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ZONING BOARD MINUTES OF MEETING HELD FEBRUARY 8, 2000

A special meeting of the Charter Township of Texas Zoning Board was held on Tuesday, February 8, 2000 commencing at 7:00 p.m. at the Texas Township Hall. Members present::: Steve Bosch, Chairman George Sprau, Barbara Huber, Bryan Lewis, Suzette Deaux, Tom Hamming, Steve Woollam. Members absent: None. Township Supervisor Ron Commissaris, Treasurer Joyce Neubauer, Clerk Linda Kerr, Trustees Don Boven, Richard Craven and Tom Dykstra, Building Official Bruce Derby, Zoning Administrator Jeff Mais, Planning Consultant Jay Kilpatrick, Attorney Lynda Thomsen, and approximately 30 interested persons were also present.

1. CALL TO ORDER and ROLL CALL

Chairman Bosch called the meeting to order at approximately 7:00 p.m. Roll was called with the results shown above.

2. SET AGENDA

Chairman Bosch reviewed the agenda. There were no changes.

3. SPECIAL EXCEPTION USE: Bronson Healthcare Group

Item No. ZB00-104

Property: Unit 1, KVCC Education and Office Park

Request: Approval of Bronson lifestyle improvement and research center, including portions thereof used for general business, professional administrative offices, and medical offices and clinics, limited to those relating to research.

Chairman Bosch explained the procedure for Special Exception Use permits. Attorney Michael Chojnowski then addressed the Zoning Board on behalf of the applicant.

Mr. Chojnowski informed the Zoning Board that KVCC, his client in previous matters before the Board, authorized him to represent Bronson in this matter. He read to the Board from Sections 8.171, 8.173, and 9.83 of the Zoning Ordinance. The proposal is for a combination of permitted and special exception uses. The project has been generally welcomed and supported by neighbors and businesses in the community.

John Dixon, Vice President for Business Development of Bronson, stated that the project is an integrated project that is research based. Programs will include a regional center for outpatient rehab (a facility currently located at Crosstown Parkway, that will be relocated to this site in Texas Township). The project will provide wellness training and professional training. Bronson currently works with many colleges, including Andrews University, Northern Michigan, Central Michigan, Western Michigan, University of Michigan at Flint, and others, to provide training for physical therapists, occupational therapists, and speech pathologists. This facility will be a site for training such persons. The project will also include a membership-based fitness facility for rehabilitation and maintenance. The whole facility will be used for research to understand the correlation between health problems and rehabilitation and the cost of doing business. He stated that a letter has been provided to the Zoning Board from the W. E. Upjohn Institute expressing their interest in working with this facility in that regard.

Dr. Susan Olson, coordinator of the Center for Community Research at Bronson, told the Board that Bronson has been doing research for a number of years with PNU and others. There are currently 161 studies underway. This facility is to be a "living laboratory" with goals of supporting overall health, wellness

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and fitness, based upon research; promotion of a healthy workforce; and working with industry to find out what causes and relieves stress. The facility will expedite recovery from injury and will support active aging.

John Dixon then stated the changes in demographics show that the population age 65 and older is increasing very quickly. This facility would not be aimed at the YMCA or powerhouse gym group. The facility will also be concerned with economic development. He stated that Dana Corporation provided a letter of support. This will be set up as a for-profit subsidiary of Bronson, and will pay taxes. Mr. Dixon thinks that is very important. They are not seeking any tax breaks. This is a good fit for the EBT district.

Joe Kuchars, a consultant, stated that he works for a national healthcare-consulting firm. This is a "medical model health fitness facility." Healthcare is in transition. Medicine is moving away from acute care to prevention and wellness. There are about 500 of these facilities throughout the country. The age of the average user is 45. These facilities enlarge the population of people involved in fitness. Bronson has worked out collaborative programming with the YMCA. The staff will be trained for rehabilitation. There will be computer-based equipment to measure progress of users. This will create a database for outcome measurements. That will be useful in research. The types of equipment, the patients and the members are focused on community health improvement. The clinical use will "transition to fitness." There will be physical and programmatic integration of the rehab and the fitness functions.

Mr. Woollam asked John Dixon what percentage of the space or of the occupancy would be used for each function. Mr. Dixon replied that it cannot be broken down. This is an integrated facility. Rehab and fitness are together. There are education and training rooms for nutrition and stress management. There is also training of people going on throughout. In response to a question about the occupant load, Mr. Dixon said they expect 2700 members in the first year, with 7000 more people involved in outpatient rehab. Mr. Dixon was not able to provide information about the peak occupancy. The wellness training of the general public will occur primarily on evenings and weekends.

Chairman Bosch asked how Bronson proposes to limit memberships to people over 45 years of age. Mr. Dixon responded that programs would be targeted to that age group. Chairman Bosch asked what prohibits families from joining? Mr. Kuchars stated that the minimum age would be 18 or 21. There will be no children. In community education programs, there may be some education for children.

Mr. Sprau asked, "What percentage of revenue will come from memberships?" Mr. Dixon responded that a large portion would come from memberships and a large portion from rehab. They hope to get research grants. Some revenue will come from the educational programs. Mr. Woollam commented that he would like to know that what they are going to do is research-based in the spirit of the EBT district, rather than a fitness facility for old folks. Mr. Dixon responded that membership is irrelevant to that issue. All uses will generate research data that will be invaluable.

Mr. Woollam asked how the devices in the facility differ from those in regular fitness clubs. Mr. Kuchars said that the devices on the equipment would generate data that goes to computers. At the time of the initial evaluation, an exercise physiologist will enter your information into the system, and when you use a machine you will enter a PIN and the machine will then monitor your progress.

Mr. Dixon added that at a YMCA, you do not see rehabilitation or medical clinics. A physician will always be on site. Mr. Woollam asked whether the data will be available to Bronson for studies, or to the W. E. Upjohn Institute, or to the public generally. Dr. Olson responded that people would have to give informed consent before data from them can be used in studies. Published data is anonymous. KVCC could get access to data if it were part of a study.

Ms. Deaux asked whether hours of operation of the outpatient facility will be 8 to 5, five days a week. The applicant's representatives responded in the affirmative. Mr. Lewis asked what membership numbers they expect after 5 to 10 years. Mr. Dixon responded: 6000 members. They have not tried to project a patient load after that amount of time.

Chairman Bosch asked about hours of operation. The applicant's representatives responded that the hours would be 6 or 6:30 a.m. to 10 or 11 p.m.

Ms. Deaux asked whether the accessory uses are limited to no more than 25% of the total area. Mr. Chojnowski responded that the day care and cafeteria areas are not even close to 25%. The health and

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fitness areas are not accessory uses in his opinion. Ms. Huber commented that the applicant seems to contend that the health and fitness use is a principal use, involving research. She asked whether there would be a research director. Dr. Olson responded that she is to be the research director. She has a Ph.D. in human factor psychology and an RN. She coordinates research at Bronson.

Mr. Lewis asked about staff size. Mr. Dixon responded that there will be a staff of 25 to 30 for the fitness center; 25 for the rehabilitation; and there will be transitory staff of educators. Maximum total will be 50 to 75. This is to be a heavily used, efficiently used facility. In response to another question, Mr. Dixon responded that the education rooms could be rented but the pool will probably not be rented to groups.

Chairman Bosch then opened the public hearing, and limited the time to 3 minutes per speaker.

Carolyn Grouper of the Woodsong Valley Condominium Association informed the Zoning Board of a letter that has already been submitted by her organization. Some of their concerns have been addressed. The concerns that remain relate to the days and hours of operation; the traffic it will generate, and the constant activity. The proposed site is the site closest to the condominium development. It seems that Bronson is proposing sort of an elite YMCA, but the use will involve lots of traffic and people. The EBT district is supposed to be low impact, minimal traffic uses.

Paul Gray, treasurer and past president of the Woodsong Valley Association believes Bronson will be a good neighbor, but questions whether they meet the standards of the ordinance. If they do, then it will open the door to similar high traffic uses. The public hearing was then closed.

The Zoning Board reviewed the standards for Special Exception uses. The proposed uses are consistent with the Master Plan. The impact on the neighborhood was discussed. Mr. Woollam asked whether anyone knows when KVCC plans to open the road to "O" Avenue. Mr. Chojnowski said that he does not expect it for a while. It depends on development. Concerns were expressed about the impact of the traffic on 9th Street. However, Mr. Sprau mentioned that the Road Commission says there are 10,000 cars per day on 9th Street when KVCC is in session. The additional traffic generated by this use will be small compared to that.

In discussing the Special Exception Uses, Mr. Sprau mentioned that a fitness center is identified as an accessory use. Chairman Bosch responded that it is accessory if there is a different principal use. Ms. Huber and Chairman Bosch both commented that this project involves a principal use that includes the fitness center as part of what the applicant claims is one of the permitted uses in the EBT district. Mr. Woollam agreed. Mr. Sprau said that if it is a fitness center, it can be used that way 25% of the time, and 75% of the use would have to be for research. Mr. Lewis commented that the use fits the standards of the EBT district in that there is no noise, exterior odor, etc. Attorney Thomsen responded that those are components of the characteristics of permitted uses. After further discussion, the Zoning Board returned to a consideration of the special exception use standards.

The required frontage exists for the EBT district. The setbacks conform to ordinance standards. The use is compatible with the natural environment. Traffic will be addressed as part of site plan review.

Again, the Board discussed the use. Mr. Sprau said he is pretty sure that a substantial part of the income of the property is projected to come from use as a fitness center. Fitness centers are not a permitted use. Chairman Bosch responded that training, research, and education are all integrated in the proposed use. Mr. Sprau responded that he does not read the ordinance as permitting fitness centers are permitted uses. Attorney Thomsen commented that the issue for this item is whether the proposed special exception uses "general business, professional administrative offices, and medical offices and clinics, limited to those relating to research" comply with the standards of the ordinance. Normally, it is appropriate to condition approval of special exception uses on submittal of a site plan that conforms to the standards of the ordinance. The fitness center issue relates to other uses, not to the special exception uses delineated in the application.

Thereupon, Mr. Woollam moved to approve the special exception uses as listed on the application, on the condition of submittal and approval of a site plan complying with all the standards of the ordinance. Ms. Huber supported the motion, and it carried unanimously.

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4. SITE PLAN REVIEW APPLICATION: Bronson Healthchare Group

Item No. ZB00-104

Property: Unit 1, KVCC Education and Office Part

Request: Lifestyle improvement and research center

Tom Hamming abstained from consideration of this item because he works on occasion on a part-time basis for Tower, Pinkster, Titus Associates, which is involved in this site plan.

Kathy Zanoni addressed the Zoning Board on behalf of the applicant. She introduced the architect, Steve Hecht, the engineers Rob Atkins and Tim Woodhams, and outlined the site plan.

The applicant has gone beyond the requirements of the EBT district. A small drawing has been submitted to supplement the original application, and it shows the building and parking areas have been moved north, so that the south corner of the building will be located 345 feet from the south boundary line. The detention pond has not been moved. The plan is to retain the existing trees as shown on the original plan. The parking lots will be moved to permit a 75 foot green space and a larger berm. The berm is now proposed to be 8 feet to 12 feet in height. Evergreen trees a minimum of 10 feet in height will be planted atop the berms. The narrowest berm will be 55 feet in width. The berms will be no steeper than a slope of 1 to 3. The lighting on the site will be 6 feet higher than the treetops at the time of planting. The lights are baffled, and meet the requirements of the district. The architecture of the building uses natural materials, and will have a horizontal, low-key feel.

The Zoning Board then turned to the standards for site plan review. Mr. Sprau stated that he would prefer to receive a location map that is to scale. All drives and parking areas are shown with bituminous surfacing, constructed to County Road Commission standards. Surface water drainage facilities comply with ordinance requirements. The lighting plan must be revised to show the lighting will not exceed .5 foot-candles at the property line, and to show sharp cutoff. The plan should show that lighting would be reduced during off hours.

Mr. Sprau asked about the distance from the farthest parking spaces to the entry. The applicant's representatives said that staff would be asked to park in those areas. Mr. Lewis asked about peak loads. Mr. Chojnowski responded that the internal road is to be built to County Road Commission standards. The traffic will in his opinion be far lower than the traffic generated by Woodsong Valley Condominiums. It was noted that there are two entries to the site. They are both available for entry and exit. Mr. Woollam commented that he expects that when the driveway to "O" Avenue is constructed, more people will use the west driveway. Chairman Bosch commented that there was an extensive review of the private roads and the traffic impacts when the EBT district was created and when the plan for the layout of the roads and the units was approved. A citizen who did not identify himself commented that he believes there will be more noise from I-94 than from the proposed use.

In discussion of adverse impacts of the development, it was noted that the revised plan incorporates setbacks and screening that exceed the requirements of the ordinance. An unidentified citizen expressed concerns about use of the Consumers right of way for construction. Mr. Derby commented that no roads are in, that should not be a problem. Ms. Zanoni said she has contacted the construction company and was told that it should not be used unless they need to go onto it to make an electrical drop.

The Zoning Board then considered the proposed uses, to determine whether the uses on this plan comply with the standards of the ordinance. Mr. Sprau questions whether a physical fitness function that occurs when research is going on is a permitted use. Mr. Woollam said he believes Mr. Sprau is overlooking the basic purpose of the EBT district. As a use, research can involve physical fitness. Mr. Sprau responded that the majority of the hours that facility is open, it will not be used for clinical purposes. Chairman Bosch commented that even when clinic uses are not going on, research occurs. Mr. Sprau and Ms. Huber both expressed concerns about the fitness center use and the areas of the pool and the gym. They expressed skepticism about research occurring at 9:30 at night in a lap pool. Mr. Dixon said that research depends upon the protocol of the program. It could happen anytime. Will research always be happening? No. Could it

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occur anytime? Yes. It was also noted that training of students and education of the community would occur in evenings and on weekends. Mr. Dixon also commented that membership revenue will be the larger generator of revenue at the facility.

Chairman Bosch asked whether members would be involved in research. Mr. Dixon said that they would have the right to refuse to participate in research. He then noted that rehabilitation is expected to generate more than \$1,000,000 per year. This is an integrated concept, where it is expected that people will move from rehab to membership to maintain health. Ms. Deaux asked whether they expect 2700 members to generate that sort of revenue. Mr. Chojnowski responded that her question is not relevant. The applicant's representatives have consistently been telling the Board that the underlying purpose of the facility will be research. He said, "In my mind, 90% to 95% of the people are going to be involved in research. Another element is education and training."

Ms. Deaux advised Mr. Chojnowski that she correlates the uses to where the money is coming from. Mr. Chojnowski retorted that he provided an expert from Chicago and the research director from Bronson. The balance sheet is not the issue. Mr. Lewis and Ms. Deaux explained that there is a perception in the community that this is a fitness center, being justified for the EBT because of a minor amount of research, education and training. The facility appears very similar to the Borgess facility at Nazareth. Mr. Dixon responded by saying that the issue here is programming. "We are trying to work with the W. E. Upjohn Institute. We put that letter in front of you."

Chairman Bosch asked what criteria would exist for denying membership. Mr. Dixon responded that age would be a limitation, as will ability to pay.

Attorney Thomsen asked whether the applicant is willing to limit the fitness use to 25% or less, since that seems to be a source of concern about the "research" use issue. There was some discussion, and then Ms. Deaux asked Mr. Kuchar, "the expert from Chicago" what is his area of expertise. He responded that his area is development. He also stated that this facility presents a higher level of integrated research than other facilities on which he has worked. Ms. Deaux commented that she must be convinced that this is primarily a facility for research, and not principally a fitness center. Mr. Dixon stated that the facility would be used for medical research and for research to provide information for employers to prove the impact of physical fitness on the cost of doing business. The head of the W. E. Upjohn Institute told Mr. Dixon that this would be a wonderful tool to investigate the impact of activity on employees.

Mr. Lewis asked citizens their concerns. An unidentified person said that he doesn't know of anybody who will work with them as well as Bronson has. Mr. Vern Roberts stated that his condominium is closest to the southern tip of the building. His concerns are the construction phases, and the disruption that will occur. When Dana, the sewer, and the m-tech center were being constructed, it has been disruptive. He is also concerned about the berm. He wants seeding on the south side. There were no further comments from members of the public.

Thereupon, Mr. Sprau made a motion to approve the site plan, based upon the representations of the applicant's representatives pertaining to compliance with standards of the ordinance and with uses in the ordinance, subject to conditions. The conditions are:

- a) the site plan drawings are to be revised to incorporate the changes shown on the small supplemental drawing; elements approved by the fire chief are to remain unchanged;
- b) lighting is to be sharp cutoff, and the notes on the plan must so provide;
- c) lighting must not exceed .5 foot-candles at the property line, and the photometric plan must show that;
- d) exterior lighting must be reduced by 50% during nighttime hours when the facility is not open, and the plan must show that;
- e) the location map must be modified to show the dimensions of property lines and distances from 9th Street and from "O" Avenue;
- f) the dumpster gate must be shown;
- g) the plan must show the minimum height of evergreens to be 10 feet.

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Mr. Woollam **supported** the motion. During discussion, the applicant's representatives explained that in designing the parking, they used 90% of the gross floor area of the building, and then included one space per 200 square feet. Thereupon, the Board voted on the pending motion, and it **carried**, unanimously.

MISCELLANEOUS

There were no public comments, and there being no further business, the meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Bryan Lewis, Secretary

Date minutes prepared: February 11, 2000

Date minutes approved: