

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD FEBRUARY 9, 2017

Agenda

PUBLIC HEARING: SPECIAL EXCEPTION USE (HARDING'S DRIVE-THROUGH PHARMACY WINDOW)

CONSIDERATION OF AN APPLICATION FROM FISHBECK, THOMPSON, CARR & HUBER, ON BEHALF OF FAMILY D, LLC AND HARDING'S FRIENDLY MARKET, FOR A SPECIAL EXCEPTION USE AND SITE PLAN REVIEW FOR A DRIVE-THROUGH WINDOW FOR A NEW PHARMACY WITHIN THE EXISTING BUILDING PURSUANT TO SUBSECTION 34.820.F OF THE VILLAGE FORM-BASED CODES, SUBSECTION 60.200: SPECIAL EXCEPTION USE PROCEDURE AND SECTION 82.000: SITE PLAN REVIEW. THE SUBJECT PROPERTY IS LOCATED AT 6430 STADIUM DRIVE, WITHIN THE VC: VILLAGE COMMERCIAL DISTRICT AND THE VILLAGE FORM-BASED CODE OVERLAY ZONE. (PARCEL NO. 3905-26-465-022.)

PUBLIC HEARING: SPECIAL EXCEPTION USE (HOLIDAY INN AND HOLIDAY INN EXPRESS)

CONSIDERATION OF THE APPLICATION OF KALAMAZOO HOTELS LLC AND OSHTEMO HOTELS LLC FOR A SPECIAL EXCEPTION USE AND SITE PLAN REVIEW OF TWO NEW HOTELS LOCATED NORTH OF WEST MAIN STREET, EAST OF US-131 AND WEST OF MAPLE HILL DRIVE WITHIN THE WESTGATE PLANNED UNIT DEVELOPMENT, PURSUANT TO SECTIONS 60.200 SPECIAL EXCEPTION USE AND 60.450 COMMERCIAL PLANNED UNIT DEVELOPMENT PROVISIONS OF THE TOWNSHIP ZONING ORDINANCE. THE SUBJECT PROPERTY IS LOCATED WITHIN THE C: LOCAL BUSINESS DISTRICT. (PARCEL NO. 3905-13-130-021.)

APPLICANT REQUESTED THIS APPLICATION BE TABLED UNTIL MARCH 9TH IN ORDER TO PROVIDE TIME TO COMPLETE THE SITE PLAN.

ANY OTHER BUSINESS

- a. CAMP FIDO EXPANSION – MEADOW RUN DOG PARK: CONCEPT DISCUSSION**
 - b. BLUE BUTTERFLY, LLC EVENT VENUE: CONCEPT DISCUSSION**
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A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, February 9, 2017, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Wiley Boulding Sr., Chairperson
Fred Antosz, Vice Chairperson
Cheri Bell
Ollie Chambers
Dusty Farmer, Secretary
Mary Smith
Bruce VanderWeele

MEMBERS ABSENT: None

Also present were Julie Johnston, Planning Director, Martha Coash, Meeting Transcriptionist, and approximately 16 interested persons.

Call to Order and Pledge of Allegiance

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

Agenda

Chairperson Boulding, Sr. asked if there were any additions, deletions or corrections to the Agenda. Hearing none, he asked for a motion to approve the agenda.

Mr. VanderWeele made a motion to approve the agenda as presented. Ms. Smith supported the motion. The motion passed unanimously.

Public Comment on Non-Agenda Items

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

Approval of the Minutes of January 26, 2017

Chairperson Boulding, Sr. asked if there were any additions, deletions or corrections to the minutes of January 26, 2017. Hearing none, he asked for motion to approve the minutes.

Mr. Chambers made a motion to approve the minutes of January 26, 2017 as presented. Mr. VanderWeele supported the motion. The motion was approved unanimously.

PUBLIC HEARING: SPECIAL EXCEPTION USE (HARDING'S DRIVE-THROUGH PHARMACY WINDOW) **CONSIDERATION OF AN APPLICATION FROM FISHBECK, THOMPSON, CARR & HUBER, ON BEHALF OF FAMILY D, LLC AND HARDING'S FRIENDLY MARKET, FOR A SPECIAL EXCEPTION USE AND SITE PLAN REVIEW FOR A DRIVE-THROUGH WINDOW FOR A NEW PHARMACY WITHIN THE EXISTING BUILDING**

PURSUANT TO SUBSECTION 34.820.F OF THE VILLAGE FORM-BASED CODES, SUBSECTION 60.200: SPECIAL EXCEPTION USE PROCEDURE AND SECTION 82.000: SITE PLAN REVIEW. THE SUBJECT PROPERTY IS LOCATED AT 6430 STADIUM DRIVE, WITHIN THE VC: VILLAGE COMMERCIAL DISTRICT AND THE VILLAGE FORM-BASED CODE OVERLAY ZONE. (PARCEL NO. 3905-26-465-022.)

Chairperson Boulding, Sr. asked Ms. Johnston to review the special exception use and site plan approval application for the Board.

Ms. Johnston said the applicant, representing Family D, LLC, was requesting a special exception use and site plan approval for the development of a drive-through pharmacy window at their existing facility at 6430 Stadium Drive. The improvements to the site also include a new vestibule area at the front entrance of the building.

She explained the property is located within the *VC: Village Commercial District* and the *Village Form-Based Code Overlay Zone*. The building is positioned near the rear property line to the north, with outlots immediately adjacent to Stadium Drive. *Section 34.820.F* of the *Form-Based Codes Overlay Zone* only permits drive-through windows for certain uses and only along the rear façade of the building. The rear building wall of the existing structure is approximately 10 feet from the northern property line, which does not offer adequate space for the development of a drive-through window while meeting all other Ordinance requirements.

Ms. Johnston told the Board the applicant requested and was granted a variance from the Zoning Board of Appeals to allow the drive-through window along the front façade. However, while the variance permits the placement of the drive-through window within the front yard, the applicant must still seek special exception use and site plan approval from the Planning Commission.

She noted the site plan provided with the application indicates three stacking spaces for the pharmacy drive-through, which meets regulatory requirements per *Section 68.300.G: Drive-Through Windows* of the *Off-Street Parking Ordinance*. There is some concern that pharmacy traffic will have to cross a west bound circulation lane to enter the drive-through.

Ms. Johnston reviewed the special exception use considerations from Section 60.100 for the Board as follows:

A. Is the proposed use compatible with the other uses expressly permitted within the Village Commercial District zoning classification?

Drive-through establishments, excluding restaurants, are special exception uses. Many of the uses adjacent to the subject property are retail in nature and currently exist in harmony with the grocery store. The placement of a pharmacy window should not hinder compatibility of uses.

B. Will the proposed use be detrimental or injurious to the use or development of adjacent properties or to the general public?

While this window will be placed along the front façade instead of at the rear of the building, the Form-Based Codes provide some protections to adjacent properties that will help screen the vehicle stacking spaces from view. In addition, the same drive-through configuration of crossing oncoming traffic to stack at the window is present at the Meijer's on West Main Street. Staff has not heard of any public safety concerns related to this window.

C. Will the proposed use promote the public health, safety, and welfare of the community?

Outside of good planning and screening for traffic and access, staff has no other concerns related to public health, safety and welfare.

D. Will the proposed use encourage the use of the land in accordance with its character and adaptability?

Ms. Johnston said the Ordinance requirement for placing the drive-through lane in the rear yard or along the rear facade is intended to support the overall goals of the Village Form-Based Code, which is to create a compact, walkable, mixed-use neighborhood. In addition, the Form-Based Codes are intended to foster a visual aesthetic along roadways, with buildings placed close to the right-of-way and to each other, as well as architectural improvements that evoke a village theme. In most cases, placing a drive through within the front or side yard would be detrimental to this intent.

She explained the current location of the existing Harding's Market does not provide much in the way of additional options for the placement of a drive-through window since the rear of the building is within 10 feet of the property line. This circumstance is exacerbated by the subject site having two front yards. Staff requested the applicant review positioning the drive-through window along the east side façade. This location would require the drive-through window to be as close to the front façade as possible to provide enough space for vehicles to make the turn south to exit. Based on this configuration, cars would still be required to queue along the front façade.

She said based on the current configuration of the building, the location of the drive-through window is the best possible scenario with the addition of this type of use.

Ms. Johnston said the Form-Based Code requires the drive-through window, drive-up facility, and vehicle stacking area to be screened from view from the street by buildings, an opaque evergreen landscape screen between three and four feet in height above the surrounding grade, or a hardscape feature having a height of three to four feet above the surrounding grade such as a decorative screen wall or planter box.

She said Staff feels a hardscape feature such as a decorative brick wall three to four feet in height makes the most sense in meeting this ordinance requirement.

Ms. Johnston recommended the Planning Commission grant the Special Exception Use for the pharmacy drive-through window, saying the use is compatible with other uses allowed in the Village Commercial District and the variance granted by the Zoning Board of Appeals allows the window to be placed on the front façade. In addition, Staff recommends the Planning Commission approve the site plan with the following condition: *A decorative wall at least three feet in height be developed along the southern boundary of the drive-through stacking lane (where the bollards are currently shown on the site plan dated 09/09/2016) to screen the cars queuing to the pharmacy window.*

Chairperson Boulding, Sr. thanked Ms. Johnston for her review and asked whether Trustees had any questions.

Ms. Smith asked if there should be space provided for 5 stacking cars; Ms. Johnston said 5 are required for restaurant drive-throughs only.

Ms. Bell wondered if any communications had been received from neighbors; Ms. Johnson indicated none were received.

Mr. Boulding, Sr. suggested painted lines to guide those exiting the window as they cross traffic coming from the west.

Ms. Johnston deferred to the applicant to respond.

Mr. Ryan Musch, Fishbeck, Thompson, Carr & Huber, Inc. Engineer, 1515 Arboretum Drive SE, Grand Rapids, MI, thanked Ms. Johnston for the thorough report. He said others with a similar situation have provided a YIELD sign; they will place one where the cars would exit the window lane and enter traffic. There have been no major issues with this type of set-up in the past.

The Board had no questions for the applicant.

Chairperson Boulding asked for public comments. Hearing none, he moved to Board deliberations.

Ms. Bell confirmed that both the special exception and site plan review could be combined into one motion.

Chairperson Boulding, Sr. asked for a motion on the requests.

Mr. Antosz made a motion to approve both the special exception use and site plan for Harding's drive-through pharmacy window as proposed based on the rationale provided by Staff, with the condition that the applicant provides a YIELD sign at the location where cars exit the drive-through and enter traffic in the parking lot as well as the three-foot decorative wall. Ms. Bell supported the motion. The motion was approved unanimously.

**PUBLIC HEARING: SPECIAL EXCEPTION USE (HOLIDAY INN AND HOLIDAY INN EXPRESS
CONSIDERATION OF THE APPLICATION OF KALAMAZOO HOTELS LLC AND OSHTEMO HOTELS LLC FOR A SPECIAL EXCEPTION USE AND SITE PLAN REVIEW OF TWO NEW HOTELS LOCATED NORTH OF WEST MAIN STREET, EAST OF US-131 AND WEST OF MAPLE HILL DRIVE WITHIN THE WESTGATE PLANNED UNIT DEVELOPMENT, PURSUANT TO SECTIONS 60.200 SPECIAL EXCEPTION USE AND 60.450 COMMERCIAL PLANNED UNIT DEVELOPMENT PROVISIONS OF THE TOWNSHIP ZONING ORDINANCE. THE SUBJECT PROPERTY IS LOCATED WITHIN THE C: LOCAL BUSINESS DISTRICT. (PARCEL NO. 3905-13-130-021.)**

Ms. Johnston noted the applicant asked that this item be tabled until March 9th in order to complete the site plan.

Mr. Chambers made a motion to table the request for a special exception use and site plan review from Kalamazoo Hotels LLC and Oshtemo Hotels LLC, until the Planning Commission meeting scheduled for March 9, 2017 as requested by the applicant. Mr. VanderWeele seconded the motion. The motion passed unanimously.

Old Business

Chairperson Boulding, Sr. determined there was no old business to discuss and moved to the next item on the agenda.

Any Other Business

Ms. Johnston told the Board there were two potential business concept ideas that she suggested to applicants might be better discussed informally with the Board as to the acceptability of the proposals before incurring extensive engineering and other costs, which might be necessary for final Site Plan approval. She felt the Planning Commission could act as a sounding-board, providing any advice or insight to the applicants. She noted no formal actions were required at this meeting and that the Planning Commission would not be bound by these discussions.

a. CAMP FIDO EXPANSION – MEADOW RUN DOG PARK: CONCEPT DISCUSSION

Ms. Johnston explained Camp Fido and Tip Top Tails Dog Training would like to partner with the Meadow Run Dog Park to open a new facility called Meadow Run Knoll at that location. They are looking to build a single-story facility that would house both businesses, a dog-friendly beverage café called The Thirsty Hound, and potentially a grooming business. Camp Fido would also have access to the dog park facility.

She said the new building would be located on 8th Avenue in the southeast corner of the Dog Park, near the railroad tracks. A new parcel would be created from the Dog Park to house the new building. The property is zoned I-1: Industrial District and kennels for the breeding, raising and/or boarding of dogs or cats, as well as indoor recreational facilities are permitted as special exception uses. Camp Fido, in previous approvals at their location on Stadium Drive, was permitted as a boarding facility. Tip Top Tails, which will be an indoor training facility, is analogous to both a boarding and indoor recreational facility.

She said Kerry Mulholland, owner of Camp Fido, and Patty Ruppel, owner of Meadow Run Dog Park, approached Staff regarding this project to seek assistance and advice. Due to the increase in use at the Dog Park with this proposed project, staff recommended the applicant provide an overview to the Planning Commission.

The Meadow Run Dog Park was approved as a Special Exception Use on May 27, 2010. When the Meadow Run Dog Park was first introduced, it was planned as two phases, with this facility intended as phase 2, but phase two was only concept at that time and therefore not considered by the Planning Commission.

Chairperson Boulding, Sr. thanked Ms. Johnston for providing context for discussion and asked Ms. Mulholland and Ms. Ruppel to come to the podium.

They explained that both the Dog Park and Camp Fido were successful, they would like to were both looking to expand, felt it would be good synergy to have businesses in the same spot and are interested in expanding at the Park location. They would like to construct a 7000-square foot building on the 1.78-acre plot, with $\frac{3}{4}$ of the building devoted to a second location for Camp Fido and Tip Top Tails, which would be run by Ms. Mulholland, and the remaining part of the building devoted to The Thirsty Hound, which would be run by Ms. Ruppel along with the Dog Park. They noted their businesses already share about 100 customers.

They expect their hours to be 3 – 9:00 weekdays for the Thirsty Hound, which would seat 35 – 40 and would provide human and doggie snacks, beverages, and beer and wine by the glass for the dogs' owners. It is envisioned as a spot where owners and their dogs could socialize. Camp Fido and Tip Top Tails would also be open from 7 a.m. to 6 on weekends. A limited license would be required to serve beer and wine by the glass. They feel they would need approximately 40 spaces.

In answer to questions from Trustees, they indicated there is an example of this type of relationship in Ann Arbor and Ms. Ruppel has talked with people around the country who also have similar set ups.

Ms. Johnston noted the proposal would result in a change in the intensity of use and said property to the north, south and east are industrial properties; there are some residences to the west. The Township is not aware of complaints about the dog park.

In answer to a question about easements, Ms. Johnston said they would try to put sewer lines in the right-of-way and that the standard letter would be required of the owners indicating they would not oppose a future sidewalk assessment.

Ms. Bell suggested they think about reactions from nearby residents as they move forward and commented if the plan is brought to the Commission formally, neighbors would receive notice.

Ms. Ruppel said she has talked with one neighbor who is supportive of the development, noted she has a good relationship with a neighbor on KL Avenue, and said they would continue to reach out to neighbors.

Ms. Farmer said when a family who lived next door to Camp Fido as it opened for business was worried about noise, Ms. Mulholland was responsive and accommodating. She noted the ASPCA is located in the area and adds to the synergy.

Hearing no further comments, Chairperson Boulding, Sr. thanked Ms. Ruppel and Ms. Mulholland, and moved to the next item on the agenda.

b. BLUE BUTTERFLY, LLC EVENT VENUE: CONCEPT DISCUSSION

The Chair asked Ms. Johnston to review this item for the Board.

Ms. Johnston said Blue Butterfly, LLC and Corning Farms, Inc. recently submitted a conditional rezoning request to allow for an event center (indoor/outdoor) at 7610 West KL Avenue. Their intent was to provide a location for weddings, wedding showers, baby showers, and tea parties. After reviewing the submittal, staff recommended the applicant withdraw their request. A conditional rezoning is reviewed in the same manner as a traditional rezoning, with one of the criteria being compliance with the Township's Future Land Use Plan. The property in question is future planned for Rural Residential uses, which does not allow this type of project. Approving a conditional rezoning at this location would be akin to spot zoning, which the Township works diligently to avoid.

The applicant then requested a meeting with Staff to understand what their options for the property might be outside of developing another residential subdivision. The property owners would like to find a use for the property other than residential development. At that meeting, Staff provided three possible avenues which may allow for the use requested. Staff informed the applicant that any of these possibilities would require a public hearing, as well as Planning Commission and Township Board review. Ms. Johnston said the options are:

1. Discuss a Future Land Use Plan change with the Planning Commission.

In order for a rezoning request on the property to be supported by the Future Land Use Plan, a change to the Map would be required. The Planning Commission could review the Future Land Use Map, existing land uses and discuss desired future land uses for this area to determine if a change to the map is warranted. As we are in the middle of a Master Plan Update, a change to the Map could be considered.

2. Request the Planning Commission consider a Zoning Ordinance amendment that would allow this type of use in the Rural Residential District.

Another avenue to permit this type of use at this location would be an amendment to the Rural Residential District to allow indoor/outdoor event venues. Staff could draft possible ordinance language for Planning Commission consideration. The Ordinance language would have to include specific development requirements to aid with compatibility of uses between a commercial operation and rural residential developments.

3. Discuss the use of Temporary Outdoor Events as a Special Exception Use.

A final possibility would be to allow outdoor events through a special exception use similar to Christmas tree and firework sales. The applicant would need to select specific dates or a range of dates where the outdoor event would be permitted. A public hearing to review the request and site plan would have to be scheduled.

The applicants wanted to discuss these options with the Planning Commission.

Greg Pendowski, 50374 Taylor Road, Marcellus, MI, and David Corning, 7518 West KL Avenue, spoke on behalf of he and Cathy Pendowski and David and Diana Corning, who own the land in question at 7610 West KL Avenue, explaining Corning Farms was operated as a thriving farm on this land for many years and included fruit trees, a greenhouse and road side market. That is no longer the case; the goal is to provide some type of business to generate funds, particularly to pay real estate taxes, but in talking with Ms. Johnston, they found current zoning would allow them no way to do that outside of selling the property to be divided into a residential development. They have owned and lived on the property it for 75 years and do not want to sell the property, but rather to keep it in the family as one piece.

There is a Centennial Home on 14 acres which Ms. Corning and Ms. Pendowski envision using as an event center for rustic weddings, showers, teas, etc. No building permit would be required; an electrical permit would be needed. There would be no big change in the site; there is plenty of parking area for large events. He noted there are two residents close to a site where they plan to erect a reception tent. They would schedule events between noon and 11:00 p.m. on weekends only and music would end by 10:00 p.m.

Their goal is to obtain approval to move ahead with these plans and would like to work with the Township to determine how best to achieve that goal and to be able to begin Blue Butterfly as soon as possible.

Commissioners acknowledged current zoning would not allow commercial use unless it was an uninterrupted continuation of farming that could be grandfathered.

There was extended discussion of the Township's Future Land Use Plan, the desire that areas zoned RR: Rural Residential should maintain a rural character but that owners of large properties in RR cannot be accommodated currently if they want to realize income from their property, and possible changes to Township regulations that might make that possible.

It was agreed that the public workshop on RR to be held February 23rd should include discussion of this subject to hear input from the rest of the community before addressing it further.

Chairperson Boulding, Sr. thanked the applicants and encouraged them to attend the February 26 meeting.

PLANNING COMMISSIONER COMMENTS

The Chairperson asked if Commissioners had comments to share.

Ms. Smith confirmed with Ms. Johnston that the Meadow Run Dog Park is in an I:1 District.

ADJOURNMENT

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Boulding, Sr. asked for a motion to adjourn.

Mr. Chambers made a motion to adjourn the meeting. Mr. VanderWeele supported the motion. The motion passed unanimously.

The Planning Commission meeting was adjourned at approximately 8:30 p.m.

Minutes prepared:
February 11, 2017

Minutes approved:
March 9, 2017