

**OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

MINUTES OF A MEETING HELD April 5, 2016

Agenda

**SITE PLAN REVIEW (6480 TECHNOLOGY DRIVE)
APPLICANT, DAVID KEYTE, CCIM, REQUESTED A SITE PLAN REVIEW FOR A NEW
MULTI-TENANT OFFICE AND WAREHOUSING FACILITY AT 6480 TECHNOLOGY
DRIVE. (PARCEL #3905-35-450-001)**

A meeting of the Oshtemo Charter Township Zoning Board was held on Tuesday, April 5, 2016, at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

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| ALL MEMBERS WERE PRESENT: | Cheri Bell, Chairperson Bob Anderson, Alternate Nancy Culp Millard Loy Neil Sikora L. Michael Smith, Alternate James Sterenberg |
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Also present were Julie Johnston, Planning Director, Ben Clark, Zoning Administrator, James Porter, Attorney, Martha Coash, Meeting Transcriptionist, and five interested persons.

Call to Order and Pledge of Allegiance

Chairperson Bell invited those present to join in reciting the "Pledge of Allegiance."

Agenda Approval

The chairperson asked if there were any changes to the agenda. Hearing none, she asked for a motion for approval.

Mr. Loy made a motion to approve the agenda as presented. The motion was approved unanimously.

Approval of the Minutes of January 26, 2016

The Chairperson asked if there were any additions, deletions or corrections to the minutes of January 26, 2016. Hearing none, she asked for an approval motion.

Mr. Smith made a motion to approve the minutes of November 17, 2015 as presented. Mr. Sterenberg supported the motion. The motion was approved unanimously.

Public Comment on Non-Agenda Items

There were no comments on non-agenda items.

SITE PLAN REVIEW (6480 TECHNOLOGY DRIVE) APPLICANT, DAVID KEYTE, CCIM, REQUESTED A SITE PLAN REVIEW FOR A NEW MULTI-TENANT OFFICE AND WAREHOUSING FACILITY AT 6480 TECHNOLOGY DRIVE. (PARCEL #3905-35-450-001)

Chairperson Bell said the next item was a request for a site plan review and asked Ms. Johnston to review the application.

Ms. Johnston said the applicant was seeking site plan approval for a new, multi-tenant office and warehousing facility, to be located at 6480 Technology Drive in the Oshtemo Business Park site condominium development.

She said the facility is proposed to be situated in the Oshtemo Business Park at the northeast corner of 9th Street and Technology Avenue, the structure will be 34,830 square feet in size and will include a handful of tenant spaces. With no direct vehicle access to 9th Street, two driveway connections to Technology Avenue are indicated on the project's site plan. This facility will also include a loading/unloading area for trucks on the eastern side of the building that will be screened from the north, south, and west by the structure itself. The proposed facility will be served by public water and sewer while discharging stormwater into the drainage basin on the adjacent property to the east, which is a common element within the condominium development.

Ms. Johnston noted the proposed uses for this building are permitted in the I-R zoning district, and its placement on the subject property is in compliance with the Zoning Ordinance, with all necessary minimum setbacks being met. She said this site is allowed 61 to 67 parking spaces in accordance section 68.000 of the Zoning Ordinance, but the site plan indicates 71. Also, staff is concerned that the light levels indicated on the photometric plan exceed the maximum 0.1 foot-candle limit at the property line.

She explained that this site is proposed to have two motorized connections to Technology Drive. Located on what is considered a *local road* per the Township's Access Management Plan, the site access accommodations for 6480 Technology Avenue are exempt from the Zoning Ordinance's access management standards so does not need a traffic study.

Ms. Johnston said all necessary perimeter buffer widths and internal landscape areas are included on the site plan. However, Staff notes that the proposed plantings do not comply with section 75.000 of the Zoning Ordinance as follows:

- One additional canopy tree is required in the parking area.
- Two indicated canopy trees are actually of an understory species (Robinson Crabapple)
- Per section 75.180.A of the Zoning Ordinance, at least 75% of plantings must be of species native to Michigan. The included landscape plan does not meet this requirement.

She noted the Township's Engineer states that the project is generally buildable, but he still needs to see stormwater calculations from the applicant in order to ensure that runoff can be adequately accommodated by the available facilities. The Engineer has also noted that the existing drainage basin to the east of the project site appears to have become fouled with sediment, potentially compromising its capacity to accept more stormwater. As well as enlarging this feature, as is indicated on the site plan, it should also be adequately cleaned out to Staffs' satisfaction.

Additionally, she said, the Fire Marshal has determined this site will need to be serviced by three evenly spaced fire hydrants; one on the north side of the site, one on the south side, and one on the east side.

Ms. Johnston said Township Staff recommended ZBA approval of this project, but suggested the following conditions be satisfied, subject to Staff review, prior to the issuance of a building permit:

1. A signed and sealed revised site plan is to be presented to Township Staff showing that the number of parking spaces, the photometric plan, and the landscape plantings are all in compliance with the relevant sections of the Zoning Ordinance.
2. The necessary stormwater runoff calculations are to be delivered to the Township Engineer for review and approval.
3. The associated drainage basin to the east of the project site is to be restored to its intended level of functionality, to be verified in the field by Township Staff.
4. The three required fire hydrants are to be indicated on the revised site plan, the location to be approved by the Township Fire Marshal.
5. A signed and notarized agreement is to be submitted to the Township, stating that the property owners of 6480 Technology Avenue will not oppose any future special assessment districts established for the purpose of funding the construction of non-motorized facilities on 9th Street.

Chairperson Bell asked if Board Members had questions for Ms. Johnston.

In reply to a question from Mr. Sterenberg, Ms. Johnston said she did not foresee any problems with the applicant regarding the Staff recommendations.

Hearing no further questions from Board Members, the Chair asked if the applicant wished to speak.

Mr. Howard Overbeek, Architect for the project, confirmed the applicant had no problems with the Staff recommendations except they felt three fire hydrants excessive and would like the Fire Marshal to review that requirement. He noted there is a fire hydrant across 9th Street from the property. Otherwise the drawings have been redone to meet the recommendations with that exception.

Attorney Porter said a motion for approval could include a stipulation for review of the fire hydrants by the Fire Marshal.

Mr. Sikora noted the Fire Marshal quoted code in his specifications for three fire hydrants and wanted to be sure not to second-guess him.

Attorney Porter said the existing fire hydrant Mr. Overbeek referred to would not satisfy requirements due to its location west of 9th Street and that three hydrants would likely need to be installed.

Chairperson Bell asked if the new plan would include fewer parking spaces and if the basin would be restored to its potential by the owner.

Mr. Overbeek said they had included the number proposed parking spaces because they fit the space, but will eliminate four spaces to meet the requirement. He agreed the owner will restore the stormwater basin to its potential.

Hearing no further questions for Mr. Overbeek, Chairperson Bell asked for public comment.

Mr. Terry Schley, residing at 7497 Watermark Drive, Allendale, MI 49401 and a taxpayer at 4200 S. 9th Street in Oshtemo Township, said he would appreciate for record clarity on this issue under the Zoning District. He said he understood that the development goes back to a site condominium from the 1990s. He pointed out a 2012 modification to the IR district in 41.50, saying vacant land should only developed as an industrial office development as a special exception use that would need to go to the Planning Commission rather than the Zoning Board Appeals for review without a variance request.

He said the park has a history of site condominium development and that without speaking specifically to code, which is the Zoning Board's purview, he noted that there might have been some other review standards that would have come into play for this

development like sidewalks on Technology Avenue for example, in Section D of 43.01. There would also be a difference in new requirements for site coverage. Also, in Section H, the Planning Commission would come into play with other review standards.

Mr. Schley said he welcomes this new neighbor and the importance of developing new business, but reflective of the growth and potential of the 9th Street area, he cautioned the Board that there might have been an alternate course through the Planning Commission for this development.

Attorney Porter appreciated Mr. Schley's analysis of a special use interpretation, but said the distinctive factor here, even though this is technically vacant land, is that the property was previously approved under the Condominium Act for development as a whole for the specific use as a site condominium. As a result he felt 40.300 is not applicable in this case. He noted the last three or four projects within this development have been handled through the Zoning Board of Appeals.

Mr. Sterenberg asked if in Attorney Porter's opinion the Zoning Board is on the right legal track.

Attorney Porter said he understands the concern. In his opinion, if this was not part of the previously approved site condominium, he would totally agree with Mr. Schley's analysis that this should be a special exception use, but because it was part of the previously approved site condominium, he feels the path being followed is correct.

Mr. Sterenberg asked if there were benefit or harm from going down one path vs. the other.

Attorney Porter said, as Mr. Schley pointed out, there are benefits and limitations either way, but requiring this site to be developed as a special exception use would require regulations making the site almost unbuildable, such as the requirement for preservation of natural features and a park-like setting. Because this lot was approved as part of a site condominium back in the 90's, it has insufficient land to meet these and other requirements. Other projects in the site condominium followed the same approval path through the Zoning Board of Appeals.

Chairperson Bell asked if the project had gone to the Planning Commission whether it would have been accompanied by a laundry list of variances to accommodate the limitations.

Attorney Porter said that was accurate.

Several Board Members expressed their comfort in proceeding with the proposal as presented as long as the applicant satisfies staff concerns and because of the legal opinion.

Mr. Sikora made a motion to consider the site plan as presented for the reasons stated by the Township's Attorney. Mr. Smith supported the motion. The motion was approved unanimously.

Chairperson Bell thanked Mr. Schley for bringing the issue to the Board's attention moved to Board Deliberations.

Mr. Loy made a motion to approve the site plan with staff conditions numbers 1, 2, 3 and 5 as presented, and with number 4 to read "the number of fire hydrants and locations to be determined by the Fire Marshal." Mr. Sikora supported the motion. The motion was approved unanimously.

Any Other Business / ZBA Member Comments

Ms. Johnston said the regularly scheduled April meeting would be cancelled due to a lack of any agenda items, but expects there will be a May meeting.

Adjournment

Chairperson Bell noted the Zoning Board of Appeals had exhausted its Agenda, and with there being no other business, she adjourned the meeting at approximately 3:30 p.m.

Minutes prepared:
April 6, 2016

Minutes approved:
May 24, 2016