. Although a gathering space to host graduation parties, networking events, bridal showers, and other events is a complimentary service to offer to members of the community, the PUD ordinance specifically states that the nonresidential uses shall

*“serve the day-to-day needs of residents in the development”*. It could be argued that an Assembly and Convention Hall that is open to the general public does not *serve the day-to-day needs of residents in the development* as it would become a destination for others outside of the PUD community to gather in. However, it should be noted that the PUD ordinance does not specify that nonresidential uses within a PUD shall be restricted only to residents of such development.

The openness of the zoning ordinance regarding non-resident activity pertaining to the nonresidential building/use component of a PUD indicates that non-resident activity is appropriate as long as such a use also serves the residents of said PUD and is not detrimental to the residential character. As an example: The Sky King Meadows PUD on the east side of N 9<sup>th</sup> Street consists of a number of single-family homes as well as one nursing home and a home goods store. Both the nursing home and home goods store were approved as appropriate PUD nonresidential uses. The current home good store’s retail service is available to both the general public as well as the residents of the Sky King Meadows PUD. The same is true for the nursing home that was recently constructed in 2020.

#### Previous Interpretations of Allowable Uses within Residential PUDs.

In researching past Zoning Board of Appeals decisions regarding text interpretations for uses allowed within Residential PUDs, Planning Department staff was able to identify one similar case.

1. Oshtemo Assisted Living, 210 N 9<sup>th</sup> Street, 01/22/2019: The applicant sought a text interpretation from the Zoning Board of Appeals to determine if an assisted living facility would be considered an allowable use within the Sky King Meadows Residential PUD. When this project was initially presented to staff, there was some concern that the use did not fit the intent of Section 41.60.B, which states the following:

*Low intensity nonresidential uses such as educational, cultural, recreational, neighborhood office or neighborhood commercial nature, including uses and buildings accessory thereto. Non-residential uses shall be compatible in design, layout, scale and appearance with the residential character of the area and shall be an integral part of a residential development logically oriented to and coordinated with the planned unit development to serve the day-to-day needs of residents in the development.*

As this parcel was designated as the nonresidential portion of the PUD, staff was concerned that an assisted living facility did not meet the intent of this section of the zoning ordinance. The applicant requested an interpretation from the Zoning Board of Appeals, who found the following:

*Since assisted living facilities are a low intensity commercial use within the C: Local Business District, they therefore are an acceptable low intensity*

*nonresidential use within the PUD Ordinance. The motion was approved 4 – 1, with Mr. Sikora voting against.*

With the above interpretation of the PUD ordinance, the applicant was free to submit a planning and zoning application for Planning Commission review and approval. Minutes from said meeting are attached.

Details of the specific request. An Assembly and Convention Hall, like the one envisioned by the applicant, consisting of only 2,000 square feet is relatively small compared to other event spaces that are typically associated with hosting private parties, bridal showers, networking events, etc. Vehicles traveling to and from a small-scale Assembly and Convention Hall use would be no different or even less intrusive than the permitted uses of a specialty food store or office use within the local commercial district designation. In that particular case, a smaller Assembly and Convention Hall could arguably be an appropriate neighborhood commercial use as described within the Residential PUD ordinance. The residential character of the exterior of the nonresidential building would be maintained and be consistent with the surrounding residential area. An Assembly and Convention Hall use would be commercial in nature. As a special use, the Planning Commission would be able to evaluate whether any proposed Assembly and Convention Hall would be appropriate as a Residential PUD use. In addition, occupant load requirements through the Southwest Michigan Building Authority would need to be met, parking and other site elements updated as needed to meet the ordinance requirements of this use, and fire and building code would also need to be satisfied.

Reasoning of Applicant.

Mr. Hutson provided a summary of the applicant's rationale for the interpretation request:

- “However, such a distinction between residents and non-residents is not found within Section 41.60 of Oshtemo Charter Township Zoning Ordinance, which states that the allowable uses under a planned unit development include: “[l]ow intensity nonresidential uses such as educational, educational, cultural, recreational, neighborhood office or neighborhood commercial nature, including uses and buildings accessory thereto.””
- “The use of Unit 1 for meetings, showers, and small gatherings is comfortably within the scope of the Ordinance as they are (1) low intensity nonresidential uses of (2) a neighborhood commercial nature.”
- “Upon information and belief, the Zoning Board of Appeals recently interpreted an Assisted Living Facility as an acceptable low intensity nonresidential use within the PUD Ordinance. Similarly, these small gatherings would not constitute a “high” intensity use like a large assembly or public event.”

- “Upon our review of the Ordinances, “neighborhood commercial” is left undefined.”
- “While non-residential use should be coordinated with the planned unit development to serve the day-to-day needs of residents in the development,” there is no limitation within the Ordinances to indicate that renting Unit 1 to non-residents is outside of the scope of neighborhood commercial nature. In fact, without the help of the revenue that is derived from such rentals to non-residents, Unit 1 would not be able to stay viable for the use of the residents in the development.”
- “Thus, when interpreting an ordinance to determine the extent of a restriction on the use of property, the language must be interpreted in favor of the property owner where doubt exists regarding intent. *Talcott v Midland*, 150 Mich App 143, 387 NW2d 845 (1985) .”

#### **FINDINGS SUMMARY:**

Mr. Hutson provided the following summary of the interpretation arguments which could influence the Board’s deliberations. He noted that this interpretation should not be considered solely for 5401 W H Avenue within the West Port Village Planned Unit Development. The interpretation should focus on whether an Assembly and Convention Hall is an appropriate use in all Residential PUDs within the Township, existing or not.

- Assembly and Convention Halls are currently allowed within the 9<sup>th</sup> Street and West Main Overlay that is designated by the Master Plan to permit low intensity commercial development.
- The special exception use protections in place in the zoning ordinance for other zoning districts which permit Assembly and Convention Halls would still be applicable. Compatibility with the surrounding area and uses would be evaluated by the Planning Commission.
- A smaller Assembly and Convention Hall could arguably meet the intent of the Master Plan’s “Local Commercial” designation which would be in keeping with the intent of the neighborhood commercial character required by a Residential PUD. However, if permitted, all Assembly and Convention Halls, regardless of size, could be an allowable use.
- An Assembly and Convention Hall use does not clearly meet the “day-to-day needs” of the Residential PUD residents, as required by Section 41.60.B.
- Section 41.60.B of the zoning ordinance does not restrict nonresidential uses to PUD residents only.

## **POSSIBLE ACTIONS:**

Based on the considerations outlined above, Mr. Hutson said the Zoning Board of Appeals might wish to deliberate the following possible actions:

1. Conclude that an Assembly and Convention Hall is neighborhood commercial in nature and therefore is an acceptable use within a Residential PUD.
2. Conclude that an Assembly and Convention Hall is not an acceptable use because it is overall considered an intensive nonresidential use and the use does not serve the day-to-day needs of residents within the Residential PUD.

Mr. Hutson indicated that if assembly and convention halls are deemed an appropriate neighborhood commercial use within a residential PUD, the ZBA would review future requests on a case by case basis to ensure the intention of the ordinance is met.

Attorney Porter noted once the board reached a conclusion their decision needed to be supported with findings of fact as to how the determination was reached. Their decision will affect future requests for assembly and convention halls within PUDs.

Chairperson Smith asked if there were board questions regarding this complex issue.

Attorney Porter agreed this was a unique situation. When they look at the ordinance it should be read as a whole and the intent considered. If there is ambiguity or no restriction, the ZBA's decision should be weighed in the favor of the applicant. The fact that this is a "special use" provides a safety valve. The decision today is to decide whether assembly and convention halls fit in neighborhood commercial within all Township PUDs. Whether in theory one thinks a hall might be too large, that is not part of the decision here. A determination for future individual requests would be up to the Planning Commission.

Ms. Lubbert added this is a big picture issue, should not be just considered for a specific development, as the decision will affect all PUDs.

Ms. Farmer confirmed their decision will affect only PUDs.

Chairperson Smith asked if the applicant wished to speak.

Mr. Jeff Scheffers, Visser Property Management LLC, indicated their perspective on provision of a community room has not changed since construction. The residents have always had use of the community room. This issue arose when they started allowing non-residents to also use the room and directly charging users for the sure. Use of the room will not change for residents, they will just have to go through Visser to



rent it. There will be a cost per use of the room for both residents and non-residents rather than a set fee paid by all residents for upkeep and maintenance.

Attorney Sam Gilbertson provided a summary of the letter he submitted; attached to these minutes.

He explained that residents of West Port Village have paid dues for 19 years in support of the existing community building. Without that income the ability to maintain the facility is jeopardized. If non-residents are also allowed to use the facility, that will provide needed income to support the building.

Ms. Farmer summarized that since dues are no longer collected, funds will need to be found elsewhere which will be accomplished by opening use up to people outside the community at a cost. She said there is nothing in the ordinance that would prohibit that.

Mr. Williams noted the allowable uses as described by the applicant will still serve the day to day needs of the residents.

Hearing no further comments, the Chair moved to Board Deliberations.

Ms. Farmer said if assembly and convention halls are deemed an appropriate neighborhood commercial use within a Residential PUD, residents can still use them if they choose to do so. She felt approval falls in line with that and after hearing all the arguments, she felt they would be an appropriate commercial use within a PUD. As this falls under "special use" the ZBA does not have to worry about specifics as to scale as that would be considered by the Planning Commission as issues arise and should not be considered relevant to decision making on the interpretation request.

Chairperson Smith said although their decision will affect other, future PUDs, the board should not be concerned about the future. The question is whether it is correct to allow assembly and convention halls to be placed in PUDs because of ordinance wording. As the ordinance does not say they are prohibited, they need to stay with what the ordinance does say.

Hearing no further comments, the Chair asked for a motion.

Ms. Farmer made a motion to interpret Section 41.60.B to allow Assembly and Convention Halls (meeting rooms) as an acceptable neighborhood commercial use within a Residential PUD as they can be a low intensity commercial use serving the neighborhood as well as the needs of the residents within the development. Mr. Smith seconded the motion. The motion was approved 6 - 0 by roll call vote: Mr. Gould – yes; Ms. Farmer – yes; Mr. Smith – yes; Mr. Everett – yes; Mr. Williams – yes; Chairperson Smith – yes.

**Other Updates and Business**

Ms. Lubbert reminded board members of the 6:00 p.m. joint board meeting later in the evening and encouraged attendance.

She also informed the group that Township Supervisor, Ms. Heiny-Cogswell had announced she would resign her position as of May 1, 2023. Interviews for a replacement supervisor for the remainder of her term, until November 20, 2024 will be conducted at a April 4 special meeting and an appointment will be made that night. Applications for the position are open until 5:00 p.m. March 24.

**Adjournment**

Chairperson Smith noted the Zoning Board of Appeals had exhausted its agenda. There being no other business, she adjourned the meeting at approximately 6:49 p.m.

Minutes prepared:  
March 22, 2023

Minutes approved:  
\_\_\_\_\_, 2023

DRAFT



7275 W. MAIN STREET, KALAMAZOO, MI 49009  
269-216-5220 Fax 375-7180  
www.oshtemo.org

**Zoning Board of Appeals**

**Fourth Tuesday of every month @ 3PM**

**Proposed 2024 Meeting Dates**

1/23
2/20*
3/26
4/23
5/21*
6/25
7/23
8/20*
9/24
10/22
11/19*
12/17*
1/21/2025

\*Dates shifted to avoid holidays or for consistency with the Development Schedule of Applications.

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November 9, 2023

**Mtg Date:** November 14, 2023

**To:** Oshtemo Township Zoning Board of Appeals

**From:** Leeanna Harris, Zoning Administrator

**Applicant:** Friendship Animal Hospital

**Owner:** Dr. Laura Billings

**Property:** 2999 South 11<sup>th</sup> Street, Parcel Number 3905-25-455-024

**Zoning:** R-3: Residence District

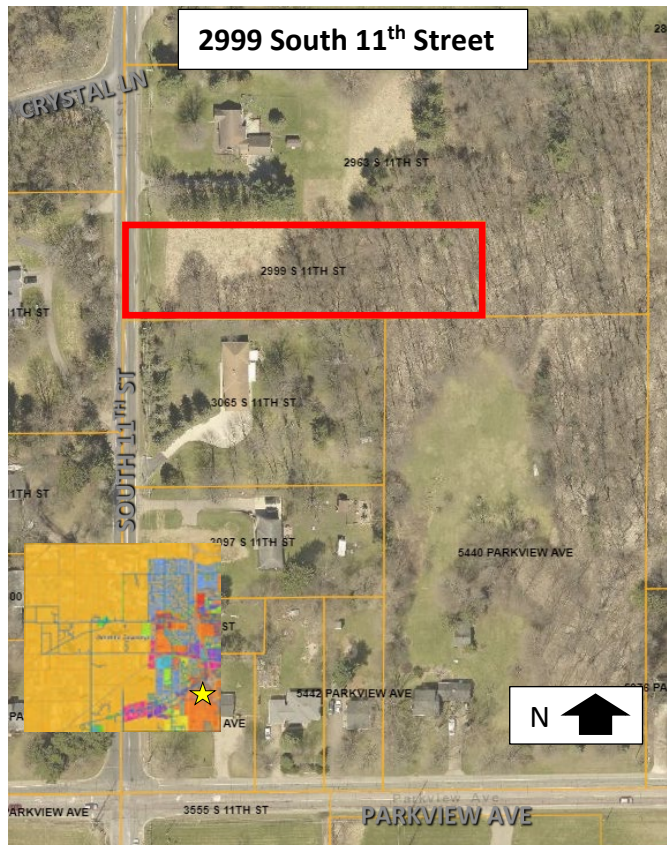
**Request:** A variance from Section 50.70.E in order to construct a new commercial building 25 feet from both of the side yards while the Ordinance requires 50-foot side yard setbacks.

**Section(s):** Article 8 – R-3 Residence District  
Article 50 – Schedule of Regulations

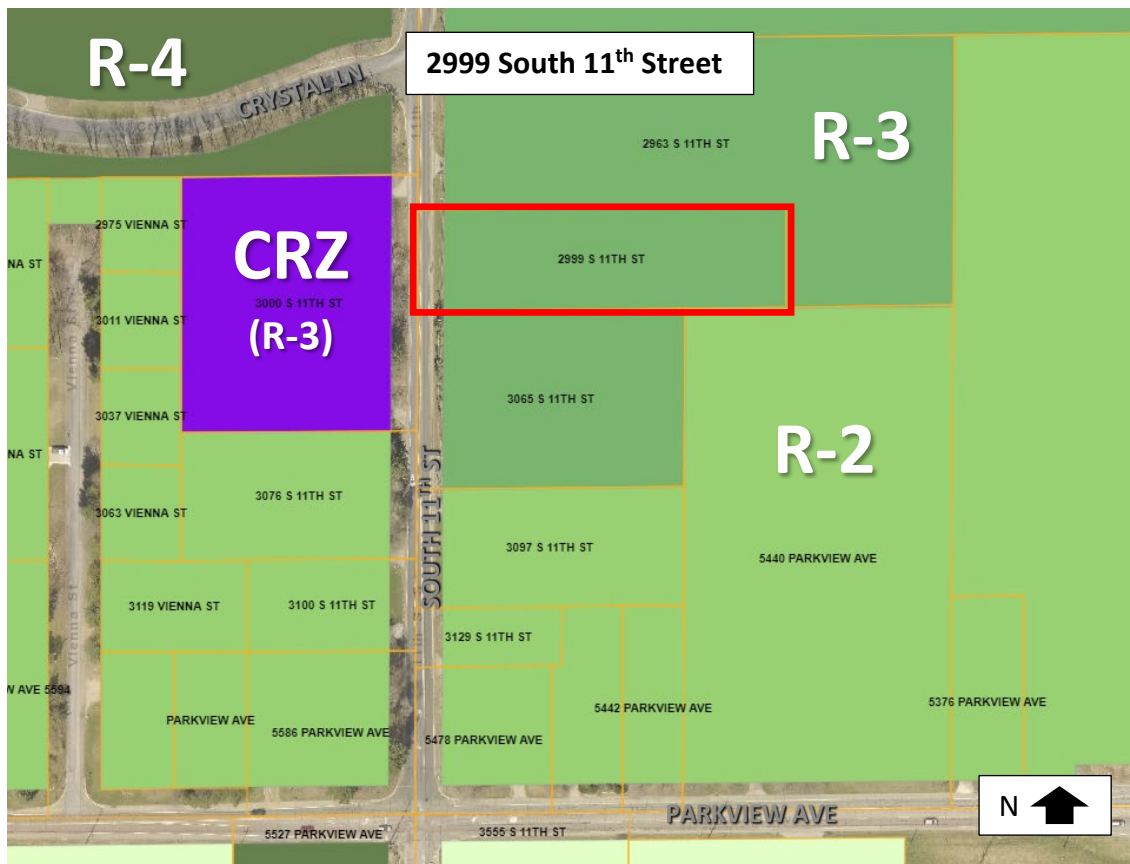
**OVERVIEW:**

2999 S 11<sup>th</sup> Street, outlined in red in the map excerpt to the right, has approximately 119 feet of frontage, is 1.24 acres in size, and is zoned R-3: Residence District. The property is located in the southeast quadrant of the Township, southeast of the Crystal Lane and S 11<sup>th</sup> Street intersection.

Hansen Building and Design Corporation, on behalf of Dr. Laura Billings, is requesting a variance from Section 50.70.E. of the Township Ordinance that governs the minimum distance between any building or structure (that is not a single-family home or duplex) and any rear or side property line abutting property with a single- or two-family residence located in an equivalent or lower zoning classification. Specifically, the Ordinance outlines that the setback distance shall be 50 feet, or a type F greenspace shall be installed, along the property line between the improved area of the subject property and the abutting residence.



2999 S 11<sup>th</sup> Street is zoned R-3 and is currently vacant. The property in question is situated between two parcels that are also zoned R-3 but have single-family homes. Generally, the required side yard setback for a new commercial building within an R-3 zoning district is 20 feet or the height of the abutting side of the building at its highest point. However, the presence of single-family homes triggers the increased setback requirements of 50.70.E of the Zoning Ordinance; a 50-foot setback or type F greenspace is required along the adjoining property lines. It should be noted that there is an R-2: Residence District abutting the southeastern portion of 2999 S 11<sup>th</sup> Street. A zoning map with the subject property outlined in red is shown below.



Although Section 50.70. E references a type F greenspace, it should be noted that the referenced type F greenspace was removed from the Landscaping Ordinance when it was last updated. Staff were able to research the earlier version of the Landscaping Ordinance and found the greenspace standards previously in place. For reference, the greenspace requirement that would have been applicable is shown below, highlighted in yellow.

**Table 75-A**

Width of Greenspace and Quantity of Plant Material per 100 Linear Feet									
Greenspace Type	A	B	C	C+	D	E	F	G	H
Minimum width of greenspace (ft.)	10	10	20	30	25	30	35	40	15
Canopy tree	1	2	2	2	3	4	4	6	1
Understory tree	2	4	3	3	6	6	2	4	2
Shrubs	-	-	4	4	9	12	18	24	-
Evergreen/ Conifer tree	-	2	-	-	-	2	6	10	-

In order to accommodate the proposed 5,614 square foot veterinary clinic, the applicant is seeking a variance from this section of the Ordinance in order to construct the new commercial building 25-feet from both side yards. Generally, the minimum setback distance required between any building and any rear or side property line is 20 feet or the height of the building, whichever is greater. This request would meet this Ordinance requirement since the proposed building height is 25 feet. The applicant has provided a letter outlining their reasoning for the variance request, attached to this staff report. In summary, the applicant contends that the required increased setbacks would leave little developable space on this 119-foot-wide parcel making development difficult and therefore this section of the ordinance unnecessarily burdensome. They also note that the approval of this request will have no material impact on adjacent property owners. The applicant adds that even though the setback would be decreased, if approved, in order to meet the intent of the ordinance, they “will be landscaping the site very heavily, providing significant screening to all sides of the parcel. The 8- foot evergreens will be staggered in such a way to obstruct the view of the building from not only the R-2 parcel but the adjoining R-3 parcels as well.”

#### STANDARDS OF REVIEW – STAFF ANALYSIS

The Michigan courts have applied the following principles for a dimensional variance, which collectively amount to demonstrating a practical difficulty, as follows:

- Special or unique physical conditions and circumstances exist which are peculiar to the property involved and which are not generally applicable to other properties in the same district.
- Strict compliance with the standard would unreasonably prevent the landowner from using the property for a permitted use; or would render conformity to the ordinance unnecessarily burdensome.
- The variance is the minimum necessary to provide substantial justice to the landowner and neighbors.
- The problem is not self-created.
- Public safety and welfare.

Staff has analyzed the request against these principles and offers the following information to the Zoning Board of Appeals.

#### Standards of Approval of a Nonuse Variance (practical difficulty)

*Standard: Unique Physical Circumstances*

*Are there unique physical limitations or conditions which prevent compliance?*

*Comment:* 2999 S 11<sup>th</sup> Street is currently undeveloped with relatively flat terrain. The ordinance outlines that a parcel within the R-3 district is required to have a minimum frontage of 200 feet and a minimum area of 50,000 square feet. This property’s frontage of 119 feet is legal non-conforming. The property’s area of 1.24 acres exceeds the ordinance required minimum of 50,000 square feet. The narrower width, almost half what is required, is a unique physical limitation. If the increased setback of 50 feet is strictly enforced for the development of this property, it would only allow a nonresidential structure 19 feet wide or less to be built on this site. It could be argued that the increased setback requirement renders the property essentially undevelopable for any use other than a single-family home or duplex without a setback variance being granted.

*Conformance Unnecessarily Burdensome*

*Are reasonable options for compliance available?*

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

Comment: The matter of building a nonresidential use, specifically a veterinary clinic, on this property is discretionary and reasonable use of the property does still exist as a single- or two-family home; however, the enhanced setbacks from properties abutting those containing single- or two-family homes in equal or lesser zoning classifications severely limits the buildable area of this parcel for any other uses.

It should be noted that Section 50.70 E was originally designed to offer two options for enhanced buffering between uses. The first is a setback of 50 feet and the second is the installation of a type F greenspace (i.e setback of 35 feet with increased landscaping). Note the second option is no longer available as the ordinance no longer includes the type F landscaping referenced; leaving the applicant with one less option to develop than previous developers. Even though this option is technically no longer applicable, the Zoning Board of Appeals should consider the original intent of 50.70. E which allowed for a decreased setback, in this case from 50 feet to 35 feet, as long as additional landscaping was provided.

Note: to address the spirit of the ordinance, the applicants have indicated that they are willing to provide increased landscaping, to the north, south, and east sides of the parcel. Any proposed landscaping plan will need to be reviewed against the landscaping ordinance and approved by the Planning Commission with the review of the site plan.

*Minimum Necessary for Substantial Justice*

*Applied to both applicant as well as to other property owners in district.*

*Review past decisions of the ZBA for consistency (precedence).*

Comment: In researching past Zoning Board of Appeals decisions regarding the request for relief from increased setback requirements abutting single- or two-family homes, Planning Department staff were able to identify two similar cases.

1. Spurr Dental, 1624 South Drake Road, 4/8/2002: The applicant sought relief from the supplemental setback requirements from CR: Local Business District classification to adjacent R-3 properties from the Zoning Board of Appeals to allow for the construction of a new office building on the property. Without the variance, the applicants argued, there would be essentially no buildable area resulting since the width of the property is 159 feet with supplemental setback requirements of 85 feet on both the north and south property lines. The Zoning Board of Appeals granted the variance request, allowing the building to be built to the standard commercial office setback requirements and not have to follow the enhanced applicable setbacks, citing that the conformance was unnecessarily burdensome, that the hardship was not self-created, and that the spirit and intent of the Ordinance would be observed by the variance. Minutes from the meeting are attached.
2. D & R Sports, 8178 West Main Street, 10/6/2014: The applicants sought relief from the supplemental setback requirements for properties abutting residential zoning districts from the Zoning Board of Appeals to allow for the



construction of a new storage building. If approved, the new structure was proposed to be located 58 feet from the property line, 33 feet less than required by the supplemental setback provisions. The applicant indicated that there is was an existing berm fully planted with spruce trees that should completely obstruct the view of the building. The Zoning Boards of Appeals granted the variance request given the adjacent use of the property is a unique element and it was unlikely to have a material impact on the adjacent property. Minutes from the meeting are attached.

#### *Self-Created Hardship*

*Are the conditions or circumstances which resulted in the variance request created by actions of the applicant?*

Comment: With the site currently being vacant, it could be argued that the need for the variance requested is self-created. However, the building setbacks for this property severely limit the amount of space available for development. The width of the property is 119 feet, and with the 50-foot setback on both the north and south, it would give only 19 feet to construct a building.

#### *Public Safety and Welfare*

*Will the variance request negatively impact the health, safety, and welfare of others?*

Comment: The applicant has stated that they would provide extensive landscape buffering to obscure the site from the properties to the north, south, and east, more similarly aligned with the type F greenspace referenced. If the variance is approved, the site plan would require the review of the Planning Commission and a public hearing to ensure the proposed use and layout are compatible with the surrounding area. With the willingness to provide additional screening and the safeguards in place through the Planning Commission review, staff does not anticipate that allowing the structure to be built closer to the neighboring properties with single-family homes than is typically allowed would negatively impact the health, safety, or welfare of the neighbors or the community.

#### POSSIBLE ACTIONS

The Zoning Board of Appeals may take the following possible actions:

- Motion to approve as requested (conditions may be attached)
- Motion to deny
- Motion to approve with an alternate variance relief (conditions may be attached)

The motion should include the findings of fact relevant to the requested variance. Based on the staff analysis, the following findings of fact are presented:

- Support of variance approval
  - There are unique physical limitations (property width).
  - Conformance to the ordinance is unnecessarily burdensome as the enhanced setbacks for properties abutting those containing single- or two-family homes in equal or lesser zoning classifications severely limits the buildable area of this parcel.

- With increased landscaping/screening, per the original intent of 50.70 E, there would be no negative impact to the health, safety, or welfare of the public by allowing the building to be built with the proposed setbacks.
- Substantial justice is met as the Zoning Board of Appeals granted setback variances for two similar cases in the past.
- Support of variance denial
  - The necessity of the variance from the enhanced 50 foot setback is a self-created hardship.

Possible motions for the Zoning Board of Appeals to consider include:

1. Variance Approval

The Zoning Board of Appeals approves the variance request due to the unique physical limitations that exist, conformance to the ordinance is unnecessarily burdensome and there would be no negative impact to the safety of the public with the condition that enhanced landscaping, reviewed, and approved by the Planning Commission, is installed within the decreased setback areas to meet the intent of Section 50.70.E. and any proposed primary building meets the general zoning setback requirements (in this case, 20 feet or the height of the building, whichever is greater).

2. Variance Denial

The Zoning Board of Appeals denies the variance request due to the proposal being a self-created hardship.

3. Variance Approval and Denial

The Zoning Board of Appeals can choose to approve portions of the requested variance or provide alternate relief. For example, approve a variance for a setback larger than requested but less than the ordinance requires, ex. 35 feet.

Attachments: Application  
Applicant's Letter of Intent  
4/8/2002 ZBA Minutes  
10/6/2014 ZBA Minutes  
Proposed Site Plan (will require review by the Planning Commission)  
Proposed Landscape Plan (will require review by the Planning Commission)



7275 W. Main Street, Kalamazoo, Michigan 49009-9334  
 Phone: 269-375-4260 Fax: 269-375-7180

**PLEASE PRINT**

PROJECT NAME & ADDRESS

FRIENDSHIP ANIMAL HOSPITAL, 2999 S. 11TH STREET

**PLANNING & ZONING APPLICATION**

Applicant Name: WALTER R. HANSEN, PRESIDENT

Company: HANSEN BUILDING AND DESIGN CORPORATION

Address: 3027 WOODHAMS AVENUE  
PORTAGE, MICHIGAN 49002

E-mail: wwrhansen@aol.com

Telephone: 269-599-4212 Fax: N/A

Interest in Property: DEVELOPER

**OWNER\*:**

Name: WAYBRIDGE LLC

Address: 7049 TURKEY GLEN  
KALAMAZOO, MICHIGAN 49009

E-mail: waym@bronsonhg.org

Phone & Fax: 269-599-4503

THIS  
SPACE  
FOR  
TOWNSHIP  
USE  
ONLY

Fee Amount \$1,000.00

Escrow Amount \_\_\_\_\_

**NATURE OF THE REQUEST: (Please check the appropriate item(s))**

- |   |   |
|---|---|
| <input type="checkbox"/> Pre-Application Review                 | <input type="checkbox"/> Accessory Building Review – I083 |
| <input type="checkbox"/> Site Plan Review – I088                | <input type="checkbox"/> Rezoning – I091                  |
| <input type="checkbox"/> Administrative Site Plan Review – I086 | <input type="checkbox"/> Subdivision Plat Review – I089   |
| <input type="checkbox"/> Special Exception Use – I085           | <input type="checkbox"/> Interpretation – I082            |
| <input checked="" type="checkbox"/> Zoning Variance – I092      | <input type="checkbox"/> Other: _____                     |
| <input type="checkbox"/> Site Condominium – I084                |   |

**BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary):** \_\_\_\_\_

REQUEST A VARIANCE FOR THE NORTH AND SOUTH PROPERTY LINE BUILDING SET BACKS TO BE CHANGED TO 25 FEET

\_\_\_\_\_  
 \_\_\_\_\_

**APPLICANTS: KEEP THIS PAGE FOR YOUR RECORDS**

OSHTEMO CHARTER TOWNSHIP

**DISCLAIMER REGARDING SEWER AND WATER INFRASTRUCTURE**

Oshtemo Charter Township makes no covenant or warranty with regard to the accuracy of any of its utility records (sewer or water) or the records of its agents or any statements or representations made by its employees or agents with regard to utility infrastructure within the Township, nor shall any reliance be placed upon the same for purposes of construction, reconstruction, connection, extension or addition to the Township's utility infrastructure.

The Township will not be responsible for any additional cost, direct or indirect, or incidental or consequential damages resulting from any inaccuracy of its records or the statements or representations of its employees or agents.

All developers and contractors, wishing to avail themselves of the public utilities within Oshtemo Charter Township, should make their own independent inspections to determine the location and suitability of all public utilities for development purposes and not rely upon any of the public records, statements or representations of the Township's employees or agents.

OSHTEMO CHARTER TOWNSHIP

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

SEE ATTACHED

PARCEL NUMBER: 3905- 25-455-024

ADDRESS OF PROPERTY: 2999 S. 11TH STREET

PRESENT USE OF THE PROPERTY: VACANT LAND

PRESENT ZONING: R-3 SIZE OF PROPERTY: 120X452.6

NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:

Name(s)

Address(es)

AUS ENTERPRISE LLC

6058 S. 12TH STREET, KAL, MI 49009

(purchaser 630-432-5402)

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.

Wm. Baroic LLC by MenL

10/18/23

Owner's Signature (\*If different from Applicant)

Date

Applicant's Signature President

10/17/23

Date

- Copies to:
- Planning - 1
- Applicant - 1
- Clerk - 1
- Deputy Clerk - 1
- Attorney - 1
- Assessor - 1
- Planning Secretary - Original

\*\*\*\*

PLEASE ATTACH ALL REQUIRED DOCUMENTS



330

CO.

STREET

HOLIDAY TERRACE

11TH

11TH

CRYSTAL

LANE

VIENNA STREET

Picob's Plat

AVENUE

(ARKVIEW AVENUE)

2999 S-11th

R-3

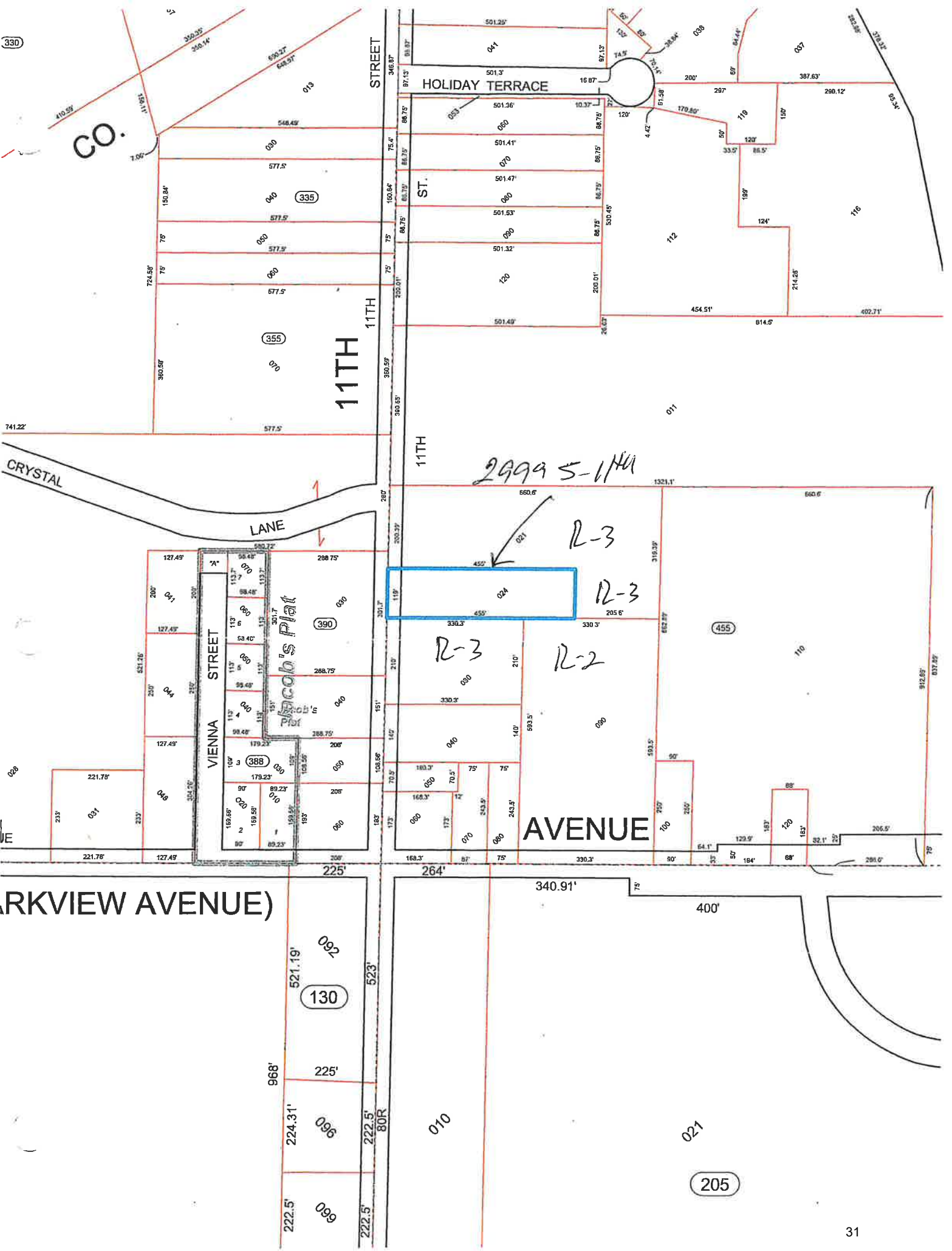
R-3

R-3

R-2

130

205



# Map 18 Oshtemo Township Future Land Use Map 2017 Update

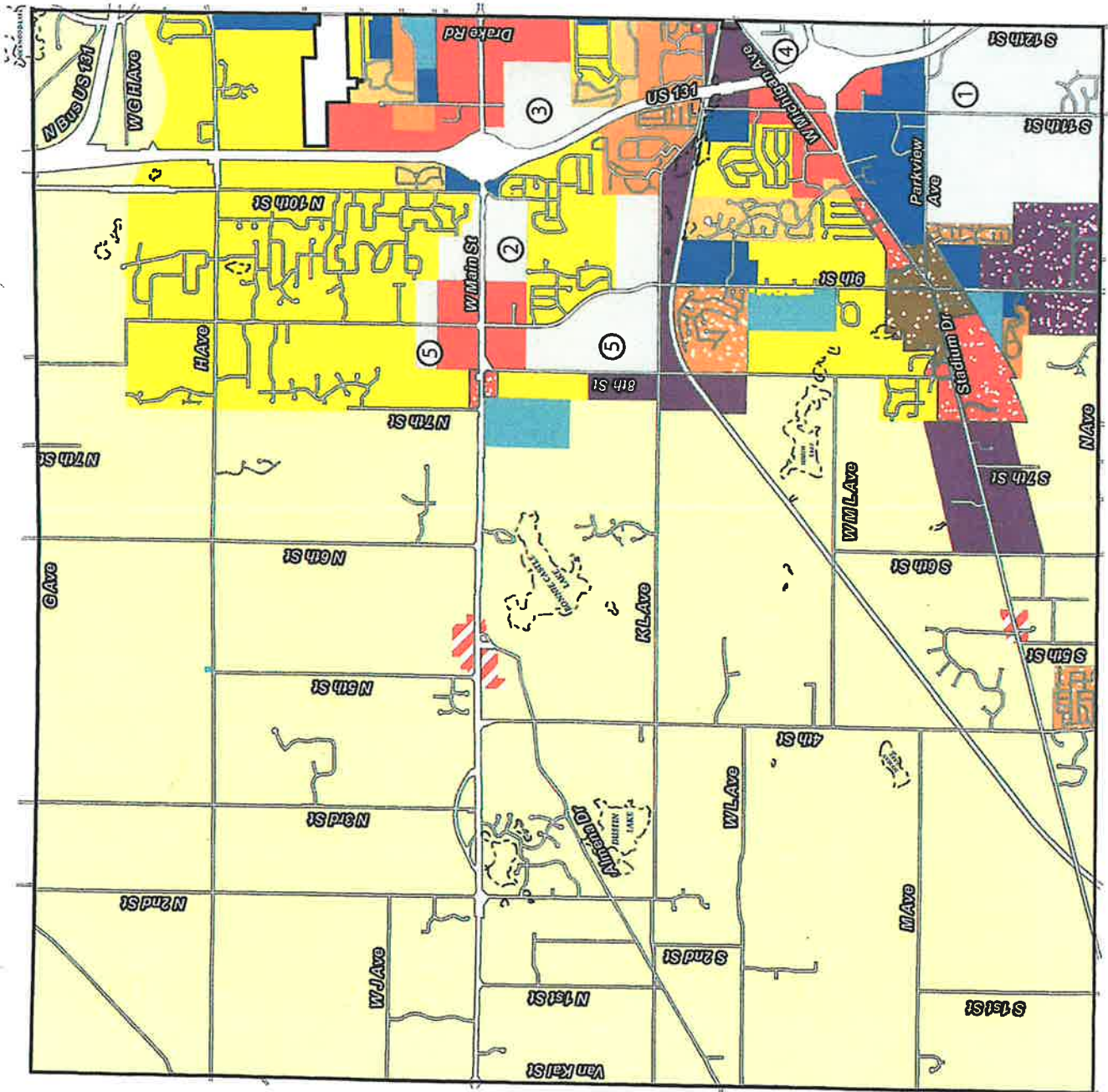
Water Body

Classifications:

- Rural Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Manufactured Residential
- Village Core
- Transitional Office
- Neighborhood Commercial
- Local Commercial
- General Commercial
- Research Office
- General Industrial
- Public/Government

Sub-Areas:

- 1 Genesee Prairie
- 2 West Main Street
- 3 Maple Hill Drive South
- 4 Century Highfield
- 5 9th Street







October 23, 2023

Zoning Board of Appeals  
Oshtemo Charter Township  
7275 West Main Street  
Kalamazoo, Michigan 49009

Dear Board of Appeals Members:

My client, Dr. Laura Billings of Friendship Animal Hospital, is seeking approval of her site plan for the property she is purchasing at 2999 S. 11<sup>th</sup> Street and will require a variance in the side lot setbacks in order receive approval to build her clinic.

I understand that there are five criteria that must be met, for your board to approve our request. I hope this letter provides the necessary information to obtain approval.

Criteria 1: The existing conformance is unnecessarily burdensome. The parcel in question is an existing parcel with somewhat less than 120 feet of frontage. The property is substantially surrounded by R-3 zoning, except the southeasterly 120 feet which is zoned R-2. Ordinarily, an R-3 zoned property abutting another R-3 parcel would require a setback of 10 feet or the median height of the building, which in this case would be 18 feet. This setback would allow the building to be built without any variance. As the R-2 exists it would change the setback to 30 feet which would not allow for the building and parking to be built within that setback.

Criteria 2: The staff will supply information regarding past decisions by the ZBA.

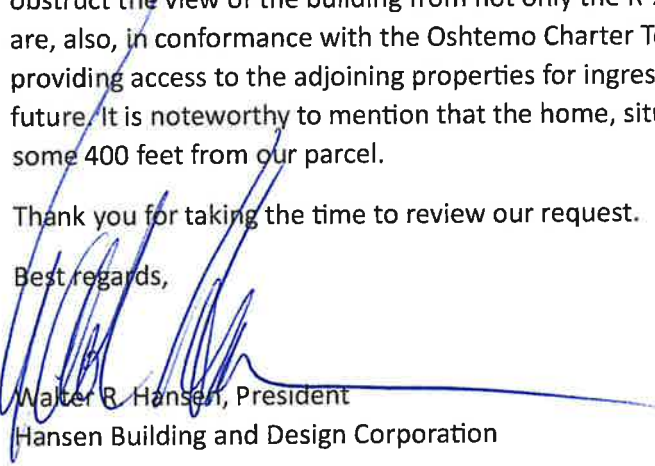
Criteria 3: The unique limitations that prevent compliance are also illustrated in my comments in Criteria 1. If the 30- foot side lot setback is enforced, given that this parcel has less than 120 feet of frontage, only 60 feet would be left to provide for the parking, building, fire truck turn around area, etc. The setbacks restrict the buildable area. Not every site has ¼ of one side facing an R-2 parcel. Approval of the setback reduction would allow the building to be built. This clinic would be an asset to this site and to the Oshtemo community.

Criteria 4: This request is not a self-created hardship. Any modestly proportioned building would be hard pressed to build on this site without a setback variance.

Criteria 5: If this variance request is approved, the very spirit of the ordinance will be observed. I believe you can see, from our drawing, that we will be landscaping the site very heavily, providing significant screening to all sides of the parcel. The 8- foot- tall evergreens will be staggered in such a way to obstruct the view of the building from not only the R-2 parcel but the adjoining R-3 parcels as well. We are, also, in conformance with the Oshtemo Charter Township limited access management program, providing access to the adjoining properties for ingress and egress as they become developed in the future. It is noteworthy to mention that the home, situated on the R-2 parcel, fronts on Parkview and is some 400 feet from our parcel.

Thank you for taking the time to review our request.

Best regards,



Walter R. Hansen, President  
Hansen Building and Design Corporation

OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
MINUTES OF MEETING HELD APRIL 8, 2002

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**Agenda**

**PATTISON - FRONTAGE AND DEPTH-TO-WIDTH VARIANCES - 1600 BLOCK OF 9<sup>TH</sup> STREET (AT THE END OF STEEPLECHASE COURT) - (PARCEL NO. 3905-11-355-041)**

**HARDINGS - WALL SIGN DEVIATION - 5161 WEST MAIN STREET- (PARCEL NO. 3905-13-430-036)**

**EICHELBERG - SITE PLAN REVIEW - HOUSE CONVERSION TO OFFICE USE - 2800 SOUTH 11<sup>TH</sup> STREET - (PARCEL NO. 3905-25-335-040)**

**HANSEN (SPURR DENTAL OFFICE) - SUPPLEMENTAL SETBACK VARIANCE - 1624 SOUTH DRAKE ROAD - (PARCEL NO. 3905-25-230-074)**

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A meeting was conducted by the Oshtemo Charter Township Zoning Board of Appeals on Monday, April 8, 2002, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

**MEMBERS PRESENT:** Stanley Rakowski, Acting Chairperson  
Dave Bushouse  
Jill Jensen  
Grace Borgfjord

**MEMBER ABSENT:** Millard Loy

Also present were Jodi Stefforia, Planning Director, Mary Lynn Bugge, Township Planner; Patricia R. Mason, Township Attorney, and 8 other interested persons.

**CALL TO ORDER**

The Acting Chairperson called the meeting to order at 3:00 p.m.

## **MINUTES**

The Board considered the minutes of the meeting of March 18, 2002. Ms. Borgfjord moved to approve the minutes as submitted, and Ms. Jensen seconded the motion. The motion carried unanimously.

### **PATTISON - FRONTAGE AND DEPTH-TO-WIDTH VARIANCES - 1600 BLOCK OF 9<sup>TH</sup> STREET (AT THE END OF STEEPLECHASE COURT) - (PARCEL NO. 3905-11-355-041)**

The Board considered an item tabled from the meeting of March 18, 2002. The applicant requested a variance to allow a parcel with inadequate frontage and a depth-to-width ratio in excess of 4-to-1 to be buildable. The subject property is west of 9<sup>th</sup> Street in the 1600 block, at the end of Steeplechase Court. The subject property is located in the "AG" Agricultural-Rural District zoning classification and is Parcel No. is 3905-11-355-041.

It was noted that the item had been tabled so that the Attorney could research and consider whether a 66-foot right-of-way could be required of the applicant should he decide to plat the subject property as a one-lot plat. The Township Attorney opined that the Land Division Ordinance did not allow for the requirement of an easement. The Ordinance did have an intent to connect to interior properties, and therefore, there was a section in the Land Division Ordinance concerning connection of street systems to adjacent properties. However, since the applicant would not be proposing an extension of Steeplechase Court, there would be no provision in the Ordinance to require a connection or right-of-way.

Ms. Bugge pointed out that Section 66.203 of the Zoning Ordinance allowed the Zoning Board of Appeals to grant a variance conditioned upon the requirement of conveyance or dedication of a public 66-foot right-of-way. Therefore, as a condition of any variance granted, the Board could require a 66-foot right-of-way. The requirement of such a right-of-way would meet the spirit and intent of the Zoning Ordinance and the Land Division Ordinance. The Attorney felt that the application was distinguishable from others that would be received in that the subject property was the only location which could connect the adjacent plat to the interior lands and ultimately 9<sup>th</sup> Street.

Ms. Bugge indicated that the Road Commission suggested that the 66-foot right-of-way run the entire length of the property along its north boundary line. The Road Commission had indicated that a road would probably not develop on the whole length of the property but would connect at some point to the property to the north. However, they had not evaluated the most appropriate place along the north boundary line to make that connection.

The applicant was present and had questions regarding the platting process. It was pointed out that the establishment of a plat could eliminate the need for the frontage variance, but that the applicant would continue to require a 4-to-1 depth-to-width ratio variance unless some of the parcel's area was deeded to the adjacent property.

Mr. Bushouse suggested that a variance be granted conditioned upon an easement 66 feet in width along the north boundary line of the property 100 feet east from the west property line where it met Steeplechase Court. He felt that this would best serve the goal of connection to 9<sup>th</sup> Street without overburdening the subject property. The applicant indicated that his property is flat for about one-third of the length east from Steeplechase but then drops.

After further discussion, Mr. Bushouse moved to grant a variance from the frontage and depth-to-width ratio requirements conditioned upon the conveyance or dedication of a public 66-foot wide right-of-way east 100 feet from the west property line of the subject parcel along its north boundary line. It was reasoned that the variance would best meet the spirit and intent of the Ordinance. Ms. Jensen seconded the motion, and the motion carried unanimously.

**HARDINGS - WALL SIGN DEVIATION - 5161 WEST MAIN STREET- (PARCEL NO. 3905-13-430-036)**

The Board considered the application of Harding & Hill, Inc. regarding the Hardings at West Main 2000, 5161 West Main Street, Parcel No. 3905-13-430-036. The application sought deviation from the wall sign provisions of Section 76.170 to allow a wall sign package that exceeds the number of wall signs and the area permitted. The subject property is located in the "C-1" Local Business District zoning classification. The Report of the Planning and Zoning Department is incorporated herein by reference.

Ms. Stefforia indicated that her husband had an interest in the request, and therefore, she stepped down from the dias during consideration of the item.

Ms. Bugge stated that the applicant sought to relocate three of the existing signs from the front of the existing building to a new building which would house the Hardings Market. The Board was reminded that the store is located at West Main 2000 and will face Drake Road. Following completion of the new store, the existing Hardings store, which faces West Main Street and Drake Road will be demolished and replaced by a Kohl's department store. The current building has six signs on the West Main facade and three signs on the Drake side. The three signs that would be relocated, pursuant to the request, were the main Hardings Marketplace sign, the Flagstar Bank sign and the Spartan logo sign. The total area would be 392 square feet.

It was noted that the store would be located 670 feet from the center line of Drake Road.

Under Section 76.170, the store would be entitled to one wall sign at a maximum of 253 square feet. The applicant was requesting deviation to permit the three wall signs with the combined sign area exceeding the permitted area by 139 square feet.

It was further noted that the Lowe's signage was approved under the old Ordinance provisions.

Ms. Bugge reminded the Board that it had denied a request from Kalamazoo Beer Distributors for a deviation from the permitted sign area in order to reuse an existing sign. However, in that case, the building setback was less than 70 feet from the right-of-way.

Mark Hill was present on behalf of the applicant. He emphasized that the applicant would be eliminating six of the signs on the existing building, which were "grandfathered" under the old Ordinance provisions. However, they would like to reuse three of the signs. He noted also the considerable distance from Drake Road and indicated that the store would be an even further distance from West Main.

Josh Weiner, of West Main 2000, LLC, was present, stating he felt the deviation was appropriate because the application would reduce the number of signs at the site by two-thirds and would reduce the square footage of signage at the site by 40%. Further, he felt that there was a hardship in visibility due to the distance from Drake Road.

There was no other comment, and the public hearing was closed.

Board members agreed that the deviation would not be materially detrimental to property owners in the vicinity in that it was consistent with other signage at the site. Board members felt that the distance from Drake Road presented a hardship created by the literal interpretation of the Section. Further, it was reasoned that the deviation would not be contrary to the general purpose or set an adverse precedent because the deviation would bring signage at the Hardings Market into closer compliance with current Ordinance provisions.

Mr. Bushouse moved, based on the reasoning cited above, to grant the deviation, and Ms. Borgford seconded the motion. The motion carried unanimously.

**EICHELBERG - SITE PLAN REVIEW - HOUSE CONVERSION TO OFFICE USE - 2800 SOUTH 11<sup>TH</sup> STREET - (PARCEL NO. 3905-25-335-040)**

The Board next considered the application of Bill Eichelberg for site plan review concerning the conversion of a residence to an office with related site improvements. The subject property is located at 2800 S. 11<sup>th</sup> Street and is Parcel No. 3905-25-335-040. The site is within the "R-3" Residence District zoning classification. The Report of the Planning and Zoning Department is incorporated herein by reference.

Ms. Stefforia stated that the "R-3" District allows conversion of homes to office use as a permitted use. The applicant sought to move his office (he is a builder) to the site. Ms. Stefforia made reference to Section 23.202 and the criteria located therein. She noted, with reference to this criteria, that there would be no external changes to the building itself. Further, the retention area would be located behind the house. Only two additional lights were proposed for the site, and these would have to be subdued. She felt the application met the requirements as to parking and screening of the site. The site would satisfy the Landscaping Ordinance provisions. The applicant had received tentative approval for its drive from the Kalamazoo County Road Commission.

With regard to the criteria of Section 82.800, Ms. Stefforia emphasized that she would like to see all site improvements, including parking and landscaping, be completed prior to the issuance of a certificate of occupancy. However, she felt it would be acceptable, if landscaping were not completed prior to the applicant seeking occupancy, that a performance guarantee be provided.

Craig Johnson, landscape architect, was present on behalf of the applicant. He stated that they had tried to design the site without removing existing trees to the extent possible. The driveway followed the existing location of the gravel drive. The applicant had tried to "break up" the parking with parking islands so as to keep a residential appearance. Fifteen parking spaces were provided at the site, but two to three spaces might be eliminated due to Fire Department requirements of a turnaround.

Mr. Rakowski suggested the possibility of a shared drive if the property to the north develops as an office. The applicant, Bill Eichelberg, was present, stating that he would be open to the possibility of sharing a drive if details could be worked out with the owner to the north.

There was discussion of the possibility of designing the site to accommodate the possible shared drive, and Larry Harris, a landscape architect for the project, stated that the applicant would rather keep the design submitted and work out a connection later if the property to the north developed as an office.

Mr. Bushouse noted the possibility of the widening of 11<sup>th</sup> Street. Currently, the right-of-way is 33 feet from the center line. The applicant reported that the Road Commission had indicated that it would be adding six feet to the road surface on this side of the street. The driveway design was created to accommodate this road widening.

Mr. Bushouse wondered whether there would be room for the establishment of sidewalks in the future. The applicant indicated that, after widening, the road surface would still be 15 feet from the property line, and therefore, he felt that sidewalks could be accommodated in the future.

Jan Thompson, a resident to the north of the property, expressed concern about the changes taking place in the area. It was clarified with regard to her questions that some of the existing trees along the property line would be removed, and other plantings installed. There would be a combination of spruce and flowering shrubs established.

Ms. Thompson was concerned about car lights which would shine into her living room window from cars entering the driveway. The applicant stated that, in his opinion, the low shrubs would provide more screening from possible headlights. Further, as an office use, it would be unusual for cars to be entering or exiting the site after 5 p.m.

Lights would not be burning on the building all night. The lights established would be motion sensitive, the applicant stated.

The applicant also stated that he felt the proposal would improve drainage at the site so that it would not be a problem for the property to the north.

There was no other public comment, and the public hearing was closed.

Mr. Rakowski emphasized that he would like to encourage a shared drive with the property to the north if it was developed as an office use.

He questioned the applicant concerning hours of operation, and Mr. Eichelberg stated that he generally closes between 5:00 p.m. and 5:30 p.m. There would be no heavy equipment located at the site as part of the operation of the office.

Mr. Bushouse moved to approve the site plan with the following conditions, limitations and notations:

- (1) That there would be no changes to the exterior of the building.
- (2) That the parking which is established meet Ordinance requirements.



- (3) That any lighting established comply with the lighting guidelines of Sections 23.202(b) and 78.700.
- (4) That a shared drive with the property to the north would be encouraged should that property develop for an office use.
- (5) That landscaping comply with the requirements of the Township Ordinance in Section 75. All site improvements, including parking and landscaping, must be installed prior to issuance of a certificate of occupancy, or in the alternative, a performance guarantee must be provided by the applicant.
- (6) That the proposed driveway is subject to the review and approval of the Kalamazoo County Road Commission.
- (7) That no dumpster was proposed, a residential Herby-Curby would be located at the site.
- (8) That no outdoor storage was proposed or approved.
- (9) That no heavy equipment would be located at the site as part of the office use.
- (10) That a sign permit was required before any signage could be established at this property pursuant to Section 76.000.
- (11) That the applicant comply with the requirements of the Township Fire Department.
- (12) That the approval is subject to the Township Engineer finding the proposed site's engineering is adequate.
- (13) That existing well and septic were planned to continue to serve the building.
- (14) That an Environmental Permits Checklist and Hazardous Substance Reporting form must be completed and on file with the Township.
- (15) That an Earth Change Permit from the Kalamazoo County Drain Commissioner's Office must be obtained before earth removing activities could begin at the site.

Ms. Borgfjord seconded, and the motion carried unanimously.

**HANSEN (SPURR DENTAL OFFICE) - SUPPLEMENTAL SETBACK VARIANCE - 1624 SOUTH DRAKE ROAD - (PARCEL NO. 3905-25-230-074)**

The applicant requested a variance from the supplemental setback required from the north and south property lines to allow the construction of a new office building on the subject property. The property is located at 1624 South Drake Road and is Parcel No. 3905-25-230-074. The property is located in the "CR" Local Business District zoning classification. The Report of the Planning and Zoning Department is incorporated herein by reference.

Mr. Rakowski indicated that he would like to abstain from consideration of the request because Dr. Spurr is his dentist.

Mr. Bushouse moved to allow Mr. Rakowski to abstain, and the motion was seconded by Ms. Jensen. The motion carried unanimously.

Ms. Bugge noted that the property does not currently comply with the dimensional requirements of the Ordinance, but that it is being platted and would conform once the platting process was complete. Further, the site plan would be reviewed by the Planning Commission at a future date.

It was pointed out that the properties abutting the subject site are currently zoned "R-3", although the Land Use Plan designates their future zoning as "CR". The property to the north, zoned "R-3", is also the location of a dental office.

Because the adjacent properties are "R-3", a supplemental setback of 85 feet from both the north and south property lines is applicable. Since the property is only 159 feet wide, no buildable area would remain.

Steve Bosch was present on behalf of the applicant. He argued that the situation was unique because the property would be unbuildable without a variance.

No public comment was offered, and the public hearing was closed.

Reference was made to the criteria required for the issuance of a nonuse variance.

Board members agreed that the conformance was unnecessarily burdensome in this case and that no buildable area would result from the supplemental setback.

Ms. Jensen moved to grant a variance conditioned upon use of the subject site for an office. It was required that the site meet the setbacks applicable to a commercial office building. It was reasoned that substantial justice would weigh in favor of granting the variance in that the office use would not be out of keeping with the office or residential uses

in the area, and further in recognition that conformance was unnecessarily burdensome. Further, the hardship was not self-created. It was felt that the spirit and intent of the Ordinance would be observed by the variance in that the Land Use Plan indicated that surrounding properties would be zoned "CR" in the future.

Ms. Borgfjord seconded the motion, and the motion carried 3-to-0 with Mr. Rakowski abstaining.

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned at 4:35 p.m.

OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS

By: Stanley Rakowski  
Stanley Rakowski, Acting Chairperson

By: David Bushouse  
David Bushouse

By: Jill Jensen  
Jill Jensen

By: Grace A. Borgfjord  
Grace Borgfjord

Minutes Prepared:  
April 11, 2002

Minutes Approved:  
May 20, 2002

Mr. Fred Gould, 1919 Quail Run Drive, stated he was the former owner of the J Avenue property now owned by his daughter. He wants to maintain the integrity of their property. He and his wife are concerned about possible future development on the property adjacent to theirs if the variance were granted, especially if a building were placed close to their property and noted the intent of the previous owner, Mr. Snow, was not to divide the parcel in question and voicing their concern about quality of life and for wildlife in the area and their opposition to shrinking the "footprint" of the original property. Mr. Gould said there had been an opportunity for them to purchase the property in question from Mr. Snow, but that they had chosen not to do so. He also said he would have been at previous meetings regarding past similar requests if he had been notified, but that the 300 foot notification does not cover many people in more rural areas and suggested the Township consider expanding its notification guidelines.

Attorney Porter commented that if people buy property they can build on it wherever they choose as long as they follow the ordinance.

At this point, Chairperson Bell moved to Board Deliberations.

Mr. Smith said he appreciated the Goulds' sentiment, but that the request was not unique and noted that if one does not like what might occur on adjacent property in the future, they should buy it.

Comments indicated there was consensus in favor of the request.

Chairperson Bell asked for a motion to approve the variance request.

Mr. Smith made a motion to approve the request from Mr. Schoolmaster for the reasons listed above regarding the standards of approval and precedent as a result of previous approvals in the area for similar requests. Mr. Larson seconded the motion. The motion was approved unanimously.

**PUBLIC HEARING: APPLICANT (D&R SPORTS) REQUESTS VARIANCE FROM THE OSHTEMO TOWNSHIP ZONING ORDINANCE TO ALLOW THE CONSTRUCTION OF A 9,600 SQUARE FOOT STORAGE BUILDING WITH A SUPPLEMENTAL SIDE YARD SETBACK OF 58 FEET, 33 FEET LESS THAN THE 91 FOOT MINIMUM PROVIDED IN SECTION 64.750(b) OF THE TOWNSHIP ZONING ORDINANCE. THE SUBJECT PROPERTY IS LOCATED AT 8178 WEST MAIN STREET IN THE C-LOCAL BUSINESS DISTRICT (PARCEL #3905-16-280-012).**

Chairperson Bell said the next item on the agenda was a request from D & R Sports for a supplemental side yard setback variance and asked Mr. Milliken to speak regarding the request.

Mr. Milliken told the Board the applicants own and operate D&R Sports on West Main Street and seek to add a new 80'x120' (9,600 square feet) storage building on site

for interior storage of boats and equipment. A 26 foot overhang / porch would be included on the east side of the structure. The proposed building is located on the western portion of the site about 300 feet from West Main Street. It is proposed to be 31 feet in height at its peak.

He said the subject property is predominately located in the C – Commercial zoning district. The side yard setback for buildings in the C district is 20 feet or the height of the building, whichever is greater. However, when the property is adjacent to a residential zoning district, the setback is expanded to 85 feet plus one foot for each foot in height of the proposed structure over 25 feet. The property to the west of the subject property is in the RR-Rural Residential zoning district. Thus, the side yard setback requirement for the proposed structure is 91 feet.

He noted the new structure is proposed to be located 58 feet from the west property line, 33 feet less than the required, enhanced setback. Because of the nature of the use and improvements proposed and existing on site, the development could be approved administratively. However, due to the encroachment into the side yard setback, it is before the ZBA for a dimensional variance request.

He said while the adjacent property is in a residential district, it is occupied by a commercial entity – Handley’s Tree Service – who has submitted a letter of support in favor of the proposed variance. It is unlikely that the proposed expansion would have a material impact on the adjacent property due to the unique nature of the use.

Mr. Milliken referred to the Standards of Approval and said in its current configuration, the building really cannot be shifted east to accommodate the setback requirement. With the large trucks and trailers involved on the site, it is important to maintain the separation between buildings. The building could be reconfigured to be narrower and longer and not encroach into the setback, although this could affect its functionality. It could also be relocated to the northern portion of the site.

He reviewed past decisions of the ZBA noting an August 26, 2014 denial of a variance request from Kalamazoo Hotels, LLC, denied due to potential impact on the adjacent Church facility, particularly considering the intensity of the commercial use. A variance was approved for Menard’s in 2006 based on the use of adjacent property and a variance request from Hansen / Spurr Dental Office was approved in 2002 because without variance the property was unbuildable.

The prevailing unique element that affects this request is the existing use of the adjacent property. The Ordinance requires an enhanced setback from the subject property when adjacent to a residential zoning district. Although that is the case here, the adjacent property is occupied by a commercial use and the proposed structure would be adjacent to log piles.

He noted the applicant has chosen the size and location of the structure, both of which have combined to result in the need for the current variance. However, the applicant did not place the adjacent commercially used property in a residential zoning

district. The question for the ZBA to consider is whether the use of the adjacent property is a unique element that warrants the granting of the variance.

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

Mr. Randy Van Dam, D & R Sports Center, said he has worked with an environmental engineer to address both current and future issues and visions for the site. The original building placement was chosen to leave enough room for future development. He noted one of the reasons for the 26 foot overhang included on the building is to provide more display area for boats that is out of the weather.

In response to a question from Mr. Loy, Mr. Van Dam said the end of the lean-to structure would not be enclosed. He also explained the plan provides enough interior floor area for turnaround space while still leaving room to be able to use both sides of the structure for rack storage.

Mr. Larson confirmed the ridge line runs north and south.

In answer to a question from Mr. Larson about what portion of the 16 foot sidewall would be seen from the adjacent Handley property, Mr. Van Dam said there is an existing elevated berm fully planted with spruce trees that should completely obstruct the view. He commented that he has a good relationship with Mr. Handley and that he has no problem with Mr. Van Dam's request.

Attorney Porter commented the change in topography could be a point for the Board to use as a basis for their decision.

Chairperson Bell moved to Board Deliberation at this point.

Mr. Sikora confirmed with Mr. Milliken that the added outside display did not have a bearing on the request. Mr. Milliken indicated that in fact it would actually reduce the number of boats displayed outside which would be an improvement.

The Chairperson noted Handley's is in the RR district and that because it is adjacent to the D & R property, an enhanced setback is required for the D&R property.

Attorney Porter said commercial activity has been in place at the Handley's site long before now.

Chairperson Bell noted the denial that occurred at last month's meeting for a similar request was because the adjacent property to the commercial property was a church and Mr. Loy also noted that was also a request for a five story building; this request concerns a building that is 16 feet in height and will not be seen from the Handley property due to the existing berm/trees.

Responding to a question about what might occur in the future on the Handley property; Chairperson Bell confirmed with Mr. Milliken that any change would require the berm to remain in place, as approved years ago.

Mr. Loy made a motion to approve the request for setback from D & R for the reasons stated in Board discussion. Mr. Larson seconded the motion. The motion was approved unanimously.

### **Any Other Business / ZBA Member Comments**

Mr. Milliken told the Board a special meeting was scheduled for October 6 regarding a sign deviation request for the "Corner at Drake" development. If Omni is ready with an amended request, it could also be included on the agenda.

Chairperson Bell said she thought the suggestion by Mr. Gould to expand notification to property owners in residential areas was worth consideration.

Attorney Porter noted the Board has, on occasion, expanded notification beyond statute requirement.

### **Adjournment**

Chairperson Bell noted the Zoning Board of Appeals had exhausted its Agenda, and with there being no other business, she adjourned the meeting at approximately 4:23 p.m.

Minutes prepared:  
September 25, 2014

Minutes approved:  
\_\_\_\_\_, 2014

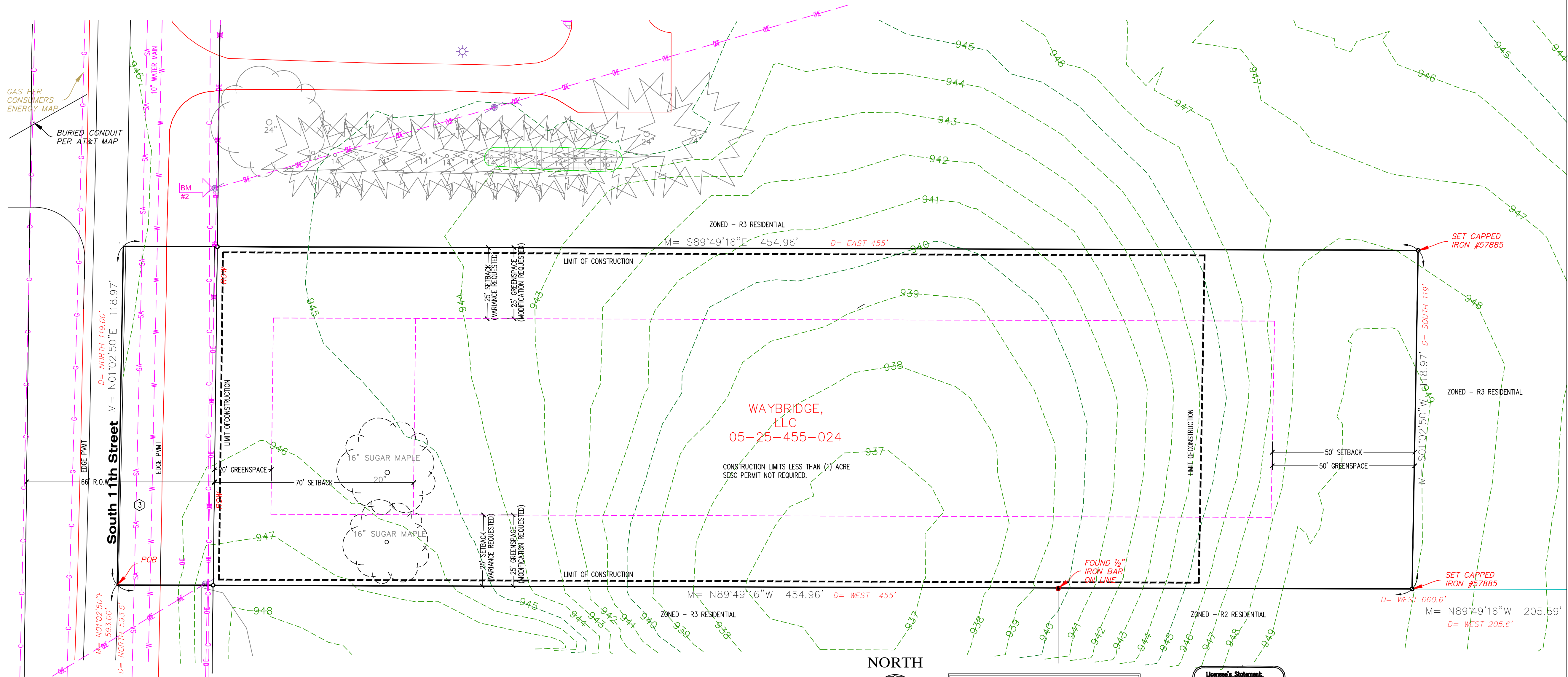
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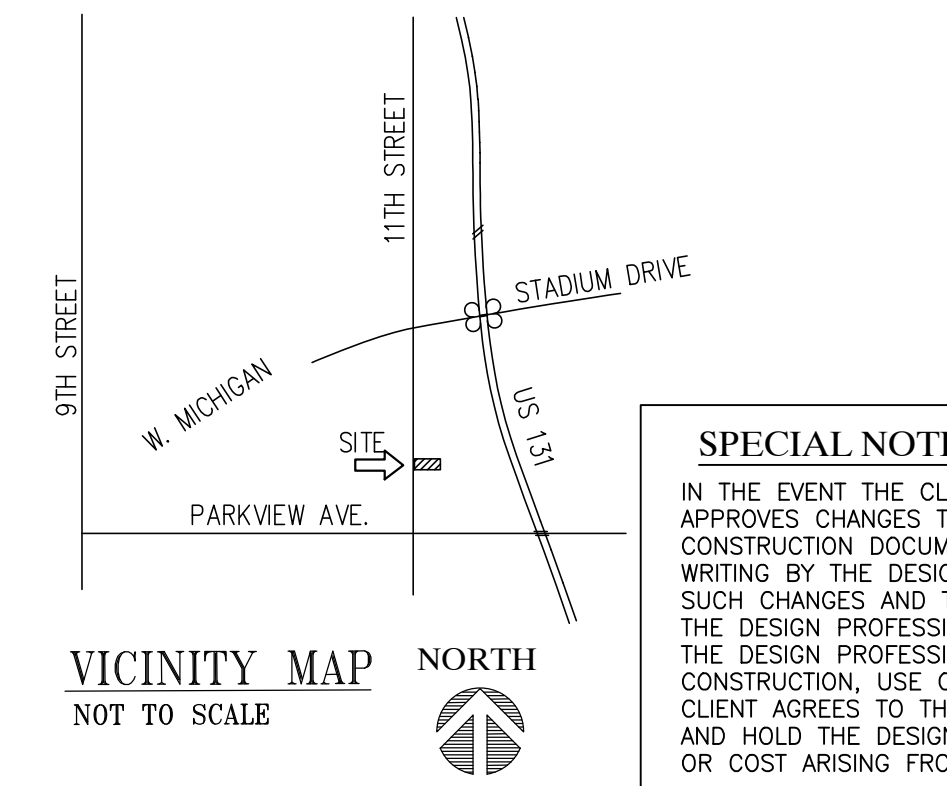
# PROPOSED FRIENDSHIP ANIMAL HOSPITAL

## Dr. Laura Billings, DVM

### 2999 South 11th Street Kalamazoo, Michigan



**EXISTING SITE PLAN**  
SCALE: 1" = 20'

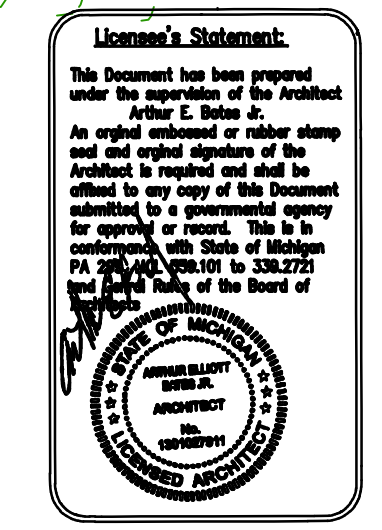


**THE OWNER WILL SUBMIT REQUIRED LANDSCAPE PLAN PRIOR TO ISSUANCE OF BUILDING PERMIT. LANDSCAPE REQUIREMENTS TO FOLLOW SECTION 1280.05 OF THE PLANNING AND ZONING CODE OSHTEMO TOWNSHIP.**

APPROPRIATE PERMITS TO BE OBTAINED FROM OSHTEMO TOWNSHIP.

AN EMERGENCY KEY BOX FOR FIRE DEPARTMENT ACCESS WILL BE PROVIDED. KEY BOX LOCATION TO BE DETERMINED UPON SUBMITTAL OF BUILDING PLANS.

A FIREFIGHTER RIGHT-TO-KNOW AND HAZARDOUS MATERIALS RIGHT-TO-KNOW FORMS TO BE SUBMITTED PRIOR TO ISSUANCE OF A BUILDING PERMIT.



**72 HOURS (3 WORKING DAYS) BEFORE YOU DIG CALL MISS DIG 800-482-7171 (TOLL-FREE)**

**SPECIAL NOTE:**

IN THE EVENT THE CLIENT CONSENTS TO, ALLOWS, AUTHORIZES OR APPROVES CHANGES TO ANY PLANS, SPECIFICATIONS OR OTHER CONSTRUCTION DOCUMENTS AND THESE CHANGES ARE NOT APPROVED IN WRITING BY THE DESIGN PROFESSIONAL, THE CLIENT RECOGNIZES THAT SUCH CHANGES AND THE RESULT THEREOF ARE NOT THE RESPONSIBILITY OF THE DESIGN PROFESSIONAL. THEREFORE, THE CLIENT AGREES TO RELEASE THE DESIGN PROFESSIONAL FROM ANY LIABILITY ARISING FROM THE CONSTRUCTION, USE OR RESULT OF SUCH CHANGES. IN ADDITION, THE CLIENT AGREES TO THE FULLEST EXTENT PERMITTED BY LAW, TO IDENTIFY AND HOLD THE DESIGN PROFESSIONAL HARMLESS FROM ANY DAMAGE, LIABILITY OR COST ARISING FROM SUCH CHANGES.

DRAWING INDEX	
C1	TOPO-BOUNDARY PLAN
C2	SESC PLAN
C3	DEMOLITION PLAN
C4	SITE LAYOUT
C5	GRADING PLAN
C6	STORMWATER
C7	UTILITY PLAN
C8	LANDSCAPE PLAN
C9	PHOTOMETRICS
A1	EXTERIOR ELEVATIONS
A2	FLOOR PLAN

- #### SITE DATA
- Property Owner: Waybridge, L.L.C.  
7049 Turkey Glen trail  
Kalamazoo, Michigan 49009
  - Property Address: 2999 South 11th Street  
Kalamazoo, MI 49009
  - Developer: HANSEN BUILDING & DESIGN CORP.  
3027 Woodhams  
Portage, Michigan 49002  
Tel: 269-599-4212
  - Architect: BATES/ ARCHITECTS  
8793 Western Woods Drive  
Kalamazoo, Michigan 49009  
Tel: 269-349-3314
  - Parcel Number: 05-25-455-024
  - Legal Description:  
Part of the Southeast Quarter of Section 25, Town 02 South, Range 12 West, Township of Oshtemo, County of Kalamazoo, State of Michigan, and more particularly described as follows:  
Commencing at the South Quarter corner of Section 25, Town 02 South, Range 12 West; thence along the North and South Quarter line of Section 25, North 01°02'50" East 583.00 feet to the Point of Beginning; thence continuing along said North and South Quarter Quarter line, North 01°02'50" East 118.97 feet; thence South 89°49'16" East 454.96 feet; thence North 89°49'16" West 454.96 feet to said North and South Quarter line and the point of beginning. Subject to Easements and Restrictions apparent and of Record.
  - Property Size: 54,122± sq. ft. = 1.24± Acres.
  - Present Land Use: Undeveloped
  - Present Zoning: R3 Residential
  - Proposed Land Use: Veterinary Clinic (small animals) (Special Use Requested)
  - Proposed Building Type Construction:  
Type "SB" - Single story wood frame, slab on grade. Partial Stone Veneer with Board & batten siding and shingled roof.  
First Fl. = 4,864 SF + Mezz. 750 SF = 5,614 SF.
  - Building Mean Roof Height: 24'-0"±
  - Minimum spacing between buildings: N/A
  - Setbacks: Front/road - 30 feet  
Sides - 25 feet (Variance Requested)  
Rear - 50 feet
  - Land Usage: 50,213.4 Sq. ft. = 1.2 Acres  
Building = 9.2%  
Pavement = 27.7%  
Green Space = 63.1%
  - Parking Requirements: Veterinary Clinic  
(1) space per 150 sq. ft. Net Floor Area.  
1st Floor = 4,864 SF + Mezz 750 SF = 5,614  
5,614 @ 77% usable sq. ft. /150 = 29  
Total Parking Spaces Required = 29 spaces  
One Barrier Free Min per 25 req. spaces (2 space).
  - Parking Spaces Provided:  
27 Sp. @ 10'x 20'  
2 B.F. Sp @ 10'x 20' + 8' Aisle  
29 Total Spaces provided.
  - Loading Area: Sec 21.08 Off-Street Loading Load/Unload Space 10'x50'x14'H (Not required)
  - All Storm Water to remain on site.
  - All floor drains to be connected to Sanitary Sewer.
  - Erosion & Sediment Control (SESC) work shall comply with Standards and Specifications of Kalamazoo County Drain Commission.
  - Hazardous Materials Right-to-Know Form shall be submitted with Building Plans.
  - All Pavement markings & Traffic Signs shall conform to "MMUTCO", Current Ed.
  - Building Code: Michigan 2015 Building Code.
  - Occupancy Use Group: "B" Business
  - This Site is not located in a Flood Plain.
  - Signs: All Signs shall conform to Oshtemo Township Zoning Code & be submitted for separate permits.
  - Site Lighting:  
a. Parking Lot Lighting shall be "Off" during non-operational hours - 10:00 P.M. TH 06:00 A.M.  
b. All exterior lighting shall be sharp cut-off controlled by Photocell & Timer.  
c. Soft Downlights shall be 75W maximum.  
d. All outdoor lighting will be installed and maintained consistent with Oshtemo Township Code. All exterior lights shall be shielded (sharp cut-off style) Light levels shall not exceed 0.1 footcandles along the East, North & South property lines where abutting residential land use/zoning.
  - Landscaping: As shown on drawings, & at minimum conform to Oshtemo Township Zoning requirements for type of Use.  
a. Parking Lot Islands: Min 25 sf per park space  
29 park space x 25 sf = 725 sf.  
(1) Canopy per 200 sf = 5  
(2) Shrub per 200 sf = 10  
b. Road frontage; 20 ft Greenbelt- trees per 100 ft.  
(2) Canopy = 2  
(2) Evergreen = 2  
(2) Understory = 2
  - Trash enclosure: Enclosed Courtyard  
Owner to use Herbie-Curbys.
  - Appropriate Permits to be obtained from Oshtemo Township, Kalamazoo County, Michigan prior to commencing construction.

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**REVISIONS**  
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**TOPO-BOUNDARY SURVEY**

**PROPOSED FRIENDSHIP ANIMAL HOSPITAL**  
**Dr. Laura Billings DVM**  
**2999 South 11th Street**  
**Kalamazoo, Michigan**

**HANSEN BUILDING AND DESIGN CORPORATION**  
 3027 WOODHAMS  
 PORTAGE, MI 49002

**BATES ARCHITECTS**  
 8793 WESTERN WOODS DRIVE, KALAMAZOO, MI 49009  
 TELEPHONE 269/349-3314    [arb@bates-arch.com](mailto:arb@bates-arch.com)

**C1**  
 2324

**SITE DRAINAGE NOTE:**  
ALL STORM WATER SHALL REMAIN ON SITE. NO ADDITIONAL STORM WATER WILL BE DIVERTED TO THE RIGHT-OF-WAY

SOIL EROSION AND SEDIMENTATION CONTROL (SESC) MUST BE IN ACCORDANCE WITH SECTION V11.D, ROADSIDE SOIL/GROUND COVER DISTURBANCES, OF THE KCRD'S CONSTRUCT, OPERATE, MAINTAIN, USE AND/OR REMOVE WITH COUNTY ROAD RIGHT-OF-WAY POLICY. \*ALL WORK MUST COMPLY WITH THE PROVISIONS OF PART 91 OF THE EROSION AND SEDIMENTATION CONTROL ACT OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT P.A. 451 OF 1994, AS AMENDED BY THE DULY AUTHORIZED AGENT.

DRAINAGE STRUCTURES SHALL BE PROTECTED FROM DAMAGE AND SEDIMENTATION.

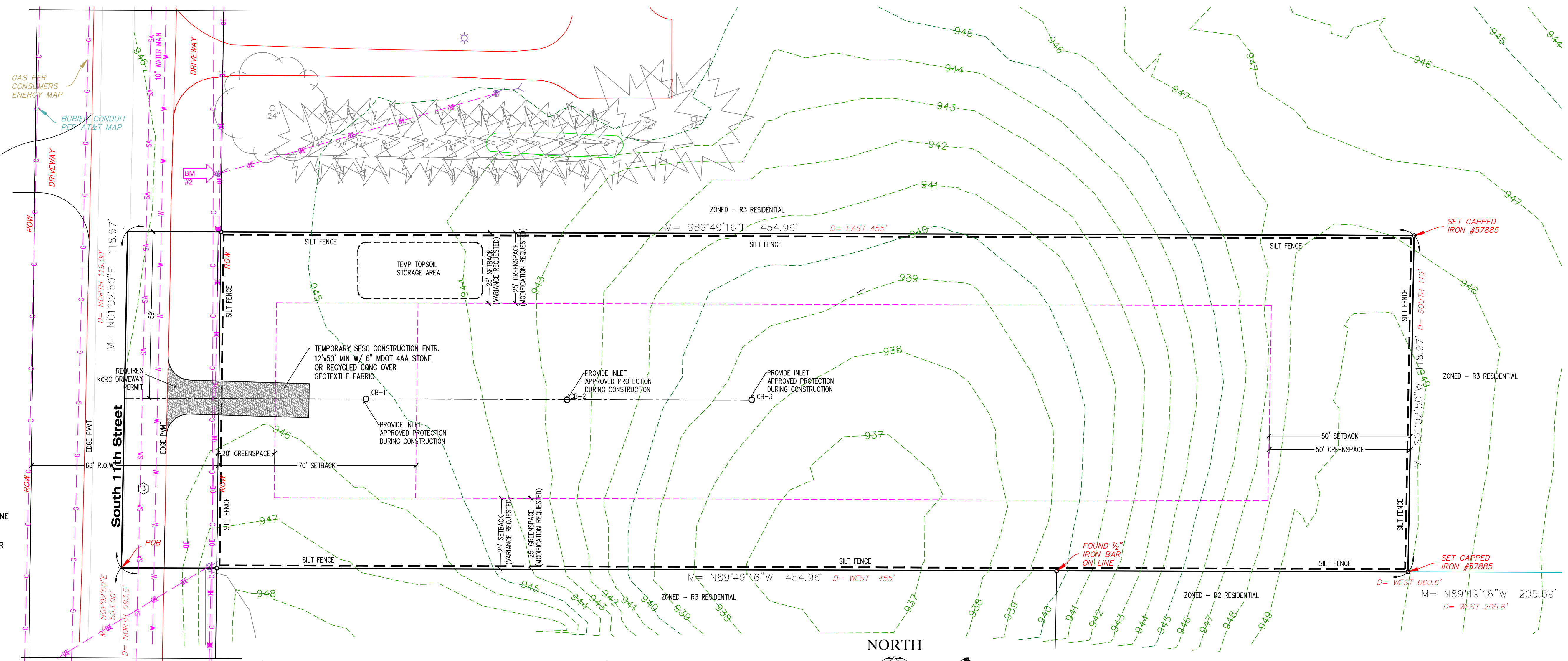
**TEMPORARY SESC CONSTRUCTION ENTRANCE MAINTENANCE:**  
1. TOP DRESSING OF ADDITIONAL STONE SHALL BE APPLIED AS CONDITIONS  
2. MUD SPILLED, DROPPED, WASHED OR OR TRACKED ONTO PUBLIC ROADS SHALL BE REMOVED IMMEDIATELY.

**MAINTENANCE SCHEDULE - STORM WATER SYSTEM**

- OWNER SHALL BE RESPONSIBLE FOR MAINTAINING STORM WATER SYSTEM IN COMPLIANCE WITH STORM WATER MAINTENANCE AGREEMENT AND BMP REQUIREMENTS.
- MINIMUM VISUAL INSPECTION MONTHLY.
- SEDIMENT SHALL BE REMOVED FROM BASIN WHEN VISIBLE AND WHEN INFILTRATION IS REDUCED.
- ERODED AND BARREN AREAS SHALL BE REVEGETATED AS SOON AS POSSIBLE.
- TRASH AND DEBRIS SHALL BE REMOVED MINIMUM EVERY MONTH OR SOONER AS MAY BE NECESSARY TO MAINTAIN CLEAN BASIN.

TEMPORARY SESC CONSTRUCTION ENTR. 12'x50' MIN W/ 6" MDOT 4AA STONE OR RECYCLED CONC OVER GEOTEXTILE FABRIC

**TEMPORARY SESC CONSTRUCTION ENTRANCE MAINTENANCE:**  
1. TOP DRESSING OF ADDITIONAL STONE SHALL BE APPLIED AS CONDITIONS  
2. MUD SPILLED, DROPPED, WASHED OR OR TRACKED ONTO PUBLIC ROADS SHALL BE REMOVED IMMEDIATELY.



**DEMOLITION PLAN**  
SCALE: 1" = 20'

**MAINTENANCE OF PERMANENT SOIL EROSION CONTROL MEASURES (RESPONSIBILITY OF PROPERTY OWNER):**  
1). NORMAL LAWN MAINTENANCE - AS NECESSARY.  
2). INSPECT AND CLEAN OUT STORM SEWER PIPES AND CATCHBASINS - AS NECESSARY (CHECKED TWICE A YEAR FOR SEDIMENT)

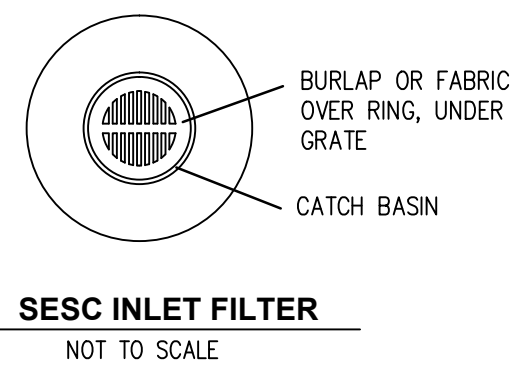
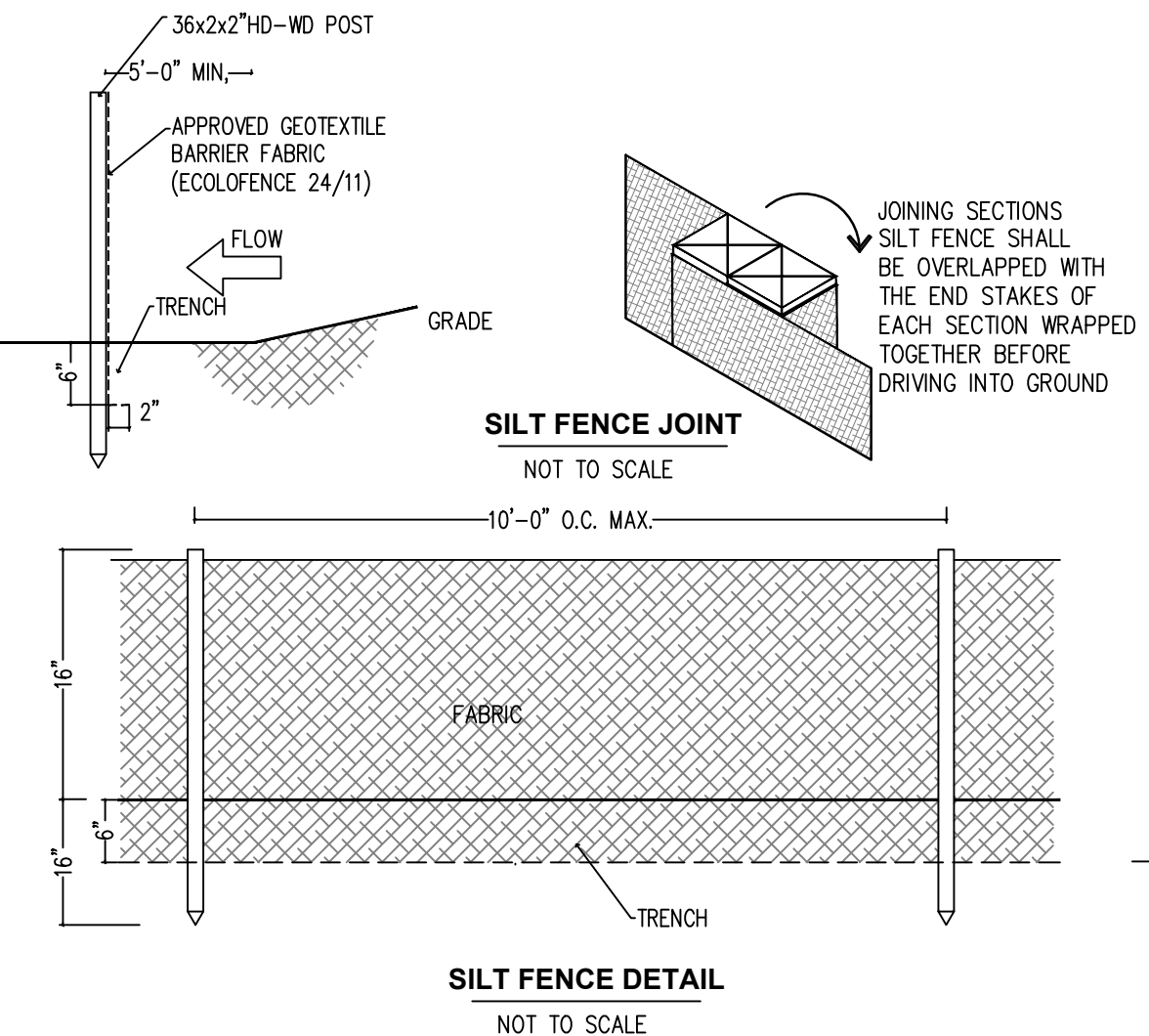
NORTH

**72 HOURS**  
(3 WORKING DAYS)  
**BEFORE YOU DIG**  
CALL MISS DIG  
800-482-7171  
(TOLL-FREE)

NOTE:  
All utilities shown are approximate locations should not be interpreted as exact locations nor should they be assumed to be the only utilities in the area.

**SOIL EROSION AND SEDIMENTATION CONTROL NOTES:**

- ALL EROSION AND SEDIMENT CONTROL WORK SHALL CONFORM TO STANDARDS OF KALAMAZOO COUNTY DRAIN COMMISSION.
- DAILY INSPECTIONS SHALL BE MADE BY THE CONTRACTOR TO DETERMINE EFFECTIVENESS OF EROSION AND SEDIMENT CONTROL MEASURES, AND ANY NECESSARY REPAIRS SHALL BE PERFORMED WITHOUT DELAY.
- EROSION AND ANY SEDIMENTATION FROM WORK ON THIS SITE SHALL BE CONTAINED ON THE SITE AND NOT ALLOWED TO COLLECT ON ANY OFF SITE AREAS OR IN WATERWAYS. WATERWAYS INCLUDE BOTH NATURAL AND MAN-MADE OPEN DITCHES, STREAMS, STORM DRAINS, LAKES AND PONDS.
- EROSION AND SEDIMENT CONTROL MEASURES ARE NOT TO BE PLACED PRIOR TO, OR AS THE FIRST STEP IN CONSTRUCTION. SEDIMENT CONTROL PRACTICES WILL BE APPLIED AS A PERIMETER DEFENSE AGAINST ANY TRANSPORTING OF SILT OFF THE SITE.
- CONTRACTOR SHALL APPLY TEMPORARY EROSION AND SEDIMENTATION CONTROL MEASURES AS REQUIRED AND AS DIRECTED ON THESE PLANS. HE SHALL REMOVE TEMPORARY MEASURES AS SOON AS PERMANENT STABILIZATION OF SLOPES, DITCHES, AND OTHER EARTH CHANGES HAVE BEEN ACCOMPLISHED.
- ALL TEMPORARY SOIL EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL PERMANENT SOIL EROSION CONTROLS ARE IMPLEMENTED. ALL PERMANENT SOIL EROSION CONTROL MEASURES SHALL BE IMPLEMENTED AND ESTABLISHED BEFORE CERTIFICATE OCCUPANCY IS ISSUED.
- ALL MUD AND DIRT TRACKED OR SPILLED ON PAVED ROAD SURFACES FROM THIS SITE SHALL BE PROMPTLY REMOVED BY CONTRACTOR OR BUILDER WITHIN 24 HOURS.
- INLET FILTER SHALL BE PROVIDED ON ALL DRAINAGE STRUCTURES.
- INSTALL SILT FENCE AROUND ANY AND ALL EARTHWORK OPERATIONS.



SOIL EROSION CONTROL SCHEDULE	2023	2024
PLACE SILT FENCE & EROSION CONTROL STRIP & STOCKPILE TOPSOIL		
ROUGH GRADE SITE		
BUILDING CONSTRUCTION		
CONSTRUCT UTILITIES		
FINISH GRADE SITE/COMPACTION		
ASPHALT PAVING		
RESPREAD TOPSOIL/COMPACTION		
SEED DISTURBED AREAS		
SITE RESTORATION/CLEAN UP		
SITE STABILIZED-REMOVE SILT FENCE		

**MAINTENANCE OF PERMANENT SOIL EROSION CONTROL MEASURES (RESPONSIBILITY OF PROPERTY OWNER):**  
1). NORMAL LAWN MAINTENANCE - AS NECESSARY.  
2). INSPECT AND CLEAN OUT STORM SEWER PIPES AND CATCHBASINS - AS NECESSARY (CHECKED TWICE A YEAR FOR SEDIMENT)

**GENERAL NOTES**

- NO EARTHCHANGE MAY COMMENCE UNTIL A SOIL EROSION CONTROL PLAN AND APPLICATION HAVE BEEN APPROVED & A PERMIT ISSUED.
- PROVIDE ALL APPLICABLE SOIL EROSION AND SEDIMENT CONTROL MEASURES IN ACCORDANCE WITH LOCAL RULES AND REGULATIONS. ALL SUCH MEASURES WHETHER OR NOT SHOWN ON THE DRAWINGS SHALL BE MAINTAINED IN GOOD FUNCTIONAL CONDITIONS, AND WILL BE SUBJECT TO PERIODIC INSPECTIONS BY THE GOVERNING AGENCIES. REMOVE ALL TEMPORARY SOIL EROSION AND SEDIMENT CONTROL MEASURES UPON COMPLETION OF WORK AND AFTER PROVIDING PERMANENT GROUND COVER.
- ALL CONSTRUCTION MUST CONFORM TO THE CURRENT STANDARDS & SPECIFICATIONS ADOPTED BY OSHTEMO TOWNSHIP.
- UTILITY LOCATIONS ARE FROM THE BEST INFORMATION AVAILABLE. FOR PROTECTION OF UNDERGROUND UTILITIES, CONTRACTOR SHALL CALL "MISS DIG", 1-800-482-7171 A MINIMUM OF 3 WORKING DAYS PRIOR TO EXCAVATING IN THE VICINITY OF UTILITY LINES. THIS DOES NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY OF NOTIFYING UTILITY OWNERS WHO MAY NOT BE A PART OF THE "MISS DIG" SYSTEM. THE CONTRACTOR SHALL LOCATE ALL ACTIVE UNDERGROUND UTILITIES PRIOR TO STARTING WORK AND SHALL CONDUCT HIS OPERATIONS IN A MANNER TO ENSURE THAT THOSE UTILITIES NOT REQUIRING RELOCATION WILL NOT BE DISTURBED.

REVISIONS  
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**BATES ARCHITECTS**  
BATES ARCHITECTS  
8793 WESTERN WOODS DRIVE, KALAMAZOO, MI 49009  
TELEPHONE: 269/349-3314  
orbates-arch.com

**SESC PLAN**

**PROPOSED FRIENDSHIP ANIMAL HOSPITAL**  
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2999 SOUTH 11th STREET  
KALAMAZOO, MICHIGAN

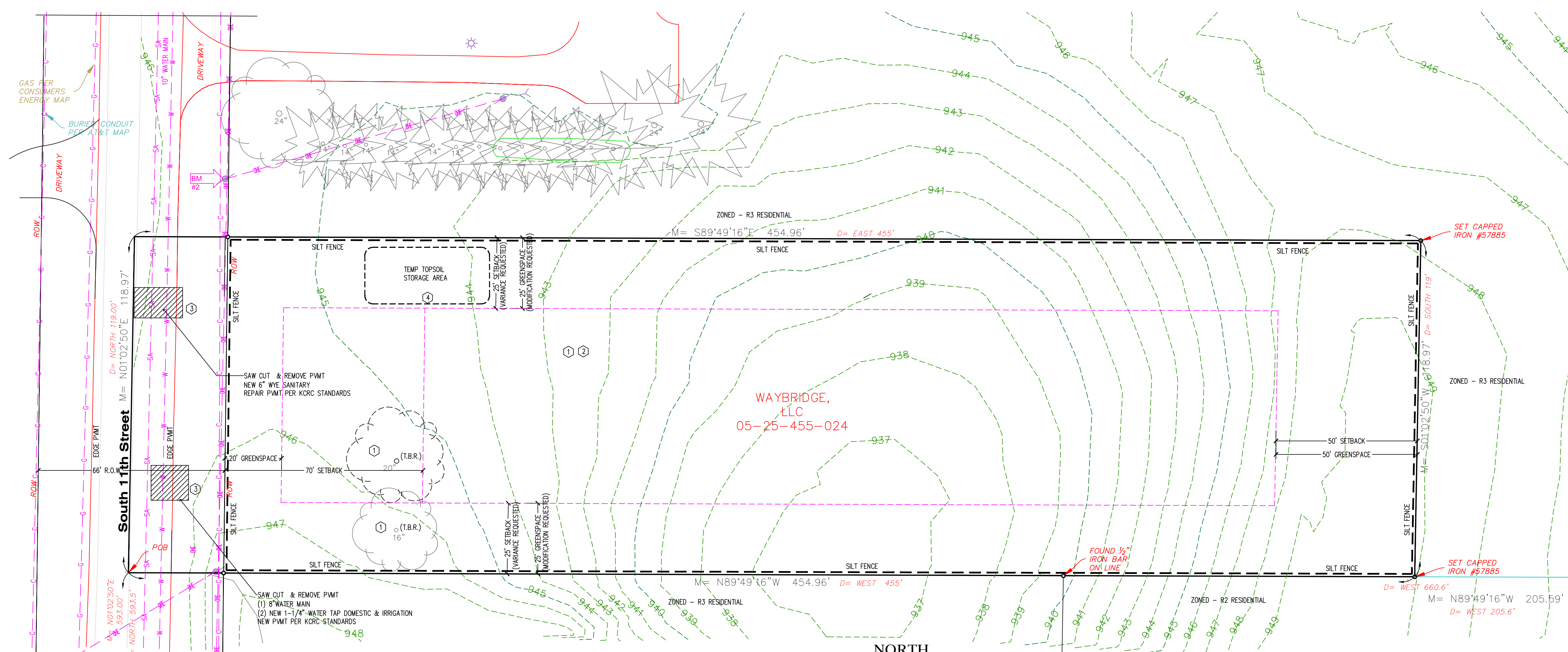
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PORTAGE, MI 49002

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**GENERAL NOTES**

1. ALL UTILITY LOCATIONS ARE APPROXIMATE. CALL "MISS DIG" AND VERIFY ALL UNDERGROUND UTILITIES BEFORE COMMENCING EXCAVATION AT THE SITE. ANY UTILITIES DISTURBED BY CONSTRUCTION SHALL BE REPAIRED AT CONTRACTORS EXPENSE. USE PRIVATE UTILITY LOCATOR SERVICE FOR ANY UTILITIES MISS DIG WILL NOT LOCATE.
2. SOUTH 11th STREET SHALL BE PROMPTLY REMOVED.
3. ANY DISCREPANCIES BETWEEN THE PLANS AND ACTUAL FIELD CONDITIONS SHOULD BE REPORTED TO THE OWNER'S REPRESENTATIVE IMMEDIATELY FOR RESOLUTION.
4. EROSION SHALL BE CONTROLLED AS SPECIFIED, AND AS REQUIRED BY LOCAL, STATE OR FEDERAL AUTHORITIES HAVING JURISDICTION.
5. ALL UNPAVED AREAS DISTURBED BY CONSTRUCTION SHALL BE RESTORED WITH A MINIMUM 4" TOPSOIL, SEED AND MULCH (UNLESS OTHER LANDSCAPING IS SHOWN).
6. IT IS THE CONTRACTORS RESPONSIBILITY TO COORDINATE WITH VARIOUS AGENCIES FOR WATER AND SEWER CONNECTIONS.
7. PROTECT ALL BENCHMARKS DURING CONSTRUCTION. ANY BENCHMARKS DISTURBED OR DESTROYED DURING CONSTRUCTION WILL BE REPLACED AT THE CONTRACTORS EXPENSE.
8. ALL WORK WITHIN RIGHT-OF-WAY SHALL BE IN ACCORDANCE WITH THE STANDARDS AND REQUIREMENTS OF OSHTOMO TOWNSHIP. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING REQUIRED PERMITS.
9. PROTECT ALL TREES AND EXISTING FEATURES TO REMAIN AS SPECIFIED.
10. VERIFY LOCATIONS OF ALL BELOW-GRADE UTILITIES PRIOR TO BEGINNING WORK, 72 HOURS BEFORE YOU CALL MISS DIG.

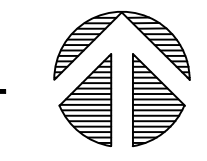
**DEMOLITION NOTES**

1. INSTALL TREE PROTECTION FENCING PRIOR TO COMMENCING ANY SITE WORK.
2. INSTALL SOIL EROSION MEASURES PRIOR TO THE START OF CONSTRUCTION. (SEE SESC PLAN) FOR SOIL EROSION CONTROL PLAN.
3. ALL DEMOLITION DEBRIS SHALL BE REMOVED FROM THE SITE AT THE CONTRACTORS EXPENSE.
4. ALL MUD, DIRT AND DEBRIS TRACKED OR SPILLED ON SOUTH 11th STREET SHALL BE PROMPTLY REMOVED.
5. EXISTING LANDSCAPING AND TREES, INCLUDING ROOT SYSTEM SHALL BE REMOVED TO ACCOMMODATE NEW CONSTRUCTION.
6. WORK IN 11th STREET SHALL CONDUCTED IN THE MONTHS OF NOVEMBER 1 OF THE SAME YEAR IN WHICH WORK WAS STARTED. MAY THROUGH OCTOBER WITH WORK BEING COMPLETED BEFORE.
7. SAW CUT LEAST AREA NEEDED FOR UTILITY CONNECTIONS.

**DEMOLITION LEGEND**

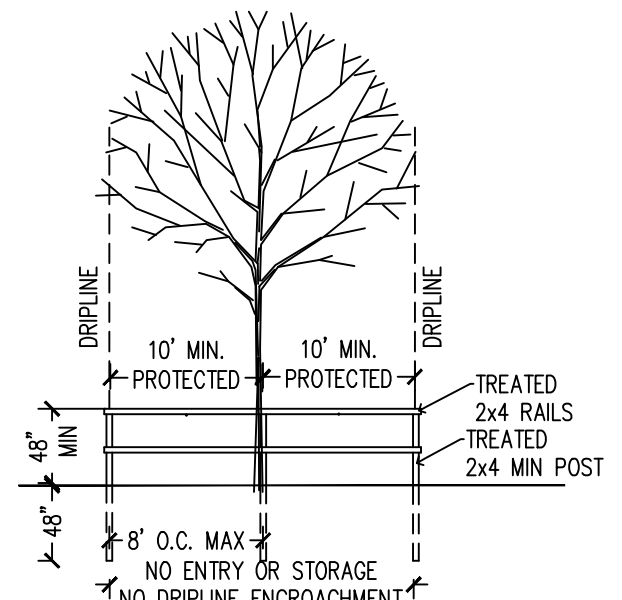
KEY	DESCRIPTION
①	REMOVE EXISTING INTERIOR TREES AND ROOT SYSTEMS. PROTECT AND PRESERVE TREES NOT AFFECTED BY CONSTRUCTION.
②	REMOVE ALL SURFACE IMPROVEMENTS.
③	SEE UTILITY PLAN FOR STREET & R.O.W. DEMOLITION FOR WATER SERVICE, SANITARY CONNECTIONS, FIRE HYDRANT INSTALLATION.
④	TEMPORARY TOPSOIL STOCKPILE AREA.

**DEMOLITION PLAN**  
SCALE: 1"= 20'



**72 HOURS**  
(3 WORKING DAYS)  
**BEFORE YOU DIG**  
**CALL MISS DIG**  
**800-482-7171**  
(TOLL-FREE)

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**TYP. TREE PROTECTION**  
SCALE: N.T.S.

- TREE PROTECTION NOTES:**
1. TREE PROTECTION FENCING TO BE INSTALLED PRIOR TO ANY LAND DISTURBANCE ON SITE. FENCING MINIMUM 10 FT FROM TRUNK OF TREE.
  2. TREE PROTECTION FENCING SHALL BE MAINTAINED DURING CONSTRUCTION AND ALL CONSTRUCTION MATERIALS, SUPPLIES, AND EQUIPMENT SHALL BE KEPT OUT OF PROTECTED AREA.
  3. EXISTING GRADE LEVEL AROUND TREE SHALL BE MAINTAINED. NO SIGNS, WIRES, OR ANY OTHER OBJECT SHALL BE ATTACHED TO TREE.
  4. TREES THAT HAVE BEEN DAMAGED BY CONSTRUCTION SHALL BE REPAIRED IN ACCORDANCE WITH ACCEPTED ARBORICULTURE METHODS.

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**BATES**  
BATES ARCHITECTS  
8793 WESTERN WOODS DRIVE, KALAMAZOO, MI 49009  
TELEPHONE 269/349-3314 or@bates-arch.com

**DEMOLITION PLAN**

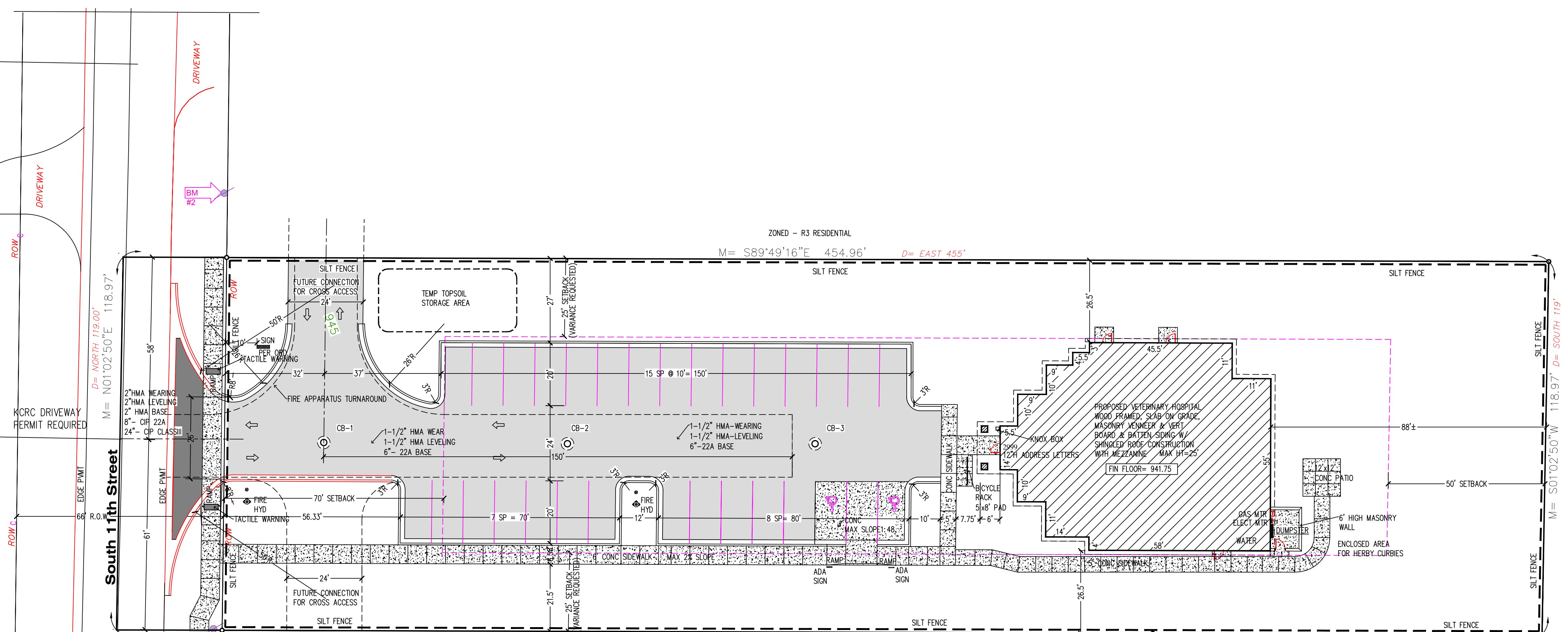
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**Dr. LAURA BILLINGS DVM**  
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KALAMAZOO, MICHIGAN

**HANSEN BUILDING AND DESIGN CORPORATION**  
3027 WOODHAMS  
PORTAGE, MI 49002

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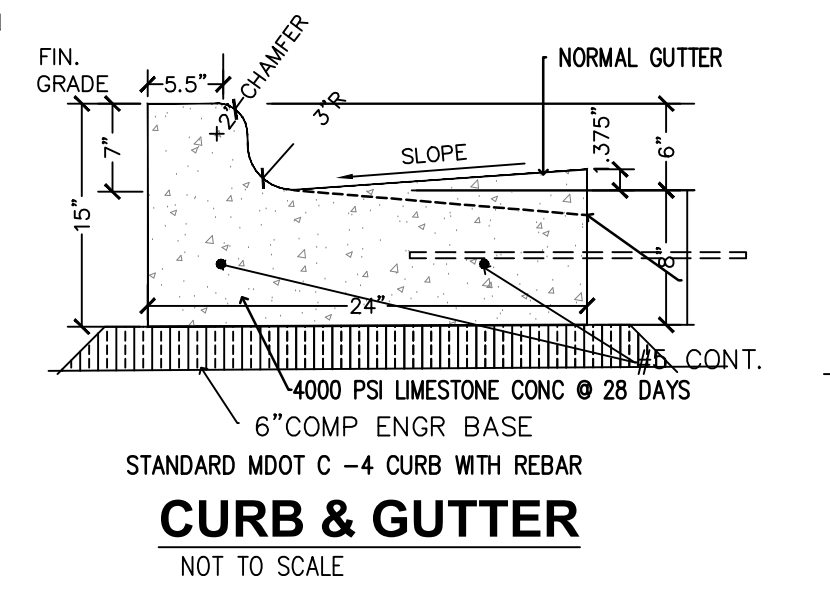
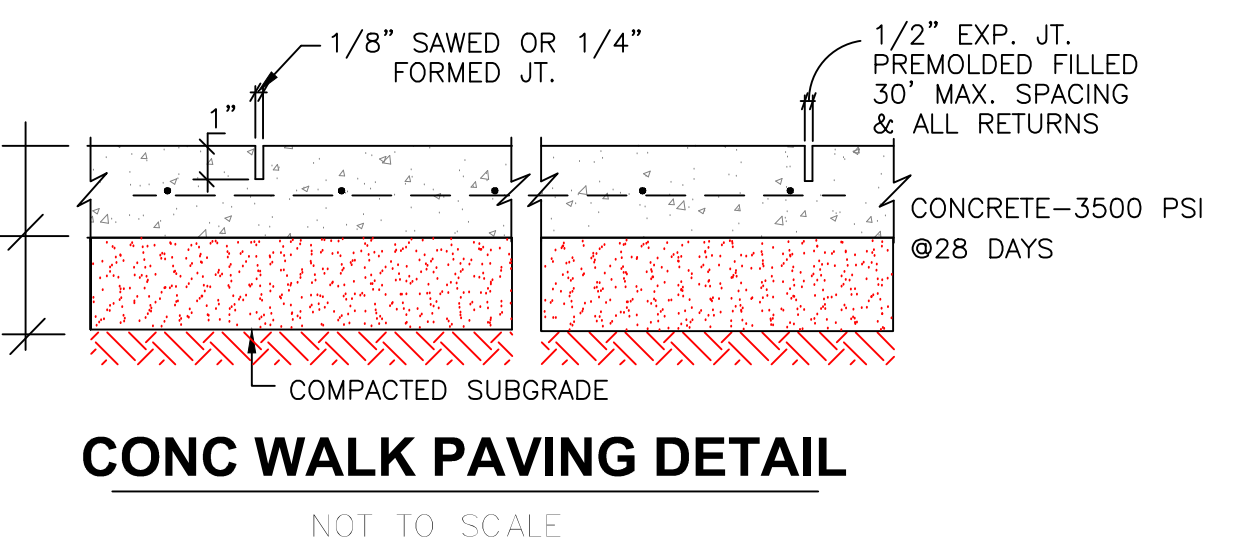
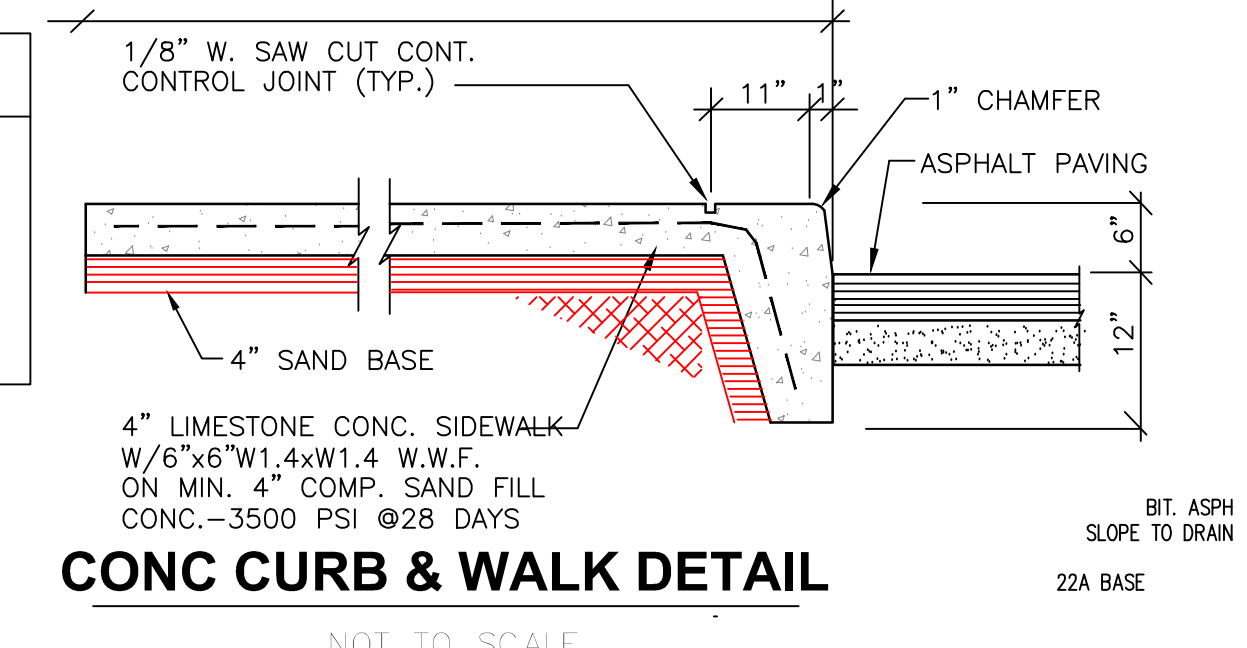
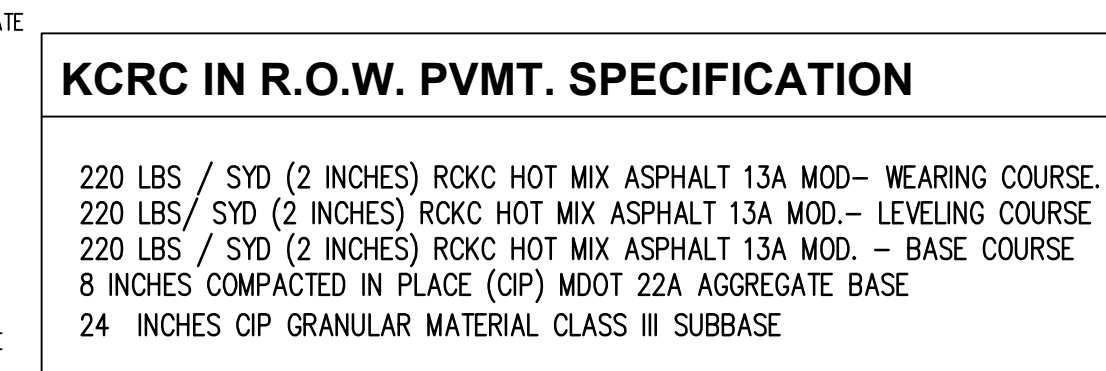
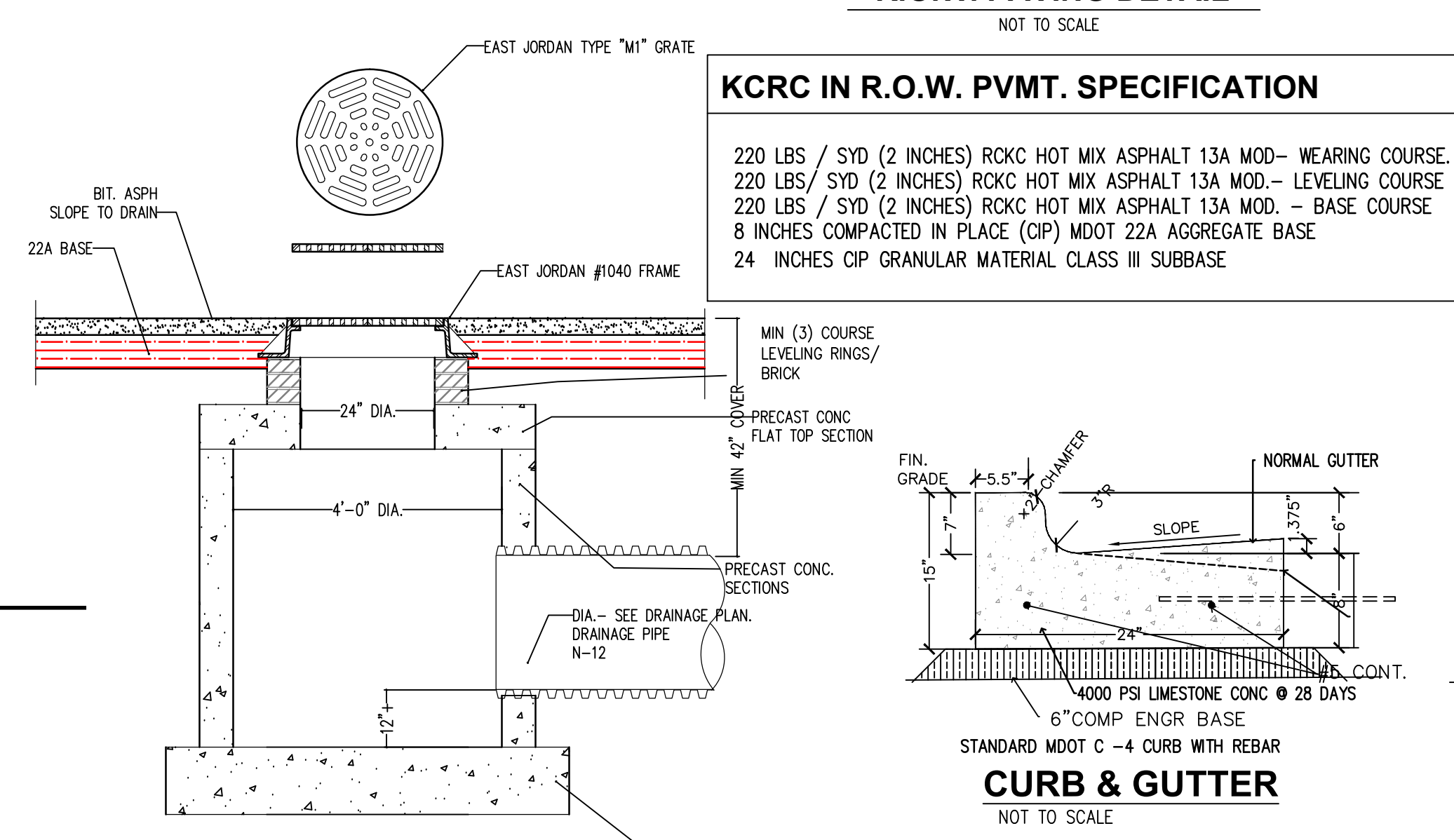
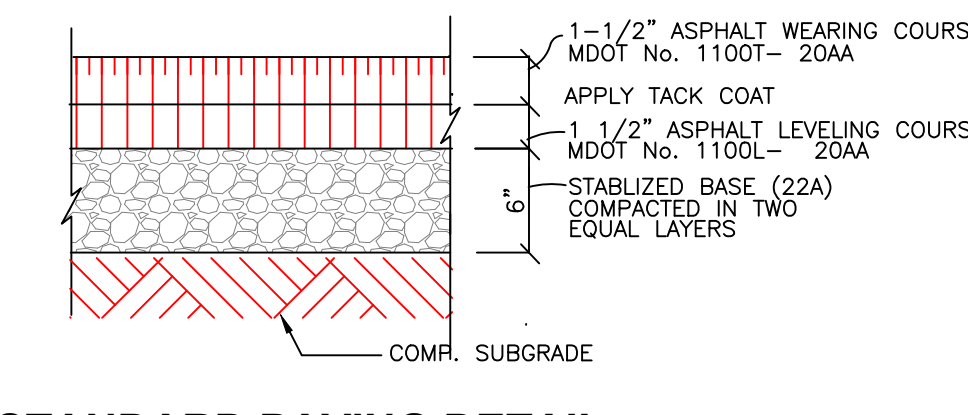
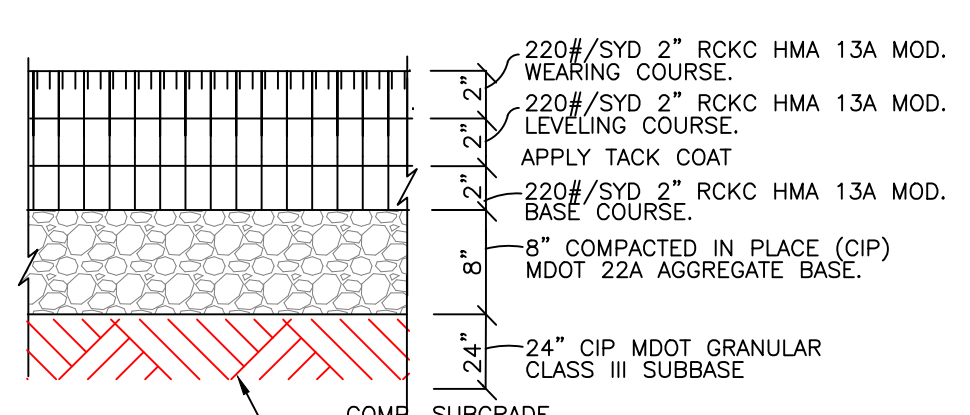


### LAYOUT PLAN

SCALE: 1" = 20'

**72 HOURS**  
 (3 WORKING DAYS)  
**BEFORE YOU DIG**  
**CALL MISS DIG**  
**800-482-7171**  
 (TOLL-FREE)

NOTE:  
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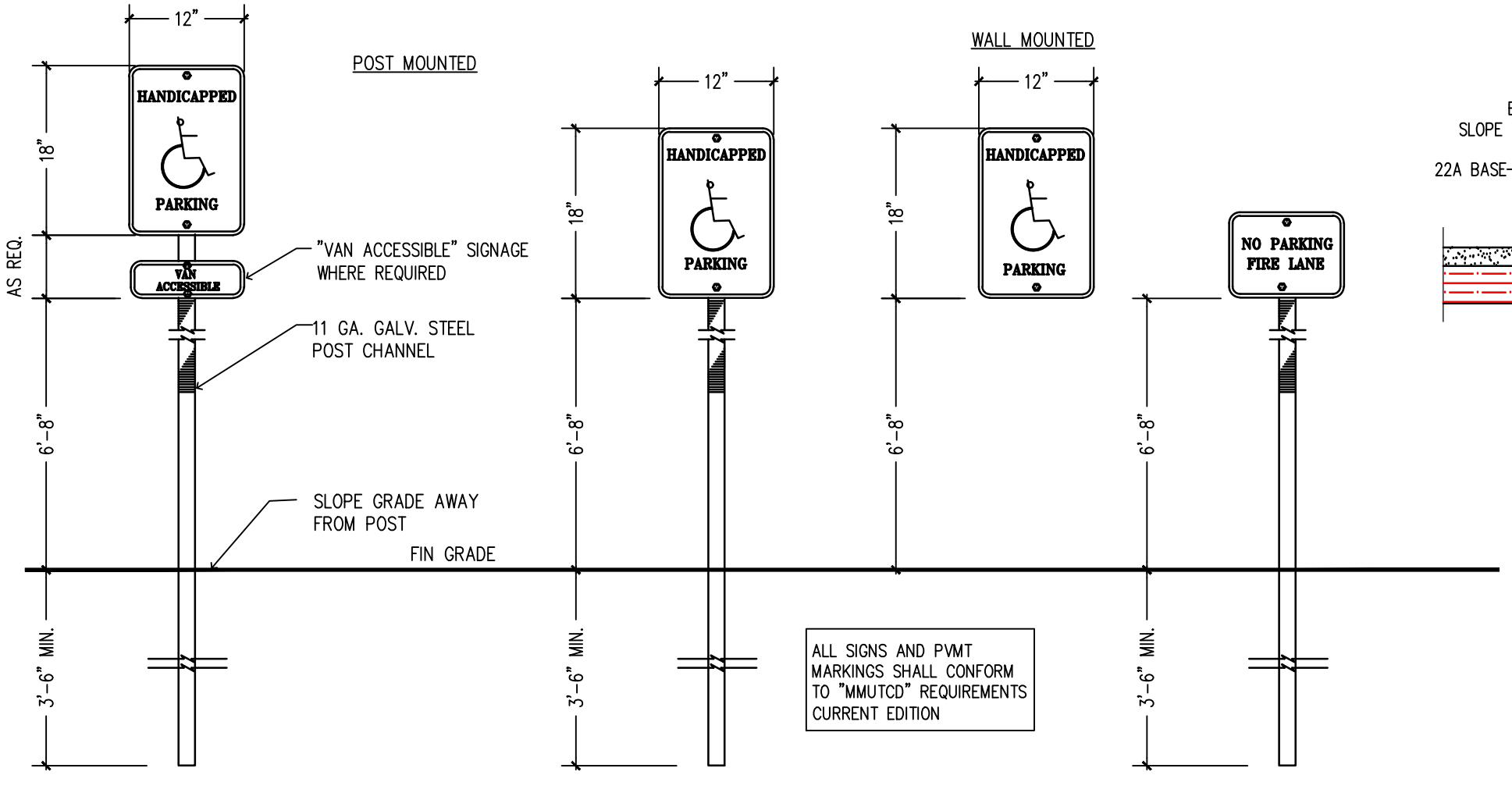
### GENERAL NOTES

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- SOUTH 11th STREET SHALL BE PROMPTLY REMOVED.
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- PROTECT ALL BENCHMARKS DURING CONSTRUCTION. ANY BENCHMARKS DISTURBED OR DESTROYED DURING CONSTRUCTION WILL BE REPLACED AT THE CONTRACTORS EXPENSE.
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- PROTECT ALL TREES AND EXISTING FEATURES TO REMAIN AS SPECIFIED.
- VERIFY LOCATIONS OF ALL BELOW-GRADE UTILITIES PRIOR TO BEGINNING WORK, 72 HOURS BEFORE YOU CALL MISS DIG.

### LAYOUT NOTES

- BARRIER FREE PARKING AND ACCESSIBLE ROUTES MUST COMPLY WITH THE AMERICAN WITH DISABILITIES ACT (ADA) INCLUDING, BUT LIMITED TO THE FOLLOWING:  
 1:50 (2%) MAXIMUM CROSS-SLOPE ON ACCESSIBLE ROUTE.  
 NO CHANGES IN ELEVATION GREATER THAN 1/2" ALONG ACCESSIBLE ROUTE, EXCEPT WHERE RAMPS ARE PROVIDED.  
 1:50 (2%) MAXIMUM SLOPE (IN ANY DIRECTION) IN B.F. PARLING AND ACCESS ASILES.
- CURB RADIUS DIMENSIONS ARE TO BACK OF CURB.
- THICKENED EDGE CROSS SECTION SHALL BE USED WHERE SIDEWALK ABUT PAVEMENT.
- FREE STANDING SIGN SHALL COMPLY WITH OSHTOMO TOWNSHIP SIGN ORDINANCE AND SHALL BE SUBMITTED SEPARATELY BY OTHERS.
- ALL PAVEMENT MARKINGS AND SIGNS SHALL CONFORM TO THE STANDARDS SET FORTH IN THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
- DUMPSTER ENCLOSURE TO BE MASONRY MATCHING BUILDING 5'-8" ABOVE FINISH GRADE WITH GATE.

### AUTO PARKING STRIPING



### GENERAL NOTES

- ALL SIGNS AND PVMT MARKINGS SHALL CONFORM TO "MMUTCD" REQUIREMENTS
- ALL SIGNS AND PVMT MARKINGS SHALL CONFORM TO "MMUTCD" REQUIREMENTS CURRENT EDITION

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 8793 WESTERN WOODS DRIVE, KALAMAZOO, MI 49009  
 TELEPHONE: 268/349-3314  
 orb@bates-arch.com

**SITE LAYOUT PLAN**

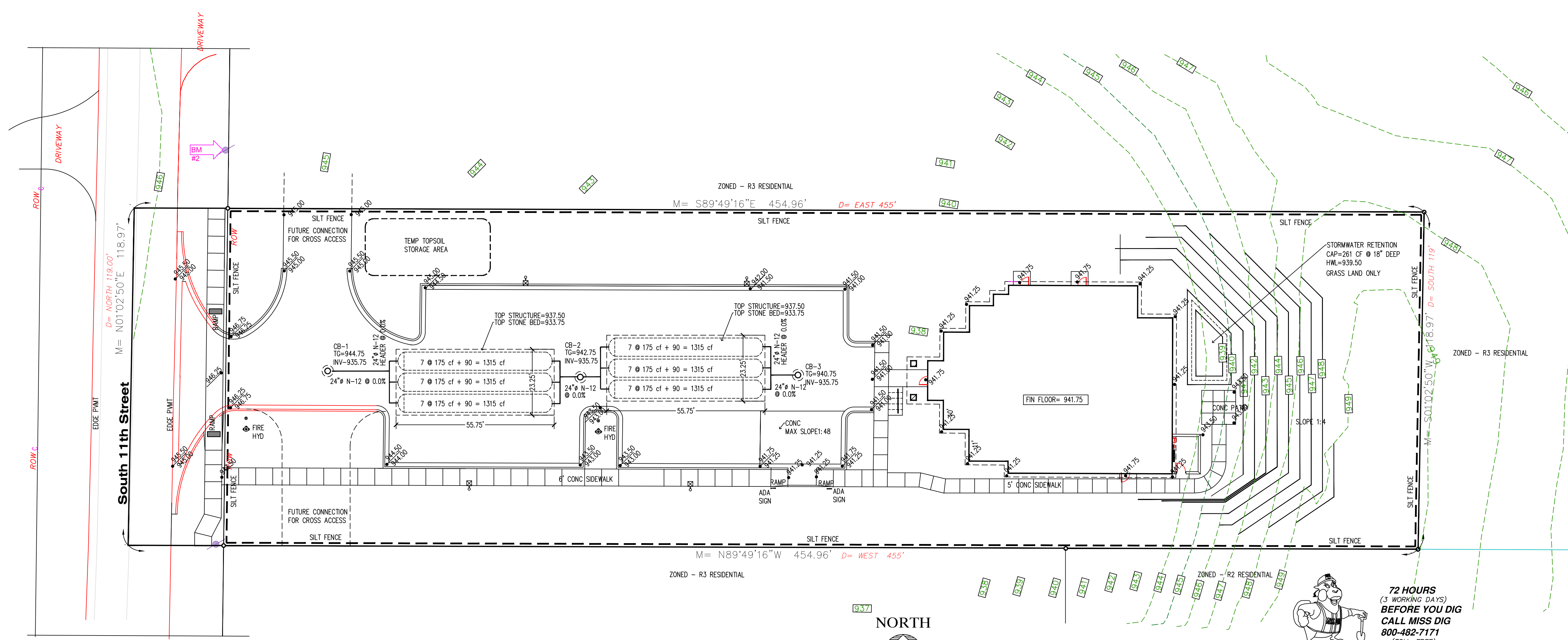
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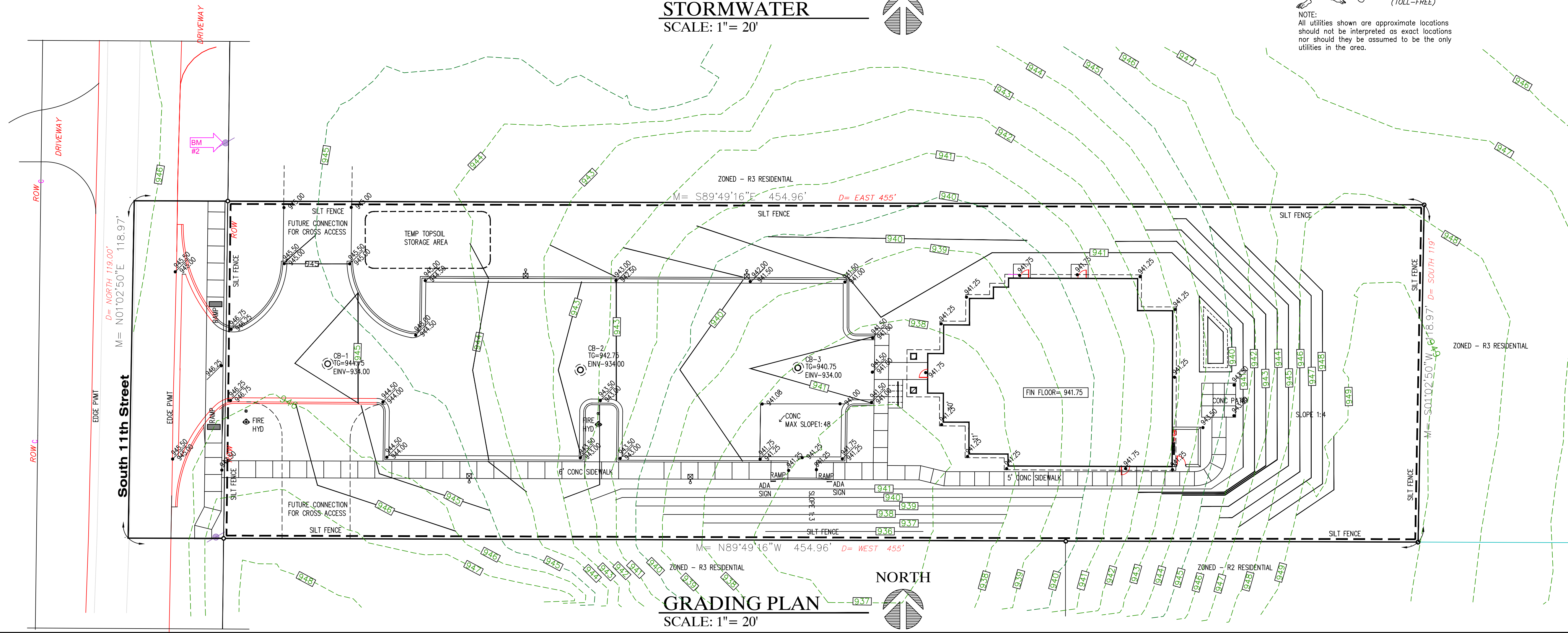


**STORMWATER**  
SCALE: 1" = 20'

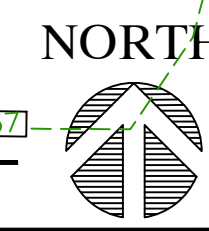


**72 HOURS**  
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**GRADING PLAN**  
SCALE: 1" = 20'



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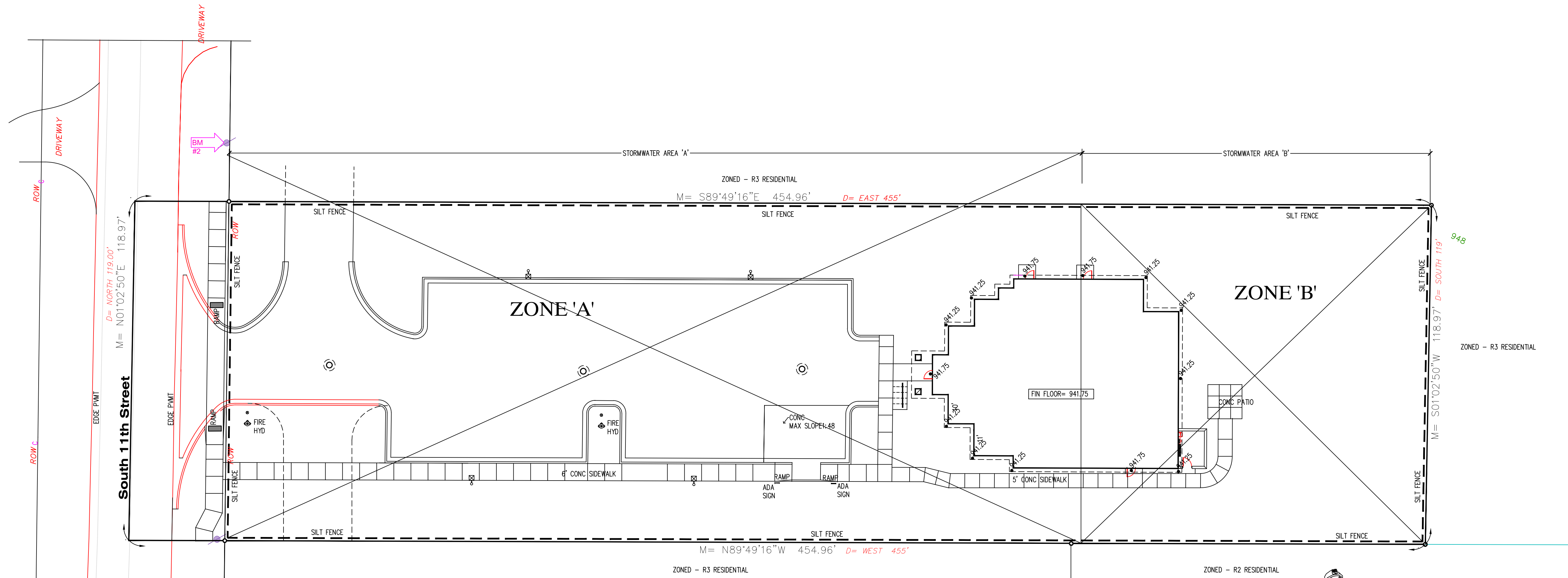
**REVISIONS**  
RESUBMIT 10/22/23 PER PLAN REVIEW

**GRADING PLAN**

09/23/23

C5

2324



**STORMWATER**  
 SCALE: 1" = 20'



SEE SHT C5 FOR GRADING & STORMWATER LAYOUT

**STORAGE: VOLUME STORM WATER REQUIRED.**

**STORMWATER AREA 'A'**  
 300 FT x 119 FT = 35,700 SQ. FT.  
 BUILDING = 2,733 SQ. FT.  
 PAVEMENT = 15,296 SQ. FT.  
 GREEN SPACE = 17,671 SQ. FT.  
 V=CAP

V = VOLUME CU FT.	
C = BUILDING - 0.95	0.95(0.06)x4 x 3630 = 827.64 CU FT.
C = PAVEMENT - 0.95	0.95(0.35)x4 x 3630 = 4,827.0 CU FT.
C = GRASS - 0.15	0.15(0.41)x4 x 3630 = 134 CU FT.
P = 4.0 INCHES RAINFALL	TOTAL = 5,789.50 CU FT.

**STORMWATER AREA 'B'**  
 120 FT x 119 FT = 14,280 SQ. FT.  
 BUILDING = 2,135 SQ. FT.  
 PAVEMENT = 584 SQ. FT.  
 GREEN SPACE = 11,561 SQ. FT.  
 V=CAP

V = VOLUME CU FT.	
C = BUILDING - 0.95	0.95(0.05)x4 x 3630 = 689.7 CU FT.
C = PAVEMENT - 0.95	0.95(0.01)x4 x 3630 = 138.0 CU FT.
C = GRASS - 0.15	0.15(0.27)x4 x 3630 = 588.0 CU FT.
P = 4.0 INCHES RAINFALL	TOTAL = 1,415.7 CU FT.

TOTAL SITE RETAIN = 7,204.5 CU. FT.

**METHOD: STORMTECH MC-3500 CHAMBERS**  
 (6) ROWS x 7 CHAMBERS + END CAPS  
 90"x77"x45"H @ 175.0 C.F. x 42 = 7,350 C.F. (END CAPS NOT INCLUDED).  
 (12) END CAPS @ 45 C.F. = 540 C.F.  
 TOTAL STORED CAPACITY = 7,890 C.F.  
 MFR: ADS StormTech - odsipipe.com, 800-821-6710  
 MINIMUM 12" STONE - BELOW SIDEWALLS & OVER TOP COVER  
 INSTALL IN STRICT ACCORDANCE W/ MFR WRITTEN INSTRUCTIONS.

**STORMWATER MANAGEMENT:**  
 ZONE 'A' ENTIRELY TO UNDERGROUND STORAGE VAULTS.  
 ZONE 'B' ROOF HAS GUTTERS & D.S. TO PERIMETER  
 6" UNDERGROUND STORM TO CB#3  
 ZONE 'B' ALL GRASS AREAS DRAIN TO RETENTION AREA BEHIND BLDG.

SOUTH SIDE GRASS AREAS SLOPE TO LOW SPOT WITH 12" SWALE LOCATED ALONG PROPERTY LINE INLOW SPOT.

**STORM WATER DESIGN CRITERIA**

**STORM WATER CALCULATIONS**

- RISK AREA: 'B' - LOW RISK (OFFICE)
- DISCHARGE STRATEGIES:  
 GROUND WATER DISCHARGE "INFILTRATION"
- SITE USE COVERAGE:
- STORAGE: VOLUME STORM WATER REQUIRED.  
 V=CAP

**V = VOLUME CU FT.**

C = BUILDING - 0.95	0.95(0.06)x4 x 3630 = 827.64 CU FT.
C = PAVEMENT - 0.95	0.95(0.35)x4 x 3630 = 4,827.0 CU FT.
C = GRASS - 0.15	0.15(0.41)x4 x 3630 = 134 CU FT.
P = 4.0 INCHES RAINFALL	TOTAL = 5,789.50 CU FT.

**AREAS:**

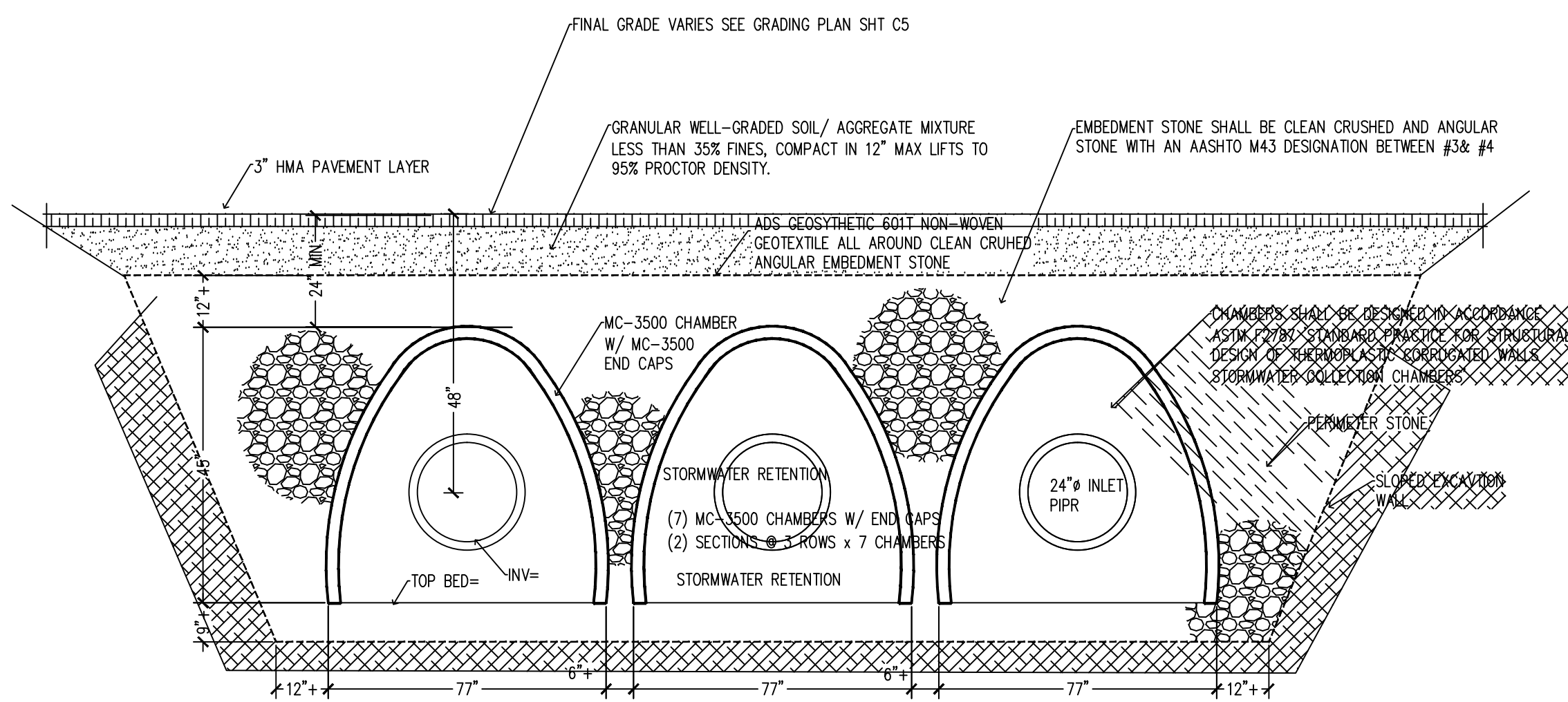
BUILDING - 4,964 SQ. FT. = 0.11 AC
PAVEMENT = 15,194 SQ. FT. = 0.35 AC
GRASS = 41650 SQ. FT. = 0.5 AC (CONSTRUCTION AREA)

**SITE AREA = 50,213 SF.**

**V = VOLUME CU FT.**

V=0.95 (0.35) 4 x 3630 = 4,828 C.F.
BLDG = V=0.95(0.11) 4 x 3630 = 1,518 C.F.
GRASS = V=0.15(0.5) 4 x 3600 = 1,089 C.F.
TOTAL = 7,435 C.F. STORMWATER

**METHOD: STORMTECH MC-3500 CHAMBERS**  
 (6) ROWS x 7 CHAMBERS + END CAPS  
 90"x77"x45"H @ 175.0 C.F. x 42 = 7,350 C.F. (END CAPS NOT INCLUDED).  
 (12) END CAPS @ 45 C.F. = 540 C.F.  
 TOTAL STORED CAPACITY = 7,890 C.F.  
 MFR: ADS StormTech - odsipipe.com, 800-821-6710  
 MINIMUM 12" STONE - BELOW SIDEWALLS & OVER TOP COVER  
 INSTALL IN STRICT ACCORDANCE W/ MFR WRITTEN INSTRUCTIONS.



**STORMWATER CHAMBERS**  
 NOT TO SCALE

- GENERAL NOTES:**
- REMOVAL ALL SITE SURFACE FEATURES WHICH ARE NOT SPECIFICALLY NOTED, BUT ARE REQUIRED TO BE DEMOLISHED TO COMPLETE THE CONTRACT WORK.
  - DISPOSE OF ALL REMOVED MATERIALS OFF SITE IN ACCORDANCE WITH GOVERNING CODES.
  - PROVIDE ALL APPLICABLE SOIL EROSION AND SEDIMENT CONTROL MEASURES IN ACCORDANCE WITH LOCAL RULES AND REGULATIONS. ALL SUCH MEASURES WHETHER OR NOT SHOWN ON THE DRAWINGS SHALL BE MAINTAINED IN GOOD FUNCTIONAL CONDITIONS, AND WILL BE SUBJECT TO PERIODIC INSPECTIONS BY THE GOVERNING AGENCIES. REMOVE ALL TEMPORARY SOIL EROSION AND SEDIMENT CONTROL MEASURES UPON COMPLETION OF WORK AND AFTER PROVIDING PERMANENT GROUND COVER.
  - FINISH GRADES REFER TO TOP OF SOD, TOPSOIL, PAVEMENTS, WALKS. ALLOW FOR THICKNESS OF SOD, TOPSOIL, PAVEMENTS, ETS. AS APPLICABLE.
  - SLOPE SMOOTHLY BETWEEN INDICATED ELEVATIONS TO PROVIDE POSITIVE DRAINAGE.
  - SUBCONTRACTOR SHALL USE EXTREME CAUTION WHEN WORKING IN THE VICINITY OF EXIST UTILITIES AND SHALL TAKE NECESSARY PRECAUTIONS (SHORING, BRACING) TO PROTECT EXIST UTILITIES. ANY DAMAGE SHALL BE RESTORED AT HIS COST.

- GENERAL NOTES**
- NO EARTHCHANGE MAY COMMENCE UNTIL A SOIL EROSION CONTROL PLAN AND APPLICATION HAVE BEEN APPROVED & A PERMIT ISSUED.
  - PROVIDE ALL APPLICABLE SOIL EROSION AND SEDIMENT CONTROL MEASURES IN ACCORDANCE WITH LOCAL RULES AND REGULATIONS. ALL SUCH MEASURES WHETHER OR NOT SHOWN ON THE DRAWINGS SHALL BE MAINTAINED IN GOOD FUNCTIONAL CONDITIONS, AND WILL BE SUBJECT TO PERIODIC INSPECTIONS BY THE GOVERNING AGENCIES. REMOVE ALL TEMPORARY SOIL EROSION AND SEDIMENT CONTROL MEASURES UPON COMPLETION OF WORK AND AFTER PROVIDING PERMANENT GROUND COVER.
  - ALL CONSTRUCTION MUST CONFORM TO THE CURRENT STANDARDS & SPECIFICATIONS ADOPTED BY KALAMAZOO COUNTY AND COMSTOCK TOWNSHIP.
  - UTILITY LOCATIONS ARE FROM THE BEST INFORMATION AVAILABLE. FOR PROTECTION OF UNDERGROUND UTILITIES, CONTRACTOR SHALL CALL "MISS DIG", 1-800-482-7171 A MINIMUM OF 3 WORKING DAYS PRIOR TO EXCAVATING IN THE VICINITY OF UTILITY LINES. THIS DOES NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY OF NOTIFYING UTILITY OWNERS WHO MAY NOT BE A PART OF THE "MISS DIG" SYSTEM. THE CONTRACTOR SHALL LOCATE ALL ACTIVE UNDERGROUND UTILITIES PRIOR TO STARTING WORK AND SHALL CONDUCT HIS OPERATIONS IN A MANNER TO ENSURE THAT THOSE UTILITIES NOT REQUIRING RELOCATION WILL NOT BE DISTURBED.
  - REMOVAL ALL SITE SURFACE FEATURES WHICH ARE NOT SPECIFICALLY NOTED, BUT ARE REQUIRED TO BE DEMOLISHED TO COMPLETE THE CONTRACT WORK.
  - DISPOSE OF ALL REMOVED MATERIALS OFF SITE IN ACCORDANCE WITH GOVERNING CODES.
  - SLOPE SMOOTHLY BETWEEN INDICATED ELEVATIONS TO PROVIDE POSITIVE DRAINAGE.
  - SUBCONTRACTOR SHALL USE EXTREME CAUTION WHEN WORKING IN THE VICINITY OF EXIST UTILITIES AND SHALL TAKE NECESSARY PRECAUTIONS (SHORING, BRACING) TO PROTECT EXIST UTILITIES. ANY DAMAGE SHALL BE RESTORED AT HIS COST.
  - FINISH GRADES REFER TO TOP OF SOD, TOPSOIL, PAVEMENTS, WALKS. ALLOW FOR THICKNESS OF SOD, TOPSOIL, PAVEMENTS, ETS. AS APPLICABLE.
  - DISPOSE OF ALL REMOVED MATERIALS OFF SITE IN ACCORDANCE WITH GOVERNING CODES.
- ADDITIONAL GENERAL NOTES:**
- REMOVAL ALL SITE SURFACE FEATURES WHICH ARE NOT SPECIFICALLY NOTED, BUT ARE REQUIRED TO BE DEMOLISHED TO COMPLETE THE CONTRACT WORK.
  - DISPOSE OF ALL REMOVED MATERIALS OFF SITE IN ACCORDANCE WITH GOVERNING CODES.
  - PROVIDE ALL APPLICABLE SOIL EROSION AND SEDIMENT CONTROL MEASURES IN ACCORDANCE WITH LOCAL RULES AND REGULATIONS. ALL SUCH MEASURES WHETHER OR NOT SHOWN ON THE DRAWINGS SHALL BE MAINTAINED IN GOOD FUNCTIONAL CONDITIONS, AND WILL BE SUBJECT TO PERIODIC INSPECTIONS BY THE GOVERNING AGENCIES. REMOVE ALL TEMPORARY SOIL EROSION AND SEDIMENT CONTROL MEASURES UPON COMPLETION OF WORK AND AFTER PROVIDING PERMANENT GROUND COVER.
  - FINISH GRADES REFER TO TOP OF SOD, TOPSOIL, PAVEMENTS, WALKS. ALLOW FOR THICKNESS OF SOD, TOPSOIL, PAVEMENTS, ETS. AS APPLICABLE.
  - SLOPE SMOOTHLY BETWEEN INDICATED ELEVATIONS TO PROVIDE POSITIVE DRAINAGE.
  - SUBCONTRACTOR SHALL USE EXTREME CAUTION WHEN WORKING IN THE VICINITY OF EXIST UTILITIES AND SHALL TAKE NECESSARY PRECAUTIONS (SHORING, BRACING) TO PROTECT EXIST UTILITIES. ANY DAMAGE SHALL BE RESTORED AT HIS COST.

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**REVISIONS**  
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**BATES ARCHITECTS**  
 8793 WESTERN WOODS DRIVE, KALAMAZOO, MI 49009  
 TELEPHONE 269/349-3314 or bates-arch.com

**STORMWATER**

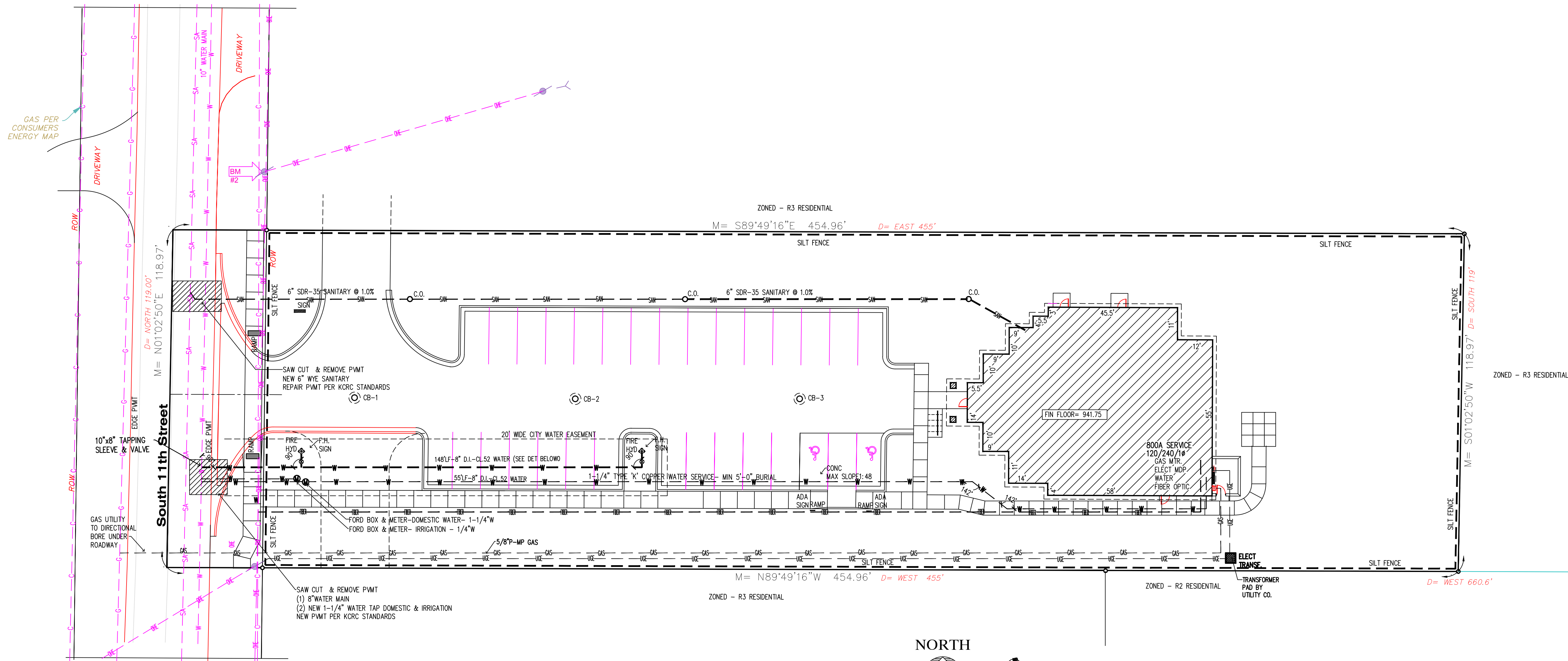
**PROPOSED FRIENDSHIP ANIMAL HOSPITAL**  
 Dr. LAURA BILLINGS DVM  
 2999 SOUTH 11th STREET  
 KALAMAZOO, MICHIGAN

**HANSEN BUILDING AND DESIGN CORPORATION**  
 3027 WOODHAMS  
 PORTAGE, MI 49002

09/23/23

C6

2324



ALL WATER MAIN AND WATER SERVICE INSTALLATION SHALL BE IN ACCORDANCE WITH THE CITY KALAMAZOO STANDARD SPECIFICATIONS FOR WATER MAIN AND SERVICE INSTALLATION 2021.

**UTILITY PLAN**  
SCALE: 1" = 20'

NORTH

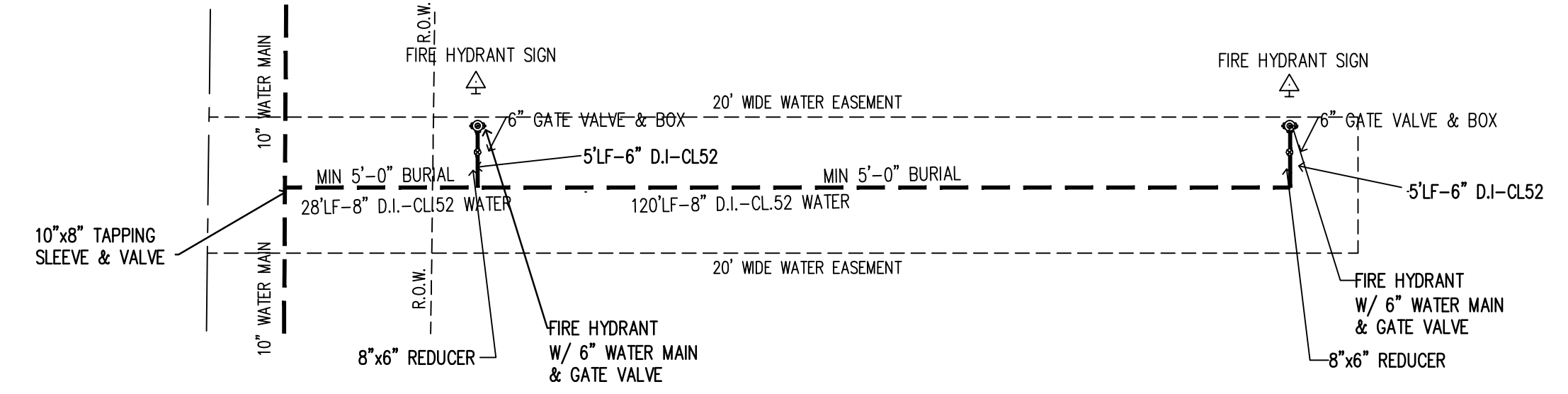


**72 HOURS**  
(3 WORKING DAYS)  
**BEFORE YOU DIG**  
CALL MISS DIG  
800-482-7171  
(TOLL-FREE)

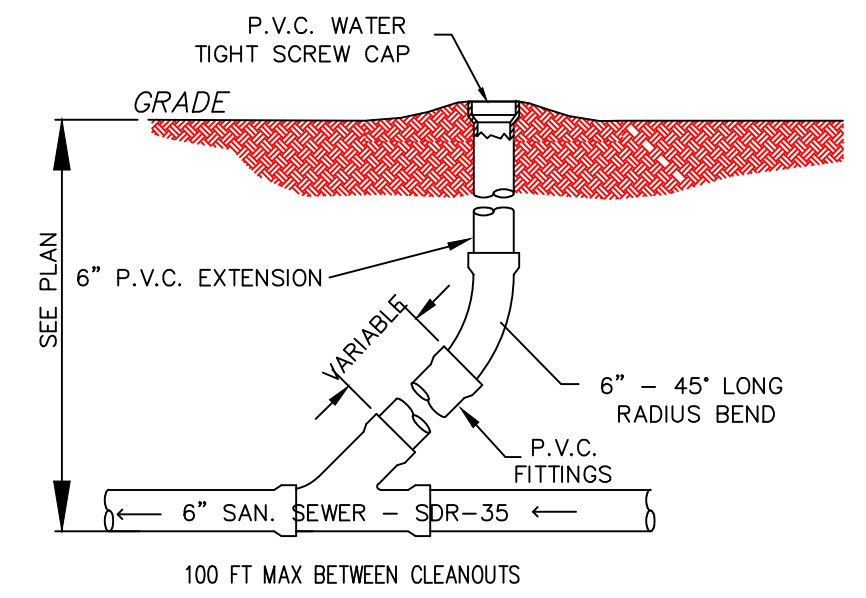
NOTE:  
All utilities shown are approximate locations should not be interpreted as exact locations nor should they be assumed to be the only utilities in the area.

**UTILITY SERVICES**

- WATER - CITY KALAMAZOO
- SEWER - CITY OF KALAMAZOO
- GAS - CONSUMERS ENERGY
- ELECTRICITY - CONSUMERS ENERGY
- FIBER OPTICS - T.B.D.
- ROADWAY - ROAD COMMISSION KALAMAZOO COUNTY



**FIRE HYDRANT DETAIL**  
SCALE: N.T.S.



**SANITARY SEWER CLEANOUT**  
SCALE: NO SCALE

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art@bates-arch.com

**UTILITY PLAN**

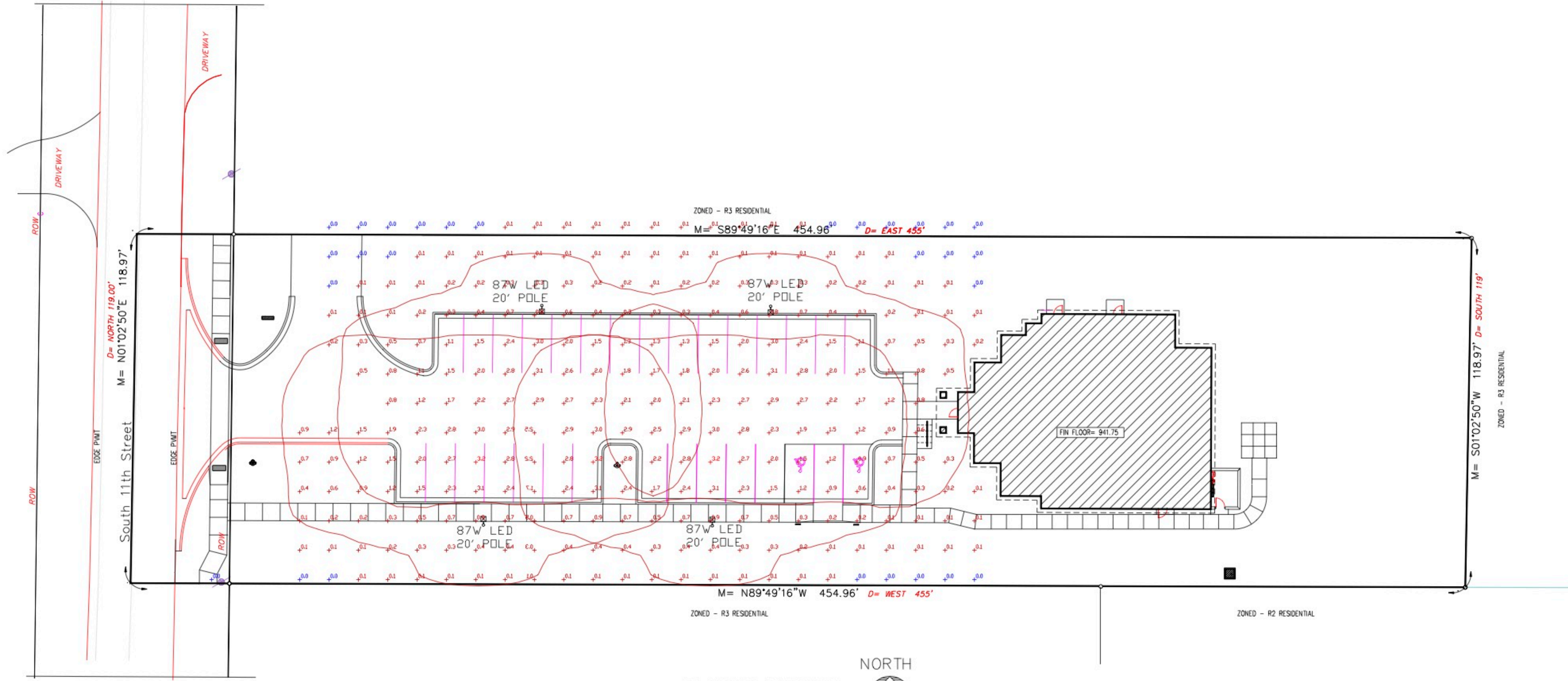
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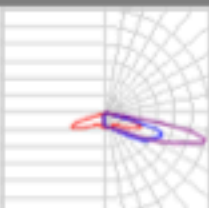
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2324



NORTH  
**PHOTOMETRICS**  
 SCALE: 1" = 20'

Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #1	+	0.8 fc	3.2 fc	0.0 fc	N/A	N/A

Schedule											
Symbol	Label	Image	QTY	Manufacturer	Catalog	Description	Number Lamps	Lamp Output	LLF	Input Power	Polar Plot
□	A		4	Lithonia Lighting	DSX0 LED P5 40K 80CRI T4M HS	D-Series Size 0 Area Luminaire P5 Performance Package 4000K CCT 80 CRI Type 4 Medium Houseside Shield	1	9685	1	90.12	 Max: 8219cd

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PHOTOMETRICS

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REVISIONS

09/23/23

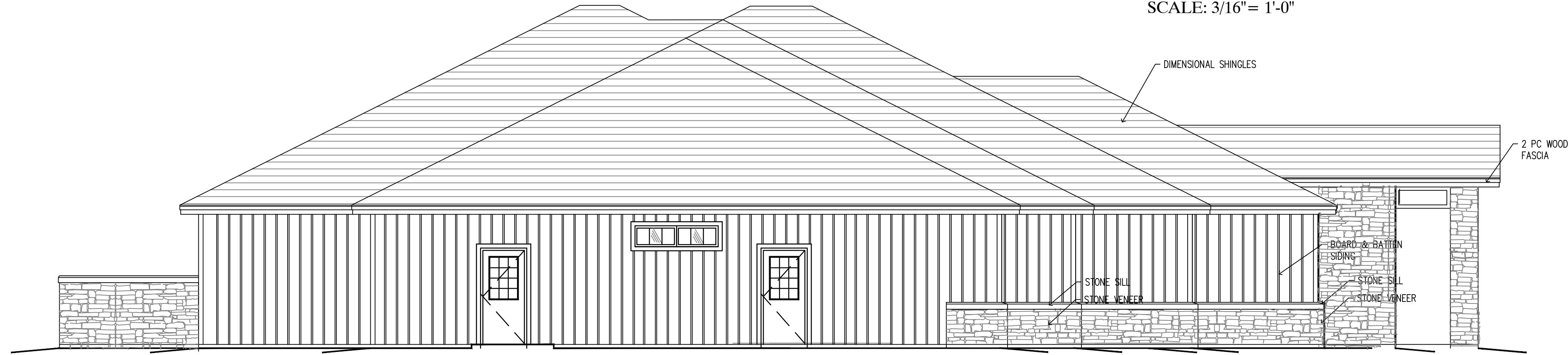
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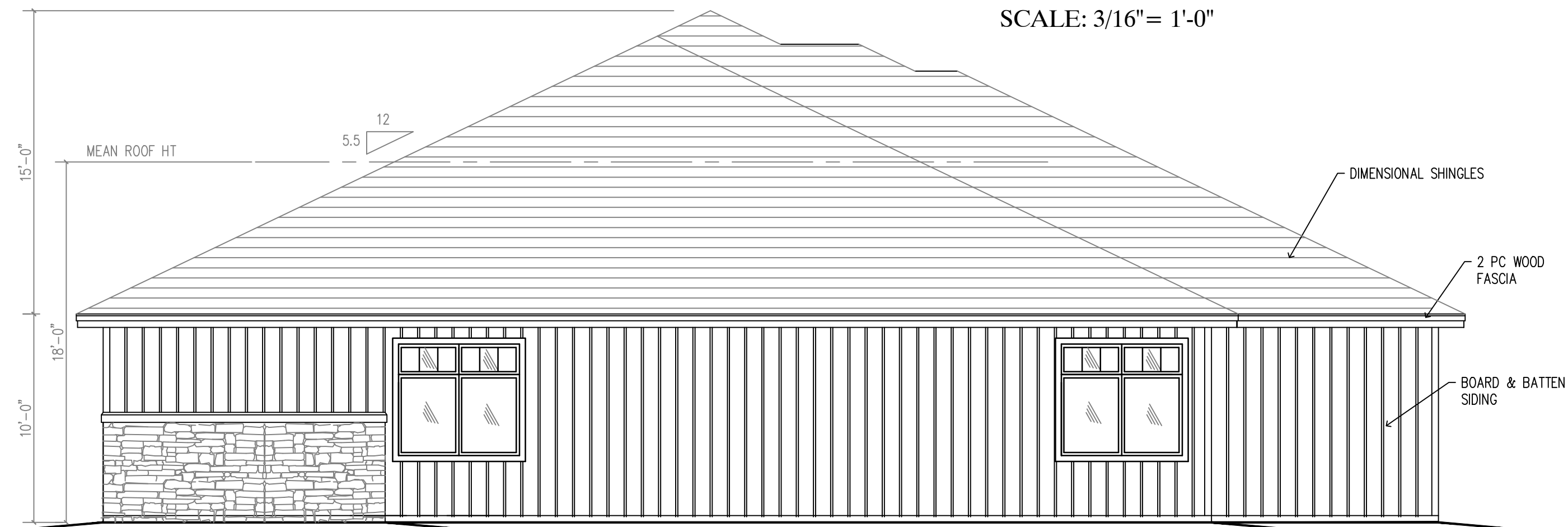




**WEST ELEVATION**  
SCALE: 3/16" = 1'-0"



**NORTH ELEVATION**  
SCALE: 3/16" = 1'-0"



**EAST ELEVATION**  
SCALE: 3/16" = 1'-0"



**SOUTH ELEVATION**  
SCALE: 3/16" = 1'-0"

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 TELEPHONE: 267/349-3314    [info@bates-arch.com](mailto:info@bates-arch.com)

**EXTERIOR ELEVATIONS**

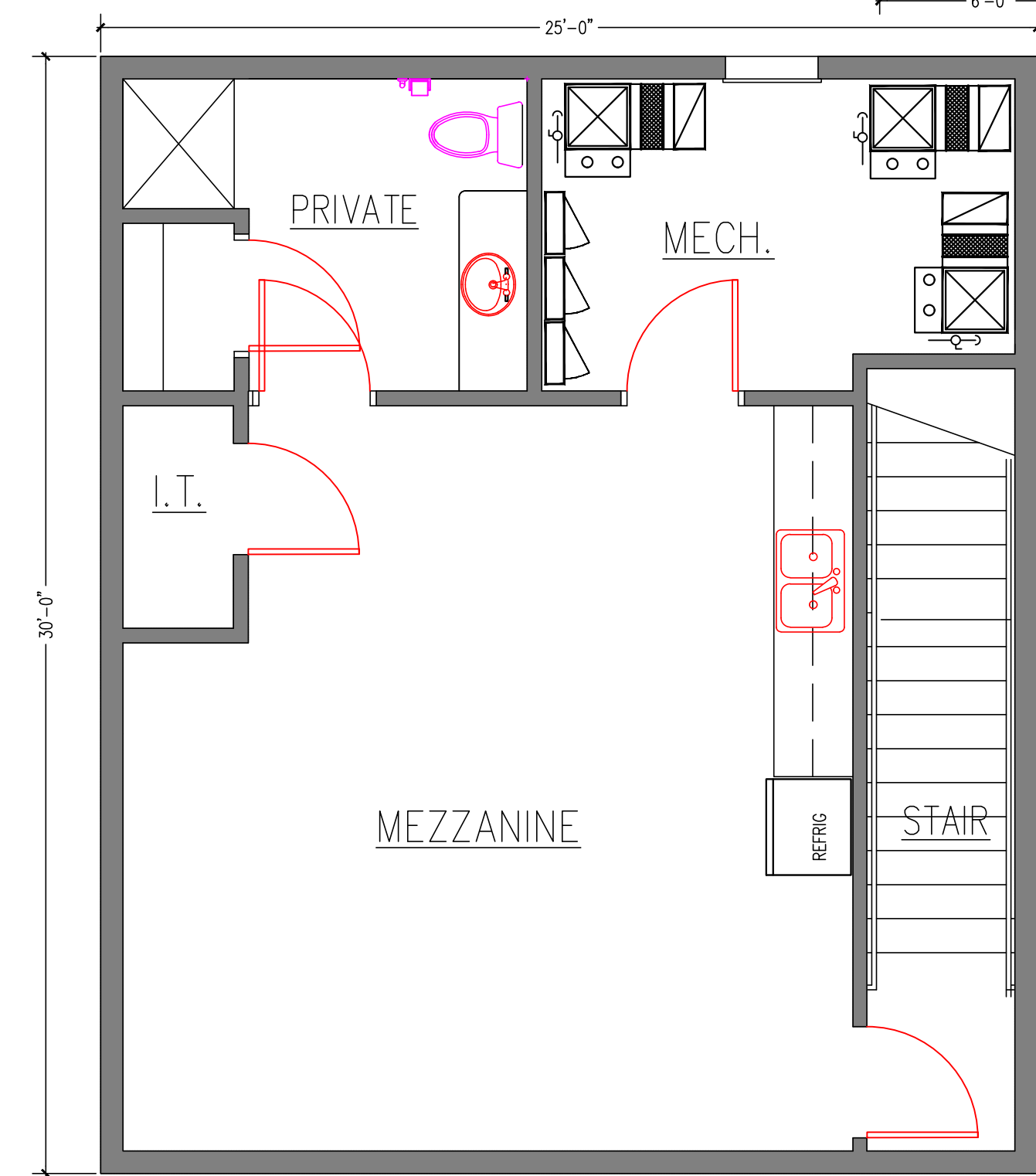
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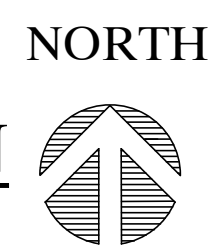
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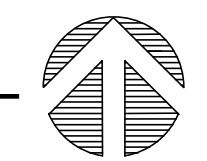


**MEZZ. FLOOR PLAN**  
SCALE: 1/4" = 1'-0"



1 ST FLOOR = 4,864 SQ. FT.  
MEZZANINE = 750± SQ. FT.  
TOTAL = 5,614 SQ. FT.

**FLOOR PLAN**  
SCALE: 1/4" = 1'-0"



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PROPOSED FLOOR PLAN

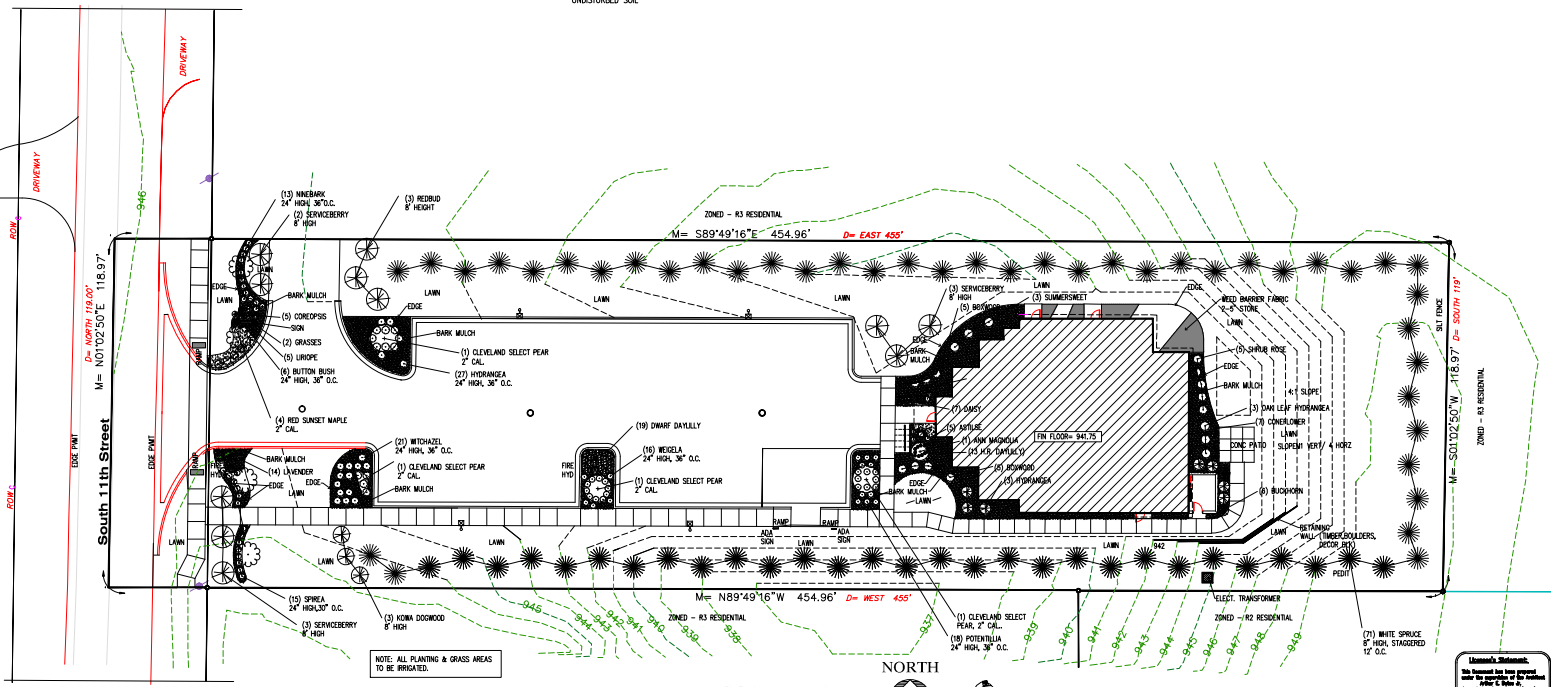
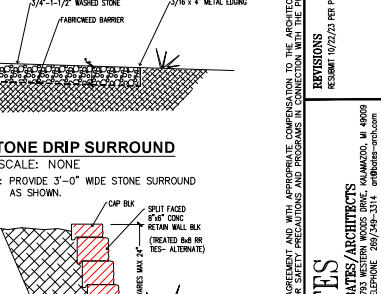
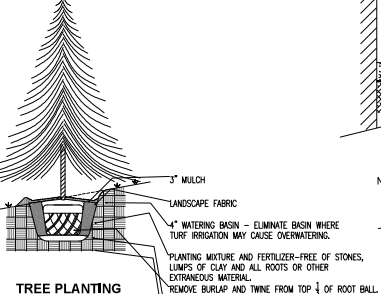
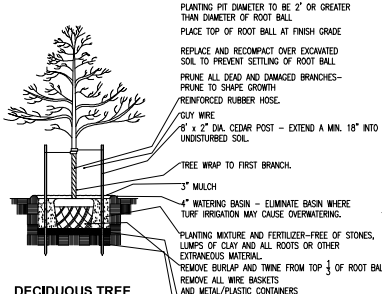
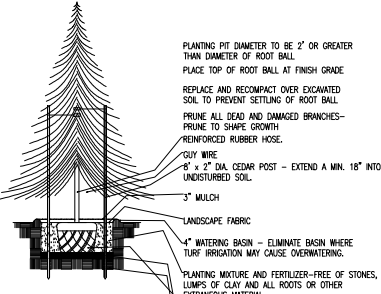
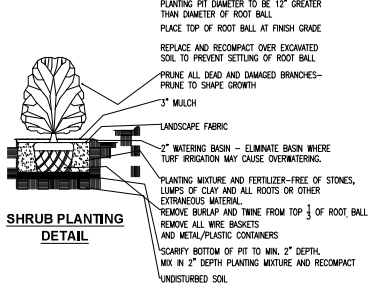
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REVISIONS  
RESUBMIT 10/23/23 PER PLAN REVIEW

09/23/23

A2

2324B



#### LANDSCAPE REQUIREMENTS

- GREEN BUFFER - ADJACENT TO R3 ZONING
  - A. PROVIDE 5 FT SPACED WOOD BUFFER
  - B. 8" ALL WHITE SPRUCE @ 12 FT O.C.
  - C. 8" WHITE SPRUCE
  - D. 8" WHITE SPRUCE
- PARKING LOT
  - A. PROVIDE 25 SF LANDSCAPE PER PARK SPACE
  - B. (1) CANOPY TREE PER 200 SQ. FT.
  - C. (2) LOW GROWING SHRUB PER 200 SQ. FT.
  - D. ISLAND AREA (200 SQ. FT.) = 400 SQ. FT. CANOPY TREE = (1) 400/200 = (2) LOW GROWING SHRUB = (2) 400/200 = (4)
- R.O.W. GREEN SPACE
  - A. 20 FT OPEN SPACE = 119 LF
  - B. (1) CANOPY TREE PER 100 LF = (2) CANOPY
  - C. (2) UNDERSTORY TREE PER 100 LF = (4) UNDERSTORY
  - D. (1) SHRUB PER PARK SPACE (29 SF) = (44) SHRUBS
- INTERIOR
  - A. MINIMUM 10R SITE LANDSCAPE
  - B. INTERIOR LANDSCAPE EXCEEDS 10R
  - C. (1) CANOPY TREE PER 1,000 SQ FT BLDG
  - D. 4,000 SQ. FT. / 1,000 = (4)
  - E. (1) CANOPY TREE PER 2,000 SQ FT BLDG
  - F. 4,000 SQ. FT. / 2,000 = (2)
- ELEMENTS
  - A. CANOPY TREE - SINGLE STEM - 2" CALIPER MULTI STEM - 10 FT HEIGHT
  - B. UNDERSTORY TREE - 8-10 FT HEIGHT
  - C. EVERGREEN - 8 FT HEIGHT
  - D. SHRUB - DECIDUOUS - 24" HEIGHT EVERGREEN - 24" HEIGHT LOW GROW - (2) CAL POST

#### LANDSCAPING NOTES

- ALL LANDSCAPING ELEMENTS SHALL BE PLANTED AND EARTH MOVING OR GRADING PERFORMED IN A SOUND WORKMANLIKE MANNER, ACCORDING TO ACCEPTED PLANTING AND GRADING PROCEDURES.
- LANDSCAPING SHALL BE MAINTAINED IN A REASONABLY HEALTHY CONDITION, FREE FROM WEEDS AND DISEASE. ALL UNHEALTHY AND DEAD MATERIALS SHALL BE REPLACED WITHIN ONE (1) YEAR OF DAMAGE OR DEATH OF THE APPROPRIATE PLANTING PERIOD.
- INSTALL CONSTRUCTION FENCE AROUND DRIP LINES OF EXISTING TREES TO RESUME NO COMPACTOR OR INCREASED DEPTH OF SOIL OVER THE ROOT SYSTEM AREA PRIOR TO AND DURING CONSTRUCTION.
- ALL LAWN AREAS SHALL BE SEEDED AND MULCHED WITH THE FOLLOWING MIXTURE: SUN & SHADE PARK BLEND 32.5% PRINCE OF WELLS PERENNIAL BLERGRASS 32.5% SHAMPOOK KENTUCKY BLERGRASS 32.5% GRASS CONTROL BLERGRASS 3.5% USE EROSION CONTROL BLANKETS ON SLOPE SOUTH PROPERTY LINE AS PER 4" TOPSOIL ALL AREAS RECEIVING GRASS
- PROVIDE QUALITY, SIZE, GROWTH SPEEDS AND VARIETY OF EXTERIOR PLANTS INDICATED CORRESPONDING WITH APPLICABLE REQUIREMENTS IN ANY EXISTING STANDARD FOR NURSERY STOCK.
- MAINTAIN AND OPERATE LAWN WITH WATERING, FERTILIZING, MOWING, TRIMMING, REPLANTING, AND OTHER OPERATIONS. HULL, REPAIRS AND REPLANT BASE OR EXPOSED AREAS AND REMOVE TO PRODUCE A UNIFORM, SMOOTH LAWN STANDARD FOR NURSERY STOCK.
- BEFORE OPERATIONS BEGIN, CONDUCT A LAWN AND SOIL TEST TO DETERMINE NUTRIENT LEVELS AND PH. ADJUST AS NEEDED TO PRODUCE A UNIFORM, SMOOTH LAWN STANDARD FOR NURSERY STOCK.
- PROTECT ADJACENT AND ADJOINING STRUCTURES, UTILITIES, SIDEWALKS, PAVEMENT, AND PLANTINGS FROM HYDROSEEDING OVER-SPRAY AND DAMAGE CAUSED BY PLANTING OPERATIONS.
- REMOVE STONES LARGER THAN 1" IN ANY DIRECTION AND STICK, ROOTS, RUBBERS, AND OTHER EXTRANEIOUS MATTER FROM SITE.
- MAINTAIN LAWN UNTIL A HEALTHY, UNIFORM, CLOSE STAND OF GRASS HAS BEEN ESTABLISHED.

#### TREE PLANTING SCHEDULE

QTY	LATIN NAME	COMMON NAME	SIZE	CONTAINER TYPE	COMMENTS
4	ASER RUBRUM	REDWINE MAPLE	2"	B&B - NATIVE	CANOPY
8	AMELANCHIER LADYS	SERVICEBERRY	2"	B&B - NATIVE	UNDERSTORY
3	ORNUS CANADENSIS	REDBUD	8 FT	B&B - NATIVE	UNDERSTORY
4	PIRUS CALLERYANA	CLEVELAND SELECT PEAR	2"	B&B - NON-NATIVE	CANOPY
71	PIRUS GLAUCA	WHITE SPRUCE	8 FT	B&B - NATIVE	EVERGREEN
13	PHYSCARPUS	MINIBARK	24"	NATIVE	SHRUB
6	CEPHALANTHUS OCCIDENTALIS	BUTTONBUSH	24"	NATIVE	SHRUB
15	SPINEXA	SPINEXA	24"	B&B - NON-NATIVE	SHRUB
27	INDORANEA	FIRELIT TRENT	24"	B&B - NON-NATIVE	SHRUB
21	HAMAMELIS VIRGINIANA	MITCHAZEL	24"	B&B - NATIVE	SHRUB
16	MEDELA	MEDELA	24"	B&B - NON-NATIVE	SHRUB
18	PORTINELLA	PORTINELLA	24"	CONT - NON-NATIVE	SHRUB
3	CORNUS KOUSA CHINENSIS	KOHN DOODOOD	8 FT	B&B - NON-NATIVE	UNDERSTORY

LANDSCAPE PLAN  
SCALE: 1" = 20'



72 HOURS (3 WORKING DAYS) BEFORE YOU DIG CALL MISS DIG 800-482-7171 (TOLL-FREE)

NOTE: All utilities shown are approximate locations and should not be interpreted as exact locations nor should they be assumed to be the only utilities in the area.

LANDSCAPING NOTES:  
SUN & SHADE PARK BLEND 32.5% - PRINCE ST PERENNIAL BLERGRASS 32.5% - SHAMPOOK KENTUCKY BLERGRASS 32.5% - GRASS CONTROL BLERGRASS 3.5% USE EROSION CONTROL BLANKETS ON SLOPE SOUTH PROPERTY LINE AS PER 4" TOPSOIL ALL AREAS RECEIVING GRASS



LANDSCAPE DESIGN BY  
LANCOMS LANDSCAPE  
269-1792  
10-18-23

REVISIONS  
RESUBMIT 10/27/23 FOR PLAN REVIEW

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8793 WESTERN WOODS DRIVE, ANN ARBOR, MI 48109  
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LANDSCAPE PLAN  
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