

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD SEPTEMBER 26, 2002

Agenda

PHOENIX PROPERTIES AND MARY KINNEY - REZONING REQUESTS - PUBLIC HEARING - 6203 STADIUM DRIVE AND 6227 STADIUM DRIVE - (PARCEL NOS. 3905-26-480-020, 26-480-010 AND 26-474-030)

UNIVERSITY BOOKSTORE WAREHOUSE - PROPOSED EXPANSION - CONCEPTUAL PLAN REVIEW - 4155 SOUTH 9TH STREET - (PARCEL NO. 3905-35-405-031)

SEELYE - SKY KING LLC - STADIUM STORAGE EXPANSION - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - 3764 SKY KING BOULEVARD - (PARCEL NO. 3905-34-260-004)

A meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, September 26, 2002, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Neil G. Sikora, Chairperson
Stanley Rakowski
Deborah L. Everett
Kathleen Garland-Rike
Elizabeth Heiny-Cogswell
Mike Ahrens
James Turcott

MEMBERS ABSENT: None

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Township Planner; Patricia R. Mason, Township Attorney; and seven other interested persons.

CALL TO ORDER

The Chairperson called the meeting to order at 7:05 p.m.

AGENDA

The Chairperson suggested adding a discussion of the Westside Land Use Planning Group created by the City of Kalamazoo under "Other Business". In addition, he suggested a discussion of the Township Board meeting conducted on the preceding Tuesday. Mr. Rakowski moved to approve the Agenda as amended, and Ms. Everett seconded the motion. The motion carried unanimously.

MINUTES

The Planning Commission considered the minutes of the meeting of September 12, 2002. The Chairperson suggested a change to page 2, under the discussion of "Definition of Family" to read, ". . . it was the consensus of the Planning Commission that the definition of three and four-family *dwelling units* should be consistent with the other definitions and include the *word* 'detached'."

Mr. Turcott moved to approve the minutes as amended, and Ms. Everett seconded the motion. The motion carried unanimously.

PHOENIX PROPERTIES AND MARY KINNEY - REZONING REQUESTS - PUBLIC HEARING - 6203 STADIUM DRIVE AND 6227 STADIUM DRIVE - (PARCEL NOS. 3905-26-480-020, 26-480-010 AND 26-474-030)

The Planning Commission resumed its consideration of the proposed rezoning of two properties located at 6203 Stadium Drive and 6227 Stadium Drive, respectively. Applicant Mary Kinney was requesting that her property at 6227 Stadium Drive be rezoned from the "VC" Village Commercial District. The Planning Commission would consider the "C", or "C-1" Local Business District. Applicant Phoenix Properties was requesting that its property at 6203 Stadium Drive be rezoned from the "R-4" Residence District. The Planning Commission would consider the "VC" Village Commercial, the "C" or the "C-1" Local Business District zoning classification. Related Master Land Use Plan Amendments would also be considered. The three parcels are located on the south side of Stadium Drive, east of 9th Street, and constitute Parcel Nos. 3905-26-480-020, 26-480-010 and 26-474-030.

The Report of the Planning and Zoning Department is incorporated herein by reference.

Ms. Stefforia noted that at the August 8, 2002, public hearing, the Planning Commission had tabled the action to allow for public notice of the consideration of "VC" Village Commercial zoning for the "R-4" Phoenix Properties' parcel.

It was clarified that Ms. Kinney and Phoenix Properties had each originally applied for "C-1" zoning.

The Chairperson asked for comment by the applicants.

Mary Kinney addressed the Board, stating that she had delivered copies of the Village Commercial text to those advising her, and all had responded that the highest and best use of the property could best be accomplished through the "C" or "C-1" District. She felt that this type of rezoning would provide for the "best tax base" to the Township. Her advisors had indicated that there was not much current demand for additional office space in the Township, and she asked that the Planning Commission grant the rezoning which would allow her general retail at the site. She stated that she disagreed with the concern that her rezoning would cause others to ask for rezoning. In her opinion, her property was unique in that it was previously zoned as "C-1". She felt that all applications should be considered on their merits. She made reference to the information she had presented at previous meetings, and again requested the rezoning.

Greg Taylor, on behalf of Phoenix Properties, spoke stating that, since the last meeting, Phoenix Properties had negotiated with and was purchasing the Kinney property. Therefore, Phoenix Properties was seeking rezoning for both parcels.

Mr. Taylor referred the Planning Commission's attention to the properties across the street from the subject site, the Orchard Place shops and corporate offices of Phoenix Properties. He noted that these are located in a "C-1" zoning district.

He noted that there had been very little interest shown in the Sherwood property which had been vacant for some time. In the opinion of Phoenix Properties, development as "R-4" was not feasible. Phoenix Properties had considered "VC", and Mr. Taylor had met with Jodi Stefforia. Nevertheless, the applicant still had many concerns that had not been completely removed by review of the Village Commercial District. For example, the applicant was still concerned about parking as allowed under the "VC" District. In his opinion, these parcels, since they were located on the perimeter of the Village Commercial Focus Area, could be reasonably zoned "C" or "C-1". He believed that the highest and best use of the parcels would be retail use, and therefore, the limitations on parking contained in the Village Commercial District would be problematic.

He was also concerned about the floor/area ratio and the maximum building size in the "VC" District. Additionally, signage would be a problem. The applicant would prefer "C-1" zoning for both parcels, but would not be opposed to "C" zoning. It was felt that this type of zoning would allow for the most freedom in design and use.

In his opinion, the parcels were unique in the Village Area because of their larger size. Additionally, there were a mixture of uses in the area, and therefore, the zoning as "C" or "C-1" would not be out of character. Also, he felt that the traffic volume along Stadium Drive and the proximity to U.S. 131 would justify the rezoning. He pointed out that

there had been no objections to the proposal made by the public during the hearings. He noted that the owners of the Sherwood property had not authorized rezoning to the "VC" District.

No public comment was offered, and the public hearing was closed.

The Chairperson pointed out that they would be resuming their deliberations in that the item had previously been analyzed according to the rezoning criteria.

Ms. Stefforia noted a correction to the Land Use Map, stating that the properties at 8th Street and Stadium are "C" and not "C-1".

Ms. Garland-Rike had questions regarding the zoning of the Kinney property, and Ms. Stefforia indicated that, prior to 2000, the Kinney site was predominantly zoned "C-1", but a portion thereof along Parkview was "R-2", with a sliver of "C" along the west property line.

The Chairperson observed that the expansion of the Village Focus Area to the east had been purposeful on the part of the Township because of the presence of residential (multi-family) use. It was felt that these types of uses would generate pedestrian traffic.

Mr. Rakowski stated that he was still concerned that the rezoning would have the effect of stimulating other rezoning requests. He felt that anyone in the Village Commercial District could make the same arguments about the "advantages" of "C-1" and "C" zoning.

Ms. Garland-Rike stated that she believed rezoning these properties to the "C" or "C-1" Districts would change the character of the Village Focus Area because of the possible "large scale" commercial use. She observed that the Village Commercial Plan is only a few years old, and felt that the Township had received a lot of input over several years in its development. The Chairperson agreed that the Village Focus Area and Village Commercial District had been "recently thoroughly reviewed".

Ms. Stefforia noted that there was a text amendment pending which would allow for PUD development in the "VC" District. This would provide even more flexibility to development therein.

Ms. Everett had questions regarding signage in the "VC" District, and Ms. Stefforia stated that the Zoning Board of Appeals had previously granted a variance to allow freestanding signage where the setback of the building was "deep".

Mr. Rakowski commented that, if this application involved only the Phoenix parcel, he might not have a problem with considering "C" zoning.

Mr. Turcott was concerned that, if applicant Kinney had asked to retain her Commercial zoning in 2000, the Township would probably have honored that request.

Ms. Stefforia noted that these parcels could be distinguished from others in the Village Commercial District based upon their size.

Mr. Ahrens stated that he saw no reason not to rezone, since the properties were located on the perimeter, given their large size and given the zoning/uses across the street.

Ms. Heiny-Cogswell expressed concern about rezoning, given the denial of other rezoning requests based on the availability of commercially-zoned land elsewhere. She saw some rationale to the rezoning because of the large size. However, she noted that large parcels could be created in the Village Commercial District by combination.

The Chairperson stated that he felt that the Township should follow the Master Land Use Plan. He stated that he had been concerned in 2000 about omitting the properties across the street from Village Commercial zoning. He felt that the type of development allowed in the "C" and "C-1" Districts was not within the character and intent of the Village Focus Area. Village Commercial zoning would implement the vision of the Master Plan. He felt that Village Commercial zoning for both parcels would be consistent with the Plan.

Ms. Bugge noted as to the properties across the street and that they had been allowed to remain "C-1" was the recognition that they were already developed. The Kinney and Phoenix Properties parcels were not currently developed, but were planned to be re-developed.

Ms. Everett expressed that she felt a dilemma based upon the past zoning of the Kinney parcel; however, she was concerned about the large scale of commercial development that could take place, particularly if the two parcels were combined.

There was discussion of the possible recommendations which could be made by the Planning Commission.

The Planning Commission considered the rezoning criteria with regard to rezoning of the Phoenix Properties parcel to the "VC" District. The consensus of the Planning Commissioners was that the "VC" District was consistent with the Master Land Use Plan. It was also agreed that rezoning to the "VC" District would not severely impact traffic, public facilities and the natural characteristics of the surrounding area or significantly change population density, given other zoning and use in the area and the location on Stadium Drive. Moreover, municipal water and sewer were available to serve the properties.

The rezoning would not constitute a spot zone in the opinion of Planning Commissioners since it would constitute a continuation of the existing "VC" District. Planning Commissioners felt that rezoning would not be contrary to the established land use pattern based upon the mixed uses in the area. Although Planning Commissioners

thought that the rezoning might stimulate further rezonings in the area, it was felt that this would not be undesirable since it would be in keeping with the Master Land Use Plan. Moreover, it was unlikely, in the opinion of the Planning Commissioners that "VC" zoning would be sought for properties to the east since they were currently developed as multi-family.

Planning Commissioners considered whether there had been a change in conditions in the surrounding area which would support the rezoning. It was felt that it was significant that the Sherwood property was not viable as a "R-4" use.

Planning Commissioners felt that there were other adequate sites available that were already zoned "VC".

In considering the rezoning analysis regarding both the Kinney and Phoenix Properties parcels and rezoning to the "C" or "C-1" zoning district, Planning Commissioners agreed that rezoning would be contrary to the Master Land Use Plan which calls for Village Commercial in this area. Some Commissioners were concerned about the scale of commercial development permitted in the "C" and "C-1" Districts and the fact that this was contrary to the vision for the Village Focus Area.

Although, larger scale commercial development might have a greater impact on traffic, public facilities, etc., Planning Commissioners did not feel that the proposed rezoning would severely impact these elements. Planning Commissioners also agreed that rezoning to the "C" and "C-1" zones would not constitute a spot zone, given the zoning across the street. However, it was recognized that an argument might be made that a spot zone would exist since there was no "C" or "C-1" zoning south of Stadium Drive.

It was felt that the rezoning would not be contrary to the established land use pattern because of the mixed land use in the area. Planning Commissioners, however, felt it was likely that the rezoning would stimulate other rezonings contrary to the Master Land Use Plan. Mr. Ahrens, however, felt that the Planning Commission should consider these applications as they come.

In considering whether there was a change in conditions in the surrounding area which would support the rezoning, Ms. Stefforia suggested that the Planning Commission consider that there had not been a change in the area because other large "VC" parcels remain undeveloped. It was felt that there was adequate "C" and "C-1" property elsewhere in the Township. However, Mr. Ahrens disagreed.

Ms. Bugge reminded the Commissioners that the commercial zoning had sat vacant at 9th and West Main for more than 25 years. So, relatively speaking, the Village Commercial District is very young and should be given a chance.

Ms. Garland-Rike moved to recommend rezoning of the Phoenix Properties' parcel to the "VC" Village Commercial District from the "R-4" Residence District. Ms. Heiny-Cogwell seconded the motion.

Mr. Ahrens stated that he disagreed with this recommendation because the owner did not want it. Greg Taylor commented that he, too, wanted to emphasize that the current owner has not given permission for rezoning to the "VC" District. He suggested that, since the Planning Commission supported commercial use of these properties, they should be given the "maximum utility" by rezoning to the "C" or "C-1" District. He did not feel that there was other available "C" or "C-1" zoned property in the Stadium Drive market area.

Mike Seelye spoke, stating that he was an auto dealer and real estate developer in Oshtemo Township. He felt that the Township should not add more "VC" zoning in that the current "VC" property is not being developed. He stated that he owns property on the corner of 9th Street and Atlantic and has been unable to interest anyone in its development.

Upon a vote on the motion, the motion carried 4-to-3 with Ms. Everett, Mr. Turcott, and Mr. Ahrens voting in opposition.

After further discussion, Mr. Ahrens moved to recommend approval of rezoning of the Kinney parcel to the "C-1" District due to its size and location. After some questions, Mr. Ahrens amended his motion to recommend approval of "C" District. This motion was seconded by Mr. Turcott.

The Chairperson asked for public comment on the motion, and Ms. Kinney stated that she felt she should not be denied rezoning so as to discourage others from applying for rezoning.

Upon a vote on the motion, the motion failed with only Mr. Ahrens and Mr. Turcott voting in favor of the motion.

Mr. Rakowski moved to recommend denial of rezoning of the Kinney parcel so that it would remain zoned "VC" Village Commercial. This motion was seconded by Ms. Garland-Rike. Upon a vote on the motion, the motion carried 5-to-2 with Mr. Ahrens and Mr. Turcott voting in opposition.

UNIVERSITY BOOKSTORE WAREHOUSE - PROPOSED EXPANSION - CONCEPTUAL PLAN REVIEW - 4155 SOUTH 9TH STREET - (PARCEL NO. 3905-35-405-031)

The Planning Commission conducted a conceptual review of a proposed expansion to the existing warehouse so as to include a limited retail element. The Planning Commission would consider the concept pursuant to Section 40.301. The subject site is in the "I-R" Industrial Restricted District and is Parcel No. 3905-35-405-031.

The Report of the Planning and Zoning Department is incorporated herein by reference.

Ms. Stefforia noted that retail use is not permitted in "I-R" Industrial Restricted District zone. However, in conjunction with an industrial -office development, Section 40.301(a)(4) allows secondary uses complimentary to permitted uses including retail. The applicant wished the Planning Commission to consider whether his proposed use would be consistent in concept with the section. The site was currently used as a warehouse and for the offices of University Bookstore, Inc. The building is currently 3,200 square feet. The applicant proposed a 2,680 square foot addition for a warehouse and for conversion of 1,250 feet of the existing building for a bookstore. This store would encompass, therefore, 21% of the total floor area of the building. The warehouse and office use in conjunction therewith is a permitted use.

Ms. Stefforia noted that Instant Interiors had been interpreted so as to allow 5% of its building to be used every other weekend for sales to the general public of used furniture. The remainder of the site was a warehouse.

Charlie Etter, attorney, was present on behalf of Bob Warner, the owner, who was also present. Mr. Etter stated that he felt the application was unique and fit the Ordinance. He stated that the current use and ownership of the property predates Ordinance provisions. The retail portion of the proposed use would be very seasonal because most business was done in two and a half weeks at the end of a semester and the beginning of another semester. Therefore, the retail use would primarily be made of the property twice per year. A retail use would not be "general retail" but would relate to the Book Warehouse.

Ms. Stefforia stressed that the Board would not be providing an interpretation but only a review of the concept.

In response to questions, Mr. Warner stated that the corporate offices were located at the building and were utilized five days a week, 9 a.m. to 5 p.m. year-round. The offices were used to coordinate shipping and the operation of other sites. The retail use would have limited hours of operation.

Ms. Heiny-Cogswell commented that she felt that the proposal was stretching the concept included in Section 40.301, but she felt it was consistent. Other Planning Commissioners agreed. It was the consensus of the Planning Commission that the proposal would be appropriate in concept.

SEELYE - SKY KING LLC - STADIUM STORAGE EXPANSION - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - 3764 SKY KING BOULEVARD - (PARCEL NO. 3905-34-260-004)

The Planning Commission conducted a special exception use and site plan review of a proposed expansion of Stadium Drive storage onto an abutting site in the Sky King Industrial Park. The subject property is located at 3764 Sky King Boulevard within the "I-1" Industrial District and is Parcel No. 3905-34-260-004.

The Report of the Planning and Zoning Department is incorporated herein by reference.

Ms. Bugge stated that initial approval was granted on May 24, 2001, for construction of three mini-warehouse buildings on Unit 5 of the site condominium project. The owner was seeking permission to expand the facility by the addition of five buildings on Unit 4 and a small portion of Unit 3. The applicant was also proposing amendment of the condominium documents to combine Units 4 and 5 and that small portion of Unit 3. Therefore, the project as a whole would have a total of eight units. Ms. Bugge provided information as to the building appearance.

She noted receipt of a letter from the owner of Rollerworld expressing his concerns about drainage problems from the site. She stated that Rollerworld abuts the property to the northwest, and the stormwater retention area is located to the west. The property to the south is zoned "I-1" and used for residential purposes.

Tenants of the new building would use the existing driveway and gated entry. Ms. Bugge suggested that Planning Commissioners discuss the operation of the site with the applicant and determine whether the operation, as originally described, would be continued. She stated that outdoor storage had not been requested. As to landscaping, the landscaping along the east and northwest property lines conform to Township requirements. The applicant was seeking a deviation for the south and west sides of the property. The applicant proposed planting evergreen trees adjacent to the building on the south side instead of a canopy and under-story tree line. The applicant requested no landscaping on the west side. Ms. Bugge stated that Township Staff is comfortable with evergreen trees on the south, provided that they are five feet tall at the time of planting; however, Township Staff felt that landscaping should be used to anchor the side adjacent to the drainage pond on the west side.

Ms. Bugge noted the receipt of the Township Engineer's Report, who expressed concerns about the retention pond. Ms. Bugge felt that the Planning Commission should require the applicant to address pond issues prior to releasing the building permit.

Mr. Rakowski had questions with regard to the appearance of the building, and it was indicated there would be two different roof styles. The perimeter buildings would have a shed roof and the interior buildings would be peaked.

Jamie Dyer, on behalf of the applicant, was present. He stated that the applicant had no problems with the Fire Department comments. As to the retention pond, it was Mr. Seelye's intention to take care of the capacity issue when the next unit was developed. Therefore, the retention pond would be addressed with this project. The applicant had already hired a contractor for site work who would also be dredging the retention area. The contractor was available to start immediately.

Mr. Dyer noted some concern with the Township Engineer's suggestion as to 2' sumps. Mr. Dyer indicated that the applicant would be addressing drainage from the buildings. It was recognized that there was an erosion problem caused by the swale on the property.

The Chairperson stressed that the Planning Commission had a heightened sensitivity to drainage problems, and he thought it was a high priority for the applicant to correct the drainage problem before any further development took place.

Mr. Seelye was questioned with regard to the manner of operating the storage business, and he stated that it would operate as the existing business operates and as described previously. He felt that he and his partner took pride in the existing operation and would continue to take pride in the use as expanded.

The Chairperson called for public comment, and Mr. Molony made reference to his letter. He stated that the site had been very clean 95% of the time, but that occasionally his dumpster was used by people at the site. Mr. Molony said that his greatest concern was the drainage problem. He described the history of the water problems at the site and onto his site, stating that the excavation of the Seelye property had led to flooding of his own property. He indicated that the reconfiguration of the Seelye site two to three years ago had stopped water run-off, but that his site continued to get some silt run-off. He stated that he would like to see the silt removed from his property so that it could drain well.

The Chairperson reviewed the special exception use criteria of Section 60.100. Planning Commissioners agreed that, since this was an expansion of an existing use, it was compatible with other uses expressly permitted in the district. Planning Commissioners felt that the proposed use would not be detrimental or injurious to the use or development of adjacent properties if conditioned upon the establishment of erosion control devices and plantings, and upon correction of problems with the existing retention pond.

Mr. Seelye stated that he would be happy to take care of the erosion control and retention pond problems, and he indicated that his excavator would be addressing the pond at the same time that he commenced site work. He indicated that his excavator

would be willing to scoop the silt off the Rollerworld property, and that Mr. Molony need only to tell him, Mr. Seelye, what he wanted him to do.

Planning Commissioners agreed that public health, safety and welfare would be promoted, given Mr. Seelye's assurances. Further, the use would encourage use of the property in accord with its character and adaptability since it was an expansion.

Planning Commissioners reviewed the criteria of Section 82.800 for site plan review. It was recognized that the site access would be off Sky King Boulevard, i.e., the existing entry.

There was a discussion of the landscaping. Planning Commissioners were comfortable with the deviation as to landscaping on the south side. However, Planning Commissioners agreed with Township Staff that some vegetation or other manner of stabilization on the west side was necessary to anchor the drainage pond. It was suggested that some matting be established on the east side of the pond, i.e., the west side of the property. Evergreens or other plantings could help to stabilize the area. It was not necessary in Planning Commissioners' minds to have screening in this area. It was the consensus that some plant material is appropriate along the west edge for soil stabilization. Mr. Seelye stated that he would not disagree with putting in ground cover or other erosion control devices to anchor the banks.

There was discussion of the trash receptacle, and Mr. Seelye stated that his partner has a residential-style dumpster located in one of the units and that he picks up trash on a regular basis.

There was discussion of how much work could be done to prevent erosion prior to the end of the growing season. It was agreed that the applicant should establish some matting, and if plantings could not be established because of the late growing season, a performance bond should be posted.

Mr. Rakowski moved to approve the special exception use permit, finding that the criteria of Section 60.100 was satisfied by the expansion, with conditioning as follows:

- (1) That the site be adequately stabilized with soil erosion control devices and plantings be established on-site before the end of the growing season, if possible, or that a performance guarantee in an amount satisfactory to Township Staff, i.e., (based on one and one-half (1½) times the cost of landscaping for soil erosion control) be posted.
- (2) That the retention pond be cleaned out and stabilized prior to the issuance of building permit to the satisfaction of Township Staff and the Township Engineer.

Mr. Ahrens seconded the motion. The motion carried unanimously.

Ms. Heiny-Cogswell moved to approve the site plan with the following conditions, limitations and notations:

- (1) That access be off of Sky King Boulevard, utilizing the existing entry.
- (2) That amended condominium documents be submitted to Township for review and approval prior to being recorded concerning the combination of condominium units. This must be done prior to completion of the project.
- (3) That no outdoor storage was requested or approved.
- (4) That the site be fenced as shown on the site plan, i.e., with decorative fencing along the frontage and brown chainlike fencing on the sides.
- (5) That all lighting comply with Section 78.700 and be adequately shielded to direct light downward at an angle no greater than 75 degrees above the payment pavement.
- (6) That maintenance personnel or management visit the site daily or as necessary to removal garbage and unclaimed items from the site.
- (7) That landscaping be installed consistent with the Planning Commission approval prior to issuance of a certificate of occupancy, or that a performance guarantee consistent with the provisions of Section 82.950 must be provided. It was confirmed that a deviation as requested by the applicant was approved for the south side of the site, and that on the west side, adequate soil erosion control groundcover, shrubs or trees, be established consistent with Township Staff review and approval.
- (8) That approval be subject to review and compliance with Fire Department requirements pursuant to adopted codes.
- (9) That approval was subject to site engineering and stormwater management review and approval by the Township Engineer.
- (10) That the Environmental Permits Checklist had been submitted.
- (11) That an Earth-Change Permit from the Kalamazoo County Drain Commissioner's office be required before any earth-change activities were commenced.

Mr. Rakowski seconded the motion, and the motion carried unanimously.

OTHER BUSINESS

It was noted that Ms. Heiny-Cogswell would be the Township Planning Commission's representative on the City's Westside Planning Group.

The revised Work Plan was received.

There was a discussion of the Township Board meeting regarding the "AG" and "RR" Districts. It was noted that the Township Board had returned the items to the Planning Commission for additional consideration of the issues of affordable housing and the differentiation and treatment of the open space community and traditional subdivision.

There was a re-shuffle of the dias.

PLANNING COMMISSIONER COMMENTS

Ms. Heiny-Cogswell suggested an updated study on the vacancy rate for commercial zoning in the Township, given the Wal-Mart development.

ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 10:25 p.m.

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

By: Stanley Rakowski
Stanley Rakowski, Secretary

Minutes prepared:
September 30, 2002

Minutes approved:
October 10, 2002

AGENDA: _____
MINUTES: PC

DATE: 9-26-02
SENT: 10-10-02

ZBA

- _____ Millard
- Dave B.
- _____ Stan
- _____ Grace
- _____ Duane

PC

- _____ Libby
 - _____ Deb
 - _____ Stan R.
 - _____ Kathleen
 - _____ Neil S.
 - _____ Mike
 - _____ James
- all 10/4*

PEOPLE

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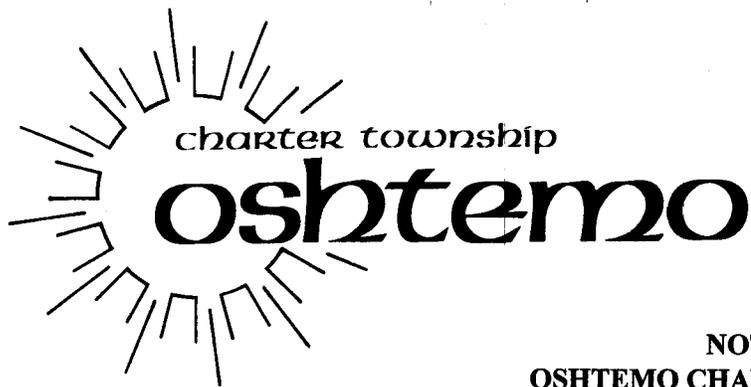
TRUSTEES

- Dave B.
- _____ Lois
- _____ Tom
- _____ Jim W.

Mike Seelye
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Kalamazoo MI 49008

OFFICE

- Jodi
- _____ Bob
- _____ Cathy
- _____ Nancy
- _____ John
- Debbie
- _____ Jim
- Attorney's
- _____ Scott
- _____ Ken
- _____ Tobey
- Mary Lynn



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NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION
September 26, 2002
7:00 p.m.

on cards

AGENDA

1. Call to Order
2. Approve Agenda
3. Approve Minutes - September 12, 2002 Meeting
4. **Rezoning Request - Stadium Drive (Kinney, Phoenix Properties)**
from Table of August 8, 2002
Planning Commission to resume consideration on proposed rezoning of two properties from VC, Village Commercial District to C, Local Business District or C-1, Local Business District *and* rezoning of one property from R-4, Residence District to VC, Village Commercial District C, Local Business District or C-1, Local Business District and related Master Land Use Plan amendments. The three subject properties are on the south side of Stadium Drive, east of 9th Street (parcels 3905-26-480-010, 26-474-030 and 26-480-020).
5. **Conceptual Review - University Bookstore warehouse proposed expansion (Warner)**
Planning Commission to conduct conceptual review of a proposed expansion to the existing warehouse to include a retail element. Planning Commission to consider provisions of Section 40.301 to determine if the subject property could be considered an industrial-office development if application for same is made by the owner. Subject property is 4155 South 9th Street (parcel 3905-35-405-031).
6. **Special Exception Use and site plan review - Stadium Storage expansion (Seelye)**
Planning Commission to conduct Special Exception Use and site plan review of proposed expansion of Stadium Drive storage onto abutting site in the Sky King Industrial Park. Subject property is 3764 Sky King Boulevard (parcel 3905-34-260-004).
7. Any Other Business
Receive revised work plan
dias shuffle
8. Planning Commissioner Comments
9. Adjournment

Schedule Outline -- Planning Commission

October 10, 2002

Work Session:

Wellhead Protection Team – presentation

time/temperature signs – public hearing

definition of family – public hearing

accessory building provisions – public hearing

planned unit developments in VC – public hearing

AGENDA: PC
MINUTES: —

DATE: 9-26-02
SENT: 9-17-02

ZBA

- Millard
- Dave B.
- Stan
- Grace
- Duane

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- Deb
- Stan R.
- Kathleen
- Neil S.
- Mike
- James

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CONSTRUCTION NEWS SERVICE
P.O. BOX 639
GRANDVILLE MI 49468-0639

TRUSTEES

- Dave B.
- Lois
- Tom
- Jim W.

WIGHTMAN WARD CORPORATION
9835 PORTAGE ROAD
PORTAGE MI 49002

MARC ELLIOTT
PREIN & NEWHOF
169 PORTAGE STREET
KALAMAZOO MI 49007

OFFICE

- Jodi
- Bob
- Steve
- Nancy
- John
- Debbie
- Jim
- Attorney's
- Scott
- Ken
- Tobey
- Mary Lynn

CEDRIC RICKS
KALAMAZOO GAZETTE
401 S. BURDICK ST.
KALAMAZOO MI 49007

*please enclose
this notice
w/ agenda and
then complete
Affidavit*

MICHIGAN
COUNTY OF KALAMAZOO
NOTARY PUBLIC
KAREN J. WILKES
1000 W. BURN GLEN
KALAMAZOO, MI 49001
909.221.1111

STATE OF MICHIGAN)
County of Kalamazoo) ss. *Elizabeth J. Underwood*
being duly sworn deposes and says he/she is Principal Clerk of

THE KALAMAZOO GAZETTE
DAILY EDITION

a newspaper published and circulated in the County of Kalamazoo and otherwise qualified according to Supreme Court Rule; and that the annexed notice, taken from said paper, has been duly published in said paper on the following day(days).....

.....September 19..... A. D. 20.. 02.....

Sworn to and subscribed before me this 19th..... day of September..... 20.. 02

Karen J. Wilkes

Notary Public, Kalamazoo County, Michigan
KAREN J. WILKES
Notary Public, Van Buren County, MI
Acting in Kalamazoo Co., MI
My Commission Expires 09/26/2005

CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Planning Commission of the Charter Township of Oshtemo will conduct a public hearing on Thursday, September 26, 2002, commencing at 7:00 p.m. at the Oshtemo Charter Township Hall, 7275 West Main Street, within the Township, as required under the provisions of the Township Rural Zoning Act and the Zoning Ordinance for the Township.

The items to be considered at said public hearing include, in brief, the following:

1. Consideration of the amendment of the Oshtemo Charter Township Zoning Ordinance to rezone from the "VC" Village Commercial to the "C" or "C-1" Local Business District Parcel Nos. 3905-26-480-010 and 3905-26-474-030 located at 6227 Stadium Drive. The property is approximately 6 acres located on the south side of Stadium Drive approximately 750 feet east of the intersection with Parkview Avenue.
2. Consideration of the amendment of the Township Master Land Use Plan to reclassify the property identified in No. 1 above from the Village Focus Area to the Commercial classification.
3. Consideration of the rezoning of Parcel No. 3905-26-480-020 from the "R-4" Residence to the "VC", "C" or "C-1" Local Business District. The property is located at 6203 Stadium Drive.
4. Consideration of the amendment of the Township Master Land Use Plan to reclassify the property in No. 3 above to the Commercial classification.
5. Such other and further matters as may properly come before the Planning Commission at the public hearing.

You are invited to attend this hearing. If you are unable to attend, written comments may be submitted in lieu of a personal appearance by writing to the Planning Commission at the Township Hall, 7275 W. Main Street, Kalamazoo, MI 49009. All materials relating to these requests may be examined in the office of the Planner at the Oshtemo Township Hall during normal business hours.

Oshtemo Charter Township will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seven (7) days' notice to the Oshtemo Charter Township. Individuals with disabilities requiring auxiliary aids or services should contact the Oshtemo Charter Township by writing or calling the Township.

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

By: Neil G. Sikora, Chairperson
(269) 375-4260

*email
Linda 9/11*

CHARTER TOWNSHIP OF OSHTEMO

KALAMAZOO COUNTY, MICHIGAN

NOTICE OF PUBLIC HEARING

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE CHARTER TOWNSHIP OF OSHTEMO, KALAMAZOO COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Oshtemo Charter Township Planning Commission will conduct a public hearing on Thursday, *September 26, 2002*, commencing at 7:00 p.m. at the Oshtemo Charter Township Hall, 7275 West Main Street, in accordance with the provisions of the Township Rural Zoning Act.

PLEASE TAKE FURTHER NOTICE that the items to be considered at said public hearing include, in brief, the following:

1. Consideration of the application of Mike Seelye for special exception use/site plan review for the expansion of a storage/ mini warehouse facility. The subject property is located at 3764 Stadium Drive, Unit 4, within the I-1 Industrial District. Permanent Parcel Number 3905-34-260-004.
2. Such other and further matters as may properly come before the Planning Commission at the public hearing.

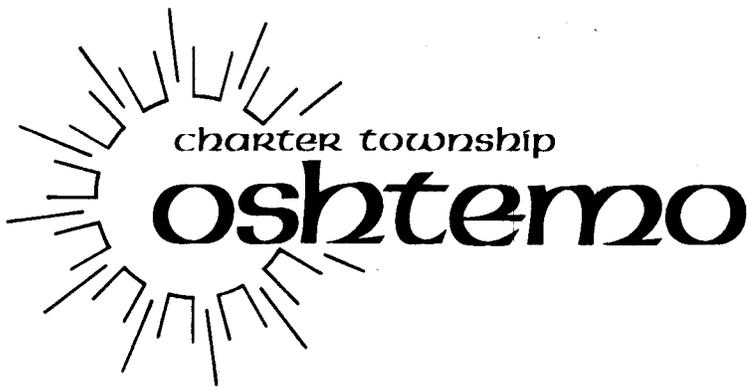
All interested persons are invited to be present at this public hearing. Written documents regarding the request(s) may be submitted to the Planning Commission at the Township Hall during regular business hours up to the date of the hearing and may be further received by the Planning Commission at said hearing.

The application and Zoning Ordinance pertinent to the request may be examined at the Township Hall during regular business hours hereafter until the time of said hearing and may be further examined at said hearing.

Oshtemo Charter Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the meeting/hearing upon seven (7) days' notice to the Oshtemo Charter Township. Individuals with disabilities requiring auxiliary aids or services should contact the Planning Department by writing or calling the Township Hall.

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

By: Neil G. Sikora, Chairperson



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
269-375-4260 FAX 375-7180 TDD 375-7198
www.oshtemo.org

To: Planning Commission

Meeting Date: September 26, 2002

From: Planning Department

Agenda Item: 4

Applicants: Phoenix Properties and Mary Kinney

Properties: 6203 Stadium Drive (Phoenix Properties)
6227 Stadium Drive & vacant 0.8 acre land locked adjacent parcel (Kinney)
Parcels 3905-26-480-020, -010 and -030

Zoning: VC, Village Commercial District and R-4, Residence District

Request: As expanded: consider rezoning request from VC, Village Commercial District (Kinney properties) to C or C-1, Local Business District *and* rezoning from R-4, Residence District (Phoenix Properties) to C or C-1, Local Business District or VC, Village Commercial District.

Ordinance: 24.000, 33.000 and 30.000/31.000

Staff Report:

(note: report has been updated from version submitted for August 8, 2002 hearing)

Background Information:

The applicants have requested that the subject properties be rezoned from VC, Village Commercial and R-4, Residence District to C-1, Local Business District.

When initially receiving the requests, the Planning Commission determined that consideration should also be given to rezoning to the C, Local Business District when considering the applications. At the August 8, 2002 hearing, the Planning Commission tabled action on the requests of both applicants to allow for public notice to be made that rezoning of the R-4, Residential property (Phoenix Properties) to VC, Village Commercial District would also be considered.

The C, Local Business District allows retail and commercial uses that cater to the general public whereas the C-1, Local Business District was designed for more extensive and intensive commercial land uses that cater to business and industry customers as well as the general public.

The Kinney properties (approx. 6 acres) were included within the Village Focus Area when it was adopted in 1996. The properties were rezoned to Village Commercial along with more than 130 others when the plan was implemented and district established in 2000.

The Phoenix Properties parcel (approx. 3.8 acres) is also within the Village Focus Area, however, it is currently zoned R-4, Residence District as it was not rezoned to VC, Village Commercial District - it is the former Sherwood Place nursing home.

Review:

The Village Focus Area plan envisions a mix of small retail/nonresidential land uses along with one, two and three family residences.

Zoning and land use adjacent to the subject properties of this rezoning request include the following:

North -	VC and C-1 zoning	across Stadium - retail & gas station, KCRC pond
East -	R-4 zoning	apartments
South -	R-4 zoning and VC	apartment building and vacant land
West -	VC zoning	converted houses for office and daycare uses

Consideration of Rezoning Requests:

1) Is the proposed rezoning supported by the adopted Master Land Use Plan (MLUP)?

The Master Land Use Plan classifies this area of the Township as Village Focus Area. This land use designation does not support rezoning any of the parcels to C-1 or C, Local Business District. The Plan does support Village Commercial District zoning on the properties.

When the Village Commercial District was established to implement the focus area development plan in 2000, the Kinney parcel was rezoned but the Phoenix Properties parcel (Sherwood Place) was left in its current designation as it reflected the current use of the property at that time.

"The village area of Oshtemo represents a part of the Township's past, as the historical center of Oshtemo Township. The Village Focus Area Development Plan is designed to reestablish a firm direction for development in the area, including the Stadium Drive corridor, as increased traffic, improvements, and commercial and industrial expansion occurs.

The Plan envisions the village area as a safe place with a strong sense of community and a pedestrian orientation. This can be achieved through a traffic control plan, sidewalks, and

mixed land uses that include small service/retail-type businesses . . . " (from page 124 MLUP)

The Planning Commission must consider if it is appropriate to amend the MLUP to accommodate the requests or if the document still reflects the desired vision for this area. If the document is still viable without amendment, rezoning of the Phoenix Properties parcel from R-4, Residential to VC, Village Commercial District should occur.

- 2) *Will the proposed rezoning severely impact traffic, public facilities, and the natural characteristics of the surrounding area, or significantly change population density?*

The rezonings should not detrimentally impact traffic, facilities, and the natural characteristics of the area given the zoning and nonresidential and multi-family land uses in the area. Population density will not be impacted.

Municipal water and public sewer are available to serve the properties.

Development of the land consistent with the uses permitted in the C or C-1 zoning districts could result in increased traffic, however, Stadium Drive is five lanes in this area and has adequate capacity.

- 3) *Will the proposed rezoning constitute a spot zone granting a special privilege to one landowner not available to others?*

Rezoning may have the appearance of spot zoning as the Village Focus Area boundaries were carefully reevaluated when the Village Commercial text and district limits were established in 2000. In fact, the focus area boundaries *were expanded* in 1996 to include the Phoenix Properties parcel and 3 others east along Stadium Drive following recommendation from the Village Focus Area Committee which was made up of citizens, village area property owners, zoning board members and Township Board members.

The VC boundaries do not encompass every property within the Village Focus Area; some properties were not rezoned to VC in 2000 but left within the focus area so that consideration to the plan may be given as development/redevelopment upon the omitted properties is proposed.

While the Future Land Use Map does not include parcel lines, it reveals that there is *no Commercial land use designation* in the immediate area of the subject properties.

4) *Is the proposed rezoning contrary to the established land use pattern?*

There is a mix of land uses along this stretch of Stadium Drive to consider in rendering a finding on this consideration.

The established land use pattern to the west supports the Village Commercial District. To the east, multiple-family residential exists consistent with current zoning – which was not changed when implementation of the focus area development plan began.

However, across Stadium Drive, more intense land uses than anticipated for the village area exist along with those that are consistent.

5) *If the proposed rezoning is approved, what will be the probable effect on stimulating similar rezoning requests in the vicinity?*

With different zoning districts to both the west and east, it could be anticipated that additional requests to rezone from Village Commercial to C or C-1 will be received in the future. If the boundaries of the focus area and VC district are shifted, the Planning Commission should determine where the new boundaries will be established – and if they will be moved again when the next rezoning request is received.

6) *Has there been a change in conditions in the surrounding area which would support the proposed rezoning?*

Staff is unaware of any change in circumstances that would either support or be contrary to the requested rezoning. Consider the comments of the applicants and audience at the public hearing.

7) *Are adequate sites properly zoned, available elsewhere to accommodate the proposed use?*

The Phoenix Properties representative stated that a multi-building office development is being considered for the subject properties.

Office buildings are a permitted use in the C and C-1 zoning districts and a Special Exception Use in both the R-3, Residence District (up to 10,000 square feet) and the 9th Street Focus Area Overlay Zone (up to 15,000 square feet). Limited professional services and offices are allowed in the Village Commercial District (not including medical offices and buildings greater than 15,000 square feet).

The Planning Commission must consider all uses allowed in the C and C-1 zoning districts, not any specific proposal(s) of the applicants.

The Kinney parcels were rezoned from R-2, Residential and C, Local Business District to C-1, Local Business District in 1989. At that time, the properties were classified as Transitional in the Master Land Use Plan – which predates the current Master Land Use Plan (1993)

Attachments:

Applications

Section 24.000 of the Zoning Ordinance - refer to July 25, 2002 staff report or Zoning Ordinance

Section 33.000 of the Zoning Ordinance - refer to July 25, 2002 staff report or Zoning Ordinance

Section 30.000 of the Zoning Ordinance - refer to July 25, 2002 staff report or Zoning Ordinance

Section 31.000 of the Zoning Ordinance - refer to July 25, 2002 staff report or Zoning Ordinance

Page 124, Master Land Use Plan

August 8, 2002 Planning Commission Minutes (excerpts)

July 25, 2002 Planning Commission Minutes (excerpts)

Future Land Use Map

Zoning Map



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 616-375-4260 Fax: 616-375-7180

PLANNING & ZONING APPLICATION

APPLICANT:

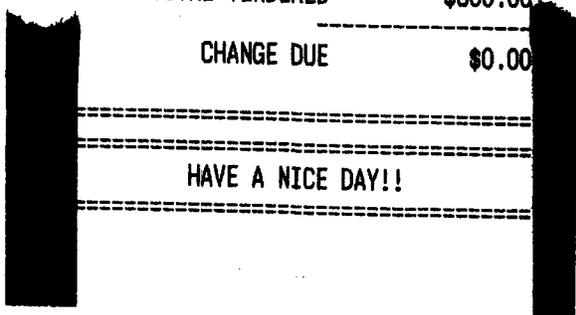
Name Mary Jane Kinney
Company _____
Address 6227 STADIUM DR
Telephone 375 0641 Fax —
Interest in Property owner

616-375-4260
REG-RECEIPT:01-0014181 C:Apr 23 2002
CASHIER ID:L 9:46 am A:Apr 22 2002
=====

1091 APP-ZONING	\$300.00
TOTAL DUE	\$300.00
RECEIVED FROM: MARY KINNEY	
CHECK:	\$300.00
TOTAL TENDERED	\$300.00
CHANGE DUE	\$0.00

OWNER*:

Name Same
Address _____
Telephone _____ Fax _____
*(*If different from the Applicant)*



HAVE A NICE DAY!!

NATURE OF THE REQUEST: (Please check the appropriate item(s))

- | | |
|--|--|
| <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Subdivision Plat Review |
| <input type="checkbox"/> Administrative Site Plan Review | <input type="checkbox"/> Rezoning |
| <input type="checkbox"/> Special Exception Use | <input type="checkbox"/> Interpretation |
| <input type="checkbox"/> Zoning Variance | <input type="checkbox"/> Text Amendment |
| <input type="checkbox"/> Site Condominium | <input type="checkbox"/> Sign Deviation |
| <input type="checkbox"/> Other: | |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): please see
attached letter mjk

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

- See attached -

PERMANENT PARCEL (TAX) NUMBER: 3905- 26-480-010 and

ADDRESS OF PROPERTY: 6227 STADIUM DR 26-474-030

PRESENT USE OF THE PROPERTY: Boarding kennel/residence

PRESENT ZONING VC **SIZE OF PROPERTY** ± 6 acres

NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:

Name(s)	Address(es)
_____	_____
_____	_____
_____	_____

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate.

Owner's Signature (* If different from Applicant)

Date

Mary Jane Kenney
Applicant's Signature

April 22 02
Date

PLEASE ATTACH ALL REQUIRED DOCUMENTS



7275 W. Main Street, Kalamazoo, Michigan 49009-9334

Phone: 616-375-4260 Fax: 616-375-7180

PLANNING & ZONING APPLICATION

APPLICANT: Name Phoenix Properties, L.L.C. / Attn: Greg Taylor

Company Crosstown Center, L.L.C.

Address 6120 Stadium Drive, Kalamazoo, MI 49009

Telephone 375-6300 Fax 375-8919

Interest in Property Purchaser / Developer

OWNER*: Name Michigan Health Enterprises, Inc. / Attn: Joe Rosin

Address 555 Skokie Blvd., Ste. 350, Nothbrook, IL 60062

Telephone 847-291-3700 Fax 847-291-3704

(*If different from the Applicant)

REG-RECEIPT:01-0014748 C:Jul 08 2002
CASHIER ID:T 9:09 am A:Jul 08 2002

1091 APP-ZONING \$300.00

TOTAL DUE \$300.00

RECEIVED FROM:
PHOENIX PROPERTIES

CHECK: \$300.00

TOTAL TENDERED \$300.00

REQUEST: (Please check the appropriate item(s))

- Subdivision Plat Review
- Plan Review Rezoning
- Jse Interpretation
- Text Amendment
- Sign Deviation

BRIEFLY DESCRIBE YOUR REQUEST:**

The Purchaser/Developer desires to rezone the subject property
from R4 - Residence District to C1 - Local Commercial District
to allow for the use of the subject property by office & retail
users of a similar nature to neighboring C1 parcels.

(*Use Attachments if Necessary)

JUL 09 2002 4:48PM HP LASERJET 3200

JUL 09 2002 10:12:52 FROM: ...

Sent by: PHOENIX PROPERTIES

6163757180;

07/03/02 11:13AM; Ref: #870; Page 3/4

Received: 6/28/02 10:18AM;

6163757180 -> PHOENIX PROPERTIES; Page 3

JUN 28 02 10:18a

OSHTENO TOWNSHIP

6163757180

P.3

LEGAL DESCRIPTION OF PROPERTY**

(see attached)

***(Use Attachments if Necessary)*

PERMANENT PARCEL (TAX) NUMBER: 3905- 25-480-020

ADDRESS OF PROPERTY: 6203 Stadium Drive, Kalamazoo, MI 49009

PRESENT USE OF THE PROPERTY: Vacated former senior residential center.

PRESENT ZONING R4 - Residence District **SIZE OF PROPERTY** 3.78 Ac +/-

NAMES(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:

Name(s)

Address(es)

NONE

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate.
Michigan Health Enterprises, Inc

By: [Signature]
Officer's Signature

July 9, 2002
Date

Applicant's Signature
(If different from Applicant)*

July , 2002
Date

PLEASE ATTACH ALL REQUIRED DOCUMENTS

LEGAL DESCRIPTION OF PROPERTY:**

(see attached)

*** (Use Attachments if Necessary)*

PERMANENT PARCEL (TAX) NUMBER: 3905- 26-480-020

ADDRESS OF PROPERTY: 6203 Stadium Drive, Kalamazoo, MI 49009

PRESENT USE OF THE PROPERTY: Vacated former senior residential center.

PRESENT ZONING R4 - Residence District **SIZE OF PROPERTY** 3.78 Ac +/-

**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS
HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

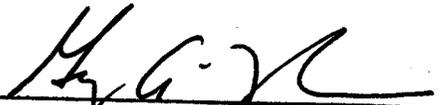
Name(s)	Address(es)
NONE	

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate.

* _____
Owner's Signature

July , 2002
Date



Applicant's Signature
(If different from Applicant)*

July 3, 2002
Date

PLEASE ATTACH ALL REQUIRED DOCUMENTS

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD AUGUST 8, 2002

Agenda

~~INDENIX PROPERTIES AND MARY KINNEY~~ - REZONING REQUESTS - 6203
STADIUM DRIVE AND 6227 STADIUM DRIVE - (PARCEL NOS. 3905-26-480-020, 26-
480-010 AND 26-474-030)

FAMILY DEFINITION - TEXT AMENDMENT - DRAFT #2

OPEN SPACE COMMUNITIES - TEXT AMENDMENT - DRAFT #2

A meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, August 8, 2002, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Neil G. Sikora, Chairperson
Stanley Rakowski
Deborah L. Everett
Kathleen Garland-Rike
Elizabeth Heiny-Cogswell
James Turcott

MEMBER ABSENT: Mike Ahrens

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Township Planner; Patricia R. Mason, Township Attorney; and four other interested persons.

CALL TO ORDER

The meeting was called to order at 7:00 p.m.

AGENDA

The Chairperson suggested a discussion of the joint work session with the Township Board which had been conducted on July 30, 2002. Ms. Everett moved to approve the Agenda as amended, and Ms. Garland-Rike seconded the motion. The motion carried unanimously.

MINUTES

The Planning Commission considered the minutes of the meeting of July 18, 2002. Ms. Garland-Rike moved to approve the minutes as submitted, and Mr. Rakowski seconded the motion. The motion carried unanimously.

As to the minutes of the meeting of July 25, 2002, Mr. Rakowski suggested adding a reference to his concern that a domino effect would result from rezoning the Phoenix Properties and Kinney parcels to the Commercial District. He felt this would explain why he had voted against tabling the items.

Mr. Turcott moved to approve the July 25, 2002, minutes as revised, and Mr. Rakowski seconded the motion. The motion carried unanimously.

PHOENIX PROPERTIES AND MARY KINNEY - REZONING REQUESTS - 6203 STADIUM DRIVE AND 6227 STADIUM DRIVE - (PARCEL NOS. 3905-26-480-020, 26-480-010 AND 26-474-030)

The Planning Commission considered an item tabled from the meeting of July 25, 2002, regarding proposed rezoning of two properties from the "VC" Village Commercial District to "C" Local Business District or "C-1" Local Business District, and the rezoning of one property from the "R-4" Residence District to the "C" Local Business District or "C-1" Local Business District. The Planning Commission would also consider related Master Land Use Plan Amendments. The three subject properties are located on the south side of Stadium Drive east of 9th Street, and are Parcel Nos. 3905-26-480-010, 26-474-030 and 26-480-020.

The Report of the Planning and Zoning Department is incorporated herein by reference.

Ms. Stefforia noted that, when researching the history behind the rezoning of the Kinney parcel to the "VC" District, she had discovered an error in the map of the Village Focus Area Committee, i.e., the Future Land Use Map within the Master Plan. She found that, when the Village Focus Area Committee completed the development plan and Focus Area boundaries in 1995, they had recommended that the area be extended south of

Stadium Drive to Parkview Avenue along the power lines. The Planning Commission and Township Board agreed and adopted same. Therefore, the Sherwood Place, Danford Creek apartments and condominiums, as well as an existing office building are within the Village Focus Area. Consequently, both the Phoenix Properties and Kinney parcels are within the Village Focus Area according to the Master Land Use Plan. It was believed, at the time of the scheduling of the public hearing, that the Sherwood Place property was in multi-family classification.

Ms. Stefforia also reported that she discovered that the Kinney property had been zoned "C-1", "C" and "R-2" prior to the rezoning of the entire parcel to the "VC" District.

She noted that Phoenix Properties had requested that their rezoning be considered "separate" from the Kinney parcel.

Ms. Stefforia commented on the rezoning criteria, noting that, as to whether the rezonings were supported by the Master Land Use Plan, the Master Land Use Plan did not support rezoning since both parcels were in the Village Focus Area. She had attached minutes regarding the history of the Village Focus Area and District.

The Chairperson asked the applicant to comment. Mary Kinney thanked Ms. Stefforia for pulling all the minutes together concerning the history of her property. She stated that she felt her property was unique because of the frontage on both Stadium and Parkview. In her opinion, Village Commercial development would not allow development to the fullest extent. She felt that Village Commercial zoning was more suited to small parcels. In her opinion, Village Commercial development would leave a lot of the property unused since only a 15,000 square foot building would be allowed.

Ms. Kinney noted that, in the fall of 2000, certain property owners had been asked whether they wanted to be included in the Village Commercial District. She stated that, if she had known that it would reduce her development options, she would have requested that her property remain as zoned. Moreover, she noted that, when she was on the Village Focus Area Committee, it had been discussed as an overlay zone. She requested that her zoning be returned to its pre-2000 zoning.

Ms. Garland-Rike questioned the applicant concerning her comments, noting that the Village Commercial District allowed office buildings up to 15,000 square feet. She observed that the offices at the corner of 10th Street and West Main are only 10,000 square feet. Additionally, it was pointed out that a Village Commercial parcel could have multiple buildings. Therefore, there was a consensus that the Kinney property could be fully developed under Village Commercial zoning.

Greg Taylor, on behalf of Phoenix Properties, commented that the hearing of July 25, 2002, the assumption was that the applicant would be buying the Kinney property. However, this had not happened. He noted that this had nothing to do with the Planning

Commission's meeting, but that Phoenix Properties now felt that the rezoning of the two properties should be decided separately.

He pointed out that the former Sherwood Place was in severe disrepair, and he believed that the building was not salvageable. He stated that Phoenix Properties had looked at the criteria for development in the Village Commercial District and were concerned that any building had to be located within 20 feet of the curb. He felt this was problematic with such a deep site.

In his opinion, rezoning consistent with the Master Land Use Plan would make the property difficult to develop in a useful way. Phoenix Properties also felt that development options in the "C" and "C-1" Districts gave more variety in uses.

Mr. Taylor presented a depiction of building layout, noting that, although there are no firm plans, the applicant was looking at office buildings and perhaps a small retail center. He stated that there was demand in the market for small retail and office use. In his opinion, development on the site would be consistent with the development across Stadium Drive.

Ms. Garland-Rike commented that, in comparing the "C" District with the Village Commercial District, there were only a few uses which were not allowed in the Village Commercial zone. These would include a drive-through restaurant, theater, shopping center and hotel. In her opinion, there were not a lot of differences between the two districts as far as development options were concerned.

Ms. Stefforia noted that the Village Commercial zone would allow for shopping center, and that the language included in the "C" and "C-1" Districts pertain to malls. A so-called strip mall up to 15,000 square feet would be allowed in the Village Commercial District. It was observed that the Orchard Place shopping center is only 20,000 square feet.

Mr. Taylor stated that Phoenix Properties would agree to "C" rather than "C-1" zoning.

There was discussion of the design flexibility concerning the setback requirement. It was noted that the 20-foot setback was not "set in stone" but deviation was allowed by the reviewing body.

The Chairperson stated that, given the property and the development on neighboring properties, it would be likely that he would vote in favor of deviation from the 20-foot setback.

There was discussion of tabling the item to re-notice so as to consider Village Commercial for both properties.

Mr. Taylor stated that he would be in favor of tabling the item to allow further discussion by Phoenix Properties of development options under the Village Commercial District.

There was discussion of whether to table both the Phoenix Properties' application and the Kinney application. Ms. Everett felt that the rezoning of the Phoenix Properties would affect her opinions concerning the Kinney property. Mr. Rakowski again expressed his concern about a possible "domino effect" on the Village Commercial District of rezoning the Kinney and Phoenix parcels.

Ms. Everett observed that the Kinney parcel is large, and therefore, it might obtain deviations from some of the design criteria within the Village Commercial District, given its size. Ms. Kinney then requested that her item be tabled as well.

Ms. Everett moved to postpone decision on the rezoning items to the meeting of September 26, 2002, and to re-notice the rezoning to consider "VC", "C" and "C-1" for the Sherwood Place property, and to consider "C" and "C-1" for the Kinney property. Mr. Rakowski seconded the motion, and the motion carried unanimously.

The Chairperson expressed his appreciation of the applicant's willingness to reconsider use of the Village Commercial zone.

FAMILY DEFINITION - TEXT AMENDMENT - DRAFT #2

The Planning Commission considered Draft #2 of the proposed text amendment to define "family" and related amendments to the Master Land Use Plan and Zoning Ordinance.

The Report of the Planning and Zoning Department is incorporated herein by reference.

Ms. Bugge presented the proposed changes to the text based on comments from the Planning Commission at the meeting of July 11, 2002. There was discussion of the term "family". After some discussion, it was the consensus of the Planning Commission that the term "family" mean "traditional family" or "functional family". Traditional family was revised to mean:

- (1) One person; or
- (2) Up to two unrelated persons; or
- (3) Where two or more persons reside in a dwelling unit, persons classified as constituting a family shall be limited to husband, wife, son, daughter, father, mother, brother, sister, grandfather,

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD JULY 25, 2002

Agenda

STADIUM DRIVE - REZONING - PUBLIC HEARING - (PARCEL NOS. 3905-33-403-010, 33-403-020, 33-403-030, 33-403-040, 33-402-320, 33-402-321, 33-402-031 AND 33-402-039)

HUNTINGTON RUN - SOUTH 9TH STREET - REZONING - "R-5" RESIDENCE DISTRICT - PUBLIC HEARING - (PARCEL NO. 3905-35-255-010)

~~STADIUM DRIVE - REZONING~~ - PUBLIC HEARING - (PARCEL NOS. 3905-26-480-020, 26-480-010 AND 26-480-030)

A meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, July 25, 2002, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Neil G. Sikora, Chairperson
Stanley Rakowski
Deborah L. Everett
James Turcott
Elizabeth Heiny-Cogswell
Kathleen Garland-Rike

MEMBER ABSENT: Mike Ahrens

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Township Planner; Patricia R. Mason, Township Attorney; and 11 other interested persons.

CALL TO ORDER

The Chairperson called the meeting to order at 7:04 p.m.

AGENDA

Mr. Rakowski moved to approve the Agenda as submitted, and Mr. Turcott seconded the motion. The motion carried unanimously.

the rezoning. Planning Commissioners reached the consensus that the rezoning would not be contrary to the Village Focus Area Plan. Mr. Rakowski commented that he would rather see the property developed under the "R-5" District than in the Industrial Restricted District. He felt this would be more consistent with the Village Focus Area. Ms. Garland-Rike stated that she felt that Village Commercial zoning would not be complimentary to the area due to the lack of frontage of the parcel.

Planning Commissioners did not believe that the rezoning would have a negative impact, stating that, with regard to traffic, there was already a lot of traffic on 9th Street since it was a major route to I-94. The Chairperson felt that the parcel was somewhat unique, and its location and shape somewhat precluded many other uses apart from those allowed in the "R-5" zone.

Planning Commissioners agreed that the rezoning would not constitute a spot zone since it would be an expansion of existing "R-5" zoning. Further the rezoning would be consistent with the land use pattern. Planning Commissioners did not feel that the rezoning would stimulate further rezoning requests. Although there had been no change in conditions in the surrounding area, Planning Commissioners agreed that use of the property for industrial restricted was not appropriate.

Mr. Rakowski moved to recommend rezoning of the subject property to the "R-5" Residence District with no change to the Master Land Use Plan. It was reasoned that the "R-5" zoning was consistent with the Village Focus Area Plan. Ms. Garland-Rike seconded the motion, and the motion carried unanimously.

STADIUM DRIVE - REZONING - PUBLIC HEARING - (PARCEL NOS. 3905-26-480-020, 26-480-010 AND 26-480-030)

The Planning Commission considered the rezoning of parcels located at 6203 Stadium Drive and 6227 Stadium Drive and a vacant .8 acre landlocked parcel adjacent thereto. The Planning Commission would consider rezoning to the "C" and "C-1" Local Business District. The property was Parcel Nos. 3905-26-480-020, 010 and 030.

The Report of the Planning and Zoning Department is incorporated herein by reference.

Ms. Stefforia noted that there were two applicants. The property at 6203 Stadium Drive is represented by Phoenix Properties and is currently "R-4" Residence District. The property at 6227 Stadium Drive and the landlocked parcel owned by Mary Kinney are currently zoned "VC" Village Commercial District. Ms. Stefforia noted that the applicants had requested "C-1", and this district caters primarily to industrial and business customers. The "C" District is limited to retail sales.

Ms. Stefforia stated that the Kinney property had been included in the Village Focus Area when it was adopted in 1996. It was rezoned to the Village Commercial District along with more than 130 other parcels when the district was implemented in 2000. The Phoenix Properties' parcel is the former Sherwood Place Nursing Home.

It was noted that the property to the north is zoned "VC" and "C-1". Across Stadium Drive were located retail and gas stations, as well as the KCRC pond. To the east is zoned "R-4" and includes apartment use. To the south is zoned "R-4" and "VC" and includes an apartment building and vacant land. To the west is "VC" zoning which includes converted houses for office and daycare uses.

Ms. Stefforia analyzed the rezoning requests concerning whether the proposed rezoning was supported by the adopted Master Land Use Plan. Ms. Stefforia stated that the Master Land Use Plan Map did not support either rezoning, since the Kinney parcel is located in the Village Focus Area, and the Phoenix Properties' parcel is master planned for multi-family residential.

With regard to whether the proposed rezoning would severely impact traffic, public facilities, the natural characteristics of the surrounding area or significantly change population density, Ms. Stefforia believed that the rezoning would not have a significant impact since there were already commercial and multi-family land uses in the vicinity. Further, Stadium Drive is five lanes in this area. Municipal water and public sewer are available to serve the properties.

It was felt that rezoning to the Commercial or the "C-1" Districts would constitute a spot zone since there is no "C" commercial zoning in the immediate area.

As to whether the proposed rezoning would be contrary to the established land use pattern, it was noted that there is a mix of land use along this stretch of Stadium Drive.

Ms. Stefforia, however, was concerned that the proposed rezoning would have the probable effect of stimulating similar rezoning requests in the vicinity. She was unaware of any change in circumstances which would support or be contrary to the proposed rezoning. No specific land use had been proposed, and therefore, she had no comment on whether there were adequate sites properly zoned and available elsewhere to accommodate the proposed use.

Ms. Stefforia noted that the "C-1" zoned property across Stadium Drive had been left in the Village Focus Area, but had not been rezoned, based upon the owner's request to leave the property zoned "C-1".

Greg Taylor, on behalf of Phoenix Properties, was present. He submitted handouts to the Planning Commission members. Mr. Taylor stated that the company is working to acquire all three properties for redevelopment. The applicant owns and manages several properties in the area including Orchard Place. He stated that Phoenix Properties was

heavily invested in Oshtemo Charter Township, and it had been in the area for the last 20 years. He felt that rezoning the property would stabilize the area, given that the Sherwood Place property is "struggling" to have a viable use and is in the process of deterioration. He stated that his company had determined that it was not financially viable to develop the Sherwood Place property for multi-family use or as a nursing home. In his opinion, the rezoning was appropriate in that it would allow "C-1" property on both sides of the street.

As to the Kinney property, he felt that the Township should respect the owner's wish to return her property to commercial zoning. In his opinion, the fact that the Township respected the owner's desire to retain "C-1" zoning on the north side was a precedent. He believed that most of the interest in the three parcels had been expressed by developers who would like large-scale development. In his opinion, the Kinney parcel was particularly amenable to office use because it was heavily-wooded. He believed that the rezoning, therefore, would allow for the retention of trees. In his opinion, the Village Commercial District was inappropriate because it would not allow for more than approximately one-third of the property to be used, and would force development to the front of the site.

Mary Kinney spoke, stating that she wanted her property returned to the Commercial District as it was zoned prior to rezoning to the Village Commercial District in 2000. She stated that she had been on the Village Focus Committee and had believed that the Village Focus zoning would be an overlay zone, which would add to her options for development rather than delete options. She had to leave the Committee due to her travel, and therefore, she was unaware of the impact rezoning to Village Commercial would have on her property. She stated that she had been approached by developers about using the property, but all had needed a larger square foot option than would be allowed under the "VC" District.

She consulted appraiser, Bill Hurley, who advised her that, if left in the Village Commercial zone, it was likely the parcel would be divided into small areas more suited to "VC" development. She felt that rezoning to the Commercial District would allow the parcel to remain undivided and thereby preserve trees.

No public comment was offered, and the public hearing was closed.

There was discussion about the possibility of amending the PUD provisions to allow for Village Commercial development. However, after some discussion, it was felt that the PUD option would not necessarily be viable for the property.

There was discussion of the possibility that this property could be distinguished from properties elsewhere in the Village Commercial District due to its location and being across from "C-1" property, and at the east boundary of the Village Commercial area, which involved more intense commercial use than at the west end of the Village Commercial District.

Ms. Heiny-Cogswell expressed concern about the character of the uses allowed in the "C" and "C-1" Districts versus that allowed in the "VC" District. Ms. Garland-Rike agreed, noting that the Commercial District was similar to the Village Commercial District, which included smaller-scale development.

Ms. Everett expressed concern that, had the owner wished to remain Commercial in 2000, it was likely that expressed wish would have been honored. However, she was concerned about the scale of commercial development which would be allowed under the "straight" Commercial District. The Chairperson agreed, expressing concern that there was no guarantee of what would be placed on the property if rezoned. Ms. Garland-Rike commented that she felt there would be more control over development with the Village Commercial District.

Ms. Rakowski expressed concern that the rezoning of the property would cause a

There was discussion of the possibility of rezoning the property to the Commercial District, but retaining the classification in the Master Plan as Village Focus Area. The Attorney and Ms. Stefforia noted that, if retained in the Village Focus Area, the goals of that area could be considered in site plan and special exception use review if rezoned to the Commercial District.

After further discussion, Ms. Heiny-Cogswell moved to recommend denial of rezoning to the "C" or "C-1" District, reasoning:

- (1) That the rezoning was not in keeping with the Master Land Use Plan, particularly the Village Focus Area, in that it would allow for development too large in scale and not in character with the Village Focus Area as a whole.
- (2) That there were sufficient sites zoned adequately elsewhere for additional commercial development in the Township.
- (3) That there were prior analyses of rezoning considerations by the Board.

Mr. Rakowski seconded the motion.

Ms. Kinney commented on the motion, asking that her item be tabled so that the history of how her property was rezoned to the Village Commercial District could be researched.

Ms. Everett and Mr. Turcott stated that they felt it was important to explore this history before making a decision on the rezoning.

Upon a vote on the motion, Ms. Heiny-Cogswell, Mr. Rakowski and Ms. Garland-Rike voted in favor. However, the motion failed for lack of a majority.

Ms. Garland-Rike moved to table the item to the meeting of August 8, 2002. Mr. Turcott seconded the motion, and the motion carried 5-to-1, with Mr. Rakowski voting in opposition.

PLANNING COMMISSIONER COMMENTS

The Chairperson expressed that he was more comfortable tabling the item than making a decision so that all relevant information could be considered, and everyone would know what they were voting on.

ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 11:05 p.m.

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

By: Stanley Rakowski
Stanley Rakowski, Secretary

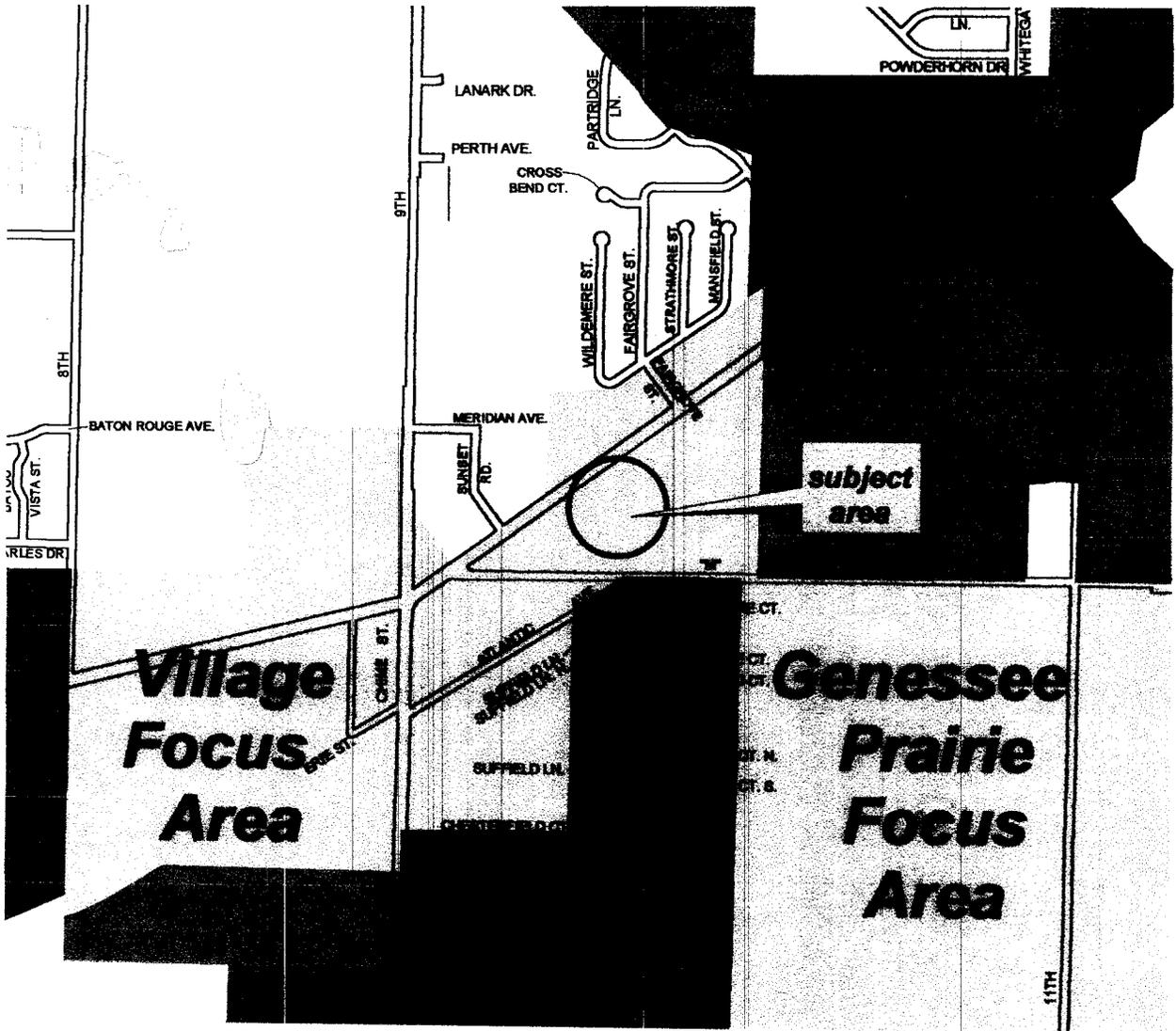
Minutes prepared:
July 29, 2002

Minutes approved:
August 8, 2002

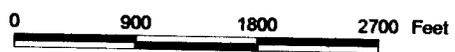
FUTURE LAND USE MAP

CHARTER TOWNSHIP OF OSHTEMO

KALAMAZOO COUNTY, MICHIGAN



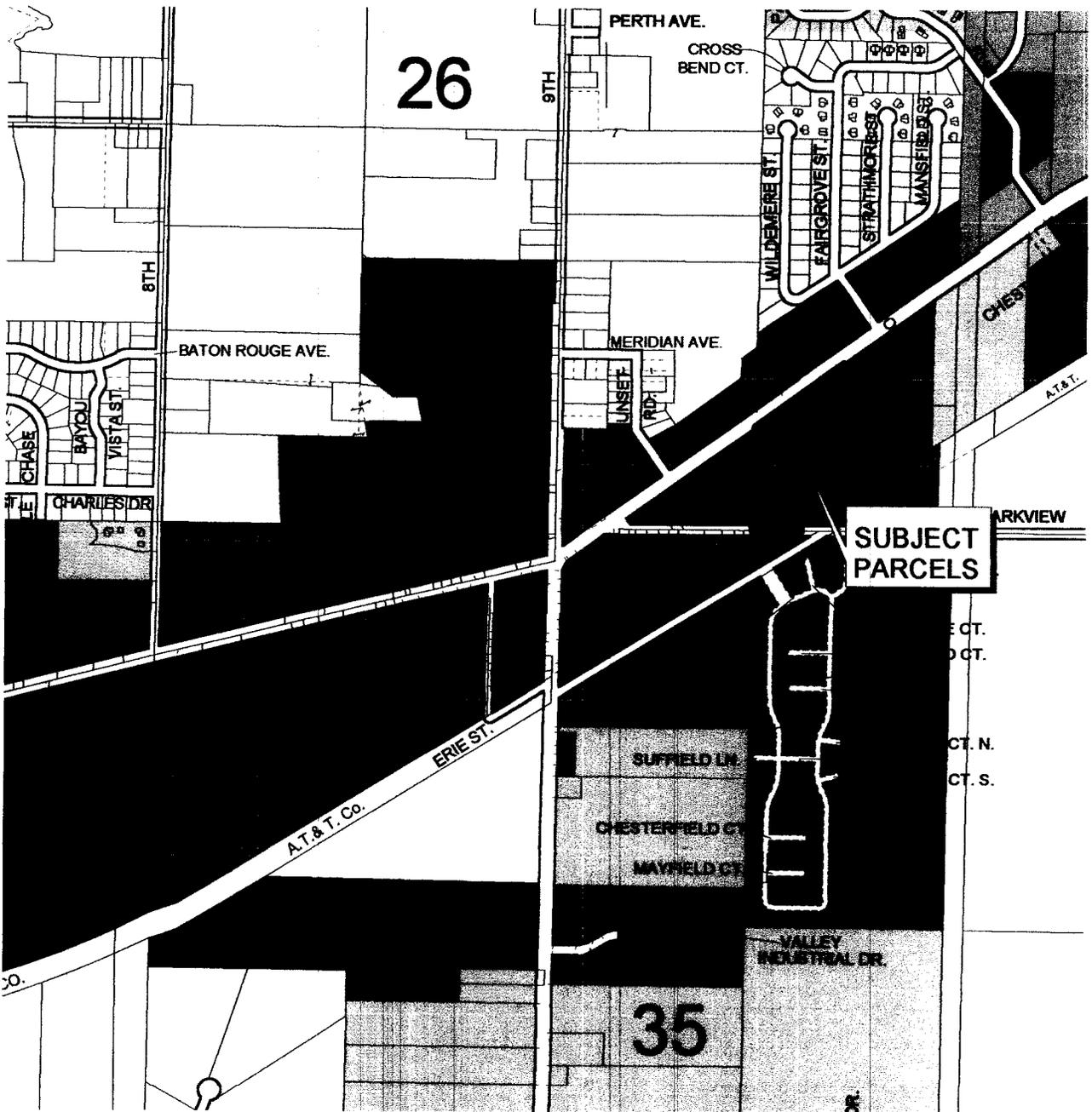
- LEGEND**
- Neighborhood Commercial
 - Future Land Use Classifications
 - Rural Residential
 - Residential
 - Protected Residential
 - Multi-Family Residential
 - Mobil Home Residential
 - Transitional
 - Commercial
 - Industrial
 - Focus Area



Prepared by
Planning Department

ZONING MAP

CHARTER TOWNSHIP OF OSHTEMO



- LEGEND**
- Phoenix Properties
 - Kinney parcels
 - 9th Street Overlay District
 - Zoning**
 - AG-AGRICULTURE-RURAL DISTRICT
 - R1-RESIDENCE DISTRICT
 - R2-RESIDENCE DISTRICT
 - R3-RESIDENCE DISTRICT
 - R4-RESIDENCE DISTRICT
 - R5-RESIDENCE DISTRICT
 - VC-VILLAGE COMMERCIAL DISTRICT
 - CR-LOCAL BUSINESS DISTRICT RESTRICTED
 - C-COMMERCIAL
 - C1-LOCAL BUSINESS DISTRICT
 - IR-INDUSTRIAL DISTRICT RESTRICTED
 - I1-INDUSTRIAL DISTRICT MANUFACTURING & SERVICE
 - I2-INDUSTRIAL DISTRICT MANUFACTURING & SERVICE
 - I3-INDUSTRIAL DISTRICT SPECIAL



0 100 200 Feet

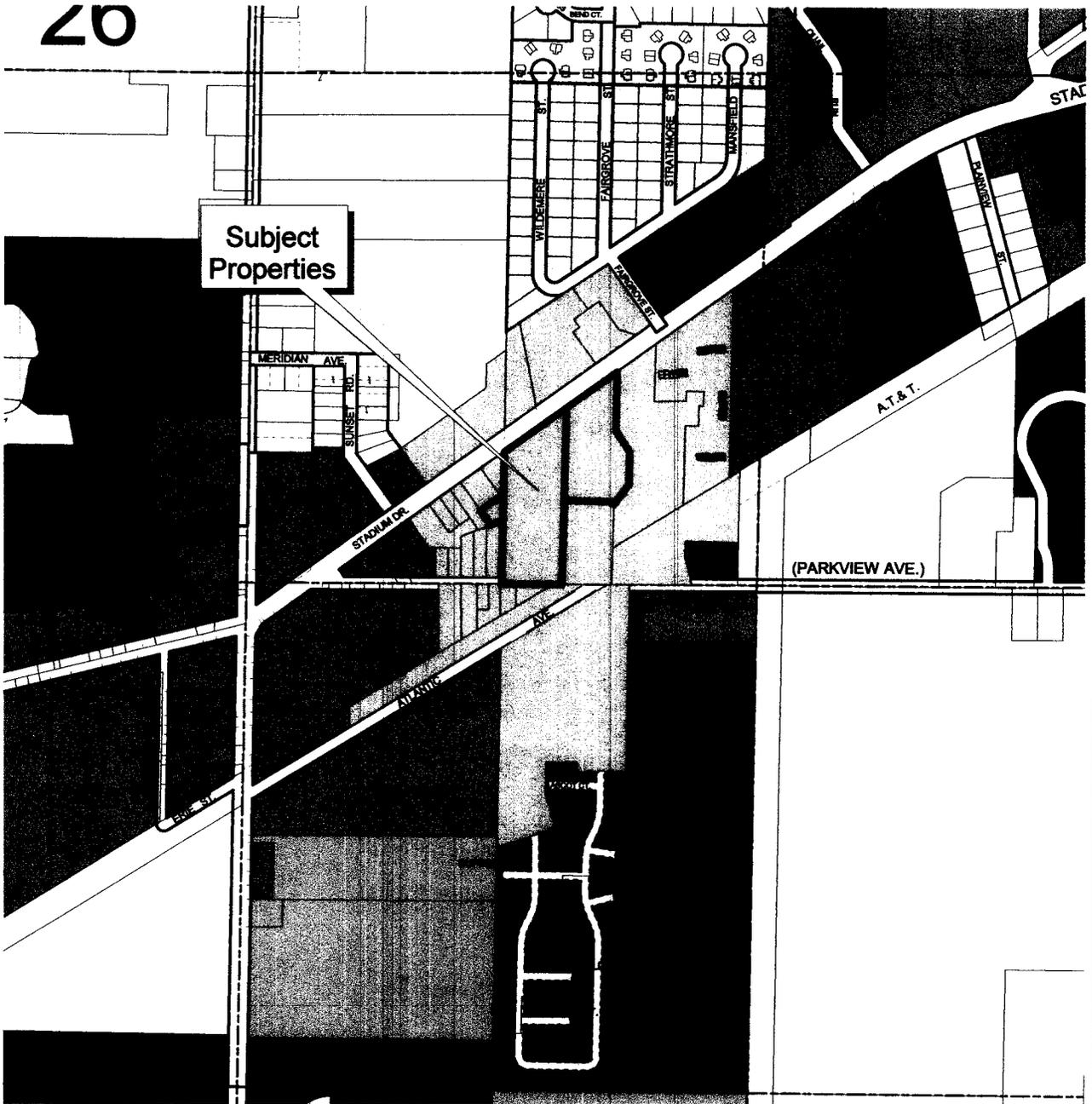
Kinney
&
Phoenix Properties
Rezoning Request

AUGUST 2002

ZONING MAP

CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN

20



Subject Properties

- LEGEND**
- Kinney, Phoenix, prop. plat
 - Rail Road R.O.W.
 - Road R.O.W. (Public)
 - Road R.O.W. (Private)
 - Zoning**
 - A2-AGRICULTURE-RURAL DISTRICT
 - R1-RESIDENCE DISTRICT
 - R2-RESIDENCE DISTRICT
 - R3-RESIDENCE DISTRICT
 - R4-RESIDENCE DISTRICT
 - R6-RESIDENCE DISTRICT
 - VC-VILLAGE COMMERCIAL DISTRICT
 - CR-LOCAL BUSINESS DISTRICT RESTRICTED
 - C-COMMERCIAL
 - CT-LOCAL BUSINESS DISTRICT
 - I1-INDUSTRIAL DISTRICT RESTRICTED
 - I2-INDUSTRIAL DISTRICT MANUFACTURING & SERVICE
 - I3-INDUSTRIAL DISTRICT SPECIAL



**KINNEY,
PHOENIX PROPERTIES**

05-26-440-011 KALAMAZOO COUNTY ROAD COMM
Owner's Address: 3801 E KILGORE ROAD
Property Address: STADIUM DRIVE

05-26-440-013 WESTNEDGE & IDAHO LLC ^R
Owner's Address: 6200 STADIUM DRIVE ~~6220~~
- Property Address: ~~6200~~ STADIUM DRIVE 6220

05-26-440-016 EMRO MARKETING COMPANY
Owner's Address: 539 SOUTH MAIN STREET
- Property Address: 6150 STADIUM DRIVE

05-26-440-018 STADIUM & FAIRGROVE LLC
Owner's Address: 6120 STADIUM DRIVE
Property Address: 6120 STADIUM DRIVE

05-26-460-011 J&S REAL ESTATE INVESTMENT INC
Owner's Address: 3000 E BELTLINE NE
- Property Address: 6312 STADIUM DRIVE

05-26-474-020 SCHEMANSKI NANCY L
Owner's Address: 2315 RAMBLING ROAD
- Property Address: 6339 STADIUM DRIVE

^D 05-26-474-030 KINNEY MARY JANE TRUST
Owner's Address: PO BOX 407
Property Address: STADIUM DRIVE (REAR)

05-26-474-040 VISSER HENRY W & CLARINE J
Owner's Address: 6323 STADIUM DRIVE
Property Address: 6323 STADIUM DRIVE

05-26-474-050 DYLHOFF BRIAN L & KARI E
Owner's Address: 9811 W G AVENUE
- Property Address: 6313 STADIUM DRIVE

05-26-474-060 BUCKERT JAMES W & PATRICIA A
Owner's Address: 5256 HUNTWICK
- Property Address: 6305 STADIUM DRIVE

05-26-474-070 DAENZER DONALD & CAROLYN
Owner's Address: 6301 STADIUM DRIVE
Property Address: 6301 STADIUM DRIVE

05-26-474-090 JJ & LLLC
Owner's Address: 6281 STADIUM DRIVE
Property Address: 6281 STADIUM DRIVE

05-26-474-100 RIEMENS JASON
Owner's Address: 6244 PARKVIEW AVENUE
Property Address: 6244 PARKVIEW AVENUE

05-26-474-110 MCKIE CHARLENE
Owner's Address: 6256 PARKVIEW AVENUE
Property Address: 6256 PARKVIEW AVENUE

05-26-474-120 SCHULZ CHARLES & SHARRON
Owner's Address: 6270 PARKVIEW AVENUE
Property Address: 6270 PARKVIEW AVENUE

05-26-474-130 GREEN ROBERT R & MARY
Owner's Address: PO BOX 54
- Property Address: 6280 PARKVIEW AVENUE

05-26-474-140 FRANCO JOSE & LUCIA & MARTA
Owner's Address: 6302 PARKVIEW AVENUE
Property Address: 6302 PARKVIEW AVENUE

0 05-26-480-010 KINNEY MARY JANE
Owner's Address: PO BOX 407
Property Address: 6227 STADIUM DRIVE

0 05-26-480-020 MICHIGAN HEALTH ENTERPRISES INC
Owner's Address: 555 SKOKIE BOULEVARD ST 350
- Property Address: 6203 STADIUM DRIVE

05-26-480-033 CREAL ENTERPRISES INC
Owner's Address: PO BOX 20000
- Property Address: 2930 DANFORD CREEK DRIVE

05-26-480-081 MCCARTHY DAN
Owner's Address: 1614 METSA COURT
- Property Address: 6200 PARKVIEW AVENUE

05-26-482-003 WINDY CITY EQUITIES INC
Owner's Address: 344 N OLD WOODARD AVENUE
- Property Address: 6081 DANFORD CREEK DRIVE #2

05-26-482-004 WINDY CITY EQUITIES INC
Owner's Address: 344 N OLD WOODARD AVENUE
- Property Address: 6081 DANFORD CREEK DRIVE #1

05-26-482-005 WINDY CITY EQUITIES INC
Owner's Address: 344 N OLD WOODARD AVENUE
- Property Address: 6109 DANFORD CREEK DRIVE #2

05-26-482-006 WINDY CITY EQUITIES INC
Owner's Address: 344 N OLD WOODARD AVENUE
- Property Address: 6109 DANFORD CREEK DRIVE #1

05-26-482-009 WINDY CITY EQUITIES INC
Owner's Address: 344 N OLD WOODARD AVENUE
- Property Address: 6081 DANFORD CREEK DRIVE #4

05-26-482-010 WINDY CITY EQUITIES INC
Owner's Address: 344 N OLD WOODARD AVENUE
- Property Address: 6081 DANFORD CREEK DRIVE #3

05-26-482-011 SHERMAN RICHARD
Owner's Address: 6109 DANFORD CREEK DRIVE #4
Property Address: 6109 DANFORD CREEK DRIVE #4

05-26-482-012 FIGUEROA HARDY
Owner's Address: 6109 DANFORD CREEK DRIVE #3
Property Address: 6109 DANFORD CREEK DRIVE #3

05-26-482-049 OWNER UNKNOWN
Owner's Address: 7275 W MAIN STREET
Property Address: DANFORD CREEK DRIVE

05-26-490-013 O'BRIEN RODERICK G
Owner's Address: 527 S WESTNEDGE
Property Address: PARKVIEW AVENUE

05-35-210-025 OSHTEMO VETERINARY HOSPITAL INC
Owner's Address: PO BOX 346
- Property Address: 6303 PARKVIEW AVENUE

05-35-210-030 DEYOUNG CHARLES R & CINDY L
Owner's Address: PO BOX 633
- Property Address: 6265 PARKVIEW AVENUE

05-35-210-040 BAKER ROBERT E & BARBARA
Owner's Address: 80771 32ND STREET
— Property Address: 6245 PARKVIEW AVENUE

05-35-210-050 STRICKLER DOUGLAS W
Owner's Address: 6233 PARKVIEW AVENUE
Property Address: 6233 PARKVIEW AVENUE

05-35-210-060 MINDEMAN ROBERT E
Owner's Address: PO BOX 108
Property Address: 6223 PARKVIEW AVENUE

05-35-210-070 STANTON MILFORD & JOAN
Owner's Address: 2301 VALENTINE NE
Property Address: PARKVIEW AVENUE

05-35-210-080 AMERITECH MICHIGAN
Owner's Address: 425 W RANDOLPH ST 9TH FLOOR
Property Address: PARKVIEW AVENUE

05-35-230-012 HUNTINGTON RUN LLC
Owner's Address: 555 WEST CROSSTOWN PARKWAY
— Property Address: 6255 CRANBROOK LANE



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
269-375-4260 FAX 375-7180 TDD 375-7198
www.oshtemo.org

To: Planning Commission **Meeting Date:** September 26, 2002
From: Planning Department **Agenda Item:** 5
Applicant: University Bookstore Inc.
Property: 4155 South 9th Street
Zoning: I-R, Residence District
Request: Applicant requests conceptual review of proposed expansion of existing facility to expand warehouse space and include a retail element.
Sections: 40.301

Background Information:

The applicant owns University Bookstore and KVCC Bookstore – stores serving the students of Western Michigan University and Kalamazoo Valley Community College. The owner has a retail store adjacent to the WMU campus as well as on South 9th Street in Texas Township to serve KVCC. The applicant’s Oshtemo Township 9th Street facility is used for warehousing purposes to serve both stores.

At this time, the applicant would like to expand the Oshtemo Township facility by increasing the warehouse space as well as relocating the KVCC bookstore to this site at 4155 South 9th Street. The existing store in Texas Township would be closed.

This site predates the expansion of 9th Street and the creation of the I-R, Industrial District, Restricted zone. Prior to establishment of the I-R, the property was zoned I-1, Industrial District.

Retail is not a permitted use in the I-R, Industrial District, Restricted zone. However, the Industrial-Office Development provisions of Section 40.301(a)(4) allow secondary uses complementary to the permitted uses, including retail.

The applicant seeks Planning Commission comment on the proposed facility expansion under the provisions of Section 40.301 to determine whether or not the property would qualify as a Industrial-Office Development and if it does, would a bookstore be allowed as secondary to the permitted use.

Section 40.301 identifies provisions that must be satisfied for an I-R, Industrial District, Restricted parcel to be considered for approval as an Industrial-Office Development. Industrial-Office Developments are a Special Exception Use in the I-R district.

If comment is favorable, the applicant would return with an application for Special Exception Use and site plan review. If comments are unfavorable, the applicant may apply to the Zoning Board of Appeals for an interpretation of whether or not the retail element is accessory to the principal use of the property. Given past interpretations and potential for precedence regarding retail uses in the industrial district, Staff recommended that the applicant first apply to the Planning Commission for consideration under the Industrial-Office Development provisions.

The existing building was established in 1978. Additions to the building for warehouse space were made in subsequent years (1988 and 1995) Currently, the building is 3,200 square feet; a proposed 2,680 square foot addition for warehouse is proposed along with conversion of 1,250 square feet of the existing building for a bookstore (store would encompass approximately 21% of the total floor area of the building).

Refer to the attached aerial to view this property and surrounding sites. To the north is Instant Interiors. Last year, the Zoning Board of Appeals interpreted that use of 5% of the warehouse space for sales to the public of excess/used furniture up to two weekends a month was accessory to the permitted use of the property.

The applicant is not seeking site plan review at this time, therefore, this staff report does not address the specific review criteria. Site plans are provided for your use in considering the provisions of Section 40.301.

Section 40.301 Industrial-Office Development:

(text from Ordinance – relevant provisions are emphasized with italics.)

Industrial-Office Developments, designed to accommodate a variety of light industrial, applied technology, research, and related office uses within a subdivision setting. This provision is *not intended to exclude the development of individual sites* held by a single entity, provided all regulations contained herein are satisfied.

a) *Industrial-Office Developments shall be permitted one or more of the following uses:*

1. *Any permitted use within the "I-R" District;*

2. Corporate headquarters, administrative, business or professional offices located in a building with a minimum gross floor area of not less than 10,000 square feet;
3. Scientific or medical laboratories, engineering, testing or design facilities, or other theoretical or applied research facilities;
4. *Secondary uses complementary to the foregoing.*

aa. Retail and/or service establishments, including restaurants are permitted provided that such uses shall not be permitted as a principal use of a building and shall have at least one customer entrance off an interior hallway or atrium. Under no circumstances shall drive-thru windows be permitted.

5. Accessory buildings and uses customarily incidental to the foregoing.

- b) *The development may consist of one or more parcels under single ownership or owned separately but developed jointly according to a common development plan.*

Under these provisions, sites within the development may be created either through the platting procedures of the Land Division Act or through the Condominium Act. One or more principal buildings may be placed on an individual site.

- c) Any industrial-office development with more than one building site shall be serviced by an internal public road.

Access for an industrial-office development onto the existing public road and access to individual sites shall be designed in compliance with Section 67.000, the Master Land Use Plan and Access Management Policies.

- d) Sidewalks shall be provided along all internal public streets and to each site and principal building within the development.

- e) Off-street parking shall be provided in accordance with Section 68.000.

Parking layouts designed to accommodate cross-access and/or cross-parking arrangements and facilitate pedestrian travel will be encouraged.

- f) *Loading areas may be located in side or rear yards; however, side yard loading areas shall not face public streets outside of the development and shall be screened from front yard view where practical.*

Loading areas shall be designed so as not to interfere with parking and circulation, and to prevent the backing of trucks or other vehicles onto a public street or general circulation drive.

- g) Buildings shall be located in compliance with building setback standards established by Section 40.401.
- h) *Total ground coverage shall not exceed 50 percent of the individual site.*
- i) To create a park-like atmosphere, *property within the development shall be developed in an attractive manner*, visually compatible with adjacent uses. Buildings and site improvements shall be developed in compliance with the following standards:
 - 1. *The design and siting of buildings and other improvements shall follow the contours of the area and respect existing natural features.*
 - 2. The design of buildings and exterior improvements on each individual site shall be complementary and compatible to create a unified development image.
 - 3. *All improved areas of an individual site shall be landscaped with a variety of trees, shrubbery, and ground cover to create attractive natural buffers between adjacent uses and properties.*
 - 4. The placement of sculpture, fountains, and similar yard area improvements is encouraged and will not be subject to setback requirements.
- j) *The design of storm water management systems shall respond to the natural drainage patterns of the area* and be in coordination with the groundwater protection standards of Section 69.000 and the groundwater protection policies set forth in the Master Land Use Plan.
- k) The industrial-office development shall be designed to incorporate and/or promote the preservation of the site's natural features and unique physical characteristics. A natural features preservation plan shall be submitted. Greenspace enhancement plans for land area along public roads abutting and serving the development shall also be required.
- l) Signs shall be permitted in compliance with the provisions of Section 76.000.
- m) Exterior site lighting shall be designed in compliance with the lighting objectives and standards set forth in Section 78.700.
- n) Public water and sanitary sewer shall be provided as part of the site development.

All utilities, including telephone, electric and cable television, shall be placed underground.

- o) *Application for approval of an industrial-office development shall be made according to the procedures for Site Plan Review set forth in Section 82.600 and the procedures for Special Exception Uses set forth in Section 60.200.*

Attachments: Application
Aerial
Zoning Map
11"x17" site plan
Full-size site plan



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
 Phone: 616-375-4260 Fax: 616-375-7180

PLANNING & ZONING APPLICATION

APPLICANT:

Name Robert J. Warner, President
 Company University Book Store, Incd/b/a Kalamazoo Valley Book Store
 Address 2529 West Michigan Ave.
Kalamazoo, MI 49006

THIS SPACE
FOR
OFFICE USE

Telephone (269) 381-6280 Fax (269) 381-8770

THIS SPACE

Interest in Property Lessee

=====

1092 APP-VARIANCES	\$100.00

TOTAL DUE	\$100.00

OWNER*:

Name St. Thomas, LLC
 Address 2529 West Michigan Ave.
Kalamazoo, MI 49006

RECEIVED FROM:
ETTER CHARLES

CHECK: \$100.00

TOTAL TENDERED \$100.00

CHANGE DUE \$0.00

Telephone (269) 381-6280 Fax (269) 381-8770
*(*If different from the Applicant)*

NATURE OF THE REQUEST: (Please check the appropriate item(s))

<input type="checkbox"/> Site Plan Review	<input type="checkbox"/> Subdivision Plat Review
<input type="checkbox"/> Administrative Site Plan Review	<input type="checkbox"/> Rezoning
<input type="checkbox"/> Special Exception Use	<input checked="" type="checkbox"/> Interpretation
<input type="checkbox"/> Zoning Variance	<input type="checkbox"/> Text Amendment
<input type="checkbox"/> Site Condominium	<input type="checkbox"/> Sign Deviation
<input type="checkbox"/> Other:	

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): _____

See Attachment No. 1

LEGAL DESCRIPTION OF PROPERTY *(Use Attachments if Necessary):*

See Attachment No. 2

PERMANENT PARCEL (TAX) NUMBER: 3905- 3905-35-405-031

ADDRESS OF PROPERTY: 4155 South 9th Street, Kalamazoo, MI 49009

PRESENT USE OF THE PROPERTY: Warehouse for Applicant

PRESENT ZONING I-R **SIZE OF PROPERTY** Frontage 217.00
Depth 401.47 feet

**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS
HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

Name(s)

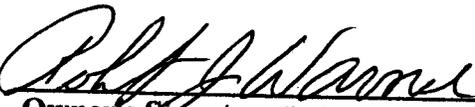
Address(es)

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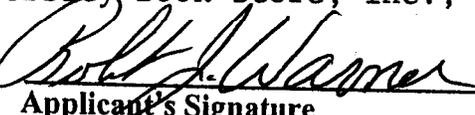
SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate.

St. Thomas, LLC

By:  8/25/02
Owner's Signature (* If different from Applicant) **Date**
 Robert J. Warner, Manager

University Book Store, Inc., d/b/a Kalamazoo Valley Book Store

By:  8/25/02
Applicant's Signature **Date**

Robert J. Warner
Its: President

PLEASE ATTACH ALL REQUIRED DOCUMENTS

ATTACHMENT NO. 1

BACKGROUND

Robert J. Warner and Candis M. Warner purchased the property located at 4155 South 9th Street in 1978. The property is zoned I-R. Mr. and Mrs. Warner began construction on the existing warehouse in 1978. In late 1999, St. Thomas, LLC, a Michigan limited liability company, was established for estate planning reasons. The members of the limited liability company are Mr. and Mrs. Warner and their two daughters. St. Thomas, LLC, is now the owner of the property.

According to the Oshtemo Charter Township Zoning Ordinances publication, the I-R ordinance did not become effective until August 23, 1984, approximately six years after the purchase of the property and the construction of the existing warehouse.

Since the completion of the building, it has been wholly occupied as a wholesale, storage and/or warehouse facility by its current tenant, University Book Stores, Inc. University Book Stores, Inc., is owned and managed by Mr. Warner who serves as president of the corporation. Since 1958, University Book Stores, Inc., has provided books and supplies to students at Western Michigan University through a store in the City of Kalamazoo. Since 1994, University Book Stores, Inc., d/b/a Kalamazoo Valley Book Store, has been providing books and supplies to students at Kalamazoo Valley Community College through an outlet containing approximately 900 square feet. The outlet currently occupies space rented from the owner of the Valley Market. The space is located in the same building as the Valley Market at 5757 South 9th Street in Texas Township. This outlet carries books and supplies only for students of Kalamazoo Valley Community College. The existing lease has expired. The space is now occupied on a month to month basis. The warehouse facility serves both the store located near Western Michigan University and the outlet located near Kalamazoo Valley Community College.

The nature of the business of Kalamazoo Valley Book Store on 9th Street is clearly cyclical and is closely related to the beginning and ending of the terms of Kalamazoo Valley Community College as students sell their books from the previous semester and purchase their books for the coming semester. By far, the most substantial activity takes place annually in two periods of approximately two and one half weeks each. The two periods coincide with the end and beginning of the primary terms of Kalamazoo Valley Community College. Activity at the current 9th Street outlet drops dramatically as soon as the students have obtained their books for the coming semester.

PROPOSED EXPANSION OF BUILDING

Applicants propose to expand the current warehouse building located at 4155 South 9th Street. A Site Plan is attached as Addendum A. The current building contains 3,200 square feet. (The current building is outlined in blue on Addendum A.) The proposed addition of 2,680 square feet would bring the total square footage of the building to 5,880 square feet. (The proposed addition is outlined in orange on Addendum A.) The expanded building contains 1,250 square feet for a proposed retail area. (This area is outlined in green on Addendum A, both on the drawing

showing the square footage and on the drawing entitled "WEST ELEVATION".)

REQUEST FOR INTERPRETATION

St. Thomas, LLC, and University Book Stores, Inc., respectfully request an interpretation permitting them to proceed with their proposed expansion of the current facility in accordance with the plan as shown on Addendum A.

DISCUSSION

It is respectfully submitted that the proposal fully complies with both the letter and the spirit of the applicable ordinances.

Section 40 of the Oshtemo Charter Township Zoning Ordinances sets forth the applicable rules. Section 40.205 permits "wholesaling, storage, and/or warehousing." This has been the usage of the property since the building was built by Mr. and Mrs. Warner. This usage by University Book Stores, Inc., has been continuous and even predated the ordinance.

Although Section 40.100 indicates that the I-R district is limited to large tracts, other sections make it clear that the rules of Section 40 also apply to the two acre parcel located at 4155 south 9th Street. Although Section 40.301 begins with a reference to Industrial-Office Developments, the Section clearly makes reference to individual sites. Section 40.01 states in applicable part:

This provision is not intended to exclude the development of individual sites held by a single entity, provided all regulations contained herein are satisfied.

Although Section 40.401 (c) requires that a parcel shall contain at least 10 acres, Section 40.402 makes it clear that the 10 acre requirement does not apply to the parcel located at 4155 South 9th Street since the boundaries of the parcel were established by an instrument recorded prior to December 27, 1988.

Section 40.300 is entitled **Special Exception Uses**. Section 40.301 provides as follows:

- a) Industrial-Office Developments shall be permitted one or more of the following uses:
 - 1. Any permitted use within the "I-R" District:

As indicated above, the property has been utilized by applicants for many years for wholesaling, storage and/or warehousing in accordance with the provisions of Section 40.205.

Section 40.301 (a)(4) provides as follows:

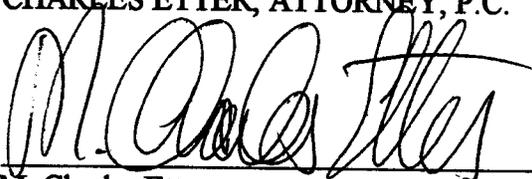
4. Secondary uses complementary to the foregoing:
 - aa. Retail and/or service establishments, including restaurants are permitted provided that such uses shall not be permitted as a principal use of a building and shall have at least one customer entrance off an interior hallway or Atrium. Under no circumstances shall drive through windows be permitted.

The proposed retail area is clearly secondary to the long established usage of the property. The proposed retail area contains only 1,250 square feet of space. This is approximately one fifth of the total space of the expanded building. The remainder of the expanded building will continue to be used as the building has been used from its inception. The warehouse will continue to supply the store in Kalamazoo serving Western Michigan University students and the Kalamazoo Valley Book Store serving Kalamazoo Valley Community College students. The proposed retail area will serve Kalamazoo Valley Community College students.

Because of the fact that the property has been owned by Mr. and Mrs. Warner (and now the family limited liability company) and occupied by University Book Store, Inc., since a time prior to the inception of the applicable ordinances, and because the cycles of the business of the Kalamazoo Valley Book Store result in a dramatic drop in activity as soon as the students have obtained their books for the coming semester, the usage which is proposed is readily distinguishable from other proposals which have come or might come before the Township for review.

St. Thomas, LLC and University Book Stores, Inc., d/b/a Kalamazoo Valley Book Store respectfully request an interpretation permitting them to proceed with their proposed expansion of the current facility in accordance with the plan shown on Addendum A.

M. CHARLES ETTER, ATTORNEY, P.C.

By: 

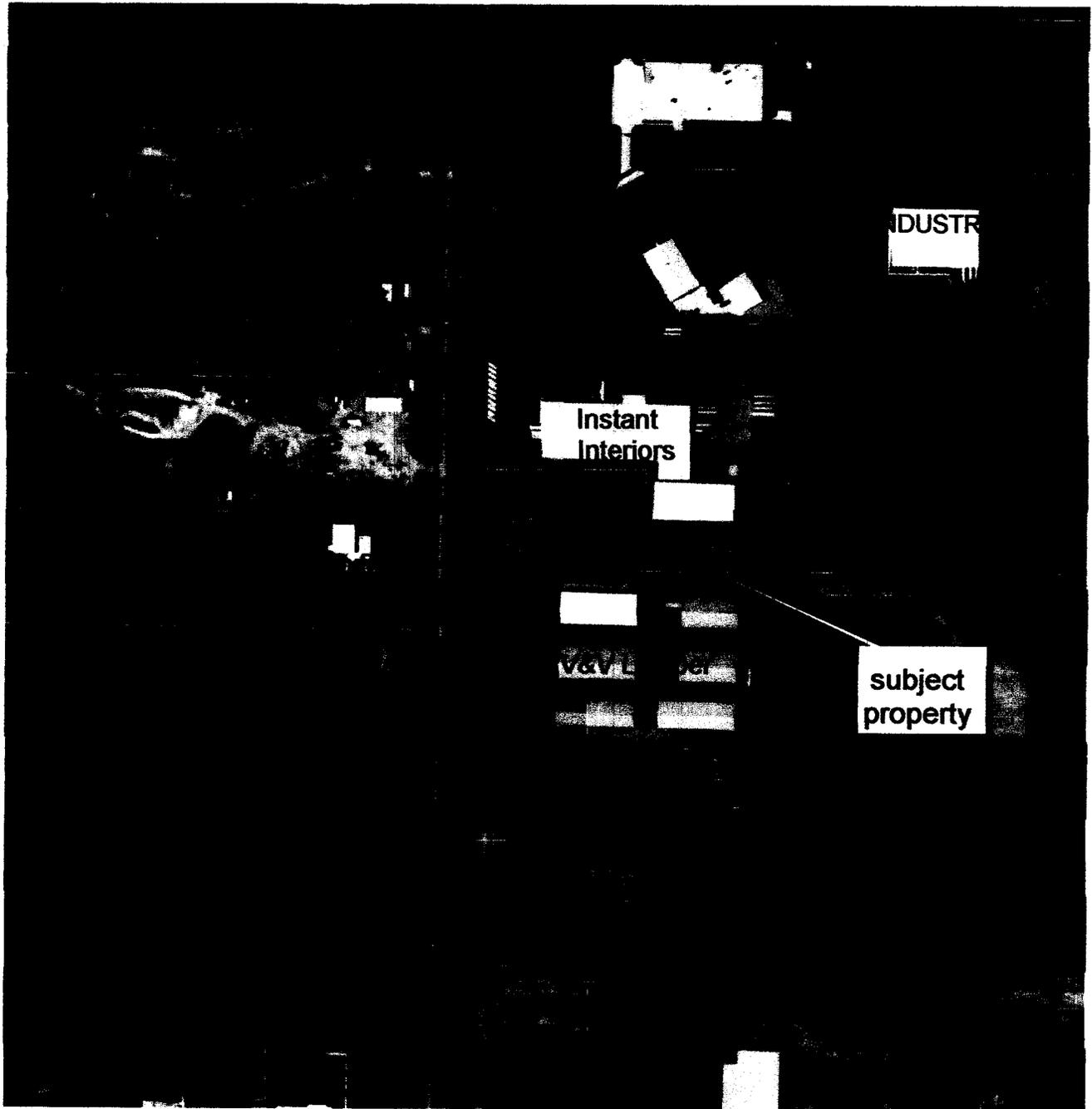
M. Charles Etter
Attorney for University Book Store, Inc.,
d/b/a Kalamazoo Valley Book Store; and
St. Thomas, LLC

M. Charles Etter
141 E. Michigan Ave.
Suite 600
Kalamazoo, MI 49007
Phone: (269) 345-0158 Fax: (269) 345-3318

PARCEL MAP

CHARTER TOWNSHIP OF OSHTEMO

KALAMAZOO COUNTY, MICHIGAN



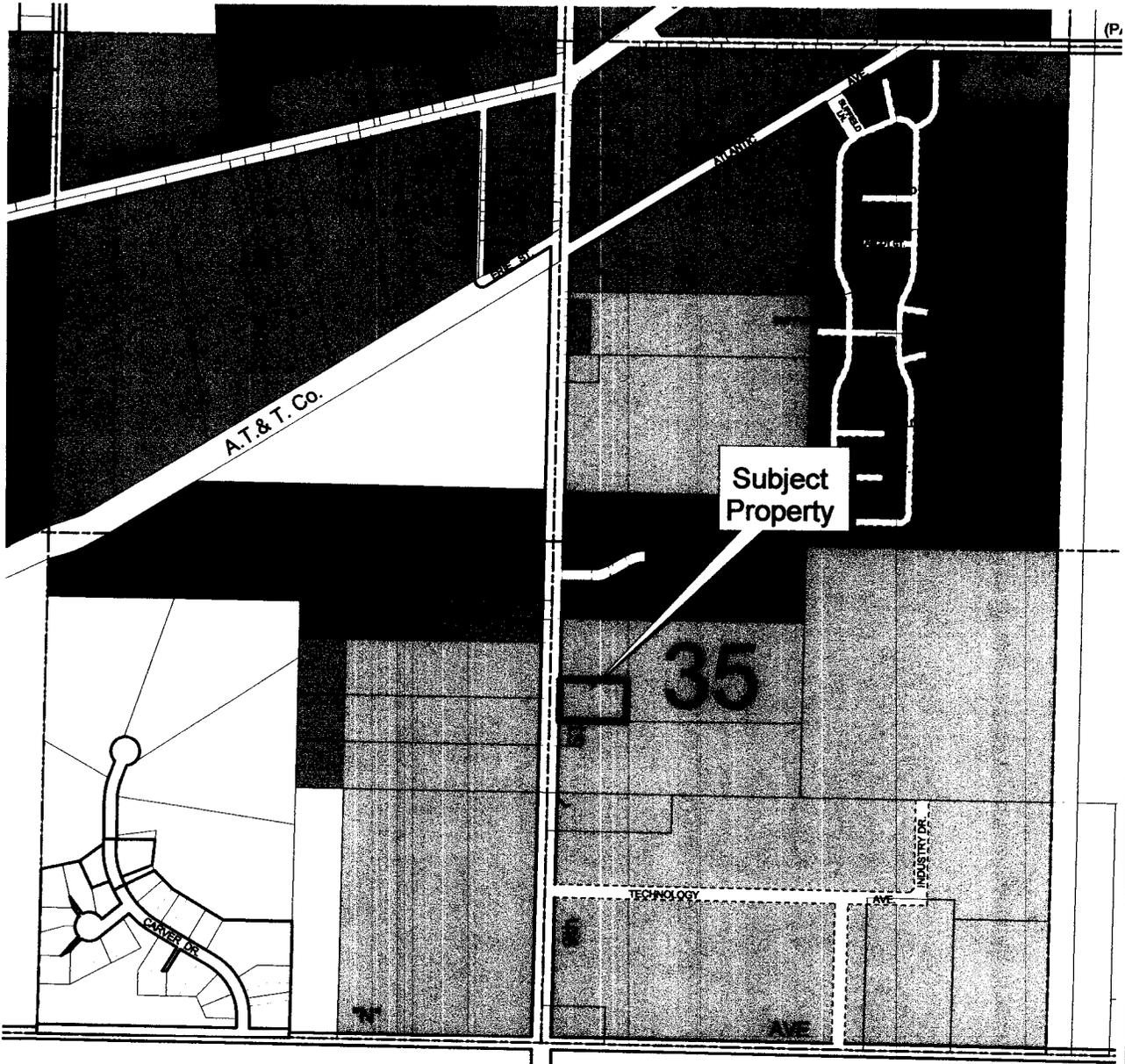
0 100 200 300 400 Feet



Prepared by
Oshtemo Township
Planning Department
September 2002

ZONING MAP

CHARTER TOWNSHIP OF OSHTEMO KALAMAZOO COUNTY, MICHIGAN

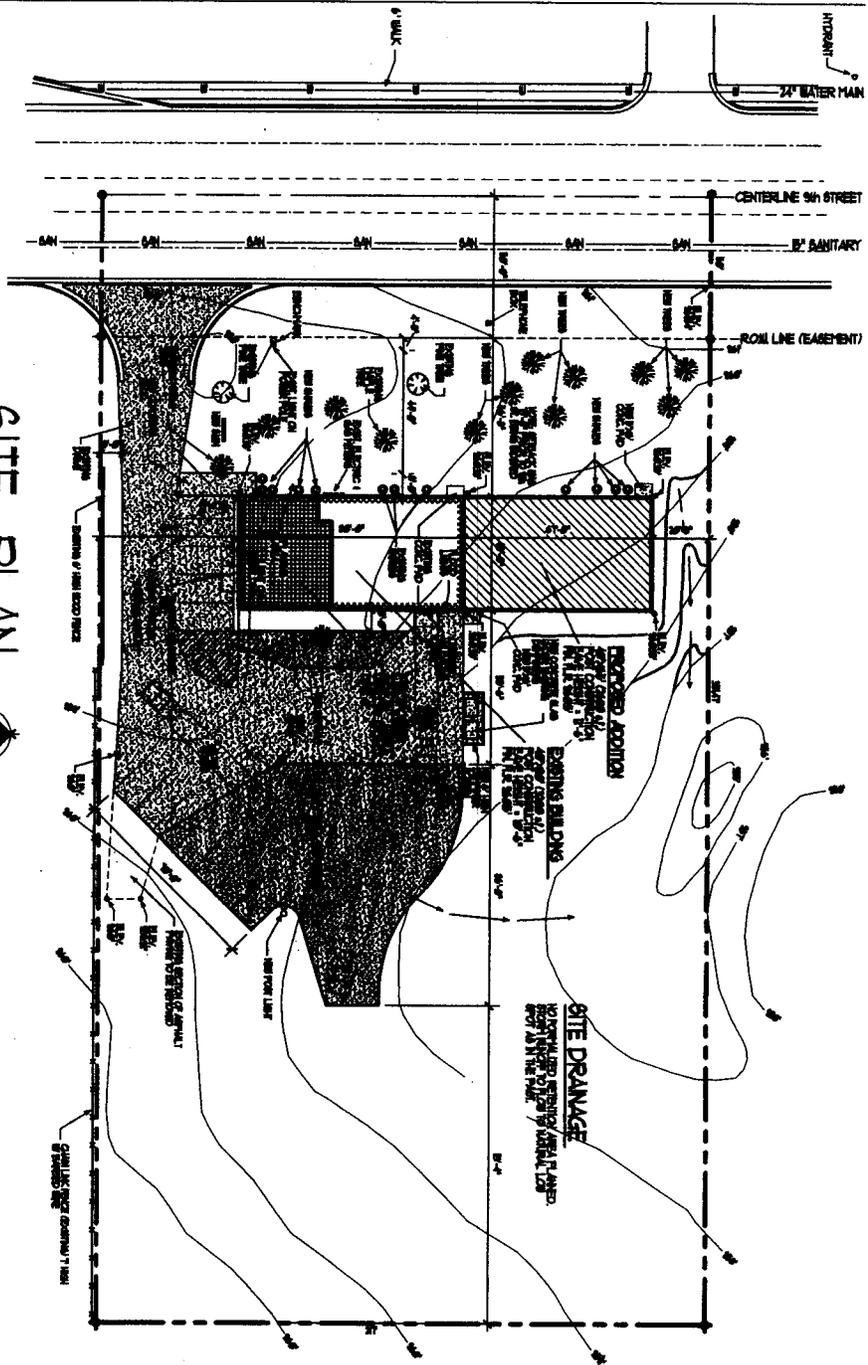


LEGEND

- University (bookstore.shp)
- Rail Road R.O.W.
- Road R.O.W. (Public)
- Road R.O.W. (Private)
- Zoning**
- AG-AGRICULTURE-RURAL DISTRICT
- R1-RESIDENCE DISTRICT
- R2-RESIDENCE DISTRICT
- R3-RESIDENCE DISTRICT
- R4-RESIDENCE DISTRICT
- R5-RESIDENCE DISTRICT
- VO-VILLAGE COMMERCIAL DISTRICT
- CL-LOCAL BUSINESS DISTRICT RESTRICTED
- C-COMMERCIAL
- C1-LOCAL BUSINESS DISTRICT
- R-INDUSTRIAL DISTRICT RESTRICTED
- M1-INDUSTRIAL DISTRICT MANUFACTURING & SERVICE
- M2-INDUSTRIAL DISTRICT MANUFACTURING & SERVICE
- M3-INDUSTRIAL DISTRICT SPECIAL

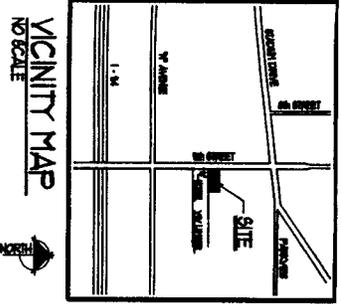
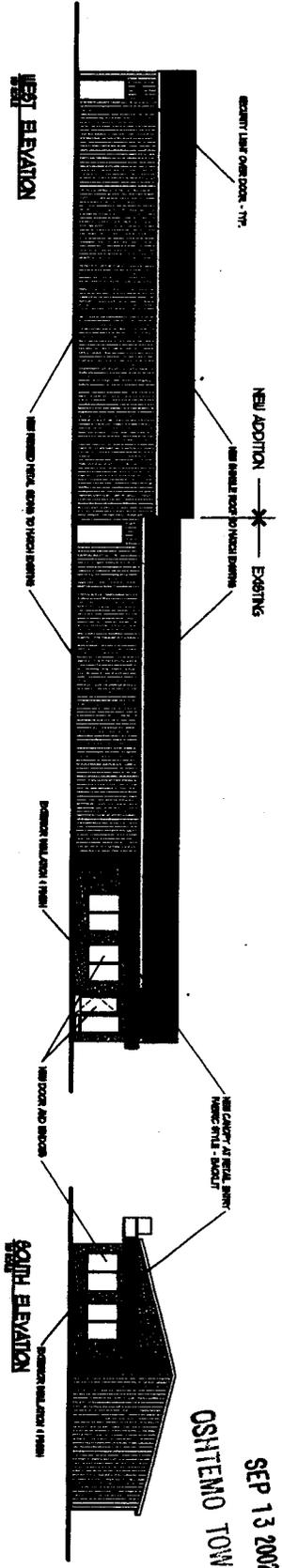


UNIVERSITY BOOKSTORE



SITE PLAN

SCALE 1" = 20'



ZONING - I-R
 SITE AREA - 2 ACRES - 8700 SF.
 BUILDING COVERAGE - EXISTING - 3200 SF. (36%)
 PROPOSED - 2600 SF. (30%)
 TOTAL - 5800 SF. (67%)

OPEN AREA - 187 ACRES - 81300 SF. (93%)

PARKING - 8 SPACES (EXISTING)
 - NO CHANGE IN NUMBER OF EMPLOYEES
 AT EXISTING WAREHOUSE AND ADDITION

PARKING - 11 SPACES - AT NEW RETAIL AREA
 - 3 EMPLOYEE
 - 8 CUSTOMER

TOTAL - 19 SPACES (118%)

- NOTES:**
- 1 - ALL UTILITIES IN PLACE IN EXISTING BUILDING.
 - 2 - EXISTING WALL, INTERIOR PART OF NORTH WALL LOCATED APPROXIMATELY IN REAR OF CEILING TRUSS AND BE EXISTING FOUNDATION LINE.
 - 3 - NEW FOUNDATION (LIE AT GRADE) IN LOCATION OF ROAD AND ON BUILDING FOR CONFORMANCE REQUIREMENTS.
 - 4 - NEW TIES AND GIRDERS TO BE AS PER CONFORMANCE REQUIREMENTS.

RECEIVED
 SEP 13 2002
 OSHTENO TOWNSHIP



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
 Phone: 616-375-4260 Fax: 616-375-7180

PLANNING & ZONING APPLICATION

APPLICANT:

Name Robert J. Warner, President
 Company University Book Store, Incd/b/a Kalamazoo Valley Book Store
 Address 2529 West Michigan Ave.
Kalamazoo, MI 49006
 Telephone (269) 381-6280 Fax (269) 381-8770

THIS SPACE
FOR
OFFICE USE

Interest in Property Lessee

THIS SPACE

OWNER*:

Name St. Thomas, LLC
 Address 2529 West Michigan Ave.
Kalamazoo, MI 49006
 Telephone (269) 381-6280 Fax (269) 381-8770

 VARIANCES \$100.00

 TOTAL DUE \$100.00
 RECEIVED FROM:
 ETTER CHARLES
 CHECK: \$100.00

 TOTAL TENDERED \$100.00

(*If different from the Applicant)

NATURE OF THE REQUEST: (Please check the appropriate item(s))

- | | |
|--|--|
| <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Subdivision Plat Review |
| <input type="checkbox"/> Administrative Site Plan Review | <input type="checkbox"/> Rezoning |
| <input type="checkbox"/> Special Exception Use | <input checked="" type="checkbox"/> Interpretation |
| <input type="checkbox"/> Zoning Variance | <input type="checkbox"/> Text Amendment |
| <input type="checkbox"/> Site Condominium | <input type="checkbox"/> Sign Deviation |
| <input type="checkbox"/> Other: | |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): _____

See Attachment No. 1

ATTACHMENT NO. 1

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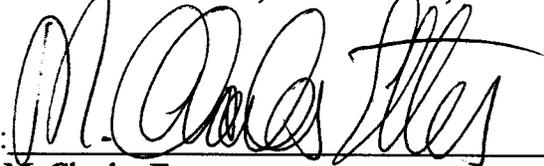
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M. CHARLES ETTER, ATTORNEY, P.C.

By: 

M. Charles Etter
Attorney for University Book Store, Inc.,
d/b/a Kalamazoo Valley Book Store; and
St. Thomas, LLC

M. Charles Etter
141 E. Michigan Ave.
Suite 600
Kalamazoo, MI 49007
Phone: (269) 345-0158 Fax: (269) 345-3318

ATTACHMENT NO. 2

Situated in the Township of Oshtemo, Kalamazoo County, Michigan:

Commencing at the South quarter post of Section 35, Town 2 South, Range 12 West; thence North $0^{\circ} 19' 40''$ East 1,694.23 feet along the North and South quarter line of said Section 35 to the point of beginning; thence South $89^{\circ} 40' 20''$ East and at a right angle to said quarter line 401.47 feet; thence North $0^{\circ} 19' 40''$ East parallel said North and South quarter line 217.00 feet; thence North $89^{\circ} 40' 20''$ West 401.47 feet to a point on said North and South quarter line; thence South $0^{\circ} 19' 40''$ West 217.00 feet to the point of beginning.



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
269-375-4260 FAX 375-7180 TDD 375-7198
www.oshtemo.org

To: Planning Commission

Meeting Date: September 26, 2002

From: Planning Department

Agenda Item: 6

Applicant: Mike Seeley, Sky King LLC

Property: 3764 Sky King Boulevard
Parcel 3905-34-260-004

Zoning: I-1, Industrial District

Request: Special Exception Use and Site Plan Review of a Mini Warehouse Storage Facility Expansion and Amendment to the Site Condominium

Ordinance Section(s): 41.405 - Fully enclosed storage buildings and mini warehouses
60.100 - Special Exception Use Criteria
82.300 - Review by Planning Commission
82.800 - Criteria for Site Plan Review

Staff Report:

Background Information:

The applicant is requesting Special Exception Use and site plan approval for expansion of an enclosed mini warehouse storage facility within the Sky King Industrial Park on Stadium Drive. Additionally, site plan approval is also requested for the reconfiguration of three of the units within the industrial condominium.

Initial approval was granted on May 24, 2001, for construction of three mini warehouse buildings on Unit 5 of the site condominium, minutes are attached. The owner is now seeking to expand the facility with the addition of five buildings on Unit 4 and a small portion of Unit 3. Mr. Seeley is also proposing to amend the condominium documents to combine Units 4 and 5 and a portion of Unit 3 into one unit thereby reducing the number of units by one, for a total of five units. The resulting units will conform to area requirements and be renumbered accordingly. Changes to the condominium documents must be submitted to the Township for review.

The condominium development is on the south side of Stadium Drive and access to the site is from Sky King Boulevard. To the north is the existing storage facility and to the east are other

sites within the industrial park. RollerWorld abuts the property to the northwest and the stormwater retention area is located to the west. Property to the south is zoned I-1 and used for residential purposes.

Tenants of the new buildings will use the existing driveway and gated entry. A portion of the existing fencing will be removed to gain access to the new area. Two buildings are indicated in the interior of the site and three along the perimeter. Fencing, six feet high, is proposed and will follow the pavement, not the property lines. Brown aluminum "decorative" fencing will be used along Sky King Boulevard and brown chain link fencing elsewhere. Five parking spaces were provided in the first phase. No new spaces are proposed as most people will drive up to their unit.

The Planning Commission should discuss operation of the site with the applicant. When the initial phase was reviewed, the applicant indicated that no on-site management office was proposed. The facility sign would contain the phone number of an off-site office that manages this site and arrangements would be made, via the phone, for the manager and potential tenant to meet. It was stated that a maintenance person would visit the site daily to address any garbage or other issues at the facility, and no trash containers were provided. The proposed hours of operation were anticipated to be 6:00 a.m. to 9:00 p.m. Additionally, the applicant should provide specific details about the proposed buildings in the expansion area.

Outdoor storage has not been requested. Wall-mounted light fixtures are indicated on the buildings. Fixtures should be shielded to direct light downward and not upward and details must be provided.

A berm is indicated along the site's frontage on Sky King Boulevard to help shield the view of the facility from other tenants in the park. Landscaping along the east and northwest property lines conforms to Township requirements. The applicant is seeking deviations for the south and west sides of the property. He would like to plant evergreen trees adjacent to the building on the south side instead of canopy and understory trees and requests no landscaping on the west side. Staff is comfortable with evergreen trees on the south side provided they are five feet tall at planting and of a variety that will have a mature height of at least 25 feet, as required. The west side slopes toward the drainage pond and Staff thinks landscaping should be used to anchor the bank and prevent soil erosion. However, evergreen trees would be satisfactory.

Review

60.100 - Special Exception Use Criteria

- 1. Is the proposed use compatible with the other uses expressly permitted within the zoning district?***

This would be an expansion of an existing use approved under the Special Exception Use criteria on May 24, 2001.

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

Consider the consequences of the proposed use on the other sites within the industrial park and on adjacent properties.

Consider if the proposed use will have a greater impact on the area than the Permitted Uses in the I-1 District.

Building materials should be discussed with the applicant.

3. ***Will the proposed use promote the public health, safety, morals, and welfare of the community?***

Access will be from Sky King Boulevard -- a private street that serves the industrial park.

Consider the hours and manner of operation.

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

This will be an expansion of an existing use.

Section 82.800 - Site Plan Review

A. Access - Site access will be off Sky King Boulevard, utilizing the existing entry.

Parking - five spaces exist, no additional spaces are proposed. Most people will drive their cars to the entrance of their storage unit. Therefore, Staff is comfortable with the existing parking.

B. Site layout - The proposed buildings meet the setback and separation requirements provided condominium Units 4, 5 and a portion of Unit 3 are combined. Units should be renumbered and the condominium documents amended as necessary. A revised condominium site plan is attached.

Amended condominium documents must be submitted for Township review prior to being recorded.

No outside storage is requested or approved.

Fencing – Decorative fencing will be placed along the Sky King Boulevard. The balance of the fencing is proposed to be brown chain-link type. Fencing will enclose the paved areas and not follow the property lines.

The site shall be fenced as shown on the site plan, i.e., decorative fencing along frontage and brown chain link fencing on the sides.

Lighting – wall-mounted lighting is shown on the buildings, and all fixtures are internal to the site.

All lighting shall comply with Section 78.700 and be adequately shielded to direct light downward at an angle no greater than 75 degrees above the pavement.

Specific fixture details shall be submitted for staff review and approval.

Signs - The existing sign will remain, no additional signs are permitted.

Dumpster - No dumpster is proposed.

Maintenance personnel or management shall visit the site once daily, or as may be necessary, to remove garbage and unclaimed items (left outside storage units) from the site.

C. & D.

Landscaping – plantings are shown on the landscaping plan.

The applicant requests a deviation to allow the planting of nine, five-foot tall evergreen trees along a portion of the south side, instead of canopy trees and understory trees in the 10-foot greenspace,

The applicant is also requesting an exemption from installing any landscaping on the west side. However, Staff thinks trees should be used to anchor the slope but would be comfortable with evergreen trees as proposed for the south side.

Use of more than one species of plantings in the different classifications is shown.

Landscaping shall be installed consistent with the Planning Commission's approval before a Certificate of Occupancy will be granted or a Performance Guarantee, consistent with the provisions of Section 82.950, must be provided.

E. No variance is requested.

F. **Site plan approval shall be subject to Fire Department review and the applicant satisfying Department requirements, pursuant to the adopted codes.**

G. Stormwater will be managed within the park's system. When the industrial park was designed, stormwater for each site was to be handled primarily in the park's ponds. Stormwater from the facility expansion will be directed to the pond to the west of the site.

Site engineering and stormwater management are subject to review and approval by the Township Engineer.

H. The site plan and use must be reviewed pursuant to the Special Exception Use criteria to ensure that the public health, welfare, and safety are not detrimentally affected by the project.

I. As it is impossible to know who the tenants of the storage spaces will be, no Hazardous Substance Reporting Form has been required of the applicant. The Environmental Permits Checklist must be submitted.

The Environmental Permits Checklist shall be submitted.

An Earth Change Permit from the Kalamazoo County Drain Commissioner's Office is required before any earth change activities commence.

Attachments: Application
Condominium site plan
May 24, 2001 Planning Commission meeting minutes, excerpts
Zoning Map
11 x 17 set of plans
Full size set of plans



Noting Done

7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 616-375-4260 Fax: 616-375-7180

PLANNING & ZONING APPLICATION

APPLICANT:

Name MIKE SEELYE

Company SKY KING, LLC

Address 3820 STADIUM DRIVE

KALAMAZOO, MI 49008

Telephone 375-3820 Fax 372-1729

Interest in Property OWNER

THIS SPACE
FOR
OFFICE USE

THIS SPACE

1091 APP-ZONING \$1,000.00
TOTAL DUE \$1,000.00

OWNER*:

Name _____

Address _____

Telephone _____ Fax _____

(*If different from the Applicant)

RECEIVED FROM:
SKY KING LLC

CHECK: \$1,000.00

TOTAL TENDERED \$1,000.00

CHANGE DUE \$0.00

NATURE OF THE REQUEST: (Please check the appropriate item(s))

- | | |
|---|--|
| <input checked="" type="checkbox"/> Site Plan Review | <input type="checkbox"/> Subdivision Plat Review |
| <input type="checkbox"/> Administrative Site Plan Review | <input type="checkbox"/> Rezoning |
| <input checked="" type="checkbox"/> Special Exception Use | <input type="checkbox"/> Interpretation |
| <input type="checkbox"/> Zoning Variance | <input type="checkbox"/> Text Amendment |
| <input type="checkbox"/> Site Condominium | <input type="checkbox"/> Sign Deviation |
| <input type="checkbox"/> Other: | |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): SPECIAL EXCEPTION

USE AND SITE PLAN APPROVAL FOR AN EXPANSION OF
THE STADIUM STORAGE (MINI STORAGE) FACILITY.

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

UNIT 4 OF SKY KING BUSINESS PARK AS RECORDED IN
DOCKET 2000-002431, KALAMAZOO COUNTY RECORDS, MAY

ALSO INCLUDE A SMALL PORTION OF UNIT 3 (SW CORNER), IF SO,
THE CONDOMINIUM WILL BE AMENDED

PERMANENT PARCEL (TAX) NUMBER: 3905- ~~10-10-001 (UNIT)~~
3964 39-260-004

ADDRESS OF PROPERTY: ~~10550~~ SKY KING BOULEVARD

PRESENT USE OF THE PROPERTY: VACANT

PRESENT ZONING I-1 SIZE OF PROPERTY 1.8 AC ±

NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS
HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:

Name(s)	Address(es)
_____	_____
_____	_____
_____	_____

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate.

Owner's Signature (* If different from Applicant)

Date



Applicant's Signature

09-06-02

Date

PLEASE ATTACH ALL REQUIRED DOCUMENTS *

* THIS WILL BE AN EXPANSION OF THE EXISTING STADIUM STORAGE BUSINESS,
THEREFORE THE ENVIRONMENTAL & HAZARDOUS SUBSTANCE FORMS ON
FILE WILL APPLY

CONDOMINIUM REVISIONS

RECEIVED

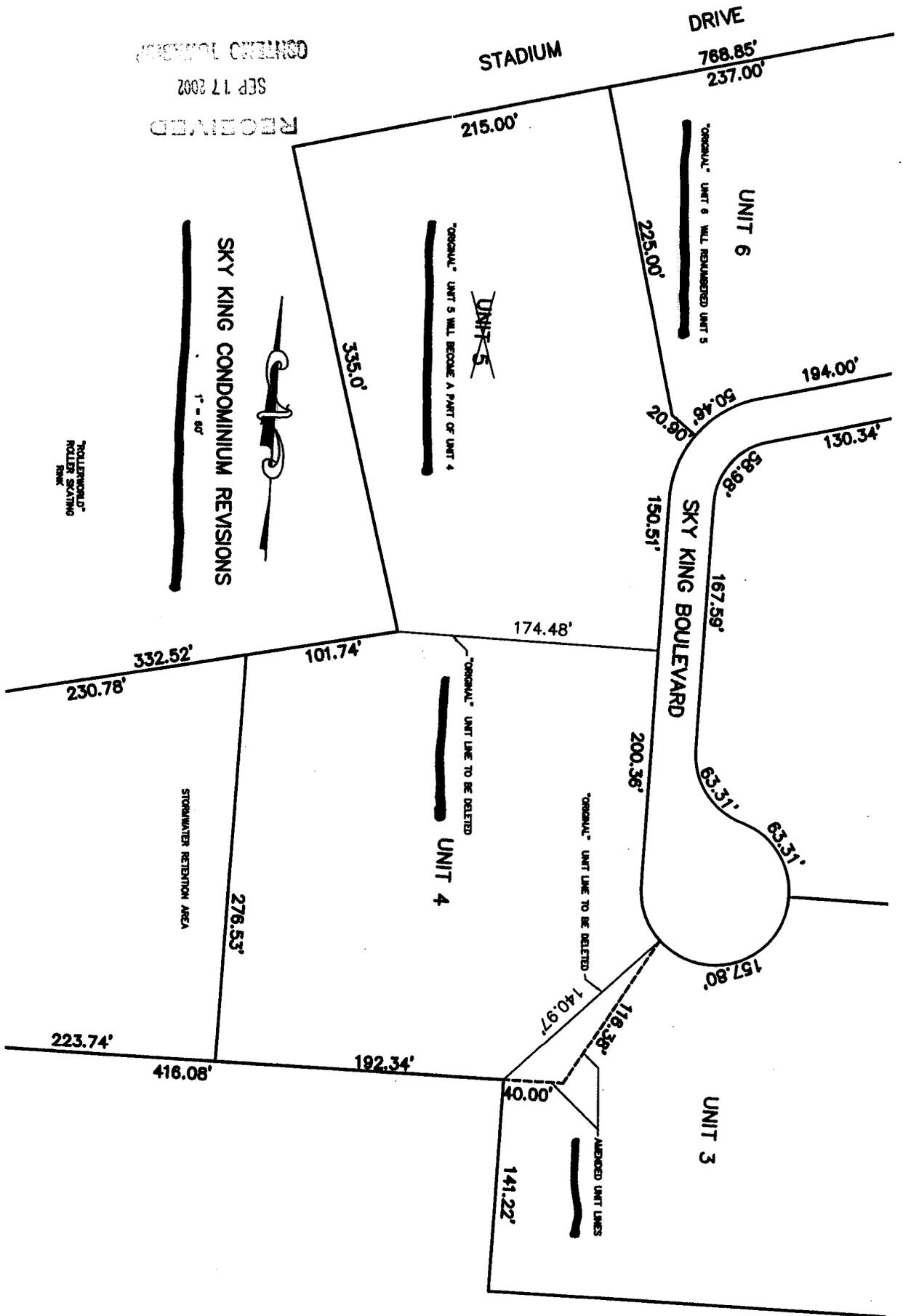
SEP 17 2002

RECEIVED

SKY KING CONDOMINIUM REVISIONS

1" = 60'

ROLLERSHIELD
UNITER SCALING
SHEET



PC 5/24/01

MINUTES

The Planning Commission considered the minutes of the meeting of May 10, 2001. Mr. Corakis moved to approve the minutes as submitted, and Ms. Garland-Rike seconded the motion. The motion carried unanimously.

SKY KING INDUSTRIAL PARK - STORAGE FACILITY - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - 3776 SKY KING BOULEVARD - (PARCEL NO. 3905-34-260-005)

The Planning Commission resumed special exception use and site plan review of a proposed three-building, enclosed storage facility for lease to residential and office customers. The subject property is located at 3776 Sky King Boulevard within the "I-1" Industrial District zoning classification, and is Parcel No. 3905-34-260-005. The Report of the Planning and Zoning Department is incorporated herein by reference.

It was noted that the item had first been considered at the meeting of April 26, 2001. At that time, the Planning Commission felt that they did not have adequate information to review the request pursuant to the special exception use criteria. Specifically, Planning Commissioners were concerned about the appearance of the facility and its impact on neighboring properties. Moreover, there were elements of the site plan that had yet to be finalized.

Ms. Stefforia reviewed the area zoning and adjacent land uses. She reminded the Planning Commission that the applicant had indicated there would be no on-site management office. This facility would provide a sign with a phone number to the off-site office. Arrangements would be made via telephone for the manager and a potential tenant to meet at the site. The proposed hours of operation were 6 a.m. to 9 p.m. The driveway would be gated, and access controlled through a code system.

The applicant had proposed fencing to follow the pavement. The fencing down both sides and across the front of, i.e., Stadium Drive, would be decorative. The balance of the fencing would be chain-link.

Ms. Stefforia expressed concern over the building-mounted lighting. She felt that this should be shielded to direct light downward and not upward. She noted that the lights on the east side of the smaller storage building should be considered for elimination since they did not serve to illuminate an area where clients would be expected to have access.

Ms. Stefforia described the landscaping proposed by the applicant. She noted that along the west property line, landscaping had been modified and it was proposed that there be 36-inch arborvitae shrubs and some pampas grass (in two-gallon containers) to supplement the plantings in the area. Further, a berm had been added along the site's frontage on Sky King Boulevard. Five-foot-tall blue spruce trees were proposed for

plantings on top of the berm. Some evergreens had been added to the southeast corner of the site.

Ms. Stefforia noted that the applicant was proposing changes to the storm water retention system on Unit #6 as part of the site improvements to Unit #5.

Ms. Stefforia presented photographs to the Planning Commissioners of a storage facility in the Warren area which had a pitched-roof design and tan block exterior. She felt that this facility was fairly attractive for the type of use.

The applicant, Jamie Dyer, was present. He stated that the owners, Mike Seelye and Tim Van Lier, were also present. Mr. Dyer stressed the changes made to the landscaping plan, noting that the density of the plantings had been increased along Stadium Drive. They would be eight foot on center. He stated that the plan now identified the placement of decorative and chain-link fencing. The southern portion would be chain-linked.

Mr. Seelye presented photographs of the type of fencing to be utilized at the site. It would be aluminum, and it was planned that the fencing would be white.

In response to questions from Mr. Corakis, the applicant indicated that the changes to the storm water retention system would eliminate the ponding on Unit #6. A pipe to direct the water from that area to the pond to the south, which was shared by the site condominium units would be installed.

Mr. Corakis inquired whether the applicant had considered utilizing another unit within the Industrial Park. It was indicated that the owner feels that the visibility of this site from Stadium Drive was a selling point and would allow the use to attract tenants.

The Chairperson had questions with regard to the appearance of the facility. The applicant indicated that the buildings would be steel with a pitched roof. It was planned that they be off-white in color with blue doors. Mr. Seelye presented an artist's rendering of the storage facility. He stated that there would be no outdoor storage, and in his opinion, it would be a beautiful project.

Ms. Garland-Rike questioned the 3 x 5 doors which would face Stadium Drive. The owner indicated that this would allow for use of shallow storage spaces at the end of the buildings.

The applicant indicated that the pitch of the roof would be 2/12.

The Chairperson questioned why the applicant was proposing chain-link for the southern portion of the fencing. The applicant indicated that they were hoping to expand at some future date to the unit of the Park to the south. If this expansion was accomplished, it would be cheaper to take down the chain-link fencing.

As to lighting, the applicant indicated that there would be no opposition to removing the building lighting on the east side of the small storage building. It had been placed at the site to provide for security, not building illumination.

Ms. Garland-Rike expressed concern about the lack of a waste receptacle. She felt that this application was distinguishable from a prior application considered by the Planning Commission in that there would be no on-site management office. She felt that a residential-style receptacle should be placed on-site, at a minimum.

The Chairperson questioned the applicant with regard to whether there would be someone on site every day. Mr. Seelye indicated that he believed that either he or his partner would be on site or that maintenance personnel would be on site daily. The applicant expressed agreement to providing a residential type of waste receptacle on site.

No public comment was offered and the Public Hearing was closed.

The Chairperson summarized the application and a review of Section 60.100 was commenced.

The Planning Commission first considered whether the proposed use was compatible with uses expressly permitted within the zoning district. The consensus of the Planning Commissioners was that the use would be in keeping with those permitted in the district. It was noted that the ordinance had recently been amended to allow for this type of use in the "I-1" district rather than the Commercial District, due to the appearance of these facilities and their similarities to general warehousing.

The Planning Commission considered whether the proposed use would be detrimental or injurious to the use or development of adjacent properties or to the general public. Ms. Garland-Rike expressed that based upon the detail provided by the applicant with regard to design and landscaping, she felt these would not be a problem. Mr. Corakis agreed but was still concerned about the drainage issue. Ms. Stefforia stated that storm water retention would be reviewed by the Township Engineer.

Ms. Heiny-Cogswell stated the [redacted] even with the rendering, she was concerned about allowing this use given the location. She felt that because of the location, the design of the building and landscaping was critical. In her opinion, the white fencing would stand out. She felt that a darker fence would have less negative impact on adjacent properties. She was also concerned that the white building facade would stand out. She noted the photos of the Warren facility which showed a darker brown building.

Mr. Rakowski stated that he did not feel that the color of the fence or the building was significant.

Ms. Everett questioned whether the applicant had considered using gray or beige in that the other buildings within the industrial park were gray and beige. Ms. Bugge felt

if the applicant chose to make the building gray or beige, it would give the park a look of cohesiveness.

Mr. Seeyle indicated that he would be willing to change the color scheme to provide for beige buildings with hunter green doors and green roof. The fencing would be beige.

Planning Commissioners expressed a preference for that color scheme.

The Planning Commission discussed whether the proposed use would promote the public health, safety, and welfare. It was recognized that since access would be from Sky King Boulevard, rather than directly from Stadium, the use would not have a negative traffic impact. Further, the site would be controlled by a gate.

The Planning Commission considered whether the proposed use would encourage use of the land in accordance with its character and adaptability. Ms. Heiny-Cogswell expressed satisfaction that the landscaping plan had addressed replanting of trees that would be removed from the site.

Although the landscaping proposal would require a deviation, Ms. Stefforia and Ms. Heiny-Cogswell felt that the proposal of the applicant would provide more screening than the "type A" required by the ordinance. Ms. Heiny-Cogswell, however, commented that the arborvitae which would be planted should be a "broad species". She felt that the plantings along the berm should be diversified especially in the south east corner. In her opinion the Amur Maple should be changed to a non-invasive species of Evergreen.

There was discussion of section 82.800 and site plan review.

Ms. Heiny-Cogswell moved to approve the special exception use permit, finding that based upon the discussion of the Planning Commission, the application met the criteria of section 60.100 with the following conditions, limitations and notations:

- (1) That the design color and pitch of the roof proposed by the applicant, as revised, i.e. beige building and fencing, with green doors and roof was satisfactory. A pitched roof was proposed and approved.
- (2) That landscaping as proposed by the applicant was approved except that the applicant should provide a broad species of Arborvitae, diversify the species of Evergreen in the southeast corner, and change the Amur Maple to non-invasive type of Evergreen.
- (3) That a residential style waste receptacle be provided on site.
- (4) That regular visits to the site would be made by maintenance personnel and/or the owner.

Ms. Everett seconded the motion. The motion carried unanimously.

Ms. Heiny-Cogswell moved to approve the site plan with the following conditions, limitations and notations:

- (1) That site access would be from Sky King Boulevard and not directly from Stadium Drive.
- (2) That parking as proposed was approved and all parking spaces must be 10' x 20'.
- (3) That no outside storage is proposed or approved.
- (4) That decorative fencing be placed along the frontage and partially down the side of the site as shown on the site plan. The balance of the fencing would be chain-link. Fencing would enclose the paved areas. The fencing would be 5 feet or greater in height.
- (5) All lighting would comply with Section 78.700 and be adequately shielded to direct light downward at an angle no greater than 75 degrees above the pavement. The fixture details would be submitted to Township staff for review and approval.
- (6) Any signage must comply with Section 76.000 and is subject to review and approval through the permit process. No signage may be hung from the fencing.
- (7) That an residential style waste receptacle be provided on site.
- (8) That landscaping as proposed by applicant was approved as modified in the special exception use permit approval.
- (9) That maintenance personnel visit the site daily or as often as necessary to remove garbage and unclaimed items left out of the storage units.
- (10) That landscaping be installed consistent with the approval prior to Certificate of Occupancy being granted or a Performance Guarantee consistent with the provisions of 82.950 must be provided.
- (11) That approval subject to review and approval and conditions imposed by the Township Fire Department.
- (12) That storm water would be managed by the parks storm water system. Site engineering and changes to the system on unit #6 are subject to review and approval by the Township Engineer.

- (13) An earth change permit from the Kalamazoo County Drain Commissioner's office is required before any earth change activities could commence.

Ms. Everett seconded the motion. The motion carried unanimously.

TAPLIN - REZONING REQUEST - 5787 STADIUM DRIVE - (PARCEL NO. 3905-25-324-010)

The Planning Commission considered the application of Steve Taplin for rezoning of a .90 acre parcel at the southeast corner of Stadium Drive and Plainview Street, at 5787 Stadium Drive. The subject property is located in the "R-2" Residence District zoning classification and is parcel no. 3905-25-324-010. The applicant was requesting rezoning from the "R-2" to the "R-3" Residence District classification.

The Report of the Planning and Zoning Department is incorporated herein by reference.

It was indicated that the applicant desires "R-3" zoning to allow for the establishment of an office building on the property. The Plainview Plat is recognized in the Master Land Use Plan as a protected residential area.

The applicant was present indicating that he was available to answer questions. He felt his plans would not be detrimental to the neighborhood.

It was stressed that a very small area would be left for building and parking on the site due to the applicable set backs. The applicant felt this would not be a problem.

It was noted that in the "R-3" District offices would be a maximum of 10,000 square feet.

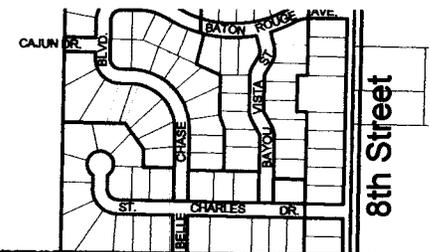
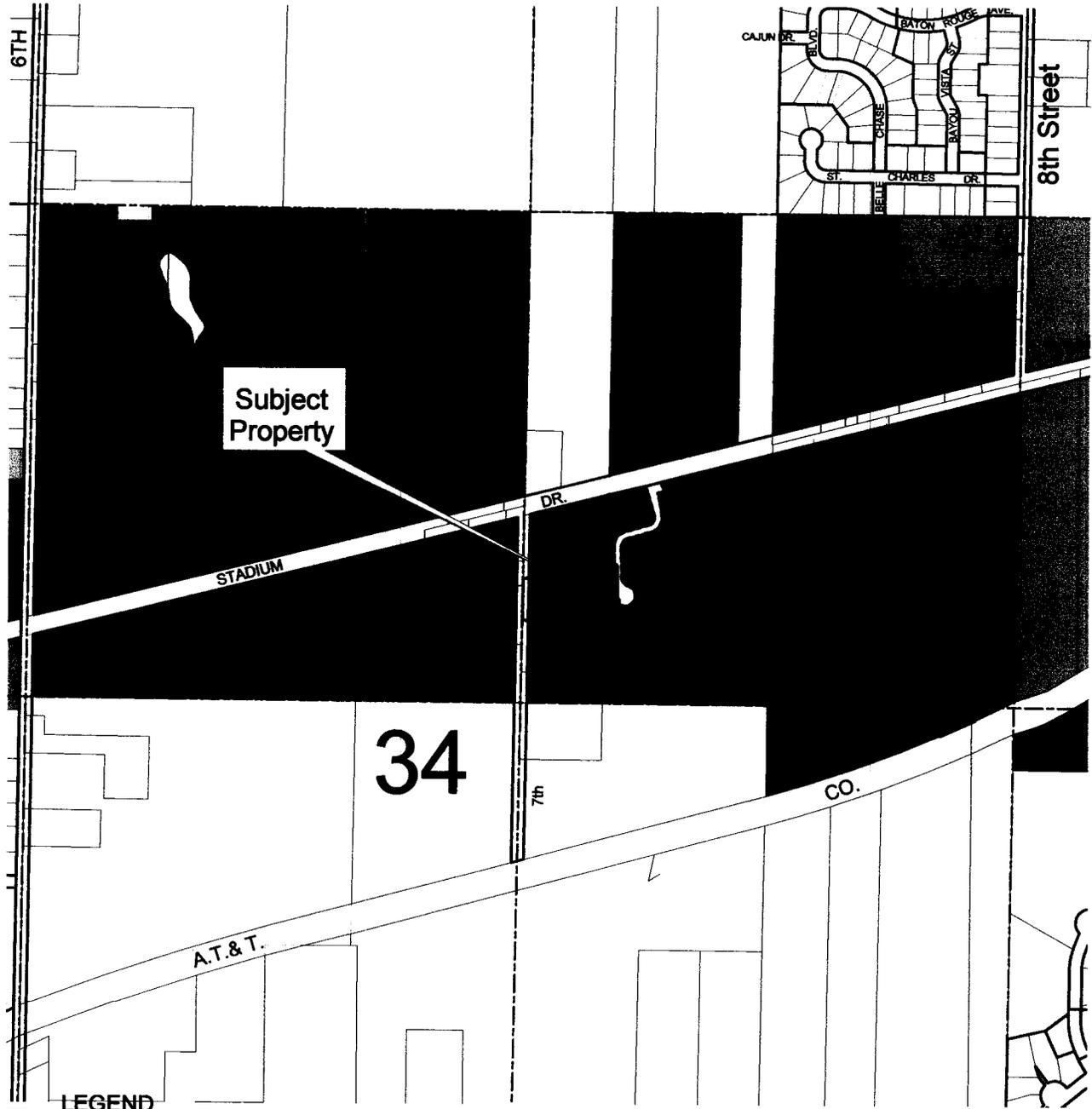
The Chairperson asked for public comment and it was noted that a letter had been received from Ron Wiser in opposition to the proposed rezoning. No other public comment was offered and the public hearing was closed.

The Chairperson made reference to the rezoning request criteria. The Planning Commission considered whether the proposed rezoning was supported by the adopted master land use plan. Again it was noted that the plan calls for this area to be "protected residential" and notes that the Township will resist rezoning actions which would allow the encroachment of incompatible uses or discourage the preservation of existing residential neighborhoods.

Mr. Corakis stated that he did not feel that it was likely that the corner lot, being on Stadium Drive and across from commercial zoning on which the DeNooyer Automobile

ZONING MAP

CHARTER TOWNSHIP OF OSHTEMO KALAMAZOO COUNTY, MICHIGAN



- LEGEND**
- Storage expansion s/hp
 - Rail Road R.O.W.
 - Road R.O.W. (Public)
 - Road R.O.W. (Private)
 - Zoning**
 - A0-AGRICULTURE-RURAL DISTRICT
 - R1-RESIDENCE DISTRICT
 - R2-RESIDENCE DISTRICT
 - R3-RESIDENCE DISTRICT
 - R4-RESIDENCE DISTRICT
 - R5-RESIDENCE DISTRICT
 - VC-VILLAGE COMMERCIAL DISTRICT
 - CR-LOCAL BUSINESS DISTRICT RESTRICTED
 - C-COMMERCIAL
 - C1-LOCAL BUSINESS DISTRICT
 - R8-INDUSTRIAL DISTRICT RESTRICTED
 - I1-INDUSTRIAL DISTRICT MANUFACTURING & SERVICE
 - I2-INDUSTRIAL DISTRICT MANUFACTURING & SERVICE
 - I3-INDUSTRIAL DISTRICT SPECIAL



SEELYE

NO.	REVISION
1	ISSUED FOR PERMITTING
2	REVISED PER COMMENTS
3	REVISED PER COMMENTS
4	REVISED PER COMMENTS
5	REVISED PER COMMENTS
6	REVISED PER COMMENTS
7	REVISED PER COMMENTS
8	REVISED PER COMMENTS
9	REVISED PER COMMENTS
10	REVISED PER COMMENTS

WILTMAN WARD, INC.
 ARCHITECTS AND PLANNERS
 1000 PORTER ROAD
 WILMINGTON, DE 19804
 TEL: 302-478-1100
 FAX: 302-478-1101

STADIUM STORAGE
 M. SEELYE / T. VANLIERE
 2800 STODOLSKY DRIVE
 WILMINGTON, DE 19808
 TEL: 302-478-1100
 FAX: 302-478-1101

D-2435
 DATE: SEP 19 2002
 SCALE: 1/8" = 1'-0"
 SHEET NO. 1 OF 1

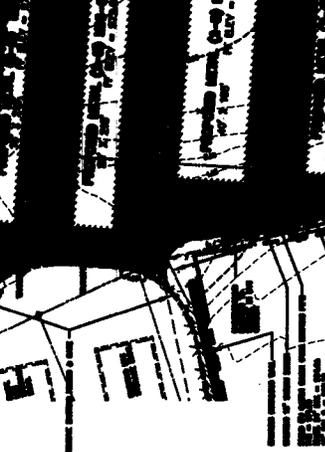
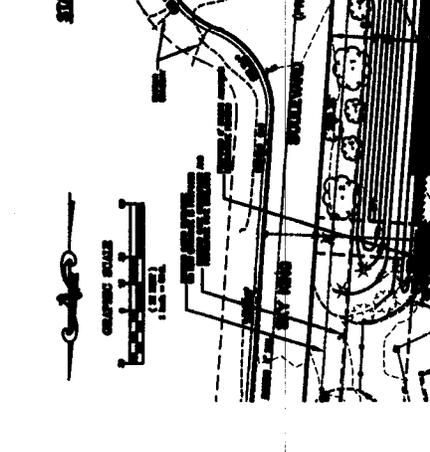
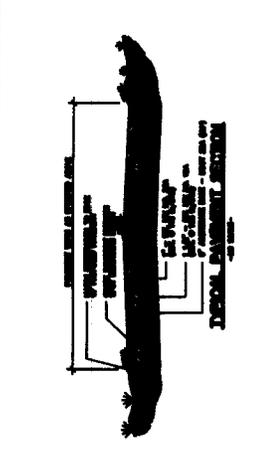
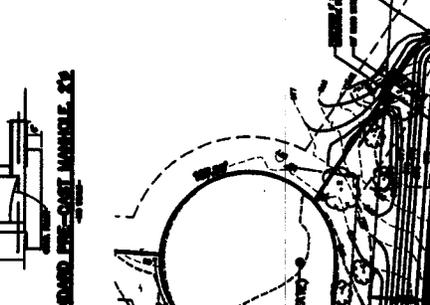
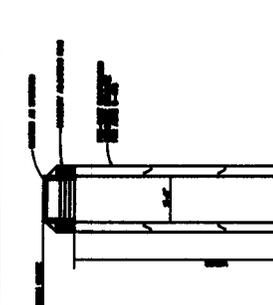
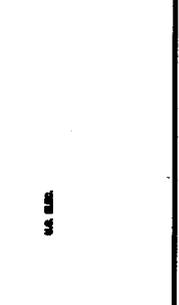
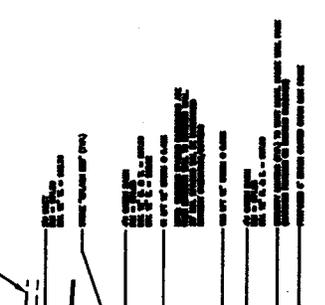
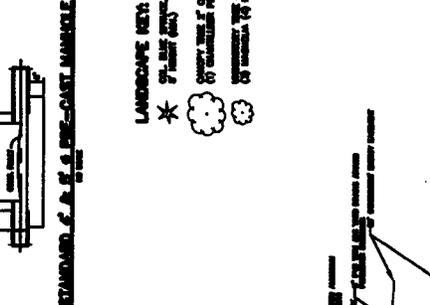
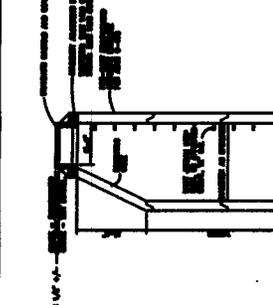
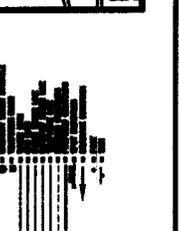
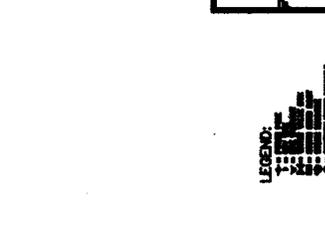
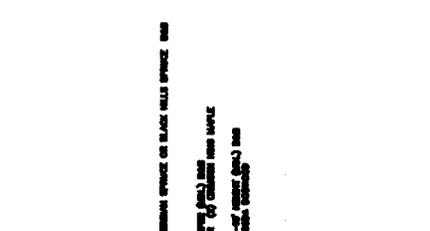
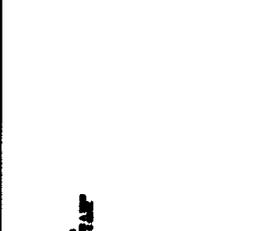
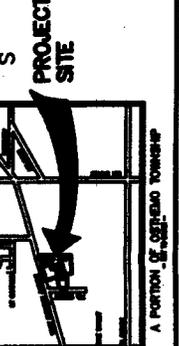
GENERAL NOTES:

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL MATERIALS SHALL BE AS SHOWN OR APPROVED BY THE ARCHITECT.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND REGULATIONS.
4. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT PRIOR TO INSTALLATION.
5. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
6. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.
7. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.
8. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.
9. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.
10. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.

LEGAL DESCRIPTION:

LOT 1, TRACT 1, SECTION 1, TOWNSHIP 1, RANGE 1, COUNTY 1, STATE 1.

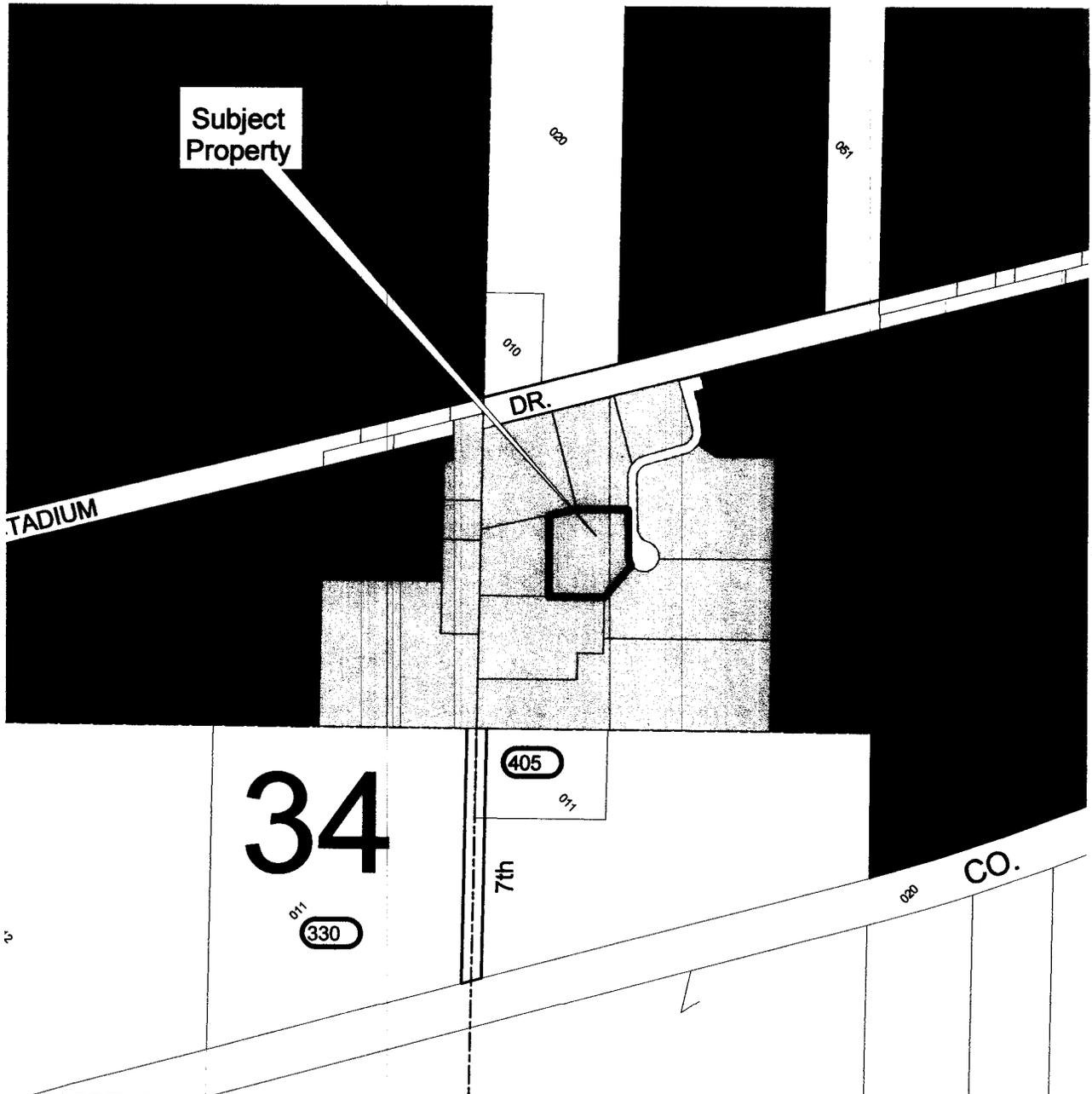
RECEIVED
 SEP 19 2002
 OSHTENO TOWNSHIP
 A PORTION OF OSHTENO TOWNSHIP



LEGEND:
 [Symbol] 18" DIA. MANHOLE
 [Symbol] 24" DIA. MANHOLE
 [Symbol] 36" DIA. MANHOLE
 [Symbol] 48" DIA. MANHOLE
 [Symbol] 60" DIA. MANHOLE
 [Symbol] 72" DIA. MANHOLE
 [Symbol] 84" DIA. MANHOLE
 [Symbol] 96" DIA. MANHOLE
 [Symbol] 108" DIA. MANHOLE
 [Symbol] 120" DIA. MANHOLE
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 [Symbol] 144" DIA. MANHOLE
 [Symbol] 156" DIA. MANHOLE
 [Symbol] 168" DIA. MANHOLE
 [Symbol] 180" DIA. MANHOLE
 [Symbol] 192" DIA. MANHOLE
 [Symbol] 204" DIA. MANHOLE
 [Symbol] 216" DIA. MANHOLE
 [Symbol] 228" DIA. MANHOLE
 [Symbol] 240" DIA. MANHOLE

ZONING MAP

CHARTER TOWNSHIP OF OSHTEMO KALAMAZOO COUNTY, MICHIGAN



LEGEND

- Storage expansion strip
- Rail Road R.O.W.
- Road R.O.W. (Public)
- Road R.O.W. (Private)
- Zoning**
- A1-AGRICULTURE-RURAL DISTRICT
- R1-RESIDENCE DISTRICT
- R2-RESIDENCE DISTRICT
- R3-RESIDENCE DISTRICT
- R4-RESIDENCE DISTRICT
- R5-RESIDENCE DISTRICT
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- CR-LOCAL BUSINESS DISTRICT RESTRICTED
- C-COMMERCIAL
- CI-LOCAL BUSINESS DISTRICT
- I1-INDUSTRIAL DISTRICT RESTRICTED
- I2-INDUSTRIAL DISTRICT MANUFACTURING & SERVICE
- I3-INDUSTRIAL DISTRICT SPECIAL

SEELYE

05-34-185-035 HANSON JAMES & ELIZABETH
Owner's Address: 4100 S 7TH STREET
Property Address: 4100 S 7TH STREET

05-34-185-040 ARCHITECTURE INC
Owner's Address: 2001 SOUTH 4TH STREET
- Property Address: 7503 STADIUM DRIVE R

05-34-185-050 BOGEMA JACK & ALICE DARLENE
Owner's Address: 3870 S 7TH STREET
- Property Address: 3780 S 7TH STREET

05-34-185-060 BOGEMA JACK & ALICE D
0 Owner's Address: 3870 S 7TH STREET
Property Address: 3870 S 7TH STREET

05-34-255-010 NATAAW INC
Owner's Address: 2020 RAVINE ROAD
- Property Address: 7491 STADIUM DRIVE R

05-34-255-025 CALHOUN MARY E
Owner's Address: 3909 S 7TH STREET
Property Address: 3909 S 7TH STREET

05-34-255-051 BROWN ROBERT G & JANICE M
Owner's Address: 4071 S 7TH STREET
Property Address: 4071 S 7TH STREET

05-34-260-002 SKY KING DEVELOPMENT CO INC
0 Owner's Address: 3820 STADIUM DRIVE
- Property Address: 3777 SKY KING BOULEVARD

05-34-260-003 SKY KING DEVELOPMENT CO INC
0 Owner's Address: 3820 STADIUM DRIVE
- Property Address: 3883 SKY KING BOULEVARD R

05-34-260-004 SKY KING DEVELOPMENT CO INC
0 Owner's Address: 3820 STADIUM DRIVE
- Property Address: 3764 SKY KING BOULEVARD R

05-34-260-005 NIEKO PROPERTIES LLC
Owner's Address: 4282 SQUIRE HEATH
- Property Address: 3776 SKY KING BOULEVARD R

05-34-260-006 SKY KING DEVELOPMENT CO INC
Owner's Address: 3820 STADIUM DRIVE
Property Address: 3864 SKY KING BOULEVARD ↻

05-34-260-007 SKY KING DEVELOPMENT CO INC
Owner's Address: 3820 STADIUM DRIVE
Property Address: SKY KING BOULEVARD



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 616-375-4260 Fax: 616-375-7180

PLANNING & ZONING APPLICATION

APPLICANT:

Name MIKE SEELYE
Company SKY KING, LLC
Address 3820 STADIUM DRIVE
KALAMAZOO, MI 49008
Telephone 375-3820 Fax 372-4729
Interest in Property OWNER

THIS SPACE
FOR
OFFICE USE

THIS SPACE

OWNER*:

Name _____
Address _____
Telephone _____ Fax _____
*(*If different from the Applicant)*

TOTAL DUE \$1,000.00
RECEIVED FROM:
SKY KING LLC
CHECK: \$1,000.00
TOTAL TENDERED \$1,000.00
CHANGE DUE \$0.00

NATURE OF THE REQUEST: (Please check the appropriate item(s))

- | | |
|---|--|
| <input checked="" type="checkbox"/> Site Plan Review | <input type="checkbox"/> Subdivision Plat Review |
| <input type="checkbox"/> Administrative Site Plan Review | <input type="checkbox"/> Rezoning |
| <input checked="" type="checkbox"/> Special Exception Use | <input type="checkbox"/> Interpretation |
| <input type="checkbox"/> Zoning Variance | <input type="checkbox"/> Text Amendment |
| <input type="checkbox"/> Site Condominium | <input type="checkbox"/> Sign Deviation |
| <input type="checkbox"/> Other: | |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): SPECIAL EXCEPTION
USE AND SITE PLAN APPROVAL FOR AN EXPANSION OF
THE STADIUM STORAGE (MINI STORAGE) FACILITY.

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

UNIT 4 OF SKY KING BUSINESS PARK AS RECORDED IN
DOCKET 2000-002431, KALAMAZOO COUNTY RECORDS, MAY

ALSO INCLUDE A SMALL PORTION OF UNIT 3 (SW CORNER). IF SO,
THE CONDOMINIUM WILL BE AMENDED
PERMANENT PARCEL (TAX) NUMBER: 3905- ~~18-160-004 (Unit 4)~~

3764
39-260-004
ADDRESS OF PROPERTY: 10330 SKY KING BOULEVARD

PRESENT USE OF THE PROPERTY: VACANT

PRESENT ZONING I-1 SIZE OF PROPERTY 1.8 AC ±

NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS
HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:

Name(s)

Address(es)

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate.

Owner's Signature (* If different from Applicant)

Date



Applicant's Signature

09-06-02

Date

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* THIS WILL BE AN EXPANSION OF THE EXISTING STADIUM STORAGE BUSINESS,
THEREFORE THE ENVIRONMENTAL & HAZARDOUS SUBSTANCE FORMS ON
FILE WILL APPLY



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
269-375-4260 FAX 375-7180 TDD 375-7198
www.oshtemo.org

**OSHTEMO TOWNSHIP PLANNING COMMISSION
LATE-2002
WORK PROGRAM**

Revised September 12, 2002

September	Open Space Community provisions Definition of Family Time/Temp elements in signs Accessory Buildings	public hearing draft #3 draft #1 draft #1
October	Definition of Family Time/Temp elements in signs Accessory Buildings	public hearing public hearing public hearing
November	Amenities and incentives Neighborhood Commercial Office Zoning Home Occupations	discussion discussion discussion discussion
December	Amenities and incentives Landscape Ordinance review & native plantings Office Zoning Neighborhood Commercial Home Occupations	outline discussion outline outline review research