

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

MINUTES OF A MEETING HELD JULY 24, 2008

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**Agenda**

**WALGREENS - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - 6649 WEST MAIN STREET - (PARCEL NO. 3905-14-330-015)**

**SPCA OF SOUTHWEST MICHIGAN - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - 6955 WEST KL AVENUE - (PARCEL NOS. 3905-23-305-022 AND 3905-23-305-025)**

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A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, July 24, 2008, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Terry Schley, Chairman  
Deborah Everett  
Lee Larson  
Bob Anderson  
Kitty Gelling  
Carl Benson

MEMBER ABSENT: Fred Gould

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Senior Planner; Brian VanDenBrand, Associate Planner; James Porter, Township Attorney, and approximately 14 other interested persons.

**Call to Order**

The meeting was called to order at approximately 7:00 p.m. and the "Pledge of Allegiance" was recited.

**Agenda**

The Chairman asked if there were any changes to the Agenda. Hearing none, he called for a motion to approve the Agenda. Ms. Gelling made a motion to approve the

Agenda as submitted. The motion was seconded by Mr. Anderson. The Chairman called for a vote on the motion, and the motion passed unanimously.

### **Minutes**

The Chairman asked the Planning Commission members if they had had a chance to review the minutes of July 10, 2008. Mr. Benson said that he read the minutes and that a change was needed on page 2, second full paragraph, to correct the word "hearing" to "hear." With that, Mr. Benson made a motion to approve the Minutes as amended. The motion was seconded by Ms. Gelling. The Chairman called for a vote on the motion, and the motion passed unanimously.

### **WALGREENS - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - 6649 WEST MAIN STREET - (PARCEL NO. 3905-14-330-015)**

The Chairman indicated that the next item on the Agenda was the review of a special exception use and site plan review for Walgreens with drive-through service. He said the property was located at 6649 West Main Street, Parcel No. 3905-14-330-015. The Chairman asked for a report from the Planning Department. Ms. Bugge submitted her report to the Planning Commission dated July 24, 2008, and the same is incorporated hereby by reference.

Ms. Bugge explained to the Planning Commission that the proposed special exception use was being considered based on a change of circumstances, namely, a new application and a redesigned site plan. The proposal moved the service drive to the north, and greenspace provided separation between the service drive and all parking spaces, thereby meeting access management criteria.

Ms. Bugge then proceeded to take the Commission through a review of the special exception use criteria of Section 60.100, as well as the site plan review criteria of Section 82.800, as more particularly set forth in her report.

The Chairman asked if there were any questions of Ms. Bugge. Mr. Larson asked what would happen to the portion of the property which was not going to be landscaped. Ms. Bugge suggested asking the developer; she said it would have to be re-seeded to be in compliance with the Township Zoning Ordinance.

Mr. Benson asked Ms. Bugge if she had any concerns about hours of operation. Ms. Bugge indicated that she did not have any concerns, given its location.

The Chairman noted for the Commission that the drive-through window was the basis for the request for the special exception use.

Ms. Gelling asked about the drive-up bay on the south side of the building. She inquired as to whether it would have one service window or two. Ms. Bugge indicated that there would only be one service window. Ms. Gelling then asked if there would be parking south of the building. Ms. Bugge indicated that parking would be provided south of the building.

The Chairman, not hearing any further questions, asked to hear from the applicant. Mr. Greg Dobson, with AVB builders, introduced himself on behalf of Walgreens. Mr. Dobson explained that the last time they appeared before the Planning Commission, Walgreens would not allow him, acting as agent, to deviate from the proposed plan. However, subsequent to that time, and after discussing the matter with Walgreens, all of the neighboring property owners and Staff, they were able to come up with the revised site plan being presented.

Mr. Dobson said they were going to be stockpiling soil on the southern portion of the property, but once the soil was removed, the property would be restored and re-seeded so that it would be able to be mowed.

Mr. Dobson explained that they wanted to combine the balance of the subject property with Unit #3 of Seeco commercial condominium to allow development off Seeco Drive.

Mr. Dobson said they wanted parking along the south side of the property, primarily for employees, in order to open up customer parking closer to the building.

Mr. Dobson said that Walgreens was requesting a 24-hour drive-through window in order to better compete with the businesses in the area. The Chairman clarified and asked if it was their present intent to seek the 24-hour approval, and Mr. Dobson indicated that was correct. Mr. Dobson also noted that Dave Hannapel was present, as well as the engineer, Todd Hurley, if the Commission had additional questions.

The Chairman asked if there was any public comments. Hearing none, he called for Planning Commission deliberations. The Chairman suggested addressing the issues raised by Staff. The Chairman asked the Planning Commission if they would have a problem with the applicant landscaping just the 2.45-acre portion of the subject property. The Commission members indicated that if the balance of the subject property was graded and seeded, they were satisfied with the landscaping as proposed.

The Chairman said he thought the proposal was much more in tune with what the Commission previously requested. Ms. Everett said she agreed. The Chairman asked if there were any major concerns about the proposed development. Hearing none, the Chairman said he would entertain a motion. Ms. Everett made a motion to approve the special exception use with the following conditions:

- (1) Signs directing outbound north, south and west traffic to use the signal at Seeco Drive shall be placed on the site.
- (2) Approval shall be subject to conformance to all applicable Township Ordinances.

The motion was seconded by Mr. Anderson. The Chairman called for a discussion.

Ms. Stefforia asked if the Commission was going to approve the special exception use with a 24-hour drive-through pharmacy. The Chairman said he thought that was the applicant's request. Ms. Everett said she saw no reason to deny such a request because of the location of the property and other existing uses in the area, and she made the motion based on that assumption. With that, the Chairman called for further discussion. Hearing none, he called for a vote on the motion. The motion passed unanimously.

The Chairman said that the next item to address was the site plan. Mr. Larson said that he thought that they needed to make sure they added a condition to the site plan that the southern portion of the developmental parcel be restored. With that, Ms. Gelling made a motion to approve the site plan as proposed with the following conditions:

- (1) Access to West Main Street shall be by the existing entry drive.
- (2) A revised access easement for the relocated shared service drive shall be submitted to the Township for review prior to it being recorded.
- (3) All parking spaces and drive aisles shall be in conformance with Section 68.
- (4) Approval shall be subject to the provision of stop bars adjacent to the stop signs indicated on the plan.
- (5) Approval shall be subject to building setbacks complying with Section 64.000.

- (6) Approval shall be subject to all lighting complying with Section 78.700.
- (7) Approval shall be subject to submission of all sign details for review and approval through the sign permit process. All signs shall comply with Section 76.000.
- (8) Landscaping shall be provided in compliance with Section 75.000 for the 2.45 development area, and the restoration of the balance of the developmental parcel to the south, including re-seeding.
- (9) All landscaping shall be installed prior to issuance of a Certificate of Occupancy, or a performance guarantee in accordance with Section 82.950 shall be provided.
- (10) Site plan approval shall be subject to the applicant satisfying Fire Department requirements pursuant to the adopted codes.
- (11) Site plan approval shall be subject to the Township Engineer finding site engineering and stormwater management adequate.
- (12) An Earth Change Permit shall be obtained from the Drain Commissioner.

The motion was seconded by Mr. Benson. The Chairman called for further discussion. Hearing none, he called for a vote on the motion, and the motion passed unanimously.

**SPCA OF SOUTHWEST MICHIGAN - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - 6955 WEST KL AVENUE - (PARCEL NOS. 3905-23-305-022 AND 3905-23-305-025)**

The Chairman indicated that the next item was consideration of the special exception use site plan review for SPCA of Southwest Michigan. The Chairman noted that the subject property was located at 6955 West KL Avenue, Parcel Nos. 3905-23-305-022 and 3905-23-305-025. The Chairman asked for a report from the Planning Department.

Ms. Bugge submitted her report dated July 24, 2008, to the Planning Commission, and the same is incorporated herein by reference. Ms. Bugge indicated the applicant was seeking approval for a proposed kennel facility on 4.2 acres located on the south side of West KL Avenue, east of South 8<sup>th</sup> Street. She indicated that the property was zoned "I-1" Industrial. She outlined the zoning and the surrounding area and then

proceeded to discuss the applicant's proposed building of 14,800 square feet for office space and boarding of animals. She noted that the architectural plans were not yet completed, since they were currently raising funds for construction and wanted to wait until such time as the amount available was known to draw up the actual architectural plans.

Ms. Bugge then proceeded to take the Commission through a review of Section 60.100 dealing with special exception uses in the "I-1" District, to-wit: a kennel, as well as Section 82.800 for site plan review for the subject property, as more particularly set forth in her report.

The Chairman asked if there were any questions of Ms. Bugge. Hearing none, he asked to hear from the applicant. Mr. Jeff Brink, with Williams & Works, introduced himself to the Planning Commission. He said he was there on behalf of SPCA of Southwest Michigan. Mr. Brink reminded the Planning Commission that, when he was previously before the Commission for a conceptual review, there were five areas of concern, which he believed the revised site plan had addressed.

He said the first issue that they addressed was noise, which they did by setting the proposed building back another 70 feet from KL Avenue, as well as moving the building 50 feet further to the west. He said by locating the building in the middle of the property and further away from the residential homes across the street, he thought they would mitigate any potential noise problems. He said, in addition, they provided a contour around much of the property so that the building and the grounds were actually below the surrounding berms, which would not only mitigate the noise, but would create a visual barrier for the animals to reduce any barking which might occur when the animals were outside.

Mr. Brink also explained that they had revised the water retention system. He said they had moved it toward the front of the property in order to allow the building to be moved further to the south. He also noted that they had used natural swales, rather than hard piping, to increase water infiltration and protect groundwater. He noted that the separation distance between the bottom of the stormwater system basin and the water table was seven to eight feet, nearly double what was required by the health code.

Mr. Brink pointed out to the Planning Commission members that not only would the Health Department be approving the septic system for human waste, but that the Michigan DEQ would be approving the waste disposal facility for the animals, and it would be reviewed on an annual basis. He said they would have to obtain and maintain a State-issued discharge permit for the animals' waste disposal facility. He also noted

that the discharge from both the human and animal wastes was anticipated to be less than 1,000 gallons per day. Mr. Brink noted that was very low usage.

With regard to security, Mr. Brink said he wanted the Planning Commission to be aware that Staff would be on site 13 hours a day. He said they had installed safety lighting, and he could not imagine anyone accessing the facility after hours, given that all that would be housed on site were the animals.

Mr. Brink said off-site adoption events would continue at an existing site outside the Township, and on-site events would be very infrequent and, in order to accommodate those on-site events, they had more than doubled the required parking. He said, if there were any problems with the events, they would be willing to add additional parking or get a cross-access agreement with one of the neighboring properties. However, he said, with no more than 40 people per hour accessing their events, he did not expect that they would need more than 20 parking spaces as usually there is more than one person per car, and they had planned for 42 parking spaces.

The Chairman asked if there were any questions. Mr. Anderson asked if the area between the fences outside would be paved. Mr. Brink indicated that it would. Mr. Anderson asked if that was the exercise area, and Mr. Brink indicated that it was the planned exercise area, which would be supervised at all times.

Ms. Gelling asked about building plans and the ability to maintain the facility. Mr. Brink said that they were in the process of raising funds for construction, but they have always had sufficient monies to maintain their present facilities as they would the proposed facility.

Mr. Larson asked if they had an endowment. Mr. Brink indicated they did not. Mr. Larson asked if they were going to hydro-seed or whether they would consider portions of the property for "no mow" conservation areas. Mr. Brink complimented Mr. Larson on the proposal and thought that perhaps they could incorporate certain areas which were "no mow" conservation areas, both to enhance the environment and to minimize the cost of maintenance in the future. Mr. Larson then asked if there would be native plantings. Mr. Brink said the entire retention area would be using the native seed mix prepared by the current Drain Commissioner's office. He also noted that many of the proposed plantings would consist of native species. Ms. Bugge confirmed that, other than the bushes, the plantings satisfied the native material criteria of the Ordinance.

The Chairman called for public comment. Mr. Jeff Philip introduced himself to the Planning Commission. He said he lived across the street. He noted that he had several concerns. His first question was why he had not been invited to the March, 2008 meeting. Attorney Porter noted that the March meeting was a conceptual review, not a public hearing, such as the one currently before the Planning Commission. Therefore, no notice was required. Mr. Philip went on to express concern about the driveway

location and noise, as well as the need to possibly fence additional portions of the parking lot or the drainage basins.

The Chairman thanked Mr. Philip for his comments and called for Planning Commission discussion. The Chairman began by asking whether the proposed stormwater basins were proposed to be deep or shallow. Mr. Brink said the proposed design would not collect more than two feet of water at any given time, and therefore, fencing would typically not be required.

The Chairman said there were two items before the Planning Commission. The first was the special exception use, and the second was the site plan. With regard to headlights and the effect on the adjoining neighbors, the Chairman asked how many people would be at the facility after 7 p.m. Mr. Jack Frost, with the SPCA, said typically there are only four full-time workers; two left by 6 p.m. and the other two left between 7 p.m. and 7:30 p.m. The Chairman noted that was significantly less traffic than could accompany other industrial uses permitted on the property. Ms. Bugge noted that was less traffic than would typically come from a residence if one was on the site. Mr. Larson asked if there was any activity after 7:30 p.m. Mr. Frost said they typically did not have any activity after that time of night unless it was for a medical condition or emergency intake, which he noted was quite rare.

The Chairman said he thought that the applicant had addressed the issue of noise through the relocation of the facility and the berming, as well as the screening. Mr. Larson also noted that most of the animal activity would be inside, not outside.

The Chairman asked how the Commission felt about additional fencing around the parking lot area or the water retention areas. Mr. Larson said he did not want to see any more fencing on the site than necessary. He said he thought the concerns about noise and animals getting away from the site had been addressed by the applicant.

Ms. Everett asked the applicant if the new building would include sound-deadening insulation as indicated in their narrative. Mr. Frost said that it would, including extra dense walls, and the bottom portion of the building would be concrete.

The Chairman asked if the additional parking overflow was necessary. It was the consensus of the Planning Commission that parking for the proposed site was sufficient. The Chairman said he thought it was a good application, which had addressed the concerns previously raised by the Planning Commission at the time of conceptual review. Ms. Gelling said she agreed and thought the applicant had done the very best they could do to meet the concerns raised at the time of the prior review.

The Chairman asked what the pleasure of the Commission was regarding the special exception use. Mr. VanDenBrand suggested, given the topography of the property, that the applicant also provide slats in one-half of the fence on the east side,

north to south, to shield the view of Haystack Asphalt. He said he thought that would keep the dogs from seeing the trucks and possibly barking at them. The Chairman said he thought that was a good proposal. With that, Ms. Everett made a motion to approve the special exception use with the following conditions:

- (1) Approval shall be subject to satisfying all State requirements for waste water discharge through MDEQ and the Kalamazoo County Health Department, as applicable.
- (2) Approval shall be subject to conformance to all applicable Township Ordinances.
- (3) Approval shall be subject to installing slats in the fence in order to screen the easterly fence from the north end southward for one-half the total distance in addition to the areas identified on the site plan.

Ms. Gelling seconded the motion. The Chairman called for discussion. Hearing none, he called for a vote on the motion. The motion passed unanimously.

The Chairman said the last issue on this matter was consideration of the site plan. Ms. Bugge again noted that the Commission would need to authorize the use of the trees by the road as part of the landscaping if it so chose. The Chairman asked the Commission to take that into consideration. With that, the Chairman called for a motion. Mr. Benson made a motion to approve the special exception use permit with the following conditions:

- (1) Approval shall be subject to obtaining a Driveway Permit from the Kalamazoo County Road Commission.
- (2) All parking spaces and drive aisles shall be in conformance with Section 68.
- (3) Approval shall be subject to building setbacks complying with Section 64.000.
- (4) Approval shall be subject to all outside lighting complying with Section 78.700.
- (5) Details of all exterior light fixtures shall be submitted for Township review.
- (6) Approval shall be subject to submission of all sign details for review and approval through the sign permit process. All signs shall comply with Section 76.000.

- (7) Four existing trees in the right-of-way may be counted toward the canopy tree requirements along KL Avenue provided Township Staff determines they satisfy the criteria of Section 75.200 and subject to planting replacement canopy trees if the subject trees deteriorate or are removed.
- (8) Existing trees along the south property line may be used to satisfy the Type A greenspace requirement for that area provided Township Staff finds existing material meets the criteria of Section 75.200 and subject to replacement if the submit material deteriorates or is removed.
- (9) Landscaping shall be provided in compliance with Section 75.000.
- (10) All landscaping shall be installed prior to issuance of a Certificate of Occupancy, or a performance guarantee in accordance with Section 82.950 shall be provided.
- (11) Site plan approval shall be subject to the applicant satisfying Fire Department requirements pursuant to the adopted codes.
- (12) Site plan approval shall be subject to the Township Engineer finding site engineering and stormwater management adequate.
- (13) General floor drains shall satisfy Township and State Groundwater discharge permit requirements, as applicable.
- (14) Approval shall be subject to satisfying all State requirements for waste water discharge through MDEQ and the Kalamazoo County Health Department, as applicable.
- (15) A Septic Permit shall be obtained from the Kalamazoo County Health Department.
- (16) All utility lines shall be placed underground.
- (17) An Earth Change Permit shall be obtained from the Drain Commissioner.

The motion was seconded by Ms. Gelling. The Chairman called for a vote on the motion, and the motion passed unanimously.

The representatives of the SPCA thanked the Planning Commission, and the Planning Commission wished them good luck.

### **Public Comment on Non-Agenda Items**

None.

**Any Other Business**

It was noted that if nothing was submitted by the deadline, the Planning Commission meeting of August 28, 2008, would be cancelled.

**Planning Commissioner Comments**

None.

**Adjournment**

There being nothing further to come before the Commission, the meeting was adjourned at approximately 8:35 p.m.

Minutes Prepared:  
July 31, 2008

Minutes Approved:  
August 14, 2008