

**OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

MINUTES OF A MEETING HELD JUNE 23, 2015

Agenda

SITE PLAN REVIEW TO ESTABLISH AN OFFICE FOR HOME BASED MEDICAL CARE (PROGRESSIVE COMMUNITY, LLC) IN A 2,124 SQUARE FOOT RESIDENTIAL STRUCTURE INCLUDING DEVELOPMENT OF AN 11-SPACE PARKING LOT ON A 0.62 ACRE PARCEL LOCATED AT 424 SOUTH DRAKE ROAD IN THE R-3 RESIDENCE DISTRICT (PARCEL NO. 3905-24-230-040).

A meeting of the Oshtemo Charter Township Zoning Board was held on Tuesday, June 23, 2015, at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Cheri Bell, Chairperson
 Bob Anderson, Second Alternate
 Millard Loy
 Neil Sikora, First Alternate
 L. Michael Smith
 James Sterenberg

ABSENT: None

Also present were Greg Milliken, Planning Director; James Porter, Attorney; Ben Clark, Zoning Administrator; Martha Coash, Meeting Transcriptionist; and two interested persons.

Call to Order and Pledge of Allegiance

Chairperson Bell called the meeting to order and the "Pledge of Allegiance" was recited. Due to an opening on the Board subsequent to Mr. Larson's resignation, Mr. Sikora was called upon to act as a sitting member for the meeting.

Public Comment on Non-Agenda Items

There were no comments on non-agenda items.

Approval of the Minutes of May 26, 2015

The Chairperson asked if there were any additions, deletions or corrections to the minutes of May 26, 2015. No changes were noted.

Mr. Sikora made a motion to approve the minutes of May 26, 2015 as presented. Mr. Smith seconded the motion. The motion was approved unanimously.

SITE PLAN REVIEW TO ESTABLISH AN OFFICE FOR HOME BASED MEDICAL CARE (PROGRESSIVE COMMUNITY, LLC) IN A 2,124 SQUARE FOOT RESIDENTIAL STRUCTURE INCLUDING DEVELOPMENT OF AN 11-SPACE PARKING LOT ON A 0.62 ACRE PARCEL LOCATED AT 424 SOUTH DRAKE ROAD IN THE R-3 RESIDENCE DISTRICT (PARCEL NO. 3905-24-230-040).

Chairperson Bell moved to the next item on the agenda and asked Mr. Milliken for his review.

Mr. Milliken explained the subject property is located at 424 South Drake Road, which is located on the west side of Drake Road between Skyridge Avenue and Driftwood Avenue. The property is a 0.62 acre parcel with 136 feet of frontage on Drake Road. It does not have access to Drake Road directly but has a shared easement with the West Kalamazoo Church of Christ, which is located to the west and has a shared drive north of the property.

He said the property is in the R-3 Residence zoning district. The property includes an existing 2,124 square foot building that was previously used as a single family home. The applicant purchased the property and desires to convert it to office and recreation space for her business. Progressive Alternatives provides residential and home based care to individuals with catastrophic injuries. Such a use is a permitted use in the R-3 district.

Mr. Milliken noted very little would be done on the exterior of the residence in conjunction with the conversion. The most substantial change will be the addition of an 11-space parking lot to the west of the existing building. Space for the parking facility would be created by adjusting the lot lines of the subject parcel and the odd-shaped parcel that wraps around to the west, which is also owned by the applicant. The property to the south is also owned by the applicant.

Currently, he said, there is no defined access point or specified parking for the subject property. A gravel/dirt area exists where vehicles have traditionally turned off and parked along the south side of the access drive adjacent to the subject property. However, such a configuration is not permitted. The Ordinance does not allow vehicles to back into private access ways directly from parking spaces, and some of the parking was located in the easement area, which is not on the subject property.

He said the proposed parking lot includes 11 parking spaces with defined access from the shared drive. All spaces and circulation drives satisfy the requirements of the zoning ordinance. The floor plan indicates there is about 1,420 square feet of net floor area on the first floor, about half of which is office and half is recreation / meeting space. Apparently the home also has a basement with useable area, which the applicant

estimates at about 800 square feet. Storage and overflow office use are envisioned with the possibility of developing office space in the future.

Mr. Milliken pointed out that for office use, one space is required for each 150 square feet of net floor area. Ten spaces would be required for the first floor area. If the lower floor is included at the applicant's estimate, a total of 15 spaces are required. The applicant has indicated that four to six staff work at the facility, and observations show between three and five vehicles parked at the site at various times. During times of activities, she estimates between eight and ten patients will visit the site. Many of those are transported by Metro Van or walk from the adjacent residence, so parking is not required for the majority of these patients.

He said while an exact number is not known, it is likely additional parking is required to be provided by the Ordinance. If the Board determines that the use does not need that additional parking, at least not at this time, it can allow the parking to be deferred per Section 68.420 of the Ordinance. This means that the plan can be amended to show how the parking could be provided if needed in the future, but it would not yet be installed.

Mr. Milliken noted parking lot landscaping should be added due to the addition of the new parking and the removal of the trees and open area west of the existing building. A 200 square foot landscape area with one canopy tree and two shrubs is required within the parking area.

Mr. Milliken said the plan for stormwater that would be created during a 100-year storm event will need to be reviewed and approved by the Township Engineer before the project can proceed.

He said the Township has been working hard to establish a non-motorized facility along South Drake Road between West Main Street and Stadium Drive. One of the obstacles is that for a stretch of Drake Road – including in front of the subject property – the right of way is only 66 feet wide. Therefore, any non-motorized facility at this location will need to be located within an easement on private property. However, at this time, the non-motorized facility is not yet designed and the exact location is not yet determined. So the location and width of the easement need is not known. But it is clear that there will be need for an easement on the subject property.

Mr. Milliken noted future sanitary service is another item that will require an easement at some point in the future. In order to provide sanitary service to the subject property and the other properties to the south, a sewer line will need to be run along the west edge of the parcels.

Regarding standards of approval, Mr. Milliken said the proposed development will provide the site with a proper curb cut onto the shared access drive and allow for ingress and egress in compliance with the requirements of the R-3 district, which prohibits vehicles pulling directly onto a shared drive.

He also noted the proposed use is consistent with the uses in the surrounding area and any impacts on adjacent properties and neighborhood should be minimized. The organization of the parking and access will be a benefit to the other two entities that utilize the shared access point and will improve the aesthetics of that area.

Mr. Milliken said the proposed project is an appropriate use and includes reasonable improvement for the subject property, particularly considering its location and surroundings. Generally speaking, the plan and intent are sound. However, some additional information is required in order to proceed.

He explained the applicant desires to have site plan approval at this time so that paving work on her property can be scheduled at the same time as paving work occurring on the adjacent Church property resulting in cost savings and mutual conveniences. Staff appreciates the desire for this to occur, but also respects the fact that there are open questions left for the Board to address.

He noted the Board can table the request until the next meeting (July 23) allowing the applicant another month to address the gaps in the plan and provide the missing details. Or, the Board can approve the plan with the conditions noted in the staff report leaving it to Staff and the applicant to address these issues.

Chairperson Bell asked if Board Members had questions for Mr. Milliken.

There were a number of questions regarding the 10 conditions to be met, easements, timeline, and the number of vehicles that currently park at the location.

Mr. Milliken noted the applicant brought in new information earlier in the day and that several of the 10 exceptions have been met. However, all will need to be met before paving is done. The biggest issue is stormwater drainage.

Chairperson Bell confirmed with Mr. Milliken that no outside correspondence was received as a result of the public notice sent to neighbors regarding the proposed project.

There were no further questions from the Board. Chairperson Bell asked if the applicant wished to speak.

Ms. Kim Nolan, 400 S. 2nd Street, told the Board her proposal would create space in the house for activities, entertainment and education for patients. The business already exists and that she has extensive experience and a nursing background, but the business is currently conducted primarily in private homes; there is a need for a larger, central space. She said she is hoping to obtain approval this evening in order to take advantage of cost savings by coordinating with paving scheduled to be done July 6 by the adjacent church. She noted if approval to proceed is not granted now, she will miss that deadline and will need to start over. It is difficult to get contractors in place for this small of a job.

She said the business owns three houses in a row. She explained that the lot reconfiguration is needed to provide adequate room for parking on the site and that both parcels involved are owned by the business. She responded to Mr. Sikora's question about the possibility of building a road along the vacant parcel under similar ownership to the existing shared drive to the south of the subject property indicating it is very steep in that area and she's afraid people would slide into Drake Road under adverse weather conditions.

She spoke with the Health Department and has verbal approval from them regarding the septic system; she expects a letter from them putting the approval in writing in the next day or so. She also said the church is very much in favor of the plan.

Ms. Nolan plans to install at least 11 parking spots initially and hopes to be able to afford to install all 15, but that will be dependent upon cost. She expects to install the other four next year if the cost is prohibitive now.

She indicated that of the ten items listed that need to be done prior to paving, all are done or in process with the exception of the stormwater plans and calculations work to be done by the Township Engineer.

Ms. Nolan took the opportunity to say a new sidewalk is needed on Drake Road for walkers and those in wheelchairs and electric carts.

Mr. Anderson asked whether the applicant is working with the Fire Department regarding its recommendations.

Mr. Milliken said the Fire Department did not have any unique or specific issues or comments about the proposal; their recommendations were standard comments to be implements for compliance with Fire Code requirements.

Chairperson Bell thanked Ms. Nolan for her comments and moved to Board Deliberations.

The consensus of the Board was that this is an appropriate project and will improve the property. They acknowledged most of the 10 conditions have been met or are in process and close to being done except for the stormwater issue. There was concern the short timetable might prove difficult for the Township Engineer to meet in order to approve the plan before July 6.

Mr. Milliken said the calculations submitted by the applicant are based on a 100 year storm which is current Township standard, so are relevant and could be used by the Engineer, so he felt the work could be done in time to meet the July 6 date. He noted also that all the land affected by stormwater is owned by the applicant.

Mr. Sikora moved approval of the Site Plan as presented with the following conditions.

1. Correspondence indicating approval of the proposed plan and access point from the other parties subject to the access easement.
2. Approval of a lot line adjustment between the subject property and the adjacent property to the west under similar ownership consistent with the proposed plan.
3. A revised plan be provided showing four additional parking spaces for a total of 15 OR four deferred parking spaces that could be provided in the future if needed for a total of 11 now and 15 at some point in the future.
4. The revised plan shall reflect any new proposed plantings as well as a new parking lot island (200 square feet) added in the parking lot island with one canopy tree and two shrubs.
5. Correspondence or other indication from the Kalamazoo County Health Department indicating adequacy of the current septic system to accommodate the proposed use.
6. Review and approval of stormwater plans and calculations by the Township Engineer demonstrating adequate design and capacity to accommodate the 100 year storm on site.
7. Dedication of a non-motorized easement along South Drake Road for public purposes. The exactly size and location to be determined and established by mutual agreement.
8. A sign permit is required before any new signs are installed on site, and all signage shall conform to the requirements of the sign chapter of the Zoning Ordinance.
9. Site plan approval is subject to the approval of the Fire Department, pursuant to adopted codes.
10. Site plan approval is subject to the review and acceptance of the Township Engineer as adequate.

Mr. Sterenberg supported the motion. The motion was approved unanimously.

Chairperson Bell moved to the next item on the agenda.

Any Other Business / ZBA Member Comments

Mr. Milliken told the Board at this point no applications have been received for review in July, but will keep the Board informed if a meeting is necessary.

Mr. Loy asked about progress on the new Field & Stream store.

Mr. Milliken said the site would be turned over to them August 1; they are following their process.

In response to a question from Ms. Nolan regarding a sidewalk on Drake Road, Mr. Milliken explained the process that involves MDOT and some of the work the Township is doing in order to receive grant funding for the project. He indicated at some point there would be a public meeting regarding this issue. Ms. Nolan pledged her support and indicated the sidewalk is very much needed.

Adjournment

Chairperson Bell noted the Zoning Board of Appeals had exhausted its Agenda, and with there being no other business, adjourned the meeting at 4:00 p.m.

Minutes prepared:
June 24, 2015

Minutes approved:
August 25, 2015