

OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

MINUTES OF A MEETING HELD MARCH 27, 2007

Agenda

KALAMAZOO POOL - SITE PLAN REVIEW - 3357 SOUTH 9TH STREET - (PARCEL NO. 3905-35-205-191)

BRONSON PROPERTIES - SITE PLAN REVIEW - 5629 STADIUM DRIVE - (PARCEL NO. 3905-25-330-060)

GOLF RIDGE LLC - SITE PLAN REVIEW - 5349 WEST MAIN STREET - (PARCEL NO. 3905-13-405-029)

A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held on Tuesday, March 27, 2007, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Millard Loy, Chairman
Duane McClung
Mike Smith
Roger Taylor
Dave Bushouse
Cheri Bell, Alternate
Grace Borgfjord, Alternate

MEMBERS ABSENT: None

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Senior Planner; Brian VanDenBrand, Associate Planner; James W. Porter, Township Attorney; and approximately 20 other interested persons.

Call to Order

The Chairman, Millard Loy, called the meeting to order at approximately 3:00 p.m.

Minutes

The Chairman said the first item for consideration was the approval of the Minutes of January 23, 2007. Mr. McClung made a motion to approve the minutes as submitted. The motion was seconded by Mr. Smith. The Chairman called for further discussion, and hearing none, called for a vote on the motion. The motion passed unanimously.

KALAMAZOO POOL - SITE PLAN REVIEW - 3357 SOUTH 9TH STREET - (PARCEL NO. 3905-35-205-191)

The Chairman said the next item on the Agenda was a review of a site plan for Kalamazoo Pool. He said the Zoning Board of Appeals was being asked to conduct site plan review for a proposed addition to the existing building. He said the subject property was located at 3357 South 9th Street, Parcel No. 3905-35-205-191. The Chairman asked to hear from the Planning Department. Ms. Bugge submitted her report to the Zoning Board of Appeals dated March 28, 2007, and the same is incorporated herein by reference.

Ms. Bugge explained to the Zoning Board of Appeals that the applicant was seeking site plan review for a 1,425 foot addition to their existing building. She said the intended use was storage. Ms. Bugge noted that the property is located south of Stadium Drive on the east side of 9th Street within the "VC" Village Commercial District. Ms. Bugge then proceeded to take the Board through a review of Section 82.800, as well as Section 33 of the Zoning Ordinance, and Article VII of the Land Use Plan, as more fully set forth in her report.

The Chairman asked if there were any questions of Ms. Bugge and, hearing none, asked to hear from the applicant. Mr. Mike Lutke introduced himself to the Zoning Board of Appeal members. He said he was seeking to expand his operation and planned to do so in a fashion consistent with the design concepts for the Village Commercial area. He said they were working with the Planning Department and the Fire Department to ensure their plans were fully in compliance with the Township Ordinances.

The Chairman asked if there were any questions of the applicant. Ms. Borgfjord asked why the applicant wanted to defer three of the requested parking spaces. The developer said that the lot was quite long and narrow and, based on their current use,

they did not believe the additional parking was necessary, but thought it could be developed at a later date.

Mr. Taylor asked what type of siding would be used. After a brief discussion, the developer said it would likely be lapped wood siding. He said it would be done in such a way as to comply with the development requirements for the Village Commercial area.

Ms. Bell asked if the parking was being deferred because of the need for a turn-around for the fire truck. The applicant indicated that was not the case and that the parking could be installed without interfering with the proposed turn-around for the fire truck.

The Chairman asked if there was anyone in the audience who wished to comment on the proposal, and hearing none, called for Board deliberations. The Chairman said he thought the proposal was quite straightforward and asked the Board how they felt about the deferral of the three parking spaces. There was no objection from the Board members regarding the deferral of the parking.

Mr. Bushouse asked if the water retention areas would hold standing water or be designed to be dry and whether they were sufficient to handle the water run-off. The applicant indicated they were being designed to be dry and would be able to handle the stormwater run-off.

The Chairman asked if there was any other discussion, and hearing none, said he would entertain a motion. Mr. McClung made a motion to approve the site plan with the following provisions as recommended by the Planning Department.

1. Parking and drive aisles shall be provided in conformance with Section 68.
2. Deferral for the installation of three parking spaces is granted in conformance with Section 68.420.
3. Parking shall be located as proposed, to the rear of the building.
4. All truck and vehicles shall enter and exit the site using forward movement from and to the abutting street per Section 68.300H.
5. No outdoor storage is requested or permitted.
6. Site and/or building light fixtures shall comply with the requirements of Section 78.700 of the Zoning Ordinance. Fixture details shall be provided for Township review and approval prior to the issuance of a Building Permit.

7. Details of proposed plant material and placement shall be provided for Township review and approval. All required landscaping shall be installed pursuant to an approved plan before occupancy is permitted or a Performance Guarantee, consistent with Section 82.950, shall be provided.
8. Site plan approval shall be subject to the applicant satisfying the requirements of the Fire Department, pursuant to the adopted codes.
9. Site plan approval shall be subject to the applicant satisfying the requirements of the Township Engineer.
10. Site plan approval shall be subject to the applicant submitting the completed Environmental Permits Checklist and Hazardous Substance Reporting Form to the Township prior to the issuance of a Building Permit.
11. The building addition design is approved as submitted, provided the building is constructed with lapped-wood siding. Siding details shall be submitted for Township review and approval.

Mr. Smith seconded the motion. The Chairman called for discussion, and hearing none, called for a vote on the motion. The motion passed unanimously.

BRONSON PROPERTIES - SITE PLAN REVIEW - 5629 STADIUM DRIVE - (PARCEL NO. 3905-25-330-060)

The Chairman said the next item for consideration was the site plan review of a proposed addition to an existing medical office building at 5629 Stadium Drive, Parcel No. 3905-25-330-060. The Chairman asked to hear from the Planning Department. Ms. Bugge submitted her report to the Zoning Board of Appeals dated March 28, 2007, and the same is incorporated herein by reference.

Ms. Bugge explained that the applicant was seeking to construct a 5,881 square-foot addition to the existing 16,457 square-foot building. She said because the building expansion exceeded 25% of the existing building area, it was subject to review by the Zoning Board of Appeals. Ms. Bugge reviewed the requested landscaping deviations. Ms. Bugge then took the Board through a review of Section 82.800 of the Zoning Ordinance as more fully set forth in her report.

She said sidewalks are required along Stadium Drive; however, due to the adjacent topography, an escrow agreement for future installation by the Township was suggested.

The Chairman asked if there were any questions of Ms. Bugge. Hearing none, he asked to hear from the applicant. Mr. Paul Warnick on behalf of L. L. Harris and

Associates introduced himself to the Board. He said they were seeking a deviation from the landscaping requirements in order to meet the parking requirements. He noted that they only fell short by five parking spaces and hoped to work out a cross-parking agreement with the adjoining property owner. He said they were doing what they could to comply with the Ordinance, given the limits of the site.

Ms. Borgfjord asked why they were building out and not up. Mr. Warnick said that, in part, it was due to parking limitations, as well as the fact they had to place their ground water retention underground. The architect from Diekema-Hamann also noted that the building itself was not designed to accommodate additional stories due to limitations of the existing foundation.

Ms. Stefforia asked if the proposed addition would be two story. Mr. Warnick said it would not. He said if they did that, they would not be able to meet the necessary parking requirements.

Mr. Bushouse said he had driven through to look at the property and thought that the parking would not be an issue. He noted that when he drove through the lot was only 60% full which he thought was typical for a medical facility and said he did not have any undue concern about being able to satisfy the parking requirements, especially in light of the applicant's proposal to execute a joint parking agreement.

Carol Long, Property Manager for Bronson Properties, stated the addition would be used for an expansion of one of the existing physicians' facilities and, possibly, to allow space for specialists to come in for a few hours weekly for consultation purposes. She said she had talked with the owners of both adjacent properties, Nulty Insurance and Canaan Properties, regarding additional parking spaces and was in the process of negotiating a lease for the spaces at the Nulty Building.

The Chairman asked the Board members if they had any other questions or concerns, and hearing none, he asked to hear from the audience. Ms. Bugge again noted for the Board members that they had been working with the facility manager regarding the parking and thought they would be able to address any concerns with a cross-access parking agreement.

The Chairman asked if there were any other comments, and hearing none, called for Board discussion. Mr. McClung then made a motion to approve the site plan subject to the following conditions:

1. Recording an easement or lease to locate a minimum of five parking spaces offsite prior to receiving a Building Permit.
2. Parking and drive aisles shall be provided in conformance with Section 68.
3. No outdoor storage is requested or permitted.

4. Bronson Properties shall enter into an escrow agreement for the future installation of sidewalks with the Township prior to the issuance of a Building Permit.
5. Outside building light fixtures shall comply with the requirements of Section 78.700 of the Zoning Ordinance. Fixture details shall be provided for Township review and approval prior to the issuance of a Building Permit.
6. Landscaping modifications stated in Staff's report are approved.
7. All required landscaping shall be installed pursuant to an approved plan before occupancy is permitted or a Performance Guarantee, consistent with Section 82.950.
8. Site plan approval is subject to review and approval of the Fire Department.
9. Site plan approval is subject to review and acceptance by the Township Engineer as adequate.

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

GOLF RIDGE LLC - SITE PLAN REVIEW - 5349 WEST MAIN STREET - (PARCEL No. 3905-13-405-029)

The Chairman said the next item for review was the site plan review of a proposed redevelopment of property known as Golf Ridge at 5349 West Main Street, Parcel No. 3905-13-405-029. The Chairman asked to hear from the Planning Department. Ms. Stefforia submitted her report to the Zoning Board of Appeals dated March 28, 2007, and the same is incorporated herein by reference.

The Chairman asked if there were any questions of Ms. Stefforia. Mr. Bushouse asked Ms. Stefforia if there had been any review of the water line serving the Elks and what effect, if any, the proposed development would have on the water line. Ms. Stefforia said that had not been looked at since our Engineer had not had an opportunity to review the plans. Mr. Bushouse encouraged the Township Planning Department and the Township Engineer to address that issue when the overall site plan was reviewed.

Mr. Smith asked if the entire building currently on the site was going to be demolished. Ms. Stefforia said yes she believed that was the case. Mr. McClung asked about the recommendation to table the matter. Ms. Stefforia said that would be her

recommendation, given the fact that there are issues which need to be addressed, particularly with regard to access management.

Mr. Taylor asked about the sidewalks along M-43. Ms. Stefforia said they would have to meet whatever requirements the Township had in place because there were no State requirements regarding the installation of sidewalks.

The Chairman asked to hear from the applicant. Mr. Josh Weiner introduced himself to the Zoning Board of Appeals. He said he was the managing partner for the limited liability company wishing to redevelop the property. He said that most of the current tenants had been relocated and thought they would ultimately demolish the entire building. He said they were looking for quality tenants to occupy the space and have had a proposal from Office Depot. He said they were in the process of redeveloping the property and he did want to see this matter move forward. He said if the access road were installed as requested, they certainly would need a setback variance, given the fact the development abuts "R-2" property to the south.

Mr. Weiner said there was no need to modify the easements since all the easements currently in place provided for their future development. The Chairman asked what the applicant was requesting in the way of a variance. Mr. Weiner explained that if they had a 30-foot drive versus a 24-foot drive, he thought they would only need a 6-foot variance. He said, however, if they had to provide a full-width access drive, then they would probably need approximately a 40 to 45-foot variance.

Mr. Taylor inquired about the garbage service for the smaller retail operations. Mr. Weiner said it would likely be incorporated into Office Depot's trash compactor.

Mr. Bushouse said he did have a concern regarding Maple Hill Drive. He said he would like to see the public service drive preserved and felt that this development could be accommodated in such a fashion as to maintain the front service drive. He said he thought it would not only serve the developer but would serve the public interest, particularly from the safety aspect.

Mr. McClung inquired how the Board could consider the variance. Ms. Stefforia said that could be done, but only after they had the appropriate time to notice it for hearing.

The Chairman called for further comment. Mr. Robert Lennon introduced himself on behalf of the Elks. He said he did not wish to interfere with the proposed development, however, he did not agree with Mr. Weiner's representation that all of the necessary easements are in place to complete this development. He said he thought they had misconstrued some of the easement provisions, particularly, those that required the consent of both parties for additions or modifications to the originally approved site plan. He asked that the Board not take any action on this issue until the parties were able to resolve the issues they had regarding drainage and parking

easements which were currently in place. He said the applicant was proposing a much more intense use which would not be consistent with the originally approved site plan.

Mr. Jeff Swaranton on behalf of the applicant introduced himself to the Zoning Board of Appeals. He took exceptions to Mr. Lennon's statements and quoting from the easement agreement said he thought no additional authorization was necessary for his client to develop the property. He also said that the concern over the cross-parking issue was pure speculation and should not delay the Board in making its decision.

Mr. Lennon responded by stating that the provision which he was relying on was in the fourth paragraph of the easement, recorded at Liber 1372, page 259.

Attorney Porter noted that he would like to see the parties work this out because he did not believe the Board should address this issue until the parties had resolved their disagreement with regard to storm drainage and cross-access to a portion of the Elks' property.

After a brief discussion, the Chairman asked what the pleasure of the Board was. Mr. McClung made a motion to table the matter to April 24, 2007. Mr. Smith seconded the motion. The Chairman called for a vote, and the motion passed unanimously.

Public Comment

None.

Other Business

There was a brief discussion on how to accommodate the Alternates on the Zoning Board of Appeals and it was the consensus of the Board to have the Alternates sit at the dias along with the other members of the Board so they could fully participate in discussions and be heard by those in attendance.

The Chairman thanked Mike Smith for his service on the Board and wished him well, as did all the other members of the Zoning Board of Appeals.

Adjournment

There being no further business to come before the Zoning Board of Appeals, the Board adjourned at approximately 4:30 p.m.

OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

By:

Millard Loy, Chairman

By: Duane McClung

By: Roger Taylor

By: Mike Smith

By: David Bushouse

Minutes Prepared:
April 4, 2007

Minutes Approved:
_____, 2007