

OSHTEMO CHARTER TOWNSHIP ZONING BOARD OF APPEALS

MINUTES OF MEETING HELD AUGUST 18, 1997

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Agenda

RETAIL CENTERS - BOARD INTERPRETATION

SEECO RETAIL CENTER - SITE PLAN AMENDMENT

SPRING ARBOR COLLEGE - BOARD INTERPRETATION

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A meeting was conducted by the Oshtemo Charter Township Zoning Board of Appeals on Monday, August 18, 1997, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township Hall, pursuant to notice.

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

MEMBERS ABSENT:     None

Also present were Mike West on behalf of the Planning and Zoning Department, 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.

**RETAIL CENTERS - BOARD INTERPRETATION**

The first item was the request of the Planning and Zoning Department for Board interpretation regarding the approved uses contained within the site plan approval of a "retail center." Specifically, are all commercial uses identified by Section 30.200 approved for location within an approved "retail center" or only those commercial uses permitted by Section 30.201 - Retail Sales of Merchandise or Services.

The report of the Planning and Zoning Department is incorporated herein by reference. Mr. West stated that the staff has interpreted the approval to allow businesses conducting retail sales of merchandise and services and that these general approvals do not include such uses as restaurants and offices. Therefore, if a restaurant or office is to locate within a retail center after it has been approved, staff traditionally requires an amendment to the site plan approval. The Township Attorney stated that, in her experience, in considering retail centers for approval, the tenants were unknown at the time of approval. Application was generally made and approval received pursuant to Section 30.201, which allowed any business primarily conducted for the retail sale of merchandise or services. Since a change in use required site plan approval pursuant to Section 82.200, the Ordinance would require amendment to the site

plan approval. The Attorney analogized to a commercial building, single tenant, which had obtained site plan approval for use as an office which was later to be used for a convenience store. The change to the convenience store use would require a new site plan approval. Mr. West emphasized that different commercial uses would include differing criteria as to parking, Fire Department concerns, etc.

Mr. Saunders noted that the Board generally approves a site plan for a particular use and, if the applicant wishes to conduct another use on the site, he feels that the applicant should come in for an approval.

The Chairperson called for public comment, and Dave Holmes stated he felt the Board should consider interpreting that a retail center can contain any use allowed in Section 30.200 of the Ordinance. He noted that the Ordinance does not define the term "retail center." Therefore, he felt that the Board should not differentiate between the uses allowed in the retail center. He felt that the special exception and permitted uses were allowed in the Commercial District Zoning classification without action by the ZBA. Again he emphasized he felt that a definition of "retail center" and the term "retail sales and services" was needed.

After questioning by the Township Attorney, Mr. Holmes acknowledged that he would agree that converting a building from an office to a store would require site plan approval under the Zoning Ordinance. He agreed with the Township Attorney that there should be no distinction between where there was a change in use in the entire building and where there was a change in use in a portion of the building, such as in a retail center.

Bill Hamilton, representing Oshtemo Businessmen's Association, stated he perceived no difference between the position of Mr. Holmes and the Township.

Ms. Meeuwse wondered why such retail centers were not approved as "shopping centers" under the Ordinance.

Bruce Kuipers was present, stating that he thought the difference was in that there was a size requirement for "shopping center" and that "retail center" was developed as a term to refer to retail sales, multi-tenant, buildings.

Mr. Brodasky agreed that the Board had been looking to the authority of Section 30.201 in granting approval for "retail centers." The Chairperson agreed. The Zoning Board of Appeals members agreed that the Planning Commission should look at and consider amending the text to define the concept of "retail center."

Michael Peat was present, stating that many businesses came in and out of malls without getting approval. He felt that the Township should "get a better handle" on the changes taking place in retail centers. Further, he felt that the Township should give the public a better idea of what is a "change in use." He felt it was appropriate that an amendment to a site plan be obtained where there was a change in use because he could understand the Fire Department, parking, etc., needs would be different for different uses allowed within the Commercial District. He also encouraged the development of a definition for the term "retail center."

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

Mr. Bushouse was concerned that Section 30.200 "permitted uses" seemed to infer that all the uses listed as permitted uses could be allowed in a retail center. He felt that the Township was becoming more restrictive by limiting the use of a retail center to retail sale of merchandise or services.

The Township Attorney stressed that the uses permitted within the Commercial District would be allowed within a retail center. However, because a general approval of retail centers was made under Section 30.201 and did not generally identify that a bank, office, restaurant or other commercial use would be located in the center, a later conversion to a "restaurant" or other use would constitute a change in use under Section 82.200, requiring site plan approval. The Attorney also cited Section 82.900, which indicated that a site must be developed in strict conformance with site plan approval. If an applicant obtains approval under Section 30.201 for any business involved in retail sale of merchandise or services, and an office is developed in the portion of the site, the site has not been developed in strict conformance with the approved site plan unless an amendment to the site plan is obtained under Section 82.200.

Mr. Brodasky commented that he felt it was the "job" of the ZBA to interpret the Ordinance on the basis of what is written therein at this time.

Mr. Brodasky moved to interpret the Ordinance to indicate that a retail center is approved under Section 30.201. If a tenant therein seeks to use a portion of the retail center as allowed by Sections 30.202 et seq, a site plan amendment is required. The motion included a recommendation that the Planning Commission develop a definition for the term "retail center." Mr. Saunders seconded the motion. The motion carried 4:1 with Mr. Bushouse voting in opposition.

### **SEECO RETAIL CENTER - SITE PLAN AMENDMENT**

The next application was that of Bruce Kuipers of Delta Design Systems, Inc., representing Seeco Investments, for site plan amendment to permit occupancy by a restaurant use within the approved Seeco Retail Center, as well as related site design revisions (re: site boundaries, access location, parking lot layout). The subject site is located on the southeast corner of 9<sup>th</sup> Street and Seeco Drive and is within the "C" Local Business District Zoning classification.

The report of the Planning and Zoning Department is incorporated herein by reference. Mr. West corrected the report, indicating that the applicant was seeking approval for a restaurant within the retail center of up to 4,200 sq. ft. Therefore, at least 4,550' would be utilized for retail. Eighty-eight parking spaces would be required, and 88 parking spaces were proposed by the applicant. Mr. West stated that the Fire Department had conducted a preliminary review of the site (outside of the building) and had given its approval.

Mr. Kuipers was present, stating that the proposed changes in the plan included expansion of property boundaries, the inclusion of the restaurant use within the retail center, and a change in driveway spacing so as to increase the driveway spacing from North 9<sup>th</sup> Street

to 175'. It was noted that the spacing of the driveway from 9<sup>th</sup> Street would therefore come closer to the 200' driveway spacing guidelines from the 145' previously approved.

Mr. Kuipers presented a drawing of the site indicating the greenspace proposed. In response to questioning by the Chairperson regarding the landscape of the parking islands, the applicant indicated that they would be landscaped with shrubs and trees. He indicated his office is in the process of developing a landscape plan which would be submitted to the Township for review and approval.

Ms. Meeuwse questioned the applicant as to whether a larger dumpster would be needed for the site, given the restaurant use. Mr. Kuipers stated that it might require a larger dumpster area, and he felt that the site location could accommodate same. He said he would provide a specific proposal to the Township staff for approval. No changes in lighting at the site were proposed. Signage would be through the permit process.

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

Mr. Brodasky commented that he felt the greenspace at the site had been maximized as far as was possible.

Mr. Brodasky moved to approve the amendment to the site plan to allow for up to 4,200 sq. ft. of restaurant space within the retail center, noting that 88 parking spaces would be required, with the following conditions, limitations and notations:

- (1) That all conditions of the previous approval not specifically amended were continued in force and effect.
- (2) That the proposed access change was approved, and it was noted that the drive had been changed to comply more closely with the Access Management Guidelines.
- (3) That all parking was subject to compliance with parking space dimensional standards of 10' x 20'.
- (4) That all barrier-free parking is subject to ADA and Michigan Barrier-Free Guidelines and is to be designated by signage and pavement logo.
- (5) That the dumpster arrangement is to be detailed and submitted to staff for review and approval.
- (6) That approval is subject to the review and approval of the Township Fire Department and Engineer.

Ms. Meeuwse seconded the motion, and the motion carried unanimously.

### **SPRING ARBOR COLLEGE - BOARD INTERPRETATION**

The next item was the application of Dave Holmes, representing Phoenix Properties, for Board interpretation regarding Section 30.203 - Offices, and its application to a satellite

facility for Spring Arbor College. The subject site under consideration for occupancy is located at 6200 Stadium Drive (Orchard Place) and is within the "C-1" District Zoning classification.

The report of the Planning and Zoning Department is incorporated herein by reference. Mr. West stated that the applicant proposed, as a tenant within the retail center, Spring Arbor College satellite facility. The facility would include offices and classrooms for evening classes. Township staff had interpreted the use as office or school. Offices would be allowed within the Commercial District where the school would not. The applicant was asking for an interpretation. It was noted that the satellite office of Grek was located within The Elks retail center but had not received specific approval.

Mr. Holmes again spoke, stating that this use was not a school as contemplated in the Ordinance. He believed that the use fit within the provisions of Section 30.201 in that Spring Arbor is in the business of providing retail services to non-traditional students. Mike Chase from Spring Arbor was present to discuss the proposed use. He stated that he was director of Battle Creek center for Spring Arbor. He noted that Spring Arbor had been looking for a Kalamazoo location to offer accelerated degree programs to non-traditional students at evening classes. The location would offer education and provide offices for recruitment and student services.

In response to questioning by Ms. Meeuwse, Mr. Chase stated that two classrooms would be located on the premises and class activity would be conducted from 6:00 p.m. to 10:00 p.m. He anticipated between 20-30 students nightly. Recruitment and student services would be conducted during the day. There would be two offices, a conference room and two classrooms. Mr. Holmes presented letters in support of the Spring Arbor proposal. He noted that the Orchard Place project had received a variance approval as a retail center premised upon continued use of the retail center. He noted that land had been reserved for additional parking if necessary.

After further discussion, Mr. West stated that, based upon the Board's discussion of agenda item #3, he would agree that retail sale of merchandise and services was a viable option for Board interpretation in this case. The Township Attorney stressed that the Board should consider the primary use of the site. The Board should consider whether the office use was the principal use or the accessory use.

The Chairperson inquired regarding the office hours, and the applicant stated that the office would be used on an as-needed basis. Faculty would arrive at the site between 4:30-5:00 p.m. He stated that there would be personnel in the offices only intermittently. The primary use during the day would be to meet with perspective students on an appointment basis. The applicant clarified for Mr. Saunders that there would not be a group of 4-6 employees at the site daily. Rather, the offices would be used perhaps 2-3 days per week for individual appointments. Mr. Saunders concluded he felt that the office was more of an accessory use to the educational purpose of the site.

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

The Chairperson wondered where to draw the line on what is office space and what is retail sales services. The Township Attorney felt that the relevant inquiry was whether the offices were serving the provision of educational services or vice versa. The Board agreed that this particular use was more akin to such uses as the Tae Kwon-Do studio, where lessons were offered, Powerhouse Gym, a ballet studio or other such uses which are typically within retail centers. Mr. Brodasky favored interpreting the use as primarily the sale of services under Section 30.201. Mr. Bushouse agreed, stating he felt that the primary use was intended to be educational services.

Ms. Meeuwse moved to interpret the proposed use as retail sale of services under Section 30.201 of the Zoning Ordinance. The services in question were educational. It was found that the office use would be accessory. Reference was made to the earlier discussion of the ZBA. Mr. Saunders seconded the motion, and the motion carried unanimously.

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned at 4:54 p.m.

OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS

By: \_\_\_\_\_  
Brian Dylhoff, Chairperson

By: William Saunders  
William Saunders

By: Thomas Brodasky  
Thomas Brodasky

By: Lara Meeuwse  
Lara Meeuwse

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

Minutes Prepared:  
August 20, 1997

Minutes Approved:  
\_\_\_\_\_

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

MINUTES: ZBA

DATE: August 18, 1997

SENT: September 19, 1997

ZBA

- Lara M.
  - Dave B.
  - Bill S.
  - Brian
  - Tom B.
- } 9-3-97

PC

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

TB

- Fred
- Dave B.
- Marvin
- Norm

OFFICE

- Becky
- Bob
- Marci
- Lois
- Ron
- Elaine
- Jim
- Attorney's
- Mike
- Ken
- Tobey
- Cathy

PEOPLE

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

Dave Holmes  
 Phoenix Properties  
 P.O. Box 20000  
 Kalamazoo, MI 49019

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

August 18, 1997  
3:00 p.m.

### AGENDA

1. Call to Order

2. Approval of Minutes

- August 4, 1997

3. Board Interpretation - Retail Centers

Board Interpretation is requested regarding the approved uses contained within a site plan approval of a "retail center".

Specifically, are all commercial uses identified by Section 30.200 approved for location within an approved "retail center" or only those commercial uses permitted by Section 30.201 - Retail Sales of Merchandise or Services.

4. Site Plan Amendment - Seeco Retail Center

Bruce Kuipers of Delta Design Systems, Inc., representing Seeco Investments, requests Site Plan Amendment to permit occupancy of a restaurant use within the approved Seeco Retail Center, as well as related site design revisions (re: site boundaries, access location, parking lot layout).

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. **Board Interpretation - Spring Arbor College**

Dave Holmes, representing Phoenix Properties, requests Board Interpretation regarding Section 30.203 - Offices and its application to a satellite facility for Spring Arbor College.

Subject site under consideration for occupancy is located at 6200 Stadium Drive (Orchard Place) and is within the "C-1" District. (3905-26-440-015)

6. **Other Business**

7. **Adjourn**

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

DATE: August 18, 1997  
SENT: August 11, 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
- Kathy

PEOPLE

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

13 Labels

Dave Holmes  
Phoenix Properties  
P.O. Box 20000  
Kalamazoo, MI 49019

23 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

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

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



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

**To:** Zoning Board of Appeals

**Meeting Date:** 8-18-97

**From:** Planning/Zoning Department

**Agenda Item:** #3

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

**Request:** Board Interpretation - Approved Uses Contained Within A Site Plan  
Approval of a "Retail Center".

**Ordinance Section(s):** Section 30.200 - Permitted Uses Within a "C" Local Business District  
Section 30.201 - Any business primarily for the retail sale of merchandise or services in which any manufacturing, assembling, or fabrication is merely incidental to and an unsubstantial part of said business.

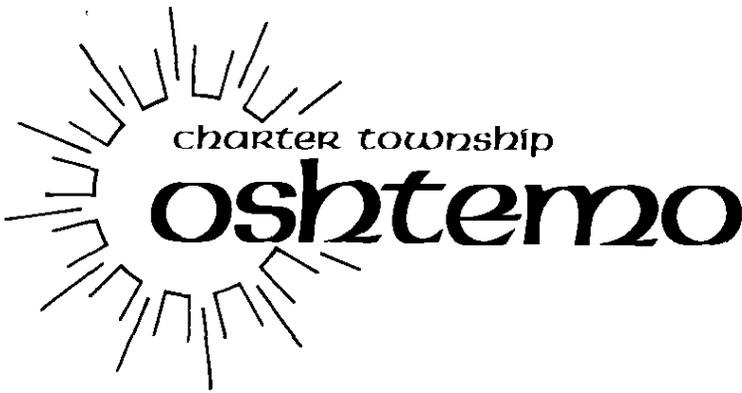
**Planning/Zoning Department Report:**

- The Planning/Zoning Department requests ZBA interpretation as to whether all commercial uses identified by Section 30.200 are approved for location within an approved "retail center", or whether only those commercial uses identified by Section 30.201 ("*..retail sales of merchandise or services..*") are permitted.
- Board interpretation should consider the following:
  - : If site plan approval of a "retail center" limits use within the center to the "*..retail sale of merchandise and services..*".
  - : Occupancy of the retail center by other permitted commercial uses identified by Section 30.200 will constitute a 'change of use' and will be subject to Site Plan Review pursuant to Section 82.200.

**: Occupancy of a “retail center” by other commercial uses permitted by Section 30.200 may trigger additional ordinance standards and design guidelines not applicable at the time of the original approval, such as :**

- parking requirements**
- changes in site circulation**
- loading/unloading needs**
- outdoor storage practices**
- related outdoor activities**
- Fire Department requirements**

**: Permitting a ‘change in use’ of the premises without Site Plan Review removes the mechanism for obtaining compliance with Ordinance standards and specific conditions of approval.**



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

**To:** Zoning Board of Appeals

**Meeting Date:** 8-18-97

**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, Seeco Commercial Park Condominium)

Reference Vicinity Map

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

**Request:** Site Plan Amendment - 8,750 Sq. Ft. Seeco Retail/Service Center

**Ordinance Section(s):** Section 82.925 - Site Plan Amendment  
Section 82.800 - Criteria For Review

**Planning/Zoning Department Report:**

Background Information

- Reference Background Information previously provided regarding the Seeco Commercial Park Condominium (6-16-97 and 7-7-97).
- On 7-7-97, ZBA granted site plan approval of a 8,750 sq ft retail/service center at the subject site.
- Site Plan Amendment review/approval shall be subject to the conditions of site plan approval for the Seeco Commercial Park Condominium Expansion, in addition to the conditions of the previous 7-7-97 site plan approval for the subject site.

- Applicant proposes the following amendments to the 7-7-97 site plan approval:
  - : Expansion of the site boundaries from the previously approved 334 ft by 216 ft, to the proposed 334 ft by 247 ft.
  - : Inclusion of "restaurant use" within the previously approved retail/service center (3,500 sq ft designated for "restaurant" use/5,250 sq ft designated for "retail" use)
  - : Change in location/distance of driveway entrance off Seeco Drive, from intersection of North 9th Street (145 ft driveway spacing originally approved/175 ft driveway spacing proposed).
  - : Expansion of parking lot along the west and south sides of the subject site to accommodate retail and restaurant uses (67 parking spaces originally approved/84 parking spaces proposed).

Reference: Site Plan Amendment Application  
 Revised Site Plan  
 ZBA Minutes of 7-7-97

Department Review

*Section 82.800 - Site Plan Review*

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

The proposed site plan amendment should be reviewed in consideration of the following access management design guidelines:

:Section 67.500 2. - Driveway Spacing

A 145 ft driveway spacing from North 9th Street was originally approved for the subject site.

This informal deviation from the 200 ft driveway spacing guideline was deemed acceptable by the ZBA in that Seeco Drive was not considered the type of roadway which triggered strict applicability of the Access Management Guidelines of the Ordinance (reference ZBA minutes of 7-7-97).

The Applicant proposes to relocate the entrance drive to the subject site 30 ft east which will increase the driveway spacing from North 9th Street to 175 ft.

- Proposed parking layout and site circulation is adequate and has been provided in compliance with Ordinance standards (84 spaces required/88 spaces proposed).

:3,500 sq ft "restaurant" = 1 space/75 sq ft gross area (47 spaces required)

5,250 sq ft "retail" = 1 space/100 sq ft usable area x .70 (37 spaces required)

:Consideration should be given to ZBA's original concern regarding the total number of parking spaces and the amount of greenspace and landscaping proposed (reference ZBA minutes of 7-7-97).

:All parking shall be subject to compliance with parking space dimension standards (10 ft x 20 ft).

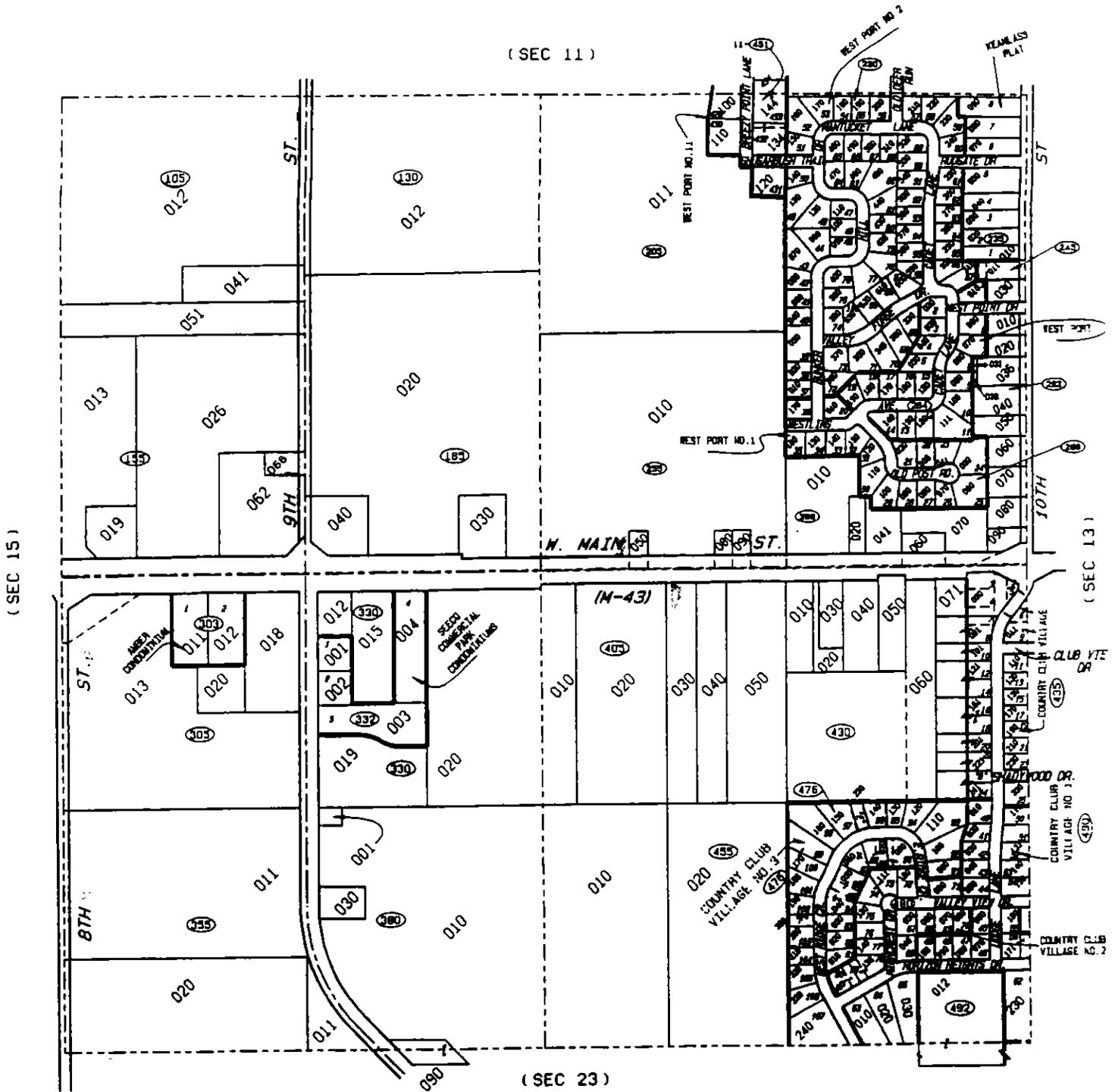
:Barrier free parking shall be subject to ADA and Michigan Barrier Free Guidelines and be designated by signage and pavement logo.

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.

# SECTION 14



DATE: AUGUST 25, 1993  
REVISED DATE: MARCH 5, 1996  
PRINTED DATE: MARCH 21, 1996



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9000  
616-375-4260 FAX 375-7180 TDD 375-7180

**REQUEST FOR ZONING BOARD OF APPEALS MEETING**

Date July 31, 1997 Present Zoning C Classification Fee \$100

Land Owner Seeco Investments

Address 3820 Stadium Drive Phone 375-3820

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

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

Interest in Property General Contractor

Size of Property Involved 1.89 acres

Reason for Request Amended site plan

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

8/11/97 JF

054065 ZBA REQUEST/SECO 100.00  
TOTAL PAID 100.00

THANK YOU

OSHTEMO CHARTER TOWNSHIP ZONING BOARD OF APPEALS

MINUTES OF MEETING HELD JULY 7, 1997

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Agenda

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

PENNINGS - SITE PLAN REVIEW - PROPOSED 12,500 SQ. FT. LIGHT INDUSTRIAL FACILITY - EAST OF 5875 KL AVENUE

EDWARD D. JONES & CO. - VARIANCE FROM WALL SIGN STANDARDS - 5349 WEST MAIN (GOLF RIDGE CENTER)

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A meeting was conducted by the Oshtemo Charter Township Zoning Board of Appeals on Monday, July 7, 1997, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township Hall, pursuant to notice.

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

MEMBERS ABSENT:      Brian Dylhoff

Also present were Rebecca Harvey, Patricia R. Mason, Township Attorney, and three (3) other interested persons.

**CALL TO ORDER**

The Acting Chairperson called the meeting to order at 3:06 p.m.

**MINUTES**

The Board considered the minutes of the meeting of June 16, 1997. The Board reviewed the changes suggested by Ms. Harvey. Ms. Meeuwse moved to approve the minutes as amended, and Mr. Saunders seconded the motion. The motion carried unanimously.

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

The Acting Chairperson stated that the next item had been tabled from the meeting of June 16, 1997, at the request of the applicant. Bruce Kuipers of Delta Design, representing Seeco Investment, requested site plan review of a proposed 8,750 sq. ft. retail center. The applicant also requested variance approval from the 15' parking lot setback requirement established by Section 64.760 of the Zoning Ordinance. The subject site is located on the southeast corner of 9th Street and Seeco Drive 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 stated that the applicant was no longer requesting variance in that the revised site plan submitted by the applicant complies with the parking lot setback requirement. Therefore, the Board would only consider site plan review. Ms. Harvey further noted that the applicant had revised its site plan to basically bring it into compliance with Ordinance requirements. As to the access drive, Ms. Harvey stated that the applicant's original proposal included a driveway width of 64', which was in excess of the recommended maximum driveway width of 36'. The revised plan brought the drive into compliance with this requirement. Ms. Harvey suggested that the Board subject approval of the drive to the review and approval of the Kalamazoo County Road Commission, which Commission would review the "approach design." As to driveway spacing, the site is located on a roadway which does not trigger strict applicability of the Access Management Guidelines of the Ordinance. However, the Board usually uses the Guidelines as an advisory standard. There was no need to formally deviate, however.

Ms. Harvey noted that the dumpster location is within the 30' access easement, which easement was required so as to allow for future extension of the road to other units within the site condominium project. The Board may wish to require relocation at this time or allow the location as proposed but require relocation of the dumpster when the access easement was developed. As to landscaping, the applicant sought approval similar to that given to Automotive Werks, which allowed screening along the south boundary, i.e., the boundary with a residential district, when the residentially zoned property is developed. Ms. Harvey also recommended discussion of possible landscaping in the parking area in that there was little greenspace at the site.

In response to questioning by the Acting Chairperson, the applicant stated that the drive was approximately 165' from the intersection. Compliance with the Access Management Guidelines standard of 200' would require that the access be placed to the back of the building at the site. Mr. Kuipers felt that the site would be more functional and aesthetically pleasing if the drive were aligned with the building as proposed. As designed, the access drive allows the public to access the front of the building and delivery vehicles to easily access the back of the building. This design would "hide" the unsightly loading or delivery area from public view.

Ms. Meeuwse questioned the applicant with regard to proposed green areas. The applicant illustrated the green areas on a drawing of the site. However, a part of the greenspace shown on the site was within the road right-of-way. Nevertheless, this area would probably be mowed by Seeco, according to the applicant. There was discussion of the property to the southwest, which was the site of a pump station building. There was screening or landscaping all around this pump station. As to the dumpster, the applicant suggested allowing the dumpster to be located as provided until the access easement is developed. However, the applicant would not be opposed to placing the dumpster behind the building.

Returning to landscaping, the Acting Chairperson suggested that the applicant provide a landscape plan to the Township. The applicant stated that they would be willing to present a landscape plan and would consider providing landscaped parking lot islands. As to lighting, the applicant corrected the plan and indicated that there would be three "wallpacks" on the building. Lighting specifications would be submitted to Township staff.

In response to questioning by Ms. Meeuwse, the applicant stated that there were doors at the back of the building but no loading dock. Deliveries would not be made by semi-trucks for the most part, although the "radiuses" at the site would be able to handle semi-truck traffic.

Mr. Bushouse questioned the applicant as to how the applicant would handle storage of snow after plowing at the site. The applicant acknowledged that there was nowhere to store removed snow at the site, and therefore it would probably have to be trucked away from the site in question.

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

After discussion, Board members agreed that it would not make sense to move the access point further to the east and place it in "back of the building."

Ms. Meeuwse commented she felt that it was an improvement to the site that the applicant was able to bring the parking lot into compliance with the setback required by the Ordinance.

Mr. Saunders discussed landscaping with the applicant, who stated that it was possible that an additional 4' strip of greenspace could be located at the site; but he felt that this would bring the site out of balance. Mr. Kuipers stated that the rest of the site was designed symmetrically. Ms. Harvey stated that there was no requirement of a certain percentage of greenspace at a site. However, the Board generally required a certain amount of greenspace or landscaping in character with the area under the general site plan review criteria. Mr. Saunders noted that the applicant could eliminate up to five parking spaces and still comply with the parking requirements of the Ordinance. Mr. Saunders suggested that these parking spaces be eliminated and greenspace or landscaping added to the parking area. Mr. Bushouse agreed, stating he felt that it would be appropriate for the applicant to seek a variance to allow certain parking to be reserved. He noted that many retail centers in the area did not utilize the parking provided. However, he recognized that, at this time, the tenants of

the building were unknown. It was noted that a parking variance could not be considered at this meeting since it was not noticed.

Ms. Harvey also suggested that the Board add a mention of the outdoor parking/overnight parking of vehicles bearing business names. Generally such vehicles have been required to locate to the back of the building/in the rear parking area and/or out of sight. Here, it would be appropriate to limit such vehicles to the southeast parking area at the site.

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

(1) That it was recognized that the width of the proposed access drive had been reduced to 36' in compliance with the Access Management Guidelines of the Ordinance. The location of the drive was not in strict compliance with the Access Management Guidelines as to spacing from the intersection, but it was found that this location was the "best location" given the service road network in the area, the placement of the building, site circulation and the character of the area. Approval of the access drive is subject to the review and approval of the Kalamazoo County Road Commission.

(2) That the parking lot layout was satisfactory, and parking is subject to compliance with the parking space dimensional standards of the Ordinance, i.e., 10' x 20'.

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

(4) That it was noted that the site complies with the 85' building setback requirement from the south property line.

(5) That the proposed location of the dumpster was approved conditioned upon a review of the easement to determine that location would not violate easement terms. Further, the location of the dumpster must be relocated when the access road is constructed.

(6) That exterior lighting is proposed to consist of four pole lights and three wallpacks on the building. All lighting must be in compliance with the guidelines set forth in Section 78.700, and a detailed lighting proposal must be submitted to Township staff for review and approval pursuant to Section 78.720(g).

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

(8) That screening along the entire southern boundary line of the site must be established consistent with Section 11.540(1) within 90 days of the issuance of the building permit for the development of the "R-2" property located to the south or as soon thereafter as practicable given weather conditions. It was required that a landscape plan be submitted to the Township staff for review and approval. The applicant was encouraged to reduce the number of parking spaces at the site to 62 and/or obtain a parking variance so as to allow for a lesser



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

**To:** Zoning Board of Appeals

**Meeting Date:** 8-18-97

**From:** Planning/Zoning Department

**Agenda Item:** #5

**Applicant:** Dave Holmes, Phoenix Properties  
Representing Spring Arbor College

**Property in Question:** Orchard Place  
6200 Stadium Drive  
(Parcel #3905-26-440-015)

Reference Vicinity Map

**Zoning District:** "C-1" Local Business District

**Request:** Board Interpretation - The definition of "offices" and its application to the proposed location of a satellite facility for Spring Arbor College within Orchard Place.

**Ordinance Section(s):** Section 31.200 - Permitted Uses Within a "C-1" Local Business District  
Section 30.203 - Offices  
Section 11.510 - Definition of Office

**Planning/Zoning Department Report:**

Background Information

- On 2-1-88, the ZBA granted site plan approval and a parking variance for the subject site.

: Site Plan Approval was conditioned on use of the subject site as a "retail" strip (.."retail sale of merchandise or services.." - Section 30.201).

: The parking variance was granted recognizing the nature of the retail strip center ("in and out" convenience stores), and with the provision that additional required spaces be "reserved" as greenspace so that additional spaces could be added at a later date, if deemed necessary by the Board.

Reference ZBA Minutes of 2-1-88

- Applicant is proposing to include a satellite facility for Spring Arbor College, within Orchard Place, which would include administrative offices and evening instructional classes.

: Applicant is requesting Board interpretation as to whether occupancy by the Spring Arbor College satellite facility falls within the definition of "offices" under permitted uses within a "C" District (Section 30.203).

Reference Application

### Department Review

- Board interpretation should consider the following:

: If occupancy of a satellite facility for Spring Arbor College (administrative offices and evening instructional classes) falls within the definition of "offices" under Section 30.203.

*An "office" is defined in Section 11.510 as - "A room, suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases, (accounting, filing, recording, communication and/or stenographics) equipment for current use in the office business and personnel engaged in executive, administrative, professional, political, informative, research, and/or clerical duties; and other similar, related or incidental furniture, equipment or personal service which causes or creates no external disturbance, nuisance, or annoyance beyond the confines of said rooms or building".*

: If determined that the proposed Spring Arbor College satellite facility falls within the definition of "offices", its occupancy within Orchard Place would constitute a 'change in use' and would be subject to Site Plan Review pursuant to Section 82.200.

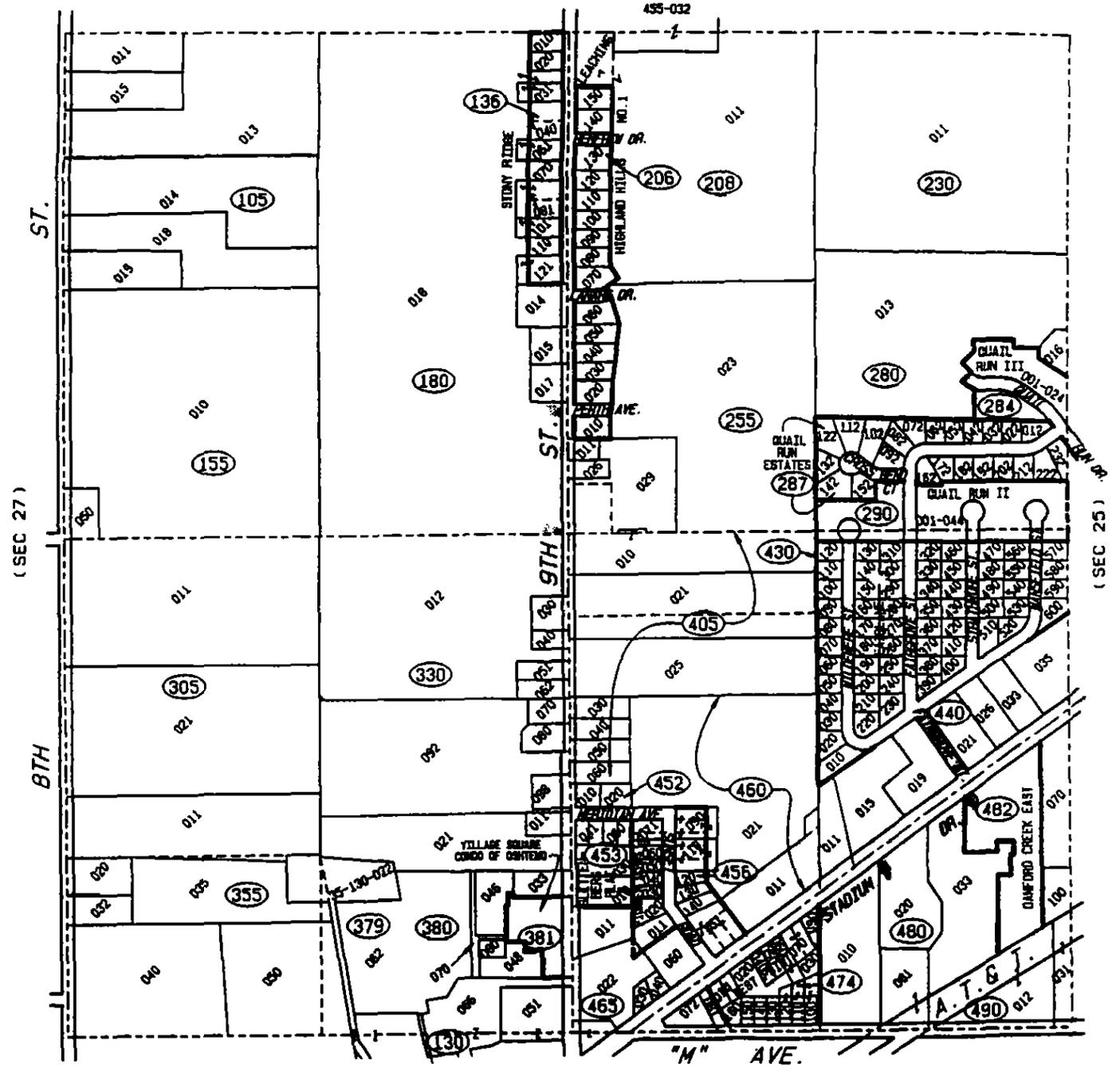
Reference ZBA discussion of Agenda Item #3

: Occupancy of the proposed Spring Arbor College satellite facility within Orchard Place may trigger additional ordinance standards and design guidelines not applicable at the time of the original approval, such as :

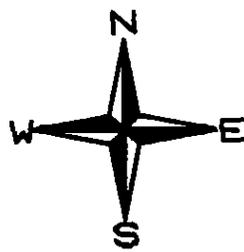
- parking requirements
- Fire Department requirements

# SECTION 26

( SEC 23 )



( SEC 35 )



DATE: AUGUST 25, 1993  
REVISED DATE: FEBRUARY 29, 1996  
PRINTED DATE: MARCH 21, 1996





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

8/12/97 JF

054123 ZBA REQUEST/HOLMES 100.00  
TOTAL PAID 100.00

THANK YOU

937  
713

REQUEST FOR ZONING BOARD OF APPEALS MEETING

Date 8/11/97 Present Zoning C-1 Fee \$100

Land Owner Orchard Place Shops

Address 6200 Stadium Drive Phone 375-6300 Ext. 17

Person Making Request Dave Holmes/Steve Cadwallader

Address 5340 Holiday Terrace  
Kalamazoo, MI 49009 Phone 375-6300 Ext. 17

Interest in Property owners

Size of Property Involved 3.47 acres of land; 20,400 square foot  
commercial facility known as Orchard Place Shops.

Reason for Request Reflecting the evolving nature of providing  
educational opportunities to non-traditional college students, Spring  
Arbor College and the Owners of Orchard Place Shops request ZBA  
approval to the opening of a Spring Arbor College retail sales office  
and evening classroom facility.

Serving the needs of non-traditional college students has become retail in nature. Advertising on radio, on television and in print media are standard practices. Signage and high-visibility locations such as Orchard Place Shops, rather than being anonymously tucked away in an office park, is becoming the norm. This trend is good for the students, the educational provider and the other retail tenants.

G.R.E.K. at 5349 W. Main is an example of this.

OVER

Frankly, the Zoning Ordinance has not evolved as rapidly as the changing manner in which educational opportunities are provided to non-traditional adult college students. This is a very appropriate use of approximately 2,400 square feet in Orchard Place.

Parking is more than adequate on site, particularly during the early evening hours when classes will be held. On-site parking is approximately 5 less than required under the current Ordinance. Although we are very confident that the existing parking will be plenty, the Township at the original site plan approval (1-1-88) required Orchard Place to reserve undeveloped space for up to an additional 81 spaces. That excess capacity still exists should that unexpected need arise.

OSHTEMO CHARTER TOWNSHIP ZONING BOARD OF APPEALS

MINUTES OF REGULAR MEETING HELD FEBRUARY 1, 1988

Agenda Items:

Vlietstra - Variance request for site at 2069 N. 9th Street  
Diekema Hamann Architects - Site plan review/variance for  
Orchard Place Shops

ITEM B - DIEKEMA HAMANN - REQUEST FOR SITE PLAN REVIEW OF ORCHARD  
PLACE SHOPS AND VARIANCE FROM PARKING REQUIREMENT

The Chairman announced that the next item on the agenda was a site plan review request by Diekema Hamann Architects of the Orchard Place Shops which is to be a proposed retail strip to be located on approximately 3.5 acres, located on the north side of W. Michigan, adjacent to the Checker Gas Station, 6150 W. Michigan on the west and which is located in the "C" district. The applicant also requests a variance from the parking requirement in Section 68.304 of the Township Ordinance.

Rebecca Harvey then referred the Board to her report and also identified the request for the parking variance which would be 81 parking places. She also noted that there should only be 1 sign and not 2 as designated on the site plan. She further explained that she had received a report from the Fire Department which indicated certain changes on the site plan including:

A recommendation that there be 1 driveway on the site located in the center instead of 2 proposed driveways.

That the Fire Department had recommended that the applicant make arrangements to try and tie in to the Checker Gas Access.

The Fire Department identified certain required fire lanes which indicated 5 parking places located east of the dumpster to be relocated and have that area identified as a fire lane.

The Department noted that if the building arrangement was

considered to be separate buildings, they would need an extra 40 foot setback between buildings, but if viewed as 1 building then the 40 feet would not be required. Ms. Harvey noted that the relocation of 5 spaces then would change the request from 81 to 86 requested parking spaces.

Mr. Tom Sims and Mr. Norman Hamann of Diekema Hamann were present to address the Board. Mr. Sims explained that he was the developer and noted that in several projects that he has been involved in, that special consideration should be given for a parking variance because of the type of retail that was being proposed. This was going to be a "convenience" center which is the fourth project that he has been involved with. He explained to the Board this is not a Mall situation, it does not encourage people to stay and shop, but rather it is a convenience in which people are coming in and out rather quickly. He assured the Board that it was not in his interest not to have enough parking. He noted that the parking requirements could be met but that the parking would be so far away as that it would not be practical. He noted that if they could reduce the parking they could also reduce the need for a second driveway entrance.

In regards to the Fire Departments suggestion that they tie in with Checker Gas, he explained that he had talked with the owner of the property and they do not want them to tie in for very important reasons which are as follows:

That Checker already has a tremendous volume at that corner.

That a third access into the gas station would make the situation very unsafe.

Mr. Vuicich noted that they appreciated the distinction between a convenience and mall type set-up. He noted that he could go along with the parking variance as long as space was available and then could be provided as an as need basis.

Motion was made to grant the parking variance for the requested 86 parking places on the provision that they be reserved as to such time that the Board warrants that more additional spaces are needed. The motion was made by Ross Hamilton and seconded by Lois Brown. The reasons for granting the variance were as follows:

That the Board recognized that an in and out convenience type center was different from a shopping mall situation.

That provision was made so that if at such time more places were deemed necessary by the Board, that the applicant would reserve a green place for the parking and further, would install the necessary parking places.

Motion carried 5-0.

Next, the Board considered the site plan review requirements. Mr. Hamann noted that when they originally calculated a traffic count that 2 driveways would be necessary for the in and out flow of traffic.

Rebecca Harvey noted that the County Road Commission had submitted a letter approving the plan. (Ross Hamilton left meeting at this point). Lois Brown noted she would like to see 1 driveway but located away from Checker Gas.

The Board noted that they had no problem in treating the site as 1 building and adopting the Fire Department's reasons.

Regarding signage, the Board pointed out that they could not accept the 2 proposed signs and that they were only allowed to have 1 and they must meet the setback and size requirements pursuant to the Ordinance.

Next, there was a discussion regarding the loading area and people parking behind it. Mr. Sims advocated that the owner and employees be allowed to park in this area but not the customers. However, it was noted that this would be near the fire lane.

The Board also had some concerns over the proposed lighting which would be on 30 foot poles and would be high pressure sodium flood lights. It was pointed out to the applicant that they must comply with Section 78.700 of the Zoning Ordinance and the Board expressed their concern because of a multi-family unit near the site. After some discussion, the applicant agreed that they would use "sharp cut-off" lights for the parcel. No lighting would be placed in the area where the parking was eliminated.

Next, the Board looked at screening and decided that the full length of the north property line should be screened according to Section 11.540(1) of the Ordinance. Mr. Hamann stated that he would like to use some of the nature plantings that already exist.

Motion was made by Lois Brown, seconded by Stanley Rakowski to approve the site plan as presented with the following stipulations:

That the site plan was approved with the recognition of a variance for 86 less parking places. These parking places would be designated as green space.

That there be only 1 driveway which would be located far west of the Checker Gas Station.

That barrier-free parking spaces be designated.

That all lighting was to be in compliance with Section 78.700 of the Township Zoning Ordinance and that there was an agreement that the "sharp cut-off" light would be used.

That the north boundary of the property line be entirely screened with the existing and supplemental plantings according to Section 11.540(1) of the Township Zoning Ordinance.

That the site plan was approved subject to the Township Engineer's and Fire Department's review and approval.

It was recognized that the signage had not been addressed but that the applicant was restricted to 1 sign in accordance with the Ordinance.

That the reserve parking area remain an open green space (located at the northeast part of the property). (No lighting was necessary for this area at this time).

Motion carried 4-0.

There being no further business to be brought before the Zoning Board of Appeals the meeting was adjourned at 6:43 p.m.

Marvin Block  
Marvin Block, Chairman

Stanley A. Rakowski  
Stanley Rakowski

Lois Brown  
Lois Brown

Ross Hamilton  
Ross Hamilton

George Vuicich  
George Vuicich



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9333  
616-375-4260 FAX 375-7180 TDD 375-7199

**REQUEST FOR ZONING BOARD OF APPEALS MEETING**

Date July 31, 1997 Present Zoning C Classification Fee \$100

Land Owner Seeco Investments

Address 3820 Stadium Drive Phone 375-3820

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

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

Interest in Property General Contractor

Size of Property Involved 1.89 acres

Reason for Request Amended site plan

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

8/11/97 JF

054065 ZBA REQUEST/SEECO 100.00  
TOTAL PAID 100.00

THANK YOU

Seeco

3905-14-330-019	Seeco	No 0
14-330-012	Clark	
015	Hanson	
020	Westcare	
14-332-001	Mangwon	
002	"	No 0
003	Seeco (Dup.)	No 0
004	Vandenberg	
14-305-013	Seeco (Dup.)	0
018	Crystal Carwash	
021	Storage Investments	
14-355-011	Buckham	
14-380-001	Twp.	
010	Buckham (Dup.)	No 0

Mr. Bruce 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

14-330-012

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

14-305-016

CRYSTAL CARWASH INC  
6775 WEST MAIN  
KALAMAZOO MI 49009

14-305-021

STORAGE INVESTMENTS LLC  
13000 ROCKLAND ROAD  
LAKE BLUFF IL 60044

14-305-021

OCCUPANT  
6779 WEST MAIN  
KALAMAZOO, MI 49009

14-355-011

BUCKHAM GEORGE & THELMA  
5661 WEST U AVENUE  
SCHOOLCRAFT MI 49087



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

8/12/97 JF

054123 ZBA REQUEST/HOLMES 100.00  
TOTAL PAID 100.00

THANK YOU

333  
719

REQUEST FOR ZONING BOARD OF APPEALS MEETING

Date 8/11/97 Present Zoning C-1 Fee \$100

Land Owner Orchard Place Shops

Address 6200 Stadium Drive Phone 375-6300 Ext. 17

Person Making Request Dave Holmes/Steve Cadwallader

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Orchard Place

3905-26-440-015 Phoenix Properties

26-440-011 Kal Co Rd Comm

019 Emso

021 Wiser

26-460-011 State Farm

021 Bruce

26-430-010 Boven/Schaner

020 Lockett

030 Ellis

040 Ross

200 Wilson

210 O'Connor

220 Weaver

230 Humphrey

240 Walter

390 Worthy

26-480-010 Kinney

020 Westbrook

033 Bearscreek

		26-430-210	O'CONNOR JOSEPH & BUSAN 2671 WILDFMERE STREET KALAMAZOO MI 49009
		26-430-220	WEAVER JOHN & LENA 2701 WILDEMERE STREET KALAMAZOO MI 49009
	26-440-015		URCHARD PLACE PARTNERSHIP PHOENIX PROPERTIES PO BOX 20000 KALAMAZOO MI 49019
	26-440-015	26-430-230	HUMPHREY STEPHEN J & RUTHANN 2670 FAIRGROVE STREET KALAMAZOO MI 49009
	26-440-011	26-430-240	WALTER TOD R/PARIKH CATHERINE 2642 FAIRGROVE STREET KALAMAZOO MI 49009
	26-440-019	26-430-390	WORTHY RICHARD & GWINDLAND 2641 FAIRGROVE STREET KALAMAZOO MI 49009
	26-440-019	26-480-010	KINNEY MARY JANE P O BOX 407 OSHTENO MI 49077
	26-440-021	26-480-010	OCCUPANT <i>Returned</i> 6227 STADIUM DRIVE KALAMAZOO, MI 49009
	26-430-010	26-480-020	WESTBROOK MANOR NURSING HOME ROSIN JOSEPH A 555 SKOKIE BOULEVARD STE 350 NORTHBROOK IL 60062
	26-430-020	26-480-020	OCCUPANT 6203 STADIUM DRIVE KALAMAZOO, MI 49009
	26-430-030	26-480-033	BEAVERCREEK ACQUISITIONS LLC HOMES DAVID PO BOX 20000 KALAMAZOO MI 49019
	26-430-040	26-460-011	STATE FARM AUTO INSURANCE CORP TAX DEPARTMENT RE641 ONE STATE FARM PLAZA BLOOMINGTON IL 61710
	26-430-200	26-460-011	OCCUPANT 6312 STADIUM DRIVE KALAMAZOO, MI 49009
		26-460-021	BRUCE, LUTHER & LINDA 5128 E MOUNTAINVIEW ROAD PARADISE VALLEY, AZ 85253