

OSHTEMO CHARTER TOWNSHIP ZONING BOARD OF APPEALS

MINUTES OF MEETING HELD JUNE 16, 1997

---

Agenda

AUTOMOTIVE WERKS - SITE PLAN REVIEW - PROPOSED 10,000 SQ. FT.  
AUTOMOTIVE REPAIR CENTER - UNIT #5, SEECO COMMERCIAL PARK

SEECO RETAIL CENTER - SITE PLAN REVIEW - PROPOSED 10,750 SQ. FT. RETAIL  
CENTER - 9<sup>TH</sup> ST./SEECO DR.-UNITS #7/#8 - SEECO COMMERCIAL PARK

MAPLE HILL CHRYSLER - VARIANCE FROM LIGHTING STANDARDS - 5612 WEST  
MAIN

ELAINE NIGG - VARIANCE FROM FRONT SETBACK REQUIREMENT - PROPOSED  
1,240 SQ. FT. ADDITION TO EXISTING DUPLEX - 976/978 S. 4<sup>TH</sup> ST.

---

A meeting was conducted by the Oshtemo Charter Township Zoning Board of Appeals on Monday, June 16, 1997, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township Hall, pursuant to notice.

MEMBERS PRESENT:      Brian Dylhoff, Acting Chairperson  
                                 David Bushouse  
                                 Lara Meeuwse  
                                 Thomas Brodasky  
                                 William Saunders

MEMBERS ABSENT:      None

Also present were Rebecca Harvey, Patricia R. Mason, Township Attorney, and six (6) other interested persons.

**CALL TO ORDER**

The meeting was called to order at 3:05 p.m.

**MINUTES**

The Board considered the minutes of the meeting of June 2, 1997. Mr. Brodasky moved to approve the minutes as submitted, and Ms. Meeuwse seconded the motion. The motion carried unanimously.

**AUTOMOTIVE WERKS - SITE PLAN REVIEW - PROPOSED 10,000 SQ. FT.  
AUTOMOTIVE REPAIR CENTER - UNIT #5, SEECO COMMERCIAL PARK**

The next item was the application of Bruce Kuipers of Delta Design, representing Automotive Werks, for site plan review of a proposed 10,000 sq. ft. automotive repair center. The subject site is located on the south side of Seeco Drive, approximately 406' east of 9<sup>th</sup> Street (Unit #5 of the Seeco Commercial Park), and is within the "C" Local Business District Zoning District classification.

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

Ms. Harvey noted that on September 9, 1996, the Zoning Board of Appeals had granted site plan approval to the applicant for a proposal to construct a 3,500 sq. ft. automotive repair facility at the subject site. The applicant now sought approval of a revised site plan which reflects modified site boundaries and an increased building area and related site modifications. In April of 1997, an amendment to the Seeco Site Condominium project had been approved. Ms. Harvey suggested incorporating into any approval of the site plan the approval conditions placed on the site condominium project. Ms. Harvey noted that the applicant had provided a revised site plan which had been amended to address certain concerns/issues raised by the Planning and Zoning report.

The applicant was present. Mr. Kuipers indicated that there would be no change in the proposed use from that approved previously by the Zoning Board of Appeals. The building had been increased in size in this proposal to accommodate indoor storage of certain vehicles (race cars and antique cars). The automotive service portion was the same size approved previously. The proposal continued to involve repair of Porsche automobiles.

Mr. Brodasky inquired as to whether the revised site plan had adequately dealt with the access issues raised by the report. Ms. Harvey responded that it did, noting that any approval should require the review and approval of the Kalamazoo County Road Commission. She noted that the proposed location of the access drive was now placed so that it might be shared in the future. Additionally, parking information had been provided which indicated that the parking was adequate in number. The applicant had also addressed barrier-free parking. Setback indications on the plan had also been corrected. The applicant had added a turnaround as required by the Fire Department.

There was discussion of the location of vehicles awaiting repair, and the applicant indicated that they would be located in the south parking lot. Room for parking of four vehicles was proposed. The applicant proposed parking vehicles awaiting repair for no longer than one week. As to screening along the south boundary line, the applicant stated that he was willing to add landscaping but asked that such landscaping be required only when the property to the south in the "R-2" District was developed. Ms. Harvey suggested that the Board should determine when landscaping should be installed and what type of landscaping would be involved. Board members agreed that the establishment of screening could await the development of the residentially zoned property.

There was no public comment offered, and the public hearing was closed.

After further discussion, Mr. Brodasky moved to approve the site plan with the following conditions, limitations and notations:

(1) That the subject site is proposed to be served by a single access point onto Seeco Drive. The access point complies with the Access Management Plan and the Access Management Guidelines of the Township. Approval is subject to the review and approval of the Kalamazoo County Road Commission. It was recognized that the revised site plan provided a location which could be shared in the future by building site #6.

(2) That the proposed parking lot layout and site circulation are satisfactory. This required that parking spaces be subject to compliance with the dimensional standards of 10' x 20'.

(3) That all barrier-free parking is subject to ADA and Michigan Barrier-Free Guidelines and is to be designated by signage and pavement logo.

(4) That the proposed dumpster/enclosure arrangement is satisfactory.

(5) That exterior lighting is proposed to consist of four building-mounted lights; pole lighting is not proposed. All lighting is subject to compliance with the lighting guidelines of Section 78.700, and a lighting proposal must be submitted to Township staff for review and approval pursuant to Section 78.700(G).

(6) That signage must comply with Section 76.000 and be reviewed and approved through the permit process.

(7) That the south easternmost four parking spaces are to be designated for the parking of vehicles awaiting repair, and such vehicles could be parked for no longer than one week.

(8) That screening along the entire south boundary line of the site consistent with Section 11.540(1) must be established within 90 days of the issuance of a building permit for the development of the property to the south, zoned in the "R-2" District, weather permitting. A detailed landscape plan must be submitted to Township staff for review and approval.

(9) That variance had not been requested.

(10) That approval is subject to the review and approval of the Township Fire Department and Township Engineer.

(11) That the proposed project will be serviced by public water and sewer.

(12) That an environmental permits checklist and hazardous substance reporting form must be completed and submitted for the proposed project.

(13) That approval is conditioned upon compliance with the conditions of approval placed on the Seeco Commercial Park Site Condominium project.

The motion was seconded by Ms. Meeuwse. The motion carried unanimously.

**SEECO RETAIL CENTER - SITE PLAN REVIEW - PROPOSED 10,750 SQ. FT. RETAIL CENTER - 9<sup>TH</sup> ST./SEECO DR.-UNITS #7/#8 - SEECO COMMERCIAL PARK**

The next item was the application of Bruce Kuipers on behalf of Delta Design, representing Seeco Investments, for site plan review of a proposed 10,750 sq. ft. retail center. The subject site is located on the southeast corner of 9<sup>h</sup> Street and Seeco Drive (Units #7 and #8 of Seeco Commercial Park) and is within the "C" Local Business District Zoning classification.

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

Mr. Kuipers asked that the item be tabled to the meeting of July 7, 1997, in order to allow the applicant to respond to the issues and concerns expressed in the Planning and Zoning report.

Mr. Brodasky moved to table the item to July 7, 1997, at the request of the applicant. Mr. Saunders seconded the motion, and the motion carried unanimously.

**MAPLE HILL CHRYSLER - VARIANCE FROM LIGHTING STANDARDS - 5612 WEST MAIN**

The next item was the application of Jim Vandenberg, representing Maple Hill Chrysler, for variance approval from the lighting standards established by Section 78.700 of the Zoning Ordinance. The subject site is located at 5622 West Main and is within the "C" Local Business District Zoning classification.

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

Ms. Harvey indicated that the applicant was engaged in certain site improvements and that the project had previously received approval for additions to the building, etc. The applicant also sought to modify the existing lighting arrangement. At the present time, there are quite a few nonconforming, but previously existing, lighting fixtures. The applicant proposed a lighting arrangement which would result in a reduction of the number of fixtures at the site. However, the proposed lighting arrangement did not conform to all Ordinance provisions for outdoor lighting established in Section 78.700. The applicant proposed two options, both of which would require variance from the footcandle limitations of the Ordinance. Under option #1, the applicant requested variance approval from the wattage standards to allow for 1,000 watts per lamp. In the second option, the applicant proposed

establishing lighting fixtures with 400 watts per lamp, but which would include the use of compact floodlights.

Ms. Harvey noted that the Board had previously considered one variance request from the lighting standards since their adoption in 1994. That application involved Long John Silver's, which received variance approval with regard to the footcandle limitations so as to allow .9 footcandles at the perimeter of the property.

Ms. Harvey stated that Matt Moulds of Engineering Plus had again been retained as the Township's lighting consultant to review the proposal(s) of the applicant.

Ms. Harvey stated that the property boundaries, and the development on the site, had been in existence for some time, well prior to the adoption of the lighting standards. This was similar to the application made by Long John Silver's, which development also predated the Ordinance. Ms. Harvey stated that the Board had previously concluded there was a distinction between an existing site and a newly developing site which could be designed with lighting limitations in mind. With an existing site, there were certain limitations on the ability to comply with the current lighting standards and still light the outdoor merchandise. The proposed application, however, was distinguishable from the Long John Silver's application in that the use of the site involved the outdoor display of merchandise.

The applicant was present, stating that the facility had been built in approximately 1968. The lighting at the site dates back to that time and consists of 8'-long tubes with fluorescent lighting. The fixtures have 480 watts per head. Further, light poles are positioned on the property lines. However, because of street rights-of-way, there is approximately a 50' buffer area from the property line to West Main. There is a 15' sideline buffer area between the site and Maple Hill Drive. The applicant stated that currently there are approximately 29.8 footcandles at the property line/base of the poles.

The applicant summarized the lighting situations of neighboring properties. He stated that the Firestone site is lighted with fixtures pointed toward the building containing 40-watt bulbs. The Frank's Nursery lighting is directed toward Mall Drive and includes 40 watts per lamp. Across the street, Chi-Chi's was lighted with 40°-angled lighting.

The applicant also discussed competitor dealerships within the area. He stated that typically dealerships had lighting consisting of 1,000 watts per lamp and 45°-angle bumper lights of 400 watts per lamp to light the interior of cars. The applicant stated that outdoor lighting was particularly important for a car dealership. He stated that the lighting at the site is insufficient and antiquated. The current lighting arrangement results in a lot of spill and inadequate lighting of the merchandise. He felt that, to be competitive with the market, the outdoor lighting at the site needed to be redesigned. The applicant was asking for one of two options. One option would be single pole, 1,000-watt dual heads with no bumper lights, approximately 22½' high. The second option would consist of 400-watt dual lamps with 400-watt bumpers at ~~with a pole~~ height of approximately 22½'. Each would be 30' on center. The applicant stated that 60-80 footcandles were needed for customers to see the interior of the car. He distinguished the display area from parking lots. The applicant stated that the new lighting

arrangement would reduce the number of poles in the display area and would decrease the number of footcandles at the property line to approximately 20.

Matt Moulds was present, stating that he had reviewed the applicant's lighting proposal. He stated that he and his firm had participated in the design of lighting for car lots/dealerships. He agreed that lighting is "market driven." Mr. Moulds described the lighting which could reasonably be expected to be necessary in what he termed a "rural," "a moderately competitive" and a "competitive" area. He discussed Seelye West as being within a "rural area" and noted that this dealership includes single-pole lighting with 400 watts per lamp. No bumpers on the poles were utilized. He felt that DeNooyer was in a "moderately competitive" area in which he would expect to see 400 watts per lamp with bumpers. As to "competitive areas," which he stated in this area could be seen along Stadium Drive, one would expect 1,000 watts per lamp with bumpers.

He stated that the goal of lighting in car dealerships was to draw the eyes to the site and to light merchandise. There were no IES as to lighting levels at such sites. He felt that, with regard to the proposed site, single-pole lights with 400 watts per fixture, no bumpers, would not be "fair" given the area. He felt that an arrangement of 400 watts per lamp with 175-watt bumpers could be considered. Discussing the "bumper" lights, he noted that such lighting was not required to be sharp cutoff under the Ordinance due to its lower height. Mr. Moulds felt that the 1,000-watt-per-lamp option presented by the applicant (with shields on the fixtures) presented the most appropriate option in that it would present a more uniform and even lighting arrangement. This arrangement would result in less spill and less glare.

In response to questioning by the Chairperson, Mr. Moulds agreed that the applicant could not comply with the footcandle limitation at the property lines given the existing boundaries of the site and the ~~locations of the~~ display area on the site. Mr. Moulds felt that it would be difficult for uses which had already been established along Stadium Drive, West Main and Drake to develop lighting which would comply with the footcandle limitations given that many of these sites had been developed with the parking lot to the property line.

Ms. Harvey commented that she felt it was significant that the display area, in which the display and sale of merchandise had been approved ~~prior to the adoption of the Ordinance lighting standards~~, was located to the property line. Therefore, lighting was needed to the property line for this type of use. The Township Attorney agreed, stating that the Board should focus on the use of the property. The applicant should be allowed lighting which would allow the property to be ~~reasonably~~ utilized as ~~previously~~ approved/allowed under the Ordinance.

In response to further questioning, the applicant responded that there were 29 existing poles which would be reduced to 19 under the proposed arrangement. The applicant acknowledged that the variance was being sought only for the display area and that non-display parking areas would comply, with regard to lighting, with ~~all lighting standards wattage and footcandle limitations~~.

In response to questioning by Ms. Meeuwse, Mr. Moulds stated that overall lighting at the site would increase but that the footcandles would decrease at the property line. Further, the lighting would be more focused and more light would be thrown on the merchandise and there would be less spill and glare. Mr. Moulds felt that the 1,000-watt option offered by the applicant would be the "least glaring" and most consistent with the intent and spirit of the lighting ordinance.

Mr. Bushouse commented he felt that the 1,000-watt option was appropriate given that it would present a more uniform lighting arrangement and would reduce spill and glare.

There was no public comment offered on the motion, and the public hearing was closed.

Mr. Saunders moved to approve variance so as to allow display area lighting comprised of single poles with dual 1,000-watt fixtures, no bumper lights, at a height of approximately 22½', 30' on center and as proposed by the applicant in its lighting plan. This lighting would include roadside shields in the fixtures. The variance would allow footcandles of approximately 20 at the property perimeter. The motion was based on the following reasoning:

(1) That conformance was unnecessarily burdensome in that, based upon the report of the lighting consultant and his recommendation, the site could not reasonably be lighted to allow for display and sale of merchandise without variance given that the boundaries of the site and the location of the display area therein pre-existed the lighting standards of the Ordinance.

(2) That substantial justice required the variance. It was felt that the variance was consistent with the approval of the Long John Silver's variance allowing a variance from the footcandle limitations at the perimeter of the property provided by the Ordinance. It was felt that in this case, due to the location of the site along West Main, the fact that it was pre-existing of the Ordinance, and the use involved (which included outdoor activities/display and sale of merchandise, i.e., use as a motor vehicle dealership), variance from the wattage limitation was also needed.

(3) That there were unique physical circumstances in that the site pre-existed the Ordinance and the proximity of the previously approved display area which is in proximity to the perimeter of the site made compliance with the footcandle limitation impossible.

(4) That the hardship was not self-created in that the subject site and the display areas were both established prior to the adoption of lighting standards.

(5) That the spirit and intent of the Ordinance would be served by the variance in that the lighting consultant's recommendation was that the 1,000-watt option would better serve the intent and spirit of the Ordinance in that it would result in a more uniform and even lighting arrangement and would reduce spill and glare when compared to the option of 400 watts per lamp with bumpers.

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

**ELAINE NIGG - VARIANCE FROM FRONT SETBACK REQUIREMENT -  
PROPOSED 1,240 SQ. FT. ADDITION TO EXISTING DUPLEX - 976/978 S. 4<sup>TH</sup> ST.**

It was noted that the application of Elaine Nigg for variance approval from the 70' front setback requirement of Section 64.100 concerning a site at 976/978 S. 4<sup>th</sup> Street, in the "AG" District, had been withdrawn at the request of the applicant.

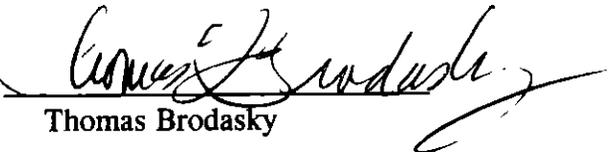
**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned at 4:55 p.m.

OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS

By:   
Brian Dylhoff, Chairperson

By:   
William Saunders

By:   
Thomas Brodasky

By:   
Lara Meeuwse

By: \_\_\_\_\_  
David Bushouse

Minutes Prepared:  
June 17, 1997

Minutes Approved:  
July 7, 1997

AGENDA: \_\_\_\_\_

DATE: June 16, 1997

MINUTES: ZBA

SENT: July 22, 1997

ZBA

- Lara M.
  - Dave B.
  - Bill S.
  - Brian
  - Tom B.
- } 7-1-97

PC

- Libby
- Marvin
- Lara
- Ken H.
- Millard
- Ted C.
- Wilfred

TB

- Fred
- Dave B.
- Marvin
- Norm

OFFICE

- Becky
- Bob
- Marci
- Lois
- Ron
- Tony
- Jim
- Attorney's
- Index
- Elaine

Total

Mike West

PEOPLE

Bruce Kuipers  
 Delta Design Systems, Inc.  
 8240 Stadium Drive  
 Kalamazoo, MI 49009

Todd Mellinger  
 351 West Ridge  
 Kalamazoo, MI 49009

Mike Seelye  
 3820 Stadium Drive  
 Kalamazoo, MI 49008

James Vandenberg  
 1816 Killington  
 Kalamazoo, MI 49009

Home Builders Association  
 5700 West Michigan  
 Kalamazoo, MI 49009

Oshtemo Business Association  
 P.O. Box 1  
 Oshtemo, MI 49077



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334  
616-375-4260 FAX 375-7180 TDD 375-7198

## NOTICE

### OSHTEMO TOWNSHIP ZONING BOARD OF APPEALS

June 16, 1997  
3:00 p.m.

### AGENDA

1. Call to Order
2. Approval of Minutes

- June 2, 1997

3. Site Plan Review - Automotive Werks

Bruce Kuipers of Delta Design, representing Automotive Werks, requests Site Plan Review of a proposed 10,000 sq. ft. automotive repair center.

Subject site is located on the south side of Seeco Drive, approximately 406 ft. east of 9th Street (Unit #5, Seeco Commercial Park), and is within the "C" District. (Out of 3905-14-330-019)

4. Site Plan Review - Seeco Retail Center

Bruce Kuipers of Delta Design, representing Seeco Investments, requests Site Plan Review of a proposed 10,750 sq. ft. retail center.

Subject site is located on the southeast corner of 9th Street and Seeco Drive (Units #7 and #8, Seeco Commercial Park) and is within the "C" District. (Out of 3905-14-330-019)

**5. Variance Request - Maple Hill Chrysler**

**Jim VandenBerg, representing Maple Hill Chrysler, requests Variance Approval from the lighting standards established by Section 78.700, Zoning Ordinance.**

**Subject site is located at 5622 West Main and is within the "C" District.  
(3905-13-180-035)**

**6. Variance Request - Elaine Nigg**

**Elaine Nigg requests Variance Approval from the 70 ft. front setback requirement established by Section 64.100, Zoning Ordinance. Applicant proposes a 1240 sq. ft. building addition to an existing duplex.**

**Subject site is located at 976 & 978 South 4th Street and is located within the "AG"-Rural District. (3905-20-430-050)**

**5. Other Business**

**6. Adjourn**

AGENDA: ZBA  
MINUTES: \_\_\_\_\_

DATE: June 16, 1997  
SENT: June 16, 1997

ZBA

Lara M.  
 Dave B.  
 Bill S.  
 Brian  
 Tom B.

PC

Libby  
 Marvin  
 Lara  
 Ken H.  
 Millard  
 Ted C.  
 Wilfred

TB

Fred  
 Dave B.  
 Marvin  
 Norm

OFFICE

Becky  
 Bob  
 Marci  
 Lois  
 Ron  
 Tony  
 Jim  
 Attorney's  
 Index  
 Elaine

Total

Mike West

PEOPLE

Bruce Kuipers  
Delta Design Systems, Inc.  
8240 Stadium Drive  
Kalamazoo, MI 49009

Todd Mellinger (Automotive Werks)  
351 West Ridge  
Kalamazoo, MI 49009

13 Labels

Mike Seelye (Seeco Investments)  
3820 Stadium Drive  
Kalamazoo, MI 49008

12 Labels

James Vandenberg (Maple Hill Auto Cen.)  
1816 Killington  
Kalamazoo, MI 49009

27 Labels

Elaine C. Nigg  
10736 West "RS" Avenue  
Mattawan, MI 49071

12 Labels

Dave Person  
Kalamazoo Gazette  
P.O. Box 2007  
Kalamazoo, MI 49003

Home Builders Association  
5700 West Michigan  
Kalamazoo, MI 49009

Oshtemo Business Association  
P.O. Box 1  
Oshtemo, MI 49077

Cripps Fontaine Excavating  
7729 Douglas Avenue  
Kalamazoo, MI 49004

Stanley Rakowski  
7151 West "G" Avenue  
Kalamazoo, MI 49009

Fred Langeland  
Balkema Sand & Gravel  
1500 River Street  
Kalamazoo, MI 49001

Wightman Ward Corporation  
1818 W. Centre Street  
Portage, MI 49024



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334  
616-375-4260 FAX 375-7180 TDD 375-7198

**To:** Zoning Board of Appeals

**Meeting Date:** 6-16-97

**From:** Planning/Zoning Department

**Agenda Item:** #3

**Applicant:** Bruce Kuipers, Delta Design Systems, Inc.  
Representing Automotive Werks

**Property In Question:** Approximately 1.5 acres located on the east side of 9th Street,  
south of Hannapel Home Center.  
(Unit #5, Proposed Seeco Commercial Park Condominium)

Reference Vicinity Maps

**Zoning District:** "C" Local Business District

**Request:** Site Plan Review - 10,000 Sq Ft Automotive Repair Facility

**Ordinance Section(s):** Section 82.800 - Criteria For Review

**Planning/Zoning Department Report:**

Background Information

- The subject site is identified as Unit #5 of the Proposed Seeco Commercial Park - Site Condominium.
- On 10-6-94, the Planning Commission (Zoning Board) approved the Site Plan for Seeco Commercial Park - Site Condominium, Building Sites #1-#4, and the related 66 ft right-of-way.

Reference 10-6-94 Zoning Board Minutes and 7-25-94 Seeco Site Plan

- On 10-17-96, the Planning Commission granted Site Plan Approval for a proposed expansion to the Seeco Commercial Park Condominium. The expansion encompassed approximately 5 acres adjacent to the south and consisted of Building Sites #5-#8 (previously identified as 'future development').

Reference 10-17-96 Planning Commission Minutes and 9-11-96 Seeco Site Plan

- In April, 1997, an amendment to the approved expansion of the Seeco Commercial Park Condominium was proposed and approved. The amendments involved the extension of Seeco Drive to the east boundary of the property, creation of a drainage area for Building Sites #1-#3, and the reduction in depth of Building Site #3.

Reference 4-15-97 Seeco Site Plan

- Site Plan Approval of the proposed automotive repair facility shall be subject to the conditions of site plan approval of the Seeco Commercial Park Condominium Expansion.
- On 9-9-96, the ZBA granted Site Plan Approval for the applicant's proposal to construct a 3500 sq ft automotive repair facility (Automotive Werks) on the subject site. A revised site plan has been submitted reflecting modified site boundaries, an increased building area (10,000 sq ft) and related site modifications - Site Plan Review of the modified proposal is requested.

Reference 9-9-96 ZBA Minutes

### Department Review

#### *Site Plan Review - Section 82.800*

- a) - The subject site is proposed to be served by a single access onto Seeco Drive.

The proposed access arrangement complies with the applicable design guidelines set forth in Section 67.000. The following design guidelines should be noted:

#### Section 67.300 3., 4., & 5. - Driveway Design

The proposed driveway approach is not on a 90 degree angle with the roadway.

Approach tapers and/or deceleration lanes have not been proposed.

Approval shall be subject to Kalamazoo County Road Commission review/approval.

#### Section 67.500 - Driveway Spacing

A shared-driveway arrangement with Building Site #6 may avoid a driveway spacing conflict at such time as Building Site #6 is proposed for development.

- The following information should be provided for confirmation of parking provided in compliance with Ordinance standards:

- : total office area
- : number of employees
- : number of service bays

- Proposed parking lot layout and site circulation are satisfactory. All parking spaces shall be subject to compliance with dimensional standards (10 ft x 20 ft).
- Barrier free parking has been adequately provided. Said parking shall be subject to ADA and MI Barrier Free Guidelines and be designated with signage and pavement logo.

The following should be noted:

- : 1 van accessible parking space (8 ft width; 8 ft aisle width) shall be provided for every 8 barrier-free parking spaces
- : a barrier-free access ramp shall be located and designed

- b) - The subject site abuts "R-2" zoning on its southern boundary; an 85 ft building setback and 15 ft parking lot setback from the south property line is required.

Proposed building/parking lot setbacks comply with Ordinance standards.

- The proposed dumpster/enclosure arrangement is satisfactory.
- Exterior site lighting is proposed to consist of 4 building mounted lights; pole lighting is not proposed.

All outdoor lighting shall be provided in compliance with the lighting guidelines set forth in Section 78.700. A lighting proposal shall be detailed for review/approval pursuant to Section 78.700 g.

- Signage shall comply with Section 76.000 and be reviewed/approved through the

permit process.

- Outdoor storage of vehicles is not permitted within the "C" District. The parking of vehicles awaiting repair should be reviewed in consideration of the following:

- : location of waiting area
- : number of parking spaces required
- : length of waiting (parking) period
- : conditions of approval applied to area auto repair facilities

c)&

- d) - The subject site abuts commercial zoning/land use on its west, north, and east boundaries. Vacant "R-2" zoning is adjacent to the south.

Screening along the southern boundary of the subject site should be considered in light of abutting residential zoning - Reference Section 11.540 and the 9th Street Focus Area Development Plan for screening options.

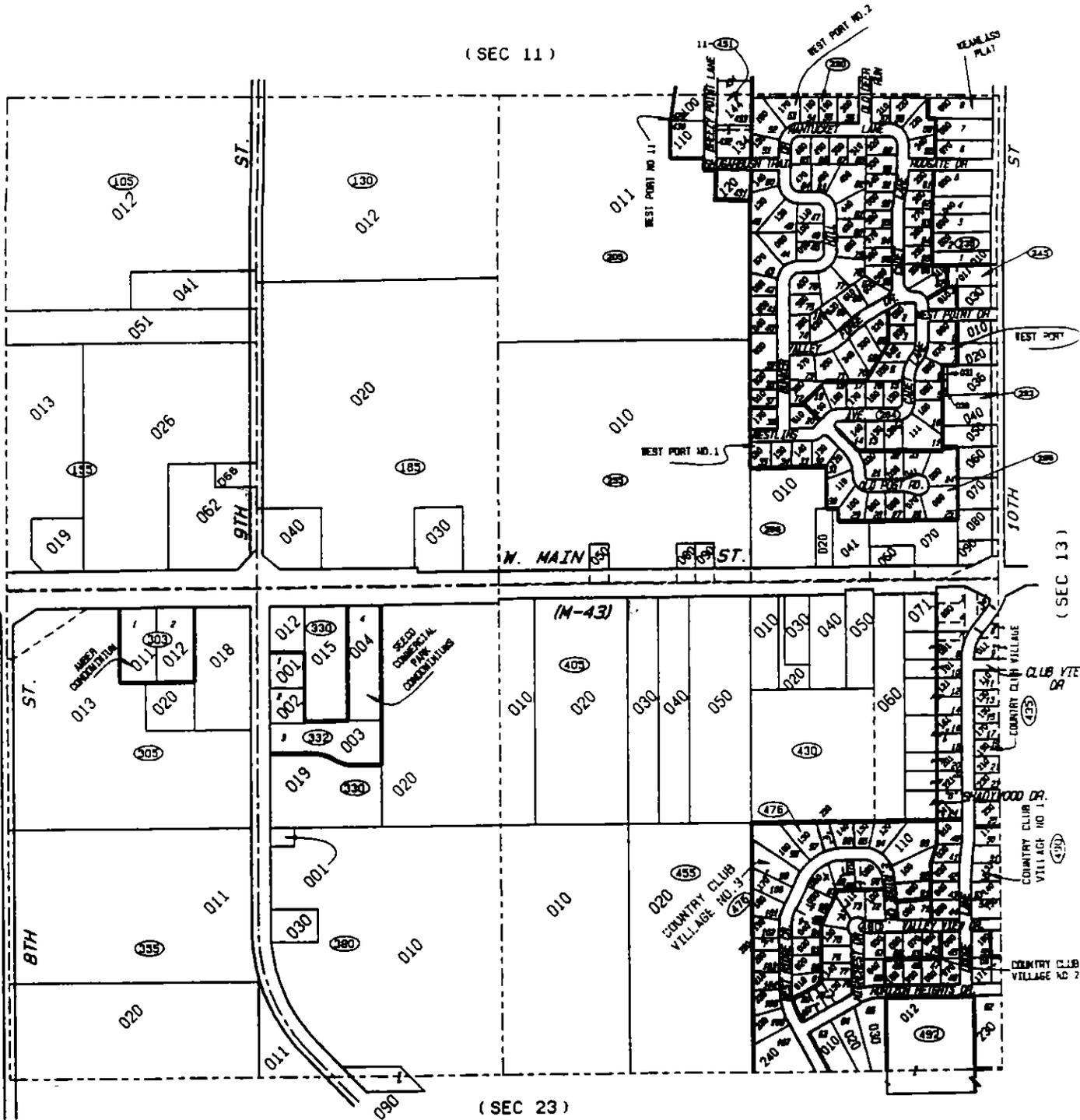
Proposed landscaping should be reviewed in consideration of the character of the general area and the approved landscaping schemes on area development sites.

- e) - Variance approval has not been requested.
- f) - Approval shall be subject to Township Fire Department review/approval.
- g) - Approval shall be subject to Township Engineer review/approval.
- l) - The proposed project will be serviced by public sewer and water.
- An Environmental Permits Checklist and Hazardous Substance Reporting Form shall be completed and submitted for the proposed project.

# SECTION 14

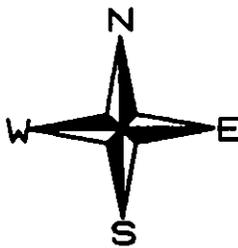
( SEC 11 )

( SEC 15 )



( SEC 13 )

( SEC 23 )



DATE: AUGUST 25, 1993

REVISED DATE: MARCH 5, 1996

PRINTED DATE: MARCH 21, 1996



SCALE 1" = 800'

OSHTEMO CHARTER TOWNSHIP ZONING BOARD

MINUTES OF SPECIAL MEETING HELD OCTOBER 6, 1994

---

Agenda

**SEECO INVESTMENTS- SITE PLAN REVIEW - PROPOSED SITE CONDOMINIUM DEVELOPMENT**

---

A special meeting was conducted by the Oshtemo Charter Township Zoning Board on Thursday, October 6, 1994, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall, pursuant to notice.

Members Present: Donna Klobucher, Chairperson  
Wilfred Dennie  
Ted Corakis  
Ken Heisig  
Lara Meeuwse

Members Absent: William Miller  
Millard Loy

Also present were Rebecca Harvey, Planning and Zoning Department, Patricia Mason, Township Attorney, and seven (7) other interested persons.

**CALL TO ORDER**

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

**AGENDA**

Ms. Meeuwse moved to approve the agenda as submitted. Mr. Heisig seconded the motion. The motion carried unanimously.

**SEECO INVESTMENTS- SITE PLAN REVIEW - PROPOSED SITE CONDOMINIUM DEVELOPMENT**

The next item was the application of Michael Chojnowski, representing Seeco Investments, for site plan review of a proposed site condominium development consisting of approximately seven acres and proposed to include building sites #1 through #4. The subject property is located at the southeast corner of West Main and 9th Street and is within the "C" Local Business District Zoning classification.

Mr. Chojnowski was present on behalf of the applicant. He stated that other proposals had been submitted in the past regarding this property. He noted that the Seelye family and its entity, Seeco Investments, owned this property and the property on the west side of the corner. He noted that a preliminary plat was submitted as to this property approximately one year ago. However, that submission was a bit premature.

Mr. Chojnowski said that the applicant preferred the site condominium development form in that the developer had an ability to amend the proposed lot lines with more ease and therefore had more flexibility on the size of lots. He stated that, although Oshtemo required site plan approval of site condominium development, and the applicant recognizes that if the lot lines were to be amended a return to the Zoning Board would be necessary for an amendment to the site plan approval, said process is not as lengthy or cumbersome as platting or amendment of plats.

Mr. Chojnowski noted that lot #4 has 156' of width on West Main and therefore does not meet the requirements for unplatted property. However, the width does meet the requirements for a platted lot or site condominium building site.

Mr. Chojnowski drew the Board's attention to lot #3 and indicated that it had been left in the size as shown but may be proposed to be divided in the future. He stated that there was a prospective purchaser for lot #4, i.e., Migala Carpet. A site plan review has been scheduled for the Migala development.

He noted that a site plan had been approved for the corner lot (the Clark station). That development would not begin development until next spring. The Clark site plan approval had been conditioned on limited access for the entire area. He made reference to the site plan and to the staff's report concerning the site condominium development. He noted that only four access points would be provided for the entire area, including the right-turn-in-only at the Clark site. The other three were the full-service Hannapel drive on M-43, the Clark station's 9th Street access point and the 9th Street southern access point.

He stated that there is an easement agreement in existence for the service drive and 9th Street access involving the owners of the Clark site and Seeco Investment. He believed an agreement had been reached with Hannapel concerning the use of their access point. He said that the new agreement would restate the easement agreement to include the Hannapel and the proposed Migala site. Wilkins & Wheaton was in the process of confirming the legal description of the entire system.

Mr. Chojnowski said that the proposed street on the south of lot #3 would ultimately be built if there were internal parcels created out of lot #3 or in the "future development" area. However, at present the applicant preferred not to build this as a public road.

In response to a question from Mr. Dennie, the applicant indicated that the "future development" land is not included in this proposal. The applicant acknowledged that, if the

"future development" land were to be included, the applicant would need to seek amendment of the site plan approval. However, the limitations with regard to access did include the "future development" area. Access to this land area would be provided by the proposed public road on what was shown as the "66' right-of-way."

Mr. Corakis questioned the applicant with regard to the access to lot #4. Mr. Chojnowski responded that access would be provided through the Hannapel site. Again, the applicant reiterated that no direct access would be provided to the "future development" area to 9th Street.

In response to questioning by Mr. Dennie, the applicant indicated that the stormwater easement shown did not serve all the properties within the site condominium development. It was only designed to dispose of the stormwaters for lot #4 and the Hannapel lot.

Public comment was called for and, when none was offered, the public hearing was closed.

The Planning and Zoning Department's report is incorporated herein by reference. Ms. Harvey stated that any action of the Board should reference the plans and documents which concern the proposed public road, service road network and access arrangements, those documents being the Access Management Plan and Guidelines, the Master Land Use Plan, the conditions of site plan approval for Clark Oil (4-25-94 ZBA minutes) and the recommended 9th Street Focus Area Development Plan. Ms. Harvey stated that the Board was concerned with the lot layout (size, width, etc., of lots, street layout and access). The individual building sites would need site plan review when developed.

Mr. Dennie made reference to the fact that the site condominium development sketch was dated 7/25/94 as distinguished from the Seeco plat proposal. Mr. Dennie also reiterated that it was his understanding that the service drive parallel to West Main would provide access to lot #4. He noted that there would be a total of four access points for the entire area, i.e., (1) the existing Hannapel access point on West Main, (2) the Clark right-in-only access point on West Main, (3) the 9th Street Clark access point and (4) the proposed public road/66' right-of-way connection to 9th Street.

The applicant indicated that the service drive and the easement agreement would cover a 30' width across lot #4 to the east boundary line thereof. However, use of the easement would not be available to the Westside Medical Clinic property unless all parties agreed. As of this time no communication or cooperation had been received from the medical clinic owners regarding access.

Mr. Chojnowski noted that the service drive easement and the drive as constructed would be 30' wide and that the Hannapel access point is 36' wide.

There was discussion as to whether the public road extension should be constructed at this time. The applicant indicated that there was no need for the service drive or the public road until lot #1, #2 or #3 (or a portion thereof) was developed. The applicant felt that approval could be conditioned on this. Ms. Harvey felt it would make sense to condition approval on the requirement that the 66' right-of-way shown be established as a public road but not built until development of lot #3 and/or the future development area. The applicant could return to the Board for consideration of allowing this 66' right-of-way to remain a private road should lot #3 be developed as one unit and by one owner. There was concern that the northwest portion of lot #3 on the corner of 9th Street and the proposed public road should be developed in consideration of the fact that the 66' right-of-way would be a public road, i.e., with regard to setbacks, etc.

There was discussion as to the stormwater disposal. Mr. Dennie expressed concern that each lot, i.e., lots #1, #2 and #3, would be able to handle stormwater disposal. Ms. Harvey noted that each lot would be required to retain stormwater on site unless a common system were proposed and approved. Such variances had been encouraged in the past. Site plan review for each individual lot would include consideration of on-site stormwater disposal.

Mr. Dennie expressed concern that lots #1 and #2 and the corner of lot #3 would be "buildable." It was noted that each complies with minimum area width and other building site requirements. However, given setbacks from public roads, it was particularly a concern that the corner of lot #3 might not be buildable on its own. Board members concurred that the applicant had created these lots with the assistance of legal counsel and engineering assistance and therefore was aware of required setbacks and other development requirements such as retention of stormwater. ~~Therefore, it was felt that the Zoning Board of Appeals could appropriately handle any requests for variance that were made.~~

Ms. Meeuwse moved to approve the site plan of the Seeco Investment site condominium development dated July 25, 1994, including building sites #1 through #4 and the 66' right-of-way area with the following conditions, limitations and notations:

(1) That direct access for the proposed building sites #1 through #4 onto West Main or 9th Street was prohibited. Access was provided via the service road network proposed by the applicant.

(2) That the proposed service road network be designed in compliance with the Access Management Plan design guidelines.

(3) That the proposed service road network shall connect with the approved Hannapel Home Center service drive layout and be designed to serve building site #4 and extend to the east property line of building site #4.

(4) That the proposed layout of the public road on the 66' right-of-way was approved. However, it was not required to be constructed at this time.

(5) That it was required that the service road network be fully constructed/ established including the connection to 9th Street, when building site #1, #2 or #3 (or any portion thereof) was developed.

(6) That the public road shown as the 66' right-of-way must be constructed and dedicated when building site #3 or any portion thereof is developed; however, the Board recognized the applicant has the option to return to the Board with an alternate proposal as to the development of building site #3 and the public road.

(7) That cross-access easements and shared-drive agreements be written, executed, recorded and on file with the Township.

(8) That it is recognized that the applicant has indicated access for the "future development" area would be provided through the service drive/public road network. There would be no direct access onto 9th Street for said area.

(9) That it was noted that the proposed development was in accord with the Master Land Use Plan and the Access Management Plan, as well as the Clark Oil site plan approval and the 9th Street Recommended Focus Area Development Plan.

(10) That the applicant submit an amended site plan to show compliance with the Access Management Plan and Guidelines (i.e., the 30' width of the service drive and the 36'-wide Hannapel access point).

Mr. Dennie seconded the motion.

Marvin Block had questions with regard to the 200' frontage requirement, and it was noted that same was required for unplatted parcels but not required for platted lots or site condominium building sites. Mr. Block also expressed concern that the applicant not approach the Zoning Board of Appeals for a lot of variances and that it be clearly noted in the record that the applicant was creating the lots proposed with knowledge of the setbacks, parking and stormwater, as well as other, requirements.

Helen Brodaski indicated that she had initially been confused with reference to the term "site condominium" in that she believed that same referred to housing. She wondered whether the Board could somehow describe such proposals differently so that the public was aware of what type of development was being proposed.

Stanley Rakowski also indicated his concern that the applicant not seek "constant variances." Ms. Harvey noted that the dimensional standards of the Ordinance had been met by the proposal but that it was legitimate to raise concerns. She noted that the ZBA has a set

of criteria for the granting of non-use variances which would be followed with regard to this proposed development.

Mr. Chojnowski indicated that the setbacks from public roads only applied to buildings. Parking, retention areas, etc., could be established within the setback. He felt that these lots as proposed were fairly good-sized commercial lots. In his opinion the Clark Oil site plan controversy concerned access. He could recall no variances as to setback, etc. He noted that a site condominium development is required to prepare a disclosure statement for each potential buyer which would include information as to access, utilities, etc. He noted that he may include a copy of the minutes of this Board's meeting.

Upon a vote on the motion, the motion carried unanimously.

### OTHER BUSINESS

Ms. Harvey introduced John Sych, who would be assisting the Board during the next three months while Ms. Harvey is on maternity leave. It was noted that Mr. Sych is a Senior Planner with the Planning and Community Development for Kalamazoo County.

There was discussion of the Zoning Board's schedule for the next three-month period.

### ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 9:05 p.m.

OSHTEMO CHARTER TOWNSHIP ZONING BOARD

BY: *Lara Meeuwse*  
Lara Meeuwse, Secretary

Minutes prepared:  
October 7, 1994

Minutes approved:  
10-27-94



Planning Commission Meeting - October 17, 1996

Excerpts

---

**SEECO COMMERCIAL PARK CONDOMINIUM - SITE PLAN REVIEW**

The next item was the application of Michael Chojnowski, representing Seeco Investment, L.L.C., for site plan review of a proposed expansion of the Seeco Commercial Park Condominium consisting of approximately five acres and proposed to include four condominium units.

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

Michael Chojnowski stated he felt the Planning and Zoning report satisfactorily summarized the background of the application. He noted that the Zoning Board had approved the first phase of the project, the first four units, on October 6, 1994. He highlighted the conditions of that approval, noting that they had been met, specifically numbers 1 and 7. It was proposed that in the expansion the service road be extended south to serve units 7 and 8. There would be no direct access to 9th Street. He noted that a site plan had been submitted for units 5 and 6 and that the applicant therefore would possibly come back to the Commission at a later time to propose the division of unit 3.

In response to questioning by the Chairperson, Mr. Chojnowski stated that units 1 and 2 had been sold and that unit 3 had been optioned. A Mr. Mellinger was to purchase units 5 and 6. The Chairperson felt that, in order to encourage cross-access to the property to the south, the service road should be extended south on unit 8 to the southern boundary line of the condominium project. Mr. Chojnowski was concerned with this proposal in that he felt the service road was a private internal road and not a public street. Further, this is commercial property, and he was concerned that access from the south might not be desirable. However, after further discussion, the applicant indicated that he would not be adverse to requiring a service road easement to extend to the south line of the proposed condominium project. Therefore, the condominium association would have to agree to allow any neighboring properties to connect and utilize this easement. Further, the applicant indicated that an easement for extension of the public road 66' wide to the east boundary would be retained. An easement of 120' square at the end of the 66'-wide easement would be retained.

There was discussion that the public road would be constructed on the development of units 3, 5, 6, 7 or 8. The service drive would be constructed when units 7 or 8 were developed. The service drive on unit 8 would be developed if an agreement was made with property to the south.

There was no public comment offered, and the public hearing was closed.

Ms. Meeuwse moved to approve the proposed expansion of the Seeco Commercial Park Condominium development to include building sites 5 through 8 with the following conditions, limitations and notations:

- (1) That the applicant was required to comply with the conditions of the October 6, 1994, approval.
- (2) That a 66'-wide easement, with 120' square at the end thereof, was to be retained to extend the public road to the east boundary of the site.

(3) That an easement so as to extend the service drive across lot 8 to the southern boundary was to be provided.

(4) That it was required that the public road be constructed/established upon the development of units 3, 5, 6, 7 and/or 8. The service drive was to be constructed/established when either unit 7 or 8 was developed. The service drive across unit 8 and public road to east boundary to the southern boundary was required to be constructed/established ~~if an~~ upon agreement was made ~~as to need and appropriateness~~ with the property to the south ~~for~~ regarding cross access.

(5) That cross-access/shared-drive documents be executed and recorded to implement the service drive and public road proposals. It was required that these documents be on file with the Township.

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

#### SCHRAMM - TEXT AMENDMENT REQUEST - SECTION 40.209

The next item was to be consideration of the amendment of the Township Zoning Ordinance to add Section 40.209. It was noted that the item had been previously tabled from the meeting of September 26, 1996. The applicant requested that again the item be tabled. The applicant had submitted a written request.

Mr. Block moved to table the item to the meeting of January 9, 1997. Ms. Reddy seconded the motion. The motion carried unanimously.

#### ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 11:00 p.m.

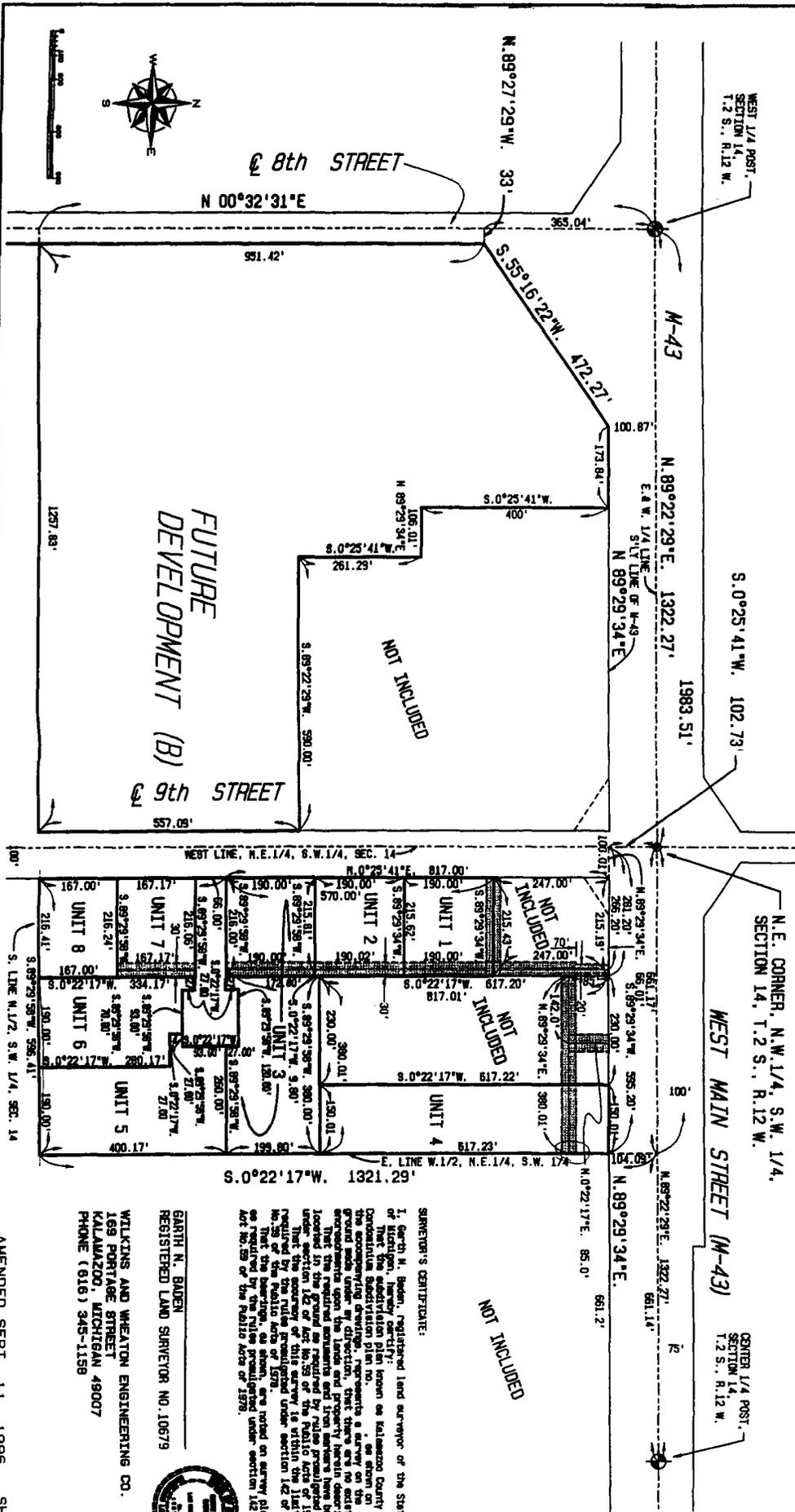
OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

BY: Lara Meeuwse  
Lara Meeuwse, Secretary

Minutes prepared:  
October 21, 1996

Minutes approved:  
11-14-96

# SEECO COMMERCIAL PARK CONDOMINIUM SURVEY SHEET



NOT INCLUDED

SURVEYOR'S CERTIFICATE:

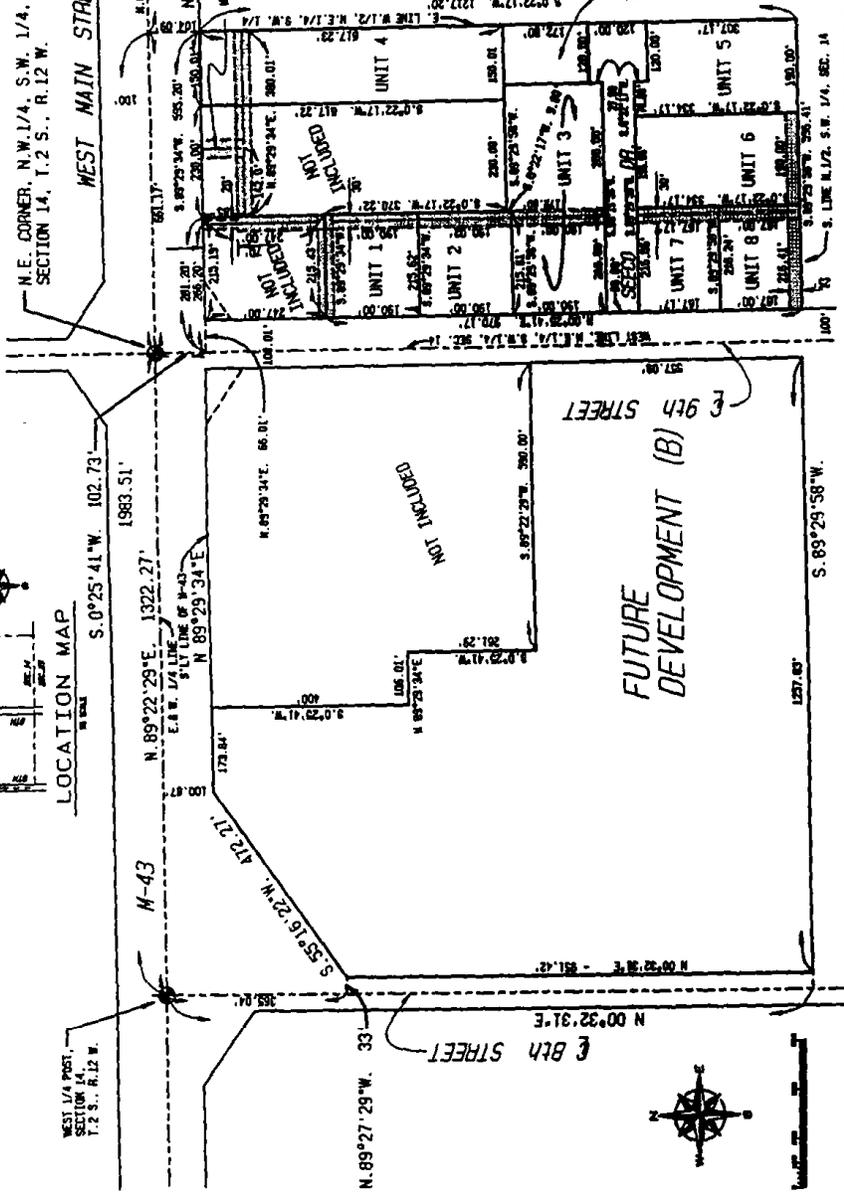
I, Garth N. Baden, registered land surveyor of the State of Michigan, hereby certify: That the subdivision plan known as Kalamazoo County Condominium Subdivision, Plan No. 10679, shown on the ground under my direction, that there are no existing encroachments upon the lands and property herein described. That the required annotations and iron markers have been located in the Survey as required by rules promulgated by the Board of Surveyors of the State of Michigan. That the accuracy of this survey is within the limits required by the rules promulgated under section 142 of Act No. 39 of the Public Acts of 1978. That the bearings, as shown, are noted on survey plan as that the bearings are shown under section 142 of Act No. 39 of the Public Acts of 1978.



GARTH N. BADEN  
REGISTERED LAND SURVEYOR NO. 10679

WILKINS AND WHEATON ENGINEERING CO.  
159 PORTAGE STREET  
KALAMAZOO, MICHIGAN 49007  
PHONE (616) 345-1158

# SEECO COMMERCIAL PARK CONDOMINIUM SURVEY SHEET



M.E. CORNER, N.W. 1/4, S.W. 1/4,  
SECTION 14, T.2 S., R.12 W.

M.E. CORNER, N.W. 1/4, S.W. 1/4,  
SECTION 14, T.2 S., R.12 W.

LOCATION MAP

MOUNTAIN

**SURVEYOR'S CERTIFICATE:**  
I, **ARTHUR H. BAUGH**, Registered Land Surveyor of the State of Michigan, hereby certify that the subdivision plan herein is in accordance with the laws of Michigan and that the same has been approved by the State Board of Land Surveyors. I am a duly licensed and qualified surveyor and the plan is a true and correct representation of the actual survey made by me or under my direct supervision and in accordance with the laws of Michigan. I am a duly licensed and qualified surveyor and the plan is a true and correct representation of the actual survey made by me or under my direct supervision and in accordance with the laws of Michigan.



**ARTHUR H. BAUGH**  
REGISTERED LAND SURVEYOR NO. 10579

**WILKINS AND WICKATON ENGINEERING CO.**  
135 HORTON STREET  
TULSA, OKLA. 74103  
PHONE (610) 545-1158

Excerpts

**AUTOMOTIVE WERKS - SITE PLAN REVIEW - PROPOSED 3,500 SQ. FT. AUTO REPAIR FACILITY - EAST SIDE OF S. 9TH ST. SOUTH OF HANNAPEL HOME CENTER**

The next item was the application of Timothy Stewart of Wightman-Ward, Inc., representing Automotive Werks, for request for site plan review of a proposed 3,500 sq. ft. automotive repair facility. The subject site is located on the east side of South 9th Street, south of Hannapel Home Center (Unit #5 of the proposed Seeco Commercial Park Condominium) and is within the "C" Local Business District Zoning classification.

The report of the Planning and Zoning Department is incorporated herein by reference. Ms. Harvey pointed out that the property on which the facility is to be located is not yet part of an approved site condominium development. Any approval should be contingent on the property receiving appropriate site condominium approval.

Ms. Branch had questions as to the location of the site and its distance from 9th Street. It was pointed out that the area was within that designated as the Future Development A on the Seeco Commercial Park Condominium Survey.

Bruce Kuipers was present on behalf of the applicant.

In response to questioning by the Chairperson, the applicant indicated that the dumpster would be located on the southwest side of the site. The use would be automotive repair with no body work. One mechanic and one office employee would be involved. There would be four service bays, and the office area would be roughly 11' x 12'.

Ms. Meeuwse asked whether the drive would be shared, and Mr. Kuipers responded that the owner has enough space on the proposed unit to place another building, which would use the same drive. Ms. Harvey noted that the drive meets the Access Management Guidelines of the Zoning Ordinance and is located in such a fashion as to provide access to future development on the site.

The Chairperson questioned the applicant, who stated that seven cars could be placed in the building. The business involves Porsche repair, and therefore the intent was that most vehicles would be inside the building. There was discussion of the parking, with the applicant indicating that there was possibly more parking than was necessary. However, after further discussion, the applicant did not want to decrease the number of proposed spaces. Mr. Brodasky and Ms. Branch felt that the parking as proposed was adequate.

There was a discussion of landscaping, and the applicant indicated that the area east of the building would be seeded. Mr. Kuipers stated that everything not paved would be seeded/lawn.

Mr. Brodasky asked about stormwater retention, with Mr. Kuipers stating that the retention would be on site.

There was no public comment, and the public hearing was closed.

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

- (1) That the subject site is proposed to be served by a single access point and complies with the applicable design guidelines of Section 67.000. The proposed driveway design was subject to Kalamazoo County Road Commission review and approval. The proposed driveway had been located to accommodate access related to the future development of the eastern portion of the subject site.
- (2) That parking spaces were subject to compliance with the parking space dimensional standards of 10' x 20'.
- (3) That all barrier-free parking be subject to ADA and Michigan Barrier-Free Guidelines and be designated by signage and pavement logo.
- (4) That setbacks comply with Ordinance standards.
- (5) That the proposed dumpster/enclosure arrangement is satisfactory.
- (6) That proposed lighting complies with the wattage standards of the Ordinance and is to be subject to the mounting height of 15'. Any additional exterior lighting was subject to compliance with the guidelines of Section 78.700, and a completed lighting proposal was to be detailed for review and approval pursuant to Section 78.700(g).
- (7) That all signage comply with Section 76.000 of the Zoning Ordinance and be reviewed and approved through the permit process.
- (8) That only limited parking of vehicles awaiting repair would be permitted outside overnight, and this was limited to five parking spaces located in the south parking lot. Vehicles could be parked up to seven days.
- (9) That the applicant proposed retention of the majority of the subject site in the natural state and landscaping at the building perimeter. This proposal was approved.
- (10) That approval was subject to the review and approval of the Township Fire Department and Township Engineer.
- (11) That the site was required to comply with the Groundwater Protection Policies and Standards of Section 69.200.

(12) That approval was subject to receipt of all necessary approvals of the site as a unit of the Seeco site condominium development.

The motion was seconded by Ms. Branch and carried unanimously.

**UNIVERSAL IMAGES - SITE PLAN REVIEW - PROPOSED ADDITION TO EXISTING HAIR SALON/VARIANCE FROM SETBACK REQUIREMENTS - 2005 INVERWAY COURT (LOT 7, WHITEGATE SQUARE)**

The next item was the application of Tim Johnson, representing Universal Images, for site plan review of a proposed 527 sq. ft. addition to the existing hair salon. The applicant also requested variance approval from the 70' front setback requirement from South 11th Street and the 20' sideline setback requirement (from the south property line) established by Section 64.300 of the Zoning Ordinance. The subject site is located at 2005 Inverway Court (Lot 7 of Whitegate Square) and is within the "C" Local Business District Zoning classification.

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

Ms. Harvey noted that the existing building was built in the late '70's. At that time there was 0' setback from the sideline, and the setback was 73' from the centerline (40' from the right-of-way) of South 11th Street. The existing building complies with the 70' setback from the right-of-way line. Therefore, any addition to the east would be within the setback. However, the addition would merely be an extension of the building line at the existing setback of 5' to the sideline property line. Ms. Harvey further noted that the plat in which this site is located had been approved in the 1970's and the buildings in the plat were approved at that time. She stated that the building located to the north is further east than the existing building. Therefore, the proposed addition would comply with the setbacks as they existed at the time the building was originally established and was similar to the setbacks of other area buildings. Further, the applicant sought amendment of the site plan with regard to the parking lot. The parking lot layout as proposed was in keeping with the parking lot amendment approved on June 20, 1994, for the most part.

The applicant was present and, in response to questions by the Chairperson, indicated that no additional employees would be involved as far as he knows. Upon questioning by Ms. Branch, the applicant acknowledged that two additional employees might be added. Ms. Branch was concerned about increasing the number of employees and services and decreasing parking by one space. She was concerned that the minutes of the previous 1994 meeting had indicated a parking problem at the site. The applicant responded that no parking problems had existed since expansion of the parking lot. Ms. Harvey concurred, stating that, from an enforcement standpoint, the Township had ceased having enforcement problems after the expansion of the parking lot. Since the present proposal differs very little from the



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334  
616-375-4260 FAX 375-7180 TDD 375-7198

**To:** Zoning Board of Appeals

**Meeting Date:** 6-16-97

**From:** Planning/Zoning Department

**Agenda Item:** #4

**Applicant:** Bruce Kuipers, Delta Design Systems Inc.  
Representing Seeco Investments

**Property In Question:** Approximately 2 acres located on the east side of 9th Street,  
south of Hannapel Home Center.  
(Units #7 & #8, Proposed Seeco Commercial Park  
Condominium)

Reference Vicinity Map

**Zoning District:** "C" Local Business District

**Request:** Site Plan Review - 10,750 Sq Ft Retail/Service Facility

**Ordinance Section(s):** Section 82.800 - Criteria For Review

**Planning/Zoning Department Report:**

Background Information

- Reference Background Information for Agenda Item #3 - Automotive Werks for the review/approval history and reference material regarding the Seeco Commercial Park Condominium.
- Site Plan Approval of the proposed retail/service center shall be subject to the conditions of site plan approval of the Seeco Commercial Park Condominium

Expansion.

## Department Review

### *Section 82.800 - Site Plan Review*

a) - The subject site is proposed to be served by 2 access points onto Seeco Drive.

The proposed access arrangement should be reviewed in consideration of the following access management design guidelines:

#### Section 67.300 1., 3. & 5. - Driveway Design

Driveway widths have not been indicated.

Approach tapers and/or deceleration lanes have not been proposed.

Approval shall be subject to Kalamazoo County Road Commission review/approval.

#### Section 67.400 - Number of Driveways

The subject site/use is warranted a single access; 2 access points have been proposed.

#### Section 67.500 - Driveway Spacing

Proposed driveway locations do not comply with driveway spacing guidelines (150 ft measured centerline to centerline) .

- Section 68.304 requires 1 parking space/100 sq ft of retail area; the site plan reflects application of 1 parking space/150 sq ft of retail area (91 parking spaces required - 67 parking spaces proposed)

The subject site abuts "R-2" zoning on its southern boundary; a 15 ft parking lot setback from the south property line is required.

Proposed site circulation is inconsistent with the service road system approved for the Seeco Commercial Park. The 30 ft wide access easement (service road) approved along the east boundary of the site (Building Sites #7 & #8) has not been shown. The following standards apply:

- : 15 ft building setback from service road (access easement)
  - : sidewalk has been located within the 30 ft access easement (24 ft wide access aisle provided)
  - : loading area and dumpster have been located within the 30 ft access easement
- Barrier free parking shall be subject to ADA and MI Barrier Free Guidelines and be designated by signage and pavement logo.

The following barrier-free parking standards should be noted:

- : 1 additional barrier-free parking space is required with the provision of 91 parking spaces
- : 1 van accessible parking space (8 ft width; 8 ft aisle width) shall be provided for every 8 barrier-free parking spaces
- : barrier-free parking shall be located 'as close as possible on the most direct route to barrier-free building entrances'
- : a barrier-free access ramp shall be located and designed

b) - The subject site abuts "R-2" zoning on its southern boundary; an 85 ft building setback from the south property line is required.

- The proposed dumpster/enclosure arrangement should be detailed for review/approval.
- Exterior site lighting is proposed to consist of 4 pole lights; building lighting is not proposed.

All lighting shall be provided in compliance with the lighting guidelines set forth in Section 78.700. A lighting proposal shall be detailed for review/approval pursuant to Section 78.720 g.

- Signage shall comply with Section 76.000 and be reviewed/approved through the permit process.

c)&

d) -The subject site abuts commercial zoning/land use on its west, north and east boundaries. Vacant "R-2" zoning is adjacent to the south.

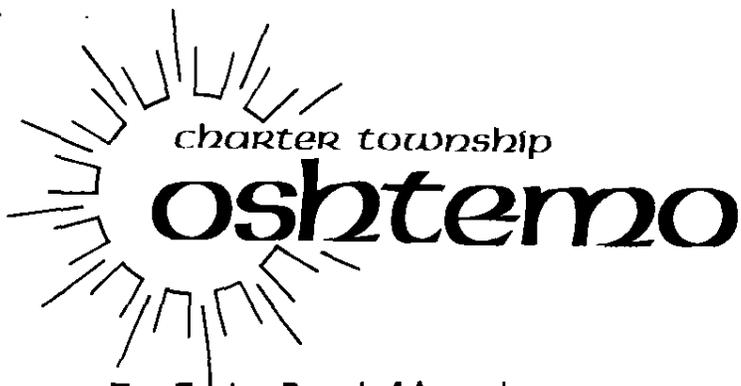
Screening along the southern boundary of the subject site should be considered in light of abutting residential zoning - Reference Section 11.540 and the 9th Street Focus Area Development Plan for screening options.

Minimal landscaping and/or green area has been proposed; a landscape plan with

attention to increased green space should be developed and reviewed in consideration of the character of the general area and the approved landscaping schemes on area development sites.

- e) - Variance approval has not been requested.
- f) - Approval shall be subject to Township Fire Department review/approval.
- g) - Approval shall be subject to Township Engineer review/approval.
- l) - Public utilities will service the proposed office building.
  - The Environmental Permits Checklist and Hazardous Substance Reporting Form shall be completed and submitted for the proposed project.
- \* A revised site plan incorporating the previous review comments is proposed to be submitted at the 6-16-97 ZBA meeting.





7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334  
616-375-4260 FAX 375-7180 TDD 375-7198

**To:** Zoning Board of Appeals

**Meeting Date:** 6-16-97

**From:** Planning/Zoning Department

**Agenda Item:** #5

**Applicant:** Jim Vandenberg  
Representing Maple Hill Chrysler

**Property In Question:** Maple Hill Chrysler  
5622 West Main Street

Reference Vicinity Map

**Zoning District:** "C" Local Business District

**Request:** Variance Approval - Lighting Standards

**Ordinance Section(s):** Section 78.720 a. - Footcandle Levels  
Section 78.720 b. - Wattage Standards

**Planning/Zoning Department Report:**

Background Information

- On 12-19-96, the ZBA granted Special Exception Use/Site Plan Approval for the construction of a 3,500 sq ft west building addition (service reception) and 2,400 sq ft east building addition (new vehicle delivery/used car prep) to the existing vehicle sales facility on the subject site.

Reference 12-19-96 ZBA Minutes

- On 8-26-96, the ZBA granted Variance Approval from the 20' sideline setback requirement permitting a 13'-14' building setback from the west property line for the west building addition.

Reference 8-26-96 ZBA Minutes

- Applicant proposes an enhancement project for a revised outdoor lighting arrangement and requests variance approval from the outdoor lighting standards established by Section 78.700, Zoning Ordinance in one of two proposed options.

Option #1: requests variance approval from the wattage standards (Section 78.720 b. 2.) allowing for 1,000 watts per lamp.

Option #2: requests variance approval from the footcandle levels (Section 78.720 a. and b.2.) allowing for exceedance in the .1 footcandles at any point along the perimeter of the property, and the use of compact floodlight which is not mounted horizontally and angled perpendicular to the ground.

Reference Proposed Merchandise Lighting Plan (from Chrysler manual)

- Variance Approval of either Option #1 or Option #2 is being requested by the applicant.

### Department Review

- The Township has engaged the services of Matt Moulds, Engineering Plus, to review the lighting issue before the Board. Mr. Moulds served as the Township's lighting consultant during the development of the Township's lighting standards.

- Mr. Moulds will be in attendance at the 6-16-97 ZBA meeting to provide information on the proposed lighting layouts and to be available for questions.

Reference Standards of Approval of a Nonuse Variance ('practical difficulty' criteria):

#### 1. *Conformance Unnecessarily Burdensome*

: Are reasonable options for compliance available?

: Does reasonable use of the property exist with a denial of the variance?

- Reference information to be provided by the Township lighting consultant regarding lighting layout options.

- Reference information to be provided by the Township lighting consultant regarding the ability to provide adequate on site lighting in compliance with wattage standards.

- Reference recommended footcandle levels as they relate to issues of safety.

## 2. *Substantial Justice*

: Only one other request for variance from the lighting standards has been presented since adoption of the standards in 1994.

- Long John Silvers (5431 West Main) received variance approval in regards to footcandle limitations so as to allow for .9 footcandles at the perimeter of the property during the ZBA meeting of 1-25-96.

- Reference 1-25-96 ZBA Minutes

: Consider the lighting arrangements of surrounding land uses and the ability to apply the new lighting standards on future lighting improvements on those parcels.

## 3. *Unique Physical Circumstances*

: There are no physical limitations *on the* subject site preventing compliance with the wattage standards.

: The proximity of the parking areas on the subject site to the perimeters of the site cause conflict between the .1 footcandle Ordinance standard and the recommended footcandle level for parking lots (.5 footcandles).

## 4. *Self-Created Hardship*

: The previous lighting arrangement on the subject site was legally nonconforming. As a nonconforming arrangement, alterations and/or improvements to the lighting system shall occur only in compliance with existing Ordinance standards.

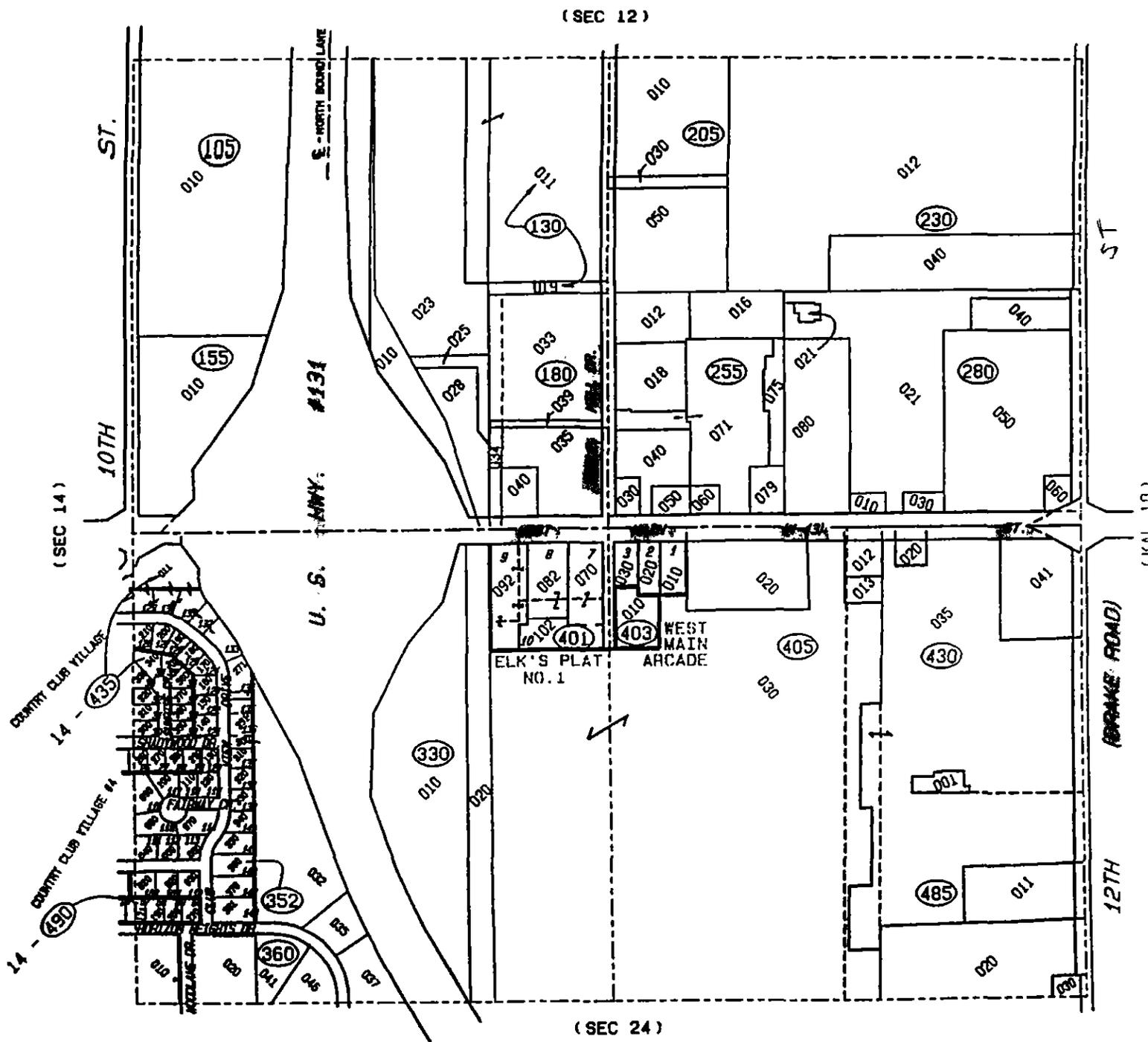
: The ability to comply with Ordinance footcandle standards at the site perimeters is limited due to parking lot proximity to site perimeters and the recommended footcandles for parking lots.

The subject site and parking lot layout were both established prior to the adoption of the lighting standards.

5. *Will the spirit of the Ordinance be observed, the public health, safety, and welfare secured, and substantial justice done if the variance is granted?*

: Consider permitted (by Ordinance) footcandle levels at property perimeters vs. recommended footcandle levels for parking lots (.5 footcandles) and the proximity of the parking lots on the subject site to the site perimeters.

# SECTION 13



DATE: AUGUST 25, 1993  
 REVISED DATE: MARCH 4, 1996  
 PRINTED DATE: MARCH 21, 1996

Excerpts

---

**MAPLE HILL AUTO CENTER - SPECIAL EXCEPTION USE/SITE PLAN REVIEW -  
ADDITIONS TO EXISTING DEALERSHIP**

The next item was consideration of the application of James Vanden Berg, representing Maple Hill Auto Center, for special exception use/site plan review concerning two additions to the existing automobile dealership building at 5622 West Main. The subject site is located within the NW¼ of Land Section 13 and is situated within the "C" Local Business District Zoning classification.

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

The applicant was present and described the dealership. He stated that a building addition was proposed on the west side as a service reception to allow for "drive-through" of cars seeking service. This renovation would also allow for barrier-free access. On the east side, the building addition would accommodate new vehicle delivery and used car preparation. The dealership would be renovating the "facia," and the applicant submitted a rendering of the proposed building. Signage and lighting would be reduced and the look of the building improved. Some nonconforming vehicle display would be removed and a 13-14'-wide landscaped greenspace from the west property line to the building addition would be established.

In response to questioning by Mr. Corakis, the applicant stated that the site is currently paved to the boundary of the parcel, and pavement would be eliminated in a 13-14'-wide strip and greenspace created. The applicant indicated that plantings would be established in the greenspace.

The Chairperson questioned the applicant, who stated that a display area <sup>was</sup> ~~would~~ be located in front of the dealership across from "customer parking." Nine customer parking spaces were proposed. The applicant stated that the parking for service is the "bulk of the parking needs" at the site. He stated that the Township's Zoning Ordinance requires seven spaces and that nine would meet Ordinance requirements, as well as being practical, in his opinion, to sufficiently provide parking at the site for customers.

The applicant pointed out that the Township's Engineer had determined that establishment of the reception area might block some water flow from West Main to the back of the property; the applicant proposed establishing a channel along the side of the building to take care of this flow. It was indicated that the applicant would need to meet the Township Engineer's requirements.

There was no public comment offered, and the Planning Commission began deliberation, considering Sections 60.100 and 60.200.

The Planning Commission first considered whether the proposed use was compatible with other uses expressly permitted within the Commercial District. It was noted that the proposed use was not going to be changed and that the current use was compatible. Further, the proposed addition did not include any further outdoor storage or display and, in fact, the amount of outdoor activity would be decreased. Therefore, the Planning Commission concluded that the proposed use was compatible with other uses expressly permitted within the District.

The Planning Commission next considered whether the proposed use would be detrimental or injurious to the use or development of adjacent properties or to the general

neighborhood. Again, it was noted that there would be no increase in outdoor activity. The site was surrounded by Commercial zoning and uses. Site circulation modifications were proposed to relieve congestion currently occurring on the east side of the site, reduce vehicle "backups" and discourage use of the site to bypass the Maple Hill Drive signal. Further, greenspace/landscaping would be added on the west side of the site. Therefore, the Planning Commission concluded that the proposed use would not be detrimental or injurious to the adjacent properties or the general neighborhood and would, in fact, render the use less injurious and more compatible.

The Planning Commission next considered whether the proposed use would promote the public health, safety and welfare. It was noted that no additional site access had been proposed and that the building additions complied with applicable setback standards. Municipal sewer and water were available, and the proposed site complies with the Groundwater Protection Standards of Section 69.000. It was pointed out that a detailed lighting proposal was required of the applicant and should be submitted to the Township staff for review and approval of same. Lighting would have to meet the requirements of Section 78.700. Further, the proposed additions would allow the site to comply with the Americans with Disabilities Act.

The Planning Commission next discussed whether the proposed use would encourage the use of the land in accord with its character and adaptability. The Planning Commission determined that the use would be in accord with the character and adaptability based upon the access arrangement, parking lot layout circulation, open space and landscaping proposal, etc. There was discussion of the number of drives or curb cuts on Maple Hill Drive. The site plan showed two access drives. The applicant indicated that there was a "ramp" with a severe incline also on Maple Hill Drive.

The Planning Commission considered Section 31.403, noting that there would be a decrease in the number of lights and a change in the fixtures, which the Planning Commission felt would be an "improvement" at the site. Also, nonconforming display was being eliminated and greenspace added. Current signage would be removed, and the size of same would be decreased.

The Planning Commission next discussed the requirements of Section 82.800. It was noted that the applicant proposes display along the south property line opposite customer parking even though this was not denoted on the plan.

Mr. Corakis moved to approve the special exception use permit based upon the Planning Commission's previously expressed reasoning. Mr. Loy seconded the motion, and the motion carried unanimously.

Mr. Corakis moved to approve the site plan with the following conditions, limitations and notations:

(1) That no additional site access was proposed; modifications to the existing site access were not proposed by the applicant.

(2) That parking lot layout and site circulation patterns were satisfactory; nine parking spaces were approved.

(3) That all customer/employee and service area parking was to comply with Ordinance dimensional standards of 10' x 20'.

(4) That all barrier-free parking be subject to ADA and Michigan Barrier-Free Guidelines and be designated by signage and pavement logo.

(5) That the proposed building expansions comply with applicable setback standards.

(6) That modifications to the existing parking areas are not proposed. Again, the display area opposite the proposed customer parking in front of the site was noted.

(7) That the existing proposed dumpster arrangement was satisfactory.

(8) That lighting was to be in compliance with Section 78.700, and details with regard to same were to be submitted for review and approval by the Township staff consistent with the requirements of Section 78.700(G).

(9) That signage shall comply with Section 76.000 of the Zoning Ordinance and be reviewed and approved through the permit process.

(10) That screening was not required. The applicant proposed a 13-14'-wide landscape area along the west property line extending south to West Main, which would be landscaped with plantings. This greenspace was to be consistent with the corridor and in concert with the objectives of the Maple Hill Drive Focus Area Development Plan and the character of the area.

(11) That the conditions of the Zoning Board of Appeals' variance from the 20' sideline setback requirement were noted, and it was noted that the landscaping of the west property line area was required by said variance.

(12) That approval was subject to the review and approval of the Township Fire Department and Township Engineer.

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

**REZONING - CONSIDERATION OF AGENDA ITEM (McCARTHY)**

The next item was consideration for an agenda item of the proposed rezoning of approximately three acres located at 2575 S. 11th Street from the "R-2" Residence District to the "C" Local Business District Zoning classification. There was discussion of the surrounding areas and uses. It was noted that to the north and southeast of the site was Commercial zoning. Directly south of the site was "R-3." The subject parcel was the only one on the east side of the street which was located in the "R-2" District. The Chairperson suggested that the Planning Commission consider both the "R-3" and the "C" Districts in that rezoning to either classification could be considered an "expansion" of an existing Zoning District.

Mr. Loy moved to schedule public hearing on the item to February 27, 1997. The Planning Commission would consider rezoning the property to the "R-3" Residence District or the "C" Local Business District Zoning classification; it was noted that no Master Land Use Plan change was required with either rezoning.

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

**ADJOURNMENT**

There being no further business to come before the Commission, the meeting was adjourned at 10:35 p.m.

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

BY: *Lara Meeuwse*  
Lara Meeuwse, Secretary

Minutes prepared:  
December 20, 1996

Minutes approved:  
1-23-97

**ZONING BOARD OF APPEALS MEETING - AUGUST 26, 1996**  
**EXCERPTS**

---

**MAPLE HILL AUTO CENTER - VARIANCE REQUEST FROM 20' SIDEYARD SETBACK - 5622 WEST MAIN**

The next item was the application of James Vandenberg, representing Maple Hill Auto Center, for variance approval from the 20' sideyard setback requirement of Section 64.300 of the Zoning Ordinance. The subject site is located at 5622 West Main and is within the "C" Local Business District Zoning classification. It was noted that the item had been tabled twice and the Planning and Zoning reports for the meetings of July 15, 1996, and August 5, 1996, are incorporated herein by reference.

Ms. Harvey noted that the Zoning Board of Appeals members had previously considered the fact that the area under consideration is paved and used for vehicle display. The proposed variance would include removal of vehicle display and establishment of greenspace. Therefore, it had been considered that, although the building would be moved

closer to the property line, removing the display out of the setback area would bring the site into closer compliance with Ordinance standards. Additionally, the applicant had suggested moving the landscaping to West Main. Ms. Harvey felt this was relevant to the spirit and intent of whether the variance would meet the spirit and intent of the Ordinance.

Attorney Pat Lennon, on behalf of the applicant, was present, along with Mr. Vandenberg. Mr. Lennon submitted materials regarding a photo of what the building would look like subsequent to the remodeling and a letter submitted by the architect for the project. A 5'-7' variance was requested. The applicant felt that the variance would benefit the Township and the dealership. Mr. Lennon stated that the present customer service area is located at the east drive of the site. Under the current arrangement, customers could not pull into the building in order to check in a vehicle. Further, there could be back-ups into the street in early morning hours. Additionally, there was a problem with some vehicles accessing the east drive of the parking lot in order to bypass the light at Maple Hill Drive and West Main. Additionally, the used car lot is located on the east side of the site. Therefore, the applicant would like to relocate some of the activity on the site to the west side. It was felt that this would reduce the "congestion" on the east. The application would involve removing lawful nonconforming vehicle display and the addition of greenspace from West Main back to the building addition in the 12-13'-wide strip. It was felt that the proposed arrangement would allow the stacking of more cars and therefore eliminate back-up problems. There would be room for ten vehicles inside the building. Mr. Lennon stated that the alteration would allow for a more functional site and, at a cost of over \$400,000, would increase the tax base of the Township.

Mr. Lennon submitted a letter from the managing director of the "next-door food store," who indicated his approval of the variance request.

Mr. Lennon commented that the existing building and topography of the site made it impractical to locate the addition in any other location because of the internal flow of the business. He felt that substantial justice would favor the variance in that Dunshee Body and Frame had been granted based upon an "internal flow" justification. The Chairperson disagreed, stating this was not the overriding consideration. Mr. Lennon also felt that the case was analogous to those in which variance was granted, cases like Migala. In this case, the existing building configuration on the site predates the setback requirement.

The Chairperson observed that the variance would not stop people from driving through the site. Mr. Lennon agreed, but stated it was felt that removing some of the activity from the east side of the site would lessen congestion. In response to inquiries from Ms. Meeuwse, the applicant indicated that the expansion on the east side would not "go to the used car building" and there would be 30' between same.

Ms. Branch asked the applicant about the comment that ten cars could be placed inside the building, noting that the site plan seemed to indicate eight cars. The applicant indicated that the drawing was "conservative," utilizing a 10' x 20' area for each car. However, it was felt that ten vehicles could easily be located inside the building. There was discussion as to whether the plan showed the setbacks from the overhang or from the

building. It was finally determined that, at the front of a building, a variance of 6' would be required and a variance of 7' required at the back of the building.

There was no public comment, and the public hearing was closed.

Ms. Branch stated that her opinion was unchanged since the meeting of July 15, 1996. However, she noted that the Board could not consider whether the tax base would be increased. She liked the idea that the site would be moving toward greater compliance with the Ordinance and that the overall appearance of the site would be improved with the addition of greenspace to West Main.

The Chairperson stated he was disturbed by the degree of the variance being requested. Mr. Brodasky agreed but felt that, based upon the comments of the applicant, the proposed addition could not be relocated to the west ~~east~~ side of the site. He also felt that the addition of greenspace would be a benefit and bring the site into closer compliance with the Ordinance and its spirit and intent. Mr. Saunders noted that the Board had not previously considered an application which involved these particular facts, and he agreed with the reasoning of Ms. Branch and Mr. Brodasky. Ms. Meeuwse also felt there would be a benefit to granting the variance.

Ms. Meeuwse moved to approve the variance as requested by the applicant (6' at the front of the building and 7' at the back), noting the following:

(1) That the variance brought the site into closer compliance with Ordinance standards and with the spirit and intent of the Ordinance.

(2) That the spirit and intent of the Ordinance was met in that greenspace would take the place of the existing paved vehicle display area in the 13-14' strip from the building addition to West Main.

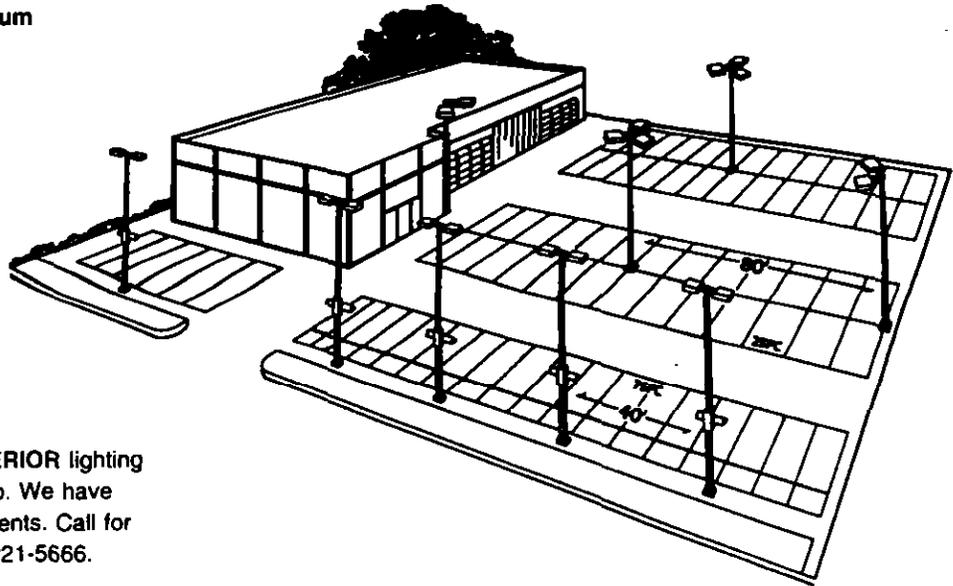
(3) That it was felt, as to whether the hardship was self-created, since the existing building and site was established prior to the current setback standards, at a time when a 0' setback was in place, design options were limited.

(4) That, as to health, safety and welfare, it was felt that these were served by relocating activity from the east side of the site to the west side. Further, extending greenspace to West Main would be in keeping with the Maple Hill Drive-South Focus Area Development Plan.

Ms. Branch seconded the motion, and the motion carried 4:1 with the Chairperson voting in opposition.

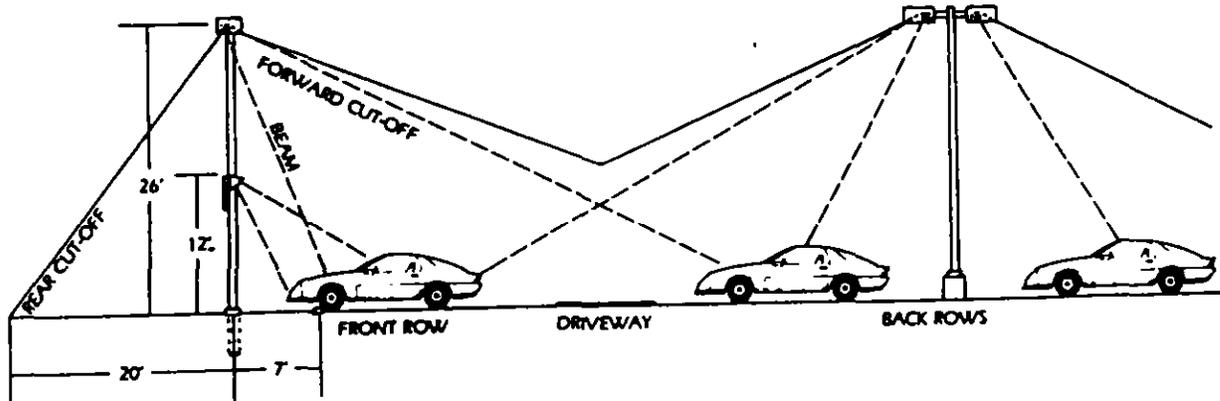
## FROM CHRYSLER MANUAL

Car Lot Layout for Medium  
Competitive Location



We can provide **ALL INTERIOR** lighting fixtures for your dealership. We have upgrade specular fluorescents. Call for more information. 1-800-221-5666.

## Ideal Dealership Lighting Design

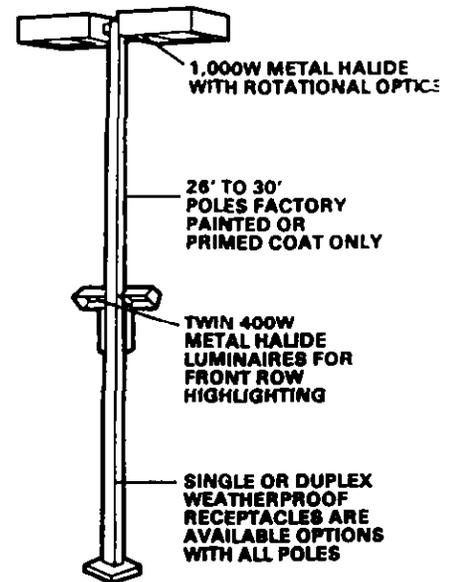


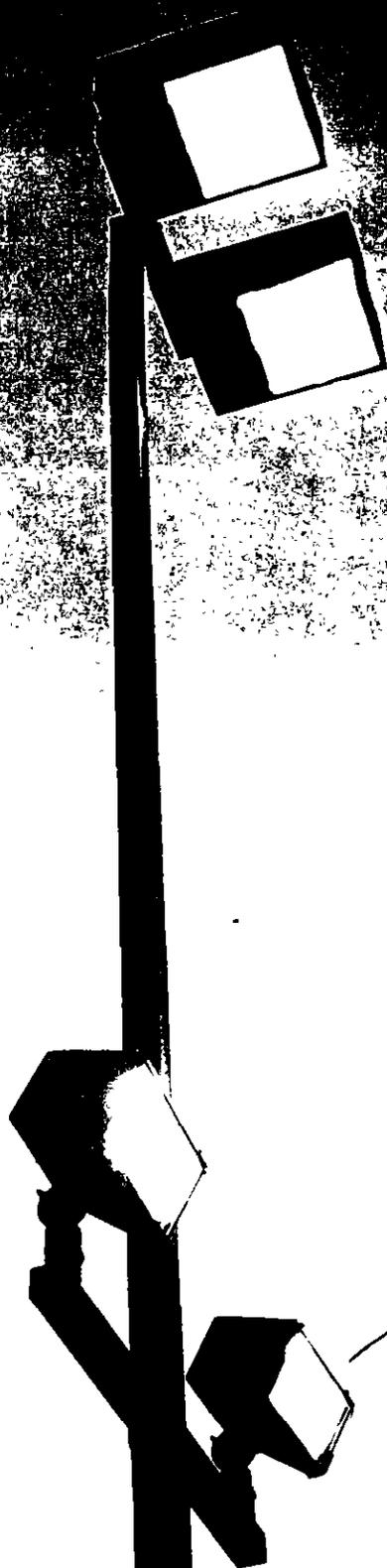
## Design Applications:

In designing a total lighting system, strategically placed Luminaires enhance appearance and maintain maximum lighting efficiency.

Recommendations for new car lot installations:

- Front Rows: Use 26' to 30' mounting heights. Use twin 1,000W metal halide assemblies for high and medium competitive areas; use single 1,000W assemblies for low competitive areas. Bumper and grille highlighting should be used on all types of competitive locations.
- Secondary Rows: Use 26' to 30' mounting heights. Use triple 1,000W metal halide assemblies for high and medium competitive areas; use twin 1,000W assemblies for low competitive areas.
- Storage Areas: Use 26' to 30' mounting heights. Use triple 1,000W metal halide, aimable floods.
- Service Bays: Use HID (metal halide) to replace expensive fluorescents and get better lighting under the hood.





**JCLA Series**—  
Clean attractive lighting system  
for Front Line Highlighting

*OPTION (2)*

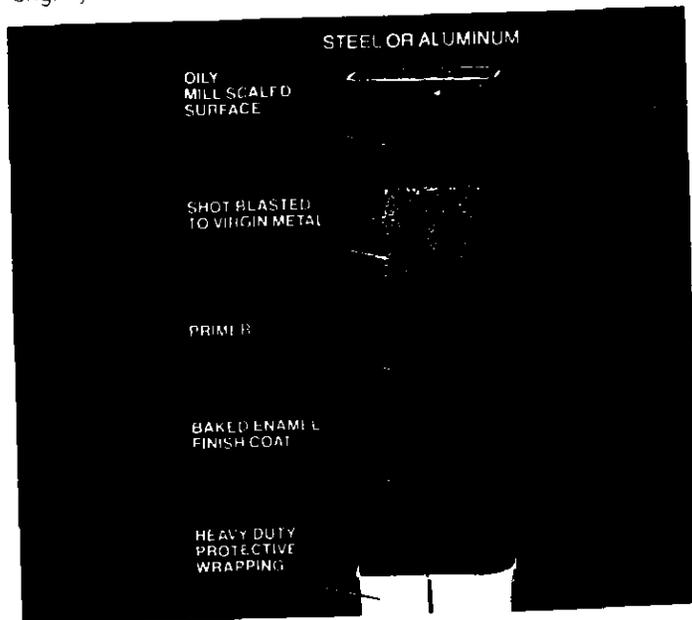
*400 WATT*



**DEL RIO II**— The heavy duty single piece housing of this luminaire is seam-welded and watertight. The door frame and lens are completely gasketed around a heat-tempered and impact-resistant glass lens to keep out moisture, dust and insects. The 1000 watt Metal Halide version is especially suited to uniformly light the front lines on auto lots.



**ICON**— This versatile compact floodlight has a heavy die cast aluminum housing and door frame. The lens is fully gasketed, heat-tempered, impact and shock resistant. The 400 watt metal halide lamp and Wide Beam reflector combine to yield very bright yet smooth front line high lighting.



STEEL OR ALUMINUM

OILY  
MILL SCALE  
SURFACE

SHOT BLASTED  
TO VIRGIN METAL

PRIMER

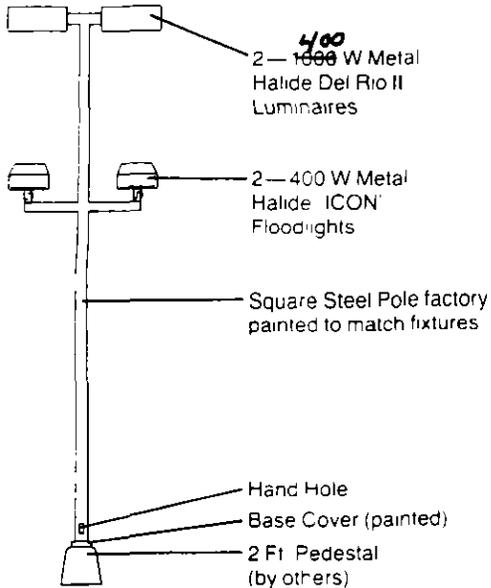
BAKED ENAMEL  
FINISH COAT

HEAVY DUTY  
PROTECTIVE  
WRAPPING

**POLES**— Jet-Phillips factory painted poles carry a **Two Year Warranty**. That is because of our Wheelabrator® cleaning, painting, baking and protective wrapping system.

Wheelabrator is a trademark of Wheelabrator-Frye, Inc.

OPTION (2)

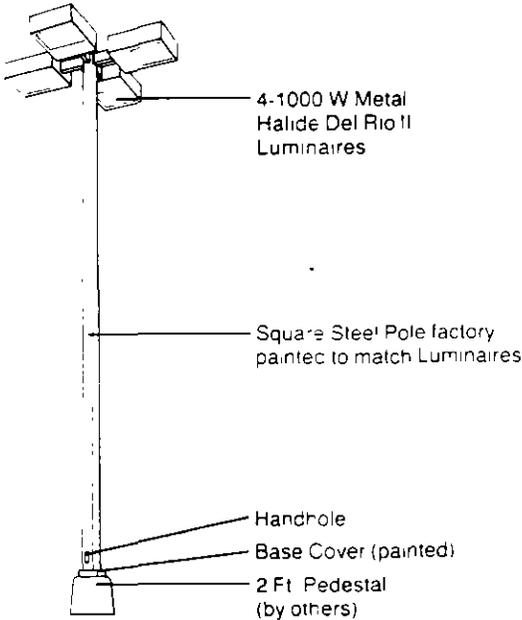


**JCLA-2-2844**

JCLA Series with 28 ft. pole 30 ft. O.C  
 Yields 112.3 F.C average on the front line

JCLA Series with 28 ft. pole 40 ft. O.C  
 Yields 85 F.C. average on the front line

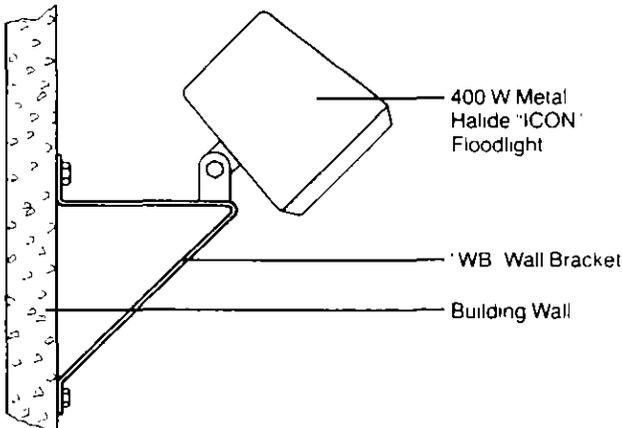
Note Poles to be mounted on 2 ft. concrete pedestal  
 Note For other footcandle requirements consult factory



- **JCL-1-2844**  
One light on 28 ft. pole
- **JCL-2-2844**  
Two lights on 28 ft. pole
- **JCL-3-2844**  
Three lights on 28 ft. pole
- **JCL-4-2844**  
Four lights on 28 ft. pole

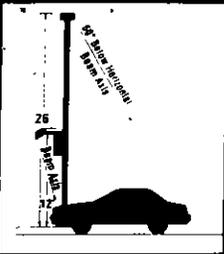
Note Poles to be mounted on 2 ft. concrete pedestal

Security Lighting Assembly

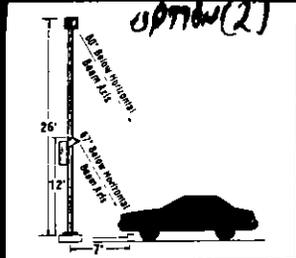


- Weatherproof Outlet
- Photoelectric Cell
- Vandal Shield
- Optional colors available (Bronze is standard)
- Wire Guard
- Cross Arm Brackets
- Wood Pole Brackets

# AUTOMOBILE MERCHANDISING LIGHTING

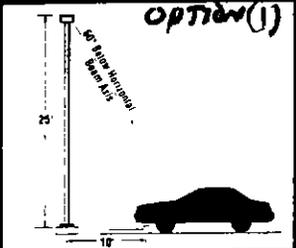


Greater flexibility is yours when extended scooter arms are used to highlight grilles and bumpers in tight lots, enabling you to highlight front ends when front row vehicles are even with or forward of the pole line.



The scooter option is the only way to eliminate the dark shadows from the front of the vehicles.

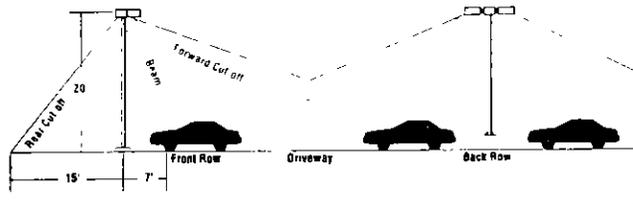
The Sector's patented split reflector system washes the fronts of the automobiles and punches light into the interior, greatly enhancing the customer's ability to make a buying decision at night. No other available lighting system offers this sell-on-sight merchandising technique.



Extended vehicle set back, when available, provides "killer" front line lighting.

Extended vehicle set back, when available, provides "killer" front line lighting.

## IDEAL DEALERSHIP LIGHTING DESIGN

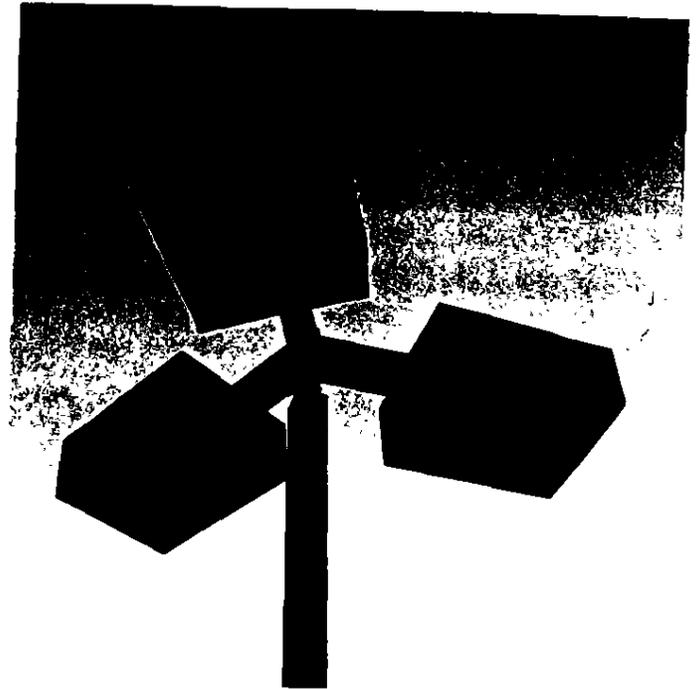


### Guidelines

1. Pole footings on lot

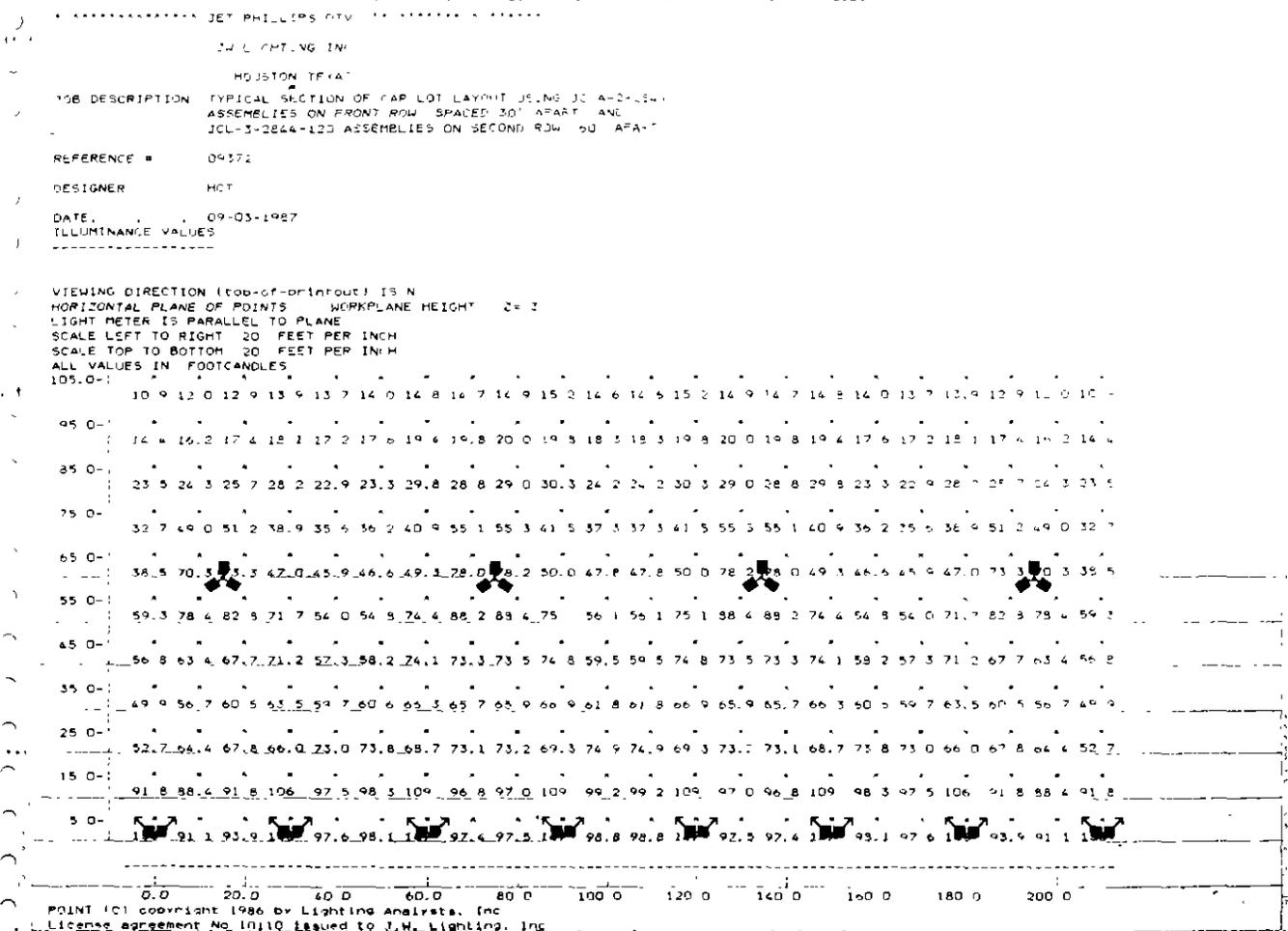


**JCLA Series** — Gives the sparkle and color brightness that attracts customers and sells cars.



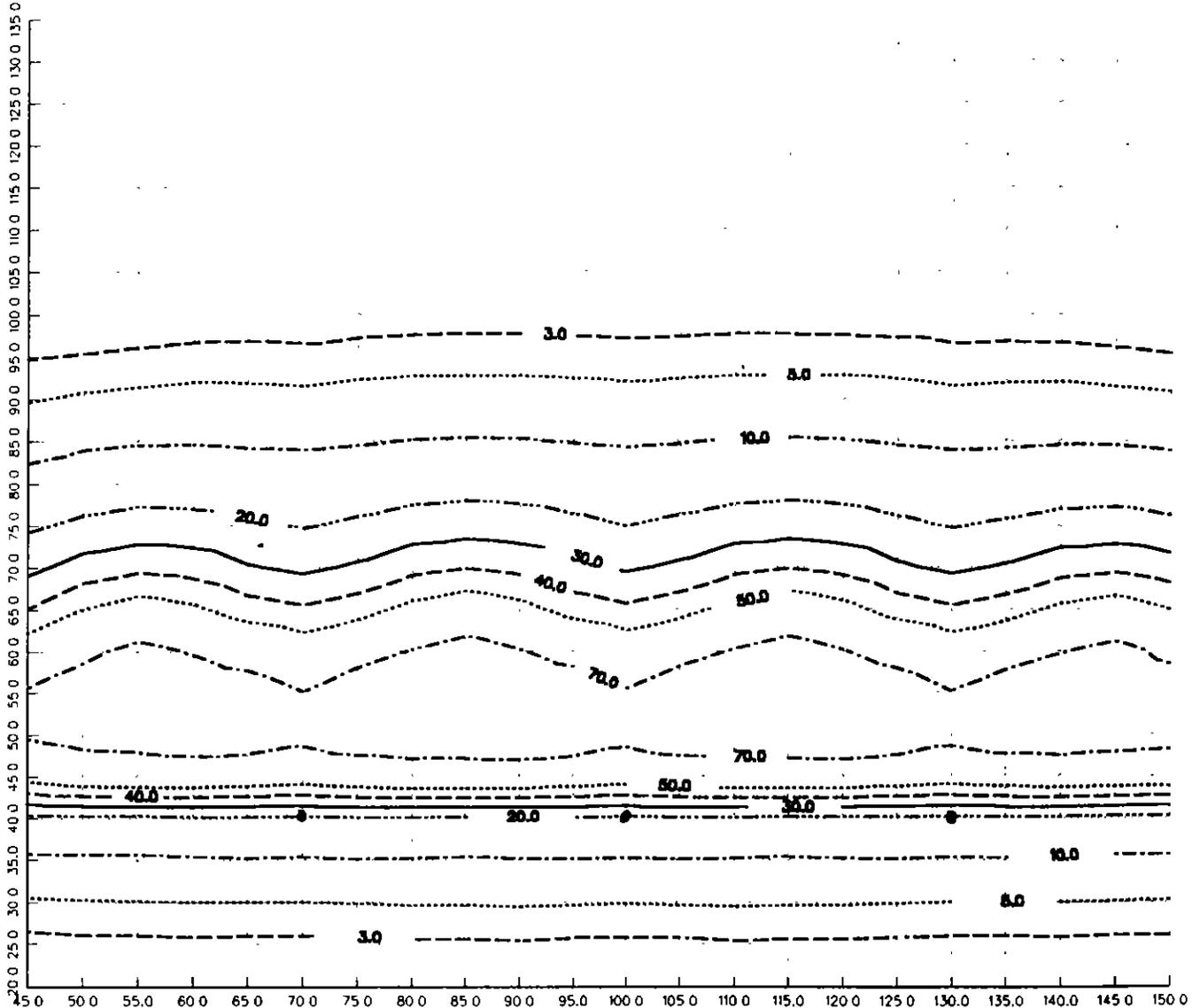
**JCL Series** — Provides area lighting to supplement the front line system

Typical section of carlot layout using JCLA-2-2844 assembly on front row with 30 ft. spacing and JCL-3-2844 on second row with 60 ft. spacing.



OUTPUT INFORMATION

Layout Type Outdoor  
 Calculation Grid Name HorzCalcPlane1  
 Scene Name Normal Conditions  
 Output Type Illuminance fc  
 Output Style Iso-contours  
 Lower Left Coordinate ( 45.01, 20.01, 0 )  
 Upper Right Coordinate ( 150.01, 135.01, 0 )



F HSS  
 30' Centers

1000 WATT DUAL HEADS  
 NO BUMPER LIGHTS  
 30' CENTERS  
 22.5' High

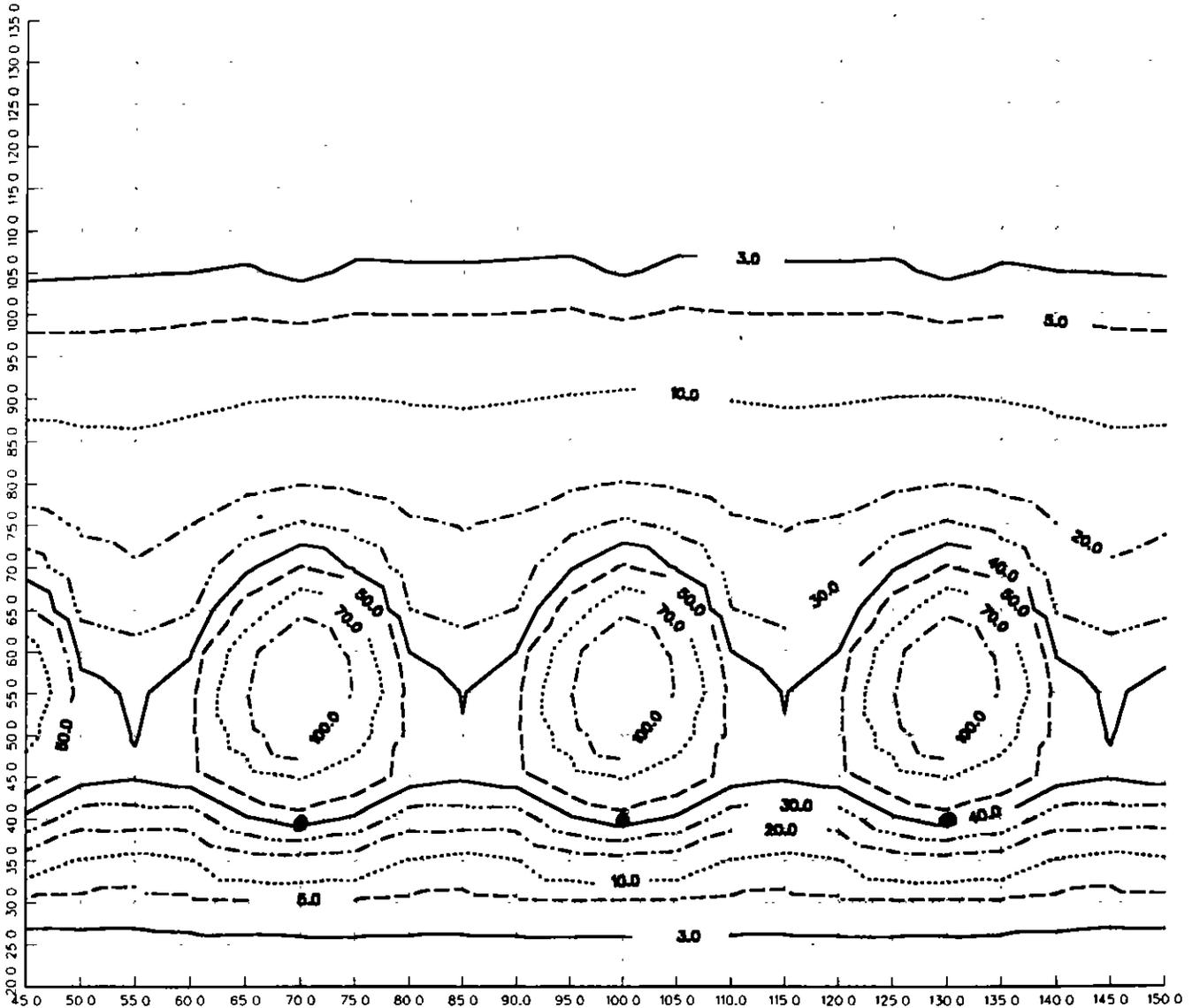
SUMMARY STATISTICS

Average Value	19.4	Maximum Value	84.0	Minimum Value	0.1
Avg/Min Ratio	194.0	Max/Min Ratio	840.0		

# Visual1

## OUTPUT INFORMATION

**Layout Type** Outdoor  
**Calculation Grid Name** HorzCalcPlane1  
**Scene Name** Normal Conditions  
**Output Type** Illuminance fc  
**Output Style** Iso-contours  
**Lower Left Coordinate** ( 45.01, 20.01, 0 )  
**Upper Right Coordinate** ( 150.01, 135.01, 0 )



45°

400 WATT Dual Me  
 400 WATT Bumper L,  
 30' CENTER'S  
 22.5' High Points

## SUMMARY STATISTICS

Average Value	20.1	Maximum Value	206.4	Minimum Value	0.7
Avg/Min Ratio	28.7	Max/Min Ratio	294.9		

**ZONING BOARD OF APPEALS MEETING - DECEMBER 4, 1995**  
**EXCERPTS**

---

**LONG JOHN SILVER'S - VARIANCE APPROVAL - 78.720(a) AND (b)**

The next item was the application of Robert Lennon, representing Long John Silver's, for variance approval from the outdoor lighting standards established by Section 78.720(a) and (b) of the Zoning Ordinance. The subject site is located at 5431 West Main and is within the "C" Local Business Zoning District.

The report of the Planning and Zoning Department is incorporated herein by reference. Ms. Harvey noted that lighting had been established at the site in violation of current Ordinance standards. The applicant was seeking a variance from these standards. She noted that the Board had been provided with a site layout and that the three highlighted areas represented the locations of the lights. The letter "B" designated lights on top of the sign established at the site. The letter "A" designated the lights which were on top of light poles at the perimeter of the site. Additionally, information had been submitted by the applicant as to the type of light fixtures represented by "A" and "B." Both were 1000-watt lamps. The applicant had further provided a footcandle layout. The applicant was seeking variance from the Ordinance limitations of 400 watts and also asked for a variance from the Ordinance standards that footcandles at the perimeter could not exceed .1.

Ms. Harvey stated that this was the first request as to the lighting standards and, therefore, the Board had no past decisions to look to. She noted that the Township did not issue its approval for this lighting arrangement.

Attorney Robert Lennon was present, stating he represented Concord Enterprises, the owner and operator of the Long John Silver's restaurant. Owen Pyle, a principal of Concord Enterprises, was also present. Mr. Lennon stated that this site involved a building which has been in place about 20 years. Previously there was lighting at the site which was approximately 20 years old. He noted that their old lighting would not have been in conformity with current standards. In early 1995, Long John Silver's was doing some work at the site which included revisions to the existing lighting. The contractor had sought a building permit in January of 1995. The building permit was denied, and Mr. Pyle contacted the Township and talked with the Supervisor, who had explained the two problems with the plan concerning lighting. Mr. Pyle also discussed the matter again with the Supervisor, along with the Township Attorney. The Supervisor and Township Attorney indicated that they would look into the matter and get back with him. In late February, the general contractor was issued a building permit, and there had been no change to the lighting design. Mr. Pyle assumed that the Township had decided to allow construction of the lighting as proposed, and same was completed. The Township then informed him that it had not consented to the lighting as proposed.

Attorney Lennon stated that it was the goal, with the lighting as installed, to achieve a safe parking lot. The owner was concerned with slip-and-fall accidents, crime in the parking lot, and breaking and entering at the restaurant. He stated that the lighting was not amended to primarily achieve "commercial aspects." He noted that the property is bordered on the east and west by other restaurants, on the south by a shopping arcade, and on the north by West Main. Across West Main is located Maple Hill Mall. Mr. Lennon emphasized that the neighbors were not disturbed by the lighting in place and that there had been no complaints from the public or neighboring land owners. Mr. Lennon opined that substantial justice would favor granting a variance here, given the situation and given that other businesses in the area had lighting of similar character. He further argued that the problem was not self-created in that Mr. Pyle believed that, since the building permit had been issued, they were allowed to proceed with the lighting as planned. He felt that compliance would be unnecessarily burdensome, given the safety needs at the site. However, he recognized there were no unique physical circumstances at the site which would limit its compliance.

Mr. Pyle spoke, stating that there was no way to comply with the footcandle limitations and still adequately light the site. He emphasized that he had spoken with a number of resource people, who told him that it was impossible to measure .1 footcandles, much less achieve same at the perimeter of this site. He stated that the previous lighting had involved 300-400-watt lamps. This wattage had not provided for safety of the parking lot. He felt that the light-level limitations of the Ordinance would only make sense if the commercial property bordered residential use.

Mr. Miller questioned Mr. Pyle as to whether he had believed, when he spoke to the Supervisor and Attorney, that they would get back to him with regard to the lighting issue. He expected that they would. He acknowledged that they had not recontacted him. Mr. Pyle stated that there had been a breaking and entering and a number of slips-and-falls at the site prior to the new lighting being installed. He stated that the sole purpose of the lighting was to make sure the site was safe.

Ms. Branch questioned Ms. Harvey for clarification as to how the project had obtained the approvals that it was given. Ms. Harvey stated that her only contacts had been with the general contractor. Since the proposed alterations of the site, regarding sidewalks, dumpster, etc., were minor changes, the matter was not brought before the Board but was handled administratively. She stated that after she received the plans she talked with the contractor and explained that the proposal was acceptable with the exception of the lighting. However, she indicated to the contractor that the project did not have to be held up based on the lighting. She stated that there was a notation on the plan that the building permit was being issued with the exception that the proposed lighting had not been approved. When she contacted the contractor about the fact that the lighting had been installed, the contractor said he had provided the review information to the owner and that the owner had instructed him to proceed.

Mr. Saunders noted that the neighboring lighting did not appear to be in compliance with the Ordinance. Ms. Harvey pointed out that, since the new standards had recently been adopted, there were properties which would not be in compliance yet. However, as the lighting on said properties was altered, it would be required to come into compliance.

Ms. Harvey noted that a lighting engineer had assisted the Township with development of the standards adopted in the Ordinance. She felt that the Board should review the two requests made by the applicant separately; for example, perhaps the applicant could comply with wattage but could not comply with footcandle limitations.

There was no public comment offered, and the public hearing was closed.

Upon questioning by Mr. Brodasky, Ms. Harvey noted that the applicant had sought to use the existing light poles in his project. She stated that the limitation of three light sources was placed on the site by the applicant in his desire to use existing structures in the lighting project. Mr. Saunders and Mr. Brodasky agreed that the applicant could come into compliance with the 400-watt limitation. However, they were unsure whether the applicant could comply with the footcandle limitation. Ms. Branch indicated that, since this was the first application for variance under the new lighting standards, she wanted to be careful. Ms. Harvey stated that perhaps the Township needed information from a consultant who could provide information as to whether it was possible to establish adequate site lighting which meets Ordinance standards at the subject property. The consultant could also look at the issue of whether, utilizing existing light poles, the applicant could establish lighting which would be adequate for safety reasons but meet Ordinance requirements.

Mr. Saunders moved to table the request to the meeting of January 22, 1996. Mr. Brodasky seconded the motion.

Mr. Lennon suggested that the applicant would like input into the process, i.e., to inform the Township's consultant as to what was sought to be achieved at the site. The Township Attorney suggested that the minutes of the instant meeting be provided to the Township consultant so as to provide background information. Mr. Lennon indicated that he was satisfied with that solution.

Upon a vote on the motion, the motion carried unanimously.

### **OTHER BUSINESS**

Ms. Harvey provided a year-end report, summarizing the number of meetings conducted, requests processed and projects approved.

The Board next discussed the proposed 1996 meeting schedule. It was noted that perhaps the meeting scheduled for January 8, 1996, should be changed to January 15, given that there was a conflict in scheduling for the meeting room. With that amendment,

OSHTEMO CHARTER TOWNSHIP ZONING BOARD OF APPEALS

MINUTES OF MEETING HELD JANUARY <sup>25</sup>~~22~~, 1996

---

Agenda

LONG JOHN SILVER'S - VARIANCE APPROVAL - OUTDOOR LIGHTING -  
SECTION 78.700

FIELDSTONE BUILDING GROUP - SITE PLAN REVIEW - VARIANCE FROM 200'  
FRONTAGE REQUIREMENT - 6672 STADIUM DRIVE

---

A meeting was conducted by the Oshtemo Charter Township Zoning Board of Appeals on Monday, January 22, 1996, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township Hall, pursuant to notice.

MEMBERS PRESENT:      Brian Dylhoff, Chairperson  
                                 Thomas Brodasky  
                                 Elaine Branch  
                                 Lara Meeuwse  
                                 William Saunders

MEMBERS ABSENT:      None

Also present were Rebecca Harvey, Township Planning and Zoning Department representative, Patricia R. Mason, Township Attorney, and six (6) other interested persons.

**CALL TO ORDER**

The Chairperson called the meeting to order at 3:04 p.m.

**LONG JOHN SILVER'S - VARIANCE APPROVAL - OUTDOOR LIGHTING -  
SECTION 78.700**

The next item was the application of Robert Lennon, representing Long John Silver's, for variance approval from the outdoor lighting standards established by Section 78.720(a) and (b) of the Zoning Ordinance. The subject site is located at 5431 West Main and is within the "C" Local Business District Zoning classification.

The report of the Planning and Zoning Department is incorporated herein by reference. Ms. Harvey reminded the Board that it had considered the applicant's request for variance approval at its meeting of December 4, 1995. The minutes of that meeting are incorporated herein by reference. The applicant sought variance from the wattage and footcandle limitations within the Zoning Ordinance. The Board had tabled the request to the meeting of

January 22, 1996, to allow the Board to obtain information from a lighting consultant regarding a number of issues. Ms. Harvey stated that the Township had retained Matt Moulds of Engineering Plus to review the lighting issues. Mr. Moulds was the Township's consultant during the development of the Township's lighting standards. Ms. Harvey stated that his report was submitted in writing and included with the Township staff report and that Mr. Moulds was present to answer any questions. Mr. Moulds' report is incorporated herein by reference.

The Chairperson called upon Mr. Moulds for comment, and Mr. Moulds stated that one of the issues he had been asked to address was whether it was possible, with existing technology, to measure light levels down to one-tenth of a footcandle. He provided the Board with information as to the types of light meters which are available and indicated that, with certain of said light meters, there is a capability of reading light levels to one-tenth of a footcandle. He stated that he had also provided the Board with information regarding the issue of "safety and security" in lighting. He had included with his report certain pages from the Lighting Handbook published by the Illuminating Engineering Society of North America, New York.

He stated that he had reviewed the lighting layout provided by the applicant and found that it accurately reflected the light levels at the site. He stated that the applicant had installed 1000-watt light fixtures. According to Mr. Moulds, this type of wattage is typically used for lighting in car dealerships. With such businesses, it was necessary to light merchandise located in parking areas and, therefore, one could expect a higher-wattage fixture, resulting in higher footcandles. Mr. Moulds stated that, as this property is part of a commercial strip and not in a residential area, even if the lights of this business were turned off, there would be spill of light from the adjacent properties. Again it was noted the characteristics of this property, in that it was part of the larger shopping center, was such that its parking lot abutted the parking lots of other adjacent businesses. Due to the fact that it was necessary to provide a safe and secure parking area, and in that the parking area of this business was at the property boundaries, he felt it would be reasonable to raise the level of footcandles allowed at the property line under the Ordinance. Referencing the Lighting Handbook from the Illuminating Engineering Society of North America with regard to open parking facilities, relating to community shopping centers, he felt that .5 or .6 footcandles at the property perimeter was appropriate.

Ms. Meeuwse questioned Mr. Moulds with regard to the lighting fixtures, and again Mr. Moulds stated that they were typical of car dealerships where there is, in addition to safety and security, the intent to draw attention to the merchandise in the lot. He further stated that the fixtures utilized were a type of cutoff fixture.

Ms. Harvey questioned Mr. Moulds with regard to the specific variances requested, asking whether, if 400-watt fixtures were installed on the existing poles, the site could comply. Mr. Moulds stated that, because the parking lot boundary is also the property line, the applicant would exceed in at least some locations the .5 requirement for safety and security with 400-watt fixtures. It was noted that 400 watts was the maximum wattage allowed by the Ordinance. Mr. Moulds referenced the Board to the lighting layout provided by the applicant and indicated that, since there were 1000-watt fixtures, looking at the layout,

one could take the footcandles indicated on the layout and cut them in half to understand the impact of replacing the 1000-watt fixtures with 400-watt fixtures. Mr. Moulds further stated that, with regard to one pole on the property, due to its location, it was probably not possible to avoid spillage of light onto adjacent properties. Mr. Moulds presented a "possible" lighting layout which would meet the wattage limitations of the Ordinance and the minimum safety and security standards of the Lighting Handbook.

In response to questions from the Chairperson, Mr. Moulds stated that it was possible a reflector could be placed on the light fixture so as to shield light in one direction and reflect the light into the parking lot. However, he stated that it would be probable that the light would still spill off-site somewhat due to the position of the pole and still exceed the footcandle levels for safety.

Ms. Branch questioned Mr. Moulds with regard to the possible lighting layout that he had prepared, and it was stated it would include two poles with three light fixtures and would not include the lights presently located on the sign.

There was discussion of the creation of the Ordinance standards, and Mr. Moulds indicated he believed that the standards had resulted from the consideration of, primarily, those locations where commercial was abutting residential zoning. He felt it would be reasonable for the Township to amend its text or provide variance where there were properties such as the instant property, i.e., there are adjoining parking lots running up to the property line.

Ms. Branch questioned Mr. Moulds as to whether the applicant could utilize the existing poles. Mr. Moulds stated that the applicant could possibly place 250-watt fixtures on the existing poles and establish additional lights on the building. As to the pole lighting, they could be equipped with shields and reflectors. This type of lighting arrangement would also comply with the wattage limitations of the Ordinance and meet the minimum safety and security requirements as to footcandles in the parking lot. However, the applicant would still need a variance from the footcandle limitation of the Ordinance. Mr. Moulds stated that his proposed layout could be established at a reasonable cost.

Attorney Robert Lennon was present on behalf of the applicant. He stated that Owen Pyle, the CEO for Concord Enterprises, was also present. Mr. Lennon stated that, as to the background information, Mr. Pyle had felt that, since the building permit issued by the Township did not have any notation as to an exception for the lighting, the building permit was Township permission for the contractor to establish the lighting as proposed. Mr. Pyle stated that the first he knew of any problem was when he received a letter from the Township. Mr. Pyle stated he did not know of the "lighting problem" until the fixtures had been established.

In response to a question from the Chairperson, Mr. Lennon stated that, in his opinion, the building permit should have stated that there was an exception with regard to the lighting. Mr. Pyle, he claimed, relied on the building permit and felt that the Township had stated that they could go forward with their plans. However, Mr. Lennon acknowledged that he could not say whether or not the contractor had conversations with the Township in which the

contractor was informed (orally or in writing) that the lighting was not approved. Mr. Lennon stated that he brought this to the Board's attention in order to let the Board know that Mr. Pyle did not knowingly violate the Ordinance. He stated that Mr. Pyle would not have put up his light fixtures had he known that they were not approved.

With regard to the comments of Mr. Moulds, Attorney Lennon stated that he was aware there were measuring devices which were capable of measuring .1 footcandles. He felt he had miscommunicated at the last meeting with regard to this issue. His point was that, due to the other commercial uses adjoining the property, it was unlikely that there would be .1 footcandles at the building perimeter even if the lights for this particular establishment were turned off. Mr. Lennon stated he did not believe any neighboring property owners or that anyone in the Township had complained about the lighting at the site.

Mr. Lennon stated that Long John Silver's "National" had a policy by which it felt that there was a need for five footcandles over the entire site for "safety purposes." Mr. Lennon stated that one of the lighting consultants for Long John Silver's for the lighting established at this site sits on the board of the Illuminating Engineering Society of North America. Mr. Lennon presented a letter from this consultant, which is incorporated herein by reference. The letter indicated that the Society was considering revising its standards to indicate a minimum of two footcandles is needed over an entire site.

Mr. Lennon expressed his belief that Mr. Moulds had stated that the applicant could not establish lighting at the site which would meet Ordinance standards and which would also satisfy safety concerns. Mr. Lennon stressed that this was a narrow site bordered by other commercial uses. Mr. Lennon requested and received a copy of Mr. Moulds' "possible lighting layout." Attorney Lennon asked Mr. Moulds whether he felt that 1.1 footcandles in the parking lot would be "safe." Mr. Moulds stated he believed it would. He felt that someone could slip and fall even if there were 100 footcandles of lighting. Mr. Moulds, responding to Mr. Lennon, stated he believed that less than two footcandles would provide a safe parking lot.

The Township Attorney indicated she felt it would be appropriate for Mr. Lennon to direct his questions to the Board, which could then direct any questions it had to Mr. Moulds, and that there should not be direct question-and-answering between Mr. Lennon and Mr. Moulds.

Mr. Pyle spoke, stating that he did not try to "sneak" any lighting in and that he had no ulterior motive in establishing the lighting. He stated that, prior to the lighting being established, he had spoken with the Township Supervisor and Township Attorney. Thereafter, the contractor had received a building permit with no indication of an exception.

He stressed that this restaurant had a history of break-ins and that there was also concern about slip-and-fall accidents. With regard to Mr. Moulds' opinion, Mr. Pyle directed the Board to the Lighting Handbook, stating he believed that the Board should utilize the minimum standards allowed for fast-food facilities rather than for community shopping centers. Figure 24-23 of the handout as provided by Mr. Moulds indicated, if the standards for fast-food facilities were utilized, that .9 footcandles would be recommended. He stated

that the lighting as established by Long John Silver's at this site would provide five footcandles in some locations but an average of 2-3 footcandles on the site. He felt that the engineers he had consulted had established the lighting to meet the requirements of safety for the site. Again there was questioning with regard to the average footcandles, and Mr. Pyle stated that there was an average of 9.7 footcandles with a minimum of 1.5 footcandles in any one location. He stated that the lighting fixtures as established on the poles have reflectors to reflect the light forward into the parking lot. The sign lighting did not have reflectors. Mr. Pyle stated he believed that he had no other option in order to provide safe lighting for the site.

Mr. Moulds stated that he recognized safety is a concern. However, he was curious as to Mr. Pyle's comment as to break-ins in that, once the business is closed, the lighting is turned off. Therefore, the lighting in question would not prevent vandalism or break-ins after hours. Mr. Moulds stated that, in his opinion, lighting such as that on the instant site was more directed to marketing, i.e., to draw the customer's eye to the site. He stated that the Board could reasonably utilize the table with regard to the minimum lighting recommended for fast-food facilities. He noted that the same table required a uniformity ratio of 4:1. His opinion was that the site as it exists today greatly exceeded this uniformity ratio and was more in the line of 20:1.

Ms. Harvey noted for the Board that they were considering two requests, one for variance from the wattage restriction of the Ordinance and one for the limitation as to footcandles. She felt that the Board should consider the nonuse variance criteria as to both.

There was no public comment on the item, and the public hearing was closed.

Ms. Meeuwse commented that she had visited the site at 8:50 p.m. on the previous night. In her opinion, the lights were blinding. The lighting on the site seemed to "stick out" in that the surrounding lights were not as bright. She noted that there had been discussion of safety, and she felt that safety was not being served by the current lighting in that it was hard for her to see other cars in the street, the light was so bright. She felt that the lights in the area were more in compliance with Ordinance standards. However, she recognized that much of the lighting in the area was established prior to the adoption of the current standards and therefore was probably not in complete compliance. In Ms. Meeuwse's opinion, Long John Silver's should be more flexible and sensitive to the community in which it was located. She noted that the Zoning Board had recommended adoption of the lighting standards, and they were ultimately adopted by the Township Board, because the citizenry of the Township had concerns about lighting. The citizenry was in favor of the rural character of the Township and wanted to be able to see the night sky. Ms. Meeuwse noted that other applicants who had received site plan approvals subsequent to the adoption of the standards were able to comply with the Ordinance requirements.

Ms. Branch also recognized that many businesses in the Township may not now comply since they were established prior to the time the amendments to the Ordinance as to lighting were adopted. However, as this nonconforming lighting was updated, it would have to come into compliance with the Ordinance, just as Long John Silver's was being asked to do. The Chairperson asked the applicant whether the light poles were the poles which were

originally used at the site. The applicant indicated that the sign lights were original but that the other poles had been replaced in that they were not strong enough to support the 1000-watt fixtures.

The Board began discussion of the nonuse variance criteria, first considering whether compliance with the Ordinance was unnecessarily burdensome. Board members felt that, with regard to the limitation on wattage of light fixtures, compliance was not unnecessarily burdensome. The applicant could meet the wattage limitation and still satisfy concerns about safety and security in the parking lot. Ms. Meeuwse noted that she believed there was reasonable use of the site even if the wattage variance were denied. With regard to the limitation on footcandles at the perimeter of the property, concerns about meeting minimum standards for safety and security in the parking lot would justify a variance.

The Board next considered whether substantial justice would be afforded if the variance were granted. Board members felt that substantial justice would not be done by granting the variance in that, as other existing uses updated their lighting, these uses would be required to comply with Ordinance standards. Additionally, Board members recognized that other lighting in the area, the existing lighting which predates the Ordinance, is not "as bright" as that established by Long John Silver's. Ms. Branch noted her concern that an undesirable precedent not be set in this case. Ms. Meeuwse noted that the Zoning Board and Zoning Board of Appeals, with site plan approval for all new businesses, had required compliance with Ordinance standards. Ms. Harvey stated that there had been no problems with compliance with those sites approved subsequent to the adoption of the Ordinance provisions. In fact, this was the first variance which had been requested.

The Board considered whether there were any unique circumstances which would justify the variances. The Board felt there were none with regard to the wattage limitation. As to the footcandle limitation, there were some unique circumstances due to the positioning of the property, in that the parking lot boundary was also the property line. In view of this, and in view of the need to provide for safety and security at the site, there were unique circumstances which would justify variance as to the footcandle limitation.

As to whether the hardship was self-created, Mr. Saunders stated that he felt the Board should rely on the records of the Township and the Township staff as to what had occurred. From the records and from the indication from the Township staff, lighting was established with knowledge of the Ordinance requirements and in violation of the approved enhancement plans for the site. The contractor had been informed by Township staff that the project was approved with the exception of the lighting standards. The records of the Township with regard to the building permit and the project approval are incorporated herein by reference.

As to whether the spirit of the Ordinance would be observed and the public safety secured if the variance were granted, the Board felt that the spirit of the Ordinance would not be served by granting a variance with regard to the wattage limitation but that it would be served by granting a variance as to the footcandle limitations.

The Board consulted with Mr. Moulds again as to the amount of the variance as to the footcandle limitation. Mr. Moulds stated that he would like to research the allegation that the

Illuminating Engineering Society of North America was considering as to footcandles. He believed that, if this were the case, that provision was merely under consideration and had not yet been decided upon. He felt it would be reasonable for the Board to approve .9 footcandles, utilizing the standard for fast-food restaurants. This was given the location of the parking lot.

Mr. Saunders moved to deny the variance with regard to the wattage limitation of the Ordinance and to grant a variance with regard to the footcandle limitations so as to allow for .9 footcandles at the perimeter of the property. Mr. Saunders stated that this was based on the reasoning articulated in the discussion of the nonuse variance criteria. Mr. Brodasky seconded the motion. The motion carried unanimously.

### **FIELDSTONE BUILDING GROUP - SITE PLAN REVIEW - VARIANCE FROM 200' FRONTAGE REQUIREMENT - 6672 STADIUM DRIVE**

The next item was the application of Fieldstone Building Group for site plan review of the proposed conversion of an existing residence to a residential builders' office. The applicant also requested variance approval from the 200' frontage requirement established by Section 66.201 of the Zoning Ordinance. The subject site is located at 6672 Stadium Drive and is within the "C" Local Business District Zoning classification.

The report of the Planning and Zoning Department is incorporated herein by reference. It was noted that, prior to 1984, the subject site was provided approximately 90' of frontage on Stadium Drive. Subsequently, the parcel was combined with an adjacent parcel on Stadium Drive, resulting in a parcel with 160' of frontage. The creation of the subject parcel subsequent to the adoption of the 200' frontage requirement requires that the subject site comply with said requirement. Therefore, the applicant requested a 41' variance to render the parcel buildable.

Ms. Harvey noted that, in two past decisions in cases where parcels were combined but still failed to meet frontage requirements, variance had been granted. She felt that the Board should act on the variance request first and then consider the site plan. It was noted that the parcel was adjacent to a parcel owned by the Kalamazoo County Road Commission utilized for a stormwater retention basin.

As to the site plan, there were issues with regard to access and parking. She felt that the Board should view the access and parking arrangements with reference to the proposed Village Focus Area objectives. She noted that the Village Focus Area Plan had not yet been adopted but she felt the Board could apply the reasoning behind the plan when considering the issues of access and parking with relation to this site.

The applicant, Dave Peterson, was present and stated that the proposed business would have five employees. He stated that they wished to remodel the first floor of the farmhouse and use it for general offices. His partner, Scott Carlson, was also present. Ms. Meeuwse questioned the applicant with regard to how the remainder of the building (i.e., the second floor and the basement) would be utilized. He stated that the basement would be unused and that the second floor would be used for storage of files, etc.



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334  
616-375-4260 FAX 375-7180 TDD 375-7198

**To:** Zoning Board of Appeals

**Meeting Date:** 6-16-97

**From:** Planning/Zoning Department

**Agenda Item:** #6

**Applicant:** Elaine Nigg  
10736 West RS Avenue  
Mattawan, MI

**Property In Question:** 976 & 978 South 4th Street

Reference Vicinity Map

**Zoning District:** "AG" Agricultural-Rural District

**Request:** Variance Approval - Front Setback Standard (proposed building addition)

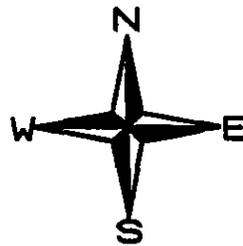
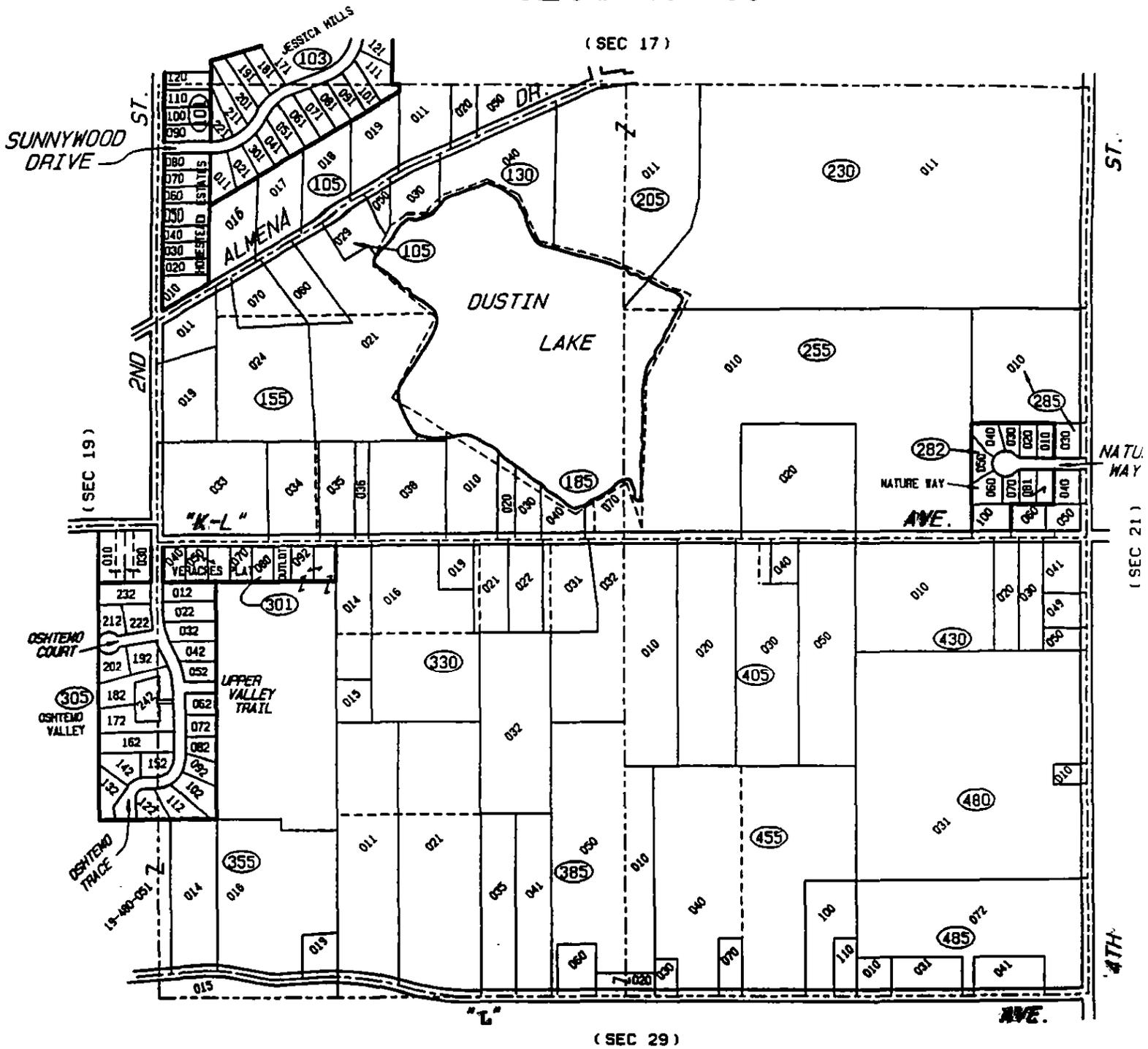
**Ordinance Section(s):** Section 64.100 - Front Setback Standard

**Planning/Zoning Department Report:**

Department Review

Ms. Nigg requested that her application for variance approval be withdrawn.

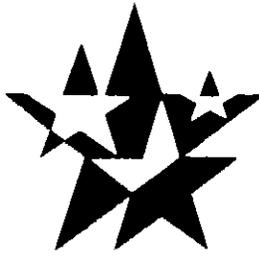
# SECTION 20



DATE: AUGUST 25, 1993  
REVISED DATE: MARCH 7, 1996  
PRINTED DATE: MARCH 21, 1996



SCALE 1" = 800'



**Proposed Addition:**

*We are asking for the permission to construct an addition of 31'x40'  
to the north end of # 976 S. 4th. st.*

**Owner:**

*Elaine Nigg  
10736 West R.S. Ave.  
Mattawan, Mi. 49071  
616 668-3256*

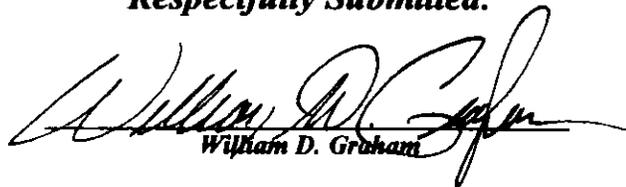
**Job Address:**

*976 & 978 S. 4 th. St,  
Oshtemo, Mi.*

**General Contractor:**

*W. D. Graham Bldrs. Inc.  
4960 S. 36 th. St.  
Climax, MI. 49034  
616 665-7273*

**Respectfully Submitted:**

  
William D. Graham

20-430-054

# CERTIFICATE OF SURVEY

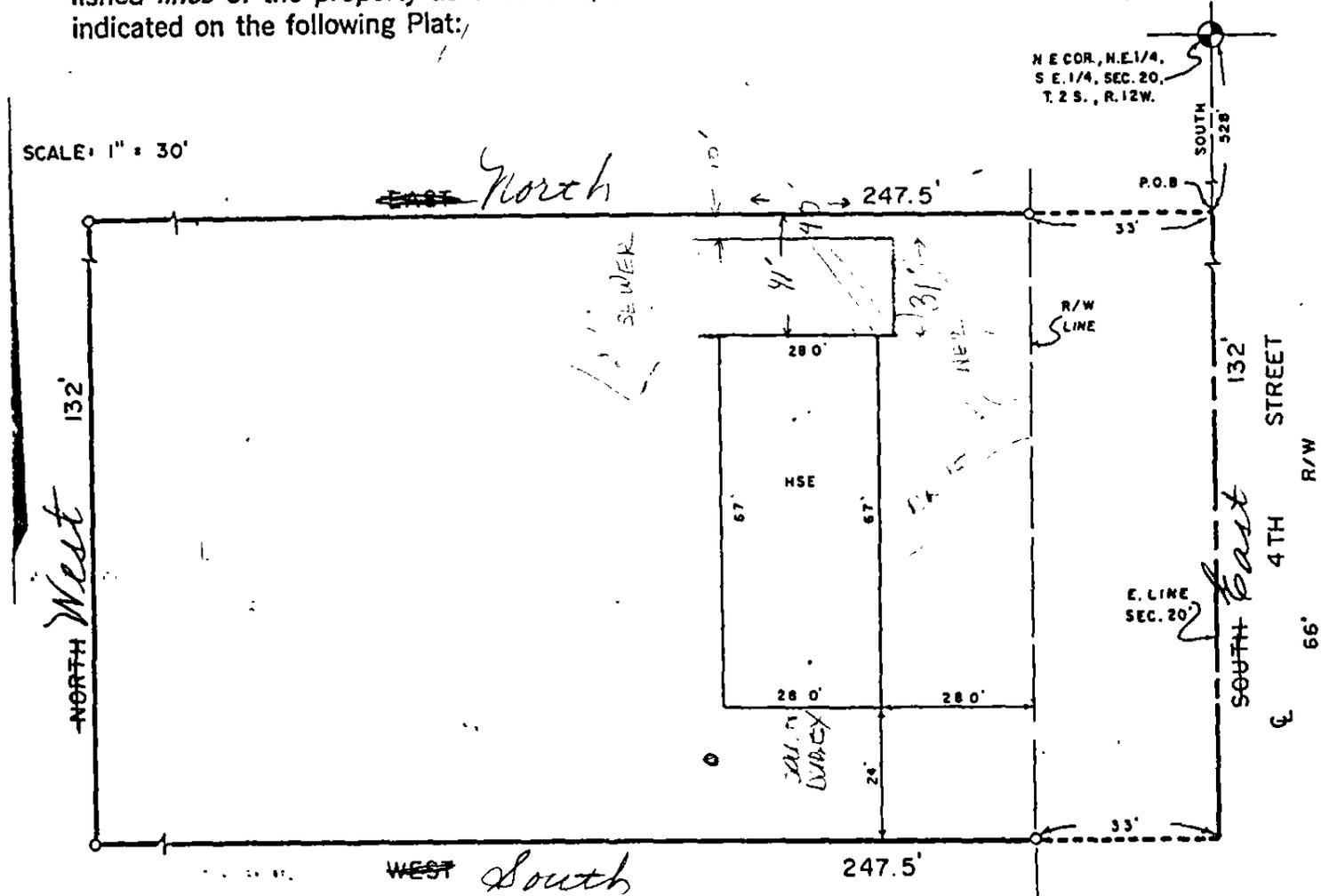
Date October 29, 1976

The undersigned, a Registered Land Surveyor under the laws of the State of Michigan, certifies that he has made a survey of the following described property for  
First Federal Savings & Loan

Commencing at the Northeast corner of the Northeast quarter of the Southeast quarter of Section 20, Town 2 South, Range 12 West; thence South 528 feet along the East line of Section 20 to the place of beginning of this description; thence continue South 132 feet along the East line of Section 20; thence West 247.5 feet parallel to the East and West quarter line of Section 20; thence North 132 feet parallel to the East line of Section 20; thence East 247.5 feet parallel to the East and West quarter line of Section 20 to the East line of Section 20 and the place of beginning of this description. Reserving the East 33 feet for highway use. Oshtemo Township, Kalamazoo County.

Buyer Mike Kilbourn Address Fourth Street

Measurements were made and corners perpetuated in accordance with the true and established lines of the property as described, and the dimensions and lines of the property are indicated on the following Plat:



NOTE: IRON RODS SET AT POINTS MARKED THUS: O

I hereby certify that the survey as shown above is correct as described.



**GOVE ASSOCIATES INC.**

1606 GOLFVIEW  
 KALAMAZOO, MICHIGAN 49001  
 PHONE 616 / 349-7707

Surveyed 10-5-76

By: Terry J. Woldring  
 Terry J. Woldring

Survey No. 7879

Registered Land Surveyor #22446

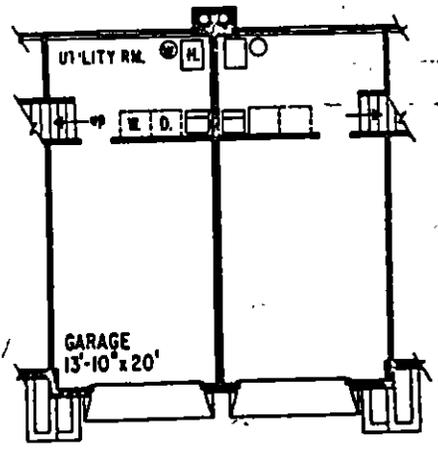
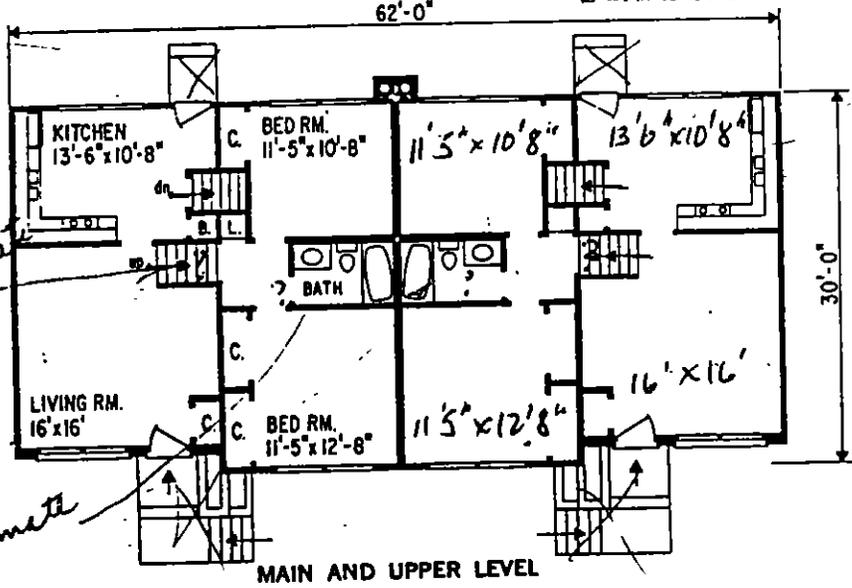


Kalamazoo, Michigan 49007

# ★ design D-67

2 UNIT — TRI-LEVEL DESIGN  
Frame Construction

Living Area: Per Unit  
Main and Upper Level — 905 sq. ft.  
Lower Level — 132 sq. ft.



LOWER LEVEL

ELAINE C. NIGG  
10736 WEST RS AVE.  
MATTAWAN, MI 49071

(616) 668-3256

SPECIALISTS IN RESIDENTIAL/COMMERCIAL SEWER MAINTENANCE



SEWER & SEPTIC TANK SERVICE, INC.

SEPTIC TANK SERVICE RECORD

DESCRIPTION/LOCATION:

Approval is given \_\_\_\_\_ on the construction of a Sewage Disposal System

At: 976 South 4th St

Kalamazoo MI

Septic Tank: Capacity 2 @ 800 gal

Dry Well: \_\_\_\_\_ Depth \_\_\_\_\_ Diameter \_\_\_\_\_

Trench: Block \_\_\_\_\_

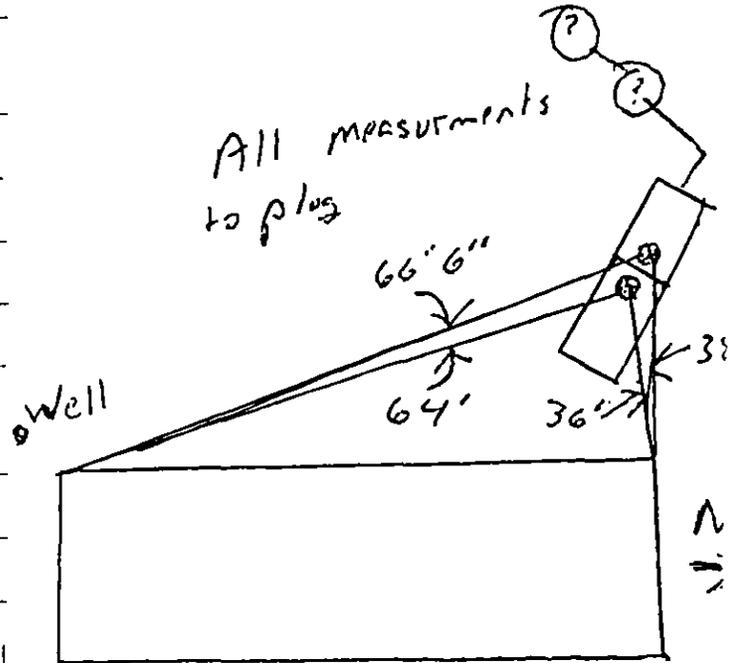
Trench: \_\_\_\_\_

Tile \_\_\_\_\_ Length \_\_\_\_\_ Width \_\_\_\_\_ Depth \_\_\_\_\_

Tile Field: \_\_\_\_\_ Area \_\_\_\_\_

Water Supply: Public \_\_\_\_\_ Private \_\_\_\_\_

\_\_\_\_\_ Bedrooms \_\_\_\_\_ Garbage Disposal \_\_\_\_\_



PUMPING RECORD:

Date Work Done	Due Date - Next Pumping
<u>7-23-92</u>	
<u>2 markers, 1 1/2' deep each (from top of ground down to handle on cover of tank)</u>	

We recommend preventative pumping of the septic tank every two to three years - depending on family/tank size. The more people in the home the more frequently the tank should be pumped; or a smaller septic tank should also be pumped with greater frequency. We recommend periodic use of a bacteria-type drain cleaner/maintainer. This will keep drains free flowing and enhance bacteria growth in the septic tank. Remember - ALWAYS use liquid laundry detergents and white toilet tissue.

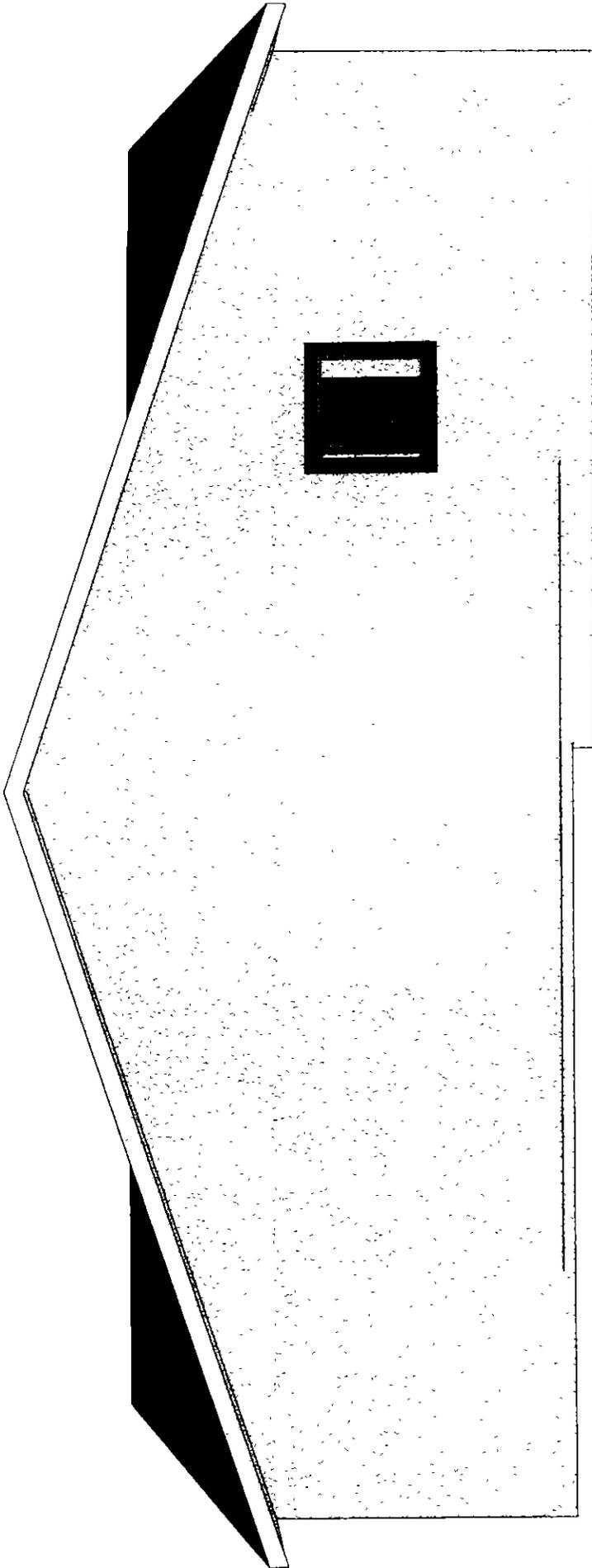
Should you have a drain/sewer line stoppage we have a full sewer cleaning service to assist you with any problem.

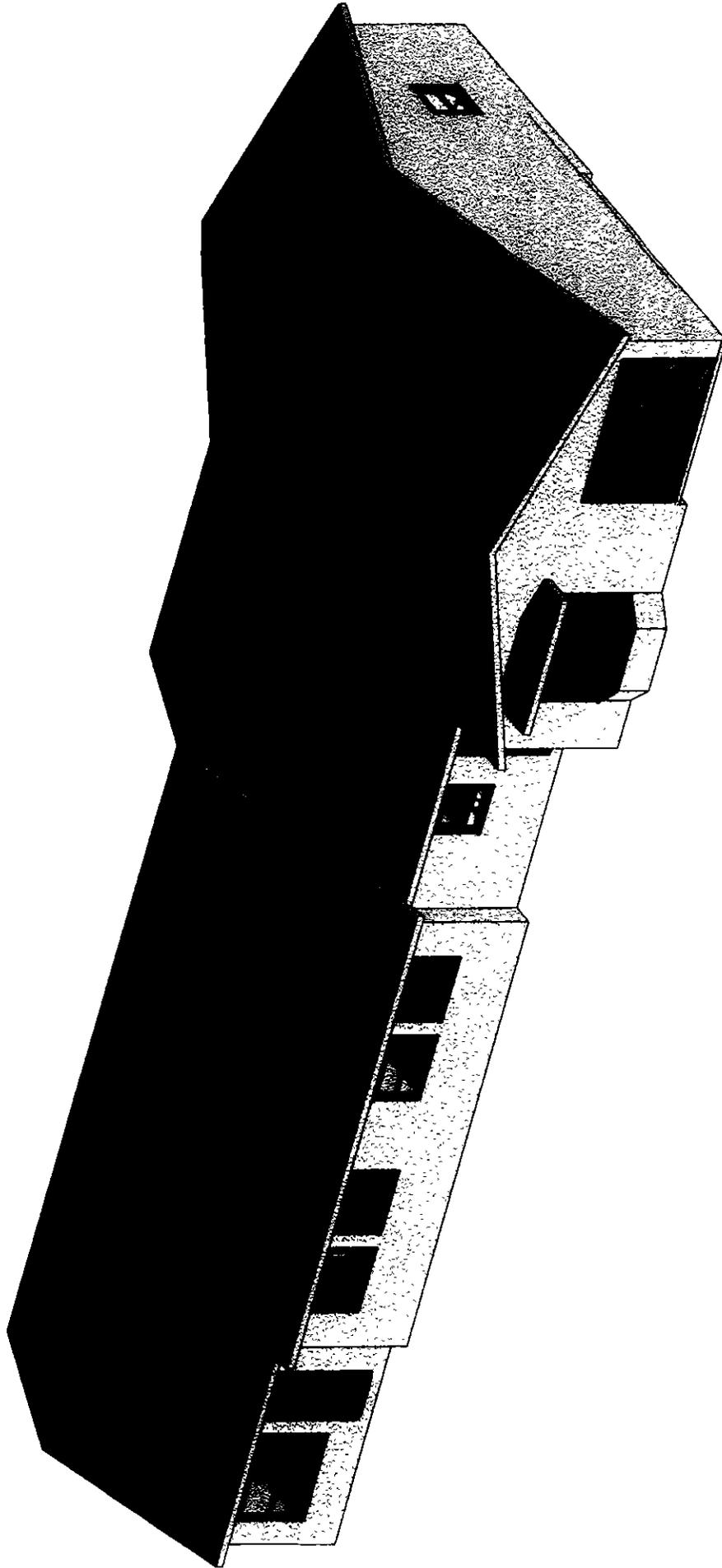
632 4176

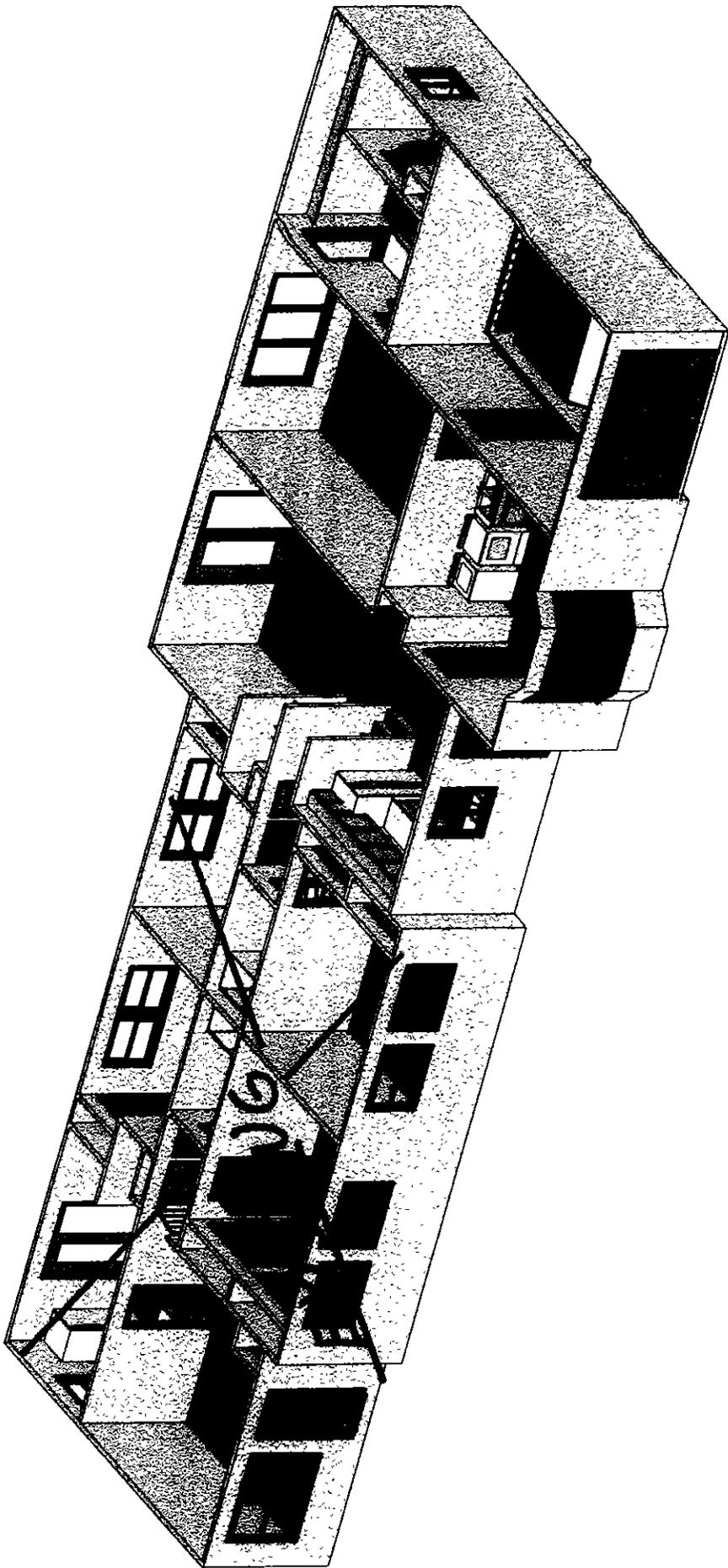
IN MICHIGAN CALL TOLL FREE 800 • 832 • 4178

5100 WEST MICHIGAN AVENUE, KALAMAZOO, MICHIGAN 49007 PH 616 • 375 • 8595

0220









charter township  
**oshtemo**

7275 W. MAIN STREET, KALAMAZOO, MI 49009  
616 375-4260

SITE PLAN REVIEW APPLICATION

Date: May 19, 1997 Present Zoning: \_\_\_\_\_ Fee: 600.00

Land Owner: (Including the names & address of any officers of a corporation or partners of a partnership). Documentation is required.

Todd Mellinger - 351 West Ridge - Kalamazoo, Michigan 49009  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Person Making Request: Bruce H. Kuipers/Delta Design Systems, Inc.

Address: 8240 Stadium Drive - Kalamazoo, Michigan 49009-9424 Phone: 353-7800

Interest in Property: Developer/Builder

Size of Property Involved: 1.38 Acres

Legal Description of Property Involved: (See Site Plan)  
Unit 5, off Seeco Drive

General Description of the Proposed Development: Automotive Repair Center

List Supporting Documents attached to the application, if any: Site Plan

CHARTER TOWNSHIP  
OF OSHTEMO  
7275 W. MAIN STREET  
KALAMAZOO, MI 49009  
616-375-4260

With the approval of this site plan consti-  
Township of Oshtemo, that all  
e developed in strict compliance  
amendments or conditions imposed,  
time specified under Site Plan Review.

5/20/97 JF  
053144 SITE PLAN/MELLINGER 600.00  
TOTAL PAID 600.00

Bruce H. Kuiper OWNER/AGENT

THANK YOU

Lodd Mellinger

3905-14-330-019

Seeco

14-330-012

Clark

015

Hanson

020

Skyles

14-332-001

Manqwn

002

"

003

Seeco (Dup)

No 0

004

Vandenberg

14-305-013

Seeco (Dup)

0

016

Crystal Car

14-355-011

Buckham

14-380-001

Lwp.

010

Buckham (Dup)

No 0

Todd Mellinger  
351 West Ridge  
Kalamazoo, MI 49009

14-330-020

SKYLER ENTERPRISES CO  
WESTCARE ASSOCIATES CO  
6565 WEST MAIN  
KALAMAZOO MI 49009

Bruce H. Kuipers  
Delta Design Systems, Inc.  
8240 Stadium Drive  
Kalamazoo, MI 49009-9424

14-332-001

MANGWN PROPERTIES INC  
3919 CRICKET LANE  
KALAMAZOO MI 49008

14-330-019  
SEECO INVESTMENTS LLC  
107 WEST MICHIGAN AVENUE  
KALAMAZOO MI 49007

14-332-004

VANDENBERG JACK D  
8646 SHAVER ROAD  
PORTAGE MI 49002

14-330-019  
OCCUPANT  
6883 WEST MAIN  
KALAMAZOO, MI 49009

14-332-004

OCCUPANT  
6619 WEST MAIN  
KALAMAZOO, MI 49009

14-330-012  
CLARK REFINING & MARKETING INC  
8182 MARYLAND AVENUE  
ST LOUIS MO 63105

14-305-013

SEECO INVESTMENTS LLC  
107 WEST MICHIGAN AVENUE  
KALAMAZOO MI 49007

14-330-015  
HANSON PROPERTIES  
805 SPRUCE  
DOWAGIAC, MI 49047

14-305-013

OCCUPANT  
6883 WEST MAIN  
KALAMAZOO, MI 49009

14-330-015  
OCCUPANT  
6649 WEST MAIN  
KALAMAZOO, MI 49009

14-305-016

CRYSTAL CARWASH INC  
22155 BLUEBIRD AVENUE  
MATTAWAN MI 49071

*Returned*

14-305-016  
OCCUPANT  
6775 WEST MAIN  
KALAMAZOO, MI 49009

14-355-011  
BUCKHAN GEORGE & THELMA  
5661 WEST U AVENUE  
SCHOOLCRAFT MI 49087



CHARTER TOWNSHIP  
OF OSHTEMO  
7275 W. MAIN STREET  
KALAMAZOO, MI 49009  
616-375-4260

6/02/97 JF

053282 SITE PLAN/SEELYE 600.00  
TOTAL PAID 600.00

THANK YOU

OK # 16769

7275 W. M

SITE PLAN REVIEW APPLICATION

Date: May 19, 1997 Present Zoning: \_\_\_\_\_ Fee: 600.00

Land Owner: (Including the names & address of any officers of a corporation or partners of a partnership). Documentation is required.

Mike Seelye 3820 Stadium Drive Kalamazoo, Michigan 49008

Person Making Request: Bruce H. Kuipers/Delta Design Systems, Inc.

Address: 8240 Stadium Drive - Kalamazoo, Michigan 49009-9424 Phone: 353-7800

Interest in Property: Developer/Builder

Size of Property Involved: 1.66 Acres

Legal Description of Property Involved: (See Site Plan)

General Description of the Proposed Development: Retail strip center

List Supporting Documents attached to the application, if any: Site plan

I, the undersigned, acknowledge that approval of this site plan constitutes an agreement with the Charter Township of Oshtemo, that all improvements and obligations must be developed in strict compliance with the approved site plan and any amendments or conditions imposed, and shall be completed within the time specified under Site Plan Review.

Bruce H. Kuipers  
Bruce H. Kuipers OWNER/AGENT

Seelye

3905-14-330-019

Seeco

14-330-012

Clark

015

Hanson

020

Skyles

14-332-001

Mangum

002

"

003

Seeco (Dup.)

No 0

004

Vandenberg

14-305-013

Seeco (Dup.)

0

018

Crystal Car

14-355-011

Buckham

14-380-001

Twp.

010

Buckham (Dup.)

No 0

Mike Seelye  
3820 Stadium Drive  
Kalamazoo, MI 49008

Bruce H. Kuipers  
Delta Design Systems, Inc.  
8240 Stadium Drive  
Kalamazoo, MI 49009-9424

14-330-019  
SEECO INVESTMENTS LLC  
107 WEST MICHIGAN AVENUE  
KALAMAZOO MI 49007

14-330-019  
OCCUPANT  
6883 WEST MAIN  
KALAMAZOO, MI 49009

14-330-012  
CLARK REFINING & MARKETING INC  
8182 MARYLAND AVENUE  
ST LOUIS MO 63105

14-330-015  
HANSON PROPERTIES  
805 SPRUCE  
DOWAGIAC, MI 49047

14-330-015  
OCCUPANT  
6649 WEST MAIN  
KALAMAZOO, MI 49009

14-330-020  
SKYLER ENTERPRISES CO  
WESTCARE ASSOCIATES CO  
6565 WEST MAIN  
KALAMAZOO MI 49009

14-332-001  
MANGWN PROPERTIES INC  
3919 CRICKET LANE  
KALAMAZOO MI 49008

14-332-004  
VANDENBERG JACK D  
8646 SHAVER ROAD  
PORTAGE MI 49002

14-332-004  
OCCUPANT  
6619 WEST MAIN  
KALAMAZOO, MI 49009

14-305-013  
SEECO INVESTMENTS LLC  
107 WEST MICHIGAN AVENUE  
KALAMAZOO MI 49007

14-305-013  
OCCUPANT  
6883 WEST MAIN  
KALAMAZOO, MI 49009

14-305-018  
STRONG GEORGE E & SANDRA  
28480 CR 388  
GOBLES MI 49055

14-355-011  
BUCKHAM GEORGE & THELMA  
5661 WEST U AVENUE  
SCHOOLCRAFT MI 49087



ZBA Mtg. - 6-16  
5-19 Applc.  
deadline

7275 W. MAIN STREET, KALAMAZOO, MI 49009-933-  
616-375-4260 FAX 375-7180 TDD 375-7195

REQUEST FOR ZONING BOARD OF APPEALS MEETING

Date 5-20-97 Present Zoning Comm. Fee \$100

Land Owner MAPLE HILL REAL

Address 5622 W. MAIN ST KALAMAZOO Phone 342-6600

Person Making Request JIM VANDENBERG

Address 1816 KILLINGTON, KALAMAZOO 49009 Phone 372-7922

Interest in Property TENANT

Fax 342-7470

Size of Property Involved 5.5 ACRES

Reason for Request APPROVAL OF LIGHTING PROPOSAL FOR  
USED CAR LOT + PART OF STORAGE AREA.

OPTION (1) USING 1000 WATT w NO BUMPER LIGHTS

OPTION (2) USING 400 WATT WITH 400 WATT BUMPER LIGHTS

CHARTER TOWNSHIP  
OF OSHTEMO  
7275 W. MAIN STREET  
KALAMAZOO, MI 49009  
616-375-4260

5/20/97 JF

053142 ZBA REQ/VANDEN BERG 100.00  
TOTAL PAID 100.00

THANK YOU

Maple Hill Auto

5905-13-180-035

Maple Realty

13-180-010

Consumers

023

Two Squared

025

" "

No O.

028

Carlos Murphy's

033

Ash. Ltd Div.

034

Carlos Murphy's (Dup)

No O.

039

Two Squared (Dup)

No O.

040

Royal

13-255-018

Goodrich

030

Firestone

040

Frank's

050

McDonald's

071

Wayton Hudson

13-401-020

Wendy's

030

Concord

070

Russ'

082

Pentecost

092

Che Chi's

James Vandenberg  
1816 Killington  
Kalamazoo, MI 49009

13-255-018  
GOODRICH QUALITY THEATERS INC  
4417 BROADMOOR SE  
KENTWOOD MI 49512

13-180-035  
MAPLE REALTY  
5622 WEST MAIN  
KALAMAZOO MI 49009

13-255-030  
FIRESTONE TIRE & RUBBER CO  
50 CENTURY BOULEVARD  
NASHVILLE TN 37214

13-180-010  
CONSUMERS POWER COMPANY  
ATT R J TREVILLIAN  
2400 WEISS STREET  
SAGINAW MI 48602

13-255-030  
OCCUPANT  
5490 WEST MAIN  
KALAMAZOO, MI 49009

13-180-023  
TWO SQUARED DEVELOPMENT  
425 WEST MICHIGAN AVENUE  
KALAMAZOO MI 49007

13-255-040  
CTC PROPERTIES INC  
FRANK'S NURSERY & CRAFTS #35  
6399 EAST NEVADA  
DETROIT MI 48234

13-180-028  
EDC CO OF KAL (TWO SQ DEV)  
CARLOS MURPHYS  
4725 N SCOTTSDALE ROAD STE 350  
SCOTTSDALE AZ 85251

13-255-040  
OCCUPANT  
5474 WEST MAIN  
KALAMAZOO, MI 49009

13-180-028  
OCCUPANT *Returned*  
5650 WEST MAIN  
KALAMAZOO, MI 49009

13-255-050  
FORBES-COHEN PROPERTIES  
MCDONALD'S CORPORATION  
P O BOX 66207  
CHICAGO IL 60666

13-180-033  
OSHTMO LTD DIV HSY ASSN  
600 WEST ST JOSEPH STREET  
LANSING MI 48933

13-255-050  
OCCUPANT  
5394 WEST MAIN  
KALAMAZOO, MI 49009

13-180-040  
ROYAL PETROLEUM INC  
PO BOX 408  
MT PLEASANT MI 48858

13-255-071  
DAYTON HUDSON CORP T901  
PROPERTY TAX DEPARTMENT  
777 NICOLLET MALL  
MINNEAPOLIS MN 55402

13-180-040  
OCCUPANT  
5658 WEST MAIN  
KALAMAZOO, MI 49009

13-255-071  
OCCUPANT  
5350 WEST MAIN  
KALAMAZOO, MI 49009-1002

13-401-020

VANDOMELEN WILLIAM  
WENDY'S  
4613 WEST MAIN  
KALAMAZOO MI 49009

13-401-020

OCCUPANT  
5455 WEST MAIN  
KALAMAZOO, MI 49009

13-401-030

CONCORD REAL ESTATE LIMITED  
3020 CHARLEVOIX DRIVE SE  
GRAND RAPIDS MI 49546

13-401-030

OCCUPANT  
5481 WEST MAIN  
KALAMAZOO, MI 49009

13-401-070

BRE LLC  
RUSS' RESTAURANT  
390 EAST 8TH STREET  
HOLLAND MI 49423

13-401-070

OCCUPANT  
5519 WEST MAIN  
KALAMAZOO, MI 49009

13-401-082

PENTECOST JOE D  
6046 SOUTH CEDAR SUITE C  
LANSING MI 48911

13-401-082

OCCUPANT  
5601 WEST MAIN  
KALAMAZOO, MI 49009

13-401-092

CHI CHI'S INC #0019  
2701 ALTON AVENUE  
IRVINE CA 92714

13-401-092

OCCUPANT  
5609 WEST MAIN  
KALAMAZOO, MI 49009



6-23 mtg  
6-2 deadline

7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334  
616-375-4260 FAX 375-7180 TDD 375-719E

REQUEST FOR ZONING BOARD OF APPEALS MEETING

Date 6/2/97 Present Zoning \_\_\_\_\_ Fee \$100

Land Owner Elaine C. Nigg

Address 10736 West Rd Ave, Mattawan Phone 668-3256

Person Making Request Elaine C. Nigg

Address 976 South 4th Street Phone 668-3256

Interest in Property owner

Size of Property Involved 3/4 acre

Reason for Request to construct addition to building

CHARTER TOWNSHIP  
OF OSHTEMO  
7275 W. MAIN STREET  
KALAMAZOO, MI 49009  
616-375-4260

6/02/97 JF

053281 ZBA REQUEST/NIGG 100.00  
TOTAL PAID 100.00

THANK YOU

CR #1053

Elaine Niigg

3905-20-430-050 Niigg

20-430-010 Hazard  
020 Rutgers  
030 Lumm  
041 Bowen  
049 Fisher

20-480-031 Koepfgen

21-305-010 Hamill + Lane/Malott  
020 Logsdon  
030 Mader

20-430-050

NIGG ELAINE  
10736 WEST RS AVENUE  
MATTAWAN MI 49071

20-480-031

KOEPFGEN DAVID J & JEAN  
4530 NORTH LAKESHORE DRIVE  
BLACK RIVER MI 48721

20-430-050

OCCUPANT  
976 / 978 SOUTH 4TH STREET  
KALAMAZOO, MI 49009

20-480-031

OCCUPANT  
1300 SOUTH 4TH STREET  
KALAMAZOO, MI 49009

20-430-010

HAZARD, JOSEPH & LORAIN  
9135 WEST KL AVENUE  
KALAMAZOO, MI 49009

21-305-010

HAMILL & LANE  
MALOTT RICHARD W  
8971 WEST KL AVENUE  
KALAMAZOO MI 49009

20-430-020

RUTGERS, RONALD  
9089 WEST KL AVENUE  
KALAMAZOO, MI 49009

21-305-020

LOGSDEN EVELYN  
3334 CHIME STREET  
KALAMAZOO MI 49009

20-430-030

GRIMM JOANNE G W  
9067 WEST KL AVENUE  
KALAMAZOO MI 49009

21-305-020

OCCUPANT  
1031 SOUTH 4TH STREET  
KALAMAZOO, MI 49009

20-430-041

BOWEN HAROLD L & DORIS A  
9033 WEST KL AVENUE  
KALAMAZOO 49009

21-305-030

MADER RUTH  
1143 SOUTH 4TH STREET  
KALAMAZOO MI 49009

20-430-049

FISHER ROBERT E & PEGGY J  
920 SOUTH 4TH STREET  
KALAMAZOO MI 49009