

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A MEETING HELD JANUARY 9, 2014**

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**Agenda**

**PUBLIC HEARING: REVIEW OF APPLICATION FROM GLAS ASSOCIATES ON BEHALF OF RRRS DEVELOPMENT, LLC FOR REZONING OF THE WESTERN PORTION OF A 12 ACRE TRACT LOCATED AT 5100 WEST MICHIGAN AVENUE FROM I-1 INDUSTRIAL TO I-2 INDUSTRIAL SO ENTIRE PARCEL IS IN THE I-2 DISTRICT (PARCEL #3905-24-485-041)**

**PUBLIC HEARING: REVIEW OF APPLICATION FROM OSHTEMO TOWNSHIP FOR REZONING OF A 4,338 SQUARE FOOT PARCEL IN THE CENTURY HIGHFIELD AREA ON THE WEST SIDE OF DRAKE ROAD JUST NORTH OF CENTURY AVENUE FROM R-3 RESIDENTIAL TO C-LOCAL BUSINESS (PARCEL #3905-25-240-089)**

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A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, January 9, 2014, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT:      Fred Antosz  
                                 Wiley Boulding Sr.  
                                 Dusty Farmer  
                                 Millard Loy  
                                 Terry Schley  
                                 Richard Skalski

MEMBERS ABSENT:      None

Also present were Greg Milliken, Planning Director; James Porter, Attorney; Martha Coash, Meeting Transcriptionist; and eight interested persons.

**Call to Order and Pledge of Allegiance**

The meeting was called to order by Vice Chairperson Skalski at approximately 7:00 p.m., and the "Pledge of Allegiance" was recited.

## **Agenda**

Mr. Skalski asked if there were any additions, deletions or corrections to the Agenda. Hearing no changes, he called for a motion to accept the Agenda as presented.

Mr. Loy made a motion to accept the agenda as presented. Mr. Boulding Sr. seconded the motion. The motion passed unanimously.

## **Election of Officers and Zoning Board of Appeals Liaison**

Mr. Skalski asked for nominations Chair, Vice Chair, Secretary, and Liaison to the Zoning Board of Appeals for 2014.

Mr. Loy made a motion to nominate Mr. Schley to serve as Chair. Hearing no other nominations, Mr. Skalski asked for support for the motion. Mr. Boulding Sr. seconded the motion. The motion passed unanimously.

Mr. Skalski indicated interest in continuing as Vice Chair, with the understanding that he would be away during the month of March and has other vacations scheduled.

Mr. Schley made a motion to nominate Mr. Skalski for Vice Chairperson. Mr. Loy seconded the motion. There were no other nominations. The motion passed unanimously.

Mr. Skalski made a motion and Mr. Loy seconded the motion to nominate Ms. Farmer as Secretary. The motion passed unanimously.

Mr. Loy indicated interest in continuing as liaison to the Zoning Board of Appeals. Hearing no other nominations, Mr. Skalski made a motion to nominate Mr. Loy as liaison to the ZBA. Mr. Boulding Sr. seconded the motion. The motion passed unanimously.

Mr. Schley assumed the role of Chairperson at this point in the meeting.

## **Approve 2014 Meeting Dates**

Chairperson Schley said the 2014 calendar included 22 meetings, twice a month except for November and December when there would be one meeting only, and three joint meetings. He asked for a motion to approve the schedule of meeting dates as proposed.

Mr. Loy made a motion and Mr. Skalski seconded the motion to approve the schedule of 2014 meeting dates as proposed. The motion passed unanimously.

## **Public Comment on Non-Agenda Items**

Chairperson Schley called for public comment on non-agenda items. Hearing none, he proceeded to the next agenda item.

## **Approval of the Minutes of December 12, 2013**

Chairperson Schley asked if there were any additions, deletions or corrections to the minutes of December 12, 2013. Hearing none, he asked for motion to approve the minutes.

Mr. Skalski made a motion to approve the minutes as presented. Mr. Antosz seconded the motion. The motion was approved unanimously.

## **Review of application from Glas Associates on behalf of RRRS Development, LLC for rezoning of the western portion of a 12 acre tract located at 5100 West Michigan Avenue from I-1 Industrial to I-2 Industrial so entire parcel is in the I-2 District (parcel #3905-24-485-041)**

Chairperson Schley asked Mr. Milliken to review the application from Glas Associates.

Mr. Milliken said Terra Contracting Services and associated groups own three parcels on the north side of West Michigan Avenue just west of Drake Road. The subject property is a 12 acre parcel that is their local operation and maintenance yard. This property is currently split between the I-1 and I-2 districts. The applicant desires rezoning to the I-2 district so the parcel is located within one zoning district.

Mr. Milliken explained that there are four industrial zoning districts in the Township Zoning Ordinance. The I-R district is the lowest intensity or light industrial district. The I-1 district is next highest in terms of intensity followed by the I-2 and I-3, which is the most intense. There are no parcels in the Township that are zoned I-3. The subject property is the only parcel in the I-2 district.

He noted there is very little difference between the I-1 and I-2 districts. The primary difference, particularly in terms of the present use of the property, is in regards to outdoor storage and use of the property. In the I-1 district, outdoor storage is limited to 100% of the square footage of the principal building on site. In the I-2 district, there is no such restriction. Outdoor storage is still limited to side and rear yards only, but is not limited to just 100% of the square footage of the principal building on site. Thus for Terra, who has a substantial amount of equipment and material on their site, much of it stored outside, the I-2 district is more appropriate for their use and for their existing conditions.

Mr. Milliken continued, saying there is no proposed development associated with the rezoning request. The intention is strictly to make the zoning uniform and bring the zoning of the property in conformance with the existing use. The parcel is currently split between two zoning districts, and the proposed rezoning would eliminate the split and make the parcel consistent within one zoning district.

He said there are only two future land use designations associated with industrial uses – “Research Office” and “General Industrial”. All of the property on the north side of West Michigan between Drake Road and US-131 is designated “General Industrial”. Both the I-1 and I-2 districts fall within the “General Industrial” designation. Therefore, the proposed rezoning of the property to be entirely within the I-2 district would be consistent with the future land use map.

Mr. Milliken noted the subject property is 12 acres of developed land that is split between the I-1 and I-2 district. The western 7 acres or so is in the I-1 district and proposed to be rezoned to I-2 so that the whole parcel would be consistently zoned I-2. The property is bordered to the north by railroad tracks, west by property in the I-1 district, south by property in the I-1 district, and east by commercial property in the City of Kalamazoo. The portion of the property to be rezoned is well screened from West Michigan by existing landscaping and elevation changes, and the existing use of that property is not visible from the roadway.

Mr. Milliken concluded, saying the request before the Board is for rezoning of the subject property from its current split of I-1 and I-2 to strictly I-2, which is consistent with the Future Land Use Map as well as with the current use of the property. He reminded the Planning Commission that they will make a recommendation to the Township Board who will make the final decision on the request.

Mr. Milliken asked if Board Members had any questions for him.

Mr. Antosz asked how long the outdoor storage has exceeded the square footage of the buildings on site.

Mr. Milliken said he didn’t know exactly, but that it had been a long time. He suggested the applicant might better be able to address this question.

Mr. Schley wondered about the difference between a truck terminal and a distribution center as applied in the I-2 district.

Mr. Milliken said he would need to refer to the zoning ordinance and would need more information as to what was intended at each use. Likely both would be permitted in the I-2 district.

Mr. Schley also asked about the green space requirement. I-1 requires 10 feet of green space; I-2 requires 20 feet. He wondered if this would be a grandfathered issue.

Mr. Milliken said he had not measured, but considered this a pre-existing use. For the most part, the current buffer is pretty significant.

There were no further questions for Mr. Milliken. Chairperson Schley asked the applicant to address the Board.

Mr. Steve Taplin of Terra Associates, 5100 West Michigan Avenue, noted the business has been at that address since it was A-B before Drake Road went all the way through to that point. He said the company has grown dramatically to 300 employees. He said the business has changed dramatically over the years employing professional staff and engineers. They are first responders to environmental emergencies. He noted the parcel is landlocked; it is their desire to expand the administrative facility at some point in the future. Their intention is to keep the parcel nice looking and said the green strip exceeds requirements. He asked if there were questions for him.

In answer to a question from Mr. Antosz about how long the outdoor storage has exceeded the square footage of the buildings on site, Mr. Taplin said it probably exceeds 10 years, but that he has personally owned the business for one year.

Mr. Schley asked if there were any vehicles or equipment stored outdoors that are inoperable.

Mr. Taplin said there are not; all equipment is new and they keep the yard clean and free of assets that are of no value.

Hearing no further questions, Chairperson Schley asked if there were any public comments.

Mr. Charlie Glas, 3669 Stadium Drive, spoke in support of the application noting the split zoning handcuffs the owners from being able to grow. In order for him to properly plan for the site, it helps to understand the regulations that will be applied.

Hearing no further comments, Mr. Schley said he felt the application was straightforward and asked other Board Members for comments.

Mr. Boulding Sr. asked how much property is north of the existing site.

Mr. Milliken indicated it is a 12 acre site. Five acres are in I-2 and seven acres are in I-1 all the way to the train tracks from West Michigan.

Mr. Boulding Sr. and the rest of the Commissioners expressed their support and noted it is in line with the Master Plan.

In answer to a request for clarification from Ms. Farmer, Mr. Schley said he believed the only qualification is that the 20 foot buffer requirement needs to be respected at the southwest corner at the time of future development.

Attorney Porter noted that would be addressed through site plan review when future development occurred at the site.

Hearing no further comments, the Chairperson asked for a motion to recommend approval of the request from Glas Associates to the Township Board.

Mr. Loy made a motion to approve the Glas Associates' request to rezone the western portion of a 12 acre tract located at 5100 West Michigan Avenue from I-1 Industrial to I-2 Industrial so the entire parcel is in the I-2 District. Mr. Skalski seconded the motion. The motion was approved unanimously.

Chairperson Schley thanked the applicant and wished him good luck.

**Review of application from Oshtemo Township for rezoning of a 4,338 square foot parcel in the Century Highfield area on the west side of Drake Road just north of Century Avenue from R-3 Residential to C-Local Business (parcel #3905-25-240-089)**

Chairperson Schley asked Mr. Milliken to please review the application.

Mr. Milliken stated that this fall, the property owner of this and several surrounding properties requested rezoning of approximately 40 parcels in this 37 acre area at the northwest corner of Stadium Drive and Drake Road from R-2 and R-3 Residential to C Local Business. Subsequently, a site plan and special exception use request was approved for the site for development of a Costco store and future additional commercial development.

He said that over the course of these reviews and processing these requests, it was determined that a small parcel was missed in the original rezoning request. As seen on the attached maps, the parcel is 4,337 square feet in size (less than .1 acres), is 10 feet wide with 10 feet of frontage on Drake Road, and is 433 feet deep.

Mr. Milliken indicated that it could be argued the parcel was included in the original rezoning that was approved this fall since the official description of the area that was rezoned was fairly broadly worded. However, in addition to that broad description, specific parcel numbers were also included, and the number for this parcel was not included in that list. Therefore, to eliminate any questions or problems going forward with development of this site, the rezoning is requested now. The request to rezone to the C Local Business district is consistent with the rezoning that was adopted this fall.

He said this does not have any impact on the review or approval of the site plan or special exception use for Costco or the overall commercial development granted last month. In cases where there are parcels with split zoning and a significant majority of

the parcel is in one zoning district, then the rules and standards of that zoning district are applied to the entire parcel.

In this case, the western approximately 80 feet of the subject property are located in what will be the Costco property, representing 800 square feet of over 16 acres. The remaining 3000+ square feet is also a very small portion of the balance of the property. Therefore, even if the rezoning is denied or does not precede, the standards and uses of the C district would prevail.

Mr. Milliken said that similar to the rezoning request for the overall development area, the rezoning request for the subject property is consistent with the Century Highfield Sub Area Plan from the Master Plan.

He said he believed that the subject property and the two parcels to the north used to be part of the same parcel but were divided in 1992. It is unclear how or why the subject property was established with its current dimensions.

He concluded, saying with the rezoning approved this fall, the subject property is surrounded to the north, west, and south by parcels in the C local business district, and the proposed rezoning would be consistent with that designation.

Chairperson Schley thanked Mr. Milliken for his review and hearing no questions from Commission members, he asked if there were public comments.

Mr. Curt Aardema, American Village Builders, spoke to the Commission saying they were in support of the rezoning and desired to have all the pieces in the same district to make future development easier and cleaner for future use.

There were no further public comments.

The Chairperson said all members of the Commission were present for the previous rezoning, and that this request looks consistent with that action. The other members agreed.

Mr. Loy moved to recommend to the Township Board that they approve the Oshtemo Township request to rezone a 4,338 square foot parcel in the Century Highfield area on the west side of Drake Road just north of Century Avenue from R-3 Residential to C-Local Business, parcel #3905-25-240-089. Ms. Farmer supported the motion. The motion passed unanimously.

## **Old Business**

There was no old business to discuss.

## **Any Other Business**

Mr. Milliken noted there is still a seat to fill on the Planning Commission and that it is being worked on.

Chairperson Schley asked if there might be time on the January 23 agenda to include a safety and security issues refresher presentation.

Mr. Milliken said he thought the agenda could accommodate that addition. He also noted there will be a few text amendments brought to the Board at that meeting, as well as a first draft of the West Main zoning.

## **Planning Commissioner Comments**

The Chairperson asked if Commissioners had comments to share.

Mr. Boulding Sr. confirmed with Mr. Milliken that work on Flesher Field will likely not pick up until the spring.

## **Adjournment**

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Schley adjourned the Planning Commission meeting at approximately 7:43 p.m.

Minutes prepared:  
January 11, 2014

Minutes approved:  
January 23, 2014